

**To my mother**

THE UNITED NATIONS AND RWANDA: A CASE STUDY IN  
HUMANITARIAN INTERVENTION

THE INSTITUTE OF ECONOMIC AND SOCIAL SCIENCES  
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BİLKENT UNIVERSITY

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OCTOBER 2001

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## ABSTRACT

### THE UNITED NATIONS AND RWANDA: A CASE STUDY IN HUMANITARIAN INTERVENTION

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In 1994 Rwandan genocide approximately 1 million people were killed in three months. This genocide took place in the presence of the United Nations forces deployed there. In spite of the signals of the coming genocide, international community could not do much to prevent or stop this genocide. Therefore it was a “failure”. This study aims to identify the principal political and strategic constraints explaining the failure of the UN and international community as a whole to address the genocide in Rwanda. It examines the events that led to UN intervention and describes UN action. It also aims at determining the position of Rwanda case in the evolution of the doctrine and practice of humanitarian intervention. This study asks questions like “How can we define the UN intervention in Rwanda?”, “How does the Rwanda case reveal the difficulties the UN face with, in terms of humanitarian intervention?”, “What are the reasons for this failure?” and “What lessons should be taken from the experience?”. It concludes that in the absence of a general doctrine guiding humanitarian intervention, and a solid mechanism capable of taking action when necessary, the decision on whether or not to intervene will be caught up in politics. Rwanda experience suggests that intervention is most likely where perceived national and ethical interests converge, less so when they conflict.

Keywords: The United Nations, Rwanda, Genocide, Humanitarian Intervention, Peace Operations.

# ÖZET

## BİRLEŞMİŞ MİLLETLER VE RUANDA: İNSANİ MÜDAHALE KONUSUNDA BİR ÖRNEK OLAY

Yıldız Tuğba Kurtuluş

Yüksek Lisans, Uluslararası İlişkiler Bölümü

Tez Yöneticisi: Prof. Ali L. Karaosmanoğlu

Ekim 2001

1994 Ruanda soykırımında üç ay içinde bir milyona yakın insan öldürüldü. Bu soykırım Ruanda'da konuşlandırılmış Birleşmiş Milletler güçlerinin gözü önünde gerçekleşti. Yaklaşan soykırıma işaret eden gelişmelere rağmen uluslararası toplum soykırımı önleyemedi ve durduramadı. Dolayısıyla Ruanda'da verilen cevap bir "başarısızlıktır". Bu çalışma Birleşmiş Milletler'in ve genel olarak uluslararası toplumun Ruanda'daki insani krize cevap vermedeki başarısızlığını açıklayan temel politik ve stratejik sınırlamaları tanımlamayı amaçlamaktadır. Birleşmiş Milletler müdahalesini gerektiren gelişmeleri inceleyen ve bu müdahaleyi tanımlayan çalışma, aynı zamanda Ruanda örneğinin, insani müdahalenin doktrinde ve pratikteki gelişimi içindeki yerini belirlemeyi amaçlamaktadır. Çalışma, "Birleşmiş Milletler'in Ruanda'daki müdahalesi nasıl tanımlanabilir?", "Ruanda örneği Birleşmiş Milletler'in insani müdahale konusunda karşılaştığı zorlukları nasıl ortaya koymaktadır?", "Bu başarısızlığın nedenleri nelerdir?", "Ruanda deneyiminden alınması gereken dersler nelerdir?" gibi sorular sormaktadır. Çalışma, insani müdahale konusunda yol gösterici genel bir doktrin ve gerektiğinde müdahale edebilecek sağlam bir mekanizma olmadığı sürece, müdahale edip etmeme konusunda verilen kararların politika tarafından belirleneceği sonucuna varmaktadır. Ruanda deneyimi algılanan ulusal çıkarlarla etik çıkarların uyduğu durumlarda müdahale olasılığının arttığına, bu çıkarların çatışması halindeyse müdahale ihtimalinin zayıfladığına işaret etmektedir.

Anahtar Sözcükler: Birleşmiş Milletler, Ruanda, Soykırım (Jenosit), İnsani Müdahale, Barış Operasyonları.

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## **LIST OF ABBREVIATIONS**

- CDR- Coalition pour la Défense de la République
- CIVPOL- Civilian Police Component
- CMOC- Civil-Military Operations Command
- DPKO- UN Department of Peacekeeping Operations
- EMMIR- Élément Médical Militaire d'Intervention Rapide
- ETO- Ecole Technique Officielle
- FAR- Forces Armées Rwandaises (Rwandan Government Army)
- FAO- Food and Agriculture Organization
- HPZ- Humanitarian Protected Zone
- HRFOR- Human Rights Field Operation
- HRW- Human Rights Watch
- ICRC- International Committee of the Red Cross
- ICTR- International Criminal Tribunal for Rwanda
- ICTY- International Criminal Tribunal for the Former Yugoslavia
- MDR- Mouvement Démocratique Républicain
- MSF- Médecines Sans Frontières (Doctors Without Borders)
- MRND- Mouvement Révolutionnaire National pour la Développement

NIF- Neutral International Force

NMOG- Neutral Military Observer Group

OAU- Organization for African Unity

OSOCC- On-Site Operations Coordinating Center

PDC- Parti Démocrate Chrétien

PDD-25- Presidential Decision Directive-25

PSD- Parti Social Démocrate

RPF- Rwandan Patriotic Front

RTLM- Radio Télévision Libre des Mille Collines

UNAMIR- United Nations Assistance Mission for Rwanda

UNAR- Union Nationale Rwandaise

UNDP- United Nations Development Program

UNHCR- United Nations High Commissioner for Refugees

UNOMUR- United Nations Observer Mission in Uganda-Rwanda

UNOR- United Nations Office in Rwanda

UNREO- United Nations Rwanda Emergency Office

USAID- United States Agency for International Development

WHO- World Health Organization

## INTRODUCTION

On 6 April 1994, President Habyarimana of Rwanda was assassinated, and in the following three months, up to one million Rwandans were butchered. The UN withdrew its peacekeeping force in April, and then redeployed it three months later, creating a gap in the peacekeeping presence, which corresponded to the worst of the killings. After this failure, international community undertook an outstanding relief operation, which cost roughly thirty times what was spent on the peacekeepers, who could have saved tens, perhaps hundreds, of thousands of lives, if they had been reinforced.<sup>1</sup>

The genocide in Rwanda was one of the greatest tragedies since the Second World War. The horrible events brought new urgency to the ongoing debate over “UN humanitarian intervention”, the role of the UN in multilateral peacekeeping, peace enforcement and post-conflict peace building. This study is a systematic-descriptive analysis of the UN intervention in Rwanda. It examines the events that led to UN intervention and describes the UN action. The purpose of the study is to identify the principal political and strategic constraints explaining the “failure” of the United Nations and the great powers to address the genocide in Rwanda.

Humanitarian intervention has become a popular issue in the realm of IR discipline, especially in the post-Cold War era. The removal of East-West tensions coincided with the beginning of a period of growing intrastate violence. Thus,

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<sup>1</sup> Bruce D. Jones, “Intervention without Borders: Humanitarian Intervention in Rwanda 1990-1994”, *Millennium: Journal of International Studies*, Vol. 24, No. 2, 1995, p. 225.

evolution of “humanitarian intervention” entered into a new phase. Media has made people more aware of situations that seem to require intervention. Globalization has made the impact of the crises felt everywhere. As a result of these developments and political pressures from various constituencies, such as activist political groups, human rights organizations and citizens, states often feel compelled to intervene in domestic conflicts, even when their direct stakes are limited. The sanctity once accorded to state boundaries has eroded considerably, and the norms governing humanitarian intervention have evolved under the pressure of the new circumstances.

The changes particular to the post-Cold War world, however, have created intense conflicts that complicate prospects of use of force. This contradiction gave birth to difficulties called “intervention dilemma”; a dilemma between political pressures for action- action to end the slaughter, to feed the refugees, to restore democracy, and to save lives- versus the natural reluctance of populations to pay the price of such interventions. Pressure in many democratic states against the use of public funds for foreign operations and, the use of military power, putting their soldiers’ lives at risk has made intervention a risky business for politicians.

The situation is the same for the United Nations by which international community carries out interventions multilaterally. The number of civil wars and other kinds of internal conflicts have increased tremendously, and the range of conflicts has exceeded the UN’s capacity to address them. There have been accusations of bias in the choice of which conflicts the UN intervenes in. As a result of these problems in UN operations, the organization adopted a “cautious” policy, which made it difficult to enforce solutions. Rwanda was a clear demonstration of this dilemma.

Rwanda can be considered as a turning point in the evolution of “humanitarian intervention”. The pendulum that swung towards humanitarian intervention in the first half of the 1990s has since then been moving in the opposite direction; such action has been in decline since a peak around 1993, after the Somalia debacle. Rwanda was the first humanitarian emergency to be affected from this change. It is important to examine the Rwanda case, because it represents a real test of the international community’s ability to implement the concept of humanitarian intervention.

First, the Rwanda case is important for it displays very well the “intervention dilemma”, together with other difficulties of humanitarian intervention. Today, the dilemma is not between sovereignty, prohibition of use of force (principle of non-intervention) and intervention for humanitarian purposes. As mentioned above, the dilemma posed by humanitarian intervention is between moral imperatives and practical concerns, namely the prospect of significant financial costs, loss of life and military difficulties. Because of this dilemma states remain reluctant to intervene militarily, as they did in Rwanda. Unprecedented levels of humanitarian aid to the camps by international community stood in stark contrast to international passivity in the face of genocide only weeks before. Undertaking military operations was more risky than providing humanitarian aid.

For the United States, whose involvement is important for the success of any humanitarian intervention operation, the dilemma is between “interventionist” and “isolationist” foreign policy approaches. After the “Somalia Syndrome”, it is commonly accepted that US should not be a “world policeman”, thus “the commitment of the armed forces must be made only when it is clear that the benefits

would outweigh any loss to American national interests”.<sup>2</sup> In the Rwanda case, interests outweighed benefits of intervention and US reluctance to intervene played a role in the failure.

Second, “inaction” in Rwanda is a striking example. Because, while other humanitarian crises bring up a discussion on sovereignty, principle of non-intervention and criteria that justify humanitarian intervention, “genocide” in Rwanda constituted not only a justification but also an obligation to intervene. Genocide is the most clear-cut example of human rights abuses, which should justify armed intervention. The 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, brings the obligation to prevent, suppress and punish the crime of genocide, and legalizes UN intervention to stop genocide by giving member states “the right to take action under the Charter as they consider appropriate for the prevention and suppression of genocide”.

Third, in the history of peacekeeping operations UN Assistance Mission in Rwanda (UNAMIR) is a showcase of dreadful superlatives.<sup>3</sup> It was the first time a peacekeeping force had found itself witnessing a genocide. Later UNAMIR also witnessed what was probably the most sudden and largest mass movement of distressed people in modern history. UNHCR reported that on 29 April 1994 250.000 Rwandan crossed into Tanzania over the previous 24 hours, marking the highest rate of refugee exodus ever recorded in history.<sup>4</sup> In its second incarnation, UNAMIR-II,

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<sup>2</sup> Matthew S. Klimow, Moral vs. Practical: The Future of US Armed Intervention, Ontario, Canada: Queen’s University Kingston, 1996, p. 2.

<sup>3</sup> Nassrine Azimi (ed.), Humanitarian Action and Peacekeeping Operations: Debriefing and Lessons, Report and Recommendations of the International Conference Singapore, February 1997, The Hague, London and Boston: Kluwer Law International, 1997, p. 163.

<sup>4</sup> The UN, The Blue Helmets. A Review of United Nations Peacekeeping, Third Edition, New York: UN Department of Public Information, p. 347.

the mission was the largest UN force ever deployed to a land-locked country, a fact that complicated its deployment and operation.

Fourth, complex reasons for the failure is worth examining. The failure in Rwanda has become a “hot potato”; some blamed the US for its reluctance to intervene, and some blamed the United Nations for its “indifference” and “incompetence”. What were the reasons for failure? Was it “lack of will”, “lack of resources” or “limited mandate of the UNAMIR mission”? Do the reasons have something in common with other failures?

Fifth, the Rwanda case is important for it points out the need for reform in the UN. Lessons taken from Rwandan experience have a practical value. Although they are unlikely ever to be fully realized because of the “politics of intervention”, they propose steps to strengthen the capacity of the UN to create a more effective anti-genocide regime.

Considering all these issues, this study attempts to determine the position of Rwanda case in the evolution of the doctrine and practice of humanitarian intervention and what it tells for the future humanitarian emergencies. Therefore, it is necessary to establish a general framework of “humanitarian intervention” before undertaking an examination of the Rwanda case.

The first chapter establishes the framework through an examination of the evolution of the doctrine and practice of humanitarian intervention. It then proceeds to an examination of different definitions of “humanitarian intervention” made by outstanding authors. Having decided the definition to be adopted by this study, Chapter I next analyzes arguments for and against humanitarian intervention. “Arguments for and against” display dilemmas and problems of humanitarian

intervention. These problems are selectivity (uneven response by international community), the absence of a general doctrine, consensus building problems faced by international community, UN dependency on its members' willingness, reluctance to intervene, lack of US leadership, difficulty in finding troop contributors, coordination problems and financial problems.

Under the heading of “Legal Bases, Permissible Standards of, and Criteria for Humanitarian Intervention” Chapter I explores what circumstances should give rise to a right of forcible humanitarian intervention, and what are the legal bases and limits of that intervention. And finally, under the heading of “UN and Humanitarian intervention”, it aims to clarify the systematic and operational problems threatening successful implementation of intervention. In this part, Chapter I briefly discusses the relationship between humanitarian intervention and peacekeeping. By asking whether UN peacekeeping is a suitable means for undertaking humanitarian intervention operations in “complex emergencies” like Rwanda, it tries to determine whether deployment of a peacekeeping force, UNAMIR, was a wrong decision, causing failure, or not.

Chapter II consists of two parts: “history of the ethnic conflict” and “evolution of the crisis”. The purpose of the chapter is to present historical developments in Rwanda that culminated in genocide beginning in 1994. History of the ethnic conflict points to the essentially political and economic causes of this “complex” humanitarian crisis, and describes the events that led to international intervention. This chapter shows that violence has been part of a “winner-take-all” mentality that has dominated Rwanda’s governments during the colonial and post-

colonial periods.<sup>5</sup> While “history of the ethnic conflict” points out a culture of political impunity, “evolution of the crisis” illustrates the role of media in the politicization of ethnic identities, and describes how the media can be used by ethnic manipulators to stir up ethnic fears and hatreds among the population concerned.<sup>6</sup>

After the examination of the evolution of the crisis, Chapter III handles UN involvement in Rwanda: UN operations UNOMUR, UNAMIR-I, UNAMIR-II, French Operation Turquoise, US Operation Support Hope and other additional support operations, Human Rights Field Operation (HRFOR) and International Criminal Tribunal for Rwanda (ICTR). The analysis of the operations covers the UN Resolutions and other decisions, legal bases of the resolutions, mandates and rules of engagement of the operations, composition, deployment, and financing of the forces, and evaluation of their performance.

Chapter IV applies the framework established in Chapter I (criteria that justify humanitarian intervention, legal bases for intervention etc.) to the Rwanda case. It makes a critical analysis of the international reaction and searches for why moral and legal prohibitions against genocide do not match the political and strategic incentives to end this practice. In the search, it asks questions like, “How can we define the UN intervention in Rwanda?”, “How does Rwanda case reveal the difficulties the UN face with, in terms of humanitarian intervention?”, “Could UNAMIR be successful and stop the killing if better managed?”, “How can we assess the success/failure of the operations in Rwanda?”, and “How can we explain the “failure” of the international community in this case?” Chapter 4 also asks “what

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<sup>5</sup> US Agency for International Development (USAID), Complex Humanitarian Emergencies and USAID’s Humanitarian Response, USAID Program and Operations Assessment Report No. 27, Center for Development Information and Evaluation, December 2000, p. 11.

are the lessons taken from Rwandan experience?” and examines how to improve international system to prevent genocide.

After the examination of the reasons for the failure, lessons and their implications on future practice, Conclusion aims to make an overall assessment of all these discussions and determine what Rwanda case tells about humanitarian intervention today and in the future.

Here, it is important to emphasize that the scope of this study is limited with the UN involvement only and the time period 1993-1996. NGOs and other non-state actors, especially MSF (Médicines Sans Frontières) played an important part in the crisis. To understand the importance of their role one need only to consider the scale of their involvement. While negotiation efforts cost approximately US \$ 3 million, and the budget for UNAMIR was \$ 54 million for six months, eight months worth of humanitarian assistance cost slightly over \$ 1 billion.<sup>7</sup> But, this study deals only with the UN involvement and asks “could it be successful in preventing genocide if better managed in a timely manner?”

In this study, I have relied on official documents for first hand information, and critical, non-official resources for a perceptive, informed account and objective results. An official account is to be found in resources like, The United Nations and Rwanda 1993-1996 (The UN Blue Book Series, Vol. X) covering UN documents, resolutions of the General Assembly and of the Security Council, statements by the President of the Security Council, reports and letters of the Secretary General, reports on human rights situation and humanitarian assistance, communications from

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<sup>6</sup> Dominique Jacquin-Berdal, “Ethnic Wars and International Intervention”, Millennium: Journal of International Studies, 1998, Vol. 27, No. 1, p. 133.

<sup>7</sup>Bruce D. Jones, p. 245.

Rwanda and other states members of the UN, communications from regional organizations, cables sent by force commanders in Rwanda to the Secretary General; The Blue Helmets: A Review of UN Peacekeeping, UN Secretariat's account of the UNAMIR mission, and "Comprehensive Report on Lessons Learned From United Nations Assistance Mission for Rwanda (UNAMIR) 1993-1996". To ensure the objectivity of these official account, I have also relied on reports by Independent Inquiry, Carnegie Commission on Preventing Deadly Conflict, Human Rights Watch, Organization of African Unity (OAU), US Institute of Peace, books and articles by outstanding as well as critical authors, internet and electronic journals.

## CHAPTER I

### I. Humanitarian Intervention: A Conceptual Framework

Humanitarian intervention is “intervention inspired by humanitarian considerations”.<sup>1</sup> It has two components: “intervention” and “humanitarianism”. Intervention is a violation of state’s sovereignty, and presupposes that the state in question enjoys the right to autonomy. It’s humanitarian character is determined according to some criteria. The main criteria is “humanitarian aim” (or humanitarian cause); the aim of intervention should be effective redress for an unacceptable denial or violation of fundamental human needs. Some writers argue that in order to be labeled as “humanitarian intervention”, an act of intervention should serve purely to humanitarian aims. Whereas, in the face of failures like Rwanda, other writers argue that “humanitarian motives are important to prevent intervention from being abused for states’ own interests, but it is better to do something, even in self interest than to stand aside in hesitation and indifference.”<sup>2</sup> Humanitarian approach, humanitarian means and humanitarian outcome are the other criteria used to determine the “humanitarian” character of any intervention.<sup>3</sup> According to these criteria, the intervention should be impartially conducted; the means employed should be appropriate –necessary, sufficient and proportional– and the outcome of the

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<sup>1</sup>Bhikhu Parekh, “Rethinking Humanitarian Intervention”, International Political Science Review, The Dilemmas of Humanitarian Intervention, Vol. 18, No. 1, January 1997, p. 53.

<sup>2</sup> Francis Kofi Abiew, The Evolution of the Doctrine and Practice of Humanitarian Intervention, The Hague, London and Boston: Kluwer Law International, 1999, p. 198.

<sup>3</sup> Oliver Ramsbotham and Tom Woodhouse, Humanitarian Intervention in Contemporary Conflict: A Reconceptualization, Cambridge: Polity Press, 1996, pp. 225-226.

intervention should be to the overall advantage of those in whose name it is carried out.<sup>4</sup>

Intervention contradicts the concept of sovereignty, but when it is “humanitarian” it is considered as an exception to the principle of non-intervention. Regarding to its relation with “sovereignty”, humanitarian intervention can be defined as “an act of intervention in the internal affairs of another country with a view to ending the suffering caused by the disintegration or the gross misuse of the authority of the state, and helping create conditions in which a viable structure of civil authority can emerge”.<sup>5</sup>

The doctrine and practice of “humanitarian intervention” have long been a subject of controversy in international relations and international law. The main reason for this controversy is the “intervention dilemma” which rests on competing claims of state sovereignty and humanitarian assistance. Given that debates on humanitarian intervention are embedded in the changing character of “state sovereignty” it is necessary to examine the evolution of the concepts of “sovereignty” and “humanitarian intervention”.<sup>6</sup>

### I.a. Evolution of the Doctrine and Practice of Humanitarian Intervention

The concept of “sovereignty” was formulated by scholars such as Jean Bodin, Hugo Grotius and Thomas Hobbes in the 16<sup>th</sup> and 17<sup>th</sup> centuries. Bodin defined

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<sup>4</sup> *ibid.*

<sup>5</sup> Bhikhu Parekh, p. 55.

<sup>6</sup> For a comprehensive coverage of the evolution of doctrine and practice, see Francis Kofi Abiew, The Evolution of the Doctrine and Practice of Humanitarian Intervention, and Sean D. Murphy, Humanitarian Intervention: The United Nations in an Evolving World Order, Procedural Aspects of International Law Series, Vol. 21, Philadelphia: University of Pennsylvania Press, 1996, pp. 33-281.

sovereignty as “the most high, absolute and perpetual power over the citizens and subjects in a commonwealth,...the greatest power to command”.<sup>7</sup> For Hobbes sovereignty was so absolute that there was no room for intervention.<sup>8</sup> But, Grotius had a different approach to sovereignty; he is often cited as providing the first authoritative statement of the principle of humanitarian intervention. He pronounced “the principle that exclusiveness of domestic jurisdiction stops when outrage upon humanity begins”.<sup>9</sup> Grotius’ 1625 *De Jure Belli ac Pacis* (On the Rights of War and Peace) recognized “the use of force by one or more states to stop the maltreatment by a state of its own nationals” as lawful when that conduct was so brutal and large scale as to “shock the conscience of the community of nations”.<sup>10</sup> That was the beginning of the “competition” between sovereignty and intervention for humanitarian purposes. In this “competition”, while some authors argue that humanitarian intervention has coexisted with the development of state sovereignty, others claim that intervention cannot be legal, justifiable or permissible even if it were undertaken for humanitarian purposes.

The Peace of Westphalia (1648) marked the acceptance of the idea of sovereign authority of state.<sup>11</sup> The international system that evolved was based on the idea that states were the main actors, and “sovereignty” was to be regarded as absolute. However, the practice of religion could limit that absolute sovereignty; a

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<sup>7</sup> Francis K. Abiew, pp. 26-27.

<sup>8</sup> *ibid.*

<sup>9</sup> Comfort Ero and Suzanne Long, “Humanitarian Intervention: A New Role for the United Nations?”, *International Peacekeeping*, Vol. 2, No. 2, Summer 1995, p. 145.

<sup>10</sup> H. Grotius, *De Jure Belli Ac Pacis*, Vol. 2, New York: Oceana, 1964, pp. 38-39, quoted in Thomas G. Weiss and Cindy Collins, *Humanitarian Challenges and Intervention: World Politics and Dilemmas of Help*, Oxford: Westview Press, 1996, p. 17. According to Weiss, Chapter VII of the UN Charter

reflects Grotius’ doctrine for humanitarian intervention.

<sup>11</sup> Francis K. Abiew, p. 29.

sovereign who changed his religion could not compel his subjects to change theirs.<sup>12</sup> In 1700s Kant, who is believed to have provided the theoretical basis for the League of Nations, expanded on the notion of “global solidarity” by linking the idea of national and international peace and security with the idea of promoting and protecting individual human dignity.<sup>13</sup>

In the ensuing period, states “intervened” to protect the lives and property and material interests of their nationals abroad.<sup>14</sup> Military force was used to protect mostly “fellow Christians” and “brother Slavs”.<sup>15</sup> Then, as the “humanity deserving of protection by military intervention became universalized”, military force was used to protect “non-white” and “non-Christians”, for example, to suppress the slave trade. Later, decolonization and the right of self-determination constituted strong justifications for humanitarian intervention.<sup>16</sup> But, these interventions were undertaken by strong states unilaterally; there were no criteria on when and how to intervene. Thus, intervention was open to abuse and strong states could use “humanitarian” rhetoric to disguise their interests.

The League of Nations era was one of ambiguity in terms of humanitarian intervention. On the one hand, “nothing in the language of the Covenant prohibited humanitarian intervention”.<sup>17</sup> On the other hand, “nothing in the practice of states during the inter-war period reveals a belief that the doctrine of humanitarian

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<sup>12</sup> *ibid.*

<sup>13</sup> T. Weiss and C. Collins, p. 17.

<sup>14</sup> C. Ero and S. Long, p. 142.

<sup>15</sup> Francis K. Abiew, p. 35.

<sup>16</sup> Martha Finnemore, “Constructing Norms of Humanitarian Intervention”, in Peter Katzenstein (ed.), *The Culture of National Security*, New York: Columbia University Press, 1996, p. 172.

<sup>17</sup> Sean D. Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order*, Procedural Aspects of International Law Series, Vol. 21, Philadelphia: University of Pennsylvania Press, 1996, p. 59.

intervention was embodied in, or permitted by the Covenant”.<sup>18</sup> Indeed, other than requiring that a state undertake certain procedural steps to resolve a dispute before resorting to war, the Covenant did nothing to outline when the use of force is or is not permissible. The period reflected a sense that war was wrong and it should be avoided entirely.<sup>19</sup> Murphy argues,

“During this era the brutal suppression of human rights in the Soviet Union, Italy and Nazi Germany were unaddressed by the League and not considered as a basis for intervention by other states. Japan’s invasion of Manchuria, Italy’s invasion of Ethiopia and German occupation of Czechoslovakia, with a “humanitarian rhetoric”, revealed how a doctrine of humanitarian intervention might be severely abused”.<sup>20</sup>

The United Nations Charter does not have an article mentioning “humanitarian intervention” either. But it brings some regulations and restrictions on use of force and interference. Article 2(4) and Article 2(7) constitute the bases on which arguments about humanitarian intervention take place.<sup>21</sup> In this regard the Charter is not without contradictions; it has mirrored the uneasy balance between the cardinal principles of non-intervention and respect for human rights. Primarily an organization whose main function was to maintain peace between states, the UN included among its purposes stated in its Charter the promotion of values within

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<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*, p. 63.

<sup>21</sup> C. Ero and S. Long, p. 143, Article 2(4) of the UN Charter states: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” Article 2(7) of the Charter provides: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII. Article 2(7), principle of non-intervention, contains an important exception. The UN may intervene in the domestic affairs of a state when pursuing enforcement measures under Chapter VII of the Charter. Under this Chapter, the Security Council may pursue economic or military measures against a state to “maintain or restore international peace and security”. To do so, the Security Council must first determine that “a threat to the peace, breach of peace, or act of aggression”. Chapter VII does not contain any definition of what constitutes “a threat to the peace, breach of peace, or act of aggression”. But grave human rights violations like the 1994 genocide in Rwanda are considered as “a threat to the peace, breach of peace, or act of aggression” and open the way to UN humanitarian intervention. For arguments based on these two articles and other articles related to humanitarian intervention see, *infra.*, pp. 30-32.

them as respect for human rights. The second article guarantees territorial integrity and the inviolability of national boundaries.

During the Cold War, interventions by superpowers occurred primarily in their own spheres of influence and were driven largely by a concern that unfolding events would inure to the benefit of the rival superpower.<sup>22</sup> Interventions by other states were driven occasionally by humanitarian concerns, but most of the time humanitarian benefits were overshadowed by geo-political motivations.<sup>23</sup> Since the UN Security Council was incapable of obtaining a consensus on the use of force to address threats to international peace, humanitarian intervention by the UN was not a viable option; states and regional organizations were left on their own to develop coercive techniques for conflict management.<sup>24</sup> Therefore, during this period scholarly debate on humanitarian intervention was focused on whether unilateral intervention was lawful or not under the UN Charter. This debate was under the impact of the tension between the United States and the Soviet Union, and the ever-present threat of a nuclear war between them.

With the end of the Cold War demands for humanitarian intervention have increased and states turned to the United Nations to undertake humanitarian interventions. They seek to legitimate interventions, spread the burden of the operations and escape from the “intervention dilemma”.<sup>25</sup> According to Barry M. Blechman, governments turned to the UN for the following reasons:<sup>26</sup>

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<sup>22</sup> Sean D. Murphy, p. 85.

<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.*, p. 135.

<sup>25</sup> Barry M. Blechman, “Emerging from the Intervention Dilemma”, in Chester A. Crocker, Fen O. Hampson and Pamela Aal (eds.), Managing Global Chaos: Sources of and Responses to International Conflict, Washington DC.:US Institute of Peace Press, 1996, pp. 291-292.

<sup>26</sup> *ibid.*

First, with the removal of the threat of Soviet veto, achieving an effective collective security system appeared to be possible for the first time. Second, acting through the UN has been a means of sharing the burden of maintaining international stability- both the tangible burden in money and lives, and the political burden. It also legitimates and sanctions military interventions in the eyes of public opinion. Third reason is related to “intervention dilemma”, between pressures to act and a distinctly remote possibility of acting successfully due to the difficulty of credibly threatening the use of force. She explains:<sup>27</sup>

“Dealing with civil conflicts through the UN enables government decision makers to shift the locus of responsibility. Turning to the UN, in effect, says “we are acting, we are writing resolutions, stepping up pressures, etc.” At the same time, if UN diplomacy, political pressures and other efforts prove inadequate and the situation remains unacceptable, it appears not to be the government’s failure, but the failure of the world body.”

In addition to these reasons, there were other factors contributing to the increase in humanitarian action. First of all, extensive news coverage of wars and crises has led to strong public pressure on outside governments to act.<sup>28</sup> Assistance and pressure from humanitarian organizations and NGOs like ICRC and MSF (Doctors Without Borders), who pronounce “a duty to intervene”, displacement of large number of people; refugee problem, and the “complex” nature of the crises increased attention to humanitarian issues.

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<sup>27</sup> *ibid.*

<sup>28</sup> Adam Roberts, Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum, Adelphi Paper 305, Oxford, New York: Oxford University Press, 1996, p. 16. For more information on “media and humanitarian intervention”, see, Comfort Ero and Suzanne Long, “Rwanda: the Media and the Message”, in Roger Williamson (ed.), Some Corner of a Foreign Field: Intervention and World Order, London: MacMillan Press, 1998, pp. 174-188; G. Philo, L. Hilsum, “The Media and the Rwanda Crisis: Effects on Audiences and Public Policy”, in Jan N. Pieterse (ed.), World Orders in the Making: Humanitarian Intervention and Beyond, NY: St. Martin’s Press, 1998, pp. 211-230; Warren P. Strobel, “The Media and US Policies Toward Intervention: A Closer Look at the “CNN Effect””, in Chester A. Crocker, F. Hampson and P. Aal (eds.), Managing Global Chaos: Sources of and Responses to International Conflict, Washington D.C.: US Institute of Peace Press, 1996, pp. 357-623; Thomas G. Weiss and Cindy Collins, Humanitarian Challenges and Intervention: World Politics and Dilemmas of Help, Boulder, Colorado: Westview Press, 1996, pp. 187-191; Thomas G. Weiss, “UN and Civil Wars”, in Chester A. Crocker, F. Hampson and P. Aal (eds.), pp. 137-139.

These motives and an increasing demand for “humanitarian intervention” resulted in a dramatic expansion in the number of UN’s humanitarian operations. From 1991 to 1993, the UN’s annual military expenditures grew from about US\$ 1 billion to close to US\$ 4 billion.<sup>29</sup> Because humanitarian interventions have been undertaken mostly through UN peacekeeping, peacekeeping operations turned to be more “muscular” and more ambitious than the “traditional” operations. But, the range of conflicts around the world has far exceeded the UN’s capacity to address them, and UN efforts to use peacekeeping forces in ongoing conflicts have exposed the organization to the accusations of weakness and of failing to protect fundamental human rights.<sup>30</sup> After the debacle in Somalia the international community’s eagerness to authorize UN “humanitarian intervention” missions quickly faded, and Rwanda was the first case to be affected from this “reluctance to intervene”.

### I.b. Definition of the Concept

As mentioned above, the concept of “humanitarian intervention” has had a long history, which goes back to Grotius and Kant, and great attention, yet not a commonly recognized definition. Evolution of the concept has gone parallel with the changing understanding of sovereignty and development of human rights law. This evolution expanded the definition of what constitutes a threat to peace, and the increasing consideration of human rights issues at the UN reduced the limitations on humanitarian intervention. But, in spite of this evolution, there is still no general agreement among states on definition of what constitutes humanitarian intervention and even on the legitimacy of humanitarian intervention.

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<sup>29</sup> Thomas G. Weiss, “Tangled up in Blue: Intervention and Alternatives”, Harvard International Review, Vol. 16, Issue 1, Fall 1993, p. 4, EBSCOhost.

However, attempts by scholars to establish a “sole and unchallengeable” definition merit consideration. An analysis of different definitions would outline the important elements of the concept and help establish the necessary framework. To this end, I shall examine these definitions and underline the different elements with italic, upon which each of the definitions put its emphasis. Through this analysis, it shall become clearer that definitions made by scholars can be categorized into two groups: the “classic” definition which has an overwhelming position in the doctrine, and the “new” and “broader” definition, recently emerged and challenging the “old” one. Here are some definitions of “humanitarian intervention” made by outstanding scholars:

Hedley Bull, “*dictatorial or coercive interference* in the sphere of jurisdiction of a sovereign state motivated or legitimated by humanitarian concerns”.<sup>31</sup>

M. Akehurst, “*the use of force* to prevent states from...ill-treating *its own nationals*”.<sup>32</sup>

David N. Gibbs, “*forceful interference* in the internal politics of one country for humanitarian purposes”.<sup>33</sup>

Ian Brownlie, “the threat or use of armed force by a state, a belligerent community or international organization with the objective to protect human rights”.<sup>34</sup>

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<sup>30</sup> Adam Roberts, “The Crisis in UN Peacekeeping”, in Chester A. Crocker, F. Hampson and P. Aal (eds.), Managing Global Chaos: Sources of and Responses to International Conflict, Washington D.C.: US Institute of Peace Press, 1996, p.297.

<sup>31</sup> Hedley Bull (ed.), Intervention in World Politics, Oxford: Clarendon Press, 1984, p. 1.

<sup>32</sup> Michael Akehurst, “Humanitarian Intervention”, in Bull, pp. 95-117.

<sup>33</sup> David N. Gibbs, “Realpolitik and Humanitarian Intervention: Case of Somalia”, International Politics, Vol. 37, March 2000, p. 42.

<sup>34</sup> Ian Brownlie, “Humanitarian Intervention”, in John Norton Moore (ed.), Law and Civil War in the Modern World, Baltimore, London: The Johns Hopkins University Press, p. 221.

N. J. Wheeler, “armed intervention to rescue individuals facing *genocide or mass oppression* inside state borders”.<sup>35</sup>

Martha Finnemore, “military intervention *to protect citizens other than their own* from humanitarian disasters”.<sup>36</sup>

Adam Roberts, “... military intervention in a state *without the approval of its authorities*, and with the purpose of preventing widespread suffering or death among inhabitants”.<sup>37</sup>

Bhikhu Parekh, “an act of intervention in the internal affairs of another country with a view to ending the physical suffering caused by *the disintegration or the gross misuse of the authority of the state*, and helping create conditions in which a viable structure of civil authority can emerge”.<sup>38</sup> “Humanitarian intervention *is not the same as humanitarian aid*, which is only concerned to relieve suffering and not to create peace and order, *nor is it to be confused with political intervention*, which seeks to impose a specific structure of civil authority...”.<sup>39</sup>

S. A. Garrett, “the injection of military power- or threat to such action- by one or more outside states into the affairs of another state that has as *its purpose (or at least one of its principal purposes)* the relieving of grave human suffering”.<sup>40</sup>

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<sup>35</sup> Nicholas J. Wheeler, “Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention”, Millennium: Journal of International Affairs, Vol. 21, No. 3, 1992, pp. 468-487.

<sup>36</sup> Martha Finnemore, p. 153.

<sup>37</sup> Adam Roberts, Humanitarian Action in War, p. 19.

<sup>38</sup> Bhikhu Parekh, “Rethinking Humanitarian Intervention”, p. 55.

<sup>39</sup> *ibid.*

<sup>40</sup> Stephen A. Garrett, Doing Good and Doing Well: An Examination of Humanitarian Intervention, London: Praeger, 1999, p. 3.

Report of the Committee on Human Rights, “Humanitarian intervention involves the use of force by a state to protect citizens of another state from threatening situations within their own country”.<sup>41</sup>

Thomas G. Weiss, “ Coercive actions taken by the community of states... to alter the domestic affairs, behavior or policies of a targeted government or insurgency that has chosen to resist the expressed will of the international community”.<sup>42</sup>

All these definitions point out some common elements of “humanitarian intervention”, and together constitute what is called “classic definition” (in doctrine). We can analyze all these common elements in the definition made by Sean D. Murphy, a typical example of the “classic definition”.

According to Murphy, “ Humanitarian intervention is the threat or use of force by a state, group of states, or international organization, primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights”.<sup>43</sup>

Each component of this definition merits brief discussion:

1. “Threat or use of force”: Given that “intervention” is a concept which violates state sovereignty, its definition should reflect this fact; “humanitarian intervention” is defined in terms of “forcible” means of intervention.

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<sup>41</sup> Radyi Khabirov, “Humanitarian Intervention: An Inquiry into International Law and Practice”, MA Thesis submitted to Bilkent University, July 1994, p. 8.

<sup>42</sup> Thomas G. Weiss, “Tangled Up in Blue: Intervention and Alternatives”, Harvard International Review,

Fall 1993, Vol. 16, Issue 1, p. 2, EBSCOhost.

<sup>43</sup> S. D. Murphy, pp. 11-12.

2. Actors: “state, a group of states or international organization”. Classic definition does not include humanitarian actions taken by non-state actors like NGOs. Because, although they play a key role in addressing humanitarian crises, their intervention is qualitatively different from intervention by states. They usually do not involve the use of force and they seek consent.
3. Purpose: “primarily” humanitarian. To prevent abuse “humanitarian purpose” is accepted as a criterion defining humanitarian intervention. It is qualified as “primarily” instead of “solely”, because, it is difficult to identify an intervention where the prevention of widespread deprivations internationally recognized human rights is the sole reason for the intervention. Murphy notes that one should be flexible while interpreting this criterion.<sup>44</sup>
4. “Nationals of a target state”: “classic” definition does not include interventions to protect or rescue one’s own nationals.
5. “Widespread deprivations of internationally recognized human rights”; definition is used to “capture the myriad of conditions that might arise where human rights on a large scale are in jeopardy”<sup>45</sup>, and reflects the rights-based approach.
6. The issue of consent: According to “classic” approach, definition of humanitarian intervention should be limited to situations where the local governing authorities of the target state have not authorized or consented

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<sup>44</sup> *ibid.*, p. 15.

<sup>45</sup> *ibid.*, p. 18.

to the interference in its affairs. Murphy explains “When one speaks of a “threat or use of force against a state” there must be a lack of authorization or consent by authorities of that state; otherwise the threat is not really a threat, and “the use of force” is better characterized as military cooperation”.<sup>46</sup>

In addition to this literature on “classic” definition, in 1990s there emerged a growing literature, which defines “humanitarian intervention” more broadly to cover “non-forcible means” and “non-state actors”. This new literature caused a “terminological turmoil”. Lori Fisler Damrosch defines this turmoil as “profound normative confusion”, and writes “international lawyers have usually employed the term “humanitarian intervention” with reference to the application of force in order to terminate genocide and comparable atrocities, while the same term is now in general use to mean the delivery of food and medicines to deprived populations”.<sup>47</sup>

This new literature offers criteria for “non-forcible humanitarian intervention” by international aid agencies, refers to “physical intervention with consent” and writes about “NGO humanitarian intervention”<sup>48</sup>. It defines “humanitarian intervention” comprising any possible form of humanitarian action in an emergency situation, not necessarily involving use of armed force and not necessarily against the will of the government.<sup>49</sup>

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<sup>46</sup> Ibid.

<sup>47</sup> O. Ramsbotham and T. Woodhouse, p. 112.

<sup>48</sup> *ibid.*, p. 113. For more information about “NGOs and humanitarian intervention”, see, Marry B. Anderson, “Humanitarian NGOs in Conflict Intervention”, in Chester A. Crocker, F. Hampson and P. Aal (eds.), pp. 343-354, Andrew Natsios, “NGOs and Humanitarian Impulse: Some Have It Right”, in Joel H. Rosenthal (ed.), *Ethics and International Affairs*, A reader, 2<sup>nd</sup> edition, Carnegie Council on Ethics and International Affairs, Washington D.C.: Georgetown University Press, 1999, pp. 334-347.

<sup>49</sup> A. Roberts, *Humanitarian Action in War*, p. 19.

Oliver Ramsbotham and Tom Woodhouse belong to this new literature. They put forward a “reconceptualization” of the term as follows:<sup>50</sup>

“Whereas in classic terminology “humanitarian intervention” means “forcible self-help by states across international borders to protect indigenous human rights, in the rest of the book “humanitarian intervention” means cross-border action by the international community in response to human suffering, made up of (i) “forcible humanitarian intervention”, an expanded version of the classic concept to include collective action as well as self-help and no longer confined to human rights abuse by governments, and (ii) “non-forcible humanitarian intervention”.”

Kofi Annan, is another figure who advocates broader definition. He redefines “humanitarian intervention” to include “actions along a wide continuum from the most pacific to the most coercive” and proposes to move the UN from “a culture of reaction to a culture of prevention”.<sup>51</sup>

Bruce D. Jones, argues that the “classic” definition is unable to account for the scope and complexity of humanitarian intervention in general, and humanitarian action in Rwanda in particular.<sup>52</sup> He offers “a richer body of empirical analysis” which include non-state actors and non-forcible means, and in which the state is not viewed as a unitary actor. Jones criticizes the “traditional” approach which adopts “classic” definition for it ignores the fact that “aid agencies are indeed in competition and cooperation with the military elements of the state; political battles between

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<sup>50</sup> O. Ramsbotham and T. Woodhouse, p. 113.

<sup>51</sup> “Intervention: When & How”, *Commonweal*, Vol. 126, Issue 18, Oct. 1999, [EBSCOhost](#), p. 3. For more information about Annan’s view on “humanitarian intervention” and “sovereignty”, see, Kofi Annan, [Towards A Culture of Prevention](#), Statements by the Secretary-General of the United Nations, Carnegie Commission on Preventing Deadly Conflict, NY: Carnegie Corporation, December 1999, Kofi Annan, “Human Security and Intervention”, [Vital Speeches of the Day](#), 15.10.1999, Vol. 66, Issue 1, [EBSCOhost](#).

<sup>52</sup> Bruce D. Jones, “Intervention without Borders: Humanitarian Intervention in Rwanda, 1990-1994”, [Millennium: Journal of International Studies](#), 1995, Vol. 24, No. 2, pp. 225-249.

competing branches of foreign policy decision-making play a key role in determining response, and political actors act out of their own concerns and interests”.<sup>53</sup>

Jones categorizes “humanitarian intervention” actions into four groups: 1) *unarmed and pacific interventions*: include mediation or facilitation by non-state actors, and some conventional diplomatic processes, 2) *unarmed and coercive interventions*: include such actions as trade sanctions, 3) *armed and pacific interventions*: include peacekeeping operations with the consent of the parties to the conflict, eg., OAU Neutral Military Observer Group in Rwanda (NMOG), UN Observer Mission to Uganda-Rwanda (UNOMUR), and UNAMIR, 4) *armed and coercive interventions*: include the use of force against the will of at least one party to the conflict (French Operation Turquoise in Rwanda).

Such a broad definition, which includes even diplomatic means like mediation into the definition has blurred the concept, and increased its difficulties. Adam Roberts states that “the term has come to be used with a much broader and less precise meaning”. Thomas Weiss, Comfort Ero and Suzanne Long, too, prefer “classic” definition, because its better delimitation provides opportunity to make healthier analyses.<sup>54</sup>

Establishing a conceptual framework to develop an analytical account of the Rwanda case requires a choice between the “classic” and “new” definitions. The result of the analysis would change according to the definition chosen. Therefore, it is a critical methodological choice. This study aims at to examine the response of the United Nations to the genocide in Rwanda. The scope of the thesis is limited to UN’s actions during the crisis; it does not include NGOs or other actors. It does not cover

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<sup>53</sup> *ibid.*, pp. 234-235.

post-conflict response; rehabilitation to support repatriation and return of refugees and internally displaced persons, rehabilitation of the economy, efforts to establish a fair and effective judicial system and mine clearance either. Thus, for the purpose of this paper the discussion will be limited to the “classic” definition; “UN-authorized coercive intervention for primarily humanitarian purposes”.

### I.c. Legal Bases, Permissible Standards of and Criteria for Humanitarian Intervention

Is there a right of “humanitarian intervention” by outside armed forces? If there is, when force is justified? What circumstances should give rise to a right of forcible humanitarian intervention? Who in the international community decides when these circumstances have been met, when a certain threshold of behavior has been passed that justifies intervention in the sovereign affairs of a nation state? How is it possible to prevent abuse; to keep “great powers” from using the “humanitarian objective” as a guise to intervene for political reasons? What are the legal bases of humanitarian intervention? Is collective authorization required to legitimize forcible “humanitarian intervention”? Must there be a threat to international peace and security for the UN to consider forcible intervention? And finally, what are the limits of that intervention? These are important questions, whose answers are difficult but essential for establishing an analytical framework of “humanitarian intervention”.

Some human rights, such as the right to life, to physical integrity and the absence of torture or degrading treatment, are regarded as part of international *jus cogens* (part of the body of peremptory international law from which no derogations

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<sup>54</sup> T. Weiss, “Tangled Up in Blue: Intervention and Alternatives”, p. 2.

are permitted).<sup>55</sup> They are *erga omnes* obligations that all states have a legitimate interest in their implementation. And genocide constitutes a gross violation of these human rights and international *jus cogens*. Therefore, human rights conventions and other documents like the 1966 Covenants, the Universal Declaration of Human Rights (1948), the Geneva Conventions, the Convention on the Prevention and Punishment of the Crimes of Genocide (1948), which brings the obligation to prevent and punish the crime of genocide, Preamble to the Charter of the UN, Articles 55 and 56 of the UN Charter, and An Agenda for Peace, which declares that gross violations of international humanitarian law compels the international community to take “all means necessary” to protect the civilian victims of the conflict and enforce peace are considered as legal bases of “the right of humanitarian intervention”.<sup>56</sup>

The question, “what circumstances should give rise to a right of forcible humanitarian intervention?” brings a discussion on the criteria for “justifiable” intervention. Pugwash Study Group on Intervention, Sovereignty and International Security offers four categories of criteria justifying humanitarian intervention:<sup>57</sup> 1) gross and systemic human rights abuses, including genocide, such as occurred in Cambodia and Rwanda; 2) the suppression of the clearly demonstrated will of the majority, such as the overthrow of the democratically-elected government in Haiti; 3) clear cases of failed states, where central authority is non-functioning and the civilian population is at the mercy of militias, warlords, criminal gangs, etc. (Somalia, Liberia, Sierra Leone); 4) the illegal and inhumane use of power by one side or the

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<sup>55</sup> John Harriss (ed.), The Politics of Humanitarian Intervention, London: Pinter, 1995, p. 36.

<sup>56</sup> S. A. Garrett, p. 47, C. Ero and S. Long, “Humanitarian Intervention: A New Role for the United Nations”, pp. 146-147, James P. Muldoon, “What Happened to Humanitarian Intervention?”, Bulletin of Atomic Scientists, Vol. 51, Issue 2, March/April-1995, EBSCOhost, p. 2.

<sup>57</sup> Jeffrey Boutwell, “Pugwash Study Group on Intervention, Sovereignty and International Security”, The Pugwash Newsletter, Vol. 37, No. 1, June 2000, p. 3.

other during a civil war encompassing an attempt at secession and/or ethnic/religious self determination.

According to John N. Moore, intervention for the protection of human rights is permissible if it meets the following conditions:<sup>58</sup>

- A. An immediate threat of genocide or other widespread arbitrary deprivation of human life in violation of international law,
- B. An exhaustion of diplomatic and other peaceful techniques for protecting the threatened rights to the extent possible and consistent with protection of the threatened rights,
- C. A proportional use of force which does not threaten greater destruction of values than the human rights at stake and which does not exceed the minimum force necessary to protect the threatened rights,
- D. The minimal effect on authority structures necessary to protect the threatened rights,
- E. The minimal interference with self-determination necessary to protect the threatened rights,
- F. A prompt disengagement, consistent with the purpose of the action, and
- G. Immediate full reporting to the Security Council and any appropriate regional organization and compliance with Security Council and applicable regional directives.

The European Parliament Resolution on the Right of Humanitarian Intervention (A3-0227/94) is an important development in terms of “codification” of regulations on humanitarian intervention. European Parliament issued the resolution after the hearing held in the Parliament on 25 January 1994. The Resolution, which urges the European Commission and Council to adopt a position favoring the recognition of the right of humanitarian intervention and calls on them to set some criteria for humanitarian intervention, states its reasons as follows:<sup>59</sup>

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<sup>58</sup> John Norton Moore, “Toward an Applied Theory for the Regulation of Intervention”, in J. N. Moore (ed.), Law And Civil War in the Modern World, Baltimore and London: Johns Hopkins University Press, 1974, p. 25.

<sup>59</sup> European Parliament Resolution on the Right of Humanitarian Intervention A3-0227/94, Official Journal of European Communities No C 128/225, A3-0227/94, in EC, Law in Humanitarian Crises,

1) International law has traditionally followed the principle of non-interference in the internal affairs of a sovereign state, however, the traditional justification of national sovereignty for giving *carte blanche* to all internal abuses is no longer acceptable,

2) It is generally accepted that human rights, as defined in the Universal Declaration of Human Rights and the UN International Conventions on civil and political rights and economic and cultural rights, are universal, and important international documents such as the Helsinki Final Act include provisions according to which the human right situation in a country does not form part of its internal affairs.<sup>60</sup>

EP Resolution then defines the concept of humanitarian intervention as “the protection, including the threat or use of force, by a state or group of states of the basic human rights of persons who are subjects of and/or resident in another state”.<sup>61</sup> After stating that intervention should take place on the initiative of the UN Security Council, the resolution sets a number of criteria for humanitarian intervention, in order to “encourage international developments towards “codification” of such criteria”. It is interesting and meaningful that the criteria set by the European Parliament in this resolution are almost the same as the criteria enumerated by John N. Moore in 1974. It implies that these are the criteria on which scholars have reached a “consensus”. The criteria (in the resolution) are:<sup>62</sup>

- (a) there must be an extraordinary and extremely serious situation of humanitarian need in a country where those in power can not be made to see the reason other than through military means;

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Vol.2, “Access to Victims: Right to Intervene or Right to Receive Humanitarian Assistance?”, Luxembourg: Office for Official Publications of the European Communities, 1995, p. 192.

<sup>60</sup> *ibid.*

<sup>61</sup> *ibid.*, p. 193.

<sup>62</sup> *ibid.*, pp. 194-195.

- (b) all other means must, in so far as possible or reasonable, have been exhausted and must have failed;
- (c) the inventor must be relatively disinterested in the situation in so far as the protection of human rights should be the primary objective;
- (d) states which have been formally condemned by the international community for unlawful intervention in a region must not be allowed to take part in humanitarian intervention in other regions until they have put an end to all their unlawful operations; (this is a new criteria)
- (e) intervention must be limited to specific objectives and must only have minimal political consequences for the authority of the state concerned;
- (f) the use of force must be temporary and not be disproportionate;
- (g) the intervention must be reported immediately to the UN and not be subject to UN condemnation;
- (h) the intervention must not represent a threat to international peace and security to the extent that it causes a greater loss of life and greater suffering than that which it aims to prevent.

There seems to be a consensus on these criteria among scholars, but not among states. It is difficult to codify such a set of criteria for legally justified humanitarian intervention. Because, although some states take the view that codifying such criteria, which would guide UN humanitarian intervention actions, is necessary to reduce the selective nature of these actions, a number of states are against codifying, even formulating such criteria, as doing so might provide potential intervenors extra incentive.

Not only the attempts to codify criteria for humanitarian intervention, but the criteria themselves are problematic. For example, the principle of “neutrality” or “impartiality” is one of these principles. It is argued that “impartiality” can be a “destructive misconception” when belligerents are still fighting. Matthew Klimow explains “An intervention to assist victims of atrocities such as starvation, torture, mass murder and/or ethnic cleansing puts the intervening force in the struggle. It is

impossible to enter a bitter conflict that has produced horrendous atrocities without taking sides; to think otherwise shows a misconception of impartiality.”<sup>63</sup>

Assessment of intervention operations is another problematic issue. It would be wrong to classify operations as successes or failures without reference to some kind of objective standard. What is successful intervention? Is it possible to set some criteria to judge success/failure of intervention? Thomas Weiss lists three criteria: 1) durability of results, 2) relative effectiveness, and 3) comprehensiveness of the UN inputs.<sup>64</sup> Pugwash Study Group on Intervention, Sovereignty and International Security proposes two criteria for assessing the “success” or “failure” of any humanitarian intervention; 1) the number of lives saved, and 2) whether the intervention helps create post-conflict political stability.<sup>65</sup> Brown identified three criteria for determining success: Was the mandate fulfilled, as specified by the appropriate Security Council decision? Did the operation lead to a resolution of the underlying disputes of the conflict? Did the presence of the operation contribute to the maintenance of international peace and security by reducing or eliminating conflict in the area of operation? Diehl developed two criteria: Was the operation able to limit armed conflict? Did the operation facilitate conflict resolution? These examples show that academics develop different criteria for success, making it difficult to assess any humanitarian intervention action.

#### I.d. Arguments for and against “humanitarian intervention”

The ambiguities of the concept have given rise to arguments for and against “humanitarian intervention”. The debate evolves around the interpretation of Article

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<sup>63</sup> Mathew S. Klimow, Moral vs. Practical: the Future of US Armed Intervention, p. 59.

<sup>64</sup> T. Weiss, “The UN and Civil Wars”, in Brad Roberts (ed.), Order and Disorder After the Cold War, Cambridge, Massachusetts: the MIT Press, 1995, pp. 129-130.

2 (4) of the UN Charter, which prohibits threat or use of force, and Article 2 (7), which establishes the principle of non-intervention in the internal affairs of states. The “narrow” and “broad” interpretations of these articles reflect two different approaches: “statist” approach and “rights-based” approach. “Statist” approach focuses on the principle of non-intervention (and the prohibition of use of force), as both centerpiece of international order and the primary determinant of state action. According to this view, intervention is not only a violation of international law, it is an act of violence against the cardinal rules of international order itself. Whereas, “rights-based approach” argues that “individuals have inalienable rights that must be observed and protected by all governments. As a result, all governments can be held to certain standards of behavior involving basic human rights and democratic processes”.<sup>66</sup> When a country falls into such disarray that no governing body can end a humanitarian tragedy and guarantee human rights, the world community itself is accountable; sovereignty should not block the protection of human rights.<sup>67</sup>

Proponents of humanitarian intervention emphasize that while one purpose of the Charter is to prevent war, the Charter and the human rights instruments it spawned accord great significance to the protection of human rights. Therefore, intervention for humanitarian purposes would not contravene Article 2 (4) of the UN Charter, if it fulfills conditions required for its exercise. Reisman, relying upon the purposes of the UN stated in the Preamble of the Charter and in several articles, indicates that “Article 2 (4) is not against the use of force per se, but rather the use of

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<sup>65</sup> J. Boutwell, “Pugwash Study Group on Intervention, Sovereignty and International Security”, p. 6.

<sup>66</sup> Barry M. Blechman, “Emerging from the Intervention Dilemma”, in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds.), p. 288.

<sup>67</sup> *ibid.*

force for unlawful purposes”.<sup>68</sup> He argues further that “since humanitarian intervention seeks neither a territorial change nor a challenge to the political independence of the state involved and is not only consistent with the Purposes of the United Nations but also in conformity with the most fundamental peremptory norms of the Charter, it is distortion to argue that it is precluded by Article 2 (4).”<sup>69</sup>

Article 2 (7) is another basis upon which opponents of humanitarian intervention built their arguments. Here, the debate focuses on whether human rights issues and their protection are matters lying within the domestic jurisdiction of states. The provision also related to “sovereignty”. It is increasingly accepted that human rights issues are no longer within the domestic jurisdiction of states, and sovereignty is no longer a safe diplomatic sanctuary when abuse of civilians occurs. Prohibition of use of force, inviolability of state sovereignty and the principle of non-intervention are still of great importance in international relations. They however are open to various interpretations.

Academics who support “humanitarian intervention” argues further that the idea of humanitarian intervention is not necessarily the incorrigible enemy of the general rules of non-intervention and prohibition of use of force. A main foundation of the non-intervention rule has been a concern about states acting unilaterally. If an intervention is authorized by an international body and has specific purposes, this concern begins to dissolve. Since the end of the Cold War, the UN Security Council has emerged as the main body authorizing humanitarian interventions. The role of the UN, especially the Security Council has given a degree of international

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<sup>68</sup> Michael Reisman and James E. Baker, Regulating Covert Action: Practices, Contexts and Policies of Covert Action Abroad in International and American Law, New Haven and London: Yale University Press, 1992, p. 45.

<sup>69</sup> *ibid.*, p. 46.

legitimacy to the uses of force that might otherwise have been open to extensive criticism, and reduced the risks of competitive chaos and pursuit of unilateral advantage.

“Arguments against” humanitarian intervention reflect concerns that “humanitarian intervention” would open the door to aggression and war by destroying the prohibition of force. Many states have been uneasy about an emerging UN practice that might one day threaten their own sovereignty.<sup>70</sup> “Third World countries” with memories of external domination are on the side of opponents, for they fear that outsiders, in the name of humanitarianism could find more or less plausible grounds for intervention and, such an abuse could get out of hand.<sup>71</sup> They also referred to problems of humanitarian intervention, especially “uneven response” by international community. Inconsistencies in the selection of cases and confusions in the definition of missions lead to questioning “how viable an option is humanitarian intervention”.<sup>72</sup> Russia and China are among the countries object to humanitarian intervention, and calling for “respect for territorial integrity of sovereign states”.<sup>73</sup> According to authors like Stephen Solarz these two states fear that the international community might use the emerging doctrine of humanitarian intervention to limit their ability to deal as they wish with troublesome provinces, such as Tibet, Chechenya, and Dagestan.<sup>74</sup> In addition to these arguments, some academics argue that reliance on outside forces to resolve local conflicts is futile, saying “... only a military victory by one party can ultimately resolve civic strife;

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<sup>70</sup> Thomas G. Weiss, “UN and Civil Wars”, p. 131.

<sup>71</sup> “Intervention: When and How”, Commonweal, Vol. 126, Issue 18, p. 5, EBSCOhost.

<sup>72</sup> *ibid.*, p. 6.

<sup>73</sup> Roy Isbister, “Humanitarian Intervention: ethical endeavours and the politics of interest”, ISIS Briefing on Humanitarian Intervention, No. 1, May 2000, [www.yahoo.com](http://www.yahoo.com).

<sup>74</sup> Stephen J. Solarz, “When to Go In?”, [www.ndol.org/blueprint](http://www.ndol.org/blueprint).

someone must win and someone must lose, otherwise the war was simply be fought another day”.<sup>75</sup>

Adam Roberts in his article “The Road to Hell... A Critique of Humanitarian Intervention” enumerates problems and defects of humanitarian intervention as follows:<sup>76</sup>

- 1) Foreign military involvement in the name of humanitarianism is open to be abused because of the vagueness of its definition.
- 2) Intervention is a failure of prevention (as Kofi Annan argues), and it only provides a short-term solution. The complete absence of a serious long-term policy in respect to the target country brings up the question whether these interventions do really provide what is needed: security.
- 3) Demarcation line between the principle of non-intervention and humanitarian intervention should be drawn clearly. The phrase commonly used in literature “situations that shock the conscience of mankind” is not adequate to define the criteria for humanitarian intervention.
- 4) “Selectivity” or “double-standards” is another ground for doubt about the recent practice. Humanitarian intervention seems for the most part to be confined to cases in which there has been extensive television coverage, where there is some particular interest in intervention, and in which there is not likely to be dissent among powers or massive military opposition. In short, it may largely be confined to highly publicized situations of chaos and disintegration.
- 5) UN Security Council authorization regulates the practice of humanitarian intervention but also shifts the problem to the nature of the Security Council as an arena of the hegemony of the permanent members.
- 6) Another problem with recent UN practice involving elements of humanitarian intervention is that it is extremely hard to divine anything like a doctrine from so variegated a set of cases and approaches. There are plenty of references to exceptional circumstances, but no general defense of “humanitarian intervention”. In other words, Security Council does not want any case to be viewed as a precedent for future actions.

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<sup>75</sup> “Intervention: When and How”, p. 5.

<sup>76</sup> Adam Roberts, “The Road to Hell... A Critique of Humanitarian Intervention”, Harvard International Review, Vol. 16, Issue 1, Fall 1993, pp. 10-14.

## I.e. The United Nations and Humanitarian Intervention

As mentioned above, with the end of the Cold War demands for humanitarian intervention have increased and states turned to the United Nations to undertake humanitarian interventions.<sup>77</sup> The result has been a dramatically increased demand for UN action. An overburdened UN has had difficulties to meet the increasing demand. And, as a result, Weiss says, there emerged “a fantastic gap between the resolutions of the Security Council, the will to execute those resolutions, and the means available to commanders in the field”.<sup>78</sup>

Limited means and constraints preventing effective UN action made the Organization more “cautious”. Following the debacle in Somalia and failures in Bosnia, the UN decided that “great care is required before making commitments because, civil wars are a complicated terrain for the UN or anyone else.”<sup>79</sup> And, as mentioned before Rwanda is the first emergency to be affected from this cautious approach.

At present, the UN has no standing force of its own; instead it relies on its members to supply the appropriate forces when called upon to do so. The UN is thus dependent on the willingness of its members to supply military forces when requested, but it can not enforce such a request.<sup>80</sup> This fact should be considered while assessing success/failure of UN operations and criticizing it for “selective” nature of humanitarian intervention.

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<sup>77</sup> supra., pp. 15-16.

<sup>78</sup> Weiss, “UN and Civil Wars”, p. 129.

<sup>79</sup> *ibid.*, p. 141.

<sup>80</sup> Andrew M. Dorman and Thomas G. Otte (eds.), Military Intervention: From Gunboat Diplomacy to Humanitarian Intervention, Dartmouth: Aldershot, 1995, p. 163.

Because of its limited means and dependency on member states, the UN cannot intervene in every crisis that meets the above-mentioned criteria for justifiable humanitarian intervention, as in Rwanda. This answers the question, “why not in Rwanda?”; “why get involved in one country, while leaving others often in far worse condition, to the ravages of civil war and human rights violations?”. Among the reasons for “uneven response”, what determines the “selection” of the crises to intervene is “politics”.

Kofi Annan highlights four reasons for the uneven response of the international community, and the UN.<sup>81</sup> According to Annan, 1) “doubts about claims of national sovereignty and the attendant growth in human rights that occur unevenly around the world”, 2) “the unpredictable play of national interests, the uneven implementation of human-rights claims, the TV audience, and the valence of state sovereignty”, 3) “the limited powers of the UN, especially the threat of a Security Council veto, constraining a rapid response”, and 4) “the shortage of effective international mechanisms to remedy the civil strife that brings them about” will shape the response of the UN.<sup>82</sup>

To solve these problems and enable the UN to conduct humanitarian interventions effectively, the Organization should be given the necessary means. Otherwise, the complaints about “uneven” response will continue. If we compare the means available for “UN humanitarian intervention” with demands for action, we could see the limits of intervention.

The Charter confers upon the Security Council the “primary responsibility for the maintenance of international peace and security” (Chapter V, Article 24). To

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<sup>81</sup> “Intervention: When and How?”, EBSCOhost, pp. 2-3.

achieve this end, the Council is allowed to benefit from UN member states as well as regional organizations. Although the Charter does not expressly permit the Security Council to authorize enforcement actions by member states, the Council has derived such authority from its broad range of Chapter VII powers. In short, the main body able to take action in terms of humanitarian intervention is the UN Security Council.

In order to act under Chapter VII of the Charter, the Security Council's action must be premised on a formal determination of the existence of a threat to international peace and security. In case of genocide, 1948 Genocide Convention constitutes another basis for Security Council action. Article VIII of the Convention states that any contracting state "may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide."

Some academics like Sean D. Murphy ask whether the General Assembly could take an active role by recommending humanitarian intervention under the "Uniting for Peace Resolution". Stating that "the legality of the General Assembly issuing "recommendations" for humanitarian intervention by states, under such a resolution is by no means free from doubt", he argues it is not a viable option. But, he adds, this does not leave the General Assembly without a role. He says,

"As a general matter the General Assembly and its committees are more actively engaged in the consideration of human rights issues than is the Security Council. Through the General Assembly, it is possible for egregious situations of human rights deprivations to be placed to the global agenda and hence on the Security Council agenda. Further, if the Security Council is deadlocked on whether to authorize humanitarian intervention due to the recalcitrance of one or a few Security Council

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<sup>82</sup> *ibid.*

members, a widely supported General Assembly resolution recommending such action could tip the scales in favor of intervention”.<sup>83</sup>

The limited means available for the UN can be summarized as follows:

1. Article 43 of the UN Charter: Chapter VII envisages the negotiation of special agreements under Article 43, by which states commit to provide military forces and logistical support to the UN when called upon to do so. Conclusion of Article 43 agreements could allow for co-ordination and training of a multinational force in advance of a humanitarian crisis, along with resolution of command and control issues and rules of engagement. It could also facilitate burden sharing and planning.<sup>84</sup> But, since no such agreements exist, the UN has had to develop different means for conducting “humanitarian intervention”.

2. United Nations deploys forces under its own command for an enforcement action. In such operations, the forces are provided to the UN under *ad hoc* voluntary arrangements between the UN and several states, and are supported by voluntary financial contributions from states. Authors agree that most of the difficulties experienced in humanitarian interventions are attributable to the *ad hoc* nature of the deployment of the forces. Murphy argues,

“When the SC decides to deploy forces, they must be hastily recruited and often are of uneven quality... Further, forces from various countries rarely have had the opportunity to train with each other and often suffer logistical and linguistic difficulties in communicating among themselves and with the local population”.

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<sup>83</sup> Murphy, pp. 301-302.

<sup>84</sup> *ibid.*, pp. 306-307. The UN Security Council’s increasing reliance on burden-sharing merits examining, for it turns out to be one of the problems undermining the efficiency of the UN actions. Eric G. Berman, in his article, “The Security Council’s Increasing Reliance on Burden-Sharing: Collaboration or Abrogation?”, assesses instances in which this reliance on individual member states or groups of states has proven inappropriate. According to the article, such operations do not ensure that these forces possess the necessary resources, training or logistical capabilities. See, Eric G. Berman, “The Security Council’s Increasing Reliance on Burden Sharing: Collaboration or Abrogation”, *International Peacekeeping*, Vol. 4, No. 1, Spring 1998, pp. 1-21.

3. The UN Security Council authorizes states to deploy forces under their own command in support of its resolutions. This type of authorization was the nature of the French Operation Turquoise in June 1994. Security Council would also authorize “regional arrangements or agencies” to undertake peace operations under Chapter VIII, Article 52.

4. UN Peacekeeping: After the end of the Cold War peacekeeping operations have become “second-generation operations”, “new peacekeeping” or “multifunctional peacekeeping”, mixing together military, civil administration and humanitarian components. Simultaneously demands for humanitarian action increased, and “humanitarian interventions” have been undertaken in the context of peacekeeping operations, although intervention differs in key aspects from classical peacekeeping.<sup>85</sup> This led to a debate on whether UN peacekeeping is a suitable means to undertake humanitarian interventions or not.

Neither peacekeeping operations nor humanitarian intervention are explicitly envisaged in the UN Charter. Nevertheless, there is an appropriate mechanism within the framework of Chapter VI, “The Pacific Settlement of Disputes”. Specifically Peacekeeping operations are amongst the peaceful options under Article 33, which provides for “other peaceful means” in which the consent of the parties in conflict is the key issue. Operations that come under Article 42 in Chapter VII of the Charter, “Threats to the Peace, Breaches of the Peace and Acts of Aggression”, are enforcement actions and “humanitarian intervention” operations fall into this category.

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<sup>85</sup> David N. Gibbs, “Realpolitik and Humanitarian Intervention: The Case of Somalia”, International Politics, No. 37, March 2000, p. 42.

Some authors like Oliver Ramsbotham and Tom Woodhouse define “UN peacekeeping” as a form of “humanitarian intervention”, and call it “non-forcible military intervention”.<sup>86</sup> Bruce D. Jones is another author who categorize peacekeeping as “armed and pacific interventions”, a means of humanitarian intervention.<sup>87</sup> However, dominant views in the doctrine of “humanitarian intervention” state that “UN humanitarian intervention is not peacekeeping”.<sup>88</sup> Murphy explains the distinction between humanitarian intervention and peacekeeping, by contradicting the fundamental principles guiding them, as follows:<sup>89</sup>

“Peacekeeping operations are predicated on the consent of the host government; the forces deployed by the UN usually are small in number, lightly armed, and have limited rules of engagement. They seek not to alter conditions so much as to maintain a status quo, perhaps in order to allow for a peaceful transition to an orderly situation. By contrast, humanitarian intervention often requires the large-scale deployment of military forces capable of suppressing the regular or irregular forces of a country. Whether called “peacemaking”, “peace-enforcing” or “new peacekeeping”, what is necessary is essentially an armed invasion of a country to impose a change in conditions. Expectations about the requirements for, and the ease of, such a mission must be radically different from that of a peacekeeping operation.”

The conclusion that use of UN peacekeeping is not a suitable means to undertake humanitarian intervention, is a valid argument because deployment of a peacekeeping force (UNAMIR) is commonly accepted as one of the main reasons for

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<sup>86</sup> Oliver Ramsbotham and Tom Woodhouse, p. 125.

<sup>87</sup> B. D. Jones, p. 237.

<sup>88</sup> Thomas G. Weiss and Cindy Collins, Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help, Oxford: Westview Press, 1996, p. 33; William J. Durch, “Keeping the Peace: Politics and Lessons of the 1990s”, in William J. Durch (ed.), UN Peacekeeping. American Politics and the Uncivil Wars of the 1990s, London: Mac Millan Press, 1997, p.4; Naomi Weinberger, “How Peacekeeping Becomes Intervention: Lessons From the Lebanese Experience”, in M. J. Esman and S. Telhami (eds.), International Organizations and Ethnic Conflict, London: Cornell University Press, 1995, p. 148; “Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the UN”, UN Document, A/50/60, 3 January 1995, paragraph 34, quoted in Humanitarian Action in War, Adam Roberts, Adelphi Paper.305, p. 38.

<sup>89</sup> Murphy, p. 317.

the failure of the international community to prevent or stop the genocide in Rwanda. The Report of Independent Inquiry states that “the UNAMIR mission was a peacekeeping operation. It was not equipped, trained or staffed to conduct intervention operations. According to its rules of engagement it was not to fire until fired upon”.<sup>90</sup> And, certainly this limited mandate did not give enough power to the mission to stop the violence in Rwanda. As the situation deteriorated, UNAMIR commanders demanded a stronger mandate for the force and permission to take a more active and deterrent operations. However, the Secretariat maintained the interpretation of the mandate that “UNAMIR could only support the efforts of the gendarmerie”.<sup>91</sup>

In addition to the limited means available to the UN, there are a number of problems affecting intervention behavior:

*Consensus building problems faced by the international community:* There does seem to be convergence within the international community on the criteria for intervening in the case of gross human rights abuses, but the problem is one of agencies and modalities.

*Dependency on members' willingness:* As mentioned before, the means for UN intervention is limited, and the organization has no standing forces of its own. Instead it relies on its members to supply the appropriate forces. In Rwanda case, Belgium's abrupt withdrawal from UNAMIR I and the delay in the deployment of

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<sup>90</sup> Independent Inquiry, “Report of the Independent Inquiry Into the Actions of the United Nations During the 1994 Genocide in Rwanda”, 15 December 1999, [http://www.un.org/News/ossg/rwanda\\_report.htm](http://www.un.org/News/ossg/rwanda_report.htm), p.

<sup>91</sup> *ibid.*, p. 9.

UNAMIR II<sup>92</sup> illustrates how much UN security activities depend on the willingness of member states to provide the necessary forces. Murphy summarizes “When it comes to intervention the UN is mostly the sum of its parts”<sup>93</sup>

*Reluctance to intervene:* Domestic political constraints are very palpable throughout the West, where recessionary and budgetary requirements directly clash with the need for outside help in what seems like a never-ending series of crises around the world.<sup>94</sup> This reluctance emerges when “intervention dilemma” outweighs in the decision-making process.

*The US’ role:* American support (political, financial and military) to UN operations has been important for their success. The US also influences other states’ attitudes toward crises and new missions. It pays the largest single share of UN peacekeeping expenses, and its military logistic capabilities are often essential for the success of the UN operations. Therefore, when the US does not support an intervention, this undermines the success of the operation.<sup>95</sup>

Weiss emphasized the importance of the US role as follows: “...its leadership is still the sine qua non of meaningful UN actions, particularly those involving significant military forces.... as has become obvious in Somalia, Haiti, Bosnia and now Rwanda, if the United States does not participate in the toughest assignments, few others will”.<sup>96</sup> Lack of US leadership was one of the reasons for failure in Rwanda. “Somalia syndrome” showed its impact through famous presidential

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<sup>92</sup> The UN was unable to deploy its force in a timely manner, because the only member states willing to provide troops for the mission did not offer troops who were properly equipped or trained. When UNAMIR II was finally deployed, the war was over and the killing had largely stopped.

<sup>93</sup> S.D. Murphy, p. 311.

<sup>94</sup> T. Weiss, “UN and Civil Wars”, p. 140

<sup>95</sup> William J. Durch, “Keeping the Peace: Politics and Lessons of the 1990s”, in William J. Durch (ed.), UN Peacekeeping, American Politics and the Uncivil Wars of the 1990s, London: Mac Millan Press, 1997, p. 10.

declaration: PDD-25,<sup>97</sup> which puts strict limitations on US participation and contributions to the UN peace operations, and operations in Rwanda.

*Co-ordination problems:* “Complex emergencies” such as Rwanda require the coordination of the work of organizations like UNHCR, UNDP, WHO and FAO. Within the UN, NGOs and military institutions, there are wide ranges of conflicting and contradictory perspectives on problems and solutions and a multiplicity of functional units.<sup>98</sup>

*Financial problems:* In addition to members’ reluctance, it is getting more and more difficult to provide adequate funding for these costly operations. Following figures show how dramatically “the reluctance to intervene”, especially after the intervention in Somalia, affected the funding of the operations. Adam Roberts explains the financial crisis as follows:

“Humanitarian budgets” of the international agencies and NGOs reached an unprecedentedly high level in the early 1990s. There was a peak in 1993, followed by a slight decline. “The overall budget of UNHCR reached US\$1,307 million in 1993, dropping to \$1,166 million in 1994 and \$1,140 million in 1995. Similarly, the overall budget of ICRC increased from under 400 million Swiss francs (SFr) in each of the years 1986-1988 to SFr 811 million in 1993; since then it has declined to SFr 794 million in 1994, and SFr 641 million in 1995”.<sup>99</sup>

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<sup>96</sup> T. Weiss, “UN and Civil Wars”, p. 139.

<sup>97</sup> Clinton’s Presidential Declaration PDD-25 was signed in 1994, after the debacle in Somalia and criticisms against military operations in Haiti and Bosnia. PDD-25 spelled out strict guidelines to be considered before the US agreed to participate in any operation: its impact on US interests, the availability of troops and funds, the necessity for US participation, congressional approval, a clear date for US withdrawal, and appropriate command and control arrangements. Moreover, Washington would not approve a new UN operation, with or without the US soldiers, unless other restrictive criteria were satisfied. The crisis had to represent a threat to international peace and security (specifically including starvation among civilians), gross abuses of human rights, or a violent overthrow of a democratically elected government. Any proposed intervention had to lay out clear objectives, the availability of troops and funding, and, most important, consent of the parties and a realistic exit strategy. *ibid.*, pp. 139-140.

<sup>98</sup> Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, “The International Response to Conflict and Genocide: Lessons from Rwanda Experience”, Book 5, Chapter 3, Humanitarian Aid and Effects, p. 6, 8.

<sup>99</sup> A. Roberts, *Humanitarian Action in War*, p. 17.

Murphy summarized the problems of the UN, in terms of “humanitarian intervention” as follows:<sup>100</sup>

“The Security Council... the vehicle for authorizing such interventions, has little experience with the management of such crises. It is reliant on a few major powers for the economic and military support that is needed to accomplish large-scale interventions. The domination of those powers raises serious questions about the legitimacy of the process by which the Security Council authorizes humanitarian intervention.”

These problems constitute serious difficulties preventing effective and timely action by the UN to address humanitarian crises. Thus, “selective” nature of UN interventions and their success/failure should be assessed within the limits set by these problems. All the above-mentioned problems played a role in Rwanda case. Reluctance to intervene, lack of US leadership, inadequate resources, UN’s dependency on its members, financial crises in the overburdened UN, co-ordination problems, and “inadequate mandate” of the UNAMIR, together explain the failure in Rwanda in general terms. It is however impossible to fully understand the shortcomings of the UN operations in Rwanda without examining the peculiarities of the specific case.

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<sup>100</sup> S. D. Murphy, p. 3.

## CHAPTER II

### HISTORY OF THE RWANDA CRISIS

#### II.a. History of the Ethnic Conflict:

Rwanda is the smallest African country south of the Sahara (just under 25,000 square kilometers). With a population that was close to 7.5 million before the genocide and about 6.5 million after it, including approximately 1.5 million refugees (most of whom were repatriated from Zaire- now Democratic Republic of Congo- Tanzania and Burundi) it remains one of the most densely populated countries in the continent (over 250 people per square kilometer).<sup>1</sup> Because 90 per cent the workforce is in agriculture, the competition for land has always been intense.<sup>2</sup> And, to many observers, the lack of available land contributed to the political tensions that led to genocide.<sup>3</sup>

The population of Rwanda consists of three ethnic groups: Hutu (on the eve of the genocide, 84 % of the population), Tutsi (15 %), and Twa (1 %).<sup>4</sup> This ethnic division is a social and political reality, but the genocide in Rwanda is not “a simple case of tribal or ethnic conflict”.<sup>5</sup> These three ethnic groups share a single language

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<sup>1</sup> Christopher C. Taylor, Sacrifice as Terror: The Rwandan Genocide of 1994, Oxford: Berg, 1999, p. 35, See Map 1, *infra.*, p. 146.

<sup>2</sup> J. Matthew Vaccaro, “The Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda”, in William J. Durch (ed.), UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s, London: Macmillan Press, p. 369.

<sup>3</sup> C. Taylor, p. 35.

<sup>4</sup> Human Rights Watch Report, “Leave None to Tell the Story: Genocide in Rwanda”, March 1999, [www.hrw.org](http://www.hrw.org)

<sup>5</sup> Francis K. Abiew, The Evolution of the Doctrine and Practice of Humanitarian Intervention, The Hague: Kluwer Law International, 1999, p. 189.

(Kinyarwanda) and culture, and are not regionally concentrated in specific areas.<sup>6</sup> This ethnic division does not coincide with a religious division either; majority of the population is Christian.<sup>7</sup> Hutus and Tutsis did not have a mutual hatred for each other.<sup>8</sup> There is no documentation of any significant armed conflict between them of the same magnitude as that of the post-colonial period.<sup>9</sup> It is commonly accepted that the root causes of the “ethnic hatred” originate from the ethnic favoritism toward the Tutsi exhibited first by German and then Belgian colonizers, as a means of “divide and rule” policy.<sup>10</sup> According to Weiss, “decades of European colonialism reinforced the social bases of differences in society to such an extent that a persuasive case can be made for its transformation”.<sup>11</sup>

History of the ethnic conflict in Rwanda shows that the reality of “imagined communities” has concrete consequences. Human Rights Watch explains these consequences very well:

“Hutu killed Tutsi, because of a common fear rooted in firmly held but mistaken ideas of the Rwandan past. Organizers of the genocide, who had themselves grown up with these distortions of history, skillfully exploited misconceptions about who the Tutsi were, where they had come from, and what they had done in the past. From these elements, they fueled the fear and hatred that made genocide imaginable.”<sup>12</sup>

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<sup>6</sup> C. Taylor, p. 40. Kinyarwanda is the official language, spoken by majority of Rwandans. French, English, Swahili and Bantu are also used in official centers. See, World Factbook Online, [www.yahoo.com/reference/factbook/rw](http://www.yahoo.com/reference/factbook/rw).

<sup>7</sup> According to current data, 65 % of the population is Roman Catholic, 9 % is Protestant, 1 % is Muslim, and 25 % is of indigenous beliefs and others, [www.yahoo.com/reference/factbook/rw](http://www.yahoo.com/reference/factbook/rw). C. Taylor says about 10 to 12 % of the pre-genocide population was Muslim, p. 37. It means that majority of the Tutsis who lost their lives in the 1994 genocide was Muslim. But there are no indication and claim that the killings were religion-based.

<sup>8</sup> Abiew, p. 190.

<sup>9</sup> Thomas G. Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, Oxford: Rowman&Littlefield Publishers, 1999, p. 139.

<sup>10</sup> *ibid.*, Bruce D. Jones, “Intervention without Borders: Humanitarian Intervention in Rwanda 1990-1994”, *Millennium: Journal of International Studies*, Vol. 24, No. 2, 1995, pp. 226-227, F. K. Abiew, p. 190.

<sup>11</sup> T. Weiss, *Military-Civilian Interactions*, p. 139.

<sup>12</sup> HRW Report, History, p. 1.

Therefore, in order to understand how such genocide could take place we must begin with history of ethnic conflict.

### II.a.1. The Meaning of “Hutu”, “Tutsi” and “Twa:

It is important to examine how this “ethnic hatred” killing approximately one million people in three months emerged. What was the real meaning of the words “Hutu”, “Tutsi” and “Twa”? In what ways and for what reasons has this meaning changed and resulted in genocide? Answers imply that politicians used, actually “created” this “ethnic hatred” to distract the people’s attention and save their position in times of political crises.

In early times, as now, most people in the region were cultivators who also raised small stock and occasionally a few cattle. A far smaller number of people depended on large herds of cattle for their livelihood.<sup>13</sup> And the words, “Hutu”, “Tutsi” and “Twa” used to indicate social status of individuals, rather than their “ethnic identity”. The word “Tutsi” which apparently first described a person rich in the cattle, became a term that referred to the elite group as a whole, and the word “Hutu”- meaning originally a subordinate or follower of a more powerful person- came to refer to the mass of ordinary people. The word “Twa” referred to forest dwellers who lived by hunting.<sup>14</sup>

In short, in pre-colonial and early colonial times, a high degree of economic specialization characterized the groups. The boundary between Hutu, Tutsi and Twa was flexible and permeable at that time, and intermarriages were commonplace.<sup>15</sup>

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<sup>13</sup> *ibid.*, pp. 1-5.

<sup>14</sup> *ibid.*

<sup>15</sup> Vaccaro, p. 369.

But with the colonial rule both the meaning and the flexible character of this classification changed.<sup>16</sup>

Germany controlled Ruanda-Urundi (Rwanda and Burundi) during the period of 1899-1916, ended with the loss of the colonies at the end of the First World War. Germans decided to administer the country indirectly, through the “elite” Tutsi, and began to favor Tutsi over Hutu and Twa.<sup>17</sup> Then the League of Nations awarded a mandate over Ruanda-Urundi to Belgium. Belgium (1916-1961) “developed” the system of “indirect rule” by some regulations in the name of administrative efficiency.<sup>18</sup> It decided to limit administrative posts and higher education to the Tutsi, and in order to determine exactly who Tutsi was it began to register everyone, noting their group affiliation in writing, once and for all. All Rwandans born subsequently would also be registered as Tutsi, Hutu or Twa at the time of their birth. The system was put into effect in the 1930s, with each Rwandan asked to declare his group identity. Some 15 per cent of the population declared themselves Tutsi, approximately 84 per cent said they were Hutu, and the remaining 1 per cent said they were Twa.<sup>19</sup>

The recording of the “ethnic” groups in written form enhanced their importance and changed their character; they were no longer flexible.<sup>20</sup> Any social mobility of earlier times ended as Hutu were largely denied access to education and other opportunities. Under colonial rule, virtually the only people to gain wealth

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<sup>16</sup> C. Taylor, pp. 39-40.

<sup>17</sup> *ibid.*, p. 41.

<sup>18</sup> *ibid.*

<sup>19</sup> HRW Report, History, p. 5.

<sup>20</sup> *ibid.*, and Vaccaro, p. 369.

were Tutsi.<sup>21</sup> These circumstances entrenched ethnicity into the political and social culture.

Europeans developed a theologically inspired “Hamitic” theory in order to justify their domination and “indirect rule”, favoring Tutsi over Hutu and Bantu.

According to this theory

“Hamite Tutsi were responsible for bringing the rudiments of civilization to the region. Tutsi were presumed to be the remnants of a lost tribe of Israel, the descendants of Ham-Noah’s son, banished to the south of the Promised Land. Following this hypothesis descendants of Ham, being Caucasian, had an easy time conquering the less intelligent Negroid peoples that they encountered in their inexorable move southward. As they move southward the Hamites supposedly became darker skinned, although they did not lose all their Caucasian attributes....The Hamitic Tutsi, whose Caspian affinities naturally predisposed them to rule were superior to the Bantu Hutu whose stocky physiques naturally predisposed them to hard work and the pogmoid Twa who as an atavistic throwback to the ape were a pariah race destined to disappear.”<sup>22</sup>

This theory was disseminated through schools and seminaries, and was accepted by Hutu, who stood to suffer from it, as well as by the Tutsi who were bound to profit from it.

## II.a.2. “Hutu Revolution”:

Belgium continued to support the Tutsi until the 1950s. Then faced with the end of colonial rule and with the pressure from the United Nations, which supervised the administration of Rwanda under the trusteeship system, the colonial administrators began to increase possibilities for Hutu to participate in public life;<sup>23</sup>

“they named several Hutu to responsible positions in the administration, they began

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<sup>21</sup> Vaccaro, p. 369.

<sup>22</sup> C. Taylor, p. 39; see also, HRW Report, History, p. 4; T. Weiss, Military-Civilian Interactions, pp. 139-140; Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, Coercive Inducement and the Containment of International Crises, Washington DC.: US Institute of Peace Press, 1999, p. 113.

<sup>23</sup> HRW Report, History, p. 5.

to admit more Hutu into schools and they conducted limited elections for advisory government councils”.<sup>24</sup> These changes were enough to frighten the Tutsi, yet not enough to satisfy the Hutu. In their struggle for power Hutus formed their own party, the Parmehutu (Parti du mouvement de l’émancipation des Bahutu). Members of the Tutsi elite too organized themselves with the Union Nationale Rwandaise (UNAR).<sup>25</sup> Although some attempt was made to form a multi-ethnic political party, the situation between the ethnic groups was so polarized that the party attracted few supporters.<sup>26</sup>

Violence between Hutu and Tutsi political groups broke out in 1959, when several Tutsi assaulted a Hutu sub-chief. This provoked reprisals on the part of the Hutu against UNAR.<sup>27</sup> Soon, generalized attacks against Tutsi civilians spread to other parts of the country; thousands of Tutsi were killed and tens of thousands fled to safety in neighboring countries. In order to restore order, the Belgian administration replaced half the Tutsi local authorities by Hutu.<sup>28</sup> With the help of these local administrators, the Parmehutu won the UN sponsored elections in 1961. Belgian mandate was terminated and Rwanda became independent in 1962. The Tutsi king fled the country and the first Hutu president of Rwanda, Gregorie Kayibanda, assumed power; these events became known as the “Hutu Revolution”.<sup>29</sup> The new government continued labeling all Rwandans as Hutu, Tutsi and Twa, but the identity cards which had once served to guarantee privilege to Tutsi now served as a means to discriminate against them, both in employment and education.<sup>30</sup>

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<sup>24</sup> *ibid.*

<sup>25</sup> Taylor, p. 44.

<sup>26</sup> *ibid.*

<sup>27</sup> Vaccaro, p. 369.

<sup>28</sup> HRW Report, History, p. 6.

<sup>29</sup> *ibid.*

<sup>30</sup> *ibid.*

Following the “Hutu Revolution”, armed Tutsi refugee groups (called “inyenzi” or “cockroaches” by Hutu authorities) organized raids into Rwanda from just beyond the border in Burundi, Tanzania or Zaire. Each raid provoked reprisal violence against Tutsi still resident in Rwanda; they were accused of having aided the invaders (being “ibyitso”) -the same kind of charges often repeated during the genocide in 1994. Hutu leaders used these attacks to bolster the sense of Hutu solidarity, by exploiting the fear of “inyenzi” for their political ends.<sup>31</sup> According to Human Rights Watch,

“From these attacks they crafted the myth of the Hutu revolution as a long and courageous struggle against ruthless forces of repression. For them, the battle had been legitimate as well as brave: the Hutu, as the “great majority”, the “rubanda nyamwinshi”, had the right to rule over the minority. In their eyes, the ethnic majority was necessarily the same as the democratic majority”.<sup>32</sup>

In the early 1970s when Kayibanda began to face with increasing criticism of the regime and charges that he favored southern over northern Hutus (he was from the south) he used the anti-Tutsi propaganda again.<sup>33</sup> His regime accused Tutsi of holding a disproportionate number of jobs in schools, private sector, and Rwandan Catholic Church hierarchy, and many Tutsi were fired and harassed.<sup>34</sup> But, this did not help him to keep in power. The campaign of intimidation and assaults on Tutsi in early 1973 turned into a panic; once again thousands streamed across the borders. Seizing the opportunity, Kayibanda’s Defense Minister Juvenal Habyarimana took control of the country in a “*bloodless*” *coup detat*.<sup>35</sup>

### II.a.3. Habyarimana in Control:

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<sup>31</sup> C. Taylor, p. 45.

<sup>32</sup> HRW, History, p. 6.

<sup>33</sup> Thomas G. Weiss, p. 140.

<sup>34</sup> C. Taylor, p. 45.

<sup>35</sup> Thomas G. Weiss, Military-Civilian Interactions, p. 140.

Two years after the coup, in 1975, Habyarimana made Rwanda officially a single-party state under the National Revolutionary Movement for Development (Mouvement Révolutionnaire National pour le Développement, MRND). Over the years, he constructed a cohesive monolith, with himself as president of the republic and president of the party. His monolithic power is documented by Human Rights Watch as follows.<sup>36</sup>

“As the head of the army, Habyarimana had the allegiance of some 7,000 troops of the Rwandan Armed Forces (Forces Armées Rwandaises-FAR), about 1,200 of whom were part of the National Police (Gendarmerie). He was loyally supported especially by the elite units, made up largely of men from his home region: the Presidential Guard, estimated at between 1,000 and 1,300 troops, the paracommandos and the reconnaissance troops... He also enjoyed active support from heads of the parastatal corporations that controlled public services like gas, water and electricity, or bus transport, as well as intellectual elite... He benefited enormously from the support of the hierarchy of the Catholic Church, which constituted 62 per cent of Rwandans among its adherents... One more link strengthened the connections from top to bottom of this highly structured system was the “*akazu*” or “little house” which refers to a special circle within the larger network of personal connections that worked to support Habyarimana. It was composed mostly of the people of Habyarimana’s home region, with Madame Habyarimana and her relatives playing a major role.”

Habyarimana formed a system of “intensive administration”. Rwanda was divided into eleven prefectures. Below them were communes and sectors. The aim of this intensive administration was control and mobilization. The control was implemented by a high ratio of officials to ordinary people and by regulations governing population registration and movement. The Habyarimana government required people moving from one location to another to register with the local authorities.<sup>37</sup>

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<sup>36</sup> HRW Report, History, pp. 8-10.

<sup>37</sup> *ibid.*, pp. 7-8.

Habyarimana also put in place a system of “regional and ethnic equilibrium”, in other words “ethnic quotas” for jobs and educational opportunities.<sup>38</sup> According to this policy, “each sector of the population was to receive a share of jobs, school placements, directorships and so forth, according to its proportion of the population”, and according to that policy “allotted portion” of the Tutsi was 9 per cent (but, Tutsi were never given their full allotted portion).<sup>39</sup>

Despite the increasing polarization of Hutus, Tutsis and Twas, there was a relative stalemate until the late 1980s; Habyarimana regime enjoyed a favored image among Western governments and donors.<sup>40</sup> With such help, the government constructed an impressive infrastructure, particularly roads and telephone and electric service. For the first decade, the economy did better than others in the same region, with a net increase in gross national product.<sup>41</sup>

But, the Rwandan economy was more vulnerable than it seemed. It was weak because of its “monoculture” character dependent on world coffee prices. The fact that, “high population growth rate assured that any economic growth would be rapidly absorbed by additional mouths to feed” added to the problem.<sup>42</sup> In 1983, coffee prices dropped sharply on the international market, and this, along with massive devaluation, dramatically worsened Rwanda’s debt. Furthermore, the return of a number of refugees from Uganda and Burundi increased the pressure on local resources and land. Rwanda’s gross domestic product (GDP) declined by 30 per cent and production by 33 per cent between 1990 and 1993.<sup>43</sup> Because of increasing

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<sup>38</sup> F. K. Abiew, p. 191.

<sup>39</sup> Taylor, p. 45.

<sup>40</sup> Weiss, p. 141.

<sup>41</sup> HRW Report, History, p. 9.

<sup>42</sup> Taylor, pp. 46-47.

<sup>43</sup> Weiss, p. 141.

corruption and favoritism on the part of the Habyarimana and his inner circle, political leaders, intellectuals and journalists began demanding reforms.

In the face of these social and economic difficulties, Habyarimana regime resorted to anti-Tutsi propaganda, as Kayibanda did, to maintain his authoritarian grip.<sup>44</sup> And, “the RPF attack” gave him the chance to reanimate popular resentment against Tutsi through such propaganda. As Weiss puts it: “Whatever the value of arguments about ethnic differences, they were effective tools of political struggle for control of resources and power.”<sup>45</sup> Vaccaro explains the role of anti-Tutsi propaganda, which boosts “ethnic hatred” as follows:

“During the Hutu revolt and the period of Hutu rule, the Tutsi were blamed for almost all problems the country faced. Such scapegoating flared into ethnic massacres from time to time: notable incidents occurred in 1963, 1966, 1973, and 1990 through 1993. With each spate of violence more Tutsi flared Rwanda. In 1992, ...about half of the Tutsi population was in exile...”<sup>46</sup>

## II.b. Evolution of the Crisis:

When the above-mentioned economic and social problems coincided with political manipulation and propaganda inciting social polarization and ethnic hatred, the situation in Rwanda turned to a humanitarian crisis, then genocide. The RPF attack firing a civil war and the assassination of the Rwandan President Habyarimana starting the genocide were turning points in the evolution of the crisis.

### II.b.1. The RPF Attack:

Tutsi exiles who sought refuge in Uganda after the Hutu overthrew the Tutsi rule following independence, formed a revolutionary group called the Rwandan

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<sup>44</sup> *ibid.*, p. 140.

<sup>45</sup> *ibid.*

<sup>46</sup> Vaccaro, p. 370.

Alliance for National Unity in 1979.<sup>47</sup> In 1986, its name was changed to the Rwandan Patriotic Front (RPF). Its demands included the return of all Rwandan refugees and the formation of a government that would promote ethnic reconciliation.<sup>48</sup> The group also consisted of some Hutus who opposed the ruling party in Rwanda, and some moderate Hutus.

The militarization of the RPF was accelerated by events during the civil war in Uganda; RPF had joined forces with Yoweri Museveni in his fight to overthrow the Ugandan dictator Milton Obote. It learned guerilla tactics and gained military experience as well as Museveni's support.<sup>49</sup> In 1990, 4.000 Tutsi who were serving in the army of Uganda formed the Rwandan Patriotic Army as a military wing of the RPF. Together with 3.000 other exiles, they invaded Rwanda on 1 October 1990.<sup>50</sup>

This attack had a two-fold impact. On the one hand, the Habyarimana government, which was close to collapse, found the opportunity to rebuilt his eroding base of power. After the initial RPF success, France, Belgium and Zaire sent military aid and troops to assist the Habyarimana government.<sup>51</sup> With the help of the foreign troops, Rwandan soldiers drove the RPF back towards the Ugandan border. As a result of the crisis, the great majority of the opponents came to the support of the government, against the "*inyenzi*", the "enemy".<sup>52</sup> By accusing the Tutsi inside the country, of being "accomplices" (*ibitso*) of the invaders, he reverted to the tactics of the 1960s. But this time, definition of "*ibitso*" also included Hutu opponents.<sup>53</sup>

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<sup>47</sup> *ibid.*

<sup>48</sup> Abiew, p. 191.

<sup>49</sup> Taylor, p. 47.

<sup>50</sup> Vaccaro, p. 370.

<sup>51</sup> Weiss, p. 142.

<sup>52</sup> HRW, History, p. 11.

<sup>53</sup> *ibid.*, p. 12.

On the other hand, knowing of RPF pressure on the regime, its opponents were encouraged to demand more rapid changes.<sup>54</sup> The Rwandan human rights movement established various organizations like the Rwandan Association for the Defense of Human Rights and Public Liberties. These organizations quickly began insisting on reforms necessary to permit full enjoyment of civil and political rights. Opponents began to organize opposition parties.<sup>55</sup> The International Monetary Fund, the World Bank and donor nations, too, urged Habyarimana to do democratic reforms and find a solution to the problems.<sup>56</sup> All these pressures made him obliged to accept the constitutional amendment that made multiple political parties legal. Opponent parties:<sup>57</sup> the Democratic Republican Movement (Mouvement Démocratique Républicain, MDR), Social Democratic Party (Parti Social Démocrate, PSD), Liberal Party (Parti Libéral, PL) and the Democratic Christian Party (Parti Démocrate Chrétien, PDC) were formed.

Habyarimana enacted a series of power-sharing agreements and agreed to incorporate the major opposition parties in a coalition government, which took office in April 1992.<sup>58</sup> The five-party government did not include the RPF, but it signed a series of cease-fires with the RPF, none of which lasted long.<sup>59</sup> The first was signed on 26 October 1990 in Gbadolite, Zaire, another cease-fire agreement was signed on 29 March 1991 in N'sele, Zaire, but repeated violations caused it to be amended on 16 September 1991 at a meeting in Gbadolite and again in 12 July 1992 at a meeting in Arusha.<sup>60</sup>

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<sup>54</sup> Weiss, p. 142.

<sup>55</sup> HRW, History, p. 10.

<sup>56</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, *Coercive Inducement*, p. 115.

<sup>57</sup> *ibid.*, p. 13.

<sup>58</sup> Weiss, p. 142.

<sup>59</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, p. 116.

<sup>60</sup> *ibid.*

The final agreement, which was reached with the assistance of international mediation sponsored by the Organization of African Unity (OAU), outlined the creation of a buffer zone between the RPF-held territory and the rest of Rwanda, and the establishment of a peacekeeping observer mission.<sup>61</sup> At the request of both the Rwandan government and the RPF, the OAU established the Neutral Military Observer Group (NMOG, later termed NMOG-I) in July 1992 to observe and verify the compliance with the cease-fire agreement. NMOG consisted of forty military officers, ten each from Mali, Nigeria, Senegal and Zimbabwe plus five officers each from the FAR (Rwandan Government Army) and RPF.<sup>62</sup> The OAU observers were stationed in northern Rwanda along the cease-fire line between the rival armies.

This change in Habyarimana's position caused resentment among extremist Hutus in the government. And this resentment strengthened extremist Hutu groups, the most serious being the Coalition pour la Defence de la Republique (CDR) and eventually the "akazu" (little house).<sup>63</sup> By 1992, the MRND (Habyarimana's party) and the CDR had each formed its own armed militia. The MRND's was known as the "interahamwe" (those who work together), and the CDR's was known as "impuzamugambi" (those with a single purpose).<sup>64</sup> The opposition parties, too, organized their youth wings, which increasingly engaged in violence against rivals. But, these were not so strong as the militia of MRND and CDR. Because, the latter were more numerous and better organized than the youth of other parties.<sup>65</sup> Besides they received military training from regular soldiers beginning in 1992. This

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<sup>61</sup> Vaccaro, p. 370.

<sup>62</sup> The UN, The United Nations and Rwanda 1993-1996, Blue Book Series, Volume X, New York: Department of Public Information, 1996, p. 18, see "The N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 September 1991 and at Arusha, 12 July 1992", Articles 1-4, in The United Nations and Rwanda 1993-1996, pp. 172-174.

<sup>63</sup> Weiss, p. 142.

<sup>64</sup> *ibid.*

militarization and the “kubohoza” (to help liberate); the fact that violence was accepted as a “normal” attitude in the pursuit of political ends, set the scene for genocide.<sup>66</sup>

## II.b.2 Beginning of the UN Involvement:

On 8 February, the RPF initiated an incursion into the buffer zone established by the 12 July agreement. Following the attack, both the government of Rwanda and the government of Uganda wrote separately to the President of the Security Council on 22 February and requested the United Nations deploy an observer mission along their 150 kilometer common border.<sup>67</sup> The government of Uganda aimed at forestalling any spread of the military conflict within Rwanda into the territory of Uganda, as well as forestalling any accusations against Uganda of supporting RPF.<sup>68</sup> In its letter, the Government of Rwanda called for observers to be deployed specifically to prevent any military assistance to the RPF from Ugandan territory.<sup>69</sup>

In response, the Secretary General dispatched a technical mission to Rwanda and Uganda. As the UN mission was gathering facts, the Rwanda government and the RPF met in Dar es Salaam, Tanzania, and agreed to reinstate the cease-fire beginning 9 March. Peace talks resumed on 16 March in Arusha and continued into June.<sup>70</sup> The Security Council in its resolution 812 (1993) of 12 March, welcomed this

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<sup>65</sup> HRW Report, History, p. 15.

<sup>66</sup> *ibid.*, p. 16.

<sup>67</sup> The UN, The United Nations and Rwanda 1993-1996, p. 18.

<sup>68</sup> *ibid.*, see “Letter dated 22 February 1993 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, requesting establishment of a United Nations observer force on the Uganda side of the border with Rwanda”, S/25356, in The United Nations and Rwanda 1993-1996, pp. 151-152.

<sup>69</sup> “Letter dated 28 February 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, requesting circulation of this letter of 22 February 1993 requesting deployment of United Nations military observers to the Rwanda-Uganda border”, in United Nations and Rwanda 1993-1996, p. 152.

<sup>70</sup> The UN, The Blue Helmets. A Review of United Nations Peacekeeping, Third Edition, New York: UN Department of Public Information, p. 341.

development and called upon the two sides to respect the cease-fire and to allow the delivery of humanitarian supplies.<sup>71</sup> The technical mission reported that it would be possible to deploy UN military observers to monitor the border between Rwanda and Uganda. But, the RPF, which controlled about four-fifths of the border, informed the mission that it was “opposed to the deployment of the observers on the Rwandan side of the border, but did not object to a deployment on Ugandan territory”, therefore, military observers had to be deployed on the Ugandan side of the border.<sup>72</sup>

On 22 June 1993, the Security Council, by its resolution 846 (1993), authorized the establishment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) on the Uganda side of the common border, for an initial period of six months, subject to review every six months.

### II.b.3. Arusha Peace Agreement:

The peace process was not smooth; the MRND and CDR supporters killed dozens of Tutsi and members of opposition parties in the Kibuye massacre, and, a military memorandum defining the “enemy” was disseminated by the high command of the Rwandan Army.<sup>73</sup> The Memorandum divided the “enemy” into two categories: the principal enemy was “the Tutsi inside or outside the country, extremist and nostalgic for power, who have never recognized and will never recognize the realities of the 1959 Revolution and who wish to reconquer power by all means necessary, including arms”.<sup>74</sup> Partisans of the “enemy”-moderate Hutus and Hutus dissatisfied with the regime in power- were the second category.<sup>75</sup> The MRND and CDR

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<sup>71</sup> *The UN and Rwanda 1993-1996*, p. 18.

<sup>72</sup> Daniel, Hayes and Oudraat, p. 117.

<sup>73</sup> HRW Report, History, p. 18.

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*, p. 19.

mobilized their followers in the streets to protest the agreement and disrupt the peace process. In spite of these negative developments, pressure from international community resulted in the signing of Arusha Peace Agreement.<sup>76</sup> On 4 August 1993, General Habyarimana and Colonel Alexis Kanyarengwe, chairman of the RPF signed a comprehensive peace accord in Arusha, Tanzania.

The Arusha Peace Accord entailed the creation of a transitional government in which 5 of 22 ministers would be allocated to the RPF; the establishment of a commission to oversee the return of refugees to Rwanda and ensure their security; the formation of an integrated army with 50 per cent of the high command and 40 per cent of the troops coming from the RPF and the remainder from the FAR (Rwandan Government Forces); and the organization of new parliamentary elections in 1995. Furthermore the accords included a request for a Neutral International Force (NIF) to facilitate the implementation of the agreement. A timetable indicating when each of the prescribed reforms was to take place was written into the accord.<sup>77</sup> The agreement also provided for the integration of NMOG into the new international monitoring force. In early August 1993, NMOG I was replaced by an expanded NMOG II force composed of some 130 personnel to operate as an interim measure pending the deployment of the neutral international force.<sup>78</sup>

The Arusha agreement called upon the UN to play a major support role during the 22-month transitional period, beginning with the installation of a broad-based transitional government and ending with the holding of national elections.<sup>79</sup> UN sent a reconnaissance mission to Rwanda on 19 August 1993, and on the basis of

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<sup>76</sup> Abiew, p. 192.

<sup>77</sup> Vaccaro, p. 371, see "The Arusha Peace Agreement Between the Government of Rwanda and the Rwandese Patriotic Front (RPF)", in The UN and Rwanda 1993-1996, pp. 170-172.

<sup>78</sup> The Blue Helmets, p. 343.

mission's findings the Secretary General recommended the Security Council the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR), with the mandate of "contributing to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional government".<sup>80</sup> UNAMIR was established on 5 October by Security Council resolution 872 (1993) for an initial period of six months. The Council then authorized the Secretary General to deploy the first contingent to Kigali.<sup>81</sup>

This agreement offered a prospect for peace, but it also encountered strong opposition from Hutu extremists who feared an end to their privileged status in Rwandan society. "Therefore", Murphy argues, "the peace process was orphaned from the outset".<sup>82</sup> Vaccaro, mentions "weak political support for reconciliation within Rwanda" as one of the main reasons for the failure of the peace process.<sup>83</sup> He states that,

"only the RPF and its supporters wanted to implement the original Arusha Peace Agreement, which was designed to bring the RPF into the government....The second group key to events in Rwanda consists of extremists within the ruling clique who wanted to stay in power despite the accords....Clearly, the extremist groups were working against the peace process".<sup>84</sup>

As a result, the transitional government called for in the accord was never established, Implementation of the accord had faltered badly by late March. Tensions were increased by the use of hate radio by Hutu extremists. Just after the accord was signed the CDR party instituted a propaganda campaign.<sup>85</sup> Progress to peace was

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<sup>79</sup> The UN and Rwanda 1993-1996, p. 23.

<sup>80</sup> The Blue Helmets, p. 343.

<sup>81</sup> *ibid.*, p. 344.

<sup>82</sup> S.D. Murphy, Humanitarian Intervention: The United Nations in an Evolving World Order, Philadelphia: University of Pennsylvania Press, 1996, p.256.

<sup>83</sup> Vaccaro, p. 373.

<sup>84</sup> *ibid.*, p. 374.

<sup>85</sup> Vaccaro, p. 372.

“one step forward and two steps back”.<sup>86</sup> The turning point was the assassination of President Habyarimana in April 1994. It was the beginning of genocide.

On 6 April 1994, Rwanda’s “moderate” Hutu president, Habyarimana was killed in a plane crash outside the Rwandan capital, Kigali.<sup>87</sup> His plane was hit by two missiles fired from the military camp at Kanombe, which was controlled by the Presidential Guard.<sup>88</sup> Efforts by UNAMIR to reach the crash site were blocked.<sup>89</sup> Hutus claimed that Tutsi rebels shot down the plane, but, the evidences show that extremist Hutus shot down the plane due to their “disdain for the moderate Habyarimana’s efforts to reconcile with the Tutsi”.<sup>90</sup> In the hours immediately following the crash, opposition Hutu politicians and ethnic Tutsi were slaughtered by government troops, Presidential Guards, and armed militias.<sup>91</sup> Therefore, according to many observers, this was “a part of a strategy by extremist Hutu officials to end the peace process and consolidate power in their own hands”.<sup>92</sup>

#### II.b.4. Propaganda and Genocide:

As mentioned above, anti-Tutsi propaganda has always played an important role in social and political developments in Rwanda. It also hampered the implementation of the Arusha Peace Agreement. Just after the agreement was signed the CDR party instituted a propaganda campaign, which opposed it and advocated violence against those supporting reconciliation. It became increasingly virulent and increased the tensions. In addition to party meetings which offer great opportunity to

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<sup>86</sup> HRW Report, Choosing War, p. 1.

<sup>87</sup> Murphy, p. 243.

<sup>88</sup> Vaccaro, p. 373.

<sup>89</sup> “Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda”, 15 December 1999, [http://www.un.org/News/oss/rwanda\\_report.htm](http://www.un.org/News/oss/rwanda_report.htm), p. 11.

<sup>90</sup> Murphy, p. 243.

<sup>91</sup> Daniel, Hayes and Oudraat, p. 121.

<sup>92</sup> Vaccaro, p. 372.

spread “hate propaganda”, media emerged as the most effective way of disseminating the anti-Tutsi propaganda. Propagandists developed the same themes over and over, both before and during the genocide.

The newspaper *Kangura*, one of the most effective voice of violence, began spewing forth attacks on the RPF and on Tutsi immediately after the October 1990 invasion.<sup>93</sup> *Kangura* assured the Hutu, “you are an important ethnic group of Bantu...The nation is artificial but the ethnic group is natural”.<sup>94</sup> It stressed that “Tutsi were foreign to the area and had stolen Rwanda from its rightful inhabitants. The ruthless conquerors had ground the Hutu under their heel in a repressive and bloody regime...but, when the great mass had become conscious of its own strength and had come together, it had been able to overthrow the “feudal” oppressors in the great revolution of 1959”.<sup>95</sup>

The Radio was more effective in delivering the message of hate directly and simultaneously to a wide audience. *Radio Rwanda* was very much the voice of the government and of the president himself. And, in 1992, it warned that Hutu leaders in Bugesera were going to be murdered by Tutsi, false information meant to spur the Hutu massacres of Tutsi.

Hutu hard-liners created their own station; *Radio Télévision Libre des Mille Collines (RTLM)* in April 1993. Their main theme was “fight to defend the Republic”. It warned the Hutu against “infiltrators” who were said to be coming to kill Hutu and replayed all the familiar messages of hate: “the inherent differences between Hutu and Tutsi, the numerical superiority of the Hutu-the *rubanda*

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<sup>93</sup> HRW Report, Propaganda and Practice, p. 2.

<sup>94</sup> *ibid*, p. 5.

<sup>95</sup> *ibid*.

*nyamwinshi*, the majority people- the cleverness of the Tutsi infiltration, their cruelty, their cohesiveness, their intention to restore past repression, the risk they posed to the gains of the 1959 revolution, and above all, their plan to exterminate the Hutu”. One RTLM announcer promised that a “shining day” would dawn when there would be not a single “*inyenzi*”<sup>96</sup> left in the country, and such messages concluded with calls to “action”. Throughout the genocide Radio Rwanda and RTLM continued to broadcast both incitements to slaughter and the directions on how to carry it out. By the end of the 1993, RTLM was regularly naming individuals “who deserve to die”.

A UN Commission on Human Rights investigator concluded that government propaganda had created a situation in which “all Tutsi inside the country were collectively labeled accomplices with the RPF...There is a certain elite which, in order to cling to power, is continuing to fuel ethnic hatred....Such outbreaks were planned and prepared, with targets being identified in speeches by representatives of the authorities, broadcasts on Rwandan radio, and leaflets.”<sup>97</sup>

David Matas, in his article “Lessons from Rwanda”, emphasized the importance of propaganda; hate speech, and examines the Rwanda case from a very different perspective. He argues that “the Rwanda genocide...had its origins in hate speech,...and, because of Rwanda, the world can no longer ignore the obligation to prohibit hate speech....One reason for the absence of effective international enforcement is the absence of effective anti-hate speech laws almost everywhere.”<sup>98</sup>

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<sup>96</sup> “*inyenzi*” is a term used by the Hutu to describe Tutsi who invaded Rwanda in the 1960s. It was reviewed in 1990 to refer the members of the RPF.

<sup>97</sup> Vaccaro, p. 374.

<sup>98</sup> David Matas, “Lessons from Rwanda”, in Jacqueline S. Ismael (ed.), International Social Welfare in a Changing World, Alberta, Canada: Detselig Enterprises Ltd., 1996, pp. 127-128.

In short, genocide in Rwanda shows the role of propaganda through media in the politicization of ethnic identities, and describes how media can be used by ethnic manipulators to stir up ethnic fears and hatreds among the population concerned. As this chapter puts forth, political manipulation, social polarization, poverty and over population were the problems setting the scene for genocide. Propaganda can be seen as a “catalyst” transforming these problems into genocide.

## CHAPTER III

### THE UN INVOLVEMENT IN THE RWANDA CRISIS

The aim of this chapter is to examine the UN involvement in Rwanda: UN operations UNOMUR, UNAMIR-I, UNAMIR-II, French Operation Turquoise, US Operation Support Hope and other unilateral support operations, Human Rights Field Operation (HRFOR) and International Criminal Tribunal for Rwanda (ICTR). The analysis of the operations covers the UN Resolutions and other decisions, legal bases of the resolutions, mandates and rules of engagement of the operations, composition, deployment, and financing of the forces, and evaluation of their performance.

#### III.a. United Nations Observer Mission in Uganda-Rwanda (UNOMUR):

As mentioned above, the Security Council adopted resolution 846 on 22 June 1993, establishing the UNOMUR, to be deployed on the Uganda side of the common border.<sup>1</sup> According to the resolution, UNOMUR was to monitor the border to verify that no military assistance reached Rwanda, with the focus being placed on the transit or transport, by road or track, of any lethal weapons and ammunition across border.<sup>2</sup>

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<sup>1</sup> “Security Council Resolution establishing the United Nations Observer Mission Uganda-Rwanda (UNOMUR), to be deployed on the Ugandan side of the Uganda-Rwanda border for an initial period of six months”, The UN, The United Nations and Rwanda 1993-1996, Blue Book Series, Volume X, New York: Department of Public Information, 1996, pp. 167-168.

<sup>2</sup> *ibid.*, SC Resolution 846, paragraph 3.

The resolution emphasized the need “to prevent the resumption of fighting, which could have adverse consequences on the situation in Rwanda and on international peace and security”, and the need for “a negotiated political solution, in the framework of the agreements to be signed by the parties in Arusha, in order to put an end to the conflict in Rwanda”.<sup>3</sup>

On 29 June, the Secretary General informed the Council of his intention to appoint Brigadier-General Romeo A. Dallaire as Chief Military observer of UNOMUR.<sup>4</sup> Following the conclusion of a status-of-mission agreement with the government of Uganda on 16 August deployment of the force began. By the end of September UNOMUR had been fully deployed and reached its authorized strength. The mission was composed of 81 military observers from the following countries: Bangladesh (22), Botswana (9), Brazil (13), Hungary (4), Netherlands (9), Senegal (10), Slovakia (5) and Zimbabwe (9).<sup>5</sup> In addition, 16 international and 6 locally recruited civilian staff provided administrative support to the mission.<sup>6</sup> UNOMUR established its headquarters in Kabale, Uganda, about 20 kilometers north of the border with Rwanda.<sup>7</sup>

The Secretary General Boutros Boutros-Ghali, as requested by the resolution 846, reported on the implementation and contributions of UNOMUR. In his second report, evaluating UNOMUR’s performance during the period from 22 October to 15 December 1993, he noted that “UNOMUR’s activities consisting of surveillance, patrolling and investigations have been effective both as a deterrent and as

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<sup>3</sup> *ibid.*

<sup>4</sup> The UN, The Blue Helmets, A Review of United Nations Peacekeeping, Third Edition, New York: UN Department of Public Information, p. 342.

<sup>5</sup> The UN and Rwanda 1993-1996, p. 234.

<sup>6</sup> *ibid.*

<sup>7</sup> The Blue Helmets, p. 342.

interdiction....UNOMUR has been a factor of stability in the area by playing a useful role as a confidence-building mechanism.”<sup>8</sup>

The report also revealed that “the total cost of UNOMUR for the period 22 June to 21 December 1993, including pre-implementation costs, have been estimated at \$ 4.392.900 gross (\$ 4.308.000 net)”.<sup>9</sup> Boutros-Ghali recommended the costs of UNOMUR be considered as an expense of the organization to be borne by member states in accordance with Article 17, paragraph 2, of the Charter and the assessment be credited to a special account for that purpose.<sup>10</sup>

UNOMUR established observation posts at two major crossing sites and three secondary sides on the Ugandan side of the border. The mission monitored the area through mobile patrols enhanced by airborne coverage.<sup>11</sup> It also facilitated the transit of the vehicles transporting food and medical supplies to Rwanda. The Secretary General noted in his above-mentioned report that “...as a result of UNOMUR’s efforts, clandestine cross-border traffic has decreased. There is now...no evidence of any significant traffic in armaments”.<sup>12</sup>

When UNAMIR was established with SC resolution 872, UNOMUR came under the command of the new mission. On 20 December the Security Council passed resolution 891 and extended UNOMUR’s mandate by six months. The resolution 891 stated that UNOMUR’s integration within UNAMIR would be purely administrative in nature and would in no way affect the mission mandate as set out in

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<sup>8</sup> The UN and Rwanda 1993-1996, pp. 234-235, see Map 2, *infra.*, p. 147, (resource: The UN and Rwanda 1993-96, p. 30).

<sup>9</sup> The UN and Rwanda 1993-1996, pp. 234-235.

<sup>10</sup> The Blue Helmets, p. 374.

<sup>11</sup> *ibid.*, p. 345.

<sup>12</sup> The UN and Rwanda 1993-1996, p. 234.



of their membership to a certain ethnic group and for no other objective reason”.<sup>17</sup> Citing the 1948 Genocide Convention, he discussed that the term “genocide” might be applicable.

Considering the report from the reconnaissance mission, Boutros Boutros-Ghali presented a report to the Security Council on the establishment of a peacekeeping operation in Rwanda on 24 September 1993.<sup>18</sup> In his report, he made recommendations on the mission mandate; he proposed that the mission (UNAMIR) assist in arms recovery and verification through checkpoints and patrol. On 5 October, the Council adopted resolution 872, which established UNAMIR, but decided on a more limited mandate.<sup>19</sup>

According to the resolution 872, the mission mandate included the following elements:<sup>20</sup>

- (a) To contribute to the security of the city of Kigali, *inter alia*, within a weapons-secure area established by the parties in and around the city,
- (b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new and demilitarized zone and other demilitarization procedures,
- (c) To monitor the security situation during the final period of the transitional government’s mandate, leading up to the elections,
- (d) To assist with mine clearance, primarily through training programs,

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<sup>17</sup> *ibid.*, p. 3.

<sup>18</sup> *The UN and Rwanda 1993-1996*, (S/26488), p. 221.

<sup>19</sup> *The Independent Inquiry*, p. 5.

<sup>20</sup> *The UN and Rwanda 1993-1996*, p. 232.

- (e) To investigate, at the request of the parties, or on its own initiative, instances of non-compliance with the provisions of the agreement, on integration of the armed forces of the two parties, and pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary General,
- (f) To monitor the process of repatriation of refugees and the resettlement of displaced persons to verify that it is carried out in a safe and orderly manner,
- (g) To assist in the co-ordination of humanitarian assistance in conjunction with relief operations, and,
- (h) To investigate and report on incidents regarding activities of the gendarmerie and police.

Boutros-Ghali's suggestion that UNAMIR assist in the recovery of arms did not appear in the resolution.

UNAMIR was to be conducted at the behest of the former belligerents and had their formal consent. Authorized as a consensual operation, the use of force was limited to self-defense.<sup>21</sup> It was a traditional peacekeeping mission, thus its rules of engagement were too defined in a restricted manner. General Dallaire sent a draft set of rules of engagement for UNAMIR, including a rule specifically allowing the

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<sup>21</sup> J. Matthew Vaccaro, "The Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda", in William J. Durch (ed.), UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s, London: Macmillan Press, p. 376.

mission to act, and even to use force, in response to crimes against humanity and other abuses.<sup>22</sup> But, this was not accepted either.

UNAMIR was to be a phased operation; both in tasks assigned to the UN forces and consequently in the size of the force deployed. The operation would be conducted in four phases:<sup>23</sup> During phase one, which was scheduled to last approximately three months, the installation and operation of the broad-based government was to begin.<sup>24</sup> UNAMIR's objective was to establish conditions for the secure installation for such a government. To that end, phase one provided for the immediate deployment of an advance party of approximately 25 military and 18 civilian personnel and 3 civilian police.<sup>25</sup> By the completion of phase one, the force strength would be 1,428, including 211 observers.

During phase two, which was supposed to last 90 days or until the process of disengagement, demobilization and integration of the armed forces and gendarmerie began, the operation was to have reached its peak manpower; 2,548 military personnel.<sup>26</sup> UNAMIR would continue to monitor the demilitarized zone, to assist in providing security in and around Kigali and to ensure that all preparations for disengagement, demobilization and integration were in place. UNOMUR and NMOG II would be fully integrated into the mission in this phase.<sup>27</sup>

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<sup>22</sup> The Independent Inquiry, p. 5, see Dallaire's proposal on UNAMIR's ROE, Scott R. Feil, "Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda", A Report to the Carnegie Commission on Preventing Deadly Conflict, New York: Carnegie Corporation, 1998, p. 7, <http://www.ccpdc.org/pubs/rwanda/rwanda.htm>.

<sup>23</sup> Vaccaro, p. 380, see table... "Key Elements of UNAMIR's Phased Concept of Operations".

<sup>24</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, Coercive Inducement and the Containment of International Crises, Washington DC.: US Institute of Peace Press, 1999, p. 118.

<sup>25</sup> The UN and Rwanda, p. 25.

<sup>26</sup> The Blue Helmets, p. 343.

<sup>27</sup> The UN and Rwanda, p. 25.

During phase three, which would last about nine months, the disengagement, demobilization and integration of the forces would be completed and the mission would reduce its staff to approximately 1,240 personnel.<sup>28</sup>

During the final phase, which would last about four months, UNAMIR would assist in ensuring the secure atmosphere required in the final stages of the transitional period leading up to the elections.<sup>29</sup> Force strength would continue to be reduced, to approximately 930 military personnel, of which 850 would be staff officers and troops and 80 military observers.<sup>30</sup>

UNAMIR was organized as a traditional peacekeeping force, designed to help implement peace accords. Jacques Roger Booh-Booh from Cameroon, was appointed as a special representative of the Secretary General, and given overall authority. Under him were three subordinate commands for the military units, the military observers and the civilian police. General Dallaire, with his experience in the region from UNOMUR, was named force commander. UNAMIR was authorized up to 2,548 military personnel in three infantry battalions, one engineer company, a transportation section (with four utility helicopters), one logistics company, one medical platoon, and 331 military observers. The civilian police component (CIVPOL) was to be 60 personnel.<sup>31</sup> The operation would be financed by the UN member states according to the standard peacekeeping scale of assessment.

Dallaire arrived in Kigali on 22 December. The situation he found was tense. By the end of December 1993 UNAMIR forces had effectively completed all phase one tasks, but no transitional government was in place. Because, political parties,

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<sup>28</sup> The Blue Helmets, p. 343.

<sup>29</sup> ibid.

<sup>30</sup> The UN and Rwanda, p. 26.

especially Habyarimana's party MRND, and CDR could not agree on the relevant modalities (power-sharing arrangements) of transitional government.<sup>32</sup> They had agreed in Arusha to set up the transitional government and the transitional national assembly before 31 December 1993, but this targeted date passed without results.

On 5 January 1994 Habyarimana was sworn in as the interim president of the transitional government. The following day the Security Council passed Resolution 893 strongly urging all parties to cooperate and fully comply with the Arusha Agreement.<sup>33</sup> Instability was increasing and delays in the implementation of the peace agreement were contributing to a deterioration in the security situation. UNAMIR's reports from this period were providing graphic descriptions of the killings.<sup>34</sup>

On 11 January 1994, Dallaire sent the Military Adviser to the Secretary General, Maurice Baril, a telegram entitled "Request for Protection for Informant".<sup>35</sup> According to the cable, an informant, who was formerly in the security staff of President Habyarimana, had provided details of a plan by the Interahamwe to precipitate a crisis that would cause the withdrawal of the UN force, especially of the Belgian soldiers, and initiate a slaughter. The informant had been told to compile lists of Tutsis in Kigali and feared it was for "extermination". Furthermore, he said that the Interahamwe had trained 1,700 men in the camps of RGF and was able to kill

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<sup>31</sup> Vaccaro, p. 380.

<sup>32</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, p. 119.

<sup>33</sup> The UN and Rwanda, p. 31, see S/RES/893 (1994), "SC Resolution reaffirming approval for deployment of UNAMIR as outlined in the Secretary General's report of 24 September 1994 (S/26488 and S/26488/Add.1), including the early deployment of a second battalion to the demilitarized zone", *ibid.*, p. 241.

<sup>34</sup> *The Independent Inquiry*, p. 5.

<sup>35</sup> *ibid.*, p. 6.

up to 1,000 Tutsi in 20 minutes. Thirdly, the informant told of a major weapons cache with at least 135 weapons (G 3 and AK 47).<sup>36</sup>

The now famous “11 January Cable” is important, because it has come to figure prominently in the discussions about what knowledge was available to the United Nations about the risk of genocide.<sup>37</sup> Having described the information received from the informant, Dallaire urged UN headquarters to take action, specifically by raiding arms caches that were being built up by Interahamwe in Kigali, in violation of the Arusha Agreement requiring to keep the city a weapons-free zone. The response from New York was a fax signed by Assistant Secretary General Iqbal Rıza, in the name of the then Under Secretary General for Peacekeeping Operations, Kofi Annan.<sup>38</sup> General Dallaire was told not to take the action he had proposed,<sup>39</sup> but to inform President Habyarimana and the ambassadors in Kigali of Belgium, France and the United States. He did as he was told, and informed the Secretariat that the President appeared alarmed by the tone of the demarche. The President denied knowledge of the activities of the militia and had promised to investigate.<sup>40</sup>

UNAMIR’s concerns with regard to the distribution of arms, the activities of the militia, killings and increased ethnic tension continued throughout the early months of 1994.<sup>41</sup> Dallaire continuously informed the headquarters that the *defensive*

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<sup>36</sup> *ibid.*

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*, p. 7.

<sup>39</sup> In an interview, Iqbal Rıza explained the decision not to act by expressing “the need for caution about the veracity and the true ambitions of the informant”, but added, “we regret that we did not interpret the information in that cable to be the truth”. During the interview, Rıza also said that he informed Kofi Annan of the Cable after he sent the above mentioned response to Dallaire, and thus the responsibility rested with him. See, “The Triumph of Evil: How the West Ignored Warnings of the 1994 Rwanda Genocide”, Interview with Iqbal Rıza, <http://www.pbs.org/frontline/shows/evil>, Frontline Online.

<sup>40</sup> The Independent Inquiry, p. 8.

<sup>41</sup> *ibid.*, p. 9.

*concentration posture* of UNAMIR threatened the security situation, and emphasized the need to take a more active role in *deterrent* operations. But, every time he requested permission to mount a military operation to seize suspected arms caches, UN headquarters refused to grant it, and noted that such a mission went beyond UNAMIR's authorized mandate.<sup>42</sup> Meanwhile, there had been increasingly violent demonstrations as well as an increase in roadblocks, assassinations of political leaders and assaults on and murder of civilians.<sup>43</sup>

By late March 1994, UNAMIR's operational capacity was nearing its peak with troops numbering 2,539.<sup>44</sup> Following countries were contributing troops to the operation: Austria (15), Bangladesh (942), Belgium (440), Botswana (9), Brazil (13), Canada (2), the Congo (26), Egypt (10), Fiji (1), Ghana (843), Hungary (4), Malawi (5), Mali (10), the Netherlands (9), Nigeria (15), Poland (5), Romania (5), the Russian Federation (15), Senegal (35), Slovakia (5), Togo (15), Tunisia (61), Uruguay (25) and Zimbabwe (29).<sup>45</sup>

On 5 April 1994, the Security Council decided to extend conditionally the UNAMIR's mandate until 29 July 1994 -less than four months- by unanimously adopting Resolution 909 (1994).<sup>46</sup> The Secretary General, in his report on UNAMIR dated 30 March, had recommended extending UNAMIR's mandate by six months. But, key members of the Security Council, (especially the United States) were reluctant to accept such a long mandate extension.<sup>47</sup>

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<sup>42</sup> Daniel, Hayes and Oudraat, p. 119.

<sup>43</sup> The UN and Rwanda, p. 35.

<sup>44</sup> *ibid.*, see Map 4, *infra.*, p. 149, (resource: The UN and Rwanda 1993-96, p. 93).

<sup>45</sup> *ibid.*

<sup>46</sup> *ibid.*, p. 36, see S/RES/909 (1994), SC Resolution regretting the delay in implementing the Arusha Peace Agreement and extending UNAMIR's mandate until 29 July 1994, The UN and Rwanda, pp. 251-252.

<sup>47</sup> The UN and Rwanda, p. 35.

On 6 April, one day after the Security Council extended UNAMIR's mandate, President Habyarimana was killed in a plane crash. Though not entirely proven, responsibility for the shoot down is widely attributed to Hutu extremists, who planned the crisis and the resultant genocide to prevent any form of power sharing with the Tutsi. Hutu militiamen manned roadblocks erected all around Kigali within thirty minutes of the crash, where identity cards were checked and all Tutsi separated and killed.<sup>48</sup> Government troops, Presidential Guards, armed militias and roving gangs went from house to house using prepared lists and maps to identify and locate Tutsi victims. Militant Hutus also attacked moderate Hutus associated with the Habyarimana government, using machetes, pangas (machete-like weapons) and sharpened sticks. Majority of Tutsi began to flee their homes and sought refuge in central gathering places, churches, schools, hospitals, stadiums and other accessible spaces.<sup>49</sup> Within forty-eight hours, France, Belgium, Italy and the United States organized an evacuation of expatriates from Rwanda.<sup>50</sup>

Among the first to be killed were the Prime Minister Agathe Uwilingiyamana and the President of the Supreme Court Joseph Kavaruganda, followed by other opposition leaders, intellectuals, professors and businessmen. They had asked for UNAMIR's protection, but the mission could not protect them.<sup>51</sup> That day, incumbent Prime Minister Ms. Uwilingiyimana, and 10 Belgian peacekeepers assigned to protect her were brutally murdered by FAR soldiers. According to Dallaire's report to headquarters, he called Iqbal Rıza to inform him that UNAMIR might have to use force to save the Prime Minister.<sup>52</sup> Rıza confirmed the rules of

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<sup>48</sup> *ibid.*, pp. 37-38.

<sup>49</sup> Alan J. Kuperman, "Rwanda in Retrospect", *Foreign Affairs*, Vol. 79, No. 1, January/February 2000, p. 96.

<sup>50</sup> *The UN and Rwanda*, p. 39.

<sup>51</sup> *The Independent Inquiry*, p. 11.

<sup>52</sup> *ibid.*, p. 12.

engagement (ROE) that UNAMIR was not to fire until fired upon.<sup>53</sup> After the killings of Belgian peacekeepers, Dallaire informed the Belgian Senate Commission that “an armed operation to rescue the Belgians was not feasible because of the shortcomings and lack of resources of UNAMIR”. He stated that “the UNAMIR was a peacekeeping operation. It was not equipped, trained or staffed to conduct intervention operations”.<sup>54</sup>

Many civilians, too, sought the protection of the UNAMIR troops. The Ecole Technique Officielle (ETO) was one of these sites. It has also gained a symbolic importance as an example of the failings of the UN mission. Report of the Independent Inquiry describes the tragic events at ETO as follows:<sup>55</sup>

“About 2,000 people had sought refuge at ETO, believing that the UNAMIR troops would be able to protect them. There were members of the Interahamwe and Rwandan soldiers outside the school complex. On 11 April, after the expatriates in ETO had been evacuated by French troops, the Belgian contingent at ETO left the school, leaving behind men, women and children, many of whom were massacred by the waiting soldiers and militia.

These events show that when violence broke out in April 1994, UNAMIR could not prevent the killing and contain the conflict. It could not conduct its mandated tasks either. Because, the mission had been established as a peacekeeping force under Chapter VI of the UN Charter. It possessed neither the mandate nor the force to coerce the parties into ending the violence. It had no war stocks, little ammunition, and except for the Belgian battalion, only poorly equipped forces.<sup>56</sup>

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<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*

<sup>55</sup> The Independent Inquiry, pp. 13-14.

<sup>56</sup> Vaccaro, p. 382.

On 12 April, the African Group at the United Nations urged the Security Council to take urgent actions to protect the lives and property of the civilians in Rwanda, and to consider expanding the size and mandate of UNAMIR.<sup>57</sup> Furthermore, they emphasized the readiness of OAU to cooperate with the UN in efforts to implement such a serious action. While the African Group was offering further action, the government of Belgium decided, the same day, to withdraw its contingent from UNAMIR, because of the fact that ten Belgian soldiers had been killed.<sup>58</sup> Belgium's message, in its letter to the Council, was as follows:<sup>59</sup>

“It is obvious that under these conditions the continuation of the UNAMIR operation has become pointless within the terms of its present mandate. The Arusha peace plan is dead, and there are no means for a dialogue between the parties. In any event, the continued presence of the Belgian contingent would expose it to unacceptable risks.”

This decision greatly affected the mission. At that time, the Belgian contingent, with its 400 soldiers, was the third largest among those of the 24 countries participating in UNAMIR.<sup>60</sup> Thus it was the “backbone” of the operation with “the only fully equipped and competent combat unit”.<sup>61</sup> That is why, when the government of Belgium declared its decision on withdrawal, the Secretary General Boutros-Ghali asked Belgium leave their heavy weapons in Rwanda so they could be used by other UNAMIR contingents. But, when the Belgian contingent left Rwanda, it did so with all its weaponry.<sup>62</sup> After Belgium's withdrawal, UNAMIR had little capability or mobility.

Throughout this period, UNAMIR continued attempts to secure a cease-fire between FAR and RPF, but both sides adopted rigid positions, undermining

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<sup>57</sup> The UN and Rwanda, p. 40.

<sup>58</sup> Vaccaro, p. 382.

<sup>59</sup> The UN and Rwanda, pp. 40-41.

<sup>60</sup> *ibid.*, p. 40.

<sup>61</sup> Vaccaro, p. 382.

UNAMIR's efforts.<sup>63</sup> UNAMIR headquarters were hit on 19 April.<sup>64</sup> There were no casualties, but Boutros-Ghali informed the Security Council that "UNAMIR personnel could not be left at risk indefinitely with no possibility of performing the tasks for which they were dispatched".<sup>65</sup> And, on 21 April, the government of Bangladesh- which was providing the largest troop contingent to UNAMIR with over 900 soldiers stationed in Rwanda- sent a letter to the Security Council stating that the Bangladeshi peacekeepers were being exposed to unnecessary risks.<sup>66</sup> Bangladesh reported that "the UNAMIR forces, already depleted by the withdrawal of the Belgian troops, were short of even the necessary equipment, weapons and ammunition to protect themselves, and were being drawn into cross-fire between rival factions that threatened to compromise their neutrality as peacekeepers."<sup>67</sup>

As a result of all these negative developments, it was necessary to decide how the United Nations would maintain its efforts to help solve the crisis in Rwanda. Boutros-Ghali presented the Security Council three scenarios.<sup>68</sup> The first option called for the immediate and massive reinforcement of UNAMIR and a change in its mandate so that it would have the equipment and the authorization to coerce the opposing forces into a cease-fire. This scenario would require several thousand additional troops and that UNAMIR be given enforcement powers under Chapter VII of the Charter.<sup>69</sup>

The second option called for a decrease in the mandate and troop numbers. According to that option, UNAMIR personnel would be reduced to approximately 270. A small group headed by the UNAMIR force commander would remain in

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<sup>62</sup> The UN and Rwanda, p. 41.

<sup>63</sup> *ibid.*

<sup>64</sup> The Blue Helmets, p. 346.

<sup>65</sup> *ibid.*, p. 347.

<sup>66</sup> The UN and Rwanda, p. 42.

<sup>67</sup> *ibid.*

<sup>68</sup> *ibid.*

Kigali to act as an intermediary between the two sides in an attempt to bring about a cease-fire.<sup>70</sup>

The third option was the complete withdrawal of UNAMIR. The Secretary General told that the consequences of this option, in terms of human lives lost could be very severe, so he did not recommend this option.<sup>71</sup>

During the discussions in the Security Council the United States initially declared that “if a decision were to be taken then, it would only accept a withdrawal of UNAMIR, as it believed there was no useful role for a peacekeeping operation under the prevailing circumstances”.<sup>72</sup> The United Kingdom and Russia supported the second option, and in further consultations, the United States indicated it too could accept this alternative.<sup>73</sup> United Kingdom responded by stating that option one was not feasible because of the lessons drawn from Somalia that “conditions on the ground could evolve rapidly and dangerously”.<sup>74</sup>

Dallaire put forward *the dilemma* facing the UN under the scenarios being discussed, as follows:<sup>75</sup>

“The consequences of a withdrawal by UNAMIR will definitely have an adverse effect on the morale of the civil population, especially the refugees, who feel that we are deserting them. However, in actual fact there is little that we are doing at the present time,...the refugees at locations like Hotel Mille Collines, St Michels Cathedral etc. Are in danger of massacre, but have been in this danger...even with UNAMIR on the ground.”

Ghali’s Special Representative in Rwanda Jacques-Roger Booh-Booh expressed full support for option one; the reinforcement of UNAMIR, but also said

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<sup>69</sup> The Blue Helmets, p. 347.

<sup>70</sup> *ibid.*

<sup>71</sup> *ibid.*

<sup>72</sup> The Independent Inquiry, p. 15.

<sup>73</sup> *ibid.*

<sup>74</sup> *ibid.*, p. 16.

<sup>75</sup> *ibid.*

he did not have problems with amended option two. Meanwhile Boutros-Ghali was trying to counter moves in the Security Council to withdraw UNAMIR.<sup>76</sup>

Finally, on 21 April the Council adopted resolution 912 and decided on the second option. According to resolution 912, the UN would reduce UNAMIR to about 270 troops and change the missions mandate.<sup>77</sup> UNAMIR would act as intermediary in attempts to secure a cease-fire. The small force would assist with efforts to resume humanitarian relief efforts, and would continue to monitor and report on the changing situation.

Following the crash of the President's plane and the subsequent genocide, the civil war between the RPF and FAR had entered into a new and more violent phase.<sup>78</sup> On the second day after the crash, RPF launched an offensive from the positions it occupied in Rwanda and attacked the "interim government", which had been set up on 8 April 1994 by elements of the former Rwandan government. The "interim government" left Kigali as fighting with the RPF intensified, establishing itself in Gitamara. By the end of May 1994, RPF had occupied about half of the territory.

Another problem was refugee flows that created a humanitarian crisis of unprecedented dimensions. UNHCR reported that on 29 April 1994, 250,000 Rwandan crossed into Tanzania over the previous 24 hours, marking the highest rate of refugee exodus ever recorded in history.<sup>79</sup>

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<sup>76</sup> *ibid.*, p. 15.

<sup>77</sup> *The UN and Rwanda*, p. 44.

<sup>78</sup> *The Blue Helmets*, p. 346.

<sup>79</sup> *ibid.*, p. 347.

### III.c. UNAMIR II:

The disastrous situation made Boutros-Ghali recommend a reversal of the decision to reduce the force level.<sup>80</sup> In his letter dated 29 April, he noted that “UN has lost its credibility with the Rwandan parties” and that “only a forceful response to restore law and order could regain it”.<sup>81</sup> He also added, “such action would require a commitment of human and material resources on a scale which member states so far proved reluctant to contemplate”.<sup>82</sup> This communication is also important for it indicated that “most of the massacres have been perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Rwanda”, implying a greater chance of success for a UN intervention to stop the massacres.<sup>83</sup>

At first, Security Council remained reluctant to accept Boutros-Ghali’s call, largely due to resistance by the United States. While African members were arguing for a more robust UNAMIR force, the United States insisted on displacement or, an incremental upgrading of the force. The US also rejected Secretariat’s recommendation to create internal safe areas, and instead supported safe areas across the borders of the neighboring countries.<sup>84</sup> According to the US “despite the Secretary-General’s efforts, no state had made a firm offer to send their forces to Rwanda and the Rwandan factions had not given unconditional consent to the UN

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<sup>80</sup> Letter from the Secretary-General to the President of the Security Council requesting that the Council to re-examine the revised mandate given to UNAMIR in resolution 912 (1994) and consider what action it could take in order to restore law and order in Rwanda and end the massacres, S/1994/518, in The UN and Rwanda 1993-1996, pp. 270-271.

<sup>81</sup> The Independent Inquiry, p. 16.

<sup>82</sup> The UN and Rwanda, p. 45.

<sup>83</sup> Vaccaro, p. 384.

<sup>84</sup> Thomas G. Weiss, Military-Civilian Interactions: Intervening in Humanitarian Crises, Oxford: Rowman&Littlefield Publishers, 1999, p.148.

operation.”<sup>85</sup> Therefore, a more detailed planning was necessary before going into Kigali, since “the active fighting placed both UN forces and UN prestige at risk, which in turn could jeopardize US funding for UN peacekeeping operations”.<sup>86</sup> One of the main reasons for the US position was its new peacekeeping policy PDD-25 (Presidential Decision Directive), which argued against intervention in areas and countries outside of US strategic interest.

On 4 May, Boutros-Ghali publicly called the situation “genocide” and warned, “if the UN did not act quickly, it might later be accused of passivity”.<sup>87</sup> And, after a lengthy debate the Security Council adopted resolution 918 (1994), on 17 May 1994 expanding UNAMIR’s mandate.<sup>88</sup> The three-part resolution expressed concern over “a humanitarian crisis of enormous proportions”, but there was no reference to genocide. New Zealand failed in an attempt to include a reference to genocide in the resolution. According to Weiss, the US and other members of the international community realized that “such language would require stronger military intervention based on the international agreement to act under the terms of the 1948 Genocide Convention”, and that was the reason for their reluctance to call it “genocide”.<sup>89</sup> Resolution 918 did not mention “genocide”, but the Security Council determined, for the first time, that the situation in Rwanda constituted “a threat to peace and security in the region”.

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<sup>85</sup> Sean D. Murphy, Humanitarian Intervention: The United Nations in an Evolving World Order, Procedural Aspects of International Law Series, Vol. 21, Philadelphia: University of Pennsylvania Press, 1996, p. 245.

<sup>86</sup> *ibid.*

<sup>87</sup> The Blue Helmets, p. 348.

<sup>88</sup> “Security Council Resolution expanding UNAMIR to 5500 troops and mandating UNAMIR II to provide security to displaced persons, refugees and civilians at risk and to support relief efforts, and imposing an arms embargo on Rwanda”, S/RES/918 (1994), The UN and Rwanda, pp. 282-284.

<sup>89</sup> Weiss, Military-Civilian Interactions, p. 148.

As mentioned above, it was a three-part resolution. In part A, the Security Council, acting under Chapter VI of the UN Charter, decided to expand the UNAMIR's mandate and to authorize an increase of its force level to 5.500.<sup>90</sup> Under the new mandate UNAMIR II was to contribute to the security and protection of displaced persons, refugees and civilians at risk (including the establishment and maintenance of secure humanitarian areas), and to provide security and support for the distribution of relief supplies and humanitarian relief operations.<sup>91</sup>

In part B of the resolution, the Security Council invoked Chapter VII of the UN Charter and placed an arms embargo on the delivery of arms, ammunition and related material to Rwanda. The embargo also aimed at preventing the sale of weapons to Rwandan nationals through the territory of other states. To monitor the embargo and recommend appropriate measures in response to any violations, the Council also decided to establish a committee, consisting of all the members of the Council.<sup>92</sup>

Part C of the resolution, requested the Secretary General to submit a report on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict.<sup>93</sup>

Secretary General defined the rules of engagement of the mission as follows:<sup>94</sup>

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<sup>90</sup> See, paragraph 5 of the Resolution, The UN and Rwanda, pp. 282-284.

<sup>91</sup> See, paragraph 3 of the Resolution, *ibid.*

<sup>92</sup> See, paragraphs 13-17 of the Resolution. For more information on the arms embargo see, The UN and Rwanda 1993-1996, pp. 306-307, 506, 516, 525-526, 692. Reports on the embargo do not mention any enforcement action undertaken by UNAMIR-II to ensure compliance. Secretary General, in his letter to the Security Council dated 14 March 1996, reported that the SC Committee established to monitor the arms embargo had received no notifications over the previous six months concerning the import by the Government of Rwanda of arms and other related material, see p. 692. The UN decided the arms embargo against Rwanda be partially lifted until 1 September 1996, *ibid.*

<sup>93</sup> See, paragraph 18 of the Resolution.

“UNAMIR II’s rules of engagement do not envisage enforcement action. The Mission would depend primarily on deterrence to carry out its tasks. However, UNAMIR II may be required to take action in self-defence against persons or groups who threaten protected sites and populations and the means of delivery and distribution of humanitarian relief.”

He interprets that Resolution 918 invoked Chapter VII of the UN Charter to impose an arms embargo, but the rules of engagement for the force did not include enforcement action as provided by Chapter VII.<sup>95</sup> Donald Daniel explains “although Chapter VII was mentioned in the resolution, it only referred to enforcing an arms embargo. Hence, UNAMIR II was to operate as a classical peacekeeping mission.”<sup>96</sup> General Dallaire had submitted a draft ROE to the UN headquarters for approval. Scott Feil says his proposal had envisioned that “the strategic directive for such a force would be adopted under Chapter VII, rather than Chapter VI. [It would] permit the force to take offensive action, including the use of deadly force, to prevent continued genocidal killing”, implying there is a contradiction between the mission mandate and its ROE<sup>97</sup>

There seems to be a vagueness in the language of the Resolution 918, establishing UNAMIR II and the definition of its rules of engagement. Resolution 918 explicitly referred to Chapter VII to impose an arms embargo, which constitutes an enforcement measure, though a non-military one, under Article 41 of the UN Charter. Here the confusion is about what “enforcement action” means. When the ROE says “UNAMIR II’s rules of engagement do not envisage enforcement action” it means that they do not include “use of armed force”. But Resolution 918 invoked

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<sup>94</sup> “Report of the Secretary General on the Situation in Rwanda, noting that for UNAMIR to provide safe conditions for persons in need and to assist in the provision of humanitarian assistance, the mission would need to be expanded to at least 5,000 troops and be readily deployed”, The UN and Rwanda 1993-1996, p. 279.

<sup>95</sup> *ibid.*, p. 47.

<sup>96</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, p. 126.

<sup>97</sup> Scott R. Feil, “Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda”, A Report to the Carnegie Commission on Preventing Deadly Conflict, <http://www.ccpdc.org/pubs/rwanda/rwanda.htm>, p. 7.

Chapter VII by imposing an arms embargo. Therefore “deterrence” can be considered adequate for such a measure not involving the use of armed force. The fact that UNAMIR II’s ROE did not include military enforcement does not necessarily mean that there is a contradiction between the mission mandate defined in Resolution 918 and its ROE. Reference to Chapter VII in a resolution establishing a peacekeeping operation seems to have caused this confusion.

Resolution 918 was passed, but the deployment of UNAMIR II proved to be difficult because of the problems in finding troop contributors. By the end of June, only 354 troops and 124 military observers of the authorized 5.500 were volunteered by member states and deployed to UNAMIR II.<sup>98</sup> And those states that did offer to provide troops did not possess the certain essential equipment.

The Secretary General Boutros-Ghali expressed the gravity of the problem as follows:<sup>99</sup>

“It is a genocide which has been committed. More than 200.000 people have been killed, and the international community is still discussing what ought to be done. I have tried. I was in contact with different heads of state, and begged them to send troops. I was in contact with many organizations and tried my best to help them find a solution to the problem. Unfortunately, let me say with great humility, I failed. It is a scandal. I am the first one to say it and I am ready to repeat it”.

Vaccaro confirms the difficulties faced by during the establishment of UNAMIR II,<sup>100</sup>

“Secretariat officials, and in many cases the Secretary General himself, had approached over 50 countries with request for troops. Only one country, Ethiopia, had offered to provide a ready unit (a motorized infantry battalion). Other offers of infantry units came from Congo, Ghana, Malawi, Mali, Nigeria, Senegal, Zambia, and Zimbabwe; however, each of these countries required that the units be equipped by the UN. The Secretariat

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<sup>98</sup> Weiss, *Military-Civilian Interactions*, p. 148.

<sup>99</sup> *The UN and Rwanda*, p. 51.

<sup>100</sup> Vaccaro, p. 384.

began to make arrangements to obtain the needed equipment but such an endeavor required still more time.”

Boutros-Ghali in his letter to the Security Council dated 20 June 1994 anticipated that UNAMIR might not be in a position to undertake its new mandate for another three months.<sup>101</sup> Therefore, he supported the offer of the French government to undertake, with Council’s authorization, “a French-commanded, multinational operation to assure the security and protection of displaced persons and civilians at risk in Rwanda”.<sup>102</sup> Then came French intervention, Operation Turquoise.<sup>103</sup> By the time UNAMIR II was ready to operate, most of the killing had ended and the RPF had defeated the interim government.<sup>104</sup>

When it fully deployed in November 1994 UNAMIR II had 5,257 military troops, 333 military observers, and 55 civilian police.<sup>105</sup> The military units were contributed by 15 different countries and included six infantry battalions (one each from Ethiopia, Ghana, India, Tunisia, and Zambia) and an inter-African battalion composed of troops from Chad, the Congo, Guinea-Bissau, Niger and Senegal.<sup>106</sup> Three separate infantry companies were contributed by Mali, Malawi, and Nigeria. The command and control arrangements remained the same as for UNAMIR I, except that a new force commander, Major General Guy Toussignant from the Canadian army, replaced General Dallaire on 19 August 1994.<sup>107</sup>

UNAMIR II’s primary task in the reconciliation process was to maintain a relatively secure environment.<sup>108</sup> In addition to protecting population at risk,

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<sup>101</sup> The UN and Rwanda, pp. 304-306.

<sup>102</sup> *ibid.*, p. 53.

<sup>103</sup> *infra.*, pp. 92-101.

<sup>104</sup> Daniel, Hayes and Oudraat, p. 127.

<sup>105</sup> Vaccaro, p. 393.

<sup>106</sup> *ibid.*

<sup>107</sup> *ibid.*

<sup>108</sup> Daniel, Hayes and Oudraat, p. 137.

UNAMIR II transported refugees, collected arms surrendered by the gendarmerie, and occasionally dispatched teams to investigate genocide sites.<sup>109</sup> The major difficulty it faced was the fact that it was viewed suspiciously by the new government, which believed “the United Nations was still there to help bring the deposed government back into power”.<sup>110</sup> To improve its image, explain its objectives, counter Hutu propaganda and encourage repatriation UNAMIR II deployed an FM broadcasting capability.<sup>111</sup>

UNAMIR II also provided support to the human rights field operation (HRFOR) operated under the auspices of the UN High Commissioner for Human Rights.<sup>112</sup> It conducted training for gendarmes and police instructors, run infrastructure rebuilding and provided medical assistance.<sup>113</sup>

On 30 November 1994 Security Council passed Resolution 965, expanding the mission’s mandate.<sup>114</sup> Since the government could not ensure the safety of the international personnel, it gave the responsibility to UNAMIR II to “contribute to the security of human rights officers and the International Tribunal”.<sup>115</sup>

Despite UNAMIR II’s efforts, the security situation remained volatile through the end of the year, especially along the borders where refugee camps were being used to harbor militia members and store arms.<sup>116</sup> The former members of the extremist government and its military were playing an increasing role within the camps; “they obliged refugees, through either the threat or actual use of force, to

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<sup>109</sup> *ibid.*, p. 138.

<sup>110</sup> *ibid.*, p. 137.

<sup>111</sup> *ibid.*, p. 138.

<sup>112</sup> Vaccaro, p. 393.

<sup>113</sup> *ibid.*, p. 395.

<sup>114</sup> *ibid.*, p. 394, see S/RES/965 (1994), in The UN and Rwanda 1993-1996, pp. 410-411.

<sup>115</sup> Vaccaro, p. 394.

<sup>116</sup> Daniel, Hayes and Oudraat, p. 139.

remain, and they often controlled the distribution of food and aid supplies within the camps.”<sup>117</sup> Their cross-border attacks caused the new government to increase security measures, that in turn increased ethnic tensions.<sup>118</sup>

As violence became more frequent UNAMIR II forces made several raids on camps to disarm and detain Hutu extremists.<sup>119</sup> But these efforts did not work, and the situation in refugee camps turned out an intricate dilemma for intervention efforts. Weiss explained the dilemma as follows:<sup>120</sup>

“Of the 250.000 refugees, some 30.000 were among those who had planned, initiated, or actively participated in the genocide. There were no outside peacekeepers or other military forces to attempt to separate the refugees from the perpetrators of genocide....Feeling increasingly unwilling to become accomplices to the possibility of continued atrocities, several agencies chose to withdraw-led by the ICRC and the MSF (Doctors Without Borders), whose staff had originally been in the vanguard of the relief effort.”

In addition to cross-border attacks which constituted an apparent threat of renewed fighting and crisis in refugee camps, competing property claims, the presence of 50-60.000 landmines and rehabilitation of the basic economy were other major obstacles to the resumption of normal life.<sup>121</sup> UNAMIR II tried to contribute efforts to promote the return of refugees.

Despite these problems, the circumstances in Rwanda improved gradually since the end of the war. Secretary General Boutros-Ghali requested a review of the mandate and role of the UN, on 9 April 1995.<sup>122</sup> His special representative discussed with the Rwandan government a new mandate comprising tasks which “would shift

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<sup>117</sup> Weiss, Military-Civilian Interactions..., p. 159.

<sup>118</sup> Vaccaro, p. 395.

<sup>119</sup> Daniel, Hayes and Oudraat, p. 139.

<sup>120</sup> Weiss, pp. 146-147.

<sup>121</sup> Vaccaro, p. 395.

<sup>122</sup> The UN and Rwanda, p. 92, see Map 5, *infra.*, p. 150, (resource: The Blue Helmets, p. 364).

the focus of UNAMIR II's activities from peacekeeping to confidence-building".<sup>123</sup> But, the government made it clear that it would insist on a sharp reduction in the scope of UNAMIR II's tasks and its troop levels.<sup>124</sup>

From January 1995 to April 1996, UNAMIR II was phased out.<sup>125</sup> On 9 June 1995, its mandate was reduced, which led to a decrease in troops to 2.330 by 9 September and 1.800 by 9 October. On 1 December 1995, Boutros-Ghali recommend the Security Council authorize a future UN presence in Rwanda.<sup>126</sup> But, again the Rwandan government declared that it would not agree to extension of UNAMIR II's mandate beyond 8 December.<sup>127</sup> On 8 December, the Security Council adopted Resolution 1028 (1995), extending UNAMIR II's mandate until 12 December.<sup>128</sup> On that day, the council passed Resolution 1029 (1995), extending the mandate for a final period until 8 March 1996 and reducing its strength to 1.200 troops and 200 military observers.<sup>129</sup> Last elements of UNAMIR II left Rwanda on 19 April 1996. Following termination of the UNAMIR II mandate, an agreement was reached between the UN and the government of Rwanda on the setting up of the United Nations Office in Rwanda (UNOR).<sup>130</sup> UNOR aimed at enhancing "the ability of the UN system as a whole to provide the support Rwanda needs for its efforts to solve the grievous problems that still confront it".<sup>131</sup>

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<sup>123</sup> *ibid.*, p. 93.

<sup>124</sup> *ibid.*

<sup>125</sup> Weiss, p. 159, see Map 6, *infra.*, p. 151, (resource: The UN and Rwanda 1993-1996, p. 107).

<sup>126</sup> The UN and Rwanda 1993-1996, p. 105.

<sup>127</sup> *ibid.*, p. 106.

<sup>128</sup> see S/RES/1028 (1995), *ibid.*, p. 609.

<sup>129</sup> see S/RES/1029 (1995), *ibid.*, pp. 610-611.

### III.d. OPERATION TURQUOISE:

As mentioned above, the deployment of UNAMIR II proved to be a difficult process because of the difficulties in finding troop contributors.<sup>132</sup> As the deployment delayed situation in Rwanda got worse. By July 1994 the fighting capacity of the Rwandese Government Army (FAR) against the RPF had began to crumble. And, as the RPF increased its military gains the Hutu population fled the areas coming under RPF control.<sup>133</sup> More than 2 million Rwandans flooded across the Zaire border, and another 2.5 million were internally displaced.<sup>134</sup> The RPF invasion of the northern town of Ruhengeri on 13 July triggered the flight of 500.000 to 800.000 refugees to Goma on 14-15 July.<sup>135</sup> The lack of clean water and adequate sanitation in refugee camps led to the rapid spread of diseases like cholera and dysentery among refugees. Dehydration and exhaustion made the situation worse. By July 17, it was estimated that one refugee was dying per minute due to disease, dehydration and exposure.<sup>136</sup>

Citing the deteriorating situation and the delay in the deployment of UNAMIR II, France declared that it would deploy troops in Rwanda to assure the security and the protection of displaced persons and civilians at risk in Rwanda. On 15 June, French Prime Minister Alain Juppé announced that France was prepared, “along with its main European and African partners” to intervene in Rwanda “to protect groups threatened with extinction”.<sup>137</sup> In a 19 June letter to the President of

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<sup>130</sup> *ibid.*, p. 108.

<sup>131</sup> *ibid.*

<sup>132</sup> *supra.*, pp. 87-88.

<sup>133</sup> *The UN and Rwanda*, p. 53.

<sup>134</sup> Daniel, Hayes and Oudraat, p. 129.

<sup>135</sup> Weiss, *Civilian-Military Interactions*, p. 152.

<sup>136</sup> Daniel, Hayes and Oudraat, p. 152.

<sup>137</sup> Reuters, “France May Move In to End Rwanda Killing”, *Washington Post*, June 16, 1994, in Murphy, p. 247.

the Security Council, the Secretary General Boutros-Ghali supported that proposal.<sup>138</sup> On 20 June, the French government officially informed the Security Council that France and Senegal were prepared to send a force into Rwanda. In its letter, France requested “adoption of a resolution under Chapter VII of the UN Charter as a legal framework for the deployment of a multilateral force to maintain a presence in Rwanda until the expanded UNAMIR is deployed”.<sup>139</sup>

France initially insisted that it would not act alone, but it soon became apparent that none of its allies intended to join in the intervention. Murphy explains the position of these “allies” as follows:<sup>140</sup>

“The WEU met, and while some members offered to provide equipment for the intervention, none offered to provide troops. The US supported the idea as a means of bridging the gap before arrival of the 5,500 planned UN peacekeepers, but also declined to provide its own forces for the intervention. Three of Rwanda’s neighbors-Burundi, Tanzania and Uganda-denied France permission to stage operations from their territory.”

As the Security Council considered the draft French resolution, the RPF expressed its opposition by declaring that “we consider the French to be a hostile force that we will combat by all means”.<sup>141</sup> Because they assumed, the intervention an attempt “to protect the extremist Hutu regime and its supporters”.<sup>142</sup> According to Murphy, “the deceased President Habyarimana was reportedly a close personal friend of France’s President Mitterrand; even the plane carrying Habyarimana that was shot down was a gift to him from France”.<sup>143</sup>

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<sup>138</sup> S/1994/728, 20 June 1994, in The UN and Rwanda, pp. 304-306.

<sup>139</sup> S/1994/734, 21 June 1994, in The UN and Rwanda, p.307.

<sup>140</sup> Murphy, pp. 248-249.

<sup>141</sup> *ibid.*, p. 248.

<sup>142</sup> Daniel, Hayes and Oudraat, p. 129.

<sup>143</sup> Murphy, p. 248.

The Organization of African Unity (OAU) opposed to intervention, on the basis that one of the conflict's principal combatants, the RPF, was understandably opposed it.<sup>144</sup> Facing this skepticism, France asserted that

“The goal of the French initiative is exclusively humanitarian: the initiative is motivated by the plight of the people, in the face of which, we believe, the international community cannot and must not remain passive. It will not be the mission of our soldiers in Rwanda to interpose themselves between the warring parties, still less to influence in any way the military and political situation. Our objective is simple: to rescue endangered civilians and put an end to the massacres, and to do so in an impartial manner.”<sup>145</sup>

The French Prime Minister Edouard Balladur, set five conditions for French intervention: a UN mandate; a clear time limit for the operation; no in-depth penetration of Rwandan territory; a strictly humanitarian purpose; and allied involvement.<sup>146</sup>

On 22 June 1994, the Security Council passed Resolution 929 authorizing the French and Senegalese intervention.<sup>147</sup> The resolution was determining that “the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region”, and recognizing that “the current situation...demands an urgent response by the international community”. The force was authorized to use “all necessary means” to achieve the humanitarian objectives “that had been established for UNAMIR in paragraphs 4 (a) and (b) of Resolution 925”.<sup>148</sup> The words “all necessary means” meant that the multinational force was empowered to use force. It was a Chapter VII operation. The resolution also set some limits on the duration and purpose of the operation. The mission would be limited to a period of two months, unless the Secretary General determined an earlier date that UNAMIR II

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<sup>144</sup> Mel McNulty, “France’s Role in Rwanda and External Military Intervention: A Double Discrediting”, *International Peacekeeping*, Vol. 4, No. 3, Autumn 1997, p. 38.

<sup>145</sup> Murphy, p. 251.

<sup>146</sup> Daniel, Hayes and Oudraat, p. 129.

<sup>147</sup> S/RES/929 (1994), 22 June 1994, *The UN and Rwanda*, pp. 308-309.

could carry out its mandate. And, it would be a “strictly humanitarian, impartial and neutral” operation.

The vote on Resolution 929 was 10 in favor, none against, and 5 abstentions (Brazil, China, New Zealand, Nigeria and Pakistan).<sup>149</sup> Those who voted in favor of the resolution saw it as necessary due to the delays experienced in providing sufficient support to UNAMIR.<sup>150</sup> The delegations that abstained voiced concern about “the intervention going forward at the same time that UN peacekeeping forces were in Rwanda”.<sup>151</sup> New Zealand explained its abstention as a concern that “trying to run two separate operations in parallel with different command arrangements does not work and, in the long run, those whom we set out to save can be those who suffer.”<sup>152</sup> This was not a strong argument, because the limited number of UNAMIR II troops were not functioning, and Operation Turquoise would end upon the full deployment of UNAMIR II. Brazil asserted that “the Security Council should avoid using its extraordinary Chapter VII powers in such cases” and noted “the difficulty in simultaneously operating peacekeeping and “peace-forcing” operations in the same state.”<sup>153</sup>

Resolution 929 is important, because it represented “only the sixth time in UN history that the Security Council had authorized member states to use military force under Chapter VII”.<sup>154</sup> Although the UN gave the force its mandate, it neither deployed nor commanded the troops that were sent to fulfill it. Another feature of Operation Turquoise was that the costs of the mission were born by the countries

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<sup>148</sup> Paragraph 4 of the Resolution 929, *ibid.*

<sup>149</sup> The UN and Rwanda, p. 54.

<sup>150</sup> Murphy, p. 251.

<sup>151</sup> *ibid.*

<sup>152</sup> UN SCOR, 49<sup>th</sup> Session, 3392d mtg., at 5-6, UN Doc. S/PV.3392 (1994), in Murphy, p. 251.

<sup>153</sup> *ibid.*

<sup>154</sup> The UN and Rwanda, p. 54.

supplying troops, with France bearing the lion's share. Whereas the UN peacekeeping missions like UNAMIR-I and UNAMIR-II were financed by "mandatory assessments on all member states or by voluntary contributions following the approval of their budgets by the General Assembly."<sup>155</sup> Operation Turquoise cost \$ 212 million (according to Vaccaro, \$240 million).<sup>156</sup> This was approximately 1% of the French annual defense budget and was spent over the operation's sixty day duration.<sup>157</sup>

Operation Turquoise began on 22 June and ended on 21 August 1994.<sup>158</sup> The force was stationed at two sites in Zaire, Goma and Bukavu, near the Rwandan border.<sup>159</sup> On 23 June, a few hundred French troops in armored vehicles and helicopters crossed from Zaire sixty miles into western Rwanda. The force commander was French General Jean-Claude Lafourcade. In order to coordinate French activities with UNAMIR II a French liaison office was established at UNAMIR headquarters in Kigali.

At the height on 13 July, the multinational coalition comprised 2,552 French troops and 508 African troops from 7 states (Chad, Congo, Egypt, Guinea-Bissau, Mauritania, Niger and Senegal). With its air support including Jaguar and Mirage aircraft as well as artillery and light armor, the force was giving the message that "these were combat troops, not peacekeepers".<sup>160</sup> Among UN interventions in Rwanda, Operation Turquoise is considered the most "successful" one, and this success is mostly attributed to the force structure and its rules of engagement, which

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<sup>155</sup> *ibid.*, p. 55.

<sup>156</sup> Michael Brown and Richard N. Rosecrance, The Costs of Conflict: Prevention and Cure in the Global Arena, New York: Carnegie Corporation, 1999, p. 68.

<sup>157</sup> Vaccaro, p. 379.

<sup>158</sup> See Map 7, *infra.*, p. 152, (resource: The UN and Rwanda 1993-96, p. 56).

<sup>159</sup> The UN and Rwanda, p. 55.

<sup>160</sup> The Blue Helmets, p. 353.

allowed force to be used “in circumstances where there was a threat to own forces, a threat against the protected population, obstruction of the mission, and in a conflict situation with refugees”.<sup>161</sup>

Within the first days of the operation some 8.000 Tutsis were rescued. This was a success for the operation. But, Weiss noted, “after 13 days of the operation only 1.325 more persons were identified as “at risk””, because by the time French forces arrived the genocide was completed.<sup>162</sup> This is why the French operation is criticized for being three months late.

Following the announcement of the intervention, the RPF siege of Kigali and its efforts to seize the rest of the country intensified. And this led to a renewed flood of Hutu refugees, worsening the humanitarian crisis. They were encouraged in their fears by radio propaganda of RTLM. It was telling Hutus that “the rebel government and the French forces could not guarantee their security and they should cross into Zaire immediately.”<sup>163</sup> General Lafourcade noted that RTLM was undermining their efforts and requested the means to spread positive information, emphasizing the importance of a counter-radio station.<sup>164</sup>

In 1 July France announced its decision to establish a humanitarian protected zone (HPZ) in the Cyangugu-Kibuye-Gikongoro triangle in south western Rwanda. Resolution 929 had authorized the creation of safe areas in order to protect civilians. The French forces deployed in the protection zone on 9 July. No armed forces were to be allowed entry into the zone. Its purpose was “to prevent both genocidal

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<sup>161</sup> Daniel, Hayes and Oudraat, p. 134.

<sup>162</sup> Weiss, Military-Civilian Interactions, p. 150.

<sup>163</sup> Daniel, Hayes and Oudraat, p. 133.

<sup>164</sup> *ibid.*

retribution by the RPF against Hutus and a refugee tidal wave like the earlier one to Goma”.<sup>165</sup>

On 4 July, the RPF had taken full control of Kigali. It expressed strong opposition to the French initiative to establish a HPZ, raising concerns that “such efforts would serve to protect the responsible for genocide and to preserve the Hutu-led interim government”.<sup>166</sup> Indeed, it was the case; although French officials stated the HPZ created for humanitarian purposes only, many FAR troops were inside the zone when it was created. And, the French provided sanctuary for these forces as well.<sup>167</sup> Despite its opposition, RPF did not attempt to enter the HPZ and no confrontation occurred between RPF and Operation Turquoise forces.<sup>168</sup>

Within the HPZ, Operation Turquoise protected an estimated 11.500 to 14.000 civilians, remaining Tutsis and other groups at risk. In addition to its security activities, the mission undertook relief support and modest direct relief. The most important contributions were in health and sanitation.<sup>169</sup> Weiss gives a detailed account of these contributions:<sup>170</sup>

“The operation encompassed a standing medical unit, the *Elément Médical Militaire d’Intervention Rapide* (EMMIR), and a mobile emergency response team, Bioforce. With a staff of 49 personnel, EMMIR treated 300 civilians per day. Bioforce was especially vital, operating locally and coordinating with NGOs. From 22 June to 30 September, the operation carried out 1.100 surgical operations, 17.000 medical consultations, 11.000 days of hospitalization, 90.000 ambulatory treatments, 24.000 vaccinations, and 24 births”

Operation Turquoise also protected humanitarian convoys traveling into the zone.

Thanks to the efforts by the mission mortality rate decreased sharply.

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<sup>165</sup> Weiss, p. 151.

<sup>166</sup> The UN and Rwanda, p. 56.

<sup>167</sup> Vaccaro, p. 388.

<sup>168</sup> *ibid.*, p. 389.

On 17 July 1994, the town of Gisenyi fell to the RPF and with the exception of the humanitarian zone controlled by the French-led multinational force, the entire country came under RPF control.<sup>171</sup> On 18 July RPF unilaterally declared a cease fire. On 19 July it installed a broad based Government of National Unity, intended to operate for a transitional period of five years.<sup>172</sup> All parties to the Arusha Accord received representation in the new government, with the exception of the former ruling party MRND and the openly anti-Tutsi party, the CDR.<sup>173</sup>

The new president, Pasteur Bizimungu, immediately invited the return of all refugees who wished. On 26 June 1994, he and the then President Mobutu Sese Seko of Zaire issued a joint communiqué indicating their agreement on the return of all refugees to Rwanda in freedom and dignity.<sup>174</sup> President Sese Seko confirmed that “the territory of Zaire would never be used by Rwandans or by anyone else for the purpose of destabilizing Rwanda; former FAR military personnel in Zaire would be disarmed and confined to barracks, and radio transmissions containing incitements to ethnic hatred would be stopped immediately”.<sup>175</sup> The UN, especially UNHCR, undertook efforts to support the return of refugees.

The RPF victory marked the end of the civil conflict and massacres but had no effect on the desperate humanitarian situation. The resources available to the aid agencies and Operation Turquoise forces functioning in the area fell short of the demand.<sup>176</sup> “The largest camp, at Goma, Zaire, alone required 600 metric tons of

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<sup>169</sup> Weiss, pp. 151-152.

<sup>170</sup> *ibid.*

<sup>171</sup> The UN and Rwanda, p. 57.

<sup>172</sup> Brown and Rosecrance, p. 64.

<sup>173</sup> The UN and Rwanda, pp. 325-331.

<sup>174</sup> *ibid.*, p. 57, see the Joint Communiqué, S/1994/901, The UN and Rwanda, p. 323.

<sup>175</sup> *ibid.*

<sup>176</sup> Brown and Rosecrance, p. 64.

food and 1 million gallons of purified water per day.”<sup>177</sup> French government informed the Secretary General that they could not cope with the massive flow of refugees into the humanitarian zone and into Zaire, with the resources available to them.<sup>178</sup> According to France, “mitigation of the humanitarian disaster would be possible only when the long-awaited international assistance entered into full effect”.<sup>179</sup> But as of 25 July there were less than 500 UNAMIR II troops on the ground.

On 29 July, French troops began to withdraw despite UN pleas for them to remain until UNAMIR II could fully deploy. In the face of difficulties in the deployment of UNAMIR II Boutros-Ghali urgently requested governments to provide the reinforcements and equipment necessary to bring UNAMIR to the strength authorized by the resolution 918.<sup>180</sup> In his appeal he emphasized that<sup>181</sup>

“Rwanda needs the help of the international community and will continue to need it for foreseeable future. I am convinced that resources do exist. What is required is the political will in the countries around the world coalescing into a collective political will at the United Nations.”

As the scheduled departure of Operation Turquoise on 21 August 1994 neared, there were concerns that as the force pulled out the population in the protection zone would flee to Zaire and Burundi out of the fear of RPF.<sup>182</sup> To prevent this from happening humanitarian agencies increased their presence and the delivery of assistance to the zone. And, UNAMIR forces, in cooperation with Operation Turquoise, developed a detailed plan for the transition to UNAMIR II. The African

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<sup>177</sup> *ibid.*

<sup>178</sup> S/1994/933, *The UN and Rwanda*, p. 58.

<sup>179</sup> *ibid.*

<sup>180</sup> See S/1994/923, 3 August 1994, *The UN and Rwanda*, pp. 323-325.

<sup>181</sup> *ibid.*, p. 58.

<sup>182</sup> Vaccaro, p. 389.

Units serving with France were organized into a combined unit and transferred to UNAMIR II.

As mentioned above, UNAMIR II began deploying troops on 10 August, but it could reach its authorized strength by the end of November.<sup>183</sup> During the period between the withdrawal of Operation Turquoise forces and deployment of UNAMIR II, the disastrous humanitarian crisis necessitated additional support to be provided by states unilaterally. There was an extreme shortage of food and water, and cholera and dysentery were spreading through the camps. The United States was the first country to offer noncombatant military support to help deliver relief.<sup>184</sup> It was followed by other countries including the United Kingdom (Operation Gabriel), Australia (Operation Tamar), Canada (Operation Lance) and Japan.<sup>185</sup>

### III.e. US Operation Support Hope and Additional Unilateral Support:

Facing the above-mentioned humanitarian crisis that worsened after the withdrawal of Operation Turquoise, US President Clinton directed the commander in chief of US European Command, General George Joulwan, on 22 July 1994, to provide assistance to humanitarian organizations to stop the dying in Goma.<sup>186</sup> Joulwan, in turn, assigned Army Lieutenant General Daniel Schroeder to command a US humanitarian assistance operation, Operation Support Hope. Any reference to “peacekeeping” or “enforcement” was avoided in Clinton’s “disaster response”.<sup>187</sup> The operation was conducted until 29 September 1994. General Joulwan and General

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<sup>183</sup> *supra.*, p. 88.

<sup>184</sup> Daniel, Hayes and Oudraat, p. 136.

<sup>185</sup> *ibid.*

<sup>186</sup> Vaccaro, p. 391.

<sup>187</sup> Weiss, p. 154.

Dallaire worked out a concept of operations for humanitarian relief. There was not a UN authorization for Operation Support Hope and other unilateral support operations. The Secretary General urged the US and other countries providing unilateral support to place their forces under UNAMIR command, but the US did not accept it.<sup>188</sup>

The operation had two goals: stop the dying and turn relief efforts over private organizations.<sup>189</sup> Within four days of deployment, US troops were producing 24,000 gallons of potable water a day in Goma, a figure that soared to 431,000 gallons a day by mid-August.<sup>190</sup> Thanks to US relief efforts, deaths from disease, which were averaging as many as six thousand per day, dropped to approximately five hundred per day.<sup>191</sup> In addition to purifying water, US troops dug mass graves and latrines in the Goma camps, increased the capacity of regional airports, including Kigali, and help the UN Rwanda Emergency Office (UNREO) to coordinate the efforts of the aid organizations.<sup>192</sup>

The operation was coordinated by the European Command in Germany, and composed of two task forces: Joint Task Force Bravo in Kigali, and Joint Task Force Alpha in Goma.<sup>193</sup> The operation was run in Kigali, Entebbe, and Goma by the Civil-Military Operations Command (CMOC). The force peaked near 2,500 in early

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<sup>188</sup> Daniel, Hayes and Oudraat, p. 136, Japan did not accept this call either. But other countries providing unilateral support placed their forces under UNAMIR command. The UN opened On-Site Operations Coordinating Center (OSOCC) in Kigali to coordinate these assistance operations. Concurrent with the establishment of the OSOCC, the US military set up a Civil Military Operations Center (CMOC) in Kigali to liaise with OSOCC and other assistance operations, see Vaccaro, pp. 391-392.

<sup>189</sup> *ibid.*

<sup>190</sup> *ibid.*, p. 137.

<sup>191</sup> *ibid.*

<sup>192</sup> Vaccaro, p. 391.

<sup>193</sup> Weiss, p. 155.

August, consisting of mostly logistic troops and an infantry company, that served as a small quick reaction force.<sup>194</sup>

By the end of the mission, which officially concluded on 30 September, the US had flown over twelve hundred missions, delivered almost fifteen thousand tons of humanitarian relief supplies, and produced millions of gallons of potable water.<sup>195</sup> The US contribution was noteworthy but its “delayed, limited and short-term” nature was criticized.<sup>196</sup> When Operation Support Hope withdrew from Goma on 28 August, the mortality rate was still 500 per day. But, General Joulwan declared “The emergency for the most part is over. There is still problems, but they are [private relief groups’ and the UN’s] problems and not US military.”<sup>197</sup> Joulwan’s statement reflected America’s caution toward peace operations and overriding US concern for “zero body bags” behind the PDD-25.<sup>198</sup>

In addition to American Operation Support Hope, nine countries provided direct military resources, which differ considerably in size and nature.<sup>199</sup> The United Kingdom undertook Operation Gabriel similar to Operation Support Hope. Canada, which participated in UNAMIR with 400 troops, undertook three operations: Operation Lance to support humanitarian aid,<sup>200</sup> Operation Passage for medical aid and Operation Scotch for air transport. Operation Passage comprised of 200 personnel, including medical personnel, security, support and engineering staff.<sup>201</sup> Together with Operation Scotch it treated some 22.000 patients and delivered 2.600 metric tons of supplies to Kigali, Goma and Bujubura.

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<sup>194</sup> Vaccaro, p. 391.

<sup>195</sup> Daniel, Hayes and Oudraat, p. 137.

<sup>196</sup> Weiss, p. 156.

<sup>197</sup> Daniel, Hayes and Oudraat, p. 137.

<sup>198</sup> Weiss, p. 156.

<sup>199</sup> *ibid.*

The Netherlands, under the command of UNAMIR, trained and equipped the Zambian contingent. Operating between 4 August and 4 September, the Dutch contingent provided 100 vehicles (heavy trucks and light transport), 10 mobile kitchens, and electric generators.<sup>202</sup> Furthermore, Dutch grants to the UNHCR funded meningitis vaccines for 150.000 civilians and supplied other medical and health supplies.<sup>203</sup>

Germany, Australia and New Zealand provided air transport services. They carried tons of supplies, and supplied water purification and transport equipment.<sup>204</sup> Israel and Japan focused on fulfilling medical needs. Named “Operation Interns for Hope” the Israeli Defense Forces mission provided both air transport and medical assistance from 25 July to 31 August. Beginning in October, the Japanese contingent of 260 troops contributed sanitation and water purification.<sup>205</sup> And, Ireland sent specialists in the fields of engineering, medicine, logistics, security, communications and administration.<sup>206</sup>

### III.f. International Criminal Tribunal for Rwanda (ICTR):

Since the establishment of the new government, the international community has been working to (1) resettle internally displaced persons and refugees, (2) develop governmental institutions and the country’s infrastructure, and (3) realize justice for crimes against humanity.<sup>207</sup> Human Rights Field Operation (HRFOR) and

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<sup>200</sup> Operation Lance, [http://www.cfc.dnd.ca/Op\\_Lance/lance.html](http://www.cfc.dnd.ca/Op_Lance/lance.html)

<sup>201</sup> Weiss., p. 157.

<sup>202</sup> *ibid.*

<sup>203</sup> *ibid.*

<sup>204</sup> *ibid.*

<sup>205</sup> *ibid.*

<sup>206</sup> *ibid.*, p. 158.

<sup>207</sup> Vaccaro, p. 393

International Criminal Tribunal for Rwanda (ICTR) were the main tools used to implement part three of this strategy.

The Secretary General Boutros-Ghali reported to the Security Council that the first priority in Rwanda was the resolution of the humanitarian crisis. It was necessary to achieve a sense of justice for peace and reconciliation. He said “legal measures were required to investigate the events and impose penalties for those determined to have been responsible for the crime of genocide and other violations of human rights.”<sup>208</sup> Towards these ends, the Commission on Human Rights, its Special Rapporteur, the Secretary General and Commission of Experts established by Boutros-Ghali pursuant to SC resolution 935 (1994) took action. The Security Council established an International Criminal Tribunal for Rwanda (ICTR) and the Human Rights Field Operation (HRFOR), “an on-the-ground presence aimed at deterring further violations of human rights, promoting the rule of law and building confidence in general”.<sup>209</sup>

The High Commissioner for Human Rights had visited Rwanda on 11-12 May. In a subsequent report he suggested that the Commission “appoint a Special Rapporteur for Rwanda and arrange for the Special Rapporteur to be supported by a field operation, staffed by human rights specialists, to assist in the collection and analysis of the information on the genocide, to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation.”<sup>210</sup> The Commission convened and endorsed High Commissioner’s recommendation on 24-25 may 1994,

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<sup>208</sup> Weiss, p. 158.

<sup>209</sup> *ibid.*, p. 61.

<sup>210</sup> The UN and Rwanda 1993-1996, p. 62

laying the foundation for the Human Rights Field Operation in Rwanda (HRFOR).<sup>211</sup>

A first group of five officers was fielded during the period from June to August 1994.<sup>212</sup>

In July 1994 the Security Council passed resolution 935, which authorized the creation of a Commission of Experts to examine the evidence of gross violations of human rights.<sup>213</sup> Its mandate was “to investigate at first hand the human rights situation in Rwanda and to receive relevant and credible information from governments, individuals, intergovernmental and non-governmental organizations”.<sup>214</sup> The Commission was also requested to examine “the question of jurisdiction, whether international or municipal, before which such persons could be brought to trial”.<sup>215</sup>

Boutros-Ghali established the Commission of Experts composed of Mr. Atsu-Koffi Amega (Togo), Ms. Habi Dieng (Guinea) and Mr. Salifou Fomba (Mali), on 26 July 1994, and the Commission began its work on 15 August 1994. In August, the government of Rwanda concludes an agreement with the High Commissioner to increase the number of human rights officers to 147. In the agreement the objectives and the functions of the operation (HRFOR) were defined as follows:<sup>216</sup>

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<sup>211</sup> For more information on HRFOR see, William Clarence, “The Human Rights Field Operation in Rwanda: Protective Practice Evolves on the Ground”, International Peacekeeping, Vol. 2, No. 3, Autumn 1995, pp. 291-308.

<sup>212</sup> *ibid.*, pp. 66-67.

<sup>213</sup> S/RES/935 (1994), 1 July 1994, in The UN and Rwanda, pp. 309-310.

<sup>214</sup> The following NGOs have provided the Commission with reports: Amnesty International, the Regional Council of Non-Governmental and Development Organizations of Southern Kivu, Droits de l’Homme Sans Frontières, International Federation of Human Rights, Médecins du Monde, Médecins sans Frontières, Nord-Sud XXI, World Organization against Torture, OXFAM, Reporters sans Frontières, the Zaire section of the International Society for Human Rights, the International Service for Human Rights, Survival International, and the United States Committee for Refugees. ICRC has also provided information. See, The UN and Rwanda 1993-1996, p. 350.

<sup>215</sup> *ibid.*, p. 347.

<sup>216</sup> The Blue Helmets, p. 354-355.

- a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide,
- b) monitoring the ongoing human rights situation, helping to prevent such violations through the presence of human rights field officers,
- c) cooperating with other international agencies to re-establish confidence and facilitate the return of refugees and displaced persons and the rebuilding of civil society,
- d) implementing programs of technical cooperation in the field of human rights, particularly in the area of the administration of justice, to help Rwanda rebuild its shattered judiciary and to provide human rights education to all levels of Rwandese society.

The first human rights field officers were deployed in September 1994, and during the first months of 1995 it became fully operational. As of 1 April 1995, HRFOR was composed of “113 staff in 11 field offices, including 67 fixed-term staff, 34 UN volunteers, and 12 human rights officers contributed by the Commission of the European Communities”.<sup>217</sup> All information and evidentiary materials collected by HRFOR was regularly forwarded to the High Commissioner for Human Rights, the Special Rapporteur, and the International Tribunal.

In its first interim report, the Commission of Experts concluded that “there exist overwhelming evidence to prove that acts of genocide against the Tutsi group were perpetrated by Hutu elements in a *concerted, planned, systematic and methodical way*”, and that the “mass exterminations perpetrated by Hutu elements against the Tutsi group...constitute genocide.”<sup>218</sup> Furthermore, the Commission recommended that the Security Council take all necessary and effective action to “ensure that the individuals responsible... are brought to justice before an independent and impartial international criminal tribunal.”

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<sup>217</sup> *ibid.*, p. 362.

<sup>218</sup> S/1994/1125, 4 October 1994, The UN and Rwanda, pp. 345-361.

On 8 November 1994, having determined that the genocide and other flagrant violations of human rights committed in Rwanda “constitute a threat to international peace and security” within the scope of Chapter VII of the UN Charter, the Security Council established an *ad hoc* tribunal by resolution 955.<sup>219</sup> According to Boutros-Ghali, the recourse to Chapter VII was deemed necessary to ensure a speedy and expeditious method of establishing the tribunal as well as to ensure the cooperation of Rwanda and other related states in the region.<sup>220</sup> Under Article 28 of the Statute of the ICTR, states were under an obligation to cooperate with the ICTR and to comply with any of its requests, including the arrest or detention of persons and the surrender or transfer of suspects.

ICTR was established for “the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of Rwandan citizens responsible for genocide and other such violations committed in the territory of the neighboring states between 1 January and 31 December 1994.”<sup>221</sup> The resolution passed with Rwanda voting against and China abstaining. The new government of Rwanda itself had requested the Council to create such a tribunal.<sup>222</sup> However, at the adoption of the resolution Rwanda objected to the Tribunal, principally because of “the Tribunal’s inability to order the death penalty, its limited temporal jurisdiction (the temporal jurisdiction of

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<sup>219</sup> S/RES/955 (1994), 8 November 1994, *ibid.*, pp. 387-394.

<sup>220</sup> *ibid.*, p. 65.

<sup>221</sup> See, Paragraph 1 of the Resolution 955.

<sup>222</sup> Johan G. Lammers, Herman A. M. von Hebel and Jolien Schukking (eds.), Reflections on the International Criminal Court, The Hague: T. M. C. Asser Press, 1998, p. 32. See the request of the Rwanda to the Council, UN Doc. S/1994/1115 (1994).

the ICTR is according to Article 1, limited to the year 1994), and concerns that its seat would be far from Rwanda”.<sup>223</sup>

The subject matter jurisdiction of the ICTR covers the crime of genocide (Article 2), crimes against humanity (Article 3), and violations of Article 3 common to the Geneva Conventions and of Additional Protocol II (Article 4). The tribunal is competent to judge persons who “planned, instigated, ordered, committed or otherwise aided and abetted” in executing the crimes within its jurisdiction.<sup>224</sup> Article 2 of the Statute defines “genocide” as follows:

“Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.”

The Statute of the ICTR was elaborated by negotiations between members of the Security Council, especially the United States, New Zealand and Rwanda, at that time a non-permanent member of the SC. The Statute was, with few exceptions identical to the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY).<sup>225</sup> The prosecutor of the ICTY would also serve as the prosecutor of the ICTR. Like the ICTY, it would be technically a subsidiary, though

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<sup>223</sup> Its seat was in Arusha, Tanzania, Steven R. Ratner and Jason S. Abrams, Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy, Oxford: Clarendon Press, 1997, p. 174.

<sup>224</sup> Human Rights Watch, “Leave None to Tell the Story”, Justice and Responsibility, p. 2.

<sup>225</sup> The UN and Rwanda, p. 65.

independent, organ of the Security Council. The sharing of the common rules, institutions and organizational structure is aimed at efficiency, quick establishment and economy.<sup>226</sup>

The Security Council concerned about the safety of staff and trial participants as well as about logistical considerations and decided to place the trial chambers in Arusha, Tanzania. The Tribunal was originally established with two chambers, each of three judges, and an appeals chamber of five judges. But, in response to slow progress of trials and the large numbers of accused already in custody, the Security Council added a third chamber of three judges to the tribunal on 30 April 1998. The Tribunal issued its first indictments on 28 November 1995, and held its first plenary session on January 1996.<sup>227</sup>

The trial process was very slow because of financial and administrative problems. Furthermore, it was hampered by the lack of phone lines, power supplies and secure buildings.<sup>228</sup> The heads of the tribunal's three sections were stationed in different countries. The prosecutor and appeals chamber were located in the Hague, the investigatory unit and prosecutor's office were in Kigali, and the trial chambers were in Arusha.<sup>229</sup> Cases took too long to reach trial; the process was alien to the Rwandans, the tribunal was distant, and because of the difficulties in ensuring protection of witnesses, potential witnesses feared reprisals if they testified and so refused to do so.<sup>230</sup>

There were also problems in the relationship between the Rwandan government and the Tribunal. Human Rights Watch Report examines the problems

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<sup>226</sup> Ratner and Abrams, p. 175.

<sup>227</sup> Human Rights Watch, "Leave None to Tell the Story", Justice and Responsibility, p. 3.

<sup>228</sup> Kathy Ward, "Seeking Justice in Rwanda", <http://newfirstsearch.oclc.org>, p.2, EBSCOhost.

together with the comprehension of the work of the ICTR by the Rwandan people.

According to the report,

“in 1997 the Rwandan government sharply criticized the tribunal. It demanded the Judge Arbour be removed and that a separate prosecutor be designated exclusively to handle cases in Rwanda. Secretary General of the Ministry of Justice, Gerald Gahima, expressed scepticism about the tribunal... “People should aspire to prevent these crimes, not to punish them adequately after they had been committed.””<sup>231</sup>

Despite these problems, the ICTR has managed to make a powerful contribution. It gives the message that the international community will not tolerate such abuses of human rights.<sup>232</sup> It is the first international court to convict a person for genocide, and its decisions concerning the international law on genocide are now an important part of the fledgling efforts to turn the 1948 code into enforceable law.<sup>233</sup> The ICTR has also succeeded in getting many of the alleged leaders of the genocide into its prison in Arusha.<sup>234</sup>

According to the ICTR website summarizing the achievements of the Tribunal, since its establishment in Arusha and Kigali in 1995, the ICTR has.<sup>235</sup>

- Secured the arrest of over 40 individuals accused of involvement in the 1994 genocide in Rwanda. Among those arrested were the former Prime Minister and several other members of the interim Government of Rwanda during the genocide as well as senior military leaders and high ranking government officials;

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<sup>229</sup> Ratner and Abrams, p. 175.

<sup>230</sup> HRW Report, Justice and Responsibility, p. 4.

<sup>231</sup> *ibid.*, p. 6.

<sup>232</sup> Wendy Lambourne, “The Pursuit of Justice and Reconciliation: Responding to Genocide in Cambodia and Rwanda”, International Studies Association, 40<sup>th</sup> Annual Convention, Washington D.C., February 16-20, 1999, Columbia International Affairs Online, <http://www.cc.columbia.edu/sec/dlc/ciao>.

<sup>233</sup> “The Achievements of the ICTR”, [www.ictor.org](http://www.ictor.org).

<sup>234</sup> Ward, p. 2.

<sup>235</sup> [www.ictor.org](http://www.ictor.org).

- Convicted several of those arrested for genocide and crimes against humanity, including the Prime Minister, Jean Kambanda. This was the first time that a head of government had been convicted for such a crime;
- Laid down definitions in international law, which will serve as precedents for other International Criminal Tribunals and for courts all over the world;
- Obtained the cooperation of the international community in the arrest of suspects, the travel of witnesses to Arusha, the detention of convicted persons and, in general, support for its aims and activities.

Security Council issued two important resolutions regulating the ICTR. In its Resolution 978, adopted on 27 February 1995, Security Council emphasized the importance of taking all measures for the early and effective functioning of the tribunal.<sup>236</sup> The resolution urged all states to arrest and detain persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda. It also condemned all attacks against persons in the refugee camps near the borders of Rwanda, demanded that such attacks immediately cease, and called upon states to take appropriate steps to prevent such attacks.

In its Resolution 1329, adopted on 30 November 2000, the Security Council underlined that it is acting under Chapter VII of the UN Charter.<sup>237</sup> It decided to amend articles 11, 12 and 13 of the Statute of the ICTR and to replace those articles with the provision set out in Annex II to the Resolution. These amendments were

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<sup>236</sup> *ibid.*

<sup>237</sup> *ibid.*

about composition of the Chambers (Article 11), qualification and election of judges (Article 12), and officers and members of the Chambers (Article 13). The Resolution also urged all states to cooperate fully with the ICTR and their organs in accordance with their obligations under resolutions 827 (1993) and 955 (1994) and the statutes of the International Tribunals.

The ICTR is still functioning and information about its achievements and failures, and cases can be found on the official website of the ICTR. The President of the ICTR, Judge Navanethem Pillay (South Africa), is responsible for presenting annual reports to the General Assembly. The Fifth Annual Report of the Tribunal activities presented by her on 20 November 2000 reveals the latest developments about the Tribunal.

## **CHAPTER IV**

### **CRITICAL ANALYSIS: REASONS FOR “FAILURE” AND LESSONS LEARNED**

More killings were compressed into three months in Rwanda in 1994 than occurred in four years in the former Yugoslavia between 1991 and 1995.<sup>1</sup> And, this humanitarian crisis, killing 14 % of the population in the three months, took place in the presence of the international community’s forces. This chapter aims to analyze the Rwanda crisis and international community’s failure according to the framework established in Chapter I (criteria that justify humanitarian intervention, legal bases for intervention, etc.). It asks questions like, “How can we define the UN intervention in Rwanda?”, “How does Rwanda case reveal the difficulties the UN face with, in terms of humanitarian intervention?”, “Why were the signals of the coming genocide ignored? Why were they not translated into effective conflict management?”, “How can we assess the success/failure of the operations in Rwanda?”, “Could UNAMIR be successful if better managed?”, “How can we explain the failure of the international community in this case?”, and “What lessons can be drawn from this experience?”.

In the analysis, the starting point should be the overwhelming reality of genocide and legal obligations stemming from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the UN Charter and other relevant human rights conventions, mentioned in Chapter 1 of this study, requiring

international community to take action. The gravity of the humanitarian situation in Rwanda fully meets the definition of genocide and the criteria that justify humanitarian intervention.<sup>2</sup> Rwanda had acceded to the Genocide Convention on 15 April 1975. And, as UN's Special Rapporteur indicated "the victims of the attacks, Tutsis in the overwhelming majority of the cases, have been targeted solely because of their membership of a certain ethnic group, and for no other reason".<sup>3</sup>

The determination by the UN that the killings in Rwanda constituted "a threat to world peace and security" confirms that the situation does not fall within the domestic jurisdiction of Rwanda. And it requires, under Article 39 of the UN Charter, to bring into action Chapter VII on enforcement measures. When the UN defined the situation in Rwanda as "genocide" legal bases for military action were strengthened. In short, humanitarian intervention in Rwanda was "militarily justifiable" and "morally obligatory". Even the authors who define the criteria for humanitarian intervention in the strictest and Realist manner, like Michael O'Hanlon, acknowledge that fact, stating powerful states like the United States should have intervened in Rwanda militarily.<sup>4</sup>

The range of responses to the Rwanda crisis may be categorized as follows:

1) the international community's response to the civil war, 2) the international community's response to the genocide that started after the 6 April 1994, 3) the

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<sup>1</sup> Carnegie Commission on Preventing Deadly Conflict, Preventing Deadly Conflict: Final Report with Executive Summary, Prologue, p. 1, <http://www.cepcdc.org>.

<sup>2</sup> The Genocide Convention, Article 2 defines genocide as follows: "genocide is committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group". Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience", Introduction, p. 1, <http://www.reliefweb.int>.

<sup>3</sup> The UN, The United Nations and Rwanda 1993-1996, Blue Book Series, Vol. X, New York: UN Department of Public Information, 1996, p. 213.

<sup>4</sup> Michael O'Hanlon, Saving Lives with Force: Military Criteria for Humanitarian Intervention, Washington D.C.: Brookings Institution Press, 1997, pp. 5-7.

international humanitarian assistance to the survivors inside Rwanda and to the huge refugee camps in neighboring countries, and 4) the international assistance to repatriation and rehabilitation of refugees, and to recovery and reconstruction of the Rwandan government and society after the upheaval.

How can we define the UN intervention in Rwanda? The answer would change, as mentioned before, according to the definition we adopt. Since this study adopts the “classical” definition; “UN authorized coercive intervention for primarily humanitarian purposes”, it reaches to the conclusion that UN intervention in Rwanda was a “failed humanitarian intervention”. While UNAMIR I was designed as a peacekeeping force without enforcement powers of Chapter VII, Operation Turquoise, a coercive Chapter VII operation and UNAMIR II imposing an arms embargo under Chapter VII of the UN Charter were late to prevent or stop the genocide. International community did intervene in Rwanda with humanitarian purposes, and achieved important humanitarian outcomes. But its response could not prevent or stop the genocide. Given the complexity of the situation, the dramatic speed of the slaughter and the difficulty of “rapid response”, it would be unfair to define UN response as “lack of action” or “non-intervention”.<sup>5</sup> But, the severity of the situation necessitated an earlier and stronger response.

The crisis in Rwanda was a “complex emergency” with all the difficulties of humanitarian intervention examined in Chapter 1. Reluctance to intervene, UN’s dependency on its members, lack of US leadership, inadequate resources, financial crisis in the overburdened UN, co-ordination problems, and “inadequate mandate” of the UNAMIR, together explain very well the failure in Rwanda.

The response involved an unprecedented number of agencies and organizations. Thus, coordination problem was one of the most serious problems. At least seven UN agencies and the Department of Humanitarian Affairs, approximately 250 NGOs, at least eight contingents, the ICRC, and various national Red Cross and Red Crescent Societies were involved in the humanitarian response. With so many agencies and organizations involved, there was a critical need for a strong capacity to provide leadership and overall coordination.<sup>6</sup>

Furthermore, political climate was not suitable for a stronger intervention. UNAMIR had misfortune to be established in the wake of the “Somalia debacle” and during the continuous traumas of UNPROFOR in Bosnia. France and the United Kingdom were heavily involved militarily on the ground in the UN force in Bosnia. These operations absorbed 75% of the 70.000 troops then committed to UN peacekeeping worldwide.<sup>7</sup> Examination of the political environment is a useful means to explain the “lack of will” and the relationship between interest (or perception of interest) and intervention action.

UNAMIR was authorized just two days after the death of 18 American soldiers in Mogadishu, Somalia. Bowen says,<sup>8</sup>

“The death of US servicemen and the televised sight of their bodies being dragged through the streets of Mogadishu inevitably generated Congressional and public pressure for the Clinton administration to limit its actions on the international stage and to define the US national interest in narrow, domestic terms at a time of major domestic economic and societal decay in America.”

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<sup>5</sup> Vaccaro, “Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda”, in William J. Durch (ed.), UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s, London: Macmillan Press, 1997, p. 230.

<sup>6</sup> Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, Book 3, Chapter 9, p. 4.

<sup>7</sup> Vaccaro, p. 401.

<sup>8</sup> Wyn Q. Bowen, “The US National Interest and the Future of Military Intervention”, in Andrew M. Dorman and Thomas G. Otte (eds.), Military Intervention: From Gunboat Diplomacy to Humanitarian Intervention, Dartmouth: Aldershot, 1995, p. 94.

The Clinton administration's early enthusiasm for "assertive multilateralism" ended with the debacle in Somalia. In his address to the General Assembly in October 1993, he said that the United Nations must learn to say "no" to peacekeeping operations that were not feasible.<sup>9</sup>

In order to understand the "lack of US leadership" in Rwanda case, we should examine "the politics of US participation".<sup>10</sup> In addition to anti-peacekeeping sentiments in Congress, there was an ongoing debate about Washington's fair share of UN costs, about foreign command of American forces and about US participation in a future UN or NATO force to implement a peace accord in Bosnia.<sup>11</sup> The rising cost of UN operations was also a growing source of friction between Congress and the White House. The cost increased six folds between 1990 and 1993 at a time when Congress and the Executive were struggling to reduce the deficit and regular defence budgets were falling.<sup>12</sup> Disaster in Somalia made it very difficult to provide full funding thereafter, either for UN operations or for the US share of the regular UN budget.

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<sup>9</sup> UN Department of Peace-keeping Operations (DPKO), Comprehensive Report on Lessons Learned from UNAMIR, October 1993-April 1996, Part Two, Discussion of Lessons Learned From UNAMIR, p. 2, <http://www.un.org/Depts/dpko/lessons/rwandisc.htm>.

<sup>10</sup> For a detailed information on "the politics of US intervention" see, Andrew S. Natsios, US Foreign Policy and the Four Horsemen of the Apocalypse, Humanitarian Relief in Complex Emergencies, The Center for Strategic and International Studies, Connecticut, London: Praeger, 1997; Demotrios James Caraley, ed., The New American Interventionism: Lessons from Successes and Failures, Essays from Political Science Quarterly, New York: Columbia University Press, 1999; Matthew S. Klimow, Moral versus Practical: The Future of US Armed Humanitarian Intervention, Queen's University Kingston, Ontario, Canada, 1996; William J. Durch, ed., UN Peacekeeping, American Politics and the Uncivil Wars of the 1990s, London: Mac Millan Press, 1997; Richard N. Haas, Intervention: The Use of American Military Force in the Post-Cold War World, Washington D.C.: Carnegie Endowment for International Peace, 1999; Michael O'Hanlon, Saving Lives with Force: Military Criteria for Humanitarian Intervention, Washington D.C.: Brookings Institution Press, 1997; "The 1994 Rwandan Genocide and US Policy", Congressional Testimony of Holly Burkhalter, <http://www.globalpolicy.org/security/issues/rwanda6.htm>; Mark Peceny, "The Democratic Peace and Contemporary US Military Interventions", <http://www.cc.columbia.edu>, International Studies Association, 41<sup>st</sup> Annual Convention, March 14-18, 2000; Wyn Q. Bowen, "The US National Interest and the Future of Military Intervention", in Andrew M. Dorman and Thomas G. Otte (eds.), Military Intervention: From Gunboat Diplomacy to Humanitarian Intervention, Dartmouth: Aldershot, 1995, pp. 83-107; Stephen John Stedman, "The New Interventionists", in Foreign Affairs, ..., pp. 1-16.

As a result of media, public and Congressional pressure for the US to avoid involvement in overseas crises, the Clinton administration had to formulate a foreign policy rationale defining when, how and why the US will use military force overseas. Academicians had already defined criteria for US military intervention in “isolationist” terms. Common to these definitions were the conditions that: “there must be an identifiable interest at stake; the intervention must have potential to succeed; and the likely benefits of intervening should outweigh the likely costs once projected responses of allies and adversaries are factored in.” Clinton’s definition, PDD-25, too, emphasized American military non-involvement in operations in places where national security is not directly threatened. The guidelines in the Directive include: impact on US national interests, availability of troops and funds, the necessity of US participation, congressional approval, a clear date for withdrawal, and acceptable command and control agreements.<sup>13</sup> And, apparently Rwanda did not meet these criteria. US Assistant Secretary of Defense Charles W. Freeman said in May 1994 “US strategic interests in Africa are very modest”.<sup>14</sup>

Meanwhile, the US government played a critical role in humanitarian relief efforts by carrying out Operation Support Hope and providing the seed money for humanitarian aid.<sup>15</sup> For 1994-1995 the US government spent \$490.49 million on the Rwanda crisis, independent of its contributions to UN operations or programs of

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<sup>11</sup> William J. Durch, ed., UN Peacekeeping, American Politics and the Uncivil Wars of the 1990s, London: Mac Millan Press, 1997, p. 12.

<sup>12</sup> *ibid.*, p. 13.

<sup>13</sup> For more information on US debate, see, Richard N. Haas, Intervention: The Use of American Military Force in the Post-Cold War World, Washington D.C.: Carnegie Endowment for International Peace, 1999, Richard N. Haas, “Using Force: Lessons and Choices for US Foreign Policy”, in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds.), Managing Global Chaos: Sources of and Responses to International Conflict, Washington D.C.:US Institute of Peace Press, 1996, pp. 197-208.

<sup>14</sup> S. Metz, “Disaster and Intervention in Sub-Saharan Africa: Learning from Rwanda”, Strategic Studies Institute (SSI), US Army War Collage, 9 September 1994, p. 10, quoted in Nassrine Azimi (ed.), Humanitarian Action and Peacekeeping Operations: Debriefing and Lessons, Report and recommendations of the International Conference Singapore, February 1997, London: Kluwer Law, 1997, p. 165.

other international agencies. The importance of these figures can be understood only when they are compared with the figures of UNAMIR and Operation Turquoise. Total military cost of the Rwandan conflict to the UN was \$449.7 million, and the cost of French Operation Turquoise was \$212 million.<sup>16</sup> This shows the fact that there are fewer risks for politicians from humanitarian assistance than from early preventive action. Natsios interprets, “the relief response was a politically inexpensive way for the United States to avoid the commitment of troops or logistical support, at least until the CNN effect went into high gear”.<sup>17</sup>

While the US remained reluctant to intervene in Rwanda, France undertook the most effective military operation; Operation Turquoise. Because, France had long had important economic and political interests in this part of Africa that has four times as many French speakers as in France itself.<sup>18</sup> France’s interests were manifold: the fear of “domino theory”; the fear that the overthrow of French-backed regime and the failure of French intervention to protect it would threaten neighbouring pro-French leaders<sup>19</sup>; the need to secure the northern region of Zaire, which would have destabilised by uncontrolled refugee flows; and most importantly, to secure French objectives by engaging in what could be shown to be a humanitarian exercise, and thereby to downplay the negative publicity of France’s support for the Habyarimana regime.<sup>20</sup>

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<sup>15</sup> Vaccaro, p. 398.

<sup>16</sup> Michael E. Brown and Richard N. Rosecrance (eds.), The Costs of Conflict: Prevention and Cure in the Global Arena, New York: Carnegie Corporation, 1999, pp. 65, 69.

<sup>17</sup> Andrew S. Natsios, US Foreign Policy and the Four Horsemen of the Apocalypse: Humanitarian Relief in Complex Emergencies, The Center for Strategic and International Studies, Connecticut, London: Praeger, 1997, p. 132.

<sup>18</sup> Stephen A. Garrett, Doing Good and Doing Well: An Examination of Humanitarian Intervention, Westport, Connecticut, London: Praeger, 1999, p. 111.

<sup>19</sup> Mel McNulty, “France’s Role in Rwanda and External Military Intervention: A Double Discrediting”, International Peacekeeping, Vol. 4, No. 3, Autumn 1997, p. 31.

<sup>20</sup> Bruce D. Jones, “Intervention without Borders : Humanitarian Intervention in Rwanda 1990-1994”, Millennium: Journal of International Studies, Vol. 24, No. 2, p. 231.

In order to understand the motives behind the French intervention, we should first examine the “Franco-Rwandan patron-client relationship” of inherently interventionary nature.<sup>21</sup> France incorporated Belgium’s former colonial territories –Rwanda, Burundi and Zaire– into the “Franco-African family” in the mid-1970s on the understanding that, “secured in power with French support, their governments would be equally compliant”.<sup>22</sup> They were linked to France by means of defense treaties, which are concerned with French military power in Africa, and military technical assistance accords, which are concerned with the French army’s creation of and ongoing support for the armies of its African allies.<sup>23</sup>

In 1975 French President Valéry Giscard signed a military-technical assistance accord with the Rwandan President General Habyarimana. Francois Mitterand continued this policy.<sup>24</sup> When the Rwandan war broke out in 1990, the Franco-Rwandan treaty of 1975 was invoked as a legitimisation for French intervention (French support to Habyarimana government against RPF attack across the Ugandan border).<sup>25</sup> French felt obliged to respond to the RPF attack, but this background diminished France’s credibility when it undertook the Operation Turquoise for “humanitarian purposes”.

By intervening only in the western part of Rwanda, where the Hutu government forces were on run, France initially gave the appearance of favoring the Hutus. The Hutu-dominated government forces welcomed the French intervention, whereas the RPF did not trust France. Not only parties to the conflict but also outsiders thought “Paris still favored the deposed French-speaking Hutu government

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<sup>21</sup> Mel McNulty, p. 27.

<sup>22</sup> *ibid.*, p. 28.

<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.*, p. 29.

over the English-speaking leadership of the RPF”.<sup>26</sup> Therefore, France entered the fray with little credibility. However, over time French credibility was enhanced because its rhetoric was supported by its actions.

France has always been criticized because of her motives for the intervention in Rwanda. Some authors even claim that French intervention in Rwanda has been a “primary cause of the prolongation and extension of the conflict in the region”, discrediting both France’s and the UN’s role.<sup>27</sup> But, it is clear that Operation Turquoise was the most effective operation in Rwanda, and made great contributions to the situation there. So, it was better to do something, even in self-interest, as France did, rather than to stand aside doing nothing.

When we compare the American and French responses to the Rwanda crisis, we see that domestic politics and national interests can both propel and constrain intervention. Indeed, some semblance of a “national interest” must be present for a country to commit troops and resources to an intervention, especially in a “complex emergency” like Rwanda crisis. The comparison of American and French responses display the relationship between “interest” and “intervention”, which is of a great importance in the assessment of international community’s response to Rwanda crisis. This relationship also explains why Belgium, the former colonial power, was the biggest contributor to UNAMIR I, and why it withdrew its forces in the most critical time.

In the assessment of the response of international community, two questions; “how can we assess UN operations according to criteria for success/failure?” and

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<sup>25</sup> *ibid.*, p. 30.

<sup>26</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, Coercive Inducement and the Containment of International Crises, Washington D.C.: US Institute of Peace Press, 1999, p. 142.

“could the Rwandan Genocide have been prevented?” are critical. As mentioned in Chapter 1, different actors and constituencies have different criteria for evaluating success. The most comprehensive definition of success has been made by Duane Bratt, who lists four distinct criteria for measuring success: mandate performance, facilitating conflict resolution, conflict containment and limiting casualties.<sup>28</sup> These criteria ask whether the peacekeeping operation successfully completed its mandate, whether the operation was able to facilitate the conflict resolution of the underlying causes of a conflict, whether the operation prevented major powers or neighboring states from intervening in the conflict, and whether the operation limited casualties. But, even such a complete set of criteria should be used with caution. Because, even with the same criteria, authors may reach different conclusions about success/failure of UN operations.

Weiss challenges us to consider the difficulties of evaluating success/failure of intervention in Rwanda by saying,<sup>29</sup>

“With one quarter of the population either dead or displaced, the approval of Operation Turquoise [fifteen weeks after the violence killed half million people] could be seen as a failure by the community of states to make a prompt decision. At the same time, from the point of view of forestalling future additional deaths, displacement and disease, it could be seen as a “partial success”.”

According to Duanne Bratt, while UNOMUR and UNAMIR-I are examples of “failure”, UNAMIR-II is a moderate success at mandate performance, because it could effectively complete several aspects of its mandate.<sup>30</sup>

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<sup>27</sup> Mel McNulty, p. 24.

<sup>28</sup> Paul Diehl, International Peacekeeping, Baltimore: Johns Hopkins Press, 1993, quoted in Duanne Bratt, “Assessing the Success of UN Peacekeeping Operations”, in Michael Pugh (ed.), The UN, Peace and Force, London: Frank Cass, 1997, pp. 65-66.

<sup>29</sup> Thomas G. Weiss, Military-Civilian Interactions: Intervening in Humanitarian Crises, New Millennium Books in International Studies, New York and Oxford: Rowman & Littlefield Publishers, 1999, p. 150.

<sup>30</sup> Duanne Bratt, “Assessing the Success of UN Peacekeeping Operations”, in Michael Pugh (ed.), The UN, Peace and Force, London: Frank Cass, 1997, pp. 70-72.

Vaccaro makes a different assessment; according to his account, “UNAMIR-I accomplished its assigned tasks, indeed, initially it was ahead of schedule in making preparations for the demobilization and integration of the former belligerents.”<sup>31</sup> Therefore, it was successful at mandate performance, but could not prevent or stop the genocide. UNAMIR-II contributed a lot, after it was finally deployed. But, by the time it was deployed, the war was over and the killing had largely stopped. He says Operation Turquoise must be considered a success.<sup>32</sup>

Jones argues that a robust theory of intervention should consider both motivation and outcomes in assessing any humanitarian action. He categorizes and evaluates intervention actions in Rwanda according to these two criteria.<sup>33</sup> He defines UNAMIR-I as a “failed humanitarian intervention”, deployed for largely humanitarian reasons but produced an outcome substantially less humanitarian than the reinforcement alternative. He defines Operation Turquoise as “an intervention which produced humanitarian outcomes despite its motivations”, and UNAMIR II as a “successful humanitarian intervention” with its humanitarian motives and outcomes.<sup>34</sup>

K. Magyar and E. Morgan’s assessment is very different; they claim “the Rwandan peacekeeping operation was successful”. They continue as follows:

“All of the parties to the conflict gave high praise to the peacekeepers: for example, Alexis Kanyarengwe, Chairman of the RPF, noted that [the peacekeeping force] served the Rwandan people admirably...The success of the peacekeeping operation can be attributed to two major factors. First, the OAU had the political will. Second, the peacekeepers had a better understanding of the conflict; and thus, they related better to the combatants.”

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<sup>31</sup> Vaccaro, p. 396.

<sup>32</sup> *ibid.*, p. 398.

<sup>33</sup> Bruce D. Jones, p. 239.

<sup>34</sup> *ibid.*

The obvious thing is that these operations saved lives, accomplished their mandates which are defined narrowly, but were unable to prevent or stop the genocide and establish lasting security conditions. UNAMIR was not a suitable choice. When we compare the peace operations of the UN in Rwanda, Operation Turquoise was the most successful one. But, international community's response in the face of genocide in Rwanda was a failure. Because, instead of taking stronger action as the situation required, UNAMIR witnessed to the killing of 14% of the Rwanda population in three months.

We can explain the success of Operation Turquoise by comparing its mandate with those of UNAMIR I and UNAMIR II. Operation Turquoise deployed under a Chapter VII enforcement authorization, came equipped for the task, and followed rules of engagement that permitted it to back up threats with force. Whereas UNAMIR, deployed under Chapter VI, had neither the mandate nor the means to take effective military action to protect victims of the slaughter, even in self-defense. UNAMIR-II, too, operated under a Chapter VI mandate, even though there existed an undeniable possibility that widespread violence could be renewed.

In order to make a better evaluation of the success or failure of UN intervention in Rwanda, we should also ask "could the Rwandan genocide have been prevented?" The common answer is "yes".<sup>35</sup> Everyone agrees that "had the

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<sup>35</sup> Carnegie Commission on Preventing Deadly Conflict, "Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda", New York: Carnegie Cooperation, 1998, <http://www.ccpdc.org>; Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, The International Response to Conflict and Genocide: Lessons from Rwanda Experience, Book 5, Chapter 3, p. 2, <http://www.reliefweb.int>; Scott R. Feill, "Could 5,000 Peacekeepers Have Saved 500,000 Rwandans? Early Intervention Reconsidered", Georgetown University, School of Foreign Affairs, ISD Report, Vol. III, No. 2, April 1997, <http://sfswww.georgetown.edu/sfs/programs/isd/files/rwanda.htm>; Diana Cahn, "Several Nations, UN Could Have Prevented Rwandan Genocide, Report Says", Nando Media, 30 March 1999, <http://www.globalpolicy.org/security/issues/rwanda8.htm>; Alison Des Forges, "Shame: Rationalising Western Apathy on Rwanda", in Foreign Affairs, May/June 2000, <http://www.globalpolicy.org>; A.

international community responded more effectively and earlier, most of those who died probably have survived and much of the massive expenditures on the provision of humanitarian assistance been unnecessary”.<sup>36</sup>Of course, this is a theoretical exercise, and it is easy to be wise after the fact. But, it does not change the fact that the necessary response was a serious international military force to deter the killers.

The question was put forward by the Commander of UNAMIR, Major General Romeo Dallaire. He claimed that 5.000 troops operating under a peace enforcement mission (Chapter VII of the UN Charter) with air force, communications, and logistics support, could have:<sup>37</sup> 1) prevented massive violence; 2) assisted in the return of refugees and displaced persons; 3) protected the flow of humanitarian aid; and 4) provided a secure environment to enable talks between Hutus and Tutsis to devise mechanisms to ease tensions between the ethnic groups.

The Carnegie Commission on Preventing Deadly Conflict, the Institute for the Study of Diplomacy at Georgetown University, and the US Army convened an international panel to explore the Rwandan experience and assess the validity of General Dallaire’s assertion.<sup>38</sup> The panel generally agreed that early military intervention-within two weeks of the initial violence- by a force of 5.000 could have made a significant difference in the level of violence in Rwanda and that there was a window of opportunity for the deployment of this force during April 7-21, 1994. The

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Walter, Dorn J. Matloff and J. Matthews, “Preventing the Bloodbath”, Columbia International Affairs Online, <http://www.cc.columbia.edu/sec/dlc/ciao>.

<sup>36</sup> Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, Book 5, Chapter 3, p. 2.

<sup>37</sup> Carnegie Commission on Preventing Deadly Conflict, “Preventing Deadly Conflict: Final Report with Executive Summary”, <http://www.ccpdc.org/pubs/rwanda/rwanda.htm>.

<sup>38</sup> See, Carnegie Commission on Preventing Deadly Conflict, “Preventing Genocide: How the Early Use of Force Might have Succeeded in Rwanda”, New York: Carnegie Corporation, April 1998, <http://www.ccpdc.org/pubs/rwanda/rwanda.htm>, Scott R. Feil, “Could 5,000 Peacekeepers Have Saved 500,000 Rwandans?”, ISD Reports III, No. 2, Institute for the Study of Diplomacy, Georgetown University, Washington D.C., April 1997.

group acknowledged that such a force would have had to be properly trained, equipped, and supported, and possess a mandate from the Security Council to enable it to use “all means necessary” to protect vulnerable populations. According to the Report, in Rwanda in 1994, it is likely that 5.000 troops could have averted the slaughter of a half-million people.

Alan J. Kuperman finds the claim that 5.000 troops deployed at the outset of the killing could have prevented the genocide insupportable.<sup>39</sup> He argues that such a claim ignores the fact that 5.000 UN troops could not have been deployed overnight. According to his account, it is also unrealistic to argue that urgent intervention should have been launched on April 10, given that the international community did not realize genocide was under way until at least ten days later.<sup>40</sup> He concludes that although some lives could have been saved by intervention of any size at any point during the genocide, even a large force deployed immediately upon reports of attempted genocide would not have been able to save even half of the ultimate victims.<sup>41</sup>

We cannot know whether such a force, given an appropriate mandate and extra means, could have stopped the genocide. Whereas, the fact that the “enemy” was not a conventional, well-armed military force, but poorly armed and trained para-military and civilian gangs supports the argument that UNAMIR would have been more effective.<sup>42</sup> Firm and coherent international censure could have influenced the organizers of the genocide and diminished the killing in Rwanda substantially.

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<sup>39</sup> Alan J. Kuperman, “Rwanda in Retrospect”, *Foreign Affairs*, Vol.79, No. 1, January/February 2000, p. 94.

<sup>40</sup> *ibid.*, p. 113.

<sup>41</sup> *ibid.*, pp. 94-95.

<sup>42</sup> N. Azimi, p. 178.

The assessment of UN operations according to the criteria for success/failure and the examination of whether Rwanda genocide could have been prevented help us diagnose the “failure” of the international community. Here, it is important to state that the failure to intervene cannot be judged solely in terms of moral imperatives, practical dimensions especially politics and dilemmas of intervention must be accommodated as well. We cannot explain the failure in Rwanda as US’ indifference or UN’s incompetence. Reasons for the failure are complex, thus it is vital to examine them carefully in order to understand the failure in Rwanda and draw lessons for future crises.

#### IV.a. Reasons for Failure:

Weak political support for reconciliation by internal and external actors is one of the main reasons for the failure of Arusha Peace Process.<sup>43</sup> As mentioned before, the problem for the Arusha Accords was that extremists from President Habyarimana’s party and the army did not support reconciliation with the RPF. UNAMIR-I, as it was structured, could not overcome this fundamental obstacle to implementing Arusha. When Arusha Peace Process failed and genocide began this “indifference” had worse results. The lack of political will on the part of the US in showing its leadership in terms of making any substantial commitment affected other states’ attitude towards stronger action. Hesitation in Rwanda was due to the absence of US geopolitical interests and the “Somalia Syndrome”.<sup>44</sup>

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<sup>43</sup> Vaccaro, pp. 372-376.

<sup>44</sup> Francis K. Abiew, Evolution of the Doctrine and Practice of Humanitarian Intervention, The Hague, London: Kluwer Law International, 1999, p. 197.

Deployment of a peacekeeping force was a wrong decision; UNAMIR might have proved adequate had the situation called for peacekeeping.<sup>45</sup> The Secretariat designed UNAMIR as a traditional peacekeeping operation, dependent on the good will of the parties and with symbolic presence and capabilities. It was not designed to match the requirements of the Arusha Peace Agreement, much less the urgent need for a strong response to stop the genocide.<sup>46</sup> As Francis K. Abiew says “Rwanda should have rated a much stronger force, such as was sent to Bosnia, or Somalia. Inaction contributed to the Hutu extremists belief that they could carry out their genocide”.<sup>47</sup>

Financial crisis in the UN and economic concerns of member states were among the factors preventing effective international response. Faced with escalating costs for peacekeeping operations, the UN staff and members wanted not just success, but success at low cost. Demands for economy, loudly voiced by the US and others led to the establishment of a force only one third the size of that was originally recommended and with a mandate that was also scaled down from that was specified by the peace accords.<sup>48</sup> The concern for economy prevailed even after massive slaughter had taken place and delayed the deployment of the UNAMIR II.<sup>49</sup>

The UN claims that another reason for the failure was lack of information analysis. Although, the UN had the knowledge and was warned that genocide was

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<sup>45</sup> Richard N. Haas, Intervention: The Use of American Military Force in the Post-Cold War World, Washington D.C.: Carnegie Endowment for International Peace, 1999, p. 170.

<sup>46</sup> N. Azimi, p. 171.

<sup>47</sup> F. Abiew, p. 200.

<sup>48</sup> Human Rights Watch, “Leave None to Tell the Story: Genocide in Rwanda”, International Responsibility, p. 2, <http://www.hrw.org> .

<sup>49</sup> *ibid.*

being planned,<sup>50</sup> UN argues that there was not enough accurate analysis available to the Council.<sup>51</sup>

#### IV.b. Dilemmas of the Intervention in Rwanda:

Dilemmas prevent effective intervention action. Therefore, it is important to review the dilemmas of the “intervention” in Rwanda in order to understand the “failure” of the international community.

In any humanitarian intervention, there is a natural trade off between intervening early and intervening late. It is highly desirable to intervene as soon as possible in a conflict that seems destined to be severe. But it is also difficult, because reaching a rapid judgement about the nature of the conflict, formulating an intervention strategy accordingly and reaching the wrong decision can be disastrous. Authorities in the UN claim that this dilemma played an important role in the decision making process, especially while responding to famous “11 January Cable”.<sup>52</sup>

Military considerations are as just important as political ones and they slow down the decision making process. Operations in complex humanitarian emergencies are multidimensional and difficult. They involve long-range transport, logistics support at great distances, forced-entry capabilities and difficult tactical operations such as convoy escort.<sup>53</sup> In many cases they also meet significant resistance. Rwanda was a “complex emergency” as mentioned before. There were a civil war between Hutus and Tutsis in addition to the genocide and refugees and internally displaced

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<sup>50</sup> F. Abiew, p. 196.

<sup>51</sup> Vaccaro, p. 376.

<sup>52</sup> *supra.*, pp. 74-75.

persons in miserable conditions. It was a challenging environment and to reach a consensus on the modality of intervention took some time.

Rwanda case clearly demonstrates the dilemma between moral imperatives and practical concerns. The unprecedented humanitarian assistance contrasts with the lack of concerted efforts to intervene militarily.<sup>54</sup> Donor countries, which remained reluctant to intervene militarily, were prepared to allocate substantial resources, particularly in the second half of 1994 to humanitarian assistance programs.<sup>55</sup>

Humanitarian dilemma in refugee camps was another problem.<sup>56</sup> The massive influx of Rwandans into refugee camps in former Zaire was not only a movement of refugees but also of Hutu extremists (ex-Rwandan army regulars, former government officials and militia).<sup>57</sup> They planned to use the refugee camps as a staging area for their return to political power. Because international humanitarian relief agencies, including Doctors Without Borders (MSF) and UN High Commissioner for Refugees (UNHCR) could not separate them from ordinary refugees, they consolidated military control over the camps. And, in December 1994 a new government of Rwanda in exile was declared, and incursions from the camps began.<sup>58</sup>

The humanitarian agencies could not decide whether to withdraw from the camps not to feed the genocidal criminals, or to continue their humanitarian action for the sake of innocent people. MSF says “resources for the criminals would be cut

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<sup>53</sup> Michael O’Hanlon and Stephen J. Solarz, “Humanitarian Intervention: When Force is Justified?”, Washington Quarterly, Vol. 20, Issue 4, p. 4, EBSCOhost.

<sup>54</sup> Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, Book 5, Chapter 3, p. 7.

<sup>55</sup> F. Abiew, p. 172.

<sup>56</sup> See, Claire Pirotte, Bernard Husson and François Grunewald, Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid, London, New York: Zed Books, 1999, and Thomas G. Weiss and Cindy Collins, Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help, Boulder, Colorado: Westview Press, 1996.

<sup>57</sup> US Agency for International Development(USAID), Complex Humanitarian Emergencies and USAID’s Humanitarian Response, Center for Development and Evaluation, December 2000, p. 27.

off, but so would those for the refugees, the majority of whom are innocent victims of odious manipulation by the extremists”.<sup>59</sup> It was a dilemma between humanitarian ethics vs. medical duty, moral responsibility vs. the Hippocratic oath.<sup>60</sup> As a response, MSF and UNHCR reduced their activities to the vital minimum, and demanded the UN to set up the necessary controls to stop Hutu extremists taking away the aid for refugees.<sup>61</sup>

Clashing interests, competition for resources, and the complex organizational structures of external humanitarian actors complicate the dilemmas of humanitarian intervention. Moreover, the context in which humanitarian dilemmas in war emerge is always complex and politically charged. Information on which decisions are based is often incomplete or inaccurate, and by the time decisions are implemented, the problems that they were meant to address may have changed.<sup>62</sup> For example, by the time UNAMIR-II was deployed in July 1994 most of the killing had been ended, and during the delay hundreds of thousands men, women and children were slaughtered.

#### IV.c. Lessons taken from Rwanda Experience :

As David Matas states in his article “Lessons From Rwanda”, “Rwanda showed that the international system had huge gaps in the mechanisms necessary to prevent genocide and provide relief”. 1994 Genocide and the turmoil in the refugee camps have led academics to rethink the whole system of peacekeeping, promotion of human rights and delivery of humanitarian assistance, and to draw lessons from the experience of international community for future complex emergencies. This

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<sup>58</sup> *ibid.*

<sup>59</sup> Médecins Sans Frontières, *World in Crisis: the Politics of Survival at the End of 20<sup>th</sup> Century*, London, New York: Routledge, 1997, p. 167.

<sup>60</sup> *ibid.*, p. 168.

<sup>61</sup> *ibid.*

chapter asks “how could the international community have improved its response to the situation in Rwanda?” and “what lessons should be taken from Rwanda experience?” In attempting answers, it is important not to search for idealistic solutions, but rather to remain within the constraints of the reality of the UN system today and identify actions that can improve future response.

All the institutions and organizations like Human Rights Watch, Organization of African Unity (OAU), Médecines Sans Frontieres, Independent Inquiry, Carnegie Commission on Preventing Deadly Conflict, US Institute of Peace and academics who write about Rwanda, add a chapter on “lessons from Rwanda experience” for the improved functioning of ongoing operations and better conduct of future ones. After summarizing some of these studies, which put forth specific lessons, this chapter will search for general lessons for future humanitarian emergencies.

The Lessons Learned Unit of the UN Department of Peacekeeping Operations (DPKO) is one of these institutions embarked on a study of UNAMIR to draw lessons. DPKO prepared the “Comprehensive Report on Lessons Learned from United Nations Assistance Mission in Rwanda (UNAMIR)” and concludes that “from its inception until its eventual withdrawal, UNAMIR seemed always to be one step behind the realities of the situation in Rwanda”.<sup>63</sup> It says the traditional peacekeeping role of a United Nations military presence needs to be expanded to a peace-support and conflict-repair operation. And, it recommends mandates for peacekeeping operations reflect realities on the ground and be drafted with flexibility to allow peacekeepers to perform various peace-building tasks.<sup>64</sup>

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<sup>62</sup> T. G. Weiss, Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help, Boulder, Colorado: Westview, 1996, pp. 98-99.

<sup>63</sup> UN Department of Peacekeeping Operations (DPKO), p.1.

<sup>64</sup> *ibid.*, p. 1.

According to the Report, a fundamental misunderstanding of the nature of the conflict contributed to false political assumptions and military assessments.<sup>65</sup> At the beginning of the crisis, Security Council members tended to view the situation in Rwanda as a small civil war. The lack of information analysis was one of the problems that hindered the planning for UNAMIR. Therefore, the Report says, the Security Council should consider expanding its resources of information.

After summarizing the difficulties stemming from UN decision to reduce UNAMIR's troop strength during the genocide, and reminding of the self-defense posture of UNAMIR with its limited mandate, means and low ammunition, DPKO states that one of the painful lessons of Rwanda was: "Go in too light and, in the end, instead of keeping the peace, the Blue Helmets become vulnerable targets".<sup>66</sup> The report also acknowledges that troop contingents that arrive late and poorly equipped contributed to the overall ineffectiveness of the mission.

About Belgium's withdrawal, DPKO states that "unilateral withdrawal of national contingents after they have been deployed in an operation should be discouraged as such actions jeopardize the safety of the remaining force".<sup>67</sup> It adds that any withdrawal of troops and evacuation of nationals should be done in coordination and in consultation with the force commander.

Organization of African Unity (OAU) is another organization deeply involved in the Arusha Peace Process and the following developments in Rwanda. The organization prepared a report on Rwanda crisis, stating the reasons for failure from an African perspective and formulated specific recommendations for Rwanda. OAU concludes in its Report that the lesson to be learned from the "betrayal" at ETO

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<sup>65</sup> *ibid.*

<sup>66</sup> *ibid.*, p. 3.

<sup>67</sup> *ibid.*, p. 4.

and other experiences was the full potential of UNAMIR went unexplored and unused, as a result, countless more Rwandans died than otherwise might have.<sup>68</sup>

Under the heading of “recommendations to the international community”, OAU says “the UN Secretary General should play “a strong and independent role” in promoting an early resolution to conflict. We call on the Secretary-General to actively exercise his right under Article 99 of the UN Charter to bring to the attention of the Security Council any matter that might threaten international peace and security.”<sup>69</sup> OAU also calls for a substantial re-examination of the 1948 Genocide Convention and some amendments to strengthen mechanisms within the UN for collecting and analyzing information concerning situations that are at risk for genocide.<sup>70</sup> According to its Report, one possible step is to create a post – a Special Rapporteur for the Genocide Convention– within the office of the UN High Commissioner for Human Rights and responsible for referring pertinent information to the Secretary General and the Security Council.<sup>71</sup>

The massive Joint Evaluation of Emergency Assistance to Rwanda, a comprehensive enquiry initiated by Denmark in 1994 involving 19 countries and a number of international organizations and NGOs, emphasized the importance of public information.<sup>72</sup> Acknowledging the fact that the government of Rwanda, in the post-civil-war period, regarded UNAMIR not as a partner but as a rival undermining its authority, the Report says “an appropriate information and public relations program should be part of a peacekeeping operation so that the objectives of the UN

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<sup>68</sup> <http://www.oau-oua.org/Document/ipep/report/rwanda-e>, OAU Report, p. 2.

<sup>69</sup> *ibid.*, Chapter 24, Recommendations, pp. 3-4.

<sup>70</sup> *ibid.*

<sup>71</sup> *ibid.*

<sup>72</sup> Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, “The International Response to Conflict and Genocide: Lessons from Rwanda Experience”, <http://www.reliefweb.int>.

presence are made known continuously to the people, the host government, neighboring countries and to other interested parties.”<sup>73</sup>

Vaccaro draws different lessons; he argues “the experience of UNAMIR-I puts into question the notion that peace operations should be phased in.”<sup>74</sup> According to his account “to rely on phased strategies or other strategies that wait for the local parties to take the first steps towards reconciliation is to risk the chance that the process will never get off the ground”.<sup>75</sup>

He examines Belgium’s role by asking “was it wise to include the old imperial power in the first place?” He claims “a similarly competent UN contingent with less of a history in the local conflict would probably have provided a more sustainable core for UNAMIR”.<sup>76</sup> But, he adds “the UN force might have been able to protect more civilians during phase I of the UNAMIR’s mission had the Belgian contingent not been abruptly withdrawn”.<sup>77</sup>

Reminding of the role of radio broadcasting in hate propaganda and genocide, Vaccaro underlined the importance of UN information campaign and destruction of the transmitters or jamming of hate radio’s propaganda. He argues,<sup>78</sup>

“The UN should overcome its reluctance to intrude on the airwaves of member states without their permission. Chapter VII operations are legal interventions, overriding the UN Charter’s strictures against intervention into domestic jurisdiction of states. The UN should interpret intervention to include intervention over the airwaves as well as over the ground. Chapter VI operations are more problematic because they are based on the consent of the host government(s) and other recognized parties. The UN should make it clear that an information campaign consistent with the mandate of peacekeeping operation is part of such an operation. The right to conduct such a campaign

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<sup>73</sup> *ibid.*, Book 3, Chapter 9: Findings and Recommendations, p. 7.

<sup>74</sup> Vaccaro, p. 396.

<sup>75</sup> *ibid.*

<sup>76</sup> *ibid.*, p. 397.

<sup>77</sup> *ibid.*

<sup>78</sup> *ibid.*, p. 400.

should be arranged before the Security Council authorizes a Chapter VI operation.”

As an alternative to peace keeping and peace enforcement, Vaccaro recommends states in the region have forces trained and equipped for the sort of intervention needed in Rwanda.<sup>79</sup> He continues by saying, “[if regional states had done so] it is conceivable that the handful of UN members who pay the majority of peacekeeping costs would have supported a Security Council decision to send those forces into action”.<sup>80</sup>

Some academics consider the failure in Rwanda as a case showing the need for a middle option between Chapter VI peacekeeping and Chapter VII peace enforcement operations.<sup>81</sup> They write “if left with only traditional peacekeeping and simple enforcement as options, the international community may likely reject responding to a crisis –seeing peacekeeping as ineffective and enforcement as too bloody-minded– when response might have been the best course of all concerned.”<sup>82</sup> They offer “coercive inducement” as a “practicable alternative” and define the concept as “the judicious resort to coercive diplomacy or forceful persuasion by the international community in order to implement community norms and mandates vis-à-vis all the parties to a particular crisis.”<sup>83</sup>

The above mentioned reports, books and articles put forward a number of lessons on mandate, means, planning, coordination, military and security aspects, CIVPOL activities, logistics and administration, human resources, public information, relations with local authorities, peace building, justice and national

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<sup>79</sup> *ibid.*, p. 401.

<sup>80</sup> *ibid.*

<sup>81</sup> Donald Daniel, C. F. Bradd, C. Hayes and Chantal de Jange Oudraat, Coercive Inducement and the Containment of International Crises, Washington D.C.: Institute of Peace Press, 1999.

<sup>82</sup> *ibid.*, p. 4.

<sup>83</sup> *ibid.*, pp. 22-23.

reconciliation, refugees and internally displaced persons (IDP). These lessons require international community have the following conditions in place for the best possible political decisions to be made and carried out; an effective early warning system, better overall advice to the Security Council, a more capable and responsive Secretariat, a rapid reaction force, proper doctrine, capability and rules of engagement for peacekeepers to permit protection of populations at risk, better coordination structures and a better informed and educated UN membership. But, as Trevor Findlay points out, “these lessons, while they might be absorbed intellectually, are unlikely ever to be fully realized because politics will always shape peace operations, subverting what might be considered optimal, rational solutions.”<sup>84</sup> Furthermore, the scope of these particular lessons is limited; they only answer how international community could have been successful in Rwanda crisis, a specific case. What can be realistically done is to reconsider the reasons for failure in Rwanda and draw general lessons applicable to future humanitarian emergencies.

The implementation of the Arusha Peace Agreement was in doubt from the outset because of clear signals that the parties did not trust each other, Habyarimana coalition government was deeply divided and because the peace process was not supported by internal and external actors. As mentioned above, weak political support for reconciliation was one of the reasons for failure. Therefore, the lesson for the international community and the UN is to shepherd fragile and complex peace process through to their conclusion by means of sustained, attentive and interventionist international support.

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<sup>84</sup> Trevor Findlay, “Background Paper: UNAMIR and the Rwandan Humanitarian Catastrophe-Marginalization in the Midst of Mayhem”, in N. Azimi (ed.), Humanitarian Action and Peacekeeping Operations: Debriefing and Lessons, Report and Recommendations of the International conference Singapore, February 1997, The Hague, London, Boston: Kluwer Law International, 1997, pp. 192-193.

UNAMIR was an inappropriate option for the Rwanda crisis. It was established as a traditional peacekeeping operation to help implement Arusha Peace Agreement. But, it was incapable of meeting the requirements of the Agreement. When the genocide began in April 1994, UNAMIR did what it could do to protect some tens of thousands of civilians, but could not stop the killings. The lesson for the international community is that peacekeeping is not a suitable means to undertake humanitarian interventions in complex emergencies like Rwanda.

Rwanda crisis shows that more intervention was needed when the situation eventually turned to genocide. As Abiew argues “Deployment of a stronger UN force early in the crisis could save not only lives but also money.”<sup>85</sup> Because the human and material cost of dealing with the genocide far outweighed the costs of preventive action, Rwanda is considered a failure to invest in early warning and preventive diplomacy. But, Thomas G. Weiss challenges this approach by pointing out intervention dilemma; he says “it is always easier to demonstrate that earlier investments would have been worthwhile when it is too late rather than when experts warn of impending disasters. The dilemma is that prevention is cost effective in the long run but cost intensive in the short run..., thus prevention appears Pollyannaish”.<sup>86</sup> The lesson is that if preventive measures fail it is necessary to intervene more forcibly. Considering intervention dilemma, it is necessary to expand the UN’s capacity to prevent and suppress genocide.

Rwanda demonstrates that early warning cannot prevent a crisis in the absence of political will. The international community was inundated with warnings about what was going to happen, but political considerations and problems about

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<sup>85</sup> F. Abiew, p. 199.

information gathering and analysis caused failure to read the signals and respond adequately. The signals of the coming genocide were either ignored or not translated into effective conflict management. Failures of early warning are attributable to inadequate media coverage and disjuncture within the UN between information collection, analysis, and the development of strategic options. The lesson for the international community is to strengthen its mechanisms for information analysis and refine its existing systems for early warning.

UNAMIR operated without an approved budget for some time, and some of the logistical problems it faced were a result of the belated process of obtaining financing for the mission.<sup>87</sup> Given that financial crisis in the UN was an important difficulty hindering a proper response, providing adequate financing is vital for better management of UN operations.

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<sup>86</sup> Thomas G. Weiss, "The United Nations and Civil Wars", in Brad Roberts (ed.), Order and Disorder after the Cold War, London, Cambridge, Massachusetts: the MIT Press, 1995, p. 135.

<sup>87</sup> UN DPKO Report, p. 6.

## CONCLUSION

At present, the thinking on humanitarian intervention is in a state of flux and the emergence of customary law is subject to the political interests of UN member states, which appear reluctant to establish precedents.<sup>1</sup> As confirmed by the Rwanda case, the question of whether and how to intervene with military force is always controversial for any political system, because of the potential costs –both human and economic– of such a decision. Therefore, we can conclude that, despite the progress made about humanitarian intervention, decisions on whether and how to intervene in specific cases will be caught up in politics.

Many past failures can clearly be attributed to lack of political will, inadequate resources, financial difficulties, insufficient forces deployed with unclear mandates and to insufficient license to use of force when necessary to achieve the goals of the mission, as in Rwanda case. Therefore we can reach to some generalizations about “humanitarian intervention” from the analysis of Rwanda case.

The Rwanda case highlights the fact that having a peace agreement in hand does not mean that peaceful conditions exist or that risks have been eliminated.<sup>2</sup> Political support, from both internal and external actors during the peace process is vital for a peaceful solution. Inadequate political support during Arusha Peace Process accelerated the events that led to genocide.

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<sup>1</sup> Comfort Ero and Suzanne Long, “Humanitarian Intervention: A New Role for the United Nations?”, International Peacekeeping, Vol. 2, No. 2, Summer 1995, p. 154.

<sup>2</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, Coercive Inducement and the Containment of International Crises, Washington D.C.:US Institute of Peace Press, 1999, p. 145.

Rwanda case demonstrates that it is necessary, from the beginning, to be objective about whether Chapter VI or Chapter VII action is warranted, what form it should take and the resources required. While consensus can be more readily generated in support of peacekeeping, if Chapter VII action is required, as in Rwanda case, peacekeeping cannot be used as a substitute.<sup>3</sup> It has been observed of Operation Turquoise that a mandate and willingness to use force contributed to operation's success. Therefore, such interventions should be grounded in Chapter VII of the UN Charter, allowing the use of force and providing the necessary deterrent means.<sup>4</sup>

The Rwandan crisis shows that more intervention was needed when the situation eventually turned to genocide. It brings into question the continued relevance of the traditional pattern of UN peacekeeping (in the case, the relevance of UNAMIR) in complex humanitarian emergencies like Rwanda. Today, it is commonly accepted that peacekeeping has worked only when parties to a conflict want a settlement or a freeze of the status quo.<sup>5</sup> In all other situations, it has been either ineffective or counterproductive.<sup>6</sup> Rwanda case also illustrates the importance of choosing a mission mandate that is consistent with the situation in that country. The mandate and rules of engagement of the UNAMIR mission were limited and did not allow the force to get better results.

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<sup>3</sup> John M. Sanderson, "Peacekeeping or Peace Enforcement? Global Flux and the Dilemmas of UN Interventions", in Albert J. Paolini, Anthony P. Jarvis and Christian Reus-Smit (eds.), Between Sovereignty and Global Governance: The UN, the State and Civil Society, London: Macmillan Press, 1998, p. 106.

<sup>4</sup> Donald C. F. Daniel, Bradd C. Hayes and Chantal de Jonge Oudraat, pp. 142-143.

<sup>5</sup> Bhaskar Menon, "Rough Ride for Secretary General in Rwanda as UN Inaction on 1994 Genocide Continues to Raise Unanswered Questions", in *International Documents Review*, Vol. 9, No. 15-16, 11 May 1998, p. 5, <http://www.globalpolicy.org/security/issues/mennon.htm>.

<sup>6</sup> *ibid.*

The failure in Rwanda points out to the importance of the question “Would dead peacekeepers cost you votes in the next election?” in decision making process.<sup>7</sup> The mandates of UNAMIR were a product of the international political environment in which they were formulated, and tended to reflect concerns and imperatives of certain member states.<sup>8</sup> That is to say, politics is one of the most determining factors in the decision on whether or not to intervene. Richard Haas puts it, “it is most important to recognize that intervening everywhere is not an option, even for a great or superpower like the US. There will always be more reasons to intervene than resources available or than the body politic is prepared to support.”

Can external intervention ever be disinterested and genuinely humanitarian? “Politics of intervention” also brings up the relation between “interests” and “intervention”. A comparison between French and American responses to the crisis clearly displays this relationship. As I mentioned before, at least some semblance of a “national interest” must be present for a country to commit troops and resources to an intervention, especially in a “complex emergency” like Rwanda crisis. As Michael Walzer confirms, “States do not send their soldiers into other states,... only in order to save lives.”<sup>9</sup>

Andrew Natsios clearly explains how politics affect the decision making process, by using the US example.<sup>10</sup> He argues “Policymakers will actively support an early and robust US government response to a complex humanitarian emergency if it threatens the geopolitical interests of the United States.” “But”, he adds “the US

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<sup>7</sup> Thomas G. Weiss and Cindy Collins, Humanitarian Challenges and Intervention: World Politics and Dilemmas of Help, Boulder, Colorado: Westview Press, p. 2.

<sup>8</sup> UN DPKO, Lessons Learned Report on Rwanda,

<sup>9</sup> Michael Walzer, Just and Unjust Wars, London: Penguin, 1980, p. 101.

<sup>10</sup> Andrew S. Natsios, US Foreign Policy and the Four Horsemen of the Apocalypse, Humanitarian Relief in Complex Emergencies, The Center for Strategic and International Studies, Connecticut, London: Praeger, 1997, pp. 126, 133.

government response to a complex emergency in an area peripheral to US interests” would be difficult because such a decision “will usually provoke opposition from career diplomats and the US military”.

The fact confirmed by the Rwanda crisis that governmental involvement in humanitarian intervention owes much to realpolitik, is a general conclusion also valid for future complex emergencies. For example, in order to predict what kind of reaction the US will show in a particular case requiring intervention, we should look at politics in the US and examine what prominent political figures say. In her article “Promoting the National Interest”, Condoleezza Rice, national security adviser of George W. Bush administration, says “Foreign policy in a Republican administration will most certainly be internationalist...But it will also proceed from the firm ground of the national interest, not from the interests of an illusory international community.”<sup>11</sup> Secretary of State Colin Powell puts it stronger: “the US is not world’s 911”.<sup>12</sup> In the light of these statements we can conclude that in case of a crisis like Rwanda, the US would again remain reluctant. Its reluctance would affect other actors’ attitude towards intervention, and, unless there is a powerful state whose interests are at stake in that complex emergency, there would probably be no urge to undertake military humanitarian intervention, but lots of humanitarian aid after the event. This is all about politics and a matrix of actors’ conflicting interests, their competition for resources, incompatible organizational structures, and overlapping functions.

Thomas Weiss and Cindy Collins make the point as follows,

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<sup>11</sup> Condoleezza Rice, “Promoting the National Interest”, *Foreign Affairs*, January-February 2000, quoted in *The New York Times*, “From Rice’s Comments”, 18 December 2000.

<sup>12</sup> CNN World Report

“Complex humanitarian emergencies require multiple responses from a variety of actors, none of whom is capable of responding alone...[But,] because the motivations for a state’s involvement in a humanitarian crisis dramatically vary across time and among different governments as a result of their political, economic, social and security issues, the actors in the humanitarian system cannot rely upon states for consistent support and behavior.”<sup>13</sup>

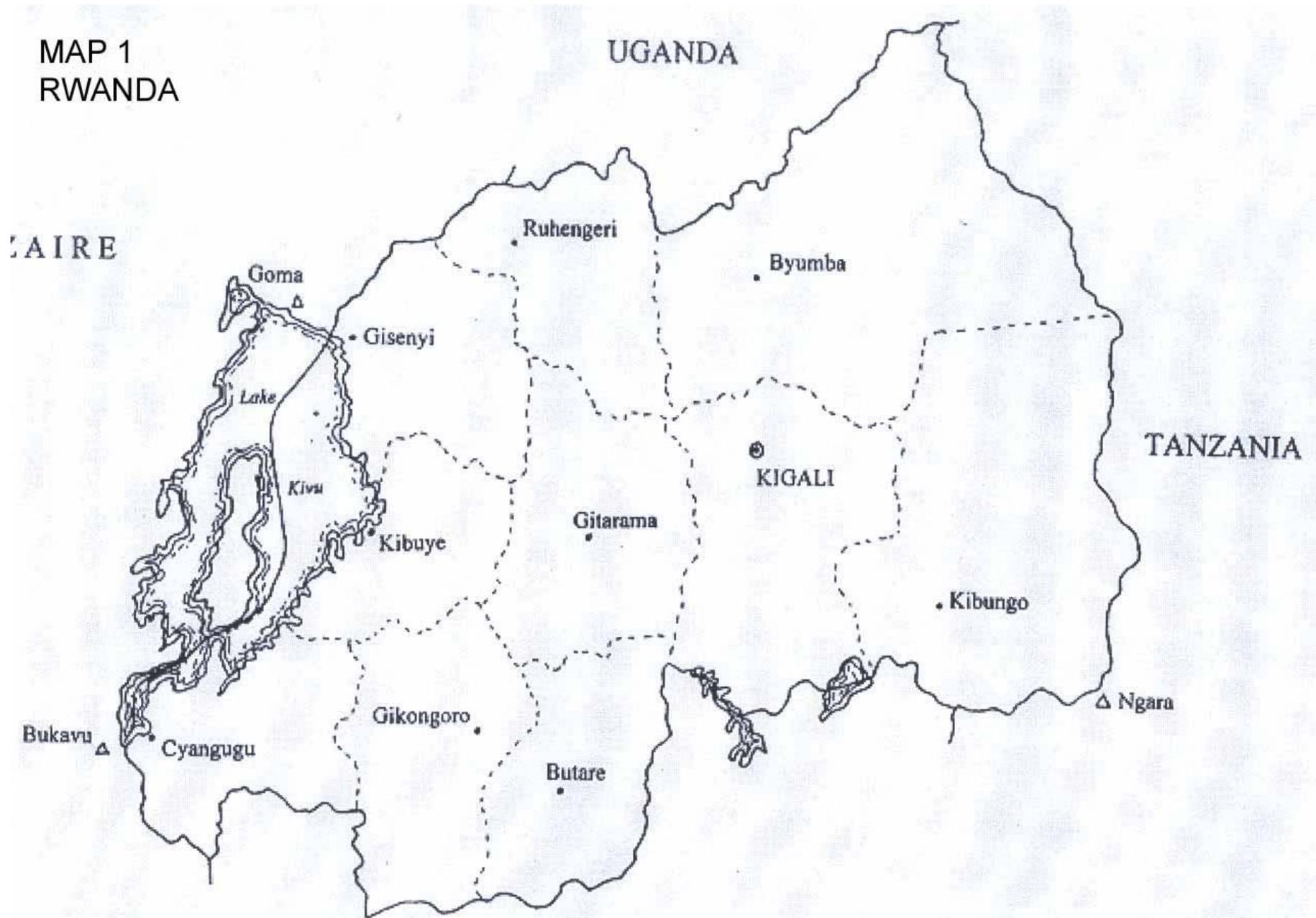
Whereas, politics of intervention was not the only reason for the failure. It played its part together with “lack of resources” and “limited mandate of the UNAMIR mission”, and resulted in failure. Because, there is no solid “humanitarian intervention” mechanism, capable of taking action when it is necessary, and independent of US’ or any other powerful state’s willingness to take the lead. The chaotic international response to the crisis in Rwanda also showed that international community needs a coherent international strategy for humanitarian intervention.<sup>14</sup> In the absence of such a strategy, intervention mechanism and objective criteria guiding UN actions, it seems that “humanitarian intervention” will maintain its *ad hoc* and precarious nature for some time.

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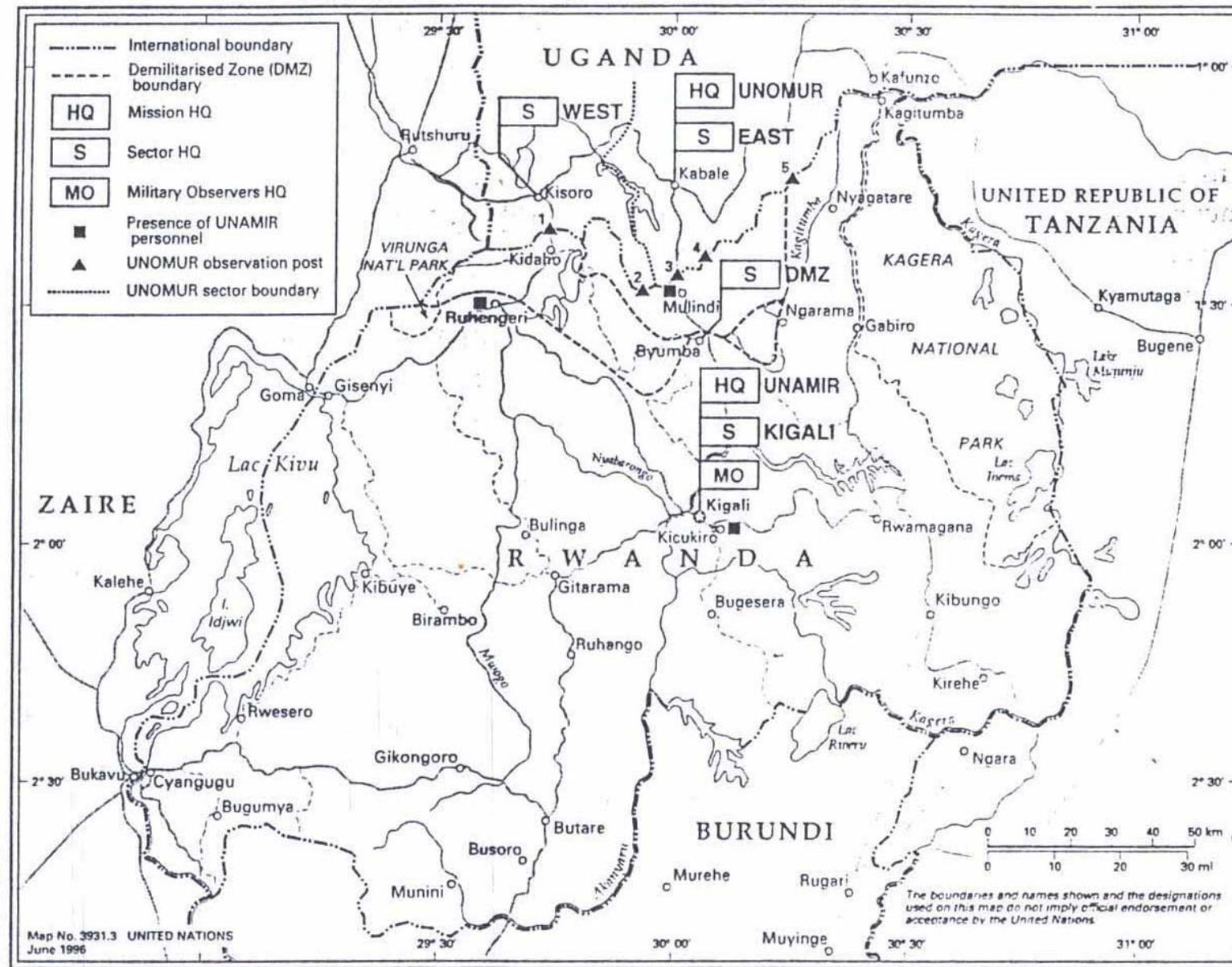
<sup>13</sup> T. Weiss and C. Collins, p. 43.

<sup>14</sup> Ian Guest, “How and When to Intervene for Humanity?”, Christian Science Monitor, 12/02/1996, Vol. 89, Issue 5, p. 19, EBSCOhost, Academic Search Elite.

MAP 1  
RWANDA

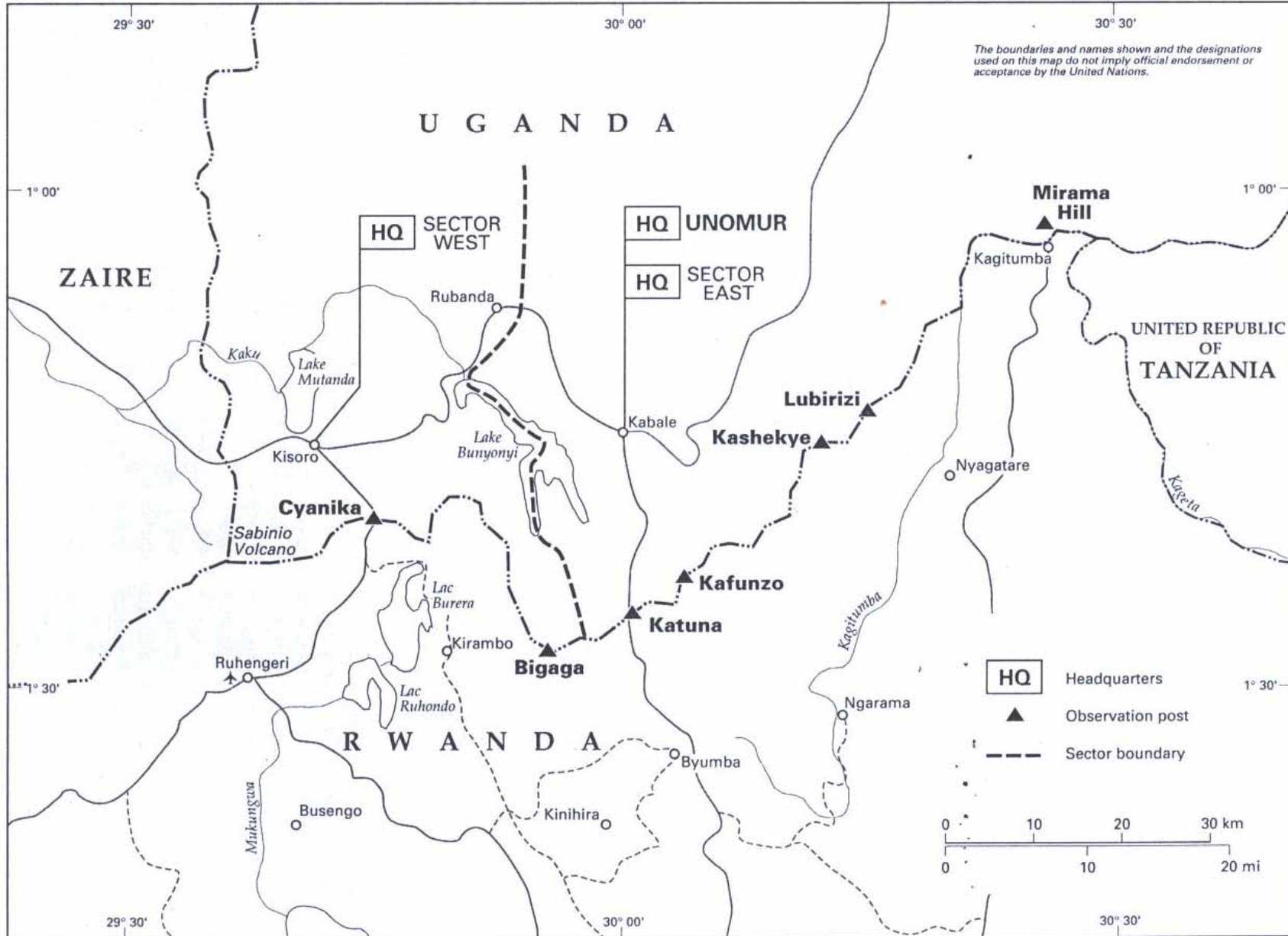


MAP 2 UNAMIR and UNOMUR Deployment as of December 1993



MAP 3

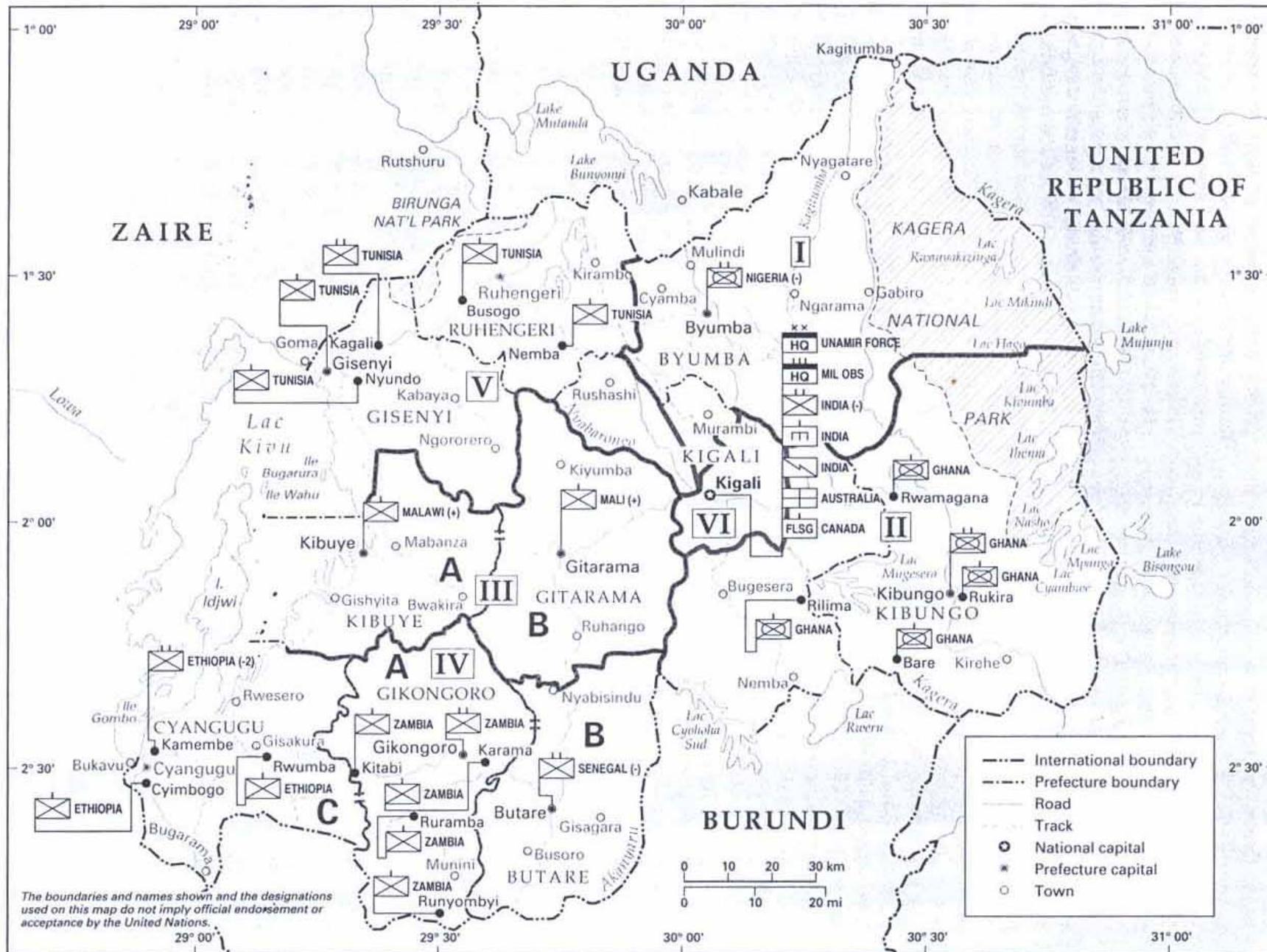
UNOMUR deployment as of June 1994





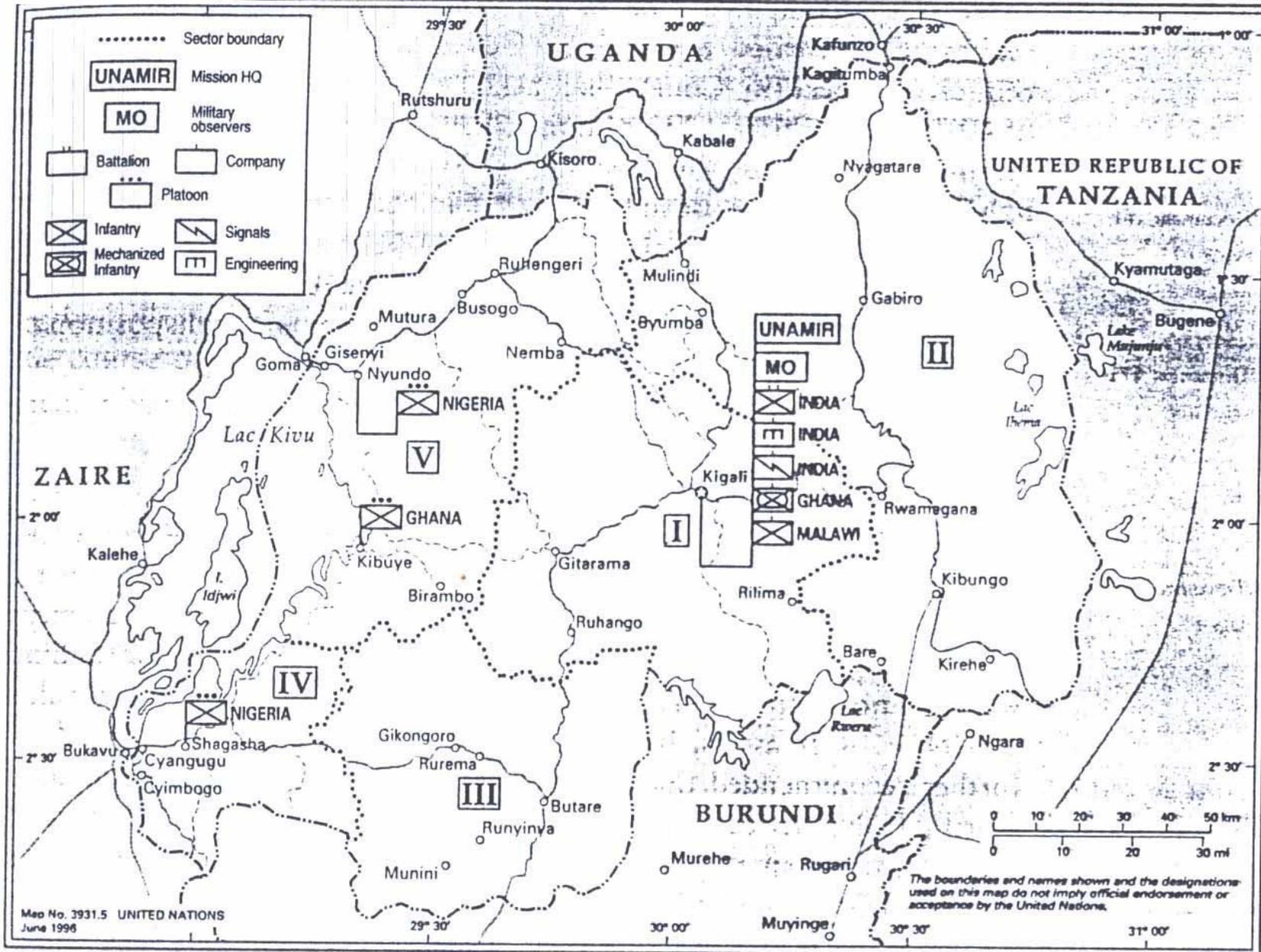
MAP 5

UNAMIR deployment as of May 1995



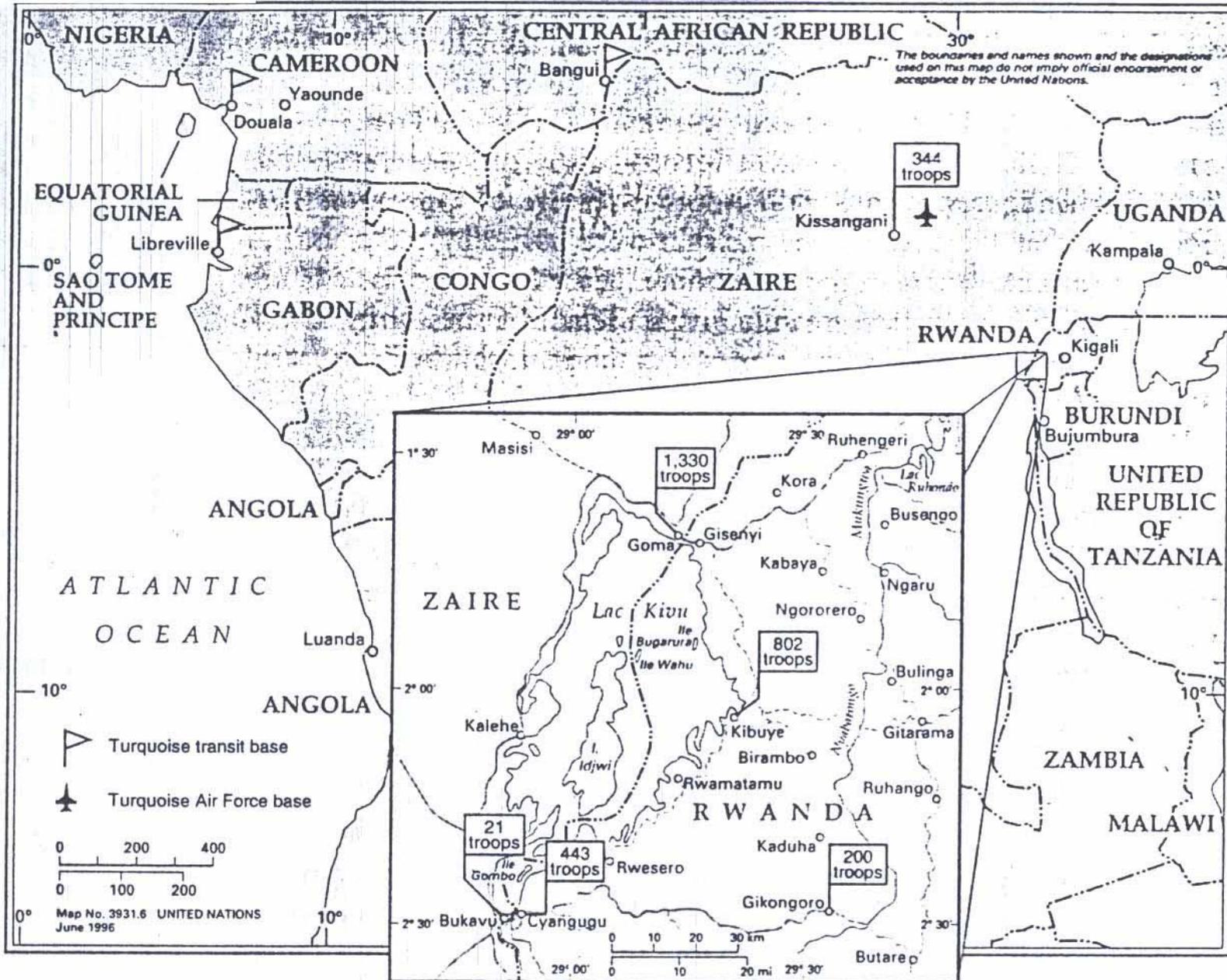
MAP 6

UNAMIR Sectors of Operation and Deployment as of 23 February 1996



MAP 7

Deployment of "Operation Turquoise" as of 25 July 1994



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## Internet Resources:

<http://www.ccpdc.org/> Carnegie Commission on Preventing Deadly Conflict.

<http://www.hrw.org/> Human Rights Watch.

<http://www.oau-oua.org> Organization of African Unity.

<http://www.msf.org> Médecins Sans Frontières (Doctors Without Borders)

<http://www.globalpolicy.org/security/peacekpg>

<http://www.un.org/Docs/> UN Documents.

<http://www.un.org/Docs/sc.htm> UN Security Council Documents.

<http://www.un.org/Depts/Treaty> United Nations Treaty Database.

<http://www.un.org/peace> UN Peace and Security.

<http://www.un.org/Depts/dpko/lessons/rwanda.htm> UN Department for Peacekeeping Operations.

<http://www.unhcr.ch> UN High Commissioner for Refugees

<http://www.un.org/ictt> UN official ICTR (The International Criminal Court for Rwanda) Homepage.

<http://www.ictt.org> ICTR website.

<http://wwwc.cc.columbia.edu/sec/dlc/ciao> Columbia International Affairs Online.

<http://sfswww.georgetown.edu/sfs/programs/isd/files/rwanda.htm> Georgetown University

<http://www.frankcass.com/jnls/ip.htm> International Peacekeeping, Frank Cass Publishers.