

HOW AND IN WHAT WAYS DID THE UN SECURITY COUNCIL MANDATES AND PRACTICE BY UN MEMBER STATES FAIL TO PREVENT THE GENOCIDE IN RWANDA?

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ABSTRACT

An attempt is made to understand the socio-politico-cultural factors and conditions that led to the mass murder and eventually to the genocide in Rwanda. The failure of the UN Security Council to pass appropriate mandates and the international community's reluctance and negligence to act appropriately at the right time has resulted in the failure to prevent and stop the genocide. The resolutions passed by the Security Council affected the rules of engagement for the ground forces which led to the failure of the peacekeeping mission (UNAMIR).

INTRODUCTION

I would like to begin with a very brief summary of events and conditions that led to mass murders and the genocide in Rwanda. In the year 1994, the country had gone through one of the most gruesome mass racial killings since WW II. In brief, these killings can be very broadly classified into three kinds the combatants killing combatants; Hutu civil and military personnel killing moderate Hutu population; and the Hutu killing the Tutsi². These killings were without doubt grievous in nature and the third kind amounting to genocide. I've made an effort to trying to understand the economic, political, and cultural history and factors that led to this genocide in Rwanda³.

Essential Background:

Rwanda is made of 85% Hutu population and 14% Tutsi population who share the same language and follow the same culture⁴. It is located in central Africa with Uganda to its north

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² Magnarella Paul J., *The Background and Causes of the Genocide in Rwanda*, J Int Criminal Justice (September 2005) 3 (4): 801-822.

³ *Id.* at 801.

⁴ *Rwanda- UNAMIR, Historical Background*, available at <http://www.un.org/en/peacekeeping/missions/past/unamirFT.htm> .

and Tanzania to its East. It was a German colony during the years 1884-1916 and was followed under the Belgian trusteeship under the League of Nations and later by the UN during 1918-1962 and finally became independent in the year 1962⁵. The Tutsi population dominated the economic and political life until the year 1959 when the Hutus 'Social revolution' put an end to the monarchy. Post this social revolution, there were wide spread ethnic clashes which led the Tutsi population to seek refuge in neighbouring countries, especially Uganda. In the year 1973- major general Habyarimana took power in a military coup and institutionalized ethnic discrimination⁶. In 1990, the Tutsi refugees formed the Rwandese Patriotic Front (RPF) who kept attacking the Uganda- Rwanda border due to which all the Tutsis in Rwanda were collectively labelled as accomplices of the RPF. A number of ceasefire agreements were signed post the formation of the RPF, but the only prominent one is the Arusha peace agreement of 1992⁷ signed in Tanzania. The agreement proposed for a democratically elected government, a broad based transitional government until elections, and repatriation of refugees. Both the sides asked for the UN to oversee the implementation of the agreement. Thus, UNAMIR was founded upon the recommendation by the UN reconnaissance mission, of August, 1993⁸ to which General Dallaire was the force commander⁹.

The aim of the RPF was to overthrow Habyarimana and return back to Rwanda where they rightfully belong. The peace accord that was signed by Habyarimana and the RPF did little to stop the violence and the unrest. President Habyarimanas plane crashed at the beginning of April 1994, and it was the final nail in the coffin. The state forces immediately launched retribution missions to kill opposition leaders and started to slaughter the Tutsi and moderate Hutu population. The Belgian Force¹⁰ withdrew its battalion after 10 of their soldiers were killed and the Security Council initially reduced the mission force to 270 from 2,548 (resolution 912 April, 1994) and later increased it to 5,500 (resolution 918 May, 1994) but

⁵Human Rights Watch, *Leave None to Tell the Story: Genocide in Rwanda*, March 1999, available at <http://www.hrw.org/legacy/reports/1999/rwanda/rwanda0399.htm> .

⁶*Rwanda: How the genocide happened*, BBC, 17th May 2011, available at <http://www.bbc.com/news/world-africa-13431486> .

⁷*Rwanda- UNAMIR Mandate*, available at <http://www.un.org/en/peacekeeping/missions/past/unamirM.htm> .

⁸UNAMIR, *supra* note 3.

⁹*Rwanda- UNAMIR Facts and figures*, available at <http://www.un.org/en/peacekeeping/missions/past/unamirF.htm> .

¹⁰Paul, *supra* note 1, at 806.

took nearly six months to provide the personnel. Eventually by July 1994, the RPF forces took control of Rwanda, ending the war and established a new government with a promise to abide by the Arusha peace agreement¹¹. An International Tribunal for Rwanda was set up by the SC in November 1994 specifically to prosecute those responsible for the Genocide.

THE CATASTROPHIC FAILURE OF HUMANITY- FIRST TO PREVENT AND LATER TO STOP:

History has witnessed the worlds and the UN's indifference to a genocide that took place in Rwanda which claimed within a hundred days the lives of a million people and brought suffering to those who survived it¹². The presidents plane was shot on 6th April 1994, and within a few hours the Prime Minister was shot dead too. The days that followed saw huge scale killings of the Tutsi and the moderate Hutu population all over the country. 'Neighbours killed neighbours, teachers killed students, students killed teachers, and even priests participated in the killing of children and women. With simple and brutal methods- axes, knives and machete- about 800,000 people were killed during the next three months. In a way, this genocide was more efficient than Hitler's gas chambers¹³'. The UN or the member states of the UN did nothing to prevent it nor did they try to stop the genocide once it had begun.

UNAMIR's Establishment

The analysis, data, and facts provided henceforward, unless referenced are inferred from the "Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda, S/1999/1257 15th December 1999".

The Rwandese Patriotic Front and the Rwanda Gov. signed the Arusha Peace Accord on Aug. 4th 1993 which involved the UN to overlook and implement the agreement. The Secretary

¹¹Facts and Figures have been taken from unpublished UN documents from the UN website, available at <http://www.un.org/en/peacekeeping/missions/past/unamirFT.htm>, the BBC reports on the genocide, available at <http://www.bbc.com/news/world-africa-13431486>, and Human Rights Watch's report *Leave None to Tell the Story: Genocide in Rwanda*, available at <http://www.hrw.org/legacy/reports/1999/rwanda/rwanda0399.htm>.

¹²StanislasKamanzi, *Preventing Genocide: The Role of the United Nations*, 10 ILSA J. Int'l & Comp. L. 2003-2004, 329.

¹³Ingvar Carlsson, *The UN Inadequacies*, Journal of Intl. Cr. Justice 3 (2005), 837-846, at 838. {Ingvar Carlsson was the former Prime Minister of Sweden, Head of the UN Independent Inquiry on Genocide in Rwanda}

General in a report to the Security Council on 24th September recommended the establishment of a peacekeeping force of 2,548 military personnel¹⁴. UNAMIR was established on the 5th of October with a mandate which was more limiting than what was recommended by the Secretary General to the Security Council. UNAMIR's initial mandate was to:

- Assist in the general security of Kigali
- Monitor the ceasefire agreement
- Establishment of an expanded demilitarized zone and demobilization procedures
- To monitor the situation during the final periods of transitional Governments mandate leading up to elections
- And to assist in the coordination of humanitarian assistance activities in conjunction with relief operations.

Dallaire on 11th Jan 94', sent a letter to the HQ mentioning about an informant giving the source of a major weapons cache and wanting to take action in regards to this, but after discussions the Secretariat decided to not agree to this operation of Dallaire's. And further instructed him to confront the President and to insist him to take due action. The letter from the UN HQ ended with stating, 'the overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions'. Dallaire consistently pressed upon the HQ to take a more active role in trying to prevent the arms caches. However, the UN kept rejecting his advice by saying that it clearly went beyond the scope of the initial UNAMIR's mandate and Rules of Engagement.

Post- Renewed fighting in April 1994, the mandate was altered by the SC through resolution 912 of April 1994. Through this amendment to the mandate, UNAMIR could act as an intermediary between the warring Rwandese in an attempt to secure the initial ceasefire agreement and to monitor developments in Rwanda, including the safety and security of civilians. The genocide began after the Presidential plane crash on 6th April. On 7th of April, a group of 10 Belgian battalion was surrounded and killed by the Rwandese soldiers after which the Belgian force was called back home. The genocide spread throughout the country within a matter of days while the UN spent time contemplating a course of action for the

¹⁴Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda, S/1999/1257, 15th December 1999, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/1999/1257 .

UNAMIR's force. On 21st April, the Security Council had voted unanimously to cut down UNAMIR's troop number to 270. But on the advice of the Secretary General to reverse the Security Council's decision to reduce the force, the SC through resolution 918 of May 1994, expanded the mandate to contribute to the security and protection of refugees and civilians at risk by securing special zones and areas it also expanded its Rules of engagement to take action in self-defence against those who threatened special humanitarian zones and the functioning of humanitarian relief. The restrictions placed on General Dallaire and the mission restricted the actions and very little could have been done to avoid any massacre.

A remark made by the Secretary General in a letter to the Security Council on 31st of May, he observed: *'The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crisis entwined with armed conflict. Having quickly reduced UNAMIR to a minimum presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralysed in reacting almost two months later even to the revised mandate established by the Security Council. We must all realize that, in the respect, we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of human lives'*.

After the new Government was established, SC mandated UNAMIR to ensure stability and security in the N-Western regions of the country. Through SC resolution 997 of June 1995, UNAMIR was also mandated to help the displaced populations to return back and settle down, and to help in the general reconciliation in the country. The mandate was adjusted to support the provision of humanitarian aid and of assistance and expertise in engineering, logistics, medical care and demining and to assist in the training of a national police force. The SC through resolution 1029 of December 1995, made the primary focus of UNAMIR to facilitate a safe passage of refugees and those displaced to return back to Rwanda.

UNAMIR's mandate ended on March 8th.

IGNORING GENOCIDE:

One of the biggest controversies in regards to the Genocide is whether the world saw it coming but failed to act to prevent it. There is not an iota of doubt that the international community saw it coming, everyone knew what was happening there and what was about to happen. There is a lot of data and evidence supporting the fact that the world saw the

Genocide coming since there was violence for a long time preceding the genocide in 1994. Politicians and Political institutions in France, the United States and Belgium all knew that there were preparations for a huge slaughter of the Tutsi population but did nothing to avoid or prevent it.

It could also be said that the failure of the UNAMIR to prevent the Genocide was due to its boundless limitations that were in place through its rules of engagement that constrained the peacekeeping efforts of the UN¹⁵. Dallaire was in many situations powerless and helpless to confiscate weapons and save the lives of civilians because it would have violated his mandate. "We cannot agree to the operation contemplated ... as it clearly goes beyond the mandate." – Kofi Annan, head of the UN Department of peacekeeping Operations. Another complex factor that led to the inaction is the bureaucratic nature of the United Nations and the fatigue of peacekeeping in general. Many also believe that the shadow of Somalia was still present in the international community as they did not want to participate in another civil war, in this case genocide. Finally, the idea of national interest acted as a big criterion for states to send in battalions. The United States had not intervened as there was no national interest for them to participate in the peacekeeping operations in Rwanda. The UN, France, Belgium and the United States had an obligation to stop and prevent the genocide as they were aware of the happenings. Finally the inaction of the security council which focussed on discussing the civil war rather than acting to stop the genocide (which would have mandated the member states of the UN to act in accordance to the 1948 Genocide Convention; not just a moral obligation but a legal one!) can be held responsible for not being able to prevent the genocide due to which the UNAMIR members became witnesses to the genocide.

Shake hands with the Devil¹⁶, was Dallaires deeply touching account of his experiences as the chief of UN assistance mission in Rwanda. He blends his personal experiences and inner conflicts with that of the wider story of Rwanda. The central theme of Dallaires book remains the story of UNAMIR and the force commanders perspective on the catastrophic failure- first to prevent and later to stop or even just to slow down the genocide or the mass killings¹⁷. He

¹⁵Samantha Power, *Bystanders to Genocide*, The Atlantic, Sep 1st 2001, available at http://www.theatlantic.com/magazine/archive/2001/09/bystanders-to-genocide/304571/?single_page=true .

¹⁶Romeo Dallaire, *Shake Hands with the Devil: The failure of Humanity in Rwanda*.

¹⁷Mats Berdal, *The United Nations, Peacebuilding, and the Genocide in Rwanda*, 11 Global Governance 2005, at 119.

very clearly believes the member states and the Security Council and above all France and the United States to be liable and responsible for the failure to stop and prevent the mass killing and the genocide. He mentions in his book that ‘the Americans never took Rwanda or me seriously¹⁸.’ The mandates and the Security Council resolutions were very cautiously conceived and equally cautiously applied on field. The mandate that UNAMIR started off with was the biggest directly contributing factor that led to the failure of UNAMIR and to prevent or stop the genocide.

Through this discussion I’ve made an attempt to try and understand the deep politics that international humanitarian interventions are rooted in and how the decision making bodies are influenced and swayed in their decision making by the ‘great powers’ of the world. Dallaire in the year 2000 was found unconscious in a park, drunk, and was being diagnosed for post-traumatic stress disorder. He was on a ‘death mission’¹⁹. I would like to end with bits from a letter that General Dallaire wrote to the Canadian Broadcast Corporation (eventually read on air) thanking them for tackling with this news coverage sensitively.

“This nation, without any hesitation nor doubt, is capable and even expected by the less fortunate of this globe to lead the developed countries beyond self-interest, strategic advantages, and isolationism and raise their sights to the realm of the pre-eminence of humanism and freedom... Where humanitarianism is being destroyed and the innocent are being literally trampled into the ground... the soldiers, sailors, and airpersons... supported by fellow countrymen who recognize the cost in human sacrifice and in resources will forge in concert with our politicians... a most unique and exemplary place for Canada in the league of nations, united under the United Nations Charter.

I hope this is okay.

Thanks for the opportunity.

Warmest regards,

Dallaire.²⁰ ”

¹⁸Dallaire, *supra* note 14, at 84.

¹⁹Power, *supra* note 14.

²⁰Power, *supra* note 14.

