

The Rwandan Genocide: The UN Participation in Conflict Resolution

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ABSTRACT

The Rwandan civil war that killed thousands and displaced millions of people was fought between the Hutus, who are the majority and the Tutsis, the minority ethnic nationality. Although, several reasons accounted for the war, however, the immediate factor was the assassination of the Rwandan President by group of unknown people while he was returning from a trip. It was alleged that the Tutsis and their supporters were responsible. Consequent upon the assassination, Rwanda descended into chaos and the Hutus engaged in systematic ethnic cleansing that culminated into genocide. Serious concerns were raised across the world on the need for resolution. Several actors indicated interest; among the international actors that intervened is: The United Nations. To a large extent, the intervention of this actor contributed to the end of the genocide in Rwanda.

The thesis intends to evaluate the UN's approach to the resolution of the genocide in Rwanda and establish the efficacy or otherwise of the criminal investigation through the International Criminal Tribunal for Rwanda.

The analysis of this thesis would be done by qualitative method using secondary data obtained from already existing works related to the this research topic such as articles, documentaries, books, newspapers, journals and other possible electronic documents.

Keywords: Rwanda, Genocide, Conflict resolution, United Nations

ÖZ

Binlerce kişiyi öldüren ve milyonlarca kişiyi yerlerinden eden Ruanda iç savaşı, çoğunluk olan Hutus ve azınlık etnik milliyeti olan Tutsis arasında bir savaştı. Savaşa neden olan birkaç neden olmasına rağmen, bir geziden dönerken Ruanda Başkanının bilinmeyen bir grup tarafından öldürülmesi savaşı başlatan ana neden olarak görülmektedir. Bu olaydan Tutsis ve taraftarlarının sorumlu olduğu iddia edildi. Suikast sonucu, Ruanda kaos altına girdi ve Hutus sistematik etnik temizlik yaptı. Çözüm gerekliliği konusunda dünya çapında ciddi endişeler doğdu. Birçok uluslararası aktör konuya ilgi gösterdi. Müdahale eden uluslararası aktörler arasında Birleşmiş Milletler de bulunmaktadır. Bu aktörün müdahalesi Ruanda'daki soykırımın sona ermesine katkıda bulundu.

Bu tez, Birleşmiş Milletlerin Ruanda'daki soykırımı çözme yaklaşımını değerlendirmeyi ve Uluslararası Ceza Mahkemesi aracılığıyla suç soruşturmasının etkinliğini belirlemeyi amaçlıyor.

Bu tezin analizi, makale, belgesel, kitap, gazete, dergi ve diğer olası elektronik belgeler gibi mevcut araştırma eserlerinden elde edilen ikincil verileri kullanarak nitel yöntemle yapılacaktır.

Anahtar Kelimeler: Ruanda, Soykırım, Çatışma Çözümü, Birleşmiş Milletler

DEDICATION

I DEDICATE THIS WORK TO ALMIGHTY GOD, WHO SAW ME THROUGH
THE PROCESS OF WRITING THIS WORK.

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I will begin by acknowledging God Almighty for his love and grace upon me throughout the period of my Master's Degree programme.

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LIST OF ABBREVIATIONS

AHT	Advance Humanitarian Team
DHA	Department of Humanitarian Assistance
DPKO	Department of Peacekeeping Operations
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia
ICRC	International Committee of the Red Cross
NGO	Non-governmental Organization
NMOG	Neutral Military Observer Group
OAU	Organization for African Unity
RPF	Rwandan Patriotic Front
RTLM	Radio Television Libres Des Milles Collines
UN	United Nations
UNAMIR	United Nation Assistance Mission for Rwanda
UNCIEF	United Nation Children Emergency Fund
UNDP	United Nation Development Programme
UNHCR	United Nation High Commissioner for Refugee
UNOMOR	United Nation Observer Mission Uganda-Rwanda
UNREO	United Nation Rwanda Emergency Office
UNSC	United Nation Security Council
UNSG	United Nation Secretary General
US	United State of America
WFP	World Food Programme.
WHO	World Health Organization

Chapter 1

INTRODUCTION

1.1 Background Information

Historically, there have always been human actions that leads to destruction and violations of human dignity in different forms around the world, beginning from World Wars I and II which claimed the lives of people in different nations, leaving others displaced and helpless. Before then, there was Holocaust which occurred in Germany in 1933 to 1945 claiming the lives of over six million Jews in Europe (Hoggan, 2004). This experience led to the evolution of the concept of “genocide”. The concept of Genocide is young in usage within the field of human security; it was introduced into conflict vocabulary in 1944 by a polished Lawyer Raphael Lemkin, who combined Greek *génos* (race) and Latin *cide* (killing) (Lemkin R., 1946).

This act has been condemned by the international community and preventive measures were taken in order to stop such an act from reoccurring. In spite the United Nation abhorrence to crimes against humanity, surprisingly, as recent as 1994, there was another occurrence of genocide in Rwanda, where hundreds of thousands of men, women, and children were brutally slaughtered and massacred, while the rest of the world stood idly bye as such heinous acts were committed (Armenian National Institute, 2016).

The establishment of the United Nation was to prevent the reoccurrence of the war phenomenon and maintain international peace and security. After the formation of the United Nation, Genocide Convention was created to prevent such act from reoccurring and to liberate humankind from such carnage (UN Convention Treaty, 1948).

Sadly, the act of genocide occurred again under the UN watch and persisted unabated among the people of Rwanda, despite warning's that such act was about to occur and in spite the available enabling legislative regime against it.

Presently, there are different types of conflict that have erupted in the world today, some deal with ethnicity, resource distribution, religion, race, power sharing and many more. The UN is facing the challenges that come with these conflicts around the world, hence acknowledging the significance of preventing, managing or resolving these conflicts in the interest of peaceful coexistence and safety of the environment.

The UN has a crucial role to play in conflict management and prevention which goes beyond conventional peace talks. They have a significant responsibility to help stop and manage conflicts by tackling these issues before they expand beyond control. However, for the UN to unleash its efficiency as an organization for peace and security there are many hindrances that needs to be looked into within the system. These include the absolute veto power of the five permanent members, financial sustainability and few others issues that entangle the organization.

It is pertinent to say that the UN can do little or nothing on conflict prevention but it can offer negotiation opportunities to limit or mitigate hostilities (Teodorescu S, 2014).

The focus of this thesis is on the United Nations role as a conflict manager in the Rwanda genocide and the factors that hindered it from acting accordingly during the genocide and its aftermath.

1.2 Statement of Problem

Conflict is both an intrinsic and extrinsic character of humanity and nation states that operate the world system; it is usually triggered by the slightest tension, aggression, negative attitude and frustration arising from the society. Its occurrences could lead to Crime against humanity, war crimes, and genocide and Mass killings. These are major crimes that affect human conscience that could instigate the attention and reaction of the international community.

The ethnic pogrom in Rwanda which culminated into Genocide attracted global attention. The United Nations today symbolizes the collective conscience of all Nation-States and by implication the entire human community. It is against this notion that the significance of the response of United Nations finds meaning. It could have responded in the other respects to changing the conflict in Rwanda but due to undue circumstances within the security council of UN, the late intervention of UN saw the genocide take longer time than expected. However, the UN chose to intervene in the resolution by trying the perpetrators of the crime through Arbitration. This led to the establishment of the International Criminal Tribunal for Rwanda (ICTR). Following this line of thought, this research first and foremost, reveals and

analyze the hindrances that prevented the UN to act as a conflict manager during and after the genocide, and also to evaluate the United Nations approach to the resolution of the Genocide in Rwanda and establish the efficacy or otherwise of the criminal investigation through international criminal tribunal for Rwanda.

1.3 Purpose of the Study

Conflict prevention and management is one of the key goals of the United Nations. After the occurrence of the genocide in Rwanda, the United Nations established the International Criminal Tribunal for Rwanda to try the perpetrators of the genocide. However, this court was established since 1995 and ended proceeding 2015. The purpose of this research is to evaluate the International Criminal Tribunal for Rwanda effectiveness and usefulness to bring to justice the culprits. The research aims to review on the identification of the conflict resolution skills used by the UN in resolving the genocide in Rwanda and the enhancement of the UN in conflict management. The research tend also to examine the hindrances that prevents the UN to function effectively as a conflict manager during the Rwanda Genocide and thereafter.

The completion of this research will state if or otherwise the creations of tribunals are imperative in handling committers of crimes against humanity or not.

1.4 Research Question

The research will answer the question: why did the UN failed to intervene in 1994 to prevent the Genocide in Rwanda?

How effective was the UN in the Conflict Resolution and in handling the aftermath of the Genocide?

1.5 Objectives of the Study

This study intends to generally examine the Rwandan Genocide and how the United Nations which is responsible for prompting intervention, responded to genocide in the context of African experience.

In specific the study intends to:

1. Establish and find out the failure of the United Nations in preventing the Rwanda Genocide.
2. Understand the manner of response in the aftermath of the genocide with a view to ascertain the efficacy of the mechanism of UN post genocide intervention.

1.6 Significance of the Study

Human right laws which developed from the 1948 Human Right Declaration is increasingly becoming important in international relations. This work is significant because it will add to the volume of literature of international legal findings about crimes against humanity.

Threat to an individual anywhere around the world is a threat to humanity as a whole, therefore; this research has the potential to raise the level of consciousness of the civil societies, States and individuals within the international arena to their basic responsibility to humanity.

1.7 Case study design

Case study research is a research method that is universally used in International Relations. It is sometimes used with comparative method and qualitative research.

It's mainly centers on 'events, phenomena or actors' that are significance to the researcher (Lamont 2015). Case study research has been used to test material and ideational variables in social constructivist research agendas (Klotz, 1995) in (Lamont 2015). Also international relations Realists use it to facilitate their theoretical claims.

According to Lamont (2015) 'Case study research design is a historical study of an event.' While Johnson and Reynolds (2005) stated that it is a design whereby, 'the researcher examines cases of phenomenon in details by using several data collection method such as interviews, document analysis and observation.'

George and Bennett (2005) argue that, 'it is the detailed examination of an aspect of a historical episode to develop or test historical explanations that maybe generalizable to other events.'

Gerring (2004: 342) maintains that case study is an 'intensive study of a single unit for the purpose of understanding a large class of similar unit'. These definitions focus on acquiring relevant knowledge that is very useful beyond the particular case in the research.

Case study research design will be employ in my research with it focus on Rwanda genocide because, Rwanda was the last country that was declared to have encountered genocide and the UN whose aim is to provide peace and security in the world were functionally alert during that period, yet the genocide occurred. The Rwanda genocide 1994 as a case study is extremely relevant because it will allow the researcher to the weighs the activeness and consciousness of the UN in resolving a

conflict as their priority. Therefore, after the conclusion of the research, there will be an understanding as to the duties and functions of the UN generally, and also the measures they took in stopping the genocide and bringing justice to perpetrator who escaped to other locations and the ones in Rwanda.

1.8 Methods of data analysis

Qualitative analysis is employed. This is in view of the fact that, the data category is explicitly qualitative. That is, predominantly text from content of documents from relevant stakeholders and published secondary materials by scholars on the subject matter. This approach is skillfully applied to respond to the hypothesis with a view to arriving at logical inference.

1.9 Content Analysis

This research would utilize the secondary method of data collection in view of the fact that it would be quite convenient to this study. Content Analysis shall be applied as a source of data presentation and analysis. It is a process whereby a careful and critical scrutiny of documents would be carried out for the sole purpose of generating information which could be useful for scientific conclusions or inferences (White, 1983) in (Nnabugwu, 2006).

The content Analysis approach as a research tool could be used either in qualitative or quantitative research. It is therefore useful in identifying specific messages as well as characteristics that would assist towards a good understanding and making of objectives inferences (Hosti, 1977; Kaplan, 1943; Stone 1966) in (Nnabugwu 2006)

Content Analysis could also be viewed as a mechanism for gathering and analyzing documents which involves words, pictures, symbols and text. The text includes;

written, visual or spoken which could be used as a tool of communication (Neuman, 2007)

1.10 Hypothesis

The divergent interests of the five permanent Security Council members hindered the UN in the Genocide.

1.11 Sources of data

This research will utilize secondary sources of data from library, journals, books, documentaries, academic article and policy reports.

1.12 Methods of data collection

This research shall rely on content analysis in view of the remote nature of the data and the convenience for which it could afford this research.

However, the adoption of content analysis to this research is informed by the reason that Rwanda which is the field of study is quite far away from Cyprus and it would be very costly to employ direct primary contact with the actors in the genocide. The genocide in Rwanda is currently not trending or on-going, that is to say the subject is not quite alive as at this moment.

In view of the aforesaid, it would be richer and convenient to employ content analysis in order that a broader trend and impacts for the assessment of the research question would be captured.

1.13 Organization of Study

The thesis is categorized into five chapters. The first chapter consists of the overall of the research, ranging from the background of the study, problem statement, purpose of the study, research questions, objective of the study, significance of the study,

methodology, hypothesis, case study design, sources of data, method of approach in the analysis and data collection of the research. The second chapter deals with the review of related literatures and theory adherent to the study. Chapter three will expose the role of UN in the conflict management in Rwanda Genocide. The chapter further demythologized the divergent interests of the five permanent Security Council members towards the poor input effort of the UN. The chapter four of the research will investigate the effectiveness or efficacy of the international court of tribunal for Rwanda (ICTR). Lastly, the chapter five will conclude the discussion and proffer a better intervention to UN as regards her conflict management.

Chapter 2

LITERATURE REVIEW

Introduction

This research reviews related literature on the United Nations participation in Rwanda, particularly the conflict resolution dimension through the setting up of the International Criminal Tribunal for Rwanda. The review of the literatures would be guided by the research questions and the objectives for which this work is set to achieve. Consequently, this review seeks to find literature gaps in order that; the research would adjust to fill the gap. The United Nations in spite of the critical nature of human security and the sensitivity of genocide have made a decision to intervene lately. What accounted for such late intervention is a subject of another debate.

2.1 UN and its purpose in conflict resolution/management

The UN is an international organization, created to promote international cooperation consequent upon the weaknesses of its predecessor, the League of Nations in 1945. Its headquarters is located in Manhattan, New York City and comprises currently of 194 member states. As an international body, its aim is to maintain international peace and security and provide a friendly relationship among member states. The organization is best known for peacekeeping, peacebuilding, conflict prevention and humanitarian assistance and many other diplomatic activities. In addition to these objectives, it aspires to encourage human rights, foster social and economic development, provide humanitarian intervention in complex emergencies, and

protect the environment from natural disasters as encapsulated in Article 1 UN Charter (UN A-Z site index, 2017)

However, Article 1 asserts the non-intervention in the domestic jurisdiction of member states by the organization without their consent. In addition, the Security Council is entrusted with the responsibility to acknowledge the existence of a threat and may implement measures to restore and maintain peace. The UN Charter admonishes the members to settle their dispute by peaceful means. These methods of settlement are negotiation, mediation, arbitration among others (Article 1(1), 2(3) and 33(1) of the UN charter). Chapter two of the charter enlightened us about the principles, purpose and organization of the United Nations. It entails that members are to settle disputes in a peaceful way and support the organization in enforcement actions. Also non-member states are to act according to the principles as long as it is relevant to the maintenance of international peace and security (ibid).

The UN consists of six organs; the General Assembly, Security Council, Economic and social council, the Secretariat, the International Court of Justice, and the Trusteeship.

The General Assembly is a deliberative assembly whose principal role is to deliberate on issues and make recommendation. It does not have power to implement resolutions.

The Security Council is an organ for deciding resolution for peace and security. Its key responsibility is to maintain international peace and security. Fifteen members – five permanent and ten temporary members – constitute the UN Security Council.

Needful to say that the ten non-permanent members are elected members of the Council by the General Assembly to serve a two-year tenure.

Article 33(2) states that when essential, the Security Council shall call parties to settle their disputes. Therefore the Security Council can investigate disputes in order to prevent it from escalating to the point of threatening international peace and security. The council could endorse approaches of adjustment (Article 34 and 35 of the UN Charter).

The International Court of Justice is universally known as the World Court and it is the key organ of the UN. The decisions of the court are binding and it has extensive jurisdiction that comprises of all cases. The headquarters of the Court is located at The Hague.

The Secretariat: The Secretary General is the chief administrative officer in the UN. The tenure system of the Secretary General is a five-year re-elected pattern with the voting system of two-third of the general assembly, which will have the endorsement of the permanent members and the recommendation of the Security Council. The responsibility of the Secretary General is to bring matters that threatens international peace and security before the organization and also serve as a negotiator and exercise good office as a mediator for peaceful settlement (Article 97 UN Charter)

The finances of the UN are based on the contributions of all the UN member states. It is due to the assessment of the general economic level and the capacity of the member states. This is usually submitted to the general assembly for approval (UN A-Z site index, 2017)

The UN has relative permanence in existence and a credible posture to resolve and manage conflicts. It does this both informally and formally. On formal resolution, the UN secretariat adopts the Security Council and the general assembly guidelines. The Secretary General functions as arbitrator in a conflict setting while providing all the necessary solution-finding processes. That is to say, they grant “peace keeping forces” to the areas that need such. The informal are the inner structure of UN as an organization (Vayrynen.R, 1985).

2.2 UN’s failure to intervene in the 1994 Rwandan Genocide

The debate that UN, a collective security institutions failed in its responsibility to timely and promptly intervene to prevent the human carnage perpetrated by Hutu extremists in Rwanda, 1994 has gain significant attention since the establishment of the ICTR. The *failure* of this intervention by UN is argued in different ways. This work will examine relevant literature on such arguments with a view to understanding why they came lately and identifying the gap in literature of late intervention in Rwanda.

The crime of genocide had been part of the international humanitarian law since the enactment of the Convention for the Prevention and Punishment of the Crime of Genocide adopted in 1951 (Malik, 2005). Adequate attention was not accorded to it until human security challenges became so much, especially in the aftermath of Cold War. The Genocide in Rwanda and the neglect of victims was deemed a conspiracy of inaction to which the UN is culpable (Ibid.). Some scholars may disagree with this position but it is imperative we take a view of some literary position on the debate. Ariye, (2015) argued in his work *A Bystander to the Genocide: Revisiting UN failure in Balkans and Rwanda*, that the United Nations were mere bystanders. Right under their watch people were massacred as they looked indifferent, although the work did

not state why they stood by. Understandably, the caption was extracted from the message of Samantha Power (The USA Ambassador to the UN). The work would have been deeper if the underlying indices indicated why UN stood by.

The inadequacy was reflected and addressed in the works of Maritz (2012). He maintained that the international community including the United Nations had a poor judgment about African conflicts which made UN complacent and indifferent. He stated that due to the on-going Somalia crisis, the UNSC were reluctant to participate in another peace operation in Africa. Therefore, the disaster in Somalia influenced the UN delayed intervention. He argued further that, the cumbersome nature of UN bureaucracy and the General Peace Keeping Fatigue suffered around the World by the organization accounted for the late intervention in Rwanda.

Although the research made the reasons clear yet, such justifications were not enough. Evidently, Matríz (2012) needs more empirical data to support these assumptions.

Silver, C (2015) stated in his opinion that due to the US led operation in Somali 1993, the Americans were reluctant to response to the Rwanda genocide which facilitated the UN from not interfering in the genocide immediately. American interest is important here because of the enormous influence it has on UN. More so, Burkhalter, (1994) stated that due to lack of leadership in the Clinton administration, the crisis was declined to be treated as a human rights disaster.

Added to this is the position that, the UN failure was also in accordance with the reluctance of the international community to commit itself and resources to UN

assistance mission for Rwanda (UNAMIR). Moreover, lack of resources and lack of will to take on the commitment necessary to prevent the genocide is another cogent reason for the UN failure. (Carlsson, 2005)

Furthermore Lome (2014) explained that the UN established a body called the UN Assistance Mission for Rwanda. This body was for the peacekeeping and the recovering of arms. The force commander Lieutenant-General Romeo Dallaire informed the UN through telegram about the vital information of the plan to kill the Tutsis in Kigali, the capital of Rwanda. The information was notified to the UN but no response was given. According to Lome's view, the UN having established a body for peace mission did not heed to the advice of this body when crisis broke, due to insistence on due process.

Sufficient early warning signs in Rwanda were not heeded to and this really complicated events. The use of mass media was the most worrisome, considering the implications and potential to aggravate the situation. Erika (2004) elucidated that the radio stations in Rwanda broadcasted the call for murder of the Tutsi people by announcing their names, addresses and license plate numbers. Even if the international community or the UN could not intervene to stop the genocide through military force, they could have intervened by stopping the radio stations from broadcasting hate messages. He further stated that the UN was willing to stop the killings but naturally they do not have the capacity to handle genocide crisis efficiently. Following this line of thought, Former UN Secretary General Boutros Boutros-Ghali stated that Rwanda was seen as a second class operation due to its small nature as a Country. This then promoted the idea of unspoken and unwritten priorities that shape response choice within the UN decision circle. Could

this mean that, some members are still seen as peripheral and hence, not on primary priority of the Organization?

Sovereignty is one of the cardinal principles upheld by the UN. In as much as it preserves to protect the status and territorial integrity of each states the principle also goes with the prerogative of non-interference into the domestic affairs of a state which at times become a stumbling block for the UN to effectively fulfill its mandate of peacekeeping. Using this prerogative, regimes can prevent the implementation of measures or decisions they deem unfavorable to their own interests even if it is to foster the welfare of their people. There is a need to revisit this principle to make it less ambiguous and outline context and situations that warrants direct intervention. One such context and situation is obviously genocides and crimes against humanity.

In the work of Philpot “*Rwanda and the New Scramble for Africa*”, what the former Secretary-General of the UN Boutros Boutros Boutros-Ghali, indicated in 1998, 2002 and 2004 that, “The genocide in Rwanda was one hundred percent the responsibility of the Americans”. (Philpot, 2013: 13). But again what does US stand to gain by not preventing the carnage?

In spite of the fact that great successes were recorded in the arrest and prosecution of all the genocide perpetrators in Rwanda, the ultimate success relies entirely on the political and financial support of the international community (Akhavan P, 1996), to which US still has the political capital to influence events. Other scholars take exception from over blaming America and see institutional strengthening, particularly key offices within the UN solution to the blame game. If the office of the Secretary General was strong enough, such action would have been taken without

recourse to external decision dependence, which increased the delay and humanitarian disaster.

Another UNSC member that was very instrumental in the UN's failure to intervene in the Rwandan genocide was France. In a neo-realist world, national interest primes over collective security or humanitarian necessity. Prior to and throughout the genocide period, France was more interested in helping its ally—the Hutu Regime of President Habyarimana than taking any concrete step to prevent or put end to the genocide when it occurred. France armed and supported the Hutu regime in their genocidal actions against the Tutsis (McGreal, 2007).

The French "Operation Turquoise" has been criticized for allegedly assisting génocidaires (perpetuators of genocide) to escape from Rwanda (Zitelli,n.d.) . Operation Turquoise also exposed the vulnerability of the UN to big power politics. France succeeded to get a UN Resolution for a unilateral humanitarian intervention whose neutrality was questionable given France entanglement with the Hutu regime.

For any reasonable and concrete action to be effective in the UN, or any organ entrusted within it for collective security purpose, the office of Secretary General must be effectively strengthened (Vayrynen, 1985). Most importantly, others maintain that even when such powers are available, the necessity of funding remains topmost, in any response option. Even when the power is there and the fund to mobilize the needful apparatus is lacking, it would be futile and counterproductive. Therefore the best explanation for the late intervention may be resources related. Erika (2004) stated in his work that due to lack of objective and proper response to

the crisis concerning funds, supplies and skills that were needed to intervene which resulted to a faulted structured system.

From the foregoing arguments, the literature reviewed noticed that, most of the research reported, failed to note the absence of an existing anti genocide institution to punish violators at the UN level. This has not been identified as reason for the late intervention in Rwanda. This research shall explore the institutional efficacy of the Tribunal as an intervention mechanism particularly, in Rwanda.

2.3 UN Responses after the Genocide and the successes

The success of the Tribunal for Rwanda is quite important. However, measuring success usually has associated difficulties. Some Scholars have attempted to identify indices for measuring the effectiveness of the tribunal. The maintenance of peace and providing justice to the people of Rwanda that are affected by the genocide, providing justice through apprehension and extradition, providing justice by speedy trial, and the process of National Reconciliation. In these circumstances, the tribunal had not been so effective. Although the advantages of the establishment far outweighs lack of it (Barria and Roper, 2005)

It is instructive to note that these scholars criticized the tribunal as ineffective and argued that the lack of success in apprehending suspects diminished the deterrent effect of the tribunal (ibid)

Bassiouni (1997) argues that the establishment of a permanent system of International Criminal Justice is necessary, due to past lessons and experiences with the ad hoc tribunals which should instruct the course of the future. It is contended further that, the international community's acknowledgement of its responsibility to

provide justice mechanisms and means to punish crimes is not enough, but funds have to be given for proper administration of the international tribunals (Des forges A, 1999)

Again, Des forges and Longman (2004) stated that with the ICTR in Arusha, Tanzania, National Courts in Belgium and Switzerland, classical court in Rwanda, Gacaca court, it is pertinent to say that the Rwanda genocide has obtained more judicial attention than any other violent scenario related to mass atrocity in the recent times.

Des forges and Longman (2004) argue that trials are not the proper solution to those that committed the genocide, there must have a social reconstruction that must be effective if properly carried out by an organisation that is legitimate. More pit holes have been noticed with the establishment and purpose of the tribunals. Brown and Augustine (2014) view that the establishment of the ICTR did not give desired attention to the root cause of the conflict, it was meant to prosecute, convict and sentence the accused persons charged with the crime of genocide and other crimes against humanity. Further, Carroll (2000) found out that the International Criminal Tribunal for Rwanda (ICTR) was not advanced enough to achieve accountability and create reconciliation.

However, based on these reviews different authors have regarded the ICTR as an inadequate solution to resolve the genocide in Rwanda. Des forges and Longman (2014) suggested that social reconstruction is better instead of punishing them through trials but he failed to dictate whether it is a social reconstruction of the persons that committed the genocide or of the society. Furthermore, Brown and

Augustine focused on the lack of understanding and addressed the root causes of the genocide as a key setback of the ICTR which is a very essential argument because for a conflict to be properly analysed for resolution, the root cause of the conflict must be identified. More so, Carroll (2000) suggested that it was lack of advancement of the tribunal that deprived it from creating proper reconciliation. These arguments stated above for the inadequate role of the tribunal are believed by scholars as reasons for the ineffectiveness of ICTR.

As the experience of the post-apartheid “Truth and Reconciliation Commission” of South Africa (under Arch Bishop Desmond Tutu) as proven truth and justice make a solid foundation for genuine reconciliation. By bring the perpetrators of the genocide to take responsibility for the crimes they committed, there is a feeling of justice rendered that is generated in the hearts and minds of the people which help them to peacefully transition or move on to a new life. Obtaining justice for their loss and pain also rekindle confidence among the victims on the rule of law and the institutions of the state which is crucial in guaranteeing political stability in any state.

The inadequacies of the tribunal are numerous and the salient aspects have been explained and analyzed above. However, it is important to understand that, several positive and important roles have been identified by several other scholars in respect of the tribunals, and in specific ICTR.

Matheson and Scheffer (2016) stated that the establishment of the Rwanda tribunal is seen as the legal and political basis for the contemporary international criminal system. That is, it deals with mass atrocities, provide justice as well as contribute to resolution of conflict and preventing future crimes. Similarly, the International

Criminal Justice brings about deterrence for the impending violations of international humanitarian law (Jenks and Aquaviva, 2014). Several other scholars tend to corroborate the efficacy and significance of international criminal tribunal as captioned in the works of Pruitt (2014), concludes that the ICTR create speedy advances for the international law due to their success in bringing justice to persons that were responsible for the crime.

Influential scholarly contribution made to highlight the significance of the institution and how it will strengthen the international legal regime, particularly the role of the UNSC and the permanent five as individual nations: the United Nations Security Council (UNSC) has more power than any other agents of international law in relation to Responsibility to Protect and International Criminal Court. Also the authority of the UNSC is in relation to the power and legitimacy of the states that composed it, mainly the permanent five. It is here argued that the development of the new institutions in the international order can challenge and at the same time strengthen the authority of the institutions like the UNSC. Therefore, there is need to reform the legal system especially in its concern with the human rights protection (Hehir and Lang 2015)

In the same positive manner, Hobbs (2014) has observed the effectiveness of the tribunal and the need for victims-centered concern of the activities of the tribunal. The Rules of Procedure and Evidence: Rule 11*bis* which permits the ICTR to assign cases to national courts in order to enable the effectiveness of the ICTR by allowing the accused to receive fair trial and the avoidance of death penalty. This however also strengthened the efficiency of the international criminal tribunal in the state

system (Ryngaert 2014) and that the international criminal law should concentrate mainly on victims as their central priority (Hobbs 2014)

From the for-going literature most of the scholars have not brought out in details specific parameter against which the effectiveness of the tribunal will be measured. This research will address this gap.

In Pruitt (2014) work, he spoke about the ICTR bringing justice but he failed to dictate if the justice was fair and equal. Hobbs (2014) also stipulated total concentration of the tribunal was to be directed to the victims. He failed to acknowledge the root cause of the conflict and also the perpetrators of the crime.

Generally, the literature enlightened us on objectives of the UN and its organs, also the assessments of different scholars pertaining to the late intervention and the effectiveness of the ICTR. Our next chapter will expressly lay out various reasons why UN participated late in accordance with the role of the permanent five.

2.4 Theoretical Framework

Theoretical framework serves as a guide in a thesis, having identified your research questions and problem statement it is relevant to also have a theory that will direct the research work. A theoretical framework helps to show that your research has an existing line; it provides justification for your research and provides a foundation that supports your study.

Theoretical framework is an important characteristic in various studies. It is a means of theory testing targeting on how theory's opinion and assumption are applied and welcomed. Theoretical framework reflects interpretation, analysis and description.

Theories express source of knowledge in a particular area of study. Theories reflect our areas of observation and serve as base to our research. This is what makes theories pertinent to one's study (Obasi 1999:43 in Nnabugwu 2010)

According to Kerlinger (1973) in (Nnabugwu 2010) "A theory is a set of interrelated constructs (concepts), definitions and proposition that present a systematic view of phenomena by specifying relations among variables with the purposes of explaining and predicting the phenomena".

In the course of this study, the research will be guided by the Neo-realist theory. Neo realism is also known as Structural Realism and it is allied to scholars like Kenneth Waltz, John Mearsheimer among others. This theory focuses on power as an essential factor in international relations. It elucidates how powerful States perform and interrelates with each other especially in matters of international relations. Great powers are always concerned on the amount of economic and military power they have achieved in comparison to other states.

Neo realism is concerned with power, security, anarchy, war and alliance, basically Power. States want power due to the structure of the international system (Dunne et al, 2013)

Kenneth Waltz argues that the structure of a system has two characteristics; distribution of powers and Anarchy. Anarchy simply refers to absence of any authority above the state that is, absence of any hierarchy of authority in the international system. There is no overarching authority above state powers, this results to states amassing power enough to protect themselves, because it could be attacked

by other states, hence states have to compete with each other for power to survive (Dunne et al 2013)

Each state is faced with a self-help situation. However it is dangerous to place the security of one's own country in the hands of another hence, survival is very essential for a state. In Dunnes (2013), Mearsheimer argues that a State needs to struggle for power until it attains hegemony in order to ensure its survival. For a neo realist, power is the means to an end and an end to survival. Power is grounded on the material capabilities controlled by a state such as the economic resources, military power, and technology.

Distribution of power or capabilities among states has to do with the unipolar, bipolar and multipolar world. Polarity is measured by the number of great powers who are powerful relative to others to maintain an ideological or identity bloc. It could also be understood as set of interaction among states and non-state actors. States are distinguished according to the amount of power they possess. The two fundamental elements of the structure of international system which are anarchy and the distribution of power are the sources of war and peace. States usually have conflicting interest and could at times escalate to war, while war occurs sometimes due to insufficient balance of power. Institution and cooperation are not recognized by a realist. Realists do not see institution as a means of obtaining peace and stability in a State (Mearsheimer, 1994). They also believe that cooperation is difficult to obtain in the international system due to competing interests of state actors in the system (ibid).

In connection to this study and through the lenses of the structural realism, the fear of late intervention is seen as the basic driving factor that make states act either independently or jointly. Conflicts are better managed or exploited to attain personal gains and interest (Mearsheimer, 2001: 30). The UN's late intervention in Rwanda demonstrates how international organizations partake in world politics. The US – a veto-holding power - used its influence to forestall the call for intervention (Barnett, 2002).

Washington's reaction to the genocide was not necessarily due to their indifference, but reflected its national interests, which suggested that Rwanda lacked strategic value to American foreign policy. The US tends to focus its efforts on countries and issues that directly impact its national interest. In any case, it is suggested that, US is not under any form of obligation to provide assistance to stop the atrocities, except perhaps on humanitarian and compassionate grounds. (Silver, 2015: 40-41)

Neorealists usually view international organization as an extension of big power politics or a tool to serve the interest of super powers. This perception can largely be verified in the UN's actions in Rwanda. There was a blatant failure of the UN to uphold two of its fundamental goals—resolution of conflict and provision of humanitarian assistance to member states. The pursuit of calculated self-interest by big powers likes the US and France rendered the UN incapable of preventing the carnage that happened in Rwanda. This failure puts to question the legitimacy of international institutions as a guarantor of peace. This also ties with Mearsheimer argument against institutions being a solution to the promotion of peace in the world (Mearsheimer, 1995).

Since the US was not in favor of a UN intervention in Rwanda it did not provide the necessary military and logistic support necessary for the intervention. This goes in line with realist perception that social actions are also used to promote self-interest. Another reason why the US chose not to pursue intervention in the Rwanda genocide is the fact that Rwanda was not considered a threat to US security interest. Also the genocide saw the implication of its ally France making intervention a possible conflict with an ally. All of these align with Waltz perspective that states actions are driven by their self-interest.

Realists believe that interest is a core concern that informs the policy choices states make when it concerns taking actions in relations to other sovereign states in the international arena. The actions of the UN Security Council as an international institution cannot best be understood by the self-interest behavior of its members.

Another neorealist key assumption validated by the UN's debacle in the Rwandan genocide is the belief that cooperation is minimal in international institution especially in areas of high politics. Here on the crucial issue of security states could not agree to cooperate because of the pursuit of personal gains. Rather than focusing on the big picture of how the UN as an institution will benefit from preventing the carnage, states like the US and France gave priority to their own personal gains. This also validates the claims of neorealists that relative gains takes preeminence over absolute gains in international organizations (Viotti, P.R and Kauppi, M.V, 1999).

Institutions have been defined as a set of rules that regulates cooperation and competition between states (Mearsheimer). Though various theorists differ on the amount of influence they wield, institutions are actors in their own right in the

international system. Liberal institutionalists view institutions as playing an important role in facilitating cooperation between states and preventing war. Neo-realists on their part have a limited view of the role institutions play since they usually tend to swing along the interest and positions of great powers. In a liberal world institutions can help moderate the behaviors of states in the international system. Meanwhile in a realist world, institution is just an extension of "Great power politics".

States perception of international organizations is generally shaped by the theoretical foundations on which they base their foreign policy. States who subscribe to the realist schools are more skeptical of international organizations. Those motivated by Classical Realism would not see much need to participate in or collaborate with international institutions. Neo-realist on their part will take positive but cautious approach to international organizations. States whose foreign policy is underpinned by neo-realism will be open to cooperation through international organizations in areas of low politics (economic, environment and non-military matters).

Realism and later neo-realism seems to play an important role in the way the US approach international organizations. Their abstention from the League of Nations for instance is very consistent with the realism that characterized their foreign policy at the time. Their involvement in the United Nations marked a transition to a more institutional thinking though moderated by neo-realism.

Functionalism and Neo-functionalism seems to be the theoretical foundation of foreign policy for most European Union member states. Functional integration promoted by Jean Monnet and political integration by Ernst Haas have guided the

approach of European nations towards international institutions. European nations tend to be more open to international cooperation and believe a lot in the role and influence of international organizations.

However, globalization and increase interdependence has come to strengthen the power of international regimes in general. Since states cannot afford the consequences of being left out of the international system in terms especially in terms of trade they tend to participate in strategic international organizations irrespective of their theoretical linings in foreign policy.

The UN like its predecessor the League of Nations is a collective security institution. Its role can be best understood and effectiveness best assessed within the context of theory of collective security. Collective security is a theory of institutionalism that deals with the prevention of war. It is premised from the assumption that anarchy and the use of force will prevail in the international arena making it necessary for states to act together to prevent aggression (Mearsheimer, 1994). This theory which was the driving force behind the creation of the League of Nations is based on three norms: States rejecting the use of force to change the status quo; a combine action against states who violate the norm or start a war and mutual trust among states to genuinely renounce aggression. The League of Nations collapse in the late 1930s and was replaced in 1945 by the United Nations

Conclusion

The literature reviewed, exposed some gaps which this research intends to accomplish. The absence of institutional mechanism to punish the crime of genocide has not been identified in previous literature. Equally, very important in the review is the gap in literature about the absence of specific parameters that are universal

against which the effectiveness of the tribunal could be measure. In this respect, this research intends to fill these gaps as a contribution to the existing literature on the genocide in Rwanda. Also very important is the Neo-realist theory which mirrors the understanding of power and interest, which reflects the situation in Rwanda and explain the lack of early intervention.

Chapter 3

THE UNITED NATION'S LATE INTERVENTION IN THE RWANDAN GENOCIDE

A comprehensive analysis of the UN role in the Rwandan Genocide requires background knowledge of Rwanda's history. To this end Reimer (2011) traces the roots of the carnage that took place in Rwanda in 1994 to European Colonialism. This Chapter looks at the role of external factors that contributed to the genocide. It probes into Rwanda's colonial history to trace patterns which can be identified as precursors or antecedents of the genocide. It also focuses on UN activities in Rwanda before and early warnings of the genocide. The role of three UN member states (France, Belgium and the United State) with overwhelming involvement in the conflict will also be brought to the limelight.

3.1. History of inter-ethnic relations in Rwanda before the Genocide

The inter-ethnic relations between the Hutus and the Tutsis in Rwanda predates the colonial epoch. Most historical accounts reckon the Hutus (Bantu people who migrated from present day Chad) as the first to come after conquering the Twa Pygmies (believed to be the original settlers) in the 11th Century (Reimer, 2011). The Tutsis (originally Cushite cattle-headers from the southern Ethiopian highlands) arrived much later and by the 15th Century had succeeded to subjugate the Hutus to their rule (Modern History Project, 2012). Having conquered the territory, the Tutsis established a pyramidal political structure which had its helm the 'Mwami' or King and included wealthy Hutus in its elite class.

An important observation that can be made from Rwanda's pre-colonial history is the fact that though the Tutsis occupied the higher strata in the hierarchical system there was possibility of social mobility in the system between both Hutus and Tutsis. A wealthy Hutu could be assimilated into the Tutsi elite meanwhile an impoverished Tutsi will be consider a Hutu (United Nations, 2014; van Haperen, 2012). In this regard, ethnic and social relations were defined more by social stratification or class than ethnicity. This could be seen as a mitigating factor to ethnic tension and conflicts.

However, colonialism would significantly change the aforementioned status quo. During their colonial reign over Rwanda, both the Germans (1884 – 1919) and the Belgians (1922 – 1962) exacerbated ethnic tension and dissension by endorsing the domination of the Tutsis over the Hutus. This endorsement was facilitated by what some have termed as 'racial science' or the 'Hamitic Hypothesis' which carried the notion that pastoralist from the north (in this sense the Tutsis from Ethiopia) brought civilisation to the Hutu. The "Hamitic Hypothesis" was developed by British Indian army officer John Hanning Speke who in his writing postulated that Tutsi by their 'facial features' and 'smoother' personality were more akin to Europeans than the Hutus. This hypothesis constituted the foundation for the ethnic discrimination of the Hutus and favourable treatment given to by the colonialists to the Tutsis (Modern History Project, 2012).

The aforementioned pseudo-scientific racial concept can explain why the Germans opted for indirect rule in Rwanda by strengthening the authority of the 'Mwami' and the Tutsis in general. The 'Hamitic Hypothesis' made them to identify themselves

more with the Tutsis and gave them greater influence and privileges over the Hutus (van Haperen, 2012).

This racial/ethnic divided was consolidated by the Belgians when they received mandate from the League of Nations over Rwanda after German capitulation in World War One. The Belgians institutionalised a social stratification based on the superiority of the Tutsi and introduced a pseudo-scientific and racist system of personal identification which consisted of taking skull and nose measurement to determine whether one was Hutu or Tutsi (van Haperen, 2012).

The Belgians also introduced a system of forced labour known as ‘corvée’ under which peasants (majority of whom were Hutus) were forced to grow coffee beans on their land on the sanction of death from Tutsi officials. Under this system Hutu farmers were subjected to 10 lashes a day to remind them of good work ethics (Modern History Project, 2012). Under the Belgians, the Tutsis were given control of every segment of society. Only Tutsis were appointed into political offices, had access to schooling, became tax officers and could move freely (van Haperen, 2012). This only added to the frustration and grudge of the Hutus.

With the advent of the United Nations after the Second World War, Rwanda became a UN Trust Territory giving impetus to Belgium to undertake some democratic measures in line with its trusteeship. The reforms undertaken by the Belgians enabled some Hutus to be integrated in the colonial administration. Belgium also authorised the creation of political parties which led to the birth of several Hutu parties and Hutus’ quest for political power and self-determination. In 1960, elections were held during which a Hutu party Parmahetu (Parti du Mouvement de l’Emanicipation Hutu)

led by a former Catholic catechist Gregoire Kayibanda won. This twist of events placed the Hutus on a vantage position when independence was finally granted to Rwanda by Belgium in 1962. The stage was then set for the successive Hutu regimes (that of Kayibanda 1962-1973 and Juvenal Habyarimana 1973-1994) to exact brutal revenge on their Tutsi counterparts.

3.2 UN Activities in Rwanda before the Genocide and early warning signs

In October 1993, the UNSC created the UNAMIR which was a peacekeeping force to assist in the implementation of the Arusha Accords. The Commander in charge was Canadian born Major General Roméo Dallaire. Informed by a reliable source about an outrageous crime (the extermination of Tutsis being planned by the Hutus) that was to take place in Rwanda, Dallaire immediately notified the UN headquarters through a telegram. Stanton (2012) notes that in a cable to the Department of Peacekeeping Operations (DPKO) of the UN in January 1994, Dallaire asked for authorization to search and seize caches of arms (machetes and other weapons shipped to Rwanda for the *Interahamwe*, a Hutu militia). The DPKO (at the time headed by Koffi Annan) rejected his request and rather asked him to share the information with the Rwandan government. In February 1994, Dallaire wrote again to the DPKO reiterating his request to inspect the caches of weapons stocked by the *Interahamwe* but still received a deaf ear from his hierarchy. He also sought to be provided with more equipment and facilities to protect the citizens but the UN kept asking him to hold his still and not to take any action (Dallaire, 2012 and Lome 2014)

After the assassination of Juvenal Habyarimana (the then President of Rwanda) in a plane crash on the 6th of April, 1994 the Hutus became more violent and were willing

to kill every single Tutsi in the country, which resulted to the genocide. The UNAMIR forces could not intervene to prevent the massacres that ensued in April 1994 due mostly to the failure of the UN to authorize preventive measures (Lome, 2014).

The infamous Radio Television Libres Des Milles Collines (RTLM) was used by the Hutus as a tool for xenophobic propaganda against the Tutsi since it was owned by the Hutu extremists. RTLM was used to spread hate messages instructing Hutus to kill any Tutsis they came across with because Rwanda was better without them (Thompson, 2007). RTLM and other Hutu propaganda radio stations aired the names, license plate numbers and addresses of the people to be murdered (Erika, 2014). The media was largely exploited as a tool used to escalate the level of anti-Tutsi demagoguery.

Known to be a hate newspaper, *Kangura* severely in their published articles had described and named the Tutsis tribe as cockroaches and snakes while referring to their invasion from Ethiopia. Furthermore, the radio station called for the assassination of Agathe Uwilingiyimana a Hutu who was attributed the function of Prime Minister by the Arusha Accord. This was because she was a moderate Hutu, who during her term as Minister of Education wanted to end the quota system that deprived Tutsis access to higher education. She was murdered on the April 7, 1994 during the genocide alongside her ten Belgian UNAMIR guards. Hutu propaganda radio stations encourage Hutus to murder any Hutu that is against the Hutu power, because they are seen as an accomplice of the Tutsis and a secret ally of the RPF (Stanton, 2012)

Another instance of early warning in of impending genocide in Rwanda was the caution raised by the Belgian Ambassador in Kigali back in 1992. As early as 1992, the Belgian Ambassador to Rwanda informed his government that Hutu Power advocates were planning the massacre of Tutsis in Rwanda. In March 1993, human rights groups affiliated to Human Rights Watch and the International Federation of Human Rights give out a report on the mass killings in Rwanda. In April 1993, the UN Special Rapporteur on Summary, Arbitrary, and Extrajudicial Executions reported that the killings of Tutsis already created genocide according to the genocide convention (Union, 2000)

In January 1994, UNAMIR Commander Gen. Dallaire made another attempt towards the prevention of the genocide which was once more forestalled by the DPKO. Between January 21 to 22 1994, UNAMIR Forces seized a consignment of Belgian arms that was bought by the Rwanda Arm Forces. This stock of weaponry was then jointly held under a joint UNAMIR/Rwanda Government custody. Though authorized by the DPKO in February 1994 to help the Rwandan government to recover illegal arms, Gen. Dallaire rejected the request from the Rwandan Government to authorize landing of three planeloads of arms. Gen. Dallaire's rejection can be seen as a move to prevent the illegal acquisition of arms by the Rwandan government which seems to have been tacitly authorized by the DPKO's instructions in February 1994. (Caplan 1994, and Stanton, 2012)

Having assessed the gravity of the situation, Belgium issued an unreserved warning to the UN on the 24th of February, 1994, about the imminent genocide. The Belgian government requested the UN to strengthen its peacekeeping forces (UNAMIR) in

Rwanda but the UN Security Council (under the impulsion of the United States and UK) rejected the idea. (Kuperman, 2004)

Between 1990 and 1994 there was a rise in ammunition importation to Rwanda (with an estimated cost of 112 million dollars) coming from South Africa and Egypt (Melvern, L 2014)

In 1992, two militia groups: the *Interahamwe* and the *impuzamugambi* were created by the Hutu militants and Akazu elites respectively. The aim for establishing these groups was to help organize and execute the genocide which they saw as the final solution to the “Tutsi problem”. Training for these two militias was provided by the Rwandan military officers.

Another event that can be considered as an early warning sign was the pre-genocide massacres of the Tutsis by the Hutus from 1991 to 1992. After an attack by the RPF in 1990, Hutus massacred 300 Tutsis in Kabirira. In January 1991 up to 500-1000 Tutsis were killed in Kinigi. In March 1992, 300 Tutsis were slaughtered in Bugessera by Hutu militias. The following crimes committed were not investigated and no arrests were made on those who committed the crimes. International diplomats in Rwanda did not demand an arrest of the perpetrators of the crimes even though they were aware of the existence of such crimes (Union, 2000)

The diplomatic plot of the UN reveals how in the early and late signs of the genocide: withdrawal of their military troops; denial to address the massacre with its appropriate word “genocide” and even refusal to accept other existing alternative for

intervening. All these factors resulted in the sacrificed lives of more than 500,000 unarmed and defenseless citizens of Rwanda (Stanton, 2005).

3.3 The role of the International Community

Different scholars on the Rwandan Genocide have analyzed and written that the genocide occurred due to the failure of the international community to intervene and stop the atrocity. In the ensuing paragraphs I will analyze some of the actors of the international community who played an important role in the Rwandan genocide: United States, France, Belgium, Uganda, and the Organization for African Unity (OAU).

3.3.1 The United States

The United States had been involved in Central Africa and the Great Lake regions before the genocide. They were involved in the Somalia crisis where they lost 83 soldiers on a peacekeeping mission. This setback militated against the US from participation in another peacekeeping mission in Rwanda. The Somalia debacle made the US hostile to any UN peacekeeping initiative regardless of its purpose (Union, 2000).

From the time the genocide began, the United States resisted intervention in Rwanda because of its national interest, domestic and bureaucratic politics. The US intentionally prevented countries from sending troops to the UN and that was probably because Rwanda is an African country and there was nothing at stake for their national interest, rather they preferred sending troops to European countries (ibid).

The Clinton Administration was aware that Rwanda was engulfed by genocide but the information was withheld. Some classified documents found in intelligence reports show that the president himself and his cabinet were told of a plan to eliminate all Tutsis before the genocide reached its peak. The documents reveal that the claims of President Clinton and his senior officials that they were not aware of the scale and speed of the killings were untrue. At each stage of the massacre, detailed reports were reaching the president and his cabinet. The Clinton Administration refused to publicly use the word genocide until May 25. Ms Alison des Forges, a Human Rights Watch researcher said “They feared the word would generate public opinion which would demand some sort of action and they didn’t want to act. It was a very pragmatic determination” (Des forges, 1999).

The US also tried to enforce their conditions on other countries instead of trying to stop the killings. According to the then US Ambassador to the UN Madeleine Albright, these conditions were: “There should be a ceasefire, the parties should agree to the UN presence, the UNAMIR should not engage in peace enforcement unless what was happening in Rwanda was a significant threat to international peace and security” (Union, 2000)

The Clinton Administration felt the US had no political or economic interests in Rwanda, a small African country with little or no minerals and economic value. On a visit to Kigali, Rwanda’s capital in 1998, Mr Clinton apologized for not acting quickly enough or recognizing immediately that there was genocide and insisted that it was due to ignorance. The apology could be seen as an act of administering the medicine after death because it was prompted by domestic politics and geopolitical indifference or fear of domestic political backlash (ibid)

3.3.2 France

France was highly involved in Rwanda before the genocide especially during the four-year period between the invasion of the RPF in 1990 and the end of the genocide. Like the US, France did not take any significant measure to stop the genocide. A member of the French National Assembly member posited that “France is neither responsible nor guilty and that the international community were to be blamed” (Orrego, 1995)

France was an ally to Rwanda Hutu led government militarily, politically and diplomatically. They had special relationship with the Francophone Africa as a whole of which Rwanda was a part. The French were also apprehensive of the Anglo-Saxon (American) plot to remove France from Africa and also keen to protect their economic interest in Africa. During the 1990 invasion by the RPF, the French Government supported and defended the Habyarimana Regime by launching “Operation Noroit” and the dispatched of soldiers to prevent the RPF from victory militarily or politically (Union, 2000)

There have been violation of human right and also warning for the genocide during the Habyarimana Regime but France failed to take steps to stop it. The rather blamed the massacres to the RPF (Ibid).

The partiality and passivity of France can be said to have directly contributed to the genocide. France as a country with the longest and deepest political and military involvement in Rwanda knew there were ethnic massacres going on among the Rwandans but continued to actively support the Hutu-led government of Juvenal

Habyarimana against the Tutsi dominated Rwandan Patriotic Front which had been effective since 1990 (Wallis, 2006)

France provided troops, weapons and military for Habyarimana's youth militias, the *Interahamwe* and *Impuzamugambi*. During the early days of the genocide, France launched "Amaryllis", a military operation which was assisted by the Belgian army and UNAMIR to evacuate expatriates from Rwanda. The French and Belgians refused to allow any Tutsi to accompany them. Those who were at the evacuation trucks were forced down at Rwandan checkpoints where they were killed. The French also separated expatriates and their children from Tutsi spouse, rescuing the foreigners and leaving the Rwandans to death (ibid)

French troops used UNAMIR vehicles without permission from the commander. They abandoned their Embassy in Kigali, shredding documents containing details of their relationship with the then Rwanda Government.

The French soldiers handed out firearms, trained the militia and even controlled checkpoints demanding to see identity cards, arresting the Tutsis and handing them over to the Rwandan army. Although France had national interest in Rwanda, its actions of partiality or connivance with the Hutu Regime led to the death of many Rwandans. In this regard, France's could be said to be that of a "silent accomplice" of the genocide. (Wallis 2006.)

3.3.3 Belgium

As the former colonial master, Belgium had a strong political connection with the government of Rwanda. During the civil war between the RPF and the Rwanda government the UNAMIR were employed into Rwanda to assist in the negotiation,

most of the soldiers in the UNAMIR were Belgian soldiers. In the period of the early warning, the Belgium notified the UN of the planned killings of the Tutsis and warned the international community to strengthen the UNAMIR peacekeeping forces but these warning were to no avail as it fell on deaf ears (Des forges, 1999)

On April 7, during the genocide 10 Belgian soldiers were killed at the residence of the Prime Minister Agathe Uwilingiyimana. This act greatly discouraged Belgium and led them to disengage with the UNAMIR and they began to retrieve and rescue their soldiers and foreigners out of Rwanda (ibid)

3.3.4 Uganda

Uganda played a vital role in the history of Rwanda. The persistent prosecution of the Tutsis majority in Rwanda led to their fleeing to Uganda. The creation of the RPF by the Rwandese refugees was formed in Uganda and it served as their base during the civil war. The RPF consist majority of the Tutsis invaded Rwanda in 1990 causing a civil war (Adelman H, and Suhrke, A, 1999)

3.3.5 Organization for African Unity (OAU)

The Organization for African Unity (the predecessor of today's African Union) is an intergovernmental organization founded in 1963. It played a prominent role in efforts towards conflict resolution, peacekeeping and peacebuilding in Rwanda. In conjuncture with the government of Tanzania, the OAU mediated peace talks between the Rwandan Government and the RPF which lasted over nine months (July 12, 1992 – June 24, 1993) and culminated in the signing between both warring parties of the Arusha Peace Accords in Tanzania in August 1993. The Accords marked an end to the Rwandan civil war (between the Rwandan government forces and the RPF) and laid the framework for the democratization of the country,

integration of exiled Tutsis into the Rwandan society and the cessation Hutu political hegemony over the Tutsis (Wage and Haigh, 2004).

Under the Arusha Peace Accords, the OAU dispatched a 50-member Neutral Military Observer Group I (NMOG) to observe the implementation of the agreement by the belligerent parties. NMOG I was later replaced in August 1993 by an expanded NMOG II comprising 130 personnel to continue with the supervision of the implementation of the Arusha Peace Accords pending the deployment of a neutral international force (DPI, 2003). NMOG II was eventually replaced by UNAMIR in October 1993.

From the foregoing information it is evident that first, the major powers who were supposed to influence the UN were fatigued or frustrated by other relevant developments. The US was basically tired of being involved in African conflict due to their involvement in Somalia. The Somali experience which cost huge lives of troops and resources ended a disaster. They also believe that there was no national interest or gain for the US in Rwanda.

Belgium presence also did not stop the genocide; they practically opted out of Rwanda because of the death of their soldiers who were killed with the then prime minister. Belgium also informed the UN of the plan of genocide by the Hutu extremist but to no avail.

France a great power and a permanent member of the UN, was involved with Rwanda before the genocide but during the genocide they did not do anything to stop the killings, in fact they were an ally to the Hutu dominated power, instead of

averting the situation, rather assisted the Hutu Militias by providing arms for the killings and also participating in the conspiracy of silence.

The UN failed to intervene because they refused to listen to the warning of the commander of the peacekeeping mission. They were drawn by policies and due process neglecting the survival of the people and assisting desperate persons in complex emergency. They also could not act due to the veto powers like the US who vetoed against their involvement stating that it was not 'GENOCIDE' that took place.

Rwanda was also neglected because of its lack of resources in the country. Rwanda is a small country that is not economically, politically and naturally endowed. They lack natural resources and countries were not interested in the country however during the crisis countries far and wide were not interested in unleashing their resources to bring an end to the genocide. These factors accounted for the late intervention of UN in Rwanda.

Chapter 4

HOW EFFECTIVE WAS THE PEACEBUILDING MECHANISM PUT IN PLACE AFTER THE GENOCIDE?

Though the Rwandan Genocide historically spans across April to July 1994, the UN efforts towards peacebuilding in Rwanda can be traced back to 1993 with UNOMOR and UNAMIR. At the behest of Rwanda and Uganda, the UN Security Council established the United Nations Observer Mission Uganda-Rwanda (UNOMOR) in June 1993 to patrol and monitor the Uganda-Rwanda boarder and verify it was not used by belligerents to provide military assistance (DPI, 2003). In October 1993, the UNSC adopted Resolution 872 (1993) which established the UNAMIR aimed at monitoring and helping parties with the implementation of the Arusha Peace Accords (DIP, 2001) brokered by the Tanzania and the OAU. UNAMIR failed woefully to prevent the genocide that took place in 1994 and is seen by many as an epitome of a dismal management of the Rwandan Genocide and Post-genocide peace-building by the UN.

This Chapter focuses on the post-genocide activities of the UN in Rwanda. It reviews the work of peacemaking, peacekeeping, reconstruction and justice pursued by the UN and the institutions put in place like UNAMIR and ICTR; it also highlights the controversial role of RPF leader Paul Kagame and ends with an assessment of the

effectiveness of the mechanisms put in place by the UN to deal with the aftermath of the Rwandan Genocide.

4.1 Post-genocide activities of the United Nations

A comprehensive analysis of the post-genocide activities of the UN in Rwanda will require that mediation and negotiation activities undertaken by the office of the UN Secretary General and institutions and commissions put in place by the UN to handle peacekeeping, peacebuilding, reconstruction, justice, investigation into the cause and attribution of responsibilities over the massacre be viewed as a continuum. Against this backdrop, I will begin my analysis of the post-genocide activities of the United Nations by reviewing the efforts put in place by the UN Secretary General at the time, Boutros Boutros-Boutros-Ghali to secure a cease-fire and protect humanitarian assistance.

4.2 Activities of UN Secretary General Boutros-Boutros-Ghali

The Rwandan Genocide was beyond doubt one of the most daunting challenges for the first African Secretary General of the United Nations, Egyptian born Mr. Boutros Boutros-Boutros-Ghali. After witnessing the massacre of thousands of Rwandans in the wake of the plane crash involving President Juvenal Habyarimana, Secretary General Boutros-Boutros-Ghali undertook a series of measures to ensure a cease-fire and the safe delivery of humanitarian assistance to victims. In a special report to the UN Security Council dated 20th April 1994, Mr. Boutros-Boutros-Ghali acknowledged that efforts towards a cease-fire led by the Special Representative of the UN Secretary General and the Force Commander of UNAMIR both failed to yield fruits (United Nations, 1994b p.2). He went ahead to propose three alternative course of action to handle the situation at the time:

The first one called for UNAMIR's "immediate and massive reinforcement" and modification of its mandate to enable its equipment and the authorization of coercive measures to bring the conflicting parties to a cease-fire to try to halt the killings and restore law and order. This alternative was premised on the conclusion that prospects of the parties in conflict agreeing on a cease-fire were unrealistic in the short term (Ibid, p. 3). This measure, according to Mr. Boutros-Ghali, was going to enable and securitize the provision and distribution of humanitarian aid not just in the capital but also to displace people in other parts of the country.

The second alternative, proposed by Mr. Boutros-Ghali, consisted of maintaining a restricted UNAMIR Team comprising the Force Commander and essential staff for duration of two weeks or more depending on the Security Council. This restricted group would be based in Kigali and was going to act as an intermediary between the conflicting parties and try to help them reach a cease-fire. The group shall also be charged with helping with the resumption of humanitarian assistance and will require military staff strength of about 270.

The third alternative had to do with the total withdrawal of UNAMIR from Rwanda accompanied by efforts to get a commitment from both parties in conflict to ensure the protection of civilians in their various areas of control. Mr. Boutros-Ghali advised against such an alternative given the fact that there were no signs that the parties will keep to their commitment and the looming danger of more massacres (Ibid, p. 5). A withdrawal of UNAMIR forces Mr. Boutros-Ghali warned was also going to extend the conflict to neighboring countries where citizens of the ethnic groups involved in the conflict (Hutus and Tutsis) reside.

Thanks to the report and recommendations of Mr. Boutros-Ghali, the UN Security Council on 21st April 1994 took Resolution 912 (1994) to expand the mandate of UNAMIR so it could:

“act as an intermediary between the warring Rwandese parties in an attempt to secure their agreement to a ceasefire; assist in the resumption of humanitarian relief operations to the extent feasible; and monitor developments in Rwanda, including the safety and security of civilians who sought refuge with UNAMIR” (DPI, 2001 p. 1).

After securing from the UN Security Council the expansion of the mandate of UNAMIR, Secretary General Boutros-Ghali dispatched a high level delegation comprising Mr. Iqbal Riza (Assistant Secretary General for Peace-keeping Operations) and Major General J. Maurice Baril (Military Adviser to the Secretary General) on a special mission whose goals inter alia was to "move the warring parties towards a cease-fire"(United Nations, 1994c p. 2).

After a series of meetings with the commanders of Rwanda Government Forces (Major Gen. Augustin Bizimungu, Major Gen. Augustine Bizilimana) and the leader of the "interim government" Mr. Jean Kambanda on one side and the Chairman of the Rwandese Patriotic Front (RPF) Col. Alexis Kanyarengwe and the Commander of the RPF Major Gen. Paul Kagame as well as UNAMIR Force Commander Major Gen. Romeo Dallaire, the Special Mission was able to secure an agreement from both sides to initiate talks for the establishment of a cease-fire. To that effect, a working paper to be used as the basis for the talks was prepared by the Special Mission and UNAMIR Force Commander. The first meeting between military staff

officers took place on 30th May at the UNAMIR headquarters with UNAMIR Deputy Force Commander playing the role of intermediary (Ibid, p. 4).

4.3 United Nations Assistance Mission for Rwanda (UNAMIR)

UNAMIR was established in the pre-genocide era (October 1993) and had as initial mission to facilitate and monitor the implementation of the Arusha Accords as well as provide support for the transitional government. With the outbreak of the Rwandan Genocide, UNAMIR's mission was modified twice by the UN Security Council. First it was adjusted by UNSC Resolution 912 (1994) of 21 April 1994 to entrust UNAMIR and intermediary role between the belligerents (the Rwandan Government Army and the RPF) in a bid to obtain a cease-fire agreement; to secure the resumption of humanitarian assistance and monitor development in the country. With the persistence of the situation, the UN Security Council went ahead to take UNSC Resolution 918 (1994) of 17 May 1994 to enable UNAMIR ensure the security and protection of refugees and civilians (DPI, 2001).

After the return to peace in Rwanda, UNAMIR's mandate was again to give it a role in the reconstruction of the country. UNSC Resolution 997 (1995) of 9 June 1995 adjusted UNAMIR's mandate to enable it use its good offices to assist the country to achieve national reconciliation; help the Rwandan Government to ease the voluntary and safe return of refugees and their reintegration back home; assist the Rwandan Government's confidence and trust building efforts; provision of humanitarian assistance, technical assistance as well as providing security for the staff and premises of UN Agencies and the International Tribunal for Rwanda (Ibid).

The role of UNAMIR in the Rwandan Genocide can best be analyzed with reference to the aforementioned mandates (of April and May 1994). Before delving into the analysis it is important to underscore here that during the genocide period, UNAMIR was placed under the leadership of Cameroonian Diplomat Jacques Roger Booh Booh as Special Representative of the Secretary General and Head of Mission and Canadian Major-General Romeo A. Dallaire as Force Commander. Prior to and at the onset of genocide UNAMIR had staff strength of: 2,548 military personnel (2,217 trained troops and 331 military observers) and 60 civilian police assisted by a team of international and locally recruited civilian staff (DPI, n.d.).

Having failed to prevent the outbreak of the genocide, UNAMIR major focus shifted to the negotiation of a cease-fire between the warring parties. The first test in the aforementioned endeavor was to obtain accord from the warring parties to secure Kigali Airport as a neutral zone. Though UNAMIR efforts towards getting both parties to transfer control over the airport to UNAMIR Forces, it was able to get an agreement from the RPF (who had taken control of the airport) to strengthen its presence there. The RPF also agreed to the return of civilian technical and operational staff to their duties to get the airport functioning again.

UNAMIR Forces suffered a devastating setback both in morale and ability to fulfill their mandate at the onset of the genocide. The leader of the interim government Prime Minister, Mrs. Agathe Uwilingiyimana and other members of the Government were brutally murdered alongside 10 members of the Belgian contingent of UNAMIR. This unfortunate incident pushed the Belgian government to withdraw its entire contingent of troops in Rwanda. This was followed by a UN Security Council Resolution (912 of 21 April 1994) to reduce UNAMIR capacity from 2,548 to 270

Troops. This was a clear response to the security uncertainty and obviously affected UNAMIR's ability to accomplish its mandate. UNAMIR at that point was principally focused on the security and protection of UN staff and humanitarian operations.

Albeit the drastic reduction of its staff strength, UNAMIR still continued its efforts towards brokering a cease-fire between the warring parties. To this effect, the UN Secretary General's Special Representative and Head of Missions for UNAMIR took part in the Arusha Talks (22 – 23 April 1994) where a proposed cease-fire agreement was presented. Although the negotiations for a cease-fire between both parties failed, UNAMIR was still able to obtain from the Talks a unilateral declaration of cease-fire from the RPF (DPI, 1996). This was going to be the only accomplishment of UNAMIR in the quest for a cease-fire as the RPF forces prevailed over Rwanda in July 1994 bringing the civil war to an end.

4.4 UN Humanitarian Agencies

Another domain in which the UN played an active role in post-genocide Rwanda was humanitarian assistance to refugees and displaced persons. The humanitarian consequences of the genocide were enormous. UN Secretary General Boutros-Boutros-Ghali underscored in his report to the Security Council on the situation in Rwanda that estimates indicated the total number of displaced persons was around 1.5 million with more than 400,000 refugees in neighboring countries (United Nations, 1994c p. 5). The outbreak of violence prompted a temporal evacuation of UN humanitarian personnel and suspension of humanitarian activities (DPI, 1996, p.9) to neighboring countries.

Humanitarian assistance was subsequently resumed (from bases in Uganda) with sporadic deliveries in government control zones (which hosted a majority of displaced persons) because of security uncertainties and a more systematic humanitarian aid in RPF controlled areas. The humanitarian assistance was carried out by the World Food Programme (WFP), the United Nations Children Emergency Fund (UNICEF) in conjunction with the International Committee of the Red Cross (ICRC) and some NGOs (United Nations, 1994c p. 5).

In a bid to coordinate the response of the various UN Agencies in the field to the humanitarian crisis posed by the Rwandan Genocide, the UN established the United Nations Rwanda Emergency Office (UNREO) in Nairobi, Kenya. UNREO was established under the aegis of the UN Department of Humanitarian Assistance (DHA) and coordinated the activities of WFP, UNICEF, UNHCR, ICRC and some 29 NGOs providing humanitarian assistance to Rwanda (DHA, 1994 p. 2). With an advanced humanitarian team stationed in Kigali and branch offices in Goma (Zaire), Kabale (Uganda) and Bujumbura (Burundi), UNREO facilitated limited cross-border humanitarian assistance to Rwanda.

An inter-agency Advance Humanitarian Team (AHT) led by UN Under-Secretary General for Humanitarian Affairs Peter Hansen visited Kigali Rwanda on 23 April 1994 to assess the needs. Upon arrival in Kigali, the AHT team comprising members of the DHA, UNDP, UNHCR, UNICEF and WHO immediately initiated humanitarian assistance in Kigali including the provision of high nutrition biscuits and UNICEF medical and health kits. The DHA launched an international appeal for assistance (flash appeal) on 25 April for \$8 million to assist UN agencies involved in Rwanda for contingency actions and emergency operations (DPI, 1996, p.9).

In the area of refugee management, the Rwandan Genocide created a refugee crisis of unprecedented scale in the Region. The Office of the United Nations High Commissioner for Refugee (UNHCR) had to deal with an influx of thousands of refugees into neighboring countries notably Zaire (present day Democratic Republic of Congo), Tanzania, Uganda and Burundi. At the wake of the genocide, more than 250,000 Rwandese refugees crossed the Rusumo Falls border into Tanzania in the space of 24 hours (a record to UNHCR). The UNHCR programmed relief supply for 50,000 could not cover this huge influx and the agency had to launch an additional appeal of \$56 million to donors to help them deal with the situation (Ibid).

The situation was similar in Zaire where it was reported that 150,000 Rwandan refugees moved to Bukavu and an overwhelming number expected to follow at the eminent departure of the Franco-Senegalese forces from the protected zone they had established in the South (DHA, 1994, p. 2). Most of the Rwandan refugees fleeing from the French protected zone took refuge in Goma in Zaire where the estimated humanitarian needs per day stood at 800 - 100 tons of food; 30,000,000 liters of water and large quantities of shelter, sanitation and health supplies. In response, the WFP organized an airlift to 160 tons of maize and maize-meal per day from Mombassa in Kenya. This was to add to a stockpile of 1,100 tons of food, 800 rolls of plastic sheeting kept by the ICRC and 16,000 blankets kept by Oxfam in Goma. It should be noted prior to the influx of Rwandan refugees to Goma in Zaire, the WFP was providing 40,000 tons of food per month to Rwanda, Burundi, Tanzania, Zaire and Uganda to carter for a total of 2.5 million displaced persons and refugees (Ibid).

4.5 International Criminal Tribunal for Rwanda (ICTR)

The United Nations “International Criminal Tribunal for Rwanda” (ICTR) was established on 8 November 1994 through UN Security Council Resolution 955. It is an ad hoc international war crimes court located at Arusha Tanzania whose *locus standi* is derived from Chapter VII of the UN Charter. The ICTR was created as an:

“international criminal tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed on the territory of Rwanda, and the prosecution of Rwanda citizens responsible for the genocide and other such violations of international law committed on the territory of neighboring States, between 1 January 1994 and 31 December 1994”. (Khan, 2012 p. 5).

The ICTR has was endowed with the following jurisdictions: Subject-matter jurisdiction restricted to crimes against humanity, acts of genocide and violations under Article 3 pertaining to the Geneva Conventions of 12 August 1949 and of Additional Protocol II thereto of June 1977; Personal and territorial jurisdictions limited to crimes perpetrated by Rwandan citizens in the territory of Rwanda or of neighboring states and non-Rwandans for crimes committed in Rwanda and Temporal jurisdiction limited to crimes committed between January 1 and December 31, 1994 (Kaufman, 2012, p. 233).

In the resolution instituting the ICTR, the UN Security Council underscored that the trials under its jurisdiction "would contribute to the process of national reconciliation and to the restoration and maintenance of peace". This therefore endowed the ICTR

with a mandate that also encompass peace-building and national reconciliation (ICG, 2001, p. 1).

It is important to mention that the establishment of the ICTR came after the setting up by the UN Security Council of a Commission of experts to look into and make an analysis of evidence of possible acts of genocide and grave violations of international humanitarian law in Rwanda. The Commission concluded in its report that "overwhelming evidence" existed to prove the perpetuation of genocide acts by the Hutus against the Tutsis. It recommended to the Security Council, the establishment of an "independent and impartial criminal tribunal" to bring the culprits to justice (Akhavan, 1996 p. 502).

However there were two proposals on the form of such an institution. In a published report of his visit to Rwanda in May, UN Commission of Human Rights' Special Rapporteur René Degni-Ségui recommended either the establishment of an ad hoc international criminal tribunal for Rwanda or an expansion of the jurisdiction of the UN International Tribunal for Yugoslavia to include Rwanda (Kaufman, 2012, p. 233). After reaching the conclusion (based on the report of the commission of experts) that "genocide and other systematic, widespread and flagrant violations of international humanitarian law" that took place in Rwanda constituted "a threat to international peace and security" under Chapter VII of the UN Charter (Akhavan, 1996 p. 502), the UN Security Council took the option to create an international criminal tribunal for Rwanda. The ICTR however kept a nexus with the ICTY as both institutions shared a common appeal court and Chief Prosecutor (ICG, 2001).

4.6 Prosecution and punishment under the ICTR

In spite of the logistic, funding and bureaucratic challenges that usually impede the implantation of such institutions, the ICTR went operation in a relatively short period of one year. Prosecution activities began on 12 December 1995 with the indictment by the ICTR of eight individuals for genocide and conspiracy to commit genocide in the mass murder of thousands of men, women and children in the Kibuye Prefecture in western Rwanda (5th UN Doc. ICICR-95-1-I (1995) as cited in Akhavan, 1996 p. 509). Two more indictments were to follow in February 1996 with the arrest of two suspects in Zambia accused of massacres in the Kigali and Gitarama Prefectures of Central Rwanda (5th UN Docs. ICIR-96-3-I and ICIR-96-4-I (1996) as cited in Akhavan, 1996 p. 509).

Another major development with the prosecution at the ICTR was the arrest on 11 March 1996 of one of a high profile member of the interim government in Rwanda during the mass killing, Colonel Bagosora. In spite of request made for his extradition by the Rwandan and Belgian government, the prosecutor at the tribunal stood his ground emphasizing the competence of his jurisdiction to the trial given the senior leadership status of the accused in the former Rwandese government (Ibid). The defiant position of the prosecutor enabled the ICTR to secure the trial of one of the major suspects of the genocide.

The first case to be concluded at the ICTR was the trial of Rwanda's former Prime Minister Jean Kambanda. This was a significant breakthrough and reference for the ICTR as the accused extensively admitted guilt over an "intentionally orchestrated genocide" in Rwanda. It was the first time in history that an individual was accepting

responsibility for genocide in an international court. Mr. Kambanda was given a life prison sentence by the ICTR on 4 September 1998 (Magnarella, 1998, pp 1).

In an assessment report of the activities of the ICTR in 2001, the International Crisis Group noted that since its establishment, the ICTR had issued 69 indictments out of which 45 suspects were arrested. It added that the Tribunal up to 2001 had rendered verdicts only on nine cases (Kaufman, 2012, p. ii). Recent statistics paints a more or less similar picture. In an article published on The Guardian, legal affairs correspondent Owen Bowcott stated that barely 70 persons had been convicted by the ICTR out of the thousand involved in the Rwandan genocide 20 years thereon (Bowcott, 2014).

4.7 Independent Commission of Inquiry into the Rwandan Genocide

After mounting criticisms and accusations on the role of the United Nations in particular and the international community in general to prevent the genocide in Rwanda, Koffi Annan (the UN Secretary General at the time) with the approval of the UN security Council appointed an independent commission of inquiry in March 1999. The Inquiry had as mandate to establish "the facts related to the response of the United Nations to the genocide in Rwanda, covering the period October 1993 to July 1994, and to make recommendations to the Secretary-General on this subject" (United Nations, 1999, p. 4). The Independent Inquiry was chaired by former Swedish Prime Minister Ingvar Carlsson and included Han Sung-Joo (former Foreign Minister of the Republic of Korea) and Nigerian Lieutenant General Rufus M. Kupolati.

The Inquiry published its findings on 15 December 1999. In its findings, it underlined unequivocally, the failure of the international community and the UN in preventing and managing the genocide in Rwanda. About the international community the Inquiry noted the following: "The international community did not prevent the genocide, nor did it stop the killing once the genocide had begun." About the UN the Inquiry highlighted:

"The failure by the United Nations to prevent, and subsequently, to stop the genocide in Rwanda was a failure by the United Nations system as a whole. The fundamental failure was the lack of resources and political commitment devoted to the developments in Rwanda and to the United Nations presence there." (Ibid, p. 3).

4.8 The role of Paul Kagame

Though this chapter is primarily focused on the role of the UN in post-genocide Rwanda, it would be difficult to make any comprehensive analysis without mentioning Rwanda's post-genocide leader Paul Kagame. Kagame was among the Rwandan refugees in Uganda who founded the Rwandan Patriotic Front (RPF). Founded in 1987, the RPF had three main objectives: "the abolition of the Rwandan dictatorship, the return of the refugees, and the establishment of a pluralistic government of national unity" (Gourevitch & Kagame, 1996, p. 164). After a protracted civil war with the Hutu Regime in Rwanda, Kagame led the RPF to victory in July 1994 capturing Kigali and putting an end to the genocide.

Kagame's allegiance to the 1993 peace agreements and decision to establish a broad-based government and cooperate with UNAMIR and ICTR was essential to the preservation of peace, national reconstruction and reconciliation in Rwanda. Though

widely criticised in recent years for the dictatorial transformation of his regime, it is the opinion that Kagame still stands out in history for the pivotal role he played in bringing the genocide to an end.

However, the RPF were also involved in mass killings in the process of putting an end to the genocide, they killed thousands of civilians and were involved in abuses. The allegations was brought before the UNHCR but the RPF denied them. Paul Kagame did not allow the RPF to be tried for mass killings and human right abuses inclusive with the perpetrator of the genocide. This was one of the issues that amounted to the ineffectiveness of the ICTR.

4.9 An assessment of the peace-building mechanisms of the UN after the Genocide

With the foregone analysis in mind the following assessment can be made concerning the peace-building mechanism after the genocide (essentially UNAMIR and the ICTR).

As concerns UNAMIR, it major setback in the post-genocide peace-building was its failure to secure a cease-fire among the warring parties (the RGF and the RPF). This failure is contingent, in my opinion, not on UNAMIR's inefficiency but in the lack of support from the UN Department of Peacekeeping Operations and the UN Security Council. There was a general unwillingness to provide UNAMIR the mandate and the capacity to act on time and to agree with judgment of its leadership of the situation on the ground and the measures to take. As clearly noted in the Independent inquiry put in place by Secretary General Annan, the failure of the UN system in general and hence cannot by restrictively attributed to UNAMIR.

UNAMIR was not in all an ill-wind as its efforts were crucial to secure and protect the continuous flow of humanitarian assistance during the genocide and the safety of UN Agencies, personnel and other international organizations in the field. The absence of this protection would have significantly contributed to raise the death toll as many would have been both trapped and killed as they tried to escape or die of starvation in the displacement or refugee camps.

The ICTR on its part registered symbolic and significant achievements at the beginning of its mandate with its quick set up, indictment, trial and conviction of the first high profile *génocidaire* (former Rwandan Premier Jean Kambanda). However and overall assessment of its performance in the long-term is dismal. 70 convictions for a tribunal over 20 years for a tribunal with a staff strength of over 800, three trial chambers, nine judges (ICG, 2001, p. ii) and a total overhead (running cost) of \$1.7 Billion (Bowcott, 2014) is by any standard a poor performance. This is more so when it is put into the context of or comparison to the thousands of genocide suspects in Rwandese prisons (Akhavan, 1996 p. 509) or at large.

Conclusion

In the overall the UN post-genocide activities left a lot to be desired from an organization of its status and caliber. The Independent Inquiry to the actions of the United Nations in Rwanda during the genocide clearly pointed this out. UN Secretary General (at the time of the Inquiry) totally subscribed to its conclusion, accepted its emphasis on the lessons to be learned and recommendations to the UN and the international community to act to ensure that such a human catastrophe never occurs in the future. The Rwandan genocide will stick in the conscience of the global community and reawaken its consciousness to take responsibility when similar occurrences rear their ugly heads.

Chapter 5

RECOMMENDATION AND CONCLUSION

Genocides have occurred in different parts of the world at different times and measures to stop such act from reoccurring contributed to the establishment of the United Nations. The United Nations Convention on the Punishment and Prevention of the Crime of Genocide 1946, define genocide “as an act committed with the intent to destroy in whole or in part, a national, ethnical, racial or religious group...” Genocide could also been seen as a designed extermination of a political, racial or cultural groups.

The genocide in Rwanda is a catastrophe that should never have occurred since it was preventable. It was planned, designed and executed by the Hutu who were so keen at clinging to power and position, and the only way to achieving such in the thoughts of the Hutu, will be through the termination of the whole Tutsi population.

This killings in Rwanda attracted global attention and the UN as a conflict manager was not strong enough to handle such tasks. They responded lately causing almost a million people to be slaughtered. Although after the killings they established the International Criminal Court for Rwanda (ICTR) to try the perpetrators that began and partook in the killings.

The UN comprises of 194 countries coming together, to provide peace and security all over the world and to fight mass killings, genocide, war against crime etc.

Unfortunately, their mission was not effective in the case of Rwanda. There are a lot of lapses that need to be strengthened in the system.

Basically, the UN with its five permanent members and their veto powers delayed their intervention due to national interest. The UN awaiting the authorization from the permanent members forgot its mission to provide peace and security. They based their activities on the decision of the veto powers. Also during the genocide, the UN complained about financial stability and lack of troops to send to Rwanda. Finances in the UN are based on the contributions from all the member states, and it is assessed based on the level and capacity of the member states. However, the UN and its member states need to make available security troops for the UN personally, for them to embark on peace missions that threaten the international peace and security with immediate effect. The power of the permanent five needs to be guided around issues that pertain to international peace and security to avoid unnecessary vetoes.

The late intervention of the UN was as a result of the decisions of the permanent five. The US was not interested in sending troops to another African country that does not have any benefit to them, after sending to Somalia. France was an ally to the Hutu ethnic groups and supported their actions; they even partake in providing arms and ammunitions for the Hutu ethnic groups. The UN could not act due to the veto given by these countries.

The establishment of the ICTR was a good response to the aftermath of the genocide. However, the duration of the court in trying the perpetrators of the genocide took longer than it should. The trial started in 1995 and ended in 2015. During trial, there were lots of lapses; the tribunal court was created in Arusha, Tanzania: its equipment

was poor; there were not enough prosecutors to try the matters; the environment was appalling. As mentioned in Chapter four, the overall assessment of the performance of the ICTR is below expectation. 70 convictions and scores of indictments out of thousands of suspected génocidaires in over twenty years of existence is by all standards a dismal performance.

It is true that OAU as a regional body was involved in conflict resolution, peace keeping and peace building in Rwanda, but they could have been more involved in stopping the genocide. Rwanda is an African country and the regional bodies were expected to participate more in stopping the conflict rather than looking up to the UN only. However, the regional bodies needs to be more equipped and strengthened to tackle issues pertaining to crimes against humanity.

It has been said that the greatest lesson we learn from history is that we never learn from history. However, it so often happens that the only significant take away we can make from some of the most sordid account of human history is the lessons to be learned. This is true for the United Nation's experience in dealing with the Rwandan Genocide. On this both old and new United Nations Secretary Generals are concur.

Reacting after the reception of the report of the independent inquiry he commissioned to look into the actions of the United Nations during the Rwandan genocide, and then UN Secretary General Koffi Annan underscored:

"I also welcome the emphasis which the inquiry has put on the lessons to be learned from this tragedy, and the careful and well argued recommendations it has made with the aim of ensuring that the United Nations can and will act to

prevent or halt any other such catastrophe in the future." (United Nations, 1999).

His contemporary present UN Secretary General António Guterres echoed the same sentiments in his remarks on the "International Day of Relection on the Genocide in Rwanda". Mr. Guterres underscored:

The best way to honour the memory of those who were murdered is to ensure that such events never occur again. History is filled with tragic chapters of hatred and persecution that have led to mass violence against persecuted minorities. That is why the world must be ever alert to the warning signs of genocide, and act quickly and early to avert it. Preventing genocide and other monstrous crimes is a shared responsibility and a core duty of the United Nations. (United Nations, 2017).

The major lesson the UN and the international community can learn from the Rwandan Genocide can be summarized in two words—never again.

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