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# The Security Council's Lack of Intervention in the Rwandan Genocide – 100 days of silence

*A case analysis of the Security Council's inaction during the Rwandan Genocide, with a classicist and realist approach to international law and states' self-interest.*

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## 1.0 Introduction

*In these past few months a conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter - a United Nations capable of maintaining international peace and security.*

– *UN secretary General, Boutros Boutros-Ghali, An Agenda for Peace 1992*

In the years after the Cold War there was a general positivity in the international community when it came to the development of international standards of peace and development. In 1994, the Rwandan Genocide shattered this picture of improvement.

In the space of a 100 days, 800 000 to one million Tutsi and moderate Hutu were massacred, and around two million people were displaced in one of the most horrific genocides in history (Eriksson, 1996). This killing rate equalled 333,5 deaths per hour, and 5,5 deaths per minute (Barnett, 2002, s. 1). During the 100 day span, from the 7th of April to the 15th of July that the genocide took place, the international community failed to intervene (Barnett, 2002, s. 4). Why was the genocide allowed to continue? Why did the UN fail to intervene for so long?

Over the years many different theoretical approaches have been used to explain the UN and Security Councils failure to intervene in the genocide. In this thesis I will use the two theoretical approaches of the classicist view on international laws, and realisms approach to the Security Council's behaviour. With the help of these theories I will analyse the reasons for the council's lack of intervention and find out which approach best explains it.

*What can explain the Security Council's inaction in the Rwandan genocide in 1994? Were they simply obeying their own laws, or was their own self-interest guiding them?*

The United Nations, an international organization founded in 1945, consist of 193 member states today, and its actions and mission are founded on its charter from 1945. The central mission of the UN is to maintain international peace and security (The United Nations , 2019). The Security Council is one of the main bodies of the UN, and the only body with executive power to operate peace troops and military interventions, as well as the only organ in the UN that has the power to make decisions that member states are obligated to implement under the

charter, giving it great legal power. The Security Council has the primary responsibility for the maintenance of international peace and security in the UN (The United Nations, 2019). The council consists of five permanent members (USA, China, Russia, France and the United Kingdom) as well as ten members who are chosen for two-year terms by the general assembly (The United Nations, 2019). The five permanent members of the Council are states with extensive military, economic and political power. With this comes their respective political interests and goals. Assuming the realist assumption, these goals are the maintenance of their own power, influence and security.

During the Rwandan genocide, the inefficiency of the Security Council became plain. (United Nations Security Council, 1999). One of the main issues regarding the Security Council's ability to act in a case like Rwanda is article 2 (4) and 2(7) in the UN charter on intervention. The articles explain that states cannot threaten with or use force against another state, as well as intervene in matters which are within the domestic jurisdiction of any state (UN. Charter art.2 para. 4) (UN. Charter art.2 para 7).

A classicist interpretation of these laws would construe them as absolute and binding on the member states of the UN not to intervene unlawfully in any way. Respecting state sovereignty has for decades been the corner-stone of interaction between states. However, the perception of sovereignty had somewhat changed before 1994. Boutros Boutros-Ghali, the secretary general of the United Nations from 1992 to 1996, stated in 1992 that the time of absolute sovereignty had passed (Boutros, 1992, s. 203).

Then how could the laws in the charter hinder UN intervention in the Rwandan Genocide? The realist perspective claims that states need to be persuaded that it is in their interest to intervene (Weiss, 2007, s. 7). Therefore, a realist perspective on intervention would claim that the self-interest of the member states in the Security Council shapes their policy more than the legal imperatives of the charter. Which one of these approaches can best explain the inaction of the Security Council?

## 1.1 Outline

In this bachelor thesis, I will first clarify my choice of method and theory. Then I will define the central terms and definitions of the state, sovereignty, and humanitarian intervention. Subsequently I will recount the two theories of classicism in international law and realism regarding the behaviour of states in relation to institutions.

The second part makes the empirical body of my text and is divided into two different parts. First, I will discuss classicism's understandings of the UN's charters and laws regarding humanitarian intervention, state sovereignty and the guidelines for intervention in the case of genocide. In the second part of the empirical material I will recount the council's concrete reaction to the Rwandan Genocide. I will look at some of the most basic elements of the events leading up to the genocide as well as the genocide itself, and the discussions in the council during the genocide.

Following the empirical review, I will perform my analysis and discuss why the council failed to intervene in Rwanda, with the theories of Realism and Classicism as my analytical tools. First analysing the classicist interpretation of the international laws of the charter, compared to how these actually were interpreted by the council. After this, the realist theory will analyse the behaviour of the states in the Security Council as something that is determined by self-interest rather than the laws and regulations in the UN charter.

I will conclude with the fact that the Security Council's lack of intervention in the Rwandan Genocide cannot be explained by the classicist approach to laws and regulations in the charter due to the changed perceptions of sovereignty and the former violations of this law, clearly demonstrating that the council did not use a classicist approach to their own laws. The realist approach on the other hand, can explain the Security Council's inaction as mainly a result of the self-interest of the council's members, their wish to defend themselves, as well as maintaining their own power and control in the international community.

## 2.0 Theory

### 2.1 Method: Case study

In this thesis I will apply two theoretical approaches in a case analysis of the Security Council's inaction during the Rwandan Genocide. The two theories will be a tool to analyse my data on the Rwandan Genocide and the Security Council's interpretation of its own laws. There are two potential approaches when performing a case study. The first is by using one or several cases (to show a larger picture), and the second option involves using one particular case to explain the case in itself, often because it is unique. I will employ the latter in my analysis.

An important challenge in a case study is limiting empirical data (Tjora, 2017, s. 40). The empirical data in this thesis consists of the Security Council and their interpretation of five laws regarding humanitarian intervention during the Rwandan Genocide, as well as their actual actions. I chose to limit my empirical material further by using only two theoretical approaches to analyse the data. Due to the limitations of this paper, I will also refer from commenting on the aftermath and effects of the Rwandan Genocide on the Security Council's policy.

Former studies on the case of Rwanda and the Security Council's inaction in the genocide are generally similar in their conclusions; The council failed the population of Rwanda. But studies regarding why and how they failed differ more. For example, a synthesis report initiated by multiple NGOs and international agencies in 1996, edited by John Eriksson (Eriksson, 1996, ss. 1-2), proposed that conflicting interests in the Security Council, as well as lacking interest in Rwanda itself is partially to blame for their inaction (Eriksson, 1996). Other studies, like Michael Barnett, a known constructivist, and his analysis of the Rwandan Genocide looks at the moral and political imperatives in the council and UN, and how the climate in the institution as well as contradicting interests can explain their inaction (Barnett, 2002, ss. 5-6).

There are many theories that could have been relevant for this thesis, such as the legal realist interpretation on international law, stating that international laws should be interpreted from a wide range of relevant sources (Holzgrefe & Keohane, 2003). As well as the solidarist assumption on humanitarian intervention, claiming that a state that breaks the human rights of its citizens can't be considered sovereign, and therefore calls for intervention (Ludlow, 1999, s. 3). I use the realist and classicist theories to produce a more descriptive explanation of the

council's failure to intervene, avoiding the normative explanations. The reason for this is that I think it can provide a more coherent contribution to the discussion, than if I were to look at the normative perspective alone. I argue that ethical and moral approaches alone cannot explain the council's inaction during the Rwandan Genocide, as these approaches would state that the council simply should have intervened, when they failed to do so. Whereas the goal of my research is to find out the reason *why* they did not intervene.

I chose Rwanda as my case analysis is because it illustrates such an unique and horrible example of lacking political action and its consequences, through the fact that the international community could have intervened at a relatively low cost before the horrors of the killing reached its maximum (Barnett, 2002, s. 2). It is therefore even more shocking that the Security Council failed to prevent the genocide (Barnett, 2002, ss. 99-100).

I should point out that my case is a limited point of view on humanitarian intervention as a whole, and the purpose of this text is not to generate a generalisable theory on humanitarian action from the Security Council. The Genocide in Rwanda is but one case, albeit an especially gruesome one, and therefore my conclusions in this thesis could not possibly reflect the tendencies of humanitarian intervention as a whole, as well as UN and the Security Council's humanitarian intervention later in history.

## 2.2 Definitions

In the following, I will define some key terms that I will use in my analysis.

### *Humanitarian intervention*

Humanitarian intervention is defined by J. L. Holzgrefe and Robert Keohane in their book *Humanitarian Intervention: Ethical, Legal and Political dilemmas*, as:

*The threat or use of force across state borders by a state (or a group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied (Holzgrefe & Keohane, 2003, s. 18).*

The definition focuses on the right to use force to protect the human rights of individuals other than a state's own citizens. Furthermore, it states that you do not need the permission of the state within whose territory the force is applied for the intervention to occur. This definition also refers to humanitarian intervention as a military act used as a way to end the suffering of individuals. This type of intervention has to take an extra careful approach as to not worsen the suffering in the jurisdictions they are interfering in (Krieg, 2013, s. 8).

### *Sovereign States and the Westphalian system*

Sovereignty is defined by Joseph S. Nye and David A. Welch as an absolute right to rule (Nye & Welch, 2011, s. 330). The concept dates back to the end of the thirty-years' war in 1648, and the peace in Westphalia. Following the peace in Westphalia, sovereignty has been the foundation of interstate relations and world order for the past several centuries (Weiss, 2007, s. 12). The Westphalian system, in the same manner as the UN charter's laws on intervention, stated that one could not intervene in other sovereign states (Kissinger, 2015, ss. 26-27). The Westphalian system is based on the fact that there is an anarchical world order, meaning that there is no executive international government in control. The system has tried to control this anarchical trait by creating an extensive network of international legal structures, designed to keep the order intact (Kissinger, 2015, s. 7).

The more recent definition of sovereign states presented by the Montevideo convention in 1933 implies that a state must fulfill these essential components to be considered sovereign: A) a permanent population, B) a defined territory, C) a government and D) the capacity to enter into relations with other states (Shaw, 2003, s. 178). If a state is regarded as sovereign, it implies autonomy and freedom from external interference in pursuing its interest (Ludlow, 1999, ss. 2-3). The United Nations system relies upon the sovereignty of its member states, and such sovereignty being a central precondition for peace and stability in the international arena (Krieg, 2013, s. 10). This is also very clear in its charters.

The concept of sovereignty is complicated when it comes to the justification of Humanitarian Intervention, as this almost always violates the concept of a state's sovereignty. Boutros Boutros-Ghali stated in 1992 that sovereignty and territorial integrity of states always must be



respected in accordance with the charter, however, at the same time, claimed that the time for absolute and exclusive sovereignty had passed (Boutros, 1992, s. 203). The sovereignty of states is also routinely violated, implying that these rules are not as definite as one would assume reading the UN charter (Krieg, 2013, s. 10). This shows the conflicting interpretations of the rules for sovereignty, and when it is legitimate or not to intervene in another state.

### *Legitimacy*

Legitimacy refers to the right and acceptance of an authority, governing law or a regime. An institution that is perceived as legitimate is treated with more respect, and it also finds compliance with its rules more easily secured than it would if it was not considered legitimate (Hurd, 2002, s. 36). In relation to intervention, legitimacy refers to whether or not the intervention has been justified, either politically or legally (Lyons & Mastanduo, 1995, s. 12).

### 2.3 The Classicist Assumption on international law

The Classicist assumption states that international laws and regulations must be respected until they expire or are changed (Holzgreffe & Keohane, 2003, s. 38). They must be interpreted in the same manner as those who constituted the law interpreted it when they were making it. If one follows this approach, the illegality of humanitarian intervention without the explicit authorisation of the UN and the Security Council is absolute (Holzgreffe & Keohane, 2003, s. 40).

This implies that collective coercive action under the UN Security council due to a serious threat to the international peace and security is the only legitimate interpretation of humanitarian intervention in relation to the UN (Krieg, 2013, s. 11). The approach claims that international laws and regulations is the most effective way of maintaining international peace and security, and in stopping powerful states from running amok, therefore the laws must be respected (Holzgreffe & Keohane, 2003, s. 50).

Respecting territorial integrity and political independence is central in the UN charter, and is therefore also central in the classicist assumption, as intended to reinforce the ban on use of

force in international relations (Holzgrefe & Keohane, 2003, s. 38). States that disrespect other states' sovereignty pose a threat to international peace and security, the balance the Security Council wishes to protect. The classicist assumption can be described as a conservative take on the importance of the UN Charter and its articles to keep the international peace and order intact. At the same time classicism would allow intervention should the international peace and security be threatened, or if a state could no longer be regarded as sovereign, as the international laws clearly allow for this approach.

#### 2. 4 The realist Assumption on state behaviour

Realism, being one of the most dominant traditions in international politics, is described by Joseph Nye and David Welch as an analytical tool to understand state behaviour in an international order where states are the primary actors. War and the use of force are the central problems in the realist assumption (Nye & Welch, 2011, s. 330). Realism is a comprehensive theory, with approaches varying from classical realists and their humanist approach, neorealism with its scientific and theoretical approach, offensive realists focusing on power, and defensive realists focusing on security (Nye & Welch, 2011, s. 56). As my thesis leans in on many different realist approaches, I will not choose only one of the approaches mentioned above but use a rather general approach to the theory. This is because I want to create a broad explanation of the council's inaction, and therefore I do not want to limit my approach to one of the understandings mentioned above.

The realist assumption implies that all states are seeking power and security. This creates competition in the international order and generates the need for military power (Nye & Welch, 2011, s. 57). States interests are rather permanent, and this leads to continuity in the international community (Nye & Welch, 2011, s. 6).

Realism regarding Humanitarian Intervention would claim that the self-interest of states will decide whether or not they will intervene in other states (Weiss, 2007, s. 7). This approach claims that the incentive behind humanitarian intervention is not the moral imperative of helping those in need but maintaining its own status quo and interests. This implies that Humanitarian Intervention as a whole is affected by states political interests, and not international laws and regulations, nor moral and ethical responsibility.

According to Mearsheimer, an offensive realist (1994), institutions can be described as a set of rules that imply how states should work together or against each other (Mearsheimer, 1994, s. 8), and the United Nations is regarded as an institution. Realists claim that institutions, like the UN, are influenced by the self-interested policy of states. Furthermore, they claim that institutions will have no effect on state behaviour, rather it is the state behaviour that will affect the institution (Mearsheimer, 1994, s. 7).

## 3.0 Empirical material

### 3.1 A classicist approach to international law and the UN charter

The Charter of the United Nations is its foundational treaty and the number one international convention when it comes to humanitarian intervention (Holzgreffe & Keohane, 2003, s. 37). The different articles in the charter represents the limitations and possibilities the Security Council has when it comes to legal intervention and the use of force of any kind.

I will look at four different articles regarding state sovereignty and humanitarian intervention, as well as the legal definition on the crime of Genocide from 1948. I will discuss these laws with the theoretical approach of classicism, as described above.

The UN's legal definition on the crime of Genocide was established in 1948, after the Second World War (The United Nations, 1948). What constitutes a genocide is defined by the UN in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide:

*Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group [and] forcibly transferring children of the group to another group. (The United Nations, 1948)*

The UN's legal definition on the act of genocide serves as one of the only legal imperatives in international law that authorises the use of all necessary means to stop the crime, including the

use of force. However, it is worth mentioning that only a quarter of the member states signed this convention. Thus, it is only legally binding for the states that signed it (Krieg, 2013, s. 12). The definition does not include killings in a civil war or political prosecution as a genocide.

Article 41 in the UN charter under chapter VII declares that the Security Council is able to apply measures not involving armed force to implement their decisions. This refers to measures such as diplomacy, economic sanctions and other means of communication (UN. Charter Art.41).

In the event that the measures in article 41 prove to come short, the UN Charter under chapter VII, article 42 states that:

*Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations (UN. Charter Art. 42).*

These two articles imply that the Security Council can intervene with military force, in the name of humanitarian intervention, in the case of a threat to international peace and security. The classicist approach would put special emphasis on the fact that for the intervention to be legitimate, it has to actually pose a threat to international peace and security. It will also state that the only legitimate goal of the intervention is to restore and maintain peace and security in the region. No other incentive for intervention can be considered lawful. If the case at hand does not qualify for such requirements, intervention is not legitimate.

Article 2(4) in the charter states that:

*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (UN. Charter art.2 para. 4)*

The Charter also states in article 2(7) that:

*Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state (UN. Charter art.2 para 7)*

Assuming the classicist approach, these laws emphasize the illegality of unauthorized intervention, and the threat or use of force against another sovereign state. If a state is sovereign and its actions does not pose a threat to international peace and security, intervention would not be called for. The classicist would underline this as the proof that any intervention that breaks with these articles is illegitimate.

The classicist would interpret each of the articles mentioned above as absolute, especially the ones on state sovereignty, and consider the room for intervention in a sovereign state as very small. Article 2(4) in the UN charter states that member states should not threaten the territorial integrity, of any state. (UN charter. Art 2 para 4) This article can be understood as advising the UN and the Security Council against intervention of any kind, humanitarian intervention included. By this interpretation, one could claim that the reason for the council's lack of action during the Rwandan Genocide was simply because of the limitations of its own charter.

At the same time, the charter also states in article 41 and 42 that the Security Council has a right to intervene when domestic policy and actions pose a risk to the international community. It also calls to prevent all forms of genocide with armed force if necessary (UN. Charter Art. 41, 42) (Krieg, 2013, s. 12). Still, these articles could fall short in the face of the classicist approach to state sovereignty and international peace and security. It could even be argued that a genocide falls under the term of "domestic jurisdiction", and therefore it is out of reach for the Council to intervene, following their charter. The classicist would see the charter as highly invested into criminalizing intervention as an act of aggression, inducing instability in the international community. This grants the Security Council a certain indefeasible argument against humanitarian intervention in their charter. (Krieg, 2013)

It is pointed out by the political risk analyst, Andreas Krieg, that sovereignty and respect of political autonomy is the basis of peace and security in the international community, and also the corner-stone of the UN and its reach (Krieg, 2013, s. 10). It is a paradox then, that Boutros Boutros-Ghali, the new Secretary General and highest elected leader of the UN in 1992, claimed that : *The time of absolute and exclusive sovereignty has passed* (Boutros, 1992, s. 203). Boutros-Ghali's comment on the matter was a declaration that the laws of the charter could not be interpreted as absolute when it came to sovereignty. If the time of absolute sovereignty had passed, how can the classicist approach to the charter's regulations explain the Councils

inaction in Rwanda? Is it rather the self-interest of the states in the council that can explain their actions?

### 3.2 The Realist assumption and approach to the council's actions during the Rwandan Genocide

In 1994 the Security Council consisted of the five permanent members Russia, The United Kingdom, China, USA and France as well as the ten non-permanent members that included Rwanda itself (Barnett, 2002, s. 100). This illustrates the fact that the Security Council, the organ with the primary responsibility of maintaining international peace and security, was very much dependent on the will of the countries in the Council. How did this affect the Council during the Genocide?

#### 3.21 The UN and Security Council before Rwanda

In the immediate time after the end of the Cold War, the UN wanted to expand upon the values of the international community, claiming it would create a better framework for international peace (Barnett, 2002, s. 27). It implemented this view by several peacekeeping operations such as in Namibia in 1988, El Salvador in 1991, Cambodia in 1992-93, as well as Bosnia and Haiti (Barnett, 2002, s. 29). The purpose of these operations was to develop more peaceful regimes (Barnett, 2002, s. 30).

This growing perception of a moral obligation to protect individuals in the international community met a huge obstacle in the UN's authorizations of American intervention in Somalia in 1992-93. The country had been plagued by an extensive civil war and hunger crisis for years, and in mid-1992, five thousand peacekeepers authorized by the UN intervened to provide food and protection for civilians as well as humanitarian aid workers (Barnett, 2002, ss. 34-35). As this was proving inadequate, the Security Council authorized a humanitarian intervention task force led by the USA in the end of 1992 (Barnett, 2002, s. 35). Ending in the death of 18 American soldiers, one Malaysian and one Pakistani soldier, as well as many more injured, the intervention proved catastrophic for the USA, the UN and the Security Council's attitude towards peacekeeping operations in the years to come (Barnett, 2002, ss. 36-38).

The realist would argue that the individual state's security and self-interests come first in international relations, implying that the American people would not take kindly to the death of their military personnel fighting and dying for another state's interests. In line with this, Americans were outraged by the killing of the American soldiers by the Somali militia, and the sitting US president, Bill Clinton, was forced to come to terms with his unpopular foreign policy. The UN and the Council also met much critique (Barnett, 2002, s. 37). Consequently, the US had a change of heart when it came to humanitarian intervention in other states, and fronted a new policy of saying no to peacekeeping missions (Barnett, 2002, s. 41). Being the state with the most military power and influence in the council, this would prove severe for Rwanda the following year.

### 3.22 The Security Council in Rwanda

Rwanda has a long history of European colonial rule. First the Berlin Conference in 1885 made Ruanda-Urundi a German colony in 1885, and later it was under Belgian rule from 1916 (Barnett, 2002, s. 183). The Belgian rule implemented the identity policy that created the groups Hutu and Tutsi, where the Tutsi were the favoured group, having much to do with their "European Looks" (Barnett, 2002, s. 183). In 1957 the Hutu population rebelled against the Belgian rule (Barnett, 2002, s. 52), and in 1962 it announced Rwanda a republic led by the Hutu government (Barnett, 2002, s. 52). The Hutu government was a racial dictatorship, and the ethnic violence between the Hutu and Tutsi intensified (Barnett, 2002, s. 52). In 1973 the Hutu general Juvénal Habyarima became president in Rwanda following a military coup (Barnett, 2002, s. 184).

Habyarima, being a military dictator, eventually had to yield to a demand of political pluralisation in 1991, pressed forth by the international community (Barnett, 2002, s. 54). However, this pluralisation created a violent counterreaction, and Rwandan politics became even more radicalized with severe racial propaganda against the Tutsi. This led to an increase in violent clashes between the Hutu Government and the newly organized Tutsi-led army of the Rwandan Patriotic Front (RPF), and escalated into a civil war in 1990 (Barnett, 2002, s. 55). Multiple ceasefires initiated by the international community followed. The UN peacekeeping troops, as well as the Belgian and the French military, were present in Rwanda to observe and maintain the ceasefires (Barnett, 2002, s. 184). Both the Hutu led government and the RPF

requested help from the UN in overseeing the maintenance of the ceasefires and peace in Rwanda (Barnett, 2002, s. 185). Amongst these countries present, France had a special interest in maintaining good relations with the Hutu government, and gave comprehensive military assistance to president Habyarimas against the RPF already from 1990 (Barnett, 2002, s. 56). Many argue that Frances' interest in Rwanda was mainly motivated by their Francafrique policy developed to maintain power and influence in the region. The Tutsi in the RPF were mainly English speakers, making the French more disposed to keep the French speaking Hutu in government. France also feared losing influence in the region to the United Kingdom (Barnett, 2002, s. 56).

The United Nations Observer Mission to Uganda-Rwanda (UNOMUR) and the United Nations Assistance Mission for Rwanda (UNAMIR) were also present in Rwanda during the transition from 1993 to 1994 to preserve the ceasefire and peace in the area. In addition to this Rwanda became a non-permanent member of the Security Council in 1994, only seven months after the UN led human rights commission sent to observe the country suggested they had evidence of a genocide of the Tutsi population (Barnett, 2002, s. 184).

In January the same year, The UN's Department of Peace Operations received a warning from the leader of the UNAMIR force in Rwanda, Romeo Dallaire, about an impending plan to kill UN peacekeepers and massacre the Tutsi population (Barnett, 2002, s. 186). Simultaneously Rwanda failed to establish the transitional government it had promised since the Arusha peace agreement in August the preceding year (Barnett, 2002, s. 185). UNAMIR was of full strength as of March 1994, amid a wave of violence and tension in Rwanda. On the 6<sup>th</sup> of April 1994 president Habyarima's plane was shot down on its way to Kigali, Rwanda's Capital, killing the president. This incident would mark the beginning of one the most gruesome genocides in human history.

### 3.23 Discussions in the Council

To this day it is uncertain who shot down the plane, but the RPF and the Tutsi received the initial blame. In the chaos that ensued, ten Belgian peacekeepers were killed on 7 April. Soon after, Belgium announced that their forces would leave Rwanda. General Dallaire urged the Department of Peace Operations to intervene in Rwanda with a force that would be able to protect the civilians from the pending violence. The UN reaction to Dallaire's and the



Rwandan's pleas for help was to order its forces not to protect civilians. The situation was reaching a breaking point when the Security Council was confronted with two options: Withdrawal of the operation, or a reinforcement of UNAMIR. On 21th of April, it ordered all but a small remnant of the UNAMIR-troops to withdraw (Barnett, 2002, ss. 99-100).

Inside the Council two camps soon took form when it came to the question of whether or not the international community should intervene to stop the genocide. The camp that called for intervention was led by Nigeria, New Zealand and the Czech Republic. The camp that urged a withdrawal of troops were led by the USA and the United Kingdom, while France, Russia and China remained silent (Barnett, 2002, ss. 100-101). USA was the most prominent voice against intervention, stating that there was no basis for interference in Rwanda to maintain peace, simply because there was no peace left to maintain (Barnett, 2002, s. 2).

The Security Council decided to come forth with several criterias that Rwanda had to meet for the council to intervene with a peace force in the conflict. Firstly, the genocide had to pose a general threat to international peace and security. Secondly a cease-fire must be established and third, the parties themselves had to be committed to the peace process (Barnett, 2002, s. 101). Of course, Rwanda fulfilled none of these criteria. Its own government de facto no longer existed, having fled the country in the beginning of the genocide and now living in exile, therefore proving it hard to enter any peace talks with any of the parties(Barnett, 2002, s. 146).

The UN, having no military force of its own, was dependant on the forces of its member states. The permanent members of the Council did not show any inclination to provide these troops in the foreseeable future, which again made the council unable to act (Barnett, 2002, s. 135). The genocide gained worldwide attention after some time, and the failure to act from the Security Council's side became more prominent, as well as widely documented and criticised by the media. The council eventually acknowledged the need for some kind of intervention, and Boutros-Ghali recommended to the Council to create a new mandate for UNAMIR II, a second humanitarian aid mission to Rwanda, in May 1994, almost two months after the genocide began in full (Barnett, 2002, s. 137).

However, it proved difficult for the council to provide the military troops needed for the mission, as the member states were hesitant in providing them. By June, Boutros-Ghali acknowledged that UNAMIR II would not be ready for many months (Barnett, 2002, s. 147)

By this time, the Hutu genocidaires were steadily losing ground to the RPF, who were moving closer and closer to Kigali. On June 15, France's offered to lead a military operation into Rwanda, with the same objective as UNAMIR, later referred to as Operation Turquoise (Barnett, 2002, ss. 148-49). France sudden wish to intervene in the genocide was believed to be exclusively politically motivated by the wish to protect their former Hutu allies in Rwanda from the advancing RPF (Barnett, 2002, s. 148), not the wish to protect the civilians from the genocide, as they claimed. In the aftermath of the genocide, some even claimed that the French encouraged and took part in the killing of Tutsi when they entered Rwanda (Jolis, 2010, p.15). This image was strengthened by the RPF's opposition to the French operation (Barnett, 2002, s. 148). French intervention did not stop the RPF from conquering most of Rwanda by mid-July, when they declared a cease-fire and the creation of a new government (Barnett, 2002, s. 151). The Genocide was in some sense over, with no help from the international community.

#### 4.0 Analysis: The Security Council's Failure to Respond: Respecting Laws or Self-Interest?

The Genocide in Rwanda is counted as one of the most horrific genocides in human history. The rate and the means of killing is hardly possible to comprehend, and exceeds even the rate of killing during the Holocaust (Barnett, 2002, ss. 1-2).

What can explain the council's inaction? Was it the laws on intervention in the UN charter that prevented intervention? Or was it simply the self-interest of the permanent members in the council that hindered their reaction? I will in this chapter analyse these two questions, starting with the assumption that it was the laws that prevented the council to act.

##### 4.1 Can the classicist approach to international laws explain the Security Council's inaction?

By 29 April, Boutros Boutros-Ghali was urging the Security Council to consider intervention, but he failed to refer to the ethnic cleansing of the Tutsi as a Genocide (Barnett, 2002, s. 187). As far as the UN Legal Definition on the Crime of Genocide goes, Rwanda can check off on all the points. The government-led genocide had every intention of destroying in whole the Tutsi population in Rwanda by killing, causing harm, and deliberately inflicting conditions of life on the group calculated to bring about its demise. It also aimed to prevent birth and

reproduction within the group by mutilating Tutsi women, as well as killing Tutsi children. The classicist assumption would state that Rwanda in all respects constituted a genocide.

Nevertheless, this legal definition was simply avoided by UN officials like Boutros-Ghali, and the members of the Security Council, referring to the conflict as a “civil war” and “internal conflict” rather than referring to it as what it was, a genocide (Barnett, 2002, s. 133). This could be because admitting to the fact that a genocide was occurring would also demand action from the UN and the council, action it was neither prepared, nor interested, in taking. This shows the weakness of the legal definition’s influence in the council’s decision-making. (Nye & Welch, 2011, s. 204).

Article 41 and 42 in the charter, stating the ability of the council to perform any kind of intervention, clarifies that in order for an armed military intervention to be considered legitimate, the situation has to pose a general threat to international peace and security (UN. Charter Art.41, 42). It would not be hard to argue that the genocide did in fact pose such a threat, considering the mere scale of the slaughter, and the continuous stream of refugees that were desperately trying to escape the country. Yet the Security Council did not state that the genocide posed a general threat to the peace and security in the region before the end of July in 1994 (Security Council, 1994).

The reason this declaration came so late could be the continuous claim from the United States and other powerful countries in the council that Rwanda did not amount to a general threat on international Peace and Security (Barnett, 2002, s. 102). It is unlikely that the crisis in Rwanda suddenly amounted to such a threat from one day to another, it is more likely that the negative attention from the press as well as pressure from the rest of the international community led to this declaration by the council. The classicist would argue that the part of article 42 stating that intervention can only be justified to restore international peace and security must be overhauled in all cases, but as seen before, the UN had intervened in many cases prior to Rwanda that did not amount to such a threat, for example Somalia (Barnett, 2002, s. 29).

Article 2(7) in the charter, stating that nothing shall authorize intervention from the UN in matters that are essentially within the domestic jurisdiction (U.N. Charter art. 2, para. 7) and

article 2(4) stating that all members shall refrain in using force against the territorial integrity or political independence of any state (U.N. Charter art. 2, para. 4) would be interpreted by the classicist as absolute, and a legitimate reason to not intervene in a state's domestic jurisdiction.

Still, the Security Council had proven time and again that they had the capacity to intervene even though a state should be considered sovereign, simply with the motive of improving the conditions of the population in a state, for example by the multiple operations in Rwanda before the genocide began (Barnett, 2002, s. 31). In the 1980's and 90's the Security Council was approving more operations than the UN had financial capacity to implement (Barnett, 2002, s. 32), proving that if they had the will, it was absolutely possible to intervene in states for lesser reasons than the Genocide in Rwanda. The classicist assumption would be against all of these interpretations of international law, but clearly, the Security Council did not interpret their own laws in the classicist approach.

It can be argued that the articles regarding sovereignty in the charter simply worked as a smokescreen from the reality of the Security Council's real political goals and conflicting interests, as well the lack of power the UN officials had on the decision-making in relation to the permanent members in the Council. Also, international law concerning sovereignty was not considered as permanent as it was before the cold war (Lyons & Mastanduo, 1995, s. 222), a standpoint agreed upon by many, including the secretary general himself (Boutros, 1992, s. 203).

Another point demonstrating council's disregard of its own laws, is the fact that Rwanda did not even have a government during the genocide, as it had fled the country and gone into exile in the beginning of the genocide (Barnett, 2002, s. 146). Rather ironic, considering the fact that Rwanda was a member of the Security Council at the time (Barnett, 2002, s. 185). This is yet another example of the disregard the Council had of its own laws, and the fact that the classicist approach is in no way the approach used by the council when it was interpreting its own laws.

The above analysis shows that the classicist approach to international laws and regulations presented in this text cannot explain the Security Council's inaction in Rwanda. First and foremost, the council clearly did not adapt a classicist approach to their own laws and charters, and the way these were overhauled varied from case to case. The massacre in Rwanda did amount

to a genocide on all points, but the council failed to address it as such. Rwanda was not even sovereign during most of the genocide, due to the lack of a government, yet the council accepted them as a member of the Security Council. Thus, if the laws cannot explain the council's inaction, can the realist approach to states self-interest explain it?

#### 4.2 Can the self-interest of the States in the Security Council explain inaction?

The Security Council consists of five permanent members, as well as ten members who are chosen for two-year terms by the general assembly (The United Nations, 2019). This implies that the UN and the Security Council's driving force, as well as main obstacle, is the member states that it consists of. Based on the realist assumption, their motivation and interest is to maintain their own security, influence and power, implying that their main goal and interest to intervene in the Rwandan Genocide was not based on a humanitarian and moral ground, but rather on the basis of political goals and achievements that could be obtained by such an intervention. The same can be said of their failure to intervene.

In the beginning of the genocide, the United States and parts of Security Council insisted that they had no business in Rwanda. It was surely a humanitarian crisis, but it was no threat to international peace and security (Barnett, 2002, s. 102). There was, of course, those that called for an intervention early on in the genocide, but these voices were drowned out by the more powerful members such as the United States, China and Russia. For these members, Rwanda had no strategic importance (Barnett, 2002, s. 102).

It is no secret that the US was especially hostile to any intervention, plainly influenced by the domestic uproar concerning their recent intervention in Somalia. A realist could also argue that since none of the other states declared that they would send troops to Rwanda, USA would not do it either (Barnett, 2002, s. 2). The US was, and still is, one of the most prominent and powerful countries in the Security Council, and their military capacity as well as their financial support were crucial when it came to the UN's capacity to intervene in Rwanda. The US political influence could also affect the voices of the other members in the council. Through realist approach, it could be argued that the US voicing a demand for intervention, as well as contributing with military troops to make this happen could have persuaded others to intervene as well, in order to not lose face in the event of a genocide as gruesome as the one in Rwanda.

Looking at it the other way around: If the US was not willing to contribute with military and economic means to help the people of Rwanda, then why should the other states do it?

The realist would assume that it is not the UN's policy and actions that affect state behaviour, rather it is the states behaviour that affects the outcome of the UN's and Security Council's policy. In Rwanda this seems likely to be the case. The UN is dependent on its member states for military power, decision making and financial support. For the Security Council to act in Rwanda, they needed troops that could lead such a mission. If the states of the Council did not perceive Rwanda as strategically or politically important, the realist would argue that it would not be in their interest to provide such troops.

When the council eventually agreed that the crisis in Rwanda indeed constituted a genocide, as well as a threat to the regional peace and stability, they had to intervene in some manner in order to avoid losing face in the international community as well as their influence and power. The announcement of UNAMIR II led to the need for military troops, equipment and financial aid. These needs proved hard to fulfil, as the leading powers in the council, such as the US, China and Russia, proved hesitant to contribute to the operation.

As it became clear that UNAMIR II was not going to be operative for several months, France announced its sudden willingness to intervene in Rwanda with a military troop. The mandate of this troop would be to organize, establish and maintain a safe-zone in the south-west of Rwanda. It is clear that France did not suddenly develop a crushing humanitarian conscience for the people of Rwanda. It is more likely that they wanted to maintain their political influence of the region, as their former Hutu genocidaire allies were losing to the RPF, meaning that the French could possibly lose influence in the region. The fact that France did not intervene before the RPF was gaining ground, and seemed to be winning the ongoing conflict, is uncanny at best. Taking on the realist hat, it seems clear that the self-interest of France to maintain their power and influence made them offer their troops for intervention, not because of the severe humanitarian situation in Rwanda. The French most likely feared more English influence in Africa, threatening their Françafrique ambitions.

It could also be argued that the growing media coverage of the genocide and the council's failure to respond meant that the member states were losing both reputation and respect in the international community, which in turn hurried their work towards a response to the genocide.

This again would imply that the laws of the charter had little influence on the council's progress, contrary to the political motivations. The refugee crisis near the borders of Rwanda reached a breaking point in May and was eventually stated as a threat to regional peace and security (Barnett, 2002, s. 134). It could be argued that as soon as the conflict crossed the state borders of Rwanda it reached areas of strategic importance to the council, and therefore they were more motivated to intervene.

This analysis implies that the realist approach to the self-interest of the member states in the council can explain their inaction in the genocide as a combination of lack of political motivations, previous experiences with intervention in Somalia etc., interests in the council, and the unwillingness to implement its own charters in the situation- all of these results of self-interest. Another conclusion to be drawn from this analysis, would be that that the powerful permanent member states of the Security Council also influenced the other members to abstain from intervention.

## 5.0 Conclusion: What Can Explain the Security Council's Failure to Intervene?

In this thesis, I have analysed the Security Council's failure to respond to the Rwandan genocide in 1994. I have looked at the interpretation of articles 2 (4), 2 (7), 41 and 42 as well as the Legal Definition on the Crime of Genocide. I have also looked into their concrete actions and discussions during the Rwandan Genocide in 1994, and some of the member states' motives regarding intervention in the region. Through the help of my two theoretical approaches I have analysed the different arguments for and against intervention and discussed how they can describe the Security Council's inaction in Rwanda.

I conclude my findings with the following: The laws of the UN charter and a classicist interpretation of these cannot explain the Security Council's inaction during the Rwandan genocide, as these laws had been violated or bent to the council's political preference before the Rwandan Genocide. Thus, the council clearly did not interpret their laws with a classicist approach. Also, state sovereignty can no longer be said to be as dominant as it has been before, some stating that it is no longer the guiding principle of world politics (Lyons & Mastanduo,

1995, s. 222). This leads to the decreasing relevance of the articles in the charter, and the fact that it is not the respect of state borders that defines whether or not the Council intervenes in a state or not, but their political motivations and aspirations. The eventual French intervention with operation Turquoise illustrates this point well.

I argue that the self-interest of the states in the Security Council best explains their inaction during the genocide, as they had shown themselves perfectly able to argue for intervention regardless of the laws of the charter, both in Rwanda and other states like Somalia. I will also argue that the articles of the UN charter are not definite and absolute, and in many ways worked as a smokescreen the Security Council used to hide their real motives. As stated, state sovereignty was no longer a weighty argument in 1994, in relation to humanitarian intervention, and if it was considered as weighty by the council, then they simply chose to overlook the fact that Rwanda lacked a government during the genocide. The political motives behind both the US's unwillingness to intervene, and the eventual French intervention are two examples of many obvious political motivations that shaped the council. As a consequence of these actions, the genocide was allowed to continue for 100 days.

The policy implications of my findings imply that the Security Council as well as the Charter were outdated tools for prevention of crimes such as genocide. The whole idea that a few leading powers should decide the fate of another country's population, to the protest of many other member countries in the council as well as the General Assembly of the UN, is a clear example of the paradox regarding the Security Council's mandate, and its actual actions. It could be argued that the Security Council instead of fulfilling its purpose to maintain international peace and security, simply works as a tool for great powers such as the US to assert their influence and political motivations on the international community. It is clear that they definitely did not work to protect the lives of the Rwandan population in 1994.

The council's decisions regarding cases such as Rwanda are marked by the fact that they have to be made quickly, to prevent as much human suffering as possible. The fact that the council did not even acknowledge the need for intervention, or call the events a genocide, before July 1994 clearly states that they were not up for the task of a quick and effective policy. The Security Council's realism and self-interest does not go well with the mandate to maintain international peace and security, and it definitely does not work when it comes to ensuring quick and effective reactions to events like the Rwandan Genocide. As Johan Eriksson



concludes in his report on the Rwandan Genocide: *Humanitarian action cannot substitute for political action*. (Eriksson, 1996). And in this case, the political action of the international community failed, with horrendous consequences.

## 7.0 Literature

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