“THE FAILURE TO PROTECT, AGAIN: A COMPARATIVE STUDY OF INTERNATIONAL AND REGIONAL REACTIONS TOWARDS HUMANITARIAN DISASTERS IN RWANDA AND DARFUR”

A THESIS SUBMITTED TO
DEPARTMENT OF POLITICAL SCIENCE

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS IN POLITICAL SCIENCE

BY

HAGAR TAHA

UNDER THE SUPERVISION OF: PROFESSOR. BAHGAT KORANY

APRIL/2009
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>V</td>
</tr>
<tr>
<td>DEDICATION AND ACKNOWLEDGMENT</td>
<td>VI</td>
</tr>
<tr>
<td>LIST OF ABBREVIATIONS</td>
<td>VII</td>
</tr>
<tr>
<td>INTRODUCTION:</td>
<td>1</td>
</tr>
<tr>
<td>HUMANITARIAN INTERVENTION: WHY FAILING HUMANITY?</td>
<td>1</td>
</tr>
<tr>
<td>I. HUMANITARIAN INTERVENTION FAILURE FRAMEWORK IN AFRICA</td>
<td>2</td>
</tr>
<tr>
<td>II. METHODOLOGY AND CONCEPTUAL FRAMEWORK</td>
<td>5</td>
</tr>
<tr>
<td>III. RESEARCH DIVISION</td>
<td>6</td>
</tr>
<tr>
<td>IV. LITERATURE REVIEW AND RESEARCH CONTRIBUTION</td>
<td>7</td>
</tr>
<tr>
<td>CHAPTER ONE:</td>
<td>11</td>
</tr>
<tr>
<td>HUMANITARIAN INTERVENTION: HISTORICAL BACKGROUND</td>
<td>11</td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>11</td>
</tr>
<tr>
<td>II. HUMANITARIAN INTERVENTION: HISTORICAL DEVELOPMENT OF AN ANCIENT DOCTRINE</td>
<td>12</td>
</tr>
<tr>
<td>A. Humanitarian Intervention in the Pre-United Nations Charter Period</td>
<td>12</td>
</tr>
<tr>
<td>D. Humanitarian Intervention in the Post-9/11th Era</td>
<td>18</td>
</tr>
<tr>
<td>E. Humanitarian Intervention and “Responsibility to Protect”</td>
<td>20</td>
</tr>
<tr>
<td>III. REMARKS ON HUMANITARIAN INTERVENTION HISTORY: NOT SO ‘HUMANITARIAN’?</td>
<td>21</td>
</tr>
<tr>
<td>CHAPTER TWO:</td>
<td>23</td>
</tr>
<tr>
<td>RWANDA GENOCIDE: FAILURE TO PROTECT</td>
<td>23</td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>23</td>
</tr>
<tr>
<td>II. INTERNAL AND REGIONAL DYNAMICS OF GENOCIDE: KILLING IS NOT “AFRICA’S USUAL BUSINESS”</td>
<td>23</td>
</tr>
<tr>
<td>III. INTERNATIONAL COMMUNITY AND RWANDA GENOCIDE: TOO LITTLE, TOO LATE</td>
<td>28</td>
</tr>
<tr>
<td>A. The Reaction of International and Regional Organizations to the Conflict: The Role of the United Nations and the African Union Organization</td>
<td>28</td>
</tr>
<tr>
<td>1. The United Nations</td>
<td>28</td>
</tr>
<tr>
<td>2. The Organization of the African Union</td>
<td>30</td>
</tr>
<tr>
<td>B. The Reaction of Major Powers to the Conflict: The United States and France</td>
<td>32</td>
</tr>
<tr>
<td>1. The United States</td>
<td>32</td>
</tr>
<tr>
<td>2. France</td>
<td>35</td>
</tr>
<tr>
<td>CHAPTER THREE:</td>
<td>39</td>
</tr>
</tbody>
</table>
RWANDA INTERVENTION: TOO LITTLE, TOO LATE ................................................... 39

I. INTRODUCTION ......................................................................................................... 39
II. RWANDA GENOCIDE: ASSESSMENT OF HUMANITARIAN INTERVENTION FAILURE FRAMEWORK ................................................................. 39
   A. Selective State Practice...................................................................................... 39
      1. Interest-Based Selectivity ............................................................................. 39
      2. Racial-Based Selectivity .............................................................................. 44
   B. Inadequate Humanitarian Discourse............................................................... 47
   C. Lack of Responsible Body for Impartial Implementation and Monitoring of Intervention ........................................................................................................ 51
III. THE CONCEPT OF HUMANITARIAN INTERVENTION BEFORE AND AFTER RWANDA: THE RWANDA EFFECT ......................................................... 54

CHAPTER FOUR: ............................................................................................................. 59
DARFUR CRISIS: RWANDA IN SLOW MOTION ......................................................... 59

I. INTRODUCTION ......................................................................................................... 59
II. INTERNAL AND REGIONAL DYNAMICS: NOT MERE AFRICAN “BARBARIANISM” ........................................................................................................... 60
III. INTERNATIONAL COMMUNITY AND DARFUR CRISIS: RWANDA IN SLOW MOTION ........................................................................................................ 64
   A. The Reaction Of International And Regional Organizations To The Conflict: The Role Of The United Nations, The Organization of The African Union And The Arab League .............................................................. 64
      1. The United Nations & The International Criminal Court (ICC).................. 64
      2. The African Union ....................................................................................... 67
      3. The Arab League ....................................................................................... 70
   B. The Reaction of Major Powers to the Conflict: United States and China ...... 71
      1. United States .............................................................................................. 71
      2. China ......................................................................................................... 73
IV. REMARKS ON DARFUR’S CRISIS: A FAILURE? .............................................. 75

CHAPTER FIVE: ............................................................................................................. 77
DARFUR CRISIS: THE FAILURE TO PROTECT, AGAIN ................................................. 77

I. INTRODUCTION ......................................................................................................... 77
II. DARFUR: ASSESSEMENT OF HUMAINTARAIN INTERVENTION FAILURE FRAMEWORK .............................................................................................. 77
   A. Selective State Practice.................................................................................. 78
      1. Interest-Based Selectivity .......................................................................... 78
      2. Racial-Based Selectivity ............................................................................ 82
   B. Inadequate Humanitarian Discourse.............................................................. 84
   C. Lack of Responsible Body for Impartial Implementation and Monitoring...... 88
ABSTRACT

Using a comparative case study between Rwanda and Sudan’s Darfur, this research examines the relationship between three main factors and the recurrent failure of humanitarian intervention in the post-Cold War Era, particularly in Africa, in spite of the hopes associated with it since the beginning of the 1990s. Those factors are: the interest-based, racist selective state practice, the inadequacy of the humanitarian discourse, and the lack of an impartial international body responsible for implementation and monitoring of intervention. Through examining the two cases, the research highlights the failure of the international community to address the humanitarian disaster in Rwanda and the preliminary failure in the case of Darfur. But the case of Darfur has highlighted the developments that have started to take place within humanitarian intervention doctrine and practice. It is argued that for these developments to continue and for humanitarian disasters to be dealt with differently in the future, the three factors within the humanitarian intervention failure framework presented by this research should be dealt with vigorously and wholeheartedly.
DEDICATION AND ACKNOWLEDGMENT

To Professor Bahgat Korany, for giving me a chance.

And Dr Monika Thakur for developing my passion for Africa.
LIST OF ABBREVIATIONS

ADT Atrocities Documentation Team for Darfur
AMIS African Mission in Sudan
CDR Coalition for the Defense of the Republic
CNPC China National Petroleum Corporation
DRC Democratic Republic of Congo (Formally Zaire)
DPA Darfur Peace Agreement
DPKO UN Department of Peacekeeping Operations
DUPI Danish Institute of International Affairs
EU European Union
FAR Force Armees Rwandaises
GNPOC Greater Nile Petroleum Company
ICG International Crisis Group
ICISS International Commission on Intervention and State Sovereignty
ICRC International Committee of the Red Cross
IDP Internally Displaced Person
IR International Relations
MRND Movement Revolutionare National pour le Development
MSF Médecins Sans Frontières International
NGO Non-Governmental Organization
NSA National Security Agency
OAU Organization of African Unity
OHCHR Office of the High Commissioner for Human Rights
PCIJ Permanent Court of International Justice
PKO Peace Keeping Operations
RPA Rwandese Patriotic Army
RPF Rwandese Patriotic Front

UN United Nations

UNAMIR United Nations Assistance Mission for Rwanda

UNAMIS United Nations and African Missions in Sudan

UNDP United Nations Development Programme

UNICEF United Nations Development Programme

UNICOI United Nations International Commission of Inquiry

UNMIS United Nations Mission in Sudan

UNSC United Nations Security Council

US NSA United States National Security
INTRODUCTION:

HUMANITARIAN INTERVENTION: WHY FAILING HUMANITY?

Humanitarian intervention debates are constantly so compelling because it involves the three most fundamental organizational systems of human social life: law, morality and politics. Though the doctrine is understood to have been developed originally for the protection of human beings from severe atrocities, the outcome of the practice has not always been satisfactory.

The year 2004 marked the 10th anniversary of the Rwandan genocide in which 800,000 people were slaughtered within 100 days with the whole international community as a witness. This was seen as a failure of the international community as a whole, and thus demands were raised to ensure that such catastrophes will never occur again anywhere in the future. The fundamental question here is to what extent the Rwandan genocide and the failure to intervene has changed the international apathy for humanitarian action – especially in Africa. The answer is, sadly, not much. A proof to this is the ongoing humanitarian disaster in Darfur. In spite of the nine years of separation, Darfur represented another humanitarian disaster to which the international and regional reactions have been hesitant and slow. Darfur has been looked at by many as a “Rwanda in slow motion”. But the Darfur case differs from Rwanda’s case in the fact that it has drawn fairly reasonable news coverage and humanitarian agencies attention. This has forced the world to turn its eyes to what is happening in Darfur. Also the crisis has followed the UN-Canadian sponsored report; “Responsibility to Protect” that aimed at changing the world’s understanding and practice of humanitarian intervention to transcend the traditional boundaries of state sovereignty as human security was gaining

---

momentum. The world hoped that all these different circumstances would lead Darfur to a
different path from the one Rwanda has been through. But in reality, they have only changed
the context in which another humanitarian disaster has taken place. The case has been a test
for humanitarian intervention as suggested in the “Responsibility to Protect” Report and for
the UN’s vows not to allow “genocide” to happen again. Darfur has proved that after almost a
decade from Rwanda, the practice of humanitarian intervention is still a failure and instead of
being carried out in the name of humanitarianism, it abuses the concept for its own ends.

In that light, why would a doctrine, developed originally for humanitarian purpose fail
humanity repeatedly? Using a comparative case study between Rwanda and Darfur, this
research examines the relationship between three main factors and the recurrent failure
of humanitarian intervention in the post-Cold War Era, particularly in Africa, in spite
of the hopes associated with it since the beginning of the 1990s. Those factors are3: the
interest-based, racist selective state practice, the inadequacy of the humanitarian
discourse, and the lack of an impartial international body responsible for
implementation and monitoring of intervention. It is argued that unless these factors are
addressed seriously and wholeheartedly, the failure will persist in the future.

I. HUMANITARIAN INTERVENTION FAILURE FRAMEWORK IN
AFRICA

This research is based on a Pluralist perspective of International Relations, thus it
would be a fallacy to assume that interest-driven state behavior is a proper explanation of the
selectivity of humanitarian intervention. Only the Realist school of IR looks to states as
essentially rivals, interest-driven entities. But this is not the way interest is being tackled here.
Though the selectivity of humanitarian intervention is still being argued for here to be based
on interest selection, state interest is looked at from a Pluralist perspective not a Realist,

3 Hereafter called “humanitarian intervention failure framework”.
Hobbesian one. In that sense, state interest is used in this regard to refer to collective interests of the different groups constituting the state which eventually shape what is perceived to be the national interest of this state. Therefore, groups in the society shape their interests through perceptions of what they think is in their best interest and consequently the government gets influenced and adopts these collective interests as their own.⁴

The racist state practice is a complicated matter. Some modern anthropologists⁵ reject the term “race” all together arguing that it is socially constructed and that there is no such a thing as pure race.⁶ In the discussion here, race is used with its socially constructed meaning not its anthropological dimension. Race here is used to refer to a group of people who have been associated together as coming from the same ethnic group, having the same color, or who belong to the same clan, continent, religion or any other mold of unification and similarity. Thus, racism here means differentiating between people according to one element an outsider – and possibly the members of the group themselves – finds to be the defining of the group. The perception of a group of people to have a common characteristic constituting a crowd who might pose a threat to others and/or should be treated in a different way is founded in the Pluralist tradition, especially the work of Robert Jervis.⁷

Humanitarian intervention’s malfunction is often attributed to state selectivity, but in addition, the inadequacy of the humanitarian discourse itself could account for it as well.

⁷ He is the Adlai E. Stevenson Professor of International Affairs at Columbia University. His work on perceptions and misperceptions revolutionized the study of foreign policy decision making. Robert Jervis, “Perceptions and Misperceptions in International Politics,” in International Relations Theory: Realism, Pluralism, Globalism, and Beyond, Paul R. Viotti and Mark V. Kauppi eds., (Boston: Allyn & Bacon, 1999), 257.
Humanitarianism is an ancient discourse\(^8\) that takes the individual as its focal point. This discourse has influenced disciplines such as IR and International Law – among others – creating subdivisions for instance Liberal Theory as one of the main schools of IR, Human Security as one of the divisions of Security Studies and Humanitarian International Law as one of the categories under International Law. Not only in academia, but it has had an impact on activism creating a tremendous Human Rights Regime that has been developed through various multilateral treaties starting with The Universal Declaration of Human Rights. Though IR has been mostly state-centered till the end of the Cold War, the humanitarian discourse was growing timidly during that time. With the end of the war, attention started to be drawn to wider definitions of security, law and development. As an example, human security is one of the disciplines that have grown rapidly during the past two decades introducing a more comprehensive understanding of human rights and human protection. But human security, as other disciplines influenced by humanitarian discourse, showed lack of clear definition of what they aim for and/or how to implement it. It is not to say that humanitarianism is “hot air”\(^9\), rather the discourse needs to be unified and the fragmented efforts need to be coordinated.\(^10\) The existing problem with humanitarian discourse is that it is not clearly defined and thus implementation is hazy and an agenda for action is uneven.\(^11\) This leads to the scantiness of humanitarian intervention because it ends up being the concern of state-centered discourses and actions. When this research deals with human security’s loose definition and unclear implementation methods as a reason for the failure of humanitarian intervention, it does not do that haphazardly. It is argued here that because a

---

\(^8\) With discourse, I mean set of ideas and norms that inspire disciplines and forms of action.

\(^9\) Powerful rhetoric that cannot be implemented.


human security agenda is not comprehensively tackling the issue of humanitarian intervention and building an all-inclusive plan of what it ideally should be like, intervention ends up being part of state security agenda and humanitarianism ends up being a convincing “rhetoric” for its selective practice.

Above and beyond, for humanitarian intervention to be carried out as it is originally meant for; i.e. for sole purpose of the protection of human beings, it requires an impartial authority for its implementation and monitoring. Of course impartiality is a contested concept. How could an international organization be “impartial”? But what is meant with impartial here is for an organization to account equally for the will of people in this world and to represent them as fair as possible. The UN is always referred to as the main international body for such function, but the UN as it stands today is full of contradictions and deficiencies and for it to be such impartial body, it has to be seriously reformed or completely replaced. The contradicting fundamentals of protecting sovereign states, yet protecting individual human rights seem to be deeply rooted and uncomfortably unresolved within the UN body. States have established the UN for the purpose of maintaining a world order that would not allow for a third destructive world war. It was established for a world order based solely on states and in which military might and wars between states are the only dangers to international peace and security. Not only the UN is full of internal contradiction, it is also completely controlled politically and financially by its member states and their willingness to mount for a humanitarian action. The UN is faced with states reluctance to give up their sovereignty and independence for a different world arrangement in which human rights would precede state sovereignty.

II. METHODOLOGY AND CONCEPTUAL FRAMEWORK

This research uses a comparative case study approach as a methodology to address the research problem presented, through looking at two essential case studies when it comes to
The conceptual focal point of this research would be the Liberal/Neo-liberal School of IR. With its emphasis on the individual factor, Liberalism provides an understanding of human security, soft power, the influence of state internal dynamics and the role of international organizations, all of which are related to the discussion of this research. Above all, it provides an understanding of the context in which humanitarian intervention theory and practice have developed in the international relations domain. It also provides a framework for examining the ethical and political debates surrounding humanitarian intervention. The school also allows for the discussion of International Law and its application, which would be inevitable to the topic of this research.

III. RESEARCH DIVISION

The following research is divided into six chapters and a conclusion in order to address the raised issues within the humanitarian intervention failure framework. Chapter one examines a historical background on the humanitarian intervention doctrine and its origins; highlighting the influence of surrounding political circumstances on its practice. Chapter two analyzes the internal and regional dynamics surrounding the 1994 Rwanda genocide and the international and regional reactions to the horrifying events. Then Chapter three examines the three factors in the humanitarian intervention failure framework in regards to the case of Rwanda to assess their validity. Chapter four compares between the internal and regional
dynamics of Rwanda genocide and that of Darfur and the following international and regional
dynamics. Then Chapter five examines the validity of the humanitarian intervention
framework on the case of Darfur. Chapter six highlights the main similarities and differences
between the case of Rwanda and Darfur when it comes to humanitarian intervention and the
impact of both on the development of the practice. The chapter gives particular emphasis on
the Canadian-sponsored “Responsibility to Protect” report and its inability to address the
main dilemmas of humanitarian intervention, thus, falling in the failure framework trap and
not being able to be the widow of hope it has been wished for to be. In the conclusion,
suggestions are made to address the factors within the humanitarian intervention failure
framework in order for it to achieve its ideal goals of saving human beings in times of
distress and severe atrocities.

IV. LITERATURE REVIEW AND RESEARCH CONTRIBUTION

The literature on Humanitarian Intervention and its practice is diverse and
controversial – to say the least. Humanitarian Intervention is debated on various levels. To
analyze the practice, one has to first understand the complexity of the humanitarian
intervention debates within IR. Most of the literature on humanitarian intervention takes a
state-centered military perspective as default, such as Michael E. O’Hanlon in Expanding
Global Military Capacity for Humanitarian Intervention. Whereas others still approve the
concept, but are skeptical of the means such as Alex Waal and Rakiya Omaar in “Can
Military Intervention Be ‘Humanitarian’?”, Iain Atack in “Ethical Objections to Humanitarian
Intervention”, and J. Peter Burgess in “Ethics of Humanitarian Intervention: The Circle
Closes”. The latter scholars believe that while the idea of humanitarian intervention could be
valid and necessary in today’s world, the means with which it could be implemented might
end up being used by state-centred practices. Thus, they argue that there should be certain
boundaries and limits – created and protected by an international body – within which
humanitarian intervention can occur. These debates are brought up by Stephen A. Garrett in *Doing Good and Doing Well: An Examination of Humanitarian Intervention*, Jennifer M. Welsh in *Humanitarian Intervention and International Relations*, and Robert Keohane and J. Holzgrefe in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* in which they discuss not only the ethical dilemmas surrounding humanitarian intervention but also the legal ones such as trespassing state sovereignty; which is considered one of the main pillars of International Law. The literature also brings up the role of the international community, and especially the role of the UN, as a resort to put criteria for the application of humanitarian intervention and to stand for humanitarian action. Kevin Clements and Robin Ward in *Building International Community* in the early 1990s have critically examined the role of the UN regarding humanitarian intervention and peacekeeping operations. Because of the failures, Neal Riemer in *Protecting Against Genocide: Mission Impossible?* wonders if the UN and the international community are capable of preventing genocide episodes from reoccurring all over the world.

The literature covering Rwanda and Darfur is mostly concerned with the specific internal dynamics of the two cases which have accompanied the eruption of the internal conflicts. Though examining the internal dynamics that led to these conflicts is an important element, it does not provide the whole picture and does not relate it to the debate regarding humanitarian intervention. But scholars have started to bring the internal African conflicts to the IR debates such as Francis M. Deng in *Sovereignty as Responsibility: Conflict Management in Africa* and Christopher Clapham in *Africa and the International System* in which the internal conflicts of Africa – in their opinions – are no longer disconnected from the affairs of the international community and its security. Alan J. Kuperman in *Limits of Humanitarian Intervention: Genocide in Rwanda* discusses in his book critically analyzes the role of the international community in the Rwanda genocide and how it could develop its
ability in the future to prevent such atrocities from happening again in Africa. Likewise, Arthur Jay Klinghoffer in *The International Dimension of Genocide in Rwanda* and the African Union Report; *Rwanda: The Preventable Genocide* deal with the role of the international community in Rwandan genocide and how it has failed to intervene for the sake of protecting human beings from being massacred. Samantha Power in “Bystanders to Genocide: Why the United States Let the Rwandan Tragedy Happen” also critically examines the role of the US in the Rwanda genocide but provides an alternative way to look at the reasons that have led the US to act the way it did towards the killing. Correspondingly, in the case of Darfur, scholars such as Nick Grono in “Darfur: The International Community's Failure to Protect”, Williams Eric Reeves in “Failure to Mount a Humanitarian Intervention in Darfur: Historical Context for Dramatically Escalating Insecurity”, Paul and Alex Bellamy in The “Responsibility to Protect” and the Crisis in Darfur”, Scott Straus in “Darfur and the Genocide Debate” and Nsongurua Udombana in “When Neutrality is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan” criticize the role of the international community in its response to the war crimes made against the people of Darfur.

The literature on failure of humanitarian intervention often attributes it to either state interest or racial selective practice. Others speak of the failure of the international community – with particular attention to the UN – in mounting political will for intervention in cases of severe atrocities. The literature on human security either ignores the doctrine of humanitarian intervention all together, or mentions it with a critical tone and extreme skepticism. What this research aims for is first, to provide a human-centered and a winder understanding of humanitarian intervention. Second, it aims at bringing all these fragmented efforts together in order to create a framework of analyzing the failure of humanitarian intervention, particularly in Africa. The aim is to examine the role of the racist, interest-based selective state practice as well as the insufficient role of the UN to act as an independent organization that could
implement and monitor humanitarian intervention, as factors that could give explanation the failure of the practice. On top, the aim is to force the debate of humanitarian intervention on the humanitarian discourse. Indeed, it is time for advocates of human security to claim the doctrine and to demand a paradigm shift in international relations that would enable its application as part of an expanded human security agenda.
CHAPTER ONE:

HUMANITARIAN INTERVENTION: HISTORICAL BACKGROUND

I. INTRODUCTION

It seems that there is no more controversial practice in modern time than humanitarian intervention. The practice is not only controversial, it seems, but the concept itself is hard to define. Sean D. Murphy deals with the problem as he clarifies that the adjective “humanitarian” includes a wide variety of governmental and nongovernmental activities that seek to improve the well-being of individuals all over the world. These activities include a wide range of political, social, and economic practices that aim at enhancing human rights in various means. This emerges from the idea that human rights themselves vary in their definition and their methods of implementation. Nevertheless, humanitarian intervention is often defined in militaristic terms as:

...the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights.

The reason for that is that the doctrine has been defined in modern time mainly from state-centered perspective. This chapter aims at providing an overall historical background on humanitarian intervention highlighting the main developments of the concept and the practice and the political circumstances that have influenced them.

---

13 He is an Associate Professor of Law at George Washington University Law School.
14 Sean D. Murphy, Humanitarian Intervention: The United Nations in an Evolving World Order (Philadelphia: University of Pennsylvania Press, 1996), 11-12. This definition manages to cover most controversial aspects of humanitarian intervention and thus it would be adopted as its definition throughout this research. Though there are other forms of intervention, this definition focuses on the widely accepted, most extreme form which is the militaristic one. In addition, the controversy of humanitarian intervention essentially arises from its threat of the use of force; something that has been strictly prohibited in the international system since the formation of the modern Westphalia State.
II. HUMANITARIAN INTERVENTION: HISTORICAL DEVELOPMENT OF AN ANCIENT DOCTRINE

A. Humanitarian Intervention in the Pre-United Nations Charter Period

The origins of the doctrine of humanitarian intervention in Western culture could be traceable to the religious wars during the 16th and the 17th centuries as it was based on the Christian Belief and its emphasis on the necessity to protect the dignity of men and to defend fellow believers. But the principle was secularized gradually as human solidarity replaced religious solidarity and the essential principle on which humanitarian intervention has become based on defending human beings from injustice and tyranny, regardless of their race, religion, nationality or other affiliations – at least theoretically. As early as the 17th century, several western writers were already mentioning the principles of humanitarian intervention demanding it to override long-established principles of state sovereignty. And by the beginning of the 20th century, the idea of humanitarian intervention became acceptable among scholarly circles. Ian Brownlie asserted that by the end of the 19th century most scholars “admitted that a right of humanitarian intervention...existed” – though still found unlawful by positivist principles of International Law.

As for the practice of humanitarian intervention during the 19th and early 20th century, during that time the institution of humanitarian intervention started to be reflected on state practice by several major European powers intervening against the Ottoman Empire on behalf of oppressed population. Nevertheless, during the 1930s, states became reluctant to

---

17 A British jurist specialized in International Law.
intervene neither individually nor collectively for humanitarian purposes only. This was extremely evident in the unwillingness to intervene to stop the Nazi aggression in Europe; the thing that has created a lot of opposition to the practice because the ideal of humanitarian intervention for the protection of minorities as was developed in Europe at the time “was twisted and wrapped into a cloak for illegal intervention.”


The creation of the UN and the eruption of the Cold War presented a new phase for humanitarian intervention development. On the 24th of October 1945, the UN was established after its Charter has been ratified by its, then, 51 members and the current permanent 5 members of the Security Council. It was stated that the UN’s first purpose was “to maintain international peace and security”. The UN and its Charter meant to “affirm a set of principles and norms that are directed towards the governance of the international system, or at least, aimed at influencing interactions among states.” Thus, the Charter included the norms and principles which states agreed upon to be the main foundations of the post-WW II international order. The Charter was ratified and signed by sovereign states and that is why the principles of sovereignty were highly stressed upon and emphasized in its different articles. Thus, under the Charter the use of force for any purpose, other than intervention authorized by Security Council and intervention based on self-defense, was prohibited.

---

23 Chapter II, Article 2 states that: “The Organization and its Members, in pursuit states in Article I, shall act in accordance with the following Principles.
4- 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.
7- Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice of enforcement measure under Chapter VII.”
And Chapter VII, Article 51 states that:
majority of interpretations of the UN Charter’s articles regarding intervention provided by both statesmen and scholars have stressed the absolute prohibition of intervention.

But in spite of state sovereignty being one of the pillars of the UN Charter, human rights regime enabled the principle of humanitarian intervention not only to survive during that era, but also to evolve in theory and practice. Since promoting and protecting human rights were found to be essential for establishing international peace and security, the Charter provided main principles for the protection of human rights as found in Article 1(3), (4), Article 55 and 56.24 Despite the fact that many interpret these articles as more of “guidelines” than legally binding obligations for states, B.G. Ramcharan25 and other scholars suggest otherwise. Ramcharan26, Fernando R. Tesón27, Myres McDougal28 and Michael W.

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restorer international peace and security.”

24 Chapter I, Article 1 (3) states that:
“3- To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4- To be a center for harmonizing the actions of nations in the attainment of these common ends.
Chapter IX, Article 55 which states that:
With a view to the creation of condition of stability and well-being which are necessary for peaceful and friendly relations among nation based in respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
a. higher standards of living, full employment, and conditions of economic and social progress and development;
b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
And Article 56 states that:
All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purpose set forth in Article 55.” Ziring et al., *The United Nations.*

25 He is an acting High Commissioner for Human Rights.
27 Tobias Simon Eminent Scholar and Professor of Law, Florida State University College of Law.
28 Myres Smith McDougal was a well known authority on international law. He taught at Yale Law School for fifty years.
Reisman argue that intervention based on defending human rights under these articles is not only valid, but also legal. Tesón actually argues that “the promotion of human rights is a main purpose of the United Nations... [T]he use of force to remedy serious human rights deprivations, far from being against the purposes of the UN, serves one of its main purposes.” In fact, the importance of human rights and its limitation on aspects of state sovereignty in UN Charter can be seen clearly in following human rights declarations, treaties, and covenants initiated and adopted by the UN. Among these are “The Universal Declaration of Human Rights” adopted by the General Assembly on December 10, 1948, “The International Covenant on Civil and Political Rights” adopted by The General Assembly on March 23, 1976 upon which The Human Rights Committee was established, and “The International Covenant on Economic, Social and Cultural Rights” adopted in 1966. These principle declarations and covenants were followed by several treaties regarding specific human rights which were adopted by several UN Organs and ratified by UN Members. Arguments made by scholars such as Tesón insist that there is a tension between human rights and the principle of state sovereignty which should be taken into consideration by an organization established for maintaining international peace and security. Tesón argued that if the principle of intervention for the sake of facing human rights violations was prohibited, the principle of non-intervention stressed upon in the UN Charter would involve a “morally intolerable proposition whereby the international community is impotent to combat massacres, acts of genocide, mass murder and widespread torture.” In that sense, Tesón expressed the point of view of several scholars who raised their voices in defense of human

29 W. Michael Reisman is Myres S. McDougal Professor of International Law at Yale Law School, where he has been on the faculty since 1965. Myres McDougal and Michael W. Reisman, “Response by Professors McDougal and Reisman” International Lawyer 438, no. 3, (1969).
rights principles and humanitarian intervention. In his opinion, state sovereignty comes from state responsibility towards protecting its citizens and their rights, thus, human rights regime necessitated a need to look to sovereignty in a different way than the orthodox one.

But the debates applauding non-intervention in the UN and within scholarly circles seem to have influenced state practice during the post-UN Charter period and the Cold War. A report issued on January 25, 1999 by the Danish Institute of International Affairs (DUPI) on Humanitarian Intervention, states about intervention during the Cold War period that:

...the will and the possibilities to intervene collectively for humanitarian purposes were almost non-existent. Nobody wanted to risk a third world war on that account. In addition, the majority of the UN members considered the notion of humanitarian intervention a relic of colonialism and dissociated themselves vigorously from it.

However, the practice did not disappear during this period. Roland Dannreuther speaks of the “permissive and constraining factors” that influenced humanitarian intervention during the Cold War Era, reflecting the previously elaborated dilemma in the UN Charter. The permissive factors in this period which allowed for the survival of the practice include the need of the two superpowers – the US and the former USSR – to spread their own economic, social and political organizations among different states. On the other hand, the superpower rivalry marginalized the “interventionist role of the international actors, such as the UN and humanitarian relief agencies.” Thus, since the UN could not intervene on humanitarian grounds without the consent of the Security Council, the superpower rivalry divided the Council and made collective intervention almost impossible. The only humanitarian intervention that was made during that time took the form of humanitarian relief which was provided by organizations such as ICRC or MSF.

33 Abiew, The Evolution of the Doctrine and Practice, 70.
34 Danish Institute of International Affairs (DUPI), Humanitarian Intervention: Legal and Political Aspects, (Copenhagen: Institute of International Affairs, 1999), 13.
35 He is a Senior Lecturer, Politics and International Relations, School of Social and Political Science, University of Edinburgh.
Yet it is important to note that under these difficult circumstances for humanitarian intervention during the Cold War, the DUPI report states that the amount of gross human rights violations that have passed unnoticed during the Cold War period have created a moral challenge to the international public opinion as well as to governments to find mechanisms for stopping atrocities from recurring while the world watches passively.\textsuperscript{37} This provided a strong foundation for the concept and practice of humanitarian intervention to evolve in the post-Cold War period.


The context for humanitarian intervention became different in the post-Cold War Era both on a theoretical basis as well as on a practical one. During the 1990s, there has been profound changes in the international system which have paved the way for a newer and a less restrictive interpretation of UN Charter on intervention, as well as starting wider scholarly debates regarding a broader meaning of state sovereignty within the realms of the evolving concept of human security. The end of rigidity of the Cold War division has spread essential economic, social, political as well as moral principles for the international system upon which several states were obliged to agree upon. Intervention on the grounds of protecting human rights and preventing gross violations has had, for the first time in modern history, a loud voice among states as well as within scholarly circles. The UN which was thought to have been “liberated” by the end of the Cold War and has established 20 new peacekeeping missions from 1988-1993 more than it has undertaken in its previous forty-year history.\textsuperscript{38} In addition, the development of mass media communications and the way in which news reach different parts of the world has also led peoples of different states realize the

\textsuperscript{37} Ibid., p.13.
amount of human rights violations practiced in their own states as well as in different parts of the world and accordingly to pressure governments to react actively in this regard.\textsuperscript{39}

Nevertheless, there were restrictive factors that influenced the form of intervention offered in the 1990s and its insufficiency in some cases of human rights violations. Dannreuther says that one of the constraints facing humanitarian intervention in this period was the end of the superpower ideological struggle which has led to the reduction of “the strategic rationale for intervening in far distant conflicts.”\textsuperscript{40} In addition, the UN has been paralyzed in its intervention attempts during the 1990s because it had to be dependent on armies of member states which – especially European ones – have been reluctant to change the structure of their Cold-War armies from defensive to interventionist. This has led the UN to be unable to properly intervene in all situations where human rights have been severely violated during this period. On top of these constraints, there also remained the existing struggle of states against widening the definition of sovereignty to allow for intervention on humanitarian grounds. For major powers, this relieved them from the hassle of intervening in remote conflicts in which they did not have direct interests. Also, ideas about the covert attempts of recolonization by Western countries were still dwelling among Third World peoples and were used by their leaders to prevent interventions in internal affairs even if gross human rights violations existed. These were among the constraints that made humanitarian intervention fail during the 1990s.

D. Humanitarian Intervention in the Post-9/11\textsuperscript{th} Era

International Relations, as an academic discipline and as practice, have taken a different turn after the events of 9/11. If one looks to the period of the post-Cold War as a period for reviving the concept and the practice of humanitarian intervention after the


\textsuperscript{40} Dannreuther, International Security: The Contemporary Agenda, 148.
crippling period of the superpowers rivalry during the Cold War, the post-9/11 era can be seen as an application to the principles of humanitarian intervention which have been developed during the preceding period. Tom J. Farer speaks of how the “war against terror” triggered by 9/11 has affected the context of ideas, interests and values in which humanitarian intervention achieved in foreign policy discourse. After 9/11 attacks, the Security Council, in a radical interpretation of Article 51 of the UN Charter, has affirmed the right of the US to act forcefully in self-defense. The Bush Doctrine – which claims the legality of unilateral action for the sake of self-defense and human rights protection by the US and which was originally used to justify invasion of Afghanistan – has introduced legal change to the humanitarian intervention debate after 9/11 as it implied the erosion of “core features of national sovereignty, including exclusive authority to exercise police and judicial power within recognized frontiers.”

Several scholars such as Jim Whitman find the Doctrine radically contradicting with the basic rules of law, morality and politics that have been historically associated with the concept and the practice of humanitarian intervention and that the US is simply manipulating the practice for its own interests. Dannreuther speaks of the impact of 9/11 and the strong sense among many commentators that “the post-9/11 security environment has radically changed the balance from the humanitarian to the strategic imperatives for intervention.” The 9/11 had a negative impact on humanitarian intervention as the US has made it clear that “the strategic context for intervention has been extended to whatever in the world there exists

---

42 He is a Senior Lecturer in Peace Studies, University of Bradford.
a potential threat of international terrorism”\textsuperscript{45} which has turned the attention away from Africa, where most humanitarian disasters are to be found, and directed it towards the Middle East and Asia. But the US redefinition of security in the international system did not go unchallenged. Indeed, it seems that during the history of humanitarian intervention that has been clarified briefly earlier, the 9/11 era seems to be the period in which the practice has been most debated on several levels.

E. Humanitarian Intervention and “Responsibility to Protect”

With the failure of humanitarian intervention in Rwanda and consecutive humanitarian disasters in the 1990s, the international community started to be weary of “humanitarian calls” wondering if anyone is really interested in saving suffering human beings. States continued to pick and choose, and those who violated human rights of their people continued to hide behind principles of state sovereignty. In the middle of all of that, no international body seemed to be responsible for applying and monitoring impartial interventions. Humanitarian intervention continued with its “business as usual” defects which the world seemed to grow accustomed to. At the UN General Assembly in 1999 and again in 2000, Secretary General Kofi Anan has called the international community to find a new approach for humanitarian intervention with the changes taking place in international environment.\textsuperscript{46}

A window of hope seemed to be opening. The Canadian government, along with a number of major foundations, have decided to respond to the challenge posed by Anan to find a consensus regarding humanitarian intervention in the midst of all the challenges that have been raised within the international community recently. The International Commission on Intervention and State Sovereignty (ICISS), thus, was created in September 2000 and

\textsuperscript{45} Ibid., p. 156.
\textsuperscript{46} International Commission on Intervention and State Sovereignty (ICISS), The Responsibility to Protect, (Ottawa: ICISS, 2001).
developed its findings and new approach in a report called “The Responsibility to Protect”. The name was given to it for two main reasons; first because the report establishes the idea that state sovereignty necessitates main responsibility on behalf of the state in order to secure the protection of human right for its people. If this responsibility is not met, the general rule of nonintervention under International Law “yields to the international “Responsibility to Protect”. “47 This is the second principle established by the report that states should undertake military humanitarian intervention in cases of severe atrocities to secure human protection. Yet, the report affirmed that action will be determined on case by case basis. The report asserted the need for revising the doctrine of humanitarian intervention to integrate evolving concepts of human security and the growing role of international NGOs and civil society. In April 200648, the Security Council has affirmed the provisions of the “Responsibility to Protect” in a step that was seen by many as a historic development in the UN's approach to humanitarian intervention49 in spite of the fact that it was not indicated whether these provisions would be legally binding in addition to the report’s inability of the report to resolve the inherited dilemmas of UN's traditional approach to humanitarian intervention.50

III. REMARKS ON HUMANITARIAN INTERVENTION HISTORY: NOT SO ‘HUMANITARIAN’?

Humanitarian intervention is not a modern doctrine. It is deeply rooted in history both as a concept and as a practice. The presented historical analysis of humanitarian intervention

47 Welling, “Non-governmental Organizations”.  
50 These dilemmas shall be discussed in detail in Chapter 6.
shows a development in the doctrine over the time. Nevertheless, this development seems to have been affected more by political circumstances than by actual human suffering. Though the doctrine has been originally developed for the protection of human beings, the practice has been failing to meet its objectives in modern times. The existing world order based on traditional principles of state sovereignty and state security has been halting efforts to practice humanitarian intervention fairly in times of need. Other priorities preceded human rights violations globally. Even modern attempts to bring the doctrine back to its humanitarian purpose – most notably the “Responsibility to Protect” – have fallen in the same state-centered traps leading to their failure to prioritize human beings and to define an impartial authority for implementing humanitarian intervention. The 9/11 Era has been the most dangerous to humanitarian intervention doctrine as it has become mixed with US new definitions of pre-emptive self-defense making the purpose ‘humanitarian’ politicized and more blurry than ever.
CHAPTER TWO: RWANDA GENOCIDE: FAILURE TO PROTECT

I. INTRODUCTION

The purpose of this chapter is to analyze the internal and regional dynamics surrounding the Rwanda genocide that has taken place in 1994 and the international reactions that the events have drawn. It is often argued that the Rwandan genocide was a result of “normal” tribal clashes and ethnic hatreds spread in Africa and thus the world did not have much to do to stop it. This chapter counters this argument by highlighting the role of colonization and power politics in manipulating identity formation in Rwanda and creating a system of class and ethnicity leading to the marginalization of several groups. This system of marginalization, social and economic hardships along with the interests and influences of regional players have all contributed to the eruption of violence all of which the international community had full knowledge. The reactions of the major influencing players to the genocide are to be analyzed in the second part of this chapter. An analysis of internal and regional dynamics of the genocide as well as the reactions of the international community towards them is essential in assessing humanitarian intervention’s ability to protect human beings in Rwanda.

II. INTERNAL AND REGIONAL DYNAMICS OF GENOCIDE: KILLING IS NOT “AFRICA’S USUAL BUSINESS”

Rwanda was a German colony placed under Belgium administration by the League of Nations after WWI. Before 1994, Rwanda’s population consisted of about eight million, divided mainly between two tribes; the Hutu (approximately 85%) and the Tutsi.

51 The international community is used here to refer to major international and regional organizations as well as major powers involved in the conflict.
52 Murphy, Humanitarian Intervention.
Both the Tutsi and the Hutu were geographically spreading in Rwanda with only Hutu majority in the northwest. Not only geographically mixed, but the tribes were mixed through common intermarriage and the use of language, religion and clans. The major division between the two tribes has been related to social order which was something determined mainly by the occupiers as they labeled the Hutu as the agriculturalists and the Tutsi as the herdsmen. Identities of the Hutu and the Tutsi were politicized for control and power purposes. The Nigerian scholar; J. 'Bayo Adekanye, has asserted this idea regarding ethnic differences between Hutu and Tutsi in Rwanda even before the 1994 genocide saying that “ethnicity is an historic phenomenon dependent on social forces and subject to reconstruction and manipulation.”

The Tutsi established themselves as the ruling elite since their arrival in the 16th century and they were used by Belgium to rule administer the country, though they were the minority. Upon the end of the Belgium mandate on 1961, Rwanda started to be ruled by the Hutu majority who vowed to take revenge from oppression on the hands of the Tutsi minority during the past centuries. This has led many Tutsi to flee the country and also has led to occasional clashes between the two main tribes. The Hutu have been attacking the Tutsi as early as 1959 producing 120,000 refugees by the day of independence and then another 30,000 till 1965 which has created Tutsi Diasporas in Uganda, Burundi, Tanzania, and Zaire (now Democratic Republic of Congo or DRC) creating occasional border clashes with the Hutu forces in control of Rwanda. On July 5, 1973, Major-General Juvenal Habyarimana –

53 There was also a third tribe but only consisted 1% of the population and they were called the Twa.
54 Cities in Rwanda.
56 Ibid., p.6.
57 Ibid., p.7.
59 Klinghoffer, The International Dimension of Genocide in Rwanda, 8.
then the Ministry of Defense – took over the government through a military coup d'état, forming a one-party-system with the formation of the Movement Revolutionare National pour le Development (MRND), two years later. Habyarimana's regime favored the northern Hutu as it gave them distinguished positions in civil services, universities and military and created a reverse system in the disadvantage of the Tutsi who were excluded from military and were provided restrictive opportunities in educational and occupational institutions. Based on this, there were massive violence episodes that extended from 1973 and occurred every year till 1990. Similar episodes have taken place between the Hutu and the Tutsi in 1959, 1963, and 1966.60

A civil war eventually broke out between the two tribes in 1990 producing almost one million refugees by early 1993 because of the increasing political repression by the Habyarimana government and the extensive economic distress.61 The war started between the Hutu government forces and the Tutsi rebels of Rwandan Patriotic Front (RPF) upon its call for new elections to establish an interim government that would account for ethnic reconciliation and the return of the Tutsi refugees. The RPF was made up of Tutsi Diasporas who have fled to neighboring countries and who started on October, 1990, an offensive into Rwanda from Ugandan lands.62 The resulting causalities and refugees from this civil war along with its impact on neighboring countries have led the international community to push for signing the Arusha Accords on August 1993 between the Habyarimana government and the RPF rebels offering hope of peace and reconciliation between the warring parties. But this peace plan put Hutu extremists in a tight situation because it jeopardized their control over power as it promised Tutsi rebels prospects of power sharing and social equality. Thus, those

---

60 Ibid., p.9.
61 Ibid., p.13.
dissidents raised their voices against the peace plan making the road towards peace less smooth than was thought by the Accords' initiators.

During this turmoil time, on April 6, 1994, Rwanda’s President Habyarimana, was killed in a plane crash outside the Rwandan capital; Kigali. Following the crash, militant Hutu took control over the government after killing the Prime Minister and they declared that the President was killed by Tutsi rebels; the thing that created more turmoil between Hutu and Tutsi. The Tutsi were attacked by Hutu gangs, paramilitary groups as well as militia using machetes, pangas, and sharpened sticks in annihilating the Tutsi population. On the other hand, Tutsi rebels continued their offensive attacks from neighboring Uganda on the Hutu military forces. Following the plane crash, those murdered were estimated about 5-10 per cent of Rwanda's population between the second week of April and the third week of May 1994, which is considered to be “one of the highest causality rates of any population in history from non-natural causes.” The numbers are rather various and fluctuating, but it is estimated that by the end of April, there were some 200,000 people dead from the civil war and massacres with some 250,000 having fled the country. According to the statistical study of Philip Verwimp of death and survival tolls in Rwanda during and in the aftermath of the 1994 events, the genocide has rapidly took the lives of some 800,000 Rwandans. In his

---

63 These militias – known as Interahamwe (Those Who Stand Together) and Impuza Mugambi (The Single-Minded Ones) – were created, armed trained by the Hutu Government, but throughout the Rwandan crisis it was not clear that they were in fact being directed by Hutu Government. K. Richburg, “Rwanda’s Final Killing Ground”, Washington Post, June 9, 1994.
words: “In just 3 months, more than 10 per cent of the general population and approximately 75 per cent of the Tutsi ethnic minority population were killed.”

There were various explanations provided for the atrocities that have taken place in Rwanda during 1994 genocide. Those explanations are relevant to the argument of this chapter to understand whether the events were entirely Rwandan/African “normal” tribal clashes to which the international community grew accustomed to, and thus found no urgent need to intervene, or they were the production of collective reasons that included colonial influences, ethnic clashes, economic agony, regional pressures and internal political rivalries. Many writers – scholars, human rights experts and journalists – dislodge the idea that “ancient tribal hatred” was the moving force behind Rwanda’s genocide. Alex De Waal asserts that the genocide in Rwanda has been a crime perpetrated by individuals associated with the two extremist Hutu political parties; the National Republican MRND and the Coalition for the Defense of the Republic (CDR) who were targeting the members of the opposition parties as well as journalists and human rights activists without separating between Hutu or Tutsi. As the violence spread, ethnic hatreds were fed by the state to initiate an organized killing campaign against the Tutsi; thus leading to genocide.

---


70 Alex de Waal, Alex de Waal is a researcher, writer and activist on African issues. He is a fellow of the Global Equity Initiative, Harvard; director of the Social Science Research Council program on AIDS and social transformation; and a director of Justice Africa in London.

III. INTERNATIONAL COMMUNITY AND RWANDA GENOCIDE: TOO LITTLE, TOO LATE

A. The Reaction of International and Regional Organizations to the Conflict: The Role of the United Nations and the African Union Organization

1. The United Nations

The United Nation’s efforts to respond to the crisis in Rwanda were “halting, confused, and ineffective,””\textsuperscript{72} according to Murphy. The UN peacekeeping forces have been already in Rwanda since 1993 under the name of the UN Assistance for Rwanda (UNAMIR) in order to monitor the application of the Arusha Accords.\textsuperscript{73} Within hours of the crash of the President's plane, the UNAMIR's Commander General; Romeo Dallaire, has contacted the UN's headquarter asking for help to deal with the erupting situation. But there was no immediate response to these concerns. The only response to Dallaire's concerns came from the UN Department of Peacekeeping Operations (UNDPKO) which answered his urgent request for help to properly address the situation that: “Nobody in New York was interested in that.”\textsuperscript{74} Also when Dallaire contacted the headquarters informing them that the UNAMIR might need to protect the Prime Minister, he received orders to follow the tight interpretation of the peacekeeping mandate which states that “UNAMIR was not to fire until fired upon.”\textsuperscript{75}

The UNAMIR was unable to prevent the spreading violence as the states contributing to the peacekeeping started to withdraw their soldiers in fear of them being wounded or hurt.\textsuperscript{76} The UNAMIR's strength has dropped from 2,539 on April 6, to 1,705 as Belgian

\begin{itemize}
  \item Murphy, \textit{Humanitarian Intervention}, p. 244.
  \item This peacekeeping force was authorized under S.C. Res. 872, U.N. SCOR, 48\textsuperscript{th} Sess., and 3288th mtg. at 102, U.N. Doc. S/INF/49 (1994).
  \item IPEP., \textit{Rwanda: The Preventable Genocide}, 135.
  \item Ibid., p.136.
\end{itemize}
soldiers were pulled out by their government. Since Belgian soldiers constituted fully one third of the mission, Dallaire described the withdrawal as a “terrible blow to the mission.”\textsuperscript{77} The only task the UNAMIR had received from UN headquarter during these early days was to “cooperate with both the French and Belgian commanders to facilitate the evacuation of their nationals and other foreign nationals requesting evacuation.”\textsuperscript{78} Not only the UNAMIR suffered from the withdrawal, upon the spread of violence of Rwanda,\textsuperscript{79} on April 21\textsuperscript{80}, 1994, the Security Council passed Resolution 912 to reduce the UNAMIR's troops to 270.\textsuperscript{81} Michael N. Barnett\textsuperscript{82} speaks of three reasons behind the UN’s decision to take such an action. The first was the impression that the office of Boutros Boutros-Ghali gave towards the violent events which seemed distant and cold; the thing that has supported the disinterest of the member states to expand UNAMIR. The second was the lack of willingness among states to contribute with troops in the UN peacekeeping forces. The third reason was that the UNAMIR’s mandate to monitor the Arusha Accords was ending and no state was interested in renewing the mandate because of the increasing violence stressing the obligation of the Security Council to protect the lives of its peacekeepers.\textsuperscript{83}

“The Security Council, highly embarrassed that its only answer to the bloodshed was a reduction of UNAMIR,”\textsuperscript{84} it started to consider the possibility of some form of intervention. On April 29, UN Secretary-General Boutros Boutros-Ghali urged the reexamination of the 912 Resolution and suggested the deployment of 5,500 African soldiers UN peacekeeping forces, under an expanded UNAMIR mandate to Rwanda. The aim of these forces was

\textsuperscript{77}IPEP, Rwanda: The Preventable Genocide, 136.
\textsuperscript{78}Ibid., 136.
\textsuperscript{80}Ten days after the beginning of the genocide.
\textsuperscript{81}Abiew, The Evolution of Doctrine and Practice, 193.
\textsuperscript{82}He is major constructivist scholar of international relations.
\textsuperscript{84}Ibid., p. 11.
mainly to protect refugees and assist relief workers in the countryside.\textsuperscript{85} The Security Council was not able to proceed with this plan at the beginning, mainly because of the United States' resistance and threat to decrease its funding for the UN.\textsuperscript{86} But with continuous pressures from home and from other Security Council members, the US dropped some of its objections. As a result, on May 17, 1994, the Security Council passed Resolution 918 to establish UNAMIR II with 5,500 soldiers and a revised mandate. But this was not applied at the time because of the refusal of states to offer troops or provide even humanitarian assistance in any other form. Only 500 Ghanaian troops were thus deployed and an additional 800 Ethiopians were sent on May 25 but they have not arrived till mid-August due – a month after the genocide – due to the lack of logistical support or available transportation.\textsuperscript{87}

Because there was no multilateral action to be decided on, on June 22, the Security Council passed Resolution 929 authorizing the use of “all necessary means to achieve the humanitarian objectives”\textsuperscript{88} that had been established for UNAMIR II in Resolution 925. The resolution has also given France the authority to use all necessary means to protect Rwandan civilians, but demanded it be impartial and neutral. Upon the failure of the UN, the UNMAIR II was thus placed under French command and the intervention was scheduled for two months with an authorized mandate far more powerful than that of the UNAMIR I and UNAMIR II.

2. The Organization of the African Union

The organization of the African Unity's Charter was first signed on May 25, 1963 and went into effect on September 1963 of the same year. As a regional organization, it respects


\textsuperscript{86} P. Lewis, “U.N. Backs Troops for Rwanda but Terms Bar Any Action Soon,” \textit{New York Times}, May 17, 1994. Murphy mentions that the United States pays for approximately one-third of all UN peacekeeping operations and that was in 1995 and it sought to reduce that proportion to one-fourth because of the Rwandan plan. Murphy, \textit{Humanitarian Intervention}.


\textsuperscript{88} Murphy, \textit{Humanitarian Intervention}, 256.
the UN Charter and its founding principles, hence, the principles of protecting state sovereignty and non-interference are among the main pillars of the Charter along with its adherence to the Universal Declaration of Human Rights. In that way, the OAU Charter has not escaped the built-in contradictions within the UN that have made the organization weak and, in many ways, ineffective in times of conflicts. This was definitely reflected on the slow and ineffective role of the OAU during the Rwandan genocide which was similar to the UN’s in various respects.

The Rwandan crisis produced “considerable concern in Africa, but insufficient action to end the carnage.”\(^8^9\) Although the OAU Secretary-General – at the time – Salim Salim grasped the state-sponsored aspect of the genocide, his condemnation of the acts of killing was “strangely impartial”\(^9^0\) as he has not condemned any group by name, calling only for a ceasefire between the two sides. During the months of the genocide – April, May, and June – Salim continued the efforts to call for greater UN involvement through meetings with officials from the US, Belgium, France and others. Because these efforts led to nothing at the beginning, Salim tried a different initiative. In May, during the inauguration of Nelson Mandela as a President of South Africa, he met with presidents of Zimbabwe, Zambia, Tanzania, Ghana, Nigeria, Namibia, Ethiopia, Mali and Senegal who were all willing to contribute with troops to strengthen UNAMIR. Following reaching this agreement, Salim headed to meet Boutros-Ghali and US Vice-President Al Gore who pleaded to provide logistical support for these troops, no action was followed. The African troops that were deployed under the UNAMIR II arrived in October, months after the end of the genocide.\(^9^1\)

Since the Mandela's initiative did not go anywhere, the Security Council moved with its resolution to authorize French intervention; something that the OAU Secretary-General did

\(^8^9\) Klinghoffer, *International Dimension of Rwanda Genocide*, 78.
\(^9^1\) Ibid., p.154.
not approve. He criticized the “wealthy non-continental states for inadequately financing African participation in UNAMIR II,” insisting that African military participation without external backing is impossible due to severe shortage of funds.\(^\text{92}\)

With the escalation of violence, OAU members started to push for an action. Among the reasons might be the refugee crisis that was created because of the genocide which created a fear of a “continent-wide crisis.”\(^\text{93}\) But the African states “not only lack effective mechanisms to deal with human rights abuses, but also a common military structure to carry out humanitarian intervention.”\(^\text{94}\) It was definitely beyond the OAU ability to create a coherent force for humanitarian intervention on its own. The only thing they could offer was troops, but the UN and major powers did not seem interested or willing in providing financial and logistical support for those troops at the time.

But to be sure, preparing proper intervening forces was not the only available option in the hands of the OAU to deal with the crisis. The reluctance of the organization and the African leaders to take sides and condemn the acts of the Rwandan state outright have made the UN and the major powers involved go on with their indifference stance towards the genocide. The OAU gave the impression that they were not minding the genocide as well. In OAU summit in Tunis in June, for example, the delegation of the genocidaire government under interim President Sindikubwabo was welcomed and treated in full respect by the member states as a representative of the Rwandan people. In consequence it received the same respect in French Palace and in the UN Headquarter.\(^\text{95}\)

**B. The Reaction of Major Powers to the Conflict: The United States and France**

1. The United States

\(^{92}\) Klinghoffer, *International Dimension of Rwanda Genocide*, 79. The OAU announced that member states owed 77.5 $ million and they had insufficient cash reserves to fulfill expenditure planned in 1994-5 budget.


\(^{94}\) Klinghoffer, *International Dimension of Rwanda Genocide*, 77.

\(^{95}\) IPEP, *Rwanda: The Preventable Genocide*, 155.
The American role in the Rwandan genocide “was brief, powerful, and inglorious.” The abandonment of Rwanda by the UN was one of the main victories of the extremist Hutu forces and fueling the violence in the early days of genocide in that sense was “single-handedly” credited to the United States which has blocked international action in Rwanda for six weeks during the genocide. Though it is hard to claim that the US was – indeed – solely responsible for the genocide, it has played significant role in paralyzing efforts to stop it. The UN's reduction of UNAMIR and its slowness in deploying troops to Rwanda has been – to a great extent – an American effort.

According to James Wood, who had been at the Pentagon as Deputy Assistant Secretary of State for African Affair during the Rwandan genocide, “the US government knew within 10 to 14 days of the plane crash that the slaughter was premeditated, carefully planned, was being executed according to plan with the full connivance of the then-Rwandan government.” The issue of insufficient information available to the US Human Rights Watch and US Committee on Refugees was out of question as they both prepared updated reports based on first-hand knowledge regarding what was going on in Rwanda years before the genocide and the course of events was crystal clear. In that manner, the understanding that genocide was going on, was in fact beyond question. The United States has strongly resisted the labeling of the Rwandan atrocities by ‘genocide’ and one proposed reason behind that was the lack of will to react in accordance to genocide; a crime against humanity on which the 1948 Convention on the Prevention and Punishment of the Crime of Genocide

---

96 Ibid., 95.
97 Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will be Killed with Our Families: Stories from Rwanda*, (New York: Fairer Strauss & Giro, 1998), 150.
98 Murphy, *Humanitarian Intervention*, 283.
punishes for under International Law that poses threat to international peace and security and which requires strong stands from the Security Council.\textsuperscript{99}

It was hence evident to many journalists, scholars and officials that one of the main reasons behind the slow response to the Rwandan genocide lies in the US's lack of will to react or intervene. Humanitarian intervention experience in the post-Cold War Era in the cases of Iraq, Bosnia and Somalia for instance, reveal the crucial role of the US in calling for intervention.\textsuperscript{100} There were several reasons argued for as why the US was not keen to play a significant role in Rwanda one of which was the “absence of US geopolitical interest in the area.”\textsuperscript{101}

In addition, the “Somalia Syndrome”\textsuperscript{102} has affected the US willingness to get engaged in another African conflict. Due to having eighteen of its soldiers killed in “Operation Restore Hope,” the US actually had to revise its foreign policy towards humanitarian intervention.\textsuperscript{103} The Rwanda Forum 2004 has concluded in this regard that:

\begin{quote}
...American TV screens showed American soldiers being dragged through the streets of Mogadishu, and the US pulled out of Somalia leaving things no better than before. The intervention in Somalia was a deep embarrassment and the Clinton administration had no motivation to risk another failure and further loss of American life on African soil.\textsuperscript{104}

Several American apologists such as Alan J. Kuperman\textsuperscript{105} have tried to explain how the speed of the genocide and the close US experience in Somalia have cooperated to create an unwelcome environment among the American people and the top officials to suggest
\end{quote}

\textsuperscript{100} Richard K Betts, “The Delusion of Impartial Intervention,” \textit{Foreign Affairs} 73, no. 6 (1994): 20-33.
\textsuperscript{101} Abiew, \textit{The Evolution of Doctrine and Practice}, 197.
\textsuperscript{102} Ibid., p.197.
\textsuperscript{103} Abiew states that Somalia has led to a Presidential Decision Directive on Reforming Multilateral Peace Operation which was issued on May 3, 1994 and which put strict restrictions on American military participation in multilateral military operations. These guidelines for US involvement include: “impact on US national interests; availability of troops and funds; the necessity of US participation; congressional approval; a clear date of withdrawal; and, acceptable command and control agreements. It emphasizes American military non-involvement in operations in places where national security is not directly threatened.” Ibid., p.197.
\textsuperscript{105} He is an associate Professor of Public Affairs at LBJ School of Texas University at Austin.
playing a more significant role in Rwanda.\textsuperscript{106} They add that after the French intervention, the US has launched a massive relief campaign for Rwandan refugees and displaced persons. But all of this cannot change the historical facts that the relief campaign was two months after one million people were slaughtered in the genocide and after the US has participated in slowing down the international will to stop the killing.

2. France

France was the major player when it comes to intervention in the Rwandan genocide. On June 15, French Foreign Minister Alain Juppe announced that France was prepared along with other European and African states to intervene for the sake of protecting Rwandan people. At the beginning, France insisted that it would not act on its own, but once it became clear that other partners are less likely to join, French President Françoise Mitterrand declared that, regardless of whether other states participated or not, France would intervene. Because of the lack of multilateral action, France unilaterally undertook a UN-authorized\textsuperscript{107} two-month intervention in Rwanda in an operation called “Operation Turquoise” which began on June 22, 1994. On July 2 it concluded that the most that it could accomplish was to set up a security zone in the southwestern part of Rwanda – inhabited mostly by Hutu – for the protection of Rwandan civilians. Tutsi rebels were defensive against the French operation and they demanded their withdrawal.

Although it was recognized that the refugee crisis\textsuperscript{108} created during the genocide and its aftermath will not be solved except with the return of the refugees to the French safe havens in Rwanda, France declared on July 29 that its mission in Rwanda was over and that it will withdraw its 2,500 forces from Rwanda on the August 22 deadline. While the new

\textsuperscript{107} Resolution 929.
\textsuperscript{108} On July 18, more than a million Hutus had fled into Zaire while another million had sought refuge inside the French safe zone. The Murphy, \textit{Humanitarian Intervention}, 251.
Rwandan government\textsuperscript{109} agreed that the French forces may be replaced by 2,200 forces from Ethiopia and other African countries, UN officials were deeply concerned that the French withdrawal would lead to more violence, especially against the Hutu, by the new government; the thing that has actually happened. Murphy speaks of the disastrous result of the French withdrawal from the safe havens in Rwanda and says:

\textit{As the deadline approached, the fear of another exodus proved partially well founded, as thousands more Rwandans fled from the safe zone into Zaire.}\textsuperscript{110} Nevertheless, as planned, all French forces left Rwanda into Zaire. Into a joint statement, French President Mitterrand and Prime Minister Edouard Balladur declared that “France has fulfilled its duty...It is now up to the Rwandan authorities and the international community to assume, as of today, all of their responsibilities.”\textsuperscript{111}

But the international community never did. Only relief campaigns aid from several parts of the world were sent to Rwanda, mainly from the US, and the security zone was handed over to UN peacekeeping force which was composed mainly of ill-equipped African forces, leading to more violence and ciaos.

The French intervention has drawn the attention of the world for the suspicion of its partiality. For example, Posen questions the effectiveness of the intervention and how helpful it was for the Tutsi inside the French safe haven. By intervening only in the western part of Rwanda, where the Hutu government forces has fled, France gave the appearance that it was favoring the Hutu and actually protecting them from the RPF.\textsuperscript{112} This doubt emerged from the long-standing relationship with, and the support of, Habyarimana's government which was responsible for a lot of human rights violations in Rwanda. Also during the 1992 and 1993 civil war, France supported with troops and arms the Rwandan government against the Tutsi rebels. Thus, some analysts saw France afraid of the RPF winning the civil war because

\textsuperscript{109} On July 19, the rebels announced the formation of a government of national unity, composed of both Tutsi and Hutus. This government was subsequently recognized as the legitimate government of Rwanda by most states and gained representation at the United Nations. Murphy, \textit{Humanitarian Intervention}, 253.

\textsuperscript{110} About 70,000 refugees fled the safe zone in the ten days surrounding the French withdrawal.

\textsuperscript{111} Murphy, \textit{Humanitarian Intervention}, p. 245.

that would have meant weakening its credibility in Africa because of their Angopholian ties. The triumph of the RPF also would mean the deterioration of the rule of Zaire's President Sese Sekou who was a loyal ally of France; the thing that would lead to the weakening of France's grip over Central Africa region which has been traditionally under its sphere of influence.\textsuperscript{113} In addition, scholars such as Andrew Wallis\textsuperscript{114}, Stephen D. Goose and Frank Smyth\textsuperscript{115} have asserted that France was actually accused of training and arming the Hutu militia before, during and after the genocide; something that France has been rejecting to admit all along.\textsuperscript{116}

\textbf{IV. REMARKS ON RWANDA GENOCIDE: WHAT COULD HAVE BEEN DONE?}

Rwanda was not another series of African butchery to which the world seems to have grown accustomed to. In fact, there is nothing called “Africa’s business as usual” in regards to humanitarian disasters. Conflicts in Africa are ideal cases to how complicated the roots of humanitarian disasters could be. In explaining why wars recur in Africa, De Waal presents an interlinked framework in which he includes the role of regional conflicts in fueling additional ones, the manipulation of ethnic divisions for political ends, the proliferation of arms and the failure of disarmament and rebuilding in several war-torn African states as reasons for the continuation of war circle in the region. He also speaks of root causes that are usually ignored by any external interventions or internal attempts of rebuilding, such as economic

\textsuperscript{113} Abiew, \textit{Evolution of Concept and Practice}, 195.
\textsuperscript{114} He is a researcher and freelance journalist, and has published work with The Times, BBC, ThisWorld.org, opendemocracy.net, the South African Broadcasting Company, Newsweek and various independent and state television in central Africa. He is based at the University of Cambridge. Andrew Wallis, \textit{Silent Accomplice: The Untold Story of France's Role in Rwandan Genocide}. (London: L.B. Tauris & Co Ltd., 2007). He is a researcher and freelance journalist, and has published work with The Times, BBC, ThisWorld.org, opendemocracy.net, the South African Broadcasting Company, Newsweek and various independent and state television in central Africa. He is based at the University of Cambridge.
dependency, resource scarcity, social stratification and the marginalization of several groups within the society.\textsuperscript{117} The UN, the OAU, other international and regional organizations and NGOs along with major players in the region have to account for these complexities in any developing comprehensive plans for intervention. The inability to address this intricacy in interventions means the failure of the international community to protect human beings in any given humanitarian calamity.

There are some who argue that what the international community has done in Rwanda is all what could have been done giving the limited time and the limited offered resources from states. But this has been proven to be an erroneous belief. Genocides do not happen overnight. There are deep historical roots of genocide of which the world had clear knowledge yet there was no action taken to address these roots neither in Rwanda, nor in other African states. Looking to the history of intervention in other parts of the world – whether that was for humanitarian or self-defense purposes – states could mobilize in few hours or days and mount proper intervention to stop the killing. Giving the full knowledge of what was taking place in Rwanda and the apparently uninterested international reaction to the genocide which has barely saved few thousands and left millions dead and some other millions yet to die, it can be said that humanitarian intervention has failed in Rwanda. There was a lot that could have been done to address the roots of the genocide, to react properly to the killing, to bring justice to the victims and to share in comprehensive rebuilding of the country. But this did not happen.

CHAPTER THREE:

RWANDA INTERVENTION: TOO LITTLE, TOO LATE

I. INTRODUCTION

The previous chapter has clarified that the Rwandan genocide has been more than the mere result of ethnic hatreds towards which the world had little to do. Internal and regional catalysts for violence have existed in Rwanda, with the knowledge of the international community, for decades. The international community has failed Rwanda and the intervention that has been offered was not sufficient and was offered too late. Rwanda, in that sense, provides the first case study to assess the framework provided by this research for analyzing the reasons for the malfunction of humanitarian intervention, particularly in Africa. The interest-based, racial selective state practice, the inadequacy of humanitarian discourse and the lack of an international impartial body for conducting and monitory intervention are measured in regards to the case of Rwanda as reasons for the failure to protect civilians from the killing. The final part of the chapter examines, in light of these factors, what the Rwandan genocide has changed within the understanding and the practice of humanitarian intervention.

II. RWANDA GENOCIDE: ASSESSMENT OF HUMANITARAIN INTERVENTION FAILURE FRAMEWORK

This part is concerned with applying the research’s argument that the failure of humanitarian intervention in Rwanda could be attributed to the selective state practice, the inadequacy of the humanitarian discourse and the lack of an impartial international body for implementation and monitoring of intervention.

A. Selective State Practice

1. Interest-Based Selectivity
Since this research is based on a Pluralist perspective of IR, it does not accept the idea of a unified national interest. Rather, it adopts the idea of the fragmentation of the concept of national interest among the different groups of the society. Each group in the state has its own interest and the collection of these interests eventually constitute the state's interest. Those interests don’t affect the collective state interest in an equal manner, but it depends on the surrounding circumstances and the weight of the groups within the state. This applies as well on the case at hand. It is superficial indeed to say that it was not in the national interest of the US, Belgium, or France to intervene or not to intervene in the Rwandan genocide. Rather, the majority of the groups within those states did not find it in their interest at that time to react differently.

Samantha Power interestingly states that the story of the US policy during the Rwandan genocide is not “a story of willful complicity with evil US officials did not sit around and conspire to allow genocide to happen.” She clarifies in this regard that the US did not have a one unified national interest that contradicted with intervening in Rwanda. Rather, she spoke of the fact that “each of American actors dealing with Rwanda's issue brought particular institutional interests and biases to his or her handling of the crisis.”

US officials who were familiar with the situation in Rwanda were surrounded with two main circumstances that made them find non-intervention is in US national interest. Because the US was involved in the Arusha peace process, it was biased towards the Rwandan government and towards diplomacy. Power points out in this regard that:

---

118 Graham Allison spoke about how national interest on the decision making level, for example, is formed through the different interests of the bureaucracy. He applied this on the US foreign policy towards the Cuba missile crisis. Allison is an American political scientist and professor at the John F. Kennedy School of Government at Harvard.

119 Graham T Allison, “Conceptual Models and the Cuban Missile Crisis,” in *International Relations Theory: Realism, Pluralism, Globalism, and Beyond*, Paul R. Viotti and Mark V. Kauppi eds., (Boston: Allyn & Bacon, 1999), 290. He speaks of the Bureaucratic Politics as a model to explain the Cuban Missile Crisis with.

120 She is an Irish American journalist, writer, academic, and government official. She is currently affiliated with the Carr Center for Human Rights Policy at Harvard University's Kennedy School of Government.


122 Ibid., p.90.
Because most official contact occurs between representatives of states, US officials were predisposed to trust the assurance of Rwandan officials, several of whom were plotting genocide behind scenes. Those in the US government who knew Rwanda best viewed the escalating violence with a diplomatic prejudice that left them both institutionally oriented toward the Rwandan government and reluctant to do anything to disturb the peace process.\textsuperscript{123} Thus, US officials who were involved in the Rwandan matter, felt it was in the best interest of the US to disturb the peace process by attacking the Rwandan government or doing anything that it would not highly regard, like increasing UN peacekeeping forces. This view was shared by David Rawson; US ambassador in Kigali during the genocide.

The second circumstance essential in shaping US policy towards Rwanda during the time of genocide is that there was a tendency towards “blindness bred by familiarity”.\textsuperscript{124} Those who were following Rwanda's affairs within the US government came to expect that there is a certain level of ethnic violence in the region. Thus, when the genocide started, several US regional specialists have asserted that Rwanda was going through another series of ethnic violence that would create “acceptable” round of murder to which the world is used to from certain parts of Africa.\textsuperscript{125} These two circumstances, in addition to US experience in Somalia and the pressures from public opinion to refrain from intervening in another conflict in African have all collaborated to make Rwanda the interest of no one in the US.

Belgium, as other colonial powers in Africa, continued to play a significant diplomatic role in the internal affairs of Rwanda even decades after independence. Belgium, thus, emerged as the leader of handful of diplomats in Kigali who were interested in human rights and who were part of the process of pressing Habyarimana to accept the Arusha Accords. That is why when the UNAMIR was formed in October 1993, the Belgians constituted its third because of their continuous involvement in Rwanda affairs. Nevertheless, upon the murder of several Belgian peacekeepers in the aftermath of the President's crash,

\textsuperscript{123} Ibid., p.92.
\textsuperscript{124} Ibid.
\textsuperscript{125} Ibid., p.92.
there was a division back home regarding the destiny of the rest of the soldiers. The Belgian government panicked and decided to withdraw its soldiers jeopardizing the whole UNAMIR mission. Not only that, but also Belgium fought vigorously with the US and other member states at the UN for the UNAMIR mission to be reduced. This was one of the shameful moments in Belgium's role in the Rwandan genocide as the Belgians decided to pull out once they found Rwanda becoming “too politically”\textsuperscript{126} for them. Belgium reaction in this manner is thought to have been attributed to its decreasing interest in Africa in general and Rwanda in particular in addition to the decline of economic ties with Rwanda. The Belgium government was faced by internal pressures to withdraw troops and by no potential interests to convince the public with otherwise. The result was Belgium’s abandonment of Rwanda during these difficult times.

But of course, France did intervene in Rwanda, though the “humanitarian” intention has been doubted. To start with, the French intervention started June 22; less than a month before the end of the genocide and after millions of Rwandans have been killed. Before the intervention, France has not supported African initiatives (notably the Mandela Initiative) to provide financial and logistical support for an earlier African intervention in Rwanda. When it finally intervened, it did not welcome the participation of African forces in its operation and it did not approve for its operation to be placed under the UN command; the thing that resulted in two UN-authorized peacekeeping missions acting in Rwanda under two different mandates causing problems in coordination in several occasions. The weakness of the French intervention in Rwanda was attributed to the desire of France to minimize its involvement in the conflict “both in the scope of activities undertaken in the country and the duration of the operation.”\textsuperscript{127} By establishing a safety zone in the Hutu-inhibited southwestern part and by

\textsuperscript{126} IPEP, \textit{Rwanda: The Preventable Genocide}, 146.  
\textsuperscript{127} Murphy, Humanitarian Intervention, 259.
staying for only two months, the impact of the intervention on the protection of civilian lives was reduced to the minimum. Here comes the point regarding France's withdrawal which is considered the most problematic of all in this regard. France ended its intervention leaving millions of Rwandans displaced, and thousands fleeing as refugees to neighboring countries. This happened at a time when the new Rwandan government was still figuring out ways to deal with the chaotic situation both on political and humanitarian levels, and when the Hutu officials and militia were fleeing to the mountains and to neighboring countries preparing for offensive attacks on civilians every now and then. Thus, not only the humanitarian crisis in Rwanda was far from over, the French withdrawal itself “fostered a greater sense of insecurity among a million-some Rwandans that had sought shelter in the French zone; it also prompted another wave of refugees into neighboring countries.”128 In addition, the French alleged involvement in arming and supporting Rwandan Government Army (FAR) even during the intervention and after the UN embargo was announced, remains one of the shameful aspect of French inadequate intervention.129

The UN’s “appalling”130 record towards Rwanda has been affected by the interests of its member states. The lack of will to intervene in Rwanda among western powers in the UN has considerably influenced the slowness of action. Similarly, the OAU ineffective role was enhanced by the involvement of some of its members in the turmoil; notably Zaire (now DRC) and Uganda. Tutsi rebels were using neighboring countries to attack Hutu security forces during the genocide. After the RPF managed to take over the government in Rwanda towards the end of the genocide, it started attacking Hutu ministers, officers and militia leaders, thus a lot of them started fleeing to neighboring Zaire, Tanzania and Burundi. The refugee camps in eastern Zaire turned into hotbeds for crime and hatred as the Hutu officials

128 Ibid., 260.
129 Wallis, Silent Accomplice, 178.
130 IPEP, Rwanda: The Preventable Genocide, 142.
started to encourage the refugees to retaliate and respond to the genocide. Instead of cracking down on those Hutu extremists or aid in the repatriation process, Zaire’s dictator Mobutu Sese Seko actually “provided luxurious mansion for the perpetrators of the Rwandan Genocide and supplied weapons to aid their efforts to overthrow the RPF regime in Kigali.”

Thus, because of Zaire's opposition to the RPF’s interim government, there have been sharing in aiding and supporting Hutu extremists during and after the genocide to stand against the Tutsi-led government. On the other hand, Uganda has been the home of Tutsi Diaspora for years before the genocide and the Ugandan army has aided the rebels in their continuous attacks against the Habyarimana’s government during the early 1990s. Following seizing power in July 17, the RPF also continued to receive support and aid from Uganda to get rid of remaining Hutu officials and militia. Because the OAU is a reflection of its members – as all regional and international organizations, it was clear that its ineffective stand could be also explained in light of its inability to condemn the acts of several of its independent sovereign member states and their involvement in the genocide.

2. Racial-Based Selectivity

Race is used in this research not with its anthropological or genetic definitions, but with its socially constructed one to refer to a group of people who have been associated together as coming from the same ethnic group, having the same color, or who belong to the same clan, continent, religion or any other mold of unification and similarity. Thus, racism means differentiating between people according to one element an outsider – and possibly the members of the group themselves – would perceive to be the defining. The perception of a race and acting accordingly in a negative or neglecting manner towards them is what racism means here. Rwanda has been presented as an example of the racism in the practice of

humanitarian intervention. Thus, not only the process of choosing the conflict in which to intervene is a highly selective process based on state-centered national interest calculations, but it is racial as well.

In spite of human rights declarations and treaties stressing the necessity of equality between human beings, Randolph B. Persaud and R. Walker speak of the role of race in shaping international affairs as they say:

*Race has been a fundamental force in the very making of the modern world system and how it works. This can only be understood, however, if we look at race as an interrelated set of material, ideological, and epistemological practices. The articulation of these latter into full-fledged racialized discourses have produced, over time, social formations and even world orders that were macrostructural systems of inclusion and exclusion.*

In this light, they speak of four ways in which racism has affected international relations. First, racial discourses have created what they call a “taxonomical role” by dividing up the world into various opposites such as “civilized/uncivilized; modern/backward; rational/superstitious, developed/underdeveloped, and so on,” making relations between states in form of those who “know” and who “have” and those who are “ignorant” and “don’t have”. Second, they speak of the role of race in the “displacement or disappearance of indigenous populations” in several parts in the North and how this has affected the global politics of belonging and identity in North and South. In addition, the world economy has also been affected by racial activities such as the importation of Third World labor, sex workers and African slavery. In this regard, “these racialized practices of supremacy were important not only in terms of the global framework of race-based, coerced economic exploitation, but also in terms of forming the deep structures of the modern world system.”

The last consequence of racism on international relations they speak of is – which is very

---

134 Ibid., p.374.
135 Ibid., p.374.
relevant to the case of Rwanda – the formation of modern societies based on the idea of the “Other”;

*Othering is a complex of cultural and political practices that instantiate identity by framing and reproducing difference. The production of “racial sameness” is, and has long been, an integral aspect of a general strategy of inscribing the principles of national solidarity and the broader cultural framework of citizenship.*\(^{136}\)

Shedrack C. Agbakwa notes that neglecting genocide in Rwanda is usually attributed to African endless inter-tribal or ethnic slaughter to which the international community has apparently got accustomed to. Thus people think that killing is the normal state of affairs among different African tribes\(^{137}\); something that the first part of this chapter has aimed at dismissing as the reason behind Rwandan genocide. They think of Africans as “barbarians” who are used to killing each other for resources and ethnic hatreds. They are perceived to be less and different and thus they are not worthy of intervention for. They are not seen to be part of the human rights regime because they are poles apart and consequently standards don’t apply to them.

A common reason for international indifference to Rwanda is the perception that it is irrelevant to national interest of major powers.\(^{138}\) But this is not the whole story. Answering the question raised by Michael Herzfeld\(^{139}\): “How and why can political entities that celebrate the rights of individuals and small groups so often seem cruelly selective in applying those rights?”\(^{140}\) Agbakwa says that people reject those who are dissimilar and do not fit within their own group and thus become uninterested in intervening for their protection. Based on the idea that state interests are formed by ideas and values within the society, the perception of people to a certain group to be different or undeserving of intervention becomes part of

---

\(^{136}\) Ibid., p.375.


\(^{138}\) Shedrack C Agbakwa, “Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond,” *German Law Journal* 6, no. 2 (2005), 514-531.

\(^{139}\) He is Professor of Anthropology at Harvard University.

state agenda for action. International involvement in African affairs has always shown a manner of selectivity not only based on state interests but also on racist perceptions of the statesmen and peoples of these states.

This is evident in the difference between the western concern and reaction to the Bosnian genocide and that to Rwandan genocide. Putting state interests aside, Charles Krauthammer\(^\text{141}\) interestingly notes that:

* Bosnia has a vocal, articulate constituency. Rwanda has none. Bosnians are white, European, familiar. Rwandans are black, African, foreign. For Western intellectuals, Sarajevo evokes Spanish Civil War romance. Kigali evokes nothing more than Heart of Darkness nihilism. It is a curious humanitarianism; however, that advocates humanitarian intervention on grounds of familiarity, race and romance.\(^\text{142}\)

It is thus believed here that the selectivity of the humanitarian intervention in the case of Rwanda was based on not only states' national interests, but also on racist mindset – that somehow influence the shaping of those interests. This has been the first reason argued for in this research to account for the international community’s failure in Rwanda.

**B. Inadequate Humanitarian Discourse**

The second factor assessed in the humanitarian intervention failure framework in regards to the case of Rwanda is the inability of the humanitarian discourse to define its stands and visions towards humanitarian intervention and to develop comprehensive plans for its implementation. This leads to the abuse of humanitarianism for the purpose of applying state selectivity in a world environment that is growingly becoming interested in human rights debates. With the growing humanitarian concerns in the aftermath of the Cold War, states could not escape the gravity of the issue. Human security was gaining grounds in scholarly and public circles, yet state officials and governments were still occupied with and

---

\(^{141}\) He is an American Pulitzer Prize-winning syndicated columnist, and a prominent political commentator. His weekly column appears in The Washington Post and is syndicated in more than 200 newspapers and media outlets. He is a contributing editor to the Weekly Standard and The New Republic. He is a Fox news contributor, a regular panelist on Fox’s evening news program Special Report with Bret Baier and a weekly panelist on Inside Washington.

driven by traditional concerns of security, i.e. military and state rivalry. The result was a shaky implementation of human security on the ground, a selective practice of humanitarian action and merely a strong humanitarian rhetoric. Because human security is loosely defined, the implementation of a human security agenda that implements a humanitarian discourse genuinely concerned with human right protection remains in the hands of states.

Roland Paris\textsuperscript{143} speaks of two limitations of human security which contributes to the problem of humanitarian discourse inadequacy. First is that the concept lacks precise definition. He says in this regard:

\textit{Human security is like “sustainable development”— everyone is for it, but few people have a clear idea of what it means. Existing definitions of human security tend to be extraordinarily expansive and vague, encompassing everything from physical security to psychological well-being, which provides policymakers with little guidance in the prioritization of competing policy goals and academics little sense of what, exactly, is to be studied.\textsuperscript{144}}

Second, Paris says that apparently several scholars insist on keeping human security’s definition vague and expansive because it should be covering new domains of security such as development, immigration and environment. But this “cultivated ambiguity renders human security an effective campaign slogan [and] diminishes the concept’s usefulness as a guide for academic research or policymaking.”\textsuperscript{145}

This is not to say that human security is not important. Indeed, as Bahgat Korany says, this is an extremely important conceptual contribution as it “facilitates interdisciplinarity and hence integration of different social science approaches in dealing with the crucial phenomenon of security.”\textsuperscript{146} Yet the lack of a clear definition of human security or no resolution on its mechanisms of implementation makes it end us being used as mere rhetoric by statesmen. They apply their traditional understanding of state security and

\textsuperscript{143} Roland Paris is Assistant Professor of Political Science and International Affairs at the University of Colorado, Boulder.


\textsuperscript{145} Ibid., p.88.

selectively choose cases in which to intervene on humanitarian grounds deciding on the form of intervention they are willing to offer – even if it was not the most suitable to the existing disaster.

It is interesting – and surprising – in this regard to examine the strong humanitarian rhetoric by all the major players standing still witnessing the Rwandan genocide. The UN Secretary-General has, on several occasions, denounced the acts of killing and the slaughter of innocent Rwandans and has asserted that the delay of action is a failing of humanity. The OAU Secretary General has also denounced the killings and the inaction of the international community towards such atrocities. France's Prime Minister has used the humanitarian discourse to explain France's interest in intervention, claiming that it was not a political one, but rather humanitarian-oriented for the protection of Rwandan civilians. Even the states that have not been involved in the intervention and who have been trying hard to avoid the use of the word “genocide”, like Belgium and the US, have expressed their sorrow over the horrific events. In that sense, all have agreed on the fact that human rights violations existed, but the problem is that each defined humanitarian intervention and decided in mechanisms of action on their own terms.

From a humanitarian point of view, what should have been done to “properly” address the Rwandan crisis? This is the dilemma of the humanitarian discourse. It is not clear what should have been done in cases like Rwanda which is the first or the last to happen in history. There was no agreement in scholarly circles on what a human security agenda requires in this regard and what methods of implementation would have been the proper in dealing with such atrocities. Many demanded a proper peacekeeping force to be deployed by the UN, while other criticized the use of force for humanitarian intervention demanding intervention to be in form of relief. Others suggest diplomatic negotiations and peace agreements for a long period
settlement between warring sides and find a “quick” military intervention, as the one provided by France in Rwanda, to be unsatisfactory “humanitarian” intervention.

Human security demands a broader look at human development and addressing underlying reasons for the eruption of violent conflicts leading to human rights violations. This would have necessitated an immediate reaction to the atrocities, comprehensive diplomatic negotiations and a plan for human development in order to address the economic and social factors contributing to the eruption of violence. In cases like Rwanda, states were the ones who decided on what humanitarian intervention could be offered according to their capacities and interests. In that sense, human security and the governance of the world remain two worlds apart with only rhetoric to assure human rights activists and the public that there is an interest in them. It is often stated that this distance is because of the abuse of state-centered security agenda and conceptual framework, but the aim here is to highlight that the inability of the humanitarian discourse to clarify its stands and methods of implementation regarding various debates within international relations makes it fall under the control of state-centered understanding and practice.

A comprehensive understanding of humanitarian actions and their relation to world governance and security issues in addition to clear mechanisms for their implementation are needed for the humanitarian discourse to be effectively accounted for in today’s international environment. Issues of intervention for humanitarian purposes in war-torn societies should be extensively studied and clear consensus should be reached on what should be done by the international community in such cases. The humanitarian discourse has to plan out a comprehensive understanding of humanitarian intervention that would go beyond traditional understanding of intervention which is based on military reactionary missions that last for

months and leave societies sometimes in worse conditions. De Waal speaks of a wide range of activities that have to be invoked by humanitarian intervention such as peacetime relief assistance, intervention to stop major conventional or semi-conventional wars between states or militant groups within the same state, assistance to civilians under the control of anti-government force where the government refuse free access to aid, and assistance to people who live where there is not effective government authority at all.\textsuperscript{148} The underlying humanitarian conditions of violence in that sense should be addressed before, during and after any incidents of violence and an overall context of human rights preservation, human development and human security should be planned for African states and African people. Only when these issues are clarified and mechanisms are agreed on and defined, that humanitarian discourse would be solid on its demands precisely for the protection of human beings in case of intervention. It would be clear on when a humanitarian intervention is to be invoked and what its objectives would be. But now this resolution is not clear. Only fragmented good-intended humanitarian ideas and set of believes overwhelmed by a state-centered discourse that have been taken for granted as a system for world organization for centuries.

\textbf{C. Lack of Responsible Body for Impartial Implementation and Monitoring of Intervention}

According to the findings of the \textit{Independent Inquiry into the Actions of the United Nations During the 1992 Genocide in Rwanda},\textsuperscript{149} “the international community did not prevent the genocide, nor did it stop the killing once the genocide has begun.”\textsuperscript{150} The role of the UN has been crucial in this regard. It is important to note that its inaction regarding the


\textsuperscript{150} United Nations, \textit{Independent Inquiry into the Actions}, 3.
Rwandan genocide wasn't triggered out of a lack of knowledge on what was going on, according to the UN Report. The report states that:

UNAMIR presented a series of deeply worrying reports which together amounted to considerable warnings that the situation in Rwanda could explode into ethnic violence. In sum, information was available – to UNAMIR, the United Nations headquarters, and to key governments – about a strategy and threat to exterminate Tutsi, recurrent ethnic and political killings of an organized nature, death lists, persistent reports of the import and distribution of weapons to the population, and hate propaganda.\textsuperscript{151}

Thus, not only the UN, but also the OAU, the US, Belgium and France among other regional and international players have all been informed in some manner with the development of events in Rwanda prior the genocide. A proof to this was that as soon as Habyarimana's plane crash, France, Belgium, the US and Italy sent planes for evacuating their nationals. In fact, many states not only refused to participate in the humanitarian intervention, they pushed for the reduction of the UN peacekeeping forces in Rwanda. Presidents and officials of these states were outspoken about their lack of interest in Rwanda and thus the clear justification of their stand. US Clinton Administration, for example, issued guidelines calling for the deployment of US forces for UN only when US national interest is involved.\textsuperscript{152}

The UN had a shameful role in Rwandan genocide. It is often argued that the UN was never meant to be an ideal organization, yet in Rwanda it did not even succeed in reaching up to its essential functions that have been laid out in its Charter. It was a reprehensible case of being controlled by member states and what they perceive to be their interests. This is not to defame the UN, but to clarify how one of the reasons for the failure of humanitarian intervention in Rwanda has been the lack of an unbiased organization responsible for the impartial implementation and monitoring of intervention. The UN dwelled with member

\textsuperscript{151} IPEP, \textit{Rwanda: The Preventable Genocide}, 104.
\textsuperscript{152} Murphy, \textit{Humanitarian Intervention}, 258.
states in issues of defining what was happening, while having a full knowledge of horrifying atrocities, just because states did not want to claim responsibility.

The African Union's Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events\textsuperscript{153}, the Secretariat was well-informed of the situation in Rwanda and that the UNAMIR was ill-equipped to play any significant role in the growing violence.\textsuperscript{154} The UNAMIR's ability to deal with the situation was thus negatively influenced by the drop in its troops' number in addition to the logistical problems increasing with the chaotic events. Accordingly, during the early days of frenzy in Rwanda, all what the UNAMIR was capable of doing was keeping a "low profile."\textsuperscript{155}

The UN Report mentions four observations that have been noticed regarding international community's intervention operations resulting from the lack of an overall authority to mount appropriate intervention in Rwanda. The first is that when western powers are motivated they have the ability to mobilize troops in days rather than weeks or even months but the UN could neither coerce them into intervention nor demand monitoring it. States are the ones who suggest their capacities of intervention and the form in which they could implement. The second observation is that western powers are generally motivated when their self-interest – or what the different groups in the state consider collective self-interest – is to intervene. The third observation in regards to the role of the UN in Rwandan genocide which could have reacted was it not for states that did not allow for any action except for the evacuation of foreign citizens. While the UN has refused to provide General Dallaire with permission to act beyond the UNAMIR's mandate to save Rwandans lives, it


\textsuperscript{154} In the IPEP report, Dallaire has summarized to the UN the UNAMIR's logistical deficiencies as most of the units were running out of drinking water with a ration that would cover only two days and a fuel ration that would last for another three days. Adding to that, he clarified that lack of small arms and ammunition was not sufficient as well; the thing that was critical for all the troops during genocide.

\textsuperscript{155} Klinghofer, \textit{International Dimension of Rwanda Genocide}, 44.
gave him the authority to do so in order to protect and evacuate foreign nations. This is something that gave the impression that “the lives of Africans were considered less valuable to the world community than the lives of citizens of western nations.”\footnote{IPEP, Rwanda: The Preventable Genocide, 104.} This indicates to what extent the UN has been controlled by its member states and their interests. Fourth, grave human rights violations are not taken seriously as familiar and traditional concepts of war by the UN because states still refuse to give up on principles of state sovereignty and non-intervention. The UN Report spoke about this last point considering it a flaw within the international community which still uses and misuses concepts of human rights and human security selectively. Ideally, the case should be that:

> Information about human rights must be a natural part of the basis for decision making on peacekeeping operations, within the Secretariat and by the Security Council. Reports by the Secretary-General to the Security Council should include an analysis of the human rights situation in the conflict concerned. Human rights information should be brought to bear in the internal deliberations efforts need to be made to ensure that the necessary human rights competence exists as part of the staff of UN mission in the field.\footnote{Ibid., 105.}

Those four observation made by the Panel are directly related to what this research considers to be the reasons for the failure of the UN to act as a responsible, impartial body for conducting and implementing intervention in Rwanda. This is not to say that the UN has failed Rwanda intentionally. Instead, it is meant to measure to what extent the UN, and the international community, as a whole has managed to apply its norms and ideals on the ground while being crippled with WW II state-centered framework and practices. The UN is paralyzed by the limitations put on its actions and capacity of its members. This has been evident in the case of Rwanda.

**III. THE CONCEPT OF HUMANITARIAN INTERVENTION BEFORE AND AFTER RWANDA: THE RWANDA EFFECT**
The gravity of atrocities that have taken place in 1994 Rwanda and the inaction of the international community towards them have led to several developments in the understanding and practice of humanitarian intervention. Charles Murigande; the minister of foreign affairs and cooperation of the Republic of Rwanda, in a presentation to the Congressional Black Caucus in Washington on September 21, 2007, has shed light on the lessons that the international community should have learned from the case of Rwanda.\textsuperscript{158} First he spoke of the silence of the international community and the indifference it has paid for the atrocities which have made the killers bolder and encouraged them to commit horrible crimes. In his opinion, had the international community acted decisively to the erupting environment in Rwanda decades before the genocide, millions of lives could have been saved. This leads to the second lesson which is that “international law and other political commitments are only as good as our political will to implement or enforce them. Without political will, international law and other commitments are impotent.”\textsuperscript{159} In spite the existence of the 1948 Genocide Convention that severely punishes genocide and its perpetrators and the UN human rights conventions and treaties, only a strong political will to intervene in conflicts and an entity to implement this intervention are needed for the application of these well-intentioned ideas.

The Security-Council’s inability to stop the genocide, in addition to reducing its peacekeeping forces at the very beginning of the massacres, as well as France’s intervention that has only protected the killers and created a refugee crisis that still influences Rwanda and neighboring Congo till this day, lead to the third lesson, that the “Security Council, with the many competing interests of its permanent members, is not always a strong tower toward which a people facing serious threats should run.”\textsuperscript{160} International and regional organizations

\textsuperscript{159} Ibid., p.6.
\textsuperscript{160} Ibid., p.7.
reflect the collective interests of their members and they only reflect their will and this was evident in the case of Rwanda.

The minister also spoke of the hundreds of thousands of Rwandans who were left behind as orphans, widows, displaced people or refugees in the middle of social and economic destruction with occasional offensive attacks from running away Hutu in neighboring countries, especially DRC. These conditions have created a humanitarian situation which has drawn the attention of hundreds of international NGOs, consultants, experts and donors who had different agendas contradicting sometimes with the new government’s agenda and its reconstruction plan. This has made their efforts more of a burden than a relief work. It is fascinating how there was a strong humanitarian rhetoric made by all involved players during the genocide while nothing was done on the ground. But in fact, human security is wider than this rhetoric; it involves a genuine attention paid to human rights requiring timely and proper intervention during the genocide as well coordinated efforts for reconstruction and rebuilding. In addition, the protection of human rights required also bringing justice to the victims. But the process of justice in the case of Rwanda has also been slow and timid with little satisfying results.  

In sum, the international community has failed Rwanda in many ways and in fact it has admitted. Rwanda genocide has highlighted the tragic result of silence and inaction. Principles of humanitarianism gaining momentum since the beginning of the 1990s were demanded to be implemented impartially. Humanitarian intervention was found to have serious deficit in its application. States used humanitarianism on a rhetorical level but in application they selected the cases in which they intervened based on their interests and the race of the victims. Such selectivity was found to be horrific and in complete contradiction

---

162 The involved players (mainly US, Belgium, and UN), all admitted in some way or another, their mistakes towards addressing the Rwandan genocide.
with calls for the protection of human rights. This was enabled by the dysfunction of existing international organization/s and the lack of an authority to impartially implement intervention. The Rwanda effect clarified these gaps within humanitarian intervention doctrine and raised hopes and efforts to stop similar humanitarian disasters from happening again. But this was not the case as would be clarified in case of Darfur.
CHAPTER FOUR:

DARFUR CRISIS: RWANDA IN SLOW MOTION

I. INTRODUCTION

In Rwanda’s ten-year anniversary, the world could not escape the comparison between the horrifying genocide and the events that were taking place in Darfur. Indeed, the comparison between the two cases strikes one with similarities in spite the passage of time and the developments that have taken place within humanitarian intervention debates both on theoretical and practical levels. This chapter aims, first, at comparing between the internal and regional dynamics in Darfur and the ones that have taken place in Rwanda. The aim is to highlight that again the conflict has been more than mere ethnic hatreds and tribal clashes as has been presented by many scholars as well as statesmen. Again colonization and government have played significant roles in manipulating identities for power maintenance and control. In addition, economic deterioration and regional influences have fueled the context and made it prone to eruption. The international community’s reaction has not differed much either. The chapter explores in this regard the failure of the UN, the OAU and The Arab League to respond to the atrocities made by the Sudanese government against its citizens in Darfur in addition to the reaction of major powers; mainly US and China, comparing all of them to the case of Rwanda. It highlight how those reactions have affected the development of the Darfur disaster and hindered mounting a significant international response to protect suffering human beings in a disaster which is getting into its seventh year of escalation.

II. INTERNAL AND REGIONAL DYNAMICS: NOT MERE AFRICAN “BARBARIANISM”

The internal dynamics of the crisis in Darfur is, in many ways, similar to the ones that have taken place in Rwanda. The ethnic differences and the tribal hatreds between the Arab and African tribes have been claimed to be the main reasons behind the conflict and the resulting humanitarian disaster. But analyzing these dynamics reveal the role of the colonial influences and the Sudanese government in politicizing ethnicity and tribalism for their own ends which have always led to violent confrontations and horrifying atrocities.

In 1899, Sudan was placed under the rule of Egypt by the British colonial power and in 1916 Darfur was annexed under the Anglo-Egyptian administration. In the Darfur area, many of the aspects of Fur Sultanate were allowed to remain the same. But in time, the British started to take over authority and to hand it to those whom they trusted excluding huge parts of the population from education, healthcare and other rights so that these groups would not challenge their authority. The colonial period and its activities have turned out to be damaging to the social structure of Sudan which has made it a fertile soil for civil wars and internal disputes. In Sherifa Shafie’s analysis of the internal dynamics of Darfur’s conflict, she also referred to the impact of colonization in drawing identities and reinforcing ethnic cleavages. She explains that during the British colonization of Sudan, they have reinforced policies of favoring Arabs through education and administrative jobs. On the other hand, those who came from African decent were encouraged to either join the army or work in manual work.

---

164 Before annexation by the British, Darfur was ruled under the Fur Sultanate and was not part of Sudan.
Since its independence in 1956, Sudan has witnessed various civil wars which were also argued by many scholars to be based on racial, religious or tribal differences. But these civil wars emphasize the creation of identity and the manipulation of differences between diverse groups for specific ends. Sudan’s longest civil war has been between the Christian southern Sudan and the Muslim northern Arab which started as early as independence until the signing of the Addis Ababa Agreement in 1972. The war was resumed in 1983 and has led to the death of two million people in this year alone.\textsuperscript{168} Though the war was depicted as a religious-ethnic one, the government was criticized by the Sudanese People Liberation Movement (SPLM) of marginalizing the south economically and politically.\textsuperscript{169} After a long mediation process, an agreement was reached between the Sudanese government and the SPLM as the Machakos Protocol was signed in Kenya on 20 July 2002. Later on, the Framework Agreement on Security Arrangements was signed in Kenya, on 25 September 2003. Finally, in May 2004, the Naivasha Agreement, which officially ended the long civil war, was signed.\textsuperscript{170}

The ongoing conflict in Sudan's western Darfur region has started early 2003 when two rebel groups – the Sudan Liberation Army/Movement (SLA/M) and Justice and Equality Movement (JEM) – started rebellion attacks against the government installations in Darfur accusing Khartoum of neglecting the region and its people.\textsuperscript{171} The rebels seized the chance and attacked the government in February 2003 claiming that it favors the Arabs over all other ethnicities and tribes demanding it to make them part of the Northern-Southern peace process. In return, the Sudanese government was accused of drawing the Janjaweed militia

\textsuperscript{171} Ibid.
from Arab tribes in the region and arming them in order to fight the rebel groups. The Janjaweed are “blamed for killing [and] widespread rape and abductions” in Darfur. The refugees who have fled from Darfur have described them as “ferocious gun-wielding men riding camels or horses who burn villages and steal whatever they can carry.” The conflict was described as “a supreme humanitarian emergency” in which more than 400,000 people have lost their lives while 2.5 million have been either internally displaced or crossed border to neighboring Chad as refugees. M. W. Daly has spoken of how the numbers of those who have died in Darfur are uncertain because the Janjaweed and the government are accused of having “destroyed bodies; thrown them down wells, burned them in mass graves, and of course, left them as carrion.” In addition, accessing information regarding IDPs has been difficult because of the governmental restrictions, but they are thought to be more than 500,000. As for the refugees, Doctors without Borders have conducted a survey in 2004 and declared that 215,000 have become refugees due to the Darfur crisis. All in all, in mid-May 2006, the number of the people in Darfur who were in need of humanitarian assistance was 3.5 million out of Darfur's six-million population.

The Darfur conflict that was depicted as a tribal conflict appeared to involve political and economic marginalization complexities. Indeed, Darfur's population is all Muslims but they are ethnically mixed. There are more than 30 ethnic groups in Darfur but the main ones are the Arabs and the Africans (the Fur, Zaghawa and Massaleit). Nevertheless, “no part of the region can be said to be ethnically homogenous, and there has traditionally been a degree

172 Straus, “Darfur and the Genocide Debate”.
174 Ibid.
178 Ibid., p.315.
of movement and inter-marriage between these groups and social classes, resulting in a blurring of ethnic distinctions. Thus, ethnicity in itself was not a reason for rebellion in Darfur. Yet ethnicity and tribalism were used to mobilize people at the two sides. Not only did the government use Arabism and Islam to exclude Darfurians – as well as other groups – from the government, but it also distributed the wealth of the Sudan unevenly.

It is widely seen that the policies of the Sudanese government were behind the transformation of the tribal conflict in Darfur, over land and water, into an ethnic one. The conflict between the different tribes in Darfur was a traditional activity that has been there for years. But the competition over resources in Darfur was “exacerbated by Khartoum's favoring the 'Arab' tribes over the 'African' ones.” In fact, the Sudanese government has used tribalism before in its 1991-1992 conflict with rebels in northern Darfur by arming Arab Baggara tribes which carried out raid in the Dinaka frontier to the South of Sudan. Also the government has previously used the muraheleen; an Arab militia from Darfur, against the SPLA rebels from the South and made them use the same tactics of “raiding, looting, displacing and enslaving.” Thus, it was not a new phenomenon that the government of Sudan arms and directs Arab militia against the Fur, Massalit, and Zaghawa tribes with whom they already had several disputes over territory and water. As a result, the Sudanese government gave privileges to the Arab tribes in Darfur; the thing that encouraged the

180 Mathew Lippman, “Darfur: The Politics of Genocide Denial Syndrome,” Journal of Genocide Research 9, no. 2 (2007), 193–213; Ibrahim Elnur, Contested Sudan: The Political Economy of War and Reconstruction, (New York: Routledge, 2009). Sudan, which is one of the fastest growing economies in Africa, produces about 512,000 barrels of oil a day, which has led to the increase of its GDP by 8% in 2005, but this wealth, is distributed among the political Arab elite in Khartoum leaving the rest in utter poverty and complete distress.
African tribes to start buying and smuggling arms from the black market and from neighboring countries such as Chad and Libya in order to protect themselves. The Sudanese government feared that with the South rebels almost achieving their goals, other marginalized groups from power and wealth – such as, and above all, people in Darfur – would demand the government to make similar concessions for them as well. Since it has realized the danger of a rebellion at this fragile point of the Sudanese government's history; that it may lead to other rebellions in the future, it has decided to respond in the way it perceived to be the most advantageous to its own interests; “by crushing them down.”

III. INTERNATIONAL COMMUNITY AND DARFUR CRISIS: RWANDA IN SLOW MOTION

A. The Reaction Of International And Regional Organizations To The Conflict: The Role Of The United Nations, The Organization of The African Union And The Arab League

1. The United Nations & The International Criminal Court (ICC)

It is only fair to admit that the UN has made some attempts in order to solve the Darfur crisis, though these attempts were not satisfactory as the conflict is still going till time of writing entering its seventh year of destruction of Darfur and displacement of its people. As early as 30 June 2003, Kofi Annan; the former UN Secretary General, paid Khartoum a three-day visit in which he mainly focused on the Darfur conflict. But it was only on April 2, 2004, that the Security Council has managed to issue a presidential statement “expressing its concern about massive humanitarian crisis in Darfur and called on all parties to protect civilians, to allow humanitarian agencies full access to Darfur, and to reach a ceasefire.” In

186 Ibid., p.30.
188 Ibid.
May and July, 2004, Resolution 1547 and 1556 followed demanding the Sudanese government to disarm the Janjaweed and to end the humanitarian disaster; placing the responsibility on the Sudanese government to protect its citizens while in fact it is the one violating their rights. Resolution 1556 authorized the deployment of UN forces to Darfur region along with AU forces, but this has not been implemented because the Sudanese government had a firm refusing position on UN interference in Darfur. Not only has it been ignored, but also this resolution has been viewed by Amnesty International spokesperson as “the abandonment of the people of Darfur and abdication of the Security Council’s role as a human rights enforcing agent.” The resolution failed to provide sanctions against Sudan in case of noncompliance because seven of the fifteen council members – including Russia, China, and Pakistan – “were reluctant to endorse and explicit threat of sanctions against Sudan.”

On September, 2004 Resolution 1564 was issued calling the Sudanese government to bring to trial all those who are responsible for abusing human rights. Actually this was a change in UNSC Resolutions; instead of accusing the government and threatening it with sanctions to stop human atrocities it started to ask the Sudanese government to take “appropriate action against any party failing to fulfill its commitments,” which was again the case with UNSC Resolution 1574. On March 2005, the UN has issued Resolution 1590 to establish the United Nations Mission in Sudan (UNMIS) for an initial period of six months in order to help establishing “necessary security conditions” in the Darfur region. This was again opposed fiercely by the Sudanese government which not only continuously refused the deployment of UN peacekeeping forces on the basis of state sovereignty, for a long time it

189 Quoted in Williams and Billamy, “The Responsibility to Protect and the Crisis in Darfur,” 32.
190 Ibid.
191 Shafie, “Politics of the Conflict in Darfur,” 51.
192 Ibid., p.51.
193 Ibid.
also refused the admission of human rights organizations such as Human Rights Watch and Amnesty International with the claim that it has the authority over its own territory and affairs. On 31 July, 2007, the UNSC made another trial by issuing Resolution 1769 to authorize deploying a joint UN-OAU peacekeeping force in Sudan's Darfur region (UNAMIS) in order to ensure security for the people in Darfur, but the same problem of previous resolutions persisted; “the wording of the new text drops the threat of sanctions if Sudan fails to comply with the resolution,”\(^\text{194}\) i.e. Sudan was free to simply ignore the demands.

The Security Council is the authority to refer cases to the International Criminal Court. The issue of referring the Darfur case to the ICC was quite a debatable one in the Council. The US was promoting strong stands against the Sudanese government but suggesting an independent tribunal in Arusha to accuse and prosecute war criminals. But the EU states – particularly the UK – declared that referring the case of Darfur to the ICC is not a matter of discussion and refused the OAU's suggestion of making a tribunal through their organization. The situation was further developed with the issuing of the UN Commission of Inquiry on January 25, 2005 in which the government of Sudan was found not guilty of committing genocide, but responsible for war crimes and crimes against humanity in Darfur.\(^\text{195}\) In addition, it was added that actually “in some instances individuals, including government officials, may have committed acts with genocidal intent.”\(^\text{196}\) The Inquiry suggested the matter should be referred to a court in order for the accusations to be further affirmed and for the perpetrators to be punished for them. After a heated discussion, on March 31, 2005, the Security Council passed Resolution 1593 to refer the Darfur case to the


\(^{195}\) Quénivet, “The Report of the International Commission of Inquiry on Darfur”.

ICC. The United States, among other members of the Security Council, saw the act as an “acceptable” form of intervention that would show the world that something is being done to persecute those who committed humanitarian atrocities against the people in Darfur. Yet it would not cost them the deployment of their forces or providing financial and logistical support for UN or OAU deployed forces. After a preliminary analysis of the case was conducted in Darfur, Luis Moreno-Ocampo; Prosecutor of the ICC, officially declared an investigation into crimes committed in Darfur to start on June 1, 2005\(^\text{197}\), which has led eventually to the indictment of key government officials, militia leaders and even issuing an arrest warrant against President Omar al-Bashir who has been declared part of planning and acting out crimes against humanity in Darfur.\(^\text{198}\)

2. The African Union

The UN and the major powers have encouraged the application of “African Solutions to African Problems” slogan in the case of Darfur and in that sense it “provided a convenient façade behind which Western powers could wash their hands of committing their own soldiers to Darfur.”\(^\text{199}\) In several cases, they have asserted the need for the OAU to interfere in the Darfur conflict, but it is well known that its intervention was limited and unable to serve the suffering people in Darfur because of its limited resources, its mandate and the interference of other regional players, mainly Chad and Eritrea.

When the scale of devastation became too much to be ignored in Darfur and because of the UNSC Resolutions calling for its interference, in mid-2004 the OAU established a small monitoring mission in Darfur, consisting of some 60 monitors and 300 troops to protect

\(\text{197}\) Ibid.

\(\text{198}\) Eric Reeves, “Refusing to Save Darfur,” *Dissent*, fall (2008), 22-25. Argentine prosecutor Luis Moreno Ocampo in ICC found in the course of the past three years investigation strong evidence that Sudanese President Omar Hassan Ahmad al-Bashir “bears criminal responsibility for the crime of genocide under Article 6(a) of the Rome Statute,” leading to his indictment in 2008. In March 2009, the ICC has officially declared al-Bashir of being responsible for crimes against humanity committed in Darfur.

\(\text{199}\) Williams and Bellamy, “The Responsibility to Protect and the Crisis in Darfur”.

---
them and these troops have grown to 7,000 through the next couple of years. This deployment was part of the OAU’s plan to create African Mission in Sudan (AMIS) to monitor the April 2004 Humanitarian Ceasefire signed by some rebel groups and the Sudanese government to assist is securing the environment in Darfur according to the UNSC Resolution 1556 and 1564. The problem is that the SLA and JEM actually considered the OAU a “club of dictators” and thus did not trust their intervention. Interestingly enough indeed the OAU negotiators came from Chad, Egypt, Ethiopia, Nigeria and Libya which are “mostly countries more allied with the government of Sudan than the rebel groups,” believing that their support for rebels in Sudan may lead to the encouragement of rebellion in their own repressed states. In the specific case of Chad, for example, though President Debby is from the Zaghawa ethnic groups targeted in Darfur, he refuses to support them because he fears the Kobe group of Zaghawa alienated in Chad and who may rebel as their Sudanese counterparts and cause a threat to his regime.

In addition, the troops deployed by the OAU have actually failed miserably to stop human suffering in Darfur. One reason for that could be the limited abilities and funding capacities of these troops which needed the commitment of the US and EU to ensure that the OAU forces have logistics, equipment and suitable training needed to carry out their activities which was not available all the time. In many instances, the OAU forces in Darfur had to do more with fewer resources and they had to spend months without being paid. Not only its dependence on foreign aid, but also the OAU’s mandate adds to its weakness in dealing with the humanitarian crisis in Darfur as well as similar humanitarian disasters. The OAU

---

201 Shafie, “Politics of the Conflict in Darfur,” 52.
202 Ibid.
204 Grono, “Briefing — Darfur”.

68
missions are designed to observe only not proactively protect civilians. In that sense, Clough says that the OAU force could be “put in the position of watching helplessly while civilians are slaughtered.”

It has to be stated that the OAU has actually brokered several inter-Sudanese peace talks which resulted in several agreements and ceasefires, one of which is the previously mentioned N'djamena Ceasefire Agreement of 2004. But all these agreements and ceasefires have not led to tangible developments on the ground and thus have been manipulated or broken by one side or another because of the weak application mechanisms and the apparent unseriousness of the OAU members to put real sanctions on the Sudanese government. In fact, according to Nsongurua J. Udombana, taking the OAU actions and position so far regarding Darfur “it is clear that the OAU [Peace and Security Council] is taking the easy but uncertain path of mediation rather than the seemingly difficult but certain route of humanitarian military action to end the catastrophe in Darfur.”

He continues commenting on the ambiguous stands of the OAU members regarding the Darfur crisis saying that “one wonders if the OAU is not unwittingly playing a game sketched in Khartoum or, for that matter, wittingly showing solidarity with much maligned 'African brother.' How else does one explains the decision of the OAU Assembly, at its January 2005 summit in Abuja, to hold its January 2006 summit in Khartoum?”

Support from OAU members to the Sudanese government seems to be more fitting into the idea of solidarity with a similar dictator and a repressive government against the rebels and against the UN or else these African governments would face the threat of internal rebellion and external pressures for their undemocratic and disgraceful human rights records.

---

205 Clough, “Darfur: Whose Responsibility to Protect?”
206 Udombana, “When Neutrality is a Sin”.
207 Ibid.
3. The Arab League

The stands of the Arab League regarding the Darfur crisis have been as ambiguous and ineffective taken by the OAU or even more. The Arab League has expressed concern over the violence in Sudan's Darfur as an organization, but – similar to individual Arab member states – it has failed to support international action to protect the Sudanese citizens of Darfur. As early as the conflict in Darfur has started and began to draw UN threats with sanctions and intervention – at least rhetorically – to the Sudanese government, “the Arab League has rejected any sanctions or international military intervention as a response to the crisis in Sudan's Darfur region,” going in accordance with the official Sudanese government. Even in 2004 when an Arab League Commission of Inquiry into Darfur publicly condemned the attacks on civilians as “massive violations of human rights”, the statement was later suppressed and removed from the Arab League website, after a negative reaction from the Sudanese government.

There are several explanations for the complete Arab League support to the Sudanese government in spite of the atrocities being committed in Darfur. According to Robert O. Collins, “by its firm support for al-Bashir’s intransigent opposition to a UN peacekeeping force, the Arab League chose not to become directly involved in a conflict in which its members had no immediate self-interest in a land populated by a people for whom their historic perceptions and prejudices gave them no reason to lend anything but minor assistance.” Thus, by supporting the Sudanese government rhetorically and refusing international measures or intervention in their affairs, the Arab states are working for their

---

210 Hashbani, “About The Arab Stance”.
own interests in two ways. First, they are avoiding being part of a conflict that will need them to invest money and to draw forces into it. Second, they are – like their African counterparts – with asserting the state sovereignty of the Sudanese dictator and an oppressing state, they are asserting their sovereignty and refusing the intervention on humanitarian grounds in their own affairs.

It is interesting to examine the role of the Libyan government and its involvement in the Darfur crisis as an example of the Arab attitude to the crisis in Darfur that has been manipulated by state interests. Though the involvement of Libya in Darfur is not new, President Gaddafi has played a significant role as a mediator between the various fighting factions in Darfur. He also organized summits for African leaders to discuss the conflict in Darfur. Gaddafi insists – just as the rest of Arab and African leaders – on his objection to any international intervention in the affairs of, or any sanctions on, the Sudanese government. Of course giving the “proximity of Darfur to Libya, Gaddafi is not eager to have an international force intervening or stationed there.”

Also he has made different efforts to support the Sudanese government and to enable its control over the rebels inside Darfur so that their rebellion do not extend to the Libyan territory and jeopardize the regime.

B. The Reaction of Major Powers to the Conflict: United States and China

1. United States

The US has an awkward stand, yet an influential one – as always – in the Darfur crisis. The US was quiet discreet about the atrocities committed in Sudan, though it was – along with the UN and other regional and international actors – one of the brokers of the Southern-Northern peace process and has had full knowledge of what was happening in Darfur. While international organizations such as Amnesty International, the Red Cross, Human Rights Watch and various US agencies were speaking of “systematic human rights

212 Shafie, “Politics of the Conflict in Darfur,” 47.
abuses against unarmed civilians including women and children,” the US only affirmed its commitment to protect and assess those in Darfur but has barely done anything.

It was only following the US Secretary of State Colin Powell's visit to Darfur at the end of June, 2004, the Atrocities Documentation Team (ADT) was organized by the US Department of State and was responsible for conducting extensive research in Darfur to investigate the crimes committed there. After examining the work of the ADT and other agencies, Powel testified before the Senate Foreign Affairs Committee on September 9, 2004 that genocide has been committed in Darfur and might be still occurring and that it was the responsibility of the government and the Janjaweed. Paradoxically enough, Powel declared following this “no new action by the US is dictated by this determination,” but he invoked the 1948 Genocide Conventions which enabled referring the matter to the UN. By referring the Darfur case to the UN, the US seemed to have relieved its conscious. The US proposed a resolution – along with Germany, Romania, Spain and the United Kingdom – which later to become Resolution 1556 which invoked the responsibility of the Sudanese government but remained silent regarding sending peacekeepers. The US continued to back UN resolutions condemning the Sudanese government and invoking its responsibility towards its citizens but stopped any mention of the issue of peacekeepers or economic sanctions.

Even with the escalation of the conflict, “the Bush administration has consistently called for the deployment of multinational troops to Sudan but has repeatedly stated that US armed forces would not be deployed.” Not only it has refused to send its own troops, but the US has objected resolutions that would allow for sending more peacekeepers to Darfur or to support AMIS forces, favoring only increasing the African forces. Even logistical and

---

213 Bertrand Ramcharan, Statement Issued by the UN High Commissioner for Human Rights, (Geneva: UN High Commissioner for Human Rights, 2004).
financial support for the UNAMIS or AMIS was not favored. The Bush Administration persisted on the diplomatic track eventually achieving the Darfur Peace Agreement (DPA) in May 2006. Not only did it fail to bring on peace to Darfur, the US has used the DPA to evade the question of peacekeeping by the UN or western powers and have put all of it in the hands of the Sudanese government.\footnote{Joseph Loconte, “The Failure to Protect: Lessons from Darfur,” \textit{The American Interest}, winter January/February (2007), 20-31.} The US was also reluctant about referring the Darfur case to the ICC and preferred an international tribunal. It was only when the International Commission Inquiry organized by the UN declared that war crimes are being committed in Darfur and the need for either sending peacekeepers or imposing sanctions, that the US has approved referring the Darfur case by the Security Council to the ICC for investigating war crimes committed and for bringing justice to the victims. In addition, the US has been active through NGOs in relief work inside Darfur.

The US in general has been rather rhetorical on the issue of Darfur and President Bush, for the first time in US history, accused a state with master planning genocide. But nothing has been done on the ground to meet those “big words”. In fact, the US – in spite of its known criticism of the UN system – has been asserting the role of the UN throughout the crisis and demanding it to take an action\footnote{In September, 2006, after passing resolution 1796 which demanded deploying peacekeeping forces in Darfur and al-Bashir declared his disapproval that such forces would be deployed, President Bush used his speech before the UN General Assembly to criticize Sudan for its failure to curb the violence and accept UN peacekeepers. “If the Sudanese government does not approve this peacekeeping force quickly”, he warned, “the United Nations must act.” Ibid., p. 23.} while in the same time it has stood silent and even halted international action sometimes.

2. China

China has been playing a significant role in the Darfur crisis. Since the beginning of the crisis in 2003, the main role China was playing is hindering intervention in Darfur on the basis of state sovereignty and non-intervention as the main pillars of UN Charter. Thus,
China has disapproved resolutions permitting UN peacekeeping forces without Khartoum's consent and has continuously refused naming what was happening in Darfur as “genocide”. China continued in its protective stand to al-Bashir's regime till oil was discovered in southern Darfur, then a change started to happen. China – still refusing to allow for sanctions or military intervention in Darfur – started to intensify its bilateral relations with Sudan and to use these relations for diplomatic negotiations over Darfur's crisis. In May 2006, the Sudanese Minister for Industry Ali Ahmed Osman received a delegation of Chinese companies to discuss investments in Sudan's secondary sector. Not only economic, but military ties were strengthened as well. The Chinese Chief of Staff called on Sudan on December 2005 for cooperation prospects and in April 2006, China’s Central Military Commission received the Sudanese Defense Minister.218

Yet with the campaign of “Genocide Olympics” accusing China of cooperating and supporting a government that was master planning genocide for its own people, China started to convince the Khartoum government of deploying UN peacekeeper and at the same time was trying to convince the Security Council of replacing blue helmet peacekeepers with African ones. When UN peacekeepers were deployed, China has been part of those negotiating the terms of their deployment with the Sudanese government and the roadmap for the peace process between the government and the rebels. Though there were several African, European and American officials speaking favorably about the mediating role of China, many have been speaking of the role of China in oiling pacification towards Darfur.219 European countries seemed to have “washed their hands” off Darfur because of China's involvement while the US was skeptical of getting involved, yet worried for its strategic interests in the

---


region. The UN seemed also applausive of the Chinese involvement because it saved its face by doing something to stop the killing. The OAU as well has favored China’s intervention because of its non-western stands and because of its calls for the protection of state sovereignty while attempting to solve the conflict. Yet the Chinese role on the grounds did not achieve much, it only made the process of failure slower. Peacekeepers have been ineffective and the Sudanese government seems to have been empowered by the Chinese stands and thus has refused to deploy peacekeepers for a long time and has only approved eventually with a limited mandate and limited number. Indeed, it seems that the Chinese intervention has worsened the Darfur crisis even more in several respects.

IV. REMARKS ON DARFUR’S CRISIS: A FAILURE?

“The worst humanitarian emergency in the world today” – as the conflict in Darfur was described by Mukesh Kapila; the United Nation's representative in Khartoum in May, 2004, at the Security Council – seems to have not drawn the attention of the world enough to interfere. The actions of the UN have been ineffective to a large extent and were mainly initiated and controlled by its member states and their perceptions of the conflict. After all, “the UN, lest its critics forget, is little more than the corporate existence of its members.” The intervention provided by international and regional organizations has been influenced by the political circumstances surrounding the crisis and the tension between the Sudanese government and the international community.

Some claim that it is too naive to declare the failure of international community in Darfur. Besides it being an ongoing crisis, the case has been the first to be referred by the Security Council to the ICC, the US and EU has openly criticized the Sudanese Government declaring a government to be genocidal for the first time in history, China is mediating

220 Williams and Bellamy, “The Responsibility to Protect and the Crisis in Darfur”.
221 Daly, Darfur’s Sorrow, 294.
between the Sudanese Government and the rebels in peace negotiations and several international NGOs are being involved in humanitarian relief work in Darfur. Indeed, Darfur has demonstrated several developments within the understanding and the implementation of humanitarian intervention with the role of international and local civil society and the widening understanding of human security. But what one can say of intervention’s success if killing and humanitarian distress in Darfur is getting into its seventh year with the whole international community witnessing and little is being done to stop it?²²²

²²² The UN has warned recently that more than a million people in Darfur will go without food rations by May, 2009, unless aid agencies are deployed. BBC, “Joint Darfur Aid Warning Issued,” BBC, http://news.bbc.co.uk/2/hi/africa/7962595.stm, (accessed on March 28, 2009).
CHAPTER FIVE:

DARFUR CRISIS: THE FAILURE TO PROTECT, AGAIN

I. INTRODUCTION

The previous chapter has highlighted the similarity between the case of Rwanda and the case of Darfur in terms of the internal and regional dynamics contributing to the eruption of violence. Again, mere ethnic historical hatreds could not explain the complexity of the Darfur conflict. Colonization, government manipulation of identity formation and class system along with social and economic distress and regional influences have all affected the conflict in Darfur and the events have cumulated over the years with the full knowledge of the international community which has failed Africans again and left them to forensic killing on the hands of government-supported militia. This chapter applies the humanitarian intervention failure framework on the case of Darfur as it aims at measuring to what extent of the interest-based, racial state selective practice, the inadequacy of the humanitarian discourse and the lack of an impartial international body for conducting and monitoring intervention have all led to the failure to protect the Darfurians from the carnage. The main differences between the cases of Rwanda and Darfur are discussed in the third part along with the developments that the case of Darfur has highlighted in the humanitarian intervention practice.

II. DARFUR: ASSESSMENT OF HUMANITARIAN INTERVENTION FAILURE FRAMEWORK

In comparing the case of Rwanda with the case of Darfur regarding the failure of humanitarian intervention, one cannot be but struck with similarities in spite of the passage of years. The main framework of this research is to highlight the main reasons for the failure of intervention in Rwanda and yet again in Darfur despite the development and the practice of
humanitarian intervention. The following are the three factors that have been assessed previously in regards to the case of Rwanda and here they are being tested in the case of Darfur as factors contributing to the failure to protect once more.

A. Selective State Practice

1. Interest-Based Selectivity

Interests of involved players have affected to a great extent their reactions to the Darfur crisis. The role of the US in the Darfur crisis is strangely similar and different from its role in the Rwanda genocide. The US has been forthright about its condemnation of the atrocities committed in Darfur. Not only did it condemn the acts, but it has openly spoken of the role of the Sudanese government in unleashing and aiding the Janjaweed in the war crimes they are committing there. This is completely different from the case of Rwanda in which even describing the events as ‘genocide’ was a big taboo to the Clinton Administration and US officials all over the world. Yet, the US declared openly that its policy towards Sudan would not change consequently; making it seems as if the US was making a “mockery of the genocide determination.” The US continued to refuse sending UN peacekeeping forces and have been reluctant to provide logistical support or financial aid to the OAU forces to intervene in Darfur.

An important point to understand is that the US involvement in Africa should be examined through the change of its strategic interests after 9/11. According to one defense analyst during the Cold War, United States foreign policy has no strategic interest in African and this did not change much after the war. But in 1998, following terrorist attacks on two US embassies in East Africa, the United States “conducted a retaliatory attack against a pharmaceutical factory in Khartoum, Sudan that Clinton Administration officials initially

---

contended was producing precursors for chemical weapons for al Qaeda.”

The embassy bombings along with the US strike against Sudan are considered to be a turning point in U.S. strategic policy towards African in general and Sudan in particular. Sudan was placed on the UN list of states harboring terrorism during the 1990s and the logical step was that the Islamist government that harbored Osama Ben Laden for some time to be part of the US list of ‘War on Terror’. But this was not the case. The US actually declared Sudan to be one of the countries cooperating with it on its war on terror while the Darfur events were unfolding. Issues of oil, maritime security, arms control and terrorism have all emerged as extremely essential issues in the US national security in the post-9/11 Era and Sudan seemed to be willing to cooperate on these different aspects. So there was no need to strike back on the government even if its hands were dripping with blood over the Darfur region.

An attention-grabbing note on the US role in Darfur was the change of its reaction to the crisis over the time with the change of its national interest. At the first two years, the US has been accusing the Sudanese government of committing genocide, yet refusing to interfere or allow for international intervention till the Northern-Southern peace process, to which it has been a broker, would be concluded. Then with the discovery of oil in South Darfur on April 2005, the increasing Chinese involvement in the conflict and with the conclusion of the

---

227 Africa now supplies the United States with roughly the same amount of crude oil as the Middle East. With discovering oil in southern Darfur, Sudan is considered one of the main producers of oil in the region, along with Nigeria.
Data on U.S. crude oil imports is compiled by the Department of Energy’s Energy Information Administration, and is available at: http://www.eia.doe.gov (accessed on March 17, 2009).
Also the potential for high deep water drilling in the Gulf of Guinea made analysts estimate that Africa may supply as much as 25% of all U.S. oil imports by 2015.
Comprehensive Peace Agreement between the North and the South, the US started to change its discourse on Darfur. Still uncooperative on the matter of sending peacekeepers, the US demanded bringing the Sudanese government officials and Janjaweed militia into justice through an international tribunal. Though reluctant at the beginning because of its own reservations on the ICC system\textsuperscript{228}, the US eventually found referring the matter to an international criminal court would be the most suitable for its interests at the time. That is because the other two options suggested by the International Commission of Inquiry\textsuperscript{229} at the Security Council were either sending more 10,000 peacekeepers or placing economic sanctions against Sudanese individuals whom had been identified as complicit in the atrocities. The Bush Administration delayed the referral and pushed for an independent tribunal similar to Rwanda, but other states in the Council have refused because of pressures from public opinion and the continuing escalation of the conflict demanding for an action. The Administration could not afford worsening its reputation more than it has already done at home and worldwide because of its war on Afghanistan and Iraq and because of the deterioration of civil liberties and economy inside the US. In addition, NGOs and civil society movements\textsuperscript{230} have been strongly pressuring the government for acting promptly towards the Darfur case and to save the American people the shame of being involved in another Rwanda. The Bush Administration had no other option but to eventually approve

\textsuperscript{228} The US has reservations on the ICC and ICJ systems because it overrides state sovereignty. The US has withdrew from the ICJ in 1984 because of the Nicaragua case in which it was found guilty of supporting the contras in their war against the government, of using force against Nicaragua and intervening in its internal affairs. But US insisted on adding the wording “exclusive jurisdiction” of non-parties over their own nationals in Resolution 1593 on Darfur in order to limit the authority of national courts and the authority of the ICC to exercise universal jurisdiction over a person indicted for international crimes if he or she is a citizen of a non-party to the Rome Statute. The US meant to limit the law enforcement of the ICC.


\textsuperscript{230} Eichler-Levine and Hicks, “As Americans Against Genocide”. There is a huge civil society and interreligious movements for Darfur’s support in the US such as “Save Darfur”, http://www.savedarfur.org/content?splash=yes, (accessed on March 28, 2009).
Resolution 1593 to refer the case of Darfur to the ICC as the first time ever in world history for a case to be referred to a permanent court by the Security Council.

China's involvement in the case of Darfur has been an intriguing one. The year 2006 has marked a half-century of China-African diplomatic and economic relations.\textsuperscript{231} The economic interest of China in the region has grown recently and the African side has been quiet welcoming of such interest because China was seen as a co-worker, rather than a superior.\textsuperscript{232} China was defending the African states from the ‘western intervention’ in its affairs which has been always looked at as a form of reconlonization. In addition, Africa was looked at as a region of high economic interest and diplomatic prospect. Chinese commercial relations with Khartoum are thought to be in the heart of its controversial intervention in the Darfur crisis. According to the UN:

...China represents as much as 64% of Sudan’s trade volume. Between 1999 and 2006 Sudan’s oil exports to China increased from 266,126 to more than 6.5 million tons. In 2005 and 2006, China imported 47% of Sudan’s total oil production. China National Petroleum Corporation (CNPC) alone funneled more than US$4 billion into the Sudanese market. CNPC is by far the largest investor and has been active in Sudan since 1996. It is the main shareholder in the Greater Nile Petroleum Company (GNPOC), Sudan’s National Oil Company. It acquired several oil exploitation concessions. It has a near monopoly over a vast oil block in Darfur (Block 6), participates directly in three other development zones (Blocks 2, 7 and 15), and indirectly via GNOPC in two other areas (Blocks 1 and 4). CNPC plays a central role in the development of Sudan’s oil infrastructure.\textsuperscript{233}

It is believed that the disruption of these economic interests in Sudan has been deriving the Chinese intervention whereas the declared demands for protecting sovereignty were driven by the need to protect its economic African partner. Only when international pressures increased on China to stop supporting a genocidal regime for the mere protection of its own economic interests did China start to mediate with the Sudanese government demanding the


\textsuperscript{233} Holslag, “China’s Diplomatic Maneuvering on the Question of Darfur,” 71-72.
deployment of UN peacekeepers. But the Chinese role remains highly influenced with its own desire of diplomatic ties away from the west, which is flagging it as a human rights violator regime, and of economic ties with a region full of resources.

International and regional organizations have been again influenced with the interests of member states as has been the case with the UN and OAU. The EU also has abandoned Darfur. It dealt with the crisis of Darfur affected by its institutional deficiencies but also the interests of its member states. The French only cared about protecting Debby’s regime in Chad from destabilization by the conflict and the British followed the stances of Washington. As for the Scandinavian countries and the Netherlands, they only gave money and remained silent, whereas Germany made anti-Sudanese government noise that was not backed up with any action.\textsuperscript{234} The result was the EU giving $142 million but without coming up with any meaningful policy or any other form of intervention. In other words, Darfur was not in the interest of anyone in Europe.

2. Racial-Based Selectivity

The international community has been increasingly halting and delaying help for Darfur; “leaving Africans on their own” and looking to Darfur as another African problem emerging every now and then.\textsuperscript{235} Again Africans are perceived as simply “different, less than human and not worth costs often associated with interventions.”\textsuperscript{236} Darfur can be seen in this light as extremely similar to Rwanda; the same idea of Africans killing Africans. Even the fact that Arabs were actually killing Africans did not make much of a difference. Statesmen, officials and people all over the world can still see that all of them were black. They perceived them in the same way Rwandans were perceived before. In addition, Darfurians were all Muslims and after 9/11, Islam has acquired a reputation of being a religion of

\textsuperscript{234} Daly, \textit{Darfur’s Sorrow}, 141.
\textsuperscript{235} Agbakwa, “Genocidal Politics and Racialization of Intervention”.
\textsuperscript{236} Ibid., p. 522.
“terrorism” so what was happening in Darfur was seen as a reconfirmation of existing perceptions. The Darfur conflict was a conflict of African Muslims killing African Muslims; another tribal hatred civil war that nobody was interested in. Peter Tatchell spoke in The Guardian of the role of racism in the Darfur crisis saying:

*If these massacres were happening to white people in Surrey or Sweden, you can be sure there would be swift intervention to halt the killing. One cannot help wonder whether the global indifference to the slaughter in Darfur has anything to do with the fact that the victims are black and live in far away Africa. We would not tolerate this killing on our doorstep. Why are we tolerating it in Darfur.?*  

Racist stand towards Darfur’s crisis can also be seen on the Arab side as the Arab League depended in its lack of resolution regarding the issue of Darfur on the Arab public question of the “Arabness” of Sudan which is not seen to be entirely so, thus ensuring that no matter what atrocities are done their will not make them criticize their governments for not taking a proper action there. In addition, Arab racism has been playing a significant role in the internal dynamics of the crisis itself constructing tribal cleavage between the Darfurians leading to feeding of violence since 2003.

In fact, even Muslim racism is evident in the case of Darfur, as Muslims in the Arab World, Europe and North America look to the Darfurians as ‘different’ Muslims who are remote and peculiar and not part of their own “us”. This is evident in the Arab and Muslim Worlds that have shown considerable lack of interest in the Darfur case compared to the Israeli bombardment of Gaza that ended late January 2009, in spite of the fact that both conflicts involve Muslims and Arabs and both were heartbreaking humanitarian disasters.

Along these lines, Marie Guenhenno spoke of racist undertones of international humanitarianism and said that the DRC, where millions have died, is actually 200 times as large as Kosovo. Yet, Kosovo – which is inhibited by Europeans – has better peacekeeping

---


238 Collins, “Darfur and the Arab League”. On the ground, Arab countries together have sent only 76 personnel out of the 7,000 troops constituting AMIS. Egypt was generous enough to send 34 military observers, while Algeria sent 13, Libya 9 and Mauritania 20 – this to monitor a territory the size of France.
force “that is better equipped, better supported and backed by an aid effort that is, per person, several hundred times more generous than the one that feeds Congo.” In that sense, Africans are seen not worth of intervening for because they are different in shape and life. This perception intersects and shapes national interests. For when looks are different, “other more politically correct rationalizations” take stage.

**B. Inadequate Humanitarian Discourse**

Another reason for the failure of humanitarian intervention in Darfur is thought to be the continuation of the scantiness of the humanitarian discourse since the Rwandan case, however with few developments that have to be admitted.

In the case of Rwanda, one of the failures of the humanitarian discourse was the inability of determining that the killing of the Tutsi constituted “genocide”. The reason is that it was believed that once an event is declared genocide, it will invoke the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide and thus would require an international action. On the contrary of the case of Rwanda, several world leaders were not afraid to call Darfur a case of genocide. On September 9, 2004, Secretary of State Colin Powell concluded that “genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility and that genocide may still be occurring.” On the other hand, the UN, OAU and AL have refused to use the word “genocide” and used “ethnic cleansing”, “war crimes”, “crimes against humanity”, “atrocities” and others instead. But apparently the “G-word” did not make the desired difference in world's slothful reaction to the crisis. In fact, the word has been used with its morally and outrageous meaning to ease moralized public reactions to the Darfur crisis and to

---

239 Quoted in Agbakwa, “Genocidal Politics and Racialization of Intervention,” 525.
240 Ibid.
pressure the Sudanese government for making concessions for the Northern-Southern peace process.

With its lack of proper implementation methods and clear definitions, the Genocide Convention has been a good document with no prospect application. Because of its inadequacy, the “genocide” word is used by statesmen and officials on a selective basis for their own ends. Whether what is taking place in Darfur could be considered genocide or not has been a more complex issue than Rwanda's. The Report of the International Commission has declared the events to be “crimes against humanity”, but missing the intent of exterminating a whole group. But the US Congress and the Bush Administration have declared based on investigating committees and human rights organizations that the events in Darfur constitute genocide. The concern here is the impact of calling conflict “genocide” or “crimes against humanity” – or others – seem to be a highly politicized process that leaves little for impartial humanitarian action.

Another gap within the humanitarian discourse is that humanitarian disaster is not a humanitarian disaster without media coverage, yet the media coverage is attached to the world action and attention dedicated to the atrocities, however horrifying a disaster could be. The world has been forthright about being appalled of the atrocities committed in Darfur and the media has had an influential impact in this regard, but the interest of media in Darfur has only come to effect after international organizations and world leaders started to speak of humanitarian disaster and genocide. Only then, in early 2004, that the media started to pay attention to Darfur and to compare it with Rwanda. As soon as the media found an eye-catching angel of the Darfur story they started writing about the heart-wrenching images of victims and refugees. Thus, in 2004, Darfur was the humanitarian disaster of the year and

244 Collins, “Disaster in Darfur: Historical Overview”.
everyone in the media was interested in writing about it in buzzing and heartbreaking
terms. Attention started to be paid to other events as death continued as usual in Darfur
which seemed to have “enjoyed its famous fifteen minutes of Warholian celebrity.” Darfur
surfaces the media every now and then whenever something “interesting” that worth writing
about happens. This was the case with the “Genocide Campaign” accusing China of
supporting the Darfur genocide and the ICC warrant of arrest against al-Bashir.

NGOs, human rights organizations and movements in the west have been mobilized
for the Darfur cause demanding meaningful international intervention and asking for the
“never again” promises to be fulfilled. In fact, the first to demand world attention paid to
Darfur as early as the killing started in 2003 was Amnesty International followed by
International Crisis Group (ICG) followed by Human Rights Watch and then others. Not
only NGOs and independent human rights organizations, but also human rights committees
and bodies within international organizations and western governments – such as the Office
of the High Commissioner for Human Rights (OHCHR) and UNHCR – have also
declared the events in Darfur to be intolerable and thus demanded different forms of
intervention, mainly relief work, diplomatic mediation, arms control and the possibility of
sanctions. One can never deny the role of these organizations in mobilizing the public

---

246 The Economist, “Sudan Can't Wait,” The Economist, 31 July 2004; Samantha Power, “Dying in Darfur,” The
247 Prunier, Darfur: The Ambiguous Genocide, 128.
190.
249 J.J. Welling, “Non-governmental Organizations, Prevention, and Intervention in Internal Conflict:
252 Hurst Hannum, “Human Rights in Conflict Resolution: The Role of the Office of the High Commissioner for
253 The first UNHCR appeal for aid for Darfur was made in September 2009, when there were already 70,000
refugees in Chad and about 400,000 in Darfur. The first food aid for the camps in Chad arrived only in February
2004 and at the time there were no effective mechanisms for providing food for the much larger number of IDPs
inside Darfur. Daly, Darfur’s Sorrow, 291.
254 The Committee on the Elimination of All Forms of Racial Discrimination within the OHCHR implicitly
called the Security Council in August 2004 for deployment of an African Union “protection force” in Darfur,
opinion worldwide to push Darfur to be part of world leaders’ agendas – similar to the role of “Save Darfur Coalition” in the US.\(^{255}\) This has been notably different from the case of Rwanda.

Besides, international organizations have been active on humanitarian relief level by being involved in the Darfur crisis in large number such as France’s Action Against Hunger, Ireland’s GOAL, the United States’ Coalition for International Justice, and Respond; which is a European consortium of companies\(^{256}\) along with international NGOs such as Oxfam and Amnesty International\(^{257}\), among others, have all provided humanitarian aid inside Darfur and for refugees in neighboring countries. Yet, the efforts of these organizations brought no considerable attention until it has become in the interest of world leaders to respond to what has been taking place in Darfur. In addition, the humanitarian relief they provide has been fragmented, affected by political conditions regionally and internationally and did not lead to ending the conflict. Ideally, NGOs and international organizations should be integrated in an overall plan for humanitarian intervention to end the atrocities and address the resulting disasters on various levels, not only providing relief.

J.J Welling spoke of the role of NGOs in the Darfur crisis highlighting the gap of multilateral action towards humanitarian disasters in today's world. Darfur crisis “has posed a collective action problem requiring not only multilateral state collective action, but also

\(^{255}\) Jodi Eichler-Levine and Rosemary R. Hicks, “As Americans Against Genocide: The Crisis in Darfur and Interreligious Political Activism,” *American Quarterly* 37, no. 4 (2007), 711-735.


multifaceted, coordinated action between states and the proliferation of non-state actors that have emerged from globalization.”

Indeed, NGOs and civil society organizations can play a significant role in prevention, intervention and reconstruction humanitarian activities in various world conflicts. Their work can supplement that of the UN branches and human rights committees of world governments if there was a comprehensive plan for humanitarian intervention and reconstruction. The humanitarian discourse, sadly, remains fragmented and thus slow-moving and ineffective. To quote one of the editorials regarding the impact of this condition on Darfur in The Lancet:

*To be humane, humanitarianism must last for more than the fifteen minutes of attention that each crisis is accorded these days. Intervention can assist people when they are desperate. But if it is to be more than a sop to our own guilt, intervention must be commensurate and consistent; it must be followed through. That is how more people can be delivered from evil and peacekeepers can prevail more often over warlords.*

**C. Lack of Responsible Body for Impartial Implementation and Monitoring**

Similar to the case of Rwanda, the international community was well-aware of what was taking place in Sudan decades before the eruption of the Darfur conflict, according to the Report of the International Commission of Inquiry in Darfur. Yet the reaction was as apathetic as the one that Rwanda received. The third reason provided for the failure of the international community to address the humanitarian disaster in Darfur is argued to be the lack of a responsible body for impartial implementation and monitoring of humanitarian intervention. Even after the development of the understanding of intervention, this gap has remained; letting genuine humanitarian plans fall prey to state-centered and selective practice.

As the UN remains the main international body responsible for initiating or authorizing humanitarian intervention, it is important to examine why it has failed in properly

---

258 Welling, “Non-governmental Organizations,” 147.
doing so in the case of Darfur. According to Shafie, there are two main reasons behind the failure of the UN to mount an adequate intervention to stop the humanitarian crisis in Darfur. The first obstacle is the noninterventionist character of the UN Charter which makes it unable to interfere in the internal affairs of sovereign states; a point that has been previously discussed in this research. The second is the “veto rights of the five permanent members of the Security Council.” 261 Michael Clough puts the two points sadly and rightly by saying that, “despite enormous developments in the institutions, standards, and policies that set out to protect civilians in conflict, the UN is still an association of sovereign states committed to traditional principles of international order and constrained by the ability of the five members of the Security Council Veto collective action.” 262

Whereas the Sudanese Government used the non-interference norms of the UN to hide its brutal campaign against people in Darfur and as a shield to ‘fend off’ calls for international actions to protect the victims, the five permanent members of the UNSC have used the veto power to mainly “protect and promote their national interests at the expense of global interests.” 263 For example, China has been a major impediment in issuing a powerful resolution against the Sudanese Government or for a serious humanitarian intervention in Darfur because “it owns a 40 percent share of Sudan's main oil producing field,” 264 and it only started to engage in advocating for a peaceful solution to the conflict after oil has been discovered in south Darfur in April 2005. 265 Even at that time, it still maintained its “good” relations with the Sudanese Government by vetoing any sanctions against it through the

261 Ibid., p. 51.
262 Clough, “Darfur: Whose Responsibility to Protect?”
263 Ibid.
264 Ibid.
265 Shafie, “Politics of the Conflict in Darfur,” 44.
UNSC. Also Russia opposed a strict sanction against the Sudanese Government because Russia is thought to be its main arms supplier.\textsuperscript{266}

Though the US has been one of the very first states in the world to declare what is happening in Darfur to be “genocide”, it failed to act accordingly. It is believed that the Bush Administration had made ending the Sudanese civil war as one of its top priorities in Africa because of pressures from conservative religious activists “who have long campaigned against Khartoum's Islamist government for its gross human rights abuses in the non-Muslim south.”\textsuperscript{267} Thus, the US government feared that advocating for rights of people in Darfur may lead the Sudanese government to quit the North-South peace initiative which was in the interests of the US more than Darfur.\textsuperscript{268} Moreover, US was drained in its “War on Terrorism” in Afghanistan and then Iraq which made it not interested in escalating its attacks against the Sudanese government or pressuring the UNSC to put sanctions on it.

The EU members; Britain and France, have restricted their policies regarding Darfur though renouncing the crisis and imposing an “ineffective arms embargo on the warring parties that has been skirted by all of them with ease.”\textsuperscript{269} Furthermore, the European response has been affected by the “inertia institutionalized in the European Union's external affairs apparatus,”\textsuperscript{270} which called mainly on the UN to intervene and promised to provide it with possible means of support leading eventually to nothing. With Britain already snowed under the public disapproval of its involvement in Iraq and with the French involvement in other conflict zones in Africa – mainly neighboring Chad – and not being willing to get involved in new ones, the two EU and UNSC powers found it in their interest not to intervene thus

\textsuperscript{266} Clough, “Darfur: Whose Responsibility to Protect?”
\textsuperscript{267} Ibid.
\textsuperscript{268} Ibid.
\textsuperscript{270} Daly, Darfur’s Sorrow, 295.
“showed no interest in deploying its own peacekeepers to Darfur.” In that manner, the Security Council permanent members in following their own self interests have decided to leave the “Responsibility to Protect” the Sudanese citizens in Darfur in the hands of those torturing them in the first place; their government.

Even regarding the ICC decision, Kenneth A. Rodman has been skeptical of its ability to be considered a meaningful intervention to stop Darfur's atrocities. Though the Court has indeed identified several government officials – on top of them was Omar al-Bashir in March 2009 – who have been found to be part of planning atrocity crimes committed in the Darfur region of western Sudan, he still doubts the ability of the Court's decisions to be seen as a method with which the ongoing conflict in Darfur would be put to an end. In that sense,

*Despite these predictions, subjecting the Sudanese government to criminal scrutiny has had no discernible impact on the level of violence against civilians in Darfur and, if the past is any indication, is unlikely to do so unless there is international political will for tough action, either within or outside the Security Council.*

Because such an action was not available and because there was no political will to push for it, the decisions of the ICC were seen to be ineffective method of proper intervention – though a step towards a positive direction. The international criminal justice cannot end an ongoing war unless states and NGOs are willing to take an action; it has to be part of an overall plan of action to halt humanitarian disasters.

With the failure of deploying UN or OAU peacekeeping forces in Darfur, a multilateral effort was made and the Darfur Peace Agreement was (DPA) signed between the SLM and the government in Abuja on May 5, 2006. This was the result of the efforts of

---

271 Ibid.
272 Kenneth A. Rodman is the William R. Cotter Distinguished Teaching Professor of Government at Colby College in Waterville, Maine, where he also served as the founding director of the Oak Institute for the Study of International Human Rights. He is the author of *Sanctity versus Sovereignty: The United States and the Nationalization of Natural Resource Investments* (1988) and *Sanctions Beyond Borders: Multinational Corporations and U.S. Economic Statecraft* (2001). His earlier work on economic sanctions has appeared in *International Organization*, Political Science Quarterly, and Ethics & International Affairs.
274 Ibid, pp. 530-531.
various international actors including the governments of Canada, Egypt, Eritrea, France, Libya, the Netherlands, Nigeria, Norway, the United Kingdom, and the United States, as well as various multilateral organizations. The DPA has covered areas of security arrangements, ceasefire, disarmament, rehabilitation of refugees and IDPs, and political development and power sharing issues in Darfur. Though the peace agreement was hoped to end the conflict, this was far from reality for several reasons. First, putting aside the issue of ‘good faith’ on which many agreements within the IDP was based on which made it problematic, “any ceasefire depended on the willingness of the forces to comply.” This was a complicated matter, since some of the rebel group have separated and formed new ones which were not part of the agreement and thus continued fighting for their own demands. Additionally the Sudanese government, on the other hand, remained on its firm position that it is not associated with the Janjaweed, though will ‘try its best’ to disarm them. In addition, the rebels did not trust the Sudanese government and thus demanded the ceasefire to extend to the Sudanese army as well, knowing that the government has a long history in integrating the militia in its army. The rebels also did not trust the foreigners who were supposed to be advising the different teams and commission set up for applying and monitoring the DPA.

Besides, the DPA has not outlined a plan for the return and the rehabilitation of the refugees and the IDPs. Obviously, these good-willed projects were approved by the Sudanese government at times of worldwide horror of the humanitarian disaster in Darfur and the subsequent international pressures to ‘do something’ in return, but they remained to be only written words on paper till this moment. The weakness of the DPA as a form of humanitarian intervention to stop atrocities in Sudan are clearly evident in the parts related to

---

275 Daly, *Darfur’s Sorrow.*
276 Ibid., p.304.
278 Daly, *Darfur’s Sorrow.*
political development and judicial responsibility which it was surprisingly silent about. Any proper intervention in Darfur should have, besides suggesting humanitarian compensation and relief, dealt with the root causes that have led to the conflict which was the economic and political marginalization in Darfur. Thus, a logical step would be working on power sharing projects, which was suggested by the DPA in calling for the creation of a Transnational Darfur Regional Authority. But this has never implemented or pushed for, thus leaving the rebels with the same conditions that started their rebellion in the first place.

In fact, the people of Darfur were left less satisfied than the beginning of rebellion as they now demand an end of the ongoing killing on the hands of the Janjaweed as well as bringing those who have committed crimes against them to justice. This also has been excluded from the DPA which has claimed that the UN was dealing with the issue of justice elsewhere; i.e. through the ICC, not admitting that the process is sluggish and inconclusive, like the process of bringing Rwanda's war criminals has been before, with no potential impact on the actual disastrous situation on grounds.279

III. HUMANITARIAN INTERVENTION FROM RWANDA TO DARFUR: THE DARFUR EFFECT

What has really changed in humanitarian intervention as a doctrine and as a practice from Rwanda till Darfur? To be fair, there are few changes, but not the most satisfactory ones. Several factors have been essential in the case of Darfur and the world attention it has drawn. First, there is the role of the media which has made the 2004 the year of Darfur; comparing it with Rwanda and calling it genocide. Though the media has been influenced by the political discourse on Darfur, it did make an impact in how the crisis was handled by politicians, civil society organizations and international organizations. This leads to the

second significant difference from the case of Rwanda which is the role NGOs and civil society movements have played in relief work as well as mobilization and political pressure for Darfur. This might have been influenced by the growing humanitarian discourse taking grip of international relations in both academic circles and in practice and which had eventually led to introducing the “Responsibility to Protect” as a development of humanitarian intervention doctrine. The “Responsibility to Protect” is the third difference between the cases of Rwanda and Darfur because it was newly adopted by the UN and Darfur was the test case for its implementation and the difference it would make in dealing with humanitarian disasters. This was in spite of the fact that the “Responsibility to Protect” did not manage to escape the dilemmas of practicing humanitarian intervention in modern time. In addition, the “War on Terror” has made the post-9/11 Era a different one because of the US calls for pre-emptive self-defense that would make it intervene in terror-harboring states even without Security Council approval. Humanitarian intervention has become even more controversial as the lines between pre-emptive self-defense and such intervention became absolutely vague and the “Responsibility to Protect” made them almost non-existent.

The fifth factor of difference between the two cases is the Rwanda effect itself which necessitated an action to stop the killing lest people compare and find the international community in continuous utter failure, especially in Africa. The last important difference was the Middle East factor, which has made Darfur looked at as half African problem, half Middle Eastern one. The Middle East is a strategic region for several international actors and thus Darfur seemed to draw attention because of its Middle East side which could not have been ignored. These six factors differentiate between the two cases of Rwanda and Darfur, yet they do not make them different in humanitarian terms. The similarities are numerous and

280 The dilemmas of humanitarian intervention and the shortfall of “Responsibility to Protect” in the case of Darfur shall be discussed in detail in Chapter 6.
have been highlighted throughout the chapter; the internal and regional dynamics, the tepid international reaction, and the same reasons for the failure of intervention all tell the same story but with different names and with a longer time line. Once again, Darfur has drawn the attention of the world to the gaps within humanitarian intervention doctrine as practiced in modern time. It has highlighted that the difference circumstances and good intentions would not lead humanitarian disasters to a different path unless the built-in dilemmas within humanitarian intervention are addressed vigorously.
CHAPTER SIX:

THE “RESPONSIBILITY TO PROTECT”: FAILURE TO ADDRESS

HUMANITARIAN INTERVENTION MAIN DILEMMAS

I. INTRODUCTION

The two cases of Rwanda and Darfur demonstrate several similarities in their internal and regional dynamics as well as the slow international reaction they have drawn. This has been in spite of major development in humanitarian intervention that has taken place between the two cases which is the drafting of the “Responsibility to Protect” report in 2001 and its adoption by the UN Security Council in 2006. The report is analyzed here as an example of the persistence of the inherited dilemmas of humanitarian intervention doctrine in modern time. Because the report has failed to address these dilemmas thoroughly, it ended up stating the same factors of humanitarian intervention failure under a new name as has been seen in the preliminary reactions towards the Darfur crisis. Nevertheless, the report has started debates regarding human security and the growing role of civil society and NGOs in the changing international environment. This has been working diffidently in the case of Darfur making it distinct from the case of Rwanda and changing how the world now looks at the humanitarian disaster and how it could be brought to an end. Yet, for future humanitarian disasters to take a different path from Rwanda and Darfur, humanitarian intervention inherited dilemmas have to be wholeheartedly resolved.

II. THE “RESPONSIBILITY TO PROTECT”: HUMANITARAIN INTERVENTION UNRESOLVED DILEMMAS

The “Responsibility to Protect” seemed promising because of its emphasis on human security, human rights and the growing role of international NGOs thus introducing the need
for revising the concept of state sovereignty. Nevertheless, there are many scholars and activists such as Alex J. Bellamy\textsuperscript{281}, Gregory Raymond\textsuperscript{282}, David Chandler\textsuperscript{283}, Thomas G. Weiss\textsuperscript{284}, S Neil Macfarlane and Caroline J Thelking, to name only a few, who have raised their voices regarding their skepticism of the “Responsibility to Protect” and its potential application and implementation for various reasons. One of the critiques of the “Responsibility to Protect” is that it frames humanitarian intervention within the liberal understanding of human rights and human security. Another critique is that it ignores the growing role of the US in a unipolar world order and the diminishing role of the UN. Into the bargain, the report has failed to address the inherited problems within the UN system which have previously led to the continuous inaction towards human atrocities. The argument presented by this chapter is that the failure of the “Responsibility to Protect” to resolve three inherited dilemmas within the humanitarian intervention concept and practice; namely dilemma of priorities, dilemma of objectives and dilemma of responsibility, has led to the persistence of the same context for the intervention’s failure that has been experienced in Rwanda leading to another failure in the case of Darfur. This has made “Responsibility to Protect” problematic as a principle and as a plan for action. It is argued that all the shortcomings that have been raised by scholars and officials in regards to the “Responsibility to Protect” can be seen to emerge out of its inability to reconcile these three dilemmas within humanitarian intervention. The following are the three main dilemmas emerging from the “Responsibility to Protect” framework which makes it not such a dramatic change from

\textsuperscript{281} Alex J Bellamy, “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq,” \textit{Ethics & International Affairs}, 40, no. 4 (2007), 31-53; Alex J Bellamy, “Conflict Prevention and the Responsibility to Protect,” \textit{Global Governance} 14, no. 3 (2008), 135–156.


traditional doctrine and practice of humanitarian intervention as has been evident in the case of Darfur.

A. Dilemma of Priorities: State Sovereignty or Human Rights?

The first dilemma within humanitarian intervention which the “Responsibility to Protect” failed to resolve is the one about priorities and lack of decision on which to place first; the state or the human being. The dilemma comes from the lack of resolution on prioritizing human rights or state sovereignty.

Both of the ideas of human rights and state sovereignty have deep roots in the traditional Western political thought according to J. Peter Burgess.285 The concept of “human rights” has its roots in the writings of 17th century philosophers such as John Locke. Many developments followed and the term “human rights” finally appeared in the Universal Declaration of Human Rights adopted in 1948 by the UN. International declarations, treaties, conventions and covenants then followed and further developed and asserted the concept of human rights. Also the concept of ‘state sovereignty’ was originally developed in the 17th century (specifically in 1648 in the Treaty of Westphalia). The concept was further developed by treaties and international organizations to establish the modern concept of nation-state which is considered to be the cornerstone of the international system. The two historical and fundamental concepts of “human rights” and ‘state sovereignty’ have come to their full development in the 21st century.

But the two principles do not overlap agreeably.286 The existing world order places high emphasis on the role of the state and considers it to be the main political player of the international system. This emphasis entails that an individual state has authority over its

---

286 Mohammed Ayoob, “Humanitarian Intervention and State Sovereignty,” The International Journal of Human Rights 6, no.1, (2002), 81-102. Ayoob deals with the contradiction between the concept of “justice” mainly brought about by the idea of human rights and the concept of “order” brought about by making the state at the center of the international system.
citizens and its territory; it is expected to pursue mainly its own interests and that it cannot be controlled by any other state in the international community because it is equal to other states and responsible for its own affairs. In this case humanitarian intervention on behalf of states would make an “irrational policy” because it will be contradicting with the world order and its main component; the state. On the other hand, the growing concept of human rights entails that the main emphasis of the international community should in fact be placed on the individual human being everywhere in the world with no other higher consideration. In that case humanitarian intervention would be conducted in the name of “the international community” – and would not give any weight to state sovereignty- to save suffering human beings. In that sense, the purpose of humanitarian intervention in a state would be “preventing widespread suffering or death among inhabitants”.

Placing the state at the core of the international system requires – above all – the preservation of its sovereignty. Sovereignty is defined at best to be authority or “the right to rule over a delimited territory and the population residing within it.” Sovereignty in that sense not only an internal attribute of the state that makes it control its territory and its people, but also it is an external attribute which requires the recognition of the other states in the international system, to stabilize that system.

The contradiction emerges when one begins to combine the concept of state sovereignty with the concept of human rights. Here the concept places a higher priority over state sovereignty for the international system which is human security. Advocates of human rights frequently dismiss the idea of sovereignty for the protection of human beings. Both the


290 Ayoob, “Humanitarian Intervention and State Sovereignty”.
former UN Secretary General; Kofi Anan, and his predecessor, Boutros Ghali has declared many times that “state sovereignty is not absolute and exclusive and can be circumscribed, even overriding, in special circumstances.”291 Advocates of such a stand believe that human rights should be given a priority because states can sometimes take state sovereignty as an alleged reason with which they refuse the interference of the international community in their own affairs. These states can actually be violating the rights of their own citizens and in spite of that; no one can intervene because of the “right” of state sovereignty.292

The tension between the two sides is actually hard to resolve because advocates of human rights and advocates of state sovereignty have different focal points of their concerns. An example of a suggested combination between the two concepts was proposed by Nicholas Thomas and William T. Tow293 who proposed that because both state sovereignty and human security are important concepts in today’s world, the two of them should merge together at least for a policy making purposes. For that purpose, they suggested that the definition of the term “human security” to be narrowed down to the transnational human disasters that jeopardize the security of the international system and in such cases only, state sovereignty can be violated. The suggestion was, in fact, attacked by both sides (human security and state sovereignty advocates) because it undermines the two sides in a way that makes neither of them effective any more. The state sovereignty advocates would say that the suggestion would undermine international law that originally protects states and world order. That is because if broken once for whatever reason, it will be continuously broken afterwards and the concept of state sovereignty will have no meaning in the international system anymore. The humanitarians would also oppose the suggestion because it still gives importance to state

291 Ibid.
sovereignty over human suffering and because it limits the human suffering to “political conflicts” only though there are many other forms of human suffering such as famines and underdevelopment that should be dealt with, too.

The “Responsibility to Protect” was not sold regarding the priorities of intervention; rather it aimed for an uncomfortable and a somewhat shaky consolidation between a state-centered agenda, with traditional principles of state sovereignty and non-intervention, and the evolving concept of human security including concerns for human rights and humanitarian debates. The result was that no significant change has taken place on the preliminary level in the case of Darfur.

It has been clear that the international and regional organizations involved in the case of Darfur were affected by the political will of their members which clearly was lacking or insufficient. Though the “Responsibility to Protect” spoke of intervention for the protection of human rights abuses, it did not prioritize human security. The result was more disastrous than the traditional concept of humanitarian intervention before “Responsibility to Protect” because it now allows for selective state-practice leading to chaotic situations in the middle of a humanitarian disaster. The use of a humanitarian rhetoric which was not applied on the ground has had tremendous impact in the case of Darfur. Roberto Belloni says that not only did the international condemnation has fell short in stopping the Sudanese government and the Janjaweed from the killing, “international rhetorical interest and condemnation of the ‘genocide’ emboldened the rebels to increase their attacks and to harden their views,” which has led to the escalation of violence because they believed that the humanitarian rhetoric meant that the international community is on their side. In addition, because of its undefined priorities, the “Responsibility to Protect” makes Third World countries skeptical of

---

295 Ibid.
its intentions as they see it not “wholeheartedly” humane. This allows for accusations made by the Sudanese government against UN peacekeeping attempts and other forms of intervention and mediation in the Darfur crisis.

B. Dilemma of Motives: State Security or Human Security?

The second dilemma within the humanitarian intervention doctrine that the “Responsibility to Protect” did not manage to resolve is the one regarding the motives initiated by human rights and by state sovereignty. In that sense, there is no clear understanding whether the motivations of the intervention would be preserving state security – and in this case the form of intervention would not depend on the gravity of human rights violations but on the capacity and the interests of the states intervening – or implementing human security – and in this case the form of intervention would be determined according to a comprehensive plan for human protection and human development.

According to the Realist school of IR, “the proper function of the state – and therefore, the primary responsibility of the statesman – is to protect and further the national interest.”296 States are supposed to be created to protect their citizens and pursue their interests. The leader of a state is supposed to be given power by his people to fulfill that role. The argument goes on by adding that state leaders occupy a different role which raises different moral dilemmas from the ones that face the rest of individuals in their regular lives.297 In that sense, the leaders of states are supposed to be acting “morally” – at least in their position – when they care only for the interests of their own states. Pursuing state interests in that sense would be considered the main motive for policy making by state leaders. The theory of social contract also argues that “the state exists as a discretionary association for the mutual advantage of its members, and the governments as an agent to

296 Welsh, “Taking Consequences Seriously”.
297 Ibid., p. 58.
serve the basic interests of its members.” In that sense, it has been always believed that to protect the existing order of the world, the actions of each state should be motivated mainly by its national interests.

The contradiction arises when again the concept of humanitarian intervention attempts to fit in that state-interest-based order. Human security is ideally thought to prioritize human beings over the state and put them as the main motive behind policy making. The idea of humanitarian intervention actually paved its way into the existing world order – especially after the end of Cold War – because of many factors such as the end of superpower rivalry and the advancement in technology which make the suffering of human beings all over the world accessible and even visible. The development of human rights norms that require humanitarian intervention to save suffering human beings all over the world in that sense became something that people of the world demand from their own states – especially in the west. Thus states began to give weight to the concept of human rights and intervention for the sake of its protection. But humanitarian actions are still led by state-interest motives rather than by humanitarian motives. This creates the problems of selectivity and double standard in the practice of humanitarian intervention because “states will always pick and choose” when the issue comes to their interests. It is obvious that if states put pursuing their interests as the main motive behind their actions, they will pick the cases in which intervention will benefit them and abandon the ones from which they will gain nothing, even if a human disaster is involved.

The case of Darfur is again a manifestation to the conflict between state interest motives and humanitarian motives. As described earlier, the crisis in Darfur is considered to be a human disaster in which millions of human beings are suffering. In that situation,

---

298 Ibid., p. 58-59.
299 Ibid., p. 54.
300 Quoted in Ayoob, “Humanitarian Intervention and State Sovereignty,” 86.
humanitarian motives would in fact call for an immediate intervention in Darfur to end the ongoing conflict and to save the suffering people. But this is not the case. Although many states have declared their “rejection” to the massive human rights violations in Darfur and offered the Darfurians humanitarian assistance – food, blankets and so on, “in political terms, however, the responses have been slow, tepid and divided.” Resolution 1556 of the Security Council for the deployment of UN forces in Darfur has not only been ignored until now, put also have been viewed by Amnesty International spokesperson as an abandonment of the people of Darfur. The failure of the Security Council to take a firm stand on the intervention in the Darfur conflict is due to many reasons; one of them is that the interests of the member states – especially the permanent five members – do not support such an intervention. China and Russia are engaged in economic relations with the Sudanese government that will be jeopardized by any economic or diplomatic-let alone military – sanctions on it. The United States’ wars in Afghanistan and Iraq as part of its “War against Terrorism” are seen more important at this point than saving people in Darfur.

The response of the EU followed a similar pattern like the Security Council; it threatened the Sudanese government with sanctions “but showed no interest in deploying its own peacekeepers to Darfur.” It is clear that at this point, the European Union does not find a direct or an indirect interest of its states to intervene in Darfur. The AOU was the only political institution that has decided to interfere in the conflict. But in this case, the intervention was not effective because at the AU refused to intervene without the consent of the Sudanese government and when it was given that consent, its poorly equipped forces could not help the suffering Darfuries. The states of the world threw the burden of saving the Darfuries on the poorly equipped forces of the AU because partially their interests were not

301 Williams and Billamy, “The Responsibility to Protect and the Crisis in Darfur,” 32.
302 Quoted in Williams and Billamy, “The Responsibility to Protect and the Crisis in Darfur,” 32.
303 Ibid.
304 Ibid., p.34.
intact. And because the motive behind their actions is supposed to be protecting the interests of their own states not saving the suffering people of the world and protecting their human rights.

The lack of resolution on motives was reflected on the “Responsibility to Protect” which has been vague on the objective of humanitarian intervention and thus on its ideal form. If humanitarian intervention is meant to be reactionary – as “Responsibility to Protect” is, then it would be only military to stop the killing and then leave. But if it meant for human security purposes, then there has to be a comprehensive plan for prevention and reconstruction. Indeed the “Responsibility to Protect” speaks of these efforts, yet in a vague manner and with wholehearted emphasis on military aspects of intervention.

Kithure Kindiki\textsuperscript{305} has spoken of the preventive option as one of the main breakthroughs of the “Responsibility to Protect” to develop the doctrine of intervention, yet she admitted that in the case of Darfur such a measure was not adequate because in spite of the world's knowledge of events taking place in Darfur there was no political will enough to intervene for prevention. Because it has failed to prevent, there only remained the options of reacting and rebuilding. Any use of force would have needed the approval of the Security Council but it has not been able to fulfill this very primary function because of disagreement among members regarding the issue of priorities. In the case of Darfur, while the AU has deployed a peacekeeping force in Darfur since 2004, only in September 2006 did the UN pass a resolution to deploy UN Peacekeepers to take over the mandate of the OAU forces.

Even with the use of force, De Waal was critical of the “Responsibility to Protect” resolution on objectives in this regard. He states that:

\ldots the success or failure of any peace support operation in Darfur will depend upon the long-term vision and strategy of the operation, and the intellectual leadership provided

\textsuperscript{305} He is an associate Dean, School of Law, University of Nairobi.
accordingly. It is only on the basis of such a concept of operations that the most
fundamental question can be answered, namely: What is the force there to do?306

But the mandates of the UNAMIS and the AMIS have fallen short in defining a clear
framework for the objective of these peacekeeping forces. Instead of producing a mandate
that would be a part of an overall intervention to address the crisis in Darfur, the reactionary
emphasis of the “Responsibility to Protect” led to the creation of a peacekeeping mandate in
the way that it has been always produced; i.e. based on what member states approve and offer
to provide which was not much. Even the DPA has been deficient because of the lack of
political will of various actors to intervene for drawing a comprehensive peace agreement for
Darfur.

C. Dilemma of Responsibility: What is the “international community”?

The third dilemma which the “Responsibility to Protect” failed to resolve regarding
humanitarian intervention is the one regarding responsibility and defining a capable impartial
authority to conduct and monitor the framework suggested by the report other than the UN, or
suggest drastic change within the UN apparatus to address the reasons that have led to its
failure in several cases of humanitarian intervention. This dilemma is related to the previous
ones; if the intervention is conducted in a world order that prioritizes the state and is
motivates by states interests, then states will be only the available authority for intervention
whether unilaterally or collectively according to their discreet. But if intervention is
conducted in a world that prioritizes human rights and is motivated by human security, then
there would be an international authority responsible for impartial conduction and monitoring
of the intervention. One of the essential critiques directed to the “Responsibility to Protect” is
its failure to define the authority responsible for the application of the principle. It is quiet
important for an intervention to be successful to be in the hands an impartial authority to

306 Alex De Waal, “Darfur and the Failure of the Responsibility to Protect”, International Affairs 83, no. 6
implement and monitor. But leaving the issue of intervention authority open for weak organizations or sovereign states to decide, potentially leads to state manipulation and utter failure.

The Westphalian system that places the state at the core of the international order requires that all states should be equal and responsible for their own affairs. Sovereign states mainly seeking their national interests are supposed to be protected in that system by the concept of non-intervention. It is thought that sovereign states have given a space for the existence of a higher international body such as the UN because it was based on respecting these important state-centered concepts. “For its first 45 years the UN was firmly associated with the principle of non-intervention in the internal affairs of sovereign states,” a fact that is thought to be the reason why the UN has received approval and support from post-colonial states. Thus, the Charter of the UN is seen to be essentially non-interventionist. Using forces in international conflict is permitted in one of the two possibilities; self-defense and UNSC-authorized military operations.

This is clear in Article 2(4) of the UN Charter that states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purpose of the United Nations.” The emphasis of the UN Charter on its non-interventionist character – as clarified in the previous Article – is seen as part of the purpose of the UN in the first place which is organizing the world and creating more space of cooperation between states but without weakening the state as the main form of the world order to protect it. Even with the development of human rights, the idea of

307 Ibid.
310 Ibid.
“sovereignty as a responsibility” which basically entails that states should not only be sovereign in the sense of having authority over their citizens, but also they have to be sovereign in the sense of being responsible for those citizens and the protection of their rights. Although the idea was seem supporting the protection of human rights, it is in fact doing so in a way that does not weaken the state as it throw a big part of the responsibility on its shoulders.

Humanitarian intervention conducted for the protection of human rights requires a higher responsible authority that speaks in the name of the “international community” and acts in the name of some kind of collective “international will”. This authority should be equipped with a proper mechanism to protect human rights and to have the power to intervene to protect them at any price. As Ayoob puts it, “a mechanism that not merely is, but also seen to be, transparent, fair, and broadly participatory must be established to determine international will.” This kind of mechanism is the one required for a proper conduct of humanitarian intervention for the protection of human rights. Unfortunately, “such a mechanism is not present at the current time.” The reason for the absence of such mechanism is that because the international body that would be responsible for that mechanism needs a legal force and a power to enforce its will on states which states clearly are not willing to provide. It is very difficult to consider the UN Security Council as the higher body that determine the international will and act on behalf of the international community – at least in its current form. This is because of the “lopsided composition of that body and the seemingly firm resolve of its permanent members to block the expansion of its permanent membership and prevent distribution of permanent seats more equitably in

313 Ibid.
geographic and demographic terms.\textsuperscript{314} Thus, it is very hard to say that the UN Security Council in its present form does represent the “international community”. It is a weak international body – in regard to power and legitimacy given to it by states – that merely represents the powerful states and acts according to their interests – which sometimes even contradict with each other the thing that further weakens its actions.

If for the sake of argument, the UN has been considered, “the principal institution for building, consolidating and using the authority of the international community,”\textsuperscript{315} there will be two problems faced in this regard. First, the UN Security Council has neither the enough legitimacy nor the enough power to enforce its decisions on states. In the case of Darfur, for instance, although the Council issued Resolution 1556 for the deployment of UN forced in the region to stop the massive killing, no action have been taken until now. In addition to the reasons mentioned earlier, the Council cannot intervene without the approval of the Sudanese government or the approval of the P-5 and both approvals are not available. Thus, although a resolution has been passed for an intervention in Darfur, no action has been taken because of the lack of legitimacy and power given to the UN by the states. The concept of nation-state and the need for its protection is still the over-riding principal in the international system, thus, creating a weak position to the hypothetical representative of the “international community” and its decisions. If there are no efforts made by states to provide the UN with power and legitimacy needed to protect human rights and represent the international community in this regard, it will never become the impartial international body responsible for humanitarian intervention.

The other problem is that the introduction of the concept of humanitarian intervention to the current form of the UN seriously weakens it and puts it in danger. There are six reasons

\textsuperscript{314} Ibid.
\textsuperscript{315} Gareth and Sahnoun, “The Responsibility to Protect”. 
for that weakness. First, it abandons its main purpose on which states have agreed upon at the
time of its creation which is protecting state sovereignty. Second, states can increase their
armaments to protect themselves from intervention and reduce their trust in UN system.
Third, the organization may give a strong sense that it would protect civilians everywhere and
then for internal problems fail to do so because of lack of power and legitimacy which will
weaken its image as an international powerful organization – such as the case of Darfur.
Fourth, the chaos created by UN intervention – in its current form – may not be manageable
and states may refuse to help in that situation. Fifth, states may have opposing views on a
certain humanitarian issue which may end up making no action regarding it – again as the
case in Darfur. And finally, the governments of many developing countries suspect the
agendas of the “Western” powers when they decide to intervene in a certain conflict on
“claimed” humanitarian grounds and that is because they are not well represented in the UN
and have not taken part in the decision of intervention.316

The “Responsibility to Protect” has been unable to define specific authority to be
responsible for the protection other than the Security Council, whose inefficiency and
institutionalized paralyzing factors have been dealt with extensively in the two cases of
Rwanda and Darfur. It seems that the two previous dilemmas are quiet related to this
dilemma of authority, because an adopting authority would define the priorities and the
objectives of intervention and would monitor its application. But as long as this authority
does not exist or is insufficiently defined, humanitarian intervention would continue to be
practiced with its gaps that have been dealt with previously and with no change except in its
name.

One of the main failures of the “Responsibility to Protect” in Darfur is that the
authority it has suggested has been utterly a failure. The Security Council has been sluggish

316 Roberts, “The United Nations and Humanitarian Intervention”.

110
in its reaction towards the Darfur crisis and how it has been crippled with the interests of its member states and their willingness to act. The UN system has failed in Rwanda and failed all over again in Darfur and the “Responsibility to Protect” has failed because of leaning the authority of its newly born doctrine to the UN without addressing the institutionalized and political reasons behind these failures.  

III. HUMANITARIAN INTERVENTION FROM RWANDA TO DARFUR: THE BRIGHT SIDE

Was “Responsibility to Protect” a failure? It would be an immature statement undermining the aspects that the “Responsibility to Protect” has highlighted. The “Responsibility to Protect” has drawn the attention to the changing international environment and thus the essential need for a new approach for humanitarian intervention. It has highlighted rightly the growing importance of human security and the emerging role of NGOs and civil society; things that could make a dramatic change to the doctrine of humanitarian intervention if they were really accounted for properly. But it has failed to depict the reasons for the previous failures of humanitarian intervention and how these can be overcome within the new setting of the international system. It has also failed in dealing with issues that the international system are being silent and which are extremely essential to drafting a meaningful doctrine on humanitarian intervention such as US military supremacy and the unipolar nature of today's international system. Thus, an overall answer would be, yes. It has failed those who thought it is a new window of hope and even a revolutionary approach to humanitarian intervention. The main holes within humanitarian intervention seem to be existent in the “Responsibility to Protect” as it has exported the inherited dilemmas of the traditional doctrine only placing them within a new context.

The “Responsibility to Protect” is problematic.\textsuperscript{318} The report tried to introduce the idea referred to earlier which is “sovereignty as responsibility” as a way of merging the two concepts of human rights and state sovereignty because of their high importance and relevance to the time being. The report suggested that states should show respect and responsibility for the rights of their citizens, but when these states “cross line” and begin heavily violating the rights of their own citizens, the “international community” has to intervene. The report puts it this way: “It is the responsibility of the whole international community to ensure that when the next case of threatened mass killing or ethnic cleansing invariably comes along, the mistakes of the 1990s will not be repeated.”\textsuperscript{319} The problem is that the report fills short in defining who the representative of that community would be. It asserted at the beginning that the UN Security Council should be that authority and then by admitting the problems related to the Council said that the General Assembly may be more representative. Then, it said that if states find that the mentioned two bodies are not able to successfully intervene to stop a human disaster, then the report suggested the intervention by regional or sub regional organizations. The report clearly failed to define a higher authority that would be responsible for the protection of both human rights and the sovereignty of states at the same time without being unfair to any of them and without practically falling apart by losing its legitimacy and power.

But there is a bright side that the “Responsibility to Protect” has introduced to the doctrine of humanitarian intervention which has been evident in the case of Darfur. Though the two cases of Rwanda and Darfur have been used to assess the validity of the humanitarian intervention failure framework in the African context and have indeed proven – to a great extent – similarity in world reactions and persistence of malfunction factors, the picture is not

\textsuperscript{318} Evans and Sahnoun, “The Responsibility to Protect”.
\textsuperscript{319} Ibid.
all dark. The case of Darfur has demonstrated few improvements from the case of Rwanda in the understanding and the implementation of humanitarian intervention which – if to continue – should be further developed and built on. Touko Piiparinen\textsuperscript{320} speaks of these improvements as he argues that the UN, the OAU, the EU, and NATO have in fact “devised and implemented two innovative peacekeeping strategies in Darfur that have set more optimistic precedents for humanitarian intervention, namely, a new division of labour between regional and international organizations and a pragmatic turn in peacekeeping.”\textsuperscript{321}

Though the collaboration of the UN and the OAU has been influenced by the political will of member states, the idea of the need to empower and to integrate regional organizations for conflict management has been clarified in the case of Darfur. The OAU was not looked at as a malfunction organization that would not be of any use in UN operations has started to change. The international community has started to understand that to reach slogans of international peace and security called for by the UN; it can neither function as the “big brother” of Third World states nor ignore them all together. To intervene for stopping humanitarian disasters ranging from famines, poverty to violent conflicts and genocide in remote parts of Africa, for instance, is a necessity for reaching worldwide peace and security. In addition, this intervention should be understood in a broad meaning that does not look at military reactionary interventions as the sole form of intervention available for stopping humanitarian disasters, but to take into account preventive and rebuilding procedures which cannot be implemented without the cooperation and the integration of the governments and the people in those states.

\textsuperscript{320} Touko Piiparinen currently works as a diplomat in the Ministry for Foreign Affairs of Finland. He has previously worked as the political representative of the ISAF Provincial Reconstruction Team in Meymaneh, Afghanistan, and in the KFOR operation in Kosovo. He has also worked as a researcher at the Department of Political Science, University of Helsinki, Finland. His areas of expertise include conflict prevention, humanitarian intervention, and security sector reform.

This shift in division of labor and wider understanding of peacekeeping operations is thought to have been one of the major developments of in humanitarian intervention in Darfur. This division:

...signals a departure from the usual rivalry, unnecessary wrangling, and lack of coordination that have been typical of interactions between organizations. Although it would be premature to evaluate the success of the UN-AU-NATO-EU partnership in Darfur, an analysis of the initial stages of their cooperation reveals not merely a tendency to devolve the leadership and main responsibility for the protection of targeted civilians in Darfur to the AU, but also an unprecedented willingness of all organizations to coordinate their activities in Sudan.322

This has been a step towards erasing the image of conflicts in African to be “mindless” and have no solution. The international community has started to take the complexity of these conflicts into consideration and understands that an effective intervention would require the integration of African organizations into a comprehensive international action for stopping atrocities.

It is also argued that the case of Darfur represents a step in the gradual transformation of the UN system “away from the rigidity of bureaucratic norms toward a more pragmatic direction,” as it started to examine the issues of the inflexibility of the peacekeeping forces mandate, for example, as one of the reasons for the failure of these forces to react promptly to disasters. There is no military doctrine for the protection of civilians under the UN peacekeeping mandate till this moment, however he says that there is a growing tendency in the Security Council to revise peacekeeping mandates in order to respond to the changing nature of today’s world warfare in which more civilians become victimized than militia or soldiers. In the tenth anniversary seminar of UNDPKO organized in 2002, which brought together highly reputed UN officials, including the Secretary-General and all the former under-secretaries-general who have headed UNDPKO, it was states that: “Today, maintaining international peace and security cannot be separated from protecting the individual security of

322 Ibid., p.371.
civilians. The UN must put the protection of civilians at the center of its peacekeeping and peace-building activities.”

Though these changes have not shown a significant change the case of Darfur, there has been a growing demand for a change in peacekeeping approach especially with the consecutive cases of humanitarian disasters since the beginning of the 1990s till recent ones such as Darfur and DRC. To preserve their peacekeeping forces, there is a tendency now to reconsider the management abilities and bureaucratic nature of the UN and this awareness is moving to other international and regional organizations as well. The international community has started to reconsider its silence over and inaction towards atrocities not only because these atrocities became unbearable and numerous, but because such silence and inaction are discrediting the community itself and its ability to each up for the expectations of people and for the goals that it has set for international peace and security. These have been lessons learned from Darfur and development towards an understanding of the need for a new and a dramatically different era of humanitarian intervention in which human beings and their rights become the referent point of ideas and actions.

CONCLUSION

HUMANITARIAN INTERVENTION: TOWARDS STANDING ON SOLID GROUND AND SPEAKING IN ONE VOICE

The shock of one humanitarian disaster after another with the more or less same international halfhearted responses have led many scholars to reevaluate the political viability and the limits of humanitarian intervention concluding that our expectations are the ones that need revisions, not the doctrine of humanitarian intervention.325 Such stands assume that the reasons behind the failure of humanitarian intervention are deeply rooted within the international system that they could never be addressed and that is why we should get used to humanitarian disasters occurring every now and then and being watched in silence. But this research rejects approving such a stand. It is the will of visionaries that has always brought change to this world. Surrendering to world structures even if they have been there for centuries is not an excuse to give for victims of wars, famines, poverty, environmental disasters and other millions whose rights are being violated in one way or another in several parts of the world every day. Humanitarian intervention is a good idea that needs to be separated from the history of political manipulation and legal constraints created by a state-centered system, and to be brought back to its origins in a world that should ideally have the individual as its cornerstone; not any other form of social organization such as the state.

This research has aimed at analyzing a framework for understanding the reasons behind the failure of humanitarian intervention particularly in the African context. It has measured the selective state practice, the inadequacy of the humanitarian discourse and the lack of an international body for impartial implementation and monitoring of humanitarian intervention as reasons for this failure. Using a comparative case study between Rwanda and Hugo Slim, “Dithering Over Darfur? A Preliminary Review of International Response,” International Affairs, 80, no. 5 (2004), 811-833.
Darfur, this research has demonstrated that these factors could account, to a great extent, for the shortfall of humanitarian intervention to stand for the protection of human beings as it was originally developed for. Though the two cases are full of similarities in the internal and regional dynamics as well as the slow international reactions to them, Darfur has showed a slight difference in the understanding and the practice of humanitarian intervention, especially with the passage of time and the escalation of the conflict. In spite of remaining a heartbreaking ongoing humanitarian disaster, Darfur has highlighted the changing international environment and the need of multilateral efforts in peacekeeping forces and wider understanding of human security and human rights. Though they have not made tremendous impact on the ground, these changes have directed humanitarian intervention debates towards genuine transformation for human protection. But for humanitarian intervention to develop in the future and to show different outcomes, the presented three factors should be addressed seriously and vigorously in order for intervention to be implemented for the protection of human rights as it ideally meant for.

This is not an impossible task. We are not living in a state of complete anarchy where states are interest-based rivals who seek to peruse their goals without paying attention to the difficulties of others. The interests of states are the computation of the interests of the collection of people residing within the state. The Realist tradition was fiercely opposed in this research as it gives an anarchic, simplistic picture of world affairs which is far from being true. From a Pluralist tradition’s perspective, states are the sum of the groups functioning within them. Thus, the state selective practice in humanitarian intervention is not an action taken by statesmen and officials only, but it must be approved by the people and seen as rational. Thus, the selective state practice needs to change through not only a shift towards human security agenda and a humanitarian discourse in world’s politics only, but also through the change in people interests in these states. It has been clarified earlier that
media and international NGOs have played significant role in making the case of Darfur different from the case Rwanda. Once the world has witnessed the horrible killing, horrendous rapes and the heartbreaking cases of refugees and IDPs that they started to mobilize and pressure their governments to take an action. It has been indicated that the role of the US in Darfur has been influenced to a great extent by “Save Darfur” and other religious and civil society movements which have pressured the government to take an action against the Sudanese government. Similarly, though the EU did not seem to have any direct strategic interest in Darfur, the pressure of civil society movements and public opinion have led European states to pressure the Security Council to refer the case of Darfur to the ICC. The world needed to see something being done and this made pressure on governments and international organizations to react, in spite of the deficiencies of the system. Civil society pressures and NGOs mobilization have pushed for the Darfur issue to be part of states’ interests. This is the way to change selective state practice, by changing our own attitudes towards world suffering. It is our perceptions that shape our interests and our interests eventually shape the interests of the states where we reside in, and based on these interests states determine actions. Racist perceptions about Africans that they are ‘others’, that they are ‘different’ or that they are ‘used to killing’ because of tribal hatreds and ethnic differences all lead to shaping a general attitude of indifference that would eventually reflect itself on the policies of states. In that sense, states racist practice would discontinue only when the people stop perceiving human beings differently and judging their worthiness of help by their color, religion or any other factor. Selective state practices depend on people’s selective perceptions of humanity and human suffering. It is only when there is an equal concern for humanity among people and a genuine pressure to stop human atrocities and to protect human rights at home and abroad, that states would stop to pick and choose.
In addition, the vagueness of humanitarian discourse has been clearly “a disadvantage from the point of view of those wanting a comprehensive ‘general law of humanitarian assistance’.” The elusiveness has led to the inability of clarifying a plan of action these different disciplines inspire in the field of human rights and human protection. Human security was one of the disciplines that have grown rapidly during the past two decades introducing a more comprehensive understanding of human rights and human protection. But the human security, as other disciplines influenced by humanitarian discourse, showed lack of clear definition of what they aim for and/or how to implement it. Korany speaks of the problem regarding human security’s success during the past two decades in presenting a real challenge to state security and says:

*But this is a half-success. For if the success is to be complete, the concept of human security has to demonstrate its practical utility, i.e. it has to be rigorously and consistently applied. This means that the different conceptual categories have to be operationalized, i.e. the categories translated into measurable indicators through available data, preferably in a ‘user-friendly’ way. Was it not the Harvard sociologist, Talcott Parsons, who used to say to his students and colleagues: The proof of the pudding is in the eating?*

This is indeed crucial to the suggestion of this research regarding humanitarian discourse’s shortfall. The efforts invested in developing the ideas and forcing them to be part of international community’s debates has led to a great success indeed. But making them part and parcel of world governance needs determination of mechanisms for a clear implementation plan. This would require the different humanitarian voices to be gathered in one. It is surprising that a lot of what has been written on human security does not extensively examine the issue of humanitarian intervention though a human security agenda would indeed offer a paradigm shift to the issue.

Most of the literature on humanitarian intervention is written from a state-centered perspective because of the legal aspect of the matter and only issues of humanitarian relief

327 Korany, “Human Security”.

are discussed in human security literature. This study has revealed that this is actually one of the underperformances of humanitarian intervention. From a humanitarian point of view, there has to be a clear dominion of humanitarian intervention and the wide range of activities that it might include. Statists usually look at military intervention only similar to the definition offered in Chapter One. But a human security agenda would examine humanitarian intervention in a wider manner looking at conflict management procedures before the eruption of violence, human development, economic development, resource sharing, emancipation, effective peacekeeping operations, and rebuilding projects that tackle both governance and society. The lack of resolution on what humanitarian intervention is and what is actually to be done in cases of severe human atrocities makes the discourse vulnerable to state manipulation and empty statesmen rhetoric while human beings continue to suffer with no attention paid to their plight.

But on the top, for humanitarian intervention to be effective there has to be an independent authority for implementing and monitoring it. This authority should be equipped with a proper mechanism to protect human rights and to have the power to intervene to protect them at any price. As Mohammed Ayoob puts it, “a mechanism that not merely is, but also seen to be, transparent, fair, and broadly participatory must be established to determine international will.”328 When this is mentioned in any research, the UN always comes to mind. It has been the sole international authority in humanitarian domain since the end of WW II. But after 60 years of crippled humanitarian action struggling with state-centred limitations and legal boundaries, one wonders to what extent the UN could manage to function as such authority. It seems that the UN has not provided much more than its defunct predecessor League of Nations. In fact, it is often stated that the UN’s malfunction is attributed to the control of its member states in its finance and legal framework. This is true. The UN is

founded on principles of state sovereignty and non-intervention and though it was first and foremost intended for achieving and maintaining world peace and security, it seems that the limitations put on it by states made it only able to succeed in fields of economic and social development which was thought to be a secondary function for the organization. The UN has no army of its own, has limited budget and overall has remarkably modest authority. The UN reflects only the political determination of it members and their will to mount an action. It has no power on its own.

But this is not the only problem faced; UN bureaucracy is always referred to as one of the constraints of effective action taken by the organization in political as well as humanitarian realms. The UN bureaucracy has been leading to the failure of several of its organs because of the lack of coordination and accountability. This has led the UN to fail in several humanitarian realms such as refugees and IDPs because of the contradiction and the overlap of several organs dealing with the same area at a particular time. There have been calls for UN reform since mid 1990s because of the obvious consecutive failures of humanitarian interventions during the time. That is why projects such as the “Responsibility to Protect” and Millennium Development Goals\(^\text{329}\) have been adopted to lead the UN into the changing international environment. But the UN has reached a point in which mere facial changes are not going to be sufficient anymore. Tremendous change that addresses the contradictions and the dilemmas within the UN has to take place in order for the organization to reach up for its goals. For the UN to be an independent authority responsible for implementing and monitoring humanitarian intervention it has to deal with the inherited inconsistencies within its system.

There are actually calls proclaiming that the time has come for replacing the old organization that has been set up for a different historical context and political circumstances. Actually it is surprising that such calls did not come only from several scholars, but from politicians and activists who have been part of the UN system. For example, Canadian PM; Paul Martin declared that “the United Nations is a failure, for which there is no solution,” and called for its replacement. Boutros Ghali; UN Secretary-General during Rwandan genocide, surprisingly second the suggestion. It might seem impossible for the world that has grown accustomed to the UN to imagine another international organization in its place. What would it be like? How would it be planned for? These are questions that would actually require an entire research on their own. But the calls for replacing the UN are not claimed to be foolish anymore. As much as the organization has contributed to areas of politics, humanitarian action and research during the past 60 years, it now seems out of today’s context. Whether the UN would be seriously reformed or completely replaced, the concern of this research has been to highlight that for humanitarian intervention to accomplish something; it has to be in the hands of an authority that accounts equally for the collective will of the people of this world and that adopts a comprehensive understanding of human development and security. Otherwise, humanitarian intervention would be a state-centered, half-hearted practice that has a list of priorities other than human suffering.


—. “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq.” *Ethics & International Affairs*, 2007: 31-53.


