

**A Comparative Study of the Atrocities in Rwanda and Srebrenica
Assessing the Failure of the United Nations to Prevent and Halt
Genocide**

Lisa Fennis

The Hague School of European Studies,
Haagse Hogeschool

20060299

3ES3G

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Supervisor: P. Nixon

The mass and majesty of this world, all
That carries weight and always weighs the same
Lay in the hands of others; they were small
And could not hope for help and no help came:
What their foes liked to do was done, their shame
Was all the worst could wish; they lost their pride
And died as men before their bodies died.

W.H. Auden,
The Shield of Achilles

Executive Summary

Over the course of nearly two decades, the United Nations has displayed an looming incapability of effectively using its organizational means in order to intervene to prevent and suppress genocide. This paper defines the term 'genocide' and its implications and gives a short introduction to the treaties and bodies that exist which are relevant to the prevention and punishment of genocide. In addition, it describes the distinction made between genocide and crimes against humanity and argues that there are, however, no legal implications resulting from this distinction. According to the treaties it is the responsibility of the UN, and its member states, to prevent and punish both genocide and crimes against humanity.

According to an element of the framework of Erskine's 'model of institutional moral agency', namely the deliberative responsibilities of an organisation, the UN's failures in two conflicts are assessed. The cases of the genocide in Rwanda and the fall of Srebrenica are studied in-depth and a pattern is distilled concerning the UN's deliberative failures, focussing on the flow of information, power relations and decision-making. This pattern eventually causes the UN to be incapable when it comes to its responsibilities concerning the prevention of genocide and crimes against humanity.

The paper concludes that main reasons for the repetitive failures are related to mis- and disinformation, power relations within the UN, inadequate political understanding, under-resourced and ill-prepared peacekeeping operations with unfit mandates, and a lack of political will among member of the Security Council to take robust action.

Finally, recommendations are offered on the areas of information flow, peacekeeping operations, power relations and the prevention of genocide, which should bring the United Nations a step closer to the prevention of grave atrocities, genocide and other crimes against humanity.

Table of Contents

Executive Summary	ii
List of Abbreviations	1
Introduction	2
<i>Introduction of the Topic</i>	2
<i>Aim and Research question</i>	2
<i>Material and Methodology</i>	3
Chapter I: The UN and Genocide	5
<i>What is Genocide?</i>	5
<i>The UN and the prevention of Genocide</i>	5
<i>Treaties</i>	5
<i>Treaty Bodies</i>	7
<i>ICC and ICJ</i>	8
<i>New developments</i>	8
<i>Genocide vs. Crimes against Humanity</i>	9
Chapter II: Rwanda	11
<i>Background of the Conflict</i>	11
<i>Pre-Colonial Rule</i>	11
<i>German and Belgian Colonial Rule</i>	12
<i>Independence</i>	13
<i>The Second Republic</i>	13
<i>Civil War and Arusha Accords</i>	14
<i>Run-up to Genocide</i>	17
<i>The Genocide</i>	19
<i>The United Nations and the Genocide in Rwanda</i>	22
<i>Mis- and Disinformation</i>	22
<i>Withholding information</i>	22
<i>Misinformation</i>	23
<i>Power Relations</i>	24
<i>Secretary General and Secretariat</i>	24
<i>Security Council and P5</i>	25
<i>Decision failures</i>	27
<i>Mandate and Use of Force</i>	27
<i>Chapter Summary</i>	29
Chapter III: The Fall of Srebrenica	31

<i>Background of the Conflict</i>	31
<i>The Fall of Srebrenica</i>	34
<i>Challenges</i>	39
<i>The United Nations and the Fall of Srebrenica</i>	47
<i>Mis- and Disinformation</i>	47
<i>Misinformation</i>	47
<i>Withholding information</i>	47
<i>Power relations</i>	48
<i>Secretary General and Secretariat</i>	48
<i>Security Council and P5</i>	49
<i>Decision Failures</i>	50
<i>Safe Area Policy</i>	52
<i>Mandate and Use of (Air) Force</i>	53
<i>Chapter Summary:</i>	55
Chapter IV: UN failures in Srebrenica and Rwanda compared	56
<i>Mis- and Disinformation.</i>	56
<i>Power Relations</i>	57
<i>Secretary General and Secretariat</i>	57
<i>Security Council and P5</i>	58
<i>Decision Failures</i>	58
<i>Mandate and Use of Force</i>	58
<i>Chapter Summary</i>	60
Chapter V: Recommendations	61
<i>Information flow</i>	61
<i>Peacekeeping operations: use of force & mandate</i>	61
<i>Security Council</i>	62
<i>Secretariat</i>	63
<i>Prevention of Genocide</i>	63
Conclusion	65
References	68
Annexes	75
<i>Annex I: Map of Rwanda</i>	75
<i>Annex II: Map of Former Yugoslavia</i>	76

List of Abbreviations

ARBiH	Army of the Republic of Bosnia and Herzegovina
BSA	Bosnian Serb Army
BBTG	Broad-based Transition Government
CDR	Coalition pour la Defence de la Republique
DPKO	Department of Peacekeeping Organisation
EC	European Community
EU	European Union
GoR	Government of Rwanda
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
ICJ	International Court of Justice
ICTY	International Criminal Tribunal of the Former Yugoslavia
JNA	Army of Serbia
MRND	Mouvement Révolutionnaire National pour le Développement
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental Organization
NIF	Neutral International Force
NIOD	Dutch Institute for War Documentation
NMOG	Neutral Monitoring Group
PARMEHUTU	Party of the Hutu Emancipation Movement
RPF	Rwanda Patriotic Front
SC	Security Council
SG	Secretary General
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNOSOM	United Nations Operation in Somalia
UNSCR	United Nations Security Council Resolution

Introduction

Introduction of the Topic

In 1994, after a long history of ethnical tensions culminated into a Hutu initiated killing spree that lasted about 100 days, during which an estimate of 800,000 neighbouring Tutsi lost their lives. In 1995, when Srebrenica fell thousands of Bosniacs were murdered by Serbs, merely one incident part of a conflict notorious for its account of mass slaughters and ethnic cleansing.

The United Nations was, and is, not unfamiliar with the topic of genocide. The Genocide Convention was adopted by the United Nations General Assembly in 1948. 140 countries have ratified the treaty so far, hereby declaring to prevent and punish genocide during times of war and peace.

During the crisis in Rwanda and the war in Bosnia situations deteriorated rapidly and the danger of genocide and crimes against humanity was omnipresent. In addition, the UN had received explicit warnings. Still, the United Nations was not able to prevent the atrocities from taking place, nor did it seem capable to bring it to a halt when the large-scale violence was in motion.

Ever since February 2003, Darfur, in northwest Sudan, has been torn apart by a ethnic tensions. The conflict has so far claimed a death toll of approximately 300,000 and forced over 2,2 million people to flee their homes. Once again, the United Nations have been heavily criticized for their lack of adequate response.

Whenever a genocide takes place, the United Nations seems paralyzed. Peacekeeping forces cannot seem to avoid dire situations from deteriorating, let alone prevent genocide and crimes against humanity. This dissertation compares the cases of Srebrenica and Rwanda, and attempts to point out specific weaknesses and identify areas of improvement.

Aim and Research question

The purpose of this paper is to give an insight as to why the United Nations repeatedly fails to intervene in order to prevent and suppress genocide. The cases of Rwanda and Srebrenica will be studied in-depth, and a comparative analysis will attempt to identify key problems in terms of policy-making and deliberation. By examining decisions and assessing mistakes made during the crisis situations previous to the genocides and during the periods of mass slaughter, a pattern can be discovered that clearly illustrates the accumulation to an overall failure.

Important to the assessments of the case studies are elements of the framework of Toni Erskine's 'model of institutional moral agency', which explains how formal organizations can be held accountable for their actions. (Adelman H. , 2008). This dissertation will not touch upon the discussion that focuses on the question if the UN is a moral institution and whether it can be

hold accountable for their failures or not. Only the concept of ‘deliberative functions of an international agent’ is utilized, in order to analyze the UN’s failure to act in response to impending genocides.

More specific, three functions inherent to the UN’s deliberative responsibility will be discussed. First, the gathering and processing of information for deliberation, or mis- and disinformation. Second, the deliberation itself, meaning deliberating about alternative courses of action and their expected consequences. This responsibility will be narrowed down to the influence of power relations within and between the different UN bodies. The third responsibility is decision-making, the determination of the best line of action. This will mainly concern decisions in relation to peacekeeping operations.

Finally, recommendations will be given in order to improve different facets of the UN mechanism to prevent genocide.

Several qualifications have to be made. First, as the UN is a complex organization, this dissertation will only focus on those bodies that were directly involved in the UN’s failure to intervene to prevent and suppress the Rwandan genocide and the atrocities that followed the fall of Srebrenica. In this respect, the deliberative failures revolving the deployment of the peacekeeping operations of UNAMIR and UNPROFOR are highly relevant. This dissertation does not examine the UN’s role in the conflict regions after its failures in Rwanda and Srebrenica. Second, in referring to the ‘UN’, it generally strictly concerns those parts of the UN system that were involved in the deliberative failures. Namely the UN Secretariat, including the Department of Peacekeeping Operations (DPKO), the Secretary General (SG), and the Security Council (SC).

Material and Methodology

The main methodology will be desk research, utilizing primary sources, as well as secondary sources. The reports of the Independent Inquiries into the failures of the UN concerning the genocide in Bosnia and the fall of Srebrenica have been quite descriptive and helpful, though secondary sources were essential as to take into consideration alternative facts in order to create an honest picture of both conflicts. To illustrate, the fall of Srebrenica and the consequent genocide is highly controversial. Even though both the UN and the Independent Inquiry acknowledge the genocide, a strong voice protests to this depiction of the events and claims a genocide never took place. However, it remains a numbers game. The failure of the UN is irrefutable and the discussion can merely influence the degree of the UN’s failure.

The first chapter will focus on the definition of genocide, and the relevance of the distinction between genocide and crimes against humanity, in relation to the accountability of the United Nations and the responsibility to prevent both phenomena. In addition, the UN treaties and

bodies relevant to the prevention and punishment of genocide and crimes against humanity will be discussed.

The second chapter will analyse the genocide in Rwanda, the background to the conflict, and United Nations engagement and failures. Chapter three will do the same for the fall of Srebrenica, but will also examine challenges to the commonly accepted depiction of the genocide after the fall of the enclave.

Chapter four will compare the failures of the United Nations previous to, and during the genocides of both case studies, and it concludes with a description of similar failures in the two case studies, as to find a pattern in its malfunctioning.

Finally, chapter five will offer recommendations in order to counteract the illustrated mistakes, resulting in the overall failure to prevent or halt atrocities.

Chapter I: The UN and Genocide

This chapter aims to answer two main questions, namely, 'What is genocide?', and 'What means does the UN have to prevent genocide?'.

What is Genocide?

Genocide is not a modern crime, it is a modern term. A Polish Jewish lawyer, named Rafael Lemkin, invented the word attempting to describe the anti-Semitic atrocities of the Nazi's during World War II. He regarded the terms 'mass murder' or 'war crimes' as being inadequate descriptions of the Nazi practices. Lemkin perceived it as a new phenomenon, determined by motives of racial, national or religious considerations. "War crimes had been defined for the first time in 1907 in The Hague Convention, but the crime of genocide required a separate definition as this was 'not only a crime against the rules of war, but a crime against humanity itself' affecting not just the individual or nation in question, but humanity as a whole." (Destexhe, 1995, p. 3)

Lemkin thoroughly studied the massacres of the Armenians and Assyrians in the Ottoman Empire during World War I. Subsequently, he devoted his time to a detailed analysis of Nazi occupation and its breaches of law. He made several propositions for incorporation of the 'crime of genocide' in international treaties. His work were the first publications to use the word 'genocide', which comes from "*genos*, Greek for people or race, and the Latin *caedere*, to cut or kill" (Lebor, 2006, p. 11) Lemkin formulated his definition of genocide as follows:

The crime of genocide should be recognized therein as a conspiracy to exterminate national, religious or racial groups. The overt acts of such a conspiracy may consist of attacks against life, liberty or property of members of such groups merely because of their affiliation with such groups. The formulation of the crime may be as follows: "Whoever, while participating in a conspiracy to destroy a national, racial or religious group, undertakes an attack against life, liberty or property of members of such groups is guilty of the crime of genocide.

(Lemkin, 1946)

The concept of 'genocide' was introduced to international law at the Nuremberg trials in 1945. Nazi figures were prosecuted for "war crimes and for crimes against humanity, these crimes included the deliberate and systematic genocide, viz., the extermination of racial and national groups." (Levinson, 2002, p. 769)

Consequently, in a motion from the General Assembly, the UN for the first time acknowledged that genocide is a war crime under international law. Subsequently, in 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was approved.

The UN and the prevention of Genocide

Treaties

In December 1948, the UN General Assembly approved the Convention on the Prevention and Punishment of the Crime of Genocide for ratification by members states. The convention

was based on Lemkin's definition of genocide, although it was slightly broadened into the internationally recognized definition that is applicable today.

Article 2 of the Convention genocide is defined as follows:

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

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

(United Nations, 1948)

The first article of the Convention is probably the most important, as it states the following:

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law, which they undertake to prevent and to punish. (United Nations, 1948)

The convention entered into force on 12 January 1951, but "many of the Western powers did not ratify it for decades: Britain did so in 1970, and the United States, ever wary of international legal obligations, only in 1988." (Lebor, 2006, p. 12)

Even though some disagree and argue that genocide falls within the jurisdiction of a state, the United Nations has the responsibility for preventing and mitigating genocide. Firstly, the Convention on the Prevention and Punishment of the Crime of Genocide obligates states to prevent genocides and punish the persons responsible for it. Responsibility for punishment is attributed to International Courts and the UN is responsible for prevention. Secondly, under clause two of the Preamble to the UN Charter, special responsibility is assigned to the UN for the following: "We the peoples determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." (United Nations, 1945, p. Clause II) This irrevocably applies to genocide Third, "precedent and practice, which was established when states did not object to intervention once it was clearly and unequivocally determined that genocide was underway" (Adelman H. , 2008, p. 14), determines that preventing genocide is the UN's responsibility. Finally, the Security Council has the primary responsibility for the maintenance of peace and security. Genocide is a threat to peace and security, which validates UN intervention.

In addition to the Genocide Convention, other UN treaties with particular relevance to genocide and mass killings are the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The ICCPR entered into force on the 23 March 1976, the ICERD on 4 January 1969.

Relevant to genocide and mass killings is Article 6 of the ICCPR, which cross-references the Genocide convention and states the following:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his [sic] life.

(United Nations, 1976)

In addition, article 20 of the ICERD establishes that:

Any propaganda for war shall be prohibited by law. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

(United Nations, 1969)

Treaty Bodies

Each of the UN treaties is associated with a ‘treaty body’, which is a committee consisting of experts, responsible for monitoring and implementing the treaty. States are required to document their compliance with the treaty and submit reports on this regularly. These reports are discussed publically. In addition, these bodies can allow individual complaints against states, in which case “the body somewhat functions as an international human rights court.” (Schabas, 2006, p. 19)

The Human Rights Committee has in the past been effective in cases of individual complaints of violations against states, since it has an individual petition system. It also monitors state policy and legislation through the periodic reports. However, during periods in which genocides or mass murders were taking place, the body was of no relevant importance. As Schabas (2006) concludes in his report, the Committee should “explore adjustments to its operations that might enable it to be more relevant and responsive when confronted with situations of genocide or mass killings.” (p. 20) He suggests several points of improvements, that could improve the effectiveness considerably and enlarge the influence of the Committee. Firstly, it can demand reports more frequently and “call upon states to present interim or issue-specific reports on relatively urgent basis.” (p. 20) In times of impending escalation of conflicts this can be of great importance. Most importantly, under article 40 of the ICCPR states have the right to file complaints to other states, if the states concerned have signed the inter-state petition procedure. Over 50 states have done this so far. This right has never been invoked, but creates clear potential for the future.

The Committee for the Elimination of Racial Discrimination has similar procedures as the Human Rights Committee. In addition, it adopted a Declaration on Prevention of Genocide in 2005, committing itself to the aim of “developing a special set of indicators related to genocide, and strengthening and refining its early warning and urgent action, as well as follow-up procedures in all situations where in indicators suggest the increased possibility of violent conflict and genocide.” (Schabas, 2006, p. 20) These indicators form a set of guidelines that could assist virtually every organization occupied with the prevention of genocide.

The two bodies, The Human Rights Committee and The Committee for the Elimination of Racial Discrimination could greatly contribute to a system focused on the prevention of genocide and crimes against humanity. However, they are, as Schabas (Schabas, 2006) argues, at the moment “held back by caution and conservatism” (p. 21). If they were to realize greater innovations, “they might also serve as a watchdog on the work of the Council.” (p. 22)

Unlike the ICERD and the ICCPR, the Genocide Convention did not create a body for its monitoring and implementation, since the concept had not yet been ‘born’. The Convention merely recognizes the jurisdiction of the ICJ and the possibility of states to submit issues to the competent organs of the UN. Even though the creation of a treaty body probably would not have prevented the past genocides and mass slaughters from happening, Schabas (2006) argues that, “the prevention of genocide has suffered from the absence of some permanent mechanism. (...) While the other human rights treaties were enriched by regular examination of their provisions, (...) the Genocide Convention lingered in a kind of judicial limbo.” (p. 22)

ICC and ICJ

The International Criminal Court (ICC) is separate and independent from the UN, but founded by the treaty of Rome. Unlike the ICJ, the ICC is the permanent court to prosecute individuals, rather than states, for acts of genocide, crimes against humanity, war crimes, and crime of aggression. The ICC is authorized to investigate and prosecute individuals in case a State is disinclined or unable to exercise jurisdiction over suspected perpetrators. “Even though the Court is independent from the UN, the Rome Statute gave some powers to the SC. Namely, the SC can refer cases to the ICC that would otherwise not have fallen under its jurisdiction, and the SC can command the ICC to refrain from investigating a case for a period of 12 months. The Court exchanges information with the UN and reports on its activities each year. As for prevention, “fighting impunity and establishing a credible expectation that the perpetrators of genocide and related crimes will be held accountable, can contribute effectively to a culture of prevention.” (United Nations, The Office of the Special Adviser on the Prevention of Genocide, 2008)

The International Court of Justice (ICJ) is the primary judicial body of the UN. The ICJ has the tasks to settle legal disputes submitted by states and to give advisory opinions on issues submitted by the UN General Assembly or other international organizations. As for its role concerning genocide, it has less relevance than the ICC, since very rarely states are prosecuted for genocide. In the case of the war in Bosnia, Serbia was indicted for genocide in relation to the atrocities following the fall of Srebrenica, but was later cleared.

New developments

Over the past years, the UN has undertaken several important steps relating to the prevention of genocide. In 2004, Secretary General Kofi Annan appointed a Special Representative for the

Prevention of Genocide and launched an elaborate plan aimed at the Prevention of Genocide.

This plan includes the following steps:

- 1) preventing armed conflict which usually provides the context for genocide,
- 2) protection of civilians in armed conflict including a mandate for UN peacekeepers to protect civilians,
- 3) ending impunity through judicial action in both national and international courts,
- 4) information gathering and early warning through a UN Special Advisor for Genocide Prevention making recommendations to the UN Security Council on actions to prevent or halt genocide, and
- 5) swift and decisive action along a continuum of steps, including military action.

(Annan, 2004)

In addition, in 2006, he established an Advisory Committee on the Prevention of Genocide, composed of experienced persons, specialized in conflict prevention, human rights, peacekeeping, diplomacy and mediation.

At the United Nations World Summit in September 2005, prevention of genocide was also discussed and in the Outcome Document, the 'Responsibility to Protect' is emphasized. The Outcome Document emphasizes it is the responsibility of "the international community, through the UN (...) in accordance with Chapter VI and VIII of the charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity." (United Nations, 2005 World Summit Outcome, par. 139)

It continues with expressing the possibility of peace-enforcing mandates and a clear endorsement of the concept of the 'Responsibility to Protect':

In this context, we are prepared to take collective action, in a timely and decisive manner, through the security council, in accordance with the UN charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly failing [sic] to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.'

(United Nations, 2005 World Summit Outcome, par. 139)

As Schabas (2006) concludes, "the pledge in the Outcome Document is an important reminder to the Security Council of its responsibility to intervene" (p. 14). As will become apparent throughout this document, this responsibility is sometimes 'overlooked', deemed less important than other conflicts, or simply not in the interest of certain members.

Genocide vs. Crimes against Humanity

Politically, socially and legally, there is a difference between mass murder, or 'crimes against humanity', and genocide. The definition of genocide has been a topic of discussion ever since Lemkin's work was published. The definition of the UN also causes some controversy among scholars and "has not been accepted as the last word on the definition on genocide." (Charny, 1999) For example, to slaughter members of a political group, would not fall under the UN

definition of genocide, even though many academics argue for the adoption of ‘mass murder on political groups’ as constituting genocide.

However, this discussion is not relevant for the reasoning and conclusions of this document. As for accountability of the UN concerning the responsibility to prevent and halt genocide or crimes against humanity, merely the legal implications of the terms are relevant. As Schabas (2006) notes, “until the 1990’s, the concepts – crimes against humanity and genocide – had an uneasy coexistence. (...) However, the historic distinctions (...) are no longer of any great significance.” (p. 9) The Genocide convention obliges signatories to ensure the punishment of the crime of genocide. Article 7 of the Rome Statute, does the same for crimes against humanity, in addition to the punishment of genocide, which is stated in article 6. (United Nations, 2002) Moreover, under international customary law, few would argue against the obligation to prosecute acts of crimes against humanity or genocide.

As for prevention of both genocide and crimes against humanity, responsibility is once more confirmed in the Outcome Document, the result of the World Summit in 2005. This states, as earlier mentioned:

We are prepared to take collective action, (...) to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’

(United Nations, 2005 World Summit Outcome, par. 139)

To conclude: “International law, as it now stands, requires states to prevent and to punish genocide, other acts of mass killing, and serious acts of persecution directed against minority groups.” (Schabas, 2006, p. 9) However, states have not ceased to quarrel over whether specific atrocities constitute genocide or ‘merely’ crimes against humanity, as they feel that only once an atrocity is considered genocide, it becomes their responsibility to act.

Chapter II: Rwanda

Background of the Conflict

The roots of the divide between Hutu and Tutsi that eventually resulted in the genocide in 1994 date back to the Pre-Colonial History of Rwanda. Ever since that time, the disparities between the tribes perpetuated, until a civil war broke out that eventually led to the Rwandan genocide, a 100-day slaughter, during which 800,000 Tutsi men, women and children were killed.

Pre-Colonial Rule

The indigenous people of Rwanda are the Twa, originally hunter-gatherers based in the forest. According to Magnarella (2005, p. 802), around 1,000 AD, the Hutu farmers arrived in Rwanda and became the dominant population. They were followed by the Tutsi cattle owners between the eleventh and the fifteenth centuries. The Tutsi were better organized for military purposes as they lived off raiding for cattle and protecting their herd. Social status and power was associated with the ownership of cattle and farming was of considerable lesser status. Even though the Tutsi only represented 10 to 14 percent of the population, in contrast to the Hutu who represented over 80 percent, the Tutsi established their reign and dominated the Hutu and the Twa. As Maquet (1961) points out: “The Tutsi came into Ruanda as conquerors (...) They wanted to settle in the country and they built a permanent system of economic and political relations with the Hutu whereby they established themselves definitely as masters and exploiters. (...) A caste society evolved from their will to stabilize the conquest.” (p. 170)

The Tutsi king ruled as an absolute monarch. Tutsi aristocracy, who held all the posts as cattle and land chiefs, ruled by force and the people “were indoctrinated with an ideology of Tutsi superiority.” (Magnarella, 2005, p. 803) The Tutsi instigated a feudal political structure and the Hutu were virtually reduced to serfdom. The Tutsi owned most land and cattle, which forced the Hutu to enter into patron-client relations with the Tutsi. Magnarella (2005) writes that during the nineteenth century, relations between Tutsi, Hutu and Twa were mainly determined through occupational categories and according to some Western academics “the socio-economic and political division appeared so rigid that they referred to it as a caste system” (p. 804). However, even though distinct differences existed in relation to social status, it is said that all three people felt they belonged to one Rwandan nation, also called the Banyarwanda. According to Wrage (2009) “records show that in fact there was a strong sense among Rwandans (...) of belonging to a Rwandan nation, and that before around 1960, violence [along] ethnic lines was uncommon and mass murder of the sort seen in 1994 was unheard of.”

German and Belgian Colonial Rule

From 1894 until the end of the First World War, Rwanda fell under German colonial rule and was a part of German East Africa. The Germans ruled indirectly and exercised power through the existing Tutsi monarch and his entourage. This led to a “pre-colonial transformation towards more centralization, annexation of the Hutu principalities and increase in Tutsi chiefly power.” (Prunier, *The Rwanda Crisis: History of a Genocide*, 1997, p. 25) Under German and especially Belgian rule, the distinction in ethnicity became increasingly important, as both the European rules imposed control through members from the established ruling elite and allocated posts accordingly. Magnarella (2005), points out that the Europeans followed the principles of Darwinism, reasoning and believing that the fact that the Tutsi political and economical domination demonstrated their superiority in the struggle for the survival of the fittest. (p. 806)

After World War I, the League of Nations mandate system allocated Rwanda and the southern situated Burundi to Belgium in 1924, under the territory of Ruanda-Urundi. Under the Belgian rule, which lasted until 1962, the Tutsi were even more privileged than under German rule and at a certain point in time, “83 per cent of posts in such areas as the judiciary, agriculture and veterinary services, were held by Tutsi.” (Kamukama, 1997) With the Belgians came colonial exploitation, and a system of government-designated projects was set in place. This entailed cheap labour, executed by Hutus, and enforcers, a task fulfilled by the Tutsi. This clearly illustrates the divides between the populations and “the Hutu grew to hate the forced labour requirement, the brutal punishments and the government functionaries (usually Tutsi) who applied them.” (Magnarella, 2005, p. 808) In his book, Gourevitch (1998) describes how “hundreds of thousands of Hutus and impoverished rural Tutsis” left the country and made their way to Uganda and Congo, to escape the “brutal Belgian regime, land shortages and famine.” (p. 57)

In 1933 the Belgians introduced an identity card system, that indicated the ethnicity of each person: Tutsi, Hutu or Twa. This deepened and perpetuated the split between Hutus and Tutsis. As Magnarella (2005) describes in his article, in line with African Rights and according to pre-colonial precedent, a census was conducted during which the ownership of cows determined the group an individual belonged to. (p. 808) Following the outcome of this census, 85 per cent of the population was Hutu, 14 per cent Tutsi and 1 per cent Twa. Subsequent generations were automatically ‘given’ the ethnicity of their fathers, disregarding the backgrounds of their mothers. Over time the identity card categories became increasingly more inflexible, and were eventually perceived as races.

This practice, (...) had the unfortunate consequence of firmly attaching a sub-national identity to all Rwandans and thereby rigidly dividing them into categories, which, for many people, carried a negative history of dominance and subordination, superiority and inferiority, and exploitation and suffering.

(Magnarella, 2005, p. 809)

After World War II, Ruanda-Urundi became a UN Trust Territory with Belgium as its administrative authority. Independence of Ruanda-Urundi was planned in 1962. During the late 1950s the Belgian rule initiated an alteration in its policy of discrimination, to a course of action which favoured the Hutu. As the Hutu maintained an absolute majority of the population, it seemed Hutu dominance would be inevitable. According to Magnarella (2005), “Belgian colonial administrators sided with them, claiming to promote a democratic revolution.” (p. 810)

Independence

In 1957, Hutu intellectuals published the ‘Hutu Manifesto’, which complained about the large disparities that existed between the Hutu and Tutsi at the time. It protested against “the political, economic and educational monopoly of the Tutsi ‘race’ and characterized the Tutsi as foreign invaders.” (Magnarella, 2005, p. 809) Following the manifesto political parties were formed. At the same time, the colonial rulers began to reallocate power to the Hutu and reduce their presence, in preparation of their anticipated withdrawal in 1962. In November 1959 the Party of the Hutu Emancipation Movement (PARMEHUTU) began to carry out violent attacks on the Tutsi. Pottier (2002) points out in his article that, “by 1963, Hutu attacks had resulted in thousands of Tutsi deaths and the flight of about 130,000 Tutsi to neighbouring countries, with 50,000 moving to Burundi.” (p. 15)

National elections were held under UN supervision in 1961, which were won by one of the authors of the Hutu Manifesto and member of the PARMEHUTU, named Gregoire Kayibanda. In 1962, the PARMEHUTU won an overwhelming victory in a UN-supervised referendum, and Rwanda was consequently declared independent on 1 July. Contradictory to what Kayibanda claimed his aims were, namely “peaceful negotiation of international problems, social and economic elevation of the masses, and integrated development of Rwanda” (Bureau of African Affairs, 2009), he established a regime similar to that of the traditional Tutsi Kings: “he became remote, secretive and authoritarian.” (Magnarella, 2005, p. 809) Unsuccessful attacks from Tutsi refugees, supported by the Tutsi-dominated government in Burundi and consequent Hutu reprisals continued sporadically. In 1972, the situation in Rwanda was worsened by events in neighbouring Burundi. The Burundian government unleashed a “genocidal frenzy: about 100,000 Hutu were killed and another 200,000 fled for their lives, many into Rwanda, where President Kayibanda eliminated several hundred Rwandan Tutsi and sent another 100,000 fleeing out of the country.” (Magnarella, 2005, p. 810)

The Second Republic

On 5 July 1973, Kayibanda was overthrown and Hutu Major General Juvenal Habyarimana seized power. Habyarimana was declared president of the Second Republic. Under Habyarimana Rwanda became a single-party dictatorship and by intensifying the anti-Tutsi regime, he forced

another million Tutsi to flee the country. (Wrage, 2009) His party, the 'Mouvement Revolutionnaire National pour le Developement (MRND) ruled until the genocide in 1994.

By the mid-1980s more than one-and-a-half million Tutsi refugees had sought safer grounds in neighbouring countries. However, they were in a difficult position. While Habyarimana forbid them to come back under the pretences that Rwanda did not have enough food, space and jobs for them, the countries they fled to did not have enough resources to accommodate them either. In Uganda, "their presence created major humanitarian, economic and political problems (...) and neither the refugees nor their children were able to acquire Ugandan citizenship." (Magnarella, 2005, p. 811)

Because of several occurrences in the late 1980s and early 1990s, Habyarimana's position weakened. Firstly, Rwanda was struck by several years of extreme drought, which caused an economic crisis. Secondly, Uganda based Tutsi rebels had formed the Rwandan Patriotic Front (RPF), which aimed to bring down the Habyarimana government and invade Rwanda. Supported by Uganda, they started to launch attack across the border and occupied areas in the Northeast. As a result, Habyarimana sought help with its allies, France, Belgium and Zaire. Finally, Western governments, among which France and the US, pushed Habyarimana to introduce more democratization and to allow multiparty politics, which created more competition in the political sphere.

Political parties surfaced, such as the 'Coalition pour la Defence de la Republique' (CDR), which was even more pro-Hutu and anti-Tutsi than the MRND and followed the ideology of 'Hutu Power'. "Hutu Power newspapers and radio programs warned that the Tutsi insurgents would overrun Rwanda and enslave and murder all Hutus, and preached the need to organize for self-defence." (Wrage, 2009) The CDR sponsored youth militias and told the Hutu to be prepared to defend themselves against "inyenzi (cockroaches) and their accomplices" (Wrage, 2009), referring to the Tutsi and moderate Hutus. In December 1990, Hassan Ngeze, an influential Hutu supremacist member of the CDR, released the 'The Ten Hutu Commandments'. According to Magnarella (2005), this was an extremely "inflammatory and discriminatory" document of which the last commandment was "Hutus must stop having mercy on the Tutsis." (p. 813) The document labelled every Hutu who had any kind of relations with a Tutsi a traitor. "The 'Ten Commandments' circulated widely and became a major anti-Tutsi indoctrination text. Community leaders across Rwanda regarded them as tantamount to law, and read them aloud at public meetings." (Gourevitch, 1998, p. 88)

Civil War and Arusha Accords

The RPF, which mainly consisted of ethnic Tutsis, "blamed the government for failing to democratize and resolve the problems of some 1,500,000 Tutsi refugees living in the diaspora around the world." (Bureau of African Affairs, 2009) Between 1990 and 1992, the RPF regularly attacked Rwandan territory and hereby caused the displacement of several hundreds of

thousands of Hutu farmers. As retaliation, Habyarimana persecuted Tutsi exclusively because of their ethnicity and allegations that they were actual or possible accomplices of the RPF. According to Newbury (1995), during these two years 2,000 Tutsi were killed by Hutu ultra-nationalist, who also targeted human rights advocates, regardless of their ethnicity. (p. 14)

As the RPF advanced in the North and Western European Governments pushed for negotiations, Habyarimana agreed to meet the RPF in Arusha, Tanzania, in order to discuss conditions for peace. On July 12, 1993 the warring parties met and the final accord was signed on 3 August 1993 between the government of Rwanda (GoR) and the RPF. The agreement included a ceasefire, a combined military force, the establishment of a new transition government in which power would be shared with the RPF, the return of Tutsi refugees and new elections. Furthermore, the agreement provided for a broad role for the UN. Consequently, the UN Security Council passed resolution 812, which was written in ambiguous language, and provided for three ‘apparently simultaneous measures’:

1. Deployment of UN observers on the Rwanda-Ugandan border (UNOMUR), (art 3);
2. Possible UN support to the OAU force "for the monitoring of the cease-fire (art 2) ;
3. "Possible establishment, under the aegis of the Organization of African Unity and the United Nations, of an international force entrusted, *inter alia*, with humanitarian assistance and the protection of the civilian population." (art 2).

(Suhrke & Adelman, 2004, p. 485)

A Neutral International Force (NIF) would be deployed, to supervise the implementation of the Accords during a transitional period planned to last 22 months. This was in line with a formal request sent to the SC on June 15 by the Permanent Representative of Rwanda, on behalf of both the RPF and the GoR, for the establishment of a neutral international force and peacekeeping force. It was decided that an existing Neutral Monitoring Group of the African Union (NMOG II) would be integrated into the NIF and sent to Rwanda. Its tasks included:

- a) Installing a broad-based transitional government (BBTG);
- b) establishing transitional institutions;
- c) deploying a neutral international force;
- d) withdrawing all foreign troops;
- e) integrating the gendarmerie;
- f) disengaging, disarming, and demobilizing both parties;
- g) and protecting the expatriate community.

(Dallaire & Poulin, 2003, p. 12)

Even though the request pleaded for a force to be deployed “as soon as possible” (Adelman H. , 2008, p. 17), it took months until UN monitors were sent. On 15 September, a joint RPF-GoR delegation met with the Secretary General and again urged for “rapid deployment of the international force (...), warning that any delay might lead to the collapse of the peace process” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 7). According to the independent

inquiry, “the UN maintained it was necessary for the parties to show their commitment to the peace process (...) before a peacekeeping operation could begin to be planned. The GoR and the RPF had to make an effort to respect the cease-fire.” (p. 6) The agreements were not planned to be implemented as simultaneously as was presented.

From 19 to 31 August, a reconnaissance mission, led by General Romeo Dallaire, was dispatched to study the possible functions of the NIF and resources needed for a peacekeeping operation. He concluded that the situation continued to deteriorate and that the mandate of UNOMUR did little to limit human suffering. On 5 October 1993 the SC adopted resolution 872 (1993), which established the United Nations Assistance Mission to Rwanda (UNAMIR) in order to observe the implementation of the agreements. (Stettenheim, 2002).

UNAMIR was mandated similarly to the United Nations Protection Force (UNPROFOR) in Bosnia: “to ensure security, monitor ceasefires and demilitarized zones [around Kigali], clear mines, and help coordinate relief supplies” (Lebor, 2006, p. 166) This was the first phase of an operation consisting of four phases:

The first phase (October 5, 1993–January 4, 1994) promoted the installation and operation of a BBTG. specifically, it assisted in ensuring the security of Kigali as well as demilitarizing the area in and around the city, helping in mine clearance, providing security for repatriation of Rwandan refugees and displaced persons, coordinating humanitarian assistance in conjunction with relief operations, investigating alleged noncompliance with provisions of the peace accord, and monitoring security leading to democratic elections.

The second phase (January 5–April 4, 1994) involved preparations to disengage, demobilize, and integrate government and rebel forces.

The third phase (January 5–April 4, 1995) was to be characterized by the actual disengagement, demobilization, and integration of both parties.

The last phase (April 5– November 4, 1995) called for providing security in the run up to elections.

(Dallaire & Poulin, 2003, p. 13)

UNAMIR was deployed under condition that both parties continue to make efforts for a peace agreement. Also, both parties had to prove their commitment to the peace process if UNAMIR was to remain present in the country. However, as Karel Wellens argues in his book ‘Remedies against international organizations’, “the UN strategy to use the threat of withdrawing UNAMIR as a form of leverage in the peace process probably had a counterproductive effect.” (p. 194)

Merely a week after the conclusion of the Arusha Accords, the UN released a report on human rights in Rwanda. It stated: “The victims of the attacks, Tutsis in the overwhelming majority of cases, have been targeted solely because of their membership of a certain ethnic group and for no other objective reason.” (Ndiaye, 1993, p. 79) In his report, Ndiaye explicitly referred to the possibility and threat of genocide and recommended that preventive steps should be taken. However, his report was largely ignored.

The Hutu extremist opposition did not agree with the agreement. Moreover, as Magnarella (2005) points out, Hutu Power portrayed the Arusha talks as negotiations between the RPF and its Hutu accomplices and could never accept these changes after enjoying exclusive power for 20 years. (p. 814) The decisions Habyrimana made were very controversial and it cost him a lot of political support.

Some had begun devising their own solution to the 'Tutsi problem' as early as 1992. (...) Many of those involved in planning and supervising the holocaust of April-July, members of the "Hutu Power" movement, saw themselves as patriots, defending their country against outside aggression.

(Prunier, Rwanda's Struggle to Recover from Genocide, 1997)

Shortly after the accord was signed, the Hutu Power movement began issuing warnings and broadcasted anti-Tutsi radio shows, in which Ngeze reportedly threatened: "We will begin by getting rid of the enemies inside the country. The "Tutsi cockroaches" should know what will happen, they will disappear." (Magnarella, 2005, p. 813)

Run-up to Genocide

Events in October taking place in Burundi strengthened the call for Hutu power and Tutsi elimination in Rwanda. The Hutu President Melchior Ndadaye, who was elected by majority in July during the first free elections, was murdered in the presidential palace by a faction of the Tutsi-dominated army. In response, leaders of the Presidents' party called for Hutu citizens to "kill any Tutsi they could get their hands on" (Magnarella, 2005, p. 814), which in turn gave rise to retaliations from the Tutsi army of Burundi. "Tens of thousands were killed and up to 600,000 refugees (including 375,000 into Rwanda) fled to neighbouring countries." (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 60) Consequently, Hutu extremists in Rwanda accused the Tutsi of being reluctant to share power with Hutu. The Hutu claimed the Tutsi had a secret agenda and wanted to take over all power.

Near the end of October the first officials of UNAMIR started to arrive in Kigali, though by that time "the Arusha accords were already unravelling and Tutsi were being targeted." (Lebor, 2006, p. 166) Realizing the trouble they were in, UNAMIR's commander, the Canadian General Roméo Dallaire sent a draft set of Rules of Engagement to the Secretariat in order to prevent confusion over the mandate. "Paragraph 17 of Dallaire's proposal would empower UNAMIR to use "all available means" to stop "ethnically or politically motivated crimes," such as executions or attacks on refugees." (Lebor, 2006, p. 166) Dallaire never received a response. At the same time, UNAMIR's personnel was not complete until late February, and many arrived without even minimum equipment. The UN was dealing with multiple international crises in the early nineties and for UNAMIR this resulted in problems concerning deployment time, budget and a lack of appropriate expansion of resources from member states.

By this time, the political developments were at an impasse, and the environment became increasingly violent “Already at this stage, the optimistic atmosphere which had surrounded the signing at Arusha was beginning to be sobered by considerable concern about the armed activity in Rwanda, including the existence of armed militia.” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 9)

On 10 December, Special Representative of the Secretary General in Rwanda, former Foreign Minister of Cameroon, Mr. Jacques-Roger Booh Booh, convened a meeting of the political parties in an attempt to strengthen the political process as agreed to in Arusha. As a result, both parties reaffirmed their commitment to the goals of the Arusha Agreement. Efforts for an integrated army were made and Mr. Habyarimana was installed as president, but the formation of the Broad-Based Transitional Government (BBTG) continued to be blocked by disagreements between both parties. (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 9)

On 1 January 1994, Rwanda became a non-permanent member of the SC in New York. At the same time, tension was rising in Kigali and signs of an impending massacre were omnipresent. As Lebor (2006) illustrates in his book, lists were drawn up of Tutsi and moderate Hutu to be killed. UNAMIR was publicly warned to stay out of the way when the time came, and grenades and AK-47s were freely on sale and distributed by government forces (p. 167), namely the “Interahamwe (“Those who attack together”) and Impuzamugambi (“Those with a single purpose”)”. (Magnarella, 2005, p. 814).

Following these developments, General Dallaire sent the Department of Peacekeeping Operations (DPKO) in New York a cable on 11 January 1994, in which he detailed on large-scale weapon distributions and requested authorization for weapons-confiscation operations “General Dallaire’s cable, now known as the ‘genocide fax’ – a clear, unambiguous warning of a planned, even announced, mass slaughter – was sidelined by the DPKO.” (Lebor, 2006, p. 168) Kofi Annan, head of the DPKO at the time, rejected his proposition as he deemed it to go beyond the mandate under resolution 872.

In light of these developments, it became increasingly clear that the ongoing efforts to establish the BBTG were doomed. However, the United States, not yet recovered from its trauma in Somalia, demanded for intensification of efforts to arrange a long-term cease-fire and negotiations for the BBTG. Moreover, it pushed for UNAMIR to be pulled out if both sides did not respect the Arusha Accords, which changed the attitude and debate in the SC from preventing a new conflict in Rwanda to conditions for UN withdrawal. As David Hannay, the British ambassador to the UN, states:

The collapse of the UN mission in Somalia is absolutely crucial to understanding Rwanda. The way in which it happened made people unwilling to put troops into a similar kind of situation. Somalia hung like a black cloud over Rwanda, which doesn’t justify anything, but is very important.

(Lebor, 2006, p. 173)

As a result, resolution 909 was passed on 5 April, extending – though not enforcing – UNAMIR’s mandate and threatening to pull out UNAMIR if the Arusha accords were not respected.

The Genocide

On 6 April, Habyarimana’s was killed as his plane was shot down when he returned from an international convention in Dar Es Salam. It has been reported that during the convention, surrounding states, afraid that the instability in Rwanda would threaten the whole region, had won commitment from Habyarimana to implement the Arusha accords. No party has ever claimed responsibility for the assassination, but it is suggested that Hutu extremists killed their “accommodationist president, to implement a ‘final solution’ to the Tutsi ‘problem’ in Rwanda.” (Gendercide Watch, 2005) Apart from the fact that in March ‘Hutu Power’ published an article in a newspaper titled: ‘Habyarimana will die in March’ (Magnarella, 2005, p. 815), this would also explain the speed with which the genocide subsequently began:

Within an hour following the crash, and prior to its official announcement over the radio, Interahamwe militiamen had begun to set up road-blocks in Kigali. During 6 and 7 April, the young men checked the identity cards of passersby, searching for Tutsi, members of opposition parties, and human rights activists. They set upon anyone belonging to these groups with machetes and iron bars. Their victims’ bleeding bodies lined the roads of the city.

(Vassall-Adams, 1994, p. 32)

The assassins’ first priority was to eliminate Hutu opposition leaders (...). After that, the wholesale extermination of Tutsis got underway (...). With the encouragement of [radio] messages and leaders at every level of society, the slaughter of Tutsis and the assassination of Hutu oppositionists spread from region to region. Following the militias’ example, Hutus young and old rose to the task. Neighbours hacked neighbours to death in their homes, and colleagues hacked colleagues to death in their workplaces. Doctors killed their patients, and schoolteachers killed their pupils. Within days, the Tutsi populations of many villages were all but eliminated (...). Radio announcers reminded listeners not to take pity on women and children.

(Gourevitch, 1998, pp. 114, 115)

Doing murder with a machete is exhausting, so the militias were organized to work in shifts. Death-squads working from carefully-prepared lists went from neighbourhood to neighbourhood in Kigali. At the day’s end, the Achilles tendons of unprocessed victims were sometimes cut before the murderers retired to rest, to feast on the victims’ cattle and to drink. Victims who could afford to pay often chose to die from a bullet.

(Wrage, "Genocide in Rwanda.")

On 7 April, 10 Belgian UNAMIR peace keepers, assigned to protect the Prime Minister, Mrs. Agathe Uwilingiyimana, were tortured and killed, after the Prime Minister was shot.

Consequently, exactly as was planned by the extreme Hutu party, Brussels initiated an international diplomatic campaign to withdraw UNAMIR, strongly supported by the US. As the UN Independent Inquiry reports:

The analysis of the situation in Rwanda, which was presented as an underlying argument for withdrawal, painted a picture of ongoing massacres, in addition to the fighting between the parties. However, the focus seems to have been solely on withdrawal rather than on the possibilities for the United Nations to act.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 36)

On April 11, the Belgian forces of UNAMIR began their withdrawal after having rescued western expatriates from a technical school in a suburb of Kigali, where the force had been stationed. 2,000 women and children who sought refuge there were left to die. France, Italy and the US also unilaterally evacuated their nationals and military personnel. (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, pp. 68, 69)

With UNAMIR's strength heavily reduced, UNAMIR was collapsing: "It was under-armed, under-resourced and at the epicentre of an unfolding genocide for which it was ill-prepared." (Lebor, 2006, p. 175) In an interview with Allan Thompson of the Toronto Star, General Dallaire described the situation as follows: "Unless we'd received more equipment or a different mandate, all I had was a bunch of people waiting for the next mortar to hit them." (Wrage, 2009)

Even though the genocide had begun in Kigali and spread out to the country side, the Secretariat kept emphasizing the need of a cease-fire.

The inquiry finds it disturbing that records of meetings between the members of the Secretariat, including the Secretary General, with officials of the so-called Interim Government show a continued emphasis on a cease-fire, more than the moral outrage against the massacres, which was growing in the international community.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 41)

On 20 April, after a great deal of correspondence between the DPKO, the Secretary General and the SC, concerning possible suspension of UNAMIR, the Secretary General submitted a report to the SC with three options:

1. Immediate and massive reinforcement of UNAMIR to stop the fighting and massacres, requiring several thousand additional troops and enforcement powers under Chapter VII.
2. Downsizing of UNAMIR (to 270 all ranks), acting as an intermediary between parties and seek a cease-fire.
3. Complete withdrawal of UNAMIR

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999)

On 21 April, the SC, under pressure of the US, unanimously adopted resolution 912, hereby narrowing UNAMIR's mandate and reducing the number of UNAMIR from 2,539 to 270 troops. "The downsizing of UNAMIR sent the clearest signal to the Hutu *genocidaires* that the world would not intervene to stop them." (Lebor, 2006, p. 177) By that time, the killing was known to all of the SC and in its detailed report the Independent Inquiry (1999) "finds this decision difficult to justify. The Security Council bears a responsibility for its lack of political will to do more to stop the killing." (p. 37)

Under the 1948 Genocide convention, it was clear that a genocide was taking place in Rwanda. However, the SC had not yet recognized the conflict as such. On 30 April, the SC issued a presidential statement declaring: “that the killing of members of an ethnic group with the intention of destroying such a group in whole or part constitutes a crime punishable under international law.” (Lebor, 2006, p. 178) The Security Council could apparently not consent on using the term genocide, but dodged this matter by including an almost direct quote from the Genocide Convention. This made the lack of will to act that prevailed among the international community increasingly evident.

The fact that what was occurring in Rwanda was a genocide brought with it a key international obligation to act in order to stop the killing. The lack of will to act in response of the crisis in Rwanda becomes all the more deplorable in the light of the reluctance by key members of the International Community to acknowledge that the mass murder being pursued in front of the global media was a genocide.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 38)

The situation deteriorated and “human rights, media, and diplomatic reports of the carnage mounted.” (Ferroggiaro, 2001) On 16 May the SC reconsidered resolution 912 and a new resolution was drawn up. This ‘non-paper’, which could be passed by the SC within a day, proposed the expansion of UNAMIR to at least 5,500 troops. On 17 May, the SC adopted resolution 918:

It expanded UNAMIR to a maximum of 5,500 military personnel and created and mandated UNAMIR II to conduct a Chapter VI peacekeeping operation for humanitarian reasons. Resolution 918 also strongly urged all parties to cease any incitement (...) to violence or ethnic hatred. In addition, this resolution imposed an arms embargo on Rwanda.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 71)

However, deployment of African and US forces were delayed by arguments over the payment and provision of equipment for the peacekeeping forces. With no sign of UN deployment at the end of June, the SC authorized France to send troops to Rwanda and subsequently 2,500 French and Senegalese soldiers were deployed to set up ‘safe zones’, a controversial mission now known as ‘Operation Turquoise’. By early July, the RPA, that had been fighting to gain control over Rwanda ever since the genocide had started, had defeated most of the Hutu militias that opposed them. On July 4 1994, Kigali fell to the RPF, and the genocide and ‘war’ finally came to an end on July 18, when the RPA unilaterally declared a cease-fire. (Magnarella, 2005, p. 816)

The United Nations and the Genocide in Rwanda

It is clear that the UN has failed to prevent this genocide, which was carefully planned by the extreme Hutu parties. This chapter will examine choices that were made during crucial moments in the conflict. It will detail on specific deliberative failures, namely mis- and disinformation, as the flow of information is crucial to the capacity to deliberate; power relations, which influenced the stage of deliberation; and decision failures, which determined the course of action.

Mis- and Disinformation

Withholding information

Involvement of the UN in the conflict in Rwanda started at the Arusha peace talks. The decisions made by the SC concerning UN engagement in Rwanda following the Arusha talks are clear consequences of information failures. In fact, the following two paragraphs are failures indicated by omissions of information. Firstly, the report on Human Rights in Rwanda of Mr. Waly Bacre Ndiaye, which was released a week after the Arusha talks, but available for UN officials earlier, was never given any attention. “The SC was neither informed, nor provided with the needed background information, nor told of the Report of the UN Rapporteur on Human Rights in Rwanda.” (Adelman H. , 2008, p. 17) Had the SC been aware of the dire situation in Rwanda, the SC might have been less reluctant in granting the delegation of the GoR and RPF their wish for a peacekeeping force to be deployed in Rwanda as soon as possible. In addition, they might have realized the advanced stage of the conflict and realized that it had become virtually impossible for both parties to maintain a cease-fire for a longer period of time. Had the SC known, they might have been less reluctant in sending neutral monitors under the NIF, and in deploying UNAMIR to monitor and guide the peace process. But, “according to the Secretariat’s reporting to the Security Council, the situation was an extension to the problem of the civil war. The deeper and more dangerous problem of a monumental threat to human life was ignored.” (Lebor, 2006, p. 173)

In addition, “UN Arusha peace talk observers never briefed General Dallaire on background and political developments during, prior or after his reconnaissance trip to Rwanda”. (p. 17) According to Adelman (2008), after returning from his reconnaissance mission, “Dallaire originally envisaged 8,000 peacekeepers, hoped for 5,000, but was induced to request only 2,500 as politically achievable figure.” (p. 17) Adelman argues that the SC was never informed of the justification for the numbers. Considering the deteriorated situation after Dallaire’s visit, the figure of 2,500 was wholly inadequate.

The DPKO can be held accountable for withholding a great deal of information. The Secretariat received a lot of information about the steady deterioration of the situation in Rwanda. However, according to a UN official, this information was not formally submitted to the SC: “Throughout the months of January, February and March 1994, there was no mention of

militias, distribution of weapons to these militias, or plans for subverting the peace process whether in closed or public sessions.” (Lebor, 2006, p. 171)

Misinformation

In addition to withholding information, in some cases the SC was deliberately misinformed, as was the case with the ‘genocide fax’, which Dallaire sent to the Secretary General’s military adviser and the DPKO in New York on 11 January. Under the mandate the Security Council had authorized UNAMIR to investigate “on its own initiative, instances of alleged non-compliance with the provisions of the Arusha peace agreement.” (United Nations Security Council, 1993, p. 2) However, the DPKO headquarters had revoked this authorization. General Dallaire had a high-level source in the Interahamwe, known as ‘Jean Pierre’. In early January 1994, this source gave Dallaire precise information concerning the impending mass murder.

Jean Pierre was in charge of seventeen hundred men, scattered in groups of forty across the city. He told General Dallaire that Belgian peacekeepers would be killed to trigger a withdrawal of UNAMIR and clear the path for slaughter. They were hiding arms caches, and most importantly, they planned to exterminate the Tutsi in Kigali at the rate of 1,000 every 20 minutes.

(Lebor, 2006, p. 167)

Dallaire wanted to act on the information he had received and raid the Hutu arms caches. Firstly, the SG failed to pass on this information to the SC. Secondly, several members of the SC who did have the information, failed to share it with their fellow-members. And third, Dallaire was forbidden to “enter into a course of action that might lead to the use of force and unanticipated repercussions.” (Lebor, 2006, p. 169) Annan recalled that an attempt to confiscate arms had sparked violence and subsequent failure for the UN operation in Somalia. “Hiding behind legalities, Annan insisted the weapon raids would go beyond UNAMIR’s mandate under resolution 872 and claimed UNAMIR had no authority to create an arms-free zone, only to enforce one created by other [local] parties.” (Human Rights Watch, 1999) According to the mandate the SC had knowledge of, UNAMIR was authorized to investigate non-compliances with the Arusha accords. Under this mandate there was room for interpretation and authorization of Dallaire’s request. However, the DPKO applied another, slightly altered version of the resolution, as mentioned before. This cable is crucial in the crisis, that kept on deteriorating. As Lebor (2006) argues, “there is a powerful argument that had Annan ordered Dallaire to go ahead with his raids, the genocide might not have taken place.” (p. 169)

In addition, Boutros-Ghali himself was also guilty of presenting misinformation. On 30 March, he presented a progress report on UNAMIR to the SC, which did mention crimes, but was largely optimistic.

The SG provided faulty analysis of the reasons for the failure to inaugurate the BBTG, lauded Habyarimana’s dedicated efforts and omitted the alleged role of Habyarimana in

fomenting divisions. The report simply attributed the violence to ‘armed banditry’, echoing the exact phrase of President Habyarimana and the MRND ruling party.”

(Adelman H. , 2008, p. 18)

In stark contrast to his briefing, repeated reports from Dallaire and Belgian peacekeepers made mention of a serious decline in the security situation of the civilian population.

Power Relations

Secretary General and Secretariat

An interesting, though doubtful aspect of the internal affairs of the United Nations is the great deal of power one person can exercise within the organization. The post of the Secretary General is defined in the UN Charter as the “Chief Administrative Officer”, however, in reality he is extremely influential. In the case of Rwanda, the Secretary General and, under his guidance, the Secretariat, failed in their duty to provide the Security Council with an honest picture of what was happening in Rwanda, significantly shaped policies and greatly determined the course of UN actions in Rwanda. In addition, Boutros-Ghali and his special representative Jacques-Roger Booh Booh had warm relations with President Habyarimana, as Linda Melvern, writer of the books ‘Conspiracy to murder’ and ‘A people betrayed’ describes. This reportedly caused the SG and his representative to be reluctant in acting against the interests of the President of Rwanda. Even though the DPKO was formally charged with the task of carrying out the policies decided upon by the Security Council, “in this case the Secretariat played an important role in initiating policy by defining the situation and policy options for the Council.” (Suhrke & Adelman, 2004, p. 484)

The Secretary General was also very influential in relation to the establishment of the mandate of UNAMIR. When resolution 812 was adopted, it was written in ambiguous language. Under article 2, UN support to the OAU force for the monitoring of the cease-fire was made possible. However, the relationship between the OAU and the areas of cooperation and operation, were not specified in the resolution. The Secretary General was supposed to decide on these issues in consultation with his OAU colleague. Boutros-Ghali made sure that he placed UN in the lead of the operations, undermining the OAU in the monitoring process. As planned, he was now in control over the peace operations, and his strategy “followed a conventional and contingent peacekeeping model of inserting a UN force only when the parties already had made peace”. (Suhrke & Adelman, 2004, p. 485) This way, both the role of the UN and the OUA remained limited and a large military presence of both organs was avoided, which was exactly what the SG had foreseen.

The Secretariat, in particular the DPKO, has taken over much of the SC’s task in determining the mandate for UNAMIR under resolution 872. The DPKO, guided by the office of the Secretary General, undertook planning, while the SC was being kept in the dark and received too little information about the developments of the situation in Rwanda.

The Arusha Accords asked for "neutral international force to *inter alia* guarantee the overall security of the country; assist in catering for the security of civilians; assist in tracking of arms caches and neutralization of armed gangs throughout the country; and assist in the recovery of all weapons distributed to, or illegally acquired by the civilians (Art. 54, B)."

(Suhrke & Adelman, 2004, p. 846)

However, the Secretariat determined on a much narrower mandate, limiting the area of operation of UNAMIR 's reduced troops to the city of Kigali and the maintaining of a weapons-free zone there, and charging the troops merely with the task of observing the compliance of the parties with the military obligations of the peace agreement. However, discrepancies between the resolution and Arusha Agreements were not mentioned to the SC, nor were the facts of the actual deteriorating situation. Under influence of the Secretariat this mandate was prolonged on 5 April 1994 under resolution 909 and downsized on 21 April 2004. Only on 17 May, when the cruelties in Rwanda were officially recognized as genocide, resolution 918 allowed for more forceful action. As Suhrke and Adelman (2004) point out: "whether for reasons of institutional culture, resource restraint, or personality factors, the DPKO and the Secretary General acted in a way that contributed to the UN's disastrous role in relation to the genocide." (p. 846)

Security Council and P5

A question often asked is the following: 'Was it appropriate that Rwanda joined the SC on 1 January 1994?' The BBTG was failing, Rwanda had everything but a stable government, and membership "gave Kigali the right both to vote and take part in procedural decisions about the United Nations response to the slaughter, even while its troops were carrying it out." (Lebor, 2006, p. 172) Moreover, as Colin Keating, New Zealand's ambassador, notes in Lebor's book (2006): "Rwanda had a very significant capacity to block the required consensus at certain point. Rwanda was able to present significant obstacles to Council action during the time of the crisis." (p. 172) Rwanda was never asked to give up its seat in the SC, after all, it had been chosen by the African regional group in 1993. Not even was the question raised "whether Rwanda should be asked not to attend when Rwanda came up for discussion." (Adelman H. , 2008, p. 19) The Independent Inquiry concluded that "both Secretariat officials as members of the SC told the Inquiry the Rwandan presence hampered the quality of the information that the Secretariat felt it possible to provide to the Council and the nature of the discussion in that body." (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 50)

The P5, who largely determined what issue got over the 'Security Council's threshold of significance', except for France, were not focused on the conflict in Rwanda, but devoted their attention to other conflicts. This indifference prevailed for almost three years. Policy "was mainly determined by the marginal importance of Rwanda to all of the Permanent Five except France, and the preoccupation of the Council with other conflicts that on a grim scale of comparison seemed more violent (notably war and ethnic cleansing in Bosnia, and civil war and famine in

Somalia)” (Suhrke & Adelman, 2004, p. 485) Other interests were simply more important than the genocide in Rwanda.

The US and the UK, as they played the leading role at the SC during the genocide, have been heavily criticized for their role, pressuring for passivity. Firstly, recognition of the mass slaughter of the Tutsi as genocide, was long in coming: “Despite overwhelming evidence of genocide and knowledge as to its perpetrators neither U.S. nor U.K. policy makers recognized the killings as genocide for at least three weeks” (Stanton, 2002) Secondly, Stanton (2002) argues that US and UK officials limited policy to “public statements, diplomatic demarches, initiatives for a ceasefire, and attempts to contact both the interim government perpetrating the killing and the RPF”, instead of taking a leading role in the undertaking of forceful action. Finally, he rightly states that the US and UK did use their influence, “but did so to discourage a robust UN response.” (Stanton, 2002)

Interesting is the hidden political agenda of one member of the P5, namely France, which illustrates how hidden political interests of a country can influence policy. “The French Senate discovered how policy towards Rwanda had been made by a secretive network of military officers, politicians, diplomats, businessmen, and senior intelligence operatives. At its centre was Mitterrand.” (Melvern, 2006) The motives for French interests in Rwanda stem from the concept of Francophonie, which translates into the idea that whenever a French speaking country is attacked, this is perceived as a direct attack on France. The concept is “indicative of French stubbornness in Africa” (Wright, 2006, p. 2), and even though Rwanda was a Belgian colony, France considered it to be a part of Francophone Africa. Additionally, Rwanda is located in the Great Lakes region, which, as Wright (2006) argues, “had been the fault line for Franco and Anglo ambitions, thus increasing the region’s propensity to conflict. France used the notion of Francophonie as justification for supporting (...) Habyarimana in Rwanda.” (p. 2) According to a report published in 2006 from an independent public inquiry into France's role in the genocide, the French perceived the RPF, supported by the Anglophone Ugandan government, as “a part of an Anglophone plot, (...), to create an English-speaking ‘Tutsi-land’. Once Rwanda was “lost” to Anglophone influence, French credibility in Africa would never recover.” (Melvern, French accused of complicity in genocide that killed a million in Rwanda, 2006) This determined the French policy which aimed at avoiding a military victory by the RPF and, as Lebor describes, provided for military aid: “France was its biggest supplier of heavy military equipment, planeloads of arms landed at Kigali airport.” (Lebor, 2006, p. 167). In fact, in order to make the borderland of Uganda and Rwanda a weapon-free zone, UNOMUR directly replaced French soldiers in the borderland of Uganda and Rwanda, that had been sent to repel the military offensive of the RPF in 1990. Operation Turquoise, supposedly initiated to set up humanitarian areas for survivors and protect displaced people, in reality gave the political, military and administrative leadership of the genocide an opportunity to flee. “Yet in meetings of the Security

Council to decide upon UN policy on Rwanda, France had sat silent and the then French ambassador to the UN, Jean-Bernard Mérimée, blamed the UK and US ambassadors for the international failure over Rwanda.” (Melvern, 2006)

Except for Rwandan and French interests, the genocide in Rwanda did not endanger any of other SC or P5 countries’ welfare. Consequently, a lack of political will and concern added to the reluctance of the SC to undertake forceful action.

Decision failures

Mandate and Use of Force

Firstly, UNAMIR was deployed with an inappropriate mandate. As the UN Independent Inquiry on Rwanda concluded: “The United Nations mission was predicated on the success of the peace process. There was no fall-back, no contingency planning for the eventuality that the peace process did not succeed.” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 31)

On 12 March 1993, resolution 812 was passed and neutral observers were sent to Rwanda to assist in the peace progress. Even though Rwanda had specifically expressed the need for peacekeepers, only observers were sent. The deployment of peacekeepers was put on hold, to force the two parties in Rwanda to continue their peace talks. These peace talks however, were taking place in a country that was increasingly torn by violence and ethnic strife. When finally in October 1993 resolution 872 was approved and the detachment of peacekeepers was promised, these troops received an unfit mandate and the deployment would remain largely dependent on “demonstration of substantive progress towards implementation of the peace agreement.” (Barnett, 2002, p. 72) The Rwandans themselves were supposed to make sure democracy moved forward. As Adelman (2008) argues, the SG wanted to remain in control over the situation by deciding to provide peacekeepers, but “was unwilling to assume full responsibility for implementation of the peace agreement as initially requested” (p. 21). In reality, the cease-fire was not stable, the country was on the verge of imploding and the implementation of the peace agreement was very unlikely. Barnett (2002) argues, “UNAMIR was deployed naively and undernourished, a deadly combination, a gift from member states who hoped for a quick victory and were willing to take shortcuts to get there.” (p. 72) Unfortunately, the political will and capacity to respond to the needs of the crisis appropriately, and to send a force under a stronger mandate, lacked. As the UN Independent Inquiry concluded:

It has been stated repeatedly during the course of the interviews conducted by the Inquiry that the fact that Rwanda was not of strategic interest to third countries and that the international community exercised double standards when faced with the risk of a catastrophe there compared to action taken elsewhere.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 44)

In January 1994, resolution 909 was passed to extend, not enforce, UNAMIR's mandate. Even though the situation kept on deteriorating, the SG reassured the SC that both parties were still committed to the peace process. "Even though the UNSC often lacked information and analysis, and normally was not presented with alternatives (...), there was enough information and sufficient examples of discrepancies and contradictions for the SC to raise critical questions." (Adelman H. , 2008, p. 20) Also, the SC never questioned contradicting reports from the SG and UNAMIR. While UNAMIR alarmingly concluded that an extremist group was becoming increasingly active and sought to disrupt the peace process, the SG remained reasonable optimistic and claimed that "both sides were equally to blame for any problems." (Adelman H. , 2008, p. 20) However, the SC feared that knowing more would require the members to undertake more forceful action.

When UNAMIR was finally deployed, the UN did not have the means to meet the needs that were required for the deployment to become a success. As the UN Independent Inquiry concluded: "the fundamental capacity problems of UNAMIR led to the terrible and humiliating situation of a UN peacekeeping force almost paralyzed in the face of a wave of some of the worst brutality humankind has seen in this century." (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 30) Promises were made creating expectations that the UN could not meet. The effectiveness of the mission was weakened and this resulted in the incapability of UNAMIR to develop and implement a structured peace process. (Dallaire & Poulin, 2003). They conclude: "This explains in part how a classical peacekeeping mission degenerated into a resumption of the conflict and how new human rights abuses based on political decapitation degenerated into genocide." (p. 14)

In addition, UNPROFOR's mandate was never adjusted to the reality of the needs on the ground, which would have required a more assertive and preventive role for the UN.

UNAMIR's mandate was cautious in its conception; it was to become equally so in its application on the ground. Headquarters consistently decided to apply the mandate in a manner which would preserve a neutral role of UNAMIR under a traditional peacekeeping mandate.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 32)

On 14 March 1994, three weeks before Rwanda imploded, Willy Claes, the Foreign Minister of Belgium, expressed his concern. He directly challenged the portrayal of the situation in Rwanda the SC held on to, in an official communiqué to the SC. According to Adelman (2008), "Claes requested a higher UN political profile accompanied by a firmer stance on the part of UNAMIR with respect to security." (p. 20) Belgian Minister of Defence, Léo Delcroix had just visited Kigali, which was supposed to be a demilitarized zone, and had reported that "the city was full of stock pilings of weapons from various militias and that there was real possibility of an irreversible explosion of violence." (Human Rights Watch, 1999) The SC, however, did not

“cross-examine the SG on this dramatic discrepancy or query the SG’s superficial and misleading political analysis and erroneous military analysis.” (Adelman H. , 2008, p. 20)

No questions were asked, no relevant deliberation took place. Until in April the presidential plane was shot down, the genocide commenced, and 10 Belgian peacekeepers were murdered. At the same time, UNAMIR was paralyzed “by decisions on the part of some contributing countries to either withdraw military personnel from UNAMIR unilaterally or not amend the mandate under what were significantly changed circumstances, namely a state of war instead of peace.” (Dallaire & Poulin, 2003, p. 15) When the SG subsequently gave the SC the choice to either reinforce, downsize or withdraw UNAMIR, the size of the peacekeeping mission was trimmed down under resolution 912. The mandate did not include any of the recommendations Mr. Claes had made, and UNAMIR was not allowed to use force. While the situation deteriorated and the slaughter of the Tutsi began, there was no peace to keep for the peacekeepers and they had no mandate or resources to intervene. UNAMIR was not given an overall responsibility to protect civilians or even assist in providing such protection. Dallaire and Poulin (2003) describe the situation as follows:“

The UNAMIR force—with little or no ammunition and barely a third of the minimum operational equipment needed in theatre, hardly any defence stores, and one of its major contingents (Belgians) deliberately being targeted by one of the warring factions— actually decreased from 2,500 to 450 troops through decision by the Security Council which reinforced the impression of the United Nations as a paper tiger.”

(Dallaire & Poulin, 2003, p. 15)

A clear sign for the Hutu that the international community would not intervene.

Only when the media got hold of the atrocities and it became clear that the conflict would not come to an end without more active intervention, the SC passed resolution 918 in May, followed by resolution 955 in June. These resolutions authorized the deployment of a UNAMIR force of 5,500 troops and “authorized the force to contribute to the safety and security of civilians at risk, through various means, including the establishment of secure humanitarian areas.” (Lebor, 2006, p. 180) Resolution 918 was rooted in resolution 872, the same resolution under which General Dallaire was forbidden to raid the Hutu arm caches. At this point in the conflict however, resolution 872 was reinterpreted and made more robust. Lebor (2006) argues: “Had UNAMIR been reinforced, or kept at its original force level with this kind of mandate, many hundreds of thousands of victims would still be alive. (...) Yet, the Secretariat seemed more concerned about the United Nation’s neutrality than about saving lives.” (p. 180)

Chapter Summary

The genocide in Rwanda was not unforeseeable, in fact, the UN had been warned. However, an inconsistent and insufficient flow of information from the Secretariat and a lack of attention caused the Security Council to sideline the conflict and impending genocide. Subsequently, when

hell broke loose, a lack of political will from member states to commit troops, a lack of capacity at the UN level and the fact that other interests were simply more important than the situation in Rwanda, lead to inadequate political understanding and an unfit mandate for an under-resourced and ill-prepared UNAMIR.

Chapter III: The Fall of Srebrenica

Background of the Conflict

During the war in Bosnia and Herzegovina, which began in March 1992 and lasted until November 1995, Bosnian Serb, Bosnian Muslim – Bosniac – and Croat forces raged through the country, ruthlessly slaughtering each other. However, there are many different outlooks on what actually happened, and on who the aggressors and victims were. Events that may or may not have taken place, might be facts to one, but fiction to someone else. It is difficult to determine where the truth lies. The scenario of the Srebrenica Genocide according to the United Nations and the International Criminal Tribunal for the former Yugoslavia (ICTY) differs greatly from the account of events of other sources. For example, the Srebrenica Research Group, an ensemble of international academics and journalists, as well as former UN civil officials and military observers, who have critically analyzed and reassessed the fall of Srebrenica. They concluded that the genocide never took place.

Fact is though, that from the very start the conflict was characterized by large scale genocidal and gendercidal atrocities. To different extents, the Croats, Serbs and Bosniacs all committed violations of human rights. As General Charles Boyle illustrates in his article ‘Making Peace with the Guilty’:

“Unspeakable acts have been perpetrated on the innocent. I have flown over Bosnian villages and seen the results, not of combat, but of ethnically based criminal violence, homes within a village selectively and systematically destroyed as the majority population-- Muslim, Serb, or Croat--cleansed its community of now unwanted minorities.”

(Boyd, 2005)

The roots of the conflict in Bosnia and Herzegovina, which led to the Genocide in Srebrenica, can be traced back to the dissolution of the Federal Republic of Yugoslavia. “As communism collapsed, Yugoslavia’s neighbours transformed into democracies and began the long haul toward membership in the European Union and NATO.” (Lebor, 2006, p.25) During the reign of Tito, nationalistic sentiments were heavily suppressed in the six republics of Yugoslavia. After his death in 1980 nationalism began to rise, though unrest arose in the republics only after the fall of the Berlin wall and the subsequent collapse of communism in the early nineties. Friction grew between leaders of the different republics and growing nationalism caused ethnic tension, which finally resulted in an armed conflict for territory. Instead of dissolving peacefully into the republics of Serbia, Bosnia and Herzegovina, Croatia, Macedonia, Slovenia and Montenegro, the ruling elites were set on maintaining their political power. According to General Charles G. Boyd, “all factions in the former Yugoslavia have pursued the same objective-avoiding minority status in Yugoslavia or any successor state-and all have used the tools most readily available to achieve that end.” (Boyd, 2005, p.26)

Adam Lebor describes the Serbian response to the unrest as follows: “The dark genius of President Slobodan Milošević was to unite disparate interest groups as the old certainties crumbled.” (Lebor, 2006, p.25) The JNA, the Military Line Faction of the Yugoslav army, defined the borders of their future “Greater Serbia” and started to occupy areas in Bosnia and Herzegovina and Croatia that were inhabited by Serbs.

When in June 1991 Croatia and Slovenia declared independence, fighting began as the Serb army (JNA) invaded the newly independent countries. Unlike Croatia, home to 650,000 Serbs, Slovenia was of lesser importance and the Serbs pulled out after ten days. The conflict was ended with the Brioni agreement of July 1991, which meant de facto independence for Slovenia and the withdrawal of the JNA forces. (Annan, 1999, p.7)

Croatia declared its independence in June 1991, starting the long haul for European Union recognition and a violent secession from a Yugoslav federation that was increasingly dominated by Serb nationalism. Sovereignty of the new state extended to the same borders the old Croat Republic had had in the Yugoslav federation.

Fighting in Croatia went on for another six months. Croatia’s declaration of independence resulted in serious armed clashes. JNA forces supported the Serbian separatists that were fighting against Croatian forces in Krajina, a part of the former Yugoslav Republic of Croatia which was home to mostly Serbs. These clashes developed into full-scale warfare in August 1991. By the end of 1991, the Serbs had gained control of a considerable part of the country, renaming the central and north-eastern parts of Croatia to the Republic of Serb Krajina. On 2 January 1992 the Serbo-Croatian War came to an end when the UN brokered a truce, also called ‘the Vance Plan’, which allowed for a peacekeeping force, UNPROFOR, to be sent to the area. (Annan, 1999, p.8)

The peace agreement froze the existing situation, which meant that approximately 30 % of the former Yugoslav Republic of Croatia was under Serb control. This included the newly declared Republic of Serbian Krajina, which had now been subjected to Serbian ethnic cleansing, but would remain a disputed area and be the site of Croatian ethnic cleansing in 1995. In short, this peace agreement did not mark the beginning of a peaceful era. Nonetheless, on 15 January 1992 Croatia was officially recognized by the European Community. (Pike, 2005)

However, for the Muslim Bosnians the situation was even more complicated, as they were not a majority in their own territory. The population of the Yugoslavian Republic of Bosnia and Herzegovina was made up out of Bosnians (43%), Serbs (37%) and Croats (17%). “They were considerably less enthusiastic about leaving the federation, recognizing that with its explosive population mix, Bosnia seemed to make more sense as part of a larger multiethnic Yugoslavia than as a stand-alone entity.” (Boyd, 2005)

A referendum on independence was organized, which a large part of the population boycotted, threatening that they would take up their weapons if Bosnia and Herzegovina would become independent. For the Bosnian Croats and Bosnian Serbs it seemed more attractive to

become part of Croatia and a Greater Serbia, than be a part of a Muslim-dominated Bosnia and Herzegovina.

However, remaining a part of an increasingly hostile republic seemed no option. On October 15 1991, the Republic of Bosnia and Herzegovina declared its independence from Yugoslavia and it was formally recognized by the European Community on April 6, 1992. The political system in Bosnia and Herzegovina was largely based on ethnic identity and the Party of the Bosnian President Alija Izetbegović, the Party of Democratic Action, and its Croat and Serb equivalents had near-absolute control over the areas of Bosnia and Herzegovina in which their ethnic groups were the majority. The Serb members of the Bosnian and Herzegovinian parliament protested and consequently left the central parliament in Sarajevo, the capital of Bosnia and Herzegovina. They formed the Assembly of the Serb People of Bosnia and Herzegovina on January 9, 1992, which would be transformed into the Republika Srpska on August 12, 1992, with Radovan Karadžić as its president. Having seen what the Muslim Bosnians and Croats had achieved, and under influence of Serbian nationalism, both the Croatian and Bosnian Serbs started their fight to make sure they would not be a minority in a seemingly hostile state.

These separations brought an end to the coalition of three ethnicities that had once together governed Yugoslavia, namely the Serbs, Croats and Bosniacs. The conflict in Bosnia attracted participants from all sides and during the following years these three ethnic groups engaged in a brutal and ruthless strife for territorial control.

Nobody knows how many people have died in this war. The Bosnian and Herzegovinian government portrays the number as high as 145,000. Other sources suggest the real death toll could be as low as 25,000. However, estimates most frequently mentioned range from 70,000 to 100,000. "The war has also redrawn the demographic map of Bosnia; fear, combat, and nationalist extremism have displaced upwards of two million people." (Boyd, 2005) Had the United Nations acted differently and more decisively, the consequences this conflict has had for the population of the Balkans could have been less severe.

The conflict was particularly severe in the Eastern region of Bosnia and Herzegovina, namely Central Podrinje. This region bordering Serbia, was predominantly Bosniac and of great importance to the Serbs due to its location, because control over this region would secure territorial integrity within the new political entity of the Republika Srpska. The towns of Srebrenica, Bratunac, Foča, Zvornik, Cerska and Snagovo were situated in this region, where several of the most notorious events of the Bosnian war took place, among which the controversial massacre in Srebrenica.

In the Western media an image is depicted of Muslim Bosnians being powerless victims of ethnic cleansing by brutal Serbs troops, even to the extent of paralleling the holocaust. In contrast, other sources go as far as denying a genocide in Srebrenica ever took place and claiming

that the Bosniacs staged attacks to receive the pity of the international community. The question whether the events that took place in Srebrenica were in fact a genocide, leads to an interesting and controversial debate.

However, regardless of the scenario it remains a fact that the United Nations has failed in preventing the conflict from deteriorating and grave atrocities from taking place, of which the UN had been forewarned and which could have easily been foreseen. To quote André Erdős, Hungary's ambassador to the UN and representative in the Security Council from 1992 to 1993: "When the war started in Croatia, Hungary and Austria both warned the Security Council that the very moment this spills over into Bosnia, it will be hell." (Lebor, 2006, p.27)

The Fall of Srebrenica

According to the majority of Western media, the UN and several human rights NGO's, "up to 8,000 Muslims were systematically exterminated in what was described at the UN war crimes tribunal as 'the triumph of evil, in a five-day orgy of slaughter at Srebrenica in July 1995.'" (Jones G., 2006)

According to Adam Jones (2008), author of 'Genocide, War Crimes and the West', "Srebrenica was the centrepiece in the endgame of the Bosnian war as planned by the Serbs." (Jones A., 2008) The climax of the tensions and killings took place in July 1995, when 8,000 Bosniac men and boys were slaughtered by the Serbs. The atrocities of Srebrenica were declared a genocide in 2004, when the Presiding Judge of the ICTY, Theodor Meron, declared the following in the ruling on the 'Prosecutor vs. Krstić' case:

By seeking to eliminate a part of the Bosnian Muslims [Bosniacs], the Bosnian Serb forces committed genocide. They targeted for extinction of the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They (...)deliberately and methodically killed them solely on the basis of their identity.

ICTY; "Address by ICTY President Theodor Meron, at Potocari Memorial Cemetery" The Hague, 23 June 2004

In 2007, The International Court of Justice agreed with the ICTY and stated the following:

The Court concludes that the acts committed at Srebrenica falling within Article II (a) and (b) of the Convention were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS in and around Srebrenica from about 13 July 1995."

ICJ; The Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), case 91, The Hague, 26 February 2007, p. 108, paragraph 297.

Even though Yugoslavia (later Serbia-Montenegro) had officially suspended military aid to the Bosnian Serbs and the Bosnian Serb Army (BSA), it seems as if the Serbs were not as impartial as

was made believe. In 1999 the ICC concluded that the Bosnian Serb Generals Mladić, Krstić and Karadžić had operated under a direct chain of military command from Belgrade and the Serbian President, Slobodan Milošević. “As with many other Serb military operations in the Bosnian war, much of the planning for the takeover of Srebrenica was conducted in Serbia, with the collusion of Yugoslav officers.” (The Advocacy Project, 2000)

By spring 1992, most of Northern and Eastern Bosnia and Herzegovina was under Serb control. Srebrenica however was a more difficult target, since it lay in a remote area, surrounded by hills. More importantly though, a military resistance was organized here. This resistance was led by warlord-like figure Naser Oric, the commander of the Bosnian army forces protecting Srebrenica. These forces regularly performed attacks on the Serb villages in the vicinity of Srebrenica, not sparing Serb civilians, trying to enlarge the territory under his control and unite the enclave with Tuzla. By January 1993 more than 50 percent of Bosnia was under Serb control and ethnically cleansed. In the east only Srebrenica and three other enclaves – Cerska, Žepa, and Goražde – held out.” (Lebor, 2006, p.37) In an attempt to stop Oric’s offensives General Mladić attacked Cerska and Žepa in February 1993, which resulted in an exodus of refugees to Srebrenica, which was now under siege, while simultaneously the situation in the enclave continued to deteriorate. As Lebor (2006) illustrates, “Life or rather existence, in Srebrenica was medieval. More than twenty-two thousand people were crammed into the town, almost four times its prewar population, while another twenty thousand were scattered through the enclave in remote villages. (p.74)

Within several weeks, the territory once the size of 350 square kilometres, reaching to within five miles of the Tuzla front line, had shrunk to less than 140 square kilometres. Over 40,000 people were now entrapped in the Srebrenica enclave and the living conditions became unbearable. Upon the request of the WHO, General Philippe Morillon visited the enclave and consequently declared that Srebrenica would be protected by United Nation forces. (The Advocacy Project, 2000)

General Morillon accordingly brokered a cease-fire with Milošević, but Serb troops continued to move closer to Srebrenica. Only when the international community threatened military retaliation did the Serbs agree to halt their offensive. However, at a later stage in the conflict the Serb leaders understood that the threats of the international community were empty, upon which they would never act.

Resolution 819, which was passed by the Security Council on 16 April 1993, declared Srebrenica as a safe area. From now on, Srebrenica “would be free from any armed attack or any other hostile act.” (Annan, 1999, p.18) This also meant that Srebrenica would be demilitarized. The Bosnian army was to surrender its weapons in exchange for a cease-fire, and an agreement that the Serbs would not occupy Srebrenica.

In early march 1994, 570 troops of UNPROFOR's Dutchbat I were deployed in Srebrenica. Their mission had three objectives: to deter attacks, facilitate humanitarian aid and demilitarize the enclave. While Dutchbat was being deployed at Srebrenica, the Serbs attacked the UN safe area of Goražde. Not receiving much of the promised military support from the UN and NATO, the defence collapsed and the town came under siege in April. Subsequently, in autumn 1994 the advancing Serb army initiated a major assault on Bihać, another proclaimed UN safe area. Again, the United Nations were extremely reluctant to use military power against the Serbs. "General Mladić had now launched two major attacks on UN safe areas. Neither had fallen, but neither had NATO seriously attacked the Bosnian Serbs. Srebrenica, Mladić understood, was there for the taking." (Lebor, 2006, p.82)

Early in 1995 Mladić's troops set pace for Srebrenica, infringing upon the borders of the enclave. The Serbs tightened their grip on Srebrenica, controlling everything that went in and out of the enclave, halting food aid and other aid convoys, executing attacks as reprisal for food raids that were organized by Oric. Srebrenica was under siege.

"The Serbs prevented any troops from entering or leaving after 26 April. (...) The UNMOs stationed inside the enclave informed UNPROFOR headquarters in Zagreb of the arrival of the Drina Corps, the most notorious and brutal of the Serb paramilitaries, a sure sign of impending conflict."

(Lebor, 2006, p.93)

Some controversy exists concerning the military situation within Srebrenica. While some sources claim that the Bosniacs were powerless, other sources argue that the forces present should have been able to fight the smaller BSA forces off. However, according to the UN report on the fall of Srebrenica, "a number of military experts interviewed in the context of this report, including members of Dutchbat, assess that the ARBiH in Srebrenica posed no significant military threat to the BSA." (Annan, 1999, p.53) The report gives a lengthy description of the BSA's superiority over the Army of the Republic of Bosnia and Herzegovina (ARBiH), even though they were outnumbered. The 28th division of the ARBiH, consisted of 3,000 to 4,000 men, but they reportedly had no heavy weapons, were poorly trained and badly coordinated. In contrast, the BSA was armed with tanks and heavy artillery, had a well-developed system of command and was in control of the most important strategic positions.

Events elsewhere in Bosnia and Herzegovina shaped Srebrenica's fate. In the safe area of Sarajevo the Serbs had attacked the city. This violated UN resolution 836 and breached the total exclusion zone around Sarajevo, which was established by NATO in February 1994. This gave UNPROFOR the mandate to deter attacks on the safe areas, and consequently the ammunition stores in the Bosnian Serb capital of Pale were bombed. As retaliation, Mladić gave the order to bomb all six safe areas and took 350 UN soldiers hostage. UN military operations came to a complete halt, as Mr. Akashi, special representative of Secretary General Boutros Boutros-Ghali

and political chief of UNPROFOR, and General Bernard Janvier, commander of UN troops in the former Yugoslavia, opposed retaliation and declared that air strikes would be used only in extreme cases of self-defence. “Janvier and Akashi were counting on the effectiveness of negotiations, hoping to calm the crisis and hold out until a political settlement could be negotiated.” (The Advocacy Project, 2000) This event once again showed the extreme reluctance of the UN to allow NATO to sanction the Serbs.

With this in mind, the Serbs continued to advance to Srebrenica, preparing to take it over:

“It took the Serbs a week to conquer and ethnically cleanse the safe area. They met little resistance from the four thousand Muslim soldiers in the enclave, from the four hundred Dutch peacekeepers deployed there, or from UNPROFOR as a whole.”

(Sion, 2006, p.457)

Saturday 1 June marked the beginning of the final countdown to the Srebrenica genocide. Mladić began to enter the enclave and ordered Dutchbat to surrender the observation posts (OP). When Dutchbat refused the Serbs attacked, directly targeting UN peacekeepers and taking soldiers hostage, clearly mandating NATO to fire close air support (CAS). However, because of poor communication “the request for CAS, stalled at a UN regional command at Tuzla, did not even reach UNPROFOR headquarters in Zagreb, let alone New York.” (Lebor, 2006, p.93)

Thursday 6 July was characterized by the heaviest bombing in two years, this time also directed towards UN peacekeepers present in the area. In order to be able to defend themselves, the Bosniacs asked Lieutenant Colonel Karremans, the Dutchbat commander, to return their weapons, which they handed over in accordance with the conditions of resolution 819. Karremans refused, claiming this was against the mandate. Subsequently, Karremans requested CAS from Tuzla for the second time. This time it was approved in Tuzla and forwarded to Sarajevo, where for the second time his request was declined. According to officials in Sarajevo, the Serb offensives were not life-threatening to the entire population of Srebrenica. However, according to Adam Lebor “that day’s attack was a probe, a prelude to an all-out assault. General Mladić had learned everything he needed to know: Dutchbat had not returned fire, and no NATO planes had been dispatched.” (Lebor, 2006, p.95)

On Friday, 7 July, the Serbs continued their offensives and Colonel Karremans called for CAS for the fourth time since June 1, all of which were refused.

“By the evening of 9 July, three Dutchbat OP’s had fallen and several more were under attack. The Bosnian Serbs had advanced to within a mile of the town, and thirty Dutch troops were held hostage by the Bosnian Serbs. Not a single NATO plane had been dispatched.”

(Lebor, 2006, p.99)

On Sunday 9 July 1995, President Karadžić, pleased with the little resistance of both the demilitarized Bosniacs and the international community, issued a new order authorizing the Drina Corps of the BSA to capture the town of Srebrenica.

In the early morning of Monday 10 July, Dutchbat set up a new line of defence, closing the approach road to town with fifty soldiers and six armoured personnel carriers (APC's). Mladić's troops advanced and Colonel Karremans once again requested air support, which was finally approved. Around 2:30PM on Tuesday 11 July, two Dutch F-16's bombed BSA tanks proceeding to town. However, by that time Srebrenica had already fallen: Dutchbat had retreated and the Serbs had moved into town. In response to the bombings, General Mladić threatened to kill the hostages and to bomb the Dutchbat compound and UN headquarters at Potocari, an industrial suburb north of the town, where 20,000 to 30,000 civilians had sought refuge. As response to this threat CAS was immediately suspended and NATO withdrew. UNPROFOR subsequently commanded Dutchbat to withdraw from all OP's and to gather all forces in Potocare and to "not resist the Serbs, not expose yourselves to any risks, and do what you can to oversee the safe evacuation of refugees." (Li, 2000) That night Lieutenant Colonel Karremans met with Mladić, who promised to respect the Geneva Conventions, under the condition that the Bosniacs were to hand over all weapons, or the base at Potočari would be shelled.

On 12 July Bosnian Serb troops entered the base in Potočari, disarmed the Dutch peacekeepers, and began evacuating the refugees. While 12,000 to 15,000 Muslim men had fled into the hills attempting to reach Tuzla in the West, the peacekeepers of Dutchbat "stood inches away from the Serb soldiers who were separating some 1,700 Muslim men, disproportionately the elderly and infirm, one by one, from their families." (Sudetic, 1999, p.306) As most women and children were evacuated to Tuzla, the Dutch peacekeepers even drew up a registry of 239 names of men remaining in the camp, to be forwarded to the Red Cross, believing that the Geneva Conventions would be respected and the lives of the men saved. Quoting the UN report on the fall of Srebrenica, Lebor (2006) writes: "When UNHCR staff reached Srebrenica that day, they witnessed a chilling sight: "UNPROFOR and Serb soldiers working together to bring the last groups of Bosniacs from the UNPROFOR compound to the waiting Serb buses." None of the 239 men was ever seen again." (p.117)

On 21 July the BSA allowed Dutchbat to leave and the troops pulled out of the ghost town of Srebrenica and made their way to Tuzla. Until today, mass graves are still discovered in and around Srebrenica. According to the Srebrenica Genocide Blog, dedicated to the aftermath of Srebrenica, forensic experts reported that "more than 4,000 bodies of Srebrenica genocide victims have so far been exhumed from 12 mass graves along the 7-mile road from Srebrenica to the village of Kamenica. The area is more commonly known as 'Death Valley'." (Srebrenica Genocide Blog, 2008) In response to the controversy that has arisen concerning the number of victims of Srebrenica, Kathyne Bomberger, director general of the International Commission on Missing Persons (ICMP) said the following in an interview with Newsweek in May 2007: "We can for the first time say that the 8,000—maybe more but certainly not less—missing from Srebrenica is accurate." (Brownell, 2007)

Challenges

According to the UN and most Western media, the previous pages describe the fall of Srebrenica. However, controversy exists that is worth elaborating on. Several sources challenge the commonly accepted scenario of the fall of Srebrenica and the subsequent genocide. “From the very beginning, numerous dissenting voices both in the West and in ex-Yugoslavia have contested both the Western mass media claims and the ICTY Srebrenica-connected verdicts, but have received almost no publicity whatsoever.” (Pavic, 2007)

Firstly, it is not correct to blame only the Serbs for the severe atrocities that have taken place in the course of the Bosnian War. To quote General Charles Boyd, member of the Srebrenica Research Group:

“For some, the war in Bosnia has become a tragedy of proportions that parallel the Holocaust, an example of plain good against stark evil. For these people, the Serbs are the forces of darkness, responsible for most if not all of the atrocities, the ethnic cleansing, mass rapes, concentration camps, and indiscriminate killing.”

(Boyd, 2005)

However, it is a fact is that throughout the conflict not only the Serbs have committed grave violations of human rights.

For example, the Croat Bosnian forces have executed large-scale ethnic cleansing campaigns of Serbs and Muslims in several parts of Bosnia, among which Western Slavonia and Krajina. Croat forces attacked the UN safe areas in, which were largely inhabited by Bosnian Serbs, and not defended by the UN. Once again, the Safe Areas seem to have been a hollow promise. During ‘Operation Flash’ Western Slavonia in May 1995 and ‘Operation Storm’ in the Krajina area in August 1995, which was carried out with U.S. approval and logistic support, the Croats have carried out the biggest acts of ethnic cleansing during the entire Yugoslav wars, committing many war crimes. “It is notable that the ICTY has never called the Croat ethnic cleansing of 250,000 Krajina Serbs “genocide” although in that case many women and children were killed and the ethnic cleansing applied to a larger area and larger victim population than in Srebrenica.” (Herman, 2005)

In addition, according to the Srebrenica Research Group, during the earlier stages of the conflict before Srebrenica came under siege, the forces of Naser Oric, commander of the Bosnian troops around Srebrenica, were responsible for the expulsion of Serbs out of the Srebrenica municipality and the killing of 1,200 to 1,500 Serb civilians in the Srebrenica area. According to observations of reporter Joan Philips of the London based ‘South Slav Journal’, “out of 9,300 Serbs who used to live here, less than 900 remain. In the Srebrenica municipality, about 24 villages have been razed. At least 1,200 Serbs have been killed and another 3,000 wounded by Oric’s forces.” (Bogdanich, 2007)

According to Carlos Martins Branco, a UN Military Observer in the UN Peace Forces during the war in Bosnia, “The objective of Srebrenica was ethnic cleansing and not genocide, unlike what happened in Krajina, in which although there was no military action, the Croatian army decimated villages.” (Branco, 2005)

Ironically, these events have hardly been mentioned in the Western media, nor have they been given any attention in the UN. “We must see things in the Balkans as they are, not as we wish them to be. We must separate reality from image. (...) We need a healthy scepticism about - accepted "wisdom," and above all, we need to tell the truth, if only to ourselves.” (Boyd, 2005) It is clear that Serbs cannot solely be held responsible for the grave atrocities that have taken place during the Bosnian War, even though this is how the situation has largely been portrayed in Western media.

Secondly, apart from the question of guilt and innocence, there are several reasons why it is suspected that Srebrenica was deliberately sacrificed. Most of which concern the lack of military response during the period that the enclave was under siege, which eventually ended with the fall of Srebrenica.

To begin with, why did the Bosnian Government withdraw their top officers from Srebrenica in April 1995? For Srebrenica this meant that the military defence was left in a state of total confusion.

Bosnian Muslim Generals Halilovic and Hadzihasanovic testified that General Staff of the Bosnian Army abruptly removed 18 top officers of the 28th division in Srebrenica. This was done even as the high command was ordering meaningless and provocative sabotage operations against the Bosnian Serbs.

(Srebrenica Research Group, 2005)

Just days before the Serbs captured Srebrenica, the Muslim military command in Sarajevo ordered the remaining 28th division in Srebrenica to attack strategically unimportant Serb villages in the surroundings of Srebrenica. Ibran Mustafic, Muslim representative in Bosnian and Federal Parliaments, trusted the investigative weekly Sarajevo-based newspaper *Slobodna Bosna*, or ‘Free Bosnia’, with the following:

Had I received an order to attack the Serb army from the demilitarized zone, I would have rejected to carry out that order without thinking (...). The orders came from Sarajevo and Kakanj, consciously providing a pretext to the Serb forces to attack the demilitarized zone.

(*Slobodna Bosna*, 1996)

Furthermore, according to Carlos Martins Branco, the area around Srebrenica is characterized by very rough terrain, which gave the defence a clear advantage in protecting the enclave. He claims that the ARBiH would have been able to defend itself if it had used the advantage of the terrain and the military resources available to them. The forces did however not use any of the heavy artillery that was to their disposal, nor did they establish an effective defensive system, even though it seems like these would have been the most logical steps to take.

In testimony at The Hague, General Sefer Halilovic, commander of the ARBiH, admitted that 5,500 members of the 28th division were based in Srebrenica before its fall and that he had sent eight helicopter loads of ammo – flown in from the US, violating the UN arms embargo – to Srebrenica and Žepa. “Significantly, Halilovic also acknowledged that Srebrenica was captured by a small force of only 200 Serb soldiers (“chetniks”), supported by five tanks.” (Bogdanich, 2007) Moreover, Dutch military observers have reported to The New York Times that the much larger 28th division fled the enclave during the two days before the Serbs entered and started to make their way to Tuzla, while other civilians fled to the UN base in Potočari. “British military analyst Tim Ripley writes that prior to its capture, Dutch troops “saw Bosnian troops escaping from Srebrenica move past their observation points carrying brand new anti-tank weapons.” (Bogdanich, 2007)

It seems that even without Nasir Oric leading the military resistance, the army should have been able to defend the enclave and prevent Serb capture. However, according to Branco there is a simple explanation, namely the role of the media. The Bosnian War was very well documented by the media and at this stage, all eyes were on Srebrenica. If the ARBiH were to act, this would display military action in a security zone that was supposedly was demilitarized. “Revealing the harbored highly-armed military units, military resistance would jeopardize the image of ‘victim’, which had been so carefully constructed, and which the Muslims considered vital to maintain.” (Branco, 2005)

To conclude, another curious aspect Branco mentions is the lack of military response from the 2nd Corps of the ARBiH. “It was common knowledge that the Serbian unit in the region, the ‘Drina Corps’, was exhausted and that the attack on Srebrenica was only possible with the aid of the units from other regions.” (Branco, 2005) Even though the 2nd Corps could have divided the Serbian forces and alleviate the military pressure on the Srebrenica enclave, Sarajevo never undertook such an action.

Speculations have been circulating that the fall of Srebrenica was consciously prepared. There are different scenarios what is often called ‘the betrayal of Srebrenica’, based on diverse motives and involving different actors.

According to the first scenario, the Bosnian Government in Sarajevo deliberately sacrificed Srebrenica to draw NATO intervention on the Muslim side. Hakija Meholić, the police chief of Srebrenica and ally of Nasir Oric, stated in an interview with the Bosnian Muslim magazine ‘Dani’ that during a meeting President Izetbegovic had suggested to him an offer from President Clinton, namely that NATO would intervene if the Serbs would kill at least 5,000 people at Srebrenica. President Izetbegovic has always denied suggesting this, but according to George Bogdanovich, member of the Srebrenica Research Group, “there were at least eight surviving witnesses to confirm what Izetbegovic told the Srebrenica delegation.” (Bogdanich, 2007)

In addition, in 2003 Izetbegovic admitted to Bernard Kouchner, a member of Physicians without Borders, and former US envoy Richard Holbrooke, that he had falsely accused the Serbs of having organized 'extermination camps', rather than the notorious POW camps which were run by all parties to the conflict. "There were no extermination camps, whatever the horror of those places," Izetbegovic acknowledged to Kouchner and Holbrooke. "I thought my revelations would precipitate bombing [against Serbs]." (Bogdanich, 2007)

Apart from NATO defence, it is said that the fall of Srebrenica was also staged in order to force the International Community to lift the arms embargo that was set in place in September 1991, when the fighting in the Former Yugoslavia had just erupted. With resolution 713 the Security Council decided that: "All States shall, for purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Security Council decides otherwise." (Annan, 1999, p.8)

According to this point of view, the Muslim Bosnians always harboured a secret hope that the embargo would be lifted. Even though the safe areas were not demilitarized and the Bosnian Muslim troops had their ways of getting hold of military equipment, the BSA was generously supplied by Serbia. This had become the prime objective of the Sarajevo government, and had been fuelled by the vote in the US Senate and Congress in favour of such a measure. President Clinton, however, vetoed the decision and required a two thirds majority in both houses. The collapse of the enclave gave the decisive push that the campaign needed. After its fall, the US Senate voted with over a two thirds majority in favor of lifting the embargo.

According to a second scenario Srebrenica was exchanged for Vogosca, a Serb held suburb of Sarajevo. Branco states in his article that in 1993, when Srebrenica was under siege for the first time and subsequently was declared a UN Safe Area, Karadzic had already proposed Izetbegovic the trade of Srebrenica for Vogosca and accordingly the replacement of the populations in both directions. According to Branco, at that time Izetbegovic refused, but in 1995 he reportedly "tacitly agreed that it made no sense to insist in maintaining these isolated enclaves in a divided Bosnia. In 1995 nobody believed any longer in the inevitability of ethnic division of the territory." In his article, Branco writes that in the month of June 1995, before the military operation in Srebrenica, Alexander Vershbow, Special Assistant to President Clinton stated that "America should encourage the Bosnians to think in terms of territories with greater territorial coherence and compactness." (Branco, 2005) The UN report titled 'The Fall of Srebrenica', which was issued in 1999 by Secretary General Kofi Annan, denies that such a deal was ever concluded.

According to a third scenario, Srebrenica was handed over to the Serbs in order to facilitate a peace agreement. In his article 'The United Nations report on Srebrenica Genocide', Muhamed Sacirbey, Bosnia's foreign minister to the UN during the war in Bosnia, wonders about the

motives behind the passive attitude of the UN peacekeepers and the reluctance of NATO bombing, even though the mandate called for it. He recalls a statement of Ambassador Richard Holbrooke, President Clinton's envoy to Yugoslavia and chief architect of the Dayton Accords, made at the 10 year anniversary of the Dayton accords: "I had instructions to sacrifice Srebrenica, Goražde, and Žepa." Sacirby argues that, "It was not a simple oversight, but rather part of a scheme to deliver Srebrenica, and two other 'safe areas' and 'protected zones' to Milošević's Belgrade and the then-leadership of Republika Srpska, General Ratko Mladić and Radovan Karadzic." (Sacirbey, 2008) According to Sacirbey the surrender of Srebrenica would bring the conflict closer to an end, as it would satisfy Milošević. President Milošević was seen as the military and political power whose satisfaction was needed before negotiations for peace could start. By that time, the greater part of eastern Bosnia was in the hands of the Serbs, with the exception of Srebrenica, Goražde and Žepa, holding the Serbs back from finalizing the creation of 'The Greater Serbia'. According to Sacirbey, Holbrooke and other international functionaries were not able to convince the Bosnian government to give up Srebrenica, Žepa and Goražde, and "simply gave Milošević and Mladić a green light." (Sacirbey, 2008)

The role of the US in the politics revolving the Bosnian war and the fall of Srebrenica is highly controversial. The Srebrenica Research Group concluded the following:

The US, the most important member state of the UN has helped prolong the conflict by taking sides, instead of permitting the UN to act as an honest broker, its traditional role, which was repeatedly undermined during its role in Yugoslavia.

(Srebrenica Research Group, 2005)

It has been suggested that the fall of Srebrenica was very convenient for the US administration, at that time led by Bill Clinton. In 1995 both the media and Senate Majority leader Bob Dole, pro-Bosniac oriented, were pressuring the Clinton administration to take more powerful action against the Bosnian Serbs. According to Edward S. Hermann, "Clinton's administration was eager to find a justification for more aggressive policies". They eventually found this justification in the fall of Srebrenica and the alleged genocide, subsequently avenging this by bombing the Serbs to the negotiating table through the launching 'Operation Deliberate Force'. At the time the US had a very strong position in both NATO and the UN, navigating policies and actions to match their strategies. To quote Edward S. Herman,

By July 1995 the stage had been well set for making massacre claims effective. The serial lying had been largely unchallenged in the mainstream, the ICTY and UN leadership were closely following the agenda of the United States and its NATO allies, and the media were on board as co-belligerents.

(Herman, 2005)

According to several sources the mainstream media were heavily prejudiced at the time, being extremely anti-Serb and pro-Bosniac. In October 1995, US Army Lieutenant Colonel John Sray wrote that the American people had received "a cornucopia of disinformation," and that the

public opinion concerning Bosnia “had been forged by a prolific propaganda machine [that has] managed to manipulate illusions to further Muslim goals.” (Herman, 2005)

Also the objectivity and impartiality of the ICTY, founded and paid for by US and US allies, is heavily doubted, and the indictments and verdicts increasingly controversial. According to the Srebrenica Research Group, both US and US-appointed ICTY officials have admitted that the genocide indictments against the Serb leaders were subjective to political motives and prior to objective research into the events surrounding the fall of Srebrenica and their personal roles in the massacre. (Srebrenica Research Group, 2005)

From its inception the ICTY served as an arm of the NATO powers, which served as its police arm and main information source, and expected and got responsive service from the organization. The ICTY focused intensively on Srebrenica and provided important and nominally independent corroboration of the massacre claims along with citable ‘judicial’ claims of planned ‘genocide’.

(Herman, 2005)

Also, by directing the media towards the capture of Srebrenica the worlds’ attention was diverted from the US supported and coordinated ethnic cleansing campaigns ‘Operation Flash’ and ‘Operation Storm’ in Western Slavonia in May and the Krajina region in August, little than a month after the fall of Srebrenica.

The United States not only monitored the complete Operation *Storm*, but also actively participated with the Croatian Military in its preparation, and in the end directly initiated the operation. The green light from the White House was passed on by Colonel Richard C. Herrick, then US military attaché in Zagreb.

(Bogdanich, 2007)

Thirdly, during the aftermath of the fall of Srebrenica, a big controversy has come to exist over the ‘game of numbers’. According to new evidence it is virtually impossible that 7,000 to 8,000 men were killed after the capture of Srebrenica. According to Philip Corwin, former UN Civilian Affairs Coordinator in Bosnia during the capture of Srebrenica:

It is a crime, whether it is 300 or 30 or three persons killed in this way, but using a false number such as 7,000 and calling it “genocide” indicates that Srebrenica is still being used 10 years later as a political issue.

(Corwin, 2005).

In fact, when analyzing all the information on the fall of Srebrenica that has become available over the last ten years, the version of events established in 1995, mainly by the Bosnian Government and the media, the number of 7,000 to 8,000 victims seems unlikely.

To begin with, when calculated, the numbers simply do not add up. According to the Red Cross, the total population of Srebrenica before its fall was estimated at approximately 37,000 – 39,000. In early August, 35,632 persons had been registered by the Bosnian Government and WHO as displaced persons from the Srebrenica safe area. These were the people that had

survived the fall of the enclave. In addition, the Red Cross reported that ‘several thousand’ armed Muslim men had crossed enemy lines and arrived safely in a Muslim-held area called ‘Sapna Finger’. They reportedly had been redeployed to fight elsewhere, without their families having been notified, and subsequently without having been identified as survivors of Srebrenica. However, these numbers do not include the casualties that were caused by the fighting between the VSR and armed soldiers that left Srebrenica in their attempt to reach Tuzla.

It is common ground in accounts of what happened that there were significant casualties on both sides from these clashes. A report published in September 2002 by Republika Srpska estimated an overall figure of approximately 2,000 Bosnian Muslim Army (ARBiH) combat deaths, in addition to some 500 BSA fatalities.

(Rooper, 2005)

Adding up the numbers, it seems to be impossible that 7,000 to 8,000 people have been murdered after the fall of Srebrenica. As former BBC reporter Jonathan Rooper, member of the Srebrenica Research Group, states in his article ‘The numbers Game’:

in order for 7,300 people from Srebrenica to have been massacred, the population of the safe area before it fell to the Serbs would have had to be well over 46,000 – a figure far in excess of any credible estimate put forward at the time.

Also, as the Srebrenica Research Group points out, if 7,000 to 8,000 men were murdered in the vicinity of Srebrenica, there should have been enormous grave sites and satellite evidence of both executions and burials. However, by 2001 only approximately 2,000 bodies had been found, including bodies from persons that were killed in action and possibly bodies of Serb men. (Srebrenica Research Group, 2005)

At the time of the press presentation of that the Red Cross list of missing people, Pierre Gaultier, spokes person for the International Red Cross in Geneva, warned for the following in an Interview with the German journal ‘Junge Welt’:

There may be some double counting. Before we have finished our research we cannot give any exact information. The Bosnian government has informed us that several thousand refugees have broken through enemy lines and have been reintegrated into the Bosnian Muslim army. These persons are therefore not missing, but they cannot be removed from the lists of the missing (...) because we have not received their names.

(Pumphrey, 1998)

According to George Pumphrey, the Bosnian Government went to extremes in order to hide the fact that the fall of Srebrenica did not involve a genocide. “To maintain a hoax, it is not only necessary to create the illusion that the proof of a massacre exists, but it is also necessary to suppress any evidence that it did not happen.” (Pumphrey, 1998) To illustrate, on January 17 1996 an article appeared in the Guardian concerning a group of former Muslim POWs from Srebrenica and Žepa. According to the article, these people were directly moved to Dublin after their liberation from the camps. Similarly, Pumphrey writes of the pro-Bosnian news agency TWRA, which reported in February 1996 that 103 Bosnian soldiers were sent to Australia against

their will after their release from prisons in Serbia. The UNHCR claimed that the soldiers demanded to be moved to Australia as they feared criminal charges as deserters.

According to the arguments and evidence provided to support these alternative scenarios, the Srebrenica genocide accepted by the majority of the world never took place. Instead, the illusion was created for 'higher' political purposes, which has been maintained until today, almost 14 years after its occurrence. It is difficult to determine which account of the events revolving the fall of Srebrenica is more truthful, which makes it even harder to establish whether the genocide took place or not. Facts and arguments arguing for nearly all settings are convincing, and the truth will probably contain elements of different scenarios. However, regardless of which scenario is true, it is certain that grave violations against humanity took place during and after the fall of Srebrenica. The UN failed in its responsibility to intervene and prevent these atrocities.

The United Nations and the Fall of Srebrenica

Regardless of one's approach to the events at Srebrenica, it is clear that the United Nations failed to forcefully intervene in the conflict in Bosnia to prevent the situation from deteriorating and the crimes against humanity from happening. Even though controversy exists concerning the fall of the enclave, regardless of where the truth lies, it can be concluded that certain failures and weaknesses paralyzed the organization.

This chapter will examine choices that were made during crucial moments in the conflict. It will detail on specific deliberative failures, namely mis- and disinformation, as the flow of information is crucial to the capacity to deliberate; power relations, which influenced the stage of deliberation; and decision failures, which determined the course of action.

Mis- and Disinformation

Misinformation

Both the Secretariat and the Security Council suffered from inadequate political understanding, caused by a lack of information. The bodies were very poorly informed about the Bosnia and the background of the conflict and the war aims of the Serbs. To again quote André Erdos: "The whole atmosphere around Bosnia was very bizarre. I was flabbergasted by the ignorance of my colleagues about the historical and geographical realities on the ground." (Lebor, 2006, p. 30) To illustrate, there was a tendency to believe that the parties were equally responsible for the transgressions that occurred. Even though none of the parties to the conflict were innocent, the UN failed to understand the war aim of the Serbs, which was the creation of a 'Greater Serbia', no matter what. According to Karel Wellens (2002), "in Srebrenica there was a failure fully to comprehend the Serb war aims and the resulting provision by the UN Secretariat of incomplete and inaccurate information to the Security Council, creating the impression that the situation was under control." (p. 194)

In his evaluation of the UN's practices during the conflict, Mr. Annan writes that the approach of the UN based upon these misunderstandings, had consequences both at political and military level. Politically, these consequences mainly constituted continuing negotiations with the architects of the Serb policies, namely, Mr. Milošević and Mr. Karadžić.

At the military level it resulted in negotiations with and reliance upon General Mladić, whose implacable commitment to eastern Bosnia was plainly obvious and led inexorably to Srebrenica. At various points during the war, those negotiations amounted to appeasement.

(Annan, 1999, p. 107)

Withholding information

Other problems that occurred on political level were inconsistencies and limitations concerning the flow of information. According to Lebor, members of the Security council

repeatedly complained to the Secretariat that information was circulated too late, or not at all, and that Secretariat reports were incomplete. In addition, some information was merely released to 'relevant' members of the Security Council, being the P3 or P5. This was the case with the discovery of POW across Northern Bosnia. In early 1992, the media revealed the existence of such camps, not the UN. Muhamed Sacirbey, Bosnia's ambassador, then received UN memos on the camps, written in April and May of that year. When Sacirbey demanded to know why this information had not been made public, an official admitted that "information had been released, but only to the Security Council members that 'needed to know'." (Lebor, 2006, p. 33) The information flow during the conflict in Bosnia, especially during the fall of Srebrenica, seemed to halt regularly. For example, on the evening of 6 July, the Secretariat met with the representatives of the countries that contributed troops to UNPROFOR. That morning the Serbs started their attack on Srebrenica. However, reports from UNPROFOR were not passed but "remained on desks in Srebrenica, Tuzla, Zagreb and Sarajevo [UNPROFOR offices]." (Lebor, 2006, p. 95) Since the Secretariat was not informed, the situation was not discussed.

In addition, the Security Council was only briefed on the 10 July by Boutros-Ghali's staff. However, the briefing was not satisfactory, as questions could not be answered. According to Lebor (2006), "the briefing was the latest link in a chain of incompetence and miscommunication that reached from Srebrenica to Tuzla to Zagreb to New York." (p. 101) Also, the requests of air support were never mentioned, let alone the fact that these requests were all turned down.

Finally, even after Srebrenica fell, it was the media who made public several accounts on atrocities that had taken place. In this case, the media was full of widespread and consistent accounts of witnesses and refugees, and these reports had been confirmed by international observers, including the UNHCR. "Yet by 18 July, seven days after the fall, the Secretariat had not received a single report from UNPROFOR about the atrocities." (Lebor, 2006, p. 126)

Power relations

Secretary General and Secretariat

As has been concluded in the case study of Rwanda, individuals can exercise a great deal of power within the UN, especially the Secretary General. Mr. Boutros Boutros-Ghali, who held the post of Secretary General during the conflict in Bosnia, has had considerable influence on the policies of the UN during the Bosnian war. Initially he was little interested in the arising conflict and dismissed it as 'a rich people's war'. A US diplomat illustrates in Lebor's book:

Boutros-Ghali saw himself as the commissar of the world. He never wanted the United Nations to be involved in Bosnia. He assumed, correctly, that Bosnia would chew up the United Nations and destroy his term as secretary general. But instead of being robust, he went to the opposite extreme.

(Lebor, 2006, p. 28)

According to some, this unwilling attitude of the Secretary General explains why it took the United Nations very long before getting involved in the conflict. Another example of individual power within the UN, is the combined force of the Secretary General Special representative Yasushi Akashi and General Janvier, the overall commander of UN forces in the former Yugoslavia, who were both very powerful and repeatedly directly barred air support and prohibited NATO from turning the double key, to prevent direct confrontation with the Serbs.

However, when placed in context, to a certain extent these attitudes are not hard to explain and can be influenced by the attitudes of member states. As for example for the reluctance of using force by two other individuals who have been very influential in shaping UN policy before and during the fall of Srebrenica, namely Mr. Akashi and the French General Bernard Janvier. These UN officials to a certain extent depend, either directly or indirectly, on political leaders. During the war in Bosnia, President Clinton was very hesitant and was more concerned about domestic opinion polls than bringing an end to the conflict. Since the US was and still is practically the most powerful member of NATO and member state of the UN, this can limit effective action. France too had troops on the ground. Both governments were extremely afraid of negative publicity and body bags and this obviously translated in a very unwilling attitude, not promoting a more decisive use of force, or in other words: a lack of political will. In this sense,

Akashi does have to bear some responsibility for the debacle in Bosnia and the tragedy in Srebrenica, but the governments of the time have much greater responsibility than that which falls on his shoulder. He was acutely aware of the limitations of what he could do. Srebrenica did not occur in an obscure part of Africa, but in Europe in 1995, while twenty thousand troops were deployed there. (Lebor, 2006, p. 266)

A French report criticized France, Britain and the United States as permanent members who then directed the military operations. According to the report, “the reason for the fall of Srebrenica is to be found in the lack of strong political will to intervene. The states undertook commitments they did not respect because they did not equip themselves with the means.” (Burnet, 2001)

Also, the Secretariat was not as neutral as many members of the Security Council initially thought. According to people dealing with the UN during the Bosnian war, or reporting on it, some Secretariat officials and UNPROFOR officers supported Great Britain and France’s policy of non-intervention, in order to maintain the principle of neutrality and impartiality. “The Secretariat seemed to consistently support the P5’s policies, shaping the flow of information in a way that would persuade the ten non-permanent members that the P5’s approach was correct.” (Lebor, 2006, p. 58)

Security Council and P5

Finally, the permanent members of the Security Council to a great extent determined the action of the UN. According to André Erdos, who sat in the Security Council from 1992 to 1993 for Hungary, “The Security Council is a non-democratic body. You have first-class and second-

class members. If one of the P5 coughed, the Secretariat went into action. But the ten non-permanent members were second-class citizens.” (Lebor, 2006, p. 29) According to him issues and decisions were often discussed and made by the P5, or even the P3, being France, Great Britain and the United States. He describes the following situation:

The P5 or the P3 had discussions among themselves, agreed on a text and presented it to a meeting, saying take it or leave it. The whole operation of the United Nations was conducted in this spirit; hence the inability to do anything.

(Lebor, 2006, p. 30)

Decision Failures

During the events revolving Bosnia’s independence, the United Nations failed to take responsibility for the first time. In early 1992, Slovenia and Croatia had both already become independent and Bosnia had the choice to either remain a part of a Yugoslavia which was then dominated by the Serb population, or to become independent. Vice President Ejup Ganić asked the UN for help. “The EC had given Bosnia a week to apply for recognition as an independent state, but to do so without the consent of all three communities, Bosniacs, Serbs, and Croats, would violate its own constitution. War would break out.” (Lebor, 2006, p.26) However, remaining under Serb-dominated Yugoslavia was not an option, and Ganić therefore requested ten thousand peacekeepers to prevent a large-scale conflict. Shashi Tharoor, assistant to Marrack Goulding, the head of the Department of Peacekeeping Operations at that time, met with Ganić and agreed to convey this request to the Security Council. However, according to Lebor, who interviewed him, Tharoor thought it unlikely that the Council would agree. He argued as follows:

It was unthinkable that a Security Council with India and China on it would send troops to a sovereign member state of the United Nations to help a part of that state secede. (...) If the Europeans are pushing you into a corner, have them send you ten thousand troops. But the Europeans weren’t geared up for that. (Lebor, 2006, p.27)

This is where the United Nations should have come in. Even though Tharoor’s argument is reasonable, the different positions and functions of both organisations on the world stage should be considered. The *raison d’être* of the United Nations is to maintain international peace and security, and it has a peacekeeping department with troops deployed all over the world. From the situation described it is clear that a conflict was about to break out, which certainly did not come unexpected, as the Security Council was warned by several member states about the consequences in case of intensification of the conflict and was familiar with the history of the region. This made it the moral responsibility of the United Nations to act in order to prevent these predicted events.

As Kofi Annan writes in his report on the fall of Srebrenica and the subsequent massacre:

The war began on 6 April 1992. Most of the territory captured by the Serbs was secured by the within the first 60 days of the war, before UNPROFOR had any significant presence in Bosnia and Herzegovina. During those 60 days, approximately 1 million people were

displaced from their homes. Several tens of thousands of people, most of them Bosnian Muslims, were killed.

(Annan, 1999, p.6)

Had the UN accepted Ganić's request and taken more forceful measures, Srebrenica might have had a different fate.

During the war, international diplomatic efforts continued and several opportunities for peace have occurred. Under influence of the UN, three peace plans have been drafted, namely the Vance-Owen Peace Plan in January 1993, the Owen-Stoltenberg Peace Plan in August 1993, and the Contact Group Map in October 1994. However, none of the peace plans became reality, because the widespread support from the international community remained of passive nature. The trend was set at the London Peace Conference in August of 1992, where under the auspices of the EC and the UN an elaborate accord was signed between all parties, promising to solve the conflict and bring peace back to Bosnia. Soon however, the optimism that had arisen disappeared, when only weeks later it became very clear that none of the parties to the conflict had any intentions of honouring the accords. No sanctions followed.

This was encouraged by the attitude of the international community, in particular the UN, which showed no willingness to enforce the implementation of the provisions of the conference by any means whatsoever. The lack of sanctions in the final agreement was a diplomatic victory of the Serbs.

(Cate, 2007, p. 66)

None of the peace plans finally succeeded. To quote Lord David Owen, Co-Chairman of the International Conference on Yugoslavia at the time:

I have never changed my view; I always believed we should have used more force to implement the three peace plans: the Vance-Owen peace plan, the EU action plan and the contact group map, but there was no military response.

(Lebor, 2006, p. 34)

Within the UN, three areas of needs were identified, being the alleviation of the consequences of war, containment of the conflict, and promotion of prospects for a negotiated peace settlement. The Security Council responded to these needs with humanitarian aid, the imposition of an arms embargo, and the deployment of a peacekeeping force. Even though humanitarian aid saved the lives of many civilians, this was not a sufficient response to the conflict going on in Bosnia, which was notorious for its brutality and practices of ethnic cleansing, and in need of a military and political solution. In an attempt to contain the conflict, the arms embargo practically froze the military balance within the former Yugoslavia, leaving the Serbs in a position of military dominance, to which the ARBiH did not stand a chance. Finally, the deployment of UNPROFOR as peacekeeping force was not applicable to the situation, simply because there was no peace to be kept. Moreover, "none of the conditions for the deployment of peacekeepers had been met: there was no peace agreement – not even a

functioning ceasefire – there was no clear will to peace and there was no consent by the belligerents.” (Annan, 1999, p. 106)

Safe Area Policy

The safe area policy was not an adequate solution either. During the search for consensus in the Security Council, UNSCR 819 and 824 were adopted in spring 1993. Resolution 819 turned Srebrenica into a “safe area”, also called ‘safe havens’ or ‘protected area’ and resolution 824 did the same for Sarajevo, Tuzla, Bihać, Goražde and Žepa. These havens were meant to protect the civilians from ethnic cleansing and provide them with humanitarian aid. Resolution 819 demanded that the Srebrenica should be free from any armed attack or any other hostile act, it insisted on the immediate withdrawal of Bosnian Serb paramilitary units from areas surrounding Srebrenica and ordered the cessation of armed attacks against Srebrenica.

Three main concerns regarding the safe area policy were expressed in different bodies of the UN. Firstly, for an area to become a safe haven, this zone would by definition have to be demilitarized, although no zones of this nature existed in the country at that time. Secondly, all parties to the conflict would have to respect the concept of safe areas. The UN High Commissioner for Refugees, Mrs. Sadako Ogata, warned of the reactions of parties opposed to the concept and for the usage of the safe areas for military objectives. After having visited the safe area of Srebrenica a Security Council mission declared in its report: “Even though SC resolution 819 (1993) declared the city [of Srebrenica] a safe area, the actual situation obviously does not correspond to either the spirit or the intent of the resolution.” (Annan, 1999, p. 20) Lastly, it was questioned whether traditional peacekeeping rules of engagement would suffice to ensure the purpose of the safe areas. These concerns depict the reasons for the failure of the safe area policy.

Firstly, Srebrenica was never demilitarized. When the safe area policy was introduced, UNPROFOR knew that for the regime to progress, consent of both parties was needed. They feared that the Serbs would not agree, unless the Bosniac forces would surrender their weapons. An agreement was signed declaring that the Bosniac forces would hand over their weapons to UNPROFOR. In return, a ceasefire would be established, a UNPROFOR company would be deployed in Srebrenica, and the area would be open to humanitarian aid organizations. In reality, the safe area was never fully demilitarized. It was never made clear what part of the enclave exactly had to be demilitarized and consequently only the centre of the town was cleared. This allowed the safe area to become a military safe haven, which was exactly what Mrs. Ogata warned for.

According to the NIOD, The Dutch Institute of War Documentation, that executed a very in-depth study on the events that took place at Srebrenica, several thousands of armed Bosnian Muslim soldiers remained in Srebrenica and were stationed there between 1992 and 1995, turning the UN protected area into a military safe haven. This situation allowed Commander Oric’s

troops to use the protected area as a launching pad for small attacks on the Serb frontline and nearby villages – which were often food raids – , using the UN safe keepers as a cover to prevent return fire. In his book, *Balkan Odyssey*, Lord Owen makes it clear that the establishment of “safe area” by the Security Council, without demilitarizing them was “the worst decision of my time as Co-Chairman [of the International Conference on Yugoslavia]” (Bogdanich, 2007)

Secondly, in addition to the misuse of the areas by the Bosniac forces, the Serbs did not respect the safe areas either. As is stated in the elaborate evaluation of the fall of Srebrenica, written by Kofi Annan:

Following the adoption (...), the Bosnian Serbs continued to bombard safe area at about the same rate as before. (...) The Serbs also continued to obstruct the freedom of movement to all of the safe areas, both for UNPROFOR and for humanitarian convoys, the principal effect of which was to limit the effectiveness of UNPROFOR and to slow down the delivery of humanitarian aid.

(Annan, 1999, p. 25)

The third reason why the safe area policy failed is because only traditional peacekeeping forces were devoted to the protection of the safe havens. When the policy was initiated, the Force Commander of UNPROFOR already feared that the purpose of the safe area mandate would be incompatible with peacekeeping. “Protecting the safe areas, in his view, was a job for a combat-capable, peace-enforcement operation. He summarized his position in a communication to the Secretariat stating, “one cannot make war and peace at the same time.” (Annan, 1999, p. 18)

Mandate and Use of (Air) Force

However, expanding the mandate from a peacekeeping mission according to chapter VI, to a peace-enforcement operation according to chapter VII of the UN Charter, was highly disputed within the Security council. “Consensus within the Security Council was limited. There was general agreement on the need for action, but less agreement as to what action was appropriate.” (Annan, 1999) The countries who had committed troops to UNPROFOR opposed an expansion of the mandate that could lead to a direct confrontation with the BSA, while countries without any troops on the ground sought to expand the UNPROFOR mandate and progress to more forceful action. In addition, “The P5 refused to recognize that the UN troops were increasingly being drawn into a combat mission for which they had neither the mandate, the equipment, or domestic political support to properly fight.” (Lebor, 2006, p. 85)

The opposing points of view led to a very unclear mandate. While forces largely equipped for traditional peacekeeping duties were deployed, the search for consensus in the SC led to the adoption of resolutions in which the language accommodated the wishes of non-troop-contributing nations. For UNPROFOR, this resulted in a mandate that was the one hand rhetorically more powerful than the force itself, though on the other hand very much dependent on interpretation of the phrasing and terminology.

On 4 June 1993, the Security Council adopted resolution 836, expanding the mandate of UNPROFOR to enable it to protect the safe areas, including to deter attacks against them, to supervise the ceasefire, to promote the withdrawal of military or paramilitary units other than those of the Bosnian Government and to occupy some strategic places within the safe area. In addition, UNSCR 836 allowed for the use of force to respond to artillery fire or armed attacks against the safe area and in case of deliberate obstruction of humanitarian convoys. The resolution specifically mentioned the use of air power to assist UNPROFOR in the accomplishment of their mission. UNPROFOR was clearly authorized to use Chapter VII force. However, again the phrasing was critical, as the resolution did not mention the words “protect” or “defend” and linked the use of force to self-defence. It was therefore interpreted that the use of force was allowed only in cases of self-defence. Mr. Yasushi Akashi, Special Representative of the Secretary General at the time, wrote:

With a consensus absent in the Security Council, lacking a strategy, and burdened by an unclear mandate, UNPROFOR was forced to chart its own course. (...) UNPROFOR thus chose to pursue a policy of relatively passive enforcement, the lowest common denominator on which all Council members more or less agreed.

(Annan, 1999, p. 16)

The ambiguity of the mandate and unwillingness of moving from a peacekeeping operation to a peace-enforcing operation, is in line with the extreme reluctance in using air force. In his report, Annan writes: “Even in the most restrictive interpretation of the mandate the use of close air support against attacking Serb targets was clearly warranted.” But even though air force was the only threat at the UN’s disposal to intimidate the Serbs and to counteract in case of an attack on a safe area, the UN did not make use of the power that came with this threat.

By 1995, the Serbs had launched several major attacks on UN safe areas. None of them had fallen, but neither had the UN seriously attacked the Bosnian Serbs. Nor did the UN approve CAS when Srebrenica was attacked. “The Serb attack on Srebrenica was not an isolated battle but part of a strategic push by the Bosnian Serbs. The UN stood by as Sarajevo, Srebrenica, Goražde, Bihać and Žepa were regularly shelled.” (Lebor, 2006, p. 97) Srebrenica had been under siege for months before the Serbs finally overtook the enclave and the UN just let it happen. Commander of Dutchbat, Col. Thomas Karremans, testified to the The Hague tribunal in 1996, that he had first requested NATO air strikes on June 1st, even before Mladić’s troops began their assault, which was on July 6. The request was not granted until July 11 when Srebrenica fell. By then, Karremans said, “it was too late and too little.” (Jones, 2006)

According to Annan’s report, there were four main reasons why the Secretary General and his senior advisers, who all had to approve requests for air support before negotiations with NATO could begin, were so very reluctant to approve air support. Firstly, they believed that allowing air support against the Serbs would have meant that the UN had entered the war. This was something the Security Council had not authorized and it could potentially harm the

peacekeeping operation. Secondly, the officials feared they would lose control over the process. A 'dual key' arrangement existed between NATO and the UN and they were afraid they would not be able to turn the key back, endangering the troops present in the area that were entrusted to the UN by its member states. Another argument is that they believed that air power would disrupt the primary mission of UNPROFOR, which in their eyes was the provision of humanitarian aid. Lastly, they feared Serbs reprisals against the peacekeepers in the area.

So instead of approving air support, they let the Serb troops order UNPROFOR, who were not intended to resist the Serbs, to leave their posts and allowed them to take over Srebrenica, with disastrous consequences. The UN was afraid to enter a war and thus harm a peacekeeping operation and disrupt humanitarian aid, while their peacekeepers were directly attacked and the population was expelled by the violence of Serb troops. To conclude with a quote of Mr. Kofi Annan: "The UN tried to keep peace and apply rules of peacekeeping when there was no peace to keep." (Annan, 1999)

This reluctance stems from an attitude of wanting to remain neutral and impartial at any cost, and this has eventually resulted in complicity. A small example of this, as written before, is the decision commander of Dutchbat Mr. Karremans took when he refused to return the Bosniacs their weapons when the final assault had begun, as this would not be consistent with the principle of impartiality. This however, can also be seen as denying the Bosniacs their right to self-defence, a right included in the UN charter. As Adam Lebor writes in his book:

The SC members had ensured that the UN's founding principles, to save humanity from the 'scourge of war,' had been sidelined for their own expedient aims, more concerned about preserving the UN's impartiality and neutrality than its mission to save lives.

(Lebor, 2006, p. 83)

An unfit mandate and unwillingness to adjust the mandate to the situation on the ground, in combination with the extreme reluctance to use air force and need of remaining neutral and impartial, led to a paralyzed UNPROFOR, that could not resist the Serbs.

Chapter Summary:

A lack of information and a lack of knowledge concerning the background history of the region, caused inadequate political understanding. This led to negotiations with Serb leaders on political and military level, which eventually resulted in appeasement. In addition, a peacekeeping operation, UNPROFOR, was installed even though the criteria for such an operation were not met and its mandate was unfit to suit the situation on the ground. Moreover, unwillingness to adjust the mandate to the situation on the ground, in combination with the extreme reluctance to use air force and need of remaining neutral and impartial, led to a paralyzed UNPROFOR, that could neither resist the Serbs, nor protect the Bosniac people.

Chapter IV: UN failures in Srebrenica and Rwanda compared

As described in the two previous chapters, malfunctioning of different UN bodies has largely caused the UN to fail in intervening in order to prevent the fall of Srebrenica and the genocide in Rwanda. This chapter will compare the performances of the different bodies in relation to their deliberative responsibilities, and distil information about the UN's failures in general, identifying the main areas of criticism.

The failures of the UN with respect to its deliberative functions occurred in different spheres, primarily among members of the SC, within the Secretariat, and between the Secretariat and the Security Council. This chapter will focus on mis- and disinformation, power relations and decision-failures, especially concerning the use of force and the mandates that were given to the peacekeeping operations.

Mis- and Disinformation.

During the conflict in Rwanda, the Secretariat and office of the Secretary General repeatedly withheld information or even misinformed the Security Council. In some cases these were deliberate actions, to prevent the SC from acting against the interests of the Secretariat. The conflict in Rwanda took place while Bosnia was being torn apart by ethnic cleansing and people were starving because of civil war and famine in Somalia. The focus lay on these issues and on several occasions the Secretariat omitted to convey the details of the dire situation in Rwanda to the Security Council. The organ did not have the capacity to cope with yet another international hot spot and "feared becoming embroiled in a conflict that spelled failure." (Weldes, 1999, p. 197)

During the conflict in Srebrenica, similar problems complicated overall communication and appropriate comprehension of the conflict, and conditions and developments of the crises situations on the ground. Both the Security Council and several departments of the Secretariat suffered from inadequate political understanding, caused by mis- and disinformation, and ignorance concerning the background of the conflict. In addition, Members of the SC repeatedly complained about inconsistencies and limitations concerning the flow of information. Reports from the Secretariat were reportedly deficient, spread too late, or released only to 'relevant' members of the SC.

Failures of misinformation and disinformation by the Secretariat, within the Secretariat, between the Secretariat and the Security Council, and within the Security Council are so persistent and comprehensive that a pattern seems to arise. According to Adelman (2008), the problem goes deeper than either system capacity or individual failures. He argues that these systematic failures "characterize the delinquent behaviour of the Secretariat in general", and that "the fact that key members of the Secretariat were motivated by protecting the [neutral and

impartial] reputation of the UN, does not mitigate this failure in responsibility, or the failure of the SC to hold the Secretariat accountable.” (p. 18)

In addition, the UN suffers from a lack of investigative capacities, as well as the incapability to meet the responsibility of political analysis. As Wellens (2002) points out, “this responsibility falls directly under the Secretariat under the leadership of the Secretary General.” (p. 195)

To conclude, these problems, collectively denoted as mis- and disinformation, have certainly hindered peacekeeping operations. As Wellens (2002) writes: “one of the major operational constraints for all peacekeeping operations is the combined effect of the absence of an intelligence-gathering capacity and the reluctance of member states to share sensitive information with the UN.” (p. 195)

Power Relations

Secretary General and Secretariat

During the conflict in Rwanda, as well as the conflict in Bosnia, both the Secretariat as the Secretary General have provided the SC with insufficient information and incorrect analyses of developments on the ground, hereby shaping UN policy.

As for the function of Secretary General, Kertchner (2009) asks an interesting and appropriate question: “Does this unique position call to mind a strong General who initiates global policy and commands troops, or a mere Secretary who serves the will of others?” (p. 2) In both situations, the Secretary General, Mr. Boutros Boutros-Ghali, has taken a very clear stand. In Rwanda, apart from his affiliations with the Rwandan President, he lobbied for a peacekeeping mission to be deployed under the traditional terms only after a peace agreement was implemented, rather than acknowledging the severity of the situation and conveying the need for a peace-enforcing operation. Moreover, he repeatedly made sure the mandate of UNAMIR was limited, averting the option of integrating elements of a peace-enforcement operation into its mandate. During the conflict in Bosnia, Boutros-Ghali was very reluctant to get the UN involved. Instead of supporting robust actions when the UN did go in, he “went to the opposite extreme.” (Lebor, 2006, p. 28) During the genocide in Rwanda, as well as the fall of Srebrenica, the SG clearly did not serve the will of others, but assumed the role of a strong General, directly shaping UN policy.

In both cases, the Secretariat initiated policy by defining circumstances and developments on the ground and indicating the policy options for the Council. The Secretariat has not been a neutral organ, but a force to be reckoned with: “Although the organization Secretariat members do not have veto power, their permanent presence, rapports, influence, concepts, and policies put them in a unique position at the centre of the decision making process in the United Nations.” (Kertchner, 2009, p. 18) Instead of securing a sufficient and undistorted flow of

information and implementing the decisions of the SC, the Secretariat heavily influenced and determined the character of the decisions the SC was to take, initiating and shaping UN policy.

Security Council and P5

Adelman (2008) described the situation in the Security Council at the time of the conflict in Rwanda as follows:

At the time of the impending genocide in Rwanda, instead of action as a deliberative body to make executive decisions – which at other times the SC has shown a capacity to do – the SC served as a diplomatic forum for contending voices reflecting different interests and powers through which the Secretariat diplomatically manoeuvred its way. (p. 20)

The situation during the conflict in Bosnia was similar. In both situations, the P5, or a P2 composed of the UK and the US during the conflict in Rwanda, and a P3 composed of France, the UK and the US during the conflict in Bosnia, were dominant. They often made decisions amongst themselves, while the ten non-permanent members were “second-class citizens”, who were told to either “take it or leave it.” (Lebor, 2006, p. 30) In addition, as Lebor (2006) points out, the Secretariat has repeatedly supported policy of P5 members, instead of telling the Security Council “what it needs to know, not what it wants to hear or what the Secretariat wants to tell.” (p. 213) However, even though the Secretariat failed in its responsibilities concerning the provision of undistorted and sufficient information, the members of the Security Council had other means, and therefore the responsibility, of gathering information in order to remain on top of recent developments. In addition to the neglect of this responsibility, the members of the SC also ignored its responsibility to mobilize political will for intervention. Both conflicts suffered from a lack of will from the member states to commit forces to a peacekeeping operation, let alone a peace-enforcing operation. As Lebor (2006) argues, “the Security Council’s repeated neglect of its duties to implement the UN Charter to protect sovereign nations, and ethnic groups, in favour of a cynical real-politik has sacrificed those deemed inconvenient.” (p. 2)

Decision Failures

Mandate and Use of Force

UNAMIR and UNPROFOR, in combination with the United Nations Operation in Somalia (UNOSOM II), are the operations that have “seriously undermined the authority and credibility of the UN.” (van Genugten, Homan, Schrijver, & de Waart, 2006, p. 139).

The traditional, first generation peacekeeping operations are deployed in a non-violent area and are aimed at controlling buffer zones with lightly armed blue helmets, as well as observing violations of peace agreements or ceasefires by unarmed observers. This concept gradually extended to second generation peacekeeping operations, which also include humanitarian tasks. Subsequently, situations became more complex, when the UN became caught up in conflicts that

were not yet resolved. In these situations the peacekeeping force was charged with the task to provide for an environment in which a solution could be found.

The description of this last situation was appropriate to both the case of Rwanda as the case of Bosnia. In fact, officially UNAMIR and UNPROFOR were peacekeeping operations of the third generation, meaning that the troops were deployed in an environment with violence. The forces were, as van Genugten et al. (2006) describe it, “cautiously assigned the right to use any means to secure its mandate.” (p. 143) Under Chapter VII in the UN charter, peace enforcement became a new possible mandate, allowing peacekeepers to enforce peace and peace agreements. Chapter VII authorizes the Council to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and to take military and non-military measures to “maintain or restore international peace and security” (United Nations, 1945). UNAMIR and UNPROFOR took place in situations of active civil war and the parties to the conflict neither obeyed to any rules, nor respected the conditions under which the peacekeeping operations were deployed. In both instances, the SC assigned vague mandates to the peacekeeping forces, that could theoretically be understood as peace enforcement missions, but were in practice not allowed to be interpreted this way. The peacekeeping forces were given the possibility of using arms, but the Security Council was not willing to make the necessary means available. This caused unclear tasks, and naturally led to failed operations. “Carrying out enforcement with no more than the means of peacekeepers is an impossible mission.” (van Genugten, Homan, Schrijver, & de Waart, 2006, p. 143) Basically the mandates pretended the peacekeeping force to be of the third generation, having the possibility to enforce peace, while in reality a second generation peacekeeping force was deployed, with no intentions or possibilities of enforcing peace.

In both conflicts, remaining neutral and impartial to the conflict was considered more important than undertaking robust action under a forceful interpretation of the mandate. In Rwanda this led to a peacekeeping operation functioning under an unfit mandate, largely determined by motivation for a doomed peace agreement, in a country where ethnic tensions were on the verge of exploding. As Karel Wellens argues: “In Rwanda the mission’s mandate was based on an erroneous analysis of the peace process which was never corrected, not even when the genocide started.” (p. 194) In Bosnia UNPROFOR was assigned to keep peace in an environment without peace. In both situations the peacekeeping forces were deployed in areas where circumstances kept on deteriorating and tensions building. In both situations, the mandates were vague and “moveable feasts” (Lebor, 2006, p. 180).

More importantly though, in both situations the mandates were not adapted to fit the characters of the conflicts and developments of the crisis situations on the ground. It is crucial that mandates can be adapted to the realities of the operation. This was neither done during the mission of UNPROFOR nor during the mission of UNAMIR. When in theory finally room was

created for the integration of elements of a peace enforcement operation, this was not authorized by high officials, often to preserve neutrality. To illustrate, in Rwanda the Secretariat denied Dallaire's request to raid arms caches, and in Bosnia requests for air force were repeatedly ignored or denied. In both cases the principles of preserving neutrality and impartiality, denied the execution of operations that would reportedly have been able to prevent the existing outcomes of the conflicts. In addition, a mandate allowing peace enforcement requires collaboration and devotion of members states. According to Samuel Totten (2000), apart from the UN's institutional weaknesses, which are its own fault and responsibility, inaction and indecisiveness of the UN are also partly caused by the lack of will that resides with its members. (p. 286) During the conflicts in Rwanda and Bosnia, a lack of political will have greatly influenced the tangibility of the peacekeeping missions.

There was a lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide, while the response of the international community to the conflict in Bosnia was more of a half-measure and substitute as a lack of political will to confront the menace defying it.

(Wellens, 2002, p. 194)

Chapter Summary

Mis- and disinformation has influenced the functioning of the UN during both conflicts. The Secretariat, as well as the Secretary General has repeatedly withheld information or misinformed members of the Security council and hereby shaped policy. People have acted either motivated by personal interests, sought to protect the neutral and impartial reputation of the UN, or simply told the SC members what they wanted to hear. This has complicated overall communication, created inadequate political understanding concerning the situations on the ground, and in combination with ignorance concerning the background history of the conflicts, this has hindered peacekeeping operations. In addition, the Secretariat lacks an intelligence gathering capacity.

During both conflicts, peacekeeping operations were deployed in violent areas, with vague and ambiguous third generation mandates, which were eventually narrowed down to mission descriptions suitable to a first generation mandate, wholly unfit to the situations the forces were faced with. However, the mandates were not adapted to suit the circumstances on the ground. Preserving neutrality and impartiality was more important than robust action and a lack of will of members states, in both cases, caused inaction and indecisiveness.

In both cases, the P5 members have had considerably more power than the ten non-permanent members and even within the P5, small coalitions were formed of influential states. Information was often not shared between members and several members have let their personal interests preside.

Chapter V: Recommendations

Information flow

The missions in both Rwanda and Bosnia suffered from a lack of provision of sufficient and undistorted information. As Adelman (2008) points out, the UN should develop a system of “full reporting, providing the necessary executive summaries, backed by documentation that is as complete as possible, that offers proper analysis, and that puts forth the [policy] options available with the pros and cons of each.” (p. 26)

Information must be shared with all parts of the United Nations system. As the Independent Inquiry on Rwanda (1999) points out: “in particular, an effective flow of information must be ensured between the Executive Office of the Secretary General and the substantive departments in the Secretariat, as well as between Headquarters and the field.” (p. 58) In addition, the flow of information to the Security Council should be further improved. More effort should be made to provide the Security Council with enough and accurate information and members of the Security Council should share information amongst each other, disregarding the status of P5 members or non-permanent members.

In addition, the UN’s investigative capacities should be strengthened, especially during reconnaissance missions and peace operations. Departments on the ground must be able to investigate and analyze developments in the conflict, but also have the capacities to critically assess the functioning of the specific department and peacekeeping operation as a whole. As Dallaire and Poulin (2003) suggest: “A small permanent headquarters staff could be deployed to the field with standard operating procedures and contingency planning, together with earmarked forces that have undergone combined exercises with integrated communications equipment.” (p. 17)

Finally, “information about human rights must be a natural part of decision-making on peacekeeping operations, within the Secretariat and by the Security Council. It must be brought to bear in internal deliberations on early warning, preventive action and peacekeeping.” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 58)

Peacekeeping operations: use of force & mandate

As the Independent Inquiry on Rwanda (1999) has concluded, the United Nations remains the only organisation “which can bring global legitimacy to peacekeeping efforts” (p. 55). Even though initiatives taken at the regional level are important, “the United Nations must be prepared and willing to exercise the responsibility for international peace and security enshrined in its charter, no matter where the conflict.” (p. 55)

In 2000 Lahdar Brahimi, Algerian ambassador to the UN, was appointed by the UN to head a panel of peacekeeping experts. They examined the future role of the UN in conflict zones and

their conclusions were released in the Brahimi report. One of the most important conclusions from this report, is that “while local parties, impartiality, and the use of force only in self-defence must remain the three pillars of peacekeeping operations, these concepts are open to interpretation.” (Lebor, 2006, p. 214) The panel identified a need for a robust doctrine and realistic mandates. The concept of impartiality and neutrality must imply adherence to the principles of the Charter:

Where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best cases result in ineffectiveness and in the worst may account to complicity with evil.

(Brahimi, et al., 2000)

Peacekeeping and war should not be mixed and peacekeepers should not be deployed in an environment in which there is no cease-fire or peace agreement. Peace-enforcement missions, on the other hand, provided with an appropriate mandate, are applicable in these situations.

The UN should make sure mandates are appropriate to situations on the ground. A conflict situation is not static, developments and deteriorations of conditions should be timely analysed and the mandate adjusted. “The Secretariat should not apply best-case scenarios where local actors have historically exhibited worst-case behaviour.” (Brahimi, et al., 2000)

Member States should ensure necessary resources for peacekeeping. As the Independent Inquiry on Rwanda urges, “participation in initiatives such as the United Nations standby-arrangements needs to be increased, but equally important, matched by the political will to allow those resources committed to be deployed in specific conflict situations.” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 55) This also includes that Member States that contribute to a peace operation should refrain from unilaterally withdrawing their troops.

As Dallaire and Poulin (2003) point out, the UN needs greater access to resources for field operations. He suggests this could be achieved “through something similar to a NATO mobile force to which member countries contribute troops on a rotational basis for one or two years.” (p. 17)

Security Council

Firstly, the archaic formation that rules the Security Council is no longer appropriate. The contemporary tasks of the UN in relation to the composition of its Security Council reveal a large disparity: Not only is the structure of the P5 based on the power relations following the Second World War, it is also out of touch with the realities facing the institution today “This structure gives enormous influence to the victors of the Second World War, more than six decades after that conflict ended, and almost none to the ten non-permanent members.” (Lebor, 2006, p. 6) The Security Council should be made more representative.

Secondly, as Adelman (2008) suggests, the members of the SC should be monitored more closely in order to increase transparency and accountability:

An NGO should track the performance of existing members of the SC, the inputs they provide on various issues, the stands they take, and the follow up they render in order to facilitate accountability to both other members of the UN, to their home governments and to the international civil society.

(Adelman H. , 2008, p. 26)

Third, a possible suspension of a member state from participation in the Security Council in exceptional circumstances, such as membership of Rwanda during the genocide, should be investigated.

Secretariat

The relationship between the Security Council and the Secretariat should be clarified: “The Secretariat must tell the Security Council what it needs to know, not what it wants to hear or what the Secretariat wants it to hear, when formulating or changing mission mandates.” (Lebor, 2006, p. 213)

Awareness of the needs for early warning and early action and the capacity to analyse and react to information within different parts of the Secretariat should be improved. “The Inquiry finds it essential both to continue to improve the capacity of the organization to analyse and respond to information about possible conflicts, and its operational capability for preventive action.” (UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 57) Further enhancement of cooperation between different Secretariat departments is therefore imperative.

Finally, as the Independent Inquiry on Rwanda (1999) points out: “A strong and *independent* role for the Secretary General is an essential component in the efforts by the United Nations to prevent conflict.” (p. 57)

Prevention of Genocide

Firstly, arguing about the difference between genocide and crimes against humanity, and quarrelling over to which category a certain atrocity belongs, should stop. Even though this distinction was relevant in past times, “international law now understands the consequences of a determination of crimes against humanity to be essentially the same as those for genocide.” (Schabas, 2006, p. 29)

In addition to the appointment of the Special Representative on the prevention of Genocide and the creation of the Advisory Committee on the prevention of genocide, which both need increased resources, it is important that a treaty monitoring body for the convention on Genocide is established. As Schabas (2006) writes: “this should be mandated to monitor the implementation of states parties’ responsibilities in preventing and prosecuting genocide, both in their own territories and abroad.” (p. 30) The Advisory Committee on the Prevention of Genocide can be considered an appropriate monitoring body. Its effectiveness and progress must be closely monitored.

Furthermore, it is important to remember the recommendations of the Independent Inquiry of Rwanda. In order to improve the capacity of the UN in relation to early warning, early action, and preventing crises from escalating or deteriorating into genocide., the Independent Inquiry on Rwanda advised that the Secretary General should instigate an action plan aimed at the prevention of genocide.

The plan should aim to increase awareness and capacity system-wide to prevent and counteract genocide and other massive human rights violations, and should result in the implementation in practice of lessons learned from the tragedies of Rwanda and the former Yugoslavia.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 54)

The Plan suggests specific training for staff of the headquarters of both UN agencies and UN programmes, as well as military personnel in field missions. The training must be focused on the identification and analysis of warning signs, and the translation of these into suitable action

In addition, the plan should set up networks of collaboration with humanitarian organizations, academic institutions and other NGO's, aiming at sharing information and early warning and response.

Also, the Security Council and the Secretariat should discuss the need for preventive action and the possibility of instituting enforcement measures and allowing for an peace-enforcement mission, to counteract genocide and other substantial human rights violations.

Finally, peacekeeping operations should include the prevention of genocide as a specific component.

In situations where a peacekeeping operation might be confronted with the risk of massive killings or genocide it must be made clear in the mandate and Rules of Engagement of that operation that traditional neutrality cannot be applied in such situations, and the necessary resources be put at the disposal of the mission from the start.

(UN Independent Inquiry: Carlsson, Han, & Kupolati, 1999, p. 55)

Conclusion

The purpose of this dissertation was to provide an answer to the question ‘Why does the UN fail to intervene to prevent and suppress genocide?’ First, an in-depth study of the recent genocides in Rwanda and Srebrenica was conducted. Afterwards, these findings were related to an analysis of the deliberative failures of the UN. By laying a focus on the flow of information, power relations, and decision-making, light has been cast on the empirical practices preventing the UN from acting effectively and forcefully when faced with impending or full-scale genocide or crimes against humanity.

Through the specific details pointed out during the course of the case studies, it became clear that mis- and disinformation, a lack of investigative and analysis capacities, as well as hesitation and denial, persisted during both conflicts and majorly impacted the UN’s actions. Each of these factors contributed to a lack of political understanding amongst members of the Security Council, as well as, to a certain extent, the actors of the secretariat. The roots of this problem mainly lie with the secretariat and the DPKO, as well as the members of the SC themselves, as a tendency of nondisclosure of crucial intelligence exists among them. By showing how these tendencies impacted the decision-making process and policies made, the paper shows how such behaviour severely influenced the effective functioning of both UNAMIR and UNPROFOR.

In order to permanently remedy this pressing issue, the UN’s investigative capacities should be strengthened. Furthermore, the flow of information within the Secretariat and to the Security Council needs to be enhanced, and a system of full reporting should be developed. For, if a lack of political understanding concerning backgrounds of a conflict, interests of the warring parties, and developments and circumstances on the ground determine and dominate UN actions, what good can come of it? In order for adequate policy and an effective course of action to be decided upon, correct understanding of a conflict situation is crucial, which requires information and intelligence to be available to all political actors.

During both conflicts the P5 and their respective coalitions, possessed great power within the Security Council, leading them to treat the ten non-permanent members as ‘second-class citizens’. Thereby, they were able to firmly grasp the decision-making capacities within the council and largely determined the course of action.

Furthermore, as the archaic composition of the P5 is outdated and no longer applicable to today’s challenges, the Security Council should be made more representative. Members should be monitored more closely, and possible suspension of SC members should be investigated, to ensure no member of the SC could represent a government implementing a policy of genocide, a fact that would fundamentally violate the rules the UN was first built on.

In addition, the relationship between the Security Council and the Secretariat should be clarified, whereby the Secretariat should evolve from being a force to be reckoned with, but have a supportive function that conveys objective information. Such a measure would entail that

mechanisms concerning early warning and action, as well as the capacity to analyse and react to information within different parts of the Secretariat would have to be improved.

As a result of incomprehension concerning the situations on the ground, and specifically member states' reluctance to become involved in the conflicts and commit troops, conditions during both crises deteriorated rapidly. The lack of troops was further exacerbated by the fact that peacekeeping operations were deployed to violent areas where there was simply no peace to keep. Unfit and vague mandates were ascribed to the troops, which were not adapted to the developments of the conflict, neither when the genocide in Rwanda was looming, nor when the Hutu started slaughtering Tutsi. The same applies to Bosnia, where the UN did not act when the Serbs took Srebrenica under siege and shelled the city, nor when they entered the enclave. In addition, sustaining the impartial and neutral reputation of the UN proved to be more important than manifest action and the saving of lives. Consequently, the peacekeeping operations were paralyzed and failed to both prevent and suppress the ongoing atrocities.

In future conflict situations, robust doctrines and realistic mandates should be assigned to peace missions, regardless of whether their objective is peacekeeping or peace enforcing. Peacekeeping operations should not be deployed in situations without a peace agreement or a cease-fire. Such situations call for a peace-enforcement mission, with an appropriate mandate. These mandates should apply to the situation on the ground and there should be room for adjustment, as a conflict situation is commonly in a perpetual state of flux.

The philosophy of impartiality and neutrality should be inherent to the principles of the UN charter, namely that when a party violates its terms of a peace agreement, consequences should follow.

Finally, the UN must be willing to engage in conflict zones and protect innocent people. The UN cannot act separately from its constituents and member states must be prepared to assume responsibility and mobilise political will to act in order to intervene and prevent genocide and crimes against humanity. Member states should understand that with the rights of UN membership come responsibilities.

Maybe an even more important realisation is the following: States must be prepared to take risks in order to stop genocide and crimes against humanity, because these atrocities also carry a risk. James Baker, US secretary "once dismissed Bosnia with the words "the United States doesn't have a dog in this fight" (Thompson, 2001). A decade later, a small group of Arab students enrolled at Hamburg Technical University. As Lebor (2006) describes, they watched 'Jihadi' videos. The "graphic scenes of Serb atrocities and the failures of the West (...) to stop the slaughter," and influence of preachers of the downtown Al-Quds mosque, who "detailed the reality of Serb ethnic cleansing and the destruction of Muslim culture and society" (p. 250), radicalized the students. In 2001, these students, who had become members of the Al-Qaeda cell of Hamburg, travelled to the United States and on 11 September piloted three of the four

hijacked airplanes, two of them flew into the World Trade Centre and the other one crashed into a field in Pennsylvania. In today's world states should be aware of the indirect consequences of non-intervention and denial. "In a global world isolationism is no longer a practical policy." (Lebor, 2006, p. 249)

After the Holocaust, the UN Convention on the Prevention and Punishment of the Crime of Genocide was drafted as a decisive expression of the International Community to prevent such events from ever happening again. Crucially, "never again" was said once more after Rwanda, only to be repeated in relation to Srebrenica. It is foreseeable that a similar reaction will surface once the conflict in Darfur is over and failures to prevent the events in that region are brought to the public's attention. The question that remains is: "Never again, or Never say Never Again"?(Yav, 2007)

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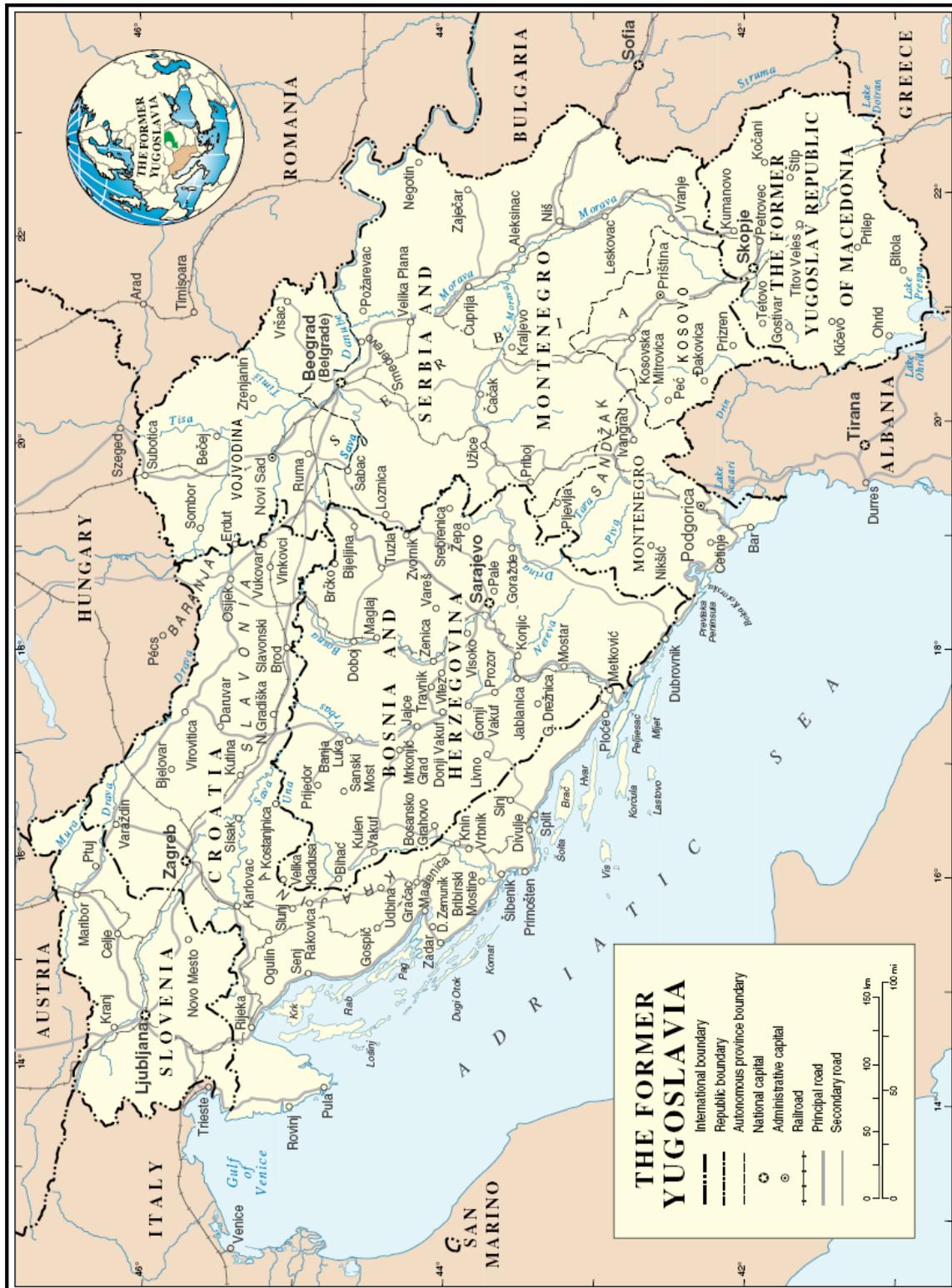
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- 5 -

Annex II: Map of Former Yugoslavia



Source: <http://www.gameo.org/encyclopedia/images/Former-Yugoslavia-Map.jpg>