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WARNING SYSTEM FOR GENOCIDE PREVENTION**

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NEVER AGAIN: WORKING TOWARD AN EFFECTIVE EARLY WARNING
SYSTEM FOR GENOCIDE PREVENTION

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Thesis Abstract

“Never again” expressed the commitment made by allied forces for the prevention of genocide. In the 59 years since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, it has evolved into an *erga omnes* obligation and a *jus cogen* (preemptory) norm. Genocide prevention, however, remains a highly controversial issue as it draws from the concept of universality central to human rights discourse at the same time as it changes dominant conceptualizations of state sovereignty. This thesis assesses the effectiveness of existing practices, norms and risk assessment/genocide early warning systems in reducing the occurrence of genocide. To frame the work of this thesis Bruce Cronin’s theory on International Protection Regimes (IPRs) is used, for its emphasis on the need for international actors to work toward the “common good” in order to realize a stable and secure international order. Three cases studies (Rwanda, Bosnia, and Darfur) are used to help determine what prevention measures were in place. More specifically, the cases are examined for their effectiveness in: 1) monitoring on-going and/or escalating conflicts; 2) disseminating information to relevant individuals in a timely manner; and 3) mobilizing actors’ response to and prevention of genocide. The hypothesis that guides my thesis is that only by instituting more efficient and comprehensive prevention mechanisms will genocide be deterred and global security promoted. The analysis leads to the conclusion that although, the introduction of the notion of a responsibility to protect, the subsidization of preventive mechanisms, and the creation of the Office of the Special Adviser on the Prevention of Genocide the international community have had a significant impact, there needs to be more efficient visible and targeted institutional measures put in place.

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CHAPTER 1: INTRODUCTION

“Never again” expressed the commitment made by allied forces to the prevention of genocide in the wake of the Holocaust’s slaughter of millions. In the 59 years since the international community’s adoption of the Convention on the Prevention and Punishment of the Crime of Genocide (CPPG, Genocide Convention),¹ the concepts and commitments furthered by the CPPG would evolve into a binding norm within the international system.² However, the expression “never again” which served as a vehicle for the creation of the international human rights regime’s genocide subdivision is also used by scholars to critique the international community’s poor record in preventing massive and systematic murder in many countries.³ The 1,000,000 deaths in Rwanda and 225,000 deaths in Bosnia in the 1990s, and over 300,000 in present day Sudan are the most recent and glaring cases highlighting the international community’s lack of resolve in upholding its responsibility to prevent.⁴ To date genocide has taken four times more lives than civil or international wars combined, between 12 to 22 million since 1945.⁵

While the inhumane slaughter of defenseless populations should mobilize the international community on a moral basis, the overall cost of genocide is not limited to distant “others” whom we cannot see or hear. The reality is that mass

¹ The Convention on the Prevention and Punishment of the Crime of Genocide would be adopted in the December 1948 General Assembly Resolution 260. The convention would go into effective on January 1951.

² This argument is made due to the ratification of this convention by over 140 states and statements made by the ICTR in their rulings. Additionally the Office of the Special Advisor would argue that genocide convention has evolved into customary law, binding all states to the goals of the convention.

³ See Barbara Harff. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *The American Political Science Review*, 97(1), (February 2003): 57-73.; Mark Levene. *Genocide in the Age of the Nation State, Volume 1: The Meaning of Genocide*. New York: I.B. Tauris, 2005.; and Thomas Cushman. "Is Genocide Preventable? Some Theoretical Considerations." *Journal of Genocide Research* 5(4), (December 2003): 523- 542.

⁴ Barbara Harff. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *The American Political Science Review*, 97(1), (February 2003): 57-73. Table 1- Genocide and Politicides from 1955 to 2001, pp. 60.

⁵ *Ibid*, pp. 57.

killings of this kind greatly threaten international peace and security. As state sponsored terror, genocide results in short and long term loss of human capital and stunted economic and developmental potential which is further exacerbated by the flight of foreign direct investments.⁶ Barbara Harff draws a correlation between prior internal conflicts and a habituation of violence that is woven into the fabric of society highlighting the potential long term affects.⁷ Additionally, significant internal displacement, large refugee flows and destabilizing effects within the region (exemplified in cases such as the Republic of Rwanda, Bosnia and Sudan) highlight genocide as a leading concern for the international community.

In this thesis, I consider the totality of the genocide regime⁸ and offer some suggestions regarding improving prevention measures. I will examine the international system's existing efforts at prevention in the context of the following hypothesis: **I believe that instituting comprehensive preventive mechanisms that will deter genocide is essential for the promotion of peace and security within the international community.**

As illustrations of genocide and genocide prevention I will use the cases of Bosnia, Rwanda and Darfur. The cases have been selected for their occurrence in the

⁶ Damien de Walque. "The Socio-Demographic Legacy of the Khmer Rouge Period in Cambodia." *Population Studies*, 60(2), (July 2006): 223-231, pp. 223.

⁷ Barbara Harff. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *American Political Science Review*, 97(1), (February 2003): 57-73, pp. 62.

⁸ For the purpose of this work Andreas Hassencler, Peter Mayer, and Volker Ruttberger further develop Stephen Krasner's 1983 definition of "regime" as "sets of [...] principles, norms, rules and decision making procedures around which actors' expectations converge in a give area of international relations" and include "transnational network of issue experts who share both a body of causal knowledge regarding the physical or social processes that require international action and a vision of a better public policy which they seek to help materialize." For more on regimes see Andreas Hassencler, Peter Mayer, & Volker Ruttberger. "Integrating Theories of International Regimes." *Review of International Studies*, 26(2000): 3- 33, pp. 7 and Stephen D. Krasner. (Ed.) *International Regimes*. Ithaca, NY: Cornell University Press, 1983.

post Cold War (20th - 21st Century) a time when greater harmony of interests was expected from the permanent members of the Security Council. All cases occurred after the adoption of the Genocide Convention; they entailed large losses of lives and were internationally recognized as volatile situations. The examples have the ability to inform our understanding of the genocide preventions in place at the time and the strengths and weaknesses of these practices, as well as the genocide regime's evolution.

Academically and politically the treatment of genocide detection, reduction or eradication has been inconsistent, underdeveloped and selective. Scholars have viewed Genocide Studies as expressing the ideal of prevention, but less than a quarter of existing literature directly addresses this challenge.⁹ Within the international system only a handful of active monitoring and response mechanisms are currently in place and these are handicapped by political rhetoric and bureaucratic inefficiencies that reduce the urgency and importance of the topic. The sporadic and discriminatory identification or labeling of this crime has been largely conditioned by political exchanges which place alliances before lives. Furthermore, the international community's inefficiencies have encumbered efforts toward mobilization and ignored the fact that genocide ultimately threatens the stability of the entire international system and the legitimacy of the notion of the nation state.¹⁰

While the precedent for genocide prevention has existed for over a quarter century, American and Soviet balance of power concerns throughout the Cold War, and, later bureaucratic desensitization, passivity and fixation with neutrality have restrained

⁹ Thomas Cushman. "Is Genocide Preventable? Some Theoretical Considerations." *Journal of Genocide Research* 5(4), (December 2003): 523- 542.

¹⁰ Bruce Cronin. *Institutions for the Common Good: International Protection Regimes in International Society*. Cambridge, MA: Cambridge University Press, 2003.

the development of genocide prevention mechanisms. The 1990s introduction of a number of punishment mechanisms that would add greater clarity and accountability to the regime¹¹ would leave the preventive mechanisms identified by the CPPG dormant and unattended to. At least partly due to this lack of international preventive mechanisms, states have used violence against their populace beyond the scope of their normative rights, resulting in more than 30 genocidal cases since 1945.¹²

Lacking consensus over the definition of genocide and the legality and legitimacy of intervention for humanitarian purposes, the international community has failed to progress toward a comprehensive preventive mechanisms. The 1948 CPPG defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.”¹³ This definition remains highly debated due to its exclusion of political groups, and vagaries regarding group identity, intent and the necessary scope or number of deaths that are needed before an event is categorized as a genocide. However, rulings and declarations made by the United Nations General Assembly, International Criminal Tribunal of the Former Yugoslavia (ICTY), International Criminal Tribunal of Rwanda (ICTR) and the International Criminal Court’s (ICC) preparatory commission in recent years have expanded and clarified the CPPG’s text and provided substance for international mobilization.

A major obstacle to genocide prevention has been and will continue to be political will in developed countries. As Mark Levene argues, the true scope of prevention is

¹¹ Deemed by Geoffrey Robertson as the third phase of human rights development. See Geoffrey Robertson. *Crimes Against Humanity: The Struggle for Global Justice*. New York: The New Press, 2006, preface.

¹² Barbara Harff. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *The American Political Science Review*, 97(1), (February 2003): 57-73.

¹³ “Convention on the Prevention and Punishment of the Crime of Genocide.” 9 December 1948, 78. United Nations Treaty Series, 277.

limited based on what he sees as the contending interests and will of major powers in the international community, as well as that of the international society and the dominant power (hegemon).¹⁴ Findings from the thesis show the importance of political will in determining a mission's success. Wayne Sandholtz warns us against such a narrow perspective as he points out that norms are not affected by one individual state but evolve in a social context. Bruce Cronin addresses Levene's critique by emphasizing the need for transparency in preventive measures by limiting the scope of intervention. He further stresses the need for political will to prosecute offenders, allies or foes alike. Furthermore, Martha Finnemore argues that growing trends regarding humanitarian intervention have sidestepped geostrategic considerations.

In a significant step toward genocide prevention, UN Secretary- General Kofi Annan laid out a five point UN Action Plan to Prevent Genocide and established the UN Office of the Special Advisor on the Prevention of Genocide (SAPG) in April of 2004. However, the office of the SAPG's practices in identifying and responding to escalating cases leaves future genocide prevention in the same bureaucratic hands, and open to the same public relations bargaining that prevented timely action in Rwanda.¹⁵ What happened to the promise, "Never again?"

Recent actions by the United Nations and the international community illustrate the growing strength and influence of human rights. From the creation of international courts and tribunals to try the crime of genocide and other heinous crimes to

¹⁴ Timothy Longman. "Placing Genocide in Context: Research Priorities for the Rwandan Genocide." *Journal of Genocide Research* 6(1), (March 2004): 29- 45.

¹⁵ Lawrence Woocher. *Developing a Strategy, Methods, and Tools for Genocide Early Warning*. Columbia University, Center for International Conflict Resolution: September 2006. <http://www.un.org/ar/preventgenocide/adviser/pdf/Woocher%20Early%20warning%20report.%202006-11-10.pdf> (accessed March 12, 2010).

interdepartmental coordination of early warning and action, significant efforts have been made in the international political arena which promise to greatly reduce the occurrence of the crime. However, a missing component to genocide prevention is an internationally coordinated, effective, and early response to increasing violence and genocidal rhetoric. While the international community may not necessarily be able to respond to and become a constructive agent in all conflicts, it can reduce the number of outbreaks and reduce the spillover costs which have long-term destabilizing effects. Fleshing out a comprehensive approach to genocide identification and prevention will help promote international security and peace.

CHAPTER 2: RESEARCH DESIGN

As noted in chapter 1, the international community's failure to work toward the dual goals of the 1951 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPG, Genocide Convention) has caused significant loss of lives, economic degradation, increased refugee flows, and global and regional instability. By allowing genocidal attacks on civilians to go unchecked, the international community has allowed for a habituation of violence which will continue to loom as a threat to international peace and stability.¹ As a result, my hypothesis is that only by **instituting more efficient and comprehensive prevention mechanisms will genocide be deterred and security promoted within the international community.**

In order to validate my assertions I have selected the 1994 Rwanda, 1995 Bosnia, and 2003 Sudan cases to determine what if any prevention measures were in place at the time of the crisis and how efficient were they. In the course of my discussion, I will illustrate how evolving norms and practices within the global genocide regime have changed on such topics as the conceptual utility and validity of the term 'genocide,' and attitudes toward global intervention and how the community has increasingly addressed the gray areas regarding genocide prevention. Discussing these topics will allow me to gauge what kind of preventive mechanisms can be developed within the current international structure, the probable limitations and the effectiveness of such measures.

¹ Barbara Harff. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *The American Political Science Review*, 97(1), (February 2003): 57-73.; Barbara Harff. "The Development and Implementation of Genocide Early Warning Systems: Conceptual and Practical Issues." In *The Prevention and Intervention of Genocide: Genocide a Critical Bibliographic Review, Volume 6*, edited by Samuel Totten: 63-82. Princeton, NJ: Transaction Publishers, 2008.

I have used as my basis of selection cases in which there was an overwhelming death toll of the targeted population within a short time span, cases that occurred after the adoption of the genocide convention, and Cold War and those of international interest. These cases will further help illustrate how the concepts of genocide, human rights, human dignity, and international responsibility have evolved. The cases selected, inform our understanding of priorities and interests in the current international order.

To identify in what way each case has helped contribute to the international conceptualization and approach to genocide, I will examine the findings, rulings, and practices of the United Nations (UN), North Atlantic Treaty Organization (NATO), African Union (AU) and other relevant international actors. By looking at the way in which genocide prevention has evolved we can gauge the feasibility of certain policy options. Throughout, I ask what were the prevention systems in place during the crisis and whether the systems in place were able to effectively: 1) monitor on-going and/or escalating conflicts; 2) disseminate information to policymakers, experts, non-governmental organizations (NGOs) and international organizations (IOs) in a timely manner; and 3) mobilize state and non- state actors' response to and prevention of genocide. I will use a mixture of primary and secondary sources such as journal articles, books, and official documents and the findings and rulings of the UN and various courts.

THEORETICAL BACKGROUND

In my research, I aim to assess the effectiveness of existing practices, norms and risk assessment/ genocide early warning systems in reducing the occurrence of genocide and to determine how a better system might be developed if it is the case that

international practices are ineffective. As a framework with which to look at the genocide prevention regime's evolution and future, I will use Bruce Cronin's theory on international protection regimes (IPRs). According to Cronin, international protection regimes (IPRs) are significant for the structural repercussions that are imposed on those who are excluded from legal processes and are victims of repression, violence and state sponsored terror. More than a morally sanctioned basis for action, international protection regimes serve the "common good" by lending value to the current international Westphalian system organization. The strength of International Protections Regimes is found in their ability to affect the long term maintenance of international peace and security as it enables the international community to remedy and reduce violent societal tensions and conflict which are strong threats to peace.

To add to Cronin's work I use Wayne Sandholtz's theory on cycles of international norm change and Finnemore and Sikkink's norm life cycle theory to help us place advancements within the genocide regime into context. The international regime regarding genocide has experienced incremental changes as a result of failures and successes in the past 20 years. As genocide and similar events have taken place, a richer response has started to emerge. By identifying how the case studies and genocide prevention were situated and justified, we can understand how and what form of change is possible.

DEFINING GENOCIDE

There is a vast divide between academic and legal scholars with respect to the definition of genocide. Raphael Lemkin first coined the term "genocide," in the

1910s.² However, his work would not go acknowledged until the full disclosure of Hitler's campaign against European Jews, Blacks, Gypsies and other "undesirables" during the Second World War. Dr. Lemkin conceived of the crime of genocide as aimed at:

... [the] disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.³

Yet while the international community adopted Lemkin's term it made swift and clear departures from Lemkin's concept, developing it into a vague and highly contested term.⁴ Situated within this departure is an attempt by academic circles to adhere to the original definition, scope and intent that was lent to the word by Lemkin, while in legal circles this practice is abandoned, and to a certain extent frowned upon.

On paper the definition of genocide has arguably remained rather static. Today the texts of the CPPG and the Rome Statue for the International Criminal Court (ICC) reflect the original 1948 wording. But the textbook definition should not mask the fact that on an international scale the definition of genocide has been significantly affected by the rulings and prosecutions of the two International Criminal Tribunals of the Former Yugoslavia and Rwanda (ICTY and ICTR) established by the United Nations Security

² Israel Charney. (Ed.) *Encyclopedia of Genocide, Volume 1*. Santa Barbara, CA: Institute of the Holocaust and Genocide, 1999, pp. 5.

³ Raphael Lemkin. "Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress." Washington, D.C.: Carnegie Endowment for International Peace, 1944: 79 - 95.

⁴ Gary Bass. *Stay the Hand of Vengeance: The Politics of War Crime Tribunals*. Princeton, NJ: Princeton University Press, 2002.

Council, as well as the International Court of Justice (ICJ), debates in the United Nations General Assembly, other international bodies, state practice and academia. In this respect these separate but intersecting arenas of discourse have assisted in the development of the human rights, and specifically genocide prevention, regime within the international community.

Following a thread of argumentation within Genocide Studies that attempts to return the term to its original conceptualization, Israel Charney argues that genocide should be utilized as a generic definition with a categorical number of crimes. Charney reasons that taking a more inclusive approach is more fitting because:

a generic definition of genocide does not exclude or commit to indifference any case of mass murder of any human beings, of whatever racial, national, ethnic, biological, sexual, cultural, religious, or political definition, or any other definitions, or totally mixed groupings of any or all of the above, or random victims who share no collective identity other than having been at the same place at the same time the mass murder was committed.⁵

For Charney, genocide is broken down into eight different forms of crime ranging from the most severe “genocidal massacre” to the less severe crime of “purposeful or negligent famine.”⁶ But in the process he departs greatly from Raphael Lemkin’s original endeavor and the dominant definition, scope and perspective embraced by the international community.

Benjamin A. Valentino and others take a more moderated approach. For example, Valentino argues that:

⁵ Israel Charney. “Classifications of Genocide in Multiple Categories.” In *Encyclopedia of Genocide, Volume 1*, edited by Israel Charney, 6-8. Santa Barbara, CA: Institute of the Holocaust and Genocide, 1999, pp. 6.

⁶ Ibid.

because “genocide” is a term of general interest to society... and because it carries with it the weight of powerful moral sanction, many authors have been reluctant to give it up.⁷

Barbara Harff, R. J. Rummel, Leo Kuper, and Benjamin A. Valentino acknowledge Charney’s moral argument but they instead retain the word genocide in much the same frame embraced by the international community and utilize other terms to describe additional crimes. As a result democide, politicide and mass killings have started to arise within the field to refer to crimes excluded by the CPPG but which are no less important, severe or distinct and thus deserving of recognition.

Helen Fein has constructed a typology of genocides to delineate between different motives. According to Fein three types of genocides can be identified: 1) power driven for a) retributive or b) preemptive purposes; 2) developmental; or 3) ideological genocide.⁸ Barbara Harff constructs her own typologies which include politically motivated killings as well as genocides. Harff’s typologies are: 1) repressive politicides; 2) repressive/hegemonical politicides; 3) revolutionary mass murder; and 4) retributive politicide. Harff’s work highlights the often overlapping political nature of the crime.⁹

Genocide studies express the ideal of prevention, yet less than a quarter of existing literature directly addresses this challenge.¹⁰ Academically the treatment of genocide reduction or eradication has been inconsistent, underdeveloped and selective. In fact as academia has compiled extensive lists of the causes of genocide, often

⁷ Benjamin A Valentino. *Final Solution: Mass Killings and Genocide in the 20th Century*. Ithaca, NY: Cornell University Press, 2004, pp. 10.

⁸ Helen Fein. *Human Rights and Wrongs: Slavery, Terror and Genocide*. Boulder, CO: Paradigm Publishers, 2007, pp. 134-135.

⁹ Barbara Harff & Ted Robert Gurr. “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945.” *International Studies Quarterly*, 32(3), (September 1988): 359- 371, pp. 361-362.

¹⁰ Thomas Cushman. “Is Genocide Preventable? Some Theoretical Considerations.” *Journal of Genocide Research* 5(4), (December 2003): 523- 542.

emphasizing the “accelerators” and “triggers” manipulated by elites, it has obscured the viability of prevention by characterizing the problem in terms of its details. These practices have removed the solution to genocide from real tangible action. In the end we are left with Kenneth Waltz’ wise question “knowledge for what?”¹¹ This is not to say that long standing tensions (which are often cited by scholars as genocide’s accelerators) should not be rectified, by ensuring that development/economic practices are more inclusive and distributive for greater social equality, or ethnic tensions are reduced by teaching tolerance and managing diversity, and/ or making governance and power more accessible.¹² Rather, I argue that immediate international action to address and prevent the outbreak of genocidal violence must emphasize the establishment of clear criteria for identifying situations as genocide and the creation of mechanisms to assertively act when necessary. My emphasis is on the short- term conditions that are crucial to preventing developing situations.

As Rodger A. Citron argues, the legal realist perspective embraced by some academics hinders the international community’s progress as their strict adherence to what the original intent of legal treaties and conventions ends up binding its possibilities.¹³ Sandholtz’s norm change model illuminates how the international

¹¹ Kenneth N. Waltz. “Law and Theories.” In *Neorealism and its Critics*, edited by Robert O. Keohane, 27-46. New York: Columbia University Press, 1986.

¹² Amy Chua has argued that free market economic models and universal suffrage favored by the west has fermented tensions within society. Israel Charney and Ted Gurr emphasize the ethnic tensions within a society. See Amy Chua. *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability*. New York: 1st Anchor Books, 2004.; Israel Charney. “Genocide Early Warning Systems (GEWS).” In *Encyclopedia of Genocide, Volume 1*, edited by Israel Charney: 6-8. Santa Barbara, CA: Institute of the Holocaust and Genocide, 1999.; Barbara Harff & Ted Robert Gurr. “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945.” *International Studies Quarterly*, 32(3), (September 1988): 359- 371.

¹³ Rodger D. Citron. “The Nuremberg Trials and American Jurisprudence: The Decline of Legal Realism, the Revival of Natural Law and the Development of Legal Process Theory.” In *The Nuremberg War Crimes Trial and its Policy Consequences Today*, edited by Beth A. Greich-Polelle. Baden-Baden: Nomos Press, 2009.

community's tendency to loosely define legal terms has allowed for a certain molding or regulating of changes within the international arena that is responsive and conducive to the historical climate. By pulling precedents from a number of sources and constantly reinterpreting legal terms and treaties, new possibilities are produced for the international community.

As already noted the CPPG identifies genocide as a crime under international law. It lays out the acts which come to encompass genocide as those "committed with intent to destroy, in whole or in part a national, ethnic, racial or religious group." The acts enumerated in Article two subparagraphs (a) through (e) as:

- 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 group¹⁴

General Assembly resolution 96 defined genocide as "a denial of the right of existence of entire human groups, as homicide is the denial of the right to life of individuals' human beings."¹⁵ Further, Quigley argues that those acts enumerated in Article two subparagraphs (a) to (e) are "conscious, intentional or volitional acts which an individual

¹⁴ "Convention on the Prevention and Punishment of the Crime of Genocide." 9 December 1948, 78. United Nations Treaty Series, 277.

¹⁵ United Nations General Assembly, 1st Session. "Resolution 96 [The Crime of Genocide]." 11 December 1946, p. 188. (A/RES/64/Add. 1) Official Record. New York, 1946.

could not usually commit without knowing that certain consequences were likely to result.”¹⁶

Further the Genocide Convention lays the basis for the unrealized prevention of genocide in articles three subparagraphs (b) through (d) and article four. Article three outlines which acts are “punishable by a competent national or international tribunal.”¹⁷ Article three subparagraphs “(b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; and (d) attempt to commit genocide” all represent crucial activities leading up to the outbreak of genocidal activity.¹⁸ Article four of the genocide convention strips “rulers, public officials or private individuals” of their diplomatic immunities if found to have taken actions in the planning or execution of genocide.¹⁹

It is crucial that we recognize the distinct but complementary relationship that exists between crimes against humanity and genocide. Quigley argues that the distinctions between the two crimes are that “crimes against humanity of murder are characterized by the mass or systematic character of killings, whereby genocide is characterized by an *intent* to destroy certain specified types of groups.”²⁰ In other words, genocide depends on the intentions behind acts while crimes against humanity are the context or backdrop in which they take place. When both crimes against humanity and genocide occur at the same time it serves as a testament to the severity of the actions taking place. However, the severity of the crime presses us to place less importance to the rationale that led each individual to act against their fellow human but the intent of

¹⁶ John Quigley. *The Genocide Convention: An International Analysis*. Burlington, VT: Ashgate Publishers, 2006., pp. 91.

¹⁷ “Convention on the Prevention and Punishment of the Crime of Genocide.” 9 December 1948, 78. United Nations Treaty Series, 277.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ John Quigley. *The Genocide Convention: An International Analysis*. Burlington, VT: Ashgate Publishers, 2006, pp. 13.

their actions. This rationale works on both the individual and state level. Thus the central distinction between crimes against humanity and genocide, the factor of intentionality, is also equally important in the consideration of a genocide early warning system.

The category of genocide's protected groups is highly contested. As it stands the Genocide Convention only identifies national, ethnic, racial and/or religious groups as possible victims of mass murder/ extermination.²¹ The International Law Commission has taken the stance that the protected groups must be permanent, stable and immutable groups whose existence must be recognizable decades after.²² However, as the brutality of a slew of Latin American dictatorships in the 60s, 70s and 80s highlighted, significant human life has been lost as a result of ideological convictions.²³ Timothy Longman's discussion of identity in pre and post genocidal Rwanda highlights the fluidity of identity. According to Longman, what it meant to be of Batutsi "heritage" had different connotations in pre-colonial Rwanda, during colonialism for the Dutch colonizers as well as for the colonized, during the Rwanda of the 60s- 80s, during the genocidal campaign and during the nation's recovery from such atrocities.²⁴

However, we are left to question what exactly it means to be a group and how is determination to take place in pre-conflict situations? The central question is whether the group really exists or if it is a construction or perception of the relevant parties. The

²¹ John Quigley. *The Genocide Convention: An International Analysis*. Burlington, VT: Ashgate Publishers, 2006.

²² Ibid, pp. 91.

²³ See Beth van Schaack. "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot." *The Yale Law Journal* 106(7), (May, 1997): 2259-2291; and Israel Charney. (Ed.) *Encyclopedia of Genocide, Volume 1*. Santa Barbara, CA: Institute of the Holocaust and Genocide, 1999.

²⁴ Timothy Longman. "Identity Cards, Ethnic Self-Perception and Genocide in Rwanda." In *Documenting Individual Identity: The Development of State Practices in the Modern World*, edited by Jane Caplan & John Torpey: 345-358. Princeton, NJ: Princeton University Press, 2001.

answer is critical to genocide prevention. Realistically conceptualizing a legitimate and internationally accepted response to genocidal situations will rest on the ability of the Genocide Early Warning Systems (GEWS) to identify groups which fall under the jurisdiction of the Genocide Convention and getting states to support humanitarian interventions. The works of Ratner & Abrams and Quigley highlight the delicate line of this debate. They argue that the ICTR has adopted a subjective approach, with the status of group members being determined at birth and continuously passed along to their offspring.²⁵ On the other hand, the ICTY has taken a more objective approach trying to pinpoint identity based on the self identification of the individuals in question, and identification by others.²⁶ However, we must frame their contributions based on the purpose which they serve, as an arena in which crimes are to be tried and are often after the conflict ends. According to the January 2005 Report of the International Commission of Inquiry on Darfur to the United Nations Security-General,

the approach taken to determine whether a group is a (fully) protected one has evolved from an objective to a subjective standard which takes into account that collective identities, and in particular ethnicity, are by their very nature social constructs.²⁷

Some consensus between academic and legal scholars can be found in the genocide studies field. Helen Fein defines genocide's protected groups as "real groups that are the source of identity and exist apart from the invention of the state perpetrators,

²⁵ Steven Ratner & Jason Abrams. *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*, 2nd Ed. Oxford University Press: Oxford, 2001, pp. 49.

²⁶ *Ibid*, pp. 49.

²⁷ United Nations Secretary-General. *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General: Pursuant to Security Council Resolution 1564 of 18 September 2004*. Official Record. Geneva, 2005, pp. 127.

whose members are persecuted for who they are, not what they have done.”²⁸ This is helpful in establishing what should guide the analysis of protected groups. Arnold Krammer takes a similar stance, arguing that “to be considered genocide, crimes have to be committed against groups of people, usually by their government or military power, entirely ... [based on] human factors that are difficult to change or camouflage.”²⁹

John Quigley takes a more structured approach to identifying and defining genocide. To him intent can be defined as “acts against the immediate victims [which] must reflect a culpable state of mind in regards to the group. Thus genocide encompasses a dual mental element: one directed against the immediate victims and a second against the group.”³⁰ The severity of the crime is not indicated by the number of victims but by the existence of both genocide and crimes against humanity. In this way “the crimes against humanity of murder is [sic] characterized by the mass or systematic character of the killings, whereas genocide is characterized by an intent to destroy certain specified types of groups.”³¹

Based on the literature above, in this thesis genocide is understood as:

- Severe violation of human rights directly targeting civilian populations;
- Acts or policies that could logically be concluded to result in the mass death of thousands of individuals;
- Acts where the targeted population is visibly distinguishable from “authors” of such acts;
- Actions undertaken against groups with a distinguishable religious, ethnic, racial and/or national character.

²⁸ Helen Fein. *Human Rights and Wrongs: Slavery, Terror and Genocide*. Boulder, CO: Paradigm Publishers, 2007, pp. 132.

²⁹ Arnold Krammer. *War Crimes, Genocide and the Law: A Guide to the Issues*. Santa Barbara, California: Praeger Publishers, 2010, pp. 45.

³⁰ John Quigley. *The Genocide Convention: An International Analysis*. Burlington, VT: Ashgate Publishers, 2006, pp. 10.

³¹ *Ibid*, pp. 13.

INTERNATIONAL RELATIONS THEORY

Realism with its emphasis on anarchy, power, military force and state survival has determined that power-alien³² issues have no real effect on state policy or change within the international community. Hans J. Morgenthau, for example, argues that

... realist(s) cannot be persuaded that we can bring about the transformation [of the contemporary world] by confronting a political reality that has its own laws with an abstract ideal that refuses to take those laws into account.³³

In *Man, the State and War*, Kenneth Waltz argues that interpreting state action on moral issues as proof of its singular strength in international relations is committing "... the fundamental error of interpreting instances where force is not visible as proof that power is not present."³⁴ Waltz argues that the structural reality of the international system, characterized by anarchy, constrains state action within a self-help framework. In essence realists and neorealists argue that, either because of the selfishness of human nature or the international structure, states emphasize the national interest in formulating foreign policy. As a result, humanitarian intervention arises only when it is in the geostrategic or economic interest of the state or for dubious purposes which mask their real intent behind moral proclamations.

However, because neo-realists and realists alike emphasize the centrality of state power and self-interest in international relations, they prove themselves to be dated and static, choosing to place emphasis on "things as they are" and not on how and why they have or could develop. Their perspectives fail to account for changes in the international

³² John H. Herz. *The Nation State and the Crisis of World Politics*. New York: David McKay Company, 1976, pp. 58.

³³ Hans J. Morgenthau & Kenneth W. Thompson. , *Politics Among Nations: The Struggle for Power and Peace* (8th Ed). New York: Alfred A. Knopf, 1985. See pp. 9.

³⁴ Kenneth N. Waltz. *Man, the State, and War: a Theoretical Analysis*. New York: Columbia University Press, 2001, pp. 116.

system and greatly lack explanatory power in elucidating why and how humanitarian intervention and human rights more broadly, have found traction within the current system. From the shadows of the Cold War many concepts and movements have found international support in ways that realists are unable to adequately explain. Gary J. Bass and Robert Koenigsberg are the first to point out that realism's nationalist turn borders in many ways on the fanatical hazards of religious and ideational cultist exclusion.³⁵

Liberalism has tried to correct for the errors in realist and neo-realist theorizing by underscoring their inadequate and static perceptions. Holding true in their own assessments to points made by realism, such as the anarchic nature of the international system, rationality of actors, primacy of the state, and constraints, they argue that cooperative opportunities are more prevalent. Because international relations consist of ongoing interactions and communications, the general scenario of Prisoners Dilemma central to realism is incorrect.³⁶ Their ability to grasp the pluralistic nature of states and the role of international organizations, groups and international networks in the international arena sheds some light on the creation of regimes. To liberalists when state preferences (molded by internal ideas, interests, and institutions) are consistent among states negotiation and coordination is possible for mutual gain. Andrew Moravcsik argues that:

while state preferences are (by definition) invariant in response to changing interstate political and strategic circumstances they may well vary in response to changing transnational social context.³⁷

³⁵ See Gary J. Bass. *Freedom's Battle: The Origins of Humanitarian Intervention*. New York: Alfred A Knopf, 2008.; Richard A. Koenigsberg. *Nations have the Right to Kill: Hitler, the Holocaust and War*. New York, NY: Library of Social Science, 2009.

³⁶ Duncan Snidal. "Coordination versus Prisoners' Dilemma: Implications for International Cooperation and Regimes." *The American Political Science Review*, 79(4), (December 1985): 923-942.

³⁷ Andrew Moravcsik. "Taking Preferences Seriously: A Liberal Theory of International Politics." *International Organization*, 51(4), (Autumn 1997): 513-553, pp. 522.

Thus genocide prevention in the eyes of liberalist reflects a social ideal or overlapping state preferences. Nonetheless these activities are limited and constrained when incompatible with other priorities on their list of preferences.

In response to realism's glaring failure, Alexander Wendt, argues that "anarchy is what states make of it."³⁸ According to Wendt, because "culture, identity, norms and... actors' interest are not fixed but change and arise out of a social context,"³⁹ states interpret, mold and emphasize norms and trends altering state behavior, international law and the international structure.⁴⁰ Wayne Sandholtz illustrates how the use of "foundational metanorms of international society," results in the expansion, shape and influence on how sovereignty is conceptualized.⁴¹ Additionally, Sandholtz informs our understanding of norms' persistence by stressing the dialectic relationship between actors' interest and the persuasive power norms have in curtailing state behavior once established. These approaches explain why and how moral conviction generates significant norm activity. They place the birth and persistence of norms in state action and emphasize the constraining power of norms once they are well defined and integrated into the international system.

Martha Finnemore's investigation of the changing purpose of intervention illustrates how geostrategic considerations have played an insignificant role in explaining humanitarian intervention. In fact Finnemore argues that, "humanitarian activities in the

³⁸ Alexander Wendt. "Anarchy is What States Make of It: The Social Construction of Power Politics." *International Organization*, 46 (Spring 1992): 391-425.

³⁹ Ronen Palan. "A World of Their Making: An Evaluation of the Constructivist Critique in International Relations." *Review of International Studies*, 26(4), (Oct., 2000): 575-598, pp. 576.

⁴⁰ Alexander Wendt. "The Agent-Structure Problem in International Relations Theory" *International Organization*, 41(3), (Summer 1987): 335-370.

⁴¹ Wayne Sandholtz. *International Norms and Cycles of Change*. Oxford: Oxford University Press, 2003.

1990s suggest that human rights claims now trump sovereignty and legitimize intervention in ways not previously accepted.”⁴²

Hasenclever, Mayer and Rittberger marry realist, liberalist and constructivist approaches to regime formation and participation. Hasenclever, Mayer, and Rittberger borrow and expand Stephen Krasner’s definition of regimes as follows:

sets of [...] principles, norms, rules and decision making procedures around which actors’ expectations converge in a given area of international relations ... [which are promoted by a] transnational network of issue experts who share both a body of causal knowledge regarding the physical or social processes that require international action and a vision of a better public policy which they seek to materialize.”⁴³

They integrate the liberalist focus on state preferences, realist on power relations, with the “soft” cognitivist emphasis on actors’ ideational, causal and social impact in the international system. To Hasenclever, Mayer and Rittberger, genocide prevention is greater when overall costs do not threaten states’ interest or security and serve the preference of a state with minimal and transparent cost and benefits for all participants. They make concessions for ideational commonalities such as moral concerns or visions for the international community.

Bruce Cronin argues that the distinct nature of international protection regimes (IPRs), is a result of their ability to look at the larger picture, and address the overall stability and survival of the current international system based on sovereign states. IPRs gain legitimacy and influence states’ participation and adherence to their mission due to their ability to address the common good that links the states’ fundamental goals and

⁴² Martha Finnemore. *The Purpose of Intervention: Changing Beliefs about the Use of Force*. Ithaca, NY: Cornell University Press, 2004, pp. 21.

⁴³ Andreas Hasenclever, Peter Mayer, & Volker Rittberger. “Integrating Theories of International Regimes.” *Review of International Studies*, 26(2000): 3- 33, pp. 7.

existence with that of the overall collective. Examining the spillover cost of genocide, such as regional instability and increased refugee flows highlights the accuracy of Cronin's description of IPRs.

Supporting Cronin's claim are conclusions drawn from Gary Russell's account of actions taken by smaller states (Belgium, Denmark, Finland, Norway, Sweden, Netherland, Spain and Switzerland) as part of the League of Nations in the lead up to the Second World War.⁴⁴ Russell argues that when states focus exclusive attention on the preservation of the state over the deviant and threatening element within the international community, they allow for central norms of the international community to be trampled upon and for the introduction of greater anarchy.⁴⁵ Their negligence allows for the erosion of the Westphalian belief in the salience of the territorial sovereignty of the state, the binding nature of treaties and covenants, and other *jus cogen* norms.

Support for Cronin and Russell's assessment is found in John H. Herz' early writing on the repercussions of the current structural nature of the international community after the Second World War. According to Herz:

beyond organizational, institutional and legal requirements the system presupposes for its successful working one main politico-psychological datum. The realization on the part of political leadership and public opinion in the various countries that every country in the world, be it geographically or politically 'near' to or 'remote' from the location of immediate conflict and aggression has exactly the same and a superlative, interest in its suppression.⁴⁶

⁴⁴ Gary Russell. "Morgenthau's Political Realism and the Ethics of Evil." In *The Realist Tradition and Contemporary International Relations*, edited by David Clinton: 212-233. Baton Rouge, LA: Louisiana State University Press, 2007.

⁴⁵ Hans J. Morgenthau & Kenneth W. Thompson. *Politics Among Nations: The Struggle for Power and Peace* (8th Ed). New York: Alfred A. Knopf, 1985.

⁴⁶ John H. Herz. *The Nation State and the Crisis of World Politics*. New York: David McKay Company, 1976, pp. 67.

A system in which security is a collective issue requires greater participation by all parties. States must participate in eliminating genocide and mass atrocities as a common good.

THE RESPONSIBILITY TO PROTECT

The human rights and human dignity field within the international community has struggled to formulate a legitimate base for active engagement and assertive action. At present the international community still lacks the response mechanisms needed to prevent the deaths of thousands. A central failure is an inability to transform genocide prevention into a priority among state preferences, to change how discussion on this topic takes place, to identify to whom this responsibility falls and what are the contours of legitimate intervention for humanitarian purposes. As a result the international community has clothed actions based on moral conviction in a variety of terms in an attempt to progress their agenda (such as “right to intervene,” “sovereignty as responsibility,” “human security,” “individual sovereignty,” “humanitarian intervention,” and “responsibility to protect”).⁴⁷

Emphasizing the conflicts of sovereignty, Balakrishnan Rajagopal stresses the existence of a dual role for the state: “...on the one hand law needs to constitute itself as the “other” of violence to be legitimate; on the other hand it needs to use violence instrumentally to preserve power.”⁴⁸ Viewing states through Rajagopal’s assessment we find states existing within an intricate framework, first as protector of its populace and at

⁴⁷ Gareth J. Evans. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington D.C.: Brookings Institute Press, 2009.

⁴⁸ Balakrishnan Rajagopal. “International Law and the Development Encounter: Violence and Resistance at the Margins.” Proceedings of the Annual Meeting, *American Society of International Law*, 93 (March 24-27, 1999): 16-27, pp. 22.

the same time wielder of “unbound” recourse to violence. Because states must articulate the boundaries of violence within their territories and abroad to remain legitimate genocide prevention is intertwined with larger security and sovereignty concerns. Richard A. Koenigsberg’s urges us to identify the limits of sovereign monopoly on the use of force when he asks: “. . . if the nation-state can sacrifice (kill) its most valuable citizens—should it not also have the right to sacrifice (kill) citizens who make no useful contribution to society?”⁴⁹

Gary J. Bass argues that “humanitarian intervention emerged as a fundamental liberal enterprise, wrapped up with the progress of liberal ideals and institutions.”⁵⁰ Michael Walzer conceptualized humanitarian intervention as “law enforcement or police work”⁵¹ in response to activities that “shock the moral conscience of mankind.”⁵² Gareth Evans characterizes it as “military force deployed across borders to protect civilians at risk.”⁵³ James Pattison takes a more detailed approach by defining humanitarian intervention as “forcible military action by an external agent in the relevant political community with the predominant purpose of preventing, reducing or halting an ongoing or impending grievous suffering or loss of life.”⁵⁴ In all three cases there is an emphasis on the military nature of this intervention though there is significant divergence on what is its goal and the extent to which morality plays a role as a motivation.

⁴⁹ Richard A. Koenigsberg. *Nations have the Right to Kill: Hitler, the Holocaust and War*. New York, NY: Library of Social Science, 2009, pp. 107.

⁵⁰ Gary J. Bass. *Freedom’s Battle: The Origins of Humanitarian Intervention*. New York: Alfred A Knopf, 2008, pp. 7.

⁵¹ Michael Walzer. *Just and Unjust War: A Moral Argument with Historical Illustrations*. New York: Basic Book, Inc. Publishers, 1977. See pp. 106.

⁵² *Ibid*, pp. 107.

⁵³ Gareth J. Evans. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington D.C.: Brookings Institute Press, 2009, pp. 32.

⁵⁴ James Pattison. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford: Oxford University Press, 2010, pp. 28.

Humanitarian intervention has led to a divisive discourse within academia and the policy world alike. Because humanitarian intervention has often been framed as a right, it has often grappled with legal and political concerns, overshadowing the humanitarian and moral imperatives it is intended to address. According to some scholars, humanitarian intervention abides by central tenets of the UN charter when executed without the intent “against the territorial integrity or political independence of any state.”⁵⁵ Yet other advocates argue that it may be an illegal act but it is a politically valid one.⁵⁶ A stronger argument is made by non-interventionists who have argued that humanitarian intervention is illegal because it violates the principles of sovereign rights and a prohibition on the use of force embedded in the UN charter. Pointing to Article 2(4)’s prohibition on the use of force, these scholars argue that any form of intervention in the internal affairs of a state is clearly an illegal and illegitimate act regardless of its moral basis.⁵⁷

Simon Chesterman argues that those who declare the moral strength of humanitarian intervention and the moral imperatives that should move international and state action are supporting “a recipe for bad policy, bad law, and a bad international order.”⁵⁸ Walzer and Chesterman agree that few if any humanitarian interventions have ever taken place without the inclusion of dubious or ulterior motives for engagement.⁵⁹ Byer argues that intervention has been forwarded as a vision of power without

⁵⁵ "Charter of the United Nations" 26 June 1945. United Nations Treaty Series. chapter 2, art. 4.

⁵⁶ Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press, 2002. See pp. 16- 24.

⁵⁷ Ibid.

⁵⁸ Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press, 2002, pp. 236.

⁵⁹ See Michael Walzer. *Just and Unjust War: A Moral Argument with Historical Illustrations*. New York: Basic Book, Inc. Publishers, 1977.; and Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press, 2002.

necessarily creating a system of accountability.⁶⁰ The divide on humanitarian intervention has been so great that many believe that it has become increasingly entrenched within two intransigent camps. As such it has framed humanitarian crisis as gains for the state and provided only two options to addressing these problems, do something or do nothing. In his report to the 63rd meeting of the General Assembly the Secretary- General, Ban Ki-Moon, argued that “humanitarian intervention posed a false choice between two extremes: either standing by in the face of mounting civilian deaths or deploying coercive military force to protect the vulnerable and threatened populations.”⁶¹

The independent Commission on Intervention and State Sovereignty’s 2001 report introduced a new concept which would address the policy and legal inadequacies of humanitarian intervention. Under the term “responsibility to protect,” the commission reframed the discussion from the “right to intervene” in the internal affairs of a sovereign to the “responsibility to protect”⁶² a human population. In essence humanitarian intervention has been seen as an extremely state-centric interpretation of moral responsibility and responsibility to protect is posed as the way forward. Carsten Stahn argues that recent developments in the international system are “part and parcel of a growing transformation of international law from a state-and-governing-elite-based system of rules into a normative framework designed to protect certain human and

⁶⁰ Michael Byers. *War Law*. New York, NY: Grove Press, 2005, pp. 108.

⁶¹ United Nations General Assembly, 63rd Session. *Report of the Secretary-General to the 63rd Session of the General Assembly “Implementing the Responsibility to Protect”* Supp. 677. (A/63/677). Official Record. New York, 2009, pp. 6.

⁶² Gareth Evans & Mohamed Sahnoun. “The Responsibility to Protect” *Foreign Affairs*, 81(6), (November-December 2002): 99- 110. See pp. 101.

community interest.”⁶³ The creation of international courts and tribunals and a vibrant, though rather inconsistent, culture of human rights and security within the international community has focused on individual wellbeing as a central component of foreign policy.

According to Carsten Stahn, “the commission thus used a rhetorical trick: it flipped the coin, shifting the emphasis from a politically and legally undesirable right to intervene for humanitarian purposes to the less confrontational idea of a responsibility to protect.”⁶⁴ Evans and Sahnoun argue that the responsibility to protect reframed the discussion: first, by placing priority on those needing assistance, it emphasized the responsibility of the state and second that of the international community; and second, it represented an “umbrella concept, embracing not just the “responsibility to react” but the “responsibility to prevent” and the “responsibility to rebuild” as well.”⁶⁵ The new concept expanded the dominant understanding of sovereignty as power to one of responsibility both internally and externally. Nevertheless in dividing a responsibility to protect into pillars it has allowed for greater discourse and progress to take place.

Under the rubric of a responsibility to protect the commission identified three pillars to fulfilling this responsibility: “the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crime against humanity”;⁶⁶ “the commitment of the international community to assisting states in meeting those obligations”;⁶⁷ and “the responsibility of Member States to

⁶³ Carsten Stahn. “Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?” *The American Journal of International Law*, 101(1), (January 2007): 99-120, pp. 101.

⁶⁴ *Ibid*, pp. 102.

⁶⁵ Gareth Evans & Mohamed Sahnoun. “The Responsibility to Protect” *Foreign Affairs*, 81(6), (November-December 2002): 99- 110.

⁶⁶ United Nations General Assembly, 63rd Session. *Report of the Secretary-General to the 63rd Session of the General Assembly “Implementing the Responsibility to Protect”* Supp. 677. (A/63/677). Official Record. New York, 2009, pp. 8.

⁶⁷ *Ibid*, pp. 9.

respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.”⁶⁸ This position advocated for a more thorough and inclusive practice that encompassed “diplomatic, humanitarian and peaceful means”⁶⁹ and emphasizes shared responsibilities. The approach moves away from a complete emphasis on intervention and draws the community to consider a spectrum of actions that may help reduce and prevent conflict.

However, the responsibility to protect is only a step forward and not a full solution to our problems regarding intervention. As Carston Stahn argues, responsibility to protect is a “multifaceted concept with various elements.”⁷⁰ He argues that cutting across statements made by the International Commission on State Sovereignty and Intervention, High-Level Panel Report, the Report of the Secretary-General, and the Outcome Document of the 2005 World Summit is a consensus regarding the duty of states to their citizens and the “weak sovereignty defense” for their failure⁷¹ as well as the legitimacy of non-forcible intervention. The international community acknowledges that states that are unwilling to act to protect their citizens do not have the same rights granted to them as a sovereign. This perspective speaks of the greater image and values the international community holds. More controversial is the resort to military intervention and the question of who bears this responsibility. As Stahn argues, “responsibility to protect is thus in many way still a political catchword rather than a legal norm.”⁷²

⁶⁸ United Nations General Assembly, 63rd Session. *Report of the Secretary-General to the 63rd Session of the General Assembly “Implementing the Responsibility to Protect”* Supp. 677. (A/63/677). Official Record. New York, 2009, pp. 9.

⁶⁹ *Ibid*, pp. 8.

⁷⁰ Carston Stahn. “Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?” *The American Journal of International Law*, 101(1), (January 2007): 99-120, pp. 118.

⁷¹ *Ibid*, pp. 119.

⁷² *Ibid*, pp. 120.

CHAPTER 3: CASE STUDIES

CASE STUDY 1: RWANDA

IGIHIRAHIRO:¹ RWANDAN HISTORY

The Republic of Rwanda passed through a handful of European colonial powers before finally obtaining its independence, but no one colonial power had such a definitive impact on the societal composition of the state of Rwanda as Belgium. Belgium's direct involvement in the administration of the Rwandan colonial state brought about power, land, religious, economic and educational reforms that greatly favored the Tutsi populations. As Prunier argues, the Belgian administration's rewriting and eschewing of Rwandan history created and deepened ethnic tensions which reverberated with the Rwandan social consciousness up to today.²

Belgium emphasized religion as an organizing arena within the Rwandan state.³ This "did not transcend social fractures, [but rather] reproduced them in many different dimensions and (albeit unwittingly) exaggerated their effects."⁴ The November 1931 removal of King Yuhi V Musinga on charges of adultery and bisexual liaisons, and his refusal to convert to Christianity and western dress stand as testament to the efforts of the Belgians to "modernize, simplify and ossify" the Rwandan state.⁵ Belgium's racial prejudices and the ability of the Tutsi population to gauge the needs of their colonizer produced what appeared to be a superior race and a Rwandan cultural mythology, one

¹ The word means the time of hesitation or uncertainty, see Gerard Prunier. *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1995, pp. 210.

² Ibid.

³ According to Prunier religion served a variety of purposes within the Rwandan state becoming a "legitimizing factor, a banner, a source of profit, a way of becoming educated, a club, a matrimonial agency and even at times a religion." Ibid, pp. 34.

⁴ Ibid, pp. 34.

⁵ Ibid, pp. 30 & 36.

that would be revised and reproduced in the 1957 Hutu Manifesto and in the subsequent rise of the Hutus to power two years later.⁶

Under President Kayibanda, a majority ruled “democracy” was installed, characterized by a complete reversal of the status quo and the marginalization of Tutsis. Ethnic quotas which utilized “purification” campaigns in schools, universities, civil service jobs and private businesses, as well as massacres became a useful tool for the government and local officials, resulting in the creation of a large Tutsi refugee population (conservative figures place it at about 336,000) in neighboring Uganda, Zaire, Burundi, and Tanzania.⁷

Taking advantage of tensions within Rwanda under the Kayibanda regime, Juvenal Habyarimana rose to power in 1979, maintaining many of the ethnic quota systems and establishing a “developmental dictatorship.”⁸ However, all would not remain peaceful in Rwanda. As economic conditions deteriorated, especially due to Rwanda’s growing dependency on income from coffee exports and the fall in prices for coffee on world markets, power struggles within Habyarimana’s regime became public and Tutsi refugees attempted to bring to power Paul Kagame and Fred Rwigyema, two leading Tutsis, on October 1, 1990.⁹

The Rwandan civil war drew the attention of the international community. The French, under the guise of national interest, sent troops to aid the Habyarimana regime while Christian non-governmental organizations (NGOs) and democratic sympathizers ignored the massacres and terror attacks that occurred from within the Rwandan

⁶ Gerard Prunier. *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1995.

⁷ Ibid, pp. 54- 64.

⁸ Ibid.

⁹ Ibid.

government. These massacre campaigns were precursors to the genocide which occurred only a few years later.

The Arusha Peace Agreements established a ceasefire, power sharing through the Broad Based Transitional Government (BBTG) which left President Juvenal Habyarimana in power (October 1992 and July 1993), a protocol on the repatriation of the refugees (June 1993), and the integration of the armed forces (August 1993). The agreement was seen by Hutu extremists as a threat to their power. By October 1992 the outline of a genocidal plan could be seen as “the protagonists in the future genocide had all found their places... the FAR [the Armed Forces of Rwanda] had its secret society, the extremist parties their militia, the secret service its killing squads.”¹⁰

UMUGANDA:¹¹ THE GENOCIDE

Established by Security Council resolution 872 the United Nations Assistance Mission For Rwanda's (UNAMIR) was charged with the mandate to:

assist in ensuring the security of the capital city of Kigali; monitor the ceasefire agreement, including establishment of an expanded demilitarized zone and demobilization procedures; monitor the security situation during the final period of the transitional Government's mandate leading up to elections; assist with mine-clearance; and assist in the coordination of humanitarian assistance activities in conjunction with relief operations.¹²

Equipped with 2,500 troops and no intelligence capabilities, the mission was inadequately equipped for the work ahead. UNAMIR arrived in Rwanda on August 4,

¹⁰ Gerard Prunier. *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1995, pp. 169.

¹¹ The word means collective work session,

¹² United Nations Department of Peacekeeping Operations. “United Nations Assistance in Rwanda.” <http://www.un.org/en/peacekeeping/missions/past/unamirM.htm>.

1993, tasked with the maintenance of the ceasefire between the Rwandan Government in Kigali and the Rwandan Patriotic Front (RPF) in Northern Rwanda. The rebel RPF, mostly composed of Tutsi refugees who had been persecuted for decades, had called for the return of Tutsis to the Rwandan home in late 1990.

UNAMIR's mission was to usher in a new wave of power sharing among Rwandan Tutsis and Hutus, one that directly threatened the country's three decade old social structure. Under the Arusha Peace agreement power sharing was to finally occur between Hutus and their Tutsi counterparts. By January 1994, however, information had arrived to head officials within UNAMIR that Hutu extremists were attempting to derail the peace agreement. According to the informant, Hutus had arrived on a plan to exterminate their Tutsi counterparts and target Belgian troops in order to induce western powers to remove their troops from the country.

Lieutenant- General Romeo Dallaire wrote his supervisors in the United Nations Department of Peacekeeping Operations (UNDPKO), then run by Kofi Annan, about the impending attacks and indicated that he was prepared to raid the weapons stockpiles. However, Lieutenant- General Dallaire was stopped by his supervisors when UNDPKO ordered him to stay within the bounds of his mission and avoid taking action. Instead the UNDPKO opted to inform the Rwandan government of the plans. With such a tepid response Hutu extremists gained confidence that their activities would go unopposed when finally carried out.

On April 6, 1994 at 8:30 am as the Rwandan presidential plane was descending into Kigali airport with President Juvenal Habyarimana of Rwanda and President Cyrien Ntaryamira of Burundi (both Hutus), it was shot down by an unidentified faction. Soon

after the death of the president, Colonel Theoneste Bagosora, a Hutu extremist, seized power. By 9:15 am *Interhamwe*'s¹³ roadblocks were in place throughout the Rwandan capital of Kigali, and throughout the nation as the massacre of the Tutsi minority commenced. The massacre of the Tutsis was conducted by local level Hutus wielding handheld tools such as machetes and *masu* (a handmade weapon).

Belgium and Guinean peacekeepers were quickly dispatched to protect the Acting Prime Minister of Rwanda Agathe Uwilingiyama. As a moderate leaning politician, she was a huge target for Hutu extremists wishing to carry out their plans of extermination. According to some accounts, the Rwandan army surrounded and invaded the compound, taking the UN peacekeepers' weapons, and killed the Prime Minister.¹⁴ To fulfill the second part of their plan to sway western nations' political will within the state, ten Belgian peacekeepers were taken hostage and killed. Among others targeted and killed during the first days of the genocide was Joseph Kavaruganda, President of the Constitutional Court, Charles Shamukiga, a civil rights activist, and Frederic Nzamurambaho, Minister of Agriculture and the Social Democratic Leader (PSD) leader.¹⁵

With the loss of ten of their peacekeepers, Belgium sought a “dignified” way to walk away from the chaos engulfing Rwanda. They contacted Western states in an attempt to coordinate a unified approach to their withdrawal in order to save face. On April 9th one thousand French and Belgian troops arrived to rescue their expatriates. While French and Belgian troops traveled across the country rescuing their citizens,

¹³ The word means those who stand/work/fight/attack together is a Hutu paramilitary organization

¹⁴ *Frontline: Ghost of Rwanda*. DVD. Directed by Greg Barker. 1999. Silverbridge Productions for FRONTLINE/PBS, 2004.

¹⁵ Gerard Prunier. *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1995, pp. 230.

Tutsis who had taken refuge with these foreign protected groups were left for the Hutu extremists to wipe out. As the Tutsi population fled for their lives, congregating at churches, stadiums, and official buildings, the army and national police stepped in and used more “sophisticated” measures to eradicate the Tutsi population congregated in these “safe centers.” As these atrocities were taking place, Western powers questioned what was the right way of withdrawing “gracefully” from the state, how many of their troops were to be left behind and what was the mission for those remaining troops.

When Rwandan human rights activist, Monique Mujawamaliya, attempted to formulate a stronger response from the US she was informed by some US officials that “the United States does not have friends, just interests and because no US interest could be served by intervening in the Rwandan case there was no interest in sacrificing American lives in that conflict.”¹⁶ The UN abandoned General Dallaire and the UNAMIR mission, ordering the withdrawal of 90 percent of the UN peacekeeping troops, leaving behind only 450 poorly equipped troops from developing countries.

By the end of the first month the only outsider remaining in Rwanda was the International Red Cross, led by Philippe Gaillard, who drew media attention to attacks on Red Cross convoys, thus inducing the Rwandan government to give the organization safe passage throughout the country.¹⁷ The Red Cross’ network of aid workers was the only source of information regarding the atrocities and the death count. According to their estimates, by the first two weeks well over 100,000 Rwandans were killed. It is

¹⁶ See Gerard Prunier. *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1995; and *Frontline: Ghost of Rwanda*. DVD. Directed by Greg Barker. 1999. Silverbridge Productions for FRONTLINE/PBS, 2004.

¹⁷ *Frontline: Ghost of Rwanda*. DVD. Directed by Greg Barker. 1999. Silverbridge Productions for FRONTLINE/PBS, 2004.

estimated that the Red Cross, as a result of its work during the crisis, was able to save 65,000 lives.¹⁸

Gregory “Gromo” Alex, a member of the UN Humanitarian Assistance team stationed in Kigali talked about the climate within Rwanda and how it constrained his ability to carry out his work.

[We] started as early as we could in the morning not too early we tried to finish it as early in the afternoon as possible because that... by noon they had been drinking and were intoxicated and they had either killed people and wanted to kill more or hadn't killed and wanted to kill. Killing was like a drink that if you took one drink you wanted another and another you wanted to get more and more intoxicated.¹⁹

By May 17, 1994 the Security Council finally changed course and authorized the addition of 5,000 troops to the UN peacekeeping operation, UNAMIR. However, few if any member states were willing to give to the operation. On May 25th President Bill Clinton reaffirmed America's intervention policy stressing the need for US interest as a central determinant of American action. While the United States offered to provide logistical support and 50 armored personnel carriers, it took three months for them to finally arrive in Rwanda.

July 1994, the Rwandan genocide ended, approximately 100 days after it started, with the triumph of the Rwanda Patriotic Front's against the Hutu extremists. At the end of the ten week massacre some 800,000 Tutsis, over 80 percent of the overall Rwandan

¹⁸ *Frontline: Ghost of Rwanda*. DVD. Directed by Greg Barker. 1999. Silverbridge Productions for FRONTLINE/PBS, 2004.

¹⁹ *Ibid.*

Tutsi population, and an additional 100,000 Hutu sympathizers had been killed while the world watched.²⁰ The Tutsis that survived were referred to as those not finished off yet.

ASSESSMENT

With approximately 80 percent of the targeted Tutsi population massacred in roughly 100 days, the Rwandan genocide's efficiency was a jarring reality. Orchestrated by the Hutu extremists, the genocide's successful execution was a testament to the failures of an international community unwilling to involve itself in the affairs of a country which served little geopolitical strategic interest. Looking at the events leading up to the Rwandan genocide, we find an international community that was unreceptive to the genocide's early warning signs. The position exhibited by the international community from the very beginning conditioned all levels of "activities" surrounding this situation. As one of the most significant events to take place in the immediate wake of the Cold War's end, it represented the international community's unwillingness to act because it served no direct state interest and also lacked precedent regarding genocide prevention/ humanitarian intervention to serve the common good.

The findings of the Report of the Independent Inquiry on the 1994 genocide in Rwanda were that the United Nations and its member states lacked political will, resources and direction. From the beginning, the UNAMIR was doomed to failure as its creation lacked the right intentions and inefficiencies. For one thing the United Nations via the Secretary General, Security Council, DPKO and other organs of the United

²⁰ *Frontline: Ghost of Rwanda*. DVD. Directed by Greg Barker. 1999. Silverbridge Productions for FRONTLINE/PBS, 2004.

Nations, and the member states set the UNAMIR mission and the Rwandan population up for failure.

The international community failed to take into account the country's history with ethnically motivated massacres. Significant ethnically based discrimination, violence and propaganda were present in the early 90s. The early warning signs should have been seen by UN officials, DPKO officials, and other parties involved in establishing UNAMIR's objectives, scope and goals. This failure is significant as it indicated a failure to understand the dominant social structures of the state and ignored the reality on the ground. Further, the international community failed to provide the reconnaissance mission which was sent to Rwanda to establish the Neutral International Force (NIF) with a report submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Waly Bacre Ndiaye. The report specifically pointed out the likelihood that genocide was taking place and as such should have drawn the attention of the Secretary General, Security Council, signatories to the Genocide Convention, and UN organs involved in the country. Yet the report was largely ignored and the information failed to inform the creation/formation and work of UNAMIR. Furthermore, the findings resulting from Mr. Ndiaye's visit to Rwanda from April 8-17, 1993 could have allowed Brigadier-General Romeo A. Dallaire's reconnaissance mission to better gauge the situation on the ground and ask for the appropriate number of troops. It would have allowed the UNAMIR, once established in Rwanda, to better assess their operations and take appropriate actions when extremist activities threatened the mission's goals. As the report argues, "the planning process failed to take into account remaining serious tensions which had not been solved

in the agreement between the parties.”²¹ The failure to communicate important information regarding the human rights situation to Dallaire’s mission prohibited UNAMIR from addressing the full scope of the Rwandan conflict and framing developments within the country accordingly.

Additionally, once reliable information was made available to the UN peacekeepers, the international community treated such information with disinterest. Romeo Dallaire’s cable to the DPKO illustrates the wealth of information available to the United Nations and international community when it comes to active engagement in genocide prevention. In this case information was not shared with high level officials who were better able to gauge the totality of the situation and/or take effective action to halt the violence. Dallaire’s failure to include the Under-Secretary-General for Peacekeeping and Political Affairs in his cable greatly limited his audience and the support he strongly needed. Further, the DPKO’s refusal to bring the deteriorating situation to the attention of the Secretary General and Security Council, and its decision to opt to respond so tepidly paved the way for Hutu extremist actions. By failing to take real action and share information with officials able to do something, the international community limited its options. Interestingly enough, DPKO’s claims that actions taken by Dallaire’s forces were in violation of the rules of engagement were faulty because Dallaire’s Rules of Engagement for UNAMIR drafted on November 23, 1993 never elicited a response from Peacekeeping Operations officials.

²¹ United Nations Security Council. *Letter dated 15 December 1999 from the Secretary-General addressed to the President of the Security Council. “Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda.”* Supp. 1257. (S/1999/1257). Official Record. New York, 1999, pp. 31

In many respects what is arguably the international community's failure in the lead-up to and throughout the Rwandan genocide was very consistent with attitudes at the time. The truth is that there was a general interest in avoiding situations that would have strained resources, and committed troops and finances to a situation which did not provide an easy answer. Because a significant number of states viewed UNAMIR as a symbolic gesture they conditioned the mission's funding and continued support on its immediate success. As a result they communicated to officials within the UN body what types of information was welcomed. By threatening to defund and eliminate missions that were not immediately successful or which evolved in ways inconsistent with member states' demands, they narrowly defined peacekeeping operations in the 1990s and forced officials directly involved with the Rwandan situation to edit information which threatened the continued livelihood of UNAMIR. Further, in the absence of any prior precedent or norm regarding human rights or genocide prevention that might propel the international community into action for the common good, Rwanda was doomed.

Taking a look at the planning process for UNAMIR we constantly encounter problems regarding the international community's position. First there were divergent opinions on the number of troops needed for the mission, with the Arusha delegation requesting a troop size of 4,260, and the Secretary General identifying a troop force of 2,548.²² The international inquiry report indicates that throughout the planning process states expressed an interest in reducing the troop force required. As the report argues:

This picture of the political commitment at the time was probably correct: the United States delegation had

²² United Nations Security Council. *Letter dated 15 December 1999 from the Secretary-General addressed to the President of the Security Council. "Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda."* Supp. 1257. (S/1999/1257). Official Record. New York, 1999, pp. 7.

suggested to the United Nations that a symbolic presence of 100 be sent to Rwanda. Even France, which had pushed for a United Nations presence in Rwanda, felt that 1,000 would suffice.²³

The bartering among member states about the troop size for the UNAMIR mission represented both a naive oversimplification of the situation in Rwanda and a general lack of political will to expend resources.

As the March 14, 1994 report by the Security Council “Improving the Capacity of the United Nations for Peacekeeping” indicated, there was a significant growth in demands for UN peacekeeping operations which were increasingly constrained by the decreasing financial and moral support to carry out these types of missions.

The findings of the Independent Inquiry into of the 1994 genocide in Rwanda show that UNAMIR was sidelined by the evacuation practices of France, Belgium, the United States and Italy,²⁴ that it suffered from significant infighting among contributing member states,²⁵ and that the disbanding and evacuation of the police command significantly constrained the strength of the troops already on the ground from responding as a unified front.

The international community’s rhetoric toward the Arusha delegation and UNAMIR mission emphasized withdrawal and minimal engagement. This rhetoric conditioned how information was distributed throughout the UN bodies and how information was shared from UNAMIR reports, and also limited the inclusion of all

²³ United Nations Security Council. *Letter dated 15 December 1999 from the Secretary-General addressed to the President of the Security Council. “Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda.”* Supp. 1257. (S/1999/1257). Official Record. New York, 1999, pp. 32.

²⁴ *Ibid*, pp. 36.

²⁵ This was exemplified in the refusal of Bangladeshi peacekeeping troops to allow Belgian colleagues into Amahoro Stadium, *Ibid*, pp. 36.

possible options available to respond to the heightened situation. As the report correctly argues:

the instinctive reaction within the Secretariat seems to have been to question the feasibility of an effective United Nations response, rather than to actively investigate the possibility of strengthening the operation to deal with the new challenges on the ground.²⁶

The death of 800,000 Tutsis and 200,000 sympathizers was truly a moral failure for the international community. Fifteen years later we are able to see where constructive engagement could have taken place. We are also able to praise a number of Non-Governmental Organizations (NGOs) and individuals for saving thousands of lives and staying behind as the world stepped back and watched. The Rwandan genocide stands as a testament to the refusal to address problems from the outset of tense situations, to bureaucratic obstructions, poor allocation or use of resources, a lack of political will and the repercussions of a non-existent response. As a result of the international community's failure to respond to the Rwanda crisis violence spread to Burundi, Zaire, and the Democratic Republic of Congo. As Gerard Prunier argues, the tensions that sprang from the Rwandan conflict boiled over and had debilitating effects throughout the sub-Saharan region.²⁷ The Rwandan genocide erased the notion that a "symbolic" act is better than nothing. As member states stressed their own individual interest over the common good, they eroded the integrity of their work and wasted resources.

²⁶ United Nations Security Council. *Letter dated 15 December 1999 from the Secretary-General addressed to the President of the Security Council. "Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda."* Supp. 1257. (S/1999/1257). Official Record. New York, 1999, pp. 36.

²⁷ Gerard Prunier. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. New York: Oxford University Press, 2009.

CASE STUDY 2: BOSNIA

THE HISTORY OF THE FORMER FEDERAL REPUBLIC OF YUGOSLAVIA

Born of different national identities and experiences with both the Hapsburg and Ottoman Empires, the six republics and two autonomous provinces which constituted the Federal Republic of Yugoslavia were an unlikely and awkward constellation of states. With the end of the Second World War the republics of Yugoslavia were united under the decisive leadership of Jozep Broz Tito. Under the slogan “Brotherhood and Unity” Tito centralized government and impeded the nationalist tendencies of the various republics until his death in 1980. With “blood soaked hands” Tito reined in ancient ethnic tensions.²⁸ However, with his death the Republics of Yugoslavia was tossed into upheaval as a lack of forward planning by the enigmatic leader gave way to nationalistic tendencies and economic disintegration.

As Leslie Benson argues, the Yugoslav project under Tito’s leadership was able to persist because Western economic aid which utilized Yugoslavia’s geopolitical position to counter the threat of the Soviet bloc allowed Yugoslavs to live well beyond their means. In reality, Benson argues that Tito’s never fully dealt with the reality of Yugoslav socialist democracy because: 1) “‘market socialism’ never existed, and 2) ‘Direct Democracy’ was always a slogan.”²⁹ Moreover, an incredible debt was amassed during Tito’s rule identified at US\$20.5 billion by 1983, causing the average standard of living to drop by 30 percent, consumer prices to drop by 36 percent annually and average incomes to drop by two thirds.³⁰ With the disintegration of the USSR and the fall of the

²⁸ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

²⁹ Leslie Benson. *Yugoslavia: A Concise History*. New York: Palgrave, 2001, pp. 132.

³⁰ *Ibid*, pp. 133 & 147.

Berlin Wall, the Yugoslav Republics were left isolated with a huge debt as western aid dwindled because their geopolitical importance diminished.

A decade after Tito's death a younger generation of leaders with national ties started coming to power. In place of Tito's leadership the eight man state presidency, installed in 1979, which rotated power among the various republics, was utilized by each president to further the overall economic interest of his respective state. The tension inherent in such a system was not felt until the full collapse of the Soviet state. In the wake of the death of Tito the republics of Croatia, Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Slovenia and the autonomous provinces of Vojvodina and Kosovo became a hotbed of conflict over land, resources and power.

As the first real sign of the intent of the Serbian people to finally re-establish their ancestral homeland, a 1986 draft Memorandum of the Serbian Academy of Sciences and Arts charged that a conspiracy against Serbian nationalism by the Yugoslav leadership had divided Serbia into three nations for the good of the Federation, and that genocide was being committed by Kosovo against the Serbs within the territory.³¹

Under a banner of ethnic unity Slobodan Milosevic heard the voices of the Serbian people and tried to unify Serbians throughout the various Yugoslav republics, calling upon the ancient efforts of their ancestors. According to Benson, "the Serbs were backwoods men, easy meat for nationalist demagogues like Radovan Karadzic and Milosevic, who milked the ideology of the peasant folks, offering them paternalistic reassurance that they had not been forgotten."³² His attempts to fulfill Serbian unity

³¹ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

³² Leslie Benson. *Yugoslavia: A Concise History*. New York: Palgrave, 2001, pp. 144.

caused great tensions among the Former Yugoslav republics as one by one Slovenia, Croatia and Bosnia-Herzegovina took steps toward independence.

THE RISE OF THE BOSNIAN STATE

The disintegration of the Federation of Republics of Yugoslavia was a slow but catastrophic event as Slovenia, Croatia and then Bosnia-Herzegovina would break away. On October 15, 1991 the Bosnian Republican Assembly proclaimed the sovereignty of Bosnia-Herzegovina. Worry arose as Muslim nationalism caused great unease to the Bosnian Serbian minority. The catalyst for the Bosnian- Serbian conflict was the March 1, 1992 killing of a father of the groom by a Muslim man. Immediately Bosnian Serbs erected barricades. Radovan Karadzic, the leader of the Bosnian Serbs declared: “I warn you, you’ll drag Bosnia down to hell. You Muslims aren’t ready for war- you could face extinction.”³³

The international community faced great difficulty in crafting an effective plan to stem the violence and save the lives of countless people. Two weeks after the outbreak of violence, the European Community (EC) held a conference in Lisbon suggesting the division of Bosnia-Herzegovina into ten self- regulating provinces along ethnic lines. The plan was immediately rejected by Bosnian president Alija Izetbegovic. Upon his return from the meeting, President Alija Izetbegovic was captured and held by the Yugoslav Federal Army until the United Nations was able to broker an exchange for Yugoslav Federal Army Commander, Milutin Kukanjac.

³³ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

In the wake of the disintegration of the Yugoslav states, Serbia and Croatia secretly agreed to carve up Bosnia-Herzegovina along ethnic lines, with no consideration of the Bosniaks, Bosnian Muslim populations. The land grab by both Croatia and Serbia preyed on the multiethnic Bosnian population and its military weakness. On March 27th Bosnian Serbs declared their own independent republic, *Republika Srpska*. Serbia's President Milosevic funneled Serbian troops and Yugoslav Federal army troops into Bosnian Serb military forces and used them as proxies. According to Borisav Jovic, President of the Yugoslav State Council and Special Advisor to Milosevic, the two provided Bosnian Serbian 50- 80,000 troops, and strategic financial and military assistance.³⁴ The Serbian troops took over land along the Serbian border and those territories which held large Serbian populations. As in their campaigns against Slovenia and Croatia, Serbia president Slobodan Milosevic united Serbs in the name of an ethnic banner, resulting in the Bosnian Serbs gaining 70 percent territory the height of the conflict. A few months later Croats in western Herzegovina proclaimed the state of Herceg-Bosna.

Bosnian president Alija Izetbegovic met with Karadzic to find a solution to the problem. Izetbegovic left the Bosnian Serbs in their territories due to his army's inability to suppress the uprising. Bosnia was reduced to the Sarajevo- Tuzla- Travnik triangle in central Bosnia and saw the flight of 1.5 million Bosnians, the creation of detention camps, killing centers, mass rapes, torture, and destruction of Islamic cultural artifacts.³⁵ In April 1992, General Assembly resolution 46/ 237 admitted the Bosnia-Herzegovina republic into the United Nations. By May the United Nations took steps to extend the

³⁴ Leslie Benson. *Yugoslavia: A Concise History*. New York: Palgrave, 2001.

³⁵ *Ibid*, pp. 166.

mandate of the United Nations Protection Force (UNPROFOR), originally established in Croatia to “ensure demilitarization of designated areas... to support the delivery of humanitarian relief, [and] monitor no fly zones [and] safe areas.”³⁶

THE BOSNIAN GENOCIDE

Amid western reluctance thousands of Muslims sought refuge in Srebrenica, a province southeast of the Bosnian Capital of Sarajevo. Bosnian Serbs tried to starve their enemies and force them into submission by constant bombing. While western powers were reluctant to directly intervene in the conflict, bodies within the United Nations tried to address the massacres being carried out in Muslim- dominated communities and in Srebrenica more specifically. Venezuelan Diego Arria, chair of the UN Non-Aligned Bloc, urged some action arguing that “when you see the... massacres that are occurring at such... magnitude and the precedent that this sets for the rest of the world...eh... our conscience is of grave moral authority to talk about these matters.”³⁷

Resolution 819 identified Srebrenica as a safe area, which obliged the UN to deter attacks on the Muslim town. As a stipulation for his acceptance of the resolution, Bosnian Serb Commander Ratko Mladic required the United Nations to persuade the Muslims to surrender their weapons, a condition the Bosnian Army accepted upon the urging of General Philippe Morillon, Commander of the United Nations Forces in Bosnia, and the promise of Canadian troops. “But since the UN had no means to defend or supply them, they were anything but safe, and the shepherding of Muslims into these

³⁶ United Nations Department of Peacekeeping Operations. “United Nations Protection Force Mission.” <http://www.un.org/en/peacekeeping/missions/past/unprofor.htm>

³⁷ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

enclaves did the work of ethnic cleansing for the Serbs, putting them all tidily into a demilitarized limbo for later mopping up.”³⁸ Added to the list of safe areas were Sarajevo, Gorazde, Zepa, Tuzla and Bihac.

Two attempts at peace made by Lord Carrington and Lord Owen of Britain failed because western countries viewed the conflicts in the Balkans as irresolvable. Reflecting this sentiment, Lord Owen warned Bosnians: “don’t... don’t... don’t... live under this dream that the west is going to come in and sort this problem out don’t dream dreams.”³⁹ Two United States administrations stood by as the slaughter in Bosnia went on. Both US Secretary of State James Baker (May 1992) and Warren Christopher (January 1994) argued that the United States was in no condition to get involved in the Bosnian problem because they could not police the world.

Several months later the Vance- Owen plan attempted to negotiate peace by proposing that Bosnia’s administration be shared among Croats, Serbs, and Bosniaks through the establishment of ten self governing provinces. The plan was rejected by the Bosnian Serb Assembly by a majority vote of five to one, upon Mladic’s description of the extent of land loss and the unfavorable terms of the plan for the Serbian population if it was accepted.

By June 1995 Bosnian commanders had found little value in Srebrenica as they saw a general reluctance by the international community to fulfill their promise to fully commit to the UN safe zone. In retaliation for Muslims’ attack on a Serbian village, Serbs decided to fight back and take hold of Srebrenica. In the midst of the attacks thousands of Bosnian Muslims ran into the fields where Bosnian Serb soldiers were

³⁸ Leslie Benson. *Yugoslavia: A Concise History*. New York: Palgrave, 2001, pp. 168.

³⁹ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

waiting for them. By the 12th of July 1995 well over 25,000 Muslims had run to the UN base in Srebrenica.⁴⁰ As Muslim women, children and elderly were being caravanned out of the area, well over 8,000 Muslim men were executed. Dr. Ilijav Pilav, a Srebrenica citizen, recalled that “life in Srebrenica was hell but what we went through on that journey that was the ninth circle of hell.”⁴¹ The international community stood by as these attacks were carried out. Aid did not arrive to the desperate Bosniaks until August 1995 when NATO finally launched airstrikes in response to the repeated bombing of Sarajevo’s marketplace.

A ceasefire was viewed as unfavorable to the Bosnian Serbs but was achieved upon the influence of His Holiness Patriarch Pavle, the Serbian Orthodox leader who urged the adoption of the agreement.⁴² The Contact Group, composed of the United States, Britain, Russia, France and Germany, tried to induce Serbians to sign a peace agreement and establish land sharing between the Muslim-Croat Federation and Serbians by giving each 51 percent and 49 percent respectfully. By October 1995 a ceasefire had been agreed to by all parties and in late October peace talks took place in Wright-Patterson US airbase in Ohio. The Dayton Peace Accord was formally signed on November 21, 1995. The Dayton Agreements, signed on December 14, 1995 lifted the arms embargo and signaled the end of the Bosnian conflict.

⁴⁰ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

⁴¹ Ibid.

⁴² Ibid.

ASSESSMENT

The disintegration of the Federal Republics of Yugoslavia was a slow and catastrophic event. As the states of Croatia, Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Slovenia and the independent provinces of Vojvodina and Kosovo evolved into a hotbed of conflict in the 1990s, the international community again played witness to genocide. As Yugoslavia disintegrated, with deaths resulting from policies of ethnic cleansing and an episode of genocide, the violence exhibited by all sides of the conflict attracted major actors on the international stage and once again tested their commitment to the Genocide Convention.

The massacres of Bosnian males in July 1995 at the United Nations safe area of Srebrenica, one of six United Nations designated safe areas, was the largest mass murder to take place in Europe since the Holocaust.⁴³ The international community played an active role in the conflict, expending time and resources to try to bring an end to the conflict and restore peace to the region. But, failures in planning and wavering commitment spelled doom for thousands. The bodies of approximately 8,000 male Bosniaks littered the fields surrounding Srebrenica yet again signaled a major failure for the international community.

The Bosnian conflict may have succeeded in drawing greater aid and support from a full spectrum of the international community, as compared to the Rwandan crisis, yet the severity of the conflict greatly tested the international community's resolve. This time a lack of precedence and resolve undermined the work of UNPROFOR. As early warning signs were ignored and aggressors underestimated the response mechanisms

⁴³ *The Death of Yugoslavia*. DVD. Directed by Nicholas Fraser. Brian Lapping Associates for British Broadcasting Corporation, 1995.

meant to deter the violence UNPROFOR was encumbered by a faulty chain of command and administrative inefficiencies and formalities.

As nationalism revived in the wake of Tito's death, the disintegration of the Federal Republic of Yugoslavia erupted into a mobile, ethnically motivated, dirty war. Burned villages, ethnic cleansing, rape, executions, forced relocations, bombings, and other tactics were used by all sides in order to lay claim to land or power. Activities of this nature were increasingly a common part of the Bosnian-Serb-Croat conflict. As the November 1999 report of the Secretary-General pursuant to General Assembly resolution 53/35 points out, well over 1 million people were displaced and tens of thousands died in the wake of Serbian conquest.⁴⁴

The violence attracted the attention of the European Community (EC), United Nations (UN), Conference of Security and Cooperation in Europe (CSCE), North Atlantic Treaty Organization (NATO), and the Organization of the Islamic Conference (OIC). Such wide spread knowledge of the commonality of violence in Bosnia drove the international community to commit air support, a UN troop size of 30,000, and hold a number of conferences to broker peace. Additionally, the international community dabbled with the creation of safe zones meant to provide shelter for Bosnian Muslims and assisted in the distribution of humanitarian aid. But, the international community balked as differing opinions on the appropriate course of action failed to give clarity to the work of UNPROFOR. The Commander of UNPROFOR noted that there was "a fantastic gap

⁴⁴ United Nations General Assembly, 54th Session. *Report of the Secretary General pursuant to General Assembly resolution 53/35. "The Fall of Srebrenica."* Supp. 549 (A/54/549). Official Record. New York, 1999, pp. 10.

between these resolutions, the will to execute these resolutions, and the means available to commanders in the field.”⁴⁵ As Yashushi Akashi argued:

with a consensus absent in the Council, lacking strategy, and burdened by an unclear mandate, UNPROFOR was forced to chart its own course... thus choos[ing] to pursue a policy of relatively passive enforcement.⁴⁶

As UNPROFOR opted to adopt a passive enforcement policy in order to meet the most minimal requirements of the Security Council members, it was doomed for failure. The Bosnian case makes clear that there was a significant gap between the rhetoric which was coursing through the United Nations and its member states and its application on the ground.

The international community’s attempts to broker peace among the warring parties were greatly undermined by their propensity to appease aggressors. The clearest example of this failure was in their policies regarding the UN safe zones. By catering to the Serbian’s demands for the disarmament of the population in order to allow for the establishment of the UN safe zones and the granting of administrative control of these zones to Serbs, they carelessly placed a whole population in a very vulnerable situation. The international community continued a policy of appeasement as Serbians grew more and more aggressive and unwilling to compromise. The Serbian’s growing confrontational stance and rebellious nature should have been good warning signs of the need to bulk up protection of UN safe zones.

⁴⁵ United Nations General Assembly, 54th Session. *Report of the Secretary General pursuant to General Assembly resolution 53/35. “The Fall of Srebrenica.”* Supp. 549 (A/54/549). Official Record. New York, 1999, pp. 32.

⁴⁶ *Ibid*, pp. 16.

The Secretary General's report argues that Serbian troops were well equipped compared to their UN counterparts who suffered from a lack of resources, technology and equipment. Serbia's aggressive position in Gorazde, Bihac, and Srebrenica during July 6-11 went unaddressed or punished by NATO or UN forces. The reality of the bloody massacres, arms embargo and the demilitarization of the Srebrenica safe area highlight the fact that the conditions which greatly limited the ability of Bosniaks to protect and defend themselves should have been factored in as the UN passively handed over the Srebrenica enclave.

According to the report Serbs had between 1-2,000 soldiers, tanks, armored vehicles, mortar and artillery.⁴⁷ Further, they kept the Srebrenica safe zone hostage for three months prior to the genocide, and restricted the passage of supplies and equipment. In the immediate lead- up to the genocide Serbs fired directly at UN forces. Further, as the Serbian troops were within kilometers of the enclave, the UN troops chose to negotiate instead of defend. Their practices show a severe reluctance to step back and fully acknowledge the reality on the ground.

As a result of spats among UN and NATO personnel over control of the NATO air force, an unclear chain of procedures emerged that resulted in a number of Dutchbat's (the battalion in charge of protecting the Srebrenica safe zone) request in the lead- up to the genocide going unnoticed. The most glaring failure was experienced as a result of a three hour delay between the registering and processing of the request of Dutchbat three for air support by Force Command and NATO Liaison Officers. This failure resulted in greater delays in assistance as air support was forced to return to base for refueling. On

⁴⁷ United Nations General Assembly, 54th Session. *Report of the Secretary General pursuant to General Assembly resolution 53/35. "The Fall of Srebrenica."* Supp. 549 (A/54/549). Official Record. New York, 1999.

various occasion on the morning of July 11th Dutchbat's request did not go on record and did not reach the leadership in Zagreb and Sarajevo. Another significant failure was the lack of information sharing with the leadership of the United Nations Peace Force (UNPF) and other key officials. Bodies within the United Nations were given inaccurate and misleading information.

As a result of failures committed in the early days of the genocide, an appropriate response was greatly limited. By appeasing Serbian aggressors, failing to acknowledge the bloody nature of the conflict, clearly defining the work of UNPROFOR, and establishing clear and effective procedures, an appropriate response was out of the question. Further, the severest failure by the international community was their blind handover of Srebrenica without ensuring the complete protection of inhabitants or their transfer to other safe zones. They failed to ensure the safety of those entrusted to their care and their refusal to allow Bosniaks to arm in self defense ensured their death.

The Bosnian genocide drew the attention of the international community as they established a UN peacekeeping force of 30,000 troops, the creation of safe zones and continued attempts toward a peace agreement. The extent to which the international community was willing to try to establish a number of safe areas in the midst of the war highlights the growing interest of the community in protecting a people greatly battered. Yet their work was plagued with a lack of direction, administrative inefficiency and lack of international resolve. As the largest genocide to occur on the European continent since the Holocaust it was a startlingly call to our conscience. The massacre of approximately 8,000 Bosnian Muslim military age males requires us to visit the engagement of war along ethnic lines and re-evaluate dominant attitudes and practices.

CASE STUDY 3: DARFUR

The Darfur case is not officially considered genocide because the genocidal intent has not been present within the central Sudanese government and the violence has not been directed to the legally defined protected groups. However, it does serve as an exemplar case. Darfur's lack of definitional cohesion within the legally accepted framework does not mean that it does not represent a systemic use of violence against a population that sees and is seen within its own society as different or "other." It took a significant toll on the targeted populations and had spillover costs in the form of Internally Displaced Persons (IDPs) and the presence of a large refugee population in neighboring Chad. More importantly the backdrop of a North-South conflict that has plagued Sudan since its independence and the January 2011 referendum which has granted the oil rich south the right to secede from Khartoum has aggravated the situation. Its inclusion is further supported by the fact that the United Nations, the African Union, the United States, and the public agree on its relevance.

THE HISTORY OF TWO SUDAN

Sudan is described as a country of two halves. Like many British colonies, Sudan exemplifies the repercussions of colonial practices which reinvented identity. According to Mahmood Mamdani, "Arabism" within Sudanese society has taken on a varied significance.⁴⁸ Arabism has evolved to encompass a cultural movement, a linguistically useful organizing tool as well as a strategic political mechanism. Julie Flint argues that

⁴⁸ Mahmood Mamdani. *Saviors and Survivors: Darfur, Politics, and the War on Terror*. New York: Pantheon Books, 2009.

identity with in Sudan has been of a transitory nature, highly dependent on the context.⁴⁹ However, even within this reality the North and the Khartoum government have played an instrumental role in how Sudanese identity has translated into significant structural realities. Northern Sudan has viewed Arabism as a source of pride and status, evolving it to signify an avenue for power and international allegiance. In essence as Khartoum has tried to remake Sudanese society and shake off years of discontent, its ‘arabization’ of Sudan through policies enacted has escalated tensions.

The Khartoum government has long been disconnected from its people. It has been reluctant or unable to overcome economic and political injustice. As Douglas H. Johnson argues, Sudan experienced a decline in its agricultural output and annual growth rate of exports and experienced a rise in its annual balance of payments during the 1980s.⁵⁰ Additionally, the eventual failure of the Addis Ababa Agreement which had established peace between the North and the South and the dismissal of the Regional Assemblies which distributed power among the various regions, limited the autonomy of the peripheral regions educational and economic planning. Further, economic disparities as a result of the government’s unequal distribution of wealth and resources and the combined effects of the previously mentioned conditions brewed discontent among the populace. However, the Sudanese government opted for “appeals to Islam and Pan-Arabism... used by parties of the centre to overcome the discontent of marginality.”⁵¹

Khartoum’s 1989 decision to redefine Sudanese society as a pure Arab/ Islamic society has had a disastrous effect. By failing to construct a national identity that

⁴⁹ Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008. (Accessed: March 22, 2011), pp. 3.

⁵⁰ Douglas H. Johnson. *The Root Causes of Sudan’s Civil War*. Bloomington, IN: Indiana University Press, 2003, pp. 43.

⁵¹ *Ibid*, pp. 141.

reconciles the differences between the racial and religious identities of its people and address the inequalities and injustices that have bred displeasure, it has pushed the country into a bloody battle. Sudan's push toward an Arab/Islamic Sudanese identity only fuels already existing disdain at the economic disparities between the North and the greatly marginalized rest of the country. It has utilized identity to circumvent real leadership and problem solving.

In May 2000, *The Black Book: Imbalance of Power and Wealth in Sudan* published by the Justice and Equality Movement, a rebel group, was distributed throughout the country.⁵² The book documented how individuals originating from three northern tribes that represented only 5.4 percent of the country's overall populations controlled a significant distribution of political and economic power.⁵³ It highlighted the tribes' control over the presidency, and dominance "in the police and military hierarchy, the judiciary, provincial administrations, banks and developmental schemes."⁵⁴

THE VIOLENCE

Amidst the North- South bloody war and division within the Khartoum government, rebellion spread throughout Darfur, the western region of Sudan. Darfuri rebels went public on February of 2003 seeking the implementation of development programs and greater equality and recognition. "On March of 2003, the rebels seized the garrison town of Tine on the Chad border and captured huge stocks of arms and

⁵² Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008.

⁵³ Ibid.

⁵⁴ Ibid, pp. 17.

equipment.”⁵⁵ In response the Khartoum government took a strict stance with the rebels as they felt the pressure to present a strong front vis-a-vis the already raging conflict with the South. In what they argue was a counterinsurgency campaign the government utilized the *Janjaweed*, an Arab militia composed of looters on horseback, to conduct a scorched earth campaign on hundreds of Darfur villages in an attempt to weed out the rebels. The Sudanese government coordinated the rearmament reinforcement, and use of air support for the *Janjaweed* in exchange for their services.⁵⁶ As a cheap method of counterinsurgency the group was granted immunity for their raids, murder, and rape of thousands of women.

By early April a joint partnership among the military forces and Janjaweed attempted to put down the rebellion and in the process targeted villages they believed supported some of the rebel forces. In response, 317 rebels in thirteen vehicles drove off to the Kutum air base and destroyed seven military planes, killed 70 military personnel and acquired a stock pile of weapons.⁵⁷

Viewing the unraveling conflict and the tenacity of the rebellion, the government stuck to its position instead of trying to meet the developmental needs of the region. They armed Arabs in the region as a counter measure yet quickly lost control of the populace as greed pushed many to target Fur and Masalit tribes. In a communication with the Western Area Commander, Musa Hilal, a Janjaweed militia leader, reiterated

⁵⁵ Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008, pp. 118.

⁵⁶ Ibid.

⁵⁷ Ibid, pp. 120-2.

that “you are informed that directives have been issued ... to change the demography of Darfur and empty it of African tribes.”⁵⁸

In March 2004 a series of massacres were carried out as Janjaweed, armed with lists, rounded up hundreds of “rebels” from their homes.⁵⁹ According to Flint and de Waal, “the UN estimated that between 700 and 2,000 villages were totally or partially destroyed.”⁶⁰ As a result of the attacks by the government- supported militia the death toll of a number of nomadic African tribes in the Darfur region was approximated at 300,000 with more than 3 million made homeless, and untold number of rapes.⁶¹ As Flint and De Waal argue, “in the subsequent debate over whether the war in Darfur constituted genocide or not ... one thing is certain: the people who decided to use ethnic militias as a counter-insurgency force knew exactly what it would mean.”⁶²

While information regarding the growing violence against nomadic African tribes in the Darfur region of Sudan was brought to the attention of the international community as early as late 2003- early 2004, a number of key officials ignored the conflict in favor of the North-South peace process which was to put an end to the bloody civil war. Much like what was seen in Rwanda and Bosnia before, those with the information about the ensuing violence failed to share this information with key officials early in the conflict. Such information failed to arrive to the ears of civil society and key officials until a

⁵⁸ Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008, pp. 129.

⁵⁹ *Frontline: On Our Watch: The World Said “Never Again” Then Came Darfur*. DVD. Directed by Neil Docherty. 2007. WBGH Educational Foundation, 2007.

⁶⁰ Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008, pp. 145.

⁶¹ *Frontline: On Our Watch: The World Said “Never Again” Then Came Darfur*. DVD. Directed by Neil Docherty. 2007. WBGH Educational Foundation, 2007.

⁶² Julie Flint & Alex de Waal. *Darfur: A New History of Long War* (2nd Ed.). London: Zed Books, 2008, pp. 123.

frustrated UN official went live on the BBC denouncing the violence and the lack of international attention.⁶³

In his address during the 10th anniversary of the Rwandan genocide, then Secretary-General Kofi-Annan (1997- 2006) noted the urgency of the Darfur conflict and pressed for action. An African Union troop contingent sent in 2004 in an attempt to broker a peace agreement lacked resources and international support. NATO would participate in the training and transporting of African Union troops during 2004-2007 in an attempt to strengthen the AU's peacekeeping operations capacity. Four Security Council resolutions discussing the Darfur conflict passed by the Security Council during 2004 were accompanied by no real action to halt the violence. According to Frontline, the international community's unwillingness to act assertively resulted in 6,000 new deaths for each month the conflict went unchecked.⁶⁴ Seven UN resolutions were passed in 2005, and an additional eight in 2006 before the international community finally mobilized.

In 2007, the Security Council finally passed resolution 1706 with a vote of 12:0:3. The resolution which called for UN troops to be sent to Sudan to address the conflict was weakened by the inclusion of a clause which made the troops' presence dependent on the approval of the Sudanese government, a consent which was never given. However, this missed opportunity did not last for long as civil society mobilized in large anti-genocide demonstrations and began the "Genocide Olympics" campaign.⁶⁵ They pressured their

⁶³ *Frontline: On Our Watch: The World Said "Never Again" Then Came Darfur*. DVD. Directed by Neil Docherty. 2007. WBGH Educational Foundation, 2007.

⁶⁴ *Ibid.*

⁶⁵ The "Genocide Olympic" campaign was organized by civil society and placed significant pressure on China, a major trading partner of Sudan and Permanent member of the Security Council, to take action against the genocide. *Ibid.*

respective governments to address the Darfur crisis. In July 2007 Security Council Resolution 468 establishing a UN peacekeeping troop of 26,000 was finally approved.

ASSESSMENT

The response to the Darfur conflict has been plagued by significant failures. Political bargaining resulted in a delayed response from the international community. The 2007 resolution establishing a UN peacekeeping presence in Sudan, three years after the conflict began was a meager response and a disappointment to many. Ten years after the Rwandan genocide, the international community repeated its faulty policies and let civilian- targeted violence go unchecked. Nevertheless, while still an imperfect example of humanitarian intervention, practices that have arisen in the immediate aftermath of the violence follow a more calculated response to states obligations to prevent genocide and other mass atrocities.

The initial failure of the international community was a result of its emphasis on the North-South conflict and its desperate attempts to bring about peace. The international community failed to take into account that the same conditions that bred discontent in the south were also present throughout the country. Further, the habitation of violence in the Sudanese conflict was not taken into account during its assessment of the conflict.

When information regarding the growing violence in the Darfur region of Sudan was brought to the attention of the international community, it went largely unaddressed. Protected by the international community's failure to respond as a result of sovereignty concerns, the Sudanese government was able to excuse the violence as a normal

byproduct of events in a developing country. In fact the Sudanese government manipulated information to downplay the violence within the region and stall any progress.

While then United Nations Secretary- General Kofi Annan strongly advocated action by member states, the conflict was placed on the backburner. Further, information which was shared and made public did not elicit a response as a result of Sudan's strategic value to the Chinese government. The establishment of a fact- finding commission did not present the situation as a severe situation. While it succeeded in reporting individuals linked to the violence to the International Criminal Court (ICC) leading to the indictments of a number of individuals they did not press the international community to get involved in halting the violence. With the involvement of NATO and the EU early on, the African Union troops were able to receive training but were still inadequately equipped for the burden of halting the violence.

It was not until civil society was made aware of the situation that sufficient pressure was placed on leading governments to take a more forceful stance with the Sudanese government. As the crucial catalyst for action due to their use of anti- genocide demonstrations, international campaigns, the dissemination of information and lobbying activities, civil society mobilized in significant ways to elicit states' action. The pressure placed on governments by civil society helped force the hand of governments to act.

Additionally, the establishment of a hybrid United Nations- African Union peacekeeping operation was a weak response as they came only after the death of thousands and the reduction of violence within the region. However, with 22,061

personnel and a budget of \$1,808,127,500,⁶⁶ it is one of the largest funded operations for 2010-2011. Through the work of the peacekeeping operations violence in the region has been greatly reduced and a draft peace document was drawn up in September 2010.⁶⁷ However, the UNAMID mission still faces many challenges in its path toward establishing a lasting peace in Sudan.

While the death of 300,000 people, the displacement of millions, and the rape of an untold number of women is a shocking reality that offends our moral sensibility, recent activities are likely to be the first steps toward true prevention. What the Darfur case tells us is that change is possible, yet the international community has only been able to make progress in response to its glaring failures. It still continues to suffer greatly from inactivity and political bargaining. The indictment of key officials like President Omar al-Bashir, Minister of State for the Interior Ahmed Haroun and Janjaweed militia leader Ali Kushayb as well as the establishment of a peacekeeping operation which has taken a hybrid approach with considerable assistance from NATO are all significant and promising practices.

CASE STUDY CONCLUSION

Missed opportunities can be found cutting across the case studies, speaking to critical aspects of peacekeeping and genocide prevention. The Rwandan case study, for example, illustrates how dominant political perspectives and a lack of commitment by major actors hinder the potential success of all levels of genocide prevention. Srebrenica falls along the same lines of discussion as the emerging and poorly formulated practices

⁶⁶ United Nations Department of Peacekeeping Operations. "UNAMID Facts and Figures." <http://www.un.org/en/peacekeeping/missions/unamid/facts.shtml>

⁶⁷ UN-AU Mediator, Qataris Kick Off Talks in Darfur on Peace Process, UN News Centre: 28 November 2010.

regarding UN Safe Zones and disarmament practices hindered peace. Moreover, the Srebrenica incident highlights the failure of appeasement policies toward aggressors as a significant threat to the international community's responsibility for peace and security.

The Darfur conflict also echoes some of the lessons learned in Srebrenica as appeasement of the Sudanese government during the conflict resulted in a significantly delayed response from the international community. Darfur highlights the gaps between international rhetoric and the international community's propensity toward inactivity. However the strongest lesson that can be drawn from the Darfur conflict is the important role civil society can have in overcoming some of the international community's bureaucratic and political inefficiencies.

Furthermore, communication and information sharing greatly hampered prospects for success in both Rwanda and Bosnia, pointing to the importance of clear channels of communication and command. In all three cases international actors failed to integrate past history with ethnically based violence, and civil war to UN peacekeeping missions and intervention. And key developments and genocidal plans were often ignored or ineffectively addressed. For all of the case studies, political will hampered some if not all levels of genocide prevention.

CHAPTER 4: GENOCIDE EARLY WARNING SYSTEM MODELS

INTRODUCTION

In the pages that follow I will look at the current international practices on genocide prevention and the changes made in light of the previous case studies. As the case studies have exemplified, a slow but significant change has occurred within the genocide regime: in particular, the introduction of verbal cues or “framing”¹ from the International Commission on Intervention and State Sovereignty (ICISS) and practices within the United Nations structure have furthered genocide prevention.

EARLY WARNING AND MONITORING

Within the genocide studies field significant attention is paid to the factors contributing to the outbreak of violence with only a marginal number of scholars actually attempting to address its prevention. In recent years however, scholarly works have produced models geared to detecting genocide’s outbreak, monitoring and response.

Barbara Harff’s Risk Assessment model consists of daily monitoring of some 70 indicators (political, demographic, economic and environmental) which are factored into six categories resulting in the assignment of an overall score for each country. The countries receive a yearly ranking based on their overall scores and are separated into three risk levels. As a result of genocide’s dynamic nature, Harff utilizes accelerators,

¹ Martha Finnemore & Kathryn Sikkink. “International Norm Dynamics and Political Change.” *International Organization*, 52(4), (Autumn 1998): 887-917, pp. 897.

de-accelerators and triggers to explicate the short term factors that contribute to genocide's occurrence.²

Harff's accelerators and de-accelerators are "variables operationalized as events that typically increase [or decrease] the level or significance of the most volatile of the background and intervening conditions... often develop[ing] a momentum of their own capable of escalating [or decreasing] a crisis."³ Additionally, Harff utilizes triggers, "significant single events whose occurrence is likely... to propel a crisis to the next phase of escalation,"⁴ as the "tipping point" or catalyst to the outbreak of genocidal violence. Because these factors are often short term events that can exacerbate or reduce the tensions within a society, they add to the rankings and serve as an immediate reflection of the situation on the ground.⁵

Barbara Harff's structural risk assessment model's ability to identify long-term structural factors or indicators that predict the likely onset of a genocide or politicide has contributed to the assessment of developing situations. However, the model is labor intensive, emphasizes macro-structural indicators, is time sensitive and costly, and so is of limited utility to the international community. The use of accelerators, de-accelerators and triggers limits timely action. As a result of her inclusion of politicides in her risk assessment model, use of her model can be highly controversial and problematic. More importantly, her model lacks the explanatory power needed by UN organs to mobilize international action. It is however, the first of its kind to be utilized by the United States Political Instability Task Force to predict escalating violence or instability.

² Barbara Harff & Ted Robert Gurr. "Systematic Early Warning of Humanitarian Emergencies." *Journal of Peace Research*, 35(5), (September 1998): 551- 579, pp. 558.

³ Ibid, pp. 558.

⁴ Ibid, pp. 570.

⁵ Ibid, pp. 569.

Steven C. Poe, Nicolas Rost and Sabine C. Carey's risk assessment model represents one of the most inclusive models. In gearing their model toward early warning and reporting of all humanitarian situations, they include a country's experience on six dimensions (past repression, democracy, economic development, population size, involvement in international or civil war)⁶ as well as its annual gross domestic product (GDP) and population growth.⁷ The countries are then grouped into three categories based on their likely human rights record.⁸

Poe, Rost and Carey's model is interesting and ambitious but is inundated with information as a result of their attempts to be inclusive. Their findings do not translate into accessible information for policymakers and so inhibits the ability to constructively engage in genocide prevention. Furthermore, this model has not been articulated beyond this article or implemented.

In 2004, Secretary-General Kofi Annan stated "that there can be no more important issue and no more binding obligation than the prevention of genocide."⁹ In commemoration of the tenth anniversary of the Rwandan genocide, then Secretary-General Kofi Annan laid out his Five Point Action Plan to end genocide:

- (a) preventing armed conflict;
- (b) Protection of civilians in armed conflict including a mandate for United Nations peacekeepers to protect civilians;
- (c) Ending impunity through judicial action in both national and international courts;

⁶ Steven C. Poe, Nicolas Rost & Sabine C. Carey. "Assessing Risk and Opportunity in Conflict Studies: A Human Rights Analysis." *The Journal of Conflict Resolution*, 50(4), (August 2006): 484-507, pp. 490.

⁷ Ibid, pp. 490.

⁸ Ibid, pp. 489.

⁹ United Nations Economic and Social Council, 62nd Session. Commission on Human Rights. *Report of the Secretary-General on the implementation of the Five Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide "Promotion and Protection of Human Rights."* 9 March 2006. (E/CN.4/2006/84). Official Record. New York, 2006, pp. 3.

- (d) Early and clear warning of situations that could potentially degenerate into genocide and the development of a United Nations' capacity to analyse and manage information;
- (e) And swift and decisive action along a continuum of steps.¹⁰

Annan's five point plan served as the basis for significant activity within the United Nations aimed at ending the occurrence of genocide.

Acting under Security Council resolution 1366 (2001), Annan created the Office of the Special Advisor on the Prevention of Genocide (later changed to the Special Advisor on the Prevention of Genocide and Mass Atrocities, SAPG). The international community's reception was mixed as some Member States viewed it as furthering imperialist policies, while others saw it as the commitment to the responsibility to protect.

The Special Advisor on the Prevention of Genocide (SAPG) was given the mandate to:

- (a) collect existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin
- (b) act as an early warning mechanism to the Secretary-General
- (c) make recommendations to the Security Council on actions to prevent or halt genocide and
- (d) liaise with the United Nations system on activities for the prevention of genocide.¹¹

¹⁰ United Nations Economic and Social Council, 62nd Session. Commission on Human Rights. *Report of the Secretary-General on the implementation of the Five Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide "Promotion and Protection of Human Rights."* 9 March 2006. (E/CN.4/2006/84). Official Record. New York, 2006, pp. 3.

¹¹ United Nations Security Council. *Letter dated 12 July 2004 from the Secretary-General addressed to the President of the Security Council.* Supp. 567. (S/2004/567). Official Record. New York, 2004.

The first Special Advisor, Juan Mendez, worked on a part-time basis to tackle the difficult task of spearheading the United Nations genocide prevention agenda and practices. Under his guidance the inner workings of the office's early warning system, global risk assessment and communication practices were sketched out.

In an attempt to understand the nature of genocide then SAPG Juan Mendez found linkages between genocide prevention and comprehensive action in the areas of:

- (a) The protection of populations at risk against serious or massive violations of human rights or humanitarian law;
- (b) the establishment of accountability for violations of human rights and humanitarian law;
- (c) the provision of humanitarian relief and access to basic economic, social, and cultural rights; and
- (d) the initiation and support of steps to address underlying causes of conflict through peace agreements and transitional processes¹²

The findings pointed to the need for fluidity in the United Nations short and long term human rights work toward eliminating conditions conducive to genocide. The findings were instrumental in molding how the Special Advisors office would assess possible early warning systems and its own larger role in the United Nations.

Borrowing Woocher's definition, the SAPG defined early warning as:

The collection, analysis and communication of information about escalatory developments in situations that could potentially lead to genocide, crimes against humanity or massive and serious war crimes, far enough in advance for relevant UN organs to take timely and effective preventive measures.¹³

¹² United Nations Economic and Social Council, 62nd Session. Commission on Human Rights. *Report of the Secretary-General on the implementation of the Five Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide "Promotion and Protection of Human Rights."* 9 March 2006. (E/CN.4/2006/84). Official Record, 2006, pp. 4.

¹³ Lawrence Woocher. *Developing a Strategy, Methods, and Tools for Genocide Early Warning*. Columbia University, Center for International Conflict Resolution: September 2006. <http://www.un.org/ar/preventgenocide/adviser/pdf/Woocher%20Early%20warning%20report.%202006-11-10.pdf> , pp. 7.

The SAPG views early warning as a crucial part of the operational and strategically important preventive practices. The SAPG emphasized the role of member states and tools at their disposal as crucial to the formulation of an effective early warning system. Key to an effective system is timely information, based on immediate to medium term indicators, in order to allow policymakers the time to strategically plan for specific outcomes. The SAPG argued that allowing policymakers and UN organs to have early engagement requires less political will and resources and entails fewer risk to the UN Member States. Their work has reformulated how prevention is viewed and the risk and costs associated with it.

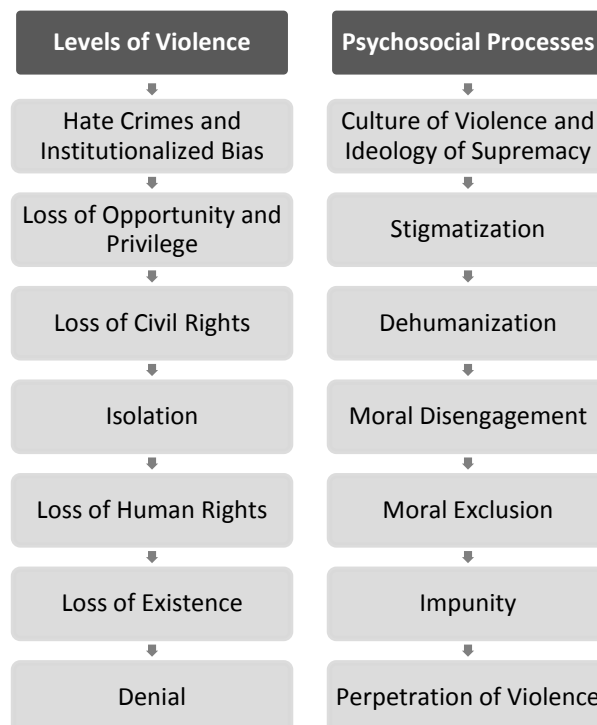
The office of the SAPG, run at the time of writing Francis Deng, primarily utilizes the Inter-departmental Framework for Coordination on Early Warning and Preventive Action as a significant source of its information. The “Framework Team,” composed of entities in the peace and security, development and humanitarian assistance sectors, is seen as the ideal network within the United Nations structure to influence the Special Advisor’s work.¹⁴ The Special Advisor’s office also utilizes reports by the Economic and Social Council, Human Rights Council, Council on the Elimination of Racial Discrimination and a number of other organs of the United Nations for relevant information as well as field operatives.

In exploring early warning systems the independence of the Special Advisor’s genocide early warning system was crucial. The Special Advisor’s office evaluated early warning and monitoring options based on a sense of credibility and independence from

¹⁴ United Nations Development Programme. “Evaluation of UNDP Assistance to Conflict-Affected Countries.” Annexes, Official Record. New York, 2006.
<http://www.undp.org/evaluation/documents/thematic/conflict/annex6.pdf>

Member State influence. Among the models explored and rejected were Barbara Harff's, Poe, Rost and Carey's, and Woolf and Hulsizer's. Woolf and Hulsizer's Psychosocial Roots to Genocide Model argues that seven stages of violence are accompanied by seven parallel processes. In Woolf and Hulsizer's model identification of legal/ political practices which evolve into genocidal violence are products of psychosocial processes that condition society's dehumanization and moral disengagement and exclusion of the victim group (see table 4.1). A number of other models were rejected for their lack of explanatory power. Most important to the SAPG's assessment however, was the possible threat that information could leak before the office was able to address the conflict.

Table 4.1: Adaptation of Woolf and Hulsizer's Psychosocial Roots Model



Source: Linda M. Woolf & Michael R. Hulsizer. "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention." *Journal of Genocide Research* 7(1), (March 2005): 101-128.

The 2005 World Summit Heads of States and Government pledged to assist the United Nations with the establishment of an early warning capacity and stressed the role of early warning in providing for “peaceful and preventive measures” and “a differentiated assessment of the circumstances of each case.”¹⁵ The Committee on the Elimination of Racial Discrimination (CERD) has also made efforts to work toward the elimination of genocide through its October 2005 *Declaration on the Prevention of Genocide* and follow up report, *Decision on Follow-up to Declaration on the Prevention of Genocide: Indicators of Patterns of Systematic and Massive Racial Discrimination*. CERD has committed itself to working closely with the SAPG and has laid out 15 indicators of genocide. These indicators measure practices of dehumanization and political disenfranchisement or exclusion that makes genocide possible. Additionally, the Economic and Social Council’s Commission on Human Rights published a March 2006 report on the *Promotion and Protection of Human Rights*, suggesting ways in which the international community could address Kofi Annan’s Five Point Plan toward ending genocide.

In the years since the creation of the office of the SAPG, the office and the international community have made advancements in formulating ways to prevent genocide. In 2006 an Advisory Committee was created to assist the SAPG’s work. Since its inception the office has become part of the inter-departmental bodies of the Executive Policy Committee, and Executive Committee on Peace and Security, among others. In addition the office coordinates its work and information collection with the Department of Political Affairs (DPA), the Office of the High Commissioner for Human Rights

¹⁵ United Nations General Assembly, 64th Session. “Agenda Item 48 & 114: Early Warning, Assessment and the Responsibility to Protect.” 14 July 2010. (A/64/864). Official Record. New York, 2010.

(OHCHR), the Department of Peacekeeping Operations (DPKO), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), and the United Nations High Commissioner for Refugees (UNHCR), among others. Furthermore, it has trained UN personnel to examine situations, based on their Analysis Framework, in order to assess the following conditions:

- 1) Tense inter-group relations, including a record of discrimination and/or other human rights violations committed against a group;
- 2) Weak institutional capacity to prevent genocide, such as the lack of an independent judiciary, ineffective national human rights institutions, the absence of international actors capable of protecting vulnerable groups, and a lack of impartial security forces and media;
- 3) The presence of illegal arms and armed elements;
- 4) Underlying political, economic, military or other motivation to target a group;
- 5) Circumstances that facilitate perpetration of genocide, such as a sudden or gradual strengthening of the military or security apparatus;
- 6) Acts that could be elements of genocide, such as such as killings, abduction and disappearances, torture, rape and sexual violence, “ethnic cleansing” or pogroms or the deliberate deprivation of food;
- 7) Evidence of the “intent to destroy in whole or in part”;
- 8) Triggering factors, such as elections.¹⁶

To strengthen their work the SAPG has linked the conditions found in the Analysis Framework with international law in an attempt to “package[e] a diverse range of legal provisions from different international legal instruments which, together, will provide

¹⁶ United Nations The Office of the Special Adviser on the Prevention of Genocide. “The Mandate and the Role of the Office: Methodology.” <http://www.un.org/en/preventgenocide/adviser/methodology.shtml>

detailed guidance on the range of legal provisions that need to be respected in order to prevent genocide.”¹⁷

FLOW OF INFORMATION

The Special Advisor’s position was upgraded in importance under the tenure of Secretary-General Ban Ki-Moon, to the level of Under-Secretary-General and to a full time commitment. Secretary-General Ban Ki-Moon also created the Special Advisor on the Responsibility to Protect, which receives guidance, and coordinates with, and reports to the SAPG. As a result of its close working relationship with the Secretary-General the Special Advisor’s office is able to directly communicate critical information to the Secretary-General and in turn to the Security Council. The access given to the Secretary-General and the President of the Security Council allows for crucial information to be disseminated quickly and for important situations to be placed on the UN’s agenda. Furthermore, as already described, its cooperative relationship with a number of UN bodies allows for information sharing and coordination to take place in order to aid states in resolving the conditions of conflict.

Security Council Resolution 1366, the resolution which serves as the basis for SAPG’s mandate, requests reports on “cases of serious violations of international law, including international humanitarian law, and human rights law” and gives the Special Advisor the ability to avoid some of the hardest questions regarding genocide prevention and identification. In its inclusion of international humanitarian law and human rights law the Security Council removed the power to “make a determination on whether

¹⁷ United Nations General Assembly. Human Rights Council, 10th Session. *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary General*. (A/HRC/10/30). Official Record. New York, 2009, pp. 7.

genocide within the meaning of the convention had occurred”¹⁸ from the Special Advisor’s office. Instead the Special Advisor brings to the attention of the Secretary-General and Security Council “any situation where identifiable groups were at risk of mass-killing or other forms of destruction.”¹⁹ Such an expanded interpretation of cases relevant to the SAPG’s work is consistent with the wishes of the UN Member States expressed in the 2005 World Summit Outcome document. Further, this led to the inclusion of “Mass Atrocities” in the title of the office in 2007.

From the outset the Special Advisor’s role was envisioned as behind the scenes or employing “quiet diplomacy.”²⁰ Yet while compatible with states’ wishes, these activities prohibit situations from being appropriately labeled genocide and thus binding states to action. As a result dominant practices largely trap information on escalating situations within the UN body. Situations that do not serve the interest of various Security Council Members do not necessarily draw Member State condemnation or international attention. The guarded way in which crucial information regarding volatile situations within the UN organ is treated, limits civil society’s engagement. It limits the ability of civil society to fully comprehend international developments and to serve as an internal pressure group to mobilize states to prevent genocide.

In recent years, civil society and Non-Governmental Organizations (NGOs) have increasingly played a role in disseminating information regarding conflict and human rights violations. In fact a number of UN organs have noted the important role civil society and

¹⁸ United Nations Security Council. *Letter dated 12 July 2004 from the Secretary-General addressed to the President of the Security Council*. Supp. 567. (S/2004/567). Official Record. New York, 2004.

¹⁹ Payam Akhavan. “Report on the Work of the Office of the Special Advisor of the United Nations Secretary-General on the Prevention of Genocide.” *Human Rights Quarterly*, 28(4), (November 2006): 1043-1070, pp. 1060.

²⁰ *Ibid.*

NGOs have had in bringing about changes to humanitarian situations. Through the use of YouTube, social media and other forums, knowledge has been disseminated in such a way as to allow for civil society's empowerment. Non-governmental organizations such as Human Rights Watch, International Crisis Group and the US Holocaust Memorial Museum, for example, have played a role in informing the general public about escalating situations. Via this forum, civil society is able to create international action networks/campaigns. For example, significant civil society mobilization played a crucial role in the eventual response to the Darfur conflict.

RESPONSE MECHANISMS

Linda M. Woolf and Michael R. Hulsizer's model already described identifies seven stages of violence accompanied by seven parallel processes.²¹ These seven stages and processes are then divided into four categories of responses. Their work, however, remains significantly conceptual which does not provide real policy prescriptions. Further, their primary prevention mechanisms is unrealistic because the seven stages identified, in the levels of violence and the seven processes are so common that the international community cannot connect all of them to a viable option. Gregory Stanton and John G. Heidenreich commit similar errors in their stages of prevention.²²

Benjamin A. Valentino argues that "because small groups can play such a central role in causing mass killings... pre-existing cleavages, hatred and discrimination between

²¹ Linda M. Woolf & Michael R. Hulsizer. "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention." *Journal of Genocide Research*, 7(1), (March 2005): 101-128.

²² See John G. Heidenreich. *How to Prevent Genocide: A Guide for Policymakers, Scholars and the Concerned Citizen*. Westport, CT: Praeger, 2001; and Gregory H. Stanton. "Building an Anti-Genocide Regime." In *The Prevention and Intervention of Genocide: Genocide a Critical Bibliographic Review, Volume 6*, edited by Samuel Totten: 281-302. Princeton, NJ: Transaction Publishers, 2008.

groups, and non-democratic forms of government are of limited utility in distinguishing societies at high risk for mass killing.”²³ As a result he advocates a more targeted response by the international community. According to Valentino responses to prevent mass killings must “focus on disarming and removing from power the small groups and leaders responsible for instigating and organizing the killings.”²⁴ This approach most closely resembles smart sanctions which focus on the travel and economic interest of individuals involved with the genocide. As Adeno Addis argues sanctions serve an ideational and instrumental role in international politics. Further, Addis argues that “invoking a legal norm... is [done] to signal the boundaries of the community, to mark publicly what is central to the identity of the community and what are the negations of that identity.”²⁵ However, the international community has double victimized civilians as sanctioning practices have often failed to distinguish between the offending regime and the state, resulting in economic stagnation, food shortages and other costly effects.

With the shift toward a responsibility to protect (R2P) the international community has taken significant steps toward greater awareness of escalating situations and employing a tempered preventive mechanism which views intervention as a last resort. The United Nations and a number of the authors cited have placed emphasis on exhausting all diplomatic, humanitarian and economic tools available before the use of force is even considered.

Once information regarding human rights abuses is known, it is important that policymakers take a mixed approach of pressure and diplomacy toward deterring the

²³ Benjamin A. Valentino. *Final Solution: Mass Killings and Genocide in the 20th Century*. Ithaca, NY: Cornell University Press, 2004.

²⁴ Ibid, pp. 243.

²⁵ Adeno Addis. “Economic Sanctions and the Problem of Evil.” *Human Rights Quarterly*, 25(3), (August 2003): 573-623, pp. 587.

violence. Gareth Evans illustrates how such an approach can be adopted (see table 4.2). He presents a mixture of structural and direct political, social, legal and security practices that are intended to bring about change. A policy of pressure was exhibited by the United States once details of the Darfur case became public. The US move to place an arms embargo and economic sanctions on the Sudanese government are hallmarks of strong diplomatic engagement. Not only does such an approach send a clear statement to the given government that such abuses will not be tolerated but it reduces the resources made available to the government to buy the weapons to carry out their plans.

Humanitarian approaches must be employed at the same time that such hard-line positions are taken. By offering humanitarian aid, logistical or technological training and favorable support for entry into a committee or organization, states can provide incentives toward easing the violence. These activities however, must be mixed with concessions made by the offending government toward reducing the human rights abuses. Among the concessions needed for the supply of these favors is the need for UN peacekeeping personnel or goodwill ambassadors to have access to the population to gauge the reduction of tensions.

An interesting opinion voiced by Benjamin A. Valentino, is the need for permissive emigration of the targeted population during genocide to reduce lives lost. This position is a noble stance but with the significant destabilization of the sub-Saharan region as a result of the spillover cost of the Rwandan genocide and Darfur crisis it is hard to see how this practice would add to international peace and security.

Table 4.2: Adaptation of Evan's Preventive Toolbox

Structural	Direct	
<ul style="list-style-type: none"> • Promote good governance • Promote membership into international organization 	<ul style="list-style-type: none"> • Preventive diplomacy • Threat of political sanctions 	Political
<ul style="list-style-type: none"> • Support economic development • Support education for tolerance • Community peace building 	<ul style="list-style-type: none"> • Aid conditionality • Threat of economic sanctions • Economic incentives 	Social
<ul style="list-style-type: none"> • Promote fair constitutional structures • Promote human rights • Promote rule of law • Fight corruption 	<ul style="list-style-type: none"> • Legal dispute resolution • Threat of international criminal prosecution 	Legal
<ul style="list-style-type: none"> • Security sector reform • Military to civilian governance • Confidence-building measure • Small arms and light weapons control 	<ul style="list-style-type: none"> • Preventive deployment • Non-territorial show of force • Threat of arms embargo or end of military cooperation programs 	Security

Source: Gareth J. Evans.. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington D.C.: Brookings Institute Press, 2009. p. 58.

The new concept, responsibility to protect, emphasizes the need to judge intervention on whether actions taken are based on just cause. Evans and Sahnoun emphasize the need to evaluate the decision to intervene on the principles of right intention, last resort, proportionate means, and a reasonable prospect for success.²⁶

According to Pattison, humanitarian intervention is a double-edged sword that can hurt or

²⁶ Gareth Evans & Mohamed Sahnoun. "The Responsibility to Protect" *Foreign Affairs*, 81(6), (November-December 2002): 99- 110.

improve the UN's standing, as well as that of international law, weaken order and destabilize and damage the doctrine of humanitarian intervention.²⁷

A major failure that can be found in the responsibility to protect is that it leaves us with the same exact problem we had before its inception. While R2P may have made the walk up to the problem more interesting and vibrant, we still encounter the same difficulties when intervention is discussed. Similar to its predecessor, humanitarian intervention, it fails to give us an answer to who should intervene, with whose authority intervention is undertaken with a banner of legitimacy and what are the constraints to such an intervention.

James Pattison stresses the need to identify to whom claims regarding the responsibility to react should be directed because this would prevent unnecessary delays. In his evaluation Pattison argues that the actor with the most legitimacy based on the likely effectiveness of its operations bears the duty of carrying out a humanitarian operation to save lives. He argues that legitimacy does not necessarily entail full legitimacy in order to carry out operations but that an adequate degree of legitimacy is central to this work. In the end, he argues that an organization best situated to receive internal and external consent from local and global actors and has the military capacity to effect change would be most effective in carrying out military operations.²⁸

In order to comply with international law, the resort to intervention/ use of force must be authorized by the UN Security Council when possible. Pattison argues that when legitimacy is “used in conjunction with humanitarian intervention, legitimacy is used to mean that humanitarian intervention is legal, accepted by the international community,

²⁷ James Pattison. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford Scholarship Online: May 2010.

²⁸ Ibid, pp. 235.

procedurally justified, authorized by the Security Council, and/or morally justifiable.”²⁹ However, when this is not possible the Secretary General advises that the General Assembly be used as a supplement to Security Council authorization. The Secretary-General argues that “the General-Assembly may exercise a range of related functions under Article 10 to 14, as well as under the “Uniting for Peace” process set out in its resolution 377(V).”³⁰ But, these are more optimistic views on getting a variety of states with significant insecurities to consent to intervention. As Darfur exemplifies, states have stood at quite different ends when it comes to intervention and state sovereignty. The lag in response to the Darfur crisis was largely a result of different views of sovereignty rights within the G-8 and within significant groupings of states. The international community’s emphasis on legality as opposed to legitimacy of intervention, Pattison argues, is not the best course to ensure action. Action that is necessary though not necessarily approved by the Security Council may be taken in exceptional cases.

From a policy perspective, Gary J. Bass argues that intervening states should identify situations based on what he terms “spheres of humanitarian interest” and should avoid direct confrontation with other great powers.³¹ Evans and Sahnoun advocate an assessment of the intervention’s feasible outcome. Orna Ben- Naftali argues that assessment must look at:

- (i) the geographical distance of the state concerned from the scene of the events; (ii) the strength of the political and other links between the state and the main actors in the event; (iii) the state’s legal position vis-à-vis the situation

²⁹ James Pattison. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford Scholarship Online: May 2010, pp. 30.

³⁰ United Nations General Assembly, 63rd Session. *Report of the Secretary-General to the 63rd Session of the General Assembly “Implementing the Responsibility to Protect”* Supp. 677. (A/63/677). Official Record. New York, 2009.

³¹ Gary J. Bass. *Freedom’s Battle: The Origins of Humanitarian Intervention*. New York: Alfred A Knopf, 2008.

and the persons facing the danger or reality of genocide;
and (iv) the states level of awareness.³²

Ben-Naftali places primary emphasis on the ability of the intervening state to influence change within the given regime regarding the genocidal policy.

Furthermore, when intervention is to take place, restraint is a requisite for action. John Janzekovic argues that intervention must have “clear political and strategic directives, realistic mission goals and achievable military objectives before forceful intervention should even be considered.”³³ As Finnemore argues, intervention increasingly depends on a multilateral approach.³⁴ Further, interventions must be limited to reducing the casualties and are not to affect the territorial integrity or political independence of a state. As the Brahimi Report highlights, it is crucial that UN missions realistically assess the likely outcome of actions in order to make sure that missions are given a greater chance of success.

Regional and hybrid peacekeeping initiatives have increasingly become the norm. Yet, a number of these regional organizations still lack the resources and logistical and communication capacities to effectively enforce the peace. There have been a variety of attempts to create standby military capacities. However, states have been inconsistent in their rhetorical statements and their actual financial and resource contributions. As the Standby High Readiness Brigade (SHIRBRIG), United Nations Standby Arrangements System (UNSAS), and United Nations Emergency Peace Service (UNEPS) indicates the international community is still unprepared and unwilling to take such steps. A number

³² Orna Ben-Naftali. “The Obligations to Prevent and to Punish Genocide.” In *The UN Genocide Convention- A Commentary*, edited by Paola Gaeta: 27-57. Oxford: Oxford University Press, 2009.

³³ John Janzekovic. *Use of Force in Humanitarian Intervention: Morality and Practicalities*. Burlington, VT: Ashgate Publishing group, 2008, pp. 75.

³⁴ Martha Finnemore. *The Purpose of Intervention: Changing Beliefs about the Use of Force*. Ithaca, NY: Cornell University Press, 2004.

of efforts to create a standby rapid deployment entity to carry out UN authorized forcible intervention have been short lived as they have lacked the vision, leadership, and member state support needed to make them a fixture in the international arena. In 2010 the African Union would took steps to “operationaliz[e] Article 4 (H) of its Constitutive Act”³⁵ by establishing the African Standby Force. Additionally, there has been a growing trend within the North Atlantic Treaty Organization (NATO) and among some developed states to provide regional and institutional capacity building, transportation and logistical support, peacekeeping training and equipment.

The poor record found in the genocides of the 1990s forced the United Nations to conceptualize ways of deterring the crime while “recogniz[ing] and fully respect[ing] the sovereignty of States.”³⁶ Academic models give us innovative ways of looking at genocide prevention, but they are incompatible with the resources and goals of the international organizations capable of carrying out genocide prevention. Annan’s Five Point Plan was a catalyst for dramatic changes within the United Nations. With the introduction of the idea of a Responsibility to Protect and the creation of the Office of the Special Adviser on the Prevention of Genocide the international community finally had the framework to examine and monitor ongoing conflict, disseminate information and serve as a catalyst for action within the international system. Still, forcible intervention lacked the proper framework needed to make it an ongoing feature of the international system. The current practices exhibited by NATO, the US’s Global Peace Operations

³⁵ United Nations The Office of the Special Adviser on the Prevention of Genocide. “Work of the Office: Engaging with Partners.” http://www.un.org/preventgenocide/adviser/engagement_partners.shtml

³⁶ United Nations General Assembly. Human Rights Council, 7th Session. *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General.* (A/HRC/7/37). Official Record. New York, 2008.

Initiative (GPOI) and the AU's African Standby Forces may be an innovative approach to carrying out forcible intervention to prevent genocide.

CHAPTER 5: CONCLUSION

Since the international community committed to preventing and punishing the crime of genocide more than 50 years ago, academics, policymakers, and lawyers have expressed pessimism in their assessments regarding the community's commitment and the likelihood of the realization of these goals. In an international system characterized by its anarchic nature and the centrality of states in effecting the realization and progress of a range of issues, human rights and human dignity have long struggled to find a proper foot hold.

The work and goals of the human rights field express an ideal or moral perspective of how the international system should be. Theorists have forwarded a view of the rights, respect and opportunities that the world's community should be able to enjoy. Yet at times those framing the discussion have talked about these ideals in ways that are significantly inconsistent with states' will. The framing of human rights and human dignity has often leaned toward a utopian ideal. A number of the academic genocide prevention/response mechanisms imply Security Council reform, the creation of independent standing military forces, the democratization of the world, the adoption of open immigration policies and/or re-educating and sensitizing society. In many regards some of the arguments are logical but still speak of reforms or practices that are not in sync with the current international order. Furthermore, they will likely not be in sync for at least the next ten years.

The discussion of human rights and human dignity has continuously conflicted with the dominant international order or power distribution. In arguing for the reform of the Security Council, for example, some scholars have ignored the interest of many states

in maintaining the current international order. We have continuously framed progress in these issue areas in ways which seem unrealistic to states and which conflict with how they have come to understand their own identities and rights.

Human rights and human dignity have also conflicted with the ways in which we have come to discuss state sovereignty rights. Human rights remains a highly controversial topic which fails to find universality or acceptability among the over 190 states within the international system. A central problem is that the discussion of human rights has moved the state from enjoying unbound rights to being responsible for “services” to its citizens. At times human rights and dignity have been framed as a burden on states, requiring states to ensure the enjoyment of rights that administratively and structurally they are unprepared to provide. Other times the issue has been viewed as an impingement of the integrity of the state’s sovereign rights.

At the other end of the spectrum are dominant theories within the international relations field that have taken a rather static and short term approach to human rights and human dignity. These theories have emphasized the instant needs and wants of states without taking a forward looking approach to the potential present in the current international order to ensure that the conditions for long term stability and security are met. Their emphasis on the immediate conditions and payoffs enjoyed by states has increasingly failed to acknowledge the detrimental effects of mass violations of human rights and conflict.

In the end dominant human rights theorists and international relations theorists have spoken at different ends of the spectrum regarding these issues. The international relations emphasis on the here and now and the human rights discussion of future ideals

fail to honestly discuss what reforms and practices must be instituted to meet both of their needs in the here and now. Bruce Cronin's International Protection Regimes (IPR) attempts to overcome the stagnation that has immobilized the international community. Cronin's emphasis is on the common good or international welfare that is at the heart of "altruistic" human rights policy. Finnemore and Sikkink's discussion of the norms life cycle helps us put developments into perspective and guides human rights theorists working toward realizing their goals. All three of our case studies are testament to the need for a wakeup call. The Rwandan genocide's origin in the ongoing conflict within Burundi and its spillover into neighboring states forces us to reconsider the logic and effectiveness of state centric assessments of human rights/ human dignity concerns.

Furthermore, the international community's rather inconsistent and meager track record with regard to genocide and mass atrocities should not be the final verdict when it comes to human rights and human dignity. Cutting across all three case studies are a lack of political will, poor communication/ dissemination practices, and uncoordinated responses. Yet there is a discernable change from case to case.

Without a doubt the Rwandan genocide was clearly an all out failure. In terms of non-military intervention (such as economic sanctions, state pressure to halt the violence, etc.), military intervention, and international condemnation there was no action. The international community failed to take significant corrective action in the wake of the genocide as states continued to reiterate their own interest in guiding policy. The only moderate success originating from the conflict was the creation of the International Criminal Tribunal for Rwanda to prosecute crimes, which has helped clarify the Genocide Convention.

In contrast the Bosnian case study exhibits greater engagement and commitment on the part of the international community. The European Community (EC), United Nations (UN), Conference of Security and Cooperation in Europe (CSCE), North Atlantic Treaty Organization (NATO), and Organization of the Islamic Conference (OIC) were all involved in the conflict. The greater involvement of international organizations meant that a more powerful and inclusive peacekeeping operation was organized. The international community organized a number of conferences, meetings and peace plans in an attempt to mediate the peace. The international community's introduction and adoption of "UN Safe Zones" as an attempt to protect the civilian population was a moral act. While failing to live up to the high expectations of their "altruistic" policies, the international community's adoption of the UN Safe Zones was a significant step in a conflict situation. Though they failed to properly formulate policy and practices for an effective UN Safe Zone, their policies were representative of an ideal or moral good. Further, the presence of military forces in the form of NATO air support was a significant step forward from the total lack of action in the Rwandan conflict. Moreover, the mandate of the peace keeping troops was more significant than in the Rwandan example.

However, if the progress seen in Bosnia was the barometer for the Darfur conflict, the international community's engagement during the peak of the conflict can easily be viewed as a failure. The international community ignored reports of the escalating conflict within the Darfur region and failed to act to halt the violence. Yet the strength of the Darfur case is without a doubt found in the years after. As the United Nations struggled to pass a resolution which would allow for the rectification of the situation, the African Union (AU) and NATO mediated the conflict during 2004-2007. A significant

force in pressuring Security Council members to take a harsher stance with the Sudanese government was civil society which has increased its links with the UN and other IOs. Also, the United States and UN established their own independent inquiry on the situation in Darfur in order to better understand the nature of the conflict. As a result of the findings of the inquiry, referral of the Darfur case was made to the International Criminal Court (ICC) and indictments of a number of individuals were issued. Three men have been indicted thus far, President Omar al-Bashir, Minister of State for the Interior Ahmed Haroun, and Ali Kushayb, a Janjaweed leader. The more targeted approach to halting the violence was reflective of the lessons learned from previous conflicts. Some states independently took action against the Sudanese government when the UN Security Council was deadlocked by the opposition of China. Their use of economic sanctions and public condemnation of the situation in Darfur served as signals. When the Council was finally able to act, a hybrid United Nations- African Union peacekeeping operation was created. This approach also reflected lessons learned by the international community as practices were more sensitive and aware of the conditions of the Sudanese society. Further, the use of a peace process as an integral part of the peacekeeping operation, UNAMID, emphasized the long term nature of the resolution of tensions.

Within the international system itself a discernible change is taking place as genocide preventive measures are being embedded into the international structure. With the move away from humanitarian intervention and the move toward a responsibility to protect, the international community has moved away from emphasizing states' rights to emphasizing states' responsibility. The introduction of a responsibility to protect has also

bred a more open and richer understanding of intervention. The work of Gareth Evans and Mohamed Sahnoun has placed a richer constellation of non-forcible intervention measures, such as the use of economic sanctions, foreign aid assistance, and logistical/ technological/ or educational assistance, on the table for states' consideration. The ICISS has spread out a responsibility to protect into three pillars: a "responsibility to protect," a "responsibility to react," and a "responsibility to rebuild." In doing so the ICISS has allowed for the international community to work on resolving conflicts by seeing what aspects of the concept are generally agreeable and what are not. In many regards, the responsibility to protect is an example of Finnemore and Sikkink's norm cycle "framing."

The creation of the Special Advisor's Office on the Prevention of Genocide (SAPG) as part of the Secretary-General's office and its reports to the Security Council ensures that escalating situations receive greater attention. As a result of its participation within the "Framework" and its coordination with a number of UN offices, the SAPG is able to translate awareness of situations into consistent approaches to diffusing tensions and assisting states in meeting their responsibility to protect.

As a result of the Brahimi and New Horizon reports, UNDPKO has been able to learn from its mistakes and more effectively and wisely carry out its peacekeeping missions. The growing hybridity of peacekeeping operations, as exhibited in Darfur's United Nations- African Union UNAMID mission, ensures that peacekeeping is more sensitive and in tune with the states' needs/ nature. Other developments within the international system are greater engagement with civil society and the use of the International Criminal Court (ICC).

Yet there is still work to be done. The UN system is still inadequately prepared to collect and analyze information regarding conflict. In fact it lags behind a significant number of member states in its ability to collect information. This reality is aggravated by its need to remain neutral. It has increasingly failed to establish a clear hierarchy for information sharing which would enable those with the ability to place pressure on member states to receive such information on a timely basis. Furthermore, as a result of its tendency to down play the role of the Special Advisor's office the UN has failed to clearly communicate to its members what the office is intended to do. It has silenced the work of the Special Advisor's office and weakened the UN's ability to effect tangible change.¹

In addition, true action is stultified in the bureaucratic trappings of the Security Council. With respect to the responsibility to react, the UN lacks the peacekeeping troops, and resources to successfully carry out a number of its peace keeping operations.² Lacking the logistical and communication capacities to fulfill their mandates, peacekeeping troops have had to innovate in order to survive- creating regional command centers and sharing scarce resources such as helicopters. Moreover, its peacekeeping operations in the African continent have lacked strong support and contribution from Western States. Attempts made to establish standing armies for the United Nations and others have continued to fail.

So how do we rectify these problems? The spectrum of responsibility and responses available to the international community must be fully embraced and

¹ Payam Akhavan. "Report on the Work of the Office of the Special Advisor of the United Nations Secretary-General on the Prevention of Genocide." *Human Rights Quarterly*, 28(4), (November 2006): 1043-1070.

² James Pattison. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford Scholarship Online: May 2010.

implemented. States must start addressing conflicts before they boil over into mass atrocities and genocide. By utilizing peaceful diplomatic avenues to halting violence, states can increase peace without necessarily increasing the cost attached to doing so. The international community must emphasize the ongoing coordination of the United Nations with other organizations, such as the African Union and International Criminal Court. By doing so consistent messages and practices start to take form. The Special Advisor's Office must take a more active role in communicating its mandate. It must engage with member states to activate partnerships toward a better world. The SAPG must take a stronger role in the collection of data on conflictual situations and create alternative networks to mobilizing a response when the Security Council is visibly unwilling to take action.

When peaceful means are ineffective, limited strategic military intervention must be taken but only as a last resort. The hybridity of UN peacekeeping is a good step forward. By strengthening regional and local forces to tackle the difficult task of peaceful enforcement we are contributing to regional stability. Western states and NATO must play a more active role in helping regional organizations build up their peacekeeping operations and assist them in implementing more effective logistical and communication capacities.

With the end of the Cold War and the rise of ethnically based violence in the 1990s the international community was forced to confront its failure to operationalize a preventive mechanism stipulated in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The 1994 Rwandan, 1995 Bosnian, and 2003 Sudanese genocides taught us the large financial and human cost of poor political will

and idling. With the introduction of verbal cues, UN bodies, and innovative new approaches to preventive diplomacy, intervention and peacekeeping, the international community has made significant strides in formulating a solid genocide prevention regime. But there is still work to be done. Among other things, the international community must continue to work to improve and diversify peacekeeping operations, support states in their responsibility to protect, and engage civil society.

APPENDIX

Appendix 1: Convention on the Prevention and Punishment of the Crime of Genocide

Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.

Article 1

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.

Article 2

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.

Article 3

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6

Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article 10

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article 11

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 12

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article 13

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in Article 11.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article 14

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article 15

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article 16

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article 17

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article 11 of the following:

- (a) Signatures, ratifications and accessions received in accordance with Article 11;
- (b) Notifications received in accordance with Article 12;
- (c) The date upon which the present Convention comes into force in accordance with Article 13;

- (d) Denunciations received in accordance with Article 14;
- (e) The abrogation of the Convention in accordance with Article 15;
- (f) Notifications received in accordance with Article 16.

Article 18

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in Article 11.

Article 19

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

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