

CHAPTER I

INTRODUCTION

A. Writing Objective

Westphalia Treaty established the concept of sovereignty for every state. Each state should respect the boundaries of others. This condition divided the world into territories where the boundaries among them are clearly designed. Geographically, the world is divided into numbers of state where each state has its own government that are responsible to manage the public for the sake of its own.

The state has to respect the sovereignty of other state and that affects the effort to minimize the *inter-states* conflict, the challenges are still remaining since the nature of conflict is shifting from inter-state to the domestic conflict. In spite of having the differences, both conflicts lead to the destruction that harms the civilian.

Conflict in Rwanda was a domestic conflict. This conflict has resulted thousands people of civilian. This tragedy happened because the government failed to do its main job to uphold the human rights of people. Therefore, the presence of humanitarian intervention is unavoidable.

The idea of intervention in one country especially in a country where the conflict occurs is originally based on the premise that government could not fulfill its role. The intervention is usually conducted by the actor outside the country,

intervention will automatically neglect the right of government to manage its own state itself.

When intervention came to Rwanda through the establishment of United Nation's Assistance Mission for Rwanda (UNAMIR) in 1993, the conflict kept continuing and the violence still took place. Instead of maintaining the security, UNAMIR eventually failed to prevent the genocide which was taking place for 100 days in 1994. As the tragedy left the world with tragic story, international community asks why the genocide happened. There are still numbers of issues that should be considered in discussing the issue of humanitarian intervention in an armed conflict to be the way out to uphold the basic thing in human life, human rights.

Starting from this point, I feel that it is necessary to discuss the issue of humanitarian intervention in armed conflict by looking at the case of genocide in Rwanda. The important thing that I need to underline is that having intervention does not equal to the situation where everything is completely solved. Therefore, having viewed the above phenomenon the writer agrees on writing the topic under the title: **“ EXISTING GENOCIDE IN RWANDA OF 1994: A Case study on The Failure of United Nation's Assistance Mission for Rwanda (UNAMIR) as Humanitarian Intervention.**

B. Writing Purpose

1. To explain the history and the root of conflict in Rwanda.
2. To explain the nature of humanitarian intervention and its implementation in the armed conflict of Rwanda.
3. To explain the failure of United Nations Assistances Mission for Rwanda (UNAMIR) in preventing the genocide in Rwanda (1994).

Writing the issue of conflict in Rwanda, I expect that this research will provide a comprehensive understanding of the nature of conflict especially an armed conflict which needs to be solved by the international organization. I wish that this research will give contribution in explaining the role of International Organization in an armed conflict through humanitarian intervention. This research is also expected to explain the limitation which always becomes a challenge for the institution in charge to be deployed in conflict area.

C. Problem Background

The nature of conflict has changed dramatically in the era of post-cold war. The shift of nature of conflict occurs since the tendency of intra-state conflict happened is wider than inter-state conflict.¹ This does not only affect the way people look at the conflict itself but also gives the extra senses in the field of conflict resolution.

¹ De Ronnie, "Peace Keeping Force: Sebuah Tinjauan Konsepsional," *Devil's Advocate*, December 20, 2002.

Among the conflicts in the post-cold war era that shocked the world is the conflict that eventually leads to the tragedy of human rights violation at Rwanda in 1994. The tragedy of genocide occurred in Rwanda. This tragedy came together with hundreds thousand of casualties that were civilians. The genocide was the peak of conflict that had been running in Rwanda for several years.

The root of conflict in Rwanda has relation with the history of colonization in Africa. First, German occupied Rwanda (1894-1916). Then, Belgians took control over Rwanda during World War I until it gained the independence in 1962. Belgian used the classic strategy of "*divide and rule*" in running the government in Rwanda considering that there are number of ethnic groups. This strategy of "*divide and rule*" was considered as the root of conflict in Rwanda since the conflict was in area of "who is going to rule".

There are three ethnic groups in Rwanda: Hutus (88%), Tutsis (11%), and Twa pygmies (1%). The Republic of Rwanda has been torn apart by ethnic division and a civil war between the majority Hutu and minority Tutsi. These two ethnic groups were fighting each other in order to get the power. Though they are equally considered as the Rwandanese, there is main difference between these two ethnic groups. As Gerard Prunier notes, "Using physical characteristics as a guide- the Tutsi were generally tall, thin, and more 'European' in their appearance than the shorter, stockier Hutu"² This difference created a sense of "*you and me*" not

² *Gendercide: Rwanda* (accessed on November 12, 2007); available on www.gendercide.org/case_rwanda.html

“us” in the whole life of Rwanda as a nation. Therefore, the issue of ethnicity is really sensitive in the context of authority seeking in Rwanda.

The conflict in Rwanda reached the highest point in 1994, involving two major ethnic groups Tutsi and Hutu. The Government in Rwanda that ran by Hutu was fighting against the rebellion group namely Rwandan Patriotic Front (RPF) that dominated by Tutsi. This conflict has left a situation where the civilian become casualties. Murder, rape and several human rights violations were occurring during the conflict. The conflict culminated in the tragedy of genocide, in which 800.000 of Tutsi became the victim in the mass slaughter.³ The genocide was occurring in around 100 days from the moment of assassination of President Habyarimana in his plane.

According to the Part I Article 3 of Geneva Convention Relative to the protection of civilian people in time of war of August 12, 1949, the civilian should be protected without considering the race, color etc as it is mentioned that:

(I) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounded, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.⁴

In searching of peace in Rwanda, there was an effort from parties involved in such conflict to discuss moreover to end the war through the establishment of

³ *Pembantaian Rwanda, 1994* (accessed September 12, 2007); available from http://id.wikipedia.org/wiki/Pembantaian_Rwanda

⁴ International Committee of the Red Cross (ICRC), *The Geneva Conventions of August*

the agreement namely *Arusha Accords*. This agreement has been through the long process; the peace negotiations between the Rwandese government and RPF started on 10 August 1992, and were greatly facilitated by Tanzania and President Ali Hassan Mwinyi and his Ambassador, Ami Mpungwe. Several neighboring countries attended this negotiation as observer. Belgium, France, the United States, Senegal and the OAU were among the participants.⁵ The actual Arusha agreement signed on 4 August 1993 by President Habyarimana and RPF Chairman Alexis Kanyarengwe comprised several protocols.⁶ Arusha Accord was actually meant to bring about power sharing between the Hutu and Tutsi as it was intended to end the long-lived conflict between these two ethnic groups.⁷

Continuing the effort to maintain the peace around the area of Rwanda along with the effort to uphold the implementation of Arusha Accords, United Nations Security Council established the United Nations Assistance Mission for Rwanda (UNAMIR) in October 5, 1993. The establishment of UNAMIR was under the Security Council resolution 872 (1993).⁸ Originally UNAMIR was mandated by the United Nations to help the implementation of Arusha Agreement signed in August 1993. Several major mandates given to the UNAMIR are:

⁵ Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, "Towards Crisis in Rwanda 1990-1994," *Journal of Humanitarian Assistance on The International Response to Conflict and Genocide: Lesson from the Rwanda Experience*, Study I (1996). p.9

⁶ *Ibid.*, p.12

⁷ Joel Stettenheim, *The Arusha Accords and the Failure of International Intervention in Rwanda* (accessed on September 30, 2007); available from <http://wwics.si.edu/subsites/ccpdc/pubs/words/8.pdf>. p.216

⁸ UNAMIR (accessed on 4 November, 2007); available from

1. To assist in ensuring the security of the capital city of Kigali
2. To monitor the cease-fire agreement
3. To monitor the security situation during the final period of the transitional government up to the next election⁹

The existence of UNAMIR was basically considered as an intervention specifically humanitarian intervention. This sort of intervention is a principle in international customary law referred to involvement of one actor (could be a state, a composite of states or international organization) in a country where conflict occurs. The intervention aims to end or reduce the suffer within the conflict state. That suffer may be the result of civil war, humanitarian crisis, or crimes by the conflict state including genocide.¹⁰ The intervention will not have any right to seize the territorial land of the conflict state since it merely acts to minimize the suffering of the civilians in that state.¹¹

The main idea of humanitarian intervention is based on the moral imperative premise: “we should not let people die” that grounded in the Universal Declaration of Human Right in 1948.¹² Some scholars acknowledge that humanitarian intervention meets it’s legitimacy in two conditions. First, when it is motivated by a massive violation of human rights. Second, when it is conducted by supranational body, usually under the United Nations Security Council

⁹ *Ibid.*

¹⁰ *Humanitarian Intervention* (accessed on August 23, 2007); available from

mandate. Conventionally, humanitarian intervention is defined in terms of intervention motivated by humanitarian consideration.¹³ The core of the intervention is originally protecting the right of civilian since the probability of human rights violations in an armed conflict is higher. The probability of human rights violations could be minimized even prevented through maximizing the efforts to monitor the conflict. UNAMIR was part of the efforts since a customary right of humanitarian intervention exists independently of the UN charter.¹⁴ One of the mandates given to UNAMIR was ensuring the security of the capital city of Kigali.

The city of Kigali was out of control when the conflict has reached its peak after the assassination of President Habyarimana in April, 1994. The assassination was the form of rejection toward the president's previous plan to unite the ethnics in Rwanda and separate the power toward these ethnic groups. Following this assassination, there was a mass slaughter namely genocide. Many people said that the genocide in Rwanda was the most terrific tragedy ever in human history. As Philip Gourevitch described "the dead of Rwanda accumulated at nearly three times the rate of Jewish dead during the Holocaust."¹⁵ This genocide has resulted around 800.000 – 1.000.000 (estimated) Tutsi people and moderate Hutus as the casualties, not to mention the survivors that became the refugees in several camps and neighboring countries.

¹³ John Baylis and Steve Smith. ed. *The Globalization of World Politics: An introduction to international relations* (Oxford University Press, 1997),p.393

¹⁴ *Ibid.*, p.396

¹⁵ Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed With Our*

The genocide in Rwanda showed that UNAMIR has failed to accomplish its honor mission to protect the civilian though it was mandated by United Nations Security Council to keep the security in the city of Kigali. The case of Rwanda is totally contradicted with several missions that are also conducted by United Nations, such as peacekeeping mission in Haiti called United Nations Mission in Haiti (UNMIH) since 1993 which is continued by the establishment of United Nations Stabilization Mission in Haiti in 2004. Through the period of 1994-2001, this mission mandated to facilitate the prompt return of the legitimate Haitian authorities, maintain a secure and stable environment in the country, and promote the rule of law. Following this mandate there were a number of positive developments, including the restoration of some measure of democracy, with the first peaceful handover of power between two democratically elected presidents; the growth of a multifaceted civil society; and its increasing involvement in the development of a political culture based on democratic values.¹⁶ As the report of the Security Council mission to Haiti dated 13 to 16 April 2005 stated:

59. The Security Council mission found that, although MINUSTAH had deployed slowly, it was now working well, despite difficult circumstances. The mission welcomed the significant work undertaken by MINUSTAH to date, while recognizing that many challenges remained.¹⁷

There are still number of missions who accomplish their mission successfully and indeed they all belong to the same international organization of United Nations.

¹⁶ MINUSTAH (accessed on November 4, 2007); available from <http://www.un.org/Dept/dpko/missions/minustah>

¹⁷ Report of Security Council to Haiti, 2005 (accessed on November 4, 2007); available from <http://daccessdds.un.org/doc/UNDOC/GEN/N05/322/19/PDF/N0532219.pdf?OpenElement>

D. Research Question

Based on the illustration above, there is one main problem of analysis in this research:

- Why United Nations Peace Keeping Forces (UNAMIR) has failed to maintain the security for civilian in Rwanda until the genocide occurred?

E. Theoretical Framework

I wish to explain the problems above by using concept and theory. Concept is an abstraction that represents an object, characters of an object, or a certain phenomenon.¹⁸ One of its functions is to organize ideas, perception, and symbols in the form of classification and generalization.¹⁹

Theory helps to explain and predict a certain phenomenon. According to McCain and Segal, theory is a series of related statements consist of (1) sentences that introduce terms that refer to the basic concepts; (2) sentences that relate to the basic concepts; (3) sentences that relate to several theoretical statements with groups of probable empirical analysis on the object (hypothesis).²⁰

I divide two layers of explanations in discussing the failure of UNAMIR in preventing the genocide in Rwanda of 1994. In the first layer, I use the ethnic

¹⁸ Mochtar Mas'ood, *Hubungan Internasional Disiplin dan Metodologi* (Jakarta: LP3ES

conflict theory in explaining how deep the conflict in Rwanda until the UNAMIR failed. In the second layer, I use the concept of power and conflict resolution theory in observing the capacity of UNAMIR as the United Nations Peace Keeping Force in the conflict in Rwanda.

Ethnic conflict theory observes that colonialism inherits the pattern where ethnic conflict may occur. The premise of the above statement lies on the issue of the country's governance. In the ex-colonial countries like in Rwanda, when colonialism ends people are seeking for the government to replace the colonizer. This is the vulnerable process since the country consists of three ethnic groups. These ethnic groups find the difference among them. They believe the sense of "me" and "you". At the moment, there is no word "us" in the social life in Rwanda as the state. The most important thing in explaining the ethnic conflict is these ethnic groups put them selves in the different group and they see each other not only as a different group but also as enemy. This situation of conflict has created strong root of horrible tragedy that seems uneasy to be solved by the humanitarian intervention.

In the conflict resolution theory, conflict defined as a social condition that appears in an actor or more in order to achieve certain interest at the same time. In international relations, conflict behavior could be analyzed as *war*.²¹ Andi Wijayanto explains that conflict resolution is a scientific terminology. Conflict

²¹ Mirisa Hasfaria, "Establishing Human Security within Conflict in Mindanao: Case Studies of GiNaPaLaD TaKa Space for Peace and Sanctuaries for Peace in Pikit, North Cotabato" (Ph.D. Thesis, Mindanao State University, 2005), p. 20.

resolution underlines the need to see peace as an opened process and divide the conflict settlement process into several phases based on the level of conflict itself.²² This theory emphasizes the presence of third party as the main actor to reduce, settle, and even solve the conflict.

In the case of conflict in Rwanda which was the ethnic one, the parties involved have to be mediated. The mediation does not mean to bring them to table of discussion in finding the solution. But, this is also including to keep them in peace situation. Peacekeeping has long been treated as an instrument of conflict management.²³ In this regard, the resolution conflict theory will be specifically used in evaluating the role of UNAMIR as an important instrument of positive conflict transformation.

Conflict resolution theory has drawn attention to distinguish between different time frames in the management of violent conflict. There is terminology of *dual goal* relating to the task of peacekeeping troops in a conflict. Those are short-term goals which seek conflict settlement and long-term goal. Both are aimed to achieve conflict resolution.²⁴ As conflict resolution theory focuses to manage the conflict, the concept of *dual goal* is actually a cluster of the conflict that leads to the separation of task of peacekeeping troops in conflict management. The first goal is a short term goal. This could be achieved by conflict settlement,

²² Andi Wijayanto, "Empat Tahap Resolusi Konflik", *Tempo Interaktif*, Kamis, 17 Juni, 2004 (accessed on 17 September, 2007); available from Tempo Interaktif

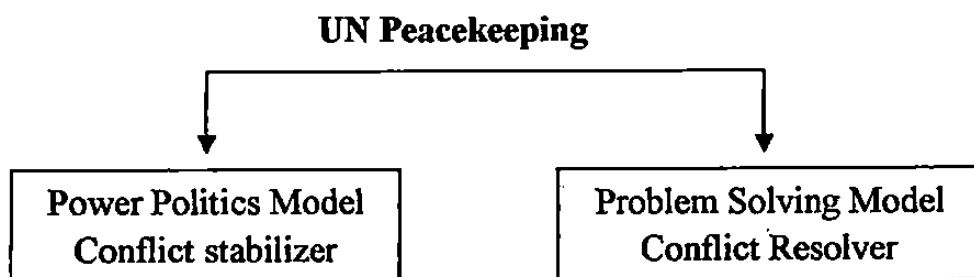
²³ Wibke Hansen, Oliver Ramsbotham, Tom Woodhouse, *Hawks and Doves: Peacekeeping and Conflict Resolution*, Berghof Research Center for Constructive Conflict Management, August, 2004 (accessed on 23 September 2007); available from <http://www.berghof-handbook.net>, p.2

²⁴ *Ibid.*, p.6

but there is still no guarantee that the problem that leads them to a conflict has been solved. Therefore, it is necessary to continue the effort by achieving the second goal. It is a long-term goal and is aimed to seek the conflict resolution. The manifestation of this dual goal could be observed in two fundamental problems: *first*, the effective control of violence (primarily the use of military forces) and, *second*, the rebuilding of cooperative relations within the communities (parties involved in conflict. i.e. Hutu and Tutsi) to maintain peace building. The manifestation of the above goal is related with the capacity of UNAMIR in the conflict.

Figure 1. 1.

Peacekeeping Models ²⁵



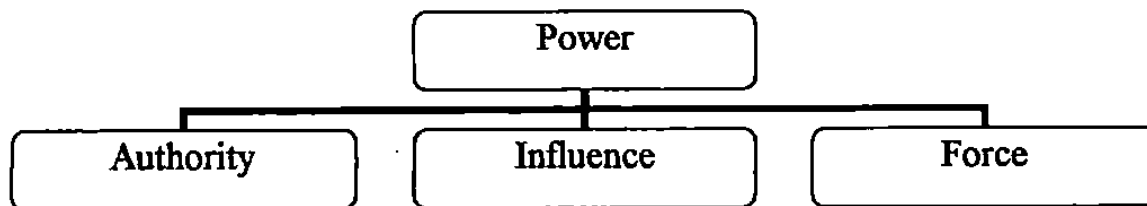
In the conflict resolution, peacekeeping is considered as an important instrument in the conflict transformation. And being an instrument, UNAMIR has been mandated with several tasks related to the effort to minimize the conflict

²⁵ Andreu Sola Martin, *Working Paper on the Contribution of Critical Theory to New Thinking on Peacekeeping: Some Lessons from MINURSO*, Department of Peace Studies, University of Bradford, Bradford BD7 1DP, July. 2005 (accessed on September 23, 1007); <http://www.bradford.ac.uk/peace/peacekeeping/docs/CCP15.pdf>

even to solve it. As the tool to reduce the conflict in Rwanda, UNAMIR should also be mandated to the space of maximizing the effort in peace building so that the conflict will only have a little possibility to occur. This is a step that could prevent further action that can lead to the catastrophe such as genocide. The space to maximize the effort in peace building also could be understood as power extension. Therefore, the concept of power is essential in this research.

In order to meet the ideal analysis, I will examine the Role of UNAMIR in Rwanda by using the concept of power from Theodore A. Coulombis and John H. Wolfe. They understand the power as every single thing which may create and maintain the control of actor A upon actor B. In this regard, power could be seen of having three main elements which are: force, influence, and authority.²⁶

Figure 1. 2.²⁷



These three elements of power are related with the capacity of UNAMIR in the context of problem solving in Rwanda. First, authority is the capacities of UNAMIR in term of legal basis so that it eligible to be in Rwanda for the mandated purposes. Authority in this regard could not only be understood as the

order to gain the purposes mandated in the resolution (i.e. using the military forces in certain circumstances). This will be explained in the element of forces. Second, forces are the key to explain the capacity of UNAMIR in problem solving. The term of forces here means the amount of troops, using the military forces and the coercive ability of the troops. The forces have the strong relation on how the UNAMIR could influence the parties involved in conflict to bring peace in Rwanda or reduce the suffering of the society.

Coulombis and Wolfe also see that power as the tool not the goal. It means that the ability to control some one's action is the tool to gain the other goal which is probably the highest or long term goal. In the context of conflict in Rwanda, UNAMIR aimed to achieve the security by using its power. Some scholars have argued that repression is also an integral element of the production of power/knowledge in contemporary science. The repression could be understood as a firm action taken by peacekeeping troops to ensure the control upon the situation around the conflict area. The repressive power aims at imposing a societal regime of truth through the use of direct violence. Foucault considers the force as a positive force which produces knowledge (disciplines) and "normalizes".²⁸

Foucault understood power as a force that "transverses and produces things, it induces pleasures, form knowledge, produces discourses". Foucault also refers to power as a juridical concept "carrying the force of a prohibition" that is related to the notion of repression. Foucault rejects a purely negative nature of power: "if power were never anything but

repressive, if it never did anything but to say no, do you really think one would be brought to obey it?"²⁹

In the political science, power also can be defined as the capacity to direct the decisions and actions of other. It bases on the willingness as well as the strength. A firm stance is the reflection of willingness, while strength comes from the transformation of resources into capabilities. United Nations peace force is the element of United Nations regarding with the issue of conflict. The ultimate mission of this operation is to bring the situation back into normal and peace through several actions. In achieving the noble mission, the UN peace keeping force needs strong authority in using their force (coercion) so that they will easily take control over the situation and ensuring the security.

F. Hypothesis

Tracing the illustration, implemented theory and concept above, I take a tentative statement that United Nations Peace Keeping Troops has failed to maintain security for the civilian in Rwanda because:

1. The conflict was very chaotic and has reached its peak crisis until created what I personally called as the dilemma to intervene for UNAMIR. This dilemma followed by the limitation of UNAMIR.

2. UNAMIR through the period of operation (mainly after the Arusha Accord was signed) was lacking of sufficient power to support their role that has been mandated to maintain security as well as protecting civilian.

²⁹ *Ibid.*, p.6

G. Range of Research.

I limit the scope of research from the establishment of UNAMIR in 1993 until the period of genocide in 1994. The limitations will ensure the accuracy and the sharpness of the research as well as facilitate me to explore the relations among the data. The main reason why the scope of research started in 1993 is the Arusha Accord was signed and UNAMIR was deployed in that year. The establishment of United Nations Assistance Mission for Rwanda was aimed to uphold the implementation of Arusha Accord.

However the limitation will not end the possibility for me to utilize another data beyond the mentioned period. This might be happened in case of the data has a strong relations with the matter of discussion in the research.

H. Method of Research

- Study of literature. This method is used to examine the relevant data related to the case in order to discuss the main problem as the starting point of this research. The data might be obtained through library (books), magazine, internet based sources as well as the scripts and journal (secondary data)
- Data analysis. The relevant data that are obtained through study of literature will be analyzed and examined in order to gain the validity and relevance to be used as the source in the research.
- Verification of hypothesize. It is derived from discussion of the problem and data analysis.

I. System of Writing

I use chapter one as the foundation of the research which become the proposal of the research. This chapter covers introduction, writing objective, writing purpose, problem background, research question, theoretical framework, hypothesis, range of research, method of research, and system of writing.

In chapter two, I begin with the explanation of conflict in Rwanda. This chapter focuses on the dynamic of conflict in Rwanda. There are four main phases that I want to highlight as the timeline of conflict in Rwanda. First, the root of conflict in Rwanda, this includes three steps which are in the colonial era, the era of independent and in the post coup era in Rwanda. Second, the critical period of crisis in Rwanda, the discussion starts in the early year of 1990s. Third, the signing of Arusha Accord, this section also covers the rejection of several parties toward this agreement. Fourth, the existing genocide in 1994 as the series after the rejection of Arusha Accord and the killing of president Habyarimana.

Chapter three focuses the discussion on the role of United Nation's Assistance Mission in Rwanda (UNAMIR) as humanitarian intervention in the conflict in Rwanda. This chapter starts with the explanation the terminology of Humanitarian Intervention in the history of conflict and the practice of humanitarian intervention in the world of conflict. The discussion follows by the explanation on the development of Peacekeeping operation as part of humanitarian intervention. This section analyses peacekeeping as a form of humanitarian intervention which will be used as the condition to explain the next

section of the establishment of United Nation's Assistance Mission in Rwanda -UNAMIR as the instrument of humanitarian intervention in Rwanda. This chapter also explains the situations in Rwanda as the background of the UNAMIR's deployment together with its special mandates.

Chapter four is the main chapter in this research. This chapter provides the answers of the research question given in the first chapter by using the chosen theoretical framework. This chapter covers the explanation on the failure of United Nation's Assistance Mission in Rwanda (UNAMIR) to prevent the genocide. The failure of UNAMIR will be explained in three main points. First, the deepness of conflict in Rwanda as the Constraints of the implementation of Arusha Accord. Second, the dilemma of UNAMIR in the conflict of Rwanda. Third, the limitations of UNAMIR in the mission accomplishment. In the issue of limitations, I divide the limitations of UNAMIR in three sub sections which are the limitation of using military forces in certain circumstances (positive inducement), limitation of the amount of personnel, and limitation of commitment to uphold the human right.

Chapter five provides conclusion, evaluation and suggestion of this research. I specify this chapter to summaries all the discussion and gives the