U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?

Crystal Faggart
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I. INTRODUCTION

The United Nations ("U.N.") has a history of operating as a peacekeeping force around the world during times of conflict or transition.¹ Often, the states that receive U.N. assistance are underdeveloped, and their citizens become greatly dependent upon the lofty promises of the U.N.² Therefore, when the U.N. is unable to uphold these promises, or makes significant mistakes through the course of its efforts, the results can be devastating. With a lengthy resume of

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2. See id.
peacekeeping missions, one would think that the U.N. sits in an optimal position to understand the needs of relevant parties during times of conflict as well as its own capabilities in meeting these needs. By analyzing the mistakes made in previous efforts, the U.N. can learn from the past. However, it must be asked if the U.N. is indeed educating itself in such a manner, or if instead it is continuing to offer empty promises to nations in desperate need of reliable support.

This Comment seeks to answer these questions by comparing the U.N.'s peacekeeping efforts during the 1994 Rwandan genocide with its present efforts in Darfur. This Comment will begin by exploring the historical development of the Rwandan genocide, followed by an analysis of the U.N.'s response. Next, problems with the U.N.'s approach in Rwanda will be identified. This Comment will then provide a background to the present conflict in Darfur, Sudan. After noting that the U.N.'s efforts in Darfur are beginning to mirror its efforts in Rwanda, this section concludes by revealing that, without additional efforts, many lives are at risk. Finally, the Comment ends with suggestions for the U.N. to avoid the disastrous outcome that took place in Rwanda.

II. THE RWANDAN GENOCIDE

The conflict in Rwanda was the culmination of over a century of struggles between two main ethnic groups, the Hutu and the Tutsi. Beginning in April 1994, approximately 800,000 men, women, and children were systematically slaughtered over the course of 100 days. According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the International Criminal Tribunal for Rwanda determined that the mass killings of Tutsi by Hutu extremists constituted genocide.

3. See id.
4. See infra notes 14-82 and accompanying text.
5. See infra notes 112-42 and accompanying text.
6. See infra notes 143-73 and accompanying text.
7. See infra notes 174-244 and accompanying text.
8. See infra notes 245-85 and accompanying text.
9. See infra notes 286-94 and accompanying text.
13. See Rwanda Independent Inquiry, supra note 11.
A. Historical Background of Rwandan Genocide

Throughout Rwanda's history, three central elements cultivated the tense atmosphere which resulted in the genocide. The country was wracked with poverty and areas of over-population. Prior to the genocide, the population density within Rwanda was higher than any other country in Africa. On average there were 405 people per square kilometer of usable land, and in the most populated areas there were over 820 people per square kilometer. Rwanda's history of authoritarian rule was another contributing factor. The final contributor was the ethnic divide between Hutu and Tutsi.

1. Ethnic Divide: Pre-colonial Era

The Hutu first arrived in present day Rwanda around approximately 1000 AD. Agriculture was the Hutu's primary means of sustenance. Between the Eleventh and Fifteenth Centuries, the Tutsi began to populate the area, migrating from Ethiopia. The initial integration of Hutu and Tutsi was predominately characterized by a mutually beneficial trade relationship. The Tutsi were in need of Hutu agricultural products while the Hutu benefited from the Tutsi's cattle products. However, tribal clashes began as early as the Fifteenth Century, when the Tutsi sought to impose their system of governance over the Hutu. The Tutsi gained political control by the middle of the Eighteenth Century, though this resulted in little ethnic tension as the Tutsi had successfully assimilated with the Hutu. Ethnicity did not begin to play a factor until the Tutsi started to expand their control.

15. See id.
16. See id. at 217.
17. See id.
18. See id. at 216.
20. See id. at 218.
21. See id.
22. See id.
25. See id.
26. See Gray, supra note 23.
27. See Stettenheim, supra note 14, at 218.
28. See id.
It was from 1860 to 1895, during the reign of Tutsi King Rwabugiri, that ethnicity was brought to the forefront. King Rwabugiri extended Tutsi rule throughout most of the country with the creation of an efficient and centralized administration. This feudal system created a cultural structure where Tutsi typically had higher status than Hutu. “During this period, the Tutsi elites who held all the highest positions of power almost certainly began to associate their status and privilege with their Tutsi ‘ethnicity.’ At the middle-level and lower ranks of the social structure, however, ‘ethnicity’ was simply one factor in determining an individual’s social stature.”

2. German Colonization and Belgian Trusteeship

Germany colonized Rwanda from 1884 to 1916. During this colonial period, the German rulers allied with the Tutsi, though they comprised only fourteen percent of the population compared to the eighty-five percent Hutu majority. After this period, the League of Nations placed Rwanda under Belgian trusteeship until 1962, when Rwanda regained its independence. During the time of colonization, Rwanda’s feudal structure was converted into a much more inflexible system of Tutsi rule and an ideology of ethnic divide was magnified. Although the disparities between the Hutu and Tutsi were arbitrary and unjustified, this divide still culminated in the issuance of ethnic identity cards to all Rwandan citizens in 1933. A person’s ethnic classification became determinative of one’s economic and political privilege as well as one’s access to education. Racially prejudiced Roman Catholic missionaries were in charge of schools and helped systematically convey these destructive values of racial segregation to several generations of Rwandans. This means of ethnic classification was intact for over sixty years. As a
result, a mentality of Tutsi superiority and Hutu resentment developed, and the classification system was eventually used as an instrument in identifying the Tutsi as targets of the genocide.

Prior to Rwanda’s independence, the Belgians began to relinquish all governmental powers to the minority Tutsi, and until the late 1950s the Tutsi continued to dominate Rwanda’s political and economic realm. Upon obtaining independence, however, the majority Hutu used the extreme force of their numbers to gain political control. During this period, ethnicity was the key factor in the struggle for political power. In 1959, the Hutu came into power and forced many Tutsi to flee Rwanda and seek refuge in Uganda. During this forced exodus, 20,000 Tutsi were killed, and 300,000 fled to safety outside Rwandan borders.

3. Post Independence

Rwanda gained its independence in 1962 under Hutu rule. For several years, violence continued throughout the country. In 1972, in the neighboring State of Burundi, there was a massacre of the Burundian Hutu majority by the Tutsi government in retaliation of the Rwandan Hutu’s displacement of the Tutsi. The Burundian Hutu fled to Rwanda and further expanded the ethnic divide and anti-Tutsi sentiment already present there.

Following this massacre, in 1972, Major-General Juvenal Habyarimana, head of the Rwandan army and a Northern Hutu, came into power in Rwanda. Under Habyarimana’s lead, Rwanda began a period of stability. The Tutsi, although still limited in their societal capacity, felt safe for the first time since the 1950s and thrived in the public sector. During this period, Rwanda experienced economic success, managing one of the lowest rates of debt in Africa and achieving

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41. See Stettenheim, supra note 14, at 219.
42. See IPEP, supra note 10, at 142.
43. See Gray, supra note 23.
44. See UNAMIR BACKGROUND, supra note 33.
45. See Gray, supra note 23.
46. See Stettenheim, supra note 14, at 220.
47. See UNAMIR BACKGROUND, supra note 33.
48. See IPEP, supra note 10, at 143.
49. See UNAMIR BACKGROUND, supra note 33.
50. See Stettenheim, supra note 14, at 220.
51. See IPEP, supra note 10, at 143.
52. See id.
53. See id.
54. See id.
55. See id.
among the highest per capita gross national product rankings within the region.\(^{56}\)

By the late 1980s economic progress came to an end,\(^{57}\) and Rwanda’s position in the international world began to decline.\(^{58}\) A small group of insiders, the Akazu, held the main power within the Habyarimana government.\(^{59}\) The Akazu, maintaining all power within the hands of the northern Hutu, were not favored by the southern Hutu.\(^{60}\) The leaders of the group included President Habyarimana’s wife, family and close associates.\(^{61}\) While the economy of Rwanda took a hard hit, the Akazu worked to bring the Hutu/Tutsi ethnic divide to the forefront in an attempt to divert attention away from geographical Hutu divisions.\(^{62}\)

The exiled Tutsi in Uganda organized into a rebel army called the Rwandan Patriotic Front (“RPF”).\(^{63}\) In October 1990, the RPF took advantage of Rwanda’s state of vulnerability and forcefully invaded the country.\(^{64}\) Following this attack, close to 300,000 Rwandans, primarily Hutu, fled from their homes.\(^{65}\) These Tutsi refugees, now organized as the RPF, were not welcomed back into Rwanda.\(^{66}\) This attack, coupled with government anti-Tutsi propaganda, resulted in all Tutsi living within Rwanda being collectively labeled as allies of the RPF.\(^{67}\) Characterizing even native Tutsi as invaders, all other Rwandans united against the Tutsi.\(^{68}\) In early 1993, another RPF attack took place that resulted in another one million Rwandans becoming internally displaced.\(^{69}\) Anti-Tutsi violence snowballed, as did RPF attacks against the Hutu.\(^{70}\)

The anti-Tutsi sentiment continued for years.\(^{71}\) Consequently, after the 1990 RPF invasion, violent attacks against the Tutsi became commonplace in Rwanda.\(^{72}\) On April 6, 1994, President Habyarimana

\(^{56}\) See Stettenheim, supra note 14, at 221.

\(^{57}\) See IPEP, supra note 10, at 143.

\(^{58}\) See id.

\(^{59}\) See id. at 144.

\(^{60}\) See Stettenheim, supra note 14, at 220.

\(^{61}\) See IPEP, supra note 10, at 144.

\(^{62}\) See id.

\(^{63}\) See id. at 143.

\(^{64}\) See id.

\(^{65}\) See id. at 144.

\(^{66}\) See IPEP, supra note 10, at 143-144.

\(^{67}\) See UNAMIR BACKGROUND, supra note 33.

\(^{68}\) See IPEP, supra note 10, at 144.

\(^{69}\) See id.

\(^{70}\) See id.

\(^{71}\) See id.

\(^{72}\) See id. at 145.
and the Burundi President, both Hutus, were killed in an airplane accident. The respective leaders were returning from peace talks in Tanzania concerning the ethnic violence taking place in both countries. Suspicion ran high that Hutu extremists from Rwanda caused the accident because they opposed reconciliation attempts with the Tutsi. Following the Presidents' deaths, violence erupted throughout Rwanda, as the Hutu actively targeted the Tutsi. The tragedy that engulfed Rwanda over the next three months was threefold: "mass murders throughout the country amounting to genocide; a brief but violent civil war that swept government forces out of the country; and refugee flows that created humanitarian and ecological crisis of unprecedented dimensions."

In April 1994, the killing began in Kigali, Rwanda's capital, and spread throughout the country. The presidential guard did not react well to Habyarimana's death. They "went on a rampage, killing supporters of the RPF as well as provisional government members who might try to succeed the President." Tutsi and "moderate" Hutus were shot, blown up, hacked to death by machetes, and buried or burned alive. Eyewitness accounts of these attacks were extensively reported to the Commission of Experts established by the U.N. Security Council.

B. Efforts in Rwanda

1. Initial Regional Response

The initial responses to the Rwandan conflict were regional. These first responses followed the "summit" approach. After the first RPF

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76. See id.

77. UNAMIR Apr—June, supra note 73.

78. See id.


80. Id.

81. See UNAMIR Apr—June, supra note 73.

82. See id.

83. A summit consists of heads of state or government coming together to discuss the matter at hand. In the instant case, several regional summits were held where the
attack in October 1990,85 the initial objective was for a cease-fire agreement.86 Following a series of regional summits, this agreement was eventually achieved on March 29, 1991, with the N’sele Cease-fire Agreement signed by the Government of Rwanda and the RPF.87 This initial cease-fire agreement, however, was not successful and the situation in Rwanda intensified.88

Due to worsening conditions, both parties continued to seek a resolution to the conflict. Between May and June of 1992, the parties met for talks in Belgium and France.89 At this time, the President of Tanzania was appointed to be the neutral facilitator of the negotiations, and Arusha, Tanzania was chosen as the location for the negotiations.90 These talks also resulted in a “comprehensive settlement framework” for the negotiations that would take place in Arusha.91 The parties finalized the framework in June 1992.92 The biggest challenge left to face was reaching agreement between both parties as to how best to implement the framework.93

2. Arusha

The negotiations in Arusha began in July 1992.94 Two days after opening negotiations, a second ceasefire agreement was signed.95 Both parties were aware that for negotiations to proceed, a ceasefire must be in place.96 The Organization of African Unity (“A.U.”) was responsible for monitoring the parties’ compliance with this new ceasefire agreement.97


84. See id.
85. See Stettenheim, supra note 14, at 221.
86. See Mpungwe, supra note 83.
87. See id.
88. See id.
89. See id.
90. See id.
91. See Mpungwe, supra note 83 (explaining that the “comprehensive settlement framework” contained a detailed roadmap for the entire negotiation process and set forth the goals and objectives of the process).
92. See id.
93. See id.
94. See id.
95. See id.
96. See Mpungwe, supra note 83.
97. See id.
On August 4, 1993, thirteen months after the talks commenced, the Arusha negotiations finally came to a close with the signing of the Arusha Peace Agreement ("Arusha Agreement") by President Habyarimana and the then Chairman of the RPF. The Arusha Agreement contained an amended ceasefire agreement, plans for the creation of a new rule of law, as well as plans for a transitional government and parliament. The Arusha Agreement additionally provided for the return of refugees and internally displaced persons and the creation of a nationally unified army. "At that stage, the Arusha peace process was heralded as Africa's most strategic and successful response to an African conflict to date. It was one of those rare occasions when an African conflict was seen to have been resolved in Africa by African people themselves." The negotiation process relieved the parties involved, and consequently the different ethnic groups, of fear, distrust, and hatred. Spending adequate time and dealing with every detail of the conflict accomplished this relief. Accordingly, for the Arusha Agreement to succeed, close adherence was crucial for preserving the fragile new trust between the parties.

The Arusha Agreement was well thought out, taking into account all of the details and history at the root of the conflict. However, the negotiations did not leave the parties on completely equal footing. While the RPF and the Government of Rwanda ("Government") were the key parties involved, the Government was disjointed with opposing members within its own party. The Government was thus in a weaker position because it had to negotiate with the members of its own party in addition to the RPF. In contrast, the RPF was a single unified group. The sensitive nature of the negotiations further emphasized that the post-negotiations phase needed to be dealt with carefully and with much oversight. Joel Stettenheim captured the uncertainty and danger of the post-negotiations phase best when he said ...
The Arusha Accords stand as a testament to the strength of and the implicit danger represented by third-party intervention. They indicate that even the most carefully crafted resolution is not complete until implemented. They also underscore the deep responsibility of third parties to maintain their full commitment once having accepted the burden of involvement. Especially for small countries, the international community has the power to dramatically alter the course of events. International powers must remain fully cognizant that partial efforts are likely worse than no efforts at all.\textsuperscript{111}

3. The First U.N. Mission

Rwanda’s assertion that Uganda supported the RPF and Uganda’s denial of this accusation, resulted in both countries asking for U.N. assistance on February 22, 1993.\textsuperscript{112} Both countries sought a U.N. presence along their border to monitor and prevent the transportation of military supplies.\textsuperscript{113} On June 22, 1993, Security Council Resolution 846\textsuperscript{114} authorized the establishment of the United Nations Observer Mission Uganda-Rwanda ("UNOMUR") to provide a presence on the Ugandan side of the border.\textsuperscript{115} The primary purpose of the mission was to monitor lethal weapons and ammunition transportation across the border.\textsuperscript{116} Eighty-one observers were deployed to Uganda by the end of September 1993.\textsuperscript{117}

4. The U.N. Takes the Lead

Through the strong support of the A.U., all parties within Rwanda came to a peaceful agreement in August 1993.\textsuperscript{118} The Arusha Agreement also resulted in a working relationship between the A.U. and the U.N. and a view favoring the cooperation of the international community.\textsuperscript{119} The signing of the Arusha Agreement set forth an expansive role for the U.N. in establishing peace within Rwanda.\textsuperscript{120} The plan for attaining

\textsuperscript{111} Stettenheim, supra note 14, at 236.
\textsuperscript{112} See United Nations Involvement, in RWANDA—UNAMIR: BACKGROUND, http://www.un.org/Depts/dpko/dpko/ (follow “Past Operations” to “Africa” to “UNAMIR (Rwanda)” hyperlink; then follow “Background” hyperlink; then follow “Full Text” hyperlink; then follow “United Nations Involvement” hyperlink) (last visited Feb. 10, 2008) [hereinafter UNAMIR UN Involvement].
\textsuperscript{113} See id.
\textsuperscript{115} See UNAMIR UN Involvement, supra note 112.
\textsuperscript{116} See S.C. Res. 846, supra note 114, ¶ 3.
\textsuperscript{117} See UNAMIR UN Involvement, supra note 112.
\textsuperscript{118} See Mpungwe, supra note 83.
\textsuperscript{119} See id.
\textsuperscript{120} See Rwanda Independent Inquiry, supra note 11, at 6.
peace was well laid out and its success was dependent upon maintaining the trust and confidence instilled in both parties during the negotiation process.\textsuperscript{121}

The U.N. was given the role of establishing the necessary environment within Rwanda so that the Arusha Agreement could be successfully implemented.\textsuperscript{122} In order to achieve this, the U.N. was responsible for deploying the necessary military and civilian personnel to ensure compliance with the Arusha Agreement and the agreed upon time schedule.\textsuperscript{123} On October 5, 1993, Security Council Resolution 872\textsuperscript{124} established the United Nations Assistance Mission for Rwanda ("UNAMIR") in an effort to assist in the implementation of the Arusha Agreement.\textsuperscript{125} This peacekeeping operation was to be in effect for a period of six months and was subject to an extension only after review by the Security Council.\textsuperscript{126} The mandate of UNAMIR included: contributing to the security of the City of Kigali;\textsuperscript{127} monitoring observance of the cease-fire agreement;\textsuperscript{128} monitoring the security situation during the final period of the transitional government's mandate;\textsuperscript{129} assisting with mine clearance;\textsuperscript{130} investigating instances of alleged non-compliance with the provisions of the Arusha Agreement;\textsuperscript{131} monitoring repatriation of Rwandan refugees;\textsuperscript{132} assisting in the coordination of humanitarian assistance activities;\textsuperscript{133} and investigating and reporting on incidents regarding activities of the gendarmerie\textsuperscript{134} and police.\textsuperscript{135}

The UNAMIR was to be instituted in four phases.\textsuperscript{136} The initial phase involved assisting in the implementation of a transitional government to be in effect until a permanent government could be established.\textsuperscript{137} Phase One was targeted for completion in late 1993, and

\begin{itemize}
  \item \textsuperscript{121} See Mpungwe, supra note 83.
  \item \textsuperscript{122} See id.
  \item \textsuperscript{123} See id.
  \item \textsuperscript{125} See id. § 2.
  \item \textsuperscript{126} See id.
  \item \textsuperscript{127} See id. § 3(a).
  \item \textsuperscript{128} See id. § 3(b).
  \item \textsuperscript{129} See S.C. Res. 872, supra note 124, § 3(c).
  \item \textsuperscript{130} See id. § 3(d).
  \item \textsuperscript{131} See id. § 3(e).
  \item \textsuperscript{132} See id. § 3(f).
  \item \textsuperscript{133} See id. § 3(g).
  \item \textsuperscript{134} Gendarmerie is a derivative from the French language and constitutes a body of police. MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 520 (Frederick C. Mish, ed., Merriam-Webster, Inc. 11th ed. 2007) (2003).
  \item \textsuperscript{135} See S.C. Res. 872, supra note 124, ¶ 3(h).
  \item \textsuperscript{136} See UNAMIR UN Involvement, supra note 112.
  \item \textsuperscript{137} See id.
\end{itemize}
would result in a deployment of 1,428 military personnel. This would transition into Phase Two, which was anticipated to last ninety days. This second phase aimed to ensure disengagement, demobilization and integration of all parties to the conflict and would result in a total deployment of 2,548 military personnel. Phase Three, anticipated to last nine months, called for a reduction of military personnel to 1,240 as the disengagement, demobilization and integration of all parties would be completed. Military personnel would be further reduced to 930 during Phase Four, where UNAMIR, within four months, would secure the final stages of the transitional government before elections.

5. What Went Wrong?

With a detailed agreement in place and the international community agreeing to fulfill their necessary roles, Rwanda should have been on the path to peace and stability. However, several factors, both internal and external, prevented the successful implementation of the Arusha Agreement. The U.N., having been designated as the primary peacekeeping organization during the immediate post-negotiations phase, was essentially unsuccessful in its duty to provide the requisite security and stability that was needed immediately following the negotiation process.

The U.N. was cognizant of the severity of the situation in Rwanda, with discussions taking place as early as April 1993 concerning whether the human rights violations that had already taken place amounted to genocide. Yet, the U.N.'s mistakes began as early as the establishment of the UNAMIR when it was not given the full attention and resources necessary to deal with the actual severity of the situation. When drafting the original mandate establishing the UNAMIR, the U.N. Secretary-General recommended a more expansive U.N. role, but the Security Council did not accept this recommendation. Likewise, an important measure recommended as key to the success of the UNAMIR

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138. See id.
139. See id.
140. See id.
141. See UNAMIR UN Involvement, supra note 112.
142. See id.
143. See Stettenheim, supra note 14, at 232. Though many factors contributed to the failure of peacekeeping efforts in Rwanda, the scope of this Comment deals strictly with U.N. actions.
144. See id.
145. See Rwanda Independent Inquiry, supra note 11, at 6.
146. See Stettenheim, supra note 14, at 233.
147. See Rwanda Independent Inquiry, supra note 11, at 8.
was for the U.N. to assist in arms recovery.\textsuperscript{148} Yet, the mandate proscribed that the parties were to provide a weapons free area within which the U.N. would work, rather than the U.N. assisting in the efforts.\textsuperscript{149} This proved to be a crucial mistake and thus, the UNAMIR mandate itself did not adequately provide for the task that the U.N. had agreed to accomplish.\textsuperscript{150} In addition, from the inception of the mandate, sufficient resources and logistics were not allocated.\textsuperscript{151} When the genocide started, six months subsequent to the creation of the UNAMIR, these logistical problems had not been remedied and thus the U.N. was by no means equipped to handle the unfolding events.\textsuperscript{152} These initial problems were the starting point for many mistakes that followed.

The UNAMIR was further flawed in several respects.\textsuperscript{153} The U.N. Security Council did not perceive the mission as being at the level of complexity that it deserved.\textsuperscript{154} This led to the grant of a much smaller presence in Rwanda than the negotiations in Arusha had requested.\textsuperscript{155} This initial underestimation left the UNAMIR too weak to effectively deal with the escalating violent situation.\textsuperscript{156} Further, though the U.N. Security Council was continuously informed of the reality of what was indeed taking place, no expansion of the UNAMIR mandate was granted until well into the genocide.\textsuperscript{157} By the time the genocide ended, the newly approved forces had yet to arrive.\textsuperscript{158}

While the mass media did not well publicize the atrocities that were unfolding in Rwanda, governments and international agencies were not lacking in first hand reports of exactly what was taking place.\textsuperscript{159} Yet, instead of heeding the warnings of organizations such as the International Committee for the Red Cross, Human Rights Watch, and the U.S. Committee for Refugees along with others, and instead of following steps advised to save lives, as time passed the U.N. mistakenly reduced its presence.\textsuperscript{160} The appropriate response to these reports should have been a significant increase in the U.N. presence.\textsuperscript{161} A strong military

\textsuperscript{148} See id.
\textsuperscript{149} See id.
\textsuperscript{150} See id.
\textsuperscript{151} See id. at 39.
\textsuperscript{152} See Rwanda Independent Inquiry, supra note 11, at 41.
\textsuperscript{153} See infra notes 153-71 and accompanying text.
\textsuperscript{154} See Rwanda Independent Inquiry, supra note 11, at 31.
\textsuperscript{155} See id. at 30.
\textsuperscript{156} See id.
\textsuperscript{157} See UNAMIR Apr - June, supra note 73.
\textsuperscript{158} See id.
\textsuperscript{159} See IPEP, supra note 10, at 158.
\textsuperscript{160} See id.
\textsuperscript{161} See id.
presence could have significantly mitigated the killings, or possibly deterred the genocide altogether.\textsuperscript{162}

Directly following the April 6, 1994 airplane crash, the UNAMIR Commander present in Rwanda immediately called U.N. headquarters in New York, requesting the support necessary to handle the situation.\textsuperscript{163} Again, no further support was granted.\textsuperscript{164} The lack of power granted within the UNAMIR mandate became sadly evident when the genocide began and the U.N. was unable to even mitigate the circumstances.\textsuperscript{165} The day after the airplane crash, the UNAMIR Commander again called U.N. headquarters in New York.\textsuperscript{166} During this conversation the UNAMIR Commander was reminded of the rules of engagement and that U.N. forces could not fire unless fired upon.\textsuperscript{167} This essentially allowed the genocidaires\textsuperscript{168} to attack at will, as long as it was not directed at U.N. personnel.\textsuperscript{169}

"There are strong arguments that a robust response by the international community could have stopped the killings before they spread throughout the country. What happened instead was that the [U.N.], after having insisted on unilateral control, simply withdrew."\textsuperscript{170} Within the first few days of the genocide, Rwanda was clearly in need of significant assistance, yet as early as April 9, 1994, discussions took place concerning completely withdrawing the UNAMIR rather than effectively dealing with the intensifying situation.\textsuperscript{171} The U.N. peacekeeping efforts in Rwanda exemplified a lack of will to follow through with their commitment.\textsuperscript{172}

While the presence of [U.N.] peacekeepers in Rwanda may have begun as a traditional peacekeeping operation to monitor the implementation of an existing peace agreement, the onslaught of the genocide should have led decision-makers in the [U.N.]... to realize that the original mandate, and indeed the neutral mediating role of the [U.N.], was no longer adequate and required a different, more assertive response, combined with the means necessary to take such action.\textsuperscript{173}

\textsuperscript{162} See id.
\textsuperscript{163} See id. at 189.
\textsuperscript{164} See IPEP, supra note 10, at 189.
\textsuperscript{165} See Rwanda Independent Inquiry, supra note 11, at 36.
\textsuperscript{166} See IPEP, supra note 10, at 189.
\textsuperscript{167} See id.
\textsuperscript{168} The genocidaires are those responsible for carrying out the genocide.
\textsuperscript{169} See IPEP, supra note 10, at 189.
\textsuperscript{170} Stettenheim, supra note 14, at 236.
\textsuperscript{171} See Rwanda Independent Inquiry, supra note 11, at 36.
\textsuperscript{172} See id. at 39.
\textsuperscript{173} id. at 50-51.
III. THE CONFLICT IN DARFUR

"The [U.N.] considers the Darfur conflict to be one of the world’s worst humanitarian crises."¹⁷⁴ The U.N. estimated that, as of January 2005, approximately 1.65 million people have been internally displaced in Darfur, Sudan, and over 200,000 have fled to Chad as refugees.¹⁷⁵ Throughout the conflict, there has been large-scale destruction of villages.¹⁷⁶ A U.N. Commission found that government forces and militias have carried out widespread and systematic attacks involving the killing of civilians, torture, destruction of villages, rape and pillaging, and forced displacement throughout the region of Darfur.¹⁷⁷

A. Historical Background of the Conflict

1. The Sudan—North v. South

The Sudan is the largest country in Africa, having an estimated population of thirty-nine million people.¹⁷⁸ Sudan is made up of twenty-five states with Khartoum being the capital.¹⁷⁹ There is a prominent distinction between the North, where Islam is the predominant religion and the South, where Christianity and animist traditional religions are more prevalent.¹⁸⁰ A multitude of tribes are existent within the country and have developed more than 130 languages and dialects.¹⁸¹ The U.N. considers the Sudan to be a Least Developed Country,¹⁸² with no adequate national road system and all but two regions largely marginalized and neglected, including Darfur.¹⁸³

¹⁷⁶. See id.
¹⁷⁷. See id.
¹⁷⁸. See id. at 18.
¹⁸⁰. See Inquiry on Darfur, supra note 175, at 18.
¹⁸¹. See id.
¹⁸³. See Inquiry on Darfur, supra note 175, at 18.
In January 1956, the Sudan gained its independence. Since that time, the country has fluctuated between democratic rule and military regimes coming to power through *coup d'état*. In 1956, General Ibrahim Abbud came to power and advocated for the spread of Islam throughout the country. The Southern region did not welcome this change and in 1963 an armed rebellion materialized. The social climate throughout the country worsened, causing Abbud to resign within a year of coming to power, leaving a transitional government in effect.

Colonel Gaffar Mohamed Al-Nimeiri gained power in 1969 and signed an agreement with rebels from the South to establish the region’s autonomy in 1972. Following this, the country was at peace for eleven years. However, near the end of Nimeiri’s rule, oil was discovered in the South. Nimeiri implemented measures to ensure that the North benefited from the South’s oil and once again introduced Islamic rule. In 1983, these actions resulted in the beginning of the second war with the South. Nimeiri was overthrown within two years. After a brief transitional period, Sadiq Al-Mahdi was elected Prime Minister, with his government lasting less than four years. The war in the South continued and Sudan’s problems with drought and desertification caused further frustrations.

In June 1989, current president, General Omar Hassan El-Bashir, came into power. Like Nimeiri, El-Bashir’s devotion to Islamic rule brought significant changes to Sudan’s legal and judicial systems. Throughout El-Bashir’s rule, internal power struggles resulted in great instability within the government.

This conflict between Northern and Southern Sudan, which erupted in 1983, is the longest conflict involving human rights abuses in African
The conflict resulted in the deaths of over two million people and the displacement of an additional 4.5 million. The Sudanese Government and the main southern rebel group, Sudan People’s Liberation Movement/Army (“SPLM/A”), began peace talks in 2002.

2. Darfur

Darfur is located in the western part of the Sudan and has an estimated population of six million people. Since 1994, the region has been divided into three administrative states: the North, South, and West. A governor runs each state and is supported by a local administration. Various tribal groups are present in the region. There are distinctions that exist between these groups, and while these distinctions are not completely understood, they become more pronounced during times of conflict. Predominantly agriculturalist and sedentary tribes subsist on crop production while nomadic and semi-nomadic tribes subsist on cattle and camel herding.

Land has long been an issue in the politics of Darfur. Traditionally, land ownership was communal and the nomadic tribes peacefully moved through the lands of other tribes. Disputes that arose were settled peacefully through traditional law. However, in the 1970s, the alteration of land laws allowed individual ownership of land. Also, under President Nimeiri’s rule, new local administrative structures were established and the tribal system was no longer recognized. The State was once a neutral mediator in disputes, but with this new system of governance, this neutrality diminished.

In addition to tribal conflicts over land, improved access to weapons further exasperated tribal disputes. Major tribes and certain villages were put in a position to organize armed militias and defense groups to

200. See id.
201. See id.
202. See id.
203. See Inquiry on Darfur, supra note 175, at 21.
204. See id.
205. See id.
206. See id.
207. See id.
208. See Inquiry on Darfur, supra note 175, at 21.
209. See id.
210. See id.
211. See id. at 23.
212. See id. at 22.
213. See Inquiry on Darfur, supra note 175, at 23.
214. See id.
215. See id.
protect their interests.©216 These tribal tensions sparked rebel movements of great popularity within Darfur.©217

Two main rebel groups emerged in Darfur: the Sudan Liberation Movement/Army (“SLM/A”) and the Justice and Equality Movement (“JEM”).©218 These two groups were in essence made of three tribes: The Fur, the Massalit, and the Zaghawa.©219 Throughout 2001 and 2002, these groups organized themselves in opposition to the Khartoum Government.©220 Both groups’ reasons for rebellion were centered on socio-economic and political marginalization of Darfur and its people.©221 Each group had a clear political agenda that involved all of Sudan.©222 They demanded equal participation by all groups and regions of the Sudan.©223

The SLM/A, formerly known as the Darfur Liberation Front, initially focused on the people of Darfur, but later broadened its initiatives to cover all of Sudan.©224 The SLM/A seeks a “united democratic Sudan” as well as the separation of church and state.©225 Meanwhile, JEM focuses on proving that there are disparities in the distribution of power and wealth.©226 JEM points out that Darfur, as well as other regions, has been routinely marginalized and not sufficiently included in the central government of Khartoum.©227 Neither movement has a tribal perspective, but rather, works on behalf of all of Darfur and primarily directs attacks at the Khartoum.©228

The rebel groups first began military activity in late 2002 and early 2003.©229 They began with attacks directed at local police offices.©230 Their goal was to loot government property and weaponry.©231 The Sudanese Government was in the process of peace negotiations with the SPLM/A, and while it does not appear that the rebellion was taken as a

©216 See id.
©217 See id.
©218 See Inquiry on Darfur, supra note 175, at 23.
©219 See id. at 24.
©220 See id.
©221 See id.
©222 See id.
©223 See Inquiry on Darfur, supra note 175, at 24.
©224 See id.
©225 See id. at 38.
©226 See id. at 24.
©227 See id.
©228 See Inquiry on Darfur, supra note 175, at 24.
©229 See id.
©230 See id.
©231 See id.
serious military matter, these circumstances left the government in a position of being unable to retaliate.232

In March and April of 2003, rebel groups killed many soldiers and destroyed several military aircraft in a surprise attack.233 The Government’s position further worsened because rebels had been looting government weaponry.234 After rebel attacks at government posts in Darfur, the Government withdrew forces and no longer had control over areas where rebels were based.235 To deal with these rebel threats, the Government sought assistance in fighting from local tribes.236 This assistance further aggravated the existing tension between the Darfur tribes.237 The government funded tribal leaders, giving them gifts based on their ability to recruit support for the government.238 Newly recruited fighters came to be labeled the “Janjaweed.”239

“Janjaweed” generally means “a man (a devil) on a horse.”240 The term “Janjaweed” within the Darfur conflict has been described “as a generic term to describe Arab militia acting, under the authority, with the support, complicity or tolerance of the Sudanese State authorities, who benefit from impunity for their actions.”241 The Janjaweed have been reported as making their attacks on horseback or camelback.242 While not thought to be a large group, due to government assistance, the Janjaweed are well armed with automatic weapons.243 “They have killed, raped, maimed, looted and burned down tens of thousands of village homes, displacing hundreds of thousands of people.”244

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232. See id. (explaining that it is possible that since the SPLM/A had utilized such violence and were then taking part in fruitful negotiations that were rapidly advancing that the Darfur rebel groups took this as a lesson that armed conflict would give them the same results).
233. See Inquiry on Darfur, supra note 175, at 24.
234. See id.
235. See id. at 25.
236. See id.
237. See id.
238. See Inquiry on Darfur, supra note 175, at 25.
239. See id.
240. Id. at 31.
241. Id. at 34.
242. See id.
244. Id.
B. Steps Towards Peace

1. The Comprehensive Peace Agreement

Throughout the twenty-one year conflict that ensued in Sudan, there were many attempts to establish peace. External organizations, including neighboring states, as well as the parties involved, facilitated attempts to end the conflict. Many factors, however, including the complexities of the situation and lack of political will, prevented a resolution to the conflict.

The Heads of State of the Intergovernmental Authority on Drought and Development ("IGADD") became involved in 1993. With the help of IGADD, a long process began, which in 2005 resulted in the signing of the Comprehensive Peace Agreement. The Comprehensive Peace Agreement is a series of six agreements that first call for a ceasefire and then establish principles of governance and lay a framework for the transitional process of achieving these principles. It was through the help of the Inter-Governmental Authority on Development ("IGAD"), that the Government of Sudan and the SPLM/A achieved the signing of the agreements. The IGAD was also responsible for the U.N. becoming involved in the peace process. The U.N. was represented at summit meetings of IGAD countries and partook in consultations with regional players in furtherance of the peace process.

2. United Nations' Efforts in Sudan

On June 11, 2004, Security Resolution 1547 established the United Nations Advance Mission in Sudan ("UNAMIS") with the purpose of assisting in the implementation of the Comprehensive Peace Agreement signed by the Government of Sudan and the SPLM/A. On

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246. See id.
247. See id.
248. See id.
249. See id.
250. See UNMIS CPA, supra note 245.
252. See UNMIS CPA, supra note 245.
253. See id.
254. See id.
256. See id. ¶ 1.
March 24, 2005, Security Resolution 1590 later changed the name to the United Nations Mission in Sudan ("UNMIS"). The purpose of the UNMIS is to help in maintaining peaceful operations during the interim period following the signing and during the implementation of the Comprehensive Peace Agreement.

3. United Nations Extends Assistance to Darfur

On July 30, 2004, through U.N. Security Resolution 1556, the UNAMIS was expanded to create a focus specifically on Darfur. Due to the initiatives of the African Union and the support of the U.N., as well as other participants, the Darfur Peace Agreement was then signed on May 5, 2006. The signatories to the agreement were the SLM/A and the Sudanese Government. The agreement addresses Darfur's history of marginalization and establishes a plan to initiate democratic processes for the people of Darfur. The agreement called for the disarmament and demobilization of the Janjaweed militia to have taken place by October 2006.

On August 31, 2006, U.N. Security Resolution 1706 extended the mandate of the UNMIS to help in the region of Darfur by assisting in the implementation of the Darfur Peace Agreement. This Agreement established a three-phased approach to strengthen the African Union Mission in Sudan ("AMIS") and deploy an unprecedented A.U./U.N. Hybrid peacekeeping force in Darfur. The U.N.'s three-phased approach consisted of a Light Support Package ("LSP"), a Heavy Support Package ("HSP"), and the A.U./U.N. Hybrid operation in Darfur ("UNAMID"). The LSP had mostly been deployed by the end of July, 2007, and primarily provided support to the management capacity of the

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258. See id. ¶ 1.
259. See id. ¶ 4.
264. See id.
265. See id.
267. See id. ¶ 1.
268. See UNAMID Background, supra note 262.
269. See id.
AMIS.\textsuperscript{270} The HSP, meant to be deployed in mid to late 2007, was designed to provide the AMIS with transitional support until the greater Hybrid operation could be deployed.\textsuperscript{271}

In June 2007, Sudan accepted the A.U./U.N. Hybrid operation and on July 31, 2007, the UNAMID was officially established by U.N. Security Resolution 1769.\textsuperscript{272} Under Resolution 1769, the UNAMID is authorized for an initial period of twelve months.\textsuperscript{273} The mission allows for approximately 20,000 troops, over 6,000 police, and a significant civilian presence.\textsuperscript{274} The UNAMID was to have management, command, and control structures in place, as well as operational command over the LSP, the HSP, and AMIS by the end of 2007.\textsuperscript{275} Upon establishment of the UNAMID, a goal was set for implementing the initial phase no later that December 31, 2007.\textsuperscript{276}

4. Progress of UNAMID

Though the UNAMID achieved its goal of taking over the LSP, the HSP, and the existing A.U. operation, other components of the mission faced problems.\textsuperscript{277} As of the end of December 2007, the requisite aviation and transportation units to allow for successful implementation of the mission had not yet been acquired.\textsuperscript{278} This shortfall could have a significant impact on the progress of the mission, given the need for rapid mobility and the poor infrastructure of the region.\textsuperscript{279} As of the beginning of January 2008, months after the establishment of the UNAMID, only 9,000 troops were put in place.\textsuperscript{280} This falls short of the anticipated deployment by more than 11,000 troops.\textsuperscript{281}

\begin{itemize}
\item \textsuperscript{270} See id.
\item \textsuperscript{271} See id.
\item \textsuperscript{272} S.C. Res. 1769, U.N. Doc. S/RES/1769 (July 31, 2007); see also UNAMID Background, \textit{supra} note 262.
\item \textsuperscript{273} See UNAMID Background, \textit{supra} note 262.
\item \textsuperscript{274} See id.
\item \textsuperscript{275} See id.
\item \textsuperscript{279} See id.
\item \textsuperscript{280} See source cited \textit{supra} note 277.
\item \textsuperscript{281} See id.
The period from October to December 2007, saw an increase in violence within the region of Darfur.\textsuperscript{282} Armed clashes continued to take place during this period between Darfur movements and the Government of the Sudan.\textsuperscript{283} Though the mandate of the UNAMID remains in effect, progress within Darfur has been modest.\textsuperscript{284} While the circumstances within the region worsen, the UNAMID must start its operations with limited capabilities and resources.\textsuperscript{285}

IV. ANALYSIS

A. Changes in the U.N. Approach to Peacekeeping

A number of lessons should have been learned from the tragedy that took place in Rwanda. First, when approaching conflicts with such deep roots of political and social tension, a great deal of seriousness needs to be placed on the mission. In Rwanda, the U.N. often underestimated the seriousness of the conflict and its potential for a disastrous outcome.\textsuperscript{286} Therefore, the peacekeeping mission did not proceed with the sensitivity and strength required for success. Second, the U.N. should have learned that a key factor in dealing with such sensitive situations is that established plans need to be strictly adhered to in a timely manner. The parties involved in these conflicts become strongly dependent upon equal compliance with the agreements reached between the parties.\textsuperscript{287} When deadlines are missed, parties can become uneasy and the effects of this can be disastrous. Further, the U.N. needs to prepare for setbacks in their progress and must have the supplies and strength to immediately calm deviations that could arise. In Rwanda, the U.N.'s mandate was flawed from its inception.\textsuperscript{288} However, upon realizing this as the situation worsened, problems could have been remedied. Adjustments could have been made to the mandate allowing surges of troops and supplies to be immediately instituted to mitigate the violence.

The situation in Darfur mirrors that of Rwanda in many respects.\textsuperscript{289} Some positive changes, however, have taken place. In both Rwanda and Darfur, negotiations towards a peace agreement were overseen by regional actors with the U.N. taking only a nominal role, rather than
administering the negotiations altogether. In Rwanda, after the negotiations came to a close, the U.N. took on the role of peacekeeping unilaterally. Efforts in Darfur proved promising, in that the peacekeeping role is a joint effort between the U.N. and the A.U. Further, the U.N.'s most recent mandate in Darfur called for a drastic increase in troops over the number deployed in Rwanda.

B. Predictions for Darfur

The U.N. is approaching a critical period in terms of its eventual success or failure in Darfur. Though positive changes have been made in the U.N.'s efforts in Darfur as compared to Rwanda, we are also seeing many of the same mistakes. The U.N. and Sudan agreed to allow for a strong peacekeeping force. As the U.N. enters the third and strongest phase of its mission, problems are already starting to occur. Darfur has yet to see the promised number of troops and key aviation and transportation units scheduled to have been in place have thus far not arrived. If the U.N. can act hastily to remedy their shortages in promised support, the outcome for Darfur could be much more positive. A strong peacekeeping presence might curb the escalating violence and save lives. To accomplish this, significant actions must be taken immediately to bring the mission back on track with its mandate. If the U.N. is unable to pull its forces together in these early, critical weeks, it is likely that the severity of the situation could intensify and the U.N. will find itself in a situation of yet again being inadequately equipped to maintain control and thus, we could see a downward spiraling of events that are all too familiar given the tragedy that engulfed Rwanda.

V. CONCLUSION

The U.N. continually takes on the role of peacekeeping during times of conflict around the world. Given the importance of this task and the impact it can have on uncountable lives, mistakes cannot be afforded. Yet, when mistakes are made; are lessons learned and thus corrections made in the future? Reflecting upon the tragedy that engulfed Rwanda, though certain lessons have been learned, sadly, similar, disastrous mistakes are also being made.

291. See supra notes 267-68 and accompanying text.
292. See supra notes 136-42, 272-74 and accompanying text.
293. See supra notes 268-85 and accompanying text.
294. See supra notes 165-69 and accompanying text.