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Reading Humanitarian Intervention

Human Rights and the Use of Force in
International Law



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Second, economically motivated political and constitutional reforms destroyed the means of protecting minority rights within the socialist system. That system of protection had been based upon the provision of government jobs distributed according to national status and state expenditure on cultural rights. Commentators argue that the 'multiple political arenas' created by Yugoslavia's extensive political decentralisation also operated to guarantee the protection of rights and freedoms: 'journalists who could not publish in one republic could get an audience in another; people facing discrimination in one republic could emigrate temporarily to another; and social movements repressed in one republic might hope for publicity and outside pressure in another'.⁵⁹ These mechanisms for accommodating ethno-national and other differences in socialist Yugoslavia were progressively broken down from 1982 onwards. The IMF conditions contributed to the destruction of those mechanisms, by requiring fiscal cuts, greater political centralisation, and an end to nationality-based distribution of voting and positions.⁶⁰

Third, the effects of IMF programmes such as social polarisation, attacks on the protection of minority rights and constitutional and institutional 'reform', contributed to the nationalist dynamic developing during the late 1980s.⁶¹ Those programmes played a role in the rise of republican nationalism and the sense that the federal government lacked legitimacy.⁶² Critics of IMF programmes argue that, while Tito's Yugoslavia functioned as an 'imagined community' in the sense described by Benedict Anderson,⁶³ that sense of community depended upon the federal government having the ability to provide some level of economic and administrative support. When the IMF imposed the policy of structural adjustment in the 1980s, it led to the state, as usual, being stripped of most of its functions, except maintaining law and order.⁶⁴

⁵⁹ Woodward, *Balkan Tragedy*, p. 381; Petras and Vieux, 'Bosnia', 10.

⁶⁰ Woodward, *Balkan Tragedy*, p. 381; Petras and Vieux, 'Bosnia', 10.

⁶¹ Williams, 'Economic Intervention'.

⁶² Chossudovsky, 'Dismantling Former Yugoslavia', 521–2.

⁶³ Benedict Anderson, *Imagined Communities* (London, 1991), pp. 6–7. Anderson defines the nation as an imagined community: 'imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion', and a community because 'regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship'.

⁶⁴ Jochen Hippler, 'Democratisation of the Third World after the End of the Cold War' in Jochen Hippler (ed.), *The Democratisation of Disempowerment: the Problem of Democracy in the Third World* (London, 1995), pp. 1–31 at p. 24 (arguing that often after structural adjustment, the state is only left with 'the police, the army and the secret service: the

In that vacuum, ethnic nationalism offered a form of community and identity.⁶⁵ One of the reasons that the sense of community offered by nationalism is attractive under these circumstances is 'because the bases of existing communities have collapsed and governments are radically narrowing what they will or can provide in terms of previously guaranteed rights to subsistence, land, public employment, and even citizenship'.⁶⁶

The attack on established systems of welfare also contributed to the anti-federal, republican focus of the nationalist dynamic.⁶⁷ While the federal government enacted rapid economic and political restructuring designed to meet with the approval of economic advisers, international institutions and private banks, republican leaders were able to appeal to those people who had to face the serious economic and social consequences of that rapid restructuring.⁶⁸ Nationalist republican governments thus gained popular support for the separatist policies of resisting federal taxation and opposing federal authority.⁶⁹ The 'gulf between richer and poorer republics' caused by economic restructuring also fuelled the separatist dynamic.⁷⁰ One major cause of the separation of Slovenia from Yugoslavia, for example, was the desire to abandon those republics that were 'slowing down insertion into capitalist Europe'.⁷¹ Local leaders also gained support from ethnic minorities or those in poorer regions who resented the 'politics of capital cities' and its neglect of their interests.⁷²

Fourth, the speed with which restructuring and, by 1990, shock therapy were carried out contributed to the rapid process of political disintegration that occurred once the Yugoslav crisis entered a 'nationalist dynamic'.⁷³ As the phrase 'shock therapy' suggests, economic logic dictated that speed was essential. The federal government and international institutions remained committed to implementing radical and

instruments of repression. By their nature, these can't [yet] be privatised or transferred to the North).

⁶⁵ Petras and Vieux, 'Bosnia', 10. See also Hippler's discussion of the ways in which 'other forms of identity, ethnic or ethnic-religious, become more important' in states subject to structural adjustment, as the 'national state' is stripped of its functions and becomes discredited: *Ibid.*, p. 25.

⁶⁶ Woodward, *Balkan Tragedy*, p. 17.

⁶⁷ *Ibid.*, p. 384; Chossudovsky, 'Dismantling Former Yugoslavia', 521-2.

⁶⁸ Woodward, *Balkan Tragedy*, p. 127; Blackburn, 'The Break-up'; Petras and Vieux, 'Bosnia', 10; Chossudovsky, 'Dismantling Former Yugoslavia', 522.

⁶⁹ Woodward, *Balkan Tragedy*, p. 384. ⁷⁰ Samary, 'Behind the Breakup', 27.

⁷¹ *Ibid.* See also Woodward, *Balkan Tragedy*, pp. 105, 150.

⁷² Woodward, *Balkan Tragedy*, p. 384. ⁷³ *Ibid.*, p. 17.

far-reaching political and constitutional reforms to enable a rapid transition from a socialist economic structure to a purely market-based regime, even after the nationalist climate and violent resistance to those radical reforms became apparent.⁷⁴ As Woodward notes, there was a clear conflict between the conditions necessary to ensure peace and those deemed necessary for economic liberalisation. While time was the commodity that was needed to build 'cross-republican, society-wide political organisations' to avoid civil war and genocide, rapid economic and political change was considered to be essential by the IMF, banks and financial institutions.⁷⁵

The genocide in the former Yugoslavia was, of course, the work of violent, local men. The conditions imposed by the IMF and the consequences of those conditions were not the sole cause of that outbreak of violence. Structural adjustment and shock therapy programmes have been implemented in many states without leading to genocide. Yet it is not possible to say that this violent ethnic cleansing was a purely local event. To suggest that ethnic cleansing was the product of Yugoslav politics, interests, passions and ambitions alone is to absolve international institutions of any responsibility for taking account of the reception of the norms and culture they impose.

The development of Rwanda

I want now to develop this argument further by turning to look at the case of Rwanda in 1994. There, the Security Council infamously did *not* authorise military intervention in the face of genocide. Perversely, it chose the days after the genocide commenced to withdraw most of the UN peace-keepers who were on the ground to oversee the implementation of the Arusha peace accords between the Rwandan government and the rebel Rwandan Patriotic Front.⁷⁶ For many international lawyers, any criticisms of humanitarian intervention as a policy option must be

⁷⁴ See Sachs, 'What Is to Be Done', 21 (justifying the 'need for speed' in restructuring Eastern European political and economic institutions in 1990).

⁷⁵ Woodward, *Balkan Tragedy*, p. 384.

⁷⁶ The Arusha Accords consisted of a Peace Agreement, the N'Sele Cease-Fire Agreement and two protocols plus earlier completed protocols governing the rule of law, power-sharing and the repatriation of refugees. See *Letter from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting the Peace Agreement signed at Arusha on 4 August 1993, the N'Sele Cease-Fire Agreement and related Protocols of Agreement*, UN Doc A/48/824-S/26915 (1993).

read against the effects of the failure of the international community to intervene to prevent the Rwandan genocide.

The genocide began after the plane carrying Rwandan President Habyarimana and President Ntaryamira of Burundi was shot down on its approach to Kigali airport on the evening of 6 April 1994. Everyone on board was killed.⁷⁷ Almost immediately, militia roadblocks were set up throughout Kigali. Militiamen and Presidential guards began searching houses in Kigali and killing 'enemies', including prominent liberal politicians and democrats, Hutu sympathisers of democratic opposition parties, and Tutsi – purely because they were Tutsi.⁷⁸ According to Gérard Prunier, 'they started killing during the night and they managed to dispose of most of the "priority targets" – the politicians, journalists and civil rights activists – within less than thirty-six hours'.⁷⁹ The killing had spread beyond the city by 7 April. Over the course of the next hundred days between April and July 1994, over 800,000 people would be massacred in Rwanda.⁸⁰ The slaughter, rape and mutilations were vicious and horrifying. Yet as Prunier has argued, this was not a chaotic or anarchic event, but rather a highly organised enterprise: 'In Rwanda, all the pre-conditions for a genocide were present: a well-organised civil service, a small tightly-controlled land area, a disciplined and orderly population, reasonably good communications and a coherent ideology containing the necessary lethal potential.'⁸¹

Causes of the genocide included 'civil war, competition for power, racism, ideological radicalization, militarization [and] human rights violations'.⁸² In particular, the mobilisation of racism was a means for Rwanda's elite, particularly the *akuzu* or group of people around President Habyarimana and his wife, to protect their privileges and status in the face of threats to their power. These threats were posed by the economic crisis of the 1980s, the 1990 invasion from Uganda by the Rwandan Patriotic Front, and the pressure for democratisation from the international community as part of the Arusha peace process.⁸³

⁷⁷ *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, UN Doc S/1999/1257, 15 December 1999 (hereinafter Independent Inquiry Report), <http://www.un.org/News/press/docs/1999/s991257.html> (accessed 2 May 2002), 9.

⁷⁸ Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York, 1995), pp. 230–1.

⁷⁹ *Ibid.*, p. 243. ⁸⁰ *Ibid.*, p. 265; Independent Inquiry Report, 1.

⁸¹ Prunier, *The Rwanda Crisis*, p. 238.

⁸² Peter Uvin, *Aiding Violence: the Development Enterprise in Rwanda* (Connecticut, 1998), p. 225.

⁸³ *Ibid.*, pp. 53–81; Prunier, *The Rwanda Crisis*, pp. 82–212.

The *akuzu* sought to legitimise their continued political dominance through making use of the ideology of the evil of Tutsis. In a practical sense, they organised and funded militias and spread racist propaganda, all of which paved the way for the genocide.⁸⁴ Thus for Gérard Prunier, the genocide was in part the end result of ‘a fight for good jobs, administrative control and economic advantage... It was from that convergence of threatened privileges with ideological frustration that the genocide plans got their emotional fuel’.⁸⁵

It is not difficult to feel anger and frustration at the appalling failure to act in the face of clear signs that genocide was going to take place in Rwanda. As the *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* (the Independent Inquiry Report) found: ‘The international community did not prevent the genocide, nor did it stop the killing once the genocide had begun. This failure has left deep wounds within Rwandan society, and in the relationship between Rwanda and the international community, in particular the United Nations.’⁸⁶

Much of the legal literature dealing with the genocide in Rwanda agrees, charging the international community with an absence of involvement and a failure to act to prevent the Rwandan genocide. The lesson to be learned from Rwanda, according to such accounts, is the need to establish better mechanisms to enable military intervention in the face of massive human rights abuses or genocide. For example, Ved P. Nanda, Thomas F. Muther, Jr and Amy E. Eckert argue that while there was sufficient early warning that a genocide might occur in Rwanda, ‘the United Nations and member states took no effective action to prevent the disaster’.⁸⁷ They criticise the ‘failure of the international community to prevent the 1994 massacre’ and suggest that the genocide in Rwanda could ‘have been halted by forcible intervention’.⁸⁸ For these authors, ‘if there is a clear-cut case to be made for intervention, Rwanda was it’.⁸⁹ Similarly, for Dorinda Lea Peacock, the international community failed to intervene early enough in Rwanda, and ‘was slow to take action to

⁸⁴ Prunier, *The Rwanda Crisis*, pp. 169, 182, 203, 220–9. ⁸⁵ *Ibid.*, p. 227.

⁸⁶ Independent Inquiry Report.

⁸⁷ Ved P. Nanda, Thomas F. Muther, Jr, and Amy E. Eckert, ‘Tragedies in Somalia, Yugoslavia, Haiti, Rwanda and Liberia – Revisiting the Validity of Humanitarian Intervention under International Law – Part II’ (1998) 26 *Denver Journal of International Law and Policy* 827 at 846.

⁸⁸ *Ibid.*, 847, 851. ⁸⁹ *Ibid.*, 851.

end or even to mitigate the killing'.⁹⁰ For Peacock, the key question in light of the Rwandan genocide remains: 'What level of horror would compel intervention?'⁹¹

This framework also underpins Samantha Power's critique of US foreign policy towards Rwanda.⁹² Power is concerned to understand how the American system of policy-making allowed the US administration to fail Rwanda so spectacularly. Her analysis of the actions of US bureaucrats and officials is devastating, and testifies to a system in which there was no space for conceptions of justice, solidarity or humanitarianism to inform the making of decisions about foreign policy. Power's focus is on the failure to respond to the genocide. She suggests it was based on the creation by US policymakers of 'a nurturing ethical framework for inaction'.⁹³ According to Power, 'whatever their convictions about "never again", many [US officials] did sit around, and they most certainly did allow genocide to happen'.⁹⁴ Power argues that the USA could easily have done things differently, both before the genocide began and during its progress. She is particularly critical of the US failure to agree to pleas for UN reinforcements before the violence escalated, to deploy US troops to Rwanda once the genocide had begun in earnest, or at least to support those UN members who were themselves willing to deploy troops.

Common to many analyses is the suggestion that the international community is responsible for the Rwandan genocide due to its failure to use force to prevent or halt the genocidal killing. At the time the genocide commenced, there were in fact 2,519 UN troops in Rwanda as part of the United Nations Assistance Mission for Rwanda (UNAMIR).⁹⁵ UNAMIR's mandate included contributing to the security of the city of Kigali within a weapons-secure area established by the parties in and around the city, monitoring observance of the Arusha Peace Agreement, and monitoring the security situation leading up to elections.⁹⁶

⁹⁰ Dorinda Lea Peacock, '“It Happened and It Can Happen Again”: the International Response to Genocide in Rwanda' (1997) 22 *North Carolina Journal of International Law and Commercial Regulation* 899 at 925.

⁹¹ *Ibid.*

⁹² Samantha Power, 'Bystanders to Genocide: Why the United States Let the Rwandan Tragedy Happen', *The Atlantic Online*, September 2001, <http://www.theatlantic.com/issues/2001/09/power.htm>, accessed 4 April 2002.

⁹³ *Ibid.*, 20. ⁹⁴ *Ibid.*, 2. ⁹⁵ *Ibid.*, 234.

⁹⁶ UN Doc S/RES/872 (1993). Although Dallaire asked for the approval of the Secretariat to use force in response to crimes against humanity and other abuses, the Secretariat never responded to that request: Independent Inquiry Report, 4.

The failure of the international community to take action in the face of the public and thorough preparations for the genocide is indeed remarkable. After all, as José Alvarez notes, 'there was nothing concealed about either the continuous public incitements to mass killing or the 1994 killings themselves'.⁹⁷ Much was known internationally about these preparations. For example, General Romeo Dallaire, head of UNAMIR, made repeated requests for more troops and resources in the months leading up to the outbreak of genocide.⁹⁸ Two major human rights reports were also published in 1993, setting out the potential for civil violence in Rwanda. The first, written by an International Commission of Inquiry established by four human rights NGOs to investigate human rights violations in Rwanda, documented massacres throughout the country, detailed the deaths of over 2,000 Tutsi murdered because of their ethnicity, and reported that extremist rhetoric was widespread and that militia groups had been formed.⁹⁹ The second was the UN report on the April visit to Rwanda by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr B. W. Ndiaye, published on 11 August 1993. That report detailed massacres of the civilian population fulfilling the definition of genocide, and described other serious human rights violations taking place in Rwanda, including death threats, political assassinations, and the absence of any system for protecting ethnic minorities from mounting violence.¹⁰⁰ It commented on 'the destitute condition of a whole sector of the population', the 'climate of mistrust and terror [that] currently prevails in Rwanda', and the 'profusion of weapons in circulation'.¹⁰¹

The Security Council failed to authorise the use of force to protect civilians in the face of such public preparations for genocide, and similarly did nothing to halt the genocide once it began. On the contrary, as the crisis erupted, the UN effectively removed its military presence, leaving only a token force. After ten Belgian peace-keepers were killed,

⁹⁷ José E. Alvarez, 'Crimes of States/Crimes of Hate: Lessons from Rwanda' (1999) 24 *Yale Journal of International Law* 365 at 392.

⁹⁸ Independent Inquiry Report, 5.

⁹⁹ The four NGOs were Human Rights Watch, International Federations of Human Rights, Inter-African Union of Human Rights, and the International Center for Human Rights and Democratic Development.

¹⁰⁰ Report by Mr B. W. Ndiaye, *Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, on his Mission to Rwanda from 8 to 17 April 1993*, UN Doc E/CN.4/1994/7/Add.1, 11 August 1993.

¹⁰¹ *Ibid.*, para 11.

Belgium withdrew from UNAMIR on 14 April 1994. 'Belgian soldiers, aggrieved by the cowardice and waste of their mission, shredded their UN berets on the tarmac at Kigali airport.'¹⁰² Despite Dallaire's declaration that with 5,000 soldiers he could stop the genocide, the Security Council voted unanimously on 21 April to withdraw all but 270 UNAMIR troops and to limit the mission's mandate.¹⁰³ A month later, on 17 May, the Security Council passed a further resolution expanding the mandate of UNAMIR and authorising the expansion of that mission to 5,500 troops.¹⁰⁴ Yet even this deployment was delayed due to disputes over the provision of troops and funding for the operation, so that over two months later UNAMIR still had only 550 troops.¹⁰⁵ On 22 June, the Security Council authorised the deployment of a multinational force under French control – the controversial *Opération Turquoise*.¹⁰⁶ For some commentators, this represents a (delayed) instance of humanitarian intervention, as the formal aim of this force was to establish a 'safe area' in south-west Rwanda.¹⁰⁷ However, its principal effects seem to have been 'to permit the slaughter of Tutsis to continue for an extra month, and to secure safe passage for the genocidal command, with a lot of weaponry, into Zaire'.¹⁰⁸

The international community also failed to take action short of military intervention to prevent the genocide. For example, the continuation of development aid could have been made conditional upon the Rwandan government ending human rights violations.¹⁰⁹ As Linda Melvern notes, 'in the years immediately before the 1994 genocide there was a bewildering array of aid agencies involved in Rwanda and most of them were fully aware of the overt system of apartheid operated against the Tutsi'.¹¹⁰ However, few attempts were made to use development aid to pressure the Rwandan government to ensure the protection of human rights and to end the incitement to genocide. Instead, international aid, structural adjustment and the business of development continued as usual.¹¹¹ Jamie Metzger suggests that the international community could

¹⁰² Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families* (London, 1999), p. 150.

¹⁰³ UN Doc S/RES/912 (1994). ¹⁰⁴ UN Doc S/RES/918 (1994).

¹⁰⁵ Independent Inquiry Report, 15–17. ¹⁰⁶ UN Doc S/RES/929 (1994).

¹⁰⁷ Tesón, 'Collective Humanitarian Intervention', 365.

¹⁰⁸ Gourevitch, *We Wish to Inform You*, pp. 160–1. ¹⁰⁹ Uvin, *Aiding Violence*, p. 226.

¹¹⁰ L. R. Melvern, *A People Betrayed: the Role of the West in Rwanda's Genocide* (London, 2000), p. 55.

¹¹¹ Uvin, *Aiding Violence*, p. 86.

have acted to jam the local radio broadcasts inciting genocide.¹¹² For Metzl, this was particularly pressing once it had become clear to those in Rwanda that genocide was imminent.¹¹³ Many international aid workers and human rights activists were well aware of the pattern developing during the early 1990s, by which 'broadcasts would identify and criticize an individual, and Interahamwe [militia] groups would set out at once to find and attack the person named'.¹¹⁴ Yet no action was taken to prevent the broadcasts. In addition, there was no attempt made to remove Rwanda from its seat on the Security Council, where it had become a non-permanent member on 1 January 1994.¹¹⁵ The Independent Inquiry Report suggests that this created a problem in the Security Council's handling of the Rwandan situation, as the genocidal regime had full access to discussions at the Council and was able to try to influence decision-making there.¹¹⁶ It also sent a message to those responsible for the genocide that the international community was not overly concerned about the conditions prevailing in Rwanda during that period.

All of these criticisms are important and damning. Yet I want to argue that this is only half the picture. As in the case of the break-up of Yugoslavia, the notion that the international community was missing in action during the preparations for the genocide can only be maintained if the international aid and development enterprise is treated as 'external' to Rwanda, and thus to the conditions that caused the genocide.¹¹⁷ If we focus on the actions, presence and involvement of the international community in Rwanda during the preparations for genocide, it becomes far more difficult to present the Rwandan genocide as a purely local

¹¹² Jamie Frederic Metzl, 'Rwandan Genocide and the International Law of Radio Jamming' (1997) 91 *American Journal of International Law* 628. Initially this propaganda was broadcast by the government-controlled Radio Rwanda, and later by the semi-privatised Radio-Télévision Libre des Milles Collines (RTL).

¹¹³ *Ibid.*, 648. It is interesting to note, however, the reluctance of the US administration to name what was happening in Rwanda as genocide, even once the killings were well under way, for fear of bringing into play legal obligations (see Power, 10–12). Metzl's suggestion that the recognition of imminent genocide could be a trigger to the lawfulness of radio jamming may thus have limited utility.

¹¹⁴ *Ibid.*, 631. See, for example, *Report by Mr B. W. Ndiaye, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, on his Mission to Rwanda from 8 to 17 April 1993*, 17.

¹¹⁵ Independent Inquiry Report, 39.

¹¹⁶ *Ibid.*, 32. For example, the Inquiry noted that Rwanda voted against Security Council Resolution 918 (1994) which decided to increase the number of troops in UNAMIR and impose an arms embargo on Rwanda, 'a clear example of the problematic issue of principle raised by Rwandan membership of the Council', paragraph 15.

¹¹⁷ Uvin, *Aiding Violence*, p. 225.

phenomenon. The large-scale presence of development workers is ignored in most analyses of the genocide, as is any exploration of the relationship between the processes that led to genocide and the development enterprise.¹¹⁸ The debate relating to development is framed around the ways in which foreign aid could have intervened to prevent genocide, just as the legal literature is concerned with issues relating to military intervention. Yet the Rwandan genocide did not take place in a country that was isolated from the international community. Rwanda was seen as a 'model developing country' by the World Bank and most other development aid agencies.¹¹⁹ As Peter Uvin notes:

Up to the last minute, thousands of technical assistants and foreign experts were building roads, extending credit, training farmers, protecting the environment, reorganizing ministries, advising finance officials, and distributing food aid, at a cost of hundreds of millions of dollars a year – the lion's share of all government expenditures. For most of these people, up to the end, Rwanda was a well-developing country – facing serious development problems, but dealing with them much more effectively than were other countries.¹²⁰

How then might we write the presence of the international development community into our representations of the relationship between 'internal' or 'local', and 'external' or 'foreign', factors in causing the genocide? Does such a distinction between inside and outside even make sense in light of the degree of involvement of the 'international' in Rwanda prior to the genocide?

To begin with, aid provided 'a large share of the financial and moral resources of the government and civil society' in Rwanda.¹²¹ Indeed,

¹¹⁸ *Ibid.*, pp. 3–4 (arguing that there has been too little attention paid to the relationship between the development process and the Rwandan genocide); Todd Howland, 'Mirage, Magic, or Mixed Bag? The United Nations High Commissioner for Human Rights' Field Operation in Rwanda' (1999) 21 *Human Rights Quarterly* 1 at 5 (arguing that no UN agencies operating in Rwanda before the genocide have made a serious review of their work or projects to determine whether they facilitated or minimised genocidal actions and human rights abuses).

¹¹⁹ Uvin, *Aiding Violence*, pp. 40–5. Those interested in economic development were impressed by the statistics relating to matters such as industrial production, investment, exports and paved roads (pp. 47–8). Those concerned with participation lauded the high density of NGOs (p. 48). Those who were concerned with technical indicators of 'human development' looked to achievements such as the high rate of vaccinations as markers of Rwanda's success (p. 160). In an unusually cynical aside, Peter Uvin comments there that 'one can point out that 85 percent of the Tutsi who were slaughtered and 85 percent of those who did the killing in Rwanda were vaccinated'.

¹²⁰ *Ibid.*, p. 2. ¹²¹ *Ibid.*, p. 3.

‘until the genocide, Rwanda was one of the most aided countries in the world’.¹²² Bilateral donors, as well as multilateral donors such as the IMF, the World Bank and the ADB, continued to make large amounts of programme aid available to Rwanda during the early 1990s.¹²³ Aid agencies and the community of aid workers and foreign diplomats present in Rwanda during that period did little in response to the well-documented rise in government-sponsored human rights violations, racism, massacres and militarisation of society, all of which ‘were constitutive elements of the drive to genocide’.¹²⁴ In fact, Uvin documents that during that period, aid from almost all countries increased, and most countries continued to provide military support to the Rwandan government.

This development aid helped to maintain the strong state necessary to organise and administer the genocide. Philip Gourevitch argues that genocide in Rwanda was not an instance of anarchy, but ‘the product of order, authoritarianism... and one of the most meticulously administered states in history’.¹²⁵ In other words, it was precisely because of the excellent administration of this model developing state that genocide was possible. Similarly, Prunier argues that the *génocidaires* had believed they could carry off the genocide because, *inter alia*, they relied on ‘their capacity to keep a reasonable degree of administrative efficiency during the slaughter process’.¹²⁶ This level of state capacity was made possible by the development enterprise. Uvin estimates that aid funding was responsible for close to 80 per cent of the investment budget and much of the operating budget of the Rwandan government. As a result, ‘there was no way that the government could implement any policy, coherent or not, without the assistance of the foreign aid community’.¹²⁷ While this did not mean that donor governments or international economic organisations had a free hand in controlling what happened in Rwanda, those actors did have influence over policy developments.

The close relationship between aid agencies and governments also gave those agencies great leverage over elites within Rwanda. As Uvin comments: ‘As most aid ends up with the upper crust in the cities – in the form of training, salaries, per diems, transportation, and entrepreneurial income – the elite could not live its lifestyle, make its

¹²² *Ibid.*, p. 40.

¹²³ Michel Chossudovsky, *The Globalisation of Poverty: Impacts of IMF and World Bank Reforms* (Penang, 1997), pp. 115–20; Gourevitch, *We Wish to Inform You*, p. 94.

¹²⁴ Uvin, *Aiding Violence*, p. 229. ¹²⁵ Gourevitch, *We Wish to Inform You*, p. 95.

¹²⁶ Prunier, *The Rwanda Crisis*, p. 228. ¹²⁷ Uvin, *Aiding Violence*, p. 226.

money, buy its consumption products, and so forth without the support of the aid system.¹²⁸

The corollary of this is that a threat to withhold aid in the face of human rights violations could have had a significant, persuasive effect on members of that Rwandan elite. Uvin notes that this was in fact the result on the two short-lived occasions when the international community sought to force changes from the Rwandan government. The first took place in 1991, when the international community sought the release of 8,000 to 10,000 arbitrarily detained Tutsi. This diplomatic activity is considered to have been successful, and certainly most of the people detained were released.¹²⁹ Again, when the joint NGO human rights report was published in 1993, a number of countries threatened to (but never did) cut aid, the World Bank refused to give Rwanda the latter tranches of a structural adjustment loan, and Belgium and Switzerland briefly recalled their ambassadors.¹³⁰ The Rwandan government agreed to investigate the allegations and fewer massacres took place over the following months.

Even if it was felt that cutting off aid would have not worked, agencies could have shifted priorities away from structural adjustment and towards strengthening the judicial system, education of human rights, more equitable distribution of resources and repatriation and protection of refugees and internally displaced people. However, international economic institutions such as the World Bank continued with their usual policy prescriptions, and even praised Rwanda for its liberal approach to economics. So Uvin argues:

As Rwanda's farmers were facing crises without precedent, as inequality and corruption reached endemic proportions, as hope for the future was extinguished, and as violence, hatred, and human rights abuses became government policy, the [World Bank] was congratulating Rwanda for its improved capacity to overcome its 'limited absorptive capacity', to 'improve its capacity to design and implement development projects'...¹³¹

Commentators also argue that the racist violence in Rwanda was in part fuelled by rising frustration and unfulfilled expectations in Rwanda during a period of extreme economic and political change.¹³² For Michel Chossudovsky, the 'sweeping macro-economic reforms imposed by the Bretton Woods institutions' between 1989 and 1992 contributed to 'exacerbating the climate of generalised insecurity' and 'precipitated the

¹²⁸ *Ibid.*, p. 227. ¹²⁹ *Ibid.*, p. 96. ¹³⁰ *Ibid.* ¹³¹ *Ibid.*, p. 89.

¹³² Chossudovsky, *Globalisation of Poverty*, pp. 115–20; Uvin, *Aiding Violence*, p. 210.

population into abject poverty and destitution'.¹³³ The conditions imposed by the IMF and the World Bank included the devaluation of the Rwandan franc, the lifting of agricultural subsidies and the privatisation of state enterprises. The combination of these austerity measures with falling commodity prices and civil war led to the collapse of public services such as health and education, sharp inflation accompanied by steep rises in fuel and food prices, a rise in the price of electricity following the privatisation of the state-owned Electrogaz, the collapse of the agricultural sector and a large increase in urban unemployed people.¹³⁴ Yet as Chossudovsky notes: 'No sensitivity or concern was expressed as to the likely political and social repercussions of economic shock therapy applied to a country on the brink of civil war. The World Bank team consciously excluded the "non-economic variables" from their "simulations"'.¹³⁵

Uvin's work also broadens the focus away from 'massive physical harm...done with arms by one group against another', to argue that structural violence in a more general sense was part of life for most people in Rwanda most of the time.¹³⁶ Ongoing inequality, exclusion, dispossession, alienation, disempowerment and humiliation had characterised life in Rwanda for decades, and development aid had played a central role in perpetuating this 'structural violence'.¹³⁷ Many Rwandans faced 'the permanence of social and economic exclusion; lack of access to information, education, health and minimal basic needs; and an authoritarian and condescending state and aid system'.¹³⁸ These conditions led to 'frustration, anger, ignorance, despair, and cynicism, all of which greatly increases the potential for acute violence'.¹³⁹ Many of the mechanisms that produced those effects were financed, legitimised and supported by the aid community.¹⁴⁰

For example, aid contributed to growing income inequality in Rwanda. A small group of foreigners, technical assistants and 'big men of the state' benefited materially from development projects and foreign investment, and were able to live lavish lifestyles.¹⁴¹ The spending patterns of aid projects disproportionately favoured a small, wealthy, well-connected, urban elite – almost two-thirds of project costs went to paying the salaries of a small number of technical assistants and consultants,

¹³³ Chossudovsky, *Globalisation of Poverty*, pp. 111, 117. See also Prunier, *The Rwanda Crisis*, p. 160.

¹³⁴ Chossudovsky, *Globalisation of Poverty*, pp. 115–20. ¹³⁵ *Ibid.*, p. 119.

¹³⁶ Uvin, *Aiding Violence*, p. 107. ¹³⁷ *Ibid.* ¹³⁸ *Ibid.* ¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*, p. 231. ¹⁴¹ *Ibid.*, p. 117.

purchasing cars, and funding construction of project infrastructure, including 'houses for its top employees'.¹⁴² The development aid enterprise also contributed to land concentration in Rwanda. Uvin notes that 43 per cent of farm households lacked the minimum land for survival, and that people living on those farms were chronically undernourished.¹⁴³ Yet most aid projects were conducted 'as if land were not scarce, liberally sprinkling offices, homes, storage buildings, demonstration and multiplication fields, and access roads across the countryside.'¹⁴⁴ Almost all rural projects started with 'the construction of big and expensive houses – the biggest ones for the foreign technical assistants, so they can live in conditions at least equal to those in their home countries, and smaller ones for the Rwandan cadres working for the project'.¹⁴⁵ The costs of such constructions were enormous and the space they took up deeply resented by local farmers.¹⁴⁶ Commentators describe a growing population of jobless and landless Rwandans who were becoming extremely unhappy with the spectacle of people associated with the government accumulating land and building huge houses.¹⁴⁷ 'In one of the few documents that present a farmer's opinion about the causes of the genocide, asset and income inequality figure in first and second place.'¹⁴⁸

Uvin also argues that aid worked as a systematic form of humiliation. Farmers were confronted by a huge influx of foreign aid workers and their well-dressed, educated, urban, wealthy Rwandan assistants, arriving in air-conditioned cars, there to tell them how to improve themselves and their work practices. The lifestyle of this group was by implication the desirable one.

It can be argued that the whole development enterprise, with its ideas of material progress, its well-paid employees (whatever the color of their skin) with their four-wheel-drive vehicles, villas, foreign travel, and hundreds of small, daily status symbols, created a permanent reminder of the life that could be but that never would be for the majority of the population.¹⁴⁹

Patricia Williams makes a similar argument about the seductive humiliation of Western capitalism.¹⁵⁰ 'Western flashing of cash and its ability to generate massive realignments troubles me less as ideology than as a

¹⁴² *Ibid.*, pp. 146, 123. ¹⁴³ *Ibid.*, p. 113. ¹⁴⁴ *Ibid.*, p. 147. ¹⁴⁵ *Ibid.*, p. 123.

¹⁴⁶ *Ibid.* ¹⁴⁷ Prunier, *The Rwanda Crisis*, pp. 87–8. ¹⁴⁸ Uvin, *Aiding Violence*, p. 114.

¹⁴⁹ *Ibid.*, pp. 210–11.

¹⁵⁰ Patricia J. Williams, 'Law and Everyday Life' in Austin Sarat and Thomas R. Kearns (eds.), *Law in Everyday Life* (Ann Arbor, 1993), pp. 171–90 at p. 190.

deep discourtesy, a seductive humiliation, which teaches that self-worth derives from appearances and material possessions.¹⁵¹

The gulf between Rwandans and foreign aid workers, however, is often rendered invisible in statistics concerning income levels, or the gap between rich and poor. Interestingly, the incomes of expatriates are never taken into account in the official data relating to income inequality produced by agencies like the World Bank.¹⁵² Many foreigners lived and worked in Rwanda, most employed within the development enterprise and paid by NGOs, donor governments or international organisations. Those foreigners made up a particular class within Rwandan society, yet their physical presence is regularly ignored in analyses of the social divisions, distribution of resources and causes of violence in that country. According to Uvin:

All data on income distribution in Africa, for example, fail to include the well-known salaries and lifestyles of most technical assistants, foreign consultants, and the few lucky locals working with them. In other words, income inequality is calculated by leaving out the wealthiest, most visible segment of society. This is the segment of a thousand or so foreigners and maybe as many nationals who own almost all the beautiful houses, primarily in the capital, but also scattered throughout the countryside; who buy up most of the land from destitute farmers; who travel abroad and share the French culture. Most of these people work for the development enterprise and derive their wealth from it. Their salaries are hundreds of times higher than the incomes of farmers.¹⁵³

Finally, the state system that existed to 'develop' the Rwandan peasant majority was inherited from the colonial era, and largely operated in an authoritarian fashion. Even if 'well-meaning foreigners' wanted to modify that system, they usually ended up working within it.¹⁵⁴ Aid workers continued, often unsuccessfully, to impose 'pre-conceived packages' designed by specialists upon farmers, and at best the method to achieve this goal was changed in the name of participation.¹⁵⁵ For Uvin, development aid in Rwanda and much of Africa promoted oppression, 'by reinforcing the humiliation and dehumanization brought about by authoritarian, top-down, controlling development agencies'.¹⁵⁶

This discussion about the relationship between the development of a market economy and the Rwandan genocide does not explain why the frustration and aggression felt as a result of these conditions led to the form of violence that it did. Why did people not revolt and attack

¹⁵¹ *Ibid.* ¹⁵² Uvin, *Aiding Violence*, p. 115.

¹⁵³ *Ibid.*, p. 146.

¹⁵⁴ *Ibid.*, p. 132.

¹⁵⁵ *Ibid.*, p. 134. ¹⁵⁶ *Ibid.*, p. 232.