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The Role of the United Nations in the Prevention of Genocide

Teresa Haller
Assumption College

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The Role of the United Nations in the Prevention of Genocide

Tess Haller

Faculty Supervisor: Bernard Dobski, Ph.D.

Political Science

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Chapter 1: Introduction

The world will never forget that the Nazi regime ruthlessly targeted and murdered over twenty-five million innocent humans. Children torn from parents. Families destroyed. Starvation, disease, and death plagued the lives of Jews and other minorities for years under Hitler's totalitarian rule. Following liberation, shock and disgust radiated throughout the world when the horrors of the death camps were revealed. Why, then, in the seventy-five years since the founding of the UN, have dozens of genocides occurred worldwide resulting in the systematic murders of millions of innocent people? After the Holocaust, the world wondered how a government could kill so many of its own citizens in such an organized fashion simply because of who they are. In response, the world proclaimed that such an atrocity would happen "never again." The destruction that World War II caused led to the founding of the UN. It was intended, in part, to act as a means to prevent these violent and senseless deaths in the future. Since the founding of the UN in 1945, genocide has resulted in the murders of millions of innocent men, women, and children. Genocide occurred unabated in China, the Soviet Union, Cambodia, Bosnia, North Korea, Iraq, Sudan, Somalia, Rwanda, Darfur, and many other nations. Genocide still occurs today in places such as Myanmar, China, and Syria. Once again, however, the world continues to stand by as governments terrorize and brutalize millions of their own citizens. Despite the world proclaiming never again, genocide continues to happen ever again. Why is it that since its founding the UN has failed countless times, and continues to fail, in preventing genocide and mass murder? This thesis will address this question by a close look at the structural dynamics of the UN that impede its ability to prevent genocide. The record of the UN on genocide prevention is a clear failure. This points to the need for significant reform to address

the problems with the specific structural components that are essential to the UN addressing genocide.

Unfortunately, there are ample examples of genocide despite the presence of the UN. The communist governments of the Soviet Union and China both imprisoned and killed tens of millions of their own citizens in the early decades of the UN's existence. Furthermore, the Cambodian Genocide occurred in the wake of the Vietnam War. The communist Khmer Rouge, led by Pol Pot, took control of the Cambodian government in 1975. His "four-year reign left some 2 million Cambodians dead."¹ This constituted roughly a quarter of the population of Cambodia. The Khmer Rouge freely conducted their reign of terror with no pressure or condemnation from the UN or Western nations. The ruthless murders of millions of innocent Cambodians were overshadowed by the mess of the Vietnam War. The United Nations did not intervene in any meaningful way stop the senseless murders.

Just a decade later in Iraq, Saddam Hussein perpetrated genocide against the Kurds. Hussein conducted a gassing campaign to eliminate the Kurdish minority from Iraq. He attributed the thousands of Kurdish deaths to the ongoing war with Iran. This war that occurred simultaneously clouded the blatant genocide. There was an "absence of any international outcry over this act of mass murder, despite Kurdish efforts to press the matter with the United Nations and Western governments."² This lack of international attention ultimately "emboldened Baghdad to believe that it could get away with an even larger operation without any adverse reaction."³ Once again, the UN did little to stop the violence, ultimately encouraging the killers.

¹ Power, Samantha. *A Problem from Hell: America and the Age of Genocide*. Basic Books, 2013, XIX.

² "Introduction: Genocide in Iraq: The Anfal Campaign Against the Kurds." Human Rights Watch, 1993.

³ "Genocide in Iraq."

The genocide in Darfur is another example of large-scale violence that the international community was unable to resolve. Darfur, a region of Sudan, is prone to instability because it is a “multi-ethnic country with a dictatorial government dominated by an Arab and Islamist elite.”⁴ Government forces “systematically depopulated land...through forced displacement and violent attacks on civilians that amount to ethnic cleansing and genocide.”⁵ From 2003 to 2005, “an estimated 200,000 civilians died from violence, disease and starvation as a result of the conflict, and 2 million were displaced from their homes.”⁶ The United States urged “a strong response by the UN Security Council...but no agreement was reached on this.”⁷ Despite the systematic nature of the violence in Darfur, the UN Security Council did not produce any resolutions condemning the genocide. Overall, the failure to intervene in several genocides over the years have been serious points of embarrassment for the UN. Two of the most prominent examples are Rwanda and Bosnia. I will discuss these in more detail in subsequent chapters along with the current failure to prevent the ongoing genocide in Myanmar.

Even in the immediate wake of the Holocaust, the UN still resisted adopting a law condemning genocide. The word “genocide” did not even exist prior to World War II. Raphael Lemkin, a Holocaust Refugee from Poland, literally dedicated his life to ensuring that the crime perpetrated by the Nazis be given a name. Lemkin refused to give up on his efforts of ensuring that genocide prevention become an international priority. In her book, *A Problem from Hell*, former U.S. ambassador to the UN Samantha Power details how Lemkin’s heroic efforts to prevent genocide shaped the world to follow. Lemkin worked tirelessly for years to make certain

⁴ “Darfur.” *United States Holocaust Memorial Museum*, United States Holocaust Memorial Museum.

⁵ “Darfur.”

⁶ “Darfur.”

⁷ Morgan, Patrick. *International Security: Problems and Solutions*. CQ Press, U.S., 2006, 279.

that the atrocities he witnessed and escaped in Nazi Germany would never happen again. Lemkin fled Germany because he noticed the writing on the wall prior to the genocide, such as the rhetorical dehumanization of Jews and the passage of oppressive policies targeting Jews. Powers states that Lemkin “had been determined to find a new word to replace ‘barbarity’ and ‘vandalism’... Lemkin had hunted for a term that would describe assaults on all aspects of nationhood- physical biological, political, social, cultural, economic, and religious.”⁸ Lemkin invented the word genocide to describe the events of the Holocaust because it “was short, it was novel, and it was not likely to be mispronounced. Because of the word’s association with Hitler’s horrors, it would also send shudders down the spines of those who heard it.”⁹ The association of genocide with the Holocaust conveys a serious responsibility to the international community to stop the violence in order to follow through with the proclamation of never again. Lemkin defined genocide as ““a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”¹⁰ He spent most of his life lobbying Congress and the United Nations to use the word “genocide” and accept his particular definition of it. Creating a global law against genocide was so important to Lemkin that “journalists frequently spotted him in the UN cafeteria cornering delegates, but they never saw him eat. In his rush to persuade delegates to support him, he frequently fainted from hunger.”¹¹ As a result of his crusade to make genocide prevention an international priority, he was “completely alone in the world and perennially sleepless, he often wandered the streets at night.”¹² Lemkin was so passionate in his efforts because he knew that

⁸ Power, 40.

⁹ Power, 42.

¹⁰ Power, 43.

¹¹ Power, 52.

¹² Power, 52.

“the destruction of foreign national or ethnic identities would bring huge losses to the world’s cultural heritage.”¹³ Genocide is not simply a mass killing of individuals; it is a systematic plan with the intent of eradicating an entire group of humans simply because of who they are, not what they did.

The genocide that the Nazis perpetrated was certainly one of the defining characteristics of World War II. The UN is one mechanism that, in theory, possesses the means to prevent another occurrence of genocide or mass murder like the Holocaust. The goals of the United Nations are laid out in the Charter of the United Nations. Article I of the United Nations Charter states that the purposes of the UN are:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and to be a center for harmonizing the actions of nations in the attainment of these common ends.¹⁴

Furthermore, the preamble to the charter states the UN seeks “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”¹⁵ Both the Preamble and

¹³ Power, 53.

¹⁴ United Nations, Charter of the United Nations, article 1.1.

¹⁵ UN Charter, preamble.

Article 1 assert the importance of the dignity of each individual as a human being and emphasize the need to respect and maintain human rights throughout the globe. This is a goal that cannot be achieved in a world where genocide can occur unabated. Despite aiming at such lofty but noble goals, structural and political components of the UN system actively impede their realization.

The UN and Genocide

In an effort to address the not so distant horrors of the Holocaust, in 1948 the newly founded United Nations passed the Convention on the Prevention and Punishment of the Crime of Genocide. It was largely a result of Lemkin's relentless lobbying. The Convention defined genocide as:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

Killing members of the group;

Causing serious bodily or mental harm to members of the group;

Deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or in part;

Imposing measures intended to prevent births within the group;

Forcibly transferring children of the group to another group.¹⁶

In his book *Fundamentals of Genocide and Mass Atrocity Prevention*, Scott Straus states that the 1948 Genocide Convention,

explicitly and implicitly recognized that international actors had a duty to groups of any country that were at risk of genocide. The Genocide Convention went further than either the UN Charter or the Universal Declaration of Human Rights because it obligated signatories to prevent and punish the crime. That formulation represented a significant challenge to the traditional notion of state

¹⁶ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article II.

sovereignty, which held that states had the ultimate authority to treat citizens as they saw fit.¹⁷

The Genocide Convention was necessary to elevate the issue of genocide to one of global importance. It declared that all nations have a responsibility protect their citizens from the horrors of genocide. In addition, Article VIII of Convention expresses that states have a duty to protect citizens in other states from genocide. It states that signatories are obligated to “call upon the competent organs of the United Nations to take such action... appropriate for the prevention and suppression of acts of genocide.”¹⁸ States, therefore, have a moral obligation to intervene to prevent genocide. They cannot use the principle of state sovereignty as reasoning for ignoring the atrocity. On this note, in his 2013 address to the UN General Assembly, President Obama stated, “Different nations will not agree on the need for action in every instance, and the principle of sovereignty is at the center of our international order. But sovereignty cannot be a shield for tyrants to commit wanton murder, or an excuse for the international community to turn a blind eye.”¹⁹ There is a fine line that must be drawn between respecting state sovereignty and intervening to save civilian lives.

Since the adoption of the Genocide Convention, groups around the world still perpetrated numerous genocides without UN intervention. One of the most prominent cases that illustrates this failure occurred in Rwanda in 1994. The UN withdrew its troops at a vital time when the Tutsi needed strong military protection from the perpetrators of the genocide, the Hutu. This

¹⁷ Straus, Scott. *Fundamentals of Genocide and Mass Atrocity Prevention*. United States Holocaust Memorial Museum, 2016, *United States Holocaust Memorial Museum*, 3.

¹⁸ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article III.

¹⁹ Obama, Barack. “Remarks by President Obama in Address to the United Nations General Assembly.” *National Archives and Records Administration*, National Archives and Records Administration, 2013.

decision emboldened the killers and severely handicapped the few remaining UN troops. The UN's mistakes in Rwanda allowed the genocide to occur faster and become more deadly. Powers states that in Rwanda "the case for a label of genocide was the most straightforward since the Holocaust."²⁰ If the UN cannot take action to intervene in a nation in which the killings are so similar to the Holocaust, the atrocity that the world vowed would never happen again, then in what case will the UN intervene?

Despite the many flaws in the UN, including the recurring failure to prevent genocide, the importance of the UN as an international organization should not be totally discounted. In his book, *Genocide: A Reference Handbook*, Howard Ball explains that the initial goal of the 1948 Genocide Convention was to "devise strategies to stop, or intervene quickly, and provide justice for the victims and the perpetrators who planned and ordered the genocide."²¹ The Convention provided nations a way to "aggressively act to make sure genocide never emerges from any nation-state or territory."²² On the other hand, Ball argues that "UN specialized agencies... have been 'extraordinarily effective' in responding to the effects of mass murder and genocide."²³ For example, there are UN mandated tribunals to prosecute the perpetrators of genocides in both Rwanda and Bosnia. The UN has not completely failed to recognize genocide as it happens, but it is slow and often unable to act quickly and decisively to protect victims as the violence occurs. Therefore, it is only relatively effective after the fact. The UN helps nations heal following the horrors of genocide, however, by enacting peacebuilding and reconciliation efforts. Following the Rwandan Genocide, for example, the UN launched a humanitarian appeal and raised \$762

²⁰ Power, 362.

²¹ Ball, Howard. *Genocide: A Reference Handbook*, 2010, 31.

²² Ball, 31.

²³ Ball, 47.

million in order “to respond to the enormous humanitarian challenge.”²⁴ They used these funds “to ensure security and stability, support humanitarian aid, clear landmines, and help refugees resettle.”²⁵

Ten years after the failure in Rwanda, the former UN Secretary General Kofi Annan presented a five-point action plan for the prevention of genocide to the Commission on Human Rights in Geneva.²⁶ The plan outlines ways in which the UN can actually be effective in curbing violence before it quickly escalates into genocide. In his 2004 address, Annan states that the UN “must attack the roots of violence and genocide: hatred, intolerance, racism, tyranny, and the dehumanizing public discourse that denies whole groups of people their dignity and their rights.”²⁷ While Annan asserts that addressing the underlying causes of genocide is vital, he is also aware that there is often a dire need for armed physical intervention to stop the violence. Anna further states that “United Nations peacekeepers, today, are no longer restricted to using force only in self-defense. They are also empowered to do so in defense of their mandate, and that mandate often explicitly includes the protection of local civilians threatened with imminent violence.”²⁸ The astronomically high death toll in Rwanda of over 800,000 in three months was largely due to the peacekeepers not having the authorization to use force without being fired upon.

Because the UN is an international body, there are countless political impediments stemming from member states that can thwart collective action in the face of crisis. In addition to

²⁴ “UNAMIR.” *United Nations*, United Nations, 1999.

²⁵ “UNAMIR.”

²⁶ Annan, Kofi. “Address by Kofi Annan to the Commission on Human Rights Secretary-General.” *United Nations*, United Nations, 7 Apr. 2004.

²⁷ Annan, 2004.

²⁸ Annan, 2004.

these political hurdles, there are the ever-present structural impediments that prevent action. The 2005 World Summit brought 170 world leaders together at the UN Headquarters in New York to discuss and take action in several areas that impact human life throughout the world. Genocide was an issue at the forefront of the summit. The 2005 World Summit Outcome states, “We believe that today, more than ever before, we live in a global and interdependent world. No state can stand wholly alone. We acknowledge that collective security depends on effective cooperation, in accordance with international law, against transnational threats.”²⁹ While this statement reaffirms the mission of the UN, this same resolution promotes action from the UN and its member nations by asserting a responsibility to protect and maintain the ideological foundations of the UN throughout the world. A separate section of the Outcome states, “We pledge to enhance the relevance, effectiveness, efficiency, accountability and credibility of the United Nations system. This is our shared responsibility and interest.”³⁰ It is in a nation’s self-interest to ensure that the UN is an effective and strong body. This is particularly true concerning genocide because peace and stability cannot exist in the presence of genocide. The resolution goes further, however, to explicitly state that each state has a responsibility to protect against genocide. Article IV of the resolution, Human Rights and the Rule of Law, has a subheading titled “Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”³¹ This section states,

each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in

²⁹ General Assembly Resolution 60/01, *2005 World Summit Outcome*, A/RES/60/01, 24 October 2005.

³⁰ Resolution 60/01.

³¹ Resolution 60/01.

accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.³²

The 170 nations involved in this summit accepted the responsibility to protect against genocide in their own nations. In doing so, they also agreed to the same responsibility take action to stop genocide in other nations through the resources of the UN and the international community. The Summit further concluded that,

the international community...has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means...to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We also intend to commit ourselves, as necessary and appropriate, to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”³³

This provision asserts that the UN and the international community recognize the severity of genocide and the importance that comes with stopping it. The international community went as far as to recognize prevention as an official responsibility. Despite this effort to increase awareness of genocide and strengthen preventative measures in 2005, several genocides still occurred. This includes several that are ongoing in Myanmar and China, the latter of which the UN has yet to declare a genocide, It is vital, therefore, to examine what aspects of the UN led to this failure to save so many innocent people from death at the hands of their own governments.

³² Resolution 60/01.

³³ Resolution 60/01.

The UN views genocide as something that must be prevented, and that it is something that it can prevent. An in depth look at the many failures of UN action and intervention, however, prove that this is not the case. It is therefore essential to examine what aspects of the UN itself prevent the organization from saving the lives of countless innocent men, women, and children. To discover where the largest problems of the UN stem from, one must look at the structural mechanisms of the UN. In the following chapters I will discuss the six parts of the UN that are the most relevant in dealing with genocide. This includes an in depth look at the General Assembly, the Security Council, the Genocide Convention, the Human Rights Council, the Responsibility to Protect, and the inherent issues that accompany the universal membership of the UN. I will then examine three cases of genocide, Rwanda, Bosnia, and Myanmar, to illustrate how these structural impediments of the UN resulted in unnecessary and massive loss of life. My study will ultimately conclude that the UN must moderate its expectations of what it can realistically accomplish in the face of genocide. Due to the many fundamental structural issues, the UN is incapable of preventing and putting an end to genocide. In order to help find a solution, the UN must recognize that it is better equipped to address the aftermath of genocide rather than actual conflict. "Never again" cannot be the standard for the UN. The UN is inevitably doomed to fail in realizing this goal due to the structural and political impediments of the UN.

Chapter 2: UN Structure

There are many different departments and divisions that compose the United Nations. Six of those, however, are directly related to how the UN deals with genocide. The General Assembly, Security Council, Genocide Convention, Human Rights Council, UN membership, and the Responsibility to Protect all contribute to the structural issues of the UN that inhibit its ability to carry through with the promise of “never again.”

General Assembly

In order to understand how the UN makes decisions relating to genocide, it is essential to examine the largest organ of the UN: The General Assembly. The General Assembly is the only division of the UN where every member nation is represented and has a vote. It is the main representative body that focuses on policymaking. There are currently 193 member states, and each state has one vote in the General Assembly. The General Assembly requires a two-thirds majority vote for substantial decisions regarding the admission of new members, the UN budget, and international peace and security.³⁴ All other matters require a simple majority or a consensus without a vote.³⁵

The General Assembly aims to arrive at a consensus, as opposed to a traditional vote, as often as possible. To achieve a consensus, the General Assembly must adopt the draft of a resolution without taking a vote. The General Assembly does this with about 80 percent of resolutions.³⁶ Consensus votes are so popular in the General Assembly because coming to a

³⁴ “General Assembly.” United Nations, United Nations.

³⁵ “General Assembly.”

³⁶ “How Decisions are Made at the UN.” *United Nations*, United Nations.

consensus inherently strengthens support for the decision.³⁷ In order to do so, after meeting with delegations, the President of the General Assembly proposes “that the resolution be adopted without a vote.”³⁸ This process is central to the strength of the UN and General Assembly resolutions. It is significant because despite the General Assembly being the largest and most representative organ of the UN, the “resolutions adopted by the GA on agenda items are considered to be recommendations and are not legally binding on the Member States.”³⁹ The focus on achieving consensus, therefore, is crucial to the implementation of the resolutions. Consensus is by nature an inclusive process that takes into account the views and concerns of all 193 member states. Simple majority votes, on the other hand, are divisive because there are inevitably winners and losers. Since General Assembly resolutions are not legally binding, those member states that voted no may be spiteful and less likely to respect the resolution.

While the adoption of a resolution by consensus signals unity and agreement among the 193 members of the UN, there are also significant consequences to this method. Reaching a consensus takes time and cooperation because all member states must work together to draft the language of the resolution. While this cooperation is beneficial, it inevitably reduces the strength and effectiveness of the resolution. In order to have 193 different nations that all hold different values to agree on the same issue, the language of the resolution must include aspects to satisfy each member. While it is unlikely that any member states will oppose the resolution, the result is ultimately a severely diluted version of the original idea. Furthermore, consensus does not equate to unanimity, and not “all member states agree on every word of even every paragraph of the

³⁷ “Functions and Powers of the General Assembly.” *United Nations*, United Nations.

³⁸ “Functions and Powers of the General Assembly.”

³⁹ “How Decisions are Made at the UN.”

resolution.”⁴⁰ However, reaching a consensus implies that no state disagreed strongly enough to put the motion to a vote.⁴¹ Effective legislation cannot be drafted through this method. Although consensus votes project unity among nations, they ultimately produce meaningless legislation. For example, the General Assembly has never been able to produce a definition of terrorism because it is such a divisive issue that member states will constantly debate.

Understanding that General Assembly resolutions are not legally binding is essential to grasping how the UN addresses genocide. The Genocide Convention is simply a General Assembly resolution that 151 Member States have ratified.⁴² While the Genocide Convention legally defines what constitutes genocide, it does not force member states to act. It asserts an obligation on those states to act, but not a legal requirement. The Genocide Convention also reflects that consensus votes dilute legislation. While the UN has an official definition for genocide, there are still large areas of ambiguity in the legislation that help facilitate inaction. For example, it is hard to define what constitutes intent in genocide because the definition is not narrowly tailored. I will discuss this further in a later section. Despite the positive appearance of consensus votes, they too often result in ineffective and confusing legislation.

This also speaks to the structure of the UN as simply a formation of strong alliances between many nations, as opposed to an actual government. One of the many failures of the Human Rights Council, for example, stems from the alliance-like structure of the UN. The Human Rights Council has a certain regional quota for seats on the Council. This poses a significant issue because “countries that depend on regional support for their selection will tend

⁴⁰ “How Decisions are Made at the UN.”

⁴¹ “How Decisions are Made at the UN.”

⁴² “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations.

to abide by the views of their regionally caucus.”⁴³ Member states, especially ones with little power, are likely to make decisions based on what is in the best interest for their state alone. This could include, for example, an Asian nation not standing up to human rights violations in China because “it depends on the regional group for candidacies, political support, and a share of U.N. economic aid.”⁴⁴ As a result of the alliance structure of the UN, therefore, member states may make decisions based on what benefits them and their allies as opposed to what is right and in line with the UN Charter.

The General Assembly meets annually from September to December. The Security Council, however, has the authority to call a special session of the General Assembly if necessary. The General Assembly is a place where representatives from any member states have the ability to discuss “their views on the most pressing international issues.”⁴⁵ The Assembly then breaks into six committees to address other issues. The committees, in order, are “Disarmament and International Security; Economic and Financial; Social, Humanitarian and Cultural; Special Political and Decolonization; Administrative and Budgetary; Legal.”⁴⁶ These committees can then suggest resolutions and decisions to the entire Assembly to vote on in December.

The President of the General Assembly holds a position that maintains order in the Assembly as opposed to a position of power. The President “is the guardian of the GA Rules of Procedure but has no say in the actual decision-making of the GA—in fact, the PGA does not

⁴³ Schaefer, Brett. “ConUNdrum: The Limits of the United Nations and the Search for Alternatives.” 2009, 155.

⁴⁴ Schaefer, 155.

⁴⁵ “General Assembly.”

⁴⁶ “General Assembly.”

have a vote in the GA.”⁴⁷ Despite the lack of tangible decision making power, the role of President is still essential in that the President “depends on the moral authority of and the convening power of the office as main instruments to keep the 193 Member States working together.”⁴⁸ Any member nation is eligible to nominate a candidate for the one-year, non-renewable term as President.⁴⁹ A nation is excluded in putting forth a nominee for President if the representative of the member state holds a Vice-President position or is a chair of a Main Committee.⁵⁰ Consequently, no representative from any of the Permanent Five can serve as the President of the General Assembly because all of the Permanent Five always serve as Vice-Presidents. The members of the Permanent Five are the United States, the United Kingdom, France, Russia, and China. The General Assembly elects 21 Vice-Presidents including those from the Permanent Five. The Vice-President positions are divided up proportionally by region.

While the General Assembly appears to be the main organ of the UN, the Security Council has much more power. The Security Council focuses particularly on issues of international peace and security, such as genocide and mass murder. Overall, the work that the General Assembly accomplishes is essential to ensure peaceful relations among nations regarding a variety of issues relevant to the international community as a whole, such as climate change, global health, and education.

The Security Council

The Security Council is the most significant aspect of the UN, particularly regarding genocide, because the primary responsibility of the Security Council is the protection of

⁴⁷ “General Assembly.”

⁴⁸ “General Assembly.”

⁴⁹ “General Assembly.”

⁵⁰ “General Assembly.”

international peace and security. The UN Charter gives the Security Council the tools to take authoritative action to maintain international peace. Article 39 of the UN Charter states, “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken... to maintain or restore international peace and security.”⁵¹ Disputes among nations are brought before the Security Council in order to be resolved in a peaceful manner. Therefore, “the Council may convene at any time, whenever peace is threatened.”⁵²

The Security Council is comprised of fifteen total members, including the Permanent Five.⁵³ The other ten nations are elected by the UN General Assembly for two year terms and attempt to reflect a “regional balance: Africa has three seats while Western Europe and Oceania, Asia, and Latin America and the Caribbean each get two. The last seat is reserved for Eastern Europe.”⁵⁴ Non-permanent members are elected for terms of two years.⁵⁵ Furthermore, each member nation has one vote on matters presented to the Security Council, and “matters shall be made by an affirmative vote of nine members.”⁵⁶ Therefore, it is necessary to have at least nine nations recognize a crisis as a genocide in order for the UN to take any action. In addition to needing nine votes, each member of the Permanent Five holds veto power and can vote against any issue, especially if they do not find it in their national interest to intervene.

Perhaps the most significant difference between the Security Council and the General Assembly is that

⁵¹ UN Charter, art. 39.

⁵² “Security Council.” *United Nations*, United Nations.

⁵³ UN Charter, art. 23.

⁵⁴ Hanhimäki, Jussi M. *United Nations : A Very Short Introduction*, Oxford University Press, Incorporated, 2008, ch. 2.

⁵⁵ UN Charter, art. 23.

⁵⁶ UN Charter, art. 27.

in contrast to the decisions made by the General Assembly, all Member States are obligated under the UN Charter to carry out the Security Council's decisions... Security Council decisions are formal expressions of the will of the Council. In contrast to the decisions taken by the General Assembly, those taken by the Security Council are legally binding. As Article 25 of the UN Charter states, 'The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.'⁵⁷

The Security Council is therefore expected to enforce its decisions in the international community. In order to maintain international peace, the Security Council refrains from using military force whenever possible.

When the Council considers a threat to international peace, it first explores ways to settle the dispute peacefully. It may suggest principles to the parties for a peaceful settlement, appoint special representatives, ask the Secretary-General to use his good offices, or undertake investigation and mediation. It has developed and refined the use of non-military measures including arms embargoes, travel bans, and restrictions to guard against the exploitation of natural resources to fuel conflicts, as well as taking a lead role in the coordination of international counter-terrorism efforts. In the event that a dispute has erupted into armed conflict, the Council tries to secure a ceasefire. It may send a peacekeeping mission to help the parties maintain the truce and to keep opposing forces apart...The Council may, in some cases, authorize the utilization of military force by a coalition of member states or by a regional organization or arrangement. This can only be carried out as a last resort when all possible peaceful means of settling a dispute have been exhausted, or after a threat to the peace, a breach of the peace or an act of aggression have been determined to exist.⁵⁸

The Security Council holds far more power than any other organ of the UN by design. In order to be truly effective in promoting and protecting international peace and security, the Council must be endowed with the ability to do so. The decisions made by the Security Council, therefore, are

⁵⁷ "Security Council."

⁵⁸ "Security Council."

legally binding. Such decisions can only be made, however, as long as no member of the Permanent Five uses the veto power.

Unfortunately, the use of the veto power is too often used in cases of severe human rights violations, crippling the ability of the UN to act and save lives. According to the Global Center for the Responsibility to Protect, “Since October 2011 the veto has been exercised twelve times by two of the UNSC's permanent members – Russia (twelve) and China – (six, plus one abstention) on resolutions meant to address crimes against humanity and war crimes committed against the Syrian people.”⁵⁹ The purely self-interested use of the veto power primarily by Russia or China, or in some cases the United States, paralyzes the rest of the UN and Security Council from acting in an appropriate manner to prevent and end genocide and mass killings. It is almost impossible to get the nine affirmative votes needed to intervene in genocide when nations with long histories of poor human rights records possess the veto power. The human rights record of Russia and China are particularly dismal. Both nations perpetrated genocides in the 20th century that claimed the lives of tens of millions of targeted victims. The Soviet Union claimed millions of lives in gulags, and Mao killed millions in the Great Leap Forward in China. Even today there is a suspected genocide of the Uyghur Muslims in China.

In recent years, several nations have started a movement to limit the veto power of the Permanent Five in order to ensure that the organization has the ability to take action in the case of genocide. The Global Center for the Responsibility to Protect states that “Over 120 governments - in addition to two UN observer missions - have supported calls for veto restraint or a code of conduct.”⁶⁰ One initiative is the ACT Code of Conduct. ACT stands for

⁵⁹ “UN Security Council Code of Conduct.” *Global Centre for the Responsibility to Protect*, Global Centre for the Responsibility to Protect.

⁶⁰ “UN Security Council Code of Conduct.”

Accountability, Coherence, and Transparency group. The group's code of conduct, introduced in 2015, encourages all members of the Security Council, particularly the Permanent Five, "to not vote against any credible draft resolution intended to prevent or halt mass atrocities."⁶¹ As of June 2019, 117 nations signed onto the Code of Conduct with 2 observers.⁶² Out of these 119 nations, the United Kingdom and France were the only members of the Permanent Five to sign the Code of Conduct.⁶³ Russia, China, and the United States have yet to commit to not using the veto power when there is credible evidence of severe human rights violations that require intervention. On this same note, there is also the France/Mexico Initiative. The General Assembly resolution, proposed by France and Mexico, states "that the Security Council should not be prevented by the use of veto from taking action with the aim of preventing or bringing an end to situations involving the commission of mass atrocities... the veto is not a privilege, but an international responsibility."⁶⁴ These two initiatives are representative of how the structure and decision making process of the Security Council is not efficient and must be amended in order for the Security Council, and subsequently the UN as a whole, to carry out its mission.

The Genocide Convention

An integral part of the United Nations establishment was the adoption of the Genocide Convention in order to ensure that an atrocity like the Holocaust would never happen again. The Convention on the Prevention and Punishment of the Crime of Genocide was ratified by the UN

⁶¹ "UN Security Council Code of Conduct."

⁶² "List of Signatories to the ACT Code of Conduct." *Global Centre for the Responsibility to Protect*, Global Centre for the Responsibility to Protect, June 2019.

⁶³ "List of Signatories to the ACT Code of Conduct."

⁶⁴ United Nations, General Assembly, *Political Statement on the Suspension of the Veto in Case of Mass Atrocities*. 2015.

General Assembly in December 1948 and came into effect in January 1951.⁶⁵ Along with establishing the official definition for genocide, the Genocide Convention laid out specific rules and guidelines for how the UN should confront and stop genocide. Article III of the Genocide Convention states that

- The following acts shall be punishable:
- (a) Genocide;
 - (b) Conspiracy to commit Genocide;
 - (c) Direct and public incitement to commit genocide;
 - (d) Attempt to commit genocide
 - (e) Complicity in genocide.⁶⁶

Article IV asserts that any person that commits any of the acts stated in Article III “shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals.”⁶⁷ The convention states that anyone violating the punishable acts will be tried in an international tribunal.⁶⁸ The convention does not state, however, any mechanisms for enforcement, just how perpetrators will be punished. The only means of prevention that the convention articulates is in Article VII which states, “any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.”⁶⁹ The document does not detail the exact process in which preventative actions would be taken. Instead, it assigns responsibility to the signatories to report any concerns to the United Nations in order to initiate investigation which may or may not precipitate action.

⁶⁵ *Convention on the Prevention and Punishment of the Crime of Genocide.*

⁶⁶ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article III.

⁶⁷ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article IV.

⁶⁸ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article VI.

⁶⁹ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article VII.

In addition to a commitment to punish perpetrators of genocide, Article V states that “The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.”⁷⁰ Through this article, it is clear that the UN does not claim to hold the sole responsibility for preventing genocide. Instead, the primary responsibility lies with the member states to enforce domestic laws that protect minorities against violence and eliminate corruption in government that leads to human rights violations. The primary authority and ability to, first, prevent genocide, and second, to report genocide, lies with each individual nation that is a signatory of the convention.

A controversial aspect of the Genocide Convention, stated in Article II, reads that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁷¹ The issue with this statement is defining what exactly intent entails. The United National Office on Genocide Prevention and the Responsibility to Protect states,

the intent is the most difficult element to determine. To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group. Cultural destruction does not suffice, nor does an intention to simply disperse a group. It is this special intent, or *dolus specialis*, that makes the crime of genocide so unique. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element.⁷²

⁷⁰ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article V.

⁷¹ *Convention on the Prevention and Punishment of the Crime of Genocide*, Article II.

⁷² “Genocide.” *United Nations Office on Genocide Prevention and the Responsibility to Protect*, United Nations.

Intent is the most important aspect to the crime of genocide. Despite its importance, the official definition of intent is quite ambiguous. Intent is so crucial to the prosecution of the crime of genocide because determining what constitutes genocide cannot depend solely on numbers. There exists no specific number of deaths that automatically classify a mass murder as genocide. This is why discovering and proving intent is a necessary step in determining genocide. Intent needs to be looked at in relation to deaths in order to come to an accurate conclusion. Kai Ambos explains the some of the relationship between intent and numbers in his journal article titled “What Does ‘Intent to Destroy’ in Genocide Mean?” in the *International Review of the Red Cross*. Ambos provides an example by stating that “the genocidaire may intend more than he is realistically able to accomplish. A case in point would be a white racist who intends to destroy the group of black people in a large city but, acting alone, will only be able to kill a few members of this group.”⁷³ This is a very basic example that illustrates intent alone, but not genocide. The perpetrator does not and cannot kill enough people to amount to the level of genocide, so instead he would be charged with manslaughter. Despite that, the intent of killing an entire race drives his motives and is clear in the crime.

Furthermore, intent is the most important aspect to look at when determining genocide because genocide is “characterized by a psychological relationship between the physical result and the mental state of the perpetrator.”⁷⁴ Intent is so hard to prove because it naturally relates to the frame of mind of the perpetrator, and that is something that is hard to obtain physical evidence of. It is clear, however, that genocide is a crime conducted on a large scale, which also points to the seriousness of the crime. It is this specific end goal of eliminating a whole group of

⁷³ Ambos, Kai. *International Review of the Red Cross*, “What Does ‘Intent to Destroy’ in Genocide Mean?” 835.

⁷⁴ Ambos, 837.

people simply because of who they are that defines genocide and sets it apart from other grave human rights violations such as ethnic cleansing and mass murder.

The language in the Genocide Convention that addresses intent and its definition is quite ambiguous. The United States, for example, did not even become a signatory of the convention until 1988 after decades of tense debates. Many senators feared that the loose language of the legislation could violate national sovereignty. The primary source of confusion lies with the phrasing, “intent to destroy, in whole or in part.” Critics of the Convention in the United States Senate, including the American Bar Association in the 1950s through 1970s, argued that this language in Article II raised “all sorts of questions about what constitutes part of a group.”⁷⁵ The confusion in the interpretation of intent was of great interest to the United States Congress. Depending on what the definition of intent to destroy a group was, the Genocide Convention could be “applicable to lynchings and race riots in the United States but not to genocide against national and other groups behind the Iron Curtain.”⁷⁶ This is where a fear of infringement on national sovereignty came into play. Furthermore, inconsistent definitions of genocide could result from this vagueness in the language, which would also result in inconsistent intervention and prosecution. Raphael Lemkin argued in letters to the Senate in the 1950s, however, that the language of the legislation was clear in its implications. Lemkin “took pains to point out that it was intended to apply to large numbers of people, that the ‘destruction in part must be of a substantial nature... so as to affect the entirety.’”⁷⁷ Evidence of intent, therefore, must encompass targeted damage large enough to considerably affect the security and welfare of the entire group.

⁷⁵ LeBlanc, Lawrence. “The Intent to Destroy Groups in the Genocide Convention: The Proposed U.S. Understanding,” *The American Journal of International Law*, Vol. 78, No. 2. April 1984, 373.

⁷⁶ LeBlanc, 374.

⁷⁷ Leblanc, 378.

Labeling anything less than that as genocide could seriously harm the mission of prevention by stripping genocide of the unique and defining nature of the crime. This specific intent places genocide above mass murder and ethnic cleansing, and it is what makes it so crucial to prevent. Defining intent is a necessary step in preventing and prosecuting genocide.

It is clear that there exist numerous obstacles to proving intent, which makes coming to such a conclusion difficult. For example, the United Nations' failure to intervene and stop the genocide in Darfur that began in 2003 is infamous. In 2004 the UN set up the UN International Commission of Inquiry on Darfur in order to investigate reports of genocide and come to a conclusion on the matter.⁷⁸ The report did not find conclusive evidence to convict the Sudanese government of genocide. In fact, the report stated that "the crucial element of genocidal intent appears to be missing."⁷⁹ The commission concluded that intent could not be proved because "the policy of attacking, killing and forcibly displacing members of some tribes does not evince a specific intent to annihilate, in whole or in part, a group."⁸⁰ The *actus reus* of genocide, which includes "killing, or causing serious bodily or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction," was clearly evident in Darfur.⁸¹ The commission could not follow through with a charge of genocide, however, because they deemed that the crucial aspect of intent was not clear. While intent may be clear in some cases, such as the meticulous records that the Nazis kept in the Holocaust, it is more likely that perpetrators of genocide do not specifically document their intentions. The Sudanese government targeted and

⁷⁸ United Nations Commission of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*. 18 September 2004, 4.

⁷⁹ United Nations Commission of Inquiry on Darfur, 4.

⁸⁰ United Nations Commission of Inquiry on Darfur, 4.

⁸¹ United Nations Commission of Inquiry on Darfur, 4.

killed over 400,000 innocent men, women, and children. Despite the high death toll, the crime was not declared a genocide by the UN because, in their opinion, intent was unclear.⁸²

As of May 2019, the Genocide Convention has been ratified by 151 States, while 43 states have neglected to ratify the Convention.⁸³ Out of those 43 states 20 are from Africa, 16 from Asia, and 6 from the Americas.⁸⁴ States that have yet to ratify the Genocide Convention, however, are still held to its terms.

Human Rights Council and UN Membership

The UN Human Rights Council is full of contradictions. The UN Human Rights Council was officially implemented as an integral part of the UN system in March 2006 through the adoption of Resolution 60/251.⁸⁵ It was established as an effort to replace the largely ineffective Commission of Human Rights that was part of the UN since its inception. Unfortunately, it is clear that many of the same problems still plague the present Human Rights Council. The General Assembly directly elects the members through secret ballots by a simple majority. There are 47 members of the Council that serve on a staggered three year rotation.⁸⁶ When electing members, “the General Assembly takes into account the candidate States’ contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard.”⁸⁷ Membership on the council, similar to the Security Council, is divided by region. There are 13 seats for African states, 13 seats for Asia-Pacific states, 8 seats for Latin

⁸² “Genocide in Darfur.” *Holocaust Museum Houston*, Holocaust Museum Houston.

⁸³ “Genocide.”

⁸⁴ “Genocide.”

⁸⁵ General Assembly resolution 60/251, *Human Rights Council*, A/Res/60/251. (15 March 2006).

⁸⁶ “Membership of the Human Rights Council.” *United Nations Human Rights Council*, United Nations Human Rights Council.

⁸⁷ “Membership of the Human Rights Council.”

American and Caribbean states, 7 seats for Western European and other states, and 6 seats for Eastern European states.⁸⁸ This required allocation of seats for each region is counterproductive to the mission of the Council because Africa and Asia hold far more influence on the Council. This is inherently contradictory because these are the regions of the world “with the weakest records of promoting and protecting human rights.”⁸⁹

Membership on the Human Rights Council also carries with it “a responsibility to uphold high human rights standards.”⁹⁰ It would seem natural that states elected to the Human Rights Council because of their commitment to the cause would have no issue upholding basic standards of human rights. This, however, is not the case. With membership of nations that perpetrate gross human rights abuses, such as China, Sudan, North Korea, and Venezuela, just to name a few, it is clear that the Human Rights Council is far from functioning properly. There are no criteria that a nation must meet to be a member of the Human Rights Council, and “even states under Security Council sanction for human rights violations are eligible for HRC membership.”⁹¹ This illustrates that the Human Rights Council does not truly value human rights. States that receive condemnation from the Security Council should not be eligible for a seat on the Human Rights Council. Furthermore, “Burma, China, Cuba, North Korea, Sudan, and Zimbabwe are UN members in good standing despite extensive and well-documented instances of human rights violations.”⁹² Universal membership in the UN makes it possible for these nations to have influence in the HRC. This speaks to the inability of the UN as a whole to uphold its values, one of those being a commitment to the prevention of genocide.

⁸⁸ “Membership of the Human Rights Council.”

⁸⁹ Schaefer, 155.

⁹⁰ “Membership of the Human Rights Council.”

⁹¹ Schaefer, 141.

⁹² Schaefer, 137.

The Human Rights Council is defined as “the principle intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe, and for addressing and taking action on human rights violations around the globe.”⁹³ The Council meets in Geneva at least 10 weeks out of the year, but is also authorized to meet on short notice to address urgent human rights situations.⁹⁴ Genocide irrefutably falls under the wide umbrella of human rights violations; therefore, the HRC is very important to look at in relation to genocide.

Despite the goals of the Human Rights Council, the responsibility to prevent or intervene in genocide still falls primarily on the Security Council because it is the only body in the UN that can produce resolutions that carry legal weight. The focus of the HRC regarding genocide, therefore, focuses largely on promoting the responsibility to protect. The HRC has, however, called emergency sessions to consider volatile situations in “Burundi, the Central African Republic, Cote d’Ivoire, Darfur, the Democratic Republic of the Congo, Iraq, Lebanon, Libya, Myanmar, the Occupied Palestinian Territory, South Sudan, Sri Lanka, and Syria.”⁹⁵ The HRC recognized the dire situations in these nations as important enough to warrant a meeting of the Council. Unfortunately, the resolutions that the Human Rights Council produces only have the ability to influence through rhetoric.

Examining the membership of the Human Rights Council is essential in understanding some of the main structural problems within the UN system. One of the most debilitating factors that plagues the HRC is “the ability of nations that do not observe human rights to manipulate

⁹³ United Nations Human Rights Council, *Human Rights Council*, 2020.

⁹⁴ United Nations Human Rights Council, *Human Rights Council*, 2020.

⁹⁵ “Human Rights Council.” *United Nations Office on Genocide Prevention and the Responsibility to Protect*, United Nations.

the system and vulnerability to political manipulation designed to undermine their focus.”⁹⁶ The presence of nations with poor human rights records on the HRC is inherently counterproductive to the stated mission of the body. Such nations “routinely use their influence... to blunt efforts to hold them accountable for their human rights failures.”⁹⁷ It is impossible for the HRC, or the UN as a whole, to accomplish its goals when it allows universal membership and participation of nations that do not uphold the values that the UN professes. This is made particularly worse when such nations are allowed influence on the Human Rights Council.

Responsibility to Protect

The doctrine of the Responsibility to Protect is now one of the driving ideas in the international fight against genocide. The idea of the responsibility to protect was introduced in 2001 by the International Commission on Intervention and State Sovereignty, which the Canadian government organized.⁹⁸ The relatively recent international failures in Rwanda, Kosovo, and Srebrenica, largely influenced the group to publish a report titled “The Responsibility to Protect.”⁹⁹ A central focus of the report is that state sovereignty inherently carries with it the responsibility to protect citizens and ensure the general welfare.¹⁰⁰ The report states that the responsibility to protect entails “the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne

⁹⁶ Schaefer, 133.

⁹⁷ Schaefer, 134.

⁹⁸ “Genocide.”

⁹⁹ “Genocide.”

¹⁰⁰ “Genocide.”

by the broader community of states.”¹⁰¹ This reinforces the principle set forth in Article V of the Genocide Convention that each signatory is responsible for enacting legislation in their own nation to protect against genocide.

The core principles of the responsibility to protect still recognize the necessary role of the UN Security Council in mass atrocity intervention. For example, the second foundation of the responsibility to protect is “the responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security.”¹⁰² While this report was not commissioned by the United Nations, it still asserts the importance of the Security Council in international law. The report discusses the three elements of the responsibility to protect. These include the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. Out of these three, “prevention is the single most important dimension of the responsibility to protect.”¹⁰³ It is obvious that the best course of action in dealing with genocide is to prevent it from occurring in the first place. The responsibility to react is also paramount. States must “respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.”¹⁰⁴ The report, therefore, includes thresholds to determine if military intervention is necessary. This includes the military intervening to stop ethnic cleansing or large-scale loss of life, and it is also a last resort when all other methods fail to stop the violence.¹⁰⁵ Regarding the Security Council, the report states that

¹⁰¹ Evans, Gareth, and Mohamed Sahnoun. *The Responsibility to Protect*. The International Commission on Intervention and State Sovereignty , 2001, viii.

¹⁰² Evans and Sahnoun, xi.

¹⁰³ Evans and Sahnoun, xi.

¹⁰⁴ Evans and Sahnoun, xi.

¹⁰⁵ Evans and Sahnoun, xi.

there is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.¹⁰⁶

Furthermore, the report states that prior to any military intervention there should be a request for Security Council authorization. On that same note, however, the responsibility to protect declares that the Security Council needs to act quickly and swiftly to address concerns for intervention when a member state raises concern. Along with that, an additional central concern for the responsibility to protect is that the Permanent Five of the Security Council commit to not using their veto power “to obstruct the passage of resolution authorizing military intervention for human protection purposes for which there is otherwise majority support.”¹⁰⁷ This is key to ensuring that Russia and China do not use the veto power to prevent intervention in nations where genocide is occurring.

The responsibility to protect is important because it reinforces the primary role that each nation has in the prevention of genocide. On that same note, it is a political, not legal concept.¹⁰⁸ It aims to change the narrative of intervention in genocide, not through legal means, but through each state stepping up and accepting its responsibility to prevent genocide in its own borders and around the world. The adoption of these ideas would provide much needed political momentum that would spur action in other nations in the face of a mass killings.¹⁰⁹ By prompting action, the responsibility to protect further asserts that nations will not get away with perpetrating genocide. The doctrine “powerfully rejects the argument that sovereignty shields them from international

¹⁰⁶ Evans and Sahnoun, xii.

¹⁰⁷ Evans and Sahnoun, xiii.

¹⁰⁸ Waxman, Matthew. “Intervention to Stop Genocide and Mass Atrocities.” Council on Foreign Relations, October 2009, 10.

¹⁰⁹ Waxman, 10.

concern.”¹¹⁰ The responsibility to protect does not seek to violate a state’s sovereignty. Instead, it asserts that with true sovereignty comes responsibility, an integral part of which is a commitment to preventing genocide. The responsibility to protect asserts each member state of the United Nations must accept the responsibility that accompanies sovereignty. This acceptance of responsibility is essential in efforts for the prevention of genocide.

The General Assembly, Security Council, Genocide Convention, Human Rights Council, UN membership, and the Responsibility to Protect are all aspects of the UN that significantly influence how the organization approaches genocide prevention and intervention. There are clear fundamental problems with these six organs that inhibit the UN’s ability to act in the face of genocide. The subsequent chapters will illustrate three separate instances in which structural components of the UN, stemming from these six elements, led to UN failures and massive loss of life.

¹¹⁰ Waxman, 10.

Case Study: Rwanda

The most notable failure of the UN to intervene and prevent genocide occurred in Rwanda in 1994. There is no doubt that the UN did not fulfil its responsibility to protect human rights across the globe. The Hutu government brutally murdered over 800,000 men, women, and children in Rwanda over the course of just 100 days.¹¹¹ Aside from the Holocaust, the Rwandan Genocide is perhaps the most famous mass atrocity in the world. It was also a glaring mark on the UN's reputation as the international agency dedicated to the prevention of violence. The UN stated that the international community, including the organization itself, is at fault because it "did not prevent the genocide, nor did it stop the killing once the genocide had begun."¹¹² Examining the failure in Rwanda, and the aftermath of that failure, is essential in understanding how the structural impediments of the UN allowed this tragedy to occur.

There was not a stable political situation in Rwanda prior to the genocide. The tensions between the Hutu and Tutsi existed long before 1994. Rwanda had been under Belgium control until 1962.¹¹³ Under Belgian rule, the Tutsi "who made up 15 percent of the populace, had enjoyed privileged status."¹¹⁴ Once Rwanda became independent, however, the Tutsi became a minority that the Hutu despised. The Hutu came to power after Rwanda secured her independence in 1962, and the "Tutsi were systematically discriminated against and periodically subjected to waves of killing and ethnic cleansing."¹¹⁵ The years of colonial influence in Rwanda created deep divides between the two ethnic groups because of how the Belgians favored the

¹¹¹ United Nations, General Assembly, *Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda*, S/1999/1257, 16 December 1999, 3.

¹¹² *Report of the Independent Inquiry*, 3.

¹¹³ Power, 336.

¹¹⁴ Power, 336.

¹¹⁵ Power, 336.

Tutsi. This led to the Hutu viewing the Tutsi as enemies as opposed to fellow Rwandans. Once the Hutu gained political power, they began imposing public policies to oppress the Tutsi. Beginning in the 1990s Tutsi rebels, who had been forced out of Rwanda during years of ethnic cleansing following independence, formed the Rwandan Patriotic Front (RPF). The RPF fought against the Hutu government forces for several years, illustrating the instability that plagued Rwanda. In an effort to remedy the situation, major Western powers and Tanzania drafted the Arusha accords in August 1993.¹¹⁶ The agreement assured power sharing in the government between the Hutu and Tutsi parties. The UN was involved because the agreement provided that “UN peacekeepers would be deployed to patrol a cease-fire and assist in demilitarization and demobilization as well as to help provide a secure environment, so that exiled Tutsi could return.”¹¹⁷ The Arusha accords did not hold up for very long. The tensions between the Hutu and Tutsi were so entrenched that the Hutu were afraid to relinquish any power to the Tutsi. The Hutu held all political power in Rwanda since independence, “and they were afraid that the Tutsi, who had long been persecuted, would respond in kind if given the chance again to govern.”¹¹⁸ Furthermore, “the accord did not grant past killers amnesty for their misdeeds.”¹¹⁹ Powerful Hutu leaders were adamantly opposed to having Tutsi officials in the government and military out of a fear of being held responsible for prior crimes against the Tutsi. It was clear that the Arusha accords did not solve the problems in Rwanda because they did not address the underlying issues between ethnic groups.

¹¹⁶ Power, 336.

¹¹⁷ Power, 336.

¹¹⁸ Power, 337.

¹¹⁹ Power, 337.

Only a week after both parties signed the accords, the UN released a report “which gave an ominously serious picture of the human rights situation in Rwanda.”¹²⁰ Waly Bacre Ndiaye, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, visited Rwanda in April 1993.¹²¹ The human rights situation was so poor that “the targeting of the Tutsi population led Ndiaye to discuss whether the term genocide might be applicable.”¹²² In response to the human rights abuses he witnessed, Ndiaye “recommended a series of steps to prevent further massacres and other abuses.”¹²³ A 1999 UN inquiry into Rwanda, however, states that “his report seems to have been largely ignored by the key actors within the United Nations system.”¹²⁴ The UN website for the Outreach Program on the Rwanda Genocide states that it was only after October 1993 that “evidence demonstrated irrefutably that extremist elements of the Hutu majority while talking peace were in fact planning a campaign to exterminate Tutsis and moderate Hutus.”¹²⁵ A UN official warned of genocide an entire year before the genocide officially began. Despite that, the UN as a whole simply ignored the credible warnings as the situation devolved into chaos.

In addition to the warnings about a potential genocide, the RPF requested UN aid in implementing the agreement. In response, the UN sent a reconnaissance mission led by General Romeo Dallaire to Rwanda in August 1993 to gather information about what would be needed to secure the peace process.¹²⁶ The Hutu government and the RPF both requested from the

¹²⁰ *Report of the Independent Inquiry*, 6.

¹²¹ *Report of the Independent Inquiry*, 6.

¹²² *Report of the Independent Inquiry*, 6.

¹²³ *Report of the Independent Inquiry*, 7.

¹²⁴ *Report of the Independent Inquiry*, 7.

¹²⁵ “Rwanda: A Brief History of the Country.” *Outreach Programme on the Rwanda Genocide and the United Nations*, United Nations.

¹²⁶ *Report of the Independent Inquiry*, 7.

Secretary-General “the rapid deployment of the international force and the rapid establishment of the transitional institutions.”¹²⁷ Both sides feared that the peace process would quickly fail without international forces, so they requested a force of 4,260.¹²⁸ The Secretary-General was unable fulfil this appeal because the UN was in the middle of a “financial crisis” and there was a significant lack of resources.¹²⁹ The Government and the RPF, therefore, “had to rely on themselves during the interim period.”¹³⁰ This request by the joint Government and RPF delegation clearly showed that the situation in Rwanda was still far from peaceful, and the UN was not properly resourced to ensure peace.

Nevertheless, the United Nations Assistance Mission for Rwanda (UNAMIR) began in October 1993 with General Dallaire as the commander of the mission. The UN deployed “a peacekeeping force of 2,548 military personnel” with plans to reduce the mission to “1,428 military personnel” as they believed the situation in Rwanda would improve.¹³¹ In November 1993, Dallaire drafted a “Rules of Engagement for UNAMIR” and sent it to the Secretariat for approval.¹³² The 1999 Independent Inquiry states that “the draft included in paragraph 17 a rule specifically allowing the mission to act, and even to use force, in response to crimes against humanity and other abuses.”¹³³ Dallaire’s draft explained that “there may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them.”¹³⁴ Instead of heeding Dallaire’s

¹²⁷ *Report of the Independent Inquiry*, 7.

¹²⁸ *Report of the Independent Inquiry*, 7.

¹²⁹ *Report of the Independent Inquiry*, 7.

¹³⁰ *Report of the Independent Inquiry*, 7.

¹³¹ *Report of the Independent Inquiry*, 7.

¹³² *Report of the Independent Inquiry*, 9.

¹³³ *Report of the Independent Inquiry*, 9.

¹³⁴ *Report of the Independent Inquiry*, 9.

warning and granting him permission to use force when necessary, the UN never even responded to his request.¹³⁵ A large part of why the UN failed in Rwanda was “because the UN suffered from the ‘destructive misconception’ that these types of limited and impartial peacekeeping operations can keep peace where none exists.”¹³⁶ Peace cannot be achieved in a situation where both sides do not want it. In the case of Rwanda, the Hutu were set on their genocidal mission of eliminating the Tutsi. Therefore, peacekeeping without the use of force was all but impossible. The UN’s failure to authorize use of force ultimately crippled the mission. This failure to respond, both to Dallaire and Ndiaye, is a good illustration of the UN’s lack of preparedness to address and prevent an impending genocide. Credible warnings about impending genocides should not be able to go unanswered in a body that is dedicated to human rights and mass atrocity prevention.

Following months of instability and violence, the Rwandan Genocide began on April 6, 1994 when missiles shot down President Juvenal Habyarimana’s plane.¹³⁷ The situation in Rwanda worsened dramatically immediately following the death of the President. The Hutu were clearly prepared to orchestrate the genocide because “less than half an hour after the plane crash, roadblocks manned by Hutu militiamen...were set up to identify Tutsis.”¹³⁸ The day after the crash, powerful Hutu “aired a broadcast attributing the plane crash to the RPF and a contingent of UN soldiers.”¹³⁹ The warning signs of genocide were finally coming to fruition in Rwanda.

¹³⁵ *Report of the Independent Inquiry*, 9.

¹³⁶ Taras, Raymond, and Rajat Ganguly. *Understanding Ethnic Conflict: The International Dimension*. Longman, 2006, 92.

¹³⁷ Power, 329.

¹³⁸ “Rwanda: A Brief History of the Country.”

¹³⁹ “Rwanda: A Brief History of the Country.”

In the same way as the Holocaust, Myanmar, and other genocides, the perpetrators used dehumanizing language to describe their targets early on in the violence. Over the Hutu radio station, Radio Mille Collines, the Hutus “named ethnic Tutsi... ‘cockroaches’ the targets.”¹⁴⁰ Furthermore, on April 7th, “Hutu gunmen in the presidential guard...systematically tracked down and eliminated virtually all of Rwanda’s moderate politicians.”¹⁴¹ There is no doubt that the ruthless attacks committed were painstakingly planned by the Hutu extremists in the government. There is clear evidence of genocidal intent on behalf of the Hutu. Power states that “The Rwandan genocide would prove to be the fastest, most efficient killing spree of the twentieth century. In 100 days, some 800,000 Tutsi and politically moderate Hutu were murdered.”¹⁴² The Nazis planned and executed the Holocaust with a similar level of organization. For example, both the Hutu and the Nazis created a registry of their victims. The Nazis, like the Hutu, used dehumanizing language and propaganda to encourage violence against their targets. Such efficient killing does not happen without a high degree of planning.

In the years before the genocide began, “guns, grenades, and machetes began arriving by the planeload... one machete for every third adult Hutu male.”¹⁴³ The Hutu deliberately armed their cause well in advance, preparing themselves for the genocide. The Hutu did not attempt to hide their intentions of eradicating the Tutsi from Rwanda. Just like in the Holocaust, the ideology of genocide strongly drove the Hutu killers. In his book, *We Wish to Inform You that Tomorrow We Will be Killed with Our Families*, Philip Gourevitch elaborates on this. He states that “Mass violence... must be organized; it does not occur aimlessly...and great and sustained

¹⁴⁰ Power, 330.

¹⁴¹ Power, 332.

¹⁴² Power, 334.

¹⁴³ Power, 337.

destruction requires great ambition. It must be conceived as the means toward achieving a new order.”¹⁴⁴ This clearly illustrates evidence of intent in the Rwandan genocide. The ideology that drove the genocide was that the Tutsi were subhuman and did not deserve to live. Gourevitch states that “what is required above all is that they want their victims dead. They have to want it so badly that they consider it a necessity.” This need to cleanse society drives mass violence, and it was evident in every genocide from Armenia to the Holocaust to Myanmar. The need to eradicate an entire group of people simply because of who they are demonstrates genocidal intent, and there is ample evidence to prove genocidal intent by the Hutu extremists in Rwanda. For example, Gourevitch states that “the dead had seen their killers training as militias in the weeks before the end, and it was well known that they were training to kill Tutsis; it was announced on the radio, it was in the newspapers, people spoke of it openly.”¹⁴⁵ There is no question, therefore, that there was genocidal intent. This alone violates the Genocide Convention. This shows clear evidence of intent well before the actual killing began.

Eventually, “the situation deteriorated dramatically enough for... UN bodies to take interest.”¹⁴⁶ The UN, therefore, was keenly aware of the dangerously unstable situation in Rwanda prior to the escalation of violence. Furthermore, the UN’s “March 1993 report found that more than 10,000 Tutsi had been detained and 2,000 murdered... Government supported killers had carried out at least three major massacres of Tutsi. The international commission and a UN rapporteur who soon followed warned explicitly of a possible genocide.”¹⁴⁷ The 1999 inquiry into the actions of the UN in Rwanda further states that the International Criminal

¹⁴⁴ Gourevitch, Philip. *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda*. Picador, 1998, 18.

¹⁴⁵ Gourevitch, 18.

¹⁴⁶ Power, 337.

¹⁴⁷ Power, 338.

Tribunal for Rwanda “determined that the mass killings of Tutsi in Rwanda in 1994 constituted genocide. It was a genocide planned and incited by Hutu extremists against the Tutsi.”¹⁴⁸ While the UN concluded that the Hutus conducted a genocide after the fact, the UN was unable to heed the many warning signs before the violence began.

This 1999 report, commissioned by then Secretary-General Kofi Annan, was titled “Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda.” It was conducted in order to “establish the truth about the role of the United Nations during the genocide.”¹⁴⁹ The introduction to the report states that “acknowledgement of responsibility must also be accompanied by a will for change: a commitment to ensure that catastrophes such as the genocide in Rwanda never occur anywhere in the future.”¹⁵⁰ The report explains what the UN detailed would be necessary to prevent future atrocities. It states that “the fundamental failure was the lack of resources and political commitment devoted to developments in Rwanda and to the United Nations’ presence there. There was a persistent lack of political will by Member States to act, or to act with enough assertiveness.”¹⁵¹ Member states did not possess the will to act likely because they “saw no reason to care much about what happened in faraway Rwanda.”¹⁵² The lack of resources was evident from the very beginning of the violence. In a journal article titled “The UN Security Council, Indifference, and Genocide in Rwanda,” Michael Barnett, former official at the U.S. Mission to the United Nations that followed Rwanda, states that in the first few days of conflict Belgian forces “were running dangerously low on fuel, water and food... resupplying them was

¹⁴⁸ *Report of the Independent Inquiry*, 5.

¹⁴⁹ *Report of the Independent Inquiry*, 3.

¹⁵⁰ *Report of the Independent Inquiry*, 3.

¹⁵¹ *Report of the Independent Inquiry*, 3.

¹⁵² Morgan, Patrick. *International Security: Problems and Solutions*. CQ Press, U.S, 2006, 223.

becoming increasingly questionable as the airport became a major battleground.”¹⁵³ Due to the complicated dynamic between the ethnic groups in Rwanda, there were essentially two wars occurring simultaneously; one between the Hutu against the Tutsi, and a civil war with the Hutu government and the RPF.¹⁵⁴ As a result of this and the lack of heeding early warnings about the conflict, UN forces were “meager and badly supplied.”¹⁵⁵

The decision to withdraw UN troops is perhaps the most notable decision by the UN during the genocide in Rwanda. First, the Belgians extracted their troops following the savage massacre of ten Belgian soldiers.¹⁵⁶ The Belgians were Dallaire’s best soldiers, and their brutal murders left him “truly stunned.”¹⁵⁷ Dallaire then had a dire need for well-trained and capable troops. The United States, however, was completely opposed to military involvement in Rwanda. Secretary of State Warren Christopher stated in 1994,

the international community must give highest priority to full, orderly withdrawal of all UNAMIR personnel as soon as possible... We will oppose any effort at this time to preserve a UNAMIR presence in Rwanda... Our opposition to retaining a UNAMIR presence in Rwanda is firm. It is based on our conviction that the Security Council has an obligation to ensure that peacekeeping operations are viable, that they are capable of fulfilling their mandates, and that UN peacekeeping personnel are not placed or retained, knowingly, in an untenable situation.¹⁵⁸

The American opposition to peacekeeping troops was very influential and significant in the UN’s decision to withdraw from Rwanda. The United States saw the mission in Rwanda as a lost cause, especially after the Belgian troops’ departure. Dallaire’s few peacekeepers, however, had

¹⁵³ Barnett, Michael N. “The UN Security Council, Indifference, and Genocide in Rwanda.” *Cultural Anthropology*, vol. 12, no. 4, 1997, 558.

¹⁵⁴ Barnett, 558.

¹⁵⁵ Barnett, 558.

¹⁵⁶ Power, 366.

¹⁵⁷ Power, 367.

¹⁵⁸ Power, 368.

a strong “deterrent effect.”¹⁵⁹ Power states that the soldiers “scoured Kigali, rescuing Tutsi, and later established defensive positions in the city, opening their doors to the fortunate Tutsi... It did not take many UN soldiers to dissuade the Hutu from attacking.”¹⁶⁰ The presence of UN peacekeepers was vital in order to protect the Tutsi because of the deterrent power that the soldiers possessed. Hutu militia generally did not attack areas with a UN presence. Instead, they focused their resources on killing unarmed Tutsi who could not put up a fight. Even if the Hutu militia persisted in attacking an area manned by peacekeepers, those peacekeepers putting up a fight would inevitably delay the Hutu’s efforts. For example, in his book *International Security Problems and Solutions*, Patrick Morgan states that “a frenzy can often be stopped if a pause is imposed, if even modest resistance appears.”¹⁶¹ Therefore, even if the presence of UN soldiers did not completely dissuade the Hutu, it would likely slow them down. Despite Dallaire’s pleas for more soldiers, the UN reduced UNAMIR's number of troops to 2,100 without the Belgian troops.¹⁶² Ultimately, Dallaire was left with only 270 peacekeepers to protect the thousands of Tutsi from the Hutu government.¹⁶³ Power states that with this decision, “the UN Security Council now made a decision that sealed the Tutsi’s fate and signaled to the Hutu militia that they would have free reign.”¹⁶⁴ Despite being “appalled at the ensuing large-scale violence in Rwanda, which has resulted in the deaths of thousands of innocent civilians,” the Security Council still “voted unanimously to reduce UNAMIR to about 270 and to change the mission’s mandate.”¹⁶⁵ Removing such a significant portion of the UN troops sent an emboldening

¹⁵⁹ Power, 368.

¹⁶⁰ Power, 368.

¹⁶¹ Morgan, 223.

¹⁶² Power, 368.

¹⁶³ Power, 369.

¹⁶⁴ Power, 369.

¹⁶⁵ *Report of the Independent Inquiry*, 22.

message to the Hutu killers that they could continue killing without intervention. Naturally, the Hutu did just that.

Despite the bleak situation, Dallaire still held onto the hope that the UN, particularly the Security Council, would realize the extent of the violence in Rwanda. He hoped that the Security Council would send more troops in order to prevent genocide and fulfil the mission of “never again.” At the time of the genocide, Rwanda held one of the rotating seats on the Council. This was naturally a significant barrier to securing both attention and aid for the situation in Rwanda. While a rotating member of the Council is only a member for two years and does not hold nearly as much power as a member of the Permanent Five, the presence of that nation can still play a significant role in decision-making. Power states that despite Rwanda’s role on the Security Council, “neither the United States nor any other UN member state ever suggested that the representative of the genocidal government be expelled from the council.”¹⁶⁶ Rwanda’s presence on the Security Council complicated the ability of the Council to effectively address the blatant genocide in Rwanda. For example, the Security Council adopted a resolution in May 1994 that “included a decision to increase the number of troops in UNAMIR, and imposed an arms embargo on Rwanda. Rwanda voted against the latter decision, a clear example of the problematic issue of principle raised by the Rwandan membership of the Council.”¹⁶⁷ The structure of the Security Council hindered its ability to effectively deal with the situation in Rwanda. Furthermore, Rwanda’s presence on the Security Council gave the Hutu government an unfair advantage in attempting to influence the decisions of other nations on the Council for their own benefit.¹⁶⁸ The inquiry states that Member States felt “that the Rwandan presence hampered

¹⁶⁶ *Report of the Independent Inquiry*, 22.

¹⁶⁷ *Report of the Independent Inquiry*, 25.

¹⁶⁸ *Report of the Independent Inquiry*, 50.

the quality of the information that the Secretariat felt it possible to provide to the Council and the nature of the discussion in that body.”¹⁶⁹ Therefore, members of the Security Council should have requested the removal of Rwanda from the Council. This alone is very telling of the apathy or cluelessness of the member states, and the UN as a whole, to the brutal genocide that occurred right before their eyes.

The UN accepts full responsibility for its utter failure to prevent the genocide in Rwanda. The conclusion of the 1999 Independent Inquiry is that the responsibility for the failure “lies with a number of different actors, in particular the Secretary-General, the Secretariat, the Security Council, UNAMIR, and the broader membership of the United Nations.”¹⁷⁰ The inquiry also found that the failure “can be summarized as a lack of resources and a lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide.”¹⁷¹ The lack of political will from powerful member states is very clearly a significant reason why the genocide in Rwanda proceeded at the rate it did. The inquiry further states that

the lack of will to act in response to the crisis in Rwanda becomes all the more deplorable in the light of the reluctance by key members of the International Community to acknowledge that the mass murder being pursued in front of global media was a genocide. The fact that what was occurring was a genocide brought with it a key international obligation to act in order to stop the killing. The parties to the 1948 Convention took upon themselves a responsibility to prevent and punish the crime of genocide....Although the main action required of the parties to the Convention is to enact national legislation to provide for jurisdiction against genocide, the Convention also explicitly opens the opportunity of bringing a situation to the Security Council.¹⁷²

¹⁶⁹ *Report of the Independent Inquiry*, 50.

¹⁷⁰ *Report of the Independent Inquiry*, 30.

¹⁷¹ *Report of the Independent Inquiry*, 30.

¹⁷² *Report of the Independent Inquiry*, 38.

No Member States truly cared enough to stop the genocide. This is evidenced by the fact that no Member States brought the issue before the Security Council to prompt action. States hesitated to describe the events as a genocide despite the fact that “television was broadcasting pictures of bloated corpses floating down the river from Rwanda.”¹⁷³ The inquiry also concluded that “if there is ever to be effective international action against genocide, states must be prepared to identify situations as such, and to assume the responsibility to act that accompanies that definition.”¹⁷⁴ Member states were not interested in providing troops and materials for UNAMIR. The Secretariat worked diligently for weeks to collect contributions, but few states were willing to help.¹⁷⁵ The inquiry states, “the political will of Member States to send troops to peacekeeping operations is of course a key to the United Nations capacity to react to conflict.” The UN was severely handicapped by the “unwillingness of member states to respond to the changed circumstances in Rwanda by strengthening UNAMIR’s mandate and contributing additional troops.”¹⁷⁶

While the structure of the UN often impedes action, it is ultimately up to the member nations to ensure that the UN is able to function. Rwanda’s location is a likely reason for the passivity of many member states because “Rwanda was not of strategic interest” to many nations.¹⁷⁷ As a result, nations were far less likely to divert resources to a country that is of little interest to them. It could also be difficult to draw up popular support for involvement. Because of its structure and charter, the UN is not set up like a government that can actually enforce requests

¹⁷³ *Report of the Independent Inquiry*, 38.

¹⁷⁴ *Report of the Independent Inquiry*, 38.

¹⁷⁵ *Report of the Independent Inquiry*, 43.

¹⁷⁶ “Rwanda: A Brief History of the Country.” *Outreach Programme on the Rwanda Genocide and the United Nations*, United Nations.

¹⁷⁷ *Report of the Independent Inquiry*, 44.

and mandates. If member states refuse to contribute, the UN has no other options. For example, the United States' refusal to get involved significantly influenced the inaction of the UN. In light of the U.S. failure in Somalia, Richard Clarke, a member of the National Security Council under President Clinton, drafted a presidential decision directive. This directive, PDD-25, severely limited the scope of the United States' involvement in peacekeeping missions. PDD-25

listed sixteen factors that policymakers needed to consider when deciding whether to support peacekeeping activities: seven factors if the United States was to vote in the UN Security Council on peace operations carried out by non-American soldiers, six additional and more stringent factors if U.S. forces were to participate in UN peacekeeping missions, and three final factors if U.S. troops were likely to engage in actual combat.¹⁷⁸

In order for the U.S. to partake in peacekeeping operations, therefore, "U.S. participation had to advance U.S. interests, be necessary for the operation's success, and garner domestic and congressional support. The risk of casualties had to be 'acceptable.'"¹⁷⁹ This ultimately directed U.S. foreign policy in relation to Rwanda. Since the United States is such a powerful member of the UN, U.S. policy around the refusal to intervene in Rwanda significantly influenced the ability of the UN to intervene. PDD-25 showcases that the United States lacked the political will to become involved in further peacekeeping operations, and this influenced other UN member states to do the same.

While the lack of political will certainly had disastrous effects on the situation in Rwanda, the organizational problems within the UN also largely impacted the failure. The inquiry determined that there was a severe lack of communication between various parts of the organization and Member States, resulting in a lack of pertinent information. For example,

¹⁷⁸ Power, 342.

¹⁷⁹ Power, 342.

“representatives of several Members of the Security Council... have complained that the quality of information from the Secretariat was not good enough... More could have been done by those Member States with an in-depth knowledge of the situation in Rwanda to share information with the Secretariat.”¹⁸⁰ There were clear miscommunications back and forth between the UN and member nations which inevitably stalled overall progress. More notably, however, UNAMIR, UN Headquarters, and other key governments, had information “about a strategy and threat to exterminate Tutsis, recurrent ethnic and political killings of an organized nature, deathlists, persistent reports of import and distribution of weapons to the population and hate propaganda.”¹⁸¹ The UN, therefore, had access to the information that pointed to plans for genocide, but organizational issues slowed action. The inquiry also states that “UNAMIR... was not planned, dimensioned, deployed or instructed in a way which provided for a proactive and assertive role in dealing with a peace process in serious trouble.”¹⁸² This points to the lack of resources and organization invested in the situation in Rwanda. UNAMIR was too small “and was beset by debilitating administrative difficulties... By the time the genocide started, the mission was not functioning as a cohesive whole.”¹⁸³ This illustrates another instance of bureaucratic and systemic problems in the UN. The UN had plenty of time and information to stop the atrocities in Rwanda but ultimately failed because of systemic issues stemming from disorganization and lack of political will by member states.

In November 1994, following the genocide, the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR), which is an “international tribunal for the

¹⁸⁰ *Report of the Independent Inquiry*, 47.

¹⁸¹ *Report of the Independent Inquiry*, 47.

¹⁸² *Report of the Independent Inquiry*, 30.

¹⁸³ *Report of the Independent Inquiry*, 30.

sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda.”¹⁸⁴ Despite the UN’s enormous failure to prevent or stop the genocide, the organization at least ensured the prosecution of the perpetrators. The ICTR indicted 93 actors in the genocide, which included “high-ranking military and government officials, politicians, businessmen, as well as religious, militia, and media leaders.”¹⁸⁵ The establishment of the ICTR was a monumental step in the UN’s effort to address genocide. The ICTR is “the first ever international tribunal to deliver verdicts in relation to genocide, and the first to interpret the definition of genocide set forth in the 1948 Geneva Conventions.”¹⁸⁶ The recognition of genocide in an international court commissioned by the UN is an important step in the prevention of genocide. Despite that, there are still many issues within the UN itself that must be addressed so that the establishment of tribunals after the fact are not necessary. Not even a year later, the UN went on to repeat these same mistakes in Bosnia and Srebrenica.

¹⁸⁴ Security Council resolution 955, *Resolution 955*, S/RES/955, 8 November 1994, 2.

¹⁸⁵ “The ICTR in Brief.”

¹⁸⁶ “The ICTR in Brief.”

Case Study: Bosnia and Srebrenica

The 1995 genocide in Bosnia is another instance in which UN inaction resulted in the deaths of thousands. Violence erupted when Bosnia declared independence from Yugoslavia, bringing up deep-rooted tensions between the different ethnic groups in Bosnia. The Bosnian Serbs had the mission of completely eliminating the Bosnian Muslims and creating an ethnically homogenous state. This violence ultimately resulted in the genocidal massacre in the Bosnian town of Srebrenica, which was the deadliest event in Europe since the Holocaust fifty years earlier. Like all genocides that came before Bosnia, the perpetrators conducted a reign of terror, rape, and killing. Despite the obvious warning signs, the UN was sorely unprepared to stop the inevitable genocide.

Six republics composed Yugoslavia prior to 1991.¹⁸⁷ Several republics, including Croatia and Slovenia, seceded from Yugoslavia. While the other republics were relatively homogenous, the diverse population of Bosnia was “43 percent Muslim, 35 percent Orthodox Serb, and 18 percent Roman Catholic Croat.”¹⁸⁸ Bosnia initially hesitated to secede because if Bosnia remained as part of Yugoslavia, “its Serbs would receive the plum jobs and educational opportunities, whereas Muslims and Croats would be marginalized and likely physically abused.”¹⁸⁹ The risks to secession, however, meant that “Muslim citizens would be especially vulnerable because they did not have a parent protector in the neighborhood... the country’s Muslims could rely only upon the international community.”¹⁹⁰ Despite the risks posed to the Muslims, Bosnia declared independence in 1992, starting the Bosnian Civil War. This diverse

¹⁸⁷ Power, 247.

¹⁸⁸ Power, 247.

¹⁸⁹ Power, 247.

¹⁹⁰ Power, 248.

nature of Bosnia made it a target to Serbian nationalist forces motivated by the vision of a “creating an ethnically homogenous state.”¹⁹¹ The final goal of the Bosnian Serbs was undoubtedly to permanently eliminate the Bosnian Muslim population.

The classic warning signs of impending genocide presented themselves early on in the Bosnian conflict. For example, just like the Nazis did with the Jews in the Holocaust, “Bosnian Serb soldiers and militiamen had compiled lists of leading Muslim and Croat intellectuals, musicians, and professionals...they began rounding up non-Serbs and savagely beating them, and often executing them.”¹⁹² This violence began shortly after Bosnia declared independence. Eliminating the highly educated in society is a classic sign of genocide. The perpetrators want to ensure that there are few threats to their power and mission, and the highly educated naturally pose the greatest threats. The Khmer Rouge did this in Cambodia in the 1970s, even going as far as killing anyone who wore glasses. The Bosnian Serbs also destroyed “most cultural and religious sites in order to erase any memory of a Muslim or Croat presence,” another event typical to genocides.¹⁹³ This clearly illustrates the Bosnian Serb’s mission of completely eliminating the Muslim population in Bosnia forever.

There were also other signs reminiscent of the methods used by Nazis in the Holocaust. For example, Serbs posted decrees around towns that “informed non-Serb inhabitants of the new rules.”¹⁹⁴ The rules prohibited basic actions such as hunting, traveling by car, meeting in public places, or contacting relatives outside of town, while also instituting a curfew from 4 p.m. to 6 a.m.¹⁹⁵ The Nazis placed these same types of restrictions on the Jews. The Serbs also forced

¹⁹¹ Power, 249.

¹⁹² Power, 249.

¹⁹³ Power, 249.

¹⁹⁴ Power, 250.

¹⁹⁵ Power, 250.

thousands of Muslims to leave their homes. Power states that, “as refugees poured into neighboring states, it was tempting to see them as the byproducts of war, but the purging of non-Serbs was not only an explicit war aim of Serb nationalists; it was their primary aim.”¹⁹⁶ It was evident that Muslims were not being displaced simply because of war. Instead, it was because the Serbs had a plan to systematically purge Bosnia of any Muslim influence or presence. The Serbs sought ensure ethnic purity by severing “permanently the bond between citizens and land.”¹⁹⁷ In order to do so, the Serbs

forced fathers to castrate their sons or molest their daughters; they humiliated and raped (often impregnating) young women. Theirs was a deliberate policy of destruction and degradation: destruction so this avowed enemy race would have no homes to which to return; degradation so the former inhabitants would not stand tall—and thus would not dare again stand—in Serb-held territory.¹⁹⁸

This clearly shows the genocidal intent behind the Serb’s actions. The Serbs sought to ensure that the Bosnian Muslims, should they survive, would never even want to return. This all occurred, however, under the guise of the Bosnian Civil war. This inevitably delayed international responses to protect Bosnian Muslims because international organizations blamed their displacement on the unfortunate but natural effects of war.

The international community responded to Bosnia in a similar way as in other genocides. It was easy to blame the violence on old ethnic tensions, as the international community did in Rwanda, for example. Power states that the targeted violence against Muslims “was euphemistically dubbed... ‘ethnic cleansing.’”¹⁹⁹ Just as Lemkin intended, genocide is a strong

¹⁹⁶ Power, 251.

¹⁹⁷ Power, 251.

¹⁹⁸ Power, 251.

¹⁹⁹ Power, 249.

term that evokes images of the Holocaust and the worst moments of humanity. Therefore, calling the violence ethnic cleansing instead of genocide tends to downplay the issue. Subsequently, this may lead other countries to believe that they do not need to intervene yet because there no official genocide. A significant difference in Bosnia, however, was that the international community did not completely ignore the atrocities. Power states that “More than ever before, Lemkinian voices for action were heard within the State Department, on Capitol Hill, and on America’s editorial pages.”²⁰⁰ Public recognition of the violence is a crucial step in a country condemning and taking action against genocide. There was no such public outcry regarding Rwanda. The attention of the media, however, may be attributed to Bosnia’s location. The European location of Bosnia likely caused the public to take note and have more concern as opposed to their relative indifference to Rwanda. Despite public outcry, “for the next three and a half years the United States, Europe, and the United Nations stood by while some 200,000 Bosnians were killed, more than 2 million were displaced, and the territory of a multiethnic European republic was sliced into three ethnically pure statelets.”²⁰¹ The international community largely sat by while the instability in Bosnia perpetuated violence. Power states, however, that “the UN Security Council pointed fingers at the main aggressors, imposed economic sanctions, deployed peacekeepers, and helped deliver humanitarian aid. Eventually it even set up a war crimes tribunal to punish the plotters and perpetrators of mass murder.”²⁰² The UN, therefore, took some action in an attempt to curb the violence in Bosnia. Despite that, the international community and the UN still failed to stop the genocide in Bosnia, most notably the massacre in the town of Srebrenica.

²⁰⁰ Power, 251.

²⁰¹ Power, 251.

²⁰² Power, 251.

Today, the UN accepts responsibility for the failure to intervene in Bosnia. In July 2015, on the 20th anniversary of the massacre at Srebrenica, UN Deputy Secretary- General Jan Eliasson and UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein discussed and reconciled the UN's failure. The remarks centered around the need for "better efforts aimed at prevention and greater cohesion among the international community."²⁰³ The ever-present dysfunction of the Security Council was evident when Eliasson and Al Hussein gave their remarks "as the Security Council prepared to table a vote on a draft resolution strongly condemning as genocide the crimes at Srebrenica."²⁰⁴ Even twenty years after the genocide, the UN still cannot come to a conclusion that the crimes perpetrated by the Bosnian Serbs against the Bosnian Muslims amounted to clear and calculated genocide. Russia vetoed the draft resolution.²⁰⁵ This shows that the discord that impeded action in 1995 still persists today. Eliasson stated that UN peacekeepers still experience the same issues that handcuffed them in Srebrenica, such as, "paralyzing divisions among member states and a lack of political and material support."²⁰⁶ They asserted that these political divisions in the Security Council directly resulted in "the UN's 'clumsy' efforts in addressing the growing threats on the ground during the early days of the Bosnian conflict."²⁰⁷ One of the major issues with UN intervention in Bosnia was that due to disagreements between member states, the details of the peacekeeping mandate were very unclear.

²⁰³ "UN Officials Recall 'Horror' of Srebrenica as Security Council Fails to Adopt Measure Condemning Massacre." *UN News*, United Nations, July 2015.

²⁰⁴ "UN Officials Recall 'Horror' of Srebrenica."

²⁰⁵ "UN Officials Recall 'Horror' of Srebrenica."

²⁰⁶ "UN Officials Recall 'Horror' of Srebrenica."

²⁰⁷ "UN Officials Recall 'Horror' of Srebrenica."

Most of the discord in the mission stems from the Security Council and the influence of the Permanent Five. The UN sent peacekeepers to Bosnia and expected them to conduct peacekeeping and enforcement of the peace but did not provide them with the necessary resources to do so. A report title “The UN’s Role in Former Yugoslavia: the Failure of the Middle Way” states, “although the Security Council resolutions for Bosnia were passed under the enforcement provisions of Chapter VII of the UN's Charter, the constant concern was that the use of force would compromise the peacekeeping operation, contradict the impartiality which is the hallmark of UN peacekeeping, and endanger the relief agencies.”²⁰⁸ Chapter VII of the UN Charter provides the Security Council with the ability to authorize the use of force. Despite that, however, the Security Council did not provide UNPROFOR with the appropriate resources to protect themselves and others. The UN ideally wanted the mission to proceed without the use of force, but by not providing resources necessary to follow through with force, they put the mission and the peacekeepers in danger. Intervention in Bosnia was doomed to fail because of the “wavering displays of authority to a non-committal use of force in countering an increasingly scaled-up Bosnian Serb aggression against ethnic minorities.”²⁰⁹ The “hesitation” and “timidity” of the UN and Security Council were central to the devastating results of the Bosnian genocide and the massacre in Srebrenica.²¹⁰

Like Bosnia itself, Srebrenica municipality was also ethnically diverse with “approximately 37,000 people- 72.5 percent Muslims and 25.5 percent Serbs.”²¹¹ The Muslim

²⁰⁸ Anderson, David. “The UN's Role in the Former Yugoslavia: The Failure of the Middle Way.” *Parliamentary Research Service*, Department of the Parliamentary Library, 22 Nov. 1995.

²⁰⁹ “UN Officials Recall 'Horror' of Srebrenica.”

²¹⁰ Anderson, 1995.

²¹¹ “The Fall of Srebrenica and the Failure of UN Peacekeeping: Bosnia and Herzegovina.” *Human Rights Watch*, Human Rights Watch, 22 Nov. 2017.

majority made Srebrenica a target for the Serbs to cleanse. It was clear, therefore, that Srebrenica was in imminent danger of being taken by the Serbs. As a result, on April 16, 1993 the Security Council passed Resolution 819 which declared Srebrenica a “safe area.”²¹² The Resolution called on all parties “to observe immediately the cease-fire,” and also condemned “all violations of international humanitarian law, including, in particular, the practice of ‘ethnic cleansing.’”²¹³ UN action in this case differed from Rwanda in that the UN took steps to recognize that the actions of the Serbs seriously violated international law. The Resolution further “demands that all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act.”²¹⁴ While it was significant that the UN declared Srebrenica a safe area, the Resolution was still ambiguous in how UN peacekeepers should maintain and ensure the safety of Srebrenica. A report by Human Rights Watch states that the establishment of safe areas “provided for the placement of U.N. troops within the areas but left unclear whether force could be used to protect the enclaves and their population from attack or whether U.N. troops could use force only for their own self-defense.”²¹⁵ This peacekeepers in Rwanda encountered this same issue. Not being authorized to use force to defend the Tutsi crippled the mission in Rwanda and contributed to the astronomically high death toll. In an attempt to clarify this, the Security Council issued a report regarding Resolution 844 in May 1994 that “made clear that U.N. troops were authorized to use force to protect the ‘safe areas’ but that, due to a lack of troops, the U.N. could not guarantee the defense of the ‘safe areas.’”²¹⁶

While this resolution was necessary to ensure that peacekeepers had authorization to use force, it

²¹² “Fall of Srebrenica.”

²¹³ Security Council resolution 819, *Resolution 955*, S/RES/819 (16 April 1993), 1.

²¹⁴ S/RES/819, 2.

²¹⁵ “The Fall of Srebrenica.”

²¹⁶ “The Fall of Srebrenica.”

still showed the lack of UN preparation due to insufficient troops. For example, this report states “that approximately 34,000 additional troops would be required in order to ensure full respect for the safe areas.”²¹⁷ Due to a constraint of resources, however, the report estimated that only about 7,600 would be available.²¹⁸ The report recognizes that such few troops would not be sufficient to completely defend Srebrenica, but that it “would provide a basic level of deterrence, assuming the consent and cooperation of the parties.”²¹⁹ The Security Council mistakenly placed good faith in the Serbs that they would be deterred by even a small UN presence. The Bosnian Serbs, however, already considered the mission a joke because of the obvious high level of miscommunication and disorganization from the UN. In order for peacekeeping to be effective and end the violence, both sides need to have respect for UN authority. The chaotic response of the UN did not demand respect. To make matters worse, “even this minimum requirement was not met by the troop contributors, thus severely limiting UNPROFOR’s presence in the safe areas.”²²⁰ The UN ultimately only supplied 3,500 troops to Srebrenica, only ten percent of the recommended amount.²²¹

Just like in Rwanda, a lack of political will from UN member states, including the United States, was a significant reason for the small number of troops. For example, “the early decision of the major powers was that Bosnia-Herzegovina had no strategic significance and they would not become militarily engaged in the war, but pressure to act in some way came from the global mass media and the general public.”²²² Power agrees with this statement, stating that “President

²¹⁷ United Nations, Security Council, *Report of the Secretary-General Pursuant to Resolution 844, S/1994/555*, 9 May 1994, 2.

²¹⁸ *Report of the Secretary*, 2.

²¹⁹ *Report of the Secretary*, 2.

²²⁰ *Report of the Secretary*, 2.

²²¹ “The Fall of Srebrenica.”

²²² Anderson, 1995.

Clinton made it clear that the United States would not send troops, and the European countries that had already deployed soldiers to Bosnia were reluctant to contribute many more peacekeepers to a failing UN effort.”²²³ Member states equipped with resources and troops chose not to intervene to stop the genocide because they saw the UN effort as a failure. This illustrates a stark lack of political will to prevent genocide by individual member states. Pressure from the media and international community only spurred mediocre action. The states themselves did not possess the political will to stop the crisis. This lack of reinforcements, due to the member states’ relative indifference, was detrimental to the UN effort to protect Srebrenica and its Muslim population from the Serbs’ genocidal acts. In his book, *International Human Rights*, Jack Donnelly argues that the UN did the best it could to alleviate the violence in Bosnia, but that the organization was not equipped to do more because of the member states. For example, he states that “the problem lies in the refusal of states to confer greater power on multilateral human rights institutions... states consider this ‘problem’ preferable to the ‘solution’ of transferring authority to an international agency that might force them to act more strongly.”²²⁴ This highlights the responsibility that member states have to ensure that the UN can respond to a crisis quickly and effectively, but that states have not adequately embraced this responsibility. This was detrimental in the case of Bosnia.

The UN was not completely alone in its presence in Bosnia. Due to the European location of Bosnia and the public knowledge of the violence, NATO agreed to offer air support to UNPROFOR. Should UNPROFOR fail or be overpowered, then NATO airstrikes would serve as backup to protect the refugees in Srebrenica and eliminate the threat of the Serbs. Recognizing

²²³ Power, 391.

²²⁴ Donnelly, Jack. *International Human Rights*. Westview Press, 1998, 141.

the gravity of the situation in Bosnia, Western powers “established a process by which the UN peacekeepers in Bosnia could appeal for ‘close air support’ if they themselves came under fire, and they could request air strikes against preselected targets if the Muslim-populated safe areas came under serious attack.”²²⁵ While this plan existed as backup insurance for the peacekeepers, it was not easy to initiate the air support. In order to send NATO jets, both the civilian head of the UN and NATO commanders needed to approve the mission.²²⁶ As a result of this structure, “most requests were stalled at the initial stage, as UN civilians were openly skeptical of NATO bombing.”²²⁷ While the additional support was good in theory, implementing it in practice proved extremely difficult. Therefore, “only a few hundred lightly armed peacekeepers and increasingly disingenuous threats of NATO air strikes guaranteed [the Bosnian Muslims’] safety.”²²⁸ The hesitation to commit to NATO airstrikes further proves the lack of political will by Western nations to truly intervene to protect the Muslims in Srebrenica.

Even though the UN presence in Srebrenica had good intentions, in reality the presence did little to improve the situation for the Bosnian Muslims trapped in the town. The Serbs were keenly aware of the chaos, disorganization, and lack of resources of UNPROFOR. The embarrassing defeats of the UN in both Rwanda and Somalia were no secret. The Serbs exploited the insecurities and squeamishness of the blue helmets and “frequently aimed their sniper rifles at the UN soldiers.”²²⁹ This clearly demonstrates that the few UN troops had little deterrence effect against the Serbs, who likely knew from the results of Rwanda and Somalia that the UN was not much of a threat. Furthermore, Serb forces “also repeatedly choked off UN fuel and

²²⁵ Power, 392.

²²⁶ Power, 392.

²²⁷ Power, 392.

²²⁸ “The Fall of Srebrenica.”

²²⁹ Power, 391.

food. By the time of the July attack on Srebrenica, the 600 Dutch peacekeepers were performing most of their tasks on mules and were living off emergency rations.”²³⁰ This shows an utter lack of UN control in the situation. It is unlikely that peacekeepers could protect thousands of Muslim civilians if they were unable to adequately protect themselves. As a result of this, UN peacekeepers “interpreted their mandate narrowly, claiming that UN troops could use force only to protect themselves, not the civilian population.”²³¹ This, however, was not the mandate of Resolution 844. The report regarding Resolution 844 states that the mission of UNPROFOR is “to protect the civilian populations of the designated safe areas against armed attacks and other hostile acts, through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedures.”²³² The UN troops in Srebrenica did not achieve this mission mostly due to the lack of resources. Therefore, “although the safe areas may have been created with good intentions, in actuality, they became UN-administered ethnic ghettos.”²³³ The UN isolated Bosnian Muslims in a small area plagued by violence and tension without adequate food, water, shelter and other basic necessities. Power states that it was evident to both the UN and its member states “that the safe areas would be safe only as long as the Serbs chose to leave them so.”²³⁴ The Serbs knew this as well. For example, “by late February and early March 1995, only one convoy per month was being allowed into the ‘safe area’ to feed the approximately 39,000 people.”²³⁵ The Serbs also forbade any UN convoys from delivering salt to ensure that the refugees in Srebrenica could not preserve any food.²³⁶ It was only a matter of

²³⁰ Power, 391.

²³¹ “The Fall of Srebrenica.”

²³² *Report of the Secretary*, 5.

²³³ “The Fall of Srebrenica.”

²³⁴ Power, 392.

²³⁵ “The Fall of Srebrenica.”

²³⁶ “The Fall of Srebrenica.”

time, therefore, until the weak and unprepared UN forces would be overrun by Serb paramilitary units.

On July 11, 1995 the Serbs invaded and took Srebrenica. The Serbs were aware that UNPROFOR was sorely underprepared to stop the invasion. Power states that the “assault went virtually uncontested by the United Nations on the ground and by NATO jets in the sky.”²³⁷ The failure of the international community, including the UN and NATO, to stop the Serbs from taking Srebrenica resulted in the massacre of 7,000 Muslim men and boys which was “the largest massacre in Europe in fifty years.”²³⁸ The massacre in Srebrenica was the most blatant act of genocide to occur during the Bosnian Civil War. The absence of adequate UN preparation was a significant factor in this massacre. The lack of cooperation among member states in the UN directly contributed to the lack of resources that led to UNPROFOR troops being “psychologically and physically exhausted weeks prior to the offensive.”²³⁹ This exhaustion resulted in UN forces not reporting “serious signals of the looming offensive.”²⁴⁰ For example, the report by Human Rights Watch explains that

just two days before the attack Bosnian Serb forces allowed one convoy carrying 100,000 liters of diesel fuel, an unprecedented amount, into the pocket. This fuel was then recaptured when the ‘safe area’ was overrun... Without the fuel, Bosnian Serb forces would not have been able to later bus tens of thousands of Muslims to Bosnian government-controlled territory.²⁴¹

This was an obvious red flag that the Serbs were planning something bigger, but the UN troops neglected to report it. The bussing of Muslims was essential to the Serbs’ ultimate extermination

²³⁷ Power, 392.

²³⁸ Power, 392.

²³⁹ “The Fall of Srebrenica.”

²⁴⁰ “The Fall of Srebrenica.”

²⁴¹ “The Fall of Srebrenica.”

plan to ensure their ethnically pure state. Without so much diesel, the Serbs would not have been able to carry out that aspect of their mission, potentially saving thousands of civilian lives. The lack of resources and troops, therefore, made the UN appear even weaker in the face of the Serbs.

The UN did not effectively communicate to the peacekeepers on the ground in Bosnia. This information failure was also detrimental in Rwanda just a year earlier. Power explains that “UN peacekeepers in Srebrenica were probably the least well informed of all the interested parties. Like Dallaire’s hamstrung forces in Rwanda, the UN troops in Bosnia lacked an intelligence-gathering capacity of their own.”²⁴² The troops in Bosnia suffered from the disorganization among member states at UN headquarters and the chain of command. UN troops in Srebrenica possessed no other option than to rely on UN headquarters for information. This vital intelligence came from “the more powerful UN member states, who rarely delivered.”²⁴³ The peacekeepers in Srebrenica were essentially on their own because “if U.S. spy satellites or NATO planes picked up visual evidence or word of Serb troop advances toward Srebrenica, they did not share it with UN peacekeepers.”²⁴⁴ Peacekeepers, therefore, only learned of the location of Serb troops when they physically encountered them and their gunfire. The UN and NATO simply did not provide the peacekeepers in Srebrenica with proper means to defend themselves, let alone the city. As the Serb troops advanced toward Srebrenica, for example, they overtook several UN observation posts, taking fifty-five UN troops hostage.²⁴⁵

²⁴² Power, 394.

²⁴³ Power, 394.

²⁴⁴ Power, 394.

²⁴⁵ “The Fall of Srebrenica.”

Furthermore, the peacekeeping operation had an inefficient chain of command that peacekeepers needed to navigate in order to receive information or assistance. The peacekeepers were often stuck in impossible situations, particularly when it came to the use of force. In his book, *International Security Problems and Solutions*, Patrick Morgan states, “efforts by peacekeeping forces to use even modest force to contain the worst excesses were also handicapped by the command system.”²⁴⁶ In order to use force, “officers on the scene would have to seek approval from their commanders, who in turn had to gain approval from the UN official charged with overseeing the operation. He had to clear everything with the secretary general who had to seek support from the Security Council.”²⁴⁷ When coupled with the disorganization and lack of will in the Security Council, this proved particularly disastrous because peacekeepers had to jump through many hoops to receive answers to pertinent questions. Peacekeepers had to battle the structure of the mission in order to do their jobs.

NATO also abandoned the peacekeepers in Srebrenica by denying air strikes that the Dutch UN forces appealed for beginning on July 6.²⁴⁸ Without proper support, confusion ensued. The Muslim civilians naturally looked to the peacekeepers for protection, but “the peacekeepers expected the town’s largely unarmed Muslim defenders to offer the first line of defense and NATO airpower to supply the second.”²⁴⁹ As a result of a 1993 UN demilitarization agreement, the Muslims did not have weapons, including tanks and anti-aircraft guns.²⁵⁰ The Muslims did not ask the UN to return their weapons because “they feared that if they took back their weapons, the

²⁴⁶ Morgan, 217.

²⁴⁷ Morgan, 217.

²⁴⁸ Power, 397.

²⁴⁹ Power, 399.

²⁵⁰ Power, 399.

blue helmets would use this as an excuse to shirk their duty to defend the pocket.”²⁵¹ Both the peacekeepers and civilians were gravely underprepared to defend themselves.

The mission was further complicated by senior UN officials acting somewhat prejudiced against the Bosnian Muslims because of persuasions by the Serbs. UN force commander Bernard Janvier and senior UN officials were “long impressed with what they said was General Mladic’s military acumen.”²⁵² General Mladic was the leader of the Serb army who commanded the invasion and subsequent genocide. Janvier and others were biased and easily persuaded by the Serbs against the Muslims because of their respect for Mladic’s military prowess. At the time that the Serbs took Srebrenica, “Janvier and other UN officers processed intelligence through a lens of a preexisting prejudice that held that the Bosnian Muslims were the ones destabilizing the peace and provoking the Serbs.”²⁵³ This distorted image, in the face of an undeniable genocide, shows that UN leadership was incompatible with an effort to prevent genocide. The Muslims, and those stationed in Srebrenica to defend them, were doomed because of the absence of leadership capable of recognizing the facts that invariably pointed to genocide. Mladic, on the other hand, had full confidence in his army’s ability to overpower UN forces in Srebrenica. UN leaders, therefore, trusted Mladic’s word as opposed to conducting an impartial peacekeeping operation. One could argue that, if anything, the mission should have been biased in favor of the Bosnian Muslims, because of the undeniable signs of genocide.

By nature, UN peacekeeping operations are designed to be impartial in order to bring forward the cooperation of both sides to ensure a lasting peace. The mission in Bosnia, therefore, was constructed with the goal of “interposing neutral forces with the permission of the

²⁵¹ Power, 399.

²⁵² Power, 397.

²⁵³ Power, 398.

belligerents in order to monitor or maintain a truce or settlement.”²⁵⁴ Why would UN leaders, who are expected to remain impartial in the first place, trust the word of a man accused of genocidal acts as opposed to seeing the thousands of victims as evidence against Mladic? This also raises the question of if staying neutral in peacekeeping operations is the best way to end the violence, or if the peacekeepers should be more inclined to protect the victims. Rajat Ganguly and Raymond Taras state in their book, *Understanding Ethnic Conflict*, that the result of Bosnia made “clear that impartial and limited military intervention, as attempted earlier by the UN through traditional peacekeeping, may actually be more counterproductive than partisan but aggressive types of operations.”²⁵⁵ The decisiveness of NATO’s ultimate military intervention illustrated that the method of nonpartisan intervention may not be effective.

When Mladic and the Serbs invaded Srebrenica at 4:00pm on July 11, 1995, there was little that UN forces were able to do. The massacre began the next day. Power states that “while the UN soldiers looked on, armed Serbs ripped fathers, brothers, and sons from the hysterical grip of the women.”²⁵⁶ The UN peacekeepers were nothing more than bystanders once the Serbs took the city. To make matters worse, and to further contribute to the embarrassment of the UN, “many Bosnian Serb soldiers were wearing UN uniforms and helmets, walking among the displaced persons...fooling civilians into thinking they were really UN troops.”²⁵⁷ This shows how the chaotic UN mission did not intimidate the Bosnian Serbs in the least. Instead, it was essentially a joke to them. The Bosnian Muslims now had no protection from the UN and were at the full mercy of Mladic and his troops. Mladic’s plan included separating the men from the

²⁵⁴ Donnelly, 142.

²⁵⁵ Taras, Raymond, and Rajat Ganguly. *Understanding Ethnic Conflict: The International Dimension*. Longman, 2006, 109.

²⁵⁶ Power, 402.

²⁵⁷ “The Fall of Srebrenica.”

women, where the men would be taken and systematically killed. The Serbs forced the women, children, and elderly onto busses to transport them to other areas controlled by the Serbs. In addition to the systematic killings of the men, the Serbs frequently stopped these busses “along the way so that Serb gunmen could select the young, attractive women for a roadside rape.”²⁵⁸ The International Criminal Tribunal for the former Yugoslavia determined that rape was used as an instrument of terror. There was no doubt, therefore, that the Serbs were intentionally committing genocide in Srebrenica. There was overwhelming evidence to prove this. For example, on July 20 three Muslim male survivors were found “with the bullet wounds to prove what to that point had simply been feared: Mladic was systematically executing the men in his custody.”²⁵⁹ The survivors described that “some massacres took place two by two; others twenty by twenty. The men were ordered to sit on buses or in warehouses as they waited their turn.”²⁶⁰ This further shows the systematic nature of the killings. At this point, UN special rapporteur for human rights for the former Yugoslavia, Tadeusz Mazowiecki, conducted an investigation that concluded that “7,000 of Srebrenica’s 40,000 residents seemed to have ‘disappeared.’”²⁶¹ The Serbs systematically killed these 7,000 missing Muslim men and boys while the UN did nothing. Mazowiecki later resigned out of disgust at the UN’s lack of effort to stop the killing.²⁶²

Senior officials within the UN were far more concerned with the image of the organization as opposed to saving the lives of countless innocent civilians. Power states that “as they had done during the genocide in Rwanda, senior U.S. and UN officials behaved as if they

²⁵⁸ Power, 404.

²⁵⁹ Power, 415.

²⁶⁰ Power, 415.

²⁶¹ Power, 417.

²⁶² Power, 417.

were conducting business as usual.”²⁶³ In an effort to save face for the UN’s reputation, the top UN civilian Yasushi Akashi, “blamed the Muslims for their ‘provocation.’”²⁶⁴ The Secretary General Boutros-Ghali told the press that the fall of Srebrenica was not a UN failure, stating that “‘you have to see if the glass is half full or half empty.’”²⁶⁵ There is also evidence that the UN “destroyed video footage showing scenes of UN troops standing by while Bosnian Serb forces organized the massacred of Muslim men.”²⁶⁶ Destroying crucial evidence of genocide clearly shows that the UN is far more concerned with its own image than with carrying out its fundamental mission and values. As officials within the UN attempted to justify the lack of success in defending Srebrenica, “Muslim men of Srebrenica belonged to one of four categories: those alive and trying to escape through the woods; those killed on that journey; those who had surrendered to the Serbs and already been killed; those who had surrendered and who would soon be killed.”²⁶⁷ The UN still did not do enough despite the overwhelming evidence of the Serbs conducting a textbook genocide. Even the French president Jacques Chirac was highly concerned by the events in Bosnia, saying that “the separation of the sexes reminded him of World War II.”²⁶⁸ Chirac compared the international reaction to Srebrenica to “British and French appeasement of Hitler in Munich.”²⁶⁹ History once again repeated itself despite the proclamation that the horrors of World War II would never happen again. The many reports of genocidal violence made “the U.S. policy of nonconfrontation... politically untenable.”²⁷⁰ As a

²⁶³ Power, 405.

²⁶⁴ Power, 403.

²⁶⁵ Power, 403.

²⁶⁶ “The Fall of Srebrenica.”

²⁶⁷ Power, 407.

²⁶⁸ Power, 407.

²⁶⁹ Power, 433.

²⁷⁰ Power, 393.

result, led by the United States, “NATO jets engaged in a three-week bombing campaign against the Bosnian Serbs that contributed mightily to ending the war.”²⁷¹ This came only after Bosnian Serb forces systematically murdered over 7,000 men and boys and raped thousands of women.

In May 1993 the United Nations established the International Criminal Tribunal for the former Yugoslavia (ICTY). Despite its existence before the fall of Srebrenica, ICTY was far more useful after the war ended. Since 2003, the ICTY has worked within all of the former Yugoslavia to ensure perpetrators of war crimes are brought to justice.²⁷² The ICTY states that “the Tribunal has shown that an individual’s senior position can no longer protect them from prosecution.”²⁷³ The Tribunal also determined “beyond reasonable doubt that the mass murder at Srebrenica was genocide.”²⁷⁴ While the Tribunal did not exist to actually stop the genocide as it occurred, it now “aims to deter future crimes and render justice to thousands of victims and their families, thus contributing to a lasting peace in the former Yugoslavia.”²⁷⁵ Just like in Rwanda, the UN is retroactively attempting to make up for earlier failures. Overall, the ICTY has indicted 161 individuals and found all of the fugitives responsible for the genocide.²⁷⁶ The success of the tribunal in light of the failure of the mission suggests that the UN may only be effective to deal with the effects of genocide, as opposed to stopping it. While it is crucial to bring perpetrators of genocide to justice, in order for the UN to follow through with the mantra of “never again,” there must be significant reforms within the UN system to ensure that genocide does not occur in the first place.

²⁷¹ Power, 393.

²⁷² “About the ICTY.” *About the ICTY | International Criminal Tribunal for the Former Yugoslavia*, United Nations.

²⁷³ “About the ICTY.”

²⁷⁴ “About the ICTY.”

²⁷⁵ “About the ICTY.”

²⁷⁶ “About the ICTY.”

Ultimately, the discord among the members of the Security Council, particularly the Permanent Five, led to an ill-equipped and underinformed peacekeeping mission that was doomed to fail. The lack of political will of member states was an impediment to collective and effective action both through the UN and NATO. The UN produced a chaotic and unorganized response that did not demand respect or obedience from the Bosnian Serbs. This in turn emboldened the Bosnian Serbs to continue their genocidal campaign against the Muslims, culminating in the massacre in Srebrenica.

Case Study: Myanmar

The Myanmar government's targeting and mistreatment of the Muslim ethnic group, the Rohingya, is ongoing and evident. It is clear that the persecution and violence against the Rohingya minority escalated to the level of genocide and mass murder, yet the UN has still not declared the crisis a genocide. Thanks to the modern-day technology of phones, recording devices and social media, the world is watching the atrocities in Myanmar. This is pressuring powerful nations like the United States and organizations such as the United Nations to take action and recognize the presence of genocide.

Several military regimes have had authoritarian control of the Myanmar government since 1962. Through the power of the newly adopted constitution of 2008, the Myanmar Military, the Tatmadaw, is essentially above the law and civil government. This allows the Tatmadaw to "retain its dominant role in politics and governance."²⁷⁷ In order to reflect and maintain their power over the people and government of Myanmar, the Tatmadaw have used "numerous ethnically-based armed conflicts... to justify its power, presenting itself as the guarantor of national unity."²⁷⁸ The guidelines set forth in the new constitution of 2008 significantly contributed to the tension, marginalization, and subsequent violence against ethnic groups in Myanmar. The United Nations Human Rights Council states that "the military regime has constructed eight major ethnic groups, broken down further into 135 'national races.' The list defines those who 'belong' in Myanmar."²⁷⁹ The government issued classification of ethnic groups stating who is and who is not considered a citizen of Myanmar. This subsequently

²⁷⁷ United Nations, Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar: Human Rights Council*, September 2018, 4.

²⁷⁸ *Report of the Independent International Fact-Finding Mission*, 4.

²⁷⁹ *Report of the Independent International Fact-Finding Mission*, 5.

facilitates the marginalization and persecution of the Rohingya because the Rohingya are considered “outsiders or immigrants.”²⁸⁰ This inevitably contributed to the unabated violence between ethnic groups because there is no national identity to unify the people of Myanmar. The Tatmadaw continues to dehumanize the Rohingya, stating, ““despite living among peacocks, crows cannot become peacocks.”²⁸¹ This sort of dehumanizing language by a group as powerful as the military is a sure sign that a genocide is on the horizon. Rhetorical dehumanization is a tactic used by perpetrators in virtually all cases of genocide or mass atrocity. For example, the perpetrators of violence in the Soviet Union referred to their targets as insects, the Nazis called the Jews rats, and in Rwanda the Hutus referred to their Tutsi targets as cockroaches. Referring to a group of people as subhuman allows genocide and killing to occur faster and on a larger scale because it encourages bystanders to take action to eliminate the “vermin” that is plaguing society. A *New York Times* article states that even “some influential Buddhist monks said the Rohingya were the reincarnation of snakes and insects and should be exterminated, like vermin.”²⁸² This incites violence among the general population, urging people to take action to eliminate the ‘vermin’ of the nation. Like so many authoritarian groups before it, the Tatmadaw uses the Rohingya crisis and dehumanizing language as a way to promote itself as the protector of the nation against foreign invaders.

Myanmar drew international attention, and especially that of the United States, when it recently began the transition from a totalitarian state into a democratic government. The United States fully supported Aung San Suu Kyi, the 1991 Nobel Peace Prize recipient, as the new

²⁸⁰ *Report of the Independent International Fact-Finding Mission*, 5.

²⁸¹ *Report of the Independent International Fact-Finding Mission*, 5.

²⁸² Gettleman, Jeffrey. “Rohingya Recount Atrocities: ‘They Threw My Baby Into a Fire’.” *The New York Times*, The New York Times, 11 Oct. 2017.

democratically elected leader in Myanmar because of her efforts to promote democracy in Myanmar.²⁸³ It is in the national interest of the United States to promote and guide the path for democracy in Myanmar so the nation does not fall under the sphere of China's influence. It was believed that Suu Kyi was the best means to achieve that goal.²⁸⁴ Despite her past political accomplishments, Suu Kyi has come under international scrutiny for the crimes being perpetrated by the Tatmadaw. She repeatedly denies the allegations of genocide against the Rohingya, while also sharply restricting access of the international media and organizations to the Rakhine state.²⁸⁵ Over the past few years, Suu Kyi transformed from a "champion of human rights and democracy to an apparent apologist for brutality."²⁸⁶ During testimony against the Tatmadaw and the Myanmar government on actions of genocide at the UN International Court of Justice in the Hague in early December 2019, Suu Kyi steadfastly denied the allegations of genocide and mass murder targeting the Rohingya. She refused to refer to the Rohingya by name when defending herself and her government because the official position is that such a group does not exist.²⁸⁷

The human rights abuses that the Rohingya experience in Myanmar are vast and well known. According to an inquiry by former Guatemalan Foreign Minister and UN Ambassador Gert Rosenthal, Myanmar is in direct violation of international law. Rosenthal states that "in direct contravention of international human rights law, the Rohingya are denied citizenship under

²⁸³ Mahtani, Shibani. "McConnell Once Pushed Sanctions against Myanmar. Now He's Blocking a New Round." *The Washington Post*, WP Company, 1 July 2018.

²⁸⁴ Mahtani.

²⁸⁵ Mahtani.

²⁸⁶ Simons, Marlise, and Hannah Beech. "Aung San Suu Kyi Defends Myanmar Against Rohingya Genocide Accusations." *The New York Times*, The New York Times, 11 Dec. 2019.

²⁸⁷ Simmons and Beech.

the 1982 Myanmar nationality law, rendering them stateless since then.”²⁸⁸ In addition to the 1982 Citizenship Law, Rohingya Muslims “have been subjected to restrictions on access to education, health services and livelihoods, underscoring that the lack of citizenship status and related civil and political rights... including voting rights, is a serious human rights violation.”²⁸⁹ Rosenthal also states that “the institutionalized discrimination against Muslims in Rakhine state...was not only a core concern for the United Nations but had already become the center of attention of numerous member states, human rights advocates, as well as important segments of the media.”²⁹⁰ The UN and the international community are both well aware of the genocide occurring in Myanmar, yet have done little to stop the violence.

A UN fact-finding mission, commissioned by the Human Rights Council in 2017, examined the military reaction to an attack of three police border posts by the Arakan Rohingya Salvation Army that resulted in the death of nine border officials. The fact-finding mission determined that the military response was “a new major military crackdown, reportedly pre-planned and premeditated, involving repression and human rights violations, all on a massive scale.”²⁹¹ The fact-finding mission labeled the actions of the military as having “inference of genocidal intent.”²⁹² The fact-finding mission used the term “inference of genocidal intent” because “in the absence of direct evidence, genocidal intent may be inferred from a number of facts and circumstance, such as the general context ...the systematic targeting of victims on

²⁸⁸ Rosenthal, Gert. *A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018*. United Nations, 2019, 7.

²⁸⁹ Saleh, Mouayed. *Report of the Human Rights Council on Its Twenty-Seventh Special Session*. United Nations, 2017, 3.

²⁹⁰ Rosenthal, 15.

²⁹¹ Rosenthal, 9.

²⁹² Rosenthal, 9.

account of their membership of a particular group.”²⁹³ Although the mission did not collect direct evidence of intent, there were ample signs to indicate intent. As a result,

hundreds of Rohingya villages were burned and destroyed... estimates of some 7,000 dead, acts of pillage and rape, and roughly 660,000 Rohingya people felt compelled to leave Myanmar, adding that number to the over 300,000 that had preceded them since 2012, and swelling the Rohingya refugee population in the Cox’s Bazar’s district in neighboring Bangladesh to around one million people, living in unspeakably dire conditions.²⁹⁴

This extreme level of violence stands out to the international community. This clear evidence of genocide, along with recording technology, mean that Myanmar cannot orchestrate this genocide without a worldwide audience.

While the UN has attempted to be involved in Myanmar since the 1950s, a publication by Anna Magnusson and Morton B. Pedersen of the International Peace Institute states that “when the door finally opened for peace in Myanmar, it was not the UN that stepped through, but Norway; and when economic reform became a priority, it was the IMF and the World Bank to which both the government and others looked for leadership.”²⁹⁵ While the UN presence in Myanmar is notable and important, it is evident that the structural issues within the UN prevent the organization from being more effective in following through with the mantra of “never again” and putting an end to this apparent and violent genocide. Rosenthal states in his inquiry that the UN is ineffective in preventing genocide because

in addition to the limits that the Charter imposes on the Organization in its relation with individual sovereign member states, those failures do indeed stem from systemic and structural obstacles to greater coherence on the part of the UN System in

²⁹³ “Requirements for Inference of Genocidal Intent.” *International Residual Mechanism for Criminal Tribunals*, United Nations.

²⁹⁴ Rosenthal, 9.

²⁹⁵ Magnusson, Anna, and Morten B. Pedersen. *A Good Office?: Twenty Years of UN Mediation in Myanmar*. International Peace Institute, 2012, *International Peace Institute*, 100.

carrying out its very broad and multifaceted mandates, and those systemic and structural obstacles are precisely the ones that need to be overcome or at least mitigated. In that respect, the case of Myanmar brings out more starkly than many others the nature and scope of those obstacles, as well as the dynamics behind them.²⁹⁶

While Myanmar is certainly not the first instance in which the structural issues of the UN have prevented successful intervention, it is a telling example because it is currently happening.

The purpose of the UN's presence in Myanmar, therefore, was to find "an end to the long-festered civil war and to promote democratization."²⁹⁷ Up until 2016, the UN had a Special Adviser to the Secretary-General on Myanmar. The UN abolished this position in 2016 as a result "of the progress achieved since the 2015 Parliamentary elections" in which Suu Kyi assumed the role of State Counsellor, and it appeared as though democratic habits would reform the nation and curb the historic pattern of violence.²⁹⁸ Following the military crackdown on the Rohingya in 2017, however, the UN General Assembly shifted focus to the human rights situation in Myanmar. The General Assembly "adopted an unusually harsh resolution by a vote of 122 in favor, 10 against and 24 abstentions."²⁹⁹ The resolution outlines the abuses that Myanmar inflicts on the Rohingya. The resolution

calls upon the authorities of Myanmar to end the ongoing military operations that have fueled tensions among the communities and have led to the systematic violation and abuse of human rights of persons belonging to the Rohingya community and other ethnic minorities and to hold perpetrators accountable.³⁰⁰

²⁹⁶ Rosenthal, 4.

²⁹⁷ Rosenthal, 10.

²⁹⁸ Rosenthal, 10.

²⁹⁹ Rosenthal, 10.

³⁰⁰ General Assembly resolution 72/248, *Situation of human rights in Myanmar*, A/RES/72/248, 24 December 2017.

While the resolution strongly condemns the state of affairs in Myanmar, it still does not mention the possibility of genocide in the text. While the resolutions of the General Assembly have no legal weight to them, voting on a condemning resolution sends a strong message to Myanmar and the world. The delegates from the nations against the Resolution— which included Myanmar, Belarus, Cambodia, China, Lao People’s Democratic Republic, Philippines, Russian Federation, Syria, Viet Nam and Zimbabwe— argued that “the text was politically motivated and intended to exert unwarranted political pressure on the country.”³⁰¹ This vote exemplifies the divide among member states when it comes to issues such as human rights. China and Russia are both members of the Permanent Five in the Security Council, the part of the UN which can make decisions that carry legal weight and are enforceable. This naturally makes the decisions of the Security Council the most important.

The issue of how the UN addresses human rights abuses that take place in a member state is one of the main obstacles in the UN preventing genocide. Rosenthal states that the UN “is armed with its moral authority, its values and principles, and its ample range of capabilities, but it has limited political space in countries whose Governments forcefully invoke sovereignty and non-intervention in their internal affairs as a cover for not meeting their commitments to abide by international humanitarian and human rights laws and norms.”³⁰² The UN is limited because it takes the principle of preserving national sovereignty very seriously. However, the organization must find a way to grapple with the reality that in order to prevent genocide, it will inevitably violate sovereignty. Rosenthal explains that in dire situations the Secretariat of the UN can bring the situation to the awareness of the Security Council in order to create a legally binding

³⁰¹ Rosenthal, 10.

³⁰² Rosenthal, 11.

resolution. Rosenthal continues to state, however, “in the absence of the support of the Security Council, which is frequently restrained due to its composition and system of governance, the options of the United Nations to address the challenge in a manner consistent with its values and principles is often rather limited.”³⁰³ This is further evidence for why nations with little regard for human rights, such as Russia and China, should not hold positions of such high influence and authority on the Security Council.

The case of UN intervention in Myanmar is particularly complicated because of the way in which the government of Myanmar operates. Rosenthal explains that “the system of governance set up in Myanmar since 2010 involved both military and civilian elements.”³⁰⁴ Because of this unique dynamic, the UN has to walk a fragile line when it comes to intervention so that it does not upset either side. The UN is essentially “having to interact with two parts of the same Government, with the possibility that some interactions of the UN with one of those parts could either provoke the agreement of the other, or risk further bringing about of internal divisions.”³⁰⁵ There is deep mistrust between the civilian and military components of the government. This makes it difficult for the UN to have a steady presence in Myanmar. The UN needs to be careful when navigating relations in Myanmar because bringing about further discord in the government would lead to greater instability. As a result, the presence of the UN in Myanmar, especially in comparison to other countries, is fairly weak. Myanmar is also very wary of intervention in its affairs because of the nation’s colonial history. Despite that, Myanmar participates in international relations because former regimes realized “that in order to prosper, it needed to interact with the rest of the world and the United Nations, but it did so with some

³⁰³ Rosenthal, 11.

³⁰⁴ Rosenthal, 14.

³⁰⁵ Rosenthal, 14.

misgivings.”³⁰⁶ Rosenthal states that “the ‘trust deficit’ created a complicated environment whereby the degree of access to the Government... gave National and State authorities sufficient tools to manipulate the Organization.”³⁰⁷ The fairly hands off approach in Myanmar essentially allows Myanmar to easily take advantage of the UN. For instance, while the government allows UN access in most of the nation, they forbid access to the Rakhine state where the alleged genocide is occurring. In a 2018 report from Reuters, former U.S. ambassador to the U.N. Nikki Haley said, ““to make sure no one contradicts their preposterous denials, they are preventing access to Rakhine to anyone or any organization that might bear witness to their atrocities, including the UN Security Council.””³⁰⁸ The unstable dynamic in the government contributes to the UN’s inability to aid and protect the Rohingya.

Despite the lack of physical help for the Rohingya in Rakhine state, certain bodies within the UN system frequently condemn the political state in Myanmar and the violence perpetrated by the government. Rosenthal states that former UN High Commissioner of Human Rights Zeid Raad Al Hussein “consistently and eloquently called out the human rights violations taking place in Myanmar.”³⁰⁹ His statements, however, were not followed up with any support from the rest of the organization. Many preferred the “quiet diplomacy” approach due “to the risk of upending a fragile but continuing political process.”³¹⁰ Quiet diplomacy consists of

exerting the maximum influence that the limited political space allows, in order to mitigate the human suffering being experienced by ordinary citizens through incremental, non-intrusive measures aimed at longer-term improvement in conditions, and to maintain access for the United Nations – albeit sometimes of a limited

³⁰⁶ Rosenthal, 14.

³⁰⁷ Rosenthal, 14.

³⁰⁸ Nichols, Michelle. “U.S. Urges U.N. to Hold Myanmar Military Accountable for 'Ethnic...” *Reuters*, Thomson Reuters, 13 February 2018.

³⁰⁹ Rosenthal, 15.

³¹⁰ Rosenthal, 16.

nature – to pursue continued active engagement with the host Government, including calling it out privately to push for the respect of international humanitarian and human rights legislation.³¹¹

This is the approach that is used quite often. The opposite end of the spectrum is “outspoken advocacy” which involves more punitive measures such as sanctions.³¹² While quiet diplomacy can be prudent in certain situations, it is essential to examine if that strategy is the most effective in the case of Myanmar. Following the military crackdown on the Rohingya in August 2017, “those that favored quiet diplomacy were reproached for complicity... of having deliberately kept quiet... in the hope of maintaining their access to the Government.”³¹³ On the other hand, proponents of outspoken advocacy “were reproached for favoring perhaps well-intentioned but misguided proposals that would only have adverse unintended consequence or make the human-rights situation even worse in the long run.”³¹⁴ Some officials advocated that the UN push a “more robust posture of the United Nations to address the events in Rakhine State.”³¹⁵ On the other hand, some “argued for quiet diplomacy to exert increasing influence on the host Government.”³¹⁶ Having top officials in the United Nations on different pages regarding Myanmar is not a recipe for success. It is clear that the UN as an organization did not adopt a unified and cohesive plan for how to address and put an end to the atrocities in Myanmar. This subsequently allow the violence to continue. Rosenthal states that “without question serious errors were committed and opportunities were lost in the UN system following a fragmented

³¹¹ Rosenthal, 11.

³¹² Rosenthal, 11.

³¹³ Rosenthal, 16.

³¹⁴ Rosenthal, 16.

³¹⁵ Rosenthal, 20.

³¹⁶ Rosenthal, 20.

strategy rather than a common plan of action.”³¹⁷ Disagreements among bureaucrats overshadowed the true purpose of UN involvement in Myanmar. Instead of having a concrete plan to address the issues as an organization, the lack of official direction severely inhibited the UN. Overall, the lack of UN success in Myanmar “truly can be characterized as a systemic failure of the United Nations.”³¹⁸

This failure to create a unified plan of action stems from discord among the Permanent Five members of the Security Council. Over a decade before the attacks on the Rohingya in 2017, the United Kingdom, a member of the Permanent Five, brought the issue of the persecution in Rakhine state to the Security Council. China, however, “argued that the situation in that country did not threaten international peace and security and should therefore be treated as a domestic issue.”³¹⁹ Furthermore, in 2006 China eventually “agreed to include in the agenda of the Council an item on ‘The Situation in Myanmar’... A debate was held, but nothing tangible came out of it.”³²⁰ In January 2007 the United States and the United Kingdom, among other members of the Security Council, attempted to ratify a resolution to address the violence in Myanmar. It was vetoed by Russia and China.³²¹ The delegate from Russia stated, “While we do not deny that Myanmar has been facing certain problems, particularly in the socioeconomic and humanitarian area, we believe that the situation in that country does not pose any threat to international or regional peace.”³²² The majority of nations on the Security Council voted in favor of the resolution because they recognized the severe human rights violations. Despite that,

³¹⁷ Rosenthal, 20.

³¹⁸ Rosenthal, 16.

³¹⁹ Rosenthal, 17.

³²⁰ Rosenthal, 17.

³²¹ Rosenthal, 17.

³²² United Nations, Security Council, *The situation in Myanmar*, S/PV.5619, 12 January 2007.

the motion could not pass because of the veto of the Permanent Five. This is an instance which illustrates the dysfunctional and sometimes disastrous dynamic within the Security Council. The systematic persecution and violence against the Rohingya could have, and should have, been dealt with several years before it escalated to the level of genocide.

In September 2017, after the military crackdown on the Rohingya, Secretary-General Guterres pushed the Security Council to act to prevent further destruction of Rohingya villages and people. Despite the Secretary-General's appeals, there was an "escalation of the crisis in northern Rakhine state, [and] the Council did not respond in either a forceful or a timely manner (by then at least 400,000 displaced persons were on the move, not to mention the mass atrocities that had already been committed)."³²³ Furthermore, it took two weeks before the Security Council met to discuss the events, and then an "additional 38 days to issue a perfunctory Presidential Statement."³²⁴ It is evident that the bureaucratic nature of the UN prevented them from addressing the issue in a sufficient manner. The Security Council "received briefings on the situation in informal sessions, under agenda item 'any other business,' on 30 August and 13 September."³²⁵ According to the mission of the UN, it seems as though they should not simply group genocide into 'any other business.' The Council, therefore, had ample time to address reports, but the plight of the Rohingya was not a top priority for the council. There exists a clear structural problem of membership and priorities within the UN that prohibits the organization from realizing its founding principle of "never again."

The Human Rights Council, however, has been far more vocal than the Security Council and the General Assembly in condemning the atrocities in Myanmar. For example, "resolutions

³²³ Rosenthal, 18.

³²⁴ Rosenthal, 18.

³²⁵ Rosenthal, 30.

referring to the situation of human rights of Rohingya Muslims and other minorities in Myanmar were adopted.”³²⁶ The Human Rights Council created the Independent Fact Finding Mission that attempted to travel to Myanmar in 2018 in order “to establish the facts and circumstances of the alleged recent human rights violations and abuses.”³²⁷ The government of Myanmar refused to grant the mission access into Rakhine State. Despite that, however, the mission still gained valuable information on the situation in Myanmar and the violence that so many Rohingya Muslims face and are actively fleeing. The report of the fact-finding mission “details ‘clearance operations’ of the national armed forces known as the Tatmadaw, in six villages which experience massacres and other killings, including of women, children and the elderly, mass gang-rape, burning and looting.”³²⁸ In addition, “at least 392 villages were partially or wholly destroyed and over 725,000 Rohingya fled” with “estimates of 10,000 Rohingya deaths conservative.”³²⁹ The Human Rights Council, however, has no legal authority to enact sanctions on Myanmar to force the nation to stop the violence in Rakhine State. There must be a decision issued by the Security Council. Therefore, in order to fulfil its mission of protecting human rights and dignity across the globe, the UN must address the discord and dysfunction that exist in its system so that this can happen.

While the situation in Myanmar for the Rohingya appears bleak, there is international effort to bring attention to the genocide and push efforts to stop the violence. The African nation of Gambia recently sued Myanmar in the International Court of Justice, the UN’s highest court,

³²⁶ Rosenthal, 30.

³²⁷ Saleh, 2.

³²⁸ “Head of Human Rights Fact-Finding Mission on Myanmar Urges Security Council to Ensure Accountability for Serious Violations against Rohingya | Meetings Coverage and Press Releases.” *United Nations*, United Nations, 24 Oct. 2018.

³²⁹ “Head of Human Rights Fact-Finding Mission on Myanmar.”

on counts of genocide.³³⁰ A recent *New York Times* article states that “Gambia, a small West African country with a largely Muslim population, was chosen to file the suit on behalf of the 57-nation Organization of Islamic Cooperation, which is also paying for the team of top international law experts handling the case.”³³¹ This is significant because it implies that it is not just the single nation of Gambia concerned with the safety of Rohingya in Myanmar, but an entire coalition of nations. The Attorney General of Gambia, Abubacarr M. Tambadou, emerged as a leader among the Organization of Islamic Cooperation because of his experience of “more than a decade as a lawyer at the United Nations tribunal dealing with the 1994 genocide in Rwanda.”³³² Tambadou witnessed firsthand the disastrous effect of the UN’s failure to act in Rwanda. Therefore, he is attempting to uphold the UN’s mission of “never again” through the lawsuit.

Despite being the UN’s highest court, like every other aspect of the UN aside from the Security Council, the International Court of Justice does not have any legitimate enforcement power.³³³ Any nation, however, “can request action from the Security Council” based on rulings from the International Court of Justice. The UN states that “the Court’s jurisdiction covers all questions that states refer to it, and all matters provided for in the United Nations Charter, or in international treaties and conventions.”³³⁴ The ICJ is “the principle judicial organ of the United

³³⁰ Simons, Marlise. “Myanmar Genocide Lawsuit Is Filed at United Nations Court.” *The New York Times*, The New York Times, 11 November 2019.

³³¹ Simons.

³³² Simons.

³³³ Paddock, Richard C. “U.N. Court Orders Myanmar to Protect Rohingya Muslims.” *The New York Times*, The New York Times, 23 January 2020.

³³⁴ *Basic Facts about the United Nations*. UN Dept. of Public Information, 2004, 14.

Nations... established by the United Nations Charter in June 1945.”³³⁵ The ICJ, therefore, is an integral aspect of the UN. It is primarily used to settle disputes between nations, and it rarely deals with the question of genocide.³³⁶ The International Criminal Court, on the other hand, is not part of the UN and was implemented for the purpose of prosecuting genocide and mass atrocities. The ICC was established in 1998 and “has jurisdiction to prosecute individuals who commit genocide, war crimes, and crimes against humanity.”³³⁷ The ICC is essential in bringing to justice perpetrators of genocide and crimes against humanity. The ICC is the court that deals primarily with mass atrocity crimes, so it is rare for the ICJ to handle cases on genocide. Gambia brought this case of genocide before the ICJ, however, because it is not a criminal case against specific individuals. Instead, “the case is ‘state-to-state’ litigation between UN member states governed by legal provisions in the UN Charter, the ICJ Statute, and the Genocide Convention.”³³⁸

On January 23, 2020, the ICJ issued a monumental ruling on Myanmar. The court ruled that Myanmar needs to defend Rohingya from actions of genocide.³³⁹ The court laid out several specific actions that Myanmar must follow. These include that Myanmar “take all measures within its power to prevent the commission of all acts within the scope of Article II of the [Genocide] Convention” and “ensure that its military...do not commit acts of genocide...

³³⁵ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar).” *International Court of Justice*, International Court of Justice, 28 Jan. 2020.

³³⁶ Simons.

³³⁷ *Basic Facts about the United Nations*, 279.

³³⁸ “Questions and Answers on Gambia's Genocide Case Against Myanmar before the International Court of Justice.” *Human Rights Watch*, Human Rights Watch, 9 December 2019.

³³⁹ Paddock.

attempt to commit genocide, or complicity in genocide.”³⁴⁰ Furthermore, “Myanmar must take effective measures to prevent destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Genocide Convention.”³⁴¹ This is important to ensure that evidence remains to prosecute those responsible for such grievous acts. Lastly, the court ruled “that Myanmar must submit a report to the Court on all measure taken to give effect to this order within four months... and thereafter every six months, until a final decision on the case is rendered by the Court.”³⁴² This shows that the ICJ fully expects Myanmar to take appropriate action to stop the genocidal acts against the Rohingya.

This decision by the ICJ is a great and necessary step in the fight to save the Rohingya and hold Myanmar accountable, but there is still a long road ahead in order to truly do so. The Security Council must take action because it is the only body whose decisions carry legal weight. Anna Roberts, the executive director of Burma Campaign UK, stated ““The chances of Aung San Suu Kyi implementing this ruling will be zero unless significant international pressure is applied.””³⁴³ While the UN is moving in the right direction through the ICJ’s ruling, the situation in Myanmar must remain an issue of top importance for the organization as a whole, and particularly the Security Council. If the UN keeps pressure and attention on the atrocities in Myanmar, it could help curb the violence. Drawing attention to the crimes that Myanmar is systematically perpetrating against the Rohingya will likely elicit condemnation from the international community, exposing Myanmar. As a result, Myanmar may stop the violence in

³⁴⁰ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar).” *International Court of Justice*, International Court of Justice, 23.

³⁴¹ “Application of the Convention on the Prevention,” 25.

³⁴² “Application of the Convention on the Prevention,” 24-25.

³⁴³ Paddock.

order to look better on the world stage. The UN, therefore, needs to continue to bring Myanmar's human rights abuses to light.

Conclusion

It is clear that time and time again the UN fails to carry through with one of its core missions. Despite professing “never again,” the UN consistently fails to protect millions of innocent civilians around the world from the horrors of genocide. The UN must to be fixed in order to do this job. For a variety of reasons stemming from the structure and membership, however, the UN is wholly unable to prevent genocide. Despite these monumental failures, it is important to concede that the UN does have the ability to do good in certain humanitarian areas. In light of this, the best course of action may be the UN simply accepting that is not equipped to prevent genocide. The UN, and the world, needs to moderate expectations of what the UN can realistically do in the face of genocide. There are a multitude of obstacles that inhibit the UN’s ability to intervene in cases of mass murder and genocide. Many of the obstacles stem from the structural problems evident throughout the UN, specifically the nature of the General Assembly, Security Council, and Human Rights Council. The alliance-like structure among member states in each of these branches significantly contributes to the lack of productivity. The branches of the UN are unable to work together and collectively issue effective responses to genocide. Therefore, the UN must stop professing that it has the ability and resources to prevent genocide.

Although the UN cannot follow through with the goals that it set forth in the Genocide Convention in 1948, the UN has still been able to uphold other important values outlined in the charter. Article 1 of the Charter states that one of the core purposes of the UN is “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character.”³⁴⁴ To their credit, the UN has been relatively successful in implementing solutions to help those struggling with an array of problems, such as access to

³⁴⁴ UN Charter, Art.1.

fresh water or food or those suffering with the aftermath of war. For example, the UN is committed to ensuring the safety of civilians by removing anti-personnel landmines. The organization has been successful in significantly lowering the risk of landmines through two different agreements, the *Mine-Ban Convention* and the *Inhuman Weapons Convention*.³⁴⁵ As a result, “some 93 countries are now officially mine free, and 41 out of 55 producing countries have stopped the production of these weapons.”³⁴⁶ UN leadership in this area, therefore, directly contributed in saving countless innocent lives from the dangers of anti-personnel landmines.

Efforts by the UN to increase necessary access to clean water around the world is another point of success for the organization. In order to raise awareness and find solutions to the lack of fresh water availability to much of the world, the UN declared the 1980s as The International Drinking Water Supply and Sanitation Decade.³⁴⁷ Ultimately, “the Decade helped some 1.3 billion people in developing countries gain access to safe drinking water.”³⁴⁸ In 2020 the UN is still committed to improving access to fresh water for all by leading programs that “are geared towards the sustainable development of fragile and finite freshwater sources.”³⁴⁹ Steadily increasing water supplies to areas of dire need illustrates that the UN is capable of making a positive difference in the world. Despite the failures in preventing genocide and protecting many human rights, it is still a valuable coalition of nations that can provide aid in crucial areas, thereby improving and saving the lives of millions of civilians worldwide.

Simply eliminating the UN, therefore, is not the best course of action because it does possess redeeming qualities as a union of nations that work together to solve international

³⁴⁵ *Basic Facts about the United Nations*, 30.

³⁴⁶ *Basic Facts about the United Nations*, 131.

³⁴⁷ *Basic Facts about the United Nations*, 220.

³⁴⁸ *Basic Facts about the United Nations*, 220.

³⁴⁹ *Basic Facts about the United Nations*, 221.

problems. This alliance-like structure, however, brings a whole host of issues that too often inhibit the organization from realizing its goals. Most nations, particularly small ones, are dependent on more powerful nations in their regional block. For example, smaller Asian countries cannot afford to upset China with a vote. This particular instance is extremely problematic in the case of human rights because China has a low regard for addressing human rights violations. This in turn influences Asian member states to vote with China in both the General Assembly and Security Council, even if it is not the right moral choice in accordance with UN values stated in the Charter. The culmination of this is that most nations do not take a stand on major issues. The General Assembly passes many resolutions, but none of them carry any legal weight to precipitate concrete change. As a result, when it comes to somewhat controversial actions, such as condemning human rights abuses, the body is largely ineffective.

In order for the international community to truly have a chance at preventing genocide, the UN needs to step back. The UN must moderate its expectations of what it can realistically accomplish in the face of mass murder and genocide. While the Genocide Convention of 1948 declares it a priority of the UN to prevent genocide, this goal has rarely, if ever, been realized. Due to the power struggles and political impediments that accompany the alliance-like structure, the UN cannot realistically prevent or end genocide. It is clear that “never again” is a bad standard for the UN. Due to the structure and politics of the UN, it will never have the ability to act swiftly and decisively to end a genocide or mass murder. While it is noble to have such a lofty goal, a sense of utopianism or progressivism may be distorting the UN’s judgement of what it can truly accomplish. In order to truly facilitate change, the UN needs to accept that it is not an organization capable of stopping genocide. This does not mean that the UN should ignore genocide, but that the world needs to stop looking to the UN for effective prevention and

intervention. Not only is it a waste of time and money to rely on the UN to stop genocide, but it also causes people to lose their trust in the organization as a whole. If the UN continues to make promises that it cannot keep, the world will continue to grow more distrusting and cynical of all aspects of the organization.

Proposals that are now central parts of the UN's approach to genocide, such as responsibility to protect, are not very effective. Responsibility to protect consists of strong rhetoric condemning genocide, but there is no legal weight to the doctrine that ensures its implementation. One of the main ideas of the responsibility to protect is discouraging the use of the veto power by the members of the Permanent Five in clear cases of human rights violations. While this is an important cause to push forward, there is no enforcement mechanism in the structure of the UN that would actually prevent the use of the veto. The veto power makes quick and decisive action almost impossible in the face of genocide, when it is crucial to act quickly, because Russia and China ideologically oppose the principles of the responsibility to protect. Therefore, while the UN must continue to emphasize the ideas that the responsibility to protect promotes. The method for intervention to prevent and end genocide cannot rest upon this doctrine because it is too weak.

In order to make the UN a body capable of stopping genocide, there would need to be monumental structural changes. Instead of the alliance-like coalition that characterizes the UN today, it would need to function much more as a world government. This would solve the problem of political will and alliances because the resolutions would, in theory, be enforceable. In practice, however, the only way to truly ensure that states comply with a resolution would be by force. Much like how the Articles of Confederations did not work in the early United States because the federal government would need to declare war on the states to enforce mandates and

taxation, the UN would have to militarily invade member states that refuse to comply. This is an absurd position to have an international organization dedicated to preserving peace declaring war on member states. Massive war would be inherently counterproductive to the effort to uphold human rights.

Furthermore, the General Assembly would need to eliminate the process of consensus building. This would precipitate more effective legislation, but there would naturally be winners and losers of each vote. However, it is widely agreed upon that any sort of official world government would inevitably be disastrous for several reasons, one of which being the inherent infringement on each state's national sovereignty. While structural changes like this may result in a UN that is capable of taking a more active role in physically preventing genocide, these changes are not realistic. The notion of a world government is something that would be fundamentally dangerous to the national sovereignty of each state. In light of the improbability of structural change, the UN can still draw attention to genocide by publicly condemning human rights violations no matter where they occur. This is still effective because a nation is less likely to continue a genocidal campaign if the whole world is watching.

Since the structure and charter of the UN are not capable of preventing genocide, one must consider other options to promote and improve human rights and safety around the globe. Senator John McCain was an avid proponent of protecting human rights and putting international pressure on totalitarian regimes. Senator McCain was well aware of the inability of the UN to do this, but he still acknowledged the importance of the organization. During his presidential campaign in 2008, McCain proposed his idea for a "League of Democracies." He vowed to begin this league in the first month of his presidency. The League of Democracies is different than the UN in that it does not have universal membership. Universal membership is the underlying cause

of much of the discord and disorganization in the UN because it is not a coalition of nations that hold the same values. Organizing a separate body of strictly democracies would eliminate this issue because all democracies seek to promote similar values of human rights and the dignity of each individual. McCain stated that, “it is the democracies of the world that will provide the pillars upon which we can and must build an enduring peace.”³⁵⁰ Democracies have an inherent responsibility to be leaders and protectors of human rights. An association of democracies working toward a common goal, therefore, would be a far better way to contribute to peace around the world, as opposed to the dysfunctional group of nations at the UN that make many decisions based strictly on national self-interest.

The League of Democracies rests on each member nation taking responsibility and action to protect human rights. This is one of the central ideas of the responsibility to protect, but it would be implemented in a group that does not require Security Council authorization to act. States in the League of Democracies also may have more political will to act because of the common democratic interests that all members share. McCain stated, “no alliance can work unless all its members share a basic faith in one another and accept an equal share of the responsibility to build a peace based on freedom.”³⁵¹ There is a severe lack of mutual trust and respect among UN member states, and this is undoubtedly one of the most significant inhibitors of success. A League of Democracies would have the ability to supplement the UN in areas in which the UN typically fails due to the lack of mutual faith. McCain stated that “the new League of Democracies would form the core of an international order of peace based on freedom. It

³⁵⁰ McCain, John. “John McCain's Foreign Policy Speech.” *The New York Times*, The New York Times, 26 March 2008.

³⁵¹ McCain, John. “McCain Remarks – Hoover Institution.” *The Hoover Institution*, The Hoover Institution, 1 May 2007.

could act where the UN fails to act, to relieve human suffering in places like Darfur.”³⁵² Such a group would have the ability to “bring concerted pressure to bear on tyrants in Burma or Zimbabwe, with or without Moscow's and Beijing's approval.”³⁵³ This would be a solution to the issue of the UN and Security Council structure without completely reworking the UN, which is unlikely to happen. McCain summed up the central idea of the League of Democracies with this:

This League of Democracies would not supplant the United Nations or other international organizations. It would complement them. But it would be the one organization where the world's democracies could come together to discuss problems and solutions on the basis of shared principles and a common vision of the future.³⁵⁴

A League of Democracies, therefore, would have the ability to truly implement change and action in order to protect and promote democratic ideals. Such a group would be safe from the corruption of states like China and Russia on the Security Council and the Democratic Republic of Congo, Venezuela, Saudi Arabia, and others on the Human Rights Council. It would instead rely on the political will of each democracy to work together with other likeminded states to protect human rights and promote peace.

The League of Democracies is a radical idea which naturally raises many concerns. Unlike the UN, a League of Democracies would not signal the will of the international community because it is not an inclusive body. Therefore, military intervention by the League of Democracies would be viewed as an act of war. The League of Democracies would lack the international legitimacy that the UN possesses, despite its flaws. Furthermore, intervention by the League of Democracies would likely appear overly aggressive and imperialistic. Powerful

³⁵² McCain, “McCain Remarks – Hoover Institution.”

³⁵³ McCain, “McCain Remarks – Hoover Institution.”

³⁵⁴ McCain, “McCain Remarks – Hoover Institution.”

Western nations with advanced weaponry storming into Africa does not reflect well on the organization. Furthermore, it is still not realistically possible to force sovereign nations to intervene if they truly do not want to. NATO is similar to the League of Democracies. Yet when the genocide in Bosnia was occurring in NATO's backyard, it still took NATO far too long to divert any resources toward ending the violence. This could also very well be the case in a League of Democracies. Lastly, membership in the League of Democracies could be tricky to classify. There would need to be an in depth look into how the government of each prospective member operates. For example, North Korea is officially the Democratic People's Republic of Korea, but it is anything but democratic. Membership would have to be gauged based on democratic tendencies or liberalism, but there is no specific answer to membership. The League of Democracies, therefore, is not the perfect solution. The principles behind it, however, deserve contemplation in light of the structural failures that inhibit the UN.

The international fight against genocide is far from over, and it will likely never be done. While the idea behind "never again" is noble and important, the phrase should not be the standard. The UN needs to moderate its expectations as to what it can realistically accomplish. The structure and membership of the UN inhibit its ability to effectively take action in the face of international humanitarian crises. Despite that failure, the UN is effective in other areas that do not require quick or controversial action. This is why dedicating resources to a body dedicated exclusively to upholding democratic principles is a decent course of action to confront genocide and save innocent lives. Genocide cannot be ignored or accepted. It is crucial, however, that the international community, particularly the democracies of the world, step up to prevent genocide and stop the futile reliance on the broken UN system.

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