Linda Melvern

Behind closed doors



About a hundred times a year the United Nations Security Council meets in formal session - a high international executive deciding issues of war and peace. But many of the non-permanent members believe that the secret discussions behind public sessions are serving the world poorly. In the case of Rwanda, badly informed decisions condemned a million to death.

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IN EARLY 1994 THE NEW ZEALAND PERMANENT Representative to the United Nations, Ambassador Colin Keating, outlined proposals for Security Council reform. In the run up to the fiftieth anniversary year most other ideas centred on an increased membership of the Council, but Keating's proposals challenged the way in which the Council operated.

New Zealand was one of the Council's ten non-permanent members, and Keating was concerned that most of the Council's business was conducted in secret, informal sessions. A lack of transparency in decision making bothered Keating, and one of his suggestions was to record the Council's secret deliberations on closed-circuit television so that other UN members could know the issues discussed, know what the Council was doing and the policies pursued. The proposal did not go down well with the permanent members - Britain, China, France, Russia and the United States.

Some months later, in September 1994, the lack of transparency in the Council was touched on in a General Assembly speech delivered by New Zealand's then Foreign Minister, Don McKinnon. He spoke of an urgent need in the Council for political accountability. 'As any politician holding executive office in today's democracies knows', McKinnon said, 'the classic recipe for a failed project is for those who are politically accountable to lose track of implementation, or to lose the game plan'.

McKinnon said that New Zealanders were puzzled at times by the way the UN carried out some of its important tasks. He worried that the political legitimacy of the Council could erode, and ultimately it could lose its credibility.

URGENT AGENDA

The Presidency of the Security Council changes monthly, by alphabetic rotation, and in April 1994, Colin Keating had become the President of the Council. This coincided with one of the most turbulent periods in its history, for there was a crowded and urgent agenda with renewed chaos in Bosnia and US forces engaged in a humiliating military departure from Somalia.

During the Easter weekend, on Saturday April 2, Keating was phoned at home. The Serbs had begun a massive attack on the so-called safe haven of Gorazde. This issue alone would have dominated the Council. The indiscriminate shelling of the town and of outlying villages had led to considerable civilian casualties. The UN peacekeepers were in danger, and commanders had requested NATO air support. On March 31, the council had extended the mandate of the United Nations Protection Force, (UNPROFOR) for an additional six months and increased its strength by three thousand five hundred troops.

DEADLINES

Rwanda seemed quiet in comparison, although Keating was worried about a recent American proposal to impose a short time limit on the peacekeeping mission there. The UN Assistance Mission for Rwanda, (UNAMIR), was monitoring a peace agreement, a transition from a twenty year dictatorship to a power-sharing democracy.

There was increasing violence in Rwanda. The peace timetable was seriously behind schedule. The Americans wanted to tell the Rwandans that unless the peace agreement was adhered to, the UN would pull out. The UN had limited resources and it should only help those willing to help themselves.

Keating believed there was no evidence that threatening tactics worked. To the contrary, there were some situations where it would be in the protagonists' interest to secure UN withdrawal. The imposition of a deadline risked playing into the hands of one of the parties and destabilising the situation.

SHORT OF FACTS

Only later did Keating realise that the Council was not adequately briefed about the realities in Rwanda. Few if any of the non-permanent members had independent sources of information about what was going on there, and relied on reports prepared by officials in the

Secretariat. Only later would it emerge that the various and detailed warnings of an impending apocalypse in cables and telephone calls from the Canadian Force Commander in Rwanda, Major-General Romeo Dallaire, were not given to the Council.

It is customary for the management of peacekeeping to be handled by officials in the Secretariat, in the same way governments delegate responsibility for a complex operation to its public service. Certainly those in the Secretariat believed that it was their prerogative to manage UN missions. What bothered Keating was that any request by a member state for information was resented in the Secretariat where staff seemed to think that it was not the business of states to micro-manage.

GENOCIDE WARNING

When it came to Rwanda, said Keating, the non-permanent Council members should have been exposed to the extensive information gathered by the intelligence services of the permanent five – most notably France – and the Secretariat's own experts.

'We were kept in the dark', said Keating. 'The situation was much more dangerous than was ever presented to the Council'. There was no mention there of a UN Commission on Human Rights report, prepared in August 1993, and which claimed that in Rwanda, with the organised murder of Tutsi, the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide was applicable.

This crucial report blamed the Rwandan government for human rights abuses. Its author, Bacre Waly Ndiaye, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, says now that if he had been consulted by the Council he would have said that the mission created for Rwanda was too weak to make any difference and that the President of Rwanda, Juvenal Habyarimana, had no intention of sharing power.

Ndiaye would have recommended the creation of effective measures to protect civilians against organised massacres which he said had been described by the authorities in Kigali as 'spontaneous acts of anger' and 'self-protection'. Ndiaye said later that he might as well have put this report in a bottle and thrown it into the sea.

'With better information', said Keating, 'the Council might have proceeded quite differently'.

SECRET WORLD

Twenty years ago most Security Council meetings were held in public and it was possible to hear the options discussed. But nowadays the policies of member governments are hidden from public scrutiny. It is in a small room, behind the Council chamber in New York, that most Council business is done and 'UN policy' formulated.

Throughout the genocide in Rwanda the Security Council was in almost constant secret session, meeting sometimes twice daily and long into the night. The Council was occupied with the Serb bombardment on the safe area of Gorazde. But, having established the mission for Rwanda, it was now responsible for its future.

The meetings held to discuss Rwanda would usually have remained secret forever, were it not for the leaking to me of a document containing an account of them. This invaluable primary source gives a unique view of the council's secret world. Without it, the record of the international failure over Rwanda would be incomplete.

One of the ambassadors present at these April meetings, Karel Kovanda, the Permanent Representative of the Czech Republic, would recall: 'It was rudderless. No one was sure what, if anything, needed to be done. Into this absolutely bizarre situation came the big powers...who said they could do nothing.'

Those states that had advocated a tough line on compliance with the peace agreement – America and Britain – were now inclined to carry out their threat to withdraw the blue berets from Rwanda, particularly after the murder of ten Belgian peacekeepers on April 7. But the immediate reaction in the Council was to concentrate on a European plan to evacuate expatriates and to discuss whether or not it was possible to get a ceasefire in the renewed civil war.

For the first three weeks of genocide, when the killing was the fastest, and during which time most of the victims were killed, the fate of Rwanda civilians was hardly discussed.

At an informal meeting on April 28, Kovanda opened the discussion with the criticism that so far the Council had spent eighty percent of its efforts discussing pulling out the peacekeepers and twenty percent trying to get a ceasefire in the civil war. The question of mass killings had been avoided. Of the ceasefire that the force commander had been instructed to try to broker, Kovanda said 'It was rather like wanting Hitler to reach a ceasefire with the Jews'. Kovanda estimated that the percentage of Tutsis in Rwanda was the same as the percentage of Jews in Czechoslovakia before World War Two.

Kovanda knew by the end of April that genocide was being carried out by Hutu fascists. He made the extraordinary claim that he learned more about what was happening in Rwanda from human rights groups in New York than he did in briefings to the Council by Secretariat officials.

NO OPTIONS

The debate in the Security Council is often shaped by the recommendations from the Secretary General acting on advice from officials in the Secretariat who receive all cables from UN commanders. When it came to Rwanda no options were forthcoming. Some of the non-permanent members speculated that either the Secretariat had no options at all, in which case it was not up to the task of managing the conflict, or it was overwhelmed to the point of paralysis. Keating complained that the Council needed more information from the force commander, particularly on the consequences for the peacekeeping mission once Belgian peacekeepers withdrew. No information was forthcoming.

The Security Council did not address the question of genocide in Rwanda until April 29, after the extermination campaign had been in progress for more than three weeks. Keating, whose Presidency of the Security Council was over at the end of the month, proposed a presidential statement recognising the fact. Keating believed that were the Security Council to admit that genocide was taking place, then under the terms of the 1948 Genocide Convention, all but three of the Council's non-permanent members who had not signed the convention – Djibouti, Nigeria and Oman – would be legally bound to act.

A draft statement, submitted to the Council included

the paragraph: '...the horrors of Rwanda's killing fields has few precedents in the recent history of the world. The Security Council reaffirms that the systematic killing of any ethnic group, with intent to destroy it in whole or in part constitutes an act of genocide as defined by relevant provisions of international law...the council further points out that an important body of international law exists that deals with perpetrators of genocide'. The draft warned Rwanda's interim government of its responsibility for immediately reining in and disciplining those responsible for the brutality.

There were objections. The British ambassador, David Hannay, did not want the word genocide to be used, and argued that were it to be used in an official UN document, then the council would become a 'laughing stock'. To name this a genocide and not to act on it would be ridiculous, he said in a later interview. America did not want the word genocide used either, and China also argued against it.

The Rwandan ambassador who was occupying a non-permanent seat at the time, spread disinformation. He told the Council that the civilian deaths in his country were the result of civil war. He was ably supported in this by a French influenced ally, Djibouti, whose ambassador said later that he was against the Keating statement because it was 'sensationalist'.

DESPERATE MEASURES

The debate went round in circles. Keating, whose term as President of the Council would end the following day, tried the somewhat desperate measure of threatening a draft resolution, tabled in his national capacity. This would require a vote, and a vote was always taken in public. A public vote would expose the position of each country to scrutiny. Only then was a compromise reached, and it was thanks to the drafting ability of the British, known for resolutions of mind-numbing ambiguity, that a watered-down statement was issued. While it quoted directly from the Genocide Convention, it did not use the word genocide.

'The Security Council condemns all the breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. The Security Council recalls that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable by international law'.

The statement recognised that the massacres were systematic, although it did not identify the targets, but it did describe 'attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members of supporters of the armed forces of the interim government of Rwanda'.

To satisfy French demands that massacres had also been conducted by the Rwandese Patriotic Front, it went on: 'The Security Council demands that the interim government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control'. The statement appealed to all states to refrain from providing arms or any military assistance to the two sides in Rwanda and reiterated the call for a ceasefire. It provided that the Secretary General 'investigate serious violations of human rights law'. The statement was finally voted at 1.15 am on Saturday, April 30.

The failure of the international community to act while some one million people in Rwanda were slaughtered was one of the greatest scandals of the twentieth century. But there was nothing secret about it. There were no sealed trains or secluded camps in Rwanda. The genocide was broadcast on the radio. Conclusive proof that a genocide was taking place was provided to the Security Council in May and June.

So why did the Security Council fail to act? Keating once described the council as a bunch of diplomatic amateurs. 'The UN was not ready to deal with all this', he said. The Security Council was not equipped at ambassadorial level to address professional military issues and the situation in Rwanda cried out for military and technical advisers to sit together to discuss what the options were. In the first weeks of the genocide no one had told the Council that it was the estimate of the force commander that 5,500 troops could prevent the terror spreading. Yet surely the Council had a right and a duty to know the details in order to decide the issues.

ABANDONED

The Rwanda tragedy reinforced Keating's belief that the Council's way of working in secret and informal consultations was not appropriate and that an unaccountable Council controlling UN operations could only end in disaster.

No one can know how humanitarian intervention will work out. If it ends in disaster then those who take the decisions to sacrifice soldiers to save citizens have to answer for it. In 1994 the politicians were determined to conduct casualty free interventions, and with a lack of public awareness encouraged by inadequate press coverage, and a Security Council operating behind closed doors, no choices were given, and no risks were taken. With a consequent lack of a moral outcry about genocide it was made easier for politicians to claim that the hatred in Rwanda was impervious to military intervention, and that public opinion was not prepared to pay the price of casualties. And so like the Jews, the Tutsi were abandoned to their fate. WT

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