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The Collective International Responsibility to Protect: The Case of Rwanda

DOUGLASS CASSEL:

¶1 Before we begin this morning's program, which will be moderated by Professor Paul Lemmens from the Catholic University of Leuven in Belgium, Professor Victor Rosenblum of our faculty wishes to say a couple of words.

PROFESSOR VICTOR ROSENBLUM:*

¶2 Thank you so much, Doug. It is a special privilege and joy for me to be here with you today to witness the job that our colleague Doug Cassel has been doing since we convinced him to join us just a few short years ago. This program is a wondrous example of the joint actions of two of the great universities of the land.

¶3 I had the privilege of first teaching at Leuven in 1966-'67 as a Fulbright professor, discovering the dedication of the faculty and students at Leuven. When I first met Dean Sager Van Hay and participated in the convocation, I realized conflict was indeed an institutionalized part of the Flemish and French campus of Leuven. Despite anger during periods of the day we always adjourned for lunch and dinner, talked, drank and worked together in finding solutions.

¶4 We returned to Leuven in 1978 for another semester of teaching and again in 1991, renewing our strong ties.

¶5 Under Doug's leadership we have seen the joint program grow and watched innovative faculty work on common interests that Leuven, founded in 1425, and Northwestern, founded two centuries later, share today.

¶6 So to Professor Wouters, a special welcome, and to Paul Lemmens I want you all to know that Professor Lemmens holds his LLM degree, along with his wife Ann, from Northwestern School of Law.

¶7 And so this is a particularly happy and instructive occasion for seeing the skills, the dedication, and the collegiality that are at the core of this great program that Doug has established. So thank you very much, Doug; thank you very much, Jan; thank you very much, Paul, and our love and best regards to all our friends in Leuven.

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* Professor Victor Rosenblum, who came to Northwestern in 1958 as an associate professor of political science, has taught as a visiting professor at Peoples' University in China, at the University of Leuven in Belgium, and at numerous U.S. law schools. He has chaired the American Bar Association's section of administrative law and regulatory practice and has served as president of the Association of American Law Schools and a board member of the Law School Admissions Council.

DOUGLASS CASSEL:

¶8 If Victor had disclosed to me ahead of time what he was going to say, I think I would have requested a little editorial opportunity. Nonetheless, we are absolutely delighted with your remarks, Victor. Thank you so much.

PAUL LEMMENS:[**]

¶9 I would also like to say a warm thank you to Professor and Mrs. Rosenblum.

¶10 It brings back very fond memories from when I was here more than twenty-five years ago. Professor Rosenblum was my promoter on my LLM research, and he really is at the basis of that relationship that we have now between the University of Leuven and Northwestern University, with the strong ties that developed over the years.

¶11 And as you said, Professor Rosenblum, you came several times to Leuven to teach as a visiting professor. You left a great impression among all the colleagues. I appreciate very much that you have come to be with us at today's conference. Thank you very much.

¶12 We hope to continue and to develop this cooperation with Doug and with other colleagues of Northwestern.

¶13 This morning we will look first at the past and then at the present and the future.

¶14 I will be moderating the session on the case of Rwanda, and we have two distinguished speakers who will speak from firsthand experience and tell us what went wrong and what were the reasons why it went wrong.

¶15 That will be very important, as it will allow us to draw some lessons for the case that is currently on the agenda and that we will also discuss: the one of Darfur. That case concerns the present and the future.

¶16 I am particularly pleased to introduce now to you General Romeo Dallaire. We know the General. We know the General from his testimony, his books, and we know how he has been very personally involved in the tragedy in Rwanda. May I invite you to present us your views on what went wrong in the case of Rwanda?

[**] Professor Paul Lemmens is a Professor of Law at the Catholic University of Leuven, Belgium. He specializes in the international law of human rights, particularly the European Convention on Human Rights and related instruments of the Council of Europe. Professor Lemmens also serves as a judge at the Belgian Council of State, as President of the Flemish Inter-University Center for Human Rights, and as a senior participant in a project advocating reparation for victims of human rights violations. He is a member of several academic bodies involving human rights and international law and writes extensively in the fields of human rights, public law and civil procedure. He sat as an *ad hoc* judge in two cases before the European Court of Human Rights. In 1976 Professor Lemmens obtained his law degree *magna cum laude* after studying law at the Universities of Antwerp and Leuven. He received an LL.M. degree from Northwestern University School of Law and a Ph.D. from the Catholic University of Leuven.

GENERAL ROMEO DALLAIRE:[***]

¶17 [Although General Dallaire participated in the symposium, he requested that his comments not be published.]

PAUL LEMMENS:

¶18 Thank you, General. Very forceful argument.

¶19 I now turn to Mr. John Shattuck who will present a point of view from somebody who was very closely involved in the case of Rwanda at the State Department at the time.

JOHN SHATTUCK:[****]

¶20 Thank you very much.

¶21 Well, it is always a privilege to sit beside General Dallaire, as I have on a number of occasions and to hear his "power talk," as he described it.

¶22 It is a power talk in more ways than one, and I think we all owe him an enormous debt of gratitude for what he has done to bear the collective burden in many ways of the failure of the international community to address the terrible catastrophe in Rwanda.

¶23 And I think the way in which he presents this to you in a structured, logical, rational fashion, nonetheless, carries with it an extraordinary moral passion that this conference benefits enormously from.

[***] Lieutenant-General (Ret.) Roméo Dallaire, of the Canadian Army, was former head of the UN Peacekeeping Force in Rwanda. In that capacity in 1994, he witnessed unspeakable horrors, as extremist Hutus massacred over 800,000 Tutsis and Hutus in the space of just 100 days. General Dallaire pled for 2,000 more peacekeepers to be added to his insufficiently equipped 3,000-man force. Instead, his troops were cut down from 3,000 to a mere 500 men, who watched as one of the most horrible genocides in human history took place before their very eyes. Frustrated and disheartened by the UN's passive attitude, General Dallaire nonetheless stood for his beliefs, repeatedly confronting his superiors who did nothing to prevent these horrific events from unfolding. His 2003 book, *Shake Hands With the Devil: The Failure of Humanity in Rwanda*, is a stirring account of his experience as Force Commander of the UN Mission to Rwanda, and has been made into a documentary film. A career soldier, General Dallaire joined the Canadian army in 1964 and served in the Canadian Armed Forces for 35 years. Upon his return from Rwanda, he was appointed to various senior positions in the Canadian government, including Assistant Deputy Minister (Human Resources-Military) in the Ministry of National Defence. He retired in 2000, and is now a special advisor to the Canadian International Development Agency on matters relating to war-affected children around the world and to the Department of Foreign Affairs and International Trade on the non-proliferation of small arms. In 2002 General Dallaire was honored as the first recipient of the Aegis Trust Award. He also received a 2004-05 Fellowship from the Carr Center for Human Rights Policy at Harvard University's Kennedy School of Government to pursue his research in conflict resolution.

[****] Ambassador John Shattuck has been Chief Executive Officer (CEO) of the John F. Kennedy Library Foundation since 2001. Beginning in 1993 he served as Assistant Secretary of State for Democracy, Human Rights and Labor in the Clinton Administration. In this position he worked to end the war in Bosnia and negotiate the Dayton Peace Agreement, establish the International Criminal Tribunals for the former Yugoslavia and Rwanda, restore a democratically-elected government to Haiti, administer US assistance to new and emerging democracies, and raise the profile of human rights in US foreign policy following the end of the Cold War. Ambassador Shattuck previously served as Executive Director of the Washington, D.C. office of the American Civil Liberties Union, a lecturer on civil liberties at Harvard Law School and the Kennedy School of Government, and Vice-President of Government, Community and Public Affairs at Harvard University. In 1998, he was appointed US Ambassador to the Czech Republic. A graduate of Yale Law School, Ambassador Shattuck is the author of *Freedom on Fire: Human Rights Wars and the Roots of Terrorism* (2003).

¶24 I will cover some of the same ground, but of course, I am going to cover it from the perspective of someone who was in the United States Government. In many respects, all of us reflect the perspective that I will give to you. It is one of frustration, but also one of responsibility for the failures. We are here addressing the whole question of the collective responsibility to protect. That is the subject of this panel. It is the subject of one of the major recommendations of Sir David Hannay's Panel.

¶25 And I think we need to understand for a moment, at least, what we mean by that in terms of the underlying obligations within international law. Certainly the UN Charter, the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights and the Genocide Convention all contain within them a set of obligations, first on the part of states to protect individuals within those states, citizens within the states – and this is what the case of Rwanda presents so powerfully.

¶26 In the event that states either fail or refuse to provide that kind of protection, what it is that the international human rights structure obligates the international community to do? The Genocide Convention is the most specific on this topic in that it requires states that sign and ratify the convention to prevent and punish genocide. It is very general, but it contains that set of obligations which are undertaken by the international community.

¶27 And of course, all of that was nullified in Rwanda. In some respects, it was not understood at the time that the Rwanda genocide broke, but those sets of legal protections and obligations were fully nullified. What we have done is spend the last decade, I think, debating what that obligation is: what is the collective obligation to protect people in countries like Rwanda, where a state fails or refuses to protect its own citizens?

¶28 We have seen it in Haiti, where there was an intervention six months after the Rwanda genocide. The US-led intervention to deal with crimes against humanity in that situation. We have seen it subsequently in Bosnia. We have seen it in Kosovo. We have seen it in East Timor. We have seen it in Afghanistan. We have seen it and debated it in Iraq, and we are still debating it today. We have seen it in Liberia and Sierra Leone and, of course, in Darfur, which is the subject of the next panel.

¶29 The Rwanda genocide was staggering in its dimensions, as you have heard from General Dallaire. The most powerful data for me are that to kill 800,000 people in three and a half months, you have to kill one person every twelve seconds, five people every minute, three hundred every hour, and seventy-two hundred every day. That is a staggering statistic in terms of the breadth and speed with which this genocide was committed. It was certainly one of the worst human rights failures, human protection failures, since World War II.

¶30 The Cambodia genocide can be debated in that same context, but that was a much more complex phenomena occurring over a longer period of time. I am not going to say this was worse than that, but it certainly was more dramatic. It was the worst moment in the Clinton Administration's foreign policy in eight years of that administration. It was the biggest failure of the UN of the post-Cold War era.

¶31 Along with the simultaneous crisis in Bosnia, the Rwanda genocide signaled the end of a brief era of optimism right after the end of the Cold War regarding the dramatic political changes that had occurred in Central and Eastern Europe and the former Soviet Union, the extraordinary victory of democracy in South Africa, and some of the major changes in Latin America and parts of Asia that took place from 1989 throughout 1994. Rwanda signaled the end of all of that.

¶32 I think, finally, that Rwanda called into question the whole concept of international security and continues to do so today, because even ten years later, the Rwanda genocide reverberates throughout Central Africa and has destabilized that entire region.

¶33 The causes of the failure, both on the part of the state of Rwanda to protect its citizens and the failure of the international community to intervene, bear close scrutiny. And let me give it to you from the perspective of someone who has seen this and has been through this.

¶34 We must not ignore the colonial history and the emphasis on ethnic difference and the suppression of the Hutu majority during a long period of Rwanda history in the colonial period. We must not ignore the post-colonial manipulation of these ethnic divisions by the cynical leaders in post-colonial Rwanda and the rise of the so-called Interahamwe – which in Rwandan means those who attack together – extremism in Rwandan politics aimed at exterminating the Tutsi majority. In many ways, this was condoned and supported by the regime, the Habyarimana regime that was in power at the time the genocide occurred. The signal event that started the genocide was the president of Rwanda having been killed in a plane crash.

¶35 But, more importantly for our purposes, are the causes of the external failure of the international community to respond. And here again, I will give you the perspective of the Former Assistant Secretary of State who was calling for reinforcements for General Dallaire against considerable and overwhelming opposition within all elements of the US Government and the Congress. There were others, of course, who were doing that as well.

¶36 I think we have to understand, as General Dallaire said, the old Cold War mentality in 1994, which still dominated international security and national-security thinking in the United States. Do we have a strategic interest in a place or do we not? Is it a power politics issue or not? I think it is best exemplified by the comment made by Secretary of State James Baker, the very distinguished Secretary of State, referring to the disintegration of Yugoslavia and the outbreak of genocide in Bosnia several years before the genocide in Rwanda.

¶37 When asked what the United States is going to do about genocide in Yugoslavia, he said, "we have no dog in that fight," meaning essentially – and using Texas slang to describe the situation – that we do not have a strategic interest in Yugoslavia and the whole situation is outside of our concern as a nation.

¶38 Ancient hatreds were the prevailing view in Washington about what was going on both in Bosnia and then later in Rwanda. And then, much more cogently in terms of specific events happening, was the crisis in Somalia. Just six months prior to the Rwanda genocide there was a UN peacekeeping operation in Somalia, which basically changed into a manhunt for some warlords who were seen to be blocking humanitarian assistance.

¶39 The United States, in that instance, contributed forces and participated in that peacekeeping operation. Then in the hunt for the warlords, eighteen US Rangers were killed. One of their bodies was dragged through the streets of Mogadishu. It was on CNN. You can imagine the kind of impact that had on American thinking in early post-Cold War October 1993.

¶40 There was an enormous firestorm in the Congress. There were pressures from within the Pentagon, but above all in the Congress and in the White House, including President Clinton's own view that we should withdraw those forces and look at the whole

set of issues around US participation in the future in international peacekeeping operations.

¶41 The kind of comments that were made in the Congress – I can give you an example – will give you a flavor of what was going on. A very powerful Senator, Senator Mitch McConnell, said, "Creeping multilateralism died on the streets of Mogadishu." Senator Bob Dole, the very distinguished Senate Majority Leader, who would soon run for President (and was, incidentally, ultimately instrumental in changing our policy in Bosnia), said in reflecting on Rwanda, "Once we get the Americans out, that ought to be the end of it. We have no national security interest there." There was no recognition that the cost of this genocide in lives and in the tremendous instability that it created throughout Central Africa, and the cost of the humanitarian assistance that would be required – that this cost was going to be so great.

¶42 Only one senator, and I pay him tribute here in Illinois, called for a reinforcement of General Dallaire's troops. Senator Paul Simon, who was in touch with me and a few others in the State Department, was doing all he could to try to change the overwhelming tide of sentiment for withdrawal following the Somali crisis, but he was unable to do so.

¶43 This led to what I called the perfect human rights storm. That is, this post-Somalia fever of withdrawal and change of US attitude toward international peacekeeping were occurring just as the Rwanda genocide broke. The United States was going this way. Rwanda genocide was going that way. And it was a terrible and catastrophic failure by the greatest power that had the capacity to lead and to participate in the reinforcement of a peacekeeping operation, but because of its experience in Somalia and because of its post-Cold War thinking, it was very much the other way.

¶44 This is all crystallized in a document that was issued just about the same time that the Rwanda genocide began. It is called Presidential Decision Directive 25, and it is a document issued by the White House, written by a combination of the Pentagon and the various people involved in peacekeeping operations at the time. It called for a significant restriction of the US support for international peacekeeping at the very moment when these forces of disintegration were breaking in Rwanda.

¶45 There were many individual elements of failure that followed upon this, but I think this larger framework helps to describe why they occurred. There was a failure to heed and act on the warnings, the kind of warnings that had been coming in for several years, about how the Rwanda Government was doing. They were ignored by France, which had supplied weapons to the Government. They were ignored by the United States, which sponsored a power-sharing conference in Arusha to try to solve the tensions in Rwanda. They were ignored by the UN, which had deployed General Dallaire's peacekeeping force with very passive roles of engagement so that they could not engage effectively on this.

¶46 The warnings were that there were anti-Tutsi extremists who were arising in power in Rwanda. There was a very specific warning that was issued by the UN Special Rapporteur on Extrajudicial Executions in August of 1993 who said that there is a growing mood of genocide and violence against the Tutsis in Rwanda. This warning was not acted on by the UN, which had a very weak mechanism for dealing with the reports coming from special rapporteurs. There was an even more specific warning that General Dallaire himself issued, and if you will allow me, I just want to mention it briefly. He did not mention it himself. It is one of his many heroic acts.

¶47 He reported to the UN Secretary-General that it was the Hutu extremists' plan to kill peacekeepers and force the UN withdrawal and then ultimately to begin the process of committing genocide. And he requested the authority to disarm some of the extremists themselves, but the UN Peacekeeping Office, which was not well organized at the time to be able to deal with these crises, did not respond other than to tell General Dallaire that he did not have the authority within his mandate to engage in that kind of aggressive disarming activity. This was never taken to the Security Council and in the post-Somalia situation that I have described in the US, the UN Secretary-General felt that the US probably was informed internally about the crisis, and would not want to see an additional mandate put on the operation in Rwanda.

¶48 There was a failure to support General Dallaire's request for more peacekeepers after the genocide started on April 6th. And here was the big battle in the US Government, which ended before it really started, because of what happened when 10 Belgium peacekeepers were killed in the early days of the genocide. Some of us in the State Department made fruitless efforts to provide support for General Dallaire's operations. But then there was a stampede for the exits that occurred very soon after the killing of the Belgium peacekeepers. And then on April 21st, the US pushed the UN Security Council resolution to withdraw all but 270 of the troops that General Dallaire had.

¶49 There was a failure on the part of the international community and very specifically in the United States to counter one of the principal mechanisms of genocide that was being used here which was the media. Hate Radio was projecting terrible messages throughout Rwanda. Again, a number of us, I and several others, tried to get the Pentagon and the National Security Council to act. We had the capacity to jam Hate Radio but we ran into a bureaucratic and legal wall which we could not surmount.

¶50 It was a failure above all, I think, of the US and other countries to call what was happening genocide. Since the policy at the point after the genocide had broken was clearly not to support intervention, the lawyers inside the State Department and the Pentagon went to work to try to make sure that we avoided the obligations which I pointed out we had under the Genocide Convention to try to prevent and punish genocide. And therefore, they put out a general edict that we should not use – we should not reach a conclusion because it would be an illegal conclusion that what was happening in Rwanda was genocide because to do so would be to implicate all of what those obligations of the Genocide Convention called upon.

¶51 So again and again, we see the failure of the international community, the failure of the United States to address the most fundamental issues that are going on inside the system.

¶52 I was sent to the region. I lobbied very hard to go to Rwanda. I wanted to meet with General Dallaire, but the State Department would not allow me to go into Rwanda. Instead, they sent me to meet with all the regional leaders in Uganda, Ethiopia, Tanzania, and Burundi, and with the head of the organization of the African states, the African Union, to try to get an agreement among them to supply troops for the new peacekeeping force that General Dallaire spoke about.

¶53 I succeeded in getting their agreement, but whenever I called back to Washington, I found that it was impossible to get what they were most asking for, which was logistical support and the kind of thing that only a major power can provide in terms of supporting

that kind of operation going into Rwanda. So it was an extraordinary closed door and the Somalia views had set in.

¶54 What are the lessons? And then let me stop. There are many, obviously, and many of them are reflected in the very good work that the Panel Report has done and also many other reports that have come out.

¶55 But I think, above all, the lesson is that it is incumbent on the UN and its member states to answer the fundamental question raised by Rwanda: what happens when a sovereign state cannot or will not protect its own citizens from genocide or crimes against humanity? Who under those circumstances has the responsibility to protect them? The answer must be, I believe, that if the UN Charter and the treaties like the Genocide Convention have any meaning, the responsibility is indeed on the international community, but that still begs the question: what is the international community?

¶56 If the UN will not act because of a Security Council gridlock caused by the veto of a member state, is action by a multilateral coalition or even a single member state to stop genocide and crimes against humanity acceptable? I think a literal reading of the Genocide Convention seems to indicate that the UN authorization is not necessary since ratifying countries undertake the responsibility to prevent and punish crimes of genocide. It may not be necessary, but it is certainly prudent.

¶57 But I think above all, the states have an obligation not to make things worse, and therefore, they have to look at the question of the legitimacy of the action that is undertaken to stop a genocide like the one in Rwanda.

¶58 I have written about this in a book that I published last year, Freedom on Fire: Human Rights Wars and America's Response.[1] There are four criteria that determine the legitimacy of a humanitarian intervention to protect against genocide and crimes against humanity. First, obviously, there has to be genocide or crimes against humanity being committed on an ongoing basis, as we saw in Rwanda. Second, preventive measures have to have been exhausted, used in every conceivable way short of military operations. Third, regional support for the intervention must exist, or at least the region must be willing to allow it to occur without major opposition. And finally, the intervention must be not likely to trigger more violence or greater loss of life than would have occurred without the intervention at the outset.

¶59 The responsibility to protect as it has evolved has made legitimate under those criteria five interventions that have occurred since Rwanda: Haiti, Bosnia, Kosovo, East Timor, Afghanistan. As for the Iraq intervention I think the reason why there is such debate about it and such disagreement over it, in many ways, is that it fails to satisfy a number of these criteria for humanitarian intervention. Preventive measures were not exhausted. Regional support and broader international support did not exist, and there certainly was a risk that it would trigger more violence.

¶60 There are other major lessons of Rwanda. General Dallaire has covered them. We need improved intelligence-gathering. We certainly need to eliminate the blind spots in our international security right now in places like Rwanda which are not seen to be a major security interest, but post-genocide they certainly should be treated that way. We need to find ways of isolating and signaling to extremists that there will be consequences

[1] JOHN SHATTUCK, FREEDOM ON FIRE: HUMAN RIGHTS WARS AND AMERICA'S RESPONSE (2003).

for committing genocide, such as disarming the extremists, something that General Dallaire tried to do.

¶61 We need to strengthen international justice mechanisms. Certainly the International Criminal Court is one such mechanism, now very controversial, of course, in the United States, but I believe it needs to be made operational, and certainly the ad hoc tribunals because they can act as a deterrent as we saw in Hotel Rwanda, when Paul, the protagonist, persuades the Hutu General to protect the hotel refugees and to escort them to safety by threatening to testify against him before an international tribunal. I thought that was a very powerful example of how international justice can be a deterrent effect.

¶62 We certainly need a stronger and better mechanism for deploying international forces through the United Nations or through regional coalitions wherever possible.

¶63 Let me conclude with a quote by John F. Kennedy. Since I am now the CEO of the John F. Kennedy Library Foundation, I like to quote President Kennedy from time to time. I think it reflects the ground that the United States should occupy in these great debates over intervention.

¶64 Kennedy rejects the role of passive observers. But, he also rejects the role of the US as pre-emptive or universal intervener without broad international support. What President Kennedy said, and he said this very shortly after the Cuban missile crisis when, of course, he had projected US leadership in a very dangerous time, at a time when it was necessary to have allies, but nonetheless, to exercise US leadership because the US in many ways was alone in that enterprise.

¶65 "The United States is neither omniscient nor omnipotent. We are six percent of the world's population. We cannot simply impose our will on the other ninety-four percent of mankind. There cannot be an American solution to every world problem but there must be a world solution and America must lead the way."

¶66 Thank you very much.

PAUL LEMMENS:

¶67 Thank you very much for this presentation which was also the testimony of what you saw from your position. We also tried to stop what was going on, and felt very well the difficulties that you encountered.

¶68 We do not have much time remaining. I did not want to interrupt the speakers, because I thought it was a very useful way of presenting things.

¶69 We have fifteen minutes for questions.

ROBERT BECK:

¶70 My name is Robert Beck. I am a New York Stock Exchange Arbitrator, so we get involved in the financial aspects of these failures.

¶71 Did not the 9/11 report basically say that the 9/11 was really a function of the fact that we had failed in special ways in the 1990s and so therefore, they felt they could get away with this and they obviously did?

AUDIENCE MEMBER:

¶72 Hi. My name is Sonia and I am a research assistant at the Center for International Human Rights here at Northwestern.

¶73 My question is in relation to the Sub-Saharan region of Africa.

¶74 This idea that was mentioned yesterday and also today that development is a prerequisite for peace and security to exist, which I wholly and completely agree with, but another trend that I see in particular the subset of Africa is this sort of deeply rooted notion of difference and suspicion and hatred and racism.

¶75 My question is, and to my mind is, just a result of the colonial legacy and the fact that particular tribes have had to exist in a political state that they were not used to before the implementation of arbitrary boundaries so I guess my question is, what is the UN's role in addressing this notion of difference?

MIKE KIRK:

¶76 Mike Kirk, Citizens for Global Solutions.

¶77 With the middle powers getting more involved in these conflicts, in the civil war breaking out before it gets to genocide, what is to say they are reluctant to do because if they get involved, the US sees that as a security issue to them, they back off from taking that action because of what the, you know, the superpower or the US perceived that as a potential threat that they need – do they need to come in later and clean something up that these middle powers did not take care of.

DAVE ROTHSTEIN:

¶78 This is Dave Rothstein. Especially for John Shattuck, do you think that the experience in Iraq will cause the United States as sort of a super modish affect, that would cause the United States to avoid getting involved in the future even more?

DOUGLASS CASSEL:

¶79 John, you gave an institutional and systemic explanation. There was one man in the White House who could have stopped this.

¶80 To the extent you are free to address it, my question is: did anyone supporting intervention have direct access to Bill Clinton and what was the decision-making process at his level during the month of April?

TREVOR ULBRICK:

¶81 Trevor Ulbrick, Editor-in-Chief of the Journal of International Human Rights here at Northwestern.

¶82 Mr. Shattuck, you mentioned the potential deterrent effect that international tribunals can have. I was wondering how well you think the Rwanda Tribunals worked out and whether you think the International Criminal Court will have a similarly deterrent effect. Thanks.

PAUL LEMMENS:

¶83 Okay. We have a whole set of questions.
¶84 General Dallaire, you maybe start.

ROMEO DALLAIRE:

¶85 [Although General Dallaire participated in the symposium, he requested that his comments not be published.]

PAUL LEMMENS:

¶86 Thank you.

JOHN SHATTUCK:

¶87 Let me briefly try to respond. I will leave the middle powers question to General Dallaire. I think he answered it very well.
¶88 On the question of the relationship between terrorism and human rights catastrophe, and specifically in your question: was the legacy of the 1990s and the weakness of the response or the failure of the response in Rwanda and perhaps other areas as well a cause of the kind of temptations that international terrorists had to attack the United States and other countries.
¶89 It is a very complex question, needless to say, but let me answer it very directly. The answer, I think, is no, but I do believe that the roots of terrorism lie deep in the failure of human rights and the repressive nature of some societies. And I think what we really had – it is not so much whether we intervened or did not intervene in Rwanda, it is whether the United States and other countries were supporting very repressive regimes, particularly in the Middle East, in ways that it may have encouraged some rise of terrorism, and this is something that goes way back.
¶90 I think as far as the use of military power is concerned, I think there were deterrent effects imposed on terrorists, if you will, by subsequent interventions, and I very briefly mentioned them in other human rights catastrophes: in Haiti, Bosnia, and Kosovo, and I think the evolving doctrine of humanitarian intervention as it finally reached its full development in Kosovo and East Timor. These interventions indicate that the international community was beginning to learn the lessons from Rwanda.
¶91 So I do not draw the connection between the rise of terrorism and the failure to intervene. I do draw a connection between the rise of terrorism and the support of the international community, particularly the United States and Europe, for repressive regimes.
¶92 What do you do about the issues of Sub-Saharan Africa and the whole problem of difference and the legacy of racism? Obviously it is an enormous challenge. I think the role of the UN there is to support, to mobilize, to work with member states to support, much more targeted development assistance, and certainly to support and work with member states on democracy assistance, particularly the understanding of the basic elements of how the democratic Government evolves.

¶93 And I think there are success stories in Sub-Saharan Africa often overshadowed by the terrible things we have been talking about this morning, and I think those success stories are quiet and therefore rarely getting as much attention as the catastrophic events need to be built upon. The United States lags far behind its European allies in terms of percentage of GDP given for development of assistance so the US has a lot of catch-up to do.

¶94 I am concerned in answer to the question: will the experience in Iraq cause the US to avoid getting involved in the future humanitarian catastrophes? In fact, I would argue and the next panel will no doubt take this up, that one of the reasons the US, which I think is trying to do a great deal in Darfur; nonetheless, it is unable to do very much because it does not have the capacity to mobilize allies in the context of a crisis in Darfur which is shadowed by what is going on in Iraq.

¶95 I would hope very much that the doctrine of humanitarian intervention is not sidetracked or, even worse, completely derailed by what is happening in Iraq today. And I think the jury is out on that.

¶96 Did anyone have access to President Clinton who was calling for an increase in and support for the kind of operation that General Dallaire was reading? The answer is yes. Tony Lake and others at the National Security Council and those of us in the State Department at mid-levels who were trying to press our arguments forward in those very few days before the US ended up supporting the resolution – after the ten Belgian peacekeepers were killed – the resolution to withdraw the forces, we went through Lake to President Clinton. We did not speak to President Clinton directly but we worked with Lake.

¶97 Generally, the response was that we need more support in the Congress, and we need more support in the public for taking on this catastrophe, and at the moment the headlines are "another Somalia seems to be developing in Rwanda." So, I think, that essentially was what we were running into at the political levels in the White House, and it is certainly reflected in the decisions that were made.

¶98 Finally, and I will just support what General Dallaire said on this point, international justice is a critical element of the effort to try to prevent the outbreak of future genocides, and I think strengthening the International Criminal Tribunal, International Criminal Court, is an important part of that enterprise, and I think working where appropriate through ad hoc tribunals, although the Rwanda Tribunal has had a mixed record. It has some convictions but far fewer than I would like to see, and it is also not had a direct impact on the people of Rwanda because it is removed from Rwanda. It is in Arusha, which is in Tanzania. As General Dallaire said, I think this has not sent the kind of signal inside Rwanda that is needed.

¶99 There were those, General Paul Kagame, in particular, who is now, of course, the President of Rwanda and who was the head of the Rwanda RPF forces that finally did come in and stop the genocide. Kagame called early on for the creation of an international tribunal in Rwanda but the international community, for a wide variety of reasons having to do with security, decided to have the tribunal in Tanzania. That issue can be debated at some length, but I think international justice is a critical component to put together strategy for deterring genocide in the future.

PAUL LEMMENS:

¶100 Thank you very much. Thank you to the two speakers.