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**THE LIMITS OF
UNAMIR AND ITS
CONSEQUENCES ON
EVOLUTION OF PEACE
OPERATIONS**

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INTRODUCTION

In 1994, there was a genocide that left more than 800,000 dead in Rwanda. The conflict took place between the two majority ethnic groups in the country: the Hutus, comprising approximately 85% of Rwandans, and the Tutsis, who made up about the other 15% (MENDONÇA, 2013). From the pre-colonial periods until the Rwandan Revolution in 1959, the Tutsis, although they were a minority, dominated the country, both economically and socially, including with the support of the international community. However, in 1962, with the end of the revolution, the Hutus overthrew the Rwandan monarchy and assumed power in the country, causing thousands of Tutsis to take refuge in neighboring countries, the vast majority in Uganda.

In 1990, a group of Tutsi refugees in Uganda formed the Rwandese Patriotic Front (RPF) and invaded Rwanda with the aim of returning to their homelands. However, this started an escalation of conflicts that erupted into a civil war between the Tutsis and Hutus, resulting in a genocide that left more than 800,000 dead and thousands of refugees (HINTJENS, 1999).

After a peace agreement (Arusha Accord) was signed in 1993, the United Nations Organization then stepped in and sent a peacekeeping mission that was originally created to help implement the agreement, UNAMIR (United Nations Assistance Mission for Rwanda). However, due to the failure of the parties to comply with the agreement, the mission, which in principle was intended to be a quick and effective peacekeeping mission, underwent several changes to try to adapt to the deteriorating situation in Rwanda.

The main objective of this article is to analyze the performance of the UN in Rwanda through UNAMIR and to understand the limits and consequences of this mission,

that is, to understand why the mission was considered a failure and what lessons the UN had with this experience that were perpetuated in future missions. To achieve this central objective, some more specific objectives must be covered: the first of them is a historical analysis to better understand the context in which Rwanda lived at the time the genocide happened and how it got to that point. Colonialism will also be analyzed, with the purpose of understanding how European colonization, in Rwanda, was used as a way to explore ethnic differences and to foment hatred, with the aim of maintaining and legitimizing power. Finally, a final objective is to make an analysis of peacekeeping operations since their first generation, so that the reader can understand why UNAMIR was considered a failure and how it left lessons for the missions that came after.

As a main hypothesis, the idea is that peacekeeping missions, despite having evolved a lot after the end of the Cold War, failed to develop enough to contain the conflicts that emerged in the 1990s, restricting many of their limitations to outdated norms., such as the link to Chapter VI of the UN Charter, which did not allow the organization to act precisely in resolving the conflict, resulting in an immense humanitarian crisis. That is, the hypothesis boils down to the failure of UNAMIR, which led to the humanitarianization of the next peacekeeping missions.

It is intended to make a case study focused on Rwanda, which can exemplify the failure of the UN during the 1990s, which was generalized in several humanitarian issues. There were many notable conflicts in this decade that served as lessons for humanitarian interventions to evolve, as was the case not only in Rwanda (UNAMIR, 1993-1996), but also in other countries such as Iran and Iraq (UNIIMOG, 1988 - 1991), Somalia (UNASOM I and II, 1992-1995) and Bosnia

(UNMIBH, 1995-2002). The failure of these interventions and the deep marks they left in the history of humanitarianism opened a dialogue both among scholars of conflict resolution and among policy makers about some concepts that were previously advocated, such as the use of force, the principle of non-intervention and the principle of sovereignty. The point that starts to be questioned from then on is: why did these points become more flexible and to what extent does this flexibility happen in favor of humanitarianization?

This article aims at the case study of Rwanda, trying to understand the context that led the country to reach an ethnic dispute so serious that it resulted in a genocide of more than 800 thousand dead in a matter of 100 days from the post colonialist perspective, leading taking into account European colonization as a direct influence on the conflict, using ethnic rivalry as a tool for peoples' domination. In addition, this study intends to address the performance and efforts of the UN, and reveal its limitations. Understanding how these limitations became lessons learned for future UN missions and caused consequences in discussions of peacekeeping missions to this day.

In order to carry out this analysis, it will be necessary to study the legal framework of the UN system, as well as studies that show the evolution of peacekeeping missions from the Cold War era to the present day. Finally, this article will be divided into three parts. In the first, a historical context of Rwanda will be made, from the pre-colonial period, until the time when the civil war that gave rise to the genocide, in 1994, will be done. The second part has a technical focus, in which the importance of the UN in the resolution of international conflicts, peacekeeping operations and their generations and the United Nations Peacekeeping Assistance

Mission to Rwanda (UNAMIR). In the last section, an analysis will be made of the lessons that UNAMIR left for the next generations of peacekeeping missions. The postcolonialist theory will be used as a background for all the theoretical development of the article.

THE CONFLICT IN RWANDA FROM PRE-COLONIAL PERIODS TO THE CIVIL WAR

Rwanda is located in Central Africa, divided into provinces, and is one of the most populated countries in the world, with an estimated population of around 13 million people, of which almost 480 people /km²¹. Rwanda was divided into three ethnic groups: the Hutus (85%), the Tutsi (14%) and the Twa (1%), but despite the ethnic differences that the Tutsis and Hutus had at first, during the pre-colonial period the groups coexisted relatively well: they lived in the same territories without friction and interaction between them was something considered normal, even more intimate relationships such as marriage between them was allowed (UNITED NATIONS, 2021).

This caused the characteristics of the two groups to mix and they began to speak the same language, have the same cultural traits and follow the same religion. Even the physical differences between them became minimal due to the miscegenation that occurred during the pre-colonial period. All this made possible, and often even fluid, the transition of a person from one group to another (UNITED NATIONS, 2021). According to Helen Hintjens (2001), until the beginning of the 20th century, the names Tutsi and Hutus were often used as status, rather than ethnicity itself: Hutus meant farmers, while Tutsis meant cattle ranchers (MENDONÇA, 1999).

During the years 1884 and 1885 there

1 DENSIDADE POPULACIONAL RUANDA. Population Pyramid. Available in: <<https://www.populationpyramid.net/pt/densidades-populacionais/ruanda/2019/>>. Accessed on: March 10, 2022.

was the Berlin Conference, and during this conference it was determined that Rwanda would be under German tutelage. In 1895 the Rwandan leader, called *mwami*² Rwabugiri, died, triggering a power struggle between the Hutu and Tutsi peoples. In 1897 Rwandan indirect government was imposed, under the tutelage of the German Count von Götzen, and the Tutsis allied themselves with the Germans. This alliance made the Germans place a Tutsi as king (mwami Yuhi V Musinga, who reigned from 1896 to 1931) and the rivalry between the Tutsis and the Hutus began to emerge, since, with this access to the Germans, the Tutsis began to take advantage of the Hutus in relation to land and resources (MENDONÇA, 1999).

Rwanda was considered a German colony until the end of World War I in 1919. After Germany lost World War I, the League of Nations transferred guardianship of Rwanda to Belgium. During the period of Belgian colonization, ethnic issues were increasingly in evidence, since it was imposed, by the Belgian authorities, the definition, in Rwandan identities, of the ethnic group to which that person belonged, making social categories extremely rigid and increasing the distance between populations of each ethnic group.

In the 1930s, the Belgian government, together with the Catholic Church, managed to depose the mwami Musinga (in 1931) and curiously proclaimed his son, Mutara III Rudahigwa as the new leader. Rudahigwa, however, had been prepared to renounce the Church (and did so, abdicating his status as a deity that was inherent to the Mwami) and therefore secured the support of both the Catholic Church and Belgium. Like his father, Rudahigwa was also of Tutsi ethnicity, further increasing ethnic segregation in Rwanda

(MENDONÇA, 1999). With this increase in ethnic discrimination, the Tutsis, despite not being the majority of the population, ended up being privileged by the Belgians (UNITED NATIONS, 2021).

With ethnicity documented in identities (called ethnic identity), segregation became not only a social issue, but administratively organized: Rwanda's educational system began to openly promote discrimination and privilege Tutsis in administrative and political positions., and they finally controlled the local economy, since Hutus had been completely stripped of any public office and/or position of power (HINTJENS, 2001; MENDONÇA, 1999; NAÇÕES UNIDAS, 2001).

Rwanda remained in this same political situation and with this social organization until the Rwandan Revolution in 1959, which gave way to Rwandan independence in 1962. During these years, the first records of systemic political violence occurred, which resulted in civilian deaths, especially of tutsis (HINTJENS, 2001): "The use of violence was, of course, widespread in the Belgian colonial system, (...), but this violence had never before taken the form of organized assassinations of one part of Rwandan society by another."³ (HINTJENS, 2001, p. 32).

At the beginning of the Revolution in 1959, the Belgians agreed to let the Tutsis in power, but as the revolution unfolded the Hutus gained strength and in 1961 there was a meeting with a Hutu leader, Grégoire Kayibanda, and Rwanda ended up under his control. Faced with the constant violence that plagued the country during the three years of the Rwandan Revolution (1959-1962), a huge number of Tutsi refugees left the country and sought shelter in neighboring countries, especially in Uganda (UNITED NATIONS,

² *Mwami* means King, in the Bantu language, the original language of the Tutsi and Hutu Rwandan peoples.

³ Our translation. No original: "The use of violence was of course widespread in the Belgian colonial system, (...) but this violence had never before taken the form of organized killings of one part of Rwandan society by another" (HINTJENS, 2008, p. 32).

2021).

In 1962, with the end of the Rwandan Revolution, Grégoire Kayibanda (Hutu) assumed the presidency of the country, ending the monarchy and colonization. From 1962, Rwanda was declared an independent republic, becoming a totally autonomous country and no longer under Belgian tutelage. During the years that followed, Tutsis who had taken refuge during the years of revolution tried to reunite and return to their home country, but without success. They were always met with violence and retaliation by the Rwandan government, now led by a Hutu, for the first time since German colonization (UNITED NATIONS, 2021).

In 1973, eleven years after the end of the Rwandan Revolution, violence in the country was at its peak and the then Defense Minister, General Juvénal Habyarimana, also a Hutu, staged a coup d'état and assumed the presidency. During his term, which lasted until his assassination in 1994, Habyarimana founded the Second Rwandan Republic, formed by a single party: National Republican Movement for Democracy and Development (National Republican Movement for Democracy and Development, MRND).

During the rule of General Habyarimana, ethnic discrimination was increasingly institutionalized and, to make matters worse in Rwanda, various regional rivalries between northern and southern groups began. During this period, the relationship between Tutsis and Hutus began to deteriorate, not only did political offices become almost exclusively Hutu, but even the resources made available to each ethnic group were allocated through a kind of quota policy, in the form of which the Tutsis held only 10%, while the Hutus had the other 90%. In addition, the Hutus were free to confiscate Tutsi land and property, which further increased the flow of Tutsi refugees to neighboring countries. Marriage between

different ethnicities was also prohibited, in addition to various exclusion laws (UNITED NATIONS, 2021). The Tutsis, who had taken refuge during that time, organized themselves in Uganda along with the resistance and set up the Rwandan Patriotic Front (Front Patriotique Rwandais - FPR), an armed force, led by Yoweri Museveni, whose main objective was to return to their country of origin and regain the space they had lost since the Revolution in 1962 (UNITED NATIONS, 2021).

Although studies on conflict resolution have existed since the 1950s, the increase in interest in the field began precisely due to the growth of ethnic and cultural conflicts around the world, which occurred especially after the Cold War (RAMSBOTHAM, WOODHOUSE, MIALL, 2005). In the early 1990s, this field of study was still very limited (WALLERSTEIN, 2002), which makes us understand the various failures that occurred in conflict resolution during the 1990s, including during the Civil War in Rwanda.

Wallerstein (2002, p. 8) defines conflict resolution as “a situation in which the conflicting parties enter into an agreement that resolves their main incompatibilities, accept the continued existence of the other, and cease all violent actions against each other”. This means that, voluntarily, the parties must learn to live together and end the violence (WALLERSTEIN, 2002).

At first, without an agreement made voluntarily between the parties that are in conflict, there is no way to talk about resolution (WALLERSTEIN, 2002). The UN Charter, in its chapter VI, deals precisely with the conditions for the peaceful resolution of disputes, right in its first article (Article 33.1) chapter VI says that:

The parties to a dispute, which may come to constitute a threat to international peace and security, shall seek, above all, to reach a

solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial solution, recourse to entities or agreements regional offices, or to any other peaceful means of its choice (ORGANIZATIONS OF THE UNITED NATIONS, 1945).

Even if both parties decide to sign an agreement, the way in which this is done is extremely important. All parties involved in the attempt to resolve a conflict, for it to be, in fact, resolved, must, in addition to being equally committed to the cause, feel physically safe, and not only that, but also rewarded in all ways. of abuse and violence suffered while the conflict was taking place. Negotiations must be done fairly for both sides, so that everyone feels safe to move forward and implement the agreement in practice (WALLERSTEIN, 2002).

In the early 1990s, given the escalation of conflict in Rwanda, several attempts at peace negotiations took place, until President Habyarimana signed a Peace Treaty, together with the RPF, after a conference in the city of Arusha, in Tanzania in 1993, which became known as the Arusha Accords (UNITED NATIONS, 2021). Although, according to Wallerstein (2002), peace agreements are a fundamental part of conflict resolution, they are not the only ones necessary and do not guarantee the end of violence. There are cases in which armed conflicts escalate even more, or even start, after the peace agreement is signed, which was even what happened in Rwanda. The ceasefire of all parties involved in the conflict is, in fact, the most important (WALLERSTEIN, 2002).

The Treaty of Arusha (1993), despite having been signed by the then President

of Rwanda Habyarimana (Hutu), did not have the support of the other leaders of the Hutu community, who had a more extremist bias and demonstrated against the signing of the treaty, claiming that Habyarimana had betrayed the Hutu cause and ended up increasing even more the level of violence against Tutsis in the form of protest. A peace agreement, according to Wallerstein (2002), is just a formal document, and it has no validity if it is not actually fulfilled. And that's exactly what happened in Rwanda: even though the Treaty of Arusha (1993) was signed, it was not effective (MENDONÇA, 1999; UNITED NATIONS, 2021).

The President of Rwanda, General Habyarimana, after signing the treaty, announced that the country would be open to multi-party rule and democratization, which caused even more anger among his Hutu allies, who continued, with each attempt to resolve the conflict, exalting more and turning against the president. Just a few months after the Treaty of Arusha was signed, the Rwandan Patriotic Front (RPF) made its first attacks on the Ugandan-Rwandan border and the agreements were completely ignored from this point forward. Three years after these first attacks, after a constant escalation of conflict, the civil war actually began (UNITED NATIONS, 2021).

During this period, between the signing of the Treaty of Arusha in 1993 and the outbreak of civil war in 1994, the Kangura Magazine became popular in Rwanda, which constantly spread ethnic hatred and harshly criticized moderate Hutus. The magazine in question published the 10 Hutu commandments⁴, still in the late 1990s before its popularization,

4 Our translation. No original: "1. Every Hutu male must know that Tutsi women, wherever they may be, are working in the pay of their Tutsi ethnic group. Consequently, shall be deemed a traitor: Any Hutu male who marries a Tutsi woman; Any Hutu male who keeps a Tutsi concubine; Any Hutu male who makes a Tutsi woman his secretary or protégée. / 2. Every Hutu male must know that our Hutu daughters are more dignified and conscientious in their role of woman, wife and mother. Are they not pretty, good secretaries and more honest! / 3. Hutu women, be vigilant and bring your husbands, brothers and sons back to their senses/ 4. Every Hutu male must know that all Tutsis are dishonest in their business dealings. They are only seeking ethnic supremacy. Shall be consequently considered a traitor, any Hutu male: who enters into a business partnership with

which must be strictly followed, encouraging the exclusion and marginalization of Tutsists. Often, the magazine also published “denounces” about moderate Hutus who broke some commandment or Tutsis who lived in the region, causing these people to suffer violent repression.

At the beginning of 1994, there are records of General Alain Dallaire, commander of UNAMIR, warning the UN about a suspicious movement and a supposed civil war that could break out at any time, still in January 1994, as well as a warning that the Rwandan President Habyarimana’s life was at risk. The UN decided for non-intervention and only communicated General Dallaire to inform President Habyarimana, but no action was actually taken (MENDONÇA, 1999).

The decisive factor for the beginning of the civil war and the beginning of the genocide, after all these decades of conflicts between the two ethnic groups, was the crash of the plane in which the Rwandan president Habyarimana and several of his advisors were, as well as the president of Burundi (also Hutu), while flying over Kigali - the capital of Rwanda (MENDONÇA, 1999; UNITED NATIONS, 2021). The plane crash next to the capital’s airport was seen as a premeditated terrorist attack by the Tutsis (MENDONÇA, 1999), and as there had been speculation for a long time about an “ethnic cleansing” among the Hutus, in which the Tutsis must be decimated once and for all, a fact like this was enough for the mass murders to begin (HATZFELD; 2004. RAMSBOTHAM; WOODHOUSE; 2005).

Tutsis; who invests his money or State money in a Tutsi company; who lends to, or borrows from, a Tutsi; who grants business favors to Tutsis [granting of import licenses, bank loans, building plots, public tenders...]/ 5. Strategic positions in the political, administrative, economic, military and security domain must, to a large extent, be entrusted to Hutus. /6. In the Education sector, (pupils, students, teachers) must be in the majority Hutu. / 7. The Rwandan Armed Forces must be exclusively Hutu. That is the lesson we learned from the October 1990 war. No soldier must marry a Tutsi woman. / 8. Hutus must cease having any pity for the Tutsi. / 9. The Hutu male, wherever he may be, must be united, in solidarity and be concerned about the fate of their Hutu brothers; The Hutus at home and abroad must constantly seek friends and allies for the Hutu Cause, beginning with their Bantu brothers; They must constantly counteract Tutsi propaganda.; The Hutu must be firm and vigilant towards their common Tutsi enemy/ 10. The 1959 social revolution, the 1961 referendum and the Hutu ideology must be taught to Hutus at all levels. Every Hutu must propagate the present ideology widely. Any Hutu who persecutes his brother for having read, disseminated and taught this ideology shall be deemed a traitor. “ (REVISTA KANGURA, 1990, p. 8).

MIALL, 2005).

The international community, especially France, was questioned and criticized after the war, for the lack of intervention to try to alleviate the situation in Rwanda, while the war had not yet broken out, but was imminent. France not only supported the Hutus in the pre-war period, it helped them financially as well. As Rwanda was colonized by the French and Uganda was colonized by the English, a feeling arose on the part of France to protect the French-speaking territory, a certain Francophone nationalism, in contrast to the Tutsis, who had taken refuge and organized themselves in anglophone territory. In addition, there was also a personal interest from the son of the French president, Jean-Christoph Mitterrand. He was both France’s commissioner of African affairs and a major arms dealer, which influenced France to take a firmer stance against the Hutu - including selling him weapons. With the lack of international intervention, the Hutus had an “approval” and continued their plans to massacre the Tutsi population (MENDONÇA, 1999).

The Hutu extremist militia, called the Interahamwe, was responsible for most of the killings, and they had a very concrete plan: kill first those who had supported the Treaty of Arusha (even if they were Hutu); then killing political opposition, journalists and human rights activists; and finally, without so much opposition, they started mass killings of Tutsis (RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

The organization of the Hutus was extremely efficient according to the reports told by themselves in the book *Una season de machetes*⁵, by Jean Hatzfeld (2004): forming militias and dividing them into regions, setting up barriers that blocked paths through and between cities, conferring identities and murdering anyone who was not Hutu. According to Élie Mizinge, one of the Hutu assassins who gave her testimony to Hatzfeld, each one had a specific function at the same time that they all had the same job.

The bullies programmed [everything] and cheered us on; merchants paid and transported; the peasants made the rounds and looted. But for the killings, everyone had to be on the road with knife in hand and participate in all cases, and with a sufficient amount of work [murders]⁶ (ÉLIE MIZINGE in his testimony to HATZFELD, 2004).

You had to hurry and there were no excuses; not even on Sundays; it had to finish. All ceremonies were abolished. We were all hired under the same conditions for a unique job: to kill all the cockroaches.⁷ (ÉLIE MIZINGE in his testimony to HATZFELD, 2004).

The mass killings lasted approximately 100 days, leaving around 800,000 Tutsis dead, which characterizes genocide. The Convention for the Prevention and Punishment of the Crime of Genocide (1948) defines genocide as “any act committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” (UN, 1948). from intentional submissions of the group to conditions of existence that put them in situations of

5 In the original document in French: *Une saison de machettes*.

6 Our translation. In the original document “Bullies programmed and encouraged; traders paid and transported; the peasants prowled and looted. But for the killings, everyone had to be on the road with a knife in hand and participate, in all cases, with a sufficient amount of work” (HATZFELD, 2004, p. 14).

7 Our translation. In the original “It was necessary to be arrested and there were no permits; above all, no Sundays; it needed to end. All ceremonies were suppressed. We were all hired under the same conditions for a unique job: to kill all cucarachas” (HATZFELD, 2004, p. 15).

8 Our translation. In the original document “In Rwanda, racialist ideologies mainly served as a mask or pseudo justification for the more fundamental goal of regime survival under conditions of sharp socio economic crisis and growing political opposition. (...) When political democratization was imposed on Rwanda in the early 1990’s, President Habyarimana’s regime responded by

physical destruction, even if partial, physical or mental integrity of the group, and murders (UN, 1948). In other words, genocide had been going on for decades, even if not in the form of mass murders.

On July 15, 1994, a little over three months after Habyarimana’s death, Rwandese Patriotic Front leader Paul Kagame managed to take control of the capital Kigali and put an end to the massacre and took actions that sought to regain commitment to the Arusha Agreement that was signed in 1993 (HINTJENS; 1999).

Although many people do not understand the reason for so much discrimination and violence between people of the same nationality, and who coexisted well for so long, Hintjens (1999) explains the segregation in Rwanda, the campaigns with racial ideologies in which they affirmed the ethnic superiority, the violence and even mass deaths (HINTJENS, 1999):

In Rwanda, racial ideologies served mainly as a mask or pseudo justification for the most fundamental objective of survival of the regime that lived under conditions of acute socioeconomic crisis and growing political opposition. (...) When political democratization was imposed on Rwanda in the early 1990s, President Habyarimana’s regime responded by rallying the majority of the faithful against a supposed common racial enemy, hoping to avoid regional and class divisions and find a way to more open political expression. A redefinition of national identity along exclusively racial or ethnic lines became the prelude to later implementation of genocide. (HINTJENS, 1999, p. 242)⁸.

Some scholars, such as Hintjens (1999) in the quote above, explain that the whole issue of ethnic segregation instituted over the years was not only used, but also constructed with the aim of promoting the dominance of one group over the other, in order for the State to be able to keep the few resources available in Rwanda directed to a single population, that is, since resources were few and the socioeconomic condition of the country was extremely low, segregation was a form of domination of these resources: whoever was in power had access to resources, while other ethnic groups had to fight to survive (HINTJENS, 1999; MENDONÇA, 1999).

Other scholars already raise another hypothesis, that, within a system in which resources are few and political dispute is very high, ideological manipulation by a minority that occupies power is a way to remain in this position and consequently maintain control. available resources; the high level of mortality would be just a consequence of this manipulation (MENDONÇA, 1999).

In fact, Rwanda has always been a country with a very high population density, and the struggle for survival and access to resources was a factor that encouraged the population to turn one part against the other. Mendonça (1999) cites Diamond (2005) when he argues that the low level of schooling in Rwanda was a determining factor for the large masses to adhere to the “new order” discourse, which was considered to be the purpose after the genocide. As poverty increased in Rwanda, along with population density and the average number of people per farm, inequality grew as well, all of which were factors conducive to fueling ethnic hatred, and as a result, the effects of segregation (DIAMOND, 2005 apud MENDONÇA, 1999).

Of course, all these hypotheses must

rallying the majority ‘faithful’ against a purported common racial enemy, hoping this way to prevent regional and class divisions from finding more open political expression. A redefinition of national identity along exclusively racial or ethnic lines thus became the prelude for later implementation of genocide.” (HINTJENS, 1999, p. 242)

be raised within a context of European domination of an African country. At the time when the Germans became responsible for the Rwandan guardianship, “social Darwinism”, Charles Darwin’s theory of evolution, was on the rise, and this thesis argued that species started from a primitive point and evolved over time, and that only those strongest were able to survive in the middle. Based on the Darwinian assumption, the Europeans chose the Tutsis as the most “evolved” ethnic group, and this way they obtained their support in the colonialist project in the region (COUTO, 2016).

Belgium, when it assumed guardianship after the First World War, already realizing that racist ideologies were strong in the region, took advantage of this to maintain control of the population, continuing to favor the Tutsis, electing them as superior beings to the Hutus, and giving them greater access to political office, greater participation in the country’s decisions, more access to resources and more access to education. The Tutsis end up accepting the Belgian favoritism that favored them and, consequently, also accept the European presence in the region. And more than just accepting the presence of Belgians in the country, they supported this European permanence in Rwanda, so that they could continue to gain these privileges that the Belgians provided. It must be noted that all this is part of a form of European domination, since with the support of part of the population, the Europeans were able to legitimize their stay in Rwanda (COUTO, 2016).

UNITED NATIONS ACTION DURING THE CONFLICT

LEGAL BASIS OF THE UN SECURITY SYSTEM

The United Nations (UN) was created in 1945, after the end of World War II and it emerges as an international environment that tends to stimulate dialogue between nations so that objectives and purposes can be discussed and cooperation arises in a way deliberate to put actions into practice in order to achieve beneficial results for all (GORDENKER; 2013). To legitimize UN action, countries institutionalized their existence through the UN Charter, signed by 193 countries in the world. Not only was the organization itself institutionalized, but several multinational bodies and agencies were created and sanctioned by states so that they could have legitimacy during their political processes (GORDENKER; 2013).

When the UN was created in 1945, it was assigned the duty of maintaining international peace and security, as well as defining that the Security Council would be primarily responsible for not only maintaining peace, but also restoring it when necessary (OUDRAAT, 1996). The UN Security Council (CSONU) was responsible for what is now known as the “collective security system”, which is, in general, a way of creating and managing conflict resolution methods linked to international organizations. In addition to more traditional mechanisms, such as mediation and arbitration, the collective security system is based on the idea that it is possible to use game theory to change the cost-benefit calculation of each actor, assuming that they are rational actors who will act according to the way that makes you achieve the most beneficial results for yourself (HERZ; HOFFMANN, 2004).

The UN is the most comprehensive international organization that exists in the

international system “for the negotiation of international norms, but it is also an actor, taking positions and producing ideas within the limits established by the States that constituted it” (HERZ, HOFFMANN, 2004, p. 90). That is, the UN has the normative role of legitimizing global norms (which guarantees peaceful changes in the international order), while the States legitimize the existence of the UN through ratification of the Charter.

The UN Charter is the most important document of the organization and was signed at the United Nations Conference on International Organization, in San Francisco, United States, on June 26, 1945 and entered into force four months later, on the 24th of October 1945. The Charter is the starting point of the UN, when the first member states decide:

to preserve future generations from the scourge of war, which twice in our lifetime has brought unspeakable suffering to humanity, and to reaffirm faith in fundamental human rights, in the dignity and worth of human beings, in equal rights of men and women, and of nations large and small, and to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better living conditions within ample freedom. (ORGANIZATION OF THE UNITED NATIONS, 1945; p. 3).

Still in its preamble, the Charter preaches “tolerance” and “living in peace with one another” (UNITED NATIONS ORGANIZATION, 1945; p. 3). The purposes and objectives of the United Nations are laid out in its first article and are summarized in the maintenance of international peace and security, encouraging international cooperation and collective decision-making so that measures are effective in order to avoid threats to the breach of peace and the resolution of conflicts (ORGANIZATIONS

OF THE UNITED NATIONS, 1945).

In order to achieve the objectives, set out in the first article, the Charter also provides well-founded principles in which States must act in accordance. Among them, the main ones for understanding this article are: principle of sovereign equality, that is, all States are sovereign and equal, none is superior to another; the principle of non-state intervention; and the principle of non-use of force, since countries must resolve their conflicts peacefully (UNITED NATIONS ORGANIZATIONS, 1945).

The UN Security Council (UNSC) was the body created with the objective of being the main responsible for the maintenance of international peace and security.

In order to ensure prompt and effective action on the part of the United Nations, its Members confer on the Security Council the primary responsibility for the maintenance of international peace and security and agree that in discharging the duties imposed by that responsibility the Security Council shall act in their name. (UNITED NATIONS ORGANIZATIONS; 1945, p; 19-20).

As stated in the above excerpt from Chapter V, Article 24 §1 of the UN Charter (1945), Member States of the United Nations accept the decisions taken by the Security Council and undertake to carry them out. The UNSC is composed of fifteen members, including five permanent members (United States, Russia, England, France and China), called the P-5, and ten rotating members who are elected for a two-year term by the General Assembly of the United Nations. UN according to geographical distribution. Each member of the Council is entitled to one affirmative vote in making decisions, but the five permanent members (P-5) have the right to veto any decision (ORGANIZATION OF THE UNITED NATIONS; 1945).

Conflict resolution mechanisms are set out in the Charter of the United Nations and

assume that, in principle, disputes must be resolved peacefully, as stipulated in Article 23 of Chapter VI (peaceful dispute resolution) (HERZ; HOFFMANN, 2004).

The parties to a dispute, which may constitute a threat to international peace and security, shall seek, above all, to reach a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial solution, recourse to regional bodies or agreements., or any other peaceful means of your choice. (ORGANIZATION OF THE UNITED NATIONS, 1495; p. 24)

The UNSC can investigate any dispute that it considers likely to cause further conflict between States, just as any State can ask the Council to investigate a situation that it considers a threat to peace. The Council can recommend procedures and actions that must be followed by the States involved, but even following the Council's recommendations, if the parties are unable to resolve the conflicting issues, the most that the body can do is to summon the States involved to try a direct negotiation between them. The CSONU cannot intervene through force or oblige the parties to comply with its recommendations, that is, it has only a recommendatory character, not binding, requiring that the States party to the conflict are willing to cooperate so that there is any type of peaceful HERZ solution; HOFFMANN, 2004, UNITED NATIONS ORGANIZATIONS; 1945).

Thus, the legal basis of the UN collective security system is found in Chapter VII of the Charter (action relating to threats to the peace, breach of the peace and acts of aggression). This chapter discusses the ways in which States can act during a threat to peace when the peaceful solutions prescribed in Chapter VI are not sufficient (HERZ; HOFFMANN, 2004).

The Charter, however, does not clearly define what constitutes a threat, leaving the term broad in terms of its interpretations.

Article 39, already in Chapter VII, gives broad powers to the Security Council to determine the existence or not of any threat to the peace, breach thereof or act of aggression (HERZ; HOFFMANN, 2004; ORGANIZATION OF THE UNITED NATIONS; 1945, OUDRAAT; 1996). It is also the responsibility of the UNSC, under Articles 40 and 41, for measures that may be taken to give effect to the decisions of the Council, without involving the use of armed force, such as “inviting interested parties to accept such provisional measures as they deem necessary or advisable” (ORGANIZATION OF THE UNITED NATIONS; 1945. p. 27) or “complete or partial interruption of economic relations, rail, sea, air, postal, telegraphic, radio, or any other means of communication and the disruption of relations diplomacy” (ORGANIZATION OF THE UNITED NATIONS; 1945. p. 28).

If the UNSC considers that measures without the use of force are inadequate or ineffective, it has a legal basis under Article 42 of the same chapter to take new precautions that include military forces, according to what it deems necessary and efficient. That is, it establishes the possibility of the direct use of force against a State (HERZ; HOFFMANN, 2004, UNITED NATIONS ORGANIZATION; 1945).

Article 42. In the event that the Security Council considers that the measures provided for in article 41 are inadequate, or have been shown to be inadequate, it may take, by means of air, sea or land forces, such action as it deems necessary to maintain or restore security. international peace and security. Such action may include demonstrations, blockades and other operations by air, sea or land forces of members of the United Nations. (...) Article 46. The Security Council, with the assistance of the General Staff Committee, shall make plans for the application of armed forces.

Despite the authorization of the use of

force, the right of individual or collective self-defense is legal and permitted under the Charter. The last article (51) of Chapter VII is, according to Herz and Hoffmann (2004, p. 97) “the most important limitation to the wide discretionary power of the Council in its definition of threats to peace and security”. Article 51 states that:

Nothing in this Charter shall prejudice the inherent right of individual or collective self-defence in the event of an armed attack against a Member of the United Nations, until the Security Council has taken the necessary measures for the maintenance of international peace and security. Measures taken by Members in exercising this right of self-defence shall be reported immediately to the Security Council and shall in no way impair the authority and responsibility which this Charter assigns to the Council to carry out, at any time, the action it deems necessary for the maintenance or restoration of international peace and security. (Charter of the United Nations and Statute of the International Court of Justice, Chapter VII, Article 51, p. 30)

The Charter as an instrument of institutionalization of the UN, despite providing for the actions of the Organization and the Security Council for the maintenance of peace, was not enough for the organization to impose itself effectively with regard to the conflict in Rwanda, when it became kept aloof. Even after humanitarian intervention, with the deployment of UNAMIR in 1992, the UN still did not authorize more effective measures to try to prevent the genocide. As previously mentioned, the person in charge of UNAMIR at the time, General Dallaire, learned of information that civil war could break out at any time and the UN refrained from further interventions to try to contain the armed conflict, which was already happening, but not on the scale of the period of the 100 days of genocide.

PEACE OPERATIONS

With regard to political and operational responsibilities for conflict resolution in the international system, the UN Department of Peacekeeping Operations (DPKO) is considered the lead agency of the organization. In addition, the UN has specific agencies to guide peacekeeping operations, such as the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations High Commissioner for Refugees (UNHCR) (RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

Peace operations do not maintain a standard. Just as the international scenario has changed since the emergence of the first interventions, peacekeeping operations have also evolved over time. The first peace operation was established in 1948 in the Middle East (UNITED NATIONS PEACEKEEPING; 2022). During the Cold War period (1947 - 1991) the main role of the UN in relation to international security was traditional peacekeeping operations. (KENKEL; 2013, PARIS; SISK. 2009). As Kenkel (2013) explains, the evolution of peacekeeping operations began to be divided into generations based on a number of factors, the main ones being: “the level of force used by the military pillar of operations; the type and depth of tasks performed by your civil pillar; and, in the case of the latest generation, greater UN burden sharing with regional organizations”⁹ (KENKEL, 2013, p. 125).

Initially, when peace operations began during the Cold War, they were used as crisis control mechanisms, to try to prevent regional conflicts from escalating to the point of becoming a conflict between the United States and the Soviet Union (OUDRAAT, 1999). Traditional peace operations are also called first-generation peace operations, and

generally took place under the mandate of Chapter VI of the UN Charter, that is, UN patrols did not have heavy weapons. This means that they were lightly armed, being expressly forbidden to use force during missions.

At first they only happened when an armed conflict had already ended and peace - in the sense of absence of violence, in what Galtung (1969) refers to negative peace - needed to be maintained (hence the literal meaning of the English name peacekeeping operations). At that time, the main job was to keep the front lines at bay. Missions were sent to ensure that armed conflict did not recur, seeking to establish an enabling environment through activities such as border monitoring and verification of demilitarized zones. Most of the time, the UN restricted itself to the role of observers in the peace process and did not intervene in domestic policies (KENKEL; 2013, PARIS; SISK. 2009).

At that time, there was also little interest in intrastate conflicts, with the main concern of the international system, and consequently of the UN and peacekeeping missions, being conflicts between states. As previously mentioned, the UN Charter leaves open the definition of what constitutes a threat, in addition, it also leaves the Security Council responsible for defining what is or is not a threat and approving or not a peace mission (OUDRAAT, 1999).

This gap in the definitions was used by the great dominant powers in the bipolar world scenario at the time: the Soviet Union and the United States. Since peace operations needed to be approved by the UN Security Council, since the P-5 has the right to veto and both powers are part of the P-5, very few missions were approved at that time. Both the Soviet Union and the United States were concerned

⁹ Translation of the author. In the original document “the level of force used by operations’ military pillar; the type and depth of tasks conducted by its civilian pillar; and in the case of the latest generation, increased UN load-sharing with regional organizations.” (KENKEL, 2013, p. 125)

about ensuring control of decisions on a case-by-case basis, as it was not advantageous to approve peace operations in countries strategically important to their foreign policy, as this could favor the interests of their opponent, which, consequently, would weaken its own relative power in the face of the international system; therefore, the greater the tension of the cold war, the smaller the number of peacekeeping operations¹⁰(MACQUEEN, 2006; OUDRAAT, 1999). This limited not only the UN's opportunities to act in conflicts, but also made the UN's role in interventions more lenient (PARIS; SISK. 2009).

Three principles were enshrined as the "Holy Trinity" of peace operations (BELLAMY et al. 2010, p. 173-174 apud KENKEL; 2013). The consent of the country that would receive the peace operation was a requirement so that the principles of state sovereignty stipulated and legitimized by the Charter would not be violated. Furthermore, the peacekeeping operation must act impartially to maintain its credibility and not discriminate against any of the parties; and finally, the use of non-violence by the UN was also decisive, since the UN was there to solve the conflict and not to be part of it, as Kenkel (2013) explains:

The interpretation of state sovereignty prevailing during the Cold War era, which created a "vertical relationship" between states' rights and human rights, emphasizing the former (Aksu 2003, 81), imposed strong constraints on the nature of peacekeeping operations. ; these crystallized into three basic principles that (although later significantly altered) guide peace operations to this day, and which Bellamy and Williams (Bellamy et al. 2010, 173-74) termed the "Holy Trinity" of peacekeeping: the consent of the host nation(s); impartiality (equal treatment without discrimination) between conflicting factions; the non-use of force by

United Nations troops. (KENKEL, 2013, p. 126).

There was a change in the international system after the end of the Cold War that resulted in a transformation in the international political scenario. The so-called "new wars" began to take place within the countries themselves, that is, intrastate conflicts and civil wars and no longer just wars between states; and that were mostly caused by identity issues, such as religion and ethnicity (KALDOR, 2007b apud KENKEL, 2013). This made the demand for peace operations around the world increase, at the same time that, with the end of bipolarity, the Security Council was able to reach consensus more easily (MACQUEEN, 2006), also increasing what Kenkel (2003 apud Hillen, 1998) calls the "supply" of peace operations (KENKEL, 2013; MACQUEEN, 2006). Conflicts that were basically the result of the bipolarity of the world scenario were now much more complex, since in addition to being regional (and often intra-state) conflicts, they mostly involved issues that formed part of people's identity (KENKEL; 2013, MACQUEEN; 2006).

The changes and new complexities of conflicts and the international system provided a new way for the UN to act, giving it greater freedom to become more directly involved in the attempt to resolve conflicts. Peacekeeping missions have become more complex and ambitious. Missions began to be authorized in situations where armed conflicts were still going on, to help with the transition from violence to peace, in addition, other functions of operations involved organizing elections, delivering and monitoring human rights, disarmament, demobilization and reinstatement (DDR)¹¹, assisting refugees,

10 As a curiosity, according to Norrie MacQueen (2006), only thirteen peace operations were carried out during the Cold War period, and from 1978 to 1988 there was not even an approval of a new mission by the Security Council.

11 DDR also known as "disarmament, demobilization and reintegration." For more information on the subject, visit <https://peacekeeping.un.org/en/disarmament-demobilization-and-reintegration>.

building government capacity, and even temporarily taking over the administration of an entire country (as happened in Cambodia - UNAMIC) (KENKEL; 2013, PARIS; SISK, 2009).

Another important factor of the second generation missions is the increase in civilian functions, that is, in addition to military troops whose objective was to end the armed conflict and maintain peace, tasks that civilians were sent to carry out were also incorporated into the missions. them, as humanitarian aid (KENKEL, 2013). As was the case of the Somali peacekeeping mission (UNOSOM I and UNOSOM II), which had as its background the emergence of a humanitarian discourse in the intervention, but which failed exorbitantly, raising even more the issue for future operations, such as the one in Rwanda. (WEBEL; GALTUNG, 2007).

Although the missions already contain aspects of peacebuilding, which are characteristic of the fourth generation (which will be detailed later), these missions were linked to Chapter VI of the UN Charter, and therefore to the principles of non-state intervention - except with the authorization of the host State - and of sovereignty. Which meant that, in reality, the resolution of conflicts would only be achieved, in fact, if the parties were willing to collaborate (KENKEL; 2013).

Trying to understand all these changes on the international scene and trying to keep up with them, the UN, through its then Secretary General Boutros Boutros-Ghali, launched in

12 Our translation. In the original document “In his 1992 policy statement An Agenda for Peace, UN Secretary-General Boutros Boutros-Ghali presented a conceptual map of these new mission types (Boutros-Ghali 1992). He defined “peacekeeping” in traditional terms, as lightly armed missions that would mainly perform observation functions. His second category of operations—peace enforcement—involved more heavily armed contingents authorized to use force to achieve purposes other than self-protection. A third category of missions—post-conflict peacebuilding— aimed “to strengthen and solidify peace” in the aftermath of “civil strife.” According to Boutros-Ghali, peacebuilding might include such functions as “disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation” (1992, para. 55). In addition, Boutros-Ghali underlined the importance of preventive diplomacy, or efforts to ease tensions before they result in conflict, which might include the “preventive deployment” of UN forces in order to avert violence. (PARIS; SISK, 2009, p. 5)

1992 an Agenda for Peace, in which the role of peace operations in the peacekeeping system is highlighted. collective security in the post-Cold War world, emphasizing not only the military role of peacekeeping, but also adding the importance of civilian functions in peacebuilding, peacemaking (KENKEL, 2013; MACQUEEN, 2006).

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However, the number of civil tasks together with the previously existing military tasks created an expectation of conflict resolution

that the UN was not able to fulfill for several reasons. Among them, the UN did not have the necessary military capacity to impose peace (peace enforcement) and, often, not even to guarantee the safety of its personnel who were on civil and humanitarian missions in the conflict. In addition to issues of material resources, there were still many restrictions at the time that prevented the UN from actually fulfilling its military peacemaking tasks.

Typical civilian tasks for second-generation missions, in addition to classic first-generation military mandates, include organizing elections (essential for turning violent conflict into political dispute); disarmament, demobilization and reintegration (DDR); delivery of humanitarian aid; promoting human rights, assisting refugees and building government capacity. Another important development is the increased deployment of police forces (Diehl 2008, 57), both as trainers and in formed units responsible for law and order, which are now considered a third pillar in their own right.¹³ (KENKEL, 2013, p. 127).

Despite the UN's well-intentioned attempt to make this new model of peace mission work in the face of changes in the international scenario, permission for the use of military force continued to be disallowed (with very rare exceptions), that is, second-tier missions generation continued for the most part to be bound by the peaceful resolution of disputes, linked to Chapter VI of the UN Charter. This means that the UN was often unable to fulfill what was intended at the beginning of the mission, and very often it had to propose changes in its mandates to try to reach a solution (KENKEL; 2013). Generally

speaking, "this meant that the success of these missions depended on the goodwill of the parties to the conflict and, often, on the weight of the moral persuasion of the UN"¹⁴ (KENKEL; 2013, p. 129).

With the end of the Cold War, peacebuilding missions became the UN's main activity with regard to peace and security issues. After a series of failures in peacekeeping operations that followed the second-generation model, such as the intervention in Somalia, Rwanda, Angola, Liberia, Mozambique and Bosnia from 1989 to the mid-1990s, the third generation emerges without changing significantly with regard to the tasks (civil and military) stipulated since the second generation, but with significant changes with regard to how to implement peace (KENKEL, 2013, PARIS; SISK, 2009, p. 5).

Third-generation peacekeeping missions remained much like second-generation peacekeeping missions without significant changes in the nature of the mandates. Basically, the main change that emerged in the third generation was the understanding by the UN that the use of force to impose peace was necessary on certain occasions, especially when the parties in question refused to collaborate with attempts to implement peace.. This permissiveness opened a dialogue for the relativization of the principles of sovereignty and non-intervention versus human rights. (KENKEL; 2013).

The three great failures of the second generation peacekeeping missions, Somalia, Rwanda and Bosnia, brought different perspectives to the UN on why missions must have the use of force relaxed in favor of the

13 Our translation. In the original document "Typical second-generation missions' civilian tasks, added on top of classic first-generation military mandates, include the organization of elections (essential to conflict transformation from violent to political contestation); disarmament, demobilization and reintegration (DDR)¹⁰; humanitarian aid delivery; human rights promotion, refugee assistance, and government capacity-building. A further important development is the increasing deployment of police forces (Diehl 2008, 57), both as trainers and in formed units responsible for law and order, which are now considered a full third pillar of peace operations" (KENKEL, 2013, p. 127).

14 Our translation. In the original document " (...) this meant that the success of these missions would depend on the good will of the conflict parties, and in large part on the weight of the UN's moral suasion" (KENKEL, 2013, p. 129).

use of civilian protection and humanitarian protection, such as the principle of state intervention that must also be more tolerant, especially when dealing with failed or even weak states. The third principle of the “holy trinity” of peace operations, impartiality, was also called into question when one side was much stronger than the other, causing crimes such as the genocide in Rwanda:

The United Nations Operation in Somalia (UNOSOM) demonstrated that UN action with humanitarian objectives may be necessary in failed states where there is no government to give consent (inter alia, Diehl 2008, 57), and that whatever consent is given may fade over time; the manipulation of Croatian and Bosnian consent for the United Nations Protection Force (UNPROFOR) to buy time to rearm during the UN arms embargo illustrated further problems with this concept. The Rwandan genocide revealed major problems with both impartiality and the non-use of force: in the face of blatantly obvious mass killings, which had been repeatedly pointed out by the military force commander of the United Nations Assistance Mission for Rwanda (UNAMIR) himself (Dallaire 2004), UNAMIR was not authorized to use force to take preventive measures due to the Department of Peacekeeping Operations (DPKO) insisting on the Chapter VI nature of its mandate. (KENKEL; 2013, p. 130).

The way the UN found to overcome these failures was to increase the permissiveness of the use of force, linking its missions to Chapter VII of the UN Charter. The increased use of force directly influences the moral balance between sovereignty and non-state intervention and, on the other hand, human rights (KENKEL; 2013).

Public international law elevates individuals to the condition of subjects of international law, making the traditional concept of absolute state sovereignty more flexible, also guaranteeing them access to international courts, by providing legal instruments with

which they can claim and defend their rights. fundamental rights violated. Before the end of World War II, humanitarian issues were only part of the international agenda when a certain war was taking place. Topics such as respect for minorities within national territories and rights of political expression were practically not addressed, in order not to harm the hitherto undisputed and absolute principle of sovereignty (MAZZUOLI).

After the holocaust, a global system for the protection of human rights emerged within the framework of the United Nations, both of a general nature (such as the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, both from 1966), or of a specific nature (for example: international Conventions against torture, racial discrimination, discrimination against women, violation of children’s rights, etc.). Since then, the treatment of the human rights issue has changed. It placed the human being, in an unprecedented way, in one of the pillars until then reserved for States and international organizations, elevating him to the category of subject of public International Law (MAZZUOLI).

Paradoxically, International Law, made by States and for States, increasingly began to deal with the international protection of human rights in favor of the individual against the State itself, the only legally recognized person responsible, meaning this new element a qualitative change for international society, since the law of nations would no longer be linked only to particular national interests, but would also concern the rights of individuals in the international legal context (MAZZUOLI).

This change in point of view became much more concrete during the 1990s, when they realized that States were no longer able to maintain the security of their own citizens, as was the case in Rwanda. This perception made States and international organizations

consider human rights as a central issue, even placing them ahead of the principles of non-intervention and state sovereignty, and this was the major milestone and difference between the second and third generation of mission's peace (KENKEL; 2013).

It is important to stress that there is no complete consensus with regard to the exact delimitation of what each generation of peace is. Operations were becoming increasingly cross-functional and complex, that is, they were built on cumulative ways of tasks. In addition, several took place simultaneously (mainly after the end of the Cold War). There is, then, an overlap of the definitions and missions of each generation (KENKEL; 2013, PARIS; SISK, 2009, p. 5). The purpose of qualifying missions in generations is to better understand the analytical and practical contours during the historical process, and this does not detract from its validity (KENKEL; 2013).

Paris and Sisk (2009), consider that there was the first generation of peace operations (peace operations) during the Cold War, but that the first generation of peacebuilding operations took place between 1989 and 1997, and that these missions revealed the inexperience of the international community in dealing with conflicts. They list as the main problems of the first generation of peacebuilding, the short terms of office, which were concentrated in the first two years, usually after a successful election, but did not have the concern to create institutions capable of maintaining a lasting peace. From the late 1990s and early 2000s, peacekeeping missions, according to these authors, began to expand in search of ways to achieve stability through the reform of public administration systems.

For Kenkel (2013), the missions are divided into five generations: the first generation missions, which occur during the Cold War

and which are fully linked to Chapter VI of the Charter, which need permission from the hospitable country to receive the mission, fully respecting the principles of non-state intervention, non-use of force by UN troops and impartiality; second generation missions, which take place shortly after the end of the Cold War in the context of new wars, when there is an increase in the supply and demand for missions, with the incorporation of civilian troops, but which are still linked to Chapter VI of the Charter of the UN and that depend on the will of the parties to guarantee the success of the operation. The third-generation missions are more complex operations, linked to Chapter VII of the Charter, where there is the possibility of using force and the pursuit of long-term peace, which generally take place in the second half of the 1990s. Fourth-generation missions take place in the early 2000s, which is when civilian tasks increase and the use of force rises due to the need for peacebuilding. Finally, the fifth-generation missions, which have a hybrid character and occur together with local regional organizations (KENKEL, 2013).

Despite the difference in the nomenclature of the classifications, they are divided for the same reasons. The genocide in Rwanda, the way in which UNAMIR took place and the way in which the UN and the international community lead with this operation was a milestone for the analysis of scholars of peacekeeping operations. Kenkel (2013) argues that third-generation peace operations are based on the enforcement they began to have after the great failures: Rwanda, Somalia and Bosnia, with missions linked to Chapter VII of the UN Charter, from then on.

The big difference between the second and third generation missions (according to the nomenclature of Kenkel, 2013) is the recognition that the principles of the holy trinity were destined to fail the mission, and

that they must be made more flexible in certain cases, linking the missions to Chapter VII; in addition to the recognition that government structures capable of maintaining peace after the end of the conflict must be created, so that, during the post-war period, the local government could have autonomy and effectiveness and get rid of external assistance (KENKEL, 2013). All these points are also raised by Sisk and Paris (2009), in what they call the second post-Cold War generation, known as peacebuilding.

This was a big step not only for the history of peace missions, but also for the history of International Relations. The Westphalian State is the one that has a legitimate monopoly on the use of force in a given territory, and the tolerance of the use of force by a third party in the territory puts the entire Weberian concept of State in check. In addition, the relaxation of the principle of non-intervention also contradicts the very concept of state sovereignty, a fundamental concept for the existence (and coexistence) of States in the international anarchic system.

UNAMIR

After the Arusha Peace Treaty was signed, a peacekeeping mission to Rwanda was authorized to help implement it (SECURITY COUNCIL, 1993). At first, the mission had been planned in four phases and would last two years: the first phase basically consisted of the installation of a headquarter, the demilitarization of Kigali as a way to help guarantee its security and the monitoring of peace, that is, guaranteeing that the parties did not escalate the conflict and abide by the Arusha agreement. In phase II, preparations began for the demobilization of both parties to the conflict and their military integration to form a single Rwandan national army. For the third phase of the mandate, the conclusion of phase II was foreseen through the creation

of a demilitarized zone and, finally, the last phase would be the supervision of peace, demobilization and demilitarization until the new elections (DALLAIRE; POULIN, 1995; RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

During all phases it was also envisaged that UNAMIR was responsible for ensuring security in the capital of Rwanda (Kigali) and providing protection for refugees seeking to repatriate and displaced persons, in addition to other humanitarian aid (DALLAIRE; POULIN, 1995; RAMSBOTHAM; WOODHOUSE; MIAL, 2005). It can be observed that the mission began during a period in which, despite already having episodes of violence, the war had not reached its end. It was only in April 1994, after the plane crash of the President of Rwanda, Habyarimana, that the war actually broke out and the genocide began with attacks on Tutsis and mass deaths (RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

The decision for a peacekeeping mission to be sent to an intra-state conflict is the responsibility of the Security Council, as has been said before, but whether the UNSC decides to do something or not depends on two main factors: whether the conflict poses a threat to peace and international and/or regional security; and whether UNSC member countries are willing to do so (OUDRAAT, 1999). The Security Council, obviously, decided that the conflict in Rwanda, although internal, put the region at risk and decided to send the mission. However, the mission was designed along the lines of the second generation of peacekeeping operations, that is, extremely linked to Chapter VI of the UN Charter, without authorization for the use of force to fulfill the mandates:

The hands of the United Nations were also tied; and, since it had no powers resembling that of a sovereign state, it could only act with

the consent of the international community under the auspices of the Security Council. While the individual members of that body [CSONU] procrastinated and pursued national agendas, the organization remained relatively powerless. Consequently, little could be done to stop the fighting from spreading across the country, as some 60,000 government and rebel troops were engaged in a civil war and UNAMIR had only 2,500 poorly trained troops.¹⁵ (DALLAIRE; POULIN, 1995, p. 68-69)

The General Dallaire¹⁶ and Captain Poulin¹⁷ (1995) claim that the UN's attempt to expand actions in peacekeeping missions was not effective, as there was a lack of resources that prevented the amount of staff and equipment. When the war broke out and the genocide began, the Blue Helmets practically had their hands tied and could do practically nothing. While in UN offices they debated what to do, deaths reached 8,000 to 10,000 per day in the country (DALLAIRE; POULIN, 1995). After the Belgian government, which had one of the main contingents in Rwanda, unilaterally withdrew (when ten of its soldiers who made up the UNAMIR forces were brutally murdered), Brutus Brutus-Ghali informed the UNSC that there was no longer any way to follow the UNAMIR mandate. operation as predicted (DALLAIRE; POULIN, 1995, RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

On that occasion, the UN decided to reduce UNAMIR forces, which would only remain in the capital and act as an intermediary in attempts to negotiate a ceasefire (RAMSBOTHAM; WOODHOUSE;

MIALL, 2005). The number of soldiers in the mission was reduced from 2,500 to just 450, precisely during the days when the genocide was at its peak (DALLAIRE; POULIN, 1995). The UN was practically absent when it was most needed, during the 100 days of the massacre (RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

In general, UNAMIR, despite having been designed in a well-intentioned way, had limitations both in terms of its mandate and operational limitations, which resulted in an expectation of reconciliation that was extremely frustrated, generating very high human costs. The failure of UNAMIR (and other missions that took place along the same lines and at the same time, as was the case in Somalia – 1992 – and Bosnia – 1995) brought to light several debates on conflict resolution, the role of the UN and the peacekeeping missions. But the main issue brought up for debate was the use of forces in peacekeeping operations.

General Dallaire, responsible for UNAMIR, warned months before about the Hutu plan for ethnic cleansing and extermination of Tutsis and the warning was ignored by the UN (DALLAIRE, 2004 apud KENKEL, 2013; RAMSBOTHAM; WOODHOUSE; MIAL, 2005). The Security Council's lack of determination to act on what had been happening and to authorize the use of force was one of the main culprits for the failure of the mission. General Dallaire's warning was ignored as the organization refused to take more proactive measures (which included authorizing pre-emptive strikes and the

15 Author's translation. In the original "The hands of the United Nations were also tied; and since it possessed no power akin to that of a sovereign state, it could only act with the consent of the international community under the auspices of the Security Council. As long as the individual members of this body procrastinated and pursued national agendas, the organization remained relatively powerless. Consequently, little could be done to stop fighting from spreading throughout the country given that some 60,000 government and rebel soldiers were engaged in a civil war and UNAMIR had only 2,500 poorly trained troops" (DALLAIRE; POULIN, 1995, p. 68-69).

16 Deputy Commander of the Canadian Army and commanded UNAMIR;

17 He served as the African Regional Officer in the International Policy Directorate of the Canadian Department of National Defense.

use of force, actions under Chapter VII) as the nature of its mandate was linked to the Chapter VI of the UN Charter (KENKEL, 2013; RAMSBOTHAM; WOODHOUSE; MIAL, 2005).

This second generation of UN peacekeeping missions was only authorized in contexts of constant violence (KENKEL; 2013), and despite being the case in Rwanda, which happened before the outbreak of war, it was not considered a war and/or genocide yet., and, therefore, a mission of direct intervention, and not just assistance, had not been authorized. This was one of the UN's biggest mistakes, considering that if the organization had given greater importance to General Dallaire's warning, it could have prepared itself and sent a larger contingent of soldiers to contain what was happening in the African country before the conflict. reach the peak.

From a point of view of the rational calculation of conflict resolution, the timing to act during a conflict is of extreme importance, while in many situations extensive dialogues can become a waste of time (WALLENSTEIN, 2002). This is exactly what happened in Rwanda: while the conflict was already escalating rapidly and steadily, and even after the conflict broke out, the UN wasted a lot of time debating what could be done and how the mandate could be changed, and wasted moments times in which she could have acted and perhaps even prevented the genocide from happening or put an end to it earlier.

LESSONS FOR NEXT GENERATIONS

In general, the failure of UNAMIR opened a dialogue on the relativization of the three basic

18 Our translation. In the original "However, the growing gap between the tasks and expected outcomes of UN operations and the means placed at their disposal—both material and in terms of restrictions on their ability to enforce military compliance with their mandates—would lead to three devastatingly failed missions whose lessons would lead to a profound rethinking of UN peace operations. The "big three" failures of peacekeeping in the 1990s include the organization's failure to prevent or limit the Rwandan Genocide in 1994; its inefficacy in bringing about a political accord, coupled with relatively heavy military losses, in Somalia; and its failure to protect civilians and itself in Bosnia, symbolized by the 1995 Srebrenica massacre." (KENKEL; 2013, p. 129)

commandments of peace operations. With the growing concern about human rights from the failures of missions that occurred in the early 1990s, questions about state sovereignty and the principle of non-intervention began to be relativized when there was a very high human cost. Three missions, in particular, were known for their humanitarian failures and made the UN rethink peacekeeping operations: the peacekeeping missions that took place in Rwanda UNAMIR; UNASOM, which took place in Somalia in 1992 and 1993; and UNMIBH in Bosnia in 1995 (KENKEL; 2013).

However, the growing gap between the tasks and expected results during UN operations and the means placed at its disposal - both materially and in terms of constraints on its ability to assert itself militarily during its mandates - would lead to three devastatingly failed missions. whose lessons led to a profound rethinking of UN peacekeeping operations. The "big three" failures of peacekeeping operations in the 1990s include the organization's failure to prevent or limit the 1994 Rwandan Genocide; its ineffectiveness in promoting political settlement, coupled with relatively large military losses, in Somalia; and its failure to protect civilians and itself in Bosnia, epitomized by the 1995 Srebrenica massacre.¹⁸ (KENKEL; 2013, p. 129).

The idea of impartiality could also begin to be relativized when one group was much stronger than the other, making the dispute unequal and unfair. Finally, the non-use of violence by the UN was also made more flexible, allowing the UN, through its peace operations, to issue mandates that operate in Chapter VII. In this new international

scenario, “finding an effective way to address human crises has come to occupy a central place in the logic of peace operations.”¹⁹ (KENKEL, 2013, p. 124).

Third-generation peace operations come with all these traumas and learnings. They are called peace enforcement, since they no longer depend on the authorization of the country in conflict for intervention, when there are violations of human rights and high human costs. Although the objectives and tasks of the missions are very similar to those of the second generation, the mode of operation is different. Third generation missions are usually already tied to Chapter VII, allowing the use of force in certain situations. It is perceived that a balance emerges between the principles of non-intervention and non-use of force due to the greater concern with human rights and vulnerable populations. Human rights began to have a normative basis and often the individual’s right was emphasized to the detriment of the State’s right. These new third-generation peace operations, which have human rights as their main concern, are called humanitarian interventions (KENKEL, 2013).

Kenkel (2013, p. 130) specifically cites the Rwandan genocide when he says that “impartiality” and “non-use of force” were the biggest problems encountered during UNAMIR, and that the lack of permission for the UN to take preventive actions, insisting in linking only to chapter VI, generated a great moral dilemma. This dilemma centered on the increased use of force and the relativization of concepts of state sovereignty and non-intervention in the name of human protection

(KENKEL; 2013). At that time, in the context of the international scenario, international rights were becoming more and more systematized and the individual was seen as an actor in the international system for the first time, having his rights increasingly highlighted.

The first intervention that took place in the name of purely humanitarianism was made without the consent of the UN Security Council by NATO (North Atlantic Treaty Organization), in the conflict in Kosovo, in 1999.

The first intervention to claim purely or even predominantly humanitarian motivation was the North Atlantic Treaty Organization (NATO) action against Yugoslavia in the Kosovo conflict in 1999. This originally flagship third-generation operation - which initially went ahead controversially without Security Council endorsement, and later served as the basis for a fourth-generation peacekeeping operation that is still ongoing—highlights an important feature of carrying out peace-enforcement missions. (KENKEL; 2013, p. 132)²⁰.

Overall, Rwanda was a UN mistake that resulted in a great deal of learning for future missions. His lessons have applications even today. Currently, there is talk of fifth-generation peacekeeping missions, and they remain with the flexibility of the use of force, as the missions also remain linked to Chapter VII. The discourse that was opened in the 1990s, both on humanitarianism and on the use of force, is still perpetuated today and is gaining more and more evidence.

Humanitarian interventions came to prominence in international debates and the use of force and the military apparatus came

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20 Author’s translation. In the original document “The first intervention to claim purely or even predominantly humanitarian motivation was the North Atlantic Treaty Organization (NATO) action against Yugoslavia over the conflict in Kosovo in 1999. This originally emblematic third-generation operation—which initially controversially went ahead without the endorsement of the Security Council and later served as the basis for a fourth-generation peace operation that is still ongoing—highlights an important characteristic of the carrying-out of peace enforcement missions.”

to be justified by the responsibility to protect the lives of civilians who were in vulnerable situations, without a state agent to guarantee their lives and dignity. The intervention in Libya, in 2011, was justified by humanitarianism, and cases such as Rwanda were cited to justify the operation. The “Responsibility to Protect” (R2P) was institutionalized and used in favor of interventions (DUNNE, GIFKINS; 2011).

Despite the controversies that arose in the military intervention in Libya, what is, in fact, important to highlight in this article is the relevance that the debate generated in the 1990s, with the disasters in Rwanda, Somalia and Bosnia, had in the following years, regarding the use of force in peacekeeping operations.

CONCLUSION

The conclusion of this article is that peace missions had, in fact, a great evolution after the end of the Cold War, but failed to keep up with changes in the international system. UNAMIR's failure was due to the lack of prior action to try to contain the conflict and the failure to use force to stop the killing that was taking place, with the justification that they must follow Chapter VI of the UN Charter. This lack of flexibility in linking to Chapter VI resulted in a genocide that left 800,000 dead.

All of this, along with other missions that also focused on the same point, opened the dialogue between scholars of conflict resolution and also among policy makers about the extent to which force can be used in peacekeeping missions, making the use of force more flexible. In future missions as a way to enforce peace. It is understood that the missions of the generations following these have developed and evolved with their mistakes and had lessons that helped to design the following generations, linking the interventions in Chapter VII of the UN charter and justifying the use of force and

previous intervention in the Responsibility to Protect.

REFERENCES

- COUTO, Andreia T.; **Colonização centro-africana e seus desdobramentos: o genocídio de Ruanda**. História em Tempos de Crise. XX Encontro Regional de História. UFTM. Uberaba/MG. 2016.
- DALLAIRE, R; POULIN, P. **UNAMIR: Mission to Rwanda**. Center for Counterproliferation Research National Defense University Washington, DC. (p. 66-71) Spring 1995. <https://apps.dtic.mil/sti/pdfs/ADA423206.pdf>
- Dunne, T and Gifkins, J (2011) **Libya and the state of intervention**. Australian Journal of International Affairs, 65 (5). 515 - 529. ISSN 1035-7718 DOI: <https://doi.org/10.1080/10357718.2011.613148>
- HATZFELD, Jean. **Una temporada de machetes**. Editor digital: Titivillus. 2003. Traducción: María Teresa Gallego Urrutia, 2004.
- HERZ, Mônica; HOFFMANN, Andrea. **Organizações internacionais: história e práticas**. Rio de Janeiro: Elsevier. 10ª edição. 2004.
- HINTJENS, Helen. **When identity becomes a knife: Reflecting on the genocide in Rwanda**. Ethnicities. 2001 v.:1 n.:1 p. 25 -55.
- HINTJENS, Helen. **Explaining the 1994 genocide in Rwanda**. The Journal of Modern African Studies. 1999, Vol. 37(2), p. 241-286.
- KENKEL, Kai M.. **“Five generations of peace operations: from the ‘thin blue line’ to ‘painting a country blue’”**. Revista Brasileira de Política Internacional. Vol. 56, No. 1 (2013); pp. 122-143.
- MACQUEEN, Norrie. **Peacekeeping and the International System**. Routledge. New York: 2006.
- MENDONÇA, Marina. **O genocídio em Ruanda e a inércia da comunidade internacional**. BJIR, Marília, v.2, n.2, p.300-328Maio/Ago. 2013.
- MIALL, Hugh; RAMSBOTHAM, Oliver e WOODHOUSE, Tom. **Contemporary Conflict Resolution: the Prevention, Management and Transformation of Deadly Conflicts**. Cambridge: Polity, 2005.
- NAÇÕES UNIDAS. Carta da Organização das Nações Unidas (24 out. 1945). Disponível em: http://www.planalto.gov.br/ccivil_03/decreto/1930-1949/d19841.htm. Acesso em: 14 de dezembro 2021.
- NAÇÕES UNIDAS. CONVENÇÃO PARA A PREVENÇÃO E A REPRESSÃO DO CRIME DE GENOCÍDIO. Paris. 1948. Disponível em http://www.planalto.gov.br/ccivil_03/Atos/decretos/1952/D30822.html Acessado em 05 de abril de 2022.
- NAÇÕES UNIDAS. DEPARTMENT OF PEACEKEEPING OPERATIONS, Unamir background. Disponível em <https://peacekeeping.un.org/sites/default/files/past/unamirFT.htm>. Acessado em 13 de dezembro de 2021.
- NAÇÕES UNIDAS. DEPARTMENT OF PEACEKEEPING OPERATIONS, Unamir Mandate. Disponível em <https://peacekeeping.un.org/sites/default/files/past/unamirM.htm>. Acessado em 17 de dezembro de 2021.
- LOUDRAAT, Chantal. **The United Nations and the Internal Conflicts**. In: BROWN, M., International Dimension of internal Conflict. London: MIT Press, 1996.
- PARIS, Roland; SISK; Timothy D. **Introduction: Understanding the contradictions of postwar statebuilding**. In: The Dilemmas of Statebuilding: Confronting the contradictions of postwar peace operations. Edited by Roland Paris and Timothy D. Sisk. Routledge. 2009.
- WALLERSTEIN, Peter. **Understanding Conflict Resolution: War, Peace and the Global System**. London: SAGE Publications, 2002.
- WEBEL, Charles; GALTUNG, Johan. **The Handbook of Peace and Conflict Studies**. Routledge, New York, 2007.
- Doc: Revista Kangura, nº 06, dezembro de 1990. Disponível em: https://repositories.lib.utexas.edu/bitstream/handle/2152/9315/unictr_kangura_006a.pdf?sequence=19&isAllowed=y. Acesso em 15 de dezembro de 2021.