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**Performance of the UN Peace Forces in the Rwanda and Srebrenica
Genocides**

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Introduction

After the fall of the Berlin Wall, the current Secretary General of the United Nations, Boutros Boutros-Ghali produced a document called 'An Agenda For Peace' and sent it to the UN General Assembly in 1992. In this document, different parameters are set so that the UN Peacekeeping Operations can perform under three specific principles: Preventive Diplomacy, Peacemaking and Peacekeeping. Simultaneously, there were conflicts developing in the world: A civil war started in Rwanda since 1990 and Bosnia – Herzegovina was experiencing a war in 1992 due to the breakup of Yugoslavia. Both conflicts tested the UN Peacekeeping Operations but ended up producing the Rwandan and Srebrenica Genocides.

The UN Peacekeeping Operations also known as Blue Berets or Blue Helmets are the United Nations' military force. Also, they are responsible of promoting peacemaking and peacekeeping in conflict zones by monitoring the correct implementation of peace and disarmament processes, disarmament of fighters and humanitarian aid in such areas. It is composed with military personnel of the UN member states and perform under the Security Council orders.

The main topic of the current research lies on making a concrete analysis to prove if there were reasons in common that led both performances of the UN Peacekeeping Operations to act in an arbitrary manner in the missions of Rwanda in 1994 and Bosnia – Herzegovina in 1995 which eventually ended up in the genocide and killing of nearly eight 800 thousand people in the first and 8372 men in the latter. Such genocides brought social, humanitarian and political issues. It also caused an ethnic imbalances in both Rwandan and Bosnian societies vulnerable to the dangers of human trafficking organizations.

The research line in this investigation focuses in analyzing if there is a reason in common that caused the UN Peacekeeping Operation to fail to protect the human rights of the citizens of Rwanda and Bosnia – Herzegovina. The motivation is to analyze the crimes against humanity through this investigation in both cases in which the violations to the human rights have been perpetrated by intergovernmental institutions such as the UN which is the main institution responsible to keep harmony among its member states.

The first chapter is focused on the theoretical framework that encompasses the performance of the UN Peacekeeping Operations from the liberal and realist points of view. The liberal theory invokes the liberal institutionalism which encourages the creation

of international organizations such as the United Nations. The realist theory uses the morality among the international community and the refusal to let violence expand more than it already has expanded in the conflicts as the main reasons to justify the presence of the UN Peacemaking Operations.

The second chapter will address the Rwandan and Bosnian cases individually analyzing them from the political and social background that triggered the latter conflicts which called for the presence of the UN Peacemaking Operations highlighting the important milestones that became a turning point in the performance of this organization. By pointing out the important events it will be possible to compare and analyze the mistakes of each practical case.

In the final chapter of the research the conclusions will contribute to understand and improve the issues that exist in human rights practices in peacekeeping operations, a fundamental part of international relations. These issues, such as international humanitarian law, the sovereignty of States and the processes that inter-State organizations follow in order to protect a country. The results of this investigation will hopefully help to clear up the circumstances that might appear again in the future, taking into consideration that the world currently lives in an imminent conflict situation.

Chapter 1: Analysis to support UN Peacekeeping Operations

The UN Peacekeeping Operations are an entity which acts under the command of the Security Council, an entity in with the right to veto¹ are the reflection of the United Nations (UN) in terms of peacemaking and peacekeeping. The Security Council is also the highest body in decision making among the organization. To get to the current decision making process, the UN has come a long path leaving the League of Nations behind to finally evolve in the current organization that it is now, after World War II.

The aim of highlighting peace and international security in Article 1 of the Charter of the UN is to avoid conflict and focus on a liberal doctrine that achieves this goal by building friendly relations between States that are willing to form in order to maintain peace in the international stage. On one hand the liberal institutionalism movement is the main source for supporting the creation of international organizations which are agents that ease the

¹ Veto: Refers to the veto power wielded by the five permanent members of the United Nations Security Council (United States, United Kingdom, China, France, Russia) that allows them to prevent the adoption of any resolution

achievement of international cooperation and common goals of the global community. On the other hand, it seeks the creation and adoption of laws which are accepted and adhered by all States, based on their sovereignty, freedom and reality. Given the establishment of friendly relations plus the creation of common laws, the scenario advances to giving birth to international organizations. This will be the main channel used to achieve the wishes of peace and cooperation that the international order has.

The appearance of conflict is a reality that unbalances the liberal doctrine which is pursued by the UN. It is the main reason that sparked the Rwandan and Bosnian genocides. This conflict arises when the UN goes against realist features that prevailed after the Cold War: national interests pursue, civil wars and the search of power through military clashes.

1.1 Liberal Theory

The human being has always searched to improve the tools and methods at his disposal since his first survival needs to the more complex needs that appeared as he developed. The man, being by nature a social being has always looked for association among his peers, from hordes, clans and confederation of states to end up with the appearance of the modern state which is the most advanced form of political organization in the current world order.

Starting from the Peace of Westphalia² in 1648 when the modern State was conceived, several criteria appeared discussing how this institution should work regarding its population. In the eighteenth century the academics of the time justified in their writings the role that the modern State fulfills according to its people's natural behavior.

Men are incapable of acting with supernatural powers, so they appeal to the creation of rules accepted by everyone (Rousseau, 1762). By creating norms which have general acceptance of the population, coexistence acquires a special feature that eases the resolution of conflicts in the community. Such issues can generate points of interest in which the stratum or social class of each individual will prevail over the interests of someone else's. To solve this, Rousseau justifies the reason for the creation of institutions and union of common forces:

² Peace of Westphalia: Refers to a number of treaties that established a new system of political order that lied under the concept of sovereignty

"The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before." (Rousseau, 1762).

This premise implies that every citizen of the modern state has its own set of interests and goods, and under this attributed condition, the population must respect and accept the rules set in the Social Contract³ to achieve harmony between the state and its people. The link that the State – Population relationship forms, the latter will establish a series of rules transferred to the state that will be used to protect the interests of the people: the laws.

Laws are at service of the collective so that points of interest can be resolved amongst the population. Modern liberal authors assert that in the present and the future, the peoples can unite to keep a peaceful global society through norms (Rourke, 2008). At the same time, rules are used to protect the individual from his state and from other external circumstances such as war.

Towards the end of the eighteenth century, the liberal vision of the role of the State with its citizens was enriched with the appearances of the Kantian project which takes the State, independent by its nature and places it in a position of sovereignty in which it cannot be owned by another equal giving it a pacific and independent position on the global stage. If a State is owned by another, it would mean that its existence and its elements are invalid (Kant, 1795).

In order to institute the protection of State's human element: the people, governments must appeal to use their armies, which are not permanent in its duties but are composed by its citizens who periodically control and protect the population. In *Perpetual Peace*, Immanuel Kant analyzes the premise that "standing Armies shall be entirely abolished in the course of time" (Kant, 1795). The continuity and availability of armies make the conflict situation to be intrinsic, which is why Kant institutes the term 'standing' with reference to the armies that describe the ideal continuity that military forces must have in a State. The availability of the armies is backed up by elements of foreign policy and mainly by the monetary resources that can be designated to this mission, which leads to

³ Social Contract: A book written by Jean-Jacques Rousseau that mainly discusses the freedom and equality of individuals while being ruled by a State founded on a social contract

the next premise of Kant which has to do with the economic resources linked to war: “No national debts shall be contracted in connection with the external affairs of the State” (Kant, 1795). In this article the action of contracting debts is seen as the withdrawal of funds addressed for causing the war which according to the author become the main cause to avoid a *perpetual peace* in society. As a response to the issue regarding resources destined for war, Kant proposes the use of laws to veto any type of indebtedness which has the purpose of encouraging conflict, justifying the prohibition with the appearance of possible imbalances in domestic economy (bankruptcy) and an imminent threat to the security and interests of other States.

One century prior Rousseau and Kant publications, English philosopher John Locke tried to explain the scope in the task that governments fulfill for their population, the same way as the two former authors mentioned by emphasizing human nature. Part of the natural condition in which man was created lies on free will so that the same individual disposes of his actions and thoughts as he thinks necessary, ceasing to depend on any of his peers (Locke, 1689). This way men have the opportunity to behave whatever way they want under the same freedom that protects them all. This is called the *state of nature*. The freedom that population possesses can be broken, and it is for this reason that the state of nature must have a set of rules that include the human group as a whole without an exception and starting from the fact that all men were created by one God. Laws are the rules available to men to restore the natural order if it ever broke and it this involves transferring power to one individual to enforce order over another. Such power is neither imperative nor absolute. It is intended to correct any caused disorder or prevent any further conflict in the future.

“For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, everyone must have a right to do.” (Locke, 1689)

The authors who wrote their ideas by establishing and strengthening the liberal theory do so from the natural perspective of human behavior, highlighting the way in which we live with each other. Man’s way of behaving, always leads him to improve the methods that he has to coexist within the world. This desire to improve can lead to imbalances in the naturally established order. This is why authors as Locke and Rousseau implement a law based thought, established by himself as the principal tools to enforce the established order of the world. Such commandments or laws must be accepted by the whole society

as they reflect the set of behaviors which have been previously accepted by the collective which create a 'social contract'. In Kant's concept, he calls 'order' to the state of peace that is desired by population. This state of peace is backed up by using the same element that the previous authors mentioned: laws. Norms are established in order to reach the constant desire for peace among men. At the same time endorse the state with the mission of maintaining pacifism for its population, avoiding that this institution spends human or economic resources in a possible conflict which is justified in policies that are in favor of breaking the peace situation in which the State finds itself.

Since human beings are equal regarding our rights and that there is no privilege for any individual, the power to judge or punish acts committed by our peers cannot fall into one man, given that it would be required that another man judges the acts of the first one. This reason leads man to create institutions that gather the norms and establish criteria to judge the actions of the population, so the power does not fall on an individual by himself but it is reflected on an institutional body.

1.1.1 Liberal Theory approach to Institutionalism

Liberalism starts from the ideal of cooperation that States follow to pursue their interests as a whole, since there are no self-sufficient nations. Each nation is unique regarding its population, culture, economy, laws and customs. Every State has a different set of interests that differs from other international actors. The starting point of negotiations consists of showing the desires of each nation and then working towards meeting both nations' wishes. This will mark the path that the talks will follow through the process of the negotiation.

In order to understand the role of institutions in a better way, author Robert Keohane defines them as:

“Persistent and connected sets of rules (formal and informal) that prescribe roles of behavior, restrict activities and shape expectations” (Keohane, 1989).

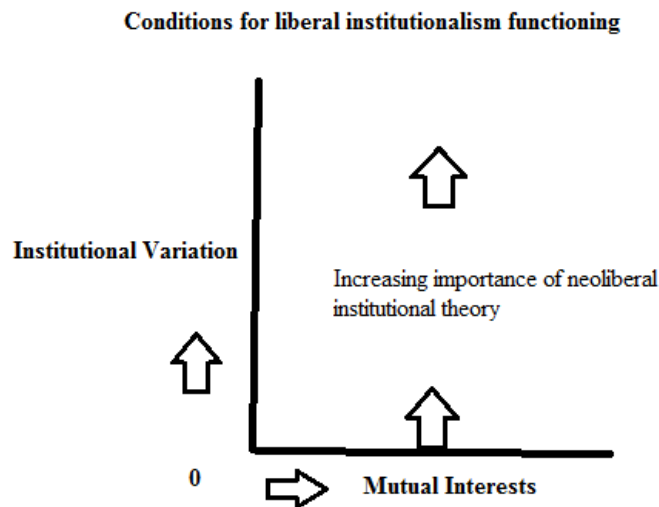
Realists null benefits of international cooperation if the actor that obtains the benefit does not come from the loss of another actor's benefit in the same way that a zero-sum game works within the concept of the Theory of Games. While the liberal principle is positive in matters of cooperation as soon as it is known which international subjects are obtaining each of the benefits as it is described in the so-called “Security Dilemma” within international relations. This dilemma explains that inside the intentions of international

actors when cooperating with their peers in order to satisfy mutual needs, a degree of insecurity arises that lies on the uncertainty of knowing that a third State may obtain from such cooperation (Gil, 2000).

Keohane claims that since States are the main actors of international community, they are restricted by acts coming from international institutions. This leads to understand that these actors have accepted a set of rules previously given by an institution for it to be able to solve the differences. The motivation that States have to submit to an institution is mainly related to the potential profits that can be obtained from these institutional bodies. The former situation relates to the realist theory of international relations in which the State is positioned as the center of the international system and its mission consists of obtaining *relative gains*⁴ in comparison to its peers. Such gains turn out to be the main foundation of this theory (Keohane & Martin, 1995). To contrast the realist theory that mentions gains with the openness of States towards institutionalism that liberal theory brings up, it must be understood that, according to the realist theory, States will not cooperate with their peers if they do not get some kind of gain coming from such cooperation (Keohane & Martin, 1995). Institutions become important as they manage the gains and cooperation that States can provide to the international community. This is why liberal theory analyzes the relevance that quality of information could have, so that institutions can provide their members about other international actors, thus they can have an external control of the *gains* from their peers so that they are not winning more than them and cooperation can finally take place between states (Keohane & Martin, 1995). By taking states into the institutionalism path and defining institutions as sets of rules that restrict the conduct of States, Keohane, the father of neoliberal institutionalism, states that two conditions arise relating the State and the performance of institutions, both represented in Table 1: The first one establishes that State agents should have mutual interests, and the second brings up that the degree of institutionalization that an organization has reached must influence the State's behavior according to its interests.

⁴ Relative Gains:

Table 1: Conditions for liberal institutionalism functioning



Source: Conditions for liberal institutionalism functioning

By: (Keohane, 1989)

In order to justify the coexistence of States within the same institution, the relations between States must work under the *reciprocity* principle, which regulates the actions of State agents regarding cooperation, due to the level of uncertainty in terms of distribution of gains among the members of an institution which was already mentioned before. Reciprocity within the international community can work either in a positive or negative way, depending on the actions taken by one State against another during war, trade or cooperation (Keohane, 1989).

The author has managed to gather three characteristics that measure the degree of institutionalization that an organization can have. In the first place, *community* that has to do with the expected behavior of members of an organization in a given situation. Secondly, the *specificity*, which refers to the set of rules that engage the State's behavior. Thirdly, *autonomy* that relates to the institutional capability to modify the rules before an external agent does so (Keohane, 1989).

It can be summarized that liberal opening towards institutionalism moves around the benefits that States may obtain by joining an organization and it is conditioned by common interests and the behavior that each nation adopts when belonging to such body whether the ultimate goal is cooperation, security or trade. When the conditions

mentioned above meet, the level of institutionalization of an organization will work according to the reciprocity that exists among the members of an institutional group.

1.2 Realist Theory

The State, viewed from the realist theory point of view, seeks to pursue the most vital interests and objectives to survive in the international system without trying to engage in universal interests as the liberal theory mentions. It is important to say that during the Cold War⁵ the international scene was distinguished by the balance of power that maintained peace in the world between the two hegemonic powers of the time: United States and the Union of Soviet Socialist Republics (USSR).

The Charter of the United Nations in its Chapter I in Article 2, in paragraphs 4 and 7 mentions that:

“4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (...)

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII. (...)”

The Charter initially denotes hostility regarding interventionism in other States, but in the case of any violent outbreak in a particular State, in Chapter VII in Articles 41 and 42 it establishes that:

“Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures.

⁵ Cold War: The Cold War was a state of geopolitical tension after World War II between powers in the Eastern Bloc (the USSR and its satellite states) and powers in the Western Bloc (the United States and its allies).

These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.’’ (ONU, 1945).

In view of the two types of action foreseen in Chapters I and VII of the Charter, several authors have established their doctrine to justify humanitarian intervention from a realist point of view.

An early opinion coming from Hans Morgenthau takes the example of Adolf Hitler’s policy during World War II, justifying that these measures altered the moral of international community to carry out an intervention and thus stop the tyranny of the Nazi regime. Morgenthau adds that the power of intervention in a third State must be restricted by not causing even more violence while stopping abuses in that State. Morality within international community is mentioned by another realist intellectual, the American Reinhold Niebuhr, who says that international relations are shaped by the pursuit of justice without leaving the restrictions that power entails on the international stage. Niebuhr was also in favor of the intervention of the United States in Nazi Germany proving that the American’s action was required in order to prevent the spread of violence in Europe (Fiott, 2013).

It can be said that interventionism applied from an institution or State, from the realist point of view among international relations, finds itself lying in the ‘‘morality’’ of international community and also in the refusal to the expansion of violence that could jeopardize international peace and security even more.

1.3 United Nations: Peacekeeping Operations

By establishing the possibility of taking liberal theory towards institutionalism, the approach to the formation of the main body created to carry out security control within the international system, the United Nations, can be started.

1.3.1 Background

It is necessary to understand the background on which the creation of a global international organization such as the UN is based. It is important to comprehend the definition and reach of an *international organization*:

“Association of States established through an international agreement by three or more States, for the achievement of common objectives and given with an institutional structure with permanent individual and independent bodies of the member states” (Barbé, 2014).

The principal antecedent of the UN is the League of Nations, which was born due to the Treaty of Versailles⁶ at the end of World War I (1914 - 1918). The post-war era was the main motive to opt for the creation of an international body which is dedicated mainly to the maintenance of peace (Rourke, 2008). This treaty gave the scope and included information to create the eventual League of Nations. Such organization lacked the presence of several States that had played a leading role in World War I, such as Austria-Hungary, Germany and Russia. This treaty also demanded Germany to sign it by accepting its responsibility in the war and engaging the State to pay for the economic repairs left by the conflict. These reasons lead to say that Germany had some resentment towards the Treaty given the adverse conditions that it presented (United States Department of State, n.d.-c).

Finally, the League of Nations was consolidated as an organization after the signing of the Treaty. It included three main organs: An Assembly which was formed by all the founding members, a Council consisting of 5 permanent members and 4 rotating members, and a Court of Justice (United States Department of State, n.d.-b). The first session of the Council took place in January 1920 in Paris. Although the first years were marked by successful mediations in the disputes between Sweden and Finland or Germany and France, it could not avoid the annexation of Ethiopia to Italy, nor the takeover of Poland by Hitler or the invasion of Japan to the Chinese region of Manchuria (United Nations Office at Geneva, n.d.). These circumstances led to the weakening of the organization and its eventual disappearance to finally let the UN step in the international scene.

⁶ Treaty of Versailles: Peace treaty signed in 1919 in Versailles (France) at the end of World War I.

1.3.2 The United Nations

The foundations left by the League of Nations served to shape the structure of the current UN, which had a similar origin as the League regarding the previous events that happened before its creation. In the UN case, the main reason that led to put the international system in order was the end of World War II. It brought the Yalta Conference, a meeting in which the highest authorities of the war-winning States (United States, USSR, and Great Britain) discussed the future of the altered international order at that time, just like the Treaty of Versailles did in 1919 at the end of World War I.

The term “United Nations” was first used in 1942 during World War II by the former President of the United States, Franklin Roosevelt. Representatives from 26 countries met in Washington to commit themselves to continue fighting against the Axis Powers⁷. This is reflected in the “Declaration of the United Nations” (Organización de las Naciones Unidas, n.d.-a).

Before World War II ended, American, British, Chinese and Soviet representatives met in Dumbarton Oaks, USA in September 1944 to set proposals and create an international organization based on the principle of collective security, which will be later explained. It was proposed the creation of a General Assembly formed by all the members as well as a Council in which the four powers have the right to veto as it happened with the League of Nations (United States Department of State, n.d.-a). Thus, on June 26, 1945, the representatives of 50 countries gathered in the American city of San Francisco to write the “United Nations Charter”. On October 24th, 1945, the United Nations was born officially after the four members which are veto holders ratified the Charter. France joined the United States, the Soviet Union, China and Great Britain as the fifth state to be part of the UN Security Council.

The UN was established with its aims focused on the maintenance of international peace and security, the pursuit of friendly relations among States, international cooperation and the harmonization of collective efforts to meet common goals. In order to fulfill the objectives related to peace and international security, the UN created an organization that seeks the maintenance of peace from the military point of view: The United Nations Peacekeeping Operations.

⁷ Axis Powers: Group of nations (Germany, Italy, Japan) and their allies that fought against the Allied forces in World War II

1.3.3 The United Nations Peacekeeping Operations

The UN bases its existence in the Charter on the Collective security concept. This principle lays on three fundamental ideas: First, the commitment of State agents to avoid the use of force unless it is in self-defense. Secondly, the belief that peace is indivisible and that an attack on one member is an attack to all its peers. Finally the commitment to stop violence and re-establish peace where it has been broken through the cooperation of resources and personnel needed to achieve this goal (Rourke, 2008).

With Collective security as a base where State agents rely on to be able to operate in a harmonious environment, the UN sent its first peacekeeping mission known as United Nations Truce Supervision Organization (UNTSO) to control the ceasefires that occurred in the Middle East. This mission continues its work until nowadays but it was the premise of what eventually would become the United Nations Peacekeeping Operations (UNPK).

In 1992 the former Secretary-General of the UN, Boutros Boutros-Ghali, issued to the General Assembly as the Security Council asked, the document “An Agenda For Peace” which defined the guidelines that the UNPK should follow to perform their mission. This document covers+ three main concepts: Preventive Diplomacy, Peacemaking and Peacekeeping. Post-conflict peace-building is added as the four concept to shape the activity of UNPK when they are working.

- Preventive diplomacy acts as a set of measures for preventing disputes and conflicts between two parties
- Peacemaking includes guidelines to ensure that the actors of a conflict reach an agreement
- Peacekeeping incorporates the presence of the UN (civilian, military and police staff) in the disputed field previously with the acquiescence of the interested parties.
- Post-conflict peacebuilding seeks to restate peace in disputed conflicts to avoid future troubles (Bouthros-Ghali & ONU, 1992).

In order to consolidate the UNPK as an organization which is attached to the Security Council, UN determines that the deployed staff in such institution includes observers, civilian staff and especially military and police personnel (Blue Helmets). They are a contribution made by the Member States of the UN and will operate in the disputed territory. The General Assembly is responsible of financing the peace missions and

examining budgets for UN specialized agencies as indicated in the Charter of the United Nations (Organización de las Naciones Unidas, n.d.-b).

It can be said that the main reason that led to the creation of the United Nations and one of its specialized institutions, such as the UN Peacekeeping Operations is to avoid war in order to bring State agents together and thus seek peace diplomatically and operatively through the UNPK. The performance of this institution in two practical cases will be analyzed in the next chapter.

Chapter 2: Practical Cases

After Cold War, with the UNPK already consolidated as an institution which is attached to the Security Council plus the release of “An Agenda For Peace” by Boutros Boutros-Ghali that addressed the guidelines to be followed by the Blue Helmets; The historical moment of the time needed the institution to calm situations of tension in countries that had been affected by warlike conflicts such as Rwanda and Bosnia – Herzegovina. In the current investigation the cases will be addressed from the background and formation of each conflict by then reviewing the actions of the UNPK until the dates in which the massacres ended.

2.1 Performance of the United Nations Peacekeeping Operations in Rwanda in 1994

By mid-1994, nearly 800 thousand Rwandan from the Hutu ethnic group had been killed in acts perpetrated by the Tutsi ethnic group after President Juvenal Habyarimana was killed while on his plane outside Rwanda’s capital, Kigali, on April 6th, 1994.

Although Rwandan Civil War broke out in 1990 and a peace treaty was reached in 1992, the performance of the UNPK was needed to achieve calm after the conflict between the belligerent groups. The Rwandan postwar came with a genocide with almost one million victims who could not live in a pacific environment after the signing of the peace treaty.

2.1.1 Historic Context

In order to better understand the causes that led the Hutus and Tutsis to confront each other, it is necessary to understand the context and background in which the events took place by going over geopolitical and historical aspects involving both ethnic groups.

Until German settlers arrived in 1894 to Rwanda, its ethnic composition included inhabitants from three ethnic groups: Hutus (farmers), Tutsis (cattlemen) and Twas (hunters). Hutus and Tutsis were the majority and therefore they faced each other throughout history due to social, territorial and political problems.

The division of Africa took place at the Berlin Conference⁸ in 1885. It involved a Eurocentric approach regarding the colonization of the African. An idea of ‘development’ was used to justify the European presence in that area in order to dominate such territory and exploit its resources (Bustamante Noboa, 2009).

⁸ Berlin Conference: Conferences organized by Chancellor Otto Von Bismarck to solve the issues concerning the division and colonial expansion in the African continent.

the corresponding ethnic group was instituted which made Hutu resentment towards the Tutsis increase (Bustamante Noboa, 2009).

Almost four decades later the Tutsi minority still benefitted from privileges given by the Belgians, which included European education and access to better positions in the labor field while the Hutus were denied education and were only destined to slavery and servitude tasks. By 1959, the Tutsi king, Mutara Rudahigwan⁹, died. He had such a good relationship with the Belgian conquerors that converted to Christianity in 1943. The death of the Tutsi king weakened this ethnic group, so the Hutu majority began to plan violent uprisings against the Tutsis.

In November 1959 there were violent incidents that were generated by the Hutu uprising which caused the death of hundreds of Tutsis and the displacement of thousands of people who fled seeking safer conditions. These events began the so-called Hutu revolution that extended until 1961. It increased the power of this ethnic group which was previously repressed by the Tutsis (Organización de las Naciones Unidas, n.d.-c).

In September 1961, due to the previous tensions between Hutus and Tutsis, Rwanda had parliamentary elections and a popular referendum. In terms of the parliamentary elections, the Hutu Emancipation Party (Parmehutu) won 35 out of 44 seats in the National Assembly. Meanwhile, the referendum had two questions: “Should the monarchy be kept in Rwanda?” and “Should King Kigeri V remain in the throne?”. The Rwandan people voted “No”, which got 79.6% of the valid votes, reflecting the desire of the population to leave the monarchy behind (African Elections Database, 2011).

2.1.3 Independence and Formation of the Republic of Rwanda

Rwanda was under the United Nations Trusteeship Council's¹⁰ control from 1924 to 1962 together with what is now Burundi. Given the previous events that involved the Hutu uprising, plus the national elections, the independence of the country seemed to materialize as Belgium began to lose control within the territory. Thus, in April 1962, Rwanda and Burundi accepted the separation and became two independent republics. Rwanda proclaimed its independence in July and the Parmehutuleader, Gregoire

⁹ Mutara Rudahigwan: Rwandan tutsi King who governed between 1931 and 1959.

¹⁰ United Nations Trusteeship Council: Upon dissolution of the League Of Nations, the UN Trusteeship Council was responsible of giving autonomy to territories controlled by another State or authority.

Kayibanda assumed the presidency of the Republic, causing more Tutsi citizens to leave the country (Universidad de Pennsylvania, 2015).

As Rwanda entered into the United Nations in 1962 (Organización de las Naciones Unidas, 2016), it stopped being part of the United Nations Trusteeship Council and became a formal member of the Organization which meant that the UN would have control of the programs which are applied to the country, being no longer responsible to the Belgian State.

Kayibanda had to face invasions by Tutsi rebels in 1972 who had fled and settled in the border country of Burundi causing more violent measures against the Tutsi residents in Rwanda. By 1973, Kayibanda's cousin, Juvenal Habyarimana dismissed him from power through a coup d'état (Romero Garcia, 2009).

With a new leader in charge of Rwanda, measures were taken, involving the suspension of the Peace and Unity Committee, which was made up of military staff. Also, the National Assembly was suspended while its duties were transferred to the President of the Republic. Thus, he annulled 28 articles of the Constitution that ruled the country. All these measures were backed up five years later with the implementation of a referendum to create a new constitution for the country that better reflected the current situation of Rwanda.

Among its change, Rwanda became a one-party State that only allowed the ruling party to appear in presidential elections, which ensured that President Habyarimana's stay for two periods after the 1983 and 1988 elections. In Article 44 of the new Charter of the country, a number of powers were assigned to the President. Within the new capacities that the President had, he was able to appoint and dismiss members of the government as well as to conduct the country's policy, negotiate treaties and the capacity to dismiss the National Assembly. It should be said that this Constitution reaffirmed the identification system which kept the tensions created between Hutus and Tutsis in the region (Lions, 1994).

2.1.4 Rwandan Civil War

Hutus relied on the new Rwandan Constitution to support and benefit their interests. Tutsis that were displaced in neighboring countries organized themselves to gather supporters who were willing to fight Habyarimana's government. This way the Rwandan Patriotic Front (FPR) was born in 1987 which first had a campaign of activism for the

displaced Tutsis to help them return to Rwanda. Meanwhile it performed activism duties, this group had a military branch that included former members of the Armed Forces of Uganda who had military discipline and combat experience (Melvern, 2007).

In 1990 the FPR committed an invasion to Rwanda in order to spread its ideology and recruit Tutsi candidates to the movement. Habyarimana, while becoming aware of these events, obtained military support of different international subjects, such as France, who sent troops to cooperate with the government forces as well as Zaire, Congo and Kenya expressed support for the Rwandan government (Romero Garcia, 2009).

Many subjects in the international community were soon aware of the imminent danger expected by such tensions. Firstly, French colonel, Rene Galinie who was in Rwanda when FPR was born, issued messages to the French government in order to report the measures taken by Habyarimana's government if Tutsi rebels were present in the State. In December 1990, the ambassadors of France, Belgium and Germany analyzed the rapid deterioration of relations between Hutu and Tutsi groups in the former Belgian colony. Finally the Belgian ambassador to Rwanda, Johann Sinnen informed his country about the creation of a Hutu movement called *Arkazu*¹¹ which was set to respond violently in case of Tutsi attacks (Melvern, 2007).

On the Tutsi side, there was the FPR, whereas the government had movements like Arkazu and Interahamwe¹² that were instituted to face violently against the Tutsi outbreaks in the country. These confrontations led to the beginning of negotiations to reach a ceasefire and thus the Civil War.

The Organization of African Unity (OAU), Belgium and the United States pressured Habyarimana's government to reach peaceful methods to counter the violence situation in the country. The Arusha Peace Agreement, signed in 1993, engaged parties to a ceasefire and to look for a path to establish a transitional government in the country (Romero Garcia, 2009).

2.1.5 The failed peace and the post-war ages

The Arusha Peace Agreement did not reach peace in Rwanda because at the beginning of the post-war period, resources were available to help large numbers of the population, but

¹¹ Arkazu: Hutu group created to face Tutsi invasions in Rwanda during the Civil War

¹² Interahamwe: Nationwide group which belonged to the only party which was part of the government. It was created to kill Tutsis who broke into the country during the Civil War

the Rwandan State, which was still under Habyarimana's rule, continued to give preference to the Hutus, which triggered new clashes between the ethnic groups and the increased instability in the country.

The OAU failed to establish the Neutral Military Observer Group (NMOG I) to control the ceasefire of the Arusha Agreement but the prime minister succeeded in obstructing the correct functioning of the Rwandan judicial system in order to continue with massacres towards the Tutsis in Rwanda. France responded with support for the Habyarimana's regime. This new wave of clashes weakened the reach of the Arusha Peace Agreement and again raised tensions among the belligerent groups (Romero Garcia, 2009).

The result of these clashes caused Tutsis residing in Rwanda and those who were exiled in Uganda to be related to the FDR. The government launched a campaign to inform the population that the Tutsi were accomplices of that military group. To ease tensions, the Rwandan and Ugandan governments requested UN collaboration to reach a peaceful mediation between the groups in conflict (UNAMIR, 2002).

UN decided to intervene and issued through the Security Council, two key resolutions for the future of the conflict. First of all, Resolution 812 (Annex I), adopted on March 12th, 1993, calling the Rwandan State and the FPR to respect the cease-fire and also invited the Secretary General to evaluate the proposals regarding the contribution of observers of the UN to make them cooperate with the NMOG I of the OAU. Second, Resolution 846 (Annex II), from June 22nd, 1993, confirmed the presence of the United Nations Observer Mission for Uganda and Rwanda (UNOMUR) in order to assist the NMOG I on the Ugandan side of the border between the two countries controlling that there is no transportation of vehicles, weapons or ammunition that could be used for warlike purposes in the area. The agreement was signed on August 4th and the UN intervention did not take place until August 16th. The recognition mission upon entering the border, recommended the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR) (Organización de las Naciones Unidas, 1999).

The first reports of the situation in Rwanda regarding human rights began a week after the agreement was established. There was a series of killings that had been perpetrated since April 1993 while the UN was preparing the deployment of the group soon to be operating inside Rwanda, UNAMIR. New warnings appeared when representatives of the

Rwandan government and the FPR met in New York on September 15th, 1993 with the Secretary General. It urged that the deployment of the UN takes place quickly and that any delay could lead to a “collapse in the peace process”, but at that time, the UN was going through a financial crisis, complemented with other postwar situations in Bosnia-Herzegovina and Somalia which also required the presence of UN peacekeepers.

With Resolution 872 (Annex III), UNAMIR, consisting mostly of Belgian soldiers and General Romeo Dallaire as Head of the mission, was established in Rwandan territory with the following responsibilities:

- “(a) To contribute to the security of the city of Kigali inter alia within a weapons-secure area established by the parties in and around the city;
- (b) To monitor observance of the cease-fire agreement (...)
- (c) To monitor the security situation during the final period of the transitional government’s mandate, leading up to the elections;
- (d) To assist with mine clearance, primarily through training programmes;
- (e) To investigate at the request of the parties or on its own initiative instances of alleged non-compliance with the provisions of the Arusha Peace Agreement (...)
- (f) To monitor the process of repatriation of Rwandese refugees (...)
- (g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;
- (h) To investigate and report on incidents regarding the activities of the gendarmerie and police” (Consejo de Seguridad, 1993b).

Once UNOMUR and UNAMIR were established to carry out peacekeeping, it was necessary that the political situation progressed both, with the institution of the transitional government and the new governmental organizations, but this did not happen. The waves of massacres continued and tensions between the people in Rwanda and the border seemed to rise again, weakening the pacifist environment that was intended to be established. According to the report of the “Independent Inquiry into United Nations Actions during 1994 Rwanda Genocide ”, in a cablegram from January 11th, 1994, General Dallaire was brought into contact with a member of the Interahamwe High Militia informing him first about a strategy to be taken by the terrorist group in order to withdraw

the Belgian UNAMIR contingent from the country by a provocation that would lead to the use of force by UNAMIR and later withdrawal of troops from the area. Second, he was informed of training activities carried out throughout Rwanda in order to exterminate Tutsis, and third, he was told about hidden places where weapons were kept to proceed with the killings.

To face these events, General Dallaire asked the Secretary General for guidance on how to deal with the current situation. The response brought a message calling for prudence from the Security Council. President Habyarimana was eventually approached to be informed of Interahamwe's activities. He replied with a lack of awareness of these activities and promised to investigate the events (Organización de las Naciones Unidas, 1999).

In the following months, in view of the worsening situation, the maintenance of peace and peace-building to be carried out by UNAMIR, was compromised. This situation would lead to the withdrawal of troops by the Secretary General. At the same time, it was decided to extend UNAMIR's mandate in Kigali for six months, hoping to make progress in consolidating peace in Rwanda.

General Dallaire in one of his attempts to face the violence, sought authorization from the Security Council to confiscate illegal weapons in Kigali that were related to those of the Rwandese army.

Meanwhile, the Rwandan Defense Minister denied a request for the landing of three airplanes that had weapons destined for UNAMIR which by mandate of its statute could only be present in Kigali and could not do much about the massacres that occurred outside the capital and were warned by the Belgian representative to the UN while fearing for the military contingent of their country that was in Rwanda at the moment..

UNAMIR was able to block arms import to the Rwandan army from British and French corporations but the violence was raised through different means. At the end of March 1994, the *Radio Télévision Libre des Mille Collines*¹³ (RTL) broadcasted advertisements claiming that UNAMIR Belgians gave power to the FPR which worried the Hutu population and contributed to the growing of violence (Human Rights Watch, 1999). Finally, on April 6, 1994, while President Habyrimana was returning from

¹³ RTL: It was a radio station run by members of the Rwandese government who played a key role in inciting hatred of Tutsis and UNAMIR members during 1993 – 1994

Tanzania having successful talks to make path for a transitional government, he was killed when his plane was shot down while proceeding to land on Kigali. This event led to a series of killings that would end up in a genocide. Table 2 details the chronology from the formation of the Rwandan State to the end of the genocide:

Table 2: Timeline of Rwanda (1884 - 1994)

Table 2: Timeline of Rwanda (1884-1994)	
1884	Conference of Berlin: Rwanda is given to the German
1894	German settlers arrive in Rwanda
1919	Treaty of Versailles: Germany loses Rwandan territory to Belgium
1926	The identification system is established in Rwanda benefitting the Tutsis
1926 - 1962	Belgian occupation period and Tutsi reign
1959	Tutsi King Mutara Rudahigwan dies
1959 - 1961	Period of Hutu uprisings
1961	Parliamentary elections and Referendum that removes the monarchy
1962	Independence and formation of the Rwandan State with Gregoire Kayibanda as President
1962	Rwanda becomes a member of the UN
1973	Coup d'etat led by Juvenal Habyarimana who assumes the Presidency of the country
1987	The Rwandan Patriotic Front (FPR) is born
1990 - 1993	Rwandan Civil War
June - July 1993	UNOMUR and UNAMIR are established in the region
April 6th, 1994	President Juvenal Habyarimana dies
April - July 1994	Rwandan genocide

Source: Author

2.1.6 UN Peacekeeping Operations during the Rwandan Genocide

While describing the UN Peacekeeping Operations (UNPK), its effect on different UN bodies will be included. Whether it is the Secretary General, the Security Council or the General Assembly, among others.

Organizations

Once the violence outbreak started, the international community started to act from different fronts. France, Italy, Belgium and the United States sent soldiers to rescue their citizens who were in the country at the time of President Habyarimana's death. The

Arusha Peace Agreement seem non-viable, and it was questioned if whether the work of UNAMIR was possible under the unfavorable conditions for peace in the region.

On one hand, the UN Department of Peacekeeping Operations searched for approval to keep the UNAMIR mission for a further six months since its period of performance was about to finish. Nigeria, which was a member of the Security Council at the time, introduced a draft to maintain UNAMIR as long as the discussions of the Arusha Agreement are restarted and the Security Council should act by April 19th choosing one of the following options:

- Reduce UNAMIR contingent
- Strengthen UNAMIR with new members
- Remove UNAMIR completely.

Two days later, the Security Council unanimously opted for reducing the UNAMIR quota and then proceeded to issue Resolution 912 (Annex V) reaffirming that the only way to achieve peace was the Arusha Peace Agreement. At the end of April 1994, the Secretary General changed his mind and informed the Security Council about his concern on the Rwandan situation since April 7th, stating that Resolution 912 does not allow UNAMIR to operate effectively and that the UN must begin to provide human and material resources to deal with the tension experienced in Rwanda.

The killings continued in the zone on the following days as new guidelines that could solve the conflict in Rwanda were discussed. Nigeria, which represented the African group in the Security Council in 1994 – 1995, encouraged interventionist policies. This was condemned by other members of the Council such as Brazil, China and the United Kingdom. The Council requested the Secretary General to establish a temporary plan to strengthen intervention in Rwanda. This document stated that a contingent of at least 5.500 troops should be deployed to contribute the UNAMIR mission (Organización de las Naciones Unidas, 1999).

The Ecuadorian José Ayala Lasso was appointed High Commissioner for Human Rights days before the attack on President Habyarimana. He traveled on May 11, 1994 to Kigali to talk with members of the Provisional Government and the FPR.

The result of his visit was reflected on a report denouncing the massacre of around 200.000 innocent civilians and warning about serious human rights violations in the

country. He concluded his report by suggesting the inclusion of a UN Special Rapporteur that should be assisted by human rights officers.

Resolutions

Resolutions issued by the Security Council since the beginning of the outbreak of violence in the country in early April 1994 were the instruments used to draw lines of action by several institutions responsible of stabilizing the situation in Rwanda.

Resolution 909 (Annex IV) dated April 5th, one day before the attack on President Habyarimana's plane, was intended to set an extension of the UNAMIR mission until July 29th to urge the application of the Arusha Agreement, so that the arrival of military observers happens in the zone and the peace-making process can be started. Also it requested the Secretary General to evaluate the costs of UNAMIR in order to complete the delivery of resources.

Resolution 912 (Annex V) from April 21st was issued to modify UNAMIR's mandate in the zone so that it acts as a mediator to reach a ceasefire. Also, it called on both, the OAU and the facilitator of the Arusha Peace Agreement to reach full implementation of the treaty as well as the international community to increase humanitarian assistance in the region.

Resolution 918, issued on May 17th, 1994, proceeded to decree the extension of UNAMIR to 5.500 individuals and it invited the Secretary General to act together with his OAU counterpart to achieve peace. Also, it encourages the member States to militarily support the UN and imposes an arms embargo on Rwanda and finally acknowledges that UNAMIR can act in self-defense if necessary. This was the first Resolution in which UNAMIR is provided with powers to act in self-defense.

On June 8th, 1994, Resolution 925 finally recognized that the belligerent parties have not made any progress in applying the Arusha Peace Agreement recognizing Ayala Lasso's report to the Secretary General. It highlighted the violations of human rights in the zone and it accepted that UNAMIR has no separatist functions in the conflict but rather to provide protection to civilians and displaced people. Also, a further extension of UNAMIR's mandate was demanded until December 9th, 1994. Member States were reminded that military support (5.500 troops) was needed to reinforce the contingent.

Resolution 929 (Annex VIII) was published on June 22nd, 1994, almost 16 weeks after the violence began in the country. This document makes a new call to the international community to give the needed support in order to fulfill the sending of troops that would support UNAMIR. The response was limited and the deployment of the new support group began the day after the resolution was issued.

2.2 Performance of the United Nations Peacekeeping Operations in Srebrenica in 1995

At the same time of the events that happened in Rwanda in 1994, the Bosnian War was being developed since 1992, which was sparked by different political imbalances due to the separation of Yugoslavia in the Balkans plus the declaration of independence of its former countries. In order to understand the events in Srebrenica it is necessary to go over Bosnia – Herzegovina's historical context to explain the facts related to the genocide in 1995, which affected mostly the male Bosnian population (Bosnian Muslims).

2.2.1 Historic and Ideological Context

What is currently known as the Republic of Bosnia and Herzegovina, has gone through political, social and historical processes that have had an impact on its ethnic composition over time, causing clashes, tensions and disputes to the point of reaching an ethnic cleansing that triggered the Srebrenica genocide.

In order to become a sovereign republic, Bosnia – Herzegovina has been part of different forms of States throughout its history. The research will review the Muslim presence in Bosnia – Herzegovina, given the events that the genocide caused against this ethnic group.

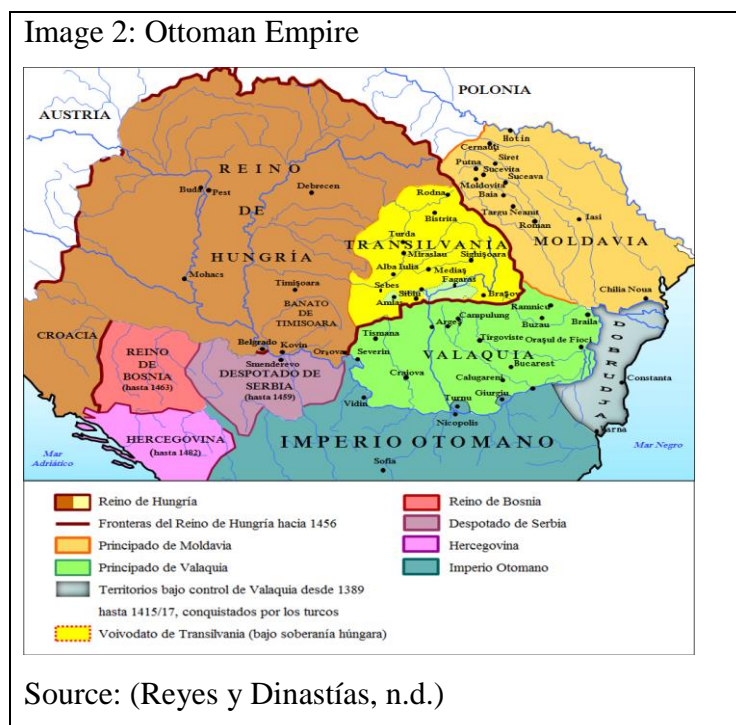
The territories that were bathed by River Bosna (Balkans¹⁴) were known as Bosnia. The first settlers who arrived were mainly Germanic populations from the West. Northern Slavs (Croats) arrived in different waves to establish in this territory. By the twelfth century, the Kingdom of Bosnia belonged to the Byzantine Empire that after several invasions ended up integrating the Bosnian region to Christianity. The birth of orthodox movements in the region caused the first religious and ethnic imbalances in Bosnia. By

¹⁴ Balkans: Region located on the Balkan Peninsula which includes Bosnia – Herzegovina, Albania, Bulgaria, Montenegro, Macedonia and part of Serbia.

the 14th century, part of the Bosnian population became orthodox after the Crusades' failure. This led to Ottoman Empire to take control of the region (Mandic, 1973).

The Ottoman Empire arrived in 1463 to control Bosnia after the fall of Constantinople¹⁵. Christian and Orthodox population eventually began to convert to Islam either by their own conviction due to the Ottomans' arrival or by obligation in order to force them to profess the official religion of the Empire. Most Bosnians remained to profess Catholicism while the gradual conversion to Islam continued among Bosnia's inhabitants.

In Image 2, the regions of both: the Kingdom of Bosnia (pink) and Herzegovina (light purple) are represented before its annexation to the Ottoman Empire in 1463 (Bosnia) and 1482 (Herzegovina).



The slow conversion to Islam caused several Catholics to baptize their children under Muslim religion. These families remained Catholic in privacy but faced the regime with behaviors from the official religion of the Empire. Within the expansion of the Ottoman Empire towards the 19th century, the population of the Balkans identified themselves with their Croatian ancestors rather than doing it with Muslim customs which were imposed by the Empire since they conquered the region (Mandic, 1973).

¹⁵ The Fall of Constantinople: Event in which the Ottoman Empire arose and marked the end of the Byzantine Empire.

The decay of the Ottoman Empire came in 1853 when they decided to support Napoleon II in his conflicts against the Empire of the Tsars¹⁶ in Russia in order to avoid their expansion. In 1875 riots broke out in Bosnia and Herzegovina, Serbia and Montenegro, and Bulgaria as Ottoman repression made Orthodox Christian populations rebel against the Empire. Afterwards, Bosnia and Herzegovina continued to be part of the Ottoman Empire but would be officially managed by the Austro-Hungarian Empire¹⁷, which would be reflected at the Berlin Congress¹⁸ in 1878 (Comité Internacional de la Cruz Roja, 1998).

Austria – Hungary did not withdraw the benefits from the Muslims who resided in Bosnia – Herzegovina while the Ottoman control. This was not well taken by the rest of the Empire, who practiced Christianity. At the same time in Serbia, the nationalist idea of creating a unique State which included all the Balkan states started to grow. The fact that Bosnia – Herzegovina had Islam as its main religion, caused discrepancy with the Serbian ideology, so that, by the end of the 19th century Bosnia – Herzegovina was controlled by the Christian Empire. This event would eventually have an impact on the future relations between them (Medellín Urquiaga, 2013).

In the 20th century, the situation between Christians and Muslims remained tense. On the other hand, Serbia's desire to create a single country led to the creation of different organizations that were against the Austro – Hungarian Empire. On June 14th, young Bosnian Gavrilo Princip, member of the Black Hand¹⁹ organization, killed the highest authority of the Empire: Archduke Franz Ferdinand. This fact raised tension among Serbs, who were receiving Russian support, on the other side the Empire, which allied with Germany. Such events sparked World War I (Medellín Urquiaga, 2013).

The Austro – Hungarian Empire was officially disintegrated after World War I in the Treaty of Trianon²⁰. In such document, Serbia's desire to create a single State was reflected. The Kingdom of the Serbs, Croats and Slovenes was consolidated. It covered the

¹⁶ Empire of the Tsars: Name which named the Russian Empire (1721-1917), ruled by the Tsars who practiced Orthodox Christianity

¹⁷ Austria – Hungary: Region that included the current territories of Austria, Hungary, Czech Republic, Slovakia, Slovenia, Croatia, Bosnia-Herzegovina and part of Serbia, Italy, Poland, Montenegro, Romania and Ukraine between 1867 and 1919.

¹⁸ Berlin Congress: Assembly organized by German Chancellor Otto Von Bismarck to solve the issues brought by the conflicts in which Russian and Ottoman Empires took part from 1875 to 1878

¹⁹ Black Hand: Nationalist and terrorist group that fought for the unification of Serbia into one country

²⁰ Treaty of Trianon: Treaty which was signed in Versailles which set the situation in Europe after Austro-Hungarian Empire was disintegrated.

territories of Bosnia – Herzegovina, Serbia, Montenegro, Macedonia, and parts of Croatia and Slovenia (Tratado de Trianón, 1920). Later the name would change to Kingdom of Yugoslavia, by Alexander's I decision.

In this confederation of States there were different ethnic groups and religions. Serbs (Orthodox), Slovenes and Croats (Catholics), Bosnian and Albanians (Muslims). Serbs succeeded in imposing their hegemony by approving a parliament and a Constitution that benefitted them. This created resentment in the other nationalities and religions. In 1928, while in the parliamentary, Puniša Račić killed two Croatian deputies marking an era in which the Serbians ruled under the mandate of Alexander I, who eventually was killed by the Ustasha²¹ group in October 1934 (Ruperto, 2001).

The throne of the Kingdom was to be assumed by Alexander's son, Peter, but the son was not allowed since he was not the legal age yet. The control of the Kingdom fell on Alexander's cousin, Paul, who tried to stay out of the European scenario as fascism was rising in Germany and Italy until they joined the Axis Powers²² in March 1941. The same year Peter reached the legal age he assumed the power with the intention of leaving the alliance with the Axis behind. This situation brought attacks by the Ustachas²³ who were allied to the Axis too (Medellín Urquiaga, 2013).

To defend the attacks of the Axis, two Serbian groups which were enemies organized themselves to face the powers of the Axis. The first group were the Chetniks²⁴ and the second group were the Partisans, which were led by Marshal Josip Broz, known as Tito. The research will review the role of the latter. In his speech, he talked about unification among nationalities in order to protect them from the Nazi attacks. Tito's role in the defense of the Yugoslav territory was highlighted, which led him to create the anti-fascist party that would be victorious in the parliamentary elections. Tito was appointed Prime Minister of the newly proclaimed Socialist Federal Republic of Yugoslavia leaving Peter's mandate without effect (Casanova, 2004).

²¹ Ustashes: Croatian nationalist and terrorist group formed in 1928 and fought against Serbian unification

²² Axis Powers: Term referred to the axis that included Italy, Germany and Japan during World War II

²⁴ Chetniks: Guerrilla group in favor of the monarchy and hegemony of Serbia in the Kingdom of Yugoslavia

2.2.1.1 Formation of the Republic of Yugoslavia

The Socialist Federal Republic of Yugoslavia included Montenegro, Macedonia, Bosnia and Herzegovina, Croatia, Slovenia and Serbia. The latter also annexed to their control the provinces of Kosovo and Vojvodina. The Socialist Republic of Bosnia – Herzegovina was the only state with a Muslim majority within Yugoslavia. Image 3 shows the eight republics and regions that made up Yugoslavia. It bordered on the north with Austria and Hungary, on the south with Albania and Greece, on the east with Italy and the Adriatic Sea, and on the west with Romania and Bulgaria.

Image 3: Map of Yugoslavia



Source: (Barcelona Center for International Affairs, n.d.)

Tito recognized the Muslims as a religion as well as an ethnicity and nationality in the 70s, as they were spread throughout Yugoslavia, especially in Bosnia – Herzegovina. The Muslim community was used as an approach to establish friendly relations with Arab oil producing countries (Federal Research Division, 1992).

The Yugoslav State was consistently united as Tito ruled while facing Cold War tensions. His discourse was about “Unity and Fraternity” among ethnic groups. Then, Yugoslavia signed an alliance with the USSR²⁵. From this alliance, Yugoslavia benefited from Stalin’s Five-Year Plan²⁶. It managed to reestablish economic activities in the

²⁵ USSR: Union of Soviet Socialist Republics was a former State organization that included the territories of Russia, Belarus and Ukraine between 1922 and 1991.

²⁶ Five – Year Plan: Plans developed by the USSR focused on the economic development of the USSR throughout its existence.

Federation's States. Afterwards the alliance with the Soviet Union would be broken which led Yugoslavia to seek support in the United States, France and the United Kingdom without abandoning Tito's communist ideals (Otiñano Viñes & Bermejo García, 2007).

In 1963 the name of the State changed to Federal Republic of Yugoslavia after breaking relations with the USSR. This was reflected in a new constitution which confirmed the idea of an independent Yugoslavia.

The new Constitution gave more faculties to the Federation's republics and regions. The regions of Kosovo and Vojvodina obtained autonomy and benefits regarding the veto while making decisions that involve the entire Federation despite not being recognized as nations themselves. Serbia was not in favor of the new autonomy situation of its annexed provinces. Also, the Communist Party of the country happened to have divisions in each one of the republics and regions (Samary, 1990).

The figure of Tito continued to rule Yugoslavia and kept its States and nationalities under the same communist one-party ideology. The 1974 Constitution brought a scenario in which nationalism of each State began to re-emerge.

In Bosnia – Herzegovina, in 1970, Alija Izetbegovic, who would eventually be the first President of independent Bosnia – Herzegovina wrote the “Islamic Declaration”. In this text, he expressed his desire for the Muslims to break their dependence of the Western World and described the situation of inequality that they experienced. He highlighted the relevance they have as they are one of the major religions in the world. On one hand, the author criticizes conservatives and modernists who see Islam as a religion only and not as a conglomeration of faith, knowledge, morals and norms. On the other hand it states that westernization is one of the main obstacles for integration of Islam into development. He sets as an example the cases of Muslim countries which predominantly have low rates of education and GDP. He also focuses his observations on the lack of inclusion that Islam has had in the modern era. Firstly he alludes that by the time of the Treaty of Versailles, there was not a single Muslim State. Secondly, in countries like Tunisia, its governors did not encourage the spreading of Islam, but on the contrary, they exalted the West. Finally, it indicates that if a Muslim wants to practice his worship freely, the individual must create an environment which is suitable for Islam, including normative aspects and

especially the governance²⁷ focused on Islam. He summarizes his criticism by expressing that the Islamic revival cannot take place without a religious revolution (Izetbegovic, 1990).

As Marshal Tito died in 1980, the highest figure who had kept Yugoslavia together since its formation, the ethnic and religious discrepancies of each nation started to flow again. In Bosnia – Herzegovina's case there was the re-awakening of Islam whereas in Serbia's case it was all about Kosovo and Vojvodina, which were no longer under Belgrade's control. In Croatia and Slovenia, nationalism began to shape ideas of independence in these countries despite the 1974 Constitution proposed rotating the Presidency of Yugoslavia by giving power to all regions and countries for a year in order to maintain the union with Yugoslavia and dispel any feeling of favoritism within the country (Rosales V, 1992).

Negative economic rates, unemployment and the growing desires of independence of the States that composed Yugoslavia were the causes that eventually led to its division. After Tito's death, Serbia wanted to demonstrate its hegemony to keep the country united, while the other republics established autonomy as their preference. Several amendments were also made to the 1974 Constitution. Milka Planinc was appointed Prime Minister after Tito died. She had to face the first waves of protest in Kosovo which wanted to stop being dependent of Serbia since Albanian population in this country did not feel represented by Belgrade. Serbia permanently applied repression on Kosovo's nationalist groups until protests ceased in 1989 (Zwaan, 1995).

In 1985 a similar publication to the Islamic Declaration appeared. It exalted Serbian nationalism and stated unfair treatments by Yugoslavia to the Serbs. The Serbian Memorandum²⁸ establishes that the nationalism wishes which prevailed in each country of the Federation by 1985 were caused by the 1974 Constitution. It also stresses that the motto "Unity and Fraternity" that the nation followed has been weakened since Vojvodina and Kosovo were given the status of autonomous regions. Repressions and prohibitions against Serbian institutions in Croatia and Kosovo are established in the publication as a way of blocking the use of the Serbian language within the Federation,

²⁷ Governance: Art or way of governing that aims to achieve lasting economic, social and institutional development promoting a healthy balance between the State, civil society and economy market (RAE, 2016).

²⁸ Serbian Memorandum: Publication by the Serbian Academy of Arts and Sciences published by Serbian newspaper Večernje novosti between 1985 and 1986.

even if 24% of Serbs in Yugoslavia live outside of Serbia. He later blames nationalism of making countries seek for independence within the Federation, leaving behind the values in which Yugoslavia was based for its existence. To summarize it is brought up that Serbs should be able to enjoy their culture and nationality regardless of where in Yugoslavia they are (Academia de las Artes y Ciencias de Serbia, 1986).

By 1987 Yugoslavia had to face wage cuts, plant closures and workers strikes. The current government led by Branko Milukic finally fell in 1988 due to protests and Ante Markovic replaced him. Meanwhile in Serbia, Slobodan Milosevic obtained the Presidency of the Serbian Communist Party in 1986, later he won the Presidency of the Federal Republic of Serbia in 1989 in which he managed to fully repress the pro-independence groups of Vojvodina and Kosovo (Federal Research Division, 1992).

2.2.2 Independence of Bosnia – Herzegovina

Just a decade was enough to materialize the division of Yugoslavia after Tito's death. In 1990, multi-party elections were held in the Federation. Slovenia and Croatia, which were the most prosperous countries of the Federation, declared their independence from Yugoslavia allowing them to accept the plurality of political parties in both States. Their independence was finally signed on June 25th, 1991. Macedonia did the same after a referendum and latter promulgation of a new Constitution (Otiñano Viñes & Bermejo García, 2007).

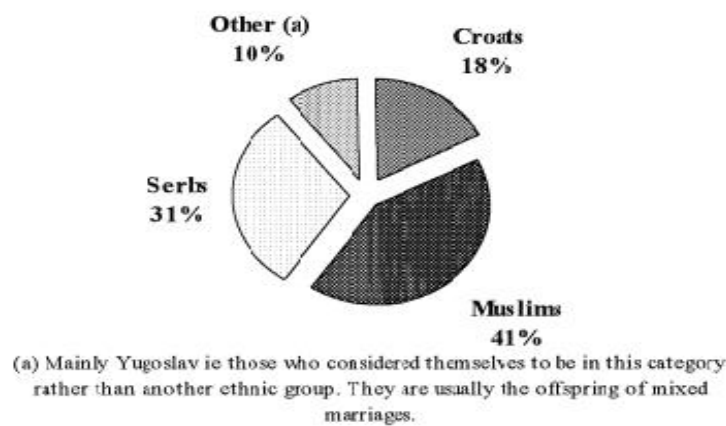
These countries experienced situations of war and violence at the time of their independence. The UN imposed an arms embargo on all Yugoslavia to face this issue (Consejo de Seguridad, 1991).

The other Yugoslav republics (Serbia, Bosnia-Herzegovina) went through different wars until settling on the map due to Milosevic's desire to keep Yugoslavia united despite the previous secessions. In Bosnia-Herzegovina the multiparty elections reflected support for the three existing parties. Izetbegovic's Democratic Action Party (DAP) won 34% of votes, the Serbian Democratic Party (SDP) got 30% and the Croatian Democratic Union (CDU) had 18%, while the Communist Party reached 18% of all votes. The Presidency of Bosnia- Herzegovina was won by Izetbegovic (DAP), the Prime Minister was Jure Pelivan (CDU) and the National Assembly's chairman was Momcilo Krasjnsnik (PDS). The different parties and nationalities were represented equally in the powers of the Bosnian State (Shoup, 1992).

Violence escalated in Bosnia-Herzegovina since there was not an absolute ethnic majority in that State in which mainly Muslims, Serbs and Croats lived together. This country turned out to be one of the points in dispute by Serbia due to the important presence of citizens identified as Serbs. In Table 3, the ethnic composition of Bosnia-Herzegovina by 1991 is shown. There is a slight majority of Muslims in the country (41%) followed by the other major ethnic group which is composed by Serbs reaching 31% of the population whereas Croats are the 18% of the population. The other 10% considered themselves Yugoslavs without belonging to any of the nationalities.

Table 3: Ethnic composition of Bosnia- Herzegovina in 1991

Figure 3: Ethnic composition of Bosnia-Herzegovina 1991



Source: (Anderson, 1995)

The amount of Serbs in Bosnian territory became a key point for Milosevic's desire to keep Yugoslavia together. The different ethnicities that lived in Bosnia-Herzegovina managed to coexist peacefully under the Tito's motto of "Unity and Fraternity". Internal and external nationalist waves within the country that blurred this reality. On one hand, there were external nationalist waves from Serbia forcing the Bosnians to stay in Yugoslavia. On the other had Izetbegovic's Islamic Declaration was causing Bosnia-Herzegovina want to form their own country in which different ethnic groups could live in harmony without relying on Yugoslavia's hegemony through Belgrade (Ruperto, 2001).

On February 29th and March 1st. Bosnia-Herzegovina went through a democratic referendum to determine whether the republic as becoming independent or remained in

Yugoslavia. Only 63% of the population voted, excepting Bosnian-Serbs who boycotted the results even though 99% of voters chose the independence of the country. The European Community²⁹ and the United States recognized Bosnia-Herzegovina as a country on April 7th, 1992 (García, 2004). This event was one of the main reasons to trigger the Bosnian War and the conflicts that derived from it which are relevant in the current research.

Image 4 shows the map of the newly created Bosnia-Herzegovina. It was formed by two components: the Federation of Bosnia-Herzegovina (green), mostly populated by Muslims, and the Republika Srpska (Yellow), which had a Serbian majority in its population.



Source: (United States Department of State, n.d.-d)

2.2.3 Bosnian Civil War

The form of protest that the Serbs chose to boycott the elections in the new Republic of Bosnia-Herzegovina was violence. Slobodan Milosevic, who at the time of the independence was the President of the new Republic of Yugoslavia (Serbia and Montenegro), maintained artillery and hidden weapons in the areas that had a major concentration of Serbs in Bosnian territory. Due to the violence in Bosnia-Herzegovina,

²⁹ European Community: Economic union prior the current European Union

the UN imposed economic sanctions on Yugoslavia. Ethnic cleansing³⁰ began to take place in Republika Srpska. It was carried out by Yugoslav troops and although the arms embargo was imposed in 1991, they moved arms to that area (William Clinton Presidential Library, 2013).

After the international community recognized Bosnia-Herzegovina, the army of the Republika Srpska was created involving former Serb members of the Yugoslav National Army as they continued to attack the Bosnian population in the country. President Izetbegovic formed a military alliance with the Croatian army to face the Yugoslav attacks. In June 1992, the state of war was declared in the country (Helsinki Watch, 1992).

Despite the support of the Croatian militia, the size of the Bosnian army was inferior to the Serbian-Yugoslav army and violence sparked. Expulsions, hijacks, destructions of mosques and rapes were practices that were carried out in the Serbian part of Bosnia-Herzegovina by the police, soldiers and civilians who were against Muslims in such territory (Kalyvas & Sambanis, 2005).

The UN had kept a Peacekeeping operation in Croatia called UNPROFOR since 1991 when the Security Council adopted Resolution 721 (Annex IX) on November 27th, 1991 after a letter issued to the former Secretary General Javier Perez de Cuellar in which a Personal Envoy³¹ recommended to establish a Peacekeeping mission in the territory. After Boutros Boutros-Ghali became UN Secretary General on January 1st, 1992, it was decided to extend the scope of UNPROFOR to Serbia, Montenegro and Bosnia-Herzegovina. In April, the tasks of the military observers were extended through Resolutions in order to negotiate a ceasefire between the belligerent parties. Later they were retired when the violence escalated and their lives were in danger (Departamento de Información Pública de las Naciones Unidas, 1996).

On May 15th, 1992, the UN urged through Resolution 752 (Annex X) that:

- The Bosnian, Croatian and Yugoslav armies to cease any external interference in Bosnia-Herzegovina, plus urging the dispersion of the forces and demanding weapons to be given over to effective international control. It also required that

³⁰ Ethnic cleansing: Displacement or elimination of an ethnic minority that lives in a territory which is controlled by a majority that seeks to achieve ethnic homogeneity.

³¹ Cyrus Vance: Retired military officer and former Secretary of State of the United States of America appointed by the Secretary General as his Personal Envoy in Yugoslavia.

the necessary conditions be ensured for the delivery of humanitarian aid supplies in the area.

- The Secretary General to consider the use of any kind of international assistance that the UN may provide such as humanitarian programs.

One week later (May 22nd, 1992) after this document was issued, the Security Council adopted Resolution 755 (Annex XI), admitting Bosnia-Herzegovina as a new member of the United Nations (Organización de las Naciones Unidas, 2016). Due to this event the Council adopted a series of resolutions during 1992 which can be seen in Table 4, in order to control the violence in the new Member State.

Table 4: Resolutions related to Bosnia-Herzegovina issued by the Security Council		
Date	Resolution	Decision
15/5/1992	Resolution 752	Requires the displacement of external armies
22/5/1992	Resolution 755	Bosnia-Herzegovina becomes a member of the UN
30/5/1992	Resolution 757	Economic sanctions are imposed in Yugoslavia due to the attacks on Bosnia-Herzegovina
8/6/1992	Resolution 758	UNPROFOR mission is extended and the Secretary General authorizes the deployment of a Peacekeeping Operation
29/6/1992	Resolution 761	Urges Member States to provide humanitarian aid
13/8/1992	Resolution 770	Prohibition of flying over Bosnian airspace
14/9/1992	Resolution 776	Confirms the Secretary General's report from September 10 th , 1992
9/10/1992	Resolution 781	Demands the Secretary General to issue a report on the situation in Bosnia
10/11/1992	Resolution 786	Military Observer group increases from 40 to 75 in Bosnia-Herzegovina
16/11/1992	Resolution 787	UNCHR ³² is involved for the first time in the conflict and acknowledges the previous resolutions
18/12/1992	Resolution 798	Supports the initiative made by the European Commission ³³ in December, 1992

Source: The author

³² UNCHR: United Nations High Commissioner for Refugees: Organization attached to the UN that is responsible for protecting and resolving issues that involve refugees and stateless people around the world.

³³ European Commission: Organ of the European Union (EU) in charge of legislating and applying policies and treaties that involve the EU.

The Secretary General's report dated September 10th, 1992 established military, economic and logistical parameters for UNPROFOR's recently expanded mission in order to ease the distribution of humanitarian aid and help on the partnership with UNHCR (Bouthros-Ghali, 1992).

The European Commission (EC) met in Edinburgh on 11-12 December 11th – 12th, 1992 to discuss different points of order. The support for a NATO³⁴ intervention to contribute to the work related to the arms embargo that Yugoslavia had at the moment was confirmed. It also established that the EC will cooperate in initiatives that could be taken to stabilize the situation in the region (Consejo Europeo, 1992).

The efforts of the UN through the Security Council, Secretary-General, UNPROFOR and other organizations prepared plans to reach the peacemaking in the first place. Subsequently, new agreements and organizations would be integrated into the reality of the conflict.

The Vance-Owen Plan was created as a UN-EC strategy represented by Cyrus Vance who acted as a Personal Envoy of the UN Secretary-General Javier Pérez de Cuellar in Yugoslavia; and by Lord Owen who was a former Member of the British Parliament and acted as a EC representative. This plan mainly proposed an absolute cease-fire and the co-creation of a new Constitution for Bosnia-Herzegovina carried out by its Bosnian, Croat and Serbian parties dividing the country into 10 provinces (Vance & Owen, 1992). The control of the provinces of Bosnia and Herzegovina was distributed as follows:

- 3 provinces with Bosnian control
- 3 provinces with Serbian control
- 2 provinces with Croatian control
- 1 province with Bosnian-Croat control
- The capital Sarajevo with mixed control

In the strategy of political division developed in the plan, there was no need to change territorial borders (secessions, adhesions) and it maintained the country with three ethnic groups coexisting with each other. The plan was originally drafted from mid-1992 and

³⁴ NATO: The North Atlantic Treaty Organization is a political and military alliance created to freedom and protection of its members.

formally published in January, 1993 to the parties. Its authors were able to convince the Bosnian and Croatian leaders to sign the plan by March, while communication towards the Serbian side was not accepted until July. Vance resigned from the plan and was later replaced by Thorvald Stoltenberg. Days after its acceptance, Serbia broke the ceasefire and the newly Owen-Stoltenberg plan eventually failed (Greenberg & McGuinness, 1992).

The Security Council later adopted eight resolutions regarding the Bosnian conflict during 1993. In order to deal with such decisions, the UN sought to ensure the integrity of civilians, refugees and their personnel within the conflict zone. Resolution 816 of March 31st, 1993 affirmed the prohibition of flights and helicopters over Bosnian airspace, with the exception of flights which are humanitarian in nature and previously authorized by UNPROFOR. Resolution 819 (Annex XII) adopted on April 16th, 1993 in its first clause requires the parties to consider Srebrenica³⁵ as a safe area of the conflict. It also decides to send a mission of members of the Security Council as soon as possible to further condemn any ethnic cleansing practices in the area as well as demanding free movement of UNPROFOR staff and humanitarian supplies within the area. This resolution is one of the main documents to be taken as reference in the current study, given the milestone it marks within the Bosnian conflict and the geographical relation with the zone in which the genocide took place. Days later, on May 6th, 1993, Resolution 824 was approved adding Sarajevo, Tuzla, Gorazde, Cepa and Bizac to the list of safe areas alongside Srebrenica plus a demilitarization of the area was requested to both sides of the conflict.

2.2.3.1 Srebrenica as a UN Safe Area before the Srebrenica Genocide

The UN decided to declare Srebrenica as a safe area due to the notorious control from the Republika Srpska through the Yugoslav Army from 1992 onwards. This occupation began a year earlier on April, 1993 when refugees arrived in Srebrenica fleeing from the ethnic cleansing campaigns carried out by the Yugoslav army since the Bosnian independence in March, 1992. The arrival of refugees caused the population to increase considerably, raising military presence of both sides (Human Rights Watch, 1995).

On April 30th, 1993 a report was developed after the implementation of Resolution 819. This report was developed by several members of the Security Council of that period of

³⁵ Srebrenica: Eastern Bosnia-Herzegovina city with Muslim majority located in the Republika Srpska.

the UN³⁶. The report states that several meetings were held by the Security Council delegation along with the belligerent parties to achieve agreements that would favor a ceasefire in the conflict. The distribution of supplies was not being effectively carried out due to permanent checkpoints in the area which bordered Srebrenica (Consejo de Seguridad, 1993a).

One of the mission's officials was Venezuelan permanent representative to the UN, Diego Arria, who designed a method called "Formula Arria". The method allowed different international actors (world leaders, governmental and non-governmental organizations) to express opinions through interviews carried out with Security Council officials in order to improve the relevance of the report (Madrid Liras, 2016).

The situation in the country required more concrete action from the international community. On June 4th, 1993, as Resolution 836 (Annex XIII) was approved, UNPROFOR was given the permission to use force in case of attacks by any of the parties in conflict towards the troops of the UN mission. In addition, Resolution 838, (Annex XIV) which was adopted on June 10th, called for a possibility to send Military Observers to the border between Bosnia-Herzegovina and Yugoslavia, so the ceasefire could be coordinated within the State.

NATO offered 80 aircraft to provide protection in case of attacks on the UNPROFOR mission. Head of mission, Phillippe Morillon, stated that a force of 34.000 troops would be needed initially to apply a proper control in the area. Secretary General responded that UNPROFOR could initially be strengthened with 7.600 troops. A few days later, on June 18th, the reinforcement for UNPROFOR was confirmed and the air defense in conjunction with NATO began in the safe areas (Netherlands Institute For War Documentation, 1995).

In September 1993, the organization 'Doctors without Borders'³⁷ issued a report through its official based in Srebrenica: Hans Ullens. The report revealed the situation of the area, described as remote from the outside world given the difficulties in delivering humanitarian supplies to it. It is also detailed that the lack of legal structures that support the correct operation of UNPROFOR turned the city into an area controlled by the Serbian

³⁶ UN Security Council Mission: Security Council Mission sent to Bosnia-Herzegovina made up by representatives from Russia, France, Pakistan, Hungary, New Zealand and Venezuela.

³⁷ Doctors Without Borders: Medical-Humanitarian organization that assists people threatened by armed conflicts, natural disasters, and exclusions from medical care.

forces who decided which kind of humanitarian aid was allowed into the region, causing ineffective assistance operations (Medicos Sin Fronteras, 2015).

The Serbian army began to cooperate after the NATO threat with regard to air strikes, which meant that new alternatives for the peacemaking had to be sought. In September 1993, presidents Alija Izetbegovic (Bosnia-Herzegovina), Slobodan Milosevic (Serbia), Franjo Tudjman (Croatia) and Radovan Karadzic (Republika Srpska) met on the British vessel, *Invincible*, in the Adriatic Sea to discuss a new proposal for peace among the conflict. This plan aimed to change the current territorial division of two regions of Bosnia-Herzegovina (Federation of Bosnia Herzegovina and Republika Srpska) to a new division which consisted of three regions: First, one territory with 49% of the territory with a Serbian majority, the second region owned 33% of the territory with a Muslim majority including Srebrenica, and finally a region with Croatian majority owning 17% of the territory. The proposal was eventually declined by the Bosnian counterpart and it never got implemented (Annan, 1999).

A NATO summit was held in Brussels in early 1994 to discuss the possibility of implementing air strikes in order to force the Serbian troops to ease the delivery of humanitarian supplies in the safe areas and allow the rotation of the new UNPROFOR contingent which was about to start their term. The NATO council was required to approve this measure since the use of force was allowed to UNPROFOR members only in case of attacks on its personnel. The Council approved the motion to carry out air strikes on either belligerent party possessing heavy artillery or mortars that could endanger the safety of civilians. During 10 days, the attacks were carried out until February 20th, 1994, when arms were handed to UNPROFOR members by both sides of the conflict. This event opened the possibility of initiating a ceasefire process between the parties under the supervision of the UNPROFOR mission (Departamento de Información Pública de las Naciones Unidas, 1996).

Resolution 900 was adopted on March 4th, 1994 and focused on stabilizing the situation of violence in Bosnia-Herzegovina. It requested the Secretary General to open a trust fund for voluntary contributions among the UN members instead of requiring a report detailing operational plans to achieve the objectives and costs that may involve operations. Based on this resolution, the Secretary General's report concluded that additional force such as

soldiers or military and civil observers would be required for UNPROFOR to carry out its operations. The Secretary General also stated that it would be tragic for the Bosnian state if the peace mission would fail due to a lack of resources. Resolution 908 was adopted on March 31st, 1994 and it extended the UNPROFOR mission for a further 6 months as well as reinforcing the contingent with 3.500 soldiers. In addition, 6.550 soldiers, 150 military observers and 275 police monitors were ordered to reinforce the contingent (Netherlands Institute For War Documentation, 1995).

With Resolutions 900 and 908 as the main plans of operation to reinforce the mission, the Secretary General issued a report reviewing the concept of 'safe areas' of the UN in Bosnia-Herzegovina. The report highlights that the concept has been well applied in Srebrenica and it brought a safe environment for a period of time. The Contact Group (Germany, France, United States, Russia and the United Kingdom) was established in April, 1994 to draw up a peace plan for the war. The Group's strategy was presented on July 4th and aimed to give 51% control of the country to the Bosnians and 49% to Bosnian Serbs. This proposal was not accepted by the parties, which confirmed that the presence of UNPROFOR in Srebrenica and other safe areas is needed to ensure the protection of the population in the area (Annan, 1999).

Since September, 1994 as Resolution 943 was adopted and Yugoslavia decided to close the border with the Republika Srpska to avoid transportation of war material; the Security Council decided to pull off the sanctions which were previously imposed on Yugoslavia during 100 days in order to evolve towards a settlement of peace within the conflict.

In December 1994, Secretary General Boutros-Ghali drafted a report analyzing the performance of UNPROFOR, which had been conducting its operations since February, 1992 in Bosnian territory. It summarizes that the performance of the mission must be aligned with the concept of 'safe areas' as well as it must include the following guidelines to achieve effectiveness in the mission:

- Delimitation of safe areas to avoid provocations between the parties.
- Demilitarization and cessation of war activities in order to create an environment of security.
- Total banning on weapons, military centers and gun factories within the area
- Guaranteed freedom of movement in the safe areas for civilians and mission personnel

Finally the Secretary General stressed that UNPROFOR has had major constraints since the beginning of its mandate, which include a lack of military, health and operational inputs to carry out the mission properly (Bouthros-Ghali, 1994).

Former US President Jimmy Carter contributed to the negotiation of a peace agreement between Bosnian Serbs and the government to establish a ceasefire. The agreement was signed on December 31st, 1994 providing a pacifist environment during the first weeks of 1995. After the UNPROFOR mission was renewed with a Dutch contingent, the state of Srebrenica began to destabilize as Serbian troops set new restrictions on transit and transportation of humanitarian supplies by February 1995. On March 7th, 1995, Bernard Janvier, UNPROFOR Commander met with his counterpart from the Republika Srpska, Ratko Mladic to prevent attacks in the Srebrenica area by his troops as they would involve an international military intervention. Finally, Mladic was not interested (Annan, 1999). By the end of April 1995, Serbian troops did not allow Commander Janvier to travel to the Srebrenica area as the transit restrictions on humanitarian supplies continued to be sustained by Mladic forces. This situation caused a rapid weakening of the civilian population in Srebrenica as well as the Dutch troops. Serbian forces also took up essential parts for the proper functioning of UNPROFOR's main weapons making them inoperable. A large part of the Dutch contingent in Srebrenica wished to leave the mission as soon as possible to the extent that there were no chances to inform the irregularities perpetrated by Serbian forces which were happening several months prior the withdrawal of the troops (Human Rights Watch, 1995).

Persistent Serbian control in the safe areas caused NATO to choose to bomb Serbian positions that violated the process of demilitarization of safe zones on May 25th, 1995. The following day General Mladic took 145 elements of UNPROFOR hostage including soldiers and military observers placing them in Serb areas attacked by NATO as a threat. in case aerial attacks continued. International community condemned these acts by putting pressure on Serbian forces to withdraw their heavy weapons from the demilitarized zones. All hostages were released in groups by June 18th (Netherlands Institute For War Documentation, 1995).

Irregularities perpetrated by NATO and both belligerent groups caused more instability within the Bosnian conflict. UN's inoperability through UNPROFOR and its officials produced the Serbian side to establish more control over the zones which the conflict was developed. Milosevic's and Karadzic had the right scenario to establish their wishes of

setting a predominantly Serb region within Bosnia-Herzegovina through a more violent ethnic-cleansing.

2.2.4 The Srebrenica Genocide (July, 11th-21st)

The Srebrenica area had been a Serb-controlled enclave³⁸ within Bosnia-Herzegovina since the outbreak of the Bosnian War in 1992. The conditions prior the genocide created an environment in which military hegemony within the zone was led by Serbian officials of the army who decided whether humanitarian supplies were entering the area or not. Malnutrition and illness affected Muslim population making them more vulnerable to any type of violence stemming from the conflict. Since July 6th, attacks have been conducted from Serbian strategic areas of Srebrenica to UNPROFOR observation points. The mission could not cope with aggressions since its artillery had previously been disabled by Mladic's troops. Warnings coming from UN representatives in Bosnia-Herzegovina were not immediately taken over by the Secretary General and Security Council which raised danger in the conflict zone, not only for civilians but also for the UNPROFOR personnel given the mission's inability to respond to such attacks (Annan, 1999).

Given the control the Serbian army put on the location, 25.000 Bosnians sought protection in the nearby village of Potocari. Orders from the Serbian troops consisted on dividing women, children and elderly, while male civilians were separated. Soldiers and informants from the Bosnian army called on the UN and NATO to carry out air strikes in the area but it was not assimilated which left the population unprotected. Several meetings were held at night on July 6th, between General Mladic and Commander Thomas Karremans, who was in charge of the Dutch UNPROFOR battalion during hostilities in Bosnia-Herzegovina. At the meeting, Commandere Karremans briefed Mladic on the situation of women, children and male civilians. Mladic stated that the population had to move from Srebrenica. Additionally, he demanded that the Bosnian army had to surrender their arms to protect civilians' lives, being UNPROFOR responsible of transporting them (Tribunal Penal Internacional para la Ex-Yugoslavia, 2001).

On July 12th Resolution 1004 (Annex XV) was adopted by the Security Council, highlighting the lack of offensive from the mission in Bosnia-Herzegovina, in order to deal with hostilities perpetrated by the Serbian army as well as demanding troops of

³⁸ Enclave: Territory which is included within another one with different political and administrative characteristics.

Mladic to withdraw immediately from Srebrenica, so UNCHR and UNPROFOR could safeguard the lives of civilians in the area.

That night, vehicles of the Serbian army with Bosnian refugees continued to arrive. Next day, it had been confirmed by several Dutch soldiers that the refugees who remained under Mladic's army, were gathered in different places such as schools, soccer fields and rivers bordering the region where they were believed to have been executed by Serbian soldiers. UNPROFOR soldiers were unable to know the fate of the refugees as Serbian troops restricted their presence in the areas where hostages were captured (Annan, 1999)

The International Criminal Tribunal for the Former Yugoslavia³⁹ questioned Croatian soldier Drazen Erdemovic who enlisted the Serbian army to protect his life. The ex-soldier gave his testimony on events that occurred between July 13th – 16th, 1995 in Srebrenica. In his testimony, it is detailed that during the arrival of Bosnian civilians, they were classified between women and children, on one hand, and male civilians in combat age, on the other hand. Men were separated and taken to a farm where Erdemovic specified that he participated in the executions of hundreds of Bosnian men (Tribunal Penal Internacional para la Ex-Yugoslavia, 1995).

On July 14th, the Special Envoy of the European Union, Carl Bildt met in Belgrade's American Embassy with Slobodan Milosevic and Ratko Mladic in order to establish agreements to allow representatives of the Red Cross and UNCHR to enter the enclave's areas to examine its situation to provide assistance to captured civilians. Two days later, on July 16th, information was obtained from officials of the Red Cross and UNCHR that stated that the massacres were still taking place in Srebrenica. This fact was taken into account by members of the UNPROFOR mission, realizing that the number of men in combat age was low compared to the number of women assisted by UNCHR and the Red Cross. Men's destination was listed in four categories:

- Living men on their way to take protection with the Bosnian government forces.
- Men previously killed by the Serbian army
- Men killed in locations where they have been already classified (Potocari)
- Men who were being transferred for an eventual execution.

³⁹ International Criminal Tribunal for the Former Yugoslavia: It is a UN tribunal that deals with war crimes committed during the Balkan conflicts in the 1990's.

Following the unfulfilled agreement by Mladic's troops, a new deal was signed, allowing UNCHR and the Red Cross to access the Srebrenica area from July 21st (Annan, 1999).

On July 21st, the Foreign Ministers of several NATO powers (Germany, Canada, the United States, France) as well as the countries which contributed with troops in the Bosnian conflict met in the 'London Conference' to discuss more drastic measures that could be imposed in Bosnia's scenario. The Secretary General immediately met with representatives of the Islamic Conference⁴⁰ who cited the recent London Conference, expressing and demanding that the Security Council authorized the immediate use of force to halt Serbian attacks. They also promised to provide Bosnian troops with armed contingents and military inputs (Organización de la Conferencia Islámica sobre Bosnia - Herzegovina, 1995).

Following a letter from the Secretary General addressed to the Security Council on July 25th, it was recommended that NATO be the military force to replace UNPROFOR given the meetings in London where NATO powers took the lead in negotiating peace. Since UNPROFOR's statute was coupled with its limited capacity to respond attacks and lack of military and humanitarian resources to deal with the conflict; the Secretary General explained that it was more reasonable to withdraw the UNPROFOR mission in Bosnia-Herzegovina. NATO launched air strikes on Serbian positions that finally led to a cease-fire in the UN's safe areas (Netherlands Institute For War Documentation, 1995).

After the withdrawal of UNPROFOR troops, a ceasefire and subsequent signing of the Dayton Agreement which was signed in Paris by Franjo Tudjman (Croatia), Slobodan Milosevic (Yugoslavia), and Alija Izetbegovic (Bosnia-Herzegovina) on November 20th, 1995. It confirms in its eleven annexes, the ceasefire, the entry of the NATO Implementation Force (IFOR), and the Constitution of Bosnia-Herzegovina based on the principles of human dignity, equality and freedom (*Acuerdos de Dayton*, 1995).

With the lack of operational faculties to respond that the UNPROFOR mission had, plus the multiple delayed responses of the Security Council when officials warned about the situation in the conflict zone, the United Nations Peace Forces performance ended within the Bosnian conflict.

⁴⁰ Organization of Islamic Cooperation: An intergovernmental organizations that includes 57 member States. It is the collective voice of the Muslim world and seeks to protect interests of the Muslim community in the world.

Chapter 3: Comparisons and Conclusions

After chronologically describing the actions of the UN through the Peace Forces in Rwanda and Bosnia-Herzegovina, it is necessary to establish comparisons in the performances of UNAMIR and UNPROFOR missions. The background that contributed to the creation of each conflict is different from one to another, in terms of the geopolitical situation in which Rwanda and Bosnia-Herzegovina were at the time of the conflicts. The common denominator that encompasses the conflicts must be analyzed such as genocide and guidelines for the UN Peace Forces. Next, a comparison of the actions of the UN in

each case will be done to establish the failures of each case to prove if the hypothesis of the investigation was met.

Before analyzing the legal inputs that encompass the conflicts, the use of the term 'genocide' should be analyzed within the development of each case. The European Journal of Public Health analyzes the impact that the terms 'genocide' and 'ethnic cleansing' dehumanizes the massacre population by indicating that the perpetrator 'cleans' society of an undesirable evil (ethnic group). The fact of not occupying the right term, which is 'genocide' hinders interpretation, judgment and decision-making by international actors (Blum, Stanton, Sagi, & Richter, 2007).

The first legal instrument to be analyzed is the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly in 1948. Ecuador ratified the document on December 21st, 1949. The treaty is the main reference used by the UN and the international community to judge cases in which the crime of genocide might have been committed.

Article 2 of the Convention defines genocide as:

- a) "Killing of group members;
- b) Serious assault against the physical or mental integrity of group members;
- c) Intentional infliction on the group on conditions that may bring total or partial destruction to its existence;
- d) Measures to prevents births within the group
- e) Forced transfer of children from the group to a different one"

Next, the Convention on the Safety of United Nations and Associated Personnel, which in its preliminary statements rejects attacks on the security of the personnel of the Peace Forces. It also recognizes that there are no agreements and measures that ensure the safety of the staff. In the operative part of this document, it is defined who are part of the operational and associate personnel of the Peace Forces and also the parameters to be focused in case the staff is in danger, but it does not involve the security of the population in which the conflict is settled.

The third document that involves the actions of the Peace Forces was written by Secretary General Bouthros-Ghali. 'A Program for Peace' was drafted before the outbreak of the

violence in Rwanda and Bosnia-Herzegovina. The document highlights the actions that must be carried out by the UN during the four stages in which the Peace Forces are present: preventive diplomacy, peacemaking, peacekeeping and peace establishment which will be analyzed and compared according to each case.

3.1 Comparisons

3.1.1 Rwanda

The beginning of the conflict has its background in the Belgian occupation that was established in Rwandan territory after the end of the First World War, where the ethnic identification system was applied to the Hutus and Tutsis. The situation created differences that persisted in both ethnic groups after the formation of the State of Rwanda, until reaching its peak during the subsequent genocide towards the Tutsi ethnic group. It can be said that the main root of the African conflict is ethnical.

As an antecedent to the entry of UNOMUR and UNAMIR, it must be highlighted that the OAU proposed the entry of GOMN I, thirteen months prior the genocide, on the Rwanda – Uganda border to avoid military and arm deployments on the Rwandan side. Ten months prior the genocide the Security Council decided to assist GOMN I (Resolution 846) through the UNAMIR mission before the outbreak of violence and six months prior the genocide the responsibilities of UNAMIR were established in Resolution 872.

I think that *preventive diplomacy* was not carried out properly since neither OAU nor UN knew about the internal disputes that were developing in Rwanda between Hutus and Tutsis at the moment tension escalated before President Habyarimana's death.

Regarding *peacemaking*, it did not meet the expectations given that Rwanda did not have legal institutions that could ensure this condition since a transitional government was being consolidated.

With UNAMIR's presence, *peacekeeping* could not reach its objectives beyond the mission's deployment in the conflict area. First of all, because of the Arusha Treaty which failed to be applied, secondly because of the limited response that the mission had, and thirdly, because of the lack of military and health supplies to face the massacres perpetrated towards the Tutsis.

The UNAMIR mission could not fulfill the task of consolidating peace since Resolution 925 finally recognized that this mission does not have separatist faculties within the conflict which questions its actions before and during the Rwandan genocide.

3.1.2 Bosnia-Herzegovina

The development of the Bosnian conflict has its initial background in the occupation of the Ottoman Empire in Bosnian territory. During this time, the main cult practiced by the Empire was Islam and it gave benefits to its followers. After World War I several ideological differences appeared on behalf of Serbia, a mainly Christian state, which wanted to enjoy hegemony through different state entities: First, with the Kingdom of the Serbs, Croats and Slovenes; then through the Kingdom of Yugoslavia until its dissolution; and finally during the Socialist Federal Republic of Yugoslavia until Tito's death. During all these state entities, the current territory of Bosnia-Herzegovina was present. The figure and ideology of Slobodan Milosevic ended up accumulating the issues that Serbians had towards Bosnians until the armies of Yugoslavia and the Republika Srpska committed human rights violations during the Bosnian War which main's outcome was the genocide in Srebrenica.

I think that the sanctions by the UN should have been applied at the time the Referendum of Independence was boycotted. The fact that the Serbian group did not respect the desires of independence that the results of the referendum reflected (63% of Bosnian people in favor of independence) is a warning on behalf the State's security; therefore *preventive diplomacy* during the Bosnian conflict was null and late.

Peacemaking was not concreted since Article 34 of the Charter was not applied. It states that:

- “The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.”

As UNPROFOR mission was already operating in Croatia, it was extended to Bosnia-Herzegovina so there was no need of requesting the acceptance of the belligerent parties. Therefore, the research carried out by the Security Council could have been done earlier.

Peacekeeping was not reached. The mission personnel was only allowed to respond in cases of self-defense. This created passive responses in cases which human rights violations were committed in 'safe areas' where the Dutch contingent was present.

Peace enforcement was not either reached by UNPROFOR. NATO's airstrikes on Serbia as well as the IFOR mission ceased war activities within the conflict. Subsequent signing of the Dayton Agreement in November, 1995 ended the conflict in the Balkans.

3.2 Conclusions

In addition to the bibliographic research in which UN Peace Forces performances are analyzed, two interviews were carried out with characters who have been close to the reality of the conflicts involving the UN and the Peace Forces.

Throughout the investigation a telephone interview with Dr. Jose Ayala Lasso, an Ecuadorian diplomat who became High Commissioner for Human Rights during the Rwandan genocide. His statements confirm the hypothesis of this research which is to know if whether there were common failures in both Peace Forces missions or if UNAMIR and UNPROFOR missions acted on their own terms while operating in the conflicts. He states that during both genocides, human rights were considered as a separate part with no links to Peace Forces missions. After his arrival in the Commissioner, human rights were integrated as an essential component within Peace Operations. It should be said that while this measure was applied, the conflict in Rwanda had already reached its peak after President Habyarimana's plane attack. Given the fact that Ayala Lasso's office was a newly and unequipped department, Director of Peace Operations and eventual UN Secretary General, Koffi Annan concluded that human rights must be integrated within Peace Operations.

Initially the UN Charter establishes that an intervention in the internal affairs by the UN inside any belligerent State is not allowed since it would violate its sovereignty. Under this condition Ayala Lasso cites the 'Charter of Conduct' which is a doctrine developed by Ecuadorian President Jaime Roldós in 1980 in Riobamba. First of all this document was addressed to the Andean region to contribute to the strengthening and resolution in conflicts in which human rights are involved. In its third paragraph, it states that:

- "Respect for human, political, economic, and social rights is a fundamental rule of the internal conduct of the Andean States and their defense is an international

obligation in which States are engaged to protect, therefore joint action carried out in order to protect those rights does not violate the non-intervention principle''

The Charter should be taken as a milestone to evaluate guidelines that the blue helmets had at both conflicts, which were limited by the non-intervention principle of UN Charter as well as the refusal of UNAMIR and UNPROFOR missions to allow the use of force unless it involves the troops' self-defense.

This doctrine was not mentioned inside the UN until after the first month of the Rwandan Genocide which lasted approximately 100 days. The lack of such doctrine is one of the reasons that caused Peace Forces to fail on their peacemaking, peacekeeping and peace enforcement goals in Rwanda and Bosnia-Herzegovina as this research shows.

A second interview (Annex IXX) with Colonel Carl Egas, an Ecuadorian blue helmet in the rank of Joint Chief of Staff as part of the Peace Operations missions carried out in Sudan (2005-2006) and Syria (2012). His experience helped to set conclusions from the military point of view of the UN.

The interview begins by highlighting the importance and influence of regional organizations and neighboring countries around armed conflicts in which the UN is present through its Peace Operations Forces.

In the Rwandan genocide, the Organization for African Unity was essential to achieve the Arusha Agreement, which eventually failed. After the killings, both, UN's Secretary General and the OAU's Secretary were called to achieve UNAMIR's reinforcement once the conflict ended. In the Bosnian case, although there was not a regional body to support the Bosnian crisis due to Yugoslavia's recent secession. The figure of NATO assumed the main role to neutralize the situation through air strikes on Serbia in order to stop attacks and violations of human rights of the Bosnian population.

When asked about the actions of the blue helmets when facing human right's violations, the interviewed stated that the Rules of Engagement (ROE) linked to each conflict have to be focused on. The UNAMIR and UNPROFOR missions limits the scope that each contingent has in order to make a progressive use of force without committing violations of sovereignty in the conflicted country. Prior the Rwandan genocide, UNAMIR mission was focused on removing landmines and keeping a peaceful environment until the elections were carried out; the failed application of the Arusha Treaty and further civil

war led to elevate levels of violence within the territory. The ROE initially established by UNAMIR eventually became inoperative. Meanwhile the mission in Bosnia-Herzegovina, the application of the ROE were specific from the beginning of the mandate. It stated that the troops of the contingent could only use force if they were attacked, but they could not make use of the force if they faced an act in which violations of human rights were involved towards the population. This caused the UNPROFOR mission to be replaced by the IFOR that eventually neutralized the conflict.

After analyzing and comparing the performances of both missions as well as the interviews carried out, it can be said that the main common cause for the failure in the Rwandan and Bosnian genocides lies in the passiveness in which the Security Council acted plus the lack of faculties that both missions had while facing human rights violations.

A better management from the UN Secretary General Office, which has direct influence on the Peace Forces, plus the contributions that regional and international organizations can make in the conflict zones along with international cooperation could give better operational inputs to the Peace Forces so that the unfortunate events as those that took place in Africa and the Balkans in the mid-nineties are not repeated.

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