

BRITISH STATE COMPLICITY IN GENOCIDE: RWANDA 1994

Author(s): Hazel Cameron

Source: *State Crime Journal*, Vol. 1, No. 1 (Spring 2012), pp. 70-87

Published by: [Pluto Journals](#)

Stable URL: <http://www.jstor.org/stable/41917771>

Accessed: 08-03-2016 18:05 UTC

---

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Pluto Journals is collaborating with JSTOR to digitize, preserve and extend access to *State Crime Journal*.

<http://www.jstor.org>

# BRITISH STATE COMPLICITY IN GENOCIDE: RWANDA 1994<sup>1</sup>

*Hazel Cameron*

**Abstract:** This article presents a synopsis of detailed research and analysis of British foreign policy in the Great Lakes region of Africa from 1990 and throughout the period of the genocide in Rwanda in 1994. The study evidences that the rebel guerrilla force of the Rwandan Patriotic Front (RPF) was supported militarily and ideologically by the United Kingdom prior to its 1990 attack on Rwanda from Uganda; throughout the ensuing civil war in Rwanda between the RPF and the forces of the Government of Rwanda; and during the genocide and massacres of many thousands. The study confirms that the British government had a wealth of knowledge regarding insecurity and violence in Rwanda, and took a positive decision not to act to prevent or stop it, thereby omitting to fulfil its obligations in terms of the UN Convention on Genocide and International Law. It is suggested herein that the decision-making of the British government during the period 1990–94 advanced the interrelated goals of maintaining power status and ensuring economic interests in key areas of Africa, inferring a substantial degree of complicity in genocide by omission.

**Keywords:** Rwanda; genocide; Great Lakes region; Africa; ethnic conflict; state crime; complicity; bystanders; international relations; British foreign policy

## Introduction

Great power and great crimes are inseparable. It is only those with great political or economic power who can, with the stroke of a pen, an utterance of an order, or even a knowing nod of the head, send thousands to their death or consign millions to lives of unrelenting want and misery. When economic and political powers pursue common interests, the potential for harm is magnified further.

Michalowski and Kramer (2006: 1)

Critical criminologists have amply demonstrated that states can be crucial in the organization and support of activities that violate their own laws and international laws, and in so doing fulfil their own broader political and economic objectives (see Chambliss 1989, 1995). International criminal law pertinent to genocide is a useful example of the foregoing and will be employed herein to provide a lens for understanding the scope of liability relative to state complicity in genocide, where the state under examination is not the primary perpetrator or co-author of the massacres.

---

Hazel Cameron is Lecturer in International Relations at the University of St Andrews.

STATE CRIME 1.1 SPRING 2012

This is particularly relevant in an age when certain states have substantially greater power and resources than others and seek to influence events abroad.

By examining the British government's political and military relationship with the Rwandan Patriotic Front (RPF) from its inception in 1986, throughout the civil war of Rwanda 1990–94 and the genocide of 1994, this article provides a snapshot of the role of the British government as an external bystander to crimes of genocide in Rwanda.

Data for this study was gathered from official cables and telexes dispatched between the British Foreign and Commonwealth Office (FCO) London, the British embassies of Kinshasa, Kampala, Dar Es Salaam, Washington, Paris, New York and individual Government ministers in Cabinet. Further documentary evidence analysed was in the form of relevant and reliable information and intelligence from both official and unofficial sources available to the British government between 1990 and 1994. A brief synopsis of the available information is included in this article<sup>2</sup> but it is important to highlight that a quantity of documentary evidence relevant to this study remains classified by the Foreign and Commonwealth Office.

In addition to documents, this study was dependent on elite interviews. Elites can be loosely defined as “those with close proximity to power or policy making” (Lilleker 2003: 207) with “high knowledge, high status, high expressive ability, and low accessibility” (Da Rocha 2005). The powerful elite interviewees of this thesis are describable as actors in positions of power within the British Government, the United Nations and/or some of its organs. These range from British government ministers of the most senior level, to civil servants employed within the Foreign and Commonwealth Office at various levels of seniority, and key members of the United Nations Security Council (UNSC) of 1994.

The approach undertaken for this study illuminated the complexities of the institution of international law as conditioned by modern politics. It further evidences that international politics and law is a relationship of fascinating intricacy and intrigue, a relationship that has evolved and finds expression in such diverse areas as complicity in genocide as captured in this brief insight into Britain's role in the Rwandan genocide. The research approached the concept of power in international politics from the perspective that powerful manipulation is not readily visible; and having stripped away layers of complexity, the research reveals how power operates in a multi-dimensional sense, influenced by the underlying precepts of economic and political advantage rather than human rights norms.

## **Bystanders and International Criminal Law**

The actions and motivations of perpetrators, victims and bystanders has long been the focus of Holocaust and genocide studies, with the greatest emphasis being

on the perpetrators of genocide and the least studied being the bystander group (Ehrenreich and Cole 2005: 216–17). In criminological scholarship, the role of bystanders and the degree to which the bystander can be held accountable for their actions and inactions, has been under-analysed; and as such, in the criminological arena, there is no detailed definition of the term bystander, or understanding of the role of bystanders to violations of international criminal law. Historically academics have described, and continue to describe “bystanders” as individuals sited at the very location of an “event” or “atrocities” (see Hilberg 1992; Beres 1989; Ehrenreich and Cole 2005), as opposed to non-individuals such as whole groups, corporations, states, organizations or communities, sited external to the locus being researched.

As the latter half of the twentieth century has shown, the international community and whole governments are frequently bystanders to genocidal events (Alvarez 2001: 26; Cohen 2001: 17) and the inaction of said external elite bystanders is “absolutely vital to those who carry out crimes against humanity” (Beres 1989: 37) and genocide. There is however only a small body of literature that explores the concept of a bystander as an institutional actor with recognized legal duties and obligations in relation to ongoing international crimes. Stohl (1987: 151) alludes to bystanders as “international system of states” but disappointingly provides no further clarification of whom he includes in his “system” or what their responsibilities may include as external actors in genocide. Stohl’s study includes a brief exploration of the role of external actors in genocide, defining bystanders as “observers outside the threatened area” (*ibid.*) thereby negating the requirement for a bystander to be necessarily present at the actual locus of an event. Similarly, Krosiak (2003: 161) discusses the bystander not as an individual but “as an organized group...who find themselves *outside* a genocidal society” (emphasis in original), however Krosiak accepts the “pejorative meaning” of the bystander as discussed by Cohen (2001), namely the passivity and indifference of the bystander.

Fundamental to this article are the actions and inactions of organized bystander groups, who can be described as the global ruling elites and states with enforceable and non-enforceable legal obligations to society as a whole, but who are, unlike the individual bystander, physically distanced from the loci of atrocity and/or genocide. They will be referred to herein as global elite bystanders.

Pertinent to any discussion of international law applicable to state crime is the International Convention on the Prevention and Punishment of the Crime of Genocide 1948<sup>3</sup> (hereafter Genocide Convention). The Genocide Convention is an international treaty that draws on elements of international criminal law, international humanitarian law, and international human rights law (Schabas 2000: x). Within the Genocide Convention, there is an affirmation that signatory states may not fail to act in the face of mass atrocities directed at the destruction of a particular group, yet to date no state has been held accountable in terms of the Genocide Convention

for such a contravention despite the weight of evidence available, for example, of the knowing abandonment of prisoners in the Nazi death camps, by the Allied troops of World War II (see Hilberg 1992; Breitman 1998). Fitzmaurice (cited in Jorgensen 2000: 277) argues that this could be due to the “considerable difficulty in expressing [the] idea in the text of the Convention of the direct responsibility of a state for genocide or for any of the other acts enumerated in article III, which includes complicity in genocide”.

By developing an understanding of global elite bystanders’ liability in international law, we can enhance our understanding of the role of the United Kingdom in the Rwandan genocide and capture the nature of complicity of global elite bystanders to genocide. There are two key points of law relating to global elite bystander complicity in genocide that are of relevance to this article. Firstly, external bystanders to genocide are liable to charges of complicity in genocide should they fail to undertake their positive obligations, such as the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III where a clear missed moment of opportunity to act has been identified and where reliable intelligence clearly warned of imminent and serious humanitarian risks. Secondly, their actions must be shown to have assisted, aided or abetted the perpetrators of genocide in some form. Article III makes punishable four forms of participation in the crime: conspiracy, direct and public incitement, attempt, and complicity.

In the late eighteenth and early nineteenth centuries the two most notable repeat-perpetrators of genocide were, according to Levene (2005), Britain and the United States. Such instances of genocide would appear to relate closely to regions on their domestic or colonial frontiers where state consolidation remained incomplete, or where expansion continued to be contested by native people.

### **Britain in Africa: Colonialism, Independence, Neocolonialism**

Until the nineteenth century, Britain and the other European powers limited their imperial aspirations in Africa to the occasional coastal outpost from where they could wield their economic and military efficacy. It has been widely held that subsequent British expansion in Africa was essentially for economic purposes and certainly some leading British government imperialists did think in terms of the economy. British Foreign Secretary, Lord Rosebery, (cited in Pugh 1999: 132) argued in 1886 that Britain was “pegging out claims [in Africa] for the future...to secure the valuable mineral resources”. However, Britain’s battles over territory were often fought with the objective of preventing French or German control in Africa rather than of promoting British economic interests (see Betts 1966; Coupland 1967; Collins 1971). Britain acquired new territory at an extraordinary rate after

1882 (Pugh 1999) including Uganda, which became a protectorate of the British Empire in 1894.

Just over half a decade later, it was the British Empire that initiated decolonization in Africa; however independence was generally replaced by neocolonialism, a term coined in the early 1960s by Kwame Nkrumah, Ghana's first postcolonial president, to describe the economic and political dominance of weaker nations by more powerful ones. Both nations remain independent, but the policies of the weaker nation mirror the concerns of the more powerful, backed by political and financial rather than military pressure. Nkrumah (1965) states "Neo-colonialism is...the worst form of imperialism. For those who practise it (sic), it means power without responsibility, and for those who suffer from it, it means exploitation without redress."

When its resident Belgian colonizers introduced independence to Rwanda in 1959, it arrived in the form of a violent Hutu revolt that saw about 10,000 Tutsi driven out of the country to exile in Uganda (Newbury 1988). During the 30-year period following Rwanda's independence, almost half a million Tutsi fled the country, with over 80,000 seeking refuge in Uganda. The scattered Tutsi Diaspora led to the emergence of communities of "Rwandans abroad" that included many ex-soldiers who "formed the core of Tutsi imperial revisionism planning to return to invade Rwanda" (Mann 2005: 428). Post-independence, the government of Rwanda was supported by France and indeed this relationship was further strengthened in 1975 with the signing in Paris of the Franco-Rwandan military agreement of cooperation.

Uganda was granted independence from its British protectorate in 1962 but, since the UK held substantial business interests in the country, it continued to maintain strong links with Uganda post-independence. Indeed the UK played a pivotal role in the military coup of Milton Obote who was replaced by Major-General Idi Amin Dada as head of the military government in 1971, and the later rise of Yoweri Museveni to President of Uganda in 1986. Museveni's popular National Resistance Army (NRA) was bolstered by the assistance of 500 Rwandan exiles in their capture of Kampala and removal of Obote's government from power (Waugh 2004).

One of those Rwandan refugees was Paul Kagame, the current President of Rwanda, who was then a military intelligence officer of the NRA. After Museveni's successful bush war ended in 1986 these Rwandan refugees in Uganda turned their attention to the formation of an explicitly militant organization that became known as the Rwandan Patriotic Army (RPA), "a small but highly effective military and political movement capable of engaging with Rwandan Government Forces (FAR)" (Dallaire 2004: 47). The political wing of this guerrilla movement was known as the Rwandan Patriotic Front (RPF).

That the United Kingdom had no diplomatic capacity in Rwanda reflected that Britain had no direct political or financial interests in this francophone country.<sup>4</sup>

In the late 1980s and early 1990s, Britain's sole interest in Rwanda was the role being played by Uganda as a home of the Rwandans in exile and the Ugandan government's supporting role of the RPF in the event that this should impact upon its economic interests in Uganda.

By 1988 it was an open secret in Uganda and Rwanda that Tutsi members of the Ugandan army were considering an invasion of Rwanda (Kuperman 2004). Kagame was aware that guerrilla movements rarely succeed without at least tacit support from a friendly regime in a nearby country and as such he correctly reasoned that having helped Museveni take power in Uganda, Museveni would in turn support his own pro-active movement dedicated to overturning the regime in Kigali and establishing an Anglophone and very different type of government in the homeland of the Tutsi refugees. In addition to President Museveni, the RPF enjoyed tacit approval from Britain and the United States in its military endeavour. The RPF was co-led by Paul Kagame who, in his capacity as Uganda's head of military intelligence, received training in military tactics and intelligence methods at the US Army's Fort Leavenworth Command and General Staff College in Kansas from July 1990 onwards (Gribbin 2005). Museveni also sent Kagame to Britain for strategic military training (Otunnu 2000: 33). Military training for the guerrilla RPA in Uganda was provided by British forces at its base in Jinja, Uganda (Destexhe 1995:46).

### **A British Proxy Wages a Military Offensive in Rwanda**

In October 1990 the army of the Rwandan Patriotic Front invaded Rwanda from southern Uganda. The Hutu-dominated Rwandan government repelled this attack with the assistance of its French allies. Many African analysts believe that the order for the October 1990 RPF invasion could not have been given without the knowledge, approval, and active assistance of the Pentagon's Central Intelligence Agency (CIA) and Britain's Secret Intelligence Service (SIS) commonly referred to as MI-6. Both agencies were heavily engaged in Uganda during this period of time (Madsen 1999). Such assertions are, according to Chossudovsky (2006), corroborated by written submissions to the International Criminal Tribunal for Rwanda (ICTR).

Shortly after the 1990 RPF attack on Rwanda, the British High Commissioner in Uganda was requested to participate in "a community demarche in Kampala" to "bring the Ugandans to their senses". The British High Commissioner recommended to the FCO that such a demarche "would be both premature and counter-productive... and could only damage our interests here".<sup>5</sup> Due to censoring of documentation it has not been possible to authenticate the reason for the requested demarche although it has been reliably suggested that it was in protestation at the Ugandan government's



ongoing support of the rebel RPA who were themselves responsible for massacres in Rwanda. (For discussion, see for example Reyntjens 2004: 178–97; Des Forges 1999; Organization of African Unity Report 2000; O'Halloran 2010.)

Throughout the early 1990s, Britain gathered information from, and maintained a close relationship with, the RPF who had an excellent and very strong intelligence machine inside Rwanda.<sup>6</sup> Throughout the period of the civil war, the British government continued to provide military training to the Tutsi-dominated guerrilla force in Uganda, whilst the United States military transported the RPA leadership to the US for advanced military training (Dallaire 2004: 48). Documents reveal that British diplomats in Kampala received intelligence from meetings with senior RPF rebel leaders during the civil war,<sup>7</sup> and were fully cognisant of “RPF claims to be able to take Kigali pretty much as will”.<sup>8</sup> Such intelligence gathering ensured that Britain was in possession of sufficient intelligence to permit a clear insight into the deteriorating conditions within Rwanda. The information forwarded to London provided a reliable, clear perspective of relations and insecurities within the Great Lakes region throughout the 1990s, and would have permitted the British to gauge the potential impact of RPF actions on Britain's relations with the government of France.

### **The RPF: “A Government in Waiting”**

Within the first few weeks of January 1994, the British embassy in Kampala informed the FCO, London that the French Ambassador in Kampala was “sounding some really deathly warnings... It was he who spoke first of the use of the term cockroach on Radio Mille Les Collines.” The French Ambassador to Uganda was also “attacking the role of the RPF, claiming they were bringing about a situation in which there was such tension that might lead to the contemplation of terrible things; and secondly, the President of Uganda's government interference by supporting the RPF and alleging that they were actually, you know, fuelling them and supplying them and all that; and thirdly, attacking us [the British government] because they saw that the Ugandan government was a cat's paw of the British government”.<sup>9</sup>

In addition to the reliable and relevant intelligence available to the FCO London from its embassies abroad were the numerous warnings of impending tragedy in Rwanda made public by organizations such as Oxfam, ICRC, and Human Rights Watch. As early as January 1993, for example, Oxfam became “increasingly fearful of where developments in Rwanda may be heading, and raised its concerns with officials in the British Foreign Office and with the Secretary of State of the Foreign and Commonwealth Office, Douglas Hurd”.<sup>10</sup>

It was thus, late on the evening of 6 April 1994, that Washington advised London by telex of the death of the Presidents of Rwanda and Burundi after an attack on



their plane as it prepared to land in Kigali, Rwanda. The report from Washington concluded that it was “anyone’s guess who was responsible for shooting down the plane”.<sup>11</sup> It is an accepted fact that the assassination of the President of Rwanda triggered genocide in Rwanda, an atrocity that is well documented. Research indicates that British intelligence continued to maintain a dialogue with senior RPF officials throughout the period of the Rwandan genocide (Cameron 2012). On the day following the assassination, communications between the British High Commissioner in Kampala, and the FCO, London detail that “Rwanda is in a very dangerous condition” as a result of the power vacuum caused by the assassination.<sup>12</sup> Despite having no embassy or obvious political interest in Rwanda, the British High Commissioner provides the FCO, London, with a detailed description of the way forward for Rwanda now that “The Presidency” is vacant. His telex ends “Please instruct me if you wish me to talk to Museveni again about exerting his influence on the RPF. We shall need to be careful to avoid exaggerating Museveni’s influence over them.”<sup>13</sup> The FCO in London responded to the foregoing within four hours of receipt, stating “agree you should speak to Museveni... You could point out that the RPF have an important opportunity to participate in power-sharing if they play their cards carefully and constructively. We agree that it should be possible to get these points across without suggesting that we hold Uganda in any way responsible for the RPF or events in Kigali.”<sup>14</sup>

When interviewed, one British government minister stated that “the 6th of April 94, in a way, was not a shock at all” and indeed communications between Kampala and London some three days after the assassination reveal that the death of Habyarimana was perceived by British diplomatic staff as something of a positive development in terms of Rwandan politics.<sup>15</sup>

One week after the start of the genocide Edward Clay, British High Commissioner Kampala, met with the RPF vice-president who was afforded the opportunity to put forth his views on the subject of withdrawal of the United Nations Assistance Mission in Rwanda (UNAMIR) from the country, a subject to be discussed at the following week’s meeting of the Security Council, New York. In his reporting of this meeting, Clay advised London that “the RPF could take care of the current disorder and should be left to do so”.

This cable concludes:

the RPF is acquiring the demeanour of a government in waiting, being pushed by events to assume responsibilities beyond its expectations. Museveni would not fault this approach. *Their claim that only they are in a position to stop the massacres is plausible.* The most dangerous moment for the RPF will indeed arise if the Rwandan population set about each other, perhaps provoked by the army and/or fear of the RPF as a Tutsi force, posing a security problem beyond their power to solve. The RPF seem to see some value in

UNAMIR, at least for the time being. It would be premature to change the force's character or mandate until the RPF have attained their military objectives and we can see more clearly what the UN can do to assist in normalising the conditions of life, bringing relief and perhaps facilitating contacts between the RPF and the other parties.<sup>16</sup> (emphasis added)

Over the next few weeks, press releases highlighted the extent of the atrocity and ongoing massacres in Rwanda. On 21 April, an ICRC press release indicated that "the fighting that has raged in central Rwanda since early April has now spread to the entire country... Tens maybe hundreds of thousands killed: the exact number of victims of the massacres that have swept Rwanda over the last two weeks will never be known... The human tragedy in Rwanda is on a scale that the International Red Cross has rarely witnessed."<sup>17</sup> The following day, Oxfam issued a statement condemning the UNSC decision to drastically reduce UNAMIR numbers in the country. Some two weeks after the start of the violence, Oxfam estimated in their press release that over 100,000 people had been killed.

Telex communications reveal that the British Embassy Kampala continued to be profoundly involved in the ailing cease-fire negotiations, with President Museveni mediating between the RPF and Rwanda government representatives. One communication reveals the RPF to have been somewhat obstructive in these negotiations.<sup>18</sup>

### **"We Will Not Call This Genocide"**

With massacres and other atrocities continuing unabated in Rwanda, Oxfam issued a press release on 28 April 1994 stating their concerns that genocide was occurring in Rwanda. The ICRC issued a statement indicating that "the conflict in Rwanda, which has caused over 100,000 deaths in two weeks, constitutes one of the gravest crises that the ICRC has ever faced".<sup>19</sup> These press releases proved somewhat inflammatory and, on 29 April 1994, an extended UNSC debate took place to discuss the use of the word "genocide" in an outgoing United Nations Security Council Presidential Statement. The New Zealand ambassador Colin Keating, the outgoing UNSC President, saw this as his last opportunity to alter the course of the Council's discussions; New Zealand's term of presidency would end on 30 April 1994. On 29 April, Keating tabled a draft Presidential Statement in the Security Council, which referred to the Rwandan conflict as genocide. It was supported by four of the other non-permanent members, namely, New Zealand, the Czech Republic, Argentina and Spain. Keating's proposal was vehemently opposed by the representatives of the United States, United Kingdom and China who resisted the use of the word "genocide" since it would have bound the members of the Security Council legally and morally to act in terms of the Convention on Genocide.<sup>20</sup> The objections of the

American and British ambassadors were eventually accepted within the UNSC, albeit reluctantly by many of the member states, and a declaration was finally adopted in the early hours of 30 April. The declaration used the legal terminology of the Genocide Convention to describe events in Rwanda, but still rejected the use of the term “genocide” itself.

On 3 May 1994, David Bryer, the Director of Oxfam, personally presented a letter to Prime Minister John Major at Downing Street, requesting intervention in Rwanda, informing him that there is “genocide on an horrific scale with a level of killing the world has not seen since Cambodia in the 1970s... For the most part, the death squads are armed with clubs and machetes, not guns, so I believe that even a relatively small UN force could offer protection to civilians seeking refuge in safe areas... This week, I was sent the enclosed fax from people hiding in the Hotel des Mille Collines in Kigali. The Hotel contains 500 people and is being protected by just 6 soldiers.”<sup>21</sup>

Interviews with members of the FCO, London, and members of the British Cabinet of 1994 have revealed that the decision to refute within the UNSC that the atrocities in Rwanda were a genocide was official as opposed to ministerial. One interviewee stated:

It was Douglas Hurd who said “We are not to call this genocide”. The reason is because that then brings up obligations under, you know, the Genocide Convention... I don’t think the people at the desk level or even up to the head of department would have necessarily advised on such a floppy policy but it was definitely coming from the top, from Douglas Hurd.<sup>22</sup>

Indeed one British Cabinet member recalls a discussion during a Cabinet meeting in July 1994 when Foreign Secretary Hurd “thump[ed] the table once and said ‘We will not call this genocide’”.<sup>23</sup> Another interviewee indicated that the hesitancy of the UK in recognizing what was now being defined as genocide was:

because the lawyers [British government advisers on law] claimed that in international law, that as soon as you use the word genocide then you are bound to take certain actions and they [the UK] didn’t have the resource to take those actions... that is basically the reason, because of the international law and the obligations and such like so it wasn’t the fact that they just didn’t think that it was genocide.<sup>24</sup>

One FCO diplomat who was considered an expert on African issues, and particularly those relating to Rwanda, indicated during interview that:

we [the FCO] kept referring the issue [use of the word genocide to describe events in Rwanda] to some committee of experts until they decided what actually happened and dictated we weren’t going to use this word [genocide]. It was Douglas Hurd who

was responsible for this, by the way – it's not people at the bottom, it definitely came from the top.<sup>25</sup>

## Misrepresentations in Parliament

On 16 May 1994 the UNSC convened once again to discuss the Rwandan situation. Interviews with members of the Security Council of 1994 evidence that the British ambassador to the United Nations Security Council, David Hannay, once again proved himself to be obstructive during this meeting as the question of increasing the strength of UNAMIR was proposed. Drawing analogies with Somalia, Hannay argued that to reinforce the peacekeepers in Rwanda, and provide a stronger mandate affording security and protection to the people of Rwanda, would court disaster. In accordance with the military tactics and demands of the RPF during meetings with British intelligence in Uganda, Hannay made clear to the Security Council that this was an African problem that required an African solution.<sup>26</sup> Despite Hannay's objections, Resolution 918 was approved by the UN Security Council the following day. This resolution adjusted the previous mandate and authorized a UNAMIR II operation comprising 5,500 troops.

As a permanent member of the UNSC, the United Kingdom was specifically asked to provide immediate logistical support for the Ghanaian troops proffered to UNAMIR II, to enable the personnel to be deployed soonest and in any case within seven days of 17 May 1994. By 31 May 1994, some two weeks after the authorization of Phase 1 of Resolution 918 that should have witnessed the strengthening of UNAMIR II to 800 troops, no troops had arrived in Rwanda (Dallaire 2004). This was due to the British government and other members of the UNSC repeatedly refusing to acknowledge these urgent requests from the Secretariat for the provision of troops and/or logistical support to permit the speedy formation of UNAMIR II.

It was in this climate of inactivity by international nations that a report was released 28 June 1994 by the Special Rapporteur, appointed some four weeks previously to report on the human rights situation in Rwanda. His detailed assessment confirmed that genocide and other human rights violations had occurred in the country.<sup>27</sup>

When questioned on 7 July 1994 in the House of Commons about the lack of British provision towards the strengthening of UNAMIR II, the British Prime Minister, John Major, explained: "it is simply not practicable for it [UNSC] to become the policeman of every part of the world" (Hansard, 7 July 1994). However the following week, the FCO Under-Secretary for State, Lennox-Boyd, advised Parliament that "we are fully joining in international efforts to bring a halt to the bloodshed... we have offered 50 trucks to the United Nations Aid Mission in Rwanda", which elicited contemptuous laughter from some Conservative MPs (Lennox-Boyd, Hansard, 13 July 1994). The government of John Major continued

to defend their stance, with the Secretary of State for Defence, Malcolm Rifkind, stating in Parliament “I am sure the United Kingdom can hold its head high for the contribution that it is making in helping to minimise the dreadful suffering in Rwanda” (Hansard, 19 July 1994). Some members of John Major’s Cabinet of 1994 continue to contend that the logistics forwarded by the United Kingdom to UNAMIR II were “very valuable once provided” and that “the UK contribution to the international response was proportionate and was reasonable. Whether the international response itself was adequate is a different matter.”<sup>28</sup>

The Force Commander of UNAMIR II is however scathing of the British contribution, stating:

The British offered fifty Bedford trucks...for a sizeable amount [of monies] to be paid [to the British Government] upfront. The Bedford is an early Cold War-era truck, which in 1994 was fit only to be a museum relic... The British later quietly withdrew their request for payment and provided some of the vehicles, which broke down one at a time until there were none left.<sup>29</sup>

### **“[N]ot a General Lack of Will”**

Several independent reports and individual actors have stated that the genocide could have been prevented or stopped had the international community possessed sufficient collective will (OAU Report 2000). One British Cabinet member has asserted, however, that in the case of Rwanda the lack of intervention from the international community had nothing to do with lack of political will, stating:

I think the mistake that was made by the international community, including the United Kingdom, was not to find out early enough the scale of what was happening in order to judge whether some much more substantial response was needed... I don’t think the problem was simply lack of political will... I think the international community didn’t find out, it didn’t make enough effort to find out what was going on and perhaps didn’t want to. Not because it was afraid of what it might discover but simply because it was preoccupied elsewhere.<sup>30</sup>

When interviewed, one former British diplomat stated:

like everybody else, we saw the press reports and we were aware of the fact that there was clearly loss of life taking place. I don’t think any of us were aware of the... I have to choose my words carefully, I don’t think..... any of us would have been absolutely certain as to the scale of what was happening... I don’t think I appreciated or accepted that that meant there was a sustained and deliberate desire to massacre every possible person they could find in that.... it sounds so terrible, sounds so awful, you tend to assume it can’t be quite that bad and the information coming out of Rwanda was mixed, I mean it was all

anecdotal because of the very nature of what was happening there. The contacts were limited so you had journalists, some of whom were getting very graphic reports, of a very dramatic event, so I think I would sum that up by saying we knew there were horrible things happening. I think that it would be correct to say that we didn't appreciate the full scale until later of what was happening and the sheer intensity of it.<sup>31</sup>

When questioned on the political will of the UK government towards the ongoing atrocity in Rwanda, another senior member of Cabinet stated "it's a combination of legal obligations, national interests, humanitarian considerations, public pressure, practicality and you've got to work out a combination of these... it was not a general lack of will".<sup>32</sup>

In reference to the tragedy in Rwanda, the Secretary of State for the Foreign and Commonwealth Office of the 1994 British government stated in his published memoirs, "We acted throughout in good conscience, though that in itself is not a justification for particular decisions. We made mistakes" (Hurd 2004: 493).

## Double Standards

The positive decision of the UK government not to act to prevent or stop the outbreak of uncontrolled violence and genocide in Rwanda when faced with substantial reliable information has been explained and excused in varying manners by members of Cabinet and diplomatic staff.

Within five days of the death of Rwanda's President, the Secretary of State for the Foreign and Commonwealth Office explained in Parliament that it was "proximity" which dictated that the British government was correct to expend energy and resources in responding to the civil war in Bosnia whilst not responding in any manner to Rwanda's ongoing plight. He advised that "the former Yugoslavia are in our continent. They are quite close to us. It is right we should be devoting such effort to them" (Hansard, 12 April 1994). During interviews it was established that several cabinet members continued to argue that a lack of response to atrocities in Rwanda was justifiable, with one stating "Douglas was simply being starkly honest about our incapacity to act on too wide a front... we had to judge where we could be most efficient."<sup>33</sup>

One senior British government official explained that "the three-sided civil war in former Yugoslavia was a different case [to Rwanda]. We were aware of the dangers of the civil war as well as the inhumanities being perpetrated on the borders of the European Union. The judgment we made was that, in these circumstances, we could make a difference." Another senior minister indicated: "I was struggling with the Bosnia problem which raised many of the same issues [as Rwanda] but was very much on our own doorstep."<sup>34</sup>

Such opinions were not shared across government. One former member of the FCO London described Hurd's comments as "appalling", and continued: "it's a pretty strange statement to have made because Britain is one of the five permanent members of the Security Council so we do have an obligation to police the world so to speak and be informed about it. So, that is a pretty uninformed statement, let's put it this way...it implies that Africa doesn't matter."<sup>35</sup>

A member of Cabinet who had argued against the governmental policy towards Rwanda, stated:

my disagreement was why are we prepared to do so much in one area [Bosnia] and not in another [Rwanda]. And it is proximity, yes, you're right. You know, small country, middle of a great big continent, it's not terribly friendly, don't have the resources, have to make hard decisions so, in a sense, ethics almost didn't come into it... At a [Cabinet] meeting I told them they [the Rwandans] are mad with killing fever and you have to intervene. You cannot stop this unless you physically intervene and I can remember being challenged about putting British soldiers to their death in a foreign land. I had a battle royal. It all came down to resources and British interest and demands on British troops. It's all the same story.<sup>36</sup>

When questioned on proximity-dependent policies, one former British ambassador to the UK Mission in New York stated "It's difficult to do this in a public domain because it sounds so terrible.... Double standards exist but that doesn't mean to say you don't help where you can."<sup>37</sup>

### **Criminally Complicit by Omission**

Throughout the 18 years since the genocide in Rwanda, the British government has repeatedly excused its decisions and actions in respect of Rwanda by claiming to have had no prior interest in the country and no access to intelligence or information. Predicating their inaction on this basis is clearly inaccurate. An intelligence network in the Great Lakes region of Africa had been developed and sustained throughout the 1990s, and indeed the UK's diplomatic relationship with Uganda and France necessitated that they keep abreast of events in Central Africa. This article has provided a brief insight into what is a wealth of intelligence available to the British government both before and during the genocide, including the source, nature and the extent of information. Such knowledge permitted the British government a clear perspective on the extent of the violence in Rwanda throughout the 1990s and counteracts statements by members of the British government of being ignorant and lacking reliable or relevant information about events in Rwanda.

The study under discussion in this article evidences positive steps undertaken by the British government to negate their legal responsibilities in International Law. In



summary the British government chose to support the RPF's aspirations to defeat the Government of Rwanda without outside intervention and refused, despite evidence to the contrary, to invoke the term genocide in UNSC communications on the advice of British government legal experts who concluded that such an admission would incur legal obligations in terms of the Genocide Convention. The British government also misrepresented to Parliament requests made of the UK to provide troops and logistical support for the formation of UNAMIR II by the United Nations Secretary General, and failed to dispatch with due haste the armoured personnel carriers (APCs) desperately required to enable the launch of UNAMIR II and put an end to the killing of indigenous Tutsi of Rwanda. The genocide was all but over before the APCs arrived in Rwanda.

Omission is only criminalized when there is a legal requirement imposing a clear obligation to act as is found in Article I of the Genocide Convention, which imposes an unconditional positive obligation on contracting parties to prevent genocide. The objective of British foreign policy during the period concerned was not in keeping with that expected of a signatory to the UN Charter and the United Nations Convention on Genocide, and it must be suggested that such decision-making has neocolonial underpinnings. Permitting the RPF to take full control of Rwanda advanced British interrelated goals of maintaining power status and ensuring economic interests in key areas of Africa. However, as stated, such an objective is clearly incompatible with the British government's legal obligations in terms of the Genocide Convention and International Law in general and infers a degree of complicity in genocide by omission. Such a revelation is of great importance since there is universal agreement that it was the 1990 invasion by the Tutsi guerrilla army of the RPF that ultimately determined the fate of millions of innocent people in the Great Lakes region of Africa throughout the 1990s and into the twenty-first century (Prunier 2009).

## Conclusions

Much of what has previously been identified in literature as state crimes are overt acts such as torture or overt military actions. This research article identifies a form of state criminality that is hidden, involving crimes of omission. The study of Britain's policy towards Rwanda throughout the last two decades evidences a series of deliberate acts in the furtherance of the political interests of a dominant state over an extended period of time. The objective of British foreign policy during the period concerned was not in keeping with those expected of a signatory to the UN Charter and the United Nations Convention on Genocide, and it must be suggested that such decision-making was for the advancement of the interrelated goals of maintaining power status and ensuring economic interests in key areas of the Great Lakes region

of Africa. Such an objective is clearly incompatible with the British government's legal obligations in terms of the Genocide Convention and International Law in general, and infers a degree of complicity in genocide by omission.

Omission is criminalized when there is a legal requirement imposing a clear obligation to act – as is found in Article I of the Genocide Convention, which imposes an unconditional positive obligation on contracting parties to prevent genocide. Complicity in genocide in international law is described as facilitating genocide by acts of commission rather than omission and therefore such deviant conduct and crimes of omission in international law cannot be conceptualized under existing notions of state crime. This research therefore serves to illuminate the inadequacies and limitations of state crime in existent international law.

By developing a global elite bystander's criminality in international law, our understanding of the role of the United Kingdom in the Rwandan genocide has been enriched. This case-study enhances our understanding, and illuminates the implications of, global elite bystander complicity in genocide for political ends, and provides a clear indication of the direction in which criminology needs to take to push forward the boundaries of "the genocide template" (Lemarchand 2006: 9).

## Notes

1. Research for this article was funded by the Carnegie Trust for the Universities of Scotland.
2. See Cameron (2012) *Britain's Hidden Role in the Rwandan Genocide*, for a detailed discussion of the information available to the British government during the period 1990–94.
3. Convention on the Prevention and Punishment of Genocide, December 9, 1948, 78 UNTs277, reprinted in 45 American Journal of International Law, 7 (1951).
4. Documentation released by the Foreign and Commonwealth Office does however evidence the presence of a British Honorary Consul in Rwanda throughout the early 1990s.
5. Cable from Kampala to FCO London dated 8 October 1990: Copy in possession of author.
6. Interviews with former diplomatic staff, British Embassy, Kampala, 2006.
7. Cable from Kampala to FCO London dated 1 November 1990: Copy in possession of author.
8. Cable from British Embassy Kinshasa to FCO London dated 23 January 1991: Copy in possession of author.
9. Interview with British diplomat, 2006.
10. Oxfam Press Release, 22 January 1993: Copy in possession of author.
11. Cable from Washington to London, Kampala, Dar Es Salaam, Kinshasa, Addis Ababa, UKMIS New York 6 April 1994: Copy in possession of author.
12. Cable British Embassy Kampala to FCO London 7 April 1994: Copy in possession of author.
13. Cable British Embassy Kampala to FCO London 7 April 1994: Copy in possession of author.
14. Cable FCO London to British Embassy Kampala 7 April 1994: Copy in possession of author.
15. Cable British Embassy Kampala to FCO London 9 April 1994: Copy in possession of author.
16. Cable British Embassy Kampala to FCO London 13 April 1994: Copy in possession of author.
17. ICRC News No. 16/21 April 1994: Copy in possession of author.
18. Cable British Embassy Kampala to FCO London 21 April 1994: Copy in possession of author.
19. ICRC News No. 17/28 April 1994: Copy in possession of author.
20. Interviews in 2006 with members of the United Nations Security Council April 1994.
21. Copy of letter from Oxfam archive in possession of author.

22. Interview in 2006 with former FCO staff.
23. Interview in 2006 with member of the British Cabinet of Major government 1994.
24. Interview in 2006 with former FCO staff.
25. Interview, 2006.
26. Interviews in 2006 with representatives to the UNSC 1994.
27. E/CN.4/1995/7.
28. Interviews in 2006 with members of the British Cabinet of Major government 1994.
29. Interview with UNAMIR Force Commander Dallaire, 2005.
30. Interview in 2006 with member of the British Cabinet of Major government 1994.
31. Interview in 2006 with former ambassador to UKMIS New York 1994.
32. Interview in 2006 with member of the British Cabinet of Major government 1994.
33. Interview in 2007 with senior member of 1994 British government.
34. Interviews in 2006 with members of the British Cabinet of Major government 1994.
35. Interview in 2006 with former FCO staff.
36. Interview in 2006 with member of the British Cabinet of Major government 1994.
37. Interview in 2006 with former ambassador to UKMIS New York 1994.

## References

- Alvarez, A. (2001) *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach*. Bloomington, IN: Indiana University Press.
- Beres, L.R. (1989) "Genocide, State and Self", in D.O. Friedrichs, eds, *State Crime, Vol II*. Aldershot: Ashgate.
- Betts, R.F. (1966) (ed.) *The "Scramble" for Africa: Causes and Dimensions of Empire*. Boston: D.C. Heath and Co.
- Breitman, R. (1998) *Official Secrets: What the Nazis Planned, What the British and Americans Knew*. London: Penguin.
- Cameron, H. (2010) "Britain's Hidden Role in Rwandan State Violence", *Criminal Justice Matters* 82: 1.
- (2012) *Britain's Hidden Role in the Rwandan Genocide: The Cat's Paw*. London: Routledge.
- Chambliss, W. (1989) "State Organised Crime", *Criminology* 27: 183–208.
- (1995) "Commentary", *Society for the Study of Social Problems (SSSP) Newsletter* 26(1): 9.
- Chossudovsky, M. (2006) "The Geopolitics Behind the Rwandan Genocide: Paul Kagame Accused of War Crimes", available online at <http://www.globalresearch.ca/index.php?context=va&aid=3958>
- Cohen, S. (2001) *States of Denial: Knowing About Atrocities and Suffering*. Cambridge: Polity Press.
- Collins, R. (1971) *Europeans in Africa*. New York: Knopf.
- Coupland, R. (1967) *The Exploitation of East Africa, 1856–1890: The Slave Trade and The Scramble*. Evanston, IL: Northwestern University Press.
- Dallaire, R. (2004) *Shake Hands With the Devil*. Canada: Random House.
- Da Rocha, M. (2005) "Elite Interviewing – Advantages and Limitations with Political Research", Mimers Brunn, available online at <http://www.mimersbrunn.se/arbeten/5935.asp>
- Des Forges, A. (1999) *Leave None to Tell the Story*. New York: Human Rights Watch.
- Destexhe, A. (1995) *Rwanda and Genocide in the Twentieth Century*. New York: New York University Press.
- Ehrenreich, R.M. and Cole, T. (2005) "The Perpetrator–Bystander–Victim Constellation: Rethinking Genocidal Relationships", *Human Organization* 64(3): 213–24.
- Gribbin, R.E. (2005) *In the Aftermath of Genocide: The US Role in Rwanda*. Lincoln, NE: iUniverse.
- Hilberg, R. (1992) *Perpetrators Victims Bystanders: The Jewish Catastrophe 1933–1945*. New York: Harper Perennial.
- Hurd, D. (2004) *Memoirs*. London: Abacus.
- Jorgensen, N.H.B. (2000) *The Responsibility of States for International Crimes*. Oxford: Oxford University Press.

- Krosiak, D. (2003) "The Responsibility of Collective External Bystanders in Cases of Genocide: The French in Rwanda", in T. Erskine, ed., *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*. Basingstoke: Palgrave.
- Kuperman, A.J. (2004) "Provoking Genocide: A Revised History of the Rwandan Patriotic Front", *Journal of Genocide Research* 6(1): 61–84.
- Lemarchand, R. (2006) "Unsimplifying Darfur", *Genocide Studies and Prevention* 1(1): 1–12.
- Levene, M. (2005) *Genocide in the Age of the Nation State, Vol. I: The Meaning of Genocide*. London and New York: I.B. Tauris.
- Lilleker, D.G. (2003) "Interviewing the Political Elite: Navigating a Potential Minefield", *Politics* 23(3): 207–14.
- Madsen, W. (1999) *Genocide and Covert Operations in Africa 1993–1999*. Lampeter, Ceredigion: Edwin Mellen Press Ltd.
- Mann, M. (2005) *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press.
- Michalowski, R.J. and Kramer, R.C. (2006) (eds) *State-Corporate Crime: Wrongdoing at the Intersection of Business and Government*. New Brunswick: Rutgers University Press.
- Morgenthau, H.J. (1985) *Politics Among Nations: The Struggle for Power and Peace*. New York: McGraw-Hill.
- Newbury, C. (1988) *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960*. New York, Columbia University Press.
- Nkrumah, K. (1965) *Neo-Colonialism: The Last Stage of Imperialism*. London: Thomas Nelson & Sons Ltd.
- O'Halloran, K. (2010) *Pure Massacre*. Newport, NSW: Big Sky Publishing.
- Organization of African Unity (2000) *Rwanda: The Preventable Genocide*, available online at [http://www.africa-union.org/official\\_documents/reports/Report\\_rowanda\\_genocide.pdf](http://www.africa-union.org/official_documents/reports/Report_rowanda_genocide.pdf)
- Otunnu, O. (2000) "A Historical Analysis of the Invasion by the Rwandan Patriotic Army (RPA)", in H. Adelman and A. Suhrke, eds, *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire*. New Brunswick, NJ: Transaction Publishers.
- Prunier, G. (2009) *From Genocide to Continental War: The Congolese Conflict and the Crisis of Contemporary Africa*. London: Hurst and Company.
- Pugh, M. (1999) *Britain Since 1789: A Concise History*. New York: Palgrave.
- Reyntjens, F. (2004) "Rwanda, Ten Years On: From Genocide to Dictatorship", *African Affairs* 103(411): 177–210.
- Schabas, W.A. (2000) *Genocide in International Law*. Cambridge: Cambridge University Press.
- Stohl, M. (1987) "Outside of a Small Circle of Friends: States, Genocide, Mass Killing and the Role of Bystanders", *Journal of Peace Research* 24(2): 151–66.
- Wagh, C. (2004) *Paul Kagame and Rwanda: Power, Genocide, and the Rwandan Patriotic Front*. Jefferson, NC: McFarland and Company Inc.