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The Role of Rapid Reaction Forces

Predicating Responsibility in Cases of Humanitarian Crises

Kristine St-Pierre

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Kristine St-Pierre

Abstract

Since the end of the cold war, there has been increasing discussion of the need for conflict prevention, and more specifically rapid preventive action. The reality of this preventive need is exposed through the creation of a number of rapid reaction forces (RRFs), of which both NATO and EU RRFs are notable examples. Their development, however, has not resulted in a greater acceptance of their use for humanitarian purposes, or as a tool for saving human lives. In fact, there seems to be an underlying tension between the increasing need for rapid reaction capability, and the structural incapacity and political reluctance to get involved, especially militarily. The objective of this paper is to evaluate whether a RRF can constitute an adequate response to humanitarian crises. This is accomplished by first, examining the discourse surrounding the need for rapid reaction forces against the reality of the international community's rapid reaction capability, and second, by scrutinizing the ongoing debates surrounding the use of RRFs in humanitarian intervention, including the issues of indigenization, legitimacy, and interests.

About the Author

Kristine St-Pierre is a M.A. Candidate in International Affairs (Conflict Analysis and Conflict Resolution) at the Norman Paterson School of International Affairs, Carleton University. She holds a B.A. in Environmental Studies from the University of Ottawa.

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INTRODUCTION [1]

In December 2003, Jan Egeland, United Nations (UN) Under-Secretary for humanitarian affairs and emergency relief, proclaimed that the humanitarian situation in Darfur was now "one of the worst in the world."[2] To date, 3.5 million "conflict affected" Darfuris depend on humanitarian operations, more than 6,000 succumb each month, and 200,000 are estimated to have already been killed.[3] The International Crisis Group has argued that in the short-term, "a multinational bridging force will be the only solution to tackle Darfur's most urgent protection needs," and that "NATO would appear to be the best equipped organization to provide, and lead, the additional troops required in the necessary numbers and within the necessary time-frame."[4] Louise Fréchette, Deputy Secretary-General of the UN, has also made an informal request for the deployment of an EU-led military operation to Sudan.[5] While violence is seeing no respite, both matters remain under consideration.

Since the end of the cold war, there has been increasing discussion of the need for conflict prevention, and more specifically rapid preventive action.[6] In response to this preventive deficiency, the past decade has seen a clear increase in the number of Rapid Reaction Forces (RRFs), including the NATO Response Force (NRF), the EU Rapid Reaction Force (ERRF), and the African Union Standby Force (ASF).[7] The development of new RRFs, however, has not resulted in a greater acceptance of their use for humanitarian purposes, or as a tool for saving human lives.[8] In fact, there seems to be an underlying tension between the increasing need for rapid reaction capability, and the incapacity and reluctance to get involved, especially militarily. The current debate over

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[1] Since finalizing this paper, the UN has agreed to the deployment of a peacekeeping mission to Darfur. While the Government of Sudan has not yet agreed to such deployment, it has accepted that a joint UN and AU team be sent to the region to assess the requirements for a future mission. See Jonah Fisher, "Sudan 'closer' to UN Darfur plan," *BBC News*, 25 May 2006, available at http://news.bbc.co.uk/2/hi/africa/5017922.htm.

[2] Jan Egeland quoted in Human Rights Watch, *World Report 2005*, 28, available at //hrw.org/wr2k5/wr2005.pdf.

[3] Eric Reeves in David Kilgour, "Does 'Never Again' Mean Anything?" *Embassy*, October 26, 2005, available at www.embassymag.ca/html/index.php?display=story&full_path=/2005/october/26/never/. These figures are estimates and may vary. See Russell Smith, "How Many Have Died in Darfur?" BBC News, 16 February 2005, available at news.bbc.co.uk/1/hi/world/africa/4268733.htm.

[4] International Crisis Group, "Darfur Needs Bolder International Intervention," press release, 25 May 2005, available at http://www.crisisgroup.org/home/index.cfm?id=3468.

[5] Peter Viggo Jakobsen, "The Emerging EU Civilian Crisis Management Capacity—A 'Real Added Value' for the UN?" background paper prepared for "The Copenhagen Seminar on Civilian Crisis Management," Royal Danish Ministry of Foreign Affairs, 8-9 June 2004, 2.

[6] See Kristine St-Pierre, "Empty Rhetoric or Genuine Response? Evaluating the Effectiveness of Rapid Reaction Forces in Preventing Conflict," paper presented at the "CDAI-CDFAI 8th Graduate Student Symposium," 28-29 October 2005, 1-16, available at www.cda-cdai.ca/symposia/2005/St-Pierre.pdf.

[7] St-Pierre, "Empty Rhetoric."

[8] The use of military force for humanitarian purposes remains a matter of controversy; the issue is even more controversial when military force is considered as part of a humanitarian intervention without UN authorization. For a review of the debate, as addressed by four recent reports, see Edward Newman, "Humanitarian Intervention, Legality and Legitimacy," *The International Journal of Human Rights* 6, no. 4 (Winter 2002): 102-120.

Darfur is a case in point. This reluctance is matched by the West's increasing aversion to commit where national and strategic interests are not directly at stake.

In light of this tension, can RRFs constitute an effective tool for responding to humanitarian crises? If indeed effective, why is there such reluctance to deploying them? Is a lack of political will to blame, or do other factors provide a better explanation? The present analysis determines that RRFs can be effective tools for responding to humanitarian crises. As this paper argues, RRFs can act as an initial stabilizing force in humanitarian situations, and provide a first step in the conflict resolution process. At the same time, however, this study shows that RRFs are limited primarily by the military and financial capacity of states and by their lack of strategic interest. In addition, the analysis clearly suggests that the deployment of such force must be accompanied by appropriate discussions of the type of conflict encountered, the legitimacy and legality of the intervention considered, and most importantly, clear strategic objectives. Unfortunately, while inadequate responses in the past should resonate in the present, causing more appropriate actions to be taken, such actions remain few and far between. In the case of Darfur, present responses by the international community only portray an illusive responsibility towards the people of Darfur.

The paper begins by outlining the current discourse surrounding conflict prevention, humanitarian intervention, and the need for rapid reaction capability, and discusses the role of RRFs within the context of the 'Responsibility to Protect' doctrine. The situation in Darfur is also briefly described. Next, the paper examines the concepts of indigenization, legitimacy, and interest as they relate to the use of RRFs as part of a humanitarian intervention.[9] The paper then turns to an analysis of the international community's responsibility in situations of human rights abuse and the role that RRFs can play in upholding this responsibility. Concluding remarks follow, including recommendations for policy actions.

CONFLICT PREVENTION, INTERVENTION, AND RAPID REACTION FORCES

Conflict prevention, or the idea of taking early action to reduce or stop disputes from escalating, is by no means a new concept. In fact, such intents were integral parts of the establishment of the UN, the League of Nations, and the Concert of Europe.[10] Notwithstanding its long history, conflict prevention measures have not proven effective in the post-Cold War era. The few examples of successful preventive diplomacy do little justice to the succession of failed preventive action and missed opportunities.[11] While waiting was often assumed to be less costly than taking preventive action, the wait has often proven to be more costly than anticipated, and even more costly than if preventive

[9] These debates are derived from the literature and address three main issues surrounding the use of RRFs for humanitarian purposes. While their analysis raises additional questions, for reasons of scope and space, these questions are not addressed in this paper.

[10] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Supplementary Volume* (Ottawa: IDRC, 2001).

[11] *Responsibility to Protect: Supplementary Volume.*

action had been taken.[12] According to Jentleson, conflicts in Somalia, Rwanda, Croatia and Bosnia-Herzegovina, could have been significantly limited, contained, and even prevented if missed opportunities had been seized through "timely diplomatic interventions" or a "more determined international response."[13] Evidence is also provided showing how seized opportunities in preventive action helped to avoid the intensification of conflicts in Macedonia, Ukraine, the Baltic States, North Korea, and Congo-Brazzaville in 1993. The resurgence of violence in many countries has also provided the basis for encouraging preventive operations and for 'seizing' the opportunities for early action before they become 'missed.' While the logic of conflict prevention is widely accepted, its practice is less so. The latter varies mainly with regards to application, both in terms of the strategies used and when they are used.[14]

Humanitarian intervention is one such strategy. It is defined as an action conducted against, and without the consent of, a state or its leaders with the aim of protecting the citizens of the target state from grave abuse and violations of their fundamental human rights.[15] Recent years, however, have seen an extensive push toward expanding the UN system of collective security to include armed humanitarian intervention.[16] The development of new RRFs is a case in point. RRFs are defined as robust forces capable of immediate deployment, in addition to demonstrating mobility, flexibility, and effectiveness.[17] They must also be sustainable and remain in the field for as long as required. The value of a rapid reaction capability thus stems from its rapidity, deployability, sustainability, and interoperability, which are often not part of ordinary conflict prevention measures. It is the very nature of RRFs that makes them effective

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[12] Bruce Jentleson, "The Realism of Preventive Statecraft," in *Conflict Prevention: Path to Peace or Grand Illusion?* eds. David Carment and Albrecht Schnabel (New York: UN University Press, 2003), 26-46.

[13] Jentleson, "The Realism of Preventive Statecraft," 28-29. See also Bruce Jentleson, ed., *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World* (Lanham, MD: Rowman and Littlefield, 1999), which examines 10 case studies from the 1990s: Croatia-Bosnia, Rwanda, Somalia, Nagorno-Karabakh, Chechnya, Macedonia, Congo-Brazzaville, Russia-Latvia/Estonia, Russia-Ukraine, and North Korea.

[14] See Michael Lund, "Creeping Institutionalisation of the Culture of Prevention?" in *Preventing Violent Conflict: The Search for Political Will, Strategies and Effective Tools*, Report of the Krusenberg Seminar, 19-20 June 2000, 27, available at www.asylumsupport.info/publications/sipri/political.pdf.; and *Responsibility to Protect: Supplementary Volume*, 25. Lund describes current international conflict prevention as "still hit-and-miss" and as being mainly driven by "evanescent agendas" and "political accidents, funding and sentiments."

[15] See ICISS, *The Responsibility to Protect: Final Report* (Ottawa: IDRC, 2001), 8; Mohammed Ayoob, "Humanitarian Intervention and State Sovereignty," *The International Journal of Human Rights* 6, no. 1 (Spring 2002): 81. Many view humanitarian intervention as the threat or use of military force against a state as opposed to viewing humanitarian intervention as a set of actions, which follow a continuum. Such authors include J.L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge, UK: Cambridge University Press, 2003).

[16] See Andrea Charron, "Expanding the UN's Collective Security System: Do the Responsibility to Protect and the Duty to Prevent Conform to its Elements?" paper presented at the "CDAI-CDFAI 8th Graduate Student Symposium," 28-29 October 2005, 10, available at www.cda-cdai.ca/ symposia/2005/ Charron.pdf.

[17] Peter Langille, "Preventing Genocide: Time for a UN 911," *Globe and Mail* (Ottawa), 19 October 2004, available at www.globalpolicy.org/security/peacekpg/reform/2004/1019timefor.htm.

tools for responding to conflict.[18] It is thus not surprising that the option for more robust preventive actions in extreme situations has garnered increasing support. The deployment of a rapid reaction force is seen as a crucial tool to "deter or halt acts of genocide or mass violence in their earliest stages," thereby avoiding escalation of the conflict.[19]

Critics of the use of military force as part of a humanitarian intervention contend that there is a potential for blurring the lines between the two types of interventions, which would serve to undermine the credibility, neutrality and impartiality of the latter.[20] There is no question that initiatives requiring less coercion are more desirable and morally acceptable than coercive ones. However, in certain cases these may not be sufficient in the short-term in dissuading large-scale violence, rendering military force the only viable option. According to the 'Responsibility to Protect,' an intervention is deemed "supportable" in cases where "major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator."[21] These extreme cases refer to situations involving gross violations of human rights such as the loss of life on a large scale, intended as a genocide or not and involving the state or not, and the observation of 'ethnic cleansing' whether through acts of terror, massive killing, forced migration, or systematic rape.[22]

To be clear, the concept of RRFs must be understood as a reactive force, and should not be confused with preventive (or pre-emptive) deployment. This logic is clearly demonstrated in the 'Responsibility to Protect', as the use of military force is specifically associated with the second responsibility: *the responsibility to react*.[23] This responsibility entails a response "to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention." RRFs must also be seen as a short-term tool designed to respond to "new complex emergencies" by helping to appease and or de-escalate tensions, or avoid conflict altogether.[24] They are not designed to solve the underlying causes of a conflict, and should thus be complemented with a clear long-term peacekeeping (and peace-building) mandate.

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[18] St-Pierre, "Empty Rhetoric," 12.

[19] Micah Zenko, "Saving Lives with Speed: Using Rapidly Deployable Forces for Genocide Prevention," *Defense & Security Analysis* 20, no. 1 (March 2004): 3.

[20] See Michael Pugh, "Maintaining Peace and Security," in *Governing Globalization: Power, Authority and Global Governance*, eds. David Held and Anthony McGrew (Cambridge: Blackwell, 2002), 219, 225. While Pugh makes a valid point, one should not assume that all humanitarian interventions are credible, neutral, and impartial.

[21] *Responsibility to Protect: Final Report*, 16.

[22] The ICISS further believes humanitarian intervention can be defensible under circumstances of state collapse and environmental catastrophes where the state is "either unwilling or unable to cope, or calls for assistance," resulting in large-scale loss of life and or crimes against humanity. These differ somewhat from situations where the state is present, and deemed responsible, at least partly, for the crimes being committed, and as a result, are not addressed in this paper. See *The Responsibility to Protect: Final Report*, 33. For an analysis of the expansion of the norm of intervention in Africa, see Stanlake J.T.M. Samkange, "African Perspectives on Intervention and State Sovereignty," *African Security Review* 11, no. 1 (2002): 1-9, available at www.iss.co.za/pubs/ASR/11No1/Samkange.html.

[23] *Responsibility to Protect: Final Report*, xi.

[24] United Nations, *Report of the Panel on United Nations Peace Operations* [Brahimi Report], A/55/305-S/2000/809 (21 August 2000), available at www.un.org/peace/reports/peace_operations/.

The Situation in Darfur

Beginning in early 2003, the conflict in Darfur has been incessant for almost three years. Sudan's government is accused, along with government-backed Arab militias, of conducting "a brutal campaign of mass killing and ethnic cleansing" against the civilians of Darfur.[25] The international community, which in January 2005 applauded the Comprehensive Peace Agreement that officially put an end to Sudan's 23-year civil war, has demanded that the government assert its control over the rebel groups. However, it has stopped short of labeling the violence as genocide. Though estimates vary, the conflict is believed to have already claimed the lives of 200,000 people, while 3.5 million Darfuris are affected by the conflict, and more than 6,000 are said to die each month from violence, malnutrition or disease.[26] These figures are even more alarming considering the many calls for action that have been made, though in vain. An article, which appeared in the *Globe and Mail* more than a year ago, is a good case in point.

> With more than 1.2 million internally displace people in western Sudan's Darfur region and reports of 10,000 dying each month, intervention is now desperately needed to stop the violence, the starvation and the scorched-earth campaign. By their nature, emergencies usually require prompt, reliable and effective responses. Such a response is, alas, unlikely.[27]

Needless to say, the author was right. More than a year later, the conflict persists amidst international debate over definitions and over what actions, if any, should be taken. What is remarkable is the fact that while the international media's focus on Darfur has been comparatively high, the conflict has not triggered "a matching flow of relief supplies or sufficient financial support for the African Union's peace-keeping efforts."[28] The progress regarding the threat and possible imposition of sanctions on oil exports, of an arms embargo, and of travel restrictions on Sudanese leaders appears far-off. Meanwhile the government of Sudan has not yet disarmed and 'neutralized' the Janjaweed militias, as required by UNSC resolution 1556 of 2004. Furthermore, though the referral of the case of Darfur to the International Criminal Court (ICC) is crucial for trying the perpetrators of human rights violations after the fact, these efforts neglect the current reality and immediate needs on the ground.

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[25] Alex J. Bellamy, "Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq," *Ethics and International Affairs*, 19 (2005): 31.

[26] Eric Reeves in Kilgour, "Does 'Never Again' Mean Anything?"

[27] Langille, "Preventing Genocide."

[28] Peter Kagwanja, "Darfur: An African Union Peace-Keeping Crucible?" paper presented at a conference "Keeping Peace in Tough Neighborhood: The Challenges Confronting Peacekeepers," Centre for International Political Studies, South African Defence College, Pretoria, 14 September, 2004, 5.

UNDERSTANDING RRFS: INDIGENIZATION, LEGITIMACY, AND INTERESTS

This section looks at the concepts of indigenization, legitimacy, and interests as they relate to the use of rapid reaction forces for humanitarian intervention. These concepts highlight the level of controversy that surrounds a decision to deploy.

Indigenization

Burgess uses the term "indigenization" in reference to the increasing responsibility Africans experience in peace and security.[29] The term addresses the question of who intervenes and the debate between regional (or 'indigenous') and multilateral organizations.

As mentioned above, the last decade has seen an increase in the number of RRFs.[30] Of interest is the fact that these forces have shifted from the multilateral to regional realm, and from a force associated solely with the developed world—the NRF and ERRF—to one present in the developing world—the ASF.[31] Indeed, the UN's lack of responsiveness to emergencies and its unpromising record at peacemaking in the 1990s[32] have given regional organizations a push; these are increasingly regarded as the best option for defence initiatives. As Adebajo and O'Halon observe,

> A majority of African states now agree that there is a need for new strategy structures. This is not out of wishful thinking but plain necessity, with the sobering realization that nobody else will resolve Africa's problems but Africans themselves. Only with the creation of an African rapid-reaction force and the subsequent development of permanent regional security structures will the pessimism bred by the seemingly perennial conflicts in Africa begin to dissipate.[33]

The "indigenization" of defence forces in Africa confers many advantages for the continent. For one, African forces are often more willing to intervene and assume the costs, they are generally more disposed to taking sides, and they normally respond faster to crises than UN forces.[34] For example, African peace enforcement organizations in Western (ECOWAS) and Southern Africa (SADC), have been characterized by their robust peacekeeping and "high levels of salience" when attempting to prevent spillover of

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[29] Stephen Burgess, "African Security in the Twenty-First Century: The Challenges of Indigenization and Multilateralism," *African Studies Review* 41, no. 2 (1998): 38.

[30] See St-Pierre, "Empty Rhetoric."

[31] St-Pierre, "Empty Rhetoric." The Economic Community of West African States Monitoring Group (ECOMOG) is another example.

[32] Marrack Goulding, "The United Nations and Conflict in Africa Since the Cold War," *African Affairs* 98, no. 391 (1999): 161. By contrast, Goulding finds the UN's record with respect to peacekeeping to be higher.

[33] Adekeye Adebajo and Michael O'Hanlon, "Africa: Toward a Rapid-Reaction Force," *SAIS Review* 17, no. 2 (Summer-Fall 1997): 162-3.

[34] See Burgess, "African Security," 57, and Theo Neeting, "Shaping the African Standby Force: Developments, Challenges, and Prospects," in *Military Review* (May-June 2005): 69.

conflicts in their respective neighborhoods.[35] African forces, however, will not be able to go about it alone, and will still require support in the form of equipment, training, logistics, training, etc.[36] The ASF, for example, is designed to intervene in genocide situations when action by the international community is not forthcoming; however, this specific capacity is not intended to be ready until 2010,[37] effectively questioning the current capacity and effectiveness of the AU force in Darfur. In addition, "[a] substantial increase of the African Union's Mission, desirable as it is deemed to be, demands a commensurate support by the international community."[38]

At present, the NRF and ERRF are the only two defence establishments with a definite rapid deployment capacity, though the ERRF's capacity to undertake more robust interventions is debatable. According to Zenko, it is unlikely that within the next five years, any newly developed RRFs (with the possible exception of a NATO force supported by the US) will be able to conduct what he calls "genocide prevention campaigns" on their own.[39] Burgess further specifies that while certain African regions possess a greater capacity to take action in the face of grave violations of human rights, the record to date has been mixed.[40] Though he agrees in principle with the use of force for humanitarian purposes, in his opinion "interventions [by 'indigenous' forces] have not necessarily brought peace and security, and very few have stopped humanitarian crises."

It is disconcerting to note that the force presently on the ground in Darfur, the African Union Mission in Sudan (AMIS), "has proven unable to halt sporadic escalations of violence or prevent the humanitarian situation from deterioration."[41] The AU monitors are lacking in numbers and in strength, which limits their ability to ensure compliance with the ceasefire and to protect the civilians in Darfur.[42] This deficiency has resulted in a significant decrease of the level of security and has led to an increase in the vulnerability of the population to attacks by militia groups. Humanitarian workers have also increasingly been the targets of attacks, which according to Reeves, are pushing many of them "to the very limit of tolerable risk."[43] As he describes, there is considerable apprehension about the possibility that humanitarian organizations suspend their operations, or withdraw from Darfur altogether. This would have, in his view, a

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[35] Burgess, "African Security," 57, and Neeting, "Shaping the African Standby Force," 70. ECOWAS refers to the Economic Community of West African States; SADC is the Southern African Development Community.

[36] See Burgess, "African Security," 57-58.

[37] Neeting, "Shaping the African Standby Force," 69.

[38] Kagwanja, "Darfur," 6.

[39] Zenko, "Saving Lives with Speed," 15. Daniel Keohane also questions the ERRF's capacity and willingness to conduct operations that require more than peacekeeping. See Daniel Keohane, "EU Defence Policy: Beyond the Balkans, Beyond Peacekeeping?" *Weltpolitik.net*, 1 July 2003, available at www.cer.org.uk/articles/keohane_weltpolitik_ jul03.html.

[40] Burgess, "African Security," 47.

[41] Bellamy, "Responsibility to Protect or Trojan Horse?" 32.

[42] See Kagwanja, "Darfur."

[43] Eric Reeves, "Why Time is Running Out in Darfur," *The New Republic* (On-line), 28 November 2005, available at www.sudanreeves.org/ modules.php?op=modload&name=Sections&file=index&req= viewarticle&artid=537&page=1.

devastating effect, leaving hundreds of thousands at the mercy of armed militias, malnutrition and disease.

Based on the present level of violence in Darfur, it is questionable whether the UN, US, and other major states including Canada, should remain in the sidelines and maintain, in Burgess' words, a "subsidiary role"?[44] While the UN and Western states have a role to play in providing resources and training, the responsibility to protect would argue they also have a direct responsibility to ensure the protection of innocent civilians from irreparable harm and abuse of their fundamental human rights. The current inability of AMIS to stop the violence on the ground is a clear indication of the requirement for a robust and rapidly deployable multilateral force.

Legitimacy

Legitimacy refers to both the concepts of sovereignty and of authority. According to Ayoob, there is "an inherent tension between international concern increasingly translated into intervention for humanitarian purposes and the notion of sovereignty."[45] Indeed, most conflicts after the end of the Cold War take place within states, where the concept of sovereignty is of crucial, if not utmost importance. As forced intervention in a sovereign state is illegal under international law, these intra-state conflicts have proven much more difficult to address than their inter-state counterparts.

During the 1990s, the concept of sovereignty was also redefined to incorporate the idea of authority and that of responsibility, as conferred by the doctrine of responsibility to protect.[46] However, according to Bellamy, the doctrine has been used as much in support of international action as in opposition to it.[47] In Darfur, he argues, "the responsibility to protect language has now enabled *anti-interventionists* to legitimize arguments against action by claiming that primary responsibility in certain contested cases still lies with the state, and not (yet) with an international body." Both Jan Pronk, the secretary-general's special representative for Sudan, and Francis Deng, the secretary-general's representative on internally displaced peoples, have argued that the primary responsibility for ending the crisis lies with the Sudanese government.[48] Deng also expressed the concern that multilateral intervention would exacerbate the situation and sever cooperation with the Sudanese government.

By contrast, Goulding observes that "no conflict is completely internal" since consequences rarely keep to a state's borders.[49] As a matter of fact, more than 200,000 Darfuris refugees have already fled to Chad, while many more are believed to be staying

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[44] Burgess, "African Security," 57.
[45] Ayoob, "Humanitarian Intervention," 83.
[46] Ayoob, "Humanitarian Intervention," 84.
[47] Bellamy, "Responsibility to Protect or Trojan Horse?" 33.
[48] Jan Pronk and Francis Deng, quoted in Bellamy, "Responsibility to Protect or Trojan Horse?" 46. For comments by Jan Pronk, see UNSC, S/PV.5027, 2 September, 2004, 3. For comments by Francis Deng, see UN Commission on Human Rights, E/CN.4/2005/8, 27 September, 2004, paras. 22, 26, and 36.
[49] Goulding, "The United Nations and Conflict in Africa," 157.

along the border and remain at risk of attacks.[50] Fearing repercussions in his country, President Idriss Deby of Chad has voiced concerns over the situation and the possibility for the conflict to spill over across the border.

The Constitutive Act of the AU (approved in July 2000) gives the Union the right to intervene in a member state where it feels war crimes, genocide, or grave violations of human rights are being committed. As it stands, however, any peacekeeping deployment destined for Darfur must seek approval from the government of Sudan before the operation can begin.[51] Nevertheless, many argue that Sudan's legal claim to its sovereignty may only be guaranteed if it upholds its commitment to disarm the Janjaweed militias and to protect all its citizens equally.[52] As the government of Sudan has effectively failed to comply with both requirements, the AU (and the UN) could rightly question the government's legal claims to sovereignty.[53]

With respect to the approval of an intervention (other than under the leadership of the AU), the UN is the only organization with legal authority at the international level. Preference for action within the UN apparatus is thus necessary. However, in cases where the UN fails to take action, or when it is limited by one or more vetoes in the Security Council (SC), other avenues could be explored.[54] The ICISS identifies two possible avenues. The first is for the intervention to be referred to the General Assembly for consideration under the "Uniting for Peace" procedure.[55] The second delegates the right of intervention to regional organizations under Chapter VIII of the Charter. Though prior authorization from the SC is required, the ICISS observes that some recent cases have been approved after the fact, and concludes that "there may be a certain leeway for future actions in this regard."[56] For example, the interventions in Liberia and Sierra Leone by ECOWAS and in Kosovo by NATO were justified by the interveners in this way.[57]

NATO's decision to intervene in Kosovo in the face of illegality due to SC deadlock warrants its examination. While some question the humanitarian value of NATO's operation,[58] its legitimacy, as conferred by the *Independent International*

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[50] "Q&A: Sudan's Darfur Conflict," *BBC News*, 26 May 2005, available at news.bbc.co.uk/1/hi/world/africa/3496731.htm.

[51] Kagwanja, "Darfur," 4.

[52] Kagwanja, "Darfur," 5.

[53] While there exist criteria for deciding when legal claims of sovereignty may be disregarded, these remain vague and open to interpretation. They are the presence of a "clear and demonstrated consensus" between a majority of states, the guarantee that the motives for intervening are humanitarian, and the assurance that no case is discriminated against. See Ayoob, "Humanitarian Intervention," 91-92.

[54] For example, it is likely that any SC decision in favor of an intervention would be vetoed by China, and or possibly Russia.

[55] *Responsibility to Protect: Final Report*, 53.

[56] *Responsibility to Protect: Final Report*, 54.

[57] *Responsibility to Protect: Final Report*, 16.

[58] Michael Pugh argues that the NATO intervention in Kosovo did not alleviate the humanitarian crisis. See Pugh, "Maintaining Peace and Security," 219, 225. What is evident is that by acting quickly, NATO avoided a large number of deaths, which some estimate to be around 20,000.

Commission on Kosovo,[59] demonstrates the validity of NATO's decision and may even provide grounds for justifying future humanitarian operations where the SC is unable to act. Even if such assumption is correct, the *Commission* also emphasizes the controversial nature of the legitimacy of military force for humanitarian purposes and stresses the use of caution in considering intervention.

> Far from opening up a new era of humanitarian intervention, the Kosovo experience seems…to teach a valuable lesson of skepticism and caution. Sometimes, and Kosovo is such an instance, the use of military force may become necessary to defend human rights. But the grounds for its use in international law urgently need clarification, and the tactics and rules of engagement for its use need to be improved. Finally, the legitimacy of such use of force will always be controversial, and will remain so, so long as we intervene to protect some people's lives but not others.[60]

Thus, it is clear from the above that the deployment of a RRF in Darfur will be controversial whether approved by the SC or not. However, if such authorization is not feasible, it is highly probable that an 'illegal' intervention *ex ante* would be 'legitimized' *ex post facto* under Chapter VIII of the Charter, especially considering the level of support such intervention has already attracted. As Heinz argues, "[t]he legal intolerability of such abuses allows for the exercise of universal jurisdiction…[and] their moral intolerability allows for the use of extreme means (military force) to stop or prevent such violations."[61] While this statement may seem extreme in its approval of force by a third-party, it is also the role of the international community to assess the adequacy of this statement for each conflict, and to preclude preventive or pre-emptive armed interventions.

Interests

Interests refer to the aim of a force, or the reasons behind an intervention. The concept also encompasses the willingness of states to take action, and the lack thereof where strategic interests are not readily identifiable. In Bellamy's words, "the debate over Darfur boils down to the question of whether enough states can be persuaded to act."[62] The difference with Kosovo he argues, was that liberal states were willing to take action, and if necessary they would act outside the SC. Indeed, in most cases, a state will only

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[59] As stated in the *Commission*: "the NATO military intervention was illegal but legitimate. It was illegal because it did not receive prior approval from the United Nations Security Council. However (…) the intervention was justified because all diplomatic avenues had been exhausted and because the intervention had the effect of liberating the majority population of Kosovo from a long period of oppression under Serbian rule." See Chapter 3 of The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000), 163-201.

[60] *Kosovo Report*, Chapter 10.

[61] Eric A. Heize, "Humanitarian Intervention: Morality and International Law on Intolerable Violations of Human Rights," *International Journal of Human Rights* 8, no. 4 (2004): 485.

[62] Bellamy, "Responsibility to Protect or Trojan Horse?" 52.

take part in humanitarian intervention if its national interest is at stake.[63] Ayoob also observes that "[a]s long as decisions to undertake such interventions are primarily taken at the national level, national interest considerations, under one guise or another, are likely to determine states' decisions to intervene or desist from such intervention."[64]

The problem of interests is well deciphered by the ICISS. On the one hand, "if [the international community] stays disengaged, there is the risk of becoming complicit bystanders in massacre, ethnic cleansing, and even genocide."[65] On the other hand, if it intervenes, there is a chance that it will not succeed. Amongst all multilateral deployments to date, however, all have demonstrated the value of effective and robust forces in preventing the further escalation of conflict.[66] By contrast, the cases are also a clear indication of the area of strategic interest of both NATO and EU members, and give a clear sense of where deployments are most probable in the future. Indeed, the concern is that while both NATO and the EU are the only two organizations with rapid and effective deployment capacity, they are unlikely to deploy to Africa, especially in situations where troops are required to "stop the bloodshed."[67] Both forces have justified their limited involvement by numerous arguments, including their commitments to other areas and their overstretched capacity. While the ERRF operation to the DRC in 2004 could be viewed as setting the precedent for future operations on the continent—indeed, the operation was the EU's first autonomous mission (without NATO) and its first military operation outside Europe—the extent to which EU members will be willing and prepared to take part in a forced intervention is questionable. This is even more disputable where the conflict poses no observable or direct threat to states' national

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[63] See Ayoob, "Humanitarian Intervention," 85-87. See also Jentleson, "The Realism of Preventive Statecraft," 33; and Lund, "Creeping Institutionalisation," 27.

[64] Ayoob, "Humanitarian Intervention," 86.

[65] *Responsibility to Protect: Final Report*, 5.

[66] The Allied Command Europe Rapid Reaction Corps (ARRC), deployed in Bosnia in 1995, was the first rapid reaction force to be tested; it was successful in halting the violence in the short-term. The ERRF conducted three military operations. Operation Concordia to Macedonia in March 2003 was successful in monitoring the growing civil unrest in Macedonia. Operation Artemis in summer 2003 to the DRC restored order in Bunia and secured the airport allowing a stronger UN force under MONUC to take over. Operation Althea to Bosnia in December 2004 is still in operation. There were two deployments undertaken by national forces: the British JRRF in Sierra Leone in May 2000 and the French Opération Licorne in Côte d'Ivoire in September 2002. The first was successful in responding quickly to safeguard British Nationals, and in doing so, secured the airport thus allowing 3,000 additional UN troops to enter the country. The French operation was also successful for saving lives by quelling the violence in the short-term. While all successful in the short term, the problem with many of these operations is that they are not accompanied or followed by an equally robust long-term peacekeeping and peacebuilding mission. This is even more important in cases where intervention was forced. Multilateral operations with a rapid deployment component were also conducted by SHIRBIRG in Ethiopia and Eritrea in January 2000 and in Sudan in 2005, to monitor the respective cease-fires. These operations, however, differ from other rapid reaction deployment as they were undertaken following a cease-fire and peace agreement, as opposed to in reaction to an emergency.

[67] Keohane, "EU Defence Policy," 2. To be clear, a decision was taken last May 2005 by the AU to increase troops in Darfur from 2,300 to 7,700. NATO would, as part of the decision, provide logistical, communications, and airlift support. While this decision constitutes a first step in bridging the gap between what is presently on the ground and what is needed to stop ongoing humanitarian violations, it was delayed by disagreements between NATO and the EU. More importantly, the support from the West does not involve putting troops on the ground.

interest. Indeed, as Kent & Malan describe, "Any decision to intervene is not based solely on the capacity to do so, but rather on the political will required to act."[68] As a result, the issue of extension outside the forces' respective areas of concern is likely to remain a contentious debate.

While political will is often stated as the *main* factor restricting preventive actions by states and impeding the development and deployment of RRFs, it is necessary to move beyond a simple reference to political will and reveal its true meaning, i.e., the factors that define political will and that pose the real challenges to the use of RRFs. One such factor in developing and contributing to RRFs is that of financing. It is understood that the effectiveness of RRFs in practice depends on the willingness of states to invest in defence and security and improve their military capabilities. However, even if states are willing to invest, financial and budgetary constraints impose structural restrictions on this will, thereby limiting the effectiveness of the forces. The EU stability pact, for example, imposes restrictions on members' fiscal policy and their ability to run budget deficit, effectively controlling the levels geared toward defence spending.[69] Greater defence spending is also inhibited by Europe's aging populations. According to Missiroli, "Citizens and voters tend to give priority to internal protection over external projection—hence an in-built rigidity we cannot ignore or just blame."[70] Indeed, as populations from EU member states are increasingly more preoccupied with socio-economic issues, the challenge of re-directing resources from pensions to defence will constitute a very complex, if not impossible task. Of particular significance in this context, but also with regards to the stability pact, is the EU's lack of political (or hegemonic) and structural leadership, especially in the area of defence policy.[71]

Another issue is raised by interventions that are conducted with the sole mandate of rescuing nationals from areas where conflict is imminent. The deployment of the British Joint Rapid Reaction Force (JRRF) to Sierra Leone in May 2000 and the deployment of a French force in Côte d'Ivoire in 2002 are two examples. Dunér, for instance, questions the morality of such interventions. In his view, intervention to "evacuate" nationals demonstrates no "felt responsibility" on the part of the intervening state(s).[72] While Burgess agrees that the intentions behind the interventions undertaken by France and Britain were not humanitarian in nature, he deems their contribution to stabilizing the regimes as a success of the intervention itself.[73] In the case of Sierra Leone, for example, while the primary aim of the JRRF was "to respond quickly to

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[68] Vanessa Kent and Mark Malan, "The African Standby Force: Progress and Prospects," *African Security Review* 12, no. 3 (2003): 80.

[69] Charles Grant, "A European View of ESDP," prepared for the IISS/CEPS European Security Forum, 10 September 2001, available at www.eusec.org/grant.htm.

[70] Antonio Missiroli, "Defence Spending in Europe: Is Europe Prepared to Pay for Improved Capabilities?" paper given at the Conference on ESDP (Paris: Cicero Foundation, 13-15 December 2001), available at www.iss-eu.org/new/analysis/analy018.html.

[71] See Grant, "A European View of ESDP."

[72] Bertil Dunér, "Violence for Human Rights," *The International Journal of Human Rights* 5, no. 5 (Summer 2001): 48.

[73] Burgess, "African Security," 47.

safeguard the safety of British nationals", in doing so, the force secured the airport and allowed 3,000 additional UN troops to enter the country.[74]

Finally, while some view the successful resolution of Sudan's north-south conflict as "the key" to ending humanitarian and human rights abuses in Darfur,[75] one can't help to question what effects Darfur will have on the Peace Agreement if efforts are not strengthened. As UN High Commissioner for Refugees António Guterres observes, "Darfur…is the key for success or failure for Sudan as a whole."[76] In his opinion, success in Darfur will not only positively impact the peace process in the South, but also provide grounds for developing peace in the East.

IS RESPONSIBILITY AN ILLUSION?

The above analysis has clearly demonstrated the effectiveness of RRFs in the short-term and the feasibility of such force in the case of Darfur. To be clear, for a majority of actors to agree on the value added and effectiveness of a RRF, certain questions must be addressed. These include the make-up of the force itself and the legitimacy of the intervention (the 'who'—who authorizes and intervenes), and the ultimate aim of the force (the 'why'). As described above, the deployment of a multilateral RRF in Darfur combining both Western and AU forces has great potential to be legitimized. The force would also clearly demonstrate the West's concern for the people of Darfur and its intent to help and support the African continent, even when the threat to international peace and security is not blatantly apparent.

A third question, however, must also be addressed: the exact conditions under which a force would be deployed (the 'when'). An important criticism of the use of RRFs for a humanitarian purpose is the concern that the intervention can be used as a tool for increasing one's own power, and that RRFs, as a mechanism for responding to humanitarian crises, can be misused.[77] In responding to these claims, it is important to look at the criteria established for using military force as part of a humanitarian intervention. As a matter of fact, the ICISS establishes a set of criteria, or "precautionary principles", for that very purpose.[78] Under these principles, a military intervention must be conducted with the right intention, it must be considered as an instrument of last resort, it must make use of the minimum means required, and must demonstrate reasonable prospects of achieving the stated goal. While these criteria are undeniably vague and open to ample interpretation, RRFs must be understood as an initial stabilizing force in situations of humanitarian crises, and an initial step in the conflict resolution process.

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[74] "UK Orders Sierra Leone Evacuation," *BBC News*, May 8, 2000, available at news.bbc.co.uk/1/hi/uk/740384.stm.

[75] One advocate of this view is Canada. See Department of Foreign Affairs and International Trade, "Canada: Active in Sudan," 31 May 2006, www.dfait-maeci.gc.ca/canadasudan/menu-en.asp.

[76] "Situation in Darfur Seriously Degenerating, Says Guterres," *Global Policy.org*, 24 October 2005, available at www.globalpolicy.org/security/issues/sudan/2005/1024guterres.htm.

[77] See Pugh, "Maintaining Peace and Security."

[78] *The Responsibility to Protect*, XII.

While a negotiated solution would undoubtedly be more desirable, according to de Waal, AU efforts to achieve a political solution to the conflict are not likely to yield much progress in the near future.[79] In his view, part of the problem lies in an enduring misunderstanding of the political issues that underlie the conflict and lack of expertise on the subject. Another part of the problem is due to a lack of a common stance by the international community, which would effectively limit the perpetrators' alternatives. As he observes, while there is "a strong underlying consensus in support of a negotiated peace" in Darfur, "this consensus has not translated into an effective process of diplomatic locking-in."

In light of these assertions, is the doctrine of responsibility to protect in fact an 'illusive responsibility'? Moreover, is the doctrine, as portrayed by Bellamy, more a doctrine of convenience, to be used at one's own will? As demonstrated in the above analysis, both arguments appear to be true.

As the situation in Darfur is deteriorating, many are advocating for a military intervention.[80] The International Crisis Group has also been pushing for a NATO-led multinational force.[81] While the Group agrees that more African forces with strong international support would be ideal to fill the gap, if such solution turns out to be unfeasible in the short-term, "a multinational bridging force will be the only solution to tackle Darfur's most urgent protection needs." In their view, NATO is the best and only organization capable of providing and leading additional troops with the necessary equipment and at such short notice. It is also believed that Louise Fréchette, Deputy Secretary-General of the UN, made an informal request for the deployment of an EU-led military operation to Sudan.[82] What is discomforting about these immediate calls for action is the fact that they are repeated in vain. This is even more problematic given that robust military intervention may already be the only option left for stopping the incessant massacre. Even if this is true, a more robust involvement on the part of NATO and or EU forces remains unlikely. While the past decade has seen both forces deploy in 'out of area' operations, it is debatable whether these operations will set the precedent for future deployments in Africa, especially in cases of forced military intervention.

Moreover, the international community's failure to recognize the violations as genocide has effectively restricted the options for the West to take action, and relegated

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[79] Alex de Waal, "Briefing: Darfur, Sudan: Prospect for Peace," *African Affairs* 104, no. 404 (2005): 131-132.

[80] On 28 November 2005, Eric Reeves stated "America and its western allies put troops on the ground in Darfur soon, or the time to act will have passed." See Reeves, "Why Time is Running Out in Darfur." See also Reeves, "Genocide by Attrition," *In These Times*, 16 February, 2005, available at www.globalpolicy.org/security/issues/sudan/2005/0216attrition.htm; Robert I. Rotberg, "Why Wait on Darfur?" *Boston Globe*, 24 October, 2005, available at www.globalpolicy.org/security/issues/sudan/2005/1024whywait.htm; David Kilgour, "Tragedy in Darfur: The Word is Genocide," Ottawa Citizen, 25 November 2005, available at www.david-kilgour.com/mp/The%20Word%20is%20Genocide.htm; and Langille, "Preventing Genocide."

[81] ICG, "Darfur Needs Bolder International Intervention."

[82] Jakobsen, "Emerging EU Civilian Crisis Management Capacity," 2.

most efforts on the ground to the AU and AMIS. While the process of labeling may be closely related to the idea of power and authority, one cannot but conclude that 'labeling debates' are meaningless in the face of violence. As Prunier correctly asserts, "[t]he horror experienced by the targeted group remains the same, no matter which word we use."[83] It is important for the AU to build its capacity and develop a strong enforcement mechanism to deal with conflict 'on its own.' As Kent & Malan observe, success of the AU as a regional peace enforcement organization will be judged on its willingness and capacity to respond to situations of armed conflict.[84] At the present time, however, more is necessary. What if the UN's success (and perhaps the success of NATO, the EU, and Canada) to protect all citizens under the Charter from unbearable harm was to be judged on its response to the crisis in Darfur?

CONCLUSION AND POLICY RECOMMENDATIONS

Almost three years after the conflict in Darfur began, the security and humanitarian situation keeps deteriorating. The objective of this paper was to evaluate the role that RRFs can play in preventing conflicts and to understand the reluctance to their deployment. While the past decade has seen an increase in the development of new RRFs, the use of these forces for humanitarian purposes is still highly controversial. Darfur is a clear example. This debate is underlined by a fundamental tension between the increasing need for rapid reaction capability in conflict prevention, and the reluctance by the West to get involved, especially militarily. Indeed, as African forces are attempting to bolster their capacity, the West is becoming increasingly averse to taking action where national and strategic interests are not directly at stake.

The above analysis clearly determines that an RRF can be an effective tool for responding to humanitarian crises. RRFs can act as an initial stabilizing force in humanitarian situations, and provide a first step in the conflict resolution process. The paper also ascertains that, if no other measures are successful in the near future, the deployment of a RRF will prove essential to de-escalate the level of violence in Darfur, and act as an initial stabilizing force. The decision to deploy, however, must be undertaken with caution, and subsequently address, if not reconcile, the three concepts of indigenization, legitimacy, and interest.

It must be understood that the use of military intervention as a 'preventive response' is part of a short-term solution to the human rights violations conducted in a particular state, and must not take place at the expense of long-term measures. Indeed, for a strategy to excel in responding to conflict, it must include "short-term measures to prevent the outbreak of fighting or stop fighting which has already started," as well as "long-term measures to address the root causes of the dispute which has given rise, or

[83] Gérard Prunier quoted in Kilgour, "Does 'Never Again' Mean Anything?"
[84] Kent and Malan, "The African Standby Force," 79.

threatens to give rise, to armed conflict."[85]

The above analysis further shows that, beyond the unoriginal allusion to a lack of political will, RRFs are limited primarily by the military and financial capacity of states and by their lack of strategic interest. In addition, the analysis clearly suggests that the deployment of such force must be accompanied by appropriate discussions of the type of conflict encountered, the legitimacy and legality of the intervention considered, and most importantly, of the clear strategic objectives that such deployment warrants. Unfortunately, while the inadequate responses of the past should be a cause for more appropriate actions to be taken in the present, such actions remain elusive. This study suggests that present political responses at the international level are inadequate and portray an illusive responsibility towards human suffering and grave violations of human rights, and most particularly, the people of Darfur. While it is important not to undermine the efforts of the AU to date, it is unlikely that the organization with the present mandate will achieve any success in the near future.

Moreover, though political solutions are more desirable in the long run, it is imperative that the international community chooses between supporting a government unable and unwilling to stop large-scale massacre, and avoiding the death of innocent people. Consequently, if peace is to be achieved without the use of force, the international community must demonstrate interest in a peaceful solution and must accord a high priority to situations where conflict was initiated, or where grave human rights violations are being committed. This means that mediation efforts should be supported by political engagement at the highest level, as well as technical expertise.[86] In the unlikely event that political engagement is not forthcoming, the international community must seriously contemplate sending a RRF. Ideally, this force would be made up of both Western and African forces, and would operate under a UN Chapter VII mandate. If the later option is not possible, considerations should be given to the deployment of Western troops under a different mandate (either from NATO or the EU).

At the same time, however, the increasing responsibility experienced by African forces in peace and security should not translate in a reduced commitment on the part of Western powers. It is clear that at the present time, success will only be achieved with the support of Western countries and donors to finance initiatives where need is most required. As a result, the West must ensure it is present and engaged in African issues, not only to demonstrate its willingness to help and assist African states, but to ensure that the African population knows it can count on the West. As ICG President Gareth Evans correctly suggests, "[o]nly a partnership of diverse military, civilian and humanitarian actors—including the AU, EU, NATO, UN, and NGOs—will succeed in providing an adequate degree of protection for the civilian population and laying the foundation for a secure environment and a stable peace."[87]

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[85] Goulding, "The United Nations and Conflict in Africa," 166.

[86] See de Waal's analysis of the 'requirements for successful peace talks' in Darfur, especially p. 132 in de Waal, "Briefing."

[87] ICG, "Darfur Needs Bolder International Intervention.".

In the end, it may be the time for the West to demonstrate its impartiality and devotion in helping those that need it the most. Far from a cry for the West to 'save Africa' from what common belief would describe as tribal warfare and a 'natural' manifestation of ancient hatreds,[88] this is a call for immediate action to halt ruthless violations of human rights that have already lasted for too long.

[88] In fact, Westerners for a long time believed the Rwandan genocide to be a manifestation of 'ancient hatreds' and of 'a people gone mad' destined to violence under the pressures of poverty and over-population. In reality, the genocide resulted from "the deliberate choice of a modern elite to foster hatred and fear to keep itself in power," combined with increasing pressures to conduct democratic reforms. See Alison Des Forges, *Leave None To Tell The Story: Genocide In Rwanda* (New York and Washington, DC: Human Rights Watch, 1999), 1.