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CONGRESSIONAL HUNGER CENTER

Strengthening United Nations Human Rights Efforts in Rwanda/Burundi Progress Report, Number Three

February 24, 1995

The Congressional Hunger Center (CHC), in support of the human rights concerns of its Chairman, Congressman Tony P. Hall, conducted another mission to Rwanda, Burundi and Geneva during the period February 5-14, 1995. This is part of the CHC's continuing effort, supported by the Reebok Foundation and several nongovernmental organizations, to facilitate the unprecedented deployment of United Nations human rights monitors to Rwanda. CHC staff confirmed the following findings and recommendations:

I. The Human Rights Field Office, Rwanda (HRFOR) Becomes Fully Operational

A. Finding

In sharp contrast to their findings in November, 1994, CHC staff on this visit found a functioning field office of HRFOR in Kigali, and an increasingly effective team of approximately 100 of the total 147 UN human rights monitors approved for deployment in Rwanda. Monitors at most field sites are performing all the organic human rights functions required in Rwanda, i.e., monitoring current abuses in both public and private sectors; conducting genocide investigations; and providing technical cooperation and advice in administration of justice. Already HRFOR is commencing a vital, perhaps the most definitive, and certainly the most cost-effective, impact on recovery and nation-building in Rwanda. Staffing, structure and leadership in the Kigali office have strengthened remarkably over the past two months. To be sure, European/African regional tensions have emerged in the Kigali office. Geneva is aware of these tensions and is taking pains to clarify job descriptions of senior officials to reduce misunderstandings.

B. Recommendation

Progress made by the Office Director Bill Clarence needs to be acknowledged and fully supported by the NGO and governmental communities. Clarence should be provided the security of a longer-term appointment, at least to the end of the 1995 calendar year. The Geneva headquarters must underline with Clarence's deputy the agreed division of labor, i.e., that the deputy will concentrate primarily on administrative, logistics and operational support matters (while being the alter ego in Clarence's absence) -- thus freeing Clarence to do what he does best, i.e., field operations. It is still very early in the operation to be able to place the HRFOR completely on auto-pilot. In the absence of adequate supporting advisory and facilitating services from other UN agencies (whose mandate it is to assure that all the pieces are in place for a successful humanitarian operation), the Congressional Hunger Center will need to continue filling this gap over the next several weeks.

II. The Human Rights Program in Rwanda Starts to get Respect

A. Finding

Human rights field monitors get respect and performance from local civilian and military officials to the extent that the monitors establish productive relationships and add value to the Rwandan nation-building task. The more mature human rights staff are succeeding in establishing such relationships and in developing constructive partnerships with the Army, (RPA), gendarmerie, magistrates and local government officials. Recognition and respect from fellow UN agencies is always the hardest for a new "guy on the UN block" to come by. Yet the negative comments seem to be down sharply from the CHC November visit and hints of positive UN acceptance in the UN family are appearing in some quarters. This improved HRFOR professionalism and performance are due in no small measure to CHC's persistent advocacy and facilitation of 1) Participatory preparedness training; 2) Tougher, more realistic recruiting criteria; 3) Matching people deployments more closely with the vehicular and logistics deployments essential for mobility in the field; and 4) Support to an operationally oriented office structure for HRFOR, Rwanda. CHC pressed for, and saw the HCHR achieve, the same standards for selection, training and deployment of the European Union (EU) monitors as for the monitors from other sources (the EU monitors are just now in the process of becoming an organic part of the UN Rwandan operation).

B. Recommendation

CHC must continue to work to maintain the rigorous standards for personal recruitment, and to weed out those who prove to be unfit; to improve the standards for the participatory training workshops (especially, get rid of the dry lectures); to assure full integration of the EU monitors under Bill Clarence's leadership; to insist on frequent flow of substantive operational information to interested UN member states (especially to donor states); and to help facilitate public information on this extraordinary example of impacting people protection and nation-building in a failed state.

III. HRFOR Tailors its Operation to Needs on the Ground

A. Finding

In Southeast Rwanda (the Kibungo area where a high Tutsi concentration existed pre-April 6, 1994) revenge killings, arbitrary arrests and torture by renegade soldiers and abusive local officials, have driven HRFOR into an intensive surveillance operation. Bill Clarence invented it and dubbed it "tactical monitoring." This creative effort is getting top government attention and support in Kigali. It seems to offer the best way to modify and/or stop the pattern of local abuses in perhaps the most dangerous quarter of Rwanda. HRFOR is going to the source of the on-going abuses that were first documented in the

Gersony assessment commissioned by the High Commissioner for Refugees (UNHCR) in late summer 1994.

While HRFOR performs the other functions of its holistic mandate, including genocide investigation and technical cooperation in the Southeast as well, it is able to concentrate on these more acceptable sectors (to the Rwandan government) in such regions as Cyangugu alongside Lake Kivu in the Southwest. Here local civilian and military officials, together with the populace, receive human rights education in the schools; technical advisory services in administration of justice (helping on the caseload of over 20,000 prisoners in deplorable states of detention), and investigation of the horrific acts of genocide that occurred post-April 6, in the Cyangugu area. Such welcome and positive contributions make the less palatable pill of current abuse monitoring easier to swallow.

The UN human rights team in Cyangugu has had extraordinary success in cultivating professional and constructive relationships with local civilian and military officials. The more hopeful climate for human rights also owes a great deal to the Cyangugu Prefect; he is a graduate in human rights from the University of Lyon and is a major reason for the acceptance and success of the UN's holistic human rights efforts in that region.

B. Recommendation

The creative "tactical monitoring" initiative must be acknowledged (as a major innovation by the HRFOR Director Bill Clarence) and supported by both the host government and international community. The holistic package of human rights services, which can be administered in most of the rest of Rwanda, must be viewed as both organic and essential to the continued effectiveness of the High Commissioner for Human Rights. This holistic approach must be recognized as a sine qua non for all future human rights field operations, e.g., in Burundi. The UN Development Program (UNDP) needs to support this function as an integral part of the HCHR's mandate and play an active fundraising role through Round Table donor conferences to enable the HCHR to discharge this mainstream component of his responsibilities.

IV. Human Rights Headquarters in Geneva Must Catch up with its Operational Culture in the Field

A. Finding

There is now a mentality, and a developing culture for human rights operations in the field. It is in Rwanda today; it must be in Burundi tomorrow; and it will be required in conjunction with all too many other current, and future, complex humanitarian emergencies. But for the Rwanda operation to maintain momentum and succeed, for a Burundi operation to make an impact, indeed, for the future viability of the very Office of the High Commissioner itself, the HCHR must personally devote himself to the rapid development of both an operational culture and capacity within his immediate office in Geneva. (The immediate office of the new UN High Commissioner for Human rights is very small, understandably lacks an operational capability at this point, and must rely on the larger, legal paperwork-oriented Human Rights Center in Geneva for operational

backup required for Rwanda. Mr. Mautner-Markhof of the Center is doing a herculean job in providing this support. His considerable skills could be leveraged greatly, however, if he were part of an augmented operational task force organic to the Office of the High Commissioner.) Failure or delay in developing this capacity in the High Commissioner's office effectively jeopardizes the Rwanda and Burundi operations. It may also place in question the very future of maintaining a Human Rights High Commissioner in the United Nations.

B. Recommendation

While High Commissioner Ayala-Lasso indicated in a meeting with CHC Executive Director Gene Dewey on February 13, that he might need to sweep an operational capability into his own office for Rwanda, he still hoped to be able to mount future field operations out of the Human Rights Center in Geneva (in part because of turf concerns within the Center itself). Dewey told him, in effect, that there just was not time for the Center to shift gears from a radically different secretariat role to an operational field support role. US officials in Washington and Geneva must continually reinforce the imperative for an organic, holistic, human rights operational capability in Ayala-Lasso's immediate office. And the international humanitarian system -- NGOs, UN agencies, and serious UN member states need to accept, and support the Office of the High Commissioner for Human Rights as the fourth (in addition to UNHCR, UNICEF and WFP), and fully, operational agency in the UN humanitarian constellation.

V. The Rwandan Government Needs Credit for Human Rights Progress, per se, and to Reinforce More Positive Performance Where its Record is Still Weak

A. Finding

There is commendable discipline and significant human rights progress on the part of senior Rwandan government officials in Kigali -- especially Vice President and Defense Minister Kagame. But Kagame, along with some other senior officials, tends to regard the current abuse monitoring role of HRFOR as a vote of no-confidence in the ability of the government to protect its own citizens. There is insufficient feedback, crediting him with doing good things, to counteract his negative perception of the UN human rights efforts

Recommendation

Visitors to Kagame, and to other senior Rwandan officials probably need to overcorrect a bit by acknowledging the RPF's statesmanship in accepting UN human rights monitors and in taking on the less palatable aspects (i.e. the HRFOR "policing" function with respect to current abuses) along with those the RPF welcomes (accountability for genocide and technical cooperation). CHC staff recommended to HCHR, and he accepted, the idea of making field visits on his next Rwanda trip (probably around March 10) in the company of Vice President Kagame. They would visit the weak spots in the Southeast where the vice president and HCHR could see together the problem of abusive local officials and the need for tactical monitoring. HCHR would be able to commend, and reinforce, Kagame's action in dealing with these officials (he claims to have fired some of them). In the Southwest (Cyangugu area) they would see together the difference that

cooperative officials make, and the major contributions HRFOR is making, to confidence and nation-building in Rwanda. Such steps could contribute to a self-fulfilling prophecy in terms of continued improvements in official Rwandan behavior.

VI. Internal Strengthening of Some UN Agencies (Especially DHA), and Mutual Reinforcement From Others (UNDP) are Essential to Effective UN Human Rights Field Operations.

A. Internal Strengthening -- the UN Department of Humanitarian Affairs (DHA)

1. Findings

DHA's intended function is not to run, or even coordinate, complex humanitarian operations. UN member states (with strong support in the US Congress from Representative Tony Hall) created DHA in 1992 to facilitate international humanitarian operations -- whether emergency relief, or human rights -- and make sure they go well. As such, DHA is the agency accountable -- to the Secretary General, to UN members and emergency victims -- for how well, and how poorly, an operation goes. Yet, UN member states have not supported, or insisted sufficiently on the imperative for DHA to organize and staff itself to assure that such vital field operations as the Rwanda human rights monitor deployment go well. Largely because of this lack of follow-through by member states which created DHA, the Congressional Hunger Center faced up to the need to help fill this gap for the Rwandan human rights operation. Because the office of the HCHR was so new and inexperienced, "value-added" from outside was needed to help assure vehicular and logistical deployments matched people deployments to Rwanda; HCHR needed assistance in quality personnel selection and in quality readiness training of field monitors; and above all, it needed dedicated fundraising efforts to secure adequate financial support through the UN's consolidated appeal process. The Congressional Hunger Center is helping with this stop-gap role, pending development of such a capacity within the UN itself.

2. Recommendation

The Congressional Hunger Center is prepared to continue its operational support role to UN humanitarian operations, provided sufficient private funding becomes available. The longer term solution, however, is to flesh out this capacity within the UN Department of Humanitarian Affairs. Since DHA is already a major agenda item for the summer session of the UN Economic and Social Council (ECOSOC) in Geneva, the Rwanda human rights deployment offers a classic example of the kind of humanitarian operation DHA was created to facilitate. The US Delegation to ECOSOC should build on this example, recall the DHA strengthening plan (the Dewey "Get-Well" proposal) the US Government pushed in the 1993 ECOSOC session, and develop support in the 1995 ECOSOC meeting to achieve reforms and strengthening which would enable DHA to perform fully its intended facilitating role in future human rights deployments (e.g., a preventive deployment to Burundi) and other major field operations.

B. Mutual Reinforcement -- The UN Development Program (UNDP)

1. Findings

Technical cooperation for administrative of justice is a central, organic feature of the UNHCHR's holistic human rights operation in Rwanda. The UN Development Program (UNDP), in its responsibilities to oversee the Round Table fundraising process for Rwanda, has a unique opportunity to reinforce the HCHR's primacy in implementing technical cooperation in human rights for Rwanda. UNDP also needs to lobby for the HCHR -- both in the Round Table meetings and in the DHA Consolidated Appeals -- to work with key donor states to assure full funding for the modest human rights cost components in HCHR's Rwanda programs.

2. Recommendation

The US should develop a consensus among key UNDP governing council members to assure full UNDP support, especially financial support, to the UNHCHR in implementing this core program in Rwanda. Similarly, the US needs to press for support from both DHA and UNDP for adequate funding for an immediate preventive human rights monitor deployment to Burundi.

For the High Commissioner's upcoming visit to Rwanda, it is important that he receive an invitation from the Rwandan government, stressing the importance of the HCHR using the visit to articulate and accelerate his already developed plan of action as the UN executive agent for technical cooperation in the administration of justice.

VII. The High Commissioners for Refugees and Human Rights Need to Share Information

A. Finding

Information on root causes for refugees fleeing Rwanda, and refusing to return to Rwanda, is vitally important to human rights teams in implementing technical assistance programs and building confidence inside Rwanda. UNHCR field staff in Zaire have already contacted UNHCHR staff across Lake Kivu in Cyangugu, suggesting that they determine root cause through direct interviews in the Zaire (Bukavu) camps. Geneva human rights headquarters currently holds that its staff can only work in Rwanda, UNHCR, meanwhile has not received, and/or not responded to any request to share this "root cause" information obtained by its protection officers in Zaire, Burundi and Tanzania camps.

B. Recommendation

CHC staff raised the problem with Mr. Mautner-Markhof at the Human Rights Center on February 13. Mautner-Markhof agreed to look into the possibilities of joint UNHCR/UNHCHR teams interviewing in the first asylum camps, so as to get around the problem of operating unilaterally outside Rwanda.

Similarly, a request needs to go to the High Commissioner for Refugees to have her regional coordinator, Carroll Faubert, share agreed essential elements of information on a regular, frequent basis with Bill Clarence in Kigali.

VIII. An Historic Window is Open, Albeit Briefly, for a Preventive Deployment of Human Rights Monitors in Burundi

A. Findings

Burundi is already far down the slippery slope to a Rwanda-like apocalypse. The country is an armed camp -- with machetes and Kalashnikofs at the ready (and too many of them already in use, even as you read this) at every level of Hutu and Tutsi society. Both the American ambassador and the Secretary General's special representative, have threats on their lives for trying to get at the truth of atrocities already occurring. Killings and severe human rights abuses are a daily, and nightly, way of life. Yet Burundi's President believes there is still time to help with history's first-ever preventive deployment of human rights monitors. The committed, but fragile UN Human Rights Office in Bujumbura joins the Burundi President in this desperate appeal for monitors to provide a presence throughout the Burundi countryside. The President's office appealed to CHC's executive director Dewey on February 11 for help in formulating and implementing such an unprecedented request. Dewey agreed to help, and suggested that the President's Special Assistant also insure that the President's speech to the UNHCR/OAU-sponsored Refugee Conference in Bujumbura on February 15 include a call for this human rights presence. This was done. Dewey further relayed this request and challenge to the Burundi, and US, permanent representatives to the UN in Geneva, to the UN High Commissioner for Human Rights, and to key contacts on the National Security Council staff and the Human Rights Bureau of the State Department.

B. Recommendations

Again, here is a gap and an apparent need for someone outside the formal UN structure to perform the DHA-type legwork of making this human rights presence in Burundi a reality. This historic preventive deployment should be facilitated through the following three-track approach:

1. Arrange for the formal request to be drafted from the President of Burundi, to be relayed through the High Commissioner for Human Rights (with a copy to the Secretary-General's Special Representative in Burundi) to the UN Secretary-General. (CHC staff requested the Human Rights Officer in Bujumbura to work with the assistant to the president, Kavakourie, who is the former ambassador to Washington, to draft and dispatch this formal request).

2. Press for early introduction and passage in the current session of the UN Human Rights Commissioner in Geneva a resolution calling for immediate funding for, and deployment of, a preventive human rights monitoring effort throughout the entire country of Burundi (CHC staff received encouragement for this idea from Political Counsellor Peter Eichert at the US Mission, Geneva. CHC's executive director requested the Burundi permanent representative in Geneva to work with Eichert and other friends of Burundi to bring this about. Key contacts in Washington were urged to include instructions supporting this plan to the US Delegation to the current session of the UN Human rights Commission in Geneva.).

3. Organize, with State Department's Human Rights Bureau and like-minded legislators a joint executive/legislative lobbying effort with UN member states of the Human Rights Commission -- both to pass the preventive deployment resolution, and to commit funding, on a high priority basis, for early implementation on the ground. Parallel efforts must be made with the Organization for African Unity (OAU) and the UN Peacekeeping Department to factor into the human rights deployment package a workable security component for the monitors, since threats to such a presence are far greater in Burundi than in Rwanda. These efforts could well be the most important, and cost-effective, investments that the US government, the UN Human Rights Commission, and indeed the international community as a whole, could make in the next four weeks.