

# United Nations Arms Embargoes

## Their Impact on Arms Flows and Target Behaviour

### Case study: Rwanda, 1994–present

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2007

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This is one of a series of case studies on United Nations arms embargoes. Drawing on the SIPRI Arms Transfers Database and other open sources, these case studies analyse arms flows before, during and after a UN arms embargo has been established. These case studies were researched and written by members of the SIPRI Arms Transfers Project to inform a report by SIPRI and the Uppsala University Special Program on the Implementation of Targeted Sanctions (SPITS), *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (SIPRI: Stockholm, 2007). This report and the case studies are available at <[http://books.sipri.org/product\\_info?c\\_product\\_id=356](http://books.sipri.org/product_info?c_product_id=356)>.

The research was carried out between November 2006 and July 2007 and was funded by a special grant from the Swedish Ministry for Foreign Affairs.

## I. Introduction

The Rwandan genocide, which resulted in the extermination of 800 000 principally Tutsi civilians in just 100 days, was the culmination of a long-running conflict raging between two ethnic groups.<sup>1</sup> When Hutu militias and peasants turned on their Tutsi neighbours and slaughtered them, the scale of the killings invited opprobrium on the international community for its failure to prevent the tragedy.

When the UN Security Council (UNSC) finally imposed an arms embargo on Rwanda in May 1994, it was too little too late. The genocide was only ended when the Hutu government was routed by a Tutsi militia. This case study gives a brief background to this conflict in section II.<sup>2</sup> Section III discusses the transfer of arms to the parties involved for the periods before, during and after the embargo's imposition. It concludes with some reflections on the effectiveness of the embargo, on its limitations in this particular situation and on its impact on the dynamics of the conflict.

## II. Background

The pre-colonial geographical territory that is now Rwanda was for the most part peopled by two groups: the Hutu and Tutsi. Colonial rule fostered and reinforced an incipient Tutsi minority governing class ruling over the Hutu majority. The Hutu Revolution of 1959–61 overthrew the monarchy, effectively putting an end to Tutsi domination, and setting the country on track for its eventual independence from its Belgian colonial masters in 1962. The revolution, along with the pogroms and anti-Tutsi exactions that followed over the decade, led to the violent death of 20 000 Tutsi and the mass exodus of another 300 000.<sup>3</sup> The new leadership sought to hold onto the 'gains of the revolution', not wanting to relinquish or share political power, land and jobs wrested from the Tutsi, and fought back the refugees attempting to return.<sup>4</sup> President Juvénal Habyarimana, brought to power by a military coup in 1973, reinforced efforts at keeping the exiles at bay.<sup>5</sup> Many of them formed armed groups, some of which joined the National Resistance Army (NRA) in Uganda that brought Yoweri Museveni to power in 1986, who in turn allowed them to join the ranks of the Ugandan Army.

On 1 October 1990 the militant refugees, calling themselves the Rwandan Patriotic Front (RPF),<sup>6</sup> crossed the border from Uganda and attacked northern Rwanda.<sup>7</sup> The invading force was made up of 2500 men wearing Ugandan-style military combat

<sup>1</sup> No reliable figures exist for the number killed during the genocide in Rwanda, as there are very few data on the number of Tutsi in Rwanda before 1994. The 800 000 estimate comes from Prunier, G., *The Rwanda Crisis: 1959–1994 History of a Genocide* (Hurst: London, 1995), pp. 263–65. The same figure is used in United Nations, Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda, UN Document S/1999/1257, 15 Dec. 1999, p. 3.

<sup>2</sup> For background information on the Rwanda genocide and civil war, see Prunier (note 1); and Melvern, L. R., *A People Betrayed: The Role of the West in Rwanda's Genocide* (Zed Books: London, 2000).

<sup>3</sup> Human Rights Watch, *The Rwandan Genocide: How It Was Prepared*, Apr. 2006, <<http://hrw.org/backgrounder/africa/rwanda0406/rwanda0406.pdf>>, pp. 3–4.

<sup>4</sup> Human Rights Watch (note 3), p. 3.

<sup>5</sup> Karhilo, J., 'Case study on peacekeeping: Rwanda', *SIPRI Yearbook 1995: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1995), p. 100.

<sup>6</sup> Although the invasion was conducted by the Rwandan Patriotic Army, the armed wing of the RPF, the distinction between the two branches is seldom made and the tendency has been to refer to both as RPF. The practice continues here.

<sup>7</sup> Karhilo (note 5), p. 100.

uniforms.<sup>8</sup> While initially having the element of surprise, the RPF was faced with a 5200-strong Rwandan Armed Forces (Forces Armées Rwandaises, FAR) that was better armed. The FAR's Gazelle helicopters attacked the RPF's logistical vehicles and crippled thereby the RPF's supply lines.<sup>9</sup> Besides greater military capability, the FAR benefited greatly from French military assistance which, while not directly taking part in the fighting, did provide logistic support and guarded key sites, freeing up the Rwandan troops for frontline duty and contributed in turning the tide of battle in the FAR's favour.<sup>10</sup> In support of President Habyarimana, France also dispatched advisers who helped the FAR draw up battle plans and provided them with counsel on military tactics and on command structure.<sup>11</sup> Neighbouring Zaire made a more directly combat-related contribution, sending several hundred elite troops, who immediately engaged the RPF.<sup>12</sup>

After initial defeat of their conventional operation, the RPF switched to guerrilla tactics. The Rwandan Government soon responded with a series of bloody reprisals on the Tutsi minority. However, as the low-intensity fighting wore on, rapprochement between the two fighting parties was being initiated. Talks began between the Government of Rwanda and the RPF. These talks eventually led to the Arusha Peace Agreement of August 1993 and to greater democratic representation.<sup>13</sup> With the negotiations as a backdrop, the conflict found new means of violent expression: terrorist attacks began in March 1992 when grenades were thrown into a crowd in Kigali, claiming six victims; four more were killed two months later by bomb explosion.<sup>14</sup> Russian and Chinese equipment found at the scene was presented by the government as proof of RPF involvement.<sup>15</sup> This was no *casus belli*, however: in addition to France, the FAR was also equipped by Egypt with weapons based on or copied from Chinese and Soviet systems; besides, Soviet demolition material is widely available throughout Africa, including on the black market.<sup>16</sup> Moreover, the FAR had captured RPF arms at its disposal. In early 1993, French explosives were used in terrorist attacks.<sup>17</sup> These factors cast doubt on the ultimate ownership of the military equipment, yet each unclaimed attack would tar the RPF further.

A tentative, and mostly ineffective, ceasefire was amended once again on 12 July 1992.<sup>18</sup> It demanded a suspension to the supply of ammunition and weaponry to the

<sup>8</sup> Prunier (note 1), pp. 93–96.

<sup>9</sup> French National Assembly, National Defence and Armed Forces Committee and Foreign Affairs Committee, *Rapport d'information sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994* [Report on military operations conducted by France, other countries and the UN in Rwanda 1990–94], Report no. 1271, vol. 1, *Rapport* [Report] (National Assembly: Paris, 15 Dec. 1998), <<http://www.assemblee-nationale.fr/11/dossiers/rwanda/telechar/r1271.pdf>>, p. 121.

<sup>10</sup> Prunier (note 1), pp. 110–111.

<sup>11</sup> French National Assembly (note 9), p. 171.

<sup>12</sup> Prunier (note 1), p. 101.

<sup>13</sup> For the text of the Arusha Agreements see United Nations, Letter dated 23 Dec. 1993 from the Permanent Representative of the United Republic of Tanzania to the UN addressed to the Secretary-General, UN document A/48/824-S/26915, 23 Dec. 1993.

<sup>14</sup> Prunier (note 1), p. 143.

<sup>15</sup> Prunier (note 1), p. 144.

<sup>16</sup> Prunier (note 1), p. 144; and Human Rights Watch, *Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War*, vol. 6, no. 1 (Jan. 1994), p. 29.

<sup>17</sup> Prunier (note 1), p. 144.

<sup>18</sup> For the text of the amended ceasefire agreement see The N'Sele Ceasefire Agreement Between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 Sep. 1991, and at Arusha, 12 July 1992, reproduced in United Nations, Letter dated 23 Dec. 1993 from the Permanent Representative of the

field. In spite of this, violence did not subside as extremist Hutu militiamen continued sporadic murderous rampages. A particularly violent episode in January 1993 left about 300 dead.<sup>19</sup> In response the RPF broke off the ceasefire in February, mounting a very successful offensive and sweeping south towards Kigali, bringing with them their own brand of atrocity on civilians—although not on the scale of the massacres committed by the Hutu. France reacted by sending in more troops and rushing a massive quantity of ammunition to Rwanda for FAR artillery.

The nominal restrictions on the supply of arms, however, still stood. In June 1993 the UN Security Council passed Resolution 846 deciding on the establishment of the United Nations Observer Mission Uganda–Rwanda (UNOMUR) and on its deployment on the Ugandan side of the border ‘to verify that no military assistance reaches [the RPF] in Rwanda . . . of lethal weapons and ammunition’.<sup>20</sup> After the Arusha Peace Agreement was signed in August, UNOMUR was integrated into the newly established United Nations Assistance Mission for Rwanda (UNAMIR) under UNSC Resolution 872,<sup>21</sup> whose mission was to monitor the agreement. In January and February 1994, UNAMIR prevented the delivery of four planeloads of arms intended for the Rwandan Government.<sup>22</sup> Still, in spite of UN intercession, progress in implementing the agreement’s political commitments was slow and halting, often being undermined by local actors loathe to compromise.<sup>23</sup> The gains that were made, however small, accounted for little after President Habyarimana’s plane was shot down on 6 April 1994, killing all on board.

The identity of the perpetrators is still unknown, although conflicting theories have been advanced accusing either the RPF or extremist members of President Habyarimana’s Hutu inner circle who feared that the Habyarimana was making too many concessions.<sup>24</sup> Launch tubes were reportedly recovered by the FAR at the site, indicating the missiles that brought the plane down were SA-16 (Igla-1) MANPADS. It has been suggested that these missiles had originally been confiscated by French troops in Iraq during the 1991 Gulf War, suggesting a measure of responsibility for France in the assassination.<sup>25</sup> This assertion was challenged by a report for the French National Assembly, which in turn raised a parallel theory on the possible Ugandan origin of the missiles.<sup>26</sup>

The assassination precipitated the genocide. The mass killing of Tutsi villagers was not new, but the efficiency in which it was carried out was. Before the genocide took place, military leaders had been providing militias and civilian authorities with firearms to pass on to carefully selected civilians.<sup>27</sup> Once underway, the slaughter was rapid and brutal. Militias and civilians armed with firearms and traditional farming implements

United Republic of Tanzania to the UN addressed to the Secretary-General, UN Document A/48/824-S/26915, 23 Dec. 1993, pp. 9–14.

<sup>19</sup> Prunier (note 1), pp. 174.

<sup>20</sup> UN Security Council Resolution 846, UN document S/RES/846, 22 June 1993.

<sup>21</sup> UN Security Council Resolution 872, UN Document S/RES/872, 5 Oct. 1993.

<sup>22</sup> Human Rights Watch, *Human Rights in Africa and U.S. Policy*, A special report by Human Rights Watch/Africa for the White House Conference on Africa held June 26–27 1994, vol. 6, no. 6 (July 1994), <<http://www.hrw.org/reports/1997/africa>>.

<sup>23</sup> Kharilo (note 5), p. 102.

<sup>24</sup> For a display of the wide range of theories see Prunier (note 1), p. 215–29.

<sup>25</sup> ‘Rwanda genocide reportedly sparked by missiles’, *World Aerospace & Defense Intelligence*, 10 Apr. 1998, p.

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<sup>26</sup> French National Assembly (note 9), pp. 241–42.

<sup>27</sup> Human Rights Watch (note 3), p. 12.

such as machetes and hoes descended on their Tutsi neighbours.<sup>28</sup> Hand grenades, mortars, machineguns and other light arms were used when resistance was organized or when the Tutsi were grouped—there are reports of Tutsi civilians herded together to be ‘efficiently’ slaughtered with grenades or machinegun fire.<sup>29</sup> For the most part, however, the massacre was conducted with traditional tools under the assistance and supervision of men carrying firearms.<sup>30</sup> The systematic slaughter was the impetus for passing UNSC Resolution 918, placing an arms embargo on Rwanda.

### Arms transfers before the arms embargo

As the conflict raged on, parties to it found little shortage of arms suppliers. In 1993, Rwandan Defence Minister James Gasana, remarking on the attractive market for arming both sides, added his impression that most countries and independent dealers were less interested in who won the war than they were in making money on it.<sup>31</sup>

**Table 1.** Summary of main recipients, suppliers and sponsors of arms transfers before the arms embargo

Recipient	Source of arms	Secondary support	Non-state actors
FAR	China, Egypt, France, Greece, Israel, Poland, South Africa	France, Egypt	DYL Investments, Office Général de l’Air (OGA), East African Cargo
RPF	Uganda <sup>a</sup>	Uganda	

<sup>a</sup> While none of the arms identified in the possession of the RPF appears to have been manufactured by Uganda, there are very strong indications that these were knowingly issued directly from Ugandan military stocks. The origins of these weapons are Chinese, Romanian, Soviet or Russian.

### *Arms transfers to the Rwandan Government*

Prior to the outbreak of the civil war the FAR had 12 AML-60 light armoured cars, 16 Panhard VBL light armoured vehicles, 16 M-3 armoured personnel carriers, six D-30 122-mm howitzers, eight 81-mm mortars, an unknown number of *Blindicide* 83-mm anti-tank rocket launchers, six 57-mm anti-tank guns, two C-47 transport aircraft, one Do-27Q-4 transport aircraft and two Alouette III or Gazelle helicopters.<sup>32</sup>

On 11 October 1990 Belgium reacted to the eruption of the conflict by stopping military aid to Rwanda. Belgian Prime Minister Wilfried Martens stated that he did not want his government to be accused of complicity in the ongoing violence, while his foreign minister announced to the Belgian Parliament that all deliveries of arms to

<sup>28</sup> Amnesty International, ‘Ruanda: Armas para los autores del genocidio’, 13 June 1995, <<http://web.amnesty.org/library/Index/ESLAFR020141995?open&of=ESL-2F5>>.

<sup>29</sup> Human Rights Watch (note 3) p. 15; and Amnesty International, *Rwanda: Mass Murder by Government Supporters and Troops in April and May 1994*, 23 May 1994, pp. 8–10; and Amnesty International (note 28).

<sup>30</sup> Amnesty International (note 8).

<sup>31</sup> Smyth, F., ‘Blood money and geopolitics: Arms for Rwanda’, *Ploughshares Monitor*, vol. 15, no. 2 (June 1994), p. 3.

<sup>32</sup> The International Institute for Strategic Studies (IISS) lists two SE-316 Alouette helicopters, but fails to refer to the Gazelle helicopters mentioned in Prunier (note 1), p. 94, and French National Assembly (note 9). This either signifies a mistake in one of the sources or that the FAR has two of each helicopter. See International Institute for Strategic Studies, *The Military Balance 1990–91* (Brassey’s: Oxford, 1990), p. 140.

Rwanda were suspended from that day.<sup>33</sup> Such considerations were not borne by France, which supplied vast amounts of weaponry to the Habyarimana regime while the conflict raged on, and Kigali proved to be a most willing recipient: as it fuelled its war and sank 70 per cent of state budget into it, Rwanda's public debt increased by 105 per cent between 1990 and 1992 mainly through military purchases, crippling its economy.<sup>34</sup> This issue was raised several times by the World Bank, and its head wrote to President Habyarimana to address concerns over the military spending at a time of famine and collapsing welfare provisions.<sup>35</sup>

Once hostilities began, French arms came flooding in to support the Hutu regime up until 8 April 1994, whereupon all arms transfers to Rwanda were officially suspended.<sup>36</sup> According to declassified French Ministry of Defence documents, between February 1990 and 6 April 1994—the date of the last authorization to export war materials (autorisation d'exportation de matériel de guerre, AEMG) to Rwanda delivered by the Customs General Directorate—France approved the export of a significant volume of major weapons, small arms and ammunition worth a total 136 million French francs.<sup>37</sup> Besides the agreed sales to the Rwandan Government, France also provided direct transfers of arms, weapons platforms and ammunition. Such transfers are taken directly from existing army stocks and are paid for by either the former French Ministry of Cooperation or the French Ministry of Defence, and not by the recipient.<sup>38</sup> Such exports require fewer administrative steps and are conducted more speedily. There were 36 direct transfers worth 43 million French francs to Rwanda over the 1990–94 period, only five of which were granted the required AEMG licences, the remaining 31 transfers disregarding standard procedure.<sup>39</sup>

During the conflict, France agreed to transfer—and presumably delivered—the following weapons: three Gazelle helicopters, six Rasura radar systems, one Alouette II helicopter, six 68-mm rocket-launchers (with 1397 68-mm rockets; for the helicopters), two Milan ant-tank missile launchers, 70 12.7-mm heavy machineguns (with 132 400 rounds of ammunition), eight 105-mm cannons (with 15 000 shells), six 120-mm mortars (with 11 000 shells), 3570 90-mm shells (for AML-90 armoured vehicles already in service), 8850 60-mm mortar shells, 4000 81-mm mortar shells, 2040 rounds of 20-mm, 256 500 rounds of 9-mm, 145 860 rounds of 7.62-mm and 1 256 059 rounds of 5.56-mm ammunition, as well as many small arms and spare parts for helicopters and armoured vehicles.<sup>40</sup> In addition, France sent advisers to train the FAR in the use of the more sophisticated weaponry and instructed them in the laying of landmines.<sup>41</sup>

<sup>33</sup> *Afrique Défense*, Dec. 1990, p. 24.

<sup>34</sup> Leymarie, P., 'La politique française au Rwanda en question' ['France's Rwandan policy under scrutiny'], *Le Monde diplomatique*, Sep. 1998, pp. 16–17; and Prunier (note 1), p. 159.

<sup>35</sup> Melvern (note 2), p. 67.

<sup>36</sup> French National Assembly (note 9), p. 178.

<sup>37</sup> 'Bilan des Autorisations d'Exportations de Matériels de Guerre' [Balance of authorizations to export war materials], reproduced in French National Assembly, National Defence and Armed Forces Committee and Foreign Affairs Committee, *Rapport d'information sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994* [Report on military operations conducted by France, other countries and the UN in Rwanda between 1990 and 1994], Report no. 1271, vol. 2, *Annexes* [Annexes] (National Assembly: Paris, 15 Dec. 1998), <<http://www.assemblee-nationale.fr/11/dossiers/rwanda/anex10a0.pdf>>, pp. 547–50.

<sup>38</sup> Elomari, B. and Barillot, B., *Armes légères : De la production à l'exportation : le poids de la France* (Études de l'Observatoire des transferts d'armements: Lyon, 1999), p. 83.

<sup>39</sup> French National Assembly (note 9), p. 181.

<sup>40</sup> 'AEMG 1990–1994', 'Principales décisions de transfert d'armes au Rwanda de 1990 à 1994' [Main arms transfer decisions to Rwanda 1990–94], and '10.A.3. Cessions onéreuses et cessions gratuites effectuées par la Défense pour le compte de la coopération, MMC (cessionnaire)' [10.A.3. Onerous aid and free aid provided by

**Table 2.** Direct transfers from France to Rwanda, 1990–94

Values in million French francs.

	1990	1991	1992	1993	1994
Value	3.3	1.7	23.4	14.4	0

*Sources:* French National Assembly, National Defence and Armed Forces Committee and Foreign Affairs Committee, Rapport d'information sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994 [Report on military operations conducted by France, other countries and the UN in Rwanda between 1990 and 1994], Report no. 1271, vol. 1, Rapport [Report] (National Assembly: Paris, 15 Dec. 1998), URL <<http://www.assemblee-nationale.fr/11/dossiers/rwanda/telechar/r1271.pdf>>, Récapitulatif des cessions directes onéreuses [Summary of costly direct transfers], and Récapitulatif des cessions directes gratuites [Summary of free direct transfers], p. 181.

**Table 3.** Number of AEMG authorizations and value of exports to Rwanda, 1990–94

Values in million French francs

	1990	1991	1992	1993	1994
Number of AEMGs	13	9	33	23	6
Value	9	5	90	32	0.4

*Source:* French National Assembly, National Defence and Armed Forces Committee and Foreign Affairs Committee, Rapport d'information sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994 [Report on military operations conducted by France, other countries and the UN in Rwanda between 1990 and 1994], Report no. 1271, vol. 1, Rapport [Report] (National Assembly: Paris, 15 Dec. 1998), URL <<http://www.assemblee-nationale.fr/11/dossiers/rwanda/telechar/r1271.pdf>>, Récapitulatif des AEMG de 1990 à 1994 [Summary of AEMGs 1990–1994], p. 180.

Tables 2 and 3 show a marked surge in 1992 and 1993 both in quantitative AEMG authorizations and in the total value of war materials intended for the Rwandan Government. The increases occurred at a time of violent conflicts in Byumba in 1992 and in Ruhengeri in 1993, and against the backdrop of the Arusha peace negotiations.<sup>42</sup> According to the French Ministry of Foreign Affairs the ceasefire settled between the FAR and RPF in 1992 was not an agreement that should lead to a reassessment of the transfer of 2000 105-mm shells, 20 12.7-mm machineguns and 32 400 rounds of ammunition.<sup>43</sup> In fact, French authorities 'made sure that the FAR were always regularly supplied with ammunition during major offensives led by the FPR'.<sup>44</sup>

Assessing the reasons lying behind French support for President Habyarimana is not so straightforward, and one should not expect a wholly candid justification from French Government sources for backing a regime that has attracted such intense worldwide condemnation, as cynical motives that often, if not always, guide arms transfer decisions attract very little international goodwill if voiced. For example, when talking of Rwanda, Foreign Minister Hubert Védrine presented France as 'the only country that still showed an interest in Africa and that extended its friendship towards a continent

Defence to the cooperation, Military Mission of Cooperation (transferee)], reproduced in French National Assembly (note 37), pp. 548–555.

<sup>41</sup> French National Assembly (note 9), p. 171.

<sup>42</sup> French National Assembly (note 9), pp. 181, 184.

<sup>43</sup> French National Assembly (note 9), p. 184.

<sup>44</sup> French National Assembly (note 9), p. 184.

mostly abandoned by foreign powers'.<sup>45</sup> The French National Assembly report on Rwanda does, however, underline some important strategic issues guiding French policy: Rwanda neighboured Zaire, a country rich in natural resources, and was consequently an important observation post and point of access there.<sup>46</sup> The report adds that France's post-independence policies in Africa showed concern for regional stability, and that any foreign threat to established regimes would compromise the credibility of France's security guarantees if it didn't react.

A recurring suggestion for France's leaning is that of its discomfort in the face of Anglo-Saxon (i.e. US) encroachment on French interests and fear of losing influence among the Francophonie.<sup>47</sup> According to historian Gérard Prunier, such concerns were awakened and energized by the invasion of francophone Rwanda from English-speaking Uganda.<sup>48</sup> While a note of caution should be taken when considering the importance of the 'Anglo-Saxon threat' in French politics, its mention occurs often enough to merit some reflection and to allow it a degree of legitimacy. While it is most unlikely that the 'threat' is a guiding principal in determining French policy, it is doubtlessly an underlying factor that, in combination with other considerations, colours the judgment of decision-makers.

France was the principal but not sole supplier of the Rwandan Government, although Paris did on occasion facilitate arms acquisition by Kigali from other sources. An illustrative example of this is the French involvement in one of Egypt's many arms transfer deals with Rwanda.

In 1992, a US\$6 million contract with Egypt guaranteed for Rwanda the import of six D-30 122-mm towed guns (with 3000 shells), 50 60-mm and 20 82-mm mortars (with 10 000 shells), over 6000 shells for 120-mm mortars, 2000 RPG-7 anti-tank rockets, 2000 MAT-79 anti-personnel landmines, 450 Egyptian-made Kalashnikov rifles, 200 kg of plastic explosives, and over 3.2 million rounds of ammunition.<sup>49</sup> Kigali obtained the arsenal but defaulted on part of the payment as the collateral was seized by the RPF.<sup>50</sup> The Egyptian deal also appears to have been brought about through French participation, documents indicate that the transaction was made possible by a US\$6 million bank guarantee from France's nationalized Crédit Lyonnais bank.<sup>51</sup> It has been claimed that France effectively underwrote the financial risk of these Egyptian deliveries to get around difficulties in obtaining administrative approval for the transfer of massive quantities of lethal equipment that high French government officials wanted to make available to Rwanda.<sup>52</sup> Egypt was not dependent on French intercession to make arms sales to Rwanda, however, as Cairo was a regular provider of weapons to the Rwandan Government during the civil war. Between October 1990 and June 1992, Kigali had bought over US\$12 million-worth of arms from Egypt. Egyptian arms

<sup>45</sup> French National Assembly (note 9), p. 30.

<sup>46</sup> French National Assembly (note 9), p. 31.

<sup>47</sup> See for example Prunier (note 1), pp. 99–107; Verschave, F.-X., 'Connivences françaises au Rwanda' ['French conniving in Rwanda'], *Le Monde diplomatique*, Mar. 1995, p. 10; McGreal, C., 'France's shame?' *The Guardian*, 11 Jan. 2007; and French National Assembly (note 9), pp. 31–33.

<sup>48</sup> Prunier (note 1), pp. 104–107.

<sup>49</sup> Human Rights Watch (note 16), appendices A.3 and A.4.

<sup>50</sup> It was not until 1999 that Rwanda, led by the new Tutsi government, honoured the debt to Egypt for arms purchased by its enemy. See Amnesty International, *Democratic Republic of Congo: Killing Human Decency*, 31 May 2000, <<http://web.amnesty.org/library/index/engaf620072000>>.

<sup>51</sup> Human Rights Watch (note 16), p. 14–15.

<sup>52</sup> Prunier (note 1), p. 148.

included 250 Kalashnikov rifles (and 25 000 rounds of ammunition) bought in November 1992, 3000 AKM rifles in February 1993, followed by 100 000 rounds of ammunition and thousands of landmines and grenades.<sup>53</sup> As the genocide edged nearer, another contract was concluded with Egypt in February 1994 for US\$1 million worth of mortars and ammunition.<sup>54</sup>

South Africa also emerged as a supplier, and French involvement was again evidenced as Paris took on the role of intermediary for Rwanda to facilitate the signing of a US\$5.9 million supply contract with Pretoria in 1992.<sup>55</sup> The deal included 10 000 M26 fragmentation grenades, 20 000 R-4 rifles (7.62-mm and 5.56-mm calibre), 2.5 million rounds of ammunition, 100 M1 mortars, SS-77 7.62-mm machineguns and Browning 12.7-mm heavy machineguns, and 70 hand-held MGL grenade launchers (with 10 000 grenades).<sup>56</sup> The deal was in contravention to UNSC Resolution 558 (1984) on South Africa, which requested all states to refrain from importing arms from there.<sup>57</sup> China is also reported to have supplied Kigali with arms, providing it with US\$1 million in mortars, machineguns, multiple rocket launchers and grenades.<sup>58</sup>

In July 1991 the Russian *chargé d'affaires* in Rwanda informed the local French military attaché that Kigali had asked for a transfer of 50 mortars, six howitzers, 30 machineguns, some SA-16 (Igla-1) missiles and ammunition from Russian stocks, and that the order was ready for delivery pending a Rwandan contribution.<sup>59</sup> There is no confirmation of delivery, however.

According to former Rwandan Defence Minister Anastase Gasana, who served 1992–93, major arms sources between 1990 and 1994 also included Poland, Greece and Israel. He added that while France was the principal provider of major conventional weapons, small arms were not really in its purview, as the FAR was equipped with AK-47 and South African R-4 rifles.<sup>60</sup> It has been suggested that Rwandan Government purchases from independent arms dealers would probably include Kalashnikov rifles and Chinese hand grenades, as these are widely available throughout Africa.<sup>61</sup> The flood of arms into Rwanda had made small arms and grenades available in vegetable markets, where hand grenades could be bought for the equivalent of US\$3.<sup>62</sup>

#### *Arms transfers to the Rwandan Patriotic Front*

The RPF launched its attack from Uganda in October 1990 armed with heavy machineguns, mortars, BM-21 122-mm multiple rocket launchers, recoilless guns and 'ZUG' light automatic cannons.<sup>63</sup> Uganda appears to have been their principal, if not only, source of weapons as the RPF was reported as having Romanian and other ex-Eastern bloc Kalashnikov rifles and ammunition, landmines, RPG-7 anti-tank rocket launchers, 60-mm mortars, recoilless guns, and at least two Soviet-made 'Katyusha'

<sup>53</sup> Melvern (note 2), p. 65.

<sup>54</sup> Melvern (note 2), p. 66.

<sup>55</sup> Prunier (note 1), pp. 148–149.

<sup>56</sup> Human Rights Watch (note 16), Appendix B.

<sup>57</sup> UN Security Council Resolution 558 (1984), UN Document S/RES/558, 13 Dec. 1984.

<sup>58</sup> Melvern (note 2), p. 66.

<sup>59</sup> French National Assembly (note 9), p. 185.

<sup>60</sup> Ourdan, R., 'Paris régnait sur les stocks d'armement lourd livrés au Rwanda', *Le Monde*, 12 June 1998.

<sup>61</sup> Human Rights Watch (note 16), pp. 17–18.

<sup>62</sup> Human Rights Watch (note 16), p. 28.

<sup>63</sup> Prunier (note 1), pp. 93–96.

multiple rocket launchers, all from Ugandan stocks.<sup>64</sup> Moreover, all RPF weapons seized by the FAR were of Chinese and Soviet origin, and came from Ugandan arms stocks.<sup>65</sup>

The Ugandan Government was keen to have the UNOMUR/UNAMIR presence to prove that it was not supplying the RPF, but in spite of this the UN troops were not allowed to patrol the main crossing points and the RPF were still receiving fresh arms.<sup>66</sup> The denials of the Ugandan Government about supplying the RPF—claiming that the ex-NRA soldiers had defected *en masse* and took arms from the Ugandan Government armoury with them<sup>67</sup>—have been met with scepticism.<sup>68</sup> The continued arrival of crate-loads of arms across the Ugandan border and of ammunition that was freed up for the RPF when the World Bank enforced NRA demobilisation, further confirmed Uganda as the principal source of arms.<sup>69</sup>

Ugandan President Museveni's eagerness at distancing himself from the RPF is understandable in light of the fact that 60 per cent of the country's foreign currency resources came from international aid and it had much to lose from incurring the displeasure of OECD countries.<sup>70</sup> Regardless, the assumption that there was at least some government-level involvement in supplying arms to the RPF is not unreasonable, as President Museveni—whose Hima ethnicity is close to the Tutsi—was in the dual position of owing a debt of gratitude to the former NRA soldiers who helped him attain his position of power, all the while fearing their continued destabilizing presence in Uganda.<sup>71</sup> Helping the Tutsi refugees return to Rwanda would thus solve the situation.

### III. The arms embargo

Appalled by the genocide (albeit without specifically naming it as such) the UNSC passed Resolution 918 on 17 May 1994 as an attempt at addressing the *conflict*.<sup>72</sup> The resolution, condemning the ongoing violence, proceeded to demand an immediate end to hostilities, a ceasefire agreement and 'an end to the mindless violence and carnage engulfing Rwanda'. Acting under Chapter VII of the Charter of the United Nations, paragraph 13 of the resolution expressed the UNSC decision that:

all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts

Along with mobilizing the international community into imposing an arms embargo on Rwanda, the genocide reignited the civil war, this time with a decisive result. The RPF renewed its attack and in mid-July defeated the government forces, drove out of

<sup>64</sup> Human Rights Watch (note 16), p. 19.

<sup>65</sup> French National Assembly (note 9), p. 125.

<sup>66</sup> Dowden, R., 'Rwanda fraught with problems for UN', *The Independent*, 13 May 1994, p. 10.

<sup>67</sup> Embassy of the Republic of Rwanda, United States, Communication with Human Rights Watch Arms Project, 26 Aug. 1993, reproduced in Human Rights Watch (note 16), Appendix D.

<sup>68</sup> Human Rights Watch (note 16), pp. 19–21.

<sup>69</sup> Human Rights Watch (note 16), p. 20; and Prunier (note 1), p. 119.

<sup>70</sup> Prunier (note 1), p. 118.

<sup>71</sup> French National Assembly (note 9), p. 123.

<sup>72</sup> UN Security Council Resolution 918 (1994), UN Document S/RES/918, 17 May 1994.

Rwanda Hutu militias and members of the FAR responsible for the genocide—along with hundreds of thousands of other Hutu. The new RPF-ruled government was sworn in on 19 July 1994 in Kigali.

This did not, however, mark the end of aggressions. The victory of the RPF led to a huge wave of Hutu refugees: an estimated total of 2 million, 1.4 million of which gained refuge in Zaire.<sup>73</sup> The majority fled to Goma and Bukavu in the Zairian provinces of Kivu.<sup>74</sup> Shortly after being sworn in, the new president of Rwanda, Pasteur Bizimungu, asked President Mobutu Sese Seko of Zaire—formerly a strong supporter of the Habyarimana regime—to disarm the Hutu troops on his territory and not allow them to reorganize, infiltrate into Rwanda and destabilize the new government.<sup>75</sup>

These concerns were not without ground, as in refugee camps in eastern Zaire, the former government forces regrouped and rebuilt their military infrastructure. Reportedly, by early 1995 the ex-FAR had built up its troops to 50 000 and these were involved in cross-border raids into Rwanda to destabilize the new government and acquire intelligence for a future attack.<sup>76</sup> This activity was confirmed by a 1995 UN report that added that members of the former government had been apprehended in Rwanda, carrying arms, anti-personnel mines and grenades.<sup>77</sup>

In light of the continued arms build up, Resolution 997 was passed on 9 June 1995 to redefine the restrictions of Resolution 918 to persons in the states neighbouring Rwanda if the sale or supply of arms and matériel is for the purpose of their use within Rwanda,<sup>78</sup> ending ambiguities in supplying the former Rwandan forces based outside of Rwanda. Regardless, the new Rwandan Government grew frustrated with the inefficacy of the embargo on countering arms supplies to the ex-FAR. In July 1995, the permanent representative of Rwanda to the UN voiced Kigali's concerns that while the ex-FAR were rearming, Resolution 918 was crippling Rwanda's ability to build up its defence against them.<sup>79</sup> The following month the UNSC passed Resolution 1011,<sup>80</sup> effectively lifting the embargo on the Rwandan Government, but maintaining it on non-state actors within Rwanda or in neighbouring states as specified in Resolution 997.

Meanwhile, the ex-FAR was extending its arms procurement networks. In May 1995 the former Rwandan Government formalized an alliance with the Conseil National pour la Défense de la Démocratie (CNDD, National Council for the Defence of the Democracy)—a Burundian insurgent group—allowing the two parties to share material and financial resources, effectively blunting Resolution 918 as the CNDD was not subject to an embargo.<sup>81</sup> Further alliances were later forged with groups in Angola and Uganda, and with the governments of Angola, Chad, Namibia and Zimbabwe,

<sup>73</sup> United Nations, Second report of the Secretary-General on Security in the Rwandese Refugee Camps, UN Document S/1995/65, 25 Jan. 1995, § 2, 13.

<sup>74</sup> Prunier (note 1), p. 312.

<sup>75</sup> Braeckman, C., 'Le feu court sur la région des Grands Lacs' [Fire raging in the Great Lakes region], *Le Monde diplomatique*, Sep. 1994, pp. 12–13

<sup>76</sup> Human Rights Watch, *Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide*, May 1995, vol. 7, no. 4, <<http://www.hrw.org/reports/1995/Rwanda1.htm>>.

<sup>77</sup> United Nations, Progress Report of the Secretary-General on the United Nations Assistance Mission for Rwanda, UN Document S/1995/297, 9 Apr. 1995, §8.

<sup>78</sup> UN Security Council Resolution 997 (1995), UN Document S/RES/997, 9 June 1995, §4.

<sup>79</sup> United Nations, Letter Dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations Addressed to the President of the Security Council, UN Document S/1995/547, 7 July 1995.

<sup>80</sup> UN Security Council Resolution 1011 (1995), UN Document S/RES/1011, 16 Aug. 1995.

<sup>81</sup> United Nations, Interim report of the International Commission of Inquiry (Rwanda), UN Document S/1998/777, 19 Aug. 1998, §46, 47, 58.

conferring on them a regional legitimacy.<sup>82</sup> By late 1990s the Great Lakes region was awash with rebel groups—an estimated 20 non-governmental armed groups—that freely exchanged and received weapons from a wide range of outside sources.<sup>83</sup>

Reacting to the continued threat of the ex-FAR rearming on its doorstep, at the end of 1996 the new Tutsi-led Rwandan Government, along with regional allies, launched a military incursion into eastern Zaire to brutally expel the ex-FAR and other Hutu from their camps.<sup>84</sup> The repercussions were severe as the aggression toppled Zairian President Mobutu and led to a wider conflict that involved several different rebel groups and neighbouring countries. An unintended consequence was the entrenchment of the ex-FAR in a greater network of rebel organizations, transforming them into a quasi-legitimate force.<sup>85</sup>

### Monitoring and enforcement mechanisms

Besides imposing the arms embargo, Resolution 918 also established a Sanctions Committee of the Security Council. The body was appointed to monitor the embargo, recommend responses to violations and report findings to the UNSC. However, recognizing the mounting evidence of the failure of Resolution 918's stated goals, the Security Council passed Resolution 1013 in September 1995, which requested the formation of the UN International Commission of Inquiry (UNICOI) to investigate arms sales to the FAR and to recommend measures to end them.<sup>86</sup> Unlike the Sanctions Committee—a political body representing Security Council member states which usually lacks investigative authority—the Commission was an independent body composed of military, legal and policy experts with a broad mandate to investigate and report violations.<sup>87</sup> In its mission to uncover ex-FAR arms trafficking networks and investigate the financial channels that enabled weapons purchases, UNICOI was empowered to travel, collect documents, interview officials, and reported its findings in five reports between January 1996 and November 1998.

UNICOI was not entirely successful, however, as it had no search warrant or legal or coercive powers, and had to rely on the cooperation of member states, which was not always forthcoming. Zaire, for one, was described as obstructive by UNICOI in the conduct of its work.<sup>88</sup> The inquiry was also hindered by the fact that it began so late after the embargo was put in place, by which time the reliability of evidence was more questionable and sources scarce.<sup>89</sup> Further, the early embargo period was the scene of a chaotic conflict situation, an excess of a million refugees flooding into Zaire, and a great many planes delivering hundreds of tons of relief supplies while official control

<sup>82</sup> United Nations, Final report of the International Commission of Inquiry (Rwanda), UN Document S/1998/1096, 18 Nov. 1998, §87.

<sup>83</sup> United Nations (note 82), §88

<sup>84</sup> For a detailed account of the first war in the Kivu provinces see Lanotte, O., *République Démocratique du Congo : Guerres sans frontières* (GRIP: Brussels, 2003), pp. 39–66.

<sup>85</sup> Cortright, D. and Lopez, G. A., *The Sanctions Decade: Assessing UN Strategies in the 1990s* (Lynne Rienner: London, 2000), p. 198.

<sup>86</sup> UN Security Council Resolution 1013 (1995), UN Document S/RES/1013, 7 Sep. 1995.

<sup>87</sup> Cortright and Lopez (note 85), p. 197.

<sup>88</sup> United Nations, Interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda, UN Document S/1996/67, 29 Jan. 1996, §37, 59.

<sup>89</sup> United Nations (note 88), §8.

was relaxed.<sup>90</sup> Such factors colluded in making reliable data difficult to come by. Regardless, UNICOI, with the assistance of some NGOs and the media, has allowed a glimpse—however incomplete—into sanction violations and arms transfers to the ex-FAR, and has gone some way in revealing the extent of arms networks at their disposal.

UNICOI's conclusions on the effectiveness of Resolution 918 and its later incarnations were not positive. Internal movement of arms was assured by light aircraft capable of landing on small airstrips.<sup>91</sup> UNICOI noted the dearth in local capacity in keeping track of arms flows in the region as most African governments do not monitor or report sales or movements of small arms across their borders or travelling through their territories, nor are they bound to do so by any treaties.<sup>92</sup> Many states of the Great Lakes region lack political will to monitor such traffic, are ill-equipped and in want of expertise and resources.<sup>93</sup> In the instances where there are laws restricting the traffic, arms dealers will exploit loopholes or circumvent legal restrictions by arranging shipments through third countries.<sup>94</sup>

An attempt was made at cutting out a loophole, with Resolution 1011 specifically stating that the arms embargo covers the ex-FAR in spite of its continued activity outside of Rwanda. Still, this proved imperfect as the resolution's specificity marred its efficacy. By explicitly targeting non-governmental groups that would use arms within Rwanda, how did the resolution apply if reports of ex-FAR procuring weapons for use in Angola, Congo, Zaire and Uganda proved correct?<sup>95</sup>

**Table 3.** Summary of main recipients, suppliers and sponsors of arms transfers during the arms embargo

Recipient	Source of arms	Secondary support	Non-state actors
Ex-FAR/Hutu militias	Albania, Bulgaria, China, France, Israel, Libya, South Africa, Yugoslavia, Zaire	Seychelles, Zaire	Mil-Tec
RPF	No data	No data	

### Arms transfers during the arms embargo

#### *Arms transfers to the ex-FAR and Hutu militias*

The study of post-embargo arms acquisition to Rwandan Hutu forces and militias is divided into two periods. The first covers the time between the date of the imposition of the arms embargo on 17 May 1994 and the ultimate expulsion of the FAR and Hutu militias in mid-July. The second covers the succeeding period that follows the dramatic role reversal of the belligerents, when the ex-FAR—the former government forces rebuilding their strength in Zaire—are no longer considered the legitimate national army

<sup>90</sup> United Nations (note 88), §60.

<sup>91</sup> United Nations, Report of the International Commission of Inquiry (Rwanda), UN Document S/1997/1010, 24 Dec. 1997, §36.

<sup>92</sup> United Nations (note 82), §89.

<sup>93</sup> United Nations (note 82), §89.

<sup>94</sup> United Nations (note 82), §90.

<sup>95</sup> United Nations (note 81), §69.

of Rwanda, but rather an exiled rebel group. During both periods, Zaire proved to be an important arms supplier to the FAR/ex-FAR.

Resolution 918 did not bring arms shipments to Rwanda to a complete halt. After its imposition, inhabitants of the Zairian town of Goma were reported to have witnessed heavy transport trucks loaded with ammunition and matériel making their way towards Rwanda to support the Hutu regime.<sup>96</sup> An NGO study added weight to this, reporting air deliveries of five shipments from France of artillery, machineguns, assault rifles and ammunition to Goma in May and June 1994, and subsequently taken across the border to Rwanda by the Forces armées du Zaire (FAZ).<sup>97</sup> Further evidence was reported in the press of at least one post-embargo flight on 18 July carrying US\$753 645 worth of arms from France to Goma.<sup>98</sup> This indirect route via Zaire would have been chosen owing to continued fighting in Rwanda, and because international presence made arms deliveries difficult.<sup>99</sup> Although these shipments have been denied by Paris and a French enquiry into France's role in the Rwandan genocide states that no arms were supplied to Rwanda after the French embargo on 8 April 1994,<sup>100</sup> statements from French sources challenge the official government position. Among these was a former consul in Goma who justified the shipments as the fulfilment of contracts negotiated with the Rwandan Government before the embargo was in place.<sup>101</sup> While a former member of the French secret service made an off-the-record statement that 'we are busy delivering ammunition to the FAR through Goma. But of course I will deny it if you quote me to the press.'<sup>102</sup>

The post-embargo FAR's embargo-busting activity was greatly facilitated by the Zairian authorities, as these not only directly delivered arms from Kinshasa (apparently from Zairian stocks) to the Hutu troops, but also from outside Zaire.<sup>103</sup> Zaire allegedly made weapons transfers to Goma in early July 1994 from N'Djili airport in Kinshasa by FAZ-contracted private companies, and accompanied by FAR representatives.<sup>104</sup> The weapons—including assault rifles, ammunition, mortars, grenades and landmines—were derived from Zairian stocks, and were, upon delivery, unloaded by Zairian soldiers and escorted by Zairian and Rwandan soldiers.<sup>105</sup>

When it came to the provision of arms from further afield, Zairian officials and military chiefs proved crucial as they facilitated arms flows both before and after the embargo, some going as far as encouraging trafficking by private dealers through bribery and coercion.<sup>106</sup> With the use of false flight plans and cargo manifests and fake Zaire-issue end-user certificates, these covert flights allegedly carried arms from locations in Europe and Africa.<sup>107</sup>

<sup>96</sup> Braeckman (note 75), pp. 12–13.

<sup>97</sup> Two known dates of delivery are 25 and 27 May 1994. See Human Rights Watch (note 76).

<sup>98</sup> de Saint-Exupéry, P., *Le Figaro*, 12 Jan. 1998 cited in 'La France aurait fourni des armes au Rwanda pendant le génocide', *Le Monde*, 13 Jan. 1998.

<sup>99</sup> Human Rights Watch (note 76).

<sup>100</sup> French National Assembly (note 9), pp. 178, 186.

<sup>101</sup> Human Rights Watch (note 76).

<sup>102</sup> Prunier (note 1), p. 278, n. 136.

<sup>103</sup> Human Rights Watch (note 76).

<sup>104</sup> Human Rights Watch (note 76).

<sup>105</sup> Human Rights Watch (note 76).

<sup>106</sup> Human Rights Watch (note 76).

<sup>107</sup> Human Rights Watch (note 76).

A particularly well-documented case that highlights Zairian assistance in the FAR's military build-up is that of two arms deliveries from the Seychelles. These were ordered by a FAR colonel posing as a Zairian national, issued with Zairian end-user certificates and flown to Goma by state-owned Air Zaire and by Zairian pilots on 16–19 June 1994.<sup>108</sup> The two consignments consisted of 2500 AK-47 rifles, 500 220 rounds of 7.62-mm ammunition, 38 769 rounds of 12.7-mm ammunition, 2560 hand grenades, 5600 anti-personnel rifle grenades, 5440 37-mm grenades (for light grenade launchers), 7600 rounds of 14.5-mm ammunition, 6000 60-mm mortar and 624 82-mm mortar shells.<sup>109</sup> Each of the consignments weighed 40–42 tons, and the total cost of the deal was listed as US\$329 947.50.<sup>110</sup> The weapons were part of a stockpile that the Seychelles had confiscated from a ship headed for Somalia in violation of the standing UN embargo against that country.<sup>111</sup> Victoria cancelled a third delivery planned 23 June 1994 following suspicions on the final destination of the weapons.<sup>112</sup>

Other less detailed examples of reported Zairian-facilitated transfers are of the indirect flight to Goma from Spain via Malta, delivering 39 tons of arms on 25 May 1994,<sup>113</sup> and of the shipment arriving in Goma mid-June on a Liberia-registered aircraft manned by a Belgian crew, that delivered arms picked up in Libya from surplus government stocks, including artillery, ammunition and rifles.<sup>114</sup>

In spite of its defeat at the hands of the RPF, and subsequent flight from Rwanda to Zaire, the Hutu regime was not eradicated. From its Zairian camps—dubbed ‘an unfettered corridor for arms shipment’ by a USAID chief of staff<sup>115</sup>—it regrouped and rebuilt its military infrastructure. This military build-up was in contravention with Resolution 918, and the former Rwandan Government had the financial means to keep arms supplies open: officials had carried off Rwanda's hard currency and retained vast foreign assets.<sup>116</sup> Further funding was guaranteed through war taxes imposed on the refugee community, the illegal sale of relief goods, major fund-raising venues in Kenya, and, reportedly, through drug-smuggling schemes.<sup>117</sup> The ex-FAR also relied on arms-trafficking networks from the apartheid and cold war eras that the South African government had used to circumvent the UN arms embargo imposed there in 1977, as well as from arms-smuggling channels established to support UNITA's war against the Angolan Government.<sup>118</sup> It has also been suggested that before its flight to Zaire, the Hutu regime had secured its arms supplies from companies in China, France, Egypt, South Africa, Israel, Greece and Poland, and that Kigali was by then the hub used by French arms dealers to supply Iran and other countries, giving government forces the opportunity to establish contact networks for alternative weapon sources.<sup>119</sup> China, for

<sup>108</sup> United Nations, Report of the International Commission of Inquiry (Rwanda), UN Document S/1996/195, 14 Mar. 1996, §21–39.

<sup>109</sup> ‘Seychelles People's Defence Forces 16 June 1994’ and ‘Seychelles People's Defence Forces 18 June 1994’ reproduced in United Nations (note 108), Appendix IV and V.

<sup>110</sup> United Nations (note 108), §33, 35.

<sup>111</sup> United Nations (note 108), §29.

<sup>112</sup> United Nations (note 108), §31.

<sup>113</sup> United Nations (note 91), p. 14, §57.

<sup>114</sup> Human Rights Watch (note 76).

<sup>115</sup> Melvern (note 2), p. 224.

<sup>116</sup> Human Rights Watch (note 76).

<sup>117</sup> United Nations (note 91), §81–87; and United Nations (note 82), §92.

<sup>118</sup> Cortright and Lopez (note 85), p. 198

<sup>119</sup> Wood, B. and Peleman, J., ‘Brokering arms for genocide’, *The Arms Fixers: Controlling the Brokers and Shipping Agents* (PRIO: Oslo, 2000), <<http://www.nisat.org/publications/armsfixers/Chapter3.html>>.

one, was suspected of honouring a US\$5 million contract with the ex-FAR made end 1994 for Kalashnikovs, grenades and rocket-propelled grenades—a Chinese official justified the sale by stating that there was no embargo in place against Zaire.<sup>120</sup> Such ambiguities, or cynical reinterpretation of the arms embargo, were later addressed by Resolution 997.

It is unlikely that such an arms build-up would have been possible without the ex-FAR's obliging Zairian hosts. As the routed FAR and Hutu militias crossed the border into Zaire, the FAZ made a public display of seizing the arms of the refugees, and later, in 1996, Zaire did indeed return two helicopters and six armoured vehicles, as well as small arms and mortars seized from the fleeing Hutu forces.<sup>121</sup> However, back in 1994, Zairian troops shielded from media scrutiny allegedly made no attempt at confiscating weapons from the retreating FAR, who were in fact allowed to drive military vehicles into Zaire.<sup>122</sup> In addition, the FAZ reportedly sold many of the confiscated weapons off to groups that included the ex-FAR. Among the weapons returned to the ex-FAR from a Zairian garrison were the following: 1500 grenades, at least 30 rifles, and 'multiple-barrel light artillery batteries',<sup>123</sup> as well as other heavy arms which were transported by the FAZ to an ex-FAR camp to be reassembled and fitted.<sup>124</sup> A report also highlighted that arms carried across the border by fleeing ex-FAR—including French-made AML 60 and AML 90 armoured cars, 120-mm armoured mortar carriers, various anti-aircraft guns, rocket launchers, howitzers, mortars and military trucks—were kept in a Zairian military base close to the refugee camps, with ex-FAR soldiers responsible for their maintenance.<sup>125</sup> In another report, FAZ barracks were used by Zairian military authorities to train ex-FAR in the use of anti-aircraft and heavy guns.<sup>126</sup>

In spite of denials to the contrary, active participation of Zaire officials in the arming of the ex-FAR cannot be in doubt as many more instances of Zairian collaboration have come to light, such as the assistance of Zairian Civil Guards in organizing an (aborted) arms shipments from private sources in Belgium.<sup>127</sup> Mobutu's support to the ex-FAR appears to stem not only from his old friendship with Habyarimana and former Rwandan elite but also from fear of the further disintegration of Zaire. Eastern Zaire had a population that was ethnically close to members of the RPF, and the new political makeup on its doorstep posed a threat to the region's continued loyalty to Kinshasa.<sup>128</sup> In addition, President Museveni had contacts with Mobutu's enemies in the old Mouvement National Congolais, and the RPF was considered a surrogate of Uganda whose ambitions needed to be checked.<sup>129</sup>

The extent of Zaire's involvement in the ex-FAR's arms acquisitions from abroad is unknown, although it is unlikely that Kinshasa was an innocent bystander in all cases. Investigations conducted by UNICOI and NGOs have shed some light on arms shipments from Eastern Europe, lending a greater understanding of the vast range of the

<sup>120</sup> Hubbard, M., 'UN alert urged as arms pour in for new Rwanda war', *The Observer*, 26 Mar. 1995, cited in Human Rights Watch (note 76).

<sup>121</sup> 'Zaire returns equipment', *Jane's Defence Weekly*, 28 Feb. 1996, p. 17.

<sup>122</sup> Human Rights Watch (note 76).

<sup>123</sup> Amnesty International (note 28).

<sup>124</sup> United Nations (note 91), §23.

<sup>125</sup> Human Rights Watch (note 76).

<sup>126</sup> United Nations, (note 91), §23.

<sup>127</sup> Human Rights Watch, (note 76).

<sup>128</sup> Prunier (note 1), p. 319.

<sup>129</sup> Prunier (note 1), p. 319.

ex-FAR's networks. There were allegations by Robin Cook, the British opposition Labour party's foreign affairs spokesman, that 10–12 planeloads of arms were delivered by Russian Ilyushin aircraft to Goma airport from Bulgaria over the first months of 1995.<sup>130</sup> The former Rwandan prime minister was reportedly present for the receipt of such a delivery.<sup>131</sup> Reports came out of arms from Yugoslavia; of two aircraft registered in Ukraine, each carrying 30 tons of arms, landing in Egypt in June 1996 en route to Kinshasa from Bulgaria; and of 150 tons of weapons and communications equipment shipped in three vessels in February, March and May 1996 to Goma and Bukavu.<sup>132</sup>

More networks alighting the ex-FAR's weapons stocks were uncovered by UNICOI as it reached the end of its mission, such as allegations from reliable sources of arms supplies by road from South Africa via Zimbabwe and Zambia, and reports of Sudan providing transport for armament.<sup>133</sup> In fact, UNICOI formed the impression that small arms commonly available in Mozambique were circulating freely in the subregion across national boundaries in spite of efforts by the Southern African Development Community (SADC) to prevent their proliferation.<sup>134</sup>

State actors were not the only ones involved in illegally supplying the ex-FAR with their arms needs. The private sector also had a share in providing the former Rwandan forces with weapons. Mil-Tec Corporation, a British company registered in the Isle of Man, became notorious for that very reason when documents discovered in a bus close to a Hutu camp in Goma revealed its involvement in the delivery of US\$5 million-worth of arms from Albania and Israel, including mortars, automatic rifles and artillery shells.<sup>135</sup> While Albania and Israel were quick in issuing denials,<sup>136</sup> that was not the case for the UK, which laid blame on an overlooked legislative loophole. The British Government explained that there were delays and omissions in implementing the UN embargo to all of the United Kingdom and its dependent territories, including the Isle of Man.<sup>137</sup> Moreover, the arms shipments did not require export licenses, since Mil-Tec was brokering the deals rather than supplying the weapons.<sup>138</sup>

With time the ex-FAR's arms channels grew increasingly complex, and their overall supplies more difficult to track. The networks of alliances that were forged with other, non-embargoed, groups in Zaire and foreign governments made it easier to circumvent Resolution 918. The shifting political landscape further confused the trail of arms circulation, as the large intrusion of Rwanda's and Uganda's national forces into Zaire scattered many Hutu refugees along with the ex-FAR.

### *Arms transfers to the Rwandan Patriotic Front*

There is little information available on arms transfers to the RPF during the embargo.

<sup>130</sup> Human Rights Watch, (note 76).

<sup>131</sup> Human Rights Watch, (note 76).

<sup>132</sup> United Nations (note 91), §36, 47, 71, 93.

<sup>133</sup> United Nations (note 82), §31; and United Nations (note 82), §20.

<sup>134</sup> United Nations (note 82), §48.

<sup>135</sup> "Death merchants" reportedly sell arms to Rwanda', Foreign Broadcast Information Service (FBIS), FBIS-EEU-96-225, 19 Nov. 1996.

<sup>136</sup> 'Ministry Denies Tirana Involved in Sending Arms to Rwanda', FBIS-EEU-96-225, 19 Nov. 1996; and 'Defense Ministry denies arms sales to Rwanda', FBIS-NES-96-225, 19 Nov. 1996.

<sup>137</sup> United Nations (note 82), §74. UN mandatory arms embargoes are not by default law in many countries. The UNSC resolution first needs to be 'translated' into the national legislation of individual member states before the embargo can become effective.

<sup>138</sup> Wells, M., 'Arms firm linked to Rwandan army chief', *The Guardian*, 10 Feb. 2000.

#### IV. Lifting the arms embargo

On 16 August 1995, the blanket embargo on Rwanda was modified to a selective one as it was lifted on the Rwandan Government, but maintained on the ex-FAR and Hutu militias.

**Table 4.** Summary of main recipients, suppliers and sponsors of arms transfers after the arms embargo

Recipient	Source of arms	Secondary support	Non-state actors
RPF	Slovakia, South Africa		

#### Arms transfers to the Rwandan Patriotic Front

Once Resolution 1011 was passed, South Africa approved the sale of infantry weapons and mine-protected vehicles.<sup>139</sup> The US\$17 million sale was confirmed by South Africa on 31 October 1996.<sup>140</sup> However, after the initial sales, South Africa has been at times recalcitrant to make more deliveries to Rwanda as the regional situation degenerated and fighting in Zaire was stepped up.<sup>141</sup> After the lifting of the embargo, Rwanda's imports of major conventional weapons consisted of 20 light armoured troop carriers from South Africa over the period 1996–98 and five RM-70 122-mm multiple rocket launchers from Slovakia in 1997.<sup>142</sup>

#### V. Conclusion

Resolution 918 was principally intended as a means to affect, slow down or halt a massacre when inaction would have been unacceptable. How the embargo was to put an end to the slaughter, however, is unknown given that the genocide was perpetrated to a great extent with farming implements. When the killings were finally stemmed, it was owing to RPF military action. Later, when resolutions 997 and 1011 were passed, there was no major open conflict to speak of, although the ex-FAR and extremist Hutu militias did conduct some deadly raids in Rwandan territory. Rather, the measures were adopted to prevent the *genocidaires* from rearming and resuming the slaughter of the Tutsi—an affront to the international community still reeling from its inaction during the massacres.

The former Rwandan regime has not reclaimed power in Rwanda nor mounted a successful destabilizing counterattack against the RPF government. However, the embargo's role in preventing such an eventuality is difficult to establish. Nevertheless, it is evident that it did not achieve its stated goal of preventing the build-up of the ex-FAR's military capacity. No exhaustive input is available to build statistical charts of its

<sup>139</sup> 'Arms deal with Rwanda defended', *Jane's Defence Weekly*, 23 Oct. 1996, p. 14; and 'Arms sales to Rwanda', *Jane's Defence Weekly*, 13 Nov. 1996, p. 27.

<sup>140</sup> 'Arms worth \$17 million sold to Rwanda', FBIS-AFR-96-213, 31 Oct. 1996; and SIPRI Arms Transfers Project.

<sup>141</sup> 'Arms sale to Rwanda', *Jane's Defence Weekly*, 4 Dec. 1996, p. 27; and 'South Africa earns \$126m from defence', *Military Affairs*, 12 Sep. 1997, p. 5

<sup>142</sup> United Nations Register of Conventional Arms, <[http://disarmament.un.org/UN\\_REGISTER.nsf](http://disarmament.un.org/UN_REGISTER.nsf)>.

arms deliveries: the illicit nature of their acquisitions creates an environment of secrecy and denial that yields little hard and fast data.

As seen in the cases of terrorist attacks in Rwanda and of the murder of President Habyarimana, the paternity of weapons is difficult to pin on to any group, as the final ownership is denied and thrown back at each other, further complicating analysis of the source of armament.

The region is one that does not lend itself well to arms monitoring. The US Department of State presents a bleak image of this, stating that illicit arms sales in the Great Lakes region involve numerous actors, such as government agencies operating with or without state approval, front companies, African expatriate communities, private security firms, individual arms dealers, public and private transportation companies, business people, and companies and countries selling or providing false end-user certificates. The use of a wide range of financial institutions spread around the world, and of the exchange of commodities for arms in a process of parallel financing further hinder tracking and accountability.<sup>143</sup>

Enforcing an arms embargo on a non-state actor is made all the more challenging when the host country is sympathetic to its cause, as was the case with Zaire and the ex-FAR. Such a relationship between actors and states needs to be considered when placing an embargo that is not bound to a geographical entity. Embargoes that apply to arms used in a specific context—in the case of Resolution 1011, arms whose intended use is in Rwanda—are ambiguous and open to legal challenges. The need for such specificity should be reassessed.

Early on UNICOI expressed its dissatisfaction at the lack of an ‘effective, proactive mechanism to monitor or implement the arms embargo’<sup>144</sup>, which would have stemmed the ex-FAR’s massive illegal acquisition of armament. As it stands, since the embargo was not backed by any system of enforcement, it had very little impact. The establishment of UNICOI, however, was a significant step up from the Sanctions Committee it was taking over from, and a precedent in the creation of a more aggressive and independent system of investigating embargo violations.<sup>145</sup>

## Chronology

Dates directly related to UNSC arms embargo decisions are highlighted in bold.

1 October 1990	The RPF invades Rwanda from Uganda
January 1991	Massacres of Tutsi take place in the prefectures of Gisenyi, Ruhengeri, Kibuye and Byumba
March 1991	A ceasefire agreement is signed in N’sele, Zaire, under OAU supervision
February 1992	Massacres of Tutsi take place in Bugesera
April 1992	A new government with increased representation of the opposition; The president of the World Bank writes to Habyarimana to ask him to stop military spending

<sup>143</sup> US Department of State, ‘Arms flows to Central Africa/Great Lakes’, Nov. 1999, <[http://www.state.gov/www/global/arms/bureau\\_pm/fs\\_9911\\_armsflows.html](http://www.state.gov/www/global/arms/bureau_pm/fs_9911_armsflows.html)>.

<sup>144</sup> United Nations (note 108), §59.

<sup>145</sup> Cortright and Lopez (note 85), pp. 197–99.

## 20 UNITED NATIONS ARMS EMBARGOES

January 1993	The composition of a broad-based transitional government is agreed at negotiations in Arusha, Tanzania; More than 300 Tutsi killed in northwestern Rwanda
February 1993	RPF launches a fresh offensive and reach the outskirts of Kigali; More than one million people are displaced because of the fighting
March 1993	A new ceasefire is agreed.
June 1993	The Security Council adopts Resolution 846 creating the United Nations Observer Mission Uganda–Rwanda (UNOMUR)
August 1993	The Arusha Accords are signed between the Rwandan Government and the RPF
October 1993	The UN Security Council passes Resolution 872 creating the UN Assistance Mission for Rwanda (UNAMIR) that is to help implement the Arusha Accords. UNOMUR is integrated into UNAMIR
January 1994	The UN Security Council adopts Resolution 893 approving deployment of a second infantry battalion to the demilitarized zone
5 April 1994	The UN Security Council passes Resolution 909, renewing UNAMIR’s mandate and threatening to pull out in six weeks unless the Arusha Accords are applied
6 April 1994	President Habyarimana’s plane is shot down while returning from Burundi, killing him and all on board
7 April 1994	Systematic killing begins of opposition politicians, pro-democracy Hutu and Tutsi; Ten peacekeepers guarding the prime minister are killed; Armed militias begin an organized round-up and slaughter of Tutsi and political moderates in Kigali
12 April 1994	The interim government flees to Gitarama as the RPF move on the capital
21 April 1994	The UN Security Council passes Resolution 912 to withdraw the bulk of UNAMIR peacekeepers from Rwanda
29 April 1994	A long UNSC debate on the use of the word ‘genocide’ in a presidential statement; the UK and USA resist the use of the word
16 May 1994	The RPF cut the road between Kigali and Gitarama
<b>17 May 1994</b>	The UNSC passes Resolution 918, establishing an arms embargo on Rwanda and approving the deployment of 5500 troops to Rwanda: However, no troops are available
22 May 1994	The RPF take control of the Kigali international airport and the Kanombe military camp and extends control over the north and eastern part of the country; The government forces continue to flee south
29 May 1994	The RPF take Nyanza
2 June 1994	The RPF take Kabgayi
8 June 1994	The UNSC passes Resolution 925, which extends the UNAMIR mandate until December 1994
13 June 1994	The RPF take Gitarama
22 June 1994	The UNSC passes Resolution 929, approving a French proposal to dispatch troops to Rwanda under a UN peacekeeping mission
3 July 1994	The RPF take Butare

4 July 1994	The RPF take control of Kigali; The RPF leadership states that it intends to establish a new government based on the framework of the Arusha Accords
13 July 1994	The RPF take Ruhengeri
13–14 July 1994	An estimated 1 million people begin to flee towards Zaire
17 July 1994	The RPF take Gisenyi, the final Hutu stronghold
18 July 1994	The war comes to an end with the defeat of the remnants of Rwandan Government troops still in Rwanda
19 July 1994	A new government of national unity is created
<b>9 June 1995</b>	The UNSC passes Resolution 997 which specifies that the arms embargo covers Rwandan groups outside of Rwanda
<b>16 August 1995</b>	The UNSC passes Resolution 1011, lifting the arms embargo on the Rwandan Government
7 September 1995	The UNSC passes Resolution 1013, establishing the UN International Commission of Inquiry (UNICOI)

## Glossary

AEMG	Autorisation d'exportation de matériel de guerre (Authorization to Export War Materials)
CNDD	Conseil National pour la Défense de la Démocratie (National Council for the Defence of the Democracy)
FAR	Forces Armées Rwandaises (Rwandan Armed Forces)
FAZ	Forces armées du Zaire (Zairian Armed Forces)
MANPADS	Man Portable Air Defence System
NRA	National Resistance Army (Uganda)
RPF	Rwandan Patriotic Front
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNICOI	UN International Commission of Inquiry
UNOMUR	United Nations Observer Mission Uganda–Rwanda
UNSC	United Nations Security Council