

# Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond

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### A. Introduction

Last year marked the tenth anniversary of the Rwandan genocide when more than 800,000 people were slaughtered within 100 days under the watch of the international community. As the United Nations has since acknowledged, “[t]he international community did not prevent the genocide, nor did it stop the killing once the genocide had begun.”<sup>1</sup> The whole world failed the victims – a failure the UN Report called a fundamental “failure of the international community [and] failure of the United Nations system as a whole.”<sup>2</sup> Those who could did little or nothing to help. Indeed, some actively concealed or denied the unfolding genocide.<sup>3</sup> Interestingly, the genocide took place more than half a century after the victorious allies of World War II vowed “Never Again!” to genocide in response to the Nazi holocaust.<sup>4</sup> Also, by 1994 the 1948 *Convention on the Punishment and the Prevention of the*

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<sup>1</sup> United Nations, *Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda*, S/1999/1257 (15 December 1999) at 3 [hereinafter, UN Report].

<sup>2</sup> *Ibid.*

<sup>3</sup> See L. Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed Books, 2000) at 137-148; L. Melvern & P. Williams, “Britannia Waived the Rules: The Major Government and the 1994 Rwandan Genocide” (2004) 103 *African Affairs* 1-22; R. Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House Canada, 2003).

<sup>4</sup> See L. Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale Univ. Press, 1981) at 20.

*Crime of Genocide*<sup>5</sup> under which states assumed a legal duty to prevent and punish the crime of genocide<sup>6</sup> was nearly half a century old.

For the past ten years, there has been no shortage of justifiable moral outrage, mea culpa, soul searching, and ablutionary rituals.<sup>7</sup> Nor has there been any dearth of hypocrisy. Several exhibitions have been held in memory of the victims of genocide. That we must do, albeit I sadly suggest, no more than helpless relations who must eulogize dead relatives they could not save. But memorial exhibitions should be more than that. I believe that the more than 800,000 victims of Rwandan genocide would like us to continually reflect on the unjustness of the international order that so tragically failed them in their greatest moment of need. Hence, a befitting memorial for victims should also be about our suffering to reflect on how the world let them down. Perhaps by so doing, we may help others escape their tragic fate.

In blaming the UN for its indefensible failure in Rwanda, the UN Report justly noted that: "Acknowledgement of responsibility must also be accompanied by a will for change: a commitment to ensure that catastrophes such as the genocide in Rwanda never occur anywhere in the future."<sup>8</sup> This is, therefore, an auspicious

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<sup>5</sup>*Convention on the Prevention and Punishment of the Crime of Genocide*, 78 U.N.T.S. 277, Adopted by UN General Assembly Resolution 260 (III) A of December 9, 1948; entered into force January 12, 1951. Reprinted in United Nations, *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1988) at 143-147. [Hereinafter, 'Genocide Convention']. Article 2 of the *Genocide Convention* defines genocide as "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

Killing members of the group

Causing serious bodily or mental harm to members of the group

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

Imposing measures intended to prevent births within the group

Forcibly transferring children of the group to another group

<sup>6</sup> See R. Lemkin, "Genocide as a Crime in International Law" (1947) 41 AJIL 145 at 150. See generally, W. A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: University Press, 2000).

<sup>7</sup> Such rituals include setting up the International Criminal Tribunal for Rwanda. As Makau Mutua has argued, the tribunal was established to "achieve neither the abolitionist impulses nor the just ends trumpeted by the United Nations" but "to assuage the consciences of states which were unwilling to stop the genocide." See M. Mutua, "From Nuremberg to the Rwanda Tribunal: Justice or Retribution?" (2000) 6 Buffalo Human Rights Law Review 77 at 78; M. Mutua, "Never Again: Questioning the Yugoslav and Rwanda Tribunals" (1997) 11 Temple Intl. & Comp. L. J. 167 at 167-170.

<sup>8</sup> See UN Report, *supra*, note 1 at 3.

moment for us to reflect on whether Rwanda indeed presaged a break with the past, an infamous past dripping with genocidal indifference.<sup>9</sup> It affords us an opportunity to raise and attempt to answer some, perhaps very uncomfortable questions. Those of us whose only acquaintance with the pungent horrors of genocide is the comfy ambience of conference halls must constantly agonize over one fundamental question: Knowing what we know now (which was not unknown then) and feeling as teary and grief-stricken as we feel ever since, if the Rwandan genocide were currently unfolding, would the international response be different now from what it was in 1994? To what extent did Rwandan tragedy change international apathy to or scant regard for human lives in Africa? Was the admission of responsibility a sign of genuine contrition or merely a cleansing ritual?

In keeping with the foregoing, this paper reflects on the international non-response to the Rwandan genocide and the current listless attention towards the unfolding genocide in Darfur. It explores the link between international apathy to genocide in Africa and the race of the victims. The paper argues, in effect, that the humanitarian impulse of extant international order is inherently racist. The next section (Part B) accounts for the unfolding crisis in Darfur and relates the international community's scant attention to it with the inattention to Rwandan genocide. Part C explores the role of difference and identity in international attitude to African crises. It argues that racism, not the so-called lack of national interest, shapes the understanding and non-response to genocide in Africa. Part D highlights the implications of persistent international apathy to genocide and human suffering in Africa. The paper concludes with a brief synopsis in Part E.

## **B. Between Past and Present**

My answer to the question posed above (i.e. would international response to Rwanda be different now from what it was in 1994?), regrettably, is negative. Nothing in the prognosis of current events indicates any significant improvement in the prevailing mindset under which Rwanda happened. As far as Africans are the ones dying, especially when Africans are killing Africans, the world – those who could do anything to prevent or stop it – does not care a hoot. Any doubts about this ought to be hastily dispelled by the response to events unfolding in Darfur, western Sudan, currently described by the UN as the worst humanitarian crisis in the world.<sup>10</sup> In Darfur, the government sponsored Arab Janjaweed militia<sup>11</sup> has been

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<sup>9</sup> For a good account of past genocides and failures to prevent them, see generally, L. Kuper, *supra*, note 4.

<sup>10</sup> See "UN Receives News Reports of Attacks Against Displaced Persons in Darfur, Sudan" Un News Service online <http://www.un.org/apps/news/printnews.asp?nid=12245> (last visited October 18, 2004)

carrying out a vicious campaign of ethnic cleansing, killing and raping of black, non-Arab Sudanese.<sup>12</sup> Several accounts describe a pattern of systematic killing, burning and sacking of villages.<sup>13</sup> In a recent report, Human Rights Watch documents the direct participation of Sudanese government forces in massacres, summary executions of civilians, burnings of towns and villages, and the forcible depopulation of wide swathes of land long-inhabited by the Fur, Masalit and Zaghawa ethnic groups.<sup>14</sup> The Sudanese government has also admitted its military and logistical support to and relationship with the Janjaweed militia.<sup>15</sup> According to recent estimates, tens of thousands of people have been killed<sup>16</sup> and more than 1.65 million others are displaced.<sup>17</sup> Of the number displaced, 1.45 million are scattered internally within Darfur while about 200,000 are refugees in Chad.<sup>18</sup> Amnesty International recently published a report detailing the widespread use of rape as a weapon of war, involving a systematic dehumanization of women and destruction of their communities.<sup>19</sup> The report clearly stated that “[t]oday’s ‘worst humanitarian crisis’ has been directly caused by war crimes and crimes against humanity for

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<sup>11</sup> See Human Rights Watch, “Darfur Documents Confirm Government Policy of Militia Support” online at <http://hrw.org/english/docs/2004/07/19/darfur9096.htm> (last visited October 18, 2004).

<sup>12</sup> Racial identity of perpetrators and victims often confound (and have been cleverly used to confound) unwary outsiders, especially those looking for physical differences. But, as a respected Sudanese scholar has clarified: “Race in Sudan is not so much a function of colour or features, but a state of mind, a case of self-perception; the North identifies as Arab, no matter how dark its people’s skin colour.” See F. M. Deng, “Sudan – Civil War and Genocide” (2001) *Middle East Quarterly* (Winter), online at <http://www.meforum.org/article/22>

<sup>13</sup> See M. Worden, “Khartoum’s Directives of Death” *The New York Sun*, July 21, 2004, online via HRW website [http://hrw.org/english/docs/2004/07/21/darfur9253\\_txt.htm](http://hrw.org/english/docs/2004/07/21/darfur9253_txt.htm) (last visited October 18, 2004); E. Wax, “Livestock Looting is Another Tragedy for Darfur Families” *Washington Post*, October 18, 2004, A13; HRW, “Sudan: Government Commits ‘Ethnic Cleansing’ in Darfur” [http://hrw.org/english/docs/2004/05/07/darfur8548\\_txt.htm](http://hrw.org/english/docs/2004/05/07/darfur8548_txt.htm) (last visited October 18, 2004).

<sup>14</sup> See Human Rights Watch, *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Sudan*, May 2004, online at <http://hrw.org/reports/2004/sudan0504/sudan0504simple.pdf> (last visited October 18, 2004).

<sup>15</sup> See Human Rights Watch, *supra*, note 11.

<sup>16</sup> See BBC News online, “Go Ahead for More Darfur Troops” at <http://news.bbc.co.uk/2/hi/africa/3761120.stm>

<sup>17</sup> See UN News Service, “UN Receives New Reports of Attacks Against Displaced Persons in Darfur, Sudan” online at <http://www.un.org/apps/news/printnews.asp?nid=12245> (last visited October 18, 2004).

<sup>18</sup> *Ibid.*

<sup>19</sup> See Amnesty International, *Sudan, Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences*, July 2004 (AI Index: AFR 54/076/2004)

which the Sudanese government is responsible.”<sup>20</sup> These findings were corroborated by the Human Rights Watch’s report, which was also unambiguous about the Sudanese government’s culpability in crimes against humanity in Darfur and widespread use of rape as a weapon of war.<sup>21</sup> UN Secretary-General’s report to the Security Council arrived at a similar conclusion.<sup>22</sup> And this has been going on for more than 18 months.

Unlike in Rwanda, the unfolding tragedy in Darfur has received fairly reasonable news coverage. Nonetheless, as Romeo Dallaire recently underlined, “Western governments are still approaching it with the same lack of priority.”<sup>23</sup> In a recent editorial, the *Washington Post* summed up the situation thus:

In Rwanda's genocide 10 years ago, the West pretended it could not see what was at stake until after 800,000 had been massacred. In Sudan's slow-motion catastrophe, involving death by starvation as much as death by violence, the West has acknowledged what is going on yet refuses to respond with any urgency.<sup>24</sup> Once again the drums of genocide are beating in Africa, barely ten years after the Rwandan genocide. As in Rwanda, those squirming in the throes of genocidal killings and ethnic cleansing are faced with the inaction of the international community. Yet, genocide is widely regarded, in William Schabas’s catchy phrase, as “the crime of crimes.”<sup>25</sup> With a memorable, if tragic pedigree, it is indisputably one of the rare *jus cogens* norms of international law.<sup>26</sup> Justly described by Stephen Toope, a respected international legal scholar, as “one of the most grave international

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<sup>20</sup> Amnesty International, *Ibid* at 3.

<sup>21</sup> See Human Rights Watch, *supra*, note 14. See also, K. D. Askin, “The Government of Sudan Doesn’t Hide its Atrocities” *International Herald Tribune* online, September 6, 2004 at <http://www.iht.com/articles/537450.html>

<sup>22</sup> See Report of the Secretary-General Pursuant to Paragraphs 6 and 13 to 16 of Security Council Resolution 1556 (2004), S/2004/703, online at <http://www.unsudanig.org/emergencies/darfur/reports/data/UNSCreport.pdf>

<sup>23</sup> R. Dallaire, “Looking at Darfur, Seeing Rwanda” *New York Times*, October 4, 2004, online <http://www.nytimes.com/2004/10/04/opinion/04dallaire.html> (last visited October 4, 2004)

<sup>24</sup> See *The Washington Post*, “The Killing Continues”, Sunday, October 17, 2004 at B06.

<sup>25</sup> W. A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge Univ. Press, 2000)

<sup>26</sup> See *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion* [1951] ICJ Reports 14 at 24

wrongs imaginable,"<sup>27</sup> its prevention arguably imposes an *erga omnes* obligation – a very important obligation assumed by the international community as a whole.<sup>28</sup> Whether committed in time of war or peace, states are obligated to act to prevent and to punish the crime of genocide.<sup>29</sup> The horrors of genocide should ordinarily propel international action to prevent, stop and punish the crime of genocide, wherever it may be occurring. But Africa appears to be an exception.

As in Rwanda, the world is again engaged in depressingly familiar genocidal politics. While the killing goes on, the international community continues to quibble over definitions or whether to threaten 'action' or 'sanction.'<sup>30</sup> Not even a credible threat of sanction is forthcoming from the Security Council. In place of serious action, the Security Council has engaged in formulaic recitals of increasingly meaningless phrases. Indeed, Romeo Dallaire recently accused the UN Security Council of plagiarizing its own resolutions on Rwanda more than ten years ago.<sup>31</sup> Notwithstanding unambiguous declarations of the events in Darfur as amounting to crimes against humanity, so far only a few human rights organizations have characterized it as genocide.<sup>32</sup> In a refreshing departure from its tragic chicanery during the genocide in Rwanda, United States has courageously declared that genocide has occurred and may still be occurring in Darfur.<sup>33</sup> Those still hesitant about the nature

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<sup>27</sup> S.J. Toope, "Does International Law Impose a Duty Upon the United Nations to Prevent Genocide?" (2000) 46 McGill Law Journal 187 at 193.

<sup>28</sup> See S.J. Toope, *Ibid.*

<sup>29</sup> See Article 1 of Genocide Convention, *supra*, note 5. See also, D. L. Nersessian, "The Razor's Edge: Defining and Protecting Human Groups Under the Genocide Convention" (2003) 36 Cornell Intl. Law Journal 293 at 298.

<sup>30</sup> See e.g. UN Security Council Resolution 1556 (2004), S/RES/1556 (2004), adopted by the Security Council at its 5015th meeting, on 30 July 2004. See also, Human Rights Watch, "U.N.: Darfur Resolution a Historic Failure" online [http://hrw.org/english/docs/2004/09/18/darfur9355\\_txt.htm](http://hrw.org/english/docs/2004/09/18/darfur9355_txt.htm) (last visited October 18, 2004).

<sup>31</sup> See R. Dallaire, *supra*, note 23.

<sup>32</sup> For instance, Physicians for Human Rights and the UK-based group Justice Africa believe that the massacres in Darfur fulfill the international legal definition of genocide and should be designated as such. Human Rights Watch, the International Crisis Group, and Amnesty International all admit that crimes against humanity, war crimes, and "ethnic cleansing" have been committed while supporting an inquiry to investigate allegations of genocide. See J. Ryle, "Disaster in Darfur" (2004) 51 No. 13 New York Review of Books (August 12, 2004), online <http://www.nybooks.com/articles/17326> (last visited October 18, 2004)

<sup>33</sup> See Secretary Collin L. Powell, "The Crisis in Darfur" Written Remarks Before the Senate Foreign Relations Committee, Washington DC, September 9, 2004 at <http://www.state.gov/secretary/rm/36032.htm> (last visited Sept. 9, 2004). See also, "S. R. Weisman, "Powell Declares Genocide in Su-

of what is happening in Darfur appear unmindful of the history of successive governments of Sudan. The current crisis in Darfur is merely another sad chapter of a tragic narrative. As Makau Mutua, a justly renowned scholar with extensive knowledge of Sudan, recently observed:

“Darfur is not an accidental apocalypse of mass slaughters, enslavement, pillage, and ethnic cleansing. The Darfur pogrom is part of a historic continuum in which successive Arab governments have sought to entirely destroy black Africans in this biracial nation.”<sup>34</sup>

Mutua’s view is very consistent with several intelligent accounts of the enduring crises in Sudan by other notable scholars.<sup>35</sup> For instance, Francis Deng, a former Sudanese Ambassador to Canada, the Scandinavian countries, and the United States as well as a former minister of state for foreign affairs, has also exposed similar genocidal inclination of successive Sudanese governments at different times. In his words:

“Successive governments of Khartoum have recruited the Homr Arabs, trained them, armed them, and deployed them as militias, supposedly against southern rebel movement, but in fact unleashing them against their Dinka neighbours. They killed at random, looted cattle, razed villages to the ground, and captured children and women as slaves.”<sup>36</sup>

Even reputable NGOs such as Human Rights Watch have detailed similar practices, including genocidal acts of government-armed  *Murahilin*  in Bar El Ghazal.<sup>37</sup> For the most part, the conduct, practices and multiple acts of genocide of successive Sudanese governments are relatively well known. A state with such a barbarous pedigree deserves no benefit of doubt. Yet, the understanding of the issues has been coloured by what is often regarded as the complexity of the situation. In reality, the

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dan in a Bid to Raise Pressure”, New York Times online, September 9, 2004, at <http://www.nytimes.com/2004/09/09/international/africa/09CND-SUDA.html>

<sup>34</sup> M. Mutua, “Racism at the Root of Sudan’s Darfur Crisis” The Christian Science Monitor, July 14, 2004, online at <http://www.csmonitor.com/2004/0714/p09s02-coop.htm> (last visited September 8, 2004).

<sup>35</sup> See e.g. F. Deng, *supra*, note 12; W. L. Saunders Jr. & Y. G. Mantilla, “Human Dignity Denied: Slavery, Genocide, and Crimes Against Humanity in Sudan” (2002) 51 Catholic University Law Review 715; M. M. Gassis, “Sudan: Country of Terrorism, Religious Persecution, Slavery, Rape, Genocide, and Man-Made Starvation” (2001) 50 Catholic University Law Review 905.

<sup>36</sup> F. Deng, *Ibid.*

<sup>37</sup> See Human Rights Watch, ‘Darfur Destroyed’, *supra*, note 14 at 44.

alleged complexity appears to be just a carefully disguised attempt to dismiss the tragedy as typical of African savagery – a way of validating the atavistic nature of the killings.<sup>38</sup>

However, as US Secretary of State, Colin Powell stated while oddly, if barefacedly, declaring that no new action is dictated by the US determination of genocide:<sup>39</sup> “Call it civil war. Call it ethnic cleansing. Call it genocide. Call it “none of the above.” The reality is the same: there are people in Darfur who desperately need our help.”<sup>40</sup> It is therefore evident that word games are irrelevant to the victims. As Jerome Singh has rightly underscored, to refrain from assisting the people of Darfur “on purely technical and semantic grounds is arguably immoral.”<sup>41</sup> Conclusive proof of genocide will serve no useful purpose to the victims. By then, it would have been a little too late. People who are targeted for who they are; victims of “targeted, systematic, mass killing of an identifiable group”<sup>42</sup> have no use for theoretical, academic disputes or definitional niceties. Nor are the countless women, girls and children who have been or will be subjected to the vicious indignities of

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<sup>38</sup> See L. Melvern, *supra*, note 3 at 5.

<sup>39</sup> See C. Powell, *supra*, note 33. For the records: “Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide.” See A. McLaughlin, “US Raising stakes over Darfur Crisis,” *Christian Science Monitor*, July 26, 2004, online at <http://www.csmonitor.com/2004/0726/p01s04-woaf.htm> (last visited September 8, 2004), quoting Jerry Fowler, staff director of the Committee on Conscience at the US Holocaust Museum as saying, that the Genocide Convention only requires state parties to prevent and punish perpetrators of genocide but does not require that “when you declare genocide you have to send in troops.” Of course, the obligation to prevent and punish genocide exists irrespective of whether or not genocide is formally declared. There is, in fact, no obligation to declare genocide. It may be correct, technically, to assert that there is no duty to send in troops to prevent or punish genocide. But any such interpretation leads to absurdity, for how else could states prevent genocidal killings. I am not aware that states prevent or punish genocides by merely addressing press conferences or counting on the goodwill of a genocidal government. Besides, the duty under the Genocide Convention to prevent or punish genocide should be taken to include an obligation to take appropriate all appropriate measures, including military action. See F. Weissman, “Humanitarian Action and Military Intervention: Temptations and Possibilities” (2004) 28 *Disasters* 205 at 212.

<sup>40</sup> *Ibid.*

<sup>41</sup> J. A. Singh, “Genocide: Burden of Proof and Inaction is Costing Lives in Sudan” (2004) 364 *The Lancet* (July 17) 230 at 231.

<sup>42</sup> See K. Nwazota, “The Origins of the Darfur Crisis” at <http://www.pbs.org/newshour/bb/africa/darfur/origins.html> (last visited September 8, 2004). For a legal analysis and conclusion that the facts of Darfur atrocities sufficiently meet the legal requirements for a determination that genocide taking place, see Public International Law and Policy Group, “Genocide in Darfur: A Legal Analysis” at <http://www.africafiles.org/article.asp?ID=6727> (last visited October 18, 2004).



rape, extensively used as a weapon of war. Most victims of ethnic cleansing or other genocidal atrocities are not interested in the paralyzing distinction between the intellectual and the experiential<sup>43</sup> or in arcane legal rules that tend to ignore realities. As important as they are, after-fact punishments are all but irrelevant to the dead,<sup>44</sup> serving only the ablutionary needs of once disinterested bystanders. Most decent people “cannot imagine any sane ethical framework in which the punishment of perpetrators of extreme human cruelty is preferable to the prevention of their crimes.”<sup>45</sup> Yet, so far little or nothing has been done to end their suffering. The dominant players have thus far shown no or halfhearted interest in leading or participating in any intervention or peacekeeping operations. Nor have they offered any significant financial or logistical support to African countries that are ready to send troops.<sup>46</sup> Increasingly, the international community is balking at helping the Darfurians, leaving Africans to care for their own. While African states ought to take (and have been taking) major responsibility for problems in Africa, the impression one gets is that Darfur is an African problem. That may be true for any ordinary conflict, not genocide, real or alleged. The Genocide Convention is not an African regional instrument binding only on African states. Article 1 of the Genocide Convention is very clear on the obligation of the international community to prevent or punish genocide.<sup>47</sup> Interestingly, Colin Powell beautifully summed up the tragic absurdity of the whole situation: when Africans are involved, no new action is usually needed to end or ameliorate human suffering, just indifference and more of the same.

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<sup>43</sup> See J. K. Roth, “After-Words: Post Holocaust Struggles With Restitution and Genocide Prevention” (2003) 24 *Whittier Law Review* 899 at 903.

<sup>44</sup> See R. S. Abella, “The Instructive Power of Outrage: Remembering Nuremberg” (2000) 46 *McGill Law Journal* 113 at 118.

<sup>45</sup> S.J. Toope, *supra*, note 27 at 190.

<sup>46</sup> See R. O’Brien, “More Than Words for Darfur” *Washington Post*, October 26, 2004 at A25 (“The African Union is ready (with 3,500 troops), just as it was in Rwanda in 1994, but it needs logistical help from the West.”)

<sup>47</sup> Article 1 of Genocide Convention, *supra*, note 5, states: “The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.” See also Nabati, “The UN Responds to the Crisis in Darfur: Security Council Resolution 1556”, *ASIL Insights* (August 2004), online at <http://www.asil.org/insights/insigh142.htm> (last visited October 18, 2004), noting that: “Article 1 of the Genocide Convention says that the state parties undertake to prevent and to punish it as a crime under international law. It does not matter that Sudan is not a party to the Genocide Convention, since genocide is an international crime under customary international law, and since states that are parties to the Convention have undertaken to prevent and punish it wherever it may occur.”

### C. It is Racism, Stupid!

In an address delivered at the Independent International Commission on Kosovo's final seminar held at the University of Witwatersrand, South Africa, the legendary Nelson Mandela, remarked: "It has now become so customary to point to the failure of the international community to intervene and end the genocide in Rwanda that *it is almost forgotten that this relative neglect of Africa in these matters is much more general than only the Rwanda case.*"<sup>48</sup> In the light of the serial disregard of African lives, it is critical to ask: How do we account for international apathy to genocide and general human suffering in Africa? Or, as Michael Herzfeld famously asked: "How and why can political entities that celebrate the rights of individuals and small groups so often seem *cruelly selective* in applying those rights?"<sup>49</sup>

In tackling the question, Herzfeld correctly identified, among other things, the very successful Western bureaucratic construction of identity that differentiates between members and non-members of the community, and attends to perceived members while ignoring non-members. The hallmark of this identity construction is the production of indifference and the "rejection of those who are different."<sup>50</sup> Purposively designed to emasculate, this custom also leads to callous indifference to the sufferings of perceived 'outsiders' or those who are different. This indifference is rooted in a bureaucratic racist mindset and not necessarily a reflection of popular will of individual members of society. Indeed, the interests and desires of individual members of society are all-too-often subverted by racist bureaucratic apparatus, mostly by masking racist indifference "in terms that are at once familiar and familial."<sup>51</sup>

The elephant in the room, therefore, is racism: Africans are simply perceived as different, less than human and not worth costs often associated with interventions. As Michael Herzfeld correctly noted, this sort of indifference is a "rejection of common humanity" and a "denial of identity, of selfhood."<sup>52</sup> If one must draw parallels with Kosovo, the implication seems rather obvious: the more Western the

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<sup>48</sup> See The Independent International Commission on Kosovo, *The Kosovo Report: Conflict International Response, Lessons Learned* (Oxford: Oxford University Press, 2000) at 15 ("Kosovo Report") [Emphasis added].

<sup>49</sup>M. Herzfeld, *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy* (New York: Berg, 1992) at 1. [Emphasis added].

<sup>50</sup> *Ibid.* at 33.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.* at 1.

looks, the more likely the recognition of humanity or meaningful action in time of need.<sup>53</sup> Of course, while it is known that “in international politics as well as in the media, many victims never qualify as worthy victims,”<sup>54</sup> usually racial justifications are not openly offered for non-intervention.<sup>55</sup> Subtler justifications are usually offered, albeit no less pejorative. For instance, it is not uncommon to depict African conflicts as the customary endless inter-tribal or ethnic butchery. That is more palatable and usually plays well with known stereotypes. More importantly, it helps people to distance themselves from the suffering of others. Why bother about primitive people who are constantly killing themselves?<sup>56</sup>

It is not uncommon to attribute the indifference to perceived irrelevance of Africa in the national interest calculus of major international players.<sup>57</sup> States have historically defined their national interest rather arbitrarily to suit whimsically and often vaguely defined priorities. Perhaps, Richard Falk was speaking the minds of many when he penned that “where Western geopolitical interests are absent, Western morality and ‘civilized’ concerns are nowhere to be found.”<sup>58</sup> The truth of this statement is all but beyond dispute. However, that is only part of the story. For instance, why such interests are consistently narrowly conceived to exclude the welfare of certain people is entirely a different matter. There is more to it than meets the eye. And this makes it probably less persuasive now than it used to be.

Even if Africa has not been historically as important as other regions to western national interest, its position has been evolving. From a virtual backwater in the 1990s, Africa has emerged as a vital region of strategic western interest.<sup>59</sup> Lyman and Morrison have emphasized the strategic importance of Africa in the global war on terror.<sup>60</sup> In the post 9/11 world, the threat of terrorism and the methods and

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<sup>53</sup>See K. Tomasevski, *Responding to Human Rights Violations, 1946 - 1999* (The Hague: Martinus Nijhoff, 2000) at 342.

<sup>54</sup> B. Hoijer, “The Discourse of Global Compassion: The Audience and Media Reporting of Human Suffering” (2004) 26 *Media, Culture & Society* 513 at 516.

<sup>55</sup> See R. Gordon, “Critical Race Theory and International Law: Convergence and Divergence Racing American Foreign Policy” (2000) 94 *American Soc’y Intl. L. Proc.* 260 at 261.

<sup>56</sup> See B. Hoijer, *Ibid* at 525.

<sup>57</sup> See R. Dallaire, *supra*, note 23; M. Barnett, “The UN Security Council, Indifference and Genocide in Rwanda” (1997) 12 *Cultural Anthropology* 551 at 572; R. Falk, “The Complexities of Humanitarian Intervention: A New World Order Challenge” (1996) 17 *Michigan J. Intl. L.* 491 at 499.

<sup>58</sup> See Falk’s comment on Linda Melvern’s book, *supra*, note 3 at i.

<sup>59</sup> See P. N. Lyman & J. S. Morrison, “The Terrorist Threat in Africa” (2004) 83: 1 *Foreign Affairs* 75 at 85.

<sup>60</sup> *Ibid.*

modus operandi of terrorists have all but altered hitherto narrowly imagined national interests. If Lyman and Morrison were right to suggest that terrorism feed on deep rooted problems, interlocking conflicts, weak and failing states, pervasive corruption, and extreme poverty,<sup>61</sup> it is hard to imagine a more strategic region than Africa. While the threat of international terrorism has made Africa virtually impossible to ignore, it has equally engineered strategic rethinking and courting of Africa as a possible alternative source of energy. Michelle Billig has underlined how instability in regions other than the Middle East, including Africa affects the global supply of energy.<sup>62</sup> Therefore, arguments that Africa is of minor national security interest to the west are, in my view, unpersuasive and must be rejected. In fact, if Rwanda was overlooked because of its alleged geo-strategic irrelevance, can the same be said about Sudan with its oil reserves? Ironically, the atrocities in Darfur are being ignored precisely because of Sudan's importance to the national interests of dominant powers.

If we are true to ourselves, we must be willing to entertain the idea that at least part of the answers for international community's persistent indifference to the odious scourge of genocide and human suffering in Africa has little to do with national interest, however nebulously defined. No doubt, national interest has historically been a formula for assigning value based on abstruse priorities and elite preferences. Its arbitrary nature makes it an all too convenient instrument for social distancing and of exclusion of 'different others.' Yet, as an *erga omnes* obligation, genocide prevention should be a national interest priority of all states. A national interest that condones genocide must itself be genocidal. In the end, beneath the façade of national interest lies a much deeper reason for indifference. The answer lies in the blunt assessment of Christain Scherrer that Rwanda was ignored precisely because "there were no whites dying there."<sup>63</sup> The same appears inescapably true for Darfur. As Katarina Tomasevski has also noted, identification with the victims is much easier when they look (almost) Western.<sup>64</sup> By implication, the more Western the looks, the more likely that their anguish will attract effectual, or any, 'international response.'<sup>65</sup> For instance, the United Nations Under-Secretary-General Jean-

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<sup>61</sup> Ibid.

<sup>62</sup> See M. Billig, "The Venezuelan Oil Crisis: How to Secure America's Energy" (2004) 83: 5 Foreign Affairs 2.

<sup>63</sup> C. P. Scherrer, *Genocide and Crisis in Central Africa: Conflict Roots, Mass Violence, and Regional War* (Westport, CT: Praeger, 2002) at 141. See also R. Gordon, *supra*, note 55 at 265.

<sup>64</sup> See K. Tomasevski, *supra*, note 53 at 342.

<sup>65</sup> But see, W. D. Rubinstein, *Genocide: A History* (London: Pearson/Longman, 2004) at 291, denying that "racism certainly played no part in the attitude of the Western world towards the Rwandan genocide." Rubinstein however acknowledged that "it is difficult to believe that many people in the West really

Marie Guehenno recently noted the unmistakable racist undertones of international humanitarianism: "The [Democratic Republic of Congo], where millions have died, is 200 times as large as Kosovo, yet that province in the heart of Europe has a larger peacekeeping force that is better equipped, better supported and backed by an aid effort that is, per person, several hundred times more generous than the one that feeds Congo."<sup>66</sup> Usually, assistance becomes agonizingly inconvenient when identities diverge remarkably. Perhaps more tellingly, William Rubinstein has allegorically suggested that the Western world probably cared more about preventing elephants from being slaughtered than saving Tutsi children from genocidal butchery.<sup>67</sup> Rubinstein's aptly devastating analogy should smother any lingering doubts as to the perceived worth of African lives (one elephant is equal to 1000 lives).<sup>68</sup> Often when the looks are different, other more politically correct rationalizations or interminable pussyfooting take centre stage. In the next section I will muse on the implications of selective inhumanity for the international normative order.

#### D. Identity and Selective Inhumanitarianism: Some Implications

The universality of international law as a regime of global control applicable "to all states regardless of their specific cultures, belief systems, and political organizations"<sup>69</sup> is beyond dispute. One of the crown jewels of international human rights is its universality premised on the rule of law principle of equality of all before the law. Equality is in fact the cornerstone of all legal rules. According to Thomas Franck, the "perceived legitimacy of rules depends...on the generality of the principles which the rules apply."<sup>70</sup> A legal rule can hardly be legitimate if it is or is perceived to be unfairly discriminatory. There is a legitimate expectation of consistency and generality in the application and conduct of both local and international

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cared whether 100,000 or 500,000 or 800,000 perceived illiterate savages who had contributed nothing to the world's stock of achievement and culture lived and died." Ibid.

<sup>66</sup> UN News Service "Africa Needs Europe's Help with Peacekeeping, Senior UN Official Says", online at <http://www.un.org/apps/news/printnews.asp?nid=12247> (last visited October 18, 2004).

<sup>67</sup> See W. D. Rubinstein, *supra*, note 65 at 291: "If two collectors had been stationed in any shopping mall in the Western world at the time of the [Rwanda] genocide, one raising money to stop 100,000 Tutsi children from being murdered by Hutus, the other raising money to stop 100 elephants from being slaughtered by poachers, which would collect more? If you had bet on the elephants, it is safe to say you would have put some change in your pocket."

<sup>68</sup> Ibid.

<sup>69</sup>A. Anghie, "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law" (1999) 40 *Harvard Intl. L. J.* 1.

<sup>70</sup>T. Franck, *Fairness in International Law and Institutions* (Oxford: Clarendon Press, 1995) at 38. See also, G. J. Simpson, "Is International Law Fair" (1996) 17 *Michigan J. Intl. L.* 615 at 621.

affairs.<sup>71</sup> As Thomas Franck has also noted, “[c]onsistency requires that a rule, whatever its content, be applied uniformly in every ‘similar’ or ‘applicable’ instance.”<sup>72</sup> Besides, it is a basic principle of justice that like cases be treated alike.<sup>73</sup> Even if a legal rule is, *prima facie*, non-discriminatory, its legitimacy will likely be undermined if actions predicated on it are often perceived as discriminatory. It is irrelevant whether the legal rule in question is a municipal or international legal rule.<sup>74</sup> But where an international legal norm is involved, (more so an international human rights norm), there is a heightened necessity for universality and uniformity in its application.<sup>75</sup>

Lingering cloud of suspicion trailed NATO’s action in Kosovo,<sup>76</sup> with serious questions surrounding its legality and legitimacy.<sup>77</sup> The humanitarian crisis might have sufficiently warranted such a robust action. But many were (and are) not convinced that the action was taken with sufficient good faith. While the action was undeniably tainted with the virus of illegality since it was undertaken without UN authorization, one of its greatest predicaments was the perceived double standard of the

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<sup>71</sup>See G. J. Simpson, *supra*, note 70 at 620.

<sup>72</sup>T. Franck, *supra*, note 70 at 38.

<sup>73</sup>See T. Franck, *Ibid.*; Gerry J. Simpson, *supra*, note 70 at 621. Thomas Franck carefully qualified the general rule in the following words: “That likes be treated alike does not mean that legal principles must strive for uniformity at all costs. It does mean that when distinctions are made, they must themselves be explicable by reference to generally applied concepts of differentiation.”

<sup>74</sup>See T. Franck, *Ibid.* at 38-39.

<sup>75</sup>In the first paragraph of its Preamble, the UDHR recites that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” With the foregoing words, the ‘international community’ underscored the dangers of normative inequality to the international society.

<sup>76</sup>See generally, D. Johnstone, NATO and the New World Order: Ideals and Self Interest” in P. Hammond & E. S. Herman (eds.), *Degraded Capability: The Media and the Kosovo Crisis* (London: Pluto Press, 2000) at 7-17.

<sup>77</sup>See J. Curie, “NATO’s Humanitarian Intervention in Kosovo: Making or Breaking International Law?” (1998) 36 *Canadian Yearbook of Intl. L.* 303; N.D. White, “The Legality of Bombing in the Name of Humanity” (2000) 5 *Journal of Conflict and Security Law* 27; A. A. An-Na’im, “NATO on Kosovo is Bad for Human Rights” (1999) 17 *Netherlands Quarterly of Human Rights* 229; I. Brownlie & C.J. Apperley, “Kosovo Crisis Inquiry: Memorandum on the International Law Aspects” (2000) 49 *ICLQ* 878; I. Brownlie & C.J. Apperley, “Kosovo Crisis Inquiry: Further Memorandum on the International Law Aspects” (2000) 49 *ICLQ* 905; C. Greenwood, “International Law and NATO Intervention in Kosovo” (2000) 49 *ICLQ* 926; V. Lowe, “International Legal Issues Arising in the Kosovo Crisis” (2000) 49 *ICLQ* 934; B. Simma, NATO, the UN and the Use of Force: Legal Aspects” (1999) 10 *European J. Intl. L.* 1; A. Cassese, “*Ex iniuria ius oritur*: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?” (1999) 10 *European J. Intl. L.* 23.

NATO interventionists. Hence, despite the Kosovo Report's conclusion that the action was legitimate,<sup>78</sup> inspired (at least in part) by the need to stymie further humanitarian crisis, the intervention has continued to suffer a crisis of confidence. There was the glaring presence of mixed motives (which some may overlook so long as the humanitarian aspects were met). Again, there was the added problem of the intervention itself not being conducted in line with humanitarian principles (as the intervention entailed greater risks to civilians).<sup>79</sup> Thus, many still believe that the action's main motives were no more humanitarian than imperialistic.<sup>80</sup>

Given the delicate balance between the imperatives of humanitarian intervention and state sovereignty, any intervention outside UN authorization, no matter how well intentioned, risks the tag of imperialism. But, given the gridlock that may befall any plans for intervention under the auspices of the UN, intervention outside the UN, howbeit seemingly inappropriate, is not entirely bad and may still be justified. The main question, therefore, is not necessarily whether humanitarian intervention outside the UN may be embarked upon; it is how to ensure that genuine humanitarian intervention is not bedevilled by illegitimacy. It is only by treating similar situations similarly that any intervention, whether or not with the authorization of the UN, can truly and genuinely merit unquestionable legitimacy. But, if international humanitarian crisis situations continue to receive contrasting responses depending on the identity of those involved, the norm of humanitarian intervention will remain a hard sell, suspicious, or illegitimate at best.

For the most part, the appeal and legitimacy of international human rights depend on, among other things, the non-discriminatory application of its norms. As a normative principle of international law, the legitimacy of humanitarian intervention is likely to be undermined if it is perceived as selectively enforced. It may be argued that failure to act in some cases does not affect the legitimacy of other actions taken elsewhere. However, given the virtual racialization of contemporary humanitarian intervention, such arguments are valid only to the extent that discriminatory laws and practices are supportable. Laudable as such acts may seem, they lack coherence as a result the *consistent inability* of the actors to treat likes alike.<sup>81</sup> Besides, it is hard

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<sup>78</sup> See the Kosovo Report, *supra*, note 48 at 163-198.

<sup>79</sup> See J. A. Mertus, "The Undermining of Human Rights Culture in Kosovo" (2001) 2:5 *Human Rights Dialogue* 8 at 9. But see, I. H. Daadler and M. E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: Brookings Institution Press, 2000) at 4, arguing that the "air campaign was conducted professionally and precisely" and that civilian casualty were "modest by standards of war."

<sup>80</sup> See D. Johnstone, *supra*, note 76 at 9-17; N. Chomsky, *The New Military Humanism: Lessons From Kosovo* (Monroe, ME: Common Courage Press, 1999) at 38-80.

<sup>81</sup> See T. Franck, *supra*, note 70 at 38-41, discussing the negative impact of lack of coherence on the legitimacy of rules.

to imagine how that “let us do what we can do” argument, as An-Na’im imaginatively characterized it,<sup>82</sup> adds to the overall benefit and health of the international system. The credibility of the international system – not to say the human rights project – is seriously compromised when nothing is done for those whose situations are more deserving of international action. Apart from its impact on the credibility of the international system as a whole, such inactions impact negatively on the normative validity and foundation of the universality of human rights.<sup>83</sup> Unless international humanitarianism *equally* and *non-discriminatorily* identifies with, and responds to all “voices of suffering”<sup>84</sup> it will become increasingly difficult to convince the neglected that the international community and its institutions, including the UN, are indeed ‘international’ or that human rights are truly universal.

Furthermore, it will become more difficult for (non-benefiting) members of the target society ‘singled out’ for any humanitarian intervention to accept the normative value of an international legal rule that prejudicially applies to them alone. In this regard, it will be difficult to convince the majority of Serbians that they were not unjustly singled out and bombed by NATO. To them and to others, the hollowness of claims of humanitarianism will be amplified by lack of action elsewhere. Hence, the potential for resistance will only increase. Besides, under circumstances of selective enforcement, allegations of imperialism, already rife in contemporary interventionary regime, will be more difficult to dispel. Target societies are more likely to accept the legitimacy of humanitarian intervention when it has a universal application but not when it is perceived as a weapon against only those with whom the west has an axe to grind.

In addition, selective intervention is likely to foster a regime of impunity where some genocide-minded establishments are led to believe, rightly or wrongly, that they are beyond the immediate concerns of those states that have the capacity to intervene.<sup>85</sup> Indeed, that ignored genocide begets another genocide appears to be a historical fact.<sup>86</sup> It is arguable that Rwanda genocide would have been so overtly

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<sup>82</sup>See A. A. An-Na’im, *supra*, note 77 at 231.

<sup>83</sup>*Ibid.*

<sup>84</sup> See U. Baxi, “Voices of Suffering and the Future of Human Rights” (1998) 8 *Transnl. L. & Contemp. Prob* 125

<sup>85</sup>See A. L. Des Forges, “Shame: Rationalizing Western Apathy on Rwanda” (2000) 79:3 *Foreign Affairs* 141, arguing that international indifference convinced Rwandans that the genocidal government would succeed and spurred those who had hitherto been hesitant to (out of fear or opportunism) join the fray of the slaughter.

<sup>86</sup> See V. N. Dadrian, “Genocide as a Problem of National and International Law: The World War I Armenian Case and Its Contemporary Legal Ramifications (1989) 14 *Yale J. Intl. L.* 221; V. N. Dadrian, “The



widespread if the organizers and perpetrators had any doubts that their actions were bound to attract a decisive, robust intervention. Kuperman, however, believes that "the announcement of Western intervention would have accelerated the killing."<sup>87</sup> That assertion remains questionable at best. For instance, given the limited military capacity of the Rwandan *genocidaires*, who were using mostly machetes, the futility of their "finish[ing] the job"<sup>88</sup> would have been more or less obvious. The likelihood of the Hutu extremists been intimidated by the announcement of a deployment remains very high. It is true that the threat of military action, and actual deployment and bombing by NATO did not lead to cessation of Yugoslav military action in Kosovo. Nonetheless, the near certainty of and actual intervention of Australia in East Timor, coupled with the threat by the UN High Commissioner for Human Rights, Mary Robinson, to hold Indonesian leaders responsible for the crimes played no small part in gaining their cooperation.<sup>89</sup> The killings in Darfur persist mainly because there has not been any credible threat to the regime in Sudan. There is, therefore, no reason to believe that the real likelihood of a decisive international response would not have had a serious impact in Rwanda, as there are indications that the withdrawal of the UN peacekeepers actually emboldened the *genocidaires*.<sup>90</sup>

Another grave implication of selective inhumanity is that it seriously jeopardizes the continued survival of the international system. Those whose humanitarian concerns are continually sidestepped are likely to conclude that there is nothing for them in the system. Feelings of marginalization by a section of the international community are not new. Nor are criticisms of extant international order for its inherent unfairness.<sup>91</sup> However, given the centrality of the protection of human rights

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Historical and Legal Interconnections Between the Armenian Genocide and the Jewish Holocaust: From Impunity to Retributive Justice" (1998) Yale J. Intl. L. 503.

<sup>87</sup>A. J. Kuperman, "Rwanda in Retrospect" (2000) 79 Foreign Affairs 94 at 108

<sup>88</sup>*Ibid.*

<sup>89</sup>W. F. Schulz, "The Path Not Taken" (2000) 79 Foreign Affairs 180

<sup>90</sup>See "Rwanda: The Preventable Genocide," Report of the International Panel of Eminent Personalities Appointed by the Assembly of Heads of State & Government of the Organization of African Unity to Investigate the Genocide in Rwanda, online at <http://www.visiontv.ca/RememberRwanda/Report.pdf> (last visited October 18, 2004) [hereinafter, "The OAU Report"] at E.S.36, pointing out that "[t]he feeble UN effort helped persuade the Hutu radicals that they had nothing to fear from the outside world, regardless of their deeds."

<sup>91</sup>Historically, internally law has been generally viewed by the Third World as illegitimate and as a regime and discourse of domination and subordination, not liberation. See M. Mutua, "What is TWAIL" (1994) 94 American Soc'y Intl. L. Proc. 31. See also A. Anghie, "Francisco de Victoria and the Colonial Origins of International Law" (1996) 5 Social and Legal Studies 321.

to international peace and security, perceived emasculation of a section of the international community or just a state, no matter how seemingly insignificant, may jeopardize the delicate balance of international peace. For example, the UN Report rightly established that the failure “left deep wounds within Rwandan society, and in the relationship between Rwanda and the international community, in particular the United Nations.”<sup>92</sup> Following the genocide, the post-genocide government in Rwanda justifiably developed a deep distrust of the international community.<sup>93</sup> That may probably explain Rwanda’s imperviousness to international pressures in dealing with the ‘refugees’ in Democratic Republic of Congo (DRC). That process culminated in the destabilization of the Great Lakes region, sucking many states in the region into the conflict. Of course, predictions of human or state behaviours are hardly rocket science. It is, therefore, difficult to say if the regime in Rwanda would have behaved differently or be more amenable to international pressures. But one can safely say that the millions of people that crossed into DRC in the aftermath of the genocide may not have been there in the first place. Things could have been a little different if the genocide was prevented or if it was swiftly contained. Perhaps, the post-genocide Rwandan government could have been amenable to international pressures, thereby sparing the region another heedless war. Herein lies the danger of widespread mistrust of the international system by a section of the international community. Given the potential danger to international peace and security, the international community can ill afford it.

As importantly, and perhaps much more fundamentally, Africans cannot be expected to continue to take seriously an international system that consistently lets them down in their greatest hour of need. Nor will they take seriously a system consistently predisposed to overt racism. That is not to say that international law or the international system has historically been fair to Africans. The opposite is, of course, true – international law and the international system has been historically unfair to Africa and Africans.<sup>94</sup> But again and again, Africa has been prepared to suspend belief and work under and through the international system. A continuous let down usually proves too much or leaves nothing to forgive. People might as well spare themselves false hopes and endless, meaningless motions and declarations.

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<sup>92</sup> UN Report, *supra*, note 1 at 3

<sup>93</sup> See the OAU Report, *supra*, note 90 at E.S.49.

<sup>94</sup> See M. Mutua, *TWAIL*, *supra*, note 91; A. Anghie, *Peripheries*, *supra*, note 69; R. Gordon, *supra*, note 55.

### **E. Conclusion**

My modest aim in this paper has been to explore to what extent, if at all, the Rwandan genocide positively affected international response to similar or comparable tragedies in Africa. That is, whether the international community would react any differently today. Using the ongoing Darfur crisis, the paper demonstrates that international attitude to Rwandan genocide was the norm and not the exception as far as responses to tragedies in Africa are concerned. By its less than tepid response to Darfur, the international system has once again, betrayed its racist character and its inhumanity. It has further exposed the continuing irrelevance and hollowness of much international normative and institutional ordering to the lives and circumstances of Africans, especially victims of internationally recognized crimes. In a world where the imperatives of humanitarianism are dictated by racial affinity and identity, Africans appear too different and, perhaps, less human to matter.