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Rwanda's exit pathway from violence: a strategic assessment

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WORLD DEVELOPMENT REPORT 2011

BACKGROUND CASE STUDY

RWANDA'S EXIT PATHWAY FROM VIOLENCE: A STRATEGIC ASSESSMENT

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The findings, interpretations, and conclusions expressed in this paper are entirely those of the author. They do not necessarily represent the views of the World Development Report 2011 team, the World Bank and its affiliated organizations, or those of the Executive Directors of the World Bank or the governments they represent.

Dr. Omar Shahabudin McDoom is a Lecturer in Comparative Politics at the London School of Economics. This report has benefited from suggestions by the WDR 2011 core team, as well as from the World Bank's Rwanda country office. Comments were received from Gérard Prunier, Peter Uvin (Professor of International Humanitarian Studies, The Fletcher School), and Scott Straus (Associate Professor of Political Science and International Studies at UW-Madison). The paper also was shared for comments with the Government of Rwanda and Senior Adviser to the President Dr. Jean-Paul Kimonyo contributed his views. For the sake of clarity and in order to match them to specific points made in the paper, these views have been footnoted throughout the paper. I am grateful for all the suggestions made, though the final conclusions and any errors of course remain my own.

Introduction and Summary

Sixteen years following the culmination of its civil war in genocide, Rwanda has been described as a country which has successfully exited from violence.¹ It has not experienced serious internal insecurity since the events of 1994 and a minor insurgency in 1997-8. Yet a note of caution must be sounded. Rwanda's apparent stability depends in large part on the government's main ruling party, the Rwandan Patriotic Front (RPF), which won Rwanda's civil war and ended the genocide, and in particular increasingly on its present leadership under President Paul Kagame. Together they have charted a path for Rwanda of their own making, and are understandably sensitive to outsider views on their choices given international indifference to the country's plight in 1994. Yet this dependence on the ruling party and increasingly on its leadership raises the question of what would happen in their absence. How capable is Rwanda today, after 16 years of policies designed to transform its society and economy, of withstanding the stresses which pushed it towards violence in 1994, without the current regime?

This report aims to assess the steps taken during Rwanda's transition following the genocide against the objective of the long-term durability of domestic peace. Its principal conclusion is that peace is most likely to endure if Rwanda's political space is gradually opened up to allow (i) Rwanda's formal state institutions to establish greater autonomy from the current regime and (ii) Rwandan political and civil society – its political opposition and media in particular – to evolve as mature and independent counterweights to the ruling party. Incremental political liberalization would encourage an important shift in Rwanda's political culture to one which encouraged accountability for the subordination of institutional rules to personal, party, or ethnic interests. It falls on the regime to show the way forward to Rwanda's civil and political society by demonstrating its tolerance for genuine political pluralism, dissent, and inclusion. It is in the regime's long-term strategic self-interest to encourage such a change in political culture and increase its legitimacy in order to discourage attempts to bring about regime change extra-constitutionally.

It is easy to look at Rwanda today and forget the enormous challenges, limited resources, and difficult choices facing its new government: a traumatized and divided society, a country stripped of individuals qualified to run its public services, and an infrastructure devastated by war. Yet following the genocide Rwanda's new government created a remarkable vision for the re-making of the country. The economy is the centerpiece of this vision and the regime has made impressive strides to re-build and to re-structure it to meet an ambitious developmental goal. Vision 2020 sets out the regime's strategy for Rwanda to transition from a low-income, agricultural-based economy to a lower middle-income, more knowledge-based economy by the year 2020. There is certainly the political will to achieve this dream. The country's President, Paul Kagame, appears genuinely committed to transforming Rwanda's economy. He has for example taken firm action against corruption, liberalized sectors such as telecoms and banking, lowered taxes to attract foreign investment, stabilized inflation, enhanced Rwanda's trade within the region, and

¹ The World Bank's 2009-12 Country Assistance Strategy for Rwanda states that: 'So far, Rwanda's approach to promoting inclusive and stable politics and governance appears to be working. The country is at peace and among the most stable on the continent.'

reformed land rights. Underlying these impressive pro-growth policies, which have been met with approval by Rwanda's donors, is the government's belief that economic prosperity is a cornerstone of social stability and it has pinned much on this assumption.² However, this paper argues that the importance of political inclusion and legitimacy should also not be underestimated. Rwanda's leadership does recognize that this ambitious economic transition remains potentially vulnerable. Its policies suggest though that the principal risk arises instead from the absence of an accompanying transformation of Rwandan society.

In recognition of this fragility the government's vision incorporates an ambitious goal for social change. The civil war and genocide had powerfully reinscribed the division between Rwanda's ethnic majority Hutu and ethnic minority Tutsi. It was a divide that had been activated on several other occasions in Rwanda's history to violent effect, and following the genocide the Rwandan government took the bold step of outlawing ethnic identification altogether in the public sphere.³ It instead promoted the narrative of a single national identity within Rwandan society. The remarkable character of this strategy becomes apparent when one remembers that the paradigm usually favoured by international mediators following conflict is to explicitly balance the interests of ethnic or sectarian groups in the constitutional re-design of the nation.⁴ The regime's intention in the short-term was to silence the ethnic rhetoric which had driven the genocide, thereby creating a space for inter-ethnic healing, and in the longer-term to minimize ethnicity as a force in public life. The Rwandan government then appears to be aiming ultimately for a *post-ethnic* society in which a Rwandan national identity would become the primary form of collective identification.

Yet there is some uncertainty over whether sincere inter-ethnic healing and reconciliation, let alone a post-ethnic society, are in fact emerging. Critics describe Rwanda as a society in which there is non-violent co-existence based on necessity and enforced from above, rather than genuine peace and unity between Hutu and Tutsi.⁵

² The Government of Rwanda, in its comments on this report, stated that 'economic factors are critical to long-term reconciliation...' and emphasized the role of 'economic progress in underpinning the rule of law and therefore stability and peaceful co-existence in ethnically plural Rwanda.'

³ The Government of Rwanda, again in its comments on the report, emphasizes that the prohibition on ethnic identification does not extend beyond the public sphere and that Rwandans may still identify as Hutu, Tutsi, and Twa privately. The purpose of the prohibition, it states, is '...to remove ethnic labeling as the basis for discrimination, denial of service and policy-making...' and '...to calm down ethnic passion and to silence ethnic identification and promote a narrative of national identity in order to nurture an environment for inter-communal peace and dialogue...' In practice this prohibition has extended into the private sphere and in my own field visits I have noted that Rwandans consciously avoid using the terms Hutu, Tutsi, and Twa.

⁴ The ethnic labels, Hutu, Tutsi, and Twa were not mentioned at all in Rwanda's constitution when it was first adopted by popular referendum in 2003.

⁵ Several independent scholars have suggested that inter-ethnic reconciliation has not yet materialized in Rwanda 14 years after the genocide, that the ethnic categories of Hutu, Tutsi, and Twa remain salient in post-genocide Rwanda, and even that the prohibition on ethnic identification may be unhelpful in bringing about inter-ethnic reconciliation. For example, Suzanne Buckley-Sistel, following field research interviewing ordinary Rwandans in 2002-3, writes that '...antagonisms based on ethnic identities of Hutu or Tutsi persist between the parties to the conflict, revealing the continuity

Internal order is assured in part because the Rwandan state has an effective intelligence service, police force, and military capable of controlling the population and securing the small territory it inhabits. The implication being that in the absence of this external constraint, grievances - ethnic, regional, or otherwise - may rise to the surface. In other words, the opportunity but not necessarily the motivation to mobilize is closed, and compliance of the population should not be mistaken for consent. Put differently, regime capacity – the ability of the regime to control its population - is a different cause of internal order to regime legitimacy – the accepted right of the regime to govern a people.⁶ Yet we simply do not know how far Rwanda has moved from being a state with a divided society to being a nation united.

The Rwandan government itself also appears uncertain over exactly how cohesive Rwandan society is today. This uncertainty is reflected in its careful management of the country's political space. It fears that if the country opens up politically too much and too quickly – the depth and pace of political liberalization - that the opportunity for ethnic extremism to emerge from the background of Rwandan society to the foreground of Rwandan politics will arise once again - as it did in the period preceding the genocide and in the period immediately before and after

of ethnic cleavages and the absence of social transformation.' See *We are Pretending Peace: Local Memory and the Absence of Social Transformation and Reconciliation in Rwanda* in *After Genocide: Transitional Justice, Post-Conflict Reconstruction, and Reconciliation in Rwanda and Beyond*, Clark, Phil, and Zachary D. Kaufman, eds, New York, NY: Columbia University Press and London, UK: C. Hurst & Co, 2008, pg. 128. Lyndsay Mclean Hilker states, based on her ethnographic research on young Rwandans in Kigali, that '... despite current state policies that seek to de-emphasize 'ethnic' identities, ethnicity remains salient in contemporary Rwanda. Although many young Rwandans continue to forge inter-ethnic ties, there is a persistent desire to know the ethnic identity of significant others and to categorize them on an ongoing basis...The evidence presented suggests that current approaches to reconciliation do not sufficiently address the 'ethnic' logic that persists in Rwanda and may instead be entrenching it, increasing the risk that any recurrence of violence would once again have 'ethnic' targets and be as extensive and brutal as 1994'. See *Everyday Ethnicities: Identity and Reconciliation among Rwandan Youth*, *Journal of Genocide Research* 2009, 11:1, pp. 81-100. René Lemarchand provocatively argues that 'Ironically, while aimed at eliminating the 'divisions of the past', the decree on ethnicity makes them all the more pregnant with mutual enmities. The imposition of an official memory purged of ethnic references, is not just a convenient ploy to mask the brutal realities of ethnic discrimination; it institutionalizes a mode of thought control profoundly antithetical to any kind of inter-ethnic dialogue aimed at a rethinking of the atrocities of mass murder. This is hardly the way to bring Hutu and Tutsi together in a common understanding of their tragic past.' In *After Genocide*, pg. 75.

⁶ The Government of Rwanda disagrees with the view that Rwanda's social stability is based on the state's capacity to control the population and argued instead that state institutions enjoy considerable natural legitimacy. Senior Adviser to the President of Rwanda Dr. Kimonyo wrote that this view 'harks back to the stereotype of the obedient Rwandan and overlooks clear evidence that co-existence is indeed taking place and that government institutions enjoy significant legitimacy. Surveys, including the World Values Survey show low levels of social trust, but they report that Rwandans have very high trust in state institutions, including trust in the police and the army.' In addition to the World Values Survey, the Government of Rwanda points to another international survey, the Legatum Prosperity Index 2010. According to this index 95% of Rwandans expressed confidence in their national government, 98% in the military and 84% in the judiciary, placing Rwanda in the top 10 of all the 110 countries ranked in 2010 for these scores. In my view some caution must be exercised in interpreting these data given the possibility for self-censorship in a country whose record on civil liberties is poor. The same Legatum Prosperity Index ranked Rwanda 88 out of 110 countries in its measure of personal freedom.

Rwanda's independence. The regime equates competitive politics with ethnic violence in Rwanda, and does not know how resistant Rwandan society would be to extremists' appeals to mobilize along ethnic lines once more.⁷

The Rwandan government has legitimate concerns then regarding the possible consequences of political liberalization and the protection of the country's Tutsi minority is rightfully high among these concerns. Advocates of greater political freedom and human rights norms - whose energies are often focused on the concerns of politically-weaker government opponents - should not underestimate the risk posed by potentially divisive individuals within Rwandan society. It is a risk heightened by Rwanda's highly unusual ethnic demography, one which distinguishes it from most other sub-Saharan states: Rwanda comprises only two numerically important ethnic groups and one group, the Hutu majority, is overwhelmingly larger than the other, the Tutsi minority. This minority is concerned for its renewed persecution if a Hutu-majority government were to be democratically empowered.

Mindful of these concerns, the Rwandan government is sensitive to criticism that it wrongly equates the existential survival of the Tutsi minority with the political survival of the regime and its ruling elite. However, although its stated political ideal is 'consensus' rather than 'competitive' democracy', at times when its political survival has faced potential challenges – such as during the 2003 and 2010 elections – the regime took steps which are consistent with neither of these political visions.⁸ In particular, it faced criticism for using its laws prohibiting genocide ideology and sectarianism to constrain its political opponents.⁹ On those occasions where it was legitimate dissent rather than ethnic divisionism on the part of political opponents, the regime's actions curtailed rather than liberalized political space in Rwanda. Such actions exemplify the subversion of institutional independence to personal, party, and ethnic interests of which the regime should be mindful.

While political liberalization then may seem perilous to the regime, in the longer-term the alternative may not be better. In the absence of a change in political culture, continued political exclusion may force the steam of ethnic or indeed other 'grievances' to simply continue to accumulate inside the pressure cooker. This has a dangerous self-reinforcing logic: the government will feel compelled to exert even more control to counter even more pressure. It is this note of caution which must be sounded when assessing Rwanda's exit from violence, and it is a note reinforced by a reading of Rwanda's history. All three of Rwanda's previous regimes were regimes in which power was held by one ethnic group to the exclusion of the other and all

⁷ Dr. Jean-Paul Kimonyo, writes '...the two short periods of plural politics, between 1957-1963 and 1991-1994, have both led to mass killings with political parties and independent media playing a big role in that violence.' He goes on: 'The issue here is how do you ensure political cooperation when confrontational politics will almost certainly lead to renewed violence?' See his article 'Understanding Rwanda's Journey' in the Huffington Post, March 8th 2010, available online.

⁸ Ibid. The Government of Rwanda's preference for 'consensus democracy' over 'competitive politics' appears in the same article by Dr. Kimonyo.

⁹ For more detail on the use of these laws, see *Safer to Stay Silent: The Chilling Effect of Rwanda's Laws on Genocide Ideology and Sectarianism*, Amnesty International, August 2010. The government began a review of the 'Genocide Ideology' law in April 2010 with a view to amending it.

three of these regimes came to an end through extra-constitutional and violent means: the Tutsi monarchy in 1959 and the two Hutu ethnocracies in 1973 and 1994. For President Kagame and the RPF the danger is that eventually opponents may also come to see an extra-constitutional transition of power as the only means of change.

In sum, post-conflict stability premised on economic growth and strong leadership - but without political liberalization in the longer term - may have a finite duration and a possibly dramatic ending. In the absence of a re-opening of political space, Rwanda faces several possibilities for regime change. The most likely of these today is the risk of a coup from within the ruling party itself.¹⁰ In the past, Rwanda's regimes have also ended through popular revolution (1959-62) and external military action (1990-94). The power vacuum that would ensue were these situations to recur would leave Rwanda vulnerable to exploitation by extremists. The optimal strategy for a peaceful transition of power then would be a gradual increase in political space so that Rwanda's formal state institutions and civil and political society are able to emerge as mature and independent counterweights to the ruling party.

Part I

a. Causes and Dynamics of Conflict

Structural
vulnerabilities to
violence

Rwanda's genocide was facilitated by several longstanding structural and historical vulnerabilities, but precipitated by other, shorter-term macro-political events. The most important historical factor predisposing Rwanda to inter-group conflict was an ethnically-divided society in which power had become equated with one ethnic group to the exclusion of the other. It was Rwanda's colonizer, Belgium, which first created this equation. It accentuated differences between the Hutu majority and Tutsi minority, reinforcing a sense of racial superiority in the latter and privileging this group with positions of authority and power. The equation continued following independence from Belgium, but with the exclusion of the Tutsi minority under Hutu-controlled Republics. These grievance narratives of ethnic exclusion would be activated at later points in Rwanda's postcolonial history. Structurally, a significant community of Banyarwanda lived outside of Rwanda as refugees. These were Tutsi exiled following a Hutu Revolution in 1959-62 which ended the Tutsi

¹⁰ In September 2010, four senior figures in the ruling party, exiled outside of Rwanda, issued a joint report publicly criticizing President Kagame and the regime. In it they called upon Rwandans to challenge the regime and write: 'Rwanda is essentially a hard-line, one-party, secretive police state with a façade of democracy. The ruling RPF has closed space for political participation. The RPF does not tolerate political opposition or open competition for power. The government ensures its monopoly of power by means of draconian restrictions on the exercise of the fundamental human rights of citizens. The press, civil society and opposition parties are deprived of freedom to operate freely. President Kagame and the ruling party that he leads depend on repression to stay in power.' These four individuals had held high-level positions in the government: Dr. Théogène Rudasingwa, former Chief of Staff to President Kagame, former Secretary-General of the RPF, and former Ambassador to the United States; Gerald Gahima, former Prosecutor-General and Vice-President of the Supreme Court; Colonel Patrick Karegeya, former head of Rwanda's intelligence service; and Lieutenant-General Kayumba Nyamwasa, former Chief of Staff of the Rwandan army and former Ambassador to India.

monarchy, ushering in Rwanda's independence and establishing the country's first Hutu-ruled Republic. Within this community of refugees lay both the grievance and the opportunity for rebellion. In addition to being excluded from Rwandan society and politics for nearly two generations, these Tutsi refugees also faced discrimination in several of their host countries, notably Uganda, the Democratic Republic of the Congo (DRC), and Tanzania. The Tutsi diaspora also provided the financing and the recruits necessary for the invasion of Rwanda in 1990 with the objective of forcing a return.

Precipitants of
violence

Yet we cannot draw a straight line from Rwanda's past to the genocide of 1994. Several important, more short-term macro-political events pushed Rwanda over the edge and into the abyss. These events all took place in the short window of 1990-94. They were: (i) democratization; (ii) the civil war; and (iii) assassination of the Head of State. While none of these is an unusual event in sub-Saharan Africa by themselves, their simultaneous occurrence is unprecedented in the region's post-independence history.

At the heart of each these trigger events lies a **threat-opportunity** mechanism: a threat to existing, incumbent interests, and an opportunity for new, challenger interests. Thus Rwanda's civil war represented an external security threat to the incumbent Hutu regime, and an opportunity for the largely-Tutsi rebel group to seize power. Democratization represented an internal political threat to the ruling elite, and an opportunity for Rwanda's newly-legitimized political counter-elite to participate in politics. Finally, the assassination of Rwanda's longstanding and authoritarian Head of State, Juvénal Habyarimana, in April 1994 represented a massive political opportunity – a power vacuum – which extremists exploited and captured the state until forced from office by the rebel Rwandan Patriotic Front (RPF).

A point to note here is that the precipitants for violence were dynamic **transition-centric** variables. It was several sudden and rapid changes to the existing order which tipped a vulnerable country into violence. Relatively static variables such as a history/narrative of ethnic antagonism, social cleavages, authoritarian regime type, and inequality in resource allocation are not determinative, but probabilistic variables: structural vulnerabilities. Thus for example, it was not simply because Rwanda was an autocracy that ethnic violence occurred. It was in the transition from autocracy to democracy that violence emerged. During Rwanda's Second Republic, there had not been any major incident of ethnic violence from 1973 until 1990, even though it had been an authoritarian regime, headed by a military General.

Alternative
theories

Finally, although a scholarly consensus is forming around the factors outlined above, it is worth summarizing the various competing explanations of the genocide which have emerged during the 16 years since the genocide. One of the earliest explanations focused on one particularity of Rwanda: its status as the most-densely populated county in Africa. Neo-Malthusian theories centre on the coincidence of environmental scarcity – Rwanda's limited and increasingly infertile arable land - with demographic pressure – Rwanda's remarkably high population growth. Diamond makes one of the most well-known claims in this regard in his work

‘Collapse’ – though he is not alone.¹¹ Yet, while the rise of land inequality and land conflict in the years preceding the genocide are undeniable, there are reasons to believe this did not contribute to the genocide in the ways claimed. First, they do not explain the timing of the genocide. Population density was historically high long before the 1990s, and in fact demographic pressures are even greater in post-genocide Rwanda. Yet violence occurred very specifically in 1994. Second, new research suggests that while some individuals saw the material benefits of killing, these benefits mainly comprised moveable property such as livestock, zinc sheeting, and crops – but rarely land whose ownership in the event of death had to be resolved by local authorities.¹² Third, pre-genocide land conflicts were not inter-ethnic but in the main intra-ethnic, and often within families.

A second set of theories focus on another particularity of Rwanda: its status as one of the poorest nations of the world. Rwanda ranked 149th out of 173 countries in the UNDP Human Development Index of 1993, the year before the genocide. As a result, arguments centred on deprivation have flourished – from basic arguments focused on desperation born of poverty to more sophisticated constructs such as ‘structural violence’.¹³ This latter concept is tied to notions of inequality, humiliation, and social exclusion. However, there has been little empirical support in large part because of the methodological challenge of operationalizing and measuring such constructs and also tying them to individual-level participation in the genocide.

Both culturalist and rationalist theories have also gained traction in the context of Rwanda. One of the more popular culturalist explanations emphasizes the deeply-ingrained value of obedience in Rwanda.¹⁴ It essentially accounts for the massive mobilization of the population during the genocide by pointing to the willingness of ordinary Rwandans to obey higher authority. However, there is evidence that ordinary Rwandans are not such blind automatons – evident for example in their willingness to oppose the state on other issues such as what crops to plant and whether to participate in *gacaca*, the state-sponsored community justice process. Rwandans may comply with state-sanctioned orders when they fear the costs of non-compliance, but compliance should not be confused with obedience or consent. A well-known rationalist theory examines the role of threat and fear. De Figureido and Weingast point to the strategic calculations made by a segment of Rwanda’s

¹¹ Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed*, London: Allen Lane, 2005. See also C. André and J. P. Platteau, "Land Relations under Unbearable Stress: Rwanda Caught in the Malthusian Trap," *Journal of Economic Behavior & Organization* 34, no. 1 (1998) and Thomas Homer-Dixon, *Environment, Scarcity, and Violence* (Princeton, N.J.: Princeton University Press, 1999).

¹² See Omar McDoom: *The Micro-Politics of Mass Violence: Security, Authority, and Opportunity in Rwanda’s Genocide*, Doctoral thesis, London School of Economics, 2009

¹³ See Peter Uvin, *Aiding Violence : The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian Press, 1998)

¹⁴ See Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (London: Hurst & Co., 1998), pg.248.

governing elite.¹⁵ This ruling elite rationalized that by forcing ordinary Rwandans to kill their Tutsi civilian neighbours, these Rwandans would then be forced to support the extremist elite over a possible incoming rebel and mainly Tutsi army which would want to avenge their ethnic brethren's deaths. While this may provide a logical explanation for individual participation in the violence, this argument does not provide an explanation of why the macro-conditions which gave rise to these choices arose in the first place.

A final set of arguments point to the risks of political liberalization or more specifically democratization. Michael Mann's work 'The Dark Side of Democracy' emphasizes the dangers of the transition from autocracy to democracy in multi-ethnic societies.¹⁶ 'Ethnos' and 'Demos' become entwined he argues, and targeting of the ethnic minority is justified by the ethnic majority's claim of democratic entitlement to rule. Jack Snyder's book 'From Voting to Violence' also highlights the dangers of democratic transition and focuses on the emergence of exclusionary nationalisms.¹⁷ He points to the rise of the 'Hutu Power' movement in Rwanda in the years immediately before the genocide. While there is merit to these theses in the context of Rwanda, clearly, however, not all democratic transitions lead to ethnic violence. It is for this reason that other conditions have been specified – such as the coincidence of the civil war - to explain why Rwanda in particular experienced genocide.

b. Short-term Confidence and Peace-Building

Countries typically exit from civil war either through outright military victory by one party or else through negotiated settlement between the warring parties. Rwanda's civil war ended with total victory for the Rwandan Patriotic Front, the mainly Tutsi rebel group, which defeated Rwanda's Hutu extremist government sending it into exile in eastern DRC. This is in marked contrast with Rwanda's neighbouring cousin, Burundi, which exited from ethnic conflict through a power-sharing deal brokered with international mediation between the various fighting factions. There had also been considerable efforts to mediate Rwanda's civil war and a power-sharing agreement had been signed in August 1993 between the ruling MRND party, the rebel RPF, and Rwanda's domestic opposition parties. However, the balance-of-power struck in the Arusha Accord did not reflect the perceptions of the balance-of-power held by its signatories. It is this disjuncture which ultimately led to the Accord's failure, and more problematically pushed the civil war into a struggle from which would emerge a winner and a loser. Under the terms of the Accord, the ruling MRND party would have broadly the same political power as the rebel RPF: 5 Ministerial posts with the President remaining MRND and a Vice-Prime

Civil war
termination

¹⁵ Rui De Figueiredo and Barry Weingast, "The Rationality of Fear: Political Opportunism and Ethnic Conflict," in *Civil Wars, Insecurity, and Intervention*, ed. Walter and Snyder (New York: Columbia University Press, 1999).

¹⁶ Michael Mann, *The Dark Side of Democracy : Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005).

¹⁷ Jack L. Snyder, *From Voting to Violence : Democratization and Nationalist Conflict*, Norton Series in World Politics (New York London, Norton, 2000)

Minister post created for the RPF. The remaining 11 Ministerial posts were to be divided among the 4 domestic opposition parties with the post of Prime Minister going to the main opposition party, the MDR. The military would be integrated and composed of 60% government forces and 40% RPF forces. An important practical implication of the Arusha Accord was that civilian and military jobs then held by members of the ruling MRND would be lost. Moreover, while the Tutsi represented less than 20% of the population, the RPF (seen as a mainly Tutsi party) had received a disproportionate share of civilian and military power. The principle of proportionality, a feature of consociational government, had been violated. This was unacceptable to hardliners in the non-RPF parties. The assassination of Rwanda's MRND President on April 6th 1994 marked the end of the peace process and the start of the win-lose struggle. The RPF emerged victorious just over 100 days later.

Overall, in the immediate transition following the civil war and genocide, the RPF, relied less on a strategy to enhance its *legitimacy*, and more on a strategy to protect and reinforce its *capabilities* vis-à-vis political opponents and Rwandan society. It could do so because it operated from a position of strength as the winner in the civil war. This may otherwise have been much more difficult in a mediated settlement where the necessity of balancing power between stakeholders would have dictated a different strategy. Thus the RPF was able to set the terms and the pace of Rwanda's transitional period. The longevity of the RPF - and thus the origins of the Rwanda's post-conflict stability - can be traced to the terms of the transition, and it is worth examining them in detail.

Terms of the
Transition

The RPF institutionalized its position of strength both constitutionally and practically following its victory. Constitutionally, the RPF issued a Declaration on July 14th 1994 upon victory, and then on November 24th 1994 signed a Protocol of Agreement with 7 political parties to install a broad-based transitional government. The RPF Declaration altered the balance-of-power struck in the Arusha Accord of 1993. Most notably it created a stronger Presidency and a new office of Vice-President – which would also carry a Ministerial portfolio. The Presidency would be occupied by Pasteur Bizimungu, a Hutu member of the RPF, and the Vice-Presidency by Paul Kagame, the Tutsi military commander of the RPF. The Protocol of Agreement also changed another important provision of the Arusha Accord. It envisaged a much longer transitional period. Instead of 22 months, Rwanda's transitional government was set to last 7 years, and in fact was extended to 9 years before elections were held in 2003. This long transitional period reflected the higher premium placed on maintaining order in the short-term than on promoting political participation. Again it was possible because the civil war had ended in military victory rather than negotiated settlement. In any event, the conditions to hold early elections were not there with massive numbers of persons displaced and traumatized by the violence. It is also likely that elections would have been contested along ethnic lines so soon after ethnic violence, and this would have meant the RPF would face the prospect of being democratically ousted given that its support base would have been drawn from numerically inferior Tutsi minority.

Under the terms of the transition then, the Presidency became the most influential institution in the new constitutional order. Article 7 of the RPF Declaration recognized that 'the President of the Republic decides in a sovereign way' in the event that the government cannot reach agreement. Under the Arusha Accord,

agreement was to be by consensus in the first place, and otherwise by two thirds majority. As there were 21 posts in government, a veto was effectively exercised by any party which held 8 posts. The decision would then pass to the President. As mentioned, under the Arusha Accord the RPF had been given 5 posts, but then took a further 3 of the 5 posts which had been reserved for the ruling party, the MRND, which it had defeated on the battle-field. The RPF now possessed the necessary 8 posts to wield a veto in the transitional government, and to thus pass the ultimate decision-making power to the President.

The second, practical way the RPF would strengthen its position in the transition was through the state's security apparatus. Obviously in a post-conflict setting when the memory of war is still fresh, control of the military – as well as the police and intelligence services - is a key issue. Yet this would prove not to be so contentious in the immediate aftermath of Rwanda's civil war largely because of another peculiarity of how the war in fact ended. Victory did not come with the surrender of the other side. The government army, militia, and a sizeable segment of the country's Hutu population simply fled over the border into what was then eastern Zaire. The porosity of the region's borders and the weakness of the Zairean state made this possible, along with the intervention of the French who created a humanitarian corridor through which the fleeing forces escaped. The new Rwandan government then did not face the immediate short-term challenge of demobilizing or re-integrating large numbers of enemy combatants, or managing the anxieties of a defeated officer corps who had been complicit in the genocide.¹⁸ It would only have to confront major challenges of security sector reform later on as soldiers and civilians began to return piecemeal, both voluntarily and involuntarily, from exile in large numbers from 2001 onwards. In the meantime, the RPF effectively controlled the important security institutions of the state: the army, the police, and the intelligence services.

Although the RPF enjoyed these benefits as a result of being an outright military victor, it should be recognized that it chose not to press home all of its advantages. It was not 'winner-take-all'. The RPF could for example have ruled as a single party as happened in Uganda after its Bush War which brought Yoweri Museveni's NRM to power in 1986 - and which has been in power ever since. Instead the RPF undertook several, important confidence-building measures designed to reassure Rwanda's Hutu majority and perhaps to appease the qualms of the international community – though the latter had limited influence over the RPF in the light of its woeful inaction during the genocide. Nonetheless, most notably, the RPF did attempt at the outset to create a transitional government of national unity with representation from the political opposition and from both ethnic groups, based in part on the Arusha Accord of 1993. The power-sharing arrangement divided the 21 Ministries among the political parties, and included nominating a Hutu as President and as Prime Minister, while Paul Kagame, the victorious Tutsi rebel leader, became

¹⁸ Some officers in the Rwandan Armed Forces (FAR) who had not been involved in the genocide, were given positions in the new post-genocide army, but the majority of the FAR officer corps escaped into eastern Congo.

Vice-President.¹⁹ Although as noted above the final constitutional provisions concentrated power in the Presidency and thus the RPF, it was nonetheless the first time in Rwanda's post-colonial history that power had been shared even nominally - across ethnic lines. The monopoly of power by either one ethnic group or the other had been a longstanding grievance in Rwanda's history.

In addition, the new government adopted a policy of national unity and reconciliation. It sought to eliminate ethnic identification, which it saw as lying at the heart of the genocide, and promote in their place a single national Rwandan identity. In support of this, the government promoted an interpretation of Rwanda's history which assigned primary responsibility for inter-ethnic conflict to Belgium, Rwanda's colonial ruler, rather than to one ethnic group or the other.

However, these measures have perhaps not been as successful as had been hoped. As discussed in detail earlier, there is uncertainty over whether a post-ethnic society or even inter-ethnic reconciliation are emerging. Similarly, the government of national unity – effectively an elite bargain struck between the political elite on both sides of the ethnic divide - did not last long. Non-RPF and indeed even RPF members of the government either left or felt compelled to leave. The majority of these departures took place soon after the killing of Hutu civilians in the Kibeho displacement camp in April 1995 by elements of the Tutsi-dominated Rwandan Patriotic Army. Most notable among these departures were (i) Prime Minister Faustin Twigaramungu, a Hutu of the MDR party in 1995; (ii) Interior Minister Seth Sendashonga a Hutu from the RPF in 1995; (iii) Justice Minister Alphonse Nkubito, a Hutu in 1995; (iv) Minister of Information, Jean-Baptiste Nkuriyingoma, a Hutu in 1995; and (v) the Minister of Transport and Communication, Immaculée Kayumba, a Tutsi again in 1995. Later on, several other high-profile departures occurred: (i) Prime Minister Celestin Rwigema, a Hutu of the MDR party in 2000; (ii) President of the Transitional National Assembly, Joseph Sebarenzi, a Tutsi in 2000; and (iii) President Pasteur Bizimungu, a senior Hutu in the RPF, in 2000. Paul Kagame would replace Pasteur Bizimungu as President of the Republic.²⁰ It is worth pointing out that the number of individuals who have left the transitional government may not be unusual in a period of 6 years - even when compared with mature democracies with coalition governments. It may be a normal level of attrition. However, it is also worth pointing out that of those listed above, three fled into exile, one was arrested and imprisoned, and one, Seth Sendashonga, was assassinated out-of-office – an assassination for which the RPF denies responsibility.

At the non-elite level, there were also tensions. The RPF immediately arrested *en masse* tens of thousands of Hutu accused of having participated in the genocide. At its height, Rwanda's prison population numbered 120,000 individuals existing in extremely difficult living conditions. Justice was an important issue. In addition to

¹⁹ Rwanda's President following the genocide was indeed Hutu, Pasteur Bizimungu, but it is important to remember that he was from the same political party as the Tutsi Vice-President, Paul Kagame.

²⁰ For a more detailed list of those who have left the government, see Lars Waldorf "Censorship and Propaganda in Post-Genocide Rwanda" in Allan Thompson, ed., *The Media and the Rwanda Genocide* (London: Pluto Press, 2007), pp. 404-416.

those who claimed they were innocent and wrongly-arrested, many also felt it was victor's justice. They alleged that war crimes had been committed by the RPF and went largely unpunished. In addition, the prohibition on ethnicity meant that it was difficult to know or even publicly discuss to what extent important resources, such as government jobs and university educational scholarships for example, had been allocated fairly across the ethnic groups. Such inequitable distribution had been a grievance since the colonial era. The lack of transparency fuelled ethnic grievance as there were no data on ethnic allocation to counter the perception. Tensions from the other side of the ethnic divide also emerged. Genocide survivors felt they had not been properly compensated for their personal loss and suffering.²¹ All of these issues, perceived victor's justice, perceived ethnic discrimination, and the adequate compensation of genocide survivors which have their origins in the transitional period, persist as political issues in Rwanda today.

c. Medium-term Legitimacy and State-building

Moving beyond the emergency conditions facing Rwanda immediately after the genocide, the government began to focus on recovery and reconstruction. The RPF used the position of strength that it enjoyed within Rwanda from the outset to propose an ambitious economic program and to attempt quite radical social transformation, while at the same time was able to resist pressures for more rapid political liberalization. The RPF was not only unconstrained domestically, but also to a large extent internationally. The UN and important western nations had little leverage over the new government in large part due to their intransigence during the genocide. As the army which ended the genocide, the RPF enjoyed a legitimacy internationally that few rebel groups which come to power through force ever could. To some extent, it is this limitation on international influence which has also facilitated indigenous institutional innovations such as *gacaca*, *ingando*, and *imihigo* which I describe below.

Economic
agenda

It is for the country's economy that the Rwandan government has perhaps the most ambitious agenda. While this economic reform cannot alone minimize the specific stresses which pushed Rwanda towards ethnic violence without accompanying social and political change, the list of achievements and of aims in this area is impressive and it is worth briefly recapping the most important ones here.²²

Economically then, Rwanda's economy has grown at an impressive average of 6%+ p.a. in GDP since the genocide, and in 2009 GDP stood at 512USD per capita. This compares with 173USD per capita for its cousin Burundi - also emerging from

²¹ See *Survivors And Post-Genocide Justice In Rwanda: Their Experiences, Perspectives and Hopes*, African Rights and Redress, November 2008.

²² The Government of Rwanda feels this view underestimates the centrality of economic security in promoting social stability. See footnote 4 earlier for more detail. Ethnic violence and indeed genocides of course have taken place in economically more prosperous countries than Rwanda including the UK (Northern Ireland), the former Yugoslavia, Turkey, and Germany for example. The origins of ethnic violence lay in the structure of these countries' politics and societies, rather than in the structure of their economies.

massive ethnic violence (albeit more recently). Vision 2020, a government strategy document, aims for Rwanda to become a lower middle income country (900USD GDP/capita) by the year 2020, and the government has largely followed neo-liberal principles to achieve this. Thus it has liberalized several sectors of the economy, notably through the introduction of competition in the telecoms industry, greater exposure of foreign exchange rates to the market, and the privatization of two state-owned banks, the electricity utility, and PetroRwanda. It has also sought to diversify its revenue base by promoting the service sector to reduce dependency on agriculture. The service sector represented a remarkable 46% of GDP, compared with 39.8% for agriculture and 14.2% for industry in 2007. This is an significant and noteworthy shift in the structure of Rwanda's economy. Fiscally, the government has lowered the maximum tariff rate from 100% to 25% and eliminated export taxes to promote trade, lowered corporate tax from 35% to 30% to encourage foreign investment and the domestic private sector, introduced VAT to increase domestic revenues, and created the Rwanda Revenue Authority to better collect them. The government has also promoted free trade and in 2004, Rwanda entered the Common Market for Eastern and Southern Africa (COMESA), a preferential trading area involving 19 states, and in 2007 joined the East African Community (EAC), a customs union involving 4 of its regional neighbours.

Inequality

Yet these impressive economic achievements are not without challenges. Foremost among them is the question of equity. The impressive GDP growth masks an unequal distribution of the benefits of this growth. While in general poverty has slightly improved, inequality has grown. Rwanda's Gini co-efficient increased from 0.47 in 2000 to 0.51 in 2005, and is high by global and African standards.²³ Moreover, poverty has not reduced much compared with the sizeable GDP growth. A 2000/2001 household living conditions survey (EICV I) found that **60.4%** of the adult equivalent population lived below the national poverty line of 175 FRw/day. A 2005/6 survey (EICV II) found the figure only to be **56.9%** with a poverty line set at 250 FRw/day.²⁴ In absolute terms – not controlling for population growth - poverty has in fact increased in the same time period from 4.82 million to 5.38 million people living below the poverty line.

Rural-urban inequality

This inequality in Rwanda is most visible in the disparity between town and country. Rural poverty is 67%, and an astounding 91% among households whose primary income is agricultural wage labour.²⁵ Much of the benefit of Rwanda's economic growth then has been concentrated in Rwanda's towns, and primarily in Kigali, the capital. As much of this growth has been service-sector led, and in particular in the sub-sectors of transportation, tourism, communications, education, and wholesale and retail trade, this urban concentration of the benefits is

²³ World Bank, *Country Assistance Strategy for the Republic of Rwanda: FY09-FY12* Washington DC: World Bank, 2008, pg. 5.

²⁴ International Monetary Fund: *Rwanda: Economic Development and Poverty Reduction Strategy 2008 - 2012*, Washington DC : IMF, 2008, pg.30

²⁵ World Bank, *Country Assistance Strategy for the Republic of Rwanda: FY09-FY12*, pg. 5.

unsurprising.²⁶ Although the data do not support further disaggregation, my view is that there is likely to be significant inequalities within towns themselves, with much of the wealth concentrated in the hands of a relatively small business elite.

It is not only income inequality but also educational inequality between town and country that is remarkable. While primary enrolments rates were 90.4% in the capital and 85.4% in rural areas, the disparity rises to an astonishing 29.1% and 7.9% respectively for secondary enrolment rates in 2005.²⁷ Education and training are essential for the realization of the government's goal of a more knowledge and service-based economy as articulated in Vision 2020. Yet there is a significant gap here. Primary education has been free since 2003 and a little under two thirds of the population completes some primary education. However, only 3.5% of the population completes secondary education, and only 0.4% completes tertiary education.²⁸ Rwandans will simply not be able to get off the farm if enrolment rates at the secondary and tertiary levels do not rise. Although the service sector has now surpassed agriculture in its contribution to Rwanda's GDP, agriculture continues to be the greatest source of jobs for Rwandans. Data on jobs is generally poor in Rwanda and the Ministry of Public Service and Labour acknowledges the challenge it faces of tracking employment levels and trends across all sectors of the economy, not least because of the size of the informal sector.

Horizontal
inequality

Having said this, spatial inequality between town and country is unlikely to place the direct stress on a country that would push it towards ethnic violence. **Horizontal inequality** – that is inequality between social groups – is, however, a potentially greater source of stress. In Rwanda, there is a high correlation between spatial and horizontal inequality as Rwanda's poorer rural periphery is comprised overwhelmingly of Hutu smallholders. The existence of horizontal inequality – real or perceived – creates ethnic grievances which may be instrumentalized during periods of political opportunity by elite ethnic entrepreneurs. In Rwanda the government has outlawed ethnic identification making it difficult to know or even to discuss openly whether Tutsi have been favoured over Hutu in the allocation of public sector and para-statal jobs, or in educational places and overseas scholarships. Historically, the unequal distribution of such opportunities has been a powerful ethnic grievance in Rwanda. The over-representation of Tutsi in government jobs and educational placements was a fact in colonial Rwanda, and persisted to a significant extent post-independence, causing protests which brought down the First Republic in 1973. However, high-profile political appointments – Ministers, Prefects, and Burgomasters for example – went overwhelmingly to Hutu in the period following independence and before the genocide. The introduction of ethnic quotas did not resolve the problem, and instead simply provoked further inter-ethnic contestation over the reporting of the size of the Hutu, Tutsi, and Twa populations in the 1978 and 1991 census data. The inability today to even discuss ethnic distribution does nothing

²⁶ National Institute of Statistics of Rwanda website, <http://www.statistics.gov.rw>, accessed March 10th 2010.

²⁷ IMF, *Rwanda: Economic Development and Poverty Reduction Strategy 2008 – 2012*, pg.166.

²⁸ World Bank, *Country Assistance Strategy for the Republic of Rwanda: FY09-FY12*, pg. 10.

to rebut continuing popular perceptions of ethnic discrimination and ethnic inequality.²⁹ This perception extends to the provision of other public goods such as justice. As mentioned earlier, the exclusion of allegations of war crimes committed by the RPF against the Hutu population from Rwanda's transitional justice process, *gacaca*, is a longstanding grievance of the Hutu community. Having said this, inequality and ethnic discrimination do not by themselves inevitably lead to inter-group violence. As mentioned, the distribution of resources between ethnic groups has been a relatively constant source of grievance in both the colonial and pre-genocide periods of Rwanda's history. Yet it has been only when they have coincided with the emergence of particular macro-political opportunities – such as sudden shifts towards competitive, multi-party politics – that they have come to threaten social stability in Rwanda.

In addition to these equity concerns, a further challenge to Rwanda's economic achievements has been the source of the country's impressive growth. In 2001, a UN investigation into the illegal exploitation of natural resources in the Democratic Republic of Congo (DRC) published a report suggesting links between members of the Rwandan military and civilian regime and private entities involved in the export of cassiterite, coltan, gold, and diamonds among other minerals from the DRC.³⁰ This report raises not only questions relating to the ethics, but also to the sustainability of Rwanda's growth. On the question of sustainability, however, it is important to attempt to put the contribution of such minerals to the country's GDP into perspective, recognizing that it is difficult to do this accurately as the data available are not readily verifiable independently.³¹ In 2009 Rwanda's GDP was estimated to be 5.2 billion USD.³² In comparison, its two most important mineral exports, cassiterite and coltan, were valued at 28.6 million USD and 20.2 million USD respectively in the same year.³³ Even if one assumed that none of these exports

²⁹ The Government of Rwanda disagrees that its prohibition on ethnic identification masked a pro-Tutsi bias in the allocation of public sector jobs and other opportunities. It writes 'the report makes much of the question of fairness in distribution of goods, services and entitlements across ethnic groups. It misses out the fact that in constitutional terms, the issue of fairness on basis of individual merit is central.'

³⁰ See Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, United Nations, April 2001.

³¹ The UN Experts' report on illegal exploitation in the DRC, published back in 2001, relied on data provided by independent organizations as well as by national governments to identify a discrepancy between the value of mineral production and mineral exports for several of the DRC's neighbouring countries. Today, data may be more difficult to establish independently for Rwanda. The National Bank of Rwanda publishes detailed data on the volume and value of Rwanda's exports. The US geological survey publishes annual Mineral Yearbooks listing the mineral production of countries around the world. In its latest Yearbook for Africa (2008), it does not cite a source for data on Rwandan mineral production, but it does acknowledge the data for 19 other countries were provided by their governments.

³² IMF World Economic Outlook database, October 2010. Accessed online February 2011.

³³ National Bank of Rwanda, data released June 2010. <http://www.bnr.rw/statistics.aspx> Accessed online February 2011.

was the result of production from inside Rwanda, the contribution of these two exports would represent less than 1% of GDP. If one took the data from the UN report instead, which obtained an independent estimate of Rwanda's diamond exports, in their highest year (2000) diamond exports were worth 1.8 million USD compared to a GDP of 1.7 billion USD.³⁴

Social
innovations

These issues notwithstanding, Rwanda's economic progress since the genocide is nonetheless remarkable, and due in large part to the position of strength the RPF holds vis-à-vis Rwandan society and vis-à-vis its political opponents. This strength can in turn be traced both to the RPF military victory and to the leadership of Paul Kagame, Rwanda's President and RPF Chairman. However, all of the economic advances outlined above remain vulnerable unless there is also a transformation of Rwandan society. I have discussed at length earlier the possibility of achieving a post-ethnic society in Rwanda, and will focus here instead on three other social innovations designed to promote social cohesion: *gacaca*, *ingando*, and *umushyikirano*.

Gacaca

Gacaca was an innovative and largely indigenous response to a highly unusual challenge that Rwanda faced as a post-conflict country: mass violence in which a sizeable segment of the population had been involved, and of which a sizeable segment had been the victims. While it has attracted criticism, the overwhelming rationale for *gacaca* was and remains quite simply the absence of any better alternative. Having first attempted to use the formal judicial system for 5 years, it became apparent that it would take over one hundred years to process the 120,000 odd detainees in Rwanda's prisons. As a result, the Rwandan government chose to adapt a traditional, customary institution to the practical challenge of providing transitional justice in post-genocide Rwanda, and *gacaca* has retributive and restorative justice as its goals: punishment and reconciliation. As a form of transitional justice then, it is remarkably ambitious and the Rwandan government should be commended for its willingness not only to end impunity, but also to heal a divided society. Few countries have moved so quickly after a civil war to deal with the social consequences. Piloted from 2002, *gacaca* was scheduled to draw to a close at the end of 2009: a social experiment of less than a decade, and initiated less than a decade after the violence.

Gacaca
workings

Gacaca works essentially as a form of community justice and the law governing it has undergone several revisions. Today, while the most serious crimes – broadly the organization and planning of the genocide, and acts of genocide committed or encouraged by those who held high public or quasi-public office – are tried by ordinary civilian and military jurisdictions, all others crimes are tried by *gacaca* jurisdictions.³⁵ These *gacaca* jurisdictions comprise three levels. The lowest level, the cell court, is competent to try crimes against property, the sector court is competent to try mainly crimes against the person, and finally there is an appeal court. Each of these three levels of jurisdiction is led by a bench of 7 persons of integrity

³⁴ IMF World Economic Outlook database, October 2010.

³⁵ There are in fact three broad categories of genocide crimes and crimes against humanity. For the full enumeration of actions which are criminalized in each category of crime, see Article 9 of Rwanda's Organic Law No. 13/2008.

(*Inyangamugayo* in Kinyarwanda) and 2 deputies elected from the general assembly. The general assembly itself is drawn from members of the local community aged 18 and over.

Gacaca
criticisms

What assessment to make of *gacaca*? As an important new, local institution in the field of transitional justice, *gacaca* has attracted considerable attention from the scholarly and policy community. While it obviously does not purport to meet international standards of justice, it has nonetheless been the subject of several other criticisms, and I summarize the most important ones here:³⁶ (i) Gacaca is victor's justice: War crimes have been explicitly excluded from the competence of *gacaca* courts, thus leaving allegations of RPF crimes committed during the civil war and genocide unaddressed in the minds of the Hutu community;³⁷ (ii) Gacaca does not offer proper redress for victims of sexual violence: Given the stigma attached to such crimes for the victims, fewer have been reported to the community than have occurred; (iii) Gacaca has limited support from the population: Gacaca courts have suffered from low participation levels from the community, and the need for the state to enforce attendance from above has raised questions of to what extent restorative justice is being fulfilled and to what extent *gacaca* could be fairly described as a local, customary institution; (iv) Gacaca has led to the perversion of justice: While we do not have systematic evidence of how widespread the problems are, research has suggested that false accusations have been made to settle personal scores, false confessions made to receive lower sentences, witnesses intimidated; and deals struck leading to the acquittal of guilty individuals. (v) Gacaca does not provide restitutionary justice: As *gacaca* courts were not explicitly mandated to provide restitution, survivors of the genocide feel inadequately compensated for their loss and suffering.³⁸

Some of these criticisms are justifiable, as at least some of these problems identified could have been resolved through reform without giving up on the idea of using *gacaca* altogether. However, perhaps more significantly the alternatives – short of a strategy of pursuing leaders-only – were impractical. Neither formal tribunals nor a Truth and Reconciliation Commission (TRC) could have handled the sheer scale of the challenge. Gacaca combined both functions into one – a pragmatic hybrid institution. While *gacaca* falls short of standards of due process associated with formal criminal tribunals, it has been argued in its favour that it goes further than a

³⁶ For a more detailed discussion of these criticisms, see Penal Reform International. *Integrated Report on Gacaca Research and Monitoring: Pilot Phase January 2002 - December 2004*. 2005; and Waldorf, Lars. *Mass Justice for Mass Atrocities: Re-Thinking Local Justice as Transitional Justice*. *Temple Law Review* 79, no. 1 (2006).

³⁷ This decision may have been motivated by both a desire to protect RPF combatants who loyally fought in the civil war and by a desire not to equate the genocide of the Tutsi with 'lesser' war crimes. However, a calculation of whether these interests are more important than the competing interests of justice and social cohesion needs to be undertaken by the Rwandan government.

³⁸ In 1998 a survivor's fund, the FARG, was established and today provides education, health, and housing assistance to genocide survivors. It has, however, received criticism for being slow to provide support, and for providing inadequate levels of support. In addition, the ability of Gacaca courts to prescribe community service as a punishment has benefited some survivors whose homes have been re-built

Truth and Reconciliation Commission. Gacaca brings together survivors and perpetrators face-to-face and does so in a local space.³⁹ However, it is unclear whether this form of confrontation, given the emotions in play and what is at stake, is necessarily superior to a TRC. Similarly, the absence of individuals to adjudicate from outside the community implies reliance on local judges who will be exposed to influences from within the community.

Assessment of
gacaca

It is difficult to assess the strategic effectiveness of *gacaca* at this point in time given that it is only now drawing to a close. However, my sense is that it will have been less successful in achieving its goal of restorative justice than its goal of retributive justice. Rather than a sincere and meaningful reconciliation, *gacaca* will have produced a non-violent co-existence between Hutu and Tutsi enforced largely by their awareness that the state wishes a post-ethnic society and national unity. With respect to retributive justice, it is of course unlikely *gacaca* will have punished all the guilty and acquitted all the innocent, and grievances will I suspect continue to circulate within communities in the post-*gacaca* period.

Ingando

Ingando is a second local, traditional institution which has been resurrected from Rwanda's past and as with *gacaca* adapted by the government to promote inter-ethnic reconciliation and national unity within Rwanda. Essentially, it involves the re-education of Rwandan society. Rwandans live together in residential 'solidarity camps' in groups often several hundred strong and for periods from several days to several weeks where they study a variety of topics: challenges facing Rwanda; the history of Rwanda; political and socioeconomic issues in Rwanda and Africa; and the rights and duties of leadership. Originally aimed at Tutsi returnees and ex-combatants, separate *ingando* programs have also been organized for secondary and university students, *génocidaires*, *gacaca* judges, survivors, community leaders, informal traders, prostitutes, and others. Responsibility for *ingando* currently lies with the National Unity and Reconciliation Commission, and it is being implemented nationwide.⁴⁰

Ingando has received much less attention than *gacaca*, and less is known about the actual and long-term impact on each of the diverse groups it targets.⁴¹ However, it does have the potential to shape Rwandan society in a meaningful and lasting way – particularly for the younger generation whose political consciousness had not already been activated by the time of the genocide. *Ingando* is currently a means of presenting viewpoints and information from the state to society: from those above to those below. However, it could also be a space where the plurality of views from within Rwandan society – including undesirable ones – may be aired and possibly differences resolved in a controlled setting, rather than on the hills where

³⁹ See Clark, Phil, and Zachary D. Kaufman, eds. *After Genocide: Transitional Justice, Post-Conflict Reconstruction, and Reconciliation in Rwanda and Beyond*. New York, NY: Columbia University Press and London, UK: C. Hurst & Co, 2008, pg. 314.

⁴⁰ Information taken from Rwanda's National Unity and Reconciliation Commission's website, <http://www.nurc.gov.rw>, accessed March 10th 2010.

⁴¹ An exception is Chi Mgbako, *Ingando, Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda*, 18 Harvard Human Rights Journal (2005)

they may be expressed more passionately. This is particularly important with respect to the issues of ethnicity and responsibility for Rwanda's ethnic violence. In addition, *ingando* could encourage Rwandans to think independently and critically about their past. If Rwandans are instead trained to accept there is a single narrative which comes from the 'high authorities', there is nothing to stop another government from teaching them something different (and more dangerous) in the future. For example, *ingando* today emphasizes that Hutu and Tutsi co-existed happily until the advent of colonialism when the Belgians set them against each other. In contrast, the narrative taught in schools before the genocide was that Tutsi had historically oppressed Hutu and that they were alien to Rwanda. In the absence of critical thinking, a different government could in principle re-instill such a narrative of Rwanda's past.

In short, *ingando* is an institution with potential for promoting social cohesion in a post-conflict setting if conceptualized a little differently. However, it should be noted that *ingando*, as with *gacaca*, is possible in Rwanda mainly because of the strength of the Rwandan state to mobilize and organize the entire population. It may be more difficult to reproduce in a state with weaker capacity, a higher and more dispersed population, and a larger territory.

Umushyikirano

Umushyikirano, Rwanda's annual National Dialogue, like *ingando*, represents another indigenous innovation with the potential to make a meaningful socio-political impact. Inaugurated in 2002, the National Dialogue comprises a two-day conference in which several hundred key figures from Rwanda's central and local government, as well as from political and civil society, come together to engage in public debate. Its National Dialogue in 2009 for the first time also involved ordinary Rwandans, who had the opportunity to participate via telephones and text messaging, and also to follow the debate online and through the radio. The Government of Rwanda sees the National Dialogue then as a space for the expression of the diversity of views within Rwanda that is appropriate for an ethnically-divided society. It allows for the airing of issues without the volatility and intensity implied by multi-party politics and free media in a society where the memory of ethnic violence persists. At present, the agenda – the issues which come up for discussion – does not explicitly address politically sensitive subjects such as accountability for war crimes committed by RPF combatants or the continuing salience of ethnicity in Rwandan society. However, in time, as Rwandan society and Rwandan politics matures, even such controversial issues may be tackled. What *umushyikirano* cannot become, however, is a permanent substitute for the freedom of political parties and the freedom of the press, as I describe next.

Political reforms

Politically, in contrast with its transformative economic and social programs, the RPF has been diffident about political liberalization. The regime's diffidence is based on two central beliefs: (i) competitive, multi-party politics leads to ethnic polarization; and (ii) democratic elections, given Rwanda's unusual bi-ethnic demography, carry the risk of empowering a Hutu majoritarian government and thus exposing its Tutsi minority to renewed persecution. Instead the RPF's stated aim is 'consensus democracy' – where minority views cannot be ignored by a vote-winning majority - rather than 'competitive politics'. However, some of its actions have been criticized for inconsistency with either of these political ideals, in particular its heavy constraints on the freedom of Rwanda's political and civil society as I shall describe below.

In 2003, at the end of Rwanda's long, nine year transition, local, legislative, and Presidential elections were finally held – along with a popular referendum on a new constitution. This is in contrast with most mediated settlements to civil wars where elections are often held early in order to legitimize the government. As a result of the elections, Paul Kagame was re-elected President with 95.1% of the vote for a seven year term, and the RPF obtained 33 of the 80 seats in the Chamber of Deputies, making it the single largest party in the legislature. In fact, under the new Constitution only 53 seats are directly contested through popular election, and 27 are reserved for special groups: 24 seats are reserved for women elected locally across the country, 2 are elected from the National Youth Council, and 1 from the Federation of the Associations for the Disabled. The RPF entered into a coalition with 4 other minor parties, thereby controlling 40 seats or 50% of the Chamber, the maximum permitted under the constitution for a party.⁴²

Institutional
design and
capacity

Rwanda's constitution is a remarkable piece of institutional design. On the positive side, it clearly articulates a comprehensive set of civil and political rights for Rwandans, explicitly recognizes principles of ethnic equality, equitable power-sharing, and democracy, and creates a more equitable balance-of-power between the Presidency and the Legislature.⁴³ It also establishes a multiplicity of institutions, which have been given important competences, and which in theory should be independent of the Executive. In addition to a bicameral legislature and judiciary then, the constitution establishes a National Commission for Human Rights, a National Unity and Reconciliation Commission, a National Electoral Commission, an Ombudsman, and a Gender Monitoring office among others. On the other hand, consistent with the fear that competitive, multiparty politics may elicit ethnic extremism from within Rwandan society, the constitution provides for the control of political parties by the Judiciary (upon receiving a complaint from the Senate). Parties deemed to be based on ethnic, racial, tribal or other proscribed divisions, or deemed to be destabilizing to the nation may be suspended or dissolved.⁴⁴ Similarly, while the constitution guarantees freedom of thought, conscience, opinion, religion, and worship, in the same article it proscribes propaganda deemed to be discriminatory on ethnic, racial, or regional grounds. These constitutional provisions reflect the government's concern with allowing Rwanda's political and civil society to operate unchecked. Notwithstanding their design, the institutions created, when compared with their counterparts in other sub-Saharan countries, enjoy a remarkably high level of administrative capability and bureaucratic efficiency.

Limits on political
society

However, it is the independence rather than the effectiveness of Rwanda's institutions which is cause for concern. The government has drawn on its laws proscribing 'genocide ideology' and 'sectarianism' in its management of political and

⁴² The four other parties are: (i) the Christian Democratic Party (PDC, 3 seats); (ii) the Islamic Democratic Party (PDI, 2 seats); the Democratic Union of the Rwandan People (UPDR, 1 seat); and (iv) the Rwandan Socialist Party (PSR, 1 seat).

⁴³ Article 108 states that the Legislature can now override the President's objections to ordinary laws with a two-thirds majority

⁴⁴ Articles 52, 53, and 54 of Rwanda's Constitution set out the precise grounds on which a political party may be warned, suspended or dissolved.

civil society, and it is very sensitive to allegations that it is misusing these powers for personal, party, or ethnic advantage. Thus, the 2003 elections were criticized by the EU Observer Mission which stated that ‘accusations of separatism and divisionism, which are grave in the Rwandan context, had a tendency to be used as arguments for limiting the freedom of speech of political opponents during the election campaigns.’⁴⁵ Three political parties were banned in the run-up to the elections, and Faustin Twigaramungu, the leader of the main opposition party, the MDR, was compelled to run as an independent, securing only 3.6% of the Presidential vote. Similarly, Pasteur Bizimungu, Rwanda’s first President after the genocide, left the government in 2000 to form his own political party, the Democratic Party for Renewal – Ubuyanga, but it was immediately banned, and Bizimungu subsequently arrested and convicted in 2004 for inciting rebellion and plotting to overthrow the government. The 2010 Presidential elections, which resulted in 93.1% of the votes for the incumbent President Kagame, engendered even stronger criticism.⁴⁶ Two important opposition parties, the FDU-Inkingi and the Democratic Green Party, were unable to hold the meetings necessary for registration to participate in the election. The leader of the former party, Victoire Ingabire, was arrested in April 2010 on charges, *inter alia*, of promoting genocide ideology, and the Vice-President of the latter party, André Rwisekera (who had defected from the ruling party), was killed by assassins unknown in July 2010. A third political party, the PS-Imberakuri, was able to register but its President, Bernard Ntaganda, was arrested ahead of the election also on charges of divisionism.

Limits on civil
society

The RPF has taken a similar position towards civil society. One of the country’s main human rights organizations, LIPRODHOR, was dissolved in 2004, to be re-opened with a quite different management. Many of its members left the country not to return. Various journalists and newspaper editors critical of the government have also left the country. Prominent among these departures were *Umuseso*’s founding editor, John Mugabi, who sought asylum overseas after publishing an article which claimed to reveal Rwandan involvement in the exploitation of natural resources in the DRC; and *Umuco*’s editor Bonaventure Bizumuremyi who left Rwanda in August 2006 following a ruling by the government’s High Council of the Press that several *Umuco* articles had violated the Constitution, the 2002 Press Law, and the Code of Professional Ethics. In the run-up to the 2010 Presidential elections, the High Press Council shut down some 30 media outlets for failure to comply with a 2009 media law. In June 2010, a journalist, Jean-Leonard Rugambage, who worked for the *Umuwugizi* newspaper, was shot dead in Kigali after *Umuwugizi* published a story alleging that Rwandan intelligence officials were linked to the attempted assassination of an exiled Rwandan general, Kayumba Nyamwasa.⁴⁷ Radio, which remains the most important means of communication in Rwanda given the relatively high level of illiteracy, has in contrast largely been

⁴⁵ European Union Electoral Observation Mission, *Rwanda (Final Report): Presidential Election 25th August 2003 and Legislative Elections 29th and 30th September 2003*, Brussels, European Union, 2003.

⁴⁶ See Amnesty International’s Press Release, *Rwanda: Pre-election attacks on politicians and journalists condemned*, August 5th 2010.

⁴⁷ Press release, Amnesty International, August 5th 2010.

unaffected by government interference. To its credit, the government approved licenses for private radio and television stations – albeit after the 2003 elections - and today 16 radio stations operate on Rwanda’s airwaves. However, most of the private stations have confined themselves largely to providing entertainment, though a few are increasing their discussions of current affairs.⁴⁸ Television broadcasting, in contrast, remains a government monopoly. The absence of independent radio covering political affairs is telling and may illustrate the power of self-censorship in Rwanda.

If the government’s critics are correct that the regime has misused laws on genocide ideology and sectarianism to control political society and media laws to constrain civil society, then this misuse exemplifies the importance of strengthening the independence of institutions from the ruling party. If the government is correct that journalists and opposition politicians are crossing the boundary between healthy, legitimate dissent and divisive, irresponsible behavior, this exemplifies the need for maturation of Rwanda’s political culture. In part this may be due to a lack of training in responsible journalism and experience in party politics and so may be partly addressed through capacity workshops for journalists and the passage of time for politicians. However, the best strategy for improving the accountability of the ruling elite for the misuse of laws and the accountability of opposition politicians for irresponsible rhetoric is to gradually increase political space inside Rwanda. It encourages mutual scrutiny and obviates the need for the concentration of power in the hands of the Executive/President - a feature of all of Rwanda’s previous regimes which have all ended extra-constitutionally. Indeed the current Government of Rwanda itself had recognized the importance of institutional independence in its own governance assessment conducted jointly with donors.⁴⁹

Rwanda’s institutions generally operate according to rules, but there will always be a need to look for ways to strengthen rule-based governance, reduce potential for individual discretion and abuse of power, and thereby enhance the resilience of institutions charged with upholding the rule of law.

It is in the government’s strategic long-term self-interest then to change the political culture and to also teach - by setting the example itself - Rwandan civil and political society the importance of using their powers responsibly.

d. Regional and International Dimensions

In the period 1992-4, the international community engaged with Rwanda’s civil war in an ultimately unsuccessful attempt to reach a negotiated settlement to it. During the genocide (the culmination of the civil war), however, the international community disengaged. This disengagement permitted the war to end through

⁴⁸ See *Rwanda: Joint Governance Assessment Report*, Kigali, Rwanda, 2008, pg. 42 and Lars Waldorf, *Censorship and Propaganda in Post-Genocide Rwanda* in Allan Thompson, ed., *The Media and the Rwanda Genocide* (London: Pluto Press, 2007), pp. 404-416

⁴⁹ *Rwanda: Joint Governance Assessment Report*, Kigali, Rwanda, 2008, pg. 18.

outright military victory for the rebel group. It also meant that a genocide would be perpetrated with little international action to prevent and stop it.

Much has been written on the subject of the responsibility of external actors – particularly the United Nations, France, the United States, and Belgium – for the genocide. However, I want to highlight two consequences of this international disengagement on the course of Rwanda's post-war transition. First, the inaction during the genocide prompted a massive influx of technical and financial assistance after the genocide. Rwanda remains highly aid-dependent, and I discuss the implications of this in a later section. Second, it has meant that these external actors have been reluctant to comment critically on the policies of Rwanda's new government. The government is comprised mainly of the rebel group which ended the genocide, and it consequently enjoyed a high level of legitimacy internationally. Given the inaction of external actors during the genocide, they are understandably concerned with the perception of their entitlement to criticize the post-genocide government. Despite the devastation wrought on its people and its infrastructure, Rwanda did not have a UN mission to help administer its transition from war as for example occurred in East Timor and Kosovo. The mandate of UNAMIR II, the small UN mission on the ground, was limited mainly to humanitarian assistance and to support to the government in its policy of national reconciliation. Its operations ended in March 1996, less than 2 years after the genocide. Instead, the new government has largely charted an autonomous path of its choosing in the wake of the genocide.

The reluctance on the part of external actors to speak out against the policies of the new regime thought problematic applied not only to internal matters, but also to the regime's foreign affairs. The new regime was directly involved in two military campaigns in the DRC, the first of which (1996-7) toppled Mobutu, and the second (1998-2002) left eastern Congo in a state of chronic insecurity. In 2010, the Rwandan regime faced and denied charges which emerged from a UN-backed investigation into crimes committed during those wars.⁵⁰ Members of the Rwandan regime had also been implicated earlier in a UN-sponsored investigation into the exploitation of natural resources in the east.⁵¹ Rwanda for its part has responded by stating that its interventions were undertaken to protect a Tutsi minority, the Banyamulenge, living in eastern Congo and to hunt down the remainder of the *génocidaires*, and not to secure its financial interests in the region. Nonetheless, Rwanda's actions damaged relations with its neighbours, notably Uganda and the DRC.⁵² The balance of power in the region as a result remains unstable since the genocide and renewed inter-state confrontation – most likely through rebel proxy groups again – remains a possibility

⁵⁰ See *Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003*, United Nations, New York, 2010

⁵¹ *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo*, United Nations, New York, 2003.

⁵² See Economist Intelligence Unit, *Country Report for Rwanda*, August 2009, pg.10.

that should not be ruled out. Recently, however, there has been a rapprochement between Kigali on the one hand, and Kampala and Kinshasa on the other.⁵³

There are also strong regional dimensions to conflict within Africa's Great Lakes more generally. The weakness of the region's international borders has meant that refugees, combatants, weapons, and natural resources have all been able to move quite freely across them. These spillover effects have potential destabilizing effects on the neighbouring countries affected. The region's physical geography has also facilitated conflict, in particular guerrilla insurgency in eastern Congo. The terrain – a mix of mountains and forests with a limited road network – has made it an ideal safe haven for rebel groups to operate beyond the reaches of their opponents. The availability of easily-extractable resources such as coltan, cassiterite, and gold in the DRC has also attracted the interest of its neighbours, as well as sustained rebel groups materially. Thus, during Rwanda's civil war, the RPF itself used the sanctuary afforded by the Virunga National Park on the border with the then Zaire. Today, the RPF's main military opponent, the FDLR operates in eastern DRC. During Burundi's civil war, the rebel groups CNDD and Palipehutu-FNL both operated in eastern DRC. It is these characteristics of the region – weak borders, terrain favourable to insurgency, and the abundance of lootable resources – which have amplified the spillover effects of violence in the area.

e. Measuring Results and Outcomes

It is worth summarizing the impact the genocide had on Rwanda to establish the baseline against which post-genocide progress can be measured.

Establishing the
baseline

The genocide cost the lives of somewhere between 507,000 and nearly 1 million Rwandans, overwhelmingly of Tutsi ethnicity, but also of Hutu ethnic origin.⁵⁴ It sent a further 1 – 2 million Rwandans, overwhelmingly Hutu, over Rwanda's borders, mainly into eastern Congo where many perished of disease and malnutrition as refugees, and also in attempts to forcibly dismantle the refugee camps where Rwanda's *génocidaires* had sought sanctuary.

Yet it is not only those who died who should be mentioned here, but also those who survived. Rwanda's survivors count particularly high proportions of several socially vulnerable groups among them. Widows, orphans, and the disabled all struggle in the wake of the genocide. In addition, a sizeable proportion of the country

⁵³ In 2009-10 for example, Rwanda and the DRC conducted joint military operations against the FDLR, a rebel group dedicated to the overthrow of the Rwandan regime, and operating in eastern Congo.

⁵⁴ Human Rights Watch commissioned a demographer to calculate the number of Tutsi killed, using a baseline population extrapolated from Rwanda's 1991 Population Census, and established the estimate of 507,000. See Des Forges, Alison. *Leave None to Tell the Story : Genocide in Rwanda*: Human Rights Watch; International Federation for Human Rights, 1999. The Government of Rwanda's 2002 genocide census identified by name 934,218 victims of whom it claims 93.7% (or approximately 875,000) were Tutsi. See Ministère de l'Administration Locale et des Affaires Sociales, "Dénombrement Des Victimes Du Génocide", 2002.

had witnessed violence, and the long-term psycho-social effects of such trauma on individual welfare have yet to be properly researched but should not be underestimated. There is also a shortage of men in Rwanda as a result of the genocide. In 2002, for every 100 women, there were only 91.5 men. Before the genocide in 1991, there were 95.1 men for every 100 women.⁵⁵ In 2005, 34% of all households were female-headed, compared with only 21% before the genocide in 1992.⁵⁶ In addition, 120,000 Rwandans – overwhelmingly men - were arrested and detained in Rwanda’s prison system for involvement in the genocide, further straining Rwandan society. In short, the human impact of the genocide left the country’s government, economy, and society stripped of many needed individuals: managers and technocrats to run vital public services, businessmen and professionals essential for internal commerce, and parents and spouses to maintain the family unit. The genocide of course also caused enormous damage to inter-ethnic relations between Hutu and Tutsi.

Strategic
assessment of
post-conflict
performance

How then has Rwanda performed since the genocide? Overall, it has been a remarkable recovery – sustained even beyond the initial uptick to be expected following the restart of the economy. According to the Rotberg and Gisselquist Index of African Governance, 2009, a comprehensive composite measure of governance in Africa, Rwanda’s governance has overall improved from a score of **47.1** out of 100 in 2000 (ranked 39th out of 53 countries) to a score of **58.6** out of 100 in 2007 (ranked 26th out of 53 countries). The Index measures governance on five dimensions, and between 2000 and 2007 Rwanda improved its aggregate scores (scaled out of 100) on all 5 dimensions:

- (i) Safety and Security (from 91.4 to 98.3);
- (ii) Rule of Law, Transparency, and Corruption (from 46.7 to 48.4);
- (iii) Participation and Human Rights (from 25.4 to 68.4);
- (iv) Sustainable Economic Opportunity (from 32.8 to 35.1); and
- (v) Human Development (from 39.1 to 42.9).

In fact, across the 55 individual indicators reported in the Index, Rwanda’s score either remained the same or improved in 45 of them between 2000 and 2007. Table 1 summarizes Rwanda’s performance in all 55 indicators. The scores have been scaled to allow comparison across time, and signs reversed appropriately so that a higher score on any indicator is always better. Rwanda’s achievements in short are impressive.

Interpretation of
performance
data

⁵⁵ Commission Nationale de Recensement, "Recensement Général de la Population de l’Habitat au Août 1991: Résultats Définitifs," (Kigali, Rwanda: Ministère du Plan, 1994) and National Census Service, "The General Census of the Population and Housing Rwanda : 16 – 30th August 2002", (Kigali, Rwanda, Ministry of Finance and Economic Planning, 2002).

⁵⁶ *Rwanda Demographic and Health Survey 2005*, National Institute of Statistics and the Ministry of Finance and Economic Planning, Kigali, Rwanda, 2005.

Yet there are several points to be made in interpreting some of the Index's findings. First, relative to other sub-Saharan countries, Rwanda is indeed one of the most safe and most secure on the continent. This has much to do with the historically-rooted power of the Rwandan state relative to Rwandan society and I explain the origins of this power later. The state's security apparatus is more than capable of managing Rwanda's internal and external security challenges. The Rwandan Defence Forces are a modern, well-equipped, and combat-hardened army and one of the most professional in Africa, numbering 33,000 in 2009.⁵⁷ The government is confident of its security position. Government data indicate that 40,000 soldiers have been demobilized since 2000, and military expenditures reduced from an estimated 4.3% of GDP in 1998 to 1.6% in 2007.⁵⁸ Government data also show the GoR has processed 6000 FDLR and other militia fighters as well as over 21,000 ex-FAR (former government soliders) returnees. Rwanda's police are also a visible and felt presence throughout Rwanda's local communities. The Rwandan National Police number 6000, and the Local Defence forces 90,000. There is also the National Security Service which relies on a very effective network of informants within society. In short, ordinary Rwandans know then that their activities are monitored, and the high level of policing accounts for the high degree of social control. It is unsurprising that Rwanda's homicide rate is low at 6.1 per 100,000 in 2008.⁵⁹ It is worth noting, however, that a high degree of social control may also be used for pernicious ends, as the genocide itself vividly illustrated.

Second, the significant improvement in Rwanda's Participation and Human Rights score is primarily attributable to the holding of its first Presidential and Legislative elections in 2003. The Index classified these elections as 'partially free and fair'. However, the aggregation and weighting of this measure obscures several other significant negative trends. Thus, on the **civil rights** indicator – which measures government respect for 12 distinct civil rights on a scale from 0 to 12 – Rwanda's raw score declined from 6 to 4 between 2000 and 2007. Similarly, Rwanda's performance on **press freedom** – which is drawn from the Reporters without Borders Worldwide Press Freedom Index – shows Rwanda's scaled score declined from 70.7 to 51.1 out of 100 between 2000 and 2007. Much of these declines can be traced to the significant limitations on freedom of speech in Rwanda. In particular, critics claim Rwanda's laws on genocide ideology and sectarianism have been abused. Overly-zealous loyalists of the ruling party have used them against individuals critical of the RPF and the President. Otherwise legitimate and healthy dissent may effectively be criminally punished. Certainly, this law does undermine the perception of the rule of law in Rwanda. It violates the principle of legal certainty as an individual cannot know with certainty whether his actions are illegal, and exposes the government to accusations of using the law to prosecute its political opponents. It would be circumspect then to at least reform this law.

⁵⁷ *The Military Balance 2010*, International Institute for Strategic Studies, London, 2010, pg. 321.

⁵⁸ *Rwanda: Joint Governance Assessment Report*, Kigali, Rwanda, 2008, pg. 20

⁵⁹ *Rwanda: Joint Governance Assessment Report*, Kigali, Rwanda, 2008, pg. 22

Third, related to the previous point, the Rule of Law, Transparency, and Corruption measure does not capture how power is *de facto* exercised in Rwanda. For example, Rwanda's ambitious program of decentralization has been much heralded - not least because it appears to go against the historical practice in Rwanda of concentrating power at the centre.⁶⁰ Yet there is reason to be cautious in drawing conclusions. Rwanda has an extraordinary state machinery at the local level: 5 administrative levels - Province, District, Sector, Cell, and Village. Each has an elected council, and the most important of these is the District Council which is responsible for preparing the District Development Plan. However, there is reason to be concerned for how independent of the ruling party these local councils can be at all elected levels. Village and Cell elections are not secret, and in practice voters simply line up behind their preferred candidate. Sector and District elections are secret, but the candidates are elected indirectly by the Cell and Sector councilors respectively. If political parties are weak at the national level, they are even weaker at the local level and do not oppose the ruling party on any significant issue. Moreover, if these elected officials are consequently in practice supporters of (or at least unwilling to oppose) the ruling party, then effectively the ruling party has representatives - nominally state employees - who are able to monitor ordinary Rwandans down at the lowest level of society. This remarkable local machinery would account for the phenomenal social control in Rwanda. It existed under previous Rwandan regimes, and is mainly attributable to the fact that Rwanda has a small territory and a dense population. In addition, how *imihigo* are used will need to be monitored closely. *Imihigo* are effectively performance contracts to hold District mayors more accountable to ordinary Rwandans and are publicly proclaimed and signed with the President. Failure to meet targets set in these *imihigo* leads to resignation or dismissal, but it will be difficult in practice to know whether the ruling party uses them as a means to rid itself of District Mayors whose loyalty is questionable. There has already been a high turnover of District Mayors since their introduction in 2006. Finally, while the range of decision-making competences of the District has indeed increased, the District has not been given a corresponding increase in economic autonomy. It cannot raise significant revenue locally through taxation, and depends largely still on money from central government - much of which is earmarked in advance. This financial dependence on the centre was the position in Rwanda's pre-genocide administrations as well.

Fourth, while the Rotberg and Gisselquist's Index contains a quite comprehensive set of political and socio-economic indicators, there are several important measures it is missing. One critical social measure for which we do not have reliable national or international indicators is **social cohesion**. To what extent has there been reconciliation between Hutu and Tutsi since the genocide? To what

⁶⁰ For a broadly positive assessment of decentralization see the Joint Governance Assessment Report for Rwanda where it cites as 'good examples' of decentralization the Joint Action and Development Forum, *umudugudu* meetings, *ubudehe* village level participatory planning programmes, *abunzi* mediation, service satisfaction surveys, citizen report cards, Youth and Women Councils, *mutuelles de santé* Committees, Parents-Teachers Associations, and Water Committees and Management Boards in hospitals. However, as cautioned above, none of these will represent true local accountability if they are not truly independent of the ruling party. This means that the individuals concerned are willing and able to oppose the ruling party on issues they feel are important to them.

extent do Rwandans today identify as Rwandan rather than as Hutu, Tutsi, or Twa? Survey data measuring inter-ethnic trust and ethnic identity at the national level are unfortunately unavailable because of the government prohibition on ethnic identification. As a result, they are the subject of some speculation, though the expert consensus outside of Rwanda favours the view that there is relatively little reconciliation, and more a coexistence based on necessity and imposed from above, and that Rwandans continue to identify ethnically but only in private.⁶¹ It is an area in which we need more research, perhaps using more ethnographic methods, and being mindful of the strong possibility of self-censorship by those who live in a regime with a poor civil liberties record.

Methodological
issues

Finally, on a broader methodological issue related to this last point, it is fundamentally problematic to rely on local perceptual or opinion data in a country where freedom of speech is heavily constrained and where there is a high degree of social control. Large N surveys of Rwandan respondents to assess issues such as trust in state institutions, inter-ethnic reconciliation, and national identity may not generate reliable data given the risk of self-censorship. Considerable caution should be applied to such survey proposals. For example, the monitoring indicators established in the 2008 Joint Governance Assessment propose to measure trust and reconciliation through periodic perceptions surveys. Similarly, the Rwandan government has written a response to the Rotberg and Gisselquist's Index findings stating that there is a need to use 'locally generated and locally authentic sources in future reports to have scores reflect, as accurately as possible, the reality on the ground'.⁶² It cites its own Governance Advisory Council's survey of 2400 Rwandans on corruption perceptions as an example of such local sources. Yet Rwandans know what the socially and politically acceptable responses are, and it is difficult to estimate and control for self-censorship. Other methods – perhaps more ethnographic in nature – should be considered instead. For example, these may be based on the observation of behavior instead of the recording of opinion, and research subjects should not be explicitly told what the research is seeking to measure in order to minimize the generation of the socially and politically desirable behaviors.

⁶¹ See footnote 5.

⁶² Robert Rotberg and Rachel Gisselquist, *The Index of African Governance, Strengthening African Governance*, World Peace Foundation, Cambridge, USA 2009, pg. 44.

Table 1: Rwanda's Performance Across Time drawn from Rotberg & Gisselquist's Index of African Governance, 2009

Indicator	Source	2000 (scaled out of 100)	2007 (scaled out of 100)	Increase/Decrease
Government Involvement in Armed Conflicts	UCDP/PRIO Armed Conflict Dataset (Version 4-2009)	50.0	100.0	50.0
Number of Battle-Deaths	UCDP Battle Deaths Dataset (v.4.1), UCDP Non-State Conflict Dataset (v.2), and UCDP Database	99.2	100.0	0.8
Number of Civilian Deaths Due to One-Sided Violence	UCDP One-sided Violence Dataset (v.1.3) and UCDP Database	100.0	93.7	-6.3
Refugees and Asylum Seekers Originating From the Country	UNHCR (and WDI 2009 population data)	82.9	91.1	8.2
Internally-Displaced People	Internal Displacement Monitoring Centre, and USCRI's World Refugee Survey (and WDI 2009 population data)	90.2	100.0	9.8
Ease of Access to Small Arms and Light Weapons	Global Peace Index 2008 and 2009, and our own estimates	100.0	100.0	0.0
Violent Crime (Homicides)	UN Surveys on Crime Trends; national statistics and local research; Global Peace Index 2008 and 2009; and our own estimates	100.0	100.0	0.0
Ratification of Core International Human Rights Conventions	Index own coding based on information from OHCHR	66.7	66.7	0.0
International Sanctions	Index own coding based on information from the UN Security Council	0.0	0.0	0.0
Property Rights Index	Index of Economic Freedom (Heritage Foundation and Wall Street Journal)	0.0	33.3	33.3
Judicial Independence using Freedom House's "Rule of Law" Sub-Score	Freedom House, Freedom in the World	42.9	42.9	0.0
Efficiency of the Courts, based on the Pre-Trial Detainees	National authorities as reported in our own Index research, by the International Centre for Prison Studies, and in the UN Surveys on Crime Trends	72.7	76.4	3.7
Number of Days to Settle a Contract Dispute	World Bank's Doing Business surveys	87.6	96.0	8.4
Public Sector Corruption	Corruption Perceptions Index of Transparency International, and Internet Center for Corruption Research	50.0	40.0	-10.0
Free and Fair Executive Elections	Index own coding based on multiple sources	0.0	50.0	50.0
Opposition Participation in Executive Elections	Index own coding based on multiple sources	0.0	100.0	100.0
Free and Fair Legislative Elections	Index own coding based on multiple sources	0.0	50.0	50.0
Opposition Participation in Legislative Elections	Index own coding based on multiple sources	0.0	100.0	100.0
Respect for Physical Integrity Rights	Physical Integrity Rights Index of the Cingranelli-Richards Human Rights Dataset	25.0	62.5	37.5
Respect for Civil Rights	Empowerment Rights Index, plus Freedom of Assembly and Association indicator, of the Cingranelli-Richards Human Rights Dataset	50.0	33.3	-16.7
Press Freedom Index	Reporters without Borders (Worldwide Press Freedom Index)	70.7	51.1	-19.6
Women's Rights	Calculated from the three Women's Rights indicators in the Cingranelli-Richards Human Rights Dataset	57.1	100.0	42.9
GDP per capita based on PPP (constant 2005 international dollars)	WDI 2009	1.7	2.3	0.6
GDP per capita growth (annual %)	WDI 2009	46.1	50.7	4.6
Inflation	IMF World Economic Outlook 2009	100.0	99.9	0.0

Deficits/ Surplus as a % of GDP	African Development Bank 2008	25.5	24.8	-0.7
Reliability of Financial Institutions (Contract Intensive Money)	IMF International Financial Statistics and Clague et al. 1999	76.1	80.3	4.2
Business Environment (Number of Days to Start a Business)	World Bank's Doing Business surveys	95.1	96.0	0.9
Density of paved road network per 1,000 people	local sources and International Road Federation	1.0	2.8	1.7
Electricity Installed Capacity per Capita (kilowatts)	Energy Information Administration, <i>International Energy Annual 2006</i>	0.2	0.1	0.0
Phone Subscribers per 100 Inhabitants	International Telecommunication Union	0.6	5.8	5.2
Internet Usage per 100 Inhabitants	International Telecommunication Union	0.1	5.5	5.4
Environmental Performance Index	Esty et al. 2008	40.5	40.5	0.0
Poverty Rate at the National Poverty Line	WDI 2009, AEO 2009, national sources, and others	22.6	22.6	0.0
Poverty Rate at \$1.25 per Day (PPP)	WDI 2009	13.7	13.7	0.0
Inequality (GINI Index)	WDI 2009, AEO 2009, national sources, and others	51.0	51.0	0.0
Life Expectancy at Birth (years)	WDI 2009	3.6	20.0	16.3
Child Mortality (per 100,000 live births)	Institute for Health Metrics and Evaluation and Murray et al. 2007	35.5	38.6	3.0
Maternal Mortality (per 100,000 live births)	Estimates developed by WHO, UNICEF, UNFPA, and The World Bank 2005	38.4	38.4	0.0
Undernourishment (% of population)	FAO	28.2	50.7	22.5
Immunization, measles (% of children ages 12-23 months)	WHO and UNICEF (as reported in WDI 2009)	67.1	100.0	32.9
Immunization, DPT (% of children ages 12-23 months)	Institute for Health Metrics and Evaluation and Lim et al. 2008	84.8	90.2	5.3
HIV Prevalence	UNAIDS and WHO (as reported in WDI 2009)	83.1	90.1	7.0
Incidence of Tuberculosis (per 100,000 people)	WHO (as reported in WDI 2009)	72.0	67.8	-4.2
Physicians (per 1,000 people)	WHOSIS (as reported in WDI 2009)	1.2	1.2	0.0
Nursing and Midwifery Personnel (per 1,000 people)	WHOSIS (as reported in WDI 2009)	3.1	3.1	0.0
Access to Improved Sanitation Facilities (% of overall population)	WHO/ UNICEF Joint Monitoring Programme for Water Supply and Sanitation 2008	22.6	20.4	-2.2
Access to Drinking Water (% of overall population)	WHO/ UNICEF Joint Monitoring Programme for Water Supply and Sanitation 2008	54.5	54.5	0.0
Adult Literacy Rate	UNESCO Institute of Statistics	64.0	64.0	0.0
Adult Literacy Rate, Female	UNESCO Institute of Statistics	60.8	60.8	0.0
Primary School Completion Rate (% of relevant age group)	UNESCO (as reported in WDI 2009)	5.4	23.1	17.7
Primary Completion Rate, Female (% of relevant age group)	UNESCO (as reported in WDI 2009)	7.4	25.6	18.2
Progression to Secondary School (%)	UNESCO (as reported in WDI 2009)			0.0
Pupil-Teacher Ratio, Primary	UNESCO (as reported in WDI 2009)	53.8	36.8	-17.0
Ratio of Girls to Boys in Primary and Secondary Education (%)	UNESCO (as reported in WDI 2009)	91.1	100.0	8.9

Part II

Issues specific to the Case & Recommendations

Unusual features
of the violence

Genocide is an unusual form of violence and an unusual outcome of civil war. Only 31 of 136 cases of internal wars waged between 1955 and 2004 have involved genocide or politicide.⁶³ Rwanda's genocide was particularly unusual. The characteristics of its violence were exceptional: (i) the speed of the violence: the bulk of the killing took place within 102 days in 1994; (ii) the scale of the violence: somewhere between half and one million Rwandans were killed, representing about three-quarters of the ethnic Tutsi population; (iii) the scale of the mobilization: by my calculation about one in four adult Hutu men committed an act of violence; and (iv) the geographic ambit of the violence: there were few communities in Rwanda where violence did *not* occur.

Unusual features
of the state

What accounts for these exceptional characteristics of the violence? Exceptional demographic, geographic, and historical characteristics of the Rwandan state. Rwanda's unusually small territory amplified the effects of contagion (contributing to the remarkable geographic ambit of the violence) and made it easier for the state to project its power from the centre to periphery (contributing to the remarkable scale of civilian mobilization). Rwanda's exceptionally high population density amplified peer pressure for violence as people lived in close proximity to one other and knew what neighbours did or did not do (contributing to the scale and speed of mobilization). Moreover, Rwanda's low ethnic diversity and high cultural homogeneity (Rwandans all spoke Kinyarwanda for example) made mobilization of the population much easier. Finally, the historical idiosyncrasies of geographic borders which did not alter significantly across the colonial and post-colonial era, and a revolution which swept away the sources of traditional power in Rwanda, reinforced the power of the modern state vis-à-vis Rwandan society (contributing to the speed of the mobilization).

However, while the expression may be exceptional, the mechanism behind the genocidal violence is not unique. At the heart of the genocide lies essentially a **threat-opportunity** mechanism. Events which embody this mechanism are not unusual. Civil wars, democratization, and assassinations of Heads of State for example are not unusual events in sub-Saharan Africa. Their simultaneous occurrence— as in Rwanda — is highly unusual and moreover, they occurred against an unusual baseline: an extraordinary Rwandan state.

Strategic Recommendations

In terms of recommendations, I make one overall recommendation for the Rwandan government and three broad recommendations for the international community.

⁶³ Taken from Barbara Harff, "Annual Data on Cases of Genocide and Politicide, 1955-2006," (Political Instability Task Force, Center for Global Policy, George Mason University, 2006).

To the Rwandan government, it is important to realize that stability based on economic growth and strong leadership is not sustainable in the long-run as economies will fluctuate and leaders must change. It is in its strategic long-term self-interest therefore to reverse the current trend and increase political space in order to permit civil and political society to evolve into responsible and independent counterweights to its own power. The ruling party cannot stay in office indefinitely and strengthening the independence of both state institutions and civil and political society improves the chances of a constitutional and peaceful change of regime one day.

At the moment the Rwandan government sees ‘consensus democracy’ as the target optimal political system for Rwanda rather than competitive, multiparty democracy. It is of course not difficult to attain consensus if there is no-one willing or able to oppose you. The government’s rationale for constraining civil and political society and for limiting political liberalization is based on twin fears: (i) fear that a democratically-elected Hutu-majoritarian government will expose the Tutsi minority to renewed persecution; and (ii) fear that ethnic extremism may rise again from within Rwandan society if competitive politics are re-introduced. These are legitimate concerns, but they are not insuperable. Minority protection is not irreconcilable with democratic, majoritarian rule and ethnic extremism may be contained if a mature and responsible political culture evolves within both the ruling elite and civil and political society.

Such a change in political culture – which would mark a departure from the practice in all of Rwanda’s previous regimes – could be encouraged through a series of graduated, increasingly significant steps carefully sequenced across time. With each new step there should be a consideration of whether there has been a positive shift towards a more responsible and mature political culture. It is the government as the more powerful actor which must initiate and lead the change but progress assessments should be made with the assistance of external actors to minimize the conflict of interest and civil and political society should be involved in drawing up a schedule of such steps. As a tentative schedule, I suggest several possible steps here. To his credit, President Kagame has already taken an important first step through his zero-tolerance campaign against corruption and through the introduction of *imihigo* performance targets to instill accountability at the local level. A next important step might be to reform Rwanda’s genocide ideology, sectarianism, and media laws which have engendered so much resentment among opposition politicians and journalists. Following on from this, the government should consider removing the prohibition on ethnic identification in the public sphere. If ethnic identification were permitted, it would allow for monitorable and peaceful expression of grievances - real or perceived – and will go some way to addressing perceptions of ethnic bias in the distribution of important opportunities such as state and para-statal positions and educational places which has been a persistent grievance in Rwanda’s history. Eventually there would need to be a move to allow political parties to register and campaign freely. This is an important threshold step and would need to be carefully assessed. Ultimately larger and possibly more painful steps may need to be taken. For example all RPF members who may have committed war crimes should face a fair trial – either internationally or at home – to end the perception of victor’s justice following the genocide. All of these steps will send a very powerful signal to Rwanda’s civil and political society. To be clear though, Rwanda’s opposition politicians and journalists will also be held

accountable for irresponsible rhetoric and actions. The gradual opening up of political space depends on their maturity and tolerance.

To the international community in general, Rwanda's genocide represents a potentially cautionary tale in international conflict resolution. Rapid democratization may not always be the best strategy for ending civil wars. A careful assessment of the relative balance of power between incumbent and challenger political elites should influence the speed with which a country undergoes political liberalization.

Recommendations
to international
donors

To the international donor community in particular, it is important for it realize: (i) that Rwanda's development success is largely dependent on the current ruling party, and donor strategy must also consider the time beyond RPF rule; (ii) that it enjoys the only effective influence on the Rwandan government; and (iii) that it is more effective when it acts in unison than individually.

The central thesis of this report has been that Rwanda's development success is fragile because it depends on the continued rule of the winning party to Rwanda's civil war, the RPF, and its Chairman, President Paul Kagame. Donors must recognize that their assistance – of which a considerable portion is in the form of general budgetary support – should be directed not at supporting the rule of the RPF, but rather to supporting the state and the independence of its institutions. In practice, this distinction is very difficult to observe and to enforce, and it requires astute political assessment – an activity which is outside of some donors' economic-centric mandates and which some donors feel they lack the capacity to undertake. Yet strengthening state institutions – and separating them from the ruling party – means that Rwanda's development achievements stand a better chance of enduring life after the RPF. Not to make this distinction between state and party is to repeat the same mistake donors made when they supported Rwanda before the genocide. Aid then supported a ruling party, the MRND, which was practically synonymous with the state, which had been in power for 21 years, and which contained hardliners unwilling to see regime change. The MRND's unwillingness to share power forced the current ruling party to organize an armed rebellion to topple it. Donors would be sleepwalking into potential disaster again if they allowed aid once more to entrench Rwanda's current ruling party, instead of helping this party to transition power peacefully in the foreseeable future. Having won the 2010 elections, the next seven years represent the final opportunity for President Kagame and the RPF to firmly establish the rule of law before its ultimate test in August 2017 when he reaches the end of his constitutionally-restricted two term limit.

Rwanda – as before the genocide – remains a highly aid-dependent state and it is a dependency that its President has explicitly stated he wishes to end. The country's principal donors are the World Bank, the European Union, USAID, and DFID, and together they enjoy potentially considerable leverage over the Rwandan government. The Rwandan Judiciary and Legislature in their present incarnations are not yet effective counterweights to the Executive, and civil and political society is even weaker than either of these institutions. At present, the limited accountability that exists comes in the form of a small number of individuals (usually academics and journalists) and NGOs from international civil society and who have limited influence. The international donor community then is uniquely positioned to convince the Rwandan government of the strategic utility behind a path towards first

the rule of law and then towards political liberalization, and to create the incentives and disincentives to keep the government on it. International donors are rightly concerned with the legitimacy of such an interventionist strategy given international failings in 1994. One solution may be to involve the African Union – or some regional entity which enjoys more legitimacy and credibility – in assessments of Rwanda’s overall direction. Its assessments could be used as one criterion for raising or lowering levels of development support.

Lastly, donor coordination on using development assistance conditionally is also important. It is worth pointing out that the Rwandan government is cultivating a relationship with China. The Beijing consensus is less likely to examine the quality of its partner’s or recipient’s governance in distributing assistance or resources. As has been pointed out already, the donor community need not have an ‘all or nothing’ approach to aid for Rwanda.⁶⁴ It would be just as effective to levy a small amount of money from the Budgetary Support package for each step away from the rule of law the government takes. Such a move would require some innovation and courage on the part of donors, and some recognition on the part of the Rwandan government that it is in the country’s long-term interest to separate the party from the state. A good starting point would be to draw on the monitoring indicators established in the Joint Governance Assessment to assess progress. However, different measures will have to be used for the more sensitive issues such as trust, reconciliation, and perceptions of government institutions and public services given the likelihood of self-censorship.

Part III: Assessing the Risk of Future Violence: The World Bank’s ‘Stresses and Capabilities’ Framework

Drawing on what I have already written, I summarize here the factors I believe increase the risk of violence recurring – the stresses on Rwanda – and the factors which exist to contain these stresses – Rwanda’s capabilities. This stress-capability framework emerged from the extensive research undertaken in preparation of the World Development Report 2011. The stresses on Rwanda are of two kinds: those which *directly* increase tensions along ethnic boundaries; and those which increase political instability generally, thereby creating the opportunity indirectly for ethnic tensions to surface.

Direct stresses

Perhaps the most significant source of direct stress is the longstanding grievance over the ethnic distribution of state power and resources. The monopoly of power by either one ethnic elite or the other has motivated forcible regime change three times in colonial and post-colonial Rwanda: 1959-62, 1973, and 1990-4.⁶⁵ In post-genocide Rwanda, despite a constitution explicitly premised on ethnic equality,

⁶⁴ See Peter Uvin’s note entitled ‘Wake Up: Some Personal Reflections and Recommendations’, June 2003. Accessed online October 23rd 2009.

⁶⁵ In 1973, the grievance was intra-Hutu, between an incumbent Hutu elite from the south-central Rwanda and disenchanting Hutu elite from the north. It led to a military coup which was accompanied by ethnic violence directed against the Tutsi minority.

the identification of the victorious rebel group and now ruling party with a specific Tutsi elite has done nothing to rebut perceptions of ethnic bias in the *de facto* exercise of state power and in the allocation of state and para-statal jobs and educational opportunities. The government's prohibition on explicit ethnic identification means that even public debate - in which such perceptions could be aired and peacefully dealt with - is not permitted.

A second source of direct stress are the constraints on civil and political society to voice dissent. For zealous members of the ruling party, criticism of the government is difficult to distinguish from perceived anti-ethnic (usually anti-Tutsi) sentiment. This has led to self-censorship, and beneath the surface, it is quite likely that tensions arising from the inability to express dissatisfaction freely are accumulating. Thirdly, there are elements of Rwandan society who have remained outside of Rwanda since the genocide of 1994 – both in eastern Congo and overseas – and who have not participated in the government's experiment to minimize ethnicity and to build a single, national identity. Notable among them are the Democratic Forces for the Liberation of Rwanda (FDLR) in eastern Congo and the Rally for the Return of Refugees and Democracy in Rwanda (RDR) in Europe and Canada. Both remain opposed to the ruling party which they see as illegitimate, and the FDLR is prepared to use force to overthrow it. Lastly, as with any political party, there are tensions within the ruling party itself reflecting both personal and policy disagreements with the party's leadership. Several RPF members have left to form an independent party, the Green party in August 2009. However, the specific risk for Rwanda is that if RPF unity fails, or if there is a crisis of confidence in Paul Kagame's leadership, before credible alternatives have emerged, then the resulting power vacuum may once again be exploited by political extremists.

Indirect stresses

In terms of indirect stresses, land conflicts tied to demographic pressure, and then land, income, educational, and job inequalities remain potentially charged political issues and are longstanding sources of grievance. The government introduced a new land law in 2005 to formalize property rights in Rwanda, but the requirement of formal registration may disadvantage poor, uneducated smallholders and also lead to land-grabbing.⁶⁶ Continued demographic pressure - population density was at a historical and continental high of 834 persons per square mile in 2002 – has made land an even scarcer commodity and amplified localized conflicts over land ownership and boundaries. A further amplifier of land-related stress is the tension between recent returnees – descendants of Tutsi exiles from 1959 and Hutu who fled after the genocide in 1994 – and those who occupied and cultivated the land in their absence. Vertical and spatial inequality in land, income, education, and jobs is not yet an issue high on the national political agenda. However, the growing disparity between urban and rural communities, and between different sub-regions of Rwanda, as well as the concentration of assets and opportunities within the hands of a relatively small group, is a source of tension at the local level which will continue to grow. All of these indirect stresses have the potential to destabilize society and local

⁶⁶ See An Ansoms, *Striving for Growth and Bypassing the Poor? A Critical Review of Rwanda's Rural Sector Policies*, Institute of Development Policy and Management, University of Antwerp, Belgium 2007.

authority at the grassroots level, and to become national-level issues if political parties choose to mobilize around them.

Capabilities

Rwanda's two strongest capabilities to contain these stresses remain (i) its leadership under President Paul Kagame; and (ii) the extraordinary power of the modern state over society in Rwanda. Although his position is in large part attributable to his victory in the war, Paul Kagame has since established himself as Rwanda's *pater familias* or 'Big Man'. He follows in the footsteps of other Big Men in Rwanda's history: Grégoire Kayibanda, President of the First Republic for 11 years, and Juvénal Habyarimana, President of the Second Republic for 21 years – though, in contrast with Paul Kagame, both these 'Big Men' were Hutu and did not seek to promote a single national identity and eliminate racial/ethnic identities. In all likelihood, Paul Kagame is both respected and feared within Rwanda on both sides of the ethnic divide – and including by those within his own ruling party. He has demonstrated his willingness to oust from office even those close to him if he has determined they have committed wrongdoing. This uncertainty over the security of anyone's position in Rwanda has in part inspired a cadre of individuals who are highly motivated to demonstrate their loyalty to him. This desire to show loyalty has in turn in part inspired them to pursue his opponents with formidable zeal, tolerating little criticism of either him or his party. While this works as long as Paul Kagame is President, it raises questions over what will happen when he leaves.

The second important source of capability to contain social stress is the remarkable Rwandan state.⁶⁷ It has historically been very strong relative to Rwandan society – across the pre-colonial, colonial, and post-colonial eras. Those who control the Rwandan state possess the means to control society to an extent which few other African nation-states enjoy. This power has been used for both positive and negative ends: 1994 saw its formidable civilian and military apparatus used to mobilize the population to eliminate one element of Rwandan society. The post-genocide era has seen the state's apparatus deployed to maintain internal order, and conduct radical social interventions such as *gacaca* and *ingando*. The source of the state's unusual strength can be traced to a set of idiosyncratic geographic, demographic, and historic factors. First, Rwanda's small size has made it easier to project the power of the state from the centre to the periphery. The advantage of being small is reflected in Rwanda's impressive local state machinery able to implement policies from above and monitor societal response below, and also its extensive road network facilitating the movement of people across the country. Second, Rwanda's dense population has not only amplified land conflicts, but it has made it difficult for individuals to escape the scrutiny of the state from above: it has state representatives at the lowest echelons of society. What you do and what you do not do is easy to monitor in Rwanda. Moreover, Rwandans enjoy a linguistic and cultural homogeneity that few other African nations enjoy. It is not composed of many distinct ethnic groups who have no tradition of being governed together. Lastly, there has been a high level of continuity in Rwanda's territorial borders across the pre-colonial, colonial, and post-colonial

⁶⁷ For more detail on the unusual power of the Rwandan state, see Straus, Scott, *The Order of Genocide: Race, Power, and War in Rwanda*, Cornell University Press 2006 and McDoom, Omar, *The Micro-Politics of Mass Violence: Security, Authority, and Opportunity in Rwanda's Genocide*, Doctoral thesis, London School of Economics, 2009.

eras. It has been the same central authority governing the same people across time. In short, as long as there is an elite in control of this powerful state machinery who wish internal peace and who face no credible opposition, it is likely there will not be renewed ethnic conflict. The question arises, however, over what will happen in the absence of this leadership.

The dependence of Rwanda's stability on strong leadership and economic growth highlights the fragility of Rwanda's exit from violence. Leaders must change and economies will fluctuate. The long-term durability of peace depends also on the gradual opening of political space and de-concentration of power in the hands of the ruling elite to allow Rwanda's state institutions and civil and political society to evolve into responsible and independent counterweights to the regime. In the absence of such a shift in political culture Rwanda's prospects for a peaceful and constitutional change of regime one day may be diminished and the remarkable achievements of the current regime after the genocide undone.