

RWANDA NATIONAL CONGRESS (RNC)



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RWANDA BRIEFING

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I. Introduction

In 1994, Rwanda suffered a tragedy that left over one million of its citizens dead as a result of war and genocide. The war and genocide resulted in immense suffering to millions more. The war and genocide have had far-reaching repercussions for both Rwanda and the Great Lakes Region of Central Africa as a whole.

Rwanda's recovery from the ravages of war and genocide is generally regarded as a rare success

story in post-conflict reconstruction. Visitors to the country are impressed by its economic growth, security situation and cleanliness, as well as the orderliness of its people and the efficiency with which its institutions conduct business. To its passionate friends, Rwanda is a shining example of democratisation, reformation, and an effective and efficient government. Supporters of the Rwandan government largely attribute Rwanda's success in post-war reconstruction to President Paul Kagame. The rebel general-turned-civilian politician cultivates a cult-image as the sole hero of the country's achievements. President Kagame is perceived by most outsiders as both invincible and indispensable to national and regional stability.

There is, however, more to Rwanda and Paul Kagame than new buildings, clean streets, and efficient government than President Kagame's famous friends in high places in Europe and America care to admit. Rwanda is essentially a hard-line, one-party, secretive police state with a façade of democracy. The ruling party, the Rwandese Patriotic Front (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.

State institutions, especially law enforcement agencies, the judiciary and security services, serve to protect the RPF's, and ultimately Kagame's power monopoly instead of protecting the fundamental human rights of citizens. Repression has again become particularly acute in recent months. There have been assassination attempts, killings and enforced disappearances of members of the press and political opposition within and outside Rwanda. Purges of political enemies, real and imagined, within the ruling party government continue unabated. These purges have now been extended to the military. A climate of fear and terror has enveloped the nation.

Rwanda is in crisis. The situation that prevails raises serious questions about the country's future. Are the country's development achievements sustainable? Can Rwanda continue to be peaceful while the government continues to be repressive and the majority of the people consider the government illegitimate? How do we balance individual freedoms and the requirement for a stable community? How should citizens respond when rulers mistake the state to be their personal estate and deprive their subjects of their inalienable rights? Should they resist peacefully or take up arms? If armed conflict is ill-advised, given its potential to cause human suffering, how else then can citizens reclaim their rights to hold the government accountable? What strategies would help Rwanda avoid violent conflict that appears inevitable and to set it on the path towards peaceful resolution of the problems that drive conflict in Rwandan society?

II. The challenges that faced Rwanda in the aftermath of the war and genocide

Rwanda endured destructive war during the period 1990–1994. The war culminated in the 1994 genocide and massacres. The genocide was planned and spearheaded by the government of the day. The war and genocide had very devastating consequences for Rwandan society. The genocide not only led to the suffering and death of a very large number of people (the number of the dead alone exceeds a million); it also resulted in virtual destruction of the country. The war and genocide decimated the country's human capital. A significant part of the country's work force was killed during this period. Millions of citizens, including the majority of the personnel of state institutions, fled to exile after the fall of the rump government that had organised the genocide. Rooting and wanton destruction of both public and private property was widespread. Economic production ground to a halt. Institutions of the state ceased to function both as a result of the massacres and exile of their personnel as well as lack of infrastructure and equipment. By the end of the genocide, the public had lost all confidence in the state and its institutions as guarantors of public safety and security. By far the worst damage that the genocide inflicted on the country was the further destruction of the already strained

relations of mutual trust, tolerance and peaceful co-existence among the country's two major communities. The genocide ruptured relations between the Hutu and Tutsi communities at the individual, community and national level and left Rwandan society deeply and bitterly polarised along lines of ethnicity. Not only was Rwanda unstable internally, it also faced dangerous external threats. The forces that had led to the implementation of the genocide had re-grouped upon arrival in exile and were re-organising, re-arming, and making preparations to invade Rwanda and re-capture power.

As a result of the above and other challenges, the reconstruction of Rwanda in the aftermath of the war and genocide was a very difficult task. The principal challenges that faced the government that took power in the aftermath of the war and genocide included the following:

- (a) Restoration of law and order;
- (b) Organising the provision of humanitarian assistance to the population;
- (c) Re-establishing and strengthening institutions of government to drive the reconstruction of the country;
- (d) Encouraging and facilitating the peaceful repatriation, resettlement and re-integration of refugees;
- (e) Laying a foundation for sound economic recovery and development;
- (f) Establishing democracy and the rule of law; and
- (g) Identifying and implementing strategies to promote national unity and reconciliation as foundations for sustainable peace and stability.

III. The status of political governance in Rwanda today

President Kagame has received numerous awards from foreign organizations crediting him with success in many areas, including fostering reconciliation in the aftermath of genocide,

promoting peace, and reform of government. This section discusses the status of governance in Rwanda. The section seeks to prove that the image of Rwanda as a democratising, reforming and stable post-conflict country that President Kagame and his government and supporters portray it to be does not reflect the real situation. Rwanda is a one-party dictatorship under President Kagame. President Kagame has effectively corrupted the founding ideals of the RPF. Through RPF, President Kagame denies the people of Rwanda the opportunity to exercise their fundamental human rights, particularly the right of political participation. President Kagame is both corrupt and authoritarian. He uses repression to ensure his continued monopoly of power. State institutions violate the most fundamental human rights of the people, including the right to life and the integrity of the person, to keep the President Kagame in power. State security institutions enjoy impunity for grave human rights violations against critics and opponents of the government. President Kagame's abuse of the institutions of the state to support his quest for absolute power and economic gain is criminalising the fabric of the Rwandan state.

a) Destruction of the RPF as a democratic people's movement.

The state of governance in Rwanda cannot be discussed in isolation from the character of the RPF and the quality of its leadership because of the very dominant role that the RPF in general and President Paul Kagame have played in the politics of post-genocide Rwanda. The RPF assumed control of government at the end of the genocide and civil war because it was the only opposition group with the military capacity to take on the organisers and perpetrators of the genocide.

At the end of the genocide, the RPF briefly cohabited in a coalition government with other organizations that had opposed the Habyarimana dictatorship. Since late 1995, the RPF has progressively assumed exclusive control of the state.

The RPF was originally established as a people's movement whose goal was to bring together

under one umbrella, individuals and groups of different political backgrounds and ideological beliefs that shared a minimum political platform to promote democracy in Rwanda. From its founding in 1979 as the Rwandese Alliance for National Union (RANU) to its capture of state power in 1994, the RPF professed a commitment to the vision of a free, democratic order under an accountable government. The organisation not only permitted but encouraged open debate and inclusiveness in decision-making. As a rebel movement in the opposition, RPF not only preached, but also practiced internal unity, internal democracy, and a commitment to reconciliation of the Rwandan people. During the 1990–1994 war, the RPF reached out to and sought to build alliances with other like-minded groups to broaden the political base of forces struggling to end dictatorship in Rwanda.

The RPF is no longer the democratic, inclusive and principled organization that its founders and early leaders and members intended it to be. The organization has now become a caricature of its former self. All major decisions affecting the organization are made by the party leader, President Paul Kagame. Organs of the party are merely rubber stamps that serve to legitimise decisions already made by the party leader and his very few close advisers behind the scenes. The party, like the rest of the country, is engulfed by fear, held hostage to President Kagame's arbitrary and repressive rule. The culture of internal democracy and consensual decision-making that were at the core of the philosophy of the RPF before it came to power has ended. The concept of collective leadership that was crucial to maintaining accountability and legitimacy within the organization has ceased.

The RPF has, over time, been transformed into a vehicle to serve the political and economic interests of one person – the party president. President Kagame does not tolerate dissenting views within the RPF. The RPF has ceased to be a people's movement led by a democratically minded leadership. President Kagame has terrorised his peers and other members of RPF into submission to his will. The RPF has become President Kagame's fiefdom, a personal instrument for perpetuating autocratic rule.

b) Rwanda as a de facto one-party state.

The prime objective of the struggle of the RPF, as well other groups that rose up during the late 1980s and early 1990s to take on the challenge of opposing the Habyarimana dictatorship, was to establish democracy in Rwanda. The RPF's management of the affairs of Rwanda since the genocide and civil war has led to reversing, rather than consolidating, the gains that the struggle for democracy had achieved prior to the genocide. In 1991, the Habyarimana regime (under pressure from the military struggle of the RPF, domestic opposition and the international community) introduced reforms that made it possible for opposition groups not only to operate freely, but to participate in coalition governments pending democratic elections. Power-sharing was also a core tenet of the Arusha Peace Agreement. Rwanda's 2003 Constitution reiterated the requirement for power-sharing.

In practice, the RPF has progressively reduced the space for other political forces to operate in the country. The 1995 ousting of Prime Minister Faustin Twagiramungu and other critical ministers started a trend towards progressive consolidation of the RPF's monopolistic control of the machinery of the state. The RPF has, since then, striven for unrivalled political supremacy in Rwanda. The organization exercises absolute control over all organs of the state. It has achieved this political supremacy not through an open and free process of competition with other political forces, but through repressive laws, administrative practices and the use of the security services to frustrate the exercise of the civil and political rights of opponents. The RPF has paid only lip service to constitutional provisions relating to the right of political participation, inclusion and power-sharing.

Not only is the opposition excluded from participating in government; it is effectively barred from undertaking any activities inside the country at all. The RPF enjoys unchallenged power in Rwanda. Rwanda is far less free now than it was prior to the genocide.

c) State and separation of powers

The political system of the Rwandan state lacks mechanisms of checks and balances that are essential for good governance and genuine democracy. The President has absolute control over the executive branch of government. The Executive, in turn, completely dominates other organs of government. Branches of government other than the Executive are deprived of their autonomy and legitimacy. The independence of the judiciary is compromised.

Judiciary:

Rwanda has invested heavily in rebuilding its justice system since the genocide. Rwanda carried extensive reforms that ostensibly seek to create an impartial, independent and effective judiciary. The government has carried out a restructuring of its entire justice system, creating new justice sector institutions that are better organised, staffed by better-qualified personnel and better resourced. The government has also introduced new laws that sought to make legal processes more efficient and expeditious. New laws have been introduced to regulate the conduct of trials of cases that may be transferred from the tribunal and other national jurisdictions. The reforms that the country has undertaken have helped to improve the quality of Rwanda's justice system. Whereas most of the judges who conducted genocide trials prior to recent reforms had no legal education, all the judges of the courts are now qualified lawyers, as are the prosecutors. The bar has grown exponentially in terms of numbers. The skills of the personnel have been further enhanced through various training programs.

However, the functioning of the justice system is constrained by one very important factor, namely lack of judicial independence. The judiciary enjoys nominal independence under the constitution and laws of Rwanda. In practice, the judiciary does not enjoy independence. The independence of the Rwanda judiciary is compromised. The President, through the control that he exercises over the Senate Chamber of the legislature, controls most senior judges (including the Supreme Court) and through them, the rest of the judiciary. Most of the members of the

judiciary are members of the RPF. The RPF compels its members who have been appointed to the judiciary to continue to owe allegiance to the party; to participate in some activities of the party and to pay financial contributions to the party's campaign and daily operation.

The judiciary is particularly vulnerable to outside interference in cases involving political issues. The President, his close advisers and security services personnel frequently coerce members of the judiciary to make judicial decisions to suit the interests of the government. Instead of being the protector and defender of citizens' fundamental human rights, the judiciary has become one of the main tools by which the government perpetuates authoritarian rule by persecuting opponents and critics. Law enforcement and judicial institutions rarely investigate, prosecute and prosecute human rights abuses by the security forces, and when they do, proceedings are undertaken to protect rather punish perpetrators. Judicial and law enforcement authorities are used to persecute government critics and opponents through trumped up charges of genocide, revisionism, genocide ideology, corruption, terrorism and more recently, immoral conduct. Victims of political motivated prosecutions are not allowed bail pending conclusion of investigations. The police and security services routinely re-arrest persons who are granted bail or acquitted by the courts. Victims of human rights abuses, including arbitrary arrest and imprisonment, torture, and malicious prosecutions have no opportunity to receive redress.

Lack of an independent and impartial judiciary has many implications. It promotes impunity. It compels critics and opponents of the regime to flee the country, as they cannot expect justice in cases fabricated by the government to persecute them. Lack of an independent and impartial judiciary is probably the greatest constraint to the development of democracy in Rwanda. The absence of an independent and impartial justice system contributed to perpetuating injustice, instability, and conflict in Rwandan society. Without an independent judiciary, a cornerstone of the rule of law, it is difficult to create and sustain social and economic progress.

Legislature:

The Reform of the Rwandan Parliament is imperative. The process of electing the Rwanda legislature and the legal framework that regulates its operation nature serve to entrench autocratic rule. The Rwandan Parliament does not derive its legitimacy from the electorate. RPF) and the parties allied to it lack fair, transparent and democratic mechanisms for choosing candidates to represent them. The process by which parties chose candidates is flawed and corrupt. Individuals are put on lists through unclear and undemocratic ways. The electorate have mechanism for holding members of the legislature accountable. The fact that legislators do not have specific constituencies, undermines development, as legislators do not have specific communities to which they are required to account. Because of the corrupt ways in which they are appointed, legislators are not independent. Instead of becoming representatives of the people, legislators act as party functionaries for fear of being dismissed.

Members of the legislature are not accountable to the electorate and serve to promote the interests of and discredited party functionaries who influence their placement or retention on the party lists. Debates in parliament are not based on the social – economic conditions occasioned by peoples' problems and aspirations. A significant proportion of legislators are always recalled before end of their terms purely as a result of internal party intrigues which have no relationship with the performance of legislators or the views of the electorate. The turnover of the legislature is so high that it affects the effectiveness of the institution. Consequently, there is constant fear by parliamentarians to expose excesses or failures of government officials. As a result, parliament is unable to exercise over-sight over or to control government performance as required by law. The legislature merely serves the purpose of rubber-stamping decisions making by cabinet, acting as attack dogs of the regime by harassing opposition leaders and ridiculing cabinet members who have fallen out with Paul Kagame.

d) Democratisation and rule of law

The ousting of opponents of the RPF from government in the summer of 1995 set a pattern of intolerance for political opposition that has only grown worse with the passage of time.

Throughout the period of transition (1994–2003), the RPF continually devised strategies to weaken, disable and destroy political opposition. Political parties other than the RPF were prohibited from operating during this period. An attempt by former President Pasteur Bizimungu, perhaps the only person who could have challenged the RPF during the elections, to set up a new party, was stopped. The former President and other promoters of the proposed party were arrested and imprisoned on what are widely considered to be trumped up charges. The RPF also orchestrated the banning of the MDR, the only one among existing political parties that was considered capable of mounting a credible challenge to the RPF during the elections that were scheduled to take place in 2003.

Prior to the 2003 elections, the police, security services and the military increased repression of potential opponents of the RPF. Genuine opposition parties were denied registration and security agencies made it difficult for independent candidates to register. In addition, the RPF had a monopoly of the government-owned media. The government used intimidation, smear campaigns and insults to silence opponents, whether they were international NGOs, civil society, newspapers or political parties. Intimidation against government opponents went to the extent of making threats of physical violence including death. In one speech, the RPF President threatened that those opposed to the government would be ‘wounded’ and ‘ground to dust.’

The political transition that Rwanda begun after the genocide has, instead of leading to democracy, resulted in the legitimization and consolidation of authoritarian rule. Rwanda is now a very authoritarian regime with a façade of a democracy.

The Constitution and other laws that the RPF introduced in 2003 made it not just difficult, but virtually impossible for the opposition to form political parties and to compete for political power, thereby creating a situation of electoral authoritarianism.

While the 2003 Constitution and other laws allow political parties to be established, the reality is that Kagame abhors political opposition. The Kagame government exercises zero tolerance of political opposition. The RPF uses repressive means to retain power. A plethora of official and informal state security institutions strictly enforce restrictions on the exercise of the right to political participation.

Rwanda holds regular elections, but their outcome is pre-determined because of the legal, administrative and physical obstacles that the RPF has put in place to deny opposition to compete for power. There is no meaningful competition for political power between the RPF and other political parties and thus no real opportunity to change the government through elections. Elections are systematically manipulated and heavily conditioned by the RPF in order to ensure its victory. Elections are usually rigged so massively at local levels that the RPF is usually compelled to “doctor” the results a second time to give the satellite or proxy parties that serve to give the RPF some legitimacy enough votes to meet the threshold requirements for representation in Parliament. The repression that the RPF has used to entrench itself in power continues to this day. People who are perceived as posing a potential challenge to the RPF in Rwandan politics are subjected to persecution that makes their political activities impossible.

Persecution of real or imagined opponents of the government has included constant police surveillance, assaults, arrests, illegal detention, torture, and politically motivated prosecutions, such as those of Pasteur Bizimungu, Col. Patrick Karegeya, Charles Ntakirutinka, Alfred Kalisa, Stanislas Biseruka, Victoire Ingabire and Bernard Ntaganda.

Other Rwandans perceived as opponents of the RPF such as Judge Augustine Cyiza and Dr

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Leonard Hitimana have become victims of extra-judicial killings and involuntary disappearances. Some who have fallen out with Kagame and his regime and have fled into exile still meet death in mysterious circumstances. Former Interior Minister Seth Sendashonga and Deputy Theoneste Lizinde were gunned down in Nairobi, Kenya.

Lt. Gen. Kayumba Nyamwasa, a former Army Chief of Staff, has recently survived an assassination attempt. Killings of opposition politicians and other critical voices continue. Journalist Jean Rugambage and Andre Kagwa Rwisereka, Vice President of the Democratic Green Party, both of whom were recently murdered, are the latest high-profile victims of the widespread state-inspired violence. Many people continue to flee the country due to this state-inspired violence (see annexe for a partial list of senior political and military leaders who have fled the country since 1994).

The explicitly violent and repressive way in which the RPF deals with opposition and critical civil society has turned Rwanda back into a de facto one-party dictatorship. Freedom of expression is severely limited. Critical voices in civil society and the media have been silenced, and the regime has become even more repressive since the end of the transition in 2003.

The law guarantees freedom of the press, but the media remains tightly controlled by the government. Media outlets are either state-controlled, co-opted or constantly under siege. The government has used the curbs on the media to suppress criticism or dissent. The security services sometimes co-opt independent journalists by bribing them with money. Journalists who refuse to toe the line or be co-opted have often been subjected to threats and intimidation. The Kagame government uses trumped up criminal charges to intimidate journalists who express dissenting or critical views. For example, all journalists of the Umurabyo newspaper have been arrested and slammed with charges attracting long imprisonment terms. Some journalists have either been killed (Jean Leonard Rugambage of the newspaper Umuvugizi newspaper being the latest example) or have become victims of involuntary disappearance.

Others have had to flee into exile to escape persecution. Several newspapers have been banned outright.

The threats, intimidations and other persecution at the hands of the security services have created a climate whereby journalists exercise self-censorship in order to avoid the wrath of the security services. Freedom House has reported “Rwandan media are officially censored and constrained by fear of reprisals. Journalists interviewed admitted that they censor their own writing and that the authorities have made it clear that certain topics cannot be discussed.” The government has justified the restrictions on media by referring to the genocide; it argues that the restrictions are necessary to prevent ethnic strife and to ensure national stability. The international media watch dog Reporters Sans Frontieres has branded Paul Kagame as one of the world’s most virulent ‘predators’ of press freedom.

The government passed legislation to punish sectarianism and discrimination. The government has, since 2003, used accusations of “sectarianism,” “divisionism,” and “spreading of genocide ideology” to curtail political opposition and civil society work, most specifically human rights work. These crimes are not properly defined in the relevant legislation. The government has exploited the ambiguity of the anti-sectarian legislation to limit freedom of expression and to persecute individual opponents (including leaders of political parties such as Victoire Ingabire) and critical members of civil society. Charges of sectarianism have been levelled against the Liberal Party for its advocacy on behalf of survivors of the genocide.

The government exercises intense control over the non-governmental sector by both overt and covert methods. Civil society as a whole operates under very tight restrictions. Civil society groups which do not toe the government line are not allowed to operate freely. Civil society organizations speak publicly and influence decision-making only when their views are in line with those of the RPF and the government. Independent human rights organizations, in particular, have been a target of the security services. Human rights groups have been

subjected to harassment, intimidation and persecution of such intensity that most of them have ceased operations and their members have been driven to exile.

e) Marginalisation and exclusion of the Hutu Community

The authoritarian character of the government is compounded by its narrow political base. The Rwanda state has all the trappings of a democratic system of government, but real power lies in the hands of the President and a small group of military officers and a handful of civilians. As will be elaborated on later in this paper, Rwanda has two parallel governments, an informal one and a formal one. The formal government is controlled by the informal one. The President and the inner circle of his close associates that monopolises political power and marginalizes and excludes the rest of the people of Rwanda from political participation constitute the informal government. The membership of the informal government that effectively controls the Rwandan state comes exclusively from the Tutsi minority group.

All Rwandans, regardless of ethnicity, are victims of the authoritarian character of the government that rules Rwanda. The core group that controls the Rwandan state does not represent or even act in the best interests of the entire Tutsi community. There are many in the Hutu community who are beneficiaries of the political system that prevails in Rwanda. Nevertheless, it is fair to say that the Rwanda government is dominated by the Tutsi minority. The Tutsi constitute the inner circle that wields real power in Rwanda. The Tutsi are disproportionately represented in institutions of the state responsible for the coercive use of power. The Tutsi dominate the command of the military and security institutions. The control of these institutions is crucial to sustaining the Kagame dictatorship. The Tutsi are also disproportionately represented in the key civilian appointments that the President Kagame and his inner circle make at all levels of government. The perception of majority of the Hutu population is that the government is dominated by the Tutsi and that the government discriminates against them. The RPF has failed to establish an inclusive political order, but has

instead entrenched authoritarian, minority rule.

Space for political participation has narrowed even further, instead of expanding, since the 2003 elections. Lack of space for political participation has disenfranchised the Hutu majority. The RPF, under Paul Kagame, has failed to expand its popular base. The Hutu community is marginalised from a meaningful share of power. The Hutu who serve in government are only surrogates of the RPF who lack legitimacy in their community. They are kept in office, often for very brief periods, for the sole purpose of giving the government an appearance of embracing political pluralism. The Hutu community perceives the RPF as an instrument of political domination by the minority. The government is not considered legitimate by the majority of the population in general, and the Hutu community in particular.

f) National unity and reconciliation

Promoting national reconciliation was the foremost priority of Rwandan society in the aftermath of the genocide. Post-genocide Rwanda has adopted a wide range of policies and undertaken many initiatives (in the justice domain as well as other areas) to promote national unity and reconciliation. The non-legal initiatives that the government has undertaken with a view to promoting national unity and reconciliation include the restoration and maintenance of public security; the abolition of identity cards classifying citizens by ethnicity and the prohibition of references to ethnicity in official documents; the repatriation and resettlement of more than two million refugees and about a million internally displaced persons; the re-integration of thousands of members of the former government army into the military; the enactment of legislation to punish the propagation of discrimination and sectarianism; the introduction of public service recruitment and management policies based on merit rather than patronage; the introduction of merit-based admission to educational institutions; the establishment of the National Unity and Reconciliation Commission, the National Human Rights Commission and the Demobilisation and Re-integration Commission; the undertaking of

many anti-corruption programs; and the adoption of a national poverty reduction program. Rwanda has also sought to use justice to promote reconciliation. Accountability for the genocide has been pursued through both the ordinary criminal justice system as well as Gacaca Courts.

Most objective observers agree that whereas the above initiatives to ensure peaceful co-existence have been worthwhile, genuine reconciliation remains elusive. Several factors have acted as a hindrance to the process of national reconciliation. These factors include President Kagame's pursuit of absolute power, his intolerance for political opposition, persecution of opponents and critics of the RPF, exclusion of the Hutu community from a meaningful share of power and the failure the selective and partisan nature of the processes of accountability for past human rights violations that Rwanda has undertaken. As a result of the policies that the RPF has pursued since it took control of government, Rwandan society remains deeply divided.

The politics of ethnicity remain intractable in Rwanda. The majority of the Hutu middle-class that was ousted from power in 1994 remains in exile, un-reconciled to the new political order, biding time and hoping for a regime change. Some armed insurgents continue to wage war against the Rwandan state from their sanctuaries in the Democratic Republic of Congo, sixteen years after the genocide. The externally-based unarmed opposition calls for dialogue on how to resolve the country's continuing crisis, but the government says that the conflict has been resolved and there is no need for negotiation of a settlement. The majority Hutu population inside Rwanda feel marginalized and excluded by the government, and they question the legitimacy of the government. The Tutsi community itself is fearful and divided over the direction and future of the country. The Kagame government has failed to engage and lead Rwandan society in genuine reconciliation.

The social conditions of post-genocide Rwanda remain constructed in terms of ethnic identity. The reconciliation that the Rwanda government envisions is politically constructed on the

terms of the RPF and President Kagame's, which are insufficient for ensuring the long-term stability of Rwanda. The marginalization and exclusion of the Hutu population have very profound implications for the long-term stability of Rwanda and the security of its population.

There cannot be genuine reconciliation in Rwanda until the grievances of the Hutu community over the issues of political participation, as well as the guarantees for the minorities, equal citizenship before the law, access to resources and accountability for human rights abuses are addressed.

g) State human rights practices

Rwanda has a history of human rights violations stretching back decades. Rwandans experienced particularly horrendous violence, including genocide, during the 1990s. The general human rights situation in Rwanda has improved as armed conflict within Rwanda's borders decreased. However, the human rights records of state security services remain a matter of grave concern. Rwanda remains a very tightly controlled society. The government relies on repression to enforce its control of the population. The security services of the state regard dissent and criticism of the government as treason. Some in the security services have a licence to kill and maim innocent citizens or to make them disappear without a trace.

An atmosphere of palpable fear (far exceeding the worst that was experienced even during the notorious dictatorship of President Idi Amin of Uganda, where many Rwandese had sought asylum) has enveloped the country. Rwanda has degenerated into a criminal state. Victims of human rights violations committed against persons considered to be opponents of the government do not have an opportunity for seeking redress from the courts. Agents of the state are, to this day, still able to commit grave human rights abuses (killings, torture, and disappearances) without fear of being held accountable. In fact, impunity for human rights violations is now far more deeply entrenched than it has ever been in Rwanda's history.

President Kagame's security services have taken the level of state repression against political opponents a step further, by extending the sphere of operations of the murderous networks beyond Rwanda's borders (as demonstrated by Deo Mushayidi's kidnapping in Burundi, the assassination attempt against General Kayumba Nyamwasa in South Africa, and attempts to kidnap journalist Dominique Makeli and Jean Bosco Gasasira in Uganda).

IV. Paul Kagame's leadership: An assessment

No person has exerted as much influence on the developments in post-genocide Rwanda as much as Paul Kagame. Until 2000, Paul Kagame wielded strong influence over Rwanda's affairs by virtue of his position as Vice President of the Republic, Commander in Chief of the RPA and President of the RPF.

Since 2000, Paul Kagame has governed Rwanda as an absolute ruler. The reconstruction of post-genocide Rwanda is generally cited as an example of a phenomenal success story, and President Paul Kagame is hailed as its sole hero. President Kagame actively cultivates a cult-image as a brilliant visionary with exceptional strategic thinking skills, with impeccable credentials as a reformer to match. This image has been crafted through a combination of an elaborate public relations strategy and repression that muzzles voices that hold governments in other countries accountable. President Kagame muzzles domestic opponents and critics through unapologetic terror. He silences voices in the international community (especially leaders of western governments) by invoking their failures over the 1994 genocide.

The image of Paul Kagame's leadership that public relations advisers (including well-paid lobbyists in some of the major capitals of the world) and foreign friends seek to portray of President Kagame dwells exclusively on Rwanda's successes. President Kagame is often celebrated by some western political, business and civil society leaders for visionary leadership, success in reconciling Rwandans, and economic policies that promise transformation similar to the experience of the Asian tiger economies. In these accounts, Rwanda is portrayed as a

united, strong, peaceful, stable, and growing nation with the potential to become a model for the rest of Africa and the world.

Few of Rwanda's bilateral and multi-lateral partners are willing to confront the true content and form of President Kagame's leadership that should be a matter of concern, and to discuss the implications of shortcomings of President Kagame's leadership. Yet, discussion of the disparity between prevailing perceptions about President Kagame's leadership and the reality of post genocide Rwanda's governance cannot be avoided indefinitely. Perceptions about Rwanda shape the policies of outsiders (governments, international organizations and civil society) on Rwanda. These policies, in turn, have implications for Rwanda's future and the fate of her people. What is the reality of President Kagame's leadership for the people of Rwanda?

The RPF has registered many achievements since 1994. Its army is generally credited with having stopped the genocide, although there are genocide survivors who do not share this view. Its government re-established law and order, restored essential social services, repatriated and resettled millions of refugees and internally displaced persons, and established effective state institutions, that have rescued Rwanda from the brink of becoming a failed state. The government has, with the often grudgingly acknowledged assistance of the international community, helped to spur economic recovery. President Kagame rightly deserves his share of credit for Rwanda's progress in reconstruction after the war and genocide.

In spite of positive developments cited in the previous paragraph, the general pattern and trend of Rwanda's development have been negative. As indicated in the section of this paper that discusses the status of governance in contemporary Rwanda, Rwanda has failed to transition to good governance and democracy. The RPF manipulated the transition process to entrench its monopoly of political and economic power. Rwanda is a one-party authoritarian state, controlled by President Kagame through a small clique of Tutsi military officers and civilian cadres of the RPF from behind the scenes. The majority Hutu community remains excluded

from a meaningful share of political power. State institutions are as effective as they are repressive. The government relies on severe repression to maintain its hold on power.

President Kagame uses the coercive instruments of the state (the military, security services and police) to sustain himself in power against the will of the people. State security officers continue to commit grave human rights abuses to suppress all political opposition and critics of government. Impunity for gross human rights abuses is worse than it was prior to the genocide. Rwanda remains deeply divided along ethnic lines. As a result of these and other factors, Rwanda remains unstable and prone to violent, identity-based conflict. President Kagame equally bears responsibility for these negative aspects of the process of reconstruction of Rwanda since 1994.

Rwanda is less free today than it was prior to the genocide. There is less room for political participation than there was in 1994. Civil society is less free and effective. The media is less free. The Rwanda government is more repressive than the one that it overthrew. Hundreds of thousands of Rwandans who fled the country in 1994 remain in exile because of the repressive environment that prevails in the country. Large numbers of citizens continue to flee the country each year. Rwandan entrepreneurs continue to relocate to neighbouring countries, out of fear of resumption of armed conflict in coming years. Rwanda's much acclaimed progress in economic development is not sustainable. Rwanda has a democratic deficit. A society that does not discuss or debate issues affecting its people will sooner or later seek to break out of enforced silence and to assert its rights, sometimes by resorting to reciprocal violence as a means of last resort to confront an entrenched dictatorship. Rwanda also remains very unstable and vulnerable to violent conflict. The development of physical infrastructure in an environment marked by mistrust, fear and social polarisation does not equate with sustainable development.

Exposing the myths about President Paul Kagame

Myth 1: Kagame as an exemplary strategic thinker and visionary leader:

President Kagame is often described by admirers as a visionary leader of exceptional strategic thinking skills. On the contrary, President Kagame is, in practice, a callous and reckless leader. His decisions, even on issues which have grave implications, are often driven, more than anything else, by his greed for absolute power. President Kagame often makes mistakes of phenomenal proportions which lead to dire consequences for the people of Rwanda. The gravity of President Kagame's heavy responsibility for some very disastrous decisions is borne out, for example, by his decisions in dealing with the Democratic Republic of Congo

Kagame's condescending and humiliating treatment of President Laurent Kabila unnecessarily turned President Kabila into an enemy, who then started supporting insurgents waging war on Rwanda. Kagame's ill-advised and ill-fated decision to launch the second invasion of the DRC (a decision driven by spite more than any other factor that even some of President's closest advisers counselled against) has had catastrophic consequences for the people of Rwanda and the Democratic Republic Congo. The invasion thwarted the DRC's tenuous recovery, destabilised the Great Lakes region even more, cost millions of innocent lives of Rwandans and Congolese, and instigated anti-Rwanda hatred that will be a source of insecurity for Rwanda for generations to come. The surrogate and proxy forces created and maintained in East DRC led to the rise of Warlords who will continue to hold the DRC government hostage and a drain to the financial resources of Rwanda. In essence Paul Kagame maintains criminal gangs for hire to sustain an obscure and irrational personal adventures not authorized by the national parliament.

President Kagame's short-sighted refusal to agree to genuine power-sharing arrangements with moderate Hutu parties after the genocide and to allow a transition to genuine democracy has doomed efforts to find a lasting, peaceful settlement of the Rwanda conflict. His unwillingness

to hold those members of the RPA who were responsible for human rights abuses during and after the genocide accountable encouraged impunity. President Kagame's responsibility for human rights abuses and his tolerance of rights abuses by some of his officers has undermined the credibility of the RPF. Impunity for human rights abuses is a significant stumbling block to national reconciliation and sustainable peace.

Kagame's quest for the presidency doomed the RPF's faltering attempts to expand its base and to build a constituency in the Hutu community and condemned the RPF to the status of a party representing the interests of a minority ethnic group that can only stay in power through force. The systematic harassment of legitimate Hutu leaders who were part of the Transitional government resulted in most of them fleeing to exile. The unlucky ones were assassinated and a few are marginalized and banished to obscurity in Rwanda. Meanwhile Paul Kagame has gone about recruiting fictitious and compromised leaders for the parties that were formerly part of the transition. Essentially the parties have been destroyed through coercion and compromise of non-representative leaders. Meanwhile, RPF has co-opted, recruited and forced members of other parties to join its ranks by promising jobs, money or through forceful recruitment and death threats.

Myth 2: Kagame is an incorruptible, austere man of absolute integrity:

President Kagame and his handlers labour strenuously to portray him as an incorruptible, austere man of absolute integrity. The reality could not be further from the truth. The words of Lord Acton, the famous British moralist and historian, to the effect that "power tends to corrupt, and absolute power corrupts absolutely" aptly convey Kagame's transformation over the time he has been in office. President Kagame is an absolute ruler whose absolute power has corrupted not just him, but the entire Rwandan state in very systemic, pervasive and profound ways. Integrity is about matching words with deeds. For a public servant, integrity and

accountability is about respecting the law, applying the law fairly to all, setting an example (“walking the talk”) and living within the limits that a poor nation’s taxpayers can afford and the laws permit.

Fighting corruption was a key goal of the transformation that the RPF once hoped to bring to Rwanda. President Kagame has steered RPF away from this and other founding ideals. President Kagame’s supporters cite his stand on misappropriation of public funds as evidence of his personal integrity.

Rwanda does not, admittedly, have a problem of institutionalised bribery and misappropriation of public resources for personal gain. However, there is more to corruption than misuse of public funds. The worst form of corruption is the criminalization of the state in the pursuit of absolute, unaccountable power. When a leader who is in power puts in place laws and institutions that make it impossible for citizens to exercise their right to political participation; impedes (through means such as denial of registration or licensing, censorship or even outright closure) the functioning of opposition parties, civil society and independent media and their ability to hold government accountable; controls and uses the machinery of the state (especially law enforcement and judicial institutions) to ensure his monopoly of power; persecutes real and imagined political opponents to the point of killing some and making others victims of enforced disappearance; protects state security officials who kill innocent citizens whose crime is to be perceived as opponents of the government, from being held accountable; and blatantly rigs elections, then that is the ultimate and worst form of corruption. President Kagame has committed and continues to commit such crimes and human rights abuses.

None of the fair-minded RPF members of the past and present would ever have imagined that the organization would one day be a party that worships its leader like an idol, bans opposition political party activity, silences the press and civil society, steals votes and presides over gross

human rights abuses against innocent citizens for which there is no unaccountability. The English dictionary defines corruption as “impairment of integrity, virtue, or moral principle”, “depravity”, “decay”, “decomposition”, “inducement to wrong by improper or unlawful means”, “a departure from the original or from what is pure or correct”. If President Kagame’s conduct of government does not fit this description of corruption in public office, what does?

President Kagame is also responsible for financial impropriety and theft of public resources on a grand scale. Contrary to the false perception that naive outsiders have of him, President Kagame does not even bother to portray himself as an austere leader, let alone live like one. Austerity is about living within the means that the country can afford. President Kagame lives a lifestyle that even the richest people in the world would find lavish. The President is by far the most expensive ruler that Rwanda has ever had. Compared to Rwanda’s ancient kings, colonial governors and past presidents, President Kagame’s lifestyle is not just scandalous; it is criminal. President Habyarimana lived in a simple home and only received a salary. He drove a very old car. He lived a down-to-earth life and did not, upon his death, leave any significant wealth. His predecessor, President Kayibanda, lived an even simpler life and may have died a pauper.

President Kagame, on the other hand, lives simultaneously a lavish and ostentatious lifestyle and is a huge drain on the national treasury. President Kagame has raised neighbourhoods to the ground or sealed them off to the public in order to build luxury palaces, even at a time when housing was in very short supply. The Rwandan government spends tens of millions of dollars every year to maintain his personal household. He drives very expensive cars, of which he has a large fleet at any one time. He changes these fleets very frequently to avail himself of the luxury of every new model. He is obsessed with luxury aircrafts and has spent more than US \$150 million on such aircrafts. President Kagame loves travelling, and he travels very frequently. When travelling, he insists on staying in the most expensive hotel in whatever city he is visiting.

During his time in public office, President Kagame has amassed a fortune beyond imagination for a ruler of such a poor country. The fortune is drawn from both the national treasury and the vast wealth of the business investments of the RPF. The RPF is the biggest business enterprise in Rwanda. Some believe it may indeed be the largest commercial enterprise in East and Central Africa. The flagship holding companies for the vast network of RPF investments are Tri-Star Investments Sarl and the Rwanda Investment Group. The RPF has investments worth at least hundreds of millions of dollars. The portfolio of the RPF includes investments in aviation, banking, agriculture, telecommunications, energy, construction, real estate development and management, security, communications and manufacturing (including food processing, cement production etc). The assets of the RPF are, for all practical purposes, the personal wealth of President Kagame. The RPF does not have any committee or body that oversees all of its assets. President Kagame spends and manages the vast wealth of the RPF single-handedly. He alone appoints the senior managers of the various RPF enterprises. He alone decides in whose names the major bank accounts of the RPF are to be maintained. He alone decides how the funds on these accounts are spent. The people in whose names the bank accounts are maintained answer only to President Kagame. Only President Kagame has information on the complete state of affairs of the RPF's business investments. President Kagame never reports to any of the organs of the RPF on the financial affairs of the RPF's business enterprises. The President has always ignored calls for transparent over-sight of the business affairs of the RPF.

The enormous wealth that the RPF has amassed during its time in government is, for all practical purposes, the personal property of President Kagame; and he treats it as such. The involvement of the RPF in business inside Rwanda has many negative implications. The organization's involvement in business:

- (a) Deprives private enterprises of access to financing, as the RPF compels state owned enterprises which manage substantial financial resources (such Societe Nouvelle

d'Assurance du Rwanda (Sonarwa) and the national social security fund (Caisse Sociale du Rwanda) to finance its investments instead of making their assets available to the wider public;

- (b) Deprives private businesses of equal and non-discriminatory access to business opportunities; the RPF has discriminated in favour of its businesses when privatizing state-owned enterprises such as Cimenterie du Rwanda (Cimerwa) or granting licences for lucrative business operations such as telecommunications (MTN Rwanda), or energy (exploitation of Lake Kivu Methane gas);
- (c) Corrupts the political system, as the state officials who grant licenses, collect taxes, or are responsible for over-sight of different aspects of the economy, are compelled to always put the business interests of the RPF ahead of their obligations to the state and the people of Rwanda;
- (d) Enhances social inequality, as the wealth and job opportunities generated by the business activities of the RPF are accessible to only a few people who are connected to the leadership of the party and government. Within RPF, President Kagame's callous conduct has not allowed him to spend even a small fraction of his massive financial fortune to support the welfare of orphans, widows, and other deserving members of RPF/RPA fallen heroes.

The involvement of the RPF in certain businesses (such as the exploitation of the natural resources of the DRC) is sometimes in violation of international law.

Apart from the vast fortune of the RPF, President Kagame also has unlimited access to the financial resources of the state. President Kagame treats the national treasury like a personal

bank account. The President insists on being paid (in addition to his salary and the large budget for the running of his personal household) a large operational fund (worth tens of thousands of dollars every month, that he does not account for. When travelling, the President takes hard cash of up to \$100,000 on every trip that he again does not account for. Despite the obvious conflict of interest, President Kagame frequently presides over cabinet meetings discussing business transactions between government entities and commercial enterprises belonging to the RPF.

President Kagame has, on occasions, even ordered the direct transfer of government assets to the business entities of the RPF. The President has also, on occasions, sanctioned the illegal transfer of government assets to the RPF, as has been demonstrated by the transfer of Global Express jets that were paid for with government funds to the RPF.

The President has, on occasions, compelled state-owned enterprises to provide him or his family with free services that other citizens would ordinarily pay for. An example of such services was the construction of roads and installation of electricity infrastructure at his Muhazi farm. The President and his family use government assets for personal purposes. The first family uses the luxury jets referred to above for family holidays, taking children to school, or visiting children during the middle of the school semester. The President even shamelessly takes property belonging to other citizens and fails to pay compensation. For example, the land at Muhazi, on which the President has established his farm, belonged to his deceased uncle (the late Kimonyo). The President has taken his uncle's property without the consent of his uncle's family, but has not paid compensation to the uncle's survivors.

President Kagame's image of an austere leader of high integrity is a monstrous deception. Kagame sets very high standards of integrity for most of those who serve under him, but is unwilling to live by the same rules.

Myth 3: Kagame as reforming, unifying leader.

Uninformed observers credit President Kagame with being a reforming, unifying leader. While it is true that Rwanda has undertaken many commendable reforms (in the fields of governance, as well as management of the economy) since the end of the genocide, these reforms do not address the root causes of most fundamental problems of Rwandan society.

The reforms that Rwanda needed most in the aftermath of very violent conflict (including genocide) occasioning intense polarization along the lines of ethnicity, were the establishment of a new basis for the exercise of power, the expansion and deepening of space for the enjoyment of fundamental rights and freedoms, the broadening of popular participation in social, political and economic development and national healing and reconciliation as a foundation for sustainable peace and development. Organisation of political governance in Rwanda can only lead to sustainable peace if it is inclusive in ethnic and political terms, ensures the protection of the minorities, and is based on fundamental human rights and freedoms.

The reforms that Rwanda has undertaken under the leadership of President Kagame do not address the root causes of the Rwandan conflict. President Kagame does not believe in the concepts of democracy, the rule of law, and separation of powers. He does not believe in the power of ideas. Kagame, like all dictators, pays only lip service to democracy, but is unwilling to respect or practice its essential elements. He blatantly flouts all tenets of democratic governance. Kagame also refuses to acknowledge that identity-based conflicts can only be resolved by political compromises that lead to inclusive systems. The President trusts only his use of coercion and repression to achieve his political goals.

The Rwandan state has not reformed; it has become even more dangerous since it is in the hands of a tiny minority that can only rule through repression and terror. As a result of

President Kagame's vehement opposition to genuine political reform, the Rwandan government lacks legitimacy within the Hutu community. The RPF's "natural" constituency of a trusted Tutsi minority is crumbling. President Kagame has become a polarising figure, whose continued leadership is only certain to lead to perpetuate conflict and to lead to new violence (even of genocidal proportions) in years to come.

President Kagame often receives profuse praise for the efficiency of government services in Rwanda. A false perception that Kagame is an efficient and effective leader who is building a meritocratic state has captured the imagination of ill-informed outsiders. The theory that President Kagame must be an exceptional leader because the Rwandan state functions better than most other places in Africa, is a result of prejudice on the part of people who do not expect anything in Africa to be done right.

The fact is that the Rwandan state has been highly effective for centuries. The order and efficiency for which outsiders credit Kagame actually predates his ascent to power. The political and social environment in Rwanda, in fact, constrains productivity and effectiveness. President Kagame has failed to build institutions based on merit and inclusion. Rwanda lost much of its human capital during the genocide. The vast majority of the intelligentsia who survived the war and genocide went into exile and has never returned, largely because of the unfavourable situation for which President Kagame and the RPF bear responsibility. Rwanda continues to experience a severe brain drain, as many educated and experienced people continue to flee the country to escape repression. Most of Kagame's appointments are based on patronage rather than merit. As Kagame has consolidated his control of the machinery of the state, he has become less inclined to recruit on the basis of merit, relying instead on unquestioning and blind loyalty within an ever-narrowing circle. The senior management levels of most state institutions are dominated by the Tutsi minority. A very large number of the people he appoints to senior positions lack basic qualifications or experience for their jobs.

President Kagame is an extremely emotional, unpredictable, abusive and physically violent employer. A fearful or marginalised workforce cannot operate at optimum capacity or be creative. Senior leaders in Rwanda are often paralysed into inaction, fearful of taking decisions before they know what the President's view is. His natural temperament impairs his capacity to govern responsibly. Few of the people that Kagame appoints to senior management and policy positions ever stay in those offices for long. There is a very high turnover in government. The average duration of a minister's stay in office over the last 16 years is less than two years; time not long enough to make any impact. Rwanda is operating far below her potential. An improved political climate would not only ensure sustainability of public services in the long term; it would also lead to better delivery of services in the immediate term.

Other myths and misconceptions

Many other myths and misconceptions about the nature and impact of President Kagame's leadership still abound.

Domestic cronies and foreign supporters of President Kagame assert that President Kagame is solely responsible for Rwanda's impressive economic development; that the President is indispensable to Rwanda's peace, security and development, particularly as only he can command the loyalty of the Rwandan Defence Forces and the support of the international community, and that political reform in Rwanda can only be on Kagame's terms, as his control of the fierce fighting force that the RPA is makes him invincible.

These assertions have no basis in fact. Kagame has had minimal formal education. He had no experience in government prior to becoming part of Rwanda's post-genocide government. Even his military career in Uganda (where he started service in low-level intelligence positions and worked in mid-level administrative jobs prior to joining the RPA, and did not manage high-level

intelligence operations that he would have the world believe was his domain) is often embellished.

In Uganda, Paul Kagame was renowned for high-handedness, irrational and impulsive mistreatment of subordinates, and torture of suspects and famously nick-named 'Pilato' ('Pilate'). At the very least, President Kagame shares credit for the RPA's prowess on the battlefield as well as Rwanda's achievements in reconstruction after the genocide with many other Rwandans who have served at all levels (in the military as well as government) before, during and after the genocide.

Foreigners concerned about Rwanda's future often ask whether there is an alternative (civilian or military) to Kagame's leadership, an alternative leadership that could hold the country together in President Kagame's absence. The answer to that question is simple and obvious: There is. Kagame became the leader of the RPA by accident, following the death of more senior leaders of the organisation during the first weeks of the 1990 war. Kagame proved his worth in leading RPA throughout the war and genocide. However, he has (as a result of his pursuit of absolute and unaccountable power), become a burden to both the RPF and the nation. President Kagame is not indispensable to the RPF either. On the contrary, his continued rule threatens to derail Rwanda from its path to an enduring recovery, healing, reconciliation, development and peace that is critically necessary.

If Kagame can lead the country, in spite of his educational, professional, ethical and political limitations, there are countless other Rwandese who can help lead this country out of the ruin to which it seems destined. The fate of a nation should not be tied to the whims and caprices of one man. President Kagame is neither indispensable nor irreplaceable for Rwanda's stability and development. Neither is he invincible. On the contrary, he is a stumbling block to the transition to democracy and to sustainable peace and stability in Rwanda. He is a polarising

figure whose pursuit of absolute and unaccountable power is driving Rwanda towards certain ruin.

He is also a destabilizing factor in the Great Lakes region. President Kagame's over-sized ego, over-bearing attitude towards DRC's leaders, poor reading of the situation, unrealistic ambitions to control the course of events (and probably resources) of a bigger and mineral-rich neighbouring country, and faulty reading of regional dynamics led to the (unnecessary and disastrous) second Congo war. This second invasion of the DRC was a disastrous gamble that led to the death of millions of innocent people and human suffering on a horrendous scale, including the rape of hundreds of thousands of women and girls. Although the international community eventually exerted sufficient pressure to compel Rwanda to withdraw its forces from Congo, Rwanda has continued to foment conflict in the war in the Congo through proxies. Because the regime is perpetually insecure, as it lacks legitimacy and support from its citizens, it has a belligerent posture and is prone, not only to internal conflict, but to war with its neighbours as well. Because political opposition has limited space for operation inside Rwanda, it tends to organise from outside.

As a result, the Rwandan state is always looking across its borders for scapegoats to domestic troubles. In short, President Kagame is a destabilising factor for both Rwanda and the Great Lakes region. The policies that President Kagame continues to pursue are detrimental to international peace and security.

The dilemma that Rwanda and the region face is not whether they can survive without Kagame at the helm, but whether they can survive inevitable implosion in the event of his continued leadership.

V. Implications of the status of political governance in Rwanda

The instability and violence that Rwanda has experienced for more than a half a century has largely been a result of conflict over unresolved issues relating to governance. Disputes over political representation, political participation, access to resources and respect for fundamental human rights lie at the heart of the conflicts that Rwanda has experienced. On assuming power, the RPF promised not only to restore peace, but to also establish democracy, the rule of law and respect for human rights, and to address the major causes of conflict that had devoured the country for so long.

As explained in the foregoing sections, President Kagame and the RPF have failed to address these issues effectively. Rwanda is at a crossroads once again. The situation in Rwanda is the most repressive it has ever been. Government refused to register opposition political parties for the 2010 presidential elections. Members and leaders of opposition parties continue to suffer persecution, including constant surveillance, arbitrary arrests and imprisonment, torture, prosecution on trumped up charges, enforced disappearances, and even murder. Civil society and human rights organizations in particular, have been silenced. Independent media outlets have been closed and critical journalists have been arrested, imprisoned, killed or forced into exile.

International human rights organizations, like Human Rights Watch and Amnesty International, have been branded biased, their reports dismissed and their representatives have either been thrown out of the country (as was the case with Human Rights Watch) or restricted in their freedom to monitor and report on the human rights situation in the country. The country has been enveloped by a climate of fear and enforced silence.

The outcome of the just concluded Presidential elections was always a foregone conclusion. The elections did not provide any opportunity for citizens to change government. Only political parties that have been co-opted by the RPF (that are participating in the elections for the sole purpose of giving a false impression of a competitive election process and legitimacy) were allowed to participate in the elections. As is the normal practice, the RPF used the resources of the state for its campaigns. The Electoral Commission is presided over, and dominated by, the same RPF members who were used by the RPF to rig the 2003 elections. Rwandans have no opportunity to exercise their rights to political participation. President Kagame, not unexpectedly, easily won re-election. The President and the RPF claim the outcome of the election as popular vindication for his policies and a mandate for his continued rule.

On the contrary, the outcome of this election drives Rwanda closer to inevitable conflict. The superficial peace that Rwanda currently enjoys has been accompanied by a progressive closing down of political space. Kagame justifies this stifling political context by saying that the policies and practices he dictates are necessary measures to maintain stability and to prevent a recurrence of genocide. However, the consolidation of authoritarian rule enhances prospects for violent conflict instead of consolidating peace and stability. By closing off the opportunity for political participation and dismissing calls for a peaceful, negotiated settlement of the Rwandan conflict, President Kagame has created conditions which make violent conflict inevitable in future. In particular, the exclusion of the Hutu in meaningful power-sharing perpetuates perceptions of victimization, which in turn fuels violence.

Deprived of the opportunity for political participation on an equal footing, the Hutu community in particular, and other opponents of the regime in general, may, in years to come, fall prey to the fresh incitement to liberate themselves from Kagame's dictatorship and presumed Tutsi domination by resorting to sectarian violence. More particularly, by refusing to make compromises to open up the political space and to agree to at least share power, the ruling

party once again risks not only losing power by force, but also exposes all Tutsi to the risk of violence, even violence of genocidal proportions, at some indeterminate future time.

Rwanda can only begin to hope for lasting peace when it has devised a political system grounded in the rule of law that allows a “constrained” majority rule (to avoid the tyranny of the ethnic majority), while providing adequate guarantees for the minority. The Rwanda conflict, in effect, really never ended. Rwanda may look peaceful internally, but it is a peace maintained by force of arms. As long as Rwanda is unable to resolve its governance problems, the risk of conflict will remain.

President Kagame’s admirers in the west (observing the situation in Rwanda from the security of their homes and offices, and oblivious to the pressures, pain and terror of life under an oppressive regime) say his approach to governance is a model for other developing countries to follow, especially those emerging from conflict. Experience has shown, however, that respect for fundamental human rights and freedoms, is not only an end in itself but also the only viable basis for sustainable human development. Only free persons can be creative, entrepreneurial and innovative in the social, economic and political domains in a sustainable way. Without freedom of thought and action, Rwanda is trapped in its backward, conflict-prone status.

President Kagame is a very polarizing figure. His policies continue to divide Rwandan society along the lines of ethnicity and to fuel conflict. The likelihood of a recurrence of violent conflict, including even the possibility of genocide, is very high. Rwanda’s failure, to-date, to find a fair and peaceful settlement of the issues that divide its people have grave domestic and international implications.

The chances of violent conflict appear more likely with each passing day. The immediate risk of conflict is that emerging divisions within the RPA could lead to a potentially destabilising

internal attempt to topple President Kagame. The long-term and virtually inevitable danger is that, in the absence of progress towards democratic rule, the marginalised Hutu majority will take up arms and attempt to overthrow what they consider to be Tutsi dominated minority regime, in just the same way that the marginalised Tutsi rose up against the regimes of the past. The overthrow of the present government would, in all likelihood, be preceded by horrendous reprisals by the RPA.

As the Tutsi minority cannot hope to impose their will on the Hutu majority forever, the military victory of a Hutu insurgency could, in turn, conceivably lead to the genocide of the remaining Tutsi population of Rwanda. When Rwanda shall implode, as it inevitably will unless President Kagame changes course, the implosion could have also devastating consequences for Tutsi communities in other countries of the Great Lakes region of Central Africa.

VI. Reflections on a pathway to a peaceful resolution of the Rwanda crisis

The hopes for a democratic, peaceful and stable Rwanda that the overthrow of the rump government that carried out the genocide once inspired, have dissipated. The issues that have previously driven conflict in Rwanda remain unresolved. Rwanda is, by many accounts, again in grave risk of very violent conflict.

Such conflict is not inevitable, but neither is it easily avoidable. Whether Rwanda will again have to endure atrocious conflict or find a way to overcome the forces responsible for intractable conflict and transition to a peaceful, stable democracy will depend on the policies and actions of many players, including President Kagame himself, Rwandan society at large and, indeed, the international community. Rwanda's impending crisis cannot be averted by passive conduct. Positive actions have got to be taken if Rwanda is to avoid a recurrence of the tragedy that the country experienced during the 1990s and before.

We offer the following reflections on some of the steps that may need to be taken to avert a new catastrophe and set Rwanda on a path towards security, peace, democracy, genuine reconciliation, national healing, and sustainable development. The minimum steps that we believe need to be taken to achieve this objective include the following:

- (a) Promoting freedom as the foundation on which to build peace and shared prosperity for all Rwandans;
- (b) Undertaking a genuine, inclusive, unconditional and comprehensive National dialogue on the nature and causes of the country's major problems, and on a compact on the future of the country;
- (c) Establishing a New National Partnership Government to lead Rwanda through the transition to democracy; and
- (d) Engaging the international community including, in particular, Rwanda's neighbors, to support Rwanda's reform agenda.

(a) Promoting freedom as the foundation on which to build peace and shared prosperity for all Rwandans

The process of change that Rwanda needs if it is to avoid another return to violent conflict cannot begin until the current government changes its attitude towards fundamental human rights. The ideas of freedom, justice, peace and prosperity are inter-related. Freedom is the cornerstone of peace and sustainable development. A free society cherishes and upholds justice. Justice nurtures and promotes peace. Peace in turn unleashes the creative potential of a people to pursue self-fulfilment, leading to prosperity. Freedom places choice in our hands to

bring about a positive and shared future. Freedom begins with respect for the most fundamental of human rights.

Long-term peace, stability and sustainable development are not possible in a repressive environment such as the one that currently prevails in Rwanda. Without freedom, Rwanda will be condemned to recurrent violence, physical destruction and the death of innocent people. It is not possible for citizens to engage their government on the need for peaceful political reform while the government remains oblivious to its duty to guarantee respect for fundamental human rights.

The struggle for political change in Rwanda must necessarily begin with new attitudes about human rights, especially the sanctity of human life and integrity of the person. The sanctity of human life and integrity of the person must be placed at the center of the reform agenda. Before Rwanda can seriously embark on the path of political reform that is inevitable if the country is to avoid renewed war and bloodshed, the security services of Rwanda must stop committing egregious human rights abuses, including arbitrary arrests and detentions, torture, politically motivated criminal prosecutions and detentions, extra-judicial killings and enforced disappearances of opponents and critics of the government.

A critical part of the process of enlarging the opportunity for citizens to enjoy freedom involves addressing the question of impunity. There will be no progress towards democracy or sustainable stability until the problem of impunity in Rwandan society is confronted and addressed. There can be no prospects for reform while agents of the state continue to torture, maim and kill opponents and critics of the regime at will. As a prelude to reform, President Kagame's government will have to take steps to end the impunity for human rights violations that members of the security services now enjoy. The government must begin to investigate and prosecute, in good faith, crimes committed by the security services.

As for human rights violations committed before, during, and after the genocide, individuals responsible for the violations against Hutu should be held accountable though not necessarily in a retributive justice way. The one-sided justice championed by Kagame regime is counterproductive in terms of reconciliation between Hutu and Tutsi, and it's a seed for future violence. In this effort to end impunity, the focus should remain an accountability that enhances chances for reconciliation.

Military officers who have in the past committed very grave human rights violations, whom the government is yet unwilling to prosecute, must at the very minimum, in the interim at least, be discharged from the army and security services. Civilian and military courts must begin to provide the remedies, including damages, those victims of human rights abuses are accorded by law.

For reform to have chances of success, the government must allow the people the freedom to express and exchange ideas. Creating conditions that make the exchange and diffusion of ideas is a critical part of the process of expanding freedom. The government must learn to live with divergent views, to tolerate critical voices. Opposition political parties must have the freedom to organise and to hold government accountable. Civil society must be allowed to perform its watch-dog role in monitoring the performance of government. Independent media must be allowed to publish.

If the government cannot bring itself to respect these fundamental rights, prospects for peaceful change are remote.

(b) Undertaking a genuine, inclusive, unconditional and comprehensive national dialogue on the nature and causes of the country's major problems and on a compact on the future of the country

The 1994 war and genocide were brought to an end by the outright military victory of the RPF. As a result of its military victory, the RPF had unfettered discretion in envisioning and in implementing the reconstruction of post-genocide Rwanda. The RPF has rarely consulted other political parties or civil society on major issues relating to planning for the future of the country. The common practice has been for the RPF to make decisions on issues affecting the country and to inform the compliant parties that remain part of the government afterwards. When the RPF has taken the trouble to consult other political parties, it has not seriously taken their views into account. The RPF has not only failed to organise an honest debate about the country's past and future, but it also actively suppresses independent debate about major issues that still divide Rwandan society.

The RPF has sought both to impose its own understanding of the country's history and its vision of Rwanda's future upon the rest of Rwandan society.

The over-riding consideration behind all the decisions that the RPF has made during the time that it has been in control of government has been to protect and entrench its monopoly of political power. As a result, post-genocide Rwanda has not had the benefit of an open, inclusive national debate on the root causes of the political problems that the country has experienced and on strategies for ensuring a peaceful and stable future for the country. As a result of the RPF's unilateralist approach to the reconstruction of Rwanda in the aftermath of war and genocide, and its refusal to sanction an open debate on the country's future, the government's initiatives to promote national reconciliation have largely failed. The country remains deeply divided. The majority of the population feel excluded and marginalised.

Feelings of mutual mistrust and fear continue to fester. The middle-class that run the country prior to the genocide remains in exile. The Hutu majority feel marginalised and excluded. The majority of the Tutsi community is disenchanted as well. For many Rwandans, the path of violent conflict appears to be the only option of making right the injustice, discrimination and abuse that they feel they have been subjected to. Groups committed to the overthrow of the government (and possibly the destruction of the Tutsi community) remain active in the Democratic Republic of Congo. Internally, Rwanda is becoming increasingly unstable, particularly as a result of the evident break-down of cohesion within the RPA, which is evidenced by the defections of former integrated Ex-FAR officers, including General Emmanuel Habyarimana and Col. Balthazar Ndengeyinka and original officers such as Gen. Kayumba Nyamwasa and Col. Patrick Karegeya (among many others), and the imprisonment inside Rwanda of other senior military officers, including General Munyakazi, General Karenzi Karake and General Charles Muhire. The nature of defections and purges that have affected RPA provides an indication that the problems that the RPA faces cuts across the board and do not affect the Hutu or Tutsi in the Military exclusively.

The likelihood that some of the many individuals and groups that are disaffected with the regime may decide to use violent means to overthrow it is very high.

In order to defuse the crisis that Rwanda is facing, it remains very necessary for Rwandan society to have an honest dialogue about the causes of the problems that Rwanda faces and the solutions to those problems. Rwanda cannot move beyond the current quagmire without an honest, inclusive and comprehensive debate on the many issues that drive conflict in the country. Some of the issues that such a dialogue would address (issues on which the RPF does not yet see eye-to-eye with its opponents and critics today) include Rwanda's history; the issue of ethnicity; the nature and causes of the conflicts that Rwandan society has gone through; the state of political governance in Rwanda today; democratisation and apportionment of power

and control of state institutions (especially the military and security services) in a newly democratic Rwanda; strategies for promoting reconciliation and peace-building, protection of the minority from marginalisation, mechanisms to prevent the ‘tyranny of majorities’, exclusion or atrocity in any post-transition political system and Rwanda’s relations with its neighbours.

The RPF has, to date, resisted all calls for dialogue on the problems that confront the country. The organisation opposes such dialogue out of fear that the dialogue could lead to calls for it to share power more fairly with its opponents. Nevertheless, this kind of dialogue remains indispensable as the only way of avoiding violent conflict that appears almost inevitable if the Rwandan government cannot find a solution to the problems relating to political governance that the country faces. National reconciliation and durable stability will remain elusive until Rwandan society can address these issues and reach a consensus about how to deal with them. Hence, there is a compelling need for the organisation of a national dialogue about the issues. The dialogue must be transparent, inclusive and comprehensive. The outcome of the proposed dialogue would be a grand compact or bargain that would set the basis for continuing collaboration in building a free Rwanda.

(c) Establishing a New national Partnership Government to lead Rwanda through a transition to democracy.

The reforms proposed in the foregoing paragraphs could only be implemented by a new government comprising representatives of the current regime and the opposition. The transition to democracy that Rwanda embarked upon at the end of the genocide has failed. The RPF has created a political system which denies the people the right to exercise their right to choose and change government. The country’s laws make it impossible for individuals and organizations other than the RPF to participate meaningfully in politics. Law enforcement, judicial and security institutions are manipulated to suppress the exercise of fundamental

human rights of citizens who are not members of the RPF. The RPF justifies the draconian restrictions on the right to political participation on the grounds that the rules that it has set are necessary to prevent manipulation of ethnicity and recurrence of genocide. The real motive for these restrictions is to insulate the RPF from political competition, and entrench President Kagame's absolute rule.

As a result of the limitations that the RPF imposes on the right of other political forces to organise and advocate their policies freely, Rwanda's government lacks popular legitimacy. The government's lack of legitimacy has implications for peace and stability, particularly since government is not only repressive, but is also perceived as a minority regime that excludes and marginalises the majority of the population, the Hutu community.

The RPF's reluctance to embrace democracy is driven, among other factors, by fears that democratic elections could endanger the Tutsi minority by bringing Hutu extremists to power. It is self-evident, however, that a minority regime cannot impose its will on the majority forever. Rwanda's minority government has the challenge of either negotiating a peaceful, managed transition to democracy or risking an eventual overthrow by violent means. There is a need to devise a consensus democracy that makes safe Hutu, Tutsi and and Twa their respective fears and aspirations.

If Rwanda cannot yet embrace democracy, it can at least begin to practice meaningful sharing of power between and among communities, and between the government and its opponents.

In the aftermath of the genocide, the RPF promised to abide by the power-sharing arrangements that had been agreed upon in the Arusha Peace Agreement. The RPF's experiment with power-sharing was, however, very short-lived. Within a year, opposition politicians had been ousted from government. The trend since has been the consolidation of

the RPF's monopoly of political power. The political parties that participate in the RPF-dominated government do not have any power or influence in government. They are merely tolerated for the purpose of lending legitimacy to the government by giving the appearance of political plurality and competition. As indicated in the section on checks and balances, Rwanda has two parallel governments, one formal and the other informal. The informal branch determines policies and effectively runs the government; the formal branch gives a semblance of normalcy and legitimacy.

In the light of the RPF's antecedents in marginalizing other political forces, dividing and destroying other political parties, and making it difficult for other political organizations to operate freely in Rwanda, it would not be realistic to expect the RPF alone to implement the reforms that Rwanda needs to undertake if it is to avoid change through violent conflict. The only realistic option for peaceful political reform lies in setting up a new interim government (the New National Partnership Government, led by the RPF if necessary) that would be a balanced partnership between the RPF, its opponents and other segments of Rwandan society charged with leading the country during a transition period. The New National Partnership Government would, in particular, have to include leaders whom the Hutu majority consider legitimate as representatives of their community. No meaningful political reforms can take place while the RPF President Kagame and the RPF continue to dominate the Rwandan state in the manner that they do today.

Such a New National Partnership Government would have responsibility for determining the minimum reforms that would have to be implemented immediately to make the process of transition transparent, fair and accountable (including freeing political parties, restoring freedom of the press, permitting the civil society to have independence to perform its proper watch-dog role, disbanding informal security networks that today serve to persecute opponents of the regime, initiating minimum reforms of security sector institutions (RDF, Police, National

Security Service, Prisons, DMI) necessary to permit a credible and fair process of transition, organizing the national dialogue (referred to above); organizing national consultations on a new constitutional framework, organising voluntary return of Rwandan refugee, and organizing genuinely free and fair elections within a specific timeline and agreed framework.

No meaningful reform can take place without a minimum of separation of powers and checks and balances to ensure an even playing field during the transition.

(d) Engaging the international community including, in particular Rwanda's neighbours, to support Rwanda's reform agenda.

Political reform in societies in transition must necessarily be nationally owned and driven to succeed. However, the international community can play a positive role in supporting and promoting political change. Policies of foreign governments and international institutions, in respect of countries going through political transition after violent conflict or authoritarian rule, matter. How the international community relates to the government of a state in transition has implications for the country's human rights practices. Governments in transition after conflict care about the policies of major foreign powers on their human rights practices. The manner in which the international community engages political actors in countries undergoing or recovering from violent conflict involving gross human rights abuses or authoritarian rule sends signals to those actors - signals that either promote greater respect for human rights or encourage continuation of a culture of impunity.

The international community (and, in particular, the governments of the major global powers and economies) could play a useful role in combating impunity for gross human rights violations and promoting greater respect for human rights through their diplomacy and other policies. The silence of international actors on human rights practices of states prone to human rights

abuses, some argue, can lead to complicity.

The international community has a very critical role to play in helping to avert the calamity that is certain to befall Rwanda in the event that a peaceful negotiated settlement of Rwanda's crisis is not reached. Prior to the genocide, members of the Organization of African Unity (OAU) practiced a policy of non-interference in the affairs of sister states that allowed governments to commit gross human rights abuses against their citizens without risk of censure. Human rights problems facing communities in Africa were not an issue of serious concern to governments and institutions outside Africa either. Most governments found it acceptable to conduct business with regimes responsible for atrocities against their own citizens. In this environment, the warning signs of the genocide that was threatening Rwanda were ignored.

The well-documented gross human rights violations that the Habyarimana regime committed against the Tutsi prior to the genocide attracted little outside attention and even less condemnation. Even after the genocide started, few governments expressed concern or regret about it. Hardly any seriously considered doing anything about it. Some governments even continued to have military cooperation with the rump government that was carrying out the genocide and to sell arms to it.

The Rwandan genocide compelled the international community to reflect on its responsibility to confront atrocity and gross human rights violations occurring in situations of violent conflict. Many individual leaders and institutions in the international community re-affirmed the old pledge "never again" to stand by while repressive governments commit atrocities. In practice, little has since changed in how governments continue to deal with regimes that are responsible for gross human rights abuses against their citizens, particularly in Africa. The criminal justice system that the international community has established to bring perpetrators of atrocity to justice is more likely to bring perpetrators of atrocity to justice if they too have been

vanquished in military conflicts. Governments still show little inclination to hold perpetrators of gross human rights abuses to account if they remain in power. President Kagame is a major beneficiary of the weaknesses of the still evolving system of accountability for atrocity and other gross human rights. In spite of President Kagame's human rights record, governments and international institutions are still loath to hold him or his officials accountable.

The choices that foreign governments and international institutions make as to whether or not to support improvements in human rights practices or political governance in general, and in a particular post-conflict setting, may have a strong bearing on whether the society in question stays on an old and familiar path (of unaccountable government, repression and authoritarian rule) or makes a break with the past and opts for genuine democracy, the rule of law and respect for human rights.

The international community has failed to engage President Kagame constructively on issues relating to human rights and governance in general. The failure of the international community to hold President Kagame and his government accountable for gross human rights violations and to demand the lifting of restrictions on the exercise of fundamental freedoms undermines prospects for peaceful political reform in Rwanda.

Rwanda's partners, especially her neighbours, the major world powers, and governments that provide the development assistance on which Rwanda so heavily depends, need to end the attitude of denial and to begin to confront the truth about the shortcomings of Rwanda's leadership and the quality of the country's governance. Governments and international institutions must begin to think long-term, and to put the interests of the people of Rwanda (as opposed to relations with the government and the absolute ruler of the day) first. Governments of democracies, in particular, must rise beyond the guilt shame of their failures over the 1994 genocide and begin to deal with issues relating to Rwanda's governance strategically.

Many in the international community rationalise failure to confront the truth about the grave situation in Rwanda by claiming that President Kagame is an irreplaceable source of stability. On the contrary, President Kagame's policies and actions fuel conflict and instability. By failing to hold President Kagame to account, the international community does a great disservice, rather than help, the people of Rwanda. In failing to engage Rwanda's government on its human rights practices in general, and on its autocratic system of government in general, the international community betrays the same kind of indifference that preceded (and some would argue, encouraged) the genocide and risks being accused again, at some point in future, of complicity for atrocities that ought to have been foreseen and prevented.

Conclusion

President Paul Kagame and the RPF have squandered the opportunity that history presented to the RPF to move Rwanda beyond its history of social polarization, repressive government and endemic conflict. The issues that drive conflict in Rwanda have not been resolved, despite the government's claims to the contrary. Rwanda remains deeply divided, unstable and very vulnerable to violent conflict. President Kagame's disastrous record in government (including responsibility for war crimes and crimes against humanity, suppression of legitimate demands for democracy, gross human rights violations of every kind, including murder against political opponents and critics of his government, utter disregard for the law and judicial institutions, and massive corruption) leaves no doubt that he will go down in history as one of Africa's worst dictators. The short-comings, failures and crimes of Rwanda's previous presidents pale in comparison with excesses for which Paul Kagame has been responsible during his stewardship of the government of Rwanda.

A minority government as repressive and unaccountable as Rwanda's current regime cannot

remain in office forever.

Neither brute force nor the financial and material support of external backers can sustain a government that the people overwhelmingly consider to be illegitimate in power indefinitely.

Change of government in Rwanda is as necessary as it is inevitable. The people of Rwanda have a legitimate right to demand and expect such change. The best hope for enabling Rwanda to avoid inevitable conflict of catastrophic proportions is to promote a peaceful settlement that will recognise the right of the majority to determine their own destiny and to enjoy their fundamental rights, while addressing the concerns (especially for security and the risk of political and economic marginalization) of minorities.

The people of Rwanda, together with rest of the international community, have a moral duty to work to end this repressive system of government. Rwanda is literally again on the brink of an abyss. The consequences of failing to act to reverse the drift toward violent conflict and bloodshed could be as tragic as the events of 1994. In the aftermath of the 1994 genocide, most of the international community made pledges to never again allow atrocious conflict on the scale of what happened in Rwanda then to take place on their watch. The complicity of collusion and silence that contributed to making the 1994 genocide possible ought not to be repeated. The manner in which the international community has engaged the government of Rwanda to date clearly indicates that the lessons that ought to have been drawn from the 1994 genocide have not been learnt.

Change in Rwanda's political situation is inevitable. Realistically, however, change will not come to Rwanda easily or within a short time. The challenge that Rwanda and her partners have is to engineer peaceful transition to inclusive, democratic governance in time to avoid renewed widespread violence and sectarian bloodshed. The process of bringing about that necessary

change can be gradual. The right place to start in bringing about such change is to begin by holding Rwanda's government accountable for the respect of the fundamental freedoms of her people, especially the right to life and integrity of the person, freedoms of expression, and political participation.

The next priority is to ensure that Rwanda changes its laws on political participation to allow alternative voices that are more than a symbolic presence on the political landscape. The international community should engage the government of Rwanda on the need to organise a comprehensive dialogue on the future of the country.

Implementation of the outcome of dialogue could be entrusted to a coalition government that includes the opposition that is currently excluded from political participation. Such an endeavour is not a negation of the dream of creating a new Rwandan identity, devoid of ethnicity. On the contrary, such an effort, based on the realities of our time, seeks to ultimately nurture a new Rwandan identity by weaving freedom into the very fabric of Rwandan society. Freedom, good governance, the rule of law, democracy and shared prosperity become the glue that holds Rwanda's ethnic groups (and other diverse elements) into an enduring nation.

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