

Ethnicity and Arms Proliferation in the Great Lakes Region

Challenges to Peace and Democracy

Nicasius Achu Check

It would be difficult to assume that the Rwandan genocide of 1994 was not predicted and far less difficult to think it could have been prevented. The genocide represents a high point of a diabolic pseudo-Fascist plan by the majority Hutu to establish a mono-ethnic Hutu oligarchy at the expense of the minority Tutsi. This plan began to unfold during the Rwandan revolution of 1959, which provided the Hutu with an opportunity to interrogate the premise of inequality as viewed by colonial anthropologists and administrators. This policy brief examines inter-ethnic relations in colonial and post-colonial Rwanda. It posits that differences in ethnic relations in the country are traceable to politicised ethnicity and concludes by arguing that the proliferation of small arms in the region would make sustainable peace untenable.

Introduction

It is anathema to believe that, because ethnic identities are a social construction, the probability of ethnic rivalry and conflict is always present. The fact that ethnic identities are socially constructed does not in itself explain ethnic violence. Ethnicity is seen as a social construct which divides people into smaller social groups based on a shared sense of group membership, values, behavioural patterns, language, political and economic interests, history and geography. The main thrust in this respect is the fact that,

through the construction of identity and culture, individuals and groups attempt to address the problematics of ethnic boundaries and meaning. In this regard, one can look at ethnicity as a dynamic, constantly evolving property of both an individual identity and the group organisation.¹ Nagel asserts further that ethnicity is a product of actions undertaken by ethnic groups as they shape and reshape their self-definition and culture. Within this realm, the role of outside players in influencing the nature and structure of such approaches is important. As he notes, ethnicity is also constructed by external social

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economic and political processes as they shape and reshape ethnic categories and definitions.²

Within the Rwandan society, Rwanda's myths of origin did more than make the past intelligible; not the least important of their functions was to make the present legitimate in the eyes of both the Hutu and Tutsi. Lemarchand notes that some of these normative issues which characterise the Rwanda myth of creation, have directly and indirectly shaped inter-ethnic relations at the twilight of colonial rule in Rwanda. The normative charter of Tutsi supremacy was: the celestial origins of the Tutsi, the fundamental and natural differences among Tutsi, Hutu and Twa, the superior civilisation that the Tutsi brought to Rwanda, the threat of divine sanctions against those brazen enough to revolt against the monarchy and the notion of divine kingship.³ Several folktales, legends and myths were padded to give credence to the various Tutsi supremacy normative frames. As Lemarchand notes, in time legend became reality and as such provided a powerful moral justification for the premise of inequality.⁴

From this premise, therefore be difficult to assume that the genocide of 1994 was not predicted and far less difficult to think it could have been prevented. The genocide represents a high point of a diabolic pseudo-Fascist plan by the majority Hutu to establish a mono-ethnic Hutu oligarchy at the expense of the minority Tutsi. The unfolding of this plan began with the Rwandan revolution of 1959. This provided the Hutu with an opportunity to interrogate the premise of inequality as viewed by colonial anthropologists and administrators. Though the 1959 revolution was not necessarily to prove this myth, it provided a space in which this myth could be contested and its veracity tested. Since then and until 1994, the Hutu elites had been actively engaged in dispelling this myth and asserting that the Hutus were as capable to lead Rwanda, not just as the majority but also through their leadership and intellectual qualities. In the course of undoing this myth, the Hutu created, consciously or unconsciously, the various scenarios that culminated in the killing of the Tutsis in 1994.

Gregory Stanton opines that all eight stages of genocide: classification, symbolisation, dehumanisation, organisation, polarisation, identification, extermination and denial were omnipresent in Rwanda prior to 1994. To avert the unfolding of the Hutu plan, Tutsi refugees, who had left Rwanda during the 1959 revolution and who were based primarily in Uganda, invaded Rwanda on 1 October 1990 under the banner of the Rwandan Patriotic Front (RPF). President Juvénal Habyarimana and the ruling Mouvement Republicain Nationale

pour la Democratie et le Developpement (MRNDD) consented to a peaceful settlement and in August 1993, the Arusha Accords were signed between the RPF and the MRNDD. Although the accord between the government of Habyarimana and the RPF called for the return of Rwandan refugees and the formation of a transitional government, little effort was made to put this into effect. The non-compliance of the Rwanda government with the accord, especially as it pertained to the return of refugees, was of particular concern to the many observers of the situation in the Great Lakes region and was patently a non-event within the corridors of multilateral institutions such as the UN. This was despite the presence in the country of the United Nations Assistance Mission for Rwanda (UNAMIR), whose task it was to protect the returning refugees and RPF politicians who were to be part of the transitional arrangement. Frequent requests by commanders of the UNAMIR to empower the force and expand its mandate in order to arrest the deteriorating security situation in Rwanda in the first quarter of 1994, were ignored by the UN headquarter in New York.

This lukewarm attitude of the UN towards the unfolding events in Rwanda before 6 April 1994 was incongruous, considering that the Secretary-General's Special Representative for Rwanda, Jacques-Roger Booh-Booh, and several other representatives of international organisations in Kigali had cautioned that some of the violence experienced in Rwanda had been ethnically motivated and directed towards the Tutsi minority.⁵ General Romeo Dallaire, Commander of UNAMIR, observed that the time for political discussion was running out and that information relating to the organisation of death squads and target lists abounded in Rwanda.⁶ On his return from another talk-shop in Tanzania on the situation in Rwanda, both Habyarimana and Burundian President, Cyprien Ntaryimana, were killed as the plane carrying them was shot down while landing at Kigali Airport on 6 April 1994. In the three months that followed this event, more than 800 000 Tutsis were killed in what has been termed the bloodiest 100 days in the annals of African history.

In obvious contrast to the international community's pre-1994 activities, an overview of the social climate in Rwanda today reveals dozens of international organisations working towards the advancement of social justice in the country. The previous attitude had been described by Peter Uvin as voluntary blindness to the politics of prejudice, injustice, exclusion and human rights violations.⁷ After calm was restored by the RPF in mid-July 1994, few could assert with certainty that

13 years later Rwanda would be a beacon of hope and prosperity in the Great Lakes region.

Post-conflict reconciliation, in many respects, goes beyond the cardinal issues of the rule of law, justice, equality and governance. It presupposes the physical reconstruction of destroyed properties and the proper reintegration of displaced persons. Within such parameters, this paper defines post-genocide reconciliation as those initiatives undertaken after the 1994 genocide in order to facilitate harmonious inter-ethnic interaction, capacity-building within institutional entities and the putting in place of sound macro- and micro-economic policies for the effective take-off of the economy. For such initiatives to be sustainable, it is important that the reconciliation and reconstruction effort is locally conceived and led.⁸ This paper attempts to situate these variables within the Rwandan post-genocide reconciliation debate and to investigate the various reconciliatory initiatives that have been undertaken in the country since 1994, and whether such initiatives have succeeded in reconciling the Rwandan people in their quest for a just and equitable country.

Arms Proliferation as an Impediment to Peace and Democracy

At the end of the 1990s, most Great Lakes countries were either experiencing conflict or were recovering from it. A major proportion of the weapons used in the conflict were arms imported illegally into the region and this remains one of the most pressing security challenges in the Great Lakes region and the Horn of Africa.⁹ The conflict in Rwanda, Burundi, Uganda and the Democratic Republic of the Congo (DRC) led to the acquiring and proliferation of more than five million small arms in the region. Though the conflict has subsided, many of these illicit arms are still circulating in the region. Over the past years these have represented a real stumbling block in the adoption and implementation of democratic institutions in the region. The insecurity arising from the proliferation of such arms has had a negative impact in the entrenchment of democratic institutions and effective service delivery in the countries of the Great Lakes region. In the light of the severity of the situation, these countries gathered in Nairobi in 2000 and formed the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (RECSA). RECSA is an institutional framework arising from the Nairobi Declaration to coordinate the joint effort by National Focal Points in Member States to

prevent, combat and eradicate stockpiling and illicit trafficking in small arms and light weapons in the Great Lakes region and Horn of Africa. Though Uganda, Kenya and Burundi have destroyed more than 80 000 small arms since 2005,¹⁰ the figure represents a small fraction of the total number of illicit arms in circulation in the region.

The *Geneva Small Arms Survey* of 2004 showed that there were 30 million small arms and light weapons circulating in sub-Saharan Africa. Seventy-nine per cent of those weapons were in the hands of civilians, 19 per cent were held by the police and the military and an estimated 2 per cent were in the hands of armed groups and insurgents.¹¹ In the DRC, Burundi and Uganda territories abound where effective government services cannot be delivered due to the presence of armed groups operating in the region. This has impacted negatively on the effectiveness of these governments to deliver and to build on the precarious peace that prevails in the region.

Measures to Promote Democratisation and Reconciliation

Countries such as Rwanda have embarked on internal processes in an effort to counter the impact of the rebels operating in eastern DRC. It should, however, be noted that the RPF inherited a 'ghost country' in terms of the fiscus and economic base of the country. With all the economic assets of the country pillaged by the retreating remnants of the Forces Armées Rwandaises (FAR) and the *Interahamwe* (judges), the RPF implemented focused and appropriate policies in order to rebuild the economic fabric of the country. The macro-economic policies employed by the new regime were based on market capitalism with an emphasis on investment budgetary allocation. International markets and investment communities responded favourably to the appointment of Pasteur Bizimungu, a Hutu member of the RPF, as president of the country in July 1994. Bizimungu's appointment went beyond the extension of a hand of friendship to the ethno-nationalist Hutus who had carried out the genocide, but in all respects it pointed to current President Paul Kagame's vision of the blurred distinction between the Hutus and the Tutsis. This is equally exemplified by article 11 of the 19 July 2003 Constitution, which criminalises any inference to ethnicity in Rwanda. Recruitment for the public service has moved from the ethnic- and region-based politics of the pre-1994 dispensation to the attraction and retention of talented Rwandans, based on merit. With the emphasis on education,

the Kagame regime has invested in the training of judges and auxiliary personnel in the legal department. This has accelerated the dispensation of justice to many Rwandans who were affected by the genocide. The Rwandan army is for the main part highly disciplined and corruption within the police force has been reduced to the barest minimum. The rule of law and the observance of the basic principles of human rights is enshrined in the 2003 Constitution. The Constitution allows for a multilingual society with Kinyrwanda, French and English as official languages.

In contrast, in Burundi the task of eradicating illicit arms and small weapons in the country has been hampered by the continued militarisation of the rural areas by the Forces Nationales de Libération (FNL). This is as a result of the failed 2007 Dar es Salaam agreement between the government, the UN and FNL, which specifically called on the FNL to join the government and for the UN to supervise the disarmament and integration of its combatants. FNL President, Agathon Rwassa, was a signatory to the agreement. However, FNL combatants are yet to be demobilised or integrated into the regular Burundi army. Rwassa's resistance disarm is bolstered by the massive stockpile of arms and ammunition at its disposal. The fact that the FNL can orchestrate and sustain terror in rural Burundi, attests to its rural support and to the availability of fire power. If the FNL combatants are not disarmed, it would be difficult for the political elites in Burundi to organise free-and-credible elections.

Ethnic and Gender Relations

The 1994 genocide was premised on a diabolic plan by the Hutu oligarchy to eliminate the Tutsi and to dispel the myth of a Tutsi ethnic superiority. Post-genocide policy formulation has engineered and institutionalised a Rwandan citizenry devoid of regional and ethnic stereotypes. Article 11 of the 2003 Constitution reads:

Discrimination of whatever kind based on, *inter alia*, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.¹²

Evidently, a political will exists to narrow the ethnic and regional gap that existed in Rwanda prior to 1994, as well as creating an atmosphere in which all Rwandans can feel accommodated and

valued. Political parties with a regional or ethnic support base are not allowed to operate and all political parties are obliged to belong to the political party forum. In this forum the general political future of the country and policies pertaining to the reconciliation drive in the country are debated. No political party may make up more than 50 per cent of the Cabinet. Cabinet decisions in the past decades have been based on consensus. The Constitution forbids any recourse to ethnicity in the discharge of private and state services.

The Chamber of Deputies comprises more than 45 per cent female deputies and women make up almost 47 per cent of the Cabinet. The government has demonstrated the importance women play in the reconciliation drive by encouraging them to actively participate in the *gacaca* process, as participants and as *Inyagamuganyo*. The National Unity and Reconciliation Commission has underpinned some of the reconciliation initiatives, especially at grassroots level. It has assisted in bridging the gap between the Hutu and the Tutsis in the rural areas through workshops, theatre and symposia. Amongst other things, special attention is paid to the needs of the youth and the disabled, and significantly, primary education is free and compulsory for Rwandans in public schools. These policies have greatly enhanced the level of reconciliation in the country.

In Burundi, the task is compounded by the division within the ruling party and the lack of representation in the civil service and the army. A far greater majority of the people in the public service are Tutsi, despite the fact that the Hutu form the majority in the country. The same scenario prevails in the army. This *status quo* is against several international engagements, such as the Arusha Peace and Reconciliation Agreement for Burundi of 2000 in which the parties agreed to have a 40 : 60 ratio of Tutsi and Hutu in both the army and the public service. The lack of commitment to carrying out credible reforms has been compounded by the prevalence of small arms and weapons in the countryside. The fact that the FNL is yet to disarm, makes any attempt at reconstructing democratic institutions impossible.

Justice

The entire Rwandan legal system was destroyed during the genocide and in order to respond to the increasing demand for the persecution of genocide perpetrators, the government created the Gacaca Courts (meaning 'on the grass' courts). These courts are community-based, dispute-resolution

tribunals that were employed in pre-colonial Rwanda to deal with minor infractions such as inheritance, civil liability, theft and conjugal matters. Research has shown that *gacaca* was also used in conflicts amounting to criminal offences such as theft and adultery.¹⁵ The 1994 genocide provided little legal options for the new Rwandan government to provide adequate and accepted legal structures for the speedy trial of the more than 130 000 genocide suspects and perpetrators. Under these circumstances, it was suggested that the current legal structures and manpower would not be able to effectively deliver just and acceptable trials within the ambit of the law. The onus was therefore to come up with an alternative legal framework with the view that the mechanism, its structures and workability would be familiar to the Hutu, Tutsi and other components of Rwandan society. The Rwandan government considers the process as a useful mechanism for the administration of popular justice and citizens' participation in the collective governance and in order to fast-track the reconciliation process in the country. The sentencing procedures have a built-in clause which also considers that those affected are properly compensated and reintegrated, and that destroyed properties are restored.

Challenges to Peace in the Region

It has been argued that effective reconciliation is a safeguard against the recurrence of internecine conflict and violence, especially in a conflict-ridden country such as Rwanda. This suggests that attaining unity and reconciliation is a gradual process¹⁴ requiring careful handling and execution and which takes into account the social and cultural sensitivities of the people. Though disarmament, demobilisation and reintegration (DDR) has been a permanent feature of most post-conflict situations, such policy articulations are yet to be formulated and implemented in Rwanda, some 13 years after the genocide. The reluctance of the present government to carry out DDR policies can be understood within the realm of the thinking that Rwanda is technically at war with the Hutu militia, the *Interahamwe* and the ex-FAR who carried out the 1994 genocide and who are holed-up in the forests in eastern DRC. The activities of these groups and the antecedents' insecurity situations which this has on the Rwanda political authority is by far the greatest challenge to the reconciliation process. Because there are high expectations among Rwandan Hutus, especially in the rural areas, that the Hutu militia will one day succeed in

upstaging the present political dispensation, calls for a more restrained approach to this group in the reconciliation efforts of the government.

The insecurity concerns of the government have also necessitated Rwanda's huge security budget over the years. It has been argued invariably that there cannot be genuine reconciliation in a society that is highly militarised. Demilitarisation is a major challenge to the government and it has proved to be a serious threat to reconciliation efforts in the country. Reconciliation and militarisation are strange bedfellows and the situation cannot be claimed to be different within the Rwandan context. The challenge therefore is for the government to reconcile the two variables and make it acceptable to the majority of Rwandans.

Another important challenge to the reconciliation process is the amount of perpetrators who would have to pass through the *gacaca* system and the pace at which the process is presently taking place. During the pilot phase, more than 761 448 people were identified as having facilitated or participated in the genocide. The majority of these were released in 2003 to serve in community projects in their cells of origin. Another 150 000 are still in jail pending their appearance before a Gacaca court judge. By the end of 2007, 5 896 people had appeared before *gacaca* judges. Of this figure, 1 317 have appealed their convictions. The wheels of justice are turning very slowly within the Gacaca courts and they have also hampered the reconciliation process in the country.

Conclusion

The paper argues that the lack of an institutional mechanism to rid the region of small arms and light weapons has made the transition to democracy untenable. No credible democratic institution can function in an atmosphere of insecurity and fear. The continuous militarisation of the eastern DRC by the remnants of the former Rwandan army is a cause for concern. The fact that they could still attack the Congolese and Rwanda armies, reveals the abundance of arms and weapons in their possession. The onus is on the governments in the region to investigate and curtail the source of these weapons. Until this is done, the security of the countries in the Great Lakes region also hangs in the balance.

In Rwanda the government has engaged considerable financial and human resources in order to eradicate the culture of impunity and to facilitate reconciliation between the warring ethnic groups. However, the prospects for a durable peace in the

country remain elusive. The paper notes that the conditions that originally gave rise to the conflict in Rwanda still exist, with killings and reprisal killings witnessed in the Rukumberi Sector in the eastern part of the country continuing unabated. It has been assumed that the local police, many of whom have been presumed to come largely from the Tutsi ethnic group, masterminded the killings. The paper recognises that, while the suffering caused by the genocide was profound and community participation in administering justice laudable, the entire process of reconciliation needs to be focused on the root causes of the genocide, through which a genuine reconciliation process can succeed.

Notes and References

- 1 Nagel, Joane, *Constructing ethnicity: Creating and recreating ethnic identity and culture*, Available at <http://www.jstor.org/pss/3096847> (accessed 27 March 2009).
- 2 Ibid.
- 3 Lemarchand, René, 1999. 'Ethnicity as Myth: The View from Central Africa', *Centre of African Studies, University of Copenhagen, Occasional paper*, p. 6.
- 4 Ibid.
- 5 Melvern, L., 2000. *A People Betrayed: The Role of the West in Rwanda's Genocide*, London: Zed Books, p. 101.
- 6 Ibid.
- 7 Uvin, P., 2001. 'Difficult choices in the post-conflict agenda: The International Community in Rwanda after the Genocide'. *Third World Quarterly* 22(2): 177.
- 8 Edomwonyi, O., 2003. 'Rwanda: The Importance of local ownership of the post-conflict reconstruction process'. *Conflict Trends* 4: 43.
- 9 *Great Lakes countries have until 30 December [year?] to brand arms*. Available at <http://www.afrol.com/articles/30353> (accessed 29 March 2010).
- 10 Ibid.
- 11 *Great Lakes/Horn of Africa: Centre established to combat illicit arms proliferation*. Available at <http://www.globalsecurity.org/military/library/news/2005/06/mil-050624-irin01.htm> (accessed 29 March 2010).
- 12 Article 11 of the 19 July 2003 Rwandan Constitution.
- 13 Tully, Danielle, 'Human Rights Compliance and the Gacaca Jurisdictions in Rwanda', *Boston College International and Comparative Law Review*. Available at http://www.bc.edu/schools/law/lawreviews/meta-elements/journal/bcicl/26_2/09_F (accessed 29 March 2010).
- 14 Kubai, A., 2001. 'Between justice and reconciliation: The survivors of Rwanda'. *Africa Security Review* 16(1): 61.



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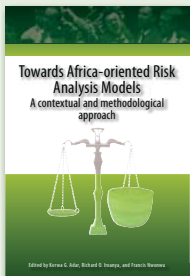
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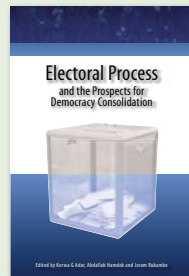
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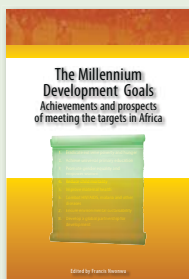
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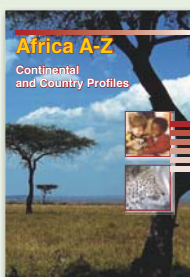
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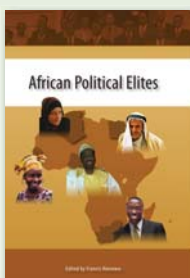
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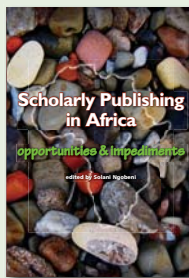
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