

Stopping History from Repeating Itself: The Case of Forcefully Displaced People from Rwanda and the Need for a Durable Solution through Political Means

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The first recorded flux of refugees from Rwanda occurred in 1959. Since that year, various initiatives aimed at finding a sustainable solution to the issue of Rwandan replacement, as well as national unity and social cohesion, including but not limited to rhetoric and policy developed didn't succeed to settle the issues. Currently, we still have many Rwandans in exile and the government is not yet ready to offer a room for inter-rwandans dialogue. Also, implementation of the human rights frameworks as well access to political power in the country are still major challenges to a conducive atmosphere for all the refugees to return and may later on result in further insecurity. This article argues that there is an urgent need for inclusive inter-rwandans talks based on the Arusha agreement model to lay a foundation for political stability. To do so, regional as well as international efforts are required to foster the dialogue that is fundamental for the return of the refugee, durable peace, security and development in Rwanda as well in the Great Lakes Region of Africa.

Key Words: Refugees, ethnicity, ethnic groups, inclusive dialogue, peace agreement, sustainability


Introduction

"It is almost impossible to write on the [a] subject without inadvertently oversimplifying something or angering someone" (AU panel of experts 2000).

Many Rwandans Tutsi¹ were exiled to neighboring countries; mostly in Uganda, the Democratic Republic of Congo (former Zaire), Tanzania and Burundi following a series of violence from 1959. The Rwandan social revolution that began with riots in November 1959², speedily spread violence to Tutsi homes throughout the country, following reports of the murder of a Hutu leader by Tutsi activists. The revolution itself sent more than 300,000³ Tutsi into exile. During this period, Hutu were arguing that their ethnic group was subjugated by the Tutsi minority monarchy and it was time for them to be liberated from oppression. Thereafter, in the 1960s, 1970s and 1980s other massacres occurred in Rwanda, forcing many other Tutsi to join the ranks in exile. Up to 1990, the return of these refugees⁴ was discussed, but the conditions have never been reassuring enough to allow a voluntary and dignified return.

In 1979, the descendants of Rwandan Tutsi in exile who had fled the 1959 atrocities and subsequent repressions regrouped as a political movement and a liberation army known as the Rwandan Alliance for

National Unity (RANU), that was later transformed into the Rwandan Patriotic Front/Army (RPF/A) in 1987, with an expanded mandate. On October 1, 1990, the RPA invaded Rwanda from Uganda. Through pressure from regional powers and the international community, the RPF and the Rwanda Hutu-led government signed an accord on August 3, 1993, in Arusha/Tanzania to end three years of war and lay the foundation for inclusive governance and sustainable peace in Rwanda. The situation was replaced at the starting point by the assassination of President Juvénal Habyarimana of Rwanda and his Burundi counterpart, Cyprien Ntaryamira, on the evening of April 6, 1994⁵. This incident triggered a series of events that resulted with the massacre of more than a half million Tutsi and moderate Hutu, globally referred to as the "Rwandan genocide". As a result, on the one hand, many Hutu fled these atrocities to seek refuge in neighboring countries and, on the other, an RPF victory gave the opportunity for many Tutsi refugees to return to Rwanda.

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Since 1959, a sustainable solution for the Rwandan refugees crisis has never been taken into serious consideration by decision makers at national, regional or international levels. The 1994 RPF victory did not open a new era for inclusive debates to reconcile Rwandans. Instead, with the support from its international partners, on the one hand, the Government of Rwanda backed a peace process that mostly took into account justice for victims of the genocide⁶, the return of part of the refugees (Stromberg, 2006; UN General Assembly (UNGA), 1995, 1-8; UNCHR, 2002, 61-64; 2004; 2006, 101-105) and good governance⁷ (UN Department of economic and social affairs (UNDESA), 2009; Yadav, 2003) and, on the other hand, it developed a high sensitivity to criticism that resulted in violence, sending many other Rwandans, Tutsi as well as Hutu, into exile.

The purpose of this article is to offer an analysis of the ethnic conflict and to outline key issues to take into account in order to resolve the conflict focusing on the historical reality described from Rwanda. I hope to offer at least a partial response to the following question: How can we address the political blockages towards solutions to forced displacement? Using the Rwanda case, I argue that efforts aimed at restoring durable peace for Rwanda should take into account the fact that the Rwandan warring parties, Hutu and Tutsi, have to be pressured to engage themselves in talks and negotiate a peace agreement. As long as this is not done, Rwandan displaced persons⁸ will remain a big threat for Rwanda as well as for the entire Great Lakes Region of Africa (GLR). Reaching an accord in which refugees and their leaders are fully involved is a fundamental political step in laying the foundation for long lasting peace while the materialization of the inked agreement requires a strong monitoring mechanism. In doing so, Rwandan refugees will no longer be forced to go back home but have a safe and dignified return. It is clear that a compromise agreement cannot miraculously resolve all the challenges surrounding the Rwandan refugee issue. Still, we do believe it would provide a starting point for the parties to come back together and get down to the business of rebuilding a republic where Hutu, Tutsi and Twa will identify themselves as full Rwandan nationals (Stalon, 2002).

In the first part of this paper, we will recall key elements that led to the displacement. I will argue that in the history of modern Rwanda, atrocities that forced Rwandan nationals to seek refuge in neighboring countries were a result of weak management of the ethnicity issue and unfair struggle over economic and political power. In the second part, I will discuss the nature of political claims that are constantly used to obstruct the fully voluntary and dignified return of refugees to Rwanda, as well as their peaceful settle-

ment in countries of refuge. Here, I will pinpoint some of the fundamental refugee and human rights that are denied to refugees. This denial of refugee rights has contributed highly to weakening efforts made for a durable solution to the displacement issue. In the last part, I will talk about the need for talks as a critical argument for a sustainable solution. At this juncture, I will raise some of the key elements related to the monitoring of the agreed measures.

Part I. History of the Forced Displacement

The Rwanda social revolution in 1959 is known as an incident that provoked massacres leading to the first displacement. From 1959 to 1962, many Rwandan Tutsi fled violence into exile in neighboring countries. Extreme hatred against Tutsi had been explained by some authors as retaliatory action following oppressive methods used by the Tutsi monarchy against the Hutu population before and during the colonial epoch. Wolfgang Schonecke, a White Father who was based in Rwanda, asserted “we will never understand the Hutu’s murderous rage if we forget the shame and humiliation they were subjected to for so long under the Tutsi-led minority regime who [Tutsi] considered themselves a race of masters” (Bizimana, 2001, 46). However, the first and second republics did not work toward solving differences related issues between the two *Rwandan enemy brothers* (Bamurangirwa, 2003, 174). In this part, I will summarize the historic and theoretical backgrounds of the ethnic issue in Rwanda to show that politicization of ethnicity has transformed it into one of the fundamental political arguments complexifying the issue of returnees in Rwanda.

How Has Ethnicity Been Discussed Theoretically?

Much ink has been spilled to theorize ethnic violence. Stuart J. Kaufman summarizes a few of the approaches showing that the “ancient hatred”, the conflictual modernization and the rational choice models did not offer exhaustive explanatory theory. He therefore proposes one from among social-psychology theory: a symbolic politics model that identifies group myths as a critical justification for hostilities, fears of group extinction and symbolic politics of chauvinistic mobilization (Kaufman, 2006, 30:45-47). Writings on Rwandan ethnicity can be divided in three clusters⁹ (Young, 1976, 1993). The first group of scholars argues that ethnic groups have never existed in Rwanda and what is presently called ethnic group is a fabrication from colonial administration¹⁰. The second group argues that ethnic differences are a Rwandan reality; however what has exacerbated it are

destructive politics during the Hutu-led first and second republics of Rwanda. The last group suggests an integrated and multidisciplinary approach that considers anthropological, economic, political, exogenous as well as endogenous factors in assessing ethnic groups and ethnic-based violence in the Rwanda context.

For the first group of scholars, it is clear that the “encounter between the West and Africa, is a phenomenon which, by bringing together two different cultures, reproduced the old stereotypes, gave them new meaning, and created new ones” (Josias Semujanga 1998, 93). In Rwanda, the names Hutu, Tutsi and Twa according to Semujanga are moral attributes for the triptych *munyarwanda*. The way Europeans conceived African social reality was rooted in the concept of St Augustin’s *providentia* that later on expressed itself in the evidence of social Darwinism (Mudimbe, 1988, 17). Instead of considering ethnicity as the prime social criterion to understand the ethnic violence, Jean Pierre Chretien suggests using it as an epiphenomenon for analysis purposes. This vision can be considered as nationalist in Mamdani’s typology, arguing that no matter the different look between Hutu, Tutsi and Twa, they are “part of a single economic and cultural community. Ergo they are the same” (Mamdani, 2001, 42-75). Therefore, ethnic violence erupted from changes during the colonial period that focused on erosion of the legitimacy of Tutsi because, according to the stratification of the Rwanda community presented in Jacques-Jean Marquet works, Tutsi are born to rule and exploit, while Hutu and Twa are born to obey and to serve (Catharine Newbury 1988, 4; Vidal 1991, 25). The myth of a Rwandan king who, according to the story, is the ancestor of Rwandans, can partly find itself here. It informs us that Gatwa, Gahutu, Gatutsi, (ancestors of the Twa, Hutu and Tutsi respectively), were brothers, sons of the “king Gihanga” (Jean-Claude Desmarais 1977, 151, 1978, 2:71-93; René Lemarchand 1970, 33-43; Braeckman 1994).

The second school is that of the Hamitic and Bantu theory¹¹. On the one hand, it considers that the Tutsi populations emigrated from the foothills of Tibet (Braeckman, 1994, 26) or are of Cushitic origin (Eritrea, Djibouti, and part of Ethiopia) (Prunier, 1997, 27; Sehene 1999, 14-16), from Nubia (Lugan 1997, 28-31). For Jean Ziegler, the political as well as ethnic origin of the BaTutsi (Tutsi) is not clear (J. Ziegler 1979, 54). On the other hand, the theory stipulates that Hutu are Bantu, natives of Rwanda. According to this cluster, the history of the Sahara desertification is a key moment in tracing the migrations of populations within and outside the African continent. A succession of droughts commencing around 4,500 BC pushes northern pastoralists into the GLR

around the $\pm 1,500$ BC. While the Hutu have lived there since the iron age, ie ± 400 BC and ± 200 BC. From this point of view, it is clear that there is a feeling of “native” (Hutu) subjugated by “migrants or foreigners” (Tutsi). Later on, this ‘native’ aspect was exploited by Hutu political leadership to exacerbate hatred against Tutsi. The Hamitic and Bantu vision is the thesis of the school of racial determinism. Proponents of the latter (Belgian anthropologists) built their arguments based on anthropometry and focuses on exogenous factors. In Young’s typology, Hamitic and Bantu vision correspond to instrumentalist orientation because a group of politicians used this thought as a weapon in pursuit of class interest. This shows that the way political leaders handle ethnic differences is fundamental for any positive or negative development between the groups.

The third group is the mixed approach. This cluster takes into account socio-historical, political, economic and anthropological elements to analyze ethnic differences and their corollaries. In the approach, exogenous as well as endogenous factors are equally examined for an inclusive understanding of ethnicity. The mixed approach is multidisciplinary that considers interdependence of causes. For example, in the case of ethnic violence in Rwanda, remote cause is the social stratification -as defined by Marx and Weber- based on the difference between the three ethnic groups and sustained by myths and practices during the pre-colonial period. The proximate cause is the colonial period where dual legacy –customary and civil laws- was introduced to institutionalize and reproduce differences¹². At this point, failure to deeply assess these causes in order to create new legal, political frameworks; to put in place institutions to frame the community development in the process of state creation and maturation, will possible result into cycle of violence. The event that triggered the 1959 revolution and generalized violence against Tutsi is the immediate cause, also known as occasion. One among the scholars who relatively explored this approach is Mamdani. In suggesting political identities analysis, he wrote “I try to create a synthesis between history, geography, and politics. ... By taking seriously the historical backdrop to political events, I hope to historicize both political choices and those who made these choices...” (Mamdani, 2001, 8). I identify with this last cluster.

What is Ethnicity?

The definition of concepts, according to Cahen, does not necessarily change the answer to concrete prob-

lems. Some ethnologists even question the usefulness of the concept "ethnicity" as an analytical one because of its lack of accuracy and explanatory power (Melville, 1983:272). However, I agree with him that the exercise of concept definition is worthwhile. With this aim in mind, I will sketch an overview of different meanings of ethnicity in the Rwandan context that will allow us to conclude that the case of Rwanda defies, in whole or in part, classical definitions.

Ethnicity is a notoriously complex and difficult concept. It is simultaneously imagined and real, a social construction and a powerful basis for mobilisation. Ethnicity can reference identity and community, lineage and myth, passion and interest, and it can be deployed in pejorative, prideful, and analytic ways (Straus 2001:113).

Nowadays, the definition of ethnicity remains ambiguous (Bolaffi et al., 2003: 94); it raises contradictions, sometimes blending race, nation, tribe and people (Scott & Marshall, 2005, 197-198; Akoun et Ansart 1999, 196). According to Guy Hermet and his colleagues, the word was coined by anthropologists to analyze primitive societies then it spread, so poorly mastered, to political science (Hermet and al., 2001, 113-114). Ethnicity, add the authors, is used to confer a given social community, a natural reality beyond political construction. This reality is based on the identification of innate traits, cultural or physical..." similarities which, according to Petterson, members of a society consciously choose to define their basic primary meaning (Bernstein, 1984, 98). Vacher de Lapouge adds that members of an ethnic group share common origins, language, territory, history, and awareness of belonging to a group. For Gilles Ferréol and Guy Jucquois, all these definitions must be nuanced (Ferréol et Jucquois (dir.), 2004).

From this juncture, let us look at how Rwandan semantics have captured ethnic reality. Hutu, Tutsi and Twa are the three human groups that have existed in the Rwandan nomenclature. On the subject of ethnic differences, Sindayigaya writes that in Rwanda as well as Burundi, imprecise terminology resulted in the use of "ubwoko", (pl. *amwooko*) being used for these groups. In Kinyarwanda¹³, *ubwoko* is used to distinguish both human beings as well as animal and vegetable species. Ubwoko may mean ethnic group, clan or race. In Rwanda, Hutu and Tutsi shared the same clans. In other words, argues Sindayigaya (1998), Hutu and Tutsi clans belonged to the Baga, Bazigaba, Bagesera, Babanda or otherwise. In order to distinguish themselves from one another, a Tutsi may, for example, say: I am mubanda mututsi. Nevertheless, states the same author, in Burundi, Hutu and Tutsi have never shared the same clan names. That's why it was easy to distinguish between Hutu and Tutsi in Burundi just by their names. For

Jean-Paul Kimonyo, in Rwanda, clans exist before ethnic identities because clan is a multiethnic entity (Kimonyo, 2003, 46). This is what makes Gamaliel Mbonimana say that inter-clan relationships excluded any reference to what we call today the "ethnic" or "social categories" of Hutu, Tutsi, Twa (Kimonyo, Idem). Marcel d'Hertefelt in his book writes that there were nineteen clans within the three ethnic groups in ancient Rwanda (d'Hertefelt, 1971). Still, Ferdinand Nahimana recalls that the multiethnic character of the clan was at the center of divergent and convergent debates (Nahimana, 1993, 31).

To conclude this first part, I would like to reiterate that my aim was not to analyze the history of Rwanda or the concept of ethnicity. I wanted to summarize some of the key historic thinking that will help us to understand the root of political arguments that hinder a sustainable solution for refugee return and thus constitute serious threat to Rwanda as well as the GLR. In view of the above, I can make the following comments. First is the inoperability of concepts. There are about seven central terms - culture, language, territory, somatic traits, conscience, history, origins - that contain conventional definitions of ethnicity/ethnic group, all of them are lacking since they failed to capture Rwandan reality. It takes the welding of several terms to conform to the Rwanda case. This conceptual vulnerability in mapping the Rwandan case is reinforced, as Richard Kolm noted, by lack of a comprehensive theoretical approach to ethnicity (Kolm, 1974, 59).

Second, the formula of "amwooko" (endogenous formula) which is, according to some specialists of Rwanda, appropriate to refer to the people of ancient Rwanda. Tested during both the 1959 Rwandan revolution as well as the 1994 genocide, the concept collapses. Ubwoko thus remains vulnerable because Rwandans during these events were grouped according to their "ethnic groups" and not according to amwooko. In this perspective (in 1958), a Hutu leader "asked Bishop Peraudin to get rid of "Kalinga" the sacred royal drum, since decorated with testicles of defeated Hutu princes, it could not be a symbol of national unity" (Prunier, 1997, 64; Lemarchand, 1970, 285). Symbols are, according to Kaufman, powerful because they simultaneously refer to an interest and to an emotionally laden myth, often framing a conflict of interest as struggle against hostile, evil or subhuman forces (Kaufman, 2006, 52). However, recalls Ziegler, if the main user of the symbol, its custodian, violates systematically the minimum content of it; abused men will no longer believe in, even adhere to it (Ziegler, 1979, 237).

Furthermore, I think that Ubwoko camouflages practices that have contributed to tarnishing the relationship among Hutu and Tutsi in Rwanda: The pro-

cess which leads to Ubwoko membership; the conflict over land; and a form of social classes.

Hutu and Tutsi can be part to the same Ubwoko via a practice known as *ubuhake*

In ancient Rwanda, the *Ubuha*¹⁴ refers to a system, where cattle breeders (*Shebuja*) granted cattle as usufruct to those who had none (*Mugaragu*) in return for services (Rumiya, 1992, 135-136). In addition to the cow, *Shebuja* must also provide protection for the *Mugaragu* and his family. When all went well, the relationship between the two parties was transmitted from father to son for generations. In some cases, a Hutu can own the cow, therefore, acquisition of several cattle heads allows the Hutu to change status and even change ethnicity. Meaning that, the vassal ceased to belong to himself and to his family to be fully at his protector's disposal. A Hutu who manages to get rich through the phenomenon of "ubuhake" may be accepted as Tutsi. This is called *kwiHutura*. The process of acceptance can be done via two ways. First, the subject may simply change his lifestyle and start living as Tutsi or marry a Tutsi woman. Second, it can be done through a public oath in which the subject declares himself no longer part of his Hutu ethnic (Newbury, 1988; Ziegler, 1979, 69-97).

In the former Rwandan regime, the *ibikingi* (land for grazing which belonged to notables of the monarchy) widened from day to day, as the cattle figure swelled. In contrast, the *ubukonde* (land for farming, owned by farmers) shrank. In this perspective, Mulindwa notes that under customary administration, nobles/chiefs could collect good land for their crops and pastures by pillaging some of its citizens (Kimo-nyo, 2003, 432-487). Or they can despoil someone's land (*kunyaga*) to give more extensive plots to their subjects who are more loyal to them (*kugaba*). According to Mulindwa, the capitalization of the land has always complicated the situation. In this context, Filip Reyntjens argues that monopolization of power in the hands of Tutsi in Rwanda was a crucial element in the structuring of the ethnic divide.

Finally, there is a phenomenon I call triple phagocytosis. First, the dual (Hutu versus Tutsi) has swallowed up the debate on ethnicity in Rwanda; Twa are excluded. In this regard, Christopher C. Taylor recalls, "Indeed, speaking historically, the Twa was the first of Rwanda's three ethnic groups to suffer social exclusion from its other inhabitants" (Taylor, 2004, 354). Second, I note what I see as a form of "*genocization*" of the history of Rwanda. In fact, genocide has almost defined writings of modern Rwanda and, therefore, excludes many other critical issues such as that of refugees and the need for a political consensus. Third, sacred kingship has erased the history of

Hutu and Twa in ancient Rwanda. If there is a history of Rwanda, it is the history of power and that power is monarchical. Those who wrote that history have never had any idea of how devastating this could be. An observer should always be thinking about this.

To this end, we have seen that the history of Rwanda is paved with stories that divided Rwandans and scholars. Beyond theories, it is uncontested that innocent blood was shed and no one knows either the number of liters spilled or the exact number of people killed as an outcome of Rwanda ethnic conflict. Today, we all know undoubtedly that many other Rwandans are living in exile. Others are living in Rwanda and, for many different reasons, they fear for their life.

Which arguments now are used against ideas supporting a durable solution for Rwandan refugees? What initiatives have been taken to sort out the matter? These questions will be discussed in the following part of this essay.

Part II. Hindrance to Sustainable Solution

I agree with those who believe that lack of political will, limited access to information and, to some extent, limited resources, as well as egoism have drastically hampered efforts aimed at resolving the root cause of the instability in Rwanda that has provoked displacement of many in the GLR. In this part, we will look at how the issue of Rwandan refugees has been handled. The part will be divided into two sections. In the first one, I will present how Rwandan political leaders dealt with displacement issues during the pre- and post-genocide periods and in the second, I will review action taken at the regional level toward the Rwandan refugees crisis.

A. Rwandan Republics and the Issue of Refugees

Since independence succeeding Rwandan governments approached the issue of refugees fundamentally differently. As noted in this paper, curiously, political leaders - either Hutu or Tutsi - created a political environment hostile to refugee claims. They have been considered dangerous people and the only way of settling their issue was either naturalization¹⁵ in the host countries or forcing their return by all means. Let us see how this happened, first in Hutu-led and second during Tutsi-led governments and the response from the GLR as well as the East Africa Community.

From Revolution to Habyarimana

On the July 6, 1958, Gitera, a Hutu leader, published a communiqué which read in part:

(...) *Maintenant qu'en session extraordinaire du conseil supérieur du pays, il ressort de l'exposé de Kayijuka et de ses compagnons que les baHutu et les baTutsi n'ont aucun lien de fraternité et que toutes leurs relations ne sont fondées que sur le servage depuis le temps de l'arrivée des baTutsi au Rwanda, servage qui dure encore aujourd'hui. On peut se demander clairement si les baHutu ont encore quelque chose à espérer des baTutsi pour leur émancipation. Il n'y a donc plus qu'une seule chose à faire: c'est de recourir à la puissance tutélaire pour qu'elle solutionne ce différend* (Lugan, 1997, 363).

For Mamdani, it is clear that the spirit of this communiqué characterized the first republic led by Grégoire Kayibanda (July 1st, 1962–July 5th, 1973). The author finds that during that period, policy was designed for the Tutsi to be treated as foreigners. The concept of race was applied to them (Mamdani, 2001, 134-156) and consequently denying them any political rights. However, Filip Reyntjens, assessing the same period, notes that in 1960, the provisional government¹⁶ created the “secrétariat d'État aux réfugiés” to deal with the refugee issue and under the first republic, refugees were repeatedly invited to return and promised to be given assistance for their reintegration (Reyntjens, 1994, 26). Refugees did not respond to these calls but in 1963 and 1966, those who were exiled in Uganda and Burundi attempted to return by force, provoking other massacres and sending more Tutsi into exile. If refugees refused calls for return, I believe, on the one hand, their analysis of the security situation was that the climate was not conducive for their return. On the other hand, they did not trust the merits of the government appeals. These two refugee assumptions were proved through massacres against Tutsi that occurred in 1973.

Failing to fully satisfy people's expectations in terms of accessibility to social services and security, Kayibanda's reign was terminated through a coup d'état orchestrated by General Habyarimana, marking the beginning of the second republic. The putschists introduced themselves to the public as peace and reconciliation makers (Reyntjens, 1994, 26). To correct the historical and first republic's wrongs¹⁷, the government, on the one hand, started by recognizing the Tutsi as an ethnic group and part of the Banyarwanda¹⁸ and, on the other hand, it instigated a quota system¹⁹ in education, in public administration and politic. In doing so, I think the government was trying to forge a solution to a problem as per its own understanding. Referring to this attempt, Mamdani concluded that “if Habyarimana had the political courage to come to grips with the colonial racial legacy; he lacked the political foresight to transcend fully the combined legacy of Rwandan state for-

mation -colonial and pre-colonial- which had crystalized Hutu and Tutsi into binary political identities” (Mamdani, 2001, 142). At the end of the day, Habyarimana's policy of peace and reconciliation was weakened by a *clientelism* regime whereby not only did Tutsi not benefit from it but neither did the Hutu population which was not part of what was known as akazu²⁰.

How did Habyarimana's administration respond to the issue of refugees? It adamantly refused to allow their return, insisting that Rwanda was already too crowded and had too little land, jobs, and food for them (Magnarella, 2002, 26). Also security concerns related to refugee activities were part of the issues evoked by Hutu-led government. On July 26, 1986, the “*Mouvement Républicain National pour la Démocratie et le Développement*”²¹ formalized the government position on the issue of refugees. It argues that the country was ready and willing to welcome back individual refugees who did not involve themselves in military activities against the government, and those who had wealth to sustain their reintegration (Reyntjens, 1994, 26). In response, the government position was rejected by refugees in a meeting they held in Washington in August 1988. They wanted a massive return without any condition. Let us look at the three government arguments: Land, security and the socioeconomic hazards.

Following an assessment of the Rwanda situation, Brian Atwood, a former USAID administrator and special envoy to Rwanda, finds that “pre-crisis Rwanda was the most densely populated country in Africa -roughly 300 inhabitants per square kilometre-; per capita food production was in decline, land was in dispute” (Gross, 1994, UNDP, 2007). In September 1994, Scott Grosse wrote “More People More Trouble: Population Growth and Agricultural Change in Rwanda” in which he conclude:

To summarize the conclusions of our other paper it is a safe judgment that demographic pressure contributed to the mix producing the Rwandan conflagration, but population variables by themselves cannot be held responsible. In a context of severely limited natural resources and domestic markets and an inability to draw upon external markets, population growth resulted in severe problems of subsistence (Grosse 1994, 2).

Although facts confirmed that Rwanda was densely populated, the real concern was whether the situation was so critical that it could not allow the country to accommodate less than a million returnees. Other factors that contributed to worsening the situation, according to Grosse, are individuals' choices as influenced by the political and economic frameworks. Looking at the political situation, the environment was not static. At the beginning of his reign,

Habyarimana brought in some new ideas geared towards reconciliation and correcting past errors. The regime showed some openness through the development of the cooperation at regional and international levels (Reyntjens, 1994:32). But this “positive” development did not last long. Fernand Bézy observed that, in the mid-1980s, Habyarimana’s dream of creating an egalitarian Republic of Rwanda was failed; “a quad-form (military, administrative, commercial and technocratic) middle class was turning to its advantage a significant portion of national income” (Reyntjens, 1994:33).

Economically, from the middle of 1970-80s, Rwanda’s economic record “was impressive” and Mamdani summarized as follow:

By 1987, Rwanda had the lowest debit, the lowest inflation rate, and the highest rate of Gross National Product (GNP) of any country in the region. The share of primary activities –mainly subsistence agriculture- in the GNP had declined from 80% in 1962 to 48% in 1986. At the same time, secondary activities had risen from 8% to 21% and services from 12% to 31%. The rate of mortality was down. Hygiene and medical care indicators were improving. The proportion of children in school had gone up from 49.5% in 1978 to 61.8% in 1986. There had been no political execution since 1982. There were fewer political prisoners than in most of African countries (Mamdani 2001, 144-145).

In 1990, the above remarkable economic record faced, on one hand, the first measures of the International Monetary Fund (IMF) and the World Bank (WB) known as the structural adjustment program (SAP) (Heidhues and Obare, 2011, 55-64) and, on the other hand, the military confrontation with the RPF. These events brought Rwanda to the end of an era that was paved by opportunities and challenges.

Concerning the security, there are two assumptions. First, the massive return of refugees could result in internal tensions for two reasons. Firstly, those Tutsi who lost their goods and specifically land would automatically claim them. Secondly, returnees²² expected to be socially, politically and economically reintegrated. This could possibly destabilize existing equilibrium in government and political systems, and thus generate tensions to the extent of threatening the government legitimacy. The second assumption can be framed as follows: was there enough trust for the Hutu and Tutsi to cohabitate peacefully? In other words, even if the government was in good faith in receiving the returnees, its capacity to efficiently manage a huge caseload was questionable. Weak management of the reintegration process may result to some extent in serious security concerns.

Post-Genocide Era

“With the conclusion of that war and the discovery of the breadth and depth of the Holocaust, many demanded “Never Again.” But our history since has rather been: “Again, again, again, and again.” Rudolph Joseph Rummel.

As all the doors were almost closed for their return, refugees decided to return by force. The attacks launched by the RPF in 1990 ended with the changing of the regime after the parties failed to implement Arusha accords. RPF victory did not only bring back Tutsi refugees but also created another flux of refugees. About 2,300,000 mostly Hutu refugees, fled the country, of which 250,000 went to Burundi, 450,000 to Tanzania and 1,600,000 to the DRC (former Zaïre) (de Montclos, 2000, 7). Using various means, the Kigali regime managed to bring back most of the Hutu refugees. Another group, including - not limited to - Human rights activists, members of civil society, political leaders and military officers, fled Rwanda to seek refuge all over the world. In this and the following section, we are going to look at how the case of these groups was handled.

On July 19, 1994, the RPF established a new government in Kigali led by Pasteur Bizimungu. Due to the outbreak of civil strife in the DRC, first in 1996 and then in subsequent years, many Rwandan refugees in Zaire were killed. Among those who survived, many went back to Rwanda while the rest either mixed with the armed groups or are hiding somewhere in the eastern DR Congo forest. Presently, all of those who did not return are considered as belonging to the Forces Démocratiques de Libération du Rwanda (FDLR) (Conflict Prevention and Peace Forum, 2014). Another group of refugees was scattered and sheltered in Tanzania, Uganda, Kenya, Congo-Brazzaville, Zambia, to name but a few. How Kigali dealt with those who returned and those who did not was both as confusing as much as it was astounding. The Rwanda government reacted to the problem in three different ways. Firstly, it used justice to create, according to the government statement, “a true post-colonial Rwanda and restoring/reinforcing unity and reconciliation, fighting and eradicate the culture of impunity” (Buit, 2011, 96; Ingelaere, 2008, 32) and de facto, facilitate the reintegration process of returnees. Secondly, it fights those who did not repatriate on the grounds they were genocidaire, while in Rwanda, it persecutes alternative voices and closes the political space. Thirdly, it lobbies politically at the regional and international levels (this will be the last point of this part) for refugees to be expelled.

Regarding the judiciary, in a paper written on “The Gacaca courts in Rwanda”, Ingelaere (2008) examines development in the Rwandan judicial system after the genocide as one of the government policies for national reconciliation. Gacaca refers to the traditional conflict resolution mechanism that has been modified and applied to post-genocide Rwanda. In Kinyarwanda the word Gacaca means “justice on the grass”. Aimed at restoring order and social harmony, Gacaca was administered by wise men who were picked through family/lineage. It dealt with minor offenses that did not require an audience before the king or the chiefs who judged major crimes, such as murder. Even when the European Justice System was introduced during colonial times, Gacaca was resilient. After independence, Gacaca was transformed and it became a semi-administrative body, working as “the justice of proximity and a handy access to the justice mechanism to relieve the pressure on the ordinary court system” (Ingelaere, 2008, 34). Complex cases were referred to the higher level: magistrate courts. After independence, the term Gacaca disappeared, but the philosophy of solving problems, starting from the grassroots at the community level, remained. The Gacaca way of handling conflicts is common in many African communities²³.

The Gacaca was brought back in 1995-6 in Rwanda. It is Pasteur Bizimungu who proposed the “modernization and formalization” of Gacaca to handle around 130,000 genocide crime cases. The proposal was debated in 1998-9 and approved. In 2002, a Gacaca pilot project was launched in 751 localities and in 2005, Gacaca courts were operational in 9,013 cells, 1,545 sectors and 1,545 courts of appeal in Rwanda. In total 12,103 Gacaca courts were established countrywide, working under 169,442 local judges –*inyangamugayo*– and were meant to prosecute 818,564 genocide-related suspects (Ingelaere 2008, 41; Human Right Watch (HRW) 2011; Bornkamm, 2012). The new Gacaca aim was to punish genocidaire culprits, release innocents, propose reparations for victims, establish the truth, promote reconciliation between the Hutu and the Tutsi, and to heal a nation torn apart by genocide and civil war (Rettig, 2008, 51:25-26). Apart from the civil society, senior government officers, members of important state institutions, representatives of the army and the police, and members of political parties obedient to the RPF were involved in the Gacaca. On June 18, 2012, Gacaca courts were closed after the completion of trials of a total of 1,958,634 cases of which 1,681,648 were found guilty.

In 2014, a group of scholars published a study “Genocide, Justice, and Rwanda’s Gacaca Courts”, in which they appraised Gacaca. In fact, the authors looked at two aspects. First, the expenses, time and

the number of cases that were tried. Secondly, they examined the nature of sentences in terms of equity and rehabilitation. The authors concluded, “the Gacaca courts represented a powerful response to mass crime and an important element in the struggle to address society-wide tragedy and move forward” (Brehm and al., 2014, 347). However, Ingelaere highlighted some challenges in the Gacaca system. There was feeling that only Hutu were being tried even though there were Tutsi, RPF members, who had also committed genocidal crimes during the period targeted by the Gacaca court (Mubiala, 1996, 498; Howard and al., 1996, 62-63; Des Forges, 1999, 817-837). In fact, there were no Hutu survivors on the Gacaca bench. She further mentioned the skepticism with the reconciliation goal and establishment of the truth evoking harassment of survivors and fear among the Hutu communities for being erroneously accused (Vidal, 2004). That scholar found that truth, as a critical element of the Gacaca, was missing. She concluded almost in the same way as William A. Schabas who stated that it’s too early to judge Gacaca’s results, and adds that we should have the answers within the next few years, whether or not Gacaca was a realistic way of dealing with mass crime (Schabas, 2005, 17).

The second government response was to use military action²⁴ against those who did not repatriate. In October 1996, Rwandan government troops invaded refugee camps in Zaire and forced about 640,000 Hutu to return to Rwanda. Following numerous atrocities against civilians in the eastern DRC by various armed groups on December 5, 2008, Rwanda and the DRC - through their ministers of foreign affairs, Rosemary Museminali and Alexis Thambwe Mwamba respectively- announced an upcoming joint military operation against the most threatening of these groups, named the FDLR. The operation named *Umoja Wetu* (“Our unity” in Swahili) was launched on January 20, 2009 and lasted for 35 days (HRW, 2009, 42). To summarize, the outcome of *Umoja Wetu*, General John Numbi - who co-managed the operation with the Rwandan chief of staff James Kabarebe - declared “the enemy is not completely destroyed but its operational capacities have been severely reduced” (Rwanda, Ministry of Foreign Affairs and Cooperation (MINAFFET), 2010). This statement was the basis on which a second operation, named *Kimia II* (“quiet” in Swahili) was planned and launched in joint collaboration between the Congolese army and the United Nations Mission in Congo (MONUC) on April- 2, 2009. Although the Rwandan government was not involved in *Kimia II*, the HRW observed that many CNPD former members held key positions and Bosco Ntaganda was the deputy commander of the operations (HRW, 2009, 43). The

HRW categorized the result of the operations *Umoja Wetu* and *Kimia II* as “devastating” in terms of human cost. The November 2009 UN Group of Experts final report concluded that “military operations against the FDLR had failed to dismantle the group’s political and military structures on the ground in eastern Congo. The report added that the FDLR had regrouped in a number of locations in the Kivu, recruiting new combatants, continues to benefit from support from some senior commanders in the Congolese army, and has formed alliances with other armed groups in both North and South Kivu” (HRW, 2009, 44).

B. Rwanda and Its Exiled Citizens

On October 3, 2015, in Amsterdam, when addressing the Rwandan diaspora in Europe, president Paul Kagame stated that unlike the philosophy of previous declarations, Rwanda was no longer ‘too small’ to accommodate all of its citizens (MINAFFET, 2015). This message has two objectives: First, to tell Rwandans who are still reluctant to return that their exile is no longer justifiable. They need to repatriate. Second, to highlight Rwandan economic stability because since 1994, the Rwandan GDP has almost tripled, basic services have improved and other important economic sectors, such as internal commerce and tourism have drastically improved. In other words, the state’s economic health is good for the reintegration of returnees.

In line with the above philosophy, Rwandan government has been continuously using political lobby at regional and international levels to have its exiled nationals back home. Internationally, many countries cooperated with Rwanda and, either repatriated Rwandans suspected of genocide crimes or sent them to the ICTR. At the regional level, Rwanda has managed to convince countries that hosted refugees to expel them. In this perspective, the DRC, Tanzania and Burundi governments forcibly repatriated Rwandan refugees with the acquiescence of UNHCR²⁵ (Mubiala, 1996, 504; Ogwang, 2014, 148). These actions contravene refugees’ international legal frameworks²⁶. The principle of *non-refoulement* is a cornerstone of Article 33 of the 1951 Convention. However, the article adds, “a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country” cannot be protected from the expulsion. Furthermore, under article 1 C (5) and (6) of the 1951 Convention, the refugee status may cease under certain conditions, especially if situations that led the concerned person to get the refugee status cease to

exist and, yet the person continues to return in his country of origin. The only way to justify that he is still need the international protection is to present reasonable “fact” showing that the return is a threat for his live. Cessation differs from cancellation of refugee status that “is based on a determination that an individual should not have been recognized as a refugee in the first place”. “Cessation also differs from revocation, which may take place if a refugee subsequently engages in conduct coming within the scope of Article 1F (a) or 1F(c)” (UNHCR, 2003, 2). Chapter II of “*The Statute of the Office of the High Commissioner for Refugees*” in conjunction with Article 1C of the 1951 Convention provides the UNCHR or States the rights of making a formal declaration of general cessation of the status of refugee in very specific conditions such as a situation where a large number of refugees has to be voluntary repatriated (UNHCR, 1950, 7-8).

The UNHCR and States have recognized the need for exhaustive assessment to inform decisions in cases of cessation where refugees have to be repatriated. They also acknowledge that in certain conditions, an ill-designed repatriation may result in destroying the life of a refugee. However, in many cases, decisions to repatriate were taken on political and not humanitarian grounds. In some other situation, refugees were resettled in countries that reintegration mechanisms are weak resulting in volatile condition of families that had been resettled²⁷. A paper written by Lucy Hovil (2010) examines the threat under which Rwandan refugees were living in Nakivale refugee settlement in Uganda, following a tripartite communiqué between Rwanda, Uganda and the UNHCR²⁸. The author suggested, on the one hand, that the fear for being abused in Rwanda, expressed by refugees was justified and, on the other hand, they argued that issuing of deadline for repatriation contravened the fundamental principles of refugee protection legal frameworks (The Fahamu Refugee Programme 2011).

Filip Reyntjens, in papers published in 2004 as well as 2010, has strongly criticized Kagame’s regime for lack of democracy. He shows how dictatorship was architected in Kigali, resulting in defections in RPF-A ranks. Senior RPF officials and RPA officers, including the President of republic Pasteur Bizimungu, resigned²⁹ or/and went into exile³⁰. In the 2010 article Reyntjens argues that Kagame’s regime exploited the international feeling of guilt and manipulated its partners in showing them a decent technocratic government, acting in a piecemeal fashion, hiding its deeply flawed political governance. Analyzing more than twenty human rights, the UN, as well as donor organizations reports, the article shows how Rwanda was aggressively dealing³¹ with exter-

nal and internal critical voices, the strategies it advised to silence them, its assertiveness towards the region and the rest of the world, and its management of information and “truth” (Reyntjens, 2010, 3). Reyntjens accuses the international community for its complicity in allowing the rebuilding of a dictatorship, a new Akazu, under the guise of democracy in Kigali. Presently, the only political parties which are allowed to function in Rwanda are those that are part of the RPF cartel. There are neither civil society movements nor independent media because “the administrative chain of authority – from the office of the President, to the hills – is under control of an omnipresent security apparatus, which shadows the official system” (Reyntjens, 2010, 16).

In the part II of this essay, we have seen that psychosocial effects, resource scarcity and lack of necessary courage to go beyond the temptation of creating an oligarchy were hindrances to settling the refuge issue. These were expressed, on the one hand, in government policies and on the other, in refugees’ actions. The limited respect for the refugee and human rights legal frameworks resulted in sustained insecurity and lack of political will to promote discussions geared toward search for durable solution for displacement. These situations have resulted in a cycle of exile –Tutsi and Hutu.

Part. III. Engaging Rwandans in Talks

“The world will not be destroyed by those who do evil, but by those who look and refuse to act.” Albert Einstein

In this part, I am going to first look at the Arusha agreement and summarize the key elements to draw some lessons from its failure. Secondly, I will attempt to show some of the major challenges facing the instigation of a new peace dialogue and conclude by highlighting some elements that should be taken into account while engaging in the process of engineering a new country after a major ethnic based crisis.

A. Arusha Accords, What Was Wrong?

The Arusha agreement is the most cited document while referring to the peace process in Rwanda. Signed on August 3, 1993 by the Government of Rwanda and the RPF, the Arusha accords were seen as “the most successful resolution to an African conflict in history” (Scorgie, 2004, 68) because it was inclusive and the mediator was believed to be neutral. President Habyarimana and Mr. Kanyarengwe who inked the accords on behalf of the government and the RPF respectively started that signing the agreement was the key and decisive step in the process

towards peace. The signed document consisted of five main elements. *Firstly*, was the issue of refugees: All refugees who had been forced to flee Rwanda from 1959 would be free to return to Rwanda. *Secondly*, the creation of an integrated army: A new army of 19,000 troops, of which the *Forces Armées Rwandaise* (FAR) would constitute 60% and RPA would represent 40%. *Thirdly*, Power-sharing: A broad-based transitional government (BBTG) would be set up within 37 days of the signing of the agreement. The BBTG would include a 70 member Transitional National Assembly (TNA), in which all the political parties will be represented, excluding the *Comité pour la Défense de la République* (CDR) (Mamdani, 2001, 210). *Fourthly*, democratic elections should take place. And lastly, the deployment and presence of neutral international observers to monitor the implementation of the agreement.

Here the question is why an inclusive and well-tailored agreement failed in its main objective of ending the armed conflict, ending the problem of refugees and instituting democratic governance. Scholars have raised some key issues that were ineffectively managed and thus contributed to the failure of implementation. Mamdani concludes that the failure for the Accords was a result of a confluence of three forces: a reckless internal opposition, an irresponsible donor community and the naivety of the RPF (Mamdani 2001, 214). He notes that the first thing was the process itself. For a peace process to be successful, it must include five criteria according to Darby (Clark, 2012, 195), (1) the will for the belligerents to negotiate in good faith, (2) inclusion of the key actors, (3) force must not be used to achieve objectives, (4) negotiation must address the central issues in the dispute, (5) commitment from the mediators to support the process³². Scorgie focuses her analysis on the institutional barriers of the negotiations and the third parties -donor community in Mamdani’s three forces- and concludes that, on the one hand, the opposition part at the negotiation was weak and could not bargain for the win-win deal. On the other hand, she argues that the third part failed to sustain trust and a positive spirit in the implementation phase of the agreement (Scorgie, 2004, 67). Mamdani as well as Scorgie noted that at the negotiation table, the internal delegation/opposition lacked coherence and unified position compared to the RPF. The government side was represented by people from four different political parties receiving order from different centers of command. Furthermore, Mamdani noticed that they did not take into account the balance of power that weakened their position in favor of the RFP camp. In this condition the negotiated agreement appears to be a “win-lose”. Hutu extremists claimed that the opposition has betrayed the

nation. According to Roy J. Lewicki and his colleagues (Scorgie, 2004, 70-7), in negotiation each party expects there will be a “give-and-take” scenario, however if one of the parties refuses to make concessions, the other will feel its interests are not respected.

Another key element was the naivety of the RPF. Mamdani observed that the movement lacked deep understanding of the situation on the ground in Rwanda because they were all refugees; this is why they insisted on the exclusion of the CDR. Although it is still contestable, the exclusion of an actor of CDR caliber, is a fact testifying to the limited understanding of the *spoiler theory* (Stedman 1997, 5-53). Concerning CRD exclusion, Mamdani argues that it makes Arusha agreement a “signed stillborn”. Also, the RPF had been using their military superiority to impose the agenda. In doing so, they demonstrated that if the government refuses to make substantial concessions, they can achieve their objectives through force. The issue of nativity is linked to good faith in negotiation. Warring parties in Rwanda were not negotiating in good faith because when talks were in progress in Arusha, all of them persisted in accumulating arms and did nothing to stop using media to promote hatred (Chrétien (Dir.), 2002). This attitude was not conducive for the peace deal implementation.

For the third party action, it was clear they had a critical role to play before, during and after the negotiation. Third party here includes regional institutions, the African Union (AU), the UN, as well as donor countries and institutions. It is not fair to assert that the third party did nothing for the peace process. First of all, if the accords were signed, it is because they came in from different angles targeting the same goal: PEACE. Some scholars have opposed this view arguing that some of the actors participated in negotiations with hidden agendas, such as protecting their own interest in Rwanda. Among them Bruce Jones mentions France stating that the Quai d’Orsay viewed the English-speaking RPF as a threat to its francophone Africa (Clark, 2012, 190; Hilsun, 2011). Second, they were involved in preliminary work. For example, on October 26, 1990, President Mobutu of Zaire organized the first regional meeting in Gbadolite. Mobutu also managed to bring the two warring parties to the negotiation table where they agreed to sign the first ceasefire at N’sele, Zaire, on March 29, 1991. In June 1992, France hosted a summit where the two warring parties convened to establish terms for the Arusha talks. The United Republic of Tanzania agreed to host the entire process and to ingeniously facilitate the negotiations. Third, when the ceasefire was signed on July 10, 1992, the Organization of African Unity (OAU) agreed to deploy a Neutral Military Observer Group to monitor the cessation of

hostilities. Nevertheless, the third party abandoned the process at the crucial implementation and monitoring phase. Moreover, Romeo Dallaire and Jacques-Roger Booh Booh, the military commander and the Special Representative of the Secretary-General (UNSRSG) for the UNAMIR respectively, have confirmed lack of commitment from the international community and specifically the UN. In its *mea culpa* about the genocide, Booh Booh writes:

«Mon pouvoir et mes moyens étaient faibles pour arrêter les massacres et le génocide. La MINUAR avait un mandat relevant du chapitre VI de la Charte des Nations Unies qui proscrit le recours aux mesures de coercition pour assumer ses responsabilités sur le terrain. J’ai lutté pour une action efficace de la MINUAR [...] Mais, les vrais décideurs en pareilles circonstances sont restés silencieux et ont tourné leur regard ailleurs...» (Booh Booh 2005, 201).

The above statement revealed that decision-makers within the United Nations system and other rich countries had decided to keep quiet and to orient their efforts anywhere else (Bosnia-Yugoslavia conflict). According to Clark, the fundamental reason for the lack of will from the international community was straightforward *realpolitik* (Clark, 2012, 191). Many of the world’s rich countries did not have any strategic interest in poor and landlocked Rwanda. Consequently, first of all, the deployment of peacekeepers did not respect the agreed timetable and second, while specialist on military issues, Gen. Dallaire requested between 2,500 and 5,500 soldiers as peacekeepers to be deployed on the ground, the UN Security Council decided to leave only 450 soldiers (Dallaire 2004, 359; Mamdani, 201, 211). To respond to those who questioned if 5,000 peacekeepers could prevent the killing of 500,000 Rwandans (Seybolt, 1999), Dallaire writes “After nearly a decade of reliving every detail of those days [genocide period], I am still certain that I could have stopped the madness had I been given the means” (Dallaire, 2004, 374). In 1997, an international panel of specialists and practitioners on military issues agreed in a summit held at Georgetown University Washington, D.C that 5,000 peacekeepers could have stopped the initial killing of civilians by the Hutu extremists and, consequently, the RPF would not have had justification to resume fighting. According to the panelists, such action would have helped in the rescuing the Arusha Accords (Feil, 1997, 2).

B. Another accord is needed

We have seen that Arusha Accords were expected to settle the issue of refugees and many others issues. However, the agreement was not given a chance to

test its efficacy on the ground. Nowadays, is it realistic to think about renewed talks between Rwandans to settle the issue of refugees and create a democratic state that all Rwandans dream to live in?

Looking at the four corners of the World, it is easy to understand that talks take place out of the analysis of power balanced among the warring parties³³ and pressure from the third party³⁴. In the Rwandan context, the external opposition that could play a key role in terms of power balance seems to be a disintegrating, scattered force (Rafti, 2004/2005, 95; Kagabo, 2013). Those who are trying, or have tried to do something, have seen their actions remain unfruitful, and the Kigali regime still has the upper hand in any initiative. There are several attempts to unite the opposition but so far none has been successful. Rafti made an analysis of the trends among existing Rwandan political parties- both armed and non-armed - and found that, on the one hand, those in exile are not united and are characterized by mistrust among them and, on the other, the RPF “continues to monopolize power in Kigali, criminalizing, persecuting or co-opting any opposition” (Rafti, 2004/2005, 96; HRW, 2014). On the side of the international community, up to this moment, there is no concrete action towards either strengthening the opposition or forcing the regime into a dialogue³⁵. Reyntjens wrote that the international community bears overwhelming responsibility in cautioning the RPF’s political governance, massive violations of international humanitarian law and human rights (Reyntjens, 2010, 33). However, some states did take concrete, positive steps. The case of the 220,000 refugees from Burundi who arrived in Tanzania during the 1970s (known as the “1972 caseload”) has been offered citizenship as an alternative to repatriation. About 80% of them opted for naturalization (International Refugees Rights Initiative (IRRI), 2009). This kind of initiative should be encouraged and deeply assessed to understand, for example, why after a praiseworthy action, Tanzania decided to apply a secession clause to many other refugees.

In case one of these two conditions is met and Rwandans agree to go for talks and if the dialogue results in an agreement, a strong monitoring mechanism will be crucial for the-omit effective implementation. To be successful, this mechanism should be able to draw some lessons from the Arusha Accords failures. This should include but not be limited to, a clear and strong mandate for the peacekeeping mission that will require unqualified commitment from the third party. The second critical element is the development of strong spoiler management strategies. There have been discussions on whether it was good or not to exclude the CDR from the-omit power sharing. Bruce Jones recalls that it was high risk because,

“it is better to have the headliners inside the tent, pissing out, rather than outside of the tent, pissing in” (Mamdani, 2002, 212). Tanzanian, French and US representatives shared Bruce’s view (Clark, 2012, 193). Third, the will of warring parties to negotiate in good faith is fundamental. An old metaphor says “You can lead a horse to water, but you can’t make it drink”. Currently, the Kigali regime is not willing to talk. Outside, the opposition is calling for unity among themselves without success³⁶. This is a clear indication that our horse is not yet ready to drink. During a dialogue held in Montreal in 2013 between Rwandan political parties and civil society organizations in exile, a young man directed a question to General Kayumba Nyamwasa and Col. Patrick Kalegeya³⁷ “why are you, as military, not willing to join other armed groups³⁸ who are already militarily fighting Kagame and thrust him out?” “Young man,” replied the military generals, “war should be the last option, here we are discussing and consulting.” In other words, we are still trying non-violent means and watch if the horses will willingly drink. The only hope is that Rwandans will agree to sit for dialogue without being pushed to the option of again shedding innocent blood.

Conclusion

It is technically advisable and socially prudent to think about the arrival of a democratic regime in Rwanda. Thus Rwanda and all sincere stakeholders in the GLR can initiate new dialogues geared towards a sustainable peace in Rwanda and the GLR. Do to so, there are several issues that beg for consideration. First of all, Kigali should give due consideration to the issue of ethnic groups instead of clinging to the policy of no ethnic group in Rwanda (Zorbas, 2004, 43).

Second, a new Rwanda should be designed. This new state, if I evoke Durkheim’s formula, should be conceived as a social organ that ensures the establishment of solidarity links between individuals [...]. These links, free from all forms of discrimination, can hold if they are reinforced by the idea of *trust*³⁹ in Lockean philosophy (Boudon 1999, 41-42). In this condition, citizenship becomes a benchmark that harmonizes the relations between people who share it. Yet, a social, economic and political *consensus* is required. That is to say scholars, civil society, regional and political leaders must agree upon building a country whose members define their existence beyond the mythical and simplistic considerations that serve only to paralyze efforts toward sustainable social cohesion and economic development. Albin Michel defines *consensus* as the minimum global

agreement that makes a society and, its members adhere around/recognize the same values, comply with the same standards and prohibiting the use of violence to resolve their conflicts. To this end, a *three-dimensional reconciliation*⁴⁰ can be suggested for the new country design process. The first stage is located at the level of the leadership. Once this stage is completed, the second will be the reconciliation between the leaders and their people. The Hutu scholars, politicians, businessmen and women, and civil society must make their ethnic group understand that ethnic differences are not a justification for hatred and violence and, vice-versa. In other words, it takes what Oberschall calls “social construction” (Oberschall 2007, 230). Once the first two stages are exceeded, it is necessary to ensure that the population is reconciled at grassroots level. Through this stage, different ethnic groups, at the community level, will foster trust and commitment among themselves and develop the capacity for cohesion. The example of Giti commune, in Rwanda, has been cited as a successful case for the-omit community cohesion after the genocide (Nduwayo 2002). At the regional level, there are two other successful experiences that come to my spirit: Burundi and Kenya. Regardless of the current political developments in Burundi⁴¹, the latter was said to be a successful example of national reconciliation and cohesion. As for Kenya, the 2007 election violence divested Kikuyu and the Kalenjin communities (Langat 2015; Lunn, 2012). The leaders, the two former rivals Uhuru Kenyatta and William Ruto, have reconciled and did so with their ethnic groups’ supporters. Regardless of the outcome of the ICC case against the two leaders (current Kenyan present and vice-present), the effort made among their respective communities has been a lesson to other leaders. Strong institutional mechanism may highly contribute to a sustainable peace.

Nkuba’s model can work in an environment where “rule of law” is weak or exists only on paper. That is to say that beyond the traditional considerations of the rule of law, an inclusive social, economic and political structure within a spirit of coercion is necessary in this case. This step is ultimate and essential because it is the one that will strengthen or seal democratic institutions. In an authentic, modern and renewed Rwandan republic, justice will have the confidence of all if it is fair and applied indiscriminately to all. This is not the law of Talion, but simply to “render unto Caesar what is Caesar’s.”

Additionally, policies should focus on consolidation of democratic institutions or institutions of co-governance. At this point, political discourse should be focused on tolerance, equality, protection of minorities and mass education for peace. These principles will help to forge a democratic culture without

rejecting authentic features. Furthermore, Roeder and Rothchild (2005, 41-49), recall that a constructive relationship with the international community is important⁴². In this perspective, regional associations may play an important role in terms of settling refugees in the countries of exile. This can be easy through a strong partnership with donor countries.

Notes

1. In this essay, the terms Tutsi, Hutu, Twa are used as plural and singular. Also, the terms Rwandan or Rwandese refer to Rwanda nationals.
2. Hubert named the revolution by “Rwandans All Saint’s Day”. See Jean-R. Hubert. *La Toussaint rwandaise et sa répression*. Mémoires de l’Académie royale des Sciences d’outre-mer, Classe des Sciences morales et politiques, Nouvelles séries no. 31-2, 1965.
3. There are no agreements among students of Rwandan on questions of numbers. Time after time, conflicting figures are proffered: for the number of those who fled the country during the revolution and independence; the number of people killed in various massacres, including genocide and refugees in the Democratic Republic of Congo after the genocide. No one knows the numbers of killers.
4. ⁴ According to the convention related to the Status of Refugees of 1951; Art. I. A (2), the term refugee is applied to a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national”. (UNHCR 2010, 14; OAU 1969, 2).
5. While coming from a one-day regional summit for heads of state convened by Tanzania’s President, the presidential jet was shot resulting into the killing of the two presidents among other Rwanda and Burundi officials.
6. Under the UNSC Resolution 995, the International Criminal Tribunal for Rwanda (ICTR) was created in November 1994 as an international response to the need for justice to the victims. The 1995’s UNSC Resolution 977 approved Arusha, Tanzania, as the lo-

- cation where the ICTR should be established. In 2001, Kigali, on top of the common trial mechanism, set up a parallel Court known as *Gacaca*, (justice in the grass) a kind of community justice, inspired by Rwandan tradition, where culprits had been tried by the community. Besides *Gacaca*, an idea of creating a *reconciliation village*, with the condition that survivors and perpetrators of the genocide agree to live together peacefully side-by-side, was implemented.
7. President Paul Kagame has also been awarded by the Africa Media for Democracy & Good Governance in 2014 as recognition for his leadership in peace building and reconciliation, development, and advancement of education and of information and communication technologies (ICT).
 8. Here the term refers to refugees who are different from Internal Displaced Persons (IDPs). According to the "Guiding principles on Internal Displacement", IDPs are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or place of habitual residence, in particular as a result of or in order to avoid the effect of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border". (OCHA 2001,1).
 9. Here I was inspired by Crawford Young's typology. In his book, Young presents three trends in the conceptualization of cultural pluralism: Instrumentalist, essentialism/ primordialism and constructivists. The first group states that the ethnic issue had been manipulated by the elites (fortieth ethnic group according to Claudine Vidal 1991, 28-30) for their own, selfish interests. The second sees in the ethnic issue a form of the duty of memory. Young speaks about a long period conflict which is expressed by a strong emotional/psychological burden and has a deep emotional resonance at the individual and community levels. The last group recognizes plurality of factors to explain interethnic conflicts.
 10. ¹⁰ The first was German (1898-1916) and later on, Belgian (1916-1962).
 11. Biblical myth of the three sons Noah: Shem, Ham and Japheth, from which are derived Semitic, Hamitic and Japhethic corroborated this thesis. (The Holy Bible in the book of Genesis, chapter 9, KJV)
 12. For more details on this topic see Mahmood Mamdani. (Oct. 2001). *Beyond Settler and Native as Political Identities: Overcoming the political Legacy of Colonialism. Comparative Studies in Society and History*, 43 (4), 654-657.
 13. Rwanda has three national languages: French, English and Kinyarwanda.
 14. A parallel system known as "Ubukonde" was in force among the cultivators in the North-West of Rwanda. It consisted in renting arable plots of land in exchange for crops: the one who owned more land offered a plot to a client to receive part of his harvests in return. The "Ubuhake" and "Ubukonde" have ceased to exist years ago.
 15. Art. 34 of the 1951 Convention on refugees cover the issue of naturalization.
 16. Led by Grégoire Kayibanda (1960) and by Dominique Mbonyumutwa respectively. (Jan. 28–Oct. 26, 1961).
 17. Mainly, the politic of discrimination, unequal wealth and power sharing.
 18. Refers to Rwandan nationals. Munyarwanda is singular and Banyarwanda the plural.
 19. According to this system, Hutu were receiving over 85% of the places at school while Tutsi between 10 and 15%, and the Twa 1%. In civil service, at regional level, Hutu were getting 90% of the places and Tutsi 10%. Tutsi participation in politics and economy was regulated by an informal quota. Some scholar criticized radically this system calling it by "tropical Nazism". Habyarimana's Rwanda became a single-party dictatorship. He relegated the Tutsi to the private sector. On top of the quota, there were regulation majors prohibiting army Tutsi members from marrying Tutsi. The quota policy was criticized and seen as discriminatory, excluding Tutsi mainly in political business. But for Habyarimana, it was a way of giving to each ethnic group its place in Rwanda. See Mamdani, *ibid.*, p. 140.
 20. The Akazu (little house) was comprised with Habyarimana, his wife, their relatives and others people close to the president, especially from his Northern Rwanda district. They held important appointed positions of authority in the regime. Abdul Ruzibiza was the leader of Akazu.
 21. MRND was the ruling political party of Rwanda from 1975 to 1994 under President Juvénal Habyarimana. From 1975 until 1991, the MRND was the only legal political party in the country. It was dominated by Hutu, particularly from President Habyarimana's home region of Northern Rwanda. In July 1991, in order to conform to the country political development, another D was for democracy to become MRNDD.
 22. Estimations vary among specialists of Rwanda. For Prunier it is between 600,000 and 700,000; Haguma gives the number of 1.5 million; Watson wrote that in 1990, the Banyarwanda formed "slightly over 1.3 million". This summary is from Mamdani, *ibid.*, pp.161-170 and footnotes 2-8 of the chap.6 (pp317-319).
 23. In my field work as humanitarian worker in Chad, I observed that the Zagawa community (eastern Chad and Darfur/Sudan); in South Sudan, Dinkas as well as Nuers, Mauritania and eastern Mali (Touareg, Maures and Arabs); in Cameroon the pastoralism and agriculturalists all of them were having this community problem solving system.
 24. Include backing rebels in DRC. In 1996, Rwanda backed Laurent Kabila's, AFDL rebellion against Mobutu; in 1998, Rwanda backed the Rally for Congolese Democracy (RCD, later referred to as RCD-Goma); in

- 2009 the Laurent Nkunda's National Congress for the Defense of the People (CNDP) and later on the M23 led by Bosco Ntaganda.
25. In 1995, Zaire expelled around 20,000 refugees; in 1996, Tanzania closed its border to 15,000 Rwandan refugees who fled war from Burundi; in 2006, it has expelled approximately 500,000 Rwandan refugees.
 26. See for example: The 1951 Convention and 1967 protocol related to the status of refugees; OAU Refugee Convention of 1969, its art. 5; Uganda's Refugee Act 2006 in its Part II, 6; The International Humanitarian Law and, the Human Rights Convention.
 27. This occurred in the case of refugees who were resettled in Tanzania. Those who managed to leave; they did so to seek international protection in other countries. According to some eyewitness they were victim of aggression from the community where they were resettled. I was working with UMATI (a major Tanzania national NGO) as Community Services General Supervisor in Mkugwa Refugee settlement in Kibondo district/Tanzania when some of these families were travelling.
 28. Joint Communiqué between the governments of Uganda, Rwanda and UNHCR on the Situation of Rwandan Refugees in Uganda on April 22, 2009, stated that that refugee status for Rwandans in Uganda is no longer justifiable or necessary. Furthermore, the deadline of July 2009 was fixed for repatriation which was then extended to 31 August. Another, a new communiqué was signed On May 13, 2010 by the parties confirming the cessation clause. Despite the fact that Human Rights Organizations advocated for *non-refoulement*, in July 2010, Ugandan government expelled around 1,700 Rwandan refugees from Nakivale and Kyaka refugee camps. In Nakivale, Rwandans asylum-seekers were assembled on the pretext that they were to be informed about the results of their asylum claims and as well as being given food. While gathering, with the help from the Ugandan Police, they were driven across the border to Rwanda, where they arrived the following morning (UNHCR, 2010). Two refugees died after jumping off the truck.
 29. To name some of the genuine cases. In August 1995, the Prime Minister Faustin Twagiramungu, Interior Minister Seth Sendashonga and Justice Minister Alphonse Nkubito resigned. The first two persons went to exile, while Nkubito stayed and died in early 1997. On 6 January 2000, the Speaker of the National Assembly, Joseph Sebarenzi resigned, fled to Uganda and later settled in North America. On 23 March, President Pasteur Bizimungu resigned 'for personal reasons'. A year later he was arrested and put in prison. Bosco Rutagengwa, the founder of the genocide survivors' organization Ibuka, found asylum in the United States; RPA Majors Furuma, Mupende, Ntashamaje and Kwikiriza left for Uganda, Belgium and Canada. In September 2000, the leadership of the RPF in USA (including its chairman, Alexandre Kimenyi, and vice chairman, Augustin Kamongi) resigned from the party. Information summarized from Filip Reyntjens 2004 and 2010.
 30. According to the Southern Refugee Legal Action Network, see Fahamu Refugee project, *ibid.*, p. 1, there are more than 129,000 Rwandan refugees in at least 72 countries. The top five countries of exile are: the DRC with about 80,500, Uganda with 15,700 (13,000 according to Alexander Betts and all, "Refugee Economies: Rethinking Popular Assumptions", *the Humanitarian Innovation Project*, (University of Oxford), June 2014, p7. <http://www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf>, accessed on March 22, 2015), the Republic of Congo with 7,100, Zambia with 5,100, and Kenya with 2,500.
 31. For example, 38 internal NGOs were expelled in 1995; scholars and journalists were declared *persona non grata* by the regime because they criticized human rights violations (Gerard Prunier in 1997; Alison Des Forges (HRW) in 2008; Stephen Smith (Liberation) on Nov. 28, 1996; Christian Jennings (Reuters), Feb. 1997; Carla Del Pont (former ICTR persecutor) mandate was not renewed in 2003—following the Rwanda government lobby to the UNSC— because she planned to extend the persecution to RPF officials; the World Bank expert were expelled in 2005 while conducting data on determinant of the poverty and obliged to destroy collected data because Rwanda accuses them of collecting information containing *genocide ideology* through their community participatory approach. Summarized from Filip Reyntjens 2004 and 2010, *ibid.*
 32. Francis Diana identifies six keys elements of conflict resolution: (1) conflict analysis and conflict dynamic, (2) need theory, (3) dialogue, negotiation and the role of third parties, (4) the importance of constituencies, (5) recovery after violence and (6) peace-building and peace maintenance; prevention of new round of violence. Francis, Diana, *People, peace, and power: conflict transformation in action*, Pluto Press, 2002.
 33. History has proved that this pass mainly through military confrontation (Angola, Zaire, CAR, Mali, Burundi, etc.) especially in developing countries.
 34. ³⁴ It may be done through embargo, freezing of wealth or direct military intervention in the concerned country.
 35. However, some members of the international community have advocated for dialogue between Rwandans. For example, recently, Tanzania, Belgium, Japan and the Sant'Egidio religious community.
 36. That was the main objective for the Brussels' meeting called by Faustin Twagiramungu. See, RFI, «Rwanda: l'opposition en exil se réunit à Bruxelles», available at <http://www.rfi.fr/afrique/20140228-rwanda->

- opposition-reunit-bruxelles-faustin-twagiramungu, (Accessed on April 15, 2015)
37. Patrick Karegeya was murdered in Johannesburg on January 1, 2014 in his hotel room. Nyamwasa narrowly escaped an assassination on June 19, 2010 in Johannesburg but was seriously wounded. These two events are believed to be backed up by the government of Rwanda. See Gabriel Gatehouse, "Patrick Karegeya: Mysterious death of a Rwandan exile" BBC News, 26 March 2014. Available at <http://www.bbc.com/news/world-africa-26752838>, (Accessed on April 15, 2015); HRW (January 28, 2014), *ibid.*, p. 10-11 and 14-15.
 38. Besides FDLR, Rafti (2004, *Ibid.* p.97-98), identifies another armed movement named R-FDLR-Urunana (Ralliement des Forces Démocratiques de Libération du Rwanda), created in September 2005 and led by Augustin Kamongi and Célestin Rwigema; president and vice-president respectively. The movement claims to have formed an army -the *Armée Nationale (AN)* - and member who has infiltrate the FRP/A. It also claims to have soldiers in Congo-Brazzaville, the DRC, Tanzania, Uganda and Zimbabwe. The R-FDLR asserts that the AN is not yet in a position of fighting but protects Rwandans in the interior and in neighboring countries and will serve as a pressure tool on the government to succumb to the negotiating table.
 39. The concept of trust refers to two ideas: trust someone and be trustworthy. First, it is necessary that the person decides to trust others and in the second, the presence of behaviors that encourage the decision to trust.
 40. This design was first proposed in Desire S. Nkuba (2008) "L'ethnicité au Rwanda: Sources, Exacerbation et Conséquences Sociales", article not edited. Other scholars have proposed other models. For example Ndamage offers a model based on the justice. For him trail of criminal irrespective may bring the sense of honor and trust pertinent to a state where the Role of law exists. It is in this way that an inter-Rwandan dialogue and the Arusha agreements can have meaning. See Ndamage *Rwanda: autoréconciliation and citizens' rights: a political-cultural dialectic*, L'Harmattan, 2005, p. 285-290. Sehene, in Benjamin Sehene, *Le piège ethnique*. Paris Dagorno, 1999, p. 214 suggests the elaboration of a new development and societal project that can respond to the aspirations of the people and fundamental needs of Africa. The project should focus on fighting drought (environment protection), poverty, disease, ignorance and illiteracy. But the author is showing certain skepticism about Hutu and Tutsi living together due to the fact that the sense of victimhood among Tutsi is great. However he goes too far and suggests creation of an African Federation through economic integration along the lines of the European Union. In a divided society, Arend Lijphart suggested a parliamentary system rather than presidential system. Donald Horowitz proposes the integrative approach that seeks to manage conflict through use of incentives to promote interethnic cooperation in parties and electoral campaign. Timothy Sisk introduces a middle approach "coalescent" that suggests inclusive ethnic group coalition between the governments and legislatures. (Roeder Philip G.; Rothchild Donald, *Sustainable peace: power and democracy after civil wars*, Cornell University Press, 2005, p. 32-35).
 41. The president's decision to contest for more than two terms is unconstitutional. President Pierre Nkurunziza decision can be seen as an outcome of "individuals' choice" (see, Grosse, *Ibid*). Since the killing, on October 21, 1993, of the first Hutu president, Melchior Ndadaye, democratically elected on July 10, 1993 (swearing on ceremony), Burundians chose to keep alive their accords and brought the country to a new era. It was difficult but not impossible.
 42. In a situation where power has to be shared among warring parties, Roeder and Rothchild identify seven conditions that can favor success. First, ability for the warring parties to fulfil their commitment in the contract/Accords. Second, a culture of accommodation must prevail. It means the presence of trans-societal bargaining culture. Third, sincere commitment should also be present. Forth, state strength, this refers to an effective and legitimate government and administrative bureaucracy. Fifth, economic prosperity and equality, this allows elites cartel to limit conflicts over redistributive issues that might otherwise exacerbate divisions among ethnic groups. Sixth, stable demography, it means that, the group whose population will grow speedily may demand adjustment in power-sharing reflecting their population. Seventh, a constructive relationship with the international community is important. The role of international actors/partners is fundamental to sustain institutions in a power-sharing system.

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