

WAKE UP! SOME PERSONAL REFLECTIONS AND POLICY PROPOSALS

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In Feb. 2003, I wrote a short analysis of the then draft Constitution, analyzing its likely impact on dynamics of democratization and conflict in Rwanda. The current paper seeks to build on the previous one, adding some further analysis and clarifying the policy proposals I had only sketched in the previous paper. I wrote this paper out of my own initiative, as a modest contribution to ongoing debates within Rwanda. It engages only me, and my limited knowledge of Rwanda.

Democratization and beyond

As predicted, what Rwanda is currently going through is not a process of democratization as much as a formal election painted on top of an increasingly totalitarian state. The closing off of all political space, the maintenance of a climate of fear, the intimidations and disappearances of potentially critical voices, the banning of the sole opposition party with some possible popular grounding, the attacks on key civil society organizations and the further muzzling of the press –all point to the undeniable fact that there is, in 2003, no free choice in Rwanda. As a matter of fact, this year of so-called democratization has seen an actual reduction in political space.

Little can be done about that now. The suspension of funding for the rest of the electoral process might have a higher political cost than the (meager?) symbolic benefits it produces. However, it must be communicated to all the channels of power that a) the international community, whatever its internal disagreements on many things, is not cheated by the show that is currently unfolding; and b) it will seek to engage with the government in a strategy of serious political and social change in the upcoming years. It must be clear to all that the international community will refuse to merely continue the status quo.

That said, I believe that full-blown multi-party democracy is not the answer to Rwanda's problems. None of the economic, social, and political circumstances that have historically constituted the foundation upon which democratic practices slowly emerge elsewhere in the world exist in current Rwanda. There exists no major, well-understood popular demand for multi-party elections. Those in power fear that truly free elections will mean an immediate end to the regime (and victory of any Hutu candidate), which they consider tantamount to suicide. Every time in the past elections were held in Rwanda, they led to deeply divisive politics and major violence. No wonder those in power seek to control the entire so-called electoral process from beginning to end... Such understanding on my part is not the same, however, as abandoning any vision of social and political change. It just means we need to understand where Rwanda comes from, to better reflect on how to move forwards with it.

However, among those critical of current trends in Rwanda, there exists a worrying Manichean vision of Rwanda in which all that is government is bad, and all that is society is good. A mirror version of this is that only those people or organizations that are highly confrontational to government are worthy of the appellation of "civil society." Both are dangerous simplifications. The problems of Rwanda are deeply present in the non-state sphere as well: authoritarianism, distrust, clientelism, and social exclusion (including the ideology that allowed the genocide to

happen) all exist within civil society as well; they are not the sole preserve of the government. That does not make government policies any better; it just makes the notion that somehow thwarting, or replacing, the current government is the solution a lot less realistic or promising. Similarly, there is more to Rwandan civil society than only those groups that strongly oppose government policy. It is possible to be partly, or even largely, in agreement with government policy, and yet to be in civil society –as many organizations do.

All of that said, let it be clear: the indefinite continuation of the status-quo is not an option. It is hurtful to many Rwandans, ethically unacceptable to the international community, and in the end threatening even to the current powers-that-be. The necessary change cannot be imposed, but must be made together with Rwandans and by Rwandans. The international community must obligatorily move beyond its current set of policies, which essentially end up maintaining the status quo, whether intentionally or not. Here are some proposals for key changes.

Rule of law

It seems to me that the key issue, the one matter everyone who cares about Rwanda should privilege, is to dramatically improve the rule of law at the level of daily life. There need to be instances of control of and redress for the many small and large abuses of power, instances of corruption and the like that Rwandans suffer from. Rwanda can be a non-multi-party country, but at least it should be one in which the rule of law increasingly prevails, where redress exists for ordinary citizens, where institutions function in objective and predictable ways. The international community could take the lead in bringing together people from different walks of life and trying to reflect with them on the different dimensions of, and paths to, rule of law. Creative thinking is required here: honestly assessing current constraints in Rwanda, learning from other countries, seeking successful experiences in Rwanda.

Moving forwards on rule of law is in part a matter of the judicial sector –and hence the judicial reform currently underway is important, as is protection of the Supreme Court—but it can also take many other forms: the creation of ombudsmen, whistle-blowers, and other administrative and social mechanisms that multiply channels of information and redress; the mobilization of grassroots and citizen power in favor of certain rights; the certainty that international aid actors will speak out loudly against violations and will extend support to local actors opposing these violations; the example given by senior politicians who demonstrate through their own behavior their respect for the rule of law, and their expectation that others do so as well.

Improved rule of law is probably the socio-political change with the highest pay-off for Rwanda's future.

→ for donors, *all* projects will work much better

→ it strengthens the potential for economic growth (one of things that set “developmental states” apart from mere dictatorships is rule of law. Rwanda has great potential to move in that direction.)

→ it creates the capacity for Rwanda's citizens to work and think together, to shape a different future. Rwandans currently live in a world where too often the will of the strongest prevails, where planning is impossible, where institutions behave erratically. No wonder they continue to take recourse in authoritarian tendencies, the safety of ethnicist explanations, or clientelist networks.

→ eventually, even when the day comes that the current people in power will lose that power –and that day will come—rule of law may make it easier for them to do so, for they may feel more secure (so it benefits those with power too)

The international community has been motivated in part by such a vision, as represented in its good governance work and the PRSP/MTEF type of work. Both of these are informed by a vision of a competent, efficient, predictable, and transparent state --a notion similar to rule of law. This work is to be lauded. It suffers from three limitations, however:

- it is focused too much only on the institutions of the state in isolation of (civil) society
- it has a limited understanding of peculiar Rwandan factors such as the authoritarianism that prevails in both the state and society, the deep distrust, the very limited local capacity, etc.
- it focuses mainly on economics and economic policy, neglecting social and political dimensions

As a result, there currently exists a disjuncture between a state superstructure that at the top level displays parts of a “developmental state” model (with competent, well-trained, hard-working and well-paid people producing quality documents in an atmosphere of growing predictability and good data), and the rest of life, where, at the lower reaches of state-society relations as well as intra-society relations, clientelism, arbitrariness, fear, and distrust prevail. As the large majority of the international community has not the faintest idea what really happens in Rwanda outside of the top level of the state, it is likely that this disjuncture will only continue to grow. Creative thinking about how to change this is urgently needed.

Civil society

Foreigners cannot and shall not try to solve Rwanda’s problems. It is only from within Rwandan society --and more specifically, the relations between civil society in all its diversity and creativity and government-- that the sources of social, economic, and political change can come. For the international community this implies two things: working on creating space for civil society to live and grow in (a move from above), and supporting those mechanisms and organizations that act as embryo’s of civil society (move from below).

As to the former: clear battle lines are currently drawn at the level of the two major critical and visible human rights organizations, LIPRODHOR and LDGL. It is important to protect them -- not because they are the only good or engaged people in town, or the most democratic, representative, and well-managed ones, but because of the chilling effect their disappearance would have on all other organizations. But it must be very clear that this matter is emphatically *not* about them only. Civil society in Rwanda is about much more than a few human rights organizations, important as they may be. Behind them and besides them there are many other organizations of civil society that may not be so well-connected to a very vocal international pressure group (the international human rights community) but that are equally important to Rwanda’s future, composed of committed people, and in possession of a vision of change. An exclusive focus on a few human rights organizations may be even counter-productive, for it antagonizes people against them, distracts from their own weaknesses (thus making them more vulnerable to eventual implosion from within), and allows the destruction of civil society else-where to continue, outside of the spotlight directed only to human rights organizations.

One easy way to move forwards on the “space for civil society” issue is to hold the government more accountable to live by its own laws –a remark that is in line with my focus on rule of law. Rwanda’s current laws are not foreigners’ principles or desires (on the contrary: they were quite contested by many foreigners). They were written by government, voted in parliament, and they stand as expressions of the desires of Rwanda’s current political system. The international community can insist, without being accused of interventionism and divisionism, that the government ought to follow its own laws and apply them.

As an aside, this sort of contractual approach should find an immediate test in what is currently happening with the gacaca process. New regulation makes it illegal to take any picture or write down any word during gacaca proceedings. This makes it impossible to monitor or research the gacaca proceedings, for there is no way people can sit there for hours and simply remember the hundreds of names and facts by heart. Yet, three years ago, when the gacaca policy was first floated, the government assured loud and clear that everyone who wanted to monitor gacaca was welcome to do so. This climate of transparency was one of the key factors that gave the international community sufficient confidence to invest massively in this risky but fascinating undertaking. The gacaca contract has now been deliberately and clearly broken. The response should be immediate: a full freeze of all support to gacaca. This is not to force the government into copying western justice systems, but simply to hold it accountable to its own promises.

Beyond that, there are positive, non-confrontational, ways of supporting civil society from below. Donors can increase their investment in existing civil society organizations and especially in their capacity to learn, to network, to manage themselves democratically and transparently. They can also invest in programs that seek to promote collective action, such as the current Ubudehe process, *if* it is well executed.

The exercise of counter-power

The international community is currently the only potential counter-power in current Rwanda, but it does not fulfill that function. Small, un-coordinated projects for good governance, elections, and the like, risk all being little more than marginal and symbolical. Occasional disjointed and informal pressures without much follow-up make little difference. I understand those who feel ill at ease making strong judgments in a society living with the trauma of genocide, whose psychological and political consequences we as outsiders can hardly begin to fathom. More generally, I am always wary of outsiders pretending to know what’s good for a country, forcing their own idealized version of home onto other places, short-circuiting local dynamics of learning and change. Yet, I still strongly believe that change in the international community’s behavior in Rwanda is necessary. This must be done in ways that are respectful of Rwandans’ own assessments and aims (which, by necessity and by principle, includes those people in government, but also those outside), principled and yet politically astute, minimally interventionist, as non-humiliating as possible, and coordinated. All of that is evidently exceedingly hard to do, but it needs to be done. If not, the international community is just repeating its performance of ten years ago.

In the immediate term, two key bottom lines need to be conveyed: the disappearances have to stop, and a broader space for civil society needs to be allowed. The deadline for the disappearances should be immediately, while the “space for civil society” matter should be about clear trends within a reasonable time period. I discussed the latter already, and will focus on the former here.

Regarding the disappearances/murders, a much stronger and more forceful approach is needed than has prevailed until now. After making as sure as possible that there is major reason to assume that a certain disappearance/murder has occurred, the international community should immediately and forcefully demand an explanation and an investigation (as required by international law), with a clear and short-term deadline. In the absence of a satisfactory response, clear sanctions should occur. One could imagine \$5 million reductions in development or military aid, spread out over a number of donors, per person; or newer forms of targeted financial sanctions (travel bans, account freezes, etc.). This may be done in the relative privacy preferred by diplomats: it need not be done through major public humiliation. It should be done in a graduated manner; there is no reason to cut *all* aid, drop *all* programs, end all conversations. One can even continue working cooperatively with the Rwandan government for the rest. It is not all or nothing. It must be clear, however, that cold-blooded political murder is an unacceptable strategy which carries consequences, for the international community refuses to be complicit to this. This policy has to be a joint one. I easily understand that donors have different assessments of the situation in Rwanda and of the paths to move ahead, but it must be possible for all of them to agree that cold-blooded murder is truly unacceptable, and to act forcefully on this principle. Some like-minded ambassadors should be able to take a lead on this; other countries can participate passively, if they want.

As can be seen, the issues are all linked, and flow into each other. The most short-term issue (also the one that draws most on a confrontational register) relates to the disappearances. A much more forceful practice should begin right away. Clear messages should be sent, and action, if necessary coercive, should be taken within reasonable but fast periods. Not all relations with Rwanda should be reduced to this, but it must move much higher, much more forcefully, on the agenda. Immediate progress on this clearly is one major factor that can help the second, slightly less short-term, issue to move forwards: the creation of more space for civil society. Here, the international community begins moving away from a confrontational approach. Partly it can simply insist on the application of Rwanda's own laws. Partly it can continue conversations with many people and provide on-project and long-term support to civil society organizations. Serious progress on this matter moves us into the truly medium and long-term challenges Rwanda faces, and foremost the creation of rule of law. If daily impunity, exclusion, and structural violence continue to prevail in Rwanda, then continued distrust, division, and authoritarianism will be its fate as well.

The donor representatives and ambassadors who are currently in Kigali must make headway on these matters *now*. Soon, aid to Rwanda will in all likelihood begin declining. Most people in Kigali already struggle with headquarters that are much more critical if not outright hostile to the regime in place than they are; their position will weaken further as critical human rights keep on pouring in, as a sense of disappointment about the elections sets in, as anger about the regime's continued involvement in the DRC grows. On top of that, events in other parts of the world will draw attention even more away from Rwanda. Before it is too late, while we still have the money and the attention to make some difference, I think we ought to try to use it –not because we are always right or we know what to do, but because the continuation of the status quo, and our strong involvement in it, is unacceptable. We owe it to Rwandans to do better than we did before, and I am afraid we are currently failing.