

# Disarmament and reconciliation Rwanda's concerns

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As Rwanda continues to focus on the need for peace building and reconstruction in the country, the issue of disarmament has remained highly sensitive. However the Rwandan government has increased its engagement on small arms control issues, becoming an active participant in Eastern African regional efforts through the Nairobi Declaration on Small Arms. For good reason highest priority has been placed on reconciliation efforts, with the establishment of the National Unity and Reconciliation Commission (NURC) whose main aim is eradicating the devastating consequences of the policies of discrimination and exclusion that characterised the successive repressive regimes of Rwanda.<sup>1</sup> More recently, however the government has also started to address the role of small arms in the country. On 14 April, 6,000 weapons were destroyed by the Rwandan government in its first-ever weapons destruction initiative as part of its commitment to control small arms through the Nairobi Declaration on Small Arms.

A great deal has been written elsewhere about the causes, major players and consequences of the factors underlying the conflict in Rwanda and which led to the outbreak of genocide in 1994. However it could be argued that not enough attention has been given to understanding how a million lives could so easily disappear in a period of one hundred days.

The main aim of this paper is to try and bring to the fore the complexities behind the conflict in Rwanda with a focus on the need to link disarmament to the entire post-conflict confidence building and reconciliation process now underway. The paper first assesses the impact of the 1994 genocide and then reviews the various post conflict approaches currently being implemented in Rwanda. It concludes by proposing that there is a need to make these structures compatible with disarmament as prevention against possible recurrence of the conflict. The basic questions are: What triggered the massive quest for

weapons used in the genocide? What is Rwandan society doing today to prevent a recurrence of a similar situation? The research is based on fieldwork and interviews by the author during visits to Rwanda in 2004.

## Background to the Conflict

There is no unanimous agreement between historians and Rwandans on the political history of Rwanda.<sup>2</sup> The Rwandan society has commonly been considered as consisting of three groups, Hutu (84%), Tutsi (15%), and Twa (1%). This is in line with the general consensus that while historically Hutus were numerically stronger, Tutsis formed the governing class. In 1959, after three years of inter-ethnic war, Hutu forces drove the Tutsi king into exile and in 1961 declared Rwanda a republic, having gained independence from Belgium. A Hutu dominated government assumed power under the leadership of Grégoire Kayibanda. Kayibanda's party, MDR-PARMEHUTU (Rwandese Democratic Movement/ Party of the Movement and of Hutu Emancipation) with a regional base in Gitarama-Ruhengeri area, equated demography to democracy by claiming "to restore the country to its owners" and inviting the Tutsis to return "to Abyssinia."<sup>3</sup> The ensuing ethnic confrontation led to massive killings and displacements.

In 1962 many Tutsis left the country for neighbouring states where they regrouped and mounted a counter insurgency against Hutus in 1963. Between 1956 and 1965, 105,000 people are estimated to have been killed in ongoing Hutu/Tutsi conflict.<sup>4</sup> Inter-Hutu strife also developed, with Hutu counter-elites who were dissatisfied with the authoritarian leadership and insecurity under Kayibanda backing a bloodless coup by the head of the army, Major General Juvenal Habyarimana, in 1973. Habyarimana dissolved the National Assembly, abolished all autonomous political activity and reinforced the state ideology of

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Hutu dominance, establishing a one-party state under the control of the National Revolutionary Movement for Development (MRND).<sup>5</sup>

Mass killings of Tutsis continued throughout the 1980s and Tutsis continued to be excluded from leadership positions.<sup>6</sup> Habyarimana's party dominated the national elections in 1978, 1983 and 1988. In 1990, the Rwandan Patriotic Front (RPF), made up largely of Tutsi refugees and their descendants who had fled earlier outbreaks of violence, invaded Rwanda from Uganda. They demanded democracy and the right of return for refugees.

Earlier, in 1988, the Tutsi military in Burundi had carried out a massacre of Hutus in that country; 20,000 are estimated to have died. As a result the Rwandan Hutu population was swelled by thousands of Burundi Hutu refugees.<sup>7</sup> In 1992 a peace accord was signed, providing for a transitional government made up of Habyarimana's MNRD, the RPF, and a number of Rwandan opposition parties. The United Nations Mission in Rwanda (UNAMIR) was deployed to monitor the peace. Regional states encouraged President Habyarimana to agree to a new power-sharing settlement, which he signed in Arusha, Tanzania in April 1994. As he flew back to Kigali on 6 April, his plane was shot down, signalling the beginning of the genocide. Roadblocks were quickly erected and the perpetration of genocide against Tutsis and moderate Hutus began. Most of these massacres were carried out by *Interahamwe* (an MNRD militia dominated by Hutus) and the Rwandan Armed Forces (FAR). Up to one million people died in four months before the RPF took control of the country. United Nations forces in Rwanda were pulled out as the killings began. Two million Hutus are said to have fled to the Democratic Republic of the Congo (DRC), Burundi, Uganda and Tanzania.

Huge camps were set up for the refugees and members of the Hutu *Interahamwe* took control of them; they warned refugees against returning home, where they risked death, and recruited many to form new militias, hindering the work of humanitarian aid workers who could not separate those involved in the massacres from true refugees.<sup>8</sup> This angered the Tutsi-led Rwandan government, who wanted to bring the guilty to trial. They forcibly closed the camps for internally displaced persons (IDPs) between October 1994 and May 1995, having killed thousands of civilians.<sup>9</sup> In a report, *Deadlock in the Rwandan refugee crisis: virtual standstill on repatriation*, Doctors without Borders reported that at the end of 1994, the Rwandan government declared that the IDP camps in southern Rwanda, believed to

harbour Hutu militia, must be closed. By April 1995, an estimated 250,000 out of the original 380,000 displaced remained in the camps. Operation Retour, agreed between the Rwandan government, UNAMIR and the UN Rwanda Emergency Office (UNREO), failed to convince the vast majority of the displaced to return voluntarily to their home communes. On 22 April 1995, thousands of displaced in Kibeho were massacred by the Rwandan Patriotic Army (RPA) during the forced closure of the camp as UNAMIR failed to protect the victims.<sup>10</sup>

### Ethnicity: A Study

The conflict in Rwanda, just as in neighbouring Burundi, has largely been blamed on ethnic strife between Hutu and Tutsi. Without delving into historical theoretical approaches to Hutu/Tutsi conflict, it is necessary to bring out the existing link between ethnicity and conflict. Such understanding, while helping in trying to explain some of the reasons why two communities that have lived together for generations may arm against each other, will also help in elucidating why a particular ethnic group may seek to arm itself in order to eliminate a competing group, regardless of other similarities in their coexistence. Research in ethnic conflicts notes that there are four basic types of politically active groups coexisting within modern states, namely ethnonationalists, indigenous peoples, ethnoclasses and communal contenders. According to proponents of this classification, ethnonationalists and indigenous peoples form a category of people who once led a separate political existence and want independence or autonomy from the states that rule them today. Palestinians and the Kurds are classified as ethnonationalists.

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Indigenous peoples' concerns on the other hand normally consist of protecting their traditional land, resources and culture within existing states. According to Harff and Robert, native Americans fall under this classification, while groups such as African-Americans fall under the ethnoclass category.<sup>11</sup> According to the authors, the latter are characterised by their wish to break out of the social and economic niches of former slavery into which they were segregated by the dominant society. Communal contenders, on the other hand are said to be people forming culturally distinct groups that compete for a share of political power. The writers conclusively distinguish ethnoclasses and communal contenders when they state that while the former live in stratified societies in which ethnic groups are in a hierarchical or ranked relationship to each other, the latter belong to members of segmented societies in which roughly equal ethnic and religious groups compete for economic and political power.<sup>12</sup>



Harff and Robert point out that the above distinction in the four types of groups is not rigid because the status of ethnic groups and the strategies of their leaders can change over time. For instance an ethnoclass may gain enough power and self-confidence that its leaders shift from just seeking equal rights for its members to demanding collective participation in government. A number of African-American leaders in the United States have moved in this direction. It is also true that the categories of ethnonationalists, indigenous peoples, communal contenders and ethnoclasses do not provide a holistic classification of politically active communal groups, particularly in Burundi and Rwanda where all three groups (Hutu, Tutsi and Twa) speak the same language and appear to be closely related ethnically and culturally. Harff and Robert refer to the situation in Rwanda and Burundi as a dominant minorities situation where culturally distinct ruling minorities have used the powers of the state to maintain political and economic advantages over subordinate majorities. Tutsi domination of Hutu in Rwanda and Burundi and the domination of black South Africans by Afrikaners prior to 1993 are said to be examples of such practice.

Before 1926 the Hutu/Tutsi distinctions were fluid in Rwanda, whereby prosperous Hutus (peasants) could become Tutsis, while poor Tutsis suffered reduced status by becoming Hutus. In 1926, the colonial power, Belgium, decided to classify the population of Rwanda as either Hutu or Tutsi, with those owning more than ten cows being Tutsis and the rest Hutu, with no possibility of movement between the two groups. Consequently, a Belgian practice was imposed whereby all citizens were issued with national identity cards with an entry for tribe.<sup>13</sup>

It is important to appreciate that the history of Hutu-Tutsi conflict remains highly contentious, with various approaches being suggested. It is arguably true that talking of obliterating the ideology of ethnicity within Rwanda is as impossible as imagining that there is any single African country composed of only one ethnic group. However, not every African country is faced by ethnic strife on the Hutu/Tutsi magnitude.

Different research findings provide various postulations on the origin of the conflict in Rwanda and Burundi. In a publication entitled *A Strategic Conflict Analysis for the Great Lakes Region*<sup>14</sup> the Swedish international Development Agency identifies multiple reasons for the conflict. These include the high population density and the small size of the two countries, migration of communities from Rwanda and Burundi to the less densely populated and more economically positioned regions of the DRC, Tanzania and Uganda, mystification, manipulation

and politicisation of myth identities through rumours, stereotyping and construction of imagined reality by elites, extreme poverty and marginalisation,<sup>15</sup> the history of political monopoly (dictatorship), physical exclusion and physical elimination (genocide) and large scale refugee flows in the region creating an environment conducive to the easy proliferation of arms and mobilisation of militias that continue to destabilise the region.

Vidal cautions that it is important to note that the terms “hutu” and “tutsi” were largely constructed social categories representing differing socio-economic positions within the Rwandan society, rather than objective biological, ethnic or cultural categories.<sup>16</sup> Most experts agree that when speaking about Rwanda, what we are dealing with are not tribes (nor ethnic groups) but status groups whose categorisation was reinforced by the occupational differences between the Tutsi pastoralists and the Hutu agriculturalists, a situation that was complicated further by the process of societal transformation from one of relative harmony to one of entrenched hatred that took place over a period of only two generations.<sup>17</sup>

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### Ethnicity, Politics and Armament

The events preceding the genocide, the genocide itself, the consequences of the genocide and the post-genocide reconstruction mark the current Rwanda. Maintaining peace, promoting development and progress and enjoying better life are the expectations of all countries of the world, irrespective of their history or geography. African countries have been experiencing spirals of conflict in varying degrees and intensity even before independence.

The Ethiopian civil war that started in the early 1960s culminated in the cessation of Eritrea in the 1990s while in West Africa the Biafran State of Nigeria fought the federal government in vain to secede in the 1960s.<sup>18</sup>

Many intra-African wars have been referred to as civil wars. According to Henderson<sup>19</sup> civil war is a major, sustained, violent conflict between military forces of a state and insurgent forces composed mainly of residents of the state. On the other hand, Graham and Newnham<sup>20</sup> view civil war as protracted internal violence aimed at securing control of the political and legal apparatus of a state. In this regard Graham and Newnham classify civil wars into three types: those arising because of attempts to end colonialism; those resulting from the desire to break away from a state; and those resulting from the desire of separated states to achieve reunion. Irrespective of the classification of civil war, the underlying prognosis is the incipient



arming of the parties involved at the onset of the conflict. In the case of the Rwandan genocide, this took place long before the actual outbreak of the genocide. The arming, however, could not have been inadvertent, no less so than the orchestration of the genocide.

### Justice without Disarmament?

If weapons (of any kind) had not been sold to Rwanda during the period leading up to the genocide, a calamity of the magnitude of the genocide would not have taken place.<sup>21</sup> It is evident given the ferocity of armed conflicts in recent times that the trade in small arms and light weapons (SALW) – both licit and illicit – to Africa surged at the end of the 1980s. This contrasts with the trade in larger calibre conventional weapons in Africa, which, according to most statistics, continues to decline in demand value. Both trends reflect the high demand for SALW in regional conflicts. Most observers agree that these arms have never before been so easily obtainable.<sup>22</sup> In the case of Rwanda, these weapons were readily available when the demand arose. Writing about the arming of the genocide, Goose and Smyth point out that:

“... An arms race was under way. More than a dozen nations helped fuel the Rwandan war, and both sides appear to have purchased considerable weaponry through private sources on the open market. By its own admission, the Rwanda government bankrupted its economy to pay for those weapons. Former Warsaw Pact countries appear to have supplied both sides, seeing opportunity in Rwanda less than one year after the Berlin Wall fell. It remains unclear how long it took ex-Warsaw Pact equipment to reach Rwanda ...”<sup>23</sup>

After the genocide the first and immediate challenge for the people of Rwanda was the need for reconciliation and reconstruction. The new government of national unity sought to create mechanisms to try over 100,000 detainees suspected of participating in the genocide. By 1998, having experienced little success with formal trials, as well as other models of truth and reconciliation adapted from other parts of the world, the government set upon amending the traditional dispute resolution mechanism, known as *gacaca*, in an attempt to achieve both justice and reconciliation.<sup>24</sup> The new *gacaca* system, a blend of the traditional Rwandan justice system and conventional courts was set up by the government in 2001 and is made up of 11,000 jurisdictions, each with 19 elected judges. The judges received training in 2002 before the courts began to function. An interview with a trained *gacaca* elder now serving as a judge explained that *gacaca* is a community-based dispute resolution approach,

traditionally practiced throughout Rwanda, where in the pre-colonial period, prior to bringing a civil dispute before the king (*Mwami*), individuals had to bring the dispute before the community first. In instances of serious crimes, such as conflicts between hierarchical chiefs and homicide, the cases were not brought to *gacaca* first, but rather were taken directly to the *Mwami*. In *gacaca* proceedings, respected community figures served as judges.<sup>25</sup>

According to the respondent in this interview, the name *gacaca* is derived from the word for ‘lawn’, referring to the fact that members of the *gacaca* sit on the grass when attending to matters before them.

The genocide law passed in 1996 by the government of national unity classifies genocide suspects into four categories:

- I. Planners, organisers and leaders of the genocide; those who acted in a position of authority; well-known murderers and people who committed rape and sexual torture.
- II. People guilty of voluntary homicide, who participated or who were complicit in voluntary homicide or acts against people that resulted in death, and who inflicted wounds with intent to kill or committed other serious violent acts that did not result in death.
- III. People who committed violent acts without intent to kill.
- IV. People who committed crimes against property.

The *gacaca* courts have jurisdiction over all but the highest category of the genocide suspects, those in Category 1. Suspects falling in this category are those accused of having led or organised the genocide or having abused positions of authority, or who committed acts of particular ferocity, including acts of sexual violence during the genocide. Such cases are decided before the national tribunal.

Traditionally, cases brought before *gacaca* considered disputes around inheritance, civil liability, failure to repay loans, theft, conjugal matters and in certain instances in conflicts resulting in minor criminal offences, such as theft. The judgement in these situations resulted in a civil settlement, such as compensation for the damage incurred, rather than imprisonment. Such sanctions were meant to serve two objectives. Firstly, it allowed the accused to better appreciate the gravity of the damage that he or she caused and secondly, the sanction allowed the accused to reintegrate into the local community.<sup>26</sup>

In the case of the genocide trials, *gacaca* tribunals were conceived as a system of participatory justice with

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four aims, namely to know the truth, to accelerate the genocide trials, to eradicate the culture of impunity and to reconcile Rwandans and strengthen their unity. Based on its traditional perspective, *gacaca* does not, therefore espouse recovery of tools or weapons used by perpetrators during the genocide, neither does it aim at unearthing the sources of the weapons used.

Reconciliation, the main concern of all Rwandans, is facilitated by several institutions at different levels, including through primary schools and at the university.<sup>27</sup> However, in the background is the risk of undermining the accountability of the reconciliation. There are examples of trauma being reactivated, with deepening distrust and suspicion among people. This was expressed by an educator when he stated: "... what would you expect when nothing has been done to retrieve the very weapons – machetes, grenades and guns – that were flooded all over in the course of the genocide and which still remain in the hands of the killers? No one has dared retrieve them and no one is even mentioning them during *gacaca*."<sup>28</sup>

Fear and suspicion remain in Rwandan society. Even at the onset of the first *gacaca* trials, which started in early 2005 after their trial phase,<sup>29</sup> it is apparent that more confidence building measures are required to rebuild lasting stability and security among communities. It is difficult to fathom the feelings and reactions among Rwandans, but there are those in the populace who are deeply traumatised and find it difficult to discuss their loss. Many are still afraid that the current peace will fail and that the country will again descend into violence. This apprehension often manifests itself during *gacaca* sessions, as revealed in a research report on *gacaca*. The report cites that:

"In short, a growing lack of interest has been observed on the part of the population (with the notable exception of many survivors) in this stage of the process; this has also been demonstrated by the fact that many participants no longer speak out during the meetings."<sup>30</sup>

The report goes on to say that most of the people present, and the survivors in particular, are often shocked to hear the kind of confessions expressed, often with aggressiveness and without the slightest sign of emotion. In one of the prison confessions, a prisoner revealed that: "...Yes I had already cut off their limbs but the man was adamantly resistant so I shot him in the head then threw the grenade into the house...but it doesn't affect me anymore after I drunk the herbs. I am fine now. I buried my pistol in a polythene bag behind my house."<sup>31</sup>

One of the challenges in the operational framework of *gacaca* is the failure to link the reconciliation process to disarmament, which comprises an essential component of post-conflict reconstruction. Louise Fréchette, the United Nations Deputy Secretary-General points out that disarmament, followed by demobilisation and reintegration (DDR), has been a feature of many peace agreements, and provides immediate post-conflict stability, encourages parties to work for the peaceful restoration of their societies, and is a crucial step towards sustainable peace.<sup>32</sup> In the same vein Fréchette comments on the importance of the rule of law in peace building, emphasising that:

"Restoring the judicial system is a high priority in many post-conflict situations. Competent judges and police officers, as well as functional court and prison systems, are essential to maintain order and restore a sense of security in a country."<sup>33</sup>

But why has a disarmament process of both civilians and ex-combatants within Rwanda not been a component of peace building in Rwanda in the aftermath of the genocide? Two major reasons can be considered.

Disarmament has been a feature of many peace agreements and provides immediate post-conflict stability.

Firstly is the complex challenge of disarming the non-Congolese armed groups, the largest of which are the forces associated with the former Rwandan Army (ex-FAR) and *Interahamwe* militias that carried out the 1994 Rwandan genocide and whom Rwanda blames for destabilising its territory from bases in the eastern DRC. In light of this situation Rwanda remains focused on the disarmament of the ex-FAR and *Interahamwe* militia.

In an address to regional foreign ministers gathered Kigali in February 2005 to review efforts to improve peace and security in the region, including combating the proliferation and circulation of SALW, border security, disarmament of combatants and defence and security cooperation for the countries in the region, the Rwandan president called for the accelerated disarmament of Hutu rebels operating in the DRC, emphasising they were the root cause of a cycle of wars in Africa's Great Lakes region.<sup>34</sup> Rwanda's current policy on disarmament therefore tends to focus more on external armed threats. It follows then that internal disarmament, including that of the civilians, is viewed as a secondary concern. President Kagame underscored this when he said:

"Our challenge has been how to wipe out the ideology of genocide and how to deal with the perpetrators of the genocide. Failure to deal with this issue has led to widespread insecurity, and in the past has even led to wars."<sup>35</sup>

There is also a continued feeling that since the genocide in 1994, the response of the international community to the problem of the armed groups has been of negligence, tolerating the rearmament of the ex-FAR and *Interahamwe* in the DRC refugee camps, necessitating the consequent military interventions of the Rwandan, Ugandan and Burundian governments.<sup>36</sup>

Underlying the ex-FAR/*Interahamwe* threats is the intrinsic suspicion among Rwandans themselves. The war-laden past between Tutsis and Hutus has an obvious negative impact on attitudes towards disarmament, whether voluntary or forced. The RPF has its origins in the mobilisation of Tutsis within the region. The aim was to suppress the genocide, whose aim was total elimination of Tutsis. Under the prevailing circumstances therefore, if an aggressive disarmament process was to be initiated by the current RPF-led government (seen as Tutsi dominated), Hutu scepticism may be aroused if they viewed themselves as being the target. Such a climate of suspicion would increase the fragility of the internal security environment. However, disarmament remains a major cornerstone to the establishment of confidence and long lasting peace Rwanda.

The second factor facing Rwanda with regard to disarmament is the scale of illicit weapons in circulation and the enormous amount of resources required to effect a comprehensive disarmament programme. International assistance to facilitate a disarmament process in Rwanda is also overshadowed by the on-going armed conflict and the humanitarian crisis in the eastern DRC. Much of the attention is focusing on demobilisation (hence the creation of the Rwandan Demobilisation and Reintegration Commission) as opposed to disarmament within the country. Effective disarmament, according to the United Nations Department of Peacekeeping Operations (UNDPKO), should correspond with mobilisation of resources and expertise. The UN, recognising the scale of any DDR effort in Rwanda, suggests that focus should be put on the need for:

- A secure environment that will encourage complete disarmament. The disarmament programme should be undertaken in a timely fashion to avoid a relapse into war. In Rwanda, this means the need for political inclusivity of both Tutsis and Hutus at all levels of policy formulation, especially in drawing up the eligibility criteria and parameters for disarmament.
- Disarmament planning that will address the scope of the effort (target audience, numbers and types of weapons to be collected), develop a realistic

and sufficiently flexible timetable for disarmament that allows for gradual confidence-building and creates mechanisms and institutions for monitoring and verification of compliance and provides for public information and funding.

- Developing post-disarmament mopping-up mechanisms such as small arms voluntary collection or weapons for development programmes to collect weapons that have not been surrendered.
- Interim secure storage or immediate destruction of the collected weapons.<sup>37</sup>

In the aftermath of the 1994 genocide, the UN in Rwanda enacted various mechanisms to rationalise and improve the co-ordination of UN activities, such as regular country team meetings, thematic groups, the Northwest Co-ordination Committee, and the Joint Reintegration Planning Unit (JRPU). The two latter mechanisms are no longer operational.<sup>38</sup> In 1997, the UN Secretary-General, in a report – *Renewing the United Nations: A Programme for Reform* – proposed the need to better co-ordinate the efforts of the different UN agencies at country

level, so as to improve the coherence and effectiveness of the UN assistance as well as operationalise its activities in the face of diminishing resources.<sup>39</sup>

To implement this proposal, the UN Secretary-General proposed a number of initiatives, one of which was the United Nations Development Assistance Framework (UNDAF) – a common framework for programme planning for all UN agencies operating at the country level. Although the UNDAF outlines a common UN plan at country level, it does not replace the agencies' individual programmes. It facilitates closer inter-agency collaboration and joint programming efforts and lays the

foundation for partnership with the government and other partner development actors. In Rwanda, the UNDAF was established in November 2001, after a three-year Common Country Assessment (CCA) process by the UN Country Team which, in recognition of the complexity and uniqueness of problems facing Rwanda in its post-genocide period, expressed the necessity for sensitivity and efficiency in the UN common response to the challenges facing the country.<sup>40</sup>

The Rwandan UNDAF is a five-year project that runs from 2002 to 2006. It covers eleven themes namely:

- Poverty reduction and economic management;
- Resettlement and reintegration;
- Governance, justice, human rights & national reconciliation;
- Education and training;
- Food security;

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- Environment;
- Population;
- Health, nutrition, water and sanitation;
- HIV/AIDS;
- Gender; and
- Child protection.

Each of these themes is a responsibility of a given UN Country Team as shown in table 1.

Based on this formulation, the UN – Rwanda UNDAF is a broad based, multi-sectoral programme whose outcome may only be possible to quantify towards the end of its implementation. Although the framework shows that disarmament is not a central focus for international intervention in Rwanda, some efforts have been made to support a DDR process in the country.

Between 1997 and 2001, the UNDP multi-donor trust fund programme with the support of the United States Aid for International Development (USAID), provided technical assistance to the National Demobilisation Commission (founded in 1997) and skills training for demobilised soldiers.<sup>42</sup> The Commission also received support from the World Bank Multi-country Demobilisation Reintegration Programme (MDRP)<sup>43</sup> which enabled the Commission to demobilise 25,000 combatants between 1997 and 2003.<sup>44</sup> The child soldiers underwent a reintegration programme under UNICEF, while those identified as *genocidaires* by the Rwandan government were imprisoned.<sup>45</sup>

### Disarmament and Security Sector Reform in Rwanda

The security sector is a classification of organisations or structures within a state, which have authority to use, or order the use of force, or threat of force in order to protect the state and its citizens.<sup>46</sup> It also includes civil structures that are responsible for the management of these organizations. Hendrickson suggests that the security sector can be viewed as forming three pillars:

- a) Groups with a mandate to wield the instruments of violence, such as the military, paramilitaries and police forces;
- b) Institutions with a role in managing and monitoring the security sector, namely civilian ministries, parliaments and non-governmental organisations (NGOs); and
- c) Bodies responsible for guaranteeing the rule of law, such as the judiciary, the penal system, human rights ombudsmen and, where these bodies are particularly weak, the international community.<sup>47</sup>

**Table 1: UN Country Team in Rwanda – Recognised Specialisations<sup>41</sup>**

<b>United Nations Development Group</b>	
UNDP	Governance, poverty, sustainable development
UNESCO	Education, culture of peace
UNFPA	Population, reproductive health
UNICEF	Women & Child Rights, child protection, non-formal & primary education, nutrition, maternal & child health, HIV/AIDS
WFP	Food-for-assets, food-for-training, food-for-primary education, nutrition
<b>Specialised Agencies</b>	
FAO	Food security, agricultural development
WHO	Health policy, quality and access
<b>Others</b>	
UNHCR	Refugee protection, repatriation
UNAIDS	HIV/AIDS (UN co-ordinating body)
UNIFEM	Gender equity and mainstreaming WVB – Economic recovery and structural reform
UNECA	Regional economic cooperation (East Africa)

The overall aim of security sector reform (SSR) in any society is the transformation of security institutions so that they play an effective, legitimate and accountable role in providing external and internal security for their citizens. Transformation of the security sector after a conflict requires broad consultation and includes goals such as strengthening civilian control of the security sector; increasing the professionalism of the security forces; demilitarisation and peace building and strengthening the rule of law.<sup>48</sup> In the case of Rwanda the transformation should include the economic, political, legal as well as social sectors for comprehensive reconciliation to be achieved. If a government cannot provide accountable and effective

security services, individuals and communities increasingly take security and protection into their own hands. The threats posed by private armies, vigilante groups and organised crime grow, and conditions are created in which large-scale armed conflict becomes more likely.

According to the United Nations Executive Committee on Humanitarian Affairs (ECHA) task force on DDR established by the United Nations in 1999, disarmament and its constituent components of demobilisation and reintegration of former combatants in countries emerging from conflict encompass at least five distinct dimensions: political, military/technical, security, humanitarian and socio-economic.<sup>49</sup> The Committee adds that it is also essential to address DDR operations from a rights-based approach in such a way that DDR strategies and approaches include concepts enshrined in international law. It is also essential that gender-related issues are

25,000 combatants were demobilised in Rwanda between 1997 and 2003 through the National Demobilisation Commission.



considered and mainstreamed in DDR programming and planning.

Poor governance of the security sector is often one of the sources of armed conflict in developing countries and a key obstacle to peace building. Many of the countries that experienced conflict between 1990 and 2000 have security forces that reflect and perpetuate societal cleavages (either ethnic or political) that lie at the heart of violence.<sup>50</sup>

The challenge to disarmament and reconciliation in Rwanda today and one which presents the biggest challenge to the country's security sector transformation and hence political stability is the return of the *Interahamwe* (Hutu militia) from their hiding in the DRC and other countries in the region. To the majority of Rwandans and Tutsis in particular, the enemy is not the Rwandan within Rwanda, but the *Interahamwe*, who were considered the hardliners during the 1994 genocide. As the RPF advanced, they fled to the DRC along with an estimated two million Hutus. The *Interahamwe* regrouped in Congo, were armed and trained by Laurent Kabila and started to pose a threat to the Rwandan government. Kabila's reluctance to disarm the *Interahamwe* was the direct reason behind Rwanda's support to Congolese Tutsi rebels and a joint attack on the Kinshasa government. In the background of these circumstances, Rwanda remains apprehensive about espousing a process of comprehensive SSR that would entail demobilising some of its RPF forces in an environment laden with uncertainty both between Hutu and Tutsi within the country and from *Interahamwe* insurgency from the eastern DRC.

### Disarmament and Reconciliation Concerns in Rwanda

As Rwanda strives to reconcile and establish lasting peace challenges emanating from the post-conflict transformation process are bound to increase, particularly from the operations of *gacaca*.

An officer in charge of a demobilisation centre in Mutobo, Ruhengeri Province in northwest Rwanda explained that just as the survivors of the genocide rejoiced in 1994 when a Tutsi-led army vanquished the extremist Hutu regime, when the former *genocidaires* (*Interahamwe*) that voluntarily surrender emerge from their hiding they give thanks to the new Rwanda for bringing them out of the bush.<sup>51</sup> According to the Rwandan Demobilisation and Reintegration Commission, out of an estimated 25,000 *Interahamwe* who fled to the DRC, only 4,676 have voluntarily returned, fewer than expected. "...

those who have returned are the less guilty. It is not easy to woo those implicated in the 1994 massacres, they are deep in the forest and they are armed. In these centres (often in villages) no effort is made to ascertain guilt in the hope of encouraging more to follow ... we don't ask what they did in 1994, those questions they can face when they return to their villages and meet neighbours."<sup>52</sup>

The Commission adds that the demobilisation centres concentrate on teaching Rwandan peaceful history of the pre-colonial era and what has happened while they have been out of the country, gender relations, justice and law, and practical skills such as starting a business. However it has been observed that for many survivors it is often painful to see the killers back, mingling in the markets and worshipping in churches when everyone is aware that they are still in possession of their weapons.

When *gacaca* courts become fully operational, the current 115,000 genocide suspects held in various courts within Rwanda will be released into the community,<sup>53</sup> where they will encounter former accomplices. It would be disastrous if these people became the focus of recruitment into an aggressive anti-government group. The fact that the weapons they used are still in circulation could provide an easy recipe for remobilisation.

However, disarmament and demobilisation programmes raise the problem of economic and social reinsertion of former combatants. Very often, special programmes have to be put in place – such as the distribution of land, micro-finance schemes and start-up grants in the form of tools and seeds – to ensure that demobilised soldiers have

opportunities for gainful employment. In the case of Rwanda the situation is much more complex.

The tendency of the Rwandan reconciliation approach to want not to resuscitate emotive memories by avoiding confronting the issue of disarmament challenges the objective of true reconciliation. The *gacaca* courts are founded on the premise that collective community participation in providing information will allow the courts to correctly assess and thus to sentence the suspects on trial. However, as the pilot phase of *gacaca* has revealed, the community has been hesitant to fully participate in testifying, in an environment where security remains a critical issue, and where intimidation and fear of retaliation remain. The reports of the trial phase also note that community residents are, in general, not very forthcoming in naming accused persons. The main fear among the survivors is the possibility of the offenders revenging, in what is called "killing

As Rwanda strives to reconcile and establish lasting peace challenges emanating from the post-conflict transformation process are bound to increase.





the evidence," an occurrence in Rwanda today. Many live with the fear that returnees from exile and those being pardoned or punished under *gacaca* and released into the society still carry weapons, making them potential *genocidaires*. This fear continues to hinder reconciliation.

Another critical concern regarding the *gacaca* system revolves around the fact that the courts, in trying only crimes that fit the legal definition of genocide, ignore the many documented war crimes attributed to the Rwandan Patriotic Army (RPA), responsible for bringing an end to the genocide, and which evolved into the Rwandan Patriotic Front Party that comprises the present government. Observers note that the failure to broaden the jurisdiction of *gacaca* courts to include other war crimes has resulted in the widespread impression that the *gacaca* courts represent little more than "victor's justice," and have thus led to widespread demoralisation amongst those whose participation is fundamental to the courts.<sup>54</sup> If a disarmament process was to be conducted, it would have to encompass the entire Rwandan society.

A section of Rwandans support the view that Rwandans of all ethnic groups were victims of the massacre and not Tutsis alone. They believe that when the RPF started the war in 1990 it assassinated many Hutus and after gaining power it massacred many more Hutu in the spirit of revenge.<sup>55</sup> Amnesty International, in a report, *Rwanda – the enduring legacy of genocide and war*, notes that the Rwandese judiciary has undertaken no systematic investigation of RPA human rights abuses.<sup>56</sup>

It has been observed by critics that the approach of *gacaca* trials, in which armed security forces are present during the weekly meetings detracts from serving the reconciliatory and restorative purposes upon which it is based. Similarly, many Rwandans question whether the goal of reconciliation at the heart of the system's foundation will, in practice, be subsumed by bureaucracy. In this regard, the independence of the courts in relation to the influence of administrative officers also stands as a key concern.<sup>57</sup>

A common concern found in reports on the trial phase of *gacaca*, whose aims included easing congestion in prisons, is sluggishness. The reports project that around 32,000 prisoners who confessed in 2002 incriminated approximately 250,000 other persons as accomplices.<sup>58</sup> In January 2003, the Rwandan government released certain categories of genocide suspects from prison on bail. Around 40,000 prisoners were released out of an estimated 115,000 detainees. These people currently face *gacaca* courts, during

which victims of genocide will be called to testify. This sudden return of ex-prisoners to the community places emotional pressures, particularly on survivors who fear retribution, as the *gacaca* system means that they may be asked to testify against someone in their own midst, responsible for their suffering.<sup>59</sup>

The economic and social vulnerability of women and girl children in any situation of war, among other factors, leaves them exposed to sexual violence. The availability of small arms during the genocide rendered the victims an easy target for the impunity of members of the armed forces as well as the militia. The impact of the genocide contributed a great deal to destabilisation of families within Rwanda. One of these aspects, intricately linked to the post conflict reconstruction process in Rwanda and yet still to be addressed, are the acts of sexual violence against victims during the conflict. In the course of the genocide, women and girls succumbed to extraordinary acts of violence. Many were raped at gunpoint at barriers erected by the *Interahamwe* youth militia and/or held as sexual captives in exchange for temporary protection from *Interahamwe* and the military.

In a region with a history of armed conflict such as the Great Lakes region of Africa, civil conflicts quickly suck in illicit weapons already in circulation within the region.

### Balancing Priorities in a Porous Region

In a region with a history of armed conflict such as the Great Lakes region of Africa, civil conflicts quickly suck in illicit weapons already in circulation within the region. The end result is a danger not only to the country in conflict but also to the region. The complexity of the illicit trade in arms, especially in the Great Lakes, is further compounded by the porosity of the countries' borders, lawlessness and strong cross-border ethnic loyalties.

The availability of natural resources in the eastern DRC and the historical developments behind their pattern of extraction, coupled with weak central government control increases the risk of sporadic invasion by neighbouring countries.<sup>60</sup> The various rebel factions operating in the eastern DRC, including *Interahamwe* and ex-FAR thrive on proceeds of mineral resources which provide them with an easy source of finance for their rebel activities. Even though the real motivating factor for the rebellion may not arguably be these rents, it is greatly facilitated by them. From the proceeds the rebels purchase arms and pay recruits. Easy availability of ready markets in natural resources and armaments in the region has reached an extent to which rebel groups can be self-sufficient.<sup>61</sup>

The high population density in Rwanda is likely to pose a continuous challenge that policy makers



need to urgently address. According to a Rwandan State Minister, in 2002 Rwanda's population was 8.1 million, with a density of 230 per sq. km, making Rwanda the most densely populated country in sub-Saharan Africa even after the 1994 genocide.<sup>62</sup> The minister acknowledged the potential threat saying that "...there is a cause of fear if we don't think much on the population growth that doesn't match with our economy," adding that it is time for every Rwandan to think how the population can match with the resources.<sup>63</sup> The resulting economic weaknesses both contributed to, and were exacerbated by, the genocide, leading to the destruction of human, social and physical capital, and the tremendous weakening of the state apparatus and institutional capacity. These widespread losses, combined with vast movements of population within and across Rwanda's borders, both deepened and extended the levels of poverty, while creating a new class of "very poor."<sup>64</sup> Pressure on land, resulting from demographic growth will continue to provide a hotbed for frustration, particularly when different generations of refugees and ex-FAR/*Interahamwe* combatants are returned to the country whether willingly or forcefully.

There is also the need for tangible change for the majority in order to continue to manage the reconciliation process. Implementation of an effective DDR programme for both the Rwandan army and the ex-FAR and *Interahamwe*, though central to the stability of the country, poses a huge challenge. In addition, the release of thousands of prisoners, as well as integration of people going through the *gacaca* processes, are factors that may arouse increasing tensions within local communities.

The developments in the DRC have a direct effect on the political stability in Rwanda, just as they have on all other countries in the region. If the DRC peace process stumbles or if the militias are not disarmed, demobilised and integrated, the situation will most likely have a dramatic effect on Rwanda in particular. In a similar manner, the outcome of the anticipated political transition in Burundi envisaged in the course of 2005 will have an immediate influence on the situation in Rwanda, given the connectivity of the Hutu/Tutsi strife in both countries, especially with regard to refugee movements and inter-ethnic ties between the populations in the countries.

Another important aspect of long-term peace is the cessation of conflict in the neighbouring DRC. The eastern DRC has not been part of an effective state for many years. It will take time to address the root causes of that situation. If the militias that are currently operating in that part of the DRC are not disarmed, and if they continue to pose a threat, there is a strong

likelihood that Rwandan forces may continue to justify their presence in the DRC with the aim of securing their own border against ex-FAR and *Interahamwe* elements. While that may be understandable, the consequence is likely to lead to a renewed conflict.

The Great Lakes region continues to search for a way out of the cycle of conflict. The fact that the member states were able to convene a regional conference in 2004 under the aegis of the United Nations and adopt a declaration on the future of the region was a step forward. The *Dar-Es-Salaam Declaration On Peace, Security, Democracy And Development In The Great Lakes Region* provides the framework upon which to control the lethality of conflicts in the region. Article 34 of the declaration calls upon the Member States of the Conference to adhere to the New Partnership for African Development (NEPAD) Peer Review Mechanism and establish regional bodies on adherence to international conventions on human rights and on criminal practices such as illicit trafficking of small arms and light weapons and on the illegal exploitation of natural resources in the Great Lakes region.<sup>65</sup>

The world is still in search of an agreed mechanism for controlling the transfer of small arms and light weapons. Attempts at combating illicit transfers of arms have largely consisted of arms embargoes that are routinely flouted by using illicit channels to transfer the weapons. Many nations have domestic legislation regulating arms trade, but enforcement tend to be weak and susceptible to circumvention.

As the world searches for the most effective control instrument it is imperative to consider an approach that will compel rather than merely request disclosure and one that will entail a time frame for accountability. Such an approach will significantly contribute to lessening the loss of lives even in situations of extreme conflict similar to what Rwanda has witnessed. The costs of disarmament will also decrease proportionally. In the meantime, regional efforts such as the co-operation among countries through the Nairobi Declaration remain important in channelling effort and will towards preventing the further spread of small arms and destroying those weapons that are no longer necessary. Rwanda's implementation of the Declaration, through its destruction of 6,000 weapons, shows the important confidence building role such regional agreements can play.

## Conclusion

Not only does Rwanda suffer from all the major problems that afflict sub-Saharan Africa but also

## The developments in the DRC have a direct effect on the political stability in Rwanda.

the overwhelming horror of the genocide. The scars are deep and it will take a global partnership, with substantial measures, to support Rwandans in their search for peace, democracy and justice. Combatants often know only the force of arms and possess only illegal, negative skills such as robbery and extortion to earn a living. Thus reintegration must focus on helping former combatants break from their past by willingly surrendering their weapons, a hugely symbolic first step towards peace.

Besides the different challenges facing *gacaca*, it is important to acknowledge that Rwanda is experiencing massive challenges in its post-conflict reconstruction efforts. Whether these many issues continue to affect the *gacaca* system or whether they are progressively overcome as the process picks up in 2005 is a question that remains unanswered. What is already resoundingly clear, however, is the significance of this process for the future of Rwanda and the effect it is likely to have on its population.

Even as Rwanda embarks on the search to a long-term solution to its problem, the number of ex-soldiers has continued to increase largely as a result of the successive wars that characterise the entire Great Lakes region. Disarmament and social reintegration of ex-soldiers therefore remains a regional problem particularly in 2005, which marks an end to transitional governments in the DRC and Burundi.

In developing the framework for a DDR programme in Rwanda, the first endeavour is to agree the groups to be disarmed both within and outside Rwanda. According to the Pretoria agreement, which cites the Lusaka accord, these are the ex-FAR and *Interahamwe*, the names given in 1994 to those held responsible for the genocide. But the accord does not mention internal categories of groups to be disarmed.

Secondly, the government of Rwanda should consider developing confidence-building measures aimed at encouraging civilians as well as groups identified for disarmament to voluntarily hand in their arms. Similarly, for former combatants to agree to be repatriated, the domestic political situation, which in some cases is the reason for their exile, needs to be modified. These two conditions are yet to be fully met. In addition, adequate legislation governing the possession, import and export of arms, including their licensing, will further control the circulation of arms within the country.

The stability of each of the countries in the region is inextricably linked to its neighbours. The immediate security and stability situation in the region therefore depends on the efficiency of mechanisms used to ensure a comprehensive DDR programme. Rwanda cannot handle this process without the support of the neighbouring states and the international community.

## Notes

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- 40 Ibid, p ii.
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## About this paper

As Rwanda continues to focus on the need for peace building and reconstruction in the country, the issue of disarmament has remained highly sensitive. However the Rwandan government has increased its engagement on small arms control issues, becoming an active participant in Eastern African regional efforts through the Nairobi Declaration on Small Arms. For good reason highest priority has been placed on reconciliation efforts, with the establishment of the National Unity and Reconciliation Commission (NURC) whose main aim is eradicating the devastating consequences of the policies of discrimination and exclusion that characterised the successive repressive regimes of Rwanda. This paper reviews the process of reconciliation in Rwanda and assesses how a disarmament approach could be integrated into the ongoing peace building in the country.

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