

NPI Rwanda Series Paper No.3

**CONFIDENCE-BUILDING AND THE ACHIEVEMENT
OF A CONSTITUTIONAL SETTLEMENT IN RWANDA:
SOME GUIDELINES**

Jeremy Ive and Peter Webster

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SUMMARY

A constitutional settlement is needed in Rwanda because of the fragmentation of Rwandan politics brought about by the diverse responses to the Arusha process, hardened by the events of October 1993 in Burundi, and April 1994 in Rwanda.

The settlement must involve the free participation of all the political groupings, internal and external, in the process of decision-making, in such a way that all may win out of the outcome attained, and that the cycle of replacing the predominance of one sectional interest with another may be broken.

The Rwandan Christian community can play a part in the peace-making process by encouraging firstly repentance, reconciliation, and the healing of the wounds of the past; secondly a promotion of justice and restoration; and thirdly the creation of a common Christian framework as a basis on which peace and justice can be achieved. The international Christian community can help to develop and disseminate this biblical framework, give spiritual and financial support, and influence their governments to act systematically and in concert, to help the principals come to the negotiating table.

Besides this general peace-making rôle for Christians and all those of good will, there are two particular rôles - consensus-builder and catalyst - which need to be kept at least conceptually distinct. Each has different (though often overlapping) functions in the different phases from pre-negotiation, through negotiation, and on to the implementation of the settlement.

If a process is not initiated by informal peacemakers working in combination with concerted international third-party initiatives (see Appendix 1), then a worsening domestic or international situation may be needed to set one in motion, by which time mutual destruction may be difficult to avert.

BACKGROUND

Rwanda and Burundi are two small, overcrowded and landlocked African countries, surrounded by three much larger, underpopulated neighbours (Uganda, Tanzania and Zaire). They were one League of Nations/UN Trusteeships Territory from the end of World War One to Independence in 1962. Their recent social histories and economics development have therefore been closely tied together.

The Belgian colonial authorities adopted a strategy of 'divide and rule', according privileges in education and access to power to the minority grouping, which they perceived to be the natural élite. The missionary church, meanwhile, educated the rural masses, and taught them God's love for all men and women. The leaders of the majority grouping came of age in the 1950s, and induced the colonial authorities in Rwanda to give their blessing to a Revolution in 1959 which led to the abolition of the monarchy, and the establishment of a Republic in which they held the balance of power. This lead to a large exodus of the former ruling group and its adherents, mostly into Uganda and Burundi.

Since Independence, first the Burundian monarchy (in 1966), and then the Rwandan First Republic (in 1973), have given way to military-led republics dominated by regional factions, which have operated one-party states and have suppressed their political opponents with considerable ruthlessness by exploiting the population's consciousness of ethnic identity.

Two further military coups in Burundi brought to power first (in 1976) the hardline President Jean-Baptiste Bagaza, and then (in 1987) the more moderate Pierre Buyoya, who paved the way for the first multi-party democratic elections in the two countries (in 1993), in which he and his party were defeated. The assassination later that year of the victor in the elections sparked off a popular uprising, which was ruthlessly suppressed by_ the army, causing an exodus of refugees into surrounding countries.

In Rwanda, the small ruling élite were at this time coming under pressure to reach an accommodation on power-sharing with an invading army from Uganda (mostly sons of those who had fled there in 1959), and they seized ,.the chance presented by the traumatised refugees from Burundi to whip up popular feeling against their partners in the negotiation process. They also planned the extermination of their opponents' support-base within the country, and put this plan into action after the plane carrying the presidents of Rwanda and Burundi was shot down on the 6th April 1994. In spite of the fact that they succeeded in killing around a million of their opponents and their sympathisers in the succeeding three months, they were themselves driven out into refugee camps by the invading army from Uganda, whose leaders form the backbone of the present government.

In Rwanda today, the problems of the country remain profound, and have not been fully addressed either by the recent round-table conference in Geneva, or by the regional conference on refugees in Bujumbura. The government is to be congratulated on having established, to a substantial degree, internal security over almost the whole country, but it has continuing problems in servicing its debts and meeting the conditions for the aid already pledged to be disbursed, and is struggling to bring back order to a country which has been totally devastated by genocide and whose economy came to a halt when more than a third of its population fled.

Burundi remains on the brink of cataclysm. Ex-President Bagaza is becoming a rallying-point for opposition hardliners not content with their current share of power. The army and militia loyal to him appear to be set for a confrontation with radical supporters of the Government from Nyangoma. A steady stream of killings, including the recent particularly brutal one of a former mayor of Bujumbura, point to a bleak short-term future.

Mutual recognition and acceptance by the current government and those moderate opposition leaders who have kept enough credibility and integrity to exercise influence appears today to be the only way to enable a safe return and resettlement of the refugees and to start re-building both countries in peace.

1. INTRODUCTION

For the achievement of constitutional settlement in Rwanda, we deal first with the need for such a settlement, the sort of settlement required, and how it might be approached.

(a) The need-for a constitutional settlement

The new, RPF-led government of Rwanda has come to power as the result of military victory and the mass emigration of the previous government and its supporters.) The governing coalition is still exploring ways of becoming fully inclusive, and even within the coalition, the distribution of power is still unresolved.² Indications, such as the MDR declaration of November 1994, are that the partner parties in the governing coalition are growing less happy with the basis on which they are participating, and are questioning whether they are being accorded a real say in the conduct of government.³

The genocide has intensified the fragmentation of Rwandan politics created by the diverse responses to the Arusha process.⁴ Even before the genocide, virtually all the parties had their internal (pro-Arusha) and external (anti-Arusha) wings, hardened not least by the diverse reactions to the events in Burundi sparked off by the assassination of President Melchior Ndadaye in

¹ Note that some members of the former government were killed in the genocide - and, of course, President Habyarimana himself was assassinated by (in all probability) extremists within his own party. The 'supporters' of those who fled were (and are) kept loyal by a combination of threats and dire warnings about the RPF and the Tutsi.

² Certain individuals can be identified as wielding significant influence over any fundamental decisions, however. According to one member of a World Bank mission at the end of March 1995, the 'key people' at present are the Vice-President and Minister of Defence Major General Paul Kagame, the Secretary-General of the RPF Dr. Theogène Rudasingwa, Kagame's *chef de cabinet* Lt. Col. Andrew Rwigamba, the Minister for Rehabilitation Dr. Col. Jacques Bihozagara, and the Minister for the Family and the Promotion of Women, Mrs. Aloysie Inyamba.

³ The same source estimates that the Hutu President and Prime Minister have virtually no authority' - the cabinet meetings may be long, but is democracy any more than 'having a say' without executive power? Dr Theogène Rudasingwa, the Secretary General of the RPF, claimed in an address to students at London's School of Oriental and African Studies in January 1995 that 'the choice lay between a sectarian and a national government, and that in order to build a government of national unity, the RPF had applied power-sharing and consensus-building principles which meant they took only 8 seats in a cabinet of 22, and 13 seats in a parliament of 70. He disapproved of multipartism, citing Zaire as a country where many political parties did not ensure accountability of government to the people and respect for their rights, and advocated over and against this a pluralistic culture, where everyone can 'have their say' in the

November 1993.⁵ The internal parties prepared to work with the RPF are thus only partly representative of their respective constituencies.

The Tutsi population before the genocide of April 1994 was estimated at some 15% of the total, and since the genocide is probably now less than 1(), (especially if the largely Hutu émigrés are taken into account).⁶ While the RPF does have Hutus amongst its leadership, as a political grouping it is still predominantly Tutsi based, and, especially if the non-RPF parties leave the governing coalition, will increasingly find itself much in the situation before the 1959 revolution, 'when the Tutsis lost their monopoly of power to the largely Hutu majority.'⁷ The old Tutsi/Hutu divide is expressing itself demographically, with the urban areas largely being occupied by Tutsi, and the rural by Hutu. ..

The situation is exacerbated by the huge refugee presence in camps in Zaire and Tanzania. Although the UNHCR strongly denies it, there are reports of organisation along military lines within the camps,⁸ with the former governmental authorities replicating their structures and control through the regulation of aid supplies and by direct intimidation. This might avert the possibility of an armed incursion, most likely to the south of Lake Kivu, linking up with Hutu insurgents in Northern Burundi penetrating up through the Nyungwe forest, which would strain the ability of the RPF government to control the rural areas in the south of the country and would not only be severe strain on resources, but would adversely affect the geographical constituency of those moderate political partners, such as the MDR and PSD, on whose co-operation they would most naturally wish to build. Either way, the refugees need to return in large numbers, in order to

media. This would presumably distract people from the powerful influence of the RPA on the country's political and economic life.

⁴ President Habyarimana, according to one plausible theory (see for example, the *Independent* 7 April 1995), was assassinated by members of his own party who feared the loss of power which would result from the accord with the RPF that he had agreed, and was about to announce. According to the *Independent* (7 April 1995), his plane was struck by two missiles fired from or near the barracks of the presidential guard, after someone in the control tower at Kigali had asked repeatedly who was on board.

⁵This supplied the Hutu extremists in Rwanda with an opportunity to declare with vehemence over the radio: "The Tutsi cannot be trusted!" and thereby to undermine popular confidence in the Arusha peace process. The Hutu refugees who poured into Rwanda from Burundi with horror stories about the Tutsi on their lips supplied grist to their mill.

⁶ The Tutsi returnees from Uganda and Burundi must also be taken into account: many, if not most, of them were not recognised as being 'Rwandan' by the Habyarimana régime, but have come back in such substantial numbers that the population inside the country has already almost reached its pre-genocide level in some areas. ('The UNHCR estimated in March 1995 that the populations in the prefectures of Gitarama, Kibuye, Gisenyi and Ruhengeri were above 90% of their pre-genocide levels, and that across the country as a whole, the population was 78.47% of its pre-April 1994 level) It is not clear exactly what percentage of the

avoid discreet elimination by the Tutsi returnees of last year who have taken over their positions and their property.")

The RPF-led government may therefore find itself operating on an increasingly narrow political and social base, and its highly effective military capacity may be eroded by the strain of a growing insurgency threat from the south west, which may well spread to other rural areas in the rest of the country. This will not be helped by the large number of soldiers under arms, since not only will this dilute the effectiveness of its original core; but the increasing inability to pay and feed its soldiers will result in low morale, ill discipline and even mutiny."⁷ For example, the young people who have served for minimal pay may begin to aspire to the comforts of a family and civilian life, whilst the officers may commandeer a sufficient number of houses to set themselves up as financially independent landlords, and confront one another over competing claims of their tenants.

tutu and what percentage of Tutsi this comprises, but informal observers have noted that 'the towns are 99% Tutsi and the countryside is 99% Hutu.'

⁷ 'The Tutsi régime of today would have to lose the support of its powerful patrons if it were to lose power in the same way as its 1959 predecessor, and these patrons are not now a European colonial 'tutelle' wary of the advance of communism, but a neighbouring régime in Uganda grateful for past military support, and certain Pan-African leaders looking to advance their cause through Rwanda.

⁸ A report by Human Rights Watch Africa, released on 30 May 1995, documents the supply of arms to the defeated flutu forces in Goma, Zaire, over the 12 months since the UN arms embargo was imposed in May 1994. South Africa, France and Zaire are amongst the countries involved, and although a successful conventional campaign is unlikely in the near future, cross-border raids with the aim of blackmailing the Kigali government into negotiating a power-sharing agreement and granting an amnesty have been going on for several months, and are likely to continue.

⁹ Each part of the camp is called the name of a commune in Rwanda.

There is also seen to be a difference of outlook between the original returnee leadership coming from Uganda, and those who have returned from Burundi. Without the achievement of a settlement, the initiative is likely to pass to those who are most extreme in their desire to restore the old Tutsi supremacy, and, in personal terms, to recover the land and property which they lost after the revolution of 1959.¹² The strengthening of Tutsi extremism may make the accommodation, which the RPF leadership so badly needs, much more difficult to achieve, not only because it may be resisted by its own Tutsi supporters, but the presence and activities of Tutsi extremists may alienate Hutu moderates. This is a natural consequence of the euphoria and self-confidence of the new regime, following its military victory.

The cost of not working for a settlement in Rwanda is set out below in the form of some danger scenarios, namely, at a domestic level: the increasing isolation of the RPF within the country as a whole, and the collapse of the country into ungovernability; a putsch by extremist Tutsi elements, leading to massive reprisals against the remaining Hutu population; large scale insurgency, led by the former MRND-CDR forces; a violent revolution repeating the events of 1959; or at a regional level, an armed invasion by refugees backed by outside forces following the weakening or collapse of the present central government in Burundi and/or the secession by the north of Burundi; or alternatively, or perhaps in reaction to this, an army coup in Burundi, resulting in joint Tutsi-led operations against extremist Hutu forces inside and - outside the two countries, resulting in the heightening of regional tension, and even open warfare.

10 Pastors in the camps are apparently claiming to be able to lead their flocks back in large numbers, if certain conditions are met.

11 Alternatively, as seems to be happening at present, the main crops such as coffee, which should be earning foreign exchange on the international markets, will be sent to Uganda to pay for military back-up and past favours.

12 This is what is happening in neighbouring Burundi at the present time, as there, the Tutsi President from 1976-87 Jean-Baptiste Bagaza has withdrawn his *parena* party from the coalition government, and is pressing for a partition of the country along ethnic lines.

¹⁴ The French Government, for example, has been severely criticised by Professor Jean-Pierre Chrétien of the *Centre de Recherches Africaines* in Paris for putting concerns for *francophonie* above concern for human rights. The RPF had to be opposed because they were Englishspeaking; the Habyarimana government had to be supported because they were Frenchspeaking.

(b) The sort of settlement required

This paper does not directly address the question of how the principal actors themselves will come to the negotiating table, although it does indicate a framework within which both informal peacemakers and (in Appendix 1) international third-parties might become involved constructively to encourage and support the negotiation process.

Clearly the conditions conducive to stability, peace and reconciliation need to be created, involving; first, the establishment of an international tribunal, national courts, human rights monitoring, the prevention of intimidation in the camps, and the enabling of refugees, returnees and internally displaced persons to return and resettle; second, the restoration of internal security and the laying of foundations for economic growth; and thirdly, the support, in the long term of sustained economic growth (See Appendix 2: "Strategic Priorities for Development Assistance"). Contemporaneously with this, the churches need to be encouraging individuals and communities to face the truth of what has happened, and of their enduring anger and bitterness, and to recognise themselves as brothers and sisters in Christ and citizens together of one heavenly City (see 3 infra).

In working to create the conditions needed for a settlement, there are two pitfalls, opposite in character, which need to be avoided:

The first is a tacit acquiescence in the existing state of affairs, be it in dealings with the government in Kigali, or the former government now in exile. For example the provision of aid or assistance on a "no questions asked" basis may have the effect of prolonging conflict or entrenching injustice. With respect to the provision of aid to the mainly Hutu refugees in Zaire and Tanzania, it has been charged that "the relief imperative ... assisted the killer's reorganisation and attempts to reinvade, and obstructed the requirement of seeking justice"¹³ Similarly, albeit on a very much smaller scale, cases have been documented by Human Rights Watch/Africa of improper arrests of those suspected of complicity in the genocide and of actions, including summary executions, by soldiers of the RPA. Clearly the conditions for the creation of peace, stability and reconciliation (as set out in the "Strategic Priorities for Development Assistance", Appendix 2) seek to avoid this pitfall by putting the assistance given within a context of justice and overall development. However, these conditions also need to be set within the context of an overall political framework, in order to secure the necessary critical distance from any one protagonist or political grouping. Bearings need to be taken by working in terms of an overarching, nonpartisan framework of principles in which all people of good will, of whatever political party or background, may be able to adopt so that they can be persuaded to participate fully in the achievement of a fair and

¹³See Rakiya Omaar, Rwanda: Death Despair and Defiance. Africa Rights 1995.

workable constitutional settlement.¹⁴ The fundamental need for penitence and some profound sense of remorse at what has happened is not easy to make part of a process, however, as it risks being no more than a panacea if imposed from the outside.. The Archbishop of Canterbury intends to give a lead with services of remembrance at some of the churches where last year's massacres took place, but it remains to be seen whether Western political leaders will participate in such a way as to acknowledge their moral responsibility, and whether if they do, the people of Rwanda will collectively recognise their guilt as well.¹⁵

The opposite pitfall is that the issue of retribution, for whichever party or interest it is demanded, may set problems for those seeking to assist in bringing about the conditions of peace to the extent that they are not able to act as interlocutors with some or even any of the parties involved. To avoid this, the demand for justice needs to be set within the context of the outcome which it is desired to achieve; and expressed not so much in terms of the redress of grievances, nor in terms of absolute and unattainable demands upon one or more of the parties involved, but rather as something which all political parties and sections of the population can embrace, through the setting out of a framework of principles, by people who have vision and who are outside the power structures, within which all those of good will may be able to operate.¹⁶ In this way, participation in the suggested constitutional settlement need not be a climb-down for any of the protagonists, and the demands of justice can be pursued on a strictly juridical basis, rather than as part of the platform of one or other of the protagonists.

In the light of this, the settlement required must involve the free participation of all the political groupings, internal and external, in the process of decision-making, in such a way that all may win out of the outcome attained, and that the cycle of replacing the predominance of one

¹⁵The Archbishop of Canterbury made a one-week visit to Rwanda in May 1995, immediately after the celebrations of the 50th anniversary of Victory in Europe Day, and the conclusion of the Second World War so far as that continent was concerned. He told a crowd of women, children and elderly people in the parish of Ruhanga, 12 miles from the capital, Kigali: "We know that leaders" have failed, too, and even some Church leaders failed. They may have failed their sheep. They may have failed to give moral leadership. The first thing we need to do is recognise failure." (The *Telegraph*, May 12 1995) In his discussions with Rwanda's Archbishop Augustine Nshamihigo, an exile in Kenya, he avoided the topic of the latter's alleged involvement with the former régime, however. (The *Independent*, May 16 1995)

¹⁶Suppose that we are forced to conclude that 'there is not one good man among them, nay not one'? Can the constituencies of the leading politicians act as a sufficiently strong check upon their greed and personal ambition that they become representative rather than manipulative? The stakes are abnormally high in the contest for political power in a country like Rwanda, because loss of power means total loss of privilege, and so the structures which make for this "winner-takes-all" game need to be examined and reconstructed. It is important to move from a zero-sum game (where one side can only gain at the expense of the other) to a "win-win" game, where all parties can gain.

sectional interest with another be broken. A political culture of negotiation needs to be developed, together with the establishment of an order genuinely common to all which does not operate prejudicially against any section of the population, majority or minority.¹⁷ Trust must be established between the parties, particularly on the point of the army's future rôle: both sides must feel reasonably certain that the army will not be used by the other side to enlarge its share under any agreement. A framework of decision-making needs to be put into place whereby mechanisms for reaching agreement and setting common goals are allowed to operate from the highest to the lowest levels, since any consensus arrived at by elites purely at the highest level cannot bring about the level of consensus or inclusivity required for fostering an ethos of common understanding throughout the nation as a whole.¹⁸ This framework needs to be disseminated widely across society by means of a broad, locally-based educational programme, such as the one undertaken by the Jubilee Initiative in South Africa.

The shape that such a settlement needs to take must be determined by the parties themselves, but it is possible to suggest ways in which the concerns and aspirations of all the parties involved might be accommodated. The most favourable social, political and economic outcome will not be possible if the conflict is allowed to continue and escalate indefinitely; and the deep wounds of the present need urgent attention if they are to be healed. Individual and structural relationships have both been affected, and neither should be neglected in this process.¹⁹ Time needs to be taken now by all the principal actors, to bargain from positions of strength instead of waiting until the situation has deteriorated even further, and when more extreme leaders have come to the forefront within Rwanda, and the external situation results in the reopening of the civil war, but this time beyond the borders of Rwanda.

(c) An approach to peace-making

The question which needs to be addressed is how peacemakers can seek reconciliation in the situation of very deep hurt and enmity which exists in Rwanda without softening their promotion of the cause of justice and the need to bring those responsible for crimes against humanity to justice; how they can help to bring about a peace which includes all people and communities in Rwanda within a just and workable framework for the

¹⁷ It needs to be kept in mind that the refugees must be counted as a 'section of the population', and they must not be allowed to be sidelined as 'factions' who would disrupt 'national unity'.

¹⁸ The distinction referred to earlier between democracy as letting everyone 'have their say' through the media, parliament and even the cabinet, and so structuring the state that all sections of the community can really influence political and economic policy without being overruled by the military - this has to be kept in sight of, as the RPF make out that the choice lies only between a one-party state and a pluralistic democratic culture.

¹⁹ The number of broken families and unaccompanied children can hardly be counted, to mention but one example.

future. "there are varied responses, and it has been rightly observed that the churches are as much a part of the conflict as a potential source of a response to it.

The answer to this question is that there needs to be an agreed framework developed within the Christian community, but including all those who share at least the social values of the Judaeo-Christian tradition, as it is found especially in the biblical material. From this, not only a critique of the present situation, but also the outlines for a transformed social order can be worked out in an informed and carefully considered way which is not the exclusive prescription of any one political grouping or interest group, but which derives its force and validity from a biblically-informed framework. There is also scope for a degree of individual networking, with the aim of bringing together a group of concerned, influential people who are thinking along the same lines, and who could make structural questions more applicable to the Rwanda situation, as well as building up trust across the various divides.

In this paper, an approach is set out suggesting ways in which peacemakers can help to develop and disseminate a common basis for peace in terms of a framework of principles which cannot be identified with any particular party's demands. This framework of principles can allow for the development of ways in which diverse and conflicting concerns can be resolved. In this way, a common ethos and climate of negotiation can be developed, the diversity of ethnic, class and ideological claims accommodated and awkward, over-zealous extremists sidelined. At the same time, and in parallel, they can act as catalysts by gaining the trust of the principals and helping to maintain an informal channel for communications while negotiations are taking place, and then act to defuse tensions and help to repair breakdowns of trust in the implementation of the settlement.

2. SCENARIOS OF FURTHER DETERIORATION

Some domestic and regional danger scenarios which may result from a failure to achieve a constitutional settlement in Rwanda are sketched below. They are not necessarily mutually exclusive, and some might accompany or result from others:

(a) Four possible scenarios:

(i) The increasing-isolation of the RPF within the country as a whole, and the collapse of the country into ungovernability: This is the result of the collapse of the present coalition, and also the division of the Tutsi and Hutu populations on an urban/rural basis. The countryside would become largely a no-go area for Tutsis, and the towns would be isolated pockets connected by the increasingly insecure major roads. Food supply in the towns, and indeed the conduct of normal social and economic life, would

become extremely precarious. This scenario can be extrapolated directly from the present situation, and will most likely lead to one or more of those which follow. Therefore it is perhaps not surprising that the Tutsi appear to be quietly eliminating influential Hutu returnees in the rural areas and ensuring that they remain represented there at least at local authority level.

(ii) A putsch by extremist Tutsi elements, leading to massive reprisals against the remaining Hutu population: This might be led by returnees more extreme than the present RPF leadership, and the division between Ugandan and Burundian returnees may well be a factor in this. The sort of reprisals meted out by the predominantly Tutsi army in Burundi in late 1993 may well be emulated in Rwanda; although in this case, those responsible would probably not be the RPA loyal to the present leadership, but extremist elements within the RPA or Tutsi vigilantes mirroring the Interahamwe, which may grow in strength, and perhaps even seize power in collusion with sympathisers within the RPA.

(iii) Large scale insurgency, led by the former MRND-CDR forces: As indicated above, the most likely approach route at present seems to be via *the Nyungwe Forest in the south*; but insurgency may well spread to other areas of the country, especially if the RPA finds itself largely confined to towns and occupied with the protection of the main routes between them. The insurgents would be able to move easily among the rural Hutu population, denying the RPA any hard targets. The RPA would be tempted to take reprisals against the Hutu, which in turn would strengthen the support of the Hutu insurgents among the rural population.

(iv) A violent revolution The government would collapse in the face of a mass Hutu uprising, perhaps prefaced by the creation of "no-go" areas similar to those used by the Viet Cong in Viet Nam. The Tutsis and all those who worked in cooperation with them, would be killed or forced into exile.

(b) Two possible regional__scenarios:

(i) An armed invasion by Hutu refugees backed by outside forces following the weakening or collapse of the present central government in Burundi, secession by the north of Burundi. Taking advantage of the worsening situation in Rwanda, perhaps as a result of widespread insurgency, a direct MRND-CDR invasion backed by outside powers, either regional or foreign, acting to restore the previous government, would launch a fully fledged conventional invasion into Rwanda, perhaps occupying areas in the west or south of the country, or alternatively heading straight for the major towns, backed by foreign armour and artillery (along similar lines to the initial South African supported operation in Angola in 1975, which occupied two-thirds of the south of that country including the major towns and almost seized Luanda itself). The RPF would be forced to return to the mobile operations such as it launched in October 1990, and there would be

a mass exodus of Tutsis, leaving the country in a state of economic chaos. Alternatively, were the RPF itself able to call on outside assistance, the country itself might find itself split with a situation developing along similar lines to the Lebanon following 1982.

(i i) An army coup in Burundi resulting in joint Tutsi-led operations against -extremist-Hutu-forces-inside and outside the two countries -resulting in-the heightening of regional tension, and even open warfare at a regional level
Here the combined RPA/Burundi army launches sweep operations in N Burundi and S Rwanda, with hot pursuit, followed possibly by pre-emptive incursions against the major refugee concentrations in Zaire and/or Tanzania. This results in an increasing confrontation with the host countries, possibly leading to open conflict; as well as increasingly severe measures against the Hutu population.

3. CHRISTIAN INVOLVEMENT IN PEACEMAKING

(a) The role of the-Christian community including the institutional church) in the peacemaking process

The churches have been severely compromised in recent developments, and, sadly, in many cases became implicated in the genocide, as well as becoming the victims of it.

The Roman Catholic missionary church, having been turned away by the Tutsi court, concentrated its efforts upon the Hutu in the 1920s, as those whom the colonial authorities had neglected. Seminaries and schools were set up to teach them to read and write, and come the late 1950s, when these early students had matured and were able to campaign for democratic reform, a concerted effort was made by the institutional Roman Catholic church and the Belgian tutelle to bring about the "emancipation" of the Hutu, resulting in the formation of the Parti de Mouvement de l'Emancipation Hutu under the Roman Catholic Grégoire Kayibanda.

With the revolution of 1959 and the establishment of Hutu predominance, both the Roman Catholic and the Anglican hierarchies tended to identify themselves closely with the successive regimes; first that of 1959, and then that of 1973. There were some signs of independent judgement being exercised by bishops but this tended to be along largely familiar and accepted lines which did not question the basic distribution of power.

The Tutsi/Hutu divisions ran through the church hierarchy, and, in the time of crisis, apart from a few outstanding exceptions (such as the case of the Tutsi Assistant Bishop Alexis Bilindabagabo being protected by his Hutu diocesan, Norman Kayumba of Kigeme), individuals tended to fall back on their ethnic identity.

The result is that the churches are deeply compromised and in need of a process of repentance and reconciliation, together with the nation as a whole, and the church institutions are at present in a state of extreme disarray (for example, all the Anglican bishops bar 3 are now in exile in Nairobi). There is important work to be done at an interpersonal level, not least drawing on the important legacy of the East Africa revival of the late 1930s; but the churches, like the nation as a whole, also need to address the structural questions of justice and restoration.

There is a possible tension in the church, as it has been noted there is in the situation of conflict itself, between those supporting individual reconciliation and those determined to seek the punishment of those responsible for past evils (be they Hutu or Tutsi). God's creative and redeeming Word needs to generate a fusion of the two; for it is over all things - both structure and individuals within these structures. The three elements - prophetic commitment, a healing spiritual dynamic and a concrete vision of the systematic working out in structural terms, or biblical principles - need to be brought together. A framework needs to be worked out which does not confine the activities of Christians to the "personal" sphere, but which sketches out the outlines of a biblical framework for society as a whole.²⁰

The Church in Rwanda is first and foremost a community of believers from all denominations. As a community, all the members are interrelated and interdependent; and this means that there needs to be a willingness to serve one another. Even though the Church itself is quite diverse, it should also be a unified body. Since the work of reconciliation is simply too great for isolated individuals to accomplish, the entire community needs to be principled and well-informed, and spring from a shared determination and commitment to bring about a just outcome as a basis for peace.

In the situation of deep hurt and enmity which exists in Rwanda at present, the response of the Christian community must be first, one of repentance, reconciliation and of healing the wounds both past and recent; secondly, a promotion of justice and restoration; and thirdly, undergirding these first two by the creation of a common Christian framework as a basis on which peace and justice can be achieved.

(b) The imperatives of Biblical peace and justice

²⁰In a document produced by The liberty desk, a Christian Human Rights Ministry based in Ijar es Salaam, Tanzania, which attempts to set out a "Solution for the Tutsi/Hutu Crisis", the observation is made 'that a serious difference between the Tutsi and the Hutus lies in the fact that while the Hutu could easily concede and capitulate to the simple preachings of love and forgiveness and consequently forget and seriously settle for "ubumwe" or national unity ... the Tutsi on the contrary consider it as an abomination and gross abuse of their superior humanity if they humble to equal themselves to the inferior Hutu in any manner whatsoever.' This document, to which we will return, underlines the need for structural as well as purely personal repentance, reconciliation and restoration.

Christians are called to seek peace with one another (Romans 12:18),²¹ and, by implication, between their respective communities. This command to create a world filled with a holistic sense of peace, shalom, does not mean turning a blind eye to injustice, be it personal or structural. Indeed, another imperative, that of justice, mishpat, requires all people as bearers of God's image to work for the restoration of the shattered and distorted social order in which we live. Justice must be implemented in all spheres of life - political, social and economic - so that we may live peacefully with one another. The two objectives of peace and justice are thus inextricably linked. In absolute terms, the achievement of justice is a necessary prerequisite for the establishment of peace; but the justice to be worked for cannot simply be identified with the demands of any one class or party grouping - it must be truly impartial, without bias to the rich or to the poor (Deuteronomy 1:17).²²

There is, however, a practical tension between the "peacemaking" and "prophetic" roles which confront the peacemaker. The peacemaker's objective is to facilitate harmony between the parties to the conflict, while the prophet directly confronts injustice and those responsible for it. If one focusses exclusively on the peacemaking role, there is the danger that one might underplay injustice and inequality in an attempt to encourage discussion and conciliation. In the prophetic role, one runs the risk of alienating one or other of the parties, or both, whom one is trying to bring together; but even the prophet's role is specifically to speak out on behalf of the powerless who cannot defend themselves, rather than take up cudgels for one or other side.²³

21-if it is possible, as far as it depends on you, live at peace with everyone.' (NIV)
22'Do not show partiality in judging; hear both small and great alike. Do not be afraid of any man, for judgment belongs to God.' (NIV) In this spirit, the authors of the Liberty Desk document referred to above, whose sympathies (as we shall see) are very much with the Hutu, affirm that 'every Hutu who laid his hand on any of the lives of' the 400,000 Tutsi men, women and children has sinned terribly before the Lord God Almighty and if it was not in true self-defence he is also guilty before both the moral and criminal laws.'

23In a letter to the Minister of Justice dated January 9th 1995, the Nonciature Apostolique au Rwanda described the rôle of the Catholic Church as '*la porte-parole de ceux qui Wont pas la voix pour crier tout haul leur detresse*' (the spokesman of those who have no voice to cry out loudly in their distress). Responding on January 27th, the Minister of Work and Social Affairs observed: '*Ce sont ces "sans voix" institutionalises qui ont ete conduits hier à l'abattoir. Notre got vernement respecte l'homme dans sa dignité sans categorisation. Nous souhaitons que l'Eglise nous aide à mettre tin terme definitivement à la catégorie de "sans voix" dans notre société.*' (It was these institutionalised "people without a voice" who were yesterday led to the slaughterhouse. Our government respects human dignity without distinction. We wish that the Church would help us to put an end once and for all to the distinct category of "people without a voice.") From this it can be seen that there are problems in practice in avoiding being seen to take sides when attempting to speak up for 'the powerless'. The distinction always needs to be maintained between colluding with one or other protagonist, and quietly exploring, within the integrity of a biblical framework, how solutions based on the requirement of justice may be found and

The tension can only be sustained creatively by keeping in view the framework of values in terms of which one is acting, and by setting clearly defined and realistic goals which have been arrived at by a careful consideration of all the relevant aspects of the situation being addressed. For a Christian, the fundamental framework, as well as its more detailed elaboration, must be governed by Scripture, as the authoritative witness of God's revelation of Himself in Christ.²⁴

The Rwandan Christian community forms an indissoluble part of the international Christian fellowship. As such, the latter not only has the responsibility to give the former moral and prayer support, but also to be actively involved through the sharing of wisdom and experience gained through the development of Christian practice elsewhere. The international Christian community needs to come to the people of Rwanda with a humble desire to help. First of all, Christians overseas need to listen - not only to those with whom they agree ideologically, but especially to those with whom they disagree most, so that all components of the picture can come into view. This does not mean that they can be neutral; it is also necessary that those responsible for injustices and atrocities be brought to account - the motivation needs to be one of responding genuinely to the human situation, and not to prove the correctness of this or that ideological stance, be it nationalist, socialist or liberal.

The international Christian community has a role in helping to develop and support the dissemination of a biblical framework for responding to the situation and in helping to bring about justice and peace. Through personal contact, and both spiritual and financial support, the international fellowship of believers must seek to assist the Christian community in Rwanda in developing programmes to educate both Christians and the public at large about the sort of Christian social framework upon which a peaceful and just future order might be constructed in Rwanda.²⁵ Christians and all those of good will can also play a role in influencing their governments to act systematically and in concert to help the principals "turn the corner" and come to the negotiating table, and then follow that through in helping to promote and undergird a constitutional settlement between the principals.

implemented. It needs to be recognised that it may be necessary to have a "dual track" approach where some third parties adopt a more public, critical role, and others a more behind-the-scenes exploratory one.

²⁴The Liberty Desk Report (supra) does not set out to prove the correctness of any of the ideological stances' described, but it is certainly not neutral, as its authors hold that "the Devil is disguised as the devilish belief of the Tutsi that their Hutu brothers and sisters were created for enslavement by the Tutsi." However, in spite of its evident concern to present the Hutus as "more sinned against than sinning", with the aid of some disputable casualty figures (such as 400,000 Tutsi deaths), its overt aim is not to swing opinion behind the Hutus as a political grouping. Rather, as they state it: "The perfect will of God is that the clergy of both tribes must unite themselves first, cleanse and detribalise themselves for Jesus who is untribalist himself, and must all agree to stand as sacrifices for the TRUTH to bring the extremists, prophets of hatred, division, ethnic inequality and all violators of human rights into the kingdom of god through

4. THE PEACEMAKING PROCESS: CONSENSUS-BUILDERS AND CATALYSTS

While all are called to be peacemakers, there is a sense, as has been suggested in the previous section, that there is also a special task of peacemaking which consists of building on a common basis for peace for the future, even at the same time as others, and possibly the peacemakers themselves, are calling prophetically for justice and restoration. It is this "track" which we shall be exploring in this section.

There are two parallel and mutually supportive tasks in the peacemaking process which operate in complementary ways. There may be considerable overlap of operation and personnel, but their peculiar functions need to be kept at least conceptually distinct lest either role be obscured, and the creative interaction between the two lost sight of. The "consensus builder" is involved in the development and dissemination of a framework of just principles which can serve as the basis for peace. The "catalyst" builds up a network of trust through a process of direct or indirect approach, as is most appropriate, establishing and maintaining contacts across the political divide, and the agreement of the principals that the process be continued (ie creating the necessary "space" for the process of consensus-building to take place).

(a) The pre-negotiation an phase

Consensus-builders: The formulation and development of a common framework-for peace: The consensus-builders seek to develop and disseminate a framework of principles in order to form a consensus about the structures of a future dispensation along lines which all can agree. The framework needs to be based on values which bridge the party and factional divides, and yet is specific enough to provide a concrete foundation for a new and just dispensation.²⁶ This alone can serve as a foundation upon which diverse groupings can build together in order to bring about peace in Rwanda.

The consensus-builders need to be able to bear public witness to the fact that a framework, such as one built on thoroughgoing biblical principles common especially --to all communities which can transcend ethnic, class and ideological barriers, can be a meeting point for all and can at once offer a radical and transforming critique of injustices in the present order, whilst suggesting ways forward on which groups as far apart as the MRND-CDR and

²⁶In an interview given in February 1995, former Rwandan prime minister Dismas Nsengiyaremye (MRND) urged the implementation of the Arusha Accords to achieve the representation of all Rwandan political forces in the transitional process. However, even the Arusha Accords are regarded with great suspicion by some, as a compromise forced on the Hutu-led government of the time. (See "Solution for the Tutsi'Hutu crisis" @3)

the RPF can find a common reference point.²⁷ The memory of particular acts of injustice in the minds of individuals and in the collective consciousness must also be faced, perhaps in the context of a ceremony of expiation, keeping in mind that the massacres of 1994 were carried out in abuse of power by political grouping whose right to rule as a "majority" was much more questionable than that of the blacks in South Africa.²⁸

The aim of the consensus-builders during this phase needs to be two-fold. On the one hand, they are helping to create a climate, through a groundswell of public opinion, so that there can be a basis on which negotiations between or among the principals can take place. At the same time, they are setting in motion a public debate on the issues, with implications for, and contributions from, the principals, so that when negotiations do take place, there will be a general acceptance in the public mind, both among those inside the country and those outside it, about the sort of outcome there needs to be.²⁹

Above all, the concept that any government must rule under the law within an accepted framework of values needs to be well established.

Catalysts: Pre-negotiation confidence-building and the creation of "space" At the same time that public opinion is being nurtured and educated, the principal actors, both inside and outside the country, need to be contacted

²⁷Christopher Sugden in an article in *Transformation* (April/June 1995) entitled The Right to be human in the Old Testament argues that the Mosaic Law "differed from other law codes of the time because it laid far greater emphasis upon the value of human beings." He contrasts the concerns of the kings to secure economic affluence for their court with "(God's purpose that his people be free and live with a measure of equality, to be based on economic independence rooted in an equitable share of the nation's wealth, resources and land", and suggests our "solidarity in sin" as a basis for this equality, which has as its consequence that "people ought to appraise each other as of equal value in the light of God's bestowal (sc. of his unmerited love) and not because of any supposed intrinsic worth." It is a moot point whether principles such as these, biblical as they may be, could in practice be a meetingpoint for the RPF and the MRND/CDR in Rwanda, not least because the subtle distinction between "solidarity in sin" and "just as bad as one another" might not readily be grasped by the popular mind. Barry Logsdon's paper from the NPI South Africa Series (see 25 supra), which sets out a structural approach to peacemaking based on biblical principles, may provide a more workable framework.

²⁸The anniversary of the outbreak of genocidal violence after the shooting down of the presidential plane on the 6 April 1994 was marked i) by the brief initiation of the trials of some ordinary Hutus charged with involvement in the genocide, ii) by the public funerals of leading politicians killed in the genocide, such as the former prime minister Agathe Uwilingiyimana, and iii) by a call from General Paul Kagame for the world to help rebuild Rwanda and bring to justice the killers sitting in other African countries and in Europe. General Kagame, the Vice-President and Defence Minister, spoke of a "serious sickness which had eaten our society (sc. Rwanda) for a very long time

by the catalysts to gain their acquiescence that the process take place. No specific endorsements can be or should be sought from these actors at this time, for the catalysts merely desire to sow seeds for the future; and it is vital that the process should not bear too particular a stamp of any of the principals.³⁰ The efforts during the pre-negotiation phase must be to establish direct or indirect contacts with the principals, or those close to them, to demonstrate to the parties that an eventual settlement is in their interest, for it could further their goals.³¹ The catalysts need to suggest to the principals ways of dealing with sticking points which might otherwise impede negotiations as they occur, thus opening the door for the first steps towards encouraging the respective parties to come to the negotiating table.³²

The following are examples of areas which might need to be explored (see again Appendix 2: "Strategic Priorities for Assistance"). As they stand, they are only suggestions and indicate more the sort of approach which may be adopted (and adapted), rather than representing concrete proposals, let alone preconditions for negotiations. It is important that they be seen as possibilities which the respective parties might jointly consider as furthering the process, and as such being in their own long-term interest:

Fair and effective retributive justice for those involved in the genocide: There needs to be assurance that justice will be done, and the chief perpetrators punished; but at the same time, there needs to be the assurance that it will be carried out with due process and that strict limits will be placed on the scope of its effect.³³ The role of the

unchecked" - his remedy for this, however, involved judicial retribution upon his political opponents, rather than some collective expression of grief at what had happened. (*The Guardian*, April 8 1995)

²⁹If NPI were to fulfil these roles, it would clearly need some allies on the ground in Rwanda and Burundi, as public opinion in the countries could not be influenced, nor public debate stimulated, without either locals or expatriates with some *locus standi* listening to and participating in both NPI's work and the day-to-day flow of life in the countries. It must be borne in mind that no one person or agency may be able to fulfil all the roles required; the work of one may well have to be complemented by the work of others.

³⁰ Hence the inappropriateness of very strong efforts to secure the participation of the RPF

Government in a conference, in spite of the fact that they hold power at present, and the preference for the more thematic approach to future meetings to be organised by NPI. ³¹ On a simplistic evaluation, the principals would appear to be the MRND (the former single ruling party) and the RPF (the dominant force in the present Rwandan Government), along with their smaller allies. However, as has already been noted, the Arusha process caused fragmentation within all parties, and the genocide still more so, as those members of the MRND who were not implicated in the planning and execution of it have on the whole distanced themselves from those who were, and have sometimes called for them to be brought to justice as well. A new opposition party to the RPF and its allies is thought

by several experts on the region to be taking shape, as certain politicians at present in government have staked their political futures upon the return of the refugees from their camps, and others who are in exile (in the camps or further afield) obviously need some kind of *etiquette* which will prevent them from being associated in people's minds with the perpetrators of the genocide. A danger for NPI could be its being used as a catalyst and a consensus-builder to unite this new opposition party: this could then destroy its credibility as a mediator between this party and the RPF government. It is important that NPI operate to bring the RPF Government and any incipient opposition coalition together without bearing the imprimatur of either. The RPF needs to be brought to the view that its long-term best interests lie in negotiating with exactly such a broad-based and reasonably unified opposition coalition, since no other negotiating partner can deliver the political goods of peace and security.

³² The Tutsi point to the genocide perpetrated by the Hutu former government, the Hutu to the lack of legitimacy of the Tutsi regime currently in power. One side appeals to the interests of the state, whilst others claim to represent refugees and exiles. It is important to avoid becoming embroiled in questions of law and politics at this stage.

33 The extent of the killings last year mean that judges are having to be educated in due process before trials can begin. The difficulty with the scope of its effect lies in the fact that the International Tribunal cannot impose the death penalty, whereas the Rwandese national courts can, and probably will. Somehow, such anomalies need to be resolved. More fundamentally, the proper relation between crime and punishment and the integrity of the judicial process itself needs to be recovered.

34 The judicial process is difficult to de-politicise because the judges who have survived the genocide are appointees of the former single ruling party, the MRND, and as such are seen by the RPF régime (perhaps not without reason) to be biased in favour of the Hutus. Human Rights Watch, Africa document the case of the judge who ordered the release of a number of detainees on the grounds that the evidence against them was too flimsy to warrant their continued detention: the prisoners were immediately re-arrested, and the judge himself disappeared, never to be seen again. The danger needs to be secured against that the political bias of the previous order be replaced by the political bias of the successor order.

catalysts during this process is to sound out the parties concerned and, confidentially, relay their fears and grievances to those responsible for the process of securing justice, consistent with the integrity of the judicial process itself. The aim will be to depoliticise the judicial process as much as possible, and quietly to suggest strategies to overcome any breakdown of confidence in it by any party.³⁴

The problem of securing the return and reintegration of refugee/returnees and the restoration of the conditions for normal civil life: It is obviously crucial for the restoration of normal civil life, and the restoration of representative political institutions, that all refugees, returnees and internally displaced persons be able securely to return to their homes, and that they be assured of the necessary space to conduct and organise themselves in ways appropriate to a free society.³⁵ There need to be effective guarantees against intimidation both in the refugee camps and in Rwanda itself. Such guarantees are obviously beyond the capacity of the catalysts, although they can seek to influence the international community about ways in which such guarantees can be made more effective.³⁶ What the catalysts can do more directly is seek to put to the

³⁵The notion of "free society" can be highly problematical. The present government are upholding freedom of expression in the media, but they are putting off democratic elections, fearing that they would amount to little more than an "ethnic census" (the label attached to the June 1993 elections in Burundi by their detractors). There is the difficulty of controlling the army - both the soldiers on the ground who are tempted to take revenge upon those who butchered their families, and the officers, who are building up patron-client networks for themselves and seizing property. But despite its necessary vagueness, the notion of "free society" governed by law applicable to all, safeguarding the rights of property and person, remains valid.

³⁶It is granted that the securing of such guarantees through either internal or external parties is far from straightforward. Inside Rwanda, the *état-majeur* headed by Major-General Paul Kagame have in fact maintained a very stern discipline amongst their troops, which they have been forced to relax somewhat now they are in power, and the army are increasingly playing the role of civilian police. The recent incident at the Kibeho camp seems to have been born of a flash of panic, which nevertheless led to horrific carnage, and raises all the questions which quickly surface whenever defence issues are debated in our own part of the world, namely the importance of maintaining a deterrence in a fundamentally unstable, uncertain and untrusting environment, against the danger of self-destruction it' the deterrent ever has to be deployed. Outside Rwanda, the power of the international community to influence the leaders in the refugee camps resides largely in its ability to cut off food and other aid, although this course of action - quite apart from ethical considerations - might lead to desperation measures involving substantial loss of life.

principals how such a process can fit in to the broader settlement process, so that all see the process of return as being in their own broader interests.³⁷

The problem of political fragmentation: Apart from gulf between the MRND-CDR and the RPF, all the parties have been split between internal and external wings as a result of successive events culminating in the genocide of April 1994. There is great hostility particularly between those who see the only way forward as being to distance themselves entirely, be it within or outside the country, from any participation in the present structures of government - and those who participate in those structures in any way.³⁸ Such mistrust and lack of communication between these leaders and their followers, both within Rwanda and outside, increases crippling fragmentation and leaves them without any credible strength with which to begin negotiations.³⁹ In the present situation, it appears that the only options available are to come to the table on terms set for them by the RPF, or else to distance themselves entirely. The aim of the catalysts with respect to opposition groupings is to foster agreement among them so that unity might be restored.⁴⁰ Communication between the different groupings needs to be encouraged with an emphasis placed on discerning common needs and desires. Catalysts can help focus energies into the creation of a broad agenda and into the selection of strategies which will promote, rather than undermine the unity of the opposition. Disabling hostilities towards one another need to be overcome, so that the different opposition groupings can

³⁷A speedy return of the refugees should boost the economy, but what sort of incentive is this to people paranoid with fear of reprisals? What is also required is the security which can only be assured within the broader context of a negotiated settlement.

³⁸Prominent examples of both of these categories are the present Prime Minister, Faustin Twagiramungu, and one of his predecessors, Dismas Nsengiyaremye, who is now an exile in France. Nsengiyaremye, in the interview referred to above, observed that "the international community gives support to those who have the power and not necessarily the law on their side", and that "if going home means being jailed and banned from expressing oneself or from acting, one would be wasting one's time and one would be taking an inordinate risk, which is not fair." According to a memorandum emanating from Geneva and dated 16 January 1995, "RPF extremists, in order to present a non-ethnic image of their organisation to the international community, have carefully selected some serviceable Hutus and put them at their organisation's head. These serviceable Hutus have, on the whole, little to recommend them morally: most of them, in the past, have argued for a policy of total annihilation of Tutsi, and have criticised the former authorities for being too favourably disposed towards them." Obviously, personal ambition is a factor in politics at this level, and those who put it before adherence to principle are likely to be inimical to those who do not.

³⁹From one perspective, this might seem to suit the RPF very well. According to one senior Burundian Tutsi, the legacy of the colonialists consisted in 'teaching us how to kill one another', and Independence would have been less of a mixed blessing if it had not been conjoined with its 'leprous bride' democracy. But in the longer perspective, as has been argued, the lack of a properly negotiated outcome must simply perpetuate the cycle of violence and destruction.

come to the negotiating table as a united front.⁴¹ At the same time, confidence needs to be built with the RPF authorities, not only to expedite the release from prison of key opposition leaders, but also to encourage the normalisation of the political situation to allow political leaders and organisations to re-establish contact with their respective constituencies, as well as with one another, to enable them to negotiate with the RPF on a basis of equality and by thus acting as genuine representatives of their constituencies, be in a position to "deliver" peace with justice for the common good.⁴²

The problem of appointments in the public service and local government: Those holding office, be it at a national or local level, need to be assured that they will not simply be replaced as a result of the replacement of one regime by another. There might be a demand by Hutus that as they form the overwhelming majority of the population, this should be reflected in public appointments, while Tutsi, with their better access to education, might naturally feel best equipped for official appointments.⁴³ Both these concerns need to be addressed in such a way that the good of the country as a whole is not adversely affected. The objective of the catalysts during the negotiation discussions is to reassure both communities that their fears will be taken into account. The Tutsi need to be assured that should the government of the country be made fully representative, they will not be victimised once again or displaced on ideological or ethnic grounds; while Hutu will need to be assured that technical and educational upgrading programmes will continue to be made available to enable them to have access on better terms to those positions from which they might be excluded. The question of language also needs to be addressed to ensure that additional requirements, for example the ability to speak English, are not introduced, and that the use of French or Kinyrwanda as languages of administration are assured.

The problem of the composition structure and command of the army: Although the question of the integration of the RPA and the FAR was addressed by the Arusha Accords with the formal establishment of a joint high command, the integration of the two armies was not achieved, and the civil war recommenced after the

⁴⁰There is a third option, of course, namely joining the RPF governing coalition. However, it is unclear just how much power and real authority the coalition partners enjoy when the army is loyal to the RPF.

⁴¹Access to land and to property, and security from attack, are basic needs and desires (see

Appendix 2). A functioning judicial system is obviously necessary to adjudicate competing claims, but widespread political representation in the government and in parliament may also be necessary for these claims to be heard and, if upheld, enforced.

⁴²This may entail broadening the base of the RPF itself, as opposed to the coalition of which it is a part. But the RPF still need a negotiating partner, just as the South African Government needed a free ANC: leadership if the negotiated settlement was to be of any value.

⁴³In fact, in Rwanda, it is the Hutu who are both better-educated and better-connected with the outside world, as a result of systematic discrimination against Tutsi in education and in public life (the opposite is the case in Burundi).

assassination of President Habyarimana. A new structure for defence needs to be brought into being which secures the services of the professional core of both armies, working in small mixed teams of officers and NCOs (working) to train villagers in local defence; and the demobilisation and the assisted reintegration into the economy of the greater proportion of the enlisted men of both armies, apart from a small presidential guard comprising both RPF and FAR elements. Clearly assurances about the payment and future of the forces of both armies are beyond any catalyst's resources (although this may be a suitable issue for an international guarantor or sponsor), but contacts between senior officers of both armies can be facilitated with political approval, and plans for future structures to secure such goals suggested as being most likely to receive international assistance. In " dealing with the military question, the catalysts must seek to obtain reassurances for the members of the respective armies that their professional integrity will be respected and their basic concerns, regarding indemnity and pay, addressed.⁴⁴

The catalysts need to gain the trust of all the principal actors as being those who are clearly guided by an agenda which is not itself determined by the existing political dynamic, but which takes its bearings most fundamentally from a concern for the basic principles of justice itself.⁴⁵ They must listen attentively to all disputants, showing concern to each of them equally. During the first stages of contact they must establish their *bona fides* with the principals as they come to recognise their commitment to truth, peace and justice.⁴⁶ Their next step will be to suggest ways forward which will accommodate their respective concerns in a just manner. Should these terms not be found acceptable, they must return to their first principles and then work out in consultation with all the parties concerned how an alternative accommodation might be made.

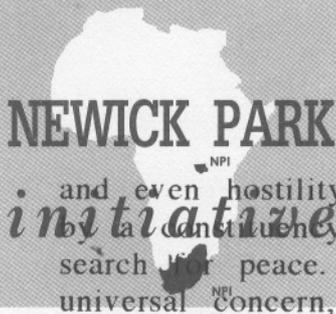
(b) The role of the peacemakers in the negotiation phase

As in the pre-negotiation phase, the peacemakers have a parallel role during the actual conduct of negotiations. They need to have available the common framework which they have been disseminating in the prenegotiation phase, but at the same time, need to be in touch with the principals behind the scenes to help act as informal channels of communication, and to be willing to offer ideas and suggestions in an informal way to the respective principals, even if it runs the risk of rejection

This raises the question of whether some "positive discrimination" along ethnic lines is appropriate in order to redress the balance, although the historical advantages of the Tutsi, and the education available to those returning from the diaspora, must be taken into account.

⁴⁴ See Jubilee Centre paper, 'The PLACE principles: Biblical Norms and Alternative Defence Structures.'

⁴⁵ See notes 21 and 22. The establishment of justice and peace depends fundamentally upon a willingness to hear the truth and act in accordance with it, and if this truth is to be biblical truth, it needs to incorporate the idea that "all have sinned and fallen short of the glory of God." See note 27 for the difficulties.



NEWICK PARK

and even hostility.
initiative
continuity,
search for peace.
universal concern,

Chairman

The Rt Hon Viscount Brentford

Executive Director
Prof Washington A J Okumu

Unlike the principals, the peacemakers are not bound only by the truth and integrity, and the ever-constant search for peace. As such, there is a freedom of action motivated by a universal concern, on a non-partisan basis.⁴⁷

There seem roughly to be three constituencies in the Rwanda situation, many themselves split into internal and external wings, as has been noted; first, the present RPF, as well as the Liberal Party, both predominantly, but by no means exclusively Tutsi; second, the predominantly Hutu parties of the centre ground, namely the MDR and PSD; and thirdly the MRND and CDR, representing the huge concentration of mainly Hutu refugees situated in Zaire and Tanzania.⁴⁸

These are the "principals", and any set of proposals put forward by one will almost inevitably be suspect, if not entirely unacceptable, to the others. This may be either because it is seen as being slanted too much (whatever disclaimers and justifications there might be); or alternatively because the constituency concerned needs to rally its members to demonstrate its political power vis a vis the others, and the simplest and most effective way to do this is to attack or pillory the "enemy".⁴⁹

Consensus builder: putting a common framework at the disposal of the principals: The consensus-builders, from the work they have done in the pre-negotiation phase, now have a set of ideas to offer to the principals, which yet does not bear the imprimatur of any one of them, and thus can be used as the common basis of discussion. Of course, the principals will be , making use of a diversity of ideas, but their prime aim will be to represent their respective constituencies in the best way possible. The advantage of such a framework is that in accepting it, neither, or none of the principals will have to "climb down" to the others, but can find ways to work together with their former opponents for the common good.⁵⁰

of applying this in practice, and see Logsdon's paper referred to there as a possible way of tackling them.

⁴⁶That is, the various parties must feel that they can trust them enough to reveal their real concerns to them, and not use them as intermediaries for subterfuge

⁴⁷This is a difficult rôle for the UN and the OAU to play, for example, as both are influenced by the domestic agendas of their leaders, and they by the agendas of the influential powers which secured their election and who may ensure their re-election.

"At least part of the second category are in the governing coalition as it stands at present, and many of the third are in refugee camps or in exile. For an effective opposition to form, it may now need those in category two who are outside government to join forces and voices with those in category three who are not tainted by genocide..

Catalyst: acting as an informal facilitator during the negotiating process: During the course of the negotiations, stalemates and misunderstandings arise. The catalysts, as an independent agency trusted by all the principals, can work informally behind the scenes, perhaps on a shuttle basis, to help clarify misunderstandings, and to suggest creative ways around stalemates, taking the risk of failure upon themselves without prejudice to the bargaining positions of the respective principals.

(c) The role of peacemakers during the implementation of the settlement

The role of the peacemakers does not end with agreement on a settlement. The peacemakers need to continue to uphold and secure the settlement in both a public and a private way:

Consensus-builder: helping to sustain the common ethos and, moral framework: The framework developed in a the pre-negotiation phase, which helped to inform the principals in coming to a settlement, must continue to be the basis on which the consensus necessary to sustain the process can be built up. As this process continues, so must the process of public understanding and debate, so that a constant sense of living under the protection of law within a constitutional order is maintained and developed in the consciousness of the public at large.⁵¹

The framework must also be the basis for developing a proper system of checks and balances in all areas of life, so that the functions of all institutions - state, church and family, as well as voluntary associations - can operate/be defined according to their proper role. The "covenant" - that is, the authority under which the government exercises power - needs always to be brought to the mind of the people as a whole, so that all breaches of the constitution can be remedied in the courts.⁵²

Catalyst: Defusing tensions and misunderstandings: The implementation phase is likely to be full of difficulties and misunderstandings, and the catalysts need to be on hand to help clarify these and build a climate of general confidence and good-will, while at the same time drawing attention to those areas in which the principles of the settlement have been neglected, where further and subsidiary settlements need to be reached and subsequent tensions and conflicts arise.

⁴⁹The Liberty Desk Report referred to already takes this approach, calling the Tutsi *en masse* 'Luciferic' and 'devilish'.

⁵⁰ Broadly speaking, the "principal" members of the external opposition are pressing for a full implementation of the Arusha Accords as agreed in August 1993 (see, for example, James Gasana and Nkiko Nsengimana, "Bâtir une nouvelle espérance pour le Rwanda: éléments de propositions pour un contrat social", Lausanne, April 1995), whilst the RPF Government claim to have achieved political inclusivity (albeit through co-option) after driving out a genocidal régime. The Government has power; its opponents claim that it lacks the legitimacy of a

5 . CONCLUSION

The question of how the principals will be brought to the negotiating table is not dealt with in the body of this paper. Various scenarios might be envisaged. Negotiations for a transfer of power may come about in Rwanda in at least one of two ways: either as a result of worsening domestic or international situations, or, as is argued for in this paper, as a result of the parallel pre-negotiation efforts of the informal peacemakers described here, and concerted international third-party initiatives (described in Appendix 1) or, most likely, as a combination of the two scenarios!

The key element of the process described and advocated in the paper is the coming to agreement on ways to deal with issues by the principals on the one hand, and the public at large on the other, so that a basis can be laid for peace rather than mutual destruction.

For consensus-building, the backing of a number of key church leaders and other public figures will be needed from across the ethnic, ideological and denominational divides; but just as vital, if not more so, will be the building upwards from within the communities themselves, of a general, and easily-grasped, set of concepts to inform the debate. Common frameworks of values, applied to specific areas of* the political, economic and social structures, will need to be widely agreed to as being the right basis for a future dispensation; so that when negotiations take place, they will not be doing so in a vacuum, but there can be a set of basic concepts, of sufficiently non-partisan character, to be adopted by the respective principals without undermining their bargaining positions.

popular mandate; some substantial model is needed that can be recognised as being for the "common good".

⁵¹That is, presumably, the parties must not give the impression that the constitution has been suspended pending some new settlement, which will be foisted willy-nilly upon the population (or those that have survived the intervening period of uncertainty) at the conclusion of negotiations. Rather, the population must feel that they have participated very consciously in the process of putting together the settlement

⁵²The approach taken by Gasana and Nsengimana in their paper referred to above (see note 52) is premised upon the *contrat social*, which strengthens the rights of the Citizen as against the State, but acknowledges no constitutional rôle for church, family and local government. The biblical "covenant", on the other hand, provides such smaller authority units, and contains a positive, "aspirational" element lacking in the Western model, which is based on a denial of power to government or people. See Logsdon's *Multipolarity and Covenant* cited earlier.

At the same time, a catalytic process needs to be undertaken, whereby the trust and confidence of the principal actors is obtained and 'space' created, in the form of a general approbation that the consensus-building process take place, without giving that process their specific imprimatur (since that might prejudice the approbation of that process by their opposite numbers). It is vital that the catalysts be well-informed and in touch with the dynamic of the domestic and international situation, and have close touch with and entrée to the principals.⁵³ The catalysts also need to be pro-active in addressing the basic concerns of the respective participants and indicating to them, and to their opposite numbers, ways in which they might be met. It cannot be a clinical process, and the catalysts need also to be closely connected to, and deeply empathetic with, all the major constituencies, while at the same time retaining their credibility as a genuinely non-partisan contributor to the overall process, guided throughout by a fundamental concern with truth and justice in the achievement of peace.⁵⁴

⁵³Former Prime Minister of Rwanda Dr. Dismas Nsengiyaremye has established an office on the outskirts of Paris for the *Union Démocratique Rwandaise*, which appears to be an attempt to focus external opposition to the current régime in Kigali. In a letter to the Secretary General of the United Nations Dr. Boutros Boutros Ghali, dated 15 May 1995, Dr. Nsengiyaremye (who signs himself "Former Prime Minister" and "First Vice-President of the MDR") and his colleague Dr. Albert-Enéas Gakusi ("Former Professor at the National University of Rwanda") argue on behalf of the UDR that the military solution of the RPF has derailed the implementation of the Arusha Accords, and has led to a régime which, in terms of exclusive and oppressive methods, is just as bad as the former one. The Kibeho massacre of the 22 April is cited as one example of the responsibility the RPF bears for the disaster in Rwanda: it is described as 'the crowning of a policy of elimination of real or supposed opponents, led by soldiers from hill to hill since July 1994'. The consequent lack of trust in the (government makes a future return of refugees and internally displaced persons to their places of origin problematic, and therefore individuals responsible for this policy within the RPF should be tried for their crimes before the International Tribunal, and international sanctions imposed upon the régime until it makes political compromises in line with the Arusha Accords. The writers call for an international conference on Rwanda organised by the United Nations, with the participation of the OAU, the UNHCR, the countries bordering on Rwanda, and those countries who had observers at the Arusha peace negotiations. This could amount to a "concerted international third-party initiative" if it were to happen, but as recent history has shown, it could easily prompt extremists within the RPF to resort to desperate measures if it showed signs of succeeding. The scope for "informal peacemakers" to work alongside this process, allaying the fears of all the principals, is fairly obvious.

The peacemakers need to gain the trust of all the principal actors as being clearly guided by an agenda which is not itself determined by the existing political dynamic, but which takes its bearings most fundamentally from a concern for the basic principles of biblical justice itself. By seeking peace and by addressing different aspects of an unjust situation they will come step by step towards their goal. The peacemakers must attentively listen to all disputants, showing concern to each of them, even to those with whom they disagree; and while they cannot remain morally neutral, indeed they must not, they must be careful not to allow themselves to be co-opted into the political strategy of any one political grouping.⁵⁵ During the first stages of contact they must develop trust and credibility as the conflicting parties recognise their commitment to restoring truth, peace, and justice to the country. Their next step will be to suggest ways forward which will accommodate their concerns in a just manner. Should these terms not be

⁵⁴To balance the last note, the RPF perspective, as articulated by their Secretary General Dr. Théogène Rudasingwa at the SOAS meeting of January 1995 referred to earlier, was one of bitterness towards the international community first of all on account of its reneging upon an agreement to guarantee the safety of Rwandans in return for the RPF retreating from Kigali during the Arusha process, and secondly because of the huge amount of aid given to the people in the refugee camps (about \$1bn) at a time when the Government could not obtain \$50,000 to restore the telephone lines, electricity, water, schools, health services and so on, because it was made conditional upon their getting the refugees back. Dr. Rudasingwa saw vested interests of the international community (Governments, NGOs and multilaterals), the genocide leaders, and host countries like Zaire as conspiring to keep the refugees in their camps, and undermine the RPF Government's legitimacy. He blamed inherent defects in postcolonial systems over-reliant on violence for the difficulty the RPF had experienced in effecting peaceful change through peaceful means - in other words, presumably, the RPF could not avoid adopting some of the violent methods of the former régime, because such were the means required to obtain the obedience of the populace, who expressed their protest by taking up arms rather than putting up a spokesman to criticise the Government over the radio.

⁵⁵This is where the approach of the Liberty Desk falls down. Although the broad principles which they seek to uphold (such as the fact that Hutu and Tutsi alike are responsible before God and before human courts for their actions) are excellent, they perceive one side as being weaker than the other, and therefore needing to take drastic measures to preserve itself (such as the 'pre-emptive overthrow of the government in Rwanda after independence'). Whilst the peacemakers obviously have to be sensitive to the different readings of history that the principals have, they should be firm in their determination to apply their framework of Christian principles to the Rwanda of today.

found acceptable, they must return to their first principles and then work out in consultation with all the parties concerned how an alternative accommodation might develop.

Throughout, however, the peacemakers need to be well aware of the limitations of their role, and that international support may well be necessary if the principals are to come together (see Appendix). But the final decision and shape of what ensues must remain with those in Rwanda itself, and the transformation of thought and action within a framework of values shaped and worked-out in a considered and thorough way needs to take place among those within the country.

At present, a negative spiral towards extremism and violence exists within Rwanda. This spiral needs to be counteracted in a positive way, in that those issues which lie at the heart of the anger and frustration of the Hutu community need to be addressed in a radical way, by Tutsi working out with Hutu, and vice versa, the sort of structures which need to be put into place. For this to happen, channels need to be created by individuals and informal groups working together to establish networks of confidence and trust between those representative of the respective communities.⁵⁶ This must be done within terms of a basic commitment to truth and justice by the individuals concerned. At the same time a public consensus needs to be build up about the urgency of reaching a constitutional settlement and the sort of principles which will establish a new order within which Hutu and Tutsi can both live together in freedom and justice.⁵⁷ Both aspects of this peacemaking task are needed now to create a positive movement towards a just and lasting peace in Rwanda.

⁵⁶Is this happening already, and if so, who are the channels, and how successful have they been? One assumes that the UN, the OAU, the Roman Catholic Church, and various interested Governments have made attempts.

⁵⁷NPI's current preference is for a federal system in Rwanda, and a paper is being prepared by its Director, Dr. Michael Schluter, to be presented at a conference in Switzerland this September on "federalism vs. Ethnicity".

APPENDIX 1: INTERNATIONAL-THIRD-PARTY SUPPORT FOR A SETTLEMENT

The position of either other states or of international organisations as outside parties allows them to play a key role in encouraging a peaceful settlement to the Rwandan crisis.

No matter what international organisations, states or individuals take part in securing a final settlement for Rwanda, the significant decisions concerning the outcome must be made by Rwanda. Although a third party may open doors which formerly were closed, the people of Rwanda - through their respective leaders - must themselves select the paths which they wish to take. An outsider cannot dictate the future, but can serve to stimulate the taking of positive steps towards a settlement, and the securing of such a settlement on a sound footing.

In the discussion below, although the role of international third-parties is described as 'independent', experience shows that they are far from disinterested: in the case of the UK in the negotiations at Lancaster House about Zimbabwean independence, or the USA in the Angola/Namibia settlement, the fact that they desired certain outcomes may actually have strengthened their hands in (eventually) establishing their credibility as mediators with the respective parties. In addition, too much should not be made of the need for the negotiating parties and the third party mediator to have shared interests: third parties may well have to find ways to deal with and allay concerns which have high priority to one side, but less concern, or even strong unacceptability, to the other, and this takes a great deal of skill and patience to resolve.

1. Supportive international third-party roles in the pre-negotiation phase

There are three ways in which international third-parties can prepare the way for the negotiation process:

(a) Developing channels as a potential mediator or 'honest broker': The independent status of the third party can allow it to provide a venue for negotiations and will therefore assist in developing a solid framework for constitutional settlement in Rwanda. Organisations such as the Organisation of African Unity, the European Community, and the United Nations could play a significant role in discussions.

Such a facilitator will encourage trust and recognition of mutual bonds by opening channels of communication without public exposure. The facilitator will promote creative options for the principals and act as an intermediary so that they might eventually come together for negotiations.

(b) Assembling packages provide incentives for negotiations:

Financial assistance will both encourage them to come to the negotiating table as well as assist in promoting a smooth transition by relieving some of the apprehension change will bring. Such efforts will help to reduce tension and encourage communication and understanding, for they will be positive measures with symmetrical effects. They will be a concrete demonstration of the promises offered by the facilitator, one which will foster good will between the parties by meeting their basic concerns.⁵⁸

(c) Building up syndicates of potential-guarantors or settlement:

There needs to be a syndicate of third-party guarantors to agree to uphold the settlement once it is agreed upon. The greater the number and the broader the range of third parties forming the syndicate, the more likely the guarantees will be acceptable to the principals (especially if the syndicate is well balanced with the respect to the principals concerned). The promise of such a syndicate will not only encourage all parties to adhere to the agreement, but will also help to uphold stability within the region.⁵⁹

Although the Rwandans themselves must agree upon the actual social, economic, and political structures which they wish to construct, the thirdparty syndicate can play a significant role during the early stages of implementation as the 'guarantor' of the settlement.⁶⁰ Effective and verifiable procedures for the implementation of the final agreement need to be identified: such as the need for an internationally-recognised interim government overseeing a timed process of transition, the supervision of free elections, monitoring forces, and an appropriate evaluation process. While the syndicate may not be able, and should not attempt, to underwrite the entire process of transition nor implement all of the details, it can help to shape and guide the process by careful specification of parameters for the implementation of the settlement.

⁵⁸ NPI's first two conferences, in December 1994 and March 1995, both looked at *Strategic Priorities for Development Assistance to Rwanda*, and came up with a number of strategies by which aid money might be offered or withheld so as to encourage negotiation. In between these two conferences, the international donors assembled in Geneva and pledged \$582m in aid to Rwanda, and the N-11 research team travelled out to Kigali, where they discovered from conversations with the World Bank's resident representative that the sums pledged were unlikely to be disbursed in any quantity because of the lack of technical expertise and economic nous in the Government, and the uncertainty as to who would be occupying a designated piece of land in 9 months' time. Some aid therefore needs to be made available to the parties on the sole condition that they participate in the process, which should have as its outcome the restoration to positions of authority of some of those Rwandans whom the donors trust to assess project proposals judiciously oversee their implementation with integrity and skill.

⁵⁹ But as already noted, the response of extremist factions has to be taken into account. The principals were ready to adhere to the Arusha Accords in April 1994 having been put under pressure by their sponsors to do so - but their remained a significant body of people who

2. international support during negotiations

If and when the principals choose to 'turn the corner' and enter into discussions, the pre-negotiation work of the international third parties will have set the stage through the developing of channels, the assembling of packages of incentives, and the formation of international syndicates to make possible the transitional process.

Once the principal actors decide to come together, the method of locating a mediator is flexible. Either the peacemaker of the pre-negotiation stage or a trusted party may serve as mediator. If the participants find it more acceptable, a third party could fill this position as could a churchman of status or a statesman of note. Whomever is selected may or may not actually chair the negotiations, but will guide the over-all phase according to the framework and principles set out earlier.

The mediator needs to gain the respect of the parties at the negotiating table, for his credibility is the key to opening discussions. He must demonstrate equal concern for all sides, creating legitimacy for each by attentively listening to their anxieties as well as to their desires. A successful settlement hinges upon the mediator's ability to gain the trust of the principals, a notable example of this being President Jimmy Carter's success in the negotiation of the Camp David accord between Israel and Egypt in 1978 in which Egypt agreed to recognise Israel's right to exist in return for the restoration of territory conquered by Israel.

In addition, the mediator must listen so as to take account of the fears and objectives of each participant, allowing each to express himself within the framework established to guide negotiations. A successful mediator will create room within which the parties can manoeuvre, in order to release tension. He or she will, therefore, allow them to take credit for any progress made while accepting any blame or negative responses him or herself. By acting as a scapegoat, the mediator can reassure and preserve the integrity of the negotiators.

The rights of all persons and interest-groups must be addressed during the first stages of negotiations. One group must not dominate another either during the negotiations or in the final agreement. Indeed, the implementation of an extensive bill of rights and the protection of private property should be considered as a prior step in order to bring the principals to the negotiating table.⁶¹ The key at this stage is to appeal to the leaders and to thus gain their commitment to the process, for without

had other ideas. The general assumption at the present time is that the genocide leaders should not be represented in any negotiations which take place, and therefore they are the obvious ones to expect trouble from should any settlement be in sight.

⁶⁰ The OAU (Organisation for African Unity) played this role during the Arusha negotiations in Tanzania.

their commitment it will be impossible to carry out a constitutional settlement.

The aim of the mediator is to bring the principals together, to foster communication and to ensure that plans for discussion are widely canvassed. Creative options for mutual advantage ought to be promoted by the mediator as well. The mediator will serve as the link between the principals so that they might eventually come together and he will initiate movement through both influence and intervention.⁶²

As a first step, the mediator needs to contact the leaders, build trusting relationships with them, lessen misperceptions, build confidence, and set a positive tone to the proceedings. The next phase involves helping to define the basic issues before the negotiators and setting a broad agenda. Anything which is merely peripheral is to be disregarded, for the negotiations will address primary issues alone. Specifics will be dealt with later on, for they tend to stimulate debate and dissention. Strict guidelines of both behaviour and of procedural matters must be agreed upon at this stage, as must the method of reaching the final settlement.⁶³

Once a broad agenda has been accepted, the mediator needs to work on discovering common ground and on generating possible measures for mutual advantage. These measures need to be created and developed in an uncritical atmosphere by the participants as well, for then they will begin to 'own' the process themselves. Once all possibilities are suggested, each will be evaluated according to its costs and benefits, with only those found acceptable remaining before the negotiators. Although each side must abandon some of its demands, the final settlement must be one in which no one is defeated - in fact, all will 'win' from the stable Rwanda which they have assisted in creating.⁶⁴ By indicating how the basic needs of the people can be met (freedom to have control of their own lives, physical security, the right to well-rounded education, recognition of basic dignity, and economic well-being) as well as by participating in discussions, each party is

⁶¹ A key provision of any bill of rights is the role of the army, and in particular, who determines its composition, and to whom it is accountable. Army leaders appear to have been taking control of private property (taking advantage of the prevailing confusion, and also of the denunciations relating to last year's genocide), and even to have accepted grants of land in national parks and seats in parliament. A bill of rights which does not tackle this fundamental problem is not likely to help much.

⁶² The return of the refugees is one primary issue whose resolution could bring much mutual advantage: for the current Government, because a source of bandit incursions and ultimately a possible invasion force would be removed from its borders; for the exiled leaders, because they would have a constituency at home that they might otherwise not have. Yet for both, having the refugees in the camps has certain tactical advantages also: for the Government, because everyone there will be assumed to be guilty of genocide en masse by the populace at home; and for the exiles, because they can forecast a violent solution if their demands for political inclusivity are not met, without taking direct responsibility for organising it themselves.

assured that the particular concerns of its constituents will be addressed and that it will have a stake in the outcome.

The mediator must then locate a chairman, who will construct a detailed agenda and a timetable to guide through every step of negotiations. From the first contact with the principals to the signing of the final settlement to the implementation of the agreement, a plan of action must be strictly adhered to. The structure of the negotiation must be in such a manner that a chain-linkage from one agreement to another is formed; so that agreement on, for example, the final constitution will lead naturally to the consideration of the transitional arrangements and then to the resolution of the present conflicts; and once agreement is reached on one point, none of the principals must be allowed to backtrack from it.

As in the case of the Rhodesia/Zimbabwe settlement in 1979, as the participants recognise their own particular stakes in the settlement, they will more easily accept each point discussed. By participating in each step, the parties will become more involved in the process and are thus less likely to renege on earlier promises. Carefully worked-out plans for discussion, clear goals, and a strong chairman who will maintain momentum of the process are essential. The chairman's task is to break the issues down so they are more attainable as well as to move the talks ahead with the help and support of the key external parties, to conduct tough one-on-one bargaining, and strictly to allocate discussion time.⁶⁵

(b) The dual role of the underwriters during negotiations: The syndicates of underwriters which have been built up during the pre-negotiation phase can be brought into play in two ways. Individual states or groupings of states need to be brought together with an interest in encouraging and sustaining the negotiation process itself. These intermediate guarantors need to be ready to bring pressure on the respective principals so that the parties can be encouraged to come to the table in the first place, and that obstacles encountered at the different stages of the process can be overcome. Underwriters also need to be at hand to guarantee the implementation, in stages, of the settlement itself.⁶⁶

The pressures on the principals before they may take part in negotiations needs to be structured in such a way that each of the principals will face equally negative measures should they decide to obstruct or unilaterally withdraw from the agenda and timetable agreed upon by the principals in commencing the negotiations. There will need to be a symmetry of penalties applicable to the principals, so that all have an equal interest in the success of the talks; so that none of the principals will, for the sake of 6 5 This is a role which NPI's Executive Director Professor Washington Okumu would have the intellectual and personal qualities to fulfil, but he would have to overcome the mistrust of the Francophone players, and convince that he was not coming with a Kenyan (or any other) agenda to impose.

⁶³ The 'primary issues' could be the heads of the Arusha Accords, which were the return of the refugees (see last note), the national army, power-sharing, and the rule of law. Particularly on the power-sharing point, where the RPF claim to have implemented the spirit of the Accord

tactical advantage, be tempted to stall or break off the negotiation process.⁶⁷ All the principals need to be equally committed to avoid the collapse of the discussion or a reneging on either the intermediate agreements or the final settlement. In the case of a deadlock, the chairman, in the manner of Lord Carrington, may find it necessary to threaten the parties that he will settle for a 'second best' option and the intermediate guarantors need to be at hand to help him put this contingency plan into effect.

The prospective guarantors of the settlement itself need to close at hand during the course of the negotiations, so that they can be ready to underwrite the provisions of the settlement as they are agreed upon. Modern communications mean that the consent of the underwriters to the guarantees can be obtained quickly and at the highest possible level. The leading underwriters will have their representatives in close proximity to the discussions; but their brief should be defined in such a way that the guarantees which the underwriters provide can be tailored to fit the successive provisions of the settlement as they are shaped by the principals.⁶⁸

(c) The placing of packages on the table by the sponsors: A package of aid and assistance can be assembled and placed on the table, or at least made known to the principals either definitely or by implication, as an inducement to begin and continue the negotiation process; but as is the case with the guarantors, the sponsors of the resulting settlement need to be able to restructure their package of assistance so that it can be applied specifically to overcome possible sticking points in the negotiation or implementation of the agreement, or be planned so that its delivery in phases be linked to the successful implementation to crucial provisions of that settlement.

but where their opponents claim that they have just co-opted serviceable members of the opposition, there is scope for much debate.

⁶⁴ This will obviously require some pledges of funds from the donor nations to be made specifically conditional upon reaching a settlement (see earlier), but it will also require (for example) the disarming of the militias in the camps in Goma and elsewhere, and the appeasement of President Mobutu of Zaire.

⁶⁶ See earlier the neighbouring countries have an important role to play as being geographically "on hand", and a certain degree of reconciliation between President Mobutu of Zaire and President Museveni of Uganda will be vital if this is to happen.

3. Support of international third-partie in the implementation phase

In many African countries where there has been a far-reaching transfer of power, this has been preceded by a transitional period to allow this to take place in an orderly way. Arrangements need to be agreed upon which allow the power-holders to move towards a thoroughgoing transfer of power without losing face, or allowing a breakdown of law and order or the rise of an order which is directly antithetical to their fundamental concerns.

Although a dramatic transformation is desired in Rwanda, those involved must be willing to adopt a realistic strategy to ensure that the new situation is an improvement. Once a settlement is reached, the question of how to implement, monitor, enforce, and evaluate it comes into play. Rigid control by the interim government and the division of the agreement into short-term goals rather than long-term objectives may make the accommodation more obtainable. Such a plan, which prepares for the transitional changes which the future might bring, provides for further options for peace and for guaranteeing the success of the actual settlement itself.

The length of the transitional period depends on the complexity and scale of the changes which need to be effected. In Kenya, the transitional period lasted from 1960-3, in the form of a coalition government with protection of minority rights, between the two major political movements, Kenyan African National Union (KANU) and the Kenyan African Democratic Union (KADU). In Zimbabwe, entrenched provisions were agreed upon at the Lancaster House conference which paved the way for full independence. The provisions ensured that twenty out of the hundred seats be reserved for whites in the Zimbabwean House of Assembly for ten years, a bill of rights be adopted for the same period, and that pension rights for public officials be honoured with incentives to white officials to remain in service. The independence of the judiciary was also guaranteed by the agreement. (In fact, the twenty seats were replaced before the end of the ten years, but with the approval of 70% of the House of Assembly and 70% of the Senate, as required by the agreement).

⁶⁷ Considerable pressure was brought to bear upon President Habyarimana during the Arusha process, as he was tied into the cause of the Hutu extremists from the north of the country back at home through his wife's family links, and was afraid of the consequences of betraying them (justifiably so, as things turned out). Perhaps there is a need to identify the "principals behind the principals" in the current situation, also.

⁶⁸ Presumably, a very broad provision requires only a very- broad guarantee, whereas once specifics are in issue, more particular guarantees are required.

In the cases of both Kenya and Zimbabwe, the terms of the transition were effected and followed through with the agreement of all parties concerned, including the whites. The successful transfer of power in Zimbabwe in particular may be accounted for by the soundness of the agreement, a firm commitment by those involved to uphold the settlement, a solid interim government provided by the United Kingdom, proficient monitoring of the cease-fire by Commonwealth troops, and global pressure to adhere to the agreement. An approach such as adopted in this instance serves to strengthen bonds among all those involved and lays the foundations for the growth and development of new institutions. At the same time, however, it allowed the ruling groups to save face as well as to participate constructively in the new arrangements.

As demonstrated by the transition from the Rhodesian government to the current institutions in Zimbabwe, a peaceful transfer of power needs to be carried out in stages. The transition period may begin with, as in the case of Zimbabwe, a cease-fire monitored by outside forces, the establishment of an interim government, and fair elections. The final phase commences with the transfer of sovereignty to the new state and its government. The transition in Rwanda will be one of developing and accepting a framework, and then implementing it with the backing of guarantors and sponsors dedicated to ensure the full and scrupulous implementation of the settlement.

Demographically, the Tutsi are a rapidly-shrinking minority, but are likely to continue to be disproportionately significant, especially in the economy. For this reason alone, they cannot be overlooked, quite apart from the fact that they are the present ruling group in Rwanda.

The achievement of a constitutional settlement does not guarantee the elimination of conflict, for it does not abolish all conflict but simply reduces and channels it. Two basic factors, however, will add to the chances for maintaining peace within Rwanda, constructing a firm foundation for the settlement and creating a climate of good-will amongst the parties agreeing to the plan. The establishment of a solid, just and balanced structure will especially help make for a peaceful transition, as will the participation directly and indirectly by all parties involved internally or externally in the present conflict. All participants will need to make sacrifices, so that all may 'win' and none may suffer total defeat. Such an accommodation will prepare the people of Rwanda for a peaceful and prosperous future.

(a) The informal continuation of the facilitator's role after negotiations: The facilitator's role strictly ends with the signing of the agreement by the principals, and the support for the implementation of the settlement then passes to the guarantors of the settlement. However, the facilitating party can remain on hand in an informal capacity by maintaining informal contacts with the transitional government and the guarantors in order to clarify any misunderstanding which may arise in the implementation of the settlement; and thus help to suggest, by a process of informal representations to the parties concerned, ways in which the terms of the settlement can be upheld and enhanced, say, by the application of further aid to overcome obstacles in the implementation of the settlement, which might not have been foreseen during the negotiation process.

(b) The policing of the transitional arrangements by the guarantors: During the implementation phase, the guarantors must be available to intervene to the exact extent that has been agreed upon by the principals in reaching the settlement. To that extent, the principals will have chosen to limit the sovereignty of the successor state established by the settlement for the length of time agreed to in the settlement.

For this reason, the monitoring elements, be it specified observers at times of elections, or the presence of an international force to oversee the reorganisation of the army, must be of such a nature that it is genuinely balanced and non-aligned with respect to all the principals at the time of reaching the settlement. *De facto* checks and balances, as well as *de jure* limitations must be built into the terms under which any intervention to uphold the settlement is to take place, for example, any monitoring force could be of a balanced nature, half comprised of elements nominated by one set of principals, and half nominated by the other, each being able to veto nominations made by the other.

The period of trusteeship of the settlement by the guarantors falls away with the ending of the transitional period.

c) The delivery by the sponsors: Packages of aid need to be delivered in phases and linked as far as possible to the implementation of the settlement, in order to encourage and support the working out of the terms of the settlement by all the principals, and the strict honouring of both its spirit and letter by the transitional government.

Unlike the trusteeship of the settlement by the guarantors which ends strictly with the completion of the transitional phase, the sponsors need not cease their delivery of aid with the ending of the transitional period, although the strict rationale for continued assistance, namely as an incentive to carry out the terms of the settlement, will no longer apply. In fact, aid can be targetted specifically to follow the achievement of* the final stage, and further delivery of* aid can, explicitly or implicitly in terms of the settlement, be negotiated in order to overcome any unforeseen obstacles in either the transitional or the final stages of the implementation of the settlement.

APPENDIX 2: STRATEGIC PRIORITIES FOR DEVELOPMENT ASSISTANCE

Preamble

The immediate problem facing the new Government of Rwanda is the need to restore normal civilian life and the services required for economic growth. Given the huge displacement of the population after the war, and the lack of both agricultural production and a tax base to support recurrent government expenditure, there are pressing needs to restore telecommunications, transport, education, medical and judicial functions. Prioritising justice and peace over long-term development plans was seen as most consonant with the process of exploring ways towards a fully inclusive regional settlement:

Phase I : To create conditions conducive to stability, peace and reconciliation.

I) . International tribunal To give full and immediate backing, including the necessary financial assistance, to the international tribunal. This is an absolute priority.

ü,) National Courts . To provide financial support for the recruitment, training and support of sufficient experience judicial personnel to deal with the large backlog of genocide cases and other litigation, especially property disputes.

iii) Human Rights Monitoring. To assist in the training of Rwandan personnel, and to provide sufficient support facilities, to meet the need:

(a) to gather documentation to enable the prosecution of those alleged to have committed genocide and crimes against humanity.

(b) to monitor complaints such as those about court procedures, conditions in prisons, conduct of the armed forces, and access to property.

iv) Prevention of Intimidation in *the Camps*. To identify and implement a means of ensuring that refugees are not prevented from returning by intimidation within the camps.

V) Enabling refugees returnee and internally displaced persons to return and resettle. To assist them to return and to provide sufficient food, medical help, agricultural inputs etc to resettle and sustain them until such time as they have achieved a position of self-sufficiency.

Phase II: To restore internal security and lay foundations for economic growth.

Key elements of Phase 11 would depend on conditions following the return of the refugees. However, elements would include:

- i) training of police and local administration to allow resumption of normal civil life;
- ii) financial support for technical training and job-creation schemes to reintegrate demobilised soldiers into civilian life;
- iii) encouragement and backing for women's associations, cooperatives, human rights organisations, trade unions, churches, farmers' associations and generally to encourage the flourishing of civil society;
- iv) strengthening of the Government's capacity to register and to coordinate NGOs.

Phase-III: To support long-term sustained economic growth.

The following issues were highlighted to be included in long-term planning for sustainable development:

- i) enlargement of urban and rural employment opportunities and promotion of regional resettlement schemes to relieve population pressure in rural areas;
- ii) land reform to facilitate women household heads getting access to credit, to give villagers greater security of tenure, and to encourage a more effective use of land resources;
- iii) an increasing focus on vocational courses in the educational system so that skills are better matched to job opportunities.

Note: It is recognised that the psychological trauma experienced by most if not all parts of the population cannot be addressed just by reestablishing stable political, economic and social conditions. However, a return towards "normal life" may ease the trauma for some, as may justice being seen to be done in the courts. The conference recognised the crucial rôle of the churches and NGOs :ii healing broken lives.

Figure 1: INFORMAL PEACEMAKERS

PHASES:	PRE-NEGOTIATION	NEGOTIATION	TRANSITIONAL	FINAL
CONSENSUS-BUILDERS	DEVELOP AND DISSEMINATE A COMMON FRAMEWORK	PUT THE COMMON FRAMEWORK AT THE DISPOSAL OF THE PRINCIPALS	HELP TO BUILD A COMMON ETHOS ON THE BASIS OF THE COMMON FRAMEWORK	HELP TO BUILD ON THE COMMON ETHOS IN TERMS OF THE COMMON FRAMEWORK
CATALYSTS	GAIN TRUST OF THE PRINCIPALS AND HELP TO 'CREATE SPACE' FOR THE CONSENSUS-BUILDER	BE AVAILABLE AS A COMMUNICATION CHANNEL AND 'SCAPEGOAT' AS NECESSARY	HELP TO DEFUSE TENSION AND BUILD COMMON UNDERSTANDING BETWEEN THE PRINCIPALS	HELPING TO DEVELOP THE COMMON UNDERSTANDING BETWEEN THE PRINCIPALS

COMMENCEMENT OF NEGOTIATIONS

IMPLEMENTATION OF SETTLEMENT

IMPLEMENTATION OF FINAL CONSTITUTION

Figure 2: INTERNATIONAL THIRD PARTIES.

PHASES:	PRE-NEGOTIATION	NEGOTIATION	TRANSITIONAL	FINAL
CONTACT & REPORT FACILITATORS	KEEP CHANNELS OF COMMUNICATION OPEN	AS CONVENOR/ CHAIRMAN OR TO BE IN PROXIMATE SUPPORT	ENDS HERE	
GUARANTORS UNDERWRITERS	FORM SYNDICATES TO GUARANTEE THE NEGOTIATION PROCESS AND THE FINAL SETTLEMENT	PROVIDING SYMMETRICAL GUARANTEES FOR THE PROCESS AND TAILORING THE GUARANTEES WITH THE AGREEMENT OF THE PRINCIPLES	IMPLEMENTATION OF SETTLEMENT POLICING THE IMPLEMENTATION OF THE SETTLEMENT	IMPLEMENTATION OF FINAL CONSTITUTION ENDS HERE
SPONSORS	ASSEMBLE FINANCIAL PACKAGES AS INCENTIVES TO THE PRINCIPALS AND TO OVERCOME OBSTACLES IN THE IMPLEMENTATION OF THE SETTLEMENT	PUT FINANCIAL PACKAGES ON TABLE AS INCENTIVES TO REACH AGREEMENT	DELIVERING OF AID IN PHASES	FURTHER AID AS NECESSARY TO HELP OVERCOME OBSTACLES

