

NATIONAL DEMOCRATIC INSTITUTE (NDI)
ASSESSMENT OF RWANDA'S PRE-ELECTION POLITICAL ENVIRONMENT
AND THE ROLE OF POLITICAL PARTIES
August 3-11, 2003

I. EXECUTIVE SUMMARY

From August 3-11, 2003, a team from the National Democratic Institute for International Affairs (NDI) visited Rwanda to assess the political environment in the lead up to the August/September national elections, with a special focus on examining the role and capacity of Rwandan political parties and organizations. The 2003 elections mark the final chapter in Rwanda's post-genocide political transition, as determined by the Arusha Accords and subsequent parliamentary decrees on constitutional and political reforms. The objectives of NDI's mission were to assist Rwandan democrats as the country recovers from the 1994 genocide, support efforts to move the country toward a multiparty democracy and help demonstrate the interest of the international community in Rwanda's first multiparty elections since the genocide. This report presents the assessment team's findings and recommendations.

The assessment mission is the first part of a two-phased program. With the cooperation of Rwandan political party, civil society and government representatives, NDI hopes to remain engaged in Rwanda in the immediate post-election period by organizing and facilitating one or more multiparty roundtables to discuss and learn from the country's political challenges in the context of the election process.

The government and people of Rwanda should be commended for their efforts to advance democracy in a country still recovering from the grave psychological and physical consequences of the genocide, and a long history of ethnic polarization and dictatorial one-party rule. The establishment of a multiparty political system and the holding of elections must be viewed in the context of the struggle to overcome the complicated legacy of the genocide. This legacy includes the need to deliver fair and impartial justice and to promote reconciliation among Rwandans within and outside the country. NDI believes that improved public dialogue and strengthened political parties can foster public confidence and trust, and the evolution of a more open and transparent democratic culture over the long term. NDI's assessment team was encouraged by expressed desires by political party leaders of all persuasions for continued assistance in fostering inter-party dialogue, leadership development, and training for party activists in areas such as communication, recruitment, and internal management.

NDI is deeply concerned, however, that the tight political control exercised during the pre-election period by the transitional government under the banner of the Rwandan Patriotic Front (RPF) could impede progress toward democratization. At a minimum, democratic pluralism requires the political space in which independent groups are free to compete and promote their interests within a framework established by law. To build a sustainable democratic and pluralistic society, the Rwandan government and Rwandan political and civic leaders need to take concrete steps to safeguard against a return to one-party rule during the period preceding the September legislative elections and over the longer term through the promotion of:

- free, fair and open political competition and the acceptance of differing points of view;
- viable political parties that provide leadership to citizens via issue-driven platform development, organizational management and the promotion of multi-ethnic membership;
- independent political institutions that can serve as checks and balances on abuses of power; and
- civic education programs that focus on teaching the rights and responsibilities of citizens in democratic systems and the role of political parties, independent institutions and civic groups in pluralist societies.

NDI believes that the end of this phase of the political transition, marked by these important though significantly flawed elections, provides Rwanda's political leaders with a longer term opportunity to encourage dialogue with all Rwandan groups that renounce the ideologies that led to violence and genocide in the past, including those that currently reside outside of the country. While the legacy of the 1994 genocide left deep scars at all levels of Rwandan society, and to some extent explains the need for careful monitoring of Rwanda's political processes, experience shows that democratic society can ill afford a system of generalized or perceived permanent surveillance of its citizens.

At the very least, government agencies that carry out such functions should be subject to broader civilian oversight and control beyond the exclusive purview of the government or its supporters. This is critically important during election periods, when such controls can be easily manipulated to benefit ruling party interests, as appears to be the case in Rwanda. Establishing mechanisms to support and protect the full range of freedoms that nurture and sustain democracies will be critical to enabling Rwanda's citizens to express their views and participate in the political life of the country without fear of repression. All of Rwanda's political leaders will have to work together in the future to expand the country's political space and allow for dissenting voices.

II. THE TEAM AND ITS WORK

The delegation included: Barrie Hofmann, NDI Deputy Director for Central and West Africa; Momar Diop, a former Senegalese civic and political leader and current NDI program director in Guinea; Parfait Moukoko, President of the Congolese Observatory for Human Rights in Congo-Brazzaville and NDI program director in the

Democratic Republic of the Congo; and Alain Ayadokoun, NDI Program Officer in Benin. The delegation met with Rwandan political party leaders, members of the transitional government, election administrators, civic activists, journalists, academics, representatives of the international community in Kigali, and several Rwandans resident in Belgium and the United States. Assessment team members met with representatives from all political parties, registered and unregistered, and with all presidential candidates with the exception of President Kagame. The delegation also traveled outside Kigali to conduct meetings and witness election- and campaign-related activities in Ruhengeri and Gitarama.

In particular, the mission examined the extent to which key democratic principles such as fair electoral competition, access to media, and freedom of assembly and speech were respected during the electoral period. The mission is the first of a two-part program that will include post-election activities, such as the organization of roundtables to facilitate dialogue among the country's political actors on ways to improve and strengthen Rwandan political processes over the longer term.

III. BACKGROUND

With the promulgation of a new constitution in June 2003, Rwandans laid the groundwork for national elections that mark the final chapter in Rwanda's post-genocide political transition, as determined by the Arusha Accords and subsequent parliamentary decrees on constitutional and political reforms. Presidential elections took place in August 2003, with incumbent President Paul Kagame winning 95 percent of the vote. The race included one other political party candidate, who dropped out of the race on the eve of the election, and two independent candidates. Parliamentary elections are scheduled for late September.

The Unhealed Wounds of Genocide

Rwandans and independent analysts believe that it will take several more years or even decades before the grave psychological impact of the 1994 genocide is overcome. With so many of the genocide's perpetrators still at large or awaiting trial in prison, Rwandans have yet to experience the sense of closure experienced by some previously traumatized societies. Despite the international war crimes tribunal in Arusha and the recently established network of *gacaca*, or community-based courts, Rwanda's political leaders continue to struggle between providing the forgiveness and tolerance necessary to repair Rwanda's society and political system and a desire to render justice by exposing and punishing those responsible for the genocide.

Security remains of utmost concern for Rwanda's leaders, both internationally and domestically. Since gaining power in 1994 and bringing an end to the genocide, Rwanda's leaders pursued involvement in the war in the neighboring Democratic Republic of the Congo (DRC). Notably, Rwanda only withdrew its troops from the DRC in October of 2002.

Internally, the transition government has prevented a resurgence of ethnic violence and extremism by imposing strict rules to curb the activities of political parties, the media and civil society. Partisan political activity is banned at the grassroots level, as the government has sought to restructure Rwandan political culture through popular education and the development of a more consensual form of political participation. With an emphasis on unity, this mode of governance limits freedom of expression while it marginalizes, and in some instances criminalizes, diverse viewpoints.

The RPF has played a lead role in a coalition of eight political parties that have formed successive “unity” governments since the genocide. A transitional legislative body, composed of appointed representatives from the eight parties, has operated under the tight control of the RPF leadership. The transitional government organized non-partisan local elections in 2001, introduced the *gacaca* system, and approved a new draft constitution in April 2003. More recently, the transitional legislature passed a new political party law that defines criteria for political participation, including a number of restrictions that limit political space, and a revised electoral code that provided the framework for the August presidential election.

The genocide serves as the organizing principle of the 2003 constitution, promulgated after a referendum held in May 2003. Many constitutional provisions are designed to prevent a reoccurrence of ethnic violence. The constitution provides a framework for the post-transitional government and gives legal authority to some of the transitional institutions initially created on an *ad hoc* basis, such as the Consultative Forum of Political Organizations. According to Article 56 of the Constitution and Article 51 of the Political Party law, the Forum is to be composed of “political organizations recognized in Rwanda”, and is responsible for, *inter alia*:

- facilitating exchange of ideas by political organizations on major issues facing the country;
- consolidating national unity;
- advising on national policy;
- acting as mediators in conflicts arising between political organizations; and
- assisting in resolving internal conflicts within a political organization upon request by that political organization.

Rwanda’s organic law governing political organizations and politicians broadens the Forum’s mandate to include: “reinforcing the principle of power sharing;” “educating politicians and other citizens in the culture of considering an opponent not as an enemy but as one to collaborate with through constructive ideas;” and “allow political organizations’ members to restore and strengthen the citizens’ confidence in political organizations and politicians.”

IV. ASSESSMENT FINDINGS

Political Context

No examination of Rwanda's political landscape can ignore the centrality of the genocide. Nine years after the killing of nearly one million Rwandans, mainly members of the minority Tutsi ethnic group and politically moderate Hutus, the prospect of national reconciliation seems distant. Any form of political competition is viewed with severe apprehension and concern that Rwandan society could again be polarized along ethnic lines.

The NDI assessment team perceived, though meetings with representatives across the political spectrum, a climate of permanent fear and apprehension toward the elections and longer-term political liberalization. Among RPF supporters, the assessment team sensed concerns that Rwandans could vote along ethnic lines, as was the case during Burundi's 1993 elections, and usher in a renewed period of instability and ethnic violence. On the other hand, supporters of opposition candidates and others not aligned with the ruling party repeatedly expressed to assessment team members the hope that peaceful elections, however flawed, would nevertheless become the starting point for a genuine political opening and the eventual evolution of a true multiparty democracy.

The RPF has defined, shaped and controlled political discourse throughout the nine-year transition period, and the distinction between the RPF and the government has become blurred, and appears in some cases non-existent. Government and party representatives are dismissive of opposing points of views and generally label them "divisionist," a serious charge in the Rwandan context that equates the term in many minds with genocidal sympathies. The reported harassment, arrest, and disappearance of opposition figures and others not in full accord with government policy during the transition period, most particularly during the pre-election period, are disturbing indications that the government is unprepared to support the exercise of the full range of civil liberties – including the right to free speech and association – that are vital to the success of a functioning multiparty democracy. NDI notes with particular concern the arrest just prior to the August 25 presidential poll of twelve provincial coordinators working on the campaign of independent candidate Faustin Twagiramungu.

The NDI team noted that Rwandan political elites and opinion makers were uniform in their embrace of the concept of multiparty democracy; however, the concept is poorly understood at the grassroots level and therefore prone to misinterpretation. The team heard that sizeable segments of the Rwandan population disapprove of the concept of multiparty politics. The concept, in their minds, echoes the violent, ethnic-based competition unleashed when the Habyarimana regime authorized the formation of political parties in 1991. Whether valid or not, many Rwandans appear to see a direct linkage between multiparty politics and the 1994 genocide. The RPF-led government seems to have done little to dispel such an association.

Legal Framework

Although the new constitution embraces the broad concepts of a multiparty democracy, it also codifies explicit limitations and burdensome requirements on

freedoms of expression, association, and political participation. For example, Article 52 of the constitution bars parties from creating structures or organizing political activities at the local level. Article 54 includes the requirement that “political organizations must constantly reflect the unity of the people of Rwanda and gender equality and complementarity (sic), whether in the recruitment of members, putting in place organs of leadership and in their operations and activities.” Team members heard varying interpretations of this provision, some of which could inhibit political discourse. Many noted that strict interpretation of multiple provisions in the constitution that may have been designed to prevent a repeat of the genocide is likely to sterilize or otherwise extinguish open political debate, thereby undermining the very tenets of democracy the constitution seeks to uphold.

Representatives from political parties allied with the RPF spoke positively of the role of the Consultative Forum, structured to include membership from all Rwandan political organizations, as a venue for political party interaction, debate and development, and in the future as a vehicle for the delivery of training. Others noted with concern that perceived RPF control over the Forum serves as a mechanism to shape political discourse according to RPF ideology.

Political Parties

Ruling Party Dominance. The delegation found that the ruling RPF has dominated the political landscape in Rwanda since overthrowing the National Republican Movement for Democracy and Development (MRND) government in 1994. Opposition political parties such as the Republican Democratic Movement (MDR), the Social Democrat Party (PSD), the Liberal Party (PL), and the Christian Democrat Party (PDC) formed during a period of political liberalization in Rwanda beginning in 1991 and played active roles in government during the immediate post-genocide period. However, many of these parties are now viewed as “satellites” of the RPF.

Shifting Opposition Dynamics. In May 2003, several months before the delegation’s mission, the transitional legislature recommended the dissolution of the Hutu-led MDR for allegedly promoting “divisionism” and using “veiled language” to appeal to ethnic sensibilities. Following the decision, membership of the party effectively split into two groups. Former MDR leader Celestin Kabanda announced in mid-July the formation of a new party called the Alliance for Democracy, Equity and Progress or ADEP-Mizero, and self-described moderate MDR members closer to the ruling RPF launched the Party for Progress and Harmony (PPC). With the exception of ADEP-Mizero, all other political parties received official sanction from the government. The government’s refusal to legalize ADEP-Mizero appeared to have had a chilling effect on opposition figures hoping to compete against the RPF and its supporters.

In July, Rwanda’s National Election Commission (NEC) announced that four presidential candidates had met the registration requirements: incumbent President Paul Kagame (RPF), Dr. (Mrs.) Alivera Mukabaramba (PPC), Jean-Népomuscène Nayinzira (independent), and former prime minister and MDR leader Faustin Twagiramungu

(independent). Other parties, such as the PL, the PSD, the Ideal Democratic Party (PDI), and the Rwandan Labor Party (PSR), chose not to field candidates and to instead endorse the candidacy of incumbent President Kagame.

Political Harassment. The return from exile of Faustin Twagiramungu (former MDR leader and prime minister in the first post-genocide government from 1994 to 1995) initially appeared to have been viewed by many Rwandans as a positive sign of increased political space. The break-up of the MDR, however, and the lack of accreditation for ADEP-Mizero, forced Twagiramungu to campaign as an independent. As the campaign period commenced, delegation members heard credible reports of government harassment of Twagiramungu's supporters, as well as the frequent questioning of ADEP-Mizero leader Kabanda by Rwandan security forces. RPF supporters and Kagame himself publicly accused Twagiramungu of "ethnic divisionism," while opposition leaders complained that they were unable to reserve venues to hold political meetings and rallies because the RPF had booked all of them. Twelve key supporters of Twagiramungu were arrested on the eve of Presidential elections for "plotting acts of violence".

Blurred Lines Between Ruling Party and State. NDI's delegation found that, coupled with the ruling RPF's dominance over Rwanda's political landscape, the increasingly blurred lines between government and party constitute a serious barrier to the development of a democratic culture. The appellation of the RPF as a "front," rather than a political party, appears to be designed to distinguish it as an entity separate from registered political parties. Team members heard repeated references to the RPF as the "family," with admonitions to the public on the necessity of being a member. Tight government control down to the cell level, the basic organizing unit of Rwandan society, augments ruling party advantage, particularly in light of restrictions on party organizing below the provincial level. In contrast to the meager resources available to other political parties and candidates, RPF rallies appeared to be festive affairs, complete with the gifting of livestock, T-shirts and other paraphernalia, which created the perception that state resources were being used for partisan purposes. Assessment team members heard allegations of RPF coercion that included mandatory attendance at RPF rallies.

Inhibited Political Discourse at the Grassroots Level. Largely because of the prohibition on political party activity during the transition period, political parties – other than the RPF – are little more than elite groupings of Kigali-based professionals. With scant or nonexistent connections to the population, aggravated by the ban on partisan activity at the local level, Rwandan political parties are, to quote one interlocutor, "suspended in air." The promulgation of the political party law in June 2003 put political parties at the starting gate of a race long begun by the RPF. Though previously existing political parties subsequently backed President Kagame's candidacy, leaders of many of them expressed to assessment team members their intent to field independent candidate lists for the legislative elections and to spend the one month interval between the two elections expanding their membership bases and defining their programs. Several parties were, however, exploring the possibility of "joint" lists with the RPF for the legislative elections.

Ideology and Platform Development. Most political party leaders articulated specific ideologies – from the promotion of human rights, justice and development and market-based economic reforms, to poverty reduction and the protection of minority rights. Some were vague in describing their party ideology, and quick to profess total harmony with the positions articulated by the RPF. Party leaders allied with the RPF repeatedly underscored to assessment team members the importance of viewing the coming election as a first, albeit significant, step toward full democratization. Several noted that the habits and perceptions created during Rwanda’s one-party dictatorship under the Habyarimana regime and the unleashing of ethnic hatreds during the multi-party experience from 1991-94 will require a systemic program of civic education for all segments of Rwandan society.

Pending Concerns. The assessment team noted with concern the unresolved status of ADEP-Mizero and the rejection of its registration application to the government. ADEP-Mizero supported independent candidate Faustin Twagiramungu in the presidential race. During the pre-election period, Rwandan security officials regularly summoned ADEP-Mizero leader Kabanda for questioning. With no apparent substantiation, RPF supporters repeatedly criticized the party’s “divisionist” tendencies.

In addition to the parties currently operating within Rwanda, an exiled opposition movement attempts to influence the country’s political situation from beyond its borders. Many actors in this increasingly consolidated movement fled the country during the transition period in response to real or perceived threats from the current regime, establishing representation in Kenya, Belgium and the United States. One example is the IGIHANGO Alliance. With an ethnically mixed membership, IGIHANGO seeks to bring together members from the moderate Hutu and Tutsi communities to participate in discussions toward the development of “consensus democracy.” In October 2002, IGIHANGO and another major exiled coalition, the Union of Rwandan Democratic Forces (UFDR), united to form the Permanent Concertation of the Rwandese Democratic Opposition (CPODR). IGIHANGO and CPODR have repeatedly called on the Rwandan government to engage in a structured dialogue on Rwanda’s political future. Political organizations belonging to the CPODR have publicly acknowledged the genocide and renounced all forms of ethnic violence.

Civil Society

In established and emerging democracies around the world, informed and active citizens and civic organizations constitute a core of democratic systems. Healthy civil societies help widen political space, and serve as catalysts for the germination of ideas. Civil society organizations (CSOs), as advocates for specific interests and groups, help channel public participation in a country’s political processes and provide a link between citizens and elected representatives. As watchdog organizations, they serve to check

abuses by those in power. In countries where CSOs have played active roles in strengthening democracy, success rests largely on their ability to operate independently from government and unfettered by political pressure.

The assessment team met with representatives from a number of Rwandan CSOs. Government influence in this arena appears to be pervasive, and the few organizations that try to exert some degree of independence are labeled as “divisionist” or accused of allying themselves with political interests. Despite a high concentration of CSOs, particularly in Kigali, few of these groups challenge government authority or attempt to criticize government policy. The constitution’s limits on freedom of speech and other forms of political expression have exacerbated government harassment of key civil society organizations, particularly human rights groups such as the League for the Protection of Human Rights in Rwanda (LIPRODHOR), respected within the international human rights community for its high level of professionalism and independence.

Media

The Rwandan media operates under significant restrictions. Many journalists, especially those representing public media, reportedly practice self-censorship to avoid consequences for covering subjects considered to be untouchable. The few privately owned periodicals in Rwanda have limited circulation within the capital and are published on a sporadic basis, often under threat of confiscation. In addition, only one television and radio station are licensed, both of which are owned and controlled by the state, further consolidating control over communication with the masses. Arguably, the widespread use of “hate radio” during the genocide serves as justification for these measures, but the continuation of such strict control nine years later has had a stifling effect on political discourse.

According to the newly promulgated constitution and the election law, equal access to government media is guaranteed to all independent candidates and political parties, with oversight provided by the High Council of the Press. However, the assessment team found that the RPF-led government’s strict controls on the media were no different during the campaign period. The ruling party, during the campaign period, appeared to enjoy unfettered access to the media. Opposition parties and independent presidential candidates did not enjoy the same coverage. The coverage by the public media of Faustin Twagiramungu’s campaign appeared particularly negative, echoing government claims that the party is “divisionist”.

V. RECOMMENDATIONS

As Rwanda now turns from the just concluded presidential poll to the more competitive legislative elections in September, extraordinary efforts are required to ensure a more level playing field and build greater confidence in Rwanda’s political processes. In the spirit of international cooperation, and with the primary purpose of

supporting Rwanda's transition to a multiparty democracy, NDI offers the following recommendations:

During the legislative election campaign period:

- The RPF leadership should establish and enforce clear rules to prevent the use of public resources for campaign purposes, in accordance with Article 36 of the Election Law.
- All political parties should use the campaign period to enhance civil discourse on democratic principles and practices and expand their membership bases through the articulation of issue-based party platforms that distinguish themselves in the eyes of voters from other political parties.
- Political parties should consider establishing formal and informal channels for inter-party dialogue outside of the context of the Forum and other institutions. Such mechanisms can help to reduce tensions and remedy grievances. The dialogue could provide a basis for parties to candidly discuss subjects considered to be “taboo”, such as ethnicity, Rwandan citizenship, and non-selective justice, as well as strategies for addressing reconciliation, impunity, and human rights abuses.
- The President and electoral officials should make forceful public statements that no use of coercion or intimidation to influence parliamentary voting will be tolerated. Security officials should be instructed to enforce the law to protect candidates and voters. In addition, political parties should instruct and educate their activists to respect the rights of other parties, candidates and voters.
- To promote genuine political competition and the exchange of differing points of view, the Rwandan government should reconsider its decision to reject the registration of ADEP-Mizero, or provide clear reasons why the party failed to fulfill registration requirements.
- Relevant media regulatory bodies should ensure that all political parties and legislative candidates are given equal access to electronic and print media during the campaign period.

During the post-election period:

- Political parties should support efforts to promote honest discourse in the reconciliation process at all levels of Rwandan society. While the targeted killing of one ethnic group by another during the 1994 genocide can never be minimized, a greater recognition of the broader suffering of the entire Rwandan nation and an understanding of the role played by political parties in

the period leading to the genocide could contribute to a successful healing process.

- A structured program should be developed to strengthen political parties through training in leadership development and message development, internal and external communication, organizational management and structure, constituency outreach, and support to women and youth wings.
- Non-partisan civic education should be conducted at the grassroots level. Efforts should be made to help citizens understand and articulate their rights and responsibilities in a democratic system, with instruction and discussion on the role of political parties.
- Concerted steps should be taken by civic leaders to build the capacity of civil society organizations dedicated to promoting citizen participation, transparency, good governance, and civic education.
- Civic awareness and governance training should be extended to newly elected legislators, who should be encouraged to interact with constituents as frequently as possible.
- Action should be taken by the executive and legislative branches to clarify the mandate of the Consultative Forum of Political Organizations and ensure its independence from the ruling party. Wherever possible, proceedings of the Forum should be made public. In the promotion of civic education, for example, the Forum could hold meetings at the grassroots level to inform and engage the broader public in its proceedings.
- A more inclusive and participatory reconciliation process should be adopted to promote confidence and trust between former political adversaries. In addition, the newly elected Rwandan government should explore a framework for dialogue with exiled political activists and opposition leaders who have eschewed violence.
- Rwanda's newly elected government should consider drawing upon the experiences of other post-transition countries in efforts to promote reconciliation and equal justice. One such example is South Africa, whose negotiated transition to democratic rule included the establishment of a Truth and Reconciliation Commission that took testimony from 23,000 victims and witnesses of apartheid era crimes and misdeeds, 2,000 of whom appeared in public hearings. In Guatemala, the Commission for Historical Clarification addressed massive human rights violations and approximately 200,000 deaths and disappearances that occurred during a 30-year civil war. Though neither process was perfect, they both provide examples of innovative, highly

participatory, and impartial mechanisms to help societies overcome political trauma.

The assessment team was encouraged by requests from many party leaders for post-election political development assistance. NDI will evaluate its potential post-electoral role in Rwanda in light of the events of the entire electoral period, and will consult extensively with Rwandan political and civic leaders to render the design and implementation of any future program as effective as possible.

NDI thanks Rwanda's political and civic leaders and all others with whom the assessment team met. The Institute greatly appreciates their insights and analysis.