

CHAPTER III RWANDA, BRITISH AND THE COMMONWEALTH

This chapter elaborates the implicit relations between the Tutsi Rwanda and Britain before and after the genocide through Uganda, the efforts of Rwanda to meet the membership criteria of the Commonwealth, as well as the motives of Britain to approve Rwanda's membership application as it has never been the colony the British Empire.

A. The Origin of Rwandan Patriotic Front: British Implicit Role

The British Empire did not have either explicit political or financial interest in Rwanda. However, since its inception in 1986 it had been playing a prominent role as an external bystander in Rwanda as it had such an indirect political and military relation with the Rwandan Patriotic Front (RPF) which made up with Tutsi-Rwandan refugees who were casted out from Rwanda. In 1959, following the successful overthrow of Tutsi monarchy by the Hutu there was approximately half a million Tutsi Rwandan fled into exile. More than 80,000 of them were seeking for asylum in Uganda and the rest were to other British colonies in Africa (Cameron, 2012).

The huge number of Tutsi refugees in the exile had prompted the emergence of Rwandan diaspora communities which later led them to plan strategies to

return to Rwanda (Mann, 2005). The Tutsi Rwandan had been the ally of Uganda not referring to their existence as sovereign states as they were not. Instead, the relation was built between a group of Rwandan refugees and the guerilla force of Ugandan hinterland which had a common vision; to get recognition from their home countries and to take over each state's existing regime (McKnight, 2015).

Britain had granted Uganda liberation in 1962 yet still maintained a tight relation post-independence. Britain played a prominent role in 1971 and 1986 Ugandan coup which led Yoweri Museveni to take over the regime. The Ugandan coup was done by Museveni's National Resistance Army (NRA), which was bolstered by the role and support of 500 Tutsi refugees in Uganda (Vaugh, 2013). They were recruited by Museveni himself to be involved in the Bush War and among those 500 Tutsi refugees, Paul Kagame—Rwanda's current president—was one of the very first Tutsi to be recruited by Museveni and became the spy chief. After the Bush War successfully won by the NRA in 1986, the Tutsi refugees started to plan the same strategy as what had occurred in Uganda, they established a militant organization with guerilla movement which later known as the Rwandan Patriotic Front (RPF) (McKnight, 2015).

In the first decade of Tutsi refugees in exile, the formed-political movements represented various ideological viewpoints, some of them wanted to return home and take over the regime while some others simply wanted to unify both indigenous ethnics. It had been the dream of Tutsi refugees to return to Rwanda. However, the fact that the long existed high tension between the two indigenous ethnic groups of Rwanda; Tutsi and Hutu, had

made the Tutsi refugees realized that there must be lots of great obstacles on the journey of reaching home. Therefore, they should be militarily well-prepared and armed themselves before invading their own home back as they had attempted to return several times between the year of 1961 and 1966, but in vain (Kamukama, 1997).

It was a guerilla movement, known as the *Inyenze* which literally means ‘cockroaches’ in English. It was called cockroach because of the huge number of Tutsi invaders coming from Uganda to Rwanda with the intention of infiltrating every part of Rwanda. Responding to Tutsi’s failed invasion, President Kayibanda established roadblocks to prevent escape and started to campaign the ‘cockroach propaganda’ in which Hutu were determined to smash those cockroaches which would bring harms to their home. Approximately 10,000 Tutsi were attacked by Hutu included the Tutsi political leaders in Rwanda were killed (Melvern, 2006).

President Kayibanda warned the Tutsi refugees if they ever tried to invade Rwanda again, the Tutsi race would be wiped out. This kind of extermination expression had been fit in the Article II of Convention on the Prevention and Punishment of the Crime of Genocide (United Nations, 2005):

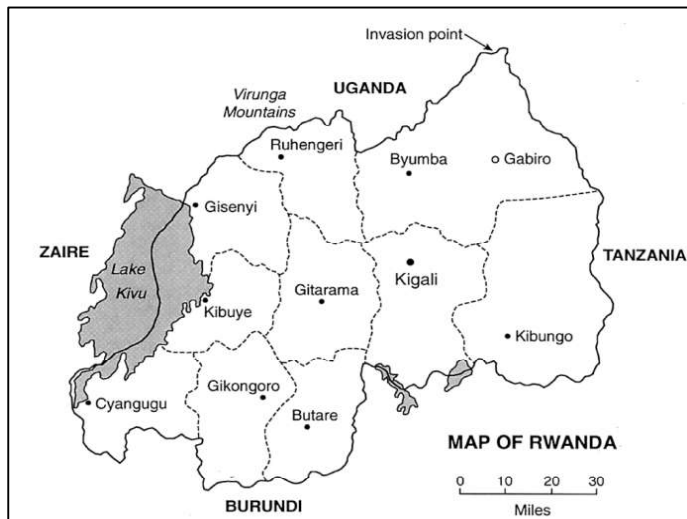
In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;

- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group

President Kayibanda's statement to wipe out Tutsi had indicated a sort of extermination threat towards them as it led to the possibility of genocide to take place yet there was no party aware of the prevention of genocide and crimes in the future (Melvern, 2006).

Figure 3.2 Map of Rwanda



Source: Kuperman, A. J. (2004). *Provoking genocide: a revised history of the Rwandan Patriotic Front*. *Journal of Genocide Research*, 6(1), 61-84.

In 1988, the young Tutsi refugees of Ugandan army with strong youth eager and enthusiasm planned an open secret strategy which was an invasion to Rwanda (Kuperman, 2004). Paul Kagame, as one of the RPF young soldiers who had been involved in supporting Museveni in Uganda did have an interest which was to get Museveni's in turn support to take over Kigali and established an Anglophone country. Britain and the United States implicitly gave the RPF approval in military endeavours. In Uganda, the British forces provided the RPF a military training which base in Jinja (Destexhe, 1995). Meanwhile, Paul Kagame as the representative of RPF received military and intelligence training from the United States in Fort Leavenworth Command and General Staff College in Kansas in 1990 (Gribbin, 2005). Furthermore, Kagame was also sent to the United Kingdom for strategic military training (Otunnu, 2017).

In October 1990, the Rwandan Patriotic Army (RPA)—the armed troops of the RPF—invaded Rwanda from the Southern Uganda. The RPF demanded the Rwandan government to accept the return of Tutsi refugees to Rwanda, enforce human rights and the rule of law as well as adopt the new constitutions which limited the power of the president (Watson, 1992). Yet the Rwandan Hutu government succeeded to resist the attacks as President Habyarimana instantly internationalized the conflict with the military assistance of France (Mwambari, et al., 2017). The African experts believed that the RPF invasion would never arise unless there was an approval and assistance of the Pentagon's Central Intelligence Agency (CIA) and Britain's Secret Intelligence Service (SIS) (Cameron, 2012) as the role of both agencies had

been strongly engaged in Rwanda during that period of time (Madsen, 1999).

The interest of British in Rwanda was represented by Uganda which had been the asylum for Tutsi refugees and had been training the RPF in order to support Museveni in overthrowing Uganda's regime under Obote. British supported Uganda because it might impact its economic interest in Uganda. Rwanda under President Kagame had an inclination on the British sphere of influences as it applied for Commonwealth membership in 1996.

B. Commonwealth Membership Criteria

The Commonwealth is an association of 53 sovereign member states of which territories used to belong to the British Empire. This association was established in the early 1900s which main goal was first to ease the process of British decolonization (The Commonwealth, 2018). Despite its purpose on establishing decolonization and self-governance, its purposes were expanded to maintaining the global unity through the common values of democracy, human rights, and the rule of law as well as the shared language, history, and culture within its former colonies. The members of Commonwealth joined this association voluntarily and could withdraw at any time without any consequences. The Commonwealth created strong links among developed and developing to underdeveloped countries, created strong diplomatic ties between its oldest members. It has been a platform for developing countries to meet the developed countries in the biennial Commonwealth Heads

of Government Meeting (CHOGM) which allow them to deliver their projects and concerns in order to be acknowledged by the international community (World Atlas, 2018).

Despite nations voluntarily joined the Commonwealth, it required them to meet the eligibilities and criteria of Commonwealth membership. The issue of membership criteria of Commonwealth had aroused since the acceptance of Mozambique to this association in 1995 as it had never been the colony of British Empire. Referring to the Harare Declaration, a declaration issued in the Commonwealth Heads of Government Meeting (CHOGM) in Harare, Zimbabwe in 1991, which defined the core principles which specified the Commonwealth membership criteria, as followed (The Harare Commonwealth Declaration, 1991):

1. believe that international peace and order, global economic development and the rule of international law are essential to the security and prosperity of mankind;
2. believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, color, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;
3. recognize racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil;

4. oppose all forms of racial oppression, and we are committed to the principles of human dignity and equality;
5. recognize the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world, and seek the progressive removal of the wide disparities in living standards amongst our members.

This declaration reaffirmed the preceding Singapore Declaration 1971 which committed on world peace, liberty, opposing colonialism, eradicating poverty, etc. However, there was difference between the Harare criteria relating to membership, and the Harare principles which related to the underlying aims of the Commonwealth. There were still unwritten criteria on membership application, such as the recognition of Queen Elizabeth II as the Head of the Commonwealth and the use of English as nation's official language (Collinge, 1996).

In 2007, the Commonwealth Heads of Government Meeting (CHOGM) was held in Kampala, Uganda. In that meeting, the member countries' head of governments reviewed the membership criteria as written on the Harare Declaration 1991 and agreed on the following formal core criteria (Commonwealth Heads of Government Meeting, 2007):

1. an applicant country should, as a general rule, have had a historic constitutional association with an existing Commonwealth member, save in exceptional circumstances;

2. in exceptional circumstances, applications should be considered on a case-by case basis;
3. an applicant country should accept and comply with Commonwealth fundamental values, principles, and priorities as set out in the 1971 Declaration of Commonwealth Principles and contained in other subsequent Declarations;
4. an applicant country must demonstrate commitment to: democracy and democratic processes, including free and fair elections and representative legislatures; the rule of law and independence of the judiciary; good governance, including a well-trained public service and transparent public accounts; and protection of human rights, freedom of expression, and equality of opportunity;
5. an applicant country should accept Commonwealth norms and conventions, such as the use of the English language as the medium of inter-Commonwealth relations, and acknowledge Queen Elizabeth II as the Head of the Commonwealth;
6. new members should be encouraged to join the Commonwealth Foundation, and to promote vigorous civil society and business organizations within their countries, and to foster participatory democracy through regular civil society consultations.

C. Rwanda's Efforts to Join the Commonwealth

After the death of President Habyarimana and the genocide ended in 1994, the Rwandan Patriotic Front (RPF) took over the control, made President Pasteur Bizimungu and his Vice President Paul Kagame seized in power. In 2003, Paul Kagame replaced Bizimungu and got elected for a seven-year term in Rwandan presidency. Under Kagame's regime, the new Rwandan constitution was designed to be more democratic with liable political system, proper enforcement of human rights and rule of law as well as equality and unity. The new constitutions which had made significant improvement in Rwanda's political and economy stability led the RPF to start dominating the legislative and executive of Rwanda's government. The goal of RPF was to rebuild its nation after the genocide and create a harmonious society. The reputation Paul Kagame as a progressive leader in international community had been arising as Rwanda's efforts to rebuild their country after a hideous genocide was very constructive (Commonwealth Human Rights Initiative, 2009).

Rwanda had been rebuilding its nation and the output was sufficiently progressive as the genocide tragedy was not an easy thing to deal with. Through its progressive improvement, Rwanda attempted to join the British Commonwealth in 1996 following Mozambique's successful step in the previous year. Unfortunately, its application was rejected as it did not meet the membership criteria of Harare Declaration. However, Rwanda had finally become the official member of the Commonwealth in 2009. It was the second country which had never had

historical link with British to join the Commonwealth after Mozambique got accepted in 1995 and the first one to join the Commonwealth under the new declaration emphasizing on membership criteria issued in the Commonwealth Head of Governments Meeting in Kampala, Uganda 2007.

The issues of Commonwealth membership had been arising since the join of Mozambique to this association. There had to be a strong motivation of a country without any historical connection to British Empire could be accepted to the Commonwealth. The potential member, in this case, Rwanda did not meet the formal criteria as established on the Harare Declaration 1991 when it applied in 1996. It had been striving to improve its nation in order to be taken into considerations even though it had faced critics from many parties.

In order to meet the criteria of Harare Declaration 1991 and Kampala Declaration 2007, Rwanda endeavored and made efforts adapting to the determined eligibilities:

1. Recognize Queen Elizabeth II

It is not an obligation for the member countries of Commonwealth to make the Queen of the United Kingdom to be their Head of State. Yet it has been a must for them to recognize the Queen as the Head of the Commonwealth. The potential and prospective member of this association could run any kind of political system with its own head of state or head of government. The position of future monarchs will, in the Commonwealth tradition, no doubt be reviewed when it becomes

pertinent to do so. It has been an absolute determination that British monarch is the symbol of the free association of Commonwealth members and there has been no call to address that issue. Therefore, Rwanda has undoubtedly acknowledged Queen Elizabeth II as the Head of the Commonwealth as it applied for membership of Commonwealth (Collinge, 1996).

2. The Establishment of English as the Official Language of Rwanda

Rwanda had been the close allies of France since its liberation and maintained Belgian language heritage, French as the official language beside the national language, Kinyarwanda. It was stated on the Article 5 of the *Republique Rwandaise* Constitution 1962—under the regime of Habyarimana—that the national language of Rwanda was Kinyarwanda, and the official language were Kinyarwanda and French. It was also repeated on the revised version of Article of the *Republique Rwandaise* Constitution 1978 and 1991 (Nyirindekwe, 1999):

“Le Kinyarwanda est la langue nationale, les langues officielles sont le Kinyarwanda et le français.”

In the aftermath of the genocide conflict, English was introduced as a supporting language in Rwanda due to the necessity of the huge number (850,000) of refugees returned from exile

and a number of expatriates who were coming from English-speaking countries. Most of the returning Tutsi refugees had either none of Rwanda's proficiency languages or at least a poor command of French and Kinyarwanda as they had been living in English-speaking countries for decades. Since 1962 to 1996, French had been broadly used as the language of higher education, administration, public services, and official documentation, balancing Kinyarwanda as the national language (Rosendal, 2009). The introduction of English had been regarded as a 'facilitating and enhancing economic and cultural ties with, and integration in, the region and/or world' (Ntakirutimana, 2002).

On the Arusha Accord which never been implemented due to the assassination of Habyarimana and the turmoil occurred in Rwanda 1994, the introduction of English was implicitly regulated in *Loi Fondamentale*, the Basic Constitutions of Rwanda. The Article 25, section I, subsection 5 of this accord stated that (Arusha Accord, 1993):

“Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector”

In 1996, *Loi Fondamentale* was revised, adding English as an official language beside the Kinyarwanda and French. It was stated in Article 7 (Rwanda, 1996):

“Les langues officielles du Rwanda sont le Kinyarwanda, le Francais et l’anglais.”

Despite the *Loi Fondamentale* 1996 was regulating the use of English as one of wanda’s official language, the constitution was written in French. In 2003, the Supreme Court confirmed the constitution of Article 5 (The Constitution of the Republic of Rwanda, 2003):

“The national language is Kinyarwanda. The official languages are Kinyarwanda, French and English.”

Rwanda had planned to regulate the use of English as its one of official languages when Habyarimana signed the Arusha Accord which was before the genocide, and formally regulated it in the basic constitution when the RPF had taken the power in 1996. Despite the language policy of Rwanda was established in 1996, the implementation was not sufficiently comprehensive. In 2008, fourteen years later after the policy was being made, President Paul Kagame finally declared the establishment of English as its official language (Samuelson, 2013).

English has been gradually becoming the language of instructions for 4th grade of elementary school to the higher level of education (Sibomana, 2014). According to the assessment report of Commonwealth Human Rights Initiative

(CHRI) on Rwanda's membership, most of Rwanda's senior politicians and public servants were able to read, write and speak English as they grew up in Uganda and Tanzania—Anglo-Saxon countries. Since the RPF took the control over Rwanda, they had significantly strived to pivot away from French influences that had covered many aspect of Rwanda's existence and tended to create closer link with English speaking world (Commonwealth Human Rights Initiative, 2009).

3. Human Rights Enforcement

Despite Rwanda had been improving positive changes under Kagame, the international human rights organizations had been very critical on RPF's opportunistic approach to human rights as it applied for Commonwealth membership (Commonwealth Human Rights Initiative, 2009). In 1996, the prosecution of those who were alleged guilty for participating in the genocide was allowed under the four categories of responsibilities on the publicized law on genocide made by the Rwandan government. The four categories were (Mwambari, et al., 2017):

1. planners and those in authority
2. perpetrators, conspirators and accomplices in killings
3. those guilty of serious assault
4. those who committed offences against property

In 2002, In order to enforce human right and justice, Rwanda created *Gacaca* Court—justice on the grass—to identify the genocide, contribute to national unity as well as peace and state-building process. The *Gacaca* was becoming a platform for encouraging acknowledgement for victims to express themselves and for perpetrators to deliver their apologies, conducted every week by having both victims and perpetrator sit on the grass together in order to resolve the problems. This kind of approach was adopted from the traditional court of the previous indigenous Rwanda (Zorbas, Reconciliation in post-genocide Rwanda, 2004). According to Senator Tito on the interview conducted by Mwambari, et.al, the philosophy of Gacaca was not to punish people but rather to integrate the person into society (Mwambari, et al., 2017).

Rwanda, as one of the members of the United Nations, had ratified many international human rights treaties on United Nations Human Rights Conventions (Claiming Human Rights, 2010). The Rwanda's constitutions emphasized the protection of human rights, and anti-discrimination which guarantee the rights of its people by applying the equal pay for equal works. In order to express its concerns and supports on the human rights enforcement, Rwanda abolished the death penalty in 2007 (Amnesty International, 2007). It was commissioned by the legislative in order to take Rwanda in line with the common idea of the United Nations and the other one hundred other countries that had abolished the

death penalty. However, the abolition of death penalty was replaced with life imprisonment with special provisions. The special provisions were that the perpetrators were not entitled to conditional release, unless he/she had been at least twenty years in prison or been in isolation (Pruitt, 2017).

4. Democracy and Gender Equality Enforcement

It required Rwanda to implement democracy in its governmental system as it applied on Commonwealth membership and Commonwealth is committed to the enforcement of democracy. Rwanda has been a multiparty democracy since the Rwandan Patriotic Front (RPF) assumed power from 1994 until the present time (Beswick, 2013). Rwanda's democratic constitution provided the separation of power in which it consisted of executive, legislative, and judiciary. RPF had acknowledged establishing democracy which referred to the political majority rule in order to unite Rwanda (International Crisis Group, 2001).

However, the Commonwealth Human Rights Initiative (CHRI) assessed that RPF had been very dominating the government that it eliminated the idea of separation of powers and the election was allegedly manipulated in order to let the RPF under Kagame stay in power. It was contradicted to Rwanda's constitution mandate.

Furthermore, Rwanda was accused of being bias in making policies which mostly only included the interests of Tutsi under the guise of a non-ethnic approach and penalization of ethnic issues discussions. The Rwanda's policies under Kagame tended to save the Tutsi from the genocide involvement (Commonwealth Human Rights Initiative, 2009).

Under the regime of Habyarimana—Prior to the 1994 genocide—the role of women in public was not something matter. The Rwandan constitution prohibited the participation of women in any kind of industry or commercial activities (Hebert, 2015). Subsequently under President Kagame of Rwandan Patriotic Front (RPF), the women participation in politic had been increasing as Rwandan government established the Ministry of Gender, Gender Monitoring Office and the National Women's Council in order to create a platform for women to express themselves and deliver their concerns, as well as for government to supervise the policy of gender and opportunity equality enforcement (Abdur-Rahman, Lee, Contini, & Schlieben, 2006).

In 1996, the Rwandan government created the *Forum des Femmes Rwandaises Parlementaires* (FFRP), Forum for Rwandan Women Parliamentarians which aimed at setting up gender quotas for women on the national parliament. This forum also promoted the integration of gender policies in government in order to enforce gender equality in Rwanda

(Pearson, 2008). Rwanda became the country with the highest percentage of women in its legislature in 2003. It defeated the rank of Sweden as thirty-nine out of eighty Rwandan women were elected on the chamber of deputies through parallel voting. Women's participation in Rwandan parliamentary has been the highest in the world since 2003 with the percentage of 48.8% and 42.3% in 2006 (Bauer & Britton, 2006).

Table 3.1 Women's Representation on Standing Committees of the Rwandan Parliament 2006

| Committee | Number of women MPs | Total number of MPs | Proportion of women MPs |
|---|---------------------|---------------------|-------------------------|
| Foreign Affairs and Cooperation [†] | 5 | 7 | 71.43 |
| Petitions [†] | 4 | 7 | 57.14 |
| Science, Culture, and Youth [†] | 4 | 7 | 57.14 |
| Political Affairs ^{*†} | 4 | 7 | 57.14 |
| Gender and the Promotion of the Family [*] | 4 | 6 | 50.00 |
| Agriculture, Livestock Development, and the Environment [†] | 3 | 6 | 50.00 |
| State Budget and Property [*] | 3 | 6 | 50.00 |
| National Unity, Human Rights and the Struggle against Genocide [†] | 3 | 7 | 42.86 |
| Economy and Trade | 3 | 7 | 42.86 |
| National Security and Integrity | 3 | 8 | 37.5 |
| Social Affairs | 2 | 6 | 33.33 |

* indicate that the president of the Committee is a woman member of parliament (MP);

† indicate that the vice-president of the Committee is a woman member of parliament (MP).

Source: Devlin, C., & Elgie, R. (2008). *The effect of increased women's representation in parliament: The case of Rwanda. Parliamentary Affairs, 61(2), 237-254.*

Rwandan women have been well-represented in the government both in traditional and non-traditional areas such as in the Ministry of Education, and Economic Planning and Cooperation respectively. In 2006, as shown on the Table 1 3.1, Rwandan women had been occupying 60% of the vice-presidential position and 27% of the presidential positions on Rwandan parliament various committees (Devlin & Elgie, 2008)

Despite there has been significant improvement on the enforcement of the Rwandan women as they had been actively participating in the public sphere, discrimination against women did still exist. There was still domestic violence, rape, and sexual harassment against women due to the public perception of inferiority of women. In dealing with this issue, the FFRP proposed a draft of law to the parliaments concerning on the gender-based violence which represented the whole community, both male and female as this kind of violence was not only a woman's issue but rather the community issue (Pearson, 2008). It took approximately three years for the law to be finally passed and published in the Official Gazette on April 2009. Rwanda has become the first Sub-Saharan Africa country to establish a gender violence law (Hebert, 2015).