

Democracy, identity and the politics of exclusion in post-genocide Rwanda: The case of the Batwa

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Abstract

Since the 1994 genocide the Rwandan Government has sought to navigate a difficult path between multiparty democracy favoured by donors and a more tightly managed political environment which it argues is necessary for security. The countries' status as a fragile post-genocide democracy, with a legacy of political manipulation of ethnic identity, has led the Government to actively stigmatise and criminalise references to ethnicity. This paper demonstrates that the strategy has required careful management and manipulation of narratives of identity and citizenship, and it argues that this has led, for some groups, to a politics of exclusion which reduces their ability to participate effectively in democratic politics. Drawing on interviews with Rwandan civil society activists, government representatives and key bilateral and multilateral donors, the paper will explore the often-overlooked impacts of these strategies on Rwanda's smallest minority ethnic group, the Batwa. Though the Government has justified its attempts to manage identity narratives as part of an effort to create an inclusive national identity, promoting an all-encompassing notion of 'Rwandan-ness,' it is suggested that the effects of this policy for the Batwa have been negative and exclusionary. Documentary evidence, interviews and reports produced as part of the African Peer Review Mechanism's review of Rwanda demonstrate that the official denial of the Batwa's status as 'differently disadvantaged' to other ethnic groups has adversely affected these individuals and curtailed their ability to advocate as a group. Rwanda may be praised for its achievements in creating a procedural democracy, particularly in a divided society, but the paper argues that there is little room for effective representation and a political voice for disadvantaged ethnic minorities such as the Batwa in such a tightly managed system.

Introduction

The 1994 genocide has left an indelible mark on Rwandan and regional politics. It led to the deaths of up to a million Tutsi and moderate Hutu and the fleeing of a similar number of mainly Hutu refugees and *genocidaires*¹ into what was then Zaire, sparking off a series of conflicts that officially ended in 2003.² It also precipitated the return of a largely Tutsi refugee population from exile which forms the backbone of the current ruling elite.³ Since 1994, led by the Rwandan Patriotic Front (RPF), Rwanda's government has sought to chart a difficult path between multiparty democracy which is promoted by its key bilateral and multilateral donors and a more tightly managed political system based on consensus and the need to avoid a recurrence of large scale violence. A considerable amount of research has been

The research for this paper was undertaken with a studentship award from the UK Economic and Social Research Council (Award No: PTA-030-2004-00069). The paper has benefited greatly from the advice and feedback of Professor Rosaleen Duffy and Dr Heather Marquette. The author is currently a Lecturer in the International Development Department at the University of Birmingham and a Research Associate of the UK All Party Parliamentary Group on the Great Lakes. Contact details: Dr Danielle Beswick, International Development Department, School of Public Policy, University of Birmingham, Edgbaston, Birmingham, B15 2TT.

conducted looking at identity and ethnicity in Rwanda in this context. However, this literature overwhelmingly concentrates on the experiences of and relationships between the two larger ethnic groups, the Hutu and the Tutsi, notwithstanding divisions and differences within these categories. By contrast, the place of the Batwa in the pre and especially the post genocide order is frequently neglected.

This paper therefore has two main aims. The first is to add to the limited amount of data on the situation of the Batwa in post genocide Rwanda, drawing on interviews with civil society representatives, donors and Government officials in Rwanda. The second aim is to explore what can be considered Rwanda's democratic paradox: that a policy claiming to treat all groups equally, in this case through a notion of Rwandanness and the outlawing of references to ethnicity, can conversely lead to the specific needs of minority groups being rendered invisible, leading to their further marginalisation. Reflecting on the specific forms democracy has taken in Rwanda post-genocide, the paper will therefore identify how the Batwa have seen their specific needs sidelined and have been excluded from effective political representation in Rwanda's 'new democracy.'⁴ Recognising the importance of the historical context which underpins the current situation of the Batwa, the first part of the paper will briefly outline the pre-genocide history of the Batwa and the experiences of this minority during the 1994 genocide. The remainder of the paper will concentrate on the post-genocide period. Analysing some of the key features content of Rwandan democracy, it will demonstrate how Batwa have been largely excluded from the political process despite the overarching RPF-led political narrative of inclusivity and Rwandan-ness. Despite attempts to legally eradicate discussions of ethnicity from public life, the Batwa remain the only ethnic group who can be discriminated against with relative impunity. In conclusion I suggest the response of the Government to the Batwa's situation and its actions towards CAURWA directly reflect one of the ruling party's principal aims: controlling discourse around and practise of political identity in Rwanda to maintain its own dominant position. This suggests that denying differences between ethnic groups does not enhance the prospects for minority rights, especially where social discrimination exists and where recognising real differences between groups could challenge the political narrative of the ruling regime. It also suggests unless minority rights are specifically protected and Batwa are recognised as differently disadvantaged their groups will continue to face significant challenges in promoting the specific needs and issues of their members.

The Batwa: A history of marginalisation

There is relatively little written on the Batwa.⁵ This partly reflects the size of the population, estimated to number approximately 30,000 individuals out of a total Rwandan population of over 9 million. It also reflects the pre-occupation of those who have written about Rwanda, from colonial administrators to contemporary researchers and observers, with the creation of the Tutsi and Hutu identities and the shifts in the content and meaning ascribed to these identities over time.⁶ One prominent Batwa rights campaigner characterises the group as "the forgotten people of Rwanda" arguing "having been there for the longest, having lived for

thousands of years in the rainforests of Africa before the Hutu and Tutsi arrived. We have been forgotten by all those who came to use our forests.”⁷

Given the limited data available, and the limited written history in Rwanda, it is difficult to establish with certainty exactly how long the Batwa have existed in the forests of central Africa, across what are now the states of Rwanda, Burundi, Uganda and DR Congo and beyond. However these groups are frequently referred to using terms such as ‘first peoples’, ‘indigenous’ or ‘*autochtones*’, each suggesting they descend from the original inhabitants of a particular area. In her study of Batwa populations in West central Africa, Klieman suggests that these are regarded as ‘first comers’ with well established knowledge of the forests in which they lived, who educated newly arriving Bantu populations in their ways.⁸ In the specific case of Rwanda, Vansina explains that the Batwa were defined by the fact they did not practice what was considered a ‘normal’ way of life, i.e.: farming and agriculture based subsistence, and that this led over time to their dispossession and marginalisation by the larger groups in the region:⁹

Twa was the name given to the forests and near the great marshes on the borders and also to a few communities of potters. Mutual hostility was the rule between the Twa of the great forests in the west and the north of central Rwanda and their neighbours, especially farmers who were liable to clear the forests, thus restricting the land left to hunters.¹⁰

The Batwa were therefore specifically identified as different to other populations in what is now Rwanda due to their alternative livelihoods. Their role in pre-colonial society in Rwanda remains under-explored, and analysts differ in their estimations of the roles Batwa played in the various kingdoms which preceded the establishment of the Rwandan state. Prunier suggests they ‘either lived as hunter gatherers in the forested areas or else served the high ranking personalities or the King in a variety of menial tasks.’¹¹ Vansina by contrast offers the example of a favoured Batwa who acted as a page or close follower of the king, but also refers to others acting as royal guards and executioners.¹² Batwa may therefore have been most often relegated to relatively menial roles in the royal court but there was some limited possibility of advancement. However, this was then and still remains limited by a popular perception in Rwanda of the Batwa as ‘backward and lacking ‘modern’ education...uncivilized, primitive, and uncultured.’¹³ This stems from a negative view of their activities as hunter gatherers and their historical affiliations with the forests as well as social stigmatisation of the Batwa as a pygmy race. Vansina characterises this stigma starkly, as a relationship of ‘avoidance and scorn’ between Batwa and other groups, in which: ‘not only did Twa and others never intermarry, but they did not even drink from the same beer pot for fear of social pollutions.’¹⁴ Similarly Thomson’s research in Rwanda found that non-Twa considered their Twa neighbours to be ‘filthy and uneducated.’¹⁵ These attitudes continue what Klieman (2003) refers to as the ‘pygmy paradigm’, under which such groups are considered uncivilized and pre-modern.¹⁶ The marginalisation of these groups, both before and after colonial administration, is not only a feature of indigenous peoples in Rwanda; similar experiences are recorded across the region in DRC, Burundi and Uganda.¹⁷

Even prior to the genocide, the Batwa population therefore experienced high levels of social discrimination and were perceived, by Hutu and Tutsi alike, as dirty, immoral and even sub-human. They primarily relied on the forested areas to pursue a hunter-gatherer existence and on marshland swamps to provide clay for the production of pottery. However, Rwanda is currently Africa's most densely populated state, and large areas of both forest and swampland have been reclaimed for agriculture, development and the creation of national parks. This process, which began even before the 1994 genocide under the banner of 'development' has denied Batwa access to traditional livelihoods and caused further hardship.¹⁸ As one report into the difficulties facing pygmy minorities points out, for such groups 'economic development is an unavoidable, painful and exclusive process.'¹⁹ Most members of these groups do not have legal ownership of their land and as a result have faced displacement and eviction.²⁰ They have little chance of alternative livelihoods due to their marginalisation and the limited proportion of the Batwa who have historically attended formal schooling.

Finally, it is worth briefly mentioning the 1994 genocide itself, which is more often rendered as an exclusively Hutu-Tutsi affair but had a significant impact upon the Batwa as individuals and collectively which is rarely commented upon. During the genocide the Batwa were both perpetrators and victims of violence, and their individual experiences and roles must be recognised,²¹ but it must be recognised that they were vastly over-represented amongst the victims. It is estimated that 30% of Batwa were killed during the genocide, compared to 14% of all Rwandans. This over-representation is believed to result from the fact that due to historical patterns of discrimination against the Batwa they were targeted by both Hutu and Tutsi, within and without the context of a genocidal killing programme. This is a stark illustration of the status of Batwa in Rwanda, illuminating what the Forest Peoples Programme identifies as: 'a larger pattern of pervasive and tolerated discrimination against Twa that persists to this day and is manifest in almost all of their dealings with neighbouring peoples and the State.'²²

The Batwa have therefore been historically marginalised within Rwanda and continue to face widespread social discrimination and the decline of traditional livelihoods. It is thought that no members of the Batwa population in Rwanda now maintain a traditional existence as forest dwellers.²³ Given their relative lack of representation in decision making bodies and increased impoverishment through dispossession, the Batwa have attempted to organise themselves into groups to attract funding and lobby the government for recognition of their status as indigenous peoples and of the unique disadvantages they face.

Democracy, identity, and the limits of acceptable political behaviour in post genocide Rwanda

This section cannot hope to cover all, or even most, of the many factors which affect the practise of democratic politics in contemporary Rwanda. It will instead concentrate on providing an outline of the frameworks for disciplining political behaviour and defining political identity established by the government since 1994,

demonstrating the constrained environment in which Rwandan civil society operates.

Observers since 1994 have varied considerably in their evaluations of Rwanda's political development. Some consider it a potential model for reconstruction,²⁴ whilst others describe the current regime as a dictatorship, with opinions as to the benevolence of this system divided.²⁵ The Rwandan Government maintains that the donor-favoured model of liberal democracy is unworkable in a post-genocide context, where divisionism and 'genocide-ideology' are believed to remain powerful influences and potential sources of future violence.²⁶ In this light, for the ruling RPF party '[governance] is considered to be an instrument of national unity and reconciliation, with the tenets of liberal democracy subordinate to these objectives'.²⁷ Democracy is therefore promoted, institutionalised, managed and disciplined in specific ways by the Government to achieve this larger goal of national unity. It is necessary for the purposes of this paper to understand what this means in practise, especially for civil society organisations attempting to highlight the marginalisation of groups like the Batwa. It is therefore necessary to look in a little more detail at the policies of the Rwandan government towards those who challenge its narrative of genocide and resulting notions of acceptable post genocide identity which underpin its dominant position since the genocide.

Denied representation under the pre-genocide regime, the RPF has become the dominant party in Rwanda since 1994. Following the genocide the party led a government of national unity until 2003, when elections for President and Parliament heralded the official end of the transition period and returned both the RPF as the largest party in Parliament and their leader Paul Kagame as President. The ruling party was formed primarily, though by no means exclusively, of Anglophone Tutsi refugees who returned to Rwanda in 1994 and played a pivotal role both in ending the genocide and in the subsequent administration. Since the genocide, Pottier argues convincingly that the RPF have sought with some success to establish a rather simplistic and dichotomous image of Tutsi as 'good guys' and Hutu as 'bad guys' to underpin their right to rule Rwanda.²⁸ However, since the mid 1990s they have also stressed the need to publicly de-emphasise and even outlaw ethnicity. Ethnic identities are to be replaced by a single Rwandan national identity, the only socially acceptable and legally permissible identity for a Rwandan citizen. This underpins the policy of national unity and reflects the Government's narrative of a return to a relatively peaceful pre-colonial Rwanda, in which it describes Hutu, Tutsi and Twa as living in relative harmony until the arrival of colonisers.²⁹

Since 1994, critics charge that political space in Rwanda has been curtailed and political identity managed aggressively to create an understanding on the part of Rwandans as to what constitutes acceptable political behaviour. This includes acceptable forms of political organisation, i.e. those not based on ethnicity, and acceptable forms of action, specifically those which do not challenge the RPF's position or the narratives of genocide and reconstruction on which its legitimacy is based. There is strong evidence that the Rwandan government has used accusations of revisionism, divisionism and 'genocide ideology' to construct this tightly managed

political arena and to discredit and threaten those who challenge its policies and position, portraying them as threats to national unity and security. It is useful to elucidate this representation of curtailed political space in Rwanda a little further before exploring its implications for the Batwa and organisations which represent them.

A key tool used by the post genocide Government in managing democracy to create national unity is legislation. Notable in this regard is the 2003 constitution, which sets out some of the boundaries of acceptable political activity by proscribing political campaigning at the local level and outlawing discrimination on grounds of ethnicity.³⁰ Other pieces of legislation that have affected the practise of politics in Rwanda and the activities of civil society organisations include those which provide the legal framework to prosecute 'genocide ideology.' These include Law 47/2001 of 18/12/2001, relating to discrimination and sectarianism,³¹ and the Law Regulating the Punishment of Genocide Ideology.³² International human rights observers interviewed by this author in 2005 and 2006 frequently argued that these offences are too broadly defined, particularly given the heavy penalties associated with them, and that ambiguity leaves the law open to abuse.³³ Specifically, they argued that the vague definitions in legislation on divisionism and genocide ideology encourage civil society activists to limit their critical engagement with Government policies by creating an uncertainty as to what is acceptable behaviour.³⁴

It is useful to consider one specific example of how this affects advocacy and political debate. A Rwandan NGO activist interviewed by the author described his frustration on this issue in 2006, whilst recounting the experiences of young Rwandans whose Hutu parents had been killed during the genocide. Some of the parents were perpetrators of genocide; others had opposed genocidal militia groups and were killed as a consequence. Regardless of guilt or innocence during the genocide, these youths reported that they were unable to mourn during genocide memorial week, held annually in April, because it was 'for Tutsi.' The activist stated that this was a widespread problem and one which caused resentment against the Government. However, he was reluctant to engage the Government on this issue for fear of being branded a revisionist. This suggests Hutu are excluded from the category of 'survivor' of genocide, and as such mourning for Hutu parents by Rwanda's youth could be equated with anti-Tutsi or pro-genocide sentiment.³⁵ Eltringham and van Hoyweghen refer to this phenomenon as the 'genocide framework' in which 'the 1994 genocide is singled out as an event producing the only politically correct categories for identification and guidelines for behaviour.'³⁶ Divergence from the official narrative, for instance in calling for nuance and elaboration on dichotomies such as victim/killer, can lead to charges of 'revisionism.'³⁷ Through allegations of revisionism, divisionism and genocide ideology, prosecutable under this broad legislation, debates on key aspects of reconciliation are therefore rendered off-limits, and political identity and acceptable areas of political debate are fixed and defined in a top-down manner.

Genocide ideology in particular is a key issue in Rwanda, described by one human rights observer as 'the government's current big stick' for disciplining opponents.³⁸

The effects of being accused in this way should not be underestimated. As a US Department of State report attested: 'Simply being accused by the Government of supporting a genocide ideology was enough to damage the ability of the accused organizations from being able to work effectively, even if they were later absolved of guilt.'³⁹ Using such accusations of genocide ideology, Rwanda's independent media, in particular outspoken editors critical of government policy, have also been harassed, prosecuted and even forced into exile for questioning these official narratives. One independent publication, *Umuseso*, was accused in 2003 of fostering divisionism and 'disseminating MDR's genocidal ideology.'⁴⁰ The MDR, (*Mouvement Démocratique Républicain*) a political party banned before the 2003 parliamentary elections,⁴¹ was seen by many as the most credible opposition to the RPF.⁴² Furthermore, Waldorf demonstrates how 'the RPF has successfully suppressed or co-opted independent journals and accused independent journalists of inciting ethnic 'divisionism' and even genocidal ideology.' Worryingly, he concludes that: 'there is less press freedom and media pluralism in Rwanda today than there was before the genocide.'⁴³ The threat of being labelled informs how civil society activists in Rwanda perceive their ability to engage with the government. This then affects the kind of advocacy undertaken and discourages work on politically sensitive topics such as ethnicity and justice, despite their centrality in contemporary Rwanda especially for groups like the Batwa.

Thus legislation has provided a public framework for defining and enforcing acceptable political behaviour and debate in Rwanda, but there are also other methods of control. Although relatively rare, particularly in recent years, disappearances, threats and intimidation are tactics that have also been used to silence criticism. These are usually shadowy affairs, difficult to attribute to the Government and the subject of rife speculation among civil society activists and observers. This is largely due to the lack of official information on such cases and the considerable weight of rumours and speculation which fill the resulting information deficit. I have discussed these methods elsewhere in more detail,⁴⁴ but though this paper is concerned primarily with the legal framework and the management of identity in Rwanda, the issue of extra-legal disciplining of civil society is of relevance and should be borne in mind when considering the political context in which civil society operates. This includes instances of intimidation and even the disappearance of critics of the RPF.⁴⁵ Such incidents create a climate of fear and uncertainty, in which individuals become reluctant to challenge the regime because they are uncertain what the consequences may be.⁴⁶

The evidence presented therefore suggests there are clear boundaries of acceptable political identity and acceptable political debate in Rwanda's post genocide democracy. It appears that acceptable action does not include challenging the regime on issues of security, political identity or its vision for Rwanda's political reconstruction.⁴⁷ Acceptable identity is that which conforms to the RPF vision of Rwandan-ness, denying differences of experience between groups in Rwanda particularly when defined by ethnicity. Considering analyses of civil society in Rwanda prior to the genocide, we can see a similar pattern has re-emerged since 1994. Silva-Leander argues that prior to genocide Rwanda displayed many of the

'trappings of democratic state- such as an active civil society, an inquisitive media and a vociferous opposition'⁴⁸ but argues these did not really fulfil their functions as democratic checks and balances or hold the government to account. They failed to fulfil the role required for what he terms 'substantive democracy.'⁴⁹ Despite the continuation of such a system since the genocide, the lack of political space has rarely been challenged by Rwanda's aid partners. The dominance of the RPF is largely accepted as inevitable and even potentially as beneficial as it allows the Government to better enact donor-favoured neoliberal reform in other areas, such as macroeconomic policy.⁵⁰ There is a real sense when interviewing key aid partners of the Rwandan Government that Rwanda is seen as fundamentally different to other states due to its experience of genocide, and that it therefore necessarily adapts concepts such as democracy and associated institutions and practises to suit its own needs.⁵¹ Indicative of this attitude, the 2002 USAID Conflict Vulnerability Assessment of Rwanda argued that:

(t)he concept of a Rwandan exceptionalism and the need for a managed transition in a post-genocidal context remain valid and will doubtless continue to do so for some time. But there is a countervailing fear, which is this need may serve to mask an attempt to secure a long-term RPF stranglehold on political power.⁵²

The holding of peaceful elections in 2003 was seen as a political milestone for Rwanda and, having successfully secured their first term in office, it was hoped the RPF would relax their limitations on political activity in Rwanda and, as a 2004 Christian Aid report suggested, 'open up.'⁵³ However, the research and analysis presented above indicates that the USAID observation above is as relevant in 2009 as in 2002. Despite some notable advances, including the issuing of independent radio station licences and willingness to engage with civil society organisations in non-politically sensitive areas, political space has in many arenas remained static or indeed narrowed since 2003. The impact on civil society reflects the contention of a long-term observer of Rwanda, interviewed in Kigali in 2006. He argued that there are accepted 'rules of play' which govern political debate Rwanda, meaning that civil society activists can operate in Rwanda only if they are willing to forego work on politically sensitive issues.⁵⁴ This has produced a situation whereby the RPF is extremely intolerant of criticism and of attempts by civil society organisations to act outside of the narrow confines it assigns to them. This is further illustrated by the case of the Federation for Activists Against Torture (FACT), which concentrates primarily on sexual and gender based violence, rather than more politically sensitive instances of actual torture by police and local defence authorities.⁵⁵ It is also borne out by the recent work of Burnet on organisations promoting the rights of women. The political empowerment of women is feted as a key success of Rwanda's political development, but it seems from Burnet's analysis they are only successful when their objectives are precisely aligned with those of the RPF.⁵⁶ These observations on the hostile environment in which civil society operates are particularly relevant for our consideration of the treatment of the most prominent Batwa rights organisation, CAURWA, discussed in the following and final section.

'Divisionist' or just different? Advocacy challenges for the Batwa post genocide

This section will analyse one particular chain of events which occurred in from 2005-6, the lead up to and aftermath of a peer review of Rwanda. The process and outcomes effectively illustrate not only the tightly managed nature of Rwanda's democracy but also the resulting difficulties faced by the Batwa and the organisations which attempt to advocate on their behalf.

In 2005 Rwanda became only the second African state to be peer reviewed as part of the African Peer Review Mechanism, an initiative of NEPAD.⁵⁷ The process by which Rwandan officials compiled the initial self assessment report and the meetings with the NEPAD-appointed country review team were however dominated by representatives and supporters of the government. Jordaan describes how during the self assessment process 'voices favourably disposed towards the government predominated, while dissenting political voices were marginalized.'⁵⁸ Human rights groups and media representatives who had been critical of the government were not invited to take part, while those seen as more pro-government were included as representatives of broader civil society.⁵⁹ The unwillingness to allocate key roles in the process to civil society representatives, particularly those critical of the government, was especially pronounced in the area of political governance. LDGL, an umbrella organisation for human rights groups in the Great Lakes Region, points out that 'all four members of a technical team supporting the subcommittee on democracy and political governance were civil servants (the APRM coordinator, an official from the Ministry of Local Administration, a senator and an official from the Ministry of Foreign Affairs).'⁶⁰

Despite this government dominance of the process, the report by the NEPAD country review team identified a range of problems with political governance in Rwanda. These ranged from the lack of a level playing field for political parties to compete and government influence over the judiciary, to concerns about press freedom and the government's attitude towards its indigenous minority, the Batwa. The broader experience of peer review and Rwanda's response is covered in detail elsewhere,⁶¹ but for our purposes it is useful to consider the report's highlighting of the marginalisation of the Batwa and analyse the Government response to this in light of the features of Rwandan democracy explored earlier. These build up a picture of careful control of debate on political identity, as suggested earlier, and demonstrate the resulting difficulties for by the Batwa in organising politically and drawing attention to their marginalisation.

The review report on Rwanda discussed Government policy towards the Batwa under Objective 9 of Category 1: 'To promote and protect the rights of vulnerable groups, including internally displaced persons and refugees.' The report found that: in the case of the Batwa: 'the approach adopted by the authorities was based on a policy of assimilation' further commenting 'There appears to be a desire to obliterate distinctive identities and to integrate all into some mainstream socio-economic fabric of the country.'⁶² As discussed earlier this is largely a product of government legislation, intended to prevent discrimination by effectively prohibiting Rwandans from identifying themselves, or others, by their ethnicity, or treating one

another differently on that basis. However, there is evidence that this policy has disadvantaged the Batwa. In 2006, Matthews recalled how a government official defended the policy outlawing discrimination, but admitted the following:

It is against the law to make ethnic jokes in Rwanda...If another person overhears you make a joke about the Hutu or Tutsi, you can be reported to the authorities and tried for promoting genocidal ideologies... (but) no one cares if you make Batwa jokes. It is common if someone does something stupid to say, "Oh, you are becoming Batwa."⁶³

As discussed in the first section of this paper, the social and economic marginalisation of the Batwa is clearly not being redressed simply by legislation. They continue to be disproportionately likely to be illiterate and to drop out of school,⁶⁴ and are under-represented in decision-making bodies. Groups such as CAURWA argue that the government's policy of denying difference between Rwandans actively disadvantages the Batwa, delegitimising the uniqueness of their situation as compared to other Rwandans. Batwa groups refer to themselves as indigenous peoples, or as Rwanda's original inhabitants, using the Kinyarwanda term *Abasagwabutaka*. In a state where discourses of identity and citizenship have been manipulated to fuel genocide, the government will not allow any group to identify itself in this way. Since acceding to the peer review mechanism in 2003, it has demanded that CAURWA change its name which, it argued, by identifying Batwa specifically and through references to indigenouness promotes division between Rwandans.

A representative of one international NGO that has worked extensively with CAURWA, *Trocaire*, argued that one solution to the government-CAURWA clash might be to append indigenous peoples to the category of vulnerable groups, allowing for specially allocated representation in decision-making bodies. Such a solution was said to be favoured by the government during negotiations as it would allow the interests of the Batwa to be accommodated without challenging existing legislation on divisionism.⁶⁵ However, reclassifying the Batwa as a vulnerable group would also serve to disempower their representatives, removing their ability to identify as Batwa. Women, survivors of genocide and children are similarly recognised to be particularly vulnerable and disadvantaged in contemporary Rwanda, but organisations and collectives have formed to lobby on behalf of their specific needs and to raise awareness of their particular situations. By highlighting the difficulties of this specific group, the APRM review team forced the government to address the issue. As will be shown, the government's efforts to force CAURWA to rebrand, backed up by threats to disrupt its funding, was, if anything redoubled after the peer review's highlighting of the situation.

The Rwandan Ministry of Justice (MINIJUST) in 2004 threatened to 'stop NGOs from funding programs specifically targeting the Batwa if they insist on being designated as such.'⁶⁶ CAURWA responded by offering to discontinue use of the term *Abasagwabutaka*, but insisted that continuing to identify specifically as Batwa was

necessary to allow other NGOs and donors to target assistance to their marginalised community.⁶⁷ According to a European donor representative, MINIJUST refused this offer on the grounds that identifying one group for particular support is divisionist and promotes ethnic difference.⁶⁸ The tension between CAURWA's agenda of supporting the Batwa and the regime's policy of denying ethnic difference was a crucial test for the government and for peer review. The Rwandan authorities fiercely rejected the appraisal of their policy towards the Batwa as tantamount to assimilation. Interviewed by the author, the Executive Secretary of NEPAD Rwanda characterised it as a result of the review team not understanding Rwanda's unique situation, adding that it was also a price of being 'guinea pigs' for the process.⁶⁹ However, in its response to the APRM criticism, appended to the final report, the Rwandan government had little choice but to acknowledge the failure of its overall social and economic policies to empower the Batwa or enhance their life chances.⁷⁰

This could have led to an opening for productive engagement with groups like CAURWA and civil society more generally. Indeed, the initial response of the government was encouraging, with the state offering to assist Batwa families and children with health insurance and school materials.⁷¹ However, subsequent actions once again highlighted the governance practices discussed earlier: discrediting critics using accusations of divisionism and using threats to co-opt potential challengers and force changes in their political behaviour.

Some were optimistic in assessing the impact of the peer review. The *Trocaire* representative argued that although school equipment and health insurance for some members of a group comprising only around 30,000 in total seems a small step, it is of great significance.⁷² Others, however, were less optimistic, recognising a familiar pattern of co-optation and harassment in the government's policy towards CAURWA after peer review. One human rights observer recalled the experiences of other groups who had challenged core facets of government policy, including the human rights organisation LIPRODHOR.⁷³ He believed that the government had systematically harassed outspoken and critical leaders, often accusing them of ineptitude or harbouring 'genocide ideology.' In each case new leaders took over and a voice critical of regime policy was silenced. He confided in March 2006 his pessimistic fear that CAURWA would disappear, replaced with a broader "organisation for the disadvantaged."⁷⁴ This proved somewhat prophetic. In May 2007, threatened with losing its license to operate as an NGO, and thus its funding, CAURWA became COPORWA: *Communauté des Potiers Rwandais* (Organisation of Rwandese Potters). The new name highlighted a traditional Batwa activity but removed all mention of indigenosity and ethnic identity. One interviewee close to the organisation confirmed that some among its leaders felt that they could no longer operate on an 'ethnic' basis due to government pressure. The changing of CAURWA's name was characterised as a reluctant but necessary compromise to allow their programmes to continue.⁷⁵

The experience of CAURWA has disheartened members of Rwandan civil society, many of whom had high hopes for peer review as a way of opening up political space.⁷⁶ Furthermore, the government pressure on CAURWA arguably demonstrates

the very policy of assimilation criticised by the peer review team. The continuation of this policy is indicative of the way the Rwandan government responds to criticism where it challenges their basis of their authority, in this case by attempting to force the recognition of ethnic difference as real. The careful management of narratives of identity in contemporary Rwanda is central to the regime's legitimacy and therefore organisations which seek to target the particular needs of the Batwa will continue to find this a significant challenge.⁷⁷

Conclusions

This paper has argued that Rwanda's minority population, the Batwa, has experienced a history of marginalisation and discrimination. It is also suggested, through the discussion of Rwanda's limited democracy and the experiences of CAURWA, that this trend has if anything accelerated under the national unity policies of the current ruling party. Given the history of ethnic division and conflict, and the tensions over political representation in post genocide Rwanda, it is perhaps understandable for the RPF to seek to control political debate to ensure security and stability. As Snyder⁷⁸ has demonstrated, democratisation is a dangerous process to embark upon in fragile and often divided post conflict societies, and one which can lead to polarisation and hardening of identities and even conflict. This article does not seek to conclude that attempts to manage political identity and debate are always necessarily negative, though these have certainly manifested in Rwanda as a relatively oppressive and closed political environment with little tolerance of dissent. However, it does seem that while one can construct a reasonable rationale for down-playing Hutu and Tutsi identity in favour of Rwandan-ness, this policy does not work for the Batwa. In fact, it reduces the ability of groups who represent the Batwa to campaign on behalf of their specific needs. The strict management of identity by the Rwandan government, and the use of legal and shadow methods to discipline groups and individuals who question these policies, actively disadvantages Rwanda's already most disadvantaged group. Unless some degree of flexibility can be found in the RPF's approach to identity, it is likely that eradicating discussion of ethnicity in Rwanda will continue, paradoxically, to ensure the Rwanda's 'first people' remain 'a largely invisible minority'.⁷⁹

NOTES

¹ Those involved in carrying out the genocide

² For a discussion of the specific events which precipitated these conflicts see Prunier, Gerard (1997) 'The Great Lakes Crisis' *Current History* May 1997 pp.193-199.

³ Prunier, Gerard (2002) *The Rwanda Crisis: History of a Genocide* London: Hurst and Company p.111.

⁴ This refers to the period following the first post genocide parliamentary and presidential elections in 2003.

⁵ There are relatively few academic works on the Twa. Notable exceptions include a recent article by Susan Thomson (2009) 'Ethnic Twa and Rwandan National Unity and Reconciliation Policy' *Peace Review* vol 21 pp1-8 and Kairn Klieman (2003) *The Pygmies Were our Compass: Bantu and Batwa in the history of West Central Africa, early times to c1900 CE* Portsmouth, NH: Heinemann. There are however brief mentions of the Twa in more general works on Rwanda and the genocide such as Jan Vansina (2004) *Antecedents to Modern Rwanda: The Nyiginya Kingdom*. Oxford: James Currey.

⁶ See for example the work of Christopher Taylor on the importance of the 'Hamitic hypothesis', a theory expounded by Rwanda's Belgian colonial rulers which considered Tutsi as racially superior to both the Hutu and Twa. Tutsi were regarded as being stereotypically more 'Nilotic' in appearance and

purportedly more intelligent. See Taylor, Christopher (1999) *Sacrifice as Terror: The Rwandan Genocide of 1994* Oxford, Berg. Most observers agree that it was under Belgian rule, via a Tutsi monarchy, that primarily socio-economic divisions between the Hutu and Tutsi, and to a lesser extent the Twa, acquired greater political significance and became more entrenched. Colonial rule also entrenched the idea of Hutu and Tutsi identities as monolithic and defined chiefly in relation (or opposition) to each other. Tutsi were considered to be significantly superior to Hutu, based on physiology and intellect, receiving preferential access to employment and education. By contrast, Hutu were regarded as inferior and, to some degree, naturally subservient. The Twa, which make up less than one percent of the population, were also marginalised as a 'pygmy group', defined as having less social status than Hutu. See Prunier *The Rwanda Crisis*

⁷ 1994 speech by head of a Batwa rights organisation, Charles Uwiragiye. Quoted in 'Minorities Under Siege: Pygmies Today in Africa' *IRIN In Depth Report* (April 2006) p.11.

⁸ Klieman, 'The Pygmies Were our Compass'

⁹ Vansina *Antecedents to Modern Rwanda*. p.36

¹⁰ Vansina *Antecedents to Modern Rwanda*. p.36

¹¹ Prunier *The Rwanda Crisis*. p.5

¹² Vansina *Antecedents to Modern Rwanda*. p.48

¹³ Thomson *Ethnic Twa and Rwandan National Unity and Reconciliation Policy* p.3

¹⁴ Vansina *Antecedents to Modern Rwanda* p.36

¹⁵ Thomson *Ethnic Twa and Rwandan National Unity and Reconciliation Policy* p.3

¹⁶ Klieman 'The Pygmies Were our Compass'

¹⁷ See Jerome Lewis, 'The Batwa Pygmies of the Great Lakes Region' (Minority Rights Groups International, 2000).

¹⁸ Forest Peoples Programme, 'Submission of the Forest Peoples Programme Concerning the Republic of Rwanda and its compliance with the International Covenant on Civil and Political Rights' (October 2006) p.10.

¹⁹ *Minorities Under Siege* p.8

²⁰ Dorothy Jackson 'Rwanda: Dispossessed Twa People Press For Recognition' *World Rainforest Movement Bulletin* 62 (September 2002)

²¹ Thomson *Ethnic Twa and Rwandan National Unity and Reconciliation Policy*. For an excellent example of the disaggregation of experiences of individual Hutu during the genocide see Lee Ann Fujii *Killing Neighbours: Webs of Violence in Rwanda* Ithaca, NY: Cornell University Press

²² *The Forest Peoples Programme* p.10

²³ Thomson *Ethnic Twa and Rwandan National Unity and Reconciliation Policy* p.6

²⁴ Kinzer, Steven. (2008) *A Thousand Hills: Rwanda's Rebirth and the Man Who Dreamed it* New Jersey: John Wiley & Sons.

²⁵ See Reyntjens, Filip (2004) 'Rwanda, Ten Years On: From Genocide to Dictatorship', *African Affairs* 103(4): 177-210; Uvin, Peter (2001) 'Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide', *Third World Quarterly* 22(2): 177-189; and Hintjens, Helen (2008) 'Post-genocide identity politics in Rwanda' *Ethnicities* 8(5): 5-41.

²⁶ Government of Rwanda (2004) 'Decision of the General Assembly of the Chamber of Deputies of June 30 on the report of the ad hoc Parliamentary Commission examining killings in Gikongoro and on the Ideology of Genocide in Rwanda' (unpublished).

²⁷ Hayman, R. (2008) 'Rwanda: Milking the Cow. Creating Policy Space in Spite of Aid Dependence' in L. Whitfield (ed.) *The Politics of Aid: African Strategies for Dealing with Donors*. Oxford: OUP. p.160

²⁸ Pottier, Johann. (2002) *Reimagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century*. Cambridge: Cambridge University Press.

²⁹ Republic of Rwanda, Office of the President *The Unity of Rwandans: Before the Colonial Period; Under Colonial Rule; Under the First Republic* (Kigali, August 1999)

³⁰ Government of Rwanda (2003) *The Constitution of the Republic of Rwanda*. See article 52.

³¹ This states that 'discrimination occurs when the author makes use of any speech, written statement or action based on ethnicity, region or country of origin, colour of the skin, physical features, sex, language, religion, or ideas with the aim of depriving one or a group of persons their human rights...The crime of sectarianism occurs when the author makes use of any speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people.' Chapter 2, Article 3 of Law number 47/2001 of 18/12/2001 instituting punishment for

offences of discrimination and sectarianism. *Official Gazette of the Republic of Rwanda* 15 February 2002 pp.12-15.

³² This has been adopted by parliament and the senate but at time of writing has not yet been gazetted.

³³ See also Human Rights Watch (2008) 'Law and Reality: Progress and Judicial Reform in Rwanda' July, 2008. ; Freedom House (2005) 'Country Report – Rwanda' *Countries at the Crossroads 2005*; Amnesty International (2004) 'Rwanda: Deeper into the Abyss - Waging war on civil society', July 2004.

³⁴ Frontline (2005) *Disappearances, Arrests, Threats, Intimidation and Co-option of Human Rights Defenders 2001 – 2004*

³⁵ These testimonies were also confirmed by some of the youth members of an NGO at a retreat attended by the author in February 2006.

³⁶ Eltringham, Nigel. and Saskia Van Hoyweghen (2000) 'Power and Identity in Post-Genocide Rwanda' in R. Doom and J. Gorus (eds) *Politics of Identity and Economics of Conflict in the Great Lakes Region* Brussels: VUB University Press, pp.221-2.

³⁷ Eltringham and Van Hoyweghen *Power and Identity in Post-Genocide Rwanda* p.222; also see Hintjens *Post-genocide identity politics in Rwanda*.

³⁸ Interview, anonymous international human rights observer, Kigali, March 2006.

³⁹ United States Government, Department of State 'Rwanda: Country Report on Human Rights Practices: 2004' 28 February 28 2005, Section 4.
<<http://www.state.gov/g/drl/rls/hrrpt/2004/41621.htm>>

⁴⁰ Rwandan Parliamentary Commission Report on MDR 2003, see Frontline *Rwanda: Disappearances, Arrests, Threats*, pp.74-5.

⁴¹ Reyntjens *Rwanda, Ten Years On* pp.184

⁴² Human Rights Watch and Christian Aid are amongst those who suspected that the banning of MDR was actually intended to reinforce the position of the RPF in the upcoming elections. Human Rights Watch 'Rwanda: Preparing for Elections: Tightening Control in the Name of Unity' Briefing Paper (May 2003) p.6; Christian Aid. 'It's Time To Open Up: Ten years after the genocide a Christian Aid report on government accountability, human rights and freedom of speech' (March 2004) p.7.

⁴³ Lars Waldorf, (2007) 'Censorship and Propaganda in post-genocide Rwanda', in Allan Thompson (ed.), *The Media and the Rwandan Genocide*, London: Pluto Press, p.404.

⁴⁴ Beswick, (2010) forthcoming 'Managing Dissent in a Post Genocide Environment' Accepted in October 2009 by *Development and Change*

⁴⁵ Amnesty International in 2004 highlighted the cases of three missing individuals, believed to have been close to former President Bizimungu or involved in one of Rwanda's banned political parties. Tellingly, the Amnesty report also stated that 'Local human rights groups fear (they) are all dead as it is unusual for there to be no news of their whereabouts after such a long time. The Government of Rwanda has not made public any investigation into their "disappearances" in the face of international pressure for them to do so.' Amnesty International. 'Rwanda: Further information on Fear for Safety/Possible "disappearance" /incommunicado detention' (Amnesty International, March 2004)

⁴⁶ Frontline, *Rwanda: Disappearances, Arrests, Threats*, p.38.

⁴⁷ Hayman *Rwanda: Milking the Cow*

⁴⁸ Silva Leander, Sebastian 'On the Danger and Necessity of Democratisation: trade offs between short term stability and long term peace in post-genocide Rwanda' *Third World Quarterly* 29(8) p.1604.

⁴⁹ Silva Leander *On the Danger and Necessity of Democratisation* p.1604.

⁵⁰ See Beswick (2010) forthcoming, *Managing Dissent in a Post Genocide Environment*

⁵¹ This is arguably nothing new, Bayart's work on extraversion convincingly demonstrates that such broad and internationally backed concepts have frequently been adapted and manipulated by local/national leaders to suit various purposes. See Bayart, Jean-Francois (2000) 'Africa in the World: A History of Extraversion' *African Affairs* 99(395): 217-269.

⁵² 'Rwanda: Conflict Vulnerability Assessment' Carried out on behalf of USAID, October 2002 p.5 Available online < http://pdf.usaid.gov/pdf_docs/PNACU962.pdf>

⁵³ Christian Aid *10 Years On*

⁵⁴ Interview with an international human rights observer, Kigali, March 2006.

⁵⁵ Frontline, *Rwanda: Disappearances, Arrests, Threats*, p.38.

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- ⁵⁶ Burnet suggests women's groups have been most successful when aligning themselves with the political agendas of the RPF, gaining high level support and some notable advances in women's rights and political representation. However, despite their seemingly strong platform to carry out advocacy, the same groups have shied away from some politically sensitive topics. This, in Burnet's analysis reflects an understanding of the RPF's conceptualization of civil society as an 'extension of, rather than a counterbalance to, the state...(f)rom this perspective, the 'correct' relationship between civil society and the state is one where civil society serves the ends of the state.' Burnet, Jennie. (2008) 'Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda' *African Affairs* 107(428): pp.375-6
- ⁵⁷ The New Partnership for Africa's Development
- ⁵⁸ Eduard Jordaan. (2006) 'Inadequately self-critical: Rwanda's self-assessment for the African Peer Review Mechanism' *African Affairs* 105(420), pp.339.
- ⁵⁹ Jordaan. *Inadequately self-critical* pp.340-1; Also Frontline 'Rwanda: Disappearances, Arrests, Threats, Intimidation and Co-option of Human Rights Defenders 2001 – 2004' (Frontline, 2005)
- ⁶⁰ Ligue des Droits de la Personne dans la Région des Grands Lacs, 'Critical review of the African Peer Review Mechanism Process in Rwanda, (Kigali, Rwanda, 2007). P14
- ⁶¹ Jordaan. *Inadequately self-critical* Also see Eduard Jordaan (2007) 'Grist for the sceptic's mill: Rwanda and the African peer review mechanism' *Journal of Contemporary African Studies* 25(3) p.338.
- ⁶² NEPAD *Country Review Report of the Republic of Rwanda* June 2006, p.51.
- ⁶³ Lisa Matthews (2006) 'The people who don't exist' *Cultural Survival Quarterly* 30(2) <<http://www.cs.org/publications/CSQ/csq-article.cfm?id=1909>>
- ⁶⁴ Forest Peoples Programme, 'Submission of the Forest Peoples Programme' p.23.
- ⁶⁵ Interview, Patrick Osodo, Manager of Civil Society Development and Advocacy Programme, Trocaire Rwanda. Kigali, 24 February 2006.
- ⁶⁶ 'Threat: Government to stop funding for Batwa over name change' *Focus* [Kigali] March 2006, p.2
- ⁶⁷ 'Threat: Government to stop funding for Batwa over name change' *Focus* [Kigali] March 2006, p.2.
- ⁶⁸ Interview, representative of a European state development agency in Rwanda, Kigali March 2006.
- ⁶⁹ Interview, Charles Gasana, Executive Secretary of NEPAD Rwanda. Kigali, 2 March 2006.
- ⁷⁰ NEPAD *Country Review Report* pp.136-7.
- ⁷¹ Since March 2006, the Rwandan government has offered to provide health insurance under the nation-wide scheme, *Mutuelle*, for all the Batwa. They also contacted CAURWA to ask for details of Batwa children without means to attend primary school, indicating that they will supply school materials.
- ⁷² Interview, Patrick Osodo, Manager of Civil Society Development and Advocacy Programme, Trocaire Rwanda. Kigali, 24 February 2006.
- ⁷³ Frontline, *Rwanda: Disappearances, Arrests, Threats* pp.45-64.
- ⁷⁴ Interview, anonymous international human rights observer, Kigali, March 2006.
- ⁷⁵ Interview, a representative of a European state development agency in Rwanda, Kigali March 2006. This is also reflected in a statement on the website of COPORWA <<http://www.coporwa.org/>>
- ⁷⁶ Interviews with two heads and one senior representative of Rwandan NGOs focused on human rights. Kigali, November 2005 and March 2006.
- ⁷⁷ Eltringham and Van Hoyweghen, *Power and identity in post-genocide Rwanda* pp.221-230.
- ⁷⁸ Snyder, Jack (2000) *From Voting to Violence: Democratization and Nationalist Conflict* New York: W.W. Norton
- ⁷⁹ Hintjens. *Post-genocide identity politics in Rwanda* p14