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## Avoiding War in Rwanda By Battle for Ideas

*Dr. Ndinkabandi spoke to the New Bretton Woods panel on March 23, representing the President of the Republican Rally for Democracy in Rwanda (RDR), Mrs. Victoire Ingabire Umuhuza, who could not attend. Dr. Ndinkabandi's presentation has been translated from the French.*



First, I wish to extend my warmest and most sincere thanks to the organizers of this seminar for the friendship they have extended to us by inviting the Republican Rally for Democracy in Rwanda (RDR) to this series of conferences. I wish to thank more specifically those who have been responsible for our reception and have facilitated our stay in this beautiful region.

Mr. Jean Gahururu, who represents us regularly in these meetings, had given us a foretaste of the beautiful ideas developed by Mr. LaRouche, and by some of his associates whom I have had the pleasure of meeting here. By participating in person, I have discovered in you a dimension which goes beyond anything we can read, or can be told about, on the subject of your very powerful conviction in defense of peace and development in the world. I make the wish that your ideas will triumph, so that tomorrow's world may be governed by men and women of your type of spirit: judicious, reasonable, and human. You have been working at this for years, and we are very proud to join you and travel together with you on this road towards a better world.

However, unfortunately we are not there yet. A number of countries are governed by incompetents, by idiots, as Mr. LaRouche had mentioned. Our hearts are heavy when we see what is going on in Iraq (many speakers mentioned it); and we feel the same about Rwanda, which has been living through a tragedy since 1990, which is spilling over to our neighbors. In answer to a question, Mr. LaRouche did not fail to underscore the fact that genocides in Africa are the work of foreign powers like the United States. In the case of Rwanda, a number of facts could corroborate this statement (without forgetting the important part played by Rwandan executioners, themselves):

1. The current President of Rwanda, Gen. Paul Kagame,

got his military training in the United States of America—as a Ugandan officer at that time—just before the Gulf War and the attack against Rwanda by his rebellion of the Rwandan Patriotic Front (RPF) in October 1990.

2. Despite his frequent human rights violations in Rwanda, he was assisted by the United States during the entire war against Rwanda; during his entire stay in power in Kigali, conquered in July 1994; during his multiple attacks against the current Democratic Republic of Congo, at which time his army had killed millions of Congolese people and created hundreds of thousands of Rwandan refugees; and during the occupation and pillage of Congo.

3. During the Franco-African summit of last February in Paris, he gave his support to the initiative of the President of the United States for an invasion of Iraq, and this without the authorization of the United Nations Security Council. Furthermore, the President of Rwanda visited the United States at the beginning of last March, and had a number of cordial meetings with President Bush, Secretary of State Colin Powell, and other top people of the Bush Administration.

### New Threat to Rwanda

Without adding any more on this situation, which is fairly well known to the majority among you, I would like to concentrate my intervention on another real problem of Rwanda. My country has been going through a political transition since July 1994. Nine years later, the leaders are finally trying to find a way out of this long transition. The project of a new Constitution for after the transition has just been introduced to the National Assembly of Transition (NAT) by the coalition government. The analysis made by our RDR Party shows that if this project were to be voted on as it is, the future of Rwanda would be irremediably compromised. It is our critical analysis that I would like to present to you. As for the details of the projected document, we will forward a copy of it to the organizers of this seminar.

The Constitutional project threatens to mortgage the future of Rwanda in an irreparable fashion. I will simply sum up the situation in seven main points, which will be followed with a brief conclusion.

1. The members of the Legal and Institutional Commission who were responsible for the elaboration of the pre-Constitutional project made believe they had organized a popular consultation. This feint gave only the expected results, undoubtedly fixed *ex ante* by this Commission. It could not have been otherwise, given the socio-political situation which prevails in Rwanda, and which is characterized, among other things, by:

- a climate of intimidation which is characteristic of any police state, and which is illustrated by the presence of militias throughout the entire national territory;
- prohibiting political parties from organizing political meetings and having contact with the population;

- the quasi-exclusive use of the media by the officials of the RPF.

If the projected referendum were to be set up under similar conditions, there is no doubt that only the position of the RPF would be reflected by the results, since it currently dominates the entire political scene of Rwanda.

2. The Constitutional project consecrates the impunity of RPF members. For a long time, the RPF has been using the instrument of genocide in order to keep power, by excluding the factor of the Rwandan population, and those who governed Rwanda after the social revolution of 1959.

By denying the implication of its members in this tragedy, the RPF wants to erect a “judicial bunker,” protecting the criminals hiding within their ranks. This view of things is not likely to favor the indispensable process of reconciliation of the Rwandan people, to which the RDR attaches great importance as a basis for the normalization of the Rwanda crisis. The RDR proposes to include in this project clear Constitutional clauses which will permit prosecution of any criminal, regardless of social status and/or function, or the community he or she belongs to.

And in order to prevent crimes against humanity and genocide, and to extirpate completely what has been their primary cause—that is, the struggle for power which had been in the sole interest of those oligarchies against the common good and the general welfare of the people—it is necessary that the Constitution be enhanced properly by one of its very reasons for existence; that is: to establish basic rules of appointments and of transmission of powers of the state, and to guarantee a sufficient number of peace-making mechanisms aimed at ensuring alternating governments.

Other articles of this project also tend to favor the impunity of certain Rwandans. Article 26, for instance, says that a Rwandan cannot be extradited. And when you think that Article 7 of the same project bestows the Rwandan nationality upon any person persecuted for his “Rwandan” origin, are we not creating a refuge for criminals of all types?

3. The Constitutional project introduces a fission at the heart of the Rwandan population and indirectly formalizes ethnic identities. For example, Article 7, §3, states that only Rwandans who lost their Rwandan nationality between Nov. 1, 1959 and Dec. 31, 1994, can recover it automatically.

Furthermore, Articles advocating the mode of recruiting members to political parties (Article 55), or for the designation of certain Deputies (Article 76) and Senators (Article 80), make it compulsory to consider national unity or national communities that are socially impoverished. Nevertheless, the current government “theoretically” rejects the idea of ethnicity, and any reference to ethnicity.

### **Kagame Government’s ‘Single-Partyism’**

4. The Constitutional project endorses, in fact, single-partyism. According to Article 56, it is expected to institutionalize the “Forum of Party Concertation” as a sole political

formation as it has been, in fact, since 1994, and outside of which no other political activity can be exercised. Since the decisions of the Forum are taken by consensus, the member parties are, willingly or by force, members of the coalition of a government run by a Prime Minister who comes from a political party, whose political views or program they don’t necessarily endorse. This is a negation of the most essential freedom of association, as well as the most elementary principles of political pluralism governed by a rule of law which favors democratic alternation [in government].

Nevertheless, the [Aug. 28, 2000] Peace Accord of Arusha, which constitutes the fundamental basis of legal reference recognized by everyone—especially with respect to the protocol relating to the Rule of Law, and most emphatically in its Articles 5, 6, and 7—[states that] the conflicting parties have come to agreement on the universality of democracy and on the principles upon which it is founded. These principles state, among other things, that popular representation belongs to the people; that pluralism is the expression of individual liberties; and that multi-partyism implies the legitimacy of the opposition.

5. The project places anti-democratic arbitrations at the functioning level of political parties.

According to Article 59, the President of the Republic, the President of the House of Deputies, and the Prime Minister, cannot come from the same political party. Then, which party is responsible for executing the mandate of campaign promises?

Even if Article 115, in its §4, specifies that the members of the government are chosen from among the political parties according to the distribution of seats in the House of Deputies, it is said that the political formation which has the majority in the House cannot have more than 50% of all of the members of government.

The previous version of this project, in its Article 57, stipulated also that any political party which has not received at least 4% of the votes during the legislative elections is suspended during that legislature. This Article has not been reinstated in the project version that we have appended in an annex.

6. The people will not be able to fully exercise their sovereignty in their choice of Deputies and Senators.

According to Article 76 of this project, the House of Deputies is composed of 80 members, of whom 27 are not elected but appointed: 24 women by district and city councils (strongly dominated by the RPF); 2 members by the National Youth Council, and 1 member by the Federation of Handicapped Associations.

As for the Senate, which will be composed of 24 non-elected members: Article 80 indicates that 8 Senators will be appointed by the President of the Republic; and the others will be chosen within institutions which are largely dominated by the RPF, such as the Forum of Concertation, the National Council of Women, the universities, and public and private

superior institutes. Moreover, note that this instrument, which is entirely devoted to the President of the Republic, and which cannot be dissolved by him for eight years (while the House of Deputies can be dissolved), retains important prerogatives:

- voting up all of the important legislation;
- designating and approving the nomination of the high functionaries of the state;
- assuring the interim of the Presidency of the Republic.

7. This Constitutional project makes the President of the Republic omnipotent.

Let us emphasize first a dysfunctional element within the mode of his election. Article 99 specifies that his election is to be by universal franchise, according to the relative majority of the vote. In this spirit, the project does not envisage a two-round ballot to decide on the two leading candidates, as is done in many democratic countries.

We have mentioned above his unwarrantable interference with the legislative power. At the level of the executive power, he chooses, nominates, and discharges the Prime Minister, nominates the ministers on the proposal of the Prime Minister, determines the policy orientation of the government, and there is no room for dispute. In fact, in the spirit of Article 119, as far as decision-making is concerned at the level of the government council, a minister who disagrees with the President of the Republic, or with the Prime Minister, must submit his resignation.

As for the judiciary power, the project specifies in Article 149, §1, that the election of the President and the Vice President of the Supreme Court is done by the Senate following a list established by the President of the Republic. This is the same Senate whose composition we have described above, and which is entirely devoted to the President of the Republic.

## Conclusions and Recommendations

Considering the above, the Constitutional project, as it is presented, consecrates the pre-eminence of the President of the Republic, with regard to all other powers of the state: executive, legislative and judiciary. He is omnipresent in each of the three levels by means of his representatives, whom he nominates himself or gets elected under his influence. The people do not exercise their political sovereignty by means of their elected representatives. Thus, the current Constitutional project scoffs at the fundamental principle of any republic, which is to be a “government of the people, by the people, and for the people.”

This totalitarian omnipresence, and most of all, the power that certain provisions extend to the President of the Republic—including some that we have mentioned here—are causing a dangerous imbalance within the institutional system, a situation which invariably will only generate frustrations.

Therefore, even if the Constitutional project prescribes the three powers as well as their various attached institutions, we are forced to admit that the power is nonetheless concentrated in the hands of a single strongman: the President of the

Republic. And, it is through this providential man alone that his delegates shall exercise the power of the state. We are faced here with forfeiting the sovereignty of the people. We are faced here with a “presidentialist” regime, and not a “semi-presidential” one, as indicated by the writers of this Constitutional project. Finally, the current Constitutional project consecrates the installation of monocephalism in the administration of power; and it is primarily at that level, by taking into account the smothering of the political parties, that its liberticide and anti-democratic character must be situated.

That is why, in order to elaborate a Constitutional project to be presented before a general referendum, we must find a method which will not marginalize the opinions of those who, politically, think differently from the regime in power. Otherwise, Article 2—which stipulates that “All the power emanates from the people. No group of the people or individual can attribute to themselves or him or herself the exercise of political authority. National sovereignty belongs to the people who shall exercise it through their representatives or directly by way of a referendum”—would only be theoretical.

## A Constituent Assembly

The Constitutional project to be submitted to a referendum of the people must be neutral in terms of political polarity; and we must avoid, above all, that it be elaborated on behalf of those who want to remain in power.

Given the will of the Rwandan people, who wish to leave at the earliest time possible, and by democratic means, this transition period, which has lasted too long; and considering the views of the democratic opposition, internal as well as external; and taking the civilian society into solemn consideration: The RDR finds that the best procedure which would guarantee respect for the fundamental principle of political sovereignty of the people, would be the establishment of a Constituent Assembly, highly inclusive, and embracing the mission of elaborating freely a new Constitutional project for the nation-state of Rwanda, independently of the current rulers in power.

The strategic objective must be that of avoiding war by engaging in a battle for ideas which are aimed, above all, at peacefully replacing the evil by the good! The Rwandan people have suffered too much institutional violence! Instead of surviving by being crafty, our country has to become a true republic, capable of rising above its own past by the moral strength it has gained in the tragic lessons of genocide. This constitutes, as well, a new test case for the conscience of the international community!

Thank you for your attention and for the help that you can bring, each according to his own means, to our struggle in the construction of a democratic Rwanda. For those who are already familiar with our fight, especially those I met yesterday and the day before, thank you again for the support that you have already given us, and that you have pledged to continue.