

REPUBLIC OF RWANDA



NATIONAL UNITY AND RECONCILIATION
COMMISSION

RECONCILIATION AND DEMOCRATIZATION
POLICIES: EXPERIENCES AND LESSONS
LEARNED IN RECONCILIATION AND
DEMOCRATIZATION FROM GERMANY, SOUTH
AFRICA, NAMIBIA AND RWANDA

October 2003

The Conference on "reconciliation and democratization policies: Experiences and lessons learned in reconciliation and democratisation from Germany, South Africa, Namibia and Rwanda and its report were financed by the Germany government through the GTZ supported project of "Crisis Prevention -Support to the National Unity and Reconciliation Commission". This report does not necessarily reflect the view of GTZ.

TABLE OF CONTENTS

	Page
REPORT ON THE CONFERENCE	5
Background:.....	5
Welcome and introductions.....	5
II. SUMMARY OF THE PRESENTATIONS	6
1.1 Reconciliation and democratization process after genocide	6
1.1.1 German Experiences: Ambassador Harald Ganns	6
1.1.2 Rwandan experiences: Hon. Patrick Mazimhaka	7
1.2 First democratic elections and peaceful exit from the transition period.....	7
1.2.1 South African experiences: H.E. Roelf Meyer	7
1.2.2 Rwandan experiences: Prof. Dr KARANGWA Chrysologue.....	8
1.3 The role of political parties and civil society in ensuring peaceful democratic elections.....	9
1.3.1 Namibian experiences: Hon. Nora Schimming - Chase	9
1.3.2 South Africa experiences: H.E. Roelf Meyer	9
1.3.3 Rwandan experiences: Hon. Augustin IYAMUREMYE	10
1.4 Constitution as a foundation for democratic elections.....	11
1.4.1 Namibian experiences: Hon. Nora Schimming Chase	11
1.4.2 Rwandan experiences: Hon. Tito RUTAREMARA.....	11
II. PRESENTATIONS AND DISCUSSIONS	13
II.1 Reconciliation and democratization process after genocide German experiences; presentation by Amb. Ret Harald Ganns.....	13
II.2 Reconciliation and Democratization process after Genocide Rwandans experiences; by Hon Patrick Mazimhaka.....	19
11.3 First Democratic elections and peaceful exit from the transition period South African experiences; by H.E Roelf Meyer.....	24
11.4 How Rwanda prepares the first democratic elections and peaceful exit from the transitional period; Dr. Chrysologue Karangwa	27
11.5 Discussions.....	30
11.5.1 Questions and Answers.....	30
11.6 The role of political parties and civil society in ensuring peaceful democratic elections	31
11.6.1 Namibian experiences; Hon. Nora Schinning - Chase	31
11.6.2 South Africa experiences, by H.E Roelf Meyer	35
11.6.3 Rwandan Experiences, Hon Augustin IYAMUREMYE	37
11.7 Discussions.....	41
11. 7.1 Questions & Answers	41

11.8 Constitution as a foundation for democratic elections 44

 11.8.1 Namibian experiences; by Hon. Nora Schimming - Chase 44

 11.8.2 Rwandan Experiences, by Hon. Tito Rutaremara 49

III CLOSING NOTES 51

 III.1 H.E. Hans - Dieter Steinbach, German Ambassador to Rwanda..... 51

 III.2 Hon. Christophe BAZIVAMO, Minister of Local Government, Information
 and Social Affairs. 51

ANNEX 53

List of Participants..... 53

REPORT ON THE CONFERENCE

Background:

The Rwandan-German project "Crisis Prevention - Support for the National Unity and Reconciliation Commission" implemented by the NURC and GTZ started in October 2000. Within the scope of this project, the NURC organized a one day "Conference on Reconciliation and Democratization Policies - experiences and lessons learnt in the field of Reconciliation and Democratization from Germany, South Africa, Namibia and Rwanda" on 19 June 2003. The conference took place in Hotel Mille Collines in Kigali.

Key speeches were delivered by visiting eminent personalities, having a rich experience in the areas of reconciliation and democratization, by some Rwandan politicians and one university professor. These are: Ambassador ret. Harald Ganns from Germany, H.E. Roelf Meyer from South Africa, Hon. Ms Nora Schimming-Chase from Namibia, Hon Patrick Mazimhaka (Rwanda), Hon. Augustin Iyamuremye (Rwanda), Hon. Tito Rutaremara (Rwanda), and Prof. Dr Chrysologue Karangwa (Rwanda).

Interestingly 2 years ago, exactly on 19 June 2001, NURC and GTZ had organized another conference on Reconciliation policies, in which Ambassador Harald Ganns, H.E. Roelf Meyer and Hon. Nora Schimming Chase were the guest speakers, sharing their experiences with Rwandan actors of reconciliation. The second conference, held recently, can be seen as a follow-up of the conference 2 years ago.

The Conference was attended by Commissioners of the National Unity and Reconciliation Commission (NURC), senior staff of the NURC, representatives of several other Rwandan institutions, representatives of political parties, representatives of the Rwandan civil society, representatives of churches, representatives of GTZ, and representatives of the international community in Rwanda (see list of participants). The conference served as a forum of exchange of experiences and lessons in reconciliation and democratization processes in Germany, Namibia, South Africa and Rwanda. We believe it is worthwhile to share through this report the results of this conference with a broader audience.

Welcome and introductions

Mr. Antoine Rutayisire, Vice-Chairman of NURC introduced the conference and gave an overview of the program. Ms FATUMA NDANGIZA, Executive Secretary of NURC, delivered the opening word before inviting the Prime Minister to declare the conference open.

In her opening word, Ms Fatuma NDANGIZA welcomed and thanked the guest speakers and the participants. She also thanked the Government of the Federal Republic of Germany for sponsoring the conference. She then went on to briefly review

the mission of the National Unity and Reconciliation Commission. She then expressed the hope that the conference was going to trigger an active and constructive debate, and that lessons to be learnt would further help to enhance our reconciliation and democratization processes.

Before declaring the Conference open, the Rt. Hon. Prime Minister Bernard MAKUZA reviewed the wide - ranging performance of the Government of National Unity, since 1994, stressing the point that "Unity and reconciliation" is the centerpiece of all the policies of the Rwandan Government. He pointed out that efforts have significantly been made to root out bad governance, which is one of the root causes of the ills that Rwanda has been through.

In order to achieve good governance, the Rt. Hon. Prime Minister indicated that processes of decentralization and democratization were set on track and are already yielding their fruit. He also pointed out among other things, that the country has a new constitution that puts special emphasis on unity, reconciliation and democracy.

After reviewing the wide range of achievements of the Government of National Unity, the Rt. Hon. Prime Minister urged key speakers and participants to have a really profitable exchange of experiences in reconciliation and democratization, and promised that the Government would see to it that the conference's recommendations will be implemented.

SUMMARY OF THE PRESENTATIONS

1.1 Reconciliation and democratization process after genocide

1.1.1 German Experiences: Ambassador Harald Ganns

Ambassador Ganns indicated that the disaster of German politics between 1933 and 1945 was the result of bad governance. The Nazi party introduced a dictatorship that led Germany into the darkest period of its history, destroyed much of Europe and left Germany in ruins.

In order to recover from the sinister legacy of the Nazi regime, the Germans realized that they had to build a strong democracy, different from the weak type of democracy that had been operated by the Weimar Republic between 1918 and 1933.

The main achievements of German Transitional period are:

- The Basic Law, or the constitution that has important provisions covering human rights, the control of power, checks and balances, accountability of government before parliament etc.
- The multiparty system: political parties are a necessary means to articulate the opinions and wishes of different groups of the population, subject to the restrictions imposed by the party law.

- The electoral law Ambassador Ganns said however that legal texts and institutions may be good but be useless if the leaders and the led are not genuinely committed to a democratic culture. And here comes the need for a constant political and civic education. You cannot have democracy without democrats.

1.1.2 Rwandan experiences: Hon. Patrick Mazimhaka

From 1959, the Rwandan society was steadily and systematically dismembered. The national history was distorted, conveniently distorted to allow a loosely constructed majority to capture power. Tutsi were cast as alien, Twa were referred to as an inferior race. Hutu were the "pure race" that had to clean the country of all impurities. This led to genocide.

During the Arusha negotiation, it was understood that national, democracy and peace are invaluable, and that they were to be developed for the sake of posterity.

Our democracy in Rwanda, just like in Germany, has to guarantee fundamental rights and individual freedoms; it is also founded on pluralism. Some of the experiences we have had are, among others:

- Power-sharing through broad-based institutions;
- Empowerment of the people through elected councils;
- Gacaca courts, national commissions;
- Ingando etc...

There are some challenges to be faced:

- How do you understand and fathom the minds of genocide survivors and perpetrators?
- How do you eradicate the ideology of genocide,
- How to eradicate impunity? Etc..

1.2 First democratic elections and peaceful exit from the transition period

1.2.1 South African experiences: H.E. Roelf Meyer

At the overture, H.E Roelf Meyer pointed out that Rwanda has made tremendous progress in conflict resolution, so much so that the next challenge for Rwanda is going to be "how to share her successes with other parts of the world that are experiencing conflict.

The South African conflict had lasted for more than 300 years. South Africans got together and engaged into negotiations that lasted four (4) years.

Characteristics of the negotiations:

- Building trust
- Accepting ownership
- The principle of inclusivity
- A spirit of reconciliation.

An interim constitution was agreed upon during the negotiations, which contained a bill of fundamental rights and provided for a constitutional court. An important aspect of our negotiations is that no third party was involved in them. This contributed in building confidence.

The Truth and Reconciliation Commission played an important role in South Africa as well.

- The elections were peaceful, and there was massive participation;
- Election results were accepted and hostilities ended.

1.2.2 Rwandan experiences: Prof. Dr KARANGWA Chrysologue

In March 1999: The Government run the first elections installing administrative authorities at cell and sector levels; 98% of the population participated.

In May 2000: Implementation of the decentralization policy, another step in the process of democratization.

Apart from organizing and conducting elections at all levels, the National Electoral Commission elaborates and executes programs of civic education and voter information.

Professor Karangwa indicated that Rwandans have been turning up en masse to elect their leaders.

By voting their constitution at a record of 93% on May 26, 2003, Rwandans are determined to live according to the following principles:

- Fighting the ideology of genocide and all its manifestations.
- Eradication of ethnic, regional and other divisions and promotion of national unity.
- Equitable sharing of power.
- Building a state governed by the rule of law etc.

The Electoral Commission has gathered enough experience, and judging from what has been done so far, Prof. Karangwa is positive that the other forthcoming elections will run smoothly, that all the signs of soft exit from the transition are there.

1.3 The role of political parties and civil society in ensuring peaceful democratic elections

1.3.1 Namibian experiences: Hon. Nora Schimming - Chase

Namibia is a child of the international community; the independence of Namibia was largely attained through the implementation of Resolution 435 of the UN Security Council.

The Peaceful transition that took place in Namibia became possible through a combined effort between political parties and the civil society, notably churches.

Churches played such an important role in Namibia that the South African regime used to refer to them as the ecumenical arm of liberation movements. During the transition, the Council of churches virtually played the role of a government; it run education and development programs for the most oppressed sections of the society. After the transition, the Council of churches played the crucial role of advisor, peace maker and unifying factor.

Political parties had to show political will to compromise; they had to develop a basis for trust among themselves, to compromise in the negotiations in a process of give and take. They had of necessity to compromise on behalf of national interest - unity, independence reconciliation and peace.

Parties large and small, all had a say in the legislative process that drew up the constitution, and thus people felt that their interests were represented. Political parties became agencies of legitimacy for the new institutions.

Deepening of democracy:

- The use of democratic institutions to show that democracy works, to show that democracy delivers;
- Necessity to educate the supporters of the democratic process so that they can produce the civic culture needed to consolidate democracy. Political parties and civic organizations played a crucial role in Namibia in the areas of civic education and monitoring of elections.

1.3.2 South Africa experiences: H.E. Roelf Meyer

- Almost all political parties participated in the 1994 Elections;
- In participating in the first elections, the political parties helped generate participation; they helped generate support for the democratic process.

- South Africans of all persuasions had the opportunity to make their choices; that was also an important facet of the peaceful transition.
- Civil society played a very important role in ensuring that South Africans felt comfortable with the settlement that was reached. The Peace Accord, which was signed by political leaders, Mandela, De Clerk and others, was the initiative of the Civil Society. And this Peace Accord, along with its structures, played a major role in ensuring a peaceful transition in South Africa.
- Transition and the Elections should not be regarded as the conclusive.

1.3.3 Rwandan experiences: Hon. Augustin IYAMUREMYE

- After the genocide, in 1994, opposition parties joined the RPF to form the Government of National Unity.
- It was agreed that political parties would only operate at national leadership.
- Political parties have been consulting one another, on various issues, in the framework of the Forum of Political Parties. Political parties have thus, over time, learned to work together as partners, and the RPF has been highly instrumental in creating that partnership.
- Multiparty democracy has of late been enshrined in our new Constitution. The 5% clause: A party scoring less than 5% of votes in the elections shall not have any seats in the Parliament, and it shall have no allocations of Government subsidies.
- There is a new Party Law (soon to enter into force) prescribing operational modalities for political parties.
- There is also an Electoral Law subscribing modalities of conducting election in the country.
- Political parties must take part in the political and democratic education of citizens.
- Political parties will take part in monitoring the elections.
- The civil society is very active in Rwanda, and, by virtue of its being close to populations, it is a close partner of the government. The civil society participates in the civic and democratic education of the people.

Dr. Iyamuremye ended his presentation with the following challenge:

Are the constitutional and other legal safeguards ensuring inclusion going to bear fruit if political parties and political leaders do not beforehand devise concerted relevant strategies?

1.4 Constitution as a foundation for democratic elections

1.4.1 Namibian experiences: Hon. Nora Schimming Chase

In answer to the question of how the Namibia Constitution facilitated democracy, Hon. Nora Schimming - Chase said that, as befits a modern State, Namibians opted for the indirect democracy where through elections the citizenry decided to give their right to decide on what are matters of general concern to their representatives, i.e., Representative Democracy.

The following are the criteria agreed upon in drafting the Namibian constitution:

- Free, fair and regular elections
- Every citizen has the right to vote and be eligible for election
- Candidates and parties must have all freedom to campaign and present their political platforms to the electorate.
- A guaranteed secret ballot, free of all forms of intimidation.
- Elections that serve the purpose of providing an effective choice, thereby facilitating a multiparty system.
- The body elected in the manner stated above must have the right to legislate, to vote on issues of national concern and to control state spending through the process of having the budget scrutinized and adopted by the legislature.

Account was also taken of such crucial issues as:

- The fundamental rights and freedoms, which must be protected, guaranteed by the courts.
- The administration of justice
The Ombudsman
- The principles of state policy, including the promotion of the Namibian people, ensuring notably equality for women, health and strength of workers, women and children independent trade unions, access to public facilities and services, help for the physically disadvantaged, legal aid, a living wage for workers, adequate nutrition/housing and care for the aged, education for all, etc.

In the end, Hon. Nora Schimming - Chase said that if the Namibian example can assist Rwanda, then the most important lesson is that a democratic constitution, drawn up by the people themselves through their elected representatives, is the best foundation not only for democratic elections, but for a democratic state, for reconciliation and peace, and for economic and political development.

1.4.2 Rwandan experiences: Hon. Tito RUTAREMARA

The Rwandan Constitution is a sound basis for democratic elections, Hon. Tito RUTAREMARA said, because, in its preamble and in its main section, it combats

dictatorship, favours good governance and guarantees, for every citizen, the right to vote and be eligible for election.

The constitution of Rwanda further specifies the election modalities for all the electoral mandates.

The Rwandan Constitution was drafted on the basis of the ideas and proposals of the People of Rwanda, and it is stated in the preamble that Rwandans are determined to build the rule of law in their country, based on the respect for the fundamental rights and freedoms of the human person, multiparty democracy, equitable power-sharing, tolerance and the resolution of conflicts through dialogue.

State policy principles are specified in the constitution.

Equality for women is guaranteed.

The principle of proportional representation with party lists is also enshrined in the Rwandan Constitution.

Rwandan democracy is based on consensus.

II. PRESENTATIONS AND DISCUSSIONS

II.I Reconciliation and democratization process after genocide German experiences; presentation by Amb. Ret Harald Ganns

It was in June 2001, exactly two years ago, when our team of three from Namibia, South Africa and Germany came here for the first time on invitation of the National Unity and Reconciliation Commission. During a very interesting and inspiring one and a half day seminar we had a chance to talk to you about experiences and lessons learned on unity and reconciliation in our respective countries.

And indeed; all our countries had - and I dare say: still have - a problem of reconciliation as a precondition for shaping a new spirit of national unity - Namibia after 1990, South Africa after 1994 and Germany after the end of World War 11 in 1945, and again after reunification in 1990. The three of us tried to report about our national policies in order to overcome the heavy heritage of our past.

Whereas Namibia and South Africa are genuine African examples of how to deal with the task of forging a new nationhood after violent conflicts, Germany was faced with the responsibility for a terrible holocaust, affecting not only my own country but large parts of Europe, particularly Eastern Europe, the systematic killing of between five and six million Jews and other men, women and children with an ethnic and religious background different from the so-called pure German race.

In my intervention two years ago I concentrated on informing the audience about a number of measures dealing with the past, undertaken by the victorious Allied Forces and by the emerging new German authorities. In this context may I just recall "justice" - a great majority of the Germans saw the necessity to bring perpetrators to the courts -, the so-called denazification - a thorough examination of the personal political history of each and every adult German citizen - and compensation - it went without lengthy discussions that those who had suffered had a claim against the successors of the Nazi empire.

Always having in mind the considerable differences in the recent histories of our four countries - Namibia, South Africa, Germany and Rwanda - it still was the hope of our team of three during our visit two years ago that our experiences in dealing with our respective painful and violent past might be of some help and inspiration to the National Unity and Reconciliation Commission, the Rwandan Government and the emerging new Rwanda.

At this point in time, Rwanda finds herself confronted with the challenges of the end of the period of transition, the country is going through the exercises of a constitutional referendum, presidential and legislative elections.

Instead of reporting about our activities in dealing with the past our interventions today have therefore to concentrate on experiences in shaping a peaceful future for our peoples and our countries after the dark period of our respective histories.

I must confess: Namibia's and South Africa's impressive experiences during the nineties, their particular and widely praised achievements during difficult transitional processes and negotiations in an African context seem to be of more direct relevance to the actual Rwandan situation than my own contribution about Germany's very specific history after 1945. But still - and I quote from my intervention in June 2001 -: "From the very outset it was clear for most of us that dealing with the past was just one part of our task. The other part, at least as important and probably more difficult, was to prepare a better future on a sound basis which would make any repetition of what had happened impossible. "Never again!" was the battle cry of post-war Germany and most particularly of Germany's youth". Never again" - it is obvious that this categorical imperative has also been the fundamental leitmotiv of Rwandan politics ever since the atrocious genocide. And that is why I am confident that some of the German experience might be of relevance to your national efforts.

The disaster of German politics between 1933 and 1945 was fundamentally the result of what in modern terminology we would call bad governance. The democratic system we had tried to establish between 1918 - the end of World War I - and 1933 had failed, the dictatorship of the National Socialist Party with its so-called "Fiihrerprinzip" - the supreme and uncontested authority of the leader - not only led Germany into the darkest period of her history, it invaded and partly destroyed the neighbouring European countries, it left our own fatherland in ruins, it cost the lives of 55 million human beings, amongst them 25 million civilians, through war, terror and crime, it made our country a paria despised by the civilized world. What could be the way from what we used to call our "hour zero" into a better and prosperous future, back into the international community as one of its respected members? What could be done in order to achieve good governance in the interest of our own people, but also in the interest of the world around us?

In the first place we have to recall that on May 8th 1945 Germany signed her unconditional surrender to the Allied Forces thus abandoning her national sovereignty. Of course: for most of my fellow-countrymen 1945 was the year of liberation from a dictatorial system. But the price was high; the price was military occupation by foreign armies and the rule of military commanders. After the end of violent confrontation it was entirely up to them to decide what should happen to the defeated nation. Things did not become easier through the fact that the armies occupying the country came from four different countries with very different ideas about the future political order of Germany, later on aggravated by growing tensions between ideologies resulting in what has become to be known as the Cold War, the root cause for the division of Germany which became obvious through the proclamation of the two German states in 1949.

The most radical idea of how to deal with the former common enemy was the so-called Morgenthau-Plan of 1944, named after a US-minister. The plan called for a fragmentation of the German State including the submission of certain regions under international trusteeship, dismantling of German industry, transformation of the country into a purely agricultural economy. But in spite of all significant differences between the Allies there was consensus on quite a number of important issues: Germany should for some time not have the right for self-governance. It was common

assessment that the danger of the Germans falling back into totalitarian habits and therefore endangering newly acquired world peace would be considerable in case of granting them too much right to self-determination. For an indefinite period of time supreme power in Germany should be exercised by the so-called Allied Control Council for questions concerning Germany as a whole - never properly defined by the way - and by the military governments of the four zones of occupation for their respective regions.

The leading principles for the policy of the Allied Control Council were what was commonly known as the four "D": denazification, demilitarization, dismantling (of the industry), and finally democratization.

The harsh policy of the Allies during the initial period of occupation is properly illustrated by proclamations of the four military governors addressed to the German people but also to their own troops prohibiting any kind of fraternization. Combined with extremely tough wording this was clearly meant to demonstrate power and to emphasize that the Allies had come to defeat Germany and not to liberate her.

The Germans had of course their own ideas about rebuilding the country and establishing a new and solid political order. They shared, however, two fundamental options with the military governors:

- In spite of the failure of the Weimar Republic between 1918 and 1933, it was the deep conviction of the vast majority of the German people that a renovated Germany had to be built on solid principles of democracy; there was the firm and widely uncontested belief that such principles would constitute the comparatively best guarantee not to be trapped again by practices of bad governance. In order to avoid errors of the past lessons learned by our own and other democratic experiences were however to be taken into account;

- Democratization should not be practiced without reconciliation. As I tried to point out in my intervention two years ago that did not mean that a majority of Germans agreed with Allied proceedings in the matter, and more particularly not with the denazification process, not seen as a genuine German endeavour, but rather as something imposed from outside and very questionable as far as its very deficient execution was concerned. But it meant that Germany and her citizens were prepared to live up to their historic responsibilities towards the victims and that most of the nation did not want to see former high dignitaries and specific groups of perpetrators like the notorious SS special security services in any relevant positions.

In logical consequence of the identity of some fundamental principles the policy of the military governors and the intentions of an upcoming new German leadership soon started to develop similarities and to move into the same direction at least in the Western zones, whereas in Soviet occupied Eastern Germany the imposed ideology of communism took this part of the country very soon into a different orientation. The first ones to take the decision to give some limited political power to German authorities were the Americans, at first by placing officials of their own choice - in some entities as early as May 1945 - later on by allowing elections starting at the communal level.

Already in January 1946 communes with less than 20000 inhabitants were allowed to elect local councils and burgomasters. For the first time since 1933 citizens had the possibility to elect dignitaries of their own choice.

The British and the French military authorities followed the American example only after overcoming numerous hesitations and difficulties.

It is certainly true that the development of world politics after 1945, former Allies becoming opponents in an atmosphere of tension and cold war, and not the least the 11 month cutting off of West-Berlin from the Western part of Germany by the Soviet Union, known as the Berlin blockade, helped to create a new feeling of solidarity between Western former occupation powers and occupied Western Germany.

These developments finally led to the setting up of a constituent assembly, the "Parlamentarischer Rat", which started its work on September 1st, 1948.

As from now on it was essentially the responsibility of the Germans in the Western part of the country themselves to shape the future of the nation.

If up to this point, in spite of some interesting similarities in specific details, you might have had difficulties to detect the relevance of German history after 1945 for the transitional period in Rwanda, the assessment might be quite different as far as this decisive period of laying the foundations for the Federal Republic of Germany is concerned, starting with the work of the Parliamentary Council. Let us have a look at the fundamental decisions taken by the representatives of the German people in order to make our new democracy stable and sound, in order to avoid new political and human disasters, in order to guarantee good and to protect the nation from bad governance.

What were the essential achievements of our "period of transition"?

1. The "Basic Law" - the German constitution

The fathers of our new constitution were well aware of the decisive role of the Basic Law for the overall direction the Federal Republic would take. They therefore took into account the experiences of the failure of the Weimar Republic as well as the lessons learned from the period of National Socialism. Best proof of that is the catalogue of human rights, 19 articles all together, and in particular the fact that these articles can under no circumstances and with no majority of votes in Parliament whatsoever be changed or invalidated in their substance. This important step forward would probably not make human rights violations impossible, but they can definitely not appear in the disguise of respect for the law as in the years after 1933 when the Nazi party still seemed to play the game of respect for democratic rules.

A number of important other features underline the obvious will of the authors to build in as many safeguards as possible against abuse of power without however running the risk of making the new structures too weak to function. In this context one might mention the 5% clause for parties competing for seats in parliament thus avoiding a fragmentation which might lead to incapacity to take decisions.

Without any ambition to be exhaustive many constitutional provisions are all meant to serve the same purpose - i.e. control of power, preventive measures, checks and balances in order to make abuse at least as difficult as possible; the principle of representativity as opposed to too many plebescitarian elements, the so-called vote of constructive mistrust - to vote a chief of government out of office is only possible if a candidate for succession is presented - strict accountability of government before parliament, etc. Then there is the constitutional court and the Federal system which is laid down in the constitution.

2. The multiparty system

One of the most surprising phenomena of German post-war history is the spontaneous revival of political parties. Before the Allied Forces had a chance do consider the issue men and women all over the country, in some places even before the end of the war, joined hands in assembling political forces in associations for a democratic renewal; these efforts proved that in spite of totalitarian oppression, political movements had not only survived, but even multiplied. Already at an early stage political life became so strong and active that as early as April 1945 a rather nervous High Command of the Allies declared all kinds of political activities to be illegal. But rather rapidly this restrictive policy changed: the Americans in August 1945, the British in September 1945, the French in December 1945, allowed the formation of political parties under certain conditions, in particular presentation of a party program and a list of members.

Germany, without imposing her political credo on others, believes in the necessity of political parties as a means to articulate the opinions and wishes of different groups of the population. But again, and trying to draw lessons from the past, parties have to subscribe to strict rules and are bound to obey to the articles of the law on political parties. This party law has been adapted to new challenges time and again, the last version dating from 1999. And I dare say: in spite of a lot of criticism it has proven to be rather efficient in preventing or detecting abuses - many a party suffered from heavy sanctions because of violations of the rules of conduct laid down in the text of the party law. And there is the possibility in the German Constitution as well, that parties can be banned, if they do not respect the constitution. And it is the Constitutional Court that has a last say on that.

Some of the provisions of the party law of relevance to our deliberations and discussions are the following:

- parties must dispose of a constitution and of a written party program; a general assembly and a board are the minimum requisites for a party structure;
- the choice of candidates for any election to national constitutional bodies has to be effected by secret ballot;
- parties receive financial contributions from the state budget according to results obtained in elections;
- the amount of financial assistance from the state may however never exceed the income from own resources;

- private donations have to be included in the public accountings of the parties; any violations of the rules about donations and about accounting are subject to heavy financial sanctions;
- The license of a political party not acting in accordance with the constitution may be withdrawn by decision of the constitutional court.

3. The electoral law

The third important achievement of relevance for the process of democratization in our country is certainly the solid and detailed electoral law. Without going into specific articles it should be mentioned that the law contains provisions for shaping the constituencies, about the institutions responsible for the organization and the running of elections, about preconditions for the right to vote and the right to be elected, about technicalities of electoral lists and ballot papers, about procedures on election day including the counting of votes, etc. Particular attention is paid to all measures facilitating secret and free voting without any undue influencing or menacing of voters.

The Basic Law - our national constitution -, the multiparty system under the auspices of the party law, the electoral law with its detailed provisions for the framework of our electoral processes - all these are important cornerstones for our solid democratic system.

However: rules and regulations, even those of the highest quality in the form of a national constitution, might be approved by large majorities in national assemblies and might have entered into force under broad national and international approval, they will remain nice words and good intentions subject to all sorts of attempts of abuse if they do not become common cause of those who govern and those who are governed, of electorate and elected, if there is no deep conviction that the new democratic system is a genuine basis for strengthening peace, stability and solidarity in a given country, be it Germany, Rwanda or any other.

This conviction will above all be achieved by education in all its different forms, primary, secondary, tertiary, vocational, and most important of all: political at all levels and ages, not only for the ordinary people but also for politicians who will only profit from vocational training. Democracy will not survive without democrats on all sides, firmly committed to democratic values and in full knowledge of their rights, but also of their duties. Through political awareness everybody can become an attentive and qualified monitor of political developments and of political dignitaries, keeping them accountable for their actions. Political maturity achieved thorough political education is therefore the best guarantee for good governance.

That is why in my country programs of civic education for all age groups have been the most important sectoral activities for making our new democratic system solid and strong. And it is probably because most of our rulers went through some kind of political training that they never doubted that it was in the interest of the nation and in the interest of their own success to have self-confident, enlightened and critical fellow citizens.

It is certainly by pure coincidence but nevertheless noteworthy in the very context of my intervention: only two days ago, on 17th June, Germans commemorated their fiftieth anniversary of the uprising of the East German people in the former GDR against their totalitarian rulers, an uprising which was violently crushed by Soviet tanks.

Certainly the East Germans had to wait for another 37 years before liberation and unification became possible after the so-called peaceful revolution of 1989 which led to the fall of the Berlin wall. But both these historic events, the violent uprising and the peaceful revolution, very impressively proved the political awareness and the firm will to fight for human rights and democracy of many men and women even under the difficult conditions in the Eastern part of my country.

It is this spirit of commitment for democratic values which is essential for bringing about good governance thus avoiding decline or catastrophe, albeit holocaust and genocide. It is this spirit we have to work for in our schools, in our working place, in our families, even in seminars like this. *If* we fail to do this even the best of all texts, laws and constitutions will not be sufficient to lead us to peaceful and stable societies. The constitution, the party law, the electoral law as well as other important texts are necessary prerequisite for shaping the nation, but without enlightened and committed citizens they will be useless. So in spite of our work for enabling framework conditions let us concentrate on inspiring and educating people in order to secure our future, in Germany as well as in Rwanda.

II.2 Reconciliation and Democratization process after Genocide Rwandans experiences; by Hon Patrick Mazimhaka

I am indeed honoured to speak after the excellent deliveries from the Right Hon. Prime Minister of Rwanda, the Executive Secretary of our Commission and Ambassador Ganns who has said everything that I wanted to say. Though he doesn't think that German experience is good for Africa, it is indeed a very good experience for us. I must particularly note the contextualization which the Prime Minister did in terms of culture, in terms of basing society on values that are commonly developed and accepted. You will allow me then to make my first remarks since Mme Ndangiza asked us to be candid.

I think I will start by a very brief but candid look at why Rwanda needed reconciliation and democratization after the genocide; one can not speak about "after the genocide" of course without talking about the genocide and Rwanda genocide in particular, which is different from the holocaust of the Jews in terms of methodology and historical evolution. The recent history of Rwanda, and I will conveniently start at 1959, has been characterised by systematic dismemberment of Rwandan society through turning our tradition, our value on their heads. So, we started working with the anti-values. It became therefore possible to redefine relationships among all sorts of Banyarwanda as negative, and to rewrite the history of this country as a negative history.

The ideology of the time would have us believe that since time immemorial the inhabitants of this small country lived together as different races, in utter state of animosity, periodically massacred each other, and the best relationship they ever had was that of master and slave. That was how the history of Rwanda was re-written. Of course it is possible because we know that kind of relationship existed in other societies, and because we in Rwanda learn our history from oral accounts, poetry, song and dance, any imagination is possible. But since I am not old enough to look back beyond 59 within the level of intellectual believability, I will be talking very briefly about what we experienced in this short period. It was therefore left to the intellectuals of the time, 1959, and this is important because, as Ambassador Ganns said, education is very important. Intellectuals of that time, 1959 and around there, were semi-literate primary school teachers, clerks, catechists and vocational training was left to few women who were taught how to clean clothes and shirts and iron them for their clerk husbands. It was left to these people to redefine the future of this country, as we approached independence.

And they felt then, given that history that I mentioned, that they were justified to undertake the responsibility to correct the wrongs of our history, to restore a natural God given order. They did that very simply; as I said, the country lived as separate races, so, they had to find races; they cast the Tutsi as an alien race; alien to this land and to this continent; they cast the Twa as social outcasts belonging to an inferior race, possibly also alien. That left one group of people who succeeded in recreating themselves as a new nation of an indigenous, historically down trodden people called up on to defend these new values. Ambassador Ganns talked about the concept of "a pure race". I think my countrymen know that the concept of pure race was also evolved in Rwanda. The new values then were misnamed as democracy and republicanism. Democracy which meant the rule of the new constructed majority at the exclusion of the rest. You remember that when we were approaching elections in 1960 there were deportation, massacres, expulsion of those who were not supposed to participate in this democratic process. That, later was followed by the dismantling of all political parties. Rwanda started as a multiparty, spontaneously towards independence parties were formed on different bases including some social clusters that formed themselves to defend specific interests. These were quickly abolished after independence; as to the leadership of the political parties of the time, most of them lost their lives; in the process that system was again re-enacted when military took over in Rwanda in 1973. It is against this background therefore that the final act of cleaning this society of undesirable elements culminated in the genocide of 1994. So, when Rwandans look at national reconciliation, they look at recreating their society the way they think it was, the way they think it should be, the way they think it would bring them peace and stability. At the same time the same values, democracy and republicanism and other few issues like that, have to be retained if Banyarwanda so wish but, since these values were misdefined, they have to be redefined in the context of the present state. So victims of distortions, exclusions and survivors of violence and genocide are called upon this time to set new values, values that construct a society that is based on reconciliation.

Now, I will state here that unity and reconciliation has become a tool for democratization in our country. We stated at the beginning of an attempt to resolve our conflict in 1993 during negotiations at Arusha that the parties at negotiations at the time concurred that national unity, democracy and peace are invaluable and solemnly undertook every thing possible, so as to preserve these values in the interest of the present and future of Rwanda. Now that's the pact that the political class made with the people of Rwanda to develop these and preserve them for future generations. National unity then in our view embodies three key elements:

- It has to be based on equality of all before the law.
- It implies the Rwandan people are one and indivisible.
- It entails the rejection of all forms of exclusion and discrimination.

And this leads us to thinking about how to achieve that; the only way of doing that's through democratisation, where everybody has a say on how this going to be achieved. Our concept of "democracy" in Rwanda again, given our history, doesn't stop at mere expression of the sovereignty of the people through the organization of regular elections, and the separation of state powers; it does not stop there. As in the German experience, it has to guarantee, fundamental rights and individual freedoms. It has to provide for laws and legislations that respect those rights; equality before, and respect of the laws by everybody; our democracy must be founded on pluralism as an expression of individual freedoms in respect of national unity and fundamental rights of other citizens, a constitution that respects all the principles we have mentioned, and I will not dwell on that very much because I know my colleague and friend will talk about the constitution in these terms.

Reconciliation therefore prepares the society to enjoy the full expression of their democratic values; it prepares the people to freely express sovereignty as one, as a people, and fundamental rights and freedoms as individuals, without fear of retribution. One does not substitute for the other. Sovereignty of the people as one and individual rights and freedoms must co-exist within a democratized society. And that needs reconciliation. The process of democratisation, therefore, that we have gone through has been based on few things that I am going to mention very quickly.

In order to concretize our concept of democratization we have spared no efforts to develop space for the participation of the population, deliberately develop space for the participation of the population in the whole process.

I don't know any country in the world which can say we have closed our chapter on democratization. I don't know of one. So, it's a process that must continue. The first step was to create fora for people to share views on the interpretation of the most recent events and perhaps parts of our history, and to derive lessons from them. This was done through organizations at different levels, including "Ingando". Most important in this was also an opportunity to have mass therapy, where the people would deal with their history, and try to understand it and get probably less traumatized, to build confidence in the community to prepare for democratisation. It's not possible to elaborate all the measures taken, but I will mention just a couple. Power - sharing through broad based institutions became a key concept in both reconciliation and

democratization. So, you know we have had a nominated parliament, a broad based government and commissions that are basically broad based in all sorts of ways, bringing in positive elements from the diverse sections of our society. Empowerment of the people through elected councils, this was also mentioned in the German experience; it may sound odd that people talk about elected councils, but indeed when you come from a society that has been through dictatorships, you definitely have elections as a big day to celebrate. Those who are used to it, you don't even bother going to the vote but you saw how Rwandans went to vote in large numbers because it was a new experience.

Issues of governance were demystified in this way, because people had a role in deciding on issues that are normally the preserve of the governments; issues like resettlement of refugees, issues of settling land quarrels and so on, were put at the table and people discussed these things not forgetting the contribution, voluntary contribution of the people to their security in various areas.

Participatory justice was mentioned, and it is also key in this area. Initially, in 1994-1995 you may recall that people were called upon to be both investigators, to be arresting officers, to be witnesses, all this before any system could take place.

And these were victims, survivors, perpetrators; all those were called upon to actually be the basis of justice after genocide. That was not an easy thing for people to do. It was also in these difficult circumstances that the people were called upon to participate in gacaca courts; again not easy for people that have gone through this collective bad experience to do that.

The people of Rwanda were called upon to participate in their national development programs. I can mention grass root consultations in our programs, national seminars, conferences like these ones, consultative meetings with our development partners, and through local NGO participation. This is another way of democratizing, which is happening in this country. Reforms were undertaken to fit this situation. A judiciary, Law reform, and a National Police Force are very key to insure that we do what the Prime Minister talked about "kubumbatira ubumwe" with new institutions that are properly oriented. Commissions were set up to deal with all sorts of issues. The Human Rights Commission, National Unity and Reconciliation Commission, the Constitution and Legal Reform Commission, the Electoral Commission, just to mention a few of those important commissions. The other tool was "ingando" which is really something that obeys the concept of Kinyarwanda that says "uburere buruta ubuvuke": people are not born with values; values can only be internalized through practice and education. And we have to have specific education for reconciliation and democratization.

Again, as I said, these concepts of open discussion, seminars give us an opportunity to educate each other on a variety of things. What are the lessons learnt and what are the challenges? To examine the challenges and the lessons learned in the context of Rwanda, of course one has to keep an eye on the major defining event in our history, that is genocide.

The context within which Rwandan genocide took place has to be understood, in all its particularities. The popularised interpretation of historical events in Rwanda has to be gently reviewed. Whereas victims of genocide saw themselves as victims, others understood the killing of those defined as "the other", the "alien", as a continuation of a revolution that started in 1959. Now, you have to be gentle when you're trying to reconcile these positions in a population. Victims were often neighbours, friends, relatives and some total strangers that simply carried the mention of their ethnic group in their identity card. The vast majority of Rwandans were therefore trapped in this predicament.

So, what are the challenges we've faced? First challenge is to understand what goes on in the minds of victims of genocide. How do you fathom, how do you understand what is going on in the minds of victims of genocide?

Of survivors? How do you fathom, how do you understand what is going on in the minds of the killers? They are in the same society, you have to deal with both.

How to understand and internalize the counter-values and communicate these to a people who are trapped in this thing we are talking about? How to reassure people that reconciliation efforts can pay? Can succeed? The scepticism in the society has to be overcome, that is a major challenge.

How to assure people that democratization is a new meaningful concept that every citizen can positively relate to? That's a challenge.

How do we eradicate the ideology of genocide? The Germans had to go through a denazification exercise. But we could not do that. How do I eradicate the ideology that is in the minds?

How to eradicate impunity? Individual impunity, institutional impunity, and State impunity. How do we eradicate this?

How to manage the negative currents coming from external historical supports of this country, when it went through the period that we have just mentioned? From the 60's, 70's and 80's, this country has had historical support. How do we overcome, manage negative currents coming from that? How can we turn it around so that it may become a positive force in building a new Rwanda?

The lesson we have learnt is that all that is not easy, all that is difficult; it takes the involvement of all the people of Rwanda to turn this around. In this process of reconciliation and democratization, Rwanda has had to dig deep into its history, the Prime Minister mentioned that, to redefine again what common values we can build on to help us deal with the challenges we face. For this is the value of culture, in the sense of a total sum of meanings upon which a society bases its existence.

In Kinyarwanda, we have terms like "akamaro", "agaciro"; things that help us to develop non-coercive choices for change. Rwanda has been able to develop an indigenous form

of justice that recognizes international covenants, and takes into consideration our own particular circumstances.

Through decentralization and regular elections, the people will be able to govern themselves, meaning that their leaders must be always accountable. A people cannot achieve this without being reconciled with itself and its history.

Reconciliation is therefore a foundation for democratisation. Reconciliation is also a tool for democratisation.

11.3 First Democratic elections and peaceful exit from the transition period South African experiences; by H.E Roelf Meyer

It's great pleasure for me to be here again today, it is a great pleasure to observe the progress that has taken place over the 2 years, I was thinking about the progress we have learnt over the 2 days since we arrived yesterday, and particularly what has been mentioned by the Right honourable the Prime Minister this morning. And I would like to put a challenge to the people of Rwanda, because I think you're coming close to a point that you can start to share your success in reconciling and resolving the conflict in this country, that you can start to share those successful experiences with other countries that are still in conflict; because if we look over the last 2 years and compare the Rwandan situation as far as the conflict is concerned with conflicts that still exist in other parts of the world like the Middle East, or Northern Ireland or Srilanka, just to mention a few then I think you have made very, very significant progress in resolving the conflict and reconciling the people of Rwanda. Then I think those experiences, those positive and successful experiences should be shared with other communities in conflict, when time arrived for that. I think that's the next challenge for the people of Rwanda. I am going to keep my presentation very brief, because I would like to hasten to the point that we can actually discuss the presentations; therefore I am just going to run over the hand out from point A-E, the 1st page, very, very quickly so that we can come to the actual discussions; but I will keep my word brief, so that it can be interpreted very properly.

The first point is the preparation for the elections and the transition in South African that led to 1994. And you have points there, I don't want to elaborate too much for the sake of time. We just need to emphasize that in those negotiations a process evolved through which South Africans that were part of the conflict that lasted for no less than 300 years in our country started to know each other better. May be we can say for the first time really. The different worlds in one country, that we consisted of, started to come together, and that helped us really to overcome the conflict and to embark on the process of reconciliation. The process of negotiations was transparent and involved no less than 20 different political parties at all relevant stages. And I think what was most important is that at the very early moment of those negotiations, we accepted the need of not only interim constitution, but an interim constitution having in it, enshrined in it, a bill of a fundamental rights and secondly a constitutional court that adjudicated on the constitution right from the beginning.

And I think those were very important measures that gave confidence to the rest of the process. Just another example in those negotiations we agreed to acknowledge not less than 11 official languages in our constitution. So every different tribe in South Africa could speak his or her language as they want.

The characteristics of the process: building trust, accepting ownership and the process of inclusivity. I mentioned that no less than 20 parties were involved at all relevant stages in those negotiations. But we also, through the period of negotiations that lasted for more than 4 years, developed a process of trust between the former enemies and opponents to the extent that we have learnt how to cooperate for the sake of forming unity in the country.

I think that it was very important, the fact that we excluded outside interventions in our process of negotiations; there were no third parties involved in helping us to settle our conflict; it was us and us alone that took that responsibility. In other words whenever there were hiccups, we had to go back to our own drawing boards as South Africans to find the solutions. That also contributed to the spirit of reconciliation, because we developed the motto that there should not be a problem that we can't resolve; and that's how it happened. But of course there was also the leadership, the leadership particularly of a person like President Mandela, who actually became a symbol of reconciliation in South Africa. He showed us the way for reconciliation. A very typical example that I have mentioned here in Rwanda was that shortly after he came out of prison, he went to visit the widow of the former Prime Minister who actually sent him to jail for life.

And I think that was indicative of a spirit of reconciliation that all South - Africans started to realise was important for our process. Threats to the process, we had them in South Africa all the time: non participation by some parties, particularly the Inkata Freedom Party as you might recall, as well as some white right wing political parties, who were not prepared to participate in the negotiations; and they threatened to derail the process on an ongoing basis. In the end fortunately, just before the 1994 elections, in fact just a month before the elections, we could succeed in convincing the Inkata Freedom Party and at least one of the important right wing parties to participate in the elections.

So, that made the process more inclusive. Radical elements continued with their violent activities right through the end. In fact there was some political violence taking place the day before the elections of 1994 started, to the extent that there were bomb blasts at the Johannesburg international airport to scare away foreign visitors and observers of the elections. So, these factors were there all the time, and we had to deal with them on an ongoing basis.

Elections day was a massive success because we had massive participation. I think all South Africans that could vote came to the polling stations. We did it on the basis of no voters roles at this stage because we wanted to get to the point of the elections as quickly as we could, and we didn't have the opportunity and the time to prepare voters.

It was peaceful extremely peaceful, people from all persuasions, from all communities, black and white from the majority and the minority communities, all came to vote.

The expectations were completely exceeded. Why? I believe one reason is that all South Africans felt themselves part of the solution; they became, through the process of negotiations really essentially part of the solution that they were voting for.

The transition itself, the election results were admitted, despite some shortcomings which everybody recognized; the election results were accepted by the vast majority of South Africans, the result was that hostilities ended; former opponents and enemies became united, inter-alia in the Government of National Unity.

The implementation of agreements that were arrived at during the negotiations inspired further trust. I think this point I can't underemphasize; the importance of the actual implementation of what had been promised before the elections. And then the institutions that were created through the negotiations which was part of the interim Constitution, like the Constitutional Court, the Human Rights Commission, the Public Protector, the Auditor General, and others, were all very important elements of invoking future and further confidence in the country. Just to prove the point, the first case that was brought to the Constitutional Court after the 1994 elections, the court actually decided against the central government in favour of a provincial government and you can just imagine what was the result in terms of building the confidence, as far as those institutions were concerned through that. I am not saying that it was the intention of the Constitutional court, by deciding that way, to create confidence, but it proved that institutions were in fact giving rise to the belief that they were right choices for the people of South Africa. It insured accountability and responsiveness on the side of those institutions.

Lastly in this presentation, I want to mention the role of the Truth and Reconciliation Commission, which was also an agreed institution between the former conflicting parties. And as it was correctly stated here just now, I think that the role of that institution in bringing together former victims and perpetrators of violence under the Apartheid rule played a tremendously important role in satisfying also the emotional needs for the South Africans; because for the first time ever victims and perpetrators could in fact meet each other, under the rules of the Truth and Reconciliation Commission; and it happened in public very transparently, which helped that process also of mending and reconciliation in South Africa. With that, I m going to conclude my presentation at this stage, and I will continue this afternoon, during the afternoon session with point F and G.

11.4 How Rwanda prepares the first democratic elections and peaceful exit from the transitional period; Dr. Chrysologue Karangwa

1. Bad Governance

Our history has witnessed that bad governance and the divisionist politics installed and entertained by successive regimes count among the profound causes of the 1994 Rwanda's horrible genocide.

2. Rwanda on the path of democracy

In July 1994, the Rwandans who had shown the courage of fighting and defeating the genocidal regime united their efforts and formed a government of National Unity that undertook the task of reconstructing the country through the implementation of the eight point program.

That is:

- To ensure the national security and work for an everlasting peace;
- To restructure the country's administrative system;
- To promote unity and reconciliation among the Rwandans;
- To organize the repatriation of Refugees and reinstatement of the displaced persons;
- To improve social welfare;
- To improve the country's economy;
- To revive the country's foreign policy with other countries
- To reinforce the democratization process

After the 1994 genocide the Government of National Unity assigned itself the task of making the population aware of their role in the determination of their country's future political line and its social welfare.

The Presidency of the Republic of Rwanda, between May 1998 and March 1999, organized forums of different social layers of Rwandans for consultations with a view to initiate a new policy of decentralizing administration system in order to successfully manage the after-genocide period.

Indeed, in March 1999, the Government organized the first elections after the genocide, installing administrative authorities at Cell and Sector levels and records show that 98% of the population participated in these elections.

In May 2000 the setting up of a decentralized policy through the organization of the new administrative entities at the grass-root levels was yet another step in the process of democratization, in conformity with the National Program of restructuring the country's administration system and reinforcing the democratization process. To achieve that our country put up our National Electoral Commission.

3. The creation of the National Electoral Commission as an instrument of Democratization

In fact the National Electoral Commission was an outcome of the Protocol of the ARUSHA PEACE AGREEMENTS between the RPF-INKOTANYI and the GOVERNMENT OF RWANDA, signed on 4th August 1993 (as stipulated in Article 24c of the Protocol concerning power-sharing). The National Electoral Commission was set up by an organic Law n°39/2000 of 28th November 2000 as amended by the law N°11 /2002 of the 12th March 2002.

4. The mandate of the National Electoral Commission

The National Electoral Commission has been given a mandate of organizing and conducting election at all levels, namely; at Cell, Sector, District, Municipal and Metropolitan levels, fundamental law referendum, Presidential and legislative elections.

Besides organizing and conducting elections at all levels, the National Electoral Commission elaborates and executes programs of civic education and voter information at all social layers of the population.

5. National Electoral Commission's achievements and Experience:

- In March 2001, the National Electoral Commission, organized and conducted the first democratic local elections at District, Municipal and Metropolitan levels, with a participation rate of 98,38%
- In March 2002, the National Electoral Commission again organized and at cell level: with a turn up of 81,17%
- at sector level: with a turn up of 93,92%
- this year 2003, on May 26, the Rwandans turned up at 89,86% to exercise their voting right and voted their new constitution at 93, 42% In fact all these successful elections have been democratic both in their preparations and their running, and have given a first hand experience to the National Electoral Commission in particular, and to the Rwandans in general in the democratization process in Post- Genocide Rwanda.

6. Hopes of conducting the forthcoming elections (The Presidential and the Legislatives) democratically.

- a. Our population, through civic education on elections and democracy, is prepared, ready and willing to do better by correcting the mistakes of the past
- b. There is a political will of our country's leadership to change our past for the better.
- c. The National Electoral Commission has now gained enough experience and is prepared and committed to organize and conduct free and fair elections
- d. The Country is endowed with conducive laws (Organic laws governing elections and Political Parties). And again it should be remembered here that on May 26th 2003, the

Rwandans, by voting their New Constitution at a record of 93,43%, are determined to go along the following fundamentals principles:

(i) fighting the ideology of genocide and all its manifestations;

(ii) eradication of ethnic, regional and other divisionist tendencies and promotion of national unity;

(iii) equitable sharing of powers;

(iv) building a state governed by the rule of law, a pluralistic democratisation government, equality of all Rwandans and between women and reflected by ensuring that women are granted at least 30% of posts in decision making organs.

(v) building a state committed to promoting social welfare and establishing appropriate mechanisms for ensuring social justice;

(vi) resolving conflicts through peaceful dialogue,

7. Some challenges

Nevertheless we still have quite a number of challenges, namely:

- Multiplicity and inter-connection of problems within the socio-politico economic domains;
- Unstable environment in the region;
- Population's poverty and illiteracy;
- Limited resources of the Country, hence its dependency on foreign assistance.
- Radical groups still entertaining divisionist ideologies.

8. How to address these challenges

By:

- Educating the population on how to use their own resources;
- Creating that awareness among the population about their values and their role in the democratization process;
- Recruitment and training of the election personnel;
- Solicit the government intervention as well as the Donor's.

Conclusion:

The past experience in the democratization process is very encouraging to the People of Rwanda. They have democratically elected their local leaders at the grass-root levels, and of recent, they have endowed their country with a New Constitution.

Their experience in democratic elections, their determination to establish democratic institutions and their will to unite their efforts with a common goal of building up their

country, are good signs of how Rwanda is prepared to consolidate the democratization process it has already embarked on and to exit peacefully from the Transition Period.

11.5 DISCUSSIONS

11.5.1 Questions and Answers

1. While the process of reconciliation and democratization are going on, you hear people saying that you are singing the same old song. How do you overcome these negative attitudes, this negative ideology?

Answer

Answering this question, Ambassador Ganns pointed out that after 1945, there were lots of people in Germany who didn't want the Holocaust being part of their conversation. And today, children tell their parents that the issue of the Holocaust is not their problem; it was rather the problem of their grand parents and great grand parents. But the Holocaust is part of our history, said Ambassador GANNNS, it cannot just be forgotten. The solution to this problem is more and more political and civic education. Honourable Roelf Meyer added onto this saying that the principle of openness and inclusivity has to be constantly applied to allow people to participate in reconciliation and democratization processes. Honourable Patrick Mazimpaka stressed the issue of political and civic education as well, adding, however, that the law must be firm, too.

2. How did Germany manage the issue of the Holocaust survivors? What arrangements were made to get them involved in the mainstream of the reconstruction and reconciliation policies?

Answer

Ambassador GANNNS said his answer to this question had both a negative and positive side. The negative side is that the 1933-1945 German regime almost succeeded in wiping off Jews in Germany.

The positive side of his answer is that the few Jews that remained in Germany became, from the very first day, fully integrated citizens of the new country, in spite of everything that had happened. So the issue of integration was no problem at all.

3. The Ituri region, in Eastern Congo, is currently being devastated, what use can this conference be for the people of Ituri, for the Congolese people at large?

Answer

Honourable Patrick MAZIMPAKA answered this question saying that, as regards the Ituri crisis, what we can learn from this conference is first of all, that there is need to resolve that conflict and thus, reconcile the people of Ituri. And this must be done through a politically negotiated settlement. He pointed out that the Ituri problem is

however not an isolated case. There are many such issues of community conflicts in the Democratic Republic of the Congo, in Katanga and Kivu especially. Long term solutions could be found basing on agreements that exist in the Congo, and putting in place institutions that will handle those issues in the future. Meantime, the Ituri Pacification Commission can provide temporary solutions.

4. Extremist movements are currently operating in Europe, specifically in France, Germany and Scandinavian countries, some such movements, tending towards exclusion, do also exist in South Africa; what mechanisms are being envisaged to combat these potentially dangerous tendencies? And in the case of Rwanda, what could you recommend by way of advice?

Answer

Ambassador GANNS admitted that the question regarding extremist movements is quite pertinent indeed, considering especially the deterioration of the economic situation in parts of Europe, entailing widespread unemployment among the youth. He said however that Germany has strict rules and regulations, including penal legislations, that can never allow a repeat of 1933-1945 in Germany. With all due attention to the relevance of the extremist movements issue, Ambassador GANNS recommended that we must always continue emphasizing on civic education in our schools; that we must always give proper historical accounts of what happened, and then have proper legislation enacted.

5. Considering that Namibia, South Africa and Germany abolished the death penalty as a consequence of the terrible events, it would be interesting to know if Rwanda is considering to abolish the death penalty as well.

Answer

Honourable Tito RUTAREMARA answered this question saying that he admired the courage of South Africans and Germans, who abolished the death penalty after the atrocities that occurred in their countries. He went on to say that it is still too early to talk of the abolition of death penalty in Rwanda. Majority of the people are against that, Honourable RUTAREMARA said that in the meantime judges could be encouraged to give more life imprisonment sentences than death penalties, until a law comes up in the future to abolish the death penalty.

11.6 The role of political parties and civil society in ensuring peaceful democratic elections

11.6.1 Namibian experiences; Hon. Nora Schinning - Chase

The issue I am supposed to address right now is the role of political parties and civil society and the role they played in Namibia, which added to a peaceful exit from the transition period to independence. There is a theory that says one of the key challenges to any successful transition is to produce a legitimate and popularly

accepted constitutional and institutional framework, within which democracy can expand, develop and become consolidated. This challenge is most important in societies where the democratic outcome is the product of international and elite compromise, rather than the result of a shift in population values causing an increased demand for democracy. A situation democratisation from above rather than democratisation from below. Namibia is a case in point, because Namibia is the child of the international community having been a German colony, and when Germany lost the first World War becoming a League of Nations mandate, subsequently handed over to the United Nations to Britain and being governed by South Africa. As a result of that, and I'll obviously speak more of it in the other topic, the Namibia independence process was as a result of international involvement, of resolutions of the United Nations.

And so, much of what was needed in terms of our transition period was guided by the United Nations Security Council's Resolution 435 and the involvement of the international community. It means therefore that for Namibia, the end of the transition could have been a democracy without democrats; if we didn't have the civic culture of democracy. It's only at the end of such an institutional design phase that the value aspects of democratisation are brought to the fore. So, when one looks at the Namibian example, one needs to look at it within this context. And whatever example it can be for Rwanda would have to be looked at in context of the similarities as well at the differences that our two countries have experienced in the transition period. In Namibia the transition to democracy was preceded by almost a century of war and oppression starting off with the German Hereto wars and the Nama -German wars, through an Apartheid system which was perhaps the most brutal in the history of mankind. Namibia ended up as being a country where the main purpose of the South African rule was one of divide and rule. In the end you had a population of less than two million being divided into thirteen different ethnic groups. Over and above the division of ethnic groups, there was also division in terms of colour. So you had the white Namibians as being the most free, the coloureds as being the buffer between white and black; and the blacks as being the most oppressed of all. This would have allowed for a situation where the process of reconciliation must have been the most difficult, because the so called coloureds were the children of the Blacks as well as children of the Whites. And they were put as a buffer in between; so hatred could have been the end result.

But, I believe that the peaceful transition that eventually took place became possible because of a combined effort between political parties and civil society; and within the civil society set up notably the churches, Namibia had, in it's misfortune of being oppressed and divided, the fortune of having over 80% of the people of the country being Christian. And the role that the churches played during the liberation struggle towards the end when the church leadership was taken over by Blacks was such that the South African regime referred to churches as the ecumenical arm of the liberation movement. So the church was in solidarity with the people in terms of the whole liberation process; and during the transition period, the council of churches played the role of a government, to the extent that it had educational program, developmental program, all of that, for the most oppressed people in the society. As a

result of that the churches could speak to all the elements in the liberation struggle, and those that were seen to have sided with the South African regime. So that when the transition period was over, the churches also played the crucial role of not only advisor but also of peace maker and unifying factor. And that's something that was very specific to the Namibian situation. During the institutional design phase, the political parties which, at that point had become organized interest groups, and civil society, put forward proposals for the appropriate constitutional and institutional frameworks; and a chance was given for the acceptance or the rejection of those frameworks in the party programs, party policies and the party constitutions.

What was important therefore was firstly that parties had to participate actively and prepare themselves with real and workable proposals, to participate in the process. The political parties and their leadership had to show practically the political will and the vision to move beyond their narrow sectoral interests, and their feelings of revenge, and be willing to compromise amongst each other, on behalf of the national interests, for unity, independence and peace. It was also imperative that the parties had to develop a basis of trust among themselves, which would enable them to compromise in the negotiations, and have a process of giving and taking, because you had literally two sides of the political spectrum. You had the parties that were involved in the liberation struggle, including the armed liberation struggle, and you had parties that sided with the South African regime and even became part of an interim government. So, there was no basis for trust, because the imposed interim government which was imposed by the South African regime had harsher laws and stronger punishments for those who were involved in the liberation struggle. So it depended on the political leaders as representatives of the people to indicate a willingness to compromise, to find reconciliation and to find peace, in the interest of getting Namibian independence and development.

It was also imperative during that period that the parties had to present the programs, so that they could inform, market and promote the negotiation, amongst their supporters, and the citizenry at large. Because of this, our political parties became agencies of legitimacy, for the newly established democratic institutions. During the subsequent period which we called the period of deepening of democracy, political parties shifted their roles.

I'll just mention two of the most important aspects of the process of deepening democracy.

Firstly the use of democratic institutions to show that democracy works and that democracy delivers. Secondly, the necessity to educate the supporters in the democratic process, so that they can help to produce the civic culture needed to consolidate democracy. In this aspect, both political parties in Namibia and civic organisations played a crucial role through constant consultation, advice, and a commitment from both sides. For other countries, countries like Rwanda where this transition is currently taking place, it is possible that the Namibian experience contains perhaps a few interesting lessons that one could look at, not necessarily adopt, because no two countries are the same. But I think that what was important in the

Namibian situation was the speed with which the constitutional negotiations were concluded and that was the testimony of the fact that enemies can cooperate to achieve a national good, when all are prepared to participate and compromise. The urgency with which the negotiations had to be concluded made it impossible in Namibia to have extensive public debates on the various constitutional proposals.

For parties to be successful in their quest to establish a working democracy as I said before, it is necessary that they trust each other and they put aside their partisan differences and embrace national interest. And this happened in the Namibian situation, in that the parties were prepared to give and take, and I will explain more in the next paper. One has to admit however in the case of Namibia, which was slightly different too from that of South Africa, civil society was severely constrained by Apartheid regime and also by colonialism, so that at the time the negotiations took place, their contribution was very limited in terms of the platform within which the whole constitution process took place. But those that were around either as members of the political parties or as spiritual advisers to the leadership of the political parties made important contributions in selling the deals and providing important advices to some at the parties involved in the negotiation. What was more crucial in the Namibian situation was the fact that civic organisations played the most important part in providing civic education to the Namibian masses, and also in bringing and teaching them ideas of democracy and the whole monitoring process of the implementation of democracy, in other words the electoral process.

Because of the short time that was available to political parties between coming back from exile, having 435 implemented, having the whole armies brought back, there was very little time for political parties to train people in terms of civic democratic education. This was done by civil societies within Namibia. Fourthly, that the role of political parties after the transition often depended on the institution arrangement that they had agreed to. In the Namibian case the use of proportional representation in terms of our electoral program insured that even the very small political parties had a say in the legislative process which brought about the drafting of our constitution. And as a result of this, the constitution, although it was written within 6 weeks, was owned by all Namibians, because parties, large and small, all had an input in the process of drawing up the constitution. I think that for the case of Namibia, the transition, the peaceful transition to democracy and independence, was facilitated by the fact that of the 13 odd political parties that participated in the process, by a natural process of elimination, seven parties eventually ended up in the National Assembly which drew up the constitution; but the Namibian population as a whole felt that their needs and their interests were represented through this process. One has to accept however for the Namibian situation that being a liberation movement does not necessarily qualify you to be a government or a political party. So, most of the parties that were involved in the Namibian transition period were liberation movements. And that paradigm shift that had to be made from a liberation movement to a government was one of the biggest obstacles that we experienced in Namibia. And to some extent in much of our political work today we still cling on the idea of having been a liberation movement, having fought the liberation struggle as if that is supposed to give more rights, more privileges than parties that may not have done so. And finally, I think it was important for the Namibian example that all

political parties had to keep in mind that their relation to power is not a permanent one, and that parties can at one point or another shift from being a ruling party to a party in opposition, whatever consequences that might entail. And therefore Namibia was very careful in making sure that parties are not made to serve partisan interests, because we knew that today's ruling party could become tomorrow's opposition, although it has not happened yet.

And the feeling at the end of it all was that if it should happen we do not want to become the victims of our own doing. And that is what we can share as the Namibian experience, in terms of the transition period.

11.6.2 South Africa experiences, by H.E Roelf Meyer

As far as the political parties are concerned it is important to first of all note that in the first democratic election in 1994 almost all political parties participated in that election. It was in a very open process for participation. I think some 25 parties registered for the election and did actually participate. The one that came probably last was the one that had the name Kiss, and it stood for " keep it simple and straight ".

Everybody who wanted to make a fool of himself could participate if they wanted. There were just a few that didn't participate. 2 or 3 right wing white parties that felt that they wanted to continue with Apartheid didn't participate in the elections. And one left wing party that felt that their demands were not met in the compromises that were reached in the negotiations. The left wing party I think in the mean time disappeared and the most prominent of those right wing parties, now after 8 or 9 years started to participate again. And they have put forward candidates in recent local elections, which shows that they have learnt that it's worth it to participate. Also on their side, that's a lesson in itself.

But the point is almost all political parties participated in the first election. And through their participation, and that's a very important point, they actually helped to generate this participation, to generate the support for the process; because political parties are there to count votes; and simply by doing that, they make sure that you get a high turn out, when it becomes relevant at the Poll. But moreover, what's important in this regard is that South Africans of all persuasions had the opportunity to make choices. And I think that was also a very important facet of the peaceful transition.

The question was asked this morning about how can one prevent people from going back to the extremism, how did we prevent, for example, in South Africa people from going back to the ideology of Apartheid again. I tend to think the real answer to that was simply by creating an open and democratic society. And through that, by not participating in that process, like some of the right wing parties did; they actually marginalized themselves, because they had the opportunity. They excluded themselves, nobody told them not to participate. But in the process they could not generate support for themselves like they were entitled to do. And therefore, I think the real answer to that question, how do we prevent extremist ideologies to continue in a democratic society, lies in the very fact of democracy itself. And that's probably one of the biggest benefits

and advantages of a democratic culture. We didn't have it in South Africa before 94. So, it is still an ongoing process, and I will conclude on that, when I come to the last point.

Civil society played a very important role as well insuring that South Africans felt comfortable of the settlement that was reached. Beside the political negotiations that took place, we also had a peace process, in terms of a peace accord that was established through the intervention of the churches and the business community.

People like Bishop DESMOND TUTU and business leaders, actually initiated that process, to the extent that eventually a peace accord was signed by all political leaders, including MANDELA and others. I think that showed how important that role was; the initiative actually came from the civil society that regard, not from the political leaders. And that peace accord was a strengthening basis for dealing with conflict and violence that continue, as I said this morning, on an ongoing basis even when we were busy with negotiations and later on with the transition.

So, the peace accord and its structures, called the Peace Secretariat even continued for years after the transition to take care of those violent elements that still remained in the society, at the local level. And peace committees existed at the local level from which that on going violence could be attended to; which I think was a very important element of the whole process; but it was the civil society initiative that took care of that. And overall I think one can say the role of the civil society, an important factor in the national life of South Africa, was as equally important as the role of the political leaders in what was achieved through the political negotiation in attaining the peaceful transition in our country.

I was not asked to make any comment about the present situation in South Africa, I thought it would be of value to end up with that. Where do we stand 9 years after the event, after the transition in 1994? I think what is most important is the transition is still being viewed as legitimate; and I think that is very important.

Secondly, I think one can say that South Africans will never let this happen again; we heard also this morning that is also the motto of the people of Rwanda. And I think that if we can support in achieving that from the South African side, we will be glad to do that; because if we can rule out the ideologies that we had to overcome in the past apartheid or the genocide, then in the end the process becomes successful. And therefore one can say emphatically that today South Africans of all persuasions have one common objective, and that is let it never happen again. The struggle, the divisions, the different worlds that we lived in South Africa, for more than 300 years belong to the past and no South African will allow this to return. What happened to the radicals that wanted to interrupt the process? I think, as indicated, they marginalized themselves, they excluded themselves by either not participating in the process, or through their extremist approaches. Just recently, a few right wingers were arrested and have been charged at the moment with alleged high treason trying to overthrow the government. Which would have been a very stupid idea in any case, but they're imprisoned at the moment, and they're brought before court, I think the actual court case is going to start within the next week or so. But it's a limited group of about 15 or

20 people. What I think is important to note, however, is that they have no support. In other words, they could not through their endeavours or alleged endeavours generate support for what they tried to do. And lastly, probably the most important remark I can make today is, in terms of our experience, the most important lesson I would like to convey here is that the transformation is an ongoing process. It didn't end at the time of the transition. It didn't end when the change took place from Apartheid rule to majority rule, or to a democratic rule in 1994. It's definitely an ongoing process where everyone had to deal with a situation of major distortion, historic distortion, like in the South African case. It takes years, decades, in fact, I believe, to really transform that society from the old to the new; it's not only the responsibility of the government, the newly elected democratic government to take the responsibility for those transformations.

It's the responsibility of the whole nation. So it's an ongoing process, and don't think it's possible to put a limit to that to say when it will be done. I think it'll be an ongoing process for another decade, or two. And therefore, I think that one must also realize that the distortions that took place and the results of the genocide that took place in the case of Rwanda; it's going to be an ongoing process and don't expect the elections or the actual transition to be the final moment and the conclusive moment. That is the message I would like to leave behind.

11.6.3 Rwandan Experiences, Hon Augustin IYAMUREMYE

The transition ended officially in our country on June 4, 2003, upon the new Constitution entering into force. Within a few weeks, presidential and legislative elections will further enhance the democratic process engaged in 1999 and 2001, when elections were run at grassroots level. These elections are an instrument allowing the people to exercise its sovereignty in choosing competent leaders.

That is to say, men and women that are capable to formulate and execute strategic policies and strategies for the Rwandan society, channelling them through new institutions.

However, in line with the last speaker's recommendation, I would like to point out that the election moment should not mean a clean departure from the past eight years we have spent in the transition, because there are certain achievements that we must continue to build on. The debate that I would like to initiate here is to do with the role of political parties and the civil society in the process of democratization, and in consolidating positive achievements, through a just and peaceful electoral competition, indeed there are many positive achievements that ought to be preserved.

As you know, after 1994, quite many among us went into exile, others lost their lives, others still were victims of untold atrocities. In spite of all this, Rwandans opted against being a society governed by hatred and mutual exclusion. They rather decided to seek harmony, unity and reconciliation.

And so, the victors worked in concert with members of the internal opposition to the genocidal regimes, to form the Government of National Unity, where nobody was excluded.

The Urugwiro discussions that lasted more than one year, and dwelt on all issues of national interest, allowed Rwandans to have a common vision on how the country must be run. Fundamental principles were derived from those discussions, which are today the core of a new constitution.

The forum of registered political parties was instrumental in seeking consensus, while respecting the creed and sensitivities of all the parties involved. As you may know the forum of political parties is now enshrined in our constitution.

Well, our Transition wasn't easy all through. Some people defected along the way, others played foul and were kicked out of the game. But we remarkably and resolutely went ahead to seek consensus and appropriate solutions to problems.

With the elections coming up soon, we are not going to have winners and loser, victors and vanquished, but rather men and women charged with the duty to exercise, on behalf of all Rwandans, the mandate of the Rwandan people.

However, the Rwandan social fabric is still fragile. And our painful history of ethnic and regional exclusions can obviously not allow us to blindly adopt the classical electoral logic of "majority" and "minority". But we ought to create conditions for a democratic power-sharing. In that regard, political parties and the civil society have a big role to play.

Let's have a look at our political parties, in the first place. We currently have 8 parties: the RPF, MDR, PDC, PDI, PL, PSD, PSR and UDPR. These are the parties that, on November 24, 1994, signed the protocol installing national institutions, adopting the 17:7:1994 RPF Declaration, and prescribing the sharing of seats in the Transitional National Assembly. It is worthy of note here that the Parliament has of late recommended that the MDR should cease to exist, in view of its unrepentant pursuit of discriminatory tendencies, along with its hutu power ideology.

Apart from the RPF the other parties came into being in 1981, and most of their leaders had been assassinated, for having dared to oppose the extremist ideas of the MRND and CDR.

After the genocide, survivors belonging to moderate factions undertook to rebuild their parties, but they were all war-weary and busy securing their livelihood. Besides, the agreement between parties to operate only at national leadership level was a severe blow to the existing parties, which lost contact with their membership scattered across the country. This, however, spared our population the trouble of being manipulated by different sorts of propaganda. In spite of all the criticism often directed against political parties, we ought to recognize that they have gained a lot in working together, and that the RPF has been highly instrumental in this regard.

Multiparty politics is enshrined in our new constitution, but, considering that people still entertain fears about that, due to the nefarious role played by some parties, especially during the genocide episode, it became necessary to make allowance for specific legislation governing political parties. Articles 52 to 59 of the Constitution specify rules governing political parties and their membership, their behaviour, the recruitment of members and the choice of leaders.

Provision has been made for severe sanctions to be inflicted on political parties or political leaders violating the law. The political parties must operate a concertation forum, and their leadership structures will operate only at national level, province level, and in Kigali City.

In order to allay people's concerns about possibly excessive numbers of political parties, it has clearly been stipulated that parties drawing less than 5% of votes cast in the parliamentary elections shall have no seats in the parliament, nor shall they be entitled to Government subsidies.

The law governing political parties, soon to come into force, provides conditions to be met by new political parties to qualify for registration, provision is also made for existing parties to adapt their statutes to the new law within 15 days of its publication, failure of which the said parties shall cease to exist.

This same law specifies conditions to be filled by leaders of political parties, where it is notably stipulated that leaders of political parties must reside in Rwanda. Therefore no political parties shall be in exile. Political parties have a major role to play in the elections. The law I have just referred to defines a political party as follows:

A political party is any association of citizens sharing a common vision, as regards the welfare of the people and national development, and aims at acceding to power, through democratic and peaceful means, to achieve its objectives. This is very important. Provision is also made for two or more political parties to team up in an electoral coalition, where each could keep its personality, or else to merge altogether and form a new political party.

Political parties play a major role also in the political education of populations, for the law stipulates that political parties must jointly participate in the political and democratic education of the citizens.

In the electoral race, political parties must take the necessary precaution to ensure that men and women have an equal access to electoral mandates and public elective offices. The electoral law, soon to enter into force, defines general conditions as well as particular provisions concerning presidential elections, the elections of members of parliament and senators.

Political parties provide candidates for the elections, and participate in the monitoring of the elections. It is also stipulated in the law that, during the electoral parties must behave in such a way as not to offend their rivals in deeds, words or otherwise. There are other provisions concerning the code of conduct of political parties aiming at an optimal running of elections.

Most important of all, though, is that, after the elections, the political parties must have a good enough sense of fair play to accept the results of the polls.

Before relating the civil society to the elections, I would like to say a few words about the Rwandan civil society which is prominently present in our national life. Rwandan civil society is very diversified, and covers all sectors of national life. It has had a real impact on major development orientations.

Lots of Rwandan NGOs have a considerable number of difficulties, especially financial difficulties. We could probably review, in the course of the debate the controversy entertained in some quarters about their glaring dependence on foreign aid.

The components of Rwandan civil society are the following:

- Religions organizations
- Development organizations
- Professional and Trade Union organizations
- Women's Associations, which are the most dynamic of all
- Youth Associations
- Human Rights Associations
- Genocide survivors' Associations like IBUKA
- The Media

We should also include the village elders - the *INYANGAMUGAYO* and the *INARARIBONYE*.

Civil society doesn't aim at capturing political power. However, being close to citizens, NGOs are privileged partners of the Government, notably in the conduct of the political education of the people.

Here comes to mind what our colleague Patrick MAZIHPAKA had earlier on said about education, about the role of education in the democratization process. The civil society is quite good at mobilizing and educating populations. Messages passed on by the civil society are generally well received by populations. As regards the elections, the civil society is a major determining factor in having the polls' results accepted by all concerned.

Elements of the civil society will also directly participate in the elections, notably the associations of women and the youth.

There are 24 seats reserved for women in the parliament.

The association of the handicapped will also elect their representative in the parliament. The academic staff of public and private universities will also elect their two senators. Media are also a major component of the civil society. They are of critical importance during the electoral campaigns and elections. We should note here that the law provides for an equal media access to all candidates and to all political parties. What are the challenges looming ahead?

The principle of power-sharing that is enshrined in our Constitution is a response to the discriminatory politics of previous regimes, the politics of exclusion that obtained here for decades. The inclusion guarantees social peace and the stability of institutions. That is why for example, the Constitution provides that the speaker of the house of representatives cannot belong to the same party as the President of the Republic. And no one single party is allowed to cumulate more than 50% of Government portfolios. These constitutional provisions are, at the surface, contrary to the classical conception of the electoral race. But the proportional mode of electing members of parliament, the equal access of men and women to electoral mandates, the representation of all components of Rwandan society, all these constitutional provisions are measures meant to insure inclusion. But can this be enough as such, if the political parties and political leaders bracing themselves for the race do not adopt, beforehand, appropriate and concerted strategies? This is the major challenge we've got to face in our effort to consolidate democracy and social peace in our country.

11.7 DISCUSSION

11. 7.1 Questions & Answers

Question

Among other causes of genocide or any other devastating conflict, there is always a tendency to over-estimate oneself and to demonize the other. An that over - estimation of oneself can be expressed in psychological, biologic economic terms.

How did you in Germany envisage, solutions within the same system that produced a genocide?

Answer:

Ambassador GANNS answered this question pointing out, in the first place that between 1918 and 1933, Germany had a democracy that was very weak and that made it possible for a totalitarian regime to emerge in 1933: the Nazi regimes which cultivated the over-estimation of themselves.

After the defeat of the Nazi regime, Germany put into place a stronger democracy with rules and regulations, checks and balances, and a type of political and civic education that make it impossible for anyone to over estimate themselves.

Question (addressed to Honourable Patrick MAZIMHAKA)

How do you envisage to be reconciled with Rwandan politicians living in exile?

Answer:

The policy of our Government has not changed. All Rwandans are free to return home. There should be no exclusion for whatever reason. And our new constitution provides for the participation of all in the politics of the country, whether as individuals or members of known political parties.

Question (addressed to Honourable Augustin IYAMUREMYE)

People were relieved in 1991, when political parties were created, people thought things were going to change for the better, but instead the situation degenerated into genocide.

How can you explain this? How come nobody was given a red card all through that time, up to until 1994?

Answer:

Nobody could have been given a red card when there was no referee.

All the political leaders, including the Head of State of that time, were adepts of the politics of exclusion.

The only form of change that people envisaged at the time was for example, changing leaders and replacing them by others.

The difference between that time and now is that Rwanda now has a capable and responsible leadership that can change things for the better. This leadership can legitimately serve as a referee.

4. Question: (to Hon. Patrick Mazimhaka)

How come Rwandan politicians living in exile have not as yet reconciled themselves with the democratisation process going on here?

Answer:

Hon. MAZIMPAKA answered this question saying that those politicians are not yet ready for a real dialogue.

They choose to go to BBC and talk, or to the Internet, but that is a one-way kind of thing, it is not dialogue.

Question: (addressed to H.E. Roelf Meyer)

Could you give us some tips on how marginalization of radicals and their ideologies in Rwanda can be effected, in a situation where perhaps the factor that helped such marginalization in South Africa do not exist?

Answer:

H.E. Roelf Meyer pointed out that he was not conversant with the positions of Rwandan extremists, and that he therefore had no specific answer to that. He however indicated that extremists should be consulted, and they should be given lots of opportunities for that.

Question:

Should Rwanda not conduct a "deparmehutization" process, just like German, conducted its denazification exercise?

Deparmehutization could possibly free the innumerable persons who have, for a long time, been held hostage by the parmehutu ideology.

Answer:

Hon. Augustin IYAMUREMYE answered this question, stressing the need to conduct seminars on "deparmehutization"; he acknowledged that it was worthwhile endeavour.

Question:

The civil society here in Rwanda, especially international NGOs, keep saying that there is no democratic space, that civil society should be the counter power; could you please Hon. Roelf Meyer enlighten us on this, in your capacity as chairman of the civil Society in your country?

Answer:

There are various definitions of "civil society". But, I think that in divided societies, especially in Africa, the civil society should play a role additional to what is happening in the area of Government and the private sector; therefore the civil society represents very specific interests and focuses on issues that are relevant for the people in general, issues like poverty, education, health etc.

Question:

The Executive Secretary of NURC, Ms FATUMA NDANGIZA said she had a dilemma on which she called the attention of Hon. Roelf Meyer and Hon. Nora Schimming - Chase.

In a situation like Rwanda, where we are just emerging from a genocide and now coming to the end of the transition, the wounds are still very fresh and we still have fears about the past; there is always that fear of relapsing into the past, the fear of the ideology of genocide; there is also the mistrust and suspicion of political parties, because of their past behaviour. There is also the mistrust of the work of civil organizations, here I mean NGOs, churches, and the international community, all of which are major actors of the process of democratisation and elections. And there is this issue of code of conduct; when we talk of code of conduct for political parties, how about the civil society? There is also the issue of international observers. I would like to hear your views and comments on that please.

Comments:

In his comment on these issues, Hon. Roelf Meyer said that in a divided society like Rwanda, the civil society should not take the role of a political counter - balance, because that would add onto the divided nature of the society, the civil society thus becomes a problem instead of being a solution to a problem. Civil Society should deal with issues like poverty, education, health etc.

Commenting further on the same issues, Hon. Nora Schimming - Chase said there should be a code of conduct for all actors in the electoral process. She emphatically said that without code of conduct for the civil society, you would have sectors of the civil society which would show preference for one political party or another, and this would mean interfering with the electoral process. Coming to the question of "fresh wounds" and fears still being entertained by Rwandans, Hon. Nora Schimming - Chase said that she positively believed no outsider could answer that.

Question: (addressed to Hon. Augustin IYAMUREMYE)

It is quite amazing to see all the legal frameworks that are being set up to regulate the electoral race or the democratic games. It is nonetheless disturbing to see that leaders of political parties take strange liberties, while touring foreign countries. Don't you feel worried by such behaviours?

Answer

In his answer, Hon. Augustin Iyamuremye said that was precisely the challenge that he pictured in his presentation, and he wanted people to debate upon it.

11.8 Constitution as a foundation for democratic elections

11.8.1 Namibian experiences; by Hon. Nora Schimming - Chase

Namibia developed from a League of Nations Trust Territory to a UN mandate and therefore the transition to independence was guided by the UN Security Council resolution 435. What's significant about this resolution, it means it took 435 international resolutions for a small population like Namibia's to be free. But it also

meant that although the international community had a say in whether we became independent or not, Resolution 435 guaranteed the involvement of the main parties involved in negotiations, and the main parties notably consisted of the UN, the South African Government, the five western countries, Germany, Canada, Britain, France, USA and the South Africa People Organization which was recognized by the international community as the so called sole and authentic representative of Namibia. Which meant in effect that a large number of political parties including the oldest liberation movement was not part of this settlement at that point.

The basic principle of the whole process which was heralded by resolution 435 was to negotiate a peaceful settlement to the war situation, and to prepare for elections and independence.

The process itself in terms of resolution 435, elections were supposed to be held for a constituent assembly which was tasked with the drafting of a constitution, which would then lead to general elections for a new parliament. As a result of these elections, most of the political parties were represented in the constituent assembly.

It is significant to note however that from this point on, Namibians became the architects of their own fate. And the first thing the Constituent Assembly did was to consider that in view of the costs and in view of the results of the elections, we will not have a second election but the constituent assembly, by unanimous decision, would also become the first national assembly.

Now all these seven parties that eventually became part of the constituent assembly had their own respective constitutions that they used during the liberation struggle and the electoral process. So the first task of the constituent assembly was to draft one constitution from seven separate ones. The process of coming to one constitution was facilitated by a number of factors.

Firstly all parties involved in the process were tired of the war that had been going on and wanted peace.

Secondly, all parties wanted independence.

Thirdly, all parties realized that there had to be a process of negotiation and the preparedness to give and take. Fourthly but most importantly, no party gained an absolute majority in the elections and as such they were dependent on each other.

I see that in the Rwandan example provision is made that the cabinet may not have 50% for example of one party membership, how a speaker and the leader should be from different parties. We didn't have that and that was helped by the fact that no party gained an absolute majority. As a result of this the parties chose to look through the seven constitutions and first seek the area of commonality. Look at the areas in which most of those seven constitutions had something in common, and only after that, to start talking about the major differences which would have resulted in horse trading.

I think the biggest or most pleasant surprise for the Namibian people was that all these seven parties, some of which had fought a war against each other, for the interim government that was imposed by South Africa regime had soldiers fighting in the South West Africa defense force against the peoples liberation army of Namibia, brutal fights,

but what was amazing is that the minute we started looking intensively at the constitutions, we found that there was more agreement than disagreement amongst those constitutions.

Two major areas of disagreement came up. The first one of which was whether the president should be elected directly by popular vote, which was the position of SWAPO, or whether the leader of the party with greatest number of votes automatically becomes president of the country. The second point of departure was whether the president should be elected for one five year term which SWAPO wanted or two five year terms which the opposition wanted. In the end, each side got satisfied because SWAPO got it's wish to have the president elected by direct ballot, and the opposition succeeded in it's efforts to have a two term presidency.

We have now had the two term presidency converted to a three term but that's another debate. In answer to the question of how our constitution facilitated democracy in Namibia, it must be stated that the operative definition for our democracy was that in our modern state we opted for indirect democracy where through elections, the citizenry decided to give their right to decide on what are matters of general concern to the political parties that they chose.

Therefore we decided in Namibia on a representative democracy. How then did the constitution facilitate this?

In drafting our constitution the following criteria were agreed upon as a point of departure: that we'd have free, fair and regular election, that every citizen over the age of 18 had the right to vote and to be eligible for elections, that candidates and parties should have freedom to campaign and present their political platforms to the electorate without interference; that there should be a guaranteed secret ballot free from all forms of intimidation; and that elections had to serve the purpose of providing an effective choice, thereby facilitating a multiparty system. That the body elected in the manner stated above would have the right to legislate, to vote on issues of national concern and to control state spending through the process of having the budget scrutinised and adopted by the legislature.

Furthermore through parliament, to have the right to publicly question and criticize and, where necessary, oppose the government of the day on all measures, without being subjected to threats of interference or arrest.

A belief, and this is very important, because of our history, and I think we share that with Rwanda, in the value of the individual human being, their basic rights and the guarantee of such right in practice to every citizen.

It was imperative that these rights in particular had to include amongst others; security against arbitrary arrest and imprisonment, the freedom of speech, the freedom of the press and media, the right to peaceful assembly, the right to form political parties, trade unions and other organisations in civil society, for example NGOs, religious bodies, special interest groups and other societies.

It also had to guarantee the freedom of movement, freedom of religion and education. What was more crucial was the separation of power between the legislature, the executive, a truly independent judiciary and a free and vibrant fourth estate which included civil society and the media. There was a question before on who is the referee. In the Namibian constitution the free and independent judiciary was at all times and will at all times be the referee; and every citizen has the right to appeal to an independent judiciary to adjudicate in issues where there is a difference of opinion or interest. These elements make sure that the rule of law and due process was guaranteed that's the role of the referee.

Respect for the constitution in practice, and the separation of powers, the provision for regular, free and fair election to representative bodies, and the guarantee of human rights entrenched in the constitution to pave the way for a democratic state. As a result of this, the Namibian constitution was at the time welcomed as the best in the world, because it met with all the established generally agreed upon and essential criteria necessary for a modern democratic nation state, as I tried to explain above. As a result of this process, that is a process to agree on common issues and to negotiate on the others, our Constituent Assembly succeeded in drafting the constitution in only six weeks; a constitution that was unanimously adopted. The process of drafting this constitution so quickly was favoured by two major considerations. Namibians were not afraid to have extensive consultation and seek assistance of a wide spectrum of constitutional experts with immense experience.

Secondly Namibians didn't feel that they wanted to re-invent the wheel, and as a result drew extensively from the constitutions of other democracies and to use these constitutions and see what was most applicable in the context of the Namibian society. We had for example proportional representation from our German colonial masters and the winner takes all for our national council from the British system. The principle of proportional representation however in Namibia was crucial, not only for the transition but to guarantee a multiparty democracy, where even smaller groups were represented; and the last 13 years have shown that even if we have one man representation in parliament, as we have for the whites, that group feels that they are represented; I think Roelf talked about those whites in South Africa that feel not represented and are resorting to other measures. In Namibia, because of the system that we have adopted, this is not the case. What makes the Namibian constitution what it is, in my mind, can be seen in the following crucial areas.

Chapter three where the fundamental rights and freedoms are protected, guaranteed and enforced by the courts, and where the fundamental human rights and freedoms cannot be abrogated even by a two thirds majority; it cannot be changed irrespective whether a party gets a 100% of the vote, the fundamental human right cannot be changed.

In addition, the whole Chapter nine which deals with the administration of justice where it's important that the judiciary must be separate, so that the four pillars of a democratic state, namely the executive, the legislative, judiciary, and the fourth estate are separate.

Unfortunately as a result of elections, the legislature no longer controls the executive, because the ruling party has more members in cabinet than it has back-benchers, so, really the executive can completely control the process and that is harming our democratic state.

Chapter ten is of crucial importance because we brought in the Ombudsman which enables everybody in Namibia society to be able to look for another type of referee, if it is not the judicial system, it is the Ombudsman whether you want to take the government to the Ombudsman or you want to take your private sector employer to the Ombudsman, it is taken care of in the constitution, and again, it cannot be changed, since it is an independent body. Then Chapter eleven which deals with the principles of state policy; which for us include the promotion of the welfare of the Namibian people and requires the state to actively promote and maintain the welfare of the people by adopting interalia policies aimed at equality for women.

It is the duty of the government to make sure that equality for women is granted, to provide the health and strength of workers, especially women and children, to support independent trade unions, to make access to public facilities and services to all Namibians, to help the physically disadvantaged (and as I read this I realise much of this is included in the constitution of Rwanda and for us it has worked, so may be it's good to look back in 13 years and say it has worked).

Legal aid for all people who cannot afford to pay for lawyers, a living wage for workers, adequate nutrition housing and taking care of the aged (let me take an example every time we look at the budget, the opposition party make a big issue of the fact that the amount given for old age pension is not liveable, and the government very often tries to say it is the duty for the children in Africa society to take care of their parents; but we keep on reminding the government that the constitution of the republic of Namibia clearly states that is the duty of government to take care of the aged and infirm).

Education for all, and very importantly the maintenance, of our ecosystem and protection of our environment. So, in conclusion the independence of Namibia took a long time, and very many United Nation's resolutions before it became reality.

One of the major obstacles that we had experienced was that the nation had been oppressed and brutalised for so long; that it had been divided by the apartheid system and the armed struggle created permanent enemies.

The south African regime had convinced many actors internationally that the nation would remain fragmented, that old scores would be settled and that peace would be unattainable, a very similar situation to the fears expressed in Rwanda.

However it was the commitment of the people of Namibia themselves, that through their elected representatives, our country would draft a democratic constitution which would guarantee peace, independence, unity and above all development.

Because independence without development and peace will never be a reality. Our constitution has served us well for 13 years, though there have been attempts to change it. If at all the Namibian example can be of assistance to our Rwandan brothers and sisters, then the most important lesson is that a democratic constitution

drawn up by the people themselves, either directly or through their elected representatives, is the best foundation not only for democratic elections but for a democratic state, for reconciliation and peace, and for economic and political development for all people of the country.

11.8.2 Rwandan Experiences, by Hon. Tito Rutaremara

I will first of all give a brief account of the legal and constitutional commission, before I undertake to relate it to democratic elections.

The National Legal and Constitutional Commission was instituted by the 1993 Arusha Peace Agreements, but it was created in 1999.

The Commission comprises of twelve members. It was assigned five missions:

Firstly, to prepare a mock draft of the constitution.

Second, collect proposals given by the population, drawing from constitutions of other countries.

Third, to explain to people the meaning and the role of a constitution.

It turned out that quite many people, including intellectuals, did not know what a constitution is.

Fourth, write a mock draft of the law governing the end of the transition.

Then gather all the laws that must be modified so as to be in harmony with the new Constitution. That is what we are currently doing. In order to achieve its mission, the commission put up a plan of action made up of nine phases.

The first phase was to train its members and personnel, so that they could all have the same vision and understanding of what was to be done.

Second, sensitising people at home and abroad on constitutional matters, on the role of the constitution and its relation with democracy.

Third, consulting Rwandans at home and abroad, with a view to eliciting ideas and proposals due to make the new constitution.

Then the synthesis of all the ideas and proposals was taken back to the people for their validation. With that, we went ahead and produced the first draft of the Constitution. Representatives of Rwandans at home and abroad were then invited to discuss the first draft of the constitution. Then we spent two months waiting for people to come forth with ideas. After those two months, we invited international experts to come and work with us. It took them a week to go through all the articles. We had an American expert, a British, a Belgian, a South African, and others.

Let's now look at the Rwandan Constitution as a basis for democratic elections.

The new Constitution is a solid basis for democratic elections, because, in its preamble and its main section, it combats dictatorship, favours good governance, acknowledges the right to vote and be voted for, specifies elections modalities per position.

Specifying the election modalities is important in that it makes it impossible for mischievous politicians to tamper with the electoral system. Constitutional provisions guarantee democratic elections.

In the preamble, point 3 clearly says that Rwandans are determined to combat dictatorship through democratic institutions and authorities freely elected by the people. It is further specified in the preamble that Rwandans are determined to build the rule of law based on freedoms and fundamental rights of the person, multiparty democracy, equitable power-sharing, tolerance and solving problems through dialogue. In the main section of the constitution, article 2 says that national sovereignty belongs to the people, which can exercise it directly or through its representatives.

Article 8 stipulates that the suffrage is universal and equal for all citizens - it is direct or indirect and secret, except in cases determined by the constitution or the law.

Point 4 of article 9 indicates fundamental rules the State must abide by in order to insure, within the rule of law and multiparty democracy, respect for the equality of all Rwandans, and the equality between women and men, as reflected by the allocation to women of at least 30% of posts in decision-making bodies.

Paragraphs 1 and 3 of article 53 concern multiparty democracy; it is clearly specified there that political parties contribute to the political and democratic education of the citizens, as well as the expression of the suffrage.

Let's have a look at the House of Representatives, see article 76. Here we have several election modalities.

53 Representatives are elected through the direct and secret universal suffrage and through the proportional representation with party lists.

24 female members of the house of Representatives are elected, at the ratio of 2 per province, through the indirect suffrage by the District Council and the Sector's Executive Committee; then 2 representatives are elected through the indirect suffrage by the National Youth Council, and one by the federation of the associations of the invalids. This was done in response to our population's wishes that all those people must be represented.

For the Senate, we have article 92:

Senators are elected in the provinces and in Kigali city, through the secret but indirect suffrage, by the District Councils; Public and private universities also elect one senator per group.

Article 100 provides that the President of the Republic is elected through the secret, direct and universal suffrage, to the relative majority of votes cast.

Local Government Councils and executive committees: councillors are elected through the direct universal suffrage, but members of the executive committees are elected through the indirect suffrage, i.e., they are elected by the councillors; the councillors are elected by the people.

Through discussions, populations here and there expressed the wish to have a democracy based on power-sharing and consensus.

Our foreign friends do not understand this; they always ask us, "But how about the opposition?"

Well, our people want a consensual democracy, which is different from the conflictuous democracy based on majority and opposition.

There are people who ask us, "Where did you get that?" Well, we tried to have a Government of unity, where all parties can participate in the Government, and it worked.

We tried to get our people together and have a debate and came to a consensus, and it worked. And when we went outside Africa, we found that system exists in other countries, perhaps working in a different way.

And we said to ourselves, let's use it and improve it by making it depend on fundamental human rights, which are the backbone of any democracy.

Thus, in our constitution, the chapter on fundamental human rights is the biggest.

We formed a forum of political parties to serve as a platform for dialogue and consensus.

A platform where even the small parties can have a say on issues of national interest.

A platform where Government and other institutions can consult political parties.

Now, it is a problem, because it does not exist anywhere else! But it works in our society. The word "opposition" does not exist; if anything it would mean "enmity".

III CLOSING NOTES

III.1 H.E. Hans - Dieter Steinbach, German Ambassador to Rwanda

Ambassador Hans-Dieter Steinbach reiterated his country's determination to continue supporting the process of reconciliation in Rwanda and highlighted the involvement of GTZ in bringing this conference about. In stressing the importance of reconciliation for further democratization in Rwanda he expressed the hope that the process will continue.

Ambassador Steinbach also pointed out that civic education is an essential tool for reconciliation, an area his government is ready to assist in.

In particular the understanding and presentation of history, e.g. in textbooks, can play a pivotal role in coming to terms with the past.

Concerning democratization, Ambassador Steinbach expressed the view that this must be an all-inclusive process, which has constantly to be reviewed in order to achieve the desired goals. Commenting on Tito Rutaremara's remarks on consensual democracy, the Ambassador said that this in theory might be a wonderful idea, but reality has proven that this concept hardly ever works.

III.2 Hon. Christophe BAZIVAMO, Minister of Local Government, Information and Social Affairs.

Before declaring the Conference closed, Honourable BAZIVAMO thanked the eminent speakers, the participants as well as the organizers of the conference.

He then stressed that we all have to take advantage of experiences from other parts of the world in order to enhance the reconciliation and democratization processes. The

challenge we all have to face, Rwandans in particular, is to build a Rwanda that is prosperous, united and democratic, the Honourable Minister said. He further said that cultural elements that unite are important factors of reconciliation, but they must be accompanied with relevant legal and institutional frameworks. The Honourable Minister closed the Conference on the note that the end of a conference is the beginning of the execution of its recommendations.

ANNEX

List of Participants

Eminent Persons

Ambassador ret. Mr. Harald Ganns from Germany
ME Roelf Meyer from South Africa
Honourable Ms Nora Schimming-Chase from NAMIBIA

Representatives of the Supreme Court

H.E Simeon Rwagasore, the President of Supreme Court
Hon. Aloysie Cyanzayire, President of Gacaca Court
Mr. Andre Gakunde, Supreme Court
Mr. Pie Mugabo S.G Supreme Court

Representatives of the Rwandan Government

H.E. Bernard Makuza, Prime Minister
Hon. Christophe Bazivamo, the Minister of Local Government, Information and Social Affairs
Hon. Dr. J. Damascene Ntawukuriryayo, the Minister of Infrastructures
Hon. Prof. Laurent Nkusi, the Minister of Lands, Resettlement and Environment
Hon. Prof. Romain Murenzi, the Minister of Education, Science, Technology and Research
Hon. Prof. Abel Dushimimana, the Minister of health
Hon. Marie Mukantabana, the Minister of Gender and Women Promotion
Hon. Jean de Dieu Ntiruhungwa, the Ministry of International Security
Hon. Soline Nyirahabimana, the Minister in the President's Office

Ministers of State

Hon. Eugene Munyakyanza, the Minister of State in Charge of Primary and Secondary Education in the Ministry of Education, Science, Technology and Research
Hon. Drocella Mugorewera, the Minister of State in Charge of Forestry in the Ministry of Agriculture, Livestock and Forest
Hon. Dr. Innocent Nyaruhirira, the Minister of State in Charge of HIV/AIDS and other infection diseases in the Ministry of Health

Representatives of the Permanent Commission in Parliament

Hon. Protais Mitali, Security Commission
Hon. Augustin Iyamuremye, Commission of Agriculture and Environment
Hon. Agnes Mukabaranga, the Deputy Secretary of the Parliament

Representatives of National Police

Mr. Frank Mugambage, General Commissioner of Police

Representatives of the Diplomatic Corps & International Organizations

Mr. Robert Luchi, Centre Christus pour la Nonciature
H.E. Ambassador Hans-Dieter Steinbach, German Embassy
Mr. Gregor Schwarzmann, German Embassy
H.E. Hone Gorapp, DFID-UK Embassy
H.E. Deirdre Stoelzle, USA
H.E. Noel Selegzi, USA
H.E. Jeremy Lester, Delegate of the European Union
Ms. Francesca Pavarini, European Union
Mr. Michel Rwamirindi, Swiss Embassy
H.E. Aggriw M.Mbere, South African Embassy
H.E. François Ponge, French Embassy
H.E. Jaffet-Ratemo Getugi, Kenyan Embassy
Mr. Job. E. Elogu, Ugandan Embassy
Ms. Laurie Pearman, THE AM / USA
Prof. Ervin Stanb, THE AM / USA
Mr. Christopher C. Liund, UNESCO
Mr. Gana Fofang, UNDP-Kigali
H.E. Martin Mwakarindire, Tanzania Embassy
Maya Dietz, US Embassy

Representatives of GTZ

H.E. Petra Windisch, GTZ Director
Ms. Arlette Vandenecken, GTZ-NEC
Dieter Magsam, GTZ-Justice
Marco de Swart, GTZ- Civic Education
Aimé Safari Kayinamura, GTZ-NURC

Representatives of the Commissions

Hon. Tito Rutaremara, President of the Legal and Constitutional Commission
Hon. Sylvie Zainabo Kayitesi, National Human Rights Commission
Prof. Karangwa Chrysologue, National Electoral Commission
Hon. Pierre Damien Habumuremyi, National Electoral Commission
Hon. Protais Rumanzi, National Electoral Commission
Hon. Protais Rumanzi, National Electoral Commission
Mr. Gatsinzi (C.Jur. § Const.)
Mr. Roger Migabo, National Electoral Commission

Mr. Sylvie Mboyo, National Electoral Commission

Prefect of the Provinces

Mr. Théoneste Mutsindashyaka, Kigali Ville

Ms. Aloysia Inyumba, Kigali Ngali

Mr. Elise Bisengimana, Cyangugu

Mr. Epimaque Nsanzurwanda, Gikongoro

Dr. Habimana R. Cyprien, S.E a.i Kibungo

Representatives of the Political Parties

Hon. Juvénal Nkusi, PSD

Ms Jacqueline Muhongayire, PSD

Hon. Connie Bwiza, RPF

Hon. Marie Claire Kayirangwa, UDPR

Mr. Laurent Nkongoli , PL

Mr. Augustin Iyamuremye, PSD

Representatives of the Churches

Pastor Ml. Amoni Rugerinyange, Adventist Church

Pastor Mr. Jean Sibomana, ADPR

Mr. François Rwambonera, CPR

Rev. P. Djumr Marcel, EDVR/Kigali

Mr. Elisée Museminali, EPR/Kigali

Rev. Martin Nzaramba, PEER

Representatives of High Learning Institutions

Mr. Christophe Kayumba, UNR

Ms Therese Bishagara, Rector of KHI

Mr. Silasi Seminega, KHI

Dr. Charles Gasarasi, Director of CCM-UNR

Mr. Emmanuel Mazimpaka, UNILAK

Eugene Kandekwe, Kist

Mr. David E. Kivumbo, NURC/Univ. of Nohingham

Mr. J.Paul Kimonyo, CCM-UNR

Representatives of Rwandan Civil Society and other Institutions working in the field of Reconciliation and Democratization

Ms Bernadette Mukarutabana, President of Cladho

Ms Jacqueline Rusiribya, President of Profemmes Twese Hamwe .

Reverend Emmanuel Nsengiyumva, President of Liprodhor

Mr. Florian Ukizemwabo, Executive Secretary of Liprodhor

Mr. Martin Kampayana, Cestrar

Mr. Noel Twagiramungu, Executive Secretary of LDGL
Mr. François Xavier Byuma, LDGL
Mr. Georges Mupenzi, CCOAIB
Ms Elisabeth Onyango, African Right
Ms Laura Nowisar, African Right
Mr. Pascal Mwema Mujiji, Cladho
Dr. Kurt Neudek, LLM / Ded
Mr. Christophe Sebudandi, LDGL
Mr. Vachel Miller, Advancing Healing & Reconciliation
Ms Elisabeth Powley, Women Waging Peace
Mr. André Ndejuru, IRC
Mr. Gevel Hankel, HIS
Mr. Mohamed Bizimana, Care International
Mr. Kladoum Nadjaldougar, Ded
Mr. Mugesera Antoine, Ibuka

Representatives of Media

- Mr. Nathan Miller, Inter News
- Mr. Mayer Steitz, Inter News
- Ms Radha Webbeg, Inter News
- Ms Annette Birungi, Radio Rwanda
- Mr. Alexis Bamage, Afrique Express
- Mr. Steven Ndizeye, New Times
- Ms Molly Kayitesi, Rwanda Television
- Mr. Valens Habiyaremye, Kinyamateka
- Mr. Jules Karera, Journalist
- Mr. Claver Dusabimana, Journalist
- Mr. John Wangul, The New Times
- Mr. Serge Aimé Gapasi, Orinfor
- Mr. Twagira Wilson, Ishakwe
- Mr. J.M. Vianney Said] Asenge, Journalist
- Mr. Emmanuel Rushingabigwi, Journalist-Interpreter

Other Representatives

- Mrs Urusaro Alice Karekezi, Moderator
- Mr. Antoine Rutayisire, Moderator
- Ms. Justine Uvuza, Migeprofe
- Mr. Faustin Murangwa, Researcher
- Mr. Almouh Shellpeper, Researcher
- Mr. Hibert Kirongozi, Farmapu-Inter
- Mr. Patient Sayiba,
- Cabinet Haguma & Associés
- Mr. Nzeyimana Michel, photographer
- Ms Jennifer Klois, Jonas Foundation Bad College
- Ms Jennifer Wibabara, Fawe Rwanda

- Ms. Jackie Rwigamba
- Mr. Ngabo Amiel

Representatives of the NURC

- Dr. Jean Baptiste Habyarimana, the President of the NURC
- Ms Fatuma Ndongiza, the Executive Secretary of the NURC
- Hon. Protais Mitali, Member of the NURC
- Dr. Rose Mukankomeje, Member of the NURC
- Mr. Patrick Mazimpaka, Member of the NURC
- Ms Mathilde Kayitesi, Member of the NURC
- Col. Anselme Nshyizirungu, Member of the NURC
- Fr. Emmanuel Kayumba, Member of the NURC
- Mr. Alphonse Bakusi, Director General of the NURC
- Mr. Edouard Nkurayija, Director, Civic Education Development, NURC
- Mr. Omar Ndongiza, Director, Community Initiative Department, NURC
- Mr. Alex Mugabo, Director, Administrative & Finance Department, NURC
- Mr. Franc Kobukeye, Conflict Mediation Department, NURC
- Mr. Charles Higiroyo, Peace and Leadership Department, NURC