UNDERSTANDING AND FIGHTING GENOCIDE IDEOLOGY

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The Rwanda genocide ended the twentieth century on a note of unimaginable evil. It is only reasonable that understanding and fighting genocide ideology is given high priority by African governments, the African Union and the international community. Genocide in history is not new. Genocide happened before the 1994 Rwanda crisis and it can happen again in the future if appropriate preventive measures are not taken. In case we forget, the first genocide of the twentieth century happened in 1904-07 with the Herero massacre in present day Namibia by German colonial forces. To some keen observers, there are early warning signs suggesting that genocide, in a slow motion, is now happening in Africa.

Every culture and religion recognizes the excesses human beings are capable of, especially when fear of losing their rights, property, respect or dignity is involved. Conversely every leader recognizes the potential for mass hysteria and employs the tools to sharpen such protests through manipulation of the ordinary peoples’ fear.1 In law, every person, except minors, lunatics, and those with other forms of legal disability, is individually responsible for their acts or omissions.

The ordinary person, through his or her acts or omissions is an active player, and not merely the victim of demagogues, whether he or she takes a conscious decision to participate in mass violence or not. The law recognizes the role an individual plays in the commission of crimes and provides punishment proportionate to such roles. In the case of genocide, there is responsibility and punishment of an individual for his or her actions, and where he or she did not personally kill, rape or torture he or she will still be responsible for planning, instigating or aiding and abetting the principal perpetrators. An individual is also responsible for acts of omissions. If he or she is a superior, he or she is responsible if he or she knew or had reasons to know that a crime was about to be committed and if he or she failed to prevent or after the crime, to punish the perpetrators.

The ICTR has applied these legal principles and found accused persons responsible for the crime of genocide by omissions and by joint criminal enterprise under Article 6(1) of the ICTR Statute. The ICTR has convicted superiors (notably, a Prime minister, cabinet ministers, governors (prefects), mayors (bourgermestres), the clergy and journalists) for acts or omissions of their subordinates if they knew or had reasons to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof as stipulated in Article 6(3) of the ICTR Statute.

Many political leaders in Africa look the other way when serious crimes are committed by their subordinates or by government officials including senior members of that government or of the ruling party. Therefore it is important to emphasise that ‘good’ people who are in some hierarchical relationship with the perpetrators of the crimes who

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2 Prosecutor v Joseph Serugendo, Case No.ICTR-2005-84-I; Prosecutor v Vincent Rutaganira, Case No. ICTR-95-IC-T and Prosecutor v Joseph Nzabirinda, Case No. ICTR-2001-77-T
3 Prosecutor v Aloys Simba, Case No.ICTR-01-76.
4 See Prosecutor v Jean Kambanda, Case No. ICTR-97-23; Prosecutor v Jean de Diew Kamuhanda, Case No. ICTR-99-54; Prosecutor v Jean Paul Akayesu, Case No. ICTR-96-4; Prosecutor v Emmanuel Ndindabahizi, Case No. ICTR-01-71; Prosecutor v Eliezer Niyitegeka, Case No. ICTR-96-14.
opt to do nothing, or are indifferent to potentially criminal events unfolding around them, bear individual criminal responsibility and they could be prosecuted by national or international courts, even if in the future, as these crimes have no statute of limitations. The ICTR jurisprudence is a good starting point at which we can understand the responsibility of political and military leaders in particular, and the role of the population at large, and to use that knowledge to fight genocide ideology. This is one of the fundamental legacies of the ICTR, that it points the way for prosecution of those in positions of responsibility that look away and fail or refuse to prosecute their subordinates over whom they have power for commission of serious crimes. This jurisprudence, coming out of an African tragedy, by an international judicial bench composed of many Africans and based in Africa is a major turning point on the scope and responsibility of good leadership. It’s potential to spill over into national jurisprudence both civil and criminal jurisdictions, is high. The ICTR jurisprudence is an important legal contribution to international criminal justice system coming from Africa.

The choice of this year’s theme for commemoration of the Rwanda Genocide is aptly titled: Understanding and Fighting Genocide Ideology. The theme provides us with an opportunity to reflect on the real or perceived causes of genocide. These perceived or real causes of genocide provide the foundation for the peddling of genocide ideology by extremists in our society. What then is genocide ideology? Whether genocide is an actual ideology or not is debatable but it certainly is a developing stream of ideas rooted in fear

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5 An ideology is an organized collection of ideas. The word ideology was coined by Count Antoine Destutt de Tracy in the late 18th century to define a "science of ideas". An ideology can be thought of as a comprehensive vision, or a set of ideas proposed by the dominant class of a society to all members of this society. The main purpose behind an ideology is to offer change in society through a normative thought process. Ideologies tend to be abstract thoughts applied to reality and, thus, make this concept unique to politics. Ideologies are very common in the world of politics. David W. Minar describes six different ways in which the word "ideology" has been used: (a) As a collection of certain ideas with certain kinds of content, usually normative; (b) As the form or internal logical structure that ideas have within a set; (c) By the role in which ideas play in human-social interaction; (d) By the role that ideas play in the structure of an organization; (e) As meaning, whose purpose is persuasion; and (f) As the locus of social interaction, possibly. For Willard A. Mullins, an ideology is composed of four basic characteristics: (a) it must have power over cognitions; (b) it must be capable of guiding one's evaluations; (c) it must provide guidance
and thirst for power usually in the context of a history where the people are of different origin. Genocide is an extermination or destruction of the other who has been part of a whole but is now being separated and targeted as an enemy (and man’s gut reaction to the enemy, as we have learnt through history, is to eliminate the enemy). So the genocide idea or ideology begins with the process of identification and stigmatization of the ‘other’ that is, labeling of the ‘other’ and eventually the separation of the ‘other’ from the rest of ‘us’. The cumulative process of segregation of the ‘other’ is initiated by the political leadership and disseminated through various means including addressing the public at political rallies, teaching students at schools, universities and other institutions of learning and indoctrinating the general public including party militants through the radio and television broadcasts; and dissemination of disinformation and propaganda through print and electronic media. The ‘other’ is presented by ‘us’ as dangerous, unreliable, and, like a dangerous virus, must be destroyed.

The separation of ‘us’ from the ‘other’ or ‘them’ is through racial or ethnic segregation which may then result in internment, lynching, proscription or exile. The process of separation begins when political leaders start to brand a section of their own population as the ‘other’, ‘these people’, ‘enemy of the State’, ‘enemy of the people’, ‘security risk’, ‘rebels sympathiser’, ‘accomplice’, ‘cockroaches’ ‘inyenzi’, or similar derogatory remarks. Cultural or racial branding like ‘atheist’, ‘communist’, ‘Muslim’, ‘Christian’ or ‘white’, ‘black’ or ‘Arab’ have also been known to have been used. The result of the separation of ‘us’ from the ‘other’ by the political leadership is the process through which Genocide Ideology evolves. These examples of the early warning signals at the formative stages of Genocide Ideology are not exhaustive. Extremists are very resourceful people and are constantly inventing new ways and vocabularies for identifying, stigmatizing and dehumanising the ‘other’. Once the ‘other’ is sufficiently stigmatized and dehumanised, it

6 The legal definition of genocide is found on page 6, foot note 9.
becomes easy, and even necessary for ‘us’ to massacre ‘them’ without any sense of guilt or remorse. Every African will recognize some or all of these processes either in their own national histories or elsewhere.

Yet, it is not possible to construct the ‘other’ before establishing the identity of the ‘us’. The political leadership ensures that the public understands that the ‘us’ is more superior, intelligent and deserving of a better life, with higher dignity and respect than the useless and backward ‘others’. When the political situation is reversed or other circumstances in the State structure change, sometimes the previous ‘us’ becomes the new ‘other’. This new situation creates a change in the oppressor-victim relationship. It is therefore foreseeable that former victims may opt for self-help and other acts of revenge. How can the law deal with such situation and discourage or prevent the use of political demagoguery?

To address, at an early stage, the causes of genocide ideology, and the political environment which make victims become killers or seek revenge, it is important to understand how the ‘ideology’ of genocide becomes part of the dominant discourse of a society where the ‘other’ is terrorized by the ‘us’ into silence. The hand of the State is never far from any genocide or mass killings. The State plays a major role, either as active participant or silent supporter, accomplice or collaborator. To commit the crime of Genocide, considering the scope and magnitude of mass murder that is required for it, also needs a monopoly of arms, of propaganda, of terror, of resources, of power. Only the State in modern history possesses such resources. To that extent, without the participation, complicity, collaboration or corroboration of the State, it is most unlikely that any group of individuals can commit the crime of genocide.7

7 At the conceptual level, it is possible that genocide may be committed without the support or acquiescence of the State. In such circumstances the crime of genocide is committed by non-State actors acting outside the State structure because they have more authority or influence than the formal State. The ‘genocide’ committed in Eastern Democratic Republic of the Congo is one such example.
Crimes of genocide have, in the past, been committed when the State refuses, declines or fails to meet its responsibility under both national and international law. The first duty of the State is to protect its entire citizenry without discrimination. Genocide or mass killing is either a failure of the State in the sense of an omission to protect or it is an act of the State as in commission of genocide and other crimes against humanity. However, as demonstrated by criminal prosecutions taking place at the ICTR in Arusha, the participating citizenry is not entirely blameless either. The active participation of the *Interahamwe* (comprised not of drunken ill-disciplined men but of highly politicised, well-trained, armed youth responsive to the Interim Government’s demands) in the Rwanda Genocide is well documented.\(^8\) The challenge of the law must be the establishment, through active Parliamentary law or judicial law making, of laws and decisions that address the complex circumstances that permit ordinary people to turn against each other in a mass killing spree, and to identify mechanisms for acting on early warning signals to emerging discrimination and discriminatory practices of the State and its functionaries as well as the people themselves. Good governance demands that States’ have a ‘Best Practice’ standard operating procedure to which all member States of the African Union must comply with the possibility of effective sanctions for non-compliance.

After the Second World War the international community recognized the dangers of these practices and adopted laws to prevent the development of a genocide ideology. However, after Europe’s pogroms, genocides and holocausts against each other and against the people they had colonised, they adopted the 1948 Genocide Convention but not much appeared to have changed as is demonstrated by mass killings in the former Yugoslavia. For Africa, if the experiences of Rwanda, Darfur, Uganda, Liberia, Sierra Leone, Democratic Republic of the Congo or Somalia are anything to go by, then Africa has a

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\(^8\) The trial transcript of one of the *Interahamwe* leaders provides the scope and extent the *Interahamwe* participated in genocide. See *Prosecutor v Georges Rutaganda*, Case No. ICTR-96-3.
long way to go notwithstanding that the law has a definition for genocide. Africans must also sit down and agree to stop killing one other.

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

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

At the street level, the discourse on the subject by ordinary citizens is at a different level. It is wrapped in the graph of ‘victimhood’, packaged by the finery of racial, ethnic, religious and geographical trimmings. It is propelled by talk of ‘marginalization’, ‘ethnic, racial or religious discrimination’, of ‘lack of equal access to the national cake’. It speaks the language of power and counter-force, through legal as well as undemocratic and unlawful means. It is this arena of discourse that the State must seriously address. What politicians say to the people, what professional and civil society leaders interpret from the actions of political leaders, what idioms and sound-bytes the media exploits and what language religious and cultural leaders utilize in sensitizing people about the dangers of targeting and segregation of the ‘other’ should be the stuff of concern to African leaders – both political and civic. The lessons of Rwanda relate to ensuring that all Africans do not have to undergo pogroms in order to emerge from the fire of socio-political change.

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9 See Article 2 of the ICTR Statute, Article 6 of the ICC Statute, Article 3 of the Genocide Convention.
Genocide has always consisted of political acts. Since it has been reduced to legal terminology with a legal definition, it has also become a political tool for branding mass killings selectively in different places. Now it has acquired a new global political meaning. This kind of approach masks the root problems of mass killings, especially in Africa. It acquires a new character based on geo-political expediencies of greater powers. There is a danger that we get away from the real issues that spawn genocidal ideologies and, theoretical constructs and cultural positions in order to address them in an African context – especially in the context of a struggle for resources through control of power and need for democratic and equitable access to national resources.

Genocide as an ideology needs to be discussed and understood before it be successfully fought. Dr. Mahmood Mamdani persuasively argues that genocidal violence may not be understood as rational; yet, we need to understand it as thinkable. Rather than run away from it, we need to realize that it is the ‘popularity’ of the genocide that is its uniquely troubling aspect. In its social aspect, Hutu/Tutsi violence in the Rwandan genocide invites comparison with Hindu/Muslim violence at the time of the partition of colonial India in 1947. Neither event can be explained as simply a state project. One shudders to put the words "popular" and "genocide" together, therefore Mamdani puts "popularity" in quotation marks. And yet, one needs to explain the large-scale civilian involvement in the genocide. To do so is to contextualize it, to understand the logic of its development.  

It is mass participation in genocide that makes Mamdani reflect on the absurdity of the “popularity” of genocide, whether it is the Hutu/Tutsi or the Hindu/Muslim tragedy, and further wonder whether genocide “can be explained as simply a State project.” This is a very real concern. The problem is that without the participation of the majority of the

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population as perpetrators, (the killing of Hutu by Hutu as when Hutu nationalists killed ‘moderate’ Hutu as RPF collaborators), or those killed for social reasons (as when poor Hutu killed rich Hutus and Tutsis and appropriated or redistributed their property) and the killing of Tutsi civilians by Hutu mobs, whether or not organised by State authorities, it may not be possible for the State to “successfully” execute genocide. Without the role of the ordinary person in the commission of genocide, whether as a cog in the wheel of genocide, or as a passive participant, such a role must be recognised and addressed as well. It is clear that even in Nazi Germany, with its industrial methods of extermination, the State could not have killed close to 13 million people that included Jews, communists, trade unionists, gypsies and homosexuals without the active or passive participation of the people who either identified themselves with the ‘us’ or turned a blind eye to the atrocities as the ‘other’ were killed. Without public support or indifference of the population, the State’s genocide project is unlikely to be implemented, and in that context, the State’s genocide project may be said to have succeeded. Therefore, the direct or passive participation of the population is essential to the success of genocide and a major component of the State’s strategy. Martin Niemöller, a Protestant pastor and social activist aptly captured the dilemma of a self-centred, selfish and passive participant in mass violence when he wrote:

First they came for the Jews
and I did not speak out
because I was not a Jew
Then they came for the Communists
and I did not speak out
because I was not a Communist
Then they came for the trade unionists
and I did not speak out
because I was not a trade unionists;
Then they came for me
and there was no one left
It is under these conditions of internal State terror, stigmatization and manipulation of the population by the State functionaries into the ‘us’ and the ‘other’ that the failure of the population to protest against acts of the State that the “popular” participations of the citizenry in mass violence including genocide must be understood. This hard reality is not only a lawyer’s brief. It is a leader’s brief; a politician’s brief; and indeed, it is a citizen’s brief. To fight Genocide Ideology, it is imperative that every person must play his or her positive part. Doing nothing or arguing that “I am not a politician” is not the answer. On the contrary, it translates into providing support to the State’s Genocide Ideology and therefore possibly guilty by omission.

In implementing the genocide project, the list of what the State, acting on behalf, and in the interest of ‘us’ decides to do against the ‘other’ is fashioned in terminology based on local realities. What people fail to see are the roots of hatred building up against a section of the community that, instead of being checked, is to the contrary, fuelled by a few power-mongers. The law and culture, and its proscription of anti-people behaviour are put aside. Euphoria is built up and the media joins in. The intellectuals are marginalised or exercise self-censorship by seeking to be seen to be politically correct, religious leaders make weak efforts in public and often take sides in private. The scene is set for a conflagration of unmanageable proportions and at the end we are left to blame each other. The victims become statistics, objects of further political rhetoric in the calls for ‘never again’.

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11 Martin Niemöller (1892-1984). The origin of the poem first began with a speech given by Niemöller on January 6, 1946, to representatives of the Confessing Church in Frankfurt. It is a translation from the German language. Since then, the contents have been altered to fit the political climates and social moods of the people at the time. Niemöller himself came up with different versions, depending on the year. The most famous and well known alterations are perhaps those beginning “First they came for the Jews” cited in this paper. See http://www.history.ucsb.edu/marcuse/niem.htm. (Last visited on 3 April 2007.)
The Rwandan genocide raises many difficult questions regarding the nature of power, governance, political ideology and socio-economic management of society that African leaders and African intellectuals must discuss and seek solutions for. Rwanda is a small country and densely populated. The inability to control the rapid demographic increase created land-shortage and led to potentially explosive social disorders. By 1990, over one-quarter of the entire rural population was landless; in some districts, the figure reached 50 per cent. Not only was poverty on the rise, but so was inequality. Scarcity of resources, among other reasons, led the organisers of the genocide to use ideology to bring the majority Hutu to fear and hate the minority Tutsi. The extremists used the institutions of the State to transform the fear and hate into the myriad acts of hunting, raping and killing that made up the genocide. In addition, the extremists used, among other media outlets, the radio to disseminate propaganda alleging that Tutsi were foreign to Rwanda and had no right to live there; alleging that despite the 1959 revolution, Tutsi continued to enjoy higher status and greater wealth than Hutu and were in some way responsible for continuing Hutu poverty and alleging further that Tutsi posed a danger to Hutu, who were always the victims, whether of Tutsi military power or Tutsi cunning (use of their women to seduce Hutu, use of their money to buy Hutu), and so Hutu had a right and a duty to defend themselves. Such allegations set the ideological stage for the acceptance that the killing of Tutsis was justified and the right thing to do. Some Hutu men found it easy to kill their Tutsi wives and not feel guilty or have sense of remorse. This is evidence of the total success of Genocide Ideology as inculcated in the minds of Hutus by their political leaders and one of the possible explanations for the “popularity” of genocide.

Dr. Alison Des Forges correctly observed that mobilizing thousands of Rwandans to slaughter tens of thousands of others required effective organization. Far from the ‘Failed

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State’ syndrome that appears to plague some parts of Africa, Rwanda was too successful as a State. Extremists used its administrative apparatus, its military, and its party organizations to carry out “cottage-industry” genocide that reached out to all levels of the population and produced between five hundred thousand and one million victims. The effective dissemination of Genocide Ideology created conditions which the extremists used to mobilise the land-less and disaffected members of the Hutu community to view all Tutsis, both inside and outside the territory of Rwanda, as the “enemy”, that is, the ‘other’, and accomplice or Inyenzi, and all Hutus were the ‘us’, the victims of Tutsi domination. In Darfur today, States and Human Rights Organisations are divided on whether or not genocide is taking place. The United Nations Commission on Darfur has denied that there is genocide. The primary armed struggle between the Janjaweed (militia known to be supported by the Government of Sudan) and the settled farmers, and the resultant war crimes and crimes against humanity perpetrated against the people has its roots, among other reasons, in an intense struggle over diminishing resources in the Sahel, a situation that is exacerbated by an intense drought. No large scale armed conflicts have yet been found outside the context of a power struggle over resources or for the capture of political and economic power

While there is no consensus among legal scholars on the definition of genocide ideology, there are some identifiable acts, conducts or omissions of political, military or administrative leaders, including acts, conducts or omissions of religious leaders and media practitioners as described above that play major roles in the planning, preparation and execution of the State’s genocidal policies. These acts or conducts include stigmatizing and dehumanising the targeted group, as in the case of Rwanda when Hutu extremists identified all Tutsis as “cockroaches” and thereafter the killing of Tutsis did not have moral or legal consequences. The history of Rwanda was successfully

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manipulated by the Hutu leadership to create a “them” and “us” culture.\textsuperscript{15} This ideology was then used by the perpetrators, their allies and other national and foreign collaborators to rationalise and justify genocide.\textsuperscript{16}

Although individual motives for participating in acts that result in committing crimes of genocide may be varied, ideology provides an overall sense of direction to what should be done and imparts a sense of purpose and intent to individual perpetrators. It is a fact that some Hutus killed Tutsis who were their neighbours or known to them personally because they wanted to take over their land, cows or simply to settle old scores. The context of genocide provided to these Hutus the opportunity to engage in mass slaughter at the individual level. However, since genocide is a crime of State, in that the planning, organisation and implementation is initiated and directed by State organs and functionaries, the overall perception, attitude, behaviour, and decision of the central political leadership are decisive factors in the propagation of genocide ideology.\textsuperscript{17} The individual perpetrator is for all practical purposes embedded within the State’s genocide strategy. The level at which the individual perpetrators participate is significant to the extent that crimes of genocide never develop from the “bottom up” but are always “top down” affairs. On the other hand, without the “bottom” the plans of genocide articulated by those at the “top” cannot be implemented. Therefore, the political and military leadership, having indoctrinated the population on the usefulness and relevance of genocide, among other things, issue orders for genocide to begin. The ordinary citizen, for his part, dutifully plays his role.

There are two broad conditions that allow genocide ideology to succeed. First, the

\textsuperscript{15} Gerard Prunier, \textit{The Rwanda Crisis – History of Genocide} (Fountain Publishers Ltd, 1999).


\textsuperscript{17} \textit{The Prosecutor v Jean Kambanda}, Case No. ICTR-97-23-S. In the guilty plea, Jean Kambanda, Prime Minister and Head of Government of the Rwanda Interim Government in 1994, admits that the planning, organization and execution of the genocide were acts of State to which, as Head of Government, he was individually criminally responsible. See para. 39.
process and context in which political and military leaders formulate and articulate policies that underpin genocide ideology without opposition from the general public, national and local institutions including universities and Bar Associations, the local print and electronic media. Second, the political, diplomatic, and financial support the genocidal State receives from international organisations, foreign States and multinational corporations through direct participation, complicity, corroboration or indifference to the fact that the State is a necessary pre-condition for committing genocide. In this context, crimes of genocide are often committed when ‘good’ or responsible people do nothing, due to lack of knowledge, interest or indifference, or when States that are in a position to act, decline to do so, or refuse because the affected country has no strategic relevance to their overall security interests, as was the case in Rwanda.

Taking the first category first, in the Rwandan context, the political and military leadership began to formulate and articulate genocide ideology in 1959 when the first recorded mass killings of Tutsis by Hutus took place. The perpetrators were not prosecuted either before national or international courts. No State condemned the behaviour of Kayibanda’s political party as they used genocide to gain political and military power. Once in office, the Kayibanda regime was received by the international community and allowed to join the United Nations without any question asked. Those responsible for the mass killings of Tutsis during the 1962-65 period, and later killings in 1973 were not prosecuted. The Hutu leadership were therefore surprised when the United Nations established an international tribunal to prosecute them for the mass murder of Tutsis in 1994. The Hutus have always killed Tutsis at levels that could have been considered genocide and got away with it because nobody cared. A precedent was set in which the mass killings of Tutsis by Hutus became “normal” and was conducted at

18 Gregoire Kayibanda led Rwanda’s struggle to become independent from Belgium and for the overthrow of the Tutsi monarchy. Kayibanda, an ethnic Hutu, founded the PARMEHUTU party (Parti du Mouvement de l’Emancipation Hutu). His successful campaign brought his ethnic group, the majority ethnic group in Rwanda, to power. Kayibanda served as President of Rwanda from 1962 when he was elected after independence, until July 5, 1973, when he was overthrown by his friend, defence minister Major General Juvenal Habyarimana in a military coup. Kayibanda and his wife were starved to death by Habyarimana’s regime in a secret location.
regular intervals. It is this mind set that makes it difficult for the political and military leaders who planned and executed the 1994 genocide to understand what the fuss is all about in prosecuting them for performing their ‘normal’ duties of killing Tutsis. Given another opportunity, the perpetrators now being prosecuted before the ICTR would go back to Rwanda and continue killing Tutsis from where they stopped in July 1994.

Second, there were a number of States that cooperated with the Interim Government in 1994. Before and during the genocide, the Interim Government continued to get political, diplomatic and economic support from the cooperating States. Many States that had embassies in Kigali did not close their embassies or break off diplomatic relations with Rwanda to show their disapproval of the conduct of the Interim Government. States that continued to have diplomatic representation in Rwanda included a number of African countries. Diplomatic representation continued to give to the Interim Government confidence in those States, particularly as Rwanda continued to represent the African continent in the Security Council at a time when genocide was at its peak. The Organisation of African Unity, a predecessor to the African Union did not suspend Rwanda from the organisation. This conduct sends the wrong signal to genocidal States. Even when it was public knowledge that many civilians were being killed for the only reason that they were Tutsis, a number of States, including African States, continued to provide arms and ammunitions, economic and diplomatic support to the Interim Government. Some States went the extra mile and conspired with the Interim Government in mass murder by training the Rwanda Armed Forces (FAR) and the Interhamwe. Support was as well extended by some States to the Interim Government through omission. Many States simply did not care about Rwanda as it had, and still has, no geo-political strategic relevance or natural resources like oil, gold or uranium which

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could interest them.\(^{22}\)

The behaviour, conduct and attitude of States towards a genocidal State are crucial in preventing or halting genocide, if mass murders have already started. I cannot speculate as to whether if States had acted responsibly and broken off diplomatic relations with the Interim Government, imposed sanctions and did not sell arms and ammunitions to Rwanda, even if the 1994 genocide would not have been prevented, the number of persons saved would have been dramatically increased. Gen. Dallaire concurs and stated that if the United Nations had given him a robust mandate, his troops would have saved many more Tutsis and moderate Hutus.\(^{23}\)

What are the lessons Africa can learn from the Rwanda tragedy? In the immediate post-colonial Africa, every major conflict has a resource reason buried deep down in its belly: Land, water, timber and minerals are the main reasons for African conflicts today from Sierra Leone to Somalia, from Mauritania to Angola. The armed conflicts between settled peasants and their lifestyles and the pastoralists and their lifestyles in the Horn of Africa, in the Sahara and the Sahel, in Southern Africa represent some of the major conflicts today. Similarly the struggles for mineral resources represent the struggles in Southern and Central Africa and the situation is extreme in the Democratic Republic of the Congo.

Some scholars have argued that in Rwanda the genocide ideology was long in the making and was rooted in the peasant/pastoralist, Hutu/Tutsi, worker/idler dichotomy where all national economic and development policies were being tuned towards the peasant producer, tiller of the land, worker, supporter of the revolution against the allegedly pastoralist or feudalist Tutsi who was not a worker, not a tiller of the land and therefore a


foreigner and an enemy of the revolution. The evidence was in the public domain for those who wanted to see. In a number of African countries today, the evidence of genocide ideology is in the public domain, but the powers that be refuse to see and act on it. The Nazis and the Khmer Rouge used similar ideological constructs to brand the Jews and the non-communists respectively. In both Germany and Cambodia, the evidence of genocide ideology was in the public domain but people refused to see and act on it. Those who see the evidence for what it really is are often called alarmists and accused of over-reacting.

What can and should the African political leaders, the civil society – whether in business, in the Church or Mosque, or the NGO and human rights activists, the media managers and the university dons – do? What are those challenges and how should they translate into policy and law? How should national and regional State structures develop as a response to genocide ideology?

Besides the now well worn-out responses like adoption of all international law and conventions, adoption of good governance and anti-corruption principles and establishment of related institutions, what other specific socio-legal, political and cultural mechanisms must we take upon ourselves to promote further the unity of Africans around values that resonate with our innate humanity from the past? These are weighty matters that must occupy the hearts and minds of African policy makers as they underpin our prosperity and capacity to pull develop and our people out of the misery of poverty, disease and early death without ever having the opportunity of tasting the reality of a life that is, at the very least, in consonance with human dignity.

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24 Philip Vervimp “Peasant Ideology and Genocide in Rwanda Under Habyarimana”, *Journal of Genocide Research*, November 2000,
Ethnicity will not disappear soon in Africa given our colonial history of the politicization of race, class and ethnicity, and the selective rewarding and economic benefit to a few against the interests of the majority based on such ethnic, racial and class criteria. There is an on-going challenge with privatization, globalisation, the death of socialism and shunning of socialist ideals, the marginalization of egalitarian ideas rooted in social worth and equity and the rejection of most African customs, values and family structures. These factors have exacerbated or halted prompt and effective response to genocide ideology. These differences, including focusing on individual rather than group rights, have been taken to an extreme length, resulting in breeding segregationist ideals leading to power struggles, coups, election rigging and denial of political space to the ‘other’ as the ‘us’ continues to monopolise State power and the means of inflicting violence on the ‘other’.

Continued control of State power using all means necessary often results in an acute politicisation of ethnicity and the rise of repression on the one hand and resistance on the other. The signs are always there for the keen observer to notice. When political and military leaders begin to address a section of society as cockroaches, pigs, criminals, backward elements, biological substance, etc., it is important that these utterances are taken seriously as warning signs suggesting that that part of the population is being classified as the ‘other’. These express classifications are a prelude to genocide, signifying that genocide is being gradually implanted in the minds of the unsuspecting population. Left to continue unabated, unchallenged and unrestrained, this behaviour will snowball into a fully-fledged Genocide Ideology.

In view of the human rights jurisprudence read together with the jurisprudence developed at the ICTR, ICTY and Special Court for Sierra Leone, should the Courts take greater liberty in interpretation of social policies, read into legislation the requirement for social justice and re-interpret law in consonance with social equity and fair distribution of natural and other resources in order to counter the development of genocidal ideologies?
How should such processes occur and what are the limits of social change through law and legal interpretation?

Efficient nation building and the treatment of citizens on an equal, fair and non-discriminatory basis (the essence of good governance) is a positive counter mechanism to the rise of segregationist ideas. All ethnic groups in a State should in theory and practice feel represented in government and other State institutions. Loyalty must be to the State and not to particular ethnic groups or only to governments of the day simply because the leadership of that government is predominantly from one’s ethnic group. Political and military leaders must therefore treat their citizens in a manner that they themselves wish to be treated after they have left office. Abuse of judicial process by prosecuting the ‘other’, or opposition leaders or former Heads of States without sufficient evidence or reasonable cause undermine efforts to fight Genocide Ideology.

The ICTR is in a sense recording, through evidence put before it, the history of the Rwandan genocide. The record of the ICTR is, and will continue to be a valuable source of Rwanda’s history, particularly the history of the 1994 genocide. However, questions will continue to be asked about whether the ICTR records the real history of the Rwanda genocide; whether the evidence is authentic and all encompassing; whether the evidence negates other interpretations. The ICTR records will also be questioned about whether judges considered and evaluated all the facts and arguments on both sides. Considering all relevant factors from the decisions and judgements of the ICTR, can the history of the genocide be treated as the only version of the truth? Will the ICTR judgements debunk, authoritatively, the theory of “double-genocide” now peddled by revisionist historians and some accused persons before the ICTR?

These are important questions that must be addressed in the process of fighting Genocide Ideology. While the ICTR may not be the only forum, it is the best that is available,
possessing an international standing and acceptability to authoritatively record the history of the Rwanda genocide. The ICTR is an impartial body conducting free and fair trials that meet the highest international standards in prosecuting those most responsible for genocide in Rwanda. Jean Kambanda, Prime Minister of the Interim Government, pleaded guilty to committing genocide. The process was transparent and there was no pressure put on Kambanda to plead guilty. The facts which formed the basis of Kambanda’s guilty plea were studied and agreed upon by Kambanda and his lawyers. It is an authoritative record of the Rwanda Genocide detailing the role the Interim Government played in planning, organising and executing genocide throughout Rwanda. On appeal, the Appeals Chamber confirmed the factual findings of the Trial Chamber and all the facts stipulated in the guilty plea agreement between Kambanda and his lawyers on the one hand, and the Office of the Prosecutor, on the other hand. After the Kambanda guilty plea, five other accused persons, freely and in a transparent manner without any duress or promise, pleaded guilty. The facts of each of the five guilty pleas, read together with Kambanda’s, constitute authoritative record of the history of the Rwanda Genocide. The history of the Rwanda genocide can be gleaned from the ICTR Trial and Appeals Chambers’ decisions and judgments. The records of the ICTR conclusively and authoritatively demonstrate that the theory of double genocide is not supported.

In conclusion, I submit that it is not only important, but necessary to domesticate decisions and judgments of the ICTR. Knowledge of conditions that lead to genocide is helpful and can be used to fight genocide ideology. It is our collective responsibility to ensure that at the national level, the jurisprudence of the ICTR is understood and used as one of the tools for effectively fighting Genocide Ideology. We must recognise the State’s internal propensity for abuse of the monopoly of power and its use against the

25 Prosecutor v Jean Kambanda, Case No. ICTR-97-23-A
26 Prosecutor v Georges Ruggiu, Case No.ICTR-97-32-I; Prosecutor v Omar Serushago, Case No. ICTR-98-39-S; Prosecutor v Joseph Serugendo, Case No.ICTR-2005-84-I; Prosecutor v Vincent Rutaganira, Case No. ICTR-95-IC-T and Prosecutor v Joseph Nzabirinda, Case No. ICTR-2001-77-T
people. To counter this inherent difficulty, it is suggested that our Constitutions and laws establish adequate and self-managing monitoring and checking mechanisms that act as an early warning system to the rise of a genocidal ideology or any other tendency that can lead to crimes against humanity. Such a system, with the assistance and support of the African Union for example, should incorporate within it independent institutions through which the citizens can intervene to raise the alarm against segregation and targeting of a section of the population as the ‘other’.

I propose that such arrangement be external to the other arms of governance, with the judiciary having additional powers to interpret and restrain actual or potential mischief brewing in the society. African States would benefit by creating propaganda mechanism aimed at warning the people that State functionaries can also become monsters. Such self-governing mechanisms arouse citizen consciousness to remain vigilant against the self as well as against others who profit from death and destruction. Domesticating international jurisprudence taken from African situations like Rwanda, Uganda, Sudan, Democratic Republic of the Congo and Sierra Leone, to name but a few, and establishing national and regional policies, with laws against hate speech, anti-discriminatory behaviour, for equitable measures in resource allocations, checking of abuse of power, controlling ethnic, religious or other segregationist mass social arrangements is perhaps one of the best ways of telling ourselves “Never Again”.