
Ethnicity, Inequality, and Democratic Legitimacy in Contemporary
Rwanda: A “What’s the Problem Represented to Be?” Policy
Analysis of the Rwandan Constitution from 2003

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Abstract

Since the end of one of the worst genocides in modern times in 1994, Rwanda has made significant social and economic progress. Led by President Paul Kagame and his ruling party the Rwandan Patriotic Front (RPF) since 2000, Rwanda has made big steps towards stability and security. However, political repression and restrictions on freedom of expression are still present in Rwanda today. Thus, a contested view of the current President and Government has been formed, as the political support for the regime suggests that they enjoy a big amount of democratic legitimacy, while critics define the regime as an authoritarian regime. The Rwandan Government's approach to deal with the aftermath of the genocide is the main concern in this thesis, as this can help explain how this contested view has come about.

Ethnicity has played a major role in the 1994 genocide, which is why this thesis sets out to do a policy analysis, investigating how the framing of ethnicity in the Rwandan Constitution from 2003 has helped Kagame and the RPF to deal with issues of inequalities resulting from the genocide and to obtain democratic legitimacy, while at the same time exploring how this approach to ethnicity has resulted in other forms of inequality present today. The applied method is the WPR approach to policy analysis introduced by Carol Bacchi. Through six questions, this method helps critically analyse what the problem of ethnicity is represented to be, what the underlying assumptions are, where it comes from, what the silences are, which effects it produces, and how it can be replaced. Various theoretical frameworks are applied to explain issues of ethnicity, inequality, and democratic legitimacy.

The thesis finds that the Rwandan Constitution deals with inequalities by applying a colour-blind approach to ethnicity, in which grounds for divisions and inequalities are eliminated through the eradication of ethnicity. However, this representation of ethnicity fails to directly address issues of division, discrimination, and inequality, as issues of divisions along ethnic lines are still present in Rwanda today. Furthermore, freedom of expression and political equality are sacrificed in order to reduce ethnic divisions and obtain more just outcomes for all, meaning that the democratic legitimacy enjoyed by the current Kagame and the RPF is obtained through ensuring equal and just outcomes rather than just procedures for all, pointing to a lack of equality of opportunity.

Lastly, the thesis proposes that replacing the current representation of ethnicity with a more ethnic-conscious approach will provide the Government the opportunity to address issues of division and inequality and create a more open and equal political sphere which, in turn, will reinforce their democratic legitimacy and dissolve the current contested view of the Government as an authoritarian regime.

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Appendix A: The Constitution of the Republic of Rwanda (2003)

1. Introduction

Genocide is considered one of the greatest crimes under international law, as it posits one of the gravest crimes against humanity, namely the intent to exterminate an entire group of people (Legal Information Institute). As one of the gravest crimes of all, it can affect whole societies. Intractable conflicts and violence destroy relationships and sow distrust, hostility, and fear among citizens and groups in society (Burgess, 2003). Thus, the process of transforming such a society and establishing new grounds for stability and security can be very difficult.

The 1994 genocide of Rwanda has been categorised as one of the worst genocides in modern times. It was a conflict between ethnic groups within the country which resulted in extremist Hutus killing 800,000 Tutsis and moderate Hutus, inevitably destroying a country and the relations within it. In the following years, Rwanda has fought to rebuild itself as a peaceful and prosperous nation (Mugabi & Fröhlich, 2019), with remarkable results. Rwanda has experienced great economic growth rates, an increase in gender equality (Keffler, 2019), a decrease in poverty, and overall improvements in living standards (The World Bank). This incredible development has come about due to the political reforms implemented by President Paul Kagame and the Government led by his party: the Rwandan Patriotic Front (RPF). The RPF was the former rebel movement led by Paul Kagame, which consisted of Tutsis that managed to overthrow the former Government and end the genocide in 1994 (Moltke & Turner, 2014). Thus, Kagame is celebrated by many as a visionary leader that has brought peace, stability, and progress to the state of Rwanda (Okello, 2017).

However, Kagame and his Government have in recent years been criticised for undermining democratic values and being a democracy in name only, as critics identify Rwanda as an authoritarian regime (Twagiramungu & Sebarenzi, 2019). Human Rights Watch blames the Government for exerting control of the political space through restrictions on freedom of speech and political repression of any party or individual who may criticise or in any other way hold opposing views to that of the Government (Human Rights Watch). These facts have led the Freedom House to rank Rwanda as 'not free' in its 2018 report (Twagiramungu & Sebarenzi, 2019). Due to this political control by the Government, it has been argued that Kagame is intending to create a one-party state controlled by the RPF (Moltke & Turner, 2014). The RPF has been in power since the end of the genocide, and Paul Kagame continues to hold the position of President since he took hold of it in 2000, and with an amendment to the constitution in 2015, Kagame could potentially remain in power until 2034 (Cascais, 2020). However, despite this criticism and condemnation of the Rwandan Government and Kagame, it should be noted that Kagame won the last election in 2017 with almost 99 percent of the votes (Burke, 2017), emphasising the popular support for his regime.

This contested view of the Rwandan President and Government leads one to question how Rwanda has dealt with the aftermath of the genocide, as progress has been made in relation to economic progress and stability, while other issues of inequality and freedom are still salient as immense problems in society (Twagiramungu & Sebarenzi, 2019). It also leads to an interesting question of how the democratic legitimacy of the current Government is created and consolidated throughout society.

One of the highly controversial approaches undertaken to address the atrocities of the genocide and to lead the country to more security and stability has been the creation of a new national identity as this has been considered necessary to unite and reconcile the Rwandan people in the aftermath of the genocide. The main point of this approach is that every citizen of Rwanda should identify himself along the lines of the national identity as Rwandese and that any ethnic categorisation of Tutsis, Hutus, and Twa no longer exists (Moltke & Turner, 2014). This approach is made very clear through the framing of ethnicity in the Rwandan Constitution, which was created and adopted in 2003. Here, the fighting of genocide practices and genocide ideology is explicitly addressed with a certain emphasis on the eradication of ethnicity (Clay & Lemarchand). Thus, the Constitution of Rwanda created in the aftermath of genocide provides great insight into how the current Government has used ethnicity to gain credibility as a government and address the problems following the genocide, as the issue of ethnicity is believed to be one of the main causes for the grievances experienced during the genocide in 1994. However, it could be questioned how effective this approach has been, considering that issues of inequality and lack of freedoms are still present today.

Considering these arguments, this thesis proposes the following problem formulation:

- “1. How does the framing of the problem of ethnicity in the Rwandan Constitution from 2003 help the Rwandan President Paul Kagame (since 2017) and the Rwandan Government (since 2018) to:
 - A) address inequalities resulting from the genocide from 1994, and
 - B) obtain democratic legitimacy?
2. Why does this framing of ethnicity in the Rwandan Constitution from 2003 create issues of inequality?”

The problem formulation will be answered through six research questions. These questions are derived from Carol Bacchi's 'What's the Problem Represented to be?' approach to be the following:

1. What is the problem of ethnicity represented to be in the Rwandan Constitution from 2003?
2. What deep-seated presuppositions or assumptions underlie this representation of ethnicity in the Rwandan Constitution from 2003?
3. How has this representation of ethnicity in the Rwandan Constitution of 2003 come about?
4. What is left unproblematic in this representation of ethnicity in the Rwandan Constitution of 2003? Where are the silences? Can the problem of ethnicity be conceptualised differently?
5. What effects (discursive, subjectification, lived) are produced by this representation of ethnicity in the Rwandan Constitution from 2003?
6. How and where has this representation of ethnicity been produced, disseminated, and defended? How has it been and/or how can it be disrupted and replaced?

The purpose of this thesis is therefore to analyse how the aftermath of the genocide and issues of inequality have been addressed through the representation of ethnicity in the Rwandan Constitution, and the way this has helped the current Government achieve great results in rebuilding Rwanda as a nation while at the same time analysing how it has contributed to them consolidating power and democratic legitimacy through this process. Furthermore, it is essential to investigate the constitution in order to analyse how and why this particular approach to ethnicity causes implications for the current existing inequalities and lack of freedom in the country.

2. Structure of the thesis

The purpose of this chapter is to give a short overview of the structure of the thesis in order to give the reader a better comprehension and understanding of the thesis.

First, the thesis sets out to introduce the chosen topic along with an explanation for the decision on the problem formulation as well as the chosen research questions which will provide the basis for the analysis and contribute to answering the problem formulation.

Second, the methodological choices and limitations of the thesis will be explained, along with the chosen method of the WPR approach on which the elaboration and structure of the analysis are based.

Third, a short explanation and definition of the various chosen concepts and theories will be provided.

The theoretical framework will include concepts and theories of ethnicity, genocide studies, politics of victimhood, equality, and democratic legitimacy. Some of these will be explained in more detail in the analysis, so as not to risk being too repetitive when applying the concepts in the analysis.

Following the chapter on the theoretical framework, I will analyse the representation of ethnicity in the Rwandan Constitution from 2003 according to the research questions provided by the WPR approach. Thus, the analysis will be divided into six research questions.

Lastly, the thesis will provide a conclusion to the findings in relation to the problem formulation.

3. Methodology

This chapter aims at providing an overview of the methodological approach as well as an explanation for the choices and limitations that have been made in regards to the elaboration of this thesis.

3.1 Research strategy

This thesis is based on a qualitative research approach, which entails an interpretive approach to the research subject with the attempt at interpreting and understanding phenomena in relation to the meanings people ascribe to these. In other words, this type of research aims at understanding the social reality of individuals or groups and is therefore exploratory, as it intends to explain how or why a certain phenomenon exists or operates in a certain context (McLeod, 2019). This thesis aims at exploring how the concept of ethnicity operates in a particular way in the context of the Rwandan society, as the representation of ethnicity as a particular problem in the Rwandan Constitution from 2003, as well as the historical experiences of the country, influences the meanings ascribed to this concept. The creation of these specific meanings will be explored through a critical policy analysis of the Rwandan Constitution from 2003. Furthermore, the thesis aims at exploring how these ascribed meanings have influenced issues of inequality and democratic legitimacy in post-genocide Rwanda. Regarding this, it should be mentioned that there are two main approaches to address inequalities in relation to ethnicity. These two approaches are commonly used to address inequalities and discrimination based on race but in this thesis, they will be translated to the concept of ethnicity, as the concept of race and racism closely relates to that of ethnicity in the case of Rwanda. The first approach emphasises the importance of colour-blindness in addressing and reducing discrimination and inequalities, as this implies that the very existence of ethnicity is disregarded for all people to be treated the same (Ryan, Hunt, Weible, Peterson, & Casas, 2007, p. 618). In contrast, the second approach emphasises the importance of recognising ethnicity as a social construct in order to directly address issues of discrimination and inequality (Möschel, 2014, p. 116). These two approaches will be discussed further throughout the thesis.

3.1.1 The WPR approach

The primary applied method of this project is the *What's the Problem Represented to be* (WPR) approach developed by Carol Bacchi. This method contains a specific approach to policy analysis and evaluation and will be used to analyse the Constitution of Rwanda.

The underlying assumption of this approach is that policies are not just reactions or solutions created to solve problems that exist outside of the policy process. Rather, the government and policies also play an active role in producing problems as specific kinds of problems. Here, Bacchi refers to the notion of problematisation, which describes the activity of the government in policymaking. In other words, for a government to intervene by establishing a certain policy, the government has to target an issue as a problem that needs to be fixed. Therefore, Bacchi argues that problems are created through the way policies present a certain issue as a particular sort of problem (Bacchi & Goodwin, 2016, p. 14-16). In other words, ethnicity is constituted as a specific kind of problem in Rwanda through the way the Rwandan Constitution frames it as such. Framing these issues as particular problems allows for them to be solved in certain ways (Partridge, 2010, p. 12). According to Bacchi, these problematisations need to be examined further to evaluate policies critically, as the way the problem is constituted also affects lives and worlds in a specific way (Bacchi & Goodwin, 2016, p. 16). In the case of this thesis, the way the Rwandan constitution presents ethnicity as a particular problem has therefore determined how this problem is to be solved in Rwanda, which has influenced the lives of the Rwandans and their understanding of the world in a specific way.

Thus, the WPR approach emphasises the need to interrogate the problematisations present within policies by assessing critically exactly what is being produced through policies, how it is being produced, and which effects this has. This analysis of governmental problematisations provides a possibility to make the politics involved in creating a “problem” more visible (Ibid. pp. 14-16).

The WPR approach suggests that proposals for doing something indicate what is thought to need to be changed and, thus, what the “problem” is thought to be. Therefore, the WPR approach can only be applied to material that includes, in some form, a proposal for change or a guide to conduct. This view is perfectly applicable to policies, as they are proposals for change which produce a certain representation of the “problem” they are made to address. The Constitution of Rwanda should be considered a guide to conduct, as it establishes the fundamental principles of legal grounds on which Rwanda is to be governed. Furthermore, it could be considered a proposal for change, as it lays the ground for new principles and legal grounds to be implemented in the aftermath of the genocide. Thus, it becomes evident that it is possible to find implied “problems” in specific policies emphasising that the issue is not how different people problematise an issue, but how the policy problematises the issue which then determines how governing takes place (Ibid. pp. 16-18).

The WPR approach consists of the following six questions through which the identification and interrogation of the problematisations of policies are achieved. As already mentioned, the research questions are derived from these six steps of the WPR approach:

1. What is the problem represented to be in a specific policy?
2. What deep-seated presuppositions or assumptions underlie this representation of the “problem”?
3. How has this representation of the “problem” come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be conceptualised differently?
5. What effects (discursive, subjectification, lived) are produced by this representation of the “problem”?
6. How and where has this representation of the “problem” been produced, disseminated, and defended? How has it been and/or how can it be disrupted and replaced? (Ibid. pp. 19-20).

These questions provide a logical as well as a critical approach to analysing the representation of ethnicity in the Rwandan Constitution from 2003.

This method of policy analysis has been chosen as the most appropriate method in relation to the proposed problem formulation, as this method provides the opportunity to do an in-depth critical analysis of the Rwandan Constitution and its underlying assumptions. It also helps acknowledge the nature and purposes of the policy without taking a critical stance towards the intentions of the actors who have developed and implemented the policy. Thus, this method is helpful in taking a neutral stance towards the Rwandan Government, as it instead focuses on how a representation of ethnicity has provided the Government the possibility of addressing issues of inequality as well as obtaining democratic legitimacy. On the other hand, this method also makes it possible to question the way the problem is presented and the effects it produces, meaning that it can also be used to question how the representation of ethnicity creates issues of inequality. Thus, this method is considered the most appropriate as it provides the opportunity to understand and acknowledge how and why a problem is presented in a certain way, as well as the opportunity to be critical of this representation, as it shapes the problem to be understood in a certain way.

Other forms of policy analyses such as impact evaluations were also considered but due to limitations on data and data collection through observations and interviews to measure the impact according to specific measures, these types of policy analyses were disregarded (Ribeiro de Oliveira & Passador,

2019; Brajshori, 2017; Khandker, Koolwal & Samad, 2009). Instead, the WPR approach analyses a specific policy as well as its effects according to how a problem is presented within it, meaning that the analysis is primarily based on the content of the policy which is specific data that has proven easy to collect and analyse.

3.2 Choice of the theoretical framework

This thesis will include a variety of different theoretical concepts and theories, which will be applied to answer the problem formulation. The thesis will not apply one main theoretical paradigm to answer the problem formulation, as the chosen theoretical concepts will be applied to help answer the different research questions. In other words, the thesis will mainly be based on the chosen method of the WPR approach, and the theories will help explain specific issues under the different research questions.

The different theoretical concepts to be applied include concepts and theories on ethnicity, genocide studies, politics of victimhood, equality, and democratic legitimacy.

First and foremost, this thesis will apply the definition of ethnicity provided by Thomas Hylland Eriksen. Furthermore, different theoretical approaches to the understanding of ethnicity will be applied to analyse how and why this is presented as a particular problem in the Rwandan Constitution from 2003. These include the primordialist, the instrumentalist, and the constructivist approach. Second, a theory of critical genocide studies provided by Daniel Feierstein will be used to explain the underlying assumptions of the way ethnicity is represented and dealt with in the aftermath of genocide. Third, a theory of politics of victimhood will be applied to explain the effects of the representation of ethnicity. Lastly, the different concepts of equality of opportunity and equality of outcome will be defined as these will be used to analyse which type of equality is promoted through the problem representation, and how this creates issues of other types of inequality. This will be closely linked to the analysis of how democratic legitimacy is achieved, which will be further analysed through the theories of the instrumentalist and proceduralist approaches to democratic legitimacy.

These different theoretical concepts will be further elaborated in the chapter of the theoretical framework.

3.3 Choice of data

This thesis will exclusively rely on qualitative data which is understood as descriptive data relating to observed phenomena which are mostly found in the form of text (McLeod, 2019).

As this thesis sets out to do an in-depth analysis of the Rwandan Constitution from 2003, this will be the main source on which the analysis will be based, as research question one to three will provide an in-depth analysis of the problem representation of ethnicity and the underlying assumptions of this within the Rwandan Constitution. In addition to this, various articles on Rwandan history and the genocide will be used as supporting data for research question three in order to understand the context under which the Constitution has been written.

Research question four will mainly be based on theoretical data, which will be used to question the current representation of ethnicity. To answer research question five related to the effects of the representation of ethnicity, it is necessary to rely upon research articles made by other scholars. It has proven difficult to find interviews and statements by Rwandan citizens in news articles, as it is a common notion not to talk explicitly about ethnicity. Thus, the research on the effects of the representation of ethnicity will mainly be derived from the results found by various other scholars, who have had the opportunity to conduct direct interviews with Rwandan citizens. News articles will be used as additional sources. Finally, research question six will be answered using a mix of different types of data ranging from official policies and descriptions of official programmes, as well as views of different scholars and news articles that give an insight into the situation of Rwanda today and how the problem representation of ethnicity might be replaced.

Thus, this thesis will rely on both primary as well as secondary sources. The primary sources, defined as sources that provide a first-hand account of an event, include the Rwandan Constitution from 2003, as well as other policy documents and legislation. The secondary sources include a variety of academic articles as well as news articles which take the form of being analytical, interpretative, or evaluative of primary sources (UNSW Sydney Library).

Concerning the time period for the data, the primary aim is to analyse more current data from the period of the last elections in 2017 and until 2021, as this thesis aims at analysing the Constitution from 2003 to investigate how the representation of ethnicity contributes to the current issues in Rwanda today. However, as the Constitution has been in place since 2003, it is inevitable that the scope of the research will include data produced prior to the election of the current Government, as the Constitution has influenced issues of democratic legitimacy as well as inequality since its creation, but which are still present today. Furthermore, Paul Kagame and the RPF have governed Rwanda since the end of the genocide, meaning that the issues created under their leadership as well as their democratic legitimacy have not only been accumulated during the last years of their governing but spans over a larger time frame. Thus, the data collection will include data from the years between

2008 and 2020. I still try to keep the research in a contemporary frame and not use a big amount of data stemming from the initial years after the creation of the current Constitution in 2003.

3.4 Limitations and delimitations

In the elaboration of this thesis, certain limitations and delimitations have been set from the start. These are important to highlight as the choices made for the problem formulation and the research strategy have been shaped, to a certain degree, by these limitations.

First and foremost, the data collection has been limited to that of secondary sources. Therefore, the research on the effects of the representation of ethnicity in the Rwandan Constitution has, to some degree, relied on the results of various research articles, in which the research topic differs slightly from the problem formulation which this thesis sets out to answer. Furthermore, the research articles chosen as relevant to my problem have not all provided a view of the current situation, as several of the articles rely on interviews and observations gathered more than five years back. Thus, it has been difficult to assess whether these effects of the presentation of ethnicity derived from these articles remain to this day, pointing at the need for further research regarding this.

Second, the collection of data has been limited by a language barrier, as it has not been possible to apply sources in Kinyarwanda or French, which are the two other official languages of Rwanda besides English. Thus, valuable and useful data may have been lost due to this limitation. Furthermore, some of the data on statistics on reconciliation and progress provided by government instruments has been regarded unreliable, as it has come to my attention that participants in surveys often answer very favourable according to what the conductor expects of them to answer, and not according to how they really feel (International Alert, 2018, pp. 12-13). Thus, these data have not been deemed useful for this thesis and have, therefore, been discarded.

Third, it should be mentioned that this thesis will primarily investigate the effects on the relationship between Hutus and Tutsis as the two largest ethnic groups in Rwanda. I acknowledge that the representation of ethnicity in the Constitution has also had certain impacts on the indigenous minority group of the Batwa (or Twa) (Minority Rights), but due to a certain limit of time and scope of this thesis, I have chosen not to include this aspect in this thesis, as I believe this topic requires extensive research in its own right.

Finally, it should be noted that the thesis attempts to analyse the Constitution of Rwanda in relation to the Rwandan Government's attempt at creating peace and progress in the country by addressing specific issues of inequality while at the same time consolidating their power through democratic

legitimacy provided by the constitution. Thus, the thesis has limited its focus to analysing the effects of government-implemented policies and programmes, thus not taking into account the role that locally-led peace projects have had on Rwanda's progress towards peace and stability.

4. Theoretical framework

This chapter will provide an overview of the theoretical framework to be applied in the analysis of this thesis. First, the concepts and theories of ethnicity and nationality will be defined to clarify the understanding of these concepts which the thesis will be based upon. Following these definitions, the theories of critical genocide studies, politics of victimhood, equality, and democratic legitimacy will be explained.

4.1 Ethnicity

In the search for a definition of ethnicity, it becomes evident that the concept cannot be defined through one common definition. Ethnicity has been defined by multiple researchers and scholars to include various understandings and characteristics. However, a common understanding, which all agree upon, is that ethnicity is related to the classification of people and group relationships. Therefore, ethnicity is often understood as aspects of relationships between groups that consider themselves, and are considered by others, to be culturally distinct from other groups (Eriksen, 2010, p. 5). However, culture is not the only thing that divides people into different ethnicities. According to the Merriam-Webster dictionary, 'ethnic' is defined as *"relating to large groups of people classed according to common racial, national, tribal, religious, linguistic, or cultural origin or background"* (Merriam-Webster). In agreement with this definition, Thomas Hylland Eriksen argues that ethnicity is highly related to the notion of a common myth of origin among the group's members emphasising that descent is an important categorisation of ethnicity. The cultural differences between different ethnic groups are, to some extent, explained by these myths of origin as they entail inborn group differences (Eriksen, 2010, p. 8).

Despite this common definition of ethnicity and the characteristics which this concept includes, there are different theoretical approaches to understand ethnicity. These approaches include, among others, the primordialist, instrumentalist, and constructivist approaches to ethnicity, all of which will be further elaborated in the analysis, as they will be used to examine how and why ethnicity has been presented in a certain way in the Rwandan Constitution.

4.2 Nation and nationality

It can be difficult to separate the terms of ethnicity and nationality, as both terms are related to the limitation of a group due to cultural similarities within the group and cultural distinctiveness to other

groups. However, Eriksen argues that nationality also entails a certain relationship to the state, namely that the cultural boundaries should be connected to political boundaries. In contrast, ethnic groups do not necessarily require political power or control over a state, even though they may ask for recognition and cultural rights within a society (Eriksen, 2010, p. 10). Thus, the concept of ethnicity should be distinguished from the concept of nationality and national identity. This is important to consider when analysing different ethnicities within one nation, as in the case of Rwanda.

4.3 Genocide as a social practice

Given that the creation of the Rwandan Constitution is closely connected to the post-conflict transformation of the society, it is highly relevant to include a theory of transitional justice to illustrate how to address serious human rights violations to obtain stability and progress in the aftermath of a period of conflict. However, as Rwanda is a special case of genocide, a theory of critical genocide studies has been chosen as a specific part of transitional justice theories; namely the theory of Daniel Feierstein in which genocide is understood as a social practice.

The first to coin the term ‘genocide’ was Raphael Lemkin in 1944. He took the ancient Greek word *genos* for race or tribe and the Latin word *cide* for killing to define what he argued to be “*a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group*” (Lemkin, 1944, p. 79). Following this definition, several scholars began studying the concept and cases of genocide to develop their own definitions and explanations of genocide. While scholars such as Fein emphasises the study of the deliberate intention of the perpetrators, other scholars such as Calk and Jonnahson focus on the conceptualisation of groups in defining genocide while Shaw attempts to define genocide as a sociological concept, focusing on the social relations between the victims and the perpetrators (Manaktala, 2012, pp. 181-184). This short review of the field of genocide studies serves to illustrate how these have primarily focused on developing theories and definitions to explain genocide, as well as on the prevention of genocide (Totten, 2011, p. 213). In contrast to these, Daniel Feierstein has developed a theory of genocide which also addresses the needs in the aftermath of

genocide, which is why his theory has been chosen as the most relevant to include in this thesis, as it focuses on how Rwanda has dealt with the aftermath of the 1994 genocide.

Feierstein takes a critical stance towards the current understandings of genocide, which he argues is a binary model that reduces genocide to a struggle between good and evil, in which one group is viewed solely as the victims and the other solely as the perpetrators. In his view, this simplistic model ignores victims, perpetrators, and accomplices that do not fit into the categorisations of victims and perpetrators. Thus, he proposes that genocide should be understood as the partial destruction of the perpetrator's own national group with the intention of transforming the survivors through this annihilation of the victims. He derives this understanding of genocide from the thoughts of Raphael Lemkin which was defined above (Feierstein, 2014a, p. 68).

Feierstein elaborates on these thoughts, arguing that it is often ignored that the perpetrators and victims have shared a previous identity and that it is this plural identity that is destroyed by transforming it into a homogenous identity. This process prevents us from remembering or reconstructing the former identity, and thus, the binary model of genocide emerges, where genocides are understood as the clashing of pre-existing identities fuelled by ancestral hatred or irrational discrimination, which, according to Feierstein, is not completely right (Ibid. pp. 71-73). Instead, he states that genocide is a specific technology of power; a so-called form of social engineering that creates, destroys, or reorganizes relationships in a given society. It does so by influencing the way that different groups construct their identity, and thereby also the identity of others, which affects the way these groups relate to themselves and each other (Feierstein, 2014b, p.1). Thus, understanding genocide as a partial destruction of one's own group provides the possibility of examining the underlying purposes of genocide, namely that the aim of genocide is not only to exterminate certain groups but to transform society completely through the absence of these groups. This invites people to gain a new perspective of how genocide influences the social practices of their national group and society and not just treat it as the suffering of others (Feierstein, 2014a, p. 74).

The theory of Feierstein will be used to explain and understand why the Rwandan constitution frames ethnicity in a certain way to address the inequalities resulting from the genocide and to prevent any future practices of genocide. Elements of the theory of Feierstein will be further elaborated in the analysis.

4.4 Politics of victimhood

Politics of victimhood have become increasingly important in practices of transitional justice, as the focus has shifted from punishing and neutralising the perpetrators, to also addressing the needs of the victims in the transitional period. Vincent Druliolle and Roddy Brett assert that while a victim may be understood as an individual who has been physically, psychologically, or economically harmed, other factors such as social norms and customs derived from politics, law, and culture contribute to the understanding of who can be appointed the status of a victim. The latter definition refers to the term victimhood, which asserts what it means in a given society to be a victim. Thus, victimhood is a social and political construction, as it is defined, negotiated, and contested through various actors and practices. The politics of victimhood and the categorisation of victims and perpetrators may play a crucial role in the practices of transitional justice and how political life is formed in a society in the aftermath of mass violence (Druliolle & Brett, 2018, pp. 1-4). In relation to this, McEvoy and McConnachie argue that the politics of victimhood have an important impact on how justice is reached in democratic societies, as the politics of victimhood have contributed to certain assumptions including that the honouring of victims occurs through the punishment of perpetrators, that victims and perpetrators are the diametric opposites, and that the status of victimhood entails a sense of innocence. This implies the dangers of the politics of victimhood, as it contributes to the creation of hierarchies in society, where those deemed true innocent victims are placed at the top, and the perpetrators at the bottom (McEvoy & McConnachie, 2012, pp. 531-532).

The theoretical concept of victimhood will be applied to analyse how politics of victimhood have emerged in the aftermath of the genocide in Rwanda, and how these have influenced the understanding of ethnicity in contemporary Rwanda, thus contributing to the investigation of the effects which the presentation of ethnicity in the Rwandan Constitution has had on the Rwandan society.

4.5 Equality

Equality can be thought of in several ways, as there are multiple ways in which people can be thought of as being equal. Here, I will provide a definition of two of the most applied concepts of equality: equality of opportunity and equality of outcome.

4.5.1 Equality of opportunity

Equality of opportunity suggests that everyone should have equal opportunity to pursue their interests and that no obstacle should prevent them from having these opportunities. In other words, all people should be regarded as equals regardless of their nationality, race, religion, ethnicity, or sex, as this should not determine the opportunities people have. Rather, what should determine the opportunities of people is the talent and achievement of each individual. Equality of opportunity also entails that people are free to make their own choices, as it recognises that the interests and values that people pursue are different. Thus, the outcome of people's lives concerning welfare, income, status etcetera may differ from those of others, meaning that equality of opportunity does not necessarily create absolute equality among people, as the outcome of one's life is dependent on the personal talent of each individual to accomplish their desired goal given that everyone has the equal opportunity to reach it. Therefore, equality of opportunity can be understood in the sense that all people start life at the same time and with the same conditions, meaning that people are considered equal from the beginning of life (Cooray, 1996).

Despite this view that everyone is considered equal from the beginning of life, some critics argue that, even though it is possible to eliminate discrimination on grounds of race, religion, or gender, it is not possible to erase the different conditions that people experience according to the class they are born into. Thus, these critics argue that equality of opportunity is difficult to reach since a person born into a family of greater resources will inevitably enjoy greater advantages in life than those who are born into families of fewer resources (Blond & Milbank, 2010).

This type of inequality is what equality of outcome tries to address.

4.5.2 Equality of outcome

Equality of outcome, sometimes also referred to as equality of condition, can be seen as the opposite of equality of opportunity. Here, equality is understood in the sense of a 'fair share for all' (Cooray, 1996), or an attempt to 'level the playing field' which dictates which goals people should strive for (Aaron, 2008). Equality of outcome should therefore be understood as an attempt at ensuring that all people finish life at the same time and under the same conditions, given that everyone reaches a condition of being equal to everyone else (Cooray, 1996). Therefore, this view on equality stipulates that people are equal when they are the same or enjoy the same quality of life with evenly distributed wealth, happiness, income, welfare, and/or resources, depending on how equality is measured (Phillips, 2004, p. 1).

However, critics argue that this form of equality actually increases inequality, as government policies enacted to ensure equal outcomes for its citizens undermine the equal opportunity and freedom of people to pursue their personal interests (Cooray, 1996). Therefore, equality of outcome denies the individual responsibility and free choices of people as this may lead to unintended inequalities (Phillips, 2004, pp. 1-2), thus pointing to equality of opportunity to be the better option, as this type of equality also provides more freedom for individuals.

These two types of equality can be understood in relation to how a state can obtain democratic legitimacy, as democracy entails a form of equality. Thus, these two concepts of equality will be used to examine how the presentation of ethnicity in the Rwandan constitution addresses equality in relation to the creation of democratic legitimacy, and how it could be addressed otherwise. The notion of democratic legitimacy will be further explained in the theory of democratic legitimacy in the following part.

4.6 Democratic legitimacy

As part of democratic theory, the notion of democratic legitimacy relates to how best to justify that a government holds a certain power over its citizens in the form of laws, regulations, and policies. Generally, there are two different approaches when it comes to how best to justify democracy as a desirable and legitimate political regime: instrumentalism and proceduralism. These two approaches divert in their focus on which characteristics are more important to define a certain regime as being a legitimate democracy. The basic assumption of instrumentalist scholars is that the legitimacy of democracy is only justified through the value of the outcomes this type of regime produces as compared to other types of regimes which will not be able to produce as good outcomes as a democracy. On the other hand, proceduralist scholars assume that democracy is deemed legitimate through its just procedures, regardless of which outcomes these procedures produce. In other words, instrumentalists argue that democratic legitimacy is created when a state delivers results in the form of policies and laws that are just for all, no matter how these results are achieved, coining this form of achieving democratic legitimacy with the former understanding of equality of outcome. In contrast, proceduralists argue that democratic legitimacy is created through the fair procedures of democracy where all people are given the equal opportunity to be a part of decision-making, even if this means that the outcome may be unjust, a notion that is closely related to the understanding of equality of opportunity (Bester, 2010, p. 34).

In this way, instrumentalism deems the value of democracy to be extrinsic, in that it is valued according to the contribution it makes to other values that exist outside of politics and democratic processes. On the other hand, instrumentalism claims the value of democracy to be intrinsic, as democracy is valued for the qualities of which it consists (Destri, 2020, p. 48).

This elaboration on the different approaches shows that there is theoretical disagreement on how to determine democratic legitimacy, as it can be achieved in different ways depending on which approach one considers the most legitimate. The purpose of this section is not to discuss and determine which approach makes the most justifying and reasonable claims for democratic legitimacy, but simply to illustrate that it can be thought of in different ways. Thus, this distinction will contribute to an analysis of how the current Government of Rwanda has obtained democratic legitimacy, which implications of equality this entails, and how this could potentially be obtained through different means. Different instrumentalist and proceduralist views on democratic legitimacy will be further elaborated in the analysis.

5. Analysis

This chapter will analyse the Constitution of The Republic of Rwanda from 2003 according to the WPR approach to policy analyses.

The first part of the analysis will contain the first three research questions, which focuses on analysing the problem representation of ethnicity in the Rwandan Constitution from 2003, the underlying assumptions of this representation, and where these stem from, meaning that this part of the analysis will primarily be based on what is found within the policy document of the Constitution. The second part of the analysis will consist of the last three research questions, which takes a more critical approach to the problem representation of ethnicity in the Constitution, questioning whether the problem could be thought of differently, which effects the representation consequently has produced, and whether there is any ground for replacing the problem representation. Thus, this part will be based on data external to the Constitution.

5.1 What is the problem of ethnicity represented to be in the Rwandan constitution from 2003?

The first step of the WPR approach aims at identifying a particular problem representation in a specific policy through the way the policy states a solution or a suggestion for change. As Bacchi mentioned, a policy may include various problem representations (Bacchi & Goodwin, 2016, pp. 20-21), and so does the Constitution of Rwanda from 2003. However, as the focus of this thesis is to investigate how ethnicity is addressed, the primary problem representation to be examined is that of ethnicity. Thus, this first research question intends to identify and analyse how ethnicity is presented as a specific problem through the suggested solution proposed in the Constitution.

The Constitution of the Republic of Rwanda begins with a preamble in which it is stated that the people of Rwanda are resolved to fight the ideology of genocide and all its manifestations, including the eradication of ethnic, regional, and any other form of divisions. Furthermore, the promotion of national unity and reconciliation is emphasised as necessary for economic and social development (The Constitution of the Republic of Rwanda, 2003, p. 3 (from here on, referred to as Appendix A)). Already in the preamble, it is made clear that ethnicity is presented as a problem that needs to be erased. As it is mentioned in relation to manifestations of genocide, ethnicity is thus presented to be a particular problem of genocide and division.

Moving on to the Articles of the Constitution, this way of presenting ethnicity as a problem is repeated in Article 9 of the Constitution, which presents the fundamental principles to which Rwanda has

committed itself. Along the same line, Article 9 states the following to be some of the various fundamental principles of the state: “1. *Fighting the ideology of genocide and all its manifestations;* 2. *Eradication of ethnic, regional and other divisions and promotion of national unity...*” (Appendix A, p. 11).

Following this presentation of ethnicity in the Rwandan Constitution from 2003, it becomes clear that ethnicity is presented as a threat to the progress of reconciliation and unity of Rwanda, and therefore also a hindrance to economic and social development. The very definition of ethnicity as a classification of groups who are considered or consider themselves to be culturally distinct from others (Eriksen, 2010, p. 5) inevitably points to the notion of division among groups and individuals, which hinders true unity. Furthermore, it is not just presented as any threat, but coined as a form of manifestation of genocide, meaning that the eradication of ethnicity to reduce ethnic divisions of the Rwandan people is framed as being necessary to avoid further tensions between the citizens which could lead to future genocidal acts. This argument will be further elaborated on in the next research question.

Moving on to the articles which attempt to secure the rights and freedoms of Rwandan citizens, the Constitution takes away the right to ethnic identity and the display of such, as it again is presented as a phenomenon that creates division. This is expressed through Article 33 which states that “*Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law. Propagation of ethnic, regional, racial or discrimination or any other form of division is punishable by law*” (Appendix A, p. 22). In other words, it becomes clear that ethnicity is presented as a particular problem of division in the Constitution, thus framing that the solution to the problem of ethnicity is to erase it to prevent divisions in Rwanda.

This representation of ethnicity is also present in the part of the Constitution that determines the political framework of Rwanda. Article 54 states that “*Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination. Political organizations must constantly reflect the unity of the people of Rwanda...*” (Appendix A, p. 30). Thus, it is evident that ethnicity is presented as a problem that can also create issues of discrimination and division within the political sector which is to be avoided by prohibiting the use of ethnicity in politics as well.

This identification of the representation of ethnicity indicates a colour-blind approach to ethnicity, as the eradication of ethnicity is deemed necessary to avoid further divisions and discrimination based on ethnicity. Instead, this colour-blind approach suggests that ethnic distinctions should be ignored and that every Rwandan should be treated the same regardless of ethnicity (Ryan et al., 2007, p. 618). This approach to ethnicity includes ideals of non-discrimination, equal protection of rights, and equality of opportunity, as the notion of ethnicity should not influence the judgment of individuals and restrain their rights and freedoms. Thus, by promoting a colour-blind approach to ethnicity, the Constitution asserts that every Rwandan citizen enjoys equal rights and opportunities (Ansell, 2008).

The next research question will examine the underlying assumptions of these problem representations in more detail.

5.2 What deep-seated presuppositions or assumptions underlie this representation of ethnicity in the Rwandan Constitution from 2003?

As concluded in the first research question, ethnicity in the Rwandan Constitution from 2003 is presented as a problem of division which is to be solved through the eradication of ethnicity in all spheres of life in Rwanda. This part will investigate the underlying assumptions of this representation of ethnicity by examining the underlying meanings as well as the concepts and binaries used within the Constitution to construct this representation of ethnicity (Bacchi & Goodwin, 2016, p. 21).

To find the underlying assumptions of why ethnicity is divisive and should be eradicated, I start by examining the preamble. One of the very first claims in the preamble is that the ideology and any manifestations of genocide should be fought along with the eradication of ethnicity (Appendix A, p. 3). This shows that ethnicity is considered a contributing factor to genocide, which they aim to prevent.

Regarding this, Feierstein suggests that genocide is a social practice that unfolds over time, meaning that genocidal practices should not only be related to the actual extermination of a group, but also the actions that happen before and after the genocide. In relation to this, he argues that genocidal processes are not naturally present in society. Rather, they are developed through the construction of identity and 'otherness', which are produced through symbols that suggest how one group should perceive themselves and those that are categorised as 'the other'. Feierstein further argues that stereotyping and the construction of negative labels are necessary for genocidal processes to be developed, as the construction of a negative 'other' will force a group to limit their identity to a certain

set of characteristics, where the characteristics of 'the other' are removed from their own identity. This way, it is easier to consider the other group as strangers and, thereby, dehumanise them in order to make genocide possible, as it is easier to kill people that are considered strangers. Therefore, Feierstein suggests that the tackling and prevention of genocidal practices should begin by examining these constructions of identity and otherness, as the detection and deconstruction of negative labels and a negative 'other' could prevent genocide or the repetition of one (Feierstein, 2014a, pp. 74-76). Ethnicity becomes an important tool in this construction of identity and otherness, as Fredrik Barth suggests that the cultural features which define a specific ethnicity are situationally, relationally, and interactionally determined, as individuals of a specific group choose to emphasise those cultural characteristics which they find important. This means that ethnicity is a form of social organisation and that the ethnic boundaries are formed and maintained through the interaction with others which creates a sense of 'us' and 'them' (Hummell, 2014, p. 49; Adlparvar & Tadros, 2016, p. 125). Thus, the removal of ethnicity could be considered an attempt at reducing a sense of 'us' and 'them' which contributes to the deconstruction of labels of a negative 'other', as it becomes impossible to remove characteristics of 'the other' from ones own identity, if there is no sense of 'otherness' among people. An underlying assumption is thus that by removing ethnicity, the possibility of constructing a negative 'other' along ethnic lines becomes impossible, thus preventing that another genocide will happen in the future.

Furthermore, investigating the binaries used in the Rwandan Constitution from 2003, ethnicity is often mentioned in relation to the concept of division while it is used in contrast to unity, which is what the State of Rwanda strives to achieve, as emphasised in the preamble where peace and unity are claimed to be essential for the economic development and social progress of the country (Appendix A, p. 3). Thus, it could be derived from this opposition, that an underlying assumption of ethnicity, as a factor that creates division, is that it cannot co-exist with unity. In other words, Rwanda can never achieve unity and reconciliation as long as ethnicity continues to be present in the state and in the minds of the citizens, which is why it should be erased. Indeed, the colour-blind ideology also proposes that by ignoring ethnic distinctions and treating every individual as equal, discrimination will diminish and harmonic relations between ethnic groups will be promoted (Ryan et al., 2007, p. 618).

In the preamble it is also stated that Rwanda is a united country with a common language, common culture, and a shared history (Appendix A, p. 4), implying that ethnicity is not necessary and does not

exist, as the people of Rwanda should already feel like one people given how much they have in common, and that ethnicity would only jeopardise this feeling by creating division. The primordialist approach to ethnicity can help explain this, as this theoretical approach states that ethnicity is a fixed and permanent identity obtained at birth. Thus, scholars who take this approach to ethnicity emphasise the classification of different ethnicities through culture, territory, and biological features (Adlparvar & Tadros, 2016, p. 124). Since Rwanda enjoys a common culture, language, and history, the people of Rwanda all share the same ethnicity, namely that of a Rwandan ethnicity, and any claim of the existence of different ethnicities would be wrong. Thus, an underlying assumption of the necessity to erase any ethnic categorisation and propagation is that the ongoing use of the term of ethnicity contributes to the idea that different ethnic groups do exist, which then keeps divisions and discrimination based on ethnicity alive (Möschel, 2014, p. 2).

In relation to the political sector, the underlying assumption is likewise that parties based on ethnicity can create divisions among the people and jeopardise the future peace and progress of the whole nation. In Article 52 and Article 54 it again becomes clear how ethnicity is assumed to be a hindrance to national unity, as they are used as opposing and contrasting phenomena. Article 52 stipulates that any political organisations formed “*should not destabilise national unity, territorial integrity and security of the nation...*” (Appendix A, p. 29), while article 54 asserts that “*Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination. Political organizations must constantly reflect the unity of the people of Rwanda...*” (Appendix A, p. 30). Here, both articles make it clear that ethnicity is perceived as a phenomenon that could destabilise national security and unity through discrimination and division. McDoom argues that this representation of ethnicity is derived from two main underlying assumptions; namely that competitive, multi-party politics leads to ethnic polarisation and that democratic elections in Rwanda could lead to an empowerment of a Hutu majority government which would expose the Tutsi minority to a renewed persecution (McDoom, 2011, p. 20). These assumptions are based upon the instrumentalist approach to ethnicity, as the Manchester School suggests that ethnicity is used as a form of informal political organisation where political elites exploit ethnic characteristics to gain more followers (Adlparvar & Tadros, 2016, p. 125). Furthermore, Abner Cohen claims that ethnicity is a collectively organised strategy to protect economic and political interests, meaning that the common political interest of one group contributes to the development of boundaries to others (Baumann, 2004, p. 13), thus explaining why ethnicity

may lead to political conflict between different groups and why it is necessary to remove ethnicity from the political sphere as well.

To sum up the underlying assumptions of the representation of ethnicity, it could be said that the Rwandan Government has commonly used three arguments to legitimise their choice of erasing ethnicity and replacing these with a single national Rwandan identity, the first being that ethnic identities are illegitimate and do not exist, second, that ethnic identities can be politically mobilised and manipulated, and third, that ethnicity is a social construction that can therefore also be deconstructed and forsaken (Moss & Vollhardt, 2015, p. 5). These arguments relate to the different theories of ethnicity, as the first argument supports the primordialist approach to ethnicity, which suggests that different ethnicities do not exist in Rwanda, as all citizens enjoy the same culture, language, and history. The second argument relates to the instrumentalist approach to ethnicity, as this suggests that ethnicity is used as an instrument to gain political and economic advantages over other groups. The last argument is in line with the constructivist approach, where ethnicity is seen as a socially constructed phenomenon, that is created through the actions of individuals, who act in specific ways to confirm a certain ethnic identity to which they perceive themselves to belong. Constructivism also emphasises the role of political, economic, and social elements in the construction of ethnic identity. Thus, a constructivist approach does not view ethnicity as something fixed, but rather as something that is constructed through various means and which can change over time (Adlparvar & Tadros, pp. 124-127), and therefore it can also be deconstructed and change into a concept that no longer carry any meaning in the Rwandan society.

These underlying assumptions should be understood in relation to the historical experiences of violence in Rwanda, which can explain where these assumptions and, thus, also where the problem representation stems from. This will be analysed in the following research question.

5.3 How has this representation of ethnicity in the Rwandan Constitution from 2003 come about?

This research question aims at analysing where the representation of ethnicity as a problem in the Rwandan Constitution comes from. This is done by examining the practices that have contributed to the production of the presentation of ethnicity as a problem of division in Rwanda (Bacchi & Goodwin, 2016, p. 22). Thus, it is important to understand how the current Constitution was created

and implemented, as well as the historical experiences that shaped this way of framing the Constitution.

The current Constitution of Rwanda was adopted in 2003 and created as a new permanent Constitution to replace the protocols that constituted the fundamental law of Rwanda during the transition period after the 1994 genocide. Though the process of the creation of the Constitution has been criticised for being primarily led by Paul Kagame and his ruling party, the RPF, the current Constitution is one of the first Constitutions of Rwanda which has included the participation of Rwandan citizens, making sure it was based on their aspirations and interests of a new Rwanda (ConstitutionNet). The Constitution was adopted in a referendum in 2003 with a total of 93% in favour out of a voter turnout of 87% (ElectionGuide). So, although Kagame and the RPF have had a big influence on the creation of the different problem representations present in the Constitution, these have also been influenced and accepted by the wider masses, which is why it is important to understand the history and experiences of all the Rwandan citizens as the ground for how the specific representation of ethnicity has come about.

Thus, a historical overview relating to the notion of ethnicity in Rwanda will be provided in the following, to give a more detailed account and understanding of where the presentation of ethnicity stems from.

Rwanda consists of mainly three different ethnic groups divided into the Hutus, the Tutsis, and the Twa. According to a survey from 2015, 84% of the Rwandese population is Hutu, while 15% is Tutsi, and the last 1% is Twa (Misachi, 2017). These three ethnic groups have existed in Rwanda for centuries. While the Hutus were the first to arrive and settle in the Great Lakes region of Central Africa, the Tutsis later settled among the Hutus and adopted their language, culture, and beliefs. The Tutsis were commonly known to be cattle-herders while the Hutus were farmers. Due to this, the Tutsis were generally thought to have an economically better position than the Hutus, which therefore also determined their proximity to the king, meaning that the labels were more related to class relations rather than ethnic relations (PBS NewsHour, 1999), as it was also possible to move between the categories of Tutsi and Hutu depending on the rise and fall of one's wealth (United Nations). In relation to this, the Government of Rwanda emphasises on their website that the common Hutus, Tutsis, and Batwa all lived in symbiotic harmony under the rule of a Tutsi king (Republic of Rwanda). However, as Rwanda developed over time, Tutsi became associated with the ruling elites while the word Hutu came to refer to the ordinary people. This divide was reinforced during the colonial rule of

the Belgians in the 1920s and 1930s. They believed that the Hutus, Tutsis, and the Twa were three different ethnic groups, among which the Tutsis were thought to be the superior group as they looked more like Europeans than the other groups and, thus, were thought to be closer to Europeans both in abilities and intellect. Therefore, the Tutsis were chosen by the Europeans to rule over the Hutus and the Twa (Des Forges, Longman, Rone, Human Rights Watch & Fédération internationale des droits de l'homme, 1999). In addition to only allowing the Tutsis to obtain higher educations and powerful positions, the Belgians also introduced ethnic identity cards to classify people according to their ethnicity (PBS NewsHour, 1999), which now made it harder for people to change between the groups as was possible earlier (Des Forges et al., 1999).

In 1959, The Hutus rebelled against the colonial rule of Belgium and the supporting Tutsi elite, which led to hundreds of Tutsis being killed and thousands being forced to flee. This so-called Hutu Peasant Revolution lasted until 1961 and marked the end of a Tutsi-dominated era while at the same time strengthening the ethnic tensions between the two groups. As Rwanda obtained independence in 1962 (United Nations), the Hutus had gained political power over the country and had proclaimed Rwanda to be a republic, abolishing the former monarchy led by a Tutsi king (Des Forges et al., 1999). Following this, Tutsi refugees began attacking Hutus and the Hutu Government in an attempt to regain power, which led to multiple retaliations on Tutsi civilians between 1962 and 1967 forcing even more Tutsis to flee Rwanda (United Nations), as they were accused of helping the invaders. The Hutu Government used these attacks to frame the Hutu revolution as a courageous battle against the ruthless repression by the Tutsis as they believed that the ethnic majority should be equal to the democratic majority. As the Hutu politicians saw the political as well as the material gains in the form of goods and property obtained through the discrimination and violence of Tutsi, they started targeting all Tutsis and not just those who had held former positions of power. Thus, at the end of 1967, the Tutsis were at risk of being attacked simply for being Tutsi. This whole process was facilitated by the identity cards introduced by the Belgians, which now served to discriminate against the Tutsis rather than the Hutus. The former control of the Tutsis over the Hutus was used as a justification for the violence and the discrimination exerted over the Tutsis in the years to come (Des Forges et al., 1999). The first Republic of Rwanda eliminated all rivals, Tutsi as well as Hutu, and created a one-party state. As this created a division among the Hutus, the governing elite was overthrown by General Juvénal Habyarimana in 1973 in a military coup who used the tactic of resolving the differences among the Hutus at the expense of the Tutsis. Thus, the second republic was established and officially turned into a one-party state in 1975 led by Habyarimana and the National Revolutionary Movement for Development (Mouvement Révolutionnaire National Pour le Développement, MRND). Though

the rule of Habyarimana experienced economic development through foreign assistance in the 1970s and 1980s, it soon became clear that this only benefitted a few, mainly those working directly for the state. Most Rwandans still faced high levels of poverty. At the same time, Rwanda faced a refugee crisis, as many of the Tutsis who had formerly fled the State wanted to return home. In relation to this, the rebel movement, the Rwandan Patriotic Front (RPF), consisting primarily of Tutsi refugees, attacked Rwanda in 1990 intending to overthrow Habyarimana to secure their rightful return to Rwanda. As Habyarimana was beginning to lose support from the people, he chose to exploit this threat posed by the RPF to regain the support of all Hutus by accusing all Tutsis inside Rwanda to be collaborators of the RPF (Des Forges et al., 1999). This led to a civil war between the Hutus and the Tutsis in Rwanda which ended in 1993, where both parties signed the Arusha Accords, a power-sharing agreement. However, the Hutus were not satisfied with the terms of the agreement and a strategy to use the media to spread messages of how the Tutsis were planning a killing spree against the Hutus was implemented (United States Holocaust Memorial Museum), thus strengthening the ethnic hatred and tensions between the two groups which eventually led to the 1994 genocide, where approximately 800,000 Tutsis and moderate Hutus were killed by their fellow Hutu citizens (United Nations).

Following this historical overview of how ethnicity has shaped former conflicts of Rwanda, it becomes clear how the present representation of ethnicity as a problem of division is deeply seated in the way that ethnicity has been used historically to favour one group over the other and create divisions among the people of Rwanda, which have led to several experiences of violence and discrimination. As the Constitution also mentions in the preamble that Rwanda has a common language, a common culture, and a long-shared history (Appendix A, p. 4), it is clear that the assumption that ethnicity does not and should not exist stems from the history of the reinforcement and utilisation of ethnic divisions and tensions, which have not always been present in the country. Thus, by eradicating ethnic categories and terminology, the Rwandese can overcome the divisions among them and be united as they were before ethnicity was used to create divisions and discrimination between the population, as they all used to live in harmony (Newbury, 1998, p. 9).

In addition to this, history also shows that ethnicity was used by the former Government of Habyarimana and the MRND to construct the Tutsi as a negative other, leading to the genocide in 1994. As Feierstein argues, the deconstruction of these labels is essential in the prevention of any future genocide (Feierstein, 2014a, p. 74-75), suggesting that the need to eradicate ethnicity and ethnic labels as an attempt to deconstruct the negative labels to prevent any future genocide stems

from the experience of the construction of these in the past that led to the genocide in 1994. Furthermore, the eradication of ethnicity will also hinder the reinforcement of binary versions of ‘us’ and ‘them’ in the aftermath of a genocide, which is also important to prevent any future retaliation of the victims of genocide (Ibid. p. 75). Therefore, the eradication of ethnicity as a necessary strategy to prevent future genocide stems from the past experiences of genocide in Rwanda.

Furthermore, this historical overview also shows how ethnicity has played a big role in the politics of earlier governments, explaining why the eradication of ethnicity is also so closely linked to the political sector. History shows that earlier rulers of Rwanda have taken advantage of ethnicity to consolidate power. The Belgians’ favouritism of the Tutsis increased the ethnic tensions between the Tutsis and the Hutus, as it consolidated the unequal relation between their rights and opportunities to education, employment, and positions of power. Later, Hutu governments used the ethnic tensions strengthened by the colonial rule to gain political support and legitimise their actions of discrimination and violence against the Tutsis. Thus, ethnicity has also played a significant role in creating inequalities and consolidating the political power of the ruling regime, explaining why ethnicity is also defined as a problem in the political sector. This also explains how the presentation of ethnicity is an attempt at addressing the inequalities which have defined the relationship between Hutus and Tutsis throughout history, as the removal of ethnicity will diminish the possibility of politically favouring one ethnic group over the other and provide equal opportunities for everyone (Ansell, 2008).

The first three research questions have provided an understanding of how and why ethnicity is presented as a problem of division which can be solved by erasing ethnicity. The remaining analysis serves to analyse this problem representation more critically.

5.4 What is left unproblematic in this representation of ethnicity in the Rwandan Constitution from 2003? Where are the silences? Can the problem of ethnicity be conceptualised differently?

This research question sets out to question what is left unsaid in the current problem representation of ethnicity. Considering alternative ways of problematising the issue of ethnicity will provide the opportunity to consider what the current problem representation does not account for and keeps silent about (Bacchi & Goodwin, 2016, pp. 22-23). Thus, this part will begin with an account of how the

problem of ethnicity could be conceptualised differently in order to find out what the current presentation of ethnicity keeps silent about.

The current representation of ethnicity in the Constitution proposes a certain colour-blind approach to ethnicity, where it is suggested that the problems created by ethnicity will disappear when the terminology and existence of ethnicity are removed from all spheres of life in Rwanda, thus suggesting that the legal framework of Rwanda is 'blind' to ethnicity and ethnic differences. When attempting to provide an alternative conceptualisation of the solution to the problems of ethnicity, it becomes relevant to include elements of critical race theory, in which the problem and solution to race and racism can be translated to that of ethnicity and ethnic discrimination and division. The critical race theory argues in favour of a race-conscious approach to the fight against racism and discrimination based on race. It suggests that a colour-blind approach to race is often ineffective and counterproductive (Möschel, 2014, p. 5; p. 39) since this approach fails to address and redress the ongoing societal discrimination based on race (Ibid. p. 48). This implies that denying the terminology of race does not make racism disappear (Ibid. p. 116). Along the same lines, one can argue that ethnic divisions and discrimination do not simply disappear just because the terminology of ethnicity is removed, thus advocating for a different approach that is conscious of the existence and implications of ethnicity in order to fight the problems of ethnicity.

In relation to this, Mathias Möschel argues that it becomes more difficult to address the negative effects of race or in this case, ethnicity, when one cannot use the word race or ethnicity to address the core of the problem, which is racism or ethnic division and discrimination (Möschel, 2014, p. 116). Several sociologists also contend that the concept of colour-blindness is problematic since it offers a way of avoiding addressing the underlying social problems and discrimination, and instead functions as an ideology that legitimises practices that maintain inequalities (Wingfield, 2015). Thus, this approach only offers a limited understanding of how discrimination operates and affects certain minority groups. Therefore, research has also found that colour-blind ideologies actually lead to more discrimination and bias, as it is applied to downplay or ignore inequalities present in society (West, Greenland & van Laar, 2021, p. 5).

Thus, Möschel suggests that race and ethnicity should be recognised as social constructions, which are influenced by cultural, historical, and social processes that create specific social effects. Furthermore, he argues that the categorisation of people along ethnic or racial lines is not what produces a problem, since this rather represents a recognition of something that already exists but is not officially acknowledged with the removal of terminologies. This line of thought will contribute

to a more nuanced understanding of how the underlying problems of race and ethnicity are constituted, and thus how to address and solve them (Möschel, 2014, p.116-118).

In other words, by denying ethnicity, the problems of ethnicity cannot be addressed, while acknowledging that it does exist as a social construction with real social effects makes it possible to point at the problems which it creates and deal with these. To better understand this, a similar example to the case of Rwanda can be applied. In a similar way to the removal of ethnicity in Rwanda, France has removed the term of race in French legislation and the Constitution in an attempt to overcome problems of racism (Assembly removes word 'race' from French constitution, 2018). However, critics of this move have argued that racism and ideas of race are not removed simply by not talking about it. Instead, they argue that this obscures the inequalities that stem from race and racism (Lentin & Amiraux, 2013) and that to fight racism, it is necessary to be able to name it (Assembly removes word 'race' from French constitution, 2018). Thus, in the same way, it could be argued that the removal of ethnic categories and terminology does not necessarily address the underlying issues which stem from ethnicity and that it is necessary to be able to talk about ethnicity in order to address the problems with it, such as divisions, discrimination, and inequality.

In relation to this, Möschel also argues that the removal of ethnic categorisations makes it difficult to study problems of discrimination and inequality which in turn limits the possibility of addressing and combating these problems through political and legal means since the problem cannot be verified by studies (Möschel, 2014, p. 118; 172). In the case of Rwanda, some argue that only by retaining the ethnic categories of Hutus, Tutsis, and Twas, will it be possible to address the inequalities of the past and measure the progress in redressing these (Newbury, 1998, p. 10), thus implying that the current representation of ethnicity makes it difficult to adequately address the inequalities experienced by different ethnic groups in the past and, thereby, create a sense of equality among the different ethnic groups in the present, as this cannot be measured without the categories of ethnicity. This supports the argument that by erasing ethnicity, the Rwandan Constitution makes it impossible to address the actual problems that are created by ethnicity, as these cannot be talked about without mentioning ethnicity. Thus, the current problem representation of ethnicity creates silences related to the underlying problems of ethnicity, which are not erased, but simply made harder to deal with, as they can no longer be framed as problems of ethnicity and ethnic division since the problem presentation suggests that these no longer exist.

Based on this alternative conceptualisation of ethnicity, it becomes evident how the current presentation of ethnicity fails to address and therefore keeps silent about issues regarding social

divisions, discrimination as well as inequality, which were determined as some of the underlying problems of ethnicity in the historical overview.

These issues will be elaborated further under the next research question, as they are part of the effects that the current presentation of ethnicity in the Rwandan Constitution has created.

5.5 What effects (discursive, subjectification, lived) are produced by this representation of ethnicity in the Rwandan Constitution from 2003?

The representation of ethnicity as a problem of division and a hindrance to the unity of the Rwandan people, which is solved through the eradication of ethnicity, has produced various effects in the Rwandan society and for its citizens. As is present in the research question, Bacchi emphasises three different kinds of effects that are produced by the problem representation which are all connected.

First, the discursive effects refer to how the discourses used in the problem representation constitute a specific way of thinking of the problem, which in turn limits how one can think and act in relation to the problem. The subjectification effects imply that the problem representation and discourses in the policy produce specific kinds of subjects. Lastly, these two effects, in turn, influence the way people live, meaning that the discursive and subjectification effects are translated into the lived effects (Bacchi & Goodwin, p. 23). These different effects will be analysed in the following.

5.5.1 Effects on identity, social divisions, and discrimination

In the case of the Rwandan Constitution from 2003, the representation of ethnicity in the Rwandan Constitution creates a certain discourse of ethnicity as a negative thing that creates division. As Rwandan Hutu Ernest Twahrwa says, “*Ethnicity is bad. I want it to go away.*” (Lacey, 2004). This statement shows how the representation of ethnicity reproduces ethnicity as a bad thing in the minds of Rwandan citizens. Moreover, the representation of ethnicity as a thing that has created conflict in the past makes it impossible to think of ethnicity as a thing that can coexist with national unity and a national identity, making it difficult for citizens of Rwanda to talk openly about ethnicity without being frowned upon (Lacey, 2004). This means that people can no longer categorise themselves along ethnic lines publicly, as the representation of ethnicity only makes it possible to identify oneself as a Rwandan, and not as a member of a certain ethnic group, meaning that the representation of ethnicity produces subjects that only consist of one identity: the identity of a Rwandan national. Indeed, research results from different scholars have shown that the Rwandan population has adopted the identity of a Rwandan national as various Rwandans claim that ethnic identities are gone or will

disappear in the years to come as they are regarded as a thing of the past (Paradis, 2020, pp. 14-16; Moss & Vollhardt, 2015, pp. 16-17).

However, as Bacchi notes, regimes do not determine the kind of subjects that certain policies intend to produce, rather, they only promote and facilitate these effects. Thus, policies may not succeed in creating the desired effects and subjects, as individuals themselves negotiate the processes they are subject to and may in some cases refuse these (Bacchi & Goodwin, 2016, p. 50). Thus, it also becomes evident that, even though a national Rwandan identity is promoted in place of ethnic groups, ethnicity still matters in Rwanda today, and the desired subjectification effects of the representation of ethnicity in the Constitution are not completely reached, as research has also shown that people still identify themselves and each other along ethnic lines (Berry, 2014). For example, in a research paper by Lyndsay McLean Hilker from 2009, Rwandans claimed that ethnicity still existed as a big problem at the time and that divisions along ethnic lines were still being reproduced (Hilker, 2009, p. 83). In addition to this, Dr. Omar Shahabudin McDoom states that the removal of ethnicity has made it difficult to know or discuss whether resources such as governmental positions and educational scholarships have been allocated equally among the different ethnic groups, which he argues is a cause for ethnic grievance since the unequal distribution of such resources were one of the causes for the former violence experienced in Rwanda. Thus, he argues that the inability to discuss ethnicity in relation to fair distribution and equality among the ethnic groups only reproduces the former perceptions of ethnic discrimination and inequality (McDoom, 2011, p. 13-16). In relation to this, Hilker's research shows that there is a common perception that the Tutsis are the ones in power, as a Rwandan citizen said that ethnicity also plays a major role in politics, where 90% of the people in power are Tutsi, and the remaining Hutus do not have any power over the decision-making (Hilker, 2009, p. 83). Research conducted by Bert Ingelaere supports this view, as the results of his research suggest that the perception of political representation among Rwandan peasants, referring to the idea of being represented by a certain person who will defend one's interests in a decision-making body, has shifted from being in favour of the Hutus before the genocide to being in favour of the Tutsis after the genocide (Ingelaere, 2010, pp. 281-282), thus implying a certain political inequality among the population, at least according to their perceptions.

In addition to this, Hilker found that the young people she interviewed had a strong need to know the ethnic identities of those they interact with and to categorise others based on ethnicity, emphasising that certain stereotypes along ethnic lines still persist. Thus, Hilker argues that the attempt to de-ethnicise Rwanda has only reproduced the ethnic logic of the genocide (Hilker, 2009, pp. 84-96),

meaning that ethnicity is still as salient as ever in Rwanda, thus proving that by erasing ethnicity, the Rwandan Constitution fails to address the reality of the social effects which ethnicity creates, such as social divisions and discrimination among the different groups (Möschel, 2014, p. 116).

In contrast to this, scholar Gretchen Baldwin argues that the ethnic labels of Hutu and Tutsi no longer carry the same meaning of an ethnic identity, but rather are positioned as perpetrators or survivors, meaning that these labels, due to the removal of ethnicity in policies, now come to have a new meaning of genocide identities (Baldwin, 2019, p. 359). This suggests that the eradication of ethnicity as a category for identity has led to the creation of new categories of identity, which are related to the genocide. Instead of categorising oneself according to ethnicity, new categories of survivors, perpetrators and bystanders have emerged, in which all ethnic Tutsis that lived in Rwanda during the genocide have been identified as survivors while many Hutus have been identified as perpetrators or accomplices (Berry, 2014; Hintjens, 2008, p. 32), suggesting that Rwandans are identified according to their presumed role in the genocide rather than their actual role (Hintjens, 2009 p. 93). Though these categories contain the label survivor rather than victim, the contrast between survivor and perpetrator suggests that these categories constitute a type of politics of victimhood, where the survivors are those who experienced atrocities during the genocide, meaning that they can also be categorised as victims. In relation to this, Helen Hintjens argues that the eternal victimhood of the Tutsis hinders the possibility of creating a more complex and inclusive common identity for all Rwandans (Hintjens, 2008, p. 16). Instead, people are reduced to survivors or perpetrators. To open citizenship for all Rwandans, she states that it is necessary to include accounts of the genocide which challenge and undermine the current understanding of racial categories in relation to perpetrators and survivors. She states that these categorisations only help sow resentment and antagonism among the public which could lead to retaliation and violence along ethnic lines in the future (Ibid. p. 24-25), suggesting that the politics of victimhood only help reinforce the inequalities and division among the Rwandan people.

The new categories of identity have also made it especially difficult for young people of mixed ethnicity to find their place in society. There is a clear advantage of emphasising their Tutsi ethnicity over their Hutu ethnicity, as this makes it easier to identify themselves along the lines of genocide survivors rather than perpetrators. However, this is easier for those whose father was a Tutsi than for those of a Hutu father, as these have more often been regarded as Hutus, even though their mother was a Tutsi and may have suffered during the genocide (Doná, 2012, p. 17). Examples of two Rwandans of mixed ethnicity illustrate this, as a young girl and a young boy have both been identified

along the lines of perpetrators due to their association to family members who have or are suspected to have participated in the genocide, even though they come from a mixed family of both Hutus and Tutsis and are just as eligible to claim the status of survivor (Hintjens, 2008, p. 28-29). Thus, young people of mixed ethnicity are often pushed away by both sides of their family, making it hard for them to belong anywhere. Giorgia Doná argues that this has also had a strong effect on inter-ethnic marriages between Tutsis and Hutus, which has declined significantly since 1994, as families of Tutsis do not want accused genocidaires to be part of their family (Doná, 2012, p. 17).

Furthermore, even those who were not yet born during the genocide identify along the lines of the new categories of identity, as they are categorised as children of survivors or perpetrators. Through interviews conducted in Rwandan schools between 2010 to 2012, it becomes evident how students form groups according to these new categories and maintain ethnic divisions, which reproduce a sense of inequality (Russell & Carter, 2019, pp. 551-557).

This implies that social divisions still exist and hinder the unity of all Rwandans. It also points to an even bigger divide among the ethnic groups, as politics of victimhood divides people into categories with different values (Breen-Smyth, 2018, p. 230). As stated by scholar Huysse, the reinforcement of victim identities may serve to keep people in the past and could diminish the tolerance for those who are not considered part of the group of victims (Druliolle & Brett, 2018, p. 10), thus explaining why the removal of ethnicity in Rwanda does not necessarily remove ethnic tensions, since the new categories of identity, related to politics of victimhood, reinforce the division among the Rwandan people, as the categories do not account for the complexities of the reality of the genocide and the possibility of having multiple identities (Doná, 2012, p. 17).

Thus, it could be argued that the Constitution has reached its goal of removing ethnicity, as the meanings of Hutu and Tutsi have become redefined in the context of survivors and perpetrators in relation to the genocide. However, this only reproduces divisions among people along new lines, meaning that the underlying aim of creating unity and reducing social division and inequality through the removal of ethnicity has yet to be achieved, as the current approach to ethnicity cannot address the real problems of discrimination and divisions created by ethnicity.

5.5.2 Effects on freedom of expression

As already mentioned in the former section, the presentation of ethnicity in the Constitution promotes a certain discourse where ethnicity is not to be mentioned, meaning that it limits how people can talk about it. This has certain implications for the living effects, where it influences the freedom of expression, as people can no longer talk freely about ethnicity and the underlying problems of

ethnicity. This is illustrated through the effects of certain laws that have been implemented to secure that divisions along ethnic lines do not occur. The framing of ethnicity in the Rwandan Constitution has resulted in the law against discrimination and sectarianism as well as the law against genocide ideology. The former, already passed as a law in 2001 prior to the enactment of the current Constitution, criminalises the use of any speech, written statement, or action that could create divisions or conflicts among people and could result in an uprising along ethnic lines (Law no. 47/2001, p. 1), while the latter, passed as a law in 2008, criminalises any actions related to genocide ideology, including the negation of the genocide in 1994 (Law no. 18/2008, p. 1). Though the prohibition of any act that could lead to divisions seems like a legitimate aim, both the prohibition of ethnic propagation in the Constitution and the laws against sectarianism and genocide ideologies have been used to restrict freedom of expression for both individuals as well as professionals such as journalists, activists, and politicians. Rwandan human rights activist, Laurent Munyandikirwa, says that the law against genocide is a form of intimidation, as people who comment on problems in Rwanda risk being labelled as a genocide denier, meaning that people in fear of being convicted of negating the genocide and creating divisions, choose to stay silent (GV Sub-Saharan Africa, 2020). The US Department of State has also stated that individuals expressing opinions that are deemed unacceptable by the Rwandan Government, because they are considered socially divisive, risk imprisonment, harassment, or intimidation by the Government (Immigration and Refugee Board of Canada, 2007).

Thus, the presentation of ethnicity has limited the freedom of expression and produced a culture of silence in which the citizens fear expressing their true feelings, as this can be considered a crime of genocide. This makes it even more difficult to talk about and deal with the underlying problems of ethnicity, as this is not just difficult due to the discourses put forward on ethnicity but is directly illegal according to the law on discrimination and sectarianism and the law on genocide ideology.

5.5.3 Effects on political equality and democratic legitimacy

Lastly, the representation of ethnicity also has specific implications on political equality and democratic legitimacy in Rwanda, as ethnicity is also used to define the political framework of Rwanda.

Though the colour-blind approach to ethnicity has suggested the promotion of equality of opportunity (Ansell, 2008), articles 52 and 54 of the Rwandan Constitution provide a different approach to equality, which suggests that the democratic legitimacy of the current Government is obtained in a

specific way. As already mentioned, Article 52 states that: “*A multi-party system of government is recognized. Political organizations fulfilling the conditions required by law are permitted to be formed and to operate freely; they must abide by the Constitution and other laws as well as democratic principles and they should not destabilise national unity, territorial integrity and security of the nation...*” (Appendix A, p. 29). The first half of this article may promote equal access to the political life, as it suggests that a multi-party system is recognised and that any political party is allowed to be formed and operate as it wants. However, the latter part of the article emphasises certain conditions that political parties must uphold, leading to a view that the Constitution claims that certain outcomes which provide equality for all are more important than the equality of opportunity, or in this case, the equal opportunity for all to be part of the political life (Cooray, 1996). This view becomes even clearer in article 54, which states that “*Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination. Political organizations must constantly reflect the unity of the people of Rwanda...*” (Appendix A, p. 30). Here, ethnicity is used as a way to restrict certain parties to be formed and participate in the government, meaning that the Constitution does not allow for just opportunities for all to be part of the decision-making and make their opinions heard. Instead, certain outcomes such as the unity of the Rwandan people and the security of the nation are deemed more important.

This way of representing ethnicity in relation to politics provides a specific way of obtaining equality, namely that of equality of outcome rather than equality of opportunity (Cooray, 1996), which suggests that the democratic legitimacy enjoyed by the current Government is also obtained in a specific way, namely through instrumentalism rather than proceduralism, as the outcomes related to the unity of the Rwandan people are more important than providing just procedures in which everyone is given the equal opportunity to be part of the decision-making procedure (Bester, 2010, p. 34), as just outcomes cannot be produced when ideologies of division are allowed to influence the democratic procedure. To underline this argument, we may turn to the defence of Richard Arneson of an instrumentalist approach to democratic legitimacy.

Arneson argues that democratic legitimacy is related to the moral legitimacy and superiority that the results of decision-making in democratic processes produce compared to the results of alternative procedures (Arneson, 2003, p. 123). To understand how legitimacy is created through the best results, Arneson suggests that the desired outcome of the political procedures should be “*the maximal fulfilment of significant individual moral rights*” (Ibid. p. 124). Arneson does not provide any detailed account of what these individual moral rights are but argues that the choice of the political regime

should be made according to which regime can maximise the achievement of the moral rights that different believers find most valuable. However, he does suggest that the fundamental moral rights do not include the right to power over others, except in cases where this right is used to maximise the fulfilment of the fundamental individual moral rights. In relation to this, he states that the right to vote includes a form of power over others, as one vote might determine the result of a political election. Thus, Arneson states that the moral right to a democratic say should not be considered a fundamental moral right, and is therefore not important for democratic legitimacy, as this should not be considered one of the desired outcomes of political processes. In contrast, he argues that the judgment of what maximises everyone's fulfilment of the fundamental moral rights should be the basis for legitimate policymaking (Ibid. pp. 124-128). Thus, one can derive from Arneson's thoughts that an important aspect of the instrumentalist approach to democratic legitimacy is related to the assumption that some kind of ideal outcome should be reached, regardless of how, and that reaching this outcome reinforces the legitimacy of the regime. Arneson's account proposes a certain egalitarian distribution among the citizens as the ideal and considers the democratic legitimacy of a regime in relation to how closely it reaches this goal. In this process, political equality can be sacrificed in order to achieve better overall equality without undermining democratic legitimacy, meaning that political equality is considered less important than other equalities (Fabienne, 2017).

In the case of Rwanda, President Kagame and the ruling party RPF have long enjoyed a great amount of popular support and legitimacy. Kagame won the presidency with over 90% of the votes in the presidential elections in 2003, 2010, and again in 2017 (Congressional Research Service, 2021, p. 4), while the RPF also gained a majority of seats in the elections for Parliament in 2018 (Mumbere, 2018). This popular support stems from their ability to ensure economic progress, social development, security, and political stability (Okello, 2017), as numbers show that Rwanda has had an average annual growth of GDP of 7.2% in the decade leading up to 2019, a decline in poverty from 77% in 2001 to 55 % in 2017, and a two-third drop of child mortality rates. Though these numbers have been negatively influenced by the COVID-19 crisis (The World Bank), this shows that the legitimacy of the current Government is related to their ability to create ideal outcomes for the Rwandan citizens (Fabienne, 2017). It could therefore be argued that the presentation of ethnicity in the Constitution, in which the unity and overall equality and development of the Rwandan society are favoured over the existence of ethnicity, helps the Rwandan President and Government achieve instrumentalist democratic legitimacy (Appendix A, p. 3).

However, the notion of democratic legitimacy provided by Arneson suggests that certain inequalities, such as political inequality, are produced by favouring the outcome over the procedure, which can also be seen in the case of Rwanda. By stating that political parties are prohibited from basing themselves on ethnicity (Appendix A, p. 30), the Constitution provides a specific discourse that limits the formation and access of specific parties to become part of the decision-making process while also limiting the freedom of the political sphere to include issues of ethnicity. Furthermore, by erasing ethnicity in an attempt to eradicate any discrimination and division based on ethnicity, the problem representation inadvertently creates new grounds for discrimination as, for example, any political party based on ethnicity would be discriminated against and lose the opportunity to be regarded as equally important and legitimate as other political parties. Thus, the Constitution fails to take into account how the representation of ethnicity creates discrimination and political inequality for certain groups.

This inequality in the political sector becomes clear through the lived effects, which are influenced by the law on divisionism and sectarianism as well as the law on genocide, which were both mentioned earlier in this chapter. These laws have also been used to repress political dissent and opposition, as criticism of and opposing views to the Government has been characterised along the lines of genocidal ideology. An example is the opposition politician, Victoire Ingabire Umuhoza, who has been claimed to express genocide ideology several times and was arrested in 2010 because she in a speech addressed problems with the reconciliation in Rwanda as well as talked about the lack of recognition of the Hutus that were killed during the genocide. Following her arrest, she was sentenced to eight years of prison on the grounds of minimising the genocide and conspiring to harm the existing authority and the constitutional principles (GV Sub-Saharan Africa, 2020). This example is not unique. Six other members of the same unregistered opposition party, the FDU-Inkingi coalition, have received prison sentences in January 2020 for conspiring against the Government, and several other oppositional politicians have over the years either been declared ineligible to run in the elections or even disappeared or turned up dead (Hattem, 2020; Wachira, 2020). In addition to this, the senior advisor of Human Rights Watch's Africa division asserts that actual or perceived opponents of the Government who are of Hutu ethnicity are more susceptible to being accused of negating the genocide or portraying divisive thoughts and aims along ethnic lines (Immigration and Refugee Board of Canada, 2007).

This way, the current Government has taken advantage of the representation of ethnicity as a problem of division to block political opposition in a seemingly legal way, thereby consolidating their power while at the same time undermining their credibility and democratic legitimacy as a government that

creates free and fair conditions for all, as people and political opponents are restrained from expressing their true feelings and opinions (Hattem, 2020).

Thus, these inequalities point to a lack of democratic legitimacy, as democratic legitimacy can also be obtained through the just procedure of the decision-making process. Proceduralist scholars contend that decisions of a regime are deemed democratically legitimate as long as they are the result of a process of democratic decision-making. In relation to this, Thomas Christiano proposes that democratic legitimacy is obtained through democratic discussion, deliberation, and decision-making which help people sort through the reasons for different political choices and may even produce new alternative options. The outcome is then deemed legitimate through the fairness of this process. Proceduralists Christiano and Kolodny further argue that the legitimacy of democratic procedures is due to the political equality that can only be constituted through democracies. Thus, proceduralism emphasises the inclusiveness of the democratic procedure in creating democratic legitimacy, whereby it should be understood that this legitimacy may also be jeopardised by the unequal access to political, social, or economic spheres of life (Fabienne, 2017). This can be seen in the case of Rwanda, where the current Constitution provides unequal access to the political sphere and, therefore, creates a lack of procedural democratic legitimacy.

Other scholars take on a mixed approach in determining democratic legitimacy. In relation to this, Allen Buchanan claims that a regime can be deemed legitimate given that it does a credible job of achieving justice by protecting the basic human rights of its citizens; that this is done through just processes that do not violate these same basic rights; and that the entity in power does not obtain this power through the displacement of another politically legitimate entity. The underlying assumption of this thought is that all individuals have the basic right to be regarded as equal, and the government should protect this right. Therefore, the government has the duty to ensure that its citizens have access to just institutions which are needed to ensure that everyone's rights are protected (Buchanan, 2002, pp. 703-709). Thus, Buchanan proposes a view of legitimacy where both the fairness of the procedure as well as just outcomes that protect the fundamental rights and equality of the citizens are needed to produce democratic legitimacy. He emphasises that all people should be regarded as equals, and this postulates that political equality is viewed as just an important factor to regard each individual as equal as other forms of equality. Democratic legitimacy can therefore not be reached through processes nor outcomes that do not respect this commitment to equality (Ibid. pp. 711-713).

This approach to democratic legitimacy also emphasises that democratic legitimacy cannot be reached when basic rights and equalities such as political equality are not respected, thus pointing to

a lack of democratic legitimacy in Rwanda, as the elaboration on freedom of speech as well as the political sector implies that the basic human rights, such as freedom of expression and equal access to the political sphere, are not protected in Rwanda.

In relation to this, Pippa Norris acknowledges that an instrumental approach to democratic legitimacy is important for the citizens' support of a regime but emphasises that this approach to democratic legitimacy is limited and conditional, as the support for a regime that relies on instrumental democratic legitimacy is dependent on the ability of the government to achieve the outcomes they promise to deliver. Once it fails to deliver the outcomes expected from the citizens, the public support for a democratic regime and its legitimacy could destabilise and eventually disappear (Norris, 2011, p. 150). However, regarding this, scholar Marie Berry praises the Rwandan approach to ethnicity for reducing harmful discussions of ethnic hatred in the public and instances of major conflict (Berry, 2014), which contributes to the explanation of how Kagame and the RPF have managed to obtain democratic legitimacy, as the desired outcome of downplaying conflict and obtaining economic and social progress has been achieved, even though this outcome has been achieved at the expense of political equality.

In sum, these discursive, subjectification and lived effects show that the representation of ethnicity in the Rwandan Constitution from 2003 has had numerous complex effects on the Rwandan society and citizens, as it to some degree has managed to erase ethnicity and reduce violence based on ethnic hatred in society, while at the same time reinforcing divisions along new lines of categorisations of identity relating to the genocide, as well as restricting freedom of speech and political pluralism, which has served to reinforce the power of the current Government led by Paul Kagame and the RPF as they have obtained democratic legitimacy through just outcomes and equality of outcome, neglecting a lack of just democratic procedures and equality of opportunity.

5.6 How and where has the representation of ethnicity in the Rwandan Constitution from 2003 been produced, disseminated, and defended? How has it been and/or how can it be disrupted and replaced?

This last research question sets out to analyse the practices that have produced and authorised the representation of ethnicity in the Rwandan society, while at the same time proposing ways to reflect on how the problem representation can be challenged and replaced (Bacchi & Goodwin, 2016, p. 24).

5.6.1 Defence and reproduction of the representation of ethnicity

The representation of ethnicity as a concept of division in Rwanda has been defended and reproduced through various policies, laws, and initiatives implemented by the Government, which all promote the policy of unity and obstruct acts that are considered to produce discrimination and division in society, such as those based on ethnicity. The law on sectarianism and divisionism as well as the law on genocide ideology mentioned earlier are examples of these. Another policy that supports the representation of ethnicity as a problem for division is the establishment of the National Unity and Reconciliation Commission (NURC), which was established by law as part of the Constitution in 2003, to help create unity and reconciliation among the Rwandan citizens (National Unity and Reconciliation Commission^a). The NURC has created a document of the national policy on unity and reconciliation that serves as a tool to monitor and evaluate different strategies put in place to reach unity and reconciliation. This document also asserts that former experiences of bad governance and divisions in Rwanda are based on ethnicity, religion, region, and nepotism and that these divisions have had crucial effects on the social relations between the Rwandan citizens. Furthermore, the policy asserts that the principles of unity and reconciliation are founded upon the promotion of a Rwandan identity and national interests in contrast to interests based on ethnicity, and on the combat of any form of division and discrimination (National Unity and Reconciliation Commission, 2007, pp. 7-11). This shows how the national policy on unity and reconciliation created by the NURC defends the representation of ethnicity as a problem of division that hinders the unity of the Rwandan people, which should be created and consolidated through a Rwandan national identity that rejects all interests based on ethnicity.

This view on ethnicity is also reproduced through programmes overseen by the NURC, such as *Ingando* and *Itorero*, the so-called solidarity or re-education camps which provide civic education to make the reintegration of Rwandan exiles, former armed forces, and released prisoner easier, as they help create a sense of national identity (Immigration and Refugee Board of Canada, 2014). The NURC claims that “*Ingando provide forums to Rwandans to come to terms with their past by facing history, forging a common vision for a united future*” (National Unity and Reconciliation Commission^b), as the training during these camps encourages a re-evaluation of the divisive ideologies of the past in Rwanda (Rwandapedia). The aim of *Itorero* is to “*promote values of unity, truth, culture of hard work and avoiding attitudes and mindsets that deter development*” (National Unity and Reconciliation Commission^b). Thus, the participants of the *Itorero* camps are commonly students, while participants in the *Ingando* camps are those who wish to be reintegrated into Rwandan society (Rwandapedia). These programmes also both defend and reproduce the problem

representation of ethnicity, as they aim at promoting a sense of a unified national identity while framing ethnicity along the lines of the divisions of the past, which people need to overcome.

A last important programme to mention, which has had a big influence on the reproduction of the problem representation of ethnicity is the *Ndi Umunyarwanda* programme initiated in 2013. The title meaning 'I am Rwandan' suggests that the objective of the programme is to build a national identity that strengthens the unity and solidarity among the Rwandan people, by emphasising their rights as Rwandans. This is done through forums in which people can talk about the causes and consequences of the genocide, as well as what it means to be Rwandan (Tuyishime, 2017; Genocide Archive of Rwanda). A survey conducted in 2017 by the NURC showed that approximately 70 % of Rwandans said that this programme had changed how they perceived themselves along ethnic lines. They no longer saw themselves through an ethnic identity, but rather as a pure Rwandan (Tuyishime, 2017), emphasising the importance of this programme in defending the presentation of ethnicity as a bad thing contrary to the ideal of a national identity.

Thus, the representation of ethnicity has been defended and reproduced through various policies and programmes, which are disseminated throughout Rwandan society.

5.6.2 Replacement of the representation of ethnicity

The following part will attempt to provide some suggestions for how the presentation of ethnicity in the Constitution can be replaced.

As already suggested under research question four, the current representation of ethnicity can be replaced by a different conceptualisation of the problem, in which ethnicity is acknowledged as something that exists. By taking a conscious approach to ethnicity, the underlying problems of ethnicity may also be addressed (Möschel, 2014, p. 116). In relation to this, McDoom argues that the Government should remove the ban on ethnic identification, as this will allow for people to address ethnic grievances peacefully and will contribute to change the perceived biases that may be present regarding unequal distribution of resources among the different ethnic groups (McDoom, 2011, p. 33). Therefore, an ethnic-conscious approach could also lead to the introduction of a different notion of equality and democratic legitimacy which could create grounds for a more inclusive and equal society and, thus, address the issues created by the current representation of ethnicity.

One way to replace the current representation of ethnicity with a more ethnic-conscious approach in the political sector could be the introduction of consociationalism or a consensus democracy. This

entails a democratic system developed to ensure stability in deeply divided societies, as it is based on the power-sharing between elites from different social groups (Saurugger). Noel Twagiramungu and Joseph Sebarenzi suggest that a consensus democracy in Rwanda would provide free and fair elections, political accountability, and concerted power-sharing arrangements which would ensure the representation of all ethnic groups in all governmental instruments (Twagiramungu & Sebarenzi, 2018). This provides a different account of equality of outcome as compared to the one promoted through the current representation of ethnicity as this directly ensures that everyone enjoys an equal and fair share of the distribution of resources (Cooray, 1996). This, in turn, would also ensure a more inclusive and equal form of political representation and participation, meaning that this will also provide a more just political procedure and, thus, provide a more proceduralist or mixed form of democratic legitimacy (Fabienne, 2017; Buchanan, 2002). Furthermore, this approach could also diminish division along ethnic lines (Twagiramungu & Sebarenzi, 2018), as the political power is not concentrated in the hands of one ethnic group but divided equally among all, meaning that this approach will also address the current inequalities in the political sector.

In addition to this, Breen-Smyth points to the importance of truth recovery, not only in relation to the actual losses and violence that has occurred during the genocide, but also in relation to the institutional, cultural, and behavioural ways in which the violence was even made possible. A recovery of this totality will open the possibility of creating a new and more inclusive community, which blurs the boundaries between 'us' and 'them' (Breen-Smyth, 2018, p. 230), meaning that looking at other underlying factors of the genocide could help replace the presentation of ethnicity as the sole cause for division, which could also help people reconcile along ethnic lines.

In line with this, Ingelaere asserts that it is politics that determine the significance of ethnicity and not the other way around. Therefore, he argues that instead of focusing on changing the meaning of ethnicity, it is more important to focus on the social context as well as the political systems where ethnicity thrives and redefine these in such a way that resorting to violence as part of politics should not be necessary nor possible. This, he argues, is done through the development of democratic institutions, political oppositions, and politics of inclusion (Ingelaere, 2010, p. 292).

Thus, another way to disrupt or replace the representation of ethnicity as a problem could be to establish a more inclusive political sector by opening the democratic processes to more diverse and oppositional parties. McDoom stresses that Rwanda is only likely to retain its peaceful progress if the political space is opened up to allow for more political opposition, as he argues that the political exclusion may reproduce conflict along ethnic lines. Instead, he claims that it is the responsibility of

the Rwandan Government to demonstrate their tolerance of political pluralism, dissent, and inclusion so that the civil society can evolve as independent of the current Government. Political liberalisation, he argues, is in the best interest of the Government as this will also increase its legitimacy and eliminate the risk of illegal attempts at changing the regime (McDoom, 2011, pp. 2-6).

In relation to this, Rwanda has already done some progress in opening up the political space. In the parliamentary elections of 2018, two candidates from the oppositional Democratic Green party won seats in the parliament, making it possible for them to be part of the formulation and decision-making regarding laws and policies. Another party, PS Imberakuri, also won two seats in the parliament for the first time, although this is considered to be a pro-government party. However, the leader of the Democratic Green party, Frank Habineza, still finds it positive that two new parties have been able to gain seats in the parliament for the first time. A spokesperson from the RPF, Wellars Gasamagera, also talks positively about the presence of the new parties in the government, as he claims that this will broaden the discussions in the parliament. So even though the RPF along with smaller allied parties won 40 seats out of the 53 seats designated to political parties in the parliament (Mumbere, 2018), the election of two new political parties suggests that Rwanda is open to the introduction of a more democratic and just procedure, as they are allowing opposition lawmakers to become part of the parliament, and by that, to also influence and become part of the decision-making and the policymaking of Rwanda.

This implies that the current situation in Rwanda could allow for the possibility of replacing the current representation of ethnicity, and address issues of inequalities and democratic legitimacy differently than what the current representation of ethnicity allows for.

6. Conclusion

Due to historical experiences of violence and genocide between the ethnic groups of Hutus and Tutsis in Rwanda, ethnicity is presented as a particular problem of division in the Rwandan Constitution from 2003. Ethnicity has been used by former regimes in Rwanda to create division and inequality among the Rwandan citizens, as one ethnic group has been favoured over the other, making them enjoy more privileges than the other group. The Rwandan Constitution proposes a colour-blind approach to deal with these inequalities, as the eradication of ethnicity in all spheres of life in Rwanda is proposed as the solution to promote social reconciliation and create more equality of opportunity for all. The eradication of ethnicity will make it impossible to divide people along ethnic lines and emphasise ethnic differences, that way diminishing ethnic divisions and discrimination. Furthermore, the possibility to utilise ethnicity politically to favour one group over the other will be removed, thus reducing the inequalities stemming from the 1994 genocide and minimising the possibility of a recurrence of genocidal practices.

However, this approach to ethnicity has proven inadequate in addressing the problems of division, discrimination, and inequality, as the eradication of ethnicity as a concept makes it difficult to directly address the problems of ethnicity. This becomes evident in the way that the genocide has created new categories of identity related to the genocide which reproduce divisions along ethnic lines, proving that ethnicity still plays a vital role in Rwandan society today. Furthermore, the representation of ethnicity in the Rwandan Constitution restricts freedom of expression, as the colour-blind approach is used to accuse people expressing thoughts of ethnicity of having divisive ideologies to repress opposition to the current regime. In the political sector, the current representation of ethnicity creates a type of equality of outcome, as the unity of the Rwandan people is favoured over equal access to the political sphere. Thus, President Paul Kagame and the current Government led by the Rwandan Patriotic Front (RPF) have obtained democratic legitimacy instrumentally, as they have favoured the just outcomes for all over providing democratically just procedures for all. This points to a lack of procedural democratic legitimacy leading to a lack of political equality, as the political sphere is also characterised by repression of opposing political candidates.

Thus, a more conscious approach in which ethnicity is acknowledged as a phenomenon is proposed as a solution to deal with the current inequalities in Rwanda, as this could provide the opportunity to address the problems of division and political inequality, which in turn will provide a more proceduralist approach to democratic legitimacy that could reinforce the credibility of Kagame and the RPF as a democratic regime.

7. Bibliography

Aaron (2008). Equality, the goal not the signpost. *Anthology of Ideas*. Retrieved March 25, 2021 from: <http://anthologyoi.com/equality-of-outcome-equality-of-opportunity/>

Adlparvar, N. & Tadros, M. (2016). The Evolution of Ethnicity Theory: Intersectionality, Geopolitics and Development. *IDS Bulletin – Transforming Development Knowledge*, 47(2), pp. 123-136. Retrieved March 17, 2021 from:

https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/11547/IDSB_472_10.1908819_68-2016.136.pdf?sequence=1

Ansell, A.E. (2008). Color Blindness. Schaefer, R.T. (Ed.) *Encyclopedia of Race, Ethnicity, and Society*. SAGE Publications, Inc. Retrieved May 21, 2021 from:

<http://sk.sagepub.com.zorac.aub.aau.dk/reference/ethnicity/n128.xml>

Arneson, R.J. (2003). Debate: Defending the Purely Instrumental Account of Democratic Legitimacy. *The Journal of Political Philosophy*, 11(1), pp. 122-132. Retrieved March 17, 2021 from:

<https://onlinelibrary-wiley-com.zorac.aub.aau.dk/doi/epdf/10.1111/1467-9760.00170>

Assembly removes word ‘race’ from French constitution (2013). *The Connexion*. Retrieved May 6, 2021 from:

<https://www.connexionfrance.com/French-news/france-assembly-votes-to-remove-race-French-constitution>

Bacchi, C. & Goodwin, S. (2016). *Poststructural Policy Analysis: A Guide to Practice*. New York: Palgrave Macmillan. Retrieved March 05, 2021 from:

https://link-springer-com.zorac.aub.aau.dk/chapter/10.1057/978-1-137-52546-8_2

Baldwin, G. (2019). Constructing identity through commemoration: Kwibuka and the rise of survivor nationalism in post-conflict Rwanda. *Journal of Modern African Studies*, 57(3), pp. 355-375. Retrieved April 27, 2021 from:

<https://www.cambridge.org/core/journals/journal-of-modern-african-studies/article/constructing-identity-through-commemoration-kwibuka-and-the-rise-of-survivor-nationalism-in-postconflict-rwanda/CFE362C810D66B522D751AC1938DCF59>

Baumann, T. (2004). Defining Ethnicity. *The SAA Archaeological Record, September 2014*, pp. 12-14. Retrieved May 12, 2021 from: https://documents.saa.org/container/docs/default-source/doc-publications/tsar-articles-on-race/baumann2004a.pdf?sfvrsn=fb3bcc2a_2

Berry, M. (2014). Violence and the Transformation of Ethno-Racial Categories in Rwanda. *The Society Pages*. Retrieved April 26, 2021 from: <https://thesocietypages.org/specials/ethno-racial-categories-rwanda/>

Bester, K. (2010). Justifying democracy – proceduralism versus instrumentalism. *Rerum Causae*, 2(1), pp. 33–42. Retrieved March 17, 2021 from: <https://rc.lse.ac.uk/articles/abstract/36/>

Blond, P. & Milbank, J. (2010). No equality in opportunity. *The Guardian*. Retrieved March 25, 2021 from: <https://www.theguardian.com/commentisfree/2010/jan/27/inequality-opportunity-egalitarian-tory-left>

Brajshori, B. (2017). Public policy analysis and the criteria for evaluation of the public policy. *European Journal of Economics, Law and Social Sciences*, 1(2), pp. 50-58. Retrieved February 25, 2021 from: <http://iipcccl.org/wp-content/uploads/2017/06/50-58.pdf>

Breen-Smyth, M. (2018). The Uses of Suffering: Victims as Moral Beacons or Icons of Grievance. Druliolle, V. & Brett, R. (Eds.) *The Politics of Victimhood in Post-conflict Societies: Comparative and Analytical Perspectives* (pp. 211-236). Palgrave Macmillan. Retrieved May 3, 2021 from: <https://link-springer-com.zorac.aub.aau.dk/content/pdf/10.1007%2F978-3-319-70202-5.pdf>

Buchanan, A. (2002). Political Legitimacy and Democracy. *Ethics*, 112(4), pp. 689-719. Retrieved March 18, 2021 from: <http://web.b.ebscohost.com.zorac.aub.aau.dk/ehost/detail/detail?vid=0&sid=f6f7d092-6a69-4e62-bf92-c4bbc3aed776%40sessionmgr103&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=7220902>

Burgess, H. (2003). Damaged or Destroyed Relationships. *Beyond Intractability*. Retrieved May 19, 2021 from: <http://www.beyondintractability.org/essay/damaged-relationships>

Burke, J. (2017). Paul Kagame re-elected president with 99% of vote in Rwanda election. *The Guardian*. Retrieved April 6, 2021 from: <https://www.theguardian.com/world/2017/aug/05/paul-kagame-secures-third-term-in-rwanda-presidential-election>

Cascais, A. (2020). 20 years under Rwanda's 'benevolent dictator' Paul Kagame. *Deutsche Welle*. Retrieved March 10, 2021 from: <https://www.dw.com/en/20-years-under-rwandas-benevolent-dictator-paul-kagame/a-53159121>

Clay, D. & Lemarchand, R. Rwanda. *Encyclopedia Britannica*. Retrieved April 6, 2021 from: <https://www.britannica.com/place/Rwanda>

Congressional Research Service (2021). Rwanda: In Brief. *Congressional Research Service*. Retrieved May 17, 2021 from: <https://fas.org/sgp/crs/row/R44402.pdf>

ConstitutionNet. *Constitutional history of Rwanda*. Retrieved April 1, 2021 from: <https://constitutionnet.org/country/constitutional-history-rwanda>

Cooray, L.J.M. (1996). *The Australian Achievement: From Bondage to Freedom*. Sydney: Australian Achievement Project: 1988. Retrieved March 24, 2021 from: <http://www.ourcivilisation.com/cooray/btof/chap20.htm>

Des Forges, A.L., Longman, T. P., Rone, J., Human Rights Watch & Fédération internationale des droits de l'homme (1999). *Leave None to Tell the Story: Genocide in Rwanda*. New York: Human Rights Watch. Retrieved April 5, 2021 from: <https://www.refworld.org/docid/45d425512.html>

Destri, C. (2020). Extrinsic Democratic Proceduralism: A Modest Defence. *Res Publica*, 27, pp. 41-58. Retrieved March 17, 2021 from: <https://link.springer.com/content/pdf/10.1007/s11158-020-09456-2.pdf>

Doná, G. (2012). Being young and of mixed ethnicity in Rwanda. *Forced Migration review*, 40, pp. 16-17. Retrieved April 27, 2021 from: <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/young-and-out-of-place.pdf>

Druliolle, V. & Brett, R. (2018). Introduction: Understanding the Construction of Victimhood and the Evolving Role of Victims in Transitional Justice and Peacebuilding. Druliolle, V. & Brett, R. (Eds.) *The Politics of Victimhood in Post-conflict Societies: Comparative and Analytical Perspectives* (pp. 1-22). Palgrave Macmillan. Retrieved April 23, 2021 from:

<https://link-springer-com.zorac.aub.aau.dk/content/pdf/10.1007%2F978-3-319-70202-5.pdf>

ElectionGuide. *Republic of Rwanda Referendum*. Retrieved April 1, 2021 from:

<https://www.electionguide.org/elections/id/48/>

Eriksen, T.H. (2010). *Ethnicity and Nationalism: Anthropological Perspectives* (3rd ed.). London: Pluto Press. Retrieved March 17, 2021 from: <https://ebookcentral.proquest.com/lib/aalborguniv-ebooks/reader.action?docID=3386255&ppg=12>

Fabienne, P. (2017). Political Legitimacy. *The Stanford Encyclopedia of Philosophy, Summer 2017 Edition*. Retrieved March 17, 2021 from:

<https://plato.stanford.edu/entries/legitimacy/#LegPolCos>

Feierstein, D. (2014)a. Beyond the Binary Model: National Security Doctrine in Argentina as a Way of Rethinking Genocide as a Social Practice. Hinton, A., La Pointe, T., & Irvin-Erickson, D. (Eds.) *Hidden Genocides: Power, Knowledge, Memory* (pp. 68-80). New Brunswick: Rutgers University Press. Retrieved March 22, 2021 from: <http://www.jstor.org/stable/j.ctt5hjdfm>

Feierstein, D. (2014)b. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*. New Brunswick: Rutgers University Press. Retrieved March 22, 2021 from: <https://library.oapen.org/bitstream/handle/20.500.12657/31787/625248.pdf?sequence=1>

Genocide Archive of Rwanda. *Ndi Umunyarwanda*. Retrieved April 29, 2021 from: https://genocidearchiverwanda.org.rw/index.php/Category:Ndi_Umunyarwanda_Collection

GV Sub-Saharan Africa (2020). How does Rwanda's genocide ideology law regulate speech online? *Global Voices advox*. Retrieved April 22, 2021 from:

<https://advox.globalvoices.org/2020/07/20/how-does-rwandas-genocide-ideology-law-regulate-speech-online/>

Hattem, J. (2020). Rwanda's Opposition Is Disappearing, Along With Kagame's Credibility. *World Politics Review*. Retrieved April 23, 2021 from:

<https://www.worldpoliticsreview.com/articles/28560/in-rwanda-kagame-is-silencing-dissent-at-the-cost-of-his-own-credibility>

Hilker, L.M. (2009). Everyday ethnicities: identity and reconciliation among Rwandan youth. *Journal of Genocide Research*, 11(1), pp. 81-100. Retrieved April 27, 2021 from:

https://www.tandfonline.com/doi/pdf/10.1080/14623520802703640?casa_token=-JChfzObXkAAAAA:c1EvqoN_6MuOGFuDGhWj-u50cvkOhxrvIOqHNDz4xypr7ecIx37oBpZYtVftKsRKfdS-9PDZUMej

Hintjens, H. (2008). Post-genocide identity politics in Rwanda. *Ethnicities*. Vol. 8(1), pp. 5-41. Retrieved April 27, 2021 from:

<https://www.ssoar.info/ssoar/bitstream/handle/document/23064/ssoar-ethnicities-2008-1-hintjens-post-genocide-identity-politics-in-rwanda.pdf?sequence=1&isAllowed=y&lnkname=ssoar-ethnicities-2008-1-hintjens-post-genocide-identity-politics-in-rwanda.pdf>

Hintjens, H. (2009). Reconstructing Political Identities In Rwanda. Clark, P. & Kaufman, Z. (Eds.) *After Genocide: Transitional Justice, Post-conflict Reconstruction and Reconciliation in Rwanda and Beyond* (pp. 77-98). Oxford University Press. Retrieved April 28, 2021 from:

https://www.researchgate.net/publication/310726119_5_Reconstructing_Political_Identities_in_Rwanda

Human Rights Watch. *Rwanda: Events of 2019*. Retrieved March 10, 2021 from:

<https://www.hrw.org/world-report/2020/country-chapters/rwanda>

Hummell, E. (2014). Standing the Test of Time – Barth and Ethnicity. *Coolabah*, 13, pp. 46-60.

Retrieved May 12, 2021 from: <file:///C:/Users/sandr/AppData/Local/Temp/15523-30553-1-SM.pdf>

Immigration and Refugee Board of Canada (2007). *Responses to Information Request RWA102565.E*. Retrieved April 23, 2021 from:

<https://www.justice.gov/sites/default/files/eoir/legacy/2014/10/14/RWA102565.E.pdf>

Immigration and Refugee Board of Canada (2014). *Rwanda: Information on ingando camps, including organization, structure, programs and participation; instances of humanrights violations in the camps (2010-November 2014)*, RWA104999.E. Retrieved April 29, 2021 from:

<https://www.refworld.org/docid/56136dfa4.html>

Ingelaere, B. (2010). Peasants, Power And Ethnicity: A Bottom-Up Perspective On Rwanda's Political Transition. *African Affairs*, 109(435), pp. 273-292. Retrieved April 28, 2021 from:

<https://academic.oup.com/afraf/article/109/435/273/61519>

International Alert (2018). *Policy Brief: October 2018. Unity and reconciliation in Rwanda: A look at policy implications vis-à-vis social cohesion*. Retrieved May 18, 2021 from:

https://www.international-alert.org/sites/default/files/Rwanda_UnityReconciliationSocialCohesion_EN_2018.pdf

Keffler, N. (2019). Economic growth in Rwanda has arguably come at the cost of democratic freedom. *World Finance*. Retrieved Marc 10, 2021 from:

<https://www.worldfinance.com/markets/economic-growth-in-rwanda-has-arguably-come-at-the-cost-of-democratic-freedom>

Khandker, S., Koolwal, G.B. & Samad, H. (2009). *Handbook on Impact Evaluation: Quantitative Methods and Practices*. Washington, D.C.: World Bank Publications. Retrieved February 26, 2021 from:

<https://ebookcentral.proquest.com/lib/aalborguniv-ebooks/reader.action?docID=476187&ppg=4>

Lacey, M. (2004). A Decade After Massacres, Rwanda Outlaws Ethnicity. *The New York Times*. Retrieved April 26, 2021 from:

<https://www.nytimes.com/2004/04/09/world/a-decade-after-massacres-rwanda-outlaws-ethnicity.html>

Law No. 47/2001. *The Prevention, Suppression and Punishment of the Crime of Discrimination and Sectarianism*. Retrieved April 22, 2021 from: <https://www.refworld.org/pdfid/4ac5c4302.pdf>

Law No. 18/2008. *The Punishment of the Crime of Genocide Ideology*. Retrieved April 22, 2021 from: <https://www.refworld.org/pdfid/4acc9a4e2.pdf>

Legal Information Institute. *Genocide*. Retrieved May 19, 2021 from: <https://www.law.cornell.edu/wex/genocide>

Lemkin, R. (1944). *Axis rule in occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress*. Washington, D.C.: Carnegie Endowment for International Peace. Retrieved May 7, 2021 from: <https://gallica.bnf.fr/ark:/12148/bpt6k9443228/f7.item>

Lentin, A. & Amiraux, V. (2018). François Hollande's misguided move: taking 'race' out of the constitution. *The Guardian*. Retrieved May 6, 2021 from: <https://www.theguardian.com/commentisfree/2013/feb/12/francois-hollande-race-french-constitution>

Manaktala, M. (2012). Defining Genocide. *Peace Review. A Journal of Social Justice*, 24(2), pp. 179-186. Retrieved May 7, 2021 from: https://www.tandfonline.com/doi/pdf/10.1080/10402659.2012.677333?casa_token=h0lri7IVM8IAAAAA:Trx-Ju297HwV-pAW-ZiCaH7u5-v2RD5r5VVQNrVcV48_UNbK14La5UPSWgXumZb37JbBMZLtvwnx

McDoom, O.S. (2011). *Rwanda's Exit Pathway from Violence: A Strategic Assessment*. World Development Report 2011: Background Case Study, 62054. Washington, DC.: World Bank. Retrieved April 27, 2021 from: <http://documents1.worldbank.org/curated/en/508571468304500079/pdf/620540WP0Rwand0BOX0361475B00PUBLIC0.pdf>

McEvoy, K. & McConnachie, K. (2012). Victimology in transitional justice: Victimhood, innocence and hierarchy. *European Journal of Criminology*, 9(5), pp. 527-538. Retrieved May 7, 2021 from: http://www.antonioacasella.eu/restorative/McEvoy_2012.pdf

Minority Rights. *Rwanda: Twa*. Retrieved May 19, 2021 from:

<https://minorityrights.org/minorities/twa-2/>

McLeod, S. (2019). What's the difference between qualitative and quantitative research? *SimplyPsychology*. Retrieved May 4, 2021 from: <https://www.simplypsychology.org/qualitative-quantitative.html>

Merriam-Webster.com. *ethnic*. Retrieved March 17, 2021 from:

<https://www.merriam-webster.com/dictionary/ethnic>

Misachi, J. (2017). Ethnic Groups Of Rwanda. *WorldAtlas*. Retrieved April 5, 2021 from:

<https://www.worldatlas.com/articles/ethnic-groups-of-rwanda.html>

Moltke, E. & Turner, S. (2014). Projekt ny nation: "I dag er vi alle Rwandere". *Folkekrab.dk*. Retrieved March 10, 2021 from: <https://folkekrab.dk/artikler/projekt-ny-nation-i-dag-er-vi-alle-rwandere>

Moss, S.M. & Vollhardt, J.R. (2015). "You Can't Give a Syringe with Unity": Rwandan Responses to the Government's Single Recategorization Policies. *Analyses of Social Issues and Public Policy*, 0(1), pp. 1-35. Retrieved April 27, 2021 from:

https://www.researchgate.net/publication/283546117_You_Can%27t_Give_a_Syringe_with_Unity_Rwandan_Responses_to_the_Government%27s_Single_Recategorization_Policies

Möschel, M. (2014). *Law, Lawyers and Race: Critical Race Theory from the United States to Europe*. Abingdon: Routledge. Retrieved May 10, 2021 from:

<https://www-taylorfrancis-com.zorac.aub.aau.dk/books/mono/10.4324/9781315816739/law-lawyers-race-mathias-m%C3%B6schel>

Mugabi, I. & Fröhlich, S. (2019). Rwanda's genocide: The youth speak out. *Deutsche Welle*.

Retrieved March 10, 2021 from: <https://www.dw.com/en/rwandas-genocide-the-youth-speak-out/a-48230410>

Mumbere, D. (2018). Rwanda's opposition wins parliamentary seats for first time. *Africanews*. Retrieved April 14, 2021 from:

<https://www.africanews.com/2018/09/06/nothing-will-change-rwanda-s-opposition-wins-parliamentary-seats-for-first-time/>

National Unity and Reconciliation Commission (2007). *The National Policy on Unity and Reconciliation*. National Unity and Reconciliation Commission. Retrieved April 17, 2021 from:

<http://www.genocideresearchhub.org.rw/document/national-policy-unity-reconciliation/>

National Unity and Reconciliation Commissiona. *Background of the National Unity and Reconciliation Commission*. Retrieved April 17, 2021 from:

<https://www.nurc.gov.rw/index.php?id=73>.

National Unity and Reconciliation Commissionb. *Home Grown Approaches*. Retrieved April 29, 2021 from: <https://www.nurc.gov.rw/index.php?id=81>

Newbury, C. (1998). Ethnicity and the Politics of History in Rwanda. *Africa Today*, 45(1), pp. 7-24. Retrieved April 6, 2021 from:

https://www.jstor.org/stable/4187200?seq=3#metadata_info_tab_contents

Norris, P. (2011). *Democratic Deficit: Critical Citizens Revisited*. New York: Cambridge University Press. Retrieved April 19, 2021 from:

<https://ebookcentral.proquest.com/lib/aalborguniv-ebooks/reader.action?docID=674666&ppg=204>

Okello, C. (2017). Why so many Rwandans support Paul Kagame. *Rfi*. Retrieved May 17, 2021 from: <https://www.rfi.fr/en/africa/20170808-why-rwandans-support-paul-kagame>

Paradis, R.M. (2020). The Intersectional Experience of Ndi Umunyarwanda: An Interdisciplinary Analysis of Identity & Removing Ubwoko in Rwanda. *Undergraduate Journal of Global Citizenship*, 3(2), Article 3. Retrieved April 28, 2021 from:

<https://digitalcommons.fairfield.edu/jogc/vol3/iss2/3/>

Partridge, E. (2010). Book review: Analysing policy: what's the problem represented to be? By Carol Bacchi, Pearson Education, Frenchs Forest 2009. (2009), *Social Policy Research Centre*, 106(November 2010), p.12. Retrieved March 05, 2021 from:

https://www.academia.edu/1365133/Analysing_Policy_Whats_the_problem_represented_to_be_Pearson_Education_2009

PBS NewsHour (1999). The Heart of the Hutu-Tutsi Conflict. *PBS NewsHour*. Retrieved April 5, 2021 from: https://www.pbs.org/newshour/politics/africa-july-dec99-rwanda_10-08

Phillips, A. (2004). Defending Equality of Outcome. *Journal of Political Philosophy*, 12(1), pp. 1-19. Retrieved March 24, 2021 from: http://eprints.lse.ac.uk/533/1/equality_of_outcome.pdf

Republic of Rwanda. *About*. Retrieved May 5, 2021 from: <https://www.gov.rw/about>

Ribeiro de Oliveira, L. & Passador, C.S. (2019). Theoretical essay on public policy evaluations. *Cadernos EBAPE.BR*, 17(2). Retrieved February 25, 2021 from:

https://www.scielo.br/scielo.php?pid=S1679-39512019000200324&script=sci_arttext&tlng=en

Russell, S.G. & Carter, P.L. (2019). When the Past Is in the Present: The Paradox of Educational Opportunity and Social Inclusion in South Africa and Rwanda. *Sociology of Race and Ethnicity*, 5(4), pp. 547-561. Retrieved May 10, 2021 from:

<https://journals-sagepub-com.zorac.aub.aau.dk/doi/pdf/10.1177/2332649218783517>

Rwandapedia. *Ingando: Overview*. Retrieved April 29, 2021 from:

<https://rwandapedia.rw/hgs/ingando/overview>

Ryan, C.S., Hunt, J.S., Weible, J.A., Peterson, C.R. & Casas, J.F. (2007). Multicultural and Colorblind Ideology, Stereotypes, and Ethnocentrism among Black and White Americans. *Group Processes & Intergroup Relations*, 10(4), pp. 617-637. Retrieved May 21, 2021 from:

https://www.ssoar.info/ssoar/bitstream/handle/document/22844/ssoar-gpir-2007-4-ryan_et_al-multicultural_and_colorblind_ideology.pdf?sequence=1

Saurugger, S. Consociationalism. *Britannica*. Retrieved May 17, 2021 from:
<https://www.britannica.com/topic/consociationalism>

The Constitution of the Republic of Rwanda (2003). Retrieved March 30, 2021 from:
<https://www.wipo.int/edocs/lexdocs/laws/en/rw/rw032en.pdf>

The World Bank. *The World Bank In Rwanda*. Retrieved March 10, 2021 from:
<https://www.worldbank.org/en/country/rwanda/overview#1>

Totten, S. (2011). The State and Future of Genocide Studies and Prevention: An Overview and Analysis of Some Key Issues. *Genocide Studies and Prevention: An International Journal*, 6(3), pp. 211-230. Retrieved May 7, 2021 from:
<https://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1057&context=gsp>

Tuyishime, D. (2017). 'Ndi Umunyarwanda' Program Here To Stay – Ndayisaba. *KT Press*. Retrieved April 29, 2021 from: <https://www.ktpress.rw/2017/10/ndi-umunyarwanda-program-here-to-stay-ndayisaba/>

Twagiramungu, N. & Sebarenzi, J. (2018). Rwanda can't achieve reconciliation without fixing its democracy. *The Conversation*. Retrieved May 17, 2021 from: <https://theconversation.com/rwanda-cant-achieve-reconciliation-without-fixing-its-democracy-94925>

Twagiramungu, N. & Sebarenzi, J. (2019). Rwanda's economic growth could be derailed by its autocratic regime. *The Conversation*. Retrieved May 19, 2021 from:
<https://theconversation.com/rwandas-economic-growth-could-be-derailed-by-its-autocratic-regime-114649>

United Nations. *Rwanda: A Brief History of the Country*. Retrieved April 5, 2021 from:
<https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml#1950s>

United States Holocaust Memorial Museum. *Divided by Ethnicity*. Retrieved April 5, 2021 from:
<https://www.ushmm.org/genocide-prevention/countries/rwanda/case-study/background/divided-by-ethnicity>

UNSW Sydney Library. *Primary and secondary sources*. Retrieved May 4, 2021 from:
<https://www.library.unsw.edu.au/study/information-resources/primary-and-secondary-sources>

Wachira, C. (2020). Rwanda: Political opposition persists amid death, disappearance and detention. *Toward Freedom*. Retrieved April 23, 2021 from: <https://towardfreedom.org/story/rwanda-political-opposition-persists-amid-death-disappearance-and-detention/>

West, K., Greenland, K. & van Laar, C. (2021). Implicit racism, colour blindness, and narrow definitions of discrimination: Why some White people prefer 'All Lives Matter' to Black Lives Matter'. *British Journal of Social Psychology*. Retrieved May 20, 2021 from:
<file:///C:/Users/sandr/AppData/Local/Temp/West%20et%20al%20on%20Implicit%20racism%20colour%20blindness%20and%20narrowde%EF%AC%81nitions%20of%20discrimination%20Why%20some%20White%20people%20prefer%20All%20Lives%20Matter%20to%20Black%20LivesMatter.pdf>

Wingfield, A.H. (2015). Color-Blindness Is Counterproductive. *The Atlantic*. Retrieved May 10, 2021 from:
<https://www.theatlantic.com/politics/archive/2015/09/color-blindness-is-counterproductive/405037/>