

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)

Introduction

Rwanda For Francois Xavier Byuma, the vice president of Rwanda's premier human rights organization – The League for Promotion and Defense of Human Rights (LIPRODHOR)¹ – July 15, 2004, could not have been more puzzling. On that day, as he issued a statement to diverse news agencies, the government of Rwanda officially closed the doors of his thirteen-year old organization, accusing it of “divisionism” and promoting mass killing. What made the closing of LIPRODHOR especially puzzling was the fact that after having survived civil war, genocide, and dictatorship, it was shut down once the “minimal” establishment of democracy had been achieved.

The fate of LIPRODHOR was not what one would have expected. One year following the onset of civil war in 1990, the Hutu organization was created in an effort to monitor the repressive practices of the then Hutu-led government. Its initial denunciations of human rights violations were directed against diverse authorities: specifically, between 1990 and 1993, they targeted the authoritarian government of President Juvenal Habyarimana² and from April 9 to July 19, 1994, the transitional government of President Theodore Sindikubwako and those associated with it such as Colonel Theoneste Bagosora and the Interahamwe. During this period, LIPRODHOR was heavily criticized and received numerous threats from the government. Indeed, it appeared that the organization would be eliminated at any time, but this was not the case. Rather, its efforts were delayed and disrupted but never fully ended.

¹ The group was formerly known as the “Christian League for Human Rights.”

² Many influential members of LIPRODHOR are from Cyangugu, an area known as being hostile to former President Habyarimana.

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)**State Repression and Domestic Democratic Peace**

After the installation of the new government following the political events of 1994, LIPRODHOR continued and expanded its work. At first, the human rights group concerned itself with the activities of the moderate Hutu and heavily Tutsi influenced government of Pasteur Bizimungu (from July 19, 1994, to March 23, 2000), but later, after Paul Kagame assumed power in 2000, the focus shifted to the first Tutsi-led government since independence.

During this time, LIPRODHOR's efforts were quite ambitious. In 1994, the organization compiled detailed reports about the violence that occurred over the previous four years. These were distributed to diverse government ministries as well as to the Rwandan population. Additionally, LIPRODHOR conducted "sensitization" sessions with local authorities and citizens to educate them about previous violent activity, it created and distributed newspapers (*La Verdict*, which focused on the genocide as well as the then experimental truth and reconciliation effort – Gacaca³ – and *Umukindo*, which focused on general information about human rights in Rwanda as well as relevant international issues), it developed special research units, and it presented theatrical performances throughout the country to inform citizens in a more informal and entertaining manner about what had happened. In 1995, the organization initiated a program to monitor prisoners (identifying the number of detainees and minors being held by the government, the general health of the incarcerated, and the progress made with individual cases); and in 1996, it opened a center for the documentation of the Gacaca process – compiling eyewitness testimony (who did what to whom) and investigating the factual nature of the claims made during open sessions. In 2000, LIPRODHOR conducted a survey of how Rwandans felt about the Gacaca process and provided it to the Rwandan National Assembly in an effort to assist the deliberations about how well things were going and whether the program should be extended. That same year, the organization began identifying and monitoring complaints from ordinary Rwandans about human rights violations (for example, the imposition of political restrictions, land seizures, and disappearances).

Throughout this period of military control and state-building, the Rwandan government essentially left LIPRODHOR to do what it wanted. Toward the end of 2000, however, the context changed dramatically, seemingly for the better. For example, in March 2001, Rwanda held its first district-level elections with a participation rate of approximately 90 percent

³ Literally translated, this means "truth (or justice) in the grass."

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)

Introduction

of eligible voters (half of the eight million individuals in Rwanda). During 2003, on May 26, the nation held its first constitutional referendum, with 95 percent of the eligible voters participating. On August 26, Rwanda held its first presidential election, which gave the incumbent, Kagame, a resounding victory over Faustin Twagiramungu, a Hutu and his sole competitor.⁴ Finally, between September 29 and October 2, Rwanda held its first parliamentary elections, in which 74 percent of Rwandans cast their ballots for the president's party. These events represented a watershed in Rwandan history, signaling the last stages of a political transition that had been outlined in the Arusha accords of 1993, before the country descended into large-scale political violence.

Paradoxically, the "opening" also revealed a shift in repressive practices. In the postdemocratic context, LIPRODHOR was closed down and human rights practices slowly deteriorated, with opponents being banned or disappearing, the press being severely censored, and ordinary citizens being picked up and/or held for lengthy periods without clearly defined charges. In many ways, this was an improvement over the time of dictatorship (1994–2001). Between 1994 and 1998, the Rwandan government used extensive violence against citizens involving mass killing, torture, and beating. Between 1999 and 2000, a policy of forced "villagification" (relocation) physically removed large numbers of people and placed countless others in jail for resisting these efforts. Restrictions on political and civil liberties increased after the elections and the constitutional referendum but, violations of personal integrity decreased – diminishing the overall lethality of repressive behavior.⁵

⁴ Twagiramungu was the leader of a political party that was banned during the election (the MDR – Mouvement Démocratique Républicain).

⁵ This repressive climate was clearly not in line with statements made by the Rwandan government following the events of 1994 about how they wished to develop their political system and society. Indeed, after coming into power, political authorities consistently discussed a transition process of the first five (and then nine) years, during which time they planned to achieve numerous objectives including political democracy, economic development, and military security. By the time of the election for local-level leaders in 2003, one would not have anticipated that the regime would still be engaged in repressive behavior and that organizations like LIPRODHOR would be eliminated. Such an understanding was shared by those extending financial and political assistance to Rwanda. For example, one of the largest supporters of the postgenocide government, the United States, has consistently maintained that *a* and perhaps *the* major objective of Rwandan assistance programs was the development of a democratic government that respected human rights. Similarly, the United Nations High Commission for Refugees (UNHCR), another major financial supporter of Rwanda, consistently maintained that a democratic and nonrepressive government

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)**State Repression and Domestic Democratic Peace**

How can one explain the continued repressive activity in a situation of democratization? Perhaps something about the very nature of the government and the “opening” itself undermined the ability to put a damper on the use of coercion. For example, prior to local elections, the Rwandan government maintained strict control over the electoral process using bans on expression, an excessive military presence, and strict supervision of voter identification that intimidated the population (see, for example, Reyntjens 2004). Moreover, the Rwandan government designed the constitution in such a way that executive power was largely insulated from mass opinion/pressure, as well as from the checks and balances commonly associated with democracy (see, for example, Reyntjens 1996).⁶ Finally, prior to the presidential elections, the Rwandan government engaged in another round of restrictions and intimidation. Although the quality-of-democracy argument explains the persistence of repression, it does not explain its frequency, scope, or form. To do this, one must consider another factor that has loomed over all aspects of Rwandan life since 1994: political conflict both at home and abroad.

The postgenocidal Rwandan government has faced a variety of challenges and challengers. Most prominently featured in the news, in Northern Rwanda and the Democratic Republic of Congo (the DRC), the government confronts the last residues of the military organization that perpetrated the state-initiated violence of 1994. In addition to this, throughout Rwanda, authorities confront the potential resistance of everyday Rwandans. As most now understand, the events of 1994 saw widespread participation, including not only political officials, members of the military, police (gendarme), and militia but also clergy, teachers, students, and farmers. Once the violence subsided and the new government came to power, many of these same perpetrators returned to Rwandan society. Given the skewed nature of the demographic situation – 85 percent Hutus and 15 percent Tutsi – and the fact that the ideological foundation as well

was the objective of economic assistance. The reality of Rwanda after democracy, however, was very different from the vision conceived years earlier. Although following through with the political transition and establishing a minimal level of democracy as well as limited state-sponsored political violence, the behavior of the Rwandan government was somewhat different from what most anticipated.

⁶ Some even found the referendum process problematic. According to one study by the International Crisis Group, “There was no real possibility to reject (the constitution) because there was no campaigning to explain why it [was] bad. It was a state-managed referendum, and we have a state-managed result” (Ngowi 2003).

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)

Introduction

as the organization behind the violence remained intact, the possibility of contentious behavior in the future persisted. Especially troubling for the Rwandan government, it was not clear that the Tutsi inside the country, before the violence began, accepted the government of the Rwandan Patriotic Front (RPF)-influenced regime. Indeed, several cross-ethnic organizations created outside of the country comprising of disaffected Tutsi and Hutu sought to mobilize all Rwandans throughout the world against “the autocratic regime of President Paul Kagame” (Reyntjens 2004).⁷

In this context, the Rwandan government embarked on an ambitious plan to repress its citizens under the banner of “national unity,” with the result that the pacifying influence normally associated with political democracy has not had an opportunity to flourish. Indeed, it seems likely that, despite the “opening” of government institutions, participation of citizens in the political process and clear separation of powers, repressive behavior in some form or other will be applied for quite some time.

The United States Within hours of the 9/11 terrorist attacks in New York and Washington, D.C., Attorney General John Ashcroft and Defense Secretary Donald Rumsfeld were working the telephones, discussing the necessity for a quick response to the threat directed against America and what they (as well as others in the Bush administration) thought was required to do so. Their plan was sketchy and hastily put together. Up to the last few moments, staffers were working on the text prior to congressional vote. Regardless of the particulars, however, everyone knew that the proposed changes in law, behavior, and resource allocation would be ambitious, addressing past inadequacies as well as future concerns. Timing was of the utmost importance. As Ashcroft stated on September 24: “The American people do not have the luxury of unlimited time in erecting the necessary defenses to future attacks. Terrorism is a clear and present danger today. . . . The death tolls are too high, the consequences too great. . . . Each day that passes [before some action is taken] is a day that terrorists have a competitive advantage. Until Congress makes these changes, we are fighting an unnecessarily uphill battle” (Ashcroft 2001a).

By and large, the public, the media, and U.S. political leaders went along with this fast-track counterterrorist response. Forty-five days after

⁷ These alliances emerged following successive waves of migration out of Rwanda undertaken by leaders of the former Hutu government, genocide survivors who disagreed with the policies of the current government, and dissatisfied members of the ruling party (the RPF) itself.

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)**State Repression and Domestic Democratic Peace**

the attacks, Congress passed the Patriot Act (the Uniting and Strengthening America Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act). From most accounts, the legislation presented a major reversal in American state repressive power. Simultaneously, it relaxed restrictions on wiretaps, searches of personal records (for example, medical, library, and financial), and seizures of financial resources; it created a new crime – “domestic terrorism” – with which a wide variety of dissidents could be charged (any actors that threatened the U.S. government with intimidation and coercion); it effectively suspended the writ of habeas corpus in a variety of circumstances; it allowed the CIA and the FBI to employ a wide range of overt as well as covert powers against both foreign and domestic targets with little to no oversight; it facilitated the seemingly limitless accumulation and sharing of information across diverse government organizations; and it created an environment within which coercive agents felt they could operate freely without fear of repercussion. In a relatively brief period, the federal government had reestablished and extended powers that Americans had not seen for decades – powers that were swept away by Attorney General Edward Levi following the series of break-ins, impromptu disclosures, scandals, hearings, apologies, and forced retirements stretching from local police departments around the country to the office of the president during the late 1960s and through the 1970s.⁸ Those aware of this history had no interest in seeing coercive power in the U.S. increase, but right after 9/11 it was not the time for arguing. In the words of Ashcroft (2001b), such actions would “give ammunition to America’s enemies and pause to America’s friends.”

Behaviorally, the government’s response to threat was swift. Immediately after 9/11, for example, thousands of individuals were detained, interviewed, and registered.⁹ This continued throughout the rest of 2001, including the effort to identify and catalogue all noncitizens in the United States coming from twenty-five countries. In support of this effort, airports around

⁸ Important limitations established by Attorney General Janet Reno were overturned as well.

⁹ The reason was simple: “In the days after the attacks, Attorney General Ashcroft told FBI Director Robert Mueller ‘that any male from eighteen to forty years old from Middle Eastern or North African countries who the FBI simply learned about was to be questioned and questioned hard’ (Bovard 2003, 107). Additionally, as *Newsweek* columnist Steven Brill noted, Ashcroft told FBI and INS agents that the goal “was to prevent attacks, not prosecute anyone. And the best way to do that was to round up, question, and hold as many people as possible” (Bovard 2003, 107).

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)

Introduction

the country (along with diverse other targets) were effectively militarized, reducing traffic as well as facilitating searches; protest permits were denied; money transmittal services were raided, assets were frozen, and these organizations were required to register with the federal government. All the while, access to information about what the government was doing was severely limited. Declarations of national security and reclassification of information effectively masked what was taking place.

The U.S. government's activities were in many respects constrained. Restrictions on civil liberties were drawn with consideration of the highly institutionalized nature of U.S. democracy. For example, Ashcroft's first attempt, the Mobilization against Terrorism Act (MATA) – an ambitious plan with even fewer restrictions and oversight than the Patriot Act – was not well received, and, indeed, the Patriot Act was constructed as a compromise to head off resistance. Additionally, acknowledging America's historical concern with centralized coercive power, the government established “sunsets” for several important provisions (contained within Title II of the Patriot Act) whereby specific elements of the government's power would expire unless renewed. Even in a time of domestic threats of unprecedented scale, the government of the United States had to concern itself with how much repressive power would be vested in the hands of political authorities. Furthermore, the range of possible repressive responses was severely curtailed: nowhere in public statements or other records was there precise discussion of provisions for violent activity; congress granted the executive the right to use “all necessary force,” but this was not addressed in detail. Of course, we now know that plans involving violent behavior were being made (as Abu Ghraib and Guantanamo Bay revealed), but these were not part of the discourse about the larger domestic strategy that would be aimed at the American population.

Two years later, as the government attempted to further bolster its capacity to fight the “Global War on Terror,” the parameters of U.S. repressive power were once more openly contested, more explicitly revealing the non-repressive tendencies of democracies. At this time, Patriot Act II (that is, the Domestic Security and Enhancement Act – draft legislation obtained and circulated by the Center for Public Integrity in 2003) was being discussed. The effort was again ambitious.

If passed, the act would bar Justice Department disclosure of information about alleged terrorism-related detainees; virtually eliminate public access to industry “worst case scenario” documents prepared for the Environmental Protection

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)**State Repression and Domestic Democratic Peace**

Agency; create a “suspected terrorist DNA database that could include citizens as well as noncitizens and allow government inclusion of people merely suspected of “association” with “suspected” terrorists; codify the presumption of pretrial detention for citizens or noncitizens suspected of terrorist activity; and allow the U.S. government to “expatriate. . . citizens associated with terrorist groups, an association that might be so broadly defined as to include participating in legal activities of a designated terrorist group, such as demonstrations. . . . The Patriot Act II would also allow secret detention of citizens and noncitizens suspected of terrorism for up to fifteen days without informing courts or lawyers; permit wiretapping of citizens and noncitizens for fifteen days entirely on the authority of the attorney general and without requiring court approval; terminate court-approved or court-mandated restrictions on police surveillance and spying on political activists that date from the abuses committed by the FBI and local police departments in the 1960s; and impose the death penalty for a range of protests that “involve acts or acts dangerous to human life,” a broad definition that might encompass, for example, Greenpeace operations if a death resulted from such protest. (Sidel 2004, 31)

With distance from the attacks of 9/11 and no additional terrorist behavior, however, things had changed in the United States. By the time Patriot Act II was being discussed in early 2003, the reaction of the media and citizenry was quite different. Immediately upon the disclosure of the draft, different individuals and organizations, including many conservatives (such as Bill O’Reilly and William Safire as well as think tanks such as the Libertarian Cato Institute), openly criticized the government’s efforts. Not only were these challenges coming from these rather isolated sources, but there was also the emergence of a grassroots movement with city ordinances/resolutions being passed in 408 communities in forty-three states (as of September 2005) that took stands against components of Patriot Acts I and II (American Civil Liberties Union 2005).¹⁰ Even the Supreme Court, which had earlier opted not to hear cases relevant to the government’s activity, began to take it upon itself to consider specific aspects of what was taking place, bringing the most important body of judicial review to bear on the topic.

Political conflict prompted a repressive response by the U.S. government, but the shape of this effort was initially as well as subsequently influenced by political democracy. In a sense, 9/11 structured the repressive practices advanced by the U.S. political system, but it did not dismiss them.

¹⁰ This is available at the following URL: www.aclu.org/safeandfree/safeandfree.cfm?id=11294&c=207.

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)

Introduction

Understanding and Ending Repressive Action

Although the activities within Rwanda and the United States are clearly an unlikely comparison, they motivate the current investigation. I believe that they are representative of broader issues confronting citizens and political authorities around the globe. The similarities are clear: in both cases, specific aspects of the government associated with democracy decreased the lethality of state repression, but the nature of that influence was determined by the level of the characteristic under discussion, the type of repressive behavior considered, and the magnitude of domestic and international conflict confronted.¹¹ The differences between Rwanda and the United States are also instructive. In the case of Rwanda, it is shown that in a context of continued large-scale violent behavior, even the smallest amount of democracy (elections and constitutional referenda) improves human rights conditions – albeit only certain aspects and not as much as one would expect. In the case of the United States, it is shown that even a country heralded as one of the most developed democracies in the world will resort to specific forms of repressive behavior when threatened with a single act of violent political conflict. Therefore, even though the pacifying influence of democracy is crucial for decreasing state repressive behavior, it is conditional.

Are all types of repression equally responsive to the influence of diverse democratic characteristics? Should all aspects of democracy be supported if one is interested in reducing the lethality of repressive behavior? Are pacifying influences robust across diverse forms of political conflict (that is, which versions of domestic democratic peace are bulletproof)? The current book addresses these questions.

The issues here are by no means new to students of politics. Since the origin of the nation-state, those subject to the coercive power of government have been trying to decrease this behavior, shifting its application away from the most lethal techniques. Although the solution to this problem has generated diverse ideas, debates, social movements, and public policies, over the last fifty years one answer has emerged that is at once simple, compelling, and widely accepted. Viewing authoritarianism (“closed” and unaccountable political systems) as the primary reason for

¹¹ It should be noted that I acknowledge there are a wide variety of democratic types and subtypes (Collier and Levitsky 1997); what I focus on in this book are particular characteristics of political systems that are generally associated with democracy.

Cambridge University Press

978-0-521-86490-9 - State Repression and the Domestic Democratic Peace

Christian Davenport

Excerpt

[More information](#)**State Repression and Domestic Democratic Peace**

state coercion (see, for example, Dallin and Breslauer 1970; Linz 2000; Walter 1969),¹² democratic political institutions have come to be seen as the ultimate answer to the problem of repressive behavior (see, for example, Dahl 1989, 223; Rummel 1997; Shapiro 2003). Throughout the world, individuals and groups increasingly look to elections, the representation of diverse political parties, and limitations on executive discretion to reduce state-sponsored bans, censorship, arrests, torture, disappearances, and mass killing.

The logic of this position is straightforward. It is generally believed that political leaders in authoritarian systems use repression for three reasons: (1) they lack viable alternatives for political control, (2) they suffer no consequences for taking such action, and (3) there are generally no effective mechanisms for countering/“checking” the coercive power of authorities within such governments.¹³ Understanding this, those interested in reducing state repression have concluded that the best way to diminish this behavior is to create a political system that is the opposite of an authoritarian one. In short, they have concluded that democracies must be built and sustained. The reasons are again threefold. Leaders within these governments are generally less likely to apply coercion because (1) they have alternative mechanisms of control available to them (for example, normative influence), (2) they potentially suffer great consequences for engaging in this behavior (for example, being removed from office or being sent to jail), and (3) these political systems contain numerous institutional mechanisms for countering/checking the coercive power held by political authorities (for example, rival political organizations within the existing government and civil society).¹⁴ Through an alteration of incentives and the very functioning of the process by which policies are enacted, democracy makes the political system more accountable to constituents and decreases the likelihood that repressive behavior (especially the most lethal forms) will be used.

¹² Others highlight human nature (Hobbes 1950; Sidanius and Pratto 1999), the nation-state (Levene 2005; Van den Berghe 1990), and political-economic relationships (Lopez and Stohl 1989; Pion-Berlin 1989; Stanley 1996).

¹³ It is common for discussions of power mechanisms (especially within nondemocratic regimes) to be reduced themselves to coercion (Wintrobe 1998, 38). It is also common for discussions of power mechanisms within democratic regimes to highlight the diversity of strategies available to political leaders beyond those of coercive behavior.

¹⁴ In addition to this, democratic political systems also socialize government personnel to believe not only that is repression difficult to apply but also that it is “wrong” to do so. This is not frequently highlighted in the literature.