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CHALLENGES OF PEACE BUILDING IN POST-CONFLICT SOCIETIES: A CASE STUDY OF RWANDA 1994-2008

BY

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Declaration

This dissertation is my original work and has not been presented for a degree in any other University.

Elisa Kabera..Date..11 - 11 - 2009

This dissertation has been submitted for examination with my approval as a University supervisor:

Dr.Robert Mudida..Date....11/11/2009

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DEDICATION:

To the unknown patriotic soldier, ragged, hungry and emaciated, laden with bullet boxes or shrewdly poised in chilling shivers of a ruthless bamboo jungle.

To all comrades who heroically endured the hardships and challenges of a protracted struggle for self identity.

To the hero of heroes, one of us, who patiently carries blame for our wrongs and receives no praise for our achievements.

To all of you who have selflessly strived that Rwanda and the world may have Peace. your struggle was not in vain.

Let you be an inspiration that we may always strive to build a better Rwanda and a better world for our children and.

So let there be peace and let peace be for all of us to share.

Abstract:

This is a study of challenges of peace building in post conflict societies with special focus on post genocide Rwanda.

In 1994 after a four year protracted civil war, the Rwandan society experienced one of the worst genocides in modern history. The aftermath of this was more than eight hundred thousand people slaughtered, an unprecedented number of orphans and widows, over three million people displaced, a large number of killers looming in and out side the country with intentions to cause more instability, a destroyed social-economic-political system, a socially and psychologically traumatized population and sorry state of justice.

The study sought to investigate steps taken by Rwanda Government and its people to address the long historic conflict and challenges that are impediment to peace building effort currently under way in that country. Peace building is a multidimensional and all round approach to address the inherent social, political and economic maladies that are source of structural violence and to consummate reconciliation founded on sustainable conflict resolution mechanisms

The study was done through the use of both primary and secondary data to derive useful information on unquantifiable abstracts such as peace, reconciliation and justice, and on the basis of this conclusion was reached. This way, the study has established that Rwanda has steadily and systematically put in place the necessary mechanisms to address the historic structural and physical violence, and commendable progress towards lasting peace continues. This not withstanding there are still challenges on the way to lasting peace. Continued commitment to the search for peace coupled with international support

in all aspects and specifically the support to bring to an end the culture of impunity,

should bring Rwanda lasting peace.

THE CHALLENGES OF PEACE BUILDING IN POST-CONFLICT SOCIETIES: A CASE STUDY OF RWANDA, 1994 - 2008

Introduction

Internationalized conflicts and wars constitute the majority of armed conflicts in the contemporary world. According to Mwagiru these are conflicts whose origins are found within a state but whose development eventually takes on international characteristics, usually identified by involvement of external actors as the conflicts spill over beyond the confines of the affected state.[1] These conflicts are characterized by generalized violence affecting the society as a whole, social turmoil, disruption of social and political relationships and socio-economic livelihoods, fragility and breakdown of state institutions and physical destruction as well as generalized insecurity.

Peace building aims at addressing the reconstruction of the economic, social, political and juridical structures as well as the rebuilding of the social fabric that has been affected by the war.The major challenges include the disarmament, demobilization and reintegration of ex-combatants, resettlement and reintegration of refugees and internally displaced persons, revival of the economy and the reform of governance institutions. In many cases societies themselves lack the human, institutional and financial resources to tackle these problems, and international assistance to these key areas of "peace-building" is therefore instrumental.[2]

Post-conflict peace building seeks to prevent the resurgence of physical violence as well as creating the conditions necessary for sustainable peace by addressing the root

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[1] See for instance,M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management*,(Nairobi: Watermark Publishers, 2000)pp61-63.

[2] J.Zeeuw, *Building Peace in War-Torn Societies: From Concept to Strategy* (Netherlands Institute of International Relations , 'Clingendael', 2001.) pp15-20

or structural causes of the conflict. The term post-conflict presupposes understanding conflict in terms of phases – the pre-conflict, conflict and post-conflict phase. For the purpose of this study, focusing on the post-conflict phase seems to be obvious. Coined as the 'logical' next step after the conflict itself, the post-conflict phase is considered to be that phase in the life cycle of a conflict when the hostilities between parties in the conflict have ceased.[3] In practice, however, tensions may flair up again and a fragile peace may relapse into conflict. Such a relapse is costly both to the society as well as to the external donors willing to assist the community. This is because not only does the relapse have financial implications but also erodes the trust that had been building up between the parties to the conflict, making it even more difficult to conclude a peace agreement in future. Thus, the onus on conflict managers and policy makers is to initiate policies that can ensure sustainable peace.

Ever since independence most African countries have experienced internal conflicts in one form or another. Examples include Uganda, Nigeria, Chad, Sierra Leone, Burundi, Somalia, Kenya, Sudan, Angola, Mozambique, Congo DRC, and Liberia among others. Whereas some of these conflicts were resolved successfully others have proved intractable and are on-going. Yet in terms of intensity and levels of brutality none of Africa's post-independent conflict surpasses the Rwanda genocide of 1994.

The 1994 genocide in Rwanda was the epitome of preceding similar but relatively mild genocides of the Tutsi by the Hutu in 1959, 1963, 1973 and 1990.[4] These genocides under score a long standing conflict between the two ethnic groups. The origin of the

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[3] Bloomfield, P. Lincoln . & A. Moulton, *Managing International Conflict: From Theory to Practice. A Teaching Tool Using CASCON,* (New York: St. Martins Press, 1997), pp. 98-115.
[4] M.Mann, The Dark Side of Democracy- *Explaining ethnic Cleansing,* (Cambridge, Cambridge University press, 2005), pp430-431

conflict is traced back to the theory advanced by colonialists and missionaries regarding the origins of the Rwandans. This theory emphasizes the fundamental differences between the three groups of Rwandan inhabitants- the Hutu, Tutsi and Twa. The theory *that* characterizes these groups as Ethnic groups (in spite of sharing a language) asserts that the Batwa are the indigenous and are related to the pygmies found in central Africa. That the Hutus are Bantus who allegedly came to Rwanda during the Bantu migration waves between 7th and 10th Centuries. That the Tutsis are by origin Hamitic and that they inhabited Rwanda between 10th and 14th Century. The Hutus, farmers, who are the majority are said to have been the original land owners. It is mentioned that the Tutsis, cattle keepers, dominated the Hutus and the Twa after adopting their language and culture.[5]

Under inspiration from the colonialist and missionaries and hungry to take up the reigns of power, the Hutu elite exploited this theory and escalated the differences into a Historic structural violence that graduated into cycles of physical violence including the "apocalypse" in 1994.

In April 1994 in this small central African country, the ethnic Hutus, who form 85% of the Rwandan population, descended on the ethnic Tutsi's, killing and humiliating them in the most horrendous manner. Facilitated by the government sponsored Radio de Mille Corinne (RTLM) on which live broadcasts directed and encouraged the slaughter: "This is the moment to attack the tough fighters (the RPF) simultaneously at the back and the front...and exterminate them...the graves are only half full...look at the person, his

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[5] G. Prunier, The Rwandan Cricis-*History of A Genocide*,(London, Fountain Publisher limited,1995) pp5-23

height and his physical appearance, his pretty little nose...."[6], Radio RTLM mobilized. The Hutus hunted down the Tutsis from town to town, village to village and house to house. Hotels, schools, churches and convents in which the Tutsi sought refugee were set a blaze or attacked with machetes, knives, hummers, hoes, bows, heavy sticks barbed with nails, bows and arrows, grenades and guns, name it! In bid to torture and humiliate, women were raped in front of their husbands and children, daughters raped in front of their parents, sons were forced to rape their mothers, children were forced to kill parents or parents to kill children or children to kill one another before they themselves were killed. Hutu men married to Tutsi women killed them voluntarily or were forced to kill them with their children. Property was attacked and pillaged chaos reigned in the whole country and in a span of 100 days, an estimated one million people were killed.[7]

The fall of the capital Kigali to the invading Rwanda Patriotic Army forces in July 1994 ended the genocide but did not end the conflict. Hutu militias and the allied Hutu population fled the country in their millions causing a humanitarian crisis in the neighboring Democratic Republic of Congo (DRC). Towns of Goma and Bukavu in the DRC were flooded with Refugees as well as arms. Hunger, disease, violence took heavy tall on the refugees.

Meanwhile the militias and ex- Rwandan army officers reorganized themselves set up recruitment and training camps within the DRC and started incursions into Rwanda with objective to complete the genocide and re-capture power. This precipitated the invasion of the DRC by the Rwanda and Uganda (which had its own Rebels in the DRC)

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[6] M.Mann, The Dark Side of Democracy- *Explaining ethnic Cleansing*, (Cambridge, Cambridge University press 2005)p469

[7] G.Prunier, The Rwandan Crisis-*History of A Genocide*, (London, Fountain Publisher limited 1995) pp253-259

in 1996 and eventual overthrow of Mubutu Seseseko in 1997 and installation of Laurent Desire Kabira. The pursuit of the genociders into their safe haven in the DRC had turned an internal conflict to an internationalized one. By the year 2000, the conflict had in fact draw in other African countries on the side of the DRC such as Zimbabwe, Namibia, Angola, and Sudan in what was later nicknamed the First African World war.[8]

The Conflict in Rwanda was intense and expensive in terms of human life and material costs. It left a lot of psychological scars and judging from what has happened so far, it has the potential to resurge to unprecedented levels if no deliberate effort to build peace is made. In this regard, rebuilding sustainable peace and reconciliation among Rwandans is not just a matter of choice. It is a question of survival to the Rwandans as well as that of regional stability.

Statement of the Problem

The challenges involved in peace-building in societies emerging from conflicts include lack of financial resources, persistent insecurity as some individuals (spoilers) of the *ancien* regime refuse to accept the new political dispensation, failure to engage communities at the grassroots level, the inability of the new regime to satisfactorily devolve power, conflict between donor-driven agendas and indigenous initiatives, differing perspectives about whether to punish or forgive perpetrators of crimes during the period of active hostilities, absence of developed and functional institutions, and the problem of rebuilding relationships between formerly disputing groups.[9] Rwanda has

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[8] - The Monograph N0.66, October 2001, the article on " Peace keeping in the DRC MONUC and the road to peace".
Also available on internet http://www.iha.ac.articles/a126. See article by V.Hawkins on : Stealthy Conflicts, Africa's World war in the DRC and International conscious.
- See also M.Mwagiru, Conflict, Theory, Process and institutions of Management,(Nairobi, Watermark Publishers 2000)p100
[9] O.Ramsbotham, T.Woodhouse, H.Mail, Contemporary Conflict Resolution, *The prevention, management*

been no exception to some of these challenges. This study, using Rwanda as a case study, intends to examine some of the key challenges involved in peace building in post-conflict societies. The study notes that more than ten years after the Rwandan Patriotic Front (RPF) took over power in July 1994 there has been no major outbreak of hostilities between the two erstwhile contending communities – the Tutsi and the Hutu. The study also notes that several initiatives have been undertaken by the Rwandan government to bring about such a state of affairs (maintenance of peace), including the introduction of *Gacaca* courts, holding of elections, introduction of community policing, decentralization of power, creation of village councils to resolve the land problem, villagization (*imidugudu*) resettlement of refugees, among others.[10] It is this spate of initiatives that the research intends to classify under the rubric of peace-building. In other words this study intends to interrogate the peace-building policies that have been pursued by the Rwandan government and their effects.

The study will also examine the various debates and the challenges, how these debates have shaped the way the Rwandan government has attempted to handle the challenges, and how effective the policies enacted to redress the problems have been.

The study intends to analyze how this staged approach is relevant in understanding the policies put in place in Rwanda to ensure sustainable peace. The key guiding questions are:

a) What immediate policies were put in place by the Rwandan government to ensure long term peace and what has been the impact of such policies?

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and transformation of deadly conflict (Cambridge, Polity Press 2006)pp185-213
[10] -see Rebuilding Lasting Peace in Rwanda: Voices of the People (by the institute of research and dialogue for Peace-WSP) pp79-81, p91

b) What key challenges has the Rwandan government faced in its attempts to implement such policies?

Objectives of the Study

The broad goal of the study is to use Rwanda as a case study in order to examine the major challenges that post-conflict societies face in their efforts to build sustainable peace. Specifically, the study has the following two sub objectives:

a) To examine the policies enacted by the Rwandan government and to appraise their relevance and effects in establishing sustainable peace.

b) To highlight the key challenges and how they have been addressed

Literature Review

The literature reviewed for this study will fall into three categories: literature on peace building, literature on ethnic conflict and literature on Rwanda. The three categories are important because they all highlight key aspects of peace building initiatives including: why the emphasis on peace-building, why internal wars are so intractable and what are the alternatives, and, what has been written about peace building in Rwanda. An examination of the literature in each category is important in order to identify weaknesses and thus validate the study's contribution to knowledge about peace building.

Literature on Peace building

The term "peace-building" gained momentum as a policy concept within the UN framework after the end of the Cold War. Indeed it was the UN Secretary General Boutros Boutros-Ghali who came up with the concept of "peace building" in his *Agenda for Peace*. Peace building is part of the UN's strategy for the resolution of conflict, which consists of four components.[11] Firstly, preventive diplomacy, that is, action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur. Secondly, peacemaking, which consists of action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations. Thirdly, peacekeeping, meaning the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Lastly, post-conflict peace-building, which refers to action to identify and support structures that will tend to strengthen and solidify peace in order to avoid a relapse into conflict.

Traditionally, there was a tendency to understand "peace," as well as its opposite, "war," as belonging to relations between nation-states. Under international law, for example, only nation-states were recognized as having the right to engage in war. Similarly, "peace" was regarded as realizable only through the agency of the state.[12] This perception was based on a notion of the sovereign state system which begun since the Westphalia Treaty of 1648.

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[11] Boutros-Ghali, Boutros, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping,* (New York: United Nations, 1992) p. 11.
[12] See for instance Article 2 (3) and Article 2 (4) of the UN Charter with their heavy emphasis on international rather than internal disputes.

However, attempts to re-defme the concept of 'peace' have been at the core of peace studies since the 1960s. For instance, Galtung looks at peace as "social goals that are complex and difficult but not impossible to attain". He finds it difficult to define peace without first defining violence whose absence he says, is the only sure sign of the presence of peace. Violence on the other hand, he says, is more than meets the eye- that is to say: direct physical violence. It is "the cause of the difference between the potential realizations and the actual (if actual is avoidable) realization and between what could have possibly been and what is".[13] Thus, systems that do not permit their people (even as individuals) to attain the best expected in context of available national and global resources lead to unpeaceful situations. Gultung. made a distinction between direct, "personal violence" and indirect "structural violence." He put forth a definition of "positive peace," or a state of "social justice," which can be realized in the absence of structural violence; this is in contrast to "negative peace," which is defined as the absence of direct violence. Significantly, Galtung's notion of structural violence and "positive peace," frees the question of "peace" from being an exclusive activity of the sovereign state, and re-inscribes it as a social question. This is particularly relevant in studying internal conflicts - especially on the African continent - whose origins usually involve a perceived sense of injustice by certain groups within a state but whose grievances lie outside traditional discourses on peace.

Take for instance the 2007 post election violence in Kenya. The officially announced Presidential election results produced an unprecedented level of open violence country wide and especially in Nairobi, the lift valley and Nyanza Provinces. Looking at the Kenyan society before these elections, many would have described it as a peaceful

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[13] J.Gultung ; Violence, Peace and Peace Research, *Journal of Peace Research 6.2*(1969) p4

and probably coherent society, oblivious of the underlying social inequalities and injustices that were the flame behind the extreme violence. In Galtung's words, Kenya before the 2007general elections would have been described as existing in a state of "negative peace"[14].

As the term 'conflict' is at the center of the concept of 'peace-building', its conceptualization is appropriate. Galtung defines 'conflict' as much more than direct violence. There is

> "...also the violence frozen into structures, and the culture that legitimizes violence. To transform a conflict between some parties, more than a new architecture for their relationship is needed. The parties have to be transformed so that the conflict is not reproduced forever."[15]

In other words Galtung's notions about peace and conflict are relevant to peace building since they entail not only the reduction of violence (cure) but also its avoidance (prevention). However, Galtung's work, even though important in conceptualizing the concept of peace, remains too theoretical and lacks practical examples to validate the argument.

Kelman[16] points to the non-fulfillment - or threats to the fulfillment of basic needs as causes of conflict and mentions in particular psychological needs, such as identity, security, recognition, autonomy, self-esteem, and a sense of justice, as centrally important for the behavior of individuals and characteristic for the individuals' identity groups (for example: ethnic group, national group, the state and so forth), which articulate these powerful driving forces of the psychological and also material needs. Closely related are

[14] .J.Gultung' violence, peace and Peace Research , Peace and Peace Research, *Journal of Peace Research* 6.2 (1969) p2

[15] J.Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, (PRIO. London & Thousand Oaks & New Delhi Sage, 1996) p. VIII.

[16] H.C.Kelman,, "Social-Psychological Dimensions of International Conflict." in I.W.Zartman , and L. Rasmussen, (eds), *Peacemaking in International Conflict*, Washington, D.C.: USIP Press, 1997, p. 194.

fears about the denial of the needs, perceived threats to security, identity and survival.[17] Summing up, identity, security and other important collective needs, and the fears about survival connected with them, are viewed as critical causal factors of intergroup and intercommunal conflict. For instance, typical conflicts about territorial issues or resource questions frequently reflect and magnify underlying concerns about security and identity and in a large number of cases are responsible for the escalation and perpetuation of international and intergroup conflicts.[18] Clearly, Kelman's "lack of fulfillment" or "threat to fulfillment" as cause of conflict is very much in consonance with Gultung's 'threat to potential realization' of aspirations as source of conflict only that Gultung explores his point at a more philosophical level.

A related but quite different approach to conflict has been advocated by Kriesberg.[19] Starting from the notion that conflict is pervasive in all social situations, Kriesberg defines 'social conflicts' as: "... existing when two or more persons or groups manifest the belief that they have incompatible objectives."[20] Kriesberg implies that conflicts are conscious, different from competitions, and perceived as such by the parties (persons or groups) themselves. But Kriesberg allows for objective, latent, underlying or potential conflicts in case the parties are not aware of the conflicting situation. He specifically adds that the basic definition does not refer to the means by which the parties might pursue their goals since he wishes to focus on non-coercive means and constructive ways of fighting instead of on violent struggles and coercion.

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[17] Ibid, p. 195.
[18] Ibid. p. 196
[19] L.Kriesberg, *Constructive Conflicts. From Escalation to Resolution*,(Lanham & Boulder & New York & Oxford: Rowman & Littlefield), 1998.p1
[20] Ibid, pp. 2-3.

Kriesberg also points to the fact that "social conflicts vary in the issues in contention, characteristics of the adversaries, the relations between the adversaries, the social context of the conflict, and the modes used in the struggle."[21] He further lists internationality, perceptions, and other subjective phenomena in order to illustrate how the people engaged in conflicts view their struggles. Beyond that, he emphasizes that the adversaries carry out their struggle in the 'real social and physical world', a condition that has a direct impact on the way the conflict will evolve. Thus, Kriesberg shows a complex interplay between conditions that shape perceptions and perceptions that become conditions.

Kriesberg also stresses the multiplicity of important values other than peace motivating people and communities (e.g. freedom, justice, equality, or a wish for recognition of their special distinction or even superiority) and stipulates that those independent norms must not be jeopardized in the pursuit of peace.[22] He furthermore points out that international conflicts (for this study it is internationalized conflicts) are characterized by numerous actors, the diversity of the issues at stake, and the availability of non-coercive inducements as well as of coercive methods. Since the parties are represented by groups of people, all persons have multiple loyalties and identities, including religion, language, ethnicity, ideologies, occupations, and their respective country.[23]

Similarly, Burton, established a direct link between interstate and intergroup conflicts and the realm of basic human needs, principally identity, recognition and

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[21] Ibid, p.26

[22] L.Kriesberg, *International Conflict Resolution. The U.S.-USSR and Middle East Cases*, New Haven & London: Yale University Press, 1992, p. 1.

[23] Ibid, pp. 10-11.

survival, and thus brought the study of conflict resolution safely into the vicinity of a social-psychological approach. What is relevant at this point in the review of the conception of conflict is Burton's very own distinction between disputes and conflicts, the latter being deeply rooted in human needs and therefore most difficult to resolve.[24] In his view, disputes lend themselves to the conventional methods of peacemaking, but conflicts must be probed and opened up by means of a profound psychological examination of the unmet or inadequately fulfilled basic human needs of the parties and their individual members. His approach deals with conflict as a universal phenomenon affecting all cultures and at all societal levels. Similar views are held by scholars associated with Burton's theoretical and applied framework showing the wide acceptance of the social-psychological approach to the description, analysis and resolution of intergroup and international conflicts by today's peace and conflict researchers.[25]

On the other hand Ramsbotham, Woodhouse and Miall have argued that international intervention and reconstruction of post-conflict societies has recently realized three things. First, that embedded cultures and economies of violence provide more formidable barriers to comprehensive or lasting peace than originally assumed. Secondly, that post-conflict peace-building and the idea of formal agreements need to be underpinned by understandings, structures and long-term development frameworks that will erode cultures of violence and sustain peace processes on the ground. Thirdly, there should be alliances with local actors and the non-governmental sector as these have links with local knowledge and wisdom. This alliance is meant to enhance sustainable citizen-based peace-building initiatives and to open up participatory public political spaces in

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[24] J.Burton, *Conflict: Resolution and Prevention(* New York: St. Martin's Press) 1990.
[25] D.J.D.Sandole, and Hugo van der Merwe, (eds), *Conflict Resolution Theory and Practice: Integration and Application,(* Manchester & New York: Manchester UP, 1993).

order to allow institutions and civil society to flourish. In other words the authors are advocating for the idea of peace building from below rather than a top-bottom approach.[26]

Similarly, Gurr argues that an extraordinary shift has taken place in the last decade in strategies for the transformation of ethnopolitical conflicts - in which cultural, racial, and religious minorities seek equal rights and political participation, and national peoples demand self-determination.[27] These transformations are hardly isolated. Instead they bespeak a new global doctrine for managing conflicts in heterogeneous societies. It is based on premises that communal contention about access to the state's power and resources should be restrained by recognizing minority rights and negotiating power-sharing arrangements; that threats to divide a country should be managed by the devolution of state power; and that the international community has proactive responsibility for promoting these outcomes. Once-common strategies of forced assimilation, racial separation, and ethnic cleansing--the phrase is new, the practice ancient--have been tossed into the dustbin of history, adding a new layer to the moldering relics of colonial conquest and imperial rule. The older strategies still have local defenders and practitioners, but the most influential international actors now assert the normative and practical superiority of pluralism, power-sharing, and regional autonomy within existing states.

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[26] O.Ramsbotham , T.Woodhouse , & H.Mial , *Contemporary Conflict Resolution: The prevention, management and transformation of deadly conflicts,* Cambridge: Polity Press, 2006, pp. 215-216.

[27] T.R.Gurr, "Attaining peace in divided societies: Five principles of emerging doctrine" in *International Journal on World Peace,* Vol. 19, No. 2, 2002, pp. 27-41.

The first principle of the emerging doctrine is recognition and active protection of the rights of racial, cultural, and religious minorities. This means freedom from discrimination based on race, national origin, language, or religion, complemented by institutional means to protect and promote their collective interests. The second doctrine is democratization. Democratic institutions are the preferred domestic means for guaranteeing group rights in heterogeneous societies and for pursuing political programs to redress inequalities that have resulted from discrimination.

The third doctrine is autonomy solutions for self-determination disputes. Demands of national peoples for independent statehood challenge the paramount importance that governing elites usually give to preserving the integrity of the state and its territory. The fourth norm is that international and regional organizations, and individual states, have responsibilities to engage in such conflicts and to engage, using force if necessary, to check gross violations of human rights.

Lastly, threats of international use of force and military presence have a critical and expanding role in the process of engagement. When preventive means fail to deter conflicts that pose serious threats to regional security or cause gross violations of human rights, the U.N. and some regional organizations have come to accept the obligation to respond with military sanctions and peace enforcement operations.

Fombad has argued that peace building refers to all the efforts required on the way to the creation of a sustainable peace zone; imagining a peaceful future, conducting an overall needs assessment, developing a coherent peace plan, and designing an

effective implementation plan. In other words peace building is supposed to address the underlying structural, relational and cultural roots of conflict.[28]

And in the process of so doing the concept of truth, justice and reconciliation are important. It is within this context that Fombad points out that the phenomenon of Truth Commissions is still relatively new in Africa. Although their genesis can be traced to the mid-1970s and early 1980s in Uganda and some South American countries, where commissions were formed to look into the disappearances of people during previous military dictatorships, the first truth commission to attract international attention was the National Commission on the Disappeared in Argentina, which operated from 1983 to 1984. What is relevant for this study is the fact that, as Fombad points out, Truth Commissions can contribute towards building a foundation for sustainable peace.

Cousens and Kumar argue that successful peace building in war torn countries involves a triple transition: a security transition from war to peace; a political transition from authoritarianism (or totalitarianism) to a more participatory form of government; and a socio-economic transition, including the rebuilding of economic capacities and, frequently, the movement from a controlled to a market economy.[29] The transition from conflict to peace and the prevention of a relapse into conflict is therefore the primary aim of any peace building activities. For the case of Rwanda it will be interesting to examine whether Cousen and Kumar's triple transition occurred and what challenges such a transition faced.

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[28] C.M.Fombad, "Prospects for Peace Building through Truth Commissions in Africa" in A.G. Nhema., *The Quest for Peace in Africa: Transformation, Democracy and Public Policy*, Addis Ababa: OSSREA, 2004, pp. 189-219.
[29] Cousens, M.Elizabeth, and C. Kumar, *Peace-building as Politics: Cultivating Peace in Fragile Societies*, Lodon: Lynne Rienner, 2001.

In the same vein Zeeu recognizes the importance that external actors can play in reconstructing divided communities and has pointed out some of the challenges involved in peace-building in war torn societies.[30] First is the tendency by external actors to develop "quick- fix" solutions that are temporary rather than invest in long term institutional capacity building and the creation of a "culture of peace." Secondly there has been lack of ownership by local communities of most assistance programs. This is in spite of promises by most donors to take into account recipient's priorities and build efforts on local capacities. Peace building therefore remains externally driven and often results in an experiment in social engineering controlled by actors outside the societies they are trying to rebuild.

Thirdly external assistance to most peace-building programs remains an uncoordinated and essentially ad hoc affair.[31] Reasons for the lack of coordination include the disparate interests of donor countries to assist certain war-torn societies, the different mandates of the various donor implementing agencies and the problem of burden sharing and leadership in multi-agency efforts. Rwanda provides a good example in this case where some donor countries and none governmental organizations all converged on the sector of Justice (each for their own reasons) leaving out other essential sectors like supporting the totally collapsed economy.

Fourthly is the problem of delayed assistance: donor promises mean little unless they can be translated promptly into accessible, flexible resources that make tangible improvements in the lives of targeted communities. Delays between pledges, commitments and actual disbursements could destroy the hope and commitment of local

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[30] J.Zeeuw, *Building Peace in War-Torn Societies: From Concept to Strategy*, (Netherlands Institute of International Relations 'Clingendael', August 2001).pp 15-20
[31] Ibid.

people to the peace process. Lastly there is the problem of lack of priorities. In other words donors have a propensity for financing a plethora of small-scale projects across different sectors. This often results in a fragmented approach of supporting only a marginal element in a chain of processes and in case there is no follow-up, the positive impact of such an activity withers away.

Talking about conflict, Lederach argues that internal, rather than international conflicts, built around identity groups living in close proximity. They often erupt as expressions of accumulated pain with marked emotional and psychological patterns of institutionalized hatred and division. In other words direct experience of violent trauma associated with perceived enemies is tied to a history of grievance and enmity accumulated over generations. The conflicts are characterized by deep-rooted, intense animosity, fear and severe stereotyping.[32]

Lederach further states that the conflicts cause division among groups based on fear for survival, victimization, divisive political rhetoric, and myths of differences and boundaries. An 'us' versus 'them' dichotomy develops along ethnic lines. These dynamics, driven by real-life experiences and subjective perspectives and emotions, render national and mechanical processes and solutions aimed at conflict transformation not only ineffective, but also irrelevant and offensive. Lederach concludes that peace-building must be rooted in response to the experiential and subjective realities that shape people's perspectives and needs. It is at this point that the concept paradigm of peace-building must shift away from the traditional framework and activities.[33] Contemporary conflicts necessitate peace-building that responds to the real nature of the

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[32] J.P.Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, DC: United States Institute of Peace, 1997.
[33] Ibid.

conflicts. Although peace accords are often seen as a culminating point of a peace process, in reality the accords are only an invitation to continue in the process of redefining relationships.[34] Contemporary conflicts also require innovation, development of ideas and practices beyond negotiation of substantive interests and issues. This innovation allows peace-builders to probe into the realm of the subjective, accumulated perceptions, deep-rooted hatred and fear. In dealing with the challenge posed by contemporary conflict, an important meeting point between realism and innovation is the idea of reconciliation and justice.

Literature on ethnic conflict

Of recent, the study of ethnic based conflict like the Rwandan conflict has come under the increasing focus of academics given that they form some of the deadliest conflict of the modern times. Studying the nature and cause of this type of conflict is important because it provides insight into how they can be avoided and which measures would be put in place to adequately build lasting peace in post ethnic conflict societies.

According to Lake and Rothchild ethnic conflicts are:

> "...caused by collective fears of the future. As groups begin to fear for their safety, a series of dangerous and difficult to resolve strategic dilemmas arise that contain within them potential for tremendous violence. As information failures, problems of credible commitment and security dilemmas take hold, the state is weakened, states become fearful and conflict becomes likely"[35].

Although this assertion may explain the immediate lapse of ethnic conflict, It presupposes the existence of groups (ethnic or otherwise). It does not therefore show how conflictive groups are formed in the first instance and how they get polarized to the extent of breaking into deadly and violent conflict.

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[34] Ibid.
[35] David A.Lake and Donald Rothchild : *Ethnic Fears and Global Engagement: the International Spread and Management of Ethnic Conflict*, Policy paper - January 1996, p 6

There are two general views on ethnic conflict that have been advanced namely the "hard views" and the "Soft views" of ethnic conflict (or the primodialist/instrumentalist debate). For those theorists who adhere to the hard views of ethnic conflict, they assert that ethnic groups are:

> "ascriptive, firmly bounded entities that are based on a strong sense of commonality, engenders considerable loyalty, persist over time, provide large affective rewards to group members, incline towards ethnocentrism, are hostile to and desire to dominate others are liable to pursue conflict behavior based on passion (even to the exclusion of calculation) and engender a willingness on the part of members to sacrifice for collective welfare"[36]

The outspoken hard view approach to ethnic conflict is the primordialists theory which take ethnicity as a fixed characteristic of individuals and communities whether rooted in inherited biological traits or years of past practice now beyond the ability of individuals or groups to change. The primodialists contend that conflict generates from ethnic differences and does not need any other explanations for it to occur[37].

According to this view, the central unit of analysis is the group and not the individual and the interest of the individual are deeply embedded in groupness.

Applied to the Rwandan situation, it would mean that the Hutu and Tutsi were conflictive right from the time their way of life (Tutsi as cattle keepers and Hutu as agriculturists-clash of cultures) and genetic origins distinguished each as a distinct ethnic group. That would mean that the conflict between the two groups or any other ethnic group is inevitable and nothing may be done to avert it or even to stop it once it has occurred since it is inherent, natural and has the potential to regenerate.

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[36] Donald L Horowitz: *Structure and Strategy in ethnic Conflict*, (Washington D.C, 1998) p2
[37] David A.Lake and Donald Rothchild : *Ethnic fears and Global engagement: the International spread and management of Ethnic Conflict*, Policy paper - January 1996, p 6

Clearly, analyzing conflicts (let alone violent conflicts like the Rwandan conflict) this way leaves a lot to be desired. Neither are ethnic groups static nor are ethnic relations equally conflictive. Why for example should the Rwandan conflict between a one language speaking community conclude with genocide while the supposedly "inherent conflict" among the one hundred and twenty different language speaking tribes in Tanzania remain non violent. On the other hand, why did the Hutu (during the 1994) genocide break into the *Interahamwe* extremists, the *Impuzamugambi* and other groups and why didn't they find harmony of purpose and intent in the Hutuness. The primodialist approach presents a defeatist point of view of fait accompli.

Contrary to hard views of ethnic conflict are the soft views of ethnic conflict. These views contend that ethnic conflicts are social constructs, with ethnic solidarity based on material rewards and conflict behavior based on calculations of material gains[38]. Such include the instrumentalist approach to conflict and the constructivists approach to conflict. According to the instrumentalists, ethnicity is only a label that is used as a tool for material gain by a group of people or individuals- the elite. This then means that ethnicity has little meaning outside political process in which collective gains are achieved[39]. On the other hand, the constructivist theory posits that ethnicity is a social phenomenon beyond an individual's choice but is not necessarily conflictive except for defective social systems that breed violent conflict[40].

Applied to the Rwandan conflict, the instrumentalists would negate the existence of Hutu and Tutsi as ethnic entities (or any other ethnic entity for that matter) from genetic

[38] Donald L Horowitz: *Structure and Strategy in Ethnic Conflict,*(Washington D.C, 1998) p2

[39] David A.Lake and Donald Rothchild : *Ethnic Fears and Global Engagement: the International Spread and Management of Ethnic Conflict,* Policy paper - January 1996, p 7

[40] ibid.p7

or social/cultural point of view. The two ethnic groups exist in as far as they were manipulated for political advantage by the elite. On the contrary, the constructivists would see the Hutu-Tutsi as inevitable social phenomenon that were/are there any way, but could have existed harmoniously had it not been for the defective social political system. This then means that ethnic conflicts are not inevitable and that they have causes that can be avoided.

The constructivist theory that: "defective social political systems" give room to "manipulation for political advantage" by opportunistic elements is a very accurate description of the conflict in Rwanda. Thus the colonial era saw the Hutu (and poor Tutsi) as a marginalized and oppressed group with no opening to advance themselves in life as their fundamental needs were denied. This plus the political manipulation of pre-colonial Hutu elite and catalyzed by the colonialist themselves, lead to the murderous rage of the 1960s. The post independent Hutu regimes on the other hand did not make any correction but rather reversed the order of oppression, magnified, implanted it in the political structures and legalized it as the accepted order of the day.

According to theories of ethnic conflict, the denial of such basic rights by one group to another will "effectively cause the individual to suppress rational self interest motivation in order to prioritize the well being of others with whom they are interdependent for survival, reproduction or any other fitness related goals"[41]. This assertion explains how ethnic wars get supplied with combatants to fight them.

If denial of the basic human needs is anything to determine violent conflict, the situation in Rwanda by 1990 had for long been oppressive enough to warrant that kind of sacrificial behavior of the individual for the interest of the group, so much so that war

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[41] http//www.allacademic.commeta/p-mla-apa-researchcitation 0/6/9/0/p69500-indexhtml

was an obvious out come diplomatic means having failed to resolve the conflict. For effective peace building measures, the dynamics of ethnic conflict and theories hither to must be heeded.

Literature on Rwanda

The literature on Rwanda may fall in two categories: The literature on the Rwandan conflict- origin and evolution, and literature on peace building in Rwanda. Much of the recitation on the origin and evolution of the Rwandan conflict will however feature in the next chapter which is dedicated to the back ground of the Rwandan conflict.

Talking about conflict in Rwanda, Reyntjens notes that the structural violence, a key component of the social basis on which the edifice of [the 1994] genocide was built, is as present as before 1994.[42] He notes that just as at the beginning of the 1990's, people prefer to ignore the warning signs. Despite the numerous criticisms to which Rwanda is subjected in spheres as diverse as the occupation and exploitation of one third of the Congo, governance, human rights and the exclusion of the majority of Hutu and Tutsi Rwandans, the international community continues to give it the benefit of the doubt..

Reyntjens asserts that at the end of 2000, Rwanda's debt was reduced by 810 million dollars in the context of the programme in favour of the highly indebted poor countries (HIPC). In the framework of the Facility for the Reduction of Poverty and for Growth (FRPC), a new loan, granted in August 2000, brought to almost 56 million dollars the total amount of funds allocated for a period of three years. Since GDP per capita had still not reached the 1990 level and export revenue was constantly falling, this effectively constituted support for a heavily subsidized economy involved in a war of

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[42] F.Reyntjens , *Again at the Crossroads: Rwanda and Burundi, 2000-2001*, Uppsala: Nordic African Institute, 2001, p. 24.

aggression in a neighboring state and causing regional instability. In this regard Reyntjens may have failed to achieve an all dimension view of Rwandan wars in the DRC as partly a manifestation of failure by international community to apprehend the perpetrators of the 1994 genocide which was in itself an offence against humanity in general.

On the other hand, Johan Pottier[43] has addressed himself to the question of peace-building in post-conflict Rwanda, especially the land issue. He notes that traditionally there have always been tensions in the system of land ownership in Rwanda. In Rwanda legal texts on land ownership and use do exist, but they have no practical significance since nearly all pertain to 'foreigners and religious missions', whose rights were granted during colonialism. In other words in Rwanda it is custom that prevails when it comes to land tenure, that is, ordinary Rwandans have no interest in these written land laws; what matters to them is that the land is there to be used.

Pottier addresses the various reform policies that have been advocated for by the Rwandan government, majorly repossession and villagization. He notes that one of the problems with the policies pursued is the question of women's rights in land and whether these rights can be actualised, even when backed with new legislation. His conclusion is that legal entitlements for women do not necessarily translate into de facto access to resources. This is particularly frustrating for peace-building efforts as the genocide altered the ratio of men to women to roughly 30:70, that is between one third and one half of all women were widowed. These widows and their (female) children had no right to

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[43] J.Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century*, Cambridge: Cambridge University Press, 2002.

inherit the land they used to farm, as it was controlled by the male relatives of the deceased husbands.

Unlike Pottier, Mironko and Uvin views put Rwanda in global context. They point out that Rwanda represents an important test case for the emerging international post-conflict agenda. This is because the so-called international community has rarely invested so massively in justice and human rights as part of an attempt to restore peace and promote democracy and reconciliation.[44] It is pointed out that there are currently three types of efforts to deal with the perpetrators of genocide in Rwanda, and all receive significant international support: the International Criminal Tribunal for Rwanda (ICTR), the formal domestic justice system, and *gacaca*.

The authors argue that the first two Western-inspired systems of justice have proven incapable of addressing the needs of Rwanda. The third system, *gacaca*, offers a promising alternative to achieve not only justice, but reconciliation and grassroots empowerment as well.

It could be argued that the ICTR represents symbolic politics – it is about the international community's own morality, and a desire to show that it caring after its total inaction. Further, prosecution of nine people in eight years can not be much of deterrence to resurgence of conflict. In other words the ICTR is mainly famous for its bureaucratic inefficiency and political infighting and the slowness of its work.

As for the domestic system what was attempted was not the reconstruction, but rather the first-time construction of a fair, efficient, and human right-based justice system. Before the genocide, for example, there was no bar association. Judges and

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[44]C. Mironko & P. Uvin, "Western and Local Approaches to Justice in Rwanda" in *Global Governance*, 9(2), 2003.

lawyers were politically appointed and often incompetent and corrupt. The major challenge for the justice system, however, is its speed; it manages to judge only about 1,000 persons annually. As a result, eight years after the genocide, no more than 3 percent of the detainees have been judged; approximately 115,000 remained imprisoned as of late 2002. Moreover, the quality of justice is lacking. Not only does the competency of many judges still leave much to be desired, but corruption remains high. Judges' salaries are extremely low, and bribery regularly occurs. Serious biases also prevail. Many prosecutors and judges neglect exculpatory evidence. Social pressure on judicial personnel is strong.

Mironko and Uvin note that one grave risk of the *gacaca* courts is that people will not tell the truth. Genocide survivors may not testify for fear of revenge, while victims of rape might refuse to testify because such issues are rarely made public in Rwandan culture. Another risk, especially where there are few available survivors, is that people might give false testimony without fear of being exposed by other witnesses.

Contrary to Mirinko and Uvin, Mensah looks at Policing and peace building in Rwanda. He argues that UNDP's support for the Rwandan government's reorganization of its policing system constitutes reform measures in the countries' state systems. He notes that by streamlining the police service in Rwanda, which makes it easier to predict and monitor the operations of the country's police force, the UNDP is not only assisting this country to transform uncertainties into risk in a post-conflict situation, it is also redesigning the institutional environments, hence rebuilding trust among the citizens and between them and the state.[45] Conflicts shatter people's concept of trust, and in most

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[45]B.K. Mensah, "Social Capital Building as Capacity for Post-conflict Development: The UNDP in Mozambique and Rwanda" in *Global Governance*, 10(4), 2004.

cases it is to the extent that even when open hostility is declared to be over, a sense of fear and insecurity continues to loom over the area concerned. This makes it difficult for survivors to return home to resume normal life. In the absence of trust, institutions are no longer capable of coordinating interhuman interactions, hence the difficulty of making and implementing collective decisions. Trust can thus be seen as a major victim of social strife, particularly violent conflicts.

An over view of the Literature

Several criticisms can be leveled against the literature just reviewed. Starting with the literature on peace building it is obvious that even the very term peace building lacks conceptual clarity. This is because, based on the literature, the term can encompass all the activities instituted in a society's post-conflict phase but which do not lead to active hostilities. This lack of conceptual clarity creates a problem as where to start implementing projects and when to end. This is a problem that can be acutely felt in Africa where resources are few and donor-dependency is high, a situation that can breed dependency and donor fatigue especially when rising expectations are not met as donors either withdraw funds or move to other pressing conflict areas. Such situations can actually lead to renewed cycles of violence and a relapse into conflict.

In other words there is a need to limit the terms definition to tangible and achievable results so that peace-building does not become synonymous with all development activities, because if that is that is the case, then what is the need to change the nomenclature, instead of merely calling it development? And if development is what both the societies affected by conflict as well donors have been trying to do since these

societies gained independence, and yet the societies have never developed, what makes it so obvious that they will now develop?

Secondly, the uncritical acceptance of democracy and capitalism as essential elements in peace building by most scholars on the subject sometimes tend to transform peace building from an analytical concept to an ideological stance. Is it necessarily true that democracy, especially the western version, is the best form of government for societies emerging from conflict, with its tendency to bring extremists rather than moderates to power?[46] Or that economic liberalization, that is capitalism, is the best economic system, with its inherent tendency to breed inequality?[47] In other words, there is a gap when one tries to link capitalism and democracy as components of peace building to empirical evidence.

Whereas political and economic reform may address structural violence there is need not to be dogmatic and develop a "one-fit-all" peace building model because each conflict situation has its own historical and contemporary context that differentiates it from the rest. Consequently, the study contends that an assumption that a peace building model developed for El Salvador may be appropriate for Rwanda could be erroneous. In what ways has the Rwandan peace building model been indigenized to respond to circumstances that are uniquely Rwandan?

One key criticism of the literature on Rwanda is that it does not take a holistic approach to peace-building but only deals with sectors; the question here is, are these

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[46] In Cambodia and Liberia, although initial elections gave reason for optimism, the new governments quickly reverted to anti-democratic practices as electoral competition soon spilled into deadly conflict. In Bosnia, democratization brought extremists to power.

[47] In the Central American states of Nicaragua, El Salvador, and Guatemala, economic liberalization appears to be recreating the very sources of the prior conflict, with marketization exacerbating inequality within each of the states, which has fueled soaring crime rates, an early warning sign for the emergence of conflict (i.e collapse of the rule of law).

sectors part of a comprehensive approach by the Rwandan government to build sustainable peace? Suppose they are not part of a comprehensive approach, what is the net effect of such an *ad hoc* and uncoordinated approach to efforts to build peace in Rwanda?

Secondly the literature does not point out the fact that peace-building is a continuous process rather than an event. As such there is a tendency for the literature to label shortcomings as failures rather than challenges. Indeed since most of the literature was published before 2008, meaning that the data may have been collected much earlier it would be interesting to examine how the so-called 'failures' have been dealt with ever since the publications.

In the process of exploring these elements mentioned above, my study will then fill the gap between theory and practice as well as show that unique situations demand unique measures rather than gain from laid down kind of mechanical outfit.

Justification of the Study

This study can be justified on two grounds: academic and Policy.

Academically, this study, using Rwanda as a case study, hopes to contribute to an emerging field, namely peace-building,[48] but one which is significant in conflict management and in attempts to find a lasting solution to many of the protracted conflicts in Africa. Indeed the study asserts that there is a dearth of literature on peace-building in Africa yet this is an area that is most relevant for students of conflict management on the continent. Indeed the few studies that have been done have remained too theoretical and prescriptive, focusing on what ought to be done rather than what was actually done and

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[48] See for instance, E. Bertram, "Reinventing Government: The Promise of and Perils of United Nations Peace Building" in *Journal of Conflict Resolution*, 39(3), 1995, pp. 387 – 418.

why it succeeded or failed. Thus. through focusing on post-conflict Rwanda, this study hopes to bridge the divide between theory and practice. By addressing the weaknesses mentioned in the critique of the literature review, this study hopes to make contribution to the academic debate pertaining to the approach, process, and issues in peace building. Such debates are like the systemic perspective of those who emphasize the structural analysis of the root cause, the humanitarians who are preoccupied with crisis management and pacification of fighting, and those who focus on immediate issues with view to learn lessons to assist in future conflict prevention.[49] The study will as mentioned earlier, show that there is no fit- all- formula in as far as peace building is concerned but rather that each case has its unique characteristics that would require special recognition and special handling if peace building must be achieved. The study also contends that the process of peace building is continuous and as long as it must take and that challenges are not failures. Thus identifying the challenges is part of seeking solution

In terms of policy internal wars involving ethnic groups have become the norm in the post-Cold War era. Normally such conflicts involve identity and are protracted, resulting in massive loss of property and life. Oftentimes negotiated ceasefires by the parties themselves or by external mediators' attempt to bring the violence and hostilities to an end prove illusory as the conflicts re-emerge in new cycles of violence that are sometimes more intense than the preceding one. This is due to the fact that more often than not the parties use ceasefires to buy time and recover their strength or the ceasefires fail to address the root causes of the conflicts (justice, recognition, power sharing arrangements, equitable access to resources, among others) and only tackle the

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[49] J.P. Lederach, , *Building Peace: Sustainable Reconciliation in Divided Societies*,(Washington, DC: United States Institute of Peace, 1997)p47

symptoms. Consequently, the onus on policy makers and intellectuals is to attempt to find

ways of managing the ensuing peace so as to prevent a relapse into violence. In putting

my argument, I will draw reference to different peace building theories but will

specifically concern myself with conflict transformation theory as advanced by John

Lederarch.

Theoretical Framework

This study is premised on Lederach's conflict transformation theory. Lederach

argues for the development of a comprehensive, integrative, strategic approach to the

transformation of conflict.[50] Transformation differs from "conflict resolution" or "conflict

management", Lederach asserts, because it reflects a better understanding of the nature of

conflict itself. "Conflict resolution" implies something undesired can be "resolved"

permanently through mediation or other intervention processes. "Conflict management"

correctly assumes that conflicts are long-term processes that often cannot be quickly

resolved, but the notion of "management" suggests that people can be directed or

controlled as though they were physical objects. The goal of management is to control

volatility rather than to address the underlying source of the problem.[51]

Conflict transformation, as described by Lederach, recognizes the dialectic nature of

conflict. This nature assumes that social conflict is naturally created by humans who are

involved in relationships, yet once it occurs, it changes (i.e., transforms) those events,

people, and relationships that created the initial conflict. Conflicts change relationships in

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[50] J.P. Lederach, , *Building Peace: Sustainable Reconciliation in Divided Societies,*(Washington, DC:
United States Institute of Peace, 1997).p49

[51] Makumi Mwagiru: Conflict Theory, Processes and institutions of management, (water mark publishers,
Nairobi 2000) p3

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various ways, altering communication patterns and patterns of social organization, altering images of the self and of the other.

Conflict transformation suggests that without efforts to change the situation, conflict can have destructive consequences. However, these consequences can be modified or transformed so that self-images, relationships, and social structures improve as a result of conflict instead of being harmed by it. Usually this involves transforming perceptions of issues, actions, and other people or groups. Since conflict usually transforms perceptions by accentuating the differences between people and positions, effective conflict transformation can work to improve mutual understanding. Even when people's interests, values, and needs are different, even non- reconcilable, progress has been made if each group gains a relatively accurate understanding of the other. Such transformation, Lederach suggests, must take place at both the personal and the systemic level. At the personal level, conflict transformation involves the pursuit of awareness, growth, and commitment to change which may occur through the recognition of fear, anger, grief, and bitterness.

These emotions must be outwardly acknowledged and dealt with in order for effective conflict transformation to occur. Key to conflict transformation is truth, reconciliation, justice, and mercy, as well as empowerment and interdependence. These concepts are frequently seen to be in opposition to each other; however, they must come together for reconciliation or "peace" to occur.[52] Thus, reconciliation involves the identification and acknowledgment of what happened (i.e. truth), an effort to right the

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[52] J.P. Lederach, *Preparing for Peace: Conflict Transformation across Cultures*, Syracuse: Syracuse University Press, 1995, p. 20.

wrongs that occurred (i.e., justice) and forgiveness for the perpetrators (mercy). The end result is not only reconciliation, but peace.

Reconciliation is not pursued by seeking innovative ways to disengage or minimize the conflicting groups' affiliations, but instead is built on mechanisms that engage the sides of the conflict with each other as human, in relation to each other. Reconciliation must find ways to address the past without getting locked into the vicious cycle of mutual exclusiveness of the past. Reconciliation is promoted by providing space and opportunity for encounters at various levels, bringing together people from opposing sides and encouraging them to articulate their pain and to envision an interdependent future.[53]

At the systemic level efforts must be made to transform institutions and to initiate policies that can addresses the root causes of the conflict. This theory is relevant for Rwanda because it addresses itself to ways of building sustainable peace in divided societies of which Rwanda is a prime example. Besides, Rwanda is one of those countries whose people have undergone the most traumatizing relationships and these same people live side by side. Due to enormous number of those involved in the Rwandan genocide, some of the people may not even be brought to formal justice and will still rub shoulders with surviving victims. Peace building measures in such a society demand a dynamic approach such as conflict transformation. Whereas conflict transformation may not substitute justice, it will bring about relationship change through change of perception of one another and the issues surrounding the conflict. This in turn will clear ground for reconciliation. The conflict transformation theory is also relevant because it can be used

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[53] J.P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies.* (Washington, DC: United States Institute of Peace, 1997) p57

to explain what initiatives have been implemented in Rwanda and whether key attributes which the theory addresses, namely truth, reconciliation, justice, mercy, and transformation as well as empowerment and interdependence, have featured in Rwanda's attempt to build sustainable peace.

Research Hypotheses

This study has two assumptions: first, that conflict simmer underground for a long time before active hostilities develop; and, secondly, that once active hostilities develop physical security must first be established before embarking on any long-term peace-building measures. The study will therefore be guided by the following two hypotheses:

- Sustainable peace can only be established once the conflict situation has been pacified and physical security for the community is assured

- Sustainable peace can only be achieved if the causes of structural violence are addressed

- Sustainable peace can only be achieved when Justice and Reconciliation issues are effectively addressed.

- Sustainable peace can only be achieved if peace building measures are backed by economic development and measures to words equitable resource distribution.

Methodology

This chapter presents the research design used in the study and how it was executed. It also describes the data collection techniques prefered and why such techniques were employed. The chapter also talks about the sample size, area of study and data analysis methodology.

The choice of methodology for any research depends on the kind of data one is looking for and the kind of research. Since this research deals with variables that cannot be measured it is qualitative. Such concepts like peace, reconciliation, justice, unity are unquantifiable. Although indices related to aspects such as the economy, justice, administration may be cited, in no way can this be translated to the actual figures in terms of "amount of peace" or justice or even reconciliation. The challenges of peace building in post conflict society which are subject of this research can be deduced from an analysis of these unquantifiable values.

The study will employ both primary and secondary data. In regard to the former, at least two scholars, two ordinary Rwandese citizens, two individuals in the Rwandan civil society and four policy makers in the government of Rwandan will be interviewed. The interview will also include semi-structured questionnaires which will be administered to the targeted individuals selected by purposive sampling. Such individuals will have special knowledge in the subject of research. They will either be directly or indirectly involved in issues that contribute to peace building. These will include at least one highly placed officer from the office of the president, a highly placed officer in the office of the Unity and Reconciliation Commission, one officer in the Ministry of Justice, one highly placed officer in the Religious hierarchy and one officer in the Ministry of Finance. The interviews will mostly be oral. This has an added advantage of being able to build on the semi-structured questionnaire by developing relevant questions from the answers given. It also gives added advantage to the interviewer to observe facial expressions of respondents to determine on their credibility and conviction in what they have to say. In situations where the respondents are unavailable for oral interviews,

questionnaires will be mailed to them so that they may respond. This will disadvantage the interviewer in the sense that further probing questions may not be developed from answers given and conclusive analysis may be remotely drawn from responses that are not nurtured by follow up questions. This approach changes the questionnaire to being structured as well as semi- structured questionnaire

The sources of secondary data will include official reports of the Rwandan government, reports of organizations like the UN and the International Crisis Group (ICG) that will be sourced from the Internet and libraries. It will also include targeted informal interviews administered through random as well as purposive sampling. books, journals, newsletters, pamphlets, published and unpublished papers, and newspapers among others. The data will be sourced from major libraries such as Jomo Kenyatta Memorial Library, IFRA library at Am Bank House, The National Defence College (NDC) Library at Karen, The DSC Library, and The United States International University (USIU) Library, among others. Help will be sought from the Rwandan government in order to examine policy papers and other documents relevant to the study. The study will focus on key policies and institutions that have been put in place to build sustainable peace at the local, regional and national levels. The key issues identified as being central to Rwanda's recovery and reconstruction and building sustainable peace are physical security of the Rwandese citizens, reconciliation, good governance, justice and poverty reduction. The nature and scope of this study will mainly be about process, qualitative change, perceptions and as I said earlier, these are parameters which are not quantitatively measurable. Consequently qualitative data analysis techniques will be employed, including the use of observation and personal intuition to extract patterns and

to answer questions such as why and how. The study will majorly focus on the areas that were hard hit by the genocide and where the government has focused most of its attention in an effort to build sustainable peace. Specific areas are those where the Tutsis lived side by side with the Hutu and the former were massacred leaving a handful of survivors. It will be worthwhile to see how the government has tried to bring the two together to live in peace and the challenges facing such effort. However, depending on how the study evolves, other areas if found to be relevant will not be ignored. Indeed it is said that there are bitter feelings towards the Rwanda Patriotic Army (the victors' army) in some areas of Rwanda where indiscriminate reprisal killings were done by soldiers whose families had been exterminated during the genocide. It would be worthwhile to examine effectiveness of the steps taken by the government to address such traumatic memories and challenges associated with this. A separate questionnaire for each of the targeted category of respondents (government officials, civil society leaders, scholars, local people) will be prepared.

Scope and Limitations

This study focuses on peace building efforts in post-conflict Rwanda for the period 1994. The study will restrict itself to policies aimed at peace-building and how such policies have affected the situation within the country. In other words the study will restrict itself to five key policy areas namely: the physical security of the Rwandese citizens, reconciliation, good governance, and justice and poverty reduction. Anticipated problems include non-responsive interviewees, and the high cost of traveling to and within Rwanda to conduct the interviews, inaccessibility of data written in the French language, among others.

Chapter Outline

Chapter One: Background to the study.

Chapter Two: The Historical background to the Rwandan Conflict: This chapter will provide a background to the 1994 genocide.

Chapter Three: Peace-building in post-1994 Rwanda: This chapter will present the key efforts made towards establishing sustainable peace in Rwanda.

Chapter Four: Critical Analysis of peace-building in Rwanda: This chapter will examine the challenges involved in peace-building in Rwanda.

Chapter Five: Conclusion and Recommendations

CHAPTER TWO: ROOTS OF THE RWANDAN CRISIS

Introduction

This chapter is premised on the fact that conflict is a logical progression of contradictions that lead to attitude and from attitude to behavior. Conflict is initially embedded in defective structures which may be adopted and taken for granted. This leads to a culture of inherent violence, sometimes stereotyping, and all culminate to eventual overt violence.[1] This means that violent conflicts have behind them a history that explains the issues as well as the progression. It is for this reason that chapter two which dwells on the historical injustices of Rwanda is essential if we must understand the related conflict evolution. The chapter is conveniently divided into six parts namely: Pre colonial Period, Colonial Period, Post Second World War Period, The First Republic, The Second Republic and the Tutsi Question and the Beginning of the Civil War in 1990.

Rwanda is a small landlocked country of eight million people located in the central African region.[2] The country was a Belgian administered trust territory before gaining its independence on 1st July 1962. Rwanda has a long history of violent conflict dating back to 1959, and culminating in the 1994 genocide. In 1994 the country underwent one of the most intense genocides in history, a genocide that cost an estimated one million lives within a span of one hundred days.[3] This chapter intends to examine the roots of the Rwandan crisis and the factors that bred the 1994 conflict. The aim is to examine the key institutions put in place in the pre-1994 period that bred insecurity, a

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[1] -O.Ramsbotham, T.Woodhouse &H. Mial, *Contemporary Conflict Resolution:The prevention, management and transformation of deadly conflicts(*, Cambridge: Polity Press, 2006) p11. See the discustion on Gultung's models of Conflict ,Violence and Peace.

[2] - G.Prunier, The Rwandan Crisis-*History of A Genocide*, (London, Fountain Publisher limited 1995)p4

[3] -ibid- p261

perceived sense of injustice among sections of the population, and a polarized and ethnically divided society, and ultimately culminated in the genocide. It is only when one can be able to diagnose, that one can decide whether appropriate medication has been given. Examining the effectiveness of the peace building measures will then rely on their relevancy in addressing the historical socio-political maladies.

This chapter inevitably assumes that every conflict has both proximate as well as underlying causes and this will be the key assumption guiding the analysis. The underlying causes are, as propounded by Gultung, those causes of conflict that are embedded (structural) in the Social- Political- Economic structures. Structural causes exist in oppressive structures that inhibit actualization of the potential of the aggrieved part of the society.[4] In the case of Rwanda(as will be exposed in the next chapter), the structural causes of the 1990-1994 armed conflict lay in the institutionalized total denial of the fundamental rights of the Tutsi by the Hutu. The immediate causes of the 1994 calamity lay in the invasion of Rwanda by the Tutsi lead rebels in 1990, the failure of the Arusha Peace talks by extremist Hutu and the subsequent collapse of the said peace talks. The shooting down of the presidential plane by unknown assailants became trigger causes of the 1994 genocide.

Pre-colonial Rwanda

The Rwandan crisis has its roots in the country's colonial history that gave precedent to ethnic disharmony between Tutsi and Hutu. Broadly, the word ethnic originates from the Greek word *ethnos* originally used to mean people or tribe. In the modern times however, ethnic refers to a people sharing common origins, customs, social norms, some learned standards of behavior such as language, shared cultural heritage and

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[4] See Chapter One on p9- an explanation on Gultung's Structural Violence

have shared historical social ties.[5] Determining whether the Hutu and Tutsi conform to different ethnic groups according to this definition has always been a contentious issue.

The origin of the Tutsi and Hutu as distinct ethnic groups is unknown. What is however certain is that pre-colonial Rwanda demonstrates an "ethnic" diversity based partly on occupational status, partly on a patron/client relationship and access to state power, and also on the ancestry of the two prominent groups, the Hutu and the Tutsi. Before the arrival of the first European travelers, these groups identified themselves according to clan rather than ethnic affiliation, and the description of so-called ethnic groups was laid down by those travelers.

The Hutu, immigrant Bantu-speaking agriculturalists, are said to have been the first to arrive in the region around the 7th to 10th Centuries. They outnumbered the indigenous hunters, gatherers and wonderers.[6] They cleared the forests and cultivated the dark and rich volcanic soils, grew sorghum, kept livestock and bees, hunted and developed village industries. Later around 13th to14[th] Centuries, this group is said to have been joined by the Tutsi, an Ethiopic or Hamitic pastoralist group that was assimilated and, in the process, took over the language spoken by the Hutu (kinyarwanda) and the traditions. The two groups intermarried and bore the same names; but the Tutsi had more control over the factors of production, including access to land, cattle and labour.[7] This is because the Tutsi were generally the rulers whereas the Hutu were the subjects.

In large part, during the pre-colonial period or before the 19th century, Tutsi, Hutu and Twa roughly corresponded to occupational categories. Cattle-herders, soldiers

[5] A.D.Smith: Ethnic origins of nations , Oxford &Massachusetts (Blackwell Publishers 1995)pp21-41
[6] -MINEPRISEC- Histoire du Rwanda, premiere partie,Fevrier 1987,p15
[7] C.Newbury, The Cohesion of Oppression: Clientship and Ethnicity in Rwanda 1860-1960,(New York, Columbia University Press 1988) p. 24.

and administrators were mostly Tutsi, while Hutu were farmers. Hutu and Tutsi were less sharply distinct, and individuals could and did move between the categories as their fortunes rose or fell. The movement of a Hutu up the socioeconomic ladder to shed Hutuness and achieve the political status of a Tutsi was known as *kwihutura* while the socioeconomic fall of a Tutsi to a Hutu was known as *gucupira*. However, the different occupational categories of the Hutu and Tutsi did contribute to the different identities of each in the sense that each group shared interests and problems with those of its own, a factor that brought solidarity between "birds of the same feathers" while making the inter-group contradictions eminent.

Although the Rwandan social structure was not overtly conflictive at this time, one may draw from Lake and Rothschild (ascribing to the primodialist approach of ethnic conflict) assertion that occupational categories lead to the development of different identity groups and that the different identity groups may lead to incompatibilities of goals.[8] If so, the Hutu and Tutsi conflict may be traced this way. We have seen however that Hutu and Tutsi were mobile between occupations depending on the rise and fall of fortunes. This meant mobility from one ethnic group to the other. In that sense, using the primodialist approach to explain the Rwandan conflict is inconsistent. In addition, the analysis of the literature review on p20 of this book pre-empts the primodialist views as inconsistent.

Talking about the Hutu and Tutsi, Mamdani argues that the two (during the pre-colonial period) were political rather than ethnic identities.[9] To be a Tutsi meant to be in power, near power or simply to be identified with power – just as to be a Hutu meant to

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[8] - See page 19-20 on the Literature review- explanation on ethnic conflict theories.

[9] Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*, Kampala: Fountain Publishers, 2001, p. 75.

be a subject. Thus whereas initially the Tutsi may have existed as a distinct ethnic category the process of state formation through incorporation of different ethnic communities ensured that the Banyarwanda formed a distinct cultural community in which Hutu became a state-imposed identity to identify subject people. This distinction was not however rigid and clear-cut for prosperous Hutu could be ennobled to become Tutsi or became Tutsi through intermarriage with other Tutsi families. Mamdani further adds that the distinction was also not based on division of labour between agriculturalists and pastoralists, for there existed *petits* Tutsi who were cattle-less and the *moyens* Tutsi who combined herding with farming.

Up to this point, one may say that although economic/social fortunes were key to political power, the precedent did not translate to overt conflict. Besides there were no real fixed ethnic divisions that gave advantages to one group over the other since as has already been mentioned, it was possible to graduate/deteriorate from one group to the other. There is no doubt however that this was an aspect of structural violence as indeed the somatic realization of the individual was premised on the group to which he belonged and not on the potential of that individual.

Colonial Rwanda

The first European travelers who reached central Rwanda noted a socio-economic and "ethnic" stratification between Tutsi and Hutu.[10] The Tutsi were described as distinct in terms of origin, economic activities, social status and physical appearance, although they shared the language, religion and settlement with Hutu. This description of Rwandese "ethnic groups" was upheld and diffused by outsiders, most of them colonial

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[10] D.Kamukama, *Rwanda Conflict: Its Roots and Regional Implications*, Kampala: Fountain Publishers, 1995, p. 56.

agents. ethnographers. anthropologists. and historians and came to represent the generalized western view of the Rwandese people.

When the Germans colonized Rwanda and began administering the territory in 1899 they favored a policy of indirect rule that built on this mythology and stratified the Tutsi and Hutu into real ethnic categories. In essence the policy privileged the Tutsi above the Hutu and was continued by the Belgians when, in 1916, Belgium occupied Rwanda as a result of German defeat in World War I. After World War I, the League of Nations mandated Belgium to administer Rwanda and in 1946 the country became a Belgian trust territory under the United Nations.

The 40 years of Belgian administration saw the disintegration and distortion of indigenous social and political structures. For example, among the European civil servants and missionaries operating in Rwanda, the so-called Hamitic thesis became generalized. According to this thesis, "everything of value in Africa had been introduced by the Hamites, supposedly a branch of the Caucasian race".[11] For Europeans, the attractiveness of this hypothesis lay in the fact that it allowed for linking physical characteristics with mental capacity: the "Hamites" were supposed to be born leaders and, in principle, had the right to a history and a future almost as noble as that of their European "cousins". In Rwanda, the "Hamites" were Tutsi, and they resembled the Negro only in the colour of their skin.[12]

This racist thesis was expressed in innumerable ways, but, in short, the Tutsi were considered to be related to Europeans and, therefore, the Europeans could easily work with them. During the colonial period the Hamitic hypothesis was utilized with far-

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[11] E.R.Sanders, "The Hamitic Hypothesis: its Origin and Function in Time Perspective" in *Journal of African History*, 1969, Pp. 521-532.
[12] I.Linden , *Church and Revolution in Rwanda*, Manchester: Manchester University Press, 1977, p. 78.

reaching consequences for ethnic relations in Rwanda: within the framework of administration preferential treatment was given to Tutsi when recruiting indigenous political authorities and a policy favouring protection and strengthening of the Tutsi hegemony was vigorously pursued; as a result "Tutsification" resulted in a monopoly of political and administrative power in the hands of Tutsi and accentuated ethnic divisions. Sharp alleviation of the Tutsi above the Hutu was typical of the colonial policy of divide and rule which made it easy for the colonizer to rule with little opposition.[13]

Between 1926-1931, Mortehan, a Belgian resident administrator introduced sterner administrative reform in which all moderate Hutu, Tutsi and Twa were sacked from their posts and were replaced with Tutsis from aristicratic and noble families.[14]

As a process both ideological and institutional, the racialization of the Tutsi was the creation of a joint enterprise between the colonial state and the Catholic Church. Missionaries were the "first ethnologists" of colonial Rwanda. Already by 1902 the Tutsi were "superb human beings" combining traits both Aryan and Semitic, "Europeans under a black skin."[15] The colonial state in the implementation of its policies called upon Missionary knowledge early on.

Various measures were enacted to promote the racialization policy. In 1933-34 a census was carried out which classified the Rwandese on the basis of their "racial" identity. According to the census the population of Rwanda was estimated at 1.8 million people. The number of Tutsi was estimated at between 250,000 to 300,000. The

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[13] - See page 49 of this book. Divide and rule in Colonials Africa is discussed under the heading: Colonial Rwanda

[14] Deo Byanafashe, Politisation des antagonismes et attentes au Rwanda (1957-1961, Editions de l' université Nationale du Rwanda, Butare, 2003 p.100

[15] Mamdani, *When Victims Become Killers, Nativism and the Genocide in Rwanda,* (Kampala: Fountain Publishers, 2001) p. 87.

classification system adopted by the Belgians relied heavily on three sources of data: oral information mainly provided by the church, physical measurements (the Tutsi were supposedly slim and tall whereas the Hutu were stocky and short), and ownership of large herds of cattle.

After this census, identity cards were introduced to make permanent the "racial" classification categories and all Hutu in administrative posts such as chiefs were removed by colonialists. Within the education system there was discrimination in Catholic schools, which represented the dominant educational system throughout the colonial period. In fact Hutu were restricted to education required for working in the mines and in industry; whereas they were taught in Kiswahili the Tutsi were taught in French. The objective was to turn the Tutsi, "born rulers" of Rwanda into elite "capable of understanding and implementing progress" and thus functioning as auxiliaries to both the colonial administration and the missionaries.[16] In summary, the monopolization of power in the hands of Tutsi constituted a crucial and undisputed factor in firmly establishing ("structuring") the ethnic cleavage.

The system of forced labour – corvee or *ubureetwa*- was one area that saw abuse of power by Tutsi chiefs against the Hutu. *Ubureetwa* was a forced imposition on the Hutu and Tutsi's from a humble class. The Tutsi chief was expected to enforce and supervise obligatory cultivation of food and export crops; to mobilize labour for road building, reforestation and any rural project like a dispensary. The standard punishment on anyone who reneged on forced labour was *kiboko* – eight strokes with hippopotamus cane. The Belgian attitude was simple: "you whip the Hutu or we will whip you."[17]

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[16] Ibid., p. 89.
[17] Mamdani, *When Victims Become Killers, Nativism and the Genocide in Rwanda,* (Kampala: Fountain

Unpaid labour by the Hutu for the Tutsi chiefs became a constant reality during the colonial period, sometimes extending up to three days per week.

For any Tutsi chief willing to collaborate colonialism turned into a profitable venture. For instance, whenever the Belgian authorities required food supplies from chiefdoms the chiefs would requisition cattle or other forms of food. In most cases the chiefs usually added their own exactions on top of what was requested by the colonial administration. In cases of cattle the chief would merely deliver the required number to the administration, collect the payment, pocket it, then either put the rest of the animals in his herd or sell them to traders.[18] Clearly, these details underscore the prevalent manipulation by the colonizer and his agents as well as the social politically decadent structures

In reference to the above, it is worthwhile to scrutinize the Rwandan conflict in the perspective of the "instrumentalists" and the "constructivist" theories of ethnic conflict. Indeed the two theories do not see ethnicity as inherently conflictual (and so in this case the Hutu and Tutsi were not conflictual as such). The turn towards violence is due to factors external to ethnicity its self. As mentioned in the literature review[19], instrumentalists emphasizes ethnicity as only a political tool for politicians who manipulate the masses into conflict situations for selfish ends. The external factor is the selfish elite whose role is similar to that of the colonialists in Rwanda. The constructivists on the other hand lay emphasis on the unjust and defective or pathological social political systems that are beyond the control of individuals. The defective social system provides the external factor responsible for breeding conflict. The Rwandan conflict was in this

Publishers, 2001) p. 94.
[18] Mamdani, op. cit., p. 97.
[19] - See page 21-22 of the Literature review on the instrumentalists view of ethnic conflict.

sense a product of both: a defective social system, just as it was a product of political manipulation. This in effect shows that the two theories of ethnic conflict are not necessarily mutually exclusive and are both applicable to the Rwandan conflict.

Further indications of defective social-economic systems may have been the so called *Ubukonde-* a system where land which was predominantly owned by the Tutsi aristocrats, was leased exorbitantly to Hutu farmers, *ibikingi* where by large grazing land was owned and controlled by Tutsi administrators representing the King at the peril of other Tutsi herders and Hutu farmers, and *Ubuhake* where by Tutsi aristocrats owned a string of servants known as *Abagaragu.* The *Abagaragu* were either Tutsis of the lower hierarchy, or Hutus. The term *Umuhutu wanjye* actually meant my *Mugaragu* or my servant so to say.

The Belgian colonialist supported and legitimized this divisive policy which was at this time convenient for them since it placed them at the top of "the food chain" with very little of their own effort.

The colonial Policy of "divide and rule" in Rwanda was typical of colonial policy else where in the rest of Africa. The colonizer lacked effective capacity to control and enforce law and order. By implementing such policies that intentionally weakened indigenous power networks and institutions, the colonizer pitched tribes against tribes, religion against religion and groups against different or near different groups. Such exacerbation of differences made the colonizer gain an upper hand in control. In Burundi for instance, the Belgians privileged the Burundi Tutsi above the Hutu. During the British rule of the Sudan, the Southern Sudan was kept isolated from the South and the British

neglected the development of the later.[20] The British Rule in Nigeria from 1900 to 1960, the different Regions were frequently reclassified for administrative purposes. The British used conflict between the Ibo and the Hausa as a means of consolidating their power. The Regional, ethnic and religious differences remained barrier to uniting Nigeria[21]. Elsewhere in the world, in Sri Lanka, the British governors encouraged inter-caste rivalry among the Sinhala speaking inhabitants of Sri Lanka to prevent anti colonial movements[22].

In Rwanda, the colonial times bespeak of systematic divisionism, institutionalization of injustice as well as inequality. The social, political and economic structures of the colonial days favored the Tutsi and were oppressive to the Hutu and poor Tutsi. In so doing, the colonizer succeeded in portraying the Tutsi (whole somely) as the oppressor. The colonizers part in the set up remained camouflaged even during the quest for independence as we shall see later.

The Post-Second World War Period

From the mid-1950s, political demands in Rwanda were formulated in ethnic terms. The Hutu, starting from the colonial thesis that the Tutsi were an alien race/foreigners and claiming that Hutu (in majority) were true Rwandese nationals, and thus the rightful rulers of Rwanda, organized the social revolution from 1959-1961. The revolution, with the support of the Belgian administration, led to the abolition of the monarchy and to the removal of all political and administrative Tutsi structures on which,

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[20] - http://www.country-data.con/cgi-bin/query/r-13325html : Anglo-Egyptian Condominium of the Sudan 1899-1955.British indirect rule implied decentralization which strengthened different indigenous structures in the North and the South. This prevented Unification

[21] - http://en.wikipedia.org.wiki.divide-and –and rule – Text on Divide and Conquer strategies p4

[22] Ibid. p3

for decades, Belgium had based its policy of indirect rule. The Catholic Church, which had supported the Tutsi during the colonial period now turned its back on them and began to support the Hutu.

The 1959 Hutu Revolt largely provoked by the intransigence of a conservative Tutsi political and administrative elite, which flatly refused any democratization, demanded not only by emerging Hutu elite, but also by Tutsi counter-elite, far more progressive than the one in power. It culminated in the indiscriminate massacre of Tutsi and forced appropriation of their property by the Hutu. Most Tutsi fled to either Congo or Uganda, to become known in later periods as the 1959 refugees.

Though, initially, the number of victims was rather small, the attempts on the part of the Tutsi-led traditional power-elite to maintain authoritarian rule led to violent clashes. Un resolved structural violence had matured to actual physical violence. The Belgians' support for the abolition of the monarchy led to the rise of a Hutu elite, which became definitive in September 1961 when, at a referendum, 80 percent of the electorate voted in favour of a republic. At the same time, the results of the parliamentary elections showed a correspondingly clear victory for the Hutu-dominated parties.[23]

The First Republic

Led by the Hutu-dominated PARMEHUTU party under the leadership of Gregoire Kayibanda Rwanda gained its independence from Belgium trusteeship administration on 1st July 1962. The revolutionary transition from the Tutsi-dominated monarchy to the Hutu-led republic, which took place between November 1959 and

[23] Gerard Prunier, *The Rwanda Crisis: History of a Genocide*, 1959-1994, Kampala: Fountain Publishers, 1995, pp. 88-90.

September 1961, 1962, constitutes a crucial period for the understanding of the subsequent ethnic division of the country.

Gregoire Kayibanda ruled Rwanda on the basis of the "Bahutu manifesto", a document with racist ideology that incited hatred of Tutsi by Hutu and which lay the foundation of institutionalized ethnic hatred and violence. The Bahutu manifesto was written by the Gregoire Kayibanda with the help of the Catholic mission at Kabwayi headed by Mgr Perraudin – a Belegian vicar apostolic of Kabwayi [24].

During this brief period the historical tables were turned as the Belgians, under pressure from the democratic winds of change over Africa, shifted their support from the Tutsi aristocracy to the majority Hutu, withdrew their backing for the Mwami (King), abandoned the policy of indirect rule and hastily brought Rwanda (and Burundi) to national independence. This process marked the beginning of a cycle of turbulent clashes for power, where capture of the Rwandan state from political opponents became a violent zero-sum game. The process of Hutu dominance and Tutsi exclusion from political life is relevant because it would help explain some of the specific policies that were adopted by successive post-independence regimes and which became a key characteristic of Rwanda's governance process. Take for example the history that was taught in schools which exalted the wickedness of the monarchical rule of "the Tutsi invaders from Abyssinia". Hatred was passed to the young Hutu generation basing on historical "facts" invented by colonizers. Hutu children were for example taught that the Queen mother-Kanjogera, before standing up would support herself with a spear thrust in the foot of a Hutu servant. In these stories, the Hutus were incited to avenge their fore fathers.[25]

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[24] - Michel Ognier, Le Rwanda Web Ring. Anneau des sites dédies au Rwanda sur le génocide.
[25] building lasting peace in Rwanda: voices of the people p28

In effect Tutsis were evicted from their homes, property was pillaged including Tutsi cows that were slaughtered and eaten or just slaughtered in too large a numbers that the scavengers had their fill as well. During this period, unpunished massacres were orchestrated against the Tutsi who were deprived all the rights including the fundamental right to live. During the Oral recitation of the ten commandments during Catholic Church Sunday services, it said that a new verse was added complementing the third commandment that *"kwica Umututsi sicyaha"*, which mean killing a Tutsi is not a sin .

These policies constitute a key element in understanding the structural and sometimes physical violence that was meted out on the Tutsi using various mechanisms. They help explain why, for the Tutsi, life was a fact of "being seen but not being heard." The struggle for state power in an arena abandoned both by the colonial power and its former ally, the traditional monarchy, explains why the ethnic exacerbations came to the fore. Politics of identity or instrumentalism became eminent. While the Tutsi, through their dominant position in colonial society, already saw themselves as a group, it was now felt necessary by the emerging Hutu political elite to appeal to a common "Hutu-ness" of the underprivileged to challenge the indigenous leadership successfully, compete for the vacant state and redress historical injustices.[26] In the words of C. Newbury,

> "the salient fact was that virtually all those who controlled the state (before 1959) - the chiefs and the sub-chiefs - were Tutsi, and here is where the ethnic factor becomes important [...] An appeal to Hutu solidarity became, for Hutu leaders, the most effective rallying point for revolutionary activity. Although Hutu could and apparently did distinguish among Tutsi of different types and attitudes, the fact that the chiefs and other African agents of the state were seen as exploiters, and that virtually all of these were Tutsi, made an appeal to ethnic solidarity potent where an appeal to "all poor people" may have been less so. Because colonial policies had repeatedly pressed upon Hutu their

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[26] This is what Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda* 1860-1960, op. cit., refers to as the cohesion of oppression, that is, a common feeling of victimization contributed to the emergence of Hutu political consciousness.

inferior. excluded status. even poor Tutsi did not experience quite the same forms of discrimination as did those classified as Hutu.[27]

Two major consequences of this crucial turning point contributed to the 1994 genocide. First, a huge number of Tutsi fled into exile in neighboring countries, especially Uganda and Democratic Republic of Congo (DRC). Tutsi refugees left Rwanda during a number of successive crises, most notably in 1959-1961, 1963-1964 and 1973. The total number in the early 1990s amounted to an estimated 600,000, including descendants of the original refugees. This figure corresponds to about 9 percent of the total estimated population inside the country, or half the Tutsi population.[28] These refugees constituted an element of structural insecurity, especially since the communities of Tutsi refugees never accepted exile as a *fait accompli* - on the contrary, they always claimed "Rwanda-hood" or "Rwanda-ness" and their right to return. Even before independence, groups of refugees (the so-called *inyenzi* - cockroaches) began to make armed incursions in an attempt to regain their former positions.[29] On the other hand, the pursuit of the insurgency into neighboring countries and its after mirth turned what was an internal conflict to an internationalized one.

According to scholars, internal ethnic conflicts spread in two ways[30]. The first one is by diffusion, when ethnic conflict in one state increases the probability of conflict in another state. Conflict diffusion occurs through information flows that condition beliefs of ethnic groups else where in states that already contain a seed of violence. This is like

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[27] C. Newbury, *The Cohesion of Oppression: Client ship and Ethnicity in Rwanda* 1860-1960, op. cit., p. 89.
[28] T. Sellström and L. Wohlgemuth, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Uppsala, Sweden: Nordic Africa Institute, 1996, p. 20.
[29] Ibid.
[30] D.A.Lake and Rothchild : Ethnic Fears and Global Engagement: The International spread and management of Ethnic Conflict, 1996, University of Califonia,San Diego p6

when the conflict in Bosnia incited similar violence in other soviet states. Also, in 1965, 1972, in 1991 and 1993 Tutsi in Burundi inflicted violence against the Hutu in violent reaction to what was happening to the Tutsi in Rwanda[31]. Secondly, internal conflicts can become internationalized by escalation when foreign belligerents become sacked into the conflict either by intentional or un intentional spillovers[32]. The Rwandan conflict escalated when Angola, Zimbabwe, Namibia, Sudan, Uganda and others were drown into the conflict, bringing the conflict to unprecedented levels.

The consistent tendency of the Rwandan conflict to escalate by sacking in more and more belligerents makes it a conflict that needs to be resolved even more for the purposes of Regional peace.

During the earlier insurgence of the Tutsi in1962, every attempt at armed incursion was followed by the massacre of the Tutsi who had chosen to remain in Rwanda. For instance, after two successive raids by Tutsi insurgents in 1962 that led to the death of three policemen in Byumba, between 1000 and 2000 Tutsi men, women and children were massacred and buried on the spot, their huts burned and pillaged and their property divided among the population.[33]

The official attitude of the Rwandese governments with respect to the problem of Tutsi refugees changed considerably over the years. Already in 1960, the provisional government had expressed its concern by setting up a State Secretariat for Refugees. During the First Republic (1962-1973), the refugees were rhetorically invited, on many

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[31] -Michael Mann, The Dark Side of Democracy, *Explaining ethnic cleansing*, Cambridge, Cambridge University press (2005) p431

[32] D.A.Lake and Rothchild : Ethnic Fears and Global Engagement: *The International spread and management of Ethnic Conflict*, San Diego, University of Califonia (1996) p6

[33] Mamdani, *When Victims Become Killers*, p. 129.

occasions, to return to the country. This goal was never achieved for the Tutsi refugees never believed in the sincerity of the government's change in attitude. The Tutsi believed this was a death trap, as indeed silent and secretive repression of Tutsi continued.

Bad governance is typical of societies experiencing structural violence. Good governance comprises of transparent, participatory mechanism and processes of institutions through which citizens and groups articulate their interests, exercises their legal rights, meet their obligations and mediate their differences[34] The defining characteristic of governance during the First Republic was ethnicity, regionalism and nepotism. There was institutionalized discrimination against the Tutsi, denying them a place in the political life of the country. Indeed throughout the Kayibanda presidency the Tutsi remained an alien race of invaders who were expected to go back to Ethiopia or wherever they had come from. Kayibanda's regime introduced a quota system to ensure opportunities in education and employment were availed according to predetermined ethnic proportions, usually 85 % for the Hutu (commensurate with their proportion of the population) and 10-15 % for the Tutsi. This was made possible through the perpetuation of the pass identity cards (first introduced by the Belgians in the 1930s) that indicated whether one was a Hutu, Tutsi or Twa. This card determined one's access to employment and even a marriage partner.

Clearly, the quota system did not allow for the somatic realization of individuals in accordance to their potential. On the contrary, ethnicity became criteria for distribution of resources and opportunities and many were denied their rights and needs on the basis of their ethnicity. The quota system was an instrument of structural violence and a

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[34] - see chapter 3- on Governance.

manifestation of defective social system which according to constructivists lays fertile ground for ethnic conflict.

Soon after independence there was the suppression of Tutsi chiefs and establishment of bourgmestres ruling 229 communes. There were only 19 Tutsi out of the 229. Those Tutsi who illegally changed their ethnic classification (*abaguze ubwoko*) were subjected to imprisonment or a fine, or both. All citizens had their place of residence written on their identity cards. Travelling was tolerated but not changing address without due cause; one had to apply for permission to move. Unless there was good reason such as going to school or taking up a job authorization was often denied – unless one had friends in high places.[35]

In the mid 1960s, the Kayibanda regime faced growing criticism over its education and employment policies. It was said that the government was not doing enough to advance Hutu representation in education: while Hutu were the majority in schools, university education in the late 1960s was nearly 90% Tutsi – this in spite of government policy restricting 10% enrollment for the Tutsi (a fact attributable to the fact that education was still under church control). The criticism prompted the government to pass the Law of August 1966 which established state control over education through four key provisions. First, all school buildings ever constructed with state subsidies became state property. Second the hiring and firing of all personnel in state-subsidized private schools came under the supervision of the government. Third, the state took over the admission, promotion and expulsion of students. Lastly, the state took over the choice of textbooks and curriculum content. The aim was to bring the entire private or Catholic

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[35] Ibid, p. 77.

educational system under state control, thus Hutu-izing control over a Tutsi-dominated educational system.[36]

Hutu control over education saw a dramatic increase in the number of Hutu students enrolled in higher education. For instance, by early 1970, there were three hundred Hutu students out of the five hundred at the National University. The massacre of almost two hundred thousand Hutu school-going children in Burundi in 1972 re-ignited the "racial question" in Rwanda and led to agitations that the two hundred Tutsi students at the National University be expelled. Such agitations, coupled with death threats and "lists of victims" compelled the Tutsi students to leave. University education became a complete Hutu domain.[37]

The expulsion of the Tutsi students had a ripple effect across Rwanda. Soon lists began to proliferate at workplaces – banks, parastatal companies, private businesses - of Tutsi employees, compelling many of them to leave. Radio Rwanda openly called for a "final solution" to the Tutsi problem. In short, the Kayibanda regime did its best to ensure that the Tutsi, as an "alien race" were excluded both from the political sphere as well as from acquiring senior positions in the most important sectors of the economy.

As mentioned earlier in the literature review, Burton emphasizes that the denial of deeply rooted human needs such as those related to actual survival is major cause of conflict.[38] The actual situation on the ground in Rwanda during this period demonstrates such denial by the government of the day to the ethnic Tutsi.

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[36] M.Mamdani, *When Victims Become Killers* ,Colonialism, Nativism and Genocide in Rwanda p. 136.
[37] M.Mamdani, *When Victims Become Killers*, Colonialism, Nativism and Genocide in Rwanda p. 137.
[38] -see literature review- p13

The Second Republic and the Tutsi Question

On 5th July 1973 Major General Juvenal Habyarimana, a Hutu from the north of the country, overthrew the Kayibanda regime, took power and consolidated it using the north (Habyarimana's home region) as a base. Habyarimana's regime continued the policies that had began under Kayibanda. For instance, throughout the Habyarimana regime there was not a single Tutsi bourgemestre or prefect, there was only one Tutsi officer in the whole army, two Tutsi Members of Parliament out of seventy and only one Tutsi Minister out of a cabinet of between 25 and 35. There was institutionalized discrimination that allocated 9% of employment and education opportunities to the Tutsi, a fact concomitant to their percentage of the population.[39]

In 1973 soon after coming to power all political parties were outlawed and Article 7 of the 1978 Constitution enshrined single-party rule as a basic value of the regime. Yet in 1974, and in complete contradiction of his edict, Habyarimana formed his own party, the *Mouvement Révolutionaire National pour le Dévelopment* (MRND). The MRND was a truly totalitarian party; every single Rwandese had to be a member including babies and old people. All bourgemestres and prefets were chosen from among the party cadres and the party was everywhere – every hill had its cell and party faithfuls, hoping for promotion and a personal boost willingly spied on anyone they were told to, and on a few others they were not told to as well.[40] The reforms here in constituted the worst form of institutionalized structural violence where the Tutsi were completely marginalized.

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[39] Dixon Kamukama, *Rwanda Conflict: Its Roots and Regional Implications*, Kampala: Fountain Publishers, 1993, p. 58.
[40] Ibid, p. 76.

Habyarimana combined the roles of head of state, head of government and head of the single ruling party, MRND. The regime exhibited characteristics of benevolent despotism: in the words of Prunier,

> Along the somewhat reminiscent lines of eighteenth century European theories of 'benevolent despotism', President Habyarimana had decided to take upon his shoulders the heavy burden of the state so that his subjects could devote themselves entirely to the business of agriculture.[41]

The Habyarimana regime, in its efforts at development, institutionalized the *umuganda* communal labour development policy, which required that peasants spend at least two days of every month on public projects. The policy was enforced by the party faithfuls, oftentimes amounting to four days or more and was equivalent to the forced labour of the colonial era (corvee). This policy was presented as the reestablishment of an institution that had long existed in Rwandan culture but that had been suppressed by the colonial economy. Economically, *Umuganda* was very important for Rwanda since it made an enormous amount of unpaid labor available to the state. During *Umuganda*, the Rwandan people built such things as schools, roads, sanitation facilities, and health centers. The local politicians and administrators were responsible for the organization of the weekly *Umuganda*, which gave these officials great discretionary power. They could decide who did and who did not have to participate. Not surprisingly, the cronies and friends of the regime escaped *Umuganda*. Increasingly, *Umuganda* (cooperative communal labour) was often abused and performed on land privately owned by the regime's cronies.

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[41] Gerard Prunier, *The Rwanda Crisis: History of a Genocide*, 1959-1994, Kampala: Fountain Publishers, 1995, p. 76.

Umuganda would later be related to the organization of the genocide as it would become an effective instrument of mass mobilization in the implementation of the genocide. It constituted unpaid collective labor, supervised by the regime officials, which was in existence since 1974; subsequently, in the preparation of the genocide, the regime could build upon practices and their ideological and economic justification in place since the mid-seventies. *Umuganda* also gave the local party and state officials knowledge and experience in the mobilization of the peasant population, a skill that was to prove deadly during the genocide.[42]

The key difference between the Habyarimana and the Kayibanda regime was a change in the political identity of the Tutsi: the Tutsi were promoted from an "alien race" to an ethnic group indigenous to Rwanda. However, just like Kayibanda, Habyarimana ensured that the Tutsi were excluded from actively participating in political life. From the point of view the Second Republic the Tutsi were not just any minority, but a historically privileged one. They were defined legally and their participation in political and civil life regulated by state policy. Affirmative action meant redressing the historical injustices against the Tutsi by appointing them to "supposedly" Tutsi-dominated institutions such as the Church, the education system, and in employment. In most cases this involved state-enforced quotas. For instance, the 1985 law on education stipulated that selection into schools would take into account the ethnic affiliation of the child: the Hutu were to receive 85% of the places, the Tutsi between 10 and 15 percent and the Twa one percent. Clearly, the structural violence against the Tutsi was firmly implanted even in the education system which put ethnicity before merit and in the long run denying opportunity to competition and talent.

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[42] Verwimp, op. cit.

As we saw earlier, many Tutsis and moderate Hutus had run for their lives during the years 1959,1961,1963,1973 and so on. These kept pressing from all diplomatic channels to come back home and President Habyarimana declared Rwanda was too full to accommodate any more people .

The Beginning of the Civil War

It is against this background that on 1 October 1990, the Rwandese Patriotic Front (RPF), or more specifically its military wing, RPA (Rwandese Patriotic Army), began to invade the north of Rwanda from Uganda. Eventually some 2,500 troops crossed the border. The RPF invasion started a continuous crisis that would culminate in the April-June 1994 Rwandan genocide. The creation of the RPF in the beginning of 1988 in Kampala, the capital of Uganda is related to the large involvement of exiled Tutsi men in the Uganda army (NRA) of President Yoweri Museveni. [43]

RPF was a creation of refugees who fled Rwanda, mainly between 1959 and 1966. As noted earlier, over the years, the desire of the estimated 600,000 refugees in Uganda, Burundi, Zaire and Tanzania (including their descendants) to return to their country of origin remained strong. The political change in Uganda after 1986 and the involvement of Tutsi in the consolidation process provided a good framework for the planning of a military invasion.

Although the immediate motive for the RPF was settlement of the refugee crisis, the Front also worked out an eight-point political programme with the aim of structurally modifying Rwandese political culture. The programme accused the Rwanda government of undemocratic and corrupt practices and of ethnic discrimination. Before the RPF

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[43] Gerard Prunier, *The Rwanda Crisis: History of a Genocide*, 1959-1994, Kampala: Fountain Publishers, 1995, p93

invasion the Habyarimana regime, with the MRND party and the army as its main pillars, had never really been challenged during its 17 years of existence.

From 1985 onwards Habyarimana's popularity began to erode even among the Hutus as a result of a general political and economic crisis. As the conflict evolved, the president was increasingly criticized, even within his own party. He was caught between demands for political liberalization from the opposition and the international community, on the one hand, and refusal of his own supporters to give up political-economic positions, on the other. The build-up of party militias (*Interahamwe* – those who attack together) and of an extremist pro-Hutu party (*Coalition pour la Défence de la République* - CDR) in March 1992, in particular, and expressions of ethnicity in general, are indicators of this opposition to the reform process.[44] According to Lake and Rothschild, the struggle for scarce resources manifests in the struggle for political power by groups since power can often gain privileged access to those resources.[45]

At the time of the RPF invasion in 1990 the Habyarimana regime was therefore faced with strong internal pressures for democratisation (for a multi-party system, more respect for human rights, good governance and reintegration of the refugees). Such reforms could lead to a reduction of the power and privileges enjoyed by the supporters of the one-party system in MRND, the army, local and national administrations, and public enterprises. Consequently there was strong opposition from those groups to the restructuring process.

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[44] African Rights, *Rwanda: Death, Despair and Defiance*, London, 1994, p. 3.

[45] D.Lake and D.Rothchild: Ethnic Fears and Global Engagement:*The International Spread and Management of Ethnic Conflict*, Policy paper- January 1996 p9

After November 1990 there was a stalemate in the military conflict between the RPF and the Rwandese army. A military solution was thus not in sight. Mediation by several actors including Belgium and Tanzania led to the signing of several ceasefires that were subsequently violated: on 26 October 1990 (Gbadolite, Zaire) after active Belgian diplomacy; on 20 November 1990 (Goma, Zaire), confirming and extending the Gbadolite agreement; mid-February 1991 (Dar-es-Salaam, Tanzania); and on 29 March 1991 (Nsele, Zaire).

Eventually and through the facilitation of Tanzania President Ali Hassan Mwinyi peace negotiations between the Rwandese government and the RPF (the Arusha Peace Accords), started on 10 August 1992. Observers from the neighboring countries of Burundi and Zaire and from Belgium, France, Germany, the United States, Senegal and the OAU were present at the negotiations. Negotiation is a voluntary and involving process and progresses voluntarily through its three phases: pre-negotiation, negotiation and implementation stages. It cannot be hurried by external influence and depends very much on the will and commitment of those negotiating.[46] For this matter the, RPF-Rwanda government negotiation continued for one year before final agreement was reached on a total package of protocols on: the principle and creation of rule of law; power-sharing and the enlargement of the government (that is, inclusive of the RPF) and the creation of a transition parliament; the re-integration of refugees and internally-dislocated persons; and, the creation of a national unified army (merger of RPA and FAR).[47]

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[46] M.Mwagiru, Conflict Theory, process and institutions of management,(Nairobi, watermark publishers 2000)p114
[47] M.Gilbert Khadiagala, National Intelligence Council Project on *Intervention in Internal Conflict: the Case of Rwanda,* available at http://www.cissm.umd.edu

In June 1993, just before the Arusha Accords were signed, the UN Security Council established the United Nations Observer Mission for Uganda and Rwanda (UNOMUR). The mandate of UNOMUR was to ensure that no military assistance crossed the Uganda border into Rwanda. The United Nations Assistance Mission for Rwanda (UNAMIR) was established after the signing of the Arusha Accords and the establishment of a ceasefire between the RPF and the Rwandan government. UNAMIR's overall mandate was to support implementation of the Accords as well as to protect humanitarian organizations operating in Rwanda during the transitional period. Extremist groups within the government, notably the CDR and a faction of MRND, were opposed to the Arusha Accords, which they believed gave too much power to the RPF, including key defense and health ministerial positions, as well as large influence in the national armed forces. Fear by the Hutu extremist of how much power they had ceded to the Tutsi made them reject the Accord.

As stated earlier, one of the elements mentioned by Lake and Rothschild as a trigger cause of violent conflict is collective fears of the future. This make ethnic activists and political entrepreneurs operating within groups reinforce these fears with physical insecurity and polarize the society.[48] CDR and MRND activists were the trouble brewing activists who ganged up as the violent preservers of the status quo.

The governing Hutu elite began to undermine the Accords with the support of extremist Hutu elements. In particular, the extremist Hutu party (CDR) did not participate in the peace process and was not included in the Accords. This exclusion of extremist groups was particularly annoying to CDR and its ethnic fanatics leading to their armed

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[48] D.Lake and D. Rothchild, Ethnic Fears and Global Engagement: *The International Spread and Management of Ethnic Conflict*, Policy paper- January 1996 p6

opposition and violence against who ever supported the accord. At the time, the CDR was a major political force in Rwanda, if not a hidden agenda of the government itself. CDR represented the pursuit of the real incompatible goals between FPR and its self and was the poison to any morsel of reconciliatory approach to the Rwandan conflict. Only four days after the signing of the peace agreement, 'ethnic' massacres began in Kibuye, for which extremist Hutu groups were held responsible. These messages eventually culminated in the genocide that claimed an estimated one million lives.

Is it the 1990 invasion of Rwanda that precipitated the Genocide? The answer is no because we had other genocides in Rwanda that preceded the 1990 RPF invasion. Was it the Shooting down of the Habyarimana Plane on 4th June 1994? Habyarimana plane was a pretext not a cause for the same obvious reasons mentioned before.

The 1994 genocide was a culmination of years of structural violence, traced back to the polarization of ethnic differences by colonizers and missionaries, injustice institutionalized by successive post colonial regimes coupled with a culture of impunity and the obsession to terminate Tutsi as a final solution. In 1992 one of the proponents of the ruling party MRND Mr.Leon Mugesera (now a refugee in Canada) made the following utterances in a speech made in Bugesera that: "The mistake we made in 1959 was that we allowed them to leave unharmed...I am telling you that your country is Ethiopia and that we are soon sending you back home via *Nyabarongo*[49]

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[49] -Speech by Leon Mugesera, MRND influencial member, in front of militants of his party, on 11th November 1992 in the sub prefecture of Kabaya. Currently he lives in Canada.
Nyabarongo is a river source of the Nile and it flows into the Nile. During the Genocide, the Nile floated with bodies of victims of genocide who had been thrown in at the source.

CHAPTER THREE

PEACE-BUILDING IN POST-1994 RWANDA

Introduction

Spencer has defined peace building as those activities and processes that: focus on the root causes of the conflict rather than just the effects; support the rebuilding and rehabilitation of all sectors of the war torn society and promote process that will endure after the initial recovery phase has passed.[1]

Peace building is, therefore, a complex undertaking and involves both short term post conflict peace building measures such as the revamp of law and order, security and pacification of hostilities, demobilization and reintegration, resettlement of the homeless, reconstruction and rehabilitation of damaged infrastructures and re-ignition of the economic engine to set in motion full scale production, initiating social programs for reconciliation and psychological healing as well as long term peace building measures that address the underlying substantive and systemic issues that brought about the conflict such as articulating desirable structural, systemic and relationship goals. These might include sustainable economic development, equitable social structures that meet the human needs; building positive relationships as well as initiating in built mechanisms that enhance cooperation, dialogue and conflict resolution.[2] By conflict resolution here is implied as in the conflict research paradigm that relation ships between parties are

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[1] R. Spencer : "Post Conflict Peace Building: who determines the Peace?" in Brownwyn Evans-Kent
 & R.Bleiker (eds) *Rethinking humanitarianism conference Proceedings*, 24-26 September 2001.(St
 Louis University of Queen's land,2001)pp 137-8
[2] M. Doyle and N. Sambanis, Building Peace: *challenges and Strategies after civil war*, The
 world Bank Group.Available at http://www.worldbank.org/research/conflict/papers/building.pdf *3*

legitimized and self sustaining without the intervention of third parties, without imposition of behavioral patterns and are acceptable to the conflicting parties as they are to other actors in the system.[3] In this, case where as conflict is seen as something that is inevitable and useful, it is also seen as a self limiting phenomenon.

Talking about peace building, Lederach, the advocate of conflict transformation theory sees peace building as:

> "...a multifaceted approach of integrated roles, functions and activities"
> But he goes on to add: "if these were the only elements necessary to build peace, it would seem that this challenge could be tackled almost by mechanical formula: with the right plan in mind and material skills and resources in hand. peace just falls in place. But any one who has lived in settings of protracted conflict or engaged peace making activities in divided societies know that the exact opposite is true. What is missing from our discussion is the uniquely human dimensions of the type of conflict settings under consideration"[4]

The peace building efforts in Rwanda, must therefore be viewed as an undertaking challenged by many factors as mentioned above, including those special considerations that relate to the uniqueness of the Rwandan situation it's self.

Shortly after the end of the genocide and the RPF takeover of power in July 1994 the government of Rwanda began to institute measures geared towards the establishment of sustainable peace or positive peace as opposed to negative peace.[5] More than ten years after the genocide it is now time to interrogate the peace building process in Rwanda in order to ascertain its effectiveness in the realization of sustainable peace. This process came in the wake of the worst genocide of the late twentieth century,

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[3] A.J.R Groom : Paradigms in Conflict: the Strategist, the Conflict Researcher and the Peace Researcher p89

[4] J.P. Lederach : *Building Peace: Sustainable Reconciliation in Divided Societies*, the United Nations University p49

[5] See literature review in Chapter pp10-11. sustainable peace is also positive peace- the peace that is guarantied by correct social-politica structures that ensure justice and fair play.

leaving up to 800,000 dead by mid-1994.[6] The genocide ended when the Rwandan Patriotic Front (RPF), overthrew the remaining ruling Hutu government, took over the administration of the state, instituted the Government of National Unity, and began to fill the administrative void created by the genocide.

The aim of this chapter is to present the key findings of the study as they relate to measures that have been enacted by the Rwandan government towards the afore-mentioned objective. The chapter adopts a thematic approach by focusing on the key areas mentioned in chapter one, namely: physical security of the Rwandese citizens, justice and reconciliation, good governance, and poverty reduction. The choice of the focus on these elements is based on the fact that each of these elements is very crucial and critical if sustainable peace is to be achieved. Indeed, the five elements are also emphasized in the research hypothesis as factors the fulfillment of which is prerequisite for peace to prevail.

Physical Security

According to John W. Burton in his conflict resolution theories, the denial of the most basic human needs is a major source of conflict.[7] Among these needs is "security". As mentioned earlier, Lake and Rothchild posit that conflict is "caused by collective fears of the future lived through the past"[8] highlighting insecurity as an important source of conflict. Security as an entity has very broad connotations but for our purpose we shall limit ourselves to Physical security.

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[6] See for instance, G. Prunier, *The Rwanda Crisis: History of a Genocide*, (New York: Columbia University Press, 1995) pp. 261-25.

[7] See page 11 on the Literature review.

[8] - D.Lake and D Rothchild, Ethnic Fears and Global Engagement: The International Spread and Manangement of Ethnic Conflict 1996,University of Califonia, San Diego) p9

As in other post-conflict situations, Rwandan society immediately after the 1994 genocide was characterized by widespread lawlessness and insecurity, traumatized and scarred populations, and deeply divided communities. Given the extent of fear and the horrific nature of human rights abuses produced by the genocide, any attempt to establish physical security in the country, needed no justification. As in most other intrastate conflicts, the conflict in Rwanda created a law-and-order crisis, as the country's law-and-order framework had collapsed - giving rise to a failed state scenario.[9]

In the words of President Paul Kagame of Rwanda:

> "when the Government of national Unity took over in 1994, Rwanda was in utter anarchy. There was total displacement of the population. Over three million people had sought refugee in neighboring countries, and many more were internally displaced. There were a countless number of orphans, widows and widowers, thousands of hand capped people and generally a very vulnerable population. A cloud of insecurity loomed over Rwanda as former soldiers and militias reorganized themselves, intent on continuing their genocidal campaign, with help of the then Zaire, now DRC.
> Law and order had completely broken down. Large scale atrocities were still going on in parts of the country. All national law enforcement and judicial institutions had ceased to exist and the system of administration of justice had come to a complete stand still. Social and economic infrastructure was in a state of collapse. Neither schools nor Hospitals were functioning. The civil service had been decimated or its membership had fled into exile. Genocide and its aftermath in our country demand an understanding of the context as well as the facts that have shape our society in a long History that spans centuries"[10]

The description above is typical of Ball's account of the characteristics of post conflict societies[11]

[9] -P.Stewart : Failed States and Global Security: *Empirical Questions and Policy Dilemmas, International studies review*(Blackwell Publishers)pp644-662- Failed state used by Political commentators and Journalists to describe a state perceived as having failed at some basic responsibilities of sovereign government. eg. Loss of: physical control of territory, monopoly on the legitimate use of force, erosion of legitimate authority, inability to provide public service, and to interact with other states as a full member of the International community...etc...
[10]speech by his Excellency Paul Kagame at the common wealth club, San Francisco, March 7,2003

[11] -T. Debiel, A.Klein, S.Entwicklung, Fried :State Failure, Violence and Development in Cricis(Zed Books 2002)p33. see the article by Nicole Ball entitled " The reconstruction and Transformation of War torn Societies and State Institutions; How can external Actors contribute.

Clearly, putting such situation back to normal was not only a test to the ill equipped government of the day; it was also an enormous task. It required laying down effective internal policing and administrative strategies and acquiring the capacity and means to implement them. It also called for a mechanism to manage and diffuse external threat by the defunct genocidal army and *Interahamwe* militia who hung a few meters from the boarder within the DRC ready to reinstates terror back into Rwanda. It was only the success of a combination of these two that would lay foundation to implementation of lasting peace building mechanisms.

The sustainability of Rwanda's post-conflict reconstruction was, therefore, contingent on the government's ability to provide a reasonable degree of peace, order, and stability as well as a policing system endowed with a degree of trust.[12] By a reasonable degree of peace here I mean the absence of physical violence as opposed to "peace" as the ideal situation where violence is absent even in the social-political structures that eventually, if undealt with, generate physical violence[13]. The latter type of peace is indeed a long time quest and the challenges of this quest are subject of this study.

In 2001, the Rwandan government put in place a document that contained programs aimed at reinforcing the capacity of the state, enhancing professionalism and accountability of the security organs as a whole, and reorganizing the country's policing system in particular.[14]

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[12] See interview by researcher with Frank Mugambage 20th April 2008- an elaboration of government effort to ensure physical security of its citizens.

[13] See the literature review on chapter 1 p9 -10 the phenomenon of Positive Peace and Negative Peace is given and explained as advanced by J. Gultung in: "Violence, Peace and peace Research" *Journal of peace Research*, (1969), pp 167-191.

[14] Government of Rwanda, *National Governance Framework: Strengthening Good Governance for Poverty Reduction in Rwanda*, Kigali, and December 2001.

With the assistance of the United Nations Development Program and other international partners - notably Ireland, the Netherlands, and Denmark - the government began to recruit personnel for the police force and offer courses in areas of professionalism, human rights, reconciliation, and national unity. The police code of conduct was accordingly revised and elaborated. On a decision reached with the UNDP and the donor group, the Rwandan government merged the country's three former policing bodies - made up of the community (regular) police, judicial police, and the gendarmerie - into a single national police force.

This intrinsic reform was explicitly aimed at enhancing greater efficiency through establishing an efficient, harmonized, professional and popular policing institution.[15] To achieve this, policy guidelines that promoted transparency and accountability. Transparency and accountability are ethical values that determine sound management and efficiency. Transparence includes not only fairness in engagement but also fairness seen to be done and the legal right of the people to access information affecting them and the disclosure of internal decision making structures and operating methodologies. Accountability on the other hand implies both fiscal and process accountability and is demonstration that the institution(s) has acted in accordance with mission statement to achieve desired goals at the least possible cost.[16] Transparence and accountability are also mentioned as tenets of good governance later in this chapter.[17] For the Police these values also imply equal opportunities to all in recruitment, training and promotion The aim of

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[15] - An interview by researcher with Commissioner General of Police Andrew Rwigamba on 20th March 2007

[16] See for instance the Article Transparency and accountability of foundations, A case of Glass Pockets by Carl Bertelsmann publication on http://www.efc.belcgi.bin/articlepublisher.pl?filename=st-se-03-01-1html. European foundation centre.

[17] See pp89-90 on transparency and accountability as major tenets of good governance.

the mentioned reforms was to end the bad practices of the past, which encouraged localized recruitment based on sectarianism and other forms of corrupt practices.[18] According to the conflict theories, such evils like corruption and inequitable distribution of resources, opportunities and injustice are major source of conflict. Addressing these issues constitutes addressing conflict generating structures.

Effective policing also has a lot to with the ratios of Police to citizens which, combined with their training, integrity and resources determines their performance.[19] As mentioned earlier, Rwanda Police was build from a scratch by combining the different security agents mentioned above. The policing level in 2004 after hard work and enthusiastic recruitment was one Police Officer to three thousand people (1-3000)[20]. The desirable ration according to the then Commissioner General of Police CGP Frank Mugambage was one Police Officer to a thousand people (1: 1000)[21]. Five years down the line, the present ration of Police to citizen stands at one Police Officer for one thousand six hundred people (1:1600) which is considerably good progress. The target to be achieved by the year 2013 remains as mentioned above.[22] As would be expected budgetary constraints are major in delaying target realization.[23]

Regarding Police discipline which is an essential ingredient of good policing, Rwanda has battled with indiscipline and corruption in the force. In the year 2005, 139 Police officers were dismissed as result of convictions relating to such cases.[24] In the year

[18] *Rwanda National Police, Strategic Plan 2004-2008.* Available at www.police.gov.rw/Strategic_Plan.pdf
[19] See interview by researcher with CGP Andrew Rwigamba on 20th March 2007- Policing ration , Police integrity and training are mentioned as crucial.
[20] An interview by researcher with Frank Mugambage on 20th April 2008.
[21] Ibid
[22] Strategic Plan For Rwanda National Police 2009-2013 p 7
[23] An interview by researcher with CGP Andrew Rwigamba on 20th March 2007- Financial constraints are mentioned as challenge.
[24] An interview by researcher with CGP Andrew Rwigamba on 20th March 2007- the persistently

2008, 34 Police Officer were dismissed in similar circumstances.[25] Rwanda has also been kin at the gender balance in the force. The present Chief of Police is a woman and by the year 2005, 7% percent of the Police force were female.[26] Today, the percentage has risen to 9.3%.[27]

The immediate and formidable security challenge of the transitional government of national unity was (still is) the insurgence in the North of the country staged by ex-FAR and Interahamwe genocidal militia that had run only a few meters out of Rwandan borders into the Zaire, now DRC. By the year 1997, the insurgency had reached alarming levels with intentions of curving out the Regions of Gisenyi and Ruhengeri for themselves and using this as base to terrorize and continue the Genocide intentions[28]. The defeat of the insurgence in the North owed much to not only mere commitment but to commitment with professionalism of security institutions.

In the recent days, the Interahamwe militia have regrouped again and renamed themselves Democratic Forces for the Liberation of Rwanda (FDLR). They continue to try incursion into the Rwandan territory from neighboring DRC. The Democratic Forces for the Liberation of Rwanda (FDLR), the Mayi-Mayi militia, the PARECO (Coalition of Congolese Patriotic Fighters), and the CNDP (National Congress for the Defence of the People) inhabit the forests of eastern Congo in Northern Kivu. They are part of a conflict system[29] that involves Rwanda, Uganda (its former ally) and CNDP on one side against

undisciplined are dismissed.

[25] http://www.ethicsinpolicing.com/article.asp? Rwanda: 34 Police Fired over indiscipline.
[26] Sunday Monitor of 19th Sept 2005 an interview with D/CGP M.Gahonzire
[27] Op.cit- Rwanda: http://www.ethicsinpolicing.com/article.asp?
[28] For details about the insurgency review the report by African Rights, Rwanda: the insurgency in the North west, September 1998
[29] M.Mwagiru: Conflict, Theory and Institutions of Management, Nairobi, Watermark Publications,2000 pp24-35- describes a conflict system as a complex tessellation of relationships and interactions between

the DRC, its allies and the rest rebel groups on the other side.[30] The government of Rwanda is tackling this problem though the Tripartite Commission composed of Ministers of Defense and Chiefs of Staff of Rwanda, DRC, Uganda, and Burundi. Negotiations centre on how the Militia can be netted and repatriated to Rwanda for trial. Most recently on 9th November 2007, representatives of the Government of Rwanda and the Democratic Republic of Congo met in Nairobi in Kenya and signed the Nairobi communiqué pledging a common approach to address the threat posed to their common security and stability by the ex-FAR/Interahamwe[31]. This new Agreement was facilitated by the United states of America and witnessed by the European Union. The Agreement gives comprehensive recommendations that pave the way to end the presence of Rwanda's security threat in the DRC and to terminate endless suffering for the population in the Eastern DRC. The agreement among others calls for military action to dismantle illegal armed groups, political programs to enable fighters to lay down their arms and move away from the border areas and for the Rwandese to exercise the right to choose between voluntary repatriation to Rwanda or peaceful integration in the DRC. Rwanda and the DRC committed themselves to impose strict controls to prevent cross border movement of fighters, weapons, food and medical supplies, to refrain from giving human, material or political support directly or indirectly to armed groups, desist from engaging in destructive propaganda against each other, to encourage and enable refugees to return

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actors and issues eg. Interstate conflicts, relationship between internal conflicts etc...
[30] - See chapter 1 p4 & chapter 2 p53, the phenomenon of Internationalization of Conflict and "first Africa's world war" are further discussed.
[31] See also : The Nairobi joint communiqué of the Democratic Republic of Congo and the Government of the Republic of Rwanda on a common approach to end the threat posed peace and stability in both countries and the Great Lakes Region .

home, arrest and handover genocide fugitives.[32] That the Nairobi tripartite agreement of 9th November 2007 has never been fully implemented and that this has lead subsequent violations is an issue that will be discussed in the next chapter.

Regarding the present security situation in Rwanda, interviews conducted reveal that the security situation in Rwanda now as compared to immediate pre and post 1994 is much better and Rwanda can boast to be one of the securest countries in Eastern Africa. It was also revealed that a lot is being done to address the problem of security and that necessary diplomatic and legal steps have been taken to address problem of genocide fugitives. Genocide being crime against humanity concerns all nations to bring the perpetrators to justice. Also, the presence of these criminals in the DRC is threat to the great lakes region which makes it even more urgent[33]

The challenges to establishing physical security are subject of another discussion in chapter four.

Democracy

Democracy has been defined as "a government of the people, by the people and for the people". By the people here is meant the masses or the majority. Democratic governments are put in power through the ballot where the majority wins and therefore rules. Democracy is premised on the fact that every individual possess human dignity and is individually autonomous. This then implies that the consent of the individual(s) is

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[32] - African Rights: A welcome Expression of Intent, The Nairobi Communiqué and the EX FAR/interahamwe (2000) p6

[33] Interview by researcher with CGP of Rwanda Police, Mr. Andrew Rwigamba on 20th March 2007 asserts that Rwanda is probably the safest country in the Region and that genocide fugitives are a threat to Regional security as have already been witnessed. This is why it will be the concern of everybody to get lead of them and to ensure .Regional harmony. See the interview notes

required before the individual(s) is placed under any government.[34] Due to the fact that it

is impossible to get every one to agree on the same issue, the option of consent by

majority of the people sets in. The contradiction here is that the views of the minority are

lost in the wishes of the majority which may not necessarily be wholly representative or

accurate. In a true Democratic system, the process of Democracy its self must not violet

the democratic principles and must insure that there is no permanent majority but rather

that the majority may swing according to the changing views of the people.[35]

In ethnically divided communities the principles of democracy are compromised

by ethnicity. "Democracy" seizes to focus on issues as they affect the whole nation and

gives pretext to ethnicity. From ethnic conflict perspective, "there is danger that ethnic

unity may out weigh the citizenry diversity that is central to democracy"[36]. This gives

precedent to a situation where the ethnic majority is always the political majority. This

would then mean the ethnic majority is permanently in control of the means of production

and the ethnic minorities are permanently marginalized giving room to structural and

cultural violence. Paradoxically in this case, the so called democracy lays credence to

social political injustices that it is supposed to heal and this as we have seen is not

Democracy. In Mann's words: "Murderous ethnic cleansing is a hazard of the age of

democracy since amid mult-ethnicity the ideal of rule by the people began to entwine the

demos with the dominant *ethnos*" [37]. Indeed this was the case in point for post colonial

Rwanda.

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[34] -K.Kibwana, C.M.Peter, J.Oloka-Onyango: In Search of Freedom and Prosperity, Constitutional Reform in East Africa , Claripress lmt 1996 p11
[35] -ibid p10
[36] M. Mann: "The Dark Side of Democracy" ; *Explaining Ethnic Cleansing* (Cambridge: Cambridge university press 2005)p3
[37] ibid p4

Thus at the eve of independence in 1962, Rwanda had four Political parties: Party of the Movement for Bahutu emancipation (**PARMEHUTU**), Association for Social Promotion of the Masses (**APROSOMA**), Rwanda Democratic Rally (**RADER**), and Rwanda National Union (**UNAR**). The most remarkable feature about some of these parties was the strong ethnic component. As the instrumentalist and constructivist theories of ethic conflict postulate, the ethnicity issue was seen as a master card by some opportunistic politicians who advanced it whole sale as political ideology to mobilize a section of the society against the other and to start massacres. At the end of the day, the party that supported ethnic divide ruled which further exacerbated ethnic divide. **PARMEHUTU** for example ruled up to 1972 only to be replaced by National Republican Movement for Development (**MRND** which was predominantly Hutu) which ruled up to 1994. As far as politics of ethnicity are concerned, the two parties were different only in name. The Pre 1994 genocide saw reemergence of many political Parties some with boldly explicit anti Tutsi and genocidal sentiments. Such parties were like Committee for the Defense of the Republic (**CDR**), Democratic Republican Movement (**MDR**) power and then **MRND** power. The word "Power" added on each of the party's names, meant use of the Hutu force of numbers to force their way (apparently to kill Tutsi minority).

According to Collier's study of civil wars between 1965 and 1999, "policies for conflict prevention should include first, policies to remedy low income and economic decline and second, policies to mitigate the dangers of ethnic dominance such as to entrench minority rights within the constitution"[38]. It is therefore not surprising that

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[38] - see this as recited by O. Ramsbotham, T. woodhouse, H. Miall : *Conflict Resolution*- The prevention, Management and transformation of deadly conflicts(2nd edition) Cambridge, 2006 p95

Rwanda government saw the ethnically based parties as a conflict generating issue and was quick to address it. Such divisive parties as mentioned above were abolished by the Rwandese Patriotic Front (FPR) declaration[39] immediately after capture of power in 1994. In May 2003, a new constitution was enacted following a referendum.

The moral basis of constitutions is the sanctity of human beings that is endowed with some fundamental and inviolable rights and freedoms such as the right to life, the freedom of expression, freedom of association and the right to vote or be voted and so on. According to Kibwana:

> "the Traditional conceptualization of constitutionalism connotes the imposition of limitation on the exercise of state power by various institutions entrusted with the task. These are the legislature, executive and judiciary. The constitution according to this view determines the legality of legislative and executive action"[40]

On the other hand, Kibwana continues, the constitution determines the manner in which a state is run and this in turn determines to a great extent the degree of social economic development or underdevelopment or stagnation.[41]

Judging from the above facts, there is no doubt that a bad constitution is source of structural violence and a good constitution is pre requisite for "positive peace" and therefore necessary if peace building must be realized and entrenched.

Accordingly, the new Rwandan constitution takes care of all the rights and freedoms of the citizens. On the issue of multipartism which has initially been misguided source of ethnic division as we saw earlier, it asserts that no political party shall be formed on ethnic, religious or family grounds. To avoid mobilization of the grass root

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[39] - see also the declaration of RPF of July 1994 and the agreement between political parties of November 1994
[40] K.Kibwana, C.M.Peter, J.Oloka-Onyango: In Search of Freedom and Prosperity, Constitutional Reform in East Africa , Claripress lmt 1996 p131
[41] ibid p130

masses along the ethnic lines, the constitution allows formation of party organs only at national and provincial levels and not below.

On the other hand, the new Rwandan constitution empowers the Supreme Court to dissolve any Political party whose activities are divisive along ethnic lines. This is essentially because ethnic divisions and sentiments were source of the 1994 genocide. The New Rwandan Constitution also provides for creation of a forum of parties to harmonize the vision on issues of national importance[42]. The existing eight political parties in Rwanda have so far established as a common denominator the following namely: fight against and prevention of genocide, equality before the law, promotion of human rights, and promotion of the culture of democracy and unity and reconciliation.

On the other hand, the present government of Rwanda has been broad based not just in terms of party affiliations, but also in regard to ethnic considerations. Where the president is Tutsi, the prime Minister is Hutu. Where the Minister is Hutu, the permanent Secretary is Tutsi. Where the Minister of defense is Hutu the General Army chief of staff is Tutsi and so on and so forth. The government is accordingly known as the government of national unity.

According to Lake and Rothchild power sharing is a tool to peace building through ruling coalitions by conceding proportionate share of cabinet posts, civil services, military and high party positions.[43]

The research established that the democratization process in Rwanda has made great steps to heal the historic structural violence that characterized the pre genocide and genocide regimes. These include the evils of exclusion, discrimination, favoritism,

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[42] -The constitution of the Republic of Rwanda- Tittle 3, Articles 52-59 on Page 12-13
[43] - D.Lake and D.Rothchild : Ethnic Fears and global engagement, *the International Spread of Ethnic Conflict* (Califonia . University of Calfonia 1996) *p26*

regionalism, non respect for rights and liberties among others. The research however also established that a big number of Rwandans still have to be educated on the ideals of democracy and the evils of ethnic based politics.[44] The systematic visionary and guided democratization and the determination of the Rwandan leaders will no doubt yield great achievements in this direction.

The challenges to the democratization process and peace building will be discussed in the next chapter.

Justice and Reconciliation

Discussing Justice as an important and crucial concept in peace building, Lederach asserts that "justice raise powerful images of making the things right, creating equal opportunity, rectifying the wrong, and restitution. ...without justice, the brokenness continues and festers"[45]

The concept of justice is very broad and subject of controversial debate from philosophical thinkers like Plato[46] to political analysts like John Rawls. Justice spans religious, theological and moral, political and legal debates. Rawls sees Justice as fairness (independent of controversial philosophical, moral, religious doctrines) in according rights and liberties, powers and prerogatives of office, income and wealth; the basis of self respect. Rawls asserts that justice also encompasses the "difference principle" in which economic inequalities are allowed so long as they ameliorate every one's condition including that of the disadvantaged.[47] This type of justice is often times referred to as Social-economic Justice or distributive justice to mean the fair distribution of conditions,

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[44] Interview with Mr Frank Mugambage then working in the President's office.
[45] J.P.Lederach, *Building Peace sustainable Reconciliation in Divided Societies*,(Washington DC: United States Institute of Peace) p53
[46] - Plato, *The Republic* as translated by R. Waterfield(Oxford:OUP,1984)
[47] -J. Rawls. Political Liberalism(New York: Colombia University press,1993)147

means and goods as they affect the individuals well being. This type of justice is particularly emphasized by J.P.Lederach in the conflict transformation theory as it reduces direct violence by producing social economic justice.[48] Distributive justice is in its self subject of heated debate as to what goods between what entities, what is proper distribution and so on. Distributive justice will be discussed again later in economic reform.

In the case of Rwanda where one of the historic genocides occurred, the discussion here will center on the notion of retributive justice and restorative justice in the context of peace building.

Retributive justice refers to the proportionate response to crime as proven by the law of evidence so that punishment is justly imposed and seen as morally correct and totally deserved. The law of retaliation (lex talionis) is a military theory of retributive justice which provides that reciprocity should be equal to the wrong suffered.[49] If applied to the case of Rwanda, the wrongs committed during the genocide must be equally matched with proportionate punishment. On the other hand restorative justice is concerned not much with retribution and punishment as it is with bringing the offender and the victim together in effort of reintegrate him back into the society.

According to Burton, justice is a fundamental human need and it the denial of such human needs that conflict emanate.[50] Yet, the role of Justice in peace building has been controversial and subject to debate given that Justice (whether restorative or retributive) may not necessarily lead to reconciliation which on the other hand is an essential

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[48] J. P. Lederach, "The challenge of the 21st century: Just peace" in people building peace(Utrecht: centre for conflict prevention,1999) p32

[49] http://www.socyberty.com/law- article entitled Justice from wikipidea.
[50] See chapter 1 p13 on the literature review for an extensive discussion on Burton's human need theory.

component of peace building. Lambourne for example asserts that "Justice and reconciliation have often been seen as competing objectives in the processes of making and building peace".[51] On the other hand, Goldstone states that although the relationship between peace and justice is a complicated one, "without establishing a culture of law and order and without satisfying the very deep need of victims for acknowledgement and retribution, there is little hope of escaping future cyclical out breaks of violence"[52]

It is important to note here that given that in Rwanda impunity had been the order of the day since 1959 when the first genocide was committed in this country, it was necessary not only to bring justice to the genocide survivors but to change the trend so that the gravity of the offence is registered.

In this vein, Rwanda has struggled with the problem of Justice on several fronts. There are currently three types of efforts to deal with the perpetrators of genocide in Rwanda: the International Criminal Tribunal for Rwanda (ICTR), the formal domestic Justice system, and Gacaca.

The ICTR

The ICTR - whose full name is the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States Between 1 January 1994 and 31 December 1994 - is the product of the 1994 UN Security Council Resolution 955.

The aim of the ICTR is to

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[51] W. Lambourne: Peace Conflict and Development- issue Four , April 2004, p5
[52] O.Ramsbotham, Tom Woodhouse and Hugh Mial: Contemporary Conflict resolution, *The management and transformation of deadly Conflict.* p241

"contribute to the process of national reconciliation and to the restoration and maintenance of peace, . . .contribute to ensuring that such violations are halted and effectively redressed, . . . strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects."

The ICTR made its own contribution to the realization of retributive Justice in regard to the genocide in Rwanda. The evaluation of its work and achievements is subject for chapter Four[53]

The formal Domestic Justice System

Domestically, the post-genocide government made justice a cornerstone of its policy. It argued that unless the "culture of impunity" was ended in Rwanda through full retributive justice, the vicious cycle of violence would never cease.[54] The international community invested heavily in the justice sector. Donors funded more than 100 justice-related projects, costing more than $100 million.[55] The projects involved the training of lawyers, judges, investigators, and police; provision of salary supplements to judges and prosecutors, as well as vehicles and the required fuel and maintenance; advice on reform of administrative and court procedures; construction of buildings, libraries, and prisons; improvement of the detention conditions of prisoners; and assistance with confessions and with defense.[56]

In September 1996 the Rwandan parliament passed the Organic Law on the Organization of Prosecutions for Offenses Constituting Genocide or Crimes Against Humanity Committed Since October 1, 1992. This law classifies the suspects in four

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[53] see chapter four on page 106-107 of this book
[54] Official Gazette of the Republic of Rwanda 40, No. 6, 15 March 2001.
[55] OECD, *The Limits and Scope for the Use of Development Assistance Incentives and Disincentives for Influencing Conflict Situations: A Case Study of Rwanda*, Paris: Development Assistance Committee, 1999, pp. 21, 23.
[56] Ibid, p.21.

categories, with penalties ranging from death to simple restitution. The first domestic genocide trials began in late 1996. After a slow start, the justice system managed to pronounce about 1,000 verdicts annually and by the end of 2001, approximately 6,500 genocide suspects had been judged. Acquittal rates averaged 40 percent in 2002; death penalties and life imprisonment also fell in parallel, accounting for 40 percent of all verdicts. Some detainees were freed because there was insufficient evidence or because they were considered to be too young or too old.

The Gacaca System

The word Gacaca originates from the Kinyarwanda word for "lawn" or "grass", and its etymology has a lot to do with the actual modus operand of the Gacaca courts themselves. The court sessions took place while people (who are at the same time the jury) are seated on grass. Gacaca was from long ago a community based traditional system for resolving relatively minor conflicts as well as disputes related to issues such as land rights, theft, marital issues, and property damage and so on.[57] Traditional Gacaca courts were lenient compared to real courts and they called for truth as one of the pillars of reconciliation and took into consideration that the accuser and accused and their relatives had a future that was more important than their past[58] Indeed *Kunga* (mediation with intention to reconcile was one of the concerns of Gacaca and was done by *Inyangamugayo* (people with personal integrity).[59] Present Gacaca courts system being implemented in Rwanda is "a combination of both this traditional participatory model

[57] - Article by Radha Webley (a researcher) on Gacaca Courts in Post –Genocide Rwanda p1. The research was conducted in summer 2003 and is available on http://socrates.berkeley.edu/warcrimesrw-webley.htm.
[58] -This notion has similar overtones to Lederach's assertion that reconciliation is where Justice and truth , mercy and peace meet- see J.P.Lederach, *Building Peace sustainable Reconciliation in Divided Societies*, (Washington DC: United States Institute of Peace)p53
[59] - The Rwandan Constitution Section Four article 159.

and classical legal concepts".[60] Gacaca courts are therefore in consonance with restorative justice that aims at bringing the offender and the victim back together in effort of effective re-integration into society.[61]

The first draft of Gacaca courts was distributed in mid-1998 as legal-social experiment of transforming this traditional community-based conflict resolution mechanism (Gacaca) into a tool for judging people accused of participation in the genocide and the massacres. In February 2001, the Organic Law for the Creation of Gacaca Jurisdictions was adopted by parliament.[62]

The government's main objectives in adapting Gacaca courts for genocide hearings was to expedite trials by using about 11,000 Gacaca courts instead of the then existing thirteen specialized courts and by holding hearings near the places where perpetrators, survivors, and witnesses live; to establish the truth about the genocide by as to what exactly happened and compiling a list of perpetrators, victims, and damages in every jurisdiction; and to reconcile and promote unity among Rwandans by public acknowledgment of guilt and innocence.[63]

Totten emphasizes the three motivating factors behind the establishment of the Gacaca courts as follows. First, there were so many alleged perpetrators in jail (approximately 130,000 in 1999) that there was no way the Rwandan national courts and the International Criminal Tribunal for Rwanda (the two venues available in 1999) could try all the defendants. Even by 2006, and with three venues in place, it is estimated that it would take at least 100 years to try all 100,000 of the accused. But the sheer number of

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[60] R.Webley; Op.cit p1
[61] See chapter 3 p 81 for more discussion on restorative justice
[62] Official Gazette of the Republic of Rwanda 40, no. 6 (15 March 2001).
[63] Official Gazette, op.cit.

defendants was not the only problem facing Rwanda's judicial system. In the aftermath of the genocide, the judicial system, along with just about everything else in Rwandan society, had been decimated. More specifically, almost all of the judges, lawyers, and court personnel had been slain during the genocide. As a result, the Rwandan legal system had to be reconstituted from the bottom up. A third rationale for the establishment of the Gacaca was that the Rwandan government wanted to use the process as a means of reconciliation. That is, officials hoped that by allowing everyone to have their say and participate in the process of finding a defendant guilty or of exonerating him or her, that this would serve as a healing process.[64]

Judges in Gacaca courts are called *inyangamugayo*, meaning people of high moral integrity. The law provided for the creation of approximately 10,000 Gacaca jurisdictions--one in each cell, sector, district, and province in the country. Each Gacaca jurisdiction has three organs: a general assembly (the entire population of the cell, sector, district, or province), a seat (nineteen elected judges), and a coordinating committee (five persons chosen from the nineteen judges, who are in charge of administrative matters).

Gacaca proceedings begin by listing every victim and criminal act committed in the area. Then the cases for each suspect are debated, based on testimonies from the general assembly and whatever information exists in the files that were prepared by the public prosecutors. Based on that, the seat reaches a verdict. Each verdict can be appealed at the next higher Gacaca level. Crimes and penalties vary in terms of seriousness, meaning that the death, listed under Category I, remain outside Gacaca courts and are

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[64] Samuel Totten, "Rwanda: A Nation Resilient in the Aftermath of Genocide" in *Social Education*, Volume: 70, Issue: 7, 2006, pp. 415-424.

tried in the formal justice system. The law also provides for regulations on compensation and reparation procedures.[65]

Initially the international community was opposed to Gacaca courts because they compromised international human rights standards, including the right of the accused to have legal counsel.[66] However, this has changed and donors stepped in to fund the process preparation and implementation process. Aid included information campaigns funded by the United States; production of training manuals paid for by the Germans; management and implementation costs covered by the Belgians, Swedish, and Swiss; and multi-donor support to the monitoring initiatives of public and nongovernmental organizations.

Looking the relevance of Gacaca courts to peace building, it is important to refer to Lederach's views that reconciliation "is built on mechanisms that engage the sides of conflict with each other as humans- in- relationship rather than seeking innovative ways to disengage or minimize their affiliation".[67] Gacaca courts provide this kind of forum for parties to the conflict to interact for peace building purposes. The degree to which these courts achieve their intent is subject for further discussion

It should not escape mention here that more recently, and in line with the Rwandan government's efforts towards reconciliation the government formally abolished the death penalty. In the words of Louis Michel, European Commissioner for Development and Humanitarian Aid,

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[65] http://www.inkiko-gacaca.gov.rw/En/generalities.htm.On Gacaca courts.
Also refer to S. Buckley,The Truth Heals? Gacaca Jurisdictions and Consolidations of Peace in Rwanda, (Zistel 2006) pp113-130.
[66] Article by Radha Webley (a researcher) on Gacaca Courts in Post –Genocide Rwanda p1.The research was conducted in 2003 and is available on http://socrates.berkeley.edu/warcrimesrw-weblev.htm. p2
[67] - J.P.Lederach *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, DC: United States Institute of Peace, 1997. p51

This important decision confirmed the political and democratic commitment of the country towards national reconciliation. This significant step sends an important signal to the international community, showing Rwanda's commitment and respect for human rights. I hope that this decision will encourage other countries in Africa to follow.[68]

The abolition of death penalty in the light of the grave crimes committees during the genocide is a sign that reconciliation is the driving force behind the quest for justice. According to Lederach, reconciliation involves "letting go in favor of renewed relationship" and "redressing the wrong is held together with a vision of a common connected future."[69] The abolition of the death penalty in this case is open testimony for judicial concession in favor of promotion of reconciliation.

Unity and Reconciliation Commission

As mentioned earlier, while we talk about Justice in the context of peace building it is important to discuss reconciliation as a crucial element of ultimate peace realization. Reconciliation means restoring broken relationships and learning to live non violently with radical differences.[70] It presupposes truth of what happened, mercy from those who were offended, justice and reparation of damage inflicted, unity and respect by recognizing the humanity of others and genuine commitment to change behavior and truth. According to J.P.Lederach, reconciliation needs to:

" address the past with opportunity and space provided for people to express to each other, trauma of and grief for what has been lost and the anger

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[68] "European Commission welcomes abolition of the death penalty in Rwanda", Brussels, 26 July 2007. Available @ http://www.nieuwsbank.nl/en/2007/07/27/f009.htm

[69] -J.P Lederach, Building Peace: *Sustainable reconciliation in Divided Societies*, The united Nations University, p51

[70] - O. Ramsbotham, Tom WoodHouse and Hugh Mial , Contemporary Conflict resolution; *The management and transformation of deadly Conflicts*p231

that accompanied the pain and injustices experienced. Acknowledgment and mutual recognition of the legitimacy of that experience is decisive in the reconcialition dynamics. It is one thing to know, it another thing to acknowledge.Acknowledgement by hearing other stories validates experience and feelings and represents the first step towards restoration of the person and the relationship".[71]

This phenomenon must have been the guiding principle for the formation of the Unity and reconciliation commission which was enacted through law N0.03/99 of 12th March 1999. The unity and reconciliation commission is catalyst[72] to the reconciliation process. It promotes unity and reconciliation through interactive debates, by generating and disseminating educational material geared at achieving national unity and reconciliation and conflict management, and by initiating draft laws that guarantee equity for all.[73] The commission has also staged various forums at District, Provincial national and the Diaspora levels. The unity and reconciliation commission has also been engaged in organizing *ingando* or political schools, aimed at promoting nationhood and reconciliation.

Such forums generate good, constructive and some times controversial ideas. J.P Lederach terms such controversies "a paradox... that will provide new ways to address the impasse on issues; or that by providing space for grieving the past permits a re orientation towards the future and, inversely that envisioning a common future creates a new lens for dealing with the past"[74]

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[71] - J. P. Lederach , Building Peace: *Sustainable reconciliation in Divided Societies,* The united Nations University, p51

[72] - Ibid p 51. J.P. Lederach talks of the need to create a catalyst to reconciliation and then to sustain it in divided societies.

[73] - The Laws of Rwanda, Government law N0.03/99 of 12th March 1999.

[74] J. P.Lederach , Building Peace: *Sustainable reconciliation in Divided Societies,* The united Nations University, p56

Bringing people of different ethnicity together to chart out their differences with a common vision to forge a peaceful future is a very crucial development that is unheard of in the previous regimes.[75]

It suffices to mention that the unity and reconciliation commission has discussed in its different forums matters which are hindrance to unity and reconciliation and ways to overcome them. Such hindrances include the past history as it has been taught, past politics of divisionism, genocide, matters of Justice, social –economic inequalities, poverty, corruption, and security, to name but the most outstanding.[76] This kind of approach is very important in identifying the meeting point for those involved in the conflict and putting in place build in mechanisms for future conflict resolution and prevention of escalation. This principle is in line with conflict research paradigm which sees conflict as rational, desirable and a reaction to the perception of environment with positive outcomes if the in built conflict resolution mechanisms check its out comes to the effect that its useful purpose out weighs its costs.[77]

The impact and challenges to the unity and reconciliation commission is subject of another discussion.

Good Governance

Governance can be defined as the political, economic and administrative management of public resources. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights,

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[75] According to J.P Lederach, reconciliation represents the point of encounter where concerns about the Past and future can meet. Ibid p51

[76] -Assertions from an interview by the researcher with Madame Fatuma NDANGIZA- the Commissioner on Unity and Reconciliation Commission(interviewed on 28April 2008)

[77] - see article by A.J.R Groom: Paradigms in Conflict : the Strategist, the Conflict Researcher and the Peace Researcher p86

meet their obligations and mediate their differences. It is a concept that explains how political authority affects the management of economic and social resources.[78] The major principles of good governance include:

> "respect for human rights, political openness, participation, tolerance, administrative bureaucratic capacity and efficiency...good governance entails the creation of effective partnership to ensure that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and most vulnerable are heard in decision making process"[79]

From this perspective, there is no doubt that good governance is conducive to peace building given that it touches all aspects of the human needs,[80] and addresses the would be sources of structural violence,[81] and ensures that there is efficient interplay of all factors involved in peace building. If conflict is a result of defective Political structures that "deny citizens of their potential realization" then good governance is the remedy to conflict generating structures.

Good governance requires all development actors (state actors, the private sector and civil society) and emphasizes shared responsibility. There is an inextricable link between good governance, growth and development.

According to Todaro, development has traditionally meant the capacity of national economy (whose initial economic condition has been more or less static) to generate and sustain an annual increase in the gross national product (GDP) at a rate of about 5% to 7% and more. Todaro clarifies further that in the modern times, development must be

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[78] UNDP, *Third Kenya Human Development Report: Participatory Governance for Human Development*, Nairobi: Institute of Development Studies (IDS), 2003, p. ix.

[79] R Work, Over view of Decentralization Worldwide: A stepping Stone to Improved Governance and Human Development p3. Paper presented to 2nd International Conference on Decentralization Federalism: *The future of Decentralizing States*? 25-27 July 2002, Manila Philippines. Available also on http://undp.org.governance/docs

[80] - see p13 of this book regarding J.Burton's Human needs theory and its relevance to "positive peace".

[81] See pp 9-10 of this book an explanation of J. Gultung theories on structural violence

looked at as a multidimentional process involving major changes in social structures, popular attributes, and national institutions and must necessarily accelerate economic growth, reduction of inequality and eradication of poverty. It must include the core values of sustenance, self esteem and freedom.[82]

Good governance is therefore an essential ingredient for development and has the potential of contributing to economic growth and poverty reduction through the promotion of efficient service delivery and equitable distribution of investment opportunities.

Today it is an acknowledged fact within both the academic and policy world that growth by itself does not automatically translate into development. Good governance minimizes the disjuncture between the two by allowing all stakeholders to participate in the growth and development process. In other words it empowers the poor people who are less likely to benefit from mere increments in income generation by allowing them to actively engage in economic, social and political processes. Consequently it is participatory and interactive. Indeed it is only through participation that the incorporation of the perceptions, attitudes and values of all stakeholders is guaranteed.[83]

Good governance therefore requires transparency and openness in both public and private settings. It involves a variety of institutions and decision making at the national, regional sub-regional and local levels. It also entails open dialogue and active civic engagement that goes beyond periodic voting. Secrecy and restrictions on freedoms of

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[82] - http://www.able2know.org/topic/51628-1 see article on Human development by P.A. Bourne, M.Sc(Hons) Dip.Educ

[83] - During my interview with madam Fatuma Ndangiza(the chair person of unity and reconciliation commission), this aspect was emphasized

association, information and initiative not only limits effective participation but also hampers development efforts.

In well-governed systems, the need for at least a small degree of trust among the citizens and between them and the state can be considered non-negotiable. This is because, as Valerie Braithwaite and Margaret Levi aptly put it,

> Trust may ease coordination among citizens and with government actors, reduce transaction costs, increase the probability of citizen compliance with government demands, and contribute to political support for the government.[84]

Conflicts shatter people's concept of trust, and in most cases it is to the extent that even when open hostility is declared to be over, a sense of fear and insecurity continues to loom over the area concerned. This makes it difficult for survivors to return home to resume normal life. In the absence of trust, institutions are no longer capable of coordinating inter-human interactions, hence the difficulty of making and implementing collective decisions. Trust can thus be seen as a major victim of social strife, particularly violent conflicts.

Any efforts to promote good governance - which involves among other things the creation of transparent public organizations, the development of rule of law, and the fostering of genuine popular participation in political decision-making in a war-torn country - must be acknowledged as efforts at trust building.[85]

The Government of National Unity recognized the fact that the 1994 genocide was a result of bad governance and authoritarian systems of government. Subsequently it

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[84] Valerie Braithwaite and Margaret Levi, "Introduction," in Braithwaite and Levi, (eds.), *Trust and Governance,* New York: Russell Sage Foundation, 1998, p. 5.
[85] See Mark M. Brown, "Democratic Governance: Toward a Framework for Sustainable Peace," *Global Governance,* Volume 9, No. 2, 2003, p. 142.

has sought to redress the problem by adopting and implementing policies that allow the Rwandan citizens to participate in the social and political life of the country.

First the government adopted a new concept in the country, the concept of decentralization. Decentralization can be defined as:

> "the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to the lower levels of government....Decentralization governance is the restructuring of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principles of subsidiary thus increasing the overall quality and effectiveness of governance, while increasing the authority and capabilities of the sub-national levels"[86]

Decentralization has three broad types namely: Political decentralization which entails devolution or full transfer of responsibility, decision making and resources; administrative decentralization which involves deconcetration or transfer of authority, delegation or redistribution of authority; and fiscal decentralization or reallocation of budgetary resources to sub-national levels of government.[87]

Decentralized governance therefore entails the empowering of sub-national levels of society to ensure that local people participate in, and benefit from, their own governance institutions and development services. Decentralization improves governance through increased allocative efficiency — that is, better matching of public services to local preferences; and, increased productive efficiency — through increased accountability

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[86] R. Work, Over view of Decentralization Worldwide: A stepping Stone to Improved Governance and Human Development p5. Paper presented to 2nd International Conference on Decentralization *Federalism: The future of Decentralizing States?* 25-27 July 2002, Manila Philippines. Available also on http://undp.org.governance/docs

[87] ibid p6

of local governments to citizens, fewer levels of bureaucracy, and better knowledge of local costs.[88]

In this regard the year 2000 Rwandan "Decentralization Policy" aims to achieve five key objectives.[89] First, to enable local people's participation initiating, making, implementing and monitoring decisions and plans that concern them, taking into consideration their local needs, priorities, capacities and resources by transferring power, authority, and resources from central to local government and lower levels. If conflict is caused by the denial of fundamental needs, in no way would those needs be denied if they are defined and prioritized by those to whom they apply. Secondly, decentralization strengthens accountability and transparency by making local leaders directly accountable to the communities they serve and by establishing a clear linkage between the taxes people pay and the services that are financed by these taxes. Third, to enhance the sensitivity and responsiveness of public administration to the local environment by placing the planning, financing, management and control of service provision at the point where services are provided and to take into consideration the local environment and needs. Fourth, to develop sustainable economic planning and management capacity at local levels that will serve as the driving motor for planning mobilisation and implementation of social, political and economic development to alleviate poverty. Last, to enhance effectiveness and efficiency in the planning, monitoring and delivery of services by reducing the burden from central government officials who are distanced from the point where needs are felt and services delivered. Needless to mention,

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[88] P.Musoni, "Organizing Decentralised Governance for Effective Grassroots Service Delivery: Rwanda's Experience," A Paper Presented at a High-Level Resource Experts Post-Conference Workshop on "Decentralised Governance for Effective and Responsive Service Delivery: Pre-requisites, Trends, Approaches, Policies and Capacity Building Strategies", 17-18 September 2004, Florence, Italy.
[89] Ministry of Local Government and Social Affairs, **Decentralisation Policy**, Kigali, Rwanda, May 2000.

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participatory approach to governance permits optimum "somatic realization" of the society and is therefore pre emptive to Gultung's conflict generating systems.

Secondly, in an attempt to demystify and ensure transparency of the parliamentary process so that the public can monitor government activities/ decisions as well as gauge the performance of their elected representatives the Parliamentary Database and Information System (PADIS) of the National Assembly and the Cabinet Decisions Information System (CADIS) was developed. Both represent efforts by the government to conduct business electronically through the application of ICTs in order to enhance efficiency and effectiveness. Information like details and profiles of parliamentarians, membership of the committees of parliament, laws enacted by parliament, on-going deliberations in parliament, and the exact contents of cabinet decisions can now be easily accessed by the public.

Thirdly, gender empowerment has also been a key component of the good governance process in Rwanda.[90] Indeed if good governance entails participation, tolerance, and is based on consensus in society,[91] it must then necessarily address gender issues given that women form the majority of this "consensus" in developing world.[92] It is also true that women are (it is common knowledge) subject of discrimination and rights abuse and gravely so during conflict times. In every conflict, women and children are victims as individuals who are dehumanized by the circumstances they have to endure through out the ensuring conflict. Other than being the mothers of victims of conflict,

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[90] See for instance, J. Izabiliza, "The Role of Women in Reconstruction: Experience of Rwanda, 1994-2004, May 2005". Available @ http:/www.grandslacs.net/doc/3871.pdf.
[91] Refer to page 90 of this book for definition of good governance
[92] L.Conner, "Gender-sensitive and Pro-poor Indicators of Governance"- Paper prepared by UNDP Governance Indicators Project, Oslo Governance Centre p13- Women form considerably more than half population in developing Countries.

they are some times humiliated through rape and performing tasks that leave them dead or traumatized. Rwanda's genocide was an epitome of this dehumanization. If the effort to bring peace through participatory programs leave out the gender considerations, It would be greatly handicapped.

Talking about gender as it relates to good governance, a UNDP report asserts that:

"the belief that gender perspective should inform all development strategies is founded on cumulative evidence that fairer stake in society for women reduces poverty, generates economic activity and improves the quality of health and productivity of the family unit...the majority of international NGOs and donor agencies attach great importance to the correlation between poverty reduction and women's participation and have greatly integrated gender issues into their development programs"[93]

In this regard, the reconstruction programs of the Government of National Unity in Rwanda (GNU) put in place a national mechanism to ensure that women play an active role in post genocide reconstruction processes. For instance, the ministry in charge of Family and Women's Affairs was established and among its priority programs was the creation of women committees or structures that ran from community cells up to the national level. The overall objective of these committees was to provide Rwandese women with a forum through which their views, interests, and concerns on national reconstruction could be expressed, and in so doing contribute to shaping the country's recovery and reconstruction processes.[94]

On the same note decentralization policy favours the representation of women at the various administrative levels: a department in charge of gender issues has been set up at the district and provincial level; likewise, women's representatives become automatic

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[93] Article on *Gender related Human Development* index- UNDP. Available on:
http://uk.oneworld.net/guides/gender?
[94] J.Mutamba and J.Izabiliza, *The Role of Women in Reconciliation and Peace building in Rwanda-* Ten Years After Genocide-1994-2004 p31. also available on: www.nurc.gov.rw

members of the consultative committees at the level of the secteur and cellule. Indeed the constitution of Rwanda stipulates a minimum representation of at least 30% of women in decision-making bodies.[95]

It is worth noting that by 2005 the President of the Supreme Court of Rwanda and the Minister of Justice are both women, as is the Executive Secretary of the Gacaca courts. Of the 12 judges on the Supreme Court, 5 are women giving a representation of 41.7%. Further, at the local administration level, under the decentralization arrangement, women occupy 26% of the posts on the executive councils of each province.[96]

Fourthly, governance is good when it is efficient, effective and when the participation, interests and livelihoods of the governed are the prime motives of leaders' action at every level of society. For the Rwandan citizens to be involved in the search for good governance, elections were identified as a best mechanism and a useful instrument for people to choose their leaders. To that effect, elections were conducted at cell and sector levels in March 2000, at district level in March 2001, presidential elections in 2003 and the elections of local leaders from Cell to District levels starting from January-March, 2006.[97] For the elections to be held in transparency, fair and free manner acceptable to all Rwandans, a National Electoral Commission was established in June, 2003. This is an autonomous and independent organ. Its mandate is to prepare and conduct elections from the level of Cells, Sectors, Districts, Municipality, Kigali City Councils, Executive Committees, Referendum, Legislative, Presidential and any other elections as mandated by the law.

[95] - see the Rwandan Constitution on Gender issues.
[96] J.Mutamba and J.Izabiriza Op.cit
[97] I. Bugingo, "Territorial Reform and 2006 Elections in Rwanda", 27th-April 2006. Available @ http://rwanda.rw/article.php3?id_article=1829

After the Territorial Reform that started from the 1st January, 2006, the number of Provinces (Intara) has been reduced from eleven and the Kigali city to four and the Kigali city. They are now identified as, Eastern, Western, Northern and Southern Provinces and the Kigali City. There are 30 Districts (Uturere), 416 Sectors (Imirenge), and 2148 Cells (Utugari). Intara is a coordinating organ through which the central government receives complaints from the population. It has a structure of Umuyobozi w' Intara (Governor), Intara Coordination Committee and Intara Executive Secretary. Akarere is a legal entity with power to sue and to be sued, hence a local government. At the Umurenge level, people participate through their representatives, and has a structure made up of Umurenge Council and Umurenge Executive Committee. Akagari is the closest level of administration at the grassroots level, through which people address their needs and views. It has an administrative structure comprising of the Akagari Council and Akagari Executive Committee.[98]

Fifthly, basic human rights and fundamental freedoms are formally protected by the 2003 constitution, which also provides for institutions to monitor and protect these rights. Rwanda's improving governance environment is reflected in its recent African Peer Review Mechanism (APRM) report, endorsed by African Heads of State in 2006.

Poverty reduction

The UN World Summit on Social Development that took place in Copenhagen described poverty as "...a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education

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[98] Ibid.

and information"[99] Clearly, absolute poverty is more difficult to define than relative poverty which is measured by ranking in the order of per capita income.[100] Given that poverty touches on the most basic and essential human needs, it has a lot to do with conflict and must essentially form part of our discussion on peace building.

According to Lake and Rothchild, competition for scarce resources lies at the heart of ethnic conflict. Such issues like property rights, jobs, scholarships, educational admissions, language rights, government contracts, development allocations and the like are of essence when it comes to ethnic conflict. The struggle for these resources is staged initially by individuals and later by individuals organized as groups ethnic or other wise. Since it is the government that controls these scarce resources and the income that accrues from them, the struggle for the scarce resources assumes the shape of struggle for power and this in many cases manifests as ethnically based struggle.[101].

This not withstanding, it is worth noting that the issue of conflict as a function of poverty has been subject of academic debate. Whereas poverty it's self is more relative than an absolute term and the unit of measurement for poverty less accurate and un reliable,[102] authors such as Esman argue that "the conditions under which economic distress exacerbates conflict and economic growth mitigates conflict are less apparent". As an example, Esman mentions that economic expansion in Canada in 1960s aroused high expectations from the people of Quebec thereby exacerbating conflict, yet the

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[99] Summary notes of World Summit on Social Development conferences that took place in Copenhagen. Available on http://library.thinkquest.org/05aug/00282 p1
[100] Ibid p1
[101] D.Lake and D.Rothchild: Ethnic Fears and Global Engagement p9
[102] -Poverty is measured by the *Gini coefficient* which is a number between Zero and One that measures the degree of inequality in the distribution of income in a given society. The coefficient registers Zero inequality (0.0=minimum inequality) for a society in which each member receives exactly the same income and it registers a coefficient of One (1.0- maximum inequality) if one got all the income and the rest got nothing

recession in 1970s raised doubts about Quebec's ability to survive as a nation thereby dampening the quest for separation. Esman also asserts that two decades of economic prosperity in Malasia did not reduce the tension in that country.[103] It could then be argued that poverty may cause conflict and vice versa depending on other factors within that equation.

In the spirit of conflict prevention, Lake and Rothchild again argue that conflict sensitive government should seek to put in place policies that favor the increase of aggregate social wealth as well as efficient transparent and participatory wealth distribution mechanism. Whereas this assertion holds a lot of logic, it should on the other hand be noted that solution to poverty cannot be based on economic policies alone but requires a set of well coordinated measures that include but are not limited to macro-economic stability, privatizations, civil service reform, improved governance, trade liberalization and Banking sector reform.[104]

On that note, the government of Rwanda, through a consultative process that took place in 1998-99, produced a national policy document, The Vision for Rwanda, which has three components: The Global Vision to improve the quality of life of the people of Rwanda by enriching their social, economic and cultural well-being through the modernization of the economy; The Vision 2020 to develop Rwanda into a middle income country by the year 2020; and, the ICT-led Development Vision to modernize the Rwandan economy and society using information and communications technologies

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[103] M. Esman, *Ethnic Politics* (Ithaca, N.Y., Cornell University Press,1994), p234 cited in Joan M. Nelson, *Poverty, inequality and conflict in developing countries*", Rockefeller Brothers Fund Project on World Security 1998,p 25

[104] J.Levinsohn, *The World Bank's Poverty Reduction Strategy Paper Approach: Good Marketing or Good Policy,* (Gerald R.Ford School of Public Safety Department of Economics, William Davidson Institute, University of Michigan Nov 2002) p7

(ICTs) as an engine for accelerated development and economic growth, national prosperity and global competitiveness. The government zeroed the focus areas for economic reform to: rural development and farm production processing, human resources and economic structuring development, good governance (mentioned earlier) and promotion of private sector and institutional capacity building (also mentioned earlier).

Also, from the consultation process, the Directorate of strategic planning and poverty reduction was created. Other than the follow up of poverty reduction programs, the Directorate was charged with mobilization of resources accrued from taxes and donations and to direct them to priority areas[105].

In an attempt to eradicate poverty the government of Rwanda instituted the Community Development Fund (CDF) in 2001. The CDF is a Government of Rwanda rural development program funded annually to the tune of about 5 percent of the annual budget. The *Ubudehe* program is part of the CDF program. *Ubudehe* is a government of Rwanda enabled process to help local people create social capital, nurture citizenship and build strong civil society. The process helps citizens to engage in local problem-solving using their own locally designed institutions, in voluntary association for realization of some rights.

The CDF programs have registered foreign support from donors such as European Union, World Bank, United Kingdom, Sweden, The Netherlands, and Germany.

Another point of reform that deserves mention is the initiation of *Imidugudu*. On December 13 1996 and as part of administrative and economic reform, the Rwandan Cabinet adopted a National Habitat Policy dictating that all Rwandans living in scattered homesteads throughout the country were to reside instead in government-created

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[105] Building lasting peace in Rwanda: voices of the people pp86

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"villages" called *imidugudu* (singular, *umudugudu*). This policy decreed a drastic change in the way of life of approximately 94 percent of the population. In the subsequent four years, the Rwandan government moved hundreds of thousands of citizens into *imidugudu*.[106]

The government adopted the habitat policy to achieve long-term development goals enunciated by the dominant Rwandan Patriotic Front (RPF) years before, but it then linked this rural resettlement plan to efforts to end the housing crisis provoked by the return of the refugees. As international agencies and donor governments hurried to assist in housing the returnees, the government ordered that all new houses be built within government-designated settlements. Hundreds of thousands of homeless Rwandans, most of them returnees the 1959 civil war, some survivors of the 1994 genocide and other victims of the conflict, moved willingly to the settlements. Officials carried out rural reorganization first in the east where returnees were most numerous and where the control of property threatened to become a major source of conflict. Later, after suppressing an insurgency in the northwest, soldiers and local authorities enforced the habitat policy there, asserting that regrouping people into "*imidugudu*" was essential to their security too.

The *imidugudu* in several ways serves the peace building Agenda. First, some of the "human needs" are easily provided for when the people are in close proximity. That includes such things like physical security, water, health services, schools, sanitation, and infrastructure. The *imidugudu* community benefits equally as a community and in that sense there is an indiscriminate distribution of resources. Secondly, *imidugudu* promote

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[106] Human Rights Watch, Uprooting the Rural Poor in Rwanda, May 2001. Available @ http://www.hrw.org/reports/2001/rwanda/rwnvilg-01.htm#P196_6753

interaction which, as posited by J.P Lederach, should increase the possibility of positive engagement of the people in conflict rather than minimizing their affiliation with each other.[107]

On the other hand, Poverty reduction measures should be linked with general economic reform in the country. This in turn should be seen in the light of potential opportunities that the country has to offer to its citizens. Indeed, in Johan Gultung's exploits of structural violence, "violence is the difference between the actual and the potential realization".[108] It is therefore important here to mention a few back ground factors affecting Rwanda's potential.

Rwanda has a surface area of 26,338km2 and 11% of this is covered with lakes rivers and swamps, 6% is covered with natural forests and bush. Rwanda's population of about 8.5million occupies the remaining 83% of available land and the average population density is a bout 400 inhabitants per Kilometer. A good proportion of the land can only be cultivated with application of fertilizers due to seasons of repeated usage without rest. Rwanda has no significant mineral resources and is highly dependent on Agriculture- mainly coffee, and tea. Minerals such as coltan, Wolfram, and tin are exported in small quantities. The gross domestic product was estimated to be USD237 (123,240 Frw) per capita in the year 2000. This figure translates to about 60% of the Rwandans being below the Poverty line.[109]

Rwanda's definition of poverty however differs slightly from the internationally accepted definition of the proportion of the population living on less than one dollar per

[107] J.P.Lederach *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, DC: United States Institute of Peace, 1997. p51

[108] See page 9 of this book

[109] -G.Prunier: The Rwanda Crisis: History of a Genocide, London1995,Fountain publishers pp 1-2

day. The Rwandan national poverty line is represented by the cost of a basket of basic goods and services; and the extreme poverty line is represented by the cost of a basket of basic goods only. By 2001 these were estimated at Frw 92,000 and Frw 64,600 respectively, per annum per adult equivalent.[110]

By 2002 there had been deterioration in Rwanda's social indicators since the genocide and it was evident that Rwanda lagged far behind the Sub-Saharan (SSA) average. For instance, Rwanda had a per capita income of $ 240 against $ 510 for SSA, foreign investment of 0.1% against 1.3% for SSA and unemployment rate of 31% as compared to, for instance, 11% for Ghana.[111]

It is was also evident that Rwanda suffered from a variety of economic imbalances: economic growth rate is much lower than the speed of demographic growth, the imbalance of exports and imports that leads to unfavorable balance of trade, the imbalance of demand and supply of manufactured goods, the disparity of economy in rural areas compared to urban centers, poor infrastructure and road networks, and top of it all is the heavy burden of national debt.

For any meaningful and fruitful effort to revive and build sound economy, the existence of financial and administrative infrastructure capable of initiating, implementing as well as monitoring relevant economic policy is very important. Often times, developing nations' are beset by lack of policy as well as the absence of procedure such that evils like corruption find way to plague the economy further. With view to lay foundation for comprehensive economic change the government put in place some crucial institutions and one such institution is the Rwanda Revenue Authority.

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[110] Government of Rwanda, *National Program for Strengthening Good Governance for Poverty Reduction in Rwanda,* March 2002.
[111] Ibid

The Rwanda Revenue Authority was established by law number 15/97 of November 1997 as a quasi-autonomous body, the Rwanda Revenue Authority (RRA) is intended to improve resource mobilization capacity and to provide to the public quality and courteous services. It is charged with the task of collecting and accounting for tax, customs and other specific revenues. It also gives advice to the government in regard to tax matters.[112]

Another important institution is the National Tender Board (NTB): This was established in 1997 with the purpose to organize and manage the public procurement services on behalf of the government. The guiding principles for this institution are transparency, economy, equity, efficiency and accountability. The National Tender Board is intended to ensure that there is free and fair competition in public procurement process and to minimize corruption possibilities. It is also intended to ensure value for money through achievable and realizable public programs and projects at minimum cost. The NTB looks at quality, quantity as well as the element of equity in distribution of opportunities. Indeed we have already seen that one of the major causes of conflict is competition for scarce resources especially when such competition meets non transparent methods of distribution of such resources.[113]

Another crucial institution that deserves mention is the Ombudsman's office which was established in 2004 to ensure that the government is on course in terms of service delivery and to provide solutions and interventions to solve problems related to unfairness by government officials who misuse their positions. The Ombudsman's office

[112] -http://www.rra.gov.rw/rra-article16html.
[113] -D. Lake and D. Rothchild, Ethnic Fears and global engagement p9

also has a mission to increase democratic dialogue and to enhance interaction between the poor, marginalized and voiceless groups and their national leaders.

Other institutions that are worth mention are the Auditor General's office which was created by the Rwandan law N0. 5/98 OF 04/06/1998 and the Rwanda Investment and Export Promotion Authority (RIEPA) instituted in 1998. The former is a supreme independent audit institution and is vested with legal status and an administrative and financial autonomy. Its mission is to promote transparency, accountability and best practices of management of the government. The latter is charged with promotion of investment as an economic stimulus.

In this Chapter, we have seen the major steps (in the perspective of peace building) taken by the Rwandan government to bring the country back to its feet after the 1994 genocide. The initiatives include consolidation of internal and external physical security, introduction of democratic and good governance institutions and process, and Justice and reconsolidation initiatives. An appraisal of the impact and relevance of these tenets to peace building will be subject of the next chapter. It is important nevertheless to mention here that a comprehensive narration of what the government has done in the areas mentioned since 1994 cannot be done without risk to an endless writing. In fact, each of the items handled above may be subject of a book in its self. For this reason, I have mentioned only what is major.

CHAPTER FOUR

A CRITICAL ANALYSIS OF PEACE BUILDING EFFORTS IN RWANDA

Introduction

> "...the greatest difficulty from conflict resolution perspective comes when conflict has escalated through the stages of difference, contradiction, polarization and violence to the point where atrocities have been perpetrated and deep injuries received, it is reconciliation after violent conflict that poses the most acute challenge. In these circumstances it is rarely a case of putting Humpty Dumpty together again in any simple sense. Too much has happened, too many relations have been severed, too many norms violated too many identities distorted, too many traumas endured."[1]

No situation could match the above description better than the post genocide Rwanda situation. Indeed as mentioned in chapter 3, a lot of damage was inflicted on the Rwandan society by the 1994 conflict. The current Rwandan Government inherited state institutions that were all but destroyed during the Genocide, and have in many instances sought to rebuild social, economic and political institutions from scratch. This chapter intends to critically examine the measures that have been put in place in the perspective of peace building theories, their effectiveness in building sustainable peace, and the key challenges that the government has faced in the implementation process as well as possible way forward. Any attempt to do this however, must also relate to the above scenario not only to revivify the post genocide Rwanda situation but also appreciate the difficulties involved in realizing the peace building objective.

For the purposes of discussion, this chapter is divided into three sections. Section one is a critical analysis of the peace building measures relating to good governance. Good governance comprises mechanisms, processes, and institutions through which

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[1] O. Ramsbotham, T.woodhouse and H.Mail: *Contemporary Conflict Resolution*(second edition, Cambridge, Polity press) page :233

citizens and groups exercise their legal rights and meet their obligations.[2] For the

purpose of our discussion, this section will be divided further into subsections on physical

security, governance and democracy, economic reform and poverty reduction.

Section two will discuss justice and reconciliation steps taken by Rwanda in peace

building effort. According to our definition of good governance, effective justice and

reconciliation initiatives may as well be taken as part of good governance and could have

been discussed in section one. Separate focus is however given to the attributes of Justice

and reconciliation because they are as crucial to peace building as they are challenging to

attain particularly in the case of Rwanda and similar ones. Debates surrounding Justice

and reconciliation must therefore be separately and effectively explored.

Section three of this chapter is the conclusion. In this section, the study attempts to

tie up the analysis in sections one and two and to use that analysis to highlight gaps

existent within the peace building theory and practice.

Aiming Governance at Peace Building:

Physical security

Effective physical security is apart of good governance as it is a major contributing

factor to peace building.[3] In this regard, there can be no doubt that in the merging of the

pre-existing three policing cultures, the Rwandan government eliminated the existing

differences in the country's policing system.[4] The fear, which has been real in some

African countries where governments have created presidential guards or presidential

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[2] - see chapter 3 page 90 for a comprehensive discussion on the tenets of good governance.
[3] - see chapter 3 page 68-69- Dimensions of the notion of security are briefly outlined
[4] - see chapter 3 page 71 for further discussion on the merging of the three former Police bodies and its
    impact

regiments, was that parallel police forces could easily become jealous of the differences in funding, equipment, and government attention. Such jealousy was capable of derailing the post-conflict reconstruction efforts. In Rwanda, a country torn apart by apparently intractable age-old problems of hatred marked by cycles of killing, the likelihood of different police forces being hijacked and used for political purposes by factional units in the country could not have been ruled out.[5] By creating one national police force and increasing its ration to that of the citizenry, the government streamlined and simplified the country's policing culture thus creating fewer uncertainties and ambiguities in the force.

The effectiveness of a police force however, does not solely depend on the institutional coherence, training, beefing up of numbers and infrastructure support. It also has a lot to do with its integrity, professionalism and ethical standards.[6] To be an effective police force, you must also be well provided lest there is risk of compromised behavior. Although Rwandan Police remains one of the most well paid, the Police salaries remain inadequate especially in the lower ranks.[7] Like any other developing country, Rwanda faces the financial challenges that may inhibit reform agendas including those in the security sector.[8] The war against corruption in that force is greatly disarmed by inadequate remuneration against the rising cost of living. Expulsion of Police Officers on grounds of corruption, only to replace them with new ones who will be exposed to similar conditions that compromised their predecessors, is not sufficient solution.

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[5] - see page 71- possible misuse of a divided Police is further discussed .
[6] See interview by the researcher with CGP Andrew Rwigamba on 20th March 2007 at Rwanda National Police Offices at Kacyiru- attributes of an effective police force are outlined.
[7] see interview by the researcher with CGP Andrew Rwigamba on 20th March 2007. Constable salary in Rwanda is about 100$.Interview notes attached
[8] See interview notes as above- Financial limitations are mentioned as a major challenge.

Disciplinary measures should be backed by long lasting solutions that are realizable only with improvement of the country's economy.

In the same vein, the recruitment base for the Rwanda National Police was poisoned by the genocide background. A population that has been massively implicated in genocide does not preclude its youth from this evil. Thus, the recruited youth are sons, relatives or neighbors of genocide survivors or perpetrators. The screening process for recruitment being dependent on the population from where the recruited officer hails, it is then not impossible to recruit genocide suspect (or sympathizer) if there are no survivors to confirm his role.[9] Indeed there are very few survivors in many villages. The implication is that there could be insecurity agents propelled into this security institution by genocidal forces or, least likely, by radical vengeful genocide survivors. This is major challenge to peace building!

The above precedent then poses a fundamental question to peace building theories that see participation, transparence and accountability as crucial ingredients of good governance and subsequent peace. The proponents of this line of thought wrongly assume that the three values will always serve positive and neutral interests. From the above example, it is clear that participation, transparence and accountability (instead of aiming at the ideal) could serve partisan interests and in effect become counterproductive. This is specifically applicable to situations where the majority of a population is morally compromised.

The conclusion on this matter is that participation and transparency in a population that has been plagued by genocide and its aftermath are subjective ideals that

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[9] - See interview with CGP Andrew Rwigamba by the reseachers on 20th March 2007- moral competence of Police recruitment base and that of the general population is an issue.

should take time to implement, after the directly compromised population has phased out and the youth have been fully sensitized on the ideals of patriotism and evils of ethnic based politics.

The most formidable challenge to physical security in Rwanda however, is the existence of *Interahamwe* militia and Ex-FAR genocidal army within the closest proximity of the Rwandan boarders- the Eastern DRC. The former have, since Rwanda withdrew from the DRC in 2000, regrouped and reorganized and renamed themselves Democratic Forces for the Liberation of Rwanda (FDLR).They have been preoccupied with continuation of genocide within the borders of the DRC by killing Tutsi's of Congolese origin and preparing to lead incursion into Rwanda's territory.[10] They attract sympathy from genocide suspects within Rwanda's territory who may seek every opportunity to join them once they display credible force to destabilize.[11]

The 9th November 2007 Peace Agreement between the DRC and the Rwandan Government may be a step forward, but like the signatories of this accord remarked themselves, there has never been shortage of agreements-bilateral, Regional or sub Regional to deal with the problem[12]. The success of this particular peace agreement remains as questionable as its predecessors unless proven other wise. Either the willingness of the DRC government to harbor FDLR or genuine lack of effective control of Eastern DRC territory by the same government or more still a combination of both is

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[10] See chapter 3 page 73-75 for a further discussion on FDLR as source of insecurity

[11] - see Interview with Frank Mugambage (a senior Government officer) by researcher on 20 April 2008- many diehard genocide suspects see salvation in FDLR

[12] Other agreements include the Lusaka Cease fire Agreements of 1999; the July 2002 bilateral agreement between the DRC and Rwanda; The principles of good Neighborly Relations and Cooperation between the DRC, Burundi, Rwanda and Uganda of 25th September 2003; the Pact on Security, Stability and Development in the Great Lakes Region of 15 December 2006; and other many written engagements within the context of the Tripartite Plus Commission which brings together the DRC, Rwanda, Burundi, and Uganda.

source of the persistent insecurity. What makes the problem more ridiculous is the presence of the so called UN Peace keepers who have become part of the problem instead of being part of solution.

Indeed one of the hypotheses of this book is that "sustainable peace can only be established once the conflict situation has been pacified and physical security for the community is assured".[13] Rwanda would not therefore be able to implement peace building measures unless the above condition is fulfilled. In this regard, how Rwanda successfully handles the situation of the genocidal forces pushing for a forceful return from the DRC is a matter great importance and successful peace building is very much dependent on this fact.

The situation is nevertheless challenging. If Rwanda invades the DRC to disorganize the militias like it has done before, international condemnation, involvement and the cut in foreign aid as well as embargos are likely consequences.[14] If Rwanda relies on the signed accords that have never worked, the risk will remain. If Rwanda waits for militias to enter its borders before it takes action, developmental and normal life activities will come to a stand still and the internal genocide suspects may join the move risking genocide. What makes the situation even more complicated is the internationalization of this conflict to unprecedented proportions as a result of misunderstanding of Rwanda's intentions in the DRC.[15] All this not withstanding, the valid option for Rwanda is to continue the necessary diplomacy but also be prepared to take risks, when necessary, that

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[13] -see chapter 1 page 34 , one of the hypothesis of this book is that peace is partly dependent on physical prevalence of physical security.
[14] See interview notes by researcher with CGP Andrew Rwigamba (dated 20th March 2007)- Reactions of international community to Rwanda's counter insurgency operations is given as a challenge.
[15] See interview notes by researcher with CGP Andrew Rwigamba (dates 20th March 2007), some countries deliberately interpret Rwanda's counter insurgence operations in the DRC as economically motivated, others call it expansionism both of which they use to get involved in this conflict for selfish motives.

reduce the possibility of genocide regardless of international opinion. After all, wasn't internal community there when the genocide took place in 1994? Would looking holly in the eyes of the International community save Rwanda if there were another impending catastrophe? The answer to this is not obvious.

Good and Democratic Governance

The second hypothesis of this study is that sustainable peace can only be achieved if the causes of structural violence are addressed. Structural violence is existent in those systems that don't allow their citizens to realize their potential (in terms of what is available nationally and globally) social, political and economic goals.[16] Initiating good and democratic governance by putting in place participatory, transparent and accountable institutions constitutes addressing conflict generating structures.[17]

In the same vein, decentralization has been advanced as a positive aspect of governance. Decentralization can however be considered successful when two things succeed: the extent to which local governments take over the roles that are legally decentralised to them, and the efficiency and effectiveness with which they perform these roles and responsibilities. Secondly, the extent to which local governments facilitates and support grassroots economic development not only in areas of developing service delivery infrastructure, but in increasing economic activity (enterprise and employment creation and household income generation). Fritzen and Lim assert that:

> "Political decentralization expands the possibility of local government from just
> program implementation and service delivery to include policy making. This
> necessitates a greater range of skills and capacity that local government needs
> to employ in order to fulfill their functions. These include technical and

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[16] See chapter 1 p9 for comprehensive discussion on the tenets of structural violence as propounded by J.Gultung.
[17] See chapter 3 page 75, 91-93 for a discussion on tenets transparency and accountability and how they relate to structural violence.

management skills but also extend to the sense of legitimacy…in the eyes of the citizenry and its capacity to engage local population in problem solving"[18]

Decentralization therefore presupposes existence of capacity of the citizenry to take up the responsibilities inherited from central government. It also assumes that the necessary funds to facilitate business are possible to achieve through the decentralized tax collection system, from the central government or from other sources.

In the case of poor countries including Rwanda, the ordeals are different. Rwanda with literacy levels of 64.9% and a mean year of schooling of 7.9years lacks the competent personnel to measuring to the task.[19] This coupled with the fact that genocide took a heavy tall on everybody, including those with enough experience to occupy government posts, is a great handicap especially given there would be need of very specialized expert skills.[20] On the other hand, lack of financial support and budgetary provisions is also a challenge. Changing from the old system to new system necessitates financial investment in structural changes as well as training of personnel in the new responsibilities. This then is addition strain on a budget that is already insufficient.

Other challenges to the policy of decentralization may include confusion of traditional roles with new roles in decentralized structure. In the centralized structures, the central government commands and controls lower structures as subordinates, in decentralized structures the central government is kind a coordinator, decides the minimum standards, provides general direction, and defines service delivery minimum

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[18] -Article by S.A. Fritzen and P.W.O.Lim on : Problems of decentralization in developing countries, LKY school of Public Policy, and National University of Singapore.p8. Also available on http://www.google.co.ke/search?= en&p=problems+of+decentralization

[19] - 2008 Global Peace Index- Rwanda p2. Also available on http://www.visionofhumanity.org.gpi/results/rwandA/2008

[20] See page 5 for estimate of those who perished as result of the genocide.

standards.[21] Rwanda has a strong central government with clear knowledge of the direction it wants to take, but the traditional technocrats and the bureaucrats may ignorantly or even conservatively assert their former roles rendering the decentralization difficult to achieve.

There are also incompatibilities relating to gender balance in governance.[22] The socio-economic empowerment of women in post-genocide Rwanda, has brought tangible changes in community perceptions of women. Specifically it has redefined roles and responsibilities for women and contributed to building lasting peace and restore reconciliation. But, given that the literacy levels of women are even lower than those of men which themselves are relatively low, how does the government reconcile this disparity?[23] This in turn points to the fact that time is of great essence if good governance goals must be achieved.

More challenges of good governance relate to the democratic process. The tenets of democracy have been elaborated.[24] As has already been seen, multipartism in Rwanda is not a new phenomenon.[25] What would be new is multiparty devoid of the ethnic divide. The measure taken by the government to implant within the Rwandan constitution and a cord of conduct for parties is commendable and addresses structural violence inherent in the former Rwandan constitution and law. The government should draw from its strength to effectively enforce this law. The challenges the government faces here are multiple namely:

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[21] Op cit; S.A Fritzen and P.O.W Lim, p8 for challenges of decentralization .

[22] See chapter 3 pp 95-96 for advantages and implications of Decentralisation.

[23] See interview by researcher with Madam Fatuma Ndangiza- Chairperson of the commission of Unity and Reconciliation (Interviewed on 20th April 2008)- literacy levels of women are very low.

[24] See chapter 3 pp75-76, democracy is intensively discussed

[25] - see chapter 2 pp 60-64, multipartism in Rwanda has been discussed

The Rwandan society has for decades been drilled with ethnic hatred and violence. It will take time and a lot of concerted effort to correct such eschewed and retrogressive views. Moreover and as it would appear, many of the presently mature population in Rwanda were directly or indirectly involved in committing genocide or are sympathizer with those who committed the offence as result of ethnic affiliation.[26]

Congruent with the constructivist theory of ethnic conflict, such a population if left to make democratic choice, would certainly be vulnerable to negative political manipulations by the negative genocidal forces.[27] This in essence, translates to the fact that democracy and good governance (if good governance partly means making the right administrative choices) may paradoxically be incompatible in Rwanda, at least for a considerable period of time.[28]

The fundamental questions then arise; does the will of the majority always lead to democratic decisions?[29] If the answer is yes, does democracy then always lead to peace building? If democracy may not always address structural violence as the derived answer would imply, then how do we gauge ripe time for democratic process that passes through the majority vote for the sake of meeting the internationally accepted mode of governance?

On the same note, the constitution and the law having laid down the cord of conduct for parties, implementation and enforcement of this cord present quite a few

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[26] See chapter 1 pp 19-20 if the primodialist view of ethnic conflict holds any water, then genocide suspects have sympathy from their affiliates and ethnicity binds them together.

[27] See chapter 1 p22 for further contextualization of this assertion into the constructivist theory of ethnic conflict

[28] "contrary to what people think, something could be popular but still lack the very essence of democracy" statement by K.Kibwanna, CP.Maina, J.O.Onyango : *In Search of Freedom and Prosperity, Constitutional Reform in East Africa*, 1996, Claripress Limited)p11

[29] See Chapter 3 p75- definition and dimensions of democracy and contrast with ethnic majority.

challenges.[30] The demarcating line between what is democratic and what is un-democratic will be hard to identify especially given the overriding motive of preventing genocide to re-occur.

Equally, broad basing a government in terms of ethnicity (which some times is used as substitute). presents the challenge of seemingly recognizing and promoting ethnicity which should be discouraged. On the other hand, It is not unheard of for example, where some one is appointed minister today and faces gacaca courts tomorrow. Often times and due to either past criminal record or other wise, certain leaders occupy positions with intent to amass immediate wealth and declare themselves refugees soon after. In most cases they take with them government funds. The incompetent, the corrupt, the inefficient government officials have been prone to this kind of behavior. What makes the bad story worse is that such leaders fuel bad politics of divisionism and sabotage as soon as they are out of the country. This then becomes retrogressive influence to peace building initiative.[31]

Economic reform and poverty reduction

The research hypothesis number four asserts that "sustainable peace can only be achieved if peace building measures are backed by economic development and equitable resource distribution".[32] In relation with this, Rwanda still ranks among the poorest countries in the world in spite the so much effort put to change the lives of the people.[33] A Household Living Conditions Survey conducted during 2000/20001 found that 60% of

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[30] -See chapter 3 p78- How the Rwandan constitutions precludes ethnically based Political Parties.
[31] See interview by researcher with Mr. Frank Mugambage on 28th April 2008. Morality of some leaders is challenge to peace building initiative.
[32] See chapter 1 p 34- for the hypothesis advanced by this study
[33] See chapter 3 p100- UN World Summit on Social development described poverty as severe deprivation of human needs including food, safe drinking water, sanitation facilities, health, shelter, education. Poverty is measured by ranking of per capita income.

Rwandan line in poverty and 42% in extreme poverty. The incidence of poverty was higher in rural areas (66%) than in urban areas. Nearly one third of Rwandan households were headed by women of whom 62% lived below the poverty line compared to 54% of male-headed households. The majority of the Rwandan working population (91.9%) was involved in agriculture, mainly subsistence farming with 58% of households having holdings of less than 0.5 hectares of land. More than 43.7% of Rwandans aged 15 and above did not know how to read or write, and women were more disadvantaged with 48% unable to read.[34]

The 2007 National Human Development Report (NHDR) states that Rwanda needs to quadruple its investments in agriculture, health and energy over the next five years if it is to meet the Millennium Development Goals. The report further adds that Rwanda needs to achieve US$140 per capita per year in the Economic Development Poverty Reduction Strategy (EDPRS) period to stay on track to achieve the Millennium Development Goals (MDGs).

However, it also shows that Rwanda's head-count poverty rate has decreased from 60.2% to 56.9 % from 2001 to 2006 respectively, but there are 600,000 more Rwandans living in poverty than there were in the last five years. It further states that 78% of Rwandan households presently face vulnerability in access to food consumption. Furthermore, 28% of Rwandan households are food insecure. Despite a decrease in acute malnutrition among children under five, from 7% to 4%, chronic malnutrition has increased from 43% to 45% of children in the past five years, the report explains. The

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[34] The Human development index 2007-2008 – going beyond income p1-2

average plot size for farming is 0.8ha in Rwanda. The Food Agriculture Organization (FAO) estimates that 0.9ha is required to satisfy the nutritional needs of a household.[35]

Again, the reform economic policies by Rwanda as have been mentioned in Chapter 3 may produce a degree of economic growth as indeed is the case. The bigger challenge however is that for growth to be meaningful especially in terms of peace building, it must be associated with progressively fairer distribution of resources. Given the illiteracy and backwardness of the rural population, the task of instituting distributive justice is not only challenging but herculean so to say.

Finally, whereas economic institutional reform and capacity building is commendable, institutional capacity can only be of any developmental consequence if supported by other applicable factors. For example the creation of the Rwanda Revenue Authority may be an important reform, but broadening the tax base is equally important lest the revenue remains small in spite of the efficient mechanism to collect it. This can only be archived if more and more people and companies get access to taxable income which boils down not merely to general economic welfare, but also to fair and equitable distribution of national income.

The stimulation of foreign investment through Rwanda Investment and Export Promotion Authority (RIEPA) may be a very important innovation, but it is tied to factors like security, which is pre requisite to foreign investment. Challenges to security have already been sited. Investors also have an eye on profit and this comes about as a result of

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[35] B. Hitimana, "Rwanda: Country Needs 'Big Push' to Score MDGs" in *East African Business Week* (Kampala), 13 August 2007. Available @ http://allafrica.com/stories/200708140536.html

the population and its purchasing power. As the drive for the East African Community heats up, there is hope that the market situation will positively change.[36]

One of the new innovations in economic reform introduced by Rwanda was the *imidugudu*.[37] The first to relocate, many of them Tutsi returnees or genocide survivors, received ready-built homes or materials for construction from foreign-funded agencies. Those who moved later, many of them Hutu or Tutsi who were obliged to leave solid homes, received little or no assistance. Many of them lacked the resources to build houses and cobbled together temporary shelters of wood, grass or leaves, and pieces of plastic. Some have lived in such temporary shelters for two years or longer. According to information gathered in late1999 by the United Nations Development Program and the Rwandan government, well over half a million *imidugudu* residents live in such shelters or in unfinished houses.[38]

In implementing the rural resettlement program, local officials in many communities established *imidugudu* on land confiscated from cultivators, most of whom received no compensation. The choice of the site was often made without popular consultation.

At the same time and without fanfare, local authorities began insisting that rural-dwellers who had homes, both Tutsi and Hutu, move to *imidugudu*. It even compelled home-owners to destroy their houses before making the move. High-level national

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[36] See interview by researcher with Mr. Frank Mugambage: Rwanda Joining East African Community is envisaged to positively change the economic welfare of the Rwandan
[37] - see chapter 3 p102 for a comprehensive discussion on *the midugudu* phenomenon
[38] Human Rights Watch, Uprooting the Rural Poor in Rwanda, May 2001. Available @ http://www.hrw.org/reports/2001/rwanda/rwnvilg-01.htm#P196_6753

officials claimed to have never authorized coercion to enforce this policy, but they knew that local officials used threats and force to make people move. They praised communes where residents moved most quickly to the settlements and even promoted the prefect of Kibungo, the region where the policy was implemented most rigorously. In several cases, Rwandans who spoke openly against the policy of forced resettlement or who refused to obey the order to destroy their homes and move to *imidugudu* were punished by fines.

In conjunction with establishing imidugudu, local officials provided land to repatriated Tutsi refugees who had none. In parts of Kibungo, Umutara, and Kigali-rural prefectures, they obliged landholders to share their holdings with those who came from outside the country. Well intentioned as this may have been, Officials made this decision, too, without popular consultation. Those who were compelled to divide their property ordinarily received no compensation for the part lost. Some of those who refused to cede part of their property to others were punished.[39] Authorities also appropriated land for officials, military officers, and businessmen. The recipients were supposed to develop large-scale farms to benefit the local and national economy. Those who failed to leave to these expectations or those who had amassed more than they could effectively develop were however later deprived of this land it was further divided and re allocated.

In imposing and implementing the National Habitat Policy, the Rwandan government albeit with good intentions may have violated the rights of tens of thousands of its

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[39] Institute of research and Dialogue for Peace on "Rebuilding lasting peace in Rwanda Voices of the People" p91-92

citizens:[40] This is so because the government may have compelled citizens to reside places other than where they choose in spite of the good intentions. It was also alleged that the government arbitrarily and unlawfully interfered with people's homes by obliging them to destroy or cede their property without compensation, and by failing to provide adequate remedy for those whose rights were violated.[41]

The situation above presents a serious dilemma for a government without enough resources to deal with its challenges. Clearly, the *imiduguda* were well intentioned and represented a radical change from the traditional settlement system. But the *imidugudu* were as misunderstood as it had very little financial backing and instead of being a peace building initiative, it turned into a source of discontent among many.

Focusing Justice and Reconciliation at Peace Building

One of the assumptions of this book is that sustainable peace can only be achieved when Justice and Reconciliation issues are effectively addressed. This is because there would be no peace amongst people who have been adversaries and have unresolved issues. The tenets of justice as an aspect of peace building are discussed in chapter 3.[42]

The extraordinary situation in Rwanda called for extraordinary measures. In the same vein, Rwanda in response to genocide has in place three judicial systems namely: ICTR. gacaca courts and the usual court system.[43]

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[40] Human Rights Watch, Uprooting the Rural Poor in Rwanda, May 2001. Available @ http://www.hrw.org/reports/2001/rwanda/rwnvilg-01.htm#P196_6753

[41] see interview notes by researcher with a citizen peasant of Mutara Province, Rukara District, Nyagahandagaza location on 20th April 2008.

[42] See chapter 3 pp 79-81 justice is discussed in the context of peace building.

[43] See chapter 3 pp 84-87 for discussion of various forms of justice instituted by Rwanda.

Talking about ICTR its record of performance is mixed. Legally, some of its work was groundbreaking. The court's 1998 verdict of Jean-Paul Akayesu was the first-ever conviction by an international court for the crime of genocide. In 1999, the first confession of genocide was registered, by Jean Kambanda, Rwanda's interim prime minister. In addition, for the first time, an individual was convicted of rape as a crime against humanity.

On the negative side, the ICTR is mainly famous for its bureaucratic inefficiency and political infighting (partly changed now) and the slowness of its work. Indeed, in more than seven years, the tribunal has produced remarkably little: by early 2002, with 800 employees and after having spent approximately U.S.$540 million, it had handed down eight convictions and one acquittal, with seven trials for seventeen accused in progress, two appeals pending, and fifty-five suspects in the tribunal's custody.[44] In addition, the ICTR is said to have caved in to the government of Rwanda in the case of one defendant who was dismissed on a technicality. Under heavy pressure from the government of Rwanda, the same person was subsequently re-indicted. On the other hand the ICTR is accused of overlooking valid evidence which results in wrongful acquittals.

Further, the ICTR's prime function is widely perceived to be the reaffirmation of the international community's own morality. The ability of the ICTR to act as a form of deterrence for future *genocidaires* is doubtful. Rather, ICTR seems to be about symbolic politics to demonstrate the international community's outrage and disapproval of the genocide. It therefore has to be understood against a background of the total inaction of the international community during the genocide. Consequently, the government of

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[44] Mary Kimani, "Expensive Justice: Cost of Running the Rwanda Tribunal," *Internews* (Kigali), 9 April 2002, available online at www.internews.org/activities/ICTR_reports/ICTR_reports.htm.

Rwanda maintains a negative attitude toward the ICTR. Indeed arguments have been advanced to the effect that the ICTR is a hypocritical show with too much gentleness for the killers; the conditions of detention are too comfortable; and there are too many judicial niceties and lengthy procedures and too little progress in detaining the known suspects. In other words there is a widespread feeling of the disconnect between the evil of genocide and the treatment given to the perpetrators of this in Rwanda.[45]

Cobban asserts that there are other political issues that explain the indifference or hostility shown towards the ICTR. First, the government does not share the international community's desire to atone for its sins, nor does it like any process that it cannot control. Secondly, a militaristic government that had to fight genocide in a context of international indifference has no sympathy for the international community's desire to reaffirm its morality. Rather, it cares about the establishment of its own power, stability, and control. Thirdly, the government's hostility is tempered by knowledge that outright refusal to collaborate might create a backlash from the international community and by the fact that the constant negotiations allow it to possibly reap more political advantages than a total cutoff of relations.[46]

What Cobban assertions however would have made sense if the ICTR had produced significant performance given the years it has been in existence and the enormous budget at its disposal. The fact is that the ICTR performance has been embarrassing to say the least.[47]

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[45] A.Habimana, "What Does 'International Justice' Look Like in Post-Genocide Rwanda?" *Human Rights Forum*, 2000, p.14, p. 21.
[46] H. Cobban, "The Legacies of Collective Violence: The Rwandan Genocide and the Limits of Law," *Boston Review*, Volume 27, No. 2, April-May 2002, p 6
[47] . See interview by researcher with Madam Fatuma Ndangiza. This study does not support Cobban's views. The performance of ICTR is rated poor and this overshadows any other misgivings as mere excuses

Looking at domestic justice, there was almost total destruction of the Rwandan justice system- in terms of people and infrastructure, the enormity of the crime, and the massive popular participation in it-created enormous legal and social challenges. In addition, what was being attempted was not the reconstruction, but rather the first-time construction of a fair, efficient, and human rights-based justice system that combats impunity.[48] For instance, before the genocide, Rwanda had no bar association and judges and lawyers were politically appointed and often incompetent and corrupt.

Despite various efforts at rebuilding the domestic justice system it still faces numerous challenges. First, although the domestic justice system proceeds much faster than the ICTR, it still manages to judge only about 1,000 persons annually. As a result, as of late 2002, no more than 3 percent of the detainees had been judged; approximately 115,000 remained imprisoned.[49] At the 2002 rate, it would take over a century to finish all the dossiers.

Thus, hundreds of relatively innocent people were imprisoned under awful conditions, while thousands of guilty persons remained free, in Rwanda and abroad. The Rwandan government was thus confronted with a difficult choice: if the justice system was to continue operating under Western standards of documentation and procedure, it would never be able to judge all those implicated in the genocide. Yet, if no principle of formal justice was to be compromised, reconciliation and justice would never be achieved. This explains the decision to institutionalize gacaca courts.

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[48] USAID, Rebuilding Postwar Rwanda: The Role of the International Community USAID, AID Evaluation Special Study Report No. 76, Washington, D.C.: July 1996, p. 14.
[49] J.D. Mucyo and Jeremy Sarkin, "Gacaca Courts and Justice," in Charles Villa-Vincencio and Thomas Savage, (eds)., Rwanda and South Africa in Dialogue: Addressing the Legacies of Genocide and Crimes Against Humanity, Johannesburg: Institute for Justice and Reconciliation, 2003, p. 49.

The quality of justice of the domestic legal system has also come under criticism. None other than Human Rights Watch reported that the competence of many judges still left much to be desired and corruption remained high probably because the salaries of the judges were extremely low. Further, many of those trained never entered the justice sector but took up jobs in the private sector, where salaries are better and personal risks are lower. Serious biases also prevailed. Many prosecutors and judges neglected exculpatory evidence and social pressure on judicial personnel was strong.[50]

However, the International Crisis Group (ICG) reported in 1999 that there had been some improvement in the quality of justice over time. It noted that since 1998, the proportion of detainees found not guilty had risen sharply, and the number of those condemned to death had fallen significantly, suggesting that the objectivity of the justice system was improving.[51]

The role of the domestic formal justice system in promoting reconciliation has also come under question. The majority of Rwanda's rural population has little understanding of and feels little connection to the formal justice system. Although that system operates in provincial capitals rather than abroad, it is still remote from most ordinary people, both geographically and socially. Trials are formal events, with their own formalities and procedures, largely alien to most people. Indeed, most people are so preoccupied with the daily struggle for survival that in a 2001 survey of the "perceived major social problems in Rwanda," the trial of genocide suspects was mentioned by only

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[50] See for instance, Human Rights Watch (HRW), *Leave None to Tell the Story: Genocide in Rwanda*, New York: HRW, 1999, pp. 749, 757.

[51] International Crisis Group (ICG), Five *Years After the Genocide in Rwanda: Justice in Question*, Brussels: ICG, April 1999, p. 7, available online at http://www.crisisweb.org/projects/cafrica/reports/rw01 lerepa.htm.

12.6 percent of the respondents, after poverty and economic hardship (81.9 percent), insecurity (20.6 percent), and lack of trust (14.8 percent).[52]

It is the inadequacy of the ICTR and the normal justice system that partly became bases for introduction of new courts- the gacaca courts.[53] The gacaca system of justice has at least one strong element in its favor: the lack of an alternative. It seems that neither the ICTR nor the formal justice systems are capable of providing the basis for justice or reconciliation. For instance, the formal justice system compromises human rights standards, such as the rights to a speedy trial and to minimal conditions of detention. gacaca's reliance on Rwandan cultural mechanisms of conflict management adds to its appeal.

Research suggests that a great majority of Rwandans (95 percent), as well as a majority of the prison population, were ready to participate in the gacaca courts in 2001.[54] However, there are a number of important critiques of the gacaca system. There is always the risk that either the accused people will omit some facts they know about or tell outright lies. For instance, genocide survivors may not testify for fear of revenge.[55] Given the stigma associated with rape in most African societies the victims may refuse to testify in public. In instances where there are few available survivors people might give false testimony without fear of being exposed by other witnesses. Those likely to face the

[52] S.Gabisirege and S. Babalola, *Perceptions About the Gacaca Law in Rwanda: Evidence from a Multi-Method Study*, Johns Hopkins School of Public Health, Center for Communication Programs, Special Publication No. 19, Baltimore, April 2001.
[53] See page 84-85
[54] Opcit: S.Gabisirege and S. Babalola, *Perceptions About the Gacaca Law in Rwanda: Evidence from a Multi-Method Study*

[55] - http://www.google.com.ke/search?hl=en&9= The concept of Gacaca Courts- "...survivors have beeen targeted for giving evidence at courts" p 7

death penalty (before it was abolished) might also have implicated people falsely in order to sabotage gacaca courts.

Gacaca courts have also been attacked for failure to adhere to the international standards of prompt trial and the rights of suspects of self defense. Similarly, gacaca courts depend on participation of as many citizens' as concerned. According to the report by lawyers without borders, participation is not encouraging.[56] These courts are also incapacitated by lack of adequate funds to support processes.[57]Again, although the courts were put partly to speed up judgments, they have so slow due to some of the problems we have seen.[58]

The transposition of gacaca from a traditional context and its suitability within a modern one raises several issues. First, the gacaca was never meant to resolve such serious crimes as those committed during the genocide and therefore effectiveness is questionable.[59] Secondly, in a society so socially polarized, unlike traditional societies, there is the fear that the initiative may incite hatred rather than contribute to reconciliation by creating renewed confrontations between neighbors, by opening up the wounds of the past, by eliciting abuses by powerful people, and by excluding many crimes de facto. Lastly, the initiative is perceived by some as at least partly victor's justice possibly because "alleged" crimes committed by the RPF before, during, and after the genocide will not be processed.[60]

[56] R. Webley : "Gacaca Courts in Post genocide Rwanda" p 1. Also available on http://socrates.berkeley.educ/warcrimes-rw-webley.htm

[57] ibid p1

[58] Ibid p2

[59] Interview by researcher with Pastor Mupfasoni Evelyn on 20th April 2008. Mupfasoni believes only God would grant mercy to genociders. No human being would have the sincere capacity to do this.

[60] J. Sarkin, "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission," Human Rights Quarterly, Volume 21, No. 3, 1999, pp. 785, 801, 812.

This last element raises a new complication that presents a serious challenge to justice. If gacaca courts were to go back before 1994, how far back would they go for indeed there was genocide and crimes against humanity in 1959, 1963, 1973, and 1990-94. Would it make the task any easier to look at war crimes committed by both the FAR and individuals within the RPA during the war period? Does absence of accountability for this period present a significant omission in the justice?

Talking about justice, reconciliation and peace building, one other important initiative by the government of Rwanda was establishing a unity and reconciling commission. The mission and objectives of this commission are discussed in chapter three.[61] This faces multiple challenges and one of them is the way the history of Rwanda was written and distorted to suit the genocide ideology. Indoctrination of the youth in schools was done over decades using the history fostering ethnic hatred. According to this research, the history of Rwanda must be re written with objectivity and purpose to bring out the truth about the past. There is also need to harness the positive elements within the Rwandan history and culture for the purposes of fostering national unity instead of dwelling and, most regrettably, amplifying the negative elements.[62]

Reconciliation on the other hand is much more complicated, and is partly a derivative of what has happened in the past decades and what is happening presently. Indeed the recent 1994 genocide has even made it more difficult. There is a back log of cases demanding justice, the wounds are still fresh amongst the survivors, and some survivors are being murdered for obliteration of evidence. With all this, the effort to reconcile remains challenging. In fact the question has often arisen of who to reconcile

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[61] See chapter 3 p88- for an extensive discussion on the unity and reconciliation commission.
[62] An interview with Madam Fatuma Ndangiza, the Chair person of the Unity and reconciliation commission.- administered on 28/04/2008

with who given that they are those regarded as killers and those who are regarded as either victims or survivors.

The task facing the commission is not only enormous, but it is also dependent on success of other undertakings.[63] Thus the success of the justice initiative and gacaca courts, the success of good governance and poverty reduction measures will all contribute to unity and reconciliation. Indeed as the old Rwandese saying goes, *abasangira ubusa bitana ibisambo*[64]. Thus, assuming that the unity and reconciliation commission would solely achieve its objective regardless of government performance in other fields is like putting the cart before the horse. Bringing forth justice, unity and reconciliation must be backed by practical measures to reduce controversies else where. Even then, if reconciliation is "where truth, justice, mercy and peace meet", a lot of work remains to be done.[65]

In conclusion, we have seen that the government's determination to address structural violence has been solid and determined. With a population that has been compromised by a devastatingly hateful past however, addressing structural violence may be an uphill task It is also clear from this study that even if the so called participatory democratic structures were to be put in place, social political structures are susceptible to manipulation by the same people who operate them. Structures are, therefore, not enough source of positive peace.[66] Equally, the phenomenon by Gultung that peace will prevail if the system of governance allows realization of the full potential of the individuals within the system has to be applied on assumption that the results of this realization of the

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[63] ibid
[64] This saying translates to the fact that when you share scanty resources, each side sees the other as greedy.
[65] J.P.Lederach: *Building Peace :Sustainable Reconciliation in Divided Societies*, p53
[66] See chapter 1 p 9- discussion on peace conducive structures.

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potential are beneficial not only to the individual but also to the society as a whole.[67] A population that has been implicated in genocide would find self actualization in the absence of justice or else in the consummation of genocide. On the same note, it is also implied from this study that the conflict research theory which asserts that conflicts are as positive and desirable as they are self limiting is seriously challenged by facts on the ground.[68] According to this theory conflict is resolved as soon as the losses start exceeding the gains. This study demonstrates that this theory stretched to its logical conclusion may lead to annihilation of the weak by the strong in a similar way to the law of the jungle.

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[67] See chapter 1 p 11 for a discussion on actual and potential realization as propounded by Gultung

[68] See chapter 3 pp 66-67 for a further discussion on conflict research and peace research paradigms.

CHAPTER FIVE: CONCLUSION

This study is composed of five chapters. Chapter one is a discussion centered on statement of the research problem and why the research is worthwhile to undertake. The researcher justifies this study by asserting that there are gaps that are existent between theory and the practice on peace building. The chapter defines the objectives of the study as an attempt to bridge these gaps (using Rwanda as a case study) by examining the peace building policies initiated by the government of Rwanda, their impact on sustainable peace, the challenges encountered and how the challenges have been effectively addressed.

In chapter one, the study methodology, study scope and limitations and research hypothesis are also determined based on the nature of the study. With view to draw applicable lessons from theories of expert writers on conflict and peace building, literature on ethnic conflict and on peace building is reviewed and extensively discussed. In the literature review, chapter one underscores Burton's human needs theory, Gultung's structural violence theory(and the phenomenon of positive and negative peace) and the constructivist theory on ethnic conflicts as viable and inclusive explanations to sources of conflict, ethnic or otherwise.

In the same vein, Lederach's conflict transformation theory is underscored as particularly relevant in building sustainable peace in Rwanda. The assertion is premised on the fact that conflict transformation is particularly effective in dealing with badly damaged relationships and building on the differences and past experience to forge complimentary future.

Chapter two uses the historical background of Rwanda to trace the roots of structural and cultural violence that preceded the genocide. The colonial policy of divide and rule is particularly underscored as having kick-started the issue of ethnicity by categorized the Rwandans and providing theoretical explanation about the different origins of the Hutu and the Tutsi. Successive regimes institutionalized and legitimized the structural violence for selfish motives and with devastating consequences. In chapter two, the different theories of ethnic conflict are applied to determine which one explains the conflict between Tutsi and Hutu and the horrendous 1994 genocide with its traumatic aftermath.

Chapter three is peace building in post genocide Rwanda and explores the effort made by Rwanda government to address sources of structural violence in reforms on physical security, governance and democracy, economic reform and poverty reduction and on justice and reconciliation. We also examine the government effort and its relevance to peace building theories and mechanisms and vice versa. In this chapter, we see that a lot has been done to transform the Rwandan conflict but we also note that more remain to be done to achieve sustainable peace. In this regard, challenges remain formidable.

Chapter four is a critical analysis of the peace building measures taken by Rwanda government and their impact The challenges generally point to two major cross cutting sources of weakness that make it more demanding on the government side namely: the 'quality of the population'[1] as well as lack of resources to implement change. Particularly affected are issues of security which, in addition, is complicated by involvement of

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[1] - The quality of population in terms of literacy level, ethnic consciousness, past experiences and direct involvement anti peace activities.

external forces(internationalization of the Rwandan conflict), justice which, in addition to lack of necessary resources, is marred by the magnitude of the genocide offence and the herculean task to strike fairness, and finally the issue of reconciliation which is a derivative of that fairness.[2]

This study set out with two objectives namely: appraising the relevance of policies enacted by Rwanda government in bringing about sustainable peace and highlighting the challenges there of and how the same have been addressed. In this vein, the study recognizes that the 1994 genocide in Rwanda in which an estimated one million people were killed in a span of one hundred days was the culmination of earlier genocides and massacres which occurred in 1959, 1963, 1964, 1973, 1992 and 1993.[3] Factors that have been advanced to explain these genocides include colonial policies that divided Rwandans along "ethnic" lines, discriminatory policies pursued by successive post-independence governments, and an ideology and political strategy that was premeditated and deliberate.

Indeed the ideology of genocide grew out of state-inspired policies over a period of time such that by 1990 every institution of the Rwandan state was mobilized and oriented towards genocide. It is against this background that peace building in Rwanda in the post 1994 genocide has to be understood.

This study is hinged on four crucial assumptions that sustainable peace can only be established once the conflict situation has been pacified and physical security for the community is assured, that sustainable peace can only be achieved if the causes of structural violence are addressed, that sustainable peace can only be achieved once justice

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[2] See chapter 4 p125 for a critical analysis of the challenges of the justice initiatives
[3] See chapter 1 p 2 for further highlight on magnitude of the Rwandan genocide

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and reconciliation issues have been effectively addressed and that sustainable peace can only be achieved if other peace building measures are backed by economic development and equitable resource distribution. The efforts made by the Rwanda government were partly measured in the light of fulfilling these crucial assumptions earlier referred to as the hypothesis of the study.

On the same note, the study acknowledges that post-conflict peace building is a multifaceted, integrated, systematic and dynamic activity involving different actors and processes at various levels. Lederach, in his nested paradigm approach on peace building talks of progression; from management of humanitarian disaster and alleviation of immediate suffering to short term preparatory and revelation of the conflict phase, to medium range social change and then to long term systemic and relationship change. Peace, according to conflict transformation theories, is a function of truth, justice, reconciliation and mercy all aiming to permanently transform the relationships of conflicting parties at "spiritual, Psychological, social, economic, political and military levels".[4]

According to this study efforts aimed at peace building in Rwanda are by all means significant and have evolved with a focus congruent with the views by experts theoreticians on conflict and peace building. Government policy at different levels-Political, Social, and Economic, is peace-building sensitive and deliberate in this regard. Effort to bring about security, good governance, justice and reconciliation and economic reform earlier mentioned are testimony of good progress. To this end, a lot can visibly be seen to have been achieved in terms of addressing the structural violence that was

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[4] J.P.Lederach (1994): *Building Peace: Sustainable Reconciliation in Divided Societies.* Tokyo, United Nations University press: P:40

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endemic and hence breaking ground for building lasting peace in this small country. This not with standing, this study observes that there are very crucial considerations if the Rwandan peace should progress as well as last.

First, the Rwandan genocide involved a huge number of the Rwandans. Whereas the effort to resolve the justice issue through the indigenous gacaca courts is commendable, a big number of genociders including those of 1st category (planners) remain at large scattered in different countries. If justice is central to peace building, then these rampart genociders are not only evidence of justice delayed, but also present negative challenge towards lasting peace in Rwanda. The International community and particularly those countries harboring genocide fugitives, have a legal as well as a moral obligation to get the culprits to justice for peace to be realized. Luckily, the ICTR although with poor performance record, would provide the necessary neutral institutional structure for the culprits to be tried. Unfortunately, even with its poor performance, its mandate is coming to an end mid 2009

Secondly and closely related to the above, the survival of Rwanda's peace initiative depends very much on how well the problem of tens of thousands of interahamwe genocidal militias who have fled from Rwanda across the boarder to the DRC is resolved.[5] Here, Kant's remedy imbedded in his ideas on "Cosmopolitan conflict resolution"[6] should be revoked. Indeed, given that genocide is an offence under international law, also given that what the genociders did in Rwanda is a challenge to the human morality regardless of territorial borders; it is then an obligation of the International community to drive towards getting these fugitives to justice, whether

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[5] See chapter 1 p 4 for further discussion on internationalization of the Rwandan conflict.
[6] - Cosmopolitan conflict resolution as implied by Kant looks at world community as an entity unified by moral and political concerns beyond the territorial borders.

forcefully or otherwise. On the contrary, involvement of the International community in the problem between Rwanda and the militia in the DRC has more often than not targeted gains other than peace.[7] It is evident that the Rwandan conflict which from the historical perspective is an internal conflict has over time acquired an internationalized conflict status with different African nations getting involved for different reasons and conspiracies.[8] Thus solution to the problem of genocide fugitives in the DRC is as important to peace in Rwanda as it is to regional peace.

In the mean time, the survival of Rwanda's peace initiative will also highly depend on the government's ability to use coercion to neutralize the incursion by the genocidal militia and ex-far from the DRC. This should go hand in hand with measures for peace building as already mentioned. Should the latter gain any military credibility above the government forces, the militia stand a chance to mobilize those citizens who have cases to answer at the gacaca genocide courts and these citizens are not few given that genocide had at least 800,000 victims.[9] Short of keeping the insurgents outside the national territory, Rwanda risks to recede back to a vicious circle of violence and genocide which would be even harder and more expensive to manage.

In concluding the approaches adopted by the Rwandese Government towards sustainable peace building and to fill the administrative void occasioned by the genocide, one has to be realistic in cognizance of the fact that 'life is not lived in a vacuum!' In providing the necessary physical security, justice, reconciliatory efforts, good governance and poverty reduction, the government has initiated a conducive environment for

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[7] http://www.globalsecurity.org/miltary/news2007/05/mil article by UN-OCHA Integrated Regional Information networks ; DRC: Probe into MONUC gold, arms trafficking allegations..
[8] See page 5
[9] See page 4

sustainable peace building to thrive. The government has thus set in motion a process - a human-centered process that in addition to the aforementioned key elements, also requires time. The Rwandese people are not building peace in a 'controlled environment' like robots. They are hurt(ing) human beings whom having experienced traumatic genocide experiences first hand, need time in order for peace-building, healing and reconciliation to become a tangible contemporary reality in their community.

Thus while security, justice, reconciliation, good governance and poverty reduction are critical building blocks for heralding sustainable peace, the inter-play between these elements has to be subject to the common denominator process and period of convalescence. As the peace building process is nurtured through processes that include (peer) counseling – related activities, in a secure environment with deliberately-minimized threats in an atmosphere of Criminal Justice System fairness across the board, time can and will allow for the scab to blend into the horizon and genuine sustainable peace to prevail in 'the land of a thousand hills'.

We can also deduce that as the generation that has experienced the genocide slowly phases out, the new generation of young Rwandans will benefit from the well intentioned government programs and will make a more unified nation than Rwanda has ever seen.

[1] –J..P.Lederach (1994): *Building Peace: Sustainable Reconciliation in Divided Societies*. Tokyo , United Nations University press: P:4

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Questionnaire administered by researcher to Mr. Andrew Rwigamba (Commissioner General of Police- Rwanda) on 20th March 2007

PART 1: INFORMATION ON RESPONDENT
1. Names of Respondent
2. Sex of Respondent
3. Age
4. Marital Status
5. Education level
6. Occupation
7. Religion
8. Place of birth
9. Current place of residence

PART 2: INFORMATION ON 1994 CONFLICT

Section A: Returnees
1. Were you born in Rwanda? *(Specify the place of birth)*----------------
2. If yes what reasons compelled you to leave?--------------
3. When did you leave the country?-------------------
4. How did you feel about your homeland when you were leaving?--------
5. Where did you go after you left the country?------------------
6. Was that your final destination or did you move again?--------------
7. If yes to the above what reasons made you to move?_--------
8. How did you feel about your homeland once you had settled in another country? ------------------------------
9. In your view what factors precipitated the genocide?_-------------------
10. How did the genocide affect?
    a) You as an individual----------------
    b) Your immediate family-------------
    c) Your relatives-------------
    d) Your friends-----------------
    e) Your neighbors---------------
11. What economic activities did you engage in outside the country?---------
12. Did you try to come back before 1990............
13. Why was your attempt unsuccessful*(specific for those who run away in between 1959-1973*)............
14. Did you try to come back home immediately after 1994? If yes how successful were you*(this is specific for 1994 refugees)*...If no, then why didn't you try to come back immediately......

1

15. Why did you find it necessary to return to Rwanda?*(for all)*------------------
16. How were you welcomed when you came back?-----------

PART 3: INFORMATION ON MEASURES GEARED TOWARDS PEACE BUILDING

Section A: Measures related to physical security of citizens
1. Do you feel any safer now than before you left Rwanda?----------------
2. If yes what reasons make you feel safe?------------------
3. If no what reasons make you feel unsafe?----------------
4. Do you know of any measures that have been put in place by the Rwandan government to ensure the safety of returnees?*(if yes specify the measures)_*----
5. Do you feel those measures have been effective? *(If yes why?)*--------------------
6. If no why?----------------------------
7. Has the community in which you leave taken any measures on its own to ensure the physical security of the members? *(specify the measures if any)*-----
8. Are there any social activities in the Rwandese culture that promote peaceful coexistence?---------------------
9. Are those measures being used by the government for the purposes of peace building?--------------------
10. So, is insurgency in Northern Rwanda a security problem?..................
11. How much is the international community involved in Rwanda/DRC Conflict and why?
12. What are some of the challenges facing the efforts to deal with these problems?----------------------
13. Has the community in which you leave taken any measures in partnership with the government or any other actor to ensure the physical security of the members? *(specify the measures if any)*---------------_
14. What are some of the challenges facing such efforts?
15. Has community policing been instituted in your community?---------
16. Do you feel that it is effective in addressing the problem of physical safety for the community members?*(if yes why*
17. What challenges do you think the program faces?-------------
18. When is a national Police force said to be effective------------
19. What are the specific challenges preventing realization of an effective Police force in Rwanda----------

Section B: Measures to address poverty eradication
1. Are you better off economically now than before you left the country? *(Give reasons for your answer*--------------------
2. Do you think the economy has improved than it was before you left the country? *(Give reasons for your answer)*--------------------
3. Do you think this has contributed to peace building?............................

2

4. Did you own any piece of land/property which you left behind when you departed? *(If yes specify what type of property and its location)*----------------- If yes have you been able to recover it? --------------------
5. State the reasons for the failure to recover it---------------
6. If it was recovered how quick was the process?--------------------
7. If recovery was slow what were the reasons given?-----------------
8. If recovery was fast what facilitated the process?--------------------
9. Do you know of any projects that the government has set up to alleviate the problem of unemployment?----------------------------
10. If yes do you feel these projects have been successful in resolving the unemployment problem? *(State reasons for your answer)*--------------------
11. Do you feel the gap between the rich and the poor in Rwanda is widening or narrowing? *(State reasons for stating so)*--------------------------

Section C: Measures towards reconciliation and justice

1. Do you fear your neighbours or like them *(state reasons for your answer)*------
2. What measures have been put in place by the Rwandan government to ensure reconciliation and justice?----------------
3. Do you think these measures are effective in promoting reconciliation among the Rwandan people? *(state reasons for your answer)* --------------
4. Do you feel that the perpetrators of the genocide should be tried by government courts? *(state reasons for your answer)*--------------
5. Do you feel that the perpetrators of the genocide should be tried by traditional/*gacaca* courts? *(state reasons for your answer)*-----------
6. Do you believe that Rwandan law treats everyone equally? *(Specify reasons for your answer)* ----------------------------
7. Are Rwandan women allowed to inherit property from:
   a) Deceased spouses-----------------
   b) Deceased family members----------------
8. What other measures do you feel can be put in place to ensure the process of reconciliation in Rwanda?-----------------
9. Do you feel that Rwanda will remain a peaceful society or are their chances of another genocide in future? *(State reasons for your answer)*--------------

Section D: Measures towards political accountability of leaders and expansion of democratic space

1. Do you feel you are free to criticize your government without fear?*(State the reasons for saying yes or no)*-------------------------
2. Do you freely associate with other community members without fear of arrest or questioning by the police?----------------------------
3. Do you feel that newspapers and radio are free to write or say the truth about the government or what is happening in Rwanda? *(State the reasons for saying yes or no*

4. Do you feel that your representatives/leaders at various levels of government represent your interests? *(State the reasons for saying yes or no)_* ----------------
5. Do you feel that your views matter in the running of the country's affairs?_ *(State the reasons for saying yes or no)*------------------------------
6. What qualities of leadership would you like to see in your leader?------------
7. Do you think your current leaders show these qualities? *(State in what ways these qualities manifest themselves)*--------------------
8. Do you feel that sometimes the police arrest people unfairly?----------------
9. Do you feel that those arrested are treated humanely at the police stations? *(cite reasons for stating so*--------------
10. Do you have committees at the grassroots level that address local issues? *(If yes specify the type of committees?*--------------------
11. Do you feel the rights of women are respected in Rwanda? *(State the various ways in which this is done)*------------------
12. Do you feel women were better off during the pre-1994 government than under the present government of national unity?*(State reasons for your answer*-----------------------
13. Do you think the last elections in Rwanda were free and fair?
    a) Was media coverage of all the candidates fair?---------------------
    b) Were all the candidates allowed to freely register and campaign without hindrance in their areas of choice?--------------------
    c) Were all the voters allowed to register and vote at the polling stations of their choice?--------------------
    d) Was the time allocated for voter registration enough to give each voter a chance to register?---------------------
    e) Were their any allegations of malpractices like rigging on the voting day?-------------------
    f) Were the civil service personnel impartial in the execution of their duties or did they favor one side?--------------------
    g) Were you allowed to freely vote for the candidate of your choice without fear or intimidation?-------------------
    h) Were women pressured by their spouses to vote for particular candidates even if the candidates were not the women's choice?------

    i) Would you rate the participation of Rwandan women in the electoral process as: (tick the appropriate box)
       - Very High ☐
       - High ☐
       - Average ☐
       - Poor ☐
       - Very poor ☐

Questionnaire administered by researcher to madam Fatuma Ndangiza (Chair Person of Unity and Reconciliation Commission) on 20th April 2008

PART 1: INFORMATION ON RESPONDENT

1. Names of Respondent

2. Sex of Respondent

3. Age

4. Marital Status

5. Education level

6. Occupation

7. Religion

8. Place of birth

9. Current place of residence

PART 2: INFORMATION ON 1994 CONFLICT

Section A: Returnees
1. Were you born in Rwanda? *(Specify the place of birth)*----------------
2. If yes what reasons compelled you to leave?--------------
3. When did you leave the country?-------------------
4. How did you feel about your homeland when you were leaving?--------
5. Where did you go after you left the country?------------------
6. Was that your final destination or did you move again?--------------
7. If yes to the above what reasons made you to move?_--------
8. How did you feel about your homeland once you had settled in another country? ------------------------------
9. In your view what factors precipitated the genocide?_-------------------
10. How did the genocide affect?
    a) You as an individual----------------
    b) Your immediate family-----------
    c) Your relatives--------------
    d) Your friends-----------------
    e) Your neighbors--------------
11. What economic activities did you engage in outside the country?------------
12. Did you try to come back before 1990............
13. Why was your attempt unsuccessful*(specific for those who run away in between 1959-1973)*............
14. Did you try to come back home immediately after 1994? If yes how successful were you*(this is specific for 1994 refugees)*...If no, then why didn't you try to come back immediately......

1

15. Why did you find it necessary to return to Rwanda?*(for all)*------------------
16. How were you welcomed when you came back?-----------

PART 3: INFORMATION ON MEASURES GEARED TOWARDS PEACE BUILDING

Section A: Measures related to physical security of citizens
1. Do you feel any safer now than before you left Rwanda?---------------
2. If yes what reasons make you feel safe?-------------------
3. If no what reasons make you feel unsafe?----------------
4. Do you know of any measures that have been put in place by the Rwandan government to ensure the safety of returnees?*(if yes specify the measures)*----
5. Do you feel those measures have been effective? *(If yes why?)*---------------------
6. If no why?---------------------------
7. Has the community in which you leave taken any measures on its own to ensure the physical security of the members? *(specify the measures if any)*-----
8. Are there any social activities in the Rwandese culture that promote peaceful coexistence?---------------------
9. Are those measures being used by the government for the purposes of peace building?---------------------
10. What are some of the challenges facing such efforts?-------------------------
11. Has the community in which you leave taken any measures in partnership with the government or any other actor to ensure the physical security of the members? *(specify the measures if any)*----------------
12. What are some of the challenges facing such efforts?
13. Has community policing been instituted in your community?----------
14. Do you feel that it is effective in addressing the problem of physical safety for the community members?*(if yes why*
15. What challenges do you think the program faces?--------------

Section B: Measures to address poverty eradication
1. Are you better off economically now than before you left the country? *(Give reasons for your answer*---------------------
2. Do you think the economy has improved than it was before you left the country? *(Give reasons for your answer)*---------------------
3. Do you think this has contributed to peace building?...........................
4. Did you own any piece of land/property which you left behind when you departed? *(If yes specify what type of property and its location)*---------------- If yes have you been able to recover it? ---------------------
5. State the reasons for the failure to recover it---------------
6. If it was recovered how quick was the process?---------------------
7. If recovery was slow what were the reasons given?-----------------
8. If recovery was fast what facilitated the process?-------------------

2

9. Do you know of any projects that the government has set up to alleviate the problem of unemployment?------------------------------

10. If yes do you feel these projects have been successful in resolving the unemployment problem? *(State reasons for your answer)*-------------------

11. Do you feel the gap between the rich and the poor in Rwanda is widening or narrowing? *(State reasons for stating so)*---------------------------

Section C: Measures towards reconciliation and justice

1. Do you fear your neighbours or like them *(state reasons for your answer)*------

2. What measures have been put in place by the Rwandan government to ensure reconciliation and justice?-----------------

3. Do you think these measures are effective in promoting reconciliation among the Rwandan people? *(state reasons for your answer)* --------------

4. Do you feel that the perpetrators of the genocide should be tried by government courts? *(state reasons for your answer)*--------------

5. Do you feel that the perpetrators of the genocide should be tried by traditional/*gacaca* courts? *(state reasons for your answer)*-----------

6. what is your view of ICTR and its performance in relation to its mandate and its means?

7. Do you believe that Rwandan law treats everyone equally? *(Specify reasons for your answer)* ----------------------------

8. Are Rwandan women allowed to inherit property from:
   a) Deceased spouses----------------
   b) Deceased family members-----------------

9. What other measures do you feel can be put in place to ensure the process of reconciliation in Rwanda?--------------------

10. Do you feel that Rwanda will remain a peaceful society or are their chances of another genocide in future? *(State reasons for your answer)*---------------

Section D: Measures towards political accountability of leaders and expansion of democratic space

1. Do you feel you are free to criticize your government without fear?*(State the reasons for saying yes or no)*--------------------------

2. Do you freely associate with other community members without fear of arrest or questioning by the police?-----------------------------

3. Do you feel that newspapers and radio are free to write or say the truth about the government or what is happening in Rwanda? *(State the reasons for saying yes or no*

4. Do you feel that your representatives/leaders at various levels of government represent your interests? *(State the reasons for saying yes or no)*---------------

5. Do you feel that your views matter in the running of the country's affairs?_ *(State the reasons for saying yes or no)*-----------------------------

6. What qualities of leadership would you like to see in your leader?-------------

3

7. Do you think your current leaders show these qualities? *(State in what ways these qualities manifest themselves)*--------------------
8. Do you feel that sometimes the police arrest people unfairly?----------------
9. Do you feel that those arrested are treated humanely at the police stations? *(cite reasons for stating so*------------
10. Do you have committees at the grassroots level that address local issues? *(If yes specify the type of committees?*--------------------
11. Do you feel the rights of women are respected in Rwanda? *(State the various ways in which this is done)*--------------------
12. Do you feel women were better off during the pre-1994 government than under the present government of national unity?*(State reasons for your answer*--------------------
13. Do you think the last elections in Rwanda were free and fair?
    a) Was media coverage of all the candidates fair?--------------------
    b) Were all the candidates allowed to freely register and campaign without hindrance in their areas of choice?--------------------
    c) Were all the voters allowed to register and vote at the polling stations of their choice?--------------------
    d) Was the time allocated for voter registration enough to give each voter a chance to register?--------------------
    e) Were their any allegations of malpractices like rigging on the voting day?--------------------
    f) Were the civil service personnel impartial in the execution of their duties or did they favor one side?--------------------
    g) Were you allowed to freely vote for the candidate of your choice without fear or intimidation?--------------------
    h) Were women pressured by their spouses to vote for particular candidates even if the candidates were not the women's choice?------

    i) Would you rate the participation of Rwandan women in the electoral process as: (tick the appropriate box)
        - Very High ☐

        - High ☐

        - Average ☐

        - Poor ☐

        - Very poor ☐

4

Questionnaire administered by researcher to Mr. Frank Mugambage (a highly placed government officer) on 20th April 2008

PART 1: INFORMATION ON RESPONDENT

1. Names of Respondent

2. Sex of Respondent

3. Age

4. Marital Status

5. Education level

6. Occupation

7. Religion

8. Place of birth

9. Current place of residence

PART 2: INFORMATION ON 1994 CONFLICT

Section A: Returnees

1. Were you born in Rwanda? *(Specify the place of birth)*--------------
2. If yes what reasons compelled you to leave?--------------
3. When did you leave the country?------------------
4. How did you feel about your homeland when you were leaving?--------
5. Where did you go after you left the country?-----------------
6. Was that your final destination or did you move again?--------------
7. If yes to the above what reasons made you to move?_--------
8. How did you feel about your homeland once you had settled in another country? ------------------------------
9. In your view what factors precipitated the genocide?_------------------
10. How did the genocide affect?
    a) You as an individual----------------
    b) Your immediate family------------
    c) Your relatives-------------
    d) Your friends-----------------
    e) Your neighbors----------------
11. What economic activities did you engage in outside the country?-----------
12. Did you try to come back before 1990............
13. Why was your attempt unsuccessful*(specific for those who run away in between 1959-1973)*............
14. Did you try to come back home immediately after 1994? If yes how successful were you*(this is specific for 1994 refugees)*...If no, then why didn't you try to come back immediately......

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15. Why did you find it necessary to return to Rwanda?*(for all)*---------------
16. How were you welcomed when you came back?-----------

PART 3: INFORMATION ON MEASURES GEARED TOWARDS PEACE BUILDING

Section A: Measures related to physical security of citizens
1. Do you feel any safer now than before you left Rwanda?---------------
2. If yes what reasons make you feel safe?------------------
3. If no what reasons make you feel unsafe?---------------
4. Do you know of any measures that have been put in place by the Rwandan government to ensure the safety of returnees?*(if yes specify the measures)*----
5. Do you feel those measures have been effective? *(If yes why?)*---------------------
6. If no why?----------------------------
7. Has the community in which you leave taken any measures on its own to ensure the physical security of the members? *(specify the measures if any)*-----
8. Are there any social activities in the Rwandese culture that promote peaceful coexistence?--------------------
9. Are those measures being used by the government for the purposes of peace building?--------------------
10. What are some of the challenges facing such efforts?-------------------------
11. Has the community in which you leave taken any measures in partnership with the government or any other actor to ensure the physical security of the members? *(specify the measures if any)*---------------_
12. What are some of the challenges facing such efforts?
13. Has community policing been instituted in your community?---------
14. Do you feel that it is effective in addressing the problem of physical safety for the community members?*(if yes why*
15. What challenges do you think the program faces?-------------

Section B: Measures to address poverty eradication
1. Are you better off economically now than before you left the country? *(Give reasons for your answer*--------------------
2. Do you think the economy has improved than it was before you left the country? *(Give reasons for your answer)*--------------------
3. Do you think this has contributed to peace building?...........................
4. Did you own any piece of land/property which you left behind when you departed? *(If yes specify what type of property and its location)*---------------- If yes have you been able to recover it? --------------------
5. State the reasons for the failure to recover it---------------
6. If it was recovered how quick was the process?---------------------
7. If recovery was slow what were the reasons given?-----------------
8. If recovery was fast what facilitated the process?---------------------

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9. Do you know of any projects that the government has set up to alleviate the problem of unemployment?------------------------------

10. If yes do you feel these projects have been successful in resolving the unemployment problem? *(State reasons for your answer)*------------------

11. Do you feel the gap between the rich and the poor in Rwanda is widening or narrowing? *(State reasons for stating so)*---------------------------

12. what benefits does Rwanda anticipate by joining the East African Community.

Section C: Measures towards reconciliation and justice

1. Do you fear your neighbours or like them *(state reasons for your answer)*------

2. What measures have been put in place by the Rwandan government to ensure reconciliation and justice?----------------

3. Do you think these measures are effective in promoting reconciliation among the Rwandan people? *(state reasons for your answer)* --------------

4. Do you feel that the perpetrators of the genocide should be tried by government courts? *(state reasons for your answer)*--------------

5. Do you feel that the perpetrators of the genocide should be tried by traditional/*gacaca* courts? *(state reasons for your answer)*-----------

6. Do you believe that Rwandan law treats everyone equally? *(Specify reasons for your answer)* ----------------------------

7. Are Rwandan women allowed to inherit property from:
   a) Deceased spouses-----------------
   b) Deceased family members-----------------

8. What other measures do you feel can be put in place to ensure the process of reconciliation in Rwanda?-------------------

9. Do you feel that Rwanda will remain a peaceful society or are their chances of another genocide in future? *(State reasons for your answer)*----------------

Section D: Measures towards political accountability of leaders and expansion of democratic space

1. Do you feel you are free to criticize your government without fear?*(State the reasons for saying yes or no)*---------------------------

2. Do you freely associate with other community members without fear of arrest or questioning by the police?--------------------------

3. Do you feel that newspapers and radio are free to write or say the truth about the government or what is happening in Rwanda? *(State the reasons for saying yes or no*

4. Do you feel that your representatives/leaders at various levels of government represent your interests? *(State the reasons for saying yes or no)_*---------------

5. Do you feel that your views matter in the running of the country's affairs?_ *(State the reasons for saying yes or no)*----------------------------

6. What qualities of leadership would you like to see in your leader?-------------

7. Do you think your current leaders show these qualities? *(State in what ways these qualities manifest themselves)*--------------------

8. Do you feel that sometimes the police arrest people unfairly?-----------------

9. Do you feel that those arrested are treated humanely at the police stations? *(cite reasons for stating so*--------------

10. Do you have committees at the grassroots level that address local issues? *(If yes specify the type of committees?*--------------------

11. Do you feel the rights of women are respected in Rwanda? *(State the various ways in which this is done)*--------------------

12. Do you feel women were better off during the pre-1994 government than under the present government of national unity?*(State reasons for your answer*----------------------

13. Do you think the last elections in Rwanda were free and fair?

    a) Was media coverage of all the candidates fair?--------------------

    b) Were all the candidates allowed to freely register and campaign without hindrance in their areas of choice?--------------------

    c) Were all the voters allowed to register and vote at the polling stations of their choice?--------------------

    d) Was the time allocated for voter registration enough to give each voter a chance to register?--------------------

    e) Were their any allegations of malpractices like rigging on the voting day?--------------------

    f) Were the civil service personnel impartial in the execution of their duties or did they favor one side?--------------------

    g) Were you allowed to freely vote for the candidate of your choice without fear or intimidation?--------------------

    h) Were women pressured by their spouses to vote for particular candidates even if the candidates were not the women's choice?------

    i) Would you rate the participation of Rwandan women in the electoral process as: (tick the appropriate box)

    - Very High ☐

    - High ☐

    - Average ☐

    - Poor ☐

    - Very poor ☐

Questionnaire administered by researcher with madam Mupfasoni Evelyn (a pastor at Kimironko Four Square Church) on 20th April 2008

PART 1: INFORMATION ON RESPONDENT

1. Names of Respondent
2. Sex of Respondent
3. Age
4. Marital Status
5. Education level
6. Occupation
7. Religion
8. Place of birth
9. Current place of residence

PART 2: INFORMATION ON 1994 CONFLICT

Section A: Returnees

1. Were you born in Rwanda? *(Specify the place of birth)*----------------
2. If yes what reasons compelled you to leave?--------------
3. When did you leave the country?-------------------
4. How did you feel about your homeland when you were leaving?--------
5. Where did you go after you left the country?-----------------
6. Was that your final destination or did you move again?--------------
7. If yes to the above what reasons made you to move?_--------
8. How did you feel about your homeland once you had settled in another country? ----------------------------
9. In your view what factors precipitated the genocide?_-------------------
10. How did the genocide affect?
    a) You as an individual----------------
    b) Your immediate family------------
    c) Your relatives-------------
    d) Your friends-----------------
    e) Your neighbors----------------
11. What economic activities did you engage in outside the country?-----------
12. Did you try to come back before 1990...........
13. Why was your attempt unsuccessful(*specific for those who run away in between 1959-1973*)............
14. Did you try to come back home immediately after 1994? If yes how successful were you(*this is specific for 1994 refugees*)...If no, then why didn't you try to come back immediately......

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15. Why did you find it necessary to return to Rwanda? *(for all)*-------------------

16. How were you welcomed when you came back?-----------

Section B: Measures towards reconciliation and justice

1. Do you fear your neighbours or like them *(state reasons for your answer)*------
2. What measures have been put in place by the Rwandan government to ensure reconciliation and justice?----------------
3. Do you think these measures are effective in promoting reconciliation among the Rwandan people? *(state reasons for your answer)* --------------
4. Do you feel that the perpetrators of the genocide should be tried by government courts? *(state reasons for your answer)*--------------
5. Do you feel that the perpetrators of the genocide should be tried by traditional/*gacaca* courts? *(state reasons for your answer)*-----------
6. Do you believe that Rwandan law treats everyone equally? *(Specify reasons for your answer)* ---------------------------
7. Are Rwandan women allowed to inherit property from:
   a) Deceased spouses-----------------
   b) Deceased family members----------------
8. What other measures do you feel can be put in place to ensure the process of reconciliation in Rwanda?------------------
9. Do you feel that Rwanda will remain a peaceful society or are their chances of another genocide in future? *(State reasons for your answer)*--------------

☐

(Non returnee respondent)

PART 1: INFORMATION ON RESPONDENT

1. Names of Respondent

2. Sex of Respondent

3. Age

4. Marital Status

5. Education level

6. Occupation

7. Religion

8. Place of birth

9. Current place of residence

PART 2: INFORMATION ON 1994 CONFLICT

Section A: Non returnees
1. In your view what factors precipitated the genocide?_-------------------
2. How did the genocide affect?
   a) You as an individual----------------
   b) Your immediate family------------
   c) Your relatives-------------
   d) Your friends----------------
   e) Your neighbors----------------
3. Are you happier now than you were before 1994?
4. who do you think is responsible for the genocide of 1994?
5. Did you encounter the military during the 1994 war?
6- How did they handle you, your family, your friends, your relatives?
7- Do you know any of the serving military who committed atrocities during the war?
8- Was any punishment given to this officer?
9- what else do you have to say about the 1990-1994 conflict?

PART 3: INFORMATION ON MEASURES GEARED TOWARDS PEACE BUILDING

Section A: Measures related to physical security of citizens

1. Do you feel any safer now than before before 1994?----------------
2. If yes what reasons make you feel safe?------------------
3. If no what reasons make you feel unsafe?----------------
4. Do you know of any measures that have been put in place by the Rwandan government to ensure the safety Rwandans?*(if yes specify the measures)*----
5. Do you feel those measures have been effective? *(If yes why?)*--------------------
6. If no why?---------------------------
7. Has the community in which you leave taken any measures on its own to ensure the physical security of the members? *(specify the measures if any)*-----
8. Are there any social activities in the Rwandese culture that promote peaceful coexistence?---------------------
9. Are those measures being used by the government for the purposes of peace building?---------------------
10. What are some of the challenges facing such efforts?-----------------------
11. Has the community in which you leave taken any measures in partnership with the government or any other actor to ensure the physical security of the members? *(specify the measures if any)*----------------_
12. Is ethnicity a security threat in your location?

Section B: Measures to address poverty eradication

1. Are you better off economically now than before you left the country? *(Give reasons for your answer*--------------------
2. Do you think the economy has improved than it was before you left the country? *(Give reasons for your answer)*--------------------
3. Do you think this has contributed to peace building?...........................
4. If yes do you feel these projects have been successful in resolving the unemployment problem? *(State reasons for your answer)*-------
5. Did you loose land as a result of the *imidugudu* scheme?
6. How did you feel about this loss?
7. do you support the land distribution Policy?

Section C: Measures towards reconciliation and justice

1. Do you fear your neighbours or like them *(state reasons for your answer)*------
2. What measures have been put in place by the Rwandan government to ensure reconciliation and justice?----------------
3. Do you think these measures are effective in promoting reconciliation among the Rwandan people? *(state reasons for your answer)* --------------
4. Do you feel that the perpetrators of the genocide should be tried by government courts? *(state reasons for your answer)*--------------
5. Do you feel that the perpetrators of the genocide should be tried by traditional/*gacaca* courts? *(state reasons for your answer)*-----------

6. Do you believe that Rwandan law treats everyone equally? *(Specify reasons for your answer)* ---------------------------
7. Are Rwandan women allowed to inherit property from:
    a) Deceased spouses------------------
    b) Deceased family members---------------
8. What other measures do you feel can be put in place to ensure the process of reconciliation in Rwanda?---------------------
9. Do you feel that Rwanda will remain a peaceful society or are their chances of another genocide in future? *(State reasons for your answer)*---------------

Section D: Measures towards political accountability of leaders and expansion of democratic space

1. Do you feel you are free to criticize your government without fear?*(State the reasons for saying yes or no)*-------------------------
2. Do you freely associate with other community members without fear of arrest or questioning by the police?-----------------------------
3. Do you feel that newspapers and radio are free to write or say the truth about the government or what is happening in Rwanda? *(State the reasons for saying yes or no*
4. Do you feel that your representatives/leaders at various levels of government represent your interests? *(State the reasons for saying yes or no)_*----------------
5. Do you feel that your views matter in the running of the country's affairs?_ *(State the reasons for saying yes or no)*-----------------------------
6. What qualities of leadership would you like to see in your leader?-------------
7. Do you think your current leaders show these qualities? *(State in what ways these qualities manifest themselves)*--------------------
8. Do you feel that sometimes the police arrest people unfairly?----------------
9. Do you feel that those arrested are treated humanely at the police stations? *(cite reasons for stating so*--------------
10. Do you have committees at the grassroots level that address local issues? *(If yes specify the type of committees?*--------------------
11. Do you feel the rights of women are respected in Rwanda? *(State the various ways in which this is done)*--------------------
12. Do you feel women were better off during the pre-1994 government than under the present government of national unity?*(State reasons for your answer*----------------------
13. Do you think the last elections in Rwanda were free and fair?
    a) Was media coverage of all the candidates fair?--------------------
    b) Were all the candidates allowed to freely register and campaign without hindrance in their areas of choice?--------------------
    c) Were all the voters allowed to register and vote at the polling stations of their choice?--------------------
    d) Was the time allocated for voter registration enough to give each voter a chance to register?----------------------

e) Were their any allegations of malpractices like rigging on the voting day?----------------------
f) Were the civil service personnel impartial in the execution of their duties or did they favor one side?---------------------
g) Were you allowed to freely vote for the candidate of your choice without fear or intimidation?-------------------
h) Were women pressured by their spouses to vote for particular candidates even if the candidates were not the women's choice?------

i) Would you rate the participation of Rwandan women in the electoral process as: (tick the appropriate box)

- Very High   ☐
- High   ☐
- Average   ☐
- Poor   ☐
- Very poor   ☐