

**AN ANALYSIS OF STRUCTURAL CONFLICT AND CONFLICT
MANAGEMENT IN THE GREAT LAKES REGION: A CASE
STUDY OF RWANDA - 1990-2005**

BY

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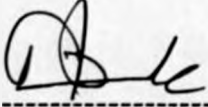
**A PROJECT PRESENTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF
MASTER OF ARTS IN INTERNATIONAL STUDIES AT THE
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES,
UNIVERSITY OF NAIROBI**

November 2007

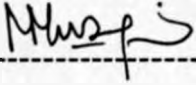


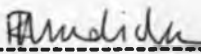
DECLARATION

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

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This project has been submitted for external examination with our approval as University supervisors.

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ACKNOWLEDGEMENTS

Analysis of structural conflict is work of reflection, focused to restore unity amongst Rwandans, in order to be subjects of their destiny and enhance world opinion of their country as a strong, peaceful and dependable member of the world community.

I wish to register my gratitude to the leadership of the Republic of Rwanda for having offered me this opportunity and support to undertake my course at the National Defence College, Kenya.

On the professional and intellectual side, I would like to express my deep appreciation to Prof Makumi Mwangi, the Director of the Institute of Diplomacy and International Studies, and Mr Robert Mudida, Dr M Katumanga lecturers at the University of Nairobi for their extended discussions and advice on the themes of this thesis, which they laboured diligently to scan and correct.

I am greatly indebted to the College leadership and staff who contributed significantly, all in their own ways, to the success of this thesis. Also, I owe my heart-felt thanks to my colleagues of Course 9/2006, who kept me engaged both intellectually and socially throughout the course of study.

Last, but not least, I owe a great debt of eternal gratitude to my family, my wife Jacqueline Kalimba, for having provided a congenial and peaceful atmosphere at our home in Kigali, our children Manzi Stephen, Mutsinzi Julius, Shyaka Nelson, Mutesi Patience and Nshuti Bill, who whenever we held a telephone conversation, constantly demanded to know when the course will end.

DEDICATION

This thesis is dedicated to my mother who taught me to care and reason as well as her support morally and spiritually.

Your inspiration will always unlock any obstacle in my struggles to overcome great hardships in pursuit of my goals for a desired future.

ABSTRACT

This is a study of structural conflict that bedevilled the Rwandan society from the colonial era, and later fuelled by the post- independence political elite since 1959 up until early 1990s.

This study examines the conditions that led to the periodic civil strife in Rwanda that culminated in the genocide of 1994 and later on, the subsequent deliberate adoption of selected policies and their implementation to manage the conflict and simultaneously strengthen unity and cohesion among Rwandans.

In the study qualitative method of data collection was used, covering both primary and secondary data.

The study concludes that the adopted policies in Rwanda have contributed significantly to the successes in management of the conflict discouraging the resurgence of ethnically – driven political debates and hence divisions amongst the Rwandans through Unity and Reconciliation initiatives, spurred by poverty alleviation and national empowerment programmes.

It also concludes that divisive policies like issuing of identity cards on 'ethnicity' basis, and hence marginalization of sections of the Rwandan community has since been addressed and education for all which is a basic human right reinstated, as a building block in the reconstruction of the country.

ABBREVIATIONS

AGOA	African Growth Opportunity Act
ASEAN	Association of Southeast Asian Nations
CDF	Common Development Fund
CITT	Centre for innovation and Technical Transfer
DCD	District Committee for Development
DFID	Department for International Development
DRCThe	Democratic Republic of the Congo
ECCD	Early Childhood Care and Development
EFA	Education for All
EPZ	Export Processing Zone
ESSP	Education Sector Strategic Plan
EX-Far	Ex - Rwanda Armed Forces
FAWE	Forum for African Women Educationists
GDP	Gross Domestic Product
GNP	Gross National Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HLCS	Household Living Conditions Survey
ICT	Information and Communication Technology
ICTR	International Court and Tribunal for Rwanda
M and E	Monitoring and Evaluation
MDG	Millennium Development Goals
MIFOTRA	Ministry of Public Service, Skills Development, Vocational Training and Labour
MINAGRI	Ministry of Agriculture and Livestock
MINALOC	Ministry of Local Government, Community Development and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education
MINITERE	Ministry of Lands, Environment, Forests, Water and Natural Resources
MP	Member of Parliament
MRND	National Republican Movement for Democracy
NIC	New Industrialised Countries
NIS	National Investment Strategy
NPRP	National Poverty Reduction Programme
NUR	National University of Rwanda
NURC	National Unity and Reconciliation Commission

PAP	Singapore's People's Action Party
PIP	Public Investment programme
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
RPF	Rwanda Patriotic Front
RWF	Rwandan Francs
SADC	Southern Africa Development Community
SAPS	Structural Adjustment Programmes
UNICEF	United Nations Cultural and Education Fund
USA	United States of America
VP & MOD	Vice President and Minister of Defense

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Chapter One

Background to the Study

Introduction

Rwanda is one of the countries in the Great Lakes region, which is currently emerging from and struggling to live with the consequences of more than four decades of conflict which began during the 1959 social revolution, and continued intermittently after the country's independence in 1962.

The term structural conflict was first used in the 1960s and has since been ascribed to Galtung, who makes a distinction between direct and indirect violence or structural violence based on the subject side, whether or not there is a subject (person) who acts. The author of structural conflict posits that 'we shall refer to the type of violence where there is an actor that commits the violence as personal or direct, and to violence where there is no such actor as structural or indirect. He argues that, whereas in the first case these consequences can be traced back to concrete persons as actors, in the second case this is no longer meaningful, as there may not be any person who directly harms another person in the structure. The author of structural conflict argues that the violence is built in the structure and shows up as unequal power and consequently as unequal life chances. However, the author observes that, the basic distinction between direct violence and structural violence is not water – tight, but nevertheless useful.¹

¹ J.Galtung., Violence, Peace, and Peace Research. Journal of Peace Research, vol. 6, no. 3 (1969), pp.167-191

The author of structural conflict stresses that structural conflict denotes a form of violence which corresponds to the systematic ways in which a given regime prevents individuals from achieving their full potential. The proponents of structural conflict, further stress that it is harm imposed by some people on others indirectly through the social systems, as they pursue their social preferences. Galtung argues that the two types of violence simply do not seem to be more tightly connected empirically than logically – and to the latter, the whole exercise is an effort to show that they may be seen as logically interdependent even though they are continuous with each other; one shades into the other. In 1990, Galtung introduced the concept of cultural violence as those aspects of culture that can be used to justify and legitimise direct and cultural violence. Cultural violence was added as a type of violence alongside direct and structural violence. The author argues that the flow of violence is from cultural via structural to direct violence.

To understand the direct, structural and cultural violence triangle, Galtung in 1996, employed the concept of power and identified four dimensions of power impacting positive and negative peace as cultural, economic, military and political. He observes that violence can start at any corner in the direct, structural, cultural violence triangle and is easily transmitted to the other corners.² In the violence triangle, cultural violence may legitimise structural violence which in turn can be manifested in direct violence where an actor can be traced and persecuted in a criminal court of law, the reverse may hold direct violence can be used to subdue people into submission or subjected into social injustice or structural violence that can be turned into cultural violence in social structures.

In Mwangi's, *Conflict in Africa: Theory, Processes, and Institutions of Management*, he maintains that the definition of structural conflict has much to do with

² J. Galtung. 'Cultural Violence'. *Journal of Peace Research*, vol, 27 no.3, pp.291-303

the question of who or what is responsible for the generation of conflict. He stresses that the existence of structural conflict means it is necessary to look beyond the immediate physical violence and take into account the structure that underlies social relationships, since it might itself be a source of conflict.³

Keith Webb views structural conflict as damage that occurs to individuals or groups due to differential access to social resources and which is due to the normal operation of the social system. Webb further emphasises that the way a peace researcher recognises an 'objective' conflict that is not visible to actors is an indication of the presence of 'structural conflict'. He contends that for structural violence to exist, the inequalities must be the result of relations between groups.⁴

Statement of the Research Problem

The revolution of 1959 in Rwanda and the subsequent violence resulting in the killings of Tutsi and forcing thousands of others into exile set a precedent for eventual intermittent violent conflicts in the country. When Rwanda attained its independence in 1962, it was a country that was characterised by deep divisions as a result of the Belgian colonial legacy of divide and rule.⁵

This study examines the extent to which structural conflict generated violence that culminated in the Rwanda genocide in 1994. The study will critically analyse the conflict

³ M. Mwagiru. *Conflict in Africa : Theory, Processes and Institutions of Management*, pp.23-6

⁴ K. Webb. 'Structural Violence and the Definition of Conflict.' *World Encyclopaedia of Peace vol.2.* (Oxford: Pergamon Press, 1986) pp.431-34

⁵ D. Kamukama. *Rwanda Conflict: Its Roots and Regional Implications.* Fountain Publishers, Kampala, 1997

management initiatives and strategies put in place by the government to strengthen national unity. This is done by posing several questions; what are the characteristics of structural conflict and what are their implications in the Rwandan society; what are the underlying causes of conflict, and how are these causes handled?; what form should conflict management initiatives take to anchor national unity; and how can the country facilitate their successful implementation. The Gacaca process and Unity and reconciliation Commission, are the central concepts used in conflict management and peace building in Rwanda.

Objectives of the study

This study examines the extent to which structural conflict generated violence targeting against a section of the Rwandan population and analyses the contribution of conflict management initiatives in restoration of national unity. Specifically, the objectives of the study are to;

- 1 examine and analyse structural conflict in Rwanda
- 2 examine and analyse the extent to which structural conflict generated violence among Rwandans
- 3 examine and analyse how conflict management initiatives have contributed to address Rwanda's conflict, restore social cohesion and enhance national unity

Hypotheses

This study is structured around three main hypotheses.

First, conflict is inevitable in any society where people are denied their basic human needs for identity, equality, recognition, security, dignity and participation.

Secondary, Rwanda has been a successful country in initiating problem-solving techniques in conflict management.

Thirdly, rebuilding the Rwandan society is a function of the ability of leadership to formulate and implement institutional mechanisms to enhance social cohesion and foster national unity. The Rwandan society has embraced unity, is stable and peaceful.

Justification of the Study

The value in this study lies at the ability of the leadership and communities to understand structural conflict and its underlying causes. What much of the literature does not inform policy makers however, is how the conflicts in Rwanda can be managed. This study examines how structural conflict generates violence. The study also examines the contribution of policies and strategies in conflict management in the reconciliation process to strengthen national unity.

The study can be justified on two grounds: For policy makers, practitioners and academia. The study intends first, to inform policy makers the success and challenges in the implementation of policies designed to foster national unity.

Secondly, the study seeks to examine the gaps that may still exist in the scholarly literature, about underlying causes of conflict, and its management in order to engender social harmony in a society that has emerged out of conflict.

The study is predicated on the fact that when a conflict is understood, decision makers from an informed point of view make appropriate policies in conflict management. Further, the study will attempt to make a critique of some of the literature written about Rwanda in various publications on the country's underlying causes of

conflict in Rwandan and attempt to answer questions like how can structural change be brought about to address conflict among Rwandans? In this connection, the ability to alleviate human poverty is seen as a mitigating factor in managing conflict in support of the core conflict management initiatives selected to manage conflict including Gacaca Courts, Unity and Reconciliation initiatives.

This study examines the implementation process of these policy options. This is done by posing several questions; what structural conflict is; what form should conflict management initiatives take if there are to foster reconciliation and national unity; and how can the country facilitate and ensure implementation of these initiatives?

Literature Review

In conducting this study, I review the existing literature about the conflict in Rwanda in order to shed light on the subject under investigation and also conduct interviews with relevant personalities and apply my experience in the period under review to identify gaps from previous research that may inhibit policy implementation, and suggest alternative options contribute to national objectives.

In this connection, it is important to classify theories of conflict which dominate the study of conflict in both domestic and international context in three broad categories. First, the strategist approach whose conceptual basis is realist paradigm or power politics was espoused by realist theorists such as Hans J. Morgenthau, and is based on the assertion that the study of international relations is primarily concerned with inter-state relations.⁶ This realist approach stresses that states are the dominant actors and they are conceived to be well integrated internally and to act externally as a clearly defined unit.

⁶ A.J.R Groom, *Paradigms in Conflict: the Strategist, the Conflict Researcher and the Peace Researcher*, p.71

In this perspective security is considered the ultimate and overriding goal. The Strategists contend that states and human beings are naturally aggressive, and that this aggression cannot be eliminated but only managed by force or threat of it.⁷

The implication for the realist perspective is that conflict cannot be resolved but only settled. In other words the realist perspective does not believe in conflict resolution but its settlement that is maintained by force or threat of it, as peace can only be enjoyed for a short time.⁸

Secondary, the Conflict Research which is based on the World Society paradigm in international relations, argues that states are not alone in having effective means of self-help and the self-arrogated right to make use of them.⁹ The proponents of the world society such as Burton, argue that the reason for this lie in a different conception of the nature of man, and he stresses that if an actor cannot fulfil his or her basic human needs in one way, he or she will attempt to do so in other ways. He further contends that if they cannot do so within the existing 'status quo' system, they may create parallel 'revolutionary' systems for doing so.¹⁰ The question in this perspective is about satisfaction of basic human needs, of which people affected will employ any means at their disposal to satisfy such needs.

The main focus of this theory is that conflict is not viewed as inherent, and that values as well as resources are not considered as limited but enough for everybody if parties' perception is not wrong. The proponents of this theory posit that behaviour is a rational response to the environment as the actor sees it, so that changing the environment

⁷ Ibid

⁸ Ibid, p.87

⁹ Ibid

¹⁰ D. Sandole. J. Burton's Contribution to Conflict Resolution. 'Theory and Practice'. The International Journal of Peace Studies, p.7

can elicit different, more cooperative behaviour. It is argued by the proponents of this conflict research paradigm that it is the old story of the predominance of either nature or nurture. The exponents of this theory believe that conflict arises from the way environment impacts on an individual. The realist (strategist) points to the ground rules being set by nature while the world society analyst (and conflict researcher) focuses on nurture. The world society exponents argues that human beings are in conflict because of differing perceptions but there are naturally aggressive, a position they seem to share with strategists.

Burton argues that if aggressiveness is the problem, then conflicts just has to be lived with, while controlled as much as possible by police and deterrent strategies. He further contends that, conflict resolution that is, getting to the source of the problem becomes irrelevant: the source is known and cannot be altered. He stresses that at best there could be corrections of perceptions and adjustments of personal behaviour in particular cases. He further posits that if social conditions are the problem, then conflict resolution and prevention would be possible by removing the sources of conflict: institutions and social norms would be adjusted to the needs of persons.¹¹

Thirdly, the Peace Research which is conceptually associated with structuralist theories of international relations is where my thesis belongs. These theories explain relationships by reference to the nature of underlying structure. From a conflict school of thought, peace research views how structures such as legal, economic, social structures in society contribute to conflict. In this strand, the closest antecedent is Galtung who in 1969 noted, that people die from direct violence, as they die from structural violence

¹¹ J.W. Burton. 'Conflict Resolution: The Human Dimension'. *The International Journal of Peace Studies*, pp.1-4

which is caused by the way social, political, and economic structures are organized in a society.¹² Mwagiru makes a related argument and highlights that the definition of structural conflict has much to do with the question of who or what is responsible for the generation of conflict. He further argues that structural conflict has much to do with who identifies the conflict, and hence, who will take action to remove the conflict.¹³ Mwagiru observes that this issue pits the objectivists against the subjectivists, as he points out that the role of violence is very much of the essence in the debate between objectivists and subjectivists, since both share a similar concern to reduce, and even remove violence from society.

In his contribution to the debate, Mwagiru asserts that the subjectivists believe that conflict can be managed essentially through the agency of the parties (through for example, negotiation and problem solving). On the other hand he highlights that the objectivists who are more revolutionary in their approach, believe that conflict can be removed by changing the structure that is responsible for the conflict.

Mwagiru argues that in classical discourses in political science, international relations, and international law, there is a clear distinction made between 'peace' and 'war'. He posits that these two represent opposing ends of a spectrum around which societies exist.¹⁴ He further stresses that the whole concept of structural conflict is derived from reconceptualising the dichotomy between peace and war, as he notes that exponents of structural violence, such as Galtung and Adam Curle, find this dichotomy, between peace and war unsatisfactory.

¹² D. J. Christie. 'Reducing Direct and Structural Violence. The Human needs Theory'. Peace and Conflict, vol.3, 1997, p. 18

¹³ M. Mwagiru. Op cit, p.24

¹⁴ M.Mwagiru, Op cit, pp.26-7

The two exponents of peace research, visualise a third situation which does not fit into the classical dichotomy but in their view they believe that while societies can be in conditions of peace, or of war, they can also equally be in situations which are neither.¹⁵ According to Curle, this situation is characterised as 'unpeaceful.' In unpeaceful societies, Curle argues that there is little, or no, physical violence in evidence, yet there is no peace. Peace lacks because the relations in those societies are organised in such a way that the potential for development of some (significant numbers of the society is impeded by factors which may be economic, social, or psychological.¹⁶

The concept of unpeaceful societies is contested between the objectivists and the subjectivists. To the objectivists, in unpeaceful societies, the actors may not recognise that they are in a state of structural conflict, something referred to by Curle as being a 'happy slave.' The objectivists argue that although the actors might not realise that they are in situations of structural conflict, third parties could do so by identifying the structural violence that underlies those relations.¹⁷ In this connection, it is not convincing whether it is possible for people living in such unpeaceful conditions not to realise it. The objectivists therefore have no plausible explanation as to why they decide to act at a particular time and not later. In defence of the objectivists, it is argued by Mwagiru that conflicts are dynamic and do change form overtime.¹⁸

Curle believes that every nation proclaims its commitment to peace, but wars keep raging, yet peace is not simply the opposite of war. There are conditions of social injustice, economic exploitation and political oppression which, while they are not war

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

itself, are by no means peaceful and often lead to war. He argues that the conflict between weak and strong still exist in South African society but the weak are making vigorous efforts to change the structure of the unpeaceful, unequal relationships of apartheid.¹⁹

The advocates of the conflict research theory do not accept that the cause of conflict is an instinct in man such as a drive to dominate but rather conflictual behaviour as a response to an actor's perception of the environment. It is a learned behaviour triggered by circumstances to the extent that the environment can be manipulated, so can conflict behaviour which is dysfunctional. To them conflicts are subjective, although they may appear to the participant as objective.

On the other hand, the conceptual world of the Peace Researcher is different since it is not the subjective element in the nature of relationship that is important for him, but the deep rooted structure which gives rise to them. In this perspective, the analysis of conflict which gives emphasis to structure is Marxist in tradition. In other words, implication for this peace research is that it takes an objective view and it contends that it is possible to be in a conflict situation without knowing until a third party points out any injustices from outside the structure.²⁰

Adam Curle, in his book, *Making Peace*, emphasises that, 'yet peace is not simply the opposite of war'. He argues that there are conditions of social injustice, economic exploitation and political oppression which, while they are not war itself, are by no means peaceful and often lead to war. He stresses that this structural violence is built into social structures and deprives its victims of jobs, food, health, education, political liberties and human dignity. He defines peace as a relationship between individuals, groups, nations,

¹⁹ A. Curle. *Making Peace: The Way to Peace often passes through a stage of Revolution*. *New Internationalist*, March, 1983, p.1

²⁰ *Ibid*, 92

racism, in which every one is helped to develop their full potential, while by contrast, unpeaceful relationships are those in which one or both parties suffers from physical, emotional, economic or cultural.²¹

Like the strategists, the structuralists argue that conflict is an objective phenomenon since it emerges from a clash of real interests rather than a perceived clash of real interests, although actors may not perceive who their real enemies are. Unlike peace research, the strategists approach deals with behaviour of states but not to have a more just society or safer life for human beings espoused by the former.

The peace researcher definition of interest is objective, their view of interest or conflict is being a situation in which incompatible interests are built into a structure. If this proposition is accepted then it is logical that conflict can be resolved only by structural change and to the extent that such structural change is necessary the peace researcher is a revolutionary.²² Both strategists and peace research argue that force or threat of it can be used to change the structure generating conflict. Like strategists, the structuralists argue that conflict is an objective phenomenon, since it emerges from a real clash of real interests rather than a perceived clash of interests although actors may not perceive who their real enemies is.²³

The literature on this study will not only be necessary to understand structural conflict but also the policies necessary to address conflict in the country.

In *Making Peace*, Curle makes a related view with Galtung on structural violence, which the former denotes as unpeacefulness while the latter refers to it as structural violence. Curle contends that 'absence of peace is characteristic of many situations that

²¹ *Ibid*, p.1

²² *ibid*, p.93

²³ *ibid*, p.89

do not present overt conflict', and he stresses that unpeacefulness is a situation in which human beings are impeded from achieving full development either because of their internal relations or because of the types of relation that exist between themselves (as individuals or group members) and other persons or groups. According to Curle, the way out of conditions of structural violence is to change the structure that is responsible for the conflict and that this change of structure is achieved through overthrowing the structure responsible.²⁴

From a human needs perspective as espoused by the human needs theorists, structural violence occurs whenever there are systematic inequalities in the distribution of economic and political resources in a society. Burton makes a related argument to Galtung's view that structural violence is economic exploitation and that the needs for well-being, refer to those needs that must be satisfied for adequate human growth and development to occur. He emphasises that structural violence occurs when unjust economic and political structures are organised in ways that exploit, and dominate certain segments of a population while privileging others who hold power and wealth and systematically deprive need satisfaction for those other segments of society. He asserts that when violence is built into the structures of a society, some people are deprived of food, shelter, health care and other resources that are necessary for normal human growth and development.

Since the publication of his seminal book, on *Deviance, Terrorism and War: The Process of Solving Unsolved Social and Political Problems*, Burton the closest antecedent of basic human needs theory, an approach to understanding protracted social conflict that

²⁴ A. Curle. 'Making Peace': *Peaceful and Unpeaceful Relations*, (London: Tavistock Publications, 1971), p.1-2

he continues to espouse and refine posits that the existence of certain universal needs must be satisfied if people are to prevent or resolve destructive conflicts. In Burton's view, the needs most salient to an understanding of destructive social conflicts were those for identity, recognition, security, and personal development.²⁵ The great promise of human needs theory, in Burton's view, was that it would provide a relatively objective basis, transcending local political and cultural differences, for understanding the sources of conflict, designing conflict resolution processes, and founding conflict analysis and resolution as an autonomous discipline. Burton posits that, 'the needs that are frustrated by institutions and norms require satisfaction or else they will be pursued in one way or another.'²⁶ Burton believes that these needs would seem to be even more fundamental than food and shelter, needs such as personal recognition, and identity that are the basis of individual development and security in society. The author of basic needs theory observes that denial by society of recognition and identity would lead, at all social levels, to alternative behaviours designed to satisfy such needs, be it ethnic wars, street gangs or domestic violence.²⁷

In *Rwanda Conflict: Its Roots and Regional Implications*, Kamukama D, in his quest to trace the roots of conflict in Rwanda, contends that the struggle for independence in most African countries was characterised by uprisings of the local population against their colonial masters, while in Rwanda, the wrath of the agitators was directed towards another section of the same population forcing thousands of people to flee their homeland and live in other countries as refugees. He argues that it was on the basis of this grim contradiction that led to the 1990 invasion of the country by Rwandan exiles in Diasporas

²⁵ *Ibid*

²⁶ *Ibid*,p.32

²⁷ J. Burton. Op cit, p.1

along with some of their oppressed relatives in the country.²⁸ Kamukama observes that the continued persecution of a section of Rwandans was later met with the struggle which was launched by the Rwanda Patriotic Front/Army on 1st October, 1990 for the liberation of the oppressed against the autocratic regime of Habyarimana.

Mamdani in his book, *When Victims become Killers: Colonialism, Nativism and the Genocide in Rwanda*, argues that the Rwandan genocide of 1994 needs to be thought of within the logic of colonialism. The author contends that the Tutsi, with a privileged relationship to power before colonialism were constructed as a privileged 'alien settler' presence, first by the Hutu *social revolution* of 1959

The author, posits that it is Belgian reform of the colonial state in the decade from the mid 1900s to the mid 1930s that constructed Hutu as indigenous 'Bantu' and Tutsi as alien 'Hamites'. He further asserts that the origin of the violence is connected to how Hutu and Tutsi were constructed as political identities by the colonial state, Hutu as indigenous and Tutsi as alien. The author further notes that the reason therefore for continued violence between Hutu and Tutsi was connected with the failure of Rwandan nationalism to transcend the colonial construction of Hutu and Tutsi as native and alien.²⁹

In *A People Betrayed: The Role of the West in Rwanda's Genocide*, Melvern, observes that Belgium was criticised at the UN General Assembly, for the subservient status of the Hutu masses who were subjected to forced labour and discrimination in all works of life. She argues that in 1957 when Rwanda was clamouring for her independence spearheaded by the Tutsi, Belgians swapped support from Tutsi to Hutu

²⁸ D. Kamukama. *Rwanda Conflict: Its Roots and Regional Implications*, (Kampala: Fountain Publishers Ltd, 1997), p.5

²⁹ M. Mamdani. *When Victims become Killers: Colonialism, Nativism and The Genocide in Rwanda*, Princeton University Press, 2001, pp. 14--34

which resulted in the victory of the Hutu *Social Revolution* of 1959 that set the stage for overt violent conflict until the infamous 1994!³⁰

Caplan argues that, much of the elaborate “Hamitic” ideology as this myth was developed and disseminated by the Catholic White Fathers that the Tutsi came from Ethiopia or Egypt, dividing Hutu from Tutsi who wrote what later became the established version of Rwandan history to conform to their essentially racist views. Caplan stresses that because they controlled all schooling in the colony, the White Fathers were able, with the full endorsement of the Belgians, to indoctrinate generations of school children, both Hutu and Tutsi, with the pernicious Hamitic notions that Tutsi were settlers and not natives, which was essentially structural violence in practice! Caplan concluded that together, the Belgians and the Catholic Church were guilty of what some call “ethnogenesis” – the institutionalization of rigid ethnic identities for political purposes. The proposition that it was legitimate to politicize and polarize society through ethnic cleavages- to play the “ethnic card” for political advantage, as a later generation would describe the tactic that became integral to Rwandan public life.³¹

Also from the above sighted literature review, most of the scholars believe that the genesis of the Rwandan conflict that culminated in the 1994 genocide is traced back to colonial rule especially under Belgian administration and later fuelled by the political elite in the first and second Republic for serving at one level imperial and at another level selfish interests.³²

³⁰ L. Melvern. *A people Betrayed: The Role of the West in Rwanda's genocide*, ZED Books, 2000, p.10-13

³¹ *Ibid*

³² *Ibid*

Azar stated that, it is the denial of human needs that finally emerges as the source of conflict. These human needs are usually defined in the literature as needs for effective participation in political, market, and decision-making institutions; physical security; nutrition; and housing. However, it is argued that structural factors, though playing a critical role in the break out of conflict, do not explain the intensity and, in certain cases, the protracted nature of severe ethnic conflict, features which contribute to their apparent intractability and which ultimately will influence substantially the way to manage and resolve such conflict. This view is related to Morton Deutsch who believe that any comprehensive approach to understanding conflict will necessarily include consideration of both objective and subjective factors.³³

In Burton's view, the assumption has been that protracted social conflicts occur when communities are discriminated against or deprived of satisfaction of their basic human needs on the basis of their communal identity. One of these human needs, amid the need for physical security, nutrition, political and economic participation, is the recognition and protection of identity.³⁴

The gaps identified in the scholarly literature by a number of scholars are the critical issues about the underlying causes of conflicts that has been brought to the fore but little mentioned is the strategies to address the conflicts in the country, on which my thesis sheds light as an area worth investigation .

³³ M. Deutsch, "Subjective features of Conflict Resolution: Psychological, Social and Cultural Influences" in R. Vayrynen (ed.), *New Direction in Conflict Theory: Conflict Resolution and Transformation* (London: Sage Publishers), p.28

³⁴ J. Burton (ed.), *Op cit*,

This study will examine the Structural conflict in Rwanda that laid fertile ground for the emergence of the 1st October 1990 struggle launched by the Rwandan Patriotic Front (RPF/A). The Rwandan genocide in 1994 claimed over 1 million lives was stopped by RPF/A in July 1994; and shortly after the Government of National Unity was formed, embarking on institutional reforms and streamlining existing governance structures to redress the consequences of structural conflict masterminded by the previous repressive regimes for their political and selfish ends.³⁵

As a response to the intermittent violence that beset Rwanda culminating in the genocide in 1994, the Government of National Unity has since 1995 designed policies and structural reforms such as re-writing of the country's constitution, conflict management strategies such as Gacaca Courts, National Unity and Reconciliation Commission, the Rwanda Vision 2020 that are focused on action programs to address conflict in Rwanda and restore national unity. Some of the programs are geared towards poverty alleviation that is informed by the development-conflict nexus, also emphasized by the former U.S Secretary of State Edward Stettinius in 1945, when he noted that 'the battle of peace has to be fought on two fronts: The first front is the security front, where victory spells freedom from fear; while the second is the economic and social front, where victory means freedom from want. He stressed that only freedom from both fronts can assure the world of an enduring peace'.³⁶ In this connection, Rwanda has relatively achieved victory on the first front, the security front and the country is now focused on strategic programs such as restoration of national unity to address the second, socio-economic front.

³⁵ *Ibid*

³⁶ R. Stettinius. *Human Development Report 2005: The International Response*, p.168

Theoretical Framework

In this study, the framework of structural conflict which finds home in peace research or structuralist' theories of conflict will be used. The framework of structural conflict is useful for this study because it points out and identifies underlying causes of conflict in Rwanda and offers invaluable insights in conflict management in restoration of national unity in Rwanda.

Methodology

This study has undertaken detailed analysis of the conflicts in society. It does not claim to have the solution to the threat posed by conflicts; it is a humble contribution to the research in the study. The methodological and analytical basis for this study is drawn from the literature about the conflict in Rwanda. An extensive review of the theoretical and empirical literature underpins the analysis of structural conflict from the colonial era in 1884 to early 1990s. The methods and analytical techniques employed in the study are highlighted in each of the chapters in which they are used and their limitations are also clearly spelt out.

While conducting this study, I use both primary and secondary data. The primary sources will be obtained through interviews and questionnaires from policy makers, practitioners and members of the civil society, and actors in the Rwandan population. The study will rely extensively on secondary data such as text books, periodicals, magazines, journals, relevant thesis and dissertations, conference reports and presentations, seminar papers, Government official statements or speeches, newspapers, internet sources and other relevant publications from International Organisations and bilateral and multilateral organisations.

It is believed in the scholarly literature that secondary data is more accurate and easily accessed than primary sources. However, the constraint of secondary data is in accessing the materials in the form of text books, magazines or articles relevant for the study. Further, in collection of primary data, sometimes the target officials may be not available because of other official commitments and this may result in rescheduling appointments or use of telephones which is partly expensive and also sometimes does not cover detailed information necessary for the quality of the study.

The Conceptual definitions of key terms

For the purposes of this study, 'structural factors' will mean pervasive factors that have become built into the policies, structures and fabric of a society and which may create the pre-conditions for violent conflict, e.g. bad or illegitimate governance, lack of political participation lack of equal economic and social opportunities, inequitable access to resource wealth, ethno-politics.³⁷

Perpetuators are persons or institutions which bear responsibility for atrocities and conflict. The definitions of perpetrators, bystanders and victims are not mutually exclusive, as a person who is a perpetrator today might be a victim, collaborator or bystander tomorrow. Bystanders are persons or institutions which have the capacity and the opportunity to intervene in a conflict/abusive situation but choose not to do so. Collaborators are persons or institutions which aid and abet perpetrators in committing atrocities. Victims are individuals or groups which experience injustice.³⁸

³⁷ [www.http: Intractability.org](http://Intractability.org)

³⁸ Makerere University. Seminar Paper, December, 2006

Conflict 'prevention' and 'provention', prevention in this perspective is analogous to bringing more police in the streets without a concern for causes or for policies that remove the sources of problems, while 'provention' is used to avoid the negative connotation of containment associated with the term prevention. Provention will involve long term policies and more systematic change than conflict resolution.³⁹

Disputes and conflicts, in disputes are those confrontations that could not be settled by traditional means of negotiation or arbitration, while conflicts have to be resolved by analytical processes, and conflicts require a facilitator who could help the parties to reveal the hidden behavioural realities of a complex conflict situation.

Scope and Limitations

The study was conducted in a period of about ten months. This could not allow capturing data in a period under review which is about fifteen years in a vast area of research such as structural conflict in Rwanda and also conflict management initiatives which means that some details may be reflected in this study. To achieve the set objectives, the study will focus on three significant variables: the relevant surveys on conflict in Rwanda that guide the implementation of conflict management initiatives, community participation, institutions and resources necessary for effective policy implementation process.

The areas for investigation of this study are broad and a few studies have been sighted or conducted before, so it was challenging to access relevant information. As the study is qualitative in nature, the individuals interviewed cannot necessarily be representative of all those living in Rwanda within the time covered, the method allowed for a depth analysis that is often missing in some qualitative studies, and availed interviewees the space to put forward the issues they considered most salient. The

³⁹ J. Burton. Conflict Prevention and Provention. Op cit

research primarily requires time and financial resources to collective both primary and secondary data which was difficult to delimit but necessary for this study to be meaningful. Information collection on conflict management initiatives in Rwanda is scattered geographically and thematically and hence there was a problem of selecting the relevant case studies to focus on for the quality of this study. However, the wide coverage and rich information obtained provide important lessons and insights into areas for future research in this study.

Chapter Outline:

The structure of the study will be divided in chapters:

Chapter One: Background to the Study

Chapter Two: Structural conflict in Rwanda

Chapter Three: Conflict Management initiatives to Address Conflict in Rwanda

Chapter Four: A Critical Analysis of Conflict Management initiatives in Rwanda

Chapter Five: Conclusion

Chapter Two

Structural Conflict in Rwanda

Introduction

This chapter has two parts and part one will discuss the nature of structural conflict and the second part, sources of structural conflict in the pre-colonial, colonial and post-colonial Rwandan. The culture of violence that characterized so much the colonial rule and its aftermath that operated with so much impunity for so long is relevant to the story of Rwanda. While the violence in the country was not in its entirety caused by poverty, economic problems of which youth unemployment and land scarcity are said to have helped create a climate in which 'ethnic identity' and hatred prevailed. It is in the 1959 civil strife that over 200,000 Tutsi were killed as 300, 000 others fled to neighboring countries, while their property and animals were looted by the youth militias who were the implementers of direct violence. Violent conflict undermines human security in both dimensions and it reinforces poverty and devastates ordinary lives.

The structural approach, taken as a whole, presents a broader range of underlying factors which may be the cause of a break out in internal conflict. Economic and social factors are obviously determinant factors of conflict, but others, such as political and institutional factors such as state structure, discriminatory political institutions, inter-group politics, elite politics, refugees problems, are also important.⁴⁰

⁴⁰ S. Utterwulghe. The Online Journal of Peace and Conflict Resolution. *Rwanda's Protracted Social Conflict: Considering the Subjective Perspective in Conflict Strategies*, 1999, p.2

Pre-colonial Rwandan Society

Pre-colonial Rwanda remained largely a mystery, for its history was recalled only in poems and in myths.⁴¹

Burton, in his article, *Conflict Resolution: Towards Problem Solving* argues that 'from earliest times human societies, like those which preceded them, have been subject to rule by the relatively strong. In contemporary legal terms there have been those who have a right to rule, and others who have an obligation to obey. Feudal societies, then industrial societies, had structures that reflected these 'we-they' relationships based on relative power.'⁴²

Since history can matter greatly to a country's sense of itself, it is worth reflecting at Rwanda in pre-colonial days. The process leading to the formation of the Kingdom of Rwanda began slowly during the late decades of the 15th century and acquired their essential characteristics between the seventeenth and nineteenth centuries.⁴³ Kamukama argues that in the pre-colonial period, the Tutsis played the role of the lords over the Hutu and Twa, who served as their serfs. This assertion lacks details of the simple relationship that existed in Rwandan subgroups in pre-colonial era, which were mainly organised according to classes of cattle ownership, cultivators, and hunter gathers representing Tutsi, Hutu and Twa respectively.

The first explorers immediately noticed how in Rwanda the population divided into three groups the Hutu, the Tutsi, and the Twa. Melvern, asserts that these groups were not

⁴¹ L. Melvern. *A People Betrayed: The Role of the West in Rwanda's Genocide*. Zed Books, London, 2000, p.1

⁴² J. Burton, *Conflict: Resolution and Provention*, St Martins Press, (London: Macmillan, 1990)

⁴³ D. Kamukama. *Rwanda Conflict: Its Roots and Regional Implications*. Fountain Publishers Ltd, Kampala, 1997

tribes, for the people shared the same religion, told the same ancestral stories, and spoke the same language, Kinyarwanda.⁴⁴

Rwanda in the Colonial Era

European involvement in Rwanda began exactly a hundred years before the genocide in 1994.⁴⁵ The coming of the colonialists, who identified themselves with particular groups (Tutsi), was eventually to lead to the development of deeper mistrust between the groups, and thus cause conflicts.⁴⁶

During the period from 1895-1916, Rwanda was a German colony and amidst the World War II, Germany was forced to retreat from its East African territories and was replaced in Rwanda and Burundi by Belgium as from 1916 for the next 45 years, the Belgians controlled the destinies of Rwanda, Burundi and the Congo.

Through the classic system of indirect rule, a mere handful of Europeans were able to run Rwanda in whatever manner they deemed most beneficial to serve their imperial interests. The colonizer and the local elite also shared an interest in endorsing the pernicious, racist notions about the Tutsi and the Hutu that had been concocted by missionaries, explorers, and early anthropologists in that period.⁴⁷ Much of the elaborate Hamitic ideology was simply invented by the Catholic White Fathers, missionaries who wrote what later became the established version of Rwandan history to conform to their essentially racist views. Because they controlled all schooling in the colony, the White

⁴⁴ L. Melvern. Op cit

⁴⁵ Ibid

⁴⁶ D. Kamukama. Rwanda Conflict: Its Roots and Regional Implications, Op cit,p.20

⁴⁷ G. Caplan. 'Rwanda. *The Preventable Genocide: The roots of the crisis to 1959*', Wikipedia, the Free Encyclopaedia., May 21, 2006

fathers were able, with the full endorsement of Belgians, to indoctrinate generations of school children, both Hutu and Tutsi, with the pernicious Hamitic notions thus absorbing lessons of ethnic cleavage and racial ranking.

Melvern, argues that in 1933, the Belgian Administrators organised a census and teams of Belgian bureaucrats classified the whole population as either Hutu or Tutsi or Twa.⁴⁸ They introduced Identity card System based on the divisions created for their political interests, and this card system determines one's access to employment and one with whom another person is expected to marry.⁴⁹

She further stresses that in education, the divisions in society became more pronounced, such that when a school was opened, the *Groupe Scolaire*, in *Astrida*, to give administrative training, it was mainly for the Tutsi elite, producing agronomists, doctors, and vets, and between 1945 and 1954 out of 447 students only 16 were Hutu, as Hutu women were not allowed an education at all.

Post-Independence (The First Republic 1959-1979)

The 1994 genocide was by no means the first time that the then government of Rwanda attempted to annihilate sections of the population they believed were opposed to their politics. Throughout the 1960s, the government of Rwanda launched vicious attacks on Rwanda's Tutsi population, resulting in a mass exodus into neighbouring Burundi, Tanzania, Uganda, Kenya and Congo. For the first time in Rwanda's six century long history, a large portion of the people of Rwanda became stateless, and were denied the

⁴⁸ L.Melvern. *A People Betrayed*, Op cit, p.10

⁴⁹ D. Kamukama, *Rwanda Conflict*, Op cit,p.7

right to live in their motherland, as the Rwandan leadership preached a message of division, hate, and violence to the population, resulting in repeated cycles of genocide.

The Belgian shift of support from Tutsi to Hutu was due to 'Tutsi communist tendencies' that frightened. Lemarchand highlights that the Belgian special resident 'acted with the unshakable conviction that he was liberating the Hutu peasantry from the oppression of both feudalism and communism.'⁵⁰ Kamukama stresses that colonialism therefore worked as a catalyst in heightening the differences between the groups in Rwanda.

The first violence occurred in late 1959, under the country's first president Kayibanda and head of *PARMEHUTU*. This was the period that informed the genesis of the violence in Rwanda and its consequences in the period 1959-1973, when Rwanda under President G Kayibanda, witnessed a period of both structural and direct violence against Tutsi, who had been the ruling class by association with the monarchy, killing scores of them, while others fled to neighbouring countries. Some Hutus who opposed the regime were killed, while many others fled into exile. The remaining Tutsi were deliberately and effectively banned from the upper reaches of the government and the military and during Kayibanda's rule structures known as Committees for Public Salvation which were organized to make sure that ethnic quotas were being honoured in schools 9 percent, at the country's one university, within the civil service, and even in private business. The post-colonial regimes fanned sectarian conflicts in Rwanda, using them as escape routes from more pressing political challenges.⁵¹

⁵⁰ Rwanda Conflict. Its Roots and Regional Implications. Op cit.p.25

⁵¹ Ibid

The Second Republic 1973-1994

In Habyarimana's regime that took over power in a military coup d'état, officers were strictly discouraged from marrying Tutsi women, and in the same government only one Tutsi held a seat in a cabinet of 25-30 ministers; one Tutsi officer in the whole army, and two Tutsi sat in a parliament of 70 members.⁵²

The regime insisted on the ritualistic reiteration of the ideology of *Rubanda, Nyamwinsh*, literally meaning the 'majority democracy', equating demographic with democratic rule, and the Tutsi were practically marginalised.⁵³ The quota policy that existed under president Kayibanda was retained. The same was true in the civil service, as the army was the tightest and its members were prohibited by regulations from marrying Tutsi women. Prunier argues that life was difficult for the Tutsi who were victims of institutional discrimination, but in every day life it was quite tolerable.⁵⁴

Habyarimana after seizing power in 1973, he outlawed political parties and in 1974 he created his own, the *Mouvement Revolutionnaire National Pour le Developpement(MRND)*.

Structures that generated conflict in Rwanda

In *Conflict: Theory, processes and Institutions of Management*, Mwagiru argues that structural violence and structural conflict are all about structures that generate or cause conflict in society, and that they include economic, social and psychological, religious and legal structures. The author emphasizes that the essence of these structures in the context of structural violence and conflict is that they must be the result of relations

⁵² G. Caplan, *Op. cit*, p.2-3

⁵³ G. Prunier. *The Rwanda Crisis. Op cit*, p.75

⁵⁴ *Ibid*, p.76

between groups in society, and the effect of these structures is to create inequalities in various categories and sectors, including health, education, income, life expectancy, employment and the like.⁵⁵ Inequalities embedded in structures were deliberately planned and executed in form of education quotas institutionalized in school enrollment such as the 15 percent enrollment for the Tutsi while little or no employment opportunities existed for them in government departments and state corporations.

The institutional frameworks that we develop for ourselves, therefore, is critical to whether or not we will develop sustainable peace and harmonious relationship within the Rwandan society which suffered from the blunt of bad leadership that was inherited from colonial administration and fuelled by post-independence regimes until its culmination into the horrendous acts of 1994!

However, it is also believed that colonial powers, in their search for political control, economic exploitation, and cultural domination, strengthened and further polarised group differences, creating real feelings of victimhood, and eventually strong ideologies. Horowitz has shown that there is a direct link between colonial evaluations of imputed group character, the distribution of group worth, and the readiness for a group to initiate ethnic violence or to use the political system to change the situation. This occurrence of violence was much common in Rwanda having commenced in 1959.⁵⁶

The major cause of conflict is the denial or deprivation of basic human needs, objective or subjective, which individuals and groups are ready to fight to fulfill.

⁵⁵ M. Mwangi. *Conflict in Africa. Op.cit*, 32

⁵⁶ J. Lind and K. Sturman (eds.). *Scarcity and Surfeit: The Ecology of Africa's Conflicts*, Institute for Security Studies, South Africa, 2002

Structural and psychological factors interact in the triggering of violent conflict. Structural factors of conflict are often proximate causes that set off violent conflict in a predisposed psychological context that will influence the duration and intensity of such conflict. To understand the Rwandan tragedy, efforts must be undertaken, not only to examine its immediate causes but also its remote ones.

Lemarchand reiterated that, the theory of 'ancient hatreds' that many ethnic groups bear against each other is often put forward to explain contemporary ethnic conflict. Some scholars depict pre-colonial Rwanda as being almost idyllic. How it could be different, it was argued, given the fact that Hutu and Tutsi have lived peacefully side by side for centuries, sharing the same Bantu language, culture, and often the same lifestyle. Hence, it is singularly inappropriate to describe Hutu and Tutsi as being ethnically different from each other. This view attributes the creation of the ethnic categories of Hutu and Tutsi and ethnic consciousness to colonialism. It is therefore recognized that, ethnic consciousness is a false, artificially imposed consciousness, among Rwandans.⁵⁷

The Belgian officials, when undertaking a census in 1936, used ownership of cattle to determine whether individuals were in one group or another. If a person had ten (10) heads of cattle, he qualified as Tutsi and less than ten (10) a Hutu. The labels then entered popular discourse, helped by the fact that the Belgians issued identity cards to every one placing them in one camp or the other as either Hutu or Tutsi.⁵⁸

Michael Banton nevertheless stated that, although the traditional social structure (patron-client) contained a great many sources of conflict, in practice few if any conflicts

⁵⁷ F. Reyntjens, *L' Africa des Grands lacs en Crise* (Paris, Ed. Karhala, 1994), p.11

⁵⁸ W. Tordoff, *Government and Politics in Africa*, (4th ed.), p.85

followed ethnic lines. Thus, quite obviously, even if Rwanda was not a land of peace and bucolic harmony before the arrival of the Europeans, there is no trace in its pre-colonial history of systematic violence between Tutsi and Hutu as such.⁵⁹

In order, to understand the root causes of this conflict, it appears that focus should be placed not on the ancient past, but on recent history. The role of colonialism in the strengthening and polarizing of group differences was emphasized and it is necessary, to understand the relations of the respective groups to the colonial power and to each other, to appreciate their future impact on ethnic conflict. The Belgians, after the First World War, continued the German policy of indirect administration, partly because it was cheaper, but were destroying the legitimacy of the rule of traditional authorities among the population and were re-stratifying Rwandan society.⁶⁰

To implement this policy, they had to rely on one supposedly superior group, the Tutsi. The re-stratification was indeed rationalised and legitimised by an imaginary distinction between a superior race of immigrant Hamites and the so called 'primitive indigenous Negroes. The Hamitic hypothesis, although long-since discredited, held the Tutsi to be more civilized, physically closer to the Europeans, and therefore deserving of greater power, privilege, and status than the Hutu within the pseudo-racial hierarchy created by colonial policy. This classification by the Belgians apparently created resentment between the Hutu and Tutsi which continued to widen rather than narrowing for selfish benefits by the post independence regimes at the whim of power.

⁵⁹ G. Prunier, *The Rwanda Crisis: History of a Genocide*, London: Hurst and Company, p.39

⁶⁰ D. Kamukama, *Rwanda Conflict: Its Roots and Regional Implications*, (Kampala: Fountain Publishers), pp.20-22. and R. Lemarchand, *Rwanda and Burundi*. (London: Pall Mall Press, 1970), p.73

The Tutsi supremacy was thus preserved, and indeed strengthened, under colonial rule. This was achieved in several ways: by facilitating the territorial expansion of Tutsi political hegemony; by a rigorous control over all educational opportunities; and by the attribution of high posts in the administration and the coercive machinery.

The result of this has been the monopolization of power in the hands of the Tutsi which has proved a crucial element in the accentuation of class consciousness and the structuration of ethnic cleavage. The sharp coincidence of ethnicity and class became no longer irrefutable. Furthermore, since the Tutsi functionaries bore the greatest responsibility of the oppressive colonial policies, "their ruthless suppression of any resistance in the maintenance of law and order watered seeds of animosity among the comprador class and the ruled."⁶¹

By reinforcing, structuring, and exacerbating ethnic identities, colonialism had also planted the seeds of two radically different and incompatible nationalist myths. The first myth derives from a primordialist interpretation of ethnic identities. In this case, identities are objective cultural differences between groups. Some Hutu politicians use (and abuse) the primordialist argument to point to irreconcilable historical antagonisms between the Hutu and the 'Hamitic invaders'.⁶²

The second myth derives from a constructivist or instrumentalist view. In this case, ethnic identity is thought to be a social construction that can be easily manipulated. As Benedict Anderson noted, Communities are imagined and for a number of Tutsi, the Hutu-Tutsi antagonism has been created by the colonial state.

⁶¹ D. Kamukama, *Ibid*, p.22

⁶² G. Prunier, *The Rwanda Crisis, Op.cit.*, p.39

Thus, colonialism and anthropologists of that period bear a great deal of responsibility for the process of deconstruction and ideological reconstruction of Rwanda in the past while the Tutsi, whose supremacy was reinforced, further believed they were born to dominate and lead others. The Hutu, on the contrary, felt more repressed, humiliated, and more inferior than ever before. The Hutu, deprived of all political power and materially exploited by both the whites and the Tutsi, were told by everyone that they were inferiors who deserved their fate and who came to believe it.⁶³

To counter this stance, the political demands were formulated in ethnic terms. The main Hutu political document, the *Bahutu Manifesto of 1959*, while claiming the right for emancipation and affirming the humiliation of the Hutu and their socio-economic inferiority, expressed its whole argument using 'racial' terms and stereotypes. In 1959, the situation culminated with the *Hutu social revolution* which was, according to Lemarchand, primarily, though not exclusively, an ethnic phenomenon. It was indeed a social and anti-monarchical revolution, but it turned anti-Tutsi as the tension and violence were increasingly directed against the wider Tutsi population.⁶⁴ After independence in 1962, new myths emerged, but did not destroy the old ones. This simply proves that the myths created in colonial times had not merely accompanied the revolution, but were also powerful and well entrenched in group consciousness, and thus serve to shape the beliefs and behaviour of people in the future.

⁶³ *Op.cit.*,

⁶⁴ R. Lemarchand. *Op.cit.*, (London: Pall Mall Press 1970)

Causes of Structural Conflict in Rwanda

Although one would suggest that the causes of the Rwanda violence were mainly structural or material, the main argument in this study is that Rwanda's violent conflict was the result of two sets of factors: structural and material.

There is no doubt that Rwanda's socio-economic problems somehow lay at the heart of the increasing group tensions. Rwanda is one of the poorest countries in the world, with a demographic growth of 3.2 percent, and has the highest population density in Africa. As the majority of local people live in rural areas, land pressure and landlessness are acute problems.⁶⁵

The problems for some of the elements of the regime were the following: they were facing a growing unsatisfied population deprived of some of its basic human needs due to the deteriorating socio-economic situation, the possibility of new domination by the Tutsi (RPF), and the impending consequences of a multiparty democracy as pressure mounted from international community and in particular from the western countries across the continent after the end of the cold war in 1989. As the political entrepreneurs were incapable of addressing the economic situation, extremist elements used it to sort out the two other problems. It is evident that some political entrepreneurs and ethnic activists took advantage of a situation of anxiety and frustration among the people in order to fulfill their political aims. As such, political factors were the major proximate cause of violence in Rwanda in the 1990s, the catalytic elements that triggered the killings.

⁶⁵ J-P. Platteau and C. Andre, *Land Relations Under unbearable Stress; Rwanda Caught in the Malthusian Trap* (CRED, University of Namur, Belgium, February 1996), pp.1-39

Stephen Van Evera indicated that regimes that face overwhelming tasks such as, economic or social collapse, will be tempted to use myths to divert popular impatience with their inability to improve conditions. The conditions in Rwanda - increasing poverty, fear of domination and threat of war accentuated the receptivity of mythmaking by the people. The Hutu were more amenable to believe that 'others' were responsible for their pain. In this respect, the economic situation played the role of what Rothschild called internal magnifier of enemy idea. The Hutu propaganda was obviously also responsible for scapegoat and de-humanizing the Tutsi. The threat of war combined with fear of domination, also played an important role in further dehumanizing the 'evil other,' the RPF, and the whole Tutsi population.⁶⁶

The prevalence of such an anti-Tutsi atmosphere was indubitably inflamed by extremist propaganda, and a burdensome structural socio-economic situation. These internal mental interpretations are the result of early social experiences (pre-colonial and colonial) reinforced through culturally sanctioned messages and experiences, as well as through recent objective situations (socio-economic problems, threat of war).⁶⁷

While some attribute conflict to structural phenomena others say they are inevitable and ingrained in human primordial behavior. Still others see conflict as manufactured by specific individuals who seek power and control like in the case of leadership in post-independent Rwanda.⁶⁸

⁶⁶ S. V. Evera. *Hypotheses on Nationalism and War in International Security* (vol.18,no.4), 1994

⁶⁷ D. Lake and D. Rothschild, "Containing fear: The origins and Management of Ethnic Conflict," *Op.cit.*, pp.xi,40

⁶⁸ Louis Kriesberg. *Introduction to Conflict Management-Causes of Conflict*.http://www.sais-thu.edu/cmtoolkit/approaches/causes_of_conflict

It is important to distinguish between root causes and triggers. While root causes refer to the underlying fundamental incompatibilities of a conflict, triggers constitute more proximate events or factors that cause a conflict to escalate. Ethnic and identity affiliations are often blamed for instigating violence and prolonging the duration of a conflict. However, they cannot solely explain the advent of conflict and instead, they often act as triggers. The state either becomes so weak that it loses legitimacy with its people, or its operations are biased in favor of one particular group like the case for Kayibanda until he was deposed in a bloodless military coup in 1973.

According to Steve Utterwulghe, in the *Online Journal of Peace and Conflict Resolution*, Structural causes of conflict in Rwanda are poverty, overpopulation, land pressure as well as psycho-cultural (related to identity, false consciousness, irrational myths, mistrust and fear). He further argues that this constitutes an interesting challenge in the sense that this approach runs counter to the common thinking that tends to assert that the causal factors for the outburst of violence in Rwanda was primarily if not exclusively, structural and material.⁶⁹

The Belgians in a series of administrative measures between 1916 and 1936, they institutionalised the cleavage between the two communities, culminating in identity cards that were issued to every Rwandan, declaring each to be either Hutu or Tutsi. This card system was maintained for over 60 years.

During Kayibanda's regime, the Tutsi were effectively banned from the upper reaches of the government and the military. In the public sector, jobs were made available

⁶⁹ S.Utterwulghe. *Op.cit*, p.2

to 'ethnic' groups in proportion to their numbers of 85 percent; 15 percent; and 1 percent for the Hutu, Tutsi and Twa respectively. The 'ethnic identity cards' introduced in 1936, 30 years earlier by the Belgians were retained, and these governed virtually all public and commercial relationships. In other words the identification system formed the basis for a strict quota system which, in turn determined such key matters as school enrolments and civil service hiring.⁷⁰

Kayibanda established Committees of Public Salvation to make sure that ethnic quotas were being honoured in schools, at the country's one university (Butare National University of Rwanda), within the civil service, and even in private businesses. At the same time a wave of anti-Tutsi pogroms erupted, some of them in the country side involving the local peasantry, the general atmosphere of intimidation and terror led to exodus of thousands of Tutsi from their homeland to neighbouring countries.

Economic destabilization in Rwanda after 1985

According to the World Bank Report of 2003, recent research has demonstrated that development patterns that exacerbate inequalities or promote economic dependence, increase or deepen poverty or undermine social cohesion may themselves contribute to the livelihood of conflict or the recurrence of conflict.⁷¹

'Abasangira bike bitana ibisambo' (when translated in English, it means those who have almost nothing to eat call each other greedy), as stated by C. Murigande, the Minister of Foreign Affairs, Republic of Rwanda at a Summit on, Unity and Reconciliation on 18-20th October, in Kigali.

⁷⁰ G. Prunier, *Op.cit.*, p.45

⁷¹ The World Bank. '*Reshaping the Future: Relationship between Conflict and Poverty*', 2005,p.2

Poverty increases social stress and economic crisis increase instability and these conditions make people more susceptible to the demagogic messages of hate-mongers. In Rwanda, a poor people became poorer in the late 1980s, with enormous consequences that inadvertently played into the hands of ethnic manipulators. Dependence on commodity markets controlled by powerful interests in rich countries took its toll in these years, when coffee, tea, and tin prices plummeted, particularly following a fateful meeting of producers in mid-1989, when coffee prices dropped by 50 percent.⁷²

Subsequent food shortages and lack of opportunities for paid employment may have excited local ethnic animosities and prompted local acts of violence. 'Ethnicity' became above all a vehicle of expression for a brutal political struggle, in which 'ethnicity' was manipulated by a small clique who sought to avoid losing control of the state.⁷³

The State policies served only to worsen the situation. The overwhelmingly agricultural population where so many farmers were producing cash crops introduced by Belgians to serve their interest could no longer feed themselves and it was clear to all that the drought was not solely responsible for the famine, but that political and economic policies were equally to blame.

Post Cold War pressure on the Rwanda government on Multiparty Democracy

There was increasing demands for political reforms and greater democratisation, and the shape that democracy might take was discussed openly in the newspapers, pamphlets and other publications.

⁷² G. Caplan: *The Preventable Genocide, 2000*. "The Report of the International Panel of Eminent Personalities appointed by the Organization of African unity to Investigate the 1994 Genocide in Rwanda".

⁷³ W. Tordoff. *Government and Politics in Africa*. (4th ed), Palgrave Macmillan, 2002, p.85

New organisations promoting human rights also emerged and in April 1992, four opposition parties were included in the government along side ministers from the National Republican Movement for Development (MRND). There was general mass unemployment that affected most the youth.⁷⁴

As in every age and every part of the globe, such ruthless young men turn into big trouble looking for the right opportunity and the political parties such as MRND, MDR, PSD, CDR, which, had just been formed were made to order recruits for possible violence. Lacking all conviction, these are the young men who become mercenaries and paid killers for whichever side grabs them first. The new political parties rushed to take advantage of this convenient pool of idle, bored males for their militia youth wings.

The military dictatorship frustrated the ambitions of many within the Rwandan elite. Pressure for democratisation from both within and outside the country forced Habyarimana to accept multiparty politics. The new political party formations created new sources of intra-elite tensions, while the small clique of north-western Hutu who dominated the organs of state grew increasingly anxious about loosing their control and dominance in the state and its institutions.

As Habyarimana years rolled on, complacency, arrogance, wide spread corruption, and distance from the people inexorably heightened. In the words of one Bishop Andrew Sibomana, a Catholic priest and perhaps the ruling clique's most courageous and effective foe, said, 'we had evidence that he and his wife were diverting funds allocated to buying food for the population to import luxury items instead for example televisions, which were sold at vastly inflated prices'.⁷⁵

⁷⁴ *Ibid*, pp.84-5

⁷⁵ G. Caplan, *Op.cit.*, p.2

The economic collapse significantly reduced the available spoils of power, the clique in the regime decided its only option was to reduce the number of its competitors.

The most significant consequences of the so called democratisation movement were profoundly unintended: the movement ended up inciting malevolent forces or youth militias within society while alienating even further the majority of the population. The sequence of the horrendous events was the determination of certain elements in the Rwandan army (*Ex -Government Forces*), especially the presidential guard and unscrupulous politicians to retain their power and privileged positions by eliminating internal opposition to the regime of Habyarimana.⁷⁶

This instigated violence set in motion and cascaded into ruinous civil strife where the regimes targeted the Tutsi and moderate Hutu, thus their property also was regularly looted by the executors of violence and in particular the Bagogwe people in Gisenyi Commune were seriously affected and suffered the worst casualties in loss of lives and property.

One avenue of response to structural violence in Rwanda was informed by the objectivists' view, championed by Adam Curle, in "*Making Peace*," who suggested that changing the structure that is responsible for the conflict is achieved through overthrowing the structures responsible. In response to Curle's objectivist view, on 1st October 1990, Rwandan Patriotic Front launched a liberation struggle.⁷⁷

⁷⁶ W. Tordoff, *Op .cit*, 84-5

⁷⁷ A. Curle. '*Making Peace*', Tavistock Publications, London, 1971

were suspected of involvement in the genocide, Geraldine Umugwaneza, former Rwandan Supreme Court council to Gacaca Courts.⁸⁰

Conflict management in this study refers to 'any management process by which parties to the conflict are encouraged to come together and do something to their conflict.'⁸¹

The world of today needs leaders and institutions that unite and reconcile people; that create and enforce laws and regulations; embrace diversity, seek to improve the livelihood of all citizens without discrimination; that progressively work towards shared prosperity and sustainable peace.' President Kagame.⁸²

For societies emerging out of conflict, the collapse of institutions is often one of the most visible legacies and rebuilding these institutions, particularly those relating to justice, law and order, is key to stability in any recovery process.

Burns asserts that, it takes bold leadership to address the causes of intractable conflicts in a meaningful way, to reduce enmity and pave the way toward more constructive relationships.⁸³

In Burton's *Conflict: Resolution and Provention*, emphasis is on problem – solving approach to conflict resolution, and the need for conflict prevention (provention). Burton uses the invented term 'provention' to avoid the negative connotations of containment associated with the term 'prevention.' Provention involves longer-term policies and more systemic change than conflict resolution.⁸⁴

⁸⁰ Interview held with Geraldine Umugwaneza, 19 September 2007

⁸¹ M. Mwangi. *Conflict in Africa: Theory, Processes and Institutions of Management*. Op cit, p.43

⁸² U. Shankar. *Op. cit*, p.111

⁸³ J. McGregor Burns. *Transforming leadership*. New York: Atlantic Monthly Books, 1978.p.25

⁸⁴ J. Burton. *Conflict: Resolution and Provention*, (New York, NY: St. Martins Press Inc., 1990), p.32

Chapter Three

Conflict Management Initiatives in Rwanda

Introduction

In Rwanda, a huge legal experiment is underway, it is called Gacaca. Since 1994 the government has struggled to administer justice to hundreds of thousands of genocide suspects. A United Nations International Court and Tribunal for Rwanda, was set up in Tanzania try high level suspects. The regular Rwandan courts began processing the rest. But they were soon overwhelmed. So the government adapted a traditional form of dispute resolution into a grassroots apparatus for trying genocide cases.⁷⁸

After the horrendous acts of 1994, the government of national unity's priority was the issue of domestic cohesion through good governance. Domestic cohesion is here defined as the dynamic process through which the "we" feeling develops and grows on the basis of which self-preservation of the state and the community is maintained.⁷⁹

Domestic cohesion is the inevitable basis for the consensus – formulation process and nation integration. Cohesion takes place on the basis of the legitimacy of the government and its ability to create conducive conditions to cohesion. Rwanda over the years has had the experience of all kinds of societal divisions that led to killings, refugees, oppression, frustration, and humiliation of one community of the Rwandan society.

Because of the large numbers of suspects, even the most efficient justice system in the world would have taken no less than 200 years to deliver justice to all those who

⁷⁸ Sharp, J. Penal Reform International: Rwanda's Gacaca Courts: Interview held with the executive Secretary of National Services of Gacaca Courts, February, 14, 2007.

⁷⁹ R. Rosecrane. *Action and Reaction in World Politics*, (Boston; Little, Brown and Company, 1963), p.74

were suspected of involvement in the genocide, Geraldine Umugwaneza, former Rwandan Supreme Court council to Gacaca Courts.⁸⁰

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⁸⁰ Interview held with Geraldine Umugwaneza, 19 September 2007

⁸¹ M. Mwagiru. *Conflict in Africa: Theory, Processes and Institutions of Management*. Op cit, p.43

⁸² U. Shankar. *Op. cit*, p.111

⁸³ J. McGregor Burns. *Transforming leadership*. New York: Atlantic Monthly Books, 1978,p.25

⁸⁴ J. Burton. *Conflict: Resolution and Provention*, (New York, NY: St. Martins Press Inc., 1990), p.32

Gacaca Courts as a Conflict Management initiative in Rwanda

Gacaca is by definition, traditional councils and tribunals made of elders to resolve conflict and administrate justice. Gacaca literally means 'a resting and relaxing green lawn in the Rwandan homestead' where family members or neighbours met to exchange views affecting them. Traditional conflict mediation in Rwanda occurred according to what level in the social strata the conflict emerged. When between individuals within the same family, then the head of the family or lineage would be the arbitrator. On the other hand when the individuals came from different clans, the conflict would be perceived as inter-clan conflicts would be resolved through the intervention of a third party, who would be from another clan. Gacaca courts were introduced in 1999 as a way of dealing with the hundreds of thousands of Rwandans accused of involvement in the 1994 genocide. Panel Reform International provides the following description of how they function

Together, we must act against the divisive and discriminatory practices that plunged our country into an abyss.⁸⁵

As a process that requires the members of Rwandan society to communicate with the state and with one another about the sensitive subject of the genocide, Gacaca serves as the only forum in Rwanda in which current political tensions can be expressed relatively openly and therefore dealt with constructively.⁸⁶ The concept of the Gacaca justice system has come as one of the most enduring in Rwanda in conflict management

⁸⁵ National Unity and Reconciliation Commission. F. Ndingiza, Executive Secretary 's Foreword on Opinion Survey on Participation In Gacaca and National Reconciliation, January 2003

⁸⁶ Wierzynska, A. Consolidating Democracy Through Transitional Justice: Rwanda's Gacaca Courts, 2004. p.1939

through restorative justice, drawing from its values unity and cohesion since pre-colonial times.

The main principle of Gacaca courts is to bring together all of the protagonists at the actual location of the crime where survivors, witnesses and presumed perpetrators converge. All of them should participate in a debate on what happened in order to establish the truth, draw up a list of victims and identify the guilty. The debates will be chaired by non-professional 'judges', then *inyangamugayo*, elected from among the men of integrity of the community, who will have to decide on the sentence for those found guilty. The Rwandan government has embarked on an experiment in mass justice: the Gacaca courts. The new courts are inspired by traditional dispute resolution mechanisms. The setting is less formal than criminal courts and promotes confessions from perpetrators and forgiveness from survivors. The Gacaca courts hold out much promise of reconciling a deeply divided society, but redressing the needs of victims must become a priority.⁸⁷

This arrangement of conflict mediation and resolution ensured a cohesive society based on the clan system, which was pluralistic but complementary of each other and therefore socially all-inclusive.

Gacaca like most traditional African justice systems is collectivist, where the individual has no rights or duties other than within his or her group. The individual and the group are mutually complementary. This collective aspect was an indispensable medium in which individuals lived out their relations with each other, and with the wider society. Gacaca Courts were set up throughout the country with four levels of

⁸⁷ C. Kirkby, *Rwanda's Gacaca Courts: A Preliminary Critique*. Journal of African Law, Cambridge University Press, 2006

jurisdiction: starting from the lowest political and administrative level of the cellule to those of the sector, district and the highest, provincial levels.⁸⁸

It was thus imperative that one had to clear his name in order to exonerate all the others related to him in the social structure. And the place to clear one's name was in the Gacaca following the relevant legal channels. It is this ideal that is today replicated in reconciliation and conflict management in the wake of the 1994 Rwandan genocide that wrought the artificial division in a historical process the country is trying to resolve in the Gacaca process. Gacaca Courts are community based, and the judges are elected by the local community.⁸⁹ The operation of Gacaca is community – driven and participatory, with the accused standing trial before a group of judges selected by the community. The accused stood before the judges and the community as the victims detailed the acts of the accused. The testimony is used to assign the accused to one of the three categories, as sighted in Annex C. Further more, the Gacaca Courts facilitated an expedited process that brought more than one hundred thousand accused, waiting in jail, to trial as sighted in Annex B. A survey conducted by the National Services of Gacaca Courts, of 751 Gacaca Courts found that from 2002 to 2004, 68, 447 cases had been put on lists by Gacaca jurisdictions; of those cases, 38, 896 had files that had been concluded, and, even more positive, 2,883 confessions had been delivered as highlighted in Annex G.⁹⁰ In both its ability to increase the number of accused tried and to bring quick justice to a nation in desperate need of healing, compared to classical courts, Gacaca has made tremendous

⁸⁸ I. Gaparayi. Justice and Social Reconstruction in the aftermath of Genocide in Rwanda: An Evaluation of the possible role of the Gacaca tribunals. African Policy Journal, Vol.3, 2007, p.7

⁸⁹ Soerensen, M. J. Essay : 'Truth, Justice and Security in Rwanda – Gacaca Courts as a Post – Genocide Reconciliation Effort,' July 15, 2007, pp, 6-8.

⁹⁰ Umugwaneza, 2007, Interview.

achievements towards the country's efforts to foster national reconciliation as highlighted in Annex B.

The Gacaca Courts have begun to unite and establish reconciliation among the Rwandan people.⁹¹ More important than the actual punishment of the accused is the restoration of peace to a nation that has suffered some of the most appalling violence of the modern era.

As pointed out in Chapter Two, the divisive nature of the Rwandan society lies in the Rwandan colonial history with a racial ideology that enabled the construction of 'ethnic' identities among an otherwise one people, and the entrenchment in the social psyche of this ideology through such as the Roman Catholic Church, Hutu populist political parties (ie *Parti du Mouvement pour l' Emancipation des Hutu -PARMEHUTU*, and *Coalition pour la Defence de la Republic -CDR* and misguided governments of the First and Second Republics that institutionalised the division through the quota system, Identity Cards and civil service. This entrenchment lasted about a hundred years (1894-1994) leading up until the Rwandan genocide in 1994.

Gacaca has components of both criminal and restorative justice. In restorative justice, the focus is not so much on punishment, but on restoring the relationship between the parties to a conflict. Community service instead of prison is one way of restoring the wrongs and reintegrates the convicted into society.⁹² Community service as sighted in column seven (7) of Annex B, was probably introduced to save money, but it is much more future oriented than prison sentences, and makes it possible for the survivors to see the perpetrators restore some of what they destroyed. In this connection, Gacaca Courts

⁹¹ Ibid

⁹² PRI, Interim Report on Research on Gacaca Jurisdiction and its Preparations, 2001. p. 38

as problem-solving techniques are closely related to the antecedents of basic human needs theorist Burton earlier raised as a conflict prevention strategy and not merely a conflict prevention since the former aims at a long term and not a temporally solution of settlement associated with the latter.

The Gacaca Courts established by the government were put in place to serve two official purposes: justice and reconciliation. Most pressing, the Gacaca courts supplement the national courts in their mission to try genocide crimes retributively. Second, the community involvement element, which ensures the existence of a forum for community members to voice their concerns and make known their suffering endeavours to imbue this retributive mechanisms with the spirit of social rehabilitation and reconciliation.⁹³

Fundamentally, the experience of peaceful management of opposing interests should generate a public preference against violent resolution of schisms. It is this new preference for peace, coupled with practices of both contestation and participation that may emerge as a unifying force within Rwanda, thus creating a national community. The interdependence among contesting common – interest groups may effectively achieve the minimal national unity necessary for Rwandan society to coalesce into a democracy.⁹⁴

There are three main activities in the Gacaca's overall strategy. There are: Firstly, collection of information with a view to get to the truth, justice and reconciliation; Secondary, the categorizations of persons prosecuted for genocide and other crimes against humanity; and thirdly administer trials of cases under the competence of Gacaca judges.

⁹³ Sarkin. Gacaca Courts were adopted to ease burden of national courts. P. 29

⁹⁴ Warren, pp. 337-43

On information collection, interview was held between Dusingizimana Gratien, the Director of Legal Support Unit in the National Services of Gacaca Courts:

The Gacaca and Reconciliation opinion survey was conducted from 4th September to 20th 2007 with the interviews with officials, general population, prisoners and survivors. The Interviews were conducted randomly, but thematically covering victims, perpetrators and other citizen spectators.

The themes of the survey were aimed at measuring the population's opinion concerning truth, justice, reconciliation and social cohesion. Individuals were selected by simple random sampling methods including attending Gacaca sessions. One can now be able to probe the opinions of the Rwandan population by analyzing the interviewee's opinions. The unit of survey is the adult person who was in a position to respond, in privacy with the interviewer, to the questions. The survey was designed to gather individual's opinions about whether Gacaca process can lead to reconciliation and can encourage people to coexist in a community.⁹⁵

The following is an interview I conducted first with Mr. Gratien Dusingizimana, the Director of legal support unit at Gacaca Courts Headquarters.

Question: Mr Dusingizimana. How is Gacaca process conducted and what is its philosophy?

⁹⁵ Interview with Mr. Dusingizimana, the Director for Legal Support Unit in the Headquarters for the National Services of Gacaca Courts, Kigali, 4th September, 2007

Dusingizimana: Gacaca process main activities are: Collection of information, categorization of persons prosecuted; and trial of cases under their competence.

Information collected shows the role of every person accused of genocide. Gathering this information requires that every Rwandan tells the truth about what he or she did, knows and saw and avoid sentiments and suspicion. Most importantly, however, it requires that whoever participated in genocide takes this initiative to confess, plead guilty, repent and apologize.

Question: Mr. Dusingizimana. What are Gacaca achievements since its inception in 1999?

Dusingizimana: Those who repent and apologize have their sentences reduced to 6 years. The Gacaca Courts have tried 101,011 cases between 2002- 2007 compared to 6000 cases tried by classical Courts between 1996 -2002. I believe Gacaca Courts will be more efficient than existing judiciary institutions. I would like to inform you that, those cases Gacaca Courts sent to formal courts since 2004 are still pending trials. The same Courts want Gacaca trials to reinforce them, but donors have refused allegedly due to lack of competence by Gacaca judges!

Question: Mr Dusingizimana: How about compensations for both the victims and accused. The latter, claim unfair trials including having stayed in prisons more time than their due punishment?

Dusingizimana: The issue of compensation is a project written and is being handled by the lower Chamber of parliament for consideration. We are waiting for feedback.

Question: One of the missions of Gacaca Courts is to reconcile and enhance unity among Rwandans . How has this mission been achieved?

Dusingizimana: It discloses the truth about everything that happened during the genocide. It removes suspicion among Rwandans. It also dispels rumors and distrust, and establishes individual responsibility.

Bolocan, argues that a restorative justice system would view the Rwandan genocide as an extreme violation of the relationships between Rwandan citizens and would promote reintegration and reconciliation among the survivors while reducing the strain of having to try thousands of individual criminal cases.⁹⁶ Also, rather than simply punishing the criminal leadership, restorative justice theory works to reintegrate both perpetrators and victims into a unified society through processes of reconciliation.⁹⁷

The restorative potential of more traditional mechanisms was widely mentioned particularly in contrast to the formal (retributive) mechanisms, which were often referred to as 'divisive.' Numerous respondents argued that the informal mechanisms help to address wrongs committed, heal the communities affected by errant behaviour, and lead to closure on the matter, never to be brought up again. The extent to which such processes take place within the community was well recognised. In an interview with one

⁹⁶ Bolocan 2004, p. 362

⁹⁷ Rotberg, R. and Thopson, D. (eds): Truth and Justice: The Morality of Truth Commissions. 2000

school teacher, Bizuru Peter from Eastern Province at Rwamagana after attending a gacaca session on 5th September 2007 described the situation in this way:

If a man kills a wife when they have eight (8 children), the relative say, 'let the man stay instead of getting imprisoned and look after the children.'⁹⁸ see Annex A, on Interviews conducted during a survey on the population's opinion on the performance of classical courts compared to how Gacaca Courts hand down justice . Like wise, another lady Kayitesi Mary, in Musanze District, Northern Province described the contrast between the two processes, showing the extent to which there is room for negotiation within more informal structures as follows: She stresses that using elders is better because it is reconciliatory. She further argued that when issues go to law, there is hardly any room for forgiveness. It strains relationship... that is not good because conflicts here are mainly among people who live in the same environment. She concluded that actually they are permanent neighbours...In police or at court, you are asked whether you committed the crime or not, they never ask the whys of things. So long as you are found to have committed the crime, you are subjected to standard procedure whether you are sorry about it or not.⁹⁹

A number of respondents interviewed including prisoners, survivors of genocide and also bystanders, despite reservations on their integrity, still thought informal mechanisms have an important role, not least because the justice takes place within the 'family setting.'¹⁰⁰

⁹⁸ Interview with a Primary School teacher, Bizuru, P., Rwamagana town, 5 September 2007

⁹⁹ Interview with Kayitesi M., Musanze Province, 22 September, 2007

¹⁰⁰ Interview with Mugiraneza Emmanuel, a judicial official, Nyanza town, Southern Province, 9 September 2007

Another respondent went on to suggest that traditional leaders may have a role to play in settling civil suits without having to transfer them to courts, as long as they are given a minimum understanding of procedures to follow. He had this to say:

In the past, when elders said, 'don't do this', it was final. We have some people who in 1970 were elders and are still alive. We can find away to use them to indoctrinate others in order to increase the number of mediators to resolve disputes in our communities.¹⁰¹

On the question of who must be part of the Gacaca process, Bizimana Everest, a Church priest in Rwesero, Western province, urged that it be everyone. Within that he insisted that the traditional and religious authorities are crucial in carrying the process forward and should be kept involved at all stages. He suggested that in the end, the process is about forgiveness and establishment of moral values through the development of national consensus.¹⁰²

Dispelling impunity

If it is correct that a culture of impunity is a root cause of the genocide, then the courts have an important role to play, and this modern version of Gacaca can be seen as good, although far from perfect, invention to speed up the process of handing down justice to the perpetrators and free the people who are innocent.¹⁰³ The Gacaca Courts' purpose is more in keeping with the values of healing, closure, and justice than fairness or traditional concepts of the process. Thus Rwanda is willing to sacrifice certain elements

¹⁰¹ Interview with Local Government Official, Nyagatare trading centre, 10 September, 2007

¹⁰² E. Bizimana, Church Priest, Rwesero, Western Province, 15 September, 2007

¹⁰³ Drumbl, 'Punishment, Post genocide.' pp. 1253-1263

of criminal justice in order to address the horrendous events that involved overwhelming numbers of people, both as victims and perpetrators of the genocide and violence.

The collective ownership of the tragedy

There is the truth about colonial reconstruction of the Rwandan society that forced Rwandans into their self-denial as one people, their heritage and historical social institutions. These distortions of the truth form the bedrock of the colonial racist ideology that informed the Rwandan genocide. There need to understand these complexities of the truth, if any measure of reconciliation is to be achieved.

The second aspect of the truth is the reality of the genocide which is about the actors; victims, the perpetrators and bystanders. It is about who died and his or her profile so that in the process we restore honour and dignity to the victims who have been represented as mere statistics of over eight hundred thousands people killed in the 1994 genocide in Rwanda (800,000). The issues are about who died and who killed them?

When did they die, how, why were they killed? Where was he or she buried?

With the genocide encompassing different actors the bystanders, the victims and perpetrators, it is the admission of the truth of what happened and the role played by each that the reality of the genocide may begin to unravel. This should be seen as the primary task of the Gacaca process, as it is in the admission and ownership of the acts perpetuated that any perceived animosities may also begin to heal, no matter what the cost may be to the person coming out with the truth, this process ensures individual responsibility as summarised in the Annex C: Categorization of persons prosecuted in the country.

While the victims may feel aggrieved, the bystanders may feel the guilt of complicity for looking on while it happened.

The second step is in giving credence to the truth and the rightness of its dispensation, 'justice must not only be done, but must be seen to be done. The due process will establish the individual responsibility or culpability, Annex C so that we do not risk group or blanket condemnation as has historically been the practice in Rwanda where the Tutsi were and continue to be perceived as *inyenzi* (cockroaches), and the likelihood of the Hutu being condemned as *genocidaires*. The due process in this dispensation is important that the suspects must be viewed as innocent until proven guilty. Otherwise the process stands to be derailed for emotional reasons, such as revenge, or unsubstantiated claims, or even sheer incompetence for lack of adequate understanding of the spirit behind the Gacaca process. An example of inadequate understanding can be seen among scholars such as Mahmood Mamdani, when he trashes the Gacaca as dangerous and divisive in his book, *When Victims Become Killers – Colonialism, Nativism, and the Genocide in Rwanda*: the price of victor's justice is either a continuing civil war or a permanent divorce. Mamdani, like Mazrui is still stuck in the colonial construction of Rwanda as a dual society with 'centuries –old' hatred. These scholars are indeed unwitting victims of colonial scholarship, have little information of the pre-colonial system in Rwanda. Indeed as highlighted by L. Melvern, in *A People Betrayed: The Role of the West in Rwanda's Genocide*, that 'pre-colonial Rwanda remains largely a mystery, for its history was recalled only in poems and in myths.'¹⁰⁴

The third step is dispelling impunity. The fact of hunting down and killing your own mother, wife, cousin, or neighbour for being *inyenzi* (cockroaches, a name for Tutsi

¹⁰⁴ L. Melvern, Op cit,p.1

by the Habyarimana leadership, justifying the mass killing of Tutsi, as *Umuganda* or collective work, literally meaning chopping up men was 'bush clearing' and slaughtering women and children was 'pulling out the roots of the bad seeds'¹⁰⁵, during his tenure in office as president of Rwanda, dehumanized the perpetrator and the bystander who never raised a finger to what happened. The previous regimes had institutionalised the division and the massacres that went with it such as in the presidential decrees in the First and Second Republics that exonerated all implicated in acts of violence against the 'Tutsi'. Prunier, argues that in any case, violence was used by the power structure in Rwanda to try and stop any form of genuine democratisation, and it was not used only in the form of massacres. He contends that they also served to reinforce group solidarity through shared guilt, they projected an image of spontaneous popular hatred for the RPF/A.¹⁰⁶

The leadership challenge may be the large numbers of suspects of perpetrators of genocide, where the leadership may be tempted to compromise on justice by not having to go through the justice system, or by granting blanket amnesty, mistakenly re-instituting impunity.

The awareness of the country's leadership challenges ahead of Gacaca was expressed in the words of President Paul Kagame during his address in the commemoration of the Tenth Anniversary of the genocide in 2004, when he notes that Gacaca 'is designed to balance the needs of justice and those of reconciliation, so that through the process of catharsis, a healing process can be cemented through reconciliation.

¹⁰⁵ G. Prunier, Op cit, p.142

¹⁰⁶ Ibid, p.143

With impunity out of the way, the fourth step is collective ownership of the tragedy by all Rwandans not only as victims but also as the ultimate providers of solutions to their own problems.

The quest for Reconciliation.

The intra-community conflict mediation which is predicated on restorative justice takes precedence over punitive or retributive justice in the reconciliation process. In the truth adduced in the Gacaca in Annex C, is presented as a shift in power in the community, as a sort of 'populist response to a *populist* genocide.'

The 170,000 Gacaca judges who will have gained valuable experience in the conflict management process, through dispensation of justice. The experience Gacaca judges will have acquired in the Gacaca process will enable them form the critical mass and focal points that will further enhance democratization and good governance.

At another level of strengthening national unity, *Ingando* (Civic Education) formed the main problem solving mechanisms. The *ingando* workshops helped the parties (ex-FAR, militia, RPA) redefine the grievances, perceptions, and values of the parties and disputes. The psychological barriers of suspicion, rejection, fear and deception are changed through the *ingandos* by sharing knowledge and experience about conflict. Gacaca is also a creative problem-solving search for ways of redefining and transcending the conflict so that positive-sum or win- win solutions can be achieved for the benefit of all Rwandans as previously emphasised by Burton, J., in his theory on basic human needs.¹⁰⁷ Without strategies attempting to demystify the past divisive ideological instruments of policy in Rwanda no prospects of reconciliation can exist.

¹⁰⁷ J. Burton, Op cit, p.32

There is a keen appreciation of the potential role of the classical justice system and in particular the National Services of GACACA courts in ending the culture of impunity that has characterised the Rwandan society for centuries. The process has contributed to promote social values among Rwandans and as such made tremendous contributions towards unity and reconciliation initiatives. The process of national unity, reconciliation and justice are crucial for the Rwandan society to bring national cohesion. The new Constitution makes matters clear in its article 9 (fundamental principles) reinforcing national unity.¹⁰⁸

Unity, Reconciliation and Justice.

A number of peace-building measures were initiated among which is Unity and reconciliation, the Government of National Unity in Rwanda considered the attributes such as the basis for addressing social, economic and political issues. Utilising the instruments of the National Unity and Reconciliation Commission (NURC) set up in 1999, it oversees national public debates, disseminates ideas aimed at promoting peace, discourages ideas of disunity, educates citizens on their rights and building of tolerance, forgiveness, and respect, as well as monitoring government organs, leaders and the population at large with respect to observance of national unity and reconciliation.¹⁰⁹ This structure was sought as one of the effective ways of uniting Rwandan society and achieve domestic cohesion.

The notion of ethnic difference, elevated to the status of racial difference by the colonial administration was an alien characterisation, deliberately designed to divide in order to

¹⁰⁸ Republic of Rwanda. *The Constitution of the Republic of Rwanda*, Article 9, 2003.

¹⁰⁹ Rwanda Vision 2020, *Ibid*

rule. Rwanda's reconciliation and reconstruction effort since 1994 as a means of resolving our internal conflict has been a tale of courage under fire.¹¹⁰

Modern peace building should focus on reconciliation, and on rebuilding relationships. A focus on reconciliation recognizes that conflicts are essentially types of relationships but it also allows us to address the psychological components of conflict. "Building peace in today's conflicts calls for long-term commitment to establishing an infrastructure across the levels of a society, an infrastructure that empowers the resources for reconciliation from within that society and maximizes the contribution from outside." Peace building resources include not only financial and material support, but also socio-cultural resources. People in the conflict setting should be seen as resources rather than recipients. Peace building should also draw on existing cultural resources. Lederach argues that the systems which assign responsibility and accountability for financial and material support are as important as the material support itself. These systems can themselves contribute pro-actively to the peace process.¹¹¹

Healing a wounded society is not an easy task as it requires a common effort at all levels of the Government machinery. In post-genocide era, Rwanda has made reconciliation a priority in order to bring the Rwandan society a unified and harmonious people. The Government considers unity and reconciliation of the Rwandans as the basis for addressing social, economic, and political matters that have been affecting the country for long. It was under these premises that the government set up the National Unity and Reconciliation (NURC) by the Parliament Act in 1999. The commission is aimed mainly

¹¹⁰ U. Shankar. *Conflict Resolution in Africa. The Case of Rwanda: Speech By H.E President P. Kagame at the Baker Institute , Houston, Op. cit pp.105-8, March 6th 2003*

¹¹¹ J.P. Lederach. 'Book Summary of Building Peace': <http://www.BeyondIntractability.org>. Washington D.C. United States Institute of Peace, 1997

at promoting national unity, reconciliation and peace among the people at the same time educating the people on their rights assisting in building a culture of tolerance, and monitoring whether the government organs, political parties, leaders and the population as a whole observe the policies of national unity and reconciliation practices.

The Rwanda government goal of cohesion can be achieved among other factors if there is good governance. Governance in this study is the exercise of authority to manage a nation's affairs at political, economic, and administrative levels and it includes the complex mechanisms, processes, relationships and institutions through which people and groups articulate their interests, exercise their rights and mediate their differences. Rwandans will be a people, sharing the same vision for the future and ready to contribute to social cohesion, equity and equality of opportunity.¹¹²

Good governance is a broad and wide-ranging concept as it includes good leadership, integrity of the political elite, transparency, accountability, freedom of expression, freedom of the press, equal opportunity for all, cost effective and manageable bureaucracy, and citizens participation in the governance process through power devolution.

Good Governance and Poverty Reduction

Perceptions of inequality and social exclusion as a form of structural violence in the broadest sense have been a major feature of Rwanda's history and were the basis for the manipulation of the Rwandan people and *ethnicisation* of all aspects of life which laid the

¹¹² Rwanda Vision 2020. *Good Governance and a Capable State*. *Op.cit.*, p.14

foundation for the genocide of 1994.¹¹³ Today the government holds that reducing poverty, inequality and building an inclusive society must be the basis of unity and reconciliation and the mainstreaming of the work of National Unity and Reconciliation Commission (NURC) into every sector of policy and life in Rwanda remains a priority in eradicating poverty.¹¹⁴

The Government of Rwanda considers education as a fundamental human right and an essential means that guarantees all Rwandans to realise their full potential. The development of human resources is one of the principle factors in achieving sustainable economic and social development. Education and training are bases for achieving development and poverty reduction in the country. Rwanda has a low level of education in that at primary school level, the gross rate of school enrolment was 88 percent in 1998, and the rate of secondary school enrolment hardly reached 65 percent. By the year 2001, the enrolment in primary education went up by 99.9 percent.¹¹⁵

It is argued that Education is a cornerstone of economic growth and social development and a principal means of improving the welfare of individuals and it produces knowledge, skills, values and attitudes and it is essential for civil order and citizenship for sustained economic growths as well as reduction of poverty.¹¹⁶

Employment

Underemployment can cause suffering and frustration and act as a source of structural violence even when it is not associated with income poverty. This is important to

¹¹³ *Ibid*

¹¹⁴ *Ibid*

¹¹⁵ Republic of Rwanda. *Human Development – Education*, *Op cit*, p.48

¹¹⁶ The World Bank Policy Paper, 1990, p.2

consider, particularly in a post-conflict society, where young people's energies need to be put to good use.

Promoting Unity and integration amongst people has been amongst the top items on the agenda of government social programmes as experience reveals this to be a frowner in the alleviation of poverty. Let food, shelter, clothing, healthy care, and education be our terms of reference. ¹¹⁷

Institutional Strengthening and Coordination

In order to ensure that good governance achieves set objectives like power devolution, strong institutions, well functioning have to be created and those not functioning streamlined. Institutional strengthening and coordination includes Constitution, democratisation, decentralisation, and institutional coordination mechanisms. There was need for domestic consensus which is associated with two other concepts, legitimacy and loyalty and a legitimate government is one that can generate acceptance and support in order for the government to insure and then secure its legitimacy and it has to initiate policies that satisfy the needs and aspirations of its people socially and politically. There arose the need for a constitution reform which was concluded in 2003 that ensures the separation of powers, the rule of law, and the protection of citizen rights.

It is argued that Africa had failed to improve its governance system due to the weak nature of the constitutions inherited from the colonial masters, which did not match with

¹¹⁷ A.S. Chawla, National Unity and Reconciliation Commission. A Speech Delivered on Poverty Alleviation through the Process of Unity and Reconciliation, *ibid*, pp.85-90

the African realities. The Constitution of Rwanda finds its strengths in its fundamental principles in article 9 of the 2003 constitution in order to match the country's realities.¹¹⁸

Article 54 of the Constitution of the Republic of Rwanda stipulates that political organisations are prohibited from basing themselves on race, ethnic group, tribe, clan, religion, sex, region, or any other division which may give rise to discrimination. This took cognisance of and was in response to the past experience where all political parties were based on one or the other form of discrimination.

Strategies to alleviate poverty – The Rwanda Vision 2020

In 1998-1999, the Office of the President of the Republic of Rwanda launched national reflection sessions on the future of Rwanda in Village Urugwiro (State House).¹¹⁹ After successful efforts in breaking the cycle of violence that had blighted Rwanda for 50 years, culminating in the horrifying 1994 genocide, the Government of National Unity felt the time had come for Rwandans to start brainstorming about what kind of nation they want in order to be subjects of their destiny and not objects of any one else. After extensive consultations, the Government drafted a document called Rwanda Vision 2020. The final result was the current document, in which a long-term development path for Rwanda was outlined and ambitious goals to be reached by the year 2020 were articulated and formulated.¹²⁰

The Rwanda Vision 2020 is a framework for Rwanda's development, presenting the key priorities and providing Rwandans with a guiding tool for the future. It supports a clear Rwandan identity, whilst showing ambition and imagination in overcoming poverty and

¹¹⁸ Republic of Rwanda. *The Constitution of the Republic of Rwanda*, Articles 9 and 54, 2003

¹¹⁹ Republic of Rwanda. Ministry of Finance and Economic Planning: *Rwanda Vision 2020*, *Op. cit*

¹²⁰ *Ibid*, pp.4 -20

division. In general, the country had been badly governed during most of the last century, since the advent of the first colonial rulers, Germans in 1894 up until the genocide in 1994. Both the colonial and post-colonial regimes ruled Rwanda on the basis of favouritism and prejudice. As a consequence, Rwanda is one of the poorest countries in the world and, the Rwandans were until recently strongly divided.

Land use management

Land use management is a fundamental tool in development. As Rwanda is characterized by acute land shortage, a land use plan is needed to ensure its optimal utilization in urban and rural development. Currently, Rwanda's land resources are utilized in an inefficient and unsustainable manner, which limits the profitability of land and infrastructure, whilst aggravating the national capacity to retain rainwater. To address this obstacle, a modern land law providing security of tenure and freedom of exchange has been instituted to address potential land disputes in future.¹²¹

The overall goal for Rwanda Vision is to alleviate poverty and mitigate potential tensions due to land scarcity and promote freedom of wants and therefore enhance social cohesion and lasting peace in the country and in the region by way of emulating Rwanda's steps to conflict management.

¹²¹ Rwanda. *Vision 2020, Op.cit.*, p.28

Chapter Four

A Critical Analysis of Conflict Management Initiatives in Rwanda

Introduction

This chapter undertakes a critical analysis of conflict management initiatives as set out in the study, and it has three parts in which part one considers achievements and challenges of Gacaca process as a conflict management strategy; while part two considers other support strategies to enhance national unity; and part three focuses on Gacaca way forward - other areas for conflict resolution that established community structures under Gacaca today can be used to resolve other disputes and conflicts in local communities in the country – new mandate for Gacaca as genocide cases are likely to be wound by mid 2008..

The introduction of new policy measures by the Rwanda Government was meant to demystify the past divisive ideological instruments of policy in Rwanda and without which no reconciliation can take place. The initiative represents a paradigm shift in administration, which blames the post-colonial leadership in Rwanda for having failed to address the relevant developmental issues and instead relapsed into the sectarian politics inherited from the colonial era. The Government of Rwanda considers poor governance a major factor in contributing to violence, disunity and poverty. It is on this basis that Gacaca governance structures have been put at all levels of Rwandan society to underpin all other efforts to strengthen national unity.

It has been established that structural conflict cannot be resolved unless the underlying causes are addressed. This can be done in a number of ways, but must occur on two levels. First, it is important to address the substantive issues that give rise to conflict in the first place, such as re-writing of the new constitution and instituting other socio-economic structures.

Secondly, it is diffusing the fear, hatred, and other negative emotions that make a conflict intractable and often deadly, therefore efforts to forge unity by the Rwanda National Unity and Reconciliation Commission is therefore extremely important in creating a successful and enduring peace process.¹²²

Chapter one argues that the genesis of structural conflict in Rwanda has been traced in the pervasive factors that were built into structures, policies and the fabric of the Rwandan society, which gradually created pre-conditions for violent conflicts in the ensuing years. In K. Webb's definition of structural violence as damage that occurs to individuals or groups due to differential access to social resources that is caused by the normal operation of the social system, in Rwanda since early 1960s, the system of unequal education and employment opportunities was prevalent, where quota system in education was maintained as 15 percent in favour of the Tutsi and about 84 percent in favour of the Hutu. The leadership at the time marginalised a section of the Rwandan community deliberately.

The thrust of the study centres on the argument that there is a direct relationship between improving the quality of life of people economically, socially, and politically, and strengthening national integration of the society in order to create an egalitarian and

¹²² National Unity and Reconciliation Commission: *Report on the National Summit of Unity and Reconciliation*, Kigali, 18-20 October 2000

just society. In response to this requirement law reforms to protect the rights of the people as well as initiation of social and economic welfare programmes to reduce or totally eliminate illiteracy, disease and poverty in the country have been instituted and are being practiced, as punishments are meted in accordance to the law and hence there is no more issues of impunity that were predominant in the previous regimes.

In Chapter one, it was established that the colonial regime is blamed for having been the architects of a scheme that disrupted the supposedly harmonious and peaceful existence for the three sub groups in Rwanda. Thus the study notes that the issue of ethnicity in Rwanda was brought to rest as essentially being a creation of the colonialists for purposes of divide and rule like else where in Africa. It has been noted that Rwanda was subjected to the economic interests of metropolitan Belgium and so colonial economic structures had to be established, and in the service of the metropolitan industrial sector, cash crops had to be introduced. The colonialists are said to have exploited the pre-colonial class divisions for its interests. In other words, the argument of ethnicity is not tenable especially after many foreign writers such as Mamdan and others contend that the Tutsi are settlers while the Hutu are natives. The study has found out that at no stage in time did Hutu and Tutsi or even Twa speak different languages, hitherto. Instead they speak the same language, have same traditions and customs as well as intermarriages particularly between the Hutu and Tutsi.¹²³ The cleavage between the Rwandan communities was a manipulation by the Belgians as a tool to rule the country for their benefits as they used at some stage Tutsi against the Hutu, while at another stage the reverse was true gradually culminated in the genocide in 1994.

¹²³ M. Mamdan. *Op.cit*,p.75

The colonialists had their own racial perceptions of Rwandans and much of the written history of Rwanda was distorted by scholars like Filip Reyntjens, Gerald Prunier, Collete Braeman and J C Willame some of whom are believed to have been writing about Rwanda opinions of their governments, of which there they receive funding for the necessary research and publications. In order to challenge the distortions, the government of Rwanda is preparing to have a multi-disciplinary approach with a view to the study and analysis of the Rwandan history to be undertaken and where possible correct it or if not confirm it. This is so because not all the Rwandan history is distorted especially its pre-colonial history which was dynamic and enriching, and devoid of conflicts and mass killings.

Jose Kagabo, a Rwandan and professor of African history in Europe and America, in his contribution during a seminar in Kigali on 'The written history of Rwanda and its present day consequences,' argues that, 'the literature on Rwanda was undertaken by Belgians and French historians and anthropologists since they had the means for research and publication, and that they were sponsored by their governments to suit their colonial and neo-colonial interests.'

Rwanda entered the post-colonial era in 1962 with a lot of baggage from its colonial past, marked by an ideology that entrenched differences and also institutions that undermined nation building with rulers who were just conveyer belts of the worst policies initiated during the colonial era. We are nurturing a new outlook that is Rwandan, and not

ethnic, and cultivating a culture of inclusive and democratic in a decentralised framework that allows people in their communities to have a stake in governance.¹²⁴

In Chapter two, the causes of conflict it was noted have their roots in colonialism and fuelled by the post-independent regime in 1962. Rwanda has emerged out of conflict and there has been need for the transition to peace and stability which involves a delicate negotiation that requires a high degree of transparency.

The new government of National Unity that was established in July 1994 undertook to involve the citizens in decision making through decentralisation and power devolution. The process of decentralisation and devolution of power involved building institutions and streamlining others at both the national and local levels and subsequent enactment of policies to facilitate the process.

The Appraisal of Gacaca Courts

The use of culture to achieve justice that is reconciliatory and restorative is at the heart of the transitional justice debate in several African Countries today. Nantulya notes that culture makes justice more accessible and participatory, thus helping to build greater ownership, confidence and legitimacy.¹²⁵

In Chapter three, it has been noted that Gacaca has provided a more cost effective and quicker system of disposing of cases of the suspects of genocide and other related crimes against humanity in pre-trial detention.

Despite the transparency and popular involvement of citizens in the restorative justice system, there have been cases of security nature where some people fled to

¹²⁴ P. Nantulya et al. Institute of Justice and Reconciliation: Evaluation and Impact Assessment of the National Unity and Reconciliation Commission, December, 2005.p.6

neighbouring countries like Uganda, Burundi and Tanzania for fear of Gacaca trials. It is believed that those who flee the country are some of the genocide perpetrators who are still free and fear to experience shame and guilt during confessions. Also Gacaca has compromised adversely the credibility of some leaders when they are mentioned during Gacaca proceedings where every one is expected to speak the truth about 1994 genocide participation. There are allegations that some of such leaders in government may undermine government policies especially during implementation stage! Another issue associated with Gacaca is the continuing concern has been the resurgence of the *Parmehutu* ideology that continues to derail the process of unity and reconciliation. *Parmehutu* is an abbreviation in French meaning (Parti Movement de l' emancipation Hutu), which was the first republic of that excluded the Tutsi from all activities and benefits of the state after massacring hundreds of thousands of their kin and sending the rest in exile.

An overview of the random sample survey conducted in Rwanda, suggest that young people (especially between 15-25 years) are more enthusiastic about the Gacaca as a conflict management strategy than other age groups. However, the overall sample was slightly under representative of women.

On reconciliation, ninety percent of the respondents are more confident in Gacaca Courts judge's way of handing down judgements and also as a tool for strengthening national unity. There is sufficient information to suggest that Gacaca Courts should have its mandate enriched and extended beyond tackling the genocide cases in Rwanda from 1st October to 31st December 1994, and other aspects of disputes, conflicts and strengthen

its structures for long term discharge of restorative justice, since reconciliation is not an 'overnight' judgement.

There is question about the positive role that culture plays in any reconciliation process. In Rwanda, ordinary people are more in contact with cultural institutions than political ones. For instance, when disputes arise in the community, the first point of contact are the *Abunzi* (Mediators).

Political will is essential for the success of Gacaca Courts as a conflict management initiative since it ensures communication between leaders and people at the grass roots, especially for the derived support financially and logistically from the state budget which facilitates the Gacaca process in the local communities.

In the context of a bottom up approach as evidenced in Gacaca process, grass root approaches have proved to be more sustainable in the Rwandan context. The challenge to the successful implementation of this process is that most of the people at this level are almost in a survival mode in which meeting basic needs such as food, water, and shelter is a daily struggle. There is need to address with the issue of poverty country wide in order to enable the selected judges to concentrate on their work to hand down judgement with minimum encumbrances.

The Gacaca process has for far encouraged and empowered communities to become the primary actors not only in the reconciliation process, but in other areas that deserve problem-solving techniques beyond discharging genocide crimes in the stipulated period, the courts should be seen to stay even after trials end sometime in mid 2008, as highlighted by Dusingizimana Gratien, the Director of Legal Support Unit in the headquarters of the National Services of Gacaca Courts. In this connection, Gacaca

Courts have consulted communities on the way forward and have therefore positioned themselves as the primary agents of reconciliation.

Gacaca Courts are seen as a novel new direction in transitional justice, one that couples transitional local institutions with more modern judicial practices. The courts are seen as assuming a middle level position of transitional justice, which is justified on the basis of the country's limited resources as well as political and social conditions in post-genocide Rwanda. After the horrendous acts in 1994, Gacaca Courts were the best possible mechanisms for attempting to achieve Rwanda's transitional justice goals particularly the enhancement of reconciliation process.

However, soon after the commencement of Gacaca trials in the pilot phase in 2002, over 10,000 people fled the country in anticipation of Gacaca Courts inquiries, fearing, 'false accusation and unfair trials', for they never believed that Gacaca trials would be fair. As soon as the Gacaca trials began their third activities, after collection, and categorization of persons suspected for having committed genocide crimes and innocent acquitted, the people who had fled the country to neighbouring Burundi, Uganda, Tanzania, and the Democratic Republic of the Congo started coming home, and settled.

As mentioned earlier in Chapter Three by the respondents during the random sampling, the restorative potential of more traditional mechanisms was widely mentioned particularly in contrast to the formal (retributive) mechanisms which were often referred to as 'divisive.' There were more allegations of corruption in the formal institutions than in the informal ones.

In addition, for countries emerging out of conflict, the collapse of institutions is often one of the most visible legacies and rebuilding them especially those related to justice, law and order is a core activity to stability in any recovery process, such as Rwanda's initiatives underway towards restoration of justice, reconciliation and strengthening national unity.

However, there is critical need for unequivocal links to be built between the formal and informal mechanisms of justice in order to reap benefits in form of synergy to optimally hand down judgement to the people without discrimination by means of ensuring access to justice for all. From the foregoing, Gacaca process, accomplishments have been impressive compared to classical courts, in Annex B, on trials in a period of about one year over 101,011 cases had been tried compared to 6000 trials by classical courts between 1996 to 2002!

Gacaca is essentially a home-grown intra – community conflict mediation mechanism which is a creative problem-solving search for ways of redefining and transcending the Rwandan conflict geared towards achieving a win-win situation. Kagame¹²⁶ in his speech in Boston, USA in April 2005, appreciate the challenge when he observes that 'we are the first of generations charged with the responsibility to rebuild post-genocide Rwanda. This is our promise to posterity and to the world.

The awareness of the country's leadership to the challenges ahead as Gacaca process takes root was expressed in Kagame's speech during his address in the commemoration of the 10th Anniversary of the Genocide in 2004 when he noted that 'Gacaca is designed to balance the needs of justice and those of reconciliation, so that through the process of catharsis, a hearing process can be cemented through

¹²⁶ H.E. P.Kagame in a Speech delivered on the 10th Anniversary of the Genocide, Nyamasheke, 1994

reconciliation'. He further emphasises that collective ownership of the tragedy by all Rwandans not only as victims but also as the ultimate providers of solutions to their own problems.

The government of national unity's thrust is towards involving the people at the grass root level into nation building. Although implementation of such policies has not been smooth due to scarce resources and lack of skilled personnel, the government has registered an impressive record of achievements, namely: To some extent the government through National Unity and Reconciliation Commission, it has united and reconciled Rwandans. The government has created a new basis for the rule of law and putting a halt to the culture of impunity that climaxed in 1994. In this connection, the government has established new parameters of inclusive governance, decentralisation, democratisation and constitutional order.

However, while there is political will to a new ideology for Rwandans, there are some people among the Rwandan society through their attitude and behaviour who still foster paramehutu ideology of 'rubanda nyamwinshi' and do not embrace national unity ideology! As earlier highlighted the ideology of 'we, they' by the paramehutu regime meaning literally Hutu and Tutsi respectively lasted for over forty years and its deconstruction therefore may be a daunting task for the current leadership and the process may meet with such obstacles of negative attitude by some extremists from either side of the Hutu or Tutsi.¹²⁷

The study has noted in Chapter two and Chapter three, that poverty is Rwanda's key challenge and to a large extent, one of the historical causes of conflict in the country.

¹²⁷ G.Prunier, *Op.cit.*

Jeffrey Sachs, correctly argues that the strategy for eradicating extreme poverty by 2025, focuses on the key investments in people and in infrastructure that can give impoverished communities around the world, both rural and urban the tools for sustainable development.

Sachs observes that the extreme poor lack major kinds of capital in the form of human capital which includes health, nutrition and skills needed for each person to be economically productive; business capital machinery, facilities, motorized transport used in agriculture, industry and services.¹²⁸

In the Justice Sector, the Gacaca leaders have been elected to carry out and execute their responsibilities judiciously in restorative justice and related issues of impunity that had impeded justice system in the previous regimes up to 1994. It is on the basis of this requirement to redress historical injustice that strengthening good governance has been identified as a critical priority for Rwanda due to its history and it is also a key variable in poverty reduction and sustainable economic growth. National Unity remains the ultimate goal of the government as it is essential in promoting social and political stability and sustainable development which is enshrined in the objective of Rwanda Vision 2020 as to attain balanced development in order to create a more united and just society.

In Chalwa's address to the National Summit on Unity and Reconciliation in Kigali between 18-20 October 2000 said, "All countries that managed to overcome poverty, and achieve development have not won that battle because of an economy based

¹²⁸ J. Sachs. *The End of Poverty: How Can We Make It Happen In Our Life Time*, Penguin books, 2005, pp.227-244

on financial resources or on natural resources only, but rather focused on the relationship between citizens, on which they fall back and jointly use to fight poverty. He further asserted that the accentuation of poverty and of the gap between rich and poor can let conflicts arise and existing ones worsen and it is therefore necessary that the fight against poverty include fair distribution of the national wealth to all people and equal opportunities for all. He observed that in Rwanda, poverty is one of the many things that could spark off or revive conflicts especially when those in power only pursue their own interests. ”¹²⁹

H.E President P. Kagame, had this to say in his address to the Summit of the National Unity and Reconciliation Commission in Kigali, “Justice reconciles Rwandans, eradicates injustices and no foreign national, shall bring justice to us and he stressed that nobody will solve our problems of poverty. He also emphasised that ‘We Rwandans, must stand up, think, and work hard using our physical force and intellect to reduce poverty.’¹³⁰

The meetings of the kind on unity and reconciliation are among the several deliberate efforts to seek for long lasting solutions through problem solving by bringing together all Rwandans from Diaspora with other dignitaries all over the world to share experiences on dealing with peace-building measures to minimise the consequences or escalation of violence in the country.

The relationship between poverty, unity and reconciliation is crucial as it was noted by the former minister of Finance and Economic Planning, Donald Kaberuka, who

¹²⁹ A.F.Chalwa. Report on the National Summit of Unity and Reconciliation: *Poverty Alleviation Through The Process of Unity and Reconciliation*.pp.85-90

¹³⁰ H.E President of Rwanda, P. Kagame’s Speech. *Op.cit*, p.70

observed that , 'The objective was to come to a better understanding and agreements on the problem of poverty in Rwanda and how it forms an obstacle to national unity and reconciliation. The other objective is to look together for strategies that could be put in place in order to solve this problem.'¹³¹

The Minister of Foreign Affairs, Dr. Charles Murigande, argued that, "Promoting national economy so that Rwandans can find good paying jobs would reduce conflicts and enhance unity. He further stressed the point through a vernacular proverb to participants at the Summit meeting on National Unity and Reconciliation on 18th October 2000 that; "Abasangira bike bitana Ibisambo" (translated in English, it means that, those who have almost nothing to eat call each other thieves, which in essence is a source of conflict and to certain extremes can cascade into direct violence)."¹³²

It has been noted that all divisive and marginalising policies such as Identity Cards, quotas in schools and employment among others, were immediately scrapped by the Government of Rwanda, which encourages merit rating scale to access education as well as employment opportunities through decentralization which seeks to demonstrate transparency in all administration and management of national affairs or interest.

The study has shown that peace and security has been achieved in the country, and the social-economic, and political policies being pursued in Rwanda to manage conflict aspires to embrace the Concept of human security although due to meagre resources it may take time to deliver anticipated outcomes. Therefore as long as poverty levels are still high, achievement of the requirements of human security are yet to be realised since it is dependent on wealth creation.

¹³¹ Minister of Finance and Economic Development. *Relationship Between Poverty, Unity and Reconciliation*, *Ibid*, p.61

¹³² Rwanda's Minister of Foreign Affairs, C. Murigande, *Report from May 1998 to March 1999*, *Ibid*, p.27

These strategies for resource creation are seen as precursor to conflict management in the country as they are targeted to mitigate the historically created tension and conflicts as a result of land scarcity in the country.¹³³ He further argues that the Gacaca courts are a novel new direction in transitional justice, one that couples traditional local institutions with more modern judicial practices, and will be responsible for transforming democratic change in Rwanda.¹³⁴ The author concludes that given the resource limitations and the political and social conditions in post-genocide Rwanda, genocide trials by gacaca courts were the best possible mechanisms for attempting to achieve Rwanda's transitional justice goals. However, the author contends that for the hundreds of thousands of accused perpetrators, the Rwandan government has lowered its standards of justice in the name of expediting trials and convictions.

During an eighteen months pilot phase that established a mere 750 gacaca courts (unique judicial institution) across the country, more than 2000 defendants pleaded guilty, and during the first nine months of nationwide gacaca trials, nearly 6000 defendants were convicted. For comparison, a total of just over 7000 were tried by Rwandan criminal courts from 1996 to 2002. However, even in the initial stages of this process, not every one believed the gacaca courts would be fair, more than 10,000 Rwandans fled the country in anticipation of gacaca court inquiries, fearing "false accusations and unfair trials."¹³⁵ The Gacaca Courts are not in crisis; rather they are facing challenges including financial resources.

¹³³ J. Linda and K. Sturman, (eds.), Scarcity and Surfeit. *The Ecology of Africa's Conflicts: Land Scarcity, Distribution and Conflict in Rwanda*, Institute for Security Studies, South Africa, *Ibid*, 2002, p.51

¹³⁴ C. Le Mon. Rwanda's Troubled Gacaca Courts, 2006, p.16-20

¹³⁵ *Ibid*, p.17

Because of the large numbers of suspects, even the most efficient justice system in the world would have taken no less than 200 years to deliver justice to all those who were suspected of involvement in the genocide.¹³⁶

The issue is the need to reconcile a divided population and the duty both moral and legal to punish those who sought to eradicate an entire people, Rwanda attempts to combine criminal justice and community reconciliation, provides a 'third way' or middle way for reuniting the Rwandan population. This is one problem-solving technique that is sought to break the cycle of violence and vengeance that has plagued it since independence between to reconcile perpetrators and victims who must live side by side in the country in order to achieve the goals of justice and reconciliation.

Restorative versus redistributive justice

The challenges for the Gacaca Courts lies in the tension between the intended goals of justice the courts are meant to provide. These courts are charged with the dual challenge of retributive justice, the punishment of the perpetrators of horrendous crimes and restorative justice, the restoration of durable peace, cooperation, and order to a nation that wishes to acknowledge its past while struggling to move forward in a positive direction.

Retributive justice, which focuses on prosecution of every single perpetrator, may be politically destabilising, socially divisive and logistically and economically untenable.¹³⁷

Indeed, retributive justice will have difficult succeeding in producing reconciliation, or at least stability, in Rwanda.¹³⁸

¹³⁶ G. Umugwaneza, *Gacaca Courts in Rwanda: Avenues for justice and reconciliation?* Havard University Law School, LLM Thesis. 2005

¹³⁷ N. Kritz. *Coming to Terms with atrocities: A review of accountability mechanisms for mass violations of human rights.* Law and Contemporary Problems, 1996, p.138

¹³⁸ Ibid

Bolocan, posits that the alternative is to have a system focused on restorative justice that includes reparations for victims, shaming of bystanders, who watched the crimes, apologies from aggressors, and giving a voice to the victims. He further posits that a restorative justice system would view the Rwandan genocide and would promote reintegration and reconciliation among the survivors while reducing the strain of having to try thousands of individual cases. The author contends that restorative justice would focus on revealing and condemning the crimes of the genocide, restoring dignity and legitimacy to the survivors, promoting human rights, and ensuring that the injustice would be judged based on its ability to reveal the truth about crimes that occurred during the genocide and its ability to restore order and cooperation to Rwandan society, not on the quantity of accused put in prison.¹³⁹

The Elders

Traditional mechanisms are seen to have an important role to play within the communities. People frequently described how crimes are first reported to individuals within the informal structures, since there are more accessible. The restorative potential of more traditional mechanisms is more popular in contrast to the formal (retributive) mechanisms, which were often referred to as 'divisive'. Numerous respondents argued that the informal mechanisms help to address wrongs committed, heal the communities affected by errant behaviour, and generally lead to closure on the matter, never to be brought up again.¹⁴⁰

The Gacaca Courts's purpose is more in keeping with the values of healing, closure, and justice than fairness or traditional concepts of due process. Thus Rwanda is willing to

¹³⁹ Ibid

¹⁴⁰ Refugee Law Project Working Paper No.21. Partial Justice: Formal and Informal Justice Mechanisms in Post Conflict West Nile, Kampala, May 2007. research@refugeelawproject.org

sacrifice certain elements of criminal justice in order to address the horrendous events that involved overwhelming numbers of people, both as victims and perpetrators of the genocide and violence.

The fact that the formal mechanisms of justice make minimal impact to the communities they are meant to serve, they are seen as dysfunctional. There are said to be inaccessible meaning that the communities are reluctant to engage them with a system that they see as largely ineffective.

In Rwanda the goal is to achieve restorative justice, for it will lay the foundation for a society built on respect for human rights and dignity in the future. Classic forms of criminal or retributive justice do not suit the needs of Rwanda for reconciliation after a horrific genocide.¹⁴¹

Role of Judicial Review

Judicial review is predicated on the inherent jurisdiction of the superior courts to ensure that inferior courts comply with the law.¹⁴²

Rwanda's goal is pursuance of restorative justice that will lay a foundation for both human rights based culture and also cultural values of the Rwandan community.

The modern form of Gacaca adapted some of the core values of the traditional system, including community participation and the goal of promoting reconciliation and harmony. The Gacaca Courts had the dual purpose of promoting social reconstruction and greatly expedite the trials of tens of thousands of accused.¹⁴³

¹⁴¹ Ibid

¹⁴² K. Hornberger. Op cit,p.16

¹⁴³ I. Gaparayi. Justice and Social Reconstruction in the aftermath of Genocide in Rwanda: An Evaluation of the possible role of the Gacaca tribunals. African Policy Journal, Vol.3, 2007

The Gacaca Courts have successfully filled a gap that the existing judicial system was incapable of handling and have helped to eradicate the culture of impunity. Consider that of the 785 previously practicing judges, only 20 to 50 remained after the genocide.¹⁴⁴ The Gacaca Courts have allowed some modicum of justice to exist despite these unbelievably limited judicial resources. The author further posits that the Gacaca Courts facilitated an expedited process that brought more than one-hundred accused, waiting in jail, to trial. In both its to increase the number of accused tried and to bring quick justice to a nation in desperate need of healing, Gacaca has been successful.

The Gacaca Courts have increased the level of accountability to the public since the community courts are operated by an institution external to government control process. Also, Gacaca Courts has increased accountability because the accused stand before the community and tell their story before witnesses who can correct accounts that are inaccurate.

The Gacaca Courts were designed to avoid the colonial systems many Rwandans believe were the true cause of the genocide. There is a lot of distrust among Rwandans today regarding the French and Belgian colonizers, whom the Rwandans blame for originally making the cultural classification of Hutu and Tutsi.¹⁴⁵

The Gacaca Courts are culturally rooted and communally sensitive, providing a modern take on an ancient form of African tribal justice. More over in the eyes of some, the courts have proven that Rwandan society has the capacity to settle its problems

¹⁴⁴ R. Borland. The Gacaca Tribunals and Rwanda after genocide: Effective restorative community justice or further abuse of human rights? *Journal of International Affairs*, 2002

¹⁴⁵ K. Hornberger. Rwandan Gacaca Courts in Crisis: Is there a case for Judicial Review? *African Policy Journal*, Vol.3, 2007, p.9

through a self-initiated system of justice and dispute settlement based on Rwandan traditions and customs.¹⁴⁶

However, there criticisms directed to Gacaca Courts that have emerged from concerns regarding the fairness of trials and potential human rights violations. Des Forges has observed that, 'in field observations, we have seen that at the start of the Gacaca Courts, survivors and others (whether accused or not) sat randomly at the sessions; now these groups sit apart.' She argues that, 'this simply shows that the central aim of the courts – bringing people together peacefully is not working. This is a weak criticism since the objectives are achieved at the end of the Gacaca process.

Gacaca Courts are subject to enormous logistical and economic problems as a result of Rwanda's weak economy, which was poor before the genocide and decimated afterward. Judges are inexperienced and have limited training, which requires that they be honest, at least 21 years of age, and a Rwandan national. All this is taken into consideration at the community level and the state takes care of the training and offering reasonable logistics. There are also concerns about the absence of fair trial guarantees that pervade the entire process.¹⁴⁷ However, Gacaca Courts are subject to enormous logistical and economic problems as a result of Rwanda's weak economy which was poor before genocide and after wards.

Also judges are said not experienced, with limited training couple with the selection criteria which, requires that they be honest. This may be a limiting factor except that the standard is accounted for by the community in which they live. Because of limited resources and high cost of reconstructing courts, the National Services of Gacaca Courts

¹⁴⁶ Ibid, p.9

¹⁴⁷ M. Bolocan. Rwanda: Gacaca – An experiment in transitional justice. *Journal of Dispute Resolution*, No. 355, 2004

mandated to provide judge training has no ability to discharge such enormous responsibility.

From international perspective, concerns about the absence of fair trial are rife as accused have no lawyers and have right to defense. This argument is not tenable, since the defense is among the people in their communities.

The Gacaca Courts are charged with the dual challenge of retributive justice, the punishment of the perpetrators of genocide crimes and restorative justice, restoration of durable peace, cooperation and order to a nation that wishes to acknowledge its past in order to move forward to re-unity its people. It should be realised that the Gacaca purpose is more in keeping with the values of healing, closure, and justice than fairness or traditional concepts of due process. Rwanda's goal is more to achieve restorative justice than retributive justice, and this will lay the foundation for a society built on respect for human rights and dignity in the future.

It will be emphasised that there are two important features of any court system, judicial independence and judicial review. While the former means the courts are independent of other branches of government, and other parts of the judiciary, review process is founded on the inherent jurisdiction of the superior courts to ensure that the inferior courts comply with the law, since it is the power of a higher court to review a law for violations of the constitution and other organic laws. It is believed that the judicial review might be necessary for Gacaca Courts to prevent the failure of the entire process of justice in the country.¹⁴⁸

¹⁴⁸ K. Hornberger. Rwandan Gacaca Courts in Crisis: Is there a Case for Judicial Review. *Africa Policy Journal*, 2007. pp.1-17

Chapter Five

Conclusion

This study set out to examine structural conflict, its manifestations and its management through the government policies which constitutes a drastic shift in administration and power devolution from the past divisive ideological instruments of policy embraced by the post-colonial leadership in Rwanda. Indeed the study has highlighted that both the First and Second Republic under Kayibanda and Habyarimana respectively fuelled the colonial architects of a scheme that disrupted the supposedly harmonious and peaceful coexistence of the three subgroups in Rwanda.

In chapter one, the study sought to first study structural conflict in its entirety, the underlying causes and sources of violence in Rwanda. In this connection the study established that despite scarcity of land and population pressure as likely causes of age old conflict in Rwanda since early 1960s, there was bad governance by the post-independence political elite that deliberately set out to marginalise a section of the population, the Tutsi as well as the Hutu other than those from the central and later on the north of the country as leadership changed guards since 1962 through to 1994. In other words the country in that period experienced both structural and direct violence.¹⁴⁹

In chapter two the study extends chapter one with the structural conflict implications towards, and generated divisive ideology that culminated in recurrence of violence for over four decades since 1959.

¹⁴⁹ G. Prunier. *The Rwanda Crisis: History of A Genocide*, *Op cit*

Chapter three considers policy options by the government, including the country's new constitution, Gacaca process, Unity and Reconciliation strategies and Rwanda's Vision 2020 whose strategies are geared towards catapulting Rwanda from a divided society to a united, peaceful and prosperous country.

In this connection the Government of Rwanda has embraced Good Governance which among issues includes Peace and Security, Unity and Reconciliation, Decentralization, and Poverty Alleviation Strategies rank highest in the order of facilitating service delivery and particularly unity of Rwandans which constitutes a cornerstone for sustaining post-conflict reconstruction efforts such as Gacaca process. In this connection president Kagame has stressed that, 'as a consequence of our astute management of our conflict, Rwanda is now an oasis of security in Africa, a significant achievement, given the instability that characterised our region for so long.¹⁵⁰

This study has shown that the impact of government policies and strategies in addressing structural conflict in Rwanda to achieve a united, ideal, prosperous and stable Rwandan society has made tremendous achievements although the road ahead remains long as long as capacity can be created all round to marshal the efforts expended in building a united Rwanda. The two successive post-colonial regimes nourished policies of the colonial administration in most of all its aspects. The right of Rwandans to determine their destiny, which was expected with the end of colonialism, never was given an opportunity and therefore barely realised. In this connection, the government has put in place education for all as a long term strategy to eradicate poverty geared towards

¹⁵⁰ U. Shakar. H.E.P. President Kagame's Speech at the US Institute of Peace, Washington, p.108 (Washington, 6 March 2003)

empowering all Rwandans without discrimination to enhance their job mobility in the global labour markets and be able to fend for themselves.

It has emerged that while National Unity and Reconciliation Commission has registered achievements in restoring a national ideology as Rwandans, the issues of divisive ideologies continue to come to the fore. This implies that the Western belief that colonialism had a civilising influence on the Africans, particularly the Rwandan society, it instead brought negative values like exploitation, human rights violation and worse still divisive politics that essentially favoured imperial interests on racial grounds, and no equality was ever considered between the Rwandans and their colonial masters. The two successive post-independence regimes fostered division and disunity amongst Rwandan society which the present government has sought to address through deliberate mechanisms of Unity and Reconciliation, Gacaca and above all poverty alleviation programmes.

However, though legislation was passed for Rwandans to cease identifying themselves as Hutu, Tutsi or Twa, some people continue to cling to these identities which are divisive and source of the latent conflict as opposed to encourage a nationalist ideology of unity of Rwandans.¹⁵¹ This identification based on divisive ideology is not easy to heal in a society which has emerged out conflict after over forty years of indoctrination of 'we –they' sectarian and antagonistic social constructs by *Parmehutu* in leadership and at the helm of power since 1962 to 1994! Some people adopt a conspiracy of silence and fail to come up with truth in the Gacaca proceedings and trials which derails the process of restorative local justice.

¹⁵¹ A. Shyaka, Lecturer at the Rwanda National University, Butare, in a Speech delivered in a Seminar on *Conflict Management in Rwanda* Kigali November 23, 2005

Research findings indicate that empowerment of the population in education as well as decision making, Gacaca initiatives has played a big role in creating cohesion in the Rwandan society, although lack of resources contributes to slowness of the process towards achieving national objectives. The causes of the structural violence were highlighted, amongst them poverty fostered by bad leadership that marginalised a section of the population for political motives that were lopsided. Poverty is by and large said to have contributed to violent conflicts since 1960s up until the climax of genocide of 1994.

The analysis comprises what has been done since 1994 to the present or ongoing programmes crafted from government policies and strategies. There is a widely held notion that the nature of relations between the private sector and government is a crucial variable bearing upon national economic development. This remains yet to be seen in order to realise anticipated results for two-digit GDP of up to 10 percent per year.

Like East Asian Tigers, Rwanda has singled out education as a means of improving productivity; by focusing on improving education system at all levels, placing heavy emphasis on increased child enrolment and supporting higher education and in particular science and technology subjects.¹⁵²

The Rwanda Government has intensified her bid to integrate labour-intensive models of development. Like Gacaca, labour -intensive models of economic development are relevant in a capital scarce economy like that of Rwanda or any other developing country. This is expected to boost the females in order to achieve economic independence at the grass root levels in rural development, like in the case of Bangladesh, where Muhammed Yunus's Grameen Bank won a Nobel Peace Prize as a poverty alleviation mechanism as practitioners and believers in micro credit. It is argued that the cornerstone

¹⁵² Rwanda Vision 2020, *Op.cit*

of Grameen Bank Model is to galvanise rural women into a powerful customer base, provide them with micro credit, inculcate in them the savings habit and set them off on a journey towards thrift. It is argued that 94 percent of patrons of the bank are women who display a repayment rate of 98 percent.¹⁵³

Obligations towards Millennium Development Goals of accessing Aid, debt cancellation and offer as well as nourishing of existing trade opportunities, like AGOA, etc. It is in this context that with sustainable economic growth, increased and equality of income amongst Rwandan society that structural conflict will be addressed, and national unity enhanced faster than otherwise it would entail in terms of time and resources.

“My vision is a vision of a united and non ethnic Rwanda. I do not believe in the concept of ethnicity myself. People who stress this question want to simplify the problem; it is the problem of corruption, of interests of groups, of the bad leadership of the country. We never talk about the regional divisions mainly between the north and the south of Rwanda. But these divisions are more real than the ethnic divisions.”¹⁵⁴

The study concludes that Rwanda seeks to tackle the issues of conflict management by empowering first the citizens through skills development and therefore promote a knowledge-based economy to improve service delivery through providing critical leadership that is capable of implementing government policies to engender national unity. In promoting knowledge-based economy the country is looking forward to intensify production and export of soft ware and later on hard ware to the region and at

¹⁵³ Y . Muhammed. www.economicstimes.com. *The Economic Times*, Newspaper, Mumbai, October 14, 2006

¹⁵⁴ Jeune Africa Magazine. no. 1758 .Interview by O. Galzi with H.E. P Kagame when he was the Vice-President and Minister of Defence 1994. *The problem is not an ethnic one, it is a Political one*, 1994, p.30

global level in order to reinforce and provide a substitute for production economy based on traditional factors of production like land, labour and capital some of which are scarce or not fully exploited.

This study has achieved the desired purpose as the two hypotheses have been tested and proved.

The study has shown that Gacaca Courts has achieved most the expected outcomes despite other shortcomings highlighted earlier in Chapter three. It concludes that the Unity of Rwandans constitutes a cornerstone for sustaining post-conflict reconstruction reforms through development –conflict nexus that will enhance citizens' efforts to work towards a shared vision and a path of self-sustaining growth to achieve sustainable peace and prosperity. The success of Vision 2020 by and large will depend on the strength of the determination of Rwandans in particular in collaboration with other stakeholders in the international system.

This study has shown that the thrust for the fulfilment and implementation of the country's policy objectives by and large will depend on wealth creation, capacity or democracy as tested in and during Gacaca proceedings requisite and core to this is leadership that is critical for policy implementation and realisation of the Vision 2020. In this connection President Kagame was quoted by Business in Africa Online, during 2003 Global Leadership Award by the Young President's Association as saying "The only drawing board that I am interested in is that of implementation."¹⁵⁵

Most of the strategies selected by the government are focused on reducing economic inequalities, because material deprivation impacts adversely on human growth and development and the reduction of this form of structural violence occurs when a

¹⁵⁵ Daily Nation. *Rebuilding Kenya into a Giant The Rwandan Way*, November 19, 2006

society is moving towards the sustainable satisfaction of needs for well-being for all members of the society.

Conflict management and resolution of disputes and other related conflicts should form the new and expanded mandate of Gacaca process, whose grass root and local structures, trained personnel and people of integrity (Gacaca Judges) rich in cultural values, democracy, experience and skills in problem -solving techniques, some of whom can be role models for participating in strategies to enhance conflict management and resolution.

In this thesis, I attempted to develop simple techniques to enhance problem – solving in Rwanda drawing from the lessons learnt through Gacaca process as an initiative of transitional restorative justice to enhance reconciliation in the country. It is also tempting to use the insights of this initiative to suggest policy recommendations to minimise the incidence of conflict in the country or the Great Lakes region. The Gacaca experiment is suggested for upgrading for its accomplishments in restorative justice and reconciliation, and future consideration for use in other sectors of the country basing on the bottom –up established structures, their empowerment capacity to the local communities and accessibility by the majority poor, thus reducing the burden on the formal mechanisms of the judiciary process which has been referred as being divisive by interviewees mainly because of being accessed by the 'rich' in the majority of cases in countries with weak economies. The Gacaca conflict management initiative, I hope motivates additional research on its role in conflict management.

Today the mediators in the National Unity and Reconciliation are responsible for mediating between parties to certain disputes at local levels such that about 80 percent of the conflicts are handled by mediators.

The two central themes of Gacaca process and National Unity and Reconciliation have been working hand- in hand to enhance national unity. The latter's core business being civic education to most of the segments of the Rwandan society, and especially youth preparing to join higher institutions of learning, returning former government combatants from the Democratic Republic of the Congo and other neighbouring countries.

In all these conflict management initiatives, culture as a resource for reconciliation has contributed a great deal towards the realisation of national objectives.

Today, when disputes arise in the communities, the first point of contact is the mediators. However poverty and underdevelopment have been sighted as some of the impediments to the reconciliation process.

It is suggested the successes, challenges and limitations identified will provide policy makers with insights necessary for upgrade Gacaca as an innovative peace and transitional justice strategy in the neighbouring countries of the Great Lakes region, since some of the structural factors of conflict are closely related.

In Rwanda the 'ethnic Card system has since been abolished and social structures and other institutions of governance have been streamlined to protect all Rwandans without discrimination.

The structuralist theories of conflict, particularly Burtons's views have been of great importance to identify causes of structural conflict in Rwanda, not forgetting also

the views by some scholars pointing out the issue of colonial reconstruction of the 'ethnicity' in Rwanda as one of the additional and severe causes of structural conflict that grew out of proportion to erupt into intermittent violence culminating into the infamous Rwandan genocide of 1994.

There need to nourish and promote the Gacaca process, Unity and Reconciliation initiatives in the country for as long as the country is realising the objectives set out in the mission of the National Unity and Reconciliation Commission since its inception in 1999.

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