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THE ROLE OF DOMESTIC MECHANISMS IN POST CONFLICT RECONSTRUCTION AND DEVELOPMENT IN AFRICA: THE CASE OF RWANDA

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A research report submitted to the Faculty of Humanities,
University of Witwatersrand, in partial fulfilment of the requirements for the degree of
Master of Arts in International Relations

24th May 2 010

Declaration

I, Joseph Munyangabo, (0508644H) declare that this research report is my own unaided work, except to the extent explicitly acknowledged. This research report is being submitted for the Degree of Master of Arts (International Relations), Faculty of Humanities, University of Witwatersrand. It has not been submitted before for any degree or examination by any other University.

_____

Joseph Munyangabo

24th May 2010

Dedication

This work is dedicated to my family Arigye, Muco, Shema and Saano Munyangabo whom without their love care and support, this would not have been possible.

Acknowledgments

I am indebted to several individuals and groups for making this study a success. I would like to first express my sincere appreciation to my supervisor and mentor, Professor Gilbert Khadiagala; He tirelessly and generously gave me constructive comments. I thank him for his constant encouragement, for constantly evaluating my assumptions and stretching my capacities, despite his very busy schedule. I thank him for giving me the opportunity of learning so much in such a short period of time and for training me in various aspects in the academic world.

My heart felt thanks go to my parents Mr/Mrs D. W. S. Munyangabo for their prayers, and constant reminder about the importance of education. Sincere appreciation goes to my mother in law Mrs. Mpairwe for all her support, prayers and encouragement. My heartfelt thanks go to my colleagues in the CAIR lab, whom we shared the good and hard times. Special thanks to Mr. Henry Nuwarinda for always being available whenever needed.

Abstract

Post conflict reconstruction in Africa and the role of international community in post conflict recovery have dominated global debates especially in the post cold war era. The arguments range from whether international policies and external intervention in post war countries helps in their economic recovery and ensures that there is no resurgence into war or whether it in fact plays a role in keeping the post war countries incapacitated, poverty stricken, dependent and susceptible to future conflicts. This research was motivated by the need to demonstrate how home grown mechanisms have higher chances of attaining sustainable peace and development as compared to the models imported from Western countries. Post 1994 Rwanda presents an ideal case study due to its unique approach to post-conflict reconstruction. This research report investigated the different domestic programs adopted by the Rwandan government in its reconstruction process; the electoral reforms; infrastructure reforms; the refinement of the economic development and poverty reduction strategy program to suit the Rwandan situation which was the focus of the transitional government. This report further analysed the national reconstruction programs namely; the national unity and reconciliation commission and the *Gacaca* system of justice. It was observed that these domestic programs registered significant successes in promoting peace and stability and propelled the nation to a quick and sustainable recovery. It is concluded however, that even though Rwanda has been moving in the right direction in its reconstruction process, there are still considerable challenges that may threaten the national achievements made so far.

Table of Contents

Declaration ii
Dedication iii
Acknowledgments iv
Abstract v
Table of Contents vi

1. Introduction 8

1.1 Aim and objectives 8
1.1.1 Aim 8
1.1.2 Hypothesis 9
1.1.3 Rationale 9
1.2 Review of Relevant Literature 10
1.2.1 Theoretical Frame Work 13
1.2.2 Research Methodology 14
1.3 Chapter Out line 14
1.3.1 Chapter One: Introduction 14
1.3.2 Chapter Two: Exclusionism And Conflict; The Case Of Rwanda 14
1.3.3 Chapter Three: Post Conflict Government Reforms 14
1.3.4 Chapter Four: National Unity And Reconciliation Program 15
1.3.5 Chapter Five: GACACA System 15
1.3.6 Chapter Five: Conclusion and Recommendations 15

2. Exclusionism and Conflict: the case of Rwanda 16

2.1 Historical perspective of the conflict in Rwanda.....19

3. Post Conflict Rwandan Government Reforms and the Role of International Community 27

3.1 The role of international community in post conflict reconstruction in Africa:……..…….28

3.2 Post Conflict Domestic initiatives in Rwanda.....31

3.3 Electoral Reforms in Post Conflict Rwanda.....32

3.4 Economic Development and Poverty Reduction Strategy in Rwanda (EDPRS)……...35

3.5 Infrastructure Reforms in Post Conflict Rwanda.....36

4. National Unity and Reconciliation Program 39

4.1 Seeking Unity and Reconciliation through Dialogue 40

4.2 *'INGANDO'* Approach to Unity and Reconciliation in Rwanda.....43

5. The *Gacaca* System 49

5.1 The failure of the international criminal tribunal for Rwanda.....51

5.2 *GACACA* as Restorative Justice 55

6. Conclusion and Recommendations.....64

6.1 Conclusion 64

6.2 Recommendations.....65

References 73

CHAPTER ONE

1. Introduction

This chapter introduces the role of domestic mechanisms in post conflict reconstruction in Africa. The aim, objectives and the rationale of the study are explained. Relevant literature surrounding the challenges of post conflict reconstruction and development is reviewed. The focus on Rwanda as the case study due to its success story in its post conflict recovery after the 1990-1994 conflict is presented. This chapter provided the framework of this research report.

1.1 Aim and objectives

1.1.1 Aim

With the creation of the African Union and other regional organisations like the East African Community (EAC), Southern Africa Development Community (SADC) and the Economic Community of West African States (ECOWAS), with programs like the New Partnership for Africa's Development, Africa is seeking to break away from the shackles of poverty and under development.[1] The purpose of this research therefore is to evaluate the impact of indigenous policies or home grown mechanisms like the Rwandan *Gacaca* program, the Economic Development and Poverty Reduction Strategy (EDPRS) and the Unity and Reconciliation Programs among others, in the reconstruction of Rwanda and the role played by the traditional Western reconstruction programs of the IMF, World Bank and the donor community. In this report, I will be examining the concept of the politics of inclusion and mass participation as an important ingredient for successful post conflict reconstruction. Post conflict reconstruction strategies should be focused through local engines of economic recovery in order to foster lasting peace and sustainable development.[2] I will demonstrate how for the last 15 years Rwanda has been engaged with the issues of development through the post conflict reconstruction programmes using unique approaches or home grown mechanisms. I will investigate whether these policies can result in lasting peace and sustainable development. The political, economic, social and legal mechanisms will be central in my research. In other post conflict states, there has

[1] NEPAD., "African Post-Conflict Reconstruction Policy Framework", NEPAD Secretariat, Midrand, June 2005

[2] Addison, T., "Africa's Recovery from Conflict: making Peace Work for the Poor", in UNU-WIDER, Oxford University Press, 2003. Pg 4

been the tendency for the winner to take all, especially after elections following which frequently the oppressed becomes the oppressor. In the Rwandan situation however it will be demonstrated that through the inclusion of all the erstwhile protagonists in governance, a successful post conflict state is reconstructed using local mechanisms where the local communities, the private sector and the state are the primary actors.

1.1.2 Hypothesis

> *Visionary participation, decentralisation, based on the principles of equitable management and resource distribution, and fostered by institutions of good governance leads to development in post conflict states.*

1.1.3 Rationale

In order to achieve the above aims the following objectives were set out:

The existing literature on post conflict reconstruction acknowledges the contribution of issues like local participation, indigenous innovations and domestic ownership of development but in a way suggesting that imported programs from international donor communities present the best hope for Africa's development.[3] This research is motivated by the need to demonstrate how home grown mechanisms have higher chances of attaining sustainable peace and development as compared to the models imported from Western countries.[4] Due to the gaps in most of the existing literature, I will seek to critique the prevailing theories of post conflict reconstruction with the intent to come up with more workable recommendations for post war recovery. Therefore, this research is further inspired by the desire to investigate and test the hypothesis that Visionary participation, decentralisation, based on the principles of equitable management and resource distribution and fostered by institutions of good governance lead to development in a post conflict state. Rwanda comes out in a very unique way on how it has transformed from a failed state to an almost developed state within a short time. The miracle has been on how the instituted programs have been implemented to deal with the post conflict challenges.

The *Gacaca* program for example is an exclusively Rwandan program that has played a fundamental role in promoting justice in order to prevent future conflicts. It draws its strength and uniqueness from the fact that it is locally based and was formed by the

[3] Demukaj, V. Foreign Aid Effectiveness in Post Conflict Countries. University of Trento, School of International Studies, 2009
[4] Ibid.

Rwandan traditional justice system before the introduction of the modern system of justice. The program operates in several phases whereby there is information gathering in every cell using the cell members, identifying the suspects and the victims and then bringing them together for a local hearing in the same cell where the crimes were committed. It brings justice to the people for purposes of reconciliation. The suspects are brought to the people who participate in the execution of justice with the powers to pardon those who admit to their crimes and apologise hence initiating sustainable reconciliation and peace.

The government has incorporated into its governance policies the World Bank programs of decentralisation in order to promote participation and efficiency. The performance contract program for example is very peculiar in the way it has been implemented in Rwanda whereby everybody in leadership has to pledge to achieve a specific target within a specific time. There are rewards for excellence and punishments for failure and it is a legally binding social contract. This therefore has revived the public service, energized the private sector and accelerated development. In the economic development and Poverty Reduction Strategy, the Rwandan story of steady progress has also offered useful lessons. It has embarked on a government steered private sector incorporating the local programs and the Structural Adjustment programs.

1.2 Review of Relevant Literature

Post-cold war Africa was characterized by conflict which crippled its economic, social and political development compared to the other continents.[5] Endowed with significant mineral and human resources, conflicts have not allowed Africa to use these resources for its development and economic advantage to reduce its external debts and boost its social, economic and political stability. Instead countries like Eritrea, Angola, Uganda, Ethiopia, Burundi and Rwanda to mention a few, had their economic, social and political infrastructures destroyed by violent conflicts[6]. The end of conflict or the cessation of hostilities led to a transition from war to peace which necessitated sustained economic and technical assistance to rebuild the destroyed fabrics of these economies. Reconstructing the social, political and economic fabrics of war torn states or societies to avoid resurgence into conflict is a complex process requiring comprehensive national and international

[5] Hentz J, and Boas M, (2003), New and Critical Security and Regionalism: Beyond the Nation State. Ashgate Publishing Ltd. Aldershot, Hampshire. Pg. 216

[6] Stewart, F., "Policies towards Horizontal Inequalities Post-Conflict Reconstruction", in UNU-WIDER, Research Paper No 149, Nov 2006.

approaches[7]. The most successful post conflict reconstruction program was the Marshall plan which was designed for the reconstruction of post war Europe after the Second World War in 1948[8].

Post conflict reconstruction in Africa and the role of international community in post conflict recovery have dominated global debates especially in the post cold war era. The arguments range from whether international assistance or external intervention in post war countries helps in their economic recovery and ensures that there is no resurgence into war or whether it in fact plays a role in keeping the post war countries incapacitated poverty stricken, dependent and susceptible to future conflicts. Anand argues that the rebuilding of the social and economic structures is as important as rehabilitation and reconstruction of the destroyed physical infrastructures and that each conflict is unique and must be handled

in a specific manner hence making the process of reconstruction very difficult.[9] The tools used in one region or country cannot necessarily be successfully used in another. For example Nassrine states that,

"when I am asked to describe the challenges facing countries trying to restore peace and stability after years of conflict, I often say it is like trying to tie your shoelaces while running – it is an impossible task, but it must be done."[10]

Protracted conflict destroys the social, political and economic fabrics of a country. Therefore the economic circumstances of post conflict countries are distinctly different from those of other normal poor countries in need of aid for development. The urgent need

[7] Ibid
[8] The World Bank, Post conflict Unit, Social Department, Conflict Prevention, Post Conflict Reconstruction: Perspectives and Prospects, Paris, France, 1998.

[9] Anand, P.B. "Getting Infrastructure Priorities Right in Post Conflict Reconstruction", in UNU-WIDER, Research Paper No. 2005/42, 2005.
[10] Nassrine Azimi. .Training and Human Capacity-Building in Post-Conflict Countries Unite nations Institute of Training and Research. Peace Park Hiroshima, 2003; retrieved from http://www.unitar.org/hiroshima/Training_and_Human_Capacity-Building_in_Post-Conflict_Countries, 0n June 25, 2009

to restore the destroyed social, political and economic infrastructure together with the collapse of revenue makes foreign aid especially vital for post conflict states[11].

Tony Addison argues that war undermines the livelihoods of the poor by destroying essential services hence reducing the abilities of the poor to participate in the national recovery process. This point further makes this research important as it seeks to investigate the role of local mass participation in the recovery process. Addison further demonstrates that to have a successful reconstruction process, challenges of money laundering, arms trafficking and groups of those profiteering from conflict must be dealt with decisively. It is perceived that they pose the greatest danger to the peace process and reconstruction because it is seen as a disruption to their businesses. Conflicts in African states have many times been due to contestation of resources and unequal economic opportunities among other factors, economic recovery and stability. therefore becomes particularly important to avoid relapse into war.[12] That said, it is important to note that for the process of post conflict reconstruction to be successful, the project must not be left to the international community alone. The primary mandate for recovery should be with the aid recipient and the donor as a development partner if the goal of sustainable development is to be realized[13]. This is because with participation comes commitment and ownership of the process which is important for the economic growth and development of any country. Therefore the international community should provide policy advice to the specific country and later help to finance the proposed development strategic programs until the country has revived its economy to the point where it can finance and manage its economic growth and development[14]. Therefore this research will focus on the role of these local strategic development programs which I have called the home grown mechanisms in post conflict reconstruction and development. It is my contention that the case of Rwanda presents the best case study among African post conflict states in assessing the impact of locally devised programs in the recovery of the country. Like Somalia, Democratic Republic of Congo and Sudan, the Republic of Rwanda went through a period of conflict that resulted in the 1994 Rwandan genocide where about one million people were massacred in less

[11] Ball, N. The Challenge of Rebuilding War-torn Societies. Washington, D.C. Overseas Development Council, 1996. Pg 46

[12] Rugumayo, S. and Gbla, O. Studies in Reconstruction and Capacity Building in Post Conflict Countries inAfrica: Some Lessons of Experience from Rwanda, University of Dares lama Tanzania and Fourah Bay University Sierra Leon, Dec. 2003.

[13] Demukaj, V. Foreign Aid Effectiveness in Post Conflict Countries. University of Trento, School of International Studies, 2009, Pg. 06

[14] Mhone, G.C.Z. 'Dependency and Underdevelopment and the Limits of Structural Adjustment Programs in Africa', SAPES TRUST, Harare, 1999.

than 100 days[15]. Unlike other countries, Rwanda has taken advantage of the post conflict reconstruction programs to develop through its integrated politics of inclusion. Visionary participation built on decentralisation and set on the principles of equitable management and resource distribution, fostered by institutions of good governance has led to development in post conflict Rwanda.

1.2.1 Theoretical Frame Work

Given the fact that in international relations the meaning and definitions of different concepts are subject to contestation, it is imperative to try and define or adopt definitions from selected sources. This research relies on Tony Addison, Paul Collier, Krishna K. and James k. Boyce's understanding of post conflict reconstruction. Concepts and definitions adopted by international institutions and organisations like the World Bank and the United Nations will are prominent in this report. For example the World Bank views post conflict reconstruction as the support for the transition from conflict to peace in an affected country through the rebuilding of the social economic frameworks of the society[16]. Transition from war to peace is achieved when peace accords are signed and implemented or when one party is decisively defeated by another to end the conflict. This initiates the process of recovery which involves all the different sections of the society and the international development community as a critical role player[17].

Some scholars have argued that the rebuilding of war-devastated countries and communities is a series of non-integrated activities carried out by international agencies and governments, serving political and other agendas. The result many times is that calamities of war are often accompanied by the calamities of post war reconstruction hence disregarding the importance of sustainable development in post conflict countries[18]. This therefore further provokes debates on whether the body of knowledge related to post-conflict reconstruction is sufficient and with cohesive theories that can inform governments and the international community on post war recovery.

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[15] Mamdan, M. (2001) When Victims Become Killers: Colonialism, Nationalism and the Genocide in Rwanda. Princeton University Press. P 199

[16] The World Bank, Post conflict Unit, Social Department, Conflict Prevention, Post Conflict Reconstruction: Perspectives and Prospects, Paris, France, 1998.

[17] Ibid.

[18] Moss, T., Pettersson, G. and van de Walle, N. 'An Aid-Institutions Paradox? A Review Essay on Aid Dependency and State Building in Sub-Saharan Africa' in Center for Global Development, Working Paper No. 74, Washington DC, 2006, p. 3

1.2.2 Research Methodology

The methodology used in this research report is qualitative method. This is therefore to a greater extent be a desk based research report. The primary data collection consists of existing literature on the subject of post conflict reconstruction and development. These include books, journal articles and reports of research and investigative panels, set up by groups, International Organisations and governments working in the areas of conflict prevention, conflict management, conflict resolution and post conflict reconstruction. The Rwandan government policy documents and official statements of the agencies involved in post conflict reconstruction were consulted. The University of Witwatersrand libraries, the South Africa Institute of International Affairs library, The Rwandan National University library, the East African Library Makerere University, The Centre for Conflict Management (Rwanda); and Internet materials will be researched and analysed as well. Other libraries will also be relied upon to acquire the materials that are not available in the above mentioned research centers.

1.3 Chapter Outline

1.3.1 Chapter One Introduction

It will be the introduction of the report, outlining the problem to be investigated, exploring the significance of the study, the literature review, the conceptual framework and the research methodology.

1.3.2 Chapter Two: Exclusionism And Conflict: The Case Of Rwanda

This chapter will interrogate the concepts of exclusionism and conflict. It will be argued that the underlying cause of conflict in Rwanda was the politics of exclusion that characterised both the pre independence and post independence Rwanda. Therefore, to realise a successful post conflict recovery program, deliberate inclusive programs are critical.

1.3.3 Chapter Three: Post Conflict Government Reforms

It will focus on the post conflict government reforms and economic transformation. The transitional government and the adopted policies of inclusive leadership and decentralisation will be interrogated. Furthermore, chapter three will include an analysis of the implementation methods of the economic development and poverty reduction strategies.

1.3.4 Chapter Four: National Unity And Reconciliation Program

This will deal with the national unity and reconciliation program that was instituted soon after the conflict to deal with issues of reconciliation, instilling patriotism in the citizenry and preventing future conflicts. The role of this program in promoting social welfare and the development of Rwanda, as a whole will be assessed.

1.3.5 Chapter Five: GACACA System

This will investigate the role of the Gacaca justice system in the reconstruction of the country. This chapter will investigate whether this form of restorative justice will ensure justice, restore peace and stability in the country and facilitate sustainable development.

1.3.6 Chapter Five: Conclusion and Recommendations

This will provide a conclusion of the report by summarising the observations. This chapter will also highlight the strength and weaknesses of domestic initiatives in post conflict reconstruction. It will be in this chapter that recommendations for future post conflict reconstruction programs will be provided.

CHAPTER TWO

The analysis of the politics of exclusionism as the root of the 1994 Rwandan genocide and the historic background of the nation are the focus of this chapter.

2. Exclusionism and Conflict: the case of Rwanda

Post conflict reconstruction aims at not only restoring the stability of the political, social and economic spheres of a state but to set it into motion for progressive growth and development. It is understood that the gains obtained from a cease fire or a peace agreement or a military victory of one party will be short lived if the underlying causes of the conflict are not immediately addressed. Reconstruction of a state is only successful if it manages to prevent immediate and future relapse into conflict and propels a country into economic growth and development. The Rwandan story illustrates a case where post conflict recovery focused on both preventing immediate and future conflict and embarked on programs aimed at improving the lives of the citizens hence growth and development. To understand the rationale for the adopted social, economic and political policies in post conflict Rwanda, a look at the historic perspective of the conflict is essential. This chapter will analyse the concept of exclusionism and the role this played in the conflict in order to understand the rationale of the new policies of inclusion in Rwanda.

Since the end of the cold war, conflict prevention, management and resolution, peacekeeping, peace building and more importantly post conflict reconstruction have become some of the most widely written about issues in international relations and political studies.[19] Even though conflicts are still rife in most developing countries, diplomacy is the most advocated means of solving disputes and conflicts.[20] In trying to prevent or resolve conflict in international relations, different theories have been advanced about its causes and the most appropriate methods for resolution in order to initiate workable reconstruction or recovery programs. There is some measure of agreement that protracted conflict is many times associated with underdevelopment or uneven development emanating from exclusion and deprivation.[21]

[19] Hentz J, and Boas M, (2003), New and Critical Security and Regionalism: Beyond the Nation State. Ashgate Publishing Ltd. Aldershot, Hampshire. Pg. 216
[20].Ibid
[21] Ibid

To begin with, exclusion refers to a situation in which a certain section of the population, whether ethnic, regional or religious, is deprived of the right to belong to or access the resources and opportunities available to similar groups.[22] In most cases those controlling the state machinery exclude those perceived to be in the other group and consequently, the excluded groups seek to fight for their rights and their share of government resources. It is important to note that in most cases the state justifies the exclusions or disputes exclusion, which provokes debates on whether rebellions or violent resistance can be justified.[23] As aforementioned, Africa has been the scene of most conflicts in the world after the Second World War. Such conflicts emanating from the political exclusion usually form a vicious cycle whereby the excluded groups feel that the only way for them to access the opportunities and resources available to others is through violent conflict. This perception that the excluded and marginalized groups can only redeem themselves through war has resulted in a vicious cycle of conflict in Africa[24]

The above assertion can be supported by the dynamics of the recent conflict in Kenya whereby even though the violence was sparked by disputed elections, one of the underlying factors could be argued to have been the perceived exclusion of the other tribes (dominated by the Luo) by the Kikuyu and the Kalenjin elites.[25] The agitations seemed to be resonating with the argument that the elites in the ruling party monopolized all the opportunities available at the expense of the majority of Kenyans.[26] Similarly, the conflict in Ivory Coast in early 2000 centred on disputes over identity whereby some people considered themselves as having exclusive rights as citizens while others were excluded from asserting similar rights. This contestation of identities to determine who should be included and who should be excluded have been responsible for the conflict in Ivory Coast.[27]

It would be insufficient to highlight areas where conflict has been as a result of politics of exclusion in Africa without any mention of the Democratic Republic of Congo (DRC) conflict and the Rwandan genocide of 1994. Suffice it to argue therefore, that the wars,

[22] Gijsberts M, Hagendoorn A, (etr) (2004) Nationalism and Exclusion of Migrants: Cross-National Comparisons. Ashgate Publishing Ltd. Aldershot, Hampshire. Pg.1
[23] Ibid.
[24] Mamdan, M. (2001) When Victims Become Killers: Colonialism, Nationalism and the Genocide in Rwanda. Princeton University Press. P 199
[25] Murela M, The Dynamics of the Kenyan Crisis. The Daily Monitor. 16th Feb. 2008 Pg. 12
[26] Ibid.
[27] Young Tom, (2003) Readings in African Politics. Indiana University Press. Pg. 136

which have ravaged Eastern DR. Congo for the last 14 years, are a result of political exclusion of the populations from the eastern part of the country. The *Banyamurenge* in the Kivu province in the eastern part of the country have been rejected as not belonging to DRC and excluded in terms of resource distribution and reconstruction of the country[28]. In response to the threat of expulsion from what they perceive as their God-given right to belong and to benefit from the national resources, different groups in the DRC have resorted to violent means in a bid to reclaim their perceived rights, hence the protracted conflict in the DRC.[29] The Rwandan case will be analysed to demonstrate the link between exclusion and conflict and to show that peace and stability can be sustainable only if participation or 'inclusionism' is at the centre of reconstruction programs.

In analyzing conflicts in Africa exclusion has not been a very common phenomenon or concept used, often because writers seldom use more direct reasons like oppression, dictatorship and corruption even though these are the symptoms of the politics of exclusion. It can therefore be argued that there is an extricable link between political exclusion and conflict in Africa. This perceived inequality in the distribution of resources and national or regional benefits breeds discontent, making conflict inevitable.[30] It offers fertile ground for ideological extremism, social, economic and political exclusion thereby making future conflict unavoidable and reconstruction or recovery impossible. That said however, there is no unified theory of conflict that has been advanced. It is therefore unlikely that one will find an all encompassing explanation that is adequate to explain conflicts of different types in different countries or regions.[31]

Although the connection between exclusion and conflict is not outright, it is a major underlying factor in protracted conflicts and unless given serious attention conflict resolution and post conflict reconstruction may remain theoretical for a very long time in African International Relations.[32] The short sighted quick-fix approach of regional interventions whereby focus is on restoring the *status quo* has resulted in short lived

[28] Huggins C, Institute for Security Studies, (2005) From the Ground Up: Land Rights, Conflict and Peace in Sub- Saharan Africa. Institute for Security Studies. Pretoria. Pg.115
[29] Ibid.
[30] Op. Cit. Mamdan M.
[31] Ramsbotham, O, Woodhouse T, and Miall H, (2005), Conterporary Conflict Resolution: Prevention, Management and Resolution: Polity, Stafford BC. Pg 101
[32] Ibid.

stability and reversed the gains of post conflict reconstruction in most parts of Africa.[33] The fire brigade operations that seek to quickly put out the fire in conflict zones ignore the deep-rooted historical politics of exclusion that breed and fuel conflict.[34] It is therefore justified to conclude that the politics of exclusion have been one of the primary causes of conflict in many African states especially and Rwanda serves as a very good example.

2.1 Historical perspective of the conflict in Rwanda

When African states and scholars search for causes of challenges and conflicts plaguing the continent, the tendency has often been to blame it on colonialism.[35] This state of affairs has culminated in African states blinding themselves to the role they themselves have played in crafting some of the problems they encounter.[36] Nonetheless, the Rwandan conflict is a mixture of colonial and citizenry ethnic consciousness which depleted the sense of nationhood and bred ethnic nationalism - the bedrock for the 1994 genocide.[37] Noted below are some of the factors which paved way for the blood bath that Rwanda experienced in 1994.

Colonialism took over the African continent and its societal structures in a way that led to the underdevelopment of the continent in general and the development of the economies of the colonialists. Societies were deeply divided and the institutions therein were crafted in a manner that would facilitate the exploitation of the African continent to develop the countries in the North. Thus the post colonial leaders had to deal with the legacy of divide and rule, oppression, slavery, tribalism and racism.[38] Due to the different types of colonial experiences in Africa, the new leaders adopted different strategies of governance which in turn have yielded different results across the continent. For some countries, independence was the long awaited breakthrough for economic development and political stability while for others it became the beginning of oppression, exclusion and marginalization leading to

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[33] Ibid.
[34] Ibid.
[35] Hodder B.W, Harris D.R, (1967), Africa in Transition: Geographical Essays, Barnes & Noble, Monroe, p7
Le Vine V.T, and Hoover Institution on War, Revolution, and Peace, (1967), Political leadership in Africa: post-independence generational conflict in Upper Volta, Senegal, Niger, Dahomey, and the Central African Republic, Hover Institution Press, Stanford CA, p 58
[3] Deng FM and Lyons T,(1998), African reckoning: a quest for good governance. Brookings Institution Press Washington, Pg. 172

[38] Mamdan, M. (2001) When Victims Become Killers: Colonialism, Nationalism and the Genocide in Rwanda. Princeton University Press. P 199

conflict and war.[39] Violence became the order of the day, hindering economic development and growth. Rwanda and many other countries in the Great Lakes region fall in this category of post colonial states characterized by conflict, mass violence, lack of development, authoritarian regimes, and the influx of armed groups with the aim of fostering regime change[40]. It is important to note that no sooner had Rwanda got its independence from Belgium than a revolutionary regime took over power and proceeded with the plans of mass violence to wipe out specific members of its own population. To better understand the dynamics of the Rwandan state and the conflicts that have characterized its post colonial history, it is vital to discuss the origins of violence in the history of the country, looking at the pre- colonial, colonial and post-colonial periods.

Before colonialism Rwanda was inhabited by a people called Banyarwanda who were divided along economic lines. There were three main economic activities and the people were categorized according to the occupation that they undertook. The occupations were pastoralism, farming or cultivation, and gathering or hunting. Those who were cultivators came to be called Bahutu; those who were pastoralists came to be called Batutsi; and the gatherers were the Batwa. [41]They all lived together, dependent on each other socially and economically. The pastoralists however, due to their economic superiority, assumed leadership roles within the society followed by the cultivators and the Batwa being the lowest subordinates. It is important to note that the status or the identity of the Banyarwanda was not natural. One was not born into a specific group but rather their status was a historic construction. It is vital to mention at this point the fact that an individual or a family was able to move from one identity to another through a process called *kwihutura.* If a Hutu bought cows and became a pastoralist, he and his family became Tutsi and at the same time if a Tutsi became poor and lost his cows and went into cultivation, he and his family became Hutu.[42] These temporary identities were instrumental in ensuring stability and opportunity for all. The economics determined the politics, and everybody lived alongside each other peacefully until the arrival of German colonialists.

[39] Francis J. David, (2006) Uniting Africa: Building Regional Peace and Security Systems. Ashgate Publishers Ltd. Aldershot, Hampshire, Pg 46
[40] Op. Cit. Mamdan M.
[41] Ibid
[42] Mamdan. M. (1996) "Citezen and Subject' Contemporary Africa and the Legacy of Later Colonialsim. Princeton Universty Press. P78

The advent of German colonialists in the early 19th century introduced instability in the socio-political relations of Rwanda when they sought to naturalize the differences among Banyarwanda, which hitherto were only economic. Indeed, race, as a political identity, was imposed by the force of the colonial laws during the colonial period. After the Second World War, Rwanda was put under the auspices of Belgium as the new colonialists. Through the use of divide and rule strategies they used the Batutsi who had already been ruling alongside the Germans as the chiefs and had assumed leadership roles in the community to govern the country.[43] The Tutsi became chiefs under the white colonizers while the other groups; the Hutu and the Batwa, became predominantly their subjects. It is vital to mention that this is when the seeds of conflict were sowed in Rwanda. As we shall explore later, these political identities were reproduced and reaffirmed in the post-colonial era, hence the perpetuation of conflict between ethnic groups or races resulting in the 1994 genocide.

It is important to note that race was attributed to those perceived as alien and ethnicity was attributed to those perceived as indigenous. In this case, the Hutu became the indigenous while the Tutsi became the alien. Because these identities were naturalized, the process of *kwihutura* was abolished which meant that one was born and stuck in one status or social identity. It is therefore justified to argue that this was one of the root causes of conflict since one group was more privileged than the others.[44] Those who perceived themselves as condemned to subordination and oppression were bound to revolt in future against those they perceived as their oppressors. This was the introduction of the politics of exclusion, whereby all the privileges and resources were reserved for the Tutsi, while the Hutu and Batwa were largely excluded and oppressed socially, economically and politically.[45] It can thus be suggested that it was these naturalized identities, privileges and exclusions that became the basis of the conflicts that ensued, culminating in violence in 1994 and producing genocide in Rwanda.

The introduction of democracy ushered in the Rwandan revolution of 1959, towards the end of colonialism. The Hutu majority who were oppressed and excluded revolted and resisted the prevailing politics of exclusion and oppression, hence the first major conflict.

[43] Ibid
[44] Mamdan, M. (1996) From Conquest to Consent as a Basis of State Formation: Refferections on Rwanda. New Left View. Vol. A. No. 216 P3-36.
[45] Mamdan, M. Loc.cit. pp55

The majority Hutu took over power and in 1961 Rwanda was set free from the colonial bondage of the Belgians and was set to becoming a new state.[46] It should be mentioned that with independence, African states were placed in a position where they were to rearrange their priorities for purposes of stability, growth and development.[47] The basic issue, with respect to the relationship between public policy and societal goals in Africa, is the extent to which governments are able to satisfy the people's expectations of independence. For instance, their sincere hope that freedom from colonial rule would usher them into a new era of equal opportunities, basic rights and freedoms which were unheard of during colonial rule. Like most other newly independent African states, the new Rwandan state was faced with the unprecedented challenge of civil administration for the realization of its national goals.[48] The Belgians handed over power to the first President of the Republic of Rwanda in 1961, after the introduction of democracy. Since the principles of modern democracy dictate that the majority make binding decisions and take on leadership roles, Gregoire Kayibanda, a Hutu leader of the Paramehutu political party, became the first Rwandan president.[49]

The politics of exclusion and oppression were reaffirmed by the new government whereby the ideology that drove the Kayibanda regime was that of exclusion, displacement and replacement. The displacement of the Tutsi and the replacement of the Hutu to positions of power, influence and privilege led to the creation of an exclusive Hutu state from the exclusive Tutsi state hence perpetuating the politics of social, economic and political exclusion and oppression.[50] One can therefore argue that independence never brought any fundamental change in the country. What was seen is the reversed trend of oppression and supremacy where Hutu oppression and Tutsi supremacy were reversed leaving the Kayibanda regime with the objective of revenge rather than nation building. This state of affairs was a recipe for continued conflict.

The living standards of the general population were very low and had not improved since independence. The state failed to create a good environment for industrialization to take place. Things had not changed for the ordinary Hutu; they were still poor and lacked the

[46] Prunier, G. (1995) The Rwandan Crisis 1959-1994: History of A Genocide. Hurst, London:
[47] Ibid
[48] Ibid
[49] Ibid
[50] Verwimp, P.(2000). *'Peasnt Ideology and Genocide in Rwanda Under Habyarimana'*, in Cook, S. E. (eds): Genocide in Cambodia and Rwanda. YCIAS/GSP Monograph (A monograph looks more or less like a journal Article: Please checkl again fro consistency's sake)

opportunities to leverage themselves. Unemployment was escalating, leading to further agitation at the state's capacity to turn around the events.[51] It is important to note that this regime controlled the process of national socialization whereby the Tutsi were no longer seen as a race but rather were transformed into an ethnic group. This was a fundamental transformation since it meant that they were all Banyarwanda. It however did not change the status quo.[52] The exclusion, oppression and legal discrimination was even intensified through organized institutions like schools where one was required to identify oneself as Hutu, Twa or a Tutsi. [53]Since the prevailing ideologies seemed not to bring rapid benefits to the ruling class, instead ideologies of extremism, intolerance and tribalism developed and gained prominence, leading to further conflict.[54]

The overthrowing of Kayibanda's regime in 1973 by a group of Hutu military generals from the *Forces Armes Rwandaise* (FAR) in a military coup and the party *Mouvement Revolutionaire National Pour Le Develipment et La Decraties* (MRND) led to the subsequent government of General Juvenal Habyarimana as the new Hutu president. This government introduced new ideas that seemed to be all inclusive especially during their campaign to be recognized as a legitimate government.[55] Unfortunately these ideas never made it into the new constitution and the system of oppression, predation and exclusion still prevailed.[56] Whenever there was discontent with government, the regime was quick to attribute the worsening situation to the past Tutsi regime using it as a scapegoat. This continued to create hatred between the two tribes. Furthermore, the Habyarimana regime suppressed all forms of political opposition using ethnicity as the reason to stay in power. Orders were given and expected to be carried out throughout the country and this eventually became a very effective tool for the mass mobilization of the Hutu civilians against their Tutsi counterparts who the regime perceived as enemies.[57]

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[51] Post Independence (2005) Rwandan Development Gateway. Feb:8. http://www.rwandagateway.org/article.php3

[52] . Ervin, Staub.(2000). Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation, Political Psychology, Vol.21, No.2 Jun. 2000 P. 367-382

[53] Mamdan, M. (2001) When Victims Become Killers: Rwanda. Princeton University Press. P 199

[54] . Ervin, Staub.(2000). Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation, Political Psychology, Vol.21, No.2 Jun. 2000 P. 367-382

[55] Harris, R. (1962). Independence and After: Revolutions in Underdeveloped Countries. Institute of Race Relations. London: Oxford University Press Colonialism, Nationalism and the Genocide in.p103

[56] Ibid

[57] Ibid

It is important to note that due to these unbearable conditions coupled with mass killings of the Tutsi in both the Kayibanda and Habyarimana regimes, many Tutsi citizens were forced to flee their own country in search of safety in neighbouring countries. This influx of refugees from Rwanda into the neighbouring countries of Uganda, Kenya, Tanzania, Burundi and even to far countries like South Africa arising as a result of the politics of exclusion has been responsible for the social, economic and political instability that has prevailed in the Great Lakes region throughout the post-colonial period.[58]

The government's failure to transform the state itself, its institutions and ideologies and the failure to overhaul the departments that represented the nature and character of the colonial state was to result in shame and disaster for the country a few years later. This legalized oppression and exclusion of the Tutsi by the Hutu coupled with the government's inability to transform the economic and social lives of the ordinary Hutu was going to be the fuel for genocide in 1994.[59] It is important to note however that even though conflict was brewing, there were other factors responsible for the outbreak of war in 1990.

As a result of the existing relations with the Habyarimana government in Rwanda, some of these countries pursued policies that were very harsh towards the Tutsi refugees. For example, the Milton Obote government in Uganda sought to expel all Rwandan refugees or repatriate them back to Rwanda. It was at this time that many of these refugees joined the Ugandan opposition under Yoweri Kaguta Museven and resisted the Obote government. The resistance ended up in a guerrilla warfare waged against Obote's government by Museveni's National Resistance Movement (NRM) in 1981.[60] This war lasted until 1986 when the National Resistance Army overthrew the Government of Obote's successor, Tito Okelo Lutwa, who had also overthrown Obote in a military coup. The NRM victory in 1986 changed the politics of the region in that there was a new sense of revolution and liberation in the region. This turn of events in Uganda was very unsettling for the Rwandan government due to the fact that Uganda's new government consisted of a large number of Rwandan refugees, especially in its military wing. [61]

[58] Mamdan, M. (2001) When Victims Become Killers: Rwanda. Princeton University Press. P 199
[59] Destexhe, A. (1995). Rwanda and Genocide in the Twentieth Century. New York: New York University Press. P.122
[60] Ibid
[61] Ibid

With a base and support from the new government in Uganda, the Rwandan refugees in Uganda and other parts of the world began to demand that the Rwandan government allow them back into their country. Significantly, it was at this time that Habyarimana, insisted that Rwanda was too small and therefore had neither the space nor the resources to accommodate the Tutsis in the country thus necessitating war in 1990.[62] The Rwandan refugees in the diaspora led by Fred Rwigema who was a senior military officer in the NRA mobilized the Tutsi refugees and launched a full scale offensive war against the Rwandan government in 1990. It can be argued that it was the alienation and rejection of the Tutsi by the Hutu that led to the 1990 Rwandan conflict.

In response to the invasion by the Rwandan Patriotic Movement (RPF), the Rwandan government mobilized a national mass response. Due to the hatred that already prevailed in the population, Hutu leaders easily mobilized their fellow Hutu citizens for the operation to exterminate all the Tutsi that lived on Rwandan soil, arguing that the Tutsi were coming back to subject the Hutu to slavery within their own country. [63]Although the killings had been going on throughout the war period, April 1994 became the most extreme month in the history of the country, with Hutu militias called Interahamwe carrying out a well organized and sponsored genocide that left over one million Tutsi and moderate Hutu killed.[64] Even though all this was happening in Rwanda, it was not isolated from the international politics of the day. The RPF which was hosted and backed by Uganda also received support from other western countries especially the Anglophone countries, whereas the Habyarimana regime was backed and sponsored by the DRC, France and Belgium. This external support worsened the conflict and resulted in what was seen during the 1994 genocide. The 1990-1994 Rwanda conflict not only claimed uncountable lives but destroyed the social and economic fabric of the country. The economy collapsed, and the livelihood of the population was destroyed. Rwanda thereafter found itself without a public sector or a private sector but a hungry and angry population. Humanitarian organisations like the World Food Program and the Red Cross became very crucial for the survival of the Rwandan survivors. It was therefore this situation immediately after the conflict that gave the transitional government and the international community a blank sheet to draw a program for the countries post conflict reconstruction.

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[62] Op. Cit. Prunier, G.
[63] Mamdan, M. (2001) When Victims Become Killers: Rwanda. Princeton University Press. P 199
[64] Ibid

The post conflict transitional government understood that since political, social and economic exclusion were fundamental causes of the social stratification and the conflict; sustainable peace, unity and successful recovery together with progressive development were going to be possible only if centred on policies of inclusion and participation for all. This therefore explains the government pursuit of an agenda of participation and decentralization, based on the principles of equitable management and resource distribution and fostered by institutions of good governance as shall be seen in the following chapters.

In summary, this chapter discussed the policies of exclusion that were embedded in the national policies of Rwanda as one of the primary causes of the 1990-1994 conflict. It has been observed that although the colonial policies perpetuated the policies of oppression, displacement and subordination that prevailed in the pre-colonial times, the post-independence leadership of Rwanda sought revenge and exclusion as opposed to development and reconciliation hence a vicious cycle of exclusionism and conflict. This chapter further reinforces the argument that post-conflict reconstruction can only be successful if the underlying factors responsible for the conflict are acknowledged and tackled accordingly. It has been highlighted that the 1990-1994 Rwandan conflict was unique in its background and in its execution and therefore its reconstruction strategies had to be unique in order to succeed.

CHAPTER THREE

This chapter looks at post-conflict reconstruction in Rwanda as a project of different partners, notably; the international community/donors, the local population and the Rwandan government. The domestic mechanisms as opposed to imported policies from international organisations are discussed in the adopted electoral reforms, infrastructures reforms and the economic developments and poverty reduction strategy programme.

3. Post Conflict Rwandan Government Reforms and the Role of International Community

The end of conflict after the RPF victory led to a transition from war to peace, which necessitated substantial economic and technical assistance to rebuild the destroyed fabric of the country[65]. The reconstructing however of the social, political and economic fabrics of a war torn state or society to avoid resurgence into conflict is always a complex process requiring comprehensive national and international solutions. Due to the fact that conflict destroys the productivity of a state and its people, it is obvious that conflict states cannot fund their immediate recovery or reconstruction. It is this point that makes the international community or the donor's critical players in the post conflict reconstruction process.

A lot of theories have been advanced on the role of international community in post-conflict situations highlighting that the international community ought to have a significant role in the process of reconstruction. Whereas this chapter does not disagree entirely with this thesis, it contends that significant responsibility must be with the recovering states if quick recovery and sustainable peace is to be realised. This chapter further explains that the donors assisted to rebuild Rwanda but the policies and programs for the post-conflict reconstruction were significantly domestic, hence the rapid improvements in the public and private key areas, notably; the electoral reforms, and infrastructure reforms.

[65] Ball, N. The Challenge of Rebuilding War-torn Societies. Washington, D.C. Overseas Development Council, 1996. Pg 48

Foreign aid therefore becomes the hope for recovery and sustainable peace through programs like disarmament and reintegration of former combatants, resettlement of refugees and the revival of the public service to provide the urgently needed social services. It is important to note that even though foreign aid for post conflict reconstruction seems to be the only hope for recovery, it comes with strings attached which bind the recipients to specific policies and drafted recovery program. It is from this perception that debate on the role of foreign aid in post conflict reconstruction ensues. This chapter will focus on the role of the international community in post conflict government reforms and economic transformation. The transitional government and the adopted policies of inclusive democratic leadership and decentralisation will be interrogated. Furthermore, this chapter will include an analysis of the implementation methods of the economic development and poverty reduction strategies.

3.1 **The role of international community in post conflict reconstruction in Africa**:

Post conflict reconstruction in Africa and the role of the international community in post conflict recovery have dominated global debates especially in the post cold war era. The arguments range from whether international assistance or external intervention in post-war countries helps in their economic recovery and ensures that there is no resurgence into war or whether it in fact plays a role in keeping the post war countries incapacitated poverty stricken, dependent and susceptible to future conflicts.[66] Further discussion has been on issues such as; when is a country declared as a recovered state or for how long should foreign aid be a source of income for developing nations.[67] Protracted conflict destroys the social, political and economic fabric of a country. The economic circumstances of post conflict countries are therefore distinctly different from those of other normal poor countries in need of aid for development.[68] The urgent need to restore the destroyed social, political and economic infrastructure coupled with state inability to generate revenue on its own, makes foreign aid critical for post conflict states.[69]

Notably, conflicts in African states have many times been due to contestation of resources, unequal social and economic opportunities. Economic recovery and stability based on

[66] Jones, D.: Aid and Development in Southern Africa. Overseas Development Institute: London, 1977, p. 75.
[67] Ibid.
[68] NEPAD., "African Post-Conflict Reconstruction Policy Framework", NEPAD Secretariat, Midrand, June 2005.
[69] Ibid.

equal opportunities for all becomes particularly important to avoid relapse into war.[70] That said, it is important to note that for the process of post conflict reconstruction to be successful, the project must not be left to the international community alone. The primary mandate for recovery should be with the aid recipient and the donor as a development partner if the goal of sustainable development is to be realized. This is because with participation comes commitment and ownership of the process which is important for the economic growth and development of any country.[71] Therefore the international community should provide policy advice to the specific country and later help to finance the proposed development programs until the country has revived its economy, and can finance and manage its economic growth and development.[72]

Post-war aid comes from both developed nations and Non Governmental organizations (NGOs) to the country that has been devastated by the war. It is directed to different sectors and projects for purposes of meeting the recovery challenges, hence paving way for development. Since the concerns are usually more than what the aid budgets can accommodate, prioritising areas of urgent attention becomes a necessity. These areas include among others, technical assistance to restore capacity.

Because war destroys human life, the country looses its skilled labour force and as a result there is need for capacity building for economic recovery and sustainable development, and financial packages to facilitate social programs become dire. Skills are also lost as result of migration to other countries. Because of war the educated and skilled tend to be the first to flee due to demand pull factors from other more stable countries. As a result of this loss the recovery of these countries tends to take even longer due to absence of indigenous skilled labour which limits the ability of a country to recover quickly[73]. This leads to poor countries hiring expensive expatriate labour to advise on and manage the recovery programs. Aid therefore is necessary to pay the hired expatriates to ensure the success of development programs[74].

[70] New Partnership For Africa's Development (NEPAD). NEPAD. In http://www.nepad.org\2005\doc.php. October, 2001, p. 1.
[71] Allen, T. and Wienhold, D. 'Dropping the Debt for the New Millennium: Is it such a good idea?' in Journal of International Development, Vol. 12, 2006, p. 858.
[72] Ibid.
[73] Moss, T., Pettersson, G. and van de Walle, N. 'An Aid-Institutions Paradox? A Review Essay on Aid Dependency and State Building in Sub-Saharan Africa' in Center for Global Development, Working Paper No. 74, Washington DC, 2006, p. 3.
[74] Ibid.

For stability to be realized in post conflict societies there must be programs aimed at healing the wounds of war. For example counselling programs for the victims of violence, reintegration and rehabilitation programs for former combatants, reconciliation programs to unite the warring parties or communities, become very essential in laying the foundations for solid peace and stability.[75] This is a factor for foreign direct investments that is necessary for economic development to take place.

Furthermore, priority is put on financing government expenditure. Due to the fact that war destroys government revenue, there is need to assist the recovering state to meet the national budget in order to have a functional government without plunging the country into deeper deficits.[76] It is at this point that debt relief becomes an important form of aid to post conflict states. Debt relief cancels the government obligation to pay back the money borrowed and the accumulated interest. This helps the recovering country to focus on reinvestments rather than on clearing the accumulated debts.[77]

Government can also focus on long term programs to deal with problems of poverty. War destabilizes the normal livelihoods of the concerned communities, and as a result a severe threat to food security is created. Hunger therefore becomes a very serious problem in post conflict communities hence making food aid a very important form of foreign aid in post conflict reconstruction in Africa[78]. This speaks to the role played by organizations such as the World Food Program (WFP) in feeding the affected communities as governments embark on the relevant economic sectors. The provision of food to communities by international donor Agencies and organizations between the periods that lapse from planting to harvesting of crops becomes unavoidable[79].

Post conflict states in Africa find themselves in deeper poverty when compared to other developing countries. This as a consequence makes it harder for these countries to achieve their goals of reducing poverty[80]. Countries emerging out of conflict have signed up along aside developing countries and international organizations to, reduce by half extreme

[75] Rugumayo, S. and Gbla, O. Studies in Reconstruction and Capacity Building in Post Conflict Countries inAfrica: Some Lessons of Experience from Rwanda, University of Dares lama Tanzania and Fourah Bay University Sierra Leon, Dec. 2003.
[76] Allen, T. and Wienhold, D. 'Dropping the Debt for the New Millennium: Is it such a good idea?' in Journal of International Development, Vol. 12, 2006, p. 858.
[77] Ibid
[78] The World Bank, Post conflict Unit, Social Department, Conflict Prevention, Post Conflict Reconstruction: Perspectives and Prospects, Paris, France, 1998.
[79] Ibid.
[80] Economic Report on Africa. Economic Commission for Africa: Africa and the Monterry Consensus: Tracking Performance and Progress, in http://www.uneca.org/era2008, 2008.

poverty among other goals by 2015 in the Millennium Development Goals (MDGs)[81]. To meet these objectives, these countries will require doubling the aid and effort in order to take significant strides in this direction. It is important to note that this assistance from the international community comes as a package with stringent conditions as indicated above and these are mainly through the Structural Adjustment Programs. The MDGs speak to the major constraints that the African continent is facing especially extreme poverty and the devastation that HIV/AIDS has caused in the last four decades.[82]

3.2 Post Conflict Domestic initiatives in Rwanda

Convinced that bad governance lays the foundation for future conflict, Rwanda after 1994 focused on good governance especially in the drafting of the 2003 constitution and establishment of independent institutions of governance.[83] Good governance in this sense meant participation for all, consensus, accountability, transparency, responsiveness, effectiveness, efficiency, equity, inclusivity, and respect for the rule of law.[84] Whereas the ideals were welcomed with excitement in 2003, their implementation was not as enthusiastic as their drafting. On democracy and political governance, Rwanda has made very significant strides considering the country's history. There has been the establishment of independent institutions and separation of powers to tackle the challenges of human rights like the National Human Rights Commission which is mandated to ensure that all the organs of government respect the rule of law and the people's rights at all times and investigates all allegations of human rights abuses in the country.[85] This is meant to avoid the mistakes of the past governments where state organs were free to trample over the rights of citizens. Furthermore, the establishment and empowerment of the Ombudsman is an indicator that the regime is committed to accountable leadership and the fight against injustice and corruption.[86]

The office of the ombudsman is charged with the responsibility to represent the interests of the public by investigating and addressing the concerns of the citizens whether against the government or against fellow citizens. This institution is a very new endeavor in Rwanda

[81] Op Cit. United Nations Development Program. Mellinium Development Goals. http://www.un.org.
[82] Ibid.
[83] Gyimah. E. (2004) Democratic Reform in Africa: The quality of Progress. Lynne Rienner Publishers. Boulder. USA. Pg. 48
[84] Cheema G. S. (2005) Building Democratic Institutions: Governance Reform in Developing Countries, Kumarian Press, USA. Pg 28.
[85] Ibid
[86] Op. Cit. Nkuriye M. Pg 122.

and ensures that the people have enough avenues to channel their complaints without hindrance or intimidation, as was the case in the previous governments hence reducing the chances of future conflict resulting from suppression and intimidation.[87] Even though the above institutions were equally very important, the government also focused on democratic transition in terms of electoral reforms. Suffice to note that even though these institutions have been put in place, a lot still needs to be done in the observance and promotion of human rights as Rwanda is still seen as the most intolerant state in the East African region. Furthermore, Rwanda's engagement with the DRC did not reflect the actions of a state that respects human rights and the rule of law. There were reported mass killings and destruction of property, which necessitated a rebuke from the United Nations.[88]

3.3 Electoral Reforms in Post Conflict Rwanda

Immediately after the 1994 Rwanda Patriotic Front (RPF) victory, the new government embarked on a process of consultation and dialogue with the population. Since Rwanda had never experienced true democratic governance apart from ethnic majority rule, this was aimed at understanding the views of the people before any policies or executive decisions were implemented.[89] This approach was unique considering the fact that international organizations and the donor community were pushing the new government to quickly adopt the proposed recovery policies like national elections and economic reforms. Countries such as France and Belgium were hoping that elections would reverse the RPF military victory and rule since they were assured of a Hutu majority. Nonetheless, the new government put democratic governance at its forefront.[90]

The national mobilization and the formation of the broadbased post genocide government that brought together all the political parties that never participated in the genocide and the establishment of the Transitional National Assembly evidenced this. In a bid to find home-grown mechanisms for the reconstruction of the country, the government embarked on policies of inclusiveness and political consensus building through local townhall meetings popularly called 'Urugwiro'. This initiative to involve the community in advising government became very popular between 1998 and 2000 as they attracted all the local

[87] Ibid.
[88] Op. Cit. United Nations Development Program Conference Paper.
[89] Kimonyo Jean Paul, Twagiramungu Neol, 2004, 'The Role of International Community,' Supporting The Post Genocide Transition in Rwanda: Netherlands Institute of International Realtions, Clingendael, Conflict Research Unit, Netherlands. Pg 12
[90] Ibid.

actors in the country[91]. They included politicians, intellectuals, business community, religious leaders and the common members of the community. Even though the international community was not involved, very important recommendations like gradual democratization and decentralization came from this local initiative.

The government used the recommendations from the *Urugwiro* meetings, to organize the first national elections in 1999. These elections were also very unique as the idea was a 'bottom up' approach as opposed to an 'top down' approach which was being proposed by the international community. Rwanda decided to begin with local cell and sector council elections as opposed to presidential and parliamentary elections. Due to lack of funding for the process the government employed a cheaper method of queuing to vote for individual candidates[92]. It should be noted however that this process came at a big cost to democracy as the outcome was seen as being too controlled by government. To further insure sustainable democratic governance the government established the national election commission to deal with all the election processes.

In May 2003 the Rwandan post conflict national referendum was held to adopt the new proposed national constitution. This was preceded by the presidential elections which were seen as very significant[93]. Although the referendum to adopt a constitution was not unique to Rwanda, it was different in the manner in which national mobilization for participation took place. Public meetings throughout the country in all the three national languages at the time were organized and attendance was made mandatory. The government insisted that the population must understand the draft constitution and propose amendments before the referendum took place. This was significant because the process and the outcome were owned by the local community hence explaining the landmark turnup for the referendum amidst international community boycott to a large extent[94]. The government mobilized the local communities, the private sector and individual volunteers to successfully fund the referendum process. Therefore the constitution was primarily based on popular participation as opposed to expert drafting as commonly seen in other post conflict sates.

[91] Ibid.
[92] Kimonyo Jean Paul, Twagiramungu Neol, 2004, 'The Role of International Community.' Supporting The Post Genocide Transition in Rwanda: Netherlands Institute of International Realtions, Clingendael, Conflict Research Unit, Netherlands. Pg 25
[93] Stroh Alexander, 2009, 'The Effects of Electoral Institutions in Rwanda.' German Institute of Global and Area Studies, Berlin, Pg 06
[94] Op. Cit. Kimonyo, Pg 26.

The electoral reforms in Rwanda were not without controversy and challenges. Due to the political situation that had worsened in the country due to the insurgencies and whereby the national defense forces were at war in the DRC with rebel forces and opposition parties perceived to be preaching divisions banned, political intolerance and human rights abuses became rampant.[95] The promised press freedom was forgotten and to some extent military rule became eminent. A lot of extra judicial killings and disappearances of opposition leaders and political activists were reported in the media outside the country and through human rights organizations like the Human Rights Watch. These factors caused antagonism between the state and the international community hence leading to the reduced financial support from 2000 to 2004.[96] It is the manner through which the country has managed to revive and go through the fragile post conflict situation that makes Rwanda exceptional. Rwanda was able to quickly reinstate the rule of law even amidst severe insecurity in 2004 and again win the confidence of the international community to support the national reconstruction and development process. It is important to note that even if the early elections in the reconstruction of Rwanda left a lot to be desired, the 2008 local council and parliamentary elections were commended by all the observers as being free and fair, reflecting the spirit of democratization, national building and development and thereby making Rwanda a success story in post conflict reconstruction.

The following section brings to light Rwanda's effort in coming up with poverty reduction strategies to stimulate national development. Noteworthy achievements have been made through the execution of internally developed strategies.[97] While the World Bank PRSP's which were implemented to eradicate poverty between 2000 and 2005 were difficult to implement and therefore did not meet much success, the Government was able to modify them and come up with own strategies which yielded better result in the drive for poverty reduction.[98] These home grown strategies focused on the allocation of public expenditure to key sectors to achieve the desired growth and development.[99]

[95] Ibid.
[96]
[97] Ministry of Finance Rwanda, "Economic Development and Poverty Reduction Strategy", in Rwandan Government Policy Paper, 2007
[98] Ibd
[99] Op. Cit. Astroh, Pg.11

3.4 Economic Development and Poverty Reduction Strategy in Rwanda (EDPRS)

Poverty reduction program strategies have been employed in many developing countries and especially in post conflict states to kick start national development. Rwanda's significant success has been attributed to its implementation strategies[100]. Whereas the World Bank proposed PRSP was fundamental in the fight against poverty between 2000 and 2005, there were serious difficulties in its implementation, which primarily hampered its success[101]. Instead of repeating the same programs that were not working as it is the case in most developing countries, the Rwandan government restructured the PRSP program and came up with the EDPRS to fit into the home grown national vision for economic growth and development. This strategy focused on the sectoral allocation of public expenditure which was distributed to maintain momentum in the social sectors of education, health and water and sanitation while also targeting agriculture, transport and Information and Communication Technology ICT, energy, housing and urban development, good governance and rule of law, proper land use management and environmental protection.[102]

On the whole, resource mobilization and allocation was realized through broad-based local participatory methods. The successful implementation of the decentralization initiative therefore required considerable capacity building to strengthen both central and local level authorities more importantly[103]. Even though this reform was a condition from the World Bank and the IMF as part of the structural adjustment programs, Rwanda embraced it due to the way it fitted in the countries own strategies to avoid the mistakes of the past[104]. The international financial institutions in support of the recovery of the country sponsored these programs. It is therefore justifiable to reaffirm that not all the conditions for development aid are necessarily bad for a country. What is important is for the respective countries to have strategic plans for development aid to be useful.

Development aid for the reconstruction of Rwanda came with proposed programs from international organizations like the United Nations through United Nations Development.

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[100] Ministry of Finance Rwanda, "Economic Development and Poverty Reduction Strategy", in Rwandan Government Policy Paper, 2007
[101] Ibid.
[102] Ministry of Finance Rwanda, "Economic Development and Poverty Reduction Strategy", in Rwandan Government Policy Paper, 2009
[103] Ministry of Finance Rwanda, "Economic Development and Poverty Reduction Strategy", in Rwandan Government Policy Paper, 2007.
[104] Ibid.

Programs like Development and Poverty Reduction Strategy' (DPRS) to ensure a steady recovery of the economy. Being well-financed strategic programs, the government embraced them as it drafted its own strategies for economic development and poverty reduction.[105] The government came up with a vision for total transformation and development, which is called Rwanda Vision 20/20 '*Umurenge*'. It is a government plan that strategizes and projects its direction for the next twenty years. In utilizing both the donor funds and the donor proposed strategies for economic development, the government advanced a modified DPRS to form Economic Development and Poverty Reduction Strategy (EDPRS), which represents a comprehensive development agenda and the need to ensure progress across both the productive and social sectors of the country[106]. The EDPRS forms more of an operational tool or mechanism rather than an inspirational vision statement for the wishes of the government and the donor community[107].

The Rwandan leadership has continuously argued that external aid is good only as a form of assistance for a country to gain some form of social and economic stability but not as a pillar for sustainable development. It is from this opinion that the government seeks economic development that is not entirely dependent on external aid. The British government through the Commonwealth fund has agreed to fund this program to eventually lead to a self-sustaining economic growth[108]. The British aid has facilitated the capacity building of the Rwanda Revenue Authority both in funding and technical support for the government to begin financing its own development. There has also been a deliberate focus on the development of the private sectors to attract foreign direct investments in the country.

3.5 Infrastructure Reforms in Post Conflict Rwanda

Infrastructure in broader terms includes goods and services which are essential ingredients of quality of life and economic activity and these include water supply and sanitation services, health and education services, transport and communications, electricity and other energy sources. As noted above the 1990 to 1994 Rwandan war destroyed the very weak infrastructure that existed. The reconstruction of the country could not be realized unless it put infrastructure as a priority for development. This was premised on the understanding

[105] United Nations Development Programme. Conference Paper of the Pan-African Youth Leadership Summit: Africa 2015. Dakar, Senegal, 27-30 June, 2004.
[106] Op Cit. Ministry of Finance Rwanda.
[107] Ibid.
[108] Ibid

that infrastructure failures in post-conflict reconstruction can become weapons in the hands of combatants and opponents of peace to derail and undermine the legitimacy and effectiveness of the reconstruction process.[109] This may aggravate civil contention or demoralize staff working in remote locations and thus further delay the process of state rebuilding. Furthermore, infrastructure failures can act on gender and other aspects of identity and exaggerate incapacity, vulnerability and disability.[110]

The uniqueness of Rwanda's approach in infrastructure development is in its priorities. Even though the reconstruction covered all the essential areas of road network construction, revival of the transport system, educational facilities, hospitals and civil aviation, human resettlements and capital creation was emphasized.[111] Having had a huge population either internally displaced in camps or in refugees in the neighboring countries, the new government sought to create homes for the homeless Rwandans. The grouped settlements commonly known as *'Imidugudu'* were constructed and handed over to families that were homeless.[112] This went a long way in reassuring the population that the government was there to serve the needs of its people irrespective of ethnicity or religious affiliations. It is important to note however that there have been criticisms on the criteria used to select which areas benefit from this program first. The critiques argue that the RPF government concentrated on resettling the returning Tutsi refugees and ignored the poor homeless Hutu members of the society.[113]

Recognizing the fact that Rwanda, being a landlocked country without a lot of natural resources in terms of mineral wealth was going to find it difficult to mobilize resources to fund its own growth and development, the government embarked on a vision to develop the national human capital as the main national source of future capital. Focus was put on capacity building and the infrastructure development has focused on the development and transformation of the countries information communication technology (ICT). The government sought to become a service centre for the region and an ICT hub for the

[109] Anand, P.B. "Getting Infrastructure Priorities Right in Post Conflict Reconstruction", in UNU-WIDER, Research Paper No. 2005/42, 2005.

[110] Ibid.
[111] Op. Cit. Ministry of Fincance.
[112] Ibid.
[113].Barayagwuza Jean Bosco, 2004,'The Epitome of Injustice in Rwanda.' Organization for Peace, Justice and Development in Rwanda. Paris, France. Pg 03

continent. It should be mentioned that in 2009 Rwanda was ranked the fastest developing country in ICT on the Africa continent.[114]

The debates surrounding the role of the international community in post conflict reconstruction have been explored. It has been observed that the challenges of reconstruction are enormous for the recovering states but the people must own the process and products of reconstruction. Rwanda came out as a success story in this chapter due to fact that the Rwandan government insisted on domestic mechanisms for its reconstruction as opposed to the adoption of the proposed policies in their entirety. The role of the international community has been observed as vital for the success of Rwanda's reconstruction and development. It has been argued that the government focused on national participation as a tool to achieve inclusive development and avoid the mistakes of the past. In the reconstruction process Rwanda used a unique approach whereby national policies were reached after considerable consultations with the general population. This chapter further looked at the priorities government embarked on to quicken its recovery. They included reforms in both the public and private sectors to lay a foundation for good and democratic governance and economic growth and development. It has however been indicated that although much has been accomplished, more needs to be done especially in the areas of government transparency and human rights protection. It can therefore be concluded that the recovery of Rwanda was primarily due to the significant role of the domestic mechanisms employed.

[114] The World Bank, 2008, 'Private Solutions for Infrastructure in Rwanda'. A Country Framework Report. www.infor.worldbank. Org/etools.

CHAPTER FOUR

National unity and reconciliation is the back born for peace and stability in any post-conflict state. This chapter focuses on the unique approaches of Rwanda's reconciliation through dialogue and solidarity camps.

4. National Unity and Reconciliation Program

The 1994 Rwandan genocide astounded the world. While this catastrophe will never be forgotten, Rwanda offers an inspiring example of how solid leadership and an active civil society can engage citizens in rebuilding their communities.[115] Rwanda can claim noticeable success in making headway from its darkest hour to a new era marked by economic development, increased security and most importantly, the hope that national unity is indeed possible. The establishment of the National Unity and Reconciliation Commission (NURC) was as a result of nationwide consultations on how to forge a way forward for a country that had just emerged from a devastating conflict.[116] In a bid to advance homegrown mechanisms for peace, stability and sustainable development, the creation of this commission was informed by the unique Rwandan traditional means of solving disputes and ensuring reconciliation and unity.[117] The process of reconciliation involved the revival of what is called *'Ingando'* taken from Kinyarwanda language meaning retreating to strategize for the community. This was through the creation of dialogue forums in schools, in the civil society and in government institutions, reconciliation summits, leadership academy, inter-community exchanges and consultations. Several challenges have emerged around the process of national reconciliation that threatens the fragile stability.[118]

This chapter focuses of the creation of the Rwandan national unity and reconciliation commission as an attempt to forge peace and stability for the future. After a conflict there is always an attempt to create peace and harmony between the former warring parties. This

[115] Caplan Gerald. 2000, Rwanda: The Preventable Genocide. Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events. Addis Ababa: Organisation for African Unity (OAU), Available Online www.africa-union.org/Official_documents/reports/Report_rwanda.
[116] Habyarimana, Baptiste 2009, Unity through Reconciliation, National Unity and Reconciliation Commission. Available Online www.nurc.gov.rw
[117] Ibid.
[118] Mgbako, Chi. (2005). '*Ingando* Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda'. *Harvard Human Rights Journal*, Vol.18, No. 4 Pg. 19.

chapter looks at how Rwanda revived its ancient traditions like 'ingando' in a bid to reconcile the population after the 1994 genocide. The Rwandan unique approach to reconciliation through dialogue, mediation and arbitration is discussed in this chapter. The 'Ingando' solidarity camps is analysed as a very controversial program with the potential to reverse the gains of the Rwandan reconstruction process.

The national unity and reconciliation commission is a national institution provided for by the national constitution that was adopted by the Rwandan people in 2003 in a national referendum.[119] It is worthwhile to mention that the idea of establishing a commission for national unity and reconciliation was carried on from the Arusha Peace Accord signed in 1993 between the warring parties.[120] The main objective for such a commission was to assist the government of national unity then projected, to cultivate unity and reconciliation among the people of Rwanda who had gone through long periods of bad governance characterized by divisions, discriminations, human rights abuse and acts of violence.[121] After the tragic genocide of 1994, the establishment of the National Unity and Reconciliation Commission was made even more necessary. In March 1999, the Government of National Unity established the National Unity and Reconciliation Commission with the responsibility of using all available means to mobilize and sensitize Rwandans for the purpose of promoting unity to avoid a repeat of the 1994 events in the future.[122] However, in a bid to forge unity through the commission, the government has created more tension through formal and informal approaches of fighting divisionism and genocidal ideologies in the country.[123]

4.1 Seeking Unity and Reconciliation through Dialogue

From a situation where neighbors were killing neighbors, religious leaders planning against their congregations with the killers and colleagues murdering colleagues, dialogue between the two camps seems impossible yet there can never be reconciliation without dialogue.[124] This is the reality that faced post conflict Rwanda. In trying to do the impossible, Rwanda has again registered significant successes in bringing the people to discuss the issues that

[119] National Unity and Reconciliation Commission. Dec. 23rd 2009, Available Online www.nurc.gov.rw
[120] Ibid.
[121] Rutayisire Antoine, 2009, Reconciliation not an Option but Mandatory. National Unity and Reconciliation Commission. Available Online www.nurc.gov.rw.
[122] Ibid.
[123] Mgbako Chi, 2009, Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda, McMillan Publishing, United Kingdom. Pg 78
[124] Rhiannon, Lloyd and Bresser Kristine,1998. Healing the Wounds of Ethnic Conflict: The role of the church in healing, forgiveness and reconciliation Geneva: Le Rucher/Mercy Ministries. Pg. 103.

divided them hence developing ideas to unite them.[125] Dialogue as opposed to the other methods of conflict resolution like negotiations and mediation helps to bring opposing sides together to devise means for sustainable peace. Whereas in negotiations each party aims at advancing their point of view as the only most appropriate view, in dialogue all views are seen in the same light as alternative constructive ideas on how to achieve the desired goal of peace and unity.[126] This Rwandan approach offers hope for peace due to the fact that it brings together members of the community at different levels and in different capacities as victims of the genocide, perpetrators, the returnees, community leaders, religious leaders, young and old to discuss the prevailing issues and come up with workable solutions.[127]

District and provincial groups composed of local leadership in charge of education, health, and infrastructure have been created. These dialogue groups discuss macro and micro issues. For example, the issue of population management was recently addressed in a culturally sensitive manner, to encourage families to consider the benefits of having smaller families.[128] This was sensitive due to fact that the previous regime used population density propaganda to exclude the Tutsi in the diaspora arguing that there was not enough space in the country to accommodate them. Dialogue clubs were created in all provinces of Rwanda, so that citizens would have formally organized meetings in which to discuss and debate genocide-related topics, as well as current challenges to communities with participants drawn from different focus groups throughout the country.[129]

Dialogue as a conflict prevention approach is supposed to be used to promote honest discussion on previously forbidden topics like ethnicity, democracy and human rights although the situation in Rwanda is different as shall be explained in this chapter. Dialogue in its various forms has become an indispensable tool in national efforts to promote better health and gender equality among other issues that are critical to ensuring unity, security and development. Public dialogue initiatives conducted by partnerships of government, academic and non-governmental organizations reach beyond community

[125]. Rutayisire, A. Op. Cit, Pg. 1
[126] Brown Vanessa Noël, 2008, Reconciliation in Rwanda: Building Peace Through Dialogue, Institute for Conflict Analysis and Resolution, George Mason University, Rabat, Morocco. Pg. 06
[127] Ibid.
[128] Rwamasirabo Serge, and Sue Williams, 2008, Peace Building in Rwanda, Interpeace and the Institute of Research and Dialogue for Peace.Available Online http://www.sida.se/English/Countries-and-regions/Africa.
[129] Op. Cit. National Unity and Reconciliation Comission.

forums and seek to address specific cultural behaviors such as health and gender.[130] Various forms of dialogue on these topics are complemented by other activities intended to promote national unity such as '*Umuganda*', the local word for community service.[131]

Once a month, Rwandans are asked to participate in development projects such as road and bridge repairs or public schools rehabilitation. *Umuganda* provides opportunities for local leaders to engage in civic education, the importance of reconciliation for post conflict development and create dialogue about HIV/AIDS and other crucial topics of public interest.[132]

To a large extent, these dialogue forums and clubs have helped to foster unity and reconciliation mainly due to the fact that they are based on the Rwandan traditional dialogue models whereby after vigorous debates and disagreements all the members are gathered around something they all share to celebrate and calm down.[133] After the sessions, they gather together and drink their locally made beer share meat and dance together. This is important because it reminds them that they are all one and unity and reconciliation is in their local and national interest. Since most communities cannot afford to fund these initiatives, Non Governmental organizations and government institutions together with donors facilitate these processes.[134]

Rwanda's return to its traditional customs, predominantly in the various forms of dialogue being utilized in the country, appears to be a feasible way to combine traditions with other recognized mechanisms of unity, reconciliation and conflict resolution. Another prominent tradition revived in Rwanda's reconstruction, is the tradition of *'Abunzi'*.[135] These are primarily community-respected elders that help to solve family and community disputes. *Abunzi* are being used to address various family disputes, such as conflicts related to land or inheritance. This tradition has been rejuvenated in the post-genocide era, so that problems can potentially be solved at a local level before going to national courts.[136] For

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[130] Mutamba, John, and Jeanne Izabiliza. 2005, The Role of Women in Reconciliation and Peace Building in Rwanda: Fifteen Years After Genocide: 1994-2009 Contributions, Challenges and Way Forward. Kigali: National Unity and Reconciliation Commission, Available Online http://www.humansecuritygateway.info/NURC_Rwanda.
[131] National Unity and Reconciliation Commission. 2006. The Ingando Concept and it's Syllabus Reform. Kigali: NURC. www. umuganda.gov.rw.
[132] Ibid.
[133] Brown Vanessa Noël, 2008, Op. Cit, Pg. 26
[134] Ibid.
[135] Habyarimana. National Unity and Reconciliation Comission, Op. Cit
[136] Ibid.

example, if there is a conflict between former neighbors or between a husband and wife, she may well first go to the *Abunzi* committee who then call in the husband, and they try to resolve the matter together.[137] *Abunzi* are more or less akin to mediators in the community. Citizens with family disputes are asked to report cases first to the Abunzi, ahead of taking them to the local court. The role of *Abunzi* in post conflict Rwanda has become increasingly formalized. *Abunzi* receive training, and have standard guidelines for mediating domestic conflicts.[138]

Whereas it is evident that dialogue has greatly improved the strife that persisted in post conflict Rwanda and has created a culture of discussion in engaging both policy makers and community members hence laying the foundation for peace and reconciliation which was unheard of in the previous regimes, it is vital to acknowledge the fact that dialogue alone will not erase Rwanda horrifying past. Although through dialogue the people devise means of solving disputes and the challenges of poverty and rapid population growth among other issues, the government should continue exploring means of dealing with other serious challenges like poverty and unemployment which have the potential to threaten unity, peace and stability.

4.2 'INGANDO' Approach to Unity and Reconciliation in Rwanda

The word *'Ingando'* is taken from the Kinyarwanda verb "Kugandika" that means to halt normal activities in order to reflect on, and find solutions to national challenges.[139] In ancient Rwandan traditions, *Ingando* was first developed by the military in their adventures. Before colonialism, this was a popular practice that the regimes used to mobilise troops and advisers discuss ways to keep the kingdom safe and strong.[140] As Rwanda sank deeper into colonial and post-colonial conflict the institution of *Ingando* lost its relevance and was no longer practiced. Moreover, the royal institutions, which had used the practice to hold Rwanda together for centuries were abolished.[141] With the establishment of the national unity and reconciliation commission, the practice of *Ingando* was revived due to its relevancy in post conflict Rwanda.[142]

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[137] Ibid.
[138] Ibid.
[139] National Unity and Reconciliation Commission. 2006. The Ingando Concept and it's Syllabus Reform. Kigali: NURC. Avaialble Online www.nurc.gov.rw.
[140] Ibid
[141] Johan Pottier, 2002, Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century, Cambridge University Press, United Kingdom.
[142] Op. Cit. www.nurc.gov.rw.

After the NURC (National Unity and Reconciliation Commission) was established, it officially developed *Ingando* as a tool to build coexistence within communities. Among the first groups of beneficiaries to this project was the ex - combatants who were in the process of integration into the community.[143] The programme later expanded to include school going youth and students at secondary and tertiary levels. By 2008, the training was extended to informal traders, and other social groups including survivors, prisoners, returnees, religious leaders, community leaders, women and youth.[144]

Ingando programmes or solidarity camps as they are commonly called, are carried out nationwide and most are co-facilitated with communities, whereby the provincial and local administrations provide support with logistics and the NURC and its partners provide lodging and meals and transportation is usually covered by the participants.[145] Ingando programmes involve residential camps, bringing together between 300 and 400 people per programme for between 3 weeks to 2 months depending on the focus of the sessions.[146] The numbers also fluctuate due to factors like presidential pardons to prisoners, which lead to huge numbers of prison release although at each prison release, 1000 prisoners undergo Ingando.[147] Topics are covered under five central themes: analysis of Rwanda's problems; history of Rwanda; political and socioeconomic issues in Rwanda and Africa, rights, obligations and duties and leadership.[148]

Although the principle of *Ingando* is largely upheld as necessary for the successful recovery of post conflict Rwanda, its process and content in the designed sessions is criticized for being a tool for the RPF government to indoctrinate the nation.[149] Ingando project has therefore focused on the propagation of pro-RPF ideology, a dangerous undertaking in a country in which political indoctrination and government-controlled information were critical in sparking and supporting the 1994 genocide.[150] Furthermore, a

[143] Mgbako, Chi. (2005). '*Ingando* Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda'. Harvard Human Rights Journal, Vol.18, No. 4
[144] Ibid.
[145]. National Unity and Reconciliation Commission. Op. Cit
[146] Ibid.
[147] Penal Reform International. 2004. From Camp to Hill, the reintegration of released prisoners. Gacaca Research Report No. 6. Available Online http://www.penalreform.org/researchon- gacaca-report-vi-from-camp-to-hill-the-reintegration-of-released-pris.html.
[148] Ibid.
[149] Laura Eramian, 2009, Enduring Fears Under Rwanda's Unity and Reconciliation Project, Explorations in Anthropology, York University, Vol. 9, No. 1, Feb. 2009.
[150] Ibid.

successful unity and reconciliation program must take place in a society that values human rights, democracy and freedom of speech and expression. Rwanda has been found wanting in the areas of human rights and press freedom hence creating an atmosphere that is not suitable for an ideal Ingando.[151]

At the revival of *Ingando*, the government aimed at orienting the returnees who had lived either all their lives or for a bigger part of their lives outside Rwanda. It was important to re-socialize the returning Rwandans who were predominantly Tutsi.[152] It was essential for government to bring together the diverse repatriated population into camps where they would live together and eat together and develop confidence that they could actually live together as one people in one country.[153] The RPF also saw an opportunity to sell its ideology to the population by explaining its policies and programs as the best for the reconstruction of the country. It was also very important for a program to prepare the ex-soldiers and ex-combatants before they are reintegrated into the civilian communities that are most of the time contradictory to their previous lifestyles.[154] It therefore became compulsory for ex-RPF, ex-FAR who did not flee to Congo, and ex-combatants who fought in Congo (ex-Armed Groups) to attend Ingando camps as pre demobilization, pre-discharge orientation program. Repatriated ex-FAR who originally fled to Congo have also been required to attend Ingando.[155]

The program even though intended to foster unity and reconciliation has been used by the RPF government to neutralize the opposition hence ensuring its own political survival. For example the ex-combatants who are predominantly from the opposition are forced to join the national defense force in order for government to completely control their movements and activities.[156] Furthermore, these solidarity camps have led to continued muzzling of the opposition. This has been through the numerous lectures aimed at praising the RPF policies and demonizing the proposed alternatives from the opposition. The opposition does not have the opportunity to come and offer their views on issues of governance, democracy,

[151] Human Rights Watch, 2008, Lasting Wounds: Consequences of Genocide and War for Rwanda's Children, //www.hrw.org/reports/2007/rwanda0407/.pdf
[152] Laura Eramian, Op. Cit,
[153] Brown vanessa Noël, Op. Cit
[154]. Mgbako. 2005. Op. Cit
[155] Ibid.
[156] Ibid.

unity and reconciliation hence explaining its weakness and the continued growth of the RFP in the country.[157]

The solidarity camps prepare the returnees, ex-soldiers and e-x combatants for either demobilization or reintegration into the general population. Throughout the period of this program the government tries to instill confidence and optimism into the candidates insisting that the RPF led government had made the country a better place for all to live and excel in all spheres of live.[158] The teachings focus on the assumption that there is love, peace, unity and reconciliation outside the walls of the camps. Even though it is vital to instill optimism in a population, it can be very dangerous to create false hope in people. The many people who leave the camps excited with hope for a better life and are better future are welcomed by harsh realities of rampant unemployment, excruciating poverty coupled discrimination by their communities. They are seen as either genocidaires or government agents depending on which community they are returning to. Furthermore, even if they are told that the communities are now united and less tribalistic, the reality is that there are still tensions between the Tutsi and the Hutu which is evidenced through the way the members of the community form cliques of the their own tribal members.[159] These phenomenon's have countered the reconciliation progress as the frustrated members resort to illegal activities of robberies, rape and murder or even rejoin their friends in the bush arguing that the government promises were aimed at trapping them and not to foster a united Rwanda for peace and prosperity.[160]

Ingando for Rwandan students is the most widespread structure of Ingando in the country. Rwandan students who complete secondary school are required to attend these solidarity camps before they begin their university studies. Students spend an average of two months in the camps studying the achievements of the government, the distinction of the *Banyarwanda*, history, the ethnicity question, unity and reconciliation, Western and Eastern philosophy, and economic and technological concerns facing the country.[161] There are three phases of the *Ingando* process for students. Students spend the first two weeks engaging in activities that encourage free thought and critical analysis. During the second phase, the students are supposed to categorize political, economic, and social struggles

[157] Ibid.
[158]. National Unity and Reconciliation Commission. Op. Cit
[159] Eugenia Zorbas, 2007, Reconciliation in Post Genocide Rwanda. African Journal of Legal Studies.Vol. 6. No. 4 March 2007.
[160] Ibid.
[161] Habyarimana. Op. Cit

facing the nation. In the final stage, the students break up into smaller groups and debate and talk about possible solutions to these national challenges.[162] Rwandan university students are the future leaders of Rwandan society, and the vast majority has attended government-run solidarity camps. Hence, the *Ingando* process provides the government with the opportunity to shape the opinions of young students and orient them in the direction of the RPF-led government, helping to create a generation of RPF loyalists.[163]

It is important to remember that the Rwandan government has outlawed all references to ethnic differences or identification and labeling. The government insists that there are not ethnic differences in Rwanda there are only Banyarwanda. This is the message that dominates the solidarity camps especially for the youth. This is in the hope that the young will grow identifying themselves as Banyarwanda rather than Tutsi, Hutu or Twa.[164] Although the government rationale is understandable considering the way previous regimes used these identities for political purposes, it is risky to try and erase history for purposes of political stability or survival. Instead of teaching tolerance between the different ethnicities among the Banyarwanda at the camps, the government camps lead to obliteration of difference.[165] This is seen as a ploy by the minority Tutsi government to survive against the Hutu majority hence creating a suspicious population on the honesty of government in its pursuit of unity and reconciliation.[166] Therefore although the project of Ingando is good in promoting patriotism, unity and reconciliation and to tackle the challenges of the day through dialogue, its implementation has left it as a tool for the RPF government to perpetuate its dominancy in the social and political transformation of the country.

Like in other post conflict states, denial of the facts during and after the conflict has dominated the reconstruction process and seriously threatened true reconciliation.[167] In the Rwandan situation denial does not focus on the past but rather on the present and the future of the country. State denial has taken the form of refusal to sufficiently acknowledge that the divisions, which resulted in the 1994 genocide, have not been eradicated and that

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[162] Ibid.
[163] Mgbako, Chi. (2005): Op.Cit
[164] Anastase Shyaka, 2006, The National Unity and Reconciliation Commission: 'Origin, Development and Exit Strategies'. Cambridge, University Press, Cambridge.
[165] Ibid.
[166]. Mgbako Chi. Op. Cit, Pg. 56.
[167] Veena, Das, Kleinman, Arthur 2001, Introduction. In Remaking a World: Violence, Social Suffering and Recovery, Berkeley.University of California Press. USA. Pg. 28

people still find them personally and politically important.[168] In the interests of unity and reconciliation, the government has declared it nearly criminal to identify as either a *Muhutu* or Mututsi. Hence everyone is today simply Rwandan. Now the terms have cunningly shifted to those of survivors or victims, and perpetrators or accused, but everyone knows that these terms echo the opposition of Tutsi to Hutu. Moreover, locally-speaking, everyone still knows to which group everyone else used to belong. This means that the removal of these categories from public discussion does not work to erase the significant role they have played in the past and how they have shaped personal and collective identities.

Post-conflict reconstruction process can be futile if there is no reconciliation between the former warring parties. Future conflict would be inevitable in the near future. This chapter analysed the initiatives instituted by the Rwandan government and the Rwandan population to forge peace between the perpetrators and the victims and many times between the alleged perpetrators and victims in order to create an environment suitable for peace and development. The national unity and reconciliation commission was discussed as the institution mandated to facilitate the realisation of unity and reconciliation after the 1994 genocide. It was observed that even though the intention of reviving ingando as a means of re-educating the citizens and avoiding the mistakes of the past leadership, it is playing the role of a national mobilizing tool for the RPF regime hence undermining the principles of unity reconciliation and democracy. This chapter further highlighted that even though the reconciliation process is essential for a successful post-conflict reconstruction program, the whole process of reconciliation in Rwanda is undermined by the government policies of censorship and denial.

[168] International Crisis Group, 2005, Rwanda at the End of the Transition: A Necessary Political Liberalization Available Online http://www.icg.org//library/documents/report_archive/

CHAPTER FIVE

Chapter five discusses the revival of the unique Rwandan traditional justice system (GACACA), to fight impunity and provide justice for the victims of the 1994 genocide. It further analyses the establishment and failures of the international criminal tribunal for Rwanda.

5. The *Gacaca* System

At the core of the post-genocide Rwandan society and politics has been the necessity for reconciliation firstly to relieve ethnic tensions and secondly to put to an end to a culture in which laws established to secure punishment for crimes committed against the populace were routinely flouted by a select group and thereby creating a culture of impunity.169 The International Criminal tribunal for Rwanda (ICTR) which was established as a measure to root out impunity in the international system and to contribute to the process of national reconciliation and the maintenance of peace in the region has not yet achieved this goal. Its failure extends beyond its shortcomings and may be attributed to the standards International Criminal Law that cause it to be an unsuitable reaction to criminalizing mass violence.170. The *Gacaca* Courts were created with the intention of instituting a more expeditious means of delivering justice for the more than 100,000 people accused of genocide, war crimes, and related crimes against humanity.[171] Developed from an indigenous form of restorative justice it was anticipated that the ideologies and mode of operation of these courts would ease the failures of "Arusha Justice" at the tribunal and would in addition serve to penalize or reintegrate these suspects into society.[172] The restorative aspects of *Gacaca* arose from the fact that the suspects would be tried and judged by their community offering the victims a chance to both air their experiences and participate in sentencing and thereby providing a therapeutic effect.[173] *Gacaca* being a

[169] Daly, Erin. 2002, "Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda." Journal of International Law and Politics Vol.34 No.2 New York University
[170] Ridell, Jennifer. 2005, Addressing Crimes Against International Law: Rwanda's Gacaca in Practice. LLM thesis. University of Aberdeen, Belgium
[171] Soerensen, Majken 2007, "Truth, Justice and Security in Rwanda - Gacaca Courts as a Post-Genocide Reconciliation Effort." Transnational Foundation for Peace and Future, Available at http://www.transnational.org/Area_Burundi/2007/Soerensen_Rwanda.pdf
[172] Ibid.
[173] Karasira, P. 2009, National Service of Gacaca Jurisdictions, available at http://www.inkiko-gacaca.gov.rw.

means of restorative justice however does not rule out its potential for provoking ethnic tension as long as it serves as an instrument of Tutsi power.

In an effort to make the post-conflict reconstruction project successful and sustainable in Rwanda, the government employed domestic mechanisms in the re-establishment of the judiciary by reviving the old traditional justice system. This chapter discusses the Rwandan Gacaca program designed to work alongside the modern national judicial system. Its achievements and challenges as a restorative justice system are discussed. This chapter further explores the response of the United Nations to fight impunity after the Rwandan 1994 genocide. This is through an analysis of the International Criminal Tribunal for Rwanda's activities since its establishment.

The identity of participants in *Gacaca* has been politicized; the perpetrators have effectively remained Hutus and the survivors Tutsis. The government's refusal to allow for the prosecution of crimes allegedly committed by the RPF through the *Gacaca* has additionally strengthened the view that Tutsi survival is dependent on Tutsi power and impunity.[174] Real possibility that *Gacaca* could fail to erase the perceptions of impunity in post-genocide Rwanda would come at a much higher price for reconciliation than the ICTR's failure. It is key that the relevance of justice after the genocide attest to the suitability of retributive and restorative models of justice in a post-genocide society besides, the model of Justice must be acquiescent to the disposition of the regime that imposes unity under an ethnic minority.[175]

The political regimes in Rwanda had for over thirty years incorporated ethnic sectarianism and separation into their systems of governance which made it easy for the local populace to participate in the execution of harassment and mass execution organized by their political leaders.[176] Mass atrocities committed against the populace over the years remained unpunished and reinforced the culture of impunity to the point that those who generated and executed the 1994 genocide were able to accomplish their heinous mission.[177] The current Government of National Unity inaugurated on July 19th 1994

[174] Borland, Rosilyne M. 2003, "The Gacaca Tribunals and Rwanda after Genocide: Effective Restorative Community Justice or Further Abuse of Human Rights?" Swords and Ploughshares, Vol.13 No.2 Available at http://www.american.edu/sis/students/sword/Current_Issue/essay1.pdf (pdf)
[175] Sosnov, Maya. 2008, "The Adjudication of Genocide: Gacaca and the Road to Reconciliation." Denver Journal of International Law and Policy , Vol.36 No.2

[176] Karasira, P. Op. Cit. 2009.
[177] Ibid.

assumed the responsibility to eliminate the culture of impunity, emphasizing that the authors and perpetrators of crimes against humanity be brought to book while the victims of such crimes be recompensed.[178] It is in this regard that the Organic Law No. 08/96 of August 30th 1996 on the organization of legal proceedings in cases of contraventions that comprise crimes against humanity was conceived and adopted.[179]

Meting out the traditional form of justice failed to achieve its objective as by the year 2000 approximately 120,000 alleged genocidaires were still under detention awaiting trial, crowded into prisons across the country.[180] It was then acknowledged that at the rate in which trials were being undertaken it would take more than 100 years to prosecute all the prisoners held without even beginning to tackle cases of those who were in exile and those still within the community who could not be incarcerated for lack of space.[181] A further limitation arose in light of the fact that while efforts were being concentrated on prosecution the delays in achieving this also meant delay in embarking on the reconciliation process necessary to bring the people together after the genocide.

It was then that the idea of *Gacaca* courts mooted, inspired by traditional means of conflict resolution not only to be able to accelerate the trials of suspects but very importantly to focus also on reconciliation for the post-genocide Rwanda.[182] The *Gacaca* courts are a method of participatory justice whereby the victims are given the chance to speak out against the atrocities committed against them and participate in their sentencing. This method, which puts justice partially into the hands of the victims, allows them to contribute to the judgment and punishment of the authors and perpetrators of genocide related crimes.[183] Exceptions to this system were those whose crimes were within the jurisdiction of the ordinary courts and which therefore were to be tried according to common law rules.[184]

5.1 The failure of the international criminal tribunal for Rwanda

The United Nations Security Council, acting under Chapter VII of the United Nations Charter by resolution 955 of 8th November 1994, created the Internal Criminal Tribunal

[178] Ministry of Justice. 2009. The Organic Law, available at, http://www.inkiko-gacaca.gov.rw/pdf/Organic%20Law%2027062006.pdf
[179] Ibid.
[180] Karasira, P. Op Cit. 2009.
[181] Ibid.
[182] National Service of Gacaca Jurisdiction, 2010 available at www. Inkiko/gacac.gov.rw.
[183] Ibid.
[184] Ibid.

for Rwanda (ICTR).[185] This move was designed to contribute to the promotion and maintenance of peace and reconciliation in post genocide Rwanda by ensuring the trial and prosecution of persons responsible for crimes against humanity within the genocide period and other such violations of international law in neighbouring states during the same period.[186] The tribunal has its seat in Arusha in the, United Republic of Tanzania also the home of the African Court for Human and Peoples Rights.[187] Among the aims of the tribunal was the need for African countries to understand the lessons of the Rwanda genocide in order to prevent similar situations from occurring. The weak institutions in Africa, lacking in independence are generally to blame for the promulgation and entrenchment of the culture of impunity particularly under authoritarian regimes that do anything to remain in power.[188]

The tribunal has however come under condemnation for what is seen as its role in harboring criminals and delaying justice in light of the fact that some of the most wanted conspirators are fugitives and are at large; this also has a bearing on the view that the United Nations is perhaps simply trying to boost its image and cover up its inability to prevent the genocide in the beginning.[189] The Rwandan government has for example charged UN Security Council member states like France for its lack of support for the ICTR in apprehending and delivering suspected planners of the genocide to face justice. It has long been alleged that the former first lady of Rwanda Mrs. Habyarimana is frequently in the company of senior French officials in spite of her being categorized as a Category one genocide suspect by both the ICTR and Rwanda.[190]

The integrity of the tribunal has come under further condemnation as it has repeatedly disregarded calls to probe and indict members of the RPF government charged with crimes against humanity during the period of the war.[191] This lack of prejudice weakens the goal of preventing the reoccurrence of such acts against humankind and the politics of impunity. In effect those protected by the ruling powers and those with political influence in foreign

[185] Internationa Criminal Tribunal For Rwanda, 2009, available Online at http://www.ictr.org/default.htm
[186] Ibid.
[187] Ibid.
[188] Straus, Scott. 2007, "Origins and aftermaths: The dynamics of genocide in Rwanda and their post-genocide implications." In After mass crime: Rebuilding states and communities, edited by Béatrice Pouligny, Simon Chesterman and Albrecht Schnabel. Tokyo, United Nations University Press, New York
[189] Kamari, M. 2009, The ICTR Weak Relationship with Rwanda. The Newtimes, Newtimes Print, Kigali Rwanda.
[190] Ibid.
[191] Fierens, Jacques. 2005, "Gacaca Courts: Between Fantasy and Reality." Journal of International Criminal Justice Vol. 3 No. 4 Pg. 896.

countries become the advantaged who are able to evade justice while those who are put on trial consider themselves debarred thereby preparing for potential conflict.[192] The achievements of the ITCR are nevertheless to be applauded and proposals to solve the challenges that the tribunal is facing ought to be the focal point of the international community in order to achieve the desired objectives of the ICTR by 2010.

The establishment of the tribunal and the pronouncement that on no account again would occurrences such as the genocide happen in the world have set a precedent internationally, that is to say that crimes against humanity will not go without penalty.[193] It is also to be appreciated that for the first time the international community assumed accountability for the events that transpired in an African country and pledged that this would not occur again anywhere else in the world. This new approach of shared accountability by the international community should inspire leaders to take account of their actions with the knowledge that they will be liable for their decisions during their period in office and after they relinquish power. The tribunal has not completed its mission; it is facing a serious challenge of lack of funding to complete the pending investigations before the expiry of its mission in 2010.[194] The lack of sufficient funding has also meant that the tribunal has been unable to compensate those who were wrongfully incarcerated and who now feel that their human rights have been violated, the feeling of harassment and victimization on their part provides potential for conflict.[195]

Other challenges that the tribunal is facing include inability to provide protection for witnesses. There have been several reports about survivors being targeted for giving evidence at the courts they have reportedly been singled out and harassed, frightened and even murdered to keep them from testifying in the courts a factor that has strained the process as the victims are not willing to compromise their own security at home in favour of providing evidence.[196] The many victims of sexual violence have been stripped of their self-esteem bringing into question the humanity accorded by the tribunal towards survivors. In many instances genocide survivors have withheld vital evidence in the face of their lack of confidence in the Tribunal due to its shortcomings; this has in turn made

[192] Ibid.
[193] International Criminal Tribunal For Rwanda, Op Cit. 2009
[194] Ibid.
[195] Ibid.
[196] Kamari, Op. Cit. 2009

the work of the Tribunal even more complicated.[197] It should be borne in mind that in order to accomplish the goal of preventing similar occurrences in future the ICTR and the International Criminal Court that are key in realizing this must be able to achieve their set objectives.

The concept of justice particularly in regard to post conflict reconciliation can have many descriptive qualifiers that symbolize diverse rules, procedures and objectives. Moreover justice patterns allocate different parties to the function of designer and recipient of the judicial process.[198] The architects of both the ICTR and the Gacaca courts have provided different views of legitimacy to the judicial process through a range of typical standards and institutional components. The international community that originated the ICTR created a tribunal that follows the system of retributive justice in quest of an end to a culture of impunity.[199]

Retributive justice regulates impartial response to crime established by lawful evidence, so that punishment is rightly imposed and considered as morally correct and fully deserved. It is punitive, following the law of retaliation which specifies that reciprocity should be equivalent to the wrong suffered. It focuses on the relationship between defence and prosecution and measures success by the fairness of the process and the parity and proportionality of the sanctions.[200] Additionally legal professionals, who are totally impartial, having no connection with the parties in dispute, deal with crimes.[201] The international community has considered this type of justice a fitting response to the Rwandan genocide.[202] Not withstanding the mandate of the tribunal to promote reconciliation, it is designed to please its draftsmen by demanding penal actions against the elite perpetrators of the genocide. The politicized quality of retributive justice has thereby

[197] Ibid.
[198] Vandeginste, Stef. 2003, "Victims of genocide, crimes against humanity, and war crimes in Rwanda: The legal and institutional framework of their right to reparation." In Politics and the past: On repairing historical injustices, edited by John Torpey. Lanham MD, Rowman and Littlefield Publishers, Oxford UK
[199] Human Rights Watch. 2004, Genocide, War Crimes and Crimes Against Humanity: Topical Digests of the Case Law of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia. New York: HRW, Available at http://www.hrw.org/en/reports/2004/02/20/genocide-war-crimes-and-crimes-against-humanity
[200] Werle G and Jessberger, W. (2005) Principles of International Criminal Law. Cambridge University Press, Pg. 18
[201] Ibid.
[202] Ibid.

permitted for the originators of the ICTR to also be its sole recipients leaving Rwandans essentially uninfluenced by its process.[203]

Restorative justice the alternative to retributive justice is concerned not so much with retribution and punishment as it is with healing the victims, making them whole and restoring the offenders to a strong and healthy relationship with the community. This approach frequently brings an offender and a victim together in order that the offender can comprehend better the effect that their wrongdoing had on the victim. Success is measured by the level of integration that the offender is able to achieve and the degree of emotional and financial recompense for the victims.[204] This process demands that offences be dealt with in, and by, the community and differs from retributive justice as it centers on reintegrative disgrace over guilt and the impact that this has on reconciliation. Reintegrative disgrace or shaming refers to the manner in which the community expresses its disapproval, which may vary from a caution to an open degradation ceremony but will generally be followed by efforts of acceptance and reintegration into the community.[205] In the sections that follow it will be shown that the Gacaca model closely resembles that of restorative justice.

5.2 *GACACA* as Restorative Justice

The reconstruction of Rwanda's physical and government structures following the 1994 genocide was targeted at promoting reconciliation in order to enable the Rwandan people in particular the ethnic groups, Hutu and Tutsi, to reconcile and rebuild their communities, living together again.[206] The *Gacaca* (community courts) had five principal objectives which were intended to eliminate the culture of violence with a view of completely erasing the possibility of genocide in the future. Firstly the Gacaca aimed at uncovering the truth pertaining to the events that took place during the period between 1990 and 1995.[207] This was to be achieved through cross-examination of evidence provided by eyewitnesses who thereby exposed the perpetrators. Secondly the Gacaca aimed at expediting the trial of more than three thousand suspects who were incarcerated and who could be guilty but on

[203] Tiemessen, Alana Erin. 2005, "After Arusha: Gacaca Justice in Post-Genocide Rwanda." African Studies Quarterly, Vol.8 No.1
[204] Karenze U and Shimiyimana, Op Cit. Pg. 68
[205] Ibid.
[206] Nkurikiyimana M. 2009, Rwanda's Transition, Available Online at www. Inkiko.gov.rw
[207] Ibid.

the other hand could be innocent.[208] At the time the Gacaca commenced over three thousand detainees were being held and it was therefore in the best interest of reconciliation that these suspects be tried and alleviate the burden on government to hasten justice for the victims given that delayed justice was equivalent to denied justice.[209]

The culture of impunity where atrocities committed by governments against their people are ignored and the executors left unpunished is one of the principal reasons for the continued conflict in Africa. The spread of this culture has lent credence to the notion – particularly among political leaders that they will not be held accountable for their actions.[210] The Gacaca courts aimed at eradicating this culture and establishing a record to enable people to understand that the contravention of their rights must lead to punishment without any omission. In order for peace to prevail permanently unity must prevail. Following the genocide the only way in which unity could be achieved was after pardon was extended and efforts made towards reconciliation.[211]

The fourth objective therefore was to promote reconciliation among the Rwandans and strengthen their unity. It was argued that once the truth was exposed and the perpetrator punished there would be no continued accusation and distrust, the victims could then be repaired. The Courts were therefore to be seen as centers for group efforts which would in the end be beneficial to the communities, prisoners who were found to be innocent could also be reintegrated.[212] The wave of new ideas that arose on the continent that were geared towards Africans finding their own solutions to their problems provided the chance for Rwanda to demonstrate that its people could ably solve their problems using their home grown justice systems based on their norms and customs. Gacaca literally meaning 'justice on the grass' in reference to the outdoor areas that served as courtrooms.[213]

In analyzing the Rwandan Gacaca courts it can be argued that the government has initiated a process that combines two differing forms of justice seeking to attain the same results of unity and peace in the country. In reviewing the goals of the courts, it is evident that the

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[208] Borland, Rosilyne M. 2005, "The Gacaca Tribunals and Rwanda after Genocide: Effective Restorative Community Justice or Further Abuse of Human Rights?" Swords and Ploughshares, Vol.13 No.2 Available at http://www.american.edu/sis/students/sword/Current_Issue/essay1.pdf (pdf)
[209] Ibid.
[210] Baines, Erin K. 2005, "Gender research in violently divided societies: Methods and ethics of 'international' researchers in Rwanda." In Researching conflict in Africa: Insights and experiences, edited by Elisabeth Porter, et al. Tokyo,: United Nations University Press, New York
[211] Nkurikiyimana M. Op. Cit. 2009
[212] Borland, Rosilyne M. Op. Cit. 2005
[213] Habyarimana, Op. Cit.

anticipated end result can only come from a restorative form of justice, which aims at restoring community relationships and equality. It is consequently impractical to expect that the reinstatement of social relationships after genocide will be achieved by two disparate systems as justice and reconciliation fused together as one process as this method only re-establishes social order and harmony but not justice.[214]

The fact that the judges are selected from the local leaders with minimal legal training but yet having the authority to condemn the guilty up to life imprisonment leaves much to be desired. Furthermore the plaintiffs who are literally dependant on the clemency of the inexperienced judges are not granted defense counsels but rather persuaded with inducements to admit their guilt and cooperate.[215] Those who actively participate in this process particularly in availing evidence against the suspects are often viewed as cohorts of the current government while those who stood in defense of the accused are seen as anti government.[216] With the process moving in this direction it is seen to be acquiring a political twist and shifting away from the original objectives. In view of the very high unemployment levels and rampant poverty the Gacaca provided a means of earning a living in terms of the inducements offered to witnesses and the benefits that arose in defending the accused.[217]

With the lack of legal expertise the courts relied heavily on the statements of the witnesses upon which judgment was meted. In a country with a history of division on ethnic basis and hatred long perpetrated along the same lines it is very likely that the testimonies will replicate the tribal bias and in so doing crush the end to justice, shedding doubt over the efficacy of Gacaca in nurturing reconciliation and averting future conflict.

The Rwandan government argues that it needs to reduce the population of the prisons and jails, which are overcrowded by trying tens of thousands through the Gacaca Courts. This view suggests that justice for both perpetrators and victims is not the primary objective of the government and is further demonstrated by the government's refusal to prosecute its

[214] Vandeginste, Stef. 2006, "Rwanda: Dealing with Genocide and Crimes against Humanity in the Context of Armed Conflict and Failed Political Transition." In Burying the Past: Making Peace and Doing Justice after Civil Conflict, edited by Nigel Biggar, Georgetown University Press, Washington DC
[215] Laura Eramian, Op. Cit. 2009
[216] Ibid.
[217] Ibid.

RPF members who committed crimes during the same period through the Gacaca.[218] The government's argument is that the RPF's crimes were crimes of reprisal and hence the need for them to be tried in the regular courts and military tribunals.[219] It suffices to say that unless the circumstances of the 1994 genocide and its underlying causes, which include poverty, joblessness, and uneven allocation of resources, are addressed the achievement of lasting peace will not be met for a long time to come. The formerly advantaged Hutu who are now suffering in poverty may well blame their state of affairs on the social, political and economic segregation by the RPF government that is generally recognized as a Tutsi government.[220] This view could lead to the perception that the solution to getting out of this predicament lies in ousting the current government, a view that renders the efforts of the *Gacaca* futile.

Even though the government's objective and the spirit of Gacaca can be applauded it is to be pointed out that the results of the process have inclined towards vindicating the genocide perpetrators over justifying the victims and survivors.[221] The Government's policy of pardoning all those who confess and cooperate with the courts goes against the deep-seated principles of justice and disregards the rights of the victims of genocide stirring up potential conflict. This is upon the precept that once criminals are released into the communities without any sentence for their crimes already heightened ethnic tensions will be aggravated hence threatening the current stability.[222]

Worldwide the legal responses that have arisen from the analysis of justice systems instituted to counter the actions of repressive regimes have elicited much debate.[223] The means by which transitional justice systems such as trials, commissions of enquiry and compensations have been enacted to address mass acts of violence by governments have generated views that are contradictory. It has been argued that such systems promote resolution, settlement, a degree of social equality and the rule of law whereas divergent

[218] Waldorf, Lars. 2006, "Rwanda's failing experiment in restorative justice." In Handbook of Restorative Justice: A Global Perspective, edited by Dennis Sullivan, and Larry, Routledge Taylor & Francis Group, London and New York Pg. 98
[219] Ibid.

[220] UN Development Program. 2007, "Governance and Peace: A Social Change Management Strategy for Vision 2020." In Turning Vision 2020 into Reality: From Recovery to Sustainable Human Development. National Human Development Report, Rwanda, UNDP, New York.

[221] Mgbako, Chi. Op. Cit.
[222] Ibid.
[223] Martha Minow. 2000, Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence, Washington Monthly, Washington DC. Pg. 76

views advocate that in the end such justice systems that seek a middle ground instead work to destroy the very things that they seemingly promote.[224]

This chapter continues to provide a caution on the way in which Rwandan national politicians may use transitional justice as an expedient or indirect means of punishment in a bid to strengthen and mask their dominance of the nation a progression which could be in opposition to the very intentions for which Gacaca were designed. Waldorf has described the Rwandan peace-building project as the most ambitious experiment in transitional justice ever attempted.[225] The enormity of human rights violations to which Rwandans were exposed during the civil war, the genocide of 1994 and the consequences of the genocide provide the thrust to the ambitiousness of the 'Rwandan experiment'.[226]

The transitional Rwandan government adopted the organic law n 8/96 concerning acts of genocide and crimes against humanity in order to 'fight the culture of impudence' and 'deal with the past' as noted above. This move provided several challenges in its enforcement for the transitional government and the international community. Critical among these was the lack of sufficient legal personnel to try the great numbers of genocide suspects and the lack of enough courts for cases to be heard.[227] As a result layers were created in the judicial system, the bottomline decentralised *Gacaca* courts feeding into the national courts and the highest court being the international criminal tribunal of Rwanda as mentioned in this chapter.

Over ten thousand *Gacaca* courts were subsequently created, to which all adult (above 18 years old) community members were obliged to participate. Rwanda consequently joined the international justice crusade, promoting elements such as truth, rule of law and reconciliation.[228] Legalised as a modern version of the traditional *Gacaca* it was argued that this mechanism of conflict resolution would support national peace building through four avenues. Firstly, truth would be obtained from the confessions and apologies

[224] Ibid.
[225] Waldorf, Lars. 2006, "Rwanda's failing experiment in restorative justice." In Handbook of Restorative Justice: A Global Perspective, edited by Dennis Sullivan, and Larry, Routledge Taylor & Francis Group, London and New York Pg. 112
[226] Ibid.
[227] Vandeginste, Stef. 2003, "Victims of genocide, crimes against humanity, and war crimes in Rwanda: The legal and institutional framework of their right to reparation." In Politics and the past: On repairing historical injustices, edited by John Torpey. Lanham MD, Rowman and Littlefield Publishers, Oxford UK Pg 34
[228] Rutayisire, Op. Cit.

provided by the perpetrators of genocide; secondly justice would arise from their punishment; thirdly, forgiveness by the victims would be realized and finally reconciliation by perpetrators, victims and their communities would be confirmed.[229]

In order to further support the peace building process, suspects whose confessions were deemed 'true' by the panel of judges who numbered five had their sentences commuted from 25-30 years to 7-15 years where the intention to kill was evidenced and 5-7 years to 1-5 years where the perpetrator was found to be an accomplice who however did not kill.[230] Gacaca courts have generated wide interest from various schools of thought as well as human rights advocates particularly over the issue of the kind of justice that prevails. From the numerous debates three main views emerge:

i. That Gacaca justice is 'curative justice' promoting reconciliation

ii. That Gacaca justice espouses the need for reprisal

iii. That Gacaca justice provides a middle ground for both arguments providing a balance between both cure and reprisal.

My own observation within this debate tends towards the second view of Gacaca as primarily promoting reprisal. Whereas long term detention falls under the definition of reprisal with the emphasis on punishment, restorative justice on the other hand shuns criminal prosecution of offenders in favour of token compensation and allowing victims to openly share their experiences as a means of therapy intended to restore social connections and maintain the dignity of the victims.[231]

Gacaca however does not essentially provide a framework for the establishment of dignity of the victims of human rights violation nor the platform for airing of all victims' experiences. *Gacaca* Courts for example, do not have the authority to try rape cases, for the numerous women who were raped during the genocide period from April to June of 1994, many of whom were as a result impregnated and or infected with HIV/AIDS, the

[229] Uvin, Peter and Mironko, Charles. 2006, "Western and Local Approaches to Justice in Rwanda." Journal of Global Governance Vol.9 No. 2
[230] Karasira, P. Op. Cit. 2009
[231] Borland, Rosilyne M. Op. Cit. 2005

ordeal of having to live with the stigma of being HIV positive and or having to raise children with an unknown father renders the Gacaca justice inequitable.[232]

Additionally many victims regard the aspect of commuted sentences where confessions are accepted as 'true' by the *Gacaca* Courts as unfair. This is in light of the fact that prior to the *Gacaca* hearing the perpetrators offered neither confession nor apology to their victims but did so in the courts exclusively for purposes of having their sentences lightened and not because they acknowledged and were remorseful for their actions.[233] The truth was consequently made known for personal benefit and not primarily to restore the dignity of the victims. The most apparent illustration that Gacaca do not represent an adequate opportunity for all victims of human rights abuse to air their experiences is the fact that Gacaca courts are restricted to the hearing only of genocide crimes.

It is noted that the organic law was established to deal with two forms of international abuses; genocide and crimes against humanity. The election of the incumbent president Paul Kagame in 2003 saw a significant variation in the original Gacaca legislation in which these courts were limited to trying cases committed by the genocide perpetrators seen as the Hutu against genocide victims seen as the Tutsi. However persons identified as Hutu against whom any criminal act or violation of human rights was committed by the Rwandan Patriotic Front ('RPF') during the civil war, the genocide period and the aftermath of the genocide had no avenue for justice.[234] It is therefore in light of these circumstances that the insistence by the government on justice for victims of the genocide against the backdrop of failure to address crimes within its executive that the question for whom justice is sought is key.

As part of the peace building process ethnic identification and discrimination has been outlawed and instead constitutionalism, equal rights, responsibilities and opportunities for all Rwandans are being promoted. While this may appear to be a good approach in the aftermath of the genocide the ensuing 'politics of reprisal' is considered to be skewed against one side of the people and as a result not all Rwandans consider themselves as

[232] Chapdelaine Feliciati, Clara. 2006, "Restorative Justice for the Girl Child in Post-conflict Rwanda." Journal of International Women's Studies ,Vol 7 No.4. May 2006

[233] Wilson A. 2005, 'The Rwandan Courts in Quest of Accountability' Genocide Trials and The Gacaca Courts, Journal of International Criminal Justice, Vol. 3 No. 4

[234] Report of the International Commission of Inquiry into Human Rights Violations in Rwanda, 2000;, Paris, France

having equal rights.[235] Furthermore as the official dialogue on justice regards the 1994 genocide as the point of reckoning and in place of the banned ethnic identification the Hutu and Tutsi classes have been replaced by their 'roles' in the genocide; 'perpetrators' and 'victims' respectively, this government propagated categorization does not provide support for reconciliation but instead creates a divide along ethnic lines.[236] Brubaker 2002 argues that the process of ethicizing of guilt (the Hutu perpetrators) and suffering (the Tutsi/survivors) fuels feelings of ethnic groupness. It presents a contextual frame of meaning through which people organize their experiences identifying consequently with a particular group.[237]

This official description of the Rwandan peoples not only augments the fear of the 'ethnic other' among those who consider themselves as 'survivors' (victims) but increasingly this same fear is being extended among those categorized as perpetrators who construe the official categorization as one of continuing brutality through a different angle. In this report I have highlighted the academic debate on traditional justice which has until recently been subject to the positive claims regarding the impact of transitional justice mechanism on societies. Among these is the opinion that the recognition of past human rights violations will make known the truth; a gathering of a states memory of past events that will result in a process of restoration and repair of the nation.[238]

It should be taken seriously that Rwandans will not easily forget the crimes committed against their own families neither will they consider the justice process which negates their sufferings as legitimate. Those personal memories of violence will instead of fading be transformed into social memories, which together with discourses of injustice will form common ground among an ethnic group.[239] In view of the fact that social memories of the 1959 revolution were a key reference point for the descent into violence against the Tutsis by the Rwanda Hutus in 1994 the decision to hold an official memory that continues to wedge a divide between ethnic groups and the prejudiced justice system in Rwanda may prove to be destructive.[240]

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[235] Ibid.
[236] Wilson A. Op Cit. 2005
[237] Brubaker, R. 2007, Ethnicity without Groups, Harvard University Press. USA. Pg. 223
[238] Johan Pottier, 2002, Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century, Cambridge University Press, United Kingdom Pg 103
[239] Lemarchand René 1999, Ethnicity as Myth: The View from the Central Africa, occasional paper Centre of African Studies University of Copenhagen
[240] Ibid.

There is a need therefore to expound the pros of transitional justice mechanisms with prudence. It should also be recommended that time be taken to carefully reflect upon the meaning of the term transitional justice in relation to the prevailing doctrine of political transition. The transitory approach coupled with calls for justice envisages the means of progression from an authoritarian regime characterised by impunity towards one of democracy and the rule of law. This conclusion however questions the reality of a government that is unable to address the shortcomings of its own executive in dealing with crimes committed against its people and whose mode of governance continues to be described as dictatorial by scholars and the local populace alike.

This chapter explored the Rwandan transitional justice system, looking at its strength and weaknesses. The *Gacaca* system of community justice was discussed highlighting its immense challenges. The *Gacaca* traditional justice was exposed as a tool of government to create new identities of victims and perpetrators in Rwanda hence raising concerns in Rwanda's approach to post-conflict reconstruction. It has been observed that the professionalism of the *Gacaca* judges is questionable since their level of education and training is below modern standards. It was also observed in this chapter that unless both the Tutsi and Hutu victims of genocide are treated equally, the program would not have achieved its intended objectives. This chapter further argued that justice has been served to the victims since the perpetrators can go free just for acknowledging guilt. Many alleged perpetrators confess and create stories of what happened just to be pardoned or to have their sentences reduced. It was discovered that unless the Rwandan government allows the prosecution of the alleged RPF crimes, the *Gacaca* program would continue to be seen as a tool of the RPF government to oppress the opposition. The establishment, achievements, failures and challenges of the International Criminal Tribunal for Rwanda was analysed. It was observed that it has not performed to the popular expectations. It should be mentioned therefore that some domestic mechanisms in post-conflict reconstruction could be counter productive as seen in this chapter.

CHAPTER SIX:

In this chapter, a summary of the main findings is given. The chapter ends with a conclusion with reference to the hypothesis of the research report and recommendation.

6. Conclusion and Recommendations

6.1 Conclusion

This research study set out to assess the role of domestic mechanisms in post-conflict reconstruction and development with the focus of the study being the Republic of Rwanda. It is reiterated in this report that visionary participation and decentralisation, based on the principles of equitable management and resource distribution, and fostered by institutions of good governance ensure sustainable peace and development in post conflict states. It has been reported that in order find workable solutions for reconstruction, a clear understanding of the root causes of the conflict is necessary. Policies of exclusion and marginalisation that persisted in the history of Rwanda, coupled with the legacies of colonial and post-colonial policies were primarily responsible for the 1990-1994 conflict.

This report portrayed Rwanda as a success story not because it got all the policies right, but because it made significant strides in a short time. This was in consideration of the impact left by the 1994 genocide. The implementation of both domestic mechanisms and the proposed policies from international organisations has shown that Rwanda is determined to break away from the shackles that have kept Africa stack in poverty and under-development. The government's zero tolerance to corruption for example has attracted more development partners in the country. This report further observed that the successes of Rwanda's reconstruction project were mainly due to the emphasis on homegrown mechanisms as opposed to the proposed reconstruction policies from international organisations and donors. A partnership between the donors, the government and the local population was discussed as the approach preferred by the Rwandan government for its post-conflict reconstruction.

This research report investigated the different domestic programs adopted by the Rwandan government in its reconstruction process. The electoral reforms, infrastructure reforms and the refinement of the economic development and poverty reduction strategy program to

suit the Rwandan situation was the focus of the transitional government. This report further analysed the national reconstruction programs namely; the national unity and reconciliation commission and the Gacaca system of justice. It was observed that these domestic programs registered significant successes in promoting peace and stability and propelled the nation to a quick and sustainable recovery. It has been mentioned however, that even though Rwanda has been moving in the right direction, there are still very considerable challenges that may threaten the national achievements so far.

6.2 Recommendations

It is widely agreed that conflict has its origin in and is a consequence of governance failure. Correcting for such failures and tackling their principal causes are tasks key to post conflict reconstruction (PCR). Among the causes, issues like disputed allotment of ownership of natural resources or the need to develop a constitution that acknowledges and defends the rights of different ethnic groups without dividing the population are matters that necessitate long term national and institutional transformation. The need to initiate and maintain PCR is vital to permit countries that have undergone conflict to escape the vicious sequence of state failure, increasing discrimination, poverty and conflict and advance to a virtuous cycle of good governance, democracy, equal opportunity, independence and growth. In order to achieve this outcome, this report has shown that domestic mechanisms offer the best chances as evidenced by the case of post conflict Rwanda.

In incorporating the proposed policies by international organisations and donors, post conflict Rwanda came up with unique home grown mechanisms to tackle the root souses of the 1994 genocide and lay a strong foundation for peace, unity and sustainable development. The quick recovery of Rwanda after a horrific genocide has left the international community with a desire to urge post conflict nations to develop their own strategies for recovery and development. The rebuilding of functional institutions, emphasis on good governance and a deliberate promotion of unity and reconciliation through traditional means has characterised the post conflict reconstruction process of Rwanda. It is important to note however, that in the pursuit of peace, unity and development some PCR approaches has done more to risk the resumption of conflict than advance unity, stability and development.

PCR is however an all-embracing expression and takes into account both interim humanitarian aid and continuing stratagems to support sustainable development and assimilate the country within the global economy. Providing infrastructure is a key factor in the shift towards peace. Several hypothetical and practical issues in relation to infrastructure planning in PCR have been argued in this report. What is significant here is that currently infrastructure intervention in PCR appears to be predominantly 'hard' material investments while the function of 'soft' institutions; participation and creating of alliances for change are deferred to later points in time. Rebuilding of local institutions is critical to upholding peace in Rwanda.[241]

The post 1994 Rwanda government has put in place an extensive decentralisation plan, which has given rise to the delegation of major central government roles to the regional or provincial, district and sector levels. The government's objective is to realize better management of its departments, institutions and improved delivery of services. This process is also intended to simplify the supervision of government project and avail more resources where they are required most and to curb corruption.

In order for the achievement of success in any post-conflict state, the reinstatement of order and security is essential. As observed in this report, the disintegration of civil order during conflict makes way for the interference in the operation of important social institutions, which result in chaos. While conciliatory measures usually begin with the positioning of substantial military might, the cause of peace and order can only be completely served if attention is directed to the reinforcement of the capacity for lasting regular policing by citizens of the country. The Ingando initiative among other things is supposed to instill patriotism so that the citizens take part in ensuring national security and development.[242]

The discharge and disarmament of former soldiers and the efforts to reintegrate them into society is a constituent of the process of re-establishing order and security. The methods of disarmament discharge and reintegration must provide for the fracturing of the cycle of violence and cultivate conditions for sustainable growth and security. One area of concern is that gainful employment be found for those who are discharged particularly the youth

[241] Rugumayo, S. and Gbla, O. Studies in Reconstruction and Capacity Building in Post Conflict Countries inAfrica: Some Lessons of Experience from Rwanda, University of Dares lama Tanzania and Fourah Bay University Sierra Leon, Dec. 2003

[242] Addison, T., "Africa's Recovery from Conflict: making Peace Work for the Poor", in UNU-WIDER, Oxford University Press, 2003.

including young women in order that they do not have any consideration to turn to the use of arms to fend for themselves or to engage in unlawful activities. International aim may come to the rescue in providing funding for reintegration for discharged persons however the commitment to Disarmament, Demobilisation and Reintegration (DDR) must not be temporary.

Grassroot methods have shown to be more effective and sustainable in the Rwanda's reconstruction process. They nonetheless create difficulties that need to be dealt with. Firstly there are substantial numbers of people at this level and at best policies can be put into operation to reach the leadership at local and community levels but very frequently these plans represent points of contact with the masses rather than an all-encompassing programme for touching and empowering them. Secondly the majority of people at this level are in a state of endurance in which attaining their most basic needs such as shelter, water, food and safety is a daily struggle. Peasants cannot comprehend elaborate programmes and ideas when their essential needs are wanting.

Local methods in post conflict reconstruction must have a clear strategy for poverty alleviation. The achievement of this agenda is dependent on four important factors; first, total public spending must rise steadily and remain at a high for a continued period in order to boost the economy thereby improving collective demand and income and widening the tax base. Second as public spending rises resources must be reallocated away from military or security causes and directed towards development of economic infrastructure and socially productive investments such as education, health care – particularly preventative care, provision of safe drinking water, nutrition programs etc.[243] The renaissance of the rural sector is essential to economic progress in Rwanda. Third, government revenues need to increase to cater for higher public spending and to minimise deficits. The increase in revenue will necessitate investment in building administrative capacity (human resources and expertise), transformation of the tax systems and putting into effect accountability to lessen pilferages and widening of the tax base through economic diversification.[244] Fourth the effort of reconstruction must be supported by higher external funding by way of development aid and debt relief. Foreign sources must however plainly focus on poverty alleviation programs and in addition external funding

[243] Anand, P.B. "Getting Infrastructure Priorities Right in Post Conflict Reconstruction", in UNU-WIDER, Research Paper No. 2005/42, 2005.
[244] Ibid.

must be complementary and stimulating for mobilisation of local resources. Aid must bring in rather than push out local resources.[245]

In order to steer clear of future conflict, realize peace and promote comprehensive development, government reforms are frequently vital in order to create institutions that are contributory, owned by the state without the notion of having been forced from outside. Provisional institutions can help in the achieving of this objective. As part of the post-conflict recovery efforts, it is crucial that the basic governance institutions are able to perform basic law making, policing, legal arbitration, policy formulation and execution roles.

The requirements of special needs groups need to be taken into consideration in the development of plans and programmes. Special needs groups are those categories of persons for whom programmes must be tailored to their unique requirements. These include women, children, youth, the disables, the elderly, ex-soldiers, female and child ex-soldiers, internally displaced persons, refugees, single parent households, victims of sexual violence, and HIV positive persons among others. Occasionally general programmes can bring about increased vulnerability for special needs groups if steps are not taken to moderate such outcomes. While in other cases focusing on a particular group can result in an unbalanced impact on the overall situation.

Programmes targeted for example at addressing the special needs of women in the post-conflict setting impact on the livelihood of households, family health, education among other things and tend to have far reaching effects well beyond the initial target group. Likewise effective DDR programmes that successfully reintegrate ex-soldiers into their communities have a far reaching impact not only in regard to the element of national security but also within the element of socio-economic development and reconciliation. Calculated support to community associations, organisations and groups tackling reconciliation and peace matters is vital. At the outset they must be recognised carefully as they will in future provide the framework for reconciliation in communities. Such groups could also develop into doorways in the effort to raise household and community incomes.

Frequently the origins of a conflict have been seen to arise from economic factors; low or dwindling per capita income or disproportionate sharing of the rewards from the utilisation

[245] Ibid.

of a country's resources, for example in the case of natural resource industries which give high rents and national opportunities. Often new institutions are expected to create economic policy however such institutions will not come out merely because new buildings have been commissioned or persons appointed to important positions. Long term planning and preparation are required for the building of economic institutions and they cannot be imposed as a basic or temporary arrangement. From the onset creation of policies for development must be viewed not simply as a technical issue but instead as part of a policy for the country to develop in a manner that will reduce the potential for conflict and be made to last. These policies must be comprehensive, involving both men and women and geared towards maintaining peaceful development. Policies such as these should not be observed to just fulfill a list of desired policies formulated by external parties but must belong to the country, be recognised by the Government and have secured wide political acceptance as directing the way forward for the nation's recovery and economic development. [246]

The necessity to have new and more creative institutions, models and procedures of transitional justice and reconciliation remains outstanding in Rwanda in particular and Africa in general. It demands that all national plans and resources available to achieve this objective be encouraged. The recovery of Rwanda from one of the most terrible experiences of genocide in the 21st century should be viewed as an opportunity for the Great Lakes Region and for Africa.

Following the genocide there was a collapse of the legal system which meant the absence of lawyers and judges, requiring the intervention of the international community to train, build capacity and perhaps bring in legal personnel (Lawyers and judges) from other countries to address the immediate needs. In addition the international community has a role to play in the facilitation and support of the establishment of truth commissions and the distribution of results from these commissions. Their role also goes as far as aiding in the creation of local institutions, structures and culture to encourage accountability for human rights violations and respect for the rule of law. There stands an opportunity for the international community to undertake a partnership role with the Government in empowering the society victimised by abuse In this case, organisations like 'Ibuka' (the

[246] Anderson, M. Do No Harm: Supporting Local Capacities for Peace through Aid. Cambridge, Lynne Rienner Publishers, 1999.

association of genocide survivors) should be funded. This requires the presence of locally owned means coupled with technical assistance and monitoring provided internationally.

On the pursuit of unity and reconciliation, the government has established relevant commissions to foster unity and reconciliation but they have left a lot to be desired. The Rwandan government continues to cover up the truth that hostilities are still prevalent and even thrive in Rwandan society. Even though there are some Rwandans who may bear the opinion that the seeds of reconciliation have been sown and are starting to bear fruit there are many others who talk of animosity, a seething among the populace with the potential to explode. For Ingando to be successful its participants must assimilate its theories of unity and reconciliation and incorporate them into their daily lifestyles to ensure that they last long after they have departed from the solidarity camps. The emphasis on political indoctrination also seriously challenges Ingando as a means of reconciliation. Additionally the government's sustained assault on civil society and apparent political opposition threaten to further weaken reconciliation programs like Ingando. Should Ingando be incorporated into school curriculums and should the leaders of Ingando create a prospectus that includes truthful and critical assessment of the current administration and open dialogue about history then Ingando can be a commendable and creative part of the complicated matter of community healing.[247]

Rwanda is a small country in which each region has its own unique make up determined by political history, mode of governance, social setup, closeness to borders, guidelines for exclusion, marginalisation, ethnic benefits and special treatment. Movements among the populace have also had an impact on the social setting in each region. The National Unity and Reconciliation Commission (NURC) ought to refine and refocus its strategy by developing the functioning programme goals in each region basing on solid analysis of the political and situational environment, on the ground fact finding, engaging the locals in developing programmes and allowing communities to become agents for executing NURC programmes.[248]

The Gacaca system has serious weaknesses, it comes with both positive and negative elements but it is nonetheless not difficult to conclude that it is a lot better than nothing. Unlike the International Criminal Tribunal for Rwanda (ICTR) the Gacaca is homegrown

[247] Mgbako, Chi. (2005). '*Ingando* Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda'. Harvard Human Rights Journal, Vol.18, No. 4
[248] Ibid.

having been created by Rwandans specifically to address their problems and as such is likely to raise the public's confidence. Another positive feature of Gacaca is that it represents a huge step towards acknowledging individual criminal responsibility. This is of great significance in a nation where impunity has existed for long in respect to state authorised crimes. It brings to light the view that people are ultimately responsible for their actions even if they have been sanctioned by the powers that be. For the victims, trial and retribution are significant roads to redress.[249]

In order for a criminal process to be meaningful where the truth is unearthed it requires that a comprehensive investigation be done and that a capable, autonomous and unbiased forum is in place to do this. The proficiency and objectivity of the Gacaca judges is questionable and is one of the main challenges of these courts, it is in addition one that cannot be entirely resolved as the system is based on the philosophy of locally made justice. Additional challenges are access to justice and the issue of security. These issues are however not impossible to resolve, on the other hand there is the concern over the issue of compensation which has been subjected to endless debate.[250]

In the eyes of the victims justice cannot be total without some form of recompense even if it is merely symbolic. It is expected that the creation of new laws will provide a more comprehensive system of recompense. In light of Rwanda's expectation of a peaceful future it is very distressful that there is no solution for all victims thereby including victims of genocide, war crimes and crimes against humanity. The objectives of Gacaca to attain truth, justice and reconciliation, have created huge expectations and in the end the inability to deal with RPF crimes of a very similar nature could very well thwart the achievement of these goals. For the success of Gacaca the judges need to be better skilled in the areas of the law and the process. Eligibility for such roles should be conditioned upon achieving a defined standard of reading and writing, in addition to a system where the background of elected judges is verifiable to avoid future replacements. Judges also require better remuneration in order to perform their difficult roles in coming times as well as to prevent them from being compromised.[251]

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[249] Ridell, Jennifer. 2005, Addressing Crimes Against International Law: Rwanda's Gacaca in Practice. LLM thesis. University of Aberdeen, Belgium

[250] Borland, Rosilyne M. 2003, "The Gacaca Tribunals and Rwanda after Genocide: Effective Restorative Community Justice or Further Abuse of Human Rights?" Swords and Ploughshares, Vol.13 No.2 Available at http://www.american.edu/sis/students/sword/Current_Issue/essay1.pdf (pdf)

[251] Ibid.

Protection for victims, witnesses and confessing architects of crime is key, it is challenging that the common perception is that each citizen bears responsibility for their own security and safety. Rwanda must continue to indict and penalise those liable for threats and brutality against victims, witnesses and confessing perpetrators. Protection should be in place during the court sessions and in addition judges must be strict on this point and should not permit any ill behaviors during the sessions. Victims should have access to information on the status of the prisoners and should be informed when eventually mass releases are to be conducted.

In conclusion Rwanda needs to allow the crimes committed by the RPF to be uncovered. The government's failure to address these crimes is a major failing of the Rwandan justice system. The political climate in the country has stifled the voices of the victims of these crimes; having all voices of opposition labelled as advocates of division is not compatible with civil and political rights of the populace. A genuine fight against impunity cannot be prejudiced, it instead needs to emphasize that all individuals must bear responsibility for the acts or omissions. The rule of law must be equally applied otherwise the construction of a democratic society for all groups will not succeed.

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