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SUSTAINING PEACE IN RWANDA:
VOICE OF THE PEOPLE

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ACRONYMS AND ABBREVIATIONS

1. AVEGA : Association of Genocide Widows - Agahozo
2. AIDS : Acquired Immuno Deficiency Syndrome
3. APACOPE : Parents' Association for the Contribution to and Promotion of Education
4. ADB : African Development Bank
5. APROSOMA : Association for the Promotion of Masses
6. BNR/NBR : National Bank of Rwanda
7. CAURWA : Community of Indigenous People of Rwanda
8. CIF : Cost Insurance and Freight
9. CCOAIB : Advisory Council for the Support of Local Initiatives
10. CDC : Community Development Committee
11. CDF : Common Development Fund
12. CDR : Coalition for the Defence of the Republic
13. CEPEX : Central Bureau for Public Investments and External Financing
14. CESTRAR : Rwanda Trade Unions' Umbrella
15. COMESA : Common Market for East and Southern Africa
16. CS : Community Service
17. DRC : Democratic Republic of the Congo
18. EU : European Union
19. ESSI : School of Nursing
20. FAO : Food and Agricultural Organisation
21. FAR : Rwanda Armed Forces
22. FARG : Genocide Survivors' Fund
23. FIDA : Finnish International Development Agency
24. HCR : High Commission for Refugees
25. GDP : Gross Domestic Product
26. HIV : Human Immuno-Deficiency Virus
27. ICTR : International Criminal Tribunal for Rwanda
28. IMF : International Monetary Fund
29. INADES : African Institute for Social and Economic
30. IRDP : Institute of Research and Dialogue for Peace
31. IRST : Scientific and Technological Research Institute
32. KHI : Kigali Health Institute
33. KIE : Kigali Institute of Education
34. LGI : Local Governance Initiative
35. MDR : Republican Democratic Movement
36. MIGEPROFE : Ministry of Gender and Women in Development
37. MINADEF : Ministry of Defence
38. MINALOC : Ministry of Local Government, Information and Social Affairs
39. MINECOFIN : Ministry of Finance and Economic Planning
40. MINEDUC : Ministry of Education and Scientific Research
41. MINERENA : Ministry of Environment and Natural Resources

42. MINIJUST   : Ministry of Justice
43. MINISANTE : Ministry of Health
44. MRND   : National Revolutionary Movement for Development and
                        Democracy
45. NGO   : Non Governmental Organisation
46. PARMEHUTU : Party for the Promotion of Hutus
47. PAR   : Participatory Action Research
48. PDC   : Centrist Democratic Party
49. PDI   : Ideal Democratic Party
50. PL   : Liberal Party
51. PPC   : Party for Progress and Concord
52. PPMER   : Projects for the Promotion of Small and Medium Rural
                         Enterprises
53. PSD   : Social Democratic Party
54. RPA   : Rwandese Patriotic Army
55. RPF   : Rwandese Patriotic Front
56. UNO   : United Nations Organisation
57. UNAMIR   : United Nations Assistance Mission to Rwanda
                         Development
58. PSR   : Rwanda Socialist Party
59. RADER   : Rwanda Democratic Rally
60. RAMA   : Rwanda Health Insurance Scheme
61. RIPA   : Rwanda Investment Promotion Agency
62. RRA   : Rwanda Revenue Authority
63. RTLM   : A Thousand Hills Independent Radio and Television
64. SNV   : Dutch Development Organisation
65. UDPR   : Democratic Union of the Rwandan People
66. ULK   : Kigali Independent University
67. UNAR   : Rwanda National Union
68. UNICEF   : United Nations International Children's Emergency Fund
69. UNILAK   :   Kigali Adventist Secular University
70. UNR/NUR   : National University of Rwanda
71. USA   : United States of America
72. USAID   : United States Aid for International Development
73. USD   : United States Dollar
74. VAT   : Value Added Tax
75. WB   : World Bank
76. WSP   : From War to Shared Solutions for Lasting Peace

INTRODUCTION

The document presented by the Institute of Research and Dialogue for Peace (IRDP), provides a number of specific features that deserve highlighting, at the very start, to enlighten and guide the reader. Within this introduction, we will strive to get the reader to focus on the context within which the paper was prepared, provide the origin of IRDP, indicate its mandate and objectives, give the structure and its underlying philosophy.

After the 1994 genocide, the Government of National Unity took on the task of healing the moral and physical wounds which had deeply marked the Rwandan society. It specifically focused its efforts on rebuilding and consolidating peace. To achieve this, many initiatives were taken, among them the creation of the National Unity and Reconciliation Commission, the Human Rights Commission, the Constitutional Commission and the National Poverty Reduction Programme.

Rebuilding peace requires a commitment from all Rwandan and foreign actors operating in the country. The State cannot do everything alone, and that is why other initiatives both private and public came up to back Government efforts. It is within this framework that the Institute of Research and Dialogue for Peace was established to give its modest contribution to building lasting peace in Rwanda.

What do we understand by lasting peace? Lasting peace is that which gives security, tranquility and fulfillment to an individual, a family and a community in general. IRDP researchers started consultations with all categories of Rwandans with the aim of achieving this ideal. This paper (document) contains, for the most part, the findings of these consultations.

Through manipulation of the population by politicians, the foundations for peace were destroyed. Naturally it is up to all Rwandans to take the move to install a fundamental base upon which true harmony among the citizens can be built. The participatory approach therefore provides an important tool towards achieving this objective.

This approach has allowed people to express themselves on various programmes under way, showing both their strengths and weaknesses. The particularity of this participatory approach is to enable the people, in the long term, to have a sense of ownership of the initiatives put in place for their benefit.

Similarly, if the population gets to better understand the prevailing problems, it will efficiently and effectively contribute to establishing laws more adjusted to their needs and to the definition of coherent policies in various domains.

Furthermore the population has manifested a real need for a framework of free and open dialogue. This shows the need to consolidate a culture of dialogue to address various problems faced by our society.

Entitled "Rebuilding Lasting Peace in Rwanda: Voices of the People", this document conveys ideas, facts and suggestions resulting mainly from participatory research on the major challenges faced by the country.

The creation of the Institute of Research and Dialogue for Peace was inspired by a non-governmental international organization called "From War to shared Solutions for Lasting Peace" WSP-International in short. This organization initiated and supported similar programmes in a number of countries emerging from conflict situations like Eritrea, Mozambique, Macedonia, Somalia and Guatemala.

IRDP was established to bring its humble contribution to addressing the complex challenges of the post genocide era. Such a context necessarily requires an approach that is specific to the prevailing circumstances.

The Institute sets out to provide a framework which, in the long term, will allow the creation of conditions for rebuilding a nation where understanding, harmony and peaceful cohabitation prevail. The findings of the research will fuel discussions on crucial issues regarding the peace rebuilding process. The dialogue and exchange largely takes place in a neutral space through an inclusive and participatory approach.

We therefore hope to provide actors involved in rebuilding the country with a source of information likely to help them deal successfully with the political and institutional reforms undertaken and those to come. However, we stand convinced that through the findings of the research, international partners will better understand the challenges of our society in order to plan for more effective interventions. Finally, we will strive to support and encourage any initiative contributing to the ideal of peace in Rwanda.

This document is structured into different interrelated chapters. The analyses conducted through different chapters contain a common denominator - rebuilding lasting peace as perceived by Rwandans at all levels.

The chapter on methodology presents the approaches followed in the course of this preliminary research, the methodological specificities as well as a well thought-out choice of the groups consulted were as inclusive as possible. Similarly, the reader finds in this chapter the different phases of the research.

This document also contains key elements in defining peace as perceived by the various groups consulted. It presents various dimensions of peace: social, cultural, political and economic.

Regarding the history of Rwanda, this document seeks to identify the dominant ideologies in matters relating to maintaining or disrupting peace throughout the history of our country. It points out the role of the unifying factors like the notion of clans rather than of ethnic groups; the role of divisive ideology of colonization based on the Hamitic and Bantu myths.

Genocide and its ideology occupy an important place throughout this document. Its indirect and direct causes, the old and recent causes as well as the psychology that has facilitated its perpetration are underlined.

The political reconstruction after genocide is also dealt with. It attempts to address questions of how the Government of National Unity has put in place a new political vision drawing much inspiration from the Arusha Peace Agreements. This chapter also examines how all the political reforms undertaken the groups consulted perceive. It raises questions on the foundations upon which the political reforms to be undertaken are to be based. It discusses issues of citizenship versus ethnicity and also deals with decentralization.

During the genocide most of the judges, lawyers and magistrates died while others went into exile. Those who remained are very few given the large numbers of prisoners suspected of genocide crimes. The document shows the extent to which justice is a major factor in rebuilding peace.

The reader will find in this document the challenges regarding economic, social and cultural sectors of the country. Not only were the structures at different levels destroyed, but also the available human resources are far from adequate in order to meet the task. The various views from different groups consulted shed light on priority issues which actors in this domain should tackle.

The place and role of the civil society and the obstacles it faces are discussed. Throughout our history, the media has remained in the hands of the Government and it has not played its role of enlightening the society. The media in Rwanda also played a crucial role in the preparation and perpetration of genocide.

The need to involve Rwandans in the Diaspora in the dynamics of this dialogue has been addressed. As for the international community, the challenge is to be able to play their role in ways that give priority, in its interventions, to the solutions devised by beneficiaries.

This initiative is a contribution to the common effort to rebuild the country. It is within this context that this document is to be understood as a process. Each of the actors in the process has an opportunity to contribute to this forum of discussions as openly as possible.

CHAPTER ONE: METHODOLOGY

The reconstruction started by public and private actors after the 1994 genocide is a true renaissance (rebirth). This is a challenge that would not be easy to address without the active participation of all concerned in the process of shaping the future of our country.
One of the most trying aspects in matters relating to reconstruction is the normalisation of interpersonal relations of a population called upon to live together after the tragedy. Genocide as a plan of systematic extermination was devised by the politicians and implemented by the people - one against the other. The PAR methodology (Participatory Action Research) we adopted therefore seems most adapted to the Rwandan context of post genocide where interpersonal relationships were severely affected.

1.1 Specificity of PAR Methodology

The philosophy underlying the PAR methodology is likely to contribute to identifying the fundamental issues and to enhance the importance of participation in decision making as a fundamental aspect of democracy. PAR provides a framework for collective research whereby the participants become actors who contribute their knowledge of the issues into play while researchers facilitate the debates and channel ideas.

PAR conceptual approach is based on a series of principles that enabled IRDP to adjust it to the Rwandan context:

- It is holistic and integrative associating political, economic, social and cultural perspectives relating to peace;
- It is participatory through consultation mechanisms at different levels;
- It is inclusive and establishes links between grassroots, national and international actors;
- It combines research and action, seeking a better understanding of fundamental issues;
- It is flexible with the possibility of adjusting the approach to meet the local needs and context;
- It creates neutral space to achieve the objectives of building a consensus on priorities;
- It puts in place a solid basis for values and skills to promote local capacities.

1.2 The PAR - WSP Approach

The methodology adopted by the Institute drew inspiration from the **WSP International** methodology. This is an approach using Participatory Action Research within war-torn societies in a bid to find solutions related to post conflict contexts. This approach is based on people's participation in devising solutions to their problems.

The purpose of this approach is to create a neutral space where actors engage in open debate, with the facilitation of researchers, to bring out priority challenges faced by the society emerging from conflicts in a bid to rebuild peace. Improving interpersonal relations is a process that requires a relatively long time. The time dimension therefore is essential in this kind of research.

The WSP approach comprises of three main phases:

1. A preparatory phase which includes a general analysis of the context in which the process takes place and the establishment of an implementing structure. Choosing the implementing team is very crucial: the process requires persons of integrity and skill. It is in the course of the preparatory stage that a group of influential persons with integrity is identified to be part of a Governing Board which, with an independent point of view, ensures respect for the principle of impartiality of the team and objectivity of the results.

2. The preliminary phase of research involves wide consultation of the population on the general theme of rebuilding the country, which leads to the writing of a Country Note. During this phase, the team identifies a group of persons representing different types of the people and institutions consulted to make up the "National Group", which validates and legitimizes the process. It is this National Group that discusses at a national level, the research findings to reach a consensus on important issues which then become the themes for in-depth research.

3. The main phase of research is the in-depth research conducted on the themes chosen by the National Group. A group of technicians or "Working Group" is formed around each theme to analyse the findings of the research and to make recommendations to decision-makers and to all those who intervene in rebuilding peace. It is these Working Groups which give effective orientation to the fieldwork.

The WSP methodology was tested in several post conflict countries and it has proved to be fruitful. These countries include Guatemala, Eritrea, Mozambique, Somalia and Macedonia.

1.3 The WSP Methodology in the Rwandan Context

After a long and thorough assessment of the methodology, the Institute adopted the WSP-PAR methodology with the objective of initiating open debates on the challenges facing the peace rebuilding process. In fact, there are clear political signs at various levels, which demonstrate the will to identify the fundamental issues. Contacts were made with key actors in peace rebuilding as well as Rwandan authorities at various levels. The authorities expressed their support to this process and committed themselves to respecting the framework for a neutral dialogue so that the process may take place unbridled.

The Institute has made the choice to use the participatory research approach, to engage open and extensive debates. The aim is to initiate dialogue at all levels, both within and outside the country. Bringing together various actors in a neutral space, who collectively examine the challenges in view of the objective of reconstruction, allows the setting up of a solid basis for making political recommendations which come out of the consensus attained.

The guiding principle for the future of IRDP's work, is to get organised in order to ensure the existence of a neutral space for dialogue, both political and social, in order to enable a true transformation process.

1.3.1 Sampling

To achieve objective, qualitative results, IRDP has chosen to make a well thought-out sample which meets the need for representativity and inclusiveness.

Consultations were conducted in all the twelve provinces of the country, lasting for 12 months. Prior to the consultations, exploratory visits were made in each of the provinces to discuss with the opinion leaders in the provinces, in order to choose two districts likely to offer diverse views on the issue of peace.

At the level of each district, two sectors were selected based on the same criteria used in choosing the Districts. In each sector, a facilitator was identified based on a criterion of integrity and acceptability to the community. With the help of the facilitator, four cells were identified, where the debates would take place.

The Institute also made consultations with actors from political parties, parliamentarians, social ministries, members of religious denominations, representatives of the army and police, elders, some of whom served as chiefs during the monarchy era, academicians, students from secondary and higher institutions of learning and the civil society. Consultations with these specialized groups were done using the same methodology, with the intention of being as inclusive as possible and listening to the views from all categories of the population.

Due to various reasons, population movements have been observed throughout Rwanda's history leading to a large presence of Rwandans in the Diaspora. This makes it necessary to include opinions of this category of Rwandans in the peace rebuilding process. IRDP therefore, conducted consultations in some of these countries namely; Belgium, Switzerland, United States, Canada and France, because of the large numbers of Rwandans living there.

1.3.2 Conducting Debates

Research started with consultations at all levels so as to build an image of the country, as Rwandans and others who intervene in the reconstruction process now perceive it. A strategic choice was made in line with the specificity of IRDP's adopted methodology. Manageable and representative groups were constructed to engage in debates in an interactive manner. The research therefore provides objective data in the process of dialogue, but at the same time the dialogue raises new questions to be dealt with in the research. It is this exchange of differing views which, in the long run, brings people who, initially stuck to their respective positions, reach a consensus on key issues to rebuild lasting peace. This fuels debates with the findings of the research, but also orients further research through dialogue.

An audiovisual component was integrated in our approach to reinforce and complement the research findings. Apart from maintaining a true and visible record of the opinions gained from the debates and the atmosphere in which the dialogue takes place, it is an efficient tool allowing others to view the interactive dynamics built around the image. Similarly, it is a tool that gives a true picture of the debates to the participants at a time when we take back the findings for validation. In future, we plan to use much of the audiovisual documents we produce out of our consultations as a catalyst for further debates.

Field researchers spend a week in each district, interacting with groups of between 25-30 persons, selected in each of the four cells by a local facilitator. In identifying the participants, the methodological requirements of diversity are respected. The groups usually include men and women, the elderly and the young, the literate and illiterate, genocide survivors as well as those who have family members in prisons. All ethnic groups represented in the cells participate in the debates.

The researchers mix with the participants in such a way as to avoid having clear differences. Building trust within the group usually takes long. It is only when the researchers become more familiar with the participants that debates are engaged. Thanks to facilitation techniques, the dialogue becomes interactive and moving statements are sometimes made.

1.3.3. Facilitation techniques

As part of the methodology, IRDP opted not to use questionnaires. Nevertheless, the researches came up with an interview guide that allowed them to maintain the same direction during the debates. That flexibility enables the participants to feel free to contribute their ideas on the challenges that Rwandans are facing. The researchers had the task to grasp those questions, reformulate them and return them to the group so that they build a consensus or end up with a controversial issue.

The researchers apprehend the key issues with the emotional or conflictual dimension they contain. Reformulating the question and returning it to the group is good for group dynamics. That interaction gives the group the competence to clarify controversial issues regarding rebuilding peace, establish everyone's role and that of the group.

In some regions, heterogeneous groups that were formed sometimes ended up becoming familiar and could even join in traditional dances to which the researchers were invited. In the same context, the debates were concluded by a moment of sharing what was mostly the *Intango.*[1]

Before leaving the area where researchers have developed ties during the whole week, they bring together the groups consulted in a session where they make sure their key ideas have been maintained. The debate is reopened, seeking a consensus on a given issue or simply to point out controversies. District leaders, the executive committee and other local leaders have a same session where they exchange views on questions raised by the population.

That is how IRDP organised its consultations during the first phase of research throughout all provinces including Kigali City.

1.3.4 Data processing and using findings

These consultations allowed building a database that IRDP will use in its research report. A computer programme was devised to help organise data by cells consulted. Each specialized group and each of those consulted in the Diaspora is considered as a cell.

This is a qualitative research and wants to use its findings as a tool for dialogue and therefore to be able to make an influence for significant changes.

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[1]Intango : Pot containing traditional beer.

The ideas included in this document should to be understood as coming from the groups formed based on diversity and representativity. They reflect the current image of Rwanda as painted by the various groups consulted. In addition, it brings out key challenges in the peace rebuilding process. Those challenges require the most open debate possible at national level. It is within this perspective that IRDP is organizing a National Group that seeks to be as representative as possible.

The National Group, facilitated by researchers, opens a debate on the identified challenges. A consensus has been reached for some questions while others remain controversial, requiring thorough work for the future of the process. The aim is to reach a consensus on a limited number of questions considered important enough and requiring in depth research.

The issues for which a consensus will be reached in the National Group will be the focus of a thorough research under the responsibility of Working Groups. These Working Groups are constituted based on the technical skills and respective interest of the members. The central and local levels will be involved, both horizontally and vertically.

As Chapter One has allowed understanding the approach followed by IRDP through the research and in putting research findings together in a report, Chapter II tells deals with views of the groups consulted about peace.

CHAPTER II: THE ROLE OF HISTORY IN RWANDA'S SUCCESSIVE CONFLICTS

"Legends are for history while sources and streams are for rivers" A. Pages

1.1 Background

The history of Rwanda, as written and taught, has played a key role in internal conflicts from the 50s up to now. The starting point was the theory developed by the colonialists and missionaries on the origins of Rwandans, which demonstrated the fundamental differences between the three groups, Batwa, Batutsi and Bahutu. The theory that characterized those groups as ethnic, confirmed that the Batwa were indigenous people who are related to pygmoides found in the Central Africa. Hutus, related to Bantu, allegedly came from Chad between the 7th and 10th century and Tutsis with a Hamitic origin are said to have settled later towards the 10th and 14th century. Hutus, farmers, outnumbering the other groups, are reported to be the first landowners. Tutsis, cattle breeders, allegedly dominated Hutus and Twa after adopting their language, their culture and are reported to have sneaked into their tribes.

The hutu elite exploited this theory around 1957; they managed to rally many hutus in cycles of massacres of tutsis, considered as invaders. Political leaders of the second Republic used the same arguments to encourage the hutu perpetrate the genocide in 1994.

Different authors of Rwanda's history do not agree on the above theories; the three groups are allegedly social classes and not ethnic groups while clans are alliances and not groups of descent.[2]

More disagreement came from the cohabitation of two economies: agriculture and animal husbandry. The latter required more land than the former per production unit. As the number of cattle increased, cattle breeders reportedly took the farmers' land, thus creating permanent tensions between the two groups even before the arrival of colonialists. In fact, the right to land was based on permanent land distribution organized by the most powerful. From then on, the difference between the rich and the poor was in terms of the land surface and the size of cattle. Differences in living conditions emerged and resulted into poor families having to serve the rich ones for survival.

The interpretation of *Ubukonde, Ubuhake and Uburetwa* systems different authors is different. *Uburetwa,* forced work, is considered by some authors as a factor which has institutionalized the hutu/Tutsi ethnic division because it was imposed exclusively on hutus.

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[2]Jan Vansina, Le Rwanda Ancien, Edition Karthala, 2001 : pages 11-60

Some Rwandans, namely former dignitaries under the monarchy, contest this theory and confirm that it was rather a system introduced by colonizers. *Ubuhake is* still for many Rwandans an illustration of enslavement of hutus by tutsis while others regard it as a system of social protection which concerned both hutus and tutsis from modest conditions.

The *Nyiginya* dynasty reigned since the creation of the current Rwanda up to the arrival of colonizers. Under that dynasty nearly all chiefs of territories were tutsis. The stereotypes that were later developed by Europeans to distinguish hutus and tutsis widened the rift between the two groups. Tutsis are described as an intelligent race, born to rule, while hutus are said to have the skills and liking for farming activities. Currently, Rwandans blame themselves for having adhered, at a given time, to this vision that has created frustrations in hutus and a complex of superiority in tutsis until the eve of the 1959 events.

The successive governments have used this argument to justify the exclusion of tutsis in the country's politics and their social discrimination. Genocide is sometimes understood in this context as Father Wolf Gang Schonecke wrote in 1994: "The murderous fury of hutus will never be understood if one forgets the shame and humiliations they had to feel during a very long time under the Tutsi minority which considered itself a race of lords and who despised them".[3]

Given these conflicting views on history and the conflicts that resulted from it, the Government of National Unity decided that the subject of history should not be taught in primary and secondary schools, pending a consensus on what should be taught. Following the *Urugwiro Village*[4] consultations, it was suggested that teachers of history at the National University of Rwanda reflect on this issue. As far as we know, this reflection was never conducted within the framework of this mandate.
However it is worth mentioning that this initiative of opening debates on Rwanda's history does not have unanimity: It is a impossible to obtain a consensus on all these elements of history. On the other hand, it is not usual that rewriting history falls within the competence of a government. There is high risk that each change of regime will see history being rewritten to meet the political needs of leaders. Nevertheless, the history of Rwanda, as it is written today, carries heavy responsibility in the successive conflicts. The genocide ideology passed through sensitization of a large number of citizens to defend an ethnic cause championed by politicians and some historians. Today, Rwandans cannot remain in this ethnic option that has shown its limits and especially its damage. All wish to have peace but they do not agree on the way towards that achievement. An inclusive debate on this question of history seems inevitable.

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[3]Bizimana J.D. L'Eglise et le Genocide au Rwanda : les pères blancs et le négationnisme, l'Harmattan, 2000, p.38
[4] After the 1994 genocide, the former President of the Republic organised comprehensive debates in 1998 on conflicting issues linked to Rwanda's history.

1.2 Peace conceptions

Peace is quite a complex concept that affects several sectors of a country's life. During the debates, the participants tried to define its twists and turns. It is a behavior, an individual or group experience during a given period. Some groups presented it as an ideal to be attained: it is felt within living conditions of an ordinary citizen, relations between the citizens and the leaders and in relations between States. Good living conditions for Rwandans mean social harmony, food security and domestic tranquility. The role of government is predominant in any process towards peace; it is the guarantor of rights and liberties of citizens, ensures internal security and maintains good relations with other countries. Rwandans agree that there is no society without conflict or a society that living in perfect social harmony. The most important thing being to maintain conflicts within tolerable limits and put in place consistent management mechanisms.

1.2.1 Peace in relation to rights and liberties

The recent history of Rwanda has created a feeling of distrust among people and between them and leaders. The leaders of the country have the responsibility and capacity to keep peace by putting in place institutions and establishing a rule of law. Throughout the consultations, people denounced political authorities that failed to safeguard the universal values of peace, namely social justice, freedom of expression and of movement, tolerance and participation in decision-making.

Politics in Rwanda has been characterized by exclusion and discrimination, favouritism and regionalism, non-respect for rights and liberties. The hope for a change is the new Constitution, the decentralization programme, the political will to eradicate impunity and establishment of a culture of democracy.

The groups consulted think that values such as patriotism, heroism, and love of our neighbour are prerequisites for establishing peace. Political leaders should meet these criteria.

1.2.2 Peace in relation to socio-economic conditions

Peace is also presented as a situation of individual satisfaction and well-being. On several occasions, poverty was cited in discussion groups as being the basis for conflicts *(Abasangira ubusa bitana ibisambo)*[5]. This argument was put forward to justify involvement of civil populations in genocide because political authorities promised them that they would occupy the lands of the victims and take over their property. In particular, the young unemployed were the first to answer the call - for massacre - launched by leaders.

Peace in relation to well-being may be considered within the perspective of a country's development activities. The population regards the fair distribution of the country's resources as a condition for peace and security. They particularly singled out the leaders who use their position to accumulate wealth to the detriment of millions of citizens who lack even basic necessities.

Existence of peace within a society is subject to cohesion between its components. That cohesion is characterized by sharing, mutual assistance and help in the time of adversity. Presently, Rwandans note that harmony and social cohesion should no longer be a choice but a condition for the survival of a nation.

2.2.3 Moral and spiritual aspect of peace

This dimension mainly concerns the individual as the first artisan of peace. She/he may be the origin of a conflicting situation that might have consequences on the community or the society in general. According to the groups consulted, genocide could have been avoided if every individual had personally refused to participate in its perpetration. The issue of individual responsibility came up on several occasions. Peace building will remain a problem as long as citizens will not be able to take an individual stand on key issues of our society and therefore resist to manipulations by the ruling class.

2.2.4 Loss of cultural values

Gradual loss of the Rwandan culture has considerably contributed to the emergence of current conflicts. The introduction of foreign religions did not constitute a valid alternative for social cohesion formerly contained in traditional cultural values. As an example, women and children were executed in cold blood during the genocide while, in the past, their protection in armed conflict was mandatory. Parents and elderly people used to be respected by the young. Today all these values have vanished.

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[5]Conflicts are inevitable when there is little to share

Cultural patterns to ease disputes and to reduce intrigues were replaced by modern tribunals where individual people face one another with no family or community support. Consequently, an individual is left on is/her own, with a feeling of insecurity and vulnerability. Judicial systems ought to have coexisted with traditional models instead of replacing them.

The problem of sexual abuse exerted on children which has become endemic country wide and the resulting risk of contracting AIDS was also mentioned as one of the obstacles to peace. This situation poses a security problem for children, especially because their family members or relatives sexually abuse some of them.

2.2.5 Peace in relation to security

One of the factors to measure peace is lack of war. War consequences and the resulting violence affect security of people and their property. Post war societies suffer from the feeling of mistrust and suspicion among its members during a long time. This is obvious in Rwanda where hatred and violence have reached unprecedented proportions.

Psychological dimensions of war and violence were discussed, particularly during discussions held with town residents, the majority of whom are educated people. They have mentioned the psychological impact of statements by some political leaders who preach division. Indoctrination has reached significant proportions to such an extent that a long time is necessary before people's behavior can change. It goes without saying that such a change will not just happen, appropriate mechanisms should be devised to achieve it.

The war in the Congo, the tension with Uganda, conflicts in Burundi are an indication of the fragility of peace in the region. The same applies for political dissidents who flee the country. This is also a symptom that security is not yet a guarantee for all.

1.3 The place of history in Rwandans' internal conflicts

What we do and live today will be what our descendants we call history. The traces of history are always visible in a community's daily life. They determine interpersonal relations and a country's politics. The interpretation of historical facts and events influence the way in which political decision-makers handle national affairs but also allows future generations to get solid identity bases.

However, it is not easy to be unanimous on history of a people. By the time historical realities are presented to future generations, different actors in the society due to their prevailing interests alter them through interpretation.

The situation gets more complicated in societies with oral tradition. In these societies, the only available sources are to be sought in tales and cultural poems, which transmit to future generations the key components of their history. African countries are essentially oral tradition communities. In these countries, the first writings on history date back from the colonial era. Rwanda is among these countries and colonialists and missionaries wrote the first documents on the history of this country. Under the influence of their own history, the colonialists reported historical facts in the light of what had happened in their own societies. Therefore, they tried to understand the Rwandan society and to make an analysis on the origin of its population, the making of the territory and political organization drawing inspiration from the European model.

2.3.1. The making of territory and order of arrival of different ethnic groups in Rwanda

According to available historical records, the current Rwanda is a product of an expansion that occurred under the reign of the *Banyiginya* royal clan, which started from Gasabo the hills surrounding Lake Muhazi. Through expansion wars, *Banyiginya* clan managed to extend their territory by annexing other kingdoms which normally extended far outside Rwanda's current borders. Under the reign of King Kigeri IV Rwabugiri, Rwanda's size was three times its current size that was drawn by colonialists who divided countries at the end of the last century.

King Rwabugiri is considered as the king who extended the territory of Rwanda the most. In his conquest wars, the King had the support of an army composed of all categories of the Rwandan population indiscriminately. However, views still differ as for the composition of the King's army. During the consultations, some people pointed that the king's army was largely composed of tutsis. The Tutsi, Hamitic cattle breeders, reportedly settled in Rwanda by force, crashing hutu kingdoms around the end of the 12th century. Theories on how the country was populated as written by many historians close to the colonial regime, asserts that Batwa, Bahutu from Lake Chad area and lastly the Tutsis of Ethiopia origin inhabited Rwanda successively. Van Noten wrote "The settlement of Rwanda was done in three phases corresponding to three successive migration movements: The Batwa, hunters and pygmy potters, are said to be the first inhabitants; the second were Hutus, Bantu farmers, said to have settled in the country before or early our era; the last migration is of Tutsis, Ethiopia or Hamitic cattle breeders, who allegedly arrived in Rwanda around the 13th or 14th century".

The settlement of Bahutu in Rwanda did not occur violently like invaders do. They sneaked into the territory and settled discreetly. The new migrants arrived in Rwanda between the 7th and 10th centuries. They outnumbered the indigenous minorities who lived as hunters and gatherers.[6]

To justify the theory of origins of different groups that populated Rwanda, authors put an emphasis on morphological differences. The first historical writings on Rwanda

stress natural differences between Rwandan people. They pretend that Tutsis constitute a race close to white people. They are presented as a superior race from the morphological and intellectual point of view. For Louis de Lacger, they are tall, intelligent and fit to rule. Their supremacy is unquestionable. Where does it come from? There are three factors. Race: they are physically strong, they are people of great appearance and who are proud. Their height, attitude and the nobility of their features generate prestige. There is an economic factor: they are wealthy thanks to their cows. The third factor is political: they are born to rule, like the Romans of Virgile"[7]

Hutus are described as Bantu people, less intelligent and born to be ruled. "The physical feature of a Muhutu is the most common and most general of a black person, not only of that who speaks a dialect of Bantu languages and widely found in the tropical areas of Africa, but also of those who populate Oceanic Melanesia: Their average height is 1,67m; they have dark coloured skin and curly hair, brachycephaly and prognatism, wide nose and lips and good proportion of limbs. They are geographically stable, have a liking for agronomic activities, patriarchal organisation, simple lifestyle, are sociable and jovial, henotheistic and worship manes and have unlimited confidence in wisdom and supernatural power of mediums"[8].

The first Rwandan intellectuals adopted these ideas and the first documents by Rwandan historians drew their material from the colonial literature to try to write the history of Rwanda. In schools, theories on differences between the people of Rwanda were taught with any doubt.

During our consultations, we noted that a large portion of the population shares this thesis. In fact, it is perceptible those people who claim to be of the hutu descent think that tutsis have fine traits, are elegant and tall in height. In some areas of the country, some people confirmed to us that it is possible to distinguish a hutu from a Tutsi bearing on physical traits. These distinctive criteria were used during genocide. All the persons with very fine physical traits were targeted by extremist hutus who accused them of belonging to the Tutsi ethnic

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[6]MINIPRISEC, Histoire du Rwanda, première partie, Février 1987, p 15 inédit.
[7]DE LACGER, Louis, Le Ruanda, Kabgayi, (s.l.,) 1939, page 51
[8]DE LACGER, Louis, Op.Cit, page 49.

group. Today, these ethnic criteria are still used to identify a person as pertaining to either one of the three ethnic groups. Biases sown in the hearts of Rwandans are so deeply rooted that they won't be easy to uproot. Instead of giving priority to more reliable archaeological research allowing to get data on the history of the Rwandan people, the interest was focused on origins and migrations of ethnic groups.

Hypotheses attempting to prove the different origins of tutsis and hutus in Rwanda as well as the "bloody settlement" of tutsis to the detriment of hutu people are today questioned by a number of researchers. The history taught until then in Rwanda 'proves this tendency. A school manual of history dating back to the second Republic gives us information about this subject: "these hypotheses are false and are full of racial biases... they were used at a certain time to convey some ideas of racial superiority and it is high time we eradicate them in school manuals... Installation of tutsis was the work of a slow infiltration... they did not use the war weapon but rather their cattle[9]".

Within the same line of ideas, this theory of successive arrival is questioned by some researchers namely SEBASONI Servilien[10]. In fact, he pretends that "the theory of races to mean different origins of Rwandans and dates of their arrival are not supported by any scientific evidence. On the contrary, in early origins of the Rwandan society, we already find the fundamental duality of farmer and cattle breeder, of hutu and Tutsi : a duality of occupations, a duality of social functions'.

The issue of order of arrival of ethnic groups in Rwanda opposes researchers but also people from the relational and political point of view. The young Rwandan democracy of post independence era has adopted this issue in its ideologies and in the way leaders of that time organised power. Whatever their order of arrival, the important thing is to live in harmony. This is, therefore, one of the many issues of history on which consensus should be reached through thorough research and consultations.

Furthermore, the Hamitic myth engraved in the umututsi for several decades has created, in some people, a complex of superiority, but also a complex of inferiority in some other people of hutu descent. This complex is particularly dangerous because it creates lasting conflicting relations between the two groups who consider each other as opponents. As a rough guide, we find, behind the hutu people uprising against tutsis in 1959, the idea of emancipation. The Hutu manifesto, pillar of the "1959 Revolution" conveys also this idea.

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[9] HARROY. J. Paul, RWANDA : Souvenir d'un compagnon de la marche du Rwanda vers la démocratie et l'indépendance, Bruxelles, 1984,p. 31
[10] SEBASONI Servillien, Les origines du Rwanda, l'Harmattan, Paris 2000,p. 20

2.3.2 Socio-economic reforms under King Mutara Rudahigwa

King Mutara Rudahigwa embodied pride and social justice for a large number of Rwandans. In fact, in our consultations, the groups consulted were unanimous on this monarch being a model King on the road towards social justice. He initiated political and social reforms with the aim to promote equality for all in sharing national income mainly based on cattle and land. To understand the scope and the nature of these reforms, it is appropriate to sketch out the three fundamental notions in the relations between Rwandans during this period. These notions are *Uburetwa, Ubukonde* and *Ubuhake.*

Uburetwa

Uburetwa is among the most disputed and most controversial institutions in the social history of Rwanda. Uburetwa means, in fact, the obligation for a person to provide . services to another person with no remuneration. The controversy about this issue lies in the fact that, for some people, this system was instituted by the monarchic power who, by so doing, allowed oppression of hutus by tutsis. "Of all forms of exploitation of the population in the Rwanda of 19th century, the uburetwa institution was cited to give an account of the hutu exploitation by tutsis in the past colonial era"[11]

According to some people, this institution is the work of the colonizer who required the services for which he would not pay. Tutsis chiefs also allowed themselves this privilege. In fact, anyone who refused to offer their services to the colonizer was whipped by the Tutsi chiefs and sub chiefs who were, at that time, allies of the colonial rule. This corvée was imposed on both by Hutus and Tutsis from humble class. Why should present generations oppose an institution that belongs to the past and which was instituted by colonizers and missionaries?

Ubukonde

Ubukonde means the fact of settling or establishing oneself in the first place in a locality not yet cleared. The first occupier owned the lands of that locality. Families that come after settle there upon authorization of the first occupier. They are small holders of land but do not own it. There is therefore a leasing contract. Tenant families have obligations with regard to lesser families. These obligations are of two kinds; either a portion of harvest was given, approximately one tenth each season, or service was offered, with no remuneration, to the owner, twice a week.

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[11]G. Mbonimana, L'intégration politique face aux institutions "igikingi" et "uburetwa" under Rwabugiri regime (1867-1995), in Rwanda: Identité et Citoyenneté, et. de l'UNR, Butare 2003

There was, apart from this system of Ubukonde, a system of Igikingi i.e. the right for a dignitary, head of a local militia or administrator of the region representing the King, to get their cattle graze on all lands of that locality. This system was applied throughout the country. All the political regimes that succeeded on power failed to abolish Ubukonde which is still practised in some regions namely in the north of the country. On the other hand, King Mutara Rudahigwa abolished the system of Ibikingi.

Ubuhake

The traditional system of Ubuhake was also disputed and controversial like Uburetwa. It is like a contract whereby a person of lower social standing works for another person of a higher social standing offering their services and receiving cattle in compensation for the services offered. In exchange, the servant (umugaragu) who receives cattle must do servile works for the master (shebuja) and bring him a specified quantity of subsistence products for all of his life: In fact, this type of contract fell on the heirs if the cattle, or its descendants, was still alive at the death of the contracting party. In addition, the umugaragu had to fulfill the tasks of providing advice, acting as messenger, informer, war comrade, in a word, had to serve as a tool for social and political influence for the benefit of the master.

In return, the Master had the obligation to protect his servant within the society and show him a reliability relation which was to be transmitted from father to son.

In our consultations, the system of ubuhake was seen to be injustice in as far as it maintained social lasting inequality between the umugaragu and shebuja. In addition, cattle, source of wealth, were essentially the monopoly of Tutsis. As a result, the majority of Bagaragu were Hutus. Cattle offered within the framework of the Ubuhake contract remained the property of the master who could use it as he pleased.

There are also controversies at this level insofar as some people consulted think that Ubuhake was a way to establish ties for social harmony. It was based on brotherhood and confidence relations and was in no way obligatory. It was consensual and beneficial for each party. In addition, the *bagaragu (servants)* were not only Hutus. Most Tutsis had their shebuja *(masters)* and even the chiefs were *bagaragu* of the King.

King Mutara Rudahigwa, who ruled between 1931-1959, quickly realized that these institutions were being used to create divisions between ethnic groups and decided to abolish these systems of exploitation. This created dissatisfaction on the part of chiefs who had enormous privileges accruing from these systems. Similarly, colonizers who capitalized on these systems of exploitation to fuel ethnic divide; fell short of arguments in their intention to set one ethnic group against another.

Within such a difficult context, King Mutara tried, in his time, to modify the bases of his society in order to provide it with a new impetus based on social balance. Within the perspective of shedding light on the historical past of Rwanda, the systems of uburetwa, ubukonde and ubuhake need some clarification based on real facts supported by a thorough research.

2.3.3 Some unifying elements identified by the population

The cordon of cohesion identified by the group consulted lied in a number of factors, mainly the social function performed by the King who was considered as *"Umwami wa Rubanda (The king of the people).* Other factors are namely uniqueness of religion, language, culture as well as clan identity.

A. A Mwami (King) for all

"Owner" of all the lands and cows, supreme chief of armies, the king also stood guarantor for land fertility. "The Monarch emerged from a *consensus between* the three ethnic groups..."[12] He was above ethnic groups. He represented the nation in which all Rwandans recognised themselves.

Intellectual groups consulted think that the destruction of the monarchy by the colonial rule was the sparkling incident for conflicts between Rwandans and the start of the resulting crisis of identity.

However, even though the merits of monarchy are underlined insistently, divergences on villages about this mode of governance were still perceptible.

Some groups consulted think that monarchy recognised a family hold over power denying other people the possibility to participate in the exercise of power. This created influence peddling and intrigues harmful to the society. However, the question remained to know what role was to be played by some values originating from monarchy in restoring the Rwandan cultural identity while cohabiting with democratic values of modern societies.

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[12]DEL PERUGIA P. Les derniers rois mages, Editions Phébus, Paris, 1978, p.241.

B. Uniqueness of language

Kinyarwanda is a language that, for centuries, has been spoken by hutus and tutsis as well. This is a unifying potential on which Rwandans should base themselves to avoid destructive divergences. Dominant theories on the written history claim that Kinyarwanda is a Bantu language specific to hutus and that tutsis have adopted it for their integration. If components of Rwandan population came from different regions and at different periods, to which of the three components are we to attribute Kinyarwanda language? More specifically, how to uphold such a migratory theory if we cannot objectively highlight any clue in the language which could identify a given group in the context of Rwanda. The origin of Kinyarwanda does not matter; the main thing is that it represents the culture of the people as a whole thus promoting the collective and national identity.

C. Clan identity

In traditional societies, membership to a clan is a criterion for differentiating groups. Yet, ethnic groups belong indistinctively to the same clan and sometimes to the same lineage. Those who put forth the different origin between the two groups do not give reliable explanations as to the issue of clans. In the first Republic, the official thesis was that clans were specific to hutus and that tutsis integrated the clan to better achieve their gloomy intentions, this was said in following words: "In their hypocrisy, tutsis tricked hutus and integrated their clans; in fact tutsis are nothing but tutsis, they have no clans."[13]   Instead of giving priority to the theses which exalted ethnic differences, clan identity can be an opportunity to be capitalised on in the reconciliation process.

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[13]President de la République ;10ᵉ anniversaire de l'independance, <u>Ingingo z'ingenzi mu mateka y'u Rwanda</u> p.7 cite par Servilien SEBASONI., op.cit, p.47.

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2.3.4 Colonisation's negative influence on political, social and cultural organisation of the Rwandan society

Colonisation has had pernicious effects on political, cultural and social organisation of the Rwandan people. To achieve his goal, the coloniser imposed by force his culture, his type of political organisation and, by so doing, sparked off a crisis of identity that continues to undermine the country's organisation. He imposed Christianity and regarded all cultural and religious practices of autochthones as satanic and pagan. Relations between traditional Rwandan authorities and colonizers were later characterised by a perceptible mistrust for a long period. Faced with a rather tough and strong opponent, King Yuhi Musinga accepted to cooperate with colonial administration and gave up _Save locality in the current Province_ of _Butare_ to catholic missionaries thus recognizing establishment of the first Catholic Mission in Rwanda. This marked the starting point for compulsory evangelisation of the nation as a whole. However, King Yuhi Musinga (1896-1931) had remained sceptical about the Catholic Church and ordered his people to refuse to be christened. Colonial administration did not appreciate that attitude of opposition and undertook to dethrone Musinga. He was forced to exile and was replaced by his son Mutara Rudahigwa. Over the years, the influence of colonial administration gained ground and finally was in full control of the situation.

The period prior to Rwanda's independence was marked by political turmoil mainly due to power management by colonial administration. Rwanda became independent on July 1St, 1962. But its independence was of a particular type. In fact, while in most African countries, the aim was to fight the oppressor and foreign colonizers, in Rwanda, the Belgian colonial administration managed to stay in power for several years before independence exploiting, for its own benefit, social differences which had aggravated over the years. By exploiting the events and historical books by European historians who were poorly informed on the social and cultural reality of the Rwandan people, the Belgians transformed a social problem into an ethnic conflict. This conflict became deadly and deeply marked the behaviour of the whole nation.

Theories on the history of Rwanda were written in this context and were to mark Rwandans for a long time. In fact, some traditional songs and some poems claim that

Rwanda was populated in three phases, first by Batwa, then Bahutu and lastly by Batutsi. During our consultations, we had the opportunity to discover this reality through some poems that we shared with the people at the end of a session of consultation.

Colonizers managed power on the basis of ideas expressed by these historians and their books largely guided the choice for political partners. This is why between 1926 and 1931, following a political and administrative reform, Mortehan, a Belgian resident at that time, Hutu, Tutsi of a modest standing and Twa were dismissed from all their posts of command for the benefit of the Tutsi aristocracy from large noble families, usually matridynastic or patridynastic.[14] To adequately serve as an assistant of Belgian administration, Tutsi children had access to schools and later had the monopoly of power and resources to the detriment of Hutu people obliged to serve them because, allegedly, nature had so disposed.

Later, this situation created frustration and gave rise to antagonisms. According to Philippe BRAUD. "These antagonisms govern relations emerging between those who own and those who do not own property which is also coveted by all. This is, in fact, common desire and the fact this desire is met by some creates in others a feeling of frustration as well as aggressiveness, whether open or latent, with regard to the privileged"[15]

Relations between Tutsi and colonial administration were consolidated during the whole period of colonisation up to the years of independence. The split appeared when these tutsis attempted to request for independence. Colonial administration hurried up to search for a new partner capable of impeding the vague desire of independence by the class of tutsis.

After 1953, Belgian colonizers together with Resident General Jean Paul Harroy, Catholic missions headed by Mgr. Perraudin, new vicar apostolic of Kabgayi, reversed the situation, which they could hardly take control of, by encouraging emancipation of the "humble folk", to mean the hutu people oppressed for centuries by "Ethiopian descent", feudal landowners, invaders and arrogant tutsis"[16].

With the support of the Catholic Church, new hutu elite were trained with the objective of providing support to weaken the Tutsi class, very eager to put an end to colonisation.

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[14]Voir Déo Byanafashe, Politisation des antagonismes et des attentes au Rwanda (1957-1961) in Rwanda identité et citoyenneté, Editions de l'Université Nationale du Rwanda, Butare, 2003, page 100.
[15]BRAUD. P, Manuel de Sociologie Politique, Paris, L.G.D.J. 1992, p1998
[16]Michel OGNIER, Le Rwanda Web Ring, Anneau des sites dédiés au Rwanda sur le genocide

In this campaign of toughening relations between hutu and Tutsi, the Catholic Church plays a major role. Ideas sowing divisions were conceived by priests, and inculcated in their hutu followers. Mgr Perraudin made the first move when, in his pastoral letter addressed to Christians on 11 February 1959, he claimed with no hesitation that the problems of Rwanda are a result of a difference of race.

"In our Rwanda differences and social inequalities are largely linked to differences of race, in the sense that wealth on the one hand, and political power and even the judiciary on the other, are, to tell the truth, in considerable proportion in the hands of people of the same race"[17]. This declaration was in fact an incitement to hatred and recognition of ethnic differences.

Within the same line of ideas, the consulted groups of intellectuals pointed to us that "Grégoire Kayibanda drafted the Bahutu manifesto, which lay foundations for PARMEHUTU, a party established to promote hutu people in Kabgayi seminary with the contribution of Belgian fathers. This manifesto was printed in the press house of white fathers and the racist ideology it conveyed served as a basis in the "social revolution" of 1959. This text had been signed by nine people, all former seminarians or close to the Catholic Church. The cornerstone of the ideology of this text was exclusion of tutsis from all sectors of the country's life. The Catholic Church helped, through its increasing influence among hutu people, to spread the ideology contained in the Bahutu manifesto.

Some groups consulted claim that hutu accepted with no resistance the confrontation solution proposed by colonial administration because, in reality, they had been frustrated by the traditional system of power management by the monarchy. In this system, only a limited group of people benefited from the bulk of social and economic advantages. Colonial administration had in fact contributed to impoverishing hutu people through its discriminatory policy which favoured the Tutsi ruling class. Within this context, Belgians had managed to shift debate. The debate was no longer for Belgians to leave Rwanda, but the major question became the hunting down of Tutsi who oppressed hutu people.

Within such an atmosphere, Belgians encouraged formation of other political parties which adopted their ideas. Within this period, four political parties dominated the political scene. These parties were the first to be officially recognised by the Belgian colonial administration.
These parties are:
1. Association for Social Promotion of the Masses (APROSOMA)
2. Party of the Movement for Bahutu Emancipation (Parmehutu)
3. Rwandan Democratic Rally (RADER)
4. Rwandan National Union (UNAR).

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[17]Extrait du mandement de carême de Mgr A. Perraudin, Kabgayi, le 11 février 1959

To better define their political conception within the present context, it is worth recalling that this period was characterised by the toughening of nationalistic and pro independence movements in Africa and Asia. Meeting in Beijing, the famous independence leaders, Abdel Gamel Nasser, Kwame Nkrumah, Nehru and Soukaruno had given the pitch to fight against colonisation.

In Rwanda, echo of the fight against colonisation and the fight for independence had reached some senior executives. However, even among these executives the message was not understood the same way. Two theses were conflicting: the first supported the legitimacy of the fight against Belgian colonisation and the fight for immediate independence. This thesis also defended maintenance of traditional institutions "custom" and rehabilitation of cultural values destroyed by colonisation and evangelisation. It advocated maintenance of monarchy with a monarch to head the Executive. Regarding ethnic groups and inequalities in power sharing and economic property, those who upheld this thesis claimed that this problem had been created and maintained by colonisation and that once the country recovers its independence, appropriate solutions were to be found.

The second thesis maintained that Belgian colonisation did not much matter and that we should first get rid of colonialism of black people by other blacks. It stigmatised inequalities in power sharing and economic property favouring tutsis to the detriment of hutus.

Beside, those who advocated this thesis claimed that defenders of the first thesis sought to perpetuate supremacy of the Tutsi ethnic group once Belgians leave and Rwanda becomes independent. Regarding political traditional institutions, their total abolition and institution of a modern regime on the European model were recommended. Such was also the case for ancestral customs contrary to European and Christian modernism.

During this period, four political parties were registered, namely APROSOMA, PARMEHUTU, RADER and UNAR. The fundamental difference between these various political parties lied in their vision on the major problems that prevailed. RADER advocated constitutional monarchy and political management based on ethnic difference. UNAR supported maintenance of monarchy, called for immediate independence and democracy as well as maintenance of ancestral customs. PARMEHUTU based its policy on establishing a republic without necessarily immediate independence; it based political management on ethnic difference and was against maintaining ancestral customs. For APROSOMA, there was no fundamental difference with PARMEHUTU.

Apart from UNAR, other parties had been supported by Belgians and had adopted their ideas. As all the people were sensitised on the cause of Bahutus contrary to tutsis, Belgians, through the hutu elite which they had just trained, initiated a

referendum to abolish monarchy so as to institute a Republic. This was early 1959. On 25 July 1959, King Mutara Rudahigwa was assassinated in Bujumbura.

Il is alleged that Belgians killed him by an injection of a toxic product. King Mutara had been enthroned by common consent between the Catholic Church and the Belgian colonial administration. By so doing, they expected to control all his actions. His audacity to conquer his autonomy did not please the two powers.

According to people consulted in rural areas, the death of King Mutara Rudahigwa coincides with a new era of violence and ethnic hatred which was to mark Rwanda to date. Biases based on a history invented by colonizers and rooted in the Muhutu and Mututsi mentality later constituted the solid bases for the divide within the Rwandan people.

Segregation against hutu people imposed by the colonial rule for decades in favour of tutsis was soon regarded as being the responsibility of tutsis. These biases defined by historians served as a basis for defining ideology and political programmes of parties established at that time. In fact, the 1959 political unrest sanctioned polarisation of Hutu-Tutsi antagonisms. Hutu considered this political unrest as promising because it allowed them to get rid of the yoke of Tutsi. This unrest culminated in what was later referred to as the 1959 revolution on which Rwandans do not agree to date. This politicisation led to accession to power for the hutu majority to the detriment of the Tutsi minority.

Grégoire Kayibanda, President of the first Republic, who was a former seminarian trained by the Catholic Church, had brilliantly assimilated the lesson of ethnic difference, mainly between Hutu and Tutsi. He instituted a discriminatory policy as a mode of governance. Unpunished massacres were orchestrated against Tutsis who were deprived of their rights.

In schools, history taught exalted wickedness of monarchical rule dominated by Tutsi invaders from Abyssinia. Ethnic hatred was transmitted to young people basing on historical facts invented by colonizers and their historians. To heighten ethnic divide, some teachers told students some inciting stories which urged young hutus to revenge. For instance, during our consultations, people indicated that, in some schools, Hutu children were taught that it was a tradition, that queen mother Kanjogera, before standing up, would lean on a young hutu child with her spear. Within such a context, these young children were involved in a process of perennial ethnic revenge.

Normally, teaching history should serve to widen horizons, to create a feeling of patriotism and love of one's country and cultural past. In the case of Rwanda, history is always a bone of dissension and disagreement and has always allowed successive regimes to tease differences instead of working for a common and collective national identity.

The second Republic successfully toughened relations between the different components of the Rwanda society focusing on the difference in identity and origin of

hutus and tutsis. It almost perpetuated the policy of discrimination and revenge against Tutsi. The speech by Leon Mugesera, one of ideologists of MRND party, former unique party is evidence to this.

In his speech, Mugesera addressed a large crowd in Satinskyi in these words "Recently I told a PL member (a Tutsi of a new liberal party), that the mistake we had made in 1959 - because I was a child , is that we had allowed them to leave unharmed. Then I asked him if he had not heard of the recent history of Falachas who returned home in Israel from Ethiopia. He replied that he knew nothing about it. I added: You must be deaf and illiterate, I am telling you that your country is Ethiopia, and we are soon to send you back home via Nyabarongo[*]. That's all. I do repeat to you that we must quickly get down to work"[18].   Nowadays, Leon Mugesera lives in Canada with complete impunity. Today, the world still remembers the horrendous images of Nyabarongo carrying numerous dead bodies during the 1994 genocide.

In reality, the term ethnicity was introduced in Rwanda by colonizers who used it for the first time in Rwanda in the 1935 census.

For the people consulted, the words hutu and tutsis existed before colonization and had nothing to do with ethnic group. Instead, they referred to affiliation to a social class, whether rich or not. Now, as previously pointed out, from a scientific point of view. To speak of hutu ethnic group and Tutsi ethnic group, would imply that there is, .between the two groups, some difference in language, culture, religion or territory, these differences make up the definition of the notion of ethnic group. In Rwanda, hutu and Tutsi speak the same language "kinyarwanda", have the same culture, and practice the same religion from times immemorial and have always lived together.

It is hard to imagine the scale taken by the notion of ethnic group in Rwanda whereas its reality is not supported by any scientific evidence. Today, because of mixed marriages, it is not easy to find a Hutu or Tutsi prototype as depicted in history books. This difficulty is shared by young people we met during our consultations, and who expressed their dilemma with regard to Rwanda's history and its reality. They seemed to question older people about the position to adopt with regard to ethnic group and its historical interpretation as they learned through activities of the society or through school teaching. Ethnic divide, consolidated by successive regimes then by colonisation, culminated into genocide of tutsis and moderate hutus in 1994

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*Nyabarongo is a river which is the source of the Nile River and which flows from Rwanda.
[18]Speech by Leon Mugesera, MRND influential member, in front of militants of his party, on
11 November 1992 in the Sous Prefecture of Kabaya. Currently, he lives in CANADA.

The Government of National Unity inherited an already mined terrain to the extent that the subject "Rwanda's history" is no longer taught in schools. There is no document or book likely to serve as a reference on the teaching of history without creating dissension within the society.

Written documents on the history of Rwanda are an eloquent factor which has encouraged genocide in Rwanda. For the most part, they convey divisive ideas. These are the very documents that served as a reference to teach history in Rwanda and which corrupted young Rwandans over the years. There is a real need to revise written documents on history to move forward. Reconstitution of myths and culture of ancient Rwanda is essential to build a true identity of the Rwandan people. Biases that are not based on any valid scientific criterion but rooted in the psychology of the Rwandan people can be destroyed only by a true, thorough and concerted research on the issue of history. Biases gain ground following lack of straight facts established on the basis of logically acceptable scientific criteria.

The twists and turns of this issue should be deeply considered with the help of specialists in this field. The history of a people is not an invention, it is a collection of day-to-day reality lived by the citizens of a country at a given period. Of course, this task is not easy in a context where biases have gained ground for such a long period. In this respect, J.P. Chrétien notes "hypotheses on populating, intrinsically linked to the issue of ethnic divide supposed to have opposed Bantu farmers and Nilo-hamitic cattle breeders, have today become an imminently ideological issue"[19]

How to get rid of biases when they have served as a basis in the perpetration of genocide? Is it possible to envisage a consensus history accepted by all? What can be the place of history in building identity of the Rwandan people? Shouldn't there be any initiative to rebuild the facts to enable Rwandan citizens to build a new identity conducive to social harmony. There are so many questions that deserve consideration.

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[19]J.P. Chrétien *L'Afrique des Grands Lacs : Deux mille ans d'histoire,* Aubier, Paris 2000, p29

CHAPTER III: GENOCIDE

3.1 Background

Wars of extermination punctuate the history of humanity. Already in the 16th century with the advent of Christian Europe, the mode of extermination wars had gained acceptance. This is why, within 120 years, the whole population of the Caribbean was exterminated, with a cross in the left hand, a gun in the right. In the 20th century the world plunged barbaric acts which neither the Middle Age nor the antiquity had experienced.

In 1915, Turks massively assassinated Armenians for the sole reason that they constituted a national minority. Twenty-five years later, Germans launched the war of total extermination of Jews, which had been planned and used modern technology. From that time on, the motto was "never again" but what did this motto turn become 50 years later? Our impression is that those who waged this barbaric and cruel war have, to some extent, won the ideological battle despite their military defeat.

In fact, in 1994, the genocide of tutsis introduced on the African continent ethnic cleansing which still marks Africa of great lakes. The same methods were used, the same ideology prevailed and like in any genocide, negationism began at the time of its perpetration. At that time, those on power in Rwanda presented to the people this macabre plan as a defence for the nation.

Although people and various institutions do not agree on the number of victims, death of a citizen killed just for what he/she is, can in no case be justified. Regarding figures, IBUKA (Association of genocide survivors) speaks of more than one million two hundred thousand lives; MINALOC proposes a figure of more than one million while the United Nations puts forward a figure of eight hundred thousand lives during genocide.

Any genocide has a history intimately linked to that of the country where it is prepared. The genocide of Rwanda coincides with the arrival of missionaries and colonizers in the great lakes region. How, in a country where people have the same culture, equally live in the same regions and speak the same language, did a divisive ideology gain ground to the extent of leading the country into genocide? This question has crossed our minds in our current research approach and is still complex. People consulted analysed this question and controversies were brought out. Is the genocide ideology imported from abroad following the arrival of colonizers and missionaries or is it the product of a divisive policy installed by political leaders of successive regimes? What is the role of each one in this tragic history? Monarchical era has been the subject our debates in all the groups we met. There was a `clear difference in positions. Monarchy was understood as a system that has favoured domination of the Tutsi minority over the hutu majority. According to this tendency, this state of affairs has cultivated over the

years an atmosphere of misunderstanding that would necessarily lead to an uprising.

This thinking is belied by the opinion according to which what prevailed in the monarchical era was rather social inequalities between those who had political and economic power and the rest of the people. The king was above ethnic groups; tutsis and hutus as well could be appointed chiefs. King Mutara Rudahigwa himself said that he was neither Hutu nor Tutsi, that he was rather the king of Rwandans.

We noted, during our consultations, a reasoning of mobility within ethnic identity. One could, in the course of their life, be Hutu, later become Tutsi and vice versa according to the number of cattle they owned.

There was consensus, during our consultations, on the view according to which interethnic divide was encouraged by the advent of colonizers and missionaries in Rwanda. Ethnic group was written down on identity cards, thus ethnic affiliation was from then on officially and politically recognized.

Successive regimes appropriated this ethnic ideology which led to preparation and perpetration of genocide.

The war launched by RPF, from October 1991, has been the subject of controversy in our different debates especially with the Diaspora. On the one hand, this war is regarded as a dynamic action for liberation and claim to social justice. A regime that chooses to exile part of the population with no hope of return is in preparation of an inevitable war. The aim was to change the regime in order to institute a new political order.

On one hand, this war is considered as an expression of the thirst for power that aggravated hatred between ethnic groups. Those who support this thesis think this context has urged hutus to get rid of tutsis as a means of self defence and that the assassination of President Habyarimana was the last straw.

Genocide was perpetrated throughout the country; its careful preparation has considerably facilitated this diabolical project. National media, political speeches and rumours were the vehicle of this exclusion ideology. Hierarchical and central administrative structures have facilitated transmission of the appeal to murder. Today, consequences of this tragedy are beyond calculation.

3.2. Factors leading to successful perpetration of genocide

One of the questions that often recurred during debates is to know how, within a short period of 100 days, implementation of the plan to exterminate tutsis achieved so much success. A number of factors have encouraged preparation and implementation of the genocide plan.

In view of the advance of RPF in 1992, given the blockade in Arusha peace talks, the party on power, MRND, created interahamwe militia. The latter was composed of young unemployed and offenders who were trained with the support of French troops with the capacity to kill 100 persons within 20 minutes.[20] Participants in consultations claimed that the aim was to empty the country of all tutsis so that RPF, once in power in the country, would lack sympathisers.

This advance was a pretext for the Kigali regime to kill Tutsi in Kibilira and Bugesera, areas with high density of tutsis in 1991-1992. These massacres were understood as advanced phases of genocide proper. Interahamwe militia, impuzamugambi youth militants of the coalition for defence of the republic (CDR), as well as ordinary citizens were involved with complete impunity.

One of the factors often raised was the fact that carrying identity card showing affiliation to ethnic group significantly facilitated identification of victims during genocide. This aspect, adding to descriptive clichés referred to by assassins, has further made it possible to perpetrate genocide at all levels. Regarding these clichés, a number of persons were killed in spite of carrying identity cards because they were assimilated to tutsis due to their physical traits. As a reminder, introduction of these cards dates back to colonial era.

The culture of impunity played a key role in the massive participation of people in perpetration of genocide. The groups consulted discussed the issue at length. It appeared, during debates, that perpetrators of repeated massacres since 1959 always went unpunished due to amnesty granted by governments in power.

In addition, it was pointed out that the fact of participating in massacres was a feeling of pride while those who refused to participate were considered as traitors. Death of part of the population, tutsis in this case, was therefore trivialized. Organisation of the crime was greatly facilitated by the nature of existing administrative organisation. The groups consulted demonstrated how organs of the unique party were mistaken for administrative structures. In fact, the representative of the central government at provincial level were also representative of the unique party. This type of political organisation remarkably facilitated vertical transmission of orders during genocide. Some people pointed out that, at that time, this meant to carry out orders from central government. But the issue of individual responsibility was a wonder for some people.

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[20]Alison des Forges, Leave None to Tell the Story, HRW, London, March 1999

Do Rwandan citizens constitute a separate nation, ready to follow orders regardless of fundamental rules of respect for the human life each human being is endowed with? The idea would be to go deep into the tradition of political manipulation and dehumanization of a group of citizens which characterised colonial rule and the successive political regimes. Should we first question the notion of individual responsibility, or rather, the political culture which prevailed in our country? Maybe the solution lies in working at all costs on these two aspects.

Participants in debates denounced the tricks of the regime which organised the youth into militias who were dreadful instruments in genocide perpetration. The youth were a privileged target of political manipulation. If, for some people, establishing good governance is enough to prevent genocide, for others, the work at grassroots level is essential in changing mentalities in a bid to prevent its orchestration by political leaders.

During genocide, places which were sacred in the past like churches, became, in complicity with church people, real butcheries. Victims gathered in places reputed to be holy and their extermination became easier. In fact, this proverb " Ujya gutwika imbagara arazirunda" " (to burn couch grass, one must first put it together) was commonly applied. Breach of inviolability of these premises still marks faith of Christians. During our consultations, the issue of the role of the church in genocide and in rebuilding society has been raised and deserve comprehensive debate at national level.

All these factors strongly affected the psychological attitude of both the victims and the executioners. Some have pointed out the importance of the complex of inferiority in some people and of superiority in others as being the factor which encouraged many people to commit crimes. This ideology dates back to the colonial era with the start of ethnic divide.

As previously mentioned, according to colonizers Tutsis ruled because they constituted a superior race and that later Hutus had to take over the reins of government because they constituted a majority ethnic group. While pointing out a few examples raised by participants in debates, we often noted, in people's views, that "killing a snake" was a normal gesture. The following saying was also recurrent " *utuma abahutu agira benshi"* (he who sends hutus for some thing should send many), as if hutus were naturally considered as less intelligent or not reliable. These different factors though not exclusive, require that actors establish a framework of permanent dialogue to efficiently prevent major conflicts within our society.

3.3. Emergence of the idea of "double genocide"

During our debates, part of those who attended clearly demonstrated internationally recognised criteria allowing to speak of genocide. Genocide is a result of a plan carefully devised to exterminate a group of people because of their ethnic, religious or any other affiliation. In Rwanda, the massacre of tutsi began soon after the death of President Habyarimana, simultaneously in all regions of the country with efficient organisation which was patently prepared in advance. Such a plan which did not spare any region of the country and which claimed lives of one million people within a hundred days, can hardly be called any thing but genocide. The Security Council officially recognised, though late, that genocide had indeed been committed in Rwanda in 1994.

During consultations conducted throughout the country, traces of genocide could not be easily hidden. Trauma suffering was witnessed whenever debates tackled the issue of genocide. Mistrust between inhabitants of a same region made organisation of debates questionable and full of tensions.

Some of those who attended debates especially during our consultations with the Rwandan diaspora maintained the thesis according to which Rwandans were victims of massacres of all ethnic groups together and that the future of the country should be contemplated from this point of view. They think that the militia of Habyarimana regime massacred tutsis and that RPF, at war since 1990, assassinated many Hutus. Similarly, according to those who uphold this thesis, since RPF took power, hutu people were killed in a wave of revenge with the complicity of the government in power.

In Ruhengeri and Gisenyi, some groups accused the national army for having deliberately executed civilians when pursuing infiltrators (Abacengezi) during the period from 1997 to 1998.

Participants in the debates especially those living outside the country which support this way of looking at the Rwandan tragedy, accept and defend the thesis of a double genocide. This thesis of double genocide, according to some authors who conducted research on genocides, fits in the logic of negationism that began with the preparation of genocide.

Launching a debate on this issue may allow those who are not yet prisoners of genocide ideology to position themselves with more confidence and to involve as many people as possible in the move to prevent genocide. However, wouldn't this initiative be accompanied with the risk of a strong support to those who deny genocide thus engaging present and future generations in endless conflicts?

Some people think genocide is an absolute evil which calls for an open fight against its underlying ideology, against those who are responsible and those who advocate negativism and revisionism.

3.4. Challenges facing survivors

During one of the sessions in our consultations while addressing strategies to pave the way for a future without the burden of ethnicity, one young participant burst into tears demanding her ethnic identity imposed on her by recent history. This excessive emotion poses very complex questions which emerged from debates from several perspectives: If survival presupposes for her that she escaped death destined to tutsis and which claimed the lives of all her family members, how can she relativise her ethnic affiliation? We could also imagine that if her way of living and struggling in life gives priority to her painful life experience, her hutu colleagues or neighbours would constantly feel guilty and make cohabitation to be problematic. How can one feel comfortable within their framework of ethnic affiliation and, at the same time, cohabit with the person whom they consider historically different, that is, that person who was not threatened during genocide, or even, who was involved in genocide perpetration? Similar questions were raised in debates with several groups consulted and caused tension which, of course, was not easy for facilitators to handle. We had difficulty finding room for the experience lived by each single person in various debates we organised. Individual people kept for themselves what was difficult to share while trying to tune with the ideas of the group.

Individual loneliness marks the start of trauma suffering. The more a victim does not see a way out from what is in his/her interior, the more trauma reality persists. This reality was illustrated during our debates by a few disconcerting anecdotes: In one group, in the central part of the country, when a widower denounced daily attacks at her home and lack of reaction from her neighbours, the group unanimously claimed that security was prevailing in the whole region. This is denial of another person's suffering which leads to self reliance. Lack of solidarity between members of different ethnic groups is usually more perceptible in rural areas than in towns.

IBUKA Association counts around 30,000 persons with psychological trauma. This figure is to be considered as an estimation of the moment because trauma crisis emerges at any time and has no logic timing. Participants in debates listed reaction strategies put in place, and which, for them, are inadequate. This trauma dimension was omnipresent in debates and this reality is maintained by various factors.

In Rwanda, sexual violence was very much used as a weapon during the genocide. A report by IBUKA indicates that 66% of genocide widows were raped and that many of them were infected with HIV/AIDS. The challenge to live after experiencing such a cruel rape adds to the need to fight AIDS infection which, for the time being, has no efficient treatment or vaccine.

For genocide survivors, one of the consequences of genocide is destruction of family ties. Orphans and widows have no families on which to rely and this situation keeps them in a heavily precarious living situation.

Solutions brought by governments to these challenges facing survivors were on the agenda in debates organised on several occasions. For some people, establishing a

fund to support vulnerable genocide survivors (FARG) is a decision that favours part of the population thus aggravating the feeling of ethnic affiliation. However, the crime of genocide deserves appropriate and specific solutions. Solutions brought so far are still inadequate.

Whenever the issue of responsibility of inhabitants of a given cell in genocide perpetration was raised in debates, the recurrent answer was that killers came from remote areas. Likewise, some people supported the fact that both Hutu and Tutsi were killed and that there is no victim or executioner. The challenge facing the survivor is to find means to face such a reality.

3.5. *Responsibilities in genocide*

It is difficult to address the issue of responsibility in genocide without being reductionist. Nonetheless, major responsibilities that have made possible perpetration of genocide should be highlighted.

3.5.1 Role of the International Community

When war broke out in 1990, French troops came to support the regime in place. UNAMIR, following a decision by the Security Council, was mandated to keep peace. Assassins interpreted the knowing silence of the International Community during genocide and the UNAMIR inaction as an implicit support.

People retreated into the illusion according to which crimes with a genocide scale could not be possible while the international community, through its representation, looked on. Those who could flee the tragedy soon after the first threat failed to do so.

Given the uncertainty that prevailed in early 1990's, Tutsi people had placed their hope in Arusha negotiations that were to institute the rule of law. In addition, they felt more or less secure with the presence of 5,000 soldiers of the United Nations Mission to Rwanda, UNAMIR.

However, after the plane carrying the President of Rwanda was downed, killings spread all over the country, and UNAMIR pulled out its troops, leaving only 270 soldiers in the country.

According to information from UNAMIR, at least 2000 additional soldiers and an operational equipment were needed to intervene, seize arms cashes, stop programmes aired by RTLM and stop action of government and, as a result, save lives and eventually put an end to genocide[24].

UNAMIR Force commander, General Romeo Dallaire, had made this comment on UN inaction "Any operation should begin by specifying its objective, then see how to achieve it with less risks. On the contrary, our operations began with risk assessment, and if there weren't any, the objective was ignored. You cannot start by questioning if there are risks. If there were no risks, they should have sent Scouts, not soldiers[25]". When UN finally decided to send 5500 troops, genocide had been already committed. In early days of killings in the capital, the French operation "Amaryllis" had the sole objective to evacuate foreign citizens from Rwanda between 9 and 12 April 1994. These facts comforted killers in their silly mission. People as well as many authors think that the international community *had* reliable information about preparation of large-scale massacres, and on the gravity of the killings under way but deliberately opted for silence.

The international community had first avoided using the word genocide so as not to feel called on to intervene. During the whole genocide, influential members of the international community qualified what was happening in Rwanda as tragic consequences of the war, tribal war or as inter ethnic massacres[26].

Foreign powers, Belgium, France and the United States, through their respective embassies and intelligence agencies, were well aware of the imminence of genocide. However, the French Government continued to provide the regime in place with military assistance. In January 1994, Belgium already had fears of a rampant genocide. On 16 May 1994, Alain Juppé, French Foreign Affairs Minister was among the first important politicians to use the word "genocide" to designate what was happening in Rwanda. Towards mid-June, the same Minister swiftly changed his position to speak of *"genocides"* implying that the two parties were involved in the same crime[28].

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[24]Elisabeth Neuffer, <u>The key to my neighbour's house; seeking iustice in Bosnia and Rwanda,</u> new York, November 2001
[25]Linda R.Melvern, <u>A people betrayed; the role of the west in Rwanda's genocide; 2000</u>
[26]Elisabeth Neuffer, <u>The key to my neighbour's house; seeking justice in Bosnia and Rwanda,</u> new York, November 2001
[27]Alison des Forges, <u>Leave None To Tell The Story,</u> HRW, London, March 1999
[28]Idem

In the meantime, France, with the authorization of the UN Security Council, created a *"Zone Turquoise"* , allegedly for 'humanitarian' reasons. During our consultations in areas concerned (Kibuye, Gikongoro and Cyangugu), participants claimed that *genocide continued* in spite of the presence of French soldiers. The *Abatabazi* Government (Government which supervised genocide, headed by Sindikubwabo), Ex-FAR and militiamen continued their dirty work in the Zone Turquoise until they crossed the border to Zaire, bringing with them people on this territory. However. there are testimonies of some Tutsis who survived owing to the presence of French troops.

On the other hand, the Operation Turquoise deliberately opened a humanitarian corridor for genocidaires, arms and machetes in their hands, to penetrate the Zairian territory with no threat at all.

3.5.2 The role of the media

Involvement of a large number of citizens in genocide was greatly facilitated by the media known as "the media of hatred". Since the RPF offensive in the 1990s, these media became more and more virulent inciting people to anti tutsi hatred until genocide perpetration in 1994.

Radio, major channel of information in poor countries, stands to be the most efficient means of communication in Rwanda where around 60% of the population are illiterate. RTLM, Radio Television des Mille Collines, (an independent radio and television station) deserves a particular description because of its determining role played in successful perpetration of genocide. All day long, this radio broadcast programmes of hatred inviting hutus to exterminate tutsis.

The written press also played a considerable role. As a rough guide, we will mention *Nyiramacibiri* and *Kangura* newspapers whose articles had the unique mission of sensitising people on inter ethnic hatred. The ten commandments of Hutu people published by *Kangura* is a clear indication of the genocide ideology.

Usually, it is the responsibility of the media to denounce abuse of power, to enlighten people and serve as a forum for the freedom of constructive expression. In Rwanda, the media have always served the interests of the government in power whose harmful effects reached their climax before and after genocide and thus became a strong instrument of incitement to massacres.

It would not be possible to build a solid society without associating the media. For the media to play their role, they should get rid of the influence of the regime and especially win confidence of the people they serve. Now that the media have dangerously lost this confidence, how can the Rwandan society restore to the media their deserved role?

3.5.3 Cult of the chief

Ordinary citizens exterminated their neighbours allegedly on an account of obeying the orders from the leadership. Today, survivors recall live orders issued by RTLM. "Tutsis have killed your president, do not spare the life of any tutsi, not even of a child". How can this phenomenon be understood? Is death of a president or another authority enough to involve the whole people that were peaceful to become a criminal? We wanted to shed light on this question during the debates we conducted throughout the country.

Responsibility of the authorities is pointed out in the first place.

"Country high ranking authorities kicked off killings and we, as ordinary citizens followers had to follow", some peasants were quoted as saying. This way of answering raises particular concern. No sooner had authorities made an appeal to massacres than the population reacted. However, some people would say never again. Today, Rwandans are assessing the heavy consequences consecutive to the crime of genocide. Nevertheless, this way of looking at things is not shared by all. In some groups, people claimed straight that if high-ranking authorities of the country were to ask them to take their machetes, they would accept. Such a reality shows that the country has not really shifted from the world of violence. Reconciliation signs are visible but are still very fragile.

Is this alleged respect of orders from authorities a reality in all circumstances? We are not sure whether citizens would accept if authorities were to request them to make over part of their property for the purpose of a development project. Some claim that the ordinary citizen obeys orders only when he/she expects some immediate interest. Genocide planners were well aware of this, they used to tell people" Kill tutsis and take over their property".

Rwanda is not the only nation faced with major economic difficulties. Poverty alone cannot explain the scale of the crimes committed. On the other hand, we noted, throughout the country, that killing was not enough; people were particularly inventive trying to find the most horrible way of subjecting their victims to more suffering. Here, we witness an expression of hatred interiorized for many years and which had waited the appropriate occasion to erupt.

Apart from following blindly the so called orders from top leaders, to which may be added poverty and history, a number of citizens, which is not adequately talked about, risked their lives in preparing safe hiding places for their fellow citizens. Today, many survivors owe them their life.

These different dimensions require involvement of all the people to put them at the centre of debates.

3.5.4 The role of religious denominations

In Rwanda, religious denominations constitute an unquestionable force. Around 90% of the population are Christians. Not only, church exerts a spiritual influence on the majority of the population like nowhere else, but it also constitutes an indisputable socio economic force. Under such conditions, it should play a key role in building the culture of peace in our region. Yet, from the colonial era to date, the church failed to distance itself from politics and the exercise of power. It is difficult to positively influence political leaders if the church itself, in this instance the Catholic Church, has been at the start the architect of divisive ideology that still marks today's Rwandan people.

Worth recalling here is the major role played by the Catholic Church through Mgr Perraudin in the bloody conflicts of the 1960's.

He was the prime advisor to the first President Grégoire Kayibanda and the one who engineered the Bahutu Manifesto, a text that was clearly divisive. The Catholic Church considerably influenced the second Republic. Rwandans have not yet forgotten the predominant role in politics, at that time, played by Archbishop Vincent Nsengiyumva who was a leader - of the MRND unique party - to be reckoned with, and who held heavy responsibility in preparation and perpetration of genocide..

Other religious denominations did not distance themselves from the 1994 murderous madness. Mgr Adonia Sebununguri, Protestant archbishop, was an ardent militant of MRND unique party. The International Criminal Tribunal in Arusha has just condemned the Reverend Pastor, President of the Adventist Church in the west of the country, Ntakirutimana Elisaphan, for his participation in the 1994 genocide. Similarly, this tribunal in Arusha now detains Mgr Samuel Musabyimana. People noted with anguish, during our consultations, that the church, as a whole, whatever the denominations, did not take position to denounce the killings during the genocide.

To our knowledge, no church has yet confessed its failure to assume its responsibility during genocide. The church, as an institution, failed to fulfill its mandate. To regain the confidence of its followers, it should first realize this as it itself teaches to its believers. It is disturbing to notice to what extent various churches and sects proliferate as mushrooms in Rwanda. Is it a revival of faith, or simply, these churches serve as a refuge to a hopeless people in the quest of affiliation.

Christianity is deeply rooted in Rwanda; it should be associated in all initiatives aimed to rebuild peace. How to influence an institution that failed in its responsibilities so as to regain its role as a framework of organization? How to bring its followers to preserve the critical mind and to develop a sense of responsibility? During our debates, some people pointed out the example of the Bishop of Nyundo, Mgr. Kalibushi in 1973, who bravely declared himself against massacres in this region and who successfully won the confidence several followers regardless of their ethnic group.

CHAPTER IV: MANAGING THE POLITICAL SITUATION AFTER THE 1994 GENOCIDE

"Power without control is unlimited power whereby anybody in power is inclined, to abuse it. No people or country can be an exception to the eternal truth in those two sayings, which probably are the only indisputable laws of political science[29]".

4.1. Background

At the beginning of the 21st century, while some countries are breaking natural barriers of the universe by use of technological advances and research, visiting planets, until then inaccessible to human beings, Africa is still struggling with the political stability of its nations. There are many causes for this instability. However, when you ask any African citizen the main reason for this instability they say, is due to politics and politicians. And what does politics refer to? It may have many meanings. In its restricted sense, it means strategies and mechanisms established by the State in order to solve a given problem of the society. We can say for example "an agricultural policy".

 In its broad sense, politics refers both to the organisation and to the exercise of power in any human society. It deals with many aspects of the life of a country in particular those that concern relations between the governed and the governing on the one hand, and relations between public institutions on the other hand. Thus we will talk of democracy, dictatorship, monarchy or republic according to the existing political system and the balance existing between public organs. Politics sets out rules and principles that make up the foundations of a society. It is the `large heart' of the State's actions. In this chapter, emphasis will be put on politics in its broad sense, especially in the case of Rwanda. Rwanda, an African country, has not been an exception to the rule of political uncertainty. In fact, since it got independence, Rwanda has suffered from political and social crises that lead to the 1994 genocide. The consultations that we conducted proved to what extent the political history of Rwanda has been characterised by lack of a reliable political system. Since Rwanda got its independence, persecutions of people and civil wars have followed one another, supported by totalitarian political regimes. However, anarchy reached its climax during the 1994 genocide. This year marked an important turning point in Rwandan history. For a period of more than a hundred days, the statutory body was restricted to the criminal government at the head of armed militia. A gap in the law was created, private and public infrastructures were destroyed. It was the law of the jungle. It is within this context that political reconstruction should be considered.

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[29]Gerard CONAC, L' Afrique en transition vers le pluralisme, Ed. Economica, Paris, p.498.

After the political chaos caused by the civil war and the genocide, it was necessary to implement political reforms aimed at solving various difficulties caused by the genocide. Then, it was necessary to specify mechanisms to eradicate segregationist ideology, ensure the establishment of statutory structures by using new bases that may allow reunification of Rwandans around a valid political project. How are the people in general involved in this process after the deep wounds caused by the genocide and wars? Our consultations were aimed at clarifying this question.

Any analysis of the Rwandan political system necessarily leads to a focus on three distinctions: the pre-colonial, colonial and post-colonial periods. Since there is no unanimous agreement about elements of the political history of Rwanda between historians and Rwandans, we decided to carry out broad consultations close to the people and at various levels in order to get information on this subject. A discussion on the political past of Rwandans was developed in the preceding chapters.

The objective was not only to collect information, but also to make people participate, show potential controversies and identify obstacles to the process of rebuilding peace. In fact, it is difficult to foresee a sustainable solution to the political problems of a society without the full participation of the population.

(All human beings are born equal in dignity and rights. They are endowed with reason and consciousness and must act towards one another in a spirit of brotherhood »[21]

Is it possible within a context like that of Rwanda to involve all people in competition for power without falling into destructive confrontation? This question is raised with intensity now that the country is engaged in the election process to ensure the end of the transition. The political history of our country runs counter to this citation of the Universal Declaration of Human Rights of 1948. Many debates were organized on this question during our consultations. The refusal by the Habyarimana regime of the return of the Tutsi refugees was unacceptable. Participants recalled the famous declaration of the President saying that *"the glass is full an additional drop would lead to a spill over".* This notorious statement shows that authorities wanted refugees to stay indefinitely in exile.

This position was shared by the majority of the population within the country for social and economic reasons. In fact, Rwanda is densely populated and the majority of Rwandans live by agricultural farming. Competition to gain arable land accentuated fear of the return of refugees who were considered as a group of people anxious to have a share of that land, much coveted and overexploited.

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[21]Article one of the Universal Declaration of Human Rights of 1948.

For them, overpopulation in Rwanda was a logical justification for the position of President Habyarimana and, thus, in any case the war launched by RPF was uncalled for. This controversy shows to what extent the culture of segregation still prevails today.

At the instigation of the international community and pressure of the 1990 war, the single party was obliged to open the political scene to other actors. The consulted population thinks that this hastened the advent of the multiparty system, weakened the system which used ethnic ideology as a means to stay in power. The failure of multiparty system at the eve of the genocide manifested itself through polarization of all parties in "power"[22] and moderate branches. Thus multiparty system left room for bipolarisation. The feeling of hatred already sown by the First Republic was aggravated by this context.

The intensity of war and pressure of the international community obliged the Government in power to negotiate. At that time, war and negotiations were being conducted simultaneously. True negotiations started in 1992 and the peak of this process was the signing of the Arusha Peace Agreement in August 1993. This Agreement was intended to guide the transitional period and the setting up of the Government of National Unity. However, in April 1994, on his way back home from Dar-Es-Salaam, President Habyarimana who was in power at that time, was assassinated with his Burundian counterpart. This sparked off large-scale massacres against Tutsis and moderate Hutus. Faced with this situation, RPF launched an offensive to stop genocide, which was achieved in July 1994.

Debates about Habyarimana's assassination brought out opposing views among the participants. According to some participants, the President was assassinated by RPF with the objective to take power. In their opinion, genocide was a logical result of this assassination in a wave of revenge killings.

For other participants, the question of who killed the President was done by his closest aids. Some people in the regime had interest in killing the President to create a chaotic situation conducive to the execution of their plan of ethnic cleansing. The fact is, a genocide was executed and it had been planned for a long time with no connection to the President's death especially because nowhere in the world has the assassination of a president ever resulted into a genocide.

The genocide caused 1,000,000 deaths, over 2 million refugees and hundreds of thousands of displaced people inside the country. The people's confidence in the State apparatus and in the international community was then compromised. Institutional capacities were destroyed and infrastructure damaged. These consultations also aimed at determining to what extent are the people wary of the State and the international community?

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[22]Power: This term referred to Hutu extremist tendencies within political parties during the period of multiparty system between 1991-1994.

The question remains, how can the people trust the State when it organised massacres instead of protecting its population?

4.2. Organization of Power

Inspired by the Arusha Peace Agreement, the RPF brought together those political parties that had not taken part in the genocide to form the "Government of National Unity and the Transitional Assembly". On the basis of the same agreement, a 5-year period of transition was defined. This period was extended by 4 years later. Transition being perceived as a phase towards the process of changing from one state to another, in this case it referred to transition from a conflicting period to a post-conflict period.

The transition was considered as an important phase in which efforts had to be combined in order to achieve minimum organization, the rule of law and cessation of hostilities. But peace does not mean cessation of hostilities only; it also implies comprehension and correct examination of deep reasons that lead to the war with a view to leading the society to accept the change. IRDP process is in line with this context.
Changing the Rwandan society requires cleansing the governing body too. It was therefore, deemed necessary to have a new Fundamental Law adapted to the context in order to ensure efficient functioning of the system. It was also necessary to organize the present political forces, to ensure social equality, and to start different reforms necessary to establish minimum socio-political equity. Based on the Arusha Peace Agreement and other relevant texts, the Government of National Unity set up the new Fundamental Law which to govern the transitional period.

4.2.1. Rwanda's Fundamental Law During the Transitional Period.

The Fundamental Law in force during the transitional period was a compilation of many judicial norms collected from various sources. It includes the Arusha Peace Agreement, the Constitution of 10 June 1991, the declaration of RPF of July 1994 and the agreement between political parties of November 1994.

However, the Arusha Peace Agreement served as the cornerstone in the management of the transitional period. Other judicial instruments included in the Fundamental Law are were the amendments made in order to adapt it to the realities of the transitional period and with a view to clarifying contradictions between various laws. This Agreement provided for, as a tool of governance, the establishment of the Rule of Law based on democracy, participation of the population in decision-making, and unity and reconciliation of the Rwandan population. The preamble states that, both parties agree that the Rule of Law is:

- The best guarantee of national unity, respect for fundamental human rights and liberties;
- A concrete manifestation of democracy;
- Based on national unity, democracy, pluralism and respect for human rights.

Another principle provided for in the Arusha Peace Agreement and reinforced by the protocol of agreement between political parties was power sharing. Thus, members of the Government and members of the Parliament were appointed from different political parties present in the country according to the quota fixed by the Arusha Peace Agreement, after readjustment determined by the agreement between political parties. Considering the complexity of the situation, the Agreement between political parties also set up new rules with regard to the functioning of political parties. This marked the creation of a new framework of functioning known as "the forum of political parties".

This forum and the importance attached to constitutional law were subjects for discussion in the consultations that we had with the population:

Importance of Constitutional law

Several persons mentioned the non-respect of rules and regulations as one of the causes accounting for the absence of peace. The constitution is one of such laws and participants laid a special emphasis on it and more specifically on the value that the Rwandan society gives to constitutional laws.

The principle of precedence of the Constitution over all other legal texts existing in a given country was well known to the participants and it became a focus of attention during the debates. The Constitution sets out some rights seen as inviolable and sacred which nobody is allowed to modify or ignore at will. However, it was noted that this is not the case in Rwanda.

Indeed, since she gained her independence, Rwanda has had several constitutional laws manipulated to serve the interests of the leadership. There has never been any . principle or value considered as sacred as set out in the constitution, which nobody could modify without harming the society.

Constitutional laws have always been easily modified without the consent of the population but following the wishes of the leadership in power. For a long time, Rwanda's leaders have served the interests of a privileged group of people at a given period in time. And, as their interests keep changing, constitutional laws keep changing as well. The different groups consulted stressed the fact that instability of the constitutional laws leads to the instability of the country. Hence the necessity to work out mechanisms to protect the constitution and all legal texts related to it. Participants kept raising the question as to whether certain mechanisms do actually exist or not, and whether they are reliable and sustainable for the future.

Some people go even further and to say that the constitution, which determines the form of a State, should only change fundamentally when the form of governance itself is modified. For instance where a unitary State changes into a federal State or where a republican regime changes into a monarchy. The only amendments allowed in the constitution should be those required to adapt it to the realities of the present time.

Although leadership is essentially to blame for the non-respect of the constitution and other laws, several other factors were identified during our discussions as conducive to this state of affairs. Emphasis was put on the ineffectiveness of the political ideas carried by these legal instruments. Most of these ideas have been inherited from the colonial era making it difficult to adapt them to the Rwandan realities. The question therefore, was whether the new Constitution is an exception to this reality.

The various groups consulted voiced their views on this issue with varying versions. For groups identified as educated, the idea was as follows:

Consultations for the elaboration of a new constitution have indeed been carried out at all levels of the Rwandan population, but they were still conducted on the basis of the European style of rule. It should have been more interesting to first organise a thorough debate on the political principles adapted to the living standards of the Rwandan citizen before embarking on consultations. This would allow for breaking away from the past and think of a system of government that is not modeled on any pre-established way of government. Nevertheless, in all provinces, there was no doubt that the population appreciated the work done by the Constitutional Commission. It was indeed the first time ever since independence, that a Constitution is elaborated on the basis of the ideas and concerns of the population. The question that remains unanswered has to do with the extent and good will of the leadership to take these concerns into consideration. Abiding by the principles inscribed in the Constitution for the political management of the country remains a real challenge indeed.

The rest of the population was in support of this idea and recommended that constitutional rules should not be separated from cultural principles. In fact, certain cultural values were said to have been noble and agreeable to all Rwandans hence, ought to serve as a reference. The question that remains unanswered therefore, and which should be reflected upon in a debate is, what are these consensual cultural values, are they pertinent enough to be used as a model of governance? Democratic principles imposed from Europe since independence should be reviewed and completely rethought in the light of the realities of our region and of our country in particular.

Similarly, it was suggested that a reflection should be made on the setting up of a group of wise people (Abacurabwenge) commonly reputed for their irreproachable morals and considered as guarantors of the respect of the sacred values of the society. These people would hold their appointment for life and make up a permanent organ not depending on any regime in place.

Another aspect put forward and which deserves particular attention, is the fact that very few people are actually aware of the importance of the Constitution. Many still think that constitutional laws are there for only those in power and civil servants working with Central Administration. One consequence of this situation is that very few people feel concerned when the constitution is tampered with. Appropriate strategies should be put in place to make sure that constitutional laws become a real concern for all citizens.

State organs often use the media to their own advantage in such a way that the population is not informed about the real reasons that push them to modify the Constitution. Often, the population is not well informed or simply has no access to the diverse information likely to enable them to make any objective judgment on the realities of their country. The level of freedom and know-how of the media are not likely to empower them enough to inform the population adequately.

4.2.2. A New Framework for the Functioning of Political Parties

In the post-genocide political environment, the population no longer trusts political parties because they still have a vivid recollection of the behaviour of some extremist parties and of their respective role in the perpetration of genocide. It is therefore with a view to addressing this context of mistrust that the Government of National Unity tried to find a mechanism to associate political parties to the exercise of power without upsetting the population.

It was within this context that the forum of political parties was put in place for the political management of the transitional period. All political parties agreed to function only at the level of their executive committees with no rallies organised at the grassroots level.

To give the population time to get consolidated and be able to take part in the elaboration of an appropriate political system, it was decided that no new political party would be registered before the end of the transitional period. However, it should be recalled that no specific law has ever been enacted to formally bar a new political party from being established during the transitional period. It was an agreement reached by political parties within their forum. Our consultations have further shown that the new framework for the functioning of political parties in Rwanda is far from winning the unanimous approval of Rwandans. Some people however, see the forum of political parties not only as a Rwandan specificity but also as an appropriate and skilful way of preventing political conflicts. This forum is a space for the exchange and debate on any issues relating to the functioning of political parties and, on the whole, as a way of managing the country. They maintain that this forum is an important structure that needs to be supported and further instituted.

Yet other people think that the "forum of political parties" is anti-democratic. They consider it to be a way used by the dominant party to monitor the rest of the existing

political forces and to influence the political ideas to its advantage. It prevents other political parties from organising open political debate on the management of public affairs.

Indeed, to some people such an open debate is the pillar for democracy that allows the country to move forward. It brings about innovations as a result of the criticism made by opposition parties.

As for Rwanda, the forum prevents opposition parties from emerging. However, there is need to emphasize that, outside this kind of forum, it would be quite difficult to have opposition parties in a context whereby all political parties have a share in the exercise of power through the Government of National Unity. The new constitution is fuelling this debate because it recognises the forum of political parties as a structure that continues to be operational even after the transitional period has been phased out.

The new Constitution also recognises the existence of political parties. However, it appeared, during our consultations, that the population remains sceptical about this way of managing political affairs. The question is to know whether the liberalization of the activities of political parties is not rather likely to destabilize further an already frail society. There is need for a way of elaborating a code of conduct for political parties on the basis of ideas expressed during consultations with all the levels of the Rwandan population. This will help in avoiding hitches of those capitalising on the ideas of the population when it comes to the political management of the country.

A law governing the functioning of political parties was published in August 2003. Rwanda Parliament adopted this law on the basis of the principles contained in the new Constitution. For a sensitive issue like the functioning of political parties, it would have been interesting to organise open consultations in order to collect the views of the population before enacting laws to govern political parties.

The political management of the transitional period has had to adapt to the requirements of the aftermath of genocide in order to adequately meet the challenges brought about by that terrible tragedy. But the Arusha Peace Agreement was not applied word for word. Some political parties have been excluded from power sharing because of their involvement in the genocide. Political actors' duty was to ensure a peaceful transition to free and fair elections.

4.3. Management of Power

4.3.1. Power Sharing and Ethnicity

As already mentioned, the Arusha Peace Agreement has been the basis for the management of the transitional period. This agreement sets as a principle, the sharing of power among all the political forces.

Following the exclusion of the parties that were actively involved in the genocide, the remaining political parties collectively formed the forum, and shared the ministerial portfolios and Parliamentary seats.

A majority of the people we met think that power sharing is a good option as it gives all the political forces the opportunity to have a share in the management and exercise of power. In a country like Rwanda, where the struggle for power by political parties led the population into ethnic struggles, threatening national stability, power sharing would be an appropriate answer to such a sensitive issue as politically motivated ethnic divisions.

In spite of the consensus on the principle of power sharing, the practical modalities for its implementation have resulted into debates and questions that need to be pointed out. Indeed, some people think that behind the power sharing among political parties is hiding a subtle ethnic-based power sharing. Merit is no longer a criteria for appointment, but rather a system of quota according to one's ethnic origin. The population maintained that everybody knows that wherever a Minister is a hutu, his/her Secretary General must be a Tutsi and vice versa. It is also well know that the Prime Minister must necessarily be of hutu origin if the President is a Tutsi. There exists some sort of subtle power sharing based on ethnicity, known to the population and the Government but which everybody refuses to recognise openly.

In our consultations, we noticed at several occasions that the population identifies political parties with ethnic groups. Thus, whereas MDR is always viewed as the former MDR-PARMEHUTU of the 1960's, RPF is perceived as a political party born out of the Tutsi Diaspora. In this context, it is difficult to establish a clear distinction between political parties and ethnic belonging. Yet, the initiatives of the Government of National Unity as regards unity and reconciliation aim at breaking away from this vision. The Government of National Unity's ambition is to develop a policy putting at the forefront national identity as an alternative to ethnic identity.

That said however, in Rwanda be it the population, the State or the international community, ethnicity continues to play centre role. Ethnicity is still a major issue in the country's political management because of the role it has played in the political history of the country. The question remains, is it possible to use an ethnic based system as a

way of governing a country? How can the sustainability of such a system be achieved? Burundi that has embarked on that kind of system is yet to see the other end of the tunnel and the radicalisation of the relationships between hutu and tutsi has worsened. There is need to work out a system based on merits ensuring equal opportunities in the management of national affairs, but how could this be achieved?

How can democratic elections be organised in such a context? The organisation of elections runs the risk of becoming an ethnic census exercise. How can such a situation be managed in the long run? How can political parties be separated from ethnic groups? How can democratic majority be separated from ethnic majority? Is there any viable democratic alternative?

4.3.2. The National Decentralisation Policy

In a bid to better understand the root causes of the Rwandan conflict and work out long-term solutions, the then President of the Republic (Pasteur BIZIMUNGU) organised consultations in 1998 in order to collect the views of the population on this issue. Most current political reforms emerged from those consultations. One of the major political decisions that came out of those consultations was the adoption of the decentralisation policy as a national administrative strategy.

The key ideas underlying this policy are as follows:[23]

1. To enable the population take part in the decision making process at all levels ;
2. To enable the population choose their leaders freely ;
3. To ensure transparency and accountability in the management of public affairs at grassroots level ;
4. To promote the rule of law and equality of all citizens before the law ;
5. To set up a ministry entrusted with implementing those principles.

The Ministry of Local Government was set up in March 1999 and assigned the mandate of elaborating and submitting to Cabinet a national decentralisation policy. The Cabinet adopted the decentralisation policy in May 2000. It established three administration levels: the Central administration (the ministries and central organs), decentralised administrative entities (Provinces) and decentralised administrative entities (Districts and Towns).

A new administrative division was carried out in order to delineate the new borders between the districts and the newly-set up towns. Currently, Rwanda has 92 rural districts and 14 towns. This territorial division was carried out with a view to boosting national economy at community level by establishing economically viable administrative entities.

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[23]Source: National Decentralisation Policy published by MINALOC in May 2000.

Districts and towns thus established are administrative entities considered as the basis for development. With this perspective, provinces are entrusted with capacity building Before these divisions were carried out, economic potentialities were inequitably shared out among districts and the aim of the decentralisation policy was to ensure minimum equitable distribution of resources among districts in order to enable the decentralisation policy to rest on a firm foundation at local level as they are expected to disappear within the next 15 years in favour of districts and towns as of the date of the adoption of the decentralisation policy.

Ministries are also expected to shift their responsibilities onto districts and towns as the decentralisation process moves forward. Their duties will consist in devising development policies at national level while the implementation of these policies will be the responsibility of decentralised entities. The number of ministries will drop considerably as the decentralisation policy gains momentum. However, some ministries tend to hold back most of their prerogatives, local entities being therefore perceived as rivals.

The Administrative Structure in the new Decentralization System: 3 Administrative Levels

Function		Identification
Ministries and Central Structures		
-Policy development and ensuring that decisions by local authorities are made within the law		- Decentralized institutions. - Authorities are elected.
Provinces		
- Coordination of District activities. - Ensuring that decisions by local authorities are made within the law at the first level. - To represent the central government at local level. - Capacity strengthening for local authorities.		
Districts and Towns		
- Basic development unit. - Grassroots unit for coordination of sectoral activities. - Project implementation.		- Authorities are elected.
- Planning structure based on needs identified by CDC's in cells.		
Sectors		
- Identifying needs at the grassroots, where development actions converge		- Authorities are elected.
Cells		

Districts and towns have a council and an executive committee. These organs are made up of authorities elected by the population. The council is the highest organ of the district or town. Its function is to coordinate the district or town and take decisions on all development activities.

The Executive Committee is entrusted with implementing the decisions of the Council and takes care of the daily management of the district or town. This juxtaposition of organs aims to enable as many citizens as possible at local level to take part in needs assessment, definition of priorities and determination of the means to address them. Decentralisation being a process, strategies are currently being implemented to support the decentralisation programme.

A new law implementing State's policy on tax decentralization was promulgated on 17 May 2003. this establishes the transfer of some taxes and duties belonging to the central government to decentalised entities. Examples include the turnover tax, the property tax and the rental income tax.

The people consulted were of the view that the decentralisation policy is surely one of the political alternatives that are likely to get Rwanda out of the deadlock. The views of the population on this issue are contradictory.

One of the assets of the decentralisation policy is that all decisions are taken by a college. The population appreciates this strategy as it serves as an obstacle to corruption. Indeed, it may be easier to bribe one person than ten. A substantial number of persons agree to the fact that decentralisation allows the local administration to deliver quality services to the population. This results from the fact that basic services are provided at community level.

In the same line, decentralisation helps improve democracy as it gives the community the opportunity to choose their leaders. It also contributes to enhancing unity and reconciliation because all ethnic groups indiscriminately take part in the exercise of power at local level. Besides, it facilitates access to information because all the elected leaders live and share the same living conditions with the population they represent. Community participation in the decision-making process puts an end to the overall tendency on behalf of the population to always expect the Government or its central organs to do everything for them. Indeed, for thirty years, all important decisions would be taken by ministries and prefectures. This has resulted in generalised passivity at local level. Decentralisation will help the population to become more aware of their responsibilities and of good governance principles. Furthermore, decentralisation is a planning tool for development activities from the grassroots level.

However, we eventually noticed divergent opinions between the central administration (ministries) and the local administration (districts, sectors and cells). For the central administration, decentralisation is a medium and long term process whereas the local administration expects the decentralisation process to yield immediate outcomes. This difference lies in the fact that central administrative organs have taken part in the

development of decentralisation policies and laws and are therefore in a position to understand the challenges lying ahead for the decentralisation process.

The local administration includes elected members, often with inadequate education - with the exception of district mayors - that are unable to get rid of the pressure put on them by intellectuals.

The State is asking them to apply principles and laws requiring a certain level of education and technical skills which do not correspond to the competence of a population with a very low educational level, if any.

Apart from the difference in perception between the central administration and the decentralised administration, one also notices the absence of commitment on the part of the urban population to the decentralisation process. As we carried out our consultations, we came to note that, contrary to the population in rural areas, people living in large cities and towns are much less interested in the decentralisation process. They see decentralised structures as none of their business but MINALOC's. Meetings at cell and sector levels are practically not held simply because the population often fails to turn up and attend them. Grassroot level organs function timidly and town dwellers are not ready to work on a voluntary basis. The only active authorities at cell and sector levels are coordinators and secretaries because they receive a monthly salary for their work. Special efforts need to be made in order get city-dwellers involved in the decentralisation policy.

In addition to the realities depicted above, the population has brought up a number of issues they consider as obstacles to the decentralisation process.

The working relationships between provincial (Prefets) and district (Mayors) authorities are not clearly defined. The role of Prefets should usually be limited to the control of the legality of the decisions taken by decentralised entities and to the coordination of activities at provincial level without substituting for local authorities. Moreover, the national decentralisation policy clearly specifies that provinces must strive to give more autonomy to districts and consolidate their capacities at that level in the prospect of their disappearance in favour of district authorities in an estimated 15-year period. However, the people consulted felt that Prefets deliberately turn down the decisions taken by decentralised authorities at district and town levels. They substitute local authorities' decisions for their own and the State does not lift a finger. They continue to function as they did during the centralisation era. Efforts need to be . made in order to make the national decentralisation policy fully operational.

In the same line, the population finds that Mayors of Districts and Towns have a heavy hand on decentralised organs and interfere with their functioning as a college. Most of the elected Mayors within the framework of the decentralisation process are former Burgomasters who have not succeeded in getting rid of their one-man-rule style and habit. They take advantage of the idleness of other organs and manage their districts without taking "collegiality" into account.

Council members whose responsibility is to control the activities of the Mayors are not aware of their responsibilities and their level of education is very low. To keep their positions in power, Mayors are more eager to execute the orders coming their way from central level officials than to meet the needs of the community at grassroots level.

According to the decentralisation policy, the population is entitled, through the district council, to dismiss any district mayor that proves incompetent in fulfilling their duties. But the practice is that Mayors who are not up to expectations are dismissed from office by the Prefets after approval by the provincial security service. Efforts are still needed to invest in raising the awareness of the population about their role. This is a big challenge requiring a change of mentality on the part of the community and of their leaders.

As a result of the new territorial division, some head offices of districts or towns are now situated far away from certain places. This is yet another challenge that should not be neglected. The ideal would be to locate most decentralised services at sector level. However, most sectors neither have appropriate administrative offices nor adequate means to bear the associated costs. Actually, the decentralisation of services at sector level would imply new costs that Rwanda Government cannot afford at present. In addition, human resources available at sector level are still inadequate. Hence, the necessity to increase the financial capacity and the number of skilled staff at sector level.

Another issue has to do with the fact that most local leaders get no salary for their work whereas higher-level authorities get salaries thought to be "exorbitant". Working on a voluntary basis is seen as sacrifice, but how long will people continue to make sacrifices? Is it possible to avoid corruption in this context?. As a result of this situation, local authorities tend to pay themselves to the detriment of the people they are supposed to serve. Should it not be possible to work out strategies to give at least a modest pay to local authorities?

From the financial viewpoint, the decentralisation is considered as a burden in the eyes of the population. It increases the number of employees at district and town levels to the detriment of the population which pays the price. The desperate search for revenues has increased taxes and duties while population income is virtually inexistent. The population thinks that attendance fees for council members and the salaries of the 5 members of the executive committee absorb most of district budget, already derisory. Likewise, the other staffs in some districts are paid irregularly. They go unpaid for whole months. As a result, very few development activities are undertaken at local level at the initiative of the population or district.

The few available development activities are implemented by Community Development Committees (CDCs) using funds provided by donors. The functioning of CDCs varies from one province to the other. In some provinces, CDCs are very active and may become the driving force for the development of their districts and/or

sectors. Yet in others, CDCs are virtually inexistent. They only function well in areas where they get donor support.

As an indication, in Cyangugu Province, with the support of SNV-Netherlands, CDCs manage the population in micro-projects and are at the basis of most district development activities. This is also the case in Umutara Province where CDCs were supported by a USAID-funded project called LGI (Local Government Initiative).

It would be advisable that, as a first step, CDC members be provided with equal technical supervision and financial support in each area. The disparity of intervention could eventually turn out to be detrimental to the whole decentralisation process.

Other reasons accounting for the dysfunctioning of CDCs include obvious lack of interest on behalf of their members essentially due to lack of information and of direct compensation in terms of money. CDC members work on a voluntary basis and dedicate two to three days a week without pay. This situation is a real handicap even in areas where CDCs are operational.

During our consultations, officials in charge of implementing the decentralisation process assured us that appropriate measures have been taken in a bid to mobile funds at local level. Indeed, the law on the organisation and functioning of districts provides for the setting up of a common development fund (CDF), which receives 10% of State's total revenues. This fund aims at supervising and funding development activities at local level. According to MINALOC, 250 sector's administrative offices have been put up this year with the support of this fund. The long run objective is to ensure that all development funds granted to decentralisation entities be directly channeled through CDCs without going through ministries. This is expected to ensure good governance and coordination of all development interventions at local level. In addition, 1.5% of State's revenues are directly granted to districts and towns and are meant to finance their development budget. This State's contribution is expected to reach 5.3% of national revenues by the year 2007.

The donor's intervention has also been the focus of attention during our debates. Interviewed groups denounce the squandering of resources by donors through the organisation of "useless" meetings and workshops instead of funding concrete activities. Training is only useful when it rigorously seeks to meet real training needs and keeps most of available funds for concrete activities.

On the other hand, the wishes of the population as regards the selection of projects to be funded are not taken into account neither by donors nor by the central government. In addition, donor interventions are not coordinated. Each donor starts out its interventions in a given province or district without taking into account other donor programmes already under way there and often in the same field of activities.

The amounts of development projects are not audited or evaluated in order to assess the actual impact of donor interventions on the living conditions of the targeted

community. Often, the most part of the budget allocated to development activities by donors is used to purchase office equipment and luxury vehicles.

As an indication, for the sole 2001-2002 period, external development assistance funds have amounted to 579.18[24] million US dollars, but the actual impact on citizens' living standards is rather meager and the gap between Kigali City and other provinces keeps widening. Mechanisms should be worked out to give the population the opportunity to be the prime beneficial of aid funds from donors and avoid widening the gap between cities and rural areas in terms of development. Mid-term reviews of each development project and the definition of measures allowing to reach the population at grassroots level would allow to achieve this outcome.

In its efforts to coordinate donor activities providing support to the decentralisation process, MINALOC has issued proposals per province so as to have each province covered by at least one donor. ***The Table N I attached to this document gives further details about this issue.**

So far, the question of knowing whether the various donor interventions have had any impact on target beneficiaries has not been addressed properly. An in-depth debate would allow to sort things out and take up the development challenge facing the population at grassroots level.

In its conception, the decentralisation policy may become a powerful tool for the comprehensive development of the country. However, unless the questions raised are answered properly, the population may eventually lose confidence in this policy. To avoid the possible failure of this policy, there is need to spark off a permanent debate at the level of all partners.

4.3.3. Elaboration process for the new Constitution

With a view to phasing out the transitional period and laying the foundations of a new society, the Government of National Unity set up a Constitutional Commission to draft and elaborate a new Constitution for the country. The Arusha Peace Agreement in its part on Power Sharing had instituted the Constitutional Commission. Its functioning is determined by law. The mandate of this Commission was to collect the views of the Rwandan population from all walks about the type of governance is thought most appropriate for Rwanda and draw up a new Constitution on the basis of ideas emanating from consultations and debates across the country.

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[24]Source : Minecofin: External aid in Rwanda : sharing out of interventions by sector and donor, a document prepared and written by CEPEX.

The Constitutional Commission has crossed the country in all directions to collect various ideas that were subsequently combined into a draft constitution which was then discussed in several meetings at national level. The new Constitution was finally submitted to Parliament and later on widely approved (93%) by the population through the referendum held on 26 May 2003.

The new Constitution sets out a number of major principles. Below are some of the general constitutional principles that were the focus of attention during our consultations:

➢ **Elections**

The new Constitution establishes the poll as the only way of accessing power. The President of the Republic and the Members of Parliament are elected following a universal, direct and secret suffrage. All the people interviewed approve of the way of accessing power through the poll. The population thinks that elected civilian citizens should handle the management of the country. The military, who often come into power by force, stick to it definitely and only death can remove them from power. Power held unchallengeably eventually becomes totalitarian.

Though elections met the consent of all the groups consulted, the polling system used was the focus of a heated debate that needs to be pointed out.

Some people maintain that the universal, direct and secret ballot is the most appropriate system to achieve democracy. This system accounts for the reliability of the vote and ensures the effective participation of the population in putting in place their representatives.

For others, the universal suffrage, one man one vote, is an inappropriate system given the Rwandan context still marked with the ethnic divide which was the basis for the planning and perpetration of genocide. There should be worked out a polling system that takes account of this inescapable reality in the Rwandan context.

For the latter, one of the solutions put forward is the setting up of an electoral college at the level of each province whose mandate is to elect top authorities of the country. The provincial electoral college would include representatives of the population elected at the universal, direct and secret suffrage by the population at district level. The whole of these representatives elected at provincial level would form the electoral college at national level. This type of poll would ensure the requirement of alternation and at the same time allow to involve in this process only elected representatives likely to overcome the ethnic trap.

As for the presidential term of office, it would extend over a period of 5 years renewable only once. This short mandate is due to the fact that the longer top dignitaries stay in office the more they identify themselves with power. Along the same lines, in a bid to facilitate the political opening, it was suggested to provide the

outgoing President of the Republic with political and economic guarantees for services rendered. Effectively, presidents stick to their positions to avoid losing the prerogatives deriving from the exercise of power. The Constitution provides for as 7-year presidential mandate renewable only once. The 7-year term of office represents a minimum of time to allow the incumbent President to implement a viable development project.

The issue of electoral system in societies prone to ethnic divide is a real challenge that deserves to be reflected upon thoroughly.

➤ The Functioning of political parties

We have already briefly introduced the functioning on political parties in the section on power management. This issue is still in the news because the new Constitution establishes multipartyism as a means to ensure competition for power. However, during our consultations with the population, not everybody appreciate this system alike.

Political parties are one of the most important factors responsible for the precariousness of peace. The transition from the monarchical regime to the republican regime has coincided with two major events, namely: the recovery of independence and the emergence of political parties. As indicated earlier, these parties did not have the same vision as regards the political future of the Rwanda. Some parties sought to come into power through using ethnic divide as a springboard whereas others thought that recovering independence from the colonial master, Rwanda could then embark on a reconciliation process.

The multi party era was characterised by inter-ethnic violence, which some analysts take as the premise of the 1994 genocide. The failure of multipartyism triggered the emergence of monopartyism that stayed on until the breaking up of the RPF war of 1990. Once again, the liberalization of political parties in 1991 coincided with the outbreak of the violence that culminated into the 1994 genocide. One therefore better understands the mistrust of the population vis-à-vis a democratic system establishing multipartyism.

Rwandan political parties have not yet managed to overcome the trap of ethnic divide. The liberalization of political parties has never been an issue. But organising those parties around a political programme devoid of ethnic divide has always been an inseparable challenge. The table below summarises the principles underlying the respective political programmes of parties that were never put into operation and eventually brought about the radicalisation that led to the tandem of "extremist" and "moderate" trends.

Table 4 : Objectives - Programmes of Political Parties in 1991

PARTY	OBJECTIVES - PROGRAMMES		
	POLITICAL	ECONOMIC	SOCIAL
MDR	a) Holder of the power = citizens b) Morals of political leaders c) Fight against personalized power and corrupt practices.	a) Accountability for the management of public affairs. b) Market economy and stabilisation of tax system. c) Fight against embezzlement and misappropriation of public funds.	a) Peaceful coexistence of ethnic groups. b) Respect of human rights c) Improvement of judicial system.
MRND	a) Promotion and protection of democracy. b) Fight against discrimination.	a) Promotion of economic development.	a) Promotion of fundamental values of the Rwandan society b) Promotion of women c) Respect of human rights.
PDC	a) Participation of the population to decision-making process. b) Self-control by powers c) Fight against plurality of offices.	a) Struggle for economic self-sufficiency. b) Promotion of work c) Transparency. d) Establishment of food processing industries. e) Improvement of agricultural research. f) Conservation of agricultural products. g) Sensitisation of taxpayers about their fiscal rights.	a) Remuneration corresponding to work done b) Transparency. c) Reinforcement of the judicial system and search for the truth.
PL	a) Equality of all citizens. b) Unity. c) Transparency.	a) Transparency. b) Market economy. c) Private property and initiatives.	a) Respect of human rights b) Transparency c) Reform of the judicial system.
PSD	a) Restoration of democracy b) Equality of all citizens.	a) Promotion of private initiatives. b) Improvement of the management of public funds.	a) Development of human resources

Source: Official Gazette n° 16 op.cit. pp 1020 -1085

As indicated in the previous paragraph, the political parties of 1991 had the same political principles, namely: promotion of democracy and economic development, but monoparties which had ruled the country during the first and second republics had actually managed to undermine the political scene in such a way that behind the noble ideas of democracy and development expressed in their ideas exalting ethnic hatred were building up.

Throughout the Rwandan history, exalting ethnicity has always been the principal means to legitimate the search for and conquest of power. Indeed, key informants maintained that whenever political parties are operational, ethnicity-based divisions immediately come up. For some of these people, should the international community not exercise its pressure, political parties should no longer be allowed to operate on the Rwandan political scene, at least for the current generation.

The new Constitution makes room for some concerns voiced by the population regarding the functioning of political parties. It provides, among other things, that no political party shall be formed on ethnic, regional or family grounds. And to make sure that political parties have no direct contact with the population, the new Constitution only allows them to establish their organs only at provincial and national levels.

To make these measures effective, the new Constitution gives the Supreme Court the competence to dissolve any political party that gets involved in activities likely to divide up Rwandans or that are judged illegal. The new Constitution also provides for a forum of political parties at national level to make sure that they share the same vision on the political programmes of the country. At this level, the question that immediately comes to the mind is to know whether having a common vision is politically sound in a multiparty political system.

However, a small group among the people consulted maintained that the existence of political parties as the only alternative likely to guarantee the safe management of power. Nevertheless, for those who share this vision, there should be a rigorous code of conduct to avoid any bad mistakes.

The community should permanently be on the look out in order to prevent any hitches arising each time games are open for competition for power.
One still has in mind the debate that took place in Parliament denouncing MDR's divisive manoeuvres appealing for ethnic hatred within the population. Parliament simply proposed the dissolution of this political party.

Cabinet supported the idea of dissolving MDR. Today, this party no longer exists, but as far as we know, no decision formal has been published as yet. The fact remains that MDR was not registered among political parties authorized to operate after the transitional period. Some people wonder whether the dissolution of a political party on the eve of elections could not be seen as a subtle manouevre by the strong party to keep out of game potential rivals. On the other hand, in a post-

genocide context, its wise to tolerate political activities of a party whose principles are grounded on a divisive ideology?

Today, in 2003, there are 8 political parties officially registered in the Ministry of Local Administration Information and Social Affairs.

These are:
1. Rwanda Patriotic Front "RPF"
2. Centrist Democratic Party "PDC"
3. Ideal Democratic Party "PDI"
4. Liberal Party "PL"
5. Party for Progress and Concord "PPC"
6. Social Democratic Party "PSD"
7. Rwanda Socialist Party "PSR"
8. Democratic Union of the Rwandan People "UDPR"

The split brought about the 1994 genocide has marked all political parties. For this reason, two fundamental principles have been included in all political manifestoes: condemnation of any genocidal inclinations and defence of national unity at all costs. Other similarities can be pointed out as indicated in the table below. Besides, the political programmes of the different parties so much similar that the demarcation between their political visions is hardly visible.

All the eight political parties have a common denominator on the five fundamental principles, namely:
- Fight against and prevention of genocide;
- Equality of all citizens before the law;
- Promotion of human rights;
- Implementation of the culture of democracy;
- Unity and reconciliation.

To these fundamental principles, each party adds a summary of its political, economic and social programme. Here again are similarities, notably: economic development, improvement of the living standards of the population, the fight against corruption, rejection of impunity, education and consolidation of regional and international cooperation.

Therefore, what is the rationale of having 8 political parties sharing the same principles and almost the same political programme?

As the new Constitution establishes the multi-party system, it should be useful to point out some suggestions made by consulted groups to keep the functioning of political parties within ethical limits. These suggestions have been summarised as follows:

- To operate only at national level with no direct contact with local population: once political parties are allowed to function at local level, divisions take place immediately;
- To have a code of conduct of political parties resulting from as many consultations as possible;
- To organise joint meetings during election campaigns;
- To sensitise, educate and train the population before any political activity starts;
- To make sure that political parties are not segregationists;
- To promote equity in the functioning of parties: no party should be privileged to the detriment of others.

4.4 Reconciliation process

In a post-genocide context, reconciliation is a must, but also very difficult to achieve. Indeed, how could people talk about reconciliation while the wounds are still fresh ? But should we be allowed to ignore the reconciliation process in a society where people must live together anyway?

During discussions, tensions and mistrust were perceivable and we needed to constantly work out strategies to keep the dialogue going. For some people, harmony in interpersonal relationships does exist, yet for others it is only sham harmony.

The role of the State is of paramount importance to make sure that reconciliation takes root. National security is a prerequisite for the reconciliation process to take off. All the consulted groups agree to the existence of security which they credit Rwanda State. With regard to the security of the population, opinions are divided. Some people think that official speeches emphasize that fundamental right through the establishment of a reliable judiciary system and equality of all people before law.

The culture of human rights is a pre-requisite for the reconciliation among the people and prevention of conflicts. Some participants mentioned the case of arbitrary imprisonments and the fact that freedom of speech is not yet fully respected. Some politicians flee the country and go to seek refuge in foreign countries, thus fueling rumors which can only be dispelled by debates including a large number of people. However, others notice a clear commitment towards the way to respect human rights, although there is still a long way to go.

Corruption is still in place and corrupt practices are used everywhere. However, we must admit that some initiatives against corruption have been undertaken. There is no open debate on such initiatives that, however, should include all people.

Although the role of Government in the reconciliation process has been constantly put forward during the debates, it is necessary to note that the role of individual persons, a group of people, or of the whole village did not attract participants' attention. Would

it not be illusive to imagine a reconciliation that would only be vertical? There should be a more open debate about this issue.

The National Commission for Unity and Reconciliation was established by the law n°03/99 of March 12, 1999. This establishment officially launched the reconciliation process as an important political act. Setting up this commission paves the way for all other initiatives pursuing similar objectives.

The mandate of the National Commission for Unity and Reconciliation is to:

- Organise a national debate on National Unity and Reconciliation.

- Organise and disseminate educative information for the people, aiming at achieving national unity and reconciliation.

Since it was set up, the National Commission for Unity and Reconciliation has organised several meetings and consultations on this subject. It has carried out consultations in all provinces and districts all over the country, in collaboration with local leaders, on the origins and causes of divisions among Rwandans and conceivable solutions to achieve unity and reconciliation.

Two summits were organised at national level to discuss that issue. They brought together Rwandans from all walks and Rwandans of the Diaspora.

A part from the pertinent achievements of the Commission, during our consultations, one section of the population remained critical. They think that the work of the Commission is still at national level and does not reach the grassroot population. The population follows its activities only through radio programmes on unity and reconciliation, without really taking part in the process. It considers the Commission as a product of the State, an institution working for central organs.

They called for the establishment of Commission's field offices that would work on the basis of cultural virtues, close to everyday reality. Facilitators would be wise people recognized by consensus by the groups they belong to.

During the consultations, some elements have particularly been mentioned as hindrances to unity and reconciliation.

➢ **Lack of Justice**

Several times, lack of Justice has been considered as a hindrance to unity and reconciliation. On the one hand, genocide survivors consider justice as a prerequisite to reconciliation. In fact, they find that Government proposes easy solutions to difficult problems. Government urges people to plead guilty and in return it lightens their sentences. Does a confession subcontracted in this way allow

them to really acknowledge their guilt which appeals for forgiveness? Is this procedure not a way of refusing to administer justice?

Parallel to Government action, Church denominations are also encouraging genocide survivors not to denounce murderers so as to have the right to salvation. Forgiving someone who has not asked for forgiveness seems rather paradoxical. We have to condemn such psychological pressure in fashion.

On the other hand, people whose relatives are in jail keep complaining against the lack of justice and against the non-respect of the legislation on detention pending trial. In effect, several genocide suspects have been imprisoned for 7 years and in most cases their files have not been drawn up. It is possible that there are innocent people among the prisoners. The current situation shows to what extent the reconciliation process is complex and justifies the necessity to set up permanent forums for debate.

➢ **Reconciliation among political leaders**

The consulted groups consider that, in most cases, conflicts result from political leaders. Experience has shown that the outcome of conflicts is disruption and never reconciliation. Politicians who flee the country in this context devote themselves to disrupting the stability of the country. The consulted people suggest to make a thorough reflection about the way of establishing a framework of resolving conflicts among political leaders. A kind of Gacaca for leaders, as they call it. According to them, reconciliation could only succeed if it started at that level.

➢ **The National mourning period**

The consulted groups do not appreciate the 'raison d'être' of the national mourning period in memory of the victims of genocide, organised each year, in the same way. Some consider that recalling genocide in people's minds each year, through the national mourning, constitutes a hindrance to unity and reconciliation. They think it would be better to forget about the past in order to achieve reconciliation.

However, others think that it is essential to perpetuate the memory of genocide in order to draw lessons and prevent such a crime from ever being committed again. They also think that fighting that memory constitutes the last step in the implementation of genocide.

During consultations, the national mourning period was viewed as an affair of Tutsis whereby Hutus are not involved. Those who hold this opinion consider that Hutus who were massacred during and after genocide are not taken into account during the ceremonies of the national mourning. The confusion such a thesis entertains is harmful to genocide prevention. Genocide is above all a crime against humanity and commemoration ceremonies constitute strategies to prevent such a crime. How could these two views be matched? Do Unity and Reconciliation really require

forgetting the past? What to do in order to involve all people in the national mourning?

> ➢ **Socio-economic inequalities**

The growing inequality among social classes is viewed as an obstacle to unity and reconciliation. This question that came frequently during our consultations invites to open a debate on the possible ways to solve this problem. The consulted groups denounced these inequalities and mentioned the necessity to reduce and identify appropriate coherent strategies.

Each political power has a group of privileged people. How to overcome such a dead end? What to do so that the national income can be fairly distributed among all the sections of the people?

4.5. The problem of democracy

Article 5 of the Arusha Peace Agreement on Power Sharing provides that «democracy is founded on the idea that sovereignty belongs to the people. It is expressed through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens".

In its Article One, the Constitution of June 10, 1991 states that Rwanda is a social and democratic Republic and takes the name of Republic of Rwanda. Its principle is Government of the people, by the people, for the people". The new Constitution also stresses this principle in its Article One.

The three laws that we have just been mentioned were enacted at different times but they have a meeting point, namely the political will to associate democracy with the sovereignty of the people. Although there seems to be some kind of consensus on democratic principles in legal texts, in practice, there is no general agreement on them.

The controversy appears when it comes to determine the people who own the power. What people is it referred to? The crisis of identity comes in here. In Rwanda, there are two ideological trends. The first trend believes that Rwandans constitute one people as a whole. That is, a whole composed of all socio-political components of the society without necessarily taking into consideration the aspect of ethnic groups. For this trend, democracy is translated through the participation of the people as a whole to the management and exercise of the power. Here, people must be understood as all ethnic groups gathered under the only umbrella of Rwandan Citizenship.

On the other hand, there are advocates of ethnic ideology based on ethnic majority. As mentioned earlier, for a great number of Rwandans, democratic majority equals ethnic majority. Those people believe that it would be difficult to ignore ethnic groups in the management of the power. For them, democracy should be based on ethnic identity. It is an error trying to underestimate ethnic groups in the management of the country. Indeed, those who advocate for this trend consider that the notion of ethnic group is to be found everywhere in Rwanda's everyday life and that it would be difficult to try and ignore or deny its existence.

Traditionally speaking, ethnic group refers to difference of culture, language and way of life. If we consider these notions, we cannot speak of ethnic group in Rwanda. All Rwandans speak the same language, they have the same culture and live together and the same way of life. However, considering the value that history has attributed to ethnic group, people identify themselves as a group of people forming an identity of Hutus or Tutsis according to their position in the society.

Since the early origin of democracy in Rwanda, ethnic groups have played a big role in the political arena and have influenced Rwanda's political life. With exclusion and repeated conflicts based on ethnic group, people carried on identifying themselves as ethnic groups. The situation was exacerbated by the 1994 genocide and presently, ethnic groups have become a reality. The advocates of this ideology think that denying the notion of ethnic groups implies denying genocide. We speak of genocide because Hutus killed Tutsis. Without this reality, one could not speak of genocide.

Obviously, divergences persist about the nature of democracy that is most appropriate for Rwanda. In a multifaceted and divided society like ours, it becomes a lot difficult to involve all the people in the expression of democracy without falling back into ethnic majority against ethnic minority.

This situation has prevailed since independence to date. It has caused the political instability that has always characterized Rwanda. The political stability of a country mostly depends on how this problem is addressed.

During the debates, however, a consensus on power sharing was reached and it consisted of the following:

1° To recognize the existence of ethnic groups without inevitably basing power sharing on them.

2° To set up a political system taking into consideration the existence of ethnic majority and minority without allowing ethnic groups to dominate the political arena.

3° To protect ethnic groups by establishing laws condemning all forms of discrimination based on ethnic groups. Actually, ethnic group becomes a problem when it is a source of exclusive advantages for one group to the detriment of the other.

4° To ensure equality balance of all people before the law. Equality referred to here is equality in sharing and distributing the national income.

5° To ensure balance between the executive, legislative and judiciary powers in order to make possible the necessary counter balance in the management of public affairs.

From this perspective, the following question arises : what type of democracy is most appropriate in the Rwandan context?

4.6. Security

After the 1994 genocide, re-establishing security was the first priority of the Government of National Unity and of the people in general. Security is considered as a prerequisite before embarking on any political or economic programme. This was not an easy task since, in a country coming out of an armed conflict, many people still owned weapons illegally.

RPF's military victory resulted in the displacement of a whole army which crossed the border with all its military equipment into the territory of the D.R. Congo (former Zaire). This army, with the civil people it had taken along with it, settled some meters away from the border regardless of the provisions of the international law. One can easily understand that it was illusive to preserve security in such a context. In fact, atrocities perpetrated by militia men and ex-FAR soldiers went on particularly in areas bordering the D.R.C. The appeal launched to the consciousness of the International Community has had no effect and the situation remained unchanged. The Congolese leadership in Kinshasa were not interested in finding out an appropriate solution to this problem which henceforth, was growing regional. In the meantime, international assistance to that organized and well-equipped army went on, under the pretext of rescuing civilians. As a result, insecurity increased in Rwanda, particularly in the North-West and South-West of the Country.

In the late 1996's, the Government of National Unity, considering that the Rwandan security must be ensured by Rwandans themselves, allowed the Rwandan Patriotic Army to cross the Congolese borders. The immediate consequence of this war was the massive repatriation of Rwandan refugees, the disorderly retreat of ex-FAR and Interahamwe militia in Congolese forests as well as the collapse of President Mobutu's regime. It is important to note that fighting a war among millions of people mixed with army troops and militia men has inevitably resulted in losses in human lives, the toll of which is still quite controversial to date.

Without being exhaustive, we can mention a number of long lasting outcomes. We can notably mention internal security in Rwanda which has settled back little by little and particularly with the end of the war in the North, referred to as the (war of infiltrators » (Abacengezi). However, since the war broke out, suspicion among Rwandan and Congolese peoples has increased, with the feeling of living under a foreign occupation on the behalf of the Congolese.

Desire Kabila's seizure of power did not bring any sustainable solution either. On the contrary, the president was not equal to his task of uniting Congo and the country became the scene of a highly complex conflict. Indeed, alliances were created and this worsened the conflict a great deal. Angola, Namibia, Zimbabwe, supported the Government of Kinshasa while Rwanda, Uganda and Burundi were allied against that block, making the conflict almost international. Many people claim that each of these foreign countries was seeking to assuage their own economic interests without taking into account the security of the Congolese people. Several Congolese armed factions were subsequently formed.

The war was so complex that allies of yesterday eventually became belligerents of today. One patent example is the armed conflict between Uganda and Rwanda on the Congolese territory and the **iterative** threat of a cross-border war breaking out between both countries. Presently, thanks to many diplomatic efforts, the foreign armies withdrew from Congo, the DRC has formed a government of national unity and launched the process of forming a new national army including different armed factions.

From this situation, many controversial questions emerge. We can notably mention the precariousness of a security project limited to a given country and which would not take into account the regional dimension. However, we wonder whether the principle of inviolability of borders put forward by the UN Charter is still valid in such a context.

During our consultations, the views were divergent. The notion of International Community was considered as an empty concept which cannot any longer guarantee the fundamental principles. Some analysts note that the point was not to prevent Rwanda from crossing the Congolese border but rather to stop genocide which generated this situation or prevent refugees and the army from settling at some paces away from the Rwandan border without even separating combatants from civilians.

The conflict brought back to surface a much older problem, resulting from the territorial division carried out by the colonial administration. The problem was about the marginalization of Kinyarwanda speaking people who had settled in Congo for centuries. It is not sure that the end of the war in Congo has solved this problem. There is a real need to set up a permanent forum that would discuss this issue, involving all the countries of the region.

Inside the country, some people think that some rights are flouted under the pretext of security. People are arrested and imprisoned by security forces without any trial under the pretext of security motives.

The 2002 annual report published by the National Commission for Human Rights points out this problem as one the most worrying. Freedom of speech is sometimes flouted in the name of security. How could national security be ensured without disrupting social cohesion?

At the end of this chapter, one may be tempted to be pessimistic towards the political future of our country. In fact, since Rwanda was recognized by the International Community as an independent country, no sustainable political security has been observed. Since the 1959 civil war, Rwanda moved towards less glorious periods of the First and Second Republics. The climax of this mischievous political trip was the 1994 genocide. This genocide dug a gulf among Rwandans that is difficult to jump over. Everybody of us is concerned.

As an African proverb rightly says: « *if you do not know where you are going, shouldn't you forget where you are coming from* ».

To step forward, it is important to come back to some problems that have been mentioned in this chapter. They probably deserve an in-depth research and debate in order to find a possible consensus.

CHAPTER V : RECONSTRUCTION OF JUSTICE

5.1. Background

Managing the post genocide situation implies reconstruction in various fields. During the genocide, crimes and offences were massively committed causing innumerable damage.

Among remedies to these evils, is the fact that justice must be done for everybody, by trying to punish offenders and compensate the damage to the victims. Everybody is asking to break off the links of the culture of impunity and everybody is claiming justice. However, all factors necessary for the good functioning of justice are not yet available.

On the morrow of genocide, the judiciary power remained with a very low number of magistrates to address a great number of cases for which they had to conduct investigations and trials. Available equipment and infrastructure are not adequate enough to facilitate the good conduct of trials.

Over a million people died in about a hundred days. Are those currently under custody the only culprits or are there others still at large inside and outside the country?

We can assume that a number of culprits are still free and among those in prison are some innocent people. On the morrow of genocide, most arrests were made on the basis of denunciations. The abilities required to investigate cases were then not sufficient at all, and consequently, the number of people alleged guilty was by far bigger than that of available human resources and equipment. How could justice be administered in such a context?

Genocide is a crime against humanity. The duty of the international community is therefore to prevent genocide. At the request of the Government of Rwanda, the United Nations Organisation established the International Criminal Tribunal for Rwanda (ICTR) to judge people alleged guilty, included in the first category, i.e. genocide planners, who essentially live abroad.

To solve the crucial problem of justice, new laws have been enacted and the judiciary system has been reformed. But can this reform really meet this requirement? So many questions and a lot more which we tried to pick out during our study.

5.2. The Judiciary system faced with the need for justice

Genocide put the judiciary system to a severe test. The existing infrastructure has been destroyed. Magistrates, even then insufficient, as well as other staff, were killed and others forced into exile. In such a context, it was difficult to administer justice according to the rules.

During our consultations, participants described the post-genocide context in the justice sector as a true chaotic situation. People were arrested day and night without respecting established procedures. Culprits were mixed with victims without any complaint.

As, on the morrow of genocide, the prosecution was almost non-existent, soldiers essentially carried out the arrests. You can easily imagine that most cases were not duly investigated. In such conditions, the very low number of magistrates and judges could not efficiently face the needs of justice.

Participants kept complaining about the weakness of justice and lack of confidence in it: on the one hand, genocide victims need fair justice in order to survive; on the other hand, a great number of prisoners are waiting for trials.

Rebuilding the judiciary system is a prerequisite for the establishment of long awaited rule of law. Although participants were far from being ensured by the progress made, most of them recognised the real efforts made by Government to reconstruct justice, nonexistent at that moment.

To face all the challenges resulting from the need of justice, supported by the international community, the Government organized a short-term training for magistrates who were not lawyers in a bid to speed up the trials.

During the debates, some participants did not appreciate this situation that created a precedent in the justice sector. The destiny of people's lives was lying in the hands of incompetent people. Such a situation constitutes a trivialization of justice. However, this governmental initiative was praiseworthy in the sense that it was necessary to find a solution to an extraordinary problem. Government considered this solution as temporary and, at the same time, it relaunched university education for lawyers and urged the youth to embark on such studies.

Lack of independence of the magistrature is a major hindrance to fair justice. In effect, an independent magistrature is mainly the one that masters its trials and arrests; in other words, the one that is not subject to interference with the remaining powers. The principles of judges' irrevocability and irresponsibility [sic] are considered as the main attributes of the independence of magistrature. How is the situation in Rwanda?

Participants reminded that during the second Republic, the Head of State was at the same time the Chairman of the Higher Council of Magistrates while the Minister of Justice was the Vice Chairman. In such conditions, how could interference of the executive power in the judiciary power be prevented? This way of running affairs has somewhat settled in the mentality of Rwandans so that several people believe that it is quite normal for the executive power to have the right to mix up with the judiciary power.

For most participants, today the situation has not changed. As higher officials of the Supreme Court are appointed by the executive power, can they really work independently?

Some groups pointed out that non-written orders from the executive power are frequent and occur only to serve political or individual interests.

Participants illustrated that difficulty by the fact that, in a conflict opposing those in power to a simple citizen who is injured, the latter seldom wins the trial.

The new Constitution addressed the issue of the independence of magistrature by instituting the Magistrates' Higher Council guarantor of the good functioning of justice. It includes not only judges but also other experts in law and, obviously, it does not function under the authority of the executive power. The irrevocability of judges was established by the new Constitution in view to establishing much more independence for the magistrature. The problem is to know what will really happen. Shall independence of magistrature ever become a reality in the political culture of our country?

All of the participants unanimously agreed that fair justice results from competence and independence of magistrature. Besides the clear will shown by the leaders and established by the new Constitution, participants think it is useful to set up a permanent forum for debate so as to make effective those virtues of justice that can only be provided by law.

Every time the problem of justice was raised during the debates, corruption was pointed at as one of the hindrances to peace reconstruction initiatives. Is justice well equipped to appropriately fight against corruption within itself first, and then in public administration in general?

A bill punishing corruption has been drafted since 2001. Similarly, as the 2001 annual report of the Ministry of Justice points out, a lot of efforts have been made with a view to fighting corruption.

For instance, a committee in charge of fighting corruption was set up within the Ministry of Justice; meetings and seminars on this issue have been organised and

criminal cases against magistrates and other political personalities brought before the court.

Once debated openly, the issue of corruption takes various dimensions. Some consider it as a fraudulent way to obtain undeserved favours, while others find there an appropriation of justice and other sectors by a handful of politically influent people. Participants referred to this shortcoming as "corrupt practices".

In our consultations, some participants pointed out a hypothesis according to which, if magistrates were paid well, they would be less tempted to accept bribes and grant undeserved advantages in return. They would also be motivated to fight corruption in other sectors within the limits prescribed by the law. It is quite a different story when it comes to address the problem of corrupt practices which constitutes a powerful ghost the demolition of which requires effective participation of all powers: executive, legislative and judiciary.

Corruption weakens the confidence of the people in justice and prevents them from appealing to it when they need to. The population considers corruption as an obstacle to reconciliation as well. The release of some prisoners alleged guilty of genocide rose many questions. In the logic of reconciliation, the release of those unjustly imprisoned is a valuable contribution to reconciliation. However, releasing prisoners alleged guilty of genocide through corrupt practices constitutes a major hindrance to reconciliation.

Apart from corruption, participants denounced cumbersomeness of judiciary procedures that make justice inaccessible whereas it is meant for every body that would like to appeal to it.

Fair justice implies paying compensation in order to repair the damage caused to victims. Everybody agrees to this principle, but the problem is to know whose responsibility it is to compensate the victims. In the context of genocide, is it really thinkable to succeed in repairing the damage sustained? The wrong of the victims were subjected to reached unthinkable dimensions. Genocide was planned by Government and implemented by the people. In such conditions, everyone must bear their responsibility. Some culprits own property that should be the starting point for the establishment of a compensation fund. Government has the obligation to commit money in that fund so that justice can be done. The Genocide Survivors Support Fund was set up in order to respond to the precarious social situation of the 1994 genocide survivors.

That fund only supports survivors who have no means to live at subsistence level in order to get going again. It must not be confused with the principle of compensation required by any fair justice.

On-going justice-related initiatives fit into the dynamic of a sound change for a more functional justice. Is this enough to introduce a new culture of justice for all?

What could be done to settle a functional justice, guarantor of equality of all people before law?

5.3. Prison situation

Imprisonment is a solution to which society has recourse in order to protect its members and prevent other crimes. A person is imprisoned to serve their sentence after being convicted or in the logic of being on remand. In the particular case of Rwanda, the post-genocide context has challenged detention capacity and procedures given the big number of prisoners alleged guilty.

In Rwanda, each province has a prison, but the number of prisoners has been so big that dungeons in districts had to be used as well. The following table shows the current prison situation.

Table no.5: Number of prisoners per province as at 31st December 2002[25]

N°	Prosecutor's Office	Genocide			Other Crimes and Offences		
		Prisons	Dungeons	TOTAL	Prisons	Dungeons	TOTAL
1.	Kigali	17.031	40	17.071	3.165	1.314	
2	Nyamata	6.896	0		310	11	
3	Rushashi	698	1		97	31	
4	Gitarama	7.552	9.625		711	108	
5	Butare	14.562	5.026		1.290	115	
6	Gikongoro	3.889	1.029		538	55	
7	Cyangugu	4.971	228		670	26	
8	Kibuye	9.906	10		455	22	
9	Gisenyi	2.405	0		548	0	
10	Ruhengeri	1.121	0		793	0	
11	Byumba	1.248	-		776	35	
12	Kibungo	14.469	0		871	81	
13	Umutara	3.426	10		158	142	
	Total	**85.191**	**16.026**	**101.217**	**10.382**	**1.940**	**12.322**

Source: Ministry of Justice

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[25]MINIJUST, Temporary situation to be integrated in the annual report for the year 2002.

As indicated in the table above, the number of prisoners for the crime of genocide constitutes the majority of all prisoners. According to this table, people alleged guilty of genocide represent 104.143 prisoners while the number of common law prisoners amounts to 12.322.

This big number of prisoners certainly shows how enormous consequences are at all levels. The debate on prison situation sparked off great emotion. Everybody reacted as regard to this problem.

Genocide survivors denounced several times the way this problem was handled by decision makers. They think that the Government is more worried about the money spent on prisoners than about the moral suffering that the victims must endure. Families whose members are in prison are waiting to see justice done. Imprisonment on remand, which has lasted a very long time, is illegal. They complain that instead of attending to their business and participating in development activity, they spend most of their time taking food to their relatives in prison.

During the debates, some participants retorted to them that they were lucky: better take care of prisoners still alive, than being always waiting for those who will never come back.

Thus, justice is facing a challenge difficult to overcome when you consider those two fundamentally controversial positions.

To solve the problem of overpopulation in prisons and the cost that such a population implies, the government proposed a system of Community Service (CS). This initiative raises a number of questions: This work is done to serve Government's interest while the victims who suffered most should be the prime beneficiaries of such a service. The ideal would be to have the guilty work for the offended party in order to repair the damage caused. In such a situation, how to manage the inevitably conflictual relationship which would result from this situation?

Some participants pointed out that it is difficult not to consider that CS constitutes a distracted way of releasing prisoners, trivializing the weight of crimes they committed. The same question was reiterated following the statement of 1 January 2003 from the Office of the President of the Republic that released 40,000 prisoners alleged guilty of genocide and some cases of common law prisoners. Some people believe that it was a political and realistic option and yet others are worried about the fact that genocide victims will not easily trust the judicial system.

According to press reports quoting the statement of the Ministry of Justice, «around 5,000 people had to go back to prison due to denunciations and supplementary information which came to charge their files». Apart from this, there was no serious incident reported between those who returned to their villages and other people.

So far, no serious study has been carried out but there have been some cases of mental traumas in response to those decisions. Some became withdrawn while others had difficulty getting involved in active life.

The groups consulted think that this situation is the consequence of the bad management of the country which, historically speaking, never set up conditions for the rule of law.

It's in this perspective that Government has undertaken many reforms in all sectors and in the sector of justice in particular.

5.4. Post Genocide Reforms

A well-established justice system contributes to establishing the rule of law. The rule of law is a complex notion, but, according to participants, in order to talk about "a rule of law" in a given country, not only of only are separation and complementarity of powers (legislative, executive, judiciary) necessary but there must also be respect for citizens' civil, political and economic rights.[26]

The groups consulted opened a debate on the notion of the rule of law that they consider as the only way to prevent conflicts efficiently.

Among other features which characterize the rule of law are freedom of movement and of speech, respect for human rights, the culture of respecting one's fellow's life and equality of all people before the law.

Freedom of movement has become a reality and people appreciate it and insist that freedom of movement is among the most important indicators of peace and rule of law.

The culture of respect for human rights is a process leading to the establishment of the rule of law.

In Rwanda, successive political conflicts have always resulted in killing people. Yet, in other countries there are political conflicts, opinion divergences, open oppositions but they are resolved within the limits of law and human dignity.

The post genocide context appeals for appropriate reforms in the sector of justice. In 1996, the law on genocide was the first to be passed with a view to trying genocide-related crimes and offences.

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[26] Cfr Restitution Seminar by IRDP /Specialised Group, Kigali, February 4, 2003

This law established various categories of people alleged guilty of genocide following the seriousness of the acts committed. Thus, four categories were established: The first category comprises genocide planners, the second category is made up of genocide perpetrators, the third category includes people who committed assaults and battery on their victims and the fourth category comprises any persons who destroyed or looted property during the genocide.

Establishment of courts and appointment of magistrates as well as the promulgation of a law condemning the crime of genocide are not sufficient to guarantee fair justice.

It is also important to ensure fair representation in justice for the victims and the guilty. After the genocide, a Bar was established in order to ensure that representation of all parties in the best conditions possible.

However, given the low number of lawyers and the expenses this exercise requires, it is not possible to grant representation for everyone.

Even if universities are trying to solve the problem of the shortage of lawyers, the challenge related to expenses is far from being solved.
One of the most innovative reforms after genocide was the establishment of popular courts "GACACA". Many people raised this problem during our consultations.

5.5. *Gacaca Jurisdictions*

Considering the above-mentioned difficulties and particularly in order to find a suitable remedy to the big problem of justice after genocide, Gacaca jurisdictions have been codified, adopted and re-introduced in our judicial system. In the past, Gacaca was conceived and functioned in a bid to maintain good neighbourhood relations and social cohesion. The law was pronounced and the guilty was indeed sentenced.

Inspired by traditional popular justice, Gacaca, consultation meetings called by the Office of the President of the Republic and held in Village Urugwiro concluded, among other things, to the necessity of reintroducing and adapting the traditional "Gacaca jurisdiction, in order to meet post-genocide judicial challenges. Gacaca is a system of participatory justice whereby the whole population is involved in an effort to imperatively make conciliatory justice.

This creativity of the Rwandan Society is expected to address the challenges caused by the need for justice after genocide. In fact, how could more than a thousand cases reasonably be investigated with the current limited number of judges and courts in the country? In addition to the need of trying people presumed guilty of genocide, the country is also faced with the pressing need to achieve national reconciliation. The ordinary jurisdictions are unable to reach this goal.

However, genocide is first and foremost a crime against humanity, and its management is the responsibility of qualified magistrates. This type of jurisdiction should be reserved for minor conflicts between people.

Gacaca jurisdictions have been introduced with the aim of giving clarifications on what happened during genocide, speeding up the trials of people alleged guilty of genocide, eradicating the culture of impunity, reconciling Rwandans and reinforcing their unity. That way, the Rwandan society will be able to recover its ability to solve conflicts through a justice based on culture.

5.5.1   Importance of testimonies

Preventing genocide from ever being committed again will only be effective and efficient if the community discloses the truth about what happened. This requires a recall of the past that will leave nobody indifferent. During consultations, no matter the region or the group consulted, we noticed that Gacaca jurisdictions are facing a delicate problem which is not easy to solve: How to spark off and encourage public testimonies without destabilizing the apparent equilibrium of the community?

Indeed, this type of testimonies will take place within the same area or the same cell, in other words, among people who know each other. Among them are widowed men and women or orphans who would like to know how and why they have been subjected to such hatred and to know precisely who committed those crimes.

And, likewise, are the offended people able to endure the violence of such testimonies when you consider the nature and perversity that characterised the victims' deaths. Moreover, within the same community, there are people who killed their neighbours and naturally, their families will try to protect them. If testimonies point an accusing finger at them, they will consider themselves as victims of those who will have denounced them and this inevitably implies conflicts between families and people.

In any case, a clarification on what happened is a necessary way in order to be able to live in harmony. The guilty will have to repair the offence through that type of justice. For victims, justice will be done in their favour by the community in which they live and generalisation of guilt will thus fade away.

5.5.2. Speeding up genocide trials

The number of jurisdictions throughout the country will amount to around eleven thousand (11,000), which is a thousand times the number of the ordinary Tribunals of First Instance.

As for the number of judges, presently, there are 226 judges all over the country appointed in different tribunals from top to bottom. Those among them who are appointed to the specialised chambers in charge of genocide cases represent one quarter. Gacaca jurisdictions will have a great number of judges namely 19 judges per jurisdiction.

Participants in consultations raised a concern that should be pointed out. All those judges will not be paid. The principle of voluntary work is not appropriate in a consumer society, which is quite different from the former traditional society. This fact may constitute a hindrance to the efficiency of the jurisdictions.

5.5.3 Eradication of the culture of impunity

In the proceeding pages, we tried to show the crucial role the culture of impunity has played in the recurrence of barbarous acts which lead to genocide. The amnesty law promulgated on 20/05/1963 by the First Republic in favour of those who had been killing Tutsis since 1959, sanctioned the principle of impunity which characterized other ethnic crimes committed from then on. The guilty were granted amnesty because «they were fighting for a national cause ».

With Gacaca jurisdictions, Rwandan people hope that justice will be administered in order to eradicate the culture of impunity which has been deeply rooted in the Rwandan society for a very long time. This hope is based on the fact that the members of the community will exercise justice themselves.

5.5.4. Reconciliation among Rwandans and Reinforcement of Unity

Rwandans expect Gacaca jurisdictions not only to render a punitive justice but also and particularly to provide the opportunity to create a way of reconciliation through conflict resolution by the community itself. This move is for them an opportunity of enhanced awareness in relation to the hugeness of the crimes committed and in which the responsibility of every member of the community is at stake.

However, there are a lot of hindrances to the success of Gacaca mission. We can notably mention the various challenges brought up during the debates. Gacaca jurisdictions will only deal with the crime of genocide. And yet, some crimes were committed just after the genocide within the context of revenge. Such crimes are sent

to ordinary courts with the cost and weight that those trials imply. This is somehow viewed as discriminatory.

The brutality of some testimonies is likely to weaken the stability of some people that is already derisory, on the one hand, and the stability of some families, on the other hand. The question here is to know whether off-record testimonies should not be allowed in Gacaca process.

Likewise, some people were worried about the protection of witnesses and so far, no suitable solution has been brought to it.

Gacaca jurisdictions are supposed to ease population pressure in prisons and thus solve the problem of expenses and resentments related to it. Many times, a lot of worries were pointed out according to which these jurisdictions could increase the number of suspects and therefore send new suspects into prison.

Some people suggested that Gacaca jurisdictions do not deal only with the crime of genocide but extend to other sectors as a permanent framework for conflict resolution. Till the eve of the Presidential and parliamentary elections, 753 jurisdictions at cell level were functional and half of them had already filled the files of people accused of different offences. We should note that these jurisdictions only deal with making lists of suspected people, classifying them in 4 categories set up by the law on genocide.

Later, they will try the suspects of the 4th category while other categories will be dealt with at district and provincial levels by ordinary courts.

After this experimental step is done, before the end of the year 2003, all the jurisdictions at cell level will start all over the country. Their number is estimated at 9010 jurisdictions[27].

Some fundamental problems deserve a serious study, namely the main objective of Gacaca process, which is reconciling Rwandans. Yet, indicators collected in this context raise the problem of destabilizing relationships between people which should be taken into consideration. How to prevent that risk without betraying the truth in such conditions?

Another problem dealt with mechanisms that should be put in place so that these jurisdictions are not temporary but rather a permanent instrument of conflict management in our society. What are the indicators to prove that Gacaca will have reached its goals of achieving real reconciliation and eradicating the culture of impunity?

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[27]Cfr interview held with one of the officials of Gacaca department.

5.6. The International Criminal Tribunal for Rwanda.

The International Community has an imperative duty of taking its responsibility with regard to genocide. By Resolution n° 955 of 08/12/1994, the United Nations Security Council established the International Criminal Tribunal for Rwanda. By Resolution n° 911 of 22/02/1995, the Security Council decided that the head office of the ICTR would be based in Arusha - Tanzania.

The ICTR was established in order to try people suspected to be responsible for the acts of genocide and other serious offences of international humanitarian law committed on the territory of Rwanda and Rwandans suspected responsible for such crimes of international law, committed on the territory of neighbouring States between 01/10/1990 and 31/01/1994. In effect, its jurisdiction *ratione temporis* is similar to the Rwandan Law punishing genocide.

Up to April 2003, the ICTR detained in Arusha 13 former Ministers, 13 ex-FAR senior officers, 3 former journalists, 14 former senior executives, 3 church followers and 5 different personalities, which makes a total number of 51 prisoners still waiting trial. Since 1995 up to date, the ICTR has arrested 65 people. Among them 12 cases have been convicted (9 were sentenced and 3 set free). 51 cases are pending, one case is in appeal and one person died.

The few people who dared to talk about that problem consider that this slowness is scandalous while in regard of the enormous resources ICTR has been proceeded with. For the year 2002-2003, it was allotted the budget of 177, 739, 400 US$ while Gacaca jurisdictions use a yearly mean budget of around 1.3 billion Rwandan Francs, i.e. around 2,200,000 US$.

The case of ICTR did not retain much attention on behalf of the participants. How can that lack of interest be interpreted whereas the tribunal was established for Rwanda? Is it due to the lack of proximity of this tribunal with regard to the Rwandans' concern or is it by lack of confidence in this institution resulting from little credibility of the United Nations in the history of our Country?

Challenges related to rebuilding justice are huge. Rwanda's initiatives to meet them will determine how the country is going to ensure its destiny in the field of eradication of impunity and establishment of the Rule of Law.

CHAPTER VI: ECONOMIC, SOCIAL AND CULTURAL RECONSTRUCTION

Sub-chapter I: Economic Reconstruction

1.1. Background

Rwanda ranks among the 9 poorest countries in the world. It is a landlocked country, located at some 2,000 km from the Atlantic Ocean and at about 1,200 km from the Indian Ocean. Its surface area is 26,338 km^2 of which 11% are covered with lakes and marshes, 6% with natural forests. The population is 8.3 million inhabitants, and the annual growth rate 2.9%. At present, average population density is about 400 inhabitants per km^2. In 2000, the Gross Domestic Product was estimated at US$ 237 (about Rwf 123,240) per capita. In Rwanda, more than 60% of the population live below the poverty line.

Agriculture provides the greater part of population needs, which makes rural areas poorer and poorer (pressure on resources, land over-exploitation). The majority of labour force (91.1%) is involved in the agricultural sector. Rwanda's economy mainly depends on agricultural, dominated by subsistence production, slightly mechanized in which modern methods or techniques of production are rarely used.

The current attempt to intensify agriculture is facing constraints especially in terms of purchasing inputs. In 2000, agriculture represented 40.3% of the GDP, services 43% and industry 17.2%. Agriculture concerns farm produce intended for self-consumption, and to a lesser proportion, for internal marketing. Major export products are coffee and tea. Other products are exported in smaller quantities. They include pyrethrum extract, flowers, fruit and vegetables.

It is also worth mentioning that mines, at a limited tonnage, are listed among export products. Rwanda exports wolfram, tin and coltan. Other products such as hides and textiles are sold on foreign markets. The strategy of the Government is to extend the range of export products, to encourage semi-processing and develop structures of production and marketing.

Moreover, Rwanda's economy suffers from a number of economic and financial imbalances both structural and economic. As far as the structural imbalance is concerned, we must point out the imbalance between the economic growth rate and the demographic growth rate, the imbalance of public finances and the imbalance of the balance of trade.

With regard to economic imbalance, there is an imbalance between the demand and the supply of goods of current consumption, especially in rural areas.

The imbalance of exchanges between towns and villages is striking just like the imbalance between the demand and the supply of foodstuffs. On top of these imbalances is the burden of the National Debt. According to B.N.R 2002 annual Report, the outstanding consolidated internal National Debt vis-à-vis the Central Bank is RWF 142.9 billion. The foreign debt, not including debts owed to the IMF and those secured by the State, amounts to US$ 1,306.9 million of which 1,147 million owed to bilateral organizations and 11.5 million of debt under supplier credits.

Concerning infrastructures, both for export and import, Rwanda uses road and air ways, which is very expensive and therefore limits exchange with other countries. The domestic road network is badly maintained, lake ways are not yet developed. There are not enough means of communication. Only the radio is accessible to the majority of the population. Access density to television is 0.2% while telephone density is 0.06%. Access to the Internet exists but its density is still low and accounts for only 1.1%. Only about 2% of the population have access to electric energy. Concerning the national energy consumption, wood is used at 9 4%, oil products at 4.9%, electricity at 0.9% and other sources at 0.1%. Imported oil products cost over 40% of export receipts. Only 52% of the population are provided with clean drinking water while average water consumption per inhabitant is estimated at 8.15 litres in rural areas, far below the international standard of at least 20 litres per day and per person.[28]

Such an economic context is a serious challenge difficult to solve in the process of peace rebuilding. During our consultations, participants in the debates kept raising the unavoidable correlation between poverty and peace rebuilding. They raised the fact that in poor countries, access to power is the only means to grow richer and that implacable plots are used to achieve that goal. This struggle for power results into abuse of orders and conflicts, and thus is a hindrance to the implementation of development programmes. Consequences of these conflicts unavoidably have an impact on the living conditions of the population (destruction of infrastructures, lack of basic services and loss of means of production).

As for economic globalization, the population questions the efficiency of the international economic system with regard to the impact of multilateral cooperation which has existed for more than 40 years. It is true that many initiatives have been undertaken and mainly communication infrastructures have been set up, sanitation systems have been developed and education has remarkably improved. However, what is their real impact on the daily life of the population?

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[28]Statistics were taken essentially from the following 5 documents: Les Indicateurs de Développement 2000 (Development Indicators 2000) published by MINECOFIN, Vision 2020; La Strategy Nationale de Reduction de la Pauvreté 2001 (The National Poverty Reduction Strategy Paper 2001), Reports by the BNR 2000 and 2002.

Participants think that the population in rural areas is today poorer than it was 40 years ago. In addition, the debt towards industrialized countries is too heavy for national economies. Consulted groups find that mechanisms governing development aid and especially the logic of conditionality can in no way result into an economic revolution of poor countries. Besides, those mechanisms do not always meet the real needs of the population.

1.2 Possible solutions

Faced with the situation described above, Rwanda Government is trying to work out solutions. In fact, after the genocide, Government has committed itself to promote a favourable economic environment. Priority has been given to market economy, especially in the field of commerce and exchange rate, in order to enable the financial sector to mobilize as many resources as possible. With the aim of ensuring the development of commercial market expansion, Rwanda Government has opted for regional groupings like COMESA.

Security within and at the borders of the country is also essential for a good economic environment. This is the reason why Rwanda Government made it a priority as soon as the war was over. Mechanisms aimed at promoting investment and fighting against corruption were also set up. Moreover, strategies for poverty reduction, promotion of the private sector, job diversification and fiscal reforms were started. All these strategies are part of the Vision 2020.

This Vision consists in using all means so that Rwanda can be ranked among emergent countries like Singapore, Mauritius and Malaysia.

In order to achieve this goal, the Government of Rwanda intends to gradually achieve good governance, security, consolidation of the State's resources, control of demographic growth, and recapitalization of the rural world and monetization of the agricultural sector. Likewise, technology in the field of communication, regional and world integration together while reducing the dependence on external aid and reinforcing partnerships are among goals to be achieved by 2020. Therefore, activity planning in different fields is oriented to the realization of its objectives.

Rwanda Government is convinced that realizing these objectives will lead, at the same time, to lasting peace in Rwanda.

1.2.1. The national poverty reduction strategy.

Peace is a complex concept and multiple factors intervene to build it. Several groups pointed out that poverty is one of the main factors causing peace precariousness. In other groups, they are convinced that peace is impossible if there is no hope for every citizen to get the bare necessities of life. What should attract people's attention is the instrumentalization of poverty by bad leaders in order to fuel conflicts and keep power. However, debates do not provide a clear consensus on how to eradicate poverty. For many Rwandans, there is no convincing strategy to modernize agriculture and create outlets in order to make them really an exit.

Many groups have also debated development aid. This kind of assistance is a hindrance to development, as it does not make way for creativity. Its orientation must be revised so that it can really impact on beneficiaries.

It is especially worth noting that Rwanda Government has put emphasis on poverty reduction. To this end, it has set up a poverty reduction programme. A national poverty reduction strategy paper was developed and it shows short-term and medium-term planning aimed at solving economic challenges and achieving poverty reduction.

The paper was prepared drawing on many documents including the Vision 2020, participative poverty evaluation at the national level, the test of policies relevance, the survey on living conditions of households and utilization of public services. Population, health and food security surveys also played a crucial role in the elaboration of this paper. It identifies priorities and proposes a series of sector actions together with follow-up and evaluation indicators. According to their importance, six priority areas were identified: these are essentially rural development and farm product processing, human resources and economic infrastructure development, good governance, promotion of the private sector and institutional capacity.

At the end of its term, the National Poverty Programme became the Directorate of strategic planning and follow-up of poverty reduction. Apart from planning and follow-up activities, the directorate plays a role in mobilising resources through taxes and donors and reinforcing the Rwandan social capital.

Concerning taxes and internal resources, the Directorate shall carry out the analysis on the tax law and its application procedures, examine problems at the level of accounting in order to avoid fraud and, make a comparative analysis of regional economic organizations such as COMESA. Other actions are planned within the same framework among which, for example, analyzing the impact of the Common Development Fund, people's banks and microfinance programmes. Traditional sponsors including the World Bank, the European Union, the United Kingdom, Sweden, the Netherlands and Germany provide funds for the implementation of the poverty reduction strategy. Funds mobilized from donors are channeled through the

National Budget and are essentially invested in rural development projects, basic infrastructures and various support activities.

Emphasis has been put on putting in place capacity building mechanisms in rural areas. Examples include the case of Ubudehe[29] in Butare, establishment of a Common Development Fund (CDF), and small-scale farm product processing units (coffee, fruit) and projects to support income-generating activities (for instance PPMR).

Actions aimed at alleviating poverty are not well known by the poor population which cannot yet see their impact on their livelihoods. Many of them do not see the effort made by the State and consider these mechanisms to be theoretical if there is no materialisation of real development actions. There is no doubt that nobody has a miracle solution to poverty. However, the recent history of our country, marked with conflicts, shows that opportunist politicians use the context of poverty to manipulate different social groups in order to legitimate their power. How to get out of this fate? How to rebuild poverty reduction strategies based on real participation of the population which would actually imply improvement of its standard of living?

1.2.2. Promotion of the private sector.

The private sector was identified as one of the many axes of economic expansion and poverty reduction. Currently, most private activities are oriented in service delivery activities like trade, transport, banking and construction. Private investment requires some conditions among which a conducive judicial environment as well as sufficient territorial security. The leadership currently in office have endeavoured to ensure these conditions.

During the debates, however, many people wondered why food industry and tourism have not yet become development centres as both sectors have many investment opportunities. It was suggested to carry out an in-depth of this topic. It should be noted that within the framework of the promotion of the private sector and restructuring of national economy, Rwanda Government has made the strategic choice to create institutions that will enable them to achieve this goal.

In the same context of promoting and reinforcing the private sector, Rwanda Government decided to privatize most of public enterprises. These enterprises have always shown financial deficits due to mismanagement and have not attained expected performance despite granted advantages like customs protection against competing

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[29] Ubudehe: traditional system of solidarity

imports, tax exemption, preferential concession of markets and access to loans. Created as palliative to the private sector, public enterprises did not succeed in boosting the national economy but, on the contrary, were used as a tool to achieve personal and political objectives. In addition, everywhere in the world, privatization is considered as preliminary to sustainable economic growth.

Privatization programme is considered a good initiative in itself, but its supporting mechanisms did not allow to avoid bad effects that resulted from it. Participants have especially pointed out the problem of loss of job which is a consequence of privatisation and which has contributed to impoverishing more families for which the job was the only source of income.

Likewise, confiscation of land by enterprises has caused inevitable unemployment to part of the population that has only agriculture as their profession. During the debates, participants emphasized that buyers of State-owned enterprises are either personalities close to national leadership, or foreigners with a lot of money. The result is that these personalities recruit employees in the same circle thus creating a discriminatory situation prejudicial to social cohesion in the long run.

Likewise, dependence on buyers from rich countries is difficult to avoid because they are very often the only to have the required capital.

1.2.3. Employment

The State is the principal employer. In the year 2001, it employed 40,000 people. Wage earners, in general, during that year, represented 6% of the population. The labour market is not much known, but different studies show that about 4 million Rwandans are in the active age bracket. The majority are ac$_t$ually employed in traditional agriculture considered non productive as family labour or hire their workforce in farms (digging, harvesting).

The present orientation is to favour self-employment because the State cannot employ all job seekers. University students mainly emphasized the major problem which results from the lack of a common planning between training institutes and job providers which complicates the targeting of disciplines that are most needed on the labour market (sectors which lack competent employees, information about employment opportunities, existing expertise etc.)

The population is aware that, in a country with scarce natural resources, it is advisable to rely on human resources that can be developed. Participants in the debates appreciated the effort made by the Government in the field of education and suggest that priority be given to technology. Likewise, they contemplate opening the labour market in neighbouring countries and elsewhere in the world like some countries such as India, Senegal and many others. In rural areas, they suggested that emphasis be put on activities that require intensive labour to occupy the youth inclined to migrate into towns and that vocational training school-leavers be also hired.

In the near future, the problem of unemployment may become even worse: every year, universities and other high learning institutions send a big number of executives and technicians onto the labour market. This number is expected to increase further with the national policy of promoting private higher learning institutions. The problem in this field is undoubtedly to combine the human resources development strategy and the labour market which is still limited.

1.2.4. Fiscal reforms

Tax revenues represent a weak proportion of the GDP due to the limited number of taxpayers and the tiny part of marketable production. Tax administration and collection is the responsibility of Rwanda Revenue Authority (RRA), created by law N° 15/97 of 08/11/1997. Since the local government principle was established, RRA collects taxes destined for the Central Government. RRA has put a lot of effort in the improvement of administration and thus enabled to reach a big number of taxpayers. Revenues have ranged from 62.7 billion in 1998 to 94.6 billion in 2002; but the portion of revenues in the total budget has diminished from 58% in 1998 to 39% in 2002.[30]

Comparing the increase of revenues and services rendered to the community, the population says that it does not benefit from this increase, whether at the level of public infrastructures or at the level of basic services. On this matter, the population suggests that allocation of revenues take into account the interests of the majority of the population.

Although fiscal reforms have been carried out, the population thinks there are too many taxes (in number and rates). Taxes collected by Rwanda Revenue Authority are put in the Central Fund. With decentralization, the Local Government directly collects part of the revenues on its behalf. This covers the trade license, property tax, land tax and rental tax. Districts also collect taxes at the level of markets and trade centres. But, districts collect local taxes only in accordance with the law. They collect some non-fiscal revenues whose list changes from one district to another.

Political authorities maintain that the tax is not too heavy while the consulted population think that the present taxation is a heavy burden that slows investment initiatives especially for small businessmen.

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[30] Source: Rwanda Revenue Authority.

About taxes more precisely, the groups consulted either in rural or urban areas, raised some abnomalies in the current tax system. That is why, with the establishment of the value added tax, products subject to the tax on consumption which were formerly exempted from the turnover tax, are no longer VAT free. Moreover, the calculation method of VAT on imports applies its rate on other taxes. In fact, VAT rate is applied to the total sum of CIF [31] value, import duty, tax on consumption and bonding duty. It is hard to understand how one can pay a tax on a tax as if it were a means of increasing one's capital. This is contrary to one of VAT objectives namely the suppression of cumulative tax as was the case with the turnover tax.

They also pointed out that the beneficiary of a plot of land pays at the same time the property tax to the District and the rental tax to the City. Besides, it was noticed that non-trading travellers who come back into the country with goods bought from abroad also pay the interim payment of 5% on prospective profits of a trader. For traders, this installment is taken into account when the corporation tax is being paid. For non-traders, it is definitely received by the Treasury Department.

All these observations lead people to reflect about the quality of tax laws and deserve to be discussed between taxpayers and the Tax Department for a better tax legislation. That is to say a legislation that is financially profitable, economically motivating and socially fair.

1.2.5. Public investment

Government programmes are well conceived but their implementation remains questionable. In fact, the execution of the budget provided for public investments greatly depends on the generosity of the international community. External aid covers nearly 90% of the budget allocated for public investments. Everybody knows that disbursement procedures of most of sponsors are such that their slowness delays the mobilization of pledged resources. On top of this is the shortage of administrative executives highly experienced in mobilising external funds. Likewise, among the conditions, the Government is required to contribute to the financing of development projects. It is sometimes the case that Government simply has no resources for that. In that case, the disbursement of promised funds is delayed.

In order to find a solution to this situation, Government has set up a specialised service responsible for co-coordinating development projects, harmonising their financing and negotiating funds with different sponsors. Responsibility in the imperfect execution of the budget allocated for public investments is thus shared between public administration and sponsors.

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[31]CIF: Cost, Insurance and Freight

Apart from non-performance of the budget allocated for public investments, the consulted groups questioned the real impact of investments with regard to the population's expectations. They think that the spatial distribution is unfair in favour of towns and to the detriment of the villages. Moreover, they insisted on the fact that mismanagement and corruption are frequent in development projects.

What strategy should be worked out so that development programmes can also reach rural areas on the one hand, and what would be the contribution of the rural world on the other hand?

1.3 Land management

The vast majority of Rwandans live on their land. For this reason, land constitutes a source of almost permanent conflicts within the population. Conflicts resulting from land properties have existed since the colonial period with the introduction of cash crops such as coffee to the detriment of animal husbandry. This measure caused some cattle keepers to emigrate to Congo, Uganda and inhabited savannah of the East in the today's province of Umutara. The exile of Tutsis since 1959 caused new conflicts in connection with abandoned land properties.

During the first Republic, land management was the responsibility of the local administration (district) in accordance with the law of 23/11/1963, thus authorizing people squat the property of exiled people. In 1976, law-decree 09/76 defined procedures of purchase and sale of customary laws. With this law-decree, the State became the owner. From then on, land transactions required authorization from competent administration and a justification that one does not have a land property of at least 2 hectares.

During the 1970s, Rwanda experienced migrations again, they were internal this time. People left densely populated zones (Ruhengeri and Gisenyi) or less fertile zones (Gikongoro) to head East (Kibungo, Umutara and Kigali Ngali) in search for unoccupied and fertile land.

As population pressure increased, land appropriation conflicts appeared, first at family level among heirs, then between farmers and cattle keepers. As an indication, when one considers the complaints lodged with district authorities, one notices that about 80% are related to land.

After the genocide, land conflicts are far from being solved. The Arusha Peace Agreement provided for reinstallation of repatriated people in regions of their own choice. This Agreement requested the Government to give the land that was not occupied by individuals to any refugee who had spent more than 10 years in the country of asylum, because he/she lost at the same time the right to recover his/her property. Thus essentially cattle keepers occupied part of the Akagera National Park in the East and Gishwati Forest in the Northwest. Others temporarily occupied plots of land left behind by victims of the genocide and 1994 refugees. Later on, they were

settled in villages. Others are still waited for resettlement. Their close relations, mainly in rural centres and towns, cater for them. Many vulnerable families met particularly in Kigali City and in rural centres seemed to make the State responsible for their not having found a piece of land, the only means of production they can exploit. These are people with no diploma, no profession or are unable or not willing to find a job in town.

The problem of land management was the subject of very intense debates especially in rural areas. In some places, local authorities ordered the sharing of about that decision. The question is to know why this principle of sharing has not been promulgated in the form of a law to be applied nationwide. And, in addition, why can people share land without taking into account other properties mainly the livestock thus respecting the principle of equity? The confiscation of land from former tenants and from genocide victims in public interest (construction of imidugudu[32]) has also been debated. With this decision, some people lost part of their land without any compensation. This worsened the situation of conflict about land.

Likewise, developed marshlands have always been the object of desire because they offer an opportunity to have a fourth agricultural season. During the dry season, due to lack of irrigation techniques, continental cultivation is impossible. According to the population, marshlands are more and more invaded by cattle keepers from better-off groups for fodder growing and preparation of watering places. In several regions, however, the population used to preserve cuttings of sweet potatoes in marshes and could benefit an extra harvest which served to bridge the gap between seasons.

In town, the population thinks that the Government does not act fairly when it authorizes some influential persons to buy, at very low prices, land properties occupied by the poor population. Derisory sums given in exchange and calculated regardless of the cost of living, cannot enable this population to acquire new properties to live on. Therefore, participants wonder if the poor have no freedom of city.

A draft law on land was initiated to address different challenges related to land management. However, some people wonder if this law is capable of solving the complexity of land management, considering the rapid population growth and rural depopulation.

How to harmonize demographic factors with the economic environment? What strategies can be used to modernise agriculture, the foundation of economy, with a view to improving productivity?

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[32] Imidugudu: agglomerations; grouped habitat in opposition to scattered habitat.

Farmers live only on their land. The better-off citizens covet the same land. How to set up mechanisms likely to protect land rights, giving priority to those who live on land only?

1.4 Food security

Food security was listed among the first three preliminary conditions to sustainable peace, together with good governance and security. Arable land is estimated at 1.3 million hectares of which 70% are exploited. 2/3 of the rural population have less than 0.71 hectare, equal to the minimum threshold of production to feed a household with an average of 6 persons.

In terms of availability, farm production suffers from the lack of land fertility due to population pressure. In some regions of the country, land is overused due to high density, up to 1000 inhabitants per km^2. Food supply constraints are mainly due to the bad state of roads, which discourages carriers and thus isolates farmers. Destruction of trade centres and sales counters by the genocide, the small number of traders and high transport costs make the situation even worse.

In 1996, a study on identification of vulnerable groups (FAO/MINAGRI) showed that 12% of Rwandans, that is 840,000 people, were vulnerable, unable to ensure their own food security. With a view to solving this problem, consulted groups suggest that the Government, in collaboration with the private sector, put in place credit access mechanisms. The rural credit would enable poor households to invest in family businesses in order to increase their income and gain marketable surplus.

The consulted groups think that the establishment of mechanisms to regulate prices and avoid traders speculation would be an advantage for producers in rural areas. If food security is ensured, the implantation of agro-industrial units would increase the value added to production. This would make it possible to create new jobs and increase revenues.

These groups also suggested that feeder roads be repaired to facilitate access to the national road network and thus reduce transport fees. Besides, evidence collected throughout the country confirms the existence of localized overproduction while other regions suffer from food shortage. This situation is discouraging because food overproduction seasons are followed by months of scarcity. Short-term corrective measures proposed by the population include the purchase of the surplus by the State for areas hit by shortages, for prisons, schools and orphanages. It is also important to inform traders about the availability of food products in those regions.

The precarious economic environment, the shortage of arable land and selected seeds, the lack of fertilisers, inadequate diversification of crops and the bad state of roads are not likely to achieve food security in our country.

How can we, in such a context, find adequate mechanisms to ensure food security for all and gain a surplus destined for agro-industry?

1.5 The rural credit

In spite of an economy undergoing profound changes, evolving regulations and legislative framework, the capacity to retain savings and distribute credits to many farms and animal resources projects in rural areas is still weak. Commercial banks are not much involved in rural credit programmes. For consulted groups, there a series of reasons including the credit transactions in rural areas that are highly risky for the classical banking system, real securities that are difficult in rural areas, administrative costs of files considered to be high by banks and lack of knowledge on the capacity of savings mobilisation in rural areas. With a view to supporting efforts aimed at mobilising savings, the National Bank of Rwanda has just set up a regulation framework. It is hoped that in the future, harmonisation of methods, a legal framework for the protection of savings and credit operations, a better organization of participants and increased mobilisation of financial resources will remove these obstacles.

As regards micro-credits, an interesting experience is being conducted. In fact, the National Poverty Reduction Strategy Paper places the micro-credit at the centre of actions that can help very poor households, economically active, to improve their livelihoods. In principle, a decentralised effective financial system would enable the private sector to have an easy access to financial resources in order to boost productive investments and thus create jobs. With regard to Rwanda Development Bank, consulted groups see it as another commercial banks, because the selection of credit beneficiaries and their interest rates follow the same criteria.

Mobilising savings and granting credits to finance income generating projects for most vulnerable population remains a field of development projects initiated by NGOs and, to a lesser extent, by the Government using foreign financing (loans and grants). Results have not always been satisfactory. On the one hand, for a long time, the credit has been mistaken for humanitarian assistance and grants, distributed to vulnerable people during emergencies. On the other hand, NGOs did not have either an approach to promoting savings or a credit system capable of generating profits.

Suggestions aimed at encouraging the Ministry responsible for NGOs to better control and evaluate their programmes on a regular basis because they spend a lot of funds in administration to the detriment of real actions on the field. Community Development Committees are also pointed at; they use corrupt practices and show favouritism in their selecting credit beneficiaries.

Rehabilitation of the economic sector requires capacity building, good management of the *res publica,* adaptation of the tax system to the living standards of the population, promotion and support to private initiatives in rural areas, creation of mechanisms that facilitate access to credit and diversification of jobs.

Social reconstruction will greatly depend on economic stability and fair sharing of the national revenue. Economic rehabilitation with no impact on both the standard of living and the welfare of the population would certainly not result in rebuilding sustainable peace. Sub-chapter two presents achievements in the social field after the genocide. It also presents an appreciation of social reconstruction efforts.

Sub-chapter II: Social reconstruction

One of the challenges that Rwanda was confronted with after the 1994 genocide is to address the serious consequences that resulted from genocide. As far as education is concerned, 102,290 school age children could not return to school due to lack of means. As for health, about 3,000,000 people among genocide survivors could not pay their medical care. The majority of them showed signs of psychic trauma, at least 13,000 people were seriously wounded, about 7,000 were made blind or deaf, at least 500 among them had lost one or both limbs, others needed a transfer abroad to receive more appropriate treatment.[33]

Among vulnerable groups, we must include one-parent families with a lot of children or having welcomed many orphans. Several families repatriated from exile had no means to settle down again in a country they had left for many years. Likewise, people displaced by war, households with one or two persons in prison did not have any capital to restart productive activities (agriculture, commerce).

To face this situation, the Ministry of Resettlement and Social Reintegration[34] responsible for the execution of the repatriation programme and the construction of shelters for thousands of homeless people, was created.

In the same line, the Ministry of Social Affairs [35] was put in place and entrusted with the heavy task of integrating unaccompanied children in different programmes, mainly family reunification, placement in orphanages, finding foster families and assistance to child headed households.

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[33]MINAMOC: National policy concerning orphans and other children facing problems.
[34] This Ministry does no longer exist, but directorate responsible for resettlement depends on MINERENA.

Genocide survivors represent a vulnerable group requiring the development of a special assistance programme. Within this context, a genocide survivors support fund, abbreviated FARG in French, was set up. It mainly contributes to education and health care of vulnerable. An education fund to assist vulnerable people was also created; it is now run by the Ministry of Local Government, Information and Social Affairs (MINALOC). to the emergency.

Both funds are presently managed in a decentralised way at district level. As Rwanda alone could no not face this unprecedented catastrophe, it appealed to the international community in order to find an efficient solution Among urgent activities were, among others, support to vulnerable groups, meet health requirements, demobilisation of soldiers and their integration as well as repatriation of refugees.

2.1 Refugees

The problem of refugees has a specific importance in Rwanda's history. On several occasions, debates on key questions to condition national stability in particular and regional stability in general, were organised. Since the early 1960s, Rwanda has had the biggest number of refugees on the continent. In fact, there have been several waves of refugees: 1960, 1963, 1968, 1973, 1990 and 1994. This has generated periodical conflicts that have marked the history of the last 40 years of our country. The regimes which succeeded one another in Rwanda did not consider the refugee as a priority.

This situation resulted in the 1990 war which showed the determination of Rwandans of the Diaspora to recover their fundamental right to belong to a country. The lacks of political will to work out an appropriate solution to the question of refugees was followed by an intensive campaign in favour of ethnic hatred which still characterises relations among different social groups.

During our consultations, many people commended the political will shown by the Government of National Unity to create conditions conducive to repatriation of all refugees.

In fact, following the RPF's military campaign to stop the genocide and take full control of the country, an unprecedented wave of refugees fled to neighbouring countries, especially to Tanzania and former Zaire. Some fled for fear of reprisals, but a big proportion of people were taken hostage by soldiers and authorities to legitimate their power in exile and practice the scorched earth policy under their cover.

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[35] Social affairs are now a matter of MINALOC.

3,261,218 people were repatriated till December 2002, and among them former Rwanda's armed forces and Interahamwe militia, from the DRC, Tanzania, Burundi and Uganda.

Presently, there are agreements to repatriate refugees living in Zambia and Malawi a project of agreement with Congo Brazzaville exists and contacts with Uganda are in progress and soon they will be initiated with other countries that have received Rwandan refugees. According to the Co-ordinator of the Repatriation and Socio-Economic Reintegration Programme, there are still about 70,000 people to be repatriated.

However, many questions were raised during the debates. The presence of armed groups in neighbouring countries is a short-term and long-term threat against peace rebuilding. Likewise, the flight of politicians to foreign countries is a serious problem that needs to be discussed further. In fact, the same politicians keep making comments' that are not necessarily in the interest of the country.

Contradictory views were noticed during the debates on this matter. For some participants, there is no clear and sincere will to hold dialogue between the leadership and the political opposition living abroad. However, non ambiguous gestures have been approved by the authority for a real opening with Rwandans living abroad. This concerns mainly summits on unity and reconciliation in which all Rwandans are invited. Different discussion groups, mainly in rural areas, remained ambivalent on the question of refugee repatriation. They wish this problem to be definitely solved to ensure security for all but, at the same time, they fear the implied demographic on land that is already insufficient. Likewise, some people think that the authority is unfair in solving the problem of refugees. The Government cares more about 1994 refugees because they constitute a threat and much less about refugees of between 1959 and 1990, who also need to be repatriated.

Rwanda's conflict has shifted to the DRC, where Interahamwe militia who settled there after their flight threatened Congolese of the Tutsi ethnic group. These populations have been granted asylum in Rwanda where they have been placed mainly in different camps in the North and West of the country. This shows that all the populations in the region are concerned with the complexity of the security in the Great Lakes.

A sustainable solution to the issue of regional security will also be a reliable solution to the problem of refugees.

The history of successive conflicts in Rwanda which reached its climax with the 1994 genocide has direct connection with the way in which the problem of refugees has been handled by different powers that have followed one another.

These conflicts are also related to struggles for power that have always used the ethnic divide.

In such conditions, what could be done to find mechanisms to create communication bridges between Rwandans living inside the country and those living abroad?

How to engage Rwandans of the diaspora in setting up a framework of permanent dialogue on various challenges that the country faces, but also how to organize an interactive dialogue of inland citizens on questions raised by those living outside the country ?

2.2 Vulnerable groups

The phenomenon of vulnerable groups has amplified in the post genocide context. The solution worked out by the State to meet this problem was at the centre of debates during our consultations. The living conditions of many genocide survivors are so bad that they cannot afford health care or pay their children's school fees, the Fund for the Support of Genocide Survivors was created by law n°02/98 of 22/01/1998.

This Fund is supplied with State's own revenues (5%), contributions of employees in the public and private sectors, and assistance from international community. Rwanda Government has also set up a fund to support other people in need. This fund is supplied with money from State's ordinary budget and managed by MINALOC.

Assistance to the needy raised a controversial debate among groups. For some participants, there is no logic in supporting the existence of two assistance funds that, naturally, establish discrimination between vulnerable people. In fact, the majority of FARG assisted persons are vulnerable genocide survivors who, therefore, belong to Tutsi ethnic group. The MINALOC - managed education fund assists very poor children, mainly Hutus and repatriated Tutsis. However, the State has taken part in planning and implementing the genocide. It is then natural that it assumes its responsibility towards the survivors. Were not Tutsis targeted by the genocide? Denying this implies denying the genocide.

There are many factors of division in a context like that of Rwanda. On the other hand, the genocide is a degrading act against which the society must organize itself to repair the damage caused and set up prevention mechanisms. A thorough debate seems inevitable in order to reconcile these two positions.

The long period of war and the intensity of massacres during the genocide left a lot of elderly people without any kind of family support, widows and unaccompanied children. Similarly, the cruelty and war that lasted for a long time left many people physically disabled estimated at 269,690 in 1995 according to a survey conducted by MINIPLAN.

2.2.1 Street children

The phenomenon of street children is not new in Rwanda. Old people recall the case of children who used to wander about villages known by the name of << ingegera >> from time immemorial. The difference today lies in the gravity of the phenomenon and its causes have increased. A study of the phenomenon of street children carried out in 1997 by the Ministry of Youth, Culture and Vocational Training, in collaboration with UNICEF, confirms the anxiety of the population about this problem. The study found 3000 street children in Kigali City alone of which 80% went to the street after the genocide. Among structural factors, one can mention poverty in both rural and urban areas and the educational system which is very restrictive after primary education. Economic causes are more the result of the war and genocide. The hardship of families, often with one parent left, does not facilitate the creation of an affectionate atmosphere that is required for children's development. Children who are victims of emotional deprivation run to the streets in search of company.

So far, there has been no appropriate long-term strategy to handle this phenomenon which may jeopardise security later mainly in urban areas. In fact, the few initiatives in connection with street children are carried out separately with no effort of coherent co-ordination. A number of attempts backed by UNICEF and concerned Ministries have been undertaken with a view to solving the problem of street children. The aim was to take these children by force from the street to reception centres in order to teach them different skills with a view to facilitating their future integration in society. This initiative ended in failure because most street children think that they should be involved in the elaboration of projects destined for them.

In any case, any initiative to solve the phenomenon of street children must take into account each child's background and the deep disruption of these children's personality following a particular way of life in the street. It is difficult to understand why children can prefer to stay in the street instead of joining institutions adequately equipped to welcome them. Street children are organised in structured groups with highly hierarchical and binding rules that are worth studying closely before setting up projects affecting such children. It is also necessary to analyse the responsibility of inhabitants of towns who support those street children. In fact, people need their services in various situations especially drug trafficking and cheap labour. On the other hand, these children cause such insecurity against goods and properties in towns that people have to fall back on them to watch over those belongings. As an example, one can mention the security of cars in parking lots.

Is it possible to establish durable security which would not include an adequate programme to take care of street children ? Participants recalled that this situation is a true time bomb because idle young people were used as an efficient instrument in the execution of the genocide. Current initiatives have not been successful, so it is necessary to analyse the causes and suggest appropriate solutions.

2.2.2. The Batwa

The Batwa are one of Rwanda's three ethnic groups and constitute a minority group according to existing literature (between 20,000 and 27,000 people). Pressure on forests where the Batwa collected a big portion of their food (hunting, crops) has changed their habits. The Batwa maintain that, as farmers and cattle keepers kept invading forest where they used to live, their men have served as manpower for Hutus and Tutsis (caretaking, weaving, etc..) and, therefore, the Batwa gradually lost their income borne by the forest. They are scattered everywhere in the country and live in small groups of about 50 households.

Traditionally, owning land was not a big issue for Batwa community, because they used to wander about in search for new hunting and picking areas or in search for clay for pottery. This explains why many Batwa have no farmland in the same way as Hutus and Tutsis and do not settle definitely in any given part of the country.

According to a study conducted by Benon Mugarura and Anicet Ndemeye, only 1.6% of Batwa possess arable lands while 91% have no access to education. This explains the utter poverty in which the majority of Batwa live and their little participation in economic and political life. They are actually subject to violation of their rights and discrimination because of their demographic minority, their economic low level and their precarious social status.

One of the questions that attracted attention during the consultations is the discrimination exerted on this group of Rwandans and which seems to be easily accepted by the remaining other ethnic groups.

In areas where the Batwa took part in the debates, this discrimination was so violent that we should all feel concerned. This group has been marginalized for scores and it is unthinkable to achieve their integration without implementing specific programmes taking into account their historic and socio-economic realities. Concrete proposals have been made during the debates with the Batwa, especially the setting up of a programme aimed at devising new income generating projects to enable them to depart with their old fashioned professions.

According to CAURWA (the Community of Autochthonous of Rwanda) only 5 Batwa are attending university and 45 are registered in secondary schools with the support of this organization. The schooling programme for Batwa must consider the fact that, having been marginalized for decades, they eventually got caught up in inferiority complex and many think they are really inferior to other people. Thus sending them to school is not sufficient; a coherent and active accompanying programme is necessary.

In April 2000, the National Commission for Unity and Reconciliation recognised that the Batwa had fallen into oblivion and that particular attention should be

paid to them and requested positive discrimination in their favour especially in the areas of education and health.

Concerning their representation in the political arena, they think they should be granted the opportunity to choose their own representatives in the leadership that must be as close to their realities as possible. Where these are appointed by the State, they are often people that largely stand apart from the group and, therefore, do not serve its interests. Of all regimes that have succeeded one another to the present time, no one has really shown concern about this small minority. Only King Mutara Rudahigwa had started an integration programme for this group, which was not pursued by his successors.

We have noticed, in this group, worries about the threat of extinction. While the country must face a rapid population growth, members of that community keep decreasing in number. This is due mainly to the lack of access to medical care and to intra-family marriage which is the cause of a serious problem of consanguinity.
Is it conceivable that, in the 21ˢᵗ century a group of humans be marginalized to such an extent? What inciting measures can the Government of Rwanda adopt in order to integrate the Batwa in the political, economic and social life? What kind of sensitization messages must be formulated to facilitate their integration?

2.3 Gender

Rwanda's Government has adopted a national gender policy aimed at promoting Women through law reforms on all forms of discrimination against women. Incentive measures have been included in education policy and in the new Constitution of Rwanda, particularly as regards women's representatives in decision-making bodies. It is in this context that law n°22/99 of 12/11/1999 on marriage settlement, succession and donations was enacted. In its Article 50, it gives ownership right to all legitimate children in equal portions without any kind of discrimination whatsoever between male and female children.

In the past, succession referred to the custom which granted the right of succession only to male children. Changes brought about by the new law upset habits of the population, including women, and its application gives rise to problems. In patriarchical system, the husband who is the head of the family must manage household property and succession is passed on from father to son. Complaints of the population are based on that custom which states that descendants of the son are taken as full members of the family whereas descendants of the daughter are recognised by her family-in-laws.

Discussions on this problem raised many questions especially in rural areas. Interviewed people are surprised that the State is interfering with family affairs which have been legitimately managed by the custom for centuries. They think that implementing this policy, mainly with regard to succession, may generate conflicts

between and within families. According to them, the custom protects the family, and this law as it stands, may not preserve women's rights particularly in rural areas.

As an example, participants raised the scenario in which a woman from the clan of Banyiginya who is married in the clan of Bagesera is, in principle, considered as a member of the Bagesera tribe. They saw no reason why children of Bagesera tribe would inherit from Banyiginya. In such conditions, it is difficult to avoid conflicts among cousins. In rural areas, surprisingly, men and women defended the same position on this issue.

In urban areas, however, women welcomed this policy which recognises equality between men and women. During the debates, some male participants said that, by nature, the Rwandan custom on this subject gives the women a leading role in family management. So this law came to weaken this ancestral virtue. However, even if women's position in the household was clearly ensured by the custom, it was not the case in professional life and in the political management of the country. The application of this law is going to establish the principle of equal opportunity for everyone.

Moreover, during our consultations we noticed that local authorities, otherwise supposed to lead the population, do have not a genuine understanding of the law and interpret it differently. The population sometimes has incomplete information or they simply ignore that the law exists. Changing mentality is a process which requires a relatively long period of time. The "gender" policy must be included within this context and accompanied naturally by efficient and functional sensitization strategies.

2.4 The role of Education in Social Reconstruction

Nowadays, education is essential for the development of social capacity required for economic integration and to adapt to the requirements of the labour market either inside or outside the country. Emphasis must be put on efforts made after the genocide in formal and vocational training.

Public and private secondary and primary schools have resumed their activities and new ones have been built. The National University has re-opened and other universities both public and private have been established.

Despite all these efforts, there is still a long way to go. Shortage of resources both human and financial does not allow to meet all needs in this area. However, education remains the only sector where the population appreciates transparency in the procedures for admission to higher learning levels. Competence is the only criterion of access.

However, some obstacles were pointed out during the debates. The lack of adequate structures was mentioned. In some areas, classes still take place in the

open. Shortage of educational material and school equipment is a handicap to the quality of education.

On top of this, there is low capacity of secondary schools, which has a big impact on delinquency. Children, and they are still many, drop out of school when still young and are exploited in building sites, tea plantations, transport of bricks and food products. Those who cannot find jobs wander about in towns and rural centres, where they live on begging and theft. It was also pointed out disparity between genders and statistical data confirms this situation. In 2000, of 25.7% who passed secondary school entry tests, 78.2% were boys and only 20.1% were girls[36]. In 2001, of 26.07% who passed, 79.9% were boys while girls represented only 20.1 %. This is due to the fact that many parents prefer sending their boys to school rather than girls.

Poverty is also one of the causes of drop-outs for many children at all levels of education. At primary school, poor parents keep their children at home for housework. At the level of secondary school, many poor children do not have access to this level or are obliged to stop half way for lack of school fees and school equipment. The National University is very selective; many young students stop their training at the level of secondary school because they cannot afford to pay the school fees charged by private universities. Presently, there are many of them in rural areas who have gone 3 to 4 years without a job[37].

The population sees school education as a means to achieve socio-economic development. However, formal education is not accessible to all. It would be good to develop vocational training schools capable of receiving a bigger number of young people.

This approach could be helpful to a good number of hopeless young people in the future.

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[36] Frank Barbaro: Disparity in education (MINEDUC/UNICEF), 2002
[37] IRDP: Consultation in Cyeru district/Ruhengeri

2.5 Health

The health sector was severely damaged during the war and genocide. Health facilities were destroyed and human resources affected. Everything was to be reconstructed in the aftermath of the war, but is it possible to repair all the damage caused by the cruelty of genocide?

Rape was systematically used as a weapon of war. One can imagine to what extent it is difficult for the society to manage serious consequences related to it.

The spreading of AIDS found an auspicious ground and the management of the resulting consequences is a big challenge difficult to remove as long as the victims cannot rest on any family foundation. The wrong perception of AIDS in several rural areas was quite surprising. For rural people, AIDS is a problem of urban populations whose manners have deteriorated and who have financial means to get involved in debauchery. Every debate on sexuality comes a cross a lot of resistance, especially in traditional environments. There is still much to be done in the promotion of condoms.

The population thinks that only abstinence should be put forward, other means are an invitation to debauchery. The influence of churches, especially the Catholic Church, is just not likely to make things easy. The problem is then to know if a policy of prevention which would not include the use of condoms would bring about efficient results.

The fight against AIDS is among Government's top priorities. Many initiatives are under way, but face a non-negligible resistance relating to traditional beliefs. The prevalence rate, estimated at 11%, does not drop despite incontestable political commitment. How to combine traditional beliefs and imperatives aimed at eradicating the scourge of AIDS? How could current initiatives be made more functional?

Socio-economic reconstruction requires preserving population's health as a prerequisite. However, health costs are very high. In a bid to address this problem, Rwanda Government policy is to encourage the setting up of health insurance schemes across the country. Similarly, a Health Insurance Scheme, abbreviated as RAMA, in French, was founded in favour of civil servants.

These initiatives are a partial reply to individual and family emotions related to psychic trauma which followed the genocide. This phenomenon is a handicap against professional efficiency of those suffering from it. Likewise, family and social functioning is severely affected by the vulnerability of its members.

During our consultations, indicators of trauma constantly underlay the context of debates and many phenomena were noted here and there. Sometimes the

discussions had to stop because the group could not stand individual suffering of a participant. Sometimes, the discussion turned into endless verbal violence to put into real form intrinsic tension of the group. Sometimes some participants left the group to be lost in their past both far and near at the same time.

Here, it might be useful to recall the case of a female participant who, during a debate in the Southwest of the country, got lost in her thoughts, with tears in her eyes, when the group embarked on a tumultuous debate concerning the truth in Gacaca prosecutions. This participant lost all the members of her family who were killed during the 1994 genocide. Her husband, a Hutu, is accused of genocide and has been in detention since 1994. Whom does she belong to? To her family of origin which no longer exists if not in her painful memories? Or to the family of her husband accused of genocide, and whose ethnic group is guilty of having killed her brothers and sisters? The sad and embarrassed face of this woman expresses precisely this internal conflict. When she spoke, she simply said, "Gacaca jurisdictions should be hastened so that I can know the truth and that my heart can recover peace".

We witnessed at once the devastation that can be caused by violence, but also the image of psychic trauma which is difficult to express in words. Dialogue between persons will always be mere pretence as long as appropriate solutions are not worked out to meet the problem of trauma from which many persons are suffering, especially genocide survivors. Likewise, it is difficult to involve people having this kind of suffering in the process of reconstruction. Initiatives agreed upon to solve this problem, all the more complex, are still limited.

Many events, at national, community, family and individual levels recall the past and constantly awaken psycho-traumatic signs for some people. Participants recalled especially the yearly national mourning, popular Gacaca prosecutions or even personal conflicts.

It is illusive to reach the level of satisfactory development if a big number of citizens are under the weight of traumatic suffering. What are adequate mechanisms that must be set up? Trauma is not first of all a medical problem; it is above all social. How can the community and families be involved in strategies to solve this problem?

2.6 Demobilisation and Reintegration

The Demobilisation Commission reported that 16,125 RPA soldiers have been demobilised and integrated in civilian life. Financial assistance allocated to demobilised RPA soldiers consists in payment of 360,000 Rwf per person to cover staple needs for 10 months.

Veterans who are willing to live in rural zones are provided with a housing estate and a micro-finance programme for those who want to run micro-enterprises. Support for the demobilised also includes vocational training and health care.

Out in the countryside, integration of demobilised soldiers seems a bit difficult. The amount of 360,000 Rwf is received in installments, which prevents them from investing in profitable business or acquiring accommodation. Those who do not have family support or education level which can enable them to get a salaried job live in extremely difficult conditions and are often implied in drug-traffic and theft in towns or trade centres in rural areas. Many demobilised soldiers are disabled and cannot run profitable activities. Some of them still need health care for a long period. For these cases, the population proposes comprehensive care by the State. In addition, those who have chosen to live in rural areas have no land. Participants suggested that a housing estate be offered to them from State-administered property as it was done for 1959 old case refugees who did not have the right to recover their land.

Finally, in town, the population thinks the State does not do enough to support demobilised soldiers to help them find either jobs or loans to settle down on their own behalf. The Arusha Peace Agreement provided for the integration of the Rwandan Patriotic Front (RPF) and Rwandan Armed Forces. Till 2001, about 15,000 ex-FAR members had been integrated in the Rwandan Patriotic Army and about 20,000 ex-FAR members had returned into their communities after spending a month in solidarity camps where they were sensitised about reconciliation.

The National Poverty Reduction Strategy requires reducing the army down to 25,000 soldiers, which will save money in favour of poverty reduction. However, economic problems still remain; funds for social reintegration might be enormous if we consider the number of soldiers to be demobilised. The low capacity to create jobs and the lack of professional qualifications should not be looked down either.

Some ex-FAR soldiers integrated in the national army, are thought to have participated in the genocide they are not being prosecuted. How could the need for national reconciliation be combined with the need for justice? The country is located in a region of conflict high intensity, which requires mobilisation of soldiers able to take up the challenge. How to reconcile security requirement and the need for demobilisation? In the same context, mass demobilisation without any sufficient accompanying mechanism constitutes a major risk of insecurity within the country. In a country with limited resources, how can demobilisation policy be implemented optimally?

CHAPTER VII: THE ROLE OF THE CIVIL SOCIETY, DIASPORA AND MEDIA

7.1 The Civil Society

Today, the concept of civil society is in fashion. Our consultations helped us to point out the difficulty to define this notion of civil society. What is it by the way? Does it consist of associations with socio-economic objectives, associations for the defence of human rights, urban and rural cooperatives, or other non-statutory or religious structures?

NGOs played a very important role during the emergency period and run mainly the following actions: support for activities conducive to access to basic goods and services by the population, support for production activities and for income-generating businesses, reinforcing economic, social and political capacities (training, internships, seminars, conferences), defence for human rights, gender and peace.

According to part of the groups we met, the civil society is first expected to be the driving force in socio-economic reconstruction of the country. It would be good that this civil society become auxiliary to the State by getting involved in the reconstruction programme. The problem is to know how the civil society can avoid political manipulation in order not to serve interests of the leadership in such conditions.

However, a civil society worth of its name must be organised in a way to be a true anti-establishment force vis-à-vis the State's control. Power without safeguards is bound to be authoritarian at the end of the day. The civil society could play that role by building its force through associative movement which can serve as the vehicle for people's thoughts. This vision, however, raised the question relating to the delimitation of its role with that of opposition political parties, of which it may be an instrument. Some people think that the concept of civil society is an invention of Western powers to keep their control on developing countries. Through the civil society, those countries have easy access to the information they need to keep their heavy hand on developing countries. The civil society could not function well outside the financial assistance they get from developed countries and of course they cannot easily get rid of their control either.

The State recognises that associations have the skills to organise and analyse problems in a participative approach and many achievements in several sectors and in remote areas of the country. According to MINALOC, the State recognises the lack of adequate support for NGO's actions. However, the State is worried that the NGO leadership may act out of self-interest to the detriment of target groups or work in one direction to meet the requirements of their donors without worrying about the interests of the country.

Again according to MINALOC, non-governmental organisations can play an important role in the democratic process and make constructive criticism while supporting the Government's policy at the same time. MINALOC gives the example of NGO's programmes implemented at grassroots level involving CDC (decentralized Community Development Committees). MINALOC defines the State's role with regard to the civil society in terms of legislation, agreement and definition of the working policy of non-governmental organisations, follow-up, evaluation and control of their actions. According to Government, the civil society must play a role of articulation and not of intermediation between the political power and the population.

The major challenge is to wipe out the suspicion existing between NGOs and Government. The latter accuses NGOs of not having room for manoeuvre when it comes to making decisions regarding their interventions and the risk of being used by their donors. On their part, NGOs accuse the Government of Rwanda of not willing to associate NGOs to the decision-making process and not recognising their capacity to execute government programmes, as is the case in developed countries.

The civil society is caught between the devil and the deep sea. On the one hand, the leadership expect them to play a role of articulation with regard to various development policies intended for the population. The civil society would like to play the role of intermediation between the State and the population in the execution of projects in which the role of the Government would be limited to giving guidance. On the other hand, donors intend to use the civil society to exert indirect pressure on Government and have easy access to the information they need. In some circumstances where donors are not on good terms with the State, they support the civil society to the detriment of the State without worrying about the interest of the population.

Logically, the civil society should take care not to be used neither by their sponsors nor by Government. It should set itself up as a defender of people's developmental interests and of human rights but it should also play the role of an anti-establishment force to prevent possible abuse of power.

In a society torn by conflicts and which largely depends on international aid, how can the civil society organise itself and become functional while freeing itself from the control of developed countries and without being an instrument of the political power?

7.2 The Diaspora

The word "Diaspora" means dispersal of a people or some of its members. At the beginning, the term was used to refer to all Jewish communities that had settled outside their country. In this document, the Diaspora will refer to all Rwandans who live and stay abroad for various reasons.

The Rwandan Diaspora has existed since the 1940s when, due to economic reasons, Rwandans went to work in mining fields in Katanga (Congo), in tea and sugarcane plantations in Uganda and Kenya. With the political events of 1959, thousands of Rwandans sought refuge in neighbouring countries (mainly Burundi, Uganda, Tanzania and the Democratic Republic of Congo). In the aftermath of the genocide, about 3,000,000 Rwandans left the country to seek refuge in neighbouring countries.

Apart from refugees, there is a considerable number of Rwandans who have settled all over the world for economic reasons, studies or other opportunities.

During our consultations inside the country, the role of Rwandans living abroad in the genesis of past conflicts was a subject of intense discussions. It would be illusory to conceive any peace-building project without involving the diaspora. Armed conflicts are often launched from outside the country and the internal population must suffer from resulting consequences. However, pointing at Rwandans who live outside is a way to escape from one's own responsibility and ignore the capacity of the community to refuse to be manipulated by those who aspire to power. If Rwandans inside the country manage to build functional unity, external instigations to conflict will be less effective.

Belonging to one nation is a sufficient reason to make appropriate efforts in order to integrate the diaspora in building sustainable peace.

We extended our consultations outside the country with a view to preparing a deeper dialogue during our future research in order to be as close to suggestions collected in our consultations in the country as possible.

We started by Switzerland and Belgium given the important number of Rwandans living in those two countries. Most of the questions raised by Rwandans of the diaspora are similar to those discussed with Rwandans inside the country. Below is the summary of major issues that were the subject of a heat debate.

For Rwandans of the diaspora, it is not easily understandable that the government in power with an obscure agenda in mind did not mastermind a peace building initiative launched from inside the country. In this context, we had a lot of difficulties to gather around the same table Rwandans with conflicting political visions. The suspicion perceptible at all levels inside the country is even stronger among Rwandans of the diaspora.

However, after intense contacts to minimize suspicion, debates were held and many key questions discussed. It was not easy to control emotional intensity that characterised many debates. The political dimension was high on the agenda of discussions that were very often controversial.

For some participants, Rwanda has never had legitimate power: all leaders take power by force or by a coup. Legitimacy is acquired through free and fair elections.

During the first Republic, President Kayibanda was assassinated following a coup because there was no alternation mechanism. During the second Republic, President Habyarimana, a single candidate, from a single party succeeded to himself till he was assassinated in 1994. The FPF took over power by force.

The new Constitution clearly provides for alternation mechanisms. Presidential and general elections were organised in this perspective. Is this the first move to get rid of the culture of violence in the struggle for power? Emergence of ethnic quirk during electoral campaign is a clear indication that the journey to participative democracy is still long.

Rwandans of the diaspora think that absence of an internal political opposition cannot make room for a reliable democratic process. Elections organised in a context that does not make room for political opposition do not ensure true democracy. Competition for power is only possible when there are political opponents with different projects for the society. They think that, in present conditions, RPF, through the forum of political parties, has managed to have the upper hand. In such conditions, elections cannot have no other objective than confirming, for RPF, a power that it already has.

Nevertheless, the legitimacy of power is expressed through the commitment of the Rwandan leadership to work for the population. Genocide was committed in Rwanda and the international community did not lift a finger. Using the force of weapons, the Rwandese Patriotic Front managed to restore law and order in the country and secured its borders. Right from the start, RPF invited other political parties to take part in the management of power. It is then natural that its influence be predominant during the post genocide period as it did not opt for the policy of exclusion.

We also held discussions on the freedom of speech. Absence of the right to critical speech is an indicator of a dictatorial regime. In Rwanda's context, some political leaders flee the country, which might be seen as absence of political openness.

Some people, however, wonder whether the motives pushing people into exile on a permanent basis are always only political. Some flee to escape legal proceedings for a number of reasons or else frustration following the loss of a position of responsibility may be hidden behind the alleged political reasons.

Political management of Rwanda must always take into account the causes and consequences of the genocide. During consultations with Rwandans of the Diaspora, this phenomenon of genocide opposed participants. For one group, the

genocide is not a sufficient reason to make Hutus indefinitely guilty. Misfortune befell Rwanda. The country lost its population including Hutus and Tutsis. It is high time to forget and forge ahead. Does this way of looking at things not establish the idea of a double genocide? Establishing annual commemorations of the genocide and burial of bones contributes, in their opinion, to keeping ethnic divide alive.

However, this way of handling the problem of genocide displays deliberate will to minimize the tragedy and is a clear indication of a total absence of remorse. Can we expect prevention of genocide while some Rwandans among the elite, can still come up with such views? The double genocide thesis is clearly a negativism movement well known in the history of genocides.

During our consultations inside the country, the debate on sensitive questions seemed difficult to us but possible. Perhaps people have no choice to start the process of reconciliation; in any case, they share the same living conditions, use the same churches and markets. In a word, they live in the same villages.

For Rwandans of the diaspora, the debate between groups with different political views remains highly adversarial at the verge of confrontation. This situation jeopardizes the hope for the reconstruction of a harmonious nation. Then, there is need to build an efficient and effective framework for dialogue. How to win the bet to see Rwandans of the diaspora adapt themselves to the requirement of the reconciliation process?

Is the problem of political openness and freedom of speech so much deplored mainly by Rwandans of the diaspora based on objective indicators? Would it not be helpful to open a thorough debate on this dimension? As a conclusion, the following pages present the main issues brought forward by the preliminary research and which need to be analysed further. For discussion purpose; the National Group is going to identify priority issues around which working groups will be organised to begin with.

7.3 The media

The history of media in Rwanda started in the 1920ies with the creation of Kinyamateka newspaper by the Catholic Church to be used as a tool to establish the catholic religion in the Rwandan Society. Another newspaper "L'AMI", published at Kabgayi under the supervision of priests between 1950 and 1957, mainly intended for intellectuals, wrote reports about political regimes and great events. The main correspondent of this newspaper was Grégoire Kayibanda, the future President of Rwanda.

Likewise, another newspaper "TEMPS NOUVEAUX", published in Bujumbura also under the supervision of priests, between 1952 and 1960, specialised in reporting about important political issues of that time. The Catholic Church was thus

organised to prepare the future leadership in the perspective of the 1959 "revolution". In 1955, a small newspaper "Hobe" was created for school pupils with a view to encouraging them to read.

L'AMI and TEMPS NOUVEAUX eventually disappeared in favour of KINYAMATEKA which had become in 1959 a propaganda tool for PARMEHUTU leaders supported by the Catholic Church. Kinyamateka played an important role in the bloody events of 1959. Indeed, Hutu manifestos and their ideology were first published in Kinyamateka.

Towards the 1980s, Kinyamateka attempted to change its ideology and started to publish critical articles against Habyarimana regime. Its chief-editor Father Silvio Sindambiwe died in a car accident in mysterious circumstances. Some independent newspapers like *Kanguka, Umusambi* and *Le Tribun du Peuple,* to name but a few, timidly started to write objectively, This criticism was not appreciated by the leadership then in office. These newspapers' editors were killed. Hunting down independent journalists thus became a plan to silence the private media which proved embarrassing for the regime.

The advent of political pluralism in 1991 coincided with the radicalisation of media. Several newspapers were created. In 1992, the so-called private newspapers were about forty even if some of them were suspected of being sponsored by the regime in power. Private newspapers *Kangura, Nyiramacibili Nyabarongo,* etc. together with *Radio Television Libre des Mille Collines* (RTLM) only fueled ethnic divisions and called for the extermination of Tutsis.

Elsewhere in the world, media constitute what is usually referred to as the fourth estate. They are called the fourth estate because they work as safeguards against the excesses of those in powers.

Why is it the other way round in Rwanda, where the history of media often corresponds to their "instrumentalisation" by the power and is used to disseminate hatred? Their notorious role in the preparation and execution of genocide has retained participants' attention in different debates. Shall we admit that media deviation is only the result of political manipulation, or has the problem to do with the incompetence of journalists unable to collect and disseminate balanced information, and preserve professional ethics?

Participants think that the problem is located at both levels and that it would not be a waste of means to open a thorough debate on these problems. However, how can a positive media culture be developed in a society where a significant portion of the population is still illiterate and where literate people are not used to reading?

Another issue that caught participants' attention is the fact that both the radio and the television, Rwanda's main information bodies, are Government-owned. Yet, private radio and television stations would enable to diversify information and thus

would be a counterbalance to public media which only give filtered information. The question is therefore to know whether audio-visual media do not exist because they are blocked by the power or because the private sector is no interested in investing in them.

Freedom of speech, raised essentially by Rwandans of the diaspora, would be solved by the development of private media which would publish balanced and diversified information. But this liberty raised many questions during the consultations. Freedom of speech is always involves the risk of excess especially for a population which sometimes does not understand political stakes conveyed by the media. How could the duty of the State to ensure the limits of media freedom be reconciled with the wrong habit of stifling freedom of speech?

Foreign media were subject to debates as well during our consultations. Some people thought that these media constitute an opening to the world for our people. Others, on the contrary, denounce the heavy hand of some foreign powers and even of some Rwandans behind the reports sometimes channeled by foreign media in an attempt to tarnish the public image of the country.

Some participants noticed that the Government of National Unity has made considerable effort to improve the sector of information and correct the negative role played by the media during the genocide. A school of journalism was created for the first time in university programmes in order to remedy solve the problem of incompetence. Private media were liberalized, especially the written media. Some foreign radios were authorised to broadcast in Rwanda in languages understood by the population. However, the problem related to freedom of speech and liberalization of media still remains the focus of attention. It is advisable to find room for an in-depth reflection about the problem of media.

SOME KEY ISSUES THAT NEED TO BE ANALYSED FURTHER

This document summarises the different views of Rwandans from all walks about the peace building process. Many questions were raised and appeal for concerted solutions and strategies conducive to effective appropriation by everyone of the process of reconstruction of sustainable peace after the genocide. These questions, which are again raised below, must be considered as important enough to require thorough research and debate; or else they must be taken as controversial questions upon which a consensus must be reached in the context of research and participatory debates. These questions deal with many aspects of the life of our country and are crosscutting. These issues are summarised below:

➢ *The history of Rwanda as a factor of division*

The history of Rwanda became a factor of division as time went by. How can people free themselves from ethnic prejudice which was at the heart of the perpetration of the genocide? Is it possible to plan a history accepted by all and by consensus? What role may history play in rebuilding the identity of the Rwandan people? Would it not be necessary to rebuild facts to enable Rwandans to build themselves a new identity conducive to social harmony? In fact, it is not the whole history of Rwanda that is controversial. Only some of its aspects and periods will need to be pointed out and subjected to in-depth and debate in a participatory manner.

➢ *Democracy and ethnicity*

The model by which our society should be governed is still controversial and democracy that is claimed by everybody does not necessarily have the same meaning for everyone. How can we manage to break with the past and think of a method of government that is not modeled after any pre-established model?

The forum of political parties is an innovation in our political history but was subject to controversy during consultations. Is this principle 'cheating' over with democracy or is it rather a guarantee for stability in a society in conflict?

The Western model of democracy could not be possible without political parties. The new constitution provides for the existence of political parties. However, during the consultations it was obvious that the vast majority of the population would not want to see political activities based on parties be authorised so early. These activities always fall into the ethnic trap and in the 'instrumentalisation' of the population in the context of competition for power. How to reconcile democratic requirements and the need for tranquility of the population from the fight for power by political parties?

In a context like Rwanda's, the principle of elections based on direct and secret universal suffrage may fall into the ethnic trap. How can this deviation be prevented?

➢ *Genocide in Rwanda: a breaking factor.*

Whatever the democratic model to govern Rwanda in the future, the history of genocide and management of its consequences will be an important factor. The genocide constitutes a degrading act against which the society must organise itself to repair the damage caused and put in place appropriate mechanisms to prevent it from ever occurring again. The genocide opposes profoundly Tutsis and Hutus because its ideology brought forward the concept of ethnicity.

Officially, the debate on the issue of genocide is first and foremost political debate. It is a debate that advocates for national reconciliation. One should bear in mind that name given to the 1994 tragedy is "the genocide and massacres of 1994" translated into Kinyarwanda as "Itsembabwoko n'Itsembatsemba". However, the new Constitution refers to it, both in French and Kinyarwanda, as 'genocide' simply.

The perception of the genocide during our consultations, both within and outside the country, necessarily appeals for a debate which would enable to move from the political debate to the ethical debate with regard to the genocide. The official designation "genocide and massacres" is confusing. The discussion in the diaspora and in villages also showed that people are still confusing other types of crimes and genocide itself. This is a controversial debate, which deserves to be closed examined in an appropriate forum, and in-depth research should be conducted in this direction.

➢ *Media and freedom of speech*

A political power that could not recognise the freedom of speech is bound to become totalitarian. Free press and competent journalists constitute a guarantee against arbitrary political regimes. Media have had a destructive role in the history of Rwanda. The use of the media by powers especially in the preparation and execution of genocide has had harmful effects on their credibility in our society. We still have in mind the notorious Radio Television Libre des Mille Collines, as well as Kangura newspaper. How can we make of media instruments of peace and not hatred?

➢ *Justice and the Rule of Law facing repetitive conflicts*

It would be illusory to aspire to eradicating the evils of our society without the establishment of functional justice which would ensure equality for all people before the law. And yet, the judiciary system has been unable to meet preventive requirements against recurring crimes in our society. What mechanisms can be put in place as remedy? The Rule of Law is a process, but how to proceed? How to lay it on solid foundations?

The International Community set up the ICTR in Arusha with a view to solving the need for justice resulting by the genocide. However, the Rwandan society feels less concerned by this institution. Is this situation not worth close examination?

➢ *Gacaca in relation to justice and reconciliation challenges*

On the basis of Rwanda's traditional system of justice, Gacaca jurisdictions were created to prosecute genocide-related cases. What can be d one so that the truth can save people instead of destabilising the current apparent social cohesion? What mechanisms should be worked out so that these jurisdictions are not just an ad hoc instrument but also a permanent tool in the management of conflicts in our society?

➢ *The role of the Civil Society in Rwanda*

The Civil Society may constitute a very useful auxiliary for the State in its development initiatives. It may also serve as an anti-establishment force by bringing to surface the needs of the population and defending them against the potential arbitrary of the leadership. How could the Civil Society organise itself and become functional by getting rid of the heavy hand of developed countries and without being in the play of the political power?

➢ *The role of "Abacurabwenge" as guarantors of ethics in government methods*

During the debates conducted within and outside the country, the question of ethics in Rwanda's model of government kept coming on surface. The three powers, legislative, executive and judiciary, which find it difficult to achieve a functional equilibrium, do not care for ethics.

A regime may be efficient today and inefficient tomorrow. Conflicts between political leaders are not always solved impartially. Consulted groups proposed a permanent structure autonomous towards the power, whose function would not be to govern. Some proposed a group of wise people recognised by the whole society by consensus. Others even proposed to give its members the traditional name of

"Abacurabwenge" who would be the guarantors o f the ethics in which the nation is governed. If the proposal were accepted, modalities of its implementation would require deep reflection.

➢ *Economic development and poverty challenges*

Political stability is a prerequisite for economic reconstruction. The major challenge will be to reconcile economic development with the rapid population growth that puts a strong pressure on arable land. What development model could be worked out to ensure food security for all and consequently an efficient poverty reduction policy? How to ensure good land management in order to limit conflicts related to it?

The Government of National Unity has made commendable efforts in terms of human resources development. However, strategies to create outlets are still very weak. How to reconcile these two requirements?

➢ *Strategies to address psychic trauma*

Psychic trauma resulting from the cruel crimes committed and revived by reconciliation initiatives constitutes a nation-wide problem. We came across this traumatic reality throughout our consultations, especially during interactions on sensitive and adversarial themes. In this field, silence is the most important vehicle of traumatic suffering.

First of all trauma is not a medical problem, it is a social problem. How to involve the community and families in coping strategies?

➢ *Cultural identity and reconstruction of the society*

In order to find solutions adapted to the need for peace, it is necessary to fall back on culture. It is very important to debate this question because expectations related to this need of establishing a cultural identity have not been clarified at all. The role of the family in the promotion of harmony within the community was thought to be one of the ways to achieve security.

➢ *Street children*

Genocide worsened the phenomenon of street children. The principle of right to life is not compatible with conditions in which street children live. Tomorrow's security will depend on the type of solution found for this problem. Many initiatives are under way, but their effectiveness remains questionable. How to find solutions to the challenges caused by this problem?
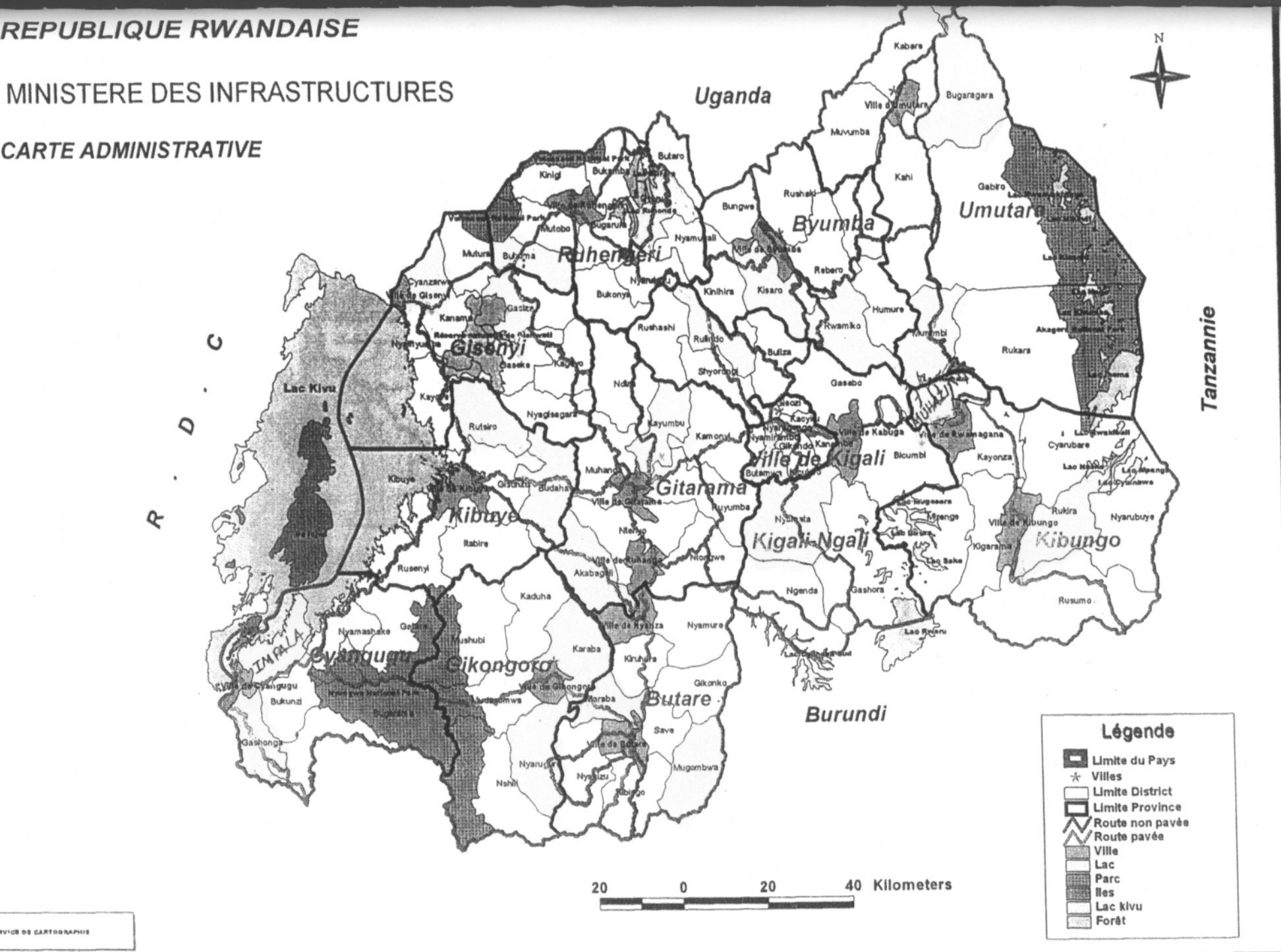
➢ *Demobilisation: a solution or a problem?*

The number of soldiers has increased tremendously a result of the successive wars that broke out in Rwanda and in the region over the last few years. Economic constraints do not allow us to keep such a big army. But, the threat to regional security remains. Besides, the social integration of demobilised soldiers is still a problem. Likewise, the efficiency of the mechanisms of their integration will depend on tomorrow's security. How to ensure coherent demobilisation without threatening the security of the country?

➢ *Diaspora and country reconstruction process*

This theme was chosen by IRDP as a specific programme to be followed during the whole process. An important work has already been started in some countries including the United States, Canada, France, Belgium and Switzerland. Other countries will soon be identified based on the lessons learnt during the first phase of this study.

This group of Rwandans has the advantage of using distance to think about possible solutions to the problems of our society, but they have the big disadvantage of living far away from the realities of the country and, sometimes, have biased positions. Rwandans of the diaspora must not be excluded from taking part in initiatives aimed at rebuilding peace and economic development of the society. How could those Rwandans be efficiently involved in this process?

This document constitutes the end of the first phase of this process and the future of the whole process will depend of its ownership by all committed stakeholders.

REPUBLIQUE RWANDAISE

MINISTERE DES INFRASTRUCTURES

CARTE ADMINISTRATIVE

N

Uganda

R . D . C

Tanzannie

Burundi

Lac Kivu

Provinces: Umutara, Byumba, Ruhengeri, Gisenyi, Kibuye, Cyangugu, Gikongoro, Butare, Gitarama, Kigali-Ngali, Kibungo, Ville de Kigali

Légende

- Limite du Pays
- Villes
- Limite District
- Limite Province
- Route non pavée
- Route pavée
- Ville
- Lac
- Parc
- Iles
- Lac kivu
- Forêt

20   0   20   40   Kilometers

SERVICE DE CARTOGRAPHIE

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