REPUBLIC OF RWANDA

NATIONAL UNITY AND RECONCILIATION COMMISSION

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UNITY AND RECONCILIATION PROCESS IN RWANDA

United Nations RWANDA
Unity in Diversity

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Preface

Rwanda is a country that has a long history manifested in varying eras—the pre-colonial, colonial and post-colonial. During the pre-colonial era, Rwanda was a united society. Rwandans' unity became hampered since the arrival of colonial administration and missionaries, through their *divide and rule* policy. Divisive policies and ideology of hate, as well as the persecution and violation of human rights characterized this form of bad leadership. This situation perpetuated and climaxed into one of the most brutal and devastating Genocides in the history of humanity—the 1994 Genocide perpetrated against Tutsi, which was halted by the victorious liberation war of the Rwandese Patriotic Army (RPA)—the then armed wing of Rwandese Patriotic Front (RPF).

The divisive past, and the 1994 Genocide against Tutsi, profoundly destroyed the socio-economic and political fabric of Rwanda, thus leaving a deeply traumatized society and a failed state. How to bring about Unity and Reconciliation, as the foundation of peace and sustainable development in Rwanda, thus became one of the pressing challenges that the post 1994-Genocide Government of National Unity had to deal with.

Twenty-two years have now elapsed after Rwanda has embarked on the process of Unity and Reconciliation. The National Unity and Reconciliation Commission, established in 1999, is therefore greatly honored to present this book, which documents the experience of Rwanda on this journey. The book discusses Rwanda's commendable mechanisms and programs to reconcile and unite Rwandans, but also the challenges that still hamper the process and how to overcome them.

The National Unity and Reconciliation Commission is convinced that this book constitutes a learning material for theoretical, policy-making, as well as practical endeavors for the rest of the world. Not only the world will get to know how Rwanda has been, and remains, successful in its process toward Unity and Reconciliation, but also the mechanisms, programs and strategies that Rwanda adopted in this regard could be inspirational and useful for other contexts.

Bishop John RUCYAHANA

Chairperson

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The production of this book on '*Unity and Reconciliation Process in Rwanda—22 years after the 1994 Genocide perpetrated against Tutsi*', was made possible through the combination of commendable efforts of individuals and institutions, who deserve a deepest gratitude.

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The NURC is grateful to the political and administrative leaders of Rwanda, and particularly His Excellency, Paul Kagame, the President of the Republic of Rwanda, for having unseazingly been at the forefront towards a united, reconciled and prosperous Rwanda.

Various institutions, as partners of the NURC, which have played an invaluable role in promoting unity and reconciliation in Rwanda also deserve our heartfelt gratitude. In this regard, various important personalities, ranging from the Central to Local governments, the Parlialemt, the Civil Society including religious denominations, the private sector, security organs, the media, etc., have also invaluably contributed in a way or another in the production of this book, in the example of their technical advice notably during various workshops.

Thanks also go to Dr. Ezechiel SENTAMA, who, through SEMPAX Ltd., was the Team-Leader of the entire writing exercise.

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Finally, thanks go to the NURC's Board of Directors and Executive staff, who in a way or another contributed to the successful writing of this book.

Fidèle NDAYISABA
Executive Secretary

Contents

Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AIDS	Acquired Immune-Deficiency Syndrome
APRM	African Peer Review Mechanism Assistance
CDF	Community Development Fund
CDR	Coalition pour la Défense de la République
CLGF	Commonwealth Local Government Forum
CNLG	Commission Nationale de Lutte contre le Génocide
DRC	Democratic Republic of Congo
EDPRS	Economic Development and Poverty Reduction Strategy
ETDs	Emergency Travel Documents
EU	European Union
FAR	Forces Armées Rwandaises
GDP	Gross Domestic Product
GMO	Gender Monitoring Office
GoR	Government of Rwanda
HIV	Human Immunodeficiency Virus
ICT	Information Communication Technology
ICTR	International Criminal Tribunal for Rwanda
IDEA	International Institute for Democracy and Electoral Assistance
IDPs	Internally Displaced People
IJR	Institute for Justice and Reconciliation
IMF	International Monetary Fund
IOM	International Office for Migration
IRDP	Institut de Recherche pour le Développement et la Paix
JDR	Jeunesse Démocratique Rwandaise
JRLOS	Justice, Reconciliation, Law and Order Sector
MDGs	Millennium Development Goals
MIDIMAR	Ministry of Disaster Management and Refugees Affairs
MINAGRI	Ministry of Agriculture
MINALOC	Ministry of Administration and Local Government
MINECOFIN	Ministry of Economy and Finance
MINEDUC	Ministry of Education, Science, Technology and Scientific Research
MINEPRISEC	Ministère de l'Enseignment Primaire et Secondaire
MRND	Mouvement Révolutionnaire National pour le Développement
NDC	National Dialogue Council
NGOs	Non-Governmental Organizations
NISR	National Institute of Statistics of Rwanda
NR	National Reconciliation

NSGC	National Service for Gacaca Courts
NURC	National Unity and Reconciliation Commission
OL	Organic Law
PARMEHUTU	Parti du Mouvement de l'Emancipation Hutu
PL	Parti Libéral
PRESIREP	Presidency of the Republic
PRSP	Poverty Reduction Strategy Paper
PSC	Public Service Commission
PSD	Parti Social Démocrate
RALGA	Rwanda Association of Local Government Authorities
RANU	Rwanda Alliance for National Unity
RCS	Rwanda Correctional Services
RDF	Rwanda Defence Forces
RDRC	Rwanda Demobilization and Reintegration Commission
RGB	Rwanda Governance Board
RHRC	Rwandan Human Rights Commission
RPA	Rwanda Patriotic Army
RPF	Rwandese Patriotic Front
RTLM	Radio Télévision Libre des Mille Collines
SACCOs	Savings and Credit Cooperatives
SME	Small and Medium-size Enterprise
TI	Transparency International
TIG	Travaux d'Intérêt Général
TVET	Technical and Vocational Education and Training
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
VUP	Vision 2020 Umurenge Program
WFP	World Food Programme
WGI	Worldwide Governance Indicator
YBE	Years Basic Education

CHAPTER 1

Introduction

> *The promotion of national unity and reconciliation in Rwanda has become a cornerstone to all national efforts and a basis for combating all forms of discrimination and exclusion that have characterized the Rwandans, decades after decades. It is the only option to survival for Rwanda that is emerging from a divided past, Genocide, and moving towards a reconciled and democratic nation.*[1]

How does a society succeed in coming to terms with its divisive past? How the fabric that once held that society together can be reconstructed? How does that society actually reconcile with its divisive past, and how do its people reconcile with each other in a way that brings about unity? In few words, how to move from a destroyed society and a failed state to a united and reconciled one? The experience of Rwanda answers these questions.

1.1. Rwanda—a typical case

Rwanda is a country, whose past was characterized by division, exclusion, and violence since the arrival of colonial powers, under their *divide and rule* policy. This climaxed into one of the most brutal and devastating Genocides in the history of humanity—*the Genocide perpetrated against Tutsi*, between April and July in 1994. It is estimated that more than one million people were killed within that three-month period, along with the profound devastation of the country's social, political and economic fabric.[2] In addition to the extermination of Tutsi, several other Rwandans and some foreigners were also massacred for various reasons: some, for being politicians opposed to the genocidal regime and ideology; and others, for having refused to participate in the killing of, or for having hidden, the Tutsi.[3]

The victorious liberation war by the Rwandese Patriotic Front (RPF)[4], through its armed wing—the Rwandese Patriotic Army (RPA)—came as a relief to the Rwandan population in so far as it halted the Genocide.[5] But so much blood had been spilled that none felt like much celebrating. The credibility of the state itself had been undermined in that some of its

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1 NURC: "It is possible: Post Conflict Reconstruction", in NURC (2007). *Ingando: Impact Assessment on Unity and Reconciliation of Rwandans*, Kigali, p. 10.

2. The latest estimation counts 1,101,000 victims (Ministry of Youth, Culture and Sports & Ibuka Association, 2004; NURC 2007, 2009; Clark, 2010, p. 12).

3 Ministry of Youth, Culture and Sports & Ibuka Association (2004). *Prevent and Banish Genocide forever, through universal active solidarity*. International Conference on Genocide, Intercontinental Hotel, Kigali, 4th-6th April.

4 RPF (Rwandese/Rwandan Patriotic Front) is the political party that was formed by the Rwandan refugees of since 1959 out of the Alliance for National Unity (RANU) with the intent to fight for democratic change in Rwanda.

5 The liberation war, which had started in October 1, 1990, ended the genocide against Tutsi in July 4, 1994.

institutions had planned and carried out the Genocide against Tutsi.[6] The entire infrastructure of the country, ranging from schools, hospitals, factories and government departments, had been totally destroyed or severely looted by the fleeing genocidal forces and *Interahamwe* (militias). Law and order had completely broken down; all national law enforcement agencies and judicial institutions had ceased to exist; and the system of administration of justice had come to a standstill. There was no civil service and the government administrative capacity had collapsed. Civil servants had either been killed during the Genocide or had fled the country. The country was thus left with the traumatized survivors, countless orphans and widows, thousands of handicapped people, and generally a very traumatized and vulnerable population. A cloud of insecurity was also still persisting because the defeated ex-*Forces Armées Rwandaises* (FAR) and *Interahamwe* (militias) were reorganizing themselves so as to continue their genocidal campaign and actions.[7]

After the 1994 Genocide against Tutsi, the new Government—the *Government of National Unity*, constituted on July 19th, 1994 by a coalition of political parties headed by the Rwandese Patriotic Front (RPF), was therefore faced with a huge challenge to unite and reconcile Rwandans, who were in total trauma and distress.[8] Restoring trust in the authorities and, in particular, rehabilitating the image of the police and the army, which had taken part in the genocide under the previous regime, would be no mean feat. There would have to be a period of transition before a new Rwanda could be built on the ashes of the old. The overall challenge was thus how to rebuild the socio-economic, cultural and institutional fabric, restore security, provide justice, and bring about reconciliation and unity in a devastated country made up of the wounded and traumatized people.[9]

Amidst this huge challenge, the post 1994 Government of National Unity (GNU) was also fully determined to restore Rwanda's plight in the international family. The GNU's strong political will was indeed reflected in its development agenda, which was built on four pillars namely: Good governance, Justice, Security, Economic Development and Social Welfare.[10] Central to the whole development agenda was the issue of unity and reconciliation, security and stability of Rwanda and its people, human rights, promotion of transparency and accountability within government institutions, repatriating, settling and reintegrating the millions of refugees, who were living in neighboring countries (notably the Democratic

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[6] Longari, Marco (2010). "The liberation" In *Paul Kagame and the Resilience of a people, AFP*: Jaguar Editions, p. 49.

[7] Speech by President Paul Kagame, at the Commonwealth Club, San Francisco, March 7, 2003. In Jha et al (2004), p. 113-4.

[8] NURC (2007). *Ingando: Impact Assessment on Unity and Reconciliation of Rwandans*, Kigali, p. 10.

[9] NURC (2009). *15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date*, October, Kigali, p.7; Longari Marco, 2010, p. 49.

[10] MIDIMAR (2014). *Repatriation and Reintegration Programs for Rwandan refugees & An overview on socio-economic progress in Rwanda*, Kigali, p. 21.

Republic of Congo, Tanzania, Uganda, Kenya, and Burundi), creating a strong foundation for sound economic recovery, as well as empowering the local masses/citizens to participate in their governance.[11]

These issues had to always be addressed in a way that promotes reconciliation and national unity in Rwanda.[12] Rwanda Patriotic front, and The Arusha Peace Agreements signed in August 1993 between the then Government and the Rwandese Patriotic Front, had actually considered *Unity and Reconciliation* as *'a process that is fundamental for the stability and development of Rwanda—an imperative prerequisite for the re-establishment of democracy, peace and tranquility, the rule of law, national cohesion and holistic development*.'[13]

After having repatriated millions of refugees, resettled Internally Displaced People, and secured the country from post-1994 insecurity threats, caused by the defeated genocidal forces and militia, the Government of National Unity organized formal grassroots and national consultative meetings so as to get to a common understanding of the difficult legacy of Rwanda's unpleasant past and, at the same time, search for a common vision of the peaceful and prosperous future of Rwanda.

Many consultative meetings were held in this regard and discussed about national Unity, democracy, justice, national economy, and national security.[14] These meetings led to the conclusion that *Unity and Reconciliation process is a cornerstone to all national efforts and a basis for combating all forms of discrimination and exclusion that have characterized Rwandans for decades*.[15] It was also concluded that there was need to reshape the Rwandan culture through the promotion of good values that empower Rwandans to own the process. Around Rwanda's *vision* to be '*a united, democratic and prosperous country*,' these values, drawn from Rwanda's constructive culture, include: "patriotism for Rwanda and Rwandans, better ethical practices, good behavior appreciated by others, living in peace with other people, mutual help, respect, integrity and patience."[16]

By way of compliance with the 1993 Arusha Peace Agreements, which had been signed between the then government of Rwanda and the Rwandese Patriotic Front, one of the most important outcomes of the consultative meetings has been the creation of the *National Unity and Reconciliation Commission* (NURC), in March 1999, which was mandated to promote

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[11] Jha, Uma, Shanker & Surya, Narayan, Yadav (2004). Rwanda: *Toward Reconciliation, Good Governance and Development*. Delhi : Association of Indian Africans, p. 7.

[12] Lambourne (2004). *Post-conflict Peace building: Meeting Human Needs for Justice and reconciliation, Peace, Conflict and development*. Issue four, p. 4.

[13] NURC (2010). *Background of National Unity and Reconciliation Commission*, Kigali, p. 3-5.

[14] NURC (2009). *Ibid.,* p. 7.

[15] NURC (2010). *Ibid.,* p. 3-5.

[16] NURC (2009). *Itorero ry'igihugu—Policy note and strategic plan: Making national and community service work in Rwanda*, May, Kigali.

and lead all strategies related to unity and reconciliation process in Rwanda, during and after the transition period.[17] Since its creation, the NURC has indeed been an invaluable engine in the process of Unity and Reconciliation through commendable action/policy-oriented strategies (grassroots and community consultations, national summits, seminars, conferences, researches, etc.) that enabled Rwanda to successfully end the transition period while engaging in post-transition period peacefully.

It is in this perspective that the post 1994 Government of National Unity, and the NURC, drew on aspects of the Rwandan culture and traditional practices to enrich and adapt its development programs to the country's needs and context—Unity and Reconciliation based development, at a higher level. The result was a set of home-grown and community-based solutions, which were translated into sustainable development programs; many having reshaped the universal mechanisms that appeared less or non-reconciliatory. These home-grown and community-based mechanisms, which portray the unique experience of Rwanda, include but are not limited to: *Umuganda* (Collective Action), *Girinka* (One Cow per Poor Family Program), *Imihigo* (Performance Contracts), *Abunzi* (Mediation Committees), *Gacaca* (Local Community Courts), *Ingando* (Solidarity Camps), *Ubudehe* (Community Work), *Umushyikirano* (National Dialogue), *Umwiherero* (Leadership Retreat), *Ndi Umunyarwanda* (Rwandanness) program, and *Itorero* (Civic Education program), etc. These home-grown solutions had to be embedded within a solid groundwork characterized by a strong political will, a capable state, and good governance, which has always been at the core of all actions of RPF and the post 1994 Government of National Unity.

It is worth emphasizing that the reconciliatory and unifying working spirit in Rwanda goes beyond the restoration of unity that Rwanda had prior to colonization. Instead, Rwanda is now bringing about unity at higher level; that is, a level that also expands to regional, continental, and worldwide levels.

1.2. Rationale and methodological approach

Twenty-two yearshave elapsed after Rwanda has embarked on the process toward Unity and Reconciliation, since the end of the 1994 Genocide perpetrated against Tutsi. So far, however, this process has not yet been systematically documented, and this is the shortcoming that this book endeavors to address. The book thus aims to provide, and so base on, the experience of Rwanda in order to contribute to the existing knowledge regarding *how to move from a destroyed society and a failed state to a united and reconciled one*. The book does so through an exploration and analysis of the Unity and Reconciliation mechanisms and related programs, strategies and actions that Rwanda adopted, since July 1994.

[17] The transition ended in 2003.

The book pictures the experience of Unity and Reconciliation process in Rwanda, in a way that informs the reader on how, in the space of 20 years since 1994, Rwanda—a country that had emerged drained, ravaged, bloodied and spoiled from a divisive past and the Genocide against Tutsi—has risen from its ashes and has succeeded in becoming an inspirational model of Unity and Reconciliation. By recognizing that Reconciliation and Unity in Rwanda remains a process that can take considerable time and even generations,[18] the book shows how Rwandans have proved that they have the will, resilience, and capacity to solve their own problems. The role of the international community in this regard, indeed much appreciated, is beyond the scope of this book.

Methodologically, the book was based on a scientific analysis and discussions drawn from a combination of multiple approaches. In this perspective, not only various research reports have been analyzed, but also various accounts from different scholars, experts, practitioners, citizens, as well as best practices, have been explored.

1.3. Overview

This book is made of 8 chapters, including the introduction and conclusion. After the introductory part, the second chapter discusses the historical background of Rwanda. The chapter emphasizes that, in spite of conflicts that always occur wherever human beings are, Rwanda existed long before colonization as a united nation with a shared identity (*Ubunyarwanda*/Rwandanness), around 3 mutable social groups (Hutu,Tutsi, and Twa people). The chapter discusses how the nationhood and unity among Rwandans have been destroyed during colonization, through colonizers' 'divide and rule' policy. This division was subsequently entrenched by the two successive Republics that came to power after Rwanda's ascension to independence in 1962. The chapter also discusses how Rwandan political realm, after independence up to 1994, was characterized by a culture of impunity under high-centralized governments, as well as the discrimination and persecution of Tutsi and political opposition, which culminated into the Genocide against Tutsi in 1994. The chapter ends by showing how the 1994 Genocide against Tutsi was halted by the victorious liberation war of RPA and that the post-1994 Government of National Unity considered Unity and Reconciliation as an imperative for the future of Rwanda.

Chapter three discusses the theoretical perspectives on Unity and Reconciliation. The discussions depart from the theoretical understandings and perspectives on Unity and Reconciliation, in the literature, and then indicate how Unity and Reconciliation are respectively understood and approached in Rwanda. The chapter emphasizes that, in Rwanda, the approach to Unity and Reconciliation is a backward and forward looking process seeking to address the causes of divisions in the past in order to produce a more

[18] MINECOFIN (2012). *Economic Development and Poverty Reduction Strategies*—2013-2018, Kigali, p.82.

positive uniting and reconciliatory present and future. The approach also gives a 'national' scope to the process (thus the 'National' Unity and Reconciliation), but at a higher level that aims to extend beyond the borders of Rwanda.

Chapter four focuses on the mechanisms and programs, or strategies, used in the process of Unity and Reconciliation in Rwanda. Political will and good governance, with the Government of National Unity and the National Unity and Reconciliation Commission, constituting the core foundation. It is on this foundation that the legal and policy, as well as institutional, frameworks have been built. The chapter also stresses that the process of national unity and reconciliation cannot exist unless other aspects (such as good governance, justice, security, economic development and social welfare) are also taken into account. In so approaching, relevant Unity and Reconciliation-driven mechanisms, above all, homegrown and community-driven (beside the universal ones), are discussed.

Chapter five discusses the achievements or outcomes of the mechanisms and programs, discussed in chapter 4, with regard to Unity and Reconciliation in Rwanda. In this regard, the chapter discusses how, by establishing a well-grounded framework, the reconciliation mechanisms have set a favorable platform and space for constructive dialogue and understanding among Rwandans. This, in turn, enabled truth telling and the reconciliatory expressions of acknowledgment, apology and forgiveness to take place, as well as the nurturing of healing, social cohesion and trust. Likewise, these mechanisms and programs contributed a lot in the reconciliatory justice, and the restoration of national identity and dignity.

Chapter six is about the challenges in the process of Unity and Reconciliation in Rwanda. The chapter stresses that despite the commendable achievements in this regard, as discussed in chapter four and chapter five, there remain challenges worth addressing. Key ones include the persistence of Genocide ideology, the memories and wounds still fresh, the problem of compensation of properties looted and/or destroyed, and the persistence of poverty.

Chapter seven draws from both the Unity and Reconciliation achievements (chapters 4 and 5) and challenges (chapter 6), and discusses a way forward by indicating the necessary strategies to further promote Unity and Reconciliation in Rwanda. These strategies not only address the existing challenges in this regard but also, and most importantly, suggest that it is beneficial to consolidate the existing mechanisms and programs, given their commendable role in Unity and Reconciliation in Rwanda.

The last chapter is about the conclusion. The chapter stresses the unique experience of Rwanda toward Unity and Reconciliation process, while indicating that the experience of Rwanda could be a learning tool for the rest of the world.

1.4. A brief profile of Rwanda

At 26,338 square kilometers (10,169 sq mi), the Republic of Rwanda is a sovereign state located in the central and eastern part of Africa. It is a land locked country located a few degrees south of the Equator, and is highly elevated, which makes its reputation under the name of '*the land of thousand hills*'.

Rwanda is part of the Great Lakes Region and member of the East African Community, the Commonwealth and the Francophonie. It is bordered by Uganda in the North, Tanzania in the East, Burundi in the South, and the Democratic Republic of Congo (DRC) in the West.[19]

Rwanda's geography is generally dominated by mountains and savanna to the East, with numerous lakes throughout the country, the landscape being mainly dominated by agriculture. Beside the DRC, Rwanda is known for being the only country in which mountain gorillas (living in its volcanoes park in the northern part) live, and can be visited safely. The climate of the country is temperate to subtropical, with two rainy seasons and two dry seasons each year.[20] The national language, indeed shared by all Rwandans, is Kinyarwanda, while French and English are other official languages.

Administratively, the Republic of Rwanda is divided into provinces, Districts, Sectors, Cells and Villages. The country counts 4 Provinces, plus the city of Kigali, 30 Districts, 416 Sectors, 2,148 Cells and 14,837 Villages. The District is the basic political-administrative unit of the country, and the Village is the smallest politico-administrative entity of the country and hence closest to the people.[21]

The last Rwanda Population and Housing Census (2012) established that the population of Rwanda is 10,515,973 residents, of which 52% are women and 48% men.[22]

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19 Republic of Rwanda (2014). Available at: http://www.gov.rw/Geography.
20 Republic of Rwanda (2014). Ibid.
21 MINALOC (2013). Available at: http://www.minaloc.gov.rw/index.php? id=450.
22 National Institute of Statistics of Rwanda-Ministry of Finance and Economic Planning (2012). *Rwanda Population and Housing Census 2012*, Kigali.

CHAPTER 2

Historical background to unity and divisions in Rwanda

This chapter discusses unity and divisions throughout the socio-political history of Rwanda. The chapter indicates how Rwanda was a strong and united nation prior to colonization and discusses how Rwanda's dark history—marked with divisions, discrimination, repression, and persecutions, within a culture of impunity—has its roots in the divide and rule and ethnic ideology brought about by colonial administration and missionaries, which was maintained by post-colonial governments until 1994.

By taking a historical and socio-political point of view, the chapter discusses how the tragic history of Rwanda started with the destruction of key factors of unity/integration, which existed in Rwandan society prior to colonial and missionary arrival. Driven by hegemonic interests, they built up flawed ethnic identities that envisaged a community from which the 'other' is excluded, which climaxed into the 1994 Genocide against Tutsi.

The chapter ends by stressing that Rwandans themselves halted the Genocide against Tutsi, through the victorious liberation war by RPF/RPA, and that since its aftermath, Unity and Reconciliation became imperative for the future of Rwanda.

2.1. Rwanda of pre-colonial period

Rwanda, as a sovereign nation that had its political and socio-economic organization, its culture and customs, existed long before colonization. Before the colonial period (1897), and before Catholic Missionaries arrive, Rwandan people—*Hutu*, *Tutsi* and *Twa* social groups—were strongly united, and had the feeling of protecting their country together—a sense of national identity. This therefore rejects the flawed statements of some writers that contend that there were divisions between *Hutu*, *Tutsi* and *Twa*, and that the later constitute different 'races' or 'ethnic groups'.

The paragraphs below discuss how instead Unity characterized Rwandans prior to colonization. The discussions emphasize *who* constituted this Unity and the *factors of this Unity*.

2.1.1. Unity in pre-colonial Rwanda

In pre-colonial Rwanda, Unity was of, and for, all Rwandans, constituted of Hutu, Tutsi and Twa social categories or groups, who knew that they were above all Rwandans, that Rwanda was their country, and that nobody could say that s/he had the right to it more than the other. Differences only referred to the socio-economic life in relation to cattle raising (cows) and the land use, whereby cows culturally and comparatively represented wealth.[23] In many regions,

[23] Almasy, Paul (2010). "The liberation" In *Paul Kagame and the Resilience of a people*: Jaguar Ed., p. 15.

whoever could own many cows was part of the political elite and was called 'Tutsi; the rest, especially those who had less cows and who lived essentially on agriculture were called Hutu, while those who mainly fed on hunting, fruit picking, and pots-making were qualified as Twa.[24] What is worth emphasizing here is that there was social mobility—upward-downward—among the three social categories and the transition from one class to another.

The different sections of Rwandans—Hutu, Tutsi, and Twa, are and were, until the colonial adventure, *Banyarwanda* (Rwandan people). The governance structures and processes in pre-colonial Rwanda, despite inherent weaknesses and inequalities typical of such a pre-industrial society, offered a minimum of stability and constant progress. Never before did those in seats of power engage in premeditated schemes to isolate and destroy a section of the Rwandan society. Neither had ordinary people ever engaged in massive slaughter as they did in 1994, at the instigation and mobilization by the state machinery.[25] Some of the factors that united Rwandans, prior to colonial and missionary arrival, are thus worth emphasizing.

2.1.2. Factors of Unity in pre-colonial Rwanda

There are among the three groups—Hutu, Tutsi, and Twa—numerous factors[26] of Unity/integration making irrelevant their flawed ethnological definition as ethnic groups or race[27].

a) The Clan

In pre-colonial Rwanda, people—irrespective of their social group as Hutu, Tutsi and Twa—identified themselves not by ethnic groups or races, which were even unknown to them, but by a social organization based primarily on the clan or clans.[28]

Indeed, there has been unanimity among the ethno-historians that the clan was by far the most important social organization in pre-colonial Rwanda. Equally, scholars agree that the Hutu, Tutsi and Twa constituted social classes and that all the three mix in the same clans.

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[24] Shyaka, Anastase (2007). *The Rwandan Conflict: Origin, Development and Exit Strategies.* Kigali: SIDA; MUNEDUC (2006). *The teaching of history of Rwanda: a participatory approach*, *For Secondary Schools in Rwanda A Reference book for the teacher*. National Curriculum Development Centre:The Regents of the University of California.

[25] Speech by President Paul Kagame, at the Commonwealth Club, San Francisco, March 7, 2003 (See in Jha et al, 2004, p. 114).

[26] Republic of Rwanda (1999). *Report on the Reflection Meeting held in the Office of the President of he Republic*, May 1998 to March 1999, Kigali: Office of the President of the Republic, p.16, 19, 20.

[27] Barth accurately defines an 'ethnic group' as a category of association whose continuity rests on the perpetuation of boundaries and the codification constantly renewed of cultural differences between neighboring groups (Barth, F. (1969). E*thnic group Boundaries; The social organization of Culture Difference*: Oslo Universitetsforlaget.

[28] Gatwa, Tharcisse (2005). *The Churches and Ethnic Ideology in the Rwandan Crises, 1990-1994*, Eugene Oregon: Regnum Books International, p.11.

All Rwandans -Hutu, Tutsi and Twa, shared 18 clans.[29] There is need to emphasize here that the clan is *a social category whose members acknowledge descent from an eponymous common ancestor, real or mythical. It is a common denominator that unites many different lineages, who do not necessary know each other.*[30]

The presence of the three social classes—Hutu, Tutsi and Twa—in each of the clans is one of the significant phenomena characterizing unity of Rwandan people.[31] Likewise, D'Heltefelt, in his study completed at the end of 1950s, summarized the existing studies on the notion of clan, all of which included Hutu, Tutsi and Twa. He also emphasized that, irrespective of being Hutu, Tutsi and Twa, the members of the same clan had in common many factors such as totems, religious beliefs and ritual functions.[32]

The clans thus brought all Rwandans together, irrespective of their either Hutu, Tutsi or Twa social categories, and enabled them to help one another. An illustrative example, in this regard, is *Ubuse,* as the friendship relation between people, which appeared in the rites such as removing a proscription (*kuzirura*). D'Heltefelt also cites the '*Ubuse',* as having among other duties 'to be responsible for Rwandan purification during the mourning period and the purification of the space in the establishment and inauguration of a new habitation'.[33]

b) Common language—Kinyarwanda

Through language, people identify themselves as belonging to a community of shared aspirations, meaning and interpretation. Through language, the mother tongue in particular, people share the very reality of their symbolic, mythical and transcendental universe. Distinctive language has often been taken as a criterion for belonging to a separate ethnic group.[34]

In Rwanda, the Kinyarwanda language—mother tongue for Rwandans—unites all Rwandans. In fact, Rwanda has always outstood as one of the most eloquent testimonies of cultural homogeneity through times.[35] The uniqueness of the national language underlies this homogeneity. Not only the Kinyarwanda, as a language, is a communication tool but also

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[29] It is often contended that those clans are 18, even if there remain an argument about their number, because for example Alexis Kagame ascertains that they are 15: The 18 clans often mentioned, alphabetically here, are: *Ababanda, Abacyaba, Abagesera, Abaha, Abahondogo, Abakono, Abanyakarama, Abashambo, Abashingo, Abasindi, Abasinga, Abasita, Abatsobe, Abazigaba, Abega, Abenengwe, Abongera, Abungura.* (See D'Heltefelt, M. (1971). *Les Clans du Rwanda ancien: Eléments d'ethnohistoire et d'ethnosociologie,* Terrvuren: MRAC; De Lacger, Ruanda).

[30] Gatwa, T. (2005). Ibid., p.10

[31] Gatwa,T. (2005). Ibid., p.10

[32] D'Heltefelt, M. (1971). *Les Clans du Rwanda ancien: Eléments d'ethnohistoire et d'ethnosociologie,* Terrvuren: MRAC;De Lacger, Ruanda; Gatwa, T. (2005), p. 10

[33] D'Heltefelt, M. (1971). Ibid., p. 10.

[34] Gasarabwe, E. (1978). *Geste Rwanda*, Paris: Union générale d'éditions, p.29, In Gatwa, T. (2005), p. 16.

[35] MUNEDUC (2006). *The teaching of history of Rwanda: a participatory approach*, *For Secondary Schools in Rwanda A Reference book for the teacher*. National Curriculum Development Centre:The Regents of the University of California.

a genuine vehicle of the same wisdom, the same vision of the world and the same perception of the political life.

c) Cultural Unity, shared beliefs and ethics

It is essential to understand how the socio-cultural harmony and the ethics presided over everyday life in pre-colonial Rwanda.

In fact, life in Rwanda was characterized by a shared religion—the belief in the Supreme-being, the Creator—and respecting ancestors while appeasing their spirits. These beliefs, among many others, implied the Unity of life, or vital life in horizontal and vertical relationships in which each person relates to descendants, family, ancestors, the cosmos and God. This understanding of life was more than empirical; it started before birth and extended beyond the grave. It was a participatory life because members of a family clan knew that they lived not just for themselves but also for their community, participating in the sacred life of the ancestors and preparing for one's future life through their descendants. This community of life was managed by a 'relational harmony'.[36]

Shared values such as patriotism, integrity, heroism, excellence, protection of those in need and who seek protection from imminent danger, preservation of life and certain taboos, like killing children and women, were inscribed in the Rwandan culture.[37]

d) A shared land and life

Rwandans were also united by the shared land, on which they always lived together, side by side.[38] There was neither region for Hutu, Tutsi or Twa. All of them had a mixed housing. They helped one another based on being neighbors. Rwandans were living peacefully together and got married with one another without distinction. There was also something particular, which Rwandans were doing without discrimination, and which shows how they loved one another: exchanging blood (drinking your friend's blood as a proof that nothing will separate you from him).

To sum up the above, it is worth emphasizing, in agreement with Gasarabwe, that if an ethnic group was really to be defined by reference to a configuration of elements like social organization, religion, homeland and language in comparison with other groups, then all Rwandans—Hutu, Tutsi, and Twa—would constitute a single ethnic group united by the Kinyarwanda culture, language, and land.[39]

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[36] Gatwa, T. (2005). Ibid., p. 13.

[37] NURC (2005). T*he role of Women in Reconciliation and Peacebuilding in Rwanda: Ten years after the genocide (1994-2004)*, p.8.

[38] Sebasoni, Manzi, Servilien (2000), *Les Origines du Rwanda*. Collection « Points de vue », Paris : L'harmattan, p. 32.

[39] Gasarabwe, E. (1978). Ibid., p.16.

e) The Monarch/King

In the pre-colonial period, there was another glue, which always bonded Rwandans together beyond any diversity or conflict. This glue was firstly embedded within the social function of the benevolent *Monarch/King (Umwami)* and his *Mother (Umugabekazi)*—a function that defined the particular unifying style of the Rwandan leadership.

The oral tradition, as well as many other written documents on Rwanda, highlight that Rwanda has been characterized by a strong Unity for centuries, and that prior to colonization it was a politically and culturally unified entity ruled over by *Umwami* (the Monarch or King). The society had thus its own institutions and a culture, which united Rwandans of different social categories (Hutu, Tutsi and Twa). The Monarch/King was identified as the cordon of cohesion, as he was called '*Umwami wa rubanda',* meaning the "King of the people". The monarch, who did not belong to any distinct social group, emerged from official procedures conserved by a special body known as '*Abiru'*. The Monarch was above the social groups because he represented the nation and the mediator between people and God.[40]

All Rwandans, without distinction, were convinced that the King was benevolent; that is, a King who always wanted, and was responsible for, the good for all. Rwandans were also aware that by taking this responsibility to strive for the good, no Rwandan was excluded.[41]

In fact, the King was the crux for all Rwandans. Poets called him *Sebantu* (to mean 'father of all people' of Rwanda). After the King was enthroned, he was no more belonging to any social category or group, but the King for people, without distinction. In their daily life, Hutu, Tutsi and Twa were familiar with the King. It was also forbidden to keep somebody away because of his height or color. Anyone who wanted could meet the King and none was kept away from the Royal court.[42] The King was thus bringing all Rwandans together, and all Rwandans were equal before the King.

The configuration at the Royal court, in the army and in the administration, also reflected this national Unity. The political language or discourse of the pre-colonial period was thus a unifying one in reference with the three components of the Rwandan population. It is worth emphasizing that the governing criterion to access and to exert power was not that of representativity, but rather the criterion of merit. Such a power, apprehended in terms of responsibility, was the surest purveyor of national Unity.[43]

To end this section, there is need to emphasize that it would be erroneous to state that Rwandan traditional society was harmonious in all aspects without ignoring the very existence of natural peculiarities and contradictions, such as rivalries and inter-clanic

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[40] NURC (2005). Ibid. p.8

[41] The 'clan' was composed of all social categories of Rwandans (Hutu, Tutsi and Twa).

[42] Republic of Rwanda (1999).*The unity of Rwandans: before the colonial period, and under the colonial rule, and under the first Republic*, Office of the president of the Republic, Kigali, p.6.

[43] Shyaka, A. (2007). Ibid.; MUNEDUC (2006). Ibid.

conflicts, jealousy, intrigues, etc. What existed were however just conflicts, natural to all human beings' interactions. There was thus not absolutely any fact of whatever divisive ideology or discrimination among Rwandans prior to colonization.[44]

All the above-described cultural factors that were uniting Rwandans were unfortunately eroded with the advent of western culture, colonial rule and the policies of post independence regimes,[45] as discussed below. The labyrinth of theories that underpinned the hegemonic narratives, which ascribed new identities to Rwandans, is evident in the early contacts between Rwanda and the colonial powers. These narratives initiated a process of ethnic ascription.[46]

2.2. Rwanda during the colonial period (1897-1962)

> *The difference between Hutu, Tutsi and Twa was evidently not a racial problem, but one of 'hierarchies' social classes'. These were transformed into racial status by the ideologues of colonization, the most influential among them being the missionaries, who were the first ethnologists. Both colonizers and the missionaries desacralized the authority of the Rwandan Monarch, deprived him of his prerogatives, formed an auxiliary elite from among the Tutsi social category, which was imposed on the rest of the population. What had been social classes—the Hutu, Tutsi, and Twa—were gradually transformed into ethnic groups.*[47]

As indeed summarized in the above-leading statements, the implication of colonial masters and missionaries in the history of Rwanda has been the key factor of the social relationships deterioration among Rwandan people and led to an identity crisis (loss of the sameness quality of '*Ubunyarwanda'* (Rwandanness).[48] The colonization period (1897-1962) was characterized by a disintegration of Rwandan unity, social cohesion, heritage, unity and socio-political structures, leading to divisionism.[49] The King's uniting authority was taken away and a social inequality ideology that split up Rwandans, coupled with forced labor for colonial interests, was established and taught in schools.

In fact, at the end of the 19th century, Rwanda had become a colony first to the Germans (1897-1916) and then to the Belgians (1916-1962), with serious and irreversible changes that affected leadership, economy, society and last but not least culture.[50] Divisionism was

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[44] Kagame, Alexis (1962). *Les milices du Rwanda précolonial*, Butare; Rutembesa (2001); Vansina (2004); Shyaka, A. (2007); MUNEDUC (2006).

[45] NURC (2005). Ibid., p.8.

[46] Gatwa, T. (2005). Ibid.

[47] DeHeutsch, L. (1995). Responsibility for Genocide, Anthropology Today, aa4 (August), p.4.

[48] Ingelaere, in IDEA (2008).*Traditional Justice and Reconciliation after Violent Conflict: Learning from African Perspectives*, Stockholm: International Institute for Democracy and Electoral Assistance.

[49] Caplan, G. (2000). *The Role of the West in Rwanda's Genocide.* New York: Zed Books; Kagame, A. (1962); Rutayisire, P. & Byanafashe, D. (2011). *Histoire du Rwanda. Des origines à la fin du XIXe siècle,* Kigali.

[50] MINEDUC (2006). Ibid.

particularly institutionalized by the Belgians, right after the Germans handed over Rwanda to Belgium under the League of Nations.[51] The administrative reform introduced by the Belgian colonizers has seriously modified the traditional structures and has instituted an unprecedented phenomenon consisting to progressively impact an ethnic color to the administration.

Since 1923, Belgians introduced discriminatory policies amongst Rwandans on the basis of ethnicity.[52] Social classes (Hutu, Tutsi and Twa) were turned into ethnic groups. In 1931, they officially introduced identity cards based on the aforementioned false ethnic groups, which also became mandatory in every administrative document that detailed each person's ethnicity.[53] The above policy manipulated and institutionalized divisionism in the country and it was the beginning of ethnic identity differences amongst citizens.[54] This manipulation was based on the false *Hamitic theory* or *Hamite thesis* introduced by the Belgians, which brought about ethnicity, divisionism and hatred among the Rwandans.[55]

Colonizers' belief in the flawed *Hamitic theory* was not only due to the fact that they had failed to understand the Rwandan culture policy, but also, and above all, due to their 'divide and rule' agenda. They thus falsely created, for themselves, a history of Rwanda in an attempt not only to explain African cultural phenomena through their own worldview, but also for hegemonic interests.[56] This was therefore made successful through colonizers' adoption of the false *Hamate Thesis*, that was unfortunately and generally believed among European and missionaries, who were active in the region of Great Lakes at the beginning of the 19th century. This unfounded belief laid the groundwork for the Belgian colonization's successful '*divide and rule'* policy to their single advantage plan. According to this false thesis "whatever value that existed in Africa was brought by *hamates*, a branch that is supposed to be a Caucasian race."[57] When the well-known British explorer John Speek arrived in the kingdom of Buganda (now Uganda), which had also developed political organization, he attributed such civilization to an indigenous race of nomad herdsmen related to Gala '*Hamites'* (Ethiopians). What attracted Europeans in this supposition relies in the fact that it could help to establish the link between physical characteristics and mental capacities: '*Hamites'* were supposed to have inborn leadership qualities and had in principles the right to a history and

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[51] Kagame, A. (1972). *Un abrégé de l'ethno histoire du Rwanda*, Butare.

[52] IRDP, 2005.

[53] Destexhe, A. (1995). *Rwanda and Genocide in Century*. London: Pluto Press *the Twentieth.*

[54] Shyaka, A. 2007, Ibid.

[55] Rutembesa, Faustin (2001). «Ruptures culturelles et génocide au Rwanda » In *Cahiers du Centre de Gestion des Conflits*, nº2, Butare, E.U.N.R., Avril, pp. 93-123.

[56] Uvin, Peter (1999). *L'aide complice: coopération international et violence au Rwanda*. Paris: L'Harmattan; Shyaka, Anastase (2002). La génèse des conflits dans les pays d'Afrique des Grands lacs: Rwanda, Burundi, DRC et l'Ouganda." In *Peuplement du Rwanda: enjeu et perspectives*. Cahier du Centre de Gestion des Conflits (No.5), Université Nationale du Rwanda, pp.121-143; Obura, Anna (2003) *Never Again: Educational Reconstruction in Rwanda*. International Institute for Educational Planning: UNESCO. October, Kigali, p. 101.

[57] Sanders, (1965). *Hamites in Anthropology and History; A preliminary Study*. Columbia University.

a future, which are almost as noble as those of their European 'cousins'.[58] In a letter dated 21st September 1927, John Speek wrote to Georges Mortehan, the Belgian Resident, in these words:

> *If we want to be practical and if we look for the real interest of the country, we have an incomparable element of progress in the Mututsi youth. Born with leadership qualities, Batutsi have the sense of command. It is the secret of their establishment in the country and their hold over it.*[59]

Concerning what he considered as "hesitations, procrastinations'' of colonial administration on Tutsi traditional hegemony of "noble Tutsi", Bishop Classe—the Apostolic Vicar—presented a serious warning in 1930, written in the following terms:

> *The biggest mistake that the government may do to itself and the country would be to suppress the Mututsi caste [Tutsi people]. The revolution of that type would lead the country into anarchy and to anti-European communism. Instead of bringing progress, it will ruin the government's action, by depriving it of its auxiliaries who are born capable of understanding and follow. In general rules, we will not have chiefs; better, intelligent, more capable of comprehending progress and even more accepted by the population than Batutsi.*[60]

The message from the Apostolic Vicar was understood in principle as a fervent advocacy, which promoted a Tutsi monopoly. His intervention ended administrative hesitations" and "procrastinations". Therefore, with the blessing of the Catholic Church, the 'divide and rule' policy employed a *theory of superior and inferior races*. This policy attained a particular magnitude with the tutsization of administration in 1930, as well as a system of privileges in favor of some Tutsi families in order to create an elite to serve the cause of the Belgian colonizers.[61] The Belgians defined the Tutsi as not only an alien group but as an alien race and then endowed them with superior qualities. The Hutu were depicted with inferior attributes. It was a characteristic of that period in Europe to classify people and to then attribute superior or inferior qualities to them:

> *They [Hutu and the Tutsi] were taught that the former were an inferior race and the latter a superior race. This provoked resentment on one side and vanity on the other.*[62]

What is interesting here is the extent to which these developments affected negatively group interrelations in Rwanda. Advised by the Catholic hierarchy, the Belgian colonial administration replaced all the Hutu and Twa chiefs and sub-chiefs by Tutsi Chiefs and

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[58] Linden, I. (1977). *Church and Revolution in Rwanda*: Manchester University press.
[59] Ministry of Youth, Culture and Sports & Ibuka Association (2004). Ibid.
[60] Idem.
[61] Idem.
[62] Shyaka, A. (2002). Ibid., p.129; Obura, Anna (2003). Ibid., p: 103.

Sub-Chiefs and limited access to the colonial schools to children of some Tutsi Chiefs and Sub-chiefs only. Tutsi chiefs and sub-chiefs were then charged with the responsibility of implementing the colonial harsh policies, drawing resentment of the mass against them. Hutu and/or Twa chiefs and deputy chiefs were thus dismissed from their posts and replaced by Tutsi.

The predominance of Tutsi senior workers in the administration was strengthened and sustained by creating in 1932 an administrative section at Groupe Scolaire d'Astrida (now Groupe Scolaire Officiel de Butare), uniquely scheduled for sons from Tutsi high ranked families, who were given the name of *Indatwa* (the prestigious ones). This has given a profile to ethnic groups as pertinent political categories, something inexistent in the past.

By promoting elements of one social category, and by introducing forced labor executed by Tutsi sub/chiefs—hence reinforced divisions between Tutsi and Hutu[63]—the colonial power had created a potentially antagonism producing situation. Belgians, helped by Tutsi auxiliaries, harshly forced Rwandans to work in colonial coffee and tea plantations and used to beat or kill people who refused to work in these plantations, which also led to the increased number of non-collaborators as time went on.[64]

As observable in other situations, antagonisms take birth and develop around the fact that some persons can access to advantages, while others encounter lots of handicaps. The administrative reform has thus laid the foundation of a government based on the logic of exclusion. Some authors like John Rawly, cited by Chrétien (1993), attribute the development of resentments and the threat to national cohesion to structures, which institutionalize inequalities.[65]

Moreover, the land tenure system in pre-colonial Rwanda, which was characterized by the collective ownership of land, with the complementarily between agriculture and livestock—under customary law—was a factor of stabilization and harmony in social relationships. But colonial attempts to create a single system of property ownership and land transfer created social cleavages within Rwanda, the social construction of ethnicity, the elite capture of land and power, and poor land governance.[66]

Likewise, the colonial system introduced the school, which was conducted by missionaries. Its objective was to evangelize and to train the administrators of the colonial power. Education in Rwanda was thus characterized by mistrust of traditional values and

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63 Linden (1977). Ibid.

64 Rutembesa F. (2001). Ibid.

65 Chretien, J. P (1995). *Rwanda, les médias du genocide*, Paris: Karthala.

66 Vansina (2001). *Antecedents to Modern Rwanda: The Nyiginya Kingdom*, New York, University of Wisconsin Press, p.168; Ministry of Lands, Environment, Forests, Water and Mines (2004). *National land policy*, February, Kigali, p.10; Takeuchi Marara 2009). *Conflict and Land Tenure in Rwanda*. No 1, September, Tokyo: JICA research institute, p.8.

knowledge, and a literature that conveyed division of the people was extensively distributed.[67]

Among other destructive elements brought about by the colonizer was the identity card bearing the ethnic mention as a classifying tool of the individual.[68] The ideological introduction of identity cards that materialized the institutionalizing of 'ethnic' labels has also stimulated the ethnic extremism and distorted the sense of the Rwandan history, causing an alienated identity which served as a starting point of a grave crisis and Genocide crimes.[69]

Another element resorted to by the colonizer in tearing apart the social relationships (especially after Tutsi elite's disagreement with colonial divisive policy) consisted in including the ethnic ideology of numeric representativity (Hutu, majority-85% and Tutsi, minority-14%), which was institutionalized and politicized. The figures came into play for the first time as a political asset during the 1953 and 1956 so-called 'elections' organized by the colonizer. This numeric system has also been used as a means of trickery stressing that democracy as a government system in which the population's sovereignty belongs to the majority ethnic group.

In fact, in 1950s, some members of Tutsi elite group discovered that Belgians were intruders who wanted to divide Rwandans to serve their interests. They thus refused to be disintegrated on the basis of ethnicity[70] and became non-collaborators while also staring to fight for independence. Realizing that this elite group was increasingly gaining ideas of nationalism and independence, the Belgian colonizers and the Catholic missionaries changed plans and quickly set up preparations to create an alternative Hutu elite, while putting all the blame of ill treatment/cruelty and all frustration of colonization on the head of his former Tutsi allies.[71]

The political solution of the Belgian administration became thus to ally with the Hutu 'majority' as a way to continue serving colonial interests, which the Hutu, unfortunately, adhered to.[72] The Belgians, having possessed all the powers including police power, thus turned against the Tutsi elite, and slowly started allying with the Hutu elites to overrun Tutsi elite demands.[73] They mobilized the Hutu against the Tutsi and engineered, organized, coordinated, and supported a Hutu uprising known as "the 1959 Hutu Revolution" which resulted in the persecution and killings of thousands of Tutsi, as wells of hundreds of thousands of Tutsi sent into exile, notably in Burundi, Tanzania, Uganda, former Zaïre, etc.

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67 MINEDUC (2003). *Education Sector Policy*, Kigali., p.3
68 Newbury, C. (1988) .
69 NURC (2007). Ibid., p. 49.
70 Shyaka, A. (2007). Ibid.
71 Ministry of Youth, Culture and Sports & Ibuka Association (2004). Ibid.
72 Shyaka, A (2007). Ibid.; Rutayisire & Byanafashe (2011). Ibid.
73 Idem.

Despite this violence to delay independence, Belgium was still obliged by the UN to hand over independence to Rwanda in July, 1962.[74]

Therefore, from 1959 on, the instigation with unquestionable support of the Belgian colonizers who remained present even after the so-called independence, plunged Rwanda, during 35 years, into the politics of dehumanization, hatred, segregation, persecution and systemic exclusion of Tutsi with cyclic massacres, followed by forced exile, systematization of impunity for any crime committed against Tutsi and others opposed to these crimes.[75]

2.3. Rwanda during post-colonial period (since 1962)

Post-independence Rwanda's political and social environment, up to 1994, has been chaotic, volatile, and unstable. Rwanda got independence (1962) under the government of MDR-PARMEHUTU — the ethnic colored political party — after the killings of Tutsi in 1959 while others were forced to go into exile. The country's political theory, since independence, was in fact characterized by the persecution and violence, the domination and exclusion and the dissension notably against Tutsi.[76] The post independence regimes thus pursued policies of discrimination and the system of registration of persons in terms of ethnicity.

Civic education, the educational system, and employment were denied to some members of the Rwandan community, notably Tutsi, and some Hutu, who never supported the cruel political agenda of PARMEHUTU.[77] PARMEHUTU's discriminatory and hatred ideology was also the engine of the second republic. For example, during the 9th Congress of PARMEHUTU, Balthazar Bicamumpaka–one of the founders, said: "*PARMEHUTU is an ideology, a dogma and an objective to reach*". The ideology was to exterminate all Tutsi from the Rwandan map. The national politics of the first and second republics were thus the same in violating and executing Tutsi.[78]

Regionalism, favoritism and ethnicity were the leadership styles that did not leave room for criticism, under PARMEHUTU ideology. For example, the military and police came from one ethnic group.[79] The hatred against Tutsi that characterized the first and second republics was in fact based on spreading "*hutuism*" ideology. The best example to explain such horrific discriminatory and hatred politicization was Gitera's 10 Hutu commandments published in 1961, which were re-published in Kangura Newspaper, No. 6 of December 1990, under the genocidal governments' control and support. The following box indicates those 10 Hutu commandments:

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74 Muligande, Charles (2012). *Post-genocide challenges and achievements*. Presentation, Japan.
75 Ministry of Youth, Culture and Sports & Ibuka Association, Ibid.
76 Jha et al., (2004). Ibid., p.43.
77 NURC (2005). Ibid., p.8.
78 Caplan, G. (2007). *Rwanda's Genocide: First the Deed, Then the Denial*. Toronto: The Globe.
79 Riemer, N. (2000). *Protection Against Genocide: Mission Impossible?* Westport: Praeger Publishers.

The 10 Commandments of Hutu

1. Every *muhutu*[80] should know that a *mututsi*[81] woman, wherever she is, works for the interest of her Tutsi group. As a result we shall consider a traitor any *muhutu* who marries a *mututsi* woman, makes a *mutusi* woman his concubine, employs a *mututsi* woman as secretary or makes her his dependent.
2. Every *muhutu* should know that our *bahutu*[82] daughters are more suitable and conscientious in their role of women, spouses and family mothers. Are they not beautiful, good secretaries and more honest?
3. *Bahutu* women, be vigilant and try to bring your husbands, brothers and sons back to reason.
4. Every *muhutu* should know that every *mututsi* is dishonest in business. His only aim is to enhance the supremacy of his ethnic group. As a result, we shall consider a traitor any *muhutu* who forms an alliance with *batutsi*[83] in business, invests his money or government's money in a *mututsi* enterprise, lends or borrows money from a *mututsi*, gives favors to *batutsi* in business, such as obtaining import licenses, bank loans, construction plots, public markets, etc.
5. All strategic posts, be they political, administrative, economic, military or security must be entrusted to *bahutu.*
6. The education sector (pupils, students, and teachers) must be majority Hutu.
7. The Rwandese armed forces must be exclusively Hutu.
8. The *bahutu* should stop having mercy on the *batutsi.*
9. The *bahutu*, wherever they are, must have Unity, solidarity and be preoccupied by the fate of their Hutu brothers. The *bahutu*, both inside and outside Rwanda, must constantly look for friends and allies for the Hutu cause, starting with our *bahutu* brothers; they must constantly counteract the Tutsi propaganda; the *bahutu* must be firm and vigilant against their common enemy.
10. The 1959 social revolution, the 1961 referendum and the Hutu ideology must be taught to every *muhutu* at all levels. Every *muhutu* must spread widely this ideology. We shall consider a traitor any *muhutu* who will persecute his *muhutu* brother for having read, spread and taught this ideology.

Source: Kangura Newspaper, No. 6 of December, 1990.

These 10 commandments, indeed, constituted a solid foundation for divisionism, hatred, and persecution against Tutsi since 1959, which climaxed into the 1994 Genocide against Tutsi. The next subsections discuss that in details.

[80] To refer to one Hutu, in singular.
[81] To refer to one Tutsi, in singular.
[82] To refer to Hutu, in plural.
[83] Ibid.

2.3.1. Rwanda under the first Republic (1962-1973)

Rwanda acceded to independence (1962) under a terror and massacre charged atmosphere. The first republic, under Grégoire Kayibanda's presidency, seated its legitimacy on the social and political persecution of the Tutsi and its power on the ethnic colored party, called MDR-PARMEHUTU. This racist/divisive party (1) openly preached hatred against Tutsi, calling them snakes, cockroaches, untrustworthy, and foreigners, who should be sent back where they supposedly came from (Abyssinia-Ethiopia), and (2) organized cyclical killings of Tutsis (1963-1967, 1973, etc.) that further sent waves of Tutsi into exile.[84]

Through sensitization and propaganda, the local politico-administrative authority urged the population of their jurisdiction to exterminate the Tutsi. Intense anti-Tutsi propaganda used to constitute the bulk of the rulers' speeches, of radio broadcasts, popular songs, school classes, etc. Such propaganda was aimed at explaining that the Tutsi were foreigners, who had conquered and subjugated the Hutu people four centuries long. For example, the former Préfet André Nkeramugaba addressed citizens in the former Prefecture of Gikongoro and said: *"we are expected to defend ourselves. The only way to go about it is to paralyse the Tutsi. How? They must be killed"*.

It is worth to note that the Tutsi who remained in the country were excluded from political and civil rights. Particularly, they were denied the right to education, right to employment, right to civil participation, as well as other human rights,[85] which was radicalized by the state. For example, President Kayibanda said that '*Two nations in a single state, two nations between whom there is no intercourse and no sympathy, who are as ignorant of each other's habits, thoughts and feelings as if they were dwellers of different zones, or inhabitants of different planets*.'[86] In the eyes of President Kayibanda himself, the issue of co-existence and pacific cohabitation between Hutu and Tutsi required the establishment of two separate zones; otherwise 'one ethnic group should disappear on behalf of the other.' Kayibanda went further by submitting to the UN and the former Belgian metropolis a proposal of zone redistribution, the Hutu-land and the Tutsi-land. The Tutsi-land would be the more habitable part of Bugesera, Buganza and all the territory, which had become the provinces of Kibungo and Umutara (the Eastern-part of Rwanda); and the remaining part of the country would be the 'Hutu Zone'. Unity, concord, mutual assistance, trust, collaboration, patriotism among Rwandans had thus lost their value and no longer existed.

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[84] Muligande, Charles (2012). Ibid.; Jha et al., (2004). Ibid., p.43.

[85] Longman, Timothy (1999). State, Civil Society and Genocide in Rwanda. In Joseph, R. (Ed). *State, Conflict, and Democracy in A*frica. London: Lynne Rienner Publishers, Inc. Mail.

[86] President Kayibanda's speech delivered on 27 November, 1959.

2.3.2. Rwanda under the second Republic (1973-1994)

In 1973, President Kayibanda was deposed in a military Coup by Juvénal Habyarimana (od the north) and MDR party was replaced by MRND party, which pursued the same discriminatory policies against the Tutsi but also introduced regional discrimination against regions other than those of the north.[87] This is what a citizen of Nyanza, of the south, was indeed referring to when interviewed:

> *Regional-based divisions had huge negative consequences on people of here at Nyanza. One could go to Kigali but don't get a job because s/he was from Nyanza[south]… None from here at Nyanza could get a job be it in leadership or other levels. Even getting a job of a guard was difficult if one was not from Rukiga [north], if one was not from Gisenyi or Ruhengeri.*[88]

At political and social levels, the regime elaborated the policy of regional and ethnic balance. It strived to set up quotas for different social groups, and to regions, proportionate to the population representativity as regards access to education and employment. Accordingly, administrative structures, including a Ministry with responsibility for education, were established and diverse laws securing the general regulation of education were introduced. Rather than correcting the errors of the colonial era, education remained very discriminatory and was not relevant to Rwandese society, culture and values, which resulted in the people losing their patriotism. This was indeed one of the contributing factors to the Genocide against Tutsi in 1994.[89]

The Hutu in general, and particularly those of the North, were sensitized by the regime that they have been historically disadvantaged and so were attributed the lions share. After his political coup of 5/7/1973, Habyarimana indeed publicly announced the general orientations of regional and ethnic political equilibrium in these terms: "*it is comprehensible that admission in different schools will take into consideration the social, ethnic and regional composition of the Rwandan community*."[90]

From 1986 to 1990, the economic crisis and power monopolization started also to shatter the foundations of the Habyarimana regime. Beside impunity, the regime became featured by fraud, corruption and all sorts of abuses and exactions. This resulted into a rapid weakening of the state, along with the settlement of a bourgeois political class on one hand and the pauperization of the masses on the other hand.

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87 Muligande Charles (2012). Ibid.

88 NURC interview, May (2012).

89 MINEDUC (2003). *Education Sector Policy*, Kigali., p.3.

90 MINEPRISEC (1985). *Données sur les admissions scolaires publiques et privées; les bourses d'études; le personnel de l'enseignement secondaire; les constructions et extensions des établissements secondaires Durant la période 1981-1985,"* Rapport No 34, Octobre, Kigali.

The second republic was also reputed to have a tough political and social control. The country was purely and simply run under a tight surveillance system, which also entailed an atmosphere of coercion to the population. In fact, all governors of provinces (Prefets) and Bourgmestres (Mayors) were appointed by the President of the Republic. The Bourgmestres, in their turn, were entitled to appoint the chiefs of sectors and cells. Such a network constituted the corner stone to the exacerbation of the hatred between Hutu and Tutsi and the reinforcing of control over the community. This network also greatly served the purpose and the implementation of the 1994 Genocide of Tutsi. Through it, the political authorities sensitized the population to carry out what they had named the 'final solution'; that is, the extermination of the Tutsi. Via the radio, slogans, organized popular meetings or gatherings directed to the large public, authorities, at the grassroots or higher politico-administrative hierarchy, invited the Hutu population to massacres, and organized them into trained militia with the purpose of Tutsi extermination as well as of the Hutu, and whoever else, who did not espouse the Genocide ideology.[91]

As indeed discussed in the next subsection, the discriminatory policies and MRND's lack of respect of democracy, basic human rights and rule of law, led to the formation of Rwanda Alliance for National Unity (RANU) later transformed into Rwandese Patriotic Front (RPF), in 1987, with the intent to fight for human rights and democratic change in Rwanda. After the failure of all peaceful means to reform the MRND regime, RPF eventually resorted to the liberation war in 1990. The MRND regime responded by organizing and committing acts of Genocide against Tutsi and opposition in 1990, 1991, 1992, which climaxed in the 1994 Genocide against Tutsi,[92] which was repeatedly referred to, by the Genocide planners, as *an apocalypse*. Hatred against Tutsi was preached in the broad-day. For example, the speech of former President Juvénal Habyarimana, in MRND Congress held on 28 April 1991, underlined:

> *The Unity of ethnic groups is not possible without the Unity of the majority. Just as we note that no Tutsi recognizes regional belonging, it is imperative for the Hutu majority to forge Unity, so that they are able to wade off any attempt to return them into slavery.*[93]

Likewise, Léon Mugesera, who was Vice-President of MRND publicly said, in CDR-MRND joint Meeting at Kabaya-Gisenyi, on 22 November 1992:

> *What about those accomplices here who are sending their children to the RPF…we have to take responsibility in our own hands…the fatal mistake we made in 1959 was to let them [Tutsi] get into exile…they belong in Ethiopia and we are going to find them a short-cut to get there by throwing them into the Nyabarongo River. We have to act and wipe them all out.*[94]

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[91] Caplan (2000). Ibid.; Destexhe (1995). Ibid.; Caplan (2007). Ibid.

[92] Muligande, Charles (2012). Ibid.

[93] Muligande Charles (2012). Ibid.

[94] Melvern, Linda (2004). *Conspiracy to Murder: The Rwanda Genocide and the International Community*: Verso Books, p. 47.

As consequence of the above incitements by politicians, Hutu militia slaughtered 300 Tutsi civilians in Kibirira in October 1990 and in January 1991, 500-1000 Tutsi were murdered. In Bugesera, over 300 Tutsis were killed in March 1992 whereas 70 Tutsi were killed by *interahamwe* militias in Kigali, between February 22-26, 1994. Both the US and Belgian embassies reported these massacres but nothing was done against it.[95]

The political elite in Rwanda, since independence up to 1994, chose divisions and Genocide as a political strategy to monopolize power.[96] In this regard, Susan Cook explains well how the development of a genocidal ideology is rooted in the dictatorial perspective that particularly characterized Rwanda's second Republic under Habyarimana regime. The author's explanation of the political economy of dictatorship makes clear how Habyarimana's racist propaganda was coupled with the priority to the development of the peasantry (with majority/agriculture and the hoe at the core) whereby emphasis was that the real peasants are only Hutu. Habyarimana expressed this as follows:

> *Did you know that 85% of the rural inhabitants are Hutu? This war is a final war [Genocide]; we have to show to the world that the Hutu is more courageous than the Tutsi; that the majority people is more courageous…This war is really final…we have to conduct a war [Genocide] without mercy.*[97]

The divisionism, discrimination and hatred against Tutsi in Rwanda from 1990 to 1994 were indeed totally brutal and not human in nature in comparison with the 1959, 1963, 1967, and 1973 Tutsi killings. The exploitation of ethnic feelings took on a new dimension in the 1990s with the involvement of the media. Before and during the 1994 Genocide against Tutsi, some of the media adopted the genocidal ideology and a policy of telling lies, inciting animosity and murder of Tutsi. The media thus became an instrument of mobilization for the Genocide against Tutsi. Long before the Genocide against Tutsi, the media also participated in planting the culture of violence by launching a campaign of ethnic hatred in Rwanda. The well-known media were the Radio Télévision Libre des Mille Collines (RTLM) and some newspapers including Kangura.[98] Based on *the 10 Hutu commandments*, the Habyarimana's government thus used the newspapers and the RTLM to sensitize the Hutu population against the Tutsi. Such awareness was also done in public meetings[99] and referred to Hutu extremists as '*Pawa'* in Kinyarwanda language, to mean 'power' (powerful).

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[95] Gregory, H. Stanton (2009). "The Rwandan Genocide: Why Early Warning Failed", *Journal of African Conflicts and Peace Studies*. Volume 1, Number 2, September, pp. 6 – 25.

[96] Clark Phil and Kaufman Zachary (2009). *After the genocide: Transitional Justice, Post-Conflict Reconstruction and reconciliation in Rwanda and Beyond*, New York: Columbia University press, p.21; Des Forges (1999) in Cook, Susan E. (2005). *Genocide in Cambodia and Rwanda: New perspectives*, New Brunswick and London: Transaction Publishers. p.1.

[97] See in the records of the RTLM (Radio-Télévision des Mille Collines), June 17th, 1994, copied and translated from Chrétien, p.330.

[98] Gatwa, T. (2005). Ibid., p.149.

[99] Destexhe (1995). Ibid. ; Caplan (2007), Ibid.

Rwandan political realm, before 1994, was thus characterized by high-centralized governments whereby citizens were left to only obey the government. Such a culture of obedience is cited by historians as being among vital factors in the genocidal government's ability to incite Hutu to perpetrate the Genocide against Tutsi. The culture of impunity had indeed permitted the mass murder of Tutsi in 1959 and the early 1960s by Hutu extremists. Numerous commentators argue that the lack of accountability for crimes committed by these Hutu leaders in part afforded license to those who planned, incited and perpetrated the Genocide against Tutsi in 1994.[100]

By 1994, segregationist political parties (MDR-*Pawa*, PL-*Pawa*, PSD-*Abakombozi*, MDR-JDR, MRND-*Interahamwe*, CDR-*Impuzamugambi*) and their youth wings were instrumental in the organization and planning of the Genocide against Tutsi. It is worth emphasizing also that the above political parties were polarized based on divisionism between the so-called « *Pawa* » (power) and 'moderates'. This polarization further led to Hutus moderates and extremists, which reaffirmed the earlier constructions of hutuism ideology.[101]

To make it worse, on 6 April 1994, former President Juvenal Habyarimana's plane crashed when he was coming from Arusha in the peace talks with RPF. Adelman and Suhrke argue that "*there is strong evidence that the Rwandese government forces were responsible for both the assault on the president and the killings which started immediately afterwards.*"[102] Indeed, the death of President Habyarimana was planned earlier by some of his political inner circle[103], for example, in Kangura Newspaper, Special No 53 of 12/1993, on page 3, Ngeze Hassan wrote: "*Habyarimana azapfa muri Werurwe 1994*", literally translated: "*Habyarimana will die in March 1994*." In addition, RTLM aired that "*hari akantu kazakorwa muri Kigali ku ya 3,4, n'iya 5 kandi ku ya 6 n'iya 7 hazumvikana amasasu menshi muri Kigali*", literally translated as: "*there is something that will happen in Kigali on 3rd, 4th 5th and on 6th and 7th there will be much bullets sound in Kigali*". All these data indicate that President Habyarimana was assassinated by his political inner circle.

Consequently, after the President's plane crash on 6 April 1994, the following minutes, massacre of Tutsi openly started in the capital, Kigali, and later in other parts of the country, in the presence and failure of United Nations peace keeping forces (UNAMIR).

In 1993, Human Rights Watch released a report on mass killings of Tutsi in Rwanda. In the same year, Ndiaye B., who was the UN Special Rapporteur on Summary, Arbitrary and Extrajudicial Executions, conducted a mission to Rwanda and reported massacres against

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100 Clark, Phil (2009). Ibid., p.19-20

101 Idem.

102 Adelman and Suhrke (2000). *The Rwanda Crisis from Uganda to Zaire: The Path of a Genocide*. New Brunswick: Transaction Publishers, p. 235.

103 This is the well known unders "*akazu*"(a circle) name.

the Tutsi but UN did nothing about that.[104] In January 1994, General Romeo Dallaire, the then commander of the United Nations Assistance Mission to Rwanda, had informed the UN Security Council that the government was planning to massacre Tutsi, and no action was taken.[105] The General even requested permission to search for a cache of arms and machetes that were to be used in the Genocide but he was denied by the former secretary of UN, Boutros-Boutros Ghali, simply because 'it was not in the mandate of the mission'.[106] All of these crimes and genocidal acts were left unpunished. Such a culture of impunity had yet been reported by UN Officials. In this regard, Ndiyaye stressed:

> *As in the past, the fact that persons responsible for violations of the right to life can be certain of impunity is the chief reason for the current renewed phenomenon of summary executions.*[107]

René Degni-Ségui, the then Special Rapporteur of the UNHCR, observed, in a 1994 report he submitted while the Genocide against Tutsi raged, that "impunity…is a recurrent cause of the massacres."[108] Degni-Ségui had remarked that political party militias, the armed forces, and local authorities not only did not intervene in atrocities, but actually participated personally in the arbitrary arrest and execution of Tutsi and moderate Hutu. Degni-Ségui further stated:

> *No legal steps have been taken against those responsible for the earliest and present massacres although the public and the authorities know them. On the contrary, they continue to live quietly and move about freely, quite undisturbed and with complete impunity. Worse, still, many local officials who particularly distinguished themselves by their acts of cruelty have been promoted, whereas those who managed to keep the peace and prevent massacres were quite simply dismissed.*[109]

2.4. Rwandan Patriotic Army stops the 1994 Genocide against Tutsi

The systematic genocidal persecution and killings of Tutsi and other citizens opposed to discriminatory and genocidal policy, since 1959, had left thousands of survivors forced to go into exile. Those who did not get the chance to flee continued to be persecuted and eventually killed by post-independence governments, for example in 1963, 1966, 1967, 1973, and 1990 onward.[110]

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104 Gregory, H. Stanton (2009). Ibid.
105 Dallaire, Romeo and Beardsley, B. (2003). *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. Ontario: Random House Canada; Gregory, H. Stanton(2009). Ibid.
106 Gregory H. Stanton (2009). Ibid.
107 UN special Rapporteur Report quoted by Kaufman in Gasanabo, Simon and Ensign, 2014:368, 1993.
108 UN special Rapporteur Report quoted by Kaufman in Gasanabo, Simon and Ensign, Idem.
109 Idem.
110 Gregory, H. Stanton (2009). Ibid.

As put previously, this systemic exclusion and extermination of Tutsi, as well as other people opposed to these crimes, was committed in the presence and eyes of the international community. In spite of many reports calling upon urgent action against these crimes, especially the massacres and Genocide against Tutsi in 1994, the international community, particularly the UN, deliberately chose inaction.[111] Impunity has in fact been a feature of Rwandan life since colonization and the time of Kayibanda and Habyarimana regimes since 1959 and during independence in 1962 and 1973. The silence of national courts only aggravated the campaigns of persecution based on ethnicity that were a feature of the country's history until the catastrophic Genocide of 1994 against Tutsi.[112]

Given this situation of bad governance and oppression that was always left unpunished, coupled with the categorical refusal of the Habyarimana regime for refugees to settle back peacefully in Rwanda and stop the exclusion and systematic massacres of Tutsi and other Rwandans opposed to its governance malpractices,[113] the RPF/RPA organized and launched a liberation war in 1990. Brought to bay by the RPF and the political opposition, the Habyarimana regime accepted the way of negotiations, which resulted into the Arusha Peace Agreements/Accords, signed in August 1993. These accords provided for, among other things, power sharing and the establishment of a Unity and Reconciliation Commission.

Nevertheless, parallel to the negotiation process, the Habyarimana regime masterminded what they called 'an apocalypse'—the 1994 Genocide against Tutsi. The perpetuation of this Genocide became ipso facto a failure of the application of Arusha agreements.[114] The RPA had this time a twofold mission: fighting Habyarimana's bad governance regime and stopping this regime's Genocide against Tutsi. By July 4th, 1994, the RPA defeated the genocidal government forces and militias and eventually stopped the Genocide against Tutsi.

2.5. Rwanda after 1994: Necessity for Unity and Reconciliation

> *Unity and reconciliation is a responsibility of every Rwandan and every institution. It is the only option for peace that Rwanda chose to undertake after the discriminatory and divisive politics that plunged the country into wars and the 1994 Genocide against Tutsi.*[115]

After the 1994 Genocide against Tutsi and the RPA liberation war that halted it, Rwanda was thus left with the traumatized survivors, countless orphans and widows, thousands of handicapped people, and generally a very traumatized and vulnerable population. So much blood had been spilled and credibility of the state itself had been undermined by the

111 Gregory, H. Stanton (2009). Ibid.
112 Clark Phil and Kaufman Zachary (2009). Ibid., p. 207.
113 Ministry of Youth, Culture and Sports & Ibuka Association, Ibid.
114 NURC (2010). *Assessment of the* implementation of the recommendations from different studies conducted on Unity and Reconciliation in Rwanda, Kigali, p.6.
115 NURC (2007). *The National Policy on Unity and reconciliation*, Kigali, p.29.

Genocide in that some of its institutions had planned and carried out the Genocide.[116] The entire infrastructure of the country, ranging from schools, hospitals, factories and government departments, had been totally destroyed or severely looted by the fleeing genocidal forces and *Interahamwe* (militias). Law and order had completely broken down, all national law enforcement agencies and judicial institutions had ceased to exist, and the system of administration of justice had come to a standstill. There was no civil service and the government administrative capacity had collapsed. Civil servants had either been killed during the Genocide or had fled the country. The country was thus left with the traumatized survivors, countless orphans and widows, thousands of handicapped people, millions of refugees and internally displaced people, and generally a very traumatized and vulnerable population. A cloud of insecurity was also still persisting because the defeated ex-*Forces Armées Rwandaises* (FAR) and *Interahamwe* (militias) were reorganizing themselves so as to continue their genocidal campaign an actions.[117]

The aftermath of the 1994 Genocide against Tutsi was therefore faced with a huge challenge to reunite and reconcile Rwandans, who were in total trauma and distress.[118] Restoring trust in the authorities and, in particular, rehabilitating the image of the police and the army, which had taken part in the killings under the previous regime, would be no mean feat. The overall challenge was thus how to rebuild the socio-economic, cultural and institutional fabric, restore security, provide justice, and bring about Reconciliation and Unity in a devastated country made up the wounded, disunited and traumatized people.[119]

To address this dark past of Rwanda, and the consequent legacy and challenges, toward a new and bright society, the restoration of national Unity and Reconciliation was thus vital.[120] The Arusha Peace Accords, signed in August 1993 between the then Government and the Rwandan Patriotic Front, had indeed considered Unity and Reconciliation as a process that is fundamental for the stability and development of Rwanda—an imperative prerequisite for the re-establishment of democracy, peace and tranquility, the rule of law, national cohesion and holistic development.[121] In this regard, a number of mechanisms and programs have been put in place, which included power sharing and the creation of a Unity and Reconciliation Commission, among other things. But before getting to that, it appears relevant to discuss how Unity and Reconciliation are understood in Rwanda, which departs from general theoretical perspectives.

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116 Longari Marco (2010). Ibid., p. 49.
117 Jha et al., (2004). Ibid., p.7, 22.
118 NURC (2007). *Ibid.*, p. 10.
119 NURC (2009*). Ibid.,* p.7; Longari Marco (2010), Ibid., p.49.
120 Ibid.
121 NURC (2010). Ibid., p.3-5.

CHAPTER 3

Understanding Unity and Reconciliation in Rwanda

This chapter discusses the perspectives on unity and reconciliation in Rwandan context. The chapter does so by departing from theoretical understandings and perspectives on unity and reconciliation, in the literature, and then discusses how unity and reconciliation are understood and approached in Rwandan context.

3.1. Theoretical perspectives on Unity

There seem to be a general agreement in the existing literature that 'unity' refers to 'oneness', 'harmony', in 'accord' or 'agreement' (up to the agreement to disagree), and that diversity does not go against unity. The concept is much associated with religious teachings to refer generally to unity of the spirit, faith, and unity in Christ.[122] However, theoretical and philosophical discourses on 'unity' draw a distinction between '*unity in conformity*' and '*unity in diversity*'.

The Hegelian *idealist* conception of *totality* seems to illustrate the theoretical and philosophical discourse on the dominant concept of '*unity in conformity'*. This conception of totality reads:

> *an expressive totality, a totality all of whose parts are so many; each part expressing the others, and each expressing the social totality that contains them, because each in itself contains in the immediate form of its expressions the essence of the totality itself…*[123]

The unity produced by such a concept is immediately present in, and extricable from, each of its parts. Each part of the whole is but an expression of the essence of the whole.[124] Within this perspective, the unity of the whole suppresses the distinctness of the part of instances (determinations) constituting it. This expression of the essence of the whole is but the will of absolute truth, reason or the divine.[125]

The second theoretical discourse that focuses on studies that are instead informed by the concept of '*unity in diversity*' has, to some extent, emerged as a critique of the dominant concept of '*unity in conformity*'. Whilst the former focuses on the efficacy of cultural variables and political groups, this alternative concept attempts to redress the imbalance by leaning more toward the structures-social processes pole, without entirely neglecting socio-cultural variables (ethnicity, religion, etc.).

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122 David A. DePra. Available at: www. goodnewsarticles.com /Jun 05-5.htm.

123 Callinicios, A. (1976). *Allthusser's Marxism*, London: Pluto Press, p.408.

124 Ibid.

125 El-Battahani, Atta (2008). *Peace Without Unity: The Dilemma of Reconciling Divergent Perspectives in Post-Conflict Sudan*, p.8.

The idealist concept of totality, of the '*unity in conformity*' acknowledges the centrality of the Absolute, the realization of which bestows unity and suppresses the distinctness of the constituent unity as a condition of the cohesion of the whole—an ethno-centrist perspective (differences as antithetical to unity). In contrast to this, the '*unity in diversity*' concept does not attribute the unity of the whole to the presence of actualization of the Absolute, nor does it consider the whole as something in, yet separable, from its parts.[126]

Therefore, where unity is present, differing opinions are valued and are essential to the truth-seeking aspect of consultative decision-making. Teams are made up of individuals with different strengths and knowledge, individual approaches to tasks are nurtured and supported, learning approaches aim to foster appreciation of and experience of diversity, and wide geographic representation and outreach, and gender balance, are sought by the organization. Unity in diversity means harmony of diverse views, and sharing and talking about feelings. Unity is thus a positive value when there is real respect for being different and the uniqueness in that. In some contexts, unity also means having a set of common rules, which facilitate interaction. However, diversity represents appreciation of different approaches.

3.2. Unity in Rwandan context

> *From the time in memorial, Rwandans in their culture held that unity was strength, and that to survive they needed each other's help without any distinction—solidarity by 'working together'. This was Rwanda's traditional philosophy of mutual solidarity and assistance reflecting a number of collective activities they performed at village level. People jointly put up houses, cleared bushes and tilled land for growing of crops. Efforts were also combined to defend themselves against common enemies and generally came to each other's help both in time of happiness and time of sadness. It is realized that spirit of mutual assistance was deeply rooted in the conventions and customs of the society. Such solidarity kept the Rwandan society quite intact and dynamic.*[127]

In Rwanda, *unity*—as it is the case for 'solidarity'—has always been conceived as *strength*. The focus is on *National Unity*, reflected in the concept of 'Rwandanness' (*Ubunyarwanda*) that bonds Rwandans as one, and which is their identity above anything else. Article 2 and 3 of Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front had indeed emphasized that:

> *National unity' implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. National unity entails the rejection of all exclusions and any form of discrimination based notably on ethnicity, regions, sex and religion. It also entails that all citizens have equal opportunity of access to all the*

[126] El-Battahani, Atta (2008). Ibid. p. 12-13.
[127] MINALOC & MINECOFIN (2002). *Ubudehe to fight poverty*, Kigali, p. 1.

political, economic and other advantages, which access must be guaranteed by the State.[128]

The concept indeed describes what Rwandans were before colonization and how they defined their relationships with their country. This agrees with the contentions of Erickson, who define identity as "*a subjective sense as well as an observable quality of personal sameness and continuity of some shared image*."[129]

The first leadership Forum for discussions (National Consultative of May 9th, 1998) held by the Government of National Unity, at *Urugwiro* Village, came to the conclusion that national unity, which refers to 'national cohesion' means:

> *Relationship linking fellow-countrymen who feel they have a sense of their common goal, who share a common destiny; who belong to the same country and understands that no-one has more right to it than the other (to the point of chasing others out of it), and who consider that anything that threatens the security of part of their country is in fact endangering the whole of it, and that they must stand up and fight it together.*[130]

Rwanda believes that the main elements, which must be available for any country's citizens to have unity include the fact that:[131]

- Citizens must understand that they all share the country; everybody feeling that the country is his/hers, and feeling and accepting that the country is also for other citizens, and that s/he has not more right on it and vice-versa;
- Citizens must understand that they should defend their country all together, so that nobody else can disturb it. In the event that one part of it is disturbed, citizens from other parts of that country should feel that it is necessary to go and help those from the disturbed part and protect the integrity of the whole country;
- Citizens must have elements in common through which they all perceive themselves (national symbols).

The principle of national unity is also enshrined in the National Constitution, in its fundamental principle, Article 9, 11, and 178.[132]. Theoretically, the Rwandan perspective on unity bends toward 'a bond in diversity'. Politically, pluralism denotes *an extensive consensus and social cohesion, adaptation and accommodation among Rwandans and the emergence of integrative central value system*. By stressing that traditional values of unity must be reasserted, reinforced and taught to all Rwandans, the National Unity and

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128 Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, Arusha, 18 August 1992.

129 NURC (2007). Ibid, p.50.

130 NURC (2000). *Report on the National Summit of Unity and Reconciliation*, Kigali, p.24.

131 Republic of Rwanda (1999). Ibid, p.16.

132 Republic of Rwanda (2004). *The 2003 Constitution of the Republic of Rwanda as amended to date*, Kigali.

Reconciliation Commission (NURC) feels that unity is a traditional value and a basic principle inherited from the ancestors. In this regard, the NURC emphasizes, that the former features of the unity of Rwandans were embodied in the following principles:

1) To agree that all citizens are Rwandans, belonging to and sharing the same ancestral land, which is 'Rwanda';
2) To see themselves as one people depending on the same administrative entity, which also treat them alike (The *Umwami* or King was the unifying knot for Rwandans and was King of all Rwandans);
3) Equality in the eyes of the law, without any kind of discrimination or categorization of Rwandans into social classes. For instance, whoever committed an offence, even if s/he belonged to the royal family, had to be punished as an example to others in proportion to the nature and seriousness of the offence;
4) In any matters, at all levels, only people's personal skills and competencies were taken into account;
5) The Rwanda traditional culture inherited from their ancestors (rites, customs, folklore, human and animal medicines, etc…); was that they had to depend on one another.

Summarized elements through which the nationals' unity is recognized and which helped reinforcing that unity, and also which cannot make unity exist if they are not available (that indeed strengthened the unity of Rwandans, prior to the arrival of colonial administration), as indeed discussed previously, are:[133]

1) *Unifying leadership*: the monarch and his mother represented, and strived for the rights of, all Rwandans without distinction.
2) *Same language*: the fact that nationals are sharing the same language is something, which created and reinforced unity;
3) *Shared clans*: Hutus, Tutsi, and Twa were aware that they belonged to, and respected, the same clans;
4) *Housing*: Rwandans lived very much the same way, in houses mixed and scattered all over the country (there existed no specific areas reserved for Hutu, Tutsi or Twa). When people living in a country have the right to live wherever they want within their country, and that this right is accepted by each citizen, it is something through which unity is perceived and reinforced;
5) *Religion*: they shared same religious beliefs and respect for ancestors. This means they shared real strong beliefs;
6) *Culture*: Rwandans share the same culture. When citizens have the same culture, this means that they have always been close to each other in their history, that they have things in common which should make them have the same culture and result in unity between them. Culture is also cement for unity.

[133] Republic of Rwanda (1999). Ibid., p.16,19,20.

There is need to emphasize that a country can also have unity even if its citizens are not sharing the same culture, language, and religion. The main point for somebody to say that there is unity in a country is that citizens understand and accept that they are sharing that country, that nobody cannot be kept away from it, because they all have the same right and feel that they must build it and protect it together.[134]

The NURC reemphasizes that the key factors that undermined unity among Rwandans include:

1. *Colonial rulers*: Ever since the arrival of colonizers, the pillars on which the unity of Rwandans used to be built have been destroyed little by little. They brought in divisive and bad ideologies, which taught Rwandans that:
    - There were other countries different from Rwanda where they had come from;
    - They had nothing in common, and that even some of them were others' enemies;
    - Some of them are naturally superior or inferior to others;
    - Their intelligence quotient differs and that, as a consequence, they cannot have equal access to their country's heritage;
    - Colonizers brought in ethnic discrimination mostly in schools and public administration;
    - Colonial rulers destroyed traditional power as a means to achieve their personal interests;
    - Values Rwandans used to believe in, and which were based on culture and traditional beliefs, were demolished by colonial rulers and the new and different churches that disseminated divisive teachings.
2. *Role of Rwandans*: The so-called Rwandan intellectuals, mostly leaders, became onlookers and instruments of colonial rulers whom they went on to support while looking after their own interests and believed their divisive and discriminatory ideology based on discord.

This way of thinking and working, based on divisive and discriminatory ideology, caused Rwandans to be stuck in ignorance and destitution that led strait into the 1994 Genocide against Tutsi, as Rwandans disregarded the following values their ancestors had managed to achieve:

- To build a united nation;
- The fact for Rwandans to see themselves as one people under the same administrative entity which in turn treats them alike;
- Equity in the eyes of the law;
- Sharing one common culture.

[134] Ibid. p. 17

This is why the NURC feels that all Rwandans must wake up, take fresh heart and set themselves free, mentally and in concrete terms, from all the evils which destroyed their ancestral values, and so reunite as '*there can be no alternative way, nor any other aim*.'[135] In this regard, unity stands as 'a relationship which brings nationals together, so that they feel that they are moving together, sharing everything, sharing the country, all having the same right on it, and feeling that anything disturbing one part of that country is disturbing the whole country, and that nationals must fight against it together (national cohesion)'.[136]There is need, however, to emphasize that unity in Rwanda goes beyond the restoration of the unity that Rwanda had traditionally. Instead, Rwanda is now bringing about unity at a higher level; that is, a level that also expands to regional, continental, and worldwide levels. To bring about national unity, reconciliation among Rwandans is the way; this is what the next discussions are all about.

3.3.Theoretical perspectives on Reconciliation

Reconciliation is a complex term, and there is little agreement on its definition. This is mainly because reconciliation is often both a *goal—s*omething to achieve, and a *process*—a means to achieve that goal. A great deal of controversy arises from confusing these two ideas.
Therefore, despite its increasingly common usage in a range of diverse contexts, there is lack of common understanding about the definition of reconciliation. Reconciliation remains a complex and context-dependent concept.[137] In general, some writers suggest that reconciliation can be referred to as goal/outcome, or as a process, while others consider the concept to be both a goal and a process.[138] Others, such as Lederach, consider reconciliation as a place[139]; while Borer holds that reconciliation occurs at many dimensions—spiritual, personal, relational and social, structural and ecological.[140]

Mostly, reconciliation is often restricted to interpersonal relationships, and becomes defined in terms of bringing together former adversaries on the basis of a minimum mutual acceptance. This implies the restoration or transformation of the minimal acceptable relationships between former adversaries, which build on a minimum of mutual acceptance, in a viable and cooperative manner.[141] In this regard, a 'minimum acceptable relationship between former adversaries' is defined in terms of the existence of mutual trust, positive

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135 NURC (2000) *Report on the National Summit of Unity and Reconciliation*, October, 18-20, Kigali.

136 Republic of Rwanda (1999). Ibid., p.16.

137 Evaldsson, Anna-Karin (2007). *Grassroots reconciliation in South Africa*, PhD Dissertation, School of Global Studies, Gothenburg University, Sweden, p.37; Sentama (2009). *Peacebuilding in post-genocide Rwanda: The Role of cooperatives in the restoration of interpersonal relationships*. PhD Dissertation, School of Global Studies, Gothenburg University, Sweden.

138 Kostić, Roland, (2007:31); Bloomfield, (2005:12); Villa Vicencio, (2006:60); Borer, (2006:31); Bar-Tal and Bennink, (2004:11), In Sentama (2009). Ibid.2009, p. 30-31.

139 Lederach, John Paul (1997). Building Peace: Sustainable reconciliation in divided societies. Washington DC: United States Institute of Peace Press; Sentama (2009), Ibid.

140 Borer, (2006:67); Sentama (2009)—Ibid.

141 Lederach, (2002:24); Kostić, (2007:31); Galtung, (2001:1-2); Villa-Vicencio, (2006:60), In Sentama (2009). Ibid.2009, p. 30-31.

attitudes and behaviours, and the consideration of the parties' needs and interests. This understanding is restricted to the process involving the transformation or change at the *relationship* level after a violent conflict has caused a rupture in people's relationships—*thick* reconciliation. It is also concerned with mutual acceptance of one another by members of formerly hostile groups or individuals. Such acceptance includes positive attitudes, but also positive actions that express them, as circumstances allow and require.

Other researchers argue that the goal of reconciliation, beside mutual accommodation and acceptance of former adversaries, also includes forgiveness. In this regard, truth and acknowledging the past stands as a key condition for adversaries to be able to engage in building a common future.[142]Discussions about reconciliation thus touch upon its character or approach, by making a distinction between individual reconciliation and national unity and reconciliation.[143] The first type (model) of reconciliation is concerned with what is called *intrapersonal reconciliation*—the process by which individuals who suffered from, or conducted, violence need to reconcile with themselves. It is often referred to as trauma 'healing'.[144] The second type (or model) of reconciliation is called *interpersonal reconciliation* (IR), sometimes also called *thick* reconciliation, associated with a religious paradigm—with individuals as units of analysis. It is concerned with the reparation of relationships between victims and those who harmed them or their loved ones.[145] Here reconciliation happens to individuals, usually between two (a group of) people (survivor and perpetrator), but also sometimes with an individual themselves. The interpersonal understanding of reconciliation is characterized by 'a shared comprehensive vision, mutual healing and restoration, and mutual forgiveness'. Its elements also include "confession, sacrifice, and redemption".[146] Although this model varies according to individual emphasis, certain concepts are strongly identified with it, including healing, apology, forgiveness, confession, and remorse. In this model, individual reconciliation can foster sustainable peace if and when the following core elements, outlined by Assefa,[147] are taken into consideration: (a) honest acknowledgment of the harm/injury each party has inflicted on the other; (b) sincere regrets and remorse for the injury done; (c) readiness to apologize for one's role in inflicting the injury; (d) Readiness of the conflicting parties to 'let go' of the anger and bitterness caused by the conflict and the injury,(e) commitment by the offender not to repeat the injury; (f) sincere effort to redress past grievances that caused the conflict and compensate the damage caused to the extent possible; and (g) entering into a new mutually enriching relationship.

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142 Lederach, (2006:34); Ramsbotham et al., (2005:231); Staub and Pearlman (2001) in Staub et al., (2005:301); Evaldsson (2007:8); Sentama (2009), In Sentama (2009). Ibid.2009, p.30-33.

143 Kostić, 2007:32; In Sentama (2009). Ibid.2009, p. 30-33.

144 Stovel, (2006:23); In Sentama (2009). Ibid.2009, p. 30-33.

145 Stovel, (2006), In Sentama (2009). Ibid.2009, p. 30-33.

146 Borer (2006), Ibid, p.32.

147 Assefa (2008), Ibid.

The third model of reconciliation can be described as *political reconciliation*, often referred to as 'National Reconciliation' (NR), and also called *thin* reconciliation, associated with a national or political paradigm—with socio-political institutions and processes, as units of analysis. Some also talk of National Unity and Reconciliation.[148] This approach to reconciliation, unlike the second (thick reconciliation), assumes that former enemies are unlikely to agree with each other or even to get along very well. In this regard, one important aspect of NR is 'the development of a political culture that is respectful of the human rights of all people'. As Borer stresses, NR's emphasis is that "the state should strive to build legitimate and representative state institutions which respect fundamental human rights" and in which it is the state's responsibility to "create a culture of rights based upon an inclusive and democratic notion of citizenship." In sum, the NR model of reconciliation is most closely associated with the following terms: tolerance, rule of law (justice), democracy, human rights culture, conflict resolution, transparency, and public debate.

3.4. Reconciliation in Rwandan context

> *Redefining the Rwandan identity and building a shared sense of Rwandanness is at the centre of reconciliation in Rwanda.*[149]

The previously discussed theories on reconciliation make it clear that reconciliation is a complex concept that creates ambiguities owing to its diverse dimensions.[150] Rwanda's conceptualization of reconciliation bends toward a shorthand understanding that seeks to eschew the above-discussed areas of confusion. In Rwanda, reconciliation is understood as *a process through which Rwanda has to move from a divided past to a shared future*, *a process that aims to overcome the dehumanizing past towards a re-humanized present and future—a process that has to do with 'who Rwandans have to be and become*'. This understanding reflects the definition provided in the International Institute for Democracy and Electoral Assistance's Reconciliation Handbook: *Reconciliation 'is a process through which a society moves from a divided past to a shared future*.'[151] This understanding also agrees with Galtung and Wallensteen, who contend that reconciliation process is not about forgetting the past or loving the former enemies but rather to coexist peacefully.[152]

Therefore, Rwanda's understanding of reconciliation bends towards the above-described third model of reconciliation, which indicates the strong political will as it refers to *political reconciliation*, or 'National Reconciliation' (NR) given that this model emphasizes the state's responsibility to "create a culture of rights based upon an inclusive and democratic notion of citizenship. The model is indeed associated with the rule of law (justice), democracy, human

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148 Borer (2006); Sentama (2009)—Ibid.

149 NURC (2009), Ibid., p.5.

150 Mani (2005). "Rebuilding and Inclusive Political Community after War" In *Security Dialogue*, Vol. 36, and N0 4, December: Sage Publications, p.513.

151 Blomfield, Barness and Huyse (2003:12); Sentama, 2009—Ibid.

152 Galtung (1996); Wallensteen, (2002); Sentama, (2009)—Ibid.

rights culture, conflict resolution, transparency, and public debate. This is a process aimed at redefining the Rwandan identity and building a shared sense of a shared citizenship—Rwandanness.[153] The National Policy on Unity and Reconciliation indeed defines reconciliation as:

> *Conduct and practices of Rwandans that reflect the identity of the shared citizenship, culture, and equal rights manifested through interpersonal trust, tolerance, respect, equality, truth, and healing the wounds with the objective of laying a foundation for sustainable development.*[154]

Accordingly, the National Unity and Reconciliation Commission also understands reconciliation as:

> *A consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterized by trust, tolerance, mutual respect, equality, complementary roles/interdependence, truth, and healing or one another's wounds inflicted by our [Rwanda's] history, with the objectives of laying a foundation for sustainable development.*[155]

3.5. Unity and Reconciliation model in Rwanda

In Rwanda, unity and reconciliation model is 'national' oriented and is both backward and forward looking. It is a process through which a society moves from a divided past to a shared present and future.[156] In order to bring about Unity and Reconciliation, the following principles need to be respected:[157]

- To promote the spirit of Rwandan identity and put national interests first instead of favors based on ethnicity, gender, religion, region of origin, etc.;
- To combat the Genocide and its ideology, and strive at creating a nation governed by the rule of law and respect for human rights;
- To combat any form of divisionism and discrimination, and promote interdependence and synergy in nation building;
- To multiply strive to heal one another's physical and psychological wounds while building future interpersonal trust based on truth telling, repentance and forgiveness;
- To commemorate the 1994 Genocide against Tutsi with the aim of making "Never Again" a reality;
- To strive for self-determination and passion for work.

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153 NURC (2009), Ibid., p.5.
154 NURC (2007). *The National Policy on Unity and Reconciliation*, Kigali August:6-7
155 NURC (2010). Ibid., p. 16.
156 See also Mani Rama (2005). *Rebuilding and Inclusive Political Community After War*, Geneva Centre for Security Policy: Sage.
157 NURC(2009). Ibid, p.11.

The National Unity and Reconciliation Commission maintains that attaining unity and reconciliation among all Rwandans require a "*radical change on the part of the Rwandan society and willingness to transform Rwanda into a reconciled and united nation in which all citizens have equal freedoms, and a country that has a common vision for a better future*."

To successfully unite and reconcile Rwandans, ownership of the process by every Rwandan was considered as paramount. This was indeed made possible through strong political will, good governance and a combination of home-grown and community based mechanisms, rooted in Rwanda's culture and positive values, which corrected the less or non reconciliatory universal ones. Discussions in this regard are what the next chapter is all about.

CHAPTER 4

Mechanisms for Unity and Reconciliation in Rwanda

The building of our nation must be based on institutions rather than individuals if we are to make it sustainable.[158]

Good governance system should be established to fight any evil that would threaten national unity.[159]

Rebuilding Rwandan society requires responses to conflict that draw upon our own culture. Efforts to achieve justice, peace, healing and reconciliation must derive from concepts and practices that the Rwandan population recognizes and can own.[160]

In order to successfully bring about unity and reconciliation in Rwanda, following a divided past that culminated into the 1994 Genocide against Tutsi, various institutional and legal mechanisms, embodied within a strong political will and good governance framework, have been put in place. The purpose of this chapter is to discuss these mechanisms while discussing their role toward unity and reconciliation in Rwanda whereby a strong political will became key.

4.1. Strong political will

Prior to the 1994 Genocide against Tutsi, RPF's strong political will and program to have a united and reconciled Rwanda, as well as a strong and democratic state, had always been at the core of its creation and its liberation war. During the 1993 Arusha Peace Negotiations between RPF and the then government of Rwanda, it was indeed RPF that proposed the establishment of a National Unity and Reconciliation Commission (to be discussed later) along with other good governance mechanisms (power sharing, democratization, justice and security…) that had to have unity and reconciliation at their heart. Evidence of RPF's will was for an example demonstrated by power sharing that it immediately engaged in after 1994 whereby its leadership resisted the natural temptation of 'the winner takes it all' after winning the liberation war that halted the 1994 Genocide against Tutsi.

In adherence to the 1993 Arusha Peace Agreements, between the then Government of Rwanda and the RPF, there would had to be a period of transition[161] while the Constitution of 10th June, 1991 and the 1993 Arusha Peace Agreements had to constitute the Fundamental Law that had to govern Rwanda during the transition period. These provisions also had

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158 President Paul Kagame, during the 8th National Dialogue Council, 2010.

159 Resolutions of the 1st National Summit on Unity and Reconciliation in Rwanda (NURC, 2000, *Report on the National Summit of Unity and Reconciliation*, 18-20 October, Kigali, p.25.

160 President Paul Kagame, In Clark, Phil and Kaufman Zachary, 2009. *After the genocide: Transitional Justice, Post-Conflict Reconstruction and reconciliation in Rwanda and Beyond*, New York: Columbia University press, p.xxv.

161 The transition lasted for 9 years, since 1994, as it ended in 2003 with notably the adoption in a referendum of the new Constitution of the Republic of Rwanda (May 26th, 2003).

stressed that the future of Rwanda had to be based on the Rule of Law, Power Sharing, Repatriation and Resettlement and Reintegration of refugees and Displaced Persons, and the Integration of Armed Forces of the two parties (to be discussed later).

It in this perspective that in the aftermath of the 1994 Genocide against Tutsi, the instauration of the Government of National Unity, headed by RPF, thus became the leading mechanism, which laid a solid foundation for further endeavors toward reconciliation and unity in Rwanda.

4.2. Government of National Unity

> *The first instrument of social cohesion of a social group is its government.*[162] *Unity is a corner stone on which rest any action undertaken in order to develop Rwanda. It should be clear that if this foundation, that is to say national unity, does not exist we would be building on shaky grounds.*[163]

National Unity has been a corner stone on which the post-1994 Genocide government was built. As emphasized previously, the aftermath of the 1994 Genocide against Tutsi, and the liberation war that brought it to halt, was faced with a huge challenge of how to unite and reconcile Rwandans, who were in total trauma and distress. In this regard, the first mechanism put in place by the victorious RPF/RPA, since the end of the Genocide, was to put in place a Government of National Unity that was inclusive of political parties, which had not taken part in the Genocide against Tutsi.[164]

The political principle of the post-1994 new government (Government of National Unity) indeed considered unity and reconciliation of Rwandans as the cornerstone in reconstructing the nation.[165] This Government was fully determined to restore Rwanda's plight in the international family. Its development agenda was built on four pillars namely: Good governance, Justice, Security, Economic Development and Social Welfare.[166] Central to the whole development agenda was the issue of unity and reconciliation, human rights, transparency and accountability within government institutions, creating a strong foundation for sound economic recovery, as well as empowering the local masses/citizens to participate in their governance.

The new Government (Government of National Unity) thus immediately engaged in wide grassroots and national consultations (discussed later) so as to discuss about the future of Rwanda, which demonstrates its partnership with local, regional, and international actors—both private and public, including the civil society—in addressing the legacy of the divisive past in a way that reunites and reconciles Rwandans.

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[162] Cook, Susan E. (2005). Ibid.,p.3

[163] Resolutions of the 1st National Summit on Unity and Reconciliation in Rwanda (NURC, 2000, *Report on the National Summit of Unity and Reconciliation*, 18-20 October, Kigali, p.25).

[164] NURC (2009). Ibid., p.7.

[165] Ingealere in IDEA (2008). Ibid., p.31:32.

[166] MIDIMAR (2014). Ibid., p.21.

The Government of National Unity was truly representative of the Rwandan people. It inspired confidence to the people of Rwanda, and became the corner stone of the rebuilding process.[167] The statement below provides a summary of how post-1994 Government of National unity quickly behaved toward unity and reconciliation in Rwanda:

> *The Government of National Unity, made up of a coalition of political parties, repatriated and resettled over three million refugees; we [Government of National Unity) integrated into our armed forces over twenty thousand officers and men of the former army. We have restored public trust in the legal system and we were thus able to avoid revenge for the Genocide…We have instituted reforms to guarantee independency of the judiciary. The long established culture of impunity, which encouraged past human rights abuses…has at least been broken. Security for persons and property is now at all times guaranteed for everyone and everywhere throughout the country. We have put in place institutions, which will make transparency and accountability the corner stone of our agenda…*[168]

The formation of the Government of National Unity was therefore a clear indication that power sharing and inclusiveness were paramount for successful unity and reconciliation process in Rwanda.

4.2.1. Power sharing and inclusiveness

Power sharing and inclusiveness, with the core principle that '*the winner does not take it all*', was at the core of the principles of the new leadership headed by RPF. This was also in respect of Arusha Protocol of Agreement on power sharing, signed on 30th October 1992 and on 9th January 1993[169], between the then Government of Rwanda and RPF.

After the 1994 Genocide against Tutsi, the most important action that RPF leadership took in rebuilding Rwanda is that it resisted the natural temptation of 'the winner takes it all'. Though it had just won the war and stopped the Genocide against Tutsi, the RPF focused on the principle of National Unity and Reconciliation and established a broad-based Government of National Unity, which included people from all walks of life (from all political parties except those which spearheaded the Genocide against Tutsi).

The governance model of post-1994 Genocide's new leadership was aimed at not only restoring unity that Rwandans had before colonization, but also by taking it at a higher level that extends to the world. As indicated above, this was done through an inclusive model of power sharing, which ensured the participation by all competing factions in a new government—hence the establishment of the Government of National Unity, after the Genocide against Tutsi.[170]

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167 Muligande, Charles, (2012). Ibid.

168 Speech by President Paul Kagame at the Commonwealth Club, San Francisco, March 7th, 2003 (In Jha et al., 2004: 115-116).

169 Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania, 1993 (Preamble and Article 2).

170 NURC (2009). Ibid., p.32

The new governance model of Rwanda, since 1994, has thus been inclusive whereby all facets of the Rwandan society have the right to have a stake in governance. The existence of a consultative forum of political parties, including those that are not represented in the parliament, and where consensus-based decisions on matters of national interest are taken, is a clear indication of this inclusiveness model. The fact that political parties operate in this forum to discuss issues pertaining to Rwanda's unity and development in a way that does not give any room to divisions and Genocide ideology thus indicate how inclusiveness toward unity and reconciliation in Rwanda is ensured.

This new governance model has contributed a lot in the process of unity and reconciliation in Rwanda as it gave birth to joint efforts toward the 'planning together'. This process completely changed the image of relationship that used to exist between the 'ruler/leader and those who are ruled/led' in the past of Rwanda, whereby the model was top-down. The image now is of mentoring leadership. Decisions that were used to be planned from above and come to the people as a surprise are now popular and the community members feel they own them because they have a say in this regard.[171]

Power sharing and inclusiveness, which took place during the transitional period, have been reiterated after the transition, notably in the new Constitution of 2003 and related laws and policies. In this regard, a democratic system and the rule of law have been imperative. It is worth emphasizing that before the post 1994 Government of Unity embarked on good governance per se, it had to first deal with the urgency of ensuring security and stability of Rwanda and its people and repatriate, settle and reintegrate the millions of refugees, who were living in neighboring countries (notably the Democratic Republic of Congo, Burundi, Tanzania, Uganda, and Kenya), as well as the internally Displace People (IDPs).[172]

4.2.2. Repatriation, Resettlement and Reintegration of Refugees and IDPs

Rwanda's divisive past, since colonization, led to 'ethnic'-based hostilities that forced thousands of its population to seek safe havens in different countries across the region, since 1959 onwards. The 1994 Genocide against Tutsi that cast a dark shadow over the country also saw millions of Rwandans scattered inside Rwanda (Internally Displaced People/IDPs), and in neighboring countries (new case refugees), especially in the DRC and Tanzania.

In the aftermath of the 1994 Genocide against Tutsi, there was an influx of old case returnees[173] and new case returnees[174] from different parts of the world. In this regard, the repatriation, resettlement and reintegration of all Rwandan refugees and IDPs became thus imperative. The Government of National Unity was committed to ensure that none of Rwandans will be forced to go to exile anymore and that all Rwandans must exercise their

[171] NURC (2009). *15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October*, Kigali, p.5

[172] Jha et al. 2004:7

[173] This refers to the 1959-1973s refugees

[174] This refers to post-1994 refugees

right to fairly enjoy their country's benefits. This was actually by way of compliance with Arusha protocols of agreement on the repatriation of Rwandese refugees and the resettlement of displaced persons, signed on 9th June 1993.[175] These agreements recognized that:

> *Unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace and national unity and reconciliation.*[176]

The then Government of Rwanda and RPF had thus acknowledged that the national unity of the people of Rwanda could not be achieved without a definitive solution to the problem of Rwandese refugees. They recognized that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation.[177]

The two parties had recommended that "with a view to promoting social harmony and national reconciliation, returnees who fled the country over 10 years ago (old case refugees) should not reclaim their properties, which have been occupied by other individuals. To compensate them, the Government had to give them land and assist them to resettle". In the first place, the return of the 1959-1973 refugees gave rise to a real land problem, mostly because it was difficult to apply the Arusha Peace Accords, which had been torpedoed by the 1994 Genocide against Tutsi.[178] In the face of this problem, urgent measures have been adopted such as allowing these old case returnees to occupy temporarily the unoccupied or abandoned land. But in 1996, the Government adopted a National Habitat Policy that stated that dispersed patterns of homesteads in the countryside were an inefficient use of land and called for the regrouping of all inhabitants into villages (*imidugudu*), which converted a program of refugee resettlement into a major social engineering initiative. This was indeed in compliance with Article 20 of the Arusha Peace Agreements' protocol on Repatriation and Resettlement, which had stated that "settlement sites should be "modeled on the 'village' grouped types of settlement to encourage the establishment of development centres in the rural areas and break with the traditional scattered housing."[179] In some places (notably in the eastern province), the problem of reintegrating old case returnees was solved by citizens themselves as the later freely and voluntarily sheltered, and/or shared their land with old-case returnees.

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[175] Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania, 1992, 1993 (Preamble and Article 2).

[176] Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania,1992, 1993 (Preamble and Article 2).

[177] Ibid.(Preamble and Article 4).

[178] Ministry of Lands, Environment, Forests, Water and Mines (2004:13).

[179] Bruce W. John (2013). "Return of land in post-conflict Rwanda: International standards, improvisation, and the role of international humanitarian organizations" in Jon Unruh, Rhodri Williams (2013). *Land and Post-Conflict Peacebuildin*g. Environmental Law Institute and United Nations Environment Programme, New York: Routledge, p.129-130.

The year 1996 also saw the return of hundreds of thousands of new case returnees into Rwanda after the closure of camps and the expelling of refugees by both the Tanzanian and Congolese governments. This was the start of a new era in Rwanda. In the words of Philip Gourevitch[180]:

> *Never before in modern memory had a people who slaughtered another people, or in whose name the slaughter was carried out, been expected to live with remainder of the people that was slaughtered, completely intermingled, in the same tiny communities, as one cohesive national society.*

On arrival in Rwanda, new case returnees were received and accommodated in transit centers (for a short stay of two days maximum) established for that matter. In collaboration with the UNHCR and WFP, returnees were registered and provided with a three-month repatriation package, comprising of food and non-food items before they were taken to their respective home areas. The Government also ensured that returnees who were received at Kigali International Airport were given a repatriation package by UNHCR. Each adult person received $100, while a child got $50, and each recovered his/her properties without any complications. In this regard, the UNHCR Deputy Representative, Madame Aisha Daisy Bukuru, hailed the Rwandan government for its devotion in providing protection, relief and other assistance to refugees in these words:

> *We are all aware, the situation of refugees has been a great preoccupation for the Government of Rwanda as well as for the UNHCR. We have taken note of and appreciated the various steps taken so far by the Government of Rwanda in the interest of refugees.*[181]

With regard to their reintegration, particularly, the Ministry of Disaster Management and Refugee Affairs, in collaboration with other partners established the reintegration projects to assist returnees become part of the socio-economic progress of the country. In so doing, the Ministry, in collaboration with the International Office for Migration (IOM), implemented the project entitled: "*Enhancing Socio-Economic opportunities for Rwandan Returnees and other Vulnerable Groups*", since 2010. Over 8,301 beneficiaries, mostly returnees, were assisted by the project in 2012. Among them, 1,251 received the construction materials such as iron sheets and nails; 4,427 received livestock, while 2,623 were trained in vocational skills in various fields, including carpentry, masonry, mechanics, wielding, tailoring and hairdressing. Between 2013 and 2014, the project operated in 10 districts countrywide. 5,114 returnees-beneficiaries were selected and assisted during this phase as follow: 1,647 were given livestock, 2,045 got construction materials such as iron sheets and nails, while 1,422 were enrolled in various vocational skills.

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[180] Gourevitch Philip (1999). *We Wish To Inform You That Tomorrow We Will be Killed With Our Families-Stories from Rwanda".* Picador.

[181] Jha et al., (2004). Ibid., p.164.

Some of the returnees, who completed vocational skills trainings through the above project, have registered success stories in different parts of the country after setting up their own income-generating activities. For example, one of them—Rwanga—is now an entrepreneur, living in Kiramuruzi sector of Gatsibo District in the Eastern Province of Rwanda. This man, with well-trimmed beard, had thought he would never cope with the level of development he found when he returned to his home in 2012 after 18 years living in the forests of South Kivu in the DRC. Met with a huge dilemma, and wondering how he would make it after he returned, local authorities selected him as one of the beneficiaries of the "Enhancing Socio-economic Reintegration of Returnees and other Vulnerable Group" project. The man surprised everyone when he chose to study three courses in one session: wielding, carpentry and bricklaying. Six months later after his graduation, he used the skills he acquired to start a private business. His testimony is a success story of a young person projecting a bright future for many returnees:

> *I can make luxury timber and metal products, including sofa chairs, doors, windows, beds, roofing materials, among others... As I talk, I have secured a contract from the sector to fabricate doors and windows for schools. I am just waiting for the delivery of the metals I ordered from Kigali to start".*[182]

From 1994 to 2014, over 3.5 million Rwandan refugees and IDPs had been repatriated, resettled and reintegrated successfully.[183] In general, the process of resettlement of IDPs and reintegration of returnees included the transport facilitation and Provision of Emergency Travel Documents (ETDs) to refugees whereby, apart from the resettlement of IDPs, the Government initiated programs to back the efforts of UNHCR in the repatriation process by paying transportation fees[184] and providing ETDS to Rwandan refugees[185] willing to return.

In view of the above, it is worth emphasizing that Rwanda stands as one of the countries that have had many refugees. Most importantly, it is perhaps only in Rwanda where a big number of refugees (more than 5 million) have been repatriated and reintegrated mainly through the initiative and efforts of the Government, and its citizens. Commendable support from international community in this regard has not however been underestimated.

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[182] This was Rwanda's testimony when visited by MIDIMAR staff in January, 2013.

[183] MIDIMAR (2014). Ibid., p. 5, 11, 12).

[184] The MIDIMAR has signed agreements with regional transport companies such as TAQWA, ONATRACOM, and RwandAir to supplement UNHCR's efforts to repatriate Rwandan refugees. These companies facilitate refugees from countries that host the biggest numbers of Rwandan refugees such as Uganda, the Republic of Congo, Zambia, Malawi and Tanzania. Through the above mechanism, transport fees are paid by the Ministry of Disaster Management and Refugee Affairs (Ministry of Disaster Management and Refugees Affairs, Repatriation and Reintegration programs for Rwandan Refugees & an Overview on Socio-Economic Progress in Rwanda (See in MIDIMAR, 2014:5).

[185] Rreturnees in question refer especially to a high number of new case refugees of 1994, who had fled to the Democratic Republic of Congo and Tanzania.

4.2.3. Military integration and security

In the aftermath of the 1994 Genocide against Tutsi, unity and reconciliation was promoted through successful integration of former enemy combatants (ex-*Forces Armées Rwandaises*—FAR) into the new national army—Rwanda Defense Force (RDF) in a way that ensured security.[186] This was done within the perspective of the principle of national unity and reconciliation, and indeed in compliance with Arusha Peace Agreements on the Integration of Armed Forces (FAR and RPA), signed on 3rd August 1993.[187] These Agreements were aimed at promoting the spirit of Rwandan identity while putting national interests first.

Therefore, soon after the 1994 Genocide against Tutsi, over twenty thousand officers and personnel of the ex-FAR were integrated.[188] The process of military integration into RDF was launched after the RPF/RPA ended the 1994 Genocide against Tutsi.[189] Given the failed state of Rwanda, during the Genocide against Tutsi, the first thing toward unity of Rwandans became to ensure security by integrating the defeated forces into the national army, while forming a coherent and unifying national defense force.[190]

It is worth emphasizing that the RDF integration was an already established practice or model by the Rwandan Patriotic Army (RPA) during its struggle for Rwandan inclusivity.[191] This was also within the spirit of the 1993 Arusha Peace Accords between Rwandese Patriotic Front (RPF) and the then Government of Rwanda, which provided for the integration of the RPA into the Forces Armées Rwandaises (FAR). It was not thus like the universally known model that does not include former enemy combatants in its forces (case of Ethiopia in 1991), or the coercive or forced disarmament of insurgents model, usually by external intervention, under UN mandate (the case of the failed forced disarmament of Somali warring factions in 1993).

In fact, once the Rwandese Patriotic Front, and its Army (Rwanda Patriotic Army) took power, its leaders were determined to build a united country and a capable unified force. In the aftermath of the 1994 Genocide against Tutsi, Rwanda had already successfully integrated the ancient regime forces (ex-FAR), given the proper management of political transition and integration process featuring the use of traditional institutions for re-education. The process was successful as the ancient regime soldiers from the FAR, were first

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186 The 2012 Rwanda Governance Scorecard also showed that safety and security indicator ranked highest with 91.36%. See in RGB (2012 Rwanda: Governance Scorecard, Kigali.

187 Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania, 1993 (Preamble and Article 2).

188 Jha et al., (2004). Ibid., p.22

189 Burgess Stephen (2014). "From failed Power Sharing in Rwanda to Successful Top-down Military integration". In Licklide Roy (2014) *New Armies from Old: Merging Competing Military Forces After Civil Wars*: Georgetown university press. p.92.

190 Rusagara, Frank (2014:2). *Military integration key to peace-building and Democratic Governance*. The Newtimes, May 9. Available at: http://www.newtimes.co.rw/news/views/article_print.php?i=14985&a=10151&icon=Print.

191 Ibid., p.2

integrated in waves over the span of a decade into the RPA, and then into the RDF, since 1999.[192]

In this regard, the Rwandan military integration model was implemented through Rwanda's traditional concept of *Ingando*—solidarity camps that stand as peace education workshops (which was later extended to civilians, as explained later). This was executed by a revolutionary regime (Government of National Unity) that sought to reengineer Rwanda from a country in which Genocide had been committed into a 'united nation' without any discrimination. The high level of discipline, training and *esprit de corps* of the RPA was essential in integrating thousands of ex-FAR soldiers, while creating one of the most professional and effective militaries in Africa.[193] Of particular importance of the RPF regime was thus a process of re-education based on traditional practices (*Ingando*), as part of Nation building.[194] This meant that whatever differences one may have, the national interests always prevailed since the nation of Rwanda is bigger than any one individual as it aims to ensure prosperity for all.

As put above, Rwanda's approach to military integration, that favors 'inclusive and mutually educative workshop' by Rwandans themselves, has thus been unique. This is so put given that the literature on peace building is solely limited to three models of military integration: (1) forced disarmament usually by external intervention under the UN mandate, (2) demobilization that excludes former enemy combatants (example of demobilization in Ethiopia, 1991), and (3) mediation-based military integration (with the help of a third party).

Moreover, with regard to security, Rwanda's approach, which was indeed one of the resolutions of the first national summit on unity and reconciliation, emphasize the involvement of citizens. In Rwanda, citizens are encouraged to own their security and that of their property. Citizens are aware that security is not the responsibility of only security forces (notably the military and police or leaders), and that they also have a role to play.[195]

During past regimes, up to the 1994 Genocide against Tutsi, the relationship between the people and the security forces was characterized by mutual detachment and, to an extent, mutual distrust. Having inherited a population that was both mistrusting and fearful, the post-Genocide Government of National Unity was particularly mindful of the imperative not to create circumstances that might portray its security organs as akin to those of its

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[192] Between 1995 and 1997, a total of 10,500 ex-FAR officers and men were integrated in the RPA. And between 1998 and 2002 a total of 39,200 ex-FAR and militia were integrated in the RPA (Rusagara, F., 2014:2. Ibid).

[193] Mgbako, C. (2005). "Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda." In *Harvard Human Rights Journal / Vol. 18* pp.201-224; Ruhunga (2006), In Licklide Roy (2014). *New Armies from Old: Merging Competing Military Forces After Civil Wars*: Georgetown university press, p.87-90.

[194] Burgess Stephen (2014). "From failed Power Sharing in Rwanda to Successful Top-down Military integration", In Licklide Roy (2014) *New Armies from Old: Merging Competing Military Forces After Civil Wars*: Georgetown university press.

[195] NURC (2000). Ibid., p.33.

predecessor. The strategy thus became to shift security or policing into a social function whereby local community participate in ensuring security in their respective localities—community policing.[196]

In terms of security, Rwanda is now considered as one of the safest places in Africa.[197] The Gallup indeed ranks Rwanda as the safest place to live in the world.[198] At the second summit of the NURC, Joachim Alberto Chissano—the former president of the Republic of Mozambique—also held:

> *The Government has succeeded in a national army, comprising the forces that used to fight each other in the past. This is a quite remarkable achievement to guarantee the security and stability of the country and the region. Indeed, it is a fundamental ingredient to the process of national reconstruction.*[199]

The soldiers got integrated and became stakeholders as responsible citizens and breadwinners for their families. The reconciliatory pay-offs included, among others, promoting stability and reconciliation between conflicting parties. In the case of the RDF, the ex-combatants moved from being tools of violence into being economic assets; that is, war resources were channeled into socio-economic development. The integrated ex-combatants allowed for human capital development in their skills and talents, thus providing suitable conditions for societal reconciliation by becoming valuable stakeholders. This process also became a facilitator for military professionalism, which enhances effectiveness and healthy civil-military relations and societal reconciliation.[200]

4.2.4. Demobilization and Reintegration of ex-combatants

In the aftermath of the 1994 Genocide against Tutsi, the advancement of unity and reconciliation in Rwanda also necessitated that ex-combatants be reintegrated socially and economically.

In fact, true reintegration of ex-combatants, after being demobilized, lied mainly within the realm of the socio-economic dimension. The economic reintegration refers to 'the ability to provide for one's basic needs, which empowers him/her to mix and actively participate in the social affairs of the community. It is based upon the capacity to earn a living, or have assets that can form the source of livelihood. Social reintegration refers to the phase when individuals re/integrated begin to feel part of, and accepted by, the community.' This is so put

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196 Rwanda National Police (2014). P*olicing a Rapidly Transforming Post-Genocide Society: Making Rwandans feel Safe, Involved, and Reassured*, Kigali, p.104-105.

197 Ensign Margee M. (2014). "Red Light green Light—Building trust, participation and development through Ubudehe and Imihigo." In Gasanabo Jean Damascene, David J. Simon, and Margee M. Ensign, *Confronting Genocide in Rwanda: Dehumanization, Denial, and Strategies for Prevention*, Kigali: CNLG, p.355-356.

198 Gallup (2012). *Global State of Mind report: New Metrics for World Leaders*, Gallup, October, p.3

199 NURC (2002). Ibid., p.19

200 Rusagara, F. (2014). Ibid.

given that social relationships, which are at the heart of social reintegration, cannot be decreed by administrative processes.[201] They can only be facilitated by program activities. The challenge of separating social re/integration from economic re/integration to which it is intimately linked becomes even more problematic.

Demobilized soldiers, included those who had served with the RPA, the Rwanda Defense Forces (RDF), the former Rwandese Armed Forces (Ex-FAR), as well as insurgents and members of militia groups, who have laid down their arms and received training on civic education and other national programs.

It is in this regard that Rwanda Demobilization and Reintegration Commission (RDRC), as an autonomous government commission, was created, in 1997, with the mandate to demobilize and reintegrate ex-combatants. The process had to always include unity and reconciliation trainings. At the end of training courses, demobilized ex-combatants were assisted in the socio-economic reintegration into the community. This assistance consisted of:

- Skills training in projects related to tailoring, construction, carpentry, mechanics and other options;
- Support in formulating income generating projects whereby participants were given grants and start up equipment to invest in these projects;
- Provision of free medical care for those who have become disabled as a result of war. As for the others, their medical needs were covered by their medical insurance (*mutuelle de santé*).

Economic activities that promote collaboration/cooperation (such as associations and cooperatives) so as to earn a living, and social activities (enabling contact with the community members and healing trauma healing) have also been at the core.

With regard to the disabled ex-combatants, livelihood was even more compelling for them to overcome the societal knee-jack reaction that often perceives the disabled as a burden. Economically, the monthly stipend[202], together with medical and transportation support, was the cornerstone of the livelihoods of most of the disabled ex-combatants.

Socially, the RDRC undertook activities to bring communities closer to ex-combatants toward social harmony and integration. Sports activities that bring together ex-combatants and communities have been organized in order to help ex-combatants to deal with post-conflict

[201] Rwanda Demobilization and Reintegration Commission (2012). *Impact assessment of health insurance, housing, monthly allowances and other entitlements for disabled ex-combatants*, Kigali, report, July p.30.

[202] This stipend is used as collateral of short-term loans, capital for small-scale investment. Without this stipend, disabled ex-combatants acknowledge that it would be hard to survive. Participation in cooperatives and community based associations is one of the ways in which disabled ex-combatants can enhance their social and economic reintegration (Rwanda Demobilization and Reintegration Commission. *Impact assessment of health insurance, housing, monthly allowances and other entitlements for disabled ex-combatants*, Kigali, report July 2012, p.21-27

trauma while at the same time sensitizing communities about their situation. This has contributed to raising community awareness regarding ex-combatants challenges, thus paving way for better interrelations.[203] The importance of medical rehabilitation to disabled ex-combatants (including the sensitization on how disabled ex-combatants could access the *mutuelle de santé*/medical insurance) was also a key to their social and economic reintegration. The activities of counseling in preparing disabled ex-combatants to return to normal life were also performed. This is so put given the fact that "Ex-combatants face the effects of the physical and psychological trauma sustained during the war and require psychosocial counseling. In order for ex-combatants to reintegrate, they must acclimatize to the new social structure, including the norms, beliefs, and laws of the community. Such acclimatization requires an un-learning of violent behavior and learning how to face difficulties and social conflict in a non-violent manner."[204]

4.2.5. Local consultations

In recognition of the fact that the existing centralized political and administrative structure that had characterized the past of Rwanda was divisive and not effective in promoting democratization process, the post 1994 Government of National Unity embarked on a consultative process in an effort to strengthen local government structures and promote democratization and national unity and reconciliation. The overall purpose was to discuss what divided Rwandans and how to restore unity among Rwandans.

It is in this regard that, in 1996 and 1997, countrywide grassroots consultations were undertaken. The initial grassroots consultations indicated that people wanted to have a say in the conduct of the affairs of the state. People recognized that blind obedience exposed them to manipulation and injustice.

Following people's revelations, discussions between the Government, Donors and Civil Society showed skepticism on issues of (i) capacity, (ii) the capacity for dislocated communities to go through the democratic process so soon, and (iii) whether the people, who had just been slaughtering others, would have the courage and desire to work closely with one another for the common good of the community. A few projects, in the example of 'Local Government Initiatives', 'Community Development Fund', have been thus implemented through the country to get an idea of the issues at hand and learn valuable lessons in order to design a system of governance that evolves out of the Rwandan culture that is democratic, that capacitates Rwandans, that builds on the reconciliation process, and above all that incorporates the energies of all sections of the Rwandan society into the development effort.

The recommendations resulting from the grassroots consultations led to the Presidential Decree of 23rd December 1998 that initiated the democratization process of the sector and

[203] RDRC (2012). Impact assessment of health insurance, housing, monthly allowances and other entitlements for disabled ex-combatants, Kigali, report July, p.28.

[204] Goodman et al (2009: 17).

cell levels. Further, national level consultations often referred to as '*Urugwiro'* meetings, to which the next subsection turns, have been undertaken.

4.2.6. National consultations—*Urugwiro* Village meetings

Following the conclusions of wide grassroots' consultations, and after having repatriated millions of refugees, resettled Internally Displace People (IDPs), and secured the country from post-1994 insecurity threats caused by the defeated genocidal forces and militia, the Government of National Unity organized many national consultative meetings/forum for discussions,[205] that started on May 9th, 1998 up to March 13th, 1999 at *Urugwiro Village*—the seat of the President of the Republic. The government had realized that it was necessary to set up a forum where all categories of Rwandan elite could meet and look into the immense problems Rwanda was faced with, and agree together on what mechanisms should be put in place in order to solve those problems.

These meetings were inclusive and democratic national debates, which brought together elite of all walks of life—members of political parties (with different political ideologies), senior national leaders, and individual people (academics, businessmen, civil society and development partners…) known for their knowledge. They were invited to meet to discuss the future of Rwanda; that is, to sketch a development vision and strategy for rebuilding Rwanda. This was an inclusive and democratic national debate (with various workshops) that was particularly significant because Rwandans had massacred other Rwandans—in most cases neighbors, friends, colleagues and even members of own families. Before the wounds could even start to heal, Rwandans had indeed to start talking to each other again.[206]

The meetings in question focused on the following issues: *national unity*, *democracy*, *justice*, *economy*, and *security*. The overall purpose was to get to a common understanding of the difficult legacy of Rwanda's unpleasant history and at the same time search for a common vision of Rwanda.[207] These meetings led to the conclusion that *unity and reconciliation process is a cornerstone to all national efforts and a basis for combating all forms of discrimination and exclusion that have characterized Rwandans for decades*.[208] The most pressing challenge that was immediately identified during the new Government's first national consultative meetings,[209] at *Urugwiro* village, was thus how to reconcile Rwandans and bring about national unity. Other key challenges such as good governance, justice,

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[205] These consultative meetings were notably held in the Office of the President of the Republic (at Village Urugwiro) between May 1998 and March 1999 involving key stakeholders from all walks of life (NURC, 2005). It is worth emphasizing that already in 1996-1997, initial local or grassroots consultations countrywide had been undertaken. These consultations revealed that citizens wanted to have a say in the conduct of the affairs of the state and the development of their country, thus leading to Urugwiro consultations.

[206] Longari, Marco (2010). Ibid., p.50.

[207] NURC (2009). Ibid., p.7

[208] NURC (2010). Ibid., p.3-5.

[209] These consultative meetings were notably held in the Office of the President of the Republic (at Village Urugwiro) between May 1998 and March 1999 involving key stakeholders from all walks of life (NURC, 2005).

security, economic development and social welfare, were also among priorities.[210] It was also stressed that national unity and reconciliation cannot exist unless these aspects are also taken into account.[211]

It is in this perspective that a Conference on Governance (April, 1998) also took place. The recommendations from this Conference, and *Urugwiro* meetings, led to (1) the development of an interim governance program (1998-2000) where seven priority areas of governance interventions in Rwanda, were emphasized: public sector reform, strengthening of justice sector, support to the parliament, decentralization and local governance, civic education, social mobilization, as well as support to government action coordination; (2) the establishment, in February 1999, of a specific ministry responsible for promoting good governance, and establishment of decentralized governance in the country; (3) the establishment of the principles and priorities of economic development that later on was developed into 'Vision 2020' development framework; and (4) the setting up of programs that would gradually democratize the country, with grassroots elections held in 1999, local elections in 2001 toward the planning of national elections in 2003.[212]

Another conclusion was that there was need to reshape the Rwandan culture through the promotion of good values that, above all, empower Rwandans to own the process. Around Rwanda's vision to be '*a united, democratic and prosperous country*,' these values, drawn from Rwanda's constructive culture, include: "patriotism for Rwanda and Rwandans, better ethical practices, good behavior appreciated by others, living in peace with other people, mutual help, respect, integrity, and patience."[213]

One of the strengths of the ideas put forward, at *Urugwiro* Village, was the draft paper of 'Vision 2020' that was submitted to whatever group and/or individuals, whose input was judged as useful (politicians, academics, businessmen, civil society and development partners, etc.,) for comments, additions and improvements.

The national consultative meetings also led to the conclusion that the symbols—anthem, flag and seal—that were designed in a way that fueled divisions and destroyed unity of Rwanda has to be replaced by symbols that are this time reuniting Rwandans.[214] As Musoni Protais puts it:

> *A system of governance and public administration that had created the values and forces that resulted in the Genocide evidently could not be the system that could provide the solutions to the multitude of problems resulting from the war and the*

[210] MIDIMAR (2014). Ibid., p.21.
[211] NURC (2009). Ibid., p.7.
[212] UN (2004). *Reconstructing Good Governance and Public Administration for Peaceful, Sustainable Development,* UN Publications, p. 67-8.
[213] NURC (2009). *Strategic Plan—2009-2012 of Itorero ry Igihugu*, May, Kigali.
[214] Resolutions of the 1st National Summit on Unity and Reconciliation in Rwanda (NURC, 2000, *Report on the National Summit of Unity and Reconciliation*, 18-20 October, Kigali, p.26-7.

Genocide. There had to be another way that springs from beliefs, fears and values and a new vision of the future.[215]

It is worth emphasizing that during these consultative meetings, the principal insight was that "it is necessary to give the population a greater role in the governance of the country and in the development of solutions to its problems."[216] In this regard, various mechanisms and programs were also proposed so as to enable citizens' participation and address the challenges to unity and reconciliation thus identified.[217] This vast enterprise has included both universal and, above all, homegrown and community-based strategies,[218] which were considered as mutually supportive, so as to usher in a new era where Rwandans would view each other in the mirror of unity and common destiny.[219] In this regard, one of the most important mechanisms adopted at *Urugwiro* consultative meetings, and in accordance with the 1993 Arusha Peace Agreements, was the creation of the National Unity and Reconciliation Commission (NURC), in March 1999.

4.3. National Unity and Reconciliation Commission

The country [Rwanda] was deeply divided along ethnic lines...and also many Rwandans were still refugees in neighboring countries. So, politics in Rwanda was based on divisionism. The establishment of the Unity and Reconciliation Commission would help build the understanding of unity and reconciliation of people who had come from different background to sort out problems that had been caused by previous [divisive] conflicts.[220]

The National Unity and Reconciliation Commission has been one of the most leading mechanisms adopted at *Urugwiro* consultative meetings, in 1999. It is worth emphasizing beforehand that the spirit and proposition of the creation of the NURC had actually been first initiated and suggested by the Rwandese Patriotic Front (RPF) during, and thus provided for in, the 1993 Arusha Peace Agreements between the Rwandese Patriotic Front and the then Government of Rwanda. The National Unity and Reconciliation was presented as a prerequisite for the reestablishment of democracy, stability and development of Rwanda.[221]

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[215] Musoni Protais (2003). *Innovations in Governance and Public Administration for Poverty Reduction in Post-conflict Countries in a Globalised World (emphasis on the experience of Rwanda*: A paper presented at the United Nations Ad Hoc Expert Group Meeting on Innovations in Governance and Public Administration for Poverty Reduction, p.5.

[216] NURC (2000). *Report on the national Summit on Unity and R*econciliation, Kigali, p.13.

[217] NURC, (2005). Ibid.

[218] Richtel Annemiek, Cora Dekker & Klaas de Jonge (2005). *Re-conciliation in the aftermath of violent conflict in Rwanda Intervention*, Volume 3, Number 3, pp. 203- 221, p.206.

[219] Rwanda National Police (2014). *The Peacemaker*, Vol.1, p.29.

[220] Tito Rutaremara—the former Ombudsman, NURC, 2009:14; NURC, 2007. pp. 6-7. See, Republic of Rwanda National Unity and Reconciliation Commission, 2007. "The National Policy on Unity and Reconciliation." pp. 7.

[221] NURC (2010:3-5)

Therefore, to reconcile and (re)unite Rwandans, and in conformity with the 1993 Arusha Peace Accords, the post 1994 new Government of National Unity recommended the creation of the National Unity and Reconciliation Commission, which was in fact created by the Parliamentary Law No. 03/99 of 12/03/1999 as amended and completed by Law No. 35/2002 of 14/11/2002, which was later recognized by the 2003 National Constitution, in its Article 178. The NURC was established to (re)unite the Rwandan society, which had been torn apart, and thus to lead national efforts to *promote unity and reconciliation* that are considered essential for sustainable development and lasting peace in Rwanda.[222] Key to any strategy was the redefinition and promotion of a shared National Identity—*Rwandanness*—in which every citizen of Rwanda considers him/herself as Rwandan first, beyond anything else.

The NURC comprises three departments, which deal with daily activities so as to successfully carry out its mandate, and achieve the strategic solutions of the national policy on unity and reconciliation: the Department of Civic Education; the Department of Conflict Resolution, and the Department of Community Initiative Support.[223] Various annual reports present its activities in a broader way.[224] The feelings and experiences of the population about the strategies for reconstructing the nation, especially as regards the ongoing process of reconciliation and its challenges, are studied in order to bring about the necessary conditions for promoting strong unity and reconciliation.[225]

In conformity with the 2003 Constitution of the Republic of Rwanda (Article 178) that gives a mandate of the NURC,[226] the Law No 40/2013 of 16/06/2013 (Article.1), modifying and complementing Law No 35/2008 of 08/08/2008 determining the organization and functioning of the NURC, stipulates that the NURC is responsible for[227]:

1) Planning and coordinating national programs meant for promoting unity and reconciliation;
2) Setting up and promoting mechanisms for consolidating unity and reconciliation;
3) Advising and sensitizing Rwandans on national unity and reconciliation issues;
4) Conducting research, organizing debates, disseminating initiatives and publishing documents aimed at putting in place new strategies designed to enhance unity and reconciliation among Rwandans;

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222 NURC, (2002, 2005)

223 For details see the National Unity and Reconciliation Commission, Annual Report, February1999-June 2000, Kigali 2000.

224 See: Les rapports annuels pour les années 2000, 2001 et 2002 et 2003.

225 See : Sondage d'Opinion sur la Participation à la Gacaca et la Réconciliation Nationale, Kigali, 2003 ; Sondage d'Opinion sur Le Processus de Décentralisation et de Démocratisation au Rwanda, Kigali, 2004.

226 The Constitution of the Republic of Rwanda, Amendment Nº 3 of 13/08/2008.

227 Republic of Rwanda (2013). *Law No 40/2013 of 16/06/2013, modifying and complementing Law No 35/2008 of 08/08/2008 determining the organization ad functioning of the National Unity and Reconciliation Commission*, Art.1: Official Gazette No 29 of 22 July, 2013.

5) Developing strategic measures designed to eradicate divisions among Rwandans within and outside the country for the reinforcement of national unity and reconciliation;

6) Describing, denouncing and fighting any act or document or statement meant to fuel any form of discrimination by or against a Rwandan or a foreigner;

7) Making status reports on national unity and reconciliation annually and at any time deemed necessary;

8) Closely making follow up on how public and private institutions, local or international non-governmental organizations operating in Rwanda, leaders and Rwandans in general, comply with the national unity and reconciliation principles and policies;

9) Collaborating with other local or foreign institutions whose activities are related to the responsibilities of the Commission for the promotion of unity and reconciliation.

In compliance with its mandate, the NURC engaged in various programs and adopted a number of strategies that, as discussed in chapter 5, successfully contributed to *the restoration of the Rwandan identity and a sense of solidarity among Rwandans toward the ownership of their destiny*. They constructively laid the groundwork for other unity and reconciliation mechanisms and programs, which helped Rwanda to end the transition period peacefully while continuing the journey to unity and reconciliation successfully. The next discussions focus on the NURC's key strategies that gave birth to unique homegrown solutions for unity and reconciliation.

4.3.1. Grassroots—community consultations

The NURC was created with the responsibility, among others, of organizing discussions on unity and reconciliation, leading to the convening of national summits.[228] In this regard, the NURC was also convinced that the best way to carry out its work was to work in synergy, and especially to establish a partnership with all Rwandans in identifying their own problems and in finding solutions.

In this regard, as did the Government of National Unity in the immediate aftermath of the 1994 Genocide, the NURC, in compliance with its mandate, organized grassroots and community consultations in all districts of Rwanda, since its creation in 1999. The consultations involved citizens and/or their representatives at the grassroots level and unity and reconciliation volunteers. The overall purpose was to discuss issues pertaining to unity and reconciliation in Rwanda, notably the factors that divided Rwandans. The continuous evaluation (progress and challenges) of unity and reconciliation process was also kept in progress.[229] Debates on unity and reconciliation were also organized across the country,

[228] NURC (2000). *Report on the national Summit on Unity and Re*conciliation, Kigali, 18-20 October, 2000, p.13.

[229] NURC (2009). Ibid., p.9 & 14.

especially in communities and schools, the media, as well as in the meetings between genocide survivors, and released perpetrators of genocide.

Likewise, consultative discussions were used during the collection of ideas to be included in the formulation and adoption of the 2003 National Constitution and the National Policy on Unity and Reconciliation. Further consultations were carried out with various institutions at different times for the purpose of reminding those institutions about their role in unity and reconciliation process, and in order to identify obstacles and to assist in laying strategies for addressing those obstacles.[230] During these consultations, the outstanding issues raised by the population focused on the history of Rwanda, governance, justice and poverty.[231] Consequently, the results from grassroots and community consultations revealed the following areas that were focused on in order to speed up unity and reconciliation:

- To ensure and speed up justice;
- To provide possible support to Genocide survivors, war victims and vulnerable returnees;
- To ensure leadership that is exemplar in promoting unity and reconciliation, truth, justice, a culture of peace and equal opportunity in accessing jobs on the basis of merit and competitiveness;
- To promote values that are present in Rwanda's culture and reject vices that exist in it;
- To eradicate divisive utterances which aim at hurting one another;
- To carry out research and write out an accurate history of Rwanda and have it taught in schools;
- To sensitize Genocide perpetrators to tell the truth about what happened and to confess and repent while at the same time sensitizing Genocide survivors to have the courage to forgive those who offended them.[232]

The grassroots and community consultative discussions were in fact of great importance during the transition period, but also after the transition period, as they gave birth to various unity and reconciliatory mechanisms involving the entire Rwandan community; for example, solidarity camps (*Ingando)*, civic education academy (*Itorero)*, *Gacaca* jurisdictions, unity and reconciliation clubs, national dialogue, and others (to be explored later), as well as the drafting and adoption of the National Policy on Unity and Reconciliation and the new National Constitution. The outcome of grassroots dialogue also inspired the National Summits (that started in 2000) on unity and reconciliation in Rwanda.

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230 NURC (2009). Ibid., p.6.

231 NURC (2000). *Report on the National Summit of Unity and Reconciliation*, October, 18-20, 2000, Kigali, p.5.

232 NURC (2009). Ibid., p.9

4.3.2. National Summits

In line with its mandate, the NURC organized and hosted the *National Summits* on unity and reconciliation, since 2000.[233] The National Summit is indeed provided for by the Law establishing the NURC, which requires her to organize National Summits.[234] The Summit brings together Rwandans from all walks of life, including Rwandans from the Diaspora, as well as important persons from the international community. It is a forum that discusses about unity and reconciliation issues and that informs the public about the progress and challenges in unity and reconciliation, toward a way forward. Topics discussed during the National Summits generally include, but not limited to, national history, unity and reconciliation, governance, justice, human rights, security, and development.[235]

The National Summit is in essence an opportunity for all Rwandans to play a role in unity and reconciliation. It is a forum in which Rwandans challenge themselves, exchange ideas and, together, review the extent of progress made in promoting unity and reconciliation. The National Summits are therefore meant to provide a platform for a free discussion on the variety of actions the country has engaged in and the problems that the country is currently facing, with a view to adopting relevant strategies. That is why the organizers of National Summits invite national leaders and the representatives of different echelons, representatives of religious organizations and the general civil society, representatives of political parties officially registered in Rwanda, Rwandans in Diaspora, and the personalities from the international community.[236] The recommendations adopted are made public in the same forum and stakeholders commit themselves to undertake the responsibility and accountability of those recommendations relating to their various mandates.[237]

The first National Summit (October 16-18, 2000) brought together about 1000 participants from all levels of the Rwandan society, including the Rwandan Diaspora. It was a dialogue on unity and reconciliation in Rwanda that discussed the causes of the conflict, the current situation, the obstacles to unity and reconciliation, and a way forward. The objective of this Summit was to deliberate on issues raised by the grassroots consultations: (1) bad governance, (2) the distorted Rwandan history, (3) discrimination and ethnic hatred, and (4) ignorance.[238]

The second National Summit (October 26-28, 2002) discussed 7 aspects: (1) National Unity and Reconciliation Policy; (2) Democratization and decentralization; (3) Justice in Rwanda, in general, and *Gacaca* as a 'reconciliatory form of justice', in particular; (4) the New Constitution, as a means of establishing the rule of law, (5) the strategies to end the transition period peacefully, (6) Poverty reduction programme in the process of unity and

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233 The first National Summit took place on October 18-20, 2000.
234 NURC (2000). Ibid., p.5
235 NURC (2009). Ibid., p.13
236 NURC (2002). *The 2nd National Summit report on Unity and Reconciliation*, Kigali, p.8
237 NURC (2009). Ibid., p.12
238 NURC (2000). *The 1st National Summit report on Unity and Reconciliation*, Kigali.

reconciliation, (7) and the security issue in the Great Lakes Region, in general, and in Rwanda, in particular.[239] The resolutions of this Summit helped Rwanda to end the transition period peacefully, and led to the participatory formulation, adoption of promulgation of the new National Constitution in 2003.

The third National Summit (May 7-9, 2004) was organized for the youth, and especially children. This Summit, whose preparations started in the end of 2003 when NURC held consultations in all districts and provinces of Rwanda, was aimed at listening to children's voices in relation to fighting divisionism, Genocide ideology, and how children's rights are promoted.[240] The summit evaluated the achievements and challenges in the process of unity and reconciliation toward new strategies, which pointed to the issue of citizenship and promotion of '*Gacaca'* jurisdictions.[241] During this Summit, a children representative stressed the importance of a common identity—*Rwandanness*— and children's commitment toward unity and reconciliation as follows:

> *We, children, do not have tribes; we are all Rwandans; we resemble; we speak the same language; we have the same culture and we are sons and daughters of a common ancestor 'Kanyarwanda.' That is why any person who wants to divide us will not have the opportunity to shed our blood because unity and reconciliation is the only way towards peace and sustainable development which will lead us to our real vision of a peaceful and prosperous Rwanda. Children should not suffer again and heavy work should not be imposed on them. You should take this into consideration because today you are the leaders but tomorrow will be our turn. If our wish is taken into consideration, there will be justice and equality to all Rwandans in future.*[242]

4.3.3. Seminars

During and after the transition period, the NURC also organized seminars geared at building the capacity of her partners. These seminars indeed inspired the NURC, with regard to various activities pertaining to unity and reconciliation. For example, the inspiration from these seminars enabled the NURC to develop a relevant Teaching Manual on Civic Education, Conflict Resolution, and a Training Manual on Unity and Reconciliation designed for community mobilization agents.[243] The NURC also worked hand in hand with the Ministry of Education to develop a syllabus for civic education, to be used in all primary schools of Rwanda, having at its heart unity and reconciliation.[244]

Professional trainings in the areas of trauma counseling, conflict resolution, mitigation and transformation, and on early warning systems, were also carried out to the benefit of NURC staff and partners. Partners trained included political party leaders, grassroots leaders,

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239 NURC (2002). *The 2nd National Summit report on Unity and Reconciliation*, Kigali.
240 NURC (2009). Ibid., p.13
241 NURC (2004). *The 3rd National Summit report on Unity and Reconciliation*, Kigali.
242 NURC (2004). Ibid.
243 NURC (2009). Ibid, p.14
244 Ibid

representatives of various religious institutions, unity and reconciliation clubs in all universities of Rwanda, unity and reconciliation community mobilization agents, youth and women councils' representatives, representatives of the Genocide survivors and widows associations, representatives of other various associations of handcraft, representatives of various community-based associations and cooperatives, and the heads of primary and secondary schools.[245]

The unity and reconciliation impact of these seminars was tremendous: (1) the NURC has had thousands[246] of community mobilization agents in all parts of the country, (2) community-based associations, religious institutions and Non-Governmental Organizations had undertaken sensitization of the community on unity and reconciliation, (3) unity and reconciliation forums were formed in every district of Rwanda to coordinate the activities of unity and reconciliation at district level, (4) Genocide ideology was reduced, (5) the law punishing divisions and all forms of discrimination was enacted and implemented, and (6) the national policy on unity and reconciliation was put in place and disseminated in the country.[247]

4.3.4. Research

In a bid to achieve its mission, the NURC has also privileged multi-dimensional research. In this perspective, the NURC has been organizing a series of action-research aimed at orienting Rwanda's policies pertaining to unity, reconciliation, peace and development. This means that not only does the NURC's importance of action-research works reside in the quality of information or knowledge they generate, but also and chiefly, it is in the formulation of policy recommendations.

The NURC thus carried out and published a number of action research works that mainly explored and analyzed the causes and legacies of divisions and violent conflicts, and Genocide in Rwanda, and how do address them. The 2010 *Reconciliation Barometer,*[248] aimed at measuring the impact of reconciliatory interventions at the national level, is one of the new programs introduced by the NURC. Other studies were also carried out by the NURC on how unity and reconciliation related recommendations of previous research works were implemented toward eventual corrections.[249]

Research recommendations from various researches contributed a lot to the process of unity and reconciliation, as it was on basis of them that advocacy measures and new strategies, in this regard, were designed and adopted. An example, in this respect, is the adoption of a '*Peace Strategy*' among children, and the guidelines to the NURC and other stakeholders on how to promote unity and reconciliation values among Rwandan children. Various

[245] NURC (2009). Ibid, p.14-15
[246] In 2009, the total number of community mobilization agents was 3720 (NURC, 2009. Ibid., p. 15).
[247] NURC (2009). Ibid., p. 15.
[248] The first Rwanda Reconciliation barometer was conducted in 2010.
[249] NURC (2009). Ibid., p. 15-16.

governments' institutions also managed to coordinate their activities in resolving violent conflicts with the aid of these recommendations.[250] The major achievements of the NURC's role are indeed summarized in the next subsection.

4.3.5. Major achievements of the NURC toward unity and reconciliation

The constructive transformation of the Rwandan society, toward the restoration of unity and identity of Rwandans, has been the overall achievement of the NURC. Through the National Unity and Reconciliation Commission (NURC), Rwanda believed/believes that unity of all Rwandans and across the country is *an absolute principle* on which a Nation has to be built.[251]

The NURC has indeed been, and remains, a highly instrumental engine in the process of unity and reconciliation in Rwanda. Much of NURC's contribution, in this regard, started during the transition period with commendable strategies including various grassroots consultations, national summits, seminars, and researches, as discussed above. These strategies laid a favorable groundwork for the peaceful end of the transition period, the massive involvement of Rwandan citizens in the establishment of the new Rwandan Constitution, and the policy on unity and reconciliation, as well as the establishment of various home-grown and community-based solutions that contributed/contribute to the successful promotion of unity and reconciliation in Rwanda.

The summarized major achievements of the NURC, as the pivotal national institution in charge of promoting unity and reconciliation, are put below:

1. The citizens-based National Constitution (2003) was elaborated and adopted, and the National Policy on Unity and Reconciliation in Rwanda (2007) was elaborated, sensitized, mainstreamed and implemented. These constituted the leading legal and policy mechanisms to eradicate or denounce all acts, writings and utterances that promote discrimination, Genocide ideology, violence and intolerance.
2. The NURC also took part in the enactment of a legislation penalizing discrimination and sectarian behavior; a legislation that was eventually passed by the National Assembly.[252]
3. Unity and Reconciliation was promoted and consolidated by the NURC. This was made possible through the creation of, and support to, programs and mechanisms intended

[250] Some examples of research works carried out include, but not limited to: 'The history of Rwanda, Community conflict in Rwanda: causes and solutions (2007), The process of decentralization and democratization in Rwanda (2004), Origin of conflicts in Rwanda (2003), The role of women in reconciliation and peacebuilding in Rwanda: Ten years after genocide-1994-2004 (2005), Social cohesion (2005-2008), Impact assessment of Ingando (2008), Participation in Gacaca and National reconciliation (2003), Land property and reconciliation (2005), Rwanda reconciliation Barommetter (2010) Rwanda reconciliation Barommetter-Qualitative (2012), etc…(NURC, 2009, *15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date*, October, Kigali, p.16).

[251] NURC (2000). Ibid.

[252] NURC (2002). Ibid., p.27

to encourage Rwandans to live together in peace. These programs and/or mechanisms include the community-based unity and reconciliation clubs, associations, cooperatives at all levels of the community, consultations and meetings at community and national level, summits, and social festivals (*ubusabane*).

4. NURC also was instrumental in the creation of community-based initiatives, in the example of *Ubudehe* (community work) and *Umuganda* (collective action), among others. The NURC supported these unity and reconciliation initiatives at different levels in the community by drawing up a map featuring locations of populations' activities, securing donors' assistance to support some of the most outstanding actions and by providing advocacy for segments of Rwandan society that are economically lagging behind, to attract attention on them.[253]

5. The NURC also supported/supports annual community festivals that play an important role in unity and reconciliation process. It also supports cultural activities, such as theatre, music, dance and art as tools of social transformation, reconciliation and unity amongst Rwandans. These tools help to pass along the message of unity and reconciliation, peace and tolerance, as well as human rights and social justice that NURC indeed promotes.

6. The NURC was also instrumental in civic education through consultations, trainings, communication and mobilization of Rwandans of all walks of life, summits, media (television, newspapers, internet, free telephone calls, and radio talks),[254] seminars and conferences, and forums in the example of the creation of *Ingando* (solidarity camps) and *Itorero* (peace education academy), among others. The NURC also developed *a new history curriculum* for schools together with the National Museum of Rwanda and the University of Rwanda and other stakeholders. These programs reveal the extreme importance of the NURC's achievements especially since the systematic civic education program was introduced.

7. Youth engagement in all unity and reconciliation initiatives (youth councils and children commissions) has also been at the core of the NURC's work. This is so put given that the youth, who yet constitute the vital forces of the nation, had been unfortunately used by genocidal regimes to destroy the Rwandan society. Conversely these youth, once mobilized can also efficiently reconstruct this society, and this is what the NURC successfully achieved. The 2004 National Summit on unity and reconciliation that was organized and held by the youth is a clear evidence of this achievement.

8. 'Justice for all' was also advocated for, promoted and ensured by NURC (in the example of reconciliatory justice that created/reintroduced, notably the *Gacaca*

[253] Idem.

[254] Examples in this regard point to the unity and reconciliation program through press conferences, and '*Igorora'* (literally meaning 'a reshaping') broadcasted on Radio Rwanda every Sunday, from 13.30-1400.

jurisdictions, gender equality, access to education and jobs based on merit and competition, etc.).

9. The NURC also participated actively in the creation of the Constitutionally-based institutions that promote good governance and unity and reconciliation: The Commission addressing issues of Genocide survivors (CNLG), the Commission ensuring accountability and good governance (the Ombudsman), the Office of the Auditor General, and the Governance Advisory Council, now Rwanda Governance Board, etc.

10. The NURC also participated in many socio-economic and poverty assessment exercises as an approach to mainstream unity and reconciliation into economic development and poverty reduction policies while supporting vulnerable groups such as orphans and widows.

11. The NURC encouraged twinning of regions in the area of cultural exchanges and inter-regional trade with the overall aim of creating the interaction, peaceful coexistence, interdependence, and peaceful exchanges.

12. The creation of the *Abakangurambaga* (sensitizers) for unity and reconciliation was also an innovative strategy of the NURC. They are 'peace or unity and reconciliation volunteers' who intercede in disputes and mobilize communities to address problems.

13. The promotion of the *culture of peace* as a resource for unity and reconciliation was also at the core of NURC's work. The NURC has contributed tremendously towards promoting the culture of peace as a tool for unity and reconciliation through the incorporation of cultural concepts, as pointed out above, such as *Ingando* and *Itorero*, *Abakangurambaga*, *Inyangamugayo*, *Ubudehe*, *Ubusabane*, and others in its activities. It is in this regard that, as also put previously, the Commission organized several cultural activities, including plays, songs, poems and dance, since its creation in 1999. For example, every *Ingando* and *Itorero* generally entails cultural activities and celebrations. The same applies for meetings, seminars, consultations and the annual summits organized by the NURC.

14. By means of researches on issues related to unity and reconciliation, to ensure that reconciliation process is conducted along realistic and scientific findings, the NURC developed a Reconciliation Barometer Policy, which aims to support monitoring strategies, particularly on how unity and reconciliation process is being implemented, and to list all indicators of unity and reconciliation.

    Some of the NURC's action researches contributed to the formulation of unity and reconciliation related policies, programs and measures, as summarized in the table below:

A Summary of some of NURC's researches and their policy contribution

1. ***Land property vs unity and reconciliation, 2002***	The study findings, and recommendations for the necessity for land registration, contributed to land law reform in Rwanda.
2. ***Decentralization and Democracy in Rwanda, 2003***	The study findings contributed in promoting and reviewing the decentralization process in Rwanda and democratic elections, since 2003.
3. **Rwandan conflicts: Origins, Developments and Strategies for exit, 2003.**	The study findings' contribution: ✓ Elaboration of the national policy on unity and reconciliation, 2007; ✓ Putting in place a law no 18/2003 of June 23, 2008 repressing Genocide ideology; ✓ Creation of projects of collective interests between Genocide survivors and prisoners culprits of the Genocide and their family members; ✓ Elaboration of the policy on the role of each stakeholder in unity and reconciliation; ✓ Introduction of the course on the eradication of ethnic-based hatred and Genocide ideology in the national education system.
4. **Gacaca vs unity and reconciliation, 2004**	Findings have provided decision makers with citizen opinions about the importance of *Gacaca* jurisdictions in restorative justice. The study also contributed to the improvement of *Gacaca* guidelines.
5. **The role of women in reconciliation and peace building in Rwanda: ten years after Genocide (1994-2004): Contributions, Challenges and Way Forward, May 2005**	✓ The important role of women in peace building came to light, and women have been mobilized to contribute to peace building; ✓ Women reconciliation forum was created.
6. **Study on solidarity camps (Ingando), 2007**	Findings led to the: ✓ Creation of '*Ingando* centre for civic education and social dialogue at Nkumba in Burera district of the northern province of Rwanda, 2007; ✓ Adoption to use of the concept of *Ingando* (the historical symbolic Kinyarwanda version) instead of 'solidarity camps' to avoid any possible confusion, 2007; ✓ Updating of training modules on *Ingando*, 2008; ✓ Creation of a platform (association) of former laureates and current beneficiaries of *Ingando;* ✓ Creation of *Itorero ry'Igihugu* (Civic Education Academy), 2007.
7. **Community conflicts in Rwanda: Major causes and attempts to solution, 2007**	Findings led to the: ✓ Institutionalization of a week for national reconciliation, every year; ✓ Formalization of the collaboration between the NURC and religious institutions on unity and reconciliation.

8. Social Cohesion; 2007, 2008	The study led to the: ✓ Improvement of citizens' involvement in decision making; ✓ Involvement of social structures (schools, churches, public and private media organs, civil society organizations) in eradicating Genocide ideology while promoting the culture of peace.
9. Causes of violence after the 1994 Genocide in Rwanda, 2008	Findings contributed to the: ✓ Creation of unity and reconciliation clubs in schools; ✓ Trainings to journalists whose media are involved in fighting Genocide ideology toward the culture of peace and conflict management.
10. Rwanda Reconciliation Barometer, 2010, 2015	Findings led to: ✓ Setting the baseline of unity and reconciliation quantitatively; ✓ Establishment of new programs promoting unity and reconciliation.

In view of the above, it is clear that the NURC was the leading engine as it provided a favorable space and a forum for unity and reconciliation strategies and activities to take place. The NURC did so by engaging in grassroots consultations, researches and national summits, and by introducing civic education at all levels of society, with the view of educating Rwandans on their civic rights and obligations. The NURC also provided safe forums for constructive debates—also extended to the Rwandan Diaspora—for free expression of people's wishes and a Children's Voice, which is an annual event. This is indeed what Joachim Alberto Chissano—the former President of the Republic of Mozambique—referred to, during the second National Summit on unity and reconciliation:

> *Through the National Unity and Reconciliation Commission the Government has set up a forum for popular debate aimed at identifying, fostering and consolidating the factors that promote national unity and reconciliation. It also serves as an effective mechanism for permanent monitoring and evaluation of the progress made in this endeavor. The comprehensive nature of this process accords the opportunity to all Rwandans to take part in the collective effort of reflection over the factors that separated them, those which unite them, as well as over the seriousness and sincerity with which all are involved in the search of appropriate ways that are conductive to the building of a real national consensus among the citizens of a united and reconciled country. Through this mechanism, you have been able to find adequate solutions to live up to challenges of resettlement of the former refugee populations and also to comfort the children of the victims of the Genocide.*[255]

In light of the report conducted by the Institute for Justice and Reconciliation (2005), it also came out that the NURC has been an engine of unity and reconciliation process. The report states:

[255] NURC (2002). Ibid., p.19.

> *Opposite to other reconciliation mechanisms in Africa and the rest of the world, the NURC has disseminated national reconciliation and [the related] policy at the community level. It has set forth an innovative approach to re-establish and consolidate unity among the Rwandese through education, mobilization, sensitization and training. It also has laid solid foundations in order to institutionalize reconciliation.*[256]

Obviously, the secret used by the NURC so as to be such a successful institution in Unity and reconciliation, is that upon its creation the NURC guarded against behaving like an intellectual authority on the issue of unity and reconciliation; it rather operated in a synergy and preferred to provide a forum for Rwandans to discuss and analyze the root causes of their disunity, toward the required reuniting strategies, based on a consensus and common understanding. Right from 1999, the NURC had already approached and held consultations with Rwandans of all walks of life to find out from whatever cast them apart toward consequent remedy.[257]

The instauration of the NURC, in 1999, indeed opened up for the necessity to mainstream unity and reconciliation in all strategies of development in Rwanda. It is in this regard that other mechanisms and programs in the domains of good governance, socio-economic development, as well as in the justice sector, etc., have all included unity and reconciliation in their strategic and operational plans and actions.

It is worth emphasizing that the previous discussions, which indicated how unity and reconciliation began with the establishment of the Government of National Unity (stressing power sharing, national consultations, military integration and the repatriation, resettlement and reintegration of refugees and IDPs) and the NURC, are also within the perspective of good governance and the respect of the rule of law. These discussions have been given a particular attention so as to portray and indicate how the post 1994 new leadership embarked on the process of unity and reconciliation in Rwanda by not only establishing the solid foundation in this regard (putting in place a Government of National Unity and the creation of the NURC) but also by addressing the urgent post-Genocide situation of insecurity (military integration and the problem of refugees and IDPs). It was on basis of this solid foundation and the successful management of the urgent situation of insecurity that further good governance mechanisms have been successfully initiated and eventually implemented.

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[256] IJR (2005). *Evaluation et étude d'impact de la Commission Nationale (rwandaise) pour l'Unité et la Reconciliation*, p.64-65.

[257] Some of the causes of disunity that have been put forward are the following: bad governance, the culture of impunity, ignorance and poverty. Based on problems thus substantiated, the Commission devised programmes that could help solve them: civic education, conflict prevention and resolution, and supporting populations action (NURC, 2002, p. 25-26).

4.4. Good governance and the Rule of Law

> *It is the policy of our Government of National Unity to involve all Rwandans in search for good governance and find solution to our problems…It is necessary to give the population a greater role in the governance of the country and in the development of solutions to its problems.*[258]

> *Good governance is 'characterized by at least nine principles: it is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law with strategic vision. It assures that corruption is minimized, the view of minority is taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and the future needs of society.*[259]

Governance failure, simply put as 'bad governance', which was authoritarian, centralized and discriminatory in the history of Rwanda, has been the leading factor/cause of ethnic-based divisions and persecutions, which culminated into the 1994 Genocide against Tutsi.

Conscious of the legacy of bad governance in Rwanda, and by adhering to the 1993 Arusha Peace Accords, which considered that the Rule of Law has to characterize the political life in Rwanda,[260] the Government of National Unity also considered good governance, based on the Rule of Law, as one of its leading principles.

In fact, in opposition to arbitrary decisions, the Government of National Unity was committed to the legal principle that 'law should govern Rwanda', which implies that, beyond formal legality, nobody is above the law and the law must respect the fundamental rights of the citizens.[261]

Emphasis of post-1994 governance was thus put on building a politically stable nation without discrimination, enhancing a united state, establishing rule of law and promoting fundamental rights, which are essential for unity and reconciliation process in Rwanda.[262] It is in this perspective that an executive institution in charge of promoting good governance in Rwanda—the *Rwanda Governance Board* (RGB)—was especially created, in 2011.[263]

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[258] A statement by President Paul Kagame, during the 1st National Summit on Unity and Reconciliation in Rwanda (18-20 October 2000); (See in NURC, 2000. *Report on the National Summit of Unity and Reconciliation*, October, 18-20, 2000, Kigali, p.5.

[259] RALGA, *Training Manual on Good Governance,* Kigali.

[260] Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, Arusha, Tanzania, 18th August, 1992 (Preamble).

[261] Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania, 1993 (Preamble).

[262] NURC (2002). Ibid.

[263] Rwanda Governance Board is a public institution established by the Law No 41/2011 of 30/9/2011 determining its mission; organization and functioning. Driven by a vision of 'Fostering Good Governance for Sustainable Development, the mission of RGB is to promote the principles of good governance and decentralization, monitor the practices of good governance in political, public and private institutions; coordinate and support media sector development; register, empower and monitor civil society

Less than a decade after the 1994 Genocide against Tutsi, Rwanda had achieved top ranking amongst African countries for good governance (2003) and first for significant progress in achieving the MDGs (2013).[264] In 2006, the African Peer Review Mechanism (APRM) noted Rwanda's high standards of governance, specifically mentioning its control of economic aggregates, its strong capacity to absorb international funding for sustainable development and its zero tolerance policy on corruption.[265]

4.4.1. Democratic governance and pluralism

It is generally argued that democracy is about the relations between governing people and governed people, institutional relations and how they are changed or stopped; how people adhere to them; how governing people fulfill their duties of governing the country, and the role which governed people have to play.[266]

In Rwanda, democratic governance has always been problematic, up to the 1994 Genocide against Tutsi. The history of Rwanda had not allowed citizens to exercise their right of using their power to elect their leaders even at local level as the latter were appointed by the central government. This trend has been corrected by the Government of National Unity as citizens now have the right to exercise the power notably through election of their leaders.[267] This was also in respect of the 1993 Arusha Peace Agreements (Article 13) between the then Government of Rwanda and RPF that had emphasized that the two parties recognize that Rwandans need a democratic society founded on pluralism, which is the expression of individual freedoms in respect of national unity and the fundamental rights of the citizen.

The democratization process in Rwanda eventually began during the transition period, in the immediate aftermath of the 1994 Genocide against Tutsi, under the Government of National Unity, which had/has 'democratic system' as its key principles. Further to the Presidential Decree of 23rd December 1998 that initiated the democratization process of the sector and cell levels, the 'democratic system' was made possible through the creation of the *National Electoral Commission* (NEC), established by Law N° 39/2000 of November 28/2000 as amended by Law N°31/2005 of December 24/2005. The Protocol of Agreement on Power Sharing, within the Framework of a broad based transitional government between the then Government of the Republic of Rwanda and the Rwandese Patriotic Front (Article 24), had also stipulated that an electoral commission had to be established.[268]

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organizations; enhance civic participation, conduct research and studies related to governance; document home grown solutions and provide policy advocacy to Government for achieving good service delivery, sustainable development and prosperity.

264 MINECOFIN (2013). *Rwanda on Course to achieve MDGs targets*. Available at www.minecofin. gov.rw.

265 Longari M. (2010). "The liberation" In *Paul Kagame and the Resilience of a people,* Jaguar Eds, p.52.

266 Republic of Rwanda (1999). *Report on the Reflection Meeting held in the Office of the President of the Republic*, May 1998 to March 1999, Kigali: Office of the President of the Republic, p.42.

267 NURC (2009). Ibid., p.33

268 Protocol of Agreement on Power Sharing within the Framework of a Broad Based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Arusha, Tanzania,1992, 1993.

The 2003 Constitution of the Republic of Rwanda, as amended to date, consequently stipulates the establishment of the National Electoral Commission in its Article 180. In respect of this constitution, the NEC is an independent commission responsible for local, legislative, presidential elections, referendum and other elections determined by the Law.

The NEC's achievements toward unity and reconciliation proceeded by ensuring free, fair and transparent elections, and carrying out civic and voter education programs in a way that enabled people to know how to use their power. The Commission did so by establishing electoral areas (constituencies), creating provincial, district and municipal commission branches, preparing, as well as conducting civic and voter education programs.

The democratization process through ballot—free, fair and transparent elections—ensured equal playing field of political actors and all of these aspiring to join the governance of Rwanda. In this regard, the Rwanda Country Report (2007) emphasizes that this democratic governance strengthened good relations and social cohesion.

In Rwanda, democracy is generally understood as "power by the people, from the people and for the people"[269] that is, "people and their interests must be the foundations of any action to be carried out."[270] The point worth however emphasizing is that, in Rwanda, democracy goes beyond elections. Instead, in Rwanda, real democracy means that '*people should have a say in whatever action is being undertaken in their name, that they should contribute their views with regard to how their problems should be solved, and elect leaders among themselves charged with implementing agreed solutions to their problems; and have the right to remove any leader that proves incompetent*.'[271]

As stressed previously, the new governance model of Rwanda, since 1994, is embodied within the culture of inclusiveness and democratic politics and pluralism, and remains strongly opposed to the inappropriate democracy's 'winner takes all' model, which constitutes a uniting and reconciliatory mechanism.

It is in this regard that Rwanda, unlike most post-conflict countries, allows space for public pluralism, an active civil society and competition for ideas, including free media and freedom of expression. It is in respect of the above that the Forum of Political Parties has been created to ensure a favorable environment for dialogue and competition of constructive ideas, as well as to allow for a balance of power and a system of checks and balances to the regime in power. Political parties currently operating in Rwanda have even developed a code of ethics, which promotes unity and reconciliation and that politicians and political organizations should adhere to.[272]

Likewise, Rwanda's good governance is characterized by the decentralization process, which also played an important role in reconciliation and the restoration of unity.

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269 NURC (2000). *Report on the National Summit of Unity and Reconciliation*, October, 18-20, 2000, p.28.
270 NURC (2000). *Report on the National Summit of Unity and Reconciliation*, October, 18-20, 2000.
271 Ibid. p.29.
272 Musoni Protais (2003). Ibid., p. 18-9 .

4.4.2. Effective decentralization

To strengthen the principle of good governance, toward the promotion of unity and reconciliation, the Government of National Unity has engaged in the decentralization process with more emphasis on citizen participation, service delivery, security, and the use of decentralization-based home grown solutions (to be explored below) with the purpose of making citizens more enthusiastic and committed, while owning the process of unity and reconciliation. Rwanda's innovations in citizen participation and accountability at the local level, and how these innovations have successfully contributed to unity and reconciliation, have been important.[273]

The decentralization process started with the adoption of the National Decentralization Policy in 2000,[274] after Government's widespread consultations on the causes of disunity among Rwandans.[275] In those countrywide consultations, citizens showed a remarkable desire to have a voice in the affairs of the country. The decentralization policy, geared towards empowering the Rwandan people at all levels to actively participate in the political, economic and social transformation of Rwanda, became thus an answer to citizens' desire.

It is worth emphasizing, however, that prior to its implementation, other projects had been undertaken throughout Rwanda, which provided the groundwork for the decentralization policy to be formulated.[276] They include a series of laws redesigned in different tiers of local government to institute the election of local leaders. They also include Community Development Committees (CDCs) set up to identify needs and priorities in their development plans and form the planning process at the local levels. To ensure the actual participation of the population in its development, the planning became a participatory process including all the different levels.[277]

In addition to the decentralization policy, the following support policies have been formulated: Fiscal and Financial decentralization policy, which seeks to provide adequate resources to fulfill local service responsibilities; Community Development Policy, aimed to allow the implanting of the national policy of decentralization by suggesting ways and means of assuring the actual; and durable participation of the community in its own development.[278]

Since Rwanda embarked on a decentralization process, it has made tremendous progress that impacted positively on unity and reconciliation process. Decentralization of governance in Rwanda has completely changed the image of relationship that used to exist between the 'ruler and those who are ruled'. The image now is that of mentoring leadership. Activities that used to be planned from above and come to the people as a surprise, are now popular and

[273] Ensign in Gasanabo, Simon and Ensign, 2014:331.
[274] MINALOC (2000). *National Decentralization Policy*, Kigali.
[275] Musoni Protais (2003). Ibid., p.11.
[276] Ibid., p.11.
[277] Ibid., p.13.
[278] I bid., p.13.

the community members feel they own them because they have a say in every decision-making process.[279]

This was made possible through redesigned local administration that set up strong local planning and monitoring mechanisms. Local governments are nowadays the main implementers of national policies, executing more than 25% of the domestic budget,[280] and employing 50% of the Rwandan administration.[281] Officially, decentralization has been a means of breaking away from the governance pattern of the pre-1994 period by fostering local participation. For instance, the Rwanda Five-Year Decentralization Implementation Program of 2004 stated the need to replace 'the sub culture of passive obedience which left people submissive to political and sectarian manipulation'.[282]

With the belief that Rwanda's main resource are its people, the effective decentralization also led to successful rehabilitation of public socio-economic infrastructures (schools, health centers, telecommunications, energy, water, etc.), and citizens' empowerment so as to own their unity and reconciliation process, and hence the future of their country.

Not surprisingly, a whole strand in the literature considers Rwandan decentralization as an exemplary reform that has not only fostered service delivery but also citizen participation, unity and reconciliation[283].

In 2013, the Commonwealth Local Government Forum (CLGF)—a part of the Commonwealth Secretariat—commissioned a study to evaluate Rwanda's decentralization programs compared to 'the *Aberdeen* principles'—12 principles for Local Democracy and Good Governance adopted by all members of the Commonwealth Local Government Forum (CLGF) on March 18, 2005. These principles include (1) Constitutional and legal recognition for local democracy, (2) political freedom to elect local representatives, (3) partnership and cooperation between spheres of government, (4) defined legislative framework, (5) citizens' participation in local decision making, (6) open local government—accountability, (7) open local government-transparency, (8) scrutiny of the executive, (9) inclusiveness, (10) adequate and equitable resource allocation, (11) equitable services, and (12) capacity building for effective leadership.[284] The *Aberdeen* principles were thus used as the basis, or benchmarks, for analyzing and assessing Rwanda's local government system. The CLGF study concluded that:

> *Through the analysis and assessment of the Rwanda local government system, structures and processes, the study has established that local governments in*

[279] NURC (2009).Ibid., p.6.
[280] Rwanda Governance Board (RGB), *Sectoral Decentralization in Rwanda*, pp. 42–4 in Chemouni (2014).
[281] MIFOTRA, Public Sector Retention Pay Policy, p. 36. In Chemouni (2014). Ibid.
[282] MINALOC, In Chemouni (2014). Ibid.
[283] Chemouni (2014). Ibid., p.246.
[284] Ensign, "Reflections on Rwanda, 20 Years after the Genocide against Tutsi." In Gasanabo Jean Damascène, David J. Simon, and Margee M. Ensign (2014) *Confronting Genocide in Rwanda: Dehumanization, Denial, and Strategies for Prevention*, Kigali: CNLG, p.354.

> *Rwanda have, through decentralization process, implemented the Aberdeen principles as a continuation of decentralization process. Considerable progress has been made in terms of citizen participation, political freedom of choice of local leadership, inclusiveness, transparency and accountability of local governments to mention a few. In conclusion, local governments in Rwanda have, through a decentralization process, implemented the Aberdeen Agenda since 2001.*[285]

The above-discussed mechanisms have laid a solid foundation that, not only ended the transition successfully and peacefully, but also that paved the way for further unity and reconciliation mechanisms and programs in Rwanda. One of the mechanisms resulting from these achievements is the constitutional reform.

4.4.3. Constitutional reform

> *We now have put a constitution that has been agreed upon democratically. We have a constitution that reflects the views of a very big part of our population. I believe, on this basis, that we put the interest of the country above any individual or any political group. I think a consensus has developed that we should be able to rebuild our country on a rule of law based on this constitution that we have formulated ourselves. I think, increasingly, there is a sense that we are moving firmly forward and there is a sense of direction and everybody is on board. So, the constitution we have put in place is really an embodiment of our diversity. The people have been able to look back into our history, realizing what caused these problems. We have been able to formulate a way forward that would deal with future problems*.[286]

Through its constitutional history, Rwanda never had a constitution with values and principles responding to its expectations as a united society. All its former constitutions were often copied from foreign countries without considering the country's realities or were just there to fit the interests of the leaders of the time. In either case, the population was not involved in the elaboration process of such fundamental laws.[287]

The new Constitution of the Republic of Rwanda (promulgated on June 4th, 2003) as amended to date, makes the difference on all these weak points. Under 'unity, work, and patriotism', as its motto (Article 6), the elaboration of the new Constitution was participatory (all Rwandan citizens participated in its elaboration) and over 93% of voters had approved it on May 26th, 2003, in adherence to the universal principles of human rights. In this regard, illustrative contentions from citizens are clear:

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[285] Commonwealth Secretariat (2013), *Local Democracy and Local Governance: Benchmarking Rwanda Against the Aberdeen Principle*s, April, p.13; Ensign in Gasanabo, Simon and Ensign, 2014:355

[286] Paul Kagame, President of the Republic of Rwanda, interviewed by Clare Short (in Jha et al., 2004:12, 220-221.

[287] Prior to the 2003 new constitution, Rwanda has had 3 constitutions (1962, 1978, and 1991).

First of all, the constitution of Rwanda has been decided upon by people. So there is no more say [people's say] than the fact that a citizen him/herself has put in place a constitution of his/her country![288]

Even concerning the constitution, they [leaders] often came and asked us to give our ideas, and they [leaders] based on our ideas to formulate the constitution…the fact that women are now legally part of decision making process as stipulated in the constitution, contrary to the past, shows how we have a say in the decisions that affect our lives.[289]

The new constitutional law has thus been the result of participation, consensus and ingenuity from Rwandan citizens, who are aware of the fact that the constitution is their own achievement.[290] The fundamental principles, of this new Constitution (2003), as amended to date, revolve around the following:[291]

- Equitable power sharing;
- Pluralist democratic system;
- Establishment of the rule of law aimed at improving people's social welfare and social justice;
- Promotion of national unity and reconciliation;
- Fighting the Genocide ideology and all its manifestations;
- Eradication of any ethnic or regional form of divisionism;
- Socio-economic development;
- Ensuring equal rights between Rwandans and between men and women without prejudice to the principle of gender equality in national development;
- Development of human resource;
- Constant quest for solutions through dialogue and social consensus.

The 'equitable power sharing' and the 'pluralist democratic system', discussed previously, implemented by the Government of National Unity since the immediate aftermath of the 1994 Genocide against Tutsi, have also been maintained as part of the leading principles of the 2003 Constitution of the Republic of Rwanda, toward the country's vision of 'a united, democratic and prosperous Rwanda.' The 2003 Constitution stipulates that 'the winner does not take it all', and stipulates that the President of the Republic and the Speaker of the

[288] NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Past, Political culture, and Economic security*, Kigali, p.78.

[289] NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Past, Political culture, and Economic security*, Kigali, p.78.

[290] Shyaka, A. (2005). Ibid., p.332-33.

[291] Republic of Rwanda (2003): The Constitution of the Republic of Rwanda as amended to Date (p. 4 and preamble); Shyaka, A. (2005). Ibid., p. 332-33; Longari Marco (2010). Ibid., p.51.

Chamber of Deputies must belong to different political organizations (Art.58).[292] The ruling party can only have 50% of positions in the executive—a system, which allows other political forces to have a say and participation in the governing of Rwanda.[293]

The existence of political parties' forum (as emphasized previously), as a unity and reconciliation mechanism, is also provided for in the 2003 Constitution, notably in its Article 56, which stipulates that:

> *Without prejudice to the independence of political organizations and their collaboration, political organizations officially recognized in Rwanda shall organize themselves in a consultative forum. The forum is mainly responsible for (1) facilitating exchange of ideas by political organizations on major issues facing the country, (2) consolidating national unity, (3) advising on national policy, (4) acting as mediators in conflicts arising between political organizations, and (5) assisting in resolving internal conflicts within a political organization upon request by that political organization.*[294]

In view of the above, the new Constitution thus constitutes a reunifying and reconciliatory legal framework, especially when it makes it illegal any form of divisions and discrimination among Rwandans. This is indeed grounded within its Article 11, which reiterates:

> *All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, color, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or other form of discrimination is prohibited and punishable by Law.*[295]

With the above principles, the 2003 Constitution laid a favorable groundwork for unity and reconciliation as the Government and citizens became committed to the fight against any form of division, the promotion of citizens' wellbeing, equality and social justice, and the constant quest for solutions through dialogue and consensus.

It is in this way that the constitution also addressed the problem of 'gender' inequality that had been ignored for long time in the political scene in Rwanda. The new constitution dismantled the legal discrimination and marginalization of women and put in place a legal framework that protects women's rights. As a principle, the new constitution makes provision for equal opportunities to women (female) and men (male) with regard to electoral terms of office and elective posts. Before that ideal can be achieved, the new constitution (Art. 76 and 82) already grants at least 30% seats for women (female) in the Parliament (both the Chamber of Deputies and the Senate). The constitution also provides justice for every social category of Rwandans, as each is also represented in the parliament. Women (female), the youth, and children are now involved in the decision-making processes and other matters of

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292 Republic of Rwanda (2003). Ibid.
293 NURC (2009). Ibid., p.17.
294 Republic of Rwanda (2003). Ibid.
295 Republic of Rwanda (2003). Ibid., p.5.

national interest.[296] To materialize this, the new Constitution established the National Council of Women (Art.187) and the National Council of Youth (Art. 188).

The fact that the principle of the 2003 Constitution, as amended to date, emphasizes the 'equitable power sharing', which maintains that 'the winner does not take it all', is another contribution to unity and reconciliation effort. The Constitution paved the way for democratic elections—Presidential and Parliamentary elections, as well as local government elections.[297] Inspired by the Rwandan culture, the new constitution also established some of the homegrown reconciliatory mechanisms notably the *Gacaca* courts (Art.152) and the 'Committee of Mediators'—*Abunzi* (Art.159) in each sector (detailed discussions in this regard are provided later) in order to engage the community in unity and reconciliation. On basis of new national constitution, a number of other reunifying and reconciliatory legal measures have been adopted. They include:

- Law No 47/2001 of 18 December 2001 instituting the punishment for offenses of Discrimination and Sectarianism;[298]
- The Presidential decree for pardon[299] (since January 2003);
- Abolition of death penalty (Organic Law No 31/2007 of 25/07/2007 relating to the abolition of the death penalty);[300]
- Law encouraging wrongdoers to admit their wrongdoings, to repent and request for forgiveness (Organic law No 10/2007 of 01/03/2007 modifying and completing Law no 16/2004 of 19/6/2004 establishing the organization and competence of the *Gacaca* Courts which rewards those who confess their crimes;[301]
- Law No 18/2008 of 23 July 2008 related to the punishment of the Crime of Genocide Ideology.[302]

Another important innovation, brought about by the new constitution, has to do with the creation of specific institutions, which are responsible for helping in resolving major issues facing the country, whereby unity and reconciliation is at the core. These institutions include the National Unity and Reconciliation Commission (Art. 178), the National Commission for Human Rights (Art.177), the National Commission for the Fight against Genocide (Art.179), the National Electoral Commission (Art.180), the Public Service Commission (Art.181), the

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296 Rwanda now has over 60% of women representation in parliament.

297 The first Presidential and Parliamentary elections took place on 25 August and 29 September, 2003, respectively.

298 Republic of Rwanda, Official Gazette (2002).

299 The presidential decree for pardon (the first having been granted to19, 556 prisoners, who were allegedly, committed above all the acts of genocide but also ordinary crimes) focused on the children up to 18 years of age, prisoners who had confessed their wrongdoings, those in prison for periods longer than the penalty provided by the low, and the sick, old and frail.

300 Republic of Rwanda: Organic Law no 31/2007 of 25/07/2007 relating to the abolition of the death penalty.

301 Republic of Rwanda: Organic law no 16/2004 of 19/6/2004

302 Republic of Rwanda, Official Gazette (2008).

Office of the Ombudsman (Art.182), the Office of the Auditor-General of State Finances (Art.183), and the Gender Monitoring Office (Art. 185).[303]

The promotion of unity and reconciliation in Rwanda was, and remains, therefore embedded within this unifying constitutional reform and the related legal provisions, including those ensuring human rights, a corrupted free society, accountability and transparency, in a way that ensures and respects the rule of law. It is within this framework that a national policy on unity and reconciliation was also elaborated.

4.4.4. National Policy on Unity and Reconciliation

In August 2007, a National Policy on Unity and Reconciliation for Rwandans was officially publicized. The policy is mainly based on principles of Good Governance, that Rwanda has undertaken to follow, and the Constitution of the 2003 Republic of Rwanda, as amended to date, particularly in its chapter on the Fundamental Principles: Articles 9 and 178. This policy is also based on ideas taken from the country's Vision 2020 (to be discussed later), and those taken from the Law number 03/99 of March 12th 1999, which establishes the National Unity and Reconciliation Commission, and Law number 35/2002 of November 14th 2002, as amended to date. The content of the National Policy on Unity and Reconciliation also relates closely to the Arusha Peace Accords of 1993 (Art.88) between the Rwandese Patriotic Front and the then Government of Rwanda, the *Urugwiro* Consultations (1998-1999) and various grassroots and community consultations and researches that the National Unity and Reconciliation Commission undertook between 1999 and 2006.[304]

The general objective of the National Policy on Unity and Reconciliation is '*to build a united Rwanda in which all citizens have equal rights and are free to corporately participate in the governance and development of their country*.'[305] The policy serves as a monitoring and evaluation tool designed to measure the achievements made, challenges encountered, and strategies put in place by various organs in fostering unity and reconciliation.[306] The policy acknowledges the wanton destruction of the national unity and that its reconstruction is an inevitable obligation for all Rwandans. It emphasizes that '*unity and reconciliation is the only option that Rwanda has chosen*' and that '*it is the responsibility of every Rwandan to strive for these values and to ensure that they are attained and jealously safeguarded*.'[307] The policy also underscores the importance of the synergy derived from the participation of every individual as a must for the attainment of unity and reconciliation, as well as the mainstreaming and institutionalizing of unity and reconciliation in Rwanda's day to day programs. The guiding principles of the policy are:

1) To promote the spirit of Rwandan identity and put national interests first instead of favors based on ethnicity, blood relations, gender, religions, region of origin, etc;

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303 Idem.
304 NURC (2007). *The National Policy on Unity and Reconciliation*, Kigali August, p.5.
305 Idem, p.12.
306 Idem, p.10.
307 Idem, p.6.

2) To combat Genocide and its ideology;

3) To strive at creating a nation governed by the rule of law and respect for human rights;

4) To combat any form of divisionism and discrimination;

5) To promote the interdependence and synergy in nation building;

6) To mutually strive to heal one another's physical and psychological wounds while building future based on truth-telling, repentance and forgiveness;

7) To commemorate the 1994 Genocide against Tutsi with the aim of making "Never again" a reality;

8) To strive for self-determination and have passion for work.[308]

The strategic tools used to achieve the above objectives, which the NURC indeed successfully implemented, as discussed previously, include:[309]

- ***Civic education***, by: (1) sensitizing every Rwandan on his/her rights, the right of others and the need to always fight for and defend those rights; (2) inculcating the culture of peace, beginning with the family set up, and then the youth, focusing particularly on schools; (3) entrenching peace education exchanges, as a means of reinforcing the culture of peace and good governance; (4) educating Rwandans on the importance of respecting and defending the Constitution of the Republic of Rwanda; (5) instilling among people of Rwanda the principles embedded in the nation's vision 2020; (6) ensuring that the history of Rwanda is taught at all levels of the community; (7) explaining to the people of Rwanda the meaning of the symbols embedded in the national emblems and values the country attaches to them; (8) empowering people in various positions of leadership to become exemplary servant leaders; (9) ensuring that unity and reconciliation become part and parcel of the school curriculum at all levels of education in Rwanda; and (10) establishing specific unity and reconciliation programs targeting Rwandan Diaspora;

- ***Community sensitization***, by: (1) sensitizing Rwandans to understand that family should be the foundation of unity and reconciliation and to mentor their children on the values of inter-dependability/trustworthiness/fidelity, integrity, unity and patriotism; (2) sensitizing parents to chose names, given to children, that do not reflect hatred and divisionism; (3) fighting divisionism and Genocide ideology; (4) educating the Rwandan society on the policy of unity and reconciliation and to ensure that it becomes community owned; (5) sensitizing Rwandans on establishing renewed relationship based on mutual trust; (6) sensitizing Rwandans on working together, healing one another's wounds caused by history (refugee status, discrimination, effects of Genocide, and war, etc.) so as to improve their day-to-day

[308] NURC (2007). Ibid., p.5-11
[309] Idem, p.13-20

relations; (7) sensitizing Rwandans to respond positively to governments programs and learn the importance of analyzing issues; (8) promoting values found in Rwanda's culture that enhance unity and reconciliation of Rwandans; (9) sensitizing the civil society on their role in promoting unity and reconciliation among Rwandans, and (10) clarifying, to both Rwandans and foreigners, what Genocide ideology is and that there is law punishing it;

- ***Advocacy***, by: (1) supporting activities that promote unity and reconciliation in Rwanda; (2) monitoring whether the law and government's programs conform to the principle of unity and reconciliation; (3) fighting against all forms of injustice and eradicating the culture of impunity by ensuring functional rule of law; (4) supporting initiatives that assist those affected by Genocide and its effects, (5) improving living conditions and promote socio-economic development of categories of Rwandans neglected on account of Rwanda's history; (6) establishing, at national level, an annual week of unity and reconciliation; and (7) supporting activities which promote commemoration of Genocide;

- ***Research***, by: (1) carrying out research on uniting values found in Rwanda's culture with the aim of using them as catalyst for promoting unity, reconciliation and sustainable peace; (2) carrying out research on prevailing obstacles to unity and reconciliation of Rwandans and to put in place strategies for mitigating conflicts; (3) to disseminate ideas and publications that promote peace, unity and reconciliation; and (4) to carry out research on the history of Rwanda with the intent of availing well researched and credible history of Rwanda so that Rwandans may know their past, understand their present and decide on their future;

- ***Community consultations***, by: (1) providing Rwandans with a safe forum in which they can contribute ideas that promote the social cohesion; and (2) to promote the culture of constructive exchanges and respect for other people's ideas despite differences of opinion;

- ***Partnership with community and various institutions***, by: (1) having consultative forums between organizations that have initiatives that promote unity and reconciliation; (2) establishing and supporting unity and reconciliation focal points in every institution; and (3) promoting programs of unity and reconciliation initiated by various institutions in Rwanda;

- ***Combating poverty and ignorance***, by: (1) sensitizing parents on fighting poverty and ignorance by sending their children to school; (2) sensitizing Rwandans to join profit-making associations and cooperatives; (3) impressing upon Rwandans on promoting the culture of creating jobs rather than always looking for employment; (4) sensitizing the private sector and Rwandans in general to invest in rural areas; and (5) sensitizing the Rwandan Diaspora to actively participate in economic development of their country;

- ***Monitoring and evaluation***, by: (1) monitoring whether all government organs, civil society, religious institutions, media and political parties diligently implement the national policy on unity and reconciliation; (2) putting in place basic indicators which various relevant institutions and Rwandan community in general could use to evaluate the progress of unity and reconciliation; (3) putting in place efficient mechanisms to follow up what happens in and outside Rwanda, which could have adverse consequences on unity and reconciliation. This would serve to mitigate any attempt to recreate divisionism in the Rwandan society; (4) denouncing and fighting any divisive activities, publications and/or utterances; (5) monitoring the implementation of resolutions taken in relation to unity and reconciliation; and (6) building capacity of all partners operating in the area of unity and reconciliation at various levels of the community.

The national policy on unity and reconciliation emphasizes that in its implementation, regarding notably the above-described principles, strategic legal measures that ensure the human rights must also be taken into consideration.[310]

4.4.5. Human rights

> *Rwandans' rights must be respected; all Rwandans should be equal before the law; no Rwandan citizen should be denied access to anything s/he has right and ability to.*[311]

Successful unity and reconciliation requires that human rights are respected. Ensuring human rights in Rwanda was in fact the preoccupation of the post-Genocide new leadership. This is also in accordance with the Protocol of Agreement between the then Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, which emphasized the respect and protection of human rights while recognizing the universal nature of human rights while expressing concern when these rights are violated anywhere and by anybody (Article 14). The two parties had also agreed that a National Commission on Human Rights had to be established to investigate human rights violations (Article 15).[312]

It is by way of compliance with the 1993 Arusha Peace Agreements that the Rwandan Human Rights Commission (RHRC) was thus established by the Law No 04-99 of 12/03/1999 with a mandate to ensure that all citizens of Rwanda enjoy their fundamental human rights. The mandate of this commission indeed reflects the respective principles of 'social justice', the 'rule of law' and 'equality' of the 2003 Constitution of the Republic of Rwanda, as amended to date, a constitution that indeed reiterates the establishment of the *National Commission for Human Rights* (Art.177).

The vision of the Rwandan Human Rights Commission is *a Rwandan society in which every individual lives in peace, harmony and prosperity and enjoys fully his right*s. The Commission

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310 NURC (2007). ibid., p.20-21

311 Resolutions of the 1st National Summit on Unity and Reconciliation in Rwanda (NURC, 2000. *Report on the National Summit of Unity and Reconciliation*, 18-20 October, Kigali, p.26).

312 Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the rule of law, Arusha, Tanzania, 1993, Art.14, 15.

is therefore committed to promote and protect the Human Rights, to install a culture of respect for the Human Rights and to reinforce the Rule of Law in Rwanda. The RHRC is tasked with the sensitization of Rwandans about their rights to justice. It receives complaints from the population and investigates breaches of law, then takes necessary action. It also monitors issues related to good governance.[313]

In this regard, Rwandan Human Rights Commission ensures that all citizens of Rwanda enjoy their fundamental human rights as described in the constitution. The Commission does so by creating widespread awareness of human rights issues in Rwanda largely through seminars and consultations at different levels and offices at provincial and district levels.[314]

The principle of equal rights has been an ingredient in the promotion of unity and reconciliation. Striving for equal access to service delivered, combating suspicion, hatred and nepotism, and fighting against discrimination (including gender based discrimination, as discussed below), etc., have been part of this process.[315] Gender equality was also part of human rights assurance.

4.4.6. Gender equality

> *We believe that, improving gender relations in our country marks healthy progress towards realizing our vision of 'a united, democratic and prosperous Rwanda.*[316]

The promotion of gender equality, and women's empowerment, was considered by the Government of National Unity as a prerequisite for sustainable peace and development. In this regard, one of the principles of the 2003 National Constitution, as amended to date, is to ensure equal rights between men (male) and women (female), an issue of development, governance, human rights and social justice and cohesion in Rwanda.[317] It is in this perspective that a *Gender Monitoring Office* (GMO)—a public institution established by the 2003 Constitution of the Republic of Rwanda, as amended to date (Article 185)—was created. The Law no 51/2007 of 20/09/2007 determines the responsibilities, organization and functioning of the GMO, with the mission of promoting gender equality and women empowerment in Rwanda.

Gender Monitoring Office is thus part of the gender promoting mechanisms that particularly facilitate gender equality, and a distinctive value to women and girls. This refers back to the traditional Rwandan society that was characterized and shaped by cultural homogeneity. Though the patriarchy was characteristic, women and girls, whose informal role was much valued, played important role in building peace and social harmony. In Rwanda, traditionally, a girl was called '*gahuzamiryango'* (literally translated as 'someone who unites families'), '*nyampinga*' (a name that was given to girls, who were characterized by integrity and

313 UNDP (2005). *Turning Vision 2020 into Reality: From Recovery to Sustainable Human Development. National Human Development Report, Rwanda 2007.* Kigali: UNDP, p.28.
314 UNDP (2005). Idem, p.29.
315 Idem.
316 Paul Kagame, President of the Republic of Rwanda, In GMO, 2010, National Gender Policy, Kigali, p.2.
317 Republic of Rwanda (2003). Ibid.

kindness). Likewise, a woman was called '*umutima w'urugo'* (literally translated as 'the heart of home'), which led to the say in Rwanda that '*ukurusha umugore, aba akurusha n'urugo'',* (literally translated as 'He, who has a best wife has a best home/family').

Therefore, through GMO, women's formal right to play a role in the development of Rwanda, particularly in unity and reconciliation, demonstrates that they are not only victims of violence, but also they are actors of peace; thus actors of unity and reconciliation. Men and women have now internalized gender balance reality. Some of the facts in this regard emphasize women's right to speak in public (before women's voices were informal) and take part in the country's decision-making process and leadership. Notable progress in the area of gender empowerment emphasizes the high representation of women in Parliament—64%. The proportion of girls to boys in primary school enrolment is 102% per cent.[318]

The promotion of equality and gender balance has thus been a key factor of social cohesion in Rwanda. The road to build an egalitarian and inclusive society has already started to bear fruits soon after Rwanda's adoption and ratification of international conventions and instruments on gender and internal political and social dynamics, which led Rwanda to mainstream and promote gender to all levels of national life. In this regard, gender balance has become a factor for development and social re-balancing for social harmony. For example, and with respect to the organic law No.08/2005 of 14/07/2005 determining the use and management of land, the land registration addresses inequality and gender imbalance grants equal access, ownership, and use of land to men and women.

With regard to unity and reconciliation process, women's confidence materialized in the creation of inclusive associations, cooperatives, clubs, and forums favoring constructive contact, sharing and mutual harmony, is also another fact that demonstrates how important gender equality and women's promotion contributed to unity and reconciliation process. Women have thus actively been involved in the pacification process and peace education in the community. In this regard, the NURC (2005) stresses:

> *Women took all responsibility to meet the challenges of the post–Genocide period, and combined their efforts to ensure the survival of their families. They were determined not to see their country fall apart, but instead, to move forward towards peace and reconciliation. These positive results were due to strong political will to achieve unity and reconciliation, at the same time, to achieve gender equality and empowerment of women.*[319]

Not only gender equality was respected in post-Genocide Rwanda, but also, and as part of human rights respect, the post 1994 new government was convinced that equal access for all Rwandan citizens to public service is also key to reconciliation and the restoration of unity in Rwanda.

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318 UNICEF, 2013, p. 6

319 NURC (2005). Ibid., p.93

4.4.7. Equal access to public service

Good management of public good is key to social cohesion.[320]

As it is the case for human rights, the principle of *equal access to public service* is also an important ingredient in successful unity and reconciliation process. To materialize this, the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date, stipulates the establishment of the *Public Service Commission* (Art.181). In this regard, the Constitution of the Republic of Rwanda (Article 45) stipulates that: "*All citizens have the right of equal access to public service in accordance with their competence and abilities*".[321] The Public Service Commission has been put in place to serve that purpose and to regulate the recruitment process in public institutions. Its mandate covers all civilian public servants who are employed within the institutions of the executive branch of government. These include:

- Ministries and attached bodies;
- Government educational and medical establishments and overseas missions;
- Local government provinces, districts, sectors and cells;
- Public agencies, boards and other institutions, which report directly or indirectly to the Cabinet.

The mandate covers only the executive branch of the Government because the Constitution states expressly that there is a separation between the legislative, judicial and executive branches. Each branch is organized and managed independently, although they are bound together by common standards and ethical values which apply to all those who serve the state.[322]

The spirit of the Public Service Commission is in line with building a transparent competition and self-reliance in public service, which rejects any kind of exclusion or division. Therefore, through this Commission, social justice and equality have been and remains promoted. Recruitment and selection for jobs are non-discriminatory which was not the case in the past, because they are this time fair and based on merit and competition. The Commission provides independent oversight public service recruitment and appeals over grievances, to ensure public servants are selected and supported to act on the highest principles of equity, transparency, good governance, and integrity. This was, and is still being, achieved through identifying and promoting internal procedures based on these principles within all public service institutions; establishing and putting in place thorough oversight systems and procedures; and addressing grievances efficiently and effectively through an objective 'Final Appeal Body.'

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320 Cook Susan E. (2005). Ibid., p.3.
321 Republic of Rwanda (2003). Ibid.
322 Ibid.

Besides ensuring human rights and equality, fighting against divisions and Genocide ideology was at the core in the process of reconciliation and the restoration of unity in post-Genocide Rwanda.

4.4.8. Fighting against Genocide and its ideology

Fighting against divisions, and especially the Genocide and its ideology, is the mission at the core in unity and reconciliation process in Rwanda. It is also at the heart of the mission of the Government of Unity and the NURC, as it is the key principles of the 2003 Constitution and the national policy on unity and reconciliation.

To better implement this mission, and in supportive of the NURC's mandate, the 2003 Constitution of the Republic of Rwanda, as amended to date, established the *National Commission for the Fight against Genocide* (Art.179). In respect of this constitution the Commission for the Fight against Genocide that started operating in April 2008, was created by Law No 09/2007 of 16/02/2007, which stipulates that the Commission is a national, independent and permanent institution. The vision of the commission is "*A world free of Genocide and Genocide Ideology*." To achieve this vision, the commission is committed to prevent Genocide, fight against Genocide and Genocide ideology, and to address Genocide consequences both within and outside Rwanda.

Among its major achievements, as part of its mission and toward unity and reconciliation, the Commission for the Fight against Genocide has put in place a permanent framework for the exchange of ideas on Genocide, its causes and consequences (such as trauma and other diseases), and the strategies for its prevention and eradication, while fighting Genocide and its ideology. The commission also advocated for the cause of Genocide survivors both within the country or abroad, and coordinated/coordinates all activities aimed at commemorating the Genocide against the Tutsi. Research in this regard was necessary, which is the reason why the Commission created a national research and documentation centre on Genocide.

The Commission also enabled contact between Genocide survivors and Genocide perpetrators for the reevaluation of the truth, notably during *Gacaca* jurisdictions, about what happened during the Genocide, including the indication of where the bodies of Genocide victims were thrown for their burial in dignity. The truth thus told contributed to social cohesion.

Similar to fighting against divisions and Genocide ideology, combating corruption was also imperative in the process of reconciliation and the restoration of unity in post-Genocide Rwanda.

4.4.9. Combating corruption

The creation of a nation governed by the rule of law, free of corruption, has been one of the prerequisites for the successful process of unity and reconciliation in Rwanda. This has indeed been the commitment of the Government of National Unity and one of the principles of the 2003 Constitution of the Republic of Rwanda.

It is in this perspective that the *Office of the Ombudsman*, as an independent public institution, was established in 2003 by the Constitution of the Republic of Rwanda of 4th June 2003 (Article 182). Its Organization and Functioning were established by law n° 25/2003 of 15th August 2003, which was modified and complemented by law n° 17/2005 of August 18th 2005. It became operational in 2004.

The Office of the Ombudsman is responsible for preventing and fighting against injustice, corruption and other related crimes, and receiving true declaration of assets of the persons determined by the Law. The vision that guides the office is "*A corruption and injustice free Rwanda.*" This vision has motivated its mission stipulated as follows: "*Leading the fight against corruption through education, prevention and law enforcement*".

The Office has had tremendous achievements as it prevented/prevents and fought/fight injustice, corruption and other related crimes. It has also received and examined the complaints from individuals and private institutions against acts of officers or public and private services. The Office also ensured/ensures the follow-up of the enforcement of the ethical conduct by politicians and other leaders to achieve better transparency in governance.

The Office of the Ombudsman also coordinated/coordinate the National Consultative Council in charge of prevention, fight and crackdown on injustice, corruption and related crimes. Justice, referred to as fairness, focuses on the broader sense to also include rights, liberties, and socio-economic equality. The narrow sense of justice that implies the sole legal aspect (justice to violent crimes—Genocide and other crimes against humanity) is also discussed. The Office also contributed/contribute in this regard while fighting injustice, corruption and other related crimes which had characterized the divisive past of Rwanda (greed and favoritism). The Office strengthened/strengthens good governance in public institutions and fought against injustice across the country.[323]

Likewise, ensuring equity, transparency and accountability was considered as another prerequisite in the process of unity and reconciliation in Rwanda.

4.4.10. Equity, Transparency and Accountability

The promotion of unity and reconciliation also requires that equity, accountability and transparency be ensured, which is also the commitment of the Government of National Unity. Referring to the 2003 Constitution (Article 183) the *Office of the Auditor General and States Finances* was created as an independent public institution responsible for the auditing of state finances and property. As Musoni Protais indeed puts it "*Holding governments accountable to people is a bottom line requirement for good governance"*.[324]

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323 Kaufman in Gasanabo, Simon and Ensign, 2014, p. 380.

324 Musoni Protais (2003). *Innovations in Governance and Public Administration for Poverty Reduction in Post-conflict Countries in a Globalised World (emphasis on the experience of Rwanda*: A paper presented at the United Nations Ad Hoc Expert Group Meeting on Innovations in Governance and Public Administration for Poverty Reduction, p.5.

The achievements of the Auditor General's mandate indicate that the Office keeps an internal control system set up to safeguard the reception, the custody and the adequate use of public goods. The office of the Auditor General of State Finances, as a control mechanism, has thus contributed to reinforce unity and reconciliation based on equity, accountability and transparency, which supported, and still supports, the participatory planning process by which the population is responsible for its future. The office participated in avoiding state finances misuse by educating, auditing and providing recommendations of better use of state finances. This allowed the budget allocation to reach the target of adequate resource allocation country wide by addressing the population needs.

Transparency and accountability has also been ensured through performance contracts-based governance, known as *Imihigo*.

4.4.11. Imihigo—Performance contracts

Unity and reconciliation challenges that Rwanda had, soon after 1994 Genocide against Tutsi, included how to ensure transparency and hold leaders accountable to the will of the citizens and how to improve livelihoods without discrimination. One of these responses was the focus on the program called *'Imihigo*' or 'performance contracts', introduced in 2006.[325] Transparency and accountability have indeed been at the cornerstone of the Government of National Unity's agenda toward unity and reconciliation in Rwanda. Accountability and transparency were also part of decentralization strategies in Rwanda.

In fact, in 2000, a shift in the responsibilities of all levels of government as a result of a decentralization program required a new approach to monitoring and evaluation. Local levels of government were now responsible for implementing development programs which meant that the central government and people of Rwanda needed a way to rebuild citizens' trust in governance institutions and to ensure accountability. This was achieved as local leaders are directly accountable to the communities they serve (citizen-centred development) through performance contracts (*Imihigo).*

Imihigo (performance contracts) is the plural Kinyarwanda word of *Umuhigo*, which means to vow to deliver. *Imihigo* also includes the concept of *guhiga*, which means to compete among one another. *Imihigo* describes the pre-colonial cultural practice in Rwanda where an individual sets targets or goals to be achieved through performance within a specific period of time.[326] *Imihigo* were thus among the mechanisms put in place in order to restore and improve trust through participation, accountability and performance following the 1994 Genocide against Tutsi.

In Rwanda, the *Imihigo* constitute the focus of the planning process between the centre and the districts. Planning at district levels is through a five-year District Development Plan, disaggregated into yearly action plans from which a performance contract is extracted.

[325] Ensign in Gasanabo, Simon and Ensign, 2014, p. 333; Chemouni, 2014, p. 246
[326] Bizoza, 2011, p. 28.

Imihigo or performance contracts generally entail that a performance contract between the state and communities to facilitate the implementation of developmental goals and good performances, as defined in the service contract, are rewarded. This was as a result of the concern about the speed and quality of execution of government programs and priorities. The government's decentralization policy required a greater accountability at the local level. Its main objective was to make public agencies and institutions more effective and accountable in their implementation of national programs and to accelerate the socio-economic development agenda as contained in the Vision 2020 and Economic Development and Poverty Reduction Strategy (EDPRS) policies as well as the Millennium Development Goals (MDGs).

Imihigo comprise a list of the most important activities drawn from the annual district action plan. It is signed between each district mayor and the President of the Republic, and is evaluated by a team composed of high officials from different sectorial ministries, the Prime Minister's Office and the President's Office. The planning at district level is as follows: guided by a checklist of national priorities, districts write a draft of *Imihigo* while consulting informally each relevant line ministry.[327] This process is informed by the aggregation of the population wishes from the village (*Umudugudu*) level up to the district council. The line ministries and the district then bargain over the draft through an iteration of meetings at province and national level. The planning process is the occasion for the centre to ensure that priority activities are within the country's vision and policies and, conversely, to push districts not to include secondary or easily reachable ones, otherwise that would not really be 'performance' driven targets.[328] Targets in *Imihigo*, for every year, are SMART; that is Specific or precise, Measurable (each activity has a measurable indicator, a baseline, a target to reach, its means of verification), Achievable and Realistic (a source of funding indicated) and Time bound.

Nowadays, *Imihigo* are used across government as performance contracts to ensure accountability. All levels of government, from the local district level to ministries and embassies, are required to develop and have their *Imihigo* evaluated. Members of the public service also sign *Imihigo* with their managers or head of institution.[329] When developing its *Imihigo*, each institution determines its own objectives (with measurable indicators) taking into account national priorities as highlighted in the national as well as international strategy and policy documents such as the MDGs, Vision 2020, EDPRS. When developing *Imihigo*, leaders are asked to take into account cross cutting issues such as gender, HIV/AIDS, environment, social inclusion and the youth.

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[327] Chemouni, (2014: 248-251)

[328] For instance, in the case of health, the ministry is likely to refuse that a district with a low prevalence of malaria puts the fight against malaria as an objective, In Chemouni, 2014.

[329] Bizoza, R. Alfred (2011). *Farmers, Institutions and Land Con-servation: Institutional Economic Analysis of Terraces in the Highlands of Rwanda*, Ph.D Thesis, Wageningen University, Netherlands,Wageningen.

An assessment of the progress in implementing *Imihigo* is done after six months, while a full evaluation is done at the end of each and every year. Mechanisms encouraging public servants to achieve their performance contract targets come in the form of both incentives and disincentives. The incentives include bonus payments for those who achieve scores above 70% while public servants who score below 60% are dismissed from their position. Public servants who score above 80% receive a bonus payment equal to 5% of their salary, while those who obtain marks between 70% and 80% receive a bonus payment equal to 3% of their salary.[330] Health indicators including maternal and child mortality have improved dramatically, as over 95% of the population has access to health insurance.

4.4.12. *Umushyikirano*—National Dialogue Council

The National Dialogue Council (*Umushyikirano*) is another example of participatory and inclusive governance.[331] It particularly served/serves as a platform that provided a forum or space for Rwandans in various social groups to discuss national unity, reconciliation and other social and development issues affecting the country toward a united and prosperous Rwanda.

The National Dialogue Council (NDC) for Rwandans (*Inama y'Igihugu y'umushyikirno w'Abanyarwanda* or, simply put*, 'Umushyikirano')* exemplifies the participatory and inclusive governance; a system developed after the 1994 Genocide against the Tutsi to forge a viable State. Its main objective is to cement the unity and reconciliation process based on four pillars: History, testimonies, forgiveness and healing, through dialogue.[332]

The NDC is provided for in Article 168 of the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date. It is a homegrown annual event that started in 2003 and that takes place once every year,[333] and is chaired by the President of the Republic. This is indeed in accordance with the principles of the 2003 Constitution aimed at transforming constructively conflicts through dialogue and consensus from grassroots level. The new constitution (Art.168) thus established a National Council of Dialogue or National Dialogue Council (*Umushyikirano*) that brings together the President of the Republic and 5 representatives of each district, Municipality and Town Council designated by their peers. The Council, which meets at least once a year, is chaired by the President of the Republic and is attended by members of the Cabinet and Parliament, the Governors of provinces and the mayor of the City of Kigali and others determined by the President of the Republic.[334]

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330 http://rwandapedia.rw

331 Rwanda National Police (2014). Ibid., p.29

332 Doreen, *Umushyikirano Concept – A national debt for development*, Rwanda News. Available at: http://headlines.rw/umushyikirano-concept-a-national-debt-for-development-2/

333 Article 168 of the 2003 Constitution of the Republic of Rwanda, as amended to date, stipulates that the NDC should take place at 'least once a year'.

334 Republic of Rwanda (2003): Ibid.

The National Council of Dialogue' (*Umushyikirano*) is one of the forums whereby the President of the Republic meets with all Rwandans' representatives[335] to exchange ideas, discuss, debate issues relating to the state of the nation, the state of local government and national unity in order to find solutions to them. It is an opportunity for Rwandans to share ideas on the construction of the country, because even those who are not present in the meeting are given the floor through technological channels to contribute to topics under discussion.[336] Through this dialogue, crucial decisions have been made over the years towards sustainable development's driven unity and reconciliation, of which Rwanda envisions by the year 2020, through the Economic Development and Poverty Reduction Strategy (EDPRS) papers.

The National dialogue thus brings together Rwandans of different walks of life to discuss about their problems together toward a common understanding about issues Rwanda is facing and how to address them. Each year, the NDC has its specific objectives, which have unity and reconciliation at the core, as the table below summarizes.

Themes or topics so far discussed for every years' National Dialogue Council (NDC)

NDC	Date	Themes or Topics discussed
1st NDC	28, Jun. 2003	✓ The role of local government in development; ✓ The status of unity and reconciliation in the context of a multiparty political system; ✓ The role of leadership in facilitating democratic elections; ✓ Rwanda's vision for sustainable development.
2nd NDC	21-22, Dec. 2004	✓ Good governance and how leaders across government could more effectively instill a culture of accountability and performance; ✓ Genocide ideology prevention.
3rd NDC	13-14, Dec. 2005	✓ Promoting knowledge based decision making using clear social and economic indicators; ✓ Strengthening government reforms; ✓ Fast tracking the processing of Genocide cases using *Gacaca* courts; ✓ Finding effective ways to support the country's most vulnerable people ✓ Good governance as an effective tool for sustainable development; ✓ Improving awareness of government programs to accelerate development.

[335] So far 12 National Dialogue Councils have taken place, since 2003, and more than 1000 individuals, in average, attend every year.

[336] Republic of Rwanda (2003): Ibid.

4th NDC	18-19, Dec. 2006	✓ The role of the leaders' accountability in regards to the *Gacaca* process; ✓ Assessing the country's progress in the area of unity and reconciliation and identifying the major challenges; ✓ Reviewing districts' *Imihigo* (performance contracts) for 2006 and signing contracts for 2007; ✓ The implementation of Vision 2020 – especially relating to high population growth and resulting environmental pressures.
5th NDC	27-28, Dec. 2007	✓ "Enhance the national economy even further, as a springboard to address other problems facing the country"
6th NDC	18-19, Dec. 2008	✓ Good governance and economic development. Resolutions were made and led to: ✓ National Consultative Council to fight corruption, ✓ Promotion of a culture of saving and debt reduction, which led to the creation of Savings and Credit Cooperatives (SACCOs) in all 416 sectors across the country with 675,772 members being registered in total, ✓ Awareness raising campaigns to fight Genocide ideology and build a common understanding of family planning, grouped settlements, land consolidation and fighting soil erosion.
7th NDC	10-11, Dec. 2009	✓ "Let us do more valuable and sustainable work"
8th NDC	20-21, Dec. 2010	✓ "Our responsibility is delivering quality service"
9th NDC	15-16, Dec. 2011	✓ "Strive for our dignity, together we pitch for rapid development"
10th NDC	13-14, Dec. 2012	✓ "*Agaciro* (dignity): Aiming for self reliance".
11th NDC	6-7, Dec 2013	✓ "The Rwandan Spirit: Foundation for Sustainable Development"
12th NDC	18-19, Dec. 2014	✓ "Common Vision, New Momentum"
13th NDC	21-22, Dec. 2015	✓ "Rwandans'choices: Foundation of National Development and Dignity"
14th NDC	15-16, Dec. 2016	✓ "Shaping together the Rwanda we want"

4.4.13. *Umwiherero*—Leadership retreat

> *We must be resolute in promoting attributes of nationhood and instill in people hope to the future. They have shown that they have the tenacity and determination to survive indeed, to triumph over the evil of Genocide. We as leaders cannot afford to let them down.*[337]

With the ultimate intent to be much more successful in unity and reconciliation, through service delivery and fire up development efforts in Rwanda, the yearly retreats for Government leaders, have been initiated. They draw from the Constitutional commitments for a "constant quest for solutions through national consensus and dialogue." The overall aim of the retreat in question, known under Kinyarwanda language "*Umwiherero*", is an evaluation and strategic planning exercise regarding how unity is ensured and how service is delivered in Rwanda. This retreat brings together the government's senior leadership to set priorities for the year ahead, and to discuss the country's progress toward achieving the country's vision 2020. Chaired by the President of the Republic, the retreats are attended by the Cabinet Ministers and Permanents Secretaries along with agency directors, senior Government officials, Ambassadors, the head of Senate and Chamber of Deputies, and senior members of judiciary and army. The President of the Republic, the Prime Minister, and Ministers, present country and sector-level strategies and report on the results of their work during the previous year.

The leadership retreat has been, and remains, a relevant mechanism that provided leaders with a favorable platform for reflections and self-evaluation and accountability with regard to *issues pertaining notably to the restoration of unity and reconciliation toward the necessary polices and measures in this regard.*

Unity and reconciliation in Rwanda has not only been promoted through good governance; it was also promoted through the socio-economic programs and related strategies to which the next section is about.

4.5. Socio-economic welfare

> *Reconciliation is inseparable from national development in post-conflict societies.*[338]*All countries that managed to overcome poverty and achieve development have not won that battle because of an economy based on financial resources or natural resources only, but rather focused on the relationship between citizens, on which they fall back and jointly use…it is therefore necessary that the process of building unity, which will be the foundation of development, goes hand in hand with the increase of production so that insufficiency of production could no longer be used as pretext.*[339]

Lasting solutions toward unity and reconciliation in Rwandan include programs of fast socio-economic development. The belief is that it is with social development and economic growth

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337 A statement by Paul Kagame, President of the Republic of Rwanda (In NURC, 2009, p. 6)

338 Karen, B. (2007). *Reconciliation and Development, Dialogue on Globalization*, No. 37, pp. 1-37.

339 NURC (2000). Ibid., p.61-2

that a society could determine common national goals, and offer guaranties to every single individual against violence rooted in poverty and fear of a hungry neighbor.

New development projects have thus been conceived as opportunities to reunite Rwandans at local level around solidarity actions that promote the shared socio-economic goals.[340] This agrees with the studies that have indicated that countries with negative growth rates can be primary sources of violence.[341] Victims are often denied access to education, employment, participation in civil rights, etc., and when chaos ends, it becomes the right time to address such imbalances.[342] In such case(s), socio-economic development in post-conflict is imperative for peace, and peace is paramount for unity and reconciliation process.[343] As Collier, Sambanis and Wallensteen[344] assert, the economic development is imperative in any post-conflict society because there cannot be peace without social, political and economic justice.

In Rwanda, the divisive past, and the 1994 Genocide against Tutsi not only destroyed the country's social fabric but also the economy and state structures. Rwanda was socio-economically on its knees with the cumulative decline in GDP having passed the 60% mark by 1994.[345] Therefore, the "rebuilding of social relations and unity must go hand in hand with socio-economic development…"[346] For example, Rwanda recognizes that reconciliation process cannot be possible without focusing on poverty reduction strategies.[347] This reflects the say in Rwanda that "when the stomach is empty, ears do not hear." In this regard, Rwanda aims to ensure human security, which goes beyond military considerations and includes all aspects of the community life; i.e. economic, social, and environmental security.[348]

The Government of Rwanda is particularly tapping into traditional forms of collaboration, notably those that adhere to the notion of contact, collectivity and cooperation, in the example of *Ubudehe* and *Umuganda*. The next lines and paragraphs are therefore aimed at discussing Rwanda's key socio-economic-oriented mechanisms, strategies or programs toward unity and reconciliation, which are embodied within the country's development roadmap—the vision 2020.

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340 Batware, Billy (2012). *Rwandan ethnic conflicts : a historical look at root causes*, European Peace University, Austria. Available at: http://acuns.org/wp-content /uploads /2012/06/RwandanConflictRootCauses.pdf Consulted on July 7, 2014.

341 Karen, B. (2003). *Reconciliation – Theory and Practice for Development Cooperation,* Stockholm, p. 24.

342 Wallensteen (2002). Understanding Conflict Resolution. (3nd Edition). Washington DC: Sage Publications Ltd; Karen, B. (2003), Ibid.

343 Brian, C. (2012). *Policy Framework for Social Cohesion.* Kigali: Institute of Policy Analysis and Research.

344 Collier and Sambanis (2002). "Understanding Civil War – a New Agenda." In *Journal of Conflict Resolution* 46, no. 1, 2002, 3–12; Wallensteen (2002). *Understanding Conflict Resolution: War, Peace and the Global System.* Video.

345 Newtimes (2014), May 9.

346 Republic of Rwanda (2012). *Poverty Reduction Strategic Paper 2002-2005*, Kigali.

347 NURC (2002), Ibid.

348 Republic of Rwanda (2011) *Itorero program strategy*, p.6

4.5.1. Vision 2020

After the 1994 Genocide against Tutsi, Rwandans could not hesitate to think about her sustainable and stable future.[349] The national consultative sessions on the future of Rwanda, held in the Office of the President of the Republic of Rwanda (at *Urugwiro* Village) between May 1998 and March 1999 led the government's resolution to put in place a country's development roadmap known as Vision 2020 premised on the following major aspirations[350]:

- Reconstruction of the nation and its social capital;
- Harmonious functioning of an efficient, uniting and mobilizing state;
- Transformation of the Rwandan society, the building of the social capital on the basis of positive cultural values, the technological know-how and the balance between the economic rationality and the social logic;
- Peace, internal and external security, and regional stability that enables the economic and social integration of the country in the region and worldwide.

The Vision 2020 aspires for Rwanda 'to become a modern, strong and united nation, proud of its fundamental values, politically stable and without discrimination amongst its citizens.' To achieve this, Vision 2020 set out the aim for Rwanda 'to become a middle income country by the year 2020.' Through its Vision 2020, Rwanda "is committed to being a capable state, characterized by the rule of law that supports and protects all its citizens without discrimination…and the protection of human rights in particular."[351]

As pointed out above, studies indicated that reconciliation in post-conflict era couldn't be possible without economic, social and political development.[352] This explains why Rwanda's Vision 2020 is critical to mainstreaming unity and reconciliation in all development plans of the country.[353]

The Vision 2020 is built on six pillars and three cross-cutting ones: good governance and a capable state, human resource development and a knowledge based economy, a private sector-led economy, infrastructure development, productive and market oriented agriculture, regional and International economic integration. The cross-cutting pillars include: gender equality, protection of environment and sustainable natural resource management, the rebuilding of the citizen's social capital, and science and technology, including ICT.[354]

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349 Republic of Rwanda (2000).
350 Republic of Rwanda, 2000.
351 MINALOC (2013). *National Strategy for Community Develop-ment and Local Economic Development (2013-2018),* Kigali, P.10.
352 Lederach, J.P. (1997). *Building Peace: Sustainable reconci-liation in divided societies*. Washington DC: United States Institute of Peace Press; Wallensteen (2007). Ibid.
353 NURC, (2012).Ibid.
354 Republic of Rwanda, 2000.

The vision 2020 document provides ways of how Rwanda deals with the current situation and how Rwanda will look like in the future on micro, mezzo, and macro levels, as well as on the regional and international arena.[355] In this regard, the document addresses the following questions: *How do Rwandans envisage their future? What kind of society do Rwandans want to become? How can they construct a united and inclusive Rwandan identity? What are the transformations needed to emerge from a deeply unsatisfactory social and economic situation*?[356] Such a visional and planning aspect re-energizes the Rwanda's conflict transformation endeavors, where '*a united and inclusive Rwandan identity'* is paramount.[357]

In this regard, the Vision 2020 ensures the creation of the socio-economic home-grown programs, such as *Girinka, Ubudehe, Umuganda,* etc. (discussed below), which enhanced/enhance unity among Rwandan families and the society at large.[358] It is indeed through the Vision 2020, as the overall planning document of the Republic of Rwanda, that unity and reconciliation have been mainstreamed in all development programs of the country.[359]

4.5.2. Economic Development and Poverty Reduction Strategy

> *Strong economic development in the country, which improves people's lives, also contributes to reconciliation.[360]*

Embodied in Vision 2020, like any other Rwanda's development policy, the Economic Development and Poverty Reduction Strategy (EDPRS) was launched in 2006 as a continuum of the Poverty Reduction Strategic Paper (PRSP) for the period 2002-2006 within the implementation process of Vision 2020. Given that the mainstreaming of conflict prevention in PRSP (2002-2006) was limited, it was not until the launching of EDPRS workshop in early 2006 that the National Unity and Reconciliation Commission (NURC) suggested the explicit integration of peace and reconciliation in the different sectors.[361]

In the framework of the EDPRS, it is stated that Rwanda cannot achieve effective poverty reduction, without promoting peace, security and unity and reconciliation.[362] The NURC's participation in the poverty assessment process to mainstream reconciliation and unity in the

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355 Brian (2012). Ibid.

356 Republic of Rwanda, 2000, p. 4

357 NURC (2012). *A qualitative study on the Rwanda Reconciliation Barometer of 2010: Understanding the Past, Political culture, and Economic security*, Kigali.

358 MINAGRI(2006). A Proposal to Distribute a Cow to Every Poor Family in Rwanda, Kigali; MINALOC (2002). National Strategy framework paper on Strengthening Good Governance for Poverty reduction in Rwanda. March. Kigali; Brian (2012). Ibid.

359 Republic of Rwanda, 2012; Brian (2012). Ibid.

360 Staub, Ervin (2012). The Challenging Road to Reconciliation in Rwanda, January 17. Available at: http://www.eir.info/2012/01/17/the challenging road to reconciliation in Rwanda/

361 UNDP (2007). *Turning Vision 2020 into Reality: From Recovery to Sustainable Human Development. National Human Development Report, Rwanda 2007.* Kigali: UNDP p. 75.

362 The Republic of Rwanda :Justice, Reconciliation, Law & Order Sector Strategic Plan July 2013 to June 2018, p.34.

EDPRS has indeed helped to sharpen stakeholders' focus on linkages between the different challenges faced by the country and to build consensus about the strategies and actions needed and how to monitor and evaluate their results.

So far, Rwanda has experienced two EDPRS. The first (EDPRS 1) was a road map for Rwanda's development process from 2008 to 2012, whereas the second (EDPRS 2) is for 2013-2018 development plans.[363] Both documents (EDPRS 1 & 2) emphasize the mainstreaming of unity and reconciliation in all development programs of the country.[364]

With the first EDPRS, the average real GDP growth was 8.2% and poverty was reduced from 56.7% to 44.9% between 2006 and 2011.[365] In this regard, the first EDPRS contributed to unity and reconciliation by promoting good governance and decentralization, with the purpose of enhancing trust, rule of law, the promotion of human rights and social cohesion. The document stressed the linkage between governance, peace, security, unity and reconciliation as a basis for stable political environment.[366]

Likewise, the second EDPRS focuses on enhancing dialogue at grassroots level with the ultimate objective of restoring social relationships as well as rebuilding trust that was torn by the divisive past and especially the 1994 Genocide against Tutsi.[367] The EDPRS 2 emphasizes the engagement to enhance dialogue at grassroots level with the ultimate objective of restoring social relationships as well as rebuilding trust that was torn by the divisive past and, particularly, the 1994 Genocide against Tutsi. The document also recognizes that unity and reconciliation cannot be possible with counterfactual information on Rwandan history and Genocide. In this regard, efforts are directed to encouraging national and international writers to "record and publish factual accounts" on the dark past of Rwanda and Genocide against Tutsi, and reconciliation endeavors.[368]

To achieve the above, the document emphasizes that national summits and forums on unity and reconciliation, aimed at promoting the 'Rwandan identity', should be kept organized. The document also stresses that the eradication of impunity is part of the reconciliation process whereby Rwanda has to increase the efforts of bringing the criminals to justice through regional and international cooperation. The outstanding effort will be to "establish and publicize a data base of suspects with outstanding warrants". In this, the role of Diaspora is paramount in publicizing the fight against impunity.[369]

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363 Republic of Rwanda, 2012.
364 Republic of Rwanda (2007). *Capacity Development and Building a Capable State: Rwanda Country,* Kigali.
365 MINECOFIN (2012). EDPRS 1, Kigali.
366 Republic of Rwanda (2007). Ibid.
367 Republic of Rwanda, 2012.
368 Idem, p. 82.
369 Idem, p. 82-3.

4.5.3. Social protection programs

Vulnerable people including Genocide survivors, orphans, people living with disabilities, returnees, historically marginalized people, widows, elderly people, and generally the poor, have been given special assistance through different social protection programs, as discussed in the next paragraphs.

4.5.3.1. Vision 2020 *Umurenge* Program

Through VUP, people get into close contacts that make socialization process easier leading to their social cohesion, which is a prerequisite for unity and reconciliation.[370]

The government of Rwanda through the Ministry of Local Government (MINALOC) has embarked on different socio-economic policies to eradicate poverty, especially in rural areas.[371] The Vision 2020 Umurenge[372] Program (VUP) is one of them; it is a flagship program of the EDPRS, and is enshrined in Vision 2020.[373] It is directed at poverty reduction in poorest families across the country.[374] Being both a support and cash transfer program to accelerate social and economic development for the poor, VUP commenced in 2008 and comprises three components:

1. ***Direct support***, which targets people who are unable to participate in any employment opportunities within the framework of the program. These include: disabled people, families headed by children, the elderly, street children, refugees, to mention but a few.[375] These are the extremely poor households without labor capacity. The financial support aim at helping them to satisfy their basic needs, such as food and most importantly to cover their health insurance.
2. ***Public works***, which offer employment (community work) opportunities to different categories of poor people (extremely poor), who are able to carry out the job opportunities. The condition is that those people must come from extreme poor households across districts.
3. ***Credit packages***, which provide financial services (credit) to the extremely poor people, through VUP-insured micro loans.

Empirical findings presented during the 9th *National Dialogue Council* (15-16 December 2011) indicate that the achievements of the VUP scheme (2008 - 2011) emphasize:[376]

- 590,100 people who got jobs;

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370 Caplan (2007). Ibid.
371 Brian (2012). Ibid.
372 *Umurenge* is the Kinyarwanda name of the *Sector* level of local government in Rwanda.
373 Republic of Rwanda (2008). *Vision 2020 Umurenge Program (VUP) Baseline Survey*, Kigali.
374 Republic of Rwanda (2008).Idem.
375 Brian (2012,). Ibid., p. 19.
376 Republic of Rwanda/ Office of the Prime Minister (2011).*Home Grown Initiatives*. Presentation during the 9th National Dialogue Council, 15-16 December, Kigali.

- An estimated RWF 15 billion generated;
- An estimated 81,693 people got direct cash assistance worth Rwf 4 billion;
- 92,136 people have so far received loans totaling RWF 8 billion.

The promotion of culture of saving and debt reduction, through the creation of Savings and Credit Cooperatives (SACCO) at sector (*Umurenge*) level, was also promoted, and is indeed highlighted among the achievements to the benefit of vulnerable people, and Rwandans in general, especially at rural level. All 416 administrative sectors covering Rwanda have SACCOs with 675,772 active members.[377]

The role of VUP towards the promotion of unity and reconciliation in Rwanda appears indirectly related as the program beneficiaries improve their social relations through socialization within their respective economic program activities.[378] This refers to theoretical conclusions, which indicate that when people are bonded in a collective action with same vision their relations may be transformed towards a common gain or interests. In this regard, through VUP public works people get into close contacts that make socialization process easier, and which leads to their social cohesion.

The provision of credit packages in VUP program to uplift people's living standards has contributed to unity and reconciliation in an indirect way.[379] It is worth to remind that in Rwanda, during the 1994 Genocide against Tutsi, some Genocide perpetrators killed the Tutsi so as to loot their property. This explains why fighting poverty becomes one of the approaches to rebuild unity, social cohesion and social relations towards a sustainable future in Rwanda.[380]

4.5.3.2. *Girinka*—One cow per poor family program

Girinka—a One Cow per Poor Family—is a national program aimed at providing poor families with cows. It is the community, which decides which recipients have to be provided with a cow. Recipients are also required, as per the social contract, to give the first calf to another recipient to make the program sustainable.

Girinka program was initiated in 2000 by His Excellency, Paul Kagame, President of the Republic of Rwanda. The program is derived from the Rwandan culture whereby having a cow symbolized wealth. This was largely reflected in Rwandans' custom of greeting: '*girinka'*, which literally means "*May you have cows*" to mean "*I wish you wealth*" and describes a centuries old cultural practice in Rwanda whereby a cow was given by one person to another, either as a sign of friendship, respect and gratitude or as a marriage dowry.[381]

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377 Republic of Rwanda, Office of the Prime Minister (2008). *The 6th National Dialogue* (18-19) December, Report, Kigali.

378 Republic of Rwanda (2007). *Vision 2020 Umurenge: An Integrated Local Development Program to Accelerate Poverty Eradication, Rural Growth and Social Protection*, August, Kigali.

379 Brian (2012). Ibid.

380 Kamatsiko and Munyeli (2009). *Healing, Peace building and Reconciliation: A Cornerstone for Sustainable Development in Rwanda.* Nairobi: World Vision Kenya Program.

381 RAB (2013). *Girinka programme: A success story in Rwanda*, Kigali.

The program was initiated in response to the alarmingly high rate of childhood malnutrition and as a way to accelerate poverty reduction and integrate livestock and crop farming. The program is based on the premise that providing a dairy cow to poor households helps to improve their livelihood as a result of a more nutritious and balanced diet from milk, increased agricultural output through better soil fertility as well as greater incomes by commercializing dairy products.[382]

Girinka was adopted by the cabinet meeting of April 12, 2006 and is aligned to the Vision 2020. In addition, the program was enshrined in both the EDPRS 1 and 2 by targeting 134,711 families by 2015.[383] The program has contributed to an increase in agricultural production in Rwanda, especially milk products, which have helped reduce malnutrition and increase incomes. It has also promoted good relationships and a sense of community within villages. *Girinka* is indeed one of a number of programs under Rwanda's Vision 2020, a set of development objectives and goals designed to move Rwanda to a middle-income nation by the year 2020. By September 2014 close to 200,000 beneficiaries had already received a cowe ach. The program aims to provide 350,000 cows to poor families by 2017.[384]

Girinka is also crosscutting in nature in economic, social and cultural terms. Its objective is to reduce poverty and malnutrition (through milk production) among the poorest population in Rwanda,[385] as well as promoting social cohesion leading to unity and reconciliation in their respective communities.[386]

Beneficiaries are then requested to give the first-born female calf to another worthy beneficiary in their community. This is known as the 'pass on of a cow' principle, or '*Koroza'* in Kinyarwanda language, which enhances solidarity and social cohesion. In this regard, *Girinka* has played a significant role in social cohesion in Rwanda. The 'pass on' component of *Girinka*, whereby a recipient gifts the first-born calf to a neighbor, has helped to rebuild social relationships destroyed during the 1994 Genocide against the Tutsi. The process also generally takes in place within a convivial celebration or party whereby drinks and food are shared among community members.[387]

Girinka thus entails social and cultural program that enhances social cohesion, which contributed to the growing social capital in post-Genocide Rwanda.[388] This social capital enshrined in *Girinka* is critical in enhancing conflict transformation process that Rwanda is undergoing in various dimensions. For example, the program has contributed to rebuilding inter-personal and intra-personal relations, which is the basic step in reconciling the self-individual and which ultimately leads to unity with other parties.[389] The program promotes

382 Ibid.
383 Ibid.
384 http://rwandapedia.rw
385 MINAGRI (2006). Ibid.
386 RAB (2013).Ibid.p.1.
387 Ibid.
388 MINAGRI (2006). Ibid.
389 RAB (2013). Ibid.

human values and behaviors that are critical in socializing, reconciling and uniting Rwandans.[390]

4.5.3.3. Haute Intensité de la Main d'œuvre (HIMO)

The *Haute Intensité de la Main d'œuvre* (HIMO), translated as 'Labor Intensive Public Works' is another pro-poor program in Rwanda. The global objective of HIMO is to widen the economic base of the country through the decentralization of socio-economic activities and by the monetarisation of the rural economy. A complementary objective is to reduce poverty in urban and semi-urban areas by the means of large-scale works using those unemployed in towns, the youth in particular.

To target the poor, programs that target their households are developed and use the resources available to them (in this case labor and land). This program was developed in such a way so as to increase the productive capacity of the poor through increased infrastructure for education and health services. [391]

4.5.4. *Ubudehe*—Community work

Ubudehe is a homegrown solution rooted in Rwanda's culture of mutual support. Traditionally, *Ubudehe* referred to the tradition of collective action, at community level, for community development that was actually re-established to enhance planning and implementation of anti-poverty measures.[392] The program was re-initiated towards the end of 2001 with the objective of enforcing community work at village or community level in order to alleviate poverty, and is considered a pillar of the ongoing political and financial decentralization process. Moreover, *Ubudehe* is also one of the mechanisms put in place in order to restore and improve trust through participation, accountability and performance in Rwanda since the aftermath of the 1994 Genocide against Tutsi.

In Rwanda's early history, *Ubudehe* was a time for individuals to assist each other with collective activities, such as planting crops and building houses. Thus, there had been a tradition of communal or collective action and mutual assistance in times of need.

By reintroducing *Ubudehe* program, the initial goal of *Ubudehe* was not limited to 'collective action'; instead, it became this time 'community work' so as to better promote community participation in addressing poverty issues, as well as fostering the culture of mutual support. Under this program, each village selects two poorest families; they then develop strategies with the larger community in support of two trained volunteers to help the later out of poverty. The poorest ones are selected based on the categorization of Rwandans' economic

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390 Brian (2012). Ibid.

391 Musoni Protais (2003). Ibid., p.17.

392 Minaloc (2004). *Rwanda Five-Years Decentralization Impleme-ntation Programme (2004-2008) Poverty Reduction and Empowerment through Entrenchment of Democratic Decentralization*. March, Kigali.

categories.[393] The program also enables communities across the country to undertake priority projects.[394]

Beside community work to support the poor and vulnerable, *Ubudehe* program was also introduced so as to reunite and reconcile Rwandans since the aftermath of the 1994 against Tutsi. The overall purpose was to build trust among Rwandans so as to start the process of healing and working together to build greater social capital and inclusion, to reduce citizen apathy toward the government and among themselves, and to strengthen each citizen's power to act and therefore build an active Rwandan citizen.[395]

As various researches indicated, *Ubudehe* program enhanced social cohesion, unity, inclusiveness, and inclusiveness among Rwandans in their respective communities,[396] re-energized national identity—'*Ubunyarwanda*' (Rwandanness) and patriotism,[397] while enhancing collective ownership of national problems, as well as finding solutions together.[398]

4.5.5. *Umuganda*—Collective action

Every last Saturday of each month, Rwandans come together in the unique and homegrown 'collective action' called '*Umuganda'.* The exercise that involves all Rwandans generally starts at 8:00 a.m to 11:00 a.m.

The *Umuganda,* dates back since the pre-colonial times and referred to Rwanda's tradition of voluntary work to achieve a range of societal objectives collectively. These included the construction/building of houses and maintenance of soil and water infrastructure that could simultaneously reduce soil erosion and modernize agriculture. These were crucial institutional vehicles to promote development and are adapted to accommodate positive change in Rwanda today.

Nowadays, the overall purpose behind *Umuganda* remains to promote development through collective action. It thus refers to the rallying of communal labour for the reconstruction and repair of basic public development infrastructure under the supervision of village leaders. Roads, bridges and water channels have been rehabilitated, schools and health centres built, the vulnerable people given shelter, and the environment protected. *Umuganda* requires

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393 Brian (2012). Ibid.

394 Niringiye, A. (2012). *Impact Evaluation of the Ubudehe Programme in Rwanda: an examination of the ustainability of the Ubudehe Programme.* University of Pennsylvania. Journal of Sustainable Development in Africa, Volume 14, No.3, 2012, p. 141-154.

395 Ensign, In Gasanabo, Simon and Ensign (2014). Ibid., p. 333.

396 Brian (2012). Ibid.

397 Shyaka, A. (2007). Ibid.

398 Niringiye, A. (2012). Ibid.

everyone to contribute free labour. In monetary terms, *Umuganda* is comparable to the contributions made by the top five development partners directly through budget support.[399] All Rwandans, including security forces, the President of the Republic and other political leaders, as well as non-Rwandans, participate in *Umuganda*.[400]

Collective action through *Umuganda* created/creates solidarity, unity among those participating in it. *Umuganda* bonds families and is a mechanism that solidified/solidifies social cohesion, social trust and reconciliation in Rwanda. It promotes neighborliness while removing the separation walls between neighboring communities. Through *Umuganda*, friends and foes share a joke, exchange ideas and eventually transform conflicts constructively.[401]The *Umuganda* also enabled/enables Rwanda to become self-reliant with dignity,[402] as problems are solved by Rwandans themselves through such joint efforts.

4.5.6. Land reform

Successful engagement in the process of unity and reconciliation in Rwanda also necessitated addressing structural issues regarding the equitable distribution of resources, especially land. This is so put given that land has always been the main resource in Rwanda[403] and that the history of Rwanda is partly shaped by the issue of land access and use.

As put in chapter two, the land tenure system in pre-colonial Rwanda was characterized by the collective ownership of land, with the complementarity between agriculture and livestock. This system, under customary law, promoted economic production and was a factor of stabilization and harmony in social relationships. Land scarcity became an important factor in the divisive past in Rwanda since colonization. Colonial attempts to create a single system of property ownership and land transfer did not produce a cohesive system of ownership. Rather, these processes created social cleavages within Rwanda, the social construction of ethnicity, the elite capture of land and power, and poor land governance.[404]

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399 For example, 2,346 classrooms for Nine Years basic education (9YBE) to accommodate 70,000 students valuable to Rwf 25 billion were built through Umuganda (See: Republic of Rwanda, Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the 9th National Dialogue Council, 15-16 December 2011.

400 Adelman (1975); Rwanda National Police (2014, p. 42). Ibid.

401 Rwanda National Police (2014). Ibid., p. 42.

402 Rwanda National Police (2014). Ibid., p. 42.

403 Ministry of Lands, Environment, Forests, Water and Mines (2004). Ibid.; RISD's report (2013:23) also considers land as "woven into the very fabric of Rwandan social life" to the extent that land is taken as "much more than a resource."

404 Vansina, 2001, p. 168; Ministry of Lands, Environment, Forests, Water and Mines, 2004, p. 10; Takeuchi Marara, 2009, p. 8. Ibid.

The impact of the 1994 Genocide perpetrated against Tutsi made the land rights issues in Rwanda more complicated.[405] In its aftermath, Rwanda was faced with a settlement issue. There were multiple land rights claims by the *old-case returnees* [406] and the *new-case returnees*.[407] On one hand, there was an influx of old case returnees from different parts of the world. On the other hand, the population was internally displaced, while the majority[408] had fled to neighboring countries especially the Democratic Republic of Congo and Tanzania.[409] This influx took place in a country, Rwanda, where land reform had never been implemented, hence lack of good land governance framework. In the aftermath of the 1994 Genocide against Tutsi, the government had thus an uphill task to resettle old-case and new-case returnees.[410]

The settlement crisis intensified in 1996 at the return of over 1.5 million post-Genocide refugees (new returnees) from the Democratic Republic of Congo, while those from Tanzania returned some years after. The old-case returnees were also expected to return, as stipulated in the 1993 Arusha Peace Agreements. Article 3 of the Protocol indeed stated: "*in order to resettle the repatriated persons, the Government of Rwanda should release all unoccupied land identified by the Repatriation Commission*". Article 4 of the Protocol also stipulated: "*the right to property is a fundamental right for all Rwandans*." Consequently, the old-case returnees had the right to repossess their properties upon their return. However, the two parties had recommended that "*with a view to promoting social harmony and national reconciliation, refugees who fled the country over 10 years ago should not reclaim their properties which have been occupied by other individuals. To compensate them, the Government will give them land and assist them to resettle*". In the first place, the old-case returnees gave rise to a real land problem, mostly because it was difficult to apply the Arusha Peace Agreements, which had been torpedoed by the 1994 Genocide against Tutsi.[411]

The above described land situation has resulted in the need for a national land policy and law, which could take into account both the current socio-political situation and economic considerations, that required changes of mentalities with regard to the mode of land management and administration.[412]

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405 Kairaba and Simons (2011: 5). *Impact of the Land Reform on the Land Rights And Economic Poverty Reduction of the Majority Rural Especially Women Who Depend on Land for their Livelihood*, Kigali: RISD.

406 This refers to the refugees of 1959, 1960s and 1973s.

407 This refers to post-1994 refugees and Internally Displaced People.

408 Post-1994 refugees.

409 Over 2.5 million people had sought refuge in neighboring countries, and many more – about 3.5 million – were internally displaced. (The New Times Rwanda: :: Military integration key to peace-building and Democratic Governance, May 9, 2014:4. Available at :http:// www.newtimes .co.rw/news/views/ article_print.php?i=14985&a=10151&icon=Print.

410 Kairaba and Simons (2011). Ibid., p. 5; Musahara and Huggins 2005; Takeuchi and Marara (2009). Ibid.

411 Ministry of Lands, Environment, Forests, Water and Mines (2004). Ibid., p.13.

412 Ministry of Lands, Environment, Forests, Water and Mines (2004). Ibid, p 10-15.

Likewise, land management in Rwanda had always come up against legal and institutional considerations. Legally, the duality of the laws had brought about confusion in land management. The Rwandan peasant, just as the city dweller, considered her/himself as the owner of his/her plot of land, while the government considered itself as the prominent owner of the land. Several attempts to come up with land regulations had always failed. At the institutional level, land had always been under several managements, and this had resulted in serious managerial problems and an obstacle in the rational use of land. There was thus need for one unified *land law* that defines accurately the rights and obligations of title deed holders.[413]

It was for the first time in Rwanda's history that a *national policy on land* was elaborated, in line with the new Constitution of the Republic of Rwanda of 2003 that stresses equality for all. The policy was based on the principle that "*Of all the resources, land is certainly the most precious because it is an irreplaceable support of all forms of life, particularly in Rwanda where it constitutes the most important factor of production and survival*." The objective of the policy was, and remains, to establish a land tenure system that guarantees tenure security for all Rwandans and give guidance to the necessary land reforms with a view to good management and rational use of national land resources within the perspective of national unity and reconciliation, as well as sustainable development of Rwanda.[414] In this regard, the 'villagization or settlements' program, land consolidation, as well as land tenure and registration, were among the land reform mechanisms in post-genocide Rwanda.

The above measures played an important role in unity and reconciliation process in Rwanda as they ensured equality among Rwandans. They also ensured social justice, the reduction of land related conflicts toward social cohesion among Rwandans. In this regard, citizens' accounts are worth putting:

> *The law on justice/fairness over land has solved some problems such as those related to succession. It is after the project of land censure and legislation that fairness in opportunity to land took an obvious step as this [land census and legislation] reduced family conflicts over land to the extent that even the orphans were given back the land of their parents.*[415]

> *Truly land is the basis for the economy of Rwandans. Land has been given value by the Government and now there are laws on land; and there has been census of land and every land holder is given a legal right on it; all this maintain that there is fairness on land.*[416]

The above-described socio-economic mechanisms and programs were initiated and eventually implemented along with socio-cultural and educative ones.

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413 Ibid.
414 Ibid.
415 NURC (2012). Ibid., p.86
416 Ibid, p.86

4.6. Socio-cultural and educative mechanisms

In addition to developing the nation socially and economically, Rwanda's commitment to unity and reconciliation also looked back to its pre-colonial roots to reiterate socio-educative and dialogue-based mechanisms embodied in positive cultural values. These mechanisms represent the Rwandan government's invocation of a return to 'tradition' in resolving past divisive conflicts and inculcating civic values in Rwandan society.[417] The mechanisms in question are embodied in the well-known say in Rwanda that '*uburere buruta ubuvuke*, implying that 'people are not born with values; values can only be internalized through education and practice.'[418] The discussions below are about these mechanisms.

4.6.1. *Ingando*—Solidarity Camps

One of the leading homegrown educative solutions adopted by Rwanda in the process of unity and reconciliation—as an 'updated version of a Rwandan tradition' is *Ingando*—solidarity camps.[419] *Ingando* (in singular) refers to Rwanda's *peace/civic education* program, taken from the Rwandese verb *Kugandika*, which is about halting normal activities in order to reflect on and find solutions to national challenges.

Ingando program has been officially reintroduced soon after the 1994 Genocide against Tutsi, during the transition period, notably by the then *Ministère de la Jeunesse et du Movement Associatif* (Ministry of Youth and Associative Movement) in May 1996.[420] *Ingando* had however already been used during the military integration in the end of 1994.

The *Ingando* have indeed been vibrant through the National Unity and Reconciliation Commission (NURC) as one of its useful strategies for unity and reconciliation. They were, and remain, particularly relevant in reference to the NURC's key mission to redefine a new identity and rehabilitate the common heritage of '*Ubunyarwanda'* (Rwandanness) as the central pillar of unity and reconciliation in Rwanda.[421]

Traditionally, in Rwanda, *Ingando* referred to a unique moment in which the elders of a village or young people had to leave their village, or their ordinary settlement, to an isolated place for a short or long time for concentration, meditation and sharing reflections aiming at solving fundamental problems at the community or the nation (i.e. famine, conflict, poverty, etc.).[422]

Ingando were/are still also used by specific young groups of scouts and guides, and other associations, connected notably to the Roman Catholic movements for faith and educative purposes. In addition to the lessons and other practices taught during *Ingando*, the young people were used to perform manual works like farming the land, producing bricks and

[417] Clark, P. (2009). Ibid., p.104
[418] Clark, P. (2009). Ibid., p.104
[419] Mgbako, C. (2005). Ibid., p.208.
[420] NURC (2007). Ibid.
[421] NURC (2007). Ibid., p.11.
[422] Ibid., p.7

building houses for poor people, refastening and developing swamps, etc. This type of *Ingando* was as social initiation to the real life based on a model of exchange and sharing experiences and a tool of integration into the community.[423]

Ingando were therefore a tremendous school, a tough moment dedicated to learning virtues of patriotism, including core values related to the human socialization process focusing on formation of a good, capable, brave, honest, competitive and well educated citizen.[424]

The first *Ingando* organized by the *Ministère de la Jeunesse et du Movement Associatif* (Ministry of Youth and Associative Movement) in May 1996 at Karangazi, in the former Umutara Prefecture (now part of the eastern province) was composed of the youth (male and female) from both former Byumba and Umutara prefectures (now part of both the northern and eastern provinces, respectively) of Rwanda, whereby 870 young people, with different background and view of national realities, participated. Some were coming from the Diaspora; others were Genocide survivors, while others were presumably guilty of genocide acts or family members of Genocide perpetrators. The objective of this *Ingando* was to bring them together and provide them with insights about the unifying and reconciliatory vision of the Government of National Unity.

The important role of *Ingando* was also obvious in the face of the sudden and massive repatriation of Rwandan refugees. The *Ingando* (through peace/civic educative interactions) addressed the foreseeable worries of the millions of refugees. In this regard, *Ingando* enabled the peaceful reintegration of old-case returnees. In particular, *Ingando* have been very useful in peacefully reintegrating new-case returnees, notably those who had expressed either fear of revenge by Genocide survivors against the authors of Genocide or their family members, or worries that their properties could be confiscated. In fact, at this last point, one of the priority tasks of the Government of National Unity, soon after the above massive repatriation of refugees, was to return the properties back to the new returnees. This Government's initiative was a visible demonstration of good faith and strong political will to support the vision of national unity and reconciliation, social justice and equality between all Rwandans.[425]

Beside the role played by the *Ingando* during the repatriation and settlement period of refugees/returnees, *ingando* continued to be used massively as a space of dynamic interactions between people and as a tool of integration.[426]

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423 NURC (2007). Ibid., p.8
424 Ibid. p.7
425 Ibid., p.15
426 Ibid., p.15.

Ingando were also used for reintegrating ex-combatants into the national army and society, while combating existing Genocide ideologies. As emphasized earlier, this entailed mixing the ex-FAR and the RPA soldiers and gives them an opportunity to talk about the Rwandan conflict. In a study of interim stabilization[427] of post-conflict states, Nat J. Colletta and Robert Muggah found that Rwanda's *Ingando* program was an example of a second-generation strategy for military integration and peacebuilding that had been overlooked. The *Ingando* have indeed been an opportunity through which former 'enemy' combatants were gathered for 'problem solving sessions' recounting the causes and taking ownership of the tragedy, exposing mutual myths and stereotypes, and endeavoring to rebuild trust after the deep trauma of the past and the Genocide in 1994.[428] In this regard, the former US defense attaché to Rwanda, Rick Orth, who was an eye witness to this early phase of *Ingando* states:

> *One ex-FAR Officer described the integration process as fairly simple due to the fact that everyone involved shared a common history, language (Kinyarwanda), and nationality. He regretted that the genocidal government had used divisive politics and acknowledged that the FAR had suffered on the battlefield due to the understanding that soldiers were treated as an expendable resource by the former government. In contrast, the officer outlined the strength of the RDF as an organization that values his people above all else.*[429]

In fact, as pointed out earlier, by 1997, ex-FAR soldiers who had graduated from *Ingando* were integrated into the RPA. The integrated RPA was renamed 'Rwanda Defense Force' in 2002, which thus became a symbol of national unity.[430] The point is that, in *Ingando* where participants were initially ex-combatants and the RDF, the first step was to help the ex-combatants and the RDF to unburden themselves emotionally. This was achieved by allowing them to talk about the conflict and its history. What the parties feel about the conflict and about each other was an important barrier that had to first be removed. This is so put given that when the parties are not able to first talk about the conflict and their feelings about it, they could never be able to talk about mutual solutions and the future. The key was to ensure an atmosphere in which the parties get to know each other and respect each other's dignity as persons at all times.[431]

The second step was joint military redeployment of the former adversaries. This deployment provided further opportunity for the participants to continue learning about the conflict and further facilitate bonding between the troops through demystification of any differences and misperceptions they may harbor about each other.[432]

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427 Burgess Stephen (2014). Ibid., p 94.
428 Colletta and Muggah (2009), In Burgess Stephen (2014), In "In Licklide Roy (2014) Ibid., p. 94.
429 Orth, 1999, p. 66, In Burgess Stephen (2014), In Licklide Roy (2014) Ibid., p. 95.
430 Burgess Stephen (2014), In Licklide Roy (2014). Ibid., p. 99.
431 Rusagara, F. (2014). Ibid., p.4.
432 Ibid.

In the third step, the RDF continuously facilitated exploratory dialogue through the office of the Civil-Military Coordination Office (J5) at the RDF Headquarters. Here the J5 was more analytical and the participants were encouraged to analyze their conflict as a mutual problem. This process included analyzing why the conflict began; why each reacted to it the way they did; and, coming to terms with their mutual losses and responsibilities. The J5 ensured that no blame is apportioned. This stage could be emotional but it was crucial and had to be passed through, because in the end this ensured a win/win solution.[433]

The fourth stage was when the integrated ex-combatants met and re-evaluated the whole process.[434]

The objectives of the *Ingando* were thus to help the participants to overcome mutual fear and suspicion caused by the war and 1994 Genocide and avoid the temptation to carry out revenge attacks. It did so by encouraging conversation about the history of Rwanda's divisions that culminated into the Genocide with the aim of healing the wounds of hatred.

Ingando were also intended to make participants accept responsibility for harm done during the war and the 1994 Genocide and to dispel negative perceptions among Rwandans. They were designed to encourage collective ownership of the war and Genocide and agreement of future course of action to prevent anything like it from happening again.[435]

The *Ingando* programme later expanded to include school youth and students at secondary and tertiary levels and thus became a civic education camp. By 2002, the training was extended to informal traders, and other social groups including survivors, prisoners, community leaders, women and youth.[436]

Nowadays, *Ingando* are carried out countrywide, and touch numerous categories of Rwandans: pre-University students, University staff, sex workers, provisionally released prisoners, youth, women, government leaders, opinion leaders, community leaders and other public service workers, Diaspora students, and released suspects of Genocide, etc. The overall aim is to enable Rwandans to come to terms with the past by facing history, forging a common vision for a united future, and creating a forum for trust building and critical analysis of national challenges with a view to searching for solutions to address them.[437]

Ingando entail residential camps, bringing together between 300 and 400 people per program, for between 3 weeks to 2 months, depending on the time available and the focus of the sessions. Discussions are mainly about the original narrative of Rwandan history in accordance with national unity and reconciliation.[438] Specifically, topics in *Ingando* sessions focus on:

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433 Ibid.
434 Ibid.
435 Ruhunga (2006), In Burgess Stephen (2014), In Licklide Roy (2014). Ibid., p. 95.
436 NURC (2007); Rusagara, F. (2014), In Clark, P. (2010). Ibid., p.105.
437 Ibid.
438 Mgbako, C. (2005). Ibid., p.202

- Clarifying the history of Rwanda;
- Analyzing and understanding the origin of divisions among the people of Rwanda and decide on what should be done to eradicate them;
- Having active participation in finding permanent solutions to Rwanda's problems and contribute to national unity;
- Promoting patriotism, resolving conflicts peacefully, and supporting government programs;
- Participating in national reconstruction and shunning divisive tendencies;
- Fighting Genocide ideology.[439]

Graduates from *Ingando* are expected to be 'agents of change' as they are requested to return to their communities and/or workplace and educate their fellow citizens and/or colleagues with the message that 'there was no place in Rwandan society for divisions' and that '*we are all Rwandans now*', and that 'it is up to Rwandans to get together and solve their own problems'.[440]

The participation in *Ingando* thus recognized the dignity and humanity of the participants as equal Rwandans. Irrespective of their roles in the Rwandan conflict, the *Ingando* form the starting point to unity and reconciliation.[441] From 1999 to 2009, more than 90,000 Rwandans participated in these programs aimed to clarify Rwandan history and the origins of division amongst the population, promote patriotism and fight Genocide ideology.[442] Major results of what *Ingando* have achieved can be observed in the following[443]:

- Over 200 students clubs of unity and reconciliation in universities and secondary schools are active in combating divisive and Genocide ideology among the youth, while promoting unity and reconciliation values;
- Government programs related to unity and reconciliation have been successfully explained and people are committed to own them;
- The mindset of participants in *Ingando* and that of the people they trained in turn was changed and the change has markedly increased trust and cooperation/solidarity among citizens. *Ingando* also served to intensify the fight against Genocide and divisive ideology
- Suspects of Genocide and related crimes who were released by Presidential Order of 01/01/2003, and participated in *Ingando* helped to speed up community based

[439] A National Ingando Centre has been built in Nkumba, Northern Province, as a permanent facility house for the programmes (See in NURC, 2007, 2009; Sentama, 2009:54; Mgbako, Chi., 2005:02, Ibid.)
[440] Clark, P. (2010). Ibid., p.106.
[441] Rusagara, F. (2014). Ibid.
[442] UN, See at: http://www.un.org/en/ preventgenocide/ Rwanda /about/bgjustice.shtml.
[443] NURC (2009). Ibid., p.11.

restorative justice (notably during *Gacaca* jurisdictions, to be discuss later) by revealing the truth during evidence collection sessions;

- Majority of people who participated in *Ingando* won the trust of the citizens and were elected in various positions of leadership of Rwanda.

This success of *Ingando* toward unity and reconciliation in Rwanda therefore highlight the efforts provided by the Government of National Unity, through the NURC as its executive arm, to make unity and reconciliation a living reality in Rwanda.

All the above considerations thus correct erroneous, flawed and biased assertions of some foreign 'scholars' or 'researches',[444] who—due perhaps to their ignorance about Rwanda's culture, history and context, or due to other personal interests and/or under influence of negative tendencies—confuse the establishment of *Ingando* since 1994 with RPF/RPA's military educational oriented initiatives. Some even ended up falsely interpreting *Ingando* as a political and ideological manipulating drive as well as a coercive tool to impose unconditioned discipline. Instead, *Ingando* are rooted in Rwanda's culture and serve a holistic educational and a social integrator. They represent a huge transformative remedy used to reinvent a new paradigm based on an imperative necessity for the Rwandan people to relearn a new *modus Vivendi* of 'togetherness-life toward a common identity.'[445]

The *Ingando* have indeed served as a favorable catalyst of unity and reconciliation and the ideal of restoring and strengthening the Rwandan identity (sameness as Rwandans). Various researches on *Ingando* toward unity and reconciliation in Rwanda revealed their tremendous impact in this regard. In fact, most people consider them as 'the most effective strategy of achieving the ideal of unity and reconciliation. In this perspective, the *Ingando* are seen as a new deal and a moment of hope for reformatting the sameness of Rwandan citizens through their shared identity. This moment of retreat for a deep, individual and collective reflection on the fundamental values shared by Rwandans constitutes a renewed return to basics and to a critical consciousness focusing on the individual and collective self-examination.[446]

Rwandan citizens, in general, consider the civic education lessons of *change toward unity and social responsibility,* provided in the *Ingando,* as the major achievement. In details, Rwandans view *Ingando* as a school that provides an exposure to the daily and the progress of the country's life, a space that creates understanding of the relevance of peaceful coexistence, socialization and friendship, a supportive school for socio-economic integration into the community, a space enabling the revival of Rwandan history, an opportunity to sooth the burden of trauma and relational worries, a facilitator of understanding toward confession of wrongdoings, a space that make people realize that they are the same while acquiring

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444 An example in this regard is that of Evelyne de Bruijin, who was an intern at the Netherlands Embassy in Kigali in 2005. (see Evelyne de Bruijin ,2005, *Igando*, "Internship Report", In NURC (2007). *Ingando: Impact Assessment on Unity and Reconciliation of Rwandans*, Kigali).

445 NURC (2007). Ibid., p.7, 8, 49.

446 Ibid., p.50.

human values, a place for sharing the living experiences and a learning space for solidarity, support to the poor and vulnerable, and a revival tool for patriotism.[447]

In the case of the former combatants (Ex-FAR) and prisoners, *Ingando* represented an psycho-social support and social dispensary for meditation and expiating, an 'in-extremis' learning of re-adaptation and reintegration into the social life, and an ultimate space for erasing the social stigma while learning how to recover the 'humanism'[448].

For Genocide survivors, *Ingando* constituted/constitute a therapy. Their perception is that *Ingando* not only teach but also, and most importantly, constitute a place of recovery.[449]

What is obvious is that the *Ingando* helped participants to overcome mutual fear and suspicion, hatred, and temptation to revenge; talk about the history of the divisive conflict; heal the wounds from the divisive past; accept responsibility for any harm done to each other; demystify negative perceptions of each other; have collective ownership of the tragedy that resulted from the conflict; and, agree on what the future portends for them. *Ingando* employs the concept of problem solving workshops, as a participatory conflict transformation strategy. It thus encourages the parties to analyze their conflict, its causes, the parties' attitudes towards each other, and their post-conflict relationship.[450] With this, *Ingando* therefore have revealed the extreme importance of the NURC's achievements especially since such a systematic 'civic education' program was introduced.

4.6.2. *Itorero*—Civic Education Academy

Established in 2007, the "*Itorero ry'Igihugu*" programme or 'Civic Education Academy, (thereafter simply referred to as "*Itorero*") is a civic education homegrown initiative inspired by the Rwandan culture, whereby every person mentored through *Itorero* is called an *'Intore'.*

Itorero was a traditional Rwandan school or center that was used to instill moral values and actions, and capacity to deal with ones problems.[451] The process generally culminated in convivial parties (*ubusabane*); that is, social entertainment activities, whereby people perform cultural songs and dances known as *ibitaramo* (community evening parties) and share food and drinks.[452]

Before the colonial period, all Rwandans used to live harmoniously in the same community as a result of the Rwandan school known as "*Itorero*"—a civic education channel or school through which the nation could convey the messages to the people regarding national culture in different areas such as language, patriotism, social relations, sports, dance, songs and the defense of the nation. As a result, young citizens could grow with an understanding and attachment to their culture. Participants were encouraged to discuss different national

447 Ibid., p. 19-20.
448 Ibid., p.50.
449 Ibid., p.50.
450 Rusagara, F. (2014:2). Ibid.
451 NURC (2014). Avilable at: http://www.nurc.gov.rw/index.php?id=77.
452 Sentama, E. (2009). Ibid., p.55.

programs and the positive values of the Rwandan culture. Participants understood that cultural values could help them develop their judgment, psychology, work and mutual aid, life and collaborative relationships.[453] *Itorero* was thus—and remains—an education forum, without discrimination or segregation, where Rwandans were mentored on civic education and good relationships with each other.[454]

When colonizers arrived in Rwanda, they found Rwanda's leadership very strong under, among other factors, the unifying *Itorero*. The first mandate of colonization has been to suppress the *Itorero* by changing its mission to focus only on dancing. This situation impacted negatively on relationships among Rwandans and the way the country was governed.[455]

To restore national unity, reconciliation through *Itorero* was useful. *Itorero* indeed stands as an educative initiative aimed at re-introducing the culture of serving the country at no financial reward, encouraging patriotism, positive values, responsibility and selfless service– attributes that contribute to accelerating progress, promote social cohesion, peace and reconciliation and democratic governance. *Itorero* has nowadays been revived to promote values of unity, truth, culture of hard work and avoiding attitudes and mindsets that deter development, all aimed at speeding up the attainment of Vision 2020, MDGS and EDPRS.[456]

The Government of National Unity decided to reintroduce this practice as a way to rebuild the social fabric of Rwanda. *Itorero*, as a platform for educating Rwandans, was adopted following *Umwiherero* (Leadership Retreat) at the *Akagera* Game Lodge in February 2007. At this retreat, mandated institutions including the Ministry of Local Government (MINALOC), Ministry of Education (MINEDUC), Ministry of Youth, Sports and Culture (MIJESPOC) and the National Unity and Reconciliation Commission (NURC), were asked to establish strategies for the Vision 2020, the Millennium Development Goals (MDG), and the Economic Development and Poverty Reduction Strategy 2008-2012 (EDPRS) to be more understandable to Rwandans. These institutions were also tasked with finding ways to encourage the active participation of Rwandans in achieving these strategies through changes in mindset and work ethic.[457]

The Cabinet Meeting of 12 November 2007 approved the creation of the *Itorero* as the main contributor to speeding up the mindset change and, through this initiative, to achieve the objectives of Vision 2020. The President of the Republic publicly launched this program on 16 November 2007 and, in his speech at the closing ceremonies of activities of the Teachers' *Itorero* in 2008, reiterated the importance of *Itorero* by saying that the mission of the post-1994 *Itorero* is to participate actively in the "mindset change of Rwandans about economic and social revolution."[458]

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453 NURC (2009). Ibid.
454 Ibid., p.8.
455 NURC (2009). Ibid.
456 NURC (2014). Ibid.
457 NURC (2009). Ibid.
458 NURC (2009). Ibid.

The general objective of *Itorero* is to focus on recreating a Rwandan characterized by values founded on culture and on national vision. Major specific objectives are:

1) To mold a self respecting Rwandan, marked by distinct Rwandan values, and ready to accept positive changes for sustainable development. *Itorero* should enhance a self-sustaining knowledge based economy, dependent on internal resources and good governance.

2) To produce patriotic servant leaders who strive for the development of the community and are capable of promoting creativity and competitiveness.

In modern times, *Itorero* also includes professional activities along with classes on Rwandan history so as to reintroduce some of the cultural values lost through colonization. Lessons are also adapted to the group participating in *Itorero*. For example, health workers are trained on activities relevant to their profession, while local leaders are trained on service delivery and good governance.[459]

The Government of Rwanda also put in place an *Itorero* National Commission[460] with the general objective to mobilize Rwandans to uphold important cultural values and the culture of *Intore*. This Commission was entrusted with the elaboration of a sustainable institutional framework allowing the willing sections of the population from diverse backgrounds to contribute to their personal growth and the wellbeing of the communities where they live or they serve. Through *Itorero*, the aim is to create opportunities to enhance positive values, build a sense of responsibility through patriotism, but also gain professional knowledge.[461] The values at the core of this modern day *Itorero* are:

1. ***Unity*** – The state of being joined together to form one unit. A genuine vehicle of "the same wisdom, the same vision of the world, and the perception of political life".
2. ***Patriotism*** – Love and allegiance to the nation and the government of the Republic of Rwanda.
3. ***Selflessness*** – The renunciation of one's own interests in favor of the interests of others. The spirit of not putting one's self first, but being willing to give one's time and resources for the benefit of others.
4. ***Integrity*** – The act of consistency of actions, values, methods, measures, principles, expecta-tions and outcome.
5. ***Responsibility*** - The obligation and authority to take the necessary actions to ensure success. The obligation for the proper custody, care, and safekeeping of resources entrusted to the possession or supervision of an individual.
6. ***Volunteerism*** –The practice of people working for a particular cause without payment for their time and services. It is the desire to undertake by choice and free

[459] NURC (2009). Ibid.
[460] National Itorero Commission (2012). *Strategy*, July, Kigali.
[461] NURC (2009). Ibid.

will a task or work for the benefit of the wider community beyond the volunteer's immediate family and friends.

7. ***Humility*** – A disposition to be humble; a lack of false pride. This attribute increases one's willingness to listen to others, consult and decide with reliable information.

Itorero targets all Rwandans and designs different curricula to suit the various sections of the population, including children of seven years old and above. These children are trained in their *Imidugudu* (villages) to help them grow up to become responsible and productive citizens. The compulsory category of the National Service (*Urugerero*) mainly targets those between the ages of 18-35, notably those who completed their secondary/high school education. Other categories of the population desiring to participate are given the opportunity to do so according to their professional backgrounds and the established service priorities. Rwandan citizens living in the Diaspora also participate in the *Urugerero* program, and a number of young people also organize *Itorero* in various European cities, like Edmonton (East London) and Brussels, for example.[462] Non-nationals desiring to participate and provide service to the country are also welcomed in *Itorero*. University graduates and retired people, who participated in the *Urugerero* (national service) before but, who wish to participate again are also given the opportunity to join an *Itorero*.

Locally, *Intore* (individuals, who are taught the values and taboos of the Rwandan culture and, who contributes to promoting their observance), to be mentored, are chosen from the four following administrative levels:[463]

At the level of *village*	Every family in a village sends one member of each generation to *Itorero*. Four catego-ries of Itorero, based on the ages of the village inhabitants, are: *1) Itorero for teenagers;* *2) Itorero for young people* 3) *Itorero for adults;* 4) *Itorero for old people*
At the level of *sector*	District employees at Sector level, associations, cooperatives, private sector and employees of NGOs working in the Sector together with other public servants who work in the institutions supervised by the sector.
At the level of *district*	District leaders and employees, elected leaders, school headmasters and managers of NGOs working in the district, students who have finished seconda-ry/high school studies, as well as mentors at the sector level.
At the level of entire *country*	High level leaders, leaders of recognized political parties in Rwanda, students who have finished university studies and university lecturers, church leaders of recognized religions, as well as leaders of the private sector and civil society.

[462]Wakening Abilities for the Future: Video documentary of the Itorero ry'igihugu in Brussels, Belgium, 2010.
[463] NURC (2009). Ibid.

Itorero at Rwanda's four administrative levels

The *Itorero* thus strives to harness Rwandans and support them in addressing a number of challenges such as (1) low levels of social cohesion/engagement, (2) lack of values that help to promote positive attributes of Rwanda's culture and that help people especially the youth to grow up as responsible and productive citizens, (3) low levels of patriotism, (4) low levels of awareness on unity and reconciliation, (5) high levels of both unemployment and underemployment, (6) overall low levels of education, (7) low levels of entrepreneurship and high level of dependency, etc. Such desires are achievable by voluntary participation in a disciplined population through a well-organized National Service (*Urugerero*) Program, which is indeed provided for in Art. 47 of the Constitution of the Republic of Rwanda (2003) stipulating that "*All citizens have the duty to participate, through work, in the development of the country; to safeguard peace, democracy, social justice and equality and to participate in the defense of the motherland*."[464]

In comparison with other countries' experiences, the training component of *Itorero* is unique to Rwanda because it is based on Rwanda's traditional norms and values. However, the National Service (*Urugerero*) component of *Itorero* has similarities with other similar models implemented by other countries,[465] whereby Rwanda adopted a blended model (voluntary and compulsory) for different categories of participants of *Urugerero*. In Rwanda, the target group for the compulsory category is youth between the ages of 18–35 years completing their secondary education. But the board of commissioners of *Itorero* may change the target group for the compulsory category whenever need for doing so arises. Other categories of the population are allowed to participant on a voluntary basis depending on their time, professional backgrounds and identified priorities. From 2007 to 2004, more than 200,000 participants had already taken part in the *Itorero* program.[466]

With regard to the impact of *Itorero* in unity and reconciliation, *Intore* (*Itorero* graduates) are now exemplary in the successful implementation of government's programs on unity and reconciliation while providing quality and nondiscriminatory-based services to the population in their day-to-day activities. For example, through forums and individual initiatives, they play a catalyst role by organizing, and or, participating in the sensitization of unity and reconciliation values to other citizens in a way that also fights against divisions and Genocide ideology, and in a way that promotes and protects unity and reconciliation achievements.[467]

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[464] NURC (2011). *Itorero ry'Igihugu: Rwandan Cultural Values in National Development*, Kigali.

[465] The National Service model of Nigeria, Cameroon and Ghana is compulsory. It is voluntary for Kenya, Namibia, and Israel, while South Africa adopted a combined model.

[466] See at: http:// www.un.org/en/preventgenocide/rwanda/ about /bgjustice.shtml.

[467] NURC (2009). Ibid., p.13.

4.6.3. *Ndi Umunyarwanda* program

We are who we are as the nation of Rwanda and we cannot change anything about that. What we can change are the choices we make in our lives. We have a common responsibility to build Rwanda. Each of us has a crucial role to play in that journey.[468]

Another milestone in Rwandan path toward solid unity and reconciliation was the adoption of "*Ndi Umunyarwanda*" (Rwandanness) program. The program, based on having open dialogue, is aimed at looking beyond what divided Rwandans so as to have a nation built on trust, accountability and unity, telling the truth, repentance, forgiveness and healing.[469] The program was actually born out of the 'Youth Connekt Dialogue', Imbuto Foundation, Art for Peace, and the National.Unity and Reconciliation Commission, on 30 June 2013, and it was on November 8th, 2013 that "*Ndi Umunyarwanda*" program was launched.[470]

Ndi Umunyarwanda program targets all Rwandans in Rwanda and in the Diaspora. The program provides a forum or space for Rwandans in various social groups to discuss issues related to national unity, reconciliation and development. The program encompasses both the atrocities of the divisive past and the hope for a peaceful, reconciled and reunited country. Not all Rwandans need settle on a single interpretation, but the task is to work toward mutually acceptable accommodation. *Ndi Umunyarwanda* program is such a normative shift. By focusing on a shared citizenship–citizenship as a shared fate—the programs restores the bond and solidarity between Rwandans as "there is no plausible alternative to living together."[471]

4.6.4. Educational system

> *Now it is the time to put into practice education's role in the construction of a united, mutually supportive Rwandan society working to achieve the well being of each of its members.*[472]

Before colonizers and Christian missionaries arrived in Rwanda, the country's educational system was largely informal. The village or family elders taught their children moral and social values through stories, dance and other methods.

With the arrival of catholic missionaries, churches and schools were established throughout the country. Newly arrived Catholic missionaries formed the first school in Rwanda in 1900.

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[468] Paul Kagame, President of the republic of Rwanda, addressing the Cabinet, at the 2 days cabinet retreat themed "Critically examining our dark history towards shaping a bright future: Leadership responsibility in driving "*Ndi Umunyarwanda*." November 8, 2013, Kimihurura. Available at :www. primature. gov.rw/top/news-details.html.

[469] Byaje Jeanne, Deputy Permanent Representative of Rwanda to the UN, during the8th Session of the Open Working Group on Sustainable Development GoalsConflict Prevention, Post-Conflict Peace building and Promotion of Durable Peace, Rule of Law and Governance., 2014: Available at: http: // sustainabledevelopment.un.org/content/documents/6668rwanda.pdf).

[470] Kibuka Eugene (2013). *Top Government Leaders in Ndumunyarwanda*. Ipsos Kenya - Acorn House, Nairobi - Kenya: Available at: file:///C:/Users/user/Desktop/131109_Saturday%20Times_1and3_62bde.pdf).

[471] Williams (1999:229), In Nagy Rosemary (2004), Ibid., p.648).

[472] MINEDUC (2003). *Education Sector Policy*, Kigali., p.4.

German and Belgian colonial administration governments eventually became involved in the educational system, assisting in the development and financial funding of a curriculum. But their educational system, and its content, only reflected and intensified the ethnic divisions in Rwanda as it contributed much to social exclusion of the majority of Rwandans by benefiting the ruling elite and by propagating ethnic divisions. The educational system, since the colonial period up to the 1994 Genocide against Tutsi, indeed constituted a 'divisive instrument' and was discriminatory. In fact, during this period:

> *Textbooks during the German and Belgian colonial periods emphasized the physical difference between [notably] Hutu and Tutsi, linking physical appearance and intellectual capacity according to prevailing racist doctrines. Such books praised the intellectual capacities of the Tutsi and classified the Hutu as unintelligent, meek, and suitable for manual work.*[473]

The roots of the divisions and segregation in the past of Rwanda's educational system are indeed inextricably linked to the flawed version of history that was adopted, legitimized and taught by the colonial regimes. 'Ethnicity' was seen to be an acceptable basis for the establishment of social and institutional structures. As Shyaka puts it:

> *School segregation—the only people admitted where the children of chiefs supporting colonization and those who came from the favored ethnic groups…The colonial and missionary powers determined who would have access to schooling and education on the basis of ethnicity. By so doing, they were also defining, on the basis of ethnicity, who would occupy important political posts.*[474]

After Rwanda gained independence, in 1962, the newly established political regime followed colonizers' divisive policy and actively engaged in anti-Tutsi propaganda. Fictitious histories of divisionism were drafted, incorporated in the country's educational curriculum, and taught to the Rwanda population. Throughout the first Republic (1962-1973), the educational system, and its content, contained regional and ethnic criteria, with an educational policy of ethnic equilibrium, which deteriorated seriously the sense of the unique identity of Rwandans.[475]

During the first two Governments of post-independence, a discriminative quota system was used for entry into schools, which was overtly based on ethnic and regional criteria, rather than on scholastic performance. To a large extent, the formal education system mirrored and indeed reinforced destructive trends in Rwandan society.

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[473] Bush, K. and Saltarelli D. (Eds.) (2000). *The two faces of education in ethnic conflict*. Florence: UNICEF Inocenti Research Centre, p.10.

[474] Shyaka, A. (2002:132), translated by Obura, Anna (2003:98). *Never Again: Educational Reconstruction in Rwanda*. International Institute for Educational Planning: UNESCO. October, Kigali.

[475] For details, see the "*Rapport–Très secret No 34—du Ministère de l'Enseignement Primaire et Secondaire, sur les "Données sur les admissions scolaires publiques et privées; les bourses d'études; le personnel de l'enseignement secondaire; les constructions et extensions des établissements secondaires Durant la période 1981-1985," Kigali, Octobre 1985*.

During the 1994 Genocide, the educational system was particularly targeted: teachers and educated people were singled out for assassination, and pupil and teachers were both victims and perpetrators of the Genocide in state and church schools.[476]

The post-1994 Genocide education policy corrected the above as it promoted national unity and reconciliation by prioritizing equity of provision and access, and encouraging a humanitarian culture of inclusion and mutual respect among Rwandans. The basis of the education system changed radically since the instauration of post-1994 new Government of National Unity, as any form of discrimination became illegal. One important step was to abolish the classification of learners and teaches following Hutu, Tutsi or Twa affiliation.[477] One of the major strategies of post 1994 educational system has been to change the curriculum with the objective:

> *to create policies which are in keeping with the new reality…to correct the errors of the past…they also aim to build an appropriate educational system, which satisfies the wishes and needs of the populationto train people free of ethnic, regional, national and religious prejudices, conscious of human rights and responsibilities conscious also of their membership to the international community*. [478]

The mission of post-1994 education system was therefore: [479]

- To prepare a citizen who is free from ethnic, regional, religion, and sex discrimination;
- To prepare a citizen who is aware of human rights and responsible to society;
- To promote a culture of peace and emphasize national and universal values such as justice, peace, tolerance, solidarity and democracy;
- To promote a culture based on genuine Rwandese culture, free from violence;
- To promote freedom of formulation and expression of opinion.

The fundamental change in post-1994 education system has been to imbue school ethos with the philosophy of national unity, reconciliation and healing, with emphasis on the attributes that bind all Rwandans together, and purposely downplaying dividing factors in order eventually to eliminate them. A new set of values was to be, and has indeed been, taught: (1) to highlight the similarities among Rwandans and the policy of inclusiveness; (2) to promote individual responsibility; (3) to focus on a progressive future; and (4) to ensure the relevance and applicability of the curriculum to daily life.[480] In this regard, Mbonimana would allude to the traditional values in Rwandan society of *ubumwe* (that is unity or solidarity), and

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476 Obura Anna (2003). *Never Again: educational reconstruction in Rwanda*, UNESCO, p.85.

477 Ministry of Education (1994:21), translated by Obura Anna (2003). *Never Again: educational reconstruction in Rwanda*, UNESCO, p.17-18).

478 Ministry of Education, 1994:21; translated by Obura Anna (2003). Ibid., p.66.

479 Ministry of Education (1996, p. 6), in Obura, Anna (2003). Ibid., p 94.

480 Obura, Anna (2003). Ibid., p.8.6.

ubupfura (integrity); that is, nobility of heart and goodness, self-control, courage, and respect[481] that correct the divisive and enforced enculturation from colonizers.[482]

The Government of National Unity believes that education should be aimed at recreating in young people the values, which have been eroded in the course of the country's history. In this regard, various policies[483] having constructive values at their core have been formulated, and the strategy has been to take this at all levels of education and training: basic education is generalized, access to higher levels is achieved on the sole basis of competence, and scientific and technological knowledge are prioritized at all levels.[484]

A Twelve Years Basic Education (12YBE) program has even been set up whereby all school-going children have right to primary and secondary education free of charge. 'One Laptop per Child Program,' has been launched and implemented with the aim of distributing laptops to all primary school pupils without discrimination and free of charge. By the end of 2013, after only four years from the introduction of this program, more than 120,000 laptops were distributed in different primary schools countrywide.

Universities and other higher learning institutions have increased. By the end of 2014, 31 higher learning institutions were in place.[485] They include the University of Rwanda with its 6 colleges, 6 integrated polytechnic regional centres, 1 legal institute, 3 nursing schools, as well as 15 private higher learning institutions.[486] Vocational training has been made a priority with the aim of promoting self-employment, especially for the youth. The particular emphasis has been placed on girls' education, and the number of girls in secondary schools has jumped from 47.2% in 2005 to 64.7% in 2014, while university enrolment has gone from 39.3% in 2005 to 55% in 2014.[487]

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481 Mbonimana Gamaliel, 1998, p.37; Obura, A. (2003). Ibid., p.86-7.

482 Obura, A. (2003). Ibid., p 87.

483 These education policies include: *Education Sector Policy* (2003). Girls Education Policy (2008), Higher Education Policy,(2008), Quality Standards in Education (2008), Special Needs Education Policy (2008), ICT in Education Policy (2014),Technical and Vocational Education and Training (TVET) Policy (2008),Teacher Development and Management Policy (revised 2011), Early Childhood Development Policy and Strategic Plan (2011),Youth and Adult Literacy Strategic Plan(2014), National Science, Technology and Innovation Policy (2005), and strategies such as 12 year Basic Education Strategy (2010), Strategic Plan for Technical Education (2008-2012), Higher Education Strategic Plan (2009).

484 MINEDUC (2003). *Education Sector Policy*, Kigali., p.4.

485 The number of students in higher education has grown from 3,400 in 1991, to 62,734 in 2010. The National University of Rwanda had enrolled 3,000 students in 1993. Nowadays, it accommodates more than 12,000 students. Particular emphasis has been placed on girls' education, and the number of girls in secondary schools has jumped from 47.2% in 2005 to 50.7% in 2010, while university enrolment has gone from 39.3% in 2005 to 43.8% in 2010. MINEDUC (2014). *Higher Learning Institutions in Rwanda* : Available at: http:// www.mineduc.gov.rw/agencies/higher-learning-institutions/.

486 MINEDUC (2014). *Higher Learning Institutions in Rwanda*: Available at: http: //www.mineduc.gov.rw/agencies/higher-learning-institutions/

487 MINEDUC (2013). *Education Sector Strategic Plan (2013/14-2017/18*, Kigali.

4.6.5. National Heroes' Day

On every 1st of February since 1995, a National Heroes' Day is celebrated in Rwanda. This celebration is aimed at bringing together Rwandans to honor and remember the heroes of Rwanda without distinction or discrimination (military, politicians and ordinary citizens, including the victims of the 1994 Genocide against Tutsi), who either lost their lives to liberate Rwanda from oppression, bad leadership and Genocide and/or, who lost their lives in defending the unity of Rwandans.

The National Heroes' day is also a particular occasion to share lessons about heroism virtue and the values of patriotism, which also include the history of Rwanda, notably what divided Rwandans and how to unite and reconcile.

The National Heroes' Day celebration also features songs, dances, and poems praising the virtues and good example of the national heroes notably during the bravery shown during the liberation war, and the unity of Rwandans against divisions. Among those already honored (just to name few) are (1) Major General Fred Gisa Rwigema (first chairman of the RPF/RPA that launched the war to liberate Rwanda); (2) an unknown soldier representing all fallen combatants during the struggle for liberation; (3) King Rudahigwa (Rwanda's second-to-last Monarch), who abolished all forms of slavery and advocated for unity and independence of Rwanda; (4) former Prime Minister, Agathe Uwilingiyimana, who stood against the genocidal plans; and (5) the students of Nyange High School, who were killed by genocidal forces as they chose unity over division and sacrifice over selfishness. When these students were put to the test by the genocidal rebels to separate based on ethnicity, they refused, while responding that they were all Rwandans, until the genocidal rebels killed them.

Heroism is such a virtue that leads one to perform an extraordinary act that is very useful for any society. Such an act may inevitably influence in a positive way the well-being of the whole society toward unity. On the national Heroes' Day, people are thus reminded of the great value in service to the country that the national heroes have shown to those who are still alive. This day constitutes one of the strategies to enforce patriotism, unity and reconciliatory values rooted in Rwandan culture. This is so put given that Rwandans need to be reminded of who they really are—Rwandans above anything else—because at one time they forgot that they were Rwandans and killed their compatriots.

4.6.6. Memory

No form of reconciliation is achievable without first using memory to process the atrocities that have occurred.[488] *Reconciliation, we believe, will not come through forgetting the past, but in understanding why the past led to Genocide and taking measures, however, painful and slow, which will make 'never again' a reality.*[489]

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[488] Buckley-Zistel (2006:143) , In Hinan, T. (2010). "To Remember, or To Forget? Collective memory and reconciliation in Guatemala and Rwanda", *Totem: The University of Western Ontario Journal of Anthropology*: Vol. 18: Iss. 1, Article 11:20.

[489] NURC (2009). ibid:5

The creation of a healthy memory environment underscores the ability of the individual and society to engage in conflict resolution, peace-building activities; in other words, to continue to exist and move forward.[490] "Memory has a coercive force, for it creates identity and a sense of belonging."[491] In essence, memory is the narrated version of each individual's past, which affects his/her day-to-day decisions.[492]

In Rwanda, memory focuses on the recognition of past injustice and violations of human rights—that climaxed into the 1994 Genocide against Tutsi—as well as their impact, towards preventive measures under "*never again*" commitment of the Government of National Unity after 1994.[493] Therefore, unlike the modern era whereby memory is solely labeled as archival, because of its primary purpose has become a means of preserving history,[494]memory in the context of Rwanda goes beyond preserving history and adds the preventive and the correctional measures, as well as the envisioning of the constructive future of the society.

In this regard, the Rwandan government has not chosen against amnesia of events that have occurred. Memorials at massacre sites and annual commemorations are used to preserve the memory of the Genocide against Tutsi—a climax of the divisive past—and to show the dangerous results of ethnic divisions.[495] Monuments, Memorials, and Museums have thus been part of unity and reconciliation process. The same goes to cultural products of various kinds, films, novels, and national holidays. Related activities highlight the maintenance of memorial sites, the promotion of national rituals of commemoration, new national symbols to shape the collective memory of Rwandan history, and the annual-national Day of Heroes, as put previously, highlighting individuals, who have fought ethnic division.[496] The museum also conducts workshops for secondary students: Learning from the past; Building the future workshops.[497] In particular, the every year national commemoration that remembers, or commemorates for, the victims of the 1994 Genocide perpetrated against Tutsi refreshes and fosters collective memory.[498]

Another crucial application of memory to analyzing post-conflict societies is the intrinsic link between memory and identity. In Rwanda, identity is linked through sameness,[499] which is

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490 Conway, 2013:104.
491 Ibid, p.95.
492 Ibid.
493 The expression "never again" has been used repeatedly following mass atrocities of the twentieth century, most notably the Holocaust. "Never again" represents the international commitment that no population will ever again be subjected to the horrors of genocide (Sanford 2009:26; Hinan (2010). Ibid., p.14.
494 Nora 1989:13 in Hinan, (2010). Ibid., p.6.
495 Longman & Rutagengwa (2004), In Richters et al. (2005). Ibid., p. 210.
496 Richters et al., (2005). Ibid.,p. 206.
497 Staub, E. (2012). The Challenging Road to Reconciliation in Rwanda, January 17. Available at: http://www.eir.info/2012/01/17/the challenging road to reconciliation in Rwanda/
498 Longman & Rutagengwa (2004), In Hinan, (2010). Ibid/
499 Ricoeur (1999:8), In Hinan, (2010). Ibid., p.18.

brought about by the previously described program of *Ndi Umunyarwanda* aimed at building a collective memory that transcends ethnic borders.

The rebuilding of Rwanda also focuses on the linkage between truth and memory. Although truth narrative does not play the same role as historical truth,[500] some experts go so far as to suggest that the "truth" created through memory is more "truthful" than history, since it is the "truth of personal experience and individual memory."[501] Preserving memory has thus been a tool for Rwandans to constantly reflect on what divided them, the consequences of divisions in order to unite, reconcile and work together for a 'never again' to divisions, violence and genocide.

4.7. Reconciliatory Justice

It is generally contended that justice is part of unity and reconciliation—indeed one of its ingredients. As Sarkin posits, "justice is a critical aspect of ensuring the respect of human rights and the rule of law."[502] Generally put, justice is a vital requirement for healing wounds, making offenders accountable. Many people even argue that the search for peaceful coexistence, trust, empathy and democratic power sharing demands that 'justice be done' so that, in one-way or another, the crimes of the past be acknowledged and punished.[503] This is in fact the dominant discourse referred to as retributive or deterrent justice, which stresses that punishment is necessary so as to discourage a convicted perpetrator from committing another crime.

For the case of Rwanda, and within the overall purpose of achieving unity and reconciliation, justice provided goes beyond the dominant discourse of retributive or deterrent justice. Instead, the focus is on restorative justice—form of transitional justice. Rwanda chose restorative, not only because of the necessity for reconciliation and the restoration of unity, but also because it was the only alternative.

The 1994 Genocide against the Tutsi, consequent to the divisive past and the culture of impunity, had devastated the entire fabric of Rwanda, with the breakdown of institutions, including the judiciary system. Immediately after the 1994 Genocide, the new government's priority was to restore shattered national unity and find a way of purging Rwanda of the fostering hatred that lingered on in the hills and villages. In order to do that, however, there had to be an end to impunity. Rwanda could not be rebuilt until the victims of past human rights violations (involving persecutions, the war, and the 1994 Genocide against Tutsi,

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500 Brandon Hamber and Richard Wilson (2002), in Hinan, 2010:19 (Ibid.), indeed suggest that memory creates its own truth, which may not be as accurate as the historical truth.

501 Nora 2002:6 in Hinan, (2010). Ibid., p.19.

502 Sarkin, In Villa-Vicencio, C and Savage,T(2001). *Rwanda and South Africa in Dialogue: Addressing the Legacies of Genocide and Crime Against Humanity*, Institute for Justice and Reconciliation, Cape Town., p.59.

503 Blomfield et al., (2003). "The context of Reconciliation." In Bloomfield David, Teresa Barnes and Luc Huyse (2003). *Reconciliation After Violent Conflict—A Handbook, Stockholm: International Institute for Democracy and Electoral Assistance (IDEA), pp. 40-8, p.*14.

among other abuses) had received treatment and the perpetrators had been dealt with.[504] This had however to be done in a way that is reconciliatory.

The post-Genocide government thus endeavored, among other things, to eradicate the culture of impunity in a way that rebuilds the social fabric and set up a trend of national unity and reconciliation though judicial reforms—the example of the abolition of death penalty, and the presidential pardon and many Alternative Dispute Resolution (ADR) mechanisms—the example of *Gacaca* courts and *Abunzi* (Mediators) to be discussed later.[505] The adoption of ADR mechanisms in Rwanda emerged from the recognition that there was a growing crisis in the judiciary as it had become impossible to achieve the above-mentioned mission efficiently. There was therefore keen appreciation of participatory justice—a new basis for the rule of law that allows concepts of justice to permeate Rwandan society and put a halt to a culture of impunity but in a way that brings about unity and reconciliation. It is in this regard that the role of Rwanda's traditionally and participatory-based justice systems that favor restorative justice and mediation, beside the classical justice system (classical courts or tribunals)[506] were given a particular importance.

4.7.1. Justice, Reconciliation, Law & Order Sector

The Rwanda Justice, Reconciliation, Law and Order Sector[507] (JRLOS) strategy is a key component of the Government's EDPRS Governance Flagship Programme, which defines the path to the achievement of the objectives of the Vision 2020 through justice. The first JRLOS Strategy, which run from January 2009 to June 2012, has seen major achievements in justice provision in Rwanda. Building on this experience, the second strategy set out the Government's agenda and spends priorities over the five-year period from July 2013 to end June 2018.

The Mission of the JRLO Sector is to efficiently provide justice-related services to the people of Rwanda with the aim of transforming Rwanda into a country marked by the rule of law, accountable governance, and a culture of peace. This means strengthening the consolidation of the norm (established in International Law and in the Constitution of Rwanda) that the law must apply equally to everyone. Everyone in Rwanda should have equal access to the protection the law affords, and should be equally bound by the responsibilities the law imposes. In this regard, the second JRLOS purpose builds on five outcomes:

1. Enhanced Sector capacity and coordination;
2. Strengthened universal access to quality justice;
3. Effectively combated impunity for inter-national crimes and Genocide ideology; strengthened truth-telling and reconciliation;

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504 Longari Marco (2010). Ibid., p.51.
505 Rwadandapedia, RGB 2012.
506 MINALOC, 2002.
507 Republic of Rwanda (2013). *Justice, Reconciliation, Law & Order Sector Strategic Plan July 2013 to June 2018*, Kigali.

4. Enhanced rule of law, accountability and competitiveness; and
5. Maintained safety, law and order, and enhanced adherence to human rights.

With regard to the third outcome, particularly, the prosecution and enforcement of judgments in international crimes, including Genocide, were accelerated through JRLOS. Likewise, dialogues and awareness rising for the promotion of unity were fostered and Genocide ideology has been combated.[508] The achievements in this regard also emphasize the eradication of impunity for war crimes and Genocide, and Genocide ideology, as well as truth telling and reconciliation strengthened and restorative justice for victims delivered.[509]

4.7.2. Gacaca jurisdictions—restorative justice

> *Gacaca is the only remedy that can help us [Rwandans] to become human beings and Rwandans again.*[510]
>
> *Gacaca represents the most suitable and only workable solution for bringing those responsible for atrocities to trial promptly and ending the legacy of impunity …"*[511]
>
> *In the face of extreme individual and social devastation, Gacaca represents an ambitious attempt to involve the entire population in the process of justice, reconciliation and post-Genocide reconstruction.*[512]

After the 1994 Genocide against the Tutsi in Rwanda, over 200,000 suspects were provisionally incarcerated waiting to be tried.[513] While recognizing the importance of justice for the rebuilding of a society, the post 1994 government of Rwanda realized that the regular traditional/secular judicial system was unable to deliver justice given such a big number of suspects. The Rwandan legal system was not only destroyed during the Genocide against Tutsi—the ordinary justice system was virtually non-existent after war and the Genocide in question—but also many justice personnel have either been killed or have been imprisoned due to genocidal acts.[514] The prisons were thus full of people, who had been charged and were awaiting trial and the legal system simply did not have the infrastructures and personnel to deal with them. It would have to take a hundred years merely to investigate the cases and conduct trial hearings and deliberations for those individuals already in custody.[515]

Five years after 1994, the Government of Rwanda enacted the Organic Law n° 08/96 (on August 30, 1996) organizing the prosecution of Genocide crimes and other crimes against

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[508] Republic of Rwanda (2013). Ibid., p.34-5.
[509] Republic of Rwanda : (2013). Ibid., p.36.
[510] Amstutz, Mark (2011). Is Reconciliation Possible After Genocide?: The Case of Rwanda." *Journal of Church & State*, p.559.
[511] Zorbas (2004). Reconciliation in Post-Genocide Rwanda". In *African Journal of Legal Studies.* Vol.1, n°1, pp.30-52, p.37.
[512] Clark, P. (2010). *The Gacaca Courts, post-Genocide Justice and reconciliation in Rwanda: Justice without borders*, New York: Cambridge University press, p.3.
[513] Ingelaere in IDEA, 2008; Bloomfield, et al., 2003; MINIJUST, 2008; Sentama, 2009:53-4. Ibid.
[514] Of approximately 785 judges practicing before the genocide, only 20 survived. (Borland, 2003).
[515] Longari Marco (2010). Ibid., p.51

humanity. An assessment of progress however also showed that it would take more than 100 years to conduct the trials of the suspects who were already in prison.[516] Requests for help from the international community had only resulted in the ICTR being set up in Arusha, and its proceedings were scandalously slow.[517] Meanwhile, tens of thousands of people were already behind bars and the prisons were bursting.[518] Scholars had indeed estimated that if the rate at which Genocide detainees were being prosecuted continued in the same manner, nearly one-third would die in prison of old age.[519]

In view of the above considerations, and after extensive national-level discussions over the country's future, the proposal was put forward by the post-1994 Genocide government of a unique Rwandan solution—*Gacaca* courts—inspired by the Rwandan traditional culture of an informal system of justice, where people, especially elders, used to sit together in *Gacaca* (the 'grass' or 'lawn') and settle their disputes—the tradition of communal resolution of disputes in Rwanda.

The *Gacaca* tribunals had thus to relieve the pressure on the ordinary courts, which were quickly overloaded with the cases of Genocide suspects who were filling the prisons. They also had to function within a participatory justice.[520] A new way of justice that would allow communities, including those affected by the Genocide, to actively participate in the justice, and within the restorative and preventive framework, was also needed.[521] It is in this context that the Minister of Defense held that "the problem of justice is not a simple problem of texts and courts; it concerns finding an intermediary way between classical justice, the reconstitution of the social fabric, and the prevention of another tragedy—the Genocide".[522]

The *Gacaca* courts were thus installed to prosecute and try the perpetrators of the crime of Genocide and other crimes against humanity, committed between 1 October 1990 and 31 December 1994. Reconciliation and restorative justice were enshrined as *Gacaca's* key objectives.[523] This is so put as *Gacaca* Law states that Gacaca has been established 'to achieve justice and reconciliation in Rwanda' and is designed 'not only with the aim of providing punishment, but also rebuilding the Rwandan Society that had been destroyed by bad leaders.'[524]

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516 Amstutz, Mark (2006). Ibid.

517 Blomfield and others indeed stress indeed that traditional criminal justice systems are not designed to manage mass atrocities or genocide.

518 Longari Marco (2010). Ibid., p.51.

519 Amstutz, Mark (2006). Ibid., p.555.

520 Richters et al., (2005). Ibid., p.208.

521 MINALOC, (2004). Ibid.

522 Karekezi, et al., (2004), In Richters et al., (2005). Ibid., p.208.

523 Clark, P. (2010). Ibid., p.348.

524 See Gacaca Law (Modified 2004)—*Introduction*. See also in Clark, P. (2010). Ibid., p.348.

The mission of *Gacaca* was to reveal the truth, to speed up trials, to eradicate the culture of impunity, and to reconcile Rwandans.[525] More specifically, the goals of *Gacaca* were to:[526]

- Establish the truth about what happened during the Genocide;
- Accelerate the legal proceedings for those accused of Genocide crimes;
- Eradicate the culture of impunity;
- Reconcile Rwandans and reinforce their unity; and
- Use the capacities of Rwandan society to deal with its problems through a justice based on Rwandan custom.

Rwandans also preferred/prefer this Rwandan system of reconciliatory justice, as opposed to western punitive forms of justice, which instead provoke great hostility.[527] Rwanda's approach thus agrees with Ingelaere, who stresses that "home-grown traditions need to replace imported, divisive practices. They are home-grown—a community-based participatory approaches, carried out in the local language, with simple procedures—and are meant to eradicate the culture of impunity."[528]

The *Gacaca* jurisdictions officially operated for exactly 10 years, from June 18, 2002 to June 18, 2012. *Gacaca* jurisdictions were presided over by judges called '*Inyangamugayo',* in Kinyarwanda language, meaning 'people with integrity'. The first judges were selected through elections held from October 4 to 7 of 2001. Approximately 260,000 judges were elected.[529] Peter Haller views this significant number as "*perhaps the largest experiment in popular justice in modern history.*"[530] Phil Clark similarly describes the significant number of elected judges in Gacaca as "*unique among post-conflict judicial structures around the world in its mass involvement of the population in the delivery of justice*."

In the report presented at the closing of the *Gacaca* courts (June 18, 2012), the National Service for Gacaca Courts (NSGC) stated that, in 10 years, the *Gacaca* courts had tried 1,958,634 cases, convicting 1,681,648 (86%) and acquitting 277,066 (14%).[531] The NSGC also reported that the Gacaca courts heard appeals from 178,741 (9%) of the cases that

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525 Almost 1.5 million cases had been tried since *Gacaca's* enactment in 2001. A total of 1,245,000 cases have been tried through Gacaca courts. The Gacaca system has expedited the judicial process. Prior to the Gacaca courts only 6,000 cases were tried in a span of just three years (52 cases tried by the ICTR in 17 years) Community service (TIG) carried out are valuable to Rwf 40 billion. Closed on June 18, 2012, Gacaca courts tried as many as 1,951,388 Genocide suspects over one decade (See: Republic of Rwanda/Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the 9th National Dialogue Council, 15-16 December 2011, Presentation prepared MINALOC; PRESIREP; RGB; NURC.).

526 Ingealere, In IDEA (2008). Ibid., p.38.

527 Zorbas, Eugenia (2004). Ibid., p. 36.

528 Ingelaere in IDEA (2008). Ibid., p.32.

529 Kaufman, In Gasanabo, Simon and Ensign (2014). Ibid., p.378.

530 Harrell quoted in Kaufman in Gasanabo, Simon and Ensign (2014). Ibid., p.378.

531 National Service for Gacaca Courts, 2012 Report Summary, supra note 68, p.34.

were tried, affirming 132,902 (74%) and reversing 45,839 (26%).[532] The remaining Genocide related cases are prosecuted by competent courts as provided by the Law.[533] When suspects (instead of cases) were the observational unit, the NSGC reported that the Gacaca courts tried 1,003,227 people, 96,653 (10%) of whom were women, and 906,574 (90%) of whom were men.[534] In fact, with approximately 10,000 tribunals, *Gacaca* judged all prisoners over a much shorter period of time.[535] Burnet had also described *Gacaca* as the "only possible solution", and that its failure is "a threat to the entirety of the reconciliation process."[536]

It is worth emphasizing that *Gacaca* jurisdictions (2002-2012) are one of Rwanda's homegrown mechanisms for unity and reconciliation that attracted false and substantial critiques. A common flawed criticism of *Gacaca* is that it allowed the Rwandan state to deploy the language of devolved, popularly owned justice, while further centralizing and consolidating state power. Based on fieldwork conducted over ten years, including more than 650 interviews and observations of 105 *Gacaca* hearings, Phil Clark's article responds to this criticism by qualifying it as reductionist given that "it is based on flawed assumptions about the nature of the Rwandan state and fails to acknowledge the complex ways in which Rwandan citizens engage with the state and participate in government-initiated community-level processes such as *Gacaca"*.[537]

The research findings of Clark indeed that *Gacaca* is a "central element in moving towards reconciliation, being a space for public discourse that is open and fair to be the driving factor, and one of few spaces for communication and, for some, it is a way to overcome 'a conspiracy of silence'"[538] As Clark puts it:

> *Constructive engagement between parties during hearings in Gacaca allowed all social groups to discuss their experiences of the Genocide and fruitful interactions beyond Gacaca. In such places, profound results including healing, forgiveness and reconciliation are possible.*[539]

Rwandans also view *Gacaca* as a forum in which all members of the community, suspects, survivors, and the general population, were able to debate and discuss legal and non-legal issues resulting from the Genocide and related crimes.[540] In this regard, a *Gacaca* judge stated:

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[532] Idem.p. 35.
[533] MIDIMAR (2014). Ibid., p.30-31.
[534] National Service for Gacaca Courts, 2012 Report Summary, supra note 68, p.36-7.
[535] Uvin in IDEA (2008). Ibid.
[536] Burnet, Jennie E. (2008). "The Injustice of Local Justice: Truth, Reconciliation, and Revenge in Rwanda." *Genocide Studies and Prevention*, p.178.
[537] Clark, P. (2014). Ibid., p.193.
[538] Conway, Katherine (2013).*The role of memory in post-genocide Rwanda*, The Fletcher School, Tufts University, p.60.
[539] Clark, 2010:354.
[540] Ibid., p. 91.

> *Gacaca is important because it brings everyone together, to talk together. When we come together, we find unity…Sometimes there is even too much talking and I have to slow the people down.*[541]

Actually, beyond the application of the laudable principle of ending the culture of impunity, and the policy goal of lowering prison populations, the real value of Gacaca was in its creation of a rhetorical *space for dialogue* about the Genocide at the local level where people encountered neighbors with differing experiences on a daily basis, and it is between neighbors that it is most essential for the bonds of a community to become strong.[542] The *Gacaca* courts thus promoted reconciliation as they opened the possibility of dialogue on the community level.[543]

Gacaca thus exemplifies a form of restorative justice, which is unique, and which goes beyond the dominant discourse of punishment.[544] Citizens' illustrative contentions in this regard worth putting:

> *Gacaca constitutes the heart of Rwanda's attempt at personal and communal reconstruction after the Genocide and one of the most revolutionary transitional justice approaches pursued anywhere in the world… Among transitional justice institutions around the world, Gacaca is unique in its mass involvement of the population that experienced mass conflict first hand.*[545]

> *Gacaca represents the most suitable and only workable solution for bringing those responsible for atrocities to trial promptly and ending the legacy of impunity Prisoners who were consulted on Gacaca were favorable to a system that would speed up their hearings. Genocide survivors want to see perpetrators to be punished…*[546]

In connection to the above, Peter Uvin also describes *Gacaca* as "a brilliant piece of work as it offers hope, and a reason to participate, to all groups—prisoners and survivors."[547] Likewise, Genevieve Parent holds that "*Gacaca* provided a much needed system of justice for a country with few legal resources.[548]

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541 Interview by Clark, May 4, 2003 in Clark 2010:90.

542 Gasanabo and Simon, In Gasanabo, Simon and Ensign (2014). Ibid., p.390.

543 Zorbas, Eugenia (2004). Ibid., p.36.

544 Deterrence is here understood in the sense of a criminal justice system that guarantees with certainty that all persons who break the law have to be apprehended, convicted, and punished, without any personal benefit from their wrongdoing. (Weit's Encyclopedia of American Law, edition 2, 2008:The Gale Group) Wright indeed stresses that one problem with deterrence theory is that it assumes that human beings are rational actors who consider the consequences of their behavior before deciding to commit a crime; yet this is not always the case. (See in Wright Valerie (2010). *Deterrence in Criminal Justice: Evaluating Certainty vs. Severity of Punishment*, Washington: The Sentencing Project).

545 Clark, P. (2010). Ibid., p.355.

546 Zorbas, E. (2004). Ibid., p.37.

547 Uvin, P. (2003). *The Gacaca Tribunals in Rwanda*. Extracted from Reconciliation after Violent Conflict: International Institute for Democracy and Electoral Assistance (IDEA), Stockholm.

548 Parent, G. (2010). *Reconciliation and Justice after Genocide: A Theoretical Exploration*, p. 283.

In fact, *Gacaca* focused on repairing the harm done, healing both the victims and the community, and allowing offenders to be reintegrated as productive members of society.[549] *Gacaca* made the most suitable attempt to reconcile Rwandans and eradicated the "legacy of impunity."[550] Perpetrators were punished, and victims were allowed to have their say.[551] Reducing tensions, building trust and promoting reconciliation were also essential for long-term stability[552] and *Gacaca* addressed these needs.[553]

More importantly, *Gacaca* has shown how punishment can be shaped toward wider-reconciliatory ends, fulfilling survivors' need to see perpetrators punished, while also contributing to rebuilding fractured personal and communal relationships.[554] *Gacaca's* aspect of trials and judgment of those suspected of Genocide and other crimes against humanity also helped in evolving the law enforcement agencies and judicial institutions to become more credible and effective. The long-established culture of impunity, in the past Rwanda up to 1994, which encouraged human right abuses, has thus been broken.[555] Furthermore, by opening the possibility of dialogue on the community level, *Gacaca* enabled the possibility for truth about the past of Rwanda and memory sharing in public.[556]

Given its decentralized nature and the importance attached to local participation, *Gacaca* was much better at involving the entire community, including survivors. Finally, through the process of local discussions and fact-finding, *Gacaca* proceedings developed a fuller picture of the nature of the violence that occurred and the responsibilities of different people. The confessions procedure, with its requirement for complete confession, including the names of all other people involved in the crime, set in motion an avalanche of confessions, including the implication of other people, which led to significant debates as people could explain themselves, implicate others, contextualize events and so on. Hence the *Gacaca* procedure produced more truth than the formal justice system has so far managed to do.[557]

Likewise, *Gacaca* provided a platform for victims to express themselves, encouraging acknowledgments and apologies from the perpetrators, and facilitating the coming together of both victims and perpetrators in a way that prevented scenario for revenge.'[558] The confessions procedure brought significant reductions in length of prison sentences for those found guilty. Illustrative accounts of Rwandan citizens in this regard read:[559]

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549 Tiemessen, Alana E.(2004). Rwandan Gacaca: Competing and Collaborating for Justice After Genocide." *International Studies Association, p.* 3.
550 Zorbas, Eugenia (2004). Ibid., p.37.
551 Ibid. p.37.
552 Apuuli, Kasaija Phillip (2009). "Procedural due process and the prosecution of genocide suspects in Rwanda." In *Journal of Genocide Research*., p. 21.
553 DeBari (2013). *Reconciliation in Rwanda: Is it Really Working*?
554 Clark (2010). Ibid., p.351.
555 Jha et al., 2004). Ibid., p.22.
556 Zorbas, Eugenia (2004). Ibid., p.36.
557 Uvin, In IDEA (2003). Ibid.
558 Zorbas, E. (2004). Ibid., p.36; Rwanda National Police (2014). Ibid., p.29.
559 Group interview, 2012.

Gacaca brought in that trust because it [Gacaca] enabled people to sit together and talk, some asked for forgiveness and others forgave them; trust is there, they [conflict parties] even marry each other, they even talk to each other. Some confessed and asked for forgiveness; when there is communication, reconciliation follows.

Before Gacaca, there was too little trust, actually there wasn't [trust]. None among the returnees wanted to tell the truth about how people were killed, who killed them and where they [their bodies] have been thrown. So from the period of Gacaca, I feel that Rwandans have come together [trusting each other] as truth was getting revealed. Even though some hide [the truth], prisoners told the truth. It is prisoners who came and told the truth on how people were killed; this is how we moved forward [in trust] because of prisoners who had confessed after they [prisoners] had understood that they had to tell the truth; we have been taught and we understood and accepted.

Gacaca was thus beneficial in its creation of a rhetorical space for dialogue about the Genocide against Tutsi at the local level where people encountered neighbors with different experiences on a daily basis, and it is between neighbors that it is most essential for the bonds of a community to become strong.[560]

4.7.3. Travaux d'Intérêt Général (Community Services)

Within the perspective of restorative justice, community service, often referred to, in French language as, *Travaux d'Intérêt Général* (TIG), were initiated in 2005. It was an alternative penalty to imprisonment—an innovative punishment program, which allows people convicted of participating in the Genocide to serve part of their sentences doing community services, as a new form of justice in Rwanda that focuses on ideas of unity and reconciliation.[561]

Such alternative measures are critical in the case of other vulnerable groups such as expectant and breastfeeding mothers, chronically ill and people living with disabilities. The Organic Law No 01/2012/OL of 20/15/2012 instituting the Penal Code provides for three alternative penalties: payment of a fine, community service as alternative to imprisonment and suspension of a sentence. These mechanisms enabled/enable self-reflection among convicts and opened opportunities for expressions of repentance, apology, and request for forgiveness.

4.7.4. Correctional Services

Justice strategies, which promotes access to justice, correction, prevention of human rights violations, empowering inmates through provision of legal aid services and professionalization of life skills, and promoting use of alternative sentences, such as Community Service, are relevant in Unity and Reconciliation.

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[560] Gasanabo and Simon, In Gasanabo, Simon and Ensign (2014). Ibid., p.390.

[561] Available at: http://www.tig.gov.rw.

It is in this perspective that Rwanda Correctional Services (RCS) was initiated as an institution, which rehabilitates the convicts to become responsible citizens when they eventually serve their time rather than a punishment-oriented body. On top of this, the institution is an income generating rather than a funding consuming body.[562] Law n°34/2010 of 12/11/2010 related to the establishment, functioning and organization of Rwanda Correctional Services, article 4 that relates the main responsibilities of RCS, include:

- To respect the rights of detainees and prisoners in accordance with the law;
- To ensure the security of every detainee and prisoner until the completion of his/her sentence;
- To respect the life, physical and moral integrity and well-being of detainees and prisoners;
- To implement effective strategies to enable detainees and prisoners to repent and change their mentality;
- To ensure effective management of prisons and persons serving in *Travaux d'Intérêt Général* (TIG) penalty;
- To promote productivity and its effective management in prisons and TIG;
- To develop professional skills and build capacity of RCS employees;
- To develop the skills of detainees and prisoners, and plan sports and leisure activities for them.

Envisaged under correction strategies is the provision of comprehensive psychosocial counseling for the prisoners, talent identification, and life skills building session, medical care, education, referral of beneficiaries, as well as vocational services. A key element in this process is to change the prisoner behavior and mind set. The correction plan includes measures that are sustainable and match both the reconciliation and integration of the inmates back in society. Correction strategies foster and enhance the role of the society in the prevention of crime deterrence and rehabilitation of offenders—'corrections as a societal responsibility.'

4.7.5. Akagoroba k'ababyeyi (Parents' evening)

The *Akagoroba k'ababyeyi* or *Umugoroba w'ababyeyi* (an evening for parents' meeting) is a platform that was informally initiated by Rwandan mothers, since 2010. Initially, it was called 'mothers' evening' as it mainly discussed issues affecting women, girls and families. Mothers could share ideas, best practices and knowledge, and advice each other in this regard.

Nowadays, the platform brings together everyone (male and female), which is the reason why its name was changed, from 'mothers' evening to 'parents' evening. The purpose of the meeting is for neighboring families to regularly come together and constructively discuss on various socio-economic, family, and community issues or problems, including issues related to unity and reconciliation. In this regard, advice and mediation are provided so as to avoid

[562] Idem.

that a given issue is unnecessarily brought to local authorities, official mediators, or even courts. One of the strengths of this platform is that it brings together neighboring families, without discrimination, which constitutes a potential for friendship development, solidarity and mutual respect toward constructive advice and positive relationships. This platform thus constitutes *a space for contact and constructive dialogue* between neighboring families and communities, which is particularly an opportunity for broken/conflicting, families/ or individuals to reunite and reconcile.

4.7.6. Inteko y'abaturage (Citizens' council)

Traditionally, the community used to play a role in Rwanda's life. Social relationships were based much more on the neighborhood than on interpersonal relationships. Through decentralization policy, the participation of Rwandan citizens has been considered at the center of development and problem solving. It is in this regard that the *Inteko y'abaturage* (literally translated as 'citizens' council) has been used by local administration to solve community problems before they are unnecessarily brought to courts.

The *Inteko y'abaturage* is thus a council at village, or cell level, which brings together village or cell members, once a month to discuss, and mediate about, all issues or problems that the community is facing so as to find solutions together. Issues pertaining to unity and reconciliation are also discussed toward mediation and restorative justice. These regular meetings are important as they constitutes a favorable social arena or space (a suitable forum) that not only brings together different individuals, families, and communities, but also enables constructive dialogue among them in a way that is aimed at reconciling and uniting them.

4.7.7. National Legal Aid—Policy & State actors

While the constitution and other laws provide for equality of all persons before the law, it was found out that limited access to lawyers and lack of knowledge about legal procedures still limit full access to justice. It is in this perspective that legal aid,[563] through legal information and education, advice, assistance, mediation and representation was initiated so as to ensure that free or subsidized services are provided to eligible, indigent individuals. This program aligns with the policy objective of a decentralized and reconciliatory justice system that benefits all citizens.

The benefits of effective legal aid services extend beyond the individual to include societal benefits such as prevention and resolution of disputes before they become real cases and threaten social harmony, elimination of unnecessary detention, speedy processing of cases, fair and impartial trials, and the reduction of prison populations in criminal matters. In civil and administrative matters, legal aid services ensure that justice is fair and accessible.

[563] Legal aid is defined as free or subsidized services to eligible individuals or groups, mainly poor and vulnerable people, provided as a means to strengthen their access to justice (MINIJUST, 2014, p.5-6).

This service increased the level of access to justice for all Rwandans, without discrimination, particularly by expanding the legal aid provision, streamlining and improving the alternative dispute resolution system through effective coordination, establishing the legal aid fund, and by setting up a stakeholder legal aid committee and Access to Justice Unit to coordinate the day-to-day management of legal aid provision. It also defined the main eligibility criteria for legal aid. The successful implementation of this policy contributed to strengthening the rule of law, protection and promotion of human rights and increasing access to justice for all Rwandans.[564]

With regard to the actors, legal aid in Rwanda involves many categories of legal aid providers comprising of both State and Non-State Actors (NSA). There are a total of 74 identified legal aid providers including 2 by the Ministry of Justice through MAJ and *Abunzi* (Local Mediation Committees), 30 NGOs, 4 Universities and 40 private practitioners. Legal aid thus involves different actors with different means of funding and management. Legal representation, advice, mediation, negotiation, advocacy and campaigns as well as preparation for self-representation and rights awareness are the main legal aid services provided. The NGOs, MAJ, University Legal Aid Clinics and the Bar Association are the main categories of providers. The subsections below only discuss the two state legal aid providers, namely *Access to Justice Bureaus* or *MAJ* and *Abunzi* (Local Mediation Commitees).

4.7.7.1. Maisons d'Accès à la Justice (Access to justice bureaus)

Through the Ministry of Justice, the Government initiated the Access to Justice Bureaus, referred to in French language as *Maisons d'Accès à la Justice* (MAJ), in 2007. Now established in all 30 districts of Rwanda, MAJ serves as the first point of orientation with legal aid service for Rwandans. MAJ mainly provides legal information/education as well as legal advice/mediation.

MAJ also aligns with the policy objective of a more decentralized and reconciliatory justice system that involves citizens. The Rwanda Bar Association (RBA) law grants MAJ staff powers to provide legal and judicial aid to indigents and needy people (articles 58 & 68). They may assist, counsel, represent and plead, before all courts, for indigents. They are also able to analyze cases, offer legal advice and mediation to parties, sensitize the population on their legal rights, assist prisoners and provide legal training to *Abunzi*. The newly established Access to Justice Coordination Office at the District level is mandated henceforth to coordinate legal aid provided by *Abunzi* as well as what has hitherto been known as MAJ.[565]

4.7.7.2. *Abunzi*—Mediation Committees

Abunzi are an excellent foundation for a legal aid system and provide a uniquely Rwandan method of dispute resolution, which empowers people to resolve their own disputes at

[564] Minijust, 2014.
[565] The Republic of Rwanda (2013). Ibid., p.13-14.

community level and is extremely economical to maintain. It is designed to decentralize justice, making it affordable (it is free) and accessible.[566]

Literally translated, the word *Abunzi* means 'those who reconcile'. *Abunzi* is a word stemming from the Kinyarwanda word '*kwunga'*—meaning to reconcile or to restore, which existed in Rwanda's culture. These are elected officials at community level, who manage minor social conflicts, and reconcile people, thereby reduce tensions in the community. The *Abunzi* are local mediators in Rwanda, who are mandated by the state as the reconciliatory approach to resolve disputes, ensuring mutually acceptable solutions to the conflict. Therefore, *Abunzi* are community reconcilers, elected by the population on the basis of their integrity.[567]

As it was the case for the rationale behind *Gacaca* jurisdictions, the Government of Rwanda concluded that modern judicial methods of dispute resolution were failing to deliver. The decision was thus taken to examine traditional mediation and re/conciliation approaches as viable alternatives. Doing so would not only help alleviate the pressure on conventional courts; they also align, as put previously, with the policy objective of a more decentralized and reconciliatory justice system aimed to involve citizens—the community. This led to the rebirth and institutionalization of Rwanda's mediating mechanism known under 'mediation committees' or *Abunzi* to examine minor civil and criminal cases.[568] This is a justice inspired by traditional Rwandan law favouring a restorative approach that helps people resolve conflicts or disputes without reference to the ordinary courts that prefer a retributive approach.[569] *Abunzi*-mediation committees are fully recognized under the law, while in other countries such methods exist extra-judicially.[570]

The *Abunzi* system was popularized in the post-2000 era by the Rwandan government as a way of decentralizing justice, making it affordable and accessible. The resuscitation of the *Abunzi* is part of the Rwandan government's repertoire of initiatives designed to make justice and governance available to citizens at every level. The introduction of mediation committees/*Abunzi*—a decentralization form of governance for disputes resolution—in Rwanda's judicial system is an original feature of Rwandan culture and history.

In Rwanda, the mediation program (under *Abunzi*-mediation committees)[571] is an illustrative example of the synergy between the state and the local processes of conflict resolution. Article 159 of the Constitution of the republic of Rwanda (2003) provides for, in each Sector, a "Mediation Committee" responsible for mediating between parties to certain disputes involving matters determined by law prior to the filing of a case with the court of first instance. According to this Article:

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566 Ibid. p.31.
567 NURC, (2007). Ibid.
568 RGB, ()2012
569 Mutisi (2011:3)
570 Ibid, p.2.
571 *Abunzi*, literally, translates '*those who reconcile'.*

The Mediation Committee shall comprise of twelve residents of the Sector who are persons of integrity and are acknowledged for their mediating skills. They shall be elected by the Executive Committee and Councils of Sectors from among persons who are not members of decentralized local government or judicial organs for a term of two years which may be extended. Parties to a dispute shall choose three of the mediators to whom they shall submit their case for mediation. Any party to the dispute who is dissatisfied with the settlement may refer the matter to the courts of law. Such matter shall not be admissible by the court of first instance without prior production of the minutes of the settlement proposal of the mediators. An organic law shall determine the organization, powers and functioning of Mediation Committee.[572]

In 2004, the Government of Rwanda established the traditional process of Abunzi as an Alternative Dispute Resolution mechanism, with the organic law no 17/2004 of 20/06/20047, later amended by the organic law no 31/2006 of 14/08/2006, then amended by the Organic law no 02/2010/0L of 09/06/2010.[573]

Before seeking justice in local courts, mediation by the *Abunzi* is obligatory for local level disputes, criminal cases and civil cases, whose property value is below 3 million Rwandan Francs.

Currently, 32,400 Mediation Committee members operate in Rwanda. The mediation committees that make up the *Abunzi* operate at a cell level in the first instance (initial cases) and at a sector level in the appeal degree (appeal cases) as according to the structure established by article 2 of Law No. 02/2010 of 09/06/2010. Article 4 of the Organic Law provides that both in the cell and sector, the Committee shall be composed of twelve (12) people known for their integrity, who reside respectively in the concerned cell and sector and recognized for their ability to reconcile. The Cell Council and the Sector Council elect them respectively for a term of five (5) years renewable.[574]

Achievements, with regard to the performance of *Abunzi,* emphasize that they offer a restorative form of justice, which helps people to resolve conflicts without reference to the ordinary courts that bends toward a retributive approach.[575] As it was the case for *Gacaca*, *Abunzi* are accessible to local and rural people in that their proceedings are carried out in the local language, within walking distance, with simple procedures, which do not require the services of a lawyer, and without the delays associated with the formal system.

The type of justice that *Abunzi* offer—based on reconciliation, compensation, restoration and rehabilitation—is more appropriate to people living in close-knit communities who must rely on continuous social and economic cooperation with their neighbors, such as, in Rwanda.

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572 Constitution of the Republic of Rwanda, as amended to date, 2003 (Art.159).
573 Rwandapedia. Available at: http://rwandapedia.rw/ explore/abunzi.
574 RGB (2012, 2013).
575 Mutisi (2011:3).

Mediation committees are highly participatory, giving the victim, the offender, and the community as a whole, a real voice in finding a lasting solution to the conflict while reducing prisons' overcrowding. They help in educating all members of the community as to the rules to be followed, the circumstances which may lead to them being broken, and how ensuing conflict may be peacefully resolved.[576]

Mediation committees (*Abunzi)* have thus had remarkable success. For example, empirical findings presented during the 9th National Dialogue Council, 15-16 December 2011, indicate that only 39 cases out of 863 have been transferred to courts; that 80% of the population believe that mediators are best in resolving conflicts; that 82% believe that mediation committees help to reduce arbitration costs; the process having saved government an estimated Rwf 7.5 billion; and that 87% believe that mediators expedite arbitration processes. The 2012 USAID's assessment findings also revealed that *Abunzi* have the advantage of being more affordable, accessible, participatory, and restorative compared to the ordinary court system, and process cases faster than the judiciary.[577]

[576] NURC/RRB, 2010.

[577] Republic of Rwanda, Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the9th National Dialogue Council, 15-16 December 2011, Presentation prepared MINALOC; PRESIREP; RGB; MIJESPOC; NURC.

CHAPTER 5

Achievements toward Unity and Reconciliation in Rwanda

> *I have a very good impression on the very great work that has been done in the building of Unity and Reconciliation of the country. Good analysis and studies on Reconciliation process have been made. Constructive debates on Unity and Reconciliation have been realized and people have been taught the value to live together in harmony everyone has embraced the Reconciliation value which is a positive result of the process.*[578]

> *Rwandans are far ahead in the process of Unity and Reconciliation. It is evident that the country has recovered from Genocide to a large extent through the Government's ability to create Reconciliation programs to rebuild society. From a functionalist perspective, these Reconciliation programs have addressed important social needs of Rwandan society, and Rwandans do appear to coexist peacefully.*[579]

Rwanda is still recovering from a long and deep divisive past, since colonization, which culminated into the 1994 Genocide perpetrated against Tutsi. Chapter four discussed various mechanisms used in Unity and Reconciliation process and how they play a role in this regard. This chapter aims at discussing the outcomes of their role in the process of Unity and Reconciliation in Rwanda. The achievements or outcomes discussed are much interrelated and often overlap. In this regard, the establishment of a favorable framework for Unity and Reconciliation has been one of the important achievements.

5.1. Unity and Reconciliation framework established

One of the great achievements toward Unity and Reconciliation process in Rwanda was the establishment of a favorable legal, policy, and institutional framework, which laid the groundwork for many programs and strategies, in this regard. The most important milestone was the political will manifested in the establishment of the Government of National Unity (under power sharing principle), the National Unity and Reconciliation Commission, and the successful elaboration and adoption of a National Constitution (2003), as well as the elaboration of the National Policy on Unity and Reconciliation. This was embedded within a rule of law-based governance in a way that abolished previous governments' divisive laws and policies, toward new laws and policies, as well as other mechanisms (discussed in chapter 4) promoting Unity and Reconciliation. This framework indeed marked a birth of a new nation-state with a new unifying vision[580].

Likewise, the ethnic classification once found on identity cards was abolished; access to education, jobs and public services were now offered based on personal merits; ex-FAR and former RPF combatants, once mortal enemies, were already integrated into a single national

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578 Tito Rutaremara, interviewed when he was an Ombudsman, NURC, (2009:15).
579 De Bari (2013). Ibid.
580 Rwanda national Police, 2014:29.

army (Rwanda Defense Forces)—a symbol of Unity; more than 5 million refugees returned to Rwanda and recovered their wealth; and more than 300,000 orphans have been adopted without regard to their identity or ethnic group; and the kick-starting of normal economic and social activities, while improving access to medical and other humanitarian services in all parts of Rwanda, have been initiated .[581]

At institutional level, the establishment of the National Unity and Reconciliation Commission (NURC)—mandated to lead and coordinate all strategies aimed at promoting Unity and Reconciliation took place, prior to the constitutional reform and the national Unity and Reconciliation policy—was particularly decisive. The NURC has particularly been a great engine that heavily contributed to the establishment and consolidation of a favorable framework for Unity and Reconciliation in Rwanda.

The fact of mainstreaming Unity and Reconciliation in all aspects of Rwanda's life, coupled with NURC's work in synergy with various stakeholders, is another indication of this favorable framework, which speeded up the process. The Rwanda Human Development Report 2007 indeed recognizes that having intrinsic and instrumental policies of development is not enough without mainstreaming conflict transformation in development.[582] This is so put given that Reconciliation is inseparable from national development in post-conflict societies.[583] The government of Rwanda has thus mainstreamed Unity and Reconciliation in all national institutions' development and planning, in reference to Vision 2020—the overall planning document of the Republic of Rwanda—with the PRSP and EDPRS at its heart.[584] As per requirement, all national institutions have included Unity and Reconciliation activities in their strategies and development plans. Unity and Reconciliation are now integrated in most sectoral policies,[585] given that all socio-political and economic initiatives have been framed in the language of reconciliation, strengthening unity, empowerment and the rebuilding of social relations in Rwanda.[586] Local governance structures, which encourage and facilitate collective action for the common good, are also in place and are effective."[587]

5.2. A favorable platform for constructive contact and dialogue

> *Success in Unity and Reconciliation process requires that the past be addressed without getting locked into a vicious cycle of mutual exclusiveness inherent in that past. People need opportunity and space to express to and with one another the trauma of loss and their grief at that loss, and the anger that accompanies the pain and the memory of injustices experienced.[588]*

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581 NURC, (2008)
582 UNDP, (2012).
583 Karen, (2007).
584 NURC, (2012); UNDP, (2012).
585 UNDP, (2005:28).
586 IDEA, 2008, p. 45-6.
587 Ensign in Gasanabo, Simon and Ensign, (2014:356).
588 Lederach ,(1997:26).

> *Full successful Reconciliation cannot take place without an adequate degree of genuine dialogue of a mutual and interactive nature. That is to say, the conditions and outcomes of successful dialogue lay the groundwork for the reciprocal enactment of the necessary elements of Reconciliation: Acknowledgment of transgressions, apologies of these, forgiveness of these, and assurances that such acts will not occur in the future.*[589]

In search of effective ways to promote Unity and relationships across the divides, it is generally contended that solutions derive and build from local sources,[590] notably through *social arenas*—understood as particular places or spaces in a specific context that limit the options of 'self' and 'other' and deconstruct the mechanisms of exclusion (stereotypes, dehumanization, enemy image), and where people can get into contact and confront each other non-violently throughout the process of change, from exclusion to inclusion.[591] This refers to a platform or social space where people can recount their experiences and share perceptions and feelings with one another through an encounter.[592] In this regard, a report from Caritas Internationalis adds that people need safe and hospitable spaces whereby basic human needs (such as being free from physical harm, and having shelter and food) are met, as without these basic needs being met, conflicting parties may continue to live in fear and anxiety.[593]

With the establishment of the Government of National Unity and the creation of the NURC, as well as the use of contact and dialogue-based programs (such as *Ingando, Itorero*, *Umuganda*, *Ubudehe*, National summits, National dialogue council, Grassroots and national consultations/dialogue, National summits, Leadership retreat, *Gacaca*…), a space for Unity and Reconciliation has been created in Rwanda. With these mechanisms, the Government of National Unity and the National Unity and Reconciliation Commission have significantly accustomed Rwandans to debate on issues facing their society. As discussed in chapter 4, evidence of this could be found in a number of instances, mechanisms and programs: (1) the *Urugwiro* discussions held from May 1998 to March 1999 on such issues as democracy, security, justice, economy, national Unity and the impact of all these on the governance of the country; (2) the advisory consultations, on national Unity and Reconciliation; (3) the National Summits on Unity and Reconciliation that undertook to sort out the causes and remedies for the devastating 'ethnic' divide; (4) the April- August 2001 evaluation of the Unity and Reconciliation performances, based on the wishes and perceptions of the grassroots populations as to how national Unity and Reconciliation should be promoted; and (5) community contact and exchanges in *Ingando, Itorero, commemorations, national dialogue, etc*.[594]

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589 Fisher, (2001:28).
590 Ramsbotham et al., (2005:222); Sentama, (2009).
591 Schulz,(2008:35); Lederach, (1997); Sentama, (2009).
592 Lederach, (1997:26, 29); Borer, (2006: 33), Crocker et al., (2007); Sentama, (2009:33).
593 Caritas Internationalis (2006). *Peacebuilding: A Caritas Training Manual.* Vatican: Caritas Internationalis. Available at http://www.caritas.dk/sites/default/files/attachments/ci_peacebuilding.pdf.
594 NURC, 2nd National Summit on Unity and Reconciliation in Rwanda, report 2002:7.

This space enabled Rwandans to get together to talk about the history of their country so that lessons can be learnt from those talks for people to correct their false perception of their national history, and there emerged the possibility of building a new Rwanda that is respectful of human rights. Public talks and debates have proved to be tremendously helpful in that they provide Rwandans with the opportunity to share their vision and perspective in solving the variety of problems facing the country. Rwandans also got a chance, through this space, to identify their genuine interests, just as they got to know the role they have to play in building their country.[595] For example, the National Dialogue Council (*Umushyikirano*) has served as a forum where Rwandans have had the opportunity to directly interact with leaders, including the President of the Republic, on a wide range of issues regarding the country's development agenda. The forum has served as a catalyst for implementation of government programs as it helps to enhance planning, governance, as well as effective delivery of government priorities.[596]

5.3. Restorative justice & Eradication of the culture of impunity

Since the end of the 1994 Genocide against Tutsi, one of the most critical issues that the new Government faced was to break the cycle of impunity that had plagued the history of Rwanda.[597] The impunity that was long enjoyed by the authors of previous social dramas had resulted, through the years, in the trivialization of violations by Rwandan authorities and populations. Eradicating this impunity thus became a prerequisite for sustainable Unity and Reconciliation. It also implied the continuous capture, trial and sentencing of all those involved in the tragic events that plunged Rwanda into mourning without considering either their large number or the limited capacity of the country's justice system.[598] This is notably materialized in the 2003 Rwandan constitution, as amended to date, in its Article 9 that emphasizes the commitment to "building a state governed by the rule of law…"[599] This commitment refers to the accountability for any kind of violence committed in order to eradicate the culture of impunity and to reinforce respect for the rule of law and the principle of 'due process' through judicial strategies.[600]

To this end, most of the attention and much of the resources had however gone to the universal or 'western' forms of justice,'[601] in the example of the UN-International Crimes Tribunal for Rwanda (ICTR), based in Tanzania, which had a jurisdiction over the indictment of only the suspected planners of the Genocide against Tutsi. No attention, at all, was however paid to the yet other thousands of suspected *génocidaires* and other actors of human rights abuse, beside planners.[602] Most importantly, issues with the ICTR have

595 NURC, Ibid.

596 Republic of Rwanda, Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the 9th National Dialogue Council, 15-16 December 2011, Presentation prepared MINALOC; PRESIREP; RGB; MIJESPOC; NURC.

597 Lederach, (2007:171).

598 Mucyo in Villa-Vicencio and Savage, (2001:50-51).

599 Constitution of the republic of Rwanda, (2003).

600 Richters et al., (2005:206).

601 DeBari, (2013)

602 Tiemessen, Alana E. Ibid (2004:3)

included the absence of a reconciliatory approach, yet a prerequisite for Unity of Rwandans.[603] This is why Rwanda corrected these shortcomings by engaging in the process of holding accountable all actors of human right abuses and Genocide through home-grown solutions that could make a difference by not only ensuring justice to thousands without delays but also, and most importantly, doing so in a way that is reconciliatory.

These strategies have been successfully implemented, as discussed in chapter 4, through participatory and/or culturally-based mechanisms under the Government of National Unity, and coordinated by the National Unity and Reconciliation Commission. Key ones, among others, point to the *Gacaca* jurisdictions and *Abunzi*—mediation committees[604] In this regard, Elster's contention is insightful:

> *Combating impunity certainly is a transitional justice objective with retrospective and prospective components. In the case of Rwanda, multiple transitional justice mechanisms, often operating simultaneously, have sought to hold previous atrocity perpetrators accountable by prosecuting and punishing suspected génocidaires. At the same time, these mechanisms were created to bring to justice future atrocity perpetrators through the development of political, social, legal, and institutional precedents and processes. Both initiatives have helped transform Rwanda's culture of impunity into one of accountability*.[605]

In essence, the community-reconciliatory-based mechanisms adopted by Rwanda contributed to accountability and, above all, ended the culture of impunity in a way that brought about restorative justice beyond the dominant discourse of retributive or deterrent justice. Deterrent or retributive justice holds that punishment is necessary, not simply because perpetrators deserve it but because it should help discourage a convicted perpetrator from committing another crime while rebuilding relationships.[606]

Restorative justice differs from the retributive or deterrent models of justice by holding that punishment alone is insufficient; punishment of criminals is necessary but should be facilitated in ways that allow perpetrators and victims to rebuild relationships; for example, by requiring perpetrators to compensate victims or provide reparations. In the face of mass crimes such as Genocide, restorative justice views the Reconciliation of individual perpetrators and survivors, and of entire communities, as the ultimate objective.[607]

Restorative justice is thus concerned far more about restoration of the victim and the victimized community than about the increasingly costly punishment of the offender. Restorative justice (1) elevates the importance of the victim in the criminal justice process

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603 Amstutz, Mark. Ibid, (2006:553)

604 The Office of the Ombudsman has been indeed created in order to fight corruption, injustice and other conflicts between citizens on the one hand, and government institutions and the private sector on the other hand.

605 Kaufman in Gasanabo, Simon and Ensign, (2014:380).

606 Clark, 2010, p. 38, p. 351.

607 Clark, 2010:38.

through increased involvement, input and services, (2) it requires that offenders be held directly accountable to the person or community they have victimized, (3) it encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victims and offenders. It places greater emphasis on getting offenders to accept responsibility for their behavior and make amendments, whenever possible, than on the severity of punishment, and (4) it recognizes a community responsibility for the social conditions that contribute to offender behavior.[608]

Restorative justice, form of transitional justice, was thus the justice mechanism adopted and supported by Rwandans, not only because of the necessity for Reconciliation and the restoration of Unity in Rwanda, but also because it was the only alternative. As put above, the western form of justice (formal courts, ICTR for example) did not provide the room for reconciliation because it limited the population's participation in the sorts of open dialogue, as *Gacaca* did, for example.[609] In this regard, restorative or transitional justice adopted by Rwanda is understood as:

> *The ways in which a society attempts to move away from authoritarian rule or armed conflict and come to terms with its legacy of past abuses, in order to create a justice system which will ensure accountability and prevent future atrocities from occurring.*[610]

Restorative justice brought about by *Gacaca* jurisdictions for example demonstrates the inadequacy of the dominant discourse, which assumes that deterrent justice was an appropriate response to the legacies of the Genocide.[611] The view central to the dominant discourse, which holds that non-legal pursuits were inappropriate at *Gacaca*, assumed that deterrent justice is an adequate response to the legacies of the Genocide. Yet it was clear that the singular punishment of perpetrators would not fulfill the reconciliatory purpose identified in *Gacaca*'s profound objectives.

The key problem with a singular focus on punishment is that this response amounts to the physical separation of perpetrators and survivors, thus undermining the potential for their meaningful engagement, which is yet crucial for restorative justice, and so Reconciliation. The point is that by failing to bring together perpetrators and survivors to discuss face to face the cause of, and solution to, their conflicts, deterrent justice, on its own, fails to provide the needed benefits (restorative justice) that *Gacaca*, instead, facilitated. This is so put given that Reconciliation requires that conflicting parties engage in a direct contact and interactions/discussions in a way that provides truth-based justice and restores their relationships. Such interactions are impossible without the sense of engagement that goes beyond deterrent justice, as *Gacaca* did.[612]

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608 Umbreit in Blomfield et al., 2003:111.
609 Clark, 2010, p. 351; DeBari, 2013.
610 Fahey (2013).
611 Clark (2010:351).
612 Idem.

5.4. Unity and reconciliatory expressions

> *Knowing about the abuse of the past and acknowledging them seems to be a crucial issue in transitional process. Ignoring history leads to collective amnesia, which is not only unhealthy for the body politics, but is essentially an illusion—an unresolved past will inevitably return to haunt the citizens.*[613]

The legal, policy, and institutional framework, along with homegrown solutions (discussed in chapter 4) constituted a favorable space that nurtured the reunifying and reconciliatory expressions and actions in Rwanda. These include truth telling, acknowledgment, apology, and forgiveness, on the one hand, and an opportunity for social cohesion, trust, and healing, and for people to look forward and envision their shared future, on the other hand.[614] The point is that the conditions and outcomes of successful dialogue lay the groundwork for the reciprocal enactment of some of the necessary elements of reconciliation: acknowledgement of transgressions, apologies of these, forgiveness of these, and assurances that such acts will not occur in the future.[615]

5.4.1. Truth about the past

One obvious set of key factors that affect the business of devising an effective Unity and Reconciliation process derives from the history of the conflict and the history of relations between the divided communities. This does not only relate to *what* actually happened in the past (the history); equally important are *people's perceptions* of what happened in the past (the mythology).[616] Therefore, seeking for accuracy about the past is a vital step in Unity and Reconciliation process, and this was the stand of Rwanda.

It is worth emphasizing that 'truth' in itself is one of the ingredients in Unity and Reconciliation. Like justice, truth is just a key part of Unity and Reconciliation.[617] Truth telling leads to, or complements, justice in order to transform memory into something concrete, to ensure that it will not recur within the society.[618] Truth, its discovery, and the extent to which it should be pursued along with other objectives in the post-conflict environment, is a perennial consideration in transitional societies. Survivors of violence often seek the truth of who organized, perpetrated and covered up crimes, and how they were able to do so. Truth after conflict thus concerns people's understandings of what occurred in the past.[619] As Robert Rotberg argues, 'if societies are to prevent recurrence of past atrocities and to cleanse themselves of the corrosive enduring effects of massive injuries to individuals and whole

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613 Sarkin in Vill-VIcencio and Savage, 2001, p. 56.
614 Lederach, (1997:26-27)
615 Fisher, (2001:28).
616 Blomfield et al., (2003). *Reconciliation after violent conflict: A handbook:* International Institute for Democracy and Electoral Assistance, p.40.
617 Blomfield et al., (2003). Ibid., p.14.
618 Hamber and Wilson (2002:19), In Hinan, 2010). Ibid., p.16.
619 Clark, (2010:34)

groups, societies must understand—at the deepest possible levels—what occurred and why'.[620]

It is generally contended that truth can be achieved through various means.[621] Generally, and often, truth-telling/seeking is limited to the work of the mechanisms such as Truth and Reconciliation Commissions (TRC) and/or International Tribunal Courts—these being the most popular transitional mechanisms in recent years. However, one of the shortcomings of these means is their inability to secure meaningful contact and dialogue from perpetrators, given that they do not involve them.[622] Recent findings also suggest that truth-telling through these may even be (re)traumatizing.[623]

The Rwandan experience appears to have corrected these shortcomings through truth telling/seeking mechanisms that involve the constructive contact between conflicting parties, the community, which use educative and interactive approaches. As discussed in chapter 4, grassroots and community consultations, leadership consultative forums, National Dialogue Council, National Summits, *Gacaca*, *Itorero*, *Ingando*, *Ubudehe*, *Umuganda*, memorial commemorations, *Ndi Umunyarwanda* program, etc., are such mechanisms. They have played an important role in bringing together Rwandans for debates and interactions that brought to light the real history of Rwanda and the cause of divisions in the past.[624] This does not however mean that all truth has been disclosed. Truth-telling remains a process all the more so since there are people who would prefer not to tell the truth for personal reasons: shame, to avoid confrontation with justice, or individuals still with divisive and Genocide ideology.

5.4.2. Acknowledgement, Apology and Forgiveness

> *Reconciliation doesn't come from the sky. It comes bit by bit. It means living together, saying sorry, asking for forgiveness. It is much more than words—it is actions.*[625]

There is a common contention in psychodynamic theories of group change that an essential ingredient of Reconciliation after violence involves group processes of acknowledgement, mourning, apology and forgiveness. The point is that explicit acknowledgement and acceptance of responsibility for past events that victimized the other group, along with assurances that similar events will not happen in the future, can activate a response of forgiveness that releases, on a deeper level, resistance to completing the mourning process and moving forward into problem-solving for a better future.[626]

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620 Rotberg, R. (2000). "Truth Commissions and Provision of Truth, Justice and Reconciliation", in Rotberg, R. and Thompson, D. (eds), *Truth v. Justice: The Morality of Truth Commissions*, Princeton, NJ: Princeton University press, p.3. See also in Clark, 2010:34.

621 Clark, P. (2010). Ibid., p.34.

622 Freeman and Hayner (2003:137), In Sentama, E. (2009). Ibid., p.45-6.

623 Brounéus, 2008 in Sentama, E. (2009). Ibid., p.46.

624 Uvin in IDEA (2003). Ibid.

625 Clark's interview with a genocide suspect during Ingando, Kigali-city; quoted in Clark, 2010, p. 112.

626 Sentama, E. (2009). Ibid.

Unity and Reconciliation suggest that a space for the acknowledgement of the past and envisioning of the future is the necessary ingredient for reframing the present. Acknowledgment is decisive in Unity and Reconciliation dynamic. It is one thing to *know*; it is yet a very different social phenomenon to *acknowledge*. Acknowledgement through hearing one another's stories validates experience and feelings and represents the first step toward the restoration of the person and the relationship. At the same time, Reconciliation must envision the future in a way that enhances interdependence,[627] which is illustrated in the expressions of remorse/repentance, apology and forgiveness.

It is clear that successful Unity and Reconciliation process, after divisions and violence, therefore necessitates, on the one hand, that the perpetrators voluntarily acknowledges their wrongdoings, repent, and apologize for these evildoings. On the other hand, it becomes much more beneficial when the survivors' voluntary forgiveness is also granted toward renewed relationships. This is indeed the approach that Rwanda adopted.

Community-based mechanisms and programs (National summits, Grassroots and community consultations, *Ndi Umunyarwanda*, National dialogue Council, *Itorero, Ingando, Gacaca*, etc.,), adopted by Rwanda, brought together Rwandans of all walks of life to discuss issues about Rwanda's past while envisioning or planning about the Rwanda's bright future. This, in turn, opened up for expressions of acknowledgement, apology and forgiveness regarding human rights abuses. As indeed pointed out earlier and although this remains a process, these mechanisms and programs enabled an encounter between Genocide perpetrators and survivors and provided a favorable space for perpetrators not only to tell the truth, but also to voluntarily acknowledges their wrongdoings, repent, and apologize for these evildoings, on the one hand, and survivors to forgive them, on the other hand. For example, the *Gacaca* law indicates a set of incentives that encourage popular participation toward truth telling and wrongdoers to acknowledge their wrongdoings and repent.[628] Another example is that, after passing through solidarity camps (*Ingando*), former Genocide militia put up peace-building associations and clubs where they confessed their previous wrongdoing and pledge to build Unity and Reconciliation.[629]

In this regard, forgiveness—which however does not imply forgetting—entails foregoing feelings of resentment and a desire for revenge against the perpetrators, in a way that reconciles both sides and allows people to deal with memories of the past in a more constructive manner. Rwanda's dialogue-based mechanisms enabled active-public acknowledgment of crimes committed, and left open the possibility for victims to seek redress from perpetrators. Rwanda's approach thus addressed such worries like the thinking that forgiveness will entail the enforced forgetting of crimes, or that perpetrators will not receive the punishment they deserve.

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627 Lederach, J.P. (1997). Ibid., p.26-27

628 Uvin in IDEA (2003). Ibid.

629 NURC (2002). *2nd Summit of the National Commission on Unity and Reconciliation in Rwanda*, Kigali.

5.5. Healing fostered

Healing is part of Reconciliation toward Unity since trauma often damages relationships. Likewise, Unity and Reconciliation also entails the process of healing the trauma of both the survivor and the perpetrator after violence by providing a closure of the bad relation.[630]

Healing is about overcoming trauma experienced during or after a conflict. It refers to any strategy, process or activity that improves the psychological health of individuals following extensive violent conflict. Strategies, processes or activities aimed at rehabilitating and reconstructing local and national communities more broadly are also integrally linked to this process.[631]

In Rwanda, it is impossible to overstate the extent to which there has been severe material loss, physical injuries, as well as emotional and psychological trauma in Rwanda after the liberation war and the 1994 Genocide against Tutsi. Nearly every citizen has been affected, and so traumatized, by the legacy of the divisive past and violence, and particularly the 1994 Genocide against Tutsi, whether from direct involvement in perpetrating such violence, from personal injury, or from the injury or death of loved ones.[632] In the face of such trauma, concepts and processes of healing need to take a holistic approach that seeks effective response to its real causes (while also looking at the material, physical, emotional and psychological consequences) in a way that helps individuals and societies to come to terms with their personal experience of violent conflict.

In recent years, the concept of healing has become associated with the field of transitional justice whereby great attention has been paid to issues of healing after violent conflicts. Post-violence healing implies that societies require rebuilding from the level of the individual upward, in concert with nationwide pursuits.[633] As such, healing is not only about assisting individuals to address their psychological health needs in an isolated way, but is dependent upon and integrally linked to repairing and rebuilding communities and the social context. This implies restoring a normalized everyday life that can recreate and confirm people's sense of being and belonging.[634]

This is what the experience of Rwanda portrays, with regard to how the country is addressing its divisive past, through the intimate and less frightening socio-economic and educative programs involving the community (*Girinka*, *Umuganda*, *Ubudehe*, *Ingando*, *Itorero*, *Gacaca, associations and cooperatives, Unity and Reconciliation clubs, etc.*). For example, truth told during *Gacaca* courts and other contact-based initiatives (such as clubs, cooperatives or associations, etc,.) brought to light what happened, to whom, by whom, and where, notably during the 1994 Genocide against Tutsi. This in turn helped bring healing to many, especially

630 Galtung, In Clark (2010). Ibid., p.45.
631 Clark, P (2010:45); Blomfield et al., 2003, 77. Ibid.
632 Pearlman in Clark, P. (2010). Ibid., p.40.
633 Clark, P. 2010). Ibid., p.40-1.
634 Blomfield et al., (2003). Ibid., p.77.

survivors but also perpetrators.[635] Likewise, the dialogue in *Ingando* helped the ex-combatants and the RDF to unburden themselves emotionally. This was achieved by allowing them to talk about the conflict and its history.[636]

5.6. Social cohesion and trust built

> *It is widely recognized that without a minimum level of inter-personal trust society would not function. Social trust provides the cohesiveness needed for the development of meaningful relationships with other members of society. Trust is thus a key ingredient in social cohesion and a fundamental pillar upon which other societal processes rest. Trust helps to mobilize individuals to work toward common goals and makes communal projects more effective.*[637]

A total absence of trust between Rwandan citizens and the leadership/government institutions, and among themselves, and consequently the lack of social cohesion was the characteristic of the situation in the immediate aftermath of the 1994 Genocide against Tutsi. Given the deep wounds and sorrows resulting from bad leadership that divided Rwandans up to the Genocide in question, Rwandan citizens had completely lost trust in their leaders and political institutions. They had also lost trust among themselves to the extent that mutual suspicion and hatred were the norm. It was therefore imperative to re-establish links between Rwandans and to enable them live together in peaceful environment.

The notion of 'social cohesion' has however remained vague and poorly defined even though social scientists and policymakers have used it since the late 19th century. As a policy goal, the concept gained great prominence in the 1990s in particular within the European Union and in Canada, with an eye on building multicultural societies where all members feel a sense of belonging and have equal access to opportunities and resources. It has since also risen to prominence in international development circles, notably within the World Bank, where it is considered as key to the achievement of growth and the reduction of economic inequality.[638] In the most basic and intuitive sense, social cohesion refers to "*something that glues us together*" or "*the glue that bonds society together*." Social cohesion is correlated to social capital whereby relationships, norms, behaviors and institutions are strengthened to attract a better societal system that enhances inclusiveness and social interactions. This is so put because social cohesion and Unity are critical to societies' socio-economic development and growth in democratic and healthy state institutions.[639]

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635 Rwanda Demobilization and Reintegration Commission. Impact assessment of health insurance, housing, monthly allowances and other entitlements for disabled ex-combatants, Kigali, report July 2012:28; MIDIMAR, 2014.

636 Rusagara, ibid.

637 For a detailed theoretical discussion, see Michael R. Welch et. al. "Determinants and Consequences of Social Trust." *Sociological Inquiry*, Vol. 75, No. 4, November 2005, pp. 453–473.

638 See William Easterly, Jo Ritzen, and Michael Woolcock. *On 'Good' Politicians and 'Bad' Policies: Social Cohesion, Institutions and Growth.* World Bank Policy Research Paper 2448 (September 2000). In NURC, 2008, p. 26.

639 Lederach (1997); Ho-Won (2005).

The most generic recent definition of social cohesion sees it as "a state of affairs concerning both the vertical and the horizontal interactions among members of society as characterized by a set of attitudes and norms that includes trust, a sense of belonging and the willingness to participate and help, as well as their behavioral manifestations." In this definition, the "vertical" interactions refer to the relationship between the state and individuals in society, while "horizontal" interactions are between individual members of society.[640]

On basis of the above, the assumption is that if trust increases between Rwandan citizens, reconciliation and the restoration of Unity among Rwandans is more likely to occur.[641] Mutual trust is thus the chief ingredient in social cohesion. In this regard, Rwanda adopted favorable strategies that point to good governance, with power sharing (materialized in the formation of a Government of National Unity) and the effective decentralization, which brought government closer to the people. This is coupled with a Unity and reconciliatory based Constitution and policy, and the creation of an institution (NURC) in charge of leading Unity and Reconciliation endeavors. For example, public trust was restored through the Rwanda's legal system that goes against any behavior of revenge for the Genocide suffered.[642] Bad governance-based political institutions of the past were instrumental in dividing Rwandans. Strong institutions, good governance and the rule of law established since 1994 have made it that that citizens now trust in political institutions. Citizens' accounts in this regard read:[643]

> *Now I trust political parties because they [political parties] now speak the same language [understand each other against divisionism], which is different from the past whereby political parties were preaching different things, which were directed to ethnic based divisions.*
>
> *I now trust the leadership of today. They [leaders] now don't discriminate Rwandans; political parties of the past discriminated Rwandans, but nowadays political parties don't discriminate and they respect each other; they are good because they constitute a place for thinking.*

Researches on Unity and Reconciliation in Rwanda have indeed indicated that good governance through the engagement and empowerment of citizens in political and socio-economic life of Rwanda, created a kind of togetherness between Rwandan citizens and linked them to their leaders which cemented mutual trust and social harmony. Rwanda's vision 2020, implemented through 'a shared development' in the form of socio-economic homegrown programs like *Ubudehe, VUP, Umuganda,* and other cooperative or collaborative undertakings such as *Umurenge* SACCO, is a living example of the mechanisms that enhanced social cohesion and inclusiveness.[644] These programs provided opportunities to reunite and reconcile Rwandans as trust and social cohesion were/are being gradually built

640 NURC, 2008, p. 26.
641 NURC/RRB, 2010; MIDIMAR, 2014, p. 21-22.
642 Jha et al., 2004:22
643 Interviews, 2013.
644 Brian, 2012

around such solidarity actions that promote shared socio-economic goals.[645] Program beneficiaries improved their social relations through socialization within their respective economic program activities.[646]

Findings from the NURC's annual surveys on social cohesion indicate that Unity and Reconciliation are among the induced effects of these fruitful horizontal and vertical relations between citizens and leaders.[647] The findings also indicate that trust is getting built among Rwandans, in spite of Genocide ideology and the wounds still fresh for some Rwandans, as a result of the legacy of the past divisions, especially the 1994 Genocide against Tutsi. It follows therefore that the building of trust and social cohesion remains a process. However, 94% of respondents commend the work of the NURC in the promotion of social cohesion through its activities that promote the culture of socio-economic communal work, mutual support and opportunity sharing, as well as planned visits for experiential learning that 'opened' eyes of Rwandans and have changed their mindset, especially in the fight against divisions and Genocide ideology.[648] Security provided was/remains also an important aspect of social cohesion and the restoration of trust in the community. The RDF Unity and Reconciliation associations (of former antagonists combatants thus brought together into one single national security body—national army/police) provide a living evidence of social cohesion.[649]

Already in 2004, the Opinion Survey on the process of Decentralization and Democratization in Rwanda indicated that 78% of respondents asserted that Genocide survivors cohabitate harmoniously with Genocide perpetrators, who have confessed and released from prison.[650] The 2010 Rwanda Reconciliation Barometer's findings indeed indicated significant progress in terms of forging social cohesion in the wake of the 1994 Genocide against Tutsi (more than 92% overall). Responses suggest positive development (more that 80% overall) in terms of positive interactions, as well as the levels of trust that exist between communities that found themselves on different sides during the Genocide in question.[651] In this regard, illustrative accounts from citizens read, respectively:

> *Rwandans trust each other; there has been forgiveness on both sides; now people [from both sides] are marrying each other, people live together harmoniously without suspicion as it was before.*[652]

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645 Batware, 2012
646 Republic of Rwanda, 2007
647 Blomfield et al.,2003; NURC, 2010
648 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.20.
649 Rusagara, Ibid.
650 NURC (2004). Opinion Survey on the process of Decentralization and Democratization in Rwanda, March, Kigali, p.38.
651 NURC/RRB, 2010
652 NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Past, Political culture, and Economic security*, Kigali, p.67.

> *A big step has been taken. People live together harmoniously; they are brought together through various works like business, agriculture, and others…they support each other and there is no suspicion among them.*[653]

Other studies also indicated that Rwanda's homegrown strategies, involving community participation, have significantly succeeded in fostering trust and social cohesion. For example, RGB's Citizen Report Card indicates citizens' level of trust at 93%.[654] The study conducted by the Institute of Policy Analysis and Research in Rwanda (IPAR) has also indicated a high level of trust by citizens for local politicians (82.9% in average) and national political institutions (89.8% in average), and a very high level of trust among members of the same family (95%).

All the above findings, which portray how much community-based solutions contributed/contribute to trust and social cohesion, match with theories that have shown that when the sides work together to satisfy a common need—an activity involving participation and interdependence—this results in a positive expectation that each side has in relation to the others. Each side expects that the other side would contribute to his or her well-being given that both sides were expected to share the success or the failure of their shared undertaking. It follows that they all strive towards the success of their shared undertaking, which implies a common understanding and eventually trust, with ultimately positive consequences on their relationships. The relatively simple act of trusting that each side would contribute to the well being of the other is thus an important aspect characterizing conflicting parties' improved and restored relationships.[655]

The level of trust between the parties is indeed an important variable because human thinking and action is partly determined by expectations. In other words, when individuals engage in cooperative endeavor, they tend to break down their negative attitudes and behaviors; they begin to depend on each other, and they therefore start building normal, positive relationships, a process that becomes extended to previous negative aspects of their relationships.[656] This thus matches with Rwanda's culture, whereby Unity, solidarity (in the sense of cooperation, interdependence or mutual support), and the fact that none can live as an island, have always been considered to be the foundation of society, and one of the best way for people to live and thrive.[657]

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653 NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Past, Political culture, and Economic security*, Kigali, p.67.

654 Ensign in Gasanabo, Simon and Ensign, (2014: 351-3).

655 See Friberg Mats, 2003:19 and Sentama, 2009:169.

656 Idem.

657 Sentama, 2012.

In view of the above facts, the following summarize some of the factors that helped to promote trust and social cohesion among Rwandans:[658]

- Good governance, with leadership that promotes equity and equal rights in social-economic services such as: equal access to education, security, health, jobs and other economic opportunities, equitable distribution of national resources, etc.;
- Revelation of truth about what happened during the past and the 1994 Genocide against Tutsi. Those who committed crimes were exposed, which promoted the principle of individual responsibility;
- Concerning property looting and property destruction crimes during the 1994 Genocide against Tutsi, some offenders and the offended preferred to negotiate solutions instead of having to tussle it out of law courts;
- In many cases, both Genocide survivors and released perpetrators or relatives of perpetrators work together in cooperatives or associations that they formed for the purpose of fighting poverty, which naturally restores broken relationships and nurtures social cohesion;
- Support to Genocide survivors is a community gesture and often community does it voluntarily including neighbor released perpetrators;
- Some of Genocide perpetrators voluntarily accepted/accept to work together to support Genocide survivors, mainly by building shelters for survivors whose houses have been destroyed by perpetrators during the Genocide against Tutsi;
- A number of credit and savings financial institutions have emerged in Rwanda (in the example of *Umurenge* SACCO) and serve all Rwandans without any discrimination whatsoever;
- A number of artist and cultural troops compose songs intended to sensitize Rwandans on Unity and Reconciliation;
- Rwanda revisited the culture of neighborhood friendship consisting in offering cows to one another in order to promote social welfare of one another, while at the same time promoting good relations;
- Youth in universities, secondary schools and even outside school system come together voluntarily and form clubs of Unity and Reconciliation as a means of sensitizing their fellow youth for this noble cause;
- The promotion of equality and gender balance was another factor of social cohesion in Rwanda, as gender inequality has been successfully addressed.

[658] NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.22-23.

5.7. National identity and dignity restored

> *It is our responsibility to build a new Rwanda and everyone has to play an important role in this process.*[659]

For Genocide, or any other crime against humanity, to occur, as it has been the case in Rwanda, there must be a breakdown of human values and dignity. The divisive past of Rwanda destroyed Unity and dignity of Rwandans and so the Rwandan identity. For example, immediately after the 1994 Genocide perpetrated against Tutsi, being called 'a Rwandan' was almost felt as an abuse as it was almost synonymous to being a killer.[660]

To restore national identity, the political will manifested in the instauration of the Government of National Unity and the NURC laid a favorable groundwork for home-grown mechanisms that have contributed a lot in rebuilding the human values, inclusiveness, and dignity of Rwandans. The National Dialogue council and *Ndi Umunyarwanda* program, are among the key mechanisms in this regard. Beside these, special support for the poor, the vulnerable and disable, through various socio-economic support mechanisms (such as *Girinka*, *Umuganda*, VUP…) also exemplifies Rwanda's care for social inclusiveness.

The participatory manner in which the constitution was designed also created a sense of ownership among the different sections of the people of Rwanda. Rwandan citizens, *Abanyarwanda,* have internalized the fact that the constitution is their own achievement and are aware of their owned privilege of having one country, a common language and culture, and a long shared history from which to draw positive values that must be the basis for a common vision of their destiny.

Likewise, the socio-cultural and educative mechanisms, notably those favoring collective action (rooted in the traditional culture of working together) contributed to increased solidarity, and strengthened togetherness and national identity. They increased patriotism and civic participation (especially among the young generation), social integration and cohesion, and a sense of responsibility and love for the country. For example, Civic education (through *Itorero* and *Ingando*) provided to all Rwandans reinforced national identity (Rwandanness) and solidarity among them while nurturing as sense of ownership of their own destiny. Programs such as *Imihigo* and *Ubudehe* also re-energized national identity and patriotism while enhancing collective ownership of national problems, as well as commitment to finding solutions together.[661] Ensign expressed his optimism while concluding his recent study (2014) on *Ubudehe* and *Imihigo* by stressing that through these mechanisms, "*development progress is accelerating*" and that "*citizens, especially at local level, are*

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[659] His Excellency, Paul Kagame, addressing the Cabinet, at the 2 days cabinet retreat themed "Critically examining our dark history towards shaping a bright future: Leadership responsibility in driving "Ndi Umunyarwanda." November 8, 2013.

[660] NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date.

[661] Niringiye, (2012; Shyaka, (2007).

shaping their own future. Local governance structures are in place and encourage and facilitate collective action for the common good."[662]

The 2010 Rwanda Reconciliation Barometer also notes that more than 90% of the population strongly agreed that they are proud to be citizens of Rwanda and share common values. Additionally, over 90% of Rwandans reported that they want their children to think of themselves as Rwandan, above other identities. Thus, the efforts toward national Unity shifted the way individuals configure their identity. The trumping of national identity over ethnic identity created a more peaceful nation.[663] Empirical findings presented during the 9th National Dialogue Council (15-16 December 2011) under the theme "*Strive for our dignity, together we pitch for rapid development"* also indicated that 91% of Rwandans proudly identified themselves first and foremost as Rwandans, and that 99% would like their children to identify themselves as Rwandans without ethnic considerations.[664] The fact that all Rwandans now have equal rights and equal opportunities before the law, has indeed promoted a feeling of national pride and respect for one another. This also promoted a sense of belonging, which in turn has ensured national identity.[665]

Today, Rwanda is known for being a paragon of peace, Reconciliation and example of good governance, a fact proven by the number of prizes. Rwanda's dignity is also reflected in the trust the country is globally given, especially in the area of peacemaking and peace building whereby Rwanda's national army and police forces are distinguished for being disciplined and conscientious in their peacemaking duty.[666]

5.8. Some best practices in Unity and Reconciliation

Community and individual ownership of Unity and Reconciliation process in Rwanda, and their willingness to embrace and engage in activities that further Reconciliation and restore Unity, is evidenced in the innovative organizations. Such initiatives indicate high levels of comprehension, resilience, and the development of citizens' capacity in this regard.[667] It is in this regard that, since 2010 the Unity Club *Intwararumuri*, in collaboration the NURC, initiated a 'Unity Award' for persons (individuals or organizations) excelling in contributing to Unity and Reconciliation in Rwanda.

This section provides some best practices (among many that belong to both the public, private and civil society-including religious denominations) that are playing an important role in Unity and Reconciliation, some of them having even been awarded in this regard. Presentations in this regard depart from the 'Unity Club' *Intwararumuri*, which indeed initiated the 'Unity Award'.

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662 Ensign in Gasanabo, Simon and Ensign, (2014:356)

663 NURC (2012). Rwanda reconciliation barometer, p.59

664 Republic of Rwanda, Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the 9th National Dialogue Council, 15-16 December 2011, MINALOC; PRESIREP; RGB; MIJESPOC; NURC;

665 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date.

666 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.5.

667 NURC (2009). Ibid., p.26

5.8.1. Unity Club—*Intwararumuri*

Within the framework of promoting Unity and Reconciliation in Rwanda, a Unity Club, known under the name of *Intwararumuri* (literally translated as 'light holders') was founded. This Club (a leaders' forum of network and dialogue) was founded on February 28th, 1996 by women, spouses of Cabinet Members, and women, Cabinet Members, as effective members, while the men spouses and Cabinet members joined the club on March 8th, 2007 as associate members.

The Club was created with the aim of promoting Unity while contributing to the socio-economic development of Rwanda. Its vision aspires to create a forum where members and other Rwandans are inspired to develop proactive dialogue, productive network and mutual responsibility to address social problems and participate in Rwanda's development. Its mission is *to enhance Unity and peace as the roots of a sustainable development in Rwanda*. In line with its vision and mission, the Club's objectives are[668]:

1) To significantly contribute to the promotion of Unity among Rwandans and social development in general;
2) To bring together, current Cabinet members and their spouses to build a better Rwanda through their power of sharing and interaction;
3) To continually foster collaboration and create a platform for open dialogue and Unity among members;
4) To advocate for the socio-economic wellbeing of disadvantaged groups in general, with particular focus on orphans;
5) To contribute to the empowerment of Rwandan women and promote gender equality;
6) To promote collaboration with development partners.

Under the chairmanship of Madam Jeannette KAGAME the First Lady of Rwanda, the above objectives have effectively been met, in general. For example, vulnerable families have been advocated for. Regarding children's rights, 387 children-orphans benefited free ICT training, and women networks have been established.[669]

With regard to Unity and Reconciliation, in particular, the Unity Club provided/provides its members with an invaluable opportunity to promote *social cohesion* and work together toward sustainable development of Rwandans. Seminars and campaigns, for open dialogue and experiences sharing toward a unified nation, have been successfully organized and conducted.[670] Within the respective of its vision, mission and objectives, the Club has so far organized seminars or forums. For example, the theme of the 3rd seminar, in collaboration with NURC, was about "*the role of leaders to spread the viable culture of consensus and truth through all levels of the society, seeking to reconcile Rwandans and improve their cohesion.*" During this seminar, a space was provided to artists and Rwandan Journalists

668 See: unity-club.org/IMG/pdf/UNITY_CLUB_Introduction_Final_2010.pdf.
669 Idem.
670 Idem.

under the project: “100 days” “100 celebrities” “100” messages.” These artists and journalists used their talents to take an active part in the closing ceremonies of commemoration for three months of the Genocide perpetrated against Tutsi.[671]

Members of Unity Club *Intwararumuri* have demonstrated that they were committed to act as role models for Unity. By effectively achieving their objectives, they have been at the forefront in contributing to the building of Unity of Rwandans, starting by the members, and then the entire leadership and Rwandans in general. It is in this regard that the first Unity Award (2010) was given to His Excellency, Paul Kagame, the President of the Republic of Rwanda, for having been at the forefront in the promotion of Unity and Reconciliation in Rwanda.

5.8.2. *Ubutwari Bwo Kubaho* Association

Ubutwari bwo kubaho’ association (literally translated as ‘bravery for living’) stands as another success story that received the second Unity Award, in 2011. This economic-oriented initiative, from Karama sector of Huye district in Rwanda’s southern province, was initiated in 1995 by female survivors of the 1994 Genocide against Tutsi and wives of Genocide perpetrators.

Shortly after the Genocide against Tutsi, the female Genocide survivors, realized that they needed to find ways to start rebuilding their lives. They thus gathered their resources to start a series of income generating projects (soap-making, tomatoes and other vegetables to sell in the market). The wives of Genocide perpetrators overwhelmed with shame and guild of their husbands’ actions saw these women banning together and wanted a chance to join and also overcome the famine and poverty that were rampant in the region. The survivors were at first hesitant and at times even outright angry at these women, many of whom husbands (most of them in jail) had killed survivors’ husbands and children. However, with the assistance of the Catholic Father, who is also a Genocide survivor, the two groups of women began to meet, but women survivor requested the other women to first tell the truth about what happened before they could be accepted to fully be part of the group. They did so, and good relations between these sides started. Now there is good cooperation among them. The association is now providing them with sewing services and members have the same activities aimed at their self-development such as the prepaid health insurance scheme and so on.[672]

For many foreign observers, in the example of Siddal, “these women’s ability to come together and reconcile, by means of solidarity/cooperation toward economic activities, is unspeakably inspiring.”[673] In this regard, tolerance, dialogue and truth-telling, as well as live and help others to live constitute the motto of this association.[674]

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671 Unity Club *Intwararumuri* (2010). *Annual activity report*, Kigali.

672 NURC (2004). *The 3rd National Summit report on Unity and Reconciliation*, Kigali, September, p.53;

673 Siddal, Zack (2014). *Association Ubutwari Bwo Kubaho*. Available at: wheretherebedragon/association-ubutwari-bwo-kubaho/, Consulted on December, 18, 2014.

674 NURC (2004). Ibid., p.54

The association's achievements, with regard to Unity and Reconciliation, beside economic well-being, emphasize success in building social cohesion among members and the rest of the community. Association members' fact of solidarity (working together) to promote their economic well-being (modernized agriculture and livestock) contributed to social cohesion among them as this led to mutual support in other relational activities such as in festivities like weeding ceremonies and parties, contribution to health insurance for the vulnerable, but also in times of sorrow (deaths, Genocide commemoration periods...). In addition, not only members sensitize other citizens to join them but also they sensitize Genocide suspects in prisons, who have committed Genocide, to acknowledge their wrongdoings, repent and ask for forgiveness. This was indeed successfully achieved and speeded up the Gacaca process. Some men to whom forgiveness was granted and released also joined their respective wives in the association.

The association also created two youth clubs for Unity and Reconciliation—the club for students in secondary/high schools known under the name of "*inyange z'ubutwari bwo kubaho" (*litarally translated as ,'Cattle egrets for bravery for living') and the club for the youth, who have been unable to go to school, known as "*urumuri rw'ubutwari bwo kubaho" (*litarally translated as '*Light for* bravery for living).

Now, the association is composed of 1,758 members (1,700 female and 58 male), whose activities have been extended to the neighboring district of Nyaruguru.[675]

5.8.3. *Inyenyeri* Association

The *Inyenyeri* association (literally translated as 'Star' association', impliying that it sheds lights for Unity and Reconciliation), which received the third 'Unity Award', in 2012, for its role in fostering Unity among Rwandans, was created in July 1994, soon after the Genocide against Tutsi, in the former Mutura district, now Rubavu district of the western province of Rwanda. The association was initiated by a Genocide survivor and some old-aged individuals from both the side of the 1994 Genocide survivors and the side of citizens who had hidden or protected Tutsi during the Genocide. The mission of the association is to build a culture of peace between Genocide survivors and Genocide perpetrators. Activities of the association, in this regard, are based on Rwandan peaceful values (integrity, honesty, tolerance, dialogue, Reconciliation…). The association is now composed of 45 members including Genocide survivors, Genocide perpetrators, new and old-case returnees, and some of their respective members. The main activities of this association have been:

- Sensitizing refugees, especially those in DRC forests, to return to Rwanda, their home country, and ensure warm and fair integration for them, while giving them back their properties that they had left;

[675] Siddal, Zack (2014). Ibid.

- Uniting with returnees to fight together against infiltrators, who wanted to continue their genocidal acts;
- Sensitization of citizens in general on how Genocide ideology is bad to individuals, families, and the entire society, and;
- Sensitizing citizens to tell the truth during *Gacaca* jurisdictions;

Achievements of this association include the promotion of social cohesion among its members (in the example of mutual gifts of cows) and neighbors, speeding up *Gacaca* process, enabling Genocide perpetrators to repent, telling the truth and asking for forgiveness while providing support to the vulnerable people including Genocide survivors. Genocide survivors also forgave perpetrators to the extent of let it go the properties destroyed by the former, evaluated at 99.425.600 RWF (around USD 150,000).

To raise income, and within the perspective of Unity and Reconciliation, the association created two sweet potatoes' agricultural cooperatives: *Dusugire* (that could be translated as 'let's improve our lives') and *Impuhwe* ('compassion').

Local authorities confirm that social cohesion witnessed among *Inyenyeri* association members reduced conflict among citizens and constitutes a learning platform for other citizens, while supporting government's initiatives for Unity and Reconciliation. The association is now training students on the culture of peace and how bad division and Genocide ideology are.

5.8.4. *Imyumvire myiza* Association

Another best practice in Unity and Reconciliation, which received the fourth Unity Award in 2013, is the association called 'Imyumvire myiza' (literally translated as 'good understanding') of Ngororero district. The district of Ngororero had a particularity about divisions and the Genocide acts because this is the place where the Genocide perpetrated against Tutsi has been piloted and implemented. This is also a district from which the leading planners of the Genocide in question originated, and a strategic place chosen by post-Genocide 'infiltrators'[676], who aimed at continuing committing Genocide. The association '*Imyumvire myiza*' is composed of Genocide survivors, individuals who had refused to collaborate with or join the infiltrators, demobilized soldiers, Genocide perpetrators who confessed and released after purging their sentence, and the rest of citizens who are not part of the above categories.[677]

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[676] *Infiltrators*, known under the Kinyarwanda name of '*Abacengezi',* were guerilla insurgents constituted of both the defeated ex-FAR and the infamous genocidal militia (*Interahamwe*), who had fled the country after RPA's victory in 1994, and organized in 1996 to infiltrate among the population of north-western part of Rwanda and organize killings attack, from the former Zaïre (now DRC), with the purpose of causing insecurity and continue with their genocidal acts.

[677] NURC (2014). *Raporo y'ibikorwa bya Komisiyo y'Igihugu y'Ubumwe n'Ubwiyunge: Nyakanga 2013-Kamena 2014. 'Ndi Umunyarwanda'*, Nzeri, Kigali, p.114.

Achievements of this association, with regard to Unity and Reconciliation, highlight the fact that its members (1) sensitized/sensitize other Rwandans with whom they live side by side in the community to tell the truth (this was relevant for example during *Gacaca* proceedings), (2) former perpetrators-members of the association sensitized/sensitize Genocide perpetrators who looted and/or destroyed survivors' property to provide compensation, (3) members of the association sensitized/sensitize Genocide perpetrator, who are still in prisons to acknowledge their wrongdoings and repent, (4) members sensitized/sensitize families still in exile, including those still held in hostage by Genocide perpetrators, to do their best and return to their country, (5) members visit and mediate families with conflicts, (6) members organized and held talks in the community regarding Unity and Reconciliation, (7) members sensitized people to keep memory, commemorate the 1994 Genocide perpetrated against Tutsi, and provided support to survivors, (8) members also provided support to orphans, widows and vulnerable people in general in activities such as building houses, providing them with domestic animals, household materials, health insurance, children's tuition fees, etc.[678] In this regard, a witness of this association's activities, and a Genocide survivor, stressed respectively:

People who thought Unity and Reconciliation was impossible are the ones who are now promoting it. Some of them are survivors while others are perpetrators. Now they are working together in that association. Is actually important to get and work together. In so doing people improve their lives together.[679]

Through this association the truth frees us from the weight we have carried around since the Genocide. It is important because it allows us to be together and to hear the truth and to learn to live together again.[680]

5.8.5. *Twuzuzanye* Association

Twuzuzanye (literally translated as 'let's complement each other') is an association located in Rilima sector of Bugesera district in the eastern province of Rwanda, which received the fifth Unity Award (November 8, 2014). The association is made of Genocide survivors and former Genocide perpetrators, as well as their respective family members. With regard to Unity and Reconciliation achievements, the president of *Twuzuzanye* stated:

> *We now live peacefully together with those who wronged us [Genocide perpetrators]; we live side by side; nowadays we even intermarry. In our association, every member has internalized the importance of Unity and Reconciliation. We do not have Unity and Reconciliation in words; instead we have agriculture activities that we do together, and after farming, we sit together and brainstorm on our dark past for this to never happens again.*

678 NURC (2014). Ibid., p.114.

679 Interview with a citizen, who witnessed the living and working spirit of members of *Imyumvire myiza*' association, December, 2014.

680 Inteview , 2014.

The above-presented initiatives are those that won the 'Unity Award' for their distinctive role in promoting Unity and Reconciliation in Rwanda. However, Rwanda counts many other initiatives that heavily promote Unity and Reconciliation in the country (Local NGOs, associations, cooperatives, religious denominations, media, clubs, forums, research centers, media, etc.). All of them cannot be described in this book. As an illustration, the next lines present only two of them—*Ukuri Kuganze (Let truth prevail)* Association, and the *Commission of Justice and Peace* of *Mushaka* parish.

5.8.6. *Ukuri Kuganze Association*

The association '*Ukuri Kuganze* (literally translated as 'let truth prevail/triumph') was created in Rweru sector of Bugesera district (Eastern province) by Genocide perpetrators, who pleaded guilty, asked for forgiveness while committing themselves to telling the truth and fighting the Genocide ideology and its architects.

The main objective of this association is to tell the truth about what happened during the Genocide. The association's members tried to get in touch with Genocide survivors and carried out some good will activities for them. Some of these activities include the revealing of the pits where victims have been thrown so that survivors could bury them in dignity. They also built houses for the survivors. Through story sharing and truth telling, this association enabled the expressions of acknowledgment of the wrongdoings, apology of them and request forgiveness, which has been granted.

On February 24th, 2014, *Ukuri Kuganze* association also developed a new program called 'Unity and Reconciliation Development Box'. This is a dialogue-based program aimed at improving the quality of life of members through participatory brainstorming and discussions on Unity and Reconciliation initiatives, which notably started with *Ndi Umunyarwanda* program. The association is composed of 846 people of different categories: Genocide perpetrators released from prisons, Genocide survivors, family members of Genocide perpetrators, and neutral people.

5.8.7. Commission of Justice and Peace of Mushaka Parish

Established in 1963 as an independent Parish, Mushaka Parish belongs to the Catholic Church and is located in Rusizi district in the western province of Rwanda.

The Parish has heavily contributed to Unity and Reconciliation through its *Commission of Justice and Peace*. In so doing, the Parish created a forum that brings together Genocide survivors and Genocide perpetrators for reconciliatory dialogue and consequent actions. The Parish did/does so on basis of words from the Christian Gospel that read: "*do not be overcome by evil, but overcome evil with good*" (Romans 12:21). In this regard, Father Ubald Rugirangoga, of Mushaka Parish—the brain behind the whole Reconciliation drives in the area, states:

> *We taught them basing on St. Paul's Gospel, that good should overcome evil. We used a few people who had saved Tutsi as mediators to foster Reconciliation.*

It is in this perspective that Mushaka Parish also initiated debates and lectures, to the benefit of survivors and perpetrators, that last for six months so as to nurture and provide a space for truth-telling in a way that leads to the expressions of acknowledgement, repentance and request for/granting of forgiveness. This is always done within the spirit of healing, restoration of individual humanity/humanism, and in a way that enables parties to come to term with mutual suspicion and anger. Celebrations for achievements in Unity and Reconciliation, evidenced in testimonies from survivors and perpetrators, also take place.

In addition to the one-on-one Reconciliation process, every graduating class at the Mushaka Parish creates a development project to collaborate on, the most recent being a communal vegetable garden. Graduates hold that the process has helped them heal and get along with their neighbors, a meaningful accomplishment in a country where Genocide convicts are regularly completing sentences and being returned to their communities. Illustrative testimonies, of respectively a widow-Genocide survivor and Genocide perpetrator, read:

> *I feel as if something heavy has been lifted from my heart. Since this man came to me, to ask for forgiveness, I am at peace with him, God and most of all my conscience.I am excited to live in harmony with my only surviving uncle once again. I am sorry for having killed his brother.*

November 23, 2014 was indeed Mushaka Parish's seventh celebration of her achievements in the promotion of Unity and Reconciliation in Rwanda. The National Unity and Reconciliation Commission indeed plans to use Mushaka as a model Parish so as to foster Reconciliation in the rest of the churches around the country.

CHAPTER 6

Challenges to Unity and Reconciliation Process in Rwanda

> *Much as substantial achievements have been realized, a lot more remain to be done [toward Unity and Reconciliation in Rwanda] because of the long history of divisions and discrimination practiced by successive past regimes.*[681]

The road to Unity and Reconciliation in Rwandans still faces a number of challenges, despite the achievements since 1994, as discussed in chapters 4 and 5. This chapter is aimed at discussing the challenges faced in this regard, while bearing in mind that Reconciliation work and the restoration of Unity is a complex process that can take considerable time, and over several generations."[682]

6.1. Genocide ideology, divisionism, and denial

The first hindrance, which has always been plaguing Rwanda, for a longtime, is the fuelling of divisions, discrimination, and Genocide ideology.[683] Divisionism and Genocide ideology was taught for a long time in Rwanda since the arrival of colonial powers. This ideology cannot thus be eradicated over a short period of time.[684]

In Rwanda, after 20 years since 1994, divisionism, Genocide ideology and negationism/denial, remain rampant either in old generations or young generations. This is often reflected in every commemoration period where some Genocide survivors are often killed or harassed with hate speeches[685] coupled with the distortion and manipulation of the real Rwandan history.

In one way or the other, divisionism, Genocide ideology and denial are serious hindrances to Unity and Reconciliation process.[686] Studies and reports on Rwanda indicate the prevalence of divisionism, Genocide ideology and denial—where people still teach their children about ethnic-based hatred.[687] Divisionism, Genocide ideology, denial and hatred sown in the Rwandan society are thus still persistent in the mindset of, above all, the old generation.[688] This is so put given that, as Charny indeed stresses:

> *Denials of known event of Genocide must be treated as acts of bitter and malevolent psychological aggression, certainly against the victims, but really against all of human society, for such denials literally celebrate genocidal violence and in the process suggestively call for renewed massacres—of the same people or of others. Such*

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681 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.24.
682 Republic of Rwanda, 2012, p. 82.
683 Medard Rutijanwa, during NURC's 2nd Summit on unity and reconciliation, 2002.
684 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.23.
685 Bizimana, 2014.
686 Shyaka, 2007.
687 Interview with Tito Rutaremara when he was still an Ombudsman, NURC, 2009, p. 15.
688 Rwandan Senate, 2009.

denials also madden, insult and humiliate the survivors, the relatives of the dead, and the entire people who are the surviving victims, and are, without doubt, continuing manifestations of the kinds of dehumanization and disentitlement that we know are the basic psychological substrates that make Genocide possible to begin with. The deniers also are attacking the fundamental foundations of civilization, namely the standards of evidence, fairness and justice, by flagrantly altering the historical record.[689]

Genocide ideology and denial are also sawn through some media and academicians by both some foreigners and some Rwandans, many having been involved in, divisions that disunited Rwanda and the Genocide against Tutsi in 1994.[690] Exiled planners of Genocide still propagate the divisions and Genocide ideology and denial and other utterances intended to demean good work being done in Rwanda, with regard to Unity and Reconciliation. Some governments and organizations are also still concluding alliances with genocidal forces toward the propagation of Genocide ideology and denial. There are active alliances between negative forces operating in neighboring countries and some actors and foreign governments. The fact that the international systems, particularly the UN, has not taken any concrete measures against Rwandan genocidal forces so as to bring Genocide perpetrators to justice, has also continued to negatively affect the Unity and Reconciliation process, in one way or the other.[691]

Genocide ideology is also nurtured by flawed ideas of some researchers who publish false and divisive knowledge that misleads the international community and the public, especially on the homegrown mechanisms. An example is where *Gacaca* courts and *Ingando* received much criticism from the western world.[692] These false ideas claim that Rwanda's Reconciliation through homegrown solutions serves as a tool of state control and unjustified coercion of the populace and that it risks reducing Rwandan citizens to mere ciphers of government diktat. This claim is false and flawed as "Rwandan citizenry as active, conscious political agents, whose behavior constitutes more than acquiescence or resistance to centralized power.[693]

The discrimination and persecution of people, of Kinyarwanda's expression, particularly the Tutsi living in the region (notably in the Great Lakes Region—mostly in the Democratic Republic of Congo, where Genocide militia[694] indeed operate from), who yet found themselves citizens of these countries as a colonial legacy resulting from the Berlin conference, also has negative repercussions on Unity and Reconciliation process in Rwanda

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689 Charny quoted byTom Ndahiro :"Genocide-Laundering: Historical Revisionism, Genocide Denial and the Role of the rassemblement Republicain pour La Democratie au Rwanda." In Clark Phil and Kaufman Zachary (2009). *After the genocide: Transitional Justice, Post-Conflict Reconstruction and reconciliation in Rwanda and Beyond*, New York: Columbia University press, p.123.

690 Caplan, (2007); Musafiri, (2012).

691 Shyaka, (2007:30-31).

692 See Gregory, (2009); Reyntjens, and Stef, (2005).

693 Clark, (2014:193).

694 Genocide militia talked about here are the FDLR.

as they once belonged to Rwanda. The point here is not that Rwanda claims them, but it is an emphasis that the discrimination and persecution against them, simply because they are people of Kinyarwanda's expression, threatens the Unity of Rwandans.

6.2. Fresh wounds & memories of divisions and Genocide

> *A country can't change overnight and immediately get rid of [ethnic-based] divisions, considering many years that passed while teaching that [ethnic-based divisions]. When people get accident, some survive without even being injured sometimes or they get less injured while other get severely injured, others get handicapped for sometimes while others get handicapped for good, and still others die immediately. All these examples exist in Rwanda; so everyone has, in a way or the other, been victimized by the past and the Genocide; so people cannot get healed at the same time; there are even those who will be handicapped for good. Healing is a process; so before they get completely healed, it is impossible to stop them from contaminating others; those who are still sick thus need to be taken care of'.*[695]

In connection with the above leading statement of a Rwanda citizen, the adverse effects of the divisive past and, particularly the 1994 Genocide against Tutsi, left bad wounds and memories that are still fresh in kind to all categories of Rwanda. To some Genocide survivors, bad memories enshrined in the Rwandan history that culminated into the 1994 Genocide against Tutsi has in one way or the other limited their trust towards perpetrators.[696]

The heavy weight of the divisive past and the Genocide, and recidivism of deadly identities, remains thus a huge hindrance to Unity and Reconciliation in Rwanda. The wounds still fresh, resulting from the divisive past, especially the 1994 Genocide against Tutsi, in Rwanda makes it that some Rwandans still judge/view each other based on ethnic stereotypes.[697] Citizens interviewed contend that the long history of Genocide ideology that has been, and are still, rooted in some people's minds and hearts, made it that the far destructive consequences and wounds of the Genocide remain deep and fresh.[698] For example, some of Genocide perpetrators have hardened their hearts. Some still have Genocide ideology and refused to take responsibility of their crimes, thus refusing to tell the truth about where the bodies of victims have been thrown, which delays decent burial of Genocide victims' bodies.[699]

6.3. Problem with the compensation of properties looted/destroyed

> *There is a step that has been taken but there is still a long way to go. But the fact that people [perpetrators] have not yet paid back the property that they looted or*

695 Interiew with a citizen, 2012.
696 Mukamana, & Brysiewicz, (2008)
697 NURC/RRB, 2010, 2013
698 Group interviews with citizens, 2012.
699 NURC (2009). 15 Years of Unity and Reconciliation process in Rwanda: The ground covered to-date, October, Kigali, p.24.

destroyed remains a hindrance. The person who destroyed a house has to pay it back!.and when related-quarrels arise, [for example] when those who destroyed properties are rejecting their responsibilities, that root of division arises again; so those quarrels lead to anger that brings back ethnicity.[700]

In connection with the above statement of a citizen, it appears obvious that to sustain social harmony in Rwanda requires, among other things, that victims or survivors whose properties have been destroyed/looted, during the 1994 Genocide against Tutsi and during past human rights violations, be compensated. However, it was found out that if the guilty individuals have to personally compensate survivors, some of them are not willing to provide the compensation, others do not have sufficient assets to match the injustice committed (properties looted/destroyed), while others simply refuse to do so.[701]

The injustices committed, in general, by the genocidal government are also another burden to the Government of National Unity. For example, the debt used by the genocidal Government in buying arms, ammunitions, and machetes, etc., used in perpetrating the Genocide against Tutsis, is being repaid by the current government.[702] This thus turns to be a burden to the Government of National Unity to repair the damages causes by forces of the genocidal regime. But, in any case, one whose property has been looted or destroyed should be compensated. This means that one who has destroyed/looted the property should not solely admit and regret his/her wrong doings, apologize for them: in principle s/he should also give compensation. For the moment, none of those prerequisites has been fully met,[703] which constitutes one of the major obstacles for the process of Unity and Reconciliation.

6.4. Poverty—socio-economic inequality

When people don't live a decent life, in poverty, it is easy for them to engage in wicked actions; a simple trigger is enough for them to engage; because poverty makes it that people accuse/scapegoat each other.[704]

The eradication of poverty is both a challenging and uphill struggle for a country with a tragic conflict-fuelled history such as Rwanda. The Genocide and war destroyed the macro-economic and institutional infrastructure necessary for the successful growth of a modern, market-based economy.[705]

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700 NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Pasr, Political culture, and Economic security*, Kigali, p.59.

701 Mucyo, in Villa-Vicencio & Savage, (2001:52).

702 Rutembesa,(2009).

703 In most cases, the killers do not admit their acts, the do not regret them, and they do not apologize for them. What is even worse, the survivors were even killed after 1994. There is also negationism and revisionism which constitutes some of the key obstacles to reconciliation.

704 NURC (2012). A qualitative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Pasr, Political culture, and Economic security*, Kigali, p.64.

705 Musoni Protais (2003). *Innovations in Governance and Public Administration for Poverty Reduction in Post-conflict Countries in a Globalised World (emphasis on the experience of Rwanda*: A paper

There remain controversial debates on whether poverty or economic inequality needs to be blamed for divisions, hatred, discrimination and the Genocide in Rwanda.[706] Nevertheless, the fact that poverty and/or socio-economic inequality, was a contributing trigger/factor (not necessary the cause) seems obvious. Likewise, poverty and/or socio-economic inequality remain a serious factor that hinders the process of Unity and Reconciliation in Rwanda.

A lot has been done to reduce poverty in Rwanda, but in rural areas poverty still stands at 48.7% compared to 22.1% in urban areas.[707] Land, a basic resource for many people's rural livelihoods and for new productive activity, is pressured by increasing population density and demographic trends, and the growing youth share of population requires 200,000 jobs to be created each year. Yet the labor force is characterized by low skills and so productivity; the private sector is constrained by its small scale and lack of suitable infrastructure; and delivery of development faces horizontal coordination (across sectors) and vertical coordination (centre to district to community) challenges.[708]

Rwanda's economy is also still overly dependent on foreign aid.[709] Empirical findings generally indicate that the economy of Rwanda is still burdened by a deepening trade deficit due to the dependency mindsets of citizens (rather than a solution driven society), preference for consumption of imported goods at the expense local similar products and the low entrepreneurship culture.[710]

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presented at the United Nations Ad Hoc Expert Group Meeting on Innovations in Governance and Public Administration for Poverty Reduction, p.22.

706 African Rights (1995). *Rwanda: Death, Despair and Defiance*. Revised edition, London: African Rights, p.15.

707 MINECOFIN (2013). EDPRS 2, Kigali, p.8.

708 Republic of Rwanda/MINECOFIN (2013). EDPRS II-2013-2018, Kigali, p. X.

709 Ensign in Gasanabo, Somin and Ensign, 2014:356.

710 Republic of Rwanda, Office of the Prime Minister. *Home Grown Initiatives*. Presentation during the9th National Dialogue Council, 15-16 December 2011, Presentation prepared MINALOC; PRESIREP; RGB; MIJESPOC; NURC.

CHAPTER 7

Way forward in Unity and Reconciliation process in Rwanda

> *The future of peace in Rwanda will depend as much on individual Rwandans and their communities as on government policies and direction.*[711]

> *We may never have all we need but there should never be a moment where we lack the will to serve Rwandans in the best way we can.*[712]

> *The objective is the same as then—is to win…the objective is to have the Unity of the country. The success may not be realized 100% during this generation; however, slowly by slowly, as years go by, success will be achieved more so in the second generation.*[713]

Achieving Unity and Reconciliation in Rwanda, following a divisive past that climaxed into the 1994 Genocide against Tutsi, remains a process that can take considerable time, even over several generations.[714] Considering the challenges faced in the process of Unity and Reconciliation (chapter 6), and bearing in mind the mechanisms and strategies so far adopted (as discussed in chapter 4), the following strategies need to be taken into consideration so as to further promote unity and reconciliation in Rwanda.

7.1. Consolidating existing Unity and Reconciliatory mechanisms

Considering the positive achievements (see chapter 5) of Rwanda's mechanisms and programs discussed in chapter 4, toward Unity and Reconciliation, it follows that these need to be consolidated. The mechanisms so far used by Rwanda will be kept permanently capitalized—taught, fostered, encouraged and strengthened, coupled with the documentation and continued reward of best practices in this regard.

The Government of Rwanda is also committed to ensure that the required efforts will remain deployed for all Rwandan refugees willing to be repatriated, on voluntary basis, do so and be supported in their reintegrated into the community.[715]

Therefore, the policy of national Unity and Reconciliation will remain in the heart of the government and its actions. Justice and rule of law, preservation of memory and the *Ndi Umunyarwanda* program (promotion of Rwandan identity), toward 'Solidarity among Rwandans for Self-Reliance' will continue to be strengthened through educative and community engagement approach, national summits and forums. Dialogue, educative, and contact-based platforms will also be maintained in a way that brings about social cohesion, self-reliance, while preventing the distortion and manipulation of the real Rwandan history.

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711 NURC, 2009, p. 26.

712 H.E. Paul Kagame, President of the Republic of Rwanda.

713 Interview with Tito Rutaremara when he was an Ombudsman, NURC, 2009, p. 15.

714 Republic of Rwanda, MINECOFIN, EDPRS II- 2013-2018, Kigali, p.82.

715 Ministry of Disaster Management and Refugees Affairs, Repatriation and Reintegration programs for Rwandan Refugees & an Overview on Socio-Economic Progress in Rwanda, MIDIMAR, 2014, 5;

This is the reason why the promotion of Rwandan identity, the promotion of a democratic culture, and the creation of a socially responsible citizenry, remain within the framework of the second EDPRS (2013-2018).[716] Given the invaluable role of home-grown initiatives toward Unity and Reconciliation in Rwanda, RGB plans to create a "Home-grown Initiatives Centre" that will serve as a school and a platform or space for dialogue where different institutions both national as well as international will have an opportunity to learn from each other about how people can find solutions to their specific problems.

7.2. Keeping the mainstreaming of Unity and Reconciliation

Rwanda is determined to keep mainstreaming Unity and Reconciliation process at all levels of its community and institutions along with the complete preservation of memory in a way that recovers all memory indications toward 'never again' divisions and Genocide in Rwanda and in the world.

The mainstreaming of Unity and Reconciliation in all development efforts in Rwanda, as indeed emphasized in Rwanda's Economic Development and Poverty Reduction Strategy (EDPRS), embodied in Vision 2020, will be made sure that it is well implemented. This is so put given that the EDPRS and vision 2020 strive, among other things, to promote Unity and Reconciliation by promoting good governance and decentralization, with the purpose of enhancing trust, rule of law, promotion of human rights and social cohesion.[717] The two EDPRSs that Rwanda has so far experienced (the first EDPRS, from 2008 to 2012, and the second EDPRS, for 2013-2018) emphasize the mainstreaming of Unity and Reconciliation in all development programs of the country. Strategies emphasized in the second EDPRS document (2013-2018) aim at enhancing dialogue at grassroots level with the ultimate objective of restoring social relationships as well as rebuilding trust that was destroyed by the divisive past and especially the 1994 Genocide against Tutsi.[718] The document recognizes that Unity and Reconciliation cannot be possible with counterfactual information on Rwandan history and Genocide. In this regard, the plan is that efforts will be directed to encouraging national and international writers to record and publish factual accounts on Rwanda, the Genocide against Tutsi, and Reconciliation endeavors.[719]

7.3. Keeping war against Genocide ideology, denial, and divisions

> *One of the causes of the 1994 Genocide [against Tutsi] in Rwanda was a culture of impunity, as political leaders were rarely held accountable for their crimes, thus encouraging them to continue orchestrating violence and creating the conditions whereby mass crime such as Genocide became possible.*[720]

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716 Republic of Rwanda/MINECOFIN(2012) EDPRS—2013-2018, Kigali.
717 Idem.
718 Idem.
719 Idem p. 82.
720 Lark quoted by Kaufman in Gasanabo, Simon and Ensign, 2014, p. 367.

Rwanda remains committed to fight divisions, Genocide ideology and all its manifestations that include denial. Rwanda remains committed to the principles of the 2003 National Constitution resolved to fight the ideology of Genocide and all its manifestations and to eradicate ethnic, regional and other forms of divisions in Rwanda.[721]

Article 9 and 11 of the Constitution also emphasize Rwanda's core value of building a nation devoid of divisions, discrimination and a nation that fights Genocide and its ideology, and that failure to comply with this core value will not be left unpunished. In this, the role of Diaspora will be paramount in publicizing the fight against Genocide ideology, denial and divisionism.[722]

7.4. Addressing the issue of compensation of destroyed/looted property

As discussed previously, many guilty individuals do not generally have sufficient assets to match the injustice committed (properties looted/destroyed). But the serious issue is that some of them are not willing to compensate the injustice they caused while others categorically refuse to do so. Yet, for successful Unity and Reconciliation, justice must be ensured whereby victims whose properties have been looted or destroyed should be compensated, which plays an important role in Reconciliation process.

The legal provision for effective compensation will therefore be scrupulously implemented. This includes a clear report listing the guilty people who are not able to pay the properties looted/destroyed, as well as the list of those who refused to do so.

The possibility to provide compensation by means of other innovative ways beside financial payments (i.e., manual support in building houses destroyed, etc…) is also envisaged. A fund for compensation of destroyed/looted property, to which the international community should also contribute, as reparation for having played a role in one way or another to divisions and Genocide in Rwanda, will also be created and advocated for. A clear policy in compensation for looted or destroyed properties is also paramount.

7.5. Fighting poverty—socio-economic inequality

> *As long as Rwandans are impoverished, it will never be possible to have Unity and Reconciliation integrated in the national reconstruction process. This is one of the critical aspects we have to consider so that Rwandans live together in peace, complement one another, have mutual respect, put together efforts in the activities aimed at ensuring their individual welfare as well as, the national welfare.*[723]

There is a close connection between combating poverty or socio-economic inequality, and building Unity and Reconciliation in Rwanda. Although, admittedly, poverty is related to economic problems, it is glaringly clear, in the case of Rwanda, that the massive destruction

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721 Constitutions of the Republic of Rwanda, as amended to date (2nd preamble), Article 9 and 11, 2003.
722 Republic of Rwanda/MINECOFIN(2012). EDPRS—2013-2018, Kigali, p. 82.
723 Paul Kagame, President of the Republic of Rwanda (NURC review magazine, 2009:7).

of whole families, cultural distortions along with the ethnic cleavages have, more than anything else, contributed to generate poverty in the country. There are evidences in Rwanda's history that poverty has often been a factor and consequence of the lack of cohesion and harmony.[724] As one citizen stressed:

> *People's poverty led them to ignorantly submit to the teachings of bad leaders, and they [people] even submitted to the hatred-driven teachings; just understanding that killing their neighbors facilitates them to loot their property, this was the trigger behind their [people] immediate submission.*[725]

Building Unity and Reconciliation in Rwanda will therefore be harnessed to clear-cut poverty or socio-economic inequality-combating strategies.[726] This is the reason why new strategies to combat and other socio-economic challenges faced by Rwanda, especially in rural areas, focus on the consolidation of the existing mechanisms (discussed in Chapter 4), with the ultimate goal of 'self-reliance' while putting a particular emphasis on four thematic areas included in the EDPRS 2 (2013-2018):[727]

1. *Economic transformation* to accelerate economic growth toward more service and industry. The plan is to shift the agrarian-based economy to a knowledge-based economy, underpinned by an annual economic growth of 11.5% (average).
2. *Rural development*: ensure that poverty is reduced from 44.9% to below 39% by 2018 through increased productivity of agriculture.
3. *Productivity* and *Youth employment* to ensure that growth and rural development are underpinned by appropriate skills and productive employment especially for the growing cohort of youth. The main objective is the creation of at least 200,000 new jobs annually. Four priority interventions will lead the way:
    - ✓ *Develop skills and attitudes*: reviewing and reforming national education curricula, strengthening Vocational Education and Training (TVET), promoting adult literacy, youth entrepreneurship, on-job training, etc. TVET will provide young people and the unemployed with the skills to gain productive employment. It also provides those already in employment with an opportunity to upgrade their skills, including entrepreneurs and those wishing to work for themselves.[728]
    - ✓ *Promote technology*: improving IT skills and innovation.

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724 Donald Kaberuka, Minister of Finance in Rwanda, during the 2nd NURC Summit, 2002.
725 NURC (2012). A qualiutative study on the *Rwanda Reconciliation Barometer of 2010: Understanding the Pasr, Political culture, and Economic security*, Kigali, p.48.
726 Donald Kaberuka, Minister of Finance in Rwanda, during the 2nd NURC Summit, 2002.
727 Republic of Rwanda/MINECOFIN(2012). EDPRS—2013-2018, Kigali, p. x-xiii.
728 MINEDUC (2013). Education Strategic Yearbook, Kigali.

- ✓ *Stimulate entrepreneurship, access to finance and business development*: increasing off-farm employment, productivity and new job creation driven by the private sector.
- ✓ *Labor market interventions*: improving efficiency of labor markets through Employment Service and Career Advisory Centres.

4. *Accountably governance*: to improve the overall level of service delivery and ensure citizens satisfaction above 80%. This thematic also focuses on citizen participation as a way of ensuring ownership and feedback for efficiency and sustainability.
5. Another important element of this strategy is to take advantage of increasing *integration in the East African Community and broader regional and global markets* in order to overcome serious constraints related to the country's small market size and landlocked position.[729]

[729] UNICEF (2013). *Rwanda: Common country programme document 2013-2018*. 21 June 2013, Available at: http://www.unicef.org/about/execboard/files/2013-RWA1-Rwanda_CCPD-final_approved-English.pdf

CHAPTER 8

Conclusion

> *We've come from far, we have walked or run a good distance, but we still have a long journey. However, our modest achievements are encouraging and give us good reasons to believe that we shall reach our destination.*[730]

> *We cannot turn the clock nor can we undo the harm caused, but we have the power to determine the future and ensure that what happened [genocide and divisions] never happens again.*[731]

The purpose of this book was to provide an answer to the question regarding *how to move from a destroyed society and a failed state to a united and reconciled one.* The book did so by providing and discussing the experience of Rwanda, a country whose Unity and nationhood had been destroyed by colonial power's divisive agenda and sustained by post-colonial two governments, which culminated into the 1994 Genocide against Tutsi. The post Genocide new Government of National Unity, led by the RPF, successfully engaged in rebuilding Rwanda as a reconciled and re-united nation-state, a difficult task that was thought by many as impossible.[732]

The book has indicated a number of mechanisms, approaches and strategies adopted by Rwanda toward Unity and Reconciliation, which are indeed unique. For example, it is only in Rwanda, where citizens themselves (RPA, in this case) stood up and halted human rights abuses and, above all, the Genocide whilst the international community had failed. Rwanda also stands as one of the countries that have had a very big number of refugees (more than 5 million), who have been successfully repatriated, resettled, and reintegrated by the Government on its own initiative and on a short period of time, while putting an end to the forced refugee status. Another example is that nowhere else, except in Rwanda, where the former enemy combatants have successfully been integrated by Rwandans themselves (the government and its citizens) into one, professional and united, body of security forces. At this level, Rwanda's inclusive, voluntary-based, and mutually educative approach to military integration (*Ingando*) is particularly unique and much constructive in comparison with the models of peace building that exist so far and that solely limit to either the forced disarmament by external intervention; the demobilization that excludes former enemy combatants; or the mediation-based military integration that requires the help of a third party.

In fact, in the immediate aftermath of the 1994 Genocide against Tutsi, the journey toward the process of Unity and Reconciliation in Rwanda has been the initiative and commitment of

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730 His Excellency, Paul KAGAME, President of the Republic of Rwanda (Quoted by Charles Muligande, 2012).

731 Idem.

732 Obura, 2003:85.

Rwandans themselves[733]—led by the inclusive Government of National Unity, headed by the RPF.[734] 20 years since 1994, Rwanda is now considered by many as a model for its commendable efforts toward Unity and Reconciliation among Rwandans. Less than a decade after the 1994 Genocide against Tutsi, Rwanda was already being held up as an example.

Embedded within a strong political will and good governance, tremendous progress in Unity and Reconciliation among Rwandans, indeed judged by many as a miracle, has in fact been made through a combination of universal and, above all, homegrown-community based solutions. Unity and Reconciliation strategies have been mainstreamed in all development programs and Rwanda is now far ahead on the road to Unity and Reconciliation. The legal and institutional framework—the Government of National Unity, the NURC, the unifying constitution, the Unity and Reconciliation policy, etc.—has laid a solid and effective foundation and groundwork for Reconciliation and Unity in Rwanda. The implementation of this framework has been, and is still being, successfully made through efficient homegrown mechanisms and programs, which focus on good governance, socio-economic and educative welfare, as well as justice. These mechanisms and programs, which nurtured inclusiveness and solidarity among Rwandans, provided a favorable space for Unity and Reconciliation expressions of acknowledgment, apology and forgiveness, truth-telling, and social cohesion, as well as a sense of confidence and a shared identity, among Rwandans. Likewise, they have formed a new basis for the restorative rule of law in a way that ended the culture of impunity in Rwanda.

The 'inclusiveness' fostered by these mechanisms implies, in agreement with Mani,[735] a shared governance by a united community in which the past divisions of winners versus losers—'us' and 'them'—are overcome, and where those who earlier left excluded from political, economic and social or cultural powers and participation feel included and respected.' It is worth emphasizing that the 'inclusive community' does not mean evading the (perceived) differences between people. Instead, it means including all people, groups, and communities—despite their (perceived) differences—in the same political and civic community and partaking of the joint project of reuniting and rebuilding the society together. It is in so doing that the 'never again' vision aimed at preventing the society from the recurrence of divisions and Genocide is likely to be guaranteed. This also agrees with Mani's contention that "it is the forging of an inclusive political community out of the shards of violence that will be the touchstone of a peaceful future. By the same token, the failure to rebuild such an inclusive political entity could spark the embers for a future relapse into

733 NURC, 2009:16

734 Rusagara Frank (2014:2). Military integration key to peace-building and Democratic Governance. The Newtimes, May 9. Available at: http://www.newtimes.co.rw/news/views/article_print.php?i=14985&a=10151&icon=Print. Consulted on September 5, 2014.

735 Mani, 2005:512

violence."[736] It is in this regard that the key purpose in all Unity and Reconciliatory mechanisms and programs is that 'Rwandans are one and equally valuable', and that it is, above all, up to Rwandans to unite together and solve their own problems and own their destiny.

The 'inclusive spirit' of '*Ndi Umunyarwanda*' program, which promotes '*Rwandanness'* or a 'shared Rwandan identity' beyond any (perceived) differences, thus constitutes a distinctive narrative in Rwanda that encompasses both the atrocities of the divisive past and builds the hope for a peaceful, reconciled and reunited country. It appears true that not all Rwandans need to settle on a single interpretation; but the task is to work toward mutually acceptable accommodation. The *Ndi Umunyarwanda* program is such a distinctive-normative shift. By focusing on inclusion, and a shared citizenship/identity as a shared fate, the approach restored/restores the bond and solidarity between Rwandans as "there is no plausible alternative to living together."[737] This is so put given that the particular context of Rwanda's socio-political history and geographical setting indeed necessitates a socio-economic and value system that guarantee the existence of the nation by its own people. Rwanda has now recovered her real image due to political will and commitment to Unity and Reconciliation, as Rwandans are now proud of their country and their identity as *Rwandans*.

This book has therefore provided the experience of Rwanda in the journey toward Unity and Reconciliation. As discussed in this book, Rwanda is unique in the sense that Unity and Reconciliation are implemented through political will and a combination of universal and, above all, home-grown and community driven participatory solutions that are heavily grounded in local culture, traditions and practices. These solutions demonstrate how the state skillfully drew/draws on the traditional and cultural repertoires of local context and forms of organizations in order to build a new and enjoyable Rwanda. This institutionalization process does not only build on, and enforce, the idea of collective action, mutual assistance and the mentality of self-reliance; it also fosters a spirit of competitiveness. It is worth re-emphasizing that behind all this lays a strong political will and commitment of the Government of National Unity headed by Rwandese Patriotic Front. Consequently, this approach, not only portrays Rwanda's unique experience, but also demonstrates the capacity of the Rwandan citizens to resolve their own problems together.

Strong Unity and Reconciliation foundation and space have now been built in Rwanda, and a strong new secured society anchored on inclusiveness, and the rule of law that guarantees fundamental rights of all Rwandans, has been established. Such tremendous achievements, gave a new face to Rwanda that provides important lessons for other countries. For example, and in reference to *Ubudehe* (community work) and *Imihigo* (performance contracts) mechanisms, Ensign's study concludes:

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[736] Idem.

[737] Williams, 1999:229 in Nagy Rosemary (2004) Citizenship, Memory, and Reconciliation. Canadian Journal of African Studies, Vol.38, No.3: Canadian Association of African Studies. pp 638-653, p.648); Dwyer's understanding, :86-92.

> *Despite the many challenges facing Rwanda, it is not too soon to conclude that Ubudehe and Imihigo are models for all countries trying to involve the poor in decision-making, to improve trust, tolerance and peace, to identify and build collective goals, and ultimately to improve development performance.*[738]

Likewise, during the NURC's summit on Unity and Reconciliation, Jeremy Lester, Head of the European Union's Delegation, stated:

> *Redefining the Rwandan identity is at the centre of Reconciliation, and this is a very great thing indeed for departing from the divisive cleavages of the Hutu and Tutsi clichés, and building a shared sense of Rwandanness, as you have been doing in your country. This is certainly, unbeknown to many people; it is an achievement that is leading the way for the rest of the world. The English and French peoples will for example take lessons from your experiment in their attempt to build their sense of 'Europeanness'. Africans and Europeans will likewise take advantage from your current endeavor to build their sense of shared identity as Humans….It would be no surprise if…English dictionaries made entries of such new words of Rwandan origin as, Gacaca, Ubudehe, Ingando, and others, all of which are key to the Reconciliation process underway. And it will no doubt be recorded in human history that the world drew from Rwanda such a fine heritage of conflict resolution package.*[739]

Rwanda is therefore far in the process of Unity and Reconciliation as confidence among Rwandans has been restored, and Rwandan citizens now share a common vision of their destiny.[740] Rwandans, together, successfully and peacefully rebuilt their country as a strong nation-state, and are now called upon by the international community to extend their experience to other nations and societies around the world. Today, Rwanda is a success story with regard to Unity and Reconciliation, as well as development.

It is with a strong belief that Rwanda's unique experience, discussed in this book, which depicts its ownership, resilience, and success in the process of Unity and Reconciliation, constitutes a learning material for theoretical, policy-making, as well as practical endeavors for the rest of the world.

738 Ensign in Gasanabo, Simon and Ensign, 2014, p. 356.
739 NURC , 2006, ibid.
740 Republic of Rwanda, Ibid; Shyaka, 2005, p. 332-33.

CHAPTER 9

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