COMMUNITY CONFLICTS IN RWANDA: MAJOR CAUSES AND WAYS TO SOLUTIONS

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GENERAL INTRODUCTION

Context and objectives of the study

For almost four decades, the history of Rwanda has been featured by a divisionism and hatred ideology which used to exclude one part of its community. The final outcome of such an ideology climaxed in the genocide of Tutsi in 1994, which took the tolls of one million lives, has occasioned thousands of vulnerable people and forced other millions into exile.

The 1994 genocide has been masterminded and implemented by the Government and is a result of a long conspiracy process marked by a series of successive violences starting from 1959. Such violences are seen by a number of observers as preparatory exercises to genocide.

The patent consequence of such a state of affairs is mutual mistrust, total suspicion, lack of confidence and even acute hatred between the Hutu and the Tutsi, two flexible social classes deliberately erected into ethnic groups by the former political regimes as a strategy to divide in order to reign. Such a manipulated mistrust is a totally normal phenomenon in a community traumatized by war and genocide.

In spite of such an alarming situation, normalizing or reestablishing good relationships within the Rwandan population is an inescapable means for the survival and reconstruction of the community. To attain this, or else to set off in this long trip to reconciliation, the Rwandan Government has adopted diverse measures among which the establishment of the Nation Unity and Reconciliation Commission (NURC) in 1999, which aims to rebuild social relationships torn apart by the above mentioned events.

The establishment of this commission had been recognized by the 1993 ARUSHA Peace Accords as an inescapable endeavor to patch up the Rwandan nation and it has been gaining momentum since the 1994 Tutsi genocide, which deeply tore out the Rwandan social fabric already fragilised by a long history of ethnically oriented division.

Created by law n° 03/99 of 12/3/1999, NURC has been mandated with the global objective to avail and conduct debates and discussions nation wide so as to promote unity and reconciliation within the Rwandan population.
Since its inception to date, NURC, jointly with other Governmental bodies, has scored a series of outstanding realizations in the context of unifying and reconciling the Rwandan population. This aspect will be touched upon in section II of the second chapter.

Despite the so far achievements, it is worth signaling that conflict has never been a static phenomenon. It alters its face, its nature, its stakes; and its causes can evolve in time and according to circumstances. Never the less, only conflicts with community implications will be considered; meaning those which bear consequences at the community level and which impede the process of unity and reconciliation as nowadays observed in Rwanda.

In this perspective, NURC has conducted this study whose major aim consists in detecting in time any precursor sign of a potential conflict for the sake of its prevention. The study also aims at identifying causes of a real conflict in order to develop peaceful mechanisms for its management.

Outside the general introduction and conclusion, the current study is hinged on four chapters. The first chapter provides a historical survey of the Rwandan social fabric destruction dating from the pre-colonial period to the 1994 genocide. The second chapter describes NURC: its mission, objectives and realizations in the process of national reconciliation.

The third and the fourth chapters form the empirical part of this study: the first deals with the nature of the Rwandan conflict as currently observed; while the last one tries to identify the mechanisms for its management.

**Methodology**

In order to carry out scientific work, one is required to resort to data collecting tools and appropriate analysis methods.

**Data collecting tools**

**Open discussions or debates.** Taking support on this technique, we were enabled to organize and to hold in each province and in Kigali City open debates on the causes and nature of the Rwandan conflict as well as on strategies for its prevention and/or its management.
Hence, NURC has selected participants representing social structures who, because of their professional activity, were likely or supposed to possess specific knowledge related to the Rwandan community conflict.

Among them, we can mention:

- Civil society representatives (religious bodies, universities, the press, human rights organizations, trade and labor unions, etc.)
- The local elect (at the level of districts, sectors, cells, agglomerates);
- Experts or technicians in charge of good governance, matrimonial matters and population’s requests etc, in Kigali City, provinces, districts and sectors;
- Representatives of women and youth organizational structures
- Gacaca jurisdictions coordinators;
- Representatives of Genocide survivor’s organizations (AVEGA and IBUKA);
- Police representatives
- Military representatives
- Unity and reconciliation mobilizers at the district level, etc.

The above mentioned people’s participation has afforded supplementary and well balanced information on the very nature of the Rwandan conflict and strategies for its prevention and/or management.

**Documentation**

Through this technique, we were enabled to exploit varied documents dealing with the burning issue of the Rwandan conflict along with its management mechanisms. Likewise, NURC reports, scientific publications, press articles have been of great utility for us.

**Data analysis methods**

The collected data have been sorted out (classification of the information and proof reading so as to establish its coherence), analyzed and interpreted. For the very purpose, we set up a data collecting and sorting out plan as well as an analysis scheme of these data.
The analysis as such has supported itself on two main approaches: the historical one and the systemic one.

The historical approach has allowed us to trace back the evolution of the Rwandan conflict through time. A particular emphasis has been laid on the social disintegration steps of the Rwandan population.

As regards the systemic approach, it has been of great help in order to detect and understand the interrelated different factors on the Rwandan conflict. Through such a procedure, we could select appropriate strategies to prevent and/or to manage this conflict.

**Constraints**

Not differently from any other study, implementing the current work has collided with a number of obstacles such as:

- The coincidence with the evaluation campaign of performance contracts in districts.
- The long spacing of the debates agenda between provinces
- The long distances to be covered by certain participants before reaching the meeting place. This has been the case namely in the Eastern, Western and Northern Provinces.

The consequence of this situation has been that there was every time a certain delay as regards the commencement of the debates. Nonetheless, though debates lingered on two consecutive days in each province, the forgone hours have been easily recovered. And in general, the above constraints didn’t affect the quality of the work.
CHAP.I. HISTORICAL SURVEY OF THE RWANDAN CONFLICT

Even though the recent history of Rwanda has been marked by decades of violence and ‘ethnic’ division, its distant past has rather been harmonious. This chapter briefly brings to light the social disintegration process which culminated into the genocide of Tutsi in 1994. In order to give a more or less complete picture of the situation, this part of the study kicks off by briefly presenting the coexistence between social classes as an undeniable fact in ancient Rwanda. But first of all, it seems of paramount importance to illustrate such concepts as conflict and reconciliation, which underlie this study.

1.1. Elucidating the concepts of conflict and reconciliation

Given the importance and recurrence of conflict and reconciliation as concepts throughout this study, we deem it important to go through a succinct presentation.

1.1.1. Conflict

From the period many a researcher took interest in the study of conflict as a phenomenon, lots of definitions have been suggested. Those definitions were influenced by each author’s research field. None the less, there do exist common characteristics to the definitions.

According to Tillet (1999), conflict exists when two or more parties come to the perception that their needs or values are incompatible or contradictory. Two values are contradictory when they don’t find a common ground or when one opposes the one.

In line with this, conflict designates incompatibilities of preferences in a given situation. Such incompatibility can be underlied by interests, beliefs or other motivations.

On his side, Burton (1987) defines conflict as a relational situation in which each party perceives the other party’s objectives, values, interests or behaviors as contrary, opposite to his. Thus, each party looks at the other one as an obstacle to achieve his objectives. Such a definition brings about an added value, precisely the fact that a conflict can stem from mere perceptions.
Therefore, conflict can else be understood as a negation of their specific differences by the parties to conflict. Because of this, each party sticks on his position, sensing it as the more logic, the more justifiable. A conflict is an antagonist relationship between two or more action units of whom one at least tends to dominate over the social sphere of their relationships. A conflict designates a situation or state of lack of understanding, antipathy, stiffness or acute hatred in relationships.

From the above, we can deduce that conflict designates divergences, contradictions, incompatibilities on the basis of interests, beliefs or convictions, perceptions between two or more individuals.

Regarding their classification, conflicts are categorized according to the actors involved, the underlying causes and the means under use. In the current study, the denomination of community conflict looks the most adapted in our eyes to the extent that the different dimensions of the conflict (political, social, economic, and cultural) affect the relationships in the community.

1.1.2. Reconciliation

To date, there is neither exhaustive definition nor common vision about reconciliation. Neither researchers nor groups to be reconciled are unanimous as to the concept of reconciliation. And this can almost apply to victim communities of widespread violences. However, as put forth by Assefa (2001:339), despite reconciliation continues to remain a concept difficult to become operational and subject to diverse interpretations, nobody questions its relevance and importance in torn apart communities. Nobody can do without it when planning the reconstruction of communities in the aftermath of violence. It outstands as an absolute necessity.

Many researchers and practitioners comply about considering reconciliation as an orientation and not a fact: a goal or a perspeception rather than an end or finality. Desmond Tutsi, former chairperson of the Truth and Reconciliation Commission of South Africa, agrees to this in the following words: “The reasonable mission of our commission is not to reach to reconciliation; but rather to promote it”, (Hayner, 2001:156). In the same vein, Assefa (2002) highlights that “reconciliation is an infinite agenda”.

All these ideas amply demonstrate that reconciliation is not an event, but an ongoing process. Its evolution depends on many factors among which mutual interests, the good will and a large participation of the community, the offenders included.

In effect, three major visions generally outstand about reconciliation: the maximalist vision, the minimalist vision and the intermediary vision.

According to the maxima lists reconciliation is equated with restoring trusted relationships after grave violations of human rights (Worthington, 2001:166). In line with this, reconciliation involves establishing or restoring broken up relationships, redressing the past, creating a new political structure and the engagement to build a shared future (Chapman, 2001:248).

Beyond the maximalist vision about reconciliation, other authors hold a rather minimalist vision.
In general, this vision holds that reconciliation is not a quick fix approach, but rather evolves progressively through a series of steps. In this context, villa-vicencio (2006:208) prefers to privilege the concept of “connecting up” (to bring closer, to relink). In the eyes of the author, pacific coexistence (which leads to reconciliation) is nothing else than the good will to not killing one another, to walk the same way, to decide to live and work together. Reconciliation in the contrary requires more: the restoration and often the establishment of mutual trust relationship. It is hard and sustained endeavor, which calls forth a great deal of persistence. In this perspective, forgiveness is the final step of the cooperation and reconciliation process.

According to Bloomfield (2004:15), “reconciliation consists (on the side of the victims) in seeking how to live side by side with former enemies, without necessarily loving them or forgiving them, or else forgetting the past in whatever way; but to cohabit, to develop a certain degree of cooperation needed for the sake of sharing the same community with them in order to live better together than living separately”.

So presented, reconciliation is a long process (reconciliation isn’t a fortuitous process, its rhythm cannot be imposed). It also stands as a deep-rooted process (which requires change of attitudes, of aspirations, feelings and even convictions). At last, it is wide and global (it doesn’t only concern the victims and the aggressors; but the whole community).

On his side, Huyse (2004) distinguishes two sorts of definitions as to the concept of reconciliation: an idealistic definition and a practical one. Idealistically, reconciliation as a retrospective operation entails individual healing of injuries done to the survivors, repairing, redressing injustices of the past, building or rebuilding non violent relationships between individuals and communities and the acceptation of a common vision and understanding of the past by former enemies.

In a practical way, the author acknowledges that reconciliation is not something easily attainable. The existence of a repressive past transforms the quest for pacific coexistence into a delicate and complex operation. Reconciliation should be apprehended not as an isolated act; but rather as a permanent disposal to abandon the tyranny of violence and fear. Reconciliation thus comprises varied steps and phases. Every step requires change often difficult to achieve: changes of attitudes (tolerance and not revenge for instance, of behavior (shared commemorations of all the by gones and not partisan commemorations), change of institutions (institutional reforms aimed at redressing injustices). Such changes hardly take
place at the same time or in a short time frame. Never the less, it is important to stress that in so delicate an area as reconciliation, every effort constitutes an added value and that any slight improvement represents a significant progress.

In light of Huyse’s analyses, three major steps of the reconciliation process can be singled out. The steps, however, are not universal or exhaustive.

- To substitute fear by non violent co-existence (resuming communication between the victims, the killers, setting up secure environment with some standards of security...);
- To establish confidence (regaining self-confidence and believing that there is still some humanity in the killer-The author speaks of “some little pockets of tolerance”; distinguishing levels of culpability among the aggressors, establishing operational institutions);
- To develop empathy (listen to the aggressors reasons for hatred and trying to understand the victims anger and bitterness).

According to SLUZKI (2002), reconciliation goes through six major steps characterized each by a specific dominant emotion.

as Reconciliation pertains totally to the individual’s decision, it is obvious that the groups to be reconciled do not necessarily belong to the same level of reconciliation process at a given moment.
For instance, some groups can still be at the conflict level, others at the interdependence level. All depends on each individual’s specific situation. The table below sums up this definition.

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<th>Steps toward or for reconciliation</th>
<th>Narrating</th>
<th>Emotion or dominant feeling</th>
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<td>Conflict</td>
<td>Hostility is the unique option</td>
<td>Hostility, open scorn</td>
</tr>
<tr>
<td>Co-existence</td>
<td>The parties to the conflict are ready or inclined to acts of hostility</td>
<td>Resentment, anger, furor, mistrust</td>
</tr>
<tr>
<td>Collaboration</td>
<td>Hostility is considered a backward option</td>
<td>Ambivalence</td>
</tr>
<tr>
<td>Cooperation</td>
<td>Hostility is considered a major short-coming</td>
<td>Prudent empathy</td>
</tr>
<tr>
<td>Interdependence</td>
<td>Each party needs the other one</td>
<td>Acceptation of the past, prudent trusting</td>
</tr>
<tr>
<td>Integration</td>
<td>The parties form unity from now on</td>
<td>Solidarity, brotherly confidence</td>
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Out of the two definitions so far discussed, comes a third vision: the intermediary one. In fact, holders of this vision (Bloofield, Huyse and Sluzki) present reconciliation not as a love project or that of effective restoration of relationships, but rather as willingness for coming together, for cooperation at a certain level; all this for pragmatic purposes. Such a move doesn’t suppose that the past has to be washed out or forgiven. On the contrary, it urges former enemies to renounce to revenge (coexistence) and to resume communication between them.

Therefore, reconciliation is a process which associates the willingness of pacific coexistence to efforts of ‘rapprochement’ between antagonist groups. This definition gives room to replace the concept of reconciliation by that of cohabitation, mutual acceptance, mutual respect of each other’s rights, getting together as long as required by shared interests. Such a
vision of reconciliation is in our eyes more realistic in a deeply wounded community by unprecedented violence.

In our view, the vision and definition of the concept of reconciliation are largely influenced by particular contexts depending on communities.

In the eyes of NURC (2007:4), reconciliation encompasses a set of practices, attitudes and convictions shared by a population “aware of belonging to a same country and convinced of sharing the same rights and obligations”. This population should be featured by mutual trust, complementarity and commitment to heal the injuries caused by an oppressive past so as to build durable peace. Such a definition substantiates the context of reconciliation in Rwanda. It totally rejects the theory of the hamitic myth which attributes three different origins to the Rwandese (thus making out of them three different ethnic groups). In this perspective, NURC’s strategy is to promote “rwandity” in the detriment of “tutsity” and “hutuity”.

1.2. Co-existence between Rwandan social groups through times

The oral tradition as well as many other written documents in Rwanda highlight that Rwanda has been characterized by a strong unity for centuries. Given the fact that culture is the mirror of the people, Rwanda has always outstood as one of the most eloquent testimonies of cultural homogeneity through times.

According to Ugeux (1975:14), the uniqueness of the national language underlies this homogeneity. Kinyarwanda as a language is not only a communication tool: but also a genuine vehicle of “the same wisdom, the same vision of the world and the same perception of the political life”.

In the cultural and religions angles, the cult of Lyangombe (supreme spirit to whom the Rwandese used to confide) was an integration and unification factor of Rwanda different social strata in the pre-colonial era. Apart from cultural unity, the most irrefutable proof of the Rwandan people’s union at this same period was the development of the national consciousness. Tutsi, Hutu and Twa lived in perfect harmony, aware of being one and unique people, descendents of Gihanga, to whom the myth attributes the foundation of Rwanda.
Configuration at the royal court, in the army, in the administration reflected this national unity. The political language or discourse of the pre-colonial period was deemed a unifying one in reference with the three components of the Rwandan population. It was then talked about ‘Imbagy’inyabutatu’ (A three-component community: Tutsi, Hutu and Twa).

Furthermore, the governing criterion to access and to exert power was not that of representativity so much exalted nowadays, but rather the criterion of merit. Such a power apprehended in terms of responsibility was the surest purveyor of national unity.

Beside the political discourse, the Rwandan people’s cohesion was also reinforced by the fact that clans were shared by all the Rwandese all together, Hutu, Tutsi and Twa and that there didn’t exist specific regions exclusively dwelt by such and such ethnic group. The family, the socio-economic relationships and culture constituted the basic foundation for any hierarchy system in the traditional Rwandan society. Such socio-economic relationships took support on cattle raising (cows) and the land.
In connection with this, somebody who could own more than ten cows was said to be Tutsi; someone who had more or less; but lived essentially on agriculture was called Hutu. The one who fed on hunting and fruit picking was qualified Twa.

None the less, it would be erroneous to state that Rwandan traditional society was harmonious in all aspects without ignoring the very existence of some peculiarities and contradictions such rivalries, inter-clanic conflicts, injustices, cattle-razzias, intrigues, etc. However, the divisionism ideology was not the motivating or underlying factor for this.

Though inequalities and injustices did exist, there wasn’t absolutely any fact of whatever discrimination targeted against a group. They were more a fact due to a specific era’s mentality with its imperfect conception of man and institutions. But, at any account, this period has the merit of yielding fruit in so far as a common culture shared by all the components of the community is concerned.

1.3. Disintegration phases of the Rwandan social fabric

Before presenting the background of the destruction of the Rwandan social fabric, it is of prime importance to bring precision about “social fabric” as a concept. Such a very complex concept can be defined as a set of interdependence and dependence relationships which interrelate individuals within different groups to which they do adhere as well as within the nation where these groups are formed, taking into consideration the social norms and the accepted and approved modes of the organised social life in a given community. By relationships, we mean a whole process in which intervene not only the speech, but also the non-spoken, looks, mimics which can serve as a bridge in a dialogue; and thus enabling direct negotiation between parties. Confrontation between points of view and desires, between divergent interests and antagonist needs, makes part of relationships.

The disintegration of the Rwandan social fabric has been carried out on an extended period. This is the reason why its actors have been changing through times; the causes of this disintegration have also been evolving.

1.3.1. During the monarchy period
The implication of western actors in the history of Rwanda has been the key factor of the social relationships deterioration of the Rwandan people. Colonisation has endeavoured to set and to systematise inequalities and differences among Rwandans by creating conflict structures.

As a matter of fact, according to Rutazibwa (1995:15), the administrative reform introduced by the Belgian colonisers in 1926 has seriously modified the traditional structures and has instituted an unprecedented phenomenon consisting to progressively impact an ethnic colour to the administration. 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 (nowadays Groupe Scolaire officiel de Butare), uniquely scheduled for sons from Tutsi high ranked families, who were given the name of ‘Indatwa’ (the prestigious ones).

So as to meet some of their needs, the colonial authorities suppressed the three-fold traditional hierarchy: three chiefs on the same territory with the same rank. This traditional hierarchy was replaced by a unique chieftaincy exclusively made up of some Tutsi families. From that period on, the function of the chief is transmitted on a more or less hereditary basis since the chiefs are now replaced by their sons. Likewise, monopolization by some Tutsi royal families took place. On such a phenomenon, Reyntjens wrote: “Power monopolization in the hands of the Tutsi in Rwanda has been an instrumental element in restructuring the ethnic cleavage. This has given a profile to ethnic groups as pertinent political categories, something inexistent in the past”.

By promoting elements of one social category; the colonial power had created a potentially antagonism producing situation. 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 Chretien (1993) attribute the development of resentments and the threat to national cohesion to structures which institutionalise rights inequalities.

To such an ill distribution of knowledge and administrative power were added the colonial economic constraints which also constituted preparatory structures to the deterioration of
social relationships. As a matter of example, we can mention the compulsory cultures of
sweet potatoes, cassava, cotton, palm tree, coffee and tobacco.
Any adult and valid indigenous had to toil and to cultivate 50 acres completely reserved to
consumption cultures. Chiefs and sub-chiefs had to ensure the construction of granaries in
their circumscription (Lerroy, 1949).

Another type of the colonial economic constraint was represented by the collective forced
works of public interest. Between 1925 and 1948, economic development actions were
launched. It was all about intensifying agricultural production, road building, hill
discipline at public works and the length of the working day came to impose unprecedented
constraints to citizens so far accustomed to work according to their own tempo and to stop at
will at the end of the mid day”. A lot of elements of the population were compelled to leave
Rwanda as a way to escape from forced labour and from taxations. It’s worth noting that
chiefs and sub-chiefs had become the implementers of all the colonial exigencies.

Another element resorted to by the colonizer in tearing apart the social relationships consisted
in including ethnic figures or representativity in political calculations. According to Mugesera
(1996), figures came into play for the first time as a political asset during the 1953 and 1956
elections organized by the colonizer. Let us precise that from then on the ideology of ethnic
numeric representativity was institutionalised and politicised. Finally, this numeric system has
been used as a means of trickery. Nowhere on earth, has democracy been identified as a
government system in which the population’s sovereignty belongs to the majority ethnic
group.

Among other destructive elements brought about by the colonizer was the identity card
bearing the ethnic mention as a classifying tool of the individual. In traditional Rwanda, cows
and wives were the two main factors from which everybody could rise from his ordinary to a
higher social status. The reverse was also true to the extent that someone who lost his cows
used to step down in the lower class. These factors made up an integration and symbiosis
mechanism among the 3 social categories.

The colonial heritage as one of the Rwandan conflicts sources has also been positioned on the
ideological axis centred on the hamitic myth has sown the ideological seed of division and
ethnic awareness. In line with this myth, which Shyaka (2004) qualifies of the ‘ideological matrix of the Rwandan conflict’, the population settlement in Rwanda had taken place in three stages, thus, corresponding to three subsequent migration waves.

Van Noten quoted by Kanimba M.C (2002:9) has voiced this in the words below: “the first wave is that of the Batwa, pygmoïd hunters and clay pots makers. They might be the first inhabitants. The second is that of the Bahutu, Bantu soil farmers; they might have settled in the country before or at the beginning of our era. The last wave was done by the Batutsi, Ethiopian or hamit shepherds; they might have settled in Rwanda around 13th, or 14th century”. According to the same author, the Hutu Became subjected to the hamit cattle-raisers Tutsi, who had been the last to settle.

Till now, no historical or biological proof has been provided to support these theses. More a product of imagination than a result of scientific investigation, such theories have tremendously torn apart the Rwandan social fabric; and this despite scientific counter-proofs. In times of crisis, politicians, more often that not, have urged Hutu populations “to push the Tutsi back home in Ethiopia“.

In light of the afore said, we can state that the values which were imposed by colonization onto the Rwandan society stand for one of the causes of the social structure destruction in Rwanda. They have destroyed the moral and psychological strength of the Rwandan people.

1.3.2. The social disintegration of the Rwandese under the republic period

The first two republics were two puppet regimes to the colonizer. In fact, instead of transcending the ethnic-Based colonial system, the ruling elite of the first and the second republic tapped into and prolonged the same political system founded on exclusion and ethnic divisions.

- **Under the first republic (1962-1973)**

The country accessed to independence under the first republic in a terror and massacre charged atmosphere. The first republic seated its legitimacy on the social and political persecution of the Tutsi and its power on the ethnic coloured party; called PARMEHUTU (Party for the Emancipation of the Hutu People). The party was ethnic-oriented because it
didn’t focus on the public general interest but rather on that of a single group of the Rwandan population: the Hutu as loudly demonstrated by its name.

During the ten years the regime lasted, the situation of the Rwandan People remained stagnant and didn’t improve at all. According to Rutazibwa (1999:49), “Kayibanda regime was chiefly featured by recurrent massacres (1963-1966 and 1973) of Rwandan citizens, victims of belonging to the ‘Tutsi ethnic group’. The economic Council of churches reported about 10000 to 14000 victims for the only 1963 killings”.

Through sensitisation 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.

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. Such a view basically consisted to “ethnicize “ a conflict which in reality was an identity conflict, i.e. a conflict in which one of the two parties is convinced- be it right or not- that the other group seeks to exterminate them. Kayibanda went further by submitting to the UNO and the former Belgian metropolis a proposal of zone redistribution, the Hutuland and the Tutsiland. The Tutsiland would be the more habitable part of Ubugesera, Rukaryi, Buganza and all the territory which had become the provinces of Kibungo and Umutara (the Eastern-part of Rwanda in short); and the remaining part of the country would be the Hutu Zone”. (Mugesera, 1999).

Anti-tutsi schemes were launched (December 1959, November 1966, February 1973 and were carried out; and always culminated in numerous deaths and exile in neighbouring countries. It was just the period of nurturing ethnicism inherited from colonisation. As so well expressed by Reyntjens (1989:89). “Unity, concord, mutual assistance, trust, collaboration, patriotism had lost their value and no longer existed. Instead, it became time for denigration, hatred, egotism, antagonisms dishonesty, and rush for money, zizany, and regionalism”.

• **Under the second republic (1973-1994)**

Brought to power in 1973 due to the exacerbation of tensions which marked the first Republic, General Habyalimana would have clung to the essential of his speech: “**We can no longer stand politics of racial discrimination**”. In the contrary, to the Tutsi discrimination, he discriminated the Hutu of the southern country on behalf of those of the North from his native region, the Bushiru. Hence, the Hutu-Tutsi conflict was coupled with a conflict between the centre south and the North and in the North itself a conflict between Gisenyi and Ruhengeri provinces; and within Gisenyi province itself, a conflict between the Bushiru and the Bugoyi (Reyntjens, 1994:53).

At the political and social level, 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. The Hutu of The North were said by the regime to have been historically disadvantaged and so were attributed the lion’s share.

At the dawn of his political coup of 5/7/1973, Habyalima publicly announced the general orientations of regional and ethnic political equilibrium in these terms: “... **on the other side, it is comprehensible that admission in different schools will take into consideration the social, ethnic and regional composition of the Rwandan community**” (MINEPRISEC, 1986).

From 1986 to 1990, the economic crisis and power monopolisation started to shatter the foundations of the 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 pauperisation of the masses on the other hand.

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 governors or so-called ‘Prefets’ and ‘Bourgmestres’ 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 will greatly serve
the purpose and the implementation of the 1994 genocide of Tutsi. Through it, the political authorities will sensitishe the population to carry out what they had named the “final solution”, i.e. the extermination of the Tutsi.

Via the radio, slogans, popular meetings or gatherings directed to the large public, authorities, at the grassroots or higher politico-administrative hierarchy, invited the population to massacres, organised them into militia trained in the purpose of the Tutsi extermination as well as of the Hutu who didn’t espouse the genocide ideology. From then on, at the event of the war by RPF, the Rwandan regime recoiled into violence which climaxed in the April-July 1994 planned genocide.

Inspired by the Arusha peace accords, today’s government highly esteem that the reconciliation and the unity of the Rwandan people is the foundation for peace and durable development. It endeavours to restore social harmony much needed by the Rwandese.
CHAP. II. NURC AND ACHIEVEMENTS IN THE PROCESS OF RECONCILIATION

2.1. Presenting NURC

2.1.1. Background and legal status

The very idea to create the commission in charge of unity and reconciliation in Rwanda dates back from the 1993 Arusha peace negotiations event between the Rwandan Patriotic Front (RPF-Inkotanyi) and the then government. The necessity of such a structure is to be accounted for by a long history of ethnic and regional based repression and divisions that undermined Rwanda for more than three decades (1959-1994).

Though the need to set forth such a commission seemed to be unavoidable to whosoever was familiar with the history of this country, nobody however had a clear and precise idea of the commission’s mandate at that time. The precise shape of the National commission for Unity and Reconciliation (NURC) has come into existence as a process of inclusive consultative meetings under the auspices of the Republic Presidency organized between May 9, 1998 and March 6, 1999, aimed at examining, analyzing in consultations the major issues faced by the country. Likewise, NURC was created by law n°03/99 of March 12, 1999.

2.1.2. NURC’S mandate, attributions and objectives

In response to the need which led to its creation, NURC’S chief mission is to promote unity and reconciliation among Rwandans.

From this main mandate stem the following attributions or responsibilities:

- To avail and to conduct debates nation wide so as to promote unity and reconciliation among Rwandans;
- To develop sensitization tools for Rwandans’ unity and reconciliation built on solid foundations;
- To prepare and disseminate ideas and initiatives aimed at promoting unity and reconciliation and to build up peace culture in Rwanda;
- To denounce and fight against acts, writings and speeches likely to fuel discrimination in all its forms;
- To prepare and to coordinate national programs aimed at promoting national unity and reconciliation;
- To give out opinions on laws aimed at fighting against sectarianism;
- To look forward to the respect and observance of the unity and reconciliation policy by all the governmental institutions, political parties, individuals and other institutions;
- To set forth and implement the national policy for unity and reconciliation

2.1.3. NURC’S Structure and Programs

The National Commission for unity and Reconciliation is composed of the following organs:

a. The Board of commissioners: the supreme organ of the commission
b. The executive committee of the commission made up by the president, the vice-president and the commission’s executive secretary
c. The executive secretariat which is composed of the following programs:
   - The department in charge of civic education;
   - The department in charge of peace building and conflict management;
   - The department of administration and finances.

The units are subdivided in sub-units as displayed in the chart in appendix n° 1
2.7. Achievements and opportunities in the process of unity and reconciliation in Rwanda

Since the inception of NURC in 1999, the Rwandan government has been scoring a series of realizations in unifying and reconciling the Rwandan people. By assuming a sensitisation role among the Rwandese, advocacy and a platform for free speech on unity and reconciliation issues, NURC, in our sense, constitutes the key element in peace consolidation process in Rwanda.

In light of the December 2005 report conducted by the Institute for Justice and Reconciliation (IJR) on the NURC’S impact, it came out that the NURC has performed something unique in the Rwandan people reconciling process. It states what follows: “Opposite to other reconciliation mechanism in Africa and the rest of the world, NURC has disseminated national reconciliation and policy at the community level. It has set forth an innovative approach to re-establish and consolidate unity among the Rwandese through education, mobilisation, sensitisation and training. It also has laid solid foundations in order to institutionalise reconciliation...” (Pp.64-65).

Outside any pretence to be exhaustive, let us briefly step back on the outstanding facts outlining the evolution of unity and reconciliation process so far achieved by NURC and the government.

- **Political good will.** Since its establishment, the national union government has demonstrated its commitment in erecting a Rwandan nation reconciled with itself, yet long before the adoption of the constitution in force which highly values the principle of unity and reconciliation. The first government just formed at the eve of 1994 Tutsi genocide reflects the unconcealed determination of power sharing between the former belligerents. Varied subsequent programmes directly display the determination of the leadership in place to construct the unity of the Rwandan people. Among the array of the programs, let us mention: the inception of NURC, the creation of the National Examination Council, the establishment of the commission in charge of refugees repatriation, the cessation of illegally occupied properties to the legally entitled people, etc...
• **Security.** Security is certainly the prior condition to be fulfilled before thinking about any reconciliation process. In fact, it would make no sense to undertake any reconciliation program in a context such as houses is still set afire. Tranquillity, stability, hope for a morrow entertains better conditions for listening, which provides fertile ground for dialogue. Security enjoyed by Rwanda is an opportunity of incalculable importance in its move towards national reconciliation.

• **Gacaca jurisdictions creation.** Gacaca jurisdictions are esteemed to constitute the main vector about the truth on the 1994 genocide and massacres and a tool for reconciliation at the same time. A mid-way evaluation of these jurisdictions makes us state that they tremendously contribute to the dissemination of the truth on genocide and thus, to reconciliation;

• **Discriminatory practices have been redressed.** The institutionalisation of the discrimination against Tutsi and Hutus qualified as ‘disagreeable’ was carried through different steps of indoctrination and other practices among which the educational orientation system and the ethnic mention on identity cards. Currently, access to higher learning and university institutions operates on private merits of each student. The national contest or exam has become the unique admission criterion and examinations are being marked in transparency and in an assumed anonymous system.

Under such a procedure, the government is meeting one of the more urgent demands of the population; namely equity or social justice in the management and sharing of the country’s advantages. Thus, this practice lays a solid basis to social harmony, which in turn reduces social uneasiness and fosters rapprochement between the different components of the Rwandan population.

The identity card is no longer a discrimination tool, for it no more bears ethnic tag or mention. This helps to reduce vices born from clientelism and corruption. Currently, only ‘rwandity’ is taken into account in detriment of ‘hutity’ and ‘tutsity’. In the contrary, any reference to these elements for obtaining an advantage or any given favour is severely punished by the law.

• **Refugee repatriation.** Most of the refugees have settled back in the country and the government has created a commission ad hoc for those who still live outside the country. The commission pays on them as a way visits to entice them for a return to the country, a
non-existing practice in former regimes. Furthermore, movable and non-movable properties and belongings illegally owned by former refugees during the post genocide years have been regained by their owners once back in the country.

- **The merging of the military service.** Former antagonists have turned into allies today. Ex-FAR and the former RPF Inkotanyi soldiers have merged into one same national army, devoted to the cause of the nation and which is reputed for its discipline, the today’s RDF (Rwandese Defence Forces) in replacement of RPF whose memory directly relates to the RPF war. Such an achievement is obviously one of the most outstanding in the context of national reconciliation process;

- **The creation of an impressive institutional environment.** (a reconciliation supportive environment). Reconciliation is more a conflict transformation mechanism than a conflict management strategy. Hence, it can only develop in a favourable environment.

  According to Kriesberg (1999), conflict transformation is a deep and fundamental change which affects not only the relationships between former protagonists but also the socio-political and economic structures in which they evolve. Harris and Nery (1999) emphasize by assuming that conflict transformation or else peace building supposes the resolution of the causes of structural violence and consists not only in reducing inequalities among people, but also in fighting against any form of injustice, current and future, to ensure that conflict will no longer come into existence. Conflict transformation goes beyond conflict as such by creating an atmosphere and environment favourable to durable peace.

  Therefore, in a bid to build a fairer society, more cooperative and more democratic, the Rwandan government has established an institutional arsenal destined to change attitudes and the managing culture of the public thing, to strengthen transparency and by the same token to prevent injustices and conflicts through fostering social equilibrium.

  Among these institutions, we can mention National Human Rights Commission, the Ombudsman’s office, the constitutional commission, the elections executive secretariat, the general Auditor office, women national council, Youth national council, National exams council, the Press High council, National Tender Board, Rwanda Revenue Authority, etc.
All the above institutions take an active part in the normalisation of the Rwandan socio-political environment and certainly contribute to the development of the reconciliation process. By curbing injustices, by developing the participating capacities of the different Rwandan social strata to the daily management of their lives, by reinforcing principles of good management and democratisation, these institutions work at reducing social unrest and foster collaboration between the various components of the Rwandan society;

- **Assistance to survivors (the most needy) and other indigent groups.** Genocide and the 1990-1994 massacres which befall Rwanda have left the country with lots invalid people, unable to fend for themselves. One part of them because they didn’t yet reach their majority age, others because they had been harmed either physically or psychologically by these events.

It would have sounded totally abnormal for the government to envisage reconciliation in a context where the genocide survivors live in sheer misery, forsaken to themselves. Miserable living conditions endured by many of the survivors are a result of divisionism created and sustained by the government (former regime), which culminated in the 1994 genocide. It’s one of the obligations of the government to lay out favourable conditions on behalf of its populations; but chiefly a moral obligation to seek reparation for the past injustices as the inevitable way to national reconciliation.

In such reasoning, the government has created by law n°2/98 of January 22, 1998, the Funds for assisting the 1994 Genocide and massacres survivors in Rwanda, FARG. The principal goal of FARG is to assist the neediest survivors of the Genocide and massacres until they position themselves at the same socio-economic conditions as the other Rwandese.

FARG has thus been gifted with four priority domains of intervention; notably education, housing, health care and the creation of small income generating projects in favour of the survivors. Through these activities, FARG is called upon, among other aims, to contribute to the smooth running of the reconciliation process of the Rwandan people, a means to make them regain taste for life.
Following are some achievements of FARG in the domains of education and health care from 1999 to 2005.

**In the domain of education**

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of beneficiaries</th>
<th>Annual budget of FARG</th>
<th>Education annual budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998/1999</td>
<td>24 442</td>
<td>5811696262</td>
<td>1638602114</td>
</tr>
<tr>
<td>1999/2000</td>
<td>27 452</td>
<td>5967328853</td>
<td>2743785156</td>
</tr>
<tr>
<td>2000/2001</td>
<td>34 548</td>
<td>5437634941</td>
<td>3009102362</td>
</tr>
<tr>
<td>2001/2002</td>
<td>34 604</td>
<td>7160023194</td>
<td>4121660978</td>
</tr>
<tr>
<td>2002/2003</td>
<td>40 133</td>
<td>7145221705</td>
<td>5711238672</td>
</tr>
<tr>
<td>2003/2004</td>
<td>45 033</td>
<td>7328194000</td>
<td>4050036444</td>
</tr>
<tr>
<td>2004/2005</td>
<td>45 863</td>
<td>8499155000</td>
<td>6155339411</td>
</tr>
</tbody>
</table>

**About health care**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of beneficiaries</th>
<th>Annual budget of FARG</th>
<th>Health annual budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>784</td>
<td>3813139126</td>
<td>32679506</td>
</tr>
<tr>
<td>1999</td>
<td>5119</td>
<td>5811696262</td>
<td>261783376</td>
</tr>
<tr>
<td>2000</td>
<td>63183</td>
<td>3436962419</td>
<td>258103200</td>
</tr>
<tr>
<td>2001</td>
<td>64107</td>
<td>5437634941</td>
<td>238506494</td>
</tr>
<tr>
<td>2002</td>
<td>74347</td>
<td>7160023194</td>
<td>273799713</td>
</tr>
<tr>
<td>2003</td>
<td>88683</td>
<td>7145221705</td>
<td>603240720</td>
</tr>
<tr>
<td>2004</td>
<td>194524</td>
<td>7328194000</td>
<td>784110759</td>
</tr>
<tr>
<td>2005</td>
<td>244512</td>
<td>8499155000</td>
<td>823626154</td>
</tr>
</tbody>
</table>

**Source**: FARG, 2006.

According to us, these achievements are extremely important for the nation reconstruction even if they are far lower in comparison to the extent of the genocide consequences. However, they allow survivors to respond to some of their fundamental needs and thus contribute to the reconciliation process.
- **Fighting against structural violence** (**cultural**). Cultural violence, of which the Rwandan girl has been victim, has deprived her of assuming effectively her role as the educator of the nation. The Rwandan government has adopted measures compiled in what is called today ‘positive discrimination’ or ‘affirmative actions’ in favour of women. This is the reason why the constitution of June 4, 2003 bestows to women at minimum 30% places or positions in decision-making organs. Such a strengthening of the woman’s role doesn’t only redress a century-dated imbalance; but also enables her to tap into her educational reserves for peace and reconciliation.
When it comes to talk about the Rwandan conflict, many a man has in mind the 1994 genocide which took the tolls of more than a million human lives. This is obviously reasonable in so far as genocide is an evident climax of a long cycle violence recorded by repressive regimes, which took over power in Rwanda from 1959 to April 1994.

Nonetheless, from a deeper analysis, it stands out that the nature of the Rwandan conflict is more complex and covers a plural dimension. Such a statement is founded on results from researches conducted countrywide by the NURC from August 30 to October 04, 2007 as we attempt to account for in the following lines.

3.1. Basic issues underlying conflicts in Rwanda

Research, nation wide carried out on the nature of the Rwandan conflict and mechanisms for its prevention have led to identify some major problems which underlie conflicts within the community. This section will attempt to present and to analyse the so-found problems. The second section will try to single out those problems according to the weight and importance of each of them as it resulted from our researches.

3.1.1. Poverty

One of the crucial problems, which fuel social tensions in Rwanda, is poverty. Poverty stands as an important obstacle to the process of unity and reconciliation in Rwanda to the extent that it creates a feeling of despair within individuals, who are the target for reconciliation. Despoil sticks individuals in a permanent worry about survival and creates in them some insensitivity to social demands. It is often said in Kinyarwanda that “Somebody who is unable to stand up cannot dance”, (udashinga ntabyina).
In this connection, the following insight addressed by a young south African to Desmond Tutu, then president of the Truth and Reconciliation Commission of South Africa during a testimony session on apartheid, organized by the ad hoc commission, is particularly revealing: “The concept of reconciliation is hardly acceptable to people to whom poverty is a permanent injury which is gnawing at their heart”, (Villa Vicencio, 2005:207).

In order to become receptive to the issues and program of reconciliation, people often require that their fundamental needs be satisfied.

In light of our researches, poverty remains a source of conflicts and a major handicap to the process of unity and reconciliation in so far as:

- It entails frustration since it deprives people and prevents them from satisfying their fundamental needs such as lodging, food, education, health and clothing;
- It gives rise to dishonesty, jealousy, hatred, perversity, theft, violence, insecurity even murder;
- It turns people into vulnerable and exposes them to instrumentalisation by those who are ready to use them for their own ends. Poverty is an intoxicating and disinformation factor to the population in the hand of negative forces whose ambition is to sabotage and to hamper the Government’s programs to reconciliation, community undertakings, poverty reduction program, the Gacaca jurisdiction.
- It fosters corruption and injustice.

In brief, on account of the above said, we can straight away state that poverty constitutes the fundamental cause of conflicts in the Rwandan community in conformity with the saying according to which “abasangira ubusa bitana ibisambo”, (Sharing meager goods leads to disputes).

3.1.2. The genocide and ethnic ideology

The execution of genocide in 1994 has occurred due to the fact that its ideology had been nurtured and elaborated for more than three decades. Such a deep-rooted ideology cannot be
uprooted in a time notice. Today, it is still manifest in diverse forms in several parts of the country in account of our researches.

Before shifting to the genocide ideology indicators, it is worth bringing some precision to its content. In line with the constitution of the Rwandan Republic (preamble and Articles 9 and 179), “the genocide ideology is a set of ideas or mental representations, of which the major role consists to fuel hatred and to create a perverted environment in which are carried out and legalized the persecution and elimination of a category of the population”. (Senate of the Republic of Rwanda, 2006:15). As regards the ethnic ideology, it is very close to the first one. However, it doesn’t essentially aim at exterminating a given group; but is rather characterized by discrimination and other types of ethnic division.

Out of our researches, a number of manifestations of the genocide and ethnic ideology could be observed, among which the basic ones below:

- The denial and/ or revision of the 1994 Tutsi genocide.
- The killings of the survivors and witnesses in the objective of sweeping away tracks and responsibilities in the genocide. According to IBUKA (2007), 165 genocide survivors have been killed between 2000 and 2006 and other 121 have just skipped death. 282 cases of death intimidations and threats have been recorded; while 580 handouts foretelling the death of the genocide survivors and witnesses have been counted countrywide during the same period.
- Other acts which demonstrate the perverse determination by some people to carry on with genocide or rather to persecute the genocide survivors and witnesses can be accounted for.

During the 13th commemoration of genocide in Remera sector, Gasabo district, a man has dressed his dog with a mauve kerchief in memory of his former dog killed in the genocide. The case constitutes a mean and vile act of revisionism and sheer disrespect to the genocide victims and their families.

In the same period, in Kigarama sector, Kicukiro district, a genocide survivor lady, has invited a neighbor of hers to participate to the inhumation of the genocide victims remains. But the fellow neighbor reacted in these words: “I have no time to waste. Proceed with burying. Thereafter, bring me back some bones to fix lunch (in cassava leaves)”. 
In Nduba sector (Gasabo), the remains of the genocide victims have been exhumed and burnt up. In Kimony sector, District of Musanze, one man has erected his house on a site where victims of genocide had been buried. Among other acts substantiating the genocide ideology, we can cite the placement of crosses onto survivors’ houses (Nyarusange sector, Muhanga district in June-July 2007), blood splashing on house doors of the survivors (Kiyumba sector, Muhanga district), stoning the roofs of survivors’ homes (Gisagara district), blows of machetes against walls of the survivors’ houses (Southern Province).

- Threatening and persecuting speeches and writings directed to the survivors. As previously mentioned, words and writings sparkling the genocide ideology are observable throughout all the country’s provinces. In our informants’ view, one of the mocking words frequently repeated by the negationists runs as follows: “The Tutsi like bones like dogs”, (Abatutsi bakunda amagufa nk’imbwa); alluding to the exhumation and inhumation ceremonies of the genocide victims’ remains in all dignity. Regarding pamphlets, they are particularly frequent in secondary schools, a tangible proof that the genocide ideology continues to be taught to the youth eventually by their families or their friends clubs. In fact, most of today’s secondary school pupils were at their prime age (0-5 years) at the moment of genocide. Others were not born yet. As a matter of illustration, some teaching institutions where pamphlets have been written and handed out can be recalled: Nyamugali Secondary school (Rulindo district), Kirambo secondary School (Burera district);

- Divisionism and hatred-charged speeches are nurtured by some media and are essentially directed to be consumed by the Western Province inhabitants. The following radio stations have been identified by the participants to the open debates in Western Province: the BUKAVU-based Radio Maendeleo and Radio Maria; Radio Okapi and Radio France Internationale (RFI);

- Rumors about sabotage directed to the government programs, brooded, organized and disseminated by the FDLR in the Western Province. For its geographical proximity with the South and North Kivu Congolese provinces, the stronghold of the negative forces greatly responsible for the 1994 genocide, the Rwandan Western population are prone to consume rumors which feed and expand ethnic divisions and hatred;

- ‘Ethnic’ discrimination in matters related to marriage between Hutu, Tutsi and Twa.
3.1.3. Issues related to the functioning of Gacaca jurisdictions

Between April and July 1994, Rwanda had gone through ignominious and unforgettable events in the history of the humanity: the genocide in which more than one million Tutsi and moderated Hutu perished.

Genocide also entailed a quasi-integral destruction of infrastructures, thus causing severe damages to the country along with countless and very complex challenges.

On top of these challenges towers the one related to justice. In light of its classic missions (to judge crimes and to settle disputes or controversies), justice is viewed by the population as the main instrument capable of setting forth the heavy responsibility of patching up the deeply torn apart Rwandan social fabric. At all accounts, the extent of the Rwandan genocide is such that even the most effective justice system in the world would reveal inappropriate.

Bearing in mind that the ordinary legal system is overburdened with regard to justice needs subsequent to genocide (it would have needed more than a century to prosecute the 818 564 individuals charged with having taken part in genocide according to the Gacaca Jurisdictions National service), the Government of Rwanda has decided to draw from the cultural platform as a way to call upon popular participation. Likewise, the Government established Gacaca jurisdictions as a result of national consultations conducted by the Presidency of the Republic between May 9, 1998 and March 6, 1999.

Created in order to face an abnormal situation, Gacaca jurisdictions brought about some great revolution in the juridical domain. It’s a combination of the judicial model of legal justice exerted by men and women and participative justice exerted by the entire populations who have reached civil seniority. In fact, it is essential to keep in mind that the social role in the Gacaca jurisdictions is not exclusively juridical. It encompasses the whole range of interactions at work in the community and induces a larger, more inclusive, more complex dynamics. As an example, political, cultural and psychosocial dimensions are to be taken into consideration in order to let these jurisdictions become cost effective and more efficacious.
However, the establishment of the Gacaca jurisdictions has occurred at an exceptional moment of the history of Rwanda: soon after the war, after the genocide of the Tutsi and many waves of people from exile.

Endowed with a popular vocation, the functioning of these jurisdictions strikingly takes place in a torn apart and deeply divided community and which is even at odds as regards the history of the country.

In conformity with the law bearing creation of the Gacaca jurisdictions, they aim at disclosing the truth and other crimes, at accelerating the proceedings of the genocide and massacres, at eradicating the culture of impunity, at gearing towards the reconciliation of the Rwandan people and at developing Rwandans’ abilities to resolve their own problems via justice hinged on their cultural genius.

Though the objectives pursued by these Gacaca participative jurisdictions are elevated, their functioning is confronted to several difficulties mostly inherent to the weight and extent of the genocide consequences.

Despite the government’s efforts to tackle this wide range of challenges, some of them persist and keep on affecting social relationships between the different components of the population and still make an obstacle to the process of reconciliation in our opinion. Among those problems, we can pinpoint:

- **Insecurity for the survivors and other prosecution witnesses.** In Gacaca process, testimonies remain the most important mode of evidence. Testimonies are deposited without further ado and chiefly orally. The prosecuted are the witnesses’ neighbors. In connection with this, a lot of witnesses (survivors and witnesses for the prosecution) face different forms of insecurity ranging from assassinations to intimidations not mentioning poisoning, blows and injuries.

Such a state of affairs is not likely to foster cooperation from the survivors whose role, however, is irreplaceable for the Gacaca jurisdiction to be a success.
In such a context, as well noted by Hoenyman, “it is widely known that the survivors and other witnesses worry that testimonies will trigger among other consequences reprisals from the criminals-if still in liberty or from their respective families”, (2003:35). In spite of the compelling character of the Gacaca law on testimony (Law 2001, 2004, 2007), the fear to give evidence constitutes one of the greatest obstacles to the success of Gacaca. As Kaboyi puts it forth (2005:39), “to those who fear the truth, the survivor is an embarrassing witness”.

Yet, without full evidence on the 1994 genocide, the process of reconciliation is hard to be accelerated. Revelation about crime perpetrators, their respective responsibilities as well as about the victims remains in our eyes one of the main catalyst of the rapprochement between the different components of the population.

- Absence of reparation mechanism (compensation) and remarkable delay in judgment execution. On account of our researches, the right to reparation is part of the three main requests from the survivors; the two others being security and the prosecution and punishment of the criminals. As pointed out by Digneffe and his collaborators, the issue of reparation comprises a particular interest in the eyes of the survivors: “According to the different associations (of the survivors) we met with, it is all about an essential and dominant theme: discovering the truth as such doesn’t engender relief. Punishment is necessary; but doesn’t provide satisfaction or a feeling of comfort; only indemnification represents a form of acknowledging and reparation susceptible to provide once more a certain dignity to those who are undergoing moral suffering and material conditions extremely painful at times”, (2003:123).

To the absence of reparation mechanism is added a big delay in implementing verdicts related to belongings. Such a situation is generally accounted for by the insolvency of the culprits and by a sort of lack of commitment on the side of the local responsible (cells) in charge of the judgments execution.

Our researches, however, have pointed out that there does exist a real feeling of satisfaction shown by the genocide survivors with regard to realizations so far achieved by the Rwandan government on their behalf. In fact, in spite of limited means, the government has set up since 1998 the Funds for Assisting the genocide survivors (FARG) to which it affects 5% of its own
incomes budget so as to assist the most needy of the survivors in health, lodging, education and human rehabilitation (financing income generating projects);

- **Faked confession and superficial testimonies.** The importance given to confession in the Gacaca process translates the good will of the Rwandan political and legal authorities to strike a balance between the requirements for retributive justice and those for reconciliation. Confession or avowal is a very important stage in the negotiation process.

By fostering confession through sanction reduction or alternative there is at the same time a move towards truth disclosure on the genocide event as well as towards reintegrating the accused in the community.

In this vein, a large sensitization campaign has been organized in prisons and the remote countryside. The accused are well informed about their “right to confess or to avow”. Article 12 of law n°10/2007 of 1/3/2007 fulfilling law n°16/2004 of 19/6/2004, bearing organization, competence and functioning of Gacaca jurisdictions reinforces this information in terms of obligation: “the office of the jurisdiction, the judiciary police officer or the prosecution officer in charge of instruction have the obligation to inform the accused about his right and his interest to resort to the avowal procedure, to pleading guilty, to repentance and to apologizing”. Such a law introduces a new dimension that of confession between parties: on one side, the accused who has interest to confess as a way to see his condemnation reduced; and on the other hand the population (the survivors in particular) who need to know the truth on what happened during genocide.

Advantages gained from Gacaca law such as sanction reduction or alternative to a part of this in the form of Public Interest Work (TIG, an alternative sanction to jail), were already expressed in the 2001 and 2004 versions. Version 2007 has brought about changes essentially on classifying the accused into categories. The three versions have in common the fact that the numbers of people have been exponentially increasing from the moment they have been informed about the new law.

In this way for instance, in the ex-province of Kibuye (Western) where genocide has been particularly violent (attempt by Tutsi to oppose resistance in what was the Turquoise zone), few confession cases have been recorded up to 2001. But the reverse has been observed and
from early 2003 the province has scored the biggest percentage of avowals in Rwanda: 55% versus 32% for the overall country (penal Reform International, PRI, 2004:11). At the time being, just after the recent revision of Gacaca law a clear-cut tendency in confessions increase has been observed despite the lack of available numeric precisions.

Never the less, as noted by many observers, a much deeper analysis of these avowals steps out to the observation of serious distortions between the reality and the content of these confessions, something which is detrimental and very harmful to the Gacaca process and to reconciliation. In fact, as already noted by Rosoux (2005), “those apologies are most of the time superficial and don’t come from the heart”. For most of the people met for the purpose of this study, “given testimonies are after incomplete and are more motivated by the interest for the accused to benefit from punishment reduction than by the will to acknowledge their responsibility in the genocide”.

As a case of illustration, recidivist and threat cases abound towards prosecution witnesses, be they survivors or not (see figures supra)

- **Corruption.** Though there don’t exit numeric precisions or quantified estimates on the gravity of corruption in the Gacaca system, a lot of observers we approached in the context of our study are unanimous on the fact that corruption is a serious obstacle to the smooth running of Gacaca jurisdictions. The most frequent forms of this corruption are direct bribery, favoritism and clientelism. Their drawbacks are non-negligible to the extent that they lead to law violation by buying the judge’s and witnesses’ consciousness, so to speak. The categories involved in such corruption are the so-called “Inyangamugayo”, judges supposed to be endowed with moral integrity, survivors and witnesses. A new phenomenon of corruption has taken place in the Gacaca system; and this in every province countrywide. Named “kugura umusozi” (purchasing a hilly land); the phenomenon consists to assume all the charges against potential genocide culprits by one culprit as a way to set them free by means of a certain amount of money.

3.1.4. The weight of history
Another major issue underlying the Rwandan conflict as pointed out by our research results is history. In effect, for more than four decades, Rwandans have been upholding controversial even partisan views about their history; notably as regards the ethnic issues.

In our informants’ opinions, such a divergence takes root in the manipulation and falsification of the power upholders during the first and second republics who have built up social classes in ethnic groups as a dividing strategy to seat their power. From this was born the demonisation of the Tutsi presented as foreign invaders through psychological, social or political clichés.

Falsification of the history stems from unsound governance which characterized Rwanda between 1959 and April 1994. The outcome from this falsification is the developing of an ethnic conscientiousness whose main effect is resistance by some Rwandans to recreate the nation through reconciliation process.

The sorrowful memory of ethnic discrimination along with its related advantages and shortcomings is still alive in many Rwandese.

In this perspective, the Government’s actions in general and the NURCS programs in particular encompass a pedagogical aspect of which the very substance aims at correcting past errors by initiating “rwandity” as the foundation for a genuine reconstruction of the Rwandan nation.

3.1.5. Land-related issues

Rwandan economy is traditionally hinged on land exploitation through agriculture and animal rising. According to the MINECOFIN (2005), 87.3% of the population fed essentially on these activities. According to our informants, above 80% of litigation cases submitted to conciliators committees and to classic tribunals in the rural area relate to land. This is evidence that land issue presents a serious and acute concern and ignites conflicts within the community. Below are some difficulties related to land management and exploitation in Rwanda:
• The exiguity or narrowness of arable land poses a serious problem of sharing to such an extent that it constitutes one of the major sources of conflicts in the community, particularly in the Eastern province;

• The scattered or dispersed habitat mode is a handicap to rational exploitation of available land;

• The ignorance of the law related to land or its violation fuels protracted disputes within the population;

• The inexistence of land-planning and registration, mainly in the rural area, prompts people to displace boundary stones and so sets up permanent conflicts between neighbors;

• The temptation to illegal occupation of land formerly belonging to decimated families in the genocide or whose survivors are still in their minority age;

• The need to own one’s own land entices some people to develop cupidity; thus leading to important conflicts;

• The expropriation process which is problematic due to the underestimation of the effective cost of individual’s properties and the delay of payment.

3.1.6. Ignorance

At the end of our researches, it stood out that ignorance assumes an important role in community conflict in Rwandan. The cause-effect relationship it has in common with poverty gives it much more weight. This is why it has been accounted for in all the provinces; and in some places, it is cited as one of the first three causes underlying these conflicts. This is just the case of the southern province and Kigali city where ignorance is respectively listed on the second and third position (out of 10 identified problems) in valued order as a source of conflicts.

In a concrete way, ignorance is a source of conflict to the extent that:

• It nullifies (instrumentalises) individuals to the benefit of others who seek to serve their own egoistic interests. This is namely the case of a group of people in Southern Province who fled Gacaca to Burundi on the basis of non-founded rumors mongered by those whose are working at sabotaging the Government programs. The rumors sustained that justice sought
in Gacaca was a softened revenge by the “Tutsi” against the “Hutu”. So, ignorance offers fertile ground to politician manipulation;

- Ignorance is a major source of poverty, the latter being a cause of conflict. Through its blinding effect, ignorance darkens the conscience and strangles initiatives; thus forcing individuals to stagnation in pauperization;
- Ignorance fosters injustice as well as the violation of the law and human rights. For people who are not aware of their rights, it is scarce for them to fully benefit from them. Knowing one’s rights is a determinant condition to live up to them;
- Ignorance is a handicap to the acceptance and execution of public interest programs. In connection with this, the agricultural reform program regarding banana farming has met a certain resistance in the Western province as it came out of our research.

Sensitization campaigns conducted to that purpose by the local officials in some areas of the province encountered open distrust by the population. In short, ignorance and poverty develop a certain feeling of non-receptivity vis a vis common interest programs;

- Ignorance fuels suspicions among the population, who more often attributes cases of death and/or illnesses to witchcraft; which gives rise to tensions and violence;
- Ignorance is absolutely responsible for the disproportionate demographic growth to the population’s income.

3.1.7. Polygamy, concubinage and overpopulation

In the Northern Province, more than anywhere else in Rwanda, polygamy stands for one of the major sources of social conflicts. It is the root cause of a demographic explosion more often disproportionate to the households’ economic means.

Such overpopulation matches with a lack of satisfaction to the fundamental means, thus giving rise to enormous frustrations, jealousy and hatred between members of the polygamous families, who are compelled to share the insignificant incomes. This feeling of animosity becomes worse due to the rejection attitude expressed by the husband to “Nyirantabwa”, the victimized or forsaken wife because of the preferred one, “Nyirankundwa”.
The progeny from such unions are after deprived of their rights, chiefly when they are not recognized by their fathers. Furthermore, illegally espoused wives are after driven away at their husbands’ death. A situation like this poisons the relationships among children and entails terrible consequences in terms of social peacefulness.

Such a state of affairs nurtures violence directed to the wife be she legal or not, since she is considered an object of pleasure procurement by man. Polygamous men on the other hand, develop some irresponsibility as regards their paternal duties.

3.1.8. Religious bodies

Religious bodies as such do not sparkle conflicts. Egoistic ambitions nourished by some of their responsible, blind fanaticism held by some of their adherents and ignorance makes up problems which feed divisions inside the population. Recruiting their believers is another non negligible aspect which adds to the tensions.

Stepping back to fanaticism, this attitude entices a certain category of believers to radicalism such that they don’t volunteer to governmental programs (Gacaca, Community works, popular meetings, etc). As a case of substantiation, have been cited the Jehovah Witnesses and a dissident branch of the 7th Day Adventist Church, the commonly called ‘Abasohoke’

3.1.9. HIV/AIDS pandemic

Beside being a health problem, HIV/AIDS pandemic has taken much more terrifying dimensions in different aspects summed up below:

- HIV/AIDS engenders contempt between spouses chiefly when it is evident that one of them has been infected; thus being the cause of the oncoming death of his/her partner;
- HIV/AIDS is a cause of the stigmatization of its affected victims. Feeling rejected, the victims become frustrated and lose their former good relationships with neighbors;
- The transfer of the family income to the relatively expensive health care pauperizes families and broods tensions in the household,
- Physical disability of the victims with regard to their family duties brings about discontent, source of tensions in households
- Refusal of volunteering to screening by one the spouses causes suspicion between them.

3.1.10. Culture

From our research, it turned out that Rwandan culture exerts a particularly heavy burden on the individuals’ behaviors, namely in terms of respect of the law. Laws related to matrimonial regimes, liberalities and succession are the most confronted to resistance by the population.

In line with this for instance, daughters and wives are deprived of their right to succession because of cultural tradition which has never favored them. This is a serious obstacle to gender policy. It entails intense conflicts. In this sense, culture stands as an obstacle to the respect of human rights.

Culture is active in matter of beliefs or convictions. Some families are victims of discrimination through the conviction that they are ill luck bearers.
3.2. The problems’ pyramid in decreasing order per province

Our study results demonstrate in the overall that problems at the basis of community conflicts are the same all over the national territory. However, it is worth noting that each province has displayed its own specificities even though they do not necessarily affect the order of importance of the issues.

3.2.1. Eastern Province

According to the representatives of the diverse public and private structures at work in the Eastern province, the issues which sparkle conflicts in the community are ranked as follows:

1. Gacaca related issues
2. Genocide and ethnic ideology
3. Land issues
4. Poverty
5. Ignorance
6. Religious bodies
7. Witchcraft
8. Weight of Rwandan culture

As presented in the above pyramid, problems related to the functioning of Gacaca jurisdictions, genocide ideology and land issues are respectively ranked first, second and third.
Regarding Gacaca, the non-execution of judgments or verdicts as concerns the reparation of damaged belongings or properties during genocide, corruption and lack of indemnification constitute the main issues in the eyes of the inhabitants of the Eastern Province. In the case of the genocide and ethnic ideology, it is essentially exemplified through the killing of the survivors and other witnesses, pamphlets of death threatening and/or intimidation menaces to the survivors and witnesses in general as well as threatening speeches.

Issues related to land distribution poses itself as an acute problem in the Eastern province. This is essentially due to the fact that this part of the country has been the main destination or arrival point for former refugees from Uganda and Tanzania. Land distribution programs have been marked by irregularities which had caused tremendous community conflicts. However, the laudable initiative of the President of the Republic for a fair redistribution of land has been timely as a way to soften this issue and to restrict injustice within the community.

3.2.2. Western Province

In the Western Province, the genocide and ethnic ideology is ranked fist. Its manifestations are the same as everywhere else in the country. However, its vicinity with South and North Kivu provinces of the Democratic Republic of Congo, the stronghold of the negative forces responsible for most of the 1994 genocide in Rwanda, enhances the dissemination of ethnic-oriented intoxicating rumors and the sabotaging of governmental programs in light of our research.
3.2.3. Northern Province

As elsewhere in the country, the genocide ideology, the weight of history (consequences of genocide included), poverty and land exiguity come in first positions in the Northern Province. Something new, however, overpopulation essentially due to widespread polygamy in this area, accounts at top rank for the major causes of conflicts within the community.

1. Genocide and ethnic ideology
2. Gacaca related prob.
3. Poverty
4. Proximity with FDLR's stronghold
5. Weight of history
6. Land issues
7. Polygamy
8. Religion
9. Ignorance
Though the Rwandan law doesn’t authorize polygamy, in practice the phenomenon does exist and presents a non-negligible gravity. It chiefly takes place in the form of concubinage and escapes hence from the law prescriptions. And yet, the progeny from such unions are often victims of incessant conflicts and violences within families.

1. Overpopulation
2. Genocide and ethnic ideology
3. Weight of History
4. Poverty
5. Land
6. Polygamy and concubinage
7. Gacaca-related problems
8. HIV/AIDS pandemic.
3.2.4. Southern Province

In Southern Province, results from our research classify problems at the basis of conflicts in the Rwandan community as follows:

1. Poverty
2. Ignorance
3. Genocide and ethnic ideology
4. Land
5. Gacaca-related problems
6. Drugs
7. Polygamy and concubinage
8. AIDS pandemic.

As it turns out from the pyramid, poverty takes the predominant place among the root causes of community conflicts in Southern Province. This is attributable to the fact that the South comprises the two former Gikongoro and Butare provinces, which were respectively classified first and second in term of poverty at the national level.

As to the genocide and ethnic ideology, it comes third behind ignorance. However, a lot of observed cases related to this ideology are located in this province. According to IBUKA (2007), out of 165 murdered survivors between 2000 and August 2007, Southern Province itself counts 57; say almost 35%, a far away higher percentage versus that of the Western province which ranks second, with 37 killed survivors representing 22%.

Concerning death threat and/or intimidation pamphlets to the survivors, out of 580 pamphlets recorded countrywide in the same period, the Southern province still ranks first almost representing the half of the pamphlets, i.e 256 (44% in total).
3.2.5. Kigali city

Issues observed in Kigali are very similar to those identified in the country’s provinces. As the capital city, Kigali presents a highly concentrated agglomeration along with habitat-related problems.

3.2. Problems pyramid in decreasing order on national average

From a synthetic classification of causes of conflict in Rwanda as shown in the preceding pages, the following pyramid can be drawn at the national level:

1. Ethnic and genocide ideology
2. Poverty
3. Ignorance
4. Weight of history
5. Habitat
6. Prisoners in provisional liberty
7. Gacaca-related problems
8. Polygamy and concubinage
9. Religious bodies
This classification at the national level takes support on three criteria: the intensity of the problem at the level of each province, its impact on social relationships and the occurrences or frequency of the problem as regards many provinces.

In light of what has just been said, the genocide and ethnic ideology ranks top at the national level. This sounds quite normal to the extent that an ideology based on hatred and ethnic divisions cannot but produce ill governance-which has undermined the country for more than three decades, and still dictates attitudes and behaviors to a number of people.

Drawbacks from this unsound governance are complex and their impact doesn’t affect social relationships only. It spills over and strongly impacts on the population’s material living conditions.

Accordingly, this is why poverty ranks second in the hierarchy classification of problems. Poverty turns people into vulnerable and so serves as a fertile ground to genocide and ethnic ideology by exposing the population to politician manipulations.

The 1994 genocide of Tutsi have caused incommensurable consequences on the Rwandese community. It has been a deadly blow to an already staggering Rwandan economy. The outcome of the situation was the pauperization of the population, especially the genocide survivors whose properties have been totally destroyed and ransacked. The absence of an
adequate reparation mechanism related to the functioning of Gacaca tribunals comes to the third position among the causes of conflicts in Rwanda.

Land issues come at fourth position. In fact, there does exist a real paradox surrounding land resources: the vital utility of land to the household’s economy and its extreme scarcity. As a reminder, agriculture as well as animal husbandry constitutes the heart of the Rwandan economy. To such an acute issue are added demographic explosion and a less rational exploitation of the land. In account of all this, land distribution remains a non-negligible source of conflicts.
CHAP. IV: COMMUNITY CONFLICTS IN RWANDA: STRATEGIES FOR PREVENTION AND MANAGEMENT

At the end of this analysis, it is of paramount importance to identify some mechanisms likely to assist in the prevention and therefore in the pacific settlement of conflicts depending on different cases. Our society should be impregnated with a culture of conflict anticipation or pacific conflict management. For coherence sake, these strategies or mechanisms are presented in conformity with the position of the problems such as identified in the preceding chapter. For sound reasons, similar strategies will be coupled.

4.1. Vis a vis the genocide and ethnic ideology

The fight against the genocide and ethnic ideology is obviously a long-term combat. The government’s efforts in that direction are certainly laudable, but deserve to be reinforced for a much more fruit yielding battle. This presupposes varied mechanisms and supplementary actors. It is equally important to sustain sensitizing the population on the fight against genocide ideology, to initiate or to reinforce other important following mechanisms.

- **To accelerate the establishment of the commission of fighting against genocide and its ideology.** The constitution of the Rwandan republic, dated June 4, 2003 foresees the establishment of a commission in charge of fighting against genocide and its ideology. Such a commission, however, has not yet been launched. Its implementation would reflect the determination of the government to institutionalize the fighting against genocide and its ideology. Such a move would certainly develop a collective will from the population to fight against genocide and its ideology. In connection with this, Suter (1992) used to say that building a pacific community requires the establishment of institutions concerned with peace.

- **To elaborate a law repressing the genocide ideology.** This research has demonstrated the extent of the genocide ideology in Rwanda as developed in the previous chapter. It is then important to establish juridical strategies aimed at facing such a situation;

- **To disseminate anti-genocide and reconciliation clubs throughout the country.** In light of our researches, some educational institutions entertain student clubs for unity and reconciliation with the mission of fighting against genocide ideology among others. However, the necessity to expand such clubs to the rest of institutions and other strata of
the population certainly remains a priority and pressing need. Even though at the moment being there doesn’t exist an elaborate study on the impact of these clubs, there is no doubt that they provide a framework for exchanges, a proven space for debates and that they foster rapprochement between the various components of the Rwandan population;

- **To spread the module of formal and informal training on fighting against genocide and its ideology.** The civic education programs held by NURC in solidarity camps is of paramount importance in the process of nation reconstruction. However, it is solely destined to some social layers of the population and should be reinforced by a systematic education (formal and informal) of the population. To this purpose, a module on the fighting against genocide and its ideology should be mentioned in primary, secondary and university curricula. Such a module should also be adapted to other social categories beyond the above mentioned;

- **To entice the population; namely the survivors and the genocide culprits as well as their family members to create common interest associations.** Reconciliation is a demanding process. Experience has demonstrated that tentative towards reconciliation, which have ignored the socio-economic needs of the parties to conflict has failed. Therefore, reconciliation supposes that basic needs of the parties to conflict must first be fulfilled.

One of the needs to attain this is the creation of shared socio-economic projects, I-e projects gathering the different parties to the conflict. In fact, as highlighted by Geyer (1998:164), such projects possess a ‘unifying’, ‘constraining’, ‘binding force’ since they create links that cause the parties to come together and to progressively accept each other. When people come to share interests, they are likely presumed to cohabit peacefully since their interests are interrelated or brought together.

### 4.2. With regard to poverty and land

Despite the enormous efforts by the Government to reduce poverty, there is still a long way to go in this field. The genocide consequences, limited natural resources, the population’s ignorance and the like are still aggravating factors of poverty in Rwanda.
As a source of despair and discontent, poverty is a major cause of conflicts within the community and a great handicap to unity and reconciliation process. In order to face such a situation, to prevent further conflicts and to promote reconciliation, some strategies have been identified, namely:

- **Consolidating clustered habitat policy.** We have previously pointed out that land constitutes the main income in the Rwandan economy. None the less, a non-rational management of the land, like dispersed habitat doesn’t enable to sort out spaces for economic activities. Clustered habitat is one of the issues to allow land rational exploitation and so to tackle the issue of poverty;

- **Promoting agriculture technology.** Beside non rational land exploitation, another problem is the lack of appropriate technology in agriculture. The use of modern cultural methods and the development of adapted methods to each region would trigger agricultural production, the heart of national economy;

- **Developing the professional sector.** Due to its scarcity, land cannot solely enhance national economy, despite its optimal exploitation. Therefore, promoting professional competencies and technology is of greater importance to reduce poverty in Rwanda;

- **Enticing the population to regroup into associations and cooperatives.** Union makes force, it is said. In a bid to benefit from loans from financial institutions, people should come together into associations and cooperatives. Beside that, regrouping in associations enhances likelihood for enhanced production through competence complementarity and means of production as well through the commercial circuit.

- **Strengthening the national program for family planning.** Disparities between the family economy and the number of persons per household are another important factor of poverty in Rwanda. In absence of any legal measure, it is indispensable to pursue social communication for the sake of such planning. Particular attention should be brought to religious organizations responsible since family planning essentially relates to beliefs.

- **Encouraging investors to implant their activities in the rural area.** Though poverty is both observed in the rural and urban areas, nobody ignores that it particularly affects the rural area, thus mostly accounting for the rural exodus phenomenon. To curtail this, it is important to encourage investments in this area by specifically developing industries and small and middle size enterprises so as to create employment and make the rural area attracting;
To officially record land and plots and to disseminate land law. It turned out from our analyses that most land-related conflicts and their management are essentially attributable to the absence of boundaries and to the ignorance and/or violation of the law regulating land plots in Rwanda. Therefore, recording land plots by entitled authorities would actually diminish the intensity of this issue. In addition, though nobody is supposed to ignore the law, our researches have proven that many a person ignores the very content of this law. Therefore, the dissemination of the law related to land is very important.
4.3. Issues related to the functioning of Gacaca jurisdictions

Gacaca system certainly assumes an important role in reconstructing the nation; notably by letting out the truth about what took place during genocide and by providing the Rwandese with an opportunity to partake into the resolution of their problems. Its functioning, however, has given rise to lots of problems essentially related to the heavy consequences of genocide and to the very limited means in the hands of Gacaca.

Our study has revealed that the following orientations deserve a particular attention:

- **The establishment of a reparation mechanism (in the sense of indemnification).** As highlighted by Haymer (2001:163), “When inequalities are a product of an oppressing past, reconciliation and peace don’t come out as mere psychological and emotional processes. Reparative justice must aim at redressing structural inequalities and at satisfying the victim’s material needs.” Walgrave (2003) further emphasizes that reparative justice opens up more promising ways to manage the consequences of violations in a better satisfying way towards the victims, more constructive to the community and more integrative to the offenders. Vandeginste (2003 a: 188) on his side, esteems that “reparation operates like a bridge between the past and the future. It altogether looks at the past by compensating the victims and at the future through a political reform. In this way, reparation helps the new community to be reconciled with its past”. Looking deeper at all these definitions, it comes into light that reparation is perceived as a means to restore the victim, to express one’s acknowledgement of the offence, to restore relationships between the victim and the offender.

However, this vision seems to be ambitious in our eyes. It goes together with enormous difficulties. As expressed by Kwame (2009), when the offence committed is sufficiently wrong, the attempt to compensate this offence by disproportionate reparations stresses the irreparable characteristic of the offence. For this reason, many reparation initiatives are viewed by the victims as being not only inappropriate but also mocking and insulting. More often than not, in a community emerging from collective violence, it is impossible to ‘catch up with’ the caused damage.
In light of this, a reparation act hardly attains its main objective, which is to repair the damages caused to the victim. This observation, however, doesn’t mean that reparation has no value at all. Its value doesn’t forcefully operate in terms of amounts of money or services rendered to the victims. Reparation always assumes a patent function: its expressive feature. The same way as excuses, reparation acts are the recognition of a wrong doing. This is maybe the reason why it is said that reparation fosters reconciliation. Reparation opens out to reconciliation (‘restoration’ of the victim, recognition of the offence by its author and recalibration of relationships). And though this is not always the case, but at least all these concepts are found on the same ‘moral territory’. In the same vein, Balkan (2001) shows that the different forms of reparation create a mosaic of offence recognition by its authors and the society as whole.

On his side, Fierens (2007) esteems that the role of reparation (as that of law in general) is very partial but indispensable in the framework of the reconciliation program. Reparation tells everybody that victims are victims: ‘it makes it possible that the victims at last start to open themselves to a new social existence’ (2007:4);

- **Elaborating an executive structure of sentences and of management for the post-Gacaca period.** Unless otherwise, Gacaca tribunals should close down at the end of 2007. However, the execution of sentences decided by these tribunals will not have completed its works due to their volumes and inherent difficulties. If nothing is further done, such a situation is likely to poison social relationships within the community. For this reason, the establishment of a post-Gacaca management jurisdiction is a necessity as a way to prevent eventual conflicts;

- **Effective planning of public interest works for prisoners (TIG).** In light of our researches, a prolonged presence of prisoners in provisional liberty, waiting for public interest works, creates discontent within the population, especially among the genocide survivors. It is imperious then to set an effective planning program for this kind of works in order that it might not appear as a program which favors impunity.

**4.4. With regard to the weight of history**

The falsification of history as well as unsound governance by the first and second republics leaders account for tensions and troubles having culminated to the 1994 genocide.
The effort deployed by the Government to consolidate good governance are laudable but the weight of history is such that it is of great necessity to sustain these efforts and to accelerate researches on the history of Rwanda.

4.5. Ignorance

There exist cause-effect relationships between ignorance and poverty. In line with this, fighting against poverty must be carried out along with fighting against ignorance. As a manipulation fertilizer, ignorance provides favorable ground to social conflict.

Related to the afore said, the following strategies can enable to reduce ignorance within the population;

- To reinforce poverty reduction program by bringing the rural area into a particular focus;
- To translate into acts the program of education for all;
- To envisage in a long run free secondary education and to develop technical schools;
- To strengthen and to sensitize the population to literacy programs;
- To sensitize the population to the reading culture;
- To undertake appropriate measures, to abide by the compulsory character of primary education;
- To disseminate libraries and reading centers countrywide

4.6. Polygamy and concubinage

Polygamy and concubinage phenomena assume an important role in the pauperization of the Rwandan population and fuel conflicts among the people. In a bid to curtail these two phenomena, it is important to strictly apply the law in this perspective. Such a measure will have tangible impact only if the local authorities are strongly committed.

Sensitizing the population on the nefarious effects of polygamy and concubinage would also equally encompass gender policy since polygamy is a most serious obstacle to its promotion.
The establishment of a juridic framework to discourage illegal cohabitation would also contribute a lot.

4.7. As regards religious bodies

Rwanda is a deeply religious country. In effect, religion exerts a proven influence on the individuals’ attitudes and behaviors. For this reason, religious bodies’ responsibles are among opinion makers at the collectivity level.

Interest-based conflicts among them, recruitment of church members, doctrinal divergences and acute fanaticism outstand among the causes of conflicts within the community. In account of the above said, the government should draw particular attention on the practices of some religious bodies to prevent any conflict risk.

4.8. HIV/AIDS pandemic

Beside being a health problem, HIV/AIDS is also a development issue and hence a security problem in the community. It fuels tensions in households, who are bound to spend the already meager means to health care. Fear of the morrow, HIV/AIDS sero-positive’ frustration due to stigmatization by the community also constitutes crucial aspects which deserve a peculiar attention.

Efforts deployed in this context by the Government are enormous. They should, however, be supported by the following measures:

- To sustain sensitizing the population to voluntary screening;
- To sensitize HIV infected people to self-reliance and to demystifying this disease;
- To sensitize them to regroup into associations for the defense of their interests and production
GENERAL CONCLUSION

Summary of the study

In concluding this study on the nature of the community conflicts in Rwanda and strategies for their prevention/managemen, two important facts are worth mentioning: the Rwandan conflict is an evolving and multi-facetted one as long as years go by and presents particularities according to provinces.

In the aftermath of the genocide, the Rwandan conflict had an absolutely ‘ethnic’ color. Today, it has taken new dimensions and its causes have evolved. Certainly, the genocide ideology is still overwhelming (it ranks first on the national average); but overpopulation in the North, poverty in the South and problems related to the functioning of Gacaca jurisdictions and land in the East actively fuel social tension.

The weight of history (notably including the consequences of genocide), ignorance, polygamy/concubinage, religious organizations and HIV/AIDS pandemic have also been identified among the essential causes of conflicts within the community.

The hierarchical categorization of problems as presented in chapter three is hinged on three main elements:

- The occurrence or frequency of problems at the level of provinces and Kigali city;
• The impact of their consequences on the community, and;
• The ranking (on the list of cited problems) at the level of each province and Kigali city.

According to our analyses, the Government is well informed of these problems. But, the merit of this study consists in bringing about an updated apprehension of the problems. It equally identifies precise and appropriate measures, scientifically analyzed. Such measures have been developed in the preceding chapter.

Conflict prevention and management in Rwanda necessitates an integrated and concerted approach. For this reason, strategies ad hoc range from fighting against the genocide and ethnic ideology to a rewriting of history along with poverty reduction and a relational management of arable land, notably.

Such vast and complex strategies can be simplified and summed up in the following recommendations:

To the Government of the Republic of Rwanda

Genocide and ethnic ideology

• To accelerate the establishing process of the commission in charge of fighting against genocide and its ideology;
• To elaborate a law repressing the genocide and ethnic ideology;
• To spread the training module relating to the fight against genocide and ethnic ideology;
• To determine each year a day devoted to fight against genocide and its ideology;
• To sensitize the media to disseminate messages of tolerance, unity and reconciliation
**Poverty and land**

- To encourage investors to implant activities in the rural area;
- To consolidate farming technology programs;
- To multiply technical training schools;
- To strengthen rational land exploitation mechanisms;
- To accelerate clustered habitat program;
- To reinforce sensitizing the population to savings and loan requesting;
- To disseminate the law bearing land management;
- To initiate learning trips programs on behalf of citizens involved in varied economic activities in order to profit from other people’s successful experiences.

**Problems related to Gacaca functioning**

- to accelerate the establishment of a mechanism for adequate reparation on behalf of genocide survivors;
- to foresee a structure charged with managing litigations linked with Gacaca tribunals works after their mandate;
- to effectively plan the TIG.

**Weight of history**

- to accelerate the process of rewriting and disseminating the history of Rwanda;
- to strengthen good governance policies and setting up monitoring and evaluation mechanisms;
Ignorance

- to create a commission ad hoc charged with deeply examining the issue of family planning;
- to consolidate the program of education for all;
- to disseminate and reinforce centers for reading throughout the country.

Polygamy and concubinage

- to disseminate the law relating to succession, liberalities and matrimonial regimes
- to sensitize grassroots authorities to the fighting against polygamy and concubinage.

Religious bodies

- to consolidate a regular monitoring program for religious organizations practices and to eradicate religious sects.

HIV/AIDS Pandemic

- to encourage voluntary screening program for the population and regrouping into associations by people infested with HIV/AIDS
To the National Commission for Unity and Reconciliation (NURC)

- To request the Senate to reinforce its role to abide by the application of the principle of unity and reconciliation in public and private institutions.
- To disseminate clubs for fighting against the genocide and ethnic ideology in the country and to expand them to all the categories of the population;
- To consolidate the solidarity camp program and to extend it to all social strata of the population;
- To encourage the creation of common interest projects; notably between the survivors and culprit prisoners for genocide, their family members included;
- To pursue advocacy in favor of setting up a reparation mechanism for genocide survivors;
- Establishing a permanent training program for journalists about pacific mechanisms of conflict management, reconciliation and peace building;
- To carry out on an annual basis a monitoring and evaluating program throughout research on unity and reconciliation of the Rwandan people;
- To multiply debates and meetings on culture of peace, unity and reconciliation directed to the youth especially;
- To multiply trainings on the genocide and ethnic ideology in order to allow people to resist them efficiently;
- To set up a permanent family sensitization program to serve as a principal vehicle of peace, unity and reconciliation ideology;
- To formalize the collaboration with religious bodies in order to promote unity and reconciliation among Rwandans.

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