

**From Genocide to Gacaca: Historical and
Socio-Political Dynamics of Identities in the
Late Twentieth Century in Rwanda**

(The Perspective of the Durban based Rwandese)

by

Emelda Dimakatso Shongwe

2008

Declaration

I, Emelda Dimakatso Shongwe declare that this work is mine and has not been submitted to any other institution for examination.

Signature.....

Date.....

Acknowledgement

Many people assisted me on this exciting but sometimes frustrating journey of completing my thesis. You are too many to mention individually, but I thank each one of you with gratitude and praise. You accorded me kindness, support and understanding. My special thanks and appreciation go to:

- My supervisor Dr Mpilo Pearl Sithole, thank you for your time, constructive advice and criticisms, excellent planning techniques and for all the skills I learnt from you. Your wise words and constant supervision helped me realise that this research endeavour is within reach.
- My informants who shared their knowledge, their painful experiences and concerns with me. May your dreams of peaceful neighbourhood and development aspirations be accomplished sooner.
- Professor Mandy Goedhals, thank you for creating space for my scholarly and personal growth.
- Dr Kalpan Hiralal, thank you so much for including me in your research funded by NRF.
- A special appreciation to Mrs Kribashni Perumal (Administrator) in the department for having interest enough to respond to my naïve and sometimes nagging questions.
- Professor John Daniel, my interactions with you contributed (and continue to contribute) enormously in broadening my horizons.
- Musa Khanyile whose constant encouragement is my source of inspiration.
- My family members, for your understanding, patience and support. A special thanks to my friend Patsie who not only sacrificed the warmth of her home to accompany me on my numerous trips to meet my respondents, but also offered me assistance and a shoulder to cry on.

Abstract

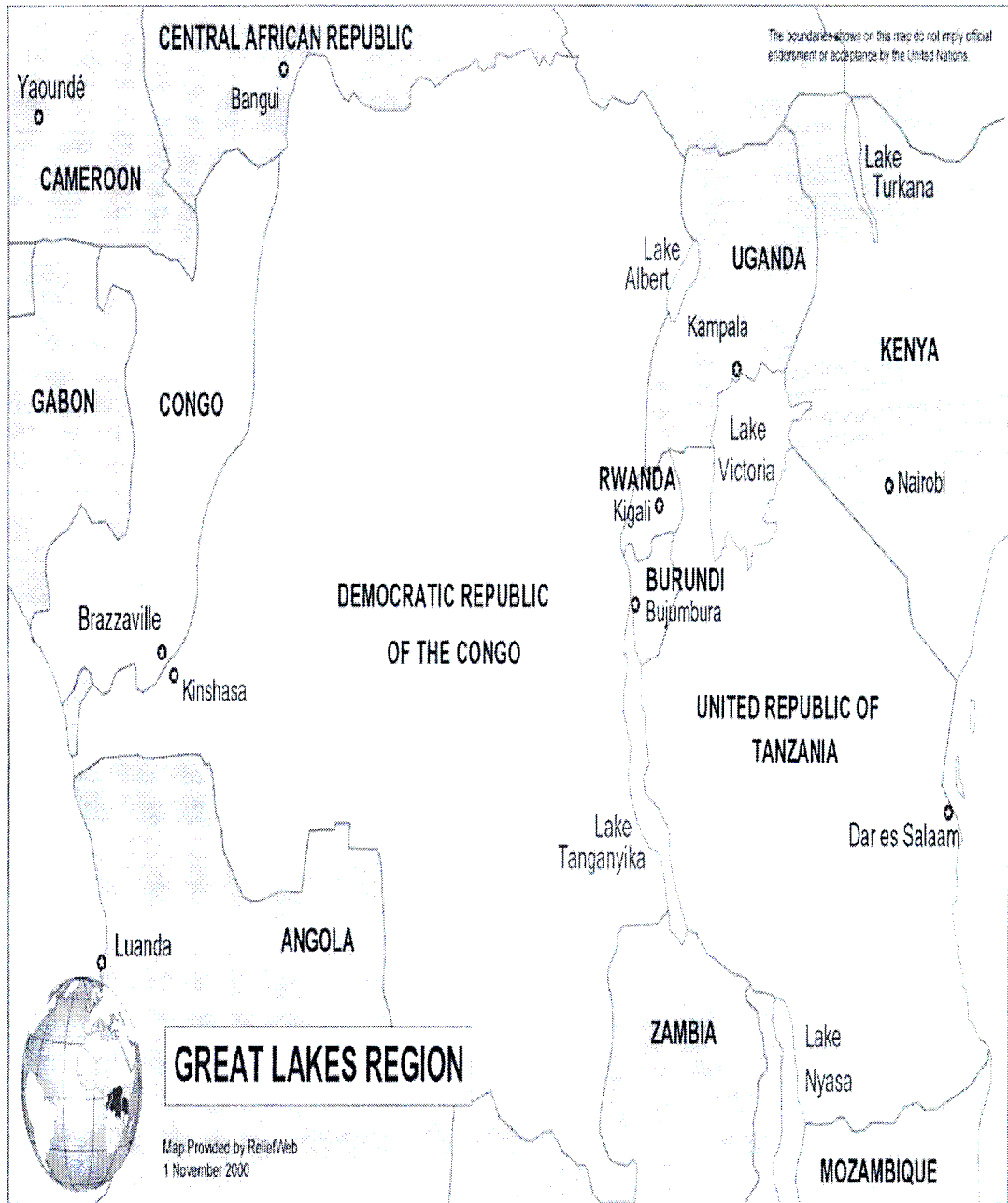
In April 1994 Rwanda encountered the most gruesome political conflict, which was widely motivated by decades of ethnic tension, and resulted in the massive participation of ordinary Hutus slaughtering Tutsis, who are a minority along with the so-called moderate Hutus. Large numbers of ordinary Rwandans became killers, some willingly and some by force. About one million Rwandans, mostly Tutsis, lost their lives during the killings. Hence this historic event was declared to be genocide.

The post-genocide government of Paul Kagame has been faced with the mission not only to reconcile the nation but also to forge a justice system that will assure Rwandans and those who committed crimes of genocide and crimes against humanity will be punished appropriately. It is outmost important to note that emphasis on justice in cases such as Rwandan genocide might be seen to be most desirable to victims in particular. This idea can be more dangerous particularly if the process takes place in an atmosphere which is characterised by political environment which is oppressive and autocratic.

Realising the complexity of the conflict and inability of the conventional justice system to in dealing with the massive cases of people alleged to have participated in the killings or committed crime of genocide. The victims impatiently sought not only justice but answers to what has happened to their loved ones. On the other hand those labeled as perpetrators also wanted to clear their names since some of them believed that they were wrongfully accused and the process was taking too long. The Rwandan government was left with no option and decided to re-introduce the traditional justice system called the *Gacaca*. The *Gacaca* system was not only pioneered to render justice to the victims and those wrongfully accused but to reconcile as well as bring peace to the Rwandan society.

This study is therefore aimed at providing a comprehensive and compelling explanation of the process and the operations of the *Gacaca* tribunals. Thus by means of both historical and empirical analysis, the study hopes to determine the challenges confronting the system and the promise it holds, if any, and to recommend the need to adopt and adapt to an approach which is wider and more integrated in dealing with reconciliation in the region. To accomplish this study, data was predominantly sourced from primary sources such as media reports and personal interviews with Rwandan community living in Durban, South Africa.

The study revealed that the Rwandan genocide was marked by overwhelming public participation which makes Rwandan conflict even more complex. Killing was seen as work, as well as fulfilling the country's duty. On the other hand not killing was viewed as betrayal especially for thousands of peasants. Almost the entire population took part in the killings. The *Gacaca* is a unique approach of trying genocide perpetrators adopted in Rwanda. In this thesis I argue that it is through examination of different historical and social factors that the relevance of the *Gacaca* can be assessed. Furthermore my argument is that Rwanda needs a multi-faceted approach to confront complex problems that it faces politically and socially.



http://www/reliefweb.int/mapc/afr_east/gl_rg/glr

Acronyms and Abbreviations

ANC African National Congress
APROSOMA L'Association pour la Promotion Sociale de la Masse
ARG Association des Rescapés du Genocide or Association for Genocide Survivors
AU African Union
CEER Communauté des Eglises Evangéliques au Rwanda
DRC Democratic Republic of Congo
FDLR Forces Démocratique de Liberation du Rwanda
FMLN Farabundo Marti National Liberation Front
ID Identity Card
IFP Inkatha Freedom Party
IMF- International Monetary Fund
MDR Mouvement Démocratique Républicain
MDR-PARMEHUTU Mouvement Démocratique Républicain Parti du Mouvement de L'Emancipation Hutu
MRND Mouvement Révolutionnaire National pour le Development
MSM Mouvement Social Muhutu
NGOs Non-Governmental Organisations
NHRC National Human Rights Commission
NURC National Unity and Reconciliation Commission
NRA National Resistance Army
NRM National Resistance Movement
OAU Organisation of African Unity
PARMEHUTU Parti du Mouvement de L'Emancipation Hutu
RADER Rassemblement Démocratique Rwandaise
RANU Rwandan Alliance for National Unity
RPF Rwandan Patriotic Front
RRWF Rwandan Refugees Welfare Association
RTL Radio et Télévision Libres des Milles Collines
SA South Africa
SAP Structural Adjustment Programme
SAP South African Police
TRC Truth and Reconciliation Commission
UN United Nations
UNAR Union Nationale Rwandais
UNHCR United Nations High Commissioner for Refugees
UNTC United Nations Trusteeship Council
UPR Union du Peuple Rwandais
USA United States of America

TABLE OF CONTENTS

Declaration	i
Acknowledgement	ii
Dedication	iii
Abstract	iv
Map1 (The Great Lakes Region)	v
Map2 (Rwanda)	vi
Acronyms & Abbreviations	vii
Chapter One	2
Introduction and Background to the Study	2
1.1 Mechanisms used for Rebuilding and Reconciling Societies After War-torn Situations	2
1.2 Geographical Setting	17
1.3 The Gacaca: A Tool To Recreate Rwanda.....	19
1.4 Political and Socio-economic Issues Related to the Genocide.....	28
1.4.1 Political Factors.....	28
1.4.2 Socioeconomic Factors	34
1.5. Chronology of Historical Events in Rwanda.....	45
1.5.1 The Methods of Killing During the Genocide.....	46
1.6 Methodology	50
1.6.1 Motivation of the Study	50
1.6.2 Objectives of the Study	51
1.6.3 Research Methodology.....	53
1.6.4 Experience During the Research	55
1.6.5 Methods of Identifying Informants	60
Chapter Two	66
Conceptual and Theoretical Framework that Informed this Study	66
2.1 The Emergence of a Culture of Violence.....	66
2.2 Psycho-cultural Conflict Theory	77
2.3 Structural Conflict Theory	82
2.4 Conclusion	93
Chapter Three	94
The Impact of the 1994 Rwandan Genocide on the Exiles and Contemporary Perception of the Gacaca	94
3.1 Introduction.....	94
3.2 The Story of Kwizera During the Genocide.....	95
3.3 Events in the Democratic Republic of Congo	97
3.4 The Story of Pascal	101
3.4.1 Rwanda's Experience and a Journey to the Future	101
3.4.2 South African Experience	109
3.5 An Interpretation of Conflict in Rwanda by Durban Based Rwandese.....	114
3.6 The Current Gacaca.....	121
3.7 Conclusion	132
Chapter Four	137
The Construction of Identities in the Pre-Colonial Era in Rwanda and its Implication on Subsequent Violence	137
4.1 Introduction.....	137
4.2 Hamitic Hypothesis.....	139
4.3 The Stereotypical Categorisation of Community and its Impact on Identity	143
4.4 The Kingdom of Rwabugiri and the Emergence of Ethnicity	150

4.5 Social Production and Clientage Structure.....	153
4.6 Political Organisation and Administrative Structure.....	158
4.7 Conclusion	165
Chapter Five.....	167
The Creation of Identities in Colonial Rwanda: An Environment Conducive to the Outbreak of Conflict.....	167
5.1 Introduction.....	167
5.2 The German Colonials in Rwanda	168
5.3 Rwanda Under the Belgium Administration	176
5.4 Belgian Colonialism.....	181
5.5 Conclusion	187
Chapter Six	189
Refugee Problems and the Birth of the RPF.....	189
6.1 Introduction.....	189
6.2 The Birth of the Rwandan Patriotic Front (RPF)	192
6.3 The Response to the 1990 Invasion.....	197
6.4 Conclusion	201
Chapter Seven	203
The Dilemma of Peace and Reconciliation in Rwanda	203
7.1 Introduction.....	203
7.2 Democracy and Peace in Rwanda	204
7.3 Conclusion	221
Chapter Eight.....	223
Conclusion	223
Bibliography	230
Unpublished paper	238
Appendix.....	239

Chapter One

Introduction and Background to the Study

1.1 Mechanisms used for Rebuilding and Reconciling Societies After War-torn Situations

The twentieth century was the bloodiest in human history in which an estimated 190 million people were killed or allowed to die by non-natural means. Examples are the holocaust of 1939-1945, in which 4 million Jews were killed in the Auschwitz-Birchonan extermination camp alone, and the bombing of Hiroshima and Nagasaki in 1945 by the United States of America while under President H. S. Truman. The most recent gross violation of human rights are the 1994 Rwandan genocide and the mass killings and displacement of people in the former Yugoslavia. In an attempt to bring about stability in these areas the international communities and the Nuremburg and Tokyo war crime tribunals were created and this was an important move in international criminal law. This was followed by the establishment of international tribunals for Rwanda and former Yugoslavia (Human Rights Watch & Daniel, 2000 vol. 42, p.92).

This has brought about a new field of study which Hayner (2001:10) describes as democratic transition. She argued that this process is not focussed on settling past accounts, but on the difficult tension between the

desire to bury the past in order to avoid provoking the anger of wrongdoers, and the ethical and political demand to control the crimes of the prior regime. She was also able to recognise that it could be an unforgivable error if these issues are ignored. For her the best strategy in dealing with these issues is to start with ethical and political considerations as well as the holding of trials for wrongdoers. In dealing with societies undergoing democratic transition, an effort has to be made to accommodate both the victims and the perpetrators, but before doing this it must be noted that it is not always possible to try every wrongdoer.

Emerging democracies as well as international communities face an enormous challenge in balancing the obligation to prosecute those who committed crimes against humanity in the former regime, with securing a peaceful transition to democracy by enforcing punishment for the perpetrators. In response to this, emerging democracies have chosen to strike this balance in various ways. For example some countries simply ignored issues relating to past crimes. Others have granted blanket amnesty, some have prosecuted the perpetrators, while some instituted truth and reconciliation commissions with the aim of making those responsible acknowledge their wrongdoing. In some cases prosecution was pursued under the auspices of international criminal tribunals as mentioned earlier.

Most emerging democracies in responding to genocide or mass atrocities committed by past regimes opted for legal proceedings only with the aim of

embracing the rule of law, for example, the Nuremberg trials, where Nazi leaders were prosecuted. This move was an effort to achieve true justice. The Nuremberg trials were followed by the United Nations' establishment of the two international criminal tribunals for former Yugoslavia and Rwanda. These tribunals only wanted to try people who committed atrocities so that they could be held accountable for their actions. For Hayner (2001:11) rule of law has to be applied to military regimes or oppressive government. She however admitted that there are a whole range of needs arising out of these circumstances that cannot be satisfied by actions in courts, even if these courts function well. In some cases, there are no limitations placed on prosecuting the perpetrators. The needs of victims and communities that were damaged by the violence could not be addressed through courts, except of course in providing some relief if the perpetrators were successfully prosecuted.

One of the reasons for difficulties in establishing political stability in post-conflict situations is that structures of the military regime remain unchanged even if the new government is democratised. Questions will always arise as to what happened during the years of repression. This means that tension between communities may continue and there is also the great possibility that these issues may not be attended to. The reason might be the fact that materials such as files containing details of injustices are often destroyed

and in some cases the willingness of the people to testify is not guaranteed (Ibid.).

After military regimes, justice through courts is usually the first and most prominent of demands, but also the most difficult route to take. In most of these transitional governments an attempt to prosecute and punish those responsible for abuses under prior regimes has seen little success or no success at all. For example, in El Salvador, South Africa, Argentina to mention a few, political transition has involved political compromises. This meant that some of the perpetrators were immune from prosecution because transitional governments created laws that prevented perpetrators from being scrutinised (Hayner, 2001:12).

In the case of South Africa gross violations of human rights were committed by the apartheid regime. The 1970s and 1980s in South Africa (SA) was a period particularly comparable with Rwanda because of violations that happened in the region outside of SA itself. It is stated that in the period from the late 1970s to early 1990s the South African state became involved in activities of unlawful acts, including the extra-judicial killing of political opponents and others inside and outside the country. In order for these activities to be successful the state acted in collusion with other political groups dominated by Africans, most notably the Inkatha Freedom Party (IFP) at the time before it declared itself a political party.

South Africa's transition from apartheid to democracy meant that the government would strive to build peace and reconciliation. In doing that a truth commission was established called the Truth and Reconciliation Commission (TRC), (TRC, 1998, vol 5, ch 6:212).

The TRC has been strongly criticised by human rights organisations for not issuing a subpoena against the former Minister of Home Affairs and Inkatha Freedom Party President Mangosuthu Buthelezi. Mr. Buthelezi was said to be responsible for instigating violence through supporters. The commission's decision was based largely on the fear of a possible violent reaction that might emanate from the IFP supporters (TRC, 1998, vol 5, ch 6:212).

Hayner (2001:38) also discusses how El Salvador's government fought a 12 year war against leftist guerrillas, known as the Farabundo Marti National Liberation Front (or FMLN for short in Spanish), in 1980 which ended in 1991. The war was marked by tens of thousands of political killings and disappearances, as well as large scale massacres of unarmed civilians. Among the most prominent cases was the killing of six Jesuit priests in 1989, which helped to incite the international community to put pressure on the government to end the war. When the war ended in 1991 an agreement for a Commission on the Truth for El Salvador was put in place. At the end

of its work, the commission concluded that 95 percent of the abuses were committed by those affiliated to the government or armed forces.

The military's response to the report was that the report was unfair, incomplete, illegal, unethical, biased, and disrespectful. The argument behind this was that the commission failed to recognise the nature and the origin of the Communist attack against El Salvador's government during the war. Five days after the report's release, an amnesty law was passed that prevented any legal action against the perpetrators. Those who were named in the report for having participated in the major atrocities were not punished. For example, the Minister of Defence, René Emilio Ponce, was retired with full military honours. During the military ceremony President Alfredo Cristiani, who was in power from 1989 to 1994, praised the Minister for performing with 'merit', efficiency and loyalty to the highest duties that the nation can demand (Hayner, 2001:38).

In 1976 Argentina was under military rule for several successive military Juntas. During their rule anti-Communist campaigns were carried out to eliminate dissidents. It is argued by Hayner (2001) that an estimated 10,000 to 30,000 people disappeared at the hands of the military. These people were tortured and also killed, their bodies were disposed of so that they will never be found. The military regime in Argentina collapsed during a humiliating defeat with Britain over the Malvinas/Falkland Island and it

returned to civilian rule in 1983. Before the military Juntas could leave power, for fear of being held accountable for the mass killings, they granted themselves immunity from being prosecuted. They also issued a decree ordering the destruction of all documents relating to military repression.

The above events occurring in different countries proves the point put forward by Hayner (2001) that courts alone may not be the only solution to transitional democracy and for justice to be achieved. Due to files being destroyed it would not be easy to prosecute those responsible for committing atrocities. Consequently some kind of truth-telling processes are needed whereby victims are able to tell their stories in a way which may work as a healing process both for the victims and perpetrators.

Verwoerd (2000:34) does agree with Hayner that courts alone may not be a viable mechanism in terms of dealing with the past atrocities. He argues that the problem in dealing with the past through courts is the large number of perpetrators and lack of expertise and resources. He also stated that even though the prosecution may be successful it was evident that it does not resolve conflicts and issues associated with past abuses. Due to these reasons, transitional governments today have increasingly turned to official truth-seeking as a component in their strategy to respond to past atrocities. Hence Truth Commissions, which imply a specific kind of inquiry, came into effect.

According to Hayner (2001:14), Truth Commissions focus on the past whereby patterns of abuses are investigated. These investigations are done over a particular period of time rather than a specific event. These Truth Commissions are temporary bodies operating for six months to two years. After completing investigations they are required to submit a report. In all cases Truth Commissions are authorised by the state, sometimes by an armed opposition, as in a peace accord.

Since 1974 there have been 21 truth commissions established around the world, though these commissions differed in their names. For example there have been 'Commissions on the Disappeared' in Argentina, Uganda and Sri Lanka. There was also a 'Truth and Justice Commission' in both Haiti and Ecuador; a 'historical clarification commission' in Guatemala; and the 'truth and reconciliation commission' in both South Africa and Chile. Germany, El Salvador, Bolivia and Chad also created their own truth commissions. Although there are commonalities in these bodies, however, they differ in terms of investigatory mandates and powers as they reflect the needs and political realities of each country (Verwoerd, 2000:32).

Truth Commissions should not be equated with judicial bodies or even be considered as a replacement for trials. Truth Commissions have no powers to put anyone in jail. But they may enforce their recommendations. Some of these commissions had no power to compel anyone to come forward and

testify. The South African TRC was however the only one that had powers to grant amnesty and subpoena individuals to give accounts of abuses or atrocities committed. Despite these limitations truth commissions are able to further investigate abuses unlike in any trial of individual perpetrators. This means that the strength of truth commissions lies in their breadth and the flexibility of their investigative powers. For example, they should be able to outline the full responsibility of the state and its institutions that were involved in repression (Verwoerd, 2000:32).

There are criteria which a state needs to follow in an event where it fails to prosecute those responsible for human rights abuses during the term of past regimes. The state needs to have two legitimate reasons for failing to prosecute. The first is the fact that security forces which were operating during the oppressive regime might still be powerful. In this instance, any attempt to prosecute them might result in conflict or cause instability in the country. In such cases the successor government may decide not to prosecute, so as to avoid massive social and economic disruption. The second legitimate reason might be the fact that the involvement in past crimes is overwhelmingly high and makes it impossible for the government to prosecute. For example in Rwanda almost half of the population participated in the killings. In this case the possibility of lack of evidence is high. There is also the possibility of a dysfunctional criminal justice system. For example perpetrators may have, in the past or during the war,

deliberately murdered personnel such as judges and prosecutors to prevent future accountability (Van Zyl,1999:43).

Another dilemma that can be faced by the criminal justice system is that, those responsible for investigating political crimes might be guilty of committing crimes against humanity. It is also well known that most countries in transition from repressive governments are faced with enormous social, economic and political change. When these changes take place, social upheavals and dislocation of society is likely to take place. Hence crime becomes the order of the day. In this regard it becomes impossible for the successor government to cope. Therefore, to divert significant resources to attempt to solve political crimes, the government might need to prioritise the building of houses, schools, hospitals instead of focusing on the building of jails. It must be remembered that trials of perpetrators must be conducted in a fair and impartial environment as time and resources implications would be enormous (Ibid.).

Though international law obliges the state to prosecute, it is important to consider that the state can derogate from its obligation to prosecute. The state therefore can derogate from its duties to prosecute in the following circumstances: the existence of a grave threat to the life of the nation and impossibility of performance of the task of prosecution due to lack of resources. The latter notion suggests that the state must give evidence of the

scale and nature of crimes committed to show that it will be impossible to prosecute. Regarding the first reason, the state must comply with the following conditions if it fails to prosecute:

- The state must provide reasons to justify its failure to punish;
- It must outline the exceptional nature of the threat, which prevents punishment;
- It must demonstrate that the measures taken are proportional to the threat posed;
- It must apply its decision not to punish or grant amnesty in a non-discriminatory manner and;
- While it may be permissible, under certain exceptional circumstances not to punish, it is never permissible to derogate from certain inalienable rights such as the right to life and the right not to be subjected to torture (Van Zyl, 1999:51).

There is also another angle which should be considered in an event when the state derogates from prosecution of perpetrators. The derogation of the state to prosecute should be conditional on the ground that the state should fulfil a range of other obligations. Van Zyl (1999:51) points out four requirements that judges should consider when assessing whether a state that fails to prosecute has nevertheless fulfilled its obligations under

international law. The following are requirements that should be considered should a state fail to prosecute:

- A state must present detailed and convincing evidence to demonstrate that it was unable to prosecute those responsible for human rights abuse. In addition to that it must also justify why it gives conditional amnesty to suspects who have been imprisoned for lengthy period and a have no reasonable prospect of achieving convictions.
- As stated earlier on, though the state might fail to prosecute, it should fulfil other obligations such as allowing the majority of the citizens to freely endorse the transitional justice policy that the state has adopted.
- The third requirement for a state that fails to prosecute is that it must endeavour to discover the truth about the victims. In doing that, investigations should be conducted to discover the identity, fate and the whereabouts of the victims. There should also be an official acknowledgement of their suffering. The identities of perpetrators also need to be discovered. The state should also take meaningful steps that would ensure that human rights abuses do not happen again. It should also be a state duty or responsibility to abolish or transform state institutions that were directly or indirectly responsible for human rights abuses. In addition to that the state must provide victims with adequate

reparations. For example, there must be payment of state pensions, free access to health care, educational institutions or state houses.

- The last requirement for a state that fails to punish is that it should try by all means to minimise reasons not to prosecute. For example, the state should not grant blanket amnesty due to the fact that this might undermine the effort to uncover the truth about the fate of victims and the identity of perpetrators (Van Zyl, 1999:51). Therefore this suggests that the granting of amnesty should be conditional on disclosure of the truth regarding the crime for which amnesty is sought.

Though truth commissions have no power to put anyone in jail, they can serve as a preliminary step towards prosecutions that would follow. Through their involvement in interviewing a large number of people, truth commissions allow a detailed account of patterns of violence over time and across regions and the recording of hidden history. That is why its report is viewed as quality writing and as well documented history, which is possibly far better than previous historical accounts. As it is important for those responsible for crimes of genocide and crimes against humanity to be punished, it is equally important for the countries which suffered to look beyond punishment and rebuild the nation, especially countries that experienced massive atrocities such as Rwanda.

The 1994 Rwandan genocide came as a shock to the world even to this day. Its occurrence left behind unresolved and unanswered questions regarding the causes of it. In fact, Rwandans up to this day find it difficult to come to terms with the horrific acts committed by the entire population against one another. Today thousands of Rwandans, mostly Hutus, live in exile. They are found in neighbouring countries, some in search of greener pastures, others running away for safety. Those who are in neighbouring countries or have moved overseas to acquire educational qualifications or necessary skills to uplift themselves, intend going back to Rwanda once they have accomplished this. However while they are in these countries they are faced with the dilemma of dealing with those regarded as perpetrators since these might also be around them.

The cause of this dilemma is the fact that Rwandans, both as refugees as well as migrants, find it difficult to agree on the terms of the causes of genocide. Apart from that Rwandans outside Rwanda have difficulties in forging their new identity and calling themselves Rwandans. One wonders whether it is going to be possible for them to simply suppress their Hutu-Tutsi identity. Inside Rwanda these identities are not used, and they don't even mention them. The question that might arise here is whether it is difficult for Rwandans to live side by side as Hutus and Tutsis. It is however possible that on paper these identities might be abolished. This is evident in their identity cards. In South Africa "Blacks" and "Whites" in the

aftermath of apartheid have had to live together and are working to create what is called 'unity in diversity'. One wonders why it has been difficult for Rwanda to forge unity even when they have a single language.

There is a notion that Hutu and Tutsi names are a historic creation. The question that might arise here is whether Rwandas' history could also be used in the process of healing and reconciliation. Why this aspect is crucial, is the fact that it might be possible for Rwandans to learn from the mistakes of the past. It is possible that if they overlook their history they might find themselves in the same situation again. As much as it is not yet known who shot down the plane with the Rwandan President in 1994 (see next section in this chapter), it seems likely that whoever did it must have known what that might lead to. As an example, one can just imagine it what would have happened if Nelson Mandela, who became the first "Black" president in South Africa, was murdered just after the elections.

The Rwandan government is grappling with toning down the controversial policies of political identities, but new identities in Rwanda have emerged. Currently expressions such as "survivors", "victims" and "perpetrators" are widely used. The problem with these identities is that it is not clear as to who is the survivor, victim or perpetrator. Hence Hutus complain that they are always referred to as perpetrators. With these new identities emerging is it possible for Rwanda to forge unity under such tense scenarios. Perhaps it

will be a political compromise like that in South Africa where people like Mangosuthu Buthelezi, the leader of the Inkatha Freedom Party, were not called to account by the TRC on their involvement in committing crimes against humanity.

These questions compels attention to the tools the Rwandan government has used in trying to address the healing and reconciliation of the Rwandan community. The Security Council of the United Nations established the International Criminal Tribunal for Rwanda in November 1994 as one of the mechanisms to bring those who committed crimes of genocide and crimes against humanity to book. Since there are very large numbers involved, the tribunal is a conventional justice system it was evident that it does not speed up the process of trials, and victims and survivors see that justice is not taking place. The government therefore introduced the *Gacaca* system which is the traditional way of resolving disputes although this has not been accepted by “so-called” perpetrators or Hutus in general. The purpose of this thesis is to examine this traditional system and asses whether it achieves the goal of justice to the victims while maintaining reconciliation in Rwanda.

1.2 Rwanda’s Geographical Setting

Rwanda is located in the Central African Rift Valley, slightly south of the equator, in one of the highest-lying areas of the African continent.

Physically it is a part of an elongated highland zone extending at varying elevations from the Red Sea to Lake Nyasa (Maquet, 1961:7). The geographical position of Rwanda in the Great Lakes Region with its neighbouring countries; Burundi; Democratic Republic of Congo (DRC); Tanzania and Uganda further deepens the complexity of the root causes of the 1994 Genocide¹. The climate in Rwanda is tropical, with annual rainfall (800-1400mm) plentiful and fairly reliable. Much of the country is covered by lush vegetation, mostly wet savanna, though grasslands are to be found in the higher-lying areas. About half of the total surface is arable. Fertile soils are nevertheless limited, but permit intensive cultivation and it is possible to reap two harvests in one season (Eserthuysen, 1998:285).

Rwanda is a small densely populated and landlocked country, having a common culture. In this cultural context the largest group of the population is the Banyarwanda constituting 99% of the population. This group speaks Kinyarwanda which is the official language along with French. The citizens of Rwanda are called Rwandans, including a few thousand Twa (Batwa) who are said to be the descendants of the early Pygmy population. This group also speaks Kinyarwanda as their mother tongue. Banyarwanda comprises two subgroups, the Hutu (Bahutu) accounting for more than 80% of the total population and the Tutsi (Batutsi) whose forebears were Nilotes. The Tutsi lost their Nilotes culture because they adopted the Bantu culture of the Banyarwanda. Nevertheless the Tutsi remained intensely conscious

¹ See page v of the thesis. The detailed discussion on the regional context refer to Chapter Six.

of their history as a ruling class. Most Tutsi and Hutu are Christians and overwhelmingly Roman Catholic (Ibid.).

1.3 The Gacaca: A Tool to Recreate Rwanda

On the 6th of April 1994 both President Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi were killed when their aircraft was brought down by rocket fire near Kigali. This incident triggered an orgy of violence which amounted to the 1994 genocide in Rwanda (Des Forges, 1999:125). In April 1994 Rwanda was engulfed in a civil war which came as a result of decades of politically motivated ethnic tension. Approximately one million of Rwanda's Tutsi minority, along with many Hutu moderates, were slaughtered during that war of 100 days. Great numbers of ordinary citizens became killers, some willingly and some by force. The country was left in a state of devastation.

The new Rwandan government had the task to rebuild and foster reconciliation amongst its citizens. The government came to the decision that a conventional European-style justice system could not be the only solution to the problems Rwanda was facing due to the large number of individuals involved in the killings. In 1999, an alternative justice system called the *Gacaca* was introduced.

The *Gacaca* is a system of participatory justice in which the whole of society would take part. After several redrafts, the "*Gacaca* Law" was adopted and published in March 2001 with the hope of addressing past atrocities. There is a notion that the *Gacaca* tribunals are going to represent a remarkable democratisation of justice for a people accustomed to dictatorial authority. The tribunals are also said to offer a voice, and perhaps a therapeutic catharsis, to survivors. There were ten thousand jurisdictions which were created, one in each cellule. In each of these *Gacaca* jurisdictions there were three organs namely; a general assembly which comprises of the entire population in cellule, sector and district level. The second organ is a seat comprising of nineteen elected judges and last organ is the coordinating committee comprising of five persons chosen from the nineteen judges (Uvin & Mironko, 2003:226).

The *Gacaca* proceedings will then begin by creating a list of victims and alleged perpetrators who committed crimes of genocide and criminal acts in the area. As soon as the list is done and suspects found, the cases are then brought to the cellule to be debated among the general assembly. Having listened to testimonies, the verdict is then passed. In the event where the suspect or the victim is not happy with the judgement, she or he has a right to appeal the verdict at the next higher *Gacaca* level. However, the system is fraught with potential pitfalls. For example minimally trained judges are assigned complex cases. In some cases false accusations or confessions are

made; revenge or fear of revenge is also one of the factors that affect testimonies; there is inconsistent application of the law (Ibid.).

The indigenous justice system in Rwanda existed long before colonialism. In *Kinyarwanda* the *Gacaca* means a 'grassy space'. It is therefore associated with the activities that used to take place in an open and grassy area. Therefore the *Gacaca* system in Rwanda was a way of resolving disputes within the community. In the event of a conflict, parties involved would be called before the *Gacaca*, which was led by the so-called *Inyangamugayo* or people of integrity. These people were accepted by the community because of their background. Their status was acquired by virtue of honesty, old age, being learned, wisdom in decision-making, altruism or political influence with the community (<http://www.trinstitute.org/ojpcr>).

During this period the *Gacaca* sentencing involved reparation to the damaged party. It must also be noted that the paying of reparation was not only incurred by the offender but by all members of the family or the clan from which the individual offender came. In the case where both the guilty party and the damaged party agreed to the terms of reparation, they would share a drink as a symbolic gesture of agreement. It is important to note that the *Gacaca* rules were not documented or written but they were passed down orally from generation to generation as part of social education in

Rwanda. As in all colonised countries, traditional institutions of Rwanda underwent some distortion, hence the *Gacaca* system was also affected. In 1924 a law was passed in which the *Gacaca* was confined to the resolution of civil and commercial disputes among the indigenous population. In this case criminal cases were handled by the colonial administration. The role of the *Inyangamugayo* remained, but, they had to report to the colonial administration. Leaders of the *Gacaca* were at that time to be selected by colonial authorities. This method continued even after independence (Ibid.).

In March 2001 the *Gacaca* system was officially adopted in Rwanda as a way of dealing with genocide. As stated earlier on, *Gacaca* is not a new concept in Rwanda; the main difference now is in the procedure. The reason for this was for it to be able to suit the needs of the current situation in Rwanda. The main purpose of the *Gacaca* is to prosecute the perpetrators of the 1994 genocide excluding its leaders and planners. The government's objective in establishing the *Gacaca* courts, was to maximise the participation of civil society (Uvin & Mironko, 2003:227). Kirkby (2006) has also written about the *Gacaca* courts in his Journal article titled "Rwanda's Gacaca Courts: A Preliminary Critique". The government also hoped that the *Gacaca* would give the people of Rwanda a chance to rehabilitate as a nation from a brutal history. The *Gacaca* therefore is to bring people as a whole to acknowledge the mistakes they have made towards each other and to agree that this will never happen again. Basically

the *Gacaca* is to allow people to realise their wrongdoing and ask for forgiveness. In the case of forgiveness, it would depend on whether the victims were willing to forgive those who killed their family members or not.

The *Gacaca* system was also aimed at giving conviction to supporters of the mass killing through truth-telling. By this the government of Rwanda aims to end the culture of impunity which it believes has been operating in Rwanda for years. As the result of this, general amnesty to people accused of lesser crimes during the genocide was not given. This meant that offenders will not go unpunished. The *Gacaca* also allows for reduction of sentences to people who confess before the trial and plead guilty during the trial.

In September 1996 the government of Rwanda passed an Organic Law which stipulated the prosecution of offences that constituted crimes of genocide or crimes against humanity committed during the period of October 1990 to 1994 on the basis of their classification. Chapter II, Article 2 of the Organic Law classifies perpetrators of genocide in the following categories (directly extracted from Organic Law no.08/96):

Category 1

- a) *Persons whose criminal acts or whose acts of criminal participation place them among the planners, organisers, instigators and leaders of the crime of genocide or of a crime against humanity;*
- b) *persons who acted in positions of authority at the national, prefectural, communal, sector or cell level, or in a political party, the or fostered such crimes;*
- c) *notorious members who by virtue of the zeal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed;*
- d) *persons who committed acts of sexual torture.*

Category 2

Persons whose criminal acts or whose acts of criminal participation place them among perpetrators, conspirators of accomplices of intentional homicide or of serious assault against the person, causing death.

Category 3

Persons whose criminal acts or whose acts of criminal participation make them guilty of other serious assaults against the person.

Category 4

Persons who committed offences against property.

It must be noted that persons who committed crimes which fall under category one will be tried under the regular justice system. Each category of offences is assigned to a separate *Gacaca* court except for Category One. One other important fact that needs to be noted is that in terms of Article 12 of the Organic Law No.33/2001 for the *Gacaca* proceedings to take place at the cellule level a quorum of 100 people should be reached. In Rwanda a province is called a prefecture and prefectures are made up of communes and communes by sectors followed by cellules² (Pitsch, 2002). However this law was problematic due to the fact that in some cellules it is difficult to reach the number precisely because some cellules are small. Sentencing of suspects is shown in table 3 in the appendix.

The *Gacaca* therefore is designed to be address post-conflict situations, and endeavours to bring the needed solution of the conditions that led to genocide in the first place. Peace is the most desired commodity in post-conflict situations but, depends not only on the absence of war but also on the existence of both justice and truth. Without justice and truth, the Rwandese social fabric will not be healed.

Regardless of the *Gacaca's* promise of promoting peace and reconciliation through truth-telling and the effort put forward by the Rwandan government to rebuild the country, it is evident that the system has some flaws. One of

² A cellule is the equivalent of a ward in South Africa. For more information about sentencing of genocide suspects according to their categories and confessions, see appendix table 4

the major challenges is its failure to guarantee fair trials, which hinders government's efforts to end impunity. One of such cases of impunity is the failure of the *Gacaca* to try Rwandan Patriotic Front (RPF) soldiers due to the fact that the Rwandan President Paul Kagame stated that they do not have to account for their participation in the crimes against humanity. It is alleged that there is a lack of neutrality and that the defendants are not allowed to defend themselves.

The *Gacaca* system is also seen as enhancing a division between Hutus and Tutsis due to the fact that it focuses on prosecuting only the Hutus. For this reason it is viewed as a victor's justice. In so doing, it will miss the opportunity to reconcile Rwandans and its legitimacy will be compromised. The presiding judges also contribute to the flaws of the *Gacaca* system by the fact that they are not qualified for the task. Corruption is also a major problem in ensuring that justice is brought to those committed crimes of genocide. It is said that the judges are not paid any salary, which lures them to accept bribes from offenders. In some cases it is alleged that judges visit people who have been summoned for questioning, and ask them for money in return for an acquittal.

Since there was a decision to prosecute all perpetrators, Rwandans have fled to neighbouring countries since the inception of the *Gacaca* tribunals. Some were afraid that the tribunals would expose their involvement in the

1994 genocide. Others fled out of fear of being falsely accused. For example, there was a witness who testified against former Rwandan minister of higher education, Mr. Jean de Dieu Kamuhanda, on May 2005 in the Appeals Chamber who has admitted that he lied at the International Criminal Tribunal for Rwanda (ICTR) and gave false testimony. The refugees have common issues forcing them to flee the country, i.e. fear of persecution by local authorities, the *Gacaca* court summonses and there is lack of freedom of speech. For example, one of my informants said he was arrested for writing an article in a local newspaper. The authorities argued that he was using genocidal wording. It is also alleged that journalists are being attacked or threatened by Rwandan authorities. They accused them of being unprofessional (<http://www.thereport.amnesty.org/eng/Regions/Africa/Rwanda>).

Apart from the notion that the Rwandan genocide of 1994 was a result of ethnic hatred between Hutus and Tutsis, it should be noted that a single explanation is not enough. Adequate accounts of the causes of the genocide therefore include; the pre-colonial and colonial ideology of racial division, discussed in detail in Chapters Four and Five respectively; the political and economic predicament of the 1980's and early 1990's which is discussed in the following section; and the instabilities of the region which is discussed in Chapter Six.

1.4 Political and Socio-economic Issues Related to the Genocide

1.4.1 Political Factors

It is important to bear in mind that Rwanda went through two phases of the colonial period (see Chapter Four for details). Germany was the first colonial administrator in the mid 1800, followed by Belgium after the First World War. Both these colonial administrators had a profound impact on the 1994 genocide in Rwanda. When World War II ended in 1945, it brought drastic changes to most colonised countries, and Rwanda was one of such countries. The visit of the United Nations Trusteeship Council (UNTC) to Rwanda made its independence even more possible. However, prior to its independence it became evident that Hutus under PARMEHUTU were unhappy with the political unfolding channelled by the Trusteeship Council. They then sought for all or nothing, hence revolution became imminent (Newbury, 1998:45).

In the period between 1953 and 1959 Rwanda experienced a major political change. This change was coupled with political violence which led to the routing and dismantling of Tutsi power. It is therefore argued that the political tension that had been simmering for months culminated in the popular revolt of November 1959. The revolt was sparked when a UNAR youth militia attacked Dominique Mbonyumutwa on the 1st of November 1959. He was a Hutu sub-chief and a leading member of PARMEHUTU and he was severely beaten and falsely declared dead. Though he escaped

death, rumours spread that he was killed during the attack. In response to this, Hutus then mobilised themselves and demonstrated outside the house of the local chief in Ndiza to voice their anger. Nkusi, who was a sub-chief, tried to address the crowd. However he expressed his contempt for PARMEHUTU and threatened to kill its leader. The Hutu crowd was angered even more and they retaliated by hacking him to pieces along with other Tutsis. From then onwards violence spread like wildfire throughout the entire country (Newbury, 1998:45).

It was estimated that about 150 000 Tutsis were exiled to neighbouring countries. Those who remained in Rwanda were then excluded from having any political power. This meant that Rwanda came under Hutu rule. In 1962 Rwanda was declared an independent state under PARMEHUTU led by Grégoire Kayibanda. Kayibanda proposed that Hutu and Tutsi be segregated into two nations in a single state. Kayibanda also established a quota system, which meant that Tutsis were only allowed 10% of school and university seats. This system also extended to the civil services (Mamdani, 2001:127). Although after independence, the Rwandan government was supposed to abolish all colonial elements but it did not do that. One of these elements was the identity card system which was introduced by Belgians.

The 1959 revolution did not happen without any opposition. In response to it, Tutsis launched an armed incursion which led to the guerrilla warfare which began in 1960 and lasted until 1964. These incursions were undertaken by armed guerrillas known as Inyezi, and took place in the hope that Tutsis would return to power. During the incursions a number of Hutu leaders were killed. Some of the Hutu leaders went into hiding with the help of Belgians. The Hutu leaders who were captured were then taken to the so-called *Ibwami* which was a royal residence at Nyaza. There Hutus were tortured by the UNAR or Inyezi. The Hutu government therefore retaliated with cruel repression against the local Tutsis, and as a result this increased the number of Tutsis going into exile (Lemarchand, 1970:115).

There are several factors which accelerated the 1959 revolution. One of them was that the Hutu leadership realised that to hold general elections before the implementation of provisional government would further create inequalities due to the fact that the elections would be in favour of a Tutsi oligarchy. By this Hutus realised that by means of the change of political status in Rwanda through some kind of settlement, Tutsis domination might not end. Violence therefore became the only option to circumvent the legal and constitutional obstacles raised by the United Nations. The second element, which accelerated the revolution, was the fact that the European clergy and administrators supported the insurgents. For example, the Catholic Church taught the Christianised Hutu elite to be proud of

themselves and this made them realise that they were human beings just as Tutsi and thus not inferior to them. The Catholic Church did not only conscientise Hutus but they also provided them with the psychological stimulus that served as a political weapon (Lemarchand, 1970:106).

By 1961 Rwanda was under the PARMEHUTU led by Kayibanda, which won the elections organised by the colonial authorities. The elections took place between 26 June and 30 July 1960. According to Newbury (1992), PARMEHUTU's ideology originated from the Bahutu Manifesto which stated that Rwanda "belongs to the Hutus, who are true inhabitants, who had been brutally subjugated for centuries by the foreign exploiters, which were the Tutsis". There are two elements which suggest that this ideology was racist. The first is that the manifesto highlighted the distinction between Hutu and Tutsi. In addition there was also an assumption that Hutus were the only natives in Rwanda. Tutsis on the other hand were regarded as foreigners. This notion therefore simply supported the colonial myths that suggested that Tutsis were from the Hamitic race. Secondly, the distinction was also made with regard to racial superiority and inferiority, Tutsis were further attributed with evil (Uvin, 1997: 100).

As stated before, Kayibanda introduced a quota system for education and employment, which was extended to the frontiers of the Rwandan state, and it regulated in particular areas of social life. For example, PARMEHUTU developed a policy which was systematic and racially discriminating against

the Tutsis. The areas affected by this policy were political power, such as armed forces, and government and Rwanda became a single party state. The spheres of socio-economic services were also targeted, for example, education, foreign training and state jobs were only reserved for Hutus and very few Tutsis were included. Another element which featured in the policy was the endorsement of ethnic identity papers which was introduced by the Belgians. Apart from the killing of Tutsis, exclusion from political power and social and economic discrimination became one of the major reasons for Tutsis going into exile. Tutsis therefore used this history as their political weapon for the 1990 invasion. Tutsis only occupied positions in business arena, education, and churches. There were very few Tutsis in government employment and they were not found in the political arena. This suggested that the political sphere was only for Hutus. Rwanda under Kayibanda became the First Republic. Another important element in the First Republic was that Tutsi was considered to be “race” and in the Second Republic Tutsi became an “ethnic” identity (Uvin, 1997: 100).

Kayibanda’s regime was however faced with a number of criticisms. For example, Hutu school leavers were the ones who were mostly unemployed after graduating and the government was heavily criticised for this. The argument was that Hutus were not represented in civil society. Amongst the unemployed there were also those who had tertiary qualifications. By the early 1970’s the number of educated Hutus who were unemployed grew.

This situation was one of the reasons that led to the 1973 coup led by Habyarimana. The massacre of hundreds of thousands of Hutus by the predominantly Tutsi army in Burundi, a neighbouring country, can also be seen as a leading cause of the 1973 coup. It was estimated that about 200 000 Hutus, mostly school-going youths were butchered by the Tutsi army (Mamdani, 2001:137).

Soon after these events, massive anti-Tutsi campaigns were orchestrated. This tension brought another crisis in the Rwandan society. For example a conflict of power within the Hutus emerged. This conflict was between Hutus who originated from the northern part of the country and those from the south. There was also conflict between rich and poor. With all these problems, the general population of Hutus began to move their anger towards Tutsis, especially the rich. Juvenal Habyarimana from the northern part of the country and a major general carried out the bloodiest coup on the 5th of July 1973. Hence the Second Republic was born. Rwanda under Habyarimana became a one party state known as Mouvement Revolutionnaire National pour le Development (MRND). Despite this, Habyarimana was able to restore civilian rule as well as peace and stability in the country. The Second Republic proclaimed itself the custodian of the revolution and the protector of all its children that were Hutus as well as Tutsis (Gourevitch, 1998:67).

The Second Republic therefore made significant changes in Rwandan politics. For example, there was a shift in political identity of Tutsi from race to an ethnic group and this suggested that Tutsi became an indigenous group to Rwanda. Tutsis also started to participate in the political arena even though it was limited. These changes however did not mean that Tutsis were no longer discriminated against. The quota system continued to function in a more organised manner. Habyarimana's government introduced affirmative action and was known as 'equitable, ethnique et regional'. This meant that affirmative action focused on two issues, ethnicity and regional, and a program for justice. Justice in this regard meant redistribution of resources only targeted Tutsis and encouraged Hutus to unite against Tutsis. The focus of redistribution was on regional basis, which also affected affirmative action. For example the allocation of jobs started with where a person came from and then ethnic background. Due to the fact that the president was from the north, people who got jobs first, especially government posts, were those coming from the north. Hence tension amongst Hutus became unavoidable (Mamdani, 2001:139).

1.4.2 Socioeconomic Factors

Rwanda's political discourse after independence had a profound impact on socioeconomic settings in the country. To mention a few, when Kayibanda took the leadership of the country he sought to purify the country along

ethnic lines. A committee was then set up which was responsible for public safety in Rwanda. This committee made sure that a nine percent quota system was enforced in education and employment. For example Hutu students formed tribunals that checked the blood line of each student in order to be able to identify who was pure Hutu. This resulted in Tutsi students fleeing the campus of Rwanda National University. In 1972, the killing of Hutus in Burundi was used by the then Rwandan government as an excuse for political advantage (Mamdani, 1996:22).

In the following year (1973), Habyarimana ousted Kayibanda in a bloody coup and Kayibanda was then killed. It is argued that during the revolt both Hutu and Tutsi were killed and as a result both these ethnic groups fled to neighbouring countries. At this stage Rwanda was part of Francophone Africa therefore it was important to protect and promote the French language. The point being made here is that in most African conflicts the west (Europeans) is involved. For example, conflicts which might have lasted for a short period, were prolonged due to outside influences. Rwanda was not immune to such situations. With the end of the Cold War, both Francophone and Anglophone countries enjoyed a new life. This time there was no need for super powers to continue holding onto African countries. However France wanted to maintain its influence in Africa, so the only way was through the policy of close relations with African heads of state hence, France kept close relations with Rwanda too (Pruiner, 1995:22).

In 1978 Habyarimana restored civilian rule under a one party system. In the meantime Habyarimana was able to bring peace and stability to the country, but the price for that was loss of freedom for the people of Rwanda. By 1975 military rule was formally abolished and a new party was formed by the name of Mouvement Révolutionnaire National pour le Développement (MRND). Only the MRND were allowed to run government offices. Here Rwanda was experiencing change without a difference. By this time every Rwandan young or old became MRND members and Rwanda became a one party state. This shows that Habyarimana was no less than his counterpart Kayibanda. He also arrested his opponents and tortured and killed them with hammer blows. Despite all this people were taught to adore him as the father of the nation (Pruiner, 1995:22).

At this time Rwanda was in some way similar to South Africa during the apartheid regime. Although it was internationally recognised as a democratic country with majority rule. Yet like South Africa every Rwandan was forced to carry a compulsory identity card whereby a person was required to show his or her group (Hutu, Tutsi or Twa). If a person was found changing his identity card illegally he was imprisoned. The Rwandans had to carry these cards wherever they went. A person was not allowed to even move from one prefecture (locations in a province) to another without appropriate documentation allowing him to be in that

particular area. In South Africa 'pass laws' were made for Africans (non-Whites) in which they had to carry permits that allowed them to move from one 'colony' to another, other even between township and urban areas (city). If a permit had expired or was not being carried, the person was arrested and forced to move to a Bantustan. Like 'Africans' in South Africa, Tutsi were marginalised. Kayibanda's quota system was retained by Habyarimana's government (Prunier, 1995:76).

Another comparison which can be made with South Africa is that passports were not given to Blacks who were suspected of being involved in the liberation struggle against apartheid in the early 1980's. There was a declaration of a 'state of emergency' whereby no one was to be seen walking about after a specific hour in South Africa. In Rwanda, from 1978 till the genocide started it was the same, in that permits were not granted to opposition members. There was also a curfew from 6pm. The Rwandan government claimed that it was combating terrorist bands known as *Inyezi* (Ibid.).

Most often than not, countries that are faced with civil war have a tendency of not dealing with their refugees. Even today, the government of Rwanda is unable to deal with the plight of Rwandans living outside the country. This research has also looked at how the Rwandan government is dealing with refugees living in South Africa.

During the 1959 and 1972 conflicts in Rwanda people sought refugee status in neighbouring countries, Uganda being one of them. In 1982 Rwandan refugees in Uganda started fighting with the Ugandans for land and jobs, this resulted in the killing of refugees; some were beaten up, and there was theft of cattle. In response to this more than 80,000 people started to flee towards the Rwandan border. The Rwandan government reacted by sending guards to close the frontier, and an estimated 10,000 people were trapped. This government reaction gave strong evidence of the failure of governments in dealing with refugee issues. People started to die due to hunger, and some were beaten to death by Rwandan guards. Refugees in Uganda continued to experience discrimination and persecution. In 1986 the Rwandan government announced that it would not be able to settle the Rwandan refugees who then fled to Tanzania (Pruiner, 1995:77).

As time went by the refugees realised that the hope of going back to their country was dim. One other problem was that most of these refugees were not well educated hence, they lack skills in labour. Their only hope was to seek help from the United Nations High Commissioner for Refugees (UNHCR) and were provided with scholarships to study in the United States and Europe and they became doctors, lawyers and social workers. They then saw the need to formulate an elite group. Thus, in 1979 the Rwandan Refugees Welfare Association (RRWF) was formed. It later

evolved into the Rwandan Alliance for National Unity (RANU). This association was more political and aimed at opposing the divisive politics of Hutu nationalism. By 1987 this association changed to the Rwandan Patriotic Front (RPF). This organisation was dedicated to the return of refugees to Rwanda (Ibid.).

This group claimed to be representative of all refugees, not simply a Tutsi organisation. The RPF had 26 members in an executive committee and 11 were Tutsi, 15 were Hutu. The organisation was able to gain support from all those who opposed the repressive and backward Habyarimana regime. It must however be noted that this organisation was half political half military. The shortcomings of the RPF was that it failed to forge links between the opposition and the dictatorship within Rwanda. During this period the UNHCR and then the Organisation of African Unity (OAU), now known as African Union (AU), saw a need to start talks on Rwandan refugees. But this was too little too late. Already by this time there were rumours that an army had been created that would force the return of the refugees to Rwanda. This idea was the only method the RPF sought to adopt, given the repressive regime in Kigali. Hence the Rwandan Patriotic Army was created and its army forces came from Uganda. It was well trained, disciplined and had a great deal of combat experience (Pruiner, 1995:78).

During this period (late 1980's) the Rwandan economy was on the brink of collapse. The southern and northern Rwandans were divided and people of Rwanda were ready to welcome anyone who wanted to overthrow the regime. With these problems in Rwanda the RPF used this opportunity to gain support. The RPF therefore published an eight-point programme that included an end to the Rwandan ethnic divide and the system of the compulsory card. The RPF here advocated for democracy and self-sustaining economy and an end to corruption. In 1990 the RPF started putting its plan in action, hence they attempted to invade Rwanda. Their plan was a disaster. Fred Rwigyema, who was known as a fearless fighter in command, was killed. His death created a vacuum, however his place was quickly replaced by Paul Kagame. Kagame had fled Rwanda to Uganda when he was a child during the 1959 revolution in which he became one of Museveni's original guerrilla group (Mamdani, 2001:147). This is explained further in the next chapter.

It is believed that if the outside world did not assist Rwanda, genocide would not have taken place. However there is another notion that civil war was imminent in Rwanda, but it was going to be of a different nature. The invasion of the RPF in 1990 caused an international uproar. Hence they responded by giving Habyarimana's regime military assistance. For example troops were sent from Congo, Zaire and Kenya, and France provided support to the government which saw this as an invasion by Uganda, to

protect French citizens in Rwanda. Egypt sold ammunition to Rwanda just two days after the invasion. It must be noted that this arms deal was kept secret. In the period between 1990-1994 Rwanda became the largest importer of weapons in Africa and yet it was one of the smallest countries in Africa (Amnesty International, 1992).

Political tension in Rwanda was also as a result of economic collapse. In response to the economic crisis international organisations such as the International Monetary Fund (IMF) and the World Bank put Rwanda on the agenda of the Structural Adjustment Programme (SAP) with the aim of preventing economic chaos. For Rwanda the SAP meant that they had to change their pricing and trade policies in order to receive funding. Like most African countries who receive funding from these institutions, money went to the wrong pockets. Rwanda in this regard was no different, instead of uplifting the economy of the country the government decided to buy weapons (Pruiner, 1995:31).

As stated earlier on discrimination in Rwanda was directed not only to Tutsis but also to Hutus from the Southern part of the country. It is argued by Sibomana (1999: 22) that in 1989 Rwanda was stricken with terrible famine especially in the southern part of the country. The government however failed to provide necessary assistance. It is also evident that soldiers who were sent upfront during the war were mostly Hutus from the

south. These soldiers were also poorly paid compared to those coming from the north. Apart from the famine, the government was also said to be corrupt and freedom of the press was also said to be minimal. For example, Sibomana (1999:24) argued that the Rwandan government tried to denounce any publication on its involvement in corruption. In 1989 an article was published by the *Kinyamateka* newspaper which implicated the president and his son in drug trafficking. The article however was considered to contain offensive lies originating with the presidents' wife, Agethe Kanziga.

The events of late 1990 were similar to the events which took place in 1963. An estimated 5,000 people who were suspected of being RPF were arrested and detained in the stadium called Nyamirabo in Kigali. Killings took place in areas that were known to be hiding RPF. In October 1990, the Rwandan government staged a fake attack in Kigali. Hundreds of Tutsi suspects were arrested by this act. The arrests and killings were carried out by local officials who spread propaganda about Tutsis saying that they were coming back to restore the king and turn them into slaves. This was problematic since those people who were fooled were peasants, and one could say they were slaves indirectly anyway, since they were poor and working for rich Rwandans. During this period, those who were arrested disappeared, and some were tortured. There was no doubt now that the government was involved in human rights violations. It is estimated that from 1990-1992

about 2,000 people were killed and more than 10,000 arrested and detained without charge (Pruiner, 1995:35).

The period of 1989-1990 marked a significant event in the world's history because the Soviet Union collapsed. Most of the regimes, who were in power and supported by capitalist countries, were under pressure to bring democratic changes to their countries. The reason for this was that these countries were one party state countries and they were not practicing democratic principles. Rwanda was one of those countries and the worst part was that it was having economic problems. In November 1990 Habyarimana announced that a multi-party system would be created, hence the Union du Peuple Rwandais (UPR) was created in exile. The unrest however continued and they divided Rwandan society and also created political instability. Thousands of people were displaced and tea and coffee production were affected badly by this. The war also had a devastating effect on Rwanda's main overland route to the outside world; the tourist industry also suffered. By this time RPF became a legitimate participant in the political process (Pruiner, 1995:49).

It is very important to note that ethnic problems might not be the only issue in the Rwandan genocide, the economy also had an impact. From the 1970's to early 1980's Rwanda had made economic and social progress. During this period inflation dropped, there was local self-sufficiency and the

development of an export economy. Rwanda in this regard was said to be having the best road system in Africa. Because of the highest population growth in Africa Rwanda was unable to stand the drought of late 1980's. And what made things even worse was the invasion of Rwanda by the RPF in late 1990 which resulted in the loss of food production. Coffee was one of Rwanda's export productions; and this suffered badly during this period (Pruiner, 1995:45).

The failure of the Rwandan Patriotic Front during the invasion in 1990 did not discourage it in terms of pursuing its goal of returning refugees to Rwanda. By late 1990 to late 1992, the RPF continued with their guerrilla insurgency in the northern Rwanda. The RPF operated from Uganda, led by Tutsis exiled as well as Hutus who were opposed to the Habyarimana regime. The Rwandan government and the RPF came under international pressure. Hence the mid-1992 negotiations started in Arusha, Tanzania. These negotiations lasted for 13 months with a peace agreement known as the Arusha Accord. This agreement provided for radical changes. In August 1993 transitional government was installed under Habyarimana. The peace agreement also provided for the inclusion of RPF leaders in the transitional government, and that free elections should take place after a period of 22 months. It also advocated the formation of a new national army and the inclusion of RPF troops (Eserthuysen, 1998: 289).

Even though the signing of the peace accord was celebrated in the streets of Kigali, to the radicals (Hutu extremists) the terms of this accord was met with dissatisfaction. Rwandan soldiers were against this; they opposed Habyarimana for surrendering to foreign pressure. Their argument was that, if war was to begin they would have won it, so they did not see why Habyarimana surrendered. Most of these soldiers feared for their positions. They were not the only ones who had these sentiments; burgomasters and prefects had the same problem. Administrators on the other side were going to be reviewed and if found that they were involved in human rights violation they would face removal. The radicals regarded the accord as the confirmation of Tutsi domination (Des Forges, 1999:125).

In the same year, June 1993, in Burundi, a Hutu government leader Melchior Ndadaye, was put in power for the first time since independence from colonial powers. By October 1993 the new president was assassinated. This event rekindled anti-Tutsi sentiments in Rwanda hence there was a delay in the implementation of the Arusha Accord.

1.5 Chronology of Historical Events in Rwanda

- **1853-** Rwanda Under Mwami Kigeri Rwabugiri. Expansion of Rwandan boundaries and the new meaning of Hutu.

- **1894-** It is not clear exactly when the Germans colonised Rwanda. However it is argued that it was colonised during this period.
- **1919-** Rwanda was under Belgian Trusteeship. Belgium restructured Rwanda, e.g. Hutu chiefs were fired and replaced by Tutsi chiefs and the ID card system was introduced.
- **1959-** The 1959 Revolution, which led to the killing of Tutsi and some fled to exile. In 1961 Rwanda was under PARMEHUTU led by Kayibanda.
- **1973-** Juvenal Habyarimana from the northern part of the country and a major general carried out the bloodiest coup on the 5th of July.
- **1978-** Habyarimana restored civilian rule under a one party system.
- **1987-** Rwandan Patriotic Front (RPF) was born and its dedication was to the return of the refugees to Rwanda.
- **1990-** The RPF invaded Rwanda on the 1st of October.
- **1994-** On the 6th of April the president of Rwanda and Burundi were killed in an air strike.

1.5.1 The Methods of Killing During the Genocide

‘Road blocks’ were set up by militiamen who in most cases were drunk. They conducted their checks by stopping a pedestrian or a driver who at that time was heading in their direction. While doing that they were cheered on by onlookers, consisting of women and children whose purpose was to encourage the militiamen. Sibomana (1999:56) argued that these roadblocks

were characterised by a small pile of stones in the middle of the road. If a person wanted to cross through, that person needed to show an identity card. Failure to produce the card this resulted in the person being killed on the spot. A card containing the word Tutsi was an automatic death sentence. This also applied to people who had genuinely lost their identity cards and who happened to be Hutu. There is also another disturbing thing which occurred during the killings in the roadblocks, for example if the identity card was inscribed 'Hutu or (Twa)' but the skin colour was a bit too light or if a person was too tall, or the neck was a bit too long, they were killed. The process of checking the document changed as time went by. For example the militiamen started killing anyone who looked suspicious, and children who were wandering around were also killed.

Sibomana, (1999:57) further alleged that mass killings of children took place. The justification, 20 years later was that these children could become fighters for the RPF cause. Militiamen conducted the killings by using weapons such as machetes. The public (Hutus) was cheering in moral support, they were also given political assurance by the Hutu extremists. The hatred bottled up inside peoples' minds was later taken up. It is also argued that most of the people who conducted killings were under the influence of money or beer and even threats. During the genocide or killings, Tutsis and their Hutu accomplices were no longer viewed as human beings but as things, dirt, and poisonous snakes which needed to be

eliminated irrespective of their age. Weapons which were used in carrying out the massacres were said to be more basic, such as machetes, knives, axes, hoes, hammers, spears, and clubs studded with nails, known as *Ntampongano*, meaning without pity.

The appearance of the militiamen was also said to be terrifying. They walked bare-chested and covered in dried banana leaves like traditional dancers. During the killings militiamen shouted and sang showing jubilation and enjoyment of what they were doing. For Sibomana (1999), it was an exaggeration to argue that the entire population took part in the killings, however “those who resisted were rare, and those who had conceived the genocide left no stone unturned to involve as many Rwandans as possible” argues Sibomana.

The above argument has shown how the 1959 revolution created elements which resulted in the 1994 genocide in Rwanda, for example, the killing of the Tutsis who were in power during colonial rule, subsequently causing some to go into exile in neighbouring countries. For obvious reasons those who were in exile knew that one day they would return to Rwanda. Another thing that can be highlighted here is that both the First and Second Republics created an atmosphere which was oppressive and discriminatory not only to Tutsis but to Hutus in the Southern part of Rwanda. Hence this

created a support base for the RPF since they claimed to be fighting for all Rwandans.

Due to the fact that RPF leaders were occupying important government positions in Uganda, when Ugandan leaders were pressurised by Ugandans about Rwandans occupying top jobs, he was forced to get rid of them. Paul Kagame was one of those Rwandans who had a top job in Uganda, and he realised that going back to Rwanda would mean to losing everything that he had in Uganda. This prompted most of the RPF leaders to go back to Rwanda by force.

Rwandan independence was therefore marked by scores of massacres of Tutsis, who were in power before and during colonial rule. This resulted in thousands of Tutsis fleeing the country and seeking refuge in neighbouring countries. The revolution of 1959 was supposed to bring changes in Rwanda and to address the issue of inequalities which were perpetuated by colonial rule. Contrary to that the Hutu government continued to follow the footsteps of their colonial masters. Inequalities were made legal by claiming that Tutsis had enslaved Hutus for 400 years, at least that's what some Hutu informants argued. Apart from that, Hutus themselves were divided along regional lines. New identities emerged, i.e. the Northerners and the Southerners.

1.6 Methodology

1.6.1 Motivation of the Study

A great deal has been written about the Rwandan genocide. However most researchers, in dealing with the events of the genocide, analysed not only the impact of the genocide but also the way in which perpetrators were dealt with. This simply means that most studies were dealing with the scale of the genocide and its aftermath. None were looking at how Rwandans living in exile feel about the genocide and the *Gacaca* system, which is the system Rwanda is using to deal with genocide perpetrators to put those responsible for the brutal killings behind bars, or at least to make them account for what they had done during the genocide.

The *Gacaca* system seeks to address the unique situation of a country torn apart by mass participation of its population in violence. This study on the ethnic conflict in Rwanda is very important for Africa as a whole. It is evident that there is a need in South Africa for more studies in the field of dispute resolution, since the country (South Africa) is involved in diplomatic dialogue in most of the African countries such as Burundi, Democratic Republic of Congo and Darfur. South Africa has its own share of ethnic mistrust and conflicts particularly in KwaZulu-Natal province though it seems to be calm at present. I believe that lessons learned in the Rwandan conflict of the mid-1990's and the examination of the relevance of

dispute resolution taken thereafter can be of immense use to South Africans in foreign policy issues as well as in our own areas of conflict resolution.

I was deeply moved by the horrendous acts of humans to fellow humans. The question I kept asking myself was what triggers people to carry out such inhuman acts, and is it possible that such acts could happen in South Africa. Seeing this I felt that there was a need for an African scholar like myself to conduct the study in order to be able to gain insight into the horrors of such acts and how they may be dealt with. This will benefit South Africa's new democracy and it is pertinent because that South Africa is involved in dispute resolution in Africa.

1.6.2 Objectives of the Study

The thesis traces the historical aspects of identity in Rwanda. Hence, the impact of colonialism in relation to both ethnicity and identity has also been investigated. Another element which the thesis has probed is the concerns of Rwandan refugees regarding the sustainability of peace. The study attempts to establish the knowledge and the attitudes of the people with regard to the implementation of the *Gacaca* as a tool to steer people to reconcile. Another aspect which the thesis looked at is the nature of post-genocide society in Rwanda, as well as the expectations of refugees in dealing with perpetrators.

As stated earlier in this chapter the thesis examines why the focus should not only be on criminal trials, adjudication, and imprisonment, but why these elements may do little to promote justice or national reconciliation.

The Rome Statute on international criminal law propounds that criminal trials and imprisonment of the guilty constitute the appropriate mechanism to respond to all situations of genocide and crimes against humanity. However this seems not to help in bringing peace and reconciliation in any transitional government. For example the former Iraqi leader Saddam Hussein and his accomplices were found guilty of crimes against humanity and the death penalty was issued, but some see this as a potential cause for instability in Iraq to continue. Rwanda has adopted a similar stance in dealing with genocide perpetrators especially the organisers, however due to the complexity and scale of those involved, the *Gacaca* as a traditional system was also sought. However the success of it lies in a number of things, government being the key player in ensuring that it works. Civil societies and NGO's should function as the watchdog of Gacaca. Another aspect which is examined by the thesis is the handling of those who committed crimes against humanity between 1990-994 with respect to the Rwandan Organic Law.

1.6.3 Research Methodology

The process of identifying the most relevant and useful methodology was used continuously, as research gave sharper insight to issues of investigation. The qualitative research method has been used because it can enable this research to produce meaningful interpretations and critical answers to the research questions. This method is also able to present authentic interpretations that are sensitive to socio-historical contexts. It tries to balance the voice of research participants and contextual data of the researcher before conclusions are drawn. The qualitative research method is defined by Strauss & Corbin (1990) as the ‘method that seeks to explain the most complex occurrences that would be difficult to convey by means of the quantitative method which uses numeric interpretation of data’.

In arriving at the historical background of identities and the impact of colonialism in relation to ethnicity in Rwanda, I examined archival materials such as journals, books as well as newspapers articles. In terms of gathering data on the perception and concern of the people of Rwanda with regard to peace and the credibility of the *Gacaca*, an interview guide was designed which were semi-structured for primary data. The reason for choosing semi-structured interviews was the fact that I was able to make follow-up questions. Basic factual socio-economic issues were probed in the first part of the interview in order to enable the researcher (interviewer)

to establish a sense of rapport with the informants and allow for ease of entry to the more personal and sensitive areas of the interview.

Informants were chosen by using snowball sampling. According to Bernard and Baker (1999), snowball sampling is when one or more key individuals are located. Through these individuals other respondents are then identified. Snowball sampling is usually used in studies where it is difficult to find population. This sampling technique fits in my research since I am dealing with Rwandan refugees and it is not possible for me to know their location at the start of the research. I then first located one Rwandan who later was able to identify other Rwandan in the area. In other words snowball sampling leads a researcher from one power holder to another. Interestingly enough, snowball sampling is also used by police to locate gang leaders. It is also stated that the same method is used in community studies, especially on migrants (Bernard, 1995:97). That is why this method was appropriate for this study.

Data from my informants was collected over a period of 24 months. However I must state that I went back to some of my key informants for more information. Most of the interviews were conducted in their homes and some in parks or in the office. There were two sets of interviews, the first set was related to the *Gacaca* system. The second set was more on respondents, life history, their experience during the genocide as well as life

in exile. Those who provided second interviews were my key informants. The selection of key informants was determined by the willingness of the individuals and there were seven key informants out of 30 informants. From my key informants I then chose those who did second sets of interviews.

1.6.4 Experience During the Research

This section discusses a more broad-based research experience. Prior to embarking in fieldwork *per se*, I met one Rwandan refugee student from the University of Durban Westville now (known as the University of KwaZulu Natal, Westville campus). I then set a meeting with her so that I could brief her on my research. This was necessary since I was relying heavily on her for my sample. She also had to go back to other Rwandan refugees and explain the whole idea behind the research.

Though snowball sampling was mostly used in this research, other methods were also applied due to complexity of the study, hence at some point I had to search for my informants at shopping malls. This was done because I was told that most Rwandans were car attendants, which is why I searched for them there. In approaching my informants I did not encounter many problems. For example I would just go to any car attendant whom I suspected might be from outside South Africa. Having identified them I would then introduce myself to them. I must say that before my informants would agree to the interview they were quite suspicious and asked me

questions to explain my interest. However after explaining to them they would then agree and give me their contact details.

I got some of my informants through networking. For example the informants whom I interviewed would then refer me to other Rwandans. Some of my informants I found through the Department of International Students at the University of KwaZulu Natal. Here I was given a list of students from outside South Africa. I then e-mailed those from Rwanda. Well the response from this pool varied. There were those who agreed to be interviewed without asking any questions. Others asked questions such as, “*Where did you get our contact details*”? I must say that they were very offended by this. They argued that it was unethical for me to have their contact details without their consent. I must say that for once the excitement of doing my research turned bitter due to these ethical challenges. I realised that a simple thing such as an e-mail list could put other people in danger as people could track each other. The anger of some students made me fear personal danger as well.

Well I got over that feeling and I was back on the street again doing my interviews. Most of my informants were impressed that I was doing this research considering the fact that I was a South African and a women. The idea that I was going to use an audio tape was not well received by some of my informants. However others agreed to be interviewed with it, while

some did not. Most of my interviews were conducted in the houses of my informants so that they would feel more comfortable. Others took place in my office, and also in an open area like a park. I made my informants dictate the conditions of where they could be interviewed. It was not always safe in some areas to do interviews in their places. My informants were staying in flats, some sharing and others living with their families.

I met one of my informants in one of the malls in Durban. He agreed to be interviewed and we then arranged the day and time. On my arrival on the day of an interview he told me that I was going to interview his brother because he can't speak English properly but his brother was fluent. I was a bit disturbed because I had already developed some rapport with him. We then went to the flat and he locked the door behind me, which I found to be strange. I must say that the place was not comfortable in the sense that everyone in the house stopped doing what they were doing and stared at me. Another thing that I encountered was that they were not Rwandans but were Congolese. Considering the history of Rwanda it was possible that they might have been Hutus of Congolese origin.

The interview could thus not materialise due to the fact that they were not from Rwanda. He however gave me his views regarding the issue of Rwanda invading the DRC. He pointed out that Rwanda was a small country and they could wipe it out within a few hours, this was however

possible if the international community especially the USA, could stop supporting Rwanda military. I had to entertain some conversation on his views on DRC-Rwanda relations as it turns out that this is what he could talk about.

Regarding their responses to questions, some of my informants were not relaxed for the first few minutes. I also observed that others were holding back information when answering questions, for example they would just say they did not know. Others could not answer some of the questions because they said they were too political. One informant, before being interviewed, decided to ask me questions on Rwanda. He wanted to know how much I knew about the history of Rwanda. He even said to me that what I read was Western propaganda. That's when I said to him he must then tell me the real story since I had been reading the so-called "Western propaganda".

Some of the interviews that I conducted were very long, others were short, depending on the willingness of my informants. Despite all the limitations, I managed to conduct 30 interviews. After an interview most of my informants would offer me something to drink, often juice or tea. I must say that, they insisted that I must take it because they feel bad if I refused their offer. They would argue that it's not African not to offer a visitor something to eat or drink. On some occasions I was offered food, which was different

from what I am used to. One informant after an interview showed me his photo album. On the first page was Paul Kagame's (president of Rwanda) photograph. These acts of generosity did indicate a measure of accepting me and my project.

Most of my Tutsi informants preferred not to be called Tutsi because they said in Rwanda people are no longer identified according to their ethnic groups. I must confess that the appearance of some informants tally with how literature described identities particularly in terms of physical features. For example in some cases I would meet my informants without help. We would just decide on a date and time we would then give each others descriptions by the clothes we wore. In one instance where we didn't, I was nevertheless able to identify them and they were shocked that I did that. However in some instances I would guess that the person in front of me belonged to a particular ethnic group only to find out that they did not.

In most cases when I finished an interview, just after switching off the tape recorder, my informants would reveal other information which I deemed to be important. At that moment my writing pad was already in my bag and there was no way I could show that I was recording it. So in such instances I had to keep everything in my mind. The conversation in some instances lasted at least 30 minutes. This meant that some of the information I was not able to remember, which allowed me to make some follow up. The difficult

part about researching on sensitive issues is that the use of a tape recording makes the informants feel uneasy. Therefore this means that some of my interviews were conducted without the use of tape recorder. Some of my interviews were conducted in Kinyarwanda the Rwandan language. In this instance I used an interpreter.

One of the things that I discovered was that there were Rwandans who could afford maids; in most cases their maids were South Africans. Most of my informants were found within one area in town, most of them were staying in South Beach Durban. The reason for this is that cluster settlements bring fellow countrymen, friends and refugees together. However, it must be noted that most of my Tutsi informants were found in the university residences. Very few Hutus that I interviewed were students. Most of them were car attendants and those who were students were paying their fees themselves or their husbands were paying. In some cases they were funded by the UN office for refugees. However, Tutsi informants who are students are being funded by the Rwandan Government due to the fact that Tutsis are viewed as victims and Hutus perpetrators. (Tables 1 and 2, illustrate distribution of my informants, shown in the appendix).

1.6.5 Methods of Identifying Informants

International students in any university have associations; Rwandan students in this regard have their own student association. The aim of the

association is to give relevant assistance to Rwandan students should they encounter any difficulties. The association is also responsible for organising functions such as the April memorial that takes place every year to commemorate the 1994 Rwandan genocide. Refugees on the other side also have associations, such as the women's association. Its function is to give support to any women who have problems, especially Rwandan women. Problems which they normally encounter are physical abuse by their husbands, unemployment, and other issues. For example there was this woman whose husband refused to pay her tuition fees. Another example was a woman who committed suicide because her husband was abusive.

Due to the fact that all my informants were Rwandan and their first language is Kinyarwanda, I had to have a research assistant to interpret since some of my informants were unable to speak English. The limitations that I encountered regarding interpretation were that I could not tell if interpretation was inaccurate and in some cases interviews turned out to be very limited. There was however one instance where I had a very long interview which lasted for about four hours, despite the fact that I had an interpreter. This informant had only been in the country for three weeks, so what normally happens is that when there is a new arrival from Rwanda people will then (other Rwandans) come to see him or her to be given up-to-date information on Rwanda.

I mentioned earlier on that some of the information came out after I had switched off the tape recorder. One of Hutu informants did this, after an interview she offered me some thing to eat as others do. While preparing she started telling me why she was suspicious of people like myself. She said that one of their leaders who was in government during Habyarimana's regime was abducted by people who were disguised as South African Police (SAP), and they wore SAP clothes. The so-called police asked him to come with them to the police station for questioning because of incorrect documentation. He therefore cooperated. This took place at one of the supermarkets in Point Road, Durban, where he was shopping with his wife. They then took him to the back of the van and drove off (Interview: 06/07/05). She further stated that:

After a while this man realised that the van was not going to the police station since it was going to take less than five minutes to reach it. Those people who claimed to be policemen took him to the bush. When they arrived there they handed him to other guys (men). He was then asked to sign documents that he was not even given a chance to read. After having signed the documents they ordered him to be killed. What happened during that time was that one of the guys suggested that he be left in the bush because they assumed that he would not be able to survive due to the fact that there were wild animals like lions, therefore he was going to die anyway. However, this man was able to survive.

The women also told me that they once had a landline telephone in their flat and that they then received frightening telephone calls. For example, in some cases the phone rang and when she tried to answer it, the person would hang up. According to her, this situation took place several times until they were advised by friends to cut their line and stop using it.

I would like to agree with Hayner (2001) that truth-telling, or talking about the past with regard to violence, heals. This is evident due to the fact that some of my key informants confessed that they have never spoken about the genocide. One of my informant said that by talking to me, he felt as if something was taken off his shoulders. I believed he was telling the truth that he had never spoken about this because I saw that he was shaking while telling the story.

The early days of fieldwork are said to be the most difficult experience or rather worrying moments for a researcher. One of the reasons is that, as a researcher you always ask yourself whether people you intend doing research with are going to be willing to take part. In some cases getting informants is always challenging particularly when you are an outsider. An outsider in this regard is someone who does research about communities other than his or her own. An example of this would be doing a study on Zulu 'ethnic' groups while a researcher belongs to a Sotho 'ethnic' group in a country where ethnicity matters. In such cases it is always advisable to

look for people who will welcome you with a friendly attitude (Glesne & Peshkin, 1992:430).

During this time it is important to do observation as you go along searching for your informants. In this regard observations were done in the surroundings for example where they work and stay, as well as the people around them. I must say that because my research had nothing to do with participant observation, I only did observations while conducting my interviews. It is also important to note that some of my informants invited me into their homes on several occasions other than during interviews. In these cases I continued to do observations. I was even invited to their church where they have services every Thursday evening. This suggests that I was also involved in participation observation.

Given all these scenarios it is the intention of this thesis to explore what has happened in Rwanda. This thesis therefore follows both a historical and an empirical approach. It pursues the issues of why conflict in Rwanda happened in the first instance, and then it moves to the examination of peace initiatives implemented by the Rwandan Government, the *Gacaca*. Chapter Two will deal with general conflict theories. However ethnic conflict theory is broadly analysed. Chapter Three deals with experiences and perceptions propounded by my informants on the genocide and the *Gacaca* process. There is wide speculation that the Rwandan genocide was

the result of ethnic differences hence, was blended as an ethnic conflict. It is a well known fact that ethnicity is a new phenomenon and it became popular with the arrival of colonials in Africa. Hence Chapters Four and Five look at how identities were constructed pre-colonial and colonial in Rwanda. Chapter Six deals with the issues of Rwandan refugees in the Great Lakes Region, and the formation of the Rwandan Patriotic Front (RPF). This chapter is then followed by Chapter Seven which explores the efforts of the Rwandan Government to sustain peace and reconciliation. Chapter Eight is the conclusion and gives recommendations.

Chapter Two

Conceptual and Theoretical Framework that Informed this Study

2.1 The Emergence of a Culture of Violence

The 20th century has been one of the most violent periods in human history. For example, there were colonial conquests, two World Wars, with acts such as the Holocaust which took place during World War II in Germany, the bombing of Hiroshima in 1945 and horrific gross human rights violation of the 1994 genocide in Rwanda. The Rwandan genocide stands apart due to the brutality of the killings. In many African countries that have gained independence from their colonial masters, instead of enjoying the fruits of independence, they seem to have embarked on destroying themselves through civil wars which cripple development and cultural aspects of living. Hence peace in some of these countries, such as the Democratic Republic of Congo, Sudan, Ivory Coast, Somalia and so forth, could only be a dream. Thousands of people lost their lives during these wars; some of the people responsible for crimes against humanity were prosecuted, and others managed to escape prosecution. In attempting to develop an appropriate model, I deemed it necessary to examine different conflict theories due to the pragmatic and multi-disciplinary nature of my study.

In this light conflict is considered by Coser (as cited in Fry & Björkqvist, 1997:25) as “a struggle over values and claims to scarce status, power and resources”. Conflict is also understood to be “a struggle in which the aim of opponents is to neutralise, injure or eliminate their rivals”. This definition suggests that conflict exists because of inequalities that exist in societies. In order for these inequalities to be addressed, conflict has to take place. This is made tangible by Fry and Björkqvist (1997:26) claims which suggest that conflict is necessary or inevitable in societies which experience inequalities. To avoid conflict from happening, it is therefore important that all people be given what they need. This position implies that as much as conflict can be dysfunctional, at a later stage it improves social relations of societies.

For example, to support the above argument, conflicts come about as a result of past discrimination and oppression, especially when discrimination takes place along ethnic lines. What happens is that a group that is discriminated against will after decades of oppression organise themselves. In most cases, they form political organisations that will represent them. This will go hand in hand with forming armed wings. For example, the African National Congress (ANC) of South Africa had *Umkhonto Wesizwe* as its army. Though this organisation was not formed on ethnic line rather on racial lines, it gives a perfect example (Gurr, 1993:59).

The Rwandan case is a bit more complicated. For example the RPF which was formed by Tutsis in exile since 1959 invaded Rwanda in 1990 through the Northern part of the country, killing most Hutus who were living there. The impact of this was that Hutus inside Rwanda targeted local Tutsis by killing them. During this time it must be remembered that Rwanda was experiencing transition where there were negotiations going on with regard to putting in place a democratic system. This meant that inside the country, other than the RPF, there were political organizations which were opposing Habyarimana. So what happened was that when the genocide started, the first people who were targeted were those Hutus who formed political organisations that opposed government for failing to deliver services to Rwandans.

One of my informants described the gruesome acts of killings in detail when he told the story of a female leader of the Mouvement Démocratique Républicain (MDR), by the name of Agathe Uwilingiyimana, who was brutally murdered by Hutu militia. He said that her eyes were taken out as well as her heart. She was then torn into two halves and died on the spot and her body was left to rot in the street. It seems in fact, that everyone who opposed the government was killed, whether Hutu or Tutsi. Another issue that one of my informants stressed regarding the participation of people is the fact that the majority of Rwandans were peasants and uneducated, so it was easy for them to be able to participate in the killings without hesitation.

His argument here was that those who were educated and well informed about the political propaganda channelled by the government refused to take part in the killings. Another factor was that agriculture was no longer done due to economic decline therefore killing was in a way carrying out their duties to the government or to fulfil their *Umuganda* (obligation for the month).

Marxist-radicals on the other hand argued that racial and ethnic divisions are merely a false consciousness that was kept alive by the ruling class in order for them to be able to rule the society. This gave rise to the general notion that below ethnic conflict there were elements of political and economic inequalities. This notion suggests that ethnic conflicts do not exist, but that social, political and economic conflicts existed between people who identified themselves in terms of ethnicity, race, religion and national origin. This theory therefore agrees with the structural violence theory which suggests that the absence of social structures can cause conflict (Rupesinghe, 1989:17).

In Rwanda, distribution of resources was centred around ethnic origins which later took a turn to regional basis. For example when Rwanda gained independence in 1962, the quota system was introduced in which 10% of the Tutsis were allowed to enter schools and universities. Under Habyarimana, resources were distributed along regional lines. This meant

that Hutus from the Northern part of the country were the first to benefit from the government. On the other hand both Hutus and Tutsis from the Southern part of the country were discriminated against.

Another explanation on ethnic conflict is that it is likely that during the transition of a country or government from authoritarian rule to democracy, extreme violence is likely to happen. The reason is that those who were in the previous government might find it difficult to lose the status quo. It is also likely that during their rule, government officials might have committed crimes against humanity. In this way they know that once they are out of power they will have to face punishment. In response to this they might cause instability especially in a military state (Uvin, 1998:210).

Gellner (1995:160) suggested three stages in an attempt to understand war or violence. Firstly he argued that at first war was contingent. By this he meant that war is dependent on something specific that happens. The Rwandan genocide of 1994 in this regard took place due to the plane crash that killed Habyarimana. People, especially Hutus, thus participated in the killing of Tutsis because they thought that Tutsis were going to enslave them again. However the catalyst of the killings was the plane crash. Hence the war, according to Gellner (1995:160) is seen as contingent.

The second scenario is that war or conflict takes place due to uneven distribution of resources. For example the owners of surplus production will always defend themselves from those who wish to redistribute the surplus. Therefore this means that under any normal circumstances those who guard and control the limited surplus will always enforce principles that are favourable to themselves. For example, in South Africa during apartheid the government passed laws such as the Job Reservation Act. Again in Rwanda similar cases took place. For example the pre-colonial era showed that certain ethnic groups, in this case Hutus, were not allowed to own cattle. Again during colonialism it is evident that Hutus were discriminated against in terms of access to education, wealth, and working in government departments. When Rwanda gained independence from colonial masters in 1962 there was what we can call a change without a difference. Here the Rwandan government, which was Hutu, reversed the laws. Tutsis were now discriminated against (Gellner, 1995: 160).

The question of peasantry was also touched on by Gellner (1995:162) which was the third stage, though he did not expand on it. Some of my informants did allude to its significance. They argued that the reason why so many people were involved in the killings was due to the fact that most of the people were illiterate peasant workers. My informants argued that during this period there was no planting being done, hence killing was seen as working for the government. This means that the high participation of

peasants in the genocide proves Gellner's (1995) argument that poor distribution of resources might lead to violence. For argument sake, let's say the majority of the population in Rwanda was literate, surely the participation would have been minimal. The issue of peasantry and literacy is about perpetuation of conflict rather than initial cause. It explains why conflict and war continue despite attempts to negotiate and prevent conflicts from happening.

Mamdani (2005) argues that conflict can be explained in terms of seeing 'natives turned perpetrators'. According to this view the Rwandan conflict was latent because the existing government in Rwanda had been viewed to be that of the settlers. To concretise this, Mamdani has written a book titled *When Victims Become Killers: Colonialism, Nationalism, and the Genocide in Rwanda, (2001)*. The killers therefore are viewed as yesterday's victims. In this regard he tells us that Hutus were victimised by the so called Tutsis before colonialism and during colonialism. The question is how it possible that Hutus could be seen as victims while their government was in power when the genocide started. Again Mamdani (2005) cited Fanon when he argued that the Native violence was the violence of the yesterday's victims. I personally do not think this scenario applies to the 1994 Rwandan genocide, but the 1959 revolution might fit. This will be explained later in Chapter Five.

Huntington's (1996) explanation which suggested that conflicts are as a result of cultural differences might apply to other political conflicts not in the Rwandan case. The reason why I argue in this way is the fact that Rwandans shared culture. I think it is problematic to just generalise with regard to culture due to the fact that the cultural aspect in any conflict in most cases is used by those who want to hold onto power to gain cultural support. In this view even ethnic conflicts are as a result of wanting to get ethnic support to hold onto power. The relationship between culture and ethnicity is problematic since it is not clear what sustains ethnic differences, whether physique, culture or some other class-related aspect. This angle of scrutiny enshrines two types of violence-related ideologies, i.e. suppression and spontaneous killing ideologies.

Suppression as an ideology behind violence or genocide might be considered partly in the Rwandan case. Why I say this is because it is highly possible that Tutsis who were in exile from 1959 experienced suppression in their respective countries. However 35 years in exile is a long period. There must have been something that triggered them to return to Rwanda using force, because during this time there were negotiations taking place. There is evidence that in Uganda the Banyarwanda were living under harsh conditions. It is also true that there were Tutsis who occupied high government positions in Uganda and, as a result of this, Ugandans responded negatively to Banyarwanda, hence Rwandans had no option but

to return to their country. The dilemma for them was that their return meant that they would lose their position in Uganda and in Rwanda they would have no future.

Therefore returning to Rwanda by force was not a mistake but a calculated act which suggested that they wanted all or nothing, even if it meant taking human lives. The reason why I focus here on Tutsis is because of the stance they took in 1990 by invading Rwanda in an effort to return. Basically Tutsis while in exile experienced suppression (see Chapter Six for detailed accounts). Tutsis who were inside the country also suffered. That is why one of my informants stated that Tutsi families inside Rwanda sent their male children outside the borders to assist their fellow brothers outside the country. Therefore oppression both inside the country and outside the country made it necessary for the RPF to invade Rwanda in 1990. Hutus on the other hand, even if they experienced harsh condition under their Hutu government, genocide was not going to be possible rather there was going to be political instability.

There is also another argument from my informants which suggested that genocide came as a result of the spontaneous killings which were perpetuated by the RPF soldiers in Northern Rwanda during the invasion of returning refugees from 1990 right up to 1993. His stance on this was that the killings basically built tension amongst the Rwandans, particularly the

Hutus. Another aspect which contributed to the nature of killings was the production of the ideology of violence, as a result of the meaning of the name of the militia.

During the 1959 revolution those Tutsis who went into exile formulated a militia group and they named it *Inyenzi*. *Inyenzi* has two meanings venomous snakes and cockroaches. These meanings were later used as derogatory words against Tutsis. They were called cockroaches. One of my informants therefore stated that the method used to killing a cockroach was also to be used when killing Tutsis, since they were referred to as cockroaches. Regarding the snake on the other hand, when killing it and making sure that it is dead you must make sure that you separate the head from its body and cut it into pieces. Therefore the same method was used to kill Tutsis. That is why the killings of 1994 were so intense and inhuman.

It is also important to note that campaigns used both by the RPF and the Hutu government came as a result of the other. For example *Interahamwe*, the youth militia, recruited mostly Hutus though its chief commander was a Tutsi by the name of Joseph Rutaganda. This Hutu militia did not exist before the 1990 invasion. It was therefore a counter militia to the RPF youth militia called *Inyenzi*. The plane crash in 1994 in which president Habyarimana died, was the deciding factor of the Rwandan genocide. Even if killings were going to take place they would not take place on the scale

they did when the plane crashed. By this I am trying to argue that genocide was not going to take place; probably people were going to be killed but not on that scale. Seemingly for conflicts or genocide to take place there must be some kind of a push factor for it to happen. The shooting of the plane was that push factor. For example even though World War I was imminent, the assassination of Duke Franco Ferdinand of Austria in 1914 was the deciding event for the war to break out. Hence the plane crash which was carrying Habyarimana became a deciding factor for genocide to take place. In other words the plane crash was the catalyst.

The issue of power sharing can also not be ruled out when looking at the causes of conflict. More often than not the unwillingness to share political power by contending parties is detrimental to the country's stability. One other aspect is the refusal of the opposition party to accept defeat during the elections. The question that we need to ask ourselves is whether the Rwandan government has ever been legitimate for all at any point in time? Could power sharing fix Rwandan problems?

It is important to note that there is difficulty in comparing various genocides due to the complexity of factors which lead to any genocide. However it is always important to understand various incidents of genocide in order to help promote a broader understanding of people's genocidal inclinations and also in assisting bringing up a blended response for promoting peace

and reconciliation. In the case of Rwanda, the *Gacaca* has therefore been put in place in an attempt to deal with crimes of genocide. In this case, the question might arise as to whether the Gacaca system is the right tool to bring about peace. Why was such a tool not adopted in dealing with some of the cases during the Nazi trials? Well, as stated earlier, genocides are different.

2.2 Psycho-cultural Conflict Theory

In the nineteenth century psychologists have also developed some explanation as to why conflicts take place. They argued that people, irrespective of their race and ethnic differences, have constant psychological or genetic tendencies that promote conflicts. Due to the fact that people tend to identify themselves with a particular group for a number of reasons, such as security, it is therefore possible that when that group is discriminated against conflicts are likely to take place in line with ethnicity. In this argument there is also a notion that everyone of us has a certain amount of “free-floating” aggression. This aggression is only activated when permitted or if social conditions push them to the limit. Relating this argument with the structural violence theory, I would argue that the absence of social structures can cause frustration in people, hence this might permit this “free-floating” aggression (Uvin, 1998:213).

Ross (1993:24, 194), argues that though structural factors may seem to be the cause behind severe conflicts, explanations for conflicts based on these considerations alone are often incomplete and therefore misleading. Ross (1993:194) goes on to say, "the way people fight for their interests and protect them, their acts have a psychological component which is not addressed by most conflict theorists". This can be seen as the limitation of structural conflict theory. For Ross psycho-cultural theory is more relevant in explaining the intensity and determination of ethnic conflict. Having discussed structural conflict theory, and its protracted conflict version, it is evident that they cannot explain the intensity of conflicts. Let us now find out if psycho-cultural conflict theory can help us in understanding the Rwandan conflict.

Psycho-cultural theory is viewed as emphasising the role of culturally shared, profound 'we-they' oppositions. It is the conceptualisation of enemies and allies. This also focuses on the deep-seated dispositions about human actions stemming from earlier development. Since it is assumed that in most cases protracted conflicts take place within societies which are characterised by a multi-communal composition and in which discrimination is targeted towards one specific ethnic group, special attention needs to be paid to identity in order to grasp the importance of its role in the escalation, duration and intensity of conflict. However at this time I will not examine identity; it will be dealt with later.

Having mentioned earlier that protracted conflicts can be ethnic in nature, this theory links such conflicts as identity driven. According to Rothschild and Groth (1995:58), this notion stems from the fear of extinction that comes from the experience of an ethnic group which is vulnerable. In most cases this group is living with memories of persecution and massacre. To put this in simple terms, this threat is seen as real or can be imagined. It emanates from the history of humiliation. As a result, this is a constitutive element of what Rothschild and Groth (1995:60) calls "the pathological dimension of ethnicity". These threats stem from the past, from historical experiences. That is why it is said that the past shapes the future. In Rothschild's words "actors form beliefs subjectively, largely on the basis of past interactions". There are loopholes in these beliefs of past experience, and the reason for this is that they are usually distorted and exaggerated over time most often they portray one group as heroic and superior while disapproving the other. The argument demonstrates that fears and threats of an ethnic group is a starting point of a psychological escalation process that will eventually evolve and substantially act upon the duration and intensity of ethnic conflict (Rothschild & Groth, 1995:59-65).

There are several psychological processes that tend to make conflict more intense and inflexible. According to Northrup (1989:70), these processes are; *threat, distortion, rigidification, and collusion*. Though Northrup's

(1989:70) model is not based on any particular kind of conflict, it does cover a range of conflicts, from personal to social. As mentioned earlier the threat to a group may be real or imagined. This is when members of both parties believe that their existence is threatened by the existence of the other. Each group in this regard perceives the other group as the destruction of its own identity.

Distortion on the other hand is a psychological response to threat and results to aggression. This aggressive response is not necessarily violent. What normally happens is that the group will only take a defensive response.

Rigidification, the third psychological process, involves increasing efforts to secure the boundaries for the group. This simply means that the other group becomes mutually exclusive categories, for example, the Group Areas Act which was implemented in South Africa during the apartheid government and the creation of Bantustans. This process also creates an image which is characterised by suspicion, hostility, and mistrust, and at worst, is the process of dehumanisation that renders violence against another group more tolerable.

The last psychological process is collusion. Here is where the conflict becomes part of the groups involved; they then collude in prolonging the conflictual relationship. At this stage the conflict is institutionalised. This

model therefore simply demonstrates that ethnic identity plays an important role in creating hostility between groups. Here destruction of the other could become an ultimate stage.

There is another school of thought which paid particular attention with regard to people's participation in conflicts perpetuated by state; they used what is called "normality thesis". In it, they argued that people participate due to the fact that they are obedient to their superiors. This theory is relevant to Rwanda because of its tradition of obedience or its conformist nature of following orders from above. I find it difficult to agree with this argument because some of the people refused to participate in the killings of their neighbours and friends as ordered by the government. Some Hutus hid their Tutsi neighbours, some refused to kill, and by so doing they were killed. In some instances Hutus who refused to kill their Tutsi wives, their daughters were raped while they watched. Others participated in an attempt to protect their families. Both my Hutu and Tutsi informants argued that people participated in the killings for a number of reasons, for example, jealousy, hatred, and greed. There were those who took part because they wanted to confiscate other people's property, others killed because they had enemies or because they hated each other. So they found it easy to kill their enemies even if they were both Hutus. Others kill because they were promised money, still others they believed the government propaganda that

the Tutsis were coming to enslave them again and because of the killings by the RPF which took place from 1990-1994.

The killings which were taking place in the Northern part of Rwanda had negative impact on those in the South. It must be recognised that due to the fact that northerners were given first preference in jobs, education and so forth, most of them were then staying in Kigali, the capital city of Rwanda situated in Southern part of the country. So the news from home regarding their friends, uncles, brothers, sisters, mothers, and fathers who were killed by the RPF was tormenting them and it built into hatred. One Hutu informant said they were confused about the whole thing because their relatives were being killed on the other side of the country while people whom they called their friends, colleagues, neighbours (Tutsis) were rejoicing over the killings, saying that “our brothers are coming”.

2.3 Structural Conflict Theory

Structural conflict, also called objective conflict theory, is defined as an outcome of incompatible interests based on competition on scarce resources. The reason why it is also known as objective conflict theory is that it is defined independent from the perceptions of participants and it emanates from power structures and institutions. On the other hand psycho-cultural conflict theory defines conflicts in terms of psychological and cultural forces that frame the beliefs about the self, the other person, and behaviour. Having read about Rwandan society and beliefs, it is correct to

say that psychological elements need to be understood as well in order to be able to grasp the terms and reference of Rwandan genocide. Let us now look at structural conflict theory in depth.

As briefly mentioned earlier structural theory stresses the competing interests as prime motivation of conflict. This means that it looks at the primary source in terms of social, economic, and political levels in society. To concretise this Ross (1993:15), argues that if economic and political discrimination exists in a society, conflict between these groups will be high. Other objectivist conflict researchers in this matter tend to be more reductionist on what contributes to the emergence and prolongation of severe protracted conflicts. For instance, Neo-Marxist structuralists see structural victimisation as defined earlier, as an important source that stems from chronic poverty and eventually results in overt conflict.

This approach can be seen as presenting a broader range of underlying factors which may result in conflict. Economic and social factors are an obvious influence in causing conflict. This however does not mean that factors such as political, institutional or ethnicity are not important or determining factors. To concretise this I would like to suggest that material interests are not sufficient to explain the severity and protracted nature of ethnic conflicts. I would like to believe that there is more to it than material

conditions, which substantially influence and ultimately determine the outcome.

It is argued that structural violence takes place due to the fact that the poor are denied decent and dignified living conditions. For example their physical and mental capacities are constrained by hunger, poverty, inequalities and exclusion. Violence therefore is seen as having to do with certain factors that cause people's actual and mental needs realisation to be below living standard. This suggests that violence of this type is built from the structures of the society (Galtung, 1969:168).

Galtung (1990:292) defines structural violence according to classical or direct violence; poverty or deprivation of basic mental needs; repression or deprivation of human rights and finally, alienation or deprivation of basic needs. Galtung (1990), further argues that violence is an unavoidable insult to basic human needs, hence those who own the means of production or who are in power will by all means lower the level of needs below the poverty line. This process therefore takes place in different levels of society, for example, survival level, well-being of people, as well as in freedom and identity. In brief, structural violence occurs due to the manifestation of a high level of unemployment and lack of social facilities. Social facilities might include lack of communication between the government and the people and an unsatisfying social life. Their absence causes frustration to people, hence violence becomes the answer to their problems.

Other scholars such as Hoffmann and McKendrick, (1990:20), view structural violence as institutionalised inequalities of rights and power. As stated earlier those who own the means of production in most cases decide who gets what, when, and how. In this case inequalities will be institutionalised and put in legal systems and justified through religion, mythology, philosophy, ideology and history. For example apartheid which is now regarded as a crime against humanity in South Africa was institutionalised.

During the apartheid era in South Africa laws were passed which discriminated against the so-called non-Whites (Blacks, Coloureds and Indians). For example laws such as the Group Areas Act of 1966, empowered the government of the apartheid regime to declare other areas to be reserved for the exclusive use of people of colour. This meant that for non-Whites to own property in an area which was reserved for Whites was regarded as a criminal offence (Goldstone, 2000:06).

Looking at the case of Rwanda, Uvin (1998:107), argued that structural violence also existed in Rwanda. For him this violence began long before 1990. He argues that the majority of the population in Rwanda lived under poor conditions. What manifested as violence in Rwanda was the widening inequalities resulting from unemployment, corruption, arbitrariness and

impunity. There were also social and economic inequalities. What transpired here was that people were denied equal opportunities to education, there was lack of information, and lack of basic needs such as access to health facilities, shelter, food and proper sanitation.

The absence of such social services provoked frustration, anger, ignorance, despair and cynicism. All this increased the potential for severe violence. From the mid-1980's up to the start of the genocide, Rwanda was experiencing an economic and political crisis, combined with the basis for structural violence. All this pushed people to the brink of destruction. It must also be noted that Rwandan people in their majority were constantly excluded from access to education, employment and experienced discrimination (Ibid.). Material interest might cause conflict but it will not be protracted due to the fact that material interest can be negotiated and resolved.

Discrimination in Rwanda took place in a number of ways, for example, being a Southerner was regarded as a sin, a Tutsi Southerner was said to be two sins. It was almost a common saying in Rwanda to say: "*Kuba umunyenduga ni icyaha, kunba umuTutsi ni ibyaha bibiri*" (to be a Southerner is a sin/crime, but to be a Tutsi Southerner was two sins). The explanation for this was given by one of my key Hutu informants. He went on to say that Hutus who were from the northern part of the country,

Byumba, Ruhengeri and Gisenyi, were likely to benefit from the government structure. The reason for this was that Northern Rwanda was where Habyarimana, the then president was born. So if you came from northern Rwanda and were a Hutu you were not discriminated against. Being a Hutu southerner you were denied access to education and job opportunities. This was because the Habyarimana government regarded Hutu Southerners as traitors. From my research, even Hutus who are in exile still see themselves as either Southerners or Northerners. For example my Hutu informant mentioned earlier said that one of his Hutu friends from the Southern part of Rwanda encouraged him to study, so that the Northerners should not take over.

Earlier on I used South Africa during the apartheid era as an example of institutionalised inequalities. There are similarities in many respect. Rwanda also had a systematic enforcement of limitation on people's movement and initiatives. For example, people were issued residence permits in accordance with zoning regulations that were put in place. There were also restrictive labour practices; people were also harassed by police on that account. For example if a person was selling a product the government was going to regulate that, even if it was a bucket of potatoes. In response to this people decided not to be involved in any kind of business. This was similar to South Africa where the apartheid government introduced pass laws, where everyone had to carry a 'Pass' which allowed

them to be in that particular area, especially in urban areas and city (Uvin, 1998:116).

The process of exclusion in Rwanda did not only contribute to inequalities in the lives of people but it went on to undermine the moral fabric or social capital of the people. What perpetuated the system even more was impunity, loss of credibility and legitimacy. It is argued that two types of impunity existed in Rwanda and each contributed to the 1994 genocide. For example the perpetrators of the 1963-64 and 1972-73 killings of Tutsis were never punished. If you opposed the government during Habyarimana's leadership you were regarded as a traitor; you would either disappear or die from what the officials or newspaper would call 'heart problem' as a common allegation. Though the current government in Rwanda is trying to punish those responsible for 1994 genocide, large numbers of genocide perpetrators are still at large. Some members of society, especially Tutsis are still enjoying impunity. For example it is evident that the killings after the 1994 genocide continued in camps of Hutus and these killings were conducted by RPF soldiers which formed part of the current government. It is also argued that during the 1990 RPF invasion in Rwanda, thousands of people were killed, and those involved in the killings are still free. This stance by the current government is contradictory to what is stipulated in Rwanda's Organic Law No. 08/96 of 1996 with respect to genocide. The second impunity that existed in Rwanda before the war has to do with

crimes of corruption, nepotism, and fraud conducted by state officials (Ibid.).

Azar and Moon's (1990:145) argument is not much different from arguments made by previous scholars on conflict. The only different thing about them is that they see structural conflict to be protracted. Therefore protracted conflicts are on-going and seemingly unresolvable. A similar stance has been taken by Ryan (1990:xxvii). This scholar sees protracted conflict as conflict between ethnic groups which has been going on for some time. These conflicts may also appear to be unresolvable to the parties caught up in them. It can therefore be argued that protracted conflict has typical preconditions that play important roles in shaping their beginning and account for their prolonged nature.

According to Azar and Moon (1990:145), protracted conflict arises from societies which are characterised by multi-communal composition. These conflicts flourish in environments which are high in politics and economically underdeveloped. They therefore manifest themselves over communal identity needs. It is clear that the roots of protracted conflicts are connected to underdevelopment, structural deprivation, and communal or identity cleavages. For example, in most cases structural discrimination (social, political, and economic inequalities as well as psychological oppression) takes the form of ethnic discrimination. Looking at this

argument I would like to argue that it does fit to Rwanda's case. For example the idea of wiping out Tutsis had been in place since 1959, and the legacy of colonialism demonstrated by the introduction of identity cards had been the core issue in dividing Hutus and Tutsis. This system played an important role in assisting the government to discriminate against other groups. For example if you were to apply for any job you had to provide a copy of your identity card. What Azar and Moon point out is then made worse by a partisan government.

War according to classic formulation deals on an extensive scale between armed combatants each striving to compel the other to submit. War therefore is said to be an act of violence to compel the enemy to fulfil needed desires by the other group. In this regard war is suggested to be a political instrument which ought to carry out transactions by violent means. War is also said to be an act of violence practiced without limits. War is also seen not as an action of living force on lifeless masses but is always shock of two living forces. The aim of it therefore should be seen as disarming the enemy and removing the ability of the enemy to resist (Walter, 1969:21).

Furley (1995:2) looks at conflicts in relation to Africa. For him conflicts in Africa are due to the unsatisfactory nature of inter-state borders. The argument put forward was that due to the fact that all borders in Africa were

inherited from colonial times, in one way or the other these borders are not accurate. The demarcation process was done while there were people living there; this means that people were split without being consulted in advance, hence it affected their identity. Hence after independence people started claiming their rightful land especially when they realised that the land had mineral resources such as oil, gold and diamonds. This resulted in prolonged guerrilla conflicts. For example conflicts and instability in the Grate Lakes Region are a result of mineral resources.

Bowen (2000) and Taylor (1999) took another angle. They argued that indigenous and foreign concepts in some parts of the world are used to justify conflicts. For example the 1994 genocide in Rwanda had been justified by some Hutus. The argument they put forward was that Hutus were Rwanda's indigenous people who had been conquered by Tutsis 400 years ago. During all these years Hutus suffered discrimination and humiliation therefore genocide against Tutsis resulted. This phenomenon is being depicted also in Northern India where Muslims are portrayed as conquerors of the indigenous Hindus.

According to Mamdani (2005:03), political violence is necessary for historical progress. This argument suggests that violence happens because of the absence of modernity, for example, lack of freedom or democratic values. In the case of Rwanda the RPF took it upon themselves that the only

way that Habyarimana's government would pay attention to refugees' needs as well as addressing the country's economic problem was through armed conflict. It is also a well known fact that in Africa colonial liberation was gained through blood and sweat. In this regard, Mamdani cites Lord Salisbury, who was the British Prime Minister, when he said, "one can roughly divide the nations of the world into the living and the dying..., soaked in the conviction that imperialism is a biologically necessary process which, according to the laws of nature, leads to the inevitable destruction of lower races". Fanons' (cited from Mamdani, 2005: 09), response to this was that anti-colonial violence was not an irrational manifestation but it belonged to the script of modernity and progress, for example 1959-64 where Rwanda became an independent from its colonial masters, and the 1994 genocide which was a result of inequalities as well as the lack of democratic values.

It is however important to note that the current government has abolished the card system and now Rwandans are only known as Rwandans; there is no reference to Hutu or Tutsi in their identity cards. There is however a new system that the government is using to separate people. Some of my Hutu informants argued that it is the so called 'genocide survivors', who are seen as Tutsis and are given a card. This card is then used in a number of ways, for example to claim governments funds allocated for genocide survivors (Interview, 22/09/04). My informants therefore said that when the orphans,

and genocide survivors apply for jobs, tertiary education, bursaries and so forth they are asked to include that card. What this means is that there are people in the Rwandan society who are denied equal opportunities, such as access to education, employment, social structures and therefore conflict in Rwanda is protracted.

2.4 Conclusion

Conflict theory which emphasises the absence of structural material as causes of conflict is not sufficient for a full understanding of the underlying causes of ethnic conflict. The reason behind this is that it does not provide information for protracted conflict and also structural causes can be resolved by just addressing those inequalities. Psycho-cultural conflict theory, which is a subjective approach, does give an understanding not by simply emphasising the psychological analysis but also by the cultural understandings of identity. Both structural and psycho-cultural conflict theories complement each other. Here structural factors often present causes that set off violent conflict in a predisposed psychological context that will influence the duration and intensity. Hence both theories are important in understanding Rwanda's conflict.

Chapter Three

The Impact of the 1994 Rwandan Genocide on the Exiles and Contemporary Perception of the *Gacaca*

3.1 Introduction

This chapter portrays life histories of my informants. The focus is on their experience during the genocide as well as their experience in exile. The exploration of their exile experience will be two-fold, life in the Democratic Republic of Congo (DRC) and also as refugees in South Africa. The chapter also gives insightful information on the nature of the life lived by Rwandans as a result of the unstable situation in the country during the early 1990s leading to the 1994 genocide. The chapter zooms into lived experience, rather than just views on the political events of Rwanda. The first interview was conducted on the 2nd of February 2006 and the second one was conducted on the 8th of March 2005. The chapter also explores the perceptions of Rwandan refugees in Durban, South Africa around the *Gacaca* system.

The first life history is that of one of my Hutu informants who was originally from *Gitarema* prefecture (a province) in the Southern part of Rwanda. Due to transformation that is taking place in Rwanda a number of places have changed hence *Gitarema* today falls under one of the *Uturere*

(regions). I used pseudonyms for my informants for security reasons and confidentiality purposes. *Kwizera*³ is working as a security guard and he stays in the Durban city centre. In order for him to give his life history I had to interview him a second time. I must say that he is one of my informants whom from time to time I would contact in case I needed clarity and who also informs me on new developments in Rwandan through new arrivals.

3.2 The Story of Kwizera During the Genocide

Kwizera was born in February 1977 in Southern Rwanda. When the genocide started in 1994 he was only 17 years old, still attending school. His recollection of the genocide was on the 9th of April 1994 when the Hutu militias, known as *Interahamwe*, started to attack and to kill all those they accused of being the *Inkotanyi* (the RPF militia) supporters. The *Interahamwe* recruited Hutus by force to assist in the slaughter and murder of people, especially Tutsis. My informant argued that, due to the fact that at that time those targeted by the *Interahamwe* were armed with traditional weapons, Ak47s and hand grenades they managed to chase the militia away. During this attack many people died, the family of Kwizera's neighbour was also killed and only one person survived. People started fleeing, leaving behind their belongings. It must be noted that the killings affected both Hutus and Tutsis in the sense that all those who were opposing the then government were seen as traitors, hence they were targeted and killed. The

³ Kwizera means hope. It is one of the pseudonyms that my informants contributed in the pool of names I can use.

Interahamwe then announced that they were only killing those who were assisting *Inkotanyi*. Some of the Hutus returned to their houses.

In Kwizera's family, his brother died during one of these attacks; his uncle died as well. His brother was not killed in the first attack. He was however killed after the genocide. During the interview Kwizera was very tense. The reason for this was that it was the first time that he had given details of some of the things he mentioned in the first formal interview. In this sense, although Kwizera and I have established trust between us, this was not an easy interview for him. It made him relive hardship through recalling difficulties of being a Rwandan refugee over the years.

According to Kwizera, events which took place in 1994 were 'genocidal' war. For him it is important to understand that most of the people who fled after the war or genocide, fled for their own safety not because they committed crimes of genocide. He then pointed out that some people died during the genocide because they were caught in the cross fire. Again he highlighted that some of the people fled Rwanda before the genocide started due to the fact that in some areas, particularly in Northern Rwanda, killings took place during the 1990 invasion by RPF, and the fact that *Inkotanyi* already controlled some parts of Rwanda. According to Kwizera about two million people fled Rwanda by July 1994 and went to the DRC and he was one of these people.

3.3 Events in the Democratic Republic of Congo

Life in the DRC for Kwizera was at first calm due to the fact that he was able to attend a high school there despite the fact that political tension existed. It must be stated that for refugees to be accepted in the local schools they had to attend a training centre which was provided for refugee children, which he also attended in August 1994. After completing training at what he call the CEER, [Communaute des Eglises Evangeliaues au Rwanda] from 1995 to 1996, Kwizera then attended a high school in DRC as mentioned earlier on.

In 1995 the Forces Démocratique de Liberation du Rwanda (FDLR) was formed, consisting of Hutu refugees who fled during the genocide. At this time Kwizera did not join the organisation because he was still at school. On the 21st of December 1996 Kwizera became very ill and needed to be taken to hospital. Unfortunately for him at that time the DRC, called Zaire at that time under Mobutu Sesi Seko was experiencing political turmoil hence he was unable to go to the hospital. Mobutu was defeated by Kabila who was supported by the Rwandese army. According to Kwizera, during the political instability in the DRC, killings took place and the Rwandese army targeted Hutus who were exiled in the DRC. When all this was happening Kwizera had already completed his high school.

The reason why the Rwandese army supported Kabila was that the Rwandan government was hunting *Interahamwe*, 'Hutu' militia responsible for the crimes of the 1994 genocide in Rwanda. Some of them were exiled in the DRC. During this time Kwizera was staying in a camp called *Nyangezi Munya*, which was in the forest together with the rest of the refugee camps. Life for Kwizera in the camps became unmanageable. In several refugee camps 'Hutu' refugees were killed and burned. For example Kwizera stated that in one of the camps called *Cimanga*, which was between the border of the DRC and Rwanda, most of the 'Hutu' refugees were killed there. When these killings took place the 'Hutu' youth decided to join the political movement called FDLR and they fought back. This political movement was referred to on the media as *Interahamwe*. Kwizera stated that the joining the movement was voluntary.

When the military came to Kwizera's camp they started shooting at the refugees with Ak47s and throwing hand grenades. During the shooting some refugees were killed on the spot; other refugees survived and managed to escape and he was among those who escaped. They ran to a camp called *Nyamerangwe* in the western part of the DRC. When the military arrived in this camp Kwizera and other refugees were ready for it, hence they were able to leave the camp before the military arrived. This time they joined other refugees in *Cimanga* camp which was mentioned earlier.

Kwizera stated that in *Cimanga* camp the military surrounded the camp during the night and they abducted people while they were asleep. According to Kwizera about 50 000 ‘Hutu’ refugees were killed in *Cimanga* camp. He said that women and children were taken to a local primary school in *Cimanga* and the school was bombed by the military. “In *Kisese* one of the refugee camps soldiers shot the refugees to death and burned their remains to make sure that the United Nation troops would be unable to find any incriminating evidence”, said Kwizera. He then mentioned that these killings took place in a tragic way, for example, soldiers would kill and then chop the person into pieces to make sure that the person was dead.

Kwizera claimed that the military used different tactics in conducting killings in the refugee camps. In some instances the military recruited the youth by telling them that they wanted to train them so that they would be able to be part of the African army, in order to be able to fight corrupt regimes in Africa. Kwizera told me that those who joined were later killed by the military from Rwanda. To concretise his statement on the killings that were conducted by Rwandan soldiers he mentioned that the military spoke Kinyarwanda. Kwizera therefore survived because he did not join when they were recruited. What puzzled Kwizera about the killings in the refugee camps was that Non-Governmental Organisations (NGOs) were present taking pictures of everything that was taking place and yet they did nothing to stop of the killings. Doctors Without Borders were also said to be

present. Kwizera believes that there are materials in some libraries about the atrocities which took place in refugee camps in the DRC. He also believes that the reason why people are unaware of this is due to the fact that most of these materials were written in French hence this limited people from accessing it.

Kwizera says all these traumatic events have affected him emotionally, psychologically as well as in his attitudes towards identity issues which engulf Rwanda's society. For him, he does not know what it will take to remove the scars, and also to forget about the traumatic events in the hearts of many Rwandan people. However miraculously for him, through time he is somehow healing. He said that before the genocide he did not find anything wrong with other people around him regarding ethnic differences. For him he had no reason to just hate or dislike another person, but atrocities which were committed by the Rwandan army in the refugee camps made him hate Tutsis. However as time went on he did change his attitude. He is sure that other Hutu people have not been able to change or heal. For him healing was possible because he educated himself. He also made it a point to read about Rwanda's' history so that he would understand why genocide took place. Kwizera eventually left the DRC to go to Tanzania. Eventually he arrived in South Africa in 1999.

3.4 The Story of Pascal

3.4.1 Rwanda's Experience and a Journey to the Future

“I know I will not live long, I will die one day. So I have to speak the truth I don't want to go back to my country like the Tutsi did because it won't solve anything”. Pascal said these words after I interviewed her. I must say that in most of the interviews my informants felt at ease when I finished the interview with them. Pascal was born in the northern part of Rwanda in the area called Byumba. She arrived in Durban, South Africa, in July 1997. She lives with her husband and two children. The following account therefore is about her journey to South Africa. During these interviews I tried by all means not to disturb my informants by probing with questions. I allowed them to talk; I made the interviews more like a conversation.

Pascal's section is divided into two sections, the first section looks at her experience in Rwanda before and during the genocide. The second section deals with her experiences in exile as well as her journey to South Africa. Before she could talk about her experience while in Rwanda she firstly gave a brief summary of her contacts with her relatives in Rwanda particularly her mother. She began by stating that she left her mother, sisters and the younger brothers some of whom she does not know. They were born after she had escaped. Despite all this Pascal does have contact with her family in Rwanda though it is not easy. Her mother still tells her that things are not fine in Rwanda, because people live in constant fear of the government.

Pascal's mother calls her from Uganda since it is not easy to call from Rwanda due to the fact that the government was able to trace the calls, and if found her life was going to be in danger. Pascal said her mother is able to make these calls only when she visits her Ugandan relatives, since she was born there. According to her girls are likely to survive in Rwanda, so that is why she still has her sisters. Boys on the other hand are not so lucky, for example her bigger brothers disappeared. They were caught by the RPF soldiers while returning from displacement to their homes.

Pascal said that the 1990 RPF invasion of Rwanda, which started in the northern part of Rwanda, caused people to leave their homes. For four years her parents and other people who were affected by the invasion of RPF were displaced inside Rwanda and lived in the hills. When all this was taking place Pascal was in the capital city Kigali. So what happened was that when the 1994 genocide started her parents were still on the other side of the country, where they were dispersed with other people. According to Pascal, when the RPF won, people were still dispersed and were unable to get a chance to leave the country. The then government told the dispersed people to go back to their rural areas or homes. Pascal claims that on their way back many people were killed, especially males and young boys.

Surely these killings which are said to have taken place leave unanswered questions. Why would the RPF continue to kill people once they had won?

Besides the 1990 invasion by the RPF in Rwanda, there was another factor which contributed to the 1994 genocide, which Pascal compared to South Africa during the apartheid era. She stated that during apartheid there were people who fought against the system and there were those who collaborated with it. She then gave an example saying those who fought for the liberation of the country rejoiced. On the other hand those who did not participate in the struggle tried to destabilise the country when Mandela was released from prison in 1990, for example some in the Inkatha Freedom Party (IFP). According to her the instability took place as a result of propaganda in which people were told by those who collaborated with the apartheid regime that if they did not support those who fought against the bad system they were going to be killed. For her that's what happened in Rwanda. People were told that if they did not participate in the killings they were going to be killed once the war was won.

Pascal also highlighted some historical background on Rwanda under colonial rule which she sees as a contributing factor to the genocide. Pascal stated that during the Belgian rule, Tutsis were told that they were more clever than the Hutus. Pascal claimed that due to the fact that this notion was said by the White man, people believed it and Tutsis also believed it. This notion had negative connotations on the lives of Rwandans, at least that's what Pascal claimed. For example Tutsis used the Belgian system to their advantage by making Hutus work for them as servants. Pascal further

argued that her mother told her that they (Hutus during Belgian rule) used to wake up in the morning and clean the yards of Tutsi families, and also wash their feet. This therefore resulted in Tutsis undermining Hutus. Some Hutus realised this and they then decided to act against the system hence the 1959 revolution. Pascal argued that, “Tutsis believed that a Hutu is a person who must come and sit down on the floor and the Tutsi must sit on the chair”.

For Pascal to work for Tutsis was unacceptable. However due to the fact that they could not do anything with the situation, slavery continued. She went on to say, “As a child I grew up with that attitude, that a Tutsi is a person who is high and a Hutu is a ‘cheaper’ person. That is why the 1959 revolution took place and after that the Hutu took over power from the Tutsis”. Though Pascal had these ideas she said that she grew up not being able to distinguish between Tutsis and Hutus due to the fact that in her area there were no Tutsis. She said that even if there were, she was not going to be able to identify one. However all this changed when she was in her fifth year in secondary school due to the fact that by this time the RPF had already invaded Rwanda.

Pascal’s life both in primary and secondary school had images of unity amongst Rwandan due to the fact that Hutus and Tutsis married each other. Having said this Pascal believed that Tutsis knew about the invasion. She said that, “I say this because my mom always thinks about me outside the

country. Therefore those Tutsis who were in exile in 1959 were in contact with the Tutsis inside the country. They knew about their plans. Like my mom knows what I am planning”. She then said, “Tutsis were prepared to receive their people when they came back. When the war started some of the Tutsis in the country started to show up. They would say: “Oh! It’s our children”. While Tutsis were rejoicing at the return of Tutsis, Pascal and other Hutus inside Rwanda we were not happy because some Hutus in Northern Rwanda were being killed by the RPF. The invasion of 1990 was a revelation to Pascal because she started seeing things differently. She started asking questions about these people who were fighting against them. She then started to be depressed by the entire situation.

Pascal was also puzzled by the fact that Tutsis were said to be discriminated against during Habyarimana’s regime. According to her, there were five Tutsi teachers at the school which she attended for secondary education and two Hutu. To put it in her words, “This was the rich school of the whites in town in the capital city. At that time I started to be confused, because a teacher was a Tutsi and a colleague was a Tutsi. What was I going to do then, we were fighting in the North area, the war was so serious and my parents were running away each and every day”. Pascal then became confused by the whole thing and she therefore decided to deal with all this by being quiet. She said that, “I just kept everything to myself. I did not discriminate against anyone according to ethnic group, it’s my nature”.

Pascal went on to say that people started telling her things which confused her even more. For example Tutsis told her that the RPF would be in the country anytime soon. “So now I would see that Tutsis were happy with what was happening in the North. While on the other hand I was very worried and this was killing me inside because my people were dying in the North”. Another thing which was hard for Pascal was that the person she thought was a friend was jubilant about the invasion while her parents and relatives in the north were dying. “It was so terrible I was traumatised by the situation. Then I ended up admitting the situation and I kept quiet”.

According to Pascal, genocide was not planned by the government, it was the confusion that took place for four years. This is what she said:

Let me tell you something; no one prepared genocide, no one. I can bend on my knees until I die. I can say this because in secondary school genocide was inside each and every heart and it grew year by year because of the attitudes. For example, the Tutsi families used to send their people from other countries to join the RPF. I have a reason for saying that, for example my brother was killed by the person who was with him in the secondary school. What happened was that this boy joined a group of RPF which was passing through Burundi, DRC and joined them to the North. They took these routes because they were unable to go straight due to the fact that the government’s army was visible.

As I told you earlier on when the RPF won, they told people to go back to their homes or area in the North. On their way back they came across his friend and he knew him and that my father was an important person in the country. They

made him disappear. That's how things happened. I can say genocide happened all over the country, maybe I am not on the side of the government but genocide happened all over the country. Each and every one of us has made an uneducated mistake, because of those attitudes which grew inside of every person. Even if the government had a plan [...] imagine every person was so close to their neighbour, no one stood on them and said kill, kill. I did not hear anything about that. But things happened in the South, North, East and Western province at the same time because of the attitudes.

Pascal left Rwanda after the 1994 genocide and headed for Zaire which is now known as the Democratic Republic of Congo (DRC). When she arrived in the DRC the situation was difficult due to the fact that DRC was also experiencing political instability. According to her the influx of people from Rwanda to the DRC made the situation even worse. When the new government in the DRC took over from Mobutu's regime with the help of the Rwandan government, Pascal argues that this granted the Rwandan Government free room to pursue those who are accused of participating in the genocide. The new DRC government and Rwandan government agreed to help each other in removing the Hutu refugees from the DRC. For Pascal this had sparked the war again in the region. Four months was enough for Pascal in the DRC, she then went to Tanzania and stayed there for two years. In 1996 the Tanzanian government repatriated Rwandan refugees to Rwanda by force, hence Pascal fled to Zimbabwe in early 1997.

Pascal stay in Zimbabwe for a short period and she later on went to Malawi. Life in Malawi was hard for Pascal together with other refugees, due to the fact that Malawi was a poor country and undemocratic. Having realised that they were going to encounter the same problems they encountered in Tanzania they then moved on to Mozambique. Due to the fact that the language spoken in Mozambique is Portuguese, this created problems for Pascal and other refugees. Pascal argued that crossing Mozambique to South Africa was like a miracle because of the language limitation. For example when they boarded the bus they just showed the bus driver the money and the driver took the money he needed for the bus fare. “That’s how we crossed Mozambique without opening our mouth. Then we arrived in South Africa with the idea that there is democracy”.

3.4.2 South African Experience

Pascal stated that they came to South Africa because they were well informed of the political settings and the fact that it was post-apartheid and the fact that Mandela was released in 1990. Apart from that she thought that South Africans were going to understand their situation even though their political experience was different. To their surprise they discovered that people in SA knew nothing about the refugees. Another thing that they noticed was seeing different racial groups i.e. ‘Coloureds’, ‘Blacks’, ‘Indians’ and ‘Whites’. They then thought that it was going to be a good place to be in.

I must say that as a South African I knew nothing about neighbouring countries until 1999, let alone Rwanda. I do not want to generalise about this, but I think that most South Africans, especially 'Blacks', suffered from limited information. Pascal therefore stated that one other reason for coming to South Africa was the fact that it was democratic, unlike Tanzania. On that note they then decided to leave Tanzania because it was not as democratic as South Africa. She argued that in Tanzania they could not go freely in the streets and they stayed in the forest.

I asked Pascal if her expectations were met when she arrived in South Africa and she responded by saying that she did meet democracy. The reason for this was that when they arrived in SA they slept in the police station. She compared SA to Tanzania by saying that in Tanzania they could not pass where there were police men because they would be deported to Rwanda by force. However in South Africa they were assisted by the police and stayed in the police station. She further argued that the police were not interested in who they were: "No one said anything wrong to us". They were not interested in who they were and they also did not chase them away and that was a good sign for them. Pascal continued to say "they allowed us to sleep in their offices because we arrived in the midnight. Well I can say I found my expectations that South Africa was really a democratic country". However, regarding the social aspect, Pascal showed disappointment, and argued that it was not democratic. She gave a recollection of her experience

in Malawi where she said that ordinary Malawians protected them from the police. Although in South Africa the police assisted them, people on the other hand had negative attitudes towards them. For her, in other countries the police were a problem.

The issues of integration in any society are very important especially if you are an outsider. Regarding integration with the surrounding as well as local people, Pascal argued that due to the fact that South Africa had already hosted a number of refugees who came from different countries, they eventually had minimal problems when coming to integration. Another thing was that as refugees they knew that they were going to live in exile, so it was possible that they were going to encounter some difficulties hence they were prepared for any challenges that they encountered.

First and foremost Pascal and other refugees were faced with the responsibility to interact with local people as well as the place. In doing this she stated a few things which eased the tension when it comes to dealing with peoples attitudes towards them. According to her the presence of other Rwandan refugees in South Africa who had come before them made it easy for them to know the area. The reason for this was that when a new refugee arrived he/she was taken by refugees who have a stable place to live until that refugee got a job and would look for accommodation. Another thing that she highlighted was the fact that since the Great Lakes region is

engulfed with political conflicts, there is an influx of refugees from these countries, to mention a few, the DRC, Burundi and Rwanda. Some understanding of political problems in the Great Lakes by locals contributed to making life for Rwandan refugees a bit easier.

The situation of Rwandan refugees around South Africans was a bit problematic due to the fact that they were unable to speak IsiZulu, spoken by local people. This problem was however short-lived because Pascal argued that, as refugees they were aware of the fact that they had to learn the local language in order to survive. Another contributing factor which made the issue of language minimal was the fact that English was spoken since it was the medium of instruction in their country and they were prepared for it. I must say that this was evident due to the fact that most of my informants were able to communicate in English; only those who had recently arrived were unable to speak English and in that case I used an interpreter. Pascal highlighted important issues with regard to the significance of conforming to society and this is what she had to say:

I try to cope, I have learned IsiZulu, you know when you don't know the local language to communicate it's difficult, so you have to try and learn basic so that you can be able to say '*Sawubana, kunjani*' (meaning, hello and how are you) you introduce yourself. It is important to try and socialise or conform to the local people or you will be left out. Well some attitudes are disturbing because we come from different places, backgrounds, cultures, different traditions. But when you have your personality you try to be assertive, you

mean what you mean. Despite all of this there are people who are always willing to help, so as a person you need to focus on the positive side. However people especially the local people they find it very disturbing that some Black people are unable to speak IsiZulu.

Under normal circumstances, when you are in a foreign country and you discover that there are other people from your country of origin, you become happy, and try to befriend them. With Rwandan refugees it was a different case due to the nature of their conflict. Regarding this issue, most refugees were very conscious when interacting with other Rwandans. Pascal claimed that in some situations it was not safe for them to interact with any Rwandan due to the fact that they suspected that the current Rwandan government might have spies who were in the area to arrest those accused of having committed crimes of genocide and deport them. Apart from that, discrimination in Rwanda during the Habyarimana rule did not only affect Tutsis, it also affected Hutus from the Southern part of the country. Hence a new identity emerged resulting in the so-called Southerners and Northerners. Well this kind of division also exists among Hutus. However most of my Hutu informants did not show that they are divided on a regional basis. Through observations the interaction with them I was able to see through that some Hutu refugees are indeed divided along regional lines.

3.5 An Interpretation of Conflict in Rwanda by Durban Based Rwandese

It is at this point that there is a need to get an understanding of how Rwandans think regarding the reasons for the 1994 genocide. According to some of my Hutu informants, the plane crash in which the then president Habyarimana was killed, resulted in people killing each other. For them, if the plane did not crash genocide would not have taken place. One informant said that the killing was first conducted by youth militia called Interahamwe (she compared the militia with the African National Congress Youth League of South Africa). The militia therefore targeted Tutsis who were hiding the RPF soldiers, so these families were killed as well as those who were involved in the killing of the former president. The conflict later spread to everyone in the country.

There are however some of my Hutu as well as Tutsi informants who stated that the genocide took place as the result of the failure of the Rwandan Government to allow those who went to exile to come back at that time. Some of this group gave brief background regarding this view. They argued that Tutsis were in power for years in Rwanda. So what happened was that in 1962 the Hutu took power from the Tutsi and the Tutsis tried to resist that. However they failed. So that act resulted in some of the Tutsi especially those who were in power, being executed and others went into exile in neighbouring countries. Then in the late 1980's those Tutsis who

were in exile wanted to come back, but the government refused by saying there was no space for them. Hence in 1990 Rwanda was invaded by those Tutsis who were in exile. The exile population was still regarded as led by the historically disgruntled Tutsis who objected to Hutu rule.

On the question of the causes of genocide, most of my Tutsi informants stressed the issue of bad governance. They argued that, during the Hutu government, Tutsis were discriminated against, they did not enjoy all the benefits of being Rwandan citizens. One other thing that contributed to genocide from their point of view was the fact that politicians exploited the Hutu-Tutsi differences and made it look like ethnic differences. They did this in order to stay in power, so the government of the day convinced Hutus that their common enemy was Tutsis and that therefore they should unite against them. One other thing, which they deemed important, was that since genocide took place during the process of democratic negotiations, this simple meant that the then leaders did not want to share power. That is why they divided the Rwandan nation. My informants therefore stressed that ethnic differences did not cause the genocide. One Tutsi informant gave an example that he had Hutu friends before the genocide. Some Hutus amongst my informants also shared this view.

One of my key informants (Hutu) said that:

The ruling government at that time was authoritarian and a Hutu government.

Though the government was preaching peace Habyarimana was not allowing

Tutsis to occupy government positions especially in the army. The use of ID cards also enabled the government to discriminate against the Tutsis easily. Tutsis in return used this as proof to neighbouring countries so that they would be able to get funding, hence some of the Tutsis who went to exile were educated in private schools.

She further argued that the Rwandan government did not only discriminate against Tutsis, but some Hutus endured the same discrimination. Regarding this she said:

The former president was born in the northern part of the country, so most of the government positions were occupied by Hutus who were born in Northern Rwanda. Therefore other regions felt that they were discriminated against even though they were Hutus. By doing that the government then created division amongst Hutus, which resulted in them supporting the RPF.

Colonialism was another aspect that my informants pointed out as a contributing factor to genocide. They argued that before colonialism the people of Rwanda were ruled by kings and these kings treated everyone the same. When colonialism was introduced people started to be divided. The colonial masters used a system of divide and rule hence they introduced the ID card system which identified people according to their ethnic groups. They further stated that, when the Hutu government took over power from the Tutsis in 1962, they continued to use the card system. Schools were also attended by Tutsis since colonials regarded them as being privileged. So

when Tutsis asked to be independent from Belgium, the Belgian government decided to hand over power to the Hutus. This resulted in the 1959 revolution. These views were supported by Tutsi informants.

Though Hutus and Tutsis shared some views regarding the 1994 genocide they also had differences. Most Hutus argued that before colonialism Hutus used to work for Tutsis. One of my key informant even said that, “too much rubbish took place during that period”. She further stated that one of the duties that was performed by Hutus was to wash Tutsi’s feet. For her working for Tutsis was undignified, and that was what made Hutus feel inferior, therefore this was unacceptable. So that is why the 1959 revolution took place, people were tired of living under harsh conditions, therefore they revolted. I must say that she always referred to the South African during apartheid. She argued that in South Africa people became tired of the system and then they started to challenge the government.

She went on to say that, during the 1959 revolution Hutus attacked Tutsis. Some went into exile and others remained. Although she was not born during the revolution she had been told the story of what took place. Growing up, she says, she did not know who Tutsis were. I must say that this informant was from the northern part of Rwanda where most of the people were Hutus. She stated that she only knew about Tutsis at secondary school. The event that brought this enlightenment was the 1990 invasion.

What transpired was that when the war took place in the northern part of the country where she was born, the Tutsis whom she was living with would say, “Oh! Its our children”. These Tutsis were basically rejoicing that their children who were in exile for such a long time were finally coming back.

As a Hutu she learnt that this news should not be gratifying to her and other Hutus. You must remember that she was coming from the North of Rwanda where the war started. She then said that she started seeing things differently and that is when she too was able to recognise Tutsis. People then started to tell her that she should be able to differentiate between Hutus and Tutsis and must not befriend a Tutsi. “I then started to know who was a Tutsi, my teacher was a Tutsi. I started to identify people according to their ethnic groups”, she said. In her secondary school there were five Tutsi teachers and two Hutus. This meant that Tutsis were also given a chance to enrich themselves. She then completed her diploma, which in South Africa is called Grade 12. Her goal was to further her studies at the university. However due to the fact that there was war where she was born, she decided to work.

At the work place she also encountered the same attitudes from Tutsis. Due to the fact that her physical features were similar to those of Tutsis, she would from time to time come across a Tutsi telling her that their brothers and sisters were coming soon. This news was tormenting for her inside,

knowing that these people who are coming are killing her relatives and friends in Northern Rwanda. Some of the people who were bringing this tormenting news were her friends. The news which was coming from her area was disturbing to her. For example she received information that her uncle was killed. In some cases even her friends and some of the people that she knew. All these things were traumatic for her. However she ended up accepting what was happening while others were unable to deal with the situation.

According to her the 1990 invasion had a negative impact on society. For example people in the southern part of the country who had lived together side by side as different ethnic groups, ended up not communicating with each other. There was bitterness amongst them since Tutsis were rejoicing while Hutus were not. She therefore argued that a ‘quiet hen’⁴ developed in the country. She further pointed out that, “during the period leading to the genocide there was pandemonium in the country. These attacks caused by the RPF invasion resulted in pupils killing each other. These killings took place while they were waiting for their final school reports. The killings continued up to 1994”.

She therefore concluded that genocide was not planned, it occurred as the results of the tension that was caused by the sporadic killings which started

⁴ This means that people’s feelings and voices were stifled. There was no longer any freedom of expression.

with the 1990 invasion. For her genocide was planted inside the minds of the people and it “grew year by year as killings continued to take place in the North”. This argument suggests that the killings that took place in the North built animosity in the hearts of the people, which manifested itself as accumulated power for people to commit heinous crimes. Therefore what the plane crash did was to give those who committed crimes against humanity and crimes of genocide the reason to be involved in such acts.

To concretise the above arguments on the causes of genocide, Sibomana (1999:35) suggested that the 1994 Rwandan genocide was not only about the economic crisis of the late 1980s which Habyarimanas’ government was faced with. For him, the genocide was rooted in the Rwandan republic which was built on antagonism that was concealed and was never dealt with. The collapse of the coffee and tea price which was the countries’ main source of income was just one of the contributing factors. The implementation of the Structural Adjustment Program, which was imposed by the World Bank and International Monetary Fund to Third World countries seeking to obtain financial aid, resulted in a large number of people losing their jobs and peasants in this regard started to starve. The government, on the other hand, did nothing to save Rwanda. As stated, corruption was the order of the day in government, powers then became concentrated around Habyarimana’s wife and the so-called *Akazu* which

means the little house.⁵ Those who were in power therefore abused it in order to fulfil their needs. For example, the Rwandan intelligence service compiled a list of people to be killed and the company called La Centrale also provided vehicles to transport militiamen and dead bodies which needed to be disposed of.

3.6 The Current *Gacaca*

My informants were called on to articulate their understanding of what the *Gacaca* is and how it was practiced long ago. In responding to this question they first gave me an idea of the *Gacaca* that existed before the genocide.

There are mixed feelings from my informants about the *Gacaca*. I must say that both Hutus and Tutsis pointed out that the *Gacaca* used to solve minor conflicts between neighbours. For example, according to Rwandan culture even now for a woman to fall pregnant while living with parents or before marriage was regarded as a curse on her family and humiliating to the community. Parents in this regard would then call the *Gacaca* and report the matter to the community so that they would be able to come up with the solution. Another example is that of witchcraft. The *Gacaca* would also be called to resolve this matter. One other example, if your child had beaten another child in a way that s/he must be taken to the hospital, the *Gacaca* meeting would be called to try and resolve the matter. In this instance

⁵ This refers to a small group of people, mainly relatives of Habyarimana's family. This was a case of nepotism that centralised family.

parents of the accused would be asked to pay hospital expenses rather than taking the child to the police. To show that both parties agree upon the settlement, the family of the accused would then invite the other family over for a beer.

One informant who gave some background to the *Gacaca* system argued that the *Gacaca* derived from the grass called *Umucaca*. This grass when it grows, spreads down like a carpet. That is why when the community holds meetings, they gather around in that grass under the tree. Hence the term *Gacaca* came into existence. Also when people are tired they sit on it, symbolises peace since people cannot sit where they are not comfortable. Another informant added that to attend the *Gacaca* was more like a culture and therefore was viewed as a natural thing to go to. The *Gacaca* system was practised mostly in rural villages.

A question was asked with regard to the practicality and the feasibility of the system as a relevant mechanism in addressing the legacy of genocide. From what I have gathered it is evident to me that Hutus and Tutsis have a different attitude towards the *Gacaca*. Hutus in this regard portray the system negatively, while Tutsis view it positively. There are however other Tutsis who managed to view it differently from other Tutsis. Hutus gave examples in showing negativity of the system. One of the points put forward was that people use *Gacaca* to entrench animosity in people.

The argument that they put forward is the fact that the *Gacaca* only focuses on one ethnic group. They said that, "You will never see a Tutsi being called to the *Gacaca* hearing". They argued that killings happened on both sides. They do acknowledge the fact that Tutsis were killed by Hutus. However Tutsis were also involved in killing Hutus from 1990 with the invasion of the RPF. They also stated that Hutus were also killed by the RPF after the war on their way back from the camps. For them to judge one group therefore creates hatred within the Rwandan community. Therefore the reconciliation that the government is looking for is not possible.

To support the above argument a detailed account of the war was given by one of the informants who was also arguing that the *Gacaca* is there to destroy Hutus. He mentioned that after Habyarimana's death killings took place between the two ethnic groups. Despite this people don't see the genocide like that. What is normally said is that only Hutus killed Tutsis. He however does acknowledge the fact that Tutsis were killed, but Hutus also died. Basically in this argument, one is told that the notion that Hutus are the ones that have to be brought to justice is viewed as a way of destroying the Hutu's image, not only in Rwanda but in the world generally. To concretise this, informants cited that most Hutus went to the DRC and Gabon to seek refuge and on their way back to their villages they were killed by the RPF soldiers. They were also killed in camps inside the country, one of which was in the province called Gikongoro.

Describing the *Gacaca* in operation Hutu respondents said that during confession people have to tell what they have done and also tell if there are other people who have not been arrested and have committed crimes of genocide. Considering the fact that prison is not a good place to spend the rest of your life in, people therefore start to confess because they are told that their sentence will be reduced if they tell the truth. In this case others lie because they want to be free and also because of jealousy towards those people who were not arrested and who have progressed in life.

The system seems to be difficult even for those it has placed in a powerful position. For example if you are a Hutu and happened to be elected as one of the judges (*Inyangamugayo*) for the *Gacaca*, and some of the people do not like you, what will happen is that they will influence those in prison to lie and say you committed crimes of genocide. In this case you will then be arrested. Those who confessed will then be released and they will later give them a chance to be tried in the *Gacaca*. In the meantime those who are implicated during the confession will then be arrested. It is said that when investigations are conducted to get more evidence about the person who is now implicated, if it is discovered that the prisoner has lied, he will be arrested again. Strangely, in some cases, the people that were wrongly implicated are not released and remain in prison.

In cases where people give false testimonies it is said that they are given beers as a bribe and they are also told that their names will not be given out to people they 'reveal'. In most cases people who have been implicated are told about the people who gave information about them. For one of my informants this simply destroys the Hutu community. He argues that even though that person is arrested, his family will be outside and the life of the prisoner who gave false testimony about naming other people and got released for that, will be at risk outside prison. Therefore the *Gacaca* in this regard simply destroys Hutus, and is not a feasible mechanism to deal with the issues of genocide. Another problem with regard to the confession process is that the people who really committed crimes of genocide are going to be set free because they would have confessed. What is problematic here is that those who are innocent will not get a fair trial for the simple reason that they do not have anything to say except that they did not do anything, therefore they will be in prison for decades.

Most of my informants argue that the *Gacaca* only focuses on Hutus and this paints a picture to the international community that the genocide was targeted at Tutsis. Having said this, they also do acknowledge the fact that Tutsis were killed. One of my key informants argued that Hutus in Rwanda constitute the majority of the population. To say almost a million people died during the genocide simply means that the majority of those people who died are Hutus. The reason for him to suggest this is that he feels that if

that number refers to Tutsis there would not be any Tutsi survivors. Therefore to argue that only Hutus committed crimes of genocide is a fatal error. He gave reasons why the number of the remains of those killed during the genocide is high in memory houses of those who died. He stated that the Rwandan government has also taken Hutus remains and displayed them in those memory houses of Tutsis:

Despite the fact that the *Gacaca* destroys the Hutu image, it also has some technical problems. One of them is that since the *Gacaca* is led by the so-called *Inyangamugayo* (people of integrity), during the war these people left the country and most of them died since they were old. Most of the people who remained behind were also involved in crimes against humanity, most of the people who were left behind are young. For this reason *Gacaca* is no longer having that dignity it used to have.

My informants continued to argue that the implication of this meant that Tutsis are now going to be the judges. This will therefore result in trials being compromised.

One informant argued that for the *Gacaca* to be fruitful, it should have been used to remedy the problem, not to punish. In focusing on punishing it distorts the whole purpose of the *Gacaca*. He said that in the *Gacaca* high sanctions are imposed like giving life imprisonment. He therefore suggested that the focus should have been on the testimonies of people who risked their lives in an effort to save their neighbours or counterparts. For him this was going to bring unity, love and forgiveness. The emphasis was that the

government should not focus only on the bad things but should take the good things that the people have done.

Though Hutus and Tutsis see no problem in using the *Gacaca* system to speed up the process of addressing the genocide, they however differ in terms of its application. They agree that it can be a feasible tool for achieving peace and reconciliation in Rwanda, but most of my informants stated that this could only be successful if people are treated equally before the law. Most Hutu informants are sceptical regarding the issue of speeding up the process of trials. They argued that the *Gacaca* is doing the opposite due to the fact that in these meetings new names are coming up and more people are arrested. Another concern was that the *Gacaca* was very slow, and in some instances progress is not seen in these meetings due to the fact that they deal with one case the whole day and they even end up not resolving the case. "So people sit there the whole day arguing" (Interview, 06/10/04). It was also argued that sitting the whole day in the *Gacaca* meetings has a negative impact on the economy of the country.

Tutsi informants differ from Hutu informants regarding the issues that emanate from prison. Their argument is that the *Gacaca* will not only bring lasting peace in Rwanda but will also free those people who are in jail who were wrongfully accused. In this case the *Gacaca* will help in establishing truth and justice for those people. Social issues are also going to be

resolved, for instance those people who are going to be released are going to contribute to the economy of the country. My Tutsi informants also argued that those children who leave school so that they can bring food to their parents who are in prison, once their parents are released, they would go back to school. They however do recognise that victims on the other side will be more traumatised to see people who have killed their loved ones. In any event these people have to accept that and move on with life so that peace can prevail.

Some Hutu informants see the *Gacaca* as a mechanism for vengeance and jealousy. For example one respondent told me that her brother never left that country after the war. He also did not go to camps like most of them. Through the *Gacaca* he was listed and accused of taking part during the genocide. He therefore had to flee to other countries. This incident took place in 2004. Her argument was that her brother stayed for ten years working in the country with the community, and it is not clear why these allegations surface now. She pointed out that Tutsis are starting to occupy better positions in the workplace and she stressed that the government knows about this. "In Rwanda now Tutsi are occupying Hutu positions. If they see that you are educated they will make it a point that they frame you or make you disappear"(Interview, 20/02/05).

Some Tutsi respondents see the *Gacaca* as a good system. However they do acknowledge its limitations. Like for instance in the case where there are no survivors. Their concern is what the government or the *Gacaca* system is going to do in those villages since there won't be any witnesses. In this case one woman said, "Eye witnesses in some areas are relatives of the killers". She further stated that some people who had been elected to lead the *Gacaca* system have killed or committed crimes of genocide (Interview, 03/10/04).

Another critical issue which was put forward was the issue of salaries for the judges. It was stated that the judges are not paid and will hinder fairness since they will be corrupted by defendants through bribery. There was also a concern from Tutsi informants with regard to the handling of cases. They asked, "why a common law offence has to go before a judge, but a crime like genocide be dealt with by people whose only qualification is their personal integrity" (Interview,17/08/04). The *Gacaca* was also said to be a government initiative. This means that it was not negotiated or debated by the government with the survivors or the Rwandan community.

Despite the above criticisms others see the *Gacaca* as a better system than the European model of a judicial system. The reason for this is that a modern judicial system will cost Rwanda an enormous amount of money and also the fact that trials will take almost 100 years to be finished. Regarding victims forgiving perpetrators they are not sure. One informant

said, "I think it will depend on the individual case, the victim might not be able to forgive at all. My family also had a similar problem of not being able to forgive". (Interview, 22/09/04)

Among my informants there were those who did not fall under either the Hutu or the Tutsi category. Their analysis of the *Gacaca* was that it was not good and that people are not interested due to the fact that going to these meetings would increase conflict. The reason put forward was that when people start revealing that they killed and burned others the families of the victim will be aggrieved and later they would try to kill that person who testified. The main argument was that testifying only awakens bad feelings, so the *Gacaca* is just reviving the victims' memory just like the Truth and Reconciliation Commission in South Africa.

With regard to the *Gacaca* system being voluntary, my informants responded by saying that it is 'supposed' to be voluntary. However most felt that attending these hearings is like a law now. "People are obliged to go there". Hutu respondents argued that there are police in each village who inform people about the hearings and insist that they go to these hearings. If a person happens to be in a street during the hearing, they will take that person by force to the hearings. They also pointed out that it is not easy to be absent from the hearings. The reason for this was that the *Gacaca* hearings take place in a small community. For example in the village the

hearing is divided into ten households. So in this way it will be easy to identify someone who did not come to the hearings. Another respondent said that when the *Gacaca* is held in their village everybody is supposed to be there. "You have to be there. When people see that you are not attending, they lie and say you have committed genocide and that is why you are not attending" (Interview, 20/02/05).

Even though the government wants everybody to attend the *Gacaca*, most of the people who attend are the survivors. In this regard one respondent clarified that survivors are Tutsis. If you are a Hutu you do not fall under that category. She also pointed out that those who have shops are forced to close them on that day failing which the owner will be fined. There are Tutsi informants who also agree with some of the Hutu informants that people are basically forced to attend the *Gacaca* meetings, and that people are sensitised. Attending the *Gacaca* is more like a law rather than free will.

Due to the fact that some of my informants left Rwanda before the system was introduced their response to questions relating to operations of the *Gacaca* were limited. This however does not mean that those who responded were all in the country when the *Gacaca* started. Some got information from Rwandans who have recently arrived. When the interviews were conducted some of the participants had recently arrived from Rwanda.

Tutsi respondents on the other side differ with Hutu respondents with regard to attending the *Gacaca* voluntarily. They argued that people go to the hearings voluntarily because they want to know what happened. Well they did acknowledge that not all people go, but the majority do. They stressed that people who are concerned do go to the *Gacaca*. Those who don't go normally lie to the authority that they need to visit a relative in the hospital or get permission to visit their relatives in neighbouring countries, for example Uganda. However these people cannot run away forever.

3.7 Conclusion

Given the arguments put forward by Kwizera especially in his experience in the DRC, it shows that the presence of Rwandan refugees in that country somehow contributed to the political instability. The fact is that the Rwandan government continues to search for the so-called Hutu extremists or Interahamwe in the DRC. The killings which Kwizera claimed to have taken place in the refugee camps leaves room for more research to be conducted. One wonders what mechanism of dealing with human rights violations in exile exists, over and above the *Gacaca* style of justice inside Rwanda. Human rights violations have continued, allegedly with co-operation between the DRC and the Rwandan government. The question is whose responsibility it is to judge this, stop it, and try those concerned.

Regarding Pascal's experience it can be concluded that the RPF also needs to be accountable for the killings which took place during the Rwandan invasion of 1990. It is also equally important to note that the RPF also committed crimes against humanity after the genocide, where they killed people who were on their way to their homes especially in the Northern part of Rwanda where the war started. It was very clear from Pascal's story that genocide was orchestrated amongst citizens by the happenings in the North when those from exile were coming back. Genocide was both socially orchestrated and politically engineered. There is a need to deal with all phases of tension and conflict that took place inside and outside of Rwanda. By dealing with these issues sincerely there might be the possibility of achieving a lasting peace, not only in Rwanda but in the DRC as well.

The evidence propounded by my informants shows that different elements are attributed to the causes of the 1994 genocide. The plane crash is one of them. Another is the issue of bad governance through corruption and also the failure of the government to come up with a strategy to allow refugees to return in time. The invasion of 1990 was also seen to be one of the causes of genocide due to the fact that killings which took place in the Northern part of Rwanda created animosity among the Hutus.

It is evident from the above information that the *Gacaca* system really faces a number of challenges. The terms often used in relation to the *Gacaca* and

other stability missions tend to be ‘perpetrators’, ‘victims’, and ‘survivors’. Given limitations of using the *Gacaca* as a redress pertaining to the 1994 violations, these terms are unfortunately tied to ethnic identities. The Hutus are taken to be perpetrators, Tutsis victims and survivors. This in itself creates a paradox amongst Rwandans: the intension is reconciliation but it creates divisions within society. Tutsis will therefore forcefully look forward to the perpetrators being punished for what they have done. Hutus on the other hand will develop a feeling of anxiety, a feeling of not belonging to the entire Rwandan community, a feeling of despair. They will consider the system to be unjust to them and at a later stage they will try to resist the system. This will result in history repeating itself. For the fact is that the war affected both Hutus and Tutsis.

To support the above arguments, I must state that for peace and reconciliation to be accomplished, the success of the *Gacaca* process should not only rely on the massive participation of Rwandans. It should also depend on the willingness of government to adhere to the principles enshrined in the mandate of the *Gacaca* Law under the Organic Law of 1996, which was published in 2001. Chapter 2, Article 2 of the Organic Law stipulated that the *Gacaca* tribunals will prosecute persons accused of offences of crimes of genocide or crimes against humanity during the period of 1 October 1990 to 1994. This law simply means that Tutsis and Hutus found guilty of such crime are to be prosecuted. However, what transpires

from my informants and the information from the media suggests that only Hutus are being prosecuted. There is no doubt in my mind that this act will recreate and reinforce the political and economic imbalances that have fuelled the 1994 genocide.

Testimonies given during the *Gacaca* hearing should not only be about killings that took place during that period, but should also be testimonies of people who risked their lives saving fellow Tutsis as well as those Tutsis who warned Hutus about the possible war so that they will be able to take their children and vulnerable members of the families to neighbouring countries. These testimonies will be crucial in rebuilding Rwanda's nation.

The way in which the *Gacaca* is being run shows that it has a negative impact on the social and political stability of the country. For example some of the confessions that are given by prisoners, as well as testimonies from the community, are based on lies. This therefore creates instability in the country, hence thousands of people are fleeing the country. Recently about 10 000 people fled from Rwanda to seek asylum in Burundi, ranging from 15 years of age upwards. This simply shows that the *Gacaca* is losing its main objective for because some of the people who are running away were young when the war started. Therefore for lasting peace in Rwanda, the international community should really scrutinise and monitor the peace process in Rwanda. They should not only look at the policies that are put

forward by the Rwandan Government because those policies are just in black and white.

Chapter Four

The Construction of Identities in the Pre-Colonial Era in Rwanda and its Implication on Subsequent Violence

4.1 Introduction

The issue of identity in Rwanda is still contested even today and there are several scholars who formulated their own theories around the origins of identity in Rwanda. The following examination is going to focus on the debate propounded by different scholars on matters surrounding issues of identity in Rwanda.

Prunier (1995:05) argued that, though Rwandans are linguistically and culturally homogeneous, they were divided into three groups, Hutu, Tutsi and the Twa. The focus in this study will be on Tutsis and Hutus due to the fact that these identities shaped Rwandan history significantly. Though Tutsis and Hutus are said to be ‘tribes’⁶ of Rwanda, they have no characteristics of ‘tribes’ which are often viewed as ‘micro-nations’. They share even today the same Bantu language called *Kinyarwanda*, they live side by side and inter-marry. This differs from the Southern part of Africa where you find as examples Lesotho as a country and its inhabitants speak Sesotho, and Swaziland where Zwasi-speaking people are predominately

⁶ Colonial way of seeing things.

found. The similarities in the Rwandan inhabitants do not suggest that these groups are the same. Another example is Zululand which was inhabited by AmaZulu and even today is predominantly made up of the AmaZulu ethnic group. In the case of Rwanda there was and still is no Hutuland or Tutsiland.

Even though these groups had similarities they were however characterised by inequalities. Just to give a brief description, according to Prunier (1995:06) Twa were said to be at the bottom of pile and they were then regarded as:

Members of a worn-out and quickly disappearing race the MuTwa presents a number of well-defined somatic characteristics: he is small, chunky, muscular, and very hairy; particularly on the chest. With a monkey-like flat face and a huge nose, he is quite similar to the apes whom he chases in the forest.

Hutus on the other hand were said to be more attractive:

Bahutu display very typical Bantu features.[...]They are generally short and thick-set with a big head, a jovial expression, a wide nose and enormous lips. They are extroverts who like to laugh and lead a simple life.

However Tutsis were regarded as superior beings:

The MuTutsi, of a good race, has nothing of a negro, apart from his colour. He is usually very tall, 1.80m. at least, often 1.90m. or more. He is very thin, a characteristic which tends to be even more noticeable as he gets older. His

features are very fine, a high brow, thin nose and fine lips framing beautiful shining teeth. Batutsi women are usually lighter-skinned than their husbands, very slender and pretty in their youth, although tend to thicken with age. [...] Gifted with a vivacious intelligence, the Tutsi displays a refinement of feelings which are rare among primitive people. He is a natural born leader, capable of extreme self-control and of calculated goodwill.

These differences therefore put forward by Europeans built a variety of hazardous hypotheses around the Tutsi's origins. The following arguments are going to focus on the origins of Tutsis.

4.2 Hamitic Hypothesis

The *Abanyiginya* clan, in which *Mwami* (King) Kigeri originated, was said to have a sacred origin and the *Abeega* clan in which the kings' wife originated also had a sacred origin. This mythology of sacred origin therefore had a profound impact on the notion of Tutsi supremacy. In this regard there are three myths which are going to be looked at with regard to the so-called royal sacred.

The first myth was that of the monarchy having originated from a heavenly king called *Nkuba* meaning the lightning. According to this myth, the king lived in heaven with his wife, *Nyagasani*, including his two sons *Kigwa* and *Tutsi* and their daughter *Nyampundu*. It then happened that these three siblings fell from heaven and settled on a Rwandan hill. One of Nkubas'

sons, Kigwa while in Rwanda, decided to marry his sister Nyampundu. Their descendants therefore formed the Abanyiginya clan. Tutsi on the other side, Kigwas' brother, married one of his nieces and their descendants therefore constituted the Abeega clan. From then on the two royal clans preferred to intermarry, for example the Abanyiginya boys usually married the Abeega girls (Mamdani, 2001:79).

The second myth had to do with the social differences between Hutus, Tutsis and Twa. It is argued that Kigwa had three sons called Gatwa, Gahutu, and Gatutsi. These three sons were said to be deprived of social abilities. It happened that Gatutsi, the firstborn, suggested to Gatwa and Gahutu that they should go to *Imana* (God) and ask him to give them talents of social abilities. Gatutsi then became the first one to approach *Imana* and *Imana* offered him the faculty of anger. Gahutu was the second to go. On his arrival, *Imana* told him that the only faculty which was left was that of disobedience and labour and Gahutu agreed to accept that. Gatwa was then the last one to go and on at his arrival at *Imana*, he was only offered the faculty of gluttony or greed. The third myth had to do with Nkubas' son Kigwa who was said to be the first Rwandan king on earth.

Kigwa had three sons as in myth the second myth. This time Kigwa tested his sons' ability by carrying out an experiment. Kigwa gave each of his sons a calabash filled with milk and told them to watch over it for a night. The

following morning Kigwa checked on his sons. He found that Gatwa had drunk all the milk, while Gahutu had spilled it. He then went to see Gatutsi and on his arrival found that Gatutsi had kept his milk intact. The king therefore decided to give Gatutsi permission to command the glutton serf Gatwa as well as the clumsy peasant Gahutu. This was how the Tutsi monarch continued to claim sanction based on a sacred origin (Ibid. 80). While the third myth explains differences in terms of tests and gifts, the second myth seems to be explaining the temperaments and stereotypes of these groups.

The debate around Tutsi origins is a complex and complicated one. Prunier (1995:16), suggested that there was a high possibility that the Tutsi came from outside the Great Lakes region and it was also possible that they are a distinct racial group. For him Tutsis' physical features might have derived from Cushitic origins which were traced from somewhere in the Horn, and possibly in Southern Ethiopia. The Tutsis' supremacy on the other hand has no trace. This was due to the fact that Oromo, whom Tutsi might be descendants of, were said to be simply a pastoral people.

A Hamitic hypothesis is said to have resulted from the notion that was derived and shared by the rival colonists, who argued that the evidence of organised state life originated from elsewhere. That suggested that the

leaders of such an organised state life were known as Hamites, hence the notion of the Hamitic hypothesis came into existence.

There are several schools of thoughts which contributed to the weaving of the Hamitic hypothesis, namely, theology, anthropology and biology. Theologians drew their material from Judaic and Christian myths. Theologian argued that the name Ham appears in the book of Genesis Chapter Five of the Bible. The verses in Genesis tells the story of Ham disregarding his father Noah who was lying in a drunken stupor. Noah realised that his other sons Shem and Japheth covered his nakedness and averted their eyes to his shame. Ham on the other hand did not look away. Noah then blessed the descendants of Shem and Japheth and cursed those of Ham. The claim was that the descendants of Ham were cursed by being black. This myth depicted Ham as a sinful man and his descendants as wicked (Mamdani, 2001:80).

The Hamites were said to be the first to head south and were regarded as being the genius behind the ancient Egypt civilisation. The Semites were the second to leave and they were later polluted. The Japhites were the only ones who stayed in the north and retained their purity. The sons of Noah were therefore said to be the predecessors of the main races in humanity, i.e., Europeans descended from Japheth, the Semites from Shem and the Hamites from Ham. The “Negro Africans” on the other hand were said to

be beyond the pale of humanity. A certain school of anthropologists further argued that civilisation and culture in Central Africa was introduced by taller and sharper-featured people. These people were considered to be Caucasian tribe of Ethiopian origin who descended from the biblical King David and for that they were a superior race to the native Negro. Hence Hamites were a superior race despite their black skin and were said to be almost Caucasian (Gourevitch,1998:51).

4.3 The Stereotypical Categorisation of Community and its Impact on Identity

Rwanda's community has been created into three different categories, that is, economic, cultural and political. The economic aspect consisted of pastoralists and agriculturalists. It must however be noted that the notion of the Hutu being agriculturalist and the Tutsi pastoralist has been challenged by recent researchers. They argue that the predecessors or Hutus had cattle long before the appearance of the Tutsi in Rwanda. The second aspect which was created was cultural. In discussing this aspect the language of Rwanda will be looked at in order to get an understanding. Kinyarwanda is the language spoken not only in Rwanda but in Burundi, Uganda, Congo and Tanzania. The speakers of the language are called *Banyarwanda*. Hutus and Tutsis, although regarded as a distinct ethnic group, spoke the same language, and even today they speak the same language. They lived on the same hills and they had more or less the same culture (Mamdani, 2001,51).

To concretise this argument, my informants (Interview, 27/10/05), argued that in Rwanda there are clans, and all ethnic groups of Rwanda can belong to one clan.

Mamdani (2001) argues that Hutu and Tutsi had not only shared language and culture, they also lived together and intermarried. In any case I would argue that, “where two distinct groups marry and have children, another identity is born”. In Rwanda however, the purity of social identity was kept, at least in theory and through adaptation of patrilineal identity. For example, people even today still regard themselves either as Hutus or Tutsis. The reason for this was that Rwanda practiced, and still does, patrilineal relationships, meaning that their family relationships are traced through the male line. In this regard if a father is a Hutu then the child will be identified as a Hutu. On the other hand the identity of the mother, irrespective of whether is a Hutu or Tutsi, it will be systematically erased.

There is however some controversy regarding the Hutu-Tutsi identity. New evidence points out that during colonialism mistakes were made, especially when the colonial administrators, particularly the Belgians introduced the identity card system. It was introduced to identify people according to their ethnic groups. So what happened was that some Hutus were mistakenly given Tutsi identity due to their accumulation of wealth in society. On the other hand Tutsis who were poor were given a Hutu identity. So in this

regard the issue of identity in Rwanda is actually linked to economic differentiation.

Another aspect that needs to be looked into is that, through intermarriage, features of each group gradually changed as new generations inherited new genes from their mixed parents. In this regard I do agree with Mamdani (2001) when he argues that even today in some cases to differentiate between Tutsi and Hutu by merely looking at the physical features can be misleading. During my research I tried to identify some of my informants in terms of physical features only to find out that I was wrong. Regarding this Mamdani (2001:73) suggests that the identities of Hutu and Tutsi could not be equated with the identities of Hutu and Tutsi who at the beginning never intermarried. This meant that “today’s Tutsi and Hutu need to be understood as children of mixed marriages” (Mamdani, 2001).

Having discussed the interplay between the cultural aspects, the economic aspects of identity in Rwanda, I now focus on political aspects of identities. Political identity was seen as an end product of market-based class identities, for example workers and capitalists or landlords and tenants or merchants and peasants. This was a view propounded by left intellectuals. Right intellectuals on the other side argued that ‘real’ identity was cultural whilst political identity was referred to as an expression of cultural identity. It is evident that the literature of the left intellectual is derived from that of

the class struggle and revolution while right intellectuals have derived their literature from nationalism and tribalism (Mamdani, 2001:21).

Mamdani (2001:25) argued that political identities are an end product of state formation. By this he suggested that political identities did not emerge from cultural formation. For him therefore political identities are inscribed in law, and therefore they are legally enforced. Mamdani further argues that, “if your inclusion or exclusion from regime of rights or entitlements is based on your race or ethnicity, as defined by law, then this becomes a central defining fact for you the individual and your group”.

In this light therefore “both race and ethnicity, need to be understood as political and not cultural or even biological identity”. For example, *Bakiga* from northern Rwanda fought the alliance of German imperialism and the Tutsi aristocracy of Rwanda kingdom. It must be noted that they fought the Tutsi who were in power in alliance with the Tutsi out of power. This means that they did not fight as Hutu against Tutsi. During this period the *Bakiga* people were not called Hutus, they became Hutus when they were defeated and incorporated into the Rwandan kingdom. These identities therefore are important due to the fact that they shape individual relationships to the state and to one another through the state. This suggests that the organisation of power determines political identities. In other words

power serves as a vehicle in determining who is included or excluded in the regime of rights and entitlements based on race or ethnicity.

Colonial powers responded to the *Bakiga* crisis by introducing what is called indirect rule, hence new political identities emerged called ethnicity. Colonial indirect rule did not treat those who were colonised as a single race but divided them into two divisions. The first consisted of the so-called non-indigenous. This group was then governed through civil law which was imported from Europe, and they were referred to as non-native. This group is said not to be indigenous to Africa, for example Whites, Asians and Arabs. Natives on the other hand were regarded as tribes or ethnic groups who originated from Africa (Mamdani, 2001).

The second division of indirect rule divided the so-called natives into separate ethnicities. In this division those ethnic groups were governed under a separate set of laws called customary laws. The implications of these divisions were that, for races under the first division cultural differences were not interpreted into separate legal systems but enforced by a single administrative authority. The fact that their religious practice was different and even their language, was not considered. On the other hand with ethnicity the indirect rule made sure that their cultural differences were reinforced, in some cases exaggerated and put into different legal systems. Administrative and political authorities were also separate. For Mamdani

(2001:26) therefore “races were meant to have a common feature”, but ethnicities were meant to have different features.

There is another element which I considered to be important in shaping political identities in Rwanda, namely Christianity. This agent became more influential especially during the Belgian rule in Rwanda. In 1931 Mutara III Rudahigwa took over the rein from his father Musinga Mutara was highly favoured by the Belgians. The reason why he was the favourite was due to the fact that he was not even influenced by the *abiru* which were the royal advisors. The Rwandan then regarded the king as *Mwami w'abazungu* meaning the king of the Whites. Apart from that, what made the Belgians like the king was his conversion to Christianity which the Belgians saw as their greatest achievement. It was their achievement due to the fact that Christianity before the king's conversion was for the poor or marginal people who looked to the church as a sort of White man's *ubuhake* which will be discussed later (Prunier, 1995:31).

The conversion of the king resulted in the massive conversion of the people, even those who were in power. What happened was that the Belgians, by the late 1920's, started to use Christianity as a route to becoming an elite. This meant that for one to become an elite it was necessary for that person to convert to Christianity. Hence Christianity became a prerequisite for membership to the elite. In this regard many priests were happy to see the country's elite flock to them rather than became social outcasts. The church

therefore made a profound impact on many aspects of Rwandese society. To begin with, it served as a communication tool to the African way of life in Rwanda. For example, the church denounced polygamy and viewed it to be an evil practice. Other cults which were practiced in Rwanda ceased to exist due to church influence. For example, *Kubandwa* which had been an element of social cohesion and regarded as a home-grown, trans-ethnic cult was destroyed by the church. The *Kunywana* cult, which was called the blood-pact ritual, bound people of different origins together. Mwami also practiced this ritual, for example he also had *Batwa abanywanyi*⁷ (Ibid.).

The church also played a major role in encouraging people to be sensible and cautious in managing their money and to be hard workers. Education in Rwanda was also influenced by the church, but was not made compulsory, only those who had money could attend. Apart from that, the church used the notion of Tutsis being the ‘natural born’ leaders to give Tutsis first priority. The church did that in order to have control over the future elite of the country. The illiteracy rate remained high. For Hutus to receive post-secondary education they had to be theology students of the Kabgayi and Nyikibanda seminaries. With these qualifications it became problematic and frustrating to find employment, and this played an important role in the 1959 social upheaval.

⁷ Refers to blood brothers.

The colonial power, in their road to civilising, incorporated the minority (Tutsis) in the regime of rights and excluded the majority (Hutus) from the same regime. The consequence of this was that those who were excluded from the regime of rights, organised themselves along ethnic lines. This was then regarded as the fundamental crisis of the direct rule of colonialism.

Colonial opinion classified the population of colonies into two broad groups. One group was called races, the other was called tribes or ethnic groups. This distinction was made to separate natives from non-natives (Europeans/ settlers). In this regard non-natives are labelled as races, natives on the other hand are said to belong to a tribe or indigenous group. The simple claim was that races are described as Whites, Asian, Arabs and are all those who are not indigenous or local in origin to Africa (Mamdani, 2001).

4.4 The Kingdom of Rwabugiri and the Emergence of Ethnicity

Rwanda under *Mwami* Kigeri Rwabugiri, experienced its final and most spectacular expansion of its boundaries. It is argued that during his rule (1853 to 1895) Rwabugiri led a series of military campaigns which resulted in the incorporation of stateless Hutus (Rwanda was divided into small kingdoms under Hutu kings called *Abahinza*) in both eastern and western Rwanda. What happened was that the power of the king did not extend equally over the whole of Rwanda. For example, there were Hutu

principalities who survived Tutsi rule in the north, northwest and southwest of the country. The Hutu principalities (chiefs) resisted till the nineteenth century with the arrival of Europeans (Prunier, 1995:19).

One of my informants told me that, when Tutsis came in Rwanda, they found that Hutus were divided into *Abahinza* (Hutu kings). The Tutsis then conquered these kings (Interview, 27/10/05). Research also showed that the expansion of Rwanda gave significant insight into the nature of Hutu identity. It appears that the social category of the Hutu simply applied to all those who came from a variety of ethnic backgrounds and later became subjugated by the power of the Rwandan state. The population then became Hutu in the last years of the nineteenth century through gradual Tutsi military occupation under Rwabugiri. Before military occupation the so-called Hutus especially in the northern part of the country were called *Banyamasisi*, (Newbury, 1999:22, 24).

There are two facts which are striking about the Hutu identity. First, when the *Bakiga* who were living in the northern part of Rwanda fought the alliance of the German imperial power and the Tutsi aristocracy of the Rwandan kingdom, they did not fight as a Hutu against Tutsi. They fought the Tutsi in power, in alliance with Tutsi not in power. In this regard they fought under the leadership of the de-throned Tutsi queen, Muhumuza. The Tutsis who were dethroned were those who did not want to be under colonial administration. Secondly, these mountain people did not call

themselves Hutus, but *Bakiga*. They only became Hutu when they were defeated and incorporated into the Rwandan kingdom. Therefore this means that Hutu was not the identity of a distinct ethnic group, but was a political identity of all those subjugated under the power of the Rwandan state (Mamdani, 2001:70).

Mamdani (2001) argued that the Rwandan community was constituted by numerous autonomous polities before the arrival of the Tutsis. It was however absorbed within the boundaries of expansion. During military occupation, the local chiefs were dismissed and replaced by incoming Tutsis. Land and cattle gradually accumulated in the hands of Tutsis. On the other hand, those subjugated lost their belongings and were then forced to enter into relations of servitude to gain access to land. Hence Hutu as an identity came to be associated with and was defined by inferior status. Thus Hutu meant and referred to subjugation, servant and inferiority over time. Tutsi on the other hand came to mean power and dominance over Hutu (Newbury, 1998:51)

Therefore Mamdani (2001:74) suggests that the ancestors of the people known as Tutsi and Hutu had separate historical origins. For example Hutu did not exist as an identity outside of the state of Rwanda, rather it has emerged as a trans-ethnic identity of subjects in the state of Rwanda. According to Mamdani, the predecessors of Hutu were simply people from

different social groups subjugated by the power of the state of Rwanda. In contrast, the Tutsi identity existed before the establishment of the Rwandan state. However, there was a formal mechanism called *kwihutura* and other instances of intermarriage which allowed rulers to absorb the most prosperous of their subjects into their own ranks. Tutsi therefore became a trans-ethnic identity as well. *Kwihutura* was a process of ritual ennoblement whereby a Hutu shed his Hutuness and achieved the political status of Tutsi. This process also applied to Tutsis, for example the loss of property led to the loss of status. This process in *Kinyarwanda* is called *gucupira*.

4.5 Social Production and Clientage Structure

Socially and economically it is argued that the Tutsis dominated the Hutus. In Rwanda owning cattle meant that you were rich and this was said to be the key to political and social standing. Since cattle were owned almost exclusively by the Tutsis, the Hutus' desire was therefore the fundamental reason for their subjugation. For the Hutus to be able to own cattle they were forced to perform services for the Tutsis. This service was called *ubuhake*. Here one can argue that the Hutus wanted cattle but the Tutsis wanted servants and labour for their crops. *Ubughake* therefore enabled the Hutus to obtain cattle which was possible provided they were loyal to the Tutsis who granted them the cattle (Louis, 1963:110).

Most of my Hutu informants and a few Tutsi informants regarded *ubuhake* as a form of slavery to which their parents, grandparents, and their great-great grandparents were subjected for years. One of my informants (Interview, 27/ 10/ 05) argued that *umuhake* (the servant) only obtain the cow after seven years of hard work for *Shebuja* (the 'Lord'). All this was not guaranteed. It depended on the willingness of the *Shebuja* to give *umuhake* a cow. What is also controversial about *ubuhake* was that if it happened that *Shebuja* became unhappy with the work of *umuhake*, he would take the cow given to *umuhake* even if that cow produced herds. The taking back of the cow by the *Shebuja* is called *kunyaga*.

The cattle agreement involved subjugation on the part of the Hutu to the extent that in some places, in return for the use of cattle, the Hutus gave up their pastured and arable land. Hutus in this regard were bound to provide crops, as well as military service for the Tutsi. By doing this Tutsis controlled political and economic power over the Hutus. Before *ubuhake* was practised there was another clientship which was called *umuheto*. The reason why I wish to highlight this clientship is that the notion that Hutu did not own cattle is a myth. In *umuheto* cattle clientship involved the giving of cattle by the client to the patron in return for a regular protection. This relationship took place periodically and was carried out by those who owned cattle (Mamdani, 2001:65). It must be noted that the client here was a Hutu and a patron a Tutsi, so, in this regard it showed that Hutus did own

cattle which were taken from them through conquest and through this clientship.

Clientship therefore served as the key social institution that held Rwandan society together. For Mamdani (2001:65), this system was a structure in which everyone except the king was the client of someone else. There were three types of clientship, the *umuheto*, *ubuhake* and *ubureetwa*. *Umuheto* was a cattle clientship which involved the periodic gift of cattle from a client lineage to a patron in return for protection. This relationship came about among owners of cattle. The second type was *ubuhake*. The difference between the two was that *umuheto* linked an entire lineage as a group to *umuheto*, the chief or his delegate. *Ubuhake* on the other hand only linked an individual to his patron and it involved exactly the opposite. Here a patron gave a cow to a client and often people who accepted cattle were people who did not own cattle. This clientship exposed the client to more exploitation, including the possible confiscation of any personal cattle at the pleasure of the patron.

The third type was *ubureetwa* in which labour was almost not rewarded. In this clientship a client was more like a prisoner. It must be noted that *ubureetwa* affected Hutu chiefs who were land chiefs as well as cultivators and owned a piece of land for communal farming. So with the introduction of *ubureetwa* they lost their land to the king. *Ubureetwa* was therefore

regarded as a form of manual labour performed as a payment to the local hill chief by Hutus, since it was imposed on Hutus only, for occupying the land (Mamdani, 2001:66).

In understanding how feudalism worked in Rwandan society, the caste system needs to be looked into. The caste system is observed in a society composed of several graded groups in which they marry within their respective groups. This means that membership to the group could only be obtained through birth. In Rwanda therefore a person was a Tutsi because his father was a Tutsi. In some cases, however it was possible to be socially recognised as a Tutsi without being born a Tutsi, for example, a Twa who had been ennobled through *kwihutura*. However these were exceptional cases; it seems that the caste system was what people of Rwanda relied on (Ibid.).

In any given society coexistence between unequal social powers more often than not puts the individual of the weaker group in a very difficult position. In this kind of situation the inferior group will always be discriminated against moreover will be inferior to the one who has a higher social status. Therefore, to be protected, it is necessary for the person discriminated against to increase his own social power. The Marxist critics on this argument argue that this situation is not a solution to preventing the domination of the economically weak group by the economically powerful.

The key factor in this subjugation is control of economic livelihoods. For instance, if they said the rich man, under the threat of the police, is not allowed to force another one to work for him he may however force him as effectively by the threat of taking his livelihood from him. Therefore for the Marxists, that could change the situation of the protection of the socially weak by changing the hierarchal structures of society. In contrast the clientage system permitted the protection of the socially weak individuals without destroying the unequal social status in the society (Maquet, 1961:137). This meant that in Rwanda the unequal relationship continued.

The above process was indeed practiced in Rwanda. For instance it was advisable to go into court accompanied by a socially powerful person and in most cases that powerful person would be a Tutsi. This simply meant that if you were a Hutu and wealthy or you owned cattle you were forced to have a patron who was a Tutsi in order for you to win your case in court because you would be protected him. In another words this meant that a wealthy Hutu without protection from a Tutsi was risking the loss of his possessions. The feudal system therefore institutionalised the identification of the Hutu client to the Tutsi lord in order to secure the necessary protection and security for the socially weak (Ibid.). In other words there are three levels of inequalities in Rwanda, the feudal system, a Marxist or class system and the caste system. The Feudal and caste system are more relevant.

4.6 Political Organisation and Administrative Structure

In discussing this section, political organisation as a term needs to be defined. Political organisation is said to be that sector of social structure where the ideas of government and rulers are raised. In this regard political organisation describes people who deal with matters that are important due to the fact that these matters concern a group as a whole and consequently the well-being of the society. In most cases those who are in charge enjoy privileges which make them try by all means to hold on to their positions (Maquet, 1961:96).

Distinction however needs to be made between the use of political organisation in an intergroup context. Political relations between different groups are said to have a different meaning from those existing between people belonging to the same group. Maquet (1961), saw political organisation as a totality of culturally patterned relationships between certain individuals who possess' legitimate use of physical force and all others who inhabit a certain territory at a certain time. Maquet further argues that political organisation can be differentiated from the kingship system. Kingship can be defined in terms of the relationship between persons bound in terms of descent and siblinghood. The two actors therefore are members of the same group, which has a territorial basis. Political organisation on the other hand places its emphasis on a particular group within the state. Those in the dominant position either within the state

or kingship will be called rulers or superiors, and the other subjects or inferiors.

Due to the fact that the word legitimacy features in the above definition of political organisation, it is imperative that the term be defined. Legitimacy and territory seem to work hand in hand. This means that the group regards physical coercion as a proper reaction when coming from some individuals, for example, it is acceptable in a particular society that the chief has the right to decide life and death over all his subjects whether they have committed an offence or not. Even suppression, when ordered by the chief, can be seen as legitimate (Maquet, 1961:98).

Maquet (1971), argues in his book, *Power and Society in Africa*, that legitimacy seems to be a historical experience on the level of the collective representation that a society projects unto itself. Maquet continues to argue that every society that is using its past and present experience of government has come up with ways which justify the existing government by hereditary rights or divine consecration, constitution or charisma and through elections. Political organisation therefore does not only focus on the execution of power but on the distribution of power within the group. A concern in political power has to do with the deprivation which may be inflicted by one person on another. Therefore this means that power is a physical coercion against somebody, even if it is legitimate. It can therefore

be argued that the most fundamental element of power is the capacity of those in power to produce desired effects for themselves.

Having discussed political organisation, it is now important that Rwanda be looked at in relation to the above argument. In Rwanda the monarch ruled through two sets of parallel hierarchies which were give authorisation by legitimate coercion on the basis of superiority. The first set was at the level of the small administrative unit called the hill chief. Here every subject was said to be linked to the monarch through the hill chief and the army chief. The second set was the district level where the cattle chief and the land chief governed (Mamdani, 2001:69).

Rwanda under *Mwami* Kigeri Rwabugiri experienced massive expansion between 1853 and 1895. Rwabugiri was therefore considered to be the most active and conscious embodiment of the conquest. In theory the *Mwami* of Rwanda who was always Tutsi, was an absolute monarch living at the centre of a large court, and was both the supreme judge and legislature. However, in practice the *Mwami* was only the apex of a complex pyramid of political, cultural and economic relationships. As stated, in the pyramid, the *Mwami* was at the top and under him there were chiefs who were differentiated into three tiers. The first chief was called the *mutwale wa buttaka* meaning chief of the landholdings. He was responsible for land and agricultural production as well as taxation. The second chief was the

It is very important to note that the collection of attributes (taxes) was not imposed on individuals but was a household responsibility. Later, during colonial times the Belgians exploited this by obliging each and every able-bodied person, including women and children, to pay or work on the European taxation model. Hence in the late nineteenth century a new form of compulsory work, called *ubuletwa*, was introduced. This practice became a hated symbol. The Belgian colonisers favoured it and it was greatly abused by them. The people hated it more than the traditional form of taxation used before colonials arrived (Ibid.).

In terms of the tribute collection, the chiefs had the right to keep a part for their own benefit. For example the hill chief had the right to take some agricultural products of which he could keep about a third. Let me try and explain the position of the hill chief. It is argued by Maquet (1961) that the hill chief is subordinate to both the land and cattle chief. One of his duties was to organise a labour force for colonial administrators. He could also have others working for him. The Twa people could not be land chiefs or cattle chiefs. The only time they could be appointed as land chiefs was when the process of ennoblement had taken place. This meant that the identity of being a Twa was lost and could be assimilated by the Tutsi.

The administrative system in Rwanda functioned in a manner that those in power were able to hold onto it as much as possible. What happened was that the King (*Mwami*) appointed all the chiefs. One other thing that made this system last long was that belonging to a chiefdom was more hereditary than just an appointment. For example the son of the former office holder usually succeeded his father because the *Mwami* preferred to strengthen the loyalty of the family. For him, if the former office-holder served him well, it was possible that his son might just do the same. The second criterion that the *Mwami* used was that the former chief would recommend a person to the *Mwami* for the position of chieftaincy. In most cases these recommendations were made by an important chief, such as the army chief. The last thing the *Mwami* did to maintain power was to have the final say in terms of appointments. The *Mwami* feared that if he gave some independence to the chiefs it might be dangerous for his position. Only the *Mwami* had the power to dismiss anybody (Ibid.)

The recruitment of the army varied according to periods of time. The argument put forward by Maquet (1961:109) suggesting that only Tutsis had a fighting role in the army appeared to be referring to the early settlement of Tutsis in Rwanda, while De Lacger cited in Mamdani (2001: 68) argued that *Mwami* Kigeri IV Rwabugiri preferred to recruit mainly Hutus when he went into battle. According to Maquet, the *Mwami* relied on his Tutsi clients by asking them to bring their sons, who had no military

group to join. Those who were recruited were then trained for several years under the supervisor officer called *umutware w'urugorw'umwami*.

Rwanda had a peculiar way of socialising its young generation. For example, young Tutsi men had to spend several years at the court of the king or a chief. The aim of this socialisation was to transmit valuable knowledge regarding culture as well as the behaviour expected from them. During socialisation young Tutsi men were taught traditional sports and how to be a young nobleman. In the courts they were also taught poetry and the ability to carry on an articulate and pleasant conversation. Tutsi men had to behave well in society as well as in the army. This means that Tutsi were given a picture of an ideal Tutsi (Maquet, 1961:118).

There were three components which guided the picture of an ideal Tutsi. The first component was *ubutware* which had to do with military courage that a Tutsi should acquire. This military courage was crucial especially in the group of conquerors. The second component was *ubugabo*. This had to do with the quality of being a man. Here a Tutsi man had to be trustworthy and generous. The last component was *itonde* which had to do with emotions. Here Tutsi men were taught self control, to be polite, dignified, gentle and a little supercilious. Losing tempers and manifesting violent emotions were therefore a shameful act (ibid.).

4.7 Conclusion

This chapter was able to investigate Rwanda's pre-colonial identities as well as the whole myth around the origins of Tutsis in Rwanda. The day-to-day activities of Rwandan society also took place along ethnic lines. The chapter was able to unpack the most contradicting elements of the entire social structure of the country and its impact on conflict manifestation. It is important therefore to conclude that Hutu and Tutsi as an identity has changed through Rwanda's historical development.

Mamdani (2001:73) suggests that Hutu and Tutsi identities be viewed as political identities. This can suggest that these identities have changed through time and experience. Evidence presented in this chapter gives me the confidence to concur with this perspective. It is also evident that Hutus and Tutsis have intermarried. This therefore suggests that new identities have been created. Again, another thing that can determine identity is power and wealth. Access to wealth in Rwanda guaranteed a position in political power, especially if you were a Tutsi. Hutus who managed to gain wealth were able to be assimilated as Tutsis and again this happened during colonialism. The colonial powers assumed that all those who have wealth are Tutsis, hence they gave identity cards to some of the Hutus thinking that they were Tutsis. Some Tutsis who did not have access to wealth and whose physical features resembled Hutus, were also misrepresented. All this suggests that the issue of identity in Rwanda somehow justify the 1994

genocide. The following chapter will therefore investigate the involvement of the colonial administration in the construction of Rwandan identities.

Chapter Five

The Creation of Identities in Colonial Rwanda: An Environment Conducive to the Outbreak of Conflict

5.1 Introduction

In the perspective of recorded history, the period of foreign rule experienced by Rwanda is said to be exceedingly brief. Despite the brevity of the colonial interval, its impact was overwhelming. The presence of foreign rule in Rwanda unleashed one of the most violent upheavals ever witnessed by an African state. This chapter therefore is going to look at how colonial administration manipulated Rwanda's feudal system to suit their needs. Furthermore, this chapter is going to explore the myth and realities of the 1960 revolution, which led to Rwanda's independence. In this chapter I would also like to make an analysis of history from a colonial perspective in order to highlight the indelible mark that the colonial history made on the ethnic identity in Rwanda. And I suggest that unless those issues of how identity was enhanced by colonial history were addressed it would be difficult to deal with Rwandan history in a realistic way, particularly the history of conflict.

It is by revisiting the extent to which colonial history made a negative imprint on ethnic identity, by sharpening the ethnic identity in Rwanda, that the issue of designing the question of reconciliation can be made.

5.2 The German Colonials in Rwanda

When the first Europeans arrived in Rwanda, they were first and foremost fascinated by the kingship system that operated there. They found that the *Mwami* (the king) in Rwanda was treated like a divine being and his power was said to be holy. The *Mwami* had advisors called *abiru* who came from the *Abasindi* clan. It is argued that his authority was symbolised by a sacred drum called *Kalinga*. *Kalinga* was decorated with the testicles of the defeated enemies. One of my informants argued that the enemies were Hutu kings who were conquered by the Tutsis. He further alleged that when a Hutu chief married a Tutsi woman, he would later be killed by poison which was given to his wife by the Tutsis, who were using this as a strategy to conquer Hutus. The *Mwami* was therefore regarded as the father and the people were given to him by *Imana*, meaning God. The *Mwami* was also considered as providence of Rwanda, the Messiah and saviour. The *Mwami's* authority was also viewed as perfect and incapable of making a mistake, hence his decisions were not questioned (Prunier, 1995:10).

History therefore tells us that Rwanda was a centralised state, in which the *Mwami* was in fact the supreme ruler of the land. This overwhelming concentration of power in the hands of a single individual spared the

Germans many of the difficulties they faced in Burundi. When Germans arrived in Burundi they encountered internal squabbles regarding who should take over power from ageing *Mwami* Mwezi Kisabo. Rwanda was a different case. The *Mwami* was willing to recognise the German protectorate, and therefore Germany saw no need for the Residency (colonial administrators) to capitalise upon internal divisions. Given the circumstances of Rwandan politics, the establishment of German rule was not without certain reciprocal benefits. There was no doubt that the *Mwami* needed the support of the Germans to enlarge the territorial base of his authority. The Germans on the other hand also needed the support of the *Mwami* to consolidate their protectorate over the country, and to proceed with their task of administration. As it turned out, the terms of their pact made it possible for the crown to expand its hegemony far beyond the limits of its original jurisdiction (Lemarchand, 1970:57).

For the sake of clarity it will be beneficial to look at the situation that prevailed in Rwanda late in the 19th and early 20th centuries. The mid-1890's was a period of factional strife which centred upon a disputed succession to the throne. Hence in 1896 there was the coup of Rucunshu. It is stated that Rucunshu marks the beginning of a long civil war between the *Abega* and the *Abanyiginya* clans. The facts of this coup are as follows. In 1895 *Mwami* Kigeri Rwabugiri died, and his death set the stage for a bitter struggle for kingship between his two sons Rudarindwa and Musinga,

whose mothers belonged to different clans. These clans were of the most prestigious of the several maternal clans from which a future *Mwami* could be chosen. Rutarindwa then took over from Rwabugiri. After the coup, the new *Mwami* was appointed and his name was *Mwami* Yuhi Musinga. Due to the fact that this *Mwami* was a minor at that time, his mother Kanjogera acted as regent, together with his maternal uncles, and two chiefs by the name of Kabare and Ruhinankiko. The *Abega* clan in this regard proceeded to consolidate their hold over the country (Ibid.).

Mwami Kigeri was considered to be the most active and conscious embodiment of the Rwandan conquest. The reason why his death created such turmoil was that the king was polygamous. When he died there was a problem with regard to his unclear succession. However, before he died he had designated one of his sons, Rutalindwa, as the heir of the throne. According to the Rwandese monarchy, the Queen Mother should play an important political role as a manager of the royal household and as the focal point of all court intrigues. With this responsibility, the Queen Mother is required to be strong. In contrast, Rutalindwa's mother was said to be from the *Abakono* clan which was regarded as a weak royal uxorial clan. For this reason, Rutalindwa and his mother were seen as unfit to take over the kingship. Kanjogera, another wife of Kigeri, and her brother organised a coup in which they killed *Mwami* Rutalindwa who succeeded his father Kigeri. During this coup, Rutalindwa's chiefly supporters were also killed,

History tells us that one of Rwabugiri's wives, who was said to be a full-blooded *Munyiginya* named Muhumuza, found refuge in the mountains of Northern Rwanda. She wanted to crystallise the support of a few local clans around a hard core of legitimist chiefs. Her aim was to restore her son Bilegeya to the throne in Rwanda. Muhumuza was said to possess great powers of leadership and organisation. In 1911 she proclaimed herself Queen of Ndorwa and promised her followers that she would soon liberate the country from the yoke of the Europeans. Muhumuza was however not the only person who was a prestigious representative of the legitimist faction. Ndungutse was also one of the *Abanyiginya* who had sought asylum in the north. After Muhumuza's capture in September 1911, when she and the group of followers were forced to surrender to the British authorities in Bufumbiro (now known as Uganda), Ndungutse emerged as the chief spokesman of the legitimist faction. He therefore insisted time and again that Bilegeya was the sole legitimate heir of Rutalindwa. Ndungutse then claimed considerable authority in his own right (Ibid.).

Ndungutse therefore was viewed by the local people as their saviour, as well as the prophet who would restore peace to the country and free the labouring masses from the servitude of the corvée (*ubuletwa*). Though Ndungutse was a Tutsi, his name became a symbol of anti-Tutsi sentiment and by implication anti-European sentiment as well. His appeal as a leader was closely linked to the emergence in the north of the *Nyabingi* cult, a

magico-religious cult which Muhumusa had used as a vehicle for propagating her ideas and solidifying her support among the people of *Mutera* and *Bukonza* (collectively referred to as the *Abakiga*). The *Nyabingi* therefore developed a strong political attraction for the *Abakiga*, but in parts of Uganda. The *Nyabingi* were regarded as or became a military army in rebellion against the constituted authority of the attempted conquest by the Court of Rwanda (Edel, 1967:155).

The movement (*Nyabingi*) became increasingly xenophobic in character and aggressive in its methods. The 'hands off' policy which the German administrator (Residency) in Rwanda had previously advocated was no longer tenable. In 1910, Father Loupias, who was the acting Resident, was assassinated. In response to this the colonial administrator decided to organise a punitive expedition in the north. The purpose of this expedition was to punish the insubordinate district and their peoples and chiefs by causing the greatest possible damage until complete submission was realised. Failing to do that there was destruction of crops and settlements, and chiefs' vacancies were occupied by other chiefs who were appointed by the colonial administrators and who would be faithful to *Mwami* Musinga. The expedition turned out to be unsuccessful. Then in April 1912 the colonial administrators sent troops to attack Ndungutse's village, killing about 50 defenders including Ndungutse himself. Villages were burned down, crops and settlements were destroyed and all those who resisted were

massacred. Loyal chiefs were then appointed to rule over the devastated area (Louis, 1963:156).

It is debated by Louis (1963) that more than anything else the German Residents wished to use the presence of European missionaries to educate the Tutsi chiefs and thus convert them not only into good Christians but into efficient administrators. This was not an easy task. At first the German Residents felt obligated to heed *Mwami* Musinga's request that missionary activities be kept at a safe distance from the court since they did not want the influence of it to weaken the authority of the crown. But the German Residents realised that the appeal of Christianity was strongest amongst the Hutu. They also discovered that the missionaries, on humanitarian or religious grounds, endeavoured to restrain the abuses of the chiefs. The colonial administrators therefore became understandably concerned over the possible repercussions of missionary work. This meant that interference threatened the very basis of indirect rule. Furthermore, the predominance of French elements among the Catholic clergy naturally held disquieting implications for the German administrators, and in turn some of the French missionaries became extremely suspicious of the Residents' motives.

Every effort was made in Rwanda by the colonial administrators to strengthen and consolidate the position of the crown. Punitive expeditions in Rwanda were directed against the *Mwamis'* opponents whereas in

Burundi the *Mwami* was often the victim more than the beneficiary of German militarism. In Rwanda the success of indirect rule reinforced the absolutism of the monarchy, and enhanced the hegemony of the ruling caste, while in Burundi the shortcoming of indirect rule enhanced the pluralistic bent of the political system, and in the long run contributed to the softening of the antagonisms (Ibid.).

The borders which were created by the colonial powers in the case of Rwanda did not create many problems due to the fact that these borders almost coincided with the Rwandan borders. This meant that territorial Rwanda was not affected that much. However this did not also mean that Rwanda was united or bring national unity. Sibomana (1999:08) argues that the country continued to be divided between north and south. The Southern part of the country was said to be centralised under a single monarchy which was dominated by Tutsi lineage and the Northern part on the other hand was dominated by several Hutu 'kings'.⁸

Unlike most cases of indirect rule where colonialism ruled by producing ethnic identities, Belgian colonialism produced what we call bipolar racial identities in order to rule Rwanda. The colonised group comprised a native majority which opposed a non-native minority. This notion of opposition pitted Hutu against Tutsi. This meant that Rwandan colonial society was

⁸ Hutu 'kings' could be seen as 'chiefs' but pre-colonial and during pre-Tutsi life in Rwanda they were royalty in their own right. Hence reference to them sometimes as 'kings'. Refer to previous chapter.

divided into two racialised groups, a privileged and dominant Tutsi race, and a subjugated and peasant Hutu ethnic group. In this regard Hutus were excluded from all rights of being citizens, and that was what laid the basis for their struggle. Therefore, colonialism and colonial ideology invented racial distinction and prejudice between Hutu and Tutsi. It is said that it was the obsession with racist ideology, known as the Hamitic hypothesis that became the series of colonial institutional formations, which froze the Tutsi and Hutu as polarised and conflicting races in their relationship to the colonial state, and eventually to each other (Mamdani, 2001:25). This argument was briefly discussed in the previous chapter.

5.3 Rwanda Under the Belgium Administration

After the end of the World War I, Rwanda was put under the Trusteeship of Belgium as a colonial reward for their contribution to the war. The customs and institutions of Rwanda became a problem to the Belgian administrators. The Belgians argued that Rwanda's political organisation seemed unusual and even unnecessary. They also said that the Germans left an administrative machinery which was too primitive and inadequate. There was also no record to show a single credible achievement, which meant that the Belgians had to make a completely fresh start. Nevertheless, the early years of the Belgian mandate bore the unmistakable imprint of the German legacy (Lemarchand, 1970:65).

The Belgians therefore restructured the Rwandan system. For example, the Hutu chiefs were fired and replaced by Tutsi ones, which led to a total domination by Tutsis. The three positions of chiefs explained earlier were fused into one. The Belgians also introduced the so-called *ubuletwa*, which was the hated forced labour system. Before this system was introduced, the chief dealt with the whole lineage. What the Belgians did with *ubuletwa* was to deal with the individual. This meant that a family could no longer delegate a strong, young person to be responsible for the dues (Prunier, 1995:27).

It must be noted that Belgium colonialism did not invent Tutsi privilege. There was Tutsi privilege before, based on the clientage system discussed earlier. What Belgium invented in Rwanda was the justification for Tutsi privilege. The Belgians therefore identified the Hutu and the Tutsi as two different groups, one indigenous, the Hutu and the other alien, the Tutsi. Though Hutu and Tutsi were not only different ethnic groups they were also marked by a cultural difference. The Hutus were then degraded as natives and the Tutsi dignified as aliens. From 1929-1933, the Belgians transformed the Hamitic Hypothesis into the basis of organising the administrative apparatus of the colonial state (Mamdani, 2001:89).

The Belgian administrators issued identification cards to Hutus and Tutsis. This meant that the population of Rwanda was classified according to their

ethnic groups. *Kwihutura*⁹ was then abolished and the Hutu and Tutsi distinction consequently froze into a rigid caste-like structure. Under this system Hutus experienced brutal oppression both under the Tutsi regime and the Belgians, particularly on the part of the Tutsi Native Authority. The colonial state in Rwanda had two important features. The first one was the redefinition of the powers of the chiefs. In this regard chiefs became the agents of the colonial administrators. This was a well-known fact because in all African states which had undergone the process of colonialisms chiefs became the agents of the colonisers (Mamdani, 1996:10).

It is argued by Mamdani (2001) that the previous doctrine of chiefs in Rwanda was stopped. For example, the old functioning of the cattle chief, land chief and the army chief who used to exist, was fused to a single agent who was in this regard a Tutsi. This concentration of power only meant one thing to Hutus, oppression. The single chief idea led to abuses, as it deprived the Hutu of opportunities to play one chief off against another, but it also closed channels to appeal. The previous arrangement of chiefs served to protect the peasantry against undue exaction. In the new scheme of things, Hutu chiefs were replaced by Tutsi chiefs. This system provided a temporary solution to the immediate problems. It is however debatable that this solution had a profound impact on social restructuring in Rwandan society. Instead it may have contributed towards the 1994 genocide.

⁹ As explained in the previous chapter this refers to a possible mobility between caste-like levels of inequality.

The abolishment of *kwihutura* meant the preserving of identities. The argument of Tutsi being the superior race alone was not enough. There was a need to concretise this and institutions needed to be put in place to protect this theory. There were two key institutions: the local administration which was discussed earlier, and education that would ensure this outcome. The colonial administrators therefore created an education system that functioned in favour of the Tutsi against the Hutu. In 1910 a policy was established with the aim of turning the Tutsi into born rulers of Rwanda. Schools were no longer even for sons of ordinary Tutsi but only for sons of Tutsi chiefs. Colonial administrators were so obsessed with this that some schools were moved from certain areas due to the fact that there were many Hutus living in the area. This resulted in the formation of what was called by colonial authorities *Groupe Scolaire d'Astrida* in 1929 (Lemarchand, 1970: 75, 138).

The Belgian authorities phased out government schools by 1930, the idea being to control the education system. In this regard two education systems were created. Tutsis were given a better education than Hutus. For example, Tutsi were taught in French in a separate stream where they were trained for administrative positions in government. The Hutus on the other hand were given an inferior education in which they were taught in *Kiswahili*. The idea behind this was to prepare them for manual labour and also to create a situation where it was impossible for an educated Hutu to assume a political

position (Ibid.). This scenario can be compared to the South African situation during the apartheid regime where ‘Blacks’ were offered so-called *Bantu* education and ‘Whites’ were given a better education. Hence the *Kiswahili* stream was similar to the *Bantu* education.

It also important to note that colonialism had a profound impact on all levels of life in the colonies. Not only did they focus on politics and education they even went as far as influencing the churches with regard to identities. When the missionaries arrived in Rwanda they found that there was no competition concerning other religions. For example they were happy to find a country where there were no Muslims or Protestants. Regarding religion in Rwanda the Belgians forced the *Mwami* in 1917 to sign a bill on the so-called ‘liberty of conscience’.

The period 1926-1931 could be classified as the period of reforms brought about by the Belgians. For example, Rwanda became a centralised state, efficient, neo-traditionalist and a Catholic country. But it was also brutal. It was brutal because taxation and forced labour burdens were imposed on the native population. For example, people were forced to work in the construction of permanent structures, to grow compulsory crops and so forth. It is argued that those who did not comply with the rules were brutally beaten, (Prunier, 1995:35).

I would therefore like to concur with Prunier (1995:40) when he argued that material interest played a role in Rwanda's political conflict. However, distribution of material interests can always be negotiated. (This will imply that the scale of conflict in this case would have been minimal if material interests sparked the war). What was striking about the Rwandan conflict was the participation of ordinary people in the most horrific mass killings. For Prunier, these killings could not be accounted for by material interests. For him, ideas and myths can kill. The elite leaders therefore manipulated ideas and myths and implanted them in the souls of the people so that they could continue to benefit. Even when the Hutus came into power, instead of destroying the myths created by previous regimes or colonial masters, they followed them. Historically even today in Rwanda, there is an absence of a coherent national history. By this I mean that both Hutus and Tutsis are unable to sit down and discuss their history and agree upon it. They are also failing to look back and acknowledge that both Tutsis and Hutus have willingly or unwillingly caused damage to each other, and they are failing to come up with ideas on what needs to be done to ensure that history does not repeat itself.

5.4 Belgian Colonialism

The peasants alone are revolutionary for they have nothing to lose and everything to gain. The starving peasant, outside the class system, is the first among the exploited to discover that only violence pays. For him, there is no

compromise, no possible coming to terms, colonisation and decolonisation are simply a question of relative strength. The exploited man sees that his liberation implies the use of all means, and that of force first and foremost, (Fanon, 1967:27-28).

The end of World War II brought new changes in most colonised countries, Rwanda being one of them. The United Nations Trusteeship Council also brought major changes. For example the council conducted social visits to colonial states and Rwanda was also visited. During the visit Rwanda was under Belgium rule, the council criticised Belgian for their day-to-day rule in Rwanda. The criticism therefore played a significant role in speeding up the awakening of Hutus. Hence in 1952 there was a series of electoral reforms which began to unfold. In 1953 there were local elections which took place and were followed in 1956 by general elections where results were disappointing to Hutus (Mamdani, 2001:114).

According to Mamdani (2001), the 1953 local elections were only limited to so-called 'suitable' candidates who in most cases were nominated by chiefs and sub-chiefs. Therefore this suggested that since chiefs and sub-chiefs were Tutsis, candidates were mostly Tutsis. Hutus in this regard did not benefit, especially the peasants, only a small portion of Hutus benefited from this change, particularly those who were clients of Tutsi patrons (Pruiner, 1995:43).

As mentioned above, Hutus were disappointed by the turn out of the elections. When the UN Trusteeship's visiting mission arrived in Rwanda in 1957, it was given two rival documents. The first document was submitted by the High Council called the "Conseil Supérieur du Pays". The High Council demanded accelerated progress towards self government. They also placed emphasis on extension of educational opportunities, broadening political participation and socio-economic reforms. The document also highlighted the discrimination that existed between Africans and Europeans. The document was however criticised for failing to acknowledge discrimination that existed against Hutus (Newbury, 1999:191).

A month later, Hutus responded to the High Council document in the form of the Bahutu Manifesto titled: *Notes on the Social Aspects of the Racial Native Problem in Rwanda*. The manifesto was signed by Grègoiry Kayibanda and eight other Hutu intellectuals. The Bahutu Manifesto proposed the elimination of the political and legal distinctions between Hutu and Tutsi. They argued that the distinction would hinder progress towards a more egalitarian political structure. The manifesto maintained that the gist of the problem in Rwanda was the conflict between Hutus and the Hamitic Tutsis. They therefore called for a double liberation of Hutus from both Hamites (Tutsis) and the *Bazungu* (Europeans/Whites). It there identified racial problems as primarily located in the political, socio-economic and cultural monopoly held by the Tutsis (Ibid.).

The distinction between the Council (*Mise au Point*) document and the Bahutu Manifesto was that the position of the *Mise au Point* was to preserve Tutsi supremacy. They argued that Tutsi privileges were actually traditional and dated back to pre-colonial times, therefore they should be restored upon decolonisation. The Hutu intellectuals on the other hand emphasised democracy before independence and their demand was based on state power due to the fact that they claimed that they represented an indigenous majority (Ibid.).

In June 1957 Kayibanda then formed and launched the cultural association called Mouvement Social Muhutu (MSM). The MSM became the Hutu political organisation which followed the Bahutu Manifesto. Several months later one of the manifesto's signatories, Joseph Gitera, left the MSM and formed his own organisation called L'Association pour la Promotion Sociale de la Masse (APROSOMA). APROSOMA also shared deep sentiments with MSM towards democratisation of Rwanda, however this organisation was not restricted to Hutus only, it welcomed all Rwandans (Lemarchand, 1970:151).

The formation of APROSOMA basically suggested that there was no consensus in the camp of Hutu intellectuals regarding the integration of Rwandans. For example there was confusion on the campaign for equality to all Rwandans. Some were propagating the idea that all Tutsis

discriminated against Hutus, and there were those who argued that discrimination was specifically perpetuated by Tutsi chiefs. This confusion therefore turned out to be a source of major disagreement among the Hutu elite (Ibid.).

The Council response to the demands of the Hutu was not positive. They argued that to give equal rights to Hutu was out of the question due to the fact that Hutus were conquered by Tutsi kings a long time ago. Eventually Hutus became slaves under Tutsi rule. For this therefore it was not possible to allow Hutus to have the same rights as Tutsis. These disparities of the demands both from Hutu intellectuals and the Tutsi Council invited other challenges to the monarchy. The race issue became the core of the debate. By late 1958, the Karinga drum (as discussed in previous sections) was targeted by Hutu intellectuals calling on the church to abolish it. The Kalinga drum continued with its external trappings of the sexual organs of the defeated Hutu 'kings'. This was why Joseph Gitera, the leader of APROSOMA, demanded an end to the ideology surrounding the Karinga drum. The focus on the Karinga drum became a sensitive issue in Tutsi political culture (Lemarchand, 1970:155).

Debates continued to take place in Rwanda and they later became a simmering pot. Among other issues which brought the simmering tension near explosion was the mysterious death of Mwami Mutura in July 1959.

Tutsis believed that Belgians had something to do with this death. Later that year a second round of elections was due to take place. Seeing this, in August 1959 a conservative Tutsi and pro-monarchist party called Union Nationale Rwandaise (UNAR) was formed under the Tutsi François Rukeba. This party consisted mainly but not wholly of Tutsis. UNAR then, on the 16th September 1959, distributed a circular urging, “Rwandese! Children of Rwanda! Subjects of Kegeri, rise up! Let us unite our strengths! Do not let the blood of Rwanda be spilled in vain. There are no Tutsi, Hutu, Twa. We are all brothers! We are all descendants of Kinyarwanda!”. UNAR also held a rally in which they promised people that it would restore customs and would also shake off the yolk of Belgian colonialism (Mamdani, 2001:120).

The following day, a moderate Tutsi chief by the name of Bwanakweri formed what was called the Rassemblement Démocratique Rwandaise (RADER). This party was however branded as a pro-Belgian party among the Tutsi. In October the same year Kayibanda, the leader of the MSM, changed the name of the MSM to Mouvement Démocratique Rwandaise Parti du Mouvement et de L'Émancipation Hutu (MDR-PARMEHUTU) a strong political party. With all these changes, the main Tutsi party claimed to be both Rwandese and nationalist in nature, while the Hutu party claimed to be Hutu and democratic. PARMEHUTU also claimed that the Rwandan nation was a Hutu nation, and that state power was going to be exclusively

for Hutus. The Tutsi were only going to live in Rwanda as a resident alien minority. So what we had in Rwanda was two rival political parties both within Tutsi politics and Hutu politics. Tutsis in this regard were represented by UNAR and RADER, which were conservative and reformist, while Hutus were represented by PARMEHUTU, which had radical extremist tendencies, and APROSOMA which was said to be moderate (Mamdani, 2001:121).

Prunier (1995:21) points out that for us to understand the reasons for the tragic split which led to the present Rwandan ultra-violence was the fact that at that time, it was the centre versus periphery affairs and not one of Tutsi versus Hutu. It must also not to be forgotten that the agents of the kings were chiefs who were mostly but not entirely Tutsis. Therefore under the newly controlled situation the victims were both Tutsis and Hutus.

5.5 Conclusion

This chapter was able to unpack the role of the colonial administrator as well the church in shaping and rigidifying identities in Rwanda. It is important to note that Rwanda went through two phases of colonial period, the first was the arrival of the Germans where *Mwami* sought protection from the colonial administration while the colonials on the other hand wanted to expand their territorial hegemony. The unrest of the late 19th Century meant that the Hands-off Policy of Germany towards Rwanda was

no longer tenable. Again, the European missions educating Tutsi chiefs and converting them to be able to turn them into good European puppet administrators also played an important role with regard to identity.

Belgians on the other hand produced what is called bipolar racial identities, the aim of this being to rule Rwanda without any hindrance. Belgians therefore decided to fire Hutu chiefs and replaced them with Tutsi ones. As explained in this chapter Tutsis became dominant over Hutus and this meant that Rwanda was to become two racialised societies consisting of the privileged and dominant Tutsi race, and the subjugated and peasant Hutu ethnic group. Those who were underprivileged were then excluded from all rights of citizens. Another important point that can be made from this chapter is the fact that the arrival of the Belgians produced new identities, one indigenous consisting of Hutus, and the other alien consisting of Tutsis.

Belgians also introduced different education systems in which Tutsis were given a better education and Hutus were given an inferior education. This also had a negative impact in the sense that with inferior education imposed on Hutus, most of them were less educated or even uneducated, hence peasant society. The peasant society later participated in the killings in large numbers. For colonials it meant that more peasants made for more cheap labour. The following chapter is going to unpack the fundamental results of colonial rule in Rwanda and its effect in determining independence.

Chapter Six

Refugee Problems and the Birth of the RPF

6.1 Introduction

This section is going to examine the impact of Rwandan refugees in neighbouring countries with reference to war and political stability. The main aim is to arrive at how refugee problems in the Great Lakes contributed to the 1990 Rwandan Patriotic Front (RPF) invasion. The importance of examining the issue of refugees is to see how the present government is dealing with the crisis, as well as to investigate whether the government has so far learned from the past in dealing with issues of refugees. The section will therefore enable us to see if there are any possibilities of history repeating itself with reference to the 1990 invasion.

The focus will mainly be on Uganda, due to the fact that most of the RPF members went into exile in Uganda. Literature shows that Rwandan refugees left Rwanda in different waves. The first flow was during the 1959-61 revolution where a number of Tutsi elite were ousted from their positions. The second wave took place due to counter-attacks led by Tutsis who believed that they could restore Tutsi power. However they were heavily repressed by Kayibanda's government. This took place from 1963 to 1964. Here it was estimated that about 40-60 percent of Tutsi refugees fled Rwanda. The third flow was after the 1972 killings of nearly 200 000

Hutu school-going youth in Burundi by Tutsi military (Mamdani, 2001:230). The killings were marked by a coup led by Habyarimana as well as the killing of Tutsis in Rwanda.

Rwandan refugees in Uganda were called Banyarwanda since they were speakers of the language Kinyarwanda and they constituted the sixth largest ethnic group in Uganda. Banyarwanda comprised three distinct groups in Uganda, that is, nationals, migrants and refugees. Nationals were those who were part of Uganda during the construction of boundaries constructed by Germany and Britain in the 1910 agreement. Migrants on the other hand were Rwandans who crossed the borders during the colonial era, in search of work. These migrants were mainly Hutu peasants, but they also included a very small number of Tutsis who then worked as cattle keepers for the Baganda. The last group was refugees who crossed during the 1959-60 revolution. This argument therefore suggests that a distinction can be made with regard to the movement of Rwandans to neighbouring countries. This evidence shows that migrants moved mainly for economic reasons and refugees as a result of political issues, (Mamdani, 2001:160).

It is important to note that social dynamics of refugees in Uganda were different to those of migrants, for example, refugees were placed in camps while migrants managed to integrate with Ugandans. Another distinction which can be drawn was fact that migrants were mainly Hutus while

refugees were almost all Tutsis. Rwandan refugees were branded as refugees despite the fact that they went to schools and universities. These differences resulted in reinforcing political divisions which existed in Rwanda. In Tanzania, Rwandan refugees were able to get citizenship. This was also true in the former Zaire but citizenship was later withdrawn (Mamdani, 2001:164). Despite all the differences it is still not clear if ethnicity was not that much of a significant factor in the regional context, particularly in Uganda before Yoweri Museveni.

Banyarwandan refugees were also distinguished from both Ugandans and Banyarwandas who were nationals and migrants. Their children did not get equal treatment like nationals and migrants did. This therefore pushed refugees to form the first Banyarwanda organisation in 1980 called the Rwandan Alliance for National Unity (RANU). The main focus of the organisation was the return of exiles to Rwanda. Uganda was experiencing political problems associated with the issue of indigeneity, which was basically the question of entitlement and justice. Uganda was undergoing political redress between the formally privileged and those who had been suppressed, (Ibid.). Redress was somewhat seen as reversing the positions of these groups. Details of these implications for Rwanda are discussed briefly below.

6.2 The Birth of the Rwandan Patriotic Front (RPF)

In order to understand the dynamics of the 1990 Rwandan invasion there is a need to examine Uganda's political situation. As stated earlier on, Uganda was also facing problems with regard to redressing the imbalances of the past, hence the question of entitlement became the main focus. Mamdani (2001) argued that most colonised countries after independence, in dealing with the question of entitlement, responded by not changing the colonial terms of reference. For example, colonials separated the indigenous from the non-indigenous, and they then gave the non-indigenous people more privileges. The independent states therefore addressed this issue by reversing the terms, for instance, the indigenous were then privileged. Uganda did that. Those who were subjects during colonial era wanted justice. But the main issue was who was indigenous to Uganda.

In the late 1960's the question of entitlement became a political crisis. By this time Uganda was under Obote I's government which started drawing boundaries between Ugandan nationals and migrants. The government also claimed that migrants as well as refugees were joining political spheres in Uganda as nationals. Obote made these separations in order to gain political support. He therefore passed a bill called the 'Control of Alien Refugees Act'. This bill made Rwandese life a living hell, as they were then subject to arbitrary questioning, even detention. Since all Rwandese in Uganda spoke Kinyarwanda, this caused confusion and had negative implications

for them. For example those who were regarded as nationals were then labelled as refugees since both migrants and refugees were able to pose as nationals. To make matters even worse, in 1969 the Ugandan government ordered the removal of all unskilled foreigners from public employment (Ibid.).

The question of entitlement in Uganda, and the move by Obote to remove all unskilled foreigners in government employment, resulted in some of the Banyarwanda, especially the refugees, joining the guerrilla opposition movement called the National Resistance Army (NRA) under Yoweri Museveni. Among the founders of the NRA were Fred Rwigyema and Paul Kagame who later became the chief commander of the RPF (Reed, 1995:48-53).

Reed (1996:48) continued to argue that Banyarwanda in Uganda continued to be targeted by Obote government, hence more members of the Rwandese diaspora joined the National Resistance Movement (NRM) and its military wing, the NRA. The joining of both the NRA and the NRM by Rwandan exiles gave them a crucial guerrilla warfare experience, and they also got high ranking positions. In 1985 the NRA and NRM succeeded in toppling Obote's government. By 1986 Kampala the capital city of Uganda, was under the NRA in which a quarter of its ranks were composed of

Banyarwanda. Yoweri Museveni therefore became the president of Uganda (Mamdani, 2001:170).

During Museveni's rule, Banyarwanda, especially the second generation (1959 Tutsi refugees), was integrated into the Ugandan security services. For example, Rwigyema and Kagame occupied important positions Deputy Minister of Defence and Deputy Chief of Military Intelligence, respectively. Kagame and Rwigyema gained powerful networks as well as security officials in the NRA and NRM. This integration however was faced with criticism from Museveni's political opponents. They argued that people who were supposed to be occupying these positions should have been Ugandans (Ibid.).

The political developments in Uganda around the question of indigeneity created some tensions in the camp of the second generation (mostly children of the Tutsi refugees from 1959), hence there was a split within them. Some were more militant and argued that the Rwandan Alliance for National Unity (RANU) was passive and it failed to address the issue of refugees. Connected to this was the uprising in August 1990 by Ugandans demanding the exclusion of non-indigenous people in Uganda especially Banyarwanda from the entitlements of the citizen. This resulted in Rwigyema being demoted from the position. This also happened to other refugees (Jones, 2001:23).

The dissatisfaction of the Rwandan refugees towards RANU gave birth to the Rwandan Patriotic Front (RPF) in 1987. Political instability in Uganda continued to affect the day-to-day running of the non-indigenous, for instance the National Ruling Council, which was the senior legislative body stated that Rwandese refugees were a “problem”. This body, therefore decided to remove all Rwandans from the NRA and also prohibited all Banyarwanda from owning land. With these developments, Rwandan refugees were therefore convinced that their future in Uganda was bleak (Mamdani, 2001:183).

The Rwandan refugees in Uganda were therefore left with no option but to invade Rwanda in order for them to regain their rights in their country of origin. Hence in October 1990 Rwanda was invaded. The Ugandan president knew about the RPF’s intension to return to Rwanda, although it is often argued that they did not consult him regarding the invasion. Although he denied it, Museveni seems to have assisted the RPF with ammunition in order not to be defeated. The argument for this suspected support is based on the fact that, had the RPF been defeated, it would have been forced to go back to Uganda and that would have meant more instability in Uganda (Ibid.).

I agree with Jones (2001, 24) that Museveni’s support for RPF invasion was solely due to the fact that Uganda was facing economic, social and political

problems. Therefore the repatriation of Rwandan refugees was going to be a remedy for the instability in Uganda. Another reason for his support was to return the favour that he received from them, especially those who joined the NRA during Obote's rule. The October 1990 invasion by the RPF in Rwanda therefore took place between the Uganda-Rwanda borders and was led by Major General Fred Rwigyema. This invasion gave rise to the civil war which continued and later erupted in genocide.

According to Sibomana (1999:39) the failure of negotiations justified the military invasion by RPF. The RPF was however criticised for its justification to invade Rwanda. The critics argued that the RPF used negotiations as an alibi for armed struggle. The invasion was also seen as an attempt to avoid power sharing. The argument behind this was the fact that if negotiations and the democratic process were a success, the RPF was going to be deprived of some of its legitimacy. Another fact was that the RPF claimed to be acting on behalf of the oppressed minority, as well as in the name of all those who were struggling against the dictatorship of General Habyarimana. Therefore the success of the democratic processes would overshadow that claim.

On the government side, the October 1990 invasion became a blessing. For example the government legitemised its defence, amongst other things, the government started to suspend public liberty like freedom of speech and

movement. Opposition members were then imprisoned and human rights were also ignored. The Rwandan government deliberately created an atmosphere of confusion in the country. For example all those who opposed Habyarimana's government were labelled as accomplices or *Ibyitso* of the rebellion and every Tutsi was a RPF soldier. Propaganda was also used to confuse people even more. For example the so-called *Kangura* were used. These were newspapers used by the so-called Hutu extremists who fuelled ethnic hatred. The propagandists therefore painted a picture that war was the only solution to Rwandan problems (Ibid.).

6.3 The Response to the 1990 Invasion

The Rwandan Government perceived the invaders as seeking a reversal of history, which only meant the return to forced labour and feudal servitude. The invasion therefore brought about old political dimensions in Rwanda for instance, the previous notion that the Tutsi were an alien race. Hutu power then was the mainstream ideology and defined Tutsis as a foreign race. One of the objectives of the Hutu power became to re-racialise Tutsis. To facilitate this ideology, two propaganda organs emerged during this period. These organs were a radio station which was called Radio et Télévision Libres des Milles Collines (RTL) which started broadcasting in Kigali. The second organ was the newspaper known as *Kangura* which published the so-called 'Hutu Ten Commandments' in December 1990. The commandments read as follows (Mamdani, 2001:190):

- I. “Every *Muhutu* should know that a *Mututsi* woman wherever she is, works for the interest of her Tutsi ethnic group. As a result we shall consider a traitor any *Muhutu* who marries a *Mututsi* woman, makes a *Mututsi* woman his concubine, ploys a *Mututsi* woman as a secretary or makes her his dependent”.
- II. “Every *Muhutu* should know that our *Bahutu* daughters are more suitable and conscientious in their role of women, spouses and family mothers. Are they not beautiful, good secretaries and more honest”?
- III. “*Bahutu* women be vigilant and try to bring your husbands, brothers and sons back to reason”.
- IV. “Every *Muhutu* should know that every *Mututsi* is dishonest in business. His only aim is to enhance the supremacy of his ethnic group. As a result we shall consider a traitor any *Muhutu* who forms an alliance with *Batutsi* in business, invest his money or government’s money in a *Mututsi* enterprise, lends or borrows money from a *Mututsi*, gives favours to *Batutsi* in business like obtaining of important licenses, bank loans, and construction plots, public market etc”.
- V. “All the strategic posts, be they political, administrative, economic, military and security must be entrusted to *Bahutu*”.
- VI. “The education sector (pupils, students, and teachers) must be majority Hutu”.

- VII. “The Rwandese armed forces must be exclusively Hutu. The experience of the October war has taught us a lesson. No military person should a *Mututsi* woman”.
- VIII. “The *Bahutu* should stop having mercy on the *Batutsi*”.
- IX. “The *Bahutu* wherever they are, must have unity, solidarity and be pre-occupied by the fate of their Hutu brothers. The *Bahutu* both outside and inside Rwanda must constantly look for friends and allies for the Hutu cause, starting with our *Bahutu* brothers. They must constantly counteract the Tutsi propaganda. The *Bahutu* must be firm and vigilant against their common enemy who are *Batutsi*”.
- X. “The 1959 social revolution, the 1961 referendum and the Hutu ideology must be taught to every *Muhutu* and at all levels. Every *Muhutu* must spread widely this ideology. We shall consider a traitor any *Muhutu* who will persecute his *Muhutu* brother for having read, spread and taught this ideology” (www.trumanwebdesign.com/~catalina/commandments.htm).

The government was also involved in the training of militia and there was also a distribution of arms. Sibomana (1999:71) argues that the killings would not have been so high without the use of propaganda, for example the fact that Tutsis and their accomplices were described as cockroaches or snakes. The idea behind this was that when a snake is killed its head must be smashed and cut it in pieces to make sure that it is really dead. Therefore the same methods were also inflicted on many Tutsis. In this regard many

uneducated peasants became targets of the killing ideology especially when they were ordered by an official. For the reason that Tutsis were compared to dirt, their bodies were thrown into latrines (military toilets). This method was a way to show that Tutsis did not belong to the human species.

Inside Rwanda people had appropriated property belonging to those who had fled, therefore it was not in their interest to see those refugees return. The Rwandan refugees in Uganda on the other hand, managed to secure lucrative positions in the government or were amongst those who ruled Uganda, for example Paul Kagame. For those refugees negotiating their return this simply meant that they had lost their significant share of power in Uganda. For them therefore the only way to return was by force. This suggested that, should they win, they would continue to have shares in the government. Today in Rwanda those who are in government are those who came from the group of refugees who were in Uganda. According to Sibomana (1999:95) it is therefore no accident that those refugees who were in exile since 1959 are today divided in 'camps', meaning that those who were exiled in Uganda would get along and those from the DRC would do the same.

Surprisingly enough, Hutus who are in exile today continue to identify each other in terms of regions. Though most of my informants argued that they welcome any Rwandan who needs help, there was however some evidence

that most Hutus offered this assistance to fellow Hutus if he/she came from the same region. Those coming from the south are known as southerners and they are not willing to help a Hutu who is from the north. They argued that northerners were given first preference when it comes to social services, and job opportunities during Habyarimana's regime. The southerners were discriminated against because the then government saw them as collaborating with the Tutsis. Hence they were referred to as moderate Hutus.

6.4 Conclusion

It can therefore be concluded that Rwandans in neighbouring countries, particularly the DRC and Uganda, were divided into what Mamdani (2001) calls nationals, migrants and refugees. The argument highlighted by the chapter shows that political problems in the Rwanda neighbouring countries had a profound impact on the Rwandan diaspora, especially on the refugees. Hence refugees were left with no option but to return to Rwanda by force, in order to secure their positions in governing the state. Propaganda also played a role by fuelling hatred and fear in the minds of Rwandans, for example the publication of the Hutu Ten Commandments in December 1990.

Ethnic division was not the only problem as propounded by most literature on Rwandan genocide. There was also the regional division amongst the

Hutus inside Rwanda. For example Hutus were divided in terms of northerners and southerners whereby the northerners were said to be privileged due to the fact that Habyarimana came from the north. The southerners on the other hand were discriminated against, hence they were the so-called moderate Hutus. Even in exile Hutus are still divided along regional lines. Very few Hutus have become reconciled to this. One of my Hutu informants said that if Hutus were not divided they would have won the war. The Rwandan conflict can therefore not be understood simply in terms of ethnicity only. It involved competition towards access to political power, a history of regional dynamics, and active propaganda for political reasons.

Chapter Seven

The Dilemma of Peace and Reconciliation in Rwanda

7.1 Introduction

Rwanda's genocide has not only left Hutus and Tutsis wondering about their future, the Great Lakes region as a whole has been devastated by the event. Kagame's victory alone is not enough for the Rwandans and the international community. The president needs to show commitment and responsibility in containing tension that has existed for a long time between Hutus and Tutsis. This chapter therefore will examine government's effort in dealing with the issues of peace and reconciliation. In doing this I will focus on information gathered from my informants and will then look at what the media and other writers have said on the issue.

The stability of Rwanda does not only rely on the punishment of perpetrators but on the improvement of the social and economic aspects of society as a whole. The government is therefore faced with the challenge of providing employment. It must also be seen to be dealing with all the elements of discrimination so that people will be fully reconciled. Proper education facilities have to be put in place and these facilities have to be accessible to all Rwandans.

I think one of the things that Rwanda needs to do is to deal with its history. Rwandans need to accept their political background and start to realise the need to rectify the past. There is also a need to acknowledge the fact that Tutsis, who were in power for 400 years, have also done some wrong things to the people of Rwanda during their rule. Not forgetting the fact that, after independence instead of the then government to look at reconciling people, they focused on revenge and that created hostility in Rwanda. One other thing which needs to happen is that Tutsis also need to be seen to be willing to reconcile, since the war is characterised as Hutus being the perpetrators and Tutsis the victims. As much as there is a need for those who committed crimes of genocide and crimes against humanity to be punished, there is also an overwhelming need for the so-called victims to compromise in order for the country to be able to forge a democratic community. To insist on punitive measures might only rekindle the tension. This chapter therefore is going to look at other mechanisms that the Rwandan government has put in place to try and deal with peace and reconciliation. It is also going to examine the perception of my informants with regard to these issues.

7.2 Democracy and Peace in Rwanda

In an attempt to build and install democratic values and peace the Rwandan government embarked on establishing institutions that will deal with issues of human rights. For example in 1999 the Rwandan government established

the National Human Rights Commission (NHRC). Its objective was to promote and protect human rights. Investigations on illegal detention, torture, property disputes and due the process of the law are carried out by the commission. The government also established the National Unity and Reconciliation Commission (NURC) on March 12, 1999. This commission organises forums where unity and reconciliation debates take place. The NURC is also responsible for sensitising Rwandan people regarding their rights, respect for human rights and it must enhance a culture of fighting for own rights. The commission is also responsible for monitoring government institutions and political parties to see if they respect the unity and reconciliation policy (NURC Report, 2001).

The government of Rwanda is currently discouraging the use of Hutu and Tutsi as political identities; with the end of the genocide new words are used to identify people, even though it is argued that these new concepts continue to divide Rwandans. For example the returnees are mostly Tutsis. Very few Hutus are found in this group. The second category is refugees, a group that is divided into two. There are those who were in exile before the genocide and are called the old caseload¹⁰ refugees. This group consist of Tutsis. The second caseload refugees consist of Hutus who went into exile after the genocide. This group is referred to as the new caseload refugees (Mamdani, 1995).

¹⁰ Caseload can simply be understood as movement of people. In some literature for example Mamdani (1995) the concept is used to signify different phases of people moving.

There is also another classification which is the victims. Though the United Nations and the NGO's regard victims as both Hutus and Tutsis, in Rwanda victims are seen as Tutsi survivors and the old caseload are also referred to as victims. The new caseload refugees are not considered as victims. These people are often not entitled to assistance in the construction of their homes. The last category is survivors, referring to Tutsis. They are called survivors due to the fact that they were in the country during the genocide. On the other hand Hutus are referred to as perpetrators.

One of my informants stated that the Rwandan government wants to rewrite Rwanda's history. The reason for this is that previous history divided the country. However, just rewriting history and destroying the old documents is not dealing with the problem, for I think they are just going to make matters worse. For instance, who is going to decide what is to be written or not written? How are they going to look back and realise that what their forefathers did was wrong or right, and learn from their successes and failures?

The following arguments are based on the views from my informants regarding the government's actions in dealing with peace and reconciliation in Rwanda. In any given situation, the availability of jobs means economic stability for a country. It also means that people will be able to afford basic services and needs. My informants argue that 90% of the government's

positions are occupied by Tutsis. In their view, the reason for the government employing Tutsis over Hutus is that, they (government) are afraid that Hutus might take over power again (Interview, 2005/07/06). In other words, identity still plays a role even in the public service practice.

Other informants argued that the government is doing its best. The only problem is that people don't obey the laws. For example during the genocide some people (new caseload refugees) went into exile leaving their property behind. When they returned they found that their property had been occupied. The government therefore ordered those people to return properties to the rightful owners. In most cases property was not returned and those people who persist in claiming their land or property are killed or imprisoned for committing crimes of genocide. Those who occupy other people's property are said to be the Tutsis who remained behind during the war, as well as those Tutsis who returned from exile (the old caseload refugees).

The 1990 invasion in Rwanda was the result of the failure of the Habyarimana government to deal with the issue of refugees. One of my informants argued that the Rwandan government has forgotten about them. The government is labelling those who are in exile as perpetrators, so this makes it difficult for refugees to return to Rwanda, due to the fact that they are seen as having committed crimes of genocide. In addition to this is the

fact that these refugees will not be given citizenship and they are likely to be arrested.

Amongst other things the government has put in place the National Commission on Unity and Reconciliation to restore peace and reconciliation. There is also what is called the Association des Rescapés du Genocide (ARG) or Association for Genocide Survivors. According to my informant this forum supports Tutsi orphans. Its duty is to preach the idea that Hutus killed their relatives and family. Tutsi children are also told not to socialise with Hutu children, for example, if you are a Tutsi boy you are discouraged from having an intimate relationship with a Hutu girl. This means that it is not allowed for these Tutsi children to marry a Hutu woman or man. If the ARG meetings were for Tutsis, how did my informants find out about this? One of my Hutu informants told me that he has Tutsi features which is why he was able to attend some of the Tutsi meetings. As has been argued in Chapter Three, these identities are not always visible to the eye but they are maintained regardless of this fact.

The ARG forum is also responsible for giving welfare grants as well as education grants to Tutsi orphans. These grants are also given to Tutsis children who came from the exile (old caseload refugees). It must be noted that the grant is only for Tutsis, though there were Hutus who lost their

parents during the war and there were the so called moderate Hutus who were also said to be the victims but their children are not given this grant.

During the colonialism period and after independence the identity card system was used to differentiate between Hutus and Tutsis. With the new government (after the genocide) Rwanda abolished that system. However from what I gathered from most of my Hutu informants, people are still discriminated against in terms of their ethnic groups. I was troubled by this due to the fact that the government has abolished the card system. My informant argued that:

During the meetings organised by the Forum for Genocide Survivors, cards are being given to orphans and Tutsi children. The controversial part about this is that whenever Tutsis apply for a job they attach a copy of that card to a curriculum vitae. By doing that it simply declares that the applicant is indeed a Tutsi (Interview, 09/05/05).

What I also found regarding the membership card is that Hutus pay bribes to their Tutsi counterparts to lend their cards so that they will be able to apply and be considered for the job at hand.

Hutu orphans or survivors on the other hand are catered for by what is called Minarock. In this organisation Hutus are given small amounts of

money to pay school fees and also for welfare. Based on all this I therefore argue that even though the Rwandan government is busy with awareness campaigns on reconciliation and peace, it will not have a significant impact since there are still elements of discrimination in the Rwandan system regarding allocation of resources. Even though it is clear that these identities are also self-ascribed, the government should not be using them in allocating resources. The issue which my Hutu informants saw as detrimental to reconciliation is the idea that only Tutsis are regarded as survivors and victims of the war.

Regarding the issue of the government being in the forefront in dealing with the issues of peace and reconciliation, most of my Tutsi informants have a different view from Hutu informants. Like Hutu informants, Tutsis also recognised some of the government institutions put forward to address the legacy of genocide, i.e. the National Unity and Reconciliation Commission. According to my informant the duty of this commission is to help people see beyond ethnicity and accept themselves as Rwandans.

One other means of encouraging reconciliation and nation-building is a fairly elected government. In any country which is undergoing transition, elections have to take place in order to endorse the government which will be in power at that particular moment. In 2003 there were presidential elections in Rwanda. This is one of the things that the Rwandan government

alluded to as achievements in instilling democracy. There are also elections which took place in 1999 which were said to be grass roots elections. These happened at Sector and Cell level. In 2001 district elections took place. In 2002 there were grass roots elections which are said to take place after every three years. The 2003 elections were presidential and parliamentary elections and all these elections were conducted smoothly (Kimonyo, 2005). However from my informant's perspectives there are contradictions with regard to elections that took place in Rwanda. The following arguments are based on the interview with one of my key informants. It must be noted that some of my informants were not in Rwanda when the elections took place.

One of the questions that was posed had to do with whether the elections were democratic. There are different views from informants regarding these elections. Those who were not in the country during the elections said that they had no idea and others gave information which they got from still others who were in the country during the elections. Those who were present gave detailed information in accord with their adopted Hutu and Tutsi perspectives. In discussing these I start with arguments from informants who were not in Rwanda during the elections.

They think that the elections were not democratic enough and that people voted out of fear. "People feared that if they did not vote for Kagame (the Rwandan president) they might be killed or the 1994 mass killings might

happen again” (Interview, 20/02/05). My informant did acknowledge the fact that he was not in the country during the election but he claimed that the information that he gave came from his reliable source. One other reason to suggest that the elections were not free and fair was the use of the thumb system. For my informants this system meant that if a person voted for the opposition, the government at a later stage would be able to trace that person and kill him or her. This was the perception.

The 95% win by RPF was a shock to those who were and are still in exile. The reason for this was that the RPF is a Tutsi party. The Tutsis constitute 14% of the total population. For them to win the election was seen as one of the factors that showed that the elections were not democratic. To concretise this, one of my informants cited the example of South Africa’s first democratic elections. She argued that, the former SA president, Nelson Mandela, was loved by almost everyone but he won the elections by less than 70%. Another thing was that she was convinced that the majority of the people in the country were enemies of the RPF. According to her this suggested that there was something wrong with the whole process. (Interview, 06/07/05).

According to informants who witnessed the election, campaigning for the elections in Rwanda was another area that the RPF controlled. My informants argued that during the election campaigns, the RPF soldiers

gathered people and asked them which candidate they were going to vote for. If they were going to vote for Kagame their names were written down. On the day of the elections they called their names and they were given ballot papers. My informants also pointed out that in most of the countries which experienced political violence, when they have elections it was highly possible that tension would arise. “However in Rwanda it was a different case, the elections were declared to be peaceful” (Interview, 06/07/05). For my informant this was not possible, especially in the post genocide country.

The presence of other political parties who contested in the elections was also questionable, according to my informants. They argued that, even though there were other candidates who contested the 2003 elections, they were not free enough. “For example parties which were outside the country were not allowed to participate in the elections. Those who contested were not given enough time, nor the place to campaign. People were also not free to go to the campaigns run by the opposition parties” (Ibid.). It is stated that there were police around during the campaigns. Once they were finished, those attended the campaigns were accused of siding with the enemy. One of the candidates was Twajiramungu who had a government position during Habyarimana’s regime.

Some of the informants who were in the country during the elections gave slightly different views. For example there are Hutu informants who were in the country during the elections who said that the elections were democratic and that people voted freely. It must be said that some of these informants were sceptical of this research and seemed not to feel free to give information. Therefore it is possible that they did not want to find themselves in trouble, since they could not trust me enough. They could not even articulate their arguments at length, like some of the informants with whom I had follow-up interviews. These former ones are the informants whose difficulties in engaging I have articulated in Chapter One.

There was also another set of informants who spoke freely and they gave detailed information on this issue. One of them argued that the “elections in Rwanda were not democratic”. He then cited a situation before the elections. He stated that there were three candidates for the elections, one of them was Paul Kagame (RPF leader), one lady whose name he did not remember, and Twajiramungu. During the campaign the RPF was against the opposition parties, and he said intimidation was the order of the day. People, especially Hutus were told that if they did not vote for Kagame they would be killed. There were also people who were released from prison and they were told who to vote for or they would be sent back to prison again. According to my informant, “Twajiramungu had more followers than Kagame. The only problem was that he was a Hutu”. He further stated that

“those who attended Twajiramungu’s campaign were followed and abducted and then killed during the night” (Interview, 09/05/05):

During the elections there were people who were telling others to vote for Kagame. If they refused, a photograph was taken of the them. Those who did not vote for Kagame their ballot papers were removed and replaced with others. My informant claimed to be talking from personal experience of the election. He told me that, “when you are about to vote in the polling station, there is an invigilator in every cubicle. When you vote he is behind you”. That invigilator told him (my informant) who to vote for. He then replied that he would vote for the person of his choice. He was then photographed then taken to jail for eight hours. After eight hours he was released. They released him because they found out that he voted for Kagame. I then asked how did they know that he voted for Kagame? His ballot paper was easily found because there was a number on it. Another issue which was problematic was the presence of observers. In the rural areas observers were very limited or not present at all, and election corruption took place there (Interview, 09/05/05).

My Tutsi informants have a different take. Amongst them there were those who were not in the country. For them the elections were democratic and people voted freely. They thought elections were free due to the fact that there were other political parties, as well as NGO’s to oversee the smooth running of the elections. Others argued that even though they were not in

Rwanda during the elections they believe that the elections were free and fair due to the fact that people voted for different candidates. Another thing that made them democratic was the fact those who were not in the country were able to vote. For example those who were in South Africa were able to vote from Pretoria.

There were some Tutsi informants who argued that elections were not free and fair due to the fact that people thought if they vote for the opposition, further instability might surface. Therefore “it was easier for many humble people to vote for the ruling party in order to enjoy some peace”. The use of the word humble shows that people, or the majority of the people in Rwanda, are not violent as people perceive them to be. One other reason which was pointed out was that other candidates were not given enough opportunity to campaign. Though some information given by Hutu informants regarding the elections differ, at some point there are similarities where both Hutus and Tutsis argue that people voted out of fear, and that other candidates were not given enough opportunity to campaign.

Media reports suggest that Rwanda is now peaceful and indeed democratic. However, according to my findings, things are slightly different. It is argued that, “the country is relatively stable compared to the 1994 genocide. There is however no freedom of speech or movement”. For example it is stated that, “if an individual happens to show some signs of not being happy with

the day-to-day running of the country, that person is likely to be arrested or even killed. These killings normally take place during the night, and they will make it look like it was an ethnic incident (Interview, 08/03/05).

In any democratic society or country people are supposed to feel free to say what they like as long as what they say will not put other people in danger or incite people in any way. In this regard my informant stated, “in Rwanda today there is no freedom of speech”, for example my informant was a writer for a local newspaper, and one phrase was taken from his article and he was later arrested for genocide ideology. The phrase has to do with Kinyarwanda’s proverb, which says “*Inyana imana nyina*”. Literally it means “a young cow is known by its mother”. To the general people however, this means that a Hutu child should know that s/he is a Hutu child. My informant was then arrested for two days and later released (Interview, 09/05/05).

During the apartheid era in South Africa people, especially the so-called non-White, were not allowed to travel from one province to another. It was even worse when one wanted to travel to neighbouring countries. In Rwanda currently it is argued that people are not allowed to move from one province to another. If they want to visit relatives in neighbouring countries they are given temporary pass documents, passports are not issued. By this the government is said to be preventing people from going outside the

country because once they are out they will reveal the Rwandan situation to those who are in exile and to the international community. It is also argued that in Rwanda, especially in the rural areas, Hutus are not allowed to invite more than three people for a beer. It is said that Tutsis accuse them of plotting against them. To avoid this, the Hutus have to invite at least one Tutsi to show that they are not planning anything.

From the 1959 revolution up to 1973 there was movement of people, particularly Tutsis to neighbouring countries, even overseas due to political instability. The majority of the people went to Uganda, the DRC, Burundi, Tanzania and so on. By the end of the 1994 genocide in Rwanda, those who went into exile during the political turmoil came back. This move was supposed to be one of the positive elements of rebuilding peace and reconciliation in Rwanda. However it has given birth to another kind of division. It is argued that the division in Rwanda today is not only between Hutus and Tutsis, but is about where you were during exile, especially during the 1959 revolution. For example, if you were the DRC you are likely to associate more with those who were exiled with you. This has a profound negative impact on the social lives of the people. It is also argued that those who were exiled in Uganda are given first preference in terms of job opportunities.

A country that has high levels of literate people is likely to develop quicker compared to countries that have high level of illiteracy. However Rwanda has a different take on this. It is stated that if you are a Hutu and educated in Rwanda you are targeted due to the fact that the government assumes that you will mobilise people or other Hutus against it. According to my informant those Hutus who are not educated have a chance of survival, because the government will not keep track of illiterate people (Interview, 22/02/05).

In any democratic country government is challenged especially by opposition parties, NGO's and individuals. In most cases these challenges arise when there is a lack of service delivery from the side of the government. Challenges also arise when the government fails to respect human rights laws. So in Rwanda people are again not free to challenge the laws of the government. "If that happens, the person involved will then be spied on by the government agency. Once it is discovered where the person stays, at night the police will then take him for questioning. That will be the last day his family sees him. He will disappear". These kinds of incidences are said to be happening on a regular basis in Rwanda. My informant even called it "quiet killing" (Interview, 08/03/05).

Earlier on I argued that Rwanda needs to accept its historical background, and if the previous regimes were in anyway guilty of treating its people in a

manner that displeases them. The government of Rwanda therefore needs to acknowledge this and apologise on their behalf and try by all means to redress the imbalances of the past. For the government to rewrite Rwanda's history will be a dreadful mistake. With regard to this my informant stated that the government is destroying or hiding any material that has to do with the history of the country. I was told that the government is also in the process of changing the language policy of the country, English in this regard is encouraged and is taught in schools. The idea behind this is the allegation that France is also accused of being involved in the genocide, therefore French as a language is discouraged. "Basically the Rwandan government wants people to develop amnesia", (Interview, 22/02/05).

My Tutsi informants on the other hand argued that the current situation in Rwanda is peaceful, and there is good social reconstruction. "This is however more prevalent among young people. The only problem the country is battling with is the issue of employment and poverty". According to my Tutsi informant, there is a wide gap between the rich and the poor. For him the rich continue to be richer and the poor on the other side become poorer. The reason for this disparity is globalisation as well as the increase in price of goods. The issue of tax also has a negative impact on the lives of the people. The government of Rwanda is asking people to pay very high taxes. For example, for a basket of potatoes a person has to pay something like R10.00 as a tax", (Interview, 22/09/04).

There are some differences regarding the stability of the country as far as my Tutsi informants are concerned. One of them argued that, “it depends on the location of the person. For example in town it is a bit peaceful. In the rural areas the country is not stable. The tension came as a result of people occupying other people’s property. Those who went to seek asylum in the DRC during the genocide on their return found that their property had been occupied”, (Interview, 18/09/04). Another Tutsi informant pointed out that in Rwanda people still have the heart of vengeance. That is why she ran away from the country (Interview, 20/02/05).

7.3 Conclusion

The above arguments propounded by my informants raise some concerns regarding the conditions in Rwanda. It will therefore be important for the Rwandan government to start addressing the social ills which were created by previous regimes. I also think that NGO’s, as well as the United Nations, needs, to listen to the people at the grass roots level. Amongst other things, the Rwandan government needs to take precautions against the NHRC and NURC which were formed in 1999. The establishment of these commissions showed a remarkable step towards forging reconciliation and ensuring that human rights are not violated. However, for these commissions to be regarded as the mouthpiece for people, they need to have elements of non-partisanship and no bias in addressing issues of reconciliation and human rights violations.

There is also a need for the Rwandan government to revisit the whole issue of the survivors and victims classification. The reason why I argue this way is that the use of these concepts has become identity-driven due to the fact that it focuses on Tutsis. Though the 1994 genocide is viewed as being Hutus attempting to wipe out Tutsis, there is proof that not all Hutus participated in the killings, and genocide was engineered by state officials. Therefore it should be viewed as a political conflict. It can then be argued that both Hutus and Tutsis should be seen to be victims and survivors of the 1994 genocide. The ARG should therefore cater for all Rwandan orphans. As long as there are specific nuances in the practice of nation-building and reconciliation that are prone to abuse by people who are ethnic-oriented in ideology, stability will be short-lived.

Chapter Eight

Conclusion

The research was able to trace the historical dynamics which impacted on the identities that exist in Rwanda today. In so doing, pre-colonial as well as colonial structures were examined in order to be able to arrive at an understanding of both ethnic and political divisions in Rwanda. The research also managed to investigate the concerns of Durban based Rwandans regarding sustainable peace. This chapter presents conclusions of this research starting with conceptual to interventionist conclusions.

The *Gacaca* system as one method of achieving peace and reconciliation was one of the issues examined in this work. At a broad level, it can be concluded that the elements of colonial administration which played a role in creating divisions in Rwandan society cannot be seen as the only contributing factor to the 1994 genocide. Firstly, the research managed to unpack the fact that ethnic differences existed in Rwanda before colonialism. There is proof that sporadic conflict took place during the conquest of *Abahinza* by Tutsis before the colonial era. Regarding the issue of identities in Rwanda, evidence exists to show that identities in Rwanda have been changing over centuries. Therefore the notion of ethnic divisions which only surfaced during Belgian rule has been long latent. Identities became more rigid through the introduction of the identity card.

Colonial administrators endorsed the idea that Hutus and Tutsis are a different race, hence Tutsis were regarded as a superior race. Realising that colonialism was no longer viable for them, they sought to give power to those who were previously disadvantaged. They gave power to the Hutus on the grounds that they were not only in the majority but they were also indigenous. This means that they endorsed ethnicity as the basis for political transition. The transition in this regard was not smooth, as those who were now stripped of power (the Tutsis) promised themselves that they would one day return.

As shown in Chapter Two, there are different aspects to the 1994 genocide. This means that the notion that ethnic differences in Rwanda were a factor in causing the genocide or conflict is merely a false consciousness that was kept alive by the ruling class, particularly the colonials in Africa. In this regard, Marxist radicals concur with structuralist theory that lack of access to social structure such as housing, decent jobs, education and so forth might result in conflicts. Rwanda's economy in the early 1980s was showing signs of collapsing. The majority of the people were unemployed and people were not only discriminated against along ethnic lines but regional lines as well.

Focusing on a single causality for any conflict is a grave error. It is evident that a multi-faceted approach is necessary in order to be able to arrive at an understanding of the Rwandan genocide. I therefore believe that both structural and psycho-cultural conflict theory should be considered in understanding the political instability not only in Rwanda but in the world. Psycho-cultural theory fits, in the sense that the Rwandan conflict was also driven by fear which was cultivated through propaganda and which manipulated the minds of the people. Those who were in power feared the possibility of losing power if the opponents won. That was true in both camps, i.e. the Hutu government under Habyarimana and the RPF led by Kagame. The question of a power struggle in this case played a crucial role in encouraging both sides to use massive force.

Through propaganda, the Hutu government spread the idea that Tutsis were returning to enslave the Hutus again. This contributed to creating fear in the people. The RPF leaders on the other hand were also uncertain of their position in Rwanda should the peace talks have been successful. It is also worth noting that in Uganda the RPF leaders occupied important government positions. Now that their positions in Uganda were under fire they realised that they had to return to Rwanda by force, hence the 1990 RPF invasion was a political reaction resulting from regional pressures. Again, looking at the RPF representing the Tutsis who were considered to be a minority, for them to be in power was the only guarantee of a proper

living standard. To concretise this Mamdani (2001:279) argues that the RPF drew their decision from the experience of post-independence that Tutsis under a Hutu government had no room without power.

This research shows a need for the RFP to rethink their position of power if they are interested in sustaining lasting peace and reconciliation above all else. Regardless of the fact that the RPF argues that they represent the victims or the survivors of genocide, the fact remains that the majority of the people are not represented in government. Again I believe that there is a need to rethink the new identities which have emerged after the genocide, identities such as survivors, victims, and perpetrators. To refer to all Hutus as perpetrators is a mistake, due to the fact that some Hutus did not participate in the killings and some participated due to the fact that they were forced. Tutsis cannot be seen as the only survivors and victims of the 1994 genocide.

Rwanda is at the centre of the Great Lakes region and any political turmoil inside the country affects the entire region. Therefore the first step to regional peace should be to tackle Rwanda within the context of the region. Mamdani (2001) sees a regional approach as best, particularly in addressing the issue of citizenship. On this issue I partly agree due to the fact that Rwandan nationals are dispersed in neighbouring countries, particularly Burundi, Uganda, the Democratic Republic of Congo and Tanzania. Another factor which can be drawn regarding citizenship is the fact that the

RPF invasion of 1990 was the result of economic and political problems in neighbouring countries, hence they were left with one option, to return to Rwanda by force though there were peace negotiations taking place. The reason why I partly agree with Mamdani on the regional approach is the fact that neighbouring countries such as Burundi, Uganda or the DRC never sent troops to Rwanda. Only Rwandan soldiers sent to Burundi and the DRC in an attempt to catch the so-called Hutu extremist.

The above argument suggests that confrontation continues between the Rwandan government and Rwandese elements opposed to it, as well as conflict between Congolese armed political groups opposed to Rwandan intervention in the DRC. The Rwandans living in the DRC, both Tutsis and Hutus, complicate the stability of the Great Lakes Region even more. In dealing with this regional problem, all countries affected by Rwanda's ethnic tension perhaps need to consider giving permanent citizenship to Rwandans who came before the 1959 revolution as well as to those who are not willing to return to Rwanda.

Refugees to neighbouring countries after the 1994 genocide and those who are still seeking asylum, need to be given proper protection. Offices dealing with refugees need to be as efficient as possible. Upon the return of refugees to Rwanda, there should be institutions that will guarantee the protection of the refugees. In a case whereby both 1959 and 1994 refugees

lost their entire families, the government should put in place programs to cater for such people, for example building houses if their houses were destroyed during the genocide or if they have been occupied by other people.

Though the Rwandan Government has made efforts to rebuild Rwanda there are elements which show that there are still some problems. Amnesty International has reported that the Rwandan Government is accused of committing human rights violations. For example it has cited that several political figures and government dissidents have disappeared without explanation. There is also evidence that freedom of expression in Rwanda is threatened by the government (Amnesty International, February 27th, 2007). Regarding freedom of expression the Rwandan government is said to be targeting journalists who work for non-state media. Due to the fact that these allegations are known worldwide it is puzzling that the international community, through the United Nations, does not condemn the Rwandan Government.

The *Gacaca* system, which is one of the institutions adopted by the government to deal with the legacy of 1994 genocide, is also faced with challenges. First and foremost is the law that is passed to guide it in dealing with trials, in which the Rwandan Government should be seen encouraging what it ought to do. For example, the *Gacaca* law is stipulated in the

Organic Law Chapter 2, Article 2 which states that the *Gacaca* tribunals will prosecute persons accused of crimes of genocide and crimes against humanity committed during the period October 1990 to 1994. Another aspect which the Rwandans need to consider during the *Gacaca* hearings is the issue of testimonies of Hutus who risked their lives saving their fellow Tutsis.

The question of history in Rwanda is very sensitive I therefore believe that it is another crucial aspect which needs to be considered when looking at the issues of reconciliation. Rwandans in this regard need to record their history as is, in order to be able to look back and learn from the mistakes of their previous leaders. They also need to acknowledge the fact that both Hutus and Tutsis have, one way or the other, violated each other in the past and they should apologise to each other.

Bibliography

Azar E. & Moon C.I, Managing Protracted Social Conflict in the Third World: Facilitation and Development Diplomacy: in Millennium, Journal of International studies (Vol.15, No.3, 1986), p305

Baker TL., (1999): Doing Social Research, (3rd Edition), McGraw-Hill College, California State University, San Marcos

Bernard RH., (1995): Research Methods in Anthropology: Qualitative and Quantitative Approaches, 2nd Edition, Altamira Press, London, New Delhi

Bernard RH., (2002): Research Methods in Anthropology: Qualitative and Quantitative Methods, Altamira Press, Walnut Creek, Lanham, New York

Bowen J.R., (2000): Should we have a Universal Concept of 'Indigenous Peoples' Rights? *Ethnicity and Essentialism in the Twenty-first Century*, Anthropology Today Vol. 16 No.4, August 2000

Daniel J.,: International Council on Human Rights Policy: Performance and Legitimacy: National Human Rights Institutions, Transformation 2000, vol 42, *Critical Perspectives on Southern Africa*

Des Forges, A. (1999): Leave No One To Tell The Story: Genocide in Rwanda, Human Rights Watch, New York, Washington, London, Brussels

Edel M.M., (1967): The Chinga of Western Uganda, Oxford University Press, London and New York

Eserthuysen P., (1998). Africa A-Z: Continental and Country Profile, Africa Institute of South Africa, Pretoria

Fanon F., (1967): The Wretched of the Earth, Penguin Books, London

Fry D.P., & Björkqvist K., (1997): Cultural Variation in Conflict Resolution: Alternative to Violence, Lawrence Erlbaum Ass, Inc., Publishers, Mahwah

Furley O., (1995): Conflict in Africa, Tours Academic Studies, London, New York

Galtung J., (1990): (Bibliography 1951-1990): Peace Research Monology, International Peace Research Institute

Gellner E., (1995): Anthropology and Politics, Oxford

Glesne C. & Peshkin A., (1992): Becoming Qualitative Researchers: An Introduction, Longman, New York

Goldstone R.J., (2000): For Humanity: Reflection of a War Crimes Investigator, Witwatersrand University Press, Johannesburg

Gourevitch P., (1998): We Wish to Inform you that Tomorrow We Will be Killed With our Families: Stories from Rwanda, Farrar and Giroux, New York

Gurr T., (1993): Minorities at Risk: A Global View of Ethnopolitical Conflicts, United States Institute of Peace Press, Washington DC

Hayner P., (2001): Unspeakable truth: Confronting State Terror and Atrocity, Routledge, New York and London

Huntington S., (1996): The Clash of Civilization and the Remaking of World Order, Simon and Schuster, New York

Jones B., (2001): Peacemaking in Rwanda: The Dynamics of Failure, Lynne Rienner Publishers, Boulder

Lemarchand R., (1970): Rwanda and Burundi, Pall Mall Press, London

Louis R., (1963): Ruanda-Urundi: 1884-1919, Clarendon Press, Oxford

Mamdani M., (1996): Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism, Princeton University Press, Princeton

Mamdani M., (2001): When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda, James Currey Ltd, Oxford

Mamdani M., (2005): Good Muslim, Bad Muslim, America, the Cold War, and the Roots of Terror, Jacana Media, Johannesburg

Maquet J.J., (1961): The Premise of Inequality in Ruanda: A Study of Political Relations in a Central African Kingdom, Oxford University Press, London, Ibadan, Accra

Maquet J.J., (1971): Power and Society in Africa, World University Library, France, Germany, United States

Morrill C., (2004): Reconciliation and the Gacaca: The Perceptions and Peace-Building Potential of Rwandan Youth Detainees, <http://www.cfmorrill.net>

Newbury C., (1992): Rwanda: Recent Debate over Governance and Rural Development, in Governance and Politics in Africa, eds. Hyden G. and Bratton M., Lynne Reinner, Boulder, Colombia University Press, New York

Newbury C., (1998): The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860-1960, Columbia University Press, New York

Northrup T., (1989): The Dynamics of Identity in Personal and Social Conflict, Syracuse University Press, Syracuse

Pitsch A.M., (2002): The Gacaca Law of Rwanda, Possibilities and Problems in Adjudicating Genocide Suspects, University of Maryland, USA,

http://www.cidcm.umd.edu/ICT/papers/gacaca_assessment_journal.pdf

Prunier, G. (1995): The Rwandan Crisis: History of Genocide, Colombia University Press, New York

Reed C., (1995): The Rwandan Patriotic Front, Politics and Development in Rwanda, Issue: A Journal of Opinion, 23, 2

Roos M., (1993): The Management of Conflict: Interpretations and Interests in Comparative Perspective, Yale University Press, New Haven.

Rothschild D. & Groth A., Pathological Dimension of Domestic and International Ethnicity, *Political Science Quarterly* (Vol.110, No.1, 1995)

Rupesinghe K., (1989): Conflict Resolution in Uganda, James Currey, London

Ryan S., (1990): Ethnic Conflict and International Relations, Dartmouth, Aldershot

Sibomana A., (1999): Hope for Rwanda, *Conversation with Laure Guilbert and Hervé Deguine*, Pluto Press, London, Sterling, Virginia, Dar Es Salaam

Strauss A. & Corbin J., (1990): Basic of Qualitative Research, Sage Publication, London

Taylor C., (1999): Sacrifice as Terror: The Rwandan Genocide of 1994, Berg, Oxford

Uvin P., (1997): Prejudice, Crisis, and Genocide in Rwanda, *African Studies Review*, (40, 02)

Uvin P., (1998): Aiding Violence, *The Development Enterprise in Rwanda*, Kumarian Press, West Hartford

Uvin P, & Mironko C. (2003): Western and Local Approaches to Just in Rwanda: *Global Governance*, Vol 9

Van Zyl P., (1999): Dilemmas of Transitional Justice: *The Case of south Africa's Truth and Reconciliation Commission*, *Journal of International Affairs*, Vol 52. Issue: 2

Verwoerd W. (2000): Looking Back Reaching Forward: *Reflections on the Truth and Reconciliation Commission of South Africa*, Zed Books, SA

Walter E.V., (1969): Terror and Resistance, *A Study of Political Violence, with Case Studies of some Primitive African Communities*, Oxford University Press, London, New York

Rwanda's Organic Law No. 08/96 of August 30, 1996-Prevent Genocide International. <http://www.preventgenocide.org/law/domestic/rwanda.htm>

Truth and Reconciliation Commission of South Africa Report, 1998, vol 3. Government Printer, Pretoria

Truth and Reconciliation Commission, Preliminary Findings, 1998 Vol 5, Government Printer, Pretoria

Amnesty International, (1992, May): Rwanda: *Persecution of Tutsi Monarchy and Repression of Government Critics, 1990-1992*

<http://www.thereport.amnesty.org/eng/Regions/Africa/Rwanda>

Genocide in Rwanda: The 'Hutu Ten Commandments', *as published in Kangura, No. 6 December 1990*

www.trumanwebdesign.com/~catalina/commandments.htm

Unpublished paper

Kimonyo J., (2005): Achievement of Rwanda in Terms of Promotion of Human Rights, Democracy and Good Governance, (*A paper presented by H.E Eng. James Kimonyo during a one-day workshop organised by the Association of Rwandan Students at the University of KwaZulu Natal, Pietermaritzburg, on the 13th of August 2005*)

Appendix

I. Interviews

Interview, 17/08/04

Interview, 18/09/04

Interview, 18/09/04

Interview, 22/09/04

Interview, 22/09/04

Interview, 23/09/04

Interview, 01/10/04

Interview, 03/10/04

Interview, 06/10/04

Interview, 20/02/05

Interview, 22/02/05

Interview, 23/02/05

Interview, 23/02/05

Interview, 08/03/05

Interview, 09/05/05

Interview, 13/05/05

Interview, 07/06/05

Interview, 06/07/05

Interview, 27/10/05

Interview, 12/02/06

Interview, 13/02/06

Interview, 15/02/06

Interview, 19/03/06

Interview, 21/03/06

Interview, 30/04/06

Interview, 02/05/06

Interview, 15/05/06

Interview, 16/05/06

Interview, 16/05/06

Interview, 19/05/06

II. Tables

Table 1: Profile of Informants According to Gender

Ethnic Group	Female	Male	Total
Hutu	8	10	18
Tutsi	3	6	9
Other	2	1	3
Total	13	17	30

Table 2: Principal Sources of Income

Ethnic Group	Retail Work	Other	Professional	No Personal Source of Income
Tutsi	-	-	2	7 (Students depend on Rwandan Govt. scholarship)
Hutu	1	8(Car guards)	8	1 (husband car guard)
Other	-	2(Car guards)	1	-

Table 3: Sentencing of Genocide Suspects according to their Categories and Confessions (extracted directly from Pitch, 2002:06)

Categories of Crimes	Confession/guilty pleading	Sentencing With or Without Confession	Competent Jurisdiction
1. Planners, organisers, supervisors and instigators of the genocide; those in positions of authority; renowned murders; committing rape and other sexual torture	Has not made a confession ----- Has made confession prior to publication of their names on the list of alleged criminals of Category 1	Death or life imprisonment ----- 25 years to life imprisonment	Specialised chamber of the modern court system
2. Authors, co-authors, accomplices of those who killed; those having the intention to kill and who caused injury, committed serious violence, but not resulting in death	Has not made a confession ----- Has made a confession at the time of trial ----- Has made confession prior to publication of the list of alleged criminals of Category 2	25 years to life imprisonment ----- 12 to 15 years imprisonment; half of sentence spent in prison, half spent in community service ----- 7 to 12 years, half of the sentence spent in prison, half spent in community service	District (Commune) Gacaca Court
3. Those having	Has not made a	5 to 7 years, half of the	Sector Gacaca Court

<p>committed acts or participated in crimes without intending to kill</p>	<p>confession</p> <p>-----</p> <p>Has made a confession at the time of trial</p> <p>-----</p> <p>Has made a confession prior to publication of the list of alleged criminals of Category 3</p>	<p>sentence spent in prison, half spent in community service</p> <p>-----</p> <p>3 to 5 years, half of the sentence spent in prison half spent in the community service</p> <p>-----</p> <p>1 to 3 years, half of the sentence spent in prison and the other half should be spent in the community service.</p>	
<p>4. Those having committed serious infractions against property</p> <p>-----</p> <p>Those having committed serious infractions against property but have made an agreement with the victims or before an authority</p>	<p>No provisions</p>	<p>Restoration or reimbursement for property that was destroyed or consumed</p> <p>-----</p> <p>If the agreement is adequate the case is not brought into the court</p>	<p>Cell Gacaca Court</p>