

BETWEEN RHETORIC AND REALITY: A PSYCHOSOCIAL EXAMINATION
OF RWANDA'S NATIONAL UNITY AND RECONCILIATION POLICY

by

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DALHOUSIE UNIVERSITY

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This thesis is dedicated to the advancement of the reconciliation process in Rwanda.

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ABSTRACT

The policy of National Unity and Reconciliation in Rwanda has been the subject of much heated debate in recent years, prompted by the uncovering of repressive techniques of the current government. As the policy is designed to enhance the legitimacy of this government, the national rhetoric must be compared to its actions where reconciliation is concerned. Instead of promoting national unity and reconciliation, this thesis will show that the government actively obstructs Rwandan interpersonal reconciliation through the denial of acceptance and empowerment. The analysis is informed by the psychological needs-based model of reconciliation, bringing in aspects of psychological theory into a field largely dominated by law and political science.

LIST OF ABBREVIATIONS USED

AI: Amnesty International
CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
DRC: Democratic Republic of the Congo (formerly Zaire)
FAR: Rwandan Armed Forces
GDP: Gross Domestic Product
GNU: Government of National Unity
GoR: Government of Rwanda
HRW: Human Rights Watch
ICTR: International Criminal Tribunal for Rwanda
ICTR: International Criminal Tribunal for Rwanda
ICTY: International Criminal Tribunal for the former Yugoslavia
MDR: Mouvement Democratique Republicain
NGO: Non-Governmental Organization
NURC: National Unity and Reconciliation Commission
RPA: Rwandan Patriotic Army
RPF: Rwandan Patriotic Front
TRC: Truth and Reconciliation Commission
UNDP: United Nations Development Programme
WFP: World Food Programme

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CHAPTER ONE

INTRODUCTION

The Rwandan genocide of 1994 is one of the most gruesome displays of human evil that this world has ever known. Not only did the genocide result in the deaths of hundreds of thousands, but it also destroyed fundamental social, political, and judicial institutions on which to base any kind of reconstruction after the violence. The social fabric, bonded by mutual trust and cooperation, had been viciously ripped apart. Human rights were non-existent or purposefully violated, and there certainly was no popularly sanctioned government that could be said to represent its people (the first post-genocide elections happened nine years after 1994). Finally, the judicial apparatus, including judges and lawyers, had been broken – many of those who held titles in the legal profession were either killed or had fled the country during the violence. The country had been drained of many of its professional class from a wide range of fields including medicine, science, technology, and education. There was the colossal task of tracking down perpetrators of the violence, made difficult because of the number of those culpable of genocide or criminal acts during the genocide. The sheer number of those involved had the effect of there being too many people to put behind bars and not enough space behind bars to put people. The problems did not stop there – there were also migrations of millions to neighbouring countries, and displacement camps within Rwanda housing hundreds of thousands; millions of homeless and sick people with no place to go. Almost immediately after the cessation of genocidal violence, a policy of national unity and reconciliation was put into place, from which programs and institutions were created to confront the difficult but necessary goal of repairing a deeply wounded society. This policy has been the

subject of many recent debates on post-genocide Rwandan reconstruction, and will too be the focus of this thesis.

1.1 Objective and Rationale

The main objective of the thesis is to describe, explain, and analyze the policy of unity and reconciliation in Rwanda. The policy is designed to enhance the legitimacy of the current regime and its right to govern (Thomson 2011b), and so it is important to judge whether the state's actions fall in line with the rhetorical commitments it supposedly upholds. Rwanda is a post-conflict society, best defined by Wilmer as, "a political space inhabited by two or more groups whose historical relationship includes a history of harm-doing rationalized by moral exclusion, and who are engaged in a process of attempting to reconstruct their relationship in terms of a stable peace." Stable peace, according to this researcher means resolving conflict, applying justice through law and reconciliation (ibid, 92-93). As a post-conflict society, peace is necessarily part of moving forward.

A central premise of this thesis is that lasting peace requires long term reconciliation, meaning that Rwanda must engage in policies that promote reconciliation growth in order for lasting peace to be established (peace here is meant to include negative peace, as in the absence of violent conflict, as well as in the positive sense of promoting harmonious relationships within cooperative societal structures. For further explanation of positive and negative peace, see Galtung 1996). The connection between a peaceful and stable Rwanda necessarily including reconciliation has been made in the literature, and there is no shortage of concern for a peaceful Rwanda in the coming years. In fact, most of the literature states a primary aim of conducting research in Rwanda and

on genocide more specifically is to prevent something so devastating from occurring in the future – to make “never again” a reality and not just a rhetorical sound bite used by politicians attempting to win popular support.

The rationale for choosing reconciliation as the focal point of this thesis is that the reconciliation process will arguably determine the likelihood and scope of conflict that may arise in the future. On the genesis of conflict and its relation to reconciliation, Wilmer has noted that, “conflicts are grievance-driven, but their intensity varies over time and across actors. How grievances – both strategic and emotional – are reconciled at one point in time determines the probability and shape of subsequent conflicts” (Wilmer 1998, 105).

1.2 Research Questions

In order to embark on a research thesis that addresses reconciliation in a post-genocide environment, the term reconciliation and different models of reconciliation must be expanded upon. Specifically, it will be asked: what is reconciliation? How is it understood? Who is involved? Also, normative considerations as to who *should* be involved and what kind of approach *should* be used will also take place. Similarly, questions related to the specific approach of the Rwandan government will be addressed such as: how has the government attempted to instill national unity and reconciliation amongst the population? How effective has the national approach been? Is it necessary or even possible to measure reconciliation? Finally, questions of impact will be addressed, such as: how does the Rwandan policy create or not create the conditions necessary for reconciliation? Throughout the course of the thesis, these questions will be addressed.

1.3 Hypothesis and Thesis Statement

It is hypothesized that the current government's strategy of reconciliation, as envisaged through the national unity and reconciliation policy, actively obstructs the reconciliation process. Power over the process of reconciliation lies in the hands of the current government, and the exercise of this power inherently restricts the power of the people affected by the process to participate in a way that can facilitate long term reconciliation.

This thesis does not hold that reconciliation has not happened; indeed, it needs to be made clear that knowing *for sure* whether reconciliation is happening (...and if so, to what extent?) may not ever be possible, and may not even be necessary for a study on reconciliation. Instead, it makes the argument that *state-led policy of reconciliation is not working in Rwanda, and asserts that the primary reason for the failure is that it is a coercive and paternalistic strategy that simultaneously robs individual Rwandans of the choice to exert human agency over the process, and alienates much of the population.*

It will be shown that the model of reconciliation in Rwanda is one that rests on paternalistic (statist) notions of what is right and best for the people of Rwanda. The government robs the people of Rwanda of human agency in figuring out what reconciliation means and how to get there on their own by not allowing history and experience to be debated freely. This is supported by other findings, such as those of Longman and Rutagengwa, who note that, "while supporting free political choice in principle, the regime does not yet have confidence in the population. In practice the only way the population can demonstrate its readiness for democracy is to choose the [Rwandan Patriotic Front, RPF]" (Longman and Rutagengwa 2006, 242). With a state-led

approach, the parameters within which to engage in a conversation about ideas are very limited. Indeed, the very nature of the ideas up for discussion is restricted to whatever it is that the imposers (those at the top) deem appropriate. Rwandans have little to no choice other than the state-led form of reconciliation.

My thesis will contribute a study that is elucidatory of the power of the state to successfully interfere with peace-building and reconciliation efforts while operating under state policy that expressly promotes these objectives. This project deserves attention because if only analyzed at a surface level, the Rwandan government's efforts at reconciling groups that were embroiled in a very violent genocide should be applauded. Once the surface is scratched, however, it becomes apparent that many of the policies and institutions that have been created, promoted, and used by the government have not promoted reconciliation at any meaningful level, but have had the opposite effect of increasing hostility and mistrust amongst the groups targeted by these policies and institutions. The crux of the argument is that the state-imposed policy does not attend to the psychological needs of the victims and perpetrators, and more generally does not allow reconciliation to happen at an interpersonal level. This is an important area of research for those interested in matters of justice, reconciliation and state control after mass atrocity.

1.4 Approach

Rwandans needed to be unified after the genocide and civil war, and needed to be reconciled with each other. Today they need unity and reconciliation, just as they did then. Widespread acknowledgment and agreement of this assertion is not in short supply; however, where the differences lie is a matter of what tools are needed to foster this

reconciliation, how these tools should be used, and whether they are appropriate to be used to begin with, keeping in mind the goal of long-term reconciliation and stable peace. There is an ample amount of literature on the importance of memory, identity, and interpersonal relationships in post-genocide Rwanda, but there is less about the importance or role of psychological needs of the individuals involved in the process. The conceptual framework for the remainder of this thesis is anchored on the psychological “needs-based” model of reconciliation, which has found recent popularity in the field of political psychology. I will analyze the Rwandan tools of reconciliation within the theoretical framework of this model, with the ultimate goal of proving that the reason that the policy is likely to fail is because it does not satisfy the psychological needs of the victims and perpetrators, among whom it hopes to reconcile relations. What follows is a description of the methodology of the thesis, as well as an in-depth overview of the theoretical constructs on which it rests.

1.5 Procedure

Although the case study has been referred to as, “the poor cousin among social science methods” (Van Evera 1997, 3), it is nonetheless the approach that is best suited for this thesis’ evaluation. In the case study method, “the analyst explores a small number of cases (as few as one) in detail, to see whether events unfold in the manner predicted and (if the subject involves human behaviour) whether actors speak and act as the theory predicts” (ibid, 29). The selection of the single-case method is understood as the best approach because of the richness of detail that I will be able to uncover throughout the process. Roselle has identified the case-study method as being

based on the systematic gathering and comparison of evidence in one or more cases to answer a narrowly

defined question. Your specific project involves choosing a framework that identifies one or more cases to incorporate into your research question (Roselle and Spray 2008, 35).

In line with Roselle and Spray's conception of what a case-based research thesis requires, I will undertake "systematic gathering and comparison of evidence" on the nature of the reconciliation processes in the Rwandan context (ibid). This will be done to answer the "narrowly defined question" (ibid) of: does the current strategy provide the psychological needs that victims and perpetrators require in order to become more likely to reconcile? The psychological needs-based approach of reconciliation outlined by Nurit Shnabel, Arie Nadler and Ervin Staub will be used throughout the analysis. The extent of reconciliation will not be tested, that is, I do not hope to measure the status of the reconciliation policy; rather, I hope to shed light onto the reasons that the policy is deficient in its ultimate goal, and how the government actively obstructs the process of reconciliation from elevating to a level that is sustainable in the long term for victims and perpetrators of the violence of 1994.

The study variable (Van Evera 1997) of this research is the current model of Rwandan reconciliation. The research hypothesis, that is, the hypothesis I seek to test (ibid) is that the Rwandan model of unity and reconciliation obstructs prospects for reconciliation through denial of psychological needs that are required for reconciliation to take place. My main objective is to show that in the Rwandan case, empowerment and acceptance are denied to victims and perpetrators. In addition to being deliberately theoretical, the thesis also employs a multi-disciplinary approach to the study of post-genocide Rwanda, using a psychological model of reconciliation (the needs-based model of reconciliation) as well as traditional analyses of power that is characteristic of political

science research. This is because reconciliation is understood, and therefore employed throughout my thesis, as being a process that demands certain psychological commitments from each individual in the process, and needs also to fulfill certain psychological needs of those involved. I will test my theory that the process of reconciliation in its current state will not produce long-term, sustainable reconciliation through the employment of the psychological needs-based model of reconciliation. I will explain the main tenets of the model, and then apply these tenets to the Rwandan case in an effort to demonstrate that the current policy obstructs the ability for Rwandans to gain psychological fulfillment of empowerment in the case of victims, and acceptance in the case of perpetrators, thereby considerably reducing the likelihood of reconciliation in the present and future. The goal is to promote, in Van Evera's words, "a good theory," (1997, 19) and contribute to the scholarly research on reconciliation in Rwanda.

1.6 Limitations of the Study

This study attempts to follow the instruction of researcher Bert Ingelaere, who has suggested to "move away imaginatively and intellectually from the center [sic] of society where knowledge on Rwanda is constructed," and find out what the truth is "at the bottom" (2010a, 45). What he meant by this is that researchers on post-genocide politics in Rwanda need to move away from trying to understand Rwandan reality through a lens that is centred on only the elite aspects of life – that means physically going into rural areas and learning about reality from those who comprise "the bottom." Unfortunately, and as will be shown, the space for dissent and critical research to be conducted in Rwanda is very small, if existent at all, and so much of the research is done beyond Rwanda's borders (Hintjens 2008, 7). Although there are challenges that arise from not

being able to physically travel to Rwanda to get a “bottom” perspective to use Ingelaere’s term, there are fewer problems in being able to *conceptually go to “the bottom.”*

Conducting a project from afar has meant that I have instead relied on ethnographic research conducted by others in an attempt to understand how Rwandans experience reality in the rural areas, where most of the population resides. I specifically chose research that was based on primary ethnographic research so that I could gain more of an understanding of how the Rwandan lives are affected by the reconciliation policy. This approach comes from the understanding that “research should also proceed at both the societal (macro) and individual (micro) levels” (Thoms et al. 2008, 6).

For the most part, particularly because of the lack of ability to draw first-hand primary (field) research, the evidence used to support arguments is based on reports and surveys conducted by various human rights organizations, academic field research, and government documents, which I explain as I refer to them. This presented another challenging aspect in conducting the research in that Rwandans live in a culture of suspicion and secrecy, and also in fear of authority in general, and the government in particular. This means that it is rare that participants give responses that are unfavourable to the government, which is problematic when attempting to uncover Rwandan reality (Hintjens 2008, 7). Hintjens has found that the substance of surveys, questionnaires, focus group and even participant observation was superficial at times, as the subject matter was very politically charged and culturally sensitive (ibid). The horrors of the genocide for some still affect everyday life and have (understandably) made certain populations very vulnerable and sometimes closed off psychologically from wanting to engage in a discussion that will only intensify the memories of fairly recent atrocities. I tried to keep

in mind, however, that not every instance of praise for the government necessarily meant that the person was stating information out of fear, or that the person was not exercising free will.

I accept that knowledge must be obtained through a holistic, comprehensive, and multidisciplinary kind of way, and adopt a “mixed-methods approach” (Thoms et al. 2008, 5). The starting point from which the study begins is that reconciliation is not happening in the way that the GoR has claimed. There is a different reality on the ground for many, if not most, Rwandans because of their exclusion from the very process that seeks to impact (and ostensibly improve) their lives directly. Normative considerations of how reconciliation *should be understood* have a direct impact on how the mechanisms of the process are *experienced in reality*; in this way, my study seeks to bind together aspects of reconciliation-based theory and practice in post-genocide Rwanda. Embarking on this task necessarily involves the analysis of pre-existing processes, policies and mechanisms of the government intended to strengthen and promote reconciliation.

1.7 Chapter Outline

First, I will describe exactly what the political climate is like currently in Rwanda. Chapter two provides contextual information for the reader, outlining a sketch of the events that led to 1994, as well as of the current political environment. This section hopes to inform the reader of the important scope of the genocide, as well as demonstrate the methods that the current government uses to police speech and acts after the genocide.

Chapter three provides a literature review of reconciliation as it is conceptualized in broad terms by various researchers, as well as different models of reconciliation. The primary aim of this chapter is to review recent scholarship on approaches to

reconciliation. Retributive justice will be contrasted with restorative justice, and interpersonal versus state-led reconciliation will be discussed. This is where I will highlight the biggest problem with the way that the concept of reconciliation is understood, including questions that remain unanswered and areas for my research to be introduced. It will be shown that a gap exists in the common approaches to reconciliation that is grounded on psychological needs of victims and perpetrators. This thesis will contribute to this gap through analyzing the mechanisms of state reconciliation in light of the psychological needs of empowerment and acceptance.

Chapter four describes the psychological needs-based model of reconciliation and argues that processes of reconciliation necessarily must involve attending to the psychological needs of the participants of a reconciliation process, specifically empowerment for the victims, and acceptance for perpetrators.

Chapter five will be descriptive as well as analytical. It will involve an outline of the goals of the national government of Rwanda with respect to national unity and reconciliation. I will outline the specific tools of reconciliation that the government has put into place, focusing primarily on the re-education *ingando* camps, the *gacaca* trials, and the policy of de-ethnicization. The aim is to give the reader a broad understanding of the primary mechanisms that have been put in place by the Government of Rwanda to foster reconciliation. The chapter at once describes various mechanisms, or “tools” of Rwandan state-led reconciliation, and analyzes their impact keeping in mind the psychological needs-based model presented in the previous chapter. Here, findings that support the hypothesis will be discussed.

Chapter six is the conclusion of the thesis, where I will reflect on the process of Rwandan national unity and reconciliation, summarize and stress critical flaws that I have included throughout the thesis, and I will present a few recommendations that can potentially strengthen the process for Rwandans.

CHAPTER TWO

POLITICAL AND HISTORICAL CONTEXT

2.1 History of the Genocide

Rwandan President Juvenal Habyarimana and President of Burundi Cyprien Ntaryamira were killed when their plane was shot down while returning from Dar es Salaam on 6 April 1994. At the time, Rwanda was embroiled in a violent civil war, initiated by attacks on 1 October 1990 by the Rwandan Patriotic Army (RPA), the armed division of the RPF. The RPF was formed throughout the 1980s by a group of exiled (mostly Tutsi) Rwandans living in Uganda who had been forced to flee abroad because of political violence against the Tutsi ethnic group in the years leading up to, and shortly after, independence. The *raison d'être* for the RPF at the time was to restore rights to Rwandans that had been lost during colonialism and by the governance of the Hutu-led regime soon after independence. In a country already fragile because of civil war, the assassination of President Habyarimana sparked what was to become one of the most brutal genocides in world history. It is widely accepted that the killings began that night, and in just one hundred days (6 April- 4 July 1994), at least 500 000 Rwandans lost their lives (Des Forges 1999). The targets for the most part were members of the minority ethnic Tutsi population, and the perpetrators were largely members of the ethnic majority Hutu population, although many Hutu and Twa (the latter being the third ethnic group, comprising approximately 1% of the population) were also killed. Renowned Great Lakes historian Scott Straus has aptly described it as “the twentieth century’s most rapid extermination campaign” (Straus 2006, 1).

The RPA/F is credited with ending the genocide and driving extreme Hutus out of the country, and members of the RPF largely form the current government. The RPA officially took hold of Kigali on 4 July 1994, beginning a period of transitional government with the installment of the Government of National Unity (GNU), headed by President Pasteur Bizimungu. In 2000, Bizimungu resigned, and the Presidency was awarded to (then-Vice President and Minister of Defense [sic]), Major General Paul Kagame through a parliamentary appointment. Although not President until 2000, Kagame was seen to have been the real power behind the GNU before he became President. Some state that being Hutu, Bizimungu served the purpose of demonstrating to domestic and international audiences that power was being shared between Hutu and Tutsi, and that the Hutu had political representation in Kigali. In other words, he personified the unity that the government claimed to promote (for a critical first-hand account on this and the politics of Kagame and the RPF around this time, see Sebarenzi and Mullane 2009). The RPF has maintained control of the federal government since the end of the genocide, and Paul Kagame remains President today.

2.2 Achievements of the Post-Genocide Government

The World Bank, an International Organization, published a report in 2010 of 131 economies around the world that had reformed business regulation, praising Rwanda for being “the star and the world’s top reformer of business regulation, making it easier to start businesses, register property, protect investors, trade across borders, and access credit” (World Bank 2009, 1). In addition, between 2006-10, the annual growth rate averaged 7.3%, and it is anticipated that 2011 will bring similar growth rates as that period (World Bank 2011a, 1).

The service sector has grown exponentially, and is a priority of the government's development strategy. According to another recent World Bank report, the agricultural sector grew by an average of almost five percent between 2006-'11, and constitutes around 36 percent of the Gross Domestic Product (GDP; World Bank 2011b). Although the service industry has recently surpassed the agricultural sector in terms of contributing the most to GDP, 79.5 percent of laborers work in agriculture as of 2011 (ibid, vi). Finally, services such as health, education and administration saw growth of 14.6% (ibid, 14). In addition to high levels of growth and an expansion of the technology and services industries, Rwanda has been praised for achieving success in the area of women's equality.

Gender equality has been included in the "national development strategy," an official development document called Vision 2020, and has a National Gender Policy (Gasinzigwa 2010, 1), and much success has been gained in implementing policies that directly reflect this objective. Women increasingly are in positions of political and economical power in Kigali, and specific ministries, such as the Ministry of Gender and Women and Development demonstrate a commitment to gender equality. Specifically related to positions of political power, as of 2009, 56.25% of members of parliament were women, and represented 35% of Senator positions. Further, 50% of Supreme Court Judges were women (ibid, 2). Rwanda has also ratified the Optional Protocol to the Committee on the Elimination of Discrimination against Women (CEDAW).

For perhaps the first time in its history, the country is viewed as a model for other countries experiencing challenges related to post-conflict development. Stephen Kinzer has noted that in Rwanda, "there's a future here. This is a place that people from all over

Africa are starting to look at” (2009, 3). As the country is being touted as a model of peace and prosperity, deeper analysis as to the nature of the model must be undertaken.

Although Rwanda has achieved praise from international nation-states and organizations (most notably the United States, Britain, and the World Bank) in terms of development in the aforementioned areas (and for good reason), there is cause for serious concern of violations of the human rights of individuals and groups who politically challenge the Government of Rwanda (GoR). Reflecting this reality is the most recent ranking of Rwanda as “not free” by Freedom House (Freedom House 2010, 1; Freedom House is described as an “independent watchdog organization that supports the expansion of freedom around the world” on its website). The extent to which the state controls the political and social spaces will now be examined, so that the reader has a better understanding of civil life as it relates to the political sphere in Rwanda.

2.3 Image Control

The Rwandan government has been successful in controlling the favourable image of the country, through the suppression of unfavourable reports or policy recommendations from external groups. This image control is exemplary of the policing of social boundaries. Ingelaere has found recent instances of this: The United Nations World Food Program (WFP) had reported that there were instances in the south of Rwanda where people were living with acute starvation. The GoR denied the data, “not because they believed the data were incorrect, but because the data contradicted the vision [the Government] was promoting both internally and externally: of a hearty, self-sufficient country experiencing progress and development” (2010a, 48). Secondly, The United Nations Development Program (UNDP) report that included findings of “serious

shortcomings and crucial challenges” to Rwanda’s development was also rendered unacceptable by the GoR. It was found that “the minister in charge of economy was asked to refute it and he promptly did so, even after having written the introduction to the report himself” (ibid). Finally, the World Bank had worked for half of a year on a study and had accumulated hundreds of surveys that ended up being destroyed because of charges on the part of the government that “‘genocide ideology’ lurked in the research design” (ibid, 50). Beyond controlling the image in and around Kigali, this image construction extends even into rural areas. In a letter from a district mayor to sector-level administrators, various activities were labeled as either being compulsory or forbidden, and fines were associated with either not complying in the first case or engaging in a prohibited activity, in the second. “Someone without clean clothing and body hygiene” was listed, with a corresponding fine of 2.000 RWF; “parents who refuse to send children to school,” 10.000 RWF; “consulting traditional ‘healer’ without authorization,” 10.000 RWF; “refusal to make/use a ‘modern cooking stove,’” 10.000 RWF (ibid, 51). These are just a few of the examples of authorities trying to impose modernity onto Rwandans, not through helping them to acquire a modern stove, but to simply outlaw any alternative. These examples show how Paul Kagame’s government tightly polices its image.

The next section will show how the government restricts the amount of political space wherein people can voice their opinions openly and without fear and intimidation.

2.4 Control of Political Space

The regime seeks full control over people and space: Rwanda is an army with a state, rather than a state with an army.

(Reyntjens 2011, 2).

Reyntjens has noted that, “referring to opponents, Kagame once said that a barrel can be emptied with a coffee spoon” (2011, 32). To this, Beswick has noted that the specific effect has been a narrowing of ability in civil society and within organizations to raise political objections to the GoR’s portrayal of how the country is currently experiencing unity and reconciliation, and that even critics who hold high status positions of authority within the country are not immune to this treatment (2010, 247). The high degree of intimidation and fear is pervasive for dissenters, and limits the ability to freely express oppositional judgment and opinion. The barrel, to further Kagame’s metaphor, is quickly being emptied, and if left to continue at the current pace, will soon be a space for only him and his top officials to occupy. The politics of the RPF are very much an example of the politics of fear in action, but also a “fear of politics,” where the fear comes from “occupying the political space that is, or may be, available” (Beswick 2010, 244). Many Rwandans that have attempted to gain entry into the coveted arena of political space have been dismissed by the RPF, branded as divisionists, or suffered an even worse fate, such as disappearing or being killed under mysterious conditions. Recent laws that have been passed demonstrate the extent to which the state will go in policing of speech or action, and have been the subject of rigorous debate within the literature regarding their application. A brief analysis of the laws is thus warranted.

2.5 Genocide Ideology Laws

The primary aim of this chapter is to demonstrate how the political space is policed in Rwanda through the use of vague and arbitrarily applied laws. My analysis of these laws is necessary to show the reader how repressive the current regime is when it comes to dissent. These laws are part of the larger part of the national unity and

reconciliation policy, and contribute negatively to the process of reconciliation for Rwandans because of their manipulation by the government. To state that the laws have been the subjects of heated domestic and international debate would not be an overstatement, and there has been much objection to the use of these laws in Rwanda for various reasons, which are illustrated throughout this next section.

There are compelling reasons for a government recuperating from the devastation of genocide to enforce limits on the freedom of expression in general, and of freedom of speech in particular, when one considers the instrumental role of hate speech in initiating and sustaining genocidal violence in 1994. There is legitimate cause for concern of the Rwandan Government for genocide deniers, as it has been well documented that there are people who purposefully deny that the genocide happened, or deny that it happened in the way that it did (Waldorf 2009, 102). Genocide denial must be taken very seriously, as it is yet another assault on the memory of victims, survivors, and of their families. Many countries have also promulgated and passed laws that seemingly have the same intended effect as those in Rwanda – to rid society of poisonous speech that is intended to further assault those touched by genocide. The difference, however, is in the way that the laws are applied in Rwanda that makes the use of them problematic. The genocide ideology laws in Rwanda effectively constitute a violation of the right to free speech, as proscribed by international conventions to which Rwanda is party, and by its own National Constitution. The laws are used manipulatively by the government to consolidate its monopoly over the historical narrative and as a form of social control. Something to note here before moving further is that freedom of speech does not include hate speech. Hate speech is the “intentional incitement to violence, hostility or discrimination” (Human

Rights Watch 2008, 42). Words that are intended to incite hatred or violence do not have any part in a free and democratic society.

The first law to make mention of sectarianism was published in 2001. In Article 1 of Law 47/2001 of 18/12/2001 *On Prevention, Suppression and Punishment of the Crime of Discrimination and Sectarianism*, sectarianism is defined as:

the use of any speech, written statement or action that divides people, that is likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among people based on discrimination (Government of Rwanda 2001).

The purpose is to punish “any person guilty of the crime of discrimination and sectarianism” (Article 2). It is said to be occurring “when the author makes use of any speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people” (Article 3). Penalties are of course included in the law, with anyone being found guilty of one or both of these charges facing imprisonment of three months to two years, along with a fine ranging from 50-300 000 Rwandan francs (Article 5). Sectarianism is considered to be akin to divisionism, and the two words are often interchanged. The next law dealing with divisionist speech is the second law under examination: the most recent genocide ideology law, promulgated in 2008.

Law 18/2008 of 23/07/2008 *Relating to the Punishment of the Crime of Genocide Ideology* was somewhat of a continuation of the first law and states in Article 1 that the purpose of the law is “preventing and punishing the crime of genocide ideology.” Article 2 provides an official definition of genocide ideology:

an aggregate of thoughts characterized by conduct, speeches, documents and other acts aiming at exterminating or inciting others to exterminate people basing on ethnic group, origin, nationality, region,

color, physical appearance, sex, language, religion or political opinion, committed in normal periods or during war (Article 2; Government of Rwanda 2008).

The characteristics of genocide ideology are outlined in Article 3 as: “any behaviour manifested by facts aimed at dehumanising [sic] a person or a group of persons with the same characteristics in the following manner:

- 1) threatening, intimidating, degrading through [defamatory] speeches, documents or actions which aim at propounding wickedness or inciting hatred;
- 2) marginalising [sic], laughing at one’s misfortune, defaming, mocking, boasting, despising, degrading, [creating] confusion aiming at negating the genocide which occurred, [stirring] up ill feelings, taking revenge, altering testimony or evidence for the genocide which occurred;
- 3) killing, planning to kill, or attempting to kill someone for purposes of furthering genocide ideology”.

It should be clear to the critical observer that this entire section, which forms the basis of the law, is peppered with vague terms that are not defined. The fact that there is no readily apparent distinction between “laughing at one’s misfortunes” and “killing” is problematic. Should a person who mocks a fellow Rwandan be charged in the same way as someone who has committed murder? Further, the italicized “aimed at dehumanising [sic] a person or group of persons” is even more troubling. The three categories rest on this, yet there is no explanation of what exactly this would entail.

The law also outlines the (severe) penalties associated with conviction. Those guilty of genocide ideology face imprisonment from 10-25 years and the fines range from approx 300-1600 CAD, and if the individual is convicted and then reoffends, the penalties are doubled (Law 18/2008, Article 2.4). If the individual is the leader of a political

organization, conviction brings a sentence of 15-25 years, and a fine ranging from approx. 3 200 – 8 000 CAD.

The problem with having vague laws is not only a challenge for legal interpretation, but also for the general public. Suddenly a wide array of actions that were oppositional or not strictly enforced and supported by the GoR was branded as “negationist” or “sectarian,” with these terms meaning completely different things to different people. As international human rights-based non-governmental organization Human Rights Watch (HRW) has stated, “in public meetings and in the media, administrative officials, political leaders, teachers and clergy used these terms to denounce many different kinds of words and actions, further broadening and confusing the meaning of the terms” (2008, 37). A recent report by Amnesty International echoed these findings (2009). Not only do the laws in and of themselves generate serious concerns due to their ambiguity and lack of clarity, their application is also problematic.

The resignation in 2000 of political opposition leader Bizimungu and his subsequent arrest in 2003 have been alarming for academics and a number of human rights groups (Amnesty International; Human Rights Watch; Beswick 2010). This has been noted as a specific case where the genocide ideology laws were used in a political way to successfully remove opposition to the ruling RPF. He has been said to have posed a legitimate threat to the RPF in having support from both Hutu and Tutsi Rwandans, and was removed because of this and not because of him actually being a genocide revisionist, negationist or promoter of genocide ideology (Beswick 2010, 235).

Social organizations are also absent from Rwandan life; important civil society organizations have been either completely wiped out or brought under the control of the

GoR (Longman 2011, 25-6). The widely respected and supported oppositional Mouvement Democratique Republicain (MDR) party was charged with divisionism in 2003. This happened just before the presidential elections, and it was recommended by a parliamentary committee that disbandment of the party take place. Indeed it did dissolve shortly after, as did a host of other legitimate oppositional organizations, as a consequence of being charged similarly (Waldorf 2009, 108). A vibrant and robust civil society does not exist in Rwanda, largely due to the restrictions that the government has placed on it, through the use of these laws. Reconciliation cannot happen without an open political space for Rwandan dissenting or alternative views, and so is dependent on an effective civil society.

Alison Des Forges has written one of the most authoritative texts on the history of Rwanda, including the events leading up to, and after, the genocide, *Leave None to Tell the Story* (1999). She has been used as a star witness for the prosecution of genocide suspects, and was a senior advisor at Human Rights Watch until her death in 2009. She has been described as “a persistent thorn in the government’s side, particularly with her calls for prosecutions for RPF war crimes” (Waldorf 2009, 112). After a number of briefs that were critical of some government processes were published by HRW under her direction, she was accused of “having taken the side of [the] executioners” and also for “becoming a spokesperson for genocide ideology” (ibid). As Waldorf rightly questions: “if Des Forges could be labeled a proponent of genocide ideology, how much easier would it be to level the same accusation against any Rwandan who testifies in defence of genocide suspects?” (ibid).

Although the government has expressed that it would undertake investigations to decipher differences in the categories of rescuer (“moderate Hutu” who helped victims) victim, and murderer, the fact that some of the most prominent rescuers demonstrates that it is not ready to do so in practice.

Dr. Leonard Hitimana has been praised as a genocide rescuer by many international organizations, including some that are tightly connected to the GoR (Waldorf 2009, 114). He has been credited with saving Tutsi lives during the genocide, and helping some targeted individuals leave the country to escape torture or death. He was a prominent member of the MDR as well as a Parliamentarian when in April of 2003 he was accused of being a ringleader of MDR genocide ideology. He went missing the night before he could challenge the accusations in a parliamentary hearing, and has not been found at the time of this writing (ibid).

Paul Rusesabagina is another well-known Hutu rescuer, who has also been branded as a person who espouses genocide ideology. He has been praised as a Hutu rescuer, responsible for sheltering 1268 Rwandans from grave danger during the genocide. Many survivors of the genocide have attributed their survival to Rusesabagina’s efforts. In 2005, the University of Michigan awarded him with the Wallenberg Medal, and was also the recipient of the US Presidential Medal of Freedom during the same year for his actions during the genocide. He has also come under intense criticism from the GoR, which has labeled him a person who espouses genocide ideology and divisionist practices (Republic of Rwanda 2010b). As Waldorf has noted recently, “the government’s attacks on Rusesabagina have grown ever more virulent as he has entered opposition politics” (2009, 115). This is a clear demonstration of oppositional viewpoints being outlawed by

the Rwandan government, which must be considered as problematic for the reconciliation process. It also shows how far the government will go to maintain as much power over the minds of Rwandans.

2.6 Concluding Remarks

Susan Thomson's statement that, "Rwanda's 'national unity and reconciliation' can only be maintained through extensive policing of public speech" (2011b, 443) carries considerable weight in light of the considerations outlined above. Anybody contesting mandatory views on the Rwandan past and present can quickly be seen as holding and disseminating 'genocide ideology' (Adamczyk 2011, 176-177). The human rights protections that are evident in the Constitutions, as well as committed to in various international treaties to which Rwanda is signatory, mean nothing if they cannot be invoked by the people who need them the most – in Rwanda, dissenters need them the most. Political space needs to be widened to include dissenting observers or those with divergent political aspirations so that segments of the population who do not agree with official government policy may be represented. As has been demonstrated, the reality of the tight control Kagame maintains at the centre of his regime and exerts more broadly in the country vicariously through local authorities is very much hidden behind a veil of very impressive local and international policy decisions and achievements. It has recently been argued that instead of increasing the political rights of individuals and groups in Rwanda, the government acts in an authoritarian way (King 2010; Mgbako 2005, Thomson and Desrosiers 2011), restricting political and civil rights of the greater Rwandan population.

Now that a general understanding of the political context is understood, conceptions and differing models of reconciliation will be addressed.

CHAPTER THREE

REVIEW OF THE LITERATURE

The following addresses approaches to reconciliation, and the concept itself. The purpose is to shed light on terms and conceptual knowledge that will be used in the context of reconciliation, and to identify the gaps in the literature to date. It is ultimately argued that the process of reconciliation must include considerations directly related to the psychological needs of the victims and perpetrators in order to be sustainable in the long term.

3.1 Theoretical Approaches to Reconciliation

Until we have a clearer idea of what reconciliation is, we cannot know whether it is right – or even morally desirable – to pursue it.

Susan Dwyer

Even to scholars who are not new to the study of reconciliation, the term is often cited in the literature as being difficult to define and/or measure. Different conceptions of reconciliation abound, and as a result, different approaches to it in practice abound. As reconciliation is hard to measure, there is a lack of empirical work on the topic. Although it may present some conceptual challenges, the process of reconciliation is important to understand because its proper application in practice can mean the difference between war and peace. Similarly, post-conflict (and particularly post-genocide) environments require the concept to be rigorously deconstructed because of its fundamental role in facilitating co-operation, healing and trust – arguably the building blocks of any new society. Reconciliation is not conceived of in the same way among those interested in the concept. There is an essential debate on the nature of reconciliation, and particular, whether it should be treated as an end-point that is to be *reached*, or if it is an ever-changing

procedural practice: the difference mainly lies in whether reconciliation is an outcome or process. The most compelling way to conceive of reconciliation is to consider it to be both process and outcome. As Bloomfield states, this frames reconciliation both as “an ideal state to hope for” and “a present-tense way of dealing with how things are” (Bloomfield 2003, 11). Differing conceptions and interpretations are important for policy because the way that the concept is understood and treated will dictate the policy directed at achieving it, if it is to be “achieved” at all. On the most appropriate form of government for reconciliation processes, David Bloomfield (2003) has argued that reconciliation processes *must* operate within democratic environments because, although a democracy may not be the best form of government, it is viewed as being “the most effective way of implementing” the “principles” of “equality, representation, participation, accountability, and so on” (10). Managing conflict is also a characteristic of democratic governments (ibid), and thus provides optimal conditions for reconciliation processes. Finally, he argues that “as we move away from either-or, win-lose solutions to conflict, democracies become the practical manifestations of cooperative, win-win solutions” (ibid). A democratic political and civil society thus is argued to contribute in a positive way to the process of reconciliation, and also a requirement because of the respect for certain rights, liberties and principles that reconciliation requires.

3.2 Retributive and Restorative Justice

Within the literature, there is a fundamental debate between those who argue that reconciliation must involve justice at some level, and those who believe that justice is not a necessary consideration for the process. This fundamental debate will be explored in the following section. Susan Dwyer has argued against the position that reconciliation

necessarily involves notions of and appeals to justice, arguing instead that, “reconciliation may often fall short of justice...[and that] political leaders should not pretend that reconciliation is the same as justice” (Dwyer 1999, 98). Retribution entails punishment, and for those who favour retribution, “an absence of punishment implies a lack of justice” (Borer 1999, 303).

Justice has been said to have “many faces” (Huyse 2003b, 97). Justice can be either restorative or retributive in its overall objective – that is, it can either restore relationships through addressing past wrongs and including both victims and perpetrators in a search for acknowledgment of past crimes, or can serve as punishment for past wrongdoings. In addition to these familiar “faces,” justice also is said to have an historical face in the form of truth commissions, and also have a “compensatory” face, as in reparations (ibid). As much of the literature on reconciliation either focuses on retributive and restorative justice as theories or as including themes important for reconciliation, an analysis of the nature of both is necessary, and comprises the rest of this chapter.

3.3 Retributive Justice and Reconciliation

It has been argued that retributive justice, that is, prosecutorial justice that emphasizes punishment, can promote reconciliation (Huyse 2003b, 98). Six benefits have been outlined by Huyse (ibid) for this type of justice in promoting reconciliation. One of the benefits of enforcing punishment is that the chances for revenge for the victim are mitigated by the fact that justice is being served within a court setting. Secondly, punishment means in theory that those responsible for the crimes will not be able to gain power again. Another benefit is that of assigning specific blame; “individualizing guilt” reduces the likelihood that groups will be assigned collective guilt. Fourth, retributive

justice is said to strengthen democratic legitimacy and processes. Finally, trying perpetrators in a court of law forces accountability, “breaking the culture of impunity” (98). National and international courts, as well as ad hoc tribunals (such as the International Criminal Tribunal for the former Yugoslavia – ICTY – and the International Criminal Tribunal for Rwanda – ICTR) serve as sites for this kind of justice.

One of the shortcomings of a retributive form of justice is that the trials are focused on the perpetrator (Huysse 2003b, 104). The victims can feel left out of a process that emphasizes the role of the perpetrator, as victim experience is not the focus. The pain and suffering that the victim has experienced largely is missed in a trial setting that focuses on the perpetrator. Marlene A. Young, President of the International Organization for Victim Assistance, adds that the victims’ need to hear *why* the offender took the actions is largely overlooked in a traditional form of justice such as retribution (Young 2000, xv). Direct contact between the victim and offender does not occur within this type of justice, and the victim is thus robbed of the chance to try to understand why the offender took the actions s/he did — “there is little opportunity for victims to hear explanations from the accused” (ibid). Another shortcoming of this approach is that in a trial setting, the chances of re-victimization of the victim are increased (ibid). Sometimes this re-victimization can be the result of expectations of the victim not being met, usually “because of lack of proof, inadequate judicial decision making or legal loopholes that assist the defence” (ibid). The last shortcoming that Young identifies within the retributive justice framework is the problem of not enough information, which is a direct result from the fact that “the logic of criminal law is to generate ‘yes or no’ decisions,” which leaves out actions that have been committed that typically “fall into a ‘[gray] area’

in which various forms of guilt and innocence are mixed” (ibid). Scholar Jonathan D. Tepperman adds to this that trials are marred by complexity and can be expensive, especially for post-conflict societies, where the governments may not have the required financial resources to execute such trials (2002, 130). Finally, trying accused criminals for past wrongdoings also has been shown to not act as a deterrent for other criminals, and the rates of recidivism are high (ibid). Forgiveness is not included in this model, even where victim impact statements are used (ibid). An alternative form of justice, which hopes to address these shortcomings, is restorative justice.

3.4 Restorative Justice

Restorative justice is intended to address the deficiencies of prosecutorial justice through enhancing accountability of the perpetrators in a way that includes the victims and the wider community. Restorative justice “regards the disclosure and the acknowledgment of *truth* as the foundation for individual *healing* and the *restoration of communal trust*” and “emphasizes the dignity and worth of all persons, regardless of their beliefs and [behaviours]” (Amstutz 2006, 555, emphasis added). This form of justice in theory enhances accountability by “holding offenders directly accountable to the people they have violated” (Umbreit 2001, xxv). Through accountability, the losses of victims on emotional and material levels are addressed, and the space within which the past crimes are understood is opened up for “dialogue, negotiation, and problem solving” (ibid), and is better suited for creating “a greater sense of community safety, conflict resolution, and closure for all involved” (ibid). Those who promote this form of justice hold that the facts need to first be established, and then instead of punishment, the priority must shift to an understanding of the victim’s “needs” (Johnstone 2002, 1). Further, repair between victim

and offender relations must take place, which demands justice beyond punishment (ibid). It is, in effect, a shift in the response to the way that criminal acts are understood and handled (ibid, 6). Victim restoration is arguably different than perpetrator restoration (Young 2000, xvii). In the first type of restoration, the *opportunity* for discussion is created, where the victims are able to “talk to their offenders and understand the motivations behind the crime” (ibid). This is missing from a strictly retributive form of justice. Further, “offender restoration” can be created through the learning “of the impact of their actions on their victims and to begin to make amends” (ibid).

Restoration is a more personal form of justice than retribution because of the required contact between victim and offender. It is centred on the reality that harm is done between individuals, and that “crime is, in essence, a violation of a *person* by another person (rather than a violation of legal rules” (Johnstone 2002, ix). Because of the nature of crime, then, the response must be to create an awareness of the perpetrator’s wrongdoings and also to make them aware that they are liable for repairing the harm (ibid). This should be done, according to restorative justice approaches, so that the perpetrators can be better integrated into society (ibid). Finally, restorative practices are meant to be voluntary (Huyse 2003b, 111).

Crucial in restorative justice is the role of apology and forgiveness – the perpetrator is expected to acknowledge and apologize, and the victim then is able to forgive him/her if he/she so chooses. Apologizing is a first step in the process of mending the wrongdoing of the past. For some, reconciliation is inherently connected to the concept of forgiveness, which Staub et al. define as: “letting go of anger and the desire for revenge” (2005, 301). Furthermore, these researchers also have noted that reconciliation

also requires that healing take place, “especially when the groups that have engaged in violence against each other continue to live together” (2005, 302). Forgiveness is an aspect of such an approach that is not universally accepted as being beneficial to the process of reconciliation, however.

Susan Dwyer argues, for example, that a model that focuses on forgiveness is misguided because reconciliation and forgiveness are two independent concepts (Dwyer 1999, 90). In Dwyer’s conceptualization of reconciliation, the focus is not necessarily on truth, but on *understanding*. She notes that, “the desires for intrapersonal and interpersonal understanding that underpin the construction of a coherent and stable life narrative are quite fundamental. To call them basic human needs would not be an overstatement” (ibid, 86). For Dwyer, there are three stages of reconciliation. First, she argues that there must at first be a clear understanding and agreement on “only the barest of facts – who did what to whom when – are relevant (ibid, 89). This, of course, is difficult to achieve when there is an obvious advantage to skewing the “facts” in a certain direction for self-preservation. The second step must include a “*range of interpretations,*” surrounding the events where a multiplicity of voices may be acknowledged and validated. Third and finally, those who are directly involved and affected by the process of reconciliation must try to create “some subset” that has room for the differing perspectives, “to each accommodate the disruptive event into their ongoing narratives” (ibid, 89). On the third stage, she stresses that “it is not required that all parties settle on a single interpretation, only that they are mutually tolerant of a limited set of interpretations” (ibid). The emphasis on an opening of space for a range of interpretations is included in much of the literature on restorative justice, and truth telling has been a way

of achieving this space, including room for increased interaction of victims and perpetrators. As an important part of restorative justice, truth telling begs further description in order to understand the ways that restorative justice works in practice.

3.4.1 Restorative Justice and Reconciliation

Luc Huyse has argued that there are three stages of reconciliation: coexistence, trust and empathy (2003a, 22). The first stage is “replacing fear by non-violent coexistence” (ibid, 19). This stage entails “at a minimum looking for alternatives to revenge” (ibid). Bloomfield adds that coexistence means, “not necessarily to love...or forgive...or forge the past in any way, but to...develop the degree of cooperation necessary to share our society...so that we all have better lives together than we have had separately” (Bloomfield 2003, 12). Coexistence means that the lines of communication are at least opened up and expanded for those who were involved with the conflict, and is worked towards after the violence has ended. Actors that can play an important role at this stage are “political and community leaders, non-governmental organizations (NGOs) and religious institutions,” and these actors are said to “have a serious responsibility here” (Huyse 2003a, 20). Huyse adds that the actors may be better equipped to facilitate the necessary opening of communication through initiating programs that are directed at creating a “safe environment” for both groups. Although the members of the groups have stopped fighting, they may continue to still be adversarial in their conception of each other; however “they agree to disagree and to use less violent means to accommodate old (and new) disputes” (ibid).

The second stage of reconciliation for Huyse is marked by an evolution “towards a relation of trust” (ibid). Building trust at this stage necessarily involves reconceptualizing

the members of the other group as being human: “believing that humanity is present in every man and woman” (ibid). In terms of actors, “functioning institutions” play an important role at this stage. A robust civil society, an independent judiciary, and an able “legislative structure” are such functioning institutions that need to be created first before the process of reconciliation can continue (ibid, 21).

The third stage of reconciliation involves promoting empathy, defined by Huyse as occurring “with the victims’ willingness to listen to the reasons for the hatred of those who caused their pain and with the offenders’ understanding of the anger and bitterness of those who suffered” (ibid). Truth telling commissions, commonly referred to as Truth and Reconciliation Commissions (TRCs) are identified as important actors at this stage, which can be helpful in arousing empathy because of the emphasis on identifying and openly acknowledging facts of the violent past (ibid). Because of their growing importance and popularity, a brief description of them is necessary.

3.4.2 Truth Telling as Restorative: Truth and Reconciliation Commissions

TRCs hold as a main premise that the facts of past wrongdoings are in need of examination and debate in order to reconcile hostile (or previously hostile) groups, frequently in the language of “moving forward” and “coming to terms with” (Rotberg 2000, 6). They have been used in situations where societies are in a transition period, and as such are frequently discussed in the literature of transitional justice. Brandon Hamber has argued that these commissions are appropriate in societies such as these because of punishment not being possible for reasons of too many offenders or lack of will on the part of the current regime (Hamber 2009, 26). Mark Freeman and Priscilla B. Hayner, of

the International Center for Transitional Justice, have argued that TRCs serve eight purposes: to gain understanding of the past; provide accountability for crimes; allow victims into the public space where the past is understood and acknowledged; provide information that can lead to public dialogue of the events; suggest reparations for victims; promote certain reforms regarding law and institutions; encourage reconciliation and; “help to consolidate a democratic transition” (2003, 123). These researchers acknowledge that each person’s approach to, and understanding of, truth telling varies because of the personal nature of the process (ibid, 122), and also argue that TRCs can be vulnerable to being led by “improper motives” and include “unrealistic expectations” (ibid, 128).

In the case of the South African TRC, Archbishop Desmond Tutu argues that “truth was at the heart of reconciliation: the need to find out the truth about the horrors of the past, the better to ensure that they never happen again” (Tutu 2003, 4). He adds that, “examining the painful past, acknowledging it and understanding it, and above all transcending it together, is the best way to guarantee that it does not – and cannot – happen again” (ibid). For some TRCs then, the truth plays an instrumental role of preventing future violence, and as such is necessary to uncover and debate. Echoing Archbishop Tutu’s point, Hamber agrees that in the case of the South African TRC, “truth was arguably vital to understanding what had happened, assisting survivors to come to terms with the past and preventing the repetition of human rights violations in the future” (Hamber 2009, 29). Beyond an acknowledgment of a painful past, this particular TRC was anchored on the conviction that reconciliation fundamentally relies on forgiveness, which can only happen when the truth is exposed. Healing is argued to come from this forgiveness, and the result is reconciliation (Borer 1999, 305). Indeed, the goal was to

promote “national unity and reconciliation (Hamber 2009, 141). The investigation and cataloguing of “violations” was undertaken, reparations were arranged to be made, accountability was provided, amnesties were granted, and victims were encouraged to participate through story-telling (ibid). As is the case in a conventional TRC model, traditional forms of justice-seeking such as trials were not used on the condition that “the perpetrators told the truth” (ibid, 29). Truth commissions are not trial-based – indeed, their structure and purpose directly conflicts with those of trial-based mechanisms. This point is a central part of TRCs identity, but also serves as a sticking point to which both advocates and critics cling (Tepperman 2002, 130).

TRCs make room for voices to be heard that would otherwise perhaps not have been considered, and empowers the victims to speak to their experience in a way that is officially acknowledged and validated. For this reason, these kinds of institutions can be powerful for the transformation of society into a peaceful one. Reconciliation requires that truth telling occur for Huyse “because it creates objective opportunities for people to see the past in terms of shared suffering and collective responsibility” (2003a, 21). Strengths and weaknesses of the process are reflected in the strengths and weaknesses of truth telling as a concept more generally, and because of the tendency to include truth telling in many conceptions of reconciliation, these strengths and weaknesses must be examined.

3.4.3 Strengths of Truth Telling

Truth telling has been referred to as “a judicial middle way” to “find a balance among truth, justice and reconciliation” (Brouneus 2010, 208). David A. Mendeloff, Director of the Centre for Security and Defence Studies at Carleton University’s Norman Paterson School of International Affairs, has argued that truth telling is most effective

when the individuals involved participate on a voluntary basis, as “it cannot be forced” (Mendeloff 2004, 356). After the “truth” has been “told,” apology or restitution needs to take place (ibid). Those who advocate for truth telling mechanisms argue that justice can be served through the use of these mechanisms, social and psychological healing can take place, reconciliation can be fostered and finally, that truth telling can act as a deterrent for future crimes (ibid). Tepperman takes this point further, arguing that because of the reality that victims often “suffer in silence, airing the truth can be a powerful remedy indeed” (Tepperman, 145). It is widely accepted by those who promote truth telling as a way to achieve reconciliation that uncovering the truth can lead to healing, which then promotes reconciliation. The assumption here is that the cathartic properties involved in truth telling will necessarily lead to healing, and that healing necessarily leads to reconciliation (Brouneus 2010, 208; see also Lederach 1997). Truth telling can address the “cognitive dimension of conflict and its resolution,” which Political Scientist Franke Wilmer argues is necessary for reconciliation (Wilmer 1998, 93-4). Here, why the conflict happened and how it ended are critical to understand in order to engage with a process of reconciliation. In the same vein, noted Rwandan historian Johan Pottier argues that before reconciliation can happen, a “shared understanding of history” and “contextualisation [sic] of the drama” needs to occur (Pottier 2002, 126), which requires room for multiple interpretations of past events. Not addressing the past increases the chance of forgetting it, which can have a negative impact on the future for victims and perpetrators as individuals, and also as groups, because of the associated loss of self-esteem that is attached to forgetting facts of a violent past (Rotberg 2000, 7). Although there are considerable and important strengths, truth telling is not without its critics.

3.4.4 Weaknesses of Truth Telling

Truth telling may contribute negatively to the process of reconciliation, instead of positively. Even if the goal is catharsis for the perpetrator and the victim, there is always the risk that wounds may be re-opened or created, “increase[ing] tensions within and between communities” (Republic of Rwanda 2008, 72). In line with this last point is the troubling reality of focusing on victims’ memory of the past. Focusing too much on the past can be debilitating for moving on into the future, or even staying in the present moment. There is thus the challenge of deciding what to forget and what to remember in order to “move on” into the future. As Young has stated, “a capacity for forgetting coexists uneasily with an insistence on remembering” (2002, 557). The balance is a delicate one because there is a fine line between remembering too much (holding the person or society back from moving on) and remembering too little (trivializing deaths). Of course, memory is naturally selective (Huyse 2003a, 30), and thus is open to be abused and manipulated (ibid). In this way, and in line with Tepperman’s assertion, truth “turns out to be a surprisingly elusive goal” (Tepperman, 140).

The evidence for truth telling as healing has largely not been supported, in the literature, exemplified in Mendeloff’s assertion that the knowledge is based on faith rather than fact (Mendeloff 2004, 356). In Mendeloff’s words, “even perfectly functioning truth-telling mechanisms still rest on a number of factual and theoretical assumptions that are either dubious or highly contested” (ibid, 375). Thoms et al. have arrived at a similar conclusions, noting a “lack [of] clear evidence that truth telling produces psychological benefits for victims, or that healing at the individual level correlates with group-level reconciliation and other society-level outcomes” (Thoms et al. 2008, 21). This may be

because the institutions of truth telling are considered to be inherently political, and so psychological theories have not been viewed as having particular import (Rotberg 2000; Hamber 2009). Although the processes may indeed be political, more psychological theories need to be developed and tested on their impact in order to assess whether they help to promote reconciliation or do not. Further, reliance on one or the other, truth or punishment, is not very productive because the process must include both. Research focused on “healing the wounds of the survivors [and] reparation of the material and psychological damage inflicted on the victims” also “must be activated” (Huyse 2003a, 23). As the approaches to reconciliation are largely dominated by conceptions of justice, and the analyses thus structured within these frameworks, much on the role of psychological healing vis-à-vis effective reconciliation is left out. This thesis hopes to add to the growing literature of reconciliation from a multi-disciplinary perspective using the psychological needs-based model of reconciliation to analyze Rwanda’s state-led policy of national unity and reconciliation.

3.5 Ownership of the Process of Reconciliation

Another fundamental debate in the literature on reconciliation processes is that of ownership of the process. Reconciliation has been conceived as being either a “top-down” or “bottom-up” process in much of the literature. The questions within the debate centre on where the reconciling should be happening, and who should be involved (Huyse 2003a, 25). Rwandans “at the bottom” includes both “ordinary Rwandans” and “peasant Rwandans” (Thomson 2011b). This group encompasses the Rwandans who live outside of Kigali’s literal and figurative walls (far away from the centre of the country, and removed from elite-level decision-making processes) – a group that constitutes the majority of the

country's population. A "top-down" approach would be an approach that is initiated and maintained at a national level, theoretically with the effects trickling down from the state level to the Rwandan people.

Psychologist Dan Bar-On has argued that because of the political nature of the top-down approach, accountability for the politicians who execute from "above" is derived from the voters. For this reason reconciliation is considered more in terms of short-term goals, and "measurable results" are emphasized (Bar-On 2005, 180). In a way, reconciliation from the top stresses outcome over process. Contrastingly, advocates for the bottom-up approach generally tend to look more to the long term, considering reconciliation more as a process, "and are accountable to more disciplinary criteria of truth seeking or justice" (ibid). Who is discussing reconciliation, therefore, implies different understanding and application of the term in practice. As Bar-On states, "when both parties use the term 'reconciliation', one should be careful to test what is meant by the different aspects while using the same idiom" (ibid).

One researcher has argued that the "bottom up" approaches focus on the "population," while "top-down" approaches focus on "leaders and the media" (Staub 2006, 867). Along the same lines, a bottom-up approach has been defined as being more focused on "improved interpersonal relations among community areas," and the best way to improve these relations is to promote "local, home-grown reconciliation and grass-roots initiatives" (Huyse 2003a, 25).

3.6 Reconciliation and Interpersonal Relationships

The literature presents a common theme of attending to the interpersonal relationships of those involved in the process of reconciliation. Rebuilding relationships

as a main goal of reconciliation – to view each other as belonging to the same society with similar goals and values, is emphasized. As Wilmer explains, “[a]ny effort to reconcile a conflict must also rebuild real human relationships on this basis if a peace process is to become a stable peace” (Wilmer 1998, 106). Psychological scholars Ervin Staub and Daniel Bar-Tal (2003) have found that reconciliation hinges on “mutual acceptance” of the groups involved, as well as “the societal structures and psychological processes directly involved in the development and maintenance of such acceptance” (733). For reconciliation to be considered genuine (which admittedly is a difficult term to measure) for these researchers, “acceptance means trust in and positive attitude toward the other, and sensitivity to and consideration of the other party’s needs and interests” (ibid).

Rebuilding relationships after genocide requires “rehumanization,” because of “dehumanizing” elements of such a conflict. Not addressing this will lead to an unsuccessful attempt at reconciliation (Halpern and Weinstein 2004). According to this approach, reconciliation has the best chance when members of society become “interested in another’s distinct subjective perspective” (ibid, 563). Rehumanization involves a “changed psychological orientation toward the other,” (Staub et al. 2005, 301), where humanity is restored to members of both groups (see also Kelman, 1999). The restoration, or building of interpersonal relationships is central from this perspective because, “it is the interpersonal ruins, rather than ruined buildings and institutions, that pose the greatest challenge for rebuilding society” (Halpern and Weinstein 2004, 563). Further, the forming of relationships is key to the process of reconciliation, where there is a need to gain some level of trust to provide a catalyst for trust and interdependence (Bloomfield 2003, 10).

Top-down reconciliation has been argued, by former director of the Berghof Research Centre for Conflict Management David Bloomfield, to be inappropriate for reconciliation because “the authorities cannot impose trust and empathy by decree” (Bloomfield 2003, 26). A reconciliation approach such as this is argued by him to not likely produce the necessary individual action required of those involved in the process (ibid). Huyse has argued that reconciliation is based on the individuals who are involved in the process, and as such remain “at the heart of all reconciliation activities” (ibid, 22). Instead of attributing “primacy” to either the “bottom-up” or “top-down” approach, Bloomfield has argued that “the interaction between the two” should be emphasized (Bloomfield 2006, 26; see also Huyse 2003a). The two “complementary forms” include “top-down political reconciliation on the grand scale, and bottom-up interpersonal reconciliation” (ibid, 28). In line with Bloomfield’s assertion, this thesis maintains that both top-down and bottom-up approaches should be considered when attempting to understand any government’s policy of reconciliation.

3.7 Reconciliation in Rwanda

Reconciliation must occur at an individual level between the parties to reconciliation (victims and perpetrators) in order to gain insight as to the other’s perspective. The current Rwandan approach does not allow room for this, largely due to its top-down structure. A potential critic of this approach could assert that this conception of reconciliation is too individualized, and as such is not appropriate for a culture that has community values like Rwanda. This potential criticism can be met with Halpern and Weinstein’s finding that “interest in another as a person in his or her own right is captured in the traditional African value of ‘ubuntu,’ literally, ‘I am because you are.’ This comes

from the Xhosa saying: ‘A person is a person through persons.’ In practice, ubuntu refers to face-to-face understanding between two human beings” (2004, 565). The need for reconciliation to operate at this level is also heightened by the fact that it was ordinary Rwandans who slaughtered their fellow Rwandans. Even though it was initiated by a genocidal regime, Rwandans themselves took the actions. As Halpern and Weinstein note, “because ethnic violence is frequently intimate and relational, repair must also function at that level” (2004, 566). Evidence from *large-n* survey research in Rwanda, conducted by the National Unity and Reconciliation Commission (NURC) and published in 2010, has shown that Rwandans agree that the process must occur at an interpersonal level, as indicated by the findings in the table below:

Table 9: Parties to reconciliation

	Primary response		Secondary response	
	%	N	%	N
Rwandans and other Rwandans	33.2	983	25.9	759
Genocide perpetrators and genocide survivors	48.4	1434	15.9	466
Hutu and Tutsi ethnic groups	15.0	443	20.2	594
Civil society organisations and citizens	.9	27	1.5	45
Old case refugees and other Rwandans	.7	21	1.8	53
Citizens and leaders	.3	9	2.0	60
Leaders between themselves	.4	13	3.2	95
Rwandan government and the international community	.2	5	4.5	131
Other	.1	4	6.1	178
Refused	.2	7	2.4	71
Don't know	.5	15	16.4	482
TOTAL	100.0	2961	100.0	2935

Out of 2 961 people, the government’s study demonstrates that the primary parties to reconciliation are “Rwandans and other Rwandans” and “[g]enocide perpetrators and survivors” (Republic of Rwanda 2010a, 64). Clearly, the parties have been identified in terms of individual and collective relationships with each other, and not the government. The current process, however, is led and imposed by the government, and requires further analysis.

The Rwandan government defines reconciliation as a process that is,

a consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterized by trust, tolerance, mutual respect, equality, complementary roles/interdependence, truth, and healing of one another's wounds inflicted by our history, with the objectives of laying a foundation for sustainable development (Republic of Rwanda 2010a, 19).

In addition, the government has identified trust, especially building trust as being important for reconciliation (Republic of Rwanda 2008, 28). Further, the relationship between reconciliation and development has been shown in the Government's development plan, Vision 2020, where it was stated that, "[w]ithout successful reconciliation, political stability and security, *private investors will not develop confidence in the country*" (Republic of Rwanda 2000, 8, emphasis added).

Reconciliation is clearly valued by the GoR, even if the reason for its worth is a means to achieve higher confidence from donors.

The Rwandan approach to reconciliation employs both judicial and non-judicial mechanisms ("tools") to foster national unity and reconciliation. In terms of legal instruments, the ICTR was established to prosecute the most serious of offenders; neo-traditional *gacaca* courts were used to prosecute offences categorized as less serious than those prosecuted at the ICTR; new rules of citizenship, rights and protections were outlined in two new Constitutions (2003 and 2008); and various new laws were promulgated relating to sectarianism and genocide ideology, in theory to put an end to divisive speech and expression which could serve as the source of renewed violence. Non-judicial tools of national unity and reconciliation included the establishment of the

NURC as well as the promotion of new national symbols, emblems, genocide memorial sites, and the institution of annual genocide commemoration week.

The NURC enforces the national unity and reconciliation policy, and as such requires further brief explanation. The NURC was established on 3 March 1999, through the passage of Fundamental Law no 03/99 of 12/3/1999 (Republic of Rwanda 2007, 4). Programs under the NURC include *ingando* (re-education camps), *itorero re'igihugu* (described by the NURC as being “focused on ensuring ongoing peace and security and improving public service delivery,” Republic of Rwanda 2010a, 21), *igora* (defined by the NURC as “a radio broadcast,” *ibid*). In addition, the neo-traditional *gacaca* courts are within the administrative jurisdiction of the NURC, and are widely considered to be the most important sites for unity and reconciliation. *Gacaca* and *ingando* will be analyzed separately in a later section because of how highly valued the tools of reconciliation are as sites of reconciliation from the government’s point of view.

Judicial responses have been retributive (ICTR and the National Court of Rwanda as examples) and restorative (the neo-traditional *gacaca* courts, for example). The *gacaca* are often being cited as the primary site for this latter type of justice, focusing primarily on healing broken relationships of trust. The ICTR is viewed as inaccessible to many Rwandans, not only because of how far away the ICTR is geographically from most Rwandans (the Tribunal is in Arusha, Tanzania), but also because the language with which trials are conducted is not in the native Kinyarwanda language that the majority of Rwandans speak. To this, Amstutz adds that the critical shortcoming “is not inefficiency but the inadequacy of the criminal justice system itself in dealing with society-wide

atrocities” (Amstutz 2006, 554). This latter point touches on a part of the debate described earlier between retributive and restorative justice.

Depending on who is asked, the policy of national unity and reconciliation is either headed in the right direction (towards sustainable reconciliation), or it is not. Amongst the Rwandan government officials, and elite centred in and around Kigali who benefit from their decisions, there is general consensus that the current reconciliation process is headed in the right direction and that the policy is necessary to implement in order for future violence to be avoided (Republic of Rwanda 2010a). Indeed, Bloomfield has also made the argument that achieving reconciliation between victims and offenders after violent conflict is the best way to prevent the chance of becoming embroiled in conflict in the future (Bloomfield 2003), and this point is echoed in much of the literature.

Demonstrating optimism for the current government’s policy, Stephen Kinzer has noted in a recent book that Rwanda “has recovered from civil war and genocide more fully than anyone imagined possible and *is united, stable, and at peace*. Its leaders are boundlessly ambitious. *Rwandans are bubbling over with a sense of unlimited possibility*” (Kinzer 2008, 2, emphasis added). He portrays Rwandans as being “happy” with Kagame as their leader, and states that they are “not fearful that he is becoming a dictator” (ibid, 331). Extending the optimism, Clark has found that the actions of the NURC have been “extremely conducive to reconciliation” (2010b, 140). He argues that, “[the NURC’s] grassroots focus helps to empower survivors and local communities – they are treated not simply as beneficiaries of NURC’s work but as central actors upon whom the success of its mission depends” (2010b, 140). Although this sounds promising, the praise is tempered by the acknowledgment that there has not been agreement as to what the term

reconciliation means theoretically among researchers, nor amongst many Rwandans (ibid). Speaking to the latter group, a report conducted by the Institute for Justice and Reconciliation, commissioned on behalf of the NURC, noted that Rwandans were also confused by the term (Institute for Justice and Reconciliation 2005).

Despite the positive appraisal offered by Clark and Kinzer, many of the current academics who focus their research on post-genocide governance and reconstructive efforts of the current regime seem to agree generally on the bleak outlook for the future of reconciliation; however, the differences lie in the reason for agreement. Kinzer's account, especially, is treated with suspicion by many academics, as a blind acceptance of current governmental rhetoric, with noted Rwandan academic Susan Thomson going so far as to call it "little more than government propaganda" (Thomson 2009, 196), as the "research" that was conducted throughout his (non-academic) analysis only considered the viewpoint of government elites and presented mirror-images of the perspective of the government. Similarly, a recent International Crisis Group report noted that, "in the name of unity and national reconciliation, the various segments of Rwandan society are subjected to a paternalistic and authoritarian doctrine and cannot express themselves freely" (International Crisis Group 2002, *i*). There is an overwhelming consensus among academic researchers that the trajectory of the national policy of national unity and reconciliation does not promote long term reconciliation and also that political liberalization is not a reality, despite government statements to the contrary; where the difference lies is in the conception of what the most prominent factor is that is causing this to be the case.

Currently, the process of reconciliation is state-led and state-imposed, which presents obvious problems if (as it has been shown) reconciliation is to happen between individuals. Rwandans are not oblivious to the paternalism of the current government, as this Tutsi genocide survivor shows:

On the state, I have nothing to say. It is the state that organizes reconciliation without consulting us, without consulting the wise men. It is the state that does what it wants. The state decides what needs to be done...the state says 'you do this' and you clap your hands... (Ingelaere 2010b, 284).

From a peasant perspective, it is apparent that the process has been exclusive in not including the Rwandan *people*. This is echoed in Longman and Rutagengwa's research, where it was noted that, "many of the people felt that the population, if left to its own devices, would be able to achieve reconciliation and maintain peace" (Longman and Rutagengwa 2006, 255). One participant noted, "We folks in the countryside, we have already achieved our reconciliation. The survivors and others share everything together and have even started marrying one another again. But at the same time, we see problems at the top" (ibid). Here, it is evident that Rwandans have singled out a problem "at the top," which most likely involves the politicized nature of the process which is the form of reconciliation currently in place.

The paternalistic ways of the government should be cause for worry about future peace and security within Rwanda because of the destructive effects in the past of a same approach. A strong contributing factor to the reason for the genocide was the deference of Rwandans to authority. Hodgkin illuminates this point: "Many people did not analyze orders to exterminate all Tutsi 'cockroaches;'" they did not question the authority of those in power. They obediently picked up weapons or tools and began to kill" (2006, 205).

Ingelaere adds to this that, “it was precisely a highly top-down, authoritarian, and non-democratic set of institutional structures and exercise of power that was of crucial importance in the administration of the genocide” (2010b, 292). Even though there has been expressed commitment at the level of rhetoric that reconciliation is a process that is ever-changing, evidence of government practice demonstrating the suppression of varying historical interpretations shows that history and reconciliation cannot occur at the same time, and that reconciliation is a goal to be achieved (Hodgkin 2006). If it really was considered to be a process, then the people would have a say and be encouraged to participate.

3.8 Concluding Remarks

Reconciliation is not between the government and the people, and this alone is reason enough to not have a reconciliation policy that is constructed at the state-level and forced onto the wider citizenry. Although there has been a push in the recent years among scholars to examine the effect of the reconciliation policy on the peasant Rwandans who live outside of the figurative and literal periphery of Kigali (Ingelaere 2010b; Thomson 2011b; Hintjens 2008), there has been less of a focus on the type of psychological reconciliation that Rwandans may require in order to move forward towards sustainable reconciliation. My study attempts to add to the limited knowledge in this specific area through the use of the psychological needs-based approach to reconciliation, which has been chosen because it is a theory that directly aims at the psychological repair of relations between victims and perpetrators. Even though the Rwandan government would like to portray the country as having largely overcome the ethnic divisions, the interpersonal relations remain intense beneath the surface.

My analysis of the Rwandan case study of reconciliation after genocide reconfirms the conventional wisdom of most Rwandan scholars that the government acts as a barrier to reconciliation, but uses a psychological-based approach to reconciliation in explaining why this is the case. The thesis therefore provides a unique approach to the study of post-genocidal Rwandan governance and reconciliation. Reconciliation, throughout the course of this work, shall be understood as being an adaptive long-term process that requires the individual to engage in constant self-reflection. It is also understood and treated as a desirable and worthy goal to pursue – for the Rwandans living in Rwanda, Rwandans not living in Rwanda, inhabitants of the larger Great Lakes region in Africa, and to those people who care about preventing conflict in the future no matter where they reside.

CHAPTER FOUR

THE PSYCHOLOGICAL NEEDS-BASED MODEL OF RECONCILIATION

4.1 General Psychological Considerations Regarding Reconciliation

In the previous chapter, it was argued that because of the interpersonal nature of the genocidal violence, an approach to reconciliation necessarily must be attentive to the psychological damage of both victims and perpetrators. The needs-based model of reconciliation will thus be used throughout my analysis of Rwandan tools of reconciliation (the subject of the next chapter) in an attempt to fill this gap. The aim of this chapter is to demonstrate the various aspects involved in psychological theorization of reconciliation, as opposed to conceiving it in terms of punishment and restoration. In a way, the following approaches appeal to themes inherent in the restorative justice paradigm; however, they differ from the previous approaches in that the goal is to address the *psychological needs* of individuals who are considered to be both perpetrator and victim.

Intergroup reconciliation from a psychological perspective has been defined as “*a process that leads to a stable end to conflict and is predicated on changes in the nature of adversarial relations between the adversaries and each of the parties’ conflict-related needs, emotions and cognitions*” (Nadler et al. 2008, 4, original emphasis). This conceptualization of reconciliation demands that the person who is involved in the process be ready for changes to take place at a psychological level. A potential benefit of employing a psychological approach is that it can produce feelings of empathy and can

promote healing on a unique individual level. The mind is the most important site for change within this framework, and changing minds and perceptions is the only way to effectively reconcile. Working through the past, Masi Noor, Rupert Brown, Roberto Gonzalez, Jorge Manzi and Christopher Alan have claimed that individuals are able to go from “a powerless past to the potential positive future” (Noor et al. 2008, 819-820). Agency is crucial to be restored for those who are involved, and the literature is unanimous in that this process must be done on an individual basis.

Dr. Ervin Staub has approached reconciliation from a psychological standpoint and has found that the wounds that were acquired during the course of violent conflict necessarily impact the psychology of the persons involved (i.e., the way that they view themselves and others), and as such, need to be addressed in a way that specifically targets the psychological damage incurred. This approach is a unique one to take in assessments of the reconciliation policy, and thus needs to be further investigated.

Healing is a prominent goal of the restorative justice framework, and is also a central component of psychological models of reconciliation. In the psychological literature, healing is understood as “psychological recovery” (Staub 2006, 868). In order for this healing to take place, according to Staub, the reason certain actions were taken (from a perpetrator standpoint) and experienced (by the victim) need to be rigorously analyzed (ibid). Addressing the denial of these needs in the past enables the participants to address their fulfillment in the future. The willingness of the victim and perpetrator to reconcile is largely dependent on whether and how the past needs and future needs are dealt with (ibid, 871). According to this theory, both victims and perpetrators experience trauma throughout the course of the violence. The victims are traumatized for being

victimized, and the perpetrators are also traumatized because of their actions. The perpetrator experiences the trauma through participation, while the victim experiences it because of being the target of the violence (ibid, 872). Healing within the psychological understanding of reconciliation involves an appeal to the emotional reason for, and impact of, the violence. The emotions that have been excited throughout the course of the violence for both the victim and perpetrator cannot be erased completely, and in fact need to be addressed in order for both groups to become more willing to reconcile (Shnabel et al. 2008, 160). Emotions related to conflict are best conceived as “the need for empowerment and the need for acceptance” (for an expansion on these terms, see Shnabel and Nadler 2008, as well as Nadler and Shnabel 2008). In this conception of reconciliation, the process is defined in terms of “*removing conflict-related emotional barriers that block the way to healing a discordant relationship* and distinguish between *instrumental reconciliation and socioemotional reconciliation* as two paths to removing conflict-related barriers” (Shnabel et al. 2008, 161). As instrumental reconciliation and socioemotional reconciliation are integral to this theory, they must be better understood.

4.2 Instrumental versus Socioemotional Reconciliation

4.2.1 Instrumental Reconciliation

The primary goal of instrumental reconciliation is to effect a change in the nature of relations between hostile (or previously hostile) groups from negative to positive, creating conditions that at least provide for a cessation of conflict and can promote coexistence. Temporally, the aim is long-term reconciliation, and the process unfolds in an organic and gradual way. Trust is meant to replace “enmity” and negative perceptions are to be replaced with “relatively positive perceptions of the other” (Nadler et al. 2008,

6). According to this theory, relations are improved with the increase in contact between groups. In this way, the theory draws on the “contact hypothesis” (the theory that relations improve as interaction increases, Nadler et al. 2008, 7). This theory is forward looking in the sense that the “continuous contact in the *present*” will set the stage for a “*reconciled future;*” whereas socioemotional reconciliation is more backward looking – the past is directly confronted in an effort to achieve the same result of a reconciled future (ibid). Socio-emotional reconciliation is a model of reconciliation that the needs-based model is rested upon. For this reason, it is important to consider the main principles of this theory as well.

4.2.2 Socioemotional Reconciliation

This theory holds that identity becomes threatened when an individual or group is continually made to feel “pain and humiliation” (Nadler et al. 2008, 7). This pain and humiliation inevitably leads to “feelings of guilt or victimhood that constitute barriers to ending conflict” (ibid). The processes of this theory attempt to eradicate these barriers, which ideally happens

when a perpetrator accepts responsibility for past wrongdoings, expresses remorse, and is subsequently forgiven by the victim...*this process restores the parties’ feelings of self-worth and self-respect thereby promoting their willingness for reconciliation* (ibid, emphasis added).

The reference to the self is characteristic of the psychological approaches of reconciliation, and considered to play a pivotal role in the outcome of the reconciliation process – whether it continues on progressing, or if it comes to a halt. Relations with others may not, thus, be considered independent from the self, as the self is where the

decision comes from to reconcile or not.

4.3 Unpacking the Needs-Based Model of Reconciliation

Nurit Shnabel and Arie Nadler have developed the needs-based approach to reconciliation, which will serve as the theoretical foundation on which an analysis of Rwanda's tools of reconciliation will be analyzed. The authors have argued that both groups (victims and perpetrators) "have unique psychological needs that must be addressed in order for 'improved relations'" to take place "after a period of victimization" (Shnabel et al. 2008, 159). The unique psychological need of the victim is empowerment and for the perpetrator, Shnabel and Nadler argued that they "must realize some level of moral acceptance by the community (ibid). These concepts will be fully explored below. This model is an effective one to use in the Rwandan case because it is specifically designed for groups that have been involved in seemingly intractable conflict (genocide, in this case) and addresses the main players in the reconciliation process – the victims and the perpetrators. The model has been subjected to empirical testing (see for example Staub et al. 2005), and has found both internal and external validity in its claims, and can be supported by other like-studies that are focused on reconciliation in the aftermath of conflict between groups of individuals who were involved in some way.

The model is made up of three fundamental premises. The first is that the victim's sense of power, and the perpetrator's "moral image" has been damaged throughout the violent conflict. Secondly, and as a result of the first premise, victims begin to feel that their sense of power and status should be restored; perpetrators feel a unique need to be accepted. Finally, validation on an individual and group level must occur between victims and perpetrators (ibid, 174). This means that the empowerment of victims can only come

through an apology by the perpetrator, and for the perpetrator, acceptance can only be granted by those morally in a position to do so – must come from the victims themselves.

In order to engage in this model of reconciliation, participants admittedly must be willing to participate. There is no room for forcing the individuals to either apologize or accept the apology, as the process depends on voluntarism.

The victim must fulfill the need of empowerment because during the “period of victimization,” a sense of control and autonomy was taken away (ibid, 161). This has been corroborated by other research by Staub, who argues that throughout the genocide, the victims were devalued and their humanity denied by those perpetrating violence against them. Their basic human needs such as “security [,] feelings of effectiveness and control over important events in one’s life [,] positive identity [,] positive connections to other people and communities, [and] comprehension of reality and of one’s own place in the world” are seriously compromised (Staub 2006, 871).

The perpetrators are seen, on the other hand, as needing acceptance and “assurance that their victims or other members of the moral community do not reject them” (ibid). Lastly, the thesis is predicated on the premise that if these needs are satisfied, the chance for the victims and perpetrators reconciling is considerably higher than if these needs had not been met. In other words, their *willingness* to reconcile increases as their *unique psychological needs* are met (ibid). Violent conflict impacts perpetrators in a different way than is experienced by victims. Perpetrators engage in the violence, usually targeting “an already devalued group” through continuing to devalue members of the other group “and excluding them from the moral realm” (Staub 2006, 872). An understanding from a perpetrator perspective that they themselves are responsible for the wounds can “lighten

their weight and may enable people to begin to assume responsibility and undo the transformation (ibid, 873). In this way, perpetrators can induce healing for themselves, and humanity on a larger scale. Their “personality and values” can be changed through recognition of such responsibility (ibid). They draw on research from Tavuchis (1991), who has shown that “when perpetrators are accused of violating conventional moral standards or deviating from group norms, they may fear exclusion from the ‘designated moral community’ to which they belong” (ibid, 165). Finally, where perpetrators are concerned, it is crucial that wherever and whenever approaches to justice are invoked, the perpetrator feel as though there is not as much judgment as there is moral validation (ibid, 180). Reconciliation, then, from this model involves a “two-way-street” mentality: not only do the perpetrators have to apologize, but they must also feel accepted by the people that they value as members of the moral community. An adversarial attitude will not work in this model.

The psychological needs-based model of reconciliation can be applied in other like-situations. That is, the model can be used in situations where there has been a period of victimization relatively recently, is trying to reconcile interpersonal relationships, and where the perpetrators and victims can both be included in the process. It may not be as effective, for example, in a case where the period of victimization was hundreds of years before. Intimate violence, such as the kind of violence that was happening in Rwanda (neighbours killing neighbours) produces conditions where the model can and should be invoked. This is an important point to keep in mind when judging the model’s applicability in other areas where reconciliation is a goal.

As recently as 1986, focus after conflict was largely to punish perpetrators, instead

of improving relations between victims and perpetrators (Shnabel et al. 2008, 160). The theory began to be developed alongside the onset of tendencies to value “emotional” aspects of reconciliation, including the development of programs directed at healing and trust in societies after conflict (the implementation of TRCs are recent examples of this tendency), which are focused on “mutual respect, acceptance, compassion, and justice” (ibid). In addition to this, the shift to approaches that deal more with emotions has largely been a result of making apologies part of the post-conflict reconstruction of communities (ibid).

I prefer this model to other models of reconciliation because of its reciprocal nature – the victim accepting the apology at once enhances their own sense of power, and provides the level of acceptance that the perpetrator desires from those s/he has harmed. This is contrasted with more unilateral approaches dealing specifically with victims, which tend to be focused on revenge or avoidance (see for example McCullough et al. 1998, Akhtar, 2002; Frijda, 1994). Other research by Sociologist Nicholas Tavuchis has confirmed the hypothesis of the needs-based model that considers perpetrators to be acceptance-seeking actors after conflict. For example, he has argued that perpetrators of violence employ three different mechanisms of downplaying responsibility for their actions, including “excuses (admitting the harm caused but denying actual moral responsibility), justifications (admitting moral responsibility for the act but denying that it was harmful or immoral) or refusals (refuting the evidence or contesting the authority of the claimant” (cited in Shnabel et al. 2008, 168). These approaches are not likely to increase the likelihood for reconciliation because of the resultant effect of any zero-sum game: what one party gains occurs at the expense of the other.

This model of reconciliation does not necessarily require the acceptance of the other individual or group's interpretation of events, but requires that it be at least acknowledged. This is done in order to remove "the other" from the individual's conception of him or herself (Shnabel et al. 2008, 162). The model attempts to uncover the reasons for why being a victim or perpetrator would enhance the psychological need of empowerment in the first case, and acceptance in the latter. The model also highlights the ways in which fulfillment of these psychological needs may contribute positively to the chances for individual reconciliation (ibid, 164).

Within this theory, the terms acceptance and empowerment as psychological needs also correspond with basic human needs. As Shnabel et al. have found,

"the resources most threatened for victims fall under the category of 'status' (e.g., relative power, control, autonomy, sense of competence, and respect), whereas the resources most threatened for perpetrators are subsumed under the category of 'love' (e.g., social acceptance, belongingness, and relatedness). These two human needs, the need for *love and belonging* on one hand and *power and status* on the other, constitute the core of interpersonal experience" (ibid, 165).

In the first case, love and belonging, most directly relates to the psychological needs of the perpetrator, while power and status are both needed by the victim. This model holds that whenever increased "successful" interaction between the victim and perpetrator can take place, this reduces both the sense of powerlessness for the victim, and the feeling of being morally inferior for the perpetrator (Shnabel et al. 2008, 166). Forgiveness and apology equally play important roles throughout each of the stages in this model. The "apology-forgiveness cycle" includes an apology from the perpetrator, which is ideally

followed by forgiveness on the part of the victim (ibid). Here, when a perpetrator apologizes, not only is forgiveness being sought, but also acceptance as a human being who is a moral individual in the community. If and when the victim accepts the apology, the acceptance for the perpetrator is affirmed, and the victim also feels a sense of power in granting such forgiveness (ibid). Forgiveness has been argued to be “a response to forgo negative emotions, thoughts, and actions (e.g., revenge) in the face of the wrongdoing” (Noor et al. 2008, 820). In addition to restricting negativity, forgiveness has also been argued to promote empathy (ibid). This is substantiated within the literature on interpersonal forgiveness, where forgiveness was more likely if feelings of empathy for the offender were aroused, as opposed to forgiving for other reasons (ibid, 821). My conception of forgiveness is the same as these researchers, who view forgiveness as an action that can be committed only by “the victim group alone,” (ibid, 830) and thus cannot be imposed. Further, and in line with the psychological needs-based approach, forgiveness allows the victim to assert control over their future, even after having lost it in the past.

In the following section, it will be shown that the current approach does not permit Rwandans to openly address and discuss with others important psychological needs such as “justice and equality, feelings of victimization or guilt” (Nadler et al. 2008, 4), and because of this, the reconciliation process is at risk.

CHAPTER FIVE

**ANALYSIS OF RWANDA’S STATE-LED POLICY OF
NATIONAL UNITY AND RECONCILIATION**

5.1 State-Led Knowledge Construction

The Rwandan government has repeatedly demonstrated that it has every intention of having complete ownership over the process of reconciliation, even while admitting that the process itself requires consensus of the people. Knowledge is produced at “the top,” state-level, and forced upon Rwandans without their consent. Citizens are expected to digest state-produced knowledge without contesting any aspect of it, and deviation from the official narrative is met with heavy resistance. The purpose of this chapter is to demonstrate the ways in which the GoR has effectively prevented the majority of Rwandans from having ownership over the process of reconciliation through enforcing specific parameters within which history, memory and ethnicity can be understood. The government has largely been successful in this endeavor, and as such effectively acts as a spoiler to the process of reconciliation it is supposedly committed to.

The overall findings are that through the government-led policy of national unity and reconciliation, the government fosters neither the space for Rwandan victims to gain empowerment over the process (as the power of reconciliation lies in the hands of policymakers and state authorities concerned primarily with maintaining this power), nor does it allow space for perpetrators to be accepted as moral citizens within the community (through assigning collective guilt to all Hutu).

5.1.1. Official Historical Narrative of Pre-Colonial Rwanda

Who controls the past, controls the future. Who controls the present, controls the past.

George Orwell

The GoR is creating an historical past by being selective in what it includes and excludes in its depiction of Rwanda's past. This is done in an effort to present pre-colonial Rwanda in a way that better suits the political needs of the RPF, that is – that relations were void of any ethnically-based dimension, or that ethnicity was created by the colonizers, which stands against research that has been conducted since, by some of the most prominent African historians (Vansina 2004; Pottier 2002; Newbury 1998; also see Mamdani 2002). According to its official depiction of the country's pre-colonial history, the Government states that

[f]or centuries, Rwanda existed as a centralized monarchy under a succession of Tutsi kings...[t]he king was supreme but the rest of the population, Bahutu, Batutsi and Batwa, lived in symbiotic harmony. In 1899, Rwanda became a German colony and, in 1919, the system of indirect rule continued with Rwanda as a mandate territory of the League of Nations, under Belgium (Republic of Rwanda 2011).

Here, the Government maintains that relations were harmonious between Rwandans of different ethnicities for centuries, but there is also the implication that this state of harmony was disrupted when Rwanda was colonized in 1899. The image of unity is reinforced in Vision 2020, which states that during the pre-colonial era, there were “no internal problems and everybody contributed to defend the nation” (Republic of Rwanda 2000, 27). In terms of ethnic division, the official historical records states that, “Since the 11th century...the unity of the Rwandan nation was also based on the clan groups and

common rites with no discrimination based on ethnicity” (ibid 5, emphasis added). During colonialism, it is the position of the government that ethnic divisions were produced:

the Belgian administration applied contemporary Darwinian theories, thereby deeply dividing the people of Rwanda. This unfortunate development can be seen as laying the foundations for periodic mass killings even after independence was gained in 1962, culminating in the 1994 genocide (ibid).

Therefore, from the perspective of the government, Rwandans lived in unity, lasting until colonialism, when racist policies divided the country.

Historian Marian Hodgkin has found that this official history has successfully permeated the educational system. In a 2004 national writing competition, Rwandan students were asked, “[b]ased on the history of Rwanda, what can we the youth do so that genocide should never happen again?” Every single one of the 3 000 essays were found to be structured in the exact same, formulaic way, with each student first providing a national historical record, followed by actions and goals for the students to achieve to prevent recurrence of the genocide (2006, 203). Hodgkin found that the historical records mirrored the official government interpretation of history:

When the white men arrived in Rwanda, they found a land that was under the rule of the king, sharing unity and patriotism... after the arrival of the white men, the situation changed—the youth were taught segregation based on ethnicity, regions and other ideologies (ibid, 204).

This shows that the government has been relatively successful in its creation of an historical narrative that is accepted by some Rwandans. This acceptance only goes so far, however. As mentioned, the official narrative differs considerably from the accounts of multiple Rwandan and Central African historians, especially in terms of the genesis of

ethnic categories and identification, some of which whom have called the RPF's version of pre-colonial history "a discarded, idealised [sic] representation" of social reality (Pottier 2002, 110). Most historians have found that "Rwanda's ethnic terms had pre-colonial antecedents" (Potter *ibid*; also echoed in Vansina 2004 and Newbury 1998). The generally accepted conclusion among these historians is that the ethnic groups existed but were politicized during colonialism. Contrary to living in "symbiotic harmony" as the GoR states, other historians have found evidence that pre-colonial Rwanda was rife with social inequality, where power was routinely abused and arbitrarily used (Newbury 1998, 12).

Considering these two opposing views, it must be asked: Why would the GoR want to present pre-colonial Rwanda as a place free of ethnic division? Why does it matter to the current government if it depicts Rwanda in this way or in a way that is closer to other accounts?

Holding true that there were no ethnically based divisions before colonialism strengthens the Government's argument that Rwandans can exist without ethnicity, which is a central aspect of the national unity and reconciliation policy. The rationale is that, if Rwandans were able to exist peacefully before colonialism, because there was no ethnicity, then it is possible to return to this ethnicity-free (or ethnically homogenous, depending on one's interpretation) situation again in the future. The official narrative, including history pre- and post-genocide has been manipulated to suit the interests of the current regime, and anyone or any party that deviates from this official line is punished (Penal Reform International 2010; Waldorf 2009; Thomson and Nagy 2011). This notion that the powerful use history to preserve self-interest is a perception of the Rwandan

people, as well. Surveys conducted by Longman and Rutagengwa found that, “49.2% of respondents agreed or strongly agreed with the statement ‘whoever is in power rewrites Rwandan history to serve their own interests,’ while only 21.7% disagreed or strongly disagreed” (2006, 246). These statistics are alarming because of the way that history is treated in Rwanda. As a former GoR Minister living in exile explains, “the meaning of history is important to Rwandese. Power is history and history is power...[t]he structure of power is constructed on the construction of history” (cited in Eltringham 2004, 148, but was stated in 1999 by the Minister).

Presenting pre-colonial Rwanda in this way presents a distorted picture for those who are interesting in creating harmony in Rwanda, by “[giving] people unfamiliar with the country the false sense that today the clock can easily be turned back to those harmonious times before the Europeans arrived ‘to change all that’” (Pottier 2002, 118). Moreover, if knowledge is taken to have the same or similar meaning to truth, then the idea that a government creates truth and then controls the spread of this specific truth in the population is very worrisome, especially when happening in a country whose government claims to be democratic.

Knowledge production at the state-level for self-serving purposes does not end with pre-colonial half-truths. Beyond fabrication of pre-colonial history, the government has created and enforced a particular version of the genocide for the same reason, which has meant that some Rwandans are effectively excluded from the process of reconciliation. Narratives are now being controlled at the macro (state, nation-wide)-level, which causes micro-level narratives to be excluded. The idea of having one true history is problematic, and a tactic of the genocidal regime to incite violence – it took an absolutist

form (Eltringham 2004, 148), which is problematic to take again because of the same risks for potential violence. There are “competing histories” that need to be accounted for (Newbury 1998, 9), in order for the past to avoid being manipulated to serve the present regime’s agenda (Cohen 1995). Elisabeth King has found that there are four categories of memory in Rwanda: First, are the “recognized Tutsi memories,” which generally fit in with the Government’s narrative – these narratives reinforce support for the RPF, and are “the most prominent genre of narrative in post-genocide Rwanda” (King 2010, 298). Second, are “somewhat recognized Hutu memories,” which involves those individuals that are officially recognized as trying to save targeted Tutsi from violence. These individuals are recognized at Gisozi panels under the heading “Resistance to Genocide” (ibid). Third, are the “unrecognized Hutu memories,” which include crimes committed by members of the RPF/A forces during and especially after the genocide (ibid, 299). Even against mounting evidence, implicating members of the RPF/A in these crimes, very few of the crimes have been accounted for, and many remain untried. This is discussed at length in a later section. Fourth, there are the “unrecognized Tutsi memories,” which include accounts that conflict with the RPF’s official version, often consisting of fearful feelings towards the RPF (ibid, 302). Fifth and finally, are the “unrecognized memories of ethnically mixed Rwandans,” which include accounts that do not fit into the dichotomous conception of participants in the genocide – victim and perpetrator – because of their ethnically mixed heritage (ibid, 296). For example, there are some examples where Hutu women married to Tutsi men were repeatedly raped during the genocide and are not considered to be victims because of the nature of ethnic identification – if the woman is Hutu and her husband is Tutsi, she is from their marriage-onwards a Tutsi. After the

violence, these women are not able to claim victim status because they did not try to save anyone (which would place them in the “somewhat recognized Hutu memories” category), and are Hutu (ibid, 302). These different categories of memory also symbolize the different social categories within Rwanda.

Unfortunately, trying to rid society of ethnic difference has the effect of creating more division than unity because it restricts the room for discussion about the past and also prevents “honest engagement” with difficult historical events (Clark 2010b, 138). In order for victims and perpetrators to become ready to at least begin the reconciliation process, victims need to feel empowered again and perpetrators must feel a level of acceptance in the moral community in which they live. If the government continues to accept only certain narratives as true, victims may continue to feel as though they have no power, and perpetrators will feel as though they are not welcome (as their narrative may not be an acceptable one). The following sections outline the way that the state-led policy of national unity and reconciliation operates in practice, with the ultimate goal of showing that psychological needs of victims and perpetrators are not being fulfilled.

5.2 Enforcing State-Led Reconciliation

5.2.1 Memorial Sites

The strategy of the RPF, evident in its official narrative, is to present the Tutsi group as one that historically has been persecuted (Republic of Rwanda 2011, emphasis added). Promoting the “recognized Tutsi” category helps to consolidate power because it was the RPF who ultimately put an end to the violence in 1994. This is shown in one of the panels at the Gisozi memorial site, which states that, the “Path to a ‘Final Solution’ began long before the 1994 genocide when over ‘700,000 Tutsis were exiled from our

country between 1959 and 1973,” (King 2010, 297). Further, the commemoration ceremonies are hijacked by speeches by the government (usually Kagame) that speak on behalf of all victims, which have been found to “take over private mourning of the survivors and transform it into a collective mourning in the name of considerations that are not theirs” (Vidal, cited in Reyntjens 2011, 27, originally in French). The effect of this, from a psychological needs-based approach, is that victims are being denied control over a process of mourning that should be their own. If the government is to oversee the erection and maintenance of commemoration sites, then it must allow space for the different narratives, and not just promote one narrative that leaves a lot of the truth out.

Commemorating the genocide has been rife with problems that stem directly from the government’s method of commemoration: promoting its own agenda and uncontested narrative of the events.

Even the national memorials are not exempt as a site for the dissemination of the national historical narrative. The memorials went from being relatively neutral in the beginning years after 1994, but then turned into an arena for blatant official rhetoric (Hintjens 2008, 22). In terms of meaning, this is especially problematic because of the “hegemonic” character that the official narrative has taken (ibid) – by categorizing individuals (involved and affected; perpetrators and victims) in rigid ways (Hutu and Tutsi, respectively), and also outlining the contemporary role of individuals, based on these categorizations.

The Kigali Memorial Centre (Gisozi) is arguably the most important site of commemoration of the genocide, and the only one that has overtly allowed “narration”(King, 295). Recently, the site has been subjected to two grenade attacks

(ibid), demonstrating at least some people's objection to the site itself, the way that the genocide is portrayed, or perhaps both. The backlash may be related to the fact that there are only victims and perpetrators in the eyes of the government where the genocide is concerned. This is shown at another panel at Gisozi, where text reads, "Rwanda had turned into a nation of brutal, sadistic merciless killers and of innocent victims, overnight" (King 2010, 299). Here, there are only two groups of people for any given individual to fit into: brutal, sadistic merciless killers and innocent victims.

There are many Hutu that had family members die during the genocide, for either not participating in the violence or for being identified as a known friend of Tutsis – many, many Hutu also died. As Hintjens argues, some families of victims of RPA/F reprisal killings "wanted their relatives recognized as victims of the genocide and civil war. Yet officially the position is that 'moderate Hutu', as they were officially referred to, were mostly killed during the genocide; those who were not are not survivors – they are just lucky" (Hintjens 2008 23). These families (including relatives and friends) have demanded (and have a right to demand) that their family members be given recognition during these commemorations, and are being denied this right by the government, which chooses to only discuss the Tutsi victims. This is a problem because of the lack of denial, but also because, through the neglect of recognition, the fact that some Hutu also died is not acknowledged, enhancing collective Hutu guilt in crimes during the genocide. The rigidity of Tutsi as victim and Hutu as perpetrator has implications for the psychological needs of members of both groups. By alienating the Hutu group, largely responsible for so many lost Tutsi lives, apology and forgiveness cannot take place. Alienated individuals may become hostile towards other people in the community if they are constantly being

made to feel excluded. Feelings of exclusion and alienation are not positive feelings, and it is hardly likely that perpetrators who are made to feel alienated will be willing to ask for forgiveness. Forgiveness cannot happen (arguably) without apology, and so the victims are denied the chance to feel empowered, as well.

The reason that the memorial sites were created in the first place was ostensibly to foster reconciliation, but they serve in reality as a reminder to the Hutu population that their story will not be heard, and that the genocide in a way belongs to only the Tutsi that were slaughtered. In the next section, other tools that have been designed by the government to “foster reconciliation” will be examined, with the ultimate finding that these tools are weapons of the current national regime, used to strip power from the people of Rwanda over their own process of reconciliation, and further alienate large segments of the population.

5.2.2 *Gacaca*

After the violence had officially ended, there was little if any system left that could support the prosecution and sentencing of suspects. An already fragile system was further overburdened with too many people to prosecute with too little resource capacity to do so. It is generally accepted that there were around upwards of 100 000 charged, and held in prisons that only had the capacity to hold 18 000 (Penal Reform International 2010, 13). In 1998, researcher Mark Drumbl noted that there were under 40 defence counsel in Rwanda to represent almost 130 000 accused persons. In addition to the severe shortage of counsel, the majority of barristers had no previous exposure of, or involvement with, the Rwandan legal system (Drumbl 1998, 549-550). That same year, the GoR began to think of alternatives to its current judicial setup and proposals to

formally institutionalize *gacaca* for this purpose were brought forth in 1999. *Gacaca* was fully installed in its neo-traditionalist form under the NURC on January 15th, 2005 and ended in March of 2010.

Gacaca means “justice on the grass” in Kinyarwanda, one of the official languages in Rwanda. It has traditionally been an important part of rural Rwandan community, acting as an arena to informally arbitrate disputes between consenting parties, usually regarding property issues. The differences between the old institution of *gacaca* that were set up as an alternative dispute resolution mechanism (reserved for petty crime) and the new institution that is responsible for conducting trials including genocidal acts are vast. So vast, that many argue that they should not even be labeled “traditional” anymore (Waldorf 2009). The nature of the process has substantially changed in terms of what it aims to achieve and how to reach these stated goals. The transformation of the *gacaca* trials from ones formerly dealing with more petty crimes to ones used for the prosecution of crimes relating to genocide has impacted the way that Rwandans experience and value them.

The goals of the most recent *gacaca* system have been stated by Penal Reform International as:

accelerate trials...reduce the cost of
Government...[provide room for] community
participation...uproot the culture of
impunity...[introduce] innovative approaches to
criminal justice [and] [promote] healing and national
reconciliation (2010, 14).

The contemporary institution of *gacaca* no longer concerned itself with ad hoc situations, but was planned, moving it further away from its original spontaneous character it once had. In order to work, it also had to include every individual in the administrative cells

throughout all regions, and participation was therefore mandatory. In the addition of having the citizenry involved (the “General Assembly”), 19 local “persons of integrity” (*Inyangamugayo*) were in charge of overseeing and adjudicating the trials. It changed from being private, with only the affected parties involved, to being public and state-driven, involving the whole community in the process (Penal Reform International 2010). They became formal and institutionalized – their law is no longer considered to be “customary” because of the codification of laws of their processes.

In a public opinion survey conducted from 2005-2007 by the NURC, it was found that “overwhelming majorities of the general population (99%) and the survivor population (92%) believe that the *gacaca* is an essential step toward peace and reconciliation in Rwanda” (Republic of Rwanda 2008b, 6). Amstutz’s findings also show that *gacaca* is a useful site for reconciliation (2006), but most of the literature on the issue of the Gacaca system being a legitimate method of promoting reconciliation is negative. Lars Waldorf has found that from a human rights perspective, the fact that the suspected and identified offenders on trial do not have legal assistance or representation is alarming. Having a fair trial is of the utmost importance when seeking out truth and fostering real reconciliation. He has also noted some further deficiencies in the system in some of his work. First, the system does not provide adequate reparations for victims; second, it lacks accountability for those outside of the defined categories of victim (the Tutsi population and “moderate” Hutus) and perpetrator (members of the Hutu ethnic group), allowing crimes committed outside of these categories to go unpunished; third, and finally, it does not allow for a forum that specifically addresses sex crimes. Further structural problems in the system relate to “popular participation, truth-telling, and reconciliation” (2006, 63).

To this, Rettig adds that the system is also troubled by “lies and half-truths,” and an over-dependence on witness testimony, complicating an already tenuous process. *Gacaca* has also been presented as a form of “victor’s justice,” where the Hutu are assigned collective guilt (Corey and Joireman 2004). This adds credence to the finding that an “unexpected result” of the *gacaca* trials has been to reinforce, rather than help assuage the divisions that exist between members of different ethnic groups (Eramian 2009).

Sarkin, Waldorf and Penal Reform International have argued that *gacaca* is problematic primarily because of how inappropriate the system is for the purposes of trying cases of genocide. Sarkin in particular believes that their modern transformation will lead to an inability to use them in the future as what they were initially set up to be. Beyond this, he also has suggested that the *gacaca* system does not operate in such a way where victims and perpetrators can really communicate honestly, and until that happens, reconciliation is not possible. To this, Drumbl adds that, “all that a trial can do and all that it should do [...] is determine the objective truth about the guilt or innocence of the person who is accused. At most, there may be some resultant public catharsis. It is short-sighted to view this catharsis, and the judicial intervention which gives rise to it, as a substitute for political inclusion” (Drumbl 1998, 635).

In other words, there needs to be something more, beyond legal tools, to promote reconciliation, primarily because some of the legal tools are not properly suited for the task of reconciliation advancement, nor should they be. The “something” needs to be more inclusive of the parties involved (his stance is that there should be more victim involvement); something that the trial process may masquerade as doing. Trials are not meant to repair relationships, and should not be considered to be appropriate

reconciliation mechanisms, because reconciliation is not the main objective of prosecutorial justice.

An additional point of critics is that attempting to “Rwandize” the entire population – a calculated strategy to get rid of ethnic division caused by labels and identification with a particular ethnic group, actually has the effect of increasing division (Rettig 2008). Others believe that promoting a national unity and reconciliation plan through *gacaca*, even if not successful on some fronts, contributes positively to social relationships and creates a common identity that can overcome cleavages and tensions (Uvin and Mironko 2003; Cobban 2002).

Uvin and Mironko have been supportive of *gacaca*, arguing that the *gacaca* system has netted positive effects for justice and reconciliation in Rwanda because it is a constructive alternative to national and international court systems (2003). The draw here is in *gacaca*'s close proximity to the people who are involved. These authors go so far as to say that the system, being so localized can be thought of as a tool of empowerment for those involved. In addition, Kirkby has argued that *gacaca*'s problems “are not insurmountable” (2006, 117). He suggests that forgiveness can still happen notwithstanding the inadequate training and bias of the judges. He has further argued that the charges of unfairness and partiality of these judges have been over exaggerated in the first place (ibid). Kirkby views the *gacaca* system as being necessary primarily because of the fact that the domestic courts simply cannot handle the number of cases on their own. Further, he holds that the participation of members in the community offers an opportunity for the community to grow together in unity, even if it is not completely voluntary. The logic here is that because the process requires all people in the community

to participate, perpetrators and victims can bond through truth-telling. Other scholars, such as Bert Ingelaere, have found that the impact of truth-telling has not always been positive, however. He has argued that, “the ‘truth’ is in the first place curtailed by the a priori defining parameters of what the ‘truth’ can be” (2009, 524). In the same way, researchers Thomson and Nagy have concluded that,

gacaca reinforces a particular version of postgenocide justice that *renders the average Rwandan citizen largely powerless over individual processes of reconciliation while serving to maintain a climate of fear and insecurity in their everyday lives...* it is both a product and a producer of relations of state power that operate to impact negatively on conflict-affected individuals who bear the brunt of government-led initiatives to promote justice and reconciliation (Thomson and Nagy 2010, 1, emphasis added).

A focus on localized approaches of knowledge construction is missing from these debates regarding *gacaca*. Rettig adds to this point that empirical evidence regarding Rwandan experience tends most often to be “scant, out-of-date, and suspiciously positive given the range of problems documented by observers” (2008, 26). There are ways in which Rwandans silently dissent to state-led initiatives aimed at reconciliation that could be studied, and behaviour regarding participation in the process of *gacaca* can be illustrative of this point, as Susan Thomson has shown in some of her work (2011b). Most importantly in the way of further research to be studied, heed should be taken to Ingelaere’s assertion that in order to fully understand whether reconciliation has taken root in Rwandan society at all, “one has to move beyond appearances and toward the meaning of life in the periphery” (2010, 54). Here, the model of psychological needs-based reconciliation is appropriate and can be invoked. The process of justice delivery

through *gacaca* deprives victims of the feeling of ownership and control over the process, and also has the effect of assigning collective guilt to Hutu, alienating a large portion of the population (and because of the nature of *genocide*, Tutsi are typically not viewed as perpetrators) that makes up the perpetrator group. Under these conditions, created and implemented by the government, the willingness for victims to reconcile with perpetrators (and vice versa) cannot be high. Instead of creating conditions that can lead to a greater willingness to reconcile between victim and perpetrator, the government is obstructing the process.

The next section will address re-education *ingando* camps, in order to show how the Rwandan government actively restricts victims from becoming empowered, and perpetrators from becoming accepted members of the moral community.

5.2.3 *Ingando*

The GoR has used “re-education” and “solidarity” camps, *ingando*, in Rwanda since 1999, with the purpose being to teach Rwandans how to become reconciled with each other in the wake of genocide, and also how to live as Rwandans without ethnicity. As such, they are an integral part of Rwanda’s current policy of national unity and reconciliation, and thus warrant further explanation. First, they will be described, and then they will be assessed based on the psychological needs of empowerment and acceptance.

Ingando re-education camps were brought back into use by the NURC, to be used “as a tool to build coexistence within communities” (Institute for Justice and Reconciliation 2005, 3). The word *ingando* comes from “the Rwandese verb *Kuganda* that refers to halting normal activities to reflect on, and find solutions to national challenges” (ibid). Initially directed at ex-combatants from the Democratic Republic of

the Congo (DRC) who were attempting to reintegrate into Rwandan society, in 2002, participation was “extended to informal traders, and other social groups including survivors, prisoners, community leaders, women and youth.” (ibid). The re-education camps specifically are for “ex-combatants, ex-soldiers, confessed génocidaires, released prisoners, prostitutes, and street children,” and differ from *ingando* solidarity camps, which are directed towards students and politicians (Thomson 2011a). By early 2004, 12,258 ex-Forces Armees Rwandaises (FAR; Rwandan Armed Forces in English – the national army of the former regime) and almost 5000 “ex-Armed Groups” had gone through *ingando* (Mgbako 2005, 210).

Just as the NURC is an institution of the GoR, *ingandos* are institutions under the authority of the NURC, and as such are administered by government officials at the local and provincial levels. The program is national in scope. Although transportation is left up to the participant to arrange and pay for, food and lodging are typically covered by the NURC. They are described by the NURC as being “residential camps,” where 300-400 people come together for the duration ranging from three weeks to two months” (IJR 2005,3). The specific themes that are addressed throughout the participants’ stay include: “analysis of Rwanda’s problems; history of Rwanda; political and socioeconomic issues in Rwanda and Africa[;] rights, obligations and duties[;] and leadership” (ibid).

Unsurprisingly, there have been mixed reviews in the literature regarding the usefulness of *ingando* as a tool of reconciliation. The Government is an obvious supporter, demonstrated most clearly by its use of the camps, which are still presently in use. While one researcher found that “most detainees described the [ingando] lessons as useful and believed that they would help them reintegrate more quickly and smoothly into

their home communities” (Clark 2010a 106-7), most of the literature on *ingando* has not found this to be the case. Those, such as Professor of Law Chi Mgbako, who espouse a more critical view, state that the camps are merely vehicles for indoctrination of RPF ideology, with the intent being to create “a generation of RPF loyalists” (Mgbako 2005). In this vein, former Program Officer of Advocacy for the NURC, Alex Rusagara, stated in an interview that between 1990 and 1993, the RPF used *ingandos* specifically for the dissemination of “pro-RPF ideology” in towns, noting that they were likely based on similar “solidarity camps” of Uganda (ibid, 208). Director of Military History at the Rwandan Defence Forces Frank Rusagara echoes this last point, when he described *ingando* historically as

a military encampment or assembly area...where the troops received their final briefing while readying for a military expedition...In such gatherings, the individuals were reminded to subject their interests to the national ideal and give Rwanda their all... (cited in Clark 2010a, 105).

Evidence of indoctrination can be found in the history lessons, where the official RPF-endorsed historical narrative is taught, with no room for questions from the participants (Thomson 2011a). Moreover, at most *ingandos*, “lecturers were comprised solely or overwhelmingly of government representatives” (2005, 213). Further, participants often felt intimidated by heavily armed guards monitoring the lessons (Thomson 2011a), and lived in fear of reprisal from the administrators if praise to the current government was not given (Mgbako 2005). A student’s recitation of *ingando* experience is telling of the indoctrination of pro-RPF ideology:

Our teachers characterized the past governments as solely wanting to hold onto power, and this was

contrasted with the current government. The current government was characterized as caring primarily about reconciliation and not necessarily about holding onto power. . . We were given the right to criticize the government, but I found nothing to criticize, and students at the *ingando* I attended never criticized the tactics of the government (Mgbako 2005, 217-8).

Another student commented on the history of ethnicity, which closely followed the current Government's script:

At *ingando*, they taught us. . . the idea of ethnicity within Rwanda was a colonial concoction, the colonialists brought these ideas so that they could strengthen their politics . . . I knew that we spoke the same language and had the same culture so I didn't understand when people spoke of different ethnic groups in Rwanda. . . [A]fter *ingando* I identify only as Rwandan (Mgbako 2005, 218).

Beyond silencing participants, researcher Susan Thomson's experience was that the camps did not provide the participants with knowledge or training of how to reintegrate into society through relationships of reconciliation. She argued, "*ingando* was an alienating, oppressive, and sometimes humiliating experience" (Thomson 2011a). She also found that the camps reinforce the collective guilt of Hutu, and some participants commented on feeling like a criminal and not having "full citizenship" by virtue of their belonging to the Hutu ethnic group, even though officially the ethnic categories do not exist (Thomson 2011a). She, and Mgbako, found it to be another mechanism of social control on the part of the RPF over Hutu, and viewed negatively as such by those who are subjected to undergo participation (ibid; Mgbako 2005). The promotion of one narrative through *ingando* denies that there are other interpretations of the history of Rwanda and ignores the variety of experience of some Rwandans. Again, assigning collective guilt to

Hutu cannot possibly contribute to the conditions that are necessary to increase willingness to reconcile among victims and perpetrators.

The main flaw of *ingando* is its structural nature – it is a product of the state and is an institution that is imposed upon the greater public. The participants are forced to participate, forced to accept what they are being taught, and then forced to go back into their communities as “agents of change.”

detainees were told that they should return to their communities and spread the government’s message that there was no place in Rwandan society for the ethnic divisions of the past and that ‘we are all Rwandans now’ (Clark 2010a, 106).

There is an obvious lack of space that accompanies the state-led model within which participants may discuss or question various aspects of the ideology that is disseminated in *ingando*. State control is visible in all areas of *ingando*, from the official rhetoric that is forced upon the participants to the discussions that are deemed permissible by authorities always listening nearby with a rifle on their belt, a constant reminder of who is in control and a threat of what can happen if that is forgotten.

Ingando is another site where the current government exerts control over the minds of Rwandans, effectively stripping victims of a feeling of power, while further alienating members of the Hutu group, that have been made to feel as though they are all responsible for the genocidal violence of 1994. It is yet another example of how the government actively interferes with the reconciliation process by not giving up any control to Rwandans over their own processes of reconciliation, and by alienating Hutus. The next section briefly describes another tool of reconciliation in Rwanda – the “de-ethnicization” project.

5.3 Identity as Citizenship: The Project of De-Ethnicization

“De-ethnicization” is part of the current model of reconciliation. As Eramian has stated, “[i]n the interests of unity and reconciliation, the state has declared it virtually illegal to identify as either a Muhutu or Matusi” (Eramian 2009, 159). In line with the previous explanation of the government’s construction of an historical narrative, the official position is that the genocide happened because of ethnic divisions created during the colonial period. From this starting point, the logic would be that decreasing division should reduce the likelihood for future violence of the same nature. The government has used this logic to justify an attempt to completely remove ethnicity from public and private life in Rwanda. The current policy of de-ethnicization promotes and advances only one historical narrative of the events of the genocide, which has the effect of creating and increasing divisions between those Rwandans who agree with this narrative, and with those that do not. The GoR is creating an in-group (those who agree) and an out-group (those who resist this narrative, or have differing interpretations or experiences of the events of the genocide), which at best makes reconciliation not possible and at worst provides the increased likelihood for renewed violence in the future. Furthermore, eliminating ethnicity at the state-level restricts Rwandans’ ability to choose whether this is an appropriate way to encourage long-term reconciliation – denying human agency and choice to Rwandans who require it for reconciliation to continue on into the long-term future.

The recently published (2010a) Rwanda Reconciliation Barometer report serves as a measuring tool of the status of reconciliation today, and presents an overall positive appraisal of the government’s efforts at national unity and reconciliation. It is the first tool

of its kind in Rwanda. Among other areas of achievement (such as those highlighted in the introduction), it was found that Rwandans preferred identity to be thought of in terms of nationality rather than ethnicity (97% of respondents were claimed to have expressed this, Republic of Rwanda 2010a, 11).

Despite the government's best efforts at removing ethnicity, and despite its findings that show that the project of de-ethnicization is working, ethnicity still remains an important part of Rwandan life. The government has failed to show that ethnicity does not matter in Rwandan culture, society, and politics. A recent study of over 400 peasants in Rwanda showed that Rwandans have not been able to consider their identity in terms that are completely ethnicity-free, and this challenges the Government's position that in Rwanda, ethnicity has no import in areas of politics and "everyday realities" (Ingelaere 2010b, 291). Furthermore, McLean Hilker found that categorization of people into the different ethnic categories was very important in social relationships among Rwandan youth. One of the participants in her study noted that the ethnic differences between people remained "fixed inside people's heads" and that "when someone passes by, we will categorize him" (2009, 84). Another informant noted that thinking about ethnicity "depends on the environment," but then later in the study maintained that, "between friends and work colleagues, people always want to know the ethnicity of others" (ibid). Some participants stated that there was a connection between ethnicity and trust (ibid, 85), while others stated that ethnicity could be determined by physical appearances, although mistakes can be made (ibid, 88). Thus, it was found that there was almost an innate and "existential" need to categorize people based on categories of ethnic identity and also that strong stereotypes still form an integral part of understanding of the different ethnic

groups (ibid, 92). These comments show that when the “stakes are high” and the relationships are more intimate, ethnicity becomes more important. Therefore, in order to go beyond shallow reconciliation, and into a deeper more long-lasting reconciliation, ethnicity needs to be addressed. In order to have the close kind of relationship on which reconciliation depends, ethnicity then need not be ignored. Ethnicity ties in closely with identity and self-conception, and so it is important that Rwandans be able to identify with their ethnic group if they so choose. As has been shown by my research, ethnicity is still a very important social indicator and restricting Rwandans’ ability to identify in terms of ethnicity is done at the expense of fostering of an atmosphere that increases the willingness to reconcile. The need of the current regime to have complete ownership over not only the process of reconciliation, but also ownership over Rwandans’ own identity actively interferes and works against the kind of process that Rwanda needs: stable and long-term reconciliation. The regime also has made it clear that the way that the genocide is remembered is under its ultimate control.

5.4 Official Omission of RPA/F Crimes

Rwanda has shown that remembering the genocide is important, but the government has successfully shown that it will have the final word on what is being remembered. The GoR keeps a tight grip on its population in terms of within what parameters the genocide may be understood, discussed and portrayed. This section is intended to give the reader another example of how the government denies victims and perpetrators the chance to create conditions that can foster long-term sustainable reconciliation. This is primarily because not addressing the crimes that were committed

on the part of the RPA/F reinforces the current regime's narrative that there is only one victim group and one perpetrator group involved in the genocide of 1994.

There are wild discrepancies between the official (Government) numbers of Hutu that were killed during the civil war and genocide and those numbers of other observers: Davenport and Armstrong suggest that around half of a million Hutus were victims, while the RPF suggests that 60, 000 is more accurate (Hintjens 2008, 23). Estimates from the UN are that between 25 000 and 45 000 individuals were killed just after the genocide ended, from April thru August 1994. A former government official estimated that another 15 000 civilians were murdered between August 1994 and August 1995 (ibid, 89). It has also been found that "the RPA killed at least 2,000-4,000 refugees at Kibeho camp on the Tanzanian border" (Hintjens 2008, 27).

The GoR reacts with strong resistance when presented with the idea that there were Tutsi revenge killings that occurred after the genocide, committed by members of the victorious RPF – the government in various ways has spoken out against this, terming that idea to be "double-genocide ideology" and is considered to be negationist and revisionist speech, punishable by law. Although I would not like to make the assertion that the killings of many innocent Hutu after the genocide would be comparable in any way to the speed or scope of the systematic slaughter of Tutsi (and "moderate" Hutu), it is significant that so few Tutsi from the RPF have been formally charged and tried with the murders of potentially tens of thousands of Hutu, despite intelligence implicating their culpability.

The limited tolerance for the challenging of crimes committed by the RPA was illuminated by the case of the prosecution of Celestin Sindikubwabo. At a community-

based court in Southern Rwanda in October of 2006, Mr. Sindikubwabo stated, “that the defendant had fled to Burundi because he had seen RPF soldiers killing local people. The defendant was acquitted, but Sindikubwabo was arrested several days later” (Human Rights Watch 2008, 40-1). His trial ended in March of the following year, with a 20-year prison sentence “for ‘gross minimization of the genocide’” (ibid). The statement made by Sindikubwabo was not made with the intention of inciting violence or hatred, but an honest attempt to bring to light some injustices on the part of the RPA. The crime that was committed was thus speaking out against the GoR, which is what Sindikubwabo is really paying for with his life. Another example of the government’s treatment of assertions that the RPA/F be held accountable involves the former Chief Prosecutor for the ICTR, Carla Del Ponte. When Del Ponte urged the ICTR to include prosecutions of members of the RPA, she was met by stiff opposition, primarily by the Rwandan Prosecutor General Gerald Gahima, who belittled the request by attacking the utility of the ICTR, in defense of the view that “the RPA saved the nation and any attempt to indict one of its officers would be tantamount to an attack on the nation’s unity” (Reyntjens 2011, 19). The Government does not allow room for discussion of these crimes, on the basis that any such discussion would go against the goals of national unity and reconciliation (Desrosiers and Thomson 2011, 447). Instead of going against national unity and reconciliation, opening up space for discussion comes with the opportunity to feel accepted and empowered – acceptance can come from being able to have an opinion heard, and empowerment can come from allowing members of the perpetrator group into the moral community.

The political climate, however, engineered and maintained by the ruling RPF does not include space for criminal investigations of members of its military arm, the RPA for crimes that were committed during and directly after the genocide. Official government statistics show that 32 soldiers have thus far been prosecuted for such crimes, and of these 32, only 14 were convicted (HRW 2008, 4). Further, when a French judge at the ICTR charged nine soldiers, diplomatic ties with France were completely severed. Additionally, after another judge had issued 40 similar warrants for the arrest of other RPA soldiers, the Kagame and top government officials condemned the actions (ibid).

The rationale for not including narratives that address alleged war crimes committed by members of the RPA/F is that there is no “moral equivalency” in such a discussion (Waldorf 2009, 106). That is, when discussing the genocide, only material related to the persecution of Tutsi is pertinent, as far as the government is concerned. Although perhaps not morally equivalent, however, crimes that are not “genocidal” and are “reprisal” should not remain unpunished (Clark 2010b, 145). Another way of putting it is that, “the uniqueness argument is offensive to those who lost relatives or suffered injury at the hands of the RPF; more importantly, it is itself a form of denial” (Hintjens 2008, 12).

With the focus being so heavily on the genocide and not the subsequent alleged acts committed by important RPF members, the notion of Tutsi as sole victim and of Hutu as perpetrator is solidified. In this way, the RPF’s past crimes further demonstrate that ethnicity is relevant (2010b, 138), and also that long-term, sustainable reconciliation is not being pursued. The current model is based on victor’s justice, where the GoR decides who was victimized during the genocide, and who was not. This point is made stronger by the

fact that there exists no memorial site that addresses the killing of innocent Hutus, and also that trials do not allow crimes by the RPA/F to be tried.

5.5 Concluding Remarks

The de-ethnicization project, part of a much larger project of collective identity construction, has been found to be “potentially counterproductive” because of the neglect of difference and the tendency to repress dissent (Buckley-Zistel 2006, 101). So, while the construction of a new “meta-identity” (Clark 2010b, 143) based on citizenship is not inherently “bad” for the prospects of reconciliation, the fact that it rests on denying a key aspect of people’s identity might serve as a barrier to increased unity. If the genocide was not fundamentally about ethnicity, like some historians have found, (even though it unfolded along those lines, Clark 2010b) then the new policy of de-ethnicization has little positive and progressive utility. The state is helping to reinforce divisions between ethnic groups through denial of the fact that divisions do indeed exist (Eramian 2009). Long-term stability and unity cannot be sustained through the neglect of difference.

The current regime believes that it is more important to focus on similarity rather than difference in a country that is trying to strengthen its sense of unity. The logic behind this kind of reasoning is that the genocide was made possible because of divisions based on ethnicity – so to erase the possibility for another genocide, ethnicity needs to be abolished from public and private life as much as possible. When understood as part of the model of reconciliation, heed should be taken to Cohen’s insight that “the more principled appeals for reconciliation or reconstruction do not call for any denial of the past. On the contrary, they depend on a full acknowledgment of what happened” (Cohen 1995, 41). Currently, the government has restricted Rwandans’ ability to discuss ethnicity,

but the effect has been to push ethnicity underground, to the shadows of public life. By trying to remove ethnicity, it makes it all the more relevant and powerful as a tool of division.

The selection of a particular narrative is a political process that comes with implications for future peace and security relations (King 2010). Within this process of enforcing a particular historical narrative, other interpretations are excluded. This is in effect a zero-sum approach to the historical past, where the official line is forced on the population at the expense of multiple experiences and historical accounts of the violence and its aftermath. Competing conceptions of history are repressed by the GoR, which prohibits the peace-building process that Rwanda is in need of, because psychological wounds of the past are not addressed. The acknowledgement of a multiplicity of historical interpretations and accounts can have an instrumental effect in preventing accounts of denial in the future (ibid). Preventing denial is important for the rebuilding of psychosocial interpersonal relationships, and thus it is worthwhile to target denial in advance. Allowing for an open space to engage in varying experiences can help facilitate this. Although Kagame's motivation may not necessarily be to deliberately pit one ethnic group against the other, the denial of addressing grievances that are not included in the official narrative may have the same end result and the country may yet again be embroiled in violent conflict.

5.6 Reconciliation from a Psychological Perspective

Because of the nature of the Rwandan state-led reconciliation policy, Rwandans' psychological needs of acceptance (for perpetrators) and renewed sense of power and control (for victims) are ignored. The official narrative has been created at a state level,

and forced onto individuals and groups within Rwanda and also abroad. The condition of the psychological model of being voluntary in the process is completely absent from the Rwandan model, and various interpretations of the past are not only not encouraged, but are condemned. Throughout the mandatory process of *gacaca*, Hutu are assigned collective blame, and the apologies given to victims, if they are given at all, have been found to be hardly sincere. Within this tool of reconciliation, then, the government has not allowed room for Hutu to feel as though they are a part of the moral community, nor does it give the chance for Tutsi to receive a genuine apology to consider forgiving. In the *ingando* camps, the mirror image is occurring, with Hutu being assigned collective guilt and made to feel alienated, while the victims are usually not part of the process, and are supposed to blindly accept the *ingando* participant's apology when they return to the community. This is hardly a reconciliation plan that is sustainable for the long-term, and is worrisome because of the neglect of the psychological needs of both the victims and the perpetrators. Finally, imposing a policy of 'de-ethnicization' works against reconciliation as it is conceived of in the psychological needs-based approach because it restricts discussion of a turbulent past *based* on ethnicity. In light of these considerations, then, the politicians responsible for creating the reconciliation policy need to make some serious changes. The particular nature of the changes will be expanded upon in the conclusion.

CHAPTER SIX

CONCLUSION

6.1 Rwandan Resistance to the Current Approach

The political climate in Rwanda has been shown to be very restrictive for ordinary Rwandans. A robust civil society is virtually nonexistent, which obstructs the ability for Rwandans to debate freely their concerns, ideas, and opinions with their own reality. The fact that civil society and political space are so heavily policed casts serious doubt on Rwanda's assertion that the country is democratic. A healthy democracy depends on the ability of the people of the country to express dissenting views, and should promote debate rather than restrict it.

Even though it has been shown that the government retains a tight grip on the political and social space within which Rwandans live, there is evidence that some Rwandans show their distaste for the government-led policy of national unity and reconciliation in subtle ways.

Through semi-structured interviews and participant observation over seven months with both officials and peasant Rwandans, Thomson was able to gain deeper understanding of the "lived experience of peasant Rwandans" vis-à-vis the unity and reconciliation policy. She argued that the Government's moral stake to legitimacy, which presents itself in the form of the national unity and reconciliation policy, fails the majority of the Rwandan population, the peasants (2011b). In addition to not being in the interest of this segment of Rwandan society, the policy is unpopular and considered as illegitimate. The peasant Rwandans have been found to "whisper their truth to the power of the post-genocide government" through "everyday acts of resistance," which include

“staying on the sidelines, irreverent compliance, and withdrawn muteness:” (ibid, 440). Staying on the sidelines mostly involves avoiding contact with local authorities; as one Twa Rwandan states, “it is better to avoid contact than to be forced to reject your ancestry” (ibid, 450). Irreverent compliance is, “following the rules and regulations of the policy of unity and reconciliation in ways that covertly undermine the authority of local officials and other agents of the state” (ibid, 452). This includes situations where the individual performs the action of participation, but is disrespectful in their participation. A concrete example of this is given of Esther, a Tutsi widow, who stated that, “when (the local official) says (at a speech) that (the graduate) has been re-educated through *ingando* training, I laugh out loud, or if that is not possible, I glare at him, to let him know that I do not believe for even one minute that *ingando* is a good idea for peace and unity” (ibid). Esther’s explanation demonstrates that where possible, she is able to protest even through participation in a system that she does not believe is working to provide unity and reconciliation. She is demonstrating through this kind of resistance, as subtle and unimportant as it may seem, that she still has the ability to be her own person and show her distaste for the process even under conditions that otherwise do not allow for it. Finally, withdrawn muteness is remaining silent. Being silent, as one Tutsi Rwandan described, “is very rewarding because it angers local officials. They ask if we are stupid. They ask why we are so difficult. That is the point. When [the local official] gets mad, I smile inside... I just want to be left alone” (Thomson 2011b, 454, emphasis added). Thomson’s study touches on the important point of power relations in Rwanda, specifically the dynamic relationship between officials and members of the peasantry. It

also shows that there are instances of peasant resistance to the policy of unity and reconciliation that can be found beneath the surface.

6.2 Concluding Remarks

From the outset of this thesis, I stated that one of the primary aims was to analyze whether the Rwandan strategy is attentive to the psychological needs of victims and perpetrators that are targeted in the policy of national unity and reconciliation. It has been found that the current strategy does not take psychological needs of acceptance and empowerment of Rwandans into consideration, and for this reason is not a sustainable approach to reconciliation. This thesis has gone beyond the surface of government rhetoric and has found that the critical flaw of the government's current policy is that it alienates large segments of the population, and strips control over the process of reconciliation from the participants. In effect, and in line with the main tenets of the psychological needs-based theory, acceptance is denied to perpetrators, and victims are denied empowerment. In order to feel a sense of empowerment, Rwandan victims need to feel as though they are in control of their own reconciliation, and perpetrators necessarily need to feel as though they are accepted as members of the moral community.

The initial challenge that comes with not being able to conduct primary research in Rwanda was overcome through the application of the theory of the psychological needs-based approach. I was able to use this theory, instead of field research, to pinpoint the critical flaw of the state-led reconciliation strategy of the current government: psychological needs are not being met for the participants of the process of reconciliation, and until they are addressed, victims and perpetrators may not be willing to reconcile at a level that is sustainable for the long-term.

I have provided a description and analysis of the main mechanisms of national unity and reconciliation in Rwanda, and I have shown the various ways that the government impedes the process of reconciliation, by not attending to the psychological needs of empowerment and acceptance of victims and perpetrators. Not only is the political space heavily guarded by the state, the government actively creates an image that it enforces even in remote rural areas through local authorities who are in effect representatives of the repressive regime. This was shown through Bert Ingelaere's study where he found that three very important reports were conducted and not released because of the potential negative backlash that would be directed at the government. The research of Desrosiers and Thomson found that the Kagame government plays the role of "reprimanding parent" in its relations with the Rwandan people (2011, 436) and can be seen throughout the analysis of the policy of national unity and reconciliation. The signal that is being sent to Rwandans, through the use of paternalistic policies, is that the state views Rwandans in a child-like manner, and that Rwandans are not able or willing to decide on their own how to proceed into the future. Rwandans cannot become empowered over the process of reconciliation so long as the state continues to be paternalistic towards the population. Those who have been directly affected throughout the course of conflict *necessarily* have to be involved in the process of reconciliation. The wounds that were inflicted throughout the course of the genocide were deeply psychological, and for this reason, need to be directly addressed with processes that specifically attend to the resultant psychological needs. The design of the process, its implementation and sustenance must come from the local participants (Wilmer 1998). Longman and Rutagengwa have found that Rwandans believe reconciliation "to be

bringing together the victims and the victimizers in order to rebuild community” (Longman and Rutagengwa 2006). Implicit in this belief is that the people themselves are the ones who can “rebuild” the “community,” and there is no mention of the state having any part of this. It is the “subjective perspective” that is not being addressed for some, because the perspective is not accepted in the community because of policy streaming from Kigali. Related to this is the point that discussing reconciliation from a “top-down” or “bottom-up” approach introduces interesting considerations of the role of the state in the process of reconciliation. What role should the state play? Can the national government play an active role in the process, or does the process need only to include local actors? Although these are very important questions to ask, they ultimately fall outside of the scope of this work. I will, however, address the role of the state very briefly. The proposed model of reconciliation that targets psychological need fulfillment of both perpetrators and victims can work together with the state, and should work with the state, so long as the state creates conditions where needs can be fulfilled instead of creating conditions where they cannot. In the Rwandan case, unfortunately, the state is not creating the conditions where the willingness to reconcile is increased – the state is actually interfering with the fulfillment of psychological needs by denying victim empowerment and perpetrator acceptance. The Rwandan government can and should play a role in reconciliation processes, but the role must be as facilitator of interpersonal reconciliation instead of as a spoiler of the process.

Dwyer has argued that the ways that a government can facilitate the conditions wherein reconciliation is at least a possibility, is to try to act in a supporting role – ensuring that other factors that may inhibit reconciliation are removed, or at least

mitigated (i.e., social and economic inequality, discrimination of any kind, etc). She notes that, “these initiatives must *not* be developed as compensation for past wrong, but rather as explicit demonstrations of the new government’s commitment to the process of racial and social reconciliation” (Dwyer 1999, 98). The international community may help also to foster reconciliation.

To international critics of the Kagame regime, the government response is most often a constant reminder of where the international community was (or wasn’t) when the genocide took place. Beyond feelings of guilt, the international community is made to tread lightly around the GoR because of a fear that any action to help democratize Rwanda would be taken by the Rwandan government and the Rwandan people as a kind of neo-colonialism or neo-imperialism (Young 2002), where Western ideals of the global north are (again) relentlessly forced upon the global south. The “walking on eggshells” around Kigali and Kagame because of guilt from 1994 must end, and international organizations and donor countries need to apply pressure where it hurts the most – the purse – in order for Kagame and his regime to change. Restricting funding in this context may potentially help the repressive regime to acknowledge that the international community will not blindly accept its current strategy.

The argument that enough time has not passed to allow for an opening up of political space only serves to encourage the government’s increasingly authoritarian ways. An opportune time to address reconciliation in a way that rehumanizes *both* parties involved in the genocide instead of alienating large segments of the population may never come if the government is not pushed to create the space for open and honest dialogue with the past. 17 years is long enough to begin to allow Rwandans into a process that

some are largely excluded from. The time to institute a model that appreciates the level of psychological trauma that was incurred by both victims and perpetrators is not in the future – it is now.

Reconciliation must empower individuals and empowerment can only come about through human agency. The concept of empowerment, of which agency is a feature is mentioned in the Vision 2020: “People’s participation at the grassroots level will be promoted through the decentralisation [sic] process, whereby local communities will be empowered in the decision making process, enabling them to address the issues, which affect them, the most” (Republic of Rwanda 2000, 12). This claim demonstrates two points: the first is that the government acknowledges that the people should have a voice in matters that affect them the most. Secondly, it shows indirectly that autonomy and agency are important. The policy of decentralization that was implemented after the genocide created new positions of power, but removed from central Kigali perhaps only in terms of geography. A better approach to reconciliation is one that allows the individuals involved to have ownership over the process.

The GoR denies victim status to Hutu who have been affected by the reprisal RPA/F killings, which only aggravates the tensions between the ethnic groups. Furthermore, Hutu who may not have participated in genocidal violence are treated with suspicion and hostility. Instead of acting in a way that could help foster more amicable relations, the government is making a bad situation even worse. The paternalism with which state policy is executed is binding for Rwandans. Local Rwandans need to be empowered and feel like they are part of a community where they belong. The rigidity of

victim and perpetrator categories has the effect of undermining Rwandans' "own best efforts to overcome their past and live together without violence" (Hintjens 2008, 34). Bloomfield has stated that, "politics is a process to deal with the *issues* that have divided us in the past. Reconciliation is a parallel process that redesigns the *relationships* between us" (Bloomfield 2003, 12, original emphasis). Unfortunately in Rwanda, the state has politicized the process of reconciliation for its own purposes.

In some cases, the victims who were targeted during the genocide are still living – other generations have surely begun, but the generation that experienced the horrors of the genocide is still trying to make sense of what happened in the country and try to plan a future for themselves. The fact that the same generation that endured the genocide makes up a large part of the country is critical to take into consideration when discussing policy initiatives geared towards reconciliation because for some of this group, the wounds are still very much open. Reconciliation, thus, is an endeavor to pursue with sensitivity and caution.

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