

CHANGING LENSES AND CONTEXTUALIZING THE RWANDAN (POST-)GENOCIDE

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Résumé

Depuis 1994, de nombreux ouvrages ont été publiés sur le génocide rwandais. Cet article étudie la connaissance (académique) engendrée par le génocide durant cette dernière décennie. Après un court aperçu des différents paradigmes au niveau macro utilisés pour comprendre et expliquer le génocide, l'étude se déplace vers le niveau local par une recherche exploratrice étudiant les origines, la nature et l'expérience de la violence dans le contexte communautaire.

Les découvertes engendrées au niveau macro ressemblent en profondeur aux données du niveau micro, mais on découvre également la dimension non explorée de l'action locale. L'idée de penser les deux aspects conjointement par le concept d'«alliance» est proposée. La violence reflétait les buts des forces supra-locales et de leurs ombres locales. Bien que le génocide ait été conçu d'en haut, il a été remodelé d'une façon significative sur le terrain hautement différent des tensions et clivages locaux, des différences régionales et communales ou des particularités individuelles.

Dans une dernière partie, nous transposons le lien entre les niveaux micro et macro à la période post génocide, en réservant une attention spécifique à l'initiative principale de la justice transitionnelle, les juridictions *Gacaca*, et en réfléchissant sur un travail de terrain personnel effectué récemment dans une communauté rwandaise.

1. INTRODUCTION

Consider all the elements: the massacres, expulsions and large numbers of people seeking refuge in neighbouring countries after the Hutu revolution of 1959; a continuing policy of impunity; former President Habyarimana's refusal to let the Tutsi refugees return; the RPF attack in the beginning of the 90s; the strengthening of the army and importation of arms; the threat to the power monopoly of the Habyarimana regime through the initial Arusha peace agreement; the introduction of a multi-party political system accompanied by social and political upheaval; political parties backed by radical youth wings; the extremism of Hutu Power; the virulent propaganda; the Hamitic myth; the social engineering and ethnic polarization under colonial rule; the demographic pressure and resource scarcity; the economic collapse in the 80s; the decline of coffee prices; the extreme poverty; the indifference of the international community; the practice of massacres; the highly-centralized state structure.

Since mid 1994, dozens of works have been published on the Rwandan genocide. As Peter Uvin phrases it: «[...] There has been an

explosion of writing on this hitherto almost unknown country.»¹ All address one or more of the elements summed up above to understand or explain the genocide. The focus is either on a particular element, or on a deadly combination. These works are either written in a journalistic or an academic style. They can be roughly divided into those focusing on domestic causes and influences leading to the genocide and others that shift their attention to the role of international actors and the international community in the Rwandan tragedy.

2. MACRO-LEVEL ANALYSIS

There is an ongoing debate on the importance of different factors and authors often criticise each other's interpretations of the genocide or aspects related to it.² It is not our intention to give an overview of all the findings and arguments forwarded by each author, but rather to mark the contours of the debate by identifying the different paradigms of interpretation.

2.1. The Main Paradigm: Ethnicity as the Central Cleavage

The main paradigm to frame the 1994 genocide is the ethnic character of the conflict: the majority ethnic group – the Hutu – attempted to achieve the complete extermination of the minority ethnic group – the Tutsi. Within this paradigm, two lines of argumentation can be distinguished.

The first is the application of what Paul Richards calls the «New Barbarism» thesis³ on the Rwandan case. This thesis is based on a view of African conflicts as anarchic and apolitical resource-driven clashes in the aftermath of the Cold War. There seems to have risen a consensus in the literature on the fact that the Rwandan genocide had little to do with apolitical 'tribal warfare' between ethnic groups, as many Western journalists labelled the violence in their initial coverage of the first weeks of the genocide, while

¹ UVIN, P., "Reading the Rwandan Genocide", *International Studies Review*, Vol.3, No. 3, 2001, p.76.

² As Pottier, for example, does with New York Times' journalist Gourevitch: POTTIER, J., *Re-Imagining Rwanda. Conflict, Survival and Disinformation in the Late Twentieth Century*, Cambridge, Cambridge University Press, 2002, pp.56-57.

³ See RICHARDS, P., *Fighting for the Rain Forest. War, Youth & Resources in Sierra Leone*, Oxford, James Currey, 1996; RICHARDS, P., "Out of the Wilderness? Escaping Robert Kaplan's Dystopia", *Anthropology Today*, Vol. 15, No. 6, 1999, pp.16-18; and RICHARDS, P., "New War. An Ethnographic Approach", RICHARDS, P. (ed.), *No Peace, No War. An Anthropology of Contemporary Armed Conflicts*, Oxford, James Currey Ltd., 2005, pp.8-9.

quoting *Heart of Darkness* by Joseph Conrad *ad nauseam* and using «machete-wielding» as an epithet with every utterance of the word «killer».⁴

Although there is a consensus on the non-applicability of a spontaneous ethnic warfare explanation, Rwandan society is nevertheless an ethnic bi-polar society with the majority of the population being Hutu and the minority Tutsi.⁵ This ethnic bi-polarity shaped the nature of power relations in the course of Rwandan history and the nature of the 1994 atrocities.

The events between November 1959 and January 1961, known as the «Hutu Revolution», ended the Tutsi monarchy, excluded the Tutsi from power and resulted in the installation of the rule of the *rubanda nyamwinshi*, the «great majority», whereby the (democratic) rule of the majority was equated with the rule of the *Hutu* ethnic majority.

The civil war that started in October 1990 between the invading Tutsi-dominated RPF rebel force and the FAR, the Rwandan army, gradually heightened this polarization along ethnic lines and, therefore, deepened the central societal cleavage. «Even before the invasion the RPF had recruited a small number of supporters, Hutu and Tutsi, within Rwanda, but most Tutsi had no link to the guerrilla movement and some actively opposed the invasion, remembering the killings of Tutsi civilians that had followed the incursions of the 1960s. Habyarimana and his supporters could have chosen to mount an appeal based on nationalism against the RPF, but decided instead to cast the war as a threat in ethnic terms. They may have believed it would be easier to rally all Hutu once again behind Habyarimana's leadership if the threat were clearly identified as Tutsi.»⁶

Through intensive media and government propaganda, the enemy threatening the rule of the *rubanda nyamwinshi* (the great majority) became a threat to the rule of the *Hutu* ethnic majority. Therefore, the danger was not only coming from the outside through the invasion, but also from within through every single Tutsi citizen living in Rwanda, and by extension, through every single Hutu not in favour of the status quo of the reigning *rubanda nyamwinshi*. And so, it was felt that the threat had to be eliminated.

⁴ One argument against the Rwandan genocide as an instance of “ancient tribal hatreds” is the fact that the provinces where the old Tutsi kingdom was located – Butare and Gitarama – only became involved in the killings at a later stage than other provinces. If the genocide was based on a spontaneous eruption of suppressed Hutu hatred because of ‘forgotten’ Tutsi domination, these should have been the first regions to experience violence.

⁵ REYNTJENS, F., “Rwanda: Genocide and Beyond,” *Journal of Refugee Studies*, Vol. 9., No. 3, 1996, pp. 243-244. There are, or better used to be (since according to official policy everyone is now Rwandan), three ethnic groups in Rwanda: Hutu (approx. 84%), Tutsi (approx. 14%) and Twa (approx. 1%).

⁶ HUMAN RIGHTS WATCH, *The Rwandan Genocide: How It Was Prepared*, Briefing Paper, New York, Human Rights Watch, April 2006, p.4.

2.2. Other Paradigms

Peter Uvin further explores three popular paradigms in the literature and adds a fourth: elite manipulation; ecological resource scarcity; socio-psychological features of the perpetrators and the role of the international community.⁷ Within these paradigms, the focus is respectively on macro-level political trends and political leaders; macro-level demographic and ecological trends; socio-cultural features of the entire Rwandan society and the action and inaction of the international community *vis-à-vis* the Rwandan state before and during the genocide.

The «elite manipulation paradigm» explores the desire of the Rwandan elite to stay in power. The RPF invasion and the following war, the international power-sharing agreement and the pressure for democratisation followed by the birth of the political opposition, were elements threatening the power monopoly and the privileges of Rwanda's elite. This elite, embodied by the so-called Akazu-clan around the president and known for its attachment to Habyarimana's home region in the north, was ready to use all means to politically survive and keep a hold on state privileges. Although an important element, this paradigm focuses solely on a small group of people, whose actions and desires are not sufficient for an entirely satisfying explanation of the genocide.

This «elite manipulation paradigm» fits neatly with the «socio-cultural features of Rwandan society paradigm». A powerful elite, desperate to stay in power, makes use of the highly-centralized state structure, with commando lines branched off deeply into rural life, to mobilize an 'obedient', 'conformist' and 'uncritical' army of peasants, even if this means slaughtering their neighbours. But causally linking a general tendency to obedience with killing-on-demand misses at least some intermediary steps. Although an important element to take into account, it is a generalized statement leaving ample room for personal characteristics and individual agency. And it contradicts other 'general features' used to typify Rwandans: for example that they are said to be «distrustful» and «lying».

A third paradigm focuses on the importance of 'ecological resources'. The argument is that Rwanda's ecological resource scarcity, combined with the highest population density in Africa and coupled with high population growth rates, functioned as the fertile soil for genocidal violence. But why then are countries with similar Malthusian features and demographic pressure (i.e. Bangladesh) not also prone to genocide?

⁷ UVIN, P., *op. cit.*, p.79.

The role of the international community also received great attention in the past years. The focus is mostly on the months preceding and during the genocide. The argument is that the nature of the (in)action of international stakeholders paved the path towards genocide, either intentionally, implicitly or unintentionally. But it also argued that the longstanding presence of the international community in Rwanda in the form of development enterprise fuelled the genocide's momentum through its apolitical and socially and culturally ignorant presence in the country.

3. MICRO-LEVEL ANALYSIS

The additional paradigms stated above indicate the complex origins of the Rwandan tragedy and the various factors surrounding and grafted onto the main societal cleavage: the Hutu-Tutsi bi-polarity. Uvin concludes his reading on the Rwandan genocide by stating: «When done intelligently and with a keen eye to multicausality, these works do provide important insights into the genocide.»⁸ But most of these accounts focus on macro-level factors or general threads belonging to the history of Rwanda, Rwanda as a nation, the geo-political situation of Rwanda, the Rwandans as a people or the Hutu and the Tutsi as ethnic groups. What is lacking is a systematic investigation and analysis of the micro-level processes at work in smaller communities in Rwanda.⁹ To what extent is a macro-level analysis valid for the local level? How are macro-level factors present and prevalent in small communities and for individuals? These questions have not been thoroughly investigated until now. In general, we could say that the knowledge generated so far on the genocide – a genocide that swept the country and resulted in the death of approximately 800,000 people¹⁰ – forwards the view of a massive wave of undifferentiated violence caused by a deadly combination of factors. Some authors do include accounts of the local-level experience or dynamic of violence in their analysis of national factors, but these descriptions are often based on secondary sources or sporadic interviews.

⁸ UVIN, P., *op. cit.*, p.96.

⁹ See also Uvin in his overview of scholarship on Rwanda: UVIN, P., *op. cit.*, p.79 & p.98; and LONGMAN, T., "Placing Genocide in Context: Research Priorities for the Rwandan Genocide", *Journal of Genocide Research*, Vol. 6, No. 1, 2004, p.43.

¹⁰ On the difficulties of calculating and estimating the number of victims, see ROMBOUTS, H., *Victim Organisations and the Politics of Reparation: a case study on Rwanda*, Antwerp – Oxford, Intersentia, 2005, p.145.

3.1. Post-Genocide Research

In-depth local level insights into the nature of genocide are not completely lacking. Several sources focus on what happened below the radar-screen of the 'traditional' accounts – focused nationally or internationally – by collecting oral histories of perpetrators, witnesses and/or survivors. These are generally structured to depict the experience of individuals. As, for example, the works by Jean Hatzfeld, who first gives voice to the genocide survivors in *Dans Le Nu De La Vie. Récits des Marais Rwandais* and later to perpetrators in *Une Saison des Machettes*.¹¹ But most of these accounts are rather impressionistic, take a descriptive stance, lack systematization and refrain from analysis.

The work of two human rights organisations, *Human Rights Watch* and *African Rights* offers a comprehensive insight into the genocide's dynamics at different levels of society, and the way different factors were already embedded in Rwandan social life. What becomes very clear in *Leave None to Tell the Story. Genocide in Rwanda* and *Rwanda. Death, Despair and Defiance*¹² is the fact that the genocide was spearheaded by the army and the militias, and that Tutsi went to seek refuge in so-called safe-havens: schools, churches, etc. It was in these 'safe havens' where they were subsequently massacred *en masse* by, or on command of, the army, the militias and the authorities.

Both works use a technique of montage and quotation to bring the voices of survivors and witnesses together. *African Rights* gathered a lot of information on different provinces and sites. Although very powerful in its description of the genocide, it remains rather unstructured, perhaps because the first edition of the work was already published in September 1994.¹³ Since it is the document of a human rights organisation, it is not their intention to discover the deeper layers and longstanding social processes that led up to the genocide, but rather to give voice to witnesses and victims, while naming

¹¹ HATZFELD, J., *Dans le Nu de la Vie. Récits des Marais Rwandais*, Paris, Editions du Seuil, 2000. HATZFELD, J., *Une Saison des Machettes*, Paris, Editions du Seuil, 2003.

¹² DES FORGES, A., *Leave None to Tell the Story. Genocide in Rwanda*, New York, Human Rights Watch, 1999. AFRICAN RIGHTS, *Rwanda. Death, Despair and Defiance*, London, African Rights, 1995.

¹³ Notice the remarks made by some Rwanda scholars on the work of African Rights: LONGMAN, T., *op. cit.*, p.33: «Africa Rights (1995) (*sic*) provides a detailed analysis of the genocide, but readers should be highly cautious, as the research for the book was conducted quickly, without verification of the facts, and, as a result, details are often flawed. Like Gourevitch, African Rights is deeply influenced by the RPF regime, and its account reflects this influence.» Also see DE LAME, D., *A Hill Among A Thousand. Transformations and Ruptures in Rural Rwanda*, Madison, The University of Wisconsin Press, 2005, p.466: «[...] the compilers of *Rwanda. Death, Despair and Defiance* (1995) who gave the testimony they collected a questionable interpretation [...]»

perpetrators and those in command of the killings. They opted for documenting the genocide by focusing on the breadth of disparate local-level accounts.

Alison Des Forges in *Leave None...* opted for a more systematic and profound work. She makes a vast number of important observations that are necessary to understand the genocide in its smallest details, alongside an analysis of nationally- and internationally-relevant factors. This is achieved by a more in-depth study of two specific provinces: Butare and Gikongoro. In Butare she focuses on the events in the «commune» *Nyakizu*.¹⁴ What is remarkable about the story of the *Nyakizu* commune, and what clearly emerges as an underlying theme, is the intensity of the inter-party political competition in the beginning of the 90s.

Michele Wagner, who did the research for Human Rights Watch in *Nyakizu*, gives further insight into the communal life leading towards the genocide in her article *All the Bourgemestre's Men: Making Sense of Genocide in Rwanda*¹⁵. She argues that political contestation not only led to a shared vocabulary of violence, but also developed the behavioural practices that would enable genocide at a latter stage. The administration of genocide in *Nyakizu* resembled the pattern of violent polarization along the networks of political adversaries in the period of the multi-party system that started in 1991. «Ethnicity was real in *Nyakizu* and slight but perceptible socio-economic distinctions existed between those who were professionals and those who were farmers. Yet, the most important distinction was whether one was in or out the *bourgemestre's* group. By 1994, this distinction made all the difference [...] Full-fledged genocide was then but a short step from the mundane routinized violence that had already taken over everyday life.»¹⁶

André Guichaoua had the opportunity, as a collaborator of the International Criminal Tribunal and as an independent researcher, to further explore the politics of genocide in that same region. He documents what led to genocide in Butare and the role of major players in that province. He concludes: «Au total, le principal enseignement de cette étude de la préfecture de Butare, me semble résider paradoxalement dans la faible incidence de l'explication ethnique du conflit»¹⁷. Different kinds of reasons, apart from having the 'wrong' ethnic identity card, were invoked to murder individuals. Everyone not participating in the massacres, or just simply not in favour of the genocidal project, had to be eliminated.

¹⁴ DES FORGES, A., *op. cit.*, pp.402-431.

¹⁵ WAGNER, M.D., "All the Bourgemestre's Men: Making Sense of Genocide in Rwanda", *Africa Today*, Vol.45, No. 1, 1998.

¹⁶ *Idem*, p.6.

¹⁷ GUICHAOUA, A., *Rwanda 1994. Les Politiques du Génocide à Butare*, Paris, Editions Karthala, 2005, p.472.

A profound attempt to link macro- and micro-findings on the genocide has been undertaken by Scott Straus in *The Order of Genocide: Race Power, and War in Rwanda*. He explores the genocidal dynamic at different levels of society by an extensive exploration of the secondary literature, and through interviews with confessed prisoners in prisons all over Rwanda and fieldwork in five *communes*. His main argument is that the genocide found fertile ground in insecurity and instability, caused by both the civil war and intra-ethnic power struggles in the context of multi-party politics. These two factors, but especially the latter, unsettled authority at the local level and opened a «space of opportunity».¹⁸ While national hard-liners launched violence in the wake of President Habyarimana's death, violence also became the new basis of authority in the struggles for dominance at the local level. When, at the local level, the balance tipped towards «violence as the basis of authority», mass mobilization followed. This explanation is built on a clear distinction between national, regional and communal actors. The first launched the violence and defined its 'ethnic' character, while the latter – the rural elite, small groups of aggressive killers and ordinary people – translated it into the unique constellation of their communities. The regional actors functioned as a go-between.

Philip Verwimp also constructs his perpetrator profiles in the framework of opportunity, but gives his quest to understand «popular participation» mainly an economic basis. His focal points are the communal actors. Using a «genocide transition survey» linking economic information on households gathered before the genocide with data indicating the nature of participation of these households during the genocide, he comes to the conclusion that two types of social groups had a higher probability to be implicated in the violence. On one hand, quasi-landless peasants «had everything to gain» by participating in the violence, while on the other, landlords and employers, the so-called local elite, «had everything to defend».¹⁹

3.2. Defining the Local Level

In recent years, these researchers have gathered 'new' data to capture the genocide's dynamics through fieldwork in Rwanda. Most of these accounts are focused either on individuals, mainly perpetrators, or bigger communities (such as provinces or *communes* – the intermediary level) and

¹⁸ STRAUS, S., *The Order of Genocide: Race, Power and War in Rwanda*, PhD dissertation, Berkeley, University of California, 2004, p.153.

¹⁹ VERWIMP, P., "An Economic Profile of Peasant Perpetrators of Genocide. Micro-Level Evidence from Rwanda", p.29. Can be found on: http://www.hicn.org/papers/Verwimp_philadelphia.pdf (last accessed on April 30, 2006).

less on local-level dynamics (sector and cellule).²⁰ Therefore, the focus is on the top players in communal life. Insight into smaller community dynamics, at the sector and the cellule level, remain largely absent. The sector and the cellule are administrative units belonging to a certain commune. There exist no villages in Rwanda. People live dispersed on the hills in the country-side and are grouped into administrative units. We define the local level as the proximity of peoples' everyday lives. This happens at the cellule and sector level. One could compare the relation between the sector and the cellule in a Rwandan rural setting to that between a town and its neighbourhoods in an urban setting.

Insight into the micro-administration and experience of genocide at this level is given in the ethnographically-oriented narratives of de Lame, Longman, Jefromovas and André and Platteau.²¹ All authors base their insights on in-depth fieldwork conducted before the genocide in small Rwandan communities (sector and cellule) and have only later restructured the analysis of their data to understand the genocide in the respective communities of study. The fact that they can bridge their insights 'across' the genocide makes their accounts exceptional. But their initial research subjects were not linked to large-scale violence and surely not genocide. Therefore, the interpretation given to the genocidal dynamic is closely linked to the focus of their original research and remains limited, but nevertheless insightful.

²⁰ Next to the authors already discussed, see also, for example: JANZEN, J., "Historical Consciousness and 'Prise de Conscience' in Genocidal Rwanda", *Journal of African Cultural Studies*, Vol. 13, No. 1, 2000, pp.153-168; JANZEN, J. & KAUEHNOVEN JANZEN, E., *Do I Still Have a Life? Voices from the Aftermath of War in Rwanda and Burundi*, Kansas, Publications in Anthropology, 2000; COLLETTA, N.J. & CULLEN, M.L., *Violent Conflict and the Transformation of Social Capital. Lessons from Cambodia, Rwanda, Guatemala, and Somalia*, The World Bank, Washington D.C., 2000; MIRONKO, C., *Social and Political Mechanisms of Mass Murder: an analysis of a perpetrator community in the Rwandan Genocide*, PhD dissertation, Yale, Yale University, 2004; and KIMONYO, J.-P., *La Participation Populaire au Rwanda: de la Révolution au Génocide (1959-1994)*, PhD dissertation, Montreal, University of Quebec, 2003.

²¹ LONGMAN, T., "Genocide and Socio-Political Change: Massacres in Two Rwandan Villages", *Issue: A Journal of Public Opinion*, Vol. XXIII, No. 2, pp.18-21. See also: LONGMAN, T., "Empowering the Weak and Protecting the Powerful: The Contradictory Nature of Churches in Central Africa", *African Studies Review*, Vol. 41, No.1, 1998, pp. 63-67; JEFROMOVAS, V., *Brickyards to Graveyards. From Production to Genocide in Rwanda*, Albany, State University of New York Press, 2002; ANDRÉ, C. & PLATTEAU, J., "Land Relations Under Unbearable Stress: Rwanda caught in the Malthusian Trap", *Journal of Economic Behaviour and Organisation*, Vol. 34, 1998; DE LAME, D., *Une Colline entre Mille ou le Calme avant la Tempête. Transformations et Blocages du Rwanda Rural*, Koninklijk Museum voor Midden-Afrika, *Annalen Menswetenschappen* Vol. 154, Tervuren, Koninklijk Museum voor Midden-Afrika, 1996; and DE LAME, D., *A Hill Among A Thousand. Transformations and Ruptures in Rural Rwanda*, Madison, The University of Wisconsin Press, 2005.

Understanding genocide through the magnifier, a perspective offered by these authors, is important since the bulk of the transitional justice work will be done at these units of society, especially through the *Gacaca*-courts that are operational at the cellule and sector level. We choose to elaborate on these studies since we will conclude this article with a look at the transitional justice initiatives, and especially the *Gacaca* courts.

3.3. The Ethnographer

Danielle de Lame produced a very rich ethnography of a small Rwandan community, a hill in the province of Kibuye. Her account of this hill's social life, based on 16 months of fieldwork between February 1988 and October 1990, is a lens through which we can understand Rwanda's social, political and cultural life from a micro-perspective. She frames her study as an attempt to understand the social change a community undergoes when the logic of modernity comes together with the logic of traditional life, when a cosmopolitan orientation and horizon of some inhabitants and passers-by mingles with the dominant hill-oriented perspectives and strategies of the ordinary peasant population. In that way, she shifts attention away from macro-level analysis or disembodied statistical studies in order «to bring peasants back in to an understanding of the political and social processes of the state.»²² The author does not re-orient her data after the genocide, but presents communal life as she experienced it in the period immediately before the start of the civil war. Nevertheless, she states: «At present, this study is still warranted either to gain an understanding of violence at the local level, to produce knowledge that will help heal the social tissue or to point to the possibility that the conditions behind the conflict may crop up again.»²³

And indeed, the themes considered are multifarious, but what is particularly interesting when reading this ethnography backwards through the events of 1994 is the dynamic of the relationship not between different ethnic groups; since de Lame states that ethnicity was no factor in daily life at the end of the 80s,²⁴ but between the different social groups. What did have an impact on hillside life was the steady rise of what she sometimes calls «a fourth ethnic group» – cross-cutting Hutu, Tutsi and Twa – the local 'elite'. They earn a wage, have a horizon stretching beyond the limits of communal life and restructure power-relations with their success stories: «The extent of a network (the number and spatial distribution of relations) was and still is both

²² NEWBURY, D. & NEWBURY, C., "Bringing the Peasants Back In: Agrarian Themes in the Construction and Corrosion of Statist Historiography in Rwanda", *American Historical Review*, June 2000, p. 874.

²³ DE LAME, D., *op.cit.*, p.12.

²⁴ DE LAME, D., *op.cit.*, p.62 ; p.94 ; p.98, p.238 ; p.454.

a sign and an instrument of power qua wealth, the latter, in return, being defined by the ability to develop alliances. ‘To have arms’ remains a much-used expression among peasants. [...] Poverty too is defined in terms of the arms one is lacking, rather than by land ownership.»²⁵ Social classes were shaped in the context of an economy integrated in the global system, while power-relations were never strictly economic or cultural, but entangled with the political sphere.²⁶ Landless people, ordinary peasants and the rural elite operated in their own ‘sub-cultures’, with goods and money circulating in the concentric circle of the local affluent.²⁷ Tensions were lingering underneath the surface of daily life, as seen in the description of the local powerful merchant, his wealth attracting witchcraft accusations and rumours of an attack by his peasant neighbours.²⁸ This makes her conclude, when looking back, «peace had deserted the hill long before the 1990 attack.»²⁹

3.4. The Political Anthropologist

Where de Lame gives hints of the factors that could have had a structuring impact on the violence, Timothy Longman gives a similar local-level, concise, but explicit insight into the dynamics of genocide. He focuses on the influence of political life in the years preceding the genocide and the fact that a deep socio-economic cleavage between the local elite and peasantry cross-cut and even fostered political and ethnic tensions. He investigated the pattern of massacres in two Rwandan sectors in the province of Kibuye: Kirinda and Biguhu. He depicts the different nature of the relations between the local elite and ordinary inhabitants in the period preceding the genocide

²⁵ DE LAME, D., *op.cit.*, p.239. See also her description when the anthropologist as an outsider enters communal life: «In Rwanda, power is measured by the number of “arms” one is able to muster, or more accurately, that a man can muster; that is, in the last analysis, on his ability to secure loyalty among his kin and to conclude alliances. When the anthropologist arrives she is almost totally powerless: it is alliances that open doors and enable participation. The most prized alliances involve subordination, in which the inferior is identified with the superior. Valued neotraditional alliances are between equals, with the attendant risk of preferring ties with the modern elites, and thus of cutting oneself off from the peasants. To obtain information penetrating the heart of the enclosure one must enter into sincere alliances, who may employ a needy person, the power of teachers who hold children’s future in their hands, the formal power of high-ranking church officials – they are difficult to obtain and may be mutually exclusive.»

²⁶ DE LAME, D., *op.cit.*, p.247-248.

²⁷ DE LAME, D., *op.cit.*, p.467: «Businesspeople, who enjoyed the trade of teachers and those petty communal functionaries who stopped over there, gravitated around that nucleus and meetings in their bars reinforced the cohesion among wage-earners. Cows and women circulated among these people. At the feasts they gave, their many children bragged about their schooling. On the outskirts of this favored group floated people fallen into disgrace, the bitter, and the younger marginals, still hungry as their despair was not yet complete.»

²⁸ DE LAME, D., *op. cit.*, p.219-225 ; p.267 ; p.463.

²⁹ DE LAME, D., *op. cit.*, p.468.

and argues that this can clarify the divergent pathways the conflict followed in each community.

He speaks of a homogeneous bloc of local elite members connected to each other through economic and social ties in Kirinda; an elite that did not hesitate to use and misuse their privileges and power in their relations with the farmer population. Mechanisms to contest this hegemony started to surface in everyday social life. In the context of political liberalization through the introduction of multi-partyism, the ordinary peasant seized the opportunity to contest the local elite's supremacy through rumour, gossip and even violent attacks: «The local elite became a focus of extensive gossip and acute criticism for their excessive display of wealth, corruption, and inappropriate behaviour, such as extra-marital affairs.»³⁰ Confronted with this adversary 'public opinion', the elite tried to look for a means «to direct growing public discontent away from themselves and onto local Tutsi.»³¹ Gradually the Tutsi population became the object of resentment. During the genocide, the same local elite that was first challenged found enough support among the peasants to organise the massacre of the Tutsi. That support was strongest among groups of the young unemployed, because a large part of the population remained inactive or refused to participate.

The genocidal violence in Biguhu, a village nearby, showed a different pattern. Violence and killing did not grow from within the community, and there was no spontaneous or locally-organised violence against the Tutsi population. The massacres were initiated from the outside. Longman connects this diverging conflict pathway with the different type of relations between the elite and peasants in Biguhu's community life. Instead of misuse of power and contempt for the peasants, the elite had a cooperative connection with the general population: «Rather than encouraging and reinforcing social and economic divisions, the church provided many opportunities for peasants to gain limited authority and to promote their own interest.»³² It was the *bourgemestre*, living outside of the village, who came to the village with a group of followers and the communal gendarmes to instigate the massacres. Not only were the Tutsi population targeted, but also the local elite who had shown a cooperative relation with the population, both Hutu and Tutsi. Local leaders (like the agronomist, a Hutu) defended inter-ethnic cooperation.³³

³⁰ LONGMAN, T., "Genocide and Socio-Political Change: Massacres in Two Rwandan Villages", in: *Issue. A Journal of Public Opinion*, Vol. XXIII, No. 2, pp.19-20.

³¹ LONGMAN, T., *op. cit.*, p.19.

³² LONGMAN, T., *op. cit.*, p.20.

³³ LONGMAN, T., *op. cit.*, p.19-20.

3.5. The Economic Anthropologists

A third local-level study is by Villia Jefromovas, who initially focused her fieldwork, undertaken between 1984 and 1986, on Rwandan brick and roof-tile enterprises as a microcosm of Rwanda's wider socio-economic fabric. It is only later that she redirects her analysis to establish a conceptual link between the events of 1994 and production processes that evolved historically. The research cited serves as a lense «through which the lead-up to the events that so horrified the world in 1994 can be viewed.»³⁴ Her main argument, based on her detailed field data, is that ordinary people primarily engaged in the genocide for economic reasons and not out of ethnic hatred or fear. She pairs this economic dimension with a social one by indicating that certain regions lacked horizontal, bridging and trusting relationships outside of the vertical connection with the traditional, coercive state-controlled relation of power. «Each region and areas within each region either resisted or became involved for different reasons.»³⁵ Violence was much more complex than looked at from a bird-eye's view and the genocide's momentum was sometimes based on the drive for personal profit, outright robbery and settling of personal vendettas, even within families, and, therefore, the author suggests that «ethnic hatred was not the major factor in the patterns of complicity and resistance».³⁶

The last study, based on fieldwork conducted before the genocide and linking original data with the genocidal violence, focuses on the impact of land relations. Catherine André and Jean-Philippe Plateau report the findings of an in-depth case study based on fieldwork in the period 1988-1993 in a cellule in Rwanda's northwest. They focus on land relations and ask whether «a relationship can be established between the land situation and the civil war that broke out in April 1994, unleashing an indescribable amount of hatred and destructive violence.»³⁷ To establish this link, a mixed-method approach was used, combining a panel survey to capture the dynamics on land transactions (1988-1993) with interviews to gain insight into 'how' and 'why' social relationships are affected through transactions taking place in the context of changing indigenous tenure arrangements and customary habits. The authors found a rising inequality in land endowments. This affected, firstly, vulnerable groups through a restrictive definition and enforcement of customary land tenure rules and, secondly, (young) households who could not rely on off-farm income opportunities. Conflicts threatening community

³⁴ JEFROMOVAS, V. , *op. cit.*, p.2.

³⁵ JEFROMOVAS, V., *op. cit.*, p.114.

³⁶ JEFROMOVAS, V., *op. cit.* , p.114.

³⁷ ANDRÉ, C. & PLATTEAU, J., *op.cit.*, p.5. Remarkable is the fact that the authors never use the word 'genocide' in their account.

stability, in general, were abundant, but most «have as their root cause a contest about land rights.»³⁸

By tracing residents in refugee camps in the Congo and contacts with informants in the village after the genocide, the authors gathered the necessary information to link the findings on the pre-genocide communal dynamics with the events that affected the population during the genocide, and identified the characteristics of the «war victims». Interesting in this case is the fact that the community was ethnically homogeneous, all the inhabitants being Hutu, except for one Tutsi woman. This gives the study the opportunity «to control for the ethnic hatred dimension when attempting to link up rural violence with land scarcity.»³⁹ According to the findings of the authors the pattern of violence targeted three groups. Firstly, persons with large land holdings, being either old persons or persons who had experienced economic success and, therefore, had climbed the ladder of wealth and well-being. Secondly, poor and malnourished people who, according to the authors, probably perished through the harsh circumstances of a war environment. And thirdly, the group of troublemakers considered community outsiders.⁴⁰ These observations concluded with the statement «this suggests that the 1994 events provided a unique opportunity to settle scores or to reshuffle land properties, even among Hutu villagers, a well-known but ugly feature of all civil wars.»⁴¹

4. CONNECTING THE LOCAL TO THE NATIONAL

Processes at the local level reflect larger political processes and national-level conflicts and even contribute to them. The local elite diverted attention away from its own power dominance and privileges. Demographic pressure and the decrease in land availability for everyone eroded communal trust and reciprocity. But what also comes from an overview of the literature and knowledge generated on the genocide so far is the realization that there seems to be a gap between understandings generated at the macro- and micro-level. The violence perpetrated and experienced at the local level in small communities was at least ambiguous in origin and nature, although it was framed in the language of the macro-narrative: «the Tutsi is the enemy and needs to be eliminated». In the cases described by Longman, local cleavages,

³⁸ ANDRÉ, C. & PLATTEAU, J., *op. cit.*, p.30.

³⁹ ANDRÉ, C. & PLATTEAU, J., *op. cit.*, p.6.

⁴⁰ Note that the categorizations of the authors are slightly different, including youth engaged in militias as a separate «victim» group. Although they died in the events, they can hardly be considered as «victims» of the violence that they themselves unleashed. Also important is that the authors categorize the death of the Tutsi woman (who had already experienced a murder attempt in 1993) under the victim group of wealthy people, suggesting that this person was killed primarily for reasons other than ethnic hatred.

⁴¹ ANDRÉ, C. & PLATTEAU, J., *op. cit.*, p.40.

being socio-economic in nature, lost all autonomy and turned into manifestations of the central cleavage: the ethnic conflict between Hutu and Tutsi. In the case of André and Platteau, the genocide seemed to have taken shape in a Hobbesian universe of all against all, disregarding ethnic affiliation.

Shifting the focus to the local level and concluding that the Rwandan tragedy was nothing more than a generalized form of settling scores or a quest for economic gain would come down to a trivialization of the clear genocidal intent to exterminate the Tutsi as a group. An intent that becomes clear when considering macro-level dynamics or the massacre sites like churches and schools, a perspective that is not our current focus. Moreover, this conclusion would bring us close to the initial media coverage of ‘unexplainable’ tribal warfare by neighbours against neighbours. Scholarship has adequately tackled this flawed vision. How then is it possible to place the genocidal project in local community contexts taking into account both *genocide* and *context*? In general: is it so that local dynamics differ from the national dynamic in times of violence?

4.1. The Micro-Macro Divide

Since macro factors and variables are more visible and hence, easier to research and conceptualize, they are typically preferred over local ones. They miss, however, a dimension of the conflict as argued, for example, by Valery Tishkov in his study of the Chechnyan conflict: «In general, the methodological weakness of holistic conflict theories lies in their obsession with the systemic and their inability to see beyond groups as collective bodies with ‘will’, ‘needs’, and ‘universal motivations’, which are more often than not invented, explained, and prescribed. They also ignore uncertainty and creativity, the role of human projects and their rational and irrational strategies, and people’s often-mistaken decisions and choices. Even more serious is that in a highly interdependent and increasingly sophisticated international community of policymakers, scholarly theories can create (or destroy) reality.»⁴² Such a view from the outside or general theory that fails to take into account the reality in the periphery risks to miscall a dimension of the conflict, as seen in the case of Guatemala for example: «What seem clear consequences of national and international developments to cosmopolitan observers are, for local people, wrapped in all the ambiguity of local life.»⁴³

⁴² TISHKOV, V., *Chechnya. Life in a War-Torn Society*, Berkeley, University of California Press, 2004, p.9

⁴³ STOLL, D., *Between Two Armies. In the Ixil Towns of Guatemala*, New York, Columbia University Press, 1993, p.259.

This problematic gap between macro- and micro-analysis is recognized by theorists on both ends of this divide. Consider the statement of the respected political scientist Robert Gurr who spent a lifetime analyzing and conceptualizing violence and violent conflicts from mainly a macro-perspective: «Highly centralized societal wars are breaking up into highly decentralized applications of violence and other anti-societal activities that operate 'below' our conventional radar screens and 'outside' our traditional conflict management strategies.»⁴⁴ The anthropologist, on the other hand, traditionally focused on the micro-investigation of a single site with a well demarcated research boundary, reflects on the necessity to demarcate a new field of study: «This [new] mode defines for itself an object of study that cannot be accounted for ethnographically by remaining focused on a single site of intensive investigation. It develops instead a strategy or design of research that acknowledges macro-theoretical concepts and narratives of the world system but does not rely on them for the contextual architecture framing a set of subjects.»⁴⁵ An overview on collective violence in post-colonial settings concludes by suggesting that «researchers need to develop ways of better theorizing multiple and overlapping forms of agency as opposed to the singular and autonomous forms that currently tend to starkly dichotomize the world into agents and patients.»⁴⁶ By connecting micro and macro, the idea is, as stated by the Newbury's in the case of Rwanda, «to

⁴⁴ MARSHALL, M.G. & GURR, R.T., *Peace and Conflict 2005. A Global Survey of Armed Conflict, Self-Determination Movements, and Democracy*, MD: Center for International Development and Conflict Management – CIDCM, 2005, p.14.

⁴⁵ MARCUS, G.E., "Ethnography in/of the world system: The Emergence of Multi-Sited Ethnography", *Annual Review of Anthropology*, Vol.24, 1995, p.96. Veena Das elaborates on this trajectory by stating: «As a discipline that itself has often been considered to occupy a marginal voice in Western political theory, anthropology offers an ideal point of departure for the radical rethinking of the state that a view from the margins requires.», DAS V. & POOLE D., "State and Its Margins. Comparative Ethnographies", DAS V. & POOLE D. (Eds.), *Anthropology at the Margins of the State*, Santa Fe, School of American Research Press, 2004.

⁴⁶ PEABODY, N., "Collective Violence in Our Time", *American Ethnologist*, Vol. 27, No. 1, p.177. Another wide reading of accounts focusing on local dynamics in civil wars would support a similar research objective: «Leaving aside the often questionable quality of aggregate (macro) data on civil wars, it is worth noting that the available evidence is particularly striking and deserves attention since macro-level studies have consistently overlooked and misinterpreted these dynamics. Although it is impossible to ascertain at this point the relative weight of local cleavages within and across wars, it is necessary to acknowledge the significance of this phenomenon; this should spark a research program leading to a rigorous empirical statement about its prevalence [...] [it] calls for a fine-grained analysis that takes into account both intra-community dynamics and the dynamics of civil war», KALYVAS, S.N., "The Ontology of Political Violence. Action and Identity in Civil War", *Perspectives on Politics*, Vol. 3, No. 1, p.479 & p.486.

bring peasants back in to an understanding of the political and social processes of the state.»⁴⁷

4.2. Cleavages and Alliances

According to Stathis Kalyvas, who did extensive research on this subject⁴⁸, this gap between macro interpretations and micro processes is real, but it needs not only to be further empirically investigated but also theoretically explored so that new concepts can enable research to ‘think’ both sides together. The problem of the ambiguity and complexity of violence and the apparent difference from the macro interpretation of violent conflict when looked at through the microscope resides precisely in the interaction between macro and micro, centre and periphery, top and bottom, the master narrative and the local variation. A problematic interaction since it has not been conceptualized. Through a wide reading of local level accounts of violent conflicts the author concludes: «Identity labels should be handled with caution: actors in civil war cannot be treated as if they were unitary. Labels coined at the center may be misleading when generalized down to the local level; hence motivations cannot be derived from identities at the top. The interchangeability of individuals that underlies the concept of group conflict and violence is variable rather than constant. The locus of agency is as likely to be at the bottom as at the top, civilians cannot be treated as passive, manipulated, or invisible actors: indeed, they often manipulate central actors to settle their own conflict»⁴⁹. Keeping this observation in mind, he proposes to consider the micro and the macro not as unconnected spheres with

⁴⁷ NEWBURY, D. & NEWBURY, C., *op. cit.*, p.874.

⁴⁸ KALYVAS, S.N., “Wanton and Senseless? The Logic of Massacres in Algeria”, *Rationality and Society*, Vol. 11, No. 3, 1999, pp.243-285. KALYVAS, S.N., “‘New’ and ‘Old’ Civil Wars. A Valid Distinction?”, *World Politics*, Vol. 54, 2001, pp.99-118. KALYVAS, S.N., “Aspects méthodologiques des études des massacres: le cas de la guerre civile grecque”, *Revue Internationale de Politique Comparée*, Vol.8, N°1, 2001, pp.23-42. KALYVAS, S.N., “Les guerres civiles à la fin de la Guerre Froide”, HASSNER, P. et MARCHAL, R.(eds.), *Guerres et sociétés. Etat et violence après la Guerre froide*, Paris, Editions Karthala, 2003, pp.107-135. KALYVAS, S.N., “The Paradox of Terrorism in Civil War”, *The Journal of Ethics*, Vol. 8, 2004, pp.97-138, 2004. KALYVAS, S.N., “The Urban Bias in Research on Civil Wars”, *Security Studies*, Vol. 13, No. 3, 2004, pp.1-31. KALYVAS, S.N., “Warfare in Civil Wars”, DUYVESTYEN, I. and ANGSTROM, J. (eds.), *Rethinking the Nature of War*, Abingdon: Frank Cass, 2005, pp. 88-108. KALYVAS, S.N., *op.cit.*, pp. 475-494. KALYVAS, S.N.& CUENCA, I.S., “The Absence of Suicide Missions”, Diego Gambetta (ed.), *Making Sense of Suicide Missions*, Oxford, Oxford University Press, 2005, pp.209-232. KALYVAS, S.N., *The Logic of Violence in Civil War* Cambridge, Cambridge University Press, 2006.

⁴⁹ KALYVAS, S.N., “The Ontology of Political Violence. Action and Identity in Civil War”, *Perspectives on Politics*, Vol. 1, No. 3, p.481. Under agency we understand: «the capacity to process social experiences and subsequently express personal preference and make meaningful choices.»

'different' logics, neither as completely and neatly corresponding to each other as mirror images in equilibrium and 'concordance', but in 'alliance' with each other. Violence reflects both the goals of the supra-local forces and factors – in the case of Rwanda mainly the Hutu-Tutsi cleavage – and their local shadows: struggles for power, fear, coercion, the quest for economic resources and personal gain, vendettas and settling scores.⁵⁰

5. IMPLICATIONS FOR THE POST-GENOCIDE PERIOD: A TRANSITIONAL JUSTICE PERSPECTIVE

Identifying and conceptualizing the gap between micro and macro processes and interpretations is not just a mere intellectual exercise since it elicits specific responses, both on the level of research and policy and related to the interpretation of the genocide and the monitoring of the post-genocide period. To begin: what is needed are more local-level data to gain insight into the mechanisms that led to and were used during the genocide. To better understand the big picture, we need to have more details on the variations and dynamics in specific locales and regions, and more insight is required on the role of specific groups and/or institutions. Subsequently, research into violence must look at the micro-and macro-levels; find the links between the two and point to interventions that will effectively address both.⁵¹ Moreover, keeping in mind the interplay between the local and the national and the fact that agency is both located in the centre and the periphery, it is not only necessary in times of violent conflict, it needs to be a continuing endeavour.⁵² I will address these issues in the remainder of this article from the perspective of «transitional justice». After a general introduction on «transitional justice», I will highlight the different transitional justice mechanisms in place in Rwanda, with a focus on the grass-roots level and local agency.

⁵⁰ KALYVAS, S.N., *Ibidem*, p. 486: «The theoretical advantage of alliance is that it allows for multiple rather than unitary actors, agency located in *both* center and periphery rather than only in either one, and a variety of preferences and identities as opposed to a common and overarching one. Alliance entails a transaction between supra-local and local actors, whereby the former supply the latter with external muscle, thus allowing them to win decisive local advantage; in exchange the former rely on local conflicts to recruit and motivate supporters and obtain local control, resources, and information – even when their ideological agenda is opposed to localism.»

⁵¹ CLARKE, H. J., "Research for Empowerment in a Divided Cambodia", SMYTH, M. & ROBINSON, G., *Researching Violently Divided Societies. Ethical and Methodological Issues*, London, Pluto Press, 2001, p.101.

⁵² See, for example, the Newburys on Rwandan historiography: «If past history has focused exclusively on elites, the response is not to focus exclusively on peasants. Instead, one needs to incorporate peasants – to break down the separation of peasants from elites, not to reinforce such dichotomies. We are not arguing for the study of peasants in isolation but for the study of a Rwandan history that includes peasants.», NEWBURY, D. & NEWBURY, C., *op. cit.*, p.876.

5.1. Transitional Justice

Transitional justice is a societal process as stated in the report of the UN Secretary-General on the rule of law and transitional justice: «[It is] the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation».⁵³ Over the past decades, it has become clear that societies recovering from gross human rights violations should not simply adopt a strategy of amnesty and amnesia to overcome a violent past and prevent that past functioning as a seed of continuing or renewed conflict. Important choices need to be made by successor elites and the international community to attain this overall objective of adequately addressing the past and assuring a non-violent future.⁵⁴ The more specific objectives of transitional justice are accountability, truth, reparation and reconciliation. Different factors determine the relative weight attached to each of these objectives, the type of mechanisms used, their sequencing and tempo.⁵⁵

5.2. Post-Genocide Rwanda: Trials and Tribunals

Over the past years, Rwanda has embarked on the road to reconciliation and a non-violent future by following numerous paths of accountability; unlike South Africa, for example, where the option of truth was chosen to tackle the past. It was argued for Rwanda that a «Truth and Reconciliation» approach would result in impunity, a factor identified as contributing to the genocide and, therefore, a historical pattern that needed to be broken with.⁵⁶ At least part of the entourage of the RPF, the rebel force who took over power in Rwanda at the end of the genocide in July 1994, was convinced that they were dealing with a «criminal population» with 2-3

⁵³ UN Security Council, S/2004/616: § 8

⁵⁴ HUYSE, L., "Justice After Transition. On the Choices Successor Elites make in Dealing with the Past", *Law And Social Inquiry*, Vol. 20, No. 1, 1995, pp.51-78.

⁵⁵ VANDEGINSTE, S., "Justice for Rwanda, Ten Years after: Some Lessons Learned for Transitional Justice", *L'Afrique des Grands Lacs. Annuaire 2003-2004*, Paris, L'Harmattan, 2004, p. 46.

⁵⁶ On this decision-making process of the Rwandan leadership, see for example: SEZIBERA, R., "The Only Way to Bring Justice to Rwanda", *The Washington Post*, April 7 2002. On establishing a truth and reconciliation commission in Rwanda, see: VANDEGINSTE, S., "L'Approche 'Verité et Reconciliation' du Genocide et des Crimes contre L'Humanité au Rwanda", *L'Afrique des Grands Lacs. Annuaire 1997-1998*, Paris, L'Harmattan, 1998, pp.97-140; and SARKIN, J., "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda", *Human Rights Quarterly*, Vol. 23, No. 3, 1999, p.767.

million persons guilty of genocide crimes.⁵⁷ Trials seemed the only option to come to terms with the troubles of the past. Since 1994, accountability mechanisms started working increasingly, both internationally and at all different levels of Rwandan society. An apex was reached in March 2005 when the *Gacaca* Jurisdictions started operating nationwide; with plans that they continue for the coming years. In the meantime, though in the background and at a much slower rate, other transitional justice strategies have been adopted.

In November 1994, the UN Security Council adopted a resolution to establish an international tribunal to prosecute individuals responsible for crimes of genocide and other international law violations to ensure that these types of gross violations of human rights would not go unpunished. As with the ICTR proceedings held outside of Rwanda in neighbouring Tanzania (Arusha), there have been other trials held in third countries. Based on universal jurisdiction laws, trials in Switzerland in 1999 and in Belgium in 2001 and 2005 have contributed to the quest for accountability. The main task for achieving accountability had originally been placed on the ordinary Rwandan justice system. But since the tribunals of first instance could simply not handle the vast number of cases, the choice was made to modernize and formalize the traditional dispute mechanism *Gacaca* to establish a decentralized justice system. All of these measures aim to satisfy the objective of delivering mass accountability for mass crime(s).

Alongside this dominant 'punitive' approach⁵⁸, a more restorative component has been added by the establishment of the FARG, the fund for the assistance of the survivors of the genocide.⁵⁹ And a «National Unity and Reconciliation Commission» (NURC) became operational in 1999 with a rather vague mandate that can be summarized as «promoting unity and reconciliation», most visible through the organisation of the *Ingando* solidarity camps for reintegration and re-education.⁶⁰ More important seems

⁵⁷ Examples of this conviction can be found in journalistic interviews. See for example: NEUFFER, E., *The Key to My Neighbour's House. Seeking Justice in Bosnia and Rwanda*, London, Bloomsbury, 2001, p.258; and MAMDANI, M., *When Victims Become Killers. Colonialism, Nativism, and the Genocide in Rwanda*, Princeton, Princeton University Press, 2001, p.7 & p.266.

⁵⁸ The *Gacaca* Jurisdictions also have the aim to foster reconciliation according to their objectives (see below), although it has been argued that it largely functions and is perceived as a punitive system. See for example: COREY, E. & JOIREMAN, S., "Retributive Justice: The *Gacaca* Courts in Rwanda", *African Affairs*, No. 103, 2004, pp.73-89

⁵⁹ On the FARG (*Fonds national pour l'assistance aux victimes les plus nécessiteuses du genocide et des massacres perpétrés au Rwanda*) and the (not yet operational) FIND (*Fonds d'Indemnisation*), see: ROMBOUTS, H., *op. cit.*

⁶⁰ The *Ingando* policy and experience is discussed in: MGBAKO, C., "Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Rwanda", *Harvard Human Rights Journal*, Vol.18, pp.201-224; and: PENAL REFORM INTERNATIONAL, *From Camp to Hill*,

to be that the establishment of NURC marked a shift from an exclusively retributive approach to an additional reconciliatory element. A discourse of reconciliation has started to surface only in recent years. Now every socio-political initiative from poverty alleviation programs to resettlement schemes to political decentralization is framed in the language of «reconciliation», «strengthening unity», «empowerment» and the «rebuilding of social relations»⁶¹.

5.3. Re-Inventing *Gacaca*

Although transitional justice is broad and operates on different levels of society and through various channels, initiatives and mechanisms, the place where the whole process will find its most tangible embodiment for the ordinary Rwandan is during the *Gacaca* meetings in their respective cellules and sectors. Since March 2005, *Gacaca* meetings are being held in each of Rwanda's 9,013 cellules and 1,545 sectors.⁶² In total there are 12,103 *Gacaca* courts established nationwide presided over by 169,442 *Inyagamugayo*, the local judges.

In 1999, after a period of reflection and a round of consultation, a commission established by the (then) Rwandan President Pasteur Bizimungu, proposed to modernize and formalize the 'traditional' dispute resolution mechanism known as *Gacaca* to deal with the approximately 130.000 persons imprisoned for offences related to the genocide at that time; a task the 'ordinary' justice system could not accomplish in a satisfactory way. In the broadest sense, the *Gacaca* Jurisdictions were established with the aim of establishing the truth of what had happened at the local level; to accelerate the prosecution of genocide crimes; to eradicate the culture of impunity; to «punish», «reconcile» and «strengthen unity» and to prove that Rwandan society can settle its own problems through its own customs.⁶³

the Reintegration of Released Prisoners. Research Report on the Gacaca. Report VI, Paris/Kigali, PRI, 2004.

⁶¹ Numerous examples can be found (in documents) on the website of the Rwandan Ministry of Local Government, Community Development and Social Affairs (MINALOC): <http://www.minaloc.gov.rw>.

⁶² The new administrative demarcations that came into place in the beginning of 2006 will not affect the *Gacaca* proceedings according to a statement made by the National Executive Secretary for the *Gacaca* Courts: 'Demarcations will not affect Gacaca', *The New Times*, 9 November 2005.

⁶³ Cf. the preamble to the Organic Law no. 40/2000 adopted on January 2001. For a more in-depth discussion of the *Gacaca* law, see VANDEGINSTE, S., "Les Juridictions Gacaca et la Poursuite des Présumés Auteurs du Génocide et des Crimes Contre L'Humanité au Rwanda", *L'Afrique des Grands Lacs. Annuaire 1999-2000*, Paris, L'Harmattan, 2000, pp.75-94.

The whole *Gacaca* undertaking had been greeted as both hopeful and promising, but also as unrealistic and dangerous. Apart from attaining the objectives stated above, the whole process could prove that it was possible to deliver mass accountability for mass atrocity without the need to fall back on forms of amnesty. It could also prove to be a valuable alternative to Western approaches to justice, and could instigate a genuine form of empowerment in local communities by delegating the responsibility to deal with the problems in their midst. On the other hand, reservations about *Gacaca* have been made, mostly from the perspective of fair trial standards, human rights, funding and logistics.

In the meantime, a pilot phase of the entire procedure, held in 751 pilot sectors, predicts that the national *Gacaca* process would result in the prosecution of 761,448 people. The same predictions indicate that only 5 percent of those accused of genocide crimes will confess before the *Gacaca* courts.⁶⁴

5.4. The *Gacaca* Jurisdictions: Too Decentralized and Not Decentralized Enough

Since the *Gacaca* Jurisdictions will be the incarnation of the type of transitional justice adopted by the Rwandan case, it will also be the most prominent locus where the agency of the state comes together with the agency of 'the people', where centre and periphery, national and local meet again. To again paraphrase the Newburys, this time not from the perspective of research, but from the perspective of the social engineering of state legitimacy, the whole *Gacaca* undertaking is going «to bring peasants back into the processes of the state». Herein lies the apparent paradox of the whole system. It is noted that «the form of justice flows from the form of power»⁶⁵ and that «power structures truth»⁶⁶. These maxims are mostly used to interpret the transitional justice initiatives at the national level, in Rwanda this is often equated with a form of «victor's justice»⁶⁷. But they are equally true for the local level, except for the fact that the nature of local power will differ from region to region and from community to community.

The idea is to empower communities by transferring responsibility to the local situation; while at the same time this empowerment is enforced (top-down) with a strict definition of the rules of the game leaving ample room for

⁶⁴ Numbers based on information provided by the "National Service of the *Gacaca* Courts" – *Gacaca Process – A Justice Leading to Unity and Reconciliation in Rwanda* – November 2005.

⁶⁵ MAMDANI, M., *op.cit.*, p.272.

⁶⁶ FOUCAULT, M., *Power/Knowledge. Selected Interviews and Other Writings, 1972-1977*, Sussex, The Harvester Press, 1980, p.133.

⁶⁷ MAMDANI, M., *op.cit.*, pp.270-273.

specific local needs and desires. The uncontrolled imprisonment of those accused, and the acts of vengeance or crimes committed by RPF-soldiers in the aftermath of the genocide that fall outside the jurisdiction of the *Gacaca* courts, could jeopardize the legitimacy of the procedure in some areas. It has been noted that a procedure that has the primary aim of letting people speak out will, at the same time, manufacture silence on these topics.⁶⁸ In a study on the *Imidugudu* resettlement process, a similar instance of large-scale social engineering, the following observation was made: «They [i.e. the new case returnees] felt that the *Imidugudu* programme, as it was implemented in Gisenyi, was meant to serve the interests of the ‘others’, i.e. the Tutsi returnees. The remark that ‘power is with the repatriates’, which we heard several times, expressed this feeling very well.»⁶⁹ Depending on the particular experience and perception of the whole procedure, the question arises: how can an instrument of power empower, let alone bring legitimate justice or genuine reconciliation? Justice not only needs to be done, but also it needs to be seen to be done.

Gacaca proceedings will not only depend on the perception of the vertical connection with state power, they will also be subject to horizontal power relations within communities. Although the fact that *Gacaca* is taking place at the smallest community units and is, therefore, favourable to communities dealing themselves with the uniqueness of the violence experienced in their midsts, the *Gacaca* proceedings will be subject to that same unique constellation of community dynamics. For example: rescapés are not returnees nor the ‘victors’, and often the weak groups through their limited number; isolated position; and the fact that they know what happened to them, often do not have an overview of the bigger picture. While, on the other hand, Hutu might keep silent on things not known to the wider community through (extended) family or group coercion, or just as a hidden protest to the entire process they do not consider as belonging to them.⁷⁰

⁶⁸ ZORBAS, E., “Reconciliation in Post-Genocide Rwanda”, *African Journal Of Legal Studies*, Vol.1, No. 1, 2004, p.40.

⁶⁹ HILHORST, D. & VAN LEEUWEN, M., “Emergency and Development: the Case of *Imidugudu*, Villagization in Rwanda”, *Journal of Refugee Studies*, Vol. 13, No. 3, 2000, p.275.

⁷⁰ It should be noted that these remarks on the different vectors of power coming together again in the *Gacaca* courts are only preliminary in nature. The actual proceedings will have to pass the entire procedure, taking several years, and the test of time before a final judgement can be made. Interesting, although registered before the national kick-off, are the different ‘opinion polls’ that show a positive attitude of the different population groups towards the whole process: LONGMAN, T., PHAM, P., & WEINSTEIN, H.M., “Connecting Justice to Human Experience: attitudes toward accountability and reconciliation in Rwanda”; STOVER, E. & WEINSTEIN, H.M. (Eds.), *My Neighbour, My Enemy. Justice and Community in the Aftermath of Mass Atrocity*, Cambridge, Cambridge University Press, 2004, pp.206-225; LIPRODHOR, *Juridictions Gacaca au Rwanda. Résultats de la Recherche sur les Attitudes et Opinions de la Population Rwandaise*, Kigali, LIPRODHOR, 2000; and GASIBIREGE, S., BABALOLA, S.,

6. PEACE-VIOLENCE-PEACE: CONTINUITY UNDER CHANGING SKIES?

To conclude, I will give one concrete grass-roots example, based on my personal fieldwork, which brings together the Rwandan genocide and post-genocide experience and the initial *Gacaca* proceedings. My focus is on one village, Ntabona, in Central Rwanda.⁷¹

After President Habyarimana's plane was shot down on April 6 1994, everything remained calm in the Ntabona sector. After four days, the sector was attacked from a nearby village by refugees, displaced by the ongoing war, together with the RPF. The local *bourgemestre*, together with the population, was alerted and drove the attackers back, killing some in the process. Calm then returned to Ntabona but later a small group of 'ideologists', with a former FAR soldier and trained *Interahamwe* taking the lead, began to terrorize the sector. Their initial actions were framed in the language of the genocide and the target of their harassment was the Tutsi population as tokens of a larger abstract entity: 'the Tutsi as the enemy'. But it was only around April 20 that they stepped up their actions and started to kill Tutsi. In the meantime, the political constellation in the community had changed since the *bourgemestre* had lost his power through an intervention by the national authorities. The *Interahamwe* leader took over control of the sector in this power-vacuum.

The general perception of the population – both Hutu and Tutsi – was that these people using violence were 'a group of bandits' wanting to steal and take over power in the community. After some time this became clear when a large number of Hutu heads of household also figured on the death list of next 'targets'. These Hutu were somehow connected through family ties, they were 'the rich' of the area, occupied positions of authority or had other forms of off-farm income. Although not overtly active in their resistance to the violence against their Tutsi neighbours, some were soothing tempers through expressing their discontent with the events, some were inventing mechanisms to alert Tutsi in hiding when danger was imminent while others were intent to avoid being implicated in the violence. Their behaviour could be interpreted as ambiguous, occupied with their own safety and coming into action by killing the *Interahamwe* leader only when they themselves became the objects of violence. They killed the

Perceptions About the Gacaca Law in Rwanda: Evidence from a Multi-Method Study, Baltimore, Johns Hopkins University School of Public Health, Center for Communication Programs, 2001.

⁷¹ I use a pseudonym to indicate the locality in order to ensure confidentiality. Fieldwork was conducted in July, August and September 2004 and in March 2006. It has to be noted that the findings from the in-depth study of this community cannot be generalized to Rwanda as a whole. Ongoing fieldwork in several communities indicates recurring structural patterns and themes, but also a significant level of variation across communities depending on the specific demographic and socio-political constellation and the regional location – north, centre or south.

Interahamwe leader on April 24. After this, calm returned to the sector until another *Interahamwe* leader, backed up by national authorities, came to the region on May 9 and the ‘natural’ order of power-relations shifted again. The group initially pillaging and hunting down Tutsi found renewed courage in the words of the national authorities that urged the population to divide the parcels of the Tutsi.

Striking in the story of this community is the fact that the genocide was not a straightforward event, rather periods of resistance alternated with periods of outright violence and both Tutsi and Hutu became the objects of violence. Striking also in the stories of local inhabitants is the fact that at least some were implicated in the violence for very personal reasons. One man participated because he did not want to draw attention to himself, since his wife was Tutsi and hiding in his home; a teacher led the attack on a Tutsi family, since the daughter of the family had rejected his proposal for marriage years before; a Hutu family of merchants mobilized followers against another family of merchants, Tutsi and their ‘business rivals’; three Hutu women mobilized a group of attackers to kill a Tutsi woman having a privileged position in a polygamous marriage; a young boy killed his Tutsi stepmother in order to create more economic opportunities for himself in the household. Although these personal motivations are striking and important, they were not the main motivations for ordinary people to be implicated. People were targeted because of their economic or social position, and the language of genocide had an economic tone in this community. People participated because of *Inda Nini* – big bellies. The mind-set of war – the Tutsi is the enemy – was necessary but insufficient to increase participation. Therefore, other motivations and reasons drove the genocide in Ntabona.

Some released prisoners who confessed their crimes are the driving force in the process since the start of the *Gacaca*-sessions. Most of their testimonies are genuine and they urge others to tell the truth. Some of them went to ask forgiveness to family members of their victims. Others – never imprisoned but knowledgeable or personally implicated – keep quiet, at least on things not widely known to the entire community that can be kept in the dark. The small number of rescapés, and their limited knowledge of the events, makes it impossible to break this conspiracy of silence. A conspiracy some of them join deliberately, but for different reasons. A female rescapé refuses to testify since God, she believes, is her only judge. The killing of a rescapé in a neighbouring community after testifying makes others reluctant to speak out. In the meantime, a former local authority and wealthy merchant – considered as one of the ringleaders in the local genocide – influences the process. Nobody wants to testify against him. Although it is unclear whether he also uses overt coercion to manipulate the proceedings, his position as a wealthy person controlling food distribution and job employment makes direct pressure not even necessary. A released prisoner who spent ten years in prison moves heaven and earth during the *Gacaca* sessions to prove the guilt of the one who had originally handed him over to the authorities.

Gacaca, as it is now foreseen, situated or mired in the complex real-world of social relations, drifts away from the initially-envisioned concept. The formalization of the traditional conflict resolution mechanism, the strict definition of the rules of the game, and the incorporation of state power further fuels the fact that a large part of the population disowns the process. Rumours about *Gacaca* as a revenge mechanism that was installed to create docile subjects in the hands of the current power-holders are circulating in the confined space of some houses, where the (ethnically) like-minded are present. Rumours that in public are only surfacing sporadically in the local pubs, when too much *urwagwa* – banana beer – has been consumed, and where a danger exists that such ideas and opinions may be overheard by the omnipresent ears of the state listening to record and act upon every instance of *Ingengabitekerezo Ya Jenocide* – genocide ideology.

7. CONCLUSION

Both genocide and the post-genocide reconstruction are bold endeavours of social engineering taking root in the most remote areas of social life. Comparative micro-analysis of the genocide demonstrates that violence unleashed at the macro-level was appropriated and fundamentally shaped by the micro-political matrixes and social formations in which it took hold. Genocide, although shaped from above, was significantly reshaped in a highly differentiated terrain of local social tensions and cleavages, regional differences and communal or individual particularities. Although this seems to be incongruent with analysis made at the macro-level, it is not. The concept of *alliance* enables one to ‘think’ both genocide and context.

We have extended this argument to the post-genocide period in order to place the main transitional justice initiative, the *Gacaca Jurisdictions*, in the same scheme of centre and periphery, macro and micro. Apart from the fact that *Gacaca* has already a heavy burden to deal with, the so-called central cleavage of Rwandan society; namely the Hutu-Tutsi bi-polarity, it is operating in an environment of other cleavages which, although they were often the conductors of the violence, will not only remain the blind spot of the whole endeavour, they might also derail the process in some way. Couple this with the top-down enforcement of the whole process, the *Gacaca* outcome will probably vary widely depending on the specific situation and factors at hand. When all pieces of the puzzle fall together in a unique and favourable constellation at the local level, justice will be done, truth will be spoken and reconciliation will occur. The future will tell whether the constraints of reality make such a scenario a question of luck or calculated providence.

Antwerp, April 2006