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# Gacaca and DDR: The Disputable Record of State-Building in Rwanda

Shinichi Takeuchi\*

## Abstract

State-building is currently considered to be an indispensable process in overcoming state fragility: a condition characterized by frequent armed conflicts as well as chronic poverty. In this process, both the capacity and the legitimacy of the state are supposed to be enhanced; such balanced development of capacity and legitimacy has also been demanded in security sector reform (SSR), which is regarded as being a crucial part of post-conflict state-building. To enhance legitimacy, the importance of democratic governance is stressed in both state-building and SSR in post-conflict countries. In reality, however, the balanced enhancement of capacity and legitimacy has rarely been realized. In particular, legitimacy enhancement tends to stagnate in countries in which one of multiple warring parties takes a strong grip on state power. This paper tries to understand why such unbalanced development of state-building and SSR has been observed in post-conflict countries, through a case study of Rwanda. Analyses of two policy initiatives in the security sector – Gacaca transitional justice and disarmament, demobilization, and reintegration (DDR) – indicate that although these programs achieved goals set by the government, their contribution to the normative objectives promoted by the international community was quite debatable. It can be understood that this is because the country has subordinated SSR to its state-building process. After the military victory of the former rebels, the Rwandan Patriotic Front (RPF), the ruling elite prioritized the establishment of political stability over the introduction of international norms such as democratic governance and the rule of law. SSR was implemented only to the extent that it contributed to, and did not threaten, Rwanda's RPF-led state-building.

**Keywords:** state-building, Rwanda, SSR, conflict, Gacaca, legitimacy

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## **Introduction**

The international community has recently been promoting state-building in fragile situations.<sup>1</sup> As stated in its “Principles for Good International Engagement in Fragile States and Situations,” the Organization for Economic Co-operation and Development’s Development Assistance Committee (OECD/DAC) is determined to “focus on state-building as the central objective” (OECD 2007c). In these principles, two areas of engagement for state-building are particularly highlighted: one is to strengthen the capability of states by enabling them to fulfill their core functions, such as providing security; the other is to support the legitimacy and accountability of states by addressing issues like democratic governance and human rights. The DAC countries therefore consider that a good balance between capacity and legitimacy is indispensable in state-building to enable a durable exit from poverty and insecurity in fragile situations.

Post-conflict situations can be considered to be typically fragile; however, the results to date of post-conflict state-building support have been debatable. Despite the OECD/DAC policy noted above, it has often been difficult to produce tangible results in the two areas of engagement. Countries like Afghanistan and the Democratic Republic of the Congo (the DRC) have not been able to greatly improve their state capacity to fulfill their core functions; consequently, their state legitimacy in the eyes of their people has not been enhanced. Other post-conflict countries have experienced processes of unbalanced state-building: although they have rapidly improved their capacity to provide basic services, their state legitimacy is problematic because of the authoritarian nature of the regimes that govern them.

Although the predicaments of Afghanistan and the DRC are well documented, the problem of unbalanced post-conflict state-building has often been overlooked. However, it deserves detailed analysis, as it highlights the dilemmas faced by external actors. On the one

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1. There are various definitions of fragility or fragile states, as shown in Stewart & Brown (2009) and OECD (2008b). We conceptualize fragility as being a situation in which human security is under continuous threat, with armed conflict and chronic poverty as its most prominent features.

hand, the international community has supplied assistance for balanced state-building in fragile situations, because a lack of legitimacy can cause violent conflict. Authoritarian governance and repression of human rights may cause grievances to accumulate in the population, thereby setting off rebel movements;<sup>2</sup> the subsequent recurrence of armed conflict would completely destroy efforts to enhance state capacity. In fact, the donor community backed up corrupt and repressive regimes in the context of strategic considerations during the Cold War era, and some of these descended into severe armed conflicts (Uvin 1998). On the other hand, the causal relationship between authoritarianism and armed conflict is often too ambiguous to produce clear policy initiatives. It is quite difficult to predict the extent to which repression triggers rebellion. The dividing line between an effective centralized state and a repressive state cannot be easily distinguished; as a result, donors continue to assist authoritarian regimes with little enhancement of liberal values. These difficulties and ambiguities have created a wide gap between international norms and the reality on the ground.

Similar problems revolving around norms and reality can be observed in security sector reform (SSR<sup>3</sup>). The concept of SSR, which emerged after the Cold War, is clearly different from traditional military (or police) reform. Active engagement of development agencies has considerably broadened the targets of reform and the meaning of security sectors. SSR includes not only core actors, such as the armed forces and police, but other ministries and non-state actors.<sup>4</sup> As the main purpose of SSR, the international community has emphasized the necessity of enhancing both the capacity and legitimacy of the sector (OECD 2005; United Nations 2008a). For this reason, promoting liberal values such as the rule of law

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2 .Recent incidents in North African and Middle Eastern countries clearly illustrate this point.

3. Although, as we will later explain, SSR is a term connoting liberal values, recent reforms involving the security sector are generally referred to as SSR in this paper, even if they do not imply such values. It is almost impossible for outsiders to distinguish whether or not a program has been designed for the realization of liberal values.

4. .According to the OECD definition, the security sector includes not only core security actors such as armed forces and police, but also security management and oversight bodies such as the executive and the legislature, justice and law enforcement institutions such as the judiciary and prisons, as well as non-statutory security forces such as militias and private security companies (OECD 2007a, 22-23).

and democratic governance is considered to be necessary in order to enhance legitimacy in the eyes of the population. Nevertheless, in reality, SSR has often failed to cause such values to prevail in the sector. We will argue, as Egnell and Haldén (2009) maintained, that the reason for this is related to the nature of state-building.

This paper examines the reasons for this gap in the case of Rwanda. After the civil war and genocide, the Rwandan Patriotic Front (RPF), the former rebels, established a government in 1994. The RPF-led government has achieved internal political stability, although the authoritarian characteristics of the regime have often been criticized (Beswick 2010; Dorsey 2000; Reyntjens 2004, 2011; Silva-Leander 2008). Since the establishment of the RPF-led government, several reforms have been implemented in the security sector. Although these reforms achieved the main goals set by the government, it is quite doubtful whether they contributed to enhancing legitimacy in the security sector. Thus far, Rwanda's reforms have been subordinated to state-building led by the RPF, without changing the RPF's power structure.

The remainder of this paper is organized as follows. Section 1 discusses gaps between norms and realities in state-building as well as SSR. In Section 2, two examples of SSR in post-conflict Rwanda will be examined and evaluated. Section 3 discusses the characteristics of Rwandan state-building after the civil war and examines the context in which SSR was carried out. In conclusion, we summarize the argument and examine how the gap influences peace-building in the country.<sup>5</sup>

The information used in this paper was collected in the course of the author's field research as well as from a review of the literature. Interviews in SSR-related organizations

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5. The concept of peace-building and state-building are connected and sometimes overlapping, but distinct. Peace-building refers to a range of measures that aim "to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war" (United Nations 2000, par. 13). While we understand that recent peace-building activities have been criticized for their "liberal" nature (Paris 2004; Newman et al. 2009), the definition used here has no connotation of such a specific ideology: peace-building is about ending or preventing war (Stedman et al. 2002; Wyeth and Sisk 2009; United Nations 2009).

such as ministries and national commissions were mainly conducted during a visit in August 2009.

## **1. Norms and realities of state-building and SSR**

The OECD (2008c, 1) understands state-building to be “an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations.” As indicated in this definition, the DAC countries regard the concept of state-building as a process consisting of two related aspects: capacity-building and legitimacy-building.<sup>6</sup> On the one hand, the state has to develop the capacity to rule in order to provide various services for its citizens (society). Although the most basic service assured by the state is security,<sup>7</sup> contemporary states are meant to provide other services as well, such as education and public health. On the other hand, the state needs to establish legitimacy vis-à-vis society in order to maintain stable rule. No form of domination can persist unless the people ruled recognize it as legitimate. The ruler seeks to acquire legitimacy through various means, such as coercion, resource allocation, and power sharing (including democratization).

The recent literature, both academic and practitioner, has stressed the necessity of developing the capacity as well as the legitimacy of the state in fragile and/or post-conflict situations (Chandler 2007; Roberts 2008; Paris and Sisk 2009; OECD 2010; DFID 2010; Manning and Trzeciak-Duval 2010). For example, the DAC places state-building as the central objective of engagement in fragile situations, and considers “supporting the legitimacy and accountability of states” and “strengthening the capacity of states” to be the two main focus points (OECD 2007c).<sup>8</sup> The reason for this is that such balanced state-building is assumed to

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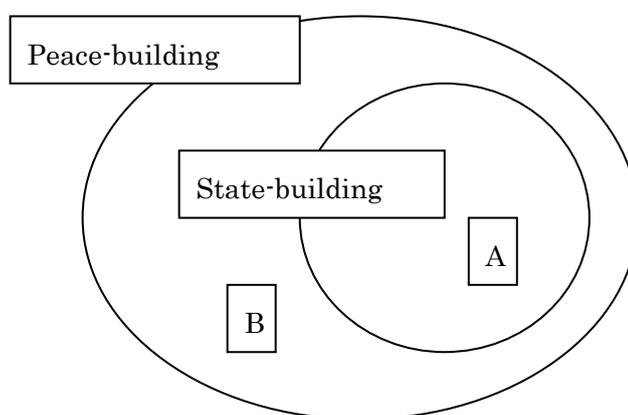
6. For recent debates on state-building among donors, see, for example, Whaites (2008), DFID (2009), and OECD (2008b; 2010).

7. Here, security refers to that concerned with direct violence, not with structural violence. Tilly’s argument, which emphasizes the role of war, is related to this aspect of state-building (Tilly 1992).

8. The OECD Principles (OECD 2007c) do not state a clear priority between the two areas. However, considering the fact that the third Principle mentions “supporting... legitimacy” first and “strengthening... capacity” second, it is safe to say that the DAC does not prioritize capacity-building over legitimacy-building.

be indispensable for peace-building. For lasting peace, the state needs to have not only sufficient capacity to provide security, but also legitimacy in the eyes of its population. A long period of oppressive rule and/or a monopoly on political power being held by a small elite can stir up popular discontent and eventually reinforce causes of conflict and instability.<sup>9</sup> With general support from the DAC countries, the idea that balanced development of state capacity and legitimacy is required to prevent the recurrence of war can be considered to be one of the elements composing present international norms (Lotz 2010).

**Figure 1:** Peace-building and state-building in normative arguments



Source: Author.

In this normative framework, there is no tension between state-building and peace-building, as the balanced development of the capacity and legitimacy of the state contributes to enduring peace: state-building efforts are to serve the purpose of peace-building, at least in the long run.<sup>10</sup> In this case, the relationship between the two concepts can be illustrated as in Figure 1. Any state-building efforts including SSR (A) can be seen as a

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9. Many scholars have pointed to a causal relationship between repression (or grievance) and violent revolts. Among representative arguments, Gurr (1971) focused on individual motivation, while Stewart (2008) examined effects and consequences of inequalities between social groups, called “horizontal inequalities.”

10. Although peace-building and state-building activities may be distinguishable in the short term (Wyeth and Sisk 2009, 16), their final objectives should be the same: creating enduring peace and preventing the recurrence of war.

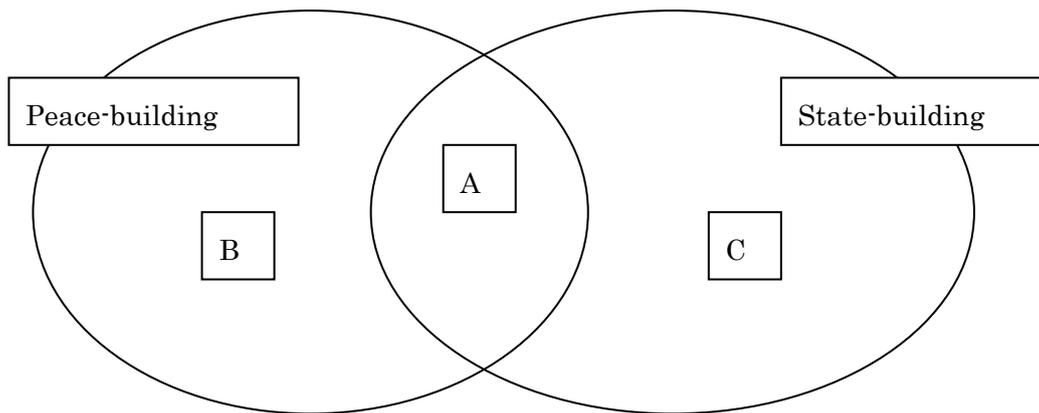
component of peace-building efforts (B), while some aspects of the latter, such as civil society empowerment, are not encompassed by the former.

In reality, however, tension can arise between peace-building and state-building. This tension often derives from the dilemma faced in state-building between short term stability and long term legitimacy. On this point, there have long been debates on whether capacity-building and legitimacy-building by a state are two phases that take place sequentially, or if they should be promoted simultaneously. A typical example of this is the relationship between political stability and democracy. On the one hand, although democracy is one of the most important elements for legitimacy-building, it can destabilize the existing political order; on the other hand, even if the state has enough capacity to maintain security, long-lasting denial of democratic governance can eventually heighten the danger of uprising. Although it is arguable whether there is any consensus in the international community about how to deal with this dilemma, the DFID expresses a relatively clear stance: while recognizing the risk of “promoting democratic institutions and processes in a context where there is a weak democratic tradition,” in insisting that “incremental democratic reforms should be introduced gradually alongside other measures to strengthen the capacity of key state institutions” (DFID 2009, 21) it rejects “democratic sequentialism,” an idea that “certain preconditions, above all, the rule of law and a well-functioning state, should be in place *before* a society democratizes” (Carothers 2007, 13).

Despite these normative arguments, balanced capacity- and legitimacy-building have rarely been realized in post-conflict countries. Capacity enhancement is not an easy task, but legitimacy-building is generally even more difficult and complicated. One of the reasons for this is that post-conflict states tend to prioritize capacity-building over legitimacy-building, as rulers seek political dominance over rivals, and usually pursue political stability more eagerly than other goals. Emphasizing capacity-building for the provision of security services, they often assign a lower priority to the rule of law and democratic governance. In this case, the

relationship between peace-building and state-building can be illustrated as in Figure 2. Some state-building efforts (C), while serving the consolidation of power, may bring about oppressive rule and may not contribute to peace-building in the long run.

**Figure 2:** Peace-building and state-building in reality



Source: Author.

Analysis using the World Bank's Worldwide Governance Indicators supports our identification of this tendency. We examined the post-conflict state-building process using two of the indicators: Political Stability and Absence of Violence/Terrorism, and Voice and Accountability. Annual changes in the indicators can enable us to trace the evolution of state capacity and state legitimacy, as political stability is a proxy for a state's capacity to maintain public order, while democratic governance, measured by the Voice and Accountability indicator, is one of the sources of state legitimacy.<sup>11</sup> As shown in Table 1, twenty countries in which wars ended after the 1990s can be classified into three groups, according to the patterns of changes in the indicators.

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11. The credibility of the governance indicators has been hotly debated (United Nations 2007; Kaufmann and Kraay 2007; Williams and Siddique 2008). With regard to the World Bank's Worldwide Governance Indicators, difficulties in comparability over time have been pointed out (Arndt and Oman 2006), and therefore our analysis cannot be robust. Instead, the purpose here is to use the indicators to roughly demonstrate three different patterns of post-conflict state-building.

**Table 1.** State-building in three groups of post-conflict states

1. Both indicators remain low level, or the Political Stability indicator worsened.*	Afghanistan (2001), Azerbaijan (1994), Bosnia-Herzegovina (1995), DRC (2002), Iraq (2003), Tajikistan (1993), Sudan (2005), Timor-Leste (1998)
2. The Political Stability indicator improved much more than the Voice and Accountability indicator.†	Angola (2002), Cambodia (1991), Eritrea (2000), Guinea-Bissau (1998), Mozambique (1992), Republic of Congo (1997), Rwanda (1994)
3. Both the Political Stability and the Voice and Accountability indicators improved.‡	Burundi (2003), Croatia (1995), El Salvador (1992), Liberia (2003), Sierra Leone (2002)

Source: Classified by the author according to the Worldwide Governance Indicators.

Note : Two indicators were compared for twenty post-conflict countries at two different time points: the year in which armed conflict ended (or 1996, the year for which the oldest data are available) and the year for which the most recent data are available. In order to secure comparability among the countries, however, the length between the two time points is limited to ten years: if one country takes 1996 as the starting point, the end point is 2006. The end year of war in each country is indicated in parentheses.

\* A country is classified as belonging to the first group when both indicators were less than -1 in the latest year, or the Political Stability indicator worsened during the years of comparison.

† A country is classified as belonging to the second group when the Voice and Accountability indicator worsened during the years of comparison, or improvement in the Political Stability indicator was over three times larger than that in the Voice and Accountability indicator. This threshold was adopted considering that the average score for non-OECD countries between 1998 and 2008 was 2.05.

‡ A country is classified as belonging to the third group when improvement in the Political Stability indicator is less than three times larger than that in the Voice and Accountability indicator.

Seven post-conflict countries fall into the first category, where the two indicators remained low level and/or the Political Stability indicator worsened. In these countries, which were not able to enhance their capacity to maintain order, state legitimacy in the eyes of the population most likely remains stagnant at a low level. The second group includes countries in which improvement in the Political Stability indicator was much larger than that in the Voice and Accountability indicator. In these seven countries, political stability improved considerably, but democratic governance was not clearly developed. In other words, despite considerable enhancement of state capacity, state legitimacy in these countries remains questionable. The third group consists of countries that have seen steady improvement in both indicators. As far as the analysis using the two governance indicators is concerned, these countries may have experienced desirable state-building processes, as assumed in current international norms, although a detailed analysis would be needed to evaluate each state-building process.

Three points can be identified from Table 1. First, among post-conflict countries, the majority (the first and second groups) clearly adopts patterns of state-building that differ from the balanced development of capacity and legitimacy. Second, prioritizing political stability over democratic governance is commonly observable in countries in the second group. One-third of post-conflict countries (seven countries out of twenty) follow this pattern of state-building. Rwanda is a typical example of this group, as improvement in its Political Stability indicator was over twenty times larger than that in the Voice and Accountability indicator.<sup>12</sup>

Third, the tendency to prioritize political stability over democratic governance is especially strong when political power is held by one of the warring parties. This is a clear

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12. Rwanda's Peace and Stability and Voice and Accountability indicators were -1.96 and -1.33, respectively, in 1996, and became -0.62 and -1.27, respectively, in 2006.

characteristic in at least six countries among the seven in the second group. In Angola, Congo-Brazzaville, and Rwanda, one of the warring parties seized power firmly after a military victory. Eritrea, which fought an interstate war against Ethiopia, has maintained a de facto one-party system since gaining its independence in 1993.<sup>13</sup> In Mozambique and Cambodia, where their civil wars ended in negotiated settlements, the former sole legal (communist) parties, respectively the Frente de Libertação de Moçambique (FRELIMO) and Cambodian People's Party (CPP), have continued to hold power to date. In these post-conflict countries, the state capacity to maintain security has improved without clear enhancement of democratic governance.

The relationship between capacity and legitimacy has also been problematized in debates on SSR. As donors have been deeply involved in the development of SSR since the 1990s, the promotion of liberal democratic values, such as the rule of law, democratic governance, and respecting human rights, has been stressed in its practice.<sup>14</sup> Abusive and unaccountable security forces as well as discriminatory justice institutions pose great risks of bringing about a recurrence of violent conflict (OECD 2007a, 30). There is therefore a common understanding among donors that SSR is necessary not only to enhance the operational capacity of security-related sectors, but also to cement such principles as democratic governance and the rule of law. This understanding underpins today's restructuring of the sectors.

Nevertheless, previous SSRs have demonstrated that there is a wide gap between the

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13. Eritrea is an extreme case, as its Voice and Accountability indicator worsened considerably (from -1.31 in 2000 to -2.16 in 2009): the regime became highly oppressive during the post-conflict era.

14. At the outset, donor involvement in the security sector was mainly motivated by fiscal concern for post-socialist and/or post-conflict countries that had an oversized military sector. Since the end of the 1990s, donors have been concerned with democratic governance in the security sector. On the basis of experiences in Eastern Europe, where SSR was a core aspect of democratization, and of development theories stressing the importance of governance (World Bank 2001), it has been emphasized that capacity-building in the security sector should be carried out in tandem with developing democratic governance, thus requiring holistic and comprehensive approaches by donors (Hendrickson 1999; Ball 2001; Smith 2001). Whereas the OECD/DAC tends to directly emphasize the importance of democratic values in SSR (OECD 2007a), arguments in the United Nations have been more nuanced, where only the principle of the rule of law has been stressed (United Nations 2008a). The latter thus takes more a realistic approach than the former.

dominant norms mentioned above and on-the-ground realities; in fact, SSR results have varied considerably from country to country. While reforms in Eastern Europe and Latin America seem to have been relatively successful (Smith 2001; Egnell and Haldén 2009), SSR experiences in other areas have presented a number of problems. On the one hand, countries such as Afghanistan and the DRC have suffered serious political instability and armed violence despite a series of SSRs (Murray 2009; Mobekk 2009). In these countries, the reforms could not enhance even the capacity of the sector. On the other hand, the reforms in Central Asian successor states to the Soviet Union are seen as having failed because of “personalized rule by an authoritarian leader backed by the security bodies” (Ball 2004, 4). In other words, SSR in these countries did not contribute to democratic governance in the sector, even if it might have helped in capacity-building.

As has been seen in the example of state-building, SSR implementations in post-conflict countries have difficulty realizing simultaneous enhancement of the capacity and legitimacy of the sector. As Egnell and Haldén (2009) state, this is because the implementation of SSR tends to be strongly influenced by, and contextualized in, the process of state-building. How, then, has SSR been influenced by the state-building process? The answer to this question should be carefully examined through case studies. In the following section, we discuss the case of Rwanda and examine the consequences of SSR in the context of its post-conflict state-building.

## **2. Security sector reform in post-war Rwanda**

The post-war Rwandan government has carried out a series of SSRs, such as the demobilization and reintegration of ex-combatants, police reform, and judicial sector reforms that have included transitional justice for genocide suspects (Gacaca). In this section, the Gacaca trials and the demobilization and reintegration of ex-combatants are examined in terms of SSR objectives and norms. Gacaca, which was established to deal exclusively with crimes

during the civil war, can be considered to be a typical case of transitional justice. The Rwandan demobilization and reintegration program is a type of DDR (disarmament, demobilization, and reintegration) program, although it did not include disarmament. Notwithstanding the fact that neither transitional justice nor DDR are particularly representative examples of SSR, we selected these topics because of their importance in the post-conflict state-building process in Rwanda.

The impact of Gacaca on Rwandan society has been enormous: around 1.4 million cases have been completed, where the total population of the country is approximately 10 million (Official Website of the Republic of Rwanda 2011). Transitional justice (Gacaca) and judicial sector reform are both regarded as being crucial in establishing the rule of law (United Nations 2004) and are thus key elements in SSR (OECD 2005, 21). It is therefore important to investigate whether and how the Gacaca process contributed to the realization of SSR norms. The Rwandan demobilization and reintegration program, on the other hand, has been deeply related to the military. In fact, as a consequence of this program, the number of personnel in Rwanda's armed forces has been reduced by half. Recent literature agrees that DDR should be part of the much broader context of SSR (Brzoska 2005). Whether such programs have helped achieve SSR objectives thus deserves examination.

#### (1) Gacaca

Gacaca is a grassroots system of justice that was used to deal with genocide suspects in 1994.<sup>15</sup> Its most outstanding characteristic is its localized structure, wherein its jurisdiction

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15. Much research about the Gacaca process has been published. As institutional aspects of the Gacaca process have already been analyzed in previous studies (see especially Ingelaere 2008 and Sasaki 2009), any related explanations will be minimal in this paper. The literature has been divided as to evaluations of Gacaca. Some expected the Gacaca process to be a model of restorative justice, supposing that it was based on tradition and promoted popular participation (Drumbl 2000a; 2000b; Clark 2008). Others were more skeptical, mainly because of its state-centered characteristics (Vandeginste 2003; Corey and Joireman 2004; Kirkby 2006). Many agree on Gacaca's potential for restorative justice, but researchers who have recently observed the on-the-ground realities tend to be critical (Waldorf 2006; Drumbl 2007; Ingelaere 2008; 2009; Rettig 2008; Sasaki 2009).

has been set in the two lowest units of local administration: the Cell and the Sector.<sup>16</sup> Judges are selected from local residents, and render judgment based on testimony provided by local residents. The post-genocide Gacaca began countrywide in 2005, according to the provisions of the 2001 organic law and after implementation of pilot programs in several regions; judgments on crimes against human beings (Categories 1 and 2<sup>17</sup>) began to be delivered from mid-2006. Although the majority of judgments were handed down during the first two or three years, the trial process has dragged on because of the continuous return of refugees;<sup>18</sup> the government announced in May 2011 that the Gacaca would be declared to be officially closed by the end of the year.

The Gacaca process has mainly been financed with internal funding; however, the government did not allocate much of its budget to this transitional justice. All members of the Gacaca justice system, including judges and witnesses, had to devote themselves to it without any payment. In a sense, this volunteerism was necessitated by the general reluctance of donors to assist the Gacaca process, about which some international human rights non-governmental organizations (NGOs) have been skeptical from the outset (African Rights 2000; Amnesty International 2002). A few donors, such as the Netherlands and the United Nations Development Programme (UNDP), have provided some limited-purpose grants.

Although there were generally high expectations for the Gacaca process when it was

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16. A Cell is the lowest unit of local administration and a Sector is the next-lowest unit; 9,013 Gacaca courts were established at the Cell level and 1,545 were established at the Sector level. Although the boundaries of local administration units changed considerably because of administrative reform in 2006, it was stipulated that Gacaca jurisdiction was to adopt the local administration units at the time of the organic law in 2001.

17. The categorization of “crime” has often been changed. Roughly speaking, perpetrators of serious crimes such as planning genocide and sexual violence, as well as perpetrators who assumed high government positions, are classified in Category 1. Other murders and attempted murders fall into Category 2. Crimes involving pillage and destruction are classified as Category 3. Gacaca deals with all perpetrators except genocide planners and political leaders, who are to be tried in ordinary court.

18. Although the government has repeatedly called for Rwandan refugees to come back, their rate of return has been stagnating. According to the UNHCR, the number of refugees and people in refugee-like situations originating from Rwanda amounted to more than 120,000 in 2009 (UNHCR Statistical Online Population Database, accessed on May 1, 2011). Most are in neighboring countries: 80,000 in the Democratic Republic of the Congo and 15,000 in Uganda. Many had sought refuge in 1994, when the RPF won the civil war, and have continued to stay abroad since then.

launched, these expectations differed and sometimes contradicted each other. Survey data collected in 2002 clarifies that perceptions and expectations respecting the Gacaca process were divided along ethnic lines, although both groups had confidence in the process (Longman et al. 2004). On the one hand, Tutsi survivors had high expectations for the Gacaca because they believed it would punish those who had committed crimes against their families, or would at least reveal how their family members had been killed; therefore they supported the fight against impunity and tended to demand severe punishments. On the other hand, ordinary Hutus expected that the Gacaca process would result in the release of innocent detainees who had been wrongly jailed: these people thus wanted milder punishments and preferred community service.

Apart from public expectations, the government had its own agenda for passing judgment on many genocide suspects. This agenda was very important for two reasons. First, punishing the criminals was imperative for the RPF, not only because it would help eradicate the culture of impunity, but also because punishing the previous regime's crimes would help cement its own legitimacy. Second, the government was under international pressure to deal with the detainees appropriately. The number of detainees, which reached around 135,000 in 1998 (Human Rights Watch 1999, 753), was clearly beyond the capacity of the existing national judicial system; international human rights groups also expressed concern about Rwanda's very poor prison conditions. Moreover, even Rwandan government officials recognized the existence of many innocent detainees.<sup>19</sup> In short, the number of detainees in jail was too great for the government to ignore.

Gacaca courts began delivering judgments in July 2006 and were supposed to have dealt with around 1.4 million cases by May 2011. Because of pressure from the government,<sup>20</sup>

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19. In 1995, the prosecutor in Kigali estimated that 20% of detainees were innocent. In 1998, the prosecutor in Ruhengeri set the figure at 15% (Human Rights Watch 1999, 754).

20. At the outset, the Gacaca was officially scheduled to wind up its work before the end of 2007 (see, for example, *New Times*, November 27, 2007). Against this backdrop, the government applied pressure to speed delivery of judgments.

the Gacaca process has thus proceeded rapidly, and the main government objective of passing judgment on numerous suspects has been achieved.

Has the Gacaca process helped to establish the rule of law in Rwanda? We would like to reflect on this point on the basis of both the literature and our field research.<sup>21</sup> Assessing what ordinary people think about the Gacaca process is not easy, as they have ambivalent and complex opinions. On the one hand, many (especially Hutus) have come to appreciate the Gacaca process because it clarified who had committed crimes during the genocide. In fact, many suspects were found to be innocent. In both Cells where our field survey was conducted, the rate of acquittal was around 30%.<sup>22</sup> The high proportion of acquittals may not be so surprising considering the huge number of innocent detainees mentioned above.<sup>23</sup> Although Tutsi survivors often complain there have been too many acquittals—and certainly there have been dubious cases—the high number of acquittals corresponds to previous forecasts that there would be numerous innocent detainees. Although evaluation of each judgment on the basis of concrete evidence was impossible for us, we gained the impression, based on our analysis of Gacaca files and interviews, that the judgments generally preserved a certain level of credibility; in other words, we do not think that the judgments were systematically distorted. This observation supports Timothy Longman’s view that local inhabitants have the “contextual competence” to deliver correct judgments in communities (Longman 2006, 214).

On the other hand, there was obvious discontent surrounding the whole Gacaca process. Those who expressed the most open dissatisfaction were Tutsi survivors. They insisted that penalties were generally too mild, that the government had too frequently changed the

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21. Since 1999, the author has conducted field surveys mainly in two cells (Cell B and Cell R) in Southern Province and Eastern Province (for their socio-economic background, see Takeuchi and Marara 2009). In recent years, we had opportunities to systematically read Gacaca judgments and interview the people concerned in each Cell.

22. In Cell B in Southern Province, of the 451 cases dealt with during the period from July 2006 to November 2007, 145 people were found innocent. In Cell R in Eastern Province, of the 285 cases dealt with during the period from July 2006 to October 2008, 88 people were found innocent.

23. Recent information from the National Service for Gacaca Courts indicated that about 30% of second category defendants were acquitted through Gacaca trials (Sasaki 2009, 299). The Minister of Justice stated that the rate of acquittal was 20 to 30% (Official Website of the Republic of Rwanda 2011).

guidelines, and that there was a tendency to mitigate penalties.<sup>24</sup> They often suggested possible flaws in the process; in fact, distortion of judgments by corruption has often been pointed out. In addition, the logic of criminal trials would have had an effect on their discontent (Ingelaere 2009). Despite these grumbles, however, many stated they understood the government's decision to release prisoners, citing government explanations for not being able to detain a huge number of prisoners because food aid had ended. It sometimes seemed as if they were trying to persuade themselves.

The attitudes of ordinary Hutus were more ambiguous. When interviewed, they tended to reply positively, at least in general terms.<sup>25</sup> However, some showed their dissatisfaction in a rather euphemistic way. A Hutu man, one of the richest peasants in the Cell in the Southern Province, said to us, in French, "*Gacaca, c'est la politique!*"<sup>26</sup> He insisted it was useless to express his opinion because the Gacaca was a political show with which he did not want to be concerned.

In fact, people clearly recognize the difference between today's Gacaca and traditional Gacaca: they say the modern system is a *Gacaca ya leta* (meaning, "Gacaca of the state") compared to traditional Gacaca, which is called *Gacaca ya keera* (meaning, "Gacaca in ancient times"). Although the continuity of the traditional Gacaca method of conflict resolution has often been emphasized, it is problematic. Despite the same appellation, the modern conflict resolution system clearly differs from the traditional one.<sup>27</sup> The people consider today's Gacaca to be a project of the government.

By "government" we mean the RPF. Many rural inhabitants regard Gacaca as "victor's

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24. After the establishment of the organic law in 2001 (Law No.40/2000 of 26/01/2001), the law was modified in 2004 (Law No.16/2004 of 19/06/2004), 2007 (Law No.10/2007 of 04/03/2007), and 2008 (Law No.13/2008 of 19/05/2008). Sentences in Gacaca are reduced if a defendant confesses his/her guilt, which should be recognized as the truth. In addition, the introduction of community service by the organic law in 2007 tended to further mitigate prison terms.

25. Such tendencies of Hutu interviewees were also pointed out in Retting (2008).

26. Interviewed on November 15, 2007 in Cell B.

27. For instance, serious crimes such as murder were not usually dealt with in the traditional Gacaca process. See also Ingelaere (2009).

justice,” as it has never dealt with crimes committed by RPF soldiers.<sup>28</sup> Despite their crimes, such as the massacre of civilians committed during the civil war and counter-insurgency operations around 1998, the government firmly refused to deal with these crimes in the Gacaca process. Thus far, the crimes of RPF soldiers have always been dealt with in military courts, which have delivered very mild judgments (Human Rights Watch 2008). Although the “contextual competence” shown by ordinary Rwandans is laudable, it is questionable if the Gacaca process has increased support for liberal values such as the rule of law, since the “rule” has been always determined unilaterally by the government;<sup>29</sup> instead, Gacaca has helped to entrench the political order established by the RPF. In other words, the RPF has used Gacaca as a state-building tool.

## (2) Demobilization and reintegration of ex-combatants

Programs involving the demobilization and reintegration of ex-combatants have been carried out under the auspices of the Rwanda Demobilization and Reintegration Commission (RDRC), which was established in 1997. The RDRC approach is unique in that it emphasizes the reconciliation of ex-combatants “irrespective of previous military affiliation” (RDRC 2007, 2). This means that the program targets not only government-backed combatants, namely the Rwandan Patriotic Army (RPA) and the Rwanda Defense Force (RDF),<sup>30</sup> but also the armed forces of the former regime (ex-Forces armées rwandaises, or ex-FAR) and other armed groups that were active in the eastern part of the DRC. The program did not have a disarmament phase, because the RPF victory made the disarmament phase unnecessary: the RPF’s military wing (the RPA) had already established itself as the sole legitimate military power at the end of the civil war.

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28. Similar observations have been expressed in previous literature. See, for example, Waldorf (2006), Kirkby (2006), Drumbl (2007), Ingelaere (2009), and Sasaki (2009).

29. The rules have been made by the RPF to suit their own interests, which is the complete opposite of the rule of law. See also the argument in the next section on the Constitution.

30. The RPA was the military arm of the RPF. The current Rwandan armed forces (RDF) were established in 2002 based on the RPA (Law No. 19/2002 of 17/05/2002).

Two stages of the program have finished to date.<sup>31</sup> The first stage took place between September 1997 and February 2001, during which 18,692 RPA soldiers were demobilized and around 15,000 ex-FAR soldiers were integrated into the RPA. The main problem during this stage was a budget shortfall.<sup>32</sup> In this period, donors' reluctance to contribute was caused by Rwandan interference in the war in the eastern DRC (Waldorf 2009, 9). The results of the first stage are therefore considered to be questionable at best.

In contrast, the demobilization and reintegration mechanisms in the second stage, which was carried out between December 2001 and December 2008, were well designed and the implementation has drawn praise.<sup>33</sup> Four positive factors can be pointed out. First, the program budget was guaranteed, as the international community provided almost the entire amount:<sup>34</sup> there was no donor reluctance during this second stage. Second, the armed forces were clearly reduced in size. The size of Rwanda's armed forces increased after the end of the civil war, as they absorbed ex-FAR soldiers, and reached a maximum size of 80,000 in 2002; the armed forces have since continued to shrink, to the level of 35,000 in 2008 (World Development Indicators). This rapid reduction is strong evidence of the program's effectiveness. Third, the program provided special assistance for vulnerable people: in addition to an allowance at the time of demobilization and reintegration, a grant called the "Vulnerability Support Window" was provided for the most vulnerable ex-combatants. Moreover, special assistance was given to former child soldiers, female ex-combatants, disabled and chronically ill ex-combatants, and dependents of ex-Armed Groups<sup>35</sup> (RDRC

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31. The third stage was launched in 2009.

32. Although the program budget had been estimated at US\$38.9 million at the outset, only US\$9.5 million was provided by donors, thereby causing a shortfall despite a government contribution of US\$10 million (RDRC 2002, 6).

33. Waldorf calls the process "highly successful" (Waldorf 2009, 4).

34. Of the total US\$65.5 million, the World Bank's International Development Association (IDA) contributed US\$30.6 million (47%). Other main contributions were as follows: US\$14.4 million from a multi-donor trust fund, US\$8.8 million from the DFID, and US\$8.6 million from Germany (MDRP 2008). The contribution of the Rwandan government was less than 5%.

35. Ex-Armed Groups refers to combatants belonging to armed groups active in the eastern DRC, such as the Democratic Forces for the Liberation of Rwanda (FDLR).

2007, 4). Fourth, ex-combatants were given equal access to program services despite their former affiliations (Stavrou et al. 2007). With the goal of reconciliation, the program was impartially implemented without prejudice of ethnic affiliation.

**Table 2.** Demobilization in the second stage: objectives and reductions attained (from December 2001 to the end of December 2006)

	Number of ex-combatants		%
	Objective	Attained	
ex-RDF (Adults)	20,000	20,039	100%
ex-FAR (Adults)	13,000	12,969	100%
ex-Armed Groups (Adults)	14,400	6,005	42%
ex-Armed Groups (Children)	1,600	644	40%
Total	49,000	39,657	

Source: RDRC (2007).

Despite these advantages, the effects of the program can be seen as ambiguous in at least two ways. First, the levels of demobilization achieved differ considerably for the three target groups. As Table 2 shows, the demobilization objectives for the RDF and ex-FAR were achieved, but less than half those for the ex-Armed Groups were attained. During the program implementation period, former RDF soldiers and ex-FAR combatants remained in the country; in contrast, combatants in the Armed Groups were active in the eastern DRC: their numbers were recently estimated at around 6,000 (International Crisis Group 2009). Although their repatriation has been seen as a key factor in stabilizing this region, their numbers remained virtually unchanged for several years. The low attainment rate for demobilization of the ex-Armed Groups clearly indicates voluntary repatriation was unsuccessful, thus making the reconciliation questionable. This was not because the RDRC program was unpopular, but

because the Armed Groups have continued to fight: they have not yet ceased their violence. The Rwandan Civil War ended in 1994, but armed conflict continues in the region.<sup>36</sup> The RDRC program does not impact on this internationalized aspect of the conflict.

Another problem is that the program has not changed the power structure of the armed forces. Limited information has been made public about senior officers, but there is no doubt that since the end of civil war in 1994 the core of the RDF has always been made up of ex-RPA officers. Between 1996 and 2009, all but two senior officers of the Rwandan armed forces were ex-RPA and Tutsi.<sup>37</sup> Although the demobilization program succeeded in slimming down the RDF and in integrating ex-FAR rank-and-file soldiers, it made no impact on the RDF's core structure, which consists of Tutsi former refugees. This fact casts serious doubt on the effect of the RDRC program in disseminating prevailing SSR norms in Rwanda's armed forces.

This point is deeply related to Rwanda's overall political power structure in the post-genocide period. After the civil war, the military was positioned at the centre of Rwandan political power (Dorsey 2000). This was natural for a new regime that had emerged from a rebel military victory: members of the RPF/RPA, consisting mainly of Tutsi former refugees, ended up in control of state institutions. Basically, this situation has not changed since then: the proportion of Tutsi refugees in the Rwandan political elite has been consistently high since 1994.<sup>38</sup> In addition to the fact that the former RPA commander Paul Kagame has continuously assumed supreme authority, the high proportion of Tutsi former refugees in Rwandan politics

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36. Regarding the regional dynamics of armed conflict in the Great Lakes region, see, for example, Reyntjens (2009).

37. The names, origins, and ethnicity of senior officers are reported in the Annals of the Centre d'Étude de la Région des Grands Lacs d'Afrique. According to this data, of 21 senior officers on the list, only two were Hutu ex-FAR officers. All the rest were Tutsi ex-RPF officers. One of these two Hutu officers was M. Gatsinzi, former Minister of Defense, who served as the Deputy Chief of Staff from 1995 to 1997; the other officer, I. Bavugamenshi, who served as the chief of G1 Bureau, died in 1996 (data from *L'Afrique des Grands Lacs, Annuaire*).

38. Calculated from data published in *L'Afrique des Grands Lacs, Annuaire*, the proportion of Tutsi former refugees in the cabinet between 1998 and 2009 has always been high: ranging from 35 to 51%. "Tutsification of the state by the RPF" was also pointed out by Silva-Leander (2008).

demonstrates that the military has always had a strong influence on it. The RDRC program had no effect on changing this special relationship between the military and politics.<sup>39</sup>

### **3. Rwanda's state-building after the civil war**

#### **(1) The background to state-building in Rwanda**

Three background factors should be taken into account in order to understand Rwanda's post-conflict state-building. The first is the fact that the RPF won a complete military victory. The civil war restarted in 1994 with the assassination of President Juvénal Habyarimana, and ended when the RPF militarily defeated the former regime and established a new government in July 1994. This military victory gave the RPF a free hand in post-conflict Rwandan politics.

Second, the RPF used the genocide for its own legitimacy-building. Rwandan leaders have always emphasized that only the RPF's military victory stopped the genocide, and that the international community had withdrawn peacekeepers and was unable to stop it. In doing so, they delegitimized the former regime, as perpetrators of the genocide, as well as the international community, as an incompetent bystander.<sup>40</sup>

Third, despite these advantages, the RPF-led regime is fundamentally fragile because its political base rests with the ethnic Tutsi minority: the RPF will be defeated in elections if people vote based on their ethnicity. In addition to the experience of multi-party politics at the beginning of the 1990s, which eventually led to the genocide (Prunier 1995), the minority factor has drained any generosity from the RPF's attitude towards ethnicity as well as democracy. The RPF-led government has denied the ethnic differences among Rwandans; as a result, mentioning "Tutsi" or "Hutu" in public has been practically taboo in the post-conflict

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39. Although the exile of the former Chief of Staff, Kayumba Nyamwasa, in February 2010 demonstrated a cleavage between the RPF and the military, the incident was caused by a power struggle within the political elite (Reyntjens 2010), and had no relationship to the RDRC program.

40. Many scholars have analyzed particular ways in which the post-genocide Rwandan government has dealt with the international community. See, for example, Beswick (2010), Hayman (2008), Pottier (2002), and Reyntjens (2011).

period. Moreover, as will be explained later, a series of restrictive measures has been placed on democratic processes and institutions such as elections and the mass media.<sup>41</sup> In using the concepts of “division” as well as “genocide ideology,” the government has oppressed potential rivals by accusing them of being instigators of ethnic strife.

## (2) In pursuit of political stability

From the rulers’ point of view, political stability is the most fundamental condition of state-building, and is therefore pursued by various means. The rulers’ final purpose may be political dominance and may not necessarily be stability as such: it is possible, as Chabal and Daloz (1999) pointed out, that rulers make use of disorder for their political dominance. Nevertheless, we assume that in a small country like Rwanda, political dominance cannot be established without controlling territorial security.

In the case of post-conflict Rwanda, the physical force of the RPA (subsequently redesigned as the RDF) has been the most important basis of political stability. In this period, two major military operations were carried out in order to remove security threats: the invasion of eastern Zaire (the present DRC) in 1996 and the counter-insurgency operation in western Rwanda in 1997-98.

Rwandan military interference in the DRC was a response to the national security threat posed by militarized Hutu refugees in the eastern DRC.<sup>42</sup> The consequences of the operation were rather mixed. On the one hand, the operation successfully dismantled militarized refugee camps in the region, causing a huge return of Hutu refugees to Rwanda.<sup>43</sup> The operation and the subsequent military involvement in the eastern DRC enabled Rwanda to

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41. We lack sufficient space to touch on the restrictions placed on the mass media. See Frère (2007) and Beswick (2010) on this point.

42. We cannot describe here the details of the long and complex process of Rwandan interference in the eastern DRC. See Reyntjens (2009).

43. The majority of refugees who fled into the interior of the DRC were massacred there. Atrocities carried out alongside the military operations are documented in, for example, Adelman (2003), Umutesi (2004), and United Nations (2010).

establish its political order beyond its borders. On the other hand, significant elements continued their activities in the eastern DRC: they have remained in the region to date under the name of the Force démocratique de libération du Rwanda (FDLR).

Counter-insurgency operations were carried out mainly in western Rwanda in 1997 and 1998, because ex-FAR armed forces had entered that area in the guise of Hutu returnees; many civilians, including Hutu returnees, were allegedly slaughtered during these operations. According to Amnesty International, an estimated 6,000 civilians were killed between January and August 1997 (Amnesty International 1997, 1998).<sup>44</sup> It was the last large-scale counter-insurgency operation conducted by the RPF-led government, which has controlled the whole country ever since.

In addition to direct military operations, the government has institutionalized its political power by setting rules that are advantageous to itself, while at the same time it has also not hesitated to rely on physical force if necessary.

The new constitution, which was adopted by referendum in 2003, is a good example of this.<sup>45</sup> The 2003 constitution, which is generally characterized by democracy and a multi-party system, also contains several provisions ensuring continued rule by the RPF. First, it provides for an electoral system that is designed to be advantageous for minority rule. Of the 80 members of the Chamber of Deputies (Lower House), only 53 are elected by universal suffrage. The remaining 27 seats are reserved for representatives of women (24 seats), youth (2 seats), and the disabled (1 seat). These representatives are selected by members of local administrative bodies and/or related official councils.<sup>46</sup> Moreover, all 26 members of the

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44. As mentioned earlier, killings by RPF soldiers, who have never been properly tried in any court, remain a source of discontent among Hutus.

45. Beswick (2010) analyzes Rwanda's use of legal measures to control political space. As for the 2003 Constitution, see also Reyntjens (2003).

46. Representatives of women are elected by "a joint assembly composed of members of the respective District, Municipality, Town or Kigali City Councils and members of the executive committees of women's organizations at the Province, Kigali City, District, Municipalities, Towns and Sector levels." Those for youth and the disabled are respectively elected by the National Youth Council and the Federation of the Associations of the Disabled (Constitution of Rwanda, Article 76).

Senate are either elected from among, or appointed by, the Executive Committees of local administrative bodies, the President of the Republic, the Forum of Political Organizations, and academia.<sup>47</sup> In short, the number of people elected through universal suffrage is limited compared to the number voted in by government-controlled organizations. This is obviously advantageous for the RPF, which has kept a tight grip on power since the end of the civil war.

Second, the Constitution enables the government to arbitrarily use its power based on the stipulation against “division.” Article 33 of the Constitution stipulates that “[p]ropagation of ethnic, regional, racial or [*sic*] discrimination or any other form of division is punishable by law.” The problem here is that the definition of “division” is not clear, and so this article can be invoked to repress political opponents. In fact, such terms as “division” and “divisionism” have often been used in Rwanda when the government criticized its opponents, as in the case of the two presidential elections held after the civil war.

The result of the 2003 election was an overwhelming victory for Kagame; he received 95% of the vote. However, this victory was not all it seemed. In fact, the choice was very limited for many Rwandans, as the biggest opposition party supporting the rival candidate Faustin Twagiramungu, the Mouvement Démocratique Républicain (MDR), had been dissolved just before the election. State institutions ceaselessly promoted Kagame and intimidated his principal rival during the election campaign.<sup>48</sup> The situation was quite similar during the presidential election in 2010, when a Hutu woman, Victoire Ingabire, who had declared herself as a rival candidate, was arrested and charged with “association with a terrorist group, propagating the Genocide Ideology, Revisionism and Ethnic Division” (*New Times*,

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47. The Executive Committees of various local administrations (Districts, Municipalities, etc.) elect 12 members representing each Province and the City of Kigali; the President of the Republic appoints eight members ensuring “the representation of historically marginalized communities”, the Forum of Political Organizations designates four members, and academic and research staff of public and private institutions each elect one representative (Constitution of Rwanda, Article 82).

48. Human Rights Watch (2003); Amnesty International (2003). See also “Rwanda: A Victory Foretold,” *Africa Confidential* 44 (17): 1-3 (29 August 2003) and “Un triomphe, pour quoi faire?” *Jeune Afrique* No. 2225: 57-59 (du 31 août au 6 septembre 2003).

April 23, 2010).<sup>49</sup> Kagame was re-elected in August with 93% of the vote.

In sum, the Rwandan government succeeded in taking hold of territorial security mainly by its military power and institutional arrangements; if there have been any contributions from SSR programs in this process, they have been negligible. Democratic institutions were introduced in post-conflict Rwanda, but they were often designed to impart an advantage to the incumbent group, which did not hesitate to arbitrarily use its power to repress and intimidate rivals. Since the end of the civil war, the RPF has prioritized the stability of its own rule over the establishment of democratic governance. In other words, the enhancement of state capacity has been pursued much more eagerly than that of state legitimacy.

### (3) Socio-economic forms of legitimacy-building

Responding to people's expectations contributes to legitimacy-building, which is a necessary part of state-building. In fact, post-conflict Rwanda has performed fairly well in terms of providing security and other basic services. Violence and oppression are important, but only account for one side of the RPF's rule. Rwanda's social sector has also developed rapidly since the RPF victory. Such indicators as life expectancy and school enrollment have increased considerably. Life expectancy at birth (average of male and female), which was around 33 years in 1990, increased to 50 years in 2008. The gross primary school enrollment rate increased from 70% in 1990 to 150% in 2008,<sup>50</sup> the net primary school enrollment rate

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49. The concept of "genocide ideology" has been used for the same purpose as "division" and "divisionism". The Rwandan government enacted its Law Relating to the Punishment of the Crime of Genocide Ideology (Law No.18/2008 of 23/07/2008) for the purpose of "preventing and punishing the crime of genocide ideology" (Article 1). The arbitrary nature of "genocide ideology" is well demonstrated in Article 2, which defines it as "an aggregate of thoughts characterized by conduct, speeches [*sic*], documents and other acts aiming at exterminating or inciting others to exterminate people basing [*sic*] on ethnic group, origin, nationality, region, color, physical appearance, sex, language, religion or political opinion, committed in normal periods or during war." On this point, see Human Rights Watch (2008).

50. The gross enrollment ratio is the ratio of total enrollment, regardless of age, to the population of the age group that officially corresponds to the relevant level of education. In this case, it indicates that the number of students enrolled in Rwandan primary schools in 2008 was 1.5 times larger than the number of children of primary school age.

improved to over 95% in 2007 and 2008.<sup>51</sup> In addition to the improvement in the social sector, high economic growth may have contributed to ameliorating people's living standards. The GDP growth rate, which has generally been high in recent years, reached 11% in 2008. It is very likely these kinds of performance have increased the legitimacy of the regime.<sup>52</sup>

However, three caveats about this positive socio-economic performance are worth stressing. First, the rapidly improving social sector has been supported by massive international aid: between 2001 and 2006, an average of 50.6% of total aid from DAC countries was invested in the social sector.<sup>53</sup> Ministries in charge of this sector thus received abundant funding from abroad. In 2008, the amount of sector budget support for education was estimated at 31% of the total Ministry of Education (MINEDUC) budget, which was twice as large as the Ministry's development budget (Republic of Rwanda 2007). The improved performance in the social sector in post-conflict Rwanda was made possible thanks to the massive inflow of international aid (Marysse et al. 2006).

Second, Rwanda's high economic growth has been enabled by its political control of the eastern DRC. Although economic growth has been sustained by considerable increases in exports, a remarkable change in the composition of export goods has been observed recently. Rwandan exports before the civil war consisted almost exclusively of coffee and tea; after the war, mineral resources became one of its most important exports. In 2006, mineral resources such as niobium, tantalum, and vanadium made up 18.2% of total exports, thus constituting the second-largest set of export items after coffee (World Bank 2009, 85). These mineral resources were undoubtedly mined in the DRC, then transported to and exported from Rwanda. This change in the export structure was a clear result of Rwandan military interference in the eastern

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51. The data are based on *World Development Indicators*.

52. Exploring sources of various kind of legitimacy, OECD (2010) maintains that the provision of security as well as social services bolsters state legitimacy. They call this "output (or performance) legitimacy."

53. Calculated by the author from OECD (2008a; 2007b).

DRC.<sup>54</sup>

Third, despite rapid economic growth, poverty in Rwanda continues: Rwanda's Gini coefficient<sup>55</sup> in 2000 was 0.468, which was higher than its mid-1980s level of 0.289 (UNDP 2006, 2007b); in 2006, it further increased to 0.510 (Government of Rwanda, 2007, 13).<sup>56</sup> Recent high economic growth has brought about considerable development in urban areas, with a rapid population increase.<sup>57</sup> It has been pointed out that many Tutsi returnees dwell in urban areas and enjoy the benefits of economic growth (Ansoms 2009; Silva-Leander, forthcoming); in contrast, in rural areas, where the overwhelmingly majority of the population lives, poverty still persists (UNDP 2007a).

Even if economic growth has a poor effect on poverty reduction, it is politically important for the RPF to ensure that its strong supporters, Tutsi returnees, receive the benefits. In fact, the RPF-led government has provided various resources for their supporters. Land distribution was one outstanding example of patronage politics. With the RPF military victory, a huge number of Tutsi refugees, who had fled because of political turmoil and subsequent persecution, returned to Rwanda after a long absence.<sup>58</sup> Land was distributed to Tutsi returnees through a quite radical method: when Tutsi refugees returned after the 1994 RPF victory, the

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54. Many reports and articles have discussed Rwanda's military interference in the DRC and its illegal exploitation of mineral resources. See, for example, United Nations (2001, 2002). Marysse and André (2001) estimated that the benefit Rwanda has acquired through its illegal exports of minerals (coltan, diamonds, and gold) was equivalent to 7% and 8% of its GDP in 1999 and 2000, respectively. See also Global Witness (2011).

55. The Gini coefficient is a measure of inequality. It is expressed as a figure between 0 and 1; 0 indicates total equality and 1 indicates extreme inequality.

56. In a similar vein, Ansoms (2005) points out that Rwanda's post-genocide economic growth has had little effect on reducing poverty; Silva-Leander (forthcoming) argues that the marked enlargement of income inequality is attributable to the significant injection of illicit revenue into the Rwandan economy as a consequence of its invasion of the DRC.

57. Before the war, Rwanda was one of the least urbanized countries in Africa: its urban population was less than 10% of the total population. Although the number of urban dwellers increased rapidly after the war, the proportion of the population living in rural areas remains high (82% in 2008 based on *World Development Indicators*).

58. Estimating the number of Tutsi returnees has been difficult. The number varies from 600,000 (Huggins 2009, 69) and 700,000 (Bruce 2009, 112) to 900,000 (Office of United Nations Resident Coordinator for Rwanda 2000, 2). The refugees were produced in the independence conflict (the so-called "social revolution") and afterwards (especially in 1973). On this point, see Lemarchand (1970) and Reyntjens (1985).

local authorities recommended they not return to their original birthplaces, but instead occupy vacant land, especially in the eastern part of the country. By the time they returned, almost all the Hutu inhabitants of the region had fled to neighboring countries. Therefore, to start their new lives in Rwanda, the Tutsi returnees occupied land and houses left by the original inhabitants. When the Hutus returned after 1996, the local authorities ordered them to divide their land equally and give half to Tutsi returnees (Bruce 2009; Huggins 2009; Takeuchi and Marara 2005; 2009). This policy of “land sharing” can be seen as resource allocation for Tutsi returnees, with the aim of strengthening the political basis of the government.<sup>59</sup>

#### (4) Characteristics of state-building

Based on the arguments in this section, two characteristics of state-building in post-conflict Rwanda can be abstracted. First, the coercive power of the RPF has been the main driving force of this process. Its complete military victory in the civil war and in military counter-insurgency operations provided the basis of political stability. Second, the RPF-led government has sought legitimacy through various means. In addition to political stability, socio-economic conditions have generally improved since the end of the civil war. In particular, improvements in the social sector have been remarkable. Moreover, resources such as land have been distributed through patronage.

The international community has generally endorsed and supported such government actions. Since the civil war, Rwanda has been continuously provided with large amounts of foreign aid (Marysse et al. 2006; Beswick 2010; Hayman 2008). Only a few donors decided to suspend aid, even when Rwanda’s continuing support for the Tutsi-led rebels in the eastern DRC was revealed (United Nations 2008b). The country has been quite successful to date in “domesticating the world” (Reyntjens 2011).

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59. Although we lack sufficient space for a description, the provision of housing and villagization (*imidugudu*) can be understood in the same context (Hilhorst and van Leeuwen 2000; Bruce 2009).

We saw in the previous section that although the Gacaca and the RDRC program have achieved objectives set by the government, they have not made much of a contribution to enhancing democratic governance in the security sector. From our analysis, it becomes clear that these initiatives were implemented in a situation in which the RPF strove to establish its own political order. These reforms in the security sector were implemented only to the extent to which they contributed to, and did not threaten, the RPF-led political order.

## **Conclusion**

Our examination of Rwanda's experiences in SSR, the Gacaca and RDRC programs, clarified a considerable gap between norms and realities. These two policy initiatives in the security sector have not contributed to the normative objectives of SSR: capacity and legitimacy building in the sector; in other words, establishing norms such as enhancing political stability and the rule of law. Rather, political stability was realized by military operations and other institutional arrangements; their contributions to the rule of law were questionable at best. SSR was implemented only insofar as it did not threaten the existing political order. In other words, international SSR norms have been subordinated to RPF-led state-building.

In reality, subordination of international norms to state-building processes is not unusual. In post-conflict countries, political stability is often prioritized over democratic governance. This tendency has been especially marked in countries in which one of multiple warring parties took power through a military victory. Generally speaking, political stability in post-conflict settings is critical for a ruler aiming to consolidate power; especially after a one-sided victory, the ruler's willingness to control, and capacity for controlling, state power are much stronger than those of external actors seeking to impose international norms. With these realities in mind, the subordination of international norms is therefore not surprising in itself.

In this sense, Rwanda should not be considered to be an exception, but should rather be regarded as an example indicating a typical pattern of post-conflict state-building. From this viewpoint, it is important to examine the implications of this state-building for peace-building: the extent to which this state-building ensures state legitimacy in the eyes of the population. As the sources of state legitimacy are various and not limited to international norms such as democracy and the rule of law, deficiencies in terms of such norms do not directly equate to a lack of state legitimacy (OECD 2010). In the case of Rwanda, we can find causes of optimism as well as pessimism in terms of factors contributing to a durable peace.

On the one hand, the Rwandan state has undoubtedly enhanced its capacity for service provision in the post-conflict era: internal security is well established; the quality and the quantity of basic services such as public health and education have made remarkable progress; and corruption is well-controlled. It is safe to say that these improvements in state capacity have bettered the lives of many Rwandans, thus contributing to enhancing state legitimacy. Although such an enhancement of legitimacy cannot be measured by the Worldwide Governance Indicators, its effect on “output legitimacy” should not be underestimated.

On the other hand, worrisome factors in terms of conflict prevention should be pointed out: Gacaca is generally regarded as “victor’s justice” by Hutus; RCDC reforms have not brought about any significant change in the power structure of the military, in which Tutsi former refugees prevail; and those who have benefitted most from rapid economic growth are most likely to be Tutsi returnees living in urban areas. These facts show that ethnic cleavage remains critical, or even may have widened, in various dimensions of post-genocide Rwanda.<sup>60</sup> As a result, the difference between the losers and victors in the armed conflict as well as in the post-conflict political economy may be perceived ethnically, under the name of Hutu and Tutsi; this will lead to creating and strengthening ethnic grievances among Hutus.

Although the government has officially declared that there are no ethnic distinctions in

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60. For a similar argument, see Ingelaere (2010).

Rwanda, divisions clearly exist, and in the popular perception they are even wider. This is a dangerous symptom. Ethnically perceived discontent may erupt someday when the political power of the RPF becomes weaker. It is high time, therefore, to examine political, economic, and social measures for alleviating ethnically divided perceptions.

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## Abstract (in Japanese)

### 要約

#### ガチャチャと DDR ルワンダの国家建設と治安部門改革

長期的な紛争や貧困に象徴される国家の脆弱性を克服するために、国家建設はきわめて重要な役割を担う。長期的な平和のためには、国家建設の過程で、国家の能力とともに国民から見た国家の正当性を高めねばならない。能力開発だけでなく正当性の構築が求められるのは、国家建設の中核をなす治安部門改革（SSR）についても同様である。こうした認識は、今日の国際社会の共通理解であり、規範をなしている。しかし、紛争経験国において、こうした規範に沿って国家建設や SSR が展開することは稀である。本稿では、1990 年代に深刻な内戦を経験したルワンダを事例として、規範と実態の乖離について検討する。ジェノサイドの容疑者を裁く移行期正義のガチャチャと、動員解除・再統合プログラムを SSR の代表例として分析すると、政府の掲げた目標はほぼ達成されたものの、それが国家の正当性の強化に繋がったとは見なしがたい。ルワンダの SSR は、紛争後に政権を握った勢力が主導する国家建設に資する限りでのみ実施されたといえる。