THE RISE OF "META-CONFLICTS"
DURING RWANDA'S GACACA PROCESS

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Résumé

De plus en plus de discussions ont lieu quant à la façon d'évaluer l'impact du processus de la justice transitionnelle. Une évaluation de l'impact de ce processus au Rwanda, appelé dans ce cas processus Gacaca, doit tenir compte de plusieurs variables à différents échelons de la société. Dans cet article, nous nous limiterons à une seule dimension : le type, la fréquence et la hiérarchie des conflits dans la texture de la vie sociale sur les collines rwandaises. L'accent mis sur les conflits est utilisé comme un dispositif heuristique qui nous permette de mieux comprendre la façon dont se déroule la vie quotidienne au Rwanda de l'après-génocide. Basées sur les résultats d'une enquête faite auprès de 298 répondants dans 9 communautés (*imidugudu*) réparties dans toutes les régions du Rwanda, nos conclusions révèlent que des conflits autour des activités dans les tribunaux Gacaca sont devenus les plus fréquents dans la hiérarchie des conflits et la source la plus importante de perturbations de la cohésion sociale. Cette tendance peut être qualifiée comme l'émergence de « méta-conflits »: c'est-à-dire de conflits à propos de la résolution même du conflit rwandais global (le génocide).

1.   INTRODUCTION

Rwanda has experienced a decade of violence in the period 1990-2000: the crime of all crimes in 1994 (genocide), civil war between 1990 and 1994 and a bloody insurgency war between approximately 1996 and 2000. A long history marked by episodes of violent conflict preceded that era. A massive amount of money and energy has been devoted to the post-conflict recovery. State-led initiatives or NGO interventions in the domain of conflict prevention, reconciliation, transitional justice and peace-building are abundant. Rwandan society has made a stark recovery since 1994 in the economic, social and governance domain. But more than fifteen years after the genocide, the challenges remain difficult and the obstacles are plenty, especially also in the domains of conflict prevention, reconciliation and social cohesion.

One of strategies to deal with these challenges is the adoption of a transitional justice policy. Transitional justice – dealing with the violence of the past and prevention of future violence – is characterized by on the one hand the drive to reach certain objectives and on the other hand a range of mechanisms that need to facilitate reaching these objectives. The mechanisms that can be used are manifold, ranging from tribunals over truth commissions to customary institutions. The dominating objectives to be reached are generally defined as accountability, truth, reparation and reconciliation. The mechanism that mainly represents the Rwandan transitional justice policy at the grassroots is the modernized Gacaca court system.

An assessment of the impact of any transitional justice policy and thus also the Gacaca court system needs to take into account multiple variables at different levels, micro and macro. Discussions are increasingly taking place on

how to research and assess the impact of transitional justice.[1] A range of complementary research techniques can be deployed since transitional justice operates through several mechanisms, often at different societal levels and generally has multiple objectives. The methodological options are equally wide-ranging. Ethnographic techniques are often used for individual case studies[2] and community studies[3]. Nationwide opinion and attitude surveys[4] or cross-national comparisons[5] of a number of variables provide a quantified insight in the impact of transitional justice. Some studies focus on the impact of accountability procedures, others prioritize an assessment of truth-telling activities, reparation policies or focus on a reconciliation process in general.

The peculiar course of the Rwandan transitional justice process is in the meantime available through a multitude of empirically informed studies using a range of methodologies.[6] In this article, we limit ourselves to one indicator to

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[1] See for example the report from a conference on this topic and an edited volume on the nature of the assessment of transitional justice. BAXTER, V., *Empirical Research Methodologies of Transitional Justice Mechanism,* Conference Report, Stellenbosch, Centre for the Study of Violence and Reconciliation, 18-20 November 2002. And VAN DER MERWE, H., BAXTER, V., CHAPMAN, A. R. (eds.), *Assessing the Impact of Transitional Justice. Challenges for Empirical Research,* Washington D.C. United States Institute of Peace Press, 2009. See also several articles in a special issue of the *International Journal of Transitional Justice* (Vol. 4, No. 3, November 2010) on the evaluation of the impact of transitional justice.

[2] See for example: BAINES, E. K., "The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda", *The International Journal of Transitional Justice,* Vol. 1, 2007, pp. 91-114.

[3] See for example : HAMBER, B., KELLY, G., *A Place for Reconciliation? Conflict and Locality in Northern Ireland,* Report 18, Belfast, Democratic Dialogue, September 2005.

[4] See for example: GIBSON, J. L., *Overcoming Apartheid. Can Truth Reconcile a Divided Nation?,* New York City, Russell Sage Foundation Publications, 2006. See also many reports prepared by the Human Rights Center, University of California Berkeley, summarizing findings of population based surveys conducted in several countries. Available at: http:// www.law.berkeley.edu/HRCweb/publications.html.

[5] See for example: OLSEN, T. D., PAYNE, L. A., REITER, A. G., *Transitional Justice In Balance. Comparing Processes, Weighing Efficacy,* Washington D.C., USIP Press Books, 2010.

[6] For analysis based on extensive empirical observations and/or interviews since the introduction of Gacaca at the local level see primarily: KAREKEZI, U. A. *et al.,* "Localizing Justice: Gacaca Courts in Post-Genocide Rwanda", in 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. 69-84. BUCKLEY-ZISTEL, S., "'The truth heals?' *Gacaca* jurisdictions and the consolidation of peace in Rwanda", *Die Friedens-Warte,* Vol. 80, No. 1-2, 2005, pp. 1-17. WALDORF, L., "Mass justice for mass atrocity. Rethinking local justice as transitional justice", *Temple Law Review,* Vol. 79, 2006. CLARK, P., "Hybridity, holism, and 'traditional' justice: The case of the *gacaca* courts in post-genocide Rwanda", *The George Washington International Law Review,* Vol. 39, No. 4, 2007, pp. 765-837. INGELAERE, B., " 'Does the truth pass across the fire without burning?' Locating the short circuit in Rwanda's *gacaca* courts", *Journal of Modern African Studies,* 2009, Vol. 47, No. 4. INGELAERE, B., "The *gacaca* courts in Rwanda", in HUYSE, L., SALTER, M. (eds.), *Traditional Justice and Reconciliation Mechanisms after Violent Conflict: Learning from African Experiences*, Stockholm, International Idea, 2008, pp. 25-60. BROUNEUS, K., "Truth-telling as talking cure? Insecurity and retraumatization in the Rwandan *gacaca* courts", *Security Dialogue,* Vol. 39, No.1, 2008, pp. 55-76. BURNET, J. E., "The injustice of local justice: truth, reconciliation and revenge in Rwanda," *Genocide Studies and Prevention,* Vol. 3, No. 2, 2008, pp. 173-193.

understand Rwanda's localized transitional justice process: the type and incidence of conflicts in the texture of social life on Rwanda's hills.

Following Bierschenk and Olivier de Sardan, our focus on conflicts is primarily heuristic: "conflicts are one of the best "vital leads" for "penetrating" a society and revealing its norms or codes as well as its structure. […] Conflicts are the preferred indicators of the functioning of a local society."[7] Similarly, Barron et al. make an inventory of "conflict trajectories" of everyday conflicts in order to gain an insight in social change brought about by development interventions.[8] Although the empirical focus on everyday conflicts is subsequently used by these authors to analyse the nature of (local) power[9] or empowerment[10], our analytic objective in this article is more modest: establishing a hierarchy according to type, incidence and potentially the

RETTIG, M., "*Gacaca*: Truth, justice and reconciliation in post-conflict Rwanda?", *African Studies Review,* Vol. 51, No. 3, 2008, pp. 25-50. INGELAERE, B., "Mille collines, mille Gacaca. La vie en marge du processus Gacaca", *L'Afrique des Grands Lacs. Annuaire 2008-2009*, Paris, L'Harmattan, 2009, pp. 29-32. LONGMAN, T., "An Assessment of Rwanda's Gacaca Courts", *Peace Review: A Journal of Social Justice,* Vol. 21, No. 3, 2009, pp. 304-312. BROUNÉUS, K., "The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health, *Journal of Conflict Resolution,* Vol. 54, No. 3, 2010, pp. 408-437. WALDORF, L., "'Like Jews Waiting for Jesus': Posthumous Justice in Post-Genocide Rwanda", in SHAW, R., WALDORF, L., HAZAN, P., *Localizing Transitional Justice*: *Interventions and Priorities after Mass Violence,* Stanford, Stanford University Press, 2010, pp. 183-202. WALDORF, L., "Goats & Graves: Reparations in Rwanda's Community Courts", in FERSTMAN, C., GOETZ, M., STEPHENS, A. (eds.), *Reparations for victims of genocide, crimes against humanity and war crimes*, Leiden, Martinus Nijhoff Publishers, 2009, pp. 515-539. CLARK, P., *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda. Justice Without Lawyers,* Cambridge, Cambridge University Press, 2010. THOMSON, S., NAGY, R., "Law, Power and Justice. What Legalism Fails to Address in the Functioning of Rwanda's Gacaca Courts", *International Journal of Transitional Justice*, Vol. 5, No. 1, 2011, pp. 11-30. See also the results of large-scale surveys conducted on behalf of the f(NURC). REPUBLIC OF RWANDA, *Sondage d'opinion sur la participation à la Gacaca et la réconciliation nationale,* Kigali, National Unity and Reconciliation Commission (NURC), 2003. REPUBLIC OF RWANDA, *Cohésion Sociale 2005-2006: sondage d'opinion*, Kigali, NURC, 2007 (on file with the author). REPUBLIC OF RWANDA, *Social Cohesion in Rwanda: An Opinion Survey, Results 2005-2007,* Kigali, NURC, 2008. See also the monitoring reports prepared by Avocats Sans Frontières (ASF) and Penal Reform International (PRI).
[7] BIERSCHENK, T., OLIVIER DE SARDAN, J.-P., "ECRIS: Rapid Collective Inquiry for the Identification of Conflicts and Strategic Groups", *Human Organization*, Vol. 56, No. 2, 1997, pp. 240. Although we share a similar theoretical point of view on conflict as a heuristic tool, we did not adopt the ECRIS methodology.
[8] BARRON, P., SMITH, C. Q., WOOLCOCK, M., *Understanding Local Conflict in Developing Countries: Theory, Evidence and Implications from Indonesia,* Social Development Papers. Conflict Prevention & Reconstruction, No. 19, Washington D.C., The World Bank, 2004.
[9] BIERSCHENK, T., OLIVIER DE SARDAN, J.-P., "Local Powers and a Distant State in Rural Central African Republic", *The Journal of Modern African Studies,* Vol. 35, No. 3, 1997, pp. 441-468. BIERSCHENK, T., OLIVIER DE SARDAN, J.-P., "Powers in the Village: Rural Benin Between Democratisation and Decentralisation", *Africa,* Vol. 73, No. 2, 2003, pp. 145-173.
[10] GIBSON, C., WOOLCOCK, M., *Empowerment and Local Level Conflict Mediation in Indonesia. A Comparative Analysis of Concepts, Measures, and Project Efficacy*, World Bank Policy Research Policy Paper No. 3713, Washington D.C., The World Bank, September 2005.

resolution of everyday conflicts in the texture of social life. We argue that such an insight contributes to the understanding of the impact of the Gacaca process. Moreover, a focus on everyday conflicts provides an indirect route into an understanding of life after genocide on Rwanda's hills. As Bierschenk and Olivier de Sardan remark: "The identification of conflicts also offers a way to penetrate the façade of consensus and the beautiful exterior scenario frequently presented by the actors in a local society to external intervenors or researchers."[11] Indeed, such an indirect intake is especially important in the context of Rwanda where insights in socio-political dynamics are influenced by the aesthetics of progress and the ethics of dissimulation.[12]

The findings suggest that Gacaca activities have become the most important source of conflict at the local level. We label this trend as the rise of so-called "meta-conflicts": conflicts about the resolution of the conflict (genocide).

2.   FIELDWORK & METHODOLOGY

The fieldwork activities that generated an insight in the impact of the Gacaca courts process took place in the context of the evaluation of a reconciliation grassroots programme implemented by an NGO.[13] The research instruments were designed to assess the implementation, functioning and impact of the programme.[14] However, the research was designed not only to focus on the programme sites and activities as such but also on the broader social tissue. In doing so, the research activities established an insight in the texture of social life in general and captured the type and incidence of conflicts since one of the objectives of the programme is the foster conflict resolution at the local level. Although the research activities were thus taking place in the context of a programme evaluation, due to the design of the research activities it is possible to use the findings to gain an insight into social processes at work in Rwandan society at large, irrespective of the functioning of the programme.

Maximizing variance was crucial in the selection of communities in order to sharpen patterns in different contexts. The fieldwork activities took place in the four different provinces. In total, 9 fields sites, so-called *imidugudu*, were selected.[15] Table 1 provides an overview of the demographics of the field sites.

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[11] BIERSCHENK, T., OLIVIER DE SARDAN, J.-P., "ECRIS…", *op. cit.*, p. 240.
[12] INGELAERE, B., "Do We Understand Life After Genocide? Center and Periphery in the Construction of Knowledge in Postgenocide Rwanda", *African Studies Review*, Vol. 53, No. 1, 2010, pp. 41-59.
[13] The author would like to thank La Benevolencija Humanitarian Tools Foundation for the financial support to carry out these fieldwork activities.
[14] See INGELAERE, B., HAVUGIMANA J.-B., NDUSHABANDI, S., *La Benevolencija Rwanda: Grassroots Project Evaluation*, Report, Amsterdam, La Benevolencija, 2009. Available at: http://www.ua.ac.be/main.aspx?c=bert.ingelaere&n=34219.
[15] *Imidugudu* is the plural of *umudugudu* and can generally be translated as "neighborhood" or "agglomeration".

Table 1. Overview of the demographics of the field sites

| | WEST | | | SOUTH | | NORTH | | EAST | |
	Um1	Um2	Um3	Um1	Um2	Um1	Um2	Um1	Um2
total population	2555	576	2010	785	657	535	513	374	313
genocide survivors	21	133	41	4	23	0	0	6	6
released prisoners	5	16	26	14	26	0	0	2	3
prisoners	*20*	*20*	*60*	*135*	*2*	*0*	*0*	*4*	*25*

Three local communities (*imidugudu*) were visited in the Western province (one site also functioned as a pilot to test the methodology). The communities are situated to the North of the provincial town of Kibuye, along the shores of Lake Kivu. One of the communities experienced intense killings during the 1994 genocide. A notorious roadblock was erected in the community where between 9,000 and 15,000 people died. A larger number of people targeted by the violence of 1994 lived in the area. People came to kill and pillage from neighbouring areas. One of the other administrative entities selected had also a large number of people targeted in 1994, but since they lived close to the Kivu lake they decided to flee to Zaïre over the water in the initial stage of the genocide. Many of the inhabitants survived the genocide and are currently living in the community again. All of the communities have serious problems on the level of co-habitation and social cohesion. Stories of tensions between the two main ethnic groups over the past years are abundant in the narratives of the respondents we consulted during the evaluation activities. The fact that the Gacaca process restarted from scratch in 2009 with a new phase of information collection is a sign of the difficulties the community has to overcome the societal fissures and tensions. People are visibly living in fear and have a profound distrust of each other.

In the Southern province, the *imidugudu* selected are situated at approximately five kilometres from the provincial town of Butare, in the direction of the river Akanyaru and the border with Burundi. The communities are situated in the area the former prime minister during the months of genocide in 1994 originated from. This fact makes the environment specific and it has without any doubt influenced the events in 1994. A significant number of Tutsi survived the genocide and is currently living in their home communities. Many people were put in prison after the genocide. The families of survivors and prisoners have lived in a silent conflict since 1994. This conflict was hidden under the surface of daily life when it turned to a form of normality again by the end of the 90s. Tensions arose again with the initiation of the Gacaca proceedings at the local level. In the Southern province, over 10,000 people fled to neighbouring Burundi at the start of the Gacaca activities. People living in the communities we visited during fieldwork also fled the area when Gacaca started. There are many conflicts related to the Gacaca activities,

especially the restitution of belongings creates animosity. Local authorities started selling by auction the belongings of people convicted to restitute but who were unwilling or unable to do so.

The localities visited in the North are situated in the former province of Buymba. The locality is situated far from the district headquarters. The area has a particular profile since it did not experience genocidal violence in 1994. The area was situated in the demilitarized zone installed between the two warring parties at the time. And the start of the genocide on April 6 also signalled the advance of the RPA/F that was battling with the Rwandan national army. The social situation in this area is rather peculiar. There are no genocide survivors since there were no Tutsi living in the communities at the time. Moreover, there are no released prisoners since nobody participated in the local genocide. The inhabitants of the area nevertheless experienced many human losses due to the war. All of the household were severely affected by the period of violence between 1990 and 2000 since they lived close to the war front between 1990 and 1993. The war of the infiltrators starting in 1996 mainly affected the Northern regions of the country.

The area that was visited in the East is situated in-between the capital Kigali and the provincial town of Rwamagana. As in so many locations in Rwanda, the genocide here was intense and claimed many lives. But the genocidal violence lasted not as long as in other regions since the area was already occupied by the advancing RPA/F troops in the month of May of 1994. The area has a reputation to be difficult to govern. Over the course of the past years several local authorities had to be replaced. The localities experience conflicts especially related to the Gacaca proceedings and land issues.

The main research instrument that was used to gather the data presented in this article were (focus) group discussions (FGD).[16] Table 2 gives an overview of the groups selected for discussions and table 3 provides an insight in the demographics of the respondents. Five categories were established. Authorities & opinion leaders included locally elected or appointed authority figures as well as teachers, priests, heads of associations, influential merchants etc. The group of released prisoners contained people that had been incarcerated for some years on the presumption of participation in the genocide. Survivors are people that survived the 1994 genocide. The destitute and problematical contained local inhabitants generally considered as extremely poor and with particular social problems. These groups functioned as a counterpoint to the group of authorities and opinion leaders generally considered to be the local elite. A last group was labelled as "general population", containing any other person not belonging to one of the other categories.

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[16] The study also made use of key-informant interviews, archival research, observation and individual interviews – the data gathered through these techniques are not used in this article however.

Table 2. Overview group discussion & respondents

		N
West	*groups*	*19*
	respondents	108
South	*groups*	*13*
	respondents	74
North	*groups*	*9*
	respondents	56
East	*groups*	*13*
	respondents	60
total	*groups*	*54*
	respondents	298

Table 3. Overview identity respondents group discussions

		N
authorities & opinion leaders	*groups*	*14*
	respondents	73
released prisoners	*groups*	*9*
	respondents	44
survivors	*groups*	*10*
	respondents	58
destitute & problematical	*groups*	*11*
	respondents	64
general population	*groups*	*10*
	respondents	59
total	*groups*	*54*
	respondents	298

By taking into account and layering the perspectives of these different groups, the objective was to arrive at a comprehensive and nuanced insight regarding the type, nature and occurrence of conflicts. On the one hand there is the group of released prisoners and survivors, considered to have been the most important actors in the genocide. On the other hand the groups of "authorities and opinion leaders" and "destitute and problematical" constitute two "social classes" occupying extreme positions on the social ladder. The category of "general population" can in both cases be situated "in between" these other categories.

Respondents for the group discussions were selected based on the principal of 'snowball sampling'. Snowball sampling is a non-probability sampling scheme through which one begins by (purposively) sampling one person and then, through this person, obtains a list of persons who have the

same characteristics as the initial persons selected and so on. For example: for the FGDs we initially selected one person who belonged to the specific group we wanted to interview – for example released prisoners – and this person would then provide a list of names of other released prisoners to be invited for a group discussion. This activity took place with the help of local administrative authorities. When quoting someone in the text we will indicate the basic demographic identity of the respondent(s). We do not refer to names of people and localities to ensure confidentiality.

The discussions were systematically and verbatim recorded during the discussions. At a later stage, a code book was constructed and the interviews were systematically coded based on a number of variables. This procedure allowed for a quantification of a selection of the qualitative data. It needs to be noted that the quantified results are thus presenting group opinions. However, the findings also capture instances when there was no group consensus. The average group consisted of 4 to 8 participants.

The research was conducted by two Rwandan field assistants with extensive experience in fieldwork activities in rural Rwanda. They were supervised by the author. One researcher facilitated the group discussions while the other recorded the statements of the respondents. Expressions in Kinyarwanda with a specific meaning were separately recorded, discussed afterwards and compared with the translated statements. All interviews were later typed out and annotated when faced with particularities related to translation of statements. We did not use recording devices since respondents are not familiarized with them and they arouse suspicion and possibly a reservation in response.

These research activities took place between April and July 2009, when the Gacaca activities had almost completely come to a stop, except for some *imidugudu* where there were still Gacaca activities taking place related to property offences. The researchers resided for approximately two weeks in each of the research locations (each *umudugudu*). Apart from the many group discussion and interviews this allowed for an understanding of life in the particular community by simply being there. Non-verbal communication and observation gives additional information that enables the contextualization of the data collected through other techniques. For each *umudugudu* a comprehensive report was prepared based on the observations made when residing in the field sites. Although several months and an active participation in community life would be necessary to be able to speak of a genuine form of (participant) observation, the limited time spent on the hills gave the necessary information to enrich the data collected during interviews.[17]

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[17] Moreover, since 2004, I have undertaken over 25 months of fieldwork in rural Rwanda. A significant amount of time was spent by "being in the field": observing socio-political life in rural Rwanda and talking to local inhabitants. I re-visited the same locations and individuals over the course of 7 years to be able to follow-up the social dynamics. This research strategy provides a long-term view of the Gacaca process and changing aspects in the texture of life after genocide.

3.   TYPE & OCCURRENCE OF CONFLICTS

During the group discussions respondents were asked to give an overview of the type of conflicts they experienced in their community (table 6). In addition, the groups were also asked to make an inventory of the number of conflicts for each type encountered in their *umudugudu* in the course of one year (2008). Table 7 presents an overview of the averages calculated for every *umudugudu* when taking into account the numbers communicated by each of the groups in the *umudugudu*. All this information was collected to establish a general insight into the type and incidence of local conflicts.

Table 6. Overview of the type of conflicts (between January 2007 and mid-2009). (Group N = 54 / Respondents N = 298) (Coded open questions)

restitution of belongings (gacaca)	8,5%
drunkenness	15,2%
land	22,9%
plantations damaged by livestock	4,9%
polygamy	4,9%
theft	13,9%
internal household problems	12,6%
gacaca (general)	5,4%
jealousy	1,8%
abuse of confidence	1,8%
poisoning	0,9%
prostitution	5,8%
other	1,3%

Table 6 summarizes an overview of the type of conflicts occurring in the *imidugudu* visited during fieldwork. Land conflicts are most cited (23%) when group participants were asked to give a general overview of the conflict types (thus not the incidence). Land conflicts are followed by conflicts related to drunkenness (15%), theft (14%) and problems within households (13%).

Conflicts due to the Gacaca trials are also often cited when looking at an inventory of the estimated average number of conflicts (thus the incidence) that occurred over the period of one year at the level of the *umudugudu* (table 7). On average an *umudugudu* we visited experienced 47 conflicts in connection with the Gacaca proceedings in general and 38 conflicts as a consequence of the restitution of belongings through the Gacaca trials. Other types of conflict with a high incidence are theft (27 cases on average in 2008) and internal household problems (18 cases on average). On average an *umudugudu* has 157 conflict cases affecting the local communities in the course of one year (2008).

These insights came to inform the design of the research activities discussed in this article, as well as the interpretation of the findings presented here.

**Table 7. Estimated average number of conflicts
per type per *umudugudu* in one year (2008)**

restitution of belongings (gacaca)	38,4
drunkenness	16,7
land	16,7
plantations damaged by livestock	38,0
polygamy	6,4
theft	27,1
internal household problems	17,9
gacaca (general)	47,0
jealousy	16,2
abuse of confidence	5,4
poisoning	1,3
prostitution	10,0
other	13,5
total	156,8

The respondents were also asked to identify the type and to give a description of the most recent conflict, the most important conflict experienced over the past two years (January 2007 – mid-2009) and the conflict that most affected the overall level of social cohesion in the community in that period. Table 9 summarizes these findings. It is important to note that the most recent conflicts are related to land. Land is often a source of conflict in Rwandan communities but the high incidence in the recent period is most probably due to the recent implementation of the land reform policy. Some of the *imidugudu* we visited and especially those in the West were severely affected by this land reform in the course of the months preceding the fieldwork activities. People were asked to destroy the crops they normally cultivate and start cultivating the crops imposed by the state. Land ownership and location of the habitats are equally being restructured. All of that creates anxiety and conflicts as reflected in the findings and the narratives collected.

Table 8. Overview of conflicts
(recent – most important – affecting social cohesion)
(Group N = 54 / Respondents N = 298) (Multiple responses) (Coded questions)

most recent conflict (mid-2009)	restitution of belongings-gacaca	17,0%
	drunkenness	3,8%
	land	34,0%
	plantations damaged by livestock	1,9%
	polygamy	,0%
	theft	3,8%
	internal household problems	3,8%
	gacaca (general)	9,4%
	jealousy	,0%
	abuse of confidence	,0%
	poisoning	,0%
	prostitution	,0%
	other	26,4%
most important conflict (January 2007 – mid 2009)	restitution of belongings-gacaca	22,6%
	drunkenness	3,8%
	land	17,0%
	plantations damaged by livestock	1,9%
	polygamy	,0%
	theft	,0%
	internal household problems	15,1%
	gacaca (general)	15,1%
	jealousy	1,9%
	abuse of confidence	,0%
	poisoning	,0%
	prostitution	3,8%
	other	18,9%
conflict affecting social cohesion (January 2007 – mid 2009)	restitution of belongings-gacaca	37,8%
	drunkenness	,0%
	land	5,4%
	plantations damaged by livestock	,0%
	polygamy	,0%
	theft	5,4%
	internal household problems	8,1%
	gacaca (general)	27,0%
	jealousy	,0%
	abuse of confidence	,0%
	poisoning	,0%
	prostitution	,0%
	other	16,2%

The conflicts that seriously affected social cohesion over the past 2 years are the Gacaca proceedings (table 8). This happens mostly in relation to the restitution going on in the context of Gacaca as 38% report and 27% of the groups referring to Gacaca activities in general.

We have attempted to establish a ranking in the type of conflicts by combining several variables as can be seen in tables 9 and 10. Considering the findings discussed above, it is no surprise that Gacaca-related conflicts receive the highest ranking overall. And one also has to keep in mind that Gacaca-related conflicts most probably also inform and fuel other conflict typologies.[18]

Table 9. Ranking type of conflicts – all *imidugudu*

RANKING VARIABLE	1	2	3
number of recent conflicts	land	drunkenness	theft
number of recent conflicts – general	gacaca (general)	gacaca (restitution)	plantation damage
type of conflicts – important (3 answers)	land	gacaca (general)	gacaca (restitution) & household problems
type of conflicts – important (1st answer)	gacaca (restitution)	land	gacaca (general) & household problems
type of conflicts – cohesion	gacaca (restitution)	gacaca (general)	household problems

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[18] Similarly, micro-level research on the unfolding of genocide and war-time related violence at the local in Rwanda level demonstrates that genocide-related violence was informed by pre-existing conflicts. See for example: WAGNER, M. D., "All the Bourgmestre's Men: Making Sense of Genocide in Rwanda", *Africa Today*, Vol. 45, No. 1, 1998. LONGMAN, T., "Genocide and Socio-Political Change: Massacres in Two Rwandan Villages", *Issue: A Journal of Public Opinion*, Vol. 13, No. 2, pp. 18-21. ANDRÉ, C., PLATTEAU, J., "Land Relations Under Unbearable Stress: Rwanda caught in the Malthusian Trap", *Journal of Economic Behaviour and Organisation,* Vol. 34, 1998, pp. 1-47. DE LAME, D., *A Hill Among A Thousand. Transformations and Ruptures in Rural Rwanda,* Madison, The University of Wisconsin Press, 2005. INGELAERE, B., "Changing lenses and contextualizing the Rwandan (post-)genocide", *L'Afrique des Grands Lacs. Annuaire 2005-2006,* Paris, L'Harmattan, 2006, pp. 389-414. FUJII, L. A., *Killing Neighbors: Webs of Violence in Rwanda,* New York, Cornell University Press, 2009.
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**Table 10. Ranking type of conflicts based on number –
perceived occurrence – importance – impact on cohesion**

RANK	TYPE OF CONFLICT
1	gacaca (restitution)
2	gacaca (general)
3	land
	household problems
4	drunkenness
	theft

In the following excerpt from a group discussion in one of the research sites in the Western provinces, two genocide survivors explain the impact of the Gacaca process and the conflicts arising from its proceedings. They explain that the overall functioning of Gacaca in their community has had a negative impact on social cohesion either due to the fact that, apparently, many people refuse to give testimony on what happened during the genocide or to the fact that the families of people found guilty in Gacaca are living in conflict with the people that gave testimony against them. Conflicts also emerge when people refuse to reimburse pillaged goods as required by the Gacaca proceedings or when victims claim property to be restituted that did never exist as well as sums of money surpassing the initial value of the pillaged goods.

Q: What is the conflict that has most affected social cohesion?
5: During the Gacaca, people were asked to return looted property. These people do not have the courage to return the property, some have no means but others have no willingness to do so.
4: Households that are found guilty of genocide or that have to return property are not satisfied to see their members punished by Gacaca, even if the trial had been fairly conducted. It is the conflict linked to Gacaca which is the most recent. Our region has known massacres because there were many Tutsi who were refugees in our cell [...].At first there was a delay to know the truth of what happened here following the lack of information on persons involved in the massacres and who had come from afar. To resolve this problem, one must first seek the Inyangamugayo to speed up the trial.
4: There are many people who still remain unknown although they also slaughtered our family members.
5: The most important conflict since 2008 is the conflict(s) related to Gacaca, especially in relation to the restitution of property, where people ask to return goods that they did not have at the time of the genocide or because of others claiming too much, stating amounts exceeding the normal value of looted goods.[19]

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[19] Focus Group Discussion, group "Genocide Survivor" – Western Province; 3 April 2009; (4) peasant, male, genocide survivor, 39; (5) demobilised, male, genocide survivor, 39;

4.   THE NATURE OF CONFLICT RESOLUTION

After having established an insight into the nature and intensity of local conflicts, the conflict resolution capacity and architecture needs exploration as well. Who intervenes in these conflicts? The conflict resolution capacity at the local level in Rwanda is, considering all circumstances, rather solid. Different institutions and actors are officially tasked with the objective to solve day-to-day conflicts. The local authorities have an important role to play in the resolution of all kinds of conflicts. They are often solicited by inhabitants who consider them to be the primary source of intervention.

Table 12. Actors intervening in conflicts
(Group N = 54 / Respondents N = 298) (Coded open questions)

intervening actors' most recent conflict?	local authorities	46,7%
	neighbours	15,9%
	Inyangamugayo	13,1%
	Abunzi	3,7%
	agents of change	0,9%
	police	4,7%
	judicial institutions (local)	9,3%
	high court	0,9%
	national service of gacaca courts	4,7%
intervening actors' most important conflict?	local authorities	43,8%
	neighbours	10,7%
	Inyangamugayo	17,0%
	Abunzi	3,6%
	police	5,4%
	judicial institutions (local)	7,1%
	high court	0,9%
	national service of gacaca courts	7,1%
	local defense force	1,8%
	ibuka / survivors organisations	2,7%
intervening actors' conflict affecting social cohesion?	local authorities	40,2%
	neighbours	8,5%
	inyangamugayo	26,8%
	police	8,5%
	national service of gacaca courts	11,0%
	local defence force	1,2%
	ibuka / survivors organisations	3,7%

One needs to take into account the fact that there are many layers in the administrative structures of Rwandan society, even at the local level. Each level has its authorities, from the *Nuymbakumi* (the chef of ten houses) over the *umudugudu* co-ordinator and committee to the cell and sector authorities. In addition, a committee of *Abunzi* is the first institution in the judicial apparatus that (obligatory) needs to be contacted in case of conflicts. Members of the Local Defense Force and police officers are also present at the local level and

active in the intervention of conflicts. The "agents of change" are people trained and supported by an NGO on conflict resolution. It is equally their task to foster social cohesion. They were present in some of the *imidugudu* visited. The *Inyangamugayo* are the judges presiding Gacaca activities that focus on genocide-related offences and evidently take up issues connected with the Gacaca activities.

As can be seen in table 12, especially local authorities have an important role to play. Local authorities often intervene to mediate in conflict cases or to hold reunions with messages of reconciliation. As can be recorded from the findings based on data gathered in several communities they played a role in recent, important and cohesion-affecting conflicts. The *Inyangamugayo*, the lay judges presiding the Gacaca activities, are referred to when intervention in important and cohesion-affecting conflicts are cited.

Important conflicts and conflicts affecting social cohesion are not easily resolved (table 11). Sixty percent of the groups indicate that the important conflicts were not (yet) resolved by mid-2009, 56% of the conflicts affecting social cohesion were not (yet) resolved by that time. As mentioned, most of the conflicts affecting social cohesion are related to the Gacaca proceedings. The fact that 74% of the recent conflicts are not resolved is most probably related to the fact that they are recent.

Table 11. Conflict Resolution
(Group N = 54 / Respondents N = 298) (Coded open questions)

most recent conflict resolved?	yes	26,4%
	no	73,6%
	no group consensus	0,0%
most important conflict resolved?	yes	37,7%
	no	60,4%
	no group consensus	1,9%
conflict affecting social cohesion resolved?	yes	41,0%
	no	56,4%
	no group consensus	2,6%

5.   CONCLUSION

The findings of this study suggest that the Gacaca activities that came to dominate rural life in Rwanda since 2005 gave rise to a plethora of conflicts at the local level. These conflicts have affected social cohesion as experienced by the inhabitants of Rwanda's hills. We have named them 'meta-conflicts' – conflicts about the resolution of the (genocide-related) conflicts. While it was previously documented that non-genocide related conflicts inform the Gacaca

proceedings[20], the findings presented here demonstrate that the Gacaca process also fuels conflicts at the local level.

The findings of this study are no final or inclusive assessment of the Gacaca process. As mentioned, Gacaca has several objectives that need careful assessment to complement the current focus on the incidence of Gacaca-related conflicts. In addition, it will also be necessary to consider of the impact of the Gacaca proceedings in the long run. One might think that the rise of these so-called "meta-conflicts' is a necessary, almost cathartic phase that Rwandan society needs to go through in order to deal with the legacy of the past. Indeed, any external intervention gives rise to conflicts at the local level. The fact that the introduction of the Gacaca process gave rise to conflicts is thus not unusual. However, and firstly, their important place in the hierarchy of local conflicts, especially regarding their effect on social cohesion, as well as the limited capacity to resolve these conflicts in the short run is revealing. Secondly, what is important is that these "everyday" conflicts do not continue to simmer under the surface of daily life and eventually explode into outright violent conflict.

At this stage, the findings question the sometimes bucolic picture painted of the Gacaca activities by the Rwandan government and some observers or commentators. And the massive rise of these 'meta-conflicts' casts doubt on interpretations of the modernized Gacaca system as inherently restorative or as an ideal conflict resolution mechanism. One needs to wonder whether a transitional justice mechanism that generates a massive amount of new conflicts has been aptly designed for the goals it is supposed to achieve? During a conversation in central Rwanda at the height of the Gacaca activities an elderly peasant made the ironic remark: "I am wondering when we will start with the Gacaca that needs to deal with the consequences of the Gacaca dealing with the genocide?"[21] Considering the findings presented here, his concern seem to have been legitimate.

Antwerp, May 2011

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[20] See for example : WALDORF, L., "Mass justice for mass atrocity. Rethinking local justice as transitional justice", *Temple Law Review,* Vol. 79, 2006. INGELAERE, B., "The *gacaca* courts in Rwanda", in HUYSE, L., SALTER, M. (eds.), *Traditional Justice and Reconciliation Mechanisms after Violent Conflict: Learning from African Experiences*, Stockholm, International Idea, 2008, pp. 25-60. BURNET, J. E., "The injustice of local justice: truth, reconciliation and revenge in Rwanda," *Genocide Studies and Prevention,* Vol. 3, No. 2, 2008, pp. 173-193. RETTIG, M., "*Gacaca*: Truth, justice and reconciliation in post-conflict Rwanda?", *African Studies Review,* Vol. 51, No.3, 2008, pp. 25-50. LONGMAN, T., "An Assessment of Rwanda's Gacaca Courts", *Peace Review: A Journal of Social Justice,* Vol. 21, No. 3, 2009, pp. 304-312.
[21] Informal conversation with a peasant on a hill in Central Rwanda, May 2006.