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USAID/RWANDA
INTEGRATED STRATEGIC PLAN
2004-2009

Volume 2: Annexes

This Strategic Plan for Rwanda was assembled by USAID/Rwanda. This Strategic Plan is a "pre-decisional" USAID document and does not reflect results of USG budgetary review.

Additional information on the attached can be obtained from Joan LaRosa, USAID/Rwanda.

Public Version

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General Map of Rwanda
Uganda
R. D. C.
Tanzania
Burundi
Ruhengeri
Byumba
Umutara
Gisenyi
Kibuye
Gitarama
City of Kigali
Kigali-Ngali
Kibuego
Gikongoro
Butare
Cyangugu
Legend
Country Boundary
Province Boundary
District Boundary
Lake
Major River
10 0 10 20 Kilometers

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B. SUMMARY OF ASSESSMENTS

1. Summary of Assessments, Recommendations and Responses: ETOA, GENDER, and CVA

This is a brief summary of three of the required assessments for this ISP, the recommendations that were made both for the overall plan and by SO, as well as brief responses. To the extent possible, the recommendations were incorporated into the ISP within the SOs. For details, the reader should refer to the specific assessments and SOs.

ENVIRONMENTAL THREATS AND OPPORTUNITIES ASSESSMENT (ETOA)

The ETOA was conducted by a consultant from Chemonics International Inc. and a Rwandan partner in February of 2003 to meet the formal environmental requirements specified in ADS 201.3.4.11.b and to support the mission's strategic planning process. The ETOA noted the difficult contextual issues in Rwanda, as well as some positive developments, such as Rwanda's new constitution, which ensures the protection and sustainable management of Rwanda's environment. It also recognized the potential of the decentralization process for improved environmental stewardship. However, at this point, the authors noted, environmental protection is spread over several ministries, with little coordination. Rwanda's natural resources include the biodiverse Akagera National Park, Nyungwe Forest Reserve, and Volcano National Park, as well as wetlands, marshlands, lake shore resources, and the remnants of Gishwati and Mukura parks, whose forests are important for Rwanda's watersheds.

Recommendations

Overall included: move beyond environmental compliance to maintain and restore "the environmental resources on which economic growth depends;" support the formulation of regulations and applications for implementation of Rwanda's framework environmental law; support the establishment of the Rwanda Environmental Management Authority (REMA); promote transparent, accountable, and decentralized management of natural resources; help build local capacity for IEEs and EIAs; and more proactively work to resolve major biodiversity issues like overgrazing.

Responses

The SO7 team has integrated several actions that go beyond environmental compliance as a part of its activities and will be building on and expanding these with its Rwandan partners. The mission has been providing critical technical assistance and policy direction for the creation of a multi-sectoral utilities regulation agency that will oversee several industries with environmental impacts. In addition, the mission is encouraging and supporting the creation of the new Rwanda Environmental Management Authority, which will play a leading role in formulating regulations and applications for implementing Rwanda's environmental laws. Building local capacity for decentralization is a cross-cutting theme for all SOs. Through ENCAP, the mission will be supporting environmental capacity building training for its implementing partners and other stakeholders, to that they are able to conduct IEEs and EIAs. The mission has obtained $250,000 through CARPE for study and preservation of biodiversity in Nyungwe Forest, however, this type of funding is limited.

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Recommendations	Responses
SO5, Democracy and Governance: Help to build local communities' capacity for environmental review, assessment, and decision-making as part of decentralization; strengthen civil society organizations that promote environmental management; build the environmental management and protection capacity of local governments; and improve district land use planning.	A major focus of this SO is building the capacity of local governments, communities, and civil society organizations for public dialogue and citizen participation in decision-making. Some of these activities will include environmental components, such as trainings for CSOs on environmental assessment and review and in the use of an environmental checklist for local authorities for community development projects. However, funding for this SO is limited and needs for more basic capacity building activities than natural resource management greatly outstripped the ability to respond.
SO6, Health and HIV/AIDS: Strengthen family planning programs in environmentally sensitive areas; develop a program for medical waste disposal; and conduct a follow-up survey of users of treated mosquito nets.	Family planning programs have been integrated into the decentralized healthcare delivery system that is central to this SO. While environmentally sensitive areas have not been specifically targeted for family planning services, to the extent that the program is successful, natural resource use overall will decline. An activity to develop a medical waste incineration facility is planned. A follow-up survey of mosquito net users is an excellent idea and will be considered.
SO7, Economic Growth: Increase off-forest timber production and enhance the market potential of non-timber forest products; promote forest-plantation-based small-scale industries; support additional studies on biodiversity and better integration of terracing on farms; and modify DAPs to better reflect current socioeconomic and environmental reality.	The SO7 Team is looking to identify products for market development and transformation, including non-timber forest products such as honey. The Team will also be considering a range of possible activities and policy analysis that may include forestry management and biodiversity preservation. Handicrafts and small-scale industries other efforts to increase income generation are being considered for support. The mission cannot modify DAPs itself, however, it will be holding a retreat with cooperating sponsors to strengthen the design of the next round of DAPs and account for the recommendations of the ETOA.

GENDER ASSESSMENT

A Gender Assessment and Action Plan for USAID/Rwanda was conducted in March 2002 by two consultants from the International Center for Research on Women. In addition, a Regional Gender Impact Assessment was conducted by Development Associates in January 2002. Subsequently, an Executive Summary Gender Assessment for the new ISP was conducted in February 2003, by the Gender Specialist from REDSO, on which this summary is based. The Gender Assessment examined the impact on gender relations of Rwanda's 1994 civil war and genocide and possible strategies for enhancing women's decision-making in its aftermath. The assessments notes that 21% of adult women are widows, 34% of households are headed by women, 62% of whom are in poverty. At the same time, this has meant that women have been thrust into the traditionally male roles of provider and protector. As men are released from prison, demilitarized or repatriated, they are likely to expect to regain their former status and power within the household, though opportunities for employment are scarce and claims to land will be disputed. The Assessment projects that this dynamic may be a source of future conflict, if not addressed.

In addition, as women's status improves within Rwandan society, for example through the introduction laws guaranteeing women's political representation and equal rights to land, inheritance, and property, a potential for gender conflict may arise, as these changes are political and increase competition for scarce resources. Finally, there is a wide gender gape at the tertiary education level for women.

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Recommendations	Responses
***Overall**:* The mission needs to clearly identify a specific gender impact it seeks to achieve and to establish criteria for achieving gender-specific results that hold SO Teams and partners accountable. A mission-wide gender strategy should be developed. The participation of women in governance should be scaled up and the effective participation of women should be a part of each sector strategy. Care should be taken that women to do not lose control over resources that they have gained as their legal control over them is increased. Women should be trained at equal rates to men in any mission-supported education, training, or ICT initiative. The recommendations of the gender analyses should be put into practice and the Gender Action Committee formalized. Gender training and TA should be provided for all staff and implementing partners. Finally, contracting documents should be reviewed to ensure compliance with the ADS.	The mission is committed to increasing gender equality in all of its activities. SO Teams, working with their partners, consider gender in all of their activities, based on the gender assessments that have been done. Where practicable, SOs include IRs for gender-specific results. Though a mission-wide gender strategy has not been developed, the mission strives to integrate gender into all of its planning and implementation activities. Great strides have been made in scaling up the effective participation of women in governance and women's participation is an integral part of each sector strategy. The mission is following closely the implementation of Rwanda's new constitution and laws governing property, to ensure that women retain the rights they have recently gained, though recommendations on this issue will be pursued primarily through diplomatic channels. Women are not as yet trained at equal rates to men in mission-supported training initiatives, as men are disproportionately represented in most fields, however care is always taken to include women to the greatest extent possible. All contracting documents are reviewed by the mission's Gender Officer to ensure compliance with the ADS.
***SO5**:* Support the revision of discriminatory laws; provide training to the civilian police force in gender issues, especially sexual violence; encourage and support a caucus of women parliamentarians; continue and expand the scholarship program; develop baseline data to support the program.	Many of Rwanda's discriminatory laws are being rewritten, including the recently approved constitution. Rwanda's Police Training Academy was trained in gender issues and sexual violence and all new recruits are required to take this training. USAID and the U.S. Embassy together supported the creation of a Rwandan Women's Caucus. The mission's costly secondary school scholarship program is for both male and female genocide orphans covers all sectors, however it is not possible to expand it. The SO Team is working on a SOW for a polling program that will be used to base its IRS on gender.
***SO6**:* Identify gender concerns in national policy and take gender inequalities into account in resource allocation and management activities; measure women's health; conduct specific health and gender assessments to guide partners; strengthen partner's capacity to identify gender considerations; support women's leadership; and strengthen donor coordination on gender and health.	

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***SO7**:* Conduct a gender analysis of the ag sector to define opportunities; assess gender dimensions of cooperatives and farmer associations and ensure women are not marginalized; develop credit programs with national impact; and mainstream gender in the rural roads infrastructure program.	The SO7 Team will account for the impact of gender through the design, implementation, monitoring, and evaluation of all of its activities, including rural infrastructure improvement. USAID will be continuing its support of the Banque Populaire, the country's leading credit union, to support credit and savings mobilization for men and women.

CONFLICT VULNERABILITY ANALYSIS (CVA)

The Conflict Vulnerability Analysis was conducted during March and April 2002, by a team from Management Systems International. The team found that while Rwanda does not face an imminent prospect of internal violent conflict, there is still significant potential for conflict in the country and region, largely as a result of the 1994 genocide and civil war. For this reason, though the Government of Rwanda (GOR) has made significant achievements in reconciliation, governance, and administrative reform, the team said, Rwanda must be seen as "a society in post-traumatic convalescence." Peace, stability, and long-term national reconciliation are therefore issues that are of great importance. However, the team said that the GOR seems to be attempting to extend its exclusive control of the political system beyond the transition period. Consequently, effective structures allowing for the peaceful expression of dissent or redress of grievances are lacking and could lead individuals or groups to seek violent means of expression. The GOR's land policy is a potential flashpoint, as land is scarce and there is already significant conflict over land tenure. Involuntary relocation of individuals and communities and consolidation of land holdings, for example, could lead to much larger numbers of landless and jobless poor, and few off-farm activities currently exist to employ these people. The government's dauntingly ambitious Gacaca program, while it offers the potential for justice and reconciliation in Rwanda, also could have destabilizing consequences if not handled successfully. Finally, HIV/AIDS also has the potential to increase underlying instability in the country.

Recommendations	***Responses***
***Overall**:* USAID/Rwanda's overall programming in the areas of health, governance, and agriculture and economic growth should be retained. However, democracy and governance and agriculture are underfunded. Support of the positive actions of the GOR should continue, but with an increase in expressions of public concern about less positive aspects of the country's political development.	The mission has retained its overall programming in health, governance, and agriculture and economic growth. Democracy and governance and economic growth activities are limited by funding constraints imposed by Washington. The mission continues to be supportive of the GOR's many positive actions and accomplishments and to work closely with the U.S. Embassy to encourage a more positive political climate in Rwanda.
***SO5**:* Support to civil-society development is essential and needs to continue, as does support to public participation in policy reform processes. Gacaca requires particular attention and should be closely monitored. Donors should be visibly involved in Gacaca and coordinate closely to ensure success.	Civil society development and citizen participation are integrated throughout the mission's programming, but particularly in SO5 and SO6. Gacaca is being monitored in some areas by the NGO Seruka, however, the mission is most closely engaged in supporting the process, rather than highlighting its inadequacies. The mission is also involved in donor coordination efforts, which are being led by the Belgian Embassy.

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Recommendations	***Responses***
SO6*:* No recommendations.	This SO incorporates civil society development and citizen participation and supports the government's decentralization process through its strategy of decentralizing healthcare service provision to the district level and below.
SO7*:* Resources should be devoted to working with the GOR to avoid the dangers of precipitous and coercive land-tenure reform. Land tenure reform should be closely monitored. USAID activities should support both economic growth and a safety net for poorer families.	The mission has been working with the GOR on its land reform policy and has been giving clear and consistent messages about what it perceives as the vulnerability to conflict for the country if the reform is not carefully planned and pursued. This is an issue that is being monitored carefully by the mission. SO7 includes a variety of activities that assist marginalized groups, including the rural infrastructure program, which uses Food for Work funds, and feeding programs for orphans and AIDS-affected families.

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2. USAID/Rwanda ENVIRONMENTAL THREATS AND OPPPORTUNITIES ASSESSMENT (ETOA): EXECUTIVE SUMMARY, February 2003

BACKGROUND

USAID/Rwanda is currently writing a five-year Integrated Strategic Plan (ISP: 2004-2008) that will be aligned with the Government of Rwanda's (GOR's) Poverty Reduction Strategic Plan (PRSP), which has become the guiding strategy for all GOR development efforts. Aligning USAID/Rwanda's program with it will signal support for the GOR's poverty reduction strategy and will enhance synergy across sectors, and increase management efficiency.

Because USAID/Rwanda recognizes that wise management of natural resources is essential to the success of any development program, it contracted with Chemonics International through the BIOFOR IQC to conduct an Environmental Threats and Opportunities Assessment (ETOA) for Rwanda. The ETOA will inform the Environmental Annex of the USAID/Rwanda Integrated Strategic Planning (ISP) process. This report is the product of that assessment.

The formal environmental requirements of USAID operating unit strategic plans specified in ADS 201.3.4.11.b Technical Analysis for Strategic Plans, Environmental Analysis are derived from the Foreign Assistance Act (FAA) and 22 CFR 216. (The relevant sections of the FAA can be found in Annex A of this report.) These dictate concern for:

- Environmental Sustainability. Section 117 of the FAA *"Environment and Natural Resources,"* dictates that operating units will implement their programs with an aim toward maintaining (and restoring) natural resources upon which economic growth depends, and to consider the impact of their activities on the environment.

- Tropical Forestry and Biological Diversity. Sections 118 *"Tropical Forests"* and 119 *"Endangered Species"* of the FAA codify the more specific U.S. interests in forests and biological diversity. These two provisions require that all country plans include: 1) an analysis of the actions necessary in that country to conserve biological diversity and tropical forests; and 2) the extent to which current or proposed USAID actions meet those needs. Section 118/119 analyses are specific legal requirements of all USAID operating unit strategic plans.

- Agency Environmental Procedures. 22 CFR 216 provides the basis for the application of pertinent US environmental legislation and policy. This legislation and supporting guidance from USAID/Washington directs Missions to conduct assistance programs in a manner that is sensitive to the protection of endangered or threatened species and their critical habitats within the project activity cycle. While FAA Sections 117-119 address the analytic requirements for USAID Missions during the strategic planning process, 22 CFR 216 is designed to guide the evaluation and conduct of specific development interventions within the project development and management cycle.

The Environmental Annex is an ISP-specific analysis that examines environmental threats and opportunities inherent to the Mission's strategy and assesses the extent to which the Mission's strategy incorporates or addresses tropical forests and biodiversity concerns. This assessment does not substitute for the Initial Environmental Examination (IEE). Each SO Team is responsible for ensuring that an IEE or a Request for a Categorical Exclusion is conducted at the SO level for all activities funded by USAID.

This report supports the USAID strategic planning process by providing a broad overview of threats to the environment in Rwanda. The findings are based on available data and interviews with expert informants within and outside the Mission. While the ETOA is primarily concerned with the condition and framework of forest and biodiversity conservation in Rwanda, and the likely effects of the Mission's proposed strategic plan, it also places forests and protected areas within a broader economic context. As specified in the scope of work, the team sought to address the relative severity of broader environmental threats; similarly, the opportunities

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section addresses the concerns of a broad range of parties who might be interested in addressing environmental threats in Rwanda. The Mission and ETOA team have striven to integrate the PRSP within the landscape ecology that governs Rwanda's sustainable economic growth.

PURPOSE

The specific objectives of this ETOA were to:

- Document the state of key natural resources by quantifying trends in their management, biophysical condition, productivity, abundance, and distribution and by identifying threats (*e.g.,* degradation, depletion, pollution) to which they are subjected

- Analyze how past events and current initiatives (both Rwandan and donor) have shaped the country's development trajectory

- Review and analyze current and proposed GOR policies, laws, institutions, and initiatives that are related to the environment/natural resource sector

- Analyze gaps in the knowledge base, both within and beyond the purview of existing agencies

- Conduct an environmental review of proposed USAID/Rwanda strategy components, particularly proposed SO 3, "Expanded Economic Opportunities in Rural Areas," to identify or emphasize environmental threats and opportunities in light of the FAA requirements

- Evaluate Rwanda's tropical forest and biodiversity resources and how well the current and proposed ISP respond to FAA Sections 118 (Tropical Forests) and 119 (Endangered Species*)*

- Identify opportunities and entry-points for USAID/Rwanda efforts that would positively influence the conservation of tropical forests and biodiversity and improve environmental management.

The Chemonics team consists of a senior expatriate natural resource and environmental management specialist, James R. Seyler, and a Rwandan environmental policy analyst, Jean Marie Mugemana, with administrative and logistical support from the Chemonics ADAR office. The findings, conclusions, and recommendations of the team are theirs alone; they do not necessarily reflect the policies of the United States Government.

THE RWANDAN CONTEXT

Rwanda is a small, mountainous, landlocked country covering 26,328 km^2; it is characterized by vast hills and mountains interspersed with valleys. Rwanda has been described as country of a thousand hills (*mille collines)* because of the numerous highly dissected hills, separated by deep valleys.

Rwanda's hydrology is characterized by a dense network of lakes, rivers and wetlands. Wetlands (large permanent swamps) and marshlands (seasonal grass swamps – *marais*) occupy about 10 percent of the country and comprise three large swamps and numerous small *marais* scattered among the hills. These latter systems are the most physically and chemically heterogeneous of all the aquatic ecosystems in Rwanda and are in effect seasonal wetlands.

Rwanda contains a wide variety of species due in part to the varied topography, which is responsible for diverse regional climatic conditions. Despite this rich biodiversity, endemism is not thought to be high. Vegetation can best be described as a regional mosaic that includes sections of the Guineo-Congolian and Sudanian vegetation. The total area under forest cover

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was reduced by about 57 percent between 1960 and 1996. The GOR's need to permanently resettle the millions of returnees since the 1994 war, and to supply the people with fuel, land, and shelter, has led to the almost total destruction of Giswati and Mukura forest reserves. This downward trend in afromontane forest cover is thought to be continuing.

Rwanda has a population of a bout 8.16 million people with an annual growth rate of about 3.0 percent and an average population density of about 317 people per km^2, one of the highest in Africa. Over 60 percent of its people are too poor to meet their basic human needs. Almost 3.5 million Rwandese have been displaced or returned from abroad in recent years; many are still homeless.

Preliminary census data indicate that 16.7 percent of Rwandans live in urban areas, a significant increase since 1991. This suggests an urgent need for viable economic activities that increase the earning power and improve living standards for the rural population. This is even more critical with the expected demobilization of thousands of Rwanda soldiers and ex-combatants and the release of those imprisoned in the Gacaca genocide trials. As of 2002 almost half of the Rwandan population (48.6 percent) were under the age of 16. The youthfulness of the population and its high population growth rate and density has had a huge effect on natural resources, the environment, and all public services.

Malnutrition; malaria and other water-related diseases; high fertility; and HIV infections have brought high infant and child mortality (107 IMR), pushing average life expectancy down to 40. One child in five (19.6%) dies before its fifth birthday. HIV/AIDS prevalence is estimated at 8.9 percent nationally. Malaria is the greatest cause of morbidity, followed by diarrhea and respiratory infections. In rural areas, access to safe water may have declined to around 44 percent.

CONSTITUTIONAL AND POLICY FRAMEWORK

The current constitution does not address environmental issues, but the constitution that will be presented for referendum in May/June 2003 ensures the protection and sustainable management of the Rwandan environment. It should encourage rational use of Rwanda's environmental resources.

In Rwanda, as in many other African countries, the Ministry of Agriculture has controlled the environmental sector. Although Rwanda had a national environmental strategy in 1991, the earth summit in Rio 1992 provided the impetus for specific sustainable development programs. After Rio, Rwanda signed and ratified several international conventions for the protection and the conservation of the environment, from The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through the U.N. Convention to Combat Desertification. Ratifying these international instruments made it possible for Rwanda to obtain financing (e.g., from the Global Environmental Facility and the U.N. Environmental Program) to implement its national environmental strategies.

After the war in 1994, Rwanda adopted a policy of intensified agriculture to respond to the food needs of its people. The GOR then recognized the need to refine its national environmental strategy and environmental action plan (1996) and its national strategy for biodiversity (2000). Together these address such environmental priorities as poverty, food security, and the energy crisis; land management planning based on the characteristics of affected ecosystems; forestation and biodiversity; the future of wetlands; climate change at the national level; and urban environmental management and pollution control.

The National Decentralization Policy adopted in May 2000 holds local populations responsible for managing resources, including natural resources. By addressing the environment at subnational levels, the policy should make an enormous contribution. Districts are responsible for production and protection of water, tourism, and the environment. Similarly, cities, towns, and municipalities are responsible for land and environmental management, urban planning, road maintenance, maintenance of protected and recreational areas, and providing drinking water, sanitation, and waste treatment and disposal.

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However, the ratification and implementation of many of the above policies and strategies have been very limited to date.

LEGISLATIVE FRAMEWORK FOR ENVIRONMENTAL MANAGEMENT

Because the environment is a relatively new political concern in Rwanda, there are few specific relevant laws, but some older laws do regulate natural resource use, among them the Forest Code and laws on fishing and aquiculture, land tenure, pollution of water resources, conservation and land use, protected areas, and public health.

With the help of the UNEP, a national environmental law was drafted in 2000, but it has not yet been passed. This law outlines major principles of management and protection as inspired by the international conventions Rwanda has signed. The draft deals with management and use of agricultural land; imports and exports of animal and vegetable products; the control of substances contributing to air pollution; standards for management of dangerous wastes; how mandatory environmental impact assessments (EIAs) must be organized (the expense to be born by the project promoter); standards for environmental protection and for imported products; and protection of wetlands and rivers. Other draft laws not yet passed deal with sanitation, the use of marshlands, conservation and management of wetlands, protected areas, and land tenure. (Once these pass, the implementing regulations may then take a long time to draft.)

Indeed, for political and structural reasons even the current environmental regulations are not well enforced—a situation that undermines environmental management and protection.

INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL MANAGEMENT

In Rwanda, managing and protecting the environment is the responsibility of the Ministry for Lands, Human Resettlement, and Environmental Protection (MINITERE) and coordinated by its Directorate of Environmental Protection. Since 1994, the ministry has been short of human and material resources. MINITERE has proposed creation of the Rwanda Environment Management Authority (REMA) to coordinate environmental management more broadly. Without legislation that will give teeth to REMA, control of the environmental sector is now scattered throughout a number of ministries, with very little coordination and often a great deal of redundancy and even conflict in approaches.

ENVIRONMENTAL STATUS, THREATS AND OPPORTUNITIES

Aquatic Resources

Lakes and Rivers: Rwanda's hydrological network includes at least 19 major lakes and 8 major rivers. This network and its wetlands contain a wide variety of plant, animal, and aquatic species; 104 plant species alone have been recorded. All are threatened by coastal habitat destruction; water extraction; exotic species; fishing in breeding grounds; household and industrial pollution; and sedimentation.

The GOR has decided to privatize Lake Ihema, giving the fishing concession to a local company, Societe de Peche de Mutara (SOPEM). The Rwandan Office of Tourism and National Parks (ORTPN) is also proposing Ihema as a RAMSAR site. While the RAMSAR convention permits sustainable exploitation of resources like fish, this is predicated on sound knowledge of the resource base (fish stocks), a specified allowable harvest, and a monitoring plan to ensure compliance. The GOR needs to be sure that these are in place before SOPEM begins operations.

Earlier, MINAGRI introduced an exotic carnivorous fish (*Protopterus aethiopicus*) into Lake Muhazi to control a burgeoning mollusk population, but the species may be harming indigenous fish and invading other lakes and rivers. Its ecological impact needs further study.

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Wetlands and Marshlands: Rwanda's wetlands act as a buffer in flood or overflow plains, reducing maximal flow rates during the rainy season and maintaining relatively high flow rates during the dry season. Environmentally fragile, the marshlands need safeguards to maintain their ecological integrity when used for agricultural production. Total marshland area is estimated at 168,000 ha; a conservative estimate is that some 94,000 ha of this has already been exploited for agriculture and livestock farming. Rehabilitating farmed marshlands is a major element of both GOR and donor activities to increase rural incomes, reduce poverty, and reinforce national stability, but even without development activities, many marshlands are threatened by silting and reduced water retention due to continued vegetation loss and erosion; the pressure of more people using unsustainable land use practices on nearby hillsides; and the downstream impacts of declining water quality.

A watershed/catchment approach would best mitigate environmental problems. Such an approach could (i) restore the productive capacity of marshlands and hillsides while enhancing other environmental benefits; (ii) limit negative effects on water resources; and (iii) promote biodiversity. The main elements of a catchment approach are to (i) buffer zones of natural vegetation created at intervals to control water flow, reduce downstream impact, help filter out effluents from other activities, and provide fodder for livestock and materials for thatch; and (ii) zoning of marshland areas and restricting cultivation of habitats that are critical for water storage or breeding habitats for wild animals.

A watershed approach could: (i) restore soil hydration, thus increasing soil moisture; (ii) improve soil structure, increasing organic matter with no change in the water table; (iii) improve microclimate amelioration, if combined with good agroforestry practices; (iv) improve crop yields; (v) increase the biodiversity of soil fauna and flora and other plants and animals, especially water birds; and (vi) possibly support agriculture that integrates crop production, livestock, and aquaculture.

Other opportunities to enhance the marshlands are to draft environmental criteria for selecting marshlands to be rehabilitated, and to use social assessments to identify constraints to ownership and maintenance of infrastructure.

Lake Shore Resources: Rwanda has about 300 km of coastline along Lake Kivu. Most of the hillsides above the lake are under coffee production (generally low fertilizer inputs, no run-off, and good slope stabilization), which is good for the environment, but the proposal to build small methane electricity platforms on the lake (see section VII) may attract other enterprises and the attendant risks of pollution. At some point, the GOR must plan how to mitigate the environmental impacts of lakeside industrial development.

Savanna Ecosystem

Akagera National Park (ANP) (Wooded Savanna): In the 1960s ANP formed part of the Akagera - Lake Mburo ecosystem extending north into Uganda and east into Tanzania. Today, this ecosystem is entirely fragmented and its wildlife population is found only in small disturbed enclaves. Under the 1993 Arusha Accord, it was resolved that returning Rwandan refugees would be settled into open unsettled areas; the areas deemed most suitable were the ANP and the Mutara Hunting Reserve.

After the genocide of 1994, resettlement became increasingly urgent. In 1997, the Mutara Reserve was degazetted and the area of the ANP area was reduced by two-thirds, leaving only 1,081 km^2.The result has been a severe loss of biodiversity in three formerly protected ecosystems: the subhumid savanna in the west; the floodplains of the central valley; and the *Acacia kirkii* gallery forest to the north. Loss of these ecosystems, it is estimated, carries with it the total loss of 15 percent of the tree and shrub species and 20 percent of the herbaceous species of the former ANP and Reserve. The loss of this habitat will result in a further decline of all wild fauna species in the area. Although tourism is fairly high, the future status of the park is in question.

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The most immediate threat to the new ANP comes in the form of the 270,000 cattle in the region surrounding the park. Many returnees brought herds with them from Uganda, more than doubling the cattle population in four years. The resulting grazing pressure has been a prime factor undermining the park's vegetation and wildlife.

In areas inside the park where grazing pressure is heavy—as is agriculture encroachment, charcoal production, tree cutting for firewood and construction, and deliberately set fires—there has been an extensive decrease in nutrient-rich grasses and an increase in annual grazing weeds. Gully erosion, particularly along trails used by cattle, has also increased. There has been a continuous notable decline in the numbers of animals in the park, attributable to the severe reduction of range and to vegetation degraded by overgrazing and poaching.

Rehabilitating the ANP would be a positive step, but before this can happen, the grazing issue needs to be addressed at the highest levels of government; donor and civil society pressure will be necessary.

Forest Ecosystems

Afromontane Forest Ecosystems: Rwanda's afromontane forests used to run the length of the Nile-Congo crest but population pressure now limit them to those in the forest reserves of Nyungwe, Gishwati and Mukura, and the Volcano National Park (PNV). Because Gishwati and Mukura have been used for cattle grazing and resettlement, only small isolated patches of forest remain there, in inaccessible areas. These forests are important to protecting Rwanda's watersheds. An African Development Bank project is attempting to rehabilitate Gishwati and Mukura by enrichment plantings of natural species, but if the areas can be protected, natural or assisted regeneration would likely be more effective and less costly.

Nyungwe Forest Reserve: Nyungwe Forest Reserve is globally as well as nationally important for the conservation of several restricted-range species found only in the Albertine Rift ecoregion in Africa. The reserve is home to 13 species of primate, 1,068 plant species, 85 mammal, 278 bird, 32 amphibian, and 38 reptile species. In all 62 species of fauna and about 250 plant species are endemic to the Rift.

Nyungwe's socioeconomic importance is as significant as its biological importance. The reserve is the watershed for over 70 percent of Rwanda; its streams feed both the Congo and the Nile basins. It thus protects the watershed of not only surrounding communities but also communities much further downstream. The buffer zone around the forest has been planted with economically important species and is a source of building poles and firewood for local populations. Honey production and the harvesting of medicinal plants are other important economic activities.

Nyungwe faces several major threats derived largely from population growth, pressure on land resources, lack of sustainable sources of income for local communities, and limited awareness and availability of economic incentives for sustainable use of biodiversity. Poaching of large mammals is high. Fires caused by beekeepers smoking bees from wild hives have spread, devastating large forest areas; and mining of gold and more recently columbo-tantalite has led to creation of large mining camps in the forests.

Finally, the absence of large ungulates in the forest appears to have upset Nyungwe's ecological balance, especially in burned areas. As there are no animals to graze away the ferns and grasses that proliferate after a fire, they remain on site and hamper seed dispersal and germination.

Legislation now before Parliament would make Nyungwe a national park, a classification that in theory at least would make all human activities in the park illegal. The ETOA team believes restricting local access to the park may result in even more degradation. We recommend that ORTPN take a community co-management approach in Nyungwe, permitting but controlling community access to the reserve for medicinal herb collection, honey production (using improved hives), and similar activities.

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It is also important to devise incentives for communities to protect the forest. This requires that GOR: (i) identify and remove any disincentives and implement incentives that promote fair distribution of park benefits; (ii) promote market-based incentives for green-labeled tea and improved hives/honey production; develop on-farm herbs/medicinals and bamboo; and show farmers how to link crops to markets; and (iii) set up FFW programs (monetized) for in-park activities (trail, road and bridge maintenance/construction, etc.).

Volcano National Park: The PNV is one of the oldest protected areas in Africa; it was established by King Albert of Belgium in 1929 in an effort to set aside the Virunga Mountains in the DRC, Rwanda, and Uganda to save the habitat of the last representatives of the mountain gorilla. Over half the current mountain gorilla population is found in the three national parks sharing the Virunga Mountains (the rest are in Bwindi). Five of the eight dormant volcanoes that make up the Virunga chain are in Rwanda.

The PNV contains 245 species of plants, 115 species of mammals, 187 species of birds, 27 species of reptiles and amphibians, and 33 species of arthropods. Among the plants, 17 species are threatened, of which 13 species of orchids are internationally protected. Many plant and animal species in the park other than the gorilla have gone unstudied, but the International Gorilla Preservation Project (IGCP) is now working with ORTPN to habituate two groups of golden monkeys for tourism.

Threats to the park include poaching of gorillas and other wildlife, wood cutting, bamboo harvesting, medicinal plant collection, and beehive placement. Local community options for alternatives to park use are very limited and costly. Though revenues generated by gorilla tourism are quite high, little if any is returned to the communities. The ETOA team strongly recommends that ORTPN draw up a revenue-sharing scheme that returns a percentage of tourism proceeds to local communities for investment in activities lost as a result of denied access to the forest.

Gallery Forests: Gallery forests are strips of forest along watercourses or extending from wetlands. In Rwanda their area has been significantly reduced by clearing for agriculture, bush fires, and cutting for fire and construction wood. Gallery forests are now found only in the eastern along the Akagera river system, covering an area of about 163 ha. Gallery forests contain a number of rare, endemic species, some of which have potential for modern as well as traditional medicine, but their commercial exploitation could have negative environmental consequences on the few remaining gallery forests if no safeguards are put in place.

Agriculture Production

Crop Production and Farming Systems. Agriculture is the mainstay of Rwanda's economy. Approximately 91 percent of the population depends on the sector, which is estimated to contribute about 40 percent to GDP and 30 percent to export earnings. Arable land covers about 1,385,000 ha, some 52 percent of total land area. Per capita land holdings average only about 0.6 ha per family. The main food crops are bananas, beans, sorghum, sweet potatoes, Irish potatoes, cassava, maize, and rice. Vegetables are mainly tomatoes, cabbages, and peas. Crop yields are generally low.

The main environmental threat to Rwanda's farming systems is erosion, because most agriculture is done on steep slopes. Hillsides typically suffer the least erosion in their natural state of forests or grassland. When soils are disturbed or left without protective cover, as is the case with agricultural row crops, hillsides lose as much as 80 to 100 m^3 of soil per ha per year; fields become infertile after only three or four years. As chemical fertilizers cost too much to be used in most traditional farming systems and few organic fertilizers are used, increases in agriculture production are difficult to achieve.

Opportunities: Well-maintained terracing and other protective measures can significantly reduce erosion, as can perennial crops like tea and coffee that provide significant vegetative cover and do not disturb the soil regularly. Protecting hillsides is a strong rationale for

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supporting the coffee subsector. Recognizing erosion as a major problem, the GOR intends to accelerate terracing, reforestation, and marsh management programs via public works programs financed by the World Bank's PRSP project.

However, the ETOA team questions the use of radical terraces and paying farmers to build terraces on their own land. Although radical terraces can substantially increase yields through water and organic matter retention, there are other valuable forms of on-farm environmental improvements, such as progressive terracing, grass strips, and other agroforesty combinations. The ETOA team recommends that the GOR study the public works concept for such improvements in greater detail, looking into alternatives to paying farmers for environmental improvements on their own farms and do a cost/benefit comparison of terracing techniques and a socioeconomic analysis of the use of different terracing techniques on a single farm. The goal would be a rational, cost-effective farm soil conservation strategy and plan.

Grazing and Animal Husbandry: Rwanda's main cattle-grazing areas are in the prefectures of Umutara, Kibungo, Kigali rural, and Gitarama. Cattle and their products (milk, cheese, leather, and butter) are estimated to have contributed 4 percent to GDP in 1998, but cattle populations have now increased to the point that rangelands are severely degraded. The overgrazing is exacerbated by the fact that many of these cattle are not high-quality meat or milk producers but are kept as a traditional symbol of wealth and prestige. The GOR needs a strategy (and eventually policy and legislation) to address the social and environmental issues inherent in traditional extensive livestock systems.

Agricultural Enterprises

Tea and Fresh Cut Flowers: Production of both tea and fresh cut flowers is agrochemical-intensive. Fields are often in marshland areas where agrochemicals can contaminate surface water. Record-keeping and training and supervision of employees or subcontractors in proper applications needs improvement.

USAID and other donors should consider providing technical assistance to tea and cut-flower producers on how to set up and maintain pesticide training records and materials. Training should emphasize more systematic attention to the use and control of safety equipment for pesticide and fungicide handlers.

Pyrethrum: Pyrethrum is an ecofriendly crop grown on the region's rich volcanic and well-drained soils; it requires only small amounts of fertilizer, normally manure. The environmental threat is in the distillation process. Pyrethrum distillation uses hexane, a highly flammable solvent that is unstable at temperatures above freezing. Hexane is a mobile and potent neurotoxin metabolized in the liver; long-term exposure through inhalation, ingestion, or skin contact can lead to permanent disabilities. Many countries discourage its use. In Rwanda, stocks of hexane are poorly documented; it appears that leaks are a serious fire hazard. The refrigeration system uses chlorofluorocarbon and more than 1,500 lbs of this ozone-depleting chemical are poorly stored; inventory records are inadequate. There are also significant environmental health and safety issues with regard to operation of the distillation plant.

USAID and other donors supporting agribusinesses could encourage better agrochemical management through walk-through audits, hands-on training, teaming international and proven local consultants, and involving the Rwandan Bureau of Standards and the new Environmental Protection Unit.

Coffee-Washing Stations: Prices for commodity coffee are the lowest in years, and some farmers are pulling up coffee trees and replacing them with row crops. Because depulping—"washing"—coffee is critical to maintaining coffee quality through the final drying and roasting phases, it is necessary to meet quality requirements in the specialty coffee market, which last year paid triple the price of commodity coffee. That is why USAID and other donors emphasize establishing and managing washing stations.

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Coffee washing has high water requirements, generates substantial quantities of pulp waste, and discharges washing and fermentation water. USAID's ADAR has been working with both ACDI/VOCA and the PEARL project to specify designs for washing stations and to train engineers in appropriate design. Stations should also be sited consistent with the environmental framework law currently moving through Parliament, which will prohibit discharging virtually any waste into wetlands or rivers.

Washing stations should be doing everything possible to prevent pulp from entering receiving waters and enhance the oxygenation of those waters. Perking fields for fermentation water should be established on permeable and well-drained soils, preferably outside floodplains. The use of reconstructed wetlands for rapid uptake of nutrients and carbohydrates is an option USAID might investigate. It is recommended that the manual ADAR consultants are writing for coffee station installation and management have a chapter on identifying and mitigating environmental problems.

Energy

Wood Fuel: Traditional fuels currently meet 90 percent of Rwandan energy needs. A World Bank study predicts that at the current rate of population growth and biomass utilization, if current energy practices do not change, Rwanda will be able to supply only 37.2 percent of its fuel wood needs in 2010. This figure does not take into account the proliferation of small to medium-scale agri-businesses that use wood for fuel. The threat is that the shortfall in supply will be made up by using Rwanda's forest capital, its forest reserves and parks—as has already occurred in the Gishwati and Mukura reserves. The study concluded that those first affected will be rural households; major enterprises, such as tea factories, will still be able to access sufficient fuel.

Because alternative fuels to wood for commercial purposes are not available in the short to medium term, the predicted shortfall must be met by better conservation and replanting and increased efficiency in usage. USAID and other donors should work to build the management capacity of enterprises to ensure they have a plan for securing the energy they need at a reasonable cost. This may mean experimentation with alternative energy sources but may equally focus on obtaining wood at an acceptable cost. USAID and other donors could work with tea estates to plant model forests that could stimulate additional employment while improving watershed management. Availability and cost of energy could be integrated into USAID's screening process for supporting agribusiness-related projects.

Methane: Lake Kivu in western Rwanda holds about 55 billion m^3 (STP) of methane, and commercial exploitation may be possible. The Belgians built several plants during the colonial era, at least one of which is still in operation. The plant can produce 1.0 to 1.5 million m^3/year, though it is often offline due to maintenance problems. All the gas produced is sold to the Bralirwa brewery.

Currently, the GOR, with the assistance of the World Bank, is drawing up regulations for accelerated exploitation of the Kivu gas reserves. A Rwandan company jointly owned by BCDI (Bank of Commerce and Development and Industry) and the Bralirwa brewery has been formed to promote a prototype gas recovery and power generation installation.

There have been several incidents in Africa and elsewhere of significant loss of life due to lakes releasing toxic volumes of methane. Use of improper techniques to exploit the methane may upset the equilibrium that keeps the dissolved methane in place, possibly resulting in a catastrophic accident. On the positive side, methane extraction might reduce emissions and convert Kivu into a harmless, living lake.

The ETOA team recommends that USAID limit itself to the use of STTA to help MINITERE draft environmental guidelines and terms of reference for EIAs of construction and operation of the extraction platforms, including guidelines for monitoring both the lake and the atmosphere. The STTA should also examine GOR capacity and technical support for environmental monitoring of this type of technology.

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Given USAID's limited resources, the ETOA team recommends promotion of private fuel wood production over methane. For an equivalent amount of energy, wood fuel cost is approximately 35 percent of the cost of methane. While gas burns more efficiently and has the added benefit of retarding deforestation, the population of Rwanda is though to be too dispersed, the economic and infrastructure development too low, and the price of wood fuel too low to make gas substitution practical.

Health-Related Issues

Medical Waste Disposal: A random survey conducted by Family Health International (FHI) at twelve health centers throughout Rwanda concluded that only two centers had satisfactory systems for collecting and disposing of wastes. The majority of centers: (i) did not have functioning incinerators; (ii) did not block off public access to disposal sites; and (iii) burned wastes in the open air or simply threw them in uncovered holes.

While medical and paramedical personnel tend to take necessary precautions, maintenance personnel and care givers have very limited knowledge of the risks of handling medical waste. Legislation has not kept up with today's realities. Although the Ministry of Health has master plans for health center construction that include waste disposal sites and incinerators, there are no environmental guidelines. The ETOA team is also concerned that the type of incinerators proposed in the MOH plans may not get hot enough to ensure adequate incineration.

Opportunities for USAID and other donor interventions are: (i) helping MINISANTE and MINITERE and their partners draft a national strategy for medical waste disposal and update legislation; (ii) writing guidelines for siting waste disposal sites at health centers and ensuring that the MOH incinerator design is adequate for proper incineration; (iii) putting together a public awareness campaign on the dangers of handling medical waste; and iv) training health center personnel, particularly those charged with maintenance and disposal, on proper waste disposal.

Anti-malaria Control. Malaria is a leading cause of mortality and morbidity among both children and adults. The expenses of treatment and the opportunity cost of the illness in terms of lost productivity drain household resources nationwide. USAID supports Population Services International's (PSI) insecticide-treated mosquito net (ITN) project in Rwanda. PSI, in collaboration with the USAID Regional Environmental Officer, first prepared a detailed Pesticide Evaluation Report and Safer Use Action Plan (PERSUAP) for ITNs. The plan represents Rwanda's environmental review and risk/benefit assessment of the use of deltamethrin in the treatment of mosquito nets. It concluded that PSI/Rwanda is handling, storing, packaging, and disposing of the insecticide carefully and educates the population about it.

Biodiversity

Biodiversity Status. Rwanda shelters 2,150 species of plants, and the assumption is that the degree of endemism is quite high. The UNEP World Conservation Monitoring Centre lists eight species of trees as either threatened or others of "conservation concern" in its tree conservation database.

The American Museum of Natural History lists 87 species of amphibians and reptiles in Rwanda. The only reptile species listed with concern is a tortoise.

Rwanda is one of Africa's top birding countries; an incredible 670 different species have been recorded. Four species of birds are threatened of extinction: the shoebill stork found in Akagera; Grauer's rush warbler found in PNV, Nyungwe, and the swamps of Rugezi; the kungwe apalis found in the Nyungwe; and the African or Congo bay owl.

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Rwanda contains 151 different types of mammal species, 11 of which are currently threatened and none of which is endemic. The country is particularly well known for its 14 to 16 species of primates, most prominent among them the world's most endangered ape, the mountain gorilla found in PNV. Others are the mountain monkey in the Nyungwe National Park, the endangered chimpanzee in Nyungwe and the golden monkey, endemic at a certain altitude in PNV.

Principal Threats to Biodiversity. The principal threats to biodiversity stem from human influence, legal and institutional causes, and natural causes.

Human influence. There is a high degree of human disturbance in 66 percent of the area in Rwanda, and a medium degree in the remaining 34 percent. No piece of land has remained undisturbed. With the influx of more displaced persons and an increase in competition for arable land, the percentage of high disturbance is likely to increase. Deforestation was estimated at 2.3 percent per year between 1980 and 1990, and forested areas are still under attack. Nyungwe has lost more than 1,000 ha, PNV is being nibbled at, Akagera has lost more than 50 percent of its area, Mutara no longer exists, and Gishwati has practically ceased existing as a forest reserve. The losses in protected areas are both traditional and a reflection of the economic situation. The increases in population in Rwanda have brought increased demand for cleared land for cultivation and for fire and construction wood, as well as grazing and wildlife poaching. Poverty and the lack of alternative income-generating opportunities, fires (either natural or deliberate), and the introduction of exotic species (e.g., the water hyacinth) also undermine biodiversity.

Legal and institutional causes. There is a general lack of motivation and incentive to conserve biodiversity, particularly for communities near protected areas. The ministries that protect and manage protected areas are also institutionally weak, with overlapping mandates; shortages of equipment, resource, and qualified personnel; weak collaboration with local administrators, and minimal enforcement of the laws.

Natural causes. Erosion and landslides, drought, floods, and disease also have an impact, as does the proliferation of competitive species.

Biodiversity Conservation. The GOR's biodiversity conservation efforts focus on:

- *Protected Areas.* Of Rwanda's total territory, 12.42 percent, 3,270 km^2, is either totally or partially protected. The three main conservation areas are Volcano National Park in the northwest, Akagera National Park in the east, and the Nyungwe Forest Reserve (soon to become a National Park), the largest conservation area in the country, a 970km^2 tract of rainforest with unusually high biodiversity.

- *National Strategy and Action Plan for the Conservation of Biodiversity.* After ratifying the Biodiversity Convention, the GOR drafted a National Strategy and Action Plan for the Conservation of Biodiversity (2000). The plan analyzes the current status of biodiversity in Rwanda and the threats to biodiversity and proposes objectives, strategies, and an action plan to address the threats. The GOR has made progress toward most of its objectives, but more work needs to be done in the following areas:

    - Prioritizing a research program oriented to conservation and management of biodiversity
    - Improving institutional, juridical, political, and human resource cadres to assure better management of protected areas and wetlands
    - Improving the protection and management of critical areas outside the formal protected area system.

PRIORITIES FOR IMPROVING ENVIRONMENTAL MANAGEMENT AND GOVERNANCE

Policy, Legal, and Institutional Reform

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- Before basic policy decisions are made, there is an urgent need to expand consultation on land tenure to get broad input from local populations, NGOs, and others working at the grassroots.

- It is critical that REMA be established; there is clear need for an interministerial body to advise on and coordinate environmental management. REMA should also have a technical arm tasked with conducting environmental assessments.

- Longer term, the GOR may need an environmental strategy for refugee relief and other emergency activities, as well as for village settlements. The strategy should: (i) ensure that both indigenous and refugee populations are involved in making decisions for the use and management of environmental resources; (ii) integrate activities to minimize environmental impacts; (iii) identify energy resources and attempt to mitigate local environmental impacts; and (iv) monitor environmental impacts. The strategy should be part of the National Environmental Action Plan.

- Given the potential long-term and environmental risks of chemical fertilizers and pesticides, it is imperative to fully implement a pesticide risk mitigation strategy, supporting training, education, and monitoring, with comprehensive GOR regulation of the use of agricultural inputs.

- The GOR needs a strategy (and eventually policy and legislation) to address the social and environmental issues inherent in traditional extensive livestock systems.

- The GOR needs to move as quickly as possible to finalize and pass the wetlands policy and legislation completed in January 2003.

- The GOR needs to continue to create polices and implementation strategies, including leasehold criteria, for privatizing national and district forest plantations

Institutional Strengthening

There is a clear need to establish REMA as a way to improve coordination at the national level. There is also a need to strengthen capacity in Ministries to ensure that they consistently integrate environmental concerns in everything they do. One example is the need for ORTPN to improve cooperation among the NGOs working in PNV to improve their effectiveness, reduce costs, and better serve local communities.

Although the GOR has made some progress in decentralizing other sectors, much still needs to be done to decentralize environmental management by, e.g., (i) defining competencies and institutional mechanisms for decentralization; (ii) examining the links between land tenure and environmental management; (iii) analyzing the financial mechanisms that support decentralization; (iv) passing and implementing the national environmental law; (v) establishing provincial, district, and urban/town environmental committees; and (v) analyzing best practices for decentralized environmental management.

Economic Incentives

The ETOA team strongly recommends that ORTPN set up a revenue-sharing scheme for PNV and other protected areas that would return a percentage of tourism proceeds to proximity communities for investment in activities lost as a result of denied access to the forest.

Regulation and Enforcement

The current failure to enforce environmental regulations undermines environmental management and protection. Usually, the lack of enforcement stems from the weakness of the institutions responsible for enforcement and a lack of political will to see that the laws are enforced. Long term, capacity building programs are needed, combined with programs to raise

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the awareness of a wide range of stakeholders (e.g., resource users, judges, etc.) as to the interrelated nature of environment, economics, and health.

Environmental Education and Awareness

The GOR needs more coherent national strategies to raise public awareness of environmental and biodiversity issues, highlighting practical everyday linkages, such as those between environment and health. More effort is needed to bring in key partners, such as churches, the media, primary school teachers, and community leaders.

At the local level, targeted social marketing programs conveying environmental messages centered on Rwanda's protected areas can help fill the awareness gap and promote behavioral change.

Research

Key areas for GOR attention are to:

- Identify research themes leading to better land management and management and conservation of protected areas. These might include: drafting a rational, cost-effective soil conservation strategy and implementation plan for farms; a small program on succession ecology in Nyungwe to determine how the absence of ungulates affects natural regeneration; and research on the impact of *Protopter spp.* on the indigenous fish population of Lake Muhazi.

- Put in place a research policy that prioritizes research themes and encourages research organizations to address them.

- Create a research cadre on biodiversity to better coordinate research activities and results. The GOR should consider formalizing and strengthening NUR's Environmental Research Coordinating Unit and mandating it to draw up research policy.

- Systematize the approach to collecting and managing environmental data. Although NUR faculty and specialists at ISAR, KIST, and elsewhere have conducted numerous studies, the results are widely scattered and often inaccessible. There is a clear need for a central repository for environmental information with mechanisms to insure that the information is made available to both decision makers and the public. NUR's GIS and Remote Sensing Center would be a logical repository for data because it is already the clearing house for Rwanda's geographical databases.

RECOMMENDATIONS FOR USAID/RWANDA

Though USAID/Rwanda's current strategy is primarily concerned with environmental compliance under 22 CRF 216, the ETOA team believes that compliance alone is not enough. USAID/Rwanda needs to give more attention to the FAA Section 117 requirement that operating units implement their programs with an aim to maintaining and restoring the natural resources upon which economic growth depends. However, rather than suggesting that USAID/Rwanda rebuild a large, stand-alone biodiversity program, the assessment team has identified activities under USAID/Rwanda's proposed plan that (i) might be modified to meet significant forestry and biodiversity conservation needs and (ii) promote synergy between its SOs. Integrating biodiversity and forestry issues into the Mission's general programs is the most promising approach to establishing the essential conditions for conservation while meeting the objectives of social and economic stability.

At the program level, USAID needs to regain its seat at the environmental policy table; it must:

- Find ways to support formulating the regulations and applications that will be needed once the framework environmental law is passed; without multilateral support for this law

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through implementation, there are real reasons to be fearful for Rwanda's crumbling environment
- Support the establishment of REMA
- Continue to work with primary partners (ADAR, ACDI/VOCA, and PEARL) to assure that all projects addressing agribusiness development ensure that producers and processors are aware of supply chain requirements for environmental and social values
- Work more proactively to resolve major biodiversity issues like overgrazing
- Help the GOR develop environmental strategies for refugee and other emergency relief and for resettlement villages
- Help build local capacity for conducting IEEs and EIAs
- Further promote a balanced, transparent, and accountable system of governance across SOs to allow decentralized management of natural resources and private initiatives

Potential Linkages between the Environment and the ISP

SO1: Increased Citizen Participation in Post/Transition Governance

Environmental Review. The SO1 team maintains an environmental review process for subgrants under the International Rescue Committee's Decentralization and Good Governance Project in Kibungo. The project uses EIA guidelines mainly for construction projects (schools, health centers, markets, slaughterhouses, water supply, power supply, and road/bridge rehabilitation) but also for agricultural projects, including wetlands development.

Opportunities and Entry Points:

1. **Strengthen the IRC Decentralization and Good Governance subgrant component:** Help communities to internalize the environmental review process and environmental capacity building at the outset of activities; strengthen community-based environmental assessment skills through local organizations; use informal education methods that empower both the illiterate and the literate.

2. **Strengthen civil society organizations that promote environmental management:** A number of Rwandan NGOs are active in environmental education, community conservation, and other environmental initiatives. They can bestrengthened in their work to empower communities to effectively manage natural resources. National NGOs could also be supported to become stronger advocates for environmental issues. USAID should continue to examine ways to work with international foundations that support NGOs and CBOs operating in Rwanda. Linking environmental with family planning NGOs locally in joint programs would promote synergy between SO1 and SO2.

3. **Build the environmental capacity of local governments**. A major point of entry to begin to build capacity for environmental management and protection at the level of province, district, sector, and cell would be to convert, with the support of the prefect, national and district-owned forest plantations to long-term leasehold status, to be managed by farmers associations. This activity would be linked with the SO3 economic mandate.

4. **Improve district land use planning.** Longer term, USAID needs to consider helping provincial and district governments prepare land use plans as a basis for long-range fiscal and programmatic planning, monitoring resource use, tax projections, and zoning.

SO2: Improved use of community health services in selected health districts

Environmental Review. The SO2 team that wrote the PERSUAP for ITNs has found that the nets are safe for household use if users are trained in their proper care.

Opportunities and Entry Points:

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1. **Strengthen family planning programs in environmentally sensitive areas.** Effective family planning programs diminish the negative effects of rapid population growth on natural resources. Strong synergies are possible between this SO and natural resources conservation, especially in areas of rich biodiversity like PNV and Nyungwe. Environmental awareness could be part of an expansion of population awareness efforts under the health SO, using the same grantees and techniques but different messages.

2. **Develop a program with current partners for medical waste disposal:**

   - Help MINISANTE and MINITERE put in place a national strategy for medical waste disposal, and update legislation as required
   - Write environmental guidelines for waste disposal sites at health centers and ensure that the MOH incinerator design is adequate for proper incineration
   - Help create a public awareness campaign on the dangers of handling medical wastes
   - Train health center personnel, particularly those charged with maintenance and disposal, in medical waste disposal.

3. **Conduct a follow-up "good services survey" of users of treated mosquito nets.** Although the PERSUAP provides guidelines for use of the nets, there has been no follow-up to see if the messages (box instructions, training, etc.) are actually being effectively used by the intended audience. There appears to be need for a follow-up survey to judge impact and perhaps redesign communications messages. This could be done in conjunction with the WHO Roll Back Malaria Program.

SO3: Expand economic opportunities in rural areas

Environmental Review. The SO3 team has perhaps naturally been the most active in terms of environmental compliance activities.

- IEEs have been prepared and approved (or are pending approval) for all development assistance projects (Catholic Relief Services, World Vision, ACDI/VOCA, and World Learning)
- A PERSUAP has been prepared for Rwanda Crop Protection and Commodity Protection
- ADAR prepared a study on Environmental Management Systems for Agribusinesses in Rwanda that has examples of environmental mainstreaming and management capacity building.
- USAID plans training in 2003 for local NGOs and other organizations on IEEs and Cleaner Production through REDSO/ESA

Although not directly supported by USAID/Rwanda, the GOR is implementing a water hyacinth control program through weevil rearing and release efforts that in the past was assisted by Clean Lakes, Inc. with funding from USAID/Uganda.

Opportunities and Entry Points:

1. **Increase off-forest production and enhance the market potential of and/or adding value to Non- Timber Forest Products (NTFP) (bamboo, honey, medicinal plants)** Help local communities produce high-value NTFPs and plan supporting marketing strategies to bring in a higher percentage of the final market price, such as promoting "green" products like Nyungwe Rain Forest honey and tea.

2. **Promote forest-plantation-based small-scale private industries.** Working with farmers groups, stimulate small-scale forest industries (firewood, charcoal production, furniture making) in conjunction with the privatization of forest plantations described under SO2 above. A key element of this support would be to enhance both the technical and the business capacity of these groups.

3. **Support additional studies on biodiversity and on better integration of terracing in Rwandan farming systems.** In particular:

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- A cost/benefit cost analysis comparing terracing techniques
- A socioeconomic analysis of the use of different terracing techniques on a single farm
- Provide additional support to the National University of Rwanda's (NUR) Geographic Information/Remote Sensing Center for protected/critical area mapping, and for data collection and dissemination.

4. Modify DAPS to better reflect current socioeconomic and environmental reality. This can be done in a number of ways:

- Encourage an integrated landscape (hillside and wetland) approach to agriculture DAPS.
- Ensure the environmental and economic sustainability of rehabilitated wetlands by:
    - Developing/refining environmental criteria for choosing marshlands to be rehabilitated
    - Using social assessments like PRAs to identify constraints to long-term ownership and maintenance of infrastructure and designing ways to mitigate those constraints
    - Developing a simple environmental monitoring program for each DAP in allow for mid-course corrections in a project.
- Be cautious in using FFW (monetized or other) to support on-farm activities like terracing and tree planting to avoid jeopardizing long term environmental and economic sustainability.
- Consider using FFW (monetized or other) for public works types of activities in and around national parks and forest reserves, setting up in effect a Rwandan Civilian Conservation Corps.
- Limit USAID support to methane extraction to helping the GOR draft guidelines. Options to promote private wood fuel production and other alternatives of methane are preferable and should be pursued.

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3. USAID/RWANDA Gender Assessment: Executive Summary, February 27, 2003

INTRODUCTION

It is now 9 years since the genocide that devastated Rwanda. As the ten-year anniversary approaches, it is becoming increasingly important that this country define itself in more positive terms if tolerance is to hold and if the foundations for a unified country are to take root. Ingrained in the common psyche and the need to move forward is the recognition that Rwandan society is not the same, everything that was familiar has changed and has to be renegotiated. The renegotiation of gender relations has emerged as one of the over-riding factors in the development of a new Rwanda.

The GOR has demonstrated a great commitment to gender equality. Decision-makers in ministries, NGOs and donors have all shown a strong commitment to gender mainstreaming. Key instruments to facilitate this have already been put into place: there's a new Constitution, the National Poverty Reduction Strategy is finalized, a National Gender Policy has been created, an affirmative action agenda to increase women's participation at the political level has been launched, discriminatory legal structures have been identified are in the process of reform, and the decentralization program that the government has embarked upon all represent unique opportunities to mainstream gender in development planning.

This assessment has been developed from a desk review drawing on recent gender analyses, the PRSP, the GOR Gender Plan of Action and other government reports aimed at identifying potential gender issues in the program and recommending steps for the mission to follow in promoting gender equality in the implementation of a new country strategy over the next four years. The two questions that were addressed are:

- How have gender relations been affected by the genocide? and,
- Which strategies should be pursued to enhance women's bargaining power in decision-making in the transition to development?

THE GENDERED CHALLENGE TO DEVELOPMENT IN RWANDA

Gender identities and relations are, as a result of any conflict, in a continuous state of flux. There is clear evidence that the situation in Rwanda since the 1994 genocide have created opportunities for strategic gains in women's rights and bargaining power, especially over land rights. Gender identities are being transformed through legal reforms, changes in employment patterns, propaganda, cultural discourse, and education and socialization of children.

Demographic Changes

The 1994 civil war and genocide created major distortions in the sex ratio of the Rwandan population resulting in a high incidence of female-headed households. The 2000 national census confirmed the demographic changes that have taken place in the country. Within a population of 8.1 million people, 54% are women and 46% men, except in Kigali, where there are more men than women, possibly due to migration, demobilization and the need to develop survival mechanisms. As a result of the genocide, 21.5% of adult women are widows and 34% of Rwanda's households are headed by women, of whom 62.15% are below the poverty line and a significant percentage are children. Of male-headed households, 54.32% are below the poverty line. 60% of the population in the productive age bracket is female. 56% of all Rwandans are illiterate, with a nearly equal balance between females (52%) and males (48%) (National Gender Plan of Action).

Changes in Social Relations

A significant result of the civil war is the change in social relations between women and men. The war resulted in expanded responsibilities for women as the men either joined the army or militias, or were killed. For a long time, patriarchal attitudes and practices have permeated

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Rwandan politics and society. While gender roles and responsibilities have changed, the conflict appears to have reinforced these attitudes amongst those engaged in the actual fighting, primarily the military and the men in prisons. As men return to their communities they are finding that their power is eroded, as they cannot fulfill their role as providers for the home. This often results in lost self-esteem and respect, which can then lead to increased violence against women and children. The greatest concern is that those being reintegrated are coming back to communities where a third or more of the households can be headed by women, who have been managing and developing skills for economic survival and decision-making. Many of the returning men expect that, even without the economic means to support a household, they retain rights to determining its status. This will be a particular problem with demobilization of soldiers and those released from prison and where there is high unemployment with large numbers of frustrated men seeking to return to "normalcy". This is a recipe for social conflict.

GENDER, GOVERNANCE AND DEMOCRACY

In traditional Rwanda, power has been distributed unequally between genders as well as between regions and ethnic groups. A gender analysis of power and institutions is required to underpin understanding of how interventions might serve or damage women's interests and what could be supported to further these.

Gender, Legislation and Legal Reforms

The GOR has demonstrated great commitment to gender equality. The establishment of the Ministry of Gender and the Advancement of Women (MIGEPROFE) has been a key step towards the advancement of women. The government has also taken steps to increase female political participation through the creation of women's councils at all political levels and promoting affirmative action in local governments. The marital and inheritance codes have been reviewed and strengthened to provide for co-ownership of property and assets by married couples. A new land policy has been enacted and is designed to ensure to support women's rights to land. A Gender Plan of Action was adopted in 2000. Finally, the recently adopted constitution approves only civil, monogamous marriages and guarantees equal pay and rights to private property. It also requires that 24 of the 80 elected members of the Chamber of Deputies be women. Of the 26 members of the Senate, 8 of them will be appointed by the President, "who shall ensure the representation of historically marginalized communities," presumably including women.

Justice and the "Gacaca" Process

It is believed that the process of local justice implemented by the traditional "Gacaca" courts will provide the speediest and most effective manner for healing the trauma of the 1994 genocide. While these "Gacaca" are viewed by the international community as a much-needed way to achieve justice and reconciliation, there are critical gender issues that need to be addressed. Over 200,000 women were victims of some form of sexual violence in 1994, both as a strategy to humiliate Tutsi women and have them bear Hutu children and generally as a result of the breakdown in law an order.

In 2001 there were only 37 female police officers out of 3,000 officers in the police force, while another 166 have been recruited, these are still too few to have the desired impact of addressing a traumatized female population.

Decentralization, Representation and Decision Making

The highly centralized system that operated before 1994 is perceived as having limited the population from participating in governance. The current GOR strategy is to increase participation through the decentralization of all political, economic and administrative structures. With USAID assistance to local governance initiatives, local elections held in 1999 produced 160,000 new local government officials, of whom 30% are estimated to be women. Women's councils were also set up at the cellule, sector, commune and prefecture level, and are intended to provide local women with a say in their communities on issues of health, education and development. These councils, in addition to the women elected to the local

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government councils in 1999 are expected to ensure that there is strong movement towards gender equity in political representation.

Challenges to Promoting Gender Equality
The new marriage, inheritance and land laws could have major consequences for women. As these move forward, it will be difficult to protect women's rights due to the constraints not only at the legal and technical levels, but also because they are political issues.

GENDER AND EMERGING ECONOMIC OPPORTUNITIES

The 1994 conflict has had wide-ranging effects on the division of labor, especially in economic responsibility and access and control of resources between women and men. Changes to women's economic roles have included the need to provide for households in the absence of men. Female-headed households have increased but are poorer. Women have assumed some traditionally male roles and there is now a rise in the number of women petty traders. The clear gender imbalances in the population mean that more women are better placed to take advantage of opportunities for off-farm income generating activities, as well as credit facilities.

Land and Property Rights
Access to land is a key issue in which women have traditionally been severely disadvantaged. Lack of property rights has meant that many women risked being displaced from their lands by male relatives returning from prison or neighboring countries, where many sought refuge during and after the genocide. Prior to 1994, Rwanda was essentially an agrarian country with over 90% of the population dependent on subsistence agriculture in which women constituted 80% of the farmers. Land holdings for 95% of the farms tend to be less than 2 hectares and there is still a population density of 317 persons per square kilometer, contributing to the challenge of development. The government's agriculture-led poverty reduction approach is bound to raise gender conflicts about whom controls land and who has rights to the benefits it provides, with the possibility that the new land reforms efforts will be vigorously challenged. USAID and other donors are encouraged to closely monitor the implementation of this Act [WHICH ACT??] and the associated Inheritance Act that now guarantees rights to women, as land will be the most contested resource in a land where there are few other resources.

High Value Agricultural Commodities and Specialized Coffee
Rwanda has recently had international marketing success with its specialized coffee processed in Maraba by a rural cooperative society of whom 60% are women survivors of genocide or wives of inmates. With the Fair Trade certification that they received, the price per kilo has risen to more than four times what they were receiving locally and the cooperative has expanded from 450 members to 1500. As agricultural commodities that will be supported are identified, it is important that an analysis of whom they will benefit is undertaken to ensure that there is some equity.

Credit and Savings
WIT's programs of assistance in agriculture and petty trade have had great success in providing revolving micro-credit loans to women in vulnerable situations. These are quite revolutionary, as historically Rwandese women required the husband's signature so that they could acquire a loan. The loans, to a maximum of RWF 40,000, were to be repaid and put in a fund for the commune to use in assisting orphans. Since its inception in 1996, approximately $1 million has been invested in the WIT program through various approaches and mechanisms. This program has had a number of successes. For example, as of September 2002, women's solidarity groups under WIT in Byumba and Kigali Rural provinces averaged an estimated repayment rate of 98%. SERUKA also provides micro-credit to rural and urban women but has difficulties in collecting repayments from urban loan recipients, a probable indication of the difficult economic conditions of poor urban women. SERUKA and other organizations also offer training for rural women's organizations, advice, technical assistance and other resources to promote income-generating activities.

USAID expects to design a follow-on program to the WIT micro-credit activity that will be scaled up to provide larger size loans that may be accessed through micro finance institutions.

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A major concern is that the size of the loan and the geographical coverage in which these activities operate provides little more than survival and poverty alleviation strategies. It is unlikely that these will result in major savings that will impact significantly on the GDP unless there is wider national spread reaching many more recipients. It is important that the mission consider providing several levels of loans with a view to ensure that the objective of the micro-credit activity is to see the graduation of loan recipients to continually higher levels while retaining good repayment levels so that the women assisted doe not find themselves in a trap that keeps them at the survival level. Another concern is to identify where rural men in particular, many of whom have no employment opportunities and are being challenged on control of land as an asset, are accessing micro-credit. The mission needs to consider expanding the program to ensure that providing credit to women does not itself become a source of conflict, in home and community, as men become marginalized.

Rural Infrastructure

As Rwanda is primarily rural, rural roads infrastructure plays a vital role in the economic development of the country. The success of the government's agriculture-led poverty alleviation strategy is dependent on increasing and diversifying farm production, raising farm income and standards of living. Strong linkages exist between improved rural access to markets, employment and poverty alleviation. The mission needs to ensure that gender is mainstreamed in the rural infrastructure program so that the concerns of women are effectively addressed through employment generation, improved roads and access to rural markets and other associated services such as family planning, health, and education. In the identification of sites for construction, it may be necessary to conduct studies to determine which areas will not add unintended burdens to women's workload. While it is highly possible that poor women will benefit from a Food for Work approach in the construction of roads, and some will self select, the assumption that a the approach will uniformly have positive impacts needs to be reassessed from a gender perspective, as women's needs and interests are not homogeneous.

THE SITUATION OF GENDER, HEALTH AND HIV/AIDS

The disruption to the health system during the war has led to the total lack of capacity to carry out programs in the sector. There is a shortage of qualified health staff, management experience and administration skills. There are major financial resources, especially for HIDV/AIDS, but inadequate capacity to handle the funds. A major consequence of the civil war and genocide has been the reduction in the contraceptive prevalence rate from 21% in 1994 to 7% in 1996, with a resultant rise in unwanted pregnancies and maternal mortality. Early marriage remains common and is a contributing factor to high fertility rates. Maternal mortality rates rank as one of the highest in all of Africa at 1071 per 100,000 births (exceeded only by Angola at 1,500 and Ethiopia at 1,400) and only 25% of rural women receive professional assistance at delivery.

Cost Recovery

Pilot pre-payment insurance schemes in Kabgayi, Byumba and Kabutare have been introduced as part of a healthcare cost recovery strategy with support from the mission. There is an annual fee of RWF 2500 for a family of 7 for healthcare services at health centers. An analysis of how healthcare decisions are made at the household level, who determines if and when interventions are sought, and who pays has yet to be done. Given that 34% of households in Rwanda are headed by women, 62.15% of whom are below the poverty line, it is important to determine how many of these women have access to healthcare and whether they are likely to opt out of cost-recovery schemes, as this could marginalize them further.

HIV/AIDS

The use of rape and forced prostitution during the civil war and genocide contributed greatly to the spread of HIV/AIDS, with devastating impacts. The estimated prevalence rate is11% and rising. Sexually transmitted infections are prevalent, increasing the risk of HIV transmission. Increased poverty as a result of the war has placed great numbers of vulnerable households at risk of exposure. In addition, the number of rape victims is estimated to be in the hundreds of thousands. It is estimated that 30% of the women

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between the ages of 13 and 35 were likely the victims of sexual violence during the violence in 1994. Both DHS and FHI/IMPACT are collecting sex-disaggregated data on factors such as means of transmission, level of knowledge, condom use, care and treatment choices. They have also undertaken a Behavior Surveillance Surveys related to knowledge, attitudes and behaviors that should allow the mission to assess the situation of both men and women and set clear goals and objectives in its programming.

Management of Community Health Care
In supporting the decentralization of health care services, there are concerns about women's participation. Traditionally, only men discuss community issues. USAID should develop a strategy for promoting women's representation and building skills for effective participation in decision-making.

EDUCATION AND LITERACY

In 1996, 55% of females and 48% of males were illiterate. This has been a critical constraint to women's advancement across all sectors. Although girls appear to do better than boys in primary schools, they have a higher drop-out rate due to a combination of factors, including: early marriage, the need for older girls to assist with domestic chores and care for younger children, and a rise in sexual harassment of girls in schools. The widest gender gap in education is at the tertiary level with only 26% females. The mission needs to address the possibility of continuing and expanding scholarship programs to include all sectors, not just governance, as a strategy for encouraging an increase in the number of women in professional positions.

MAINSTREAMING GENDER IN USAID/RWANDA STRATEGY

Whatever intervention choices USAID makes, they will have an impact on gender relations. Distribution of resources, capacity building, and delivery of services will all affect women and men, in that these actions will change or reinforce the status quo. The mission needs to identify a specific gender impact that it is seeking to achieve. It must establish criteria to achieve gender specific results and hold SO Teams and partners accountable.

KEY CROSS-CUTTING RECOMMENDATIONS:

- Representation: Participation of women has been a significant factor in the peace process. This must be scaled up during the reconstruction process in governance spheres, starting with the grassroots as is already happening with the councils. Effective representation to increase leadership for women should form part of each sector program.
- Access to Resources: Care should be taken that women do not lose control of the resources they have gained by increasing their legal control over land, etc.
- Capacity Building: Each sector within the mission includes some education and training activities in which female participation is often a requirement. This provides opportunities for the mission to ensure that a strategic approach is taken to ensure that women are placed at a 50% level of participation in any mission-supported education, training, and information communications technologies initiative to redress the imbalances that exist due to a lack of insufficient training opportunities and skills development.

RECOMMENDED ILLUSTRATIVE MISSION APPROACHES

- Translate recommendations of the existing gender analyses into policy and practice. This includes formalizing the Gender Action Committee and providing it with specific resources to address mission gender needs.
- Develop a mission-wide gender strategy and mandate all implementing partners to re-assess their developmental objectives to ensure they have taken a strategic approach to gender considerations.

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- Provide gender training and TA to mission personnel and staff of implementing partners to ensure that there's a common understanding of the issues.
- Ensure that Contracting documents adhere to the ADS requirements. This should be supported by stricter enforcement to ensure that no RFAs and other contracting documents are passed without having addressed gender concerns.

SECTOR SPECIFIC ILLUSTRATIVE RECOMMENDATIONS

SO 5: Democracy and Governance:

- Support the revision of discriminatory laws that fall within the family code, law of identity, residence and nationality
- Support the proposal for the creation of sexual violence desks[NOT SURE WHAT THIS MEANS??] in each jurisdiction
- Provide training to the civilian police force to address issues of gender especially to victims of sexual violence
- Identify expanded roles for men to ensure minimal gender violence as a result of conflicting gender roles.[NOT SURE WHAT THIS MEANS]
- Encourage and support a caucus of women parliamentarians and ensure they are provided with the necessary training, research and ITC skills to ensure effective participation when elected.
- Continue and expand the scholarship program to include all the sectors the mission works in as a strategy towards encouraging more women into professional positions.
- Develop baseline data to support the program.

SO6: Health and HIV/AIDS:

- Identify gender concerns in the policy environment by means of preliminary gender analyses
- Take gender inequalities into account before financing, resource allocation and management of health sector
- Expand the health statistics to ensure that measurements of women's health are routinely collected
- Conduct specific health and gender assessments and provide guidance to implementing partners on the development of gender specific targets and gender-sensitive indicators
- Strengthen capacity of implementing partners to identify gender considerations and gender-sensitive interventions
- Strengthen women's leadership in local health-related decision making bodies
- Strengthen donor coordination on gender and health

SO7: Economic Growth:

- Undertake a gender analysis of the agriculture sector to assist in defining entry points and opportunities
- Assess the gender dimensions of cooperatives and farmer associations and provide the necessary TA to ensure that women are not marginalized when these are successful.
- Define and develop credit programs that will have impact at a national level.
- Mainstream gender into the rural roads infrastructure program by identifying the gender issues in an analysis.

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4. USAID/Rwanda Conflict Vulnerability Assessment (CVA): EXECUTIVE SUMMARY

INTRODUCTION

During March and April, 2002, a team from Management Systems International under contract to the USAID Regional Economic Development Support Office for East and Southern Africa in Nairobi, conducted a Conflict Vulnerability Assessment (CVA) for USAID/Rwanda.[1] The following are the team's principal observations:

- Rwanda does not face an imminent prospect of internal violent conflict. The Rwandan Patriotic Front (RPF), which holds power, is too well organized and its military is too regimented for successful challenge to be organized in the short term. Rwanda is, however, entangled in violent conflicts in the subregion, particularly in the Democratic Republic of the Congo (DRC) and in Burundi.
- The etiology and aftermath of the 1994 genocide remain the central concern of Rwanda's political life, and the categorical imperative of "never again" is the national government's stated organizing principle. Consequently, Rwanda is undergoing a tightly managed transition to democracy. Rwanda should not be considered an ordinary country but must be seen as, in effect, a society in post-traumatic convalescence.
- The Government of National Unity (GNU) under the leadership of the RPF has made a strong commitment to national reconciliation, good governance and administrative reform, and it can claim a number of significant achievements. It has managed to develop and maintain generally constructive relations with the international donor community.
- Because of the history of genocide, great importance must be attached to the maintenance of peace and stability and the promotion of long-term national reconciliation.
- It appears the RPF leadership may be seeking to institutionalize the ways in which it has managed political life until now and to extend its exclusive control of the political system beyond the current transitional period. Although, district elections of 2001 were conducted impeccably in terms of there being high levels of participation and technical processing of the ballots, they were marred upstream by manipulation of the candidate selection process, allowing only persons of established reliability and loyalty to stand.
- Serious unresolved issues and potential triggers of violence remain. There is a danger that the GNU's emphasis on government by consensus building and through national mobilization may cause these tensions to fester. While the lack of effective structures for the expression of dissent or for seeking redress of grievances may mean that individuals or groups will ultimately have recourse to armed insurrection or look sympathetically on such an insurrection.
- Because Rwanda is densely populated with high levels of poverty there is significant potential for conflict over land tenure and land use issues. The GNU is preparing a major overhaul of land policies and legislation and is currently encouraging increased commercialization and "professionalization" of agriculture with greater emphasis on cash crops and export markets. There may not be

[1] The team consisted of Willet Weeks (Team Leader), Sara Rakita, Michael Brown, and Josephine Munyeli. The team held extensive interviews with government officials at all levels, members of civil society, international and local NGOs, donor-government representatives, and private citizens at all levels, both in Kigali and in the provinces. It should be noted that the views and analyses presented here are those of the team alone and do not necessarily reflect those of USAID or of the U.S. government.

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unanimity on how this will be achieved (i.e. whether through small-holder agriculture or through the promotion of larger scale-holdings). The Land Policy and Land Laws are both ambiguous on whether "consolidation" of all plots of less than one hectare will be mandatory and how this will be implemented. Although, there is considerable under or unemployment in rural areas although people are classified on the books as engaged in agriculture. The provision of rural off-farm employment opportunities is key to the success of the development agenda and will be even more essential if large numbers of people become landless as a result of the proposed land reforms. Should there be a great deal of land "consolidation"? Large numbers of individuals have been left poor and landless while a small minority prospers could have immeasurable implications in the post-genocidal context.

- Faced with an overload of 120,000 untried cases of persons accused of crimes connected to genocide, the GOR has begun steps to implement a bold, nationwide program, known as Gacaca, to bring justice, truth, and reconciliation to Rwandan society. Gacaca is a modified version of a traditional Rwandan dispute resolution system that will seek to provide closure in the aftermath of the violence. The first trials are likely to begin by the end of 2002; however, the process could take years to complete. The ambitions and magnitude of the Gacaca project are unprecedented. It faces daunting logistical, juridical and social challenges that, if unsuccessfully handled, could have destabilizing consequences, at least locally.
- The team was not able to gather enough reliable data on HIV/AIDS to draw specific inferences about its effects on potential conflict, but prevalence rates are known to be high and the numbers of woman- and child-headed households are known to be increasing. This could also exacerbate any underlying instability.

POLITICAL CONTEXT

I. The "Rwandan Exceptionalism"

Many interviews were held with political and social leaders and with key members of the donor community. The conclusion, drawn from subtle remarks from the interviews, of the nation's future is that Rwanda should not be considered an ordinary country, that it must be considered as, in effect, a society in post-traumatic convalescence. All things considered, this gives rise to what is referred to as the "Rwandan exceptionalism" – an assumption that the ordinary rules of nation building and democracy cannot be applied, by the government or by the international community, in the ordinary ways. The etiology and aftermath of the 1994 genocide remain the central concern of Rwanda's political life, and the categorical imperative of "never again" is the national government's stated organizing principle. Consequently, Rwanda is undergoing a tightly managed transition to democracy. The underlying assumption is that Rwanda cannot be considered an ordinary country but must be seen as, in effect, a society in post-traumatic convalescence.
The underlying reality of political power in Rwanda today is that the RPF, the political movement associated with the Rwandan Patriotic Army (RPA), is in effective control of the organs of the state, and the RPA itself stands as the national army. Even though, its internal command structure intact, and it operates opaquely, without accountability to the state which it controls.

Rebuilding in the wake of a trauma as profound and pervasive as the 1994 genocide would be a challenge to any society and government. Rwanda faces additional challenges: high population densities, high levels of HIV prevalence (though accurate figures are hard to come by), depleted soils, depressed international commodity prices, and levels of household poverty. Under these circumstances, the achievements of the RPF government since taking power are particularly remarkable. These include the following:

- An extended period of relative peace and stability within the country's borders.

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- The maintenance of a highly competent, professionalized, and disciplined military which has avoided the kind of petty harassment of the civilian population that is so characteristic of other countries in the region.
- The promotion of high standards of competence and dedication within the civil service.
- A willingness to tackle core problems head-on –for example, the rapid decentralization of local government, or the establishment of a National Unity and Reconciliation Commission (NURC), an innovative state body specifically mandated to deal with issues relating to conflict within the society.
- Commitment to gender promotion and equality – there is an unusual emphasis on the promotion of women to positions of visibility and real responsibility at all levels of government.

Taken together, these accomplishments represent a profound restructuring of public life in Rwanda, extending well beyond mere good intentions to constitute, after eight years of power, a record of substantial accomplishment.

In discussions with individuals throughout the government and civil society, the importance attached to the achievement of consensus as a core principle of RPF governance in Rwanda was emphasized again and again, particularly with regard to issues of potential conflict (i.e., land allocation as between diaspora returnees and the local farmers who had occupied their former plots for decades). In an interview with team members, a highly placed official of the government was categorical about the dilemmas raised by normal democratic practice as applied to the Rwandan context: "just plain democracy is a trap for us: it would inevitably be based on ethnicity. Our system therefore favors dialogue and consensus building instead".

It has become standard in cases where local conflicts threaten to come to a head for officials at all levels to initiate lengthy consultations with the groups concerned, seeking to find common ground and to bring about some kind of resolution. Heavy emphasis is placed on mass mobilization and on the use of grass-roots conscious-raising activities, known generically as "ingando", to test new initiatives and to ensure support for them. Group dialogue and surface consensus are time-honored tools of conflict resolution throughout Africa and certainly in Rwanda, but these often lead to the imposition of the views of group leaders that silences those who disagree without necessarily defusing underlying tensions and resentments, which may surface at a later time. It is certainly the impression of informed interlocutors in Rwanda that there are cases in which the officially-imposed consensus "resolution" of contentious issues has been more a matter of surface acquiescence than of genuine agreement, with underlying, often very strongly-felt differences left unaddressed.

Such reliance on consensus building certainly raises some tough questions. To what extent does an emphasis on dialogue and consensus genuinely resolve the underlying issues in dispute? What are the mechanisms by which consensus is reached and who gets to take part? To what extent is consensus achieved under pressure from political authorities and agreed to with reluctance and perhaps strong reservations by the parties involved?

The managed transition in which Rwanda is currently will be brought to a formal conclusion by 2003. Officials interviewed by the team insisted that the GNU fully intends to respect this time frame and to have a revised constitution in place in time for a referendum that year, to be followed by the election of a president and then of a national assembly. The stakes during this period will be high: will RPF continue managing the political process in response, or will there be a progressive loosening of what is for the moment a tightly controlled political and social playing field?

During the team's visit, there were signs that these concerns were justified and that the RPF does seem to be attempting to co-opt the transitional process and remain in effective control beyond the transition's agreed, formal duration. One senior official, clearly uncomfortable with this state of affairs, said to the team that: "stability can only be achieved through good governance and true democracy. We must consolidate transparency, remove roadblocks to political activity, and allow for the possibility of peaceful change through the ballot box". This official was clearly concerned that, though achievements have been made on the good-

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governance front, events seemed to be moving, over the long term, in the wrong direction with respect to democratization.

Nationwide elections were held in March 2001 for district offices. In the formal sense, these were by all accounts conducted in near-exemplary fashion by the National Electoral Commission and by local officials: most polling places were well managed, participation was over 90%, and international observers came away deeply impressed. However, in an important report, the International Crisis Group (ICG)[2] was able to document how local RPF officials using procedures that were clearly orchestrated from the center tightly managed the process of candidate selection.

While the political parties that participated in the Arusha process (which were not seen as agents of the former government) continue to have a formal existence, they have little or no scope in which to function in opposition to the RPF. All parties are members of the Forum of Political Parties, an institution that is also constrained by a requirement for consensus. According to a decision that was imposed by the RPF, no new parties may be formed prior to the promulgation of the new constitution. While some of the established parties have been allowed to reorganize, a similar attempt by former President Pasteur Bizimungu to reorganize his party under the new denomination of *Parti Démocratique pour le Renouveau* (PDR, or Ubuyanja in Kinyarwanda) led to harassment, house arrest and, in May 2002 (also during the team's visit), imprisonment on corruption and incitement-to-hatred charges that many observers see as having been trumped up to remove an opponent from competition during the run-up to the 2003 elections.[3]

Little is known for the moment about the draft constitution being prepared by the Constitutional and Juridical Commission, but it is said that it will place significant limits on the scope within which partisan political activity will be allowed to evolve. If it turns out that the real objective is the institutionalization of the RPF's single-party status past the 2003 elections would discourage the effective political aggregation of individual interests and the open debate of grievances. Preventing other groups (even groups operating within the general parameters that might otherwise be deemed appropriate to the present circumstances) from developing the experience of autonomous political action or from achieving access to political power could only heighten tensions within the society and convince those who feel marginalized that they have no alternative to violent conflict in the pursuit of their interests. The concept of a Rwandan exceptionalism and the need for a managed transition in a post-genocidal context remain valid and will doubtless continue to do so for some time. But there is a countervailing fear, which is this need may serve to mask an attempt to secure a long-term RPF stranglehold on political power.

II. Alternative Organizational Capacity: Civil Society

While it would seem that access to participation in political affairs is likely to remain tightly controlled for some time to come, participation in public life should be possible through other channels. Every district, for example, has a local community-development committee that should to analyze local needs and bottlenecks and make plans for dealing with them, using budget resources provided by the state. By many accounts, while levels of participation and enthusiasm inevitably vary from one community to the next, these committees are frequently dynamic forums within which issues of genuine concern are discussed and dealt with. This, says one senior government official, is where reconciliation and good local governance are being built and where, at least potentially, local tensions can be defused and disputes resolved.

[2] International Crisis Group,*" Consensual Democracy" in Post-Genocide Rwanda: Evaluating the March 2001 District Elections,* October 2001.
[3] "L'ancien président rwandais Pasteur Bizimungu est en prison", *Le Monde,* May 20, 2002

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The past history of civil society in Rwanda is decidedly mixed.[4] Its strongest institutions are the churches, and, as numerous clergy were implicated in the genocide, these (particularly the Catholic), have generally retreated from involvement in public affairs, while continuing to provide an important range of social services.

There exists a substantial local NGO sector which benefits significantly from support from their international NGO counterparts and from the donor community. As in many African countries, this sector is closely watched by the authorities. A law "relating to non-profit making organizations" was promulgated in July 2000. It grants local authorities and the Minister of Justice substantial oversight of NGO activity and broad powers to suspend or (after seeking a court order) dissolve organizations on the grounds that "the organization's actions are likely to be a threat to law, public order and good moral standards"[5]

In a somewhat separate category are the human rights organizations. There are several of these, all receiving the bulk of their resources from outside sources. The best known and most active is the *Ligue rwandaise pour la promotion et la défense des droits de l'homme* (LIPRODHOR) whose activities are closely scrutinized by the authorities.

Press criticism, whether in print or on the air, is essentially unheard of (save for limited campaigns against politically safe and relatively innocuous nuisance targets). Open and strenuous dissent from government policy and from approved consensus thus has no channel for internal expression and therefore tends only to be beamed back into the country from offshore sources. Individuals or groups with grievances thus have few channels through which to pursue these peacefully and constructively. While the RPF's relentless pursuit of civic-education and consensus-building consultations does provide some scope for aggressive individuals to come forward and express their views, once a consensus has been promulgated it can be perilous to challenge it further. The result is that groups or individuals who do not wholeheartedly share in the announced consensus are most likely to retreat into silent resentment and to renounce, at least for the time being, the active pursuit of their aims. Such "consensus", it must be emphasized, is generally achieved through fear that dissent will entail serious consequences – it does not require that much actual repressive action.

LAND, NATURAL RESOURCES, AND POVERTY

Land and human settlement issues are potential sources of violent conflict.[6] About 52% of the country's surface is arable land; approximately 81% of Rwanda's land mass was under cultivation in 2000 (the figure goes as high as 91% in Cyangugu), with 11% of available land in pasturage or fallow;[7] 91% of the population is classified as employed in the sector[8], although there may be high rates of rural under and unemployment ; and 43.5% of GDP is derived from agriculture.

Population density is high at 329 people/sq. km and increasing, given the 2.8% population growth rate[9]. In 1999, 66% of Rwandan households lived below the poverty line as compared with 40% in 1985, showing a distinct negative trend. Stabilizing this decline represents a major challenge.
In 2000, the average size of a family agricultural parcel was 0.71 hectares, with the Kibungo area on the high end, averaging 1.1 ha/family, and Cyangugu on the low end, at 0.37 ha/family. Over thee quarters of households hold one hectare or less of land. Only 5% of households own more than 2 hectares per family, while 16% hold between 1-2 ha.[10]

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[4] A useful and lucid overview is provided by a previous study for USAID/Rwanda: Associates in Rural Development, "Civil Society in Rwanda: Assessment and Options", n.d.
[5] Law 20/2000, in the *Official Gazette of the Republic of Rwanda,* Year 40, # 1, 1 April 2001.
[6] Center for Udvikslingsforskning, 2001; Republic of Rwanda, 2001.
[7] Ministère de l'Agriculture, 2000, p. 16
[8] GOR, 2001, p. 4
[9] CARE, 2002
[10] Ministère de l'agriculture, 2000, p. 1721

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The state perceives agriculture to be the principal means for national economic development[11], but only if the country can develop a *modernized, professional* agricultural sector. According to draft policy documents and to discussions held with officials in the course of this study, the GOR has concluded that a minimum threshold of 1 ha. should be established for land holding. The new land bill (which is still under Cabinet review) calls for the creation of a tenure system that will promote rapid agricultural modernization. The GOR seeks to raise professional standards for land use; if the standards are not adhered to, the state would have legal grounds for expropriating land.

It is unclear whether lands under one hectare in size will be eligible to be secured through title or not. According to one reading of the Land Policy, "all land should be registered for security. The title will be tradable, but not in a way that fragments plots below 1 hectare"; and then "households will be encouraged to consolidate plots to ensure that each holding is not less than one hectare". According to this analysis, the draft Land Law then specifies that "people with customary holdings less than two hectares, and those with customary holdings between two and thirty hectares where the owner has a project and a development plan, will be recognized as owners". In neither the draft policy nor the draft law does it appear that plots less than 1 hectare will be securable through legal title. The analysis goes on to say that "it will be important to devise cost-effective methods of resolving disputes at a community level, and to ensure that the 1 hectare minimum *is not misunderstood to imply the expropriation of any current occupants*"[12]. Even if the policy comes to be seen as legitimate by Rwandans, poor implementation could lead to very negative reactions.

It appears that the government seeks to follow a variant of the Asian "green revolution", which did not automatically require a move from small scale to plantation agriculture. The GOR needs describe more clearly its path to agricultural modernization, since the range of documents consulted indicate that there is a tension between whether small-holder, albeit more intensive agriculture production, or plantation agriculture for export is being promoted. The former, if carefully managed and poorer farmers are not disenfranchised of their land can lead to more equitable and sustainable development. The latter easily could the national economic level performance indicators but lead to increased inequalities and potentially be explosive over the medium to long term.

An agrarian transformation approach that balances the needs for food and cash of small-holder farmers end enables rural agro-enterprises and other enterprises to flourish in rural areas is required. Donors should be encouraged to greatly expand assistance to the sector as a means of pulling larger numbers of Rwandans out of poverty. Certainly, substitution of cash for food crops and the gradual expansion of off-farm employment has significant potential to reduce poverty. USAID has been supporting crop substitution in some areas, apparently with considerable success. But the scope for such activities will remain limited for some time to come, and during that time millions of Rwandans will in all likely remain dependent on subsistence crops.

It is also not inconceivable that the push for a more "rational" or "scientific" approach to agriculture and land management could be used to justify (for lack of a better term) a professional/elite control over land and resources. This could lead to "crony capitalist" benefits for a narrow group of well-connected individuals. This could, in turn, work to the detriment of most Rwandans currently employed in the agricultural sector from both an employment and livelihood security standpoint. It could increase inequality and exacerbate class divisions, which if politicized, could lead to conflict. There is then an urgent need for genuine consultation (as opposed to the kind of directive "consensus"-building described above) to be expanded to obtain widespread input from local populations, NGOs, and others involved in work at the grassroots *before* basic policy decisions are reached.

A further issue requiring international-level concern and attention involves the re-allocation of lands that have changed hands over the past decades as a result of displacement. In areas of

[11] Poverty Reduction Programme, 2001.
[12] ACTS, 2001[?], p. 27)

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the east and of the southwest (i.e., in Cyangugu district), returnees were able to occupy or re-occupy lands that had been held for decades by families who fled in 1994 to Congo/Zaire and Tanzania. Both groups feel they have legitimate claims, and officials have attempted to convince communities that the solution can be found in ad-hoc arrangements for the sharing of parcels. Such sharing has been promoted in lengthy community-education sessions held by senior officials, and consensus has been claimed in support of this solution. Indications in the field, however, are that this consensus is seen as having been externally imposed, and resentments continue to fester. Active external support to communities in which such problems exist, especially to provide rapid productivity improvements where possible, might help to mitigate this issue, which has grave potential to serve as a trigger to local (but potentially widespread) violence, much of if likely to take on strong ethnic overtones.

THE GACACA EXPERIMENT

An unprecedented crisis of the justice system is one of the many difficult legacies the new GOR inherited when it took power after defeating the genocidal regime in 1994. The system itself was in shambles: trained lawyers, prosecutors, and judges had been killed, fled the country, or were themselves accused of having participated in the genocide and much of the physical infrastructure had been destroyed. Yet it was faced with a task of monumental proportions: delivering justice for all those who had killed in a genocide that pitted neighbor against neighbor, involving large numbers of people all over the country. Indeed, assurances that there would be a process by which perpetrators can be judged and punished have been vital in preventing some survivors from taking justice into their own hands.

To date, some 120,000 people have been arrested on charges of genocide inside Rwanda proper, and most of these have been in prison awaiting trial for years. The population of detainees poses enormous costs to Rwandan society in financial and human terms. Inevitably, to the extent that cases go untried and that many of those held assert their innocence, resentment among these prisoners (many of whom will soon be released in the course of Gacaca procedures) and their families will contribute to anti-GOR feelings and intra-communal tensions.

Against this backdrop, one can understand why the GOR had to develop an alternative to trials in classic courts. If the process is left to the formal justice sector, it could take a hundred years to try all those remaining in prison. In the meantime, the prison problem continues to pose a heavy burden. Those who proclaim their innocence and their families are becoming increasingly angry and frustrated as they languish in prison, and may seek revenge against those who accused their loved ones. An international researcher has reported that prisoners who have made confessions and their families are being threatened and intimidated by prisoners whom they named as accomplices and their families respectively. At the same time, survivors complain of a climate of continued impunity as they say that many killers remain in liberty on the hills to terrorize them. In some regions including Kibuye, survivors have threatened to perpetrate acts of revenge against any prisoners who will be released. In Gitarama, they have staged threatening demonstrations when others have been acquitted.

Absent a credible alternative for dispensing justice, these kinds of incidents can be expected to increase, leading to widespread local violence, the settling of scores, and attacks on potential plaintiffs and witnesses, destabilizing the civic peace that has been such a significant achievement in the years since 1994.

In 2001, after years of discussion and debate, the GOR enacted a series of legislation, including a constitutional amendment, creating Gacaca jurisdictions. The main law (the "Gacaca Law") establishes the structure and functioning of the Gacaca courts. As of this writing, most of the basic legal framework is in place and the process is moving forward, although the GOR has yet to complete a necessary but controversial law on indemnification of victims.

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In October 2001, communities came together to select more than 250,000 people considered wise and of high moral character to serve as *inyangamugayo*, or judges for Gacaca courts at all four levels. Women were among those elected in most localities.

In April 2002, some 800 trainers were dispatched to Rwanda's 1,500 sectors to conduct six-day training seminars for all those elected judges. Within the six days, they presented a bare bones summary of the Gacaca law, procedures to follow, and group management skills. None of the *inyangamugayo* have a background as judges and nearly half are illiterate (the law only requires the five members of each jurisdiction's coordinating committee to be literate). Some observers have criticized that the level of training as inadequate, the trainers themselves having undergone only ten days of training, which was reportedly not sufficient or consistent.[13] Juridical and procedural aspects of the Gacaca process such as definitions of crimes have not been explained in a consistent manner. Likewise, only cursory introduction was provided to important reconciliatory issues like group management and dealing with sensitive issues that will inevitably be raised as neighbors are asked to confront each other about the slaughter of their loved ones. Judges also received a booklet with some additional information.

That said, no one could have expected Gacaca to function perfectly. The hope is for Gacaca to help society achieve the sometimes conflicting objectives of truth, justice, and reconciliation to the greatest extent possible. The problems that Gacaca seeks to address – impunity, the prison problem, reconciliation – all have the potential to contribute to violent conflict. Gacaca represents a unique, ingenious compromise of the divergent interests of all the various stakeholders, in an attempt to resolve these issues and bring closure to the justice conundrum. Should Gacaca fail to achieve the delicate balance sought, the risks may be enormous.

Almost all of those interviewed for this assessment said that they are confident that Gacaca will succeed *if* it is well managed. Yet few had a common vision of what well-managed means in the context of Gacaca. Some were concerned that Gacaca courts will deviate from legal standards and prescribed procedures, for example by failing to apply the precise definitions of crimes. Others were concerned that too *much* attention had been paid to juridical aspects of Gacaca at the expense of the social and reconciliatory aspects of the process. Yet others pointed to the vast logistical challenges inherent in the process. All are valid concerns.

A few interlocutors discussed the possibility that Gacaca could directly spark violent conflict. For example, individual acts of revenge or intimidation could fuel existing distrust among groups and spiral into a larger-scale conflict. However, most thought this scenario unlikely. The non-violent conduct of other recent community procedures including local elections and so-called pre-Gacaca presentations over the past year and a half is also an indication that Gacaca trials in and of themselves are not likely to lead directly to violent conflict. A journalist postulated that people will participate peacefully in Gacaca because they are afraid of the consequences of violent conflict.

Some deficiencies could have drastic implications for both justice and reconciliation. For example, the lack of information about Gacaca remains a major problem despite large public-information efforts conducted by Johns Hopkins University (funded by USAID), the Ministry of Justice, and numerous civil society organizations. People cannot participate fully if they do not understand the process or are afraid of the consequences. Likewise, they will not feel confident in the process if they do not understand its objectives. For example, survivors who equate Gacaca with an amnesty for those who killed their loved ones may be less likely to participate in Gacaca and may feel even more resentful and vulnerable at the end of the process than at the outset.

Gacaca involves enormous compromise. Each group of stakeholders will get some but not all of what they seek. It remains to be seen whether the Gacaca process will be able to manage

[13] Pierre St. Hilaire, "Critical Problems Emerging from the Gacaca Training of Trainers Seminar," Kigali: USAID, March 2002.

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the competing interests of the process and all the stakeholders to further reconciliation rather than contribute to latent conflicts and tensions. Judges are receiving only minimal training in group management, consensus-building, trauma counseling, and reconciliation. Yet these skills will be desperately needed once the judges begin to preside over popular genocide trials.

There is a long way to go before true reconciliation can be achieved. A study conducted by Johns Hopkins University with funds from USAID found that many people still harbor deep resentment. A male opinion leader told the researchers, "… people are still afraid. They are prone to intense fear. You see it around especially during the reburial of genocide victims." A female opinion later described the atmosphere in her community as follows. "General mistrust: One says, 'this person caused my relations to be put in prison.' Another says: 'this person exterminated my family.'"

Once Gacaca begins, it will be necessary to pay attention to the situation of prisoners who will be released, to facilitate their reintegration into communities. Their situation will be similar in many ways to that of demobilized soldiers, whose reintegration has been problematic. They will lack skills and resources. They may encounter problems with their wives who have become more independent in their absence. They may contribute to the spread of HIV/AIDS, as homosexual activity was reportedly prevalent in prisons while there were few or no programs to educate prisoners about transmission of HIV/AIDS or to distribute condoms in prisons. Perhaps most importantly, those angry about having been imprisoned, if not properly reintegrated into society, might be prone to fighting those they see as having oppressed them, notably Tutsi.

Another important step to reconciliation is recognition by all that certain individuals committed the genocide, and that all Hutu need not bear collective guilt. Community involvement in Gacaca, debating the conduct of one individual at a time, should contribute to this. Efforts underway to recognize Hutu heroes will also be valuable in this regard.

The costs involved in Gacaca are enormous, but the stakes are even higher. Even with substantial donor support, there will not be enough money for everything, nor will logistics, oversight, or monitoring be perfect to ensure that the process serves to reconcile Rwandans rather than create tensions that could lead to renewed conflict. The training of judges was just one small piece, lasting six weeks with a budget of 5 million Rwandan Francs (approximately $110,000) plus in-kind support (such as requisitioning of vehicles, not all of which were made available on time). Yet its budget was woefully insufficient for even basic logistics. The GOR was not able to address the expectations of the more than 2 50,000 judges to receive per diems, or even minimal refreshments, for each of the six days of training. One soft drink for each judge each day would have cost some $400,000. Some judges around the country threatened to boycott the training and possibly the entire Gacaca process unless they receive compensation for their work, but the GOR has no budget for this.

In order to maximize resources, donor coordination and strategic targeting of financial assistance will be crucial. And financial support should be accompanied by technical assistance provided by experienced justice professionals to help the GOR keep the process on track.

Because Gacaca is virtually untested, it will be difficult to predict all the risks inherent in the Gacaca process. Thus, USAID should adopt a flexible approach to its support of Gacaca and must fully engage the GOR in the process. It is essential to keep abreast of developments and work with the government to improve the process as Gacaca unfolds. In the event that alarming trends become apparent (for example, government interference with Gacaca or large numbers of new arrests), USAID must be able to react quickly and to use its leverage with the government to minimize the risks for conflict vulnerability. Already, urgent needs have become apparent in terms of monitoring of the process, further training of judges, and further awareness-raising among community members. Both the donors and the GOR must take action to address these needs and others that will emerge over the coming months and years.

POTENTIAL DYNAMICS OF VIOLENT CONFLICT

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The following is an analysis of possible scenarios and should not be read as being predictive or as reflecting a feeling on the part of the team that such conflict is in any way imminent.

I. The RPA monopoly of force

The RPA is one of the most capable and seasoned fighting forces in Africa. Internally-generated violence is most likely to occur as a result of spontaneous outbreaks in response to strictly local tensions; even such outbreaks are probably unlikely and would in any case be quickly (and probably quite ruthlessly) contained.

II. External Threats—Congo Wars, Burundi Wars, Conflict with Uganda, and the Tanzanian Refugee Caseload

Rwanda was in military occupation of large parts of the eastern Congo, from Kisangani in the north to Katanga in the south, controlling all of North and South Kivu, Maniema and considerable portions of the Kasaïs, until September-October 2002.[14] What will happen in the eastern DRC following the recent RPF withdrawal, which leaves a huge vacuum, and how the RPF will interact with its allies in the region remains unclear. The ex-FAR/Interahamwe problem also remains unsolved, however, and, though these have ebbed and waned over the years, there continue to be cross-border incursions. There are signs that the Rwandan Hutu forces in Kivu have evolved and that a new generation has emerged. Rebaptized ALIR and now the FDLR, there forces now claim to have cast aside the genocidal agenda and to have become a newly-legitimized anti-RPF insurgency seeking to bring about a broader-based government for Rwanda as a whole. If the formation of such a front can be consolidated, it could represent a credible threat to internal stability, especially if key figures from the genocide can be effectively excluded.

Despite the efforts of international mediators (including the GOR), the multi-faceted conflict in Burundi continues to fester, with periodic flare-ups evidently being engineered with the intention of disrupting any settlement. It appears that the RPA has been intervening directly in Burundi with increasing frequency since 2001.[15]

In 1998, a falling-out between RPF and NRA forces in Kisangani led to a series of armed confrontations between these former close allies, and since then there has been considerable tension between the two states and their respective leaders, Presidents Kagame and Museveni. For some time there were rumors of build-ups along the two countries' common border and some talk of impending war; this tension appears for now to have subsided. However, rivalries over influence and control of resources in the DRC remain a potential flash-point, and the two nation's respective Congolese "rebel" clients continue to be rivals, greatly complicating the search for peace in the DRC. Uganda has welcomed Rwandan dissidents (and vice-versa) and, in the event of a further deterioration in relations, it is clear that Ugandan support for an anti-RPF insurrection cannot be ruled out.

There remains a significant caseload of Rwandan Hutu refugees in Tanzania. These groups are said to remain in the kind of subordination to former government leaders that had characterized the situation in the DRC prior to 1996. These groups for now remain quiescent, but in the event of the onset of a significant challenge to the RPF, they would probably count among its supporters.

III. The Potential/Prospects for a Cross-Border Insurrection

The prospects for an internal insurrection or a significant internal violent conflict within Rwanda are felt by the team to be slim. This assessment would change radically, however,

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[14] Perspective on the Rwandan occupation of the eastern DRC was given on March 1, 2002, in testimony to the Belgian Senate by Deus Kagiraneza, a former RPF official who had been Prefect of Ruhengeri District, among other posts. This is available at http://www.senat.be/crv/GR/gr-14.html.

[15] See International Crisis Group: *Après six mois de transition au Burundi: Poursuivre la guerre ou gagner la paix?* May 2002.

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were a sustained, credible cross-border challenge to be mounted from the DRC by the forces mentioned above. Under current circumstances, such a challenge be would most likely to be assembled in the DRC, but this could over time be extended to the territory of one or more of Rwanda's other neighbors.

In the recent past, incursions into the Northwest were resisted by the local population, which preferred peace and accommodation with the RPF to a resumption of warfare in which they would likely become the victims of both sides. The insurgents were denounced and the incursions rapidly brought under control. This situation can probably be counted upon to obtain for the present: there appears to be little incentive for Hutu within Rwanda proper to risk their lives and livelihoods in such an adventure.

This could change significantly, however, were the insurgency to appear to be broad-based and were the political climate within the country to degenerate significantly. The proximate causes of such degeneration would likely be multiple and would include, more or less simultaneously, some combination of the following:

- Further economic deterioration and (yet further) increases in poverty levels.
- A perception that the RPF was deliberately attempting to control the 2003 electoral process to ensure its continued control, especially if such an effort were accompanied by the kind of brutal repression that the RPF has largely been successful in avoiding (except in the DRC) since 1996.
- A poorly conceived or executed effort at land reform. One potential scenario that is of particular concern to the team would involve, more or less simultaneously, a generous cash compensation package for genocide survivors and official pressure for the holders of small plots (< 1 ha.) to sell their land. Such a process would lead to the perception of an officially sanctioned strategy for transferring land from Hutu to Tutsi and could be very explosive.
- A perceived failure of the Gacaca experiment, probably involving a sense that the system had been corrupted, or that innocent individuals were being railroaded. This would need to be a widespread perception (not a local, anecdotal, phenomenon) and, like the other proximate causes listed here, be fanned by efficient propaganda.
- A continued failure by the RPF to provide at least exemplary (and transparent) judgment against RPF elements accused of committing war crimes in 1994-96. There remains a deep resentment among many that these alleged crimes were not included in the Gacaca process. The RPF has responded that these matters would be more properly handled through the regular military justice system, but to date, as far as the public is aware, few if any prosecutions have been initiated. Failure to address this grievance is creating an appearance that Gacaca is mere victor's justice and is thus very dangerous.
- Any massive and brutal reaction to insurgency (similar to that of the Habyarimana regime in 1992) could intensify the threat of widespread conflict.

IV. Potential Foci of Mobilization for Internal Violent Conflict

As mentioned above, the RPF monopoly of lethal force is so overwhelming that it is hard to conceive how internal violent conflict could be ignited on any scale except, as also mentioned, in conjunction with a sustained, credible cross-border attack. There are, however, groups that, under those circumstances, might be mobilized in connection with an external armed insurgency:

- Demobilized Soldiers, both former FAR and RPF
  It is likely that there may be as many as 30,000 or 40,000 individuals around the country with some kind of previous military experience, and, presumably, in the event of an outbreak of violence on any scale, many could be tempted to take up arms once again.

- Local Defense Forces

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Military observers in Kigali state that there are perhaps 20,000 such militia members, in every region.

- Students and other former attendees at "solidarity camps" (*ingando*).

- Released prisoners
  They are emerging from the Gacaca process, many feeling aggrieved by the length and conditions of their imprisonment.

- Landless paupers
  They are a threat, especially if there is a dramatic increase in their numbers (see the section on land issues).

V. Potential Conflict Causes, Triggers and Warning Signs

Cause 1: Competition over access to political power

Triggers (multiple elements would likely be required to raise conflict to levels of generalized violence):

- Further repression of political expression and organization leads to a perception that the narrow group presently in power within the RPF is seeking to retain a monopoly on political power past the 1993 transition.
- Conspiracies and purges among those in power.
- The present regime fails to expand its political base and continues to rely on coercion to retain control over affairs in the hands of a narrow-based political movement representing a small segment of the population (i.e., former refugees in Rwanda and their children).
- Sustained cross-border attacks from the DRC, perhaps with tacit Ugandan support; sudden increase in perceived political and military effectiveness of the DRC-based opposition.
- Economic benefits and opportunity for political insiders continue to increase while access for others narrows.

Warning Signs:

- Those with close family or personal ties to the RPF inner circle come to be seen as enjoying favorable economic treatment, either as domestic entrepreneurs or as beneficiaries of spoils from military involvement in the Congo.
- Conflict in the DRC continues to fester with no solution in sight.
- Cross-border incursions become more frequent and effective.
- Insurgents again begin to receive civilian support in rural areas.
- DRC-based insurgents broaden their political agenda and abandon neo-genocidal propaganda.
- Increasing resort to arrests of civil society members and others for political activity.
- Further arrests, allegations of political murders and other violence, and further defections of former RPF insiders.
- Opposition political movements led by former RPF figures such as Bizimungu, Kajiguhakwa and Sebaranzi continue and expand, additional defectors join these, and effective (even if opportunistic) alliances are forged with elements of the former Rwandan government.
- The emergence of an effective, charismatic opposition leader linked to the existing armed and unarmed groups.
- Better organization and effectiveness of the Congolese resistance.

Appropriate donor responses:

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- Intense diplomatic activity to strengthen the peace process in the DRC following the RPF withdrawal and to help resolve the ex-FAR/Interahamwe issue.
- Rapid and forceful diplomatic response to abuses by all parties within the DRC .
- Continue to support positive political change and to push for openness; provide support or Rwanda to explore appropriate constitutional and political system design engineering appropriate for divided societies.
- Expand existing USAID and other donor support to civil society organizations. Even where these latter are broadly (and usually quite appropriately) supportive of GOR initiatives, such ongoing support provides vital encouragement to the concept that interests can be aggregated and pursued peacefully.
- Active donor involvement in helping to ensure that the 1993 end-of-transition benchmarks lead to genuine increased political openness. There should be close monitoring of the entire process by NGOs and international organizations, not just of the electoral events themselves.

Cause 2: Competition over Land Resources

Triggers:

- A perception that the new land use/land policy issues will lead to widespread, more or less coercive land alienation.
- Economic growth and increased prosperity that is limited to a small minority, with large numbers of landless families ending up pauperized in towns.
- Tough repression of protests of the above.
- Large increases in social suffering as a result of a deterioration of social services, increased spread of HIV/AIDS, drought-related or other sudden-onset food shortages.

Warning Signs:

- Promulgation of a new land policy/law that aggressively seeks to reduce the number of landholders in the relatively short term.
- Sudden increases in the numbers of persons moving into urban areas/towns; sudden-onset, large-scale displacement as a result of food shortages, etc.
- Urban or rural protests that start turning violent.
- New land policy is followed quickly by a perceived sudden, widespread land purchases (i.e., with funds provided as genocide victims compensation).

Appropriate donor responses:

- Lobby for greater clarity and less ambiguity in both the land policy and land law.
- Propose, and be willing to support financially, the implementation of the land policy on a pilot basis that would be monitored for 2-3 years before passing the land bill and implementing it nation-wide.
- Encouragement of genuine citizen engagement in the policy process. Support to effective, gradual land tenure/use reform and concentrated settlement (imidugudu), backed by systematic, high-quality, <u>independent</u> feedback from the field (i.e., through NGOs). Constructive dialogue with the authorities on the basis of this feedback. Ongoing substantial support to small-holder agriculture (i.e., avoidance of use of donor resources solely to back the cash-crop sector).
- Ongoing FEWS monitoring and rapid, market-based mobilization of food resources in the event of potential shortages. Continue and strengthen ongoing efforts to combat AIDS.
- Continue support to ongoing family planning efforts.
- Swift diplomatic response in the event of brutal repression of urban or rural protests.

Cause 3: Perceived failure of justice for the events of 1994

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Would not be likely in itself to become a cause of widespread violent conflict, but could become a focus of such conflict in a context of increased tension and instability and if one or more of the triggers below were activated.

Triggers:

- Discontent over perceived partiality or ineffectiveness of Gacaca.
- Lack of consistency in judging and sentencing suspects, instrumentalization of the process for personal score-settling or for asset-grabbing.
- Lack of diligence in prosecutions, leading survivors to feel that the process is a sham.
- Widespread vendetta-style violence between victims and persons released after acquittal, confession, etc.
- Discontent over failure of the GOR to prosecute alleged instances of war crimes perpetrated by the RPF in 1994.
- Compensation paid or granted in some form to genocide survivors but not to victims of alleged RPF war crimes.
- Failure to grant any compensation to survivors.

Warning Signs:

- Widespread reports of local protest against Gacaca, especially if violent or if significant violence is used to put it down.
- Serious, recurring patterns, widely reported or disseminated by rumor, of procedural bungling or misconduct by the tribunals.
- Dissemination of underground propaganda (i.e., calling, for justice for war crimes).
- A pattern of individual revenge attacks or killings.

Appropriate donor responses:

- The donors need to be closely engaged with Gacaca. Monitoring will be a Herculean task, but there cannot be enough of it. The donors need to remain constantly engaged throughout the process and to become aware of generalized problems as they emerge.
- The most effective resource-based response would be to have a flexible, rapid-response funding instrument in place (perhaps as an NGO umbrella grant) to be able to make key needed inputs available on short notice, in response to unforeseen circumstances. There are many factors that could cause Gacaca to fail. It would be tragic if the process failed for want of resources and thereby set off a violent spiral.

RECOMMENDATIONS FOR DONOR STRATEGIC PLANNING

The period 2002-2004 will be one of maximum danger for the consolidation and successful. The following are broad principles that USAID is urged to integrate into itsstrategic planning:

The overall thrust of USAID's programming, with emphasis on health, agriculture and issues of governance, is sound and should be retained in its broad lines. However, only health is currently well funded. Both agriculture and, especially, democracy and governance are underfunded. The programs have had impact in the past but look unlikely to do so in any significant fashion in the future unless they are given substantial new resources.

The idea of conflict as a cross-cutting theme to USAID programming is absolutely crucial, but in its implementation it needs to be better focused. The present Democracy Strategic Objective (SO) could usefully be reformulated in line with USAID's global changes so that, for example, Food for Peace resources and others link closely to conflict issues. Given local

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sensitivities this SO could perhaps usefully be rechristened as a "Peace and Reconciliation" SO, organized in ways suggested by the outline of causes, triggers and responses outlined above.

Ongoing support to civil-society development as posited in current USAID programming is essential so that vital that alternative channels of social organization be encouraged to emerge alongside those being developed under the RPF's direct control and auspices.

Agriculture programming should refine its conflict lens. Resources should be devoted on a priority basis to working with the GOR to find ways of avoiding the dangers, outlined in Section II, of a precipitous and coercive imposition of hastily-conceived land use/tenure reform. There have been excellent USAID-funded research activities in the past that have made substantial contributions to realistic policy formulation. Support to public participation in policy reform processes is also vital. The SO team should ensure that the USAID-supported programs ensure *both* economic growth opportunities and provide a safety net for poorer families. It would be advisable to track the land reform process whether or not actual resources are devoted to it because poor implementation could severely impair the SO team's ability to achieve desired results.

Recommendations to USAID and other Donor Organizations (bi- and multilateral):

Donor inputs into matters such as those enumerated above have the potential to serve as conflict triggers and so need close donor monitoring and coordination. By and large, long-term funding commitments and program frameworks may not work as effectively in dealing with these issues as more ad-hoc and flexible arrangements that can be readjusted quickly and sensitively as circumstances warrant. Use of umbrella grant-making mechanisms (with requirements that recipients also retain high levels of flexibility to deal with unexpected developments or unintended consequences) is preferable to funding mechanisms that lock in programs over long periods.

Gacaca requires particular attention in this regard. It is potentially a powerful tool for achieving the purposes for which it was conceived (i.e., justice and reconciliation for the crimes of the genocide. But things could go horribly wrong, and do so unexpectedly and in unanticipated ways, both at the local level and in the aggregate. *There cannot be enough monitoring*. Such monitoring should of course be done in the first instance by civil society organizations and NURC, but donors should be directly involved as well, and be seen to be involved. Joint donor monitoring missions, frequent Kigali- and provincial-level consultations, and the resource suppleness to allow response to unforeseen developments could be very important in helping to ensure the process's ultimate success and to head off potential violence.

Recommendations to the U.S. Country Team and to the International Community

The conflicts in the region, and particularly in the DRC, are felt by the team to be the main vector along which violent conflict could eventually be unleashed in Rwanda proper. The RPF apparently has completely withdrawn its forces from the eastern DRC under a South African-brokered agreement under which the DRC military is to neutralize the "negative forces" in Kivu that are Rwanda's principal (and legitimate) security concern. Consideration must be given to a more robust UN operation in the DRC or to other mechanisms that can bring to bear the right mix of political and military ingredients to ensure the removal, once and for all, of the ongoing threat to Rwanda posed by the presence of these elements within the DRC.

The brutalization and the humanitarian cost of the Rwandan occupation of the eastern DRC, now apparently ended, have added considerably to the long-term threat to Rwanda's own security, as the resentments and hatreds it engendered had become deeply entrenched among the Congolese (including many Congolese of Rwandan origin) and as brutality and expediency come to be accepted as normal within the RFA itself. In particular, the corruption, the brutality and the political incompetence of Rwanda's principal Congolese ally, the RCD/Goma,

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has become increasingly clear over time. Events in May in Kisangani[16] highlighted why it is important for the international community, and the U.S. in particular, to encourage Rwanda to rethink its support to this group, which is badly discredited.

Following the RPF withdrawal, the RCD is left in sole control of a huge area, a task for which it lacks the political competence and possibly the military skills. It will come under challenge from the local resistance (which includes a Rwandophone Munyamulenge militia that had until recently been under brutal attack by the RCD), and there will be a strong temptation for Rwanda to intervene, covertly or overtly, should things come unstuck in the resulting vacuum. Again, Rwanda has a legitimate interest in preventing incursions by ex-FAR/Interahamwe elements, and these may very well increase given the limitations on the GDRC's or the RCD's ability to control these. Rwanda's international partners need to impress on the GOR how vital it will be for them to show restraint in the event of such provocations.

Rwandan withdrawal was a necessary condition to the reconstruction of a stable and prosperous eastern DRC, but it is far from sufficient, and in the short term it is likely to raise as many problems as it solves. It will be up to the international community to help cope with these, through the provision of resources for economic and political reconstruction and, possibly, a rethinking of the mission of MONUC.

While all sides benefit greatly from the excellent relations between Rwanda and its principal donor partners, particularly the United States, and all sides have considerable incentive to continue to maintain these relations at their present levels of warmth and responsiveness, maintaining these qualities over the long term will require that there be frank discussions of those issues that could serve as proximate causes for future internal conflict. The issues, in particular, relating to inclusiveness and to the progressive opening up of channels for public expressions of dissent, will require that the U.S. and other donors be increasingly frank in formulating their concerns. To the extent that dissenters can sense that public and private pressures in support of key political rights are being exerted by the donors, they more likely to channel their demands peacefully. A sense on their part, on the other hand, that donors place value exclusively on smooth relations, avoiding frank discussion of such concerns, could serve to help make violent conflict a more likely outcome. It should be possible to continue to support the many positive actions of the GOR while increasing the levels of public concern about aspects of the country's political development that may be moving less positively.

[16] See, for example, Human Rights Watch, "War Crimes in Kisangani: The Response of the Rwandan-backed Rebels to the May 2002 Mutiny", New York, August 2002.

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5. USAID/RWANDA DEMOCRACY AND GOVERNANCE ASSESSMENT: EXECUTIVE SUMMARY

This document was created on the basis of a research protocol established by USAID/Washington Democracy and Governance Center. The primary purpose of the Democracy and Governance Assessment is to inform USAID/Rwanda's strategic planning process as it prepares to put a new strategy into place that will guide USAID assistance in Rwanda for the period 2004 – 2009. The document is an internal planning tool for the agency, and while it covers a great deal of information of interest to informed observers of Rwandan politics, its unique utility is the linkages made between general analytic findings of the research and the strategic recommendations made by the team. While the team provides some illustrative examples of program-level activities, these are not assumed to be definitive, as a further process of stakeholder consultation and program/activity design (currently underway) should define the specific parameters of future activities.

The assessment framework identifies five variables considered by political scientists to describe the critical issues at stake in the process of democratic transition and consolidation. These five variables and related summary findings are provided below.

Consensus

Consensus is basic agreement on the scope and content of the political arena. The essence of democracy is ordered competition. Consensus issues address the basic rules under which such competition takes place.

- Overall, consensus in Rwanda can only be classified as tentative at best.
- The boundaries of the state and the identity of citizens are not seriously in question though the genocide was at least in part an attempt to massively assert the non-citizenship of the Tutsi minority.
- There is considerable consensus on the need for and value of unity and reconciliation and the need to reject identity politics. At the same time, deep historical cleavages continue to divide Rwandan society.
    - Contemporary politics in Rwanda is marked by disagreement over how controlled the democratic process needs to be and how much open political debate can be allowed given a fragile social peace
    - Some political actors argue for greater control and a somewhat enforced unity while others believe that only diversity of opinion and a broad spectrum of political voices will lead to a stable political situation in the long-run
- There is wide agreement that democracy will only work in Rwanda if the country develops a democratic political culture and that this democratic political culture is now only nascent at best.
- There seems to be a marked mistrust between the elite and the masses with elites more likely to see ignorance, poverty, and intolerance of the masses as the source of social conflict and the masses viewing political manipulation by the elites as the key source of social disorder.
- Nearly all key political institutions in the country are in transition thus lending a great degree of uncertainty to the already existing level of dis-census.
    - New developments or reforms in decentralization, Gacaca, civil society and media policy, constitutional reform including new roles for legislature, executive, and judiciary, the basic rights of citizens, the role of political parties, and many other important issues.
    - Proposed land reforms could become a major source of discontent, as could an economic downturn.

Rule of Law

Rule of law refers to the will and ability of a nation to enforce the rules of the political game. There may be consensus about the rules of the game, but without timely and consistent enforcement through judges, courts, statutes, lawyers, police, and informal means, there is no

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rule of law. Importantly in the context of Rwanda (and other post-conflict states) basic citizen security forms the bedrock on which rule of law is built.

- Overall, there have been signs of significant progress and improvements in the area of rule of law since 1994 granted there are many ongoing problems.
  - Massive efforts on the part of donors and GOR seem to have paid off in many regards:
    - Trials today are generally run in a predictable manner with respect for the rights of the accused.
    - New police force is more highly professional.
    - Basic security of citizens is dramatically improved.
    - Respect shown by RPF leaders for the rule of law since they came to power is improved, and they have shown a demonstrated commitment to reform in this area.
    - The role of the army in national politics has diminished significantly.
  - The most clear exception to this general positive trend is a continuing set of problems in the area of human rights and civil rights.
    - The government in power regards the elite, particularly the Hutu elite, with considerable suspicion, believing that if they are not kept under close scrutiny and control, they could mobilize the population once again for negative purposes.
    - The current regime has demonstrated a high degree of sensitivity to internal criticism and exercised control over critics using questionable legal tactics.
    - Professional and institutional issues in the judiciary remain a potential source of corruption and inefficiency
  - Gacaca may represent a sterling example of both commitment to ROL, as well as some of the problems remaining in the justice sector.

Inclusion

A critical hallmark of democracy is inclusion. Formal institutions and informal practice should support the rights of all citizens to participate in both governmental and non-governmental arenas. Inclusion should be both broad and deep, with all segments of the population consulted to the greatest extent possible, which is consistent with efficient government function. Rights of participation should be both guaranteed in law and most importantly in practice.

- The current regime has made a strong argument for an inclusive vision of Rwandan citizenship and has pursued inclusion in a number of areas. In fact the team believes that inclusion represents the central ideological pillar of the RPF project. This is evidenced in areas including:
  - Education
  - Reconciliation activities
  - Women
  - Promotion of diversity
  - Popular mobilization
- Yet on the other side of the balance sheet, inclusion is often formulaic or perfunctory in nature with significant pressure for conformity and actual decision making power seeming to lie with a relatively small number of high level public officials. Inclusion problems are seen to be serious and evidenced in the following areas:
  - Lack of institutions, systems, or mechanisms that recognize or promote power sharing among various political actors, instead there is a tendency for a singular view to hold sway
  - Marked constraints on public discourse
  - Economic exclusion evident
  - Status of Twa

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Competition

Free and open competition for power based on popular sovereignty is perhaps the defining element of democracy. Free and fair elections are critical, but other closely related realms of competition are equally important, i.e., checks and balances, democratic decentralization, economic competition, public space for pluralism, an active civil society, and competition for ideas, including free media and freedom of expression. Issues of inclusion are echoed and reflected in problems at the level of competition.

- The government has tended to treat inclusion and competition as antagonistic rather than complementary principles.
- In its effort to create national unity and avoid a return to division and violence, the regime exerts considerable pressure for conformity of ideas and expression.
- Politicians, civil society activists, and others are expected to stay within tightly controlled bounds of discourse.
- Promise of greater competition may be found in constitutional reforms
  - Balance of power between government branches may be addressed
  - Decentralization may provide means for greater competition
- Lack of competition noted in a number of areas including:
  - Political party activity
    - Party Forum often operates as an institution of control rather than a forum for dialogue and competition of ideas
  - Civil society
    - Internal weakness
    - Pressure/hostility from the state
  - Independent Media

Good Governance

Issues of good governance are intertwined with all four previous assessment variables. In the most immediate sense, good governance refers to efficiency and openness. In broader terms, the impact of all other variables comes together in the area of governance. Good governance is "where the rubber meets the road;" it is the effective delivery of basic public goods that citizens can reasonably expect from a democratic state.

- On balance, the current regime has made a number of positive advances in the area of good governance, notably:
  - services are generally being delivered effectively, and institutional capacity has improved.
  - There has been a shift toward greater consideration of merit in a variety of ministries, and there are now a number of technically competent individuals working in various government offices
  - Improved transparency and attempts to control corruption
- The Congo war and the elicit trade related to the war is an area of concern.
- Decentralization opens avenues both for possible problems in governance but also a great deal more transparency in decisions that impact the prosaic events of most Rwandan citizens.

VI. Strategy Recommendations

The assessment team believes that the primary/first order obstacles to democratic transition and consolidation in Rwanda are summarized under the *consensus* variable and that issues highlighted under the *competition* variable are also of serious concern. However, recognizing that consensus is a notoriously difficult obstacle to program against, the team reasons both that issues of competition are manifestations of consensus problems and improved competition can also have a positive impact on bridging social gaps. Democratic competition

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can result in improved institutions, provide incentives for good leadership, and lead to more genuine consensus ultimately helping to mend social cleavages.

Programmatically, the team views the areas of decentralization, tightly linked with civil society support, as the most promising focus for support – and perhaps the only logical point of entrée given Rwanda's current political situation. Further, the team sees considerable value in ongoing assistance targeted at the Gacaca process, but considering the current high level of donor assistance to this area, the team suggests that USAID could rationally prioritize the first two activity sets in the event budget realities do not permit full engagement in Gacaca assistance. Further, the team believes that with creative and well-targeted assistance programs, civil society strengthening activities as well as decentralization support could also provide important assistance to the ongoing Gacaca process.

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6. USAID/RWANDA CIVIL SOCIETY ASSESSMENT: EXECUTIVE SUMMARY

The Democracy and Governance (DG) office of USAID/Rwanda commissioned Associates in Rural Development (ARD) to conduct an assessment of civil society in Rwanda and to assist in developing a strategic plan for strengthening the development of this sector. The assessment team consisted of an expatriate political scientist, a Rwandan development specialist with an in-depth knowledge of Rwandan civil society organizations and a researcher from USAID/Washington's Center for Information and Democracy with a background in post-conflict transitions. The team spent a total of five weeks in Rwanda from March 3 to April 7, 2001 and met with more than a hundred representatives of civil society, government, USAID/Rwanda, and the international donor and NGO community. Field trips outside of Kigali included visits to Giterama, Butare, Cyangugu, Ruhengeri, and Gisenyi.

Civil war and the 1994 genocide of the Tutsi populations tore apart the social fabric of the country and destroyed much of its infrastructure. The Rwandan Patriotic Front (RPF) whose leadership is made up primarily of Tutsi returnees who headed the army that brought them to power dominates the present government. The memory of genocide, their minority position in the country, and the temptation to hold on to power explain the reluctance of the Tutsi elite to accelerate the pace of democratization and to loosen state control over society.

After examining the political climate, the team concluded that the strengthening of civil society in Rwanda depends largely on the following factors:

- The ability of Rwandan society to overcome the legacy of ethnic hatreds and genocide and to move towards genuine peace and reconciliation.
- The willingness of the state to reduce its tight control over political and associational life and to share power in an inclusive manner.
- The will and capacity of Rwandan civil society to overcome traditions of passivity and dependency on the state and foreign donors and to take a more active role in mobilizing resources and energies to participate more fully in national and local decision-making.

Many obstacles stand in the way of making progress towards strengthening democracy and civil society institutions. These include mutual distrust between Tutsis and Hutus; the presence of more than 120,000 Rwandans in prison awaiting trial on genocide charges; the absence of democratic traditions and culture; state control over the media and information flows; the passivity of grassroots associations vis-à-vis the regime; the large gap between national level civil society associations in Kigali and civil society organizations outside the capital and lack of institutional capacity due to the decimation of large numbers of educated and trained cadres as a result of war and genocide and aggravated by widespread poverty.

Several positive signs indicate that opportunities exist for nurturing democracy and the development of civil society in Rwanda. These include the relative peace and political stability since 1998; the creation of the National Unity and Reconciliation Commission (NURC) in 1999, the organization of a traditional justice (Gacaca) to address the issue of those in jail awaiting trial; the GOR's decentralization policies; improvements in Church-State relationships; the presence of a dense network of grassroots associations and national NGOs; and the extraordinary dynamism of women's groups and associations.

The assessment covered a wide range of categories of civil society organizations that included development NGOs, cooperatives and pre-cooperatives, private sector business associations, trade unions, women's organizations, the media, human rights organizations, religious institutions, and youth and sports associations.

One striking aspect of civil society organization in Rwanda is the tendency of most national-level associations in a given civil society sector to join an umbrella group that discusses

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common issues, exchanges information, coordinates activities, and presents their members' concerns to the GOR, INGOs. and international donor community. The umbrella groups are financially weak because of the general financial weakness of their member associations.

In the interior, at the other end of the spectrum, grassroots civil society associations tend to be small, locally-based with few ties to national-level organizations, and formed by neighbors and kin living on the same *colline* who know each other.

The poor state of the economy contributes to the weakness of private sector organizations, cooperatives, pre-cooperatives, and labor unions. Trade unions appear to be democratic in organization and seeking to expand their base. Development NGOs depend heavily upon external financing by donors and INGOs to function. Many development NGOs provide training and technical assistance to local grassroots organizations. Women's groups and associations like Pro-Femme, Haguruka, Avega, and Réseau des Femmes constitute one of the most dynamic sectors of civil society and lobby for inheritance rights for women and gender equality, promote the well-being of widows and orphans of the genocide, and organize a wide range of women's economic activities.

The independent press is very small, not always credible in its reporting, and in need of greater professionalism. The GOR still hangs on to its total control over radio and television broadcasting. Though very active in protesting against violations of human rights, human rights groups are sometimes plagued by ethnic tensions and competition. Government sensitivity to criticism and fear of reprisals deters representatives of the press, human rights organizations, and political parties, from being more openly critical of government policies.

Because of their commitment to peace and reconciliation, the country's Catholic, Protestant and Muslim religious institutions are key components of Rwandan civil society. The membership of religious institutions transcends ethnic lines and divisions and makes inter-ethnic dialogue more feasible. The religious institutions also have the institutional capacity to transmit messages and information to a mass constituency and to mobilize considerable financial and human resources.

After discussions with USAID/Rwanda, the team recommended a strategy to build the capacity of Rwandan civil society groups to act as a bridge between the interests and concerns of citizens at the local level and their elected and appointed representatives. This strategy would provide support to civil society organizations seeking to mobilize participation around local problems and engage CDCs, women and youth councils, and elected officials in an ongoing dialogue to resolve these problems. The government's new decentralization policy provides the institutional setting to make this strategy feasible.

Building on previous USAID/Rwanda efforts to promote democracy and the rule of law, the strategy would also test the government's commitment to explicitly political participation. The present policy of the GOR is to focus on civil society as essentially apolitical development associations working to promote social and economic development in conformance with national development policies.

The proposed strategy for strengthening democracy and civil society include three main program components; (a) civic education; (b) encouraging the free flow of information; and (c) supporting peace, conflict resolution and reconciliation activities. Civic education programs would be designed to introduce citizens to rules of democratic political systems and their rights and obligations; to convey values such as political tolerance and compromise, trust in the democratic process, and respect for the rule of law; and to encourage responsible and informed political participation. The free flow of information would be enhanced by improving the capacity of civil society groups to disseminate information and the capacity of the independent media to cover political participation at the local level in a professional manner. This component would also encourage the establishment of independent private and community radio stations and a media code providing safeguards against libel, dissemination of misinformation, and promotion of religious, ethnic, and religious discrimination. Finally, the strategy includes various options to support peace, conflict resolution and reconciliation

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activities by providing assistance to theatre groups, the Center for Conflict Management, and human rights organizations involved in monitoring the Gacaca justice system. The wide range of options presented in this strategy offer promising areas of intervention to reinforce civil society and democratic processes in Rwanda.

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7. USAID/RWANDA JUDICIAL SECTOR ASSESSMENT: EXECUTIVE SUMMARY

Mrs. Marie-Thérèse Kampire, Prof. Stany Kisangani Endanda, Prof. Déo Mbonyinkebe, Mr. Réné Abandi

The Rwandan judicial system before the genocide bore the characteristics of the socio-political environment of that period: an overall negation of democratic principles and the rule of law in government practices. This negation led to war and culminated with the genocide of 1994. This war and genocide largely destroyed the principles, structures, and resources of the Rwandan judicial system.

With the assistance of various donors and NGOs, the new government has achieved important accomplishments in the judicial sector and the system has begun to function again. However, there is still a lot to be done in order to put the rule of law into practice, given the heavy burden imposed by the genocide. With more than 100,000 genocide suspects incarcerated pending trial, the social fabric destroyed and in need of reconstruction through national reconciliation, rampant poverty, and an acute lack of government resources, a variety of stakeholders look for parameters that will enable them to understand and act in order to build a strong judicial system.

This study contributes toward this effort. USAID/Rwanda requested it in light of its five-year strategic plan (2004-2009) for supporting the Rwandan judicial system. Its objective is to provide a comprehensive inventory of the Rwandan judicial system, and to assess its needs based on perceptions of the system by its officials, players, and intended beneficiaries.

The methodology for this study was systemic. Data was collected through documents, interviews with internal system players and external stakeholders, and a standardized questionnaire administered during interviews with high-ranking officials in the judicial system,[17] magistrates (judges and prosecutors), litigants (plaintiffs, defendants, witnesses, and prisoners), and representatives of the civil society, Human Rights Non-Governmental Organizations (HRNGOs), donors, and NGOs who have a stake in the system. These interviews were conducted in three locations: the City of Kigali, and the Provinces of Kibuye and Butare. A workshop to evaluate the preliminary results was held with judicial system officials and donor and NGO representatives, and helped to complete the data and enrich the final analysis.

The following summarizes the main results of the study:

1. Mission and policy of the justice sector

The study determined that the mission of the judicial sector is to contribute to enforcement of the rule of law and establishment of justice in Rwanda. The Government of Rwanda (GOR) policy in the judicial sector has three main long-term components, namely to develop 1) infrastructure, 2) a judicial and organizational base for effective system functioning, and 3) human resources capacity. In addition, the GOR is pursuing the short-term policy of resolving the legacy of the genocide and of developing overall workplace logistics to facilitate optimal functioning of the system.

The survey results show that this mission is generally known. However, the system's players, both individually and collectively, do not consistently carry it out. Thus more training is needed to explain the mission more and to make it operational. This educational effort on the policies of the Ministry of Justice and Institutional Relations (MINIJUST), focused on system

[17] The President's Office, MINIJUST, Supreme Court, General Prosecutor's Office, Police, and National Commissions.

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players and their partners, should occur through regular and unambiguous information provided in seminars and workshops.

2. Main components of the judicial system

Judges (*magistrats assis*) preside over four levels of jurisdiction:

a) Canton Courts (*tribunaux de canton*, at the district level)
b) Courts of First Instance (*tribunaux de première instance*, at the province level),
c) Courts of Appeals, and
d) The Supreme Court.

The Supreme Court is made up of six sections:

a) The Department of Courts and Tribunals,
b) The Court of Cassation,
c) The Constitutional Court,
d) The Public Accounts Court,
e) The State Council, and
f) The recently created Department of Gacaca Jurisdictions .

Prosecutors (*magistrats debouts*) include:

a) A state prosecutor in each Court of First Instance (CFI), who works closely with the Judicial Police, which is part of the National Police;
b) A prosecutor general's office for each Court of Appeals; and
c) A prosecutor general's office for the Supreme Court.

The study revealed that state prosecutors at the CFI face severe hardship, for they labor under crushing caseloads while prosecutors working in the Canton Courts (CC), Courts of Appeals (CA), and some sections of the Supreme Court experience much lighter caseloads.

Also, the communication, data management, and information systems are still in a developmental phase, which can make it difficult to coordinate and exploit everyone's time and expertise effectively.

This whole structure is currently undergoing reform, notably the structure of the Supreme Court and the jurisdictional definitions of the lower Courts. This activity is pursuant to the draft decree-law on reforming judicial organization and competence, which requires "putting things in order in the judicial system" and charges a National Ad Hoc Reform Committee to accomplish it.

3. Judicial system physical infrastructure

The judicial system's infrastructure was heavily damaged during the war and genocide, with its equipment looted or destroyed. Outstanding efforts have been made by NGOs and donors to rehabilitate and re-equip Rwanda's judicial system at a minimum level. However, many buildings are still in bad shape. In many provinces, judicial staff experience difficult working conditions, like cramped offices, court rooms with limited or no furniture, and insufficient working logistics whose maintenance is less than desired.

4. Human resources in the judicial system

After the war, the Rwandan judicial system had fewer than ten licensed attorneys in each of the judicial and prosecutorial categories. Non-lawyers were therefore nominated both as judges and prosecutors, and pursued an accelerated training program at the National Center for Judicial Training for three to six months.

The number of magistrates and their qualifications have significantly improved since the genocide, with a growth rate of 644 and 1,000% respectively in the number of judges and prosecutors who possess at least a bachelor's degree in law.

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However, despite this remarkable growth, the number of magistrates possessing at least a bachelor's degree in law remains insignificant (only 67 out of 733, or 9.1%). This presents a serious concern to government officials and other stakeholders. Current career and working conditions, such as low salaries and qualification requirements, do not attract many young graduates of the National University of Rwanda (NUR) Faculty of Law (407 since 1994-95).

Even when magistrates have a university education, they are still young and thus require ongoing, rigorous training, as well as exposure to the working environments of other magistrates, in order to instill a code of judicial conduct and ethics.

5. Financial resources and donor allocations

In the current projections of GOR expenditures, MINIJUST receives less than 2% of the entire budget. This portion has decreased since 1999 (from 1.9 to 1.3%), although funds for capital expenses have increased (up to a little more than 5% of budget predictions). These projections have been taken into account by foreign donors, which have decreased their capital support since 2000 (from 3.4 to 2.4 billion RWF in 2002) while reallocating part of these funds to operations. The European Union remains the biggest donor, followed by Belgium, the United States, the Netherlands, and Canada.

The Supreme Court currently has an autonomous administrative structure and budget, which should reinforce its independence. In addition, the creation of the Department of Gacaca Jurisdictions within the Supreme Court has led to a substantial increase in this court's budget.

Although donor support is strongly appreciated by judicial system players, these actors expressed a need for more transparency and flexibility in the disbursement and management of funds, as well as greater donor support for MINIJUST's coordination initiatives. This ministry wishes to be consulted, in collaboration with its partners, on the priorities to pursue.

All donors had similar observations about MINIJUST, namely weak planning and global vision, weak coordination of initiatives, lack of transparency in the use of funds, and a partial lack of feedback.

The interviewers noticed among these various players a clear desire to develop more explicit planning and a deeper and more frank collaboration, with the mutual interest of improving the Rwandan judicial system.

6. The work of the magistrates

As a group, Rwandan magistrates continue to find themselves confronted with the gigantic task of instructing and judging thousands of people caught up in the genocide proceedings, even with the introduction of the Gacaca Jurisdictions. Added to this caseload are various new civil and criminal cases, especially in light of an increasing criminal docket. Furthermore, many magistrates are burdened with administrative tasks. In addition, having so many administrative collaborators puts a disproportionate burden on these administrative tasks.

From 1997 to May 2002, 7,211 people accused of genocide were judged. This is an impressive achievement, especially in comparison to the ICTR's results. The Rwandan judicial system did so with the essential support of NGOs like Citizens' Network (RCN) and Lawyers Without Borders (ASF). It is important to underscore that no inmate is currently incarcerated without a charging file. This alone is a significant achievement by the prosecutor's offices.

As for judicial independence, a majority of lawyers and magistrates estimated that judges are not independent from the executive power. This lack of independence has several sources: financial dependence on the executive branch, modest compensation that could lead to conflicts of interest, and a low level of training for a large number of judges, which weakens the judiciary overall. However, the self-censorship by judges themselves was noted as a strongly determinative factor of dependence. Magistrates must have the courage to exercise their judicial independence and denounce interference in their decision making by the

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Supreme Court and the National Commission on Human Rights (NCHR), even though they do not feel sufficiently protected by the Supreme Court.

Finally, the Bar Association, which was only created in 1997 (at the same time as the paralegal body), has made tremendous progress and has significantly contributed to the judicial system's progress with the support of ASF and the Danish Center for Human Rights (DCHR). The Bar Association experiences a great demand by indigents for legal assistance and has opened an office of consultation and defense. It has the same needs as the magistrates with respect to continuing legal education and documentation.

7. The efficiency of the system

Overall, 65.1% of those surveyed perceived that the Rwandan judicial system's main weakness is its slowness. The second weakness, corruption, was noted by only 16% of these respondents.

However, despite the system's slowness, 42.5% of sampled litigants say that justice is well done when it is administered. 25.5% think the opposite, while other respondents pointed to other weaknesses but in much smaller proportions. The incompetence of magistrates and interference by the Executive branch were noted more by top officials in the judicial system, HRNGOs, and donors.

8. Perception of vulnerable groups

Interest in the question of access to justice led to expanding the survey to assess perception of access to equal justice by vulnerable groups.

One of the major problems linked with inaccessibility to justice is that certain population groups do not have the capacity to pay lawyers' fees. In addition, no fund exists to help lawyers recover their fees when they represent indigents. According to respondents, vulnerable groups, in descending order of vulnerability, are: *the poor, women, children, genocide survivors, genocide orphans, street children, and the physically and mentally disabled.*

It is surprising that the "Twa" – a numerically and sociologically vulnerable ethnic group - were not mentioned at all. It is worth noting that their rights have been significantly violated, probably more than any of the groups mentioned.

To address these difficulties, some respondents think that the State should get more involved in ensuring sensitization, generally providing free representation to all, and administering fair justice and appropriate social policies.

9. Appreciation of the Gacaca system dynamics

In 2001, the Department of Gacaca Jurisdictions was created within the Supreme Court, pursuant to adoption of an organic law creating and organizing it.

One year later, this law was implemented, with a pilot project in one sector per province. The Department of Gacaca Jurisdictions is in the process of making its strategic plan, which will involve all of its partners, including the National Police, Prisons, etc. The establishment of its administrative structure is still in process.

Citizens perceive the mission of the Gacaca Jurisdictions as to 1) sentence the guilty, 2) acquit the innocent, and 3) contribute to national reconciliation. The majority of respondents praises the idea and appreciates that Gacaca represents a last resort after all other means of resolving the genocide prosecutions have failed.

The survey demonstrated that the Gacaca judges - *"inyangamugayo"* - have a vision of their work which corresponds, more or less, with the terms of the law instituting the Gacaca

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Jurisdictions. These judges highlighted that the complexity of their mission, the risk of vengeance, and the lack of remuneration are all distressing aspects of their work. This lack of compensation may weaken the patriotic spirit of Gacaca judges, on which the government so heavily relies. The international community should intervene to provide the necessary assistance.

Among the advantages that these *inyangamugayo* judges have is the confidence that litigants have in them and the predicted widespread participation of the population, especially witnesses of the genocide horrors. These judges, conscious of their shortcomings on judicial matters, wish to receive training.

10. Appreciation of Community Service requirements and of the International Criminal Tribunal for Rwanda (ICTR)

Community Service (*travaux d'intérêt* general or TIG) is positively perceived overall, with an average positive rate of 73.16% versus a negative response rate of 26.84%

Magistrates think that the structures for planning and organizing *TIG* are taking too long to be put in place.

As for the ICTR, negative perceptions slightly outweigh the positive, with 56.4% of respondents having negative perceptions versus almost a third with a positive vision of the same tribunal. Respondents deplored the ICTR's ineffectiveness (some ten cases processed with a substantial budget versus more than 7,000 cases processed in Rwanda under almost heroic conditions); this court's lack of educational impact on the Rwandan population because of its distance; and its weak contribution to the fight against the culture of impunity.

High-ranking officials, as well as most other stakeholders and players in the judicial system, hope for a better collaboration between the ICTR and the GOR.

11. Recommendations

This assessment ends with ten recommendations that take into consideration the principle conclusions documented by observation and field survey:

1. Understanding and internalizing the judicial system's mission: Both qualities appear deficient and require an increased effort by different actors and stakeholders (GOR, MINIJUST, the Supreme Court, donors, NGOs, HRNGOs), including systematic documentation and sensitization via diverse approaches (workshops, media campaign, and MINIJUST's progressive operationalization of its mission).
2. Weak inclusion of program donors in the judicial system's activities that they support: In order to offset this weakness, a schedule of meetings between the Supreme Court, MINIJUST, donors, and NGOs must be established and followed. A plan of action to this effect should be made available and updated by MINIJUST.
3. Under-qualification of judicial personnel: Two strategies are imperative. First, personnel must receive a traditional legal education, and second, continuous legal education must take place via seminars, training courses, and study trips. Principle stakeholders in this recommendation are the National Judicial Training Center (whose autonomy needs reinforcement), university institutions, donors, and NGOs.
4. Incentives for the judiciary and improvement of its public image: Some of the measures imperative for addressing these concerns include a more competitive salary scale for qualified personnel, focused continuing legal education, positive rewards, the suppression of defamatory acts and remarks aimed at magistrates, better administrative control of magistrates, and an active campaign against corruption. Stakeholders in this process are the GOR,

the Supreme Court, the Superior Council of Magistrates (SCM), donors, and NGOs.

5. Lack of judicial independence: To assure the most judicial independence, it is necessary to reinforce judges' self-confidence while improving their professional capacity and code of conduct, assuring greater protection of judges from possible interference, and sensitizing the media to the importance of judicial independence. Those who have a stake in this recommendation are the Supreme Court, the SCM, the NCHR, the magistrates themselves, and civil society, including HRNGOs.
6. Slowness of trials and non-execution of judgments: To cure these perceived weaknesses, administrative responsibilities of judges must be diminished while the capabilities of administrative staff (court clerks and secretaries) are reinforced; courts and prosecutors must be provided with appropriate workplace logistics (vehicles, computers, …) to accelerate investigations and trials, as well as basic documentation and use of their experience effectively by archiving judicial experience while improving database communication. Also, the bailiffs need reinforcement and local authorities should be sensitized on how to execute judgments, especially when dealing with vulnerable people. Stakeholders needed to realize these solutions are the National Law Reform Commission, MINIJUST, the Supreme Court, donors, and NGOs.
7. Citizen ignorance of their rights, obligations, and freedoms: Civic and legal education efforts must take place at all levels of society and through all available channels (MINIJUST, NCHR, teaching and training institutions, HRNGOs, churches, other civic and religious societies, and the media).
8. Social marginalization of vulnerable groups: Initiatives are needed to improve treatment of certain social classes, notably revision of discriminatory laws, creation of positive protections, adoption of concrete social policies and programs relating to these groups' needs, creation of a legal fund to assist indigents, as well as a reparation fund for genocide victims. Stakeholders for this recommendation are the GOR, the Transitional National Assembly, concerned ministries, NGOs and HRNGOs, and religious communities.
9. Assistance to the Gacaca Jurisdictions and Community Service: The Gacaca Jurisdictions, as well as Community Service, play a crucial role in real-life resolution of the genocide's aftermath. They need assistance in training judges, sensitization, remunerating judges, workplace logistics, monitoring, assuring the safety of judges and witnesses, putting the Community Service management structure in place, and searching for additional funds to aid Community Service program operations. Donors, the GOR, the Supreme Court, the police, the media, and civil society are all necessary stakeholders for accomplishing this recommendation.
10. The ICTR, GOR, and Genocide Victims: Effort should be made to create a closer working relationship between the GOR and the ICTR, and to achieve better recognition of genocide victims' status and appropriate legal assistance for them.

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8. USAID/RWANDA STRENGTHENING RWANDAN CAPACITY TO ADVANCE HUMAN RESOURCES AND INSTITUTIONAL DEVELOPMENT: EXECUTIVE SUMMARY

The Year 2003 marks an important set of milestones intended to advance people-centered development in Rwanda. The political transition period is ending. Presidential and legislative elections, approval of a new constitution and decentralization efforts are underway. In this regard, the 2004 – 2008 Integrated Strategic Plan (ISP) provides an ambitious and important approach to strengthening the human resources and institutional development capacity of Rwandans to deliver a more democratic, prosperous and healthy society.

Over the past 7 years, the Government of Rwanda (GOR) has engaged Rwandan society in an extensive process of dialogue, reconciliation and planning, known as Vision 2020, to determine how to advance itself democratically and transparently. This process of validating its strategic direction and priorities is ongoing. Rwanda's Vision 2020 relies heavily on strengthened capacity and performance at three levels to include:

(1) *human resources,* particularly improved literacy and technical expertise;
(2) *collectives, cooperatives, organizations, and networks identifying and addressing development issues and opportunities*; and,
(3) *institutional frameworks* comprised of public and private sector and civil society organizations working to reform societal norms and mechanisms of justice and good governance as well as people-centered development in community, district and national settings.

The relationships and interplay between people, organizations and institutional processes are critical to reinforcing sustainable people-centered development. Effective capacity-strengthening must address the problems of recruiting and replenishing human resources, ensuring that technical expertise is available, used and sustained in public, private and civil society arenas. Basic building blocks for progress rely on strategic contributions and improved performance of indigenous people, organizations and institutional processes for development. At the end of any day, it is Rwanda, its culture, people, organizations and institutions that will ensure the achievement of Vision 2020, not the international donor partner community. USAID/Rwanda's contribution will be to strengthen Rwandan leadership, management and technical capacity to advance human resources and institutional development.

The Government of Rwanda (GOR) is paying attention to capacity-building needs and opportunities. GOR's Poverty Reduction Strategy Paper (PRSP) ranks human development and institutional capacity building as key interventions for reducing risks to poverty and poor economic growth. A GOR steering committee (SC) is currently supervising preparatory activities for development and implementation of a Multi-Sector Capacity Building Program (MSCBP). The portfolio of the Ministry of Public Services expanded from skills development, vocational training and labor to include human resources development and capacity-building initiatives. In April 2003, the MSCBP SC is scheduled to officially launch the MSCBP mission, vision and implementation framework. GOR reports noted that MSCBP is "expected to ensure greater coherence, consistency and coordination in the formulation and implementation of capacity building projects" and to "facilitate GOR's control and ownership of these projects." Until MSCBP is launched, international donor partners like USAID are encouraged to continue addressing capacity-strengthening gaps and opportunities using PRSP and MSCBP reports as guidance for designing capacity-strengthening programs.

For the 2004-2008 ISP, Human Resources and Institutional Development is a cross-cutting theme for Increased Citizen Participation in Post-Transition Governance (SO5), Increased Use of Community Health Services, including HIVAIDS (SO6), and Expanded Economic Opportunity in Rural Areas (SO7). In order to achieve SO and IR-level results, strengthened human resources and institutional (and organizational) capacity is necessary throughout the 2004-

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2008 strategy period. Each SO will focus on strengthening the "performance improvement" capacity of ***Rwandan human resources, partner organizations and partnerships***. Each SO team will build on past investments and focus on three critical levels of improvement listed below:

- expanded human resource base of technical, management and leadership skills through use of diverse methodologies (e.g., training of trainers); "performance improvement" training, technical assistance and site-based facilitation);
- improved performance of community, district and national agencies, networks and organizations by strengthening use of better management tools and systems; and,
- strengthened institutional linkages with selected government, market and civil society stakeholders whose efforts advance decentralization processes and mechanisms through guided and self-directed networking and cooperation activities.

The new focus on capacity-strengthening represents an appreciative yet realistic understanding of the USAID/Rwanda's development partner role and manageable interests. ***Strengthening Rwandan Capacity to Advance Human Resources and Institutional Development*** recognizes the vibrant and hard-working human, technical expertise and organizational resources available in contemporary Rwandan society. Yet the supply of each is limited in scope, quantity and availability. USAID/Rwanda sees capacity-strengthening as a long-term investment and dynamic process that will need to continue past 2008. High staff turnover, low salaries and limited opportunities for incentives and promotions are structural constraints that will require on-going, systematic attention. By the end of this strategy period, these problems may be partially improved on by accepting, effectively planning for and managing the replenishment requirements for human resources. While USAID/Rwanda focuses on strengthening the performance of Rwandan partner organizations and partnerships it will continuously broker a shared understanding of the preliminary and actual results expected so that well-, low- and non-performing organizations can be identified, counseled and better managed. This approach allows USAID/Rwanda to engage and assign technical and financial resources in accordance with expected results and performance. In all capacity-strengthening, USAID will improve Rwandan capacity to effectively manage decentralization and development processes that improve the reproductive health status and livelihood of vulnerable and marginalized populations.

USAID/Rwanda will transfer knowledge, information and skills to people and through organizations so that both perform better and can constitute a critical base of available technical and management expertise. USAID/Rwanda will work through public and private sector partnerships to develop/disseminate curricula and training materials and modules that formal institutions and community-based organizations can use to provide education, training and learning services. Additionally, USAID/Rwanda will complement Rwanda's PRSP by strengthening Rwandan and local partners and partnerships working on poverty alleviation and fledgling economic growth.

USAID/Rwanda is turning a corner and making a more concerted and strategic commitment to ***strengthen Rwandan Capacity to advance Human Resources and Institutional Development*** because, in a development context, it is critical for capacity-strengthening to become a sustainable partnership effort and is best sustained by relying on indigenous human and institutional resources to ultimately carry out human resources and institutional development. It is a long-term partnership that focuses results on improved Rwandan capacity and performance.

USAID/Rwanda is designing an improved and iterative capacity-strengthening program. Each sector will consistently integrate "performance improvement" and "quality" criteria into capacity-strengthening programs, activities, and performance measurements. Strengthening decentralization efforts through inter-sectoral partnerships, capacity-strengthening can assist with scale-up development dividends using "performance improvement" team training and site-based facilitation of leadership development skills. SOs, in consultation with implementing and cooperative partners, will conduct "way forward" reviews periodically to

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appreciate and address capacity-strengthening improvements needed to ensure achievement of results.

Each sector will review its experiences and performance with capacity-strengthening efforts during a partnership framework design exercise in order to better design, implement and monitor the performance of capacity-strengthening activities undertaken during the 2004-2008 strategic period. Each SO will utilize existing and new strategic partnerships with civil society, public and private sectors. USAID/Rwanda will continue to link with AFR/DP, REDSO/ESA, Presidential Initiatives (e.g., AEI) which complement its bi-lateral capacity-strengthening efforts.

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9. COUNTRY STRATEGIC PLAN SCENARIOS

The following scenarios were developed as a planning tool to help the Mission think through some of the possible alternatives that may arise in Rwanda and how it might respond to each alternative. It is important to keep in mind that there are an infinite number of combinations of alternatives that could occur and these scenarios are not intended to be exhaustive. Neither are the scenarios meant to be predictive; they were developed as possible or potential points on a continuum that depend on how varying political and economic variables play out in the future.

Scenario 1: **Steady Pace**. The program outlined in this ISP assumes that the evolution of Rwandan political, social and economic life will continue on its current path, and will be characterized by stability and internal security. This is the Mission's operating scenario. Although no path can ever be completely smooth, we assume that the magnitude of any problem that might arise will not seriously disrupt the positive direction of Rwanda's development. Under this scenario, moderate economic growth will provide increased employment opportunities for Rwandans.

- Gradual, if uneven, improvement in regional security with only limited clashes, if any.
- A growing confidence in the GOR's ability to manage the economy and to account for resources in a transparent manner;
- Gradual improvement in service delivery at the local level and a growing sense of responsibility by local citizens for the administration of their districts;
- Increasing momentum with *gacaca* trials with mechanisms to defuse tensions that may arise;
- A growing belief that economic opportunities beyond subsistence agriculture are available in rural areas;
- Land use policy is a net plus and contribute to commercialization of agriculture.

Scenario 2. **Rapid Progress**: In this scenario, the pace of positive social and political change increases and economic growth improves markedly, perhaps as a result of an improved global economy and or the result of economic reforms the GOR has put in place. Such an environment would enable Rwanda to absorb additional financial resources more effectively and put it on the path to eventually qualify for resources under the Millennium Challenge Account.

- The situation improves markedly with a stable national government in the Congo that can effectively control negative forces threatening Rwanda's security;
- Rapid economic growth provides increasing employment opportunities for Rwandans;
- Increased political confidence results in an opening of the political process and greater opportunities for debate and dissent within responsible fora;
- A relatively problem free *gacaca* process and a true sense of reconciliation in local communities.

Scenario 3: **Breakdown**: Under this scenario, the fragile nature of the region gives way to a gradual deterioration in Rwanda and or the region. Although no single event could destabilize Rwanda, a series of events such as, successful rebel incursions or violent repression of dissent, could have a very strong negative impact and plunge Rwanda back into a very chaotic situation. Many of these events are themselves triggers for other events which could create a disastrous snowballing effect. In such an event, emergency response would be our only recourse.

- Increased tensions on Rwanda's borders leading to more frequent and larger Rwanda interventions;
- Increasingly successful rebel incursions into Rwanda
- Violent repression of dissent, demonstrations and protests;
- Further economic deteriorations and increased marginalization, particularly in rural areas;

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- Reduction in donor assistance due to an increasingly poor human rights record;
- A natural or man made disaster so pervasive that it overwhelms existing coping mechanisms.;
- Return to tight centralization and a breakdown of the decentralization process.