



**UNIVERSITY of
RWANDA**

COLLEGE OF ARTS AND SOCIAL SCIENCES (CASS)

CENTER FOR CONFLICT MANAGEMENT (CCM)

MA IN PEACE STUDIES & CONFLICTS TRANSFORMATION

**THE ROLE OF COMPENSATION IN THE
RECONCILIATION PROCESS IN RWANDA: CASE OF
MUHAZI SECTOR**

**A Thesis submitted in partial fulfilment of the
Requirement for the award of a Master's Degree of
Arts in Peace Studies and Conflicts Transformation**

By

Jean Bosco RUDASINGWA

Reg N^o: 214003157

Supervisor: Professor P. RUTAYISIRE

Musanze, June 2021

AUTHORIZATION TO SUBMIT THE DISERTATION FOR EVALUATION



COLLEGE OF ARTS AND SOCIAL SIENCE (CASS)

CENTER FOR CONFLICT MANAGEMENT (CCM)

AUTHORIZATION TO SUBMIT THE DISERTATION FOR EVALUATION

I, undersigned Prof. Paul RUTAYISIRE hereby testify that under my supervision
Mr Jean **Bosco RUDASINGWA** has successfully completed writing his MA
Dissertation entitled

**THE ROLE OF COMPENSATION IN THE RECONCILIATION
PROCESS IN RWANDA: CASE OF MUHAZI SECTOR**

Therefore, he stands with my authorization to submit required copies to the
Administration of CCM for evaluation

Done at Kigali, 9 /6/ 2021

Name and Signature of the Supervisor

Prof. Paul Rutayisire

A handwritten signature in blue ink, appearing to read 'Paul Rutayisire', with a long horizontal flourish extending to the left.

EMAIL: ccm@ur.ac.rw
ur.ac.rw

P.O. Box 56 Huye

WEBSITE:

AUTHORIZATION TO SUBMIT THE CORRECTED DISSERTATION



COLLEGE OF ARTS AND SOCIAL SCIENCES

CENTER FOR CONFLICT MANAGEMENT (CCM)

AUTHORISATION TO SUBMIT THE CORRECTED DISSERTATION

I, undersigned, DR ISMAEL BUCHANAN, member of the panel of examiners of the dissertation done by JEAN BOSCO RUDASINGWA entitled: **THE ROLE OF COMPENSATION IN THE RECONCILIATION PROCESS IN RWANDA: CASE OF MUKAZI SECTOR.**

Hereby testify that, he successfully entered the suggested corrections by the panel of examiners and stands with authorization to submit required copies to the administration of CCM for administrative purpose.

Done at.....

Date.....

Signature of the examiner:

A handwritten signature in blue ink, appearing to read 'Ismael Buchanan', written over a horizontal line.

For Administration of the CCM MA Program: Name, Signature

DECLARATION

I, Jean Bosco RUDASINGWA, do hereby declare that this work entitled “The Role of Compensation in the Reconciliation Process in Rwanda: case of Muhazi Sector” is my original work and to the best of my knowledge, it contains neither materials previously published or written by any other person nor material which to a substantial extent has been accepted for the award of any other degree or diploma at University of Rwanda or any other institution of higher learning.

Signature:

Names: Jean Bosco RUDASINGWA

Date:

DEDICATION

To my Almighty Lord, for your mercy, grace and love

To my son

To my friends

I dedicate this study.

CERTIFICATION

I, Prof. Paul RUTAYISIRE the undersigned certify that I have read and hereby recommend for acceptance by the University of Rwanda, College of Arts and Social Sciences, Centre for Conflict Management, the dissertation entitled: “The role of compensation in the reconciliation process in Rwanda: case of Muhazi Sector” in partial fulfilment of the requirements for Award of Master`s Degree in Peace studies and conflict transformation.

Signed.....

Supervisor: Professor Paul RUTAYISIRE

ACKNOWLEDGEMENTS

This study is a result of combined efforts. My first appreciation goes to God almighty for his unconditional love and divine and comfort throughout the program.

I do express my sincere gratitude to the Government of Rwanda through Rwanda National Police to have organized the Police Senior Command and Staff Course and to the Inspector General and the entire leadership of Rwanda National Police, for having selected me to attend this interesting and valuable international strategic command and staff course.

I would also like to express my thanks to Prof. Paul RUTAYISIRE who dedicated his time for the supervision of this work. The guidance, encouragement and advice provided were of valuable contribution to the success of this thesis.

Moreover, my sincere thanks go to all administrative and academic staff members of both Centre for Conflict Management of the University of Rwanda and National Police College for their contribution to the success of this Master's Program. I also wish to thank my fellow classmates who supported me in sharing experiences during my time of the course. Your efforts greatly improved my both academic skills and professional experience.

Finally, I extend my thanks to all those who kindly agreed to spare their valuable time to respond to my questions during interview in the data collection.

TABLE OF CONTENTS

AUTHORIZATION TO SUBMIT THE DISERTATION FOR EVALUATION.....	i
AUTHORIZATION TO SUBMIT THE CORRECTED DISERTATION	ii
DECLARATION	iii
DEDICATION.....	iv
CERTIFICATION	v
ACKNOWLEDGEMENTS.....	vi
TABLE OF CONTENTS.....	vii
LIST OF FIGURES	x
ABBREVIATIONS AND ACRONYMS	xi
ABSTRACT.....	xi
CHAPTER ONE: INTRODUCTION.....	1
1.1. BACKGROUND OF THE STUDY	1
1.2. PROBLEM STATEMENT	4
1.3. RESEARCH QUESTIONS.....	5
1.4. RESEARCH OBJECTIVES	6
1.4.1. Main Objective.....	6
1.4.2. Specific Objectives	6
1.5. SIGNIFICANCE OF RESEARCH.....	6
1.6. SCOPE OF THE STUDY	6
1.7. STRUCTURE	7
1.8. SUMMARY OF THE CHAPTER.....	7
CHAPTER TWO: CONCEPTUAL, THEORETICAL FRAMEWORK AND LITERATURE REVIEW	8
2.1. INTRODUCTION	8
2.2. KEY CONCEPTS CLARIFICATION	8
2.3. THEORETICAL FRAMEWORK	8
2.3.1 Theory of Reconciliation	8
2.3.2 Theory of reparations.....	9
2.4. LITERATURE REVIEW	9
2.4.1. Compensation	9
2.4.2. Reconciliation	11
2.4.3 The role of compensation in forgiveness	12
2.4. 4 The role of compensation in trust among citizens	12
2.4.5 The role of compensation in tolerance and interaction among citizens	13

2.5. CONCEPTUAL FRAMEWORK	14
2.6. SUMMARY OF THE CHAPTER.....	15
CHAPTER THREE RESEARCH METHODOLOGY.....	16
3.1 Introduction.....	16
3.2 Study area.....	16
3.3 Research Design.....	16
3.4 Study Population.....	17
3.5 Sample Size.....	17
3.6 Sampling Techniques.....	17
3.7 Data collection Instruments	18
3.7.1 Interviews.....	18
3.7.2 Documentary	18
3.8 Data Analysis	18
3.9 Ethical consideration.....	19
3.10 Summary	19
CHAPTER FOUR: DATA ANALYSIS AND INTERPRETATION OF FINDINGS.....	20
4.1 Introduction.....	20
4.2 Characteristics of respondents	20
4.3 Data Presentation, Interpretation and Analysis.....	20
4.3.1 The role of compensation in forgiveness in Muhazi sector	21
4.3.2 The role of compensation in trust among citizens in Muhazi Sector	22
4.3.3 The role of compensation in tolerance and interactions among citizens.....	24
4.4 Challenges encountered in compensation payment and the strategies to overcome those challenges.....	27
4.4.1 Lack of financial capacity	28
4.4.2 Convicted persons who are unwilling to pay compensation	28
4.4.4 Transfer of the properties from the convicts.....	29
4.5 Strategies to overcome the challenges	29
4.6 Summary of the chapter	30
CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS.....	31
5.1 Introduction.....	31
5.2 Summary of study	31
5.3 Summary of major findings	31
5.4 Conclusion	32
5.5. Recommendations.....	33

5.6. Suggestion for further research	33
APPENDICES	37

LIST OF FIGURES

Figure 1: Conceptual framework	15
--------------------------------------	----

ABBREVIATIONS AND ACRONYMS

CCM: Centre for Conflict Management

FARG: Fond d'Assistance au Rescapés du Genocide

MINIJUST: Ministry of Justice

NURC: National Unity and reconciliation Commission

OHCHR: Office of the United Nations High Commissioner for Human Rights

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNHCHR: United Nations High Commissioner for Refugees

UR: University of Rwanda

ABSTRACT

The study aimed at exploring the role of compensation in the reconciliation process in Rwanda. It was conducted in Muhazi Sector of Rwamagana District, Eastern Province. The main objective of this research was to explore the role of compensation in the reconciliation process in Muhazi sector. The specific objectives of the study were to assess the role of compensation in forgiveness in Muhazi Sector, to explore the role of compensation in trust among citizens in Muhazi Sector, and to determine the role of compensation in tolerance and interaction among citizens in Muhazi sector. The study used reconciliation theory and reparation theory. The methodology used was qualitative approach with purposive sampling and snow ball techniques where the selected respondents were 25 from survivors, convicted persons and local leaders. The data collection method used included documentary and interview. The data were analysed and interpreted using thematic and narrative analysis methods. The study found that compensation payment plays a crucial role in forgives from the victims and helps the former enemies building close and long-lasting relationships towards reconciliation. The study also found that compensation payment builds trust and confidence from both victims and convicted persons. The study also found that the compensation willingly payed creates tolerance and ensures regular interactions between families what were formerly enemies. Further, the study found that when compensation is not well paid, or not paid at all, it become a hindrance to the reconciliation process. Finally, the study recommended the Government to create the compensation structure from cell level to sector level and give responsibilities to organs responsible and training them on the execution of Gacaca decisions on compensation payment. The study recommended NURC in partnership with its stakeholders (FARG and Religious Organizations) to sensitize the general public on the benefits of willing payment of compensation and its role to reconciliation.

Key words: Compensation, Reconciliation process, Trust, Forgiveness

CHAPTER ONE: INTRODUCTION

This chapter gives the background of the study and introduces the problem statement. It presents the objectives and research questions and highlights the significance as well as the rationale of the study among others.

1.1. BACKGROUND OF THE STUDY

Compensations is as old as conflict itself, and it is a phenomenon intended for the victims or for the legitimate inheritors of individuals who were victimised because of their origin or adherence (Hazan, 2006). In international, national norms, political as well as historical literature, different terms like reparation, satisfaction, restitution, compensation, rehabilitation, remedy and redress are utilised to express similar concepts whereas compensation and reparation are often used interchangeably (Echeverria, 2003).

In post-conflict societies, there is always necessity to repair the relationship disrupted by injustice in an effort to achieve reconciliation (May, 2011) where countries that experienced such violent conflicts most of the time decided to undertake conflict resolutions, peacebuilding and reconciliation processes (Daly and Sarkin, 2007). Compensations may be the most concrete and evident expression of both acknowledgement and change, and in that sense an important factor contributing to reconciliation and social restoration (Arriaza, 2004).

Different countries established schemes to pay compensations to victims and survivors of massive human rights abuses. The Germany state paid both individual and collective reparations to Jewish organizations and to the Israel Government as reparations for the Holocaust to compensate for the property, lives, suffering and for the damage to the very fabric of the Jewish people's existence. In Brazil, the 1996 law ordered to give compensation to the relatives of 136 persons who died at the hands of the military and also set up a commission to solve ongoing claims. In Chile, the Corporation for Reparation and Reconciliation was created to arrange for compensation and rehabilitation to the victims' relatives of three thousand people killed and over a thousand disappeared in 1973 coup by the security forces (Posner and Vermeule, 2003; Hazan, 2006; UNHCHR, 2008).

In the African system of dispute resolution, compensating the victims was also of primary importance aiming at reconciling the disputing parties and restore harmonious relationship within the community (Daly and Sarkin, 2007). In that context, some African countries have recommended reparation programmes, through their Truth and Reconciliation Committees, the process of requesting for justice, promoting reconciliation or assisting healing in order to overcoming an unjust past. In South Africa, the Reparation and Rehabilitation Committee of the Truth and Reconciliation Commission deliberated and decided that reparations were an acknowledgment of the facts of abuses therefore anyone who was the victim should receive the Individual Reparation Grants which would be given to an estimate of 22 000 eligible victims (Buford and Hugo, 2004).

Rwanda is among the African Countries that experienced the most horrible Genocide in the twentieth century that killed 1,074,017 people and where ordinary citizens was participated massively including males and females, judges, human rights activists, doctors, nurses, priests, spouses of the victims, militia, the armed forces as well as government officials (Mamdani, 2002; Brehm, Uggem and Gasanabo, 2014). The genocide against Tutsi damaged and destroyed social cohesion and harmony that Rwandans had developed and depended on for periods (Gahongayire, 2015).

In order to deal with the challenges of reconciling Rwandan society after such atrocities, the government established Gacaca Courts which had the objectives to speeding up prosecution of Genocide trials; to fight against the culture of impunity and to contribute to the national reconciliation among others (Mukantaganzwa, 2012).

The government certainly recognized the need to compensate property damages suffered by the victims, in a sense that the law establishing Gacaca Courts also considered that need of reparation which comprised among others restitution of rooted properties and financial compensation of damaged properties (Rubasha and Bizumuremyi, 2012)

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2008), Compensation was defined as the “*material reparations provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of*

international human rights law and serious violations of international humanitarian law such as lost opportunities, loss of earnings and moral damage.”

Compensation (reparation) is also described as the state’s acknowledgement of unlawful activities, aimed at restoring survivors’ dignity and increase public awareness about its moral responsibility to participate in healing the wounds of the past (Bloomfield et al. 2003).

Echeverria (2003) alluded that compensation corresponds to the monetarily measureable damage suffered by the injured party which may be the State or an individuals and it is not concerned with the penalty of the responsible State, nor does compensation have a communicative or exemplary character.

For this research, compensation is understood as material and/or monetary indemnification for damaged or rooted property, suffered by individual survivors of the 1994 Genocide against Tutsi, provided by perpetrators (or their heirs) convicted for offences against property by Gacaca Courts as an acknowledgement and apology of wrongdoing that are aimed at repairing relationships that have been destroyed by the Genocide.

Countrywide, Gacaca courts, by the time it formally closed its activities on 31st January 2012, at least 1,320,201 cases of those who committed offenses against property have been tried and among them 1, 270,336 (96%) were found guilty and convicted to reparation for damages to property. Considering that record of enormous success and with the establishment of Gacaca courts, the government of Rwanda recognised the need to repair the property damages suffered by the victims through compensation, and helped Rwandans to restore unity, trust and reconciliation among themselves.

As a means to reach a settlement, compensation can contribute to create a feeling of justice through repairing the emotional and physical losses and violations the victims have been experiencing. But while compensation promotes reconciliation, it can also hinder the process when perpetrators do not pay (Taraku and Karlsen, 2002).

In the aftermath of any violent conflict or the end of a repressive regime, reconciliation is a process that consists of the search for the truth, justice, forgiveness, healing and which means finding a way to live together with former enemies, to develop the level

of cooperation required to share our society with them, so that we all have better lives together than we have had separately (Bloomfield et al. 2003)

In Rwanda's conceptualization of reconciliation, the National Policy on Unity and Reconciliation defines reconciliation as: *“Conduct and practices of Rwandans that reflect the identity of the shared citizenship, culture, and equal rights manifested through interpersonal trust, tolerance, respect, equality, truth, and healing the wounds with the objective of laying a foundation for sustainable development”* (NURC, 2015).

In view of that, the National Unity and Reconciliation Commission(NURC) also understands reconciliation as *“A consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterized by trust, tolerance, mutual respect, equality, complementary roles/interdependence, and healing one another's wounds inflicted by our history, with the objectives of laying a foundation for sustainable development”* (NURC, 2015)

Muhazi Sector is one of the 14 Sectors of Rwamagana District in Eastern Province. It is divided into nine (9) Cells consisting of 7614 households and is home to 29,414 inhabitants including survivors of the 1994 Genocide against Tutsi and convicted persons for the crime against property as the area also experienced that abhorrent tragedy like any other part of Rwanda in 1994.

Therefore, this study aims at exploring the extent to which compensation contributes to reconciliation process from genocide survivors and convicts' perspective in post-genocide Rwanda.

1.2. PROBLEM STATEMENT

Compensation is expected to contribute to reconciliation in that it is seen as the most tangible manifestation of state and/or individual's commitment to repair the harms that the victims have suffered, in comparison to truth-telling and punishment of perpetrators. Furthermore, justice and the compensations payment are a prerequisite to reconciliation which tells that reconciliation is impossible in the absence of compensation (Shyaka Mugabe cited in Gatwa and Mbonyinkebe, 2019). Therefore, reconciliation would be achieved if the compensation was well implemented.

Without the acknowledgement of responsibility by the perpetrators, compensations payment and forgiveness by victims, there cannot be social cohesion. Certainly, while

reconciliation is understood as a process, the payment of compensation decided by Gacaca courts is a prerequisite for this process. Without this payment, the process is inadequate. Consequently, the implementation of the decisions taken by the Gacaca courts are a first step towards reconciliation, without which reconciliation is impossible (Tobie and Masabo, 2012)

According to MINIJUST (2019), the situation tells that there were still 54,382 pending cases countrywide including 9,053 cases that were ready to be implemented representing 16.64%. In Muhazi Sector, which is the study area of this research, the total cases of convicted persons for offenses against properties by Gacaca Courts were 798 from which only 402 cases were compensated representing 50% and the remaining cases are still pending for compensation payment (Muhazi Sector Report, 2021).

The failure to provide at least one of these requirements gives rise to anger, and this resentment is considered to undermine the process of reconciliation and "*Reparation delayed will mean healing retarded, and perhaps a deepening perception of justice denied*" (Buford and Hugo, 2004). This entails that there are gaps in compensation payment by convicted criminals despite the Rwandan Government effort through its National Reconciliation Commission and local institutions to sensitizing them.

Furthermore, the manner in which the compensation contributes to the reconciliation process is not comprehensively revealed in the current literature in Rwanda. This study therefore, examines the role of compensation in reconciliation process especially by exploring how the convicts and victims of the 1994 Genocide against the Tutsi perceive the role of compensation in reconciliation process. The expected outcomes are assumed to inform policy on how to improve the reconciliation process in Rwanda through compensation.

1.3. RESEARCH QUESTIONS

- a. What is the role of compensation in forgiveness in Muhazi Sector?
- b. What is the role of compensation in trust among citizens in Muhazi Sector?
- c. What is the role of compensation in tolerance and interaction among citizens in Muhazi Sector?

1.4. RESEARCH OBJECTIVES

1.4.1. Main Objective

The main objective of this research is to explore the role of compensation in reconciliation process in Muhazi Sector.

1.4.2. Specific Objectives

- a. To assess the role of compensation in forgiveness in Muhazi Sector.
- b. To explore the role of compensation in trust among citizens in Muhazi Sector.
- c. To determine the role of compensation in tolerance and interaction among citizens in Muhazi Sector.

1.5. SIGNIFICANCE OF RESEARCH

The research explored the perception of victims and perpetrators of offenses against properties during the 1994 Genocide against Tutsi on compensation and how the latter contribute to the reconciliation process in Rwanda. The study interlinks the concept of reconciliation and the role of compensation payment and how it contributes towards reconciliation. The study also enriches and fills the gaps in the literature that exist by enlightening how forgiveness, trust, tolerance and interaction contribute to the restoring of relationships between survivors and convicted persons towards reconciliation.

The research also contributes to the already existing knowledge about reconciliation process in Rwanda by providing the context based experience and analysing how the compensation payment plays a significant role in the reconciliation process. The study can also be the reference for further studies on the matter.

1.6. SCOPE OF THE STUDY

This study limits itself to the role of compensation in the reconciliation process. The geographical scope of the study is Muhazi Sector of Rwamagana District in Eastern Province. Muhazi Sector was selected because of two reasons: first, this is the sector which is having low rate of compensated cases of damaged/looted properties whereby only 50% of decided cases have been compensated and 50% of the remaining cases are pending. Secondly, it is my residence which helped in the collection of data.

1.7. STRUCTURE

The study is organized in five chapters arranged in the manner which helps the reader to understand easily the findings. The chapter one covers the introductory part composed of the Background of the study, Statement of the problem, Research questions, Research objectives, Delimitation of the study, the Significance of the study and the Structure of the study.

The second chapter is about the literature review presenting key concepts related to the topic of the research, the theoretical framework that will guide this research as well as explaining the researcher's stand in relation to those concepts. All explanations in this chapter will be extracted from various sources being writers' books, journals, magazines and internet.

Chapter three covers the research methodology used throughout the research. It discusses the research design and approaches, data collection methods, data analysis methods, quality assurance, challenges and mitigation challenges, and finally with ethical considerations. Chapter four presents the findings, analysis and interpretation of the findings. It is in this chapter that the research questions will be answered and see if the objectives set were achieved.

Chapter five covers the summary of the study; recommendations based on study findings and also suggest the areas of further research.

1.8. SUMMARY OF THE CHAPTER

This chapter covered the study background, problem statement, research questions, general objective, specific objectives, significance, scope, delimitation and the structure of the study.

CHAPTER TWO: CONCEPTUAL, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1. INTRODUCTION

This chapter examines literature that different authors have expressed on the two variables: compensation and reconciliation. It also describes the framework the researcher will adopt to study the contribution of compensation to reconciliation in a post Genocide Society from genocide survivors, and perpetrators perception.

2.2. KEY CONCEPTS CLARIFICATION

This study involves two variables. Compensation as an independent variable and reconciliation as dependant variable.

2.3. THEORETICAL FRAMEWORK

The section discusses the relevant theory that explains the relationship between the independent variable and dependent variable in this research. It explains the theory that have been chosen by the researcher.

2.3.1 Theory of Reconciliation

Theorists of reconciliation generally recognize that reconciliation is a variable concept, that allows for minimal and maximal versions of improved relationships (Griswold 2007). According to Griswold, the processes of reconciliation are designed to contribute to the improvement of relationships broken as a result of wrongdoing.

In relation to the Theory of Reconciliation as defined in the previous paragraph by Griswold 2007, the reconciliation in Rwanda is concerning the genocide offenders and the genocide survivors after the recognition of wrongdoing and ask for forgiveness on the side of those perpetrators.

This research about compensation and its role to reconciliation process, the theory of reconciliation explains that phenomenon of the compensation being prerequisite for the reconciliation process to be successful. It means that Reconciliation can only be achievable when the perpetrators accepts their wrongdoing, ask forgiveness to genocide survivors in order to rebuild the relationship that was damaged and live in harmony.

2.3.2 Theory of reparations

A theory of reparations by Mari Matsuda (1980) clarifies why the government should oblige one group of people to pay another group of people even although the latter group, the victims or their descendants or families, do not have a previous legal right beside the first group. The compensations claim thus involve three relations:

- a. The relationship between the original offender and the original victim;
- b. The relationship between the original wrongdoer and the possible payer of reparations; and
- c. The relationship between the original victim and the possible claimant or beneficiary of reparations. The plaintiff must show that each relationship is of the appropriate type

Many reparations structures are based on a claim that one group of people unlawfully harmed another group of people and therefore is obliged to pay compensation to the extent of the harm. This theory of reparations is related to this research about the role of compensation in reconciliation process, since it advocates for acknowledgment from one group of perpetrators and provides the ways of compensation due to damage suffered by the victims' family. In the context of Rwanda, the theory of reparations serves as basis of explanations on how compensation is to be paid by convicted individuals for the crime against property and property destruction to the victims for the lost/damaged properties. In this perspective the theory also supports how compensation is a prerequisite for successful reconciliation.

2.4. LITERATURE REVIEW

2.4.1. Compensation

War, ethnic cleansing and genocide affect almost everyone. "*Entire societies are victimized, civil institutions are destroyed, and the social fabric severely destroyed*" (Lederach, 1997). Addressing past injustice is an important part of the process of healing and reconciliation; so as to proceed to a peaceful future, in which governments needs to acknowledge and respond to the crimes and injuries of the past, specifically human rights violations. And one way of doing it is through compensation programs and reparations for the victims of injustice (Maiese, 2003)

Daly and Sarkin (as cited in Malvin 2010) stated that even though arrangements of dispute resolution have existed in Africa for past periods, reconciliation is quite new term used to refer to the compensation of victims and restoration of relationships after conflict.

According to Maiese (2003), the state sponsored human rights abuses include genocide, slavery, torture, illegal detention, rape, and regular discrimination that cause serious damage to the physical and moral integrity of persons and to the actual life of groups, communities, and peoples. As these harms are permanent, international and national courts have ordered states to pay victims compensation for both material and psychological injury sustained as a direct consequence of their actions or policies which serves both to acknowledge the violation and to sanction the concerned state. The victims should be eligible to fair and proper compensation for the injuries they have suffered (Juncker 2019).

In addition, Juncker (2019) defined compensation as specific form of reparation provided to victims when replacement or recovery is not possible. The financial compensation can refer to financial or non-monetary losses, but money will be used not to replace but form a monetary substitute for the pre-victimisation status.

Compensation serves for numerous important purposes as provided in Maiese (2003):

- a. It assists victims to manage the material aspect of their loss where individual financial grants help to bring immediate economic aid to the victims and allow them to accomplish basic survival needs;
- b. Monetary compensation may also discourage the state/individual from future abuses by imposing a financial cost on such faults;
- c. Compensation programs serve to openly acknowledge wrongdoing, restore survivors' dignity, and educate the public to be awareness about the harms victims have suffered;
- d. Certainly, compensation programs are a fundamental part of restorative justice and serve as an essential point in the healing process, and can help victims move beyond the desire for revenge and make it possible to repair relationships that have been damaged by actions of injustice;

- e. Compensation programs help to promote and defend human rights, as they intend to publicly recognize the harms victims have suffered, correct these abuses, and prevent the reoccurrence of such acts.

2.4.2. Reconciliation

Reconciliation has become a need to do practice in post-violence societies. Generally, after a country has gone through a conflict there is a need to start a new journey in peaceful coexistence of former disputants. Although reconciliation has been discussed much in literature, there has been no consensus on defining reconciliation. This is probably “due to the fact that reconciliation is both a goal – something to accomplish, – and a process – a means to attain that goal” (Bloomfield 2003).

Moreover, the complexity to define reconciliation emanates from the fact that it happens in different settings, for example, “between husband and wife, offender and victim, between friends who have disagreed as well as between nations or communities that have fought” (Bloomfield, 2003). This shows that context is very important in defining reconciliation.

There has been a discourse to define reconciliation and it has created different understanding among different schools of thought. For example, some authors defined reconciliation “as an outcome, or as a process, while others consider the concept to be both a goal and a process” (Kostić, 2007). Others reflect reconciliation as “both a focus and a place” (Lederach 1999), while Borer (as cited in Sentama (2009) stresses that “reconciliation happens at many dimensions which are spiritual, personal, relational and social, structural and ecological”.

Other authors have defined reconciliation in a different way. For Karen (2003), reconciliation is defined as “a societal process which requires mutual acknowledgment of past suffering and the changing of negative attitudes and behaviour into constructive relationships in order to achieve sustainable peace”.

On the other hand, Bloomfield (2003) defines Reconciliation as:

“An over-arching process, which comprises the search for truth, justice, forgiveness, healing and so on. At its simplest, it means finding a way to live together with former enemies - not necessarily to love them, or forgive them, or forget the past in any way,

but to coexist with them, to improve the degree of cooperation necessary to share our society with them, so that we all have better lives together than we have had separately”

According to Lederach (1999) reconciliation process deals with three main contradictions: “First, reconciliation promotes a meeting between the open manifestation of the painful past, on the one hand, and the search for the articulation of a long term, inter-reliant future, on the other hand. Second, reconciliation offers a place for truth and mercy to meet, where concerns for exposing what has occurred and for permitting go in favour of changed relationship are confirmed and embraced. Third, reconciliation identifies the need to give time and place to both justice and peace, where remedying the wrong is held together with the foreseeing of a shared and connected future.

2.4.3 The role of compensation in forgiveness

According to Roberts (1995), Forgiveness is generally viewed as the overcoming of feelings of revenge, moral hatred, indignation or some other feelings that are related to anger and it involves an identity transforming process within the victim towards the wrongdoer. From the intersubjective view, forgiveness is conditional to the attitude of the wrongdoer in the sense that there must be prior acknowledgment, repentance and accountability as qualifying conditions so that the victim can be able to overcome his/her negative feelings towards the wrongdoer and the committed offense which contribute to the restoration of relationships (Scarre, 2016).

As Radzik (2009) put out, in order to correct the damage done, the perpetrator has to eliminate the victim’s anger which can require not only apologising but also repairing the damage done and/or compensating the victim which is considered as a necessary step towards reconciliation.

2.4. 4 The role of compensation in trust among citizens

According to Bloomfield, Barnes and Huyse (2003), building trust and understanding between former enemies is extremely a difficult challenge, but which is an important one to address in the process of building a lasting peace. As identified by those authors, there are three stages of building trust in the process of reconciliation: Replacing Fear by Non-Violent Coexistence; Building Confidence and Trust between former enemies and Towards Empathy.

Stage one: Replacing Fear by Non-Violent Coexistence. During this stage, when the conflict ends, the first step away from hatred, hostility and bitterness is the accomplishment of non-violent coexistence between the antagonist people and groups. It also encompasses the building or renewal of communication inside the societies of victims and offenders and between them.

Stage two: When Fear No Longer Rules: Building Confidence and Trust. In due developments, coexistence changes towards a relation of trust. This second stage in the process needs that each party, both the victim and the offender, increases renewed confidence in himself or herself and in each other. It also involves believing that humankind is present in every man and woman: an acknowledgement of the humanity of others is the foundation of mutual trust and unlocks the door for the gradual arrival of a viable culture of non-violence.

The stage three: which is Towards the Empathy, originates with the victims' willingness to pay attention to the reasons for the hate of those who initiated their pain and with the offenders' understanding of the anger and resentment of those who suffered.

Nevertheless, it is essential to notify that Empathy does not essentially lead to a fully harmonious society or to national harmony. Conflicts and disagreement are part and parcel of all human communities. Furthermore, important still is the recognition that victims and offenders share a common identity, as survivors and as human beings, and simply have to get on with each other.

2.4.5 The role of compensation in tolerance and interaction among citizens

The tolerance is defined as formulation of civilised of all the members in social relations with their different opinions, convictions, beliefs, point of view and other characteristics. The tolerance is used in a number of senses and as philosophy. This notion of tolerance began to foster the harmonious, stable, reliable, and lasting existence of social life in all diversity. Tolerance means that all individuals as well as the groups have equal rights. Furthermore, every individual and group recognize and accept the right of the other parties to have different opinions, thoughts, will, and behaviour. The definition Cleary indicates that mutual understanding and cooperation between groups with different ethnicities, religious and economic status is essential not only to the communal and world peace but also to the very survival of societies (Agius & Ambrosewicz 2003).

According to United Nations Educational, Scientific and Cultural Organization (UNESCO)'s Declaration (1995) tolerance is defined as “the respect, acceptance, and appreciation of rich diversity of our world's cultures, our forms of expression and ways of being human”. However, tolerance is not simply a matter of recognizing and respecting the beliefs and practices of others but recognizing and respecting themselves, as an individual and as a member of the social or ethnic group or class to which they belong.

In Rwanda, after Genocide against Tutsi people were provided a safe space to heal their wounds and given opportunities to build trusting relationships with people of different backgrounds, then they would increase their tolerance and interactions of people of different backgrounds and experiences than their own (Hyslop, Nsengiyumva and Davis, 2019). However as discussed above the tolerance and interactions are not achievable when the compensation is not done for the victims to forgive the wrongdoers who acknowledged their acts,

2.5. CONCEPTUAL FRAMEWORK

According to Miles and Huberman (1994), conceptual framework is described as visual or a written product which explains graphically or in narrative form the phenomenon being studied, concepts, variables and their relationships. In simple words, a concept framework is the network of concepts interlinked together providing an articulation and a comprehensive understanding of a phenomenon. The figure hereunder is the conceptual framework of this study with both independent variable and dependent variable

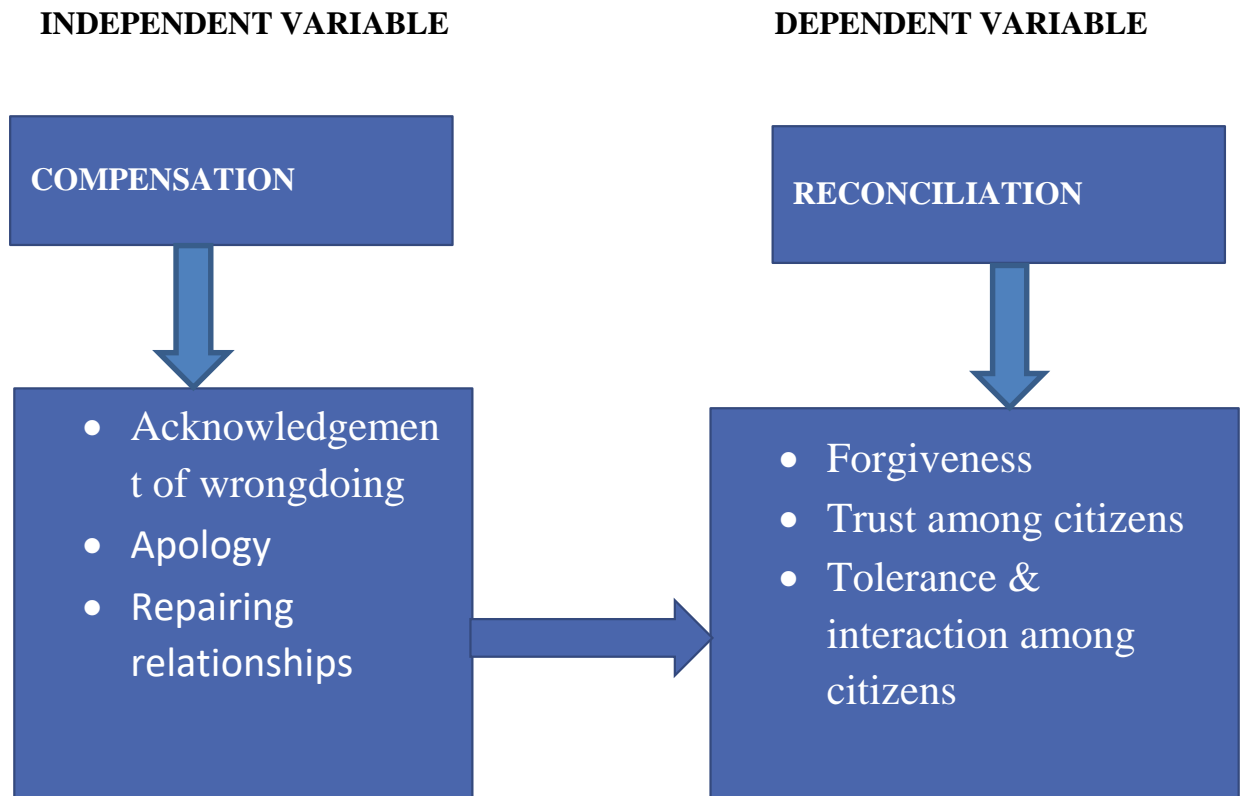


Figure 1: Conceptual framework

Source: Author's conceptual framework 2021

2.6. SUMMARY OF THE CHAPTER

This chapter introduced the key concepts of this study namely: compensation and reconciliation and reviewed their literature. The chapter also discussed the theories used in the study which are reconciliation theory and reparation theory and finally presented the conceptual framework of the study.

CHAPTER THREE RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the research methods and methodology used. It provides the research design and approach, the study population, sample size, sampling techniques. It also provides data collection instruments for both primary and secondary data, the limitations and ethical considerations.

3.2 Study area

The study was carried out in Muhazi Sector, Rwamagana District. Muhazi Sector is one of the 14 Sectors and is divided into nine (9) Cells consisting of 7614 households and is home to 29,414 inhabitants including survivors of the 1994 Genocide against Tutsi and convicted persons for the crime against property as the area also experienced that abhorrent tragedy like any other part of Rwanda in 1994. The choice of Muhazi sector as area of study was based on the current statistics of the implementation of *gacaca* decisions about compensation of damaged properties in Muhazi Sector which demonstrates that the total cases of convicted persons for offenses against properties by *Gacaca* Courts were 798 from which only 402 cases were compensated representing 50% and the remaining cases are still pending for compensation payment. Therefore, the compensation payment in Muhazi sector is still at low percentage.

3.3 Research Design

This study is designed to explore the role of compensation in reconciliation process. Since it aims at exploring the research questions from genocide convicts and survivor's perspectives who live in the same sector, this study will be qualitative as the research design is concerned. This is relevant because as (Bryman, 2012) highlighted, a case study entails the detailed and intensive analysis of a single case. In this context a case may be institution, area, a program, or a community (Nicholas 2011; Bryman, 2012). The qualitative approach of this study design derives from the fact that it seeks to examine non numerical data by analysing attitudes and feelings of people on the concepts compensation and reconciliation.

3.4 Study Population

My target population is the people living in Muhazi Sector, Rwamagana District, whereby both Genocide perpetrators, genocide survivors and some local leaders are the targeted population. The total population is 54 including the categories cited above: Genocide perpetrators, Genocide survivors and local leaders.

3.5 Sample Size

Sample size is about the number of participants required to provide relevant data, to answer research questions and provide generalizable conclusions about a phenomenon. Generally, for qualitative approach of research, “sample size should not be so small as to make it difficult to achieve data saturation or information redundancy. At the same time, the sample should not be so large that it is difficult to undertake a deep case-oriented analysis” (Onwuegbuzie and Collins, 2007, p.289). In qualitative research, Strauss (1967) suggested approximately 30 – 50 participants. For grounded theory, Morse (1994) suggested 30 and 50 interviews, while Creswell (1998) suggested between 20 and 30, and phenomenological studies, Creswell (2007) recommended between 5 and 25 participants. Basing on Creswell (2007), the sample size in this research is 25 respondents including: 10 convicted persons, 10 Genocides survivors and 5 local leaders. The researcher selected the respondents based on their knowledge and willingness to provide information to the study. The researcher come up with the respondents 25 after realizing that they are the key informants and their information and knowledge is vital to the study.

3.6 Sampling Techniques

This study intended to collect qualitative data on compensation and reconciliation. Because this study aims at understanding, the extent to which compensation contributes to reconciliation, purposive sampling technique was used to identify key informants. Purposive sampling is a non-probability form of sampling and its goal is to sample cases/participants in a strategic way so that those sampled are relevant to the research question that are being posed” (Bryman, 2008). The researcher needed to talk with knowledgeable people who have reliable information relevant to the study about compensation and reconciliation, and choose those categories, while in choosing the respondents among survivors and perpetrators, there was employment of snow ball technique whereby one person could point another one he/she knows.

3.7 Data collection Instruments

Data, from the above cited categories of people, will be collected through interviews and documentary, and will be analysed using Thematic Analysis Methods. Thematic analysis method is the method used in qualitative research which is widely used across a range of epistemologies and research questions. It is a method for identifying, organizing, describing and reporting themes found within a data set (Braun and Clarke 2006).

3.7.1 Interviews

The interview is the most widely employed method in qualitative research (Bryman, 2012). Since my study aims at understanding the extent to which compensation contributes to reconciliation, interview is preferred to collect necessary data to answer my research questions. In addition, interview is relevant for data collection from low skilled respondents and my respondents were ordinary people selected from Muhazi Sector.

3.7.2 Documentary

As secondary data, documentary method is relevant to my research design. First, it will help my problem statement, background to the study, and literature review and therefore will help me to formulate the rationale of the study. It will also guide me in discussing the findings of the study particularly theories relating to compensation and reconciliation. This was done through reading relevant published journals, books, reports, speeches and theses to get available data.

3.8 Data Analysis

This study analysed qualitative data collected through interview. Qualitative data analysis can be described as “*the process of making sense from research participants views and opinions of situations, corresponding patterns, themes, categories and regular similarities*” (Cohen, Lawrence and Morrison, 2007, p.461).

The researcher has used *narrative analysis* and *thematic analysis*.

“*Both Narrative and thematic analysis are used to analyze and interpret data collected by using interview, and it is used by analyzing what happened and how people make sense of what happened*” (Bryman, 2012, p.586).

The researcher investigated how the Genocide survivors and convicts understand the role of compensation in reconciliation process and therefore analysed it using thematic and narrative interpretation.

3.9 Ethical consideration

This study was guided by the principles of social sciences research which include no harm, confidentiality, informed consent and no deception (Nicholas, 2011). I obtained the approval to conduct this study from the University of Rwanda and the National Police College. In addition, permission to access the target population was given by the local governance. Participants were selected to answer voluntarily questions and had to give a verbal informed consent after getting complete explanations of the study. The questions that were asked in interviews considered the principle of no harm. All data collected kept the privacy and confidentiality concerning study participants.

3.10 Summary

This chapter emphasized on the research methodology by focusing research design, study area, population, sample size, sampling technique, and data collection methods. The chapter also introduced data analysis and ethical considerations.

CHAPTER FOUR: DATA ANALYSIS AND INTERPRETATION OF FINDINGS

4.1 Introduction

This chapter presents findings from a field study on the role of compensation in the reconciliation process in Rwanda from Genocide survivors, perpetrators and local authorities' perspective. This study is qualitative design and used interview guide to collect data from voluntary respondents. It presents and interprets data collected from interview conducted in Muhazi Sector using thematic and narrative analysis.

4.2 Characteristics of respondents

The study respondents were 25 from which eighteen were men (72%) and seven female equal to 28%. Among them, ten were genocide convicts, which is 40%, Genocide survivors were also 10 making 40 % and 5 Local leaders (20%) that make the total number of the respondents. The participants were aged above 27 to mean that they were adult enough to have knowledge on genocide against the Tutsi, 40% of respondents were aged between 27 and 45 whereas 60% were between 46 and 60. As far as education level of respondents is concerned, ten over twenty-five (40%) had primary education, 5 (20%) had secondary level, nine (36%) had University background and only one (4%) respondent has Master's degree.

4.3 Data Presentation, Interpretation and Analysis

This section starts by rising the role of compensation in the reconciliation process in Rwanda. Since the present study aims at exploring the role of compensation to reconciliation process in Rwanda, the case of Muhazi Sector, it is built on available theoretical arguments in the literature explored using the following three themes drawn from three objectives of the research:

- a. The role of compensation in forgiveness in Muhazi Sector
- b. The role of compensation in trust among citizens in Muhazi Sector
- c. The role of compensation in tolerance and interaction among citizens in Muhazi Sector

4.3.1 The role of compensation in forgiveness in Muhazi sector

Data collected from different respondents about the role of compensation in forgiveness in Muhazi sector reveals that for some respondents like one respondent from genocide survivors' category has stated:

For some who pay compensation without force, it helps in forgiveness and for those who do not show good faith to pay compensation, the reconciliation is difficult. For example, myself I have forgiven two persons who approached me and has shown at least good step to approach me and told me that they do not have what to pay but I have forgiven them. On 20 May 2021.

Another respondent stipulated that:

“Yes, compensation plays a vital role in forgiveness because the one who has an obligation to pay compensation and does it willingly, it helps two families in building close and longer relationship without reticence”. On 19 May 2021.

When compensation is paid in good faith it has a big role in forgiveness between the survivor and the convict, as stated by one respondent through face-to-face interview in these words:

There is one case whereby the convicted person who was still in prison serving the sentence, requested his son to sale the land and pay due compensation for the damaged property to the survivor who was touched by the willingness and came to sector office to testify his satisfaction as well as his commitment for good relationship among their families that are living closely. On 19 May 2021.

Another perception was raised by one citizen in Muhazi sector. For him, compensation is not enough for reconciliation to happen. It must be accompanied by remorse and remorseful as well as apology on the side of the perpetrator.

“Yes compensation can be paid on the side of perpetrator, but it cannot bring reconciliation when it is done forcefully or with intervention of local authorities, for compensation to contribute to forgiveness, there must be willingness and acknowledgment of wrongdoing” On 20 May 2021.

The findings above are in line with the author who said that forgiveness is conditional to the attitude of the wrongdoer in the sense that there must be prior acknowledgment, repentance and accountability as qualifying conditions so that the victim can be able to overcome his/her negative feelings towards the wrongdoer and the committed offense which contribute to the restoration of relationships (Scarre, 2016). They also correspond with the theory of reconciliation which states that relationships are built and forgiveness is guaranteed when perpetrators acknowledge their wrongdoing.

4.3.2 The role of compensation in trust among citizens in Muhazi Sector

In Rwanda, after the Genocide against Tutsi in 1994, the priority was to rebuild the social trust among citizens torn by the genocide. One of the most challenge was to have trust between the victims who lost their properties whose were not paid and the convicts individuals who had to pay compensation. The findings have revealed some of the arguments, and one of the respondent said that:

When compensation is done voluntarily by the convicted person, it contributes in building good relationship between victims and convicts, but when there is forcibly measures, it doesn't help. Like in my case, some of the convicts paid me with the intervention of the local authorities, no good faith from the convicts and reconciliation is not possible in this regards. If there is compensation to be paid, both convicts and victims have their role in the process, however the active role is reserved to convict that do it without force and this help in trust among them and rebuild the damaged relations. But I see that the compensation is not a matter, even though the convict is unable to pay but at least has approached the victim and asks for forgiveness this can be a good sign, it is a process to have full trust which cannot be achieved just for one moment. On 19 May 2021.

If compensation is done well, the trust among the one to pays compensation and one to receive compensation is rebuilt as it was confirmed by another respondent during interview:

"Icya mbere bikuraho inzigo, ku buryo n'iyu habayeho gufashanya bibava ku mutima, nyir'ukwishyura nawe biramubohora bikorohereza ubuyobozi kuko abaturage baba babanye, bikanagabanya ingengabitekerezo ya genocide" Icyizere cyo kirahari kuko ibintu by'inzika, ivangura bigenda bishira ku buryo duheruka kugira umuntu

waregwaga ivangura no gukurura amacakubiri muri 2016". Tariki ya 20/Gicurasi 2021.

English Translation

First of all, it discourages the sentiments of revenge and when there is need for supporting of one of the citizens it is done with willingness, on the side of the convict, he/she feels integrated, it also makes easier the work of local authorities as the population have good relationship. Furthermore, the increased trust also contributes to the reduction of genocide ideologies as well as discrimination and sectarianism whereby the last case was registered in 2016. On 20 May 20201

Another interview extract from a leader of IBUKA at cell level who recognises the importance of compensation payment stated that:

“When compensation is well payed, it is very helpful to the victim in the way that it sets him/her frees from anger and also on the side of the convict it reduces his/her status of being suspicious towards the neighbours who lost their properties. From that, they start a flesh and close relationship where they support each other, and participate together in different activities that contribute to their own development and also to the development of the country in general. Again, if the convicted person is able to willingly pay compensation, it builds trust between him/her and the victim who suffered from the offense committed, even though that trust cannot be determined in percentage because some convicts do it after being forced to do so as provided by the law which impact negatively on the relationship that would be built between the families. On 19 May 2021.

The responses given by the respondents about the role of compensation in trust among citizens relate with the theory of reparations because all responses show that trust between victims and convicts rely on successful and voluntary payment of compensation. One the other side when the compensation is not paid, or when it is paid by intervention of local authorities, the trust is not built.

Also, as theory of reparations stipulates that government has to play a key role by bringing individuals or group of individuals, to pay the damaged properties to another group whose properties were destroyed in order to have trust and good relationship

among those groups. Different interviewees confirmed that on one hand compensation payment is done willingly by some convicts after acknowledgment of the wrong done and on another hand by the government intervention to impose those wrongdoers who do not want to voluntarily implement their responsibilities.

The context of reconciliation in Rwanda has brought about trust, repenting and apology on the part of perpetrators and forgiveness on the survivors' side. Trust is built if the forgiveness is guaranteed but this also requires the convicts to pay compensation in good faith and show willingness to rebuild those relationships. It was also discovered from one respondent who stated that:

Now I can say that there are so many changes in the relationship between the convicts and victims, now we witness for example nowadays there is creation of close relationship and no more former enemies as it was previously, we support each other in case one is in need of something from the other, when there are ceremonies, we invite one another. More to that in case of hard situations like death or sickness, there is mutual assistance. The trust is rebuilt among the citizens and the fact of paying compensation gives value to the person paying and help him/her in building self-confidence in the society. I can say that now trust is observed and citizens are sharing socio-economic lives and have good collaboration in whatever we do to improve our lives. On 19 May 2021.

These findings support the literature from Bloomfield, Barnes and Huyse (2003), who stipulated that building trust and understanding between former enemies is very important to address the process of building a lasting peace. Also the literature has explained how the due process of reconciliation, the coexistence changes towards a relation of trust, that process necessitates that each party, both the victim and the offender, gains improved confidence in himself or herself and in each other.

4.3.3 The role of compensation in tolerance and interactions among citizens

During the interview, some respondents confirmed that for the reconciliation to be successful there is a must of rebuild tolerance and have interactions among groups as discussed in literature review, that every individual and group recognize and accept the right of the other parties to have different opinions, thoughts, will, and behaviour. One respondent said that:

When the offender takes the first step and goes to the victim, acknowledging what he/she did and ask for forgiveness, it constitutes a sign of remorse, willingness to repair the pass and restore good relationship with the victim. Then it creates opportunity for both side to discuss about their issues, share the truth about what happened which establishes a basis for the victim to forgive him/her and agree together on how the compensation is to be paid. Their respective families come together again and establish regular interactions through which they initiate small projects for income generation, cooperatives which revive good relationships and tolerance in their normal life. On 20 May 2021,

Another perspective showing how the compensation has a big role in tolerance and interactions among citizens in Muhazi Sector on the side of the convicted persons' vis a vis the victims' families has approved that as stated by one respondent in the following statement:

In my case after having paid due compensation to all individuals I owed it, this has created a good relationship between us so that one of them has been able to inform me about anything that can affect our relationship. Now we live closely and we have same associations of savings where even one of us who has money in cash can contribute for another. This has improved tolerance and gave chance to our regular interactions. On 19 May 2021.

According to interviewees, reconciliation starts with acknowledgement of what happened in past which sets a basis for prosecuting the offenders and give justice to the victims. Compensation is the starting point of reconciliation and when the compensation is paid in good faith, tolerance is observed between group of individuals who seemed to be enemies before from what happened. When there is tolerance, it ensures even interactions among citizens which contribute to good relationship. Again, if the compensation is well paid, it rebuilds confidence, trust, to the extent that there is even intermarriage between those families and the leadership plays a key role in ensuring safe environment for tolerance and good interactions among all members of Rwandan society.

This was confirmed by one respondent lady who said that:

when compensation is paid effectively, it is very beneficial to the victim who regain trust in his/her country's institutions, for his/her future wellbeing and tolerance for his/her offenders. She further stated that sometime local institutions get involved in bring together both offenders and victims so that they can discuss and agree on the compensation payment which trigger their regular interactions, forgive each other to the extent that it resulted into intermarriages. on 20 May 2021.

However, some respondents specified that when the compensation is paid forcefully with the intervention of local authorities, and stated that the ones who pay are unhappy, which affect the interaction, trust and tolerance and that it may also affect negatively the reconciliation process. It is witnessed by one respondent in the following:

Iyo kwishyurwa kw`imitungo bikoze ari uko uwishyura abihatiwe na Leta, uwishyura yerekana ko atabikoze ku bushake bwe, kandi bakatubwira ngo tumenye kop nubwo bishyuye bitavuye ku bushake bwabo ,bakanaducyurira ko twabatwariye umutungo. Urumva ko bitatuma ubumwe n`ubwiyunge bugerwaho. Kwihanganirana rero bishobora kubaho iyo uwishyura yabanje kukugeraho akagusaba imbabazi nawe ukamubohora ariko nawe wumva ubohotse. Ku badafite ubushobozi bwo kwishyura cg ababubuze, ntibisanzura ngo begere abangirijwe imitungo babe banabasaba n`imbabazi, bikabangamira imibanire, icyizere kikabura ubumwe n`ubwiyunge. Tariki 19 Gicurasi 20201

English Translation

When the compensation is paid with the intervention of different means like the use of force from local authorities, the ones who pay compensation show unhappiness and sometimes they manifest that in reminding us that even though he/she paid, it was forcefully done and tell us that we took their properties without their will. In this case you understand how the reconciliation cannot be achieved. Tolerance is only possible when the one who has to pay approaches the victim and asks for forgiveness and then you forgive him after being also free from anger. Those who do not really have the capacity to pay cannot get courage to interact with the victims and it also affects the reconciliation process. On 19 May 2021.

The findings under the theme of the role of compensation in tolerance and interaction among citizens are in relation to the reconciliation theory that provides that when the perpetrators accept their wrongdoing, ask forgiveness to genocide survivors in order to rebuild the relationship that was damaged and live in harmony. Since most of the respondents explained that for the tolerance, interactions between victims and convicted persons cannot be rebuilt when the compensation is not fairly done. The findings also concur with the theory of reparations that says that the relationships between the original offender and the possible person paying reparations/compensation is rebuilt when the compensation is done in good faith without any forcefully intervention.

According to UNESCO Declaration (1995), tolerance is not simply a matter of identifying and respecting the views and practices of others but recognizing and respecting themselves, as an individual and as an adherent of the social or ethnic group or class to which they fit. This literature supports the findings whereby most of the respondents emphasized on how tolerance, interactions and to rebuild relationships depend on how the persons who have to pay compensation have to approach victims, request for forgiveness and the situation resumes as it was.

The researcher has made an interpretation of the findings by connecting them to theory of reparations and reconciliation theory. The literature also was used to connect the findings to the empirical findings on the study about the role of compensation in reconciliation process in Muhazi sector.

It was revealed from the primary data collected that compensation is a prerequisite for the successful reconciliation, and it was also discussed that when compensation is done with good faith, it affects positively the reconciliation but when it is done with other intervention, no trust, no confidence, no forgiveness and even interactions are not possible since the two groups to reconcile still have issues to resolve.

4.4 Challenges encountered in compensation payment and the strategies to overcome those challenges

The research has revealed some challenges that are encountered and hinder the successful payment of compensation and affect reconciliation as well. Those challenges are in different categories like lack of financial capacity, convicts that are unwilling to pay but have capacity, the administrative organs who do not employ

effort in implementation of compensation payment, convicted offenders who do not want to ask for forgiveness and fail to pay, transfer of the properties from the convicts, unrecognized convicts, ignorance among others.

4.4.1 Lack of financial capacity

One of the challenges discussed during the collection of data is lack of financial capacity on the side of the one to pay compensation. One of the respondent affirmed that:

There are some people who do not have financial capacity because no properties, no financial capacity, others have participated in different properties destruction and are required to compensate beyond their capacity. 20 May 2021

Another respondent stipulated that:

“those who do not have enough capacity comparing to the compensation due is also a challenge to the victims since they are not given the justice and this hinder reconciliation”.20 May 20201.

4.4.2 Convicted persons who are unwilling to pay compensation

Another challenge discovered during the collection of data is the unwillingness of some of convicts. In some instances, they have properties, and they sell them and do not pay compensation, others do not take that responsibility to pay compensation due.

The interview demonstrated this and some respondent confirmed like one lady who said during interview that:

I was requested to pay the compensation for the offences against properties committed by my husband against five victims of property destruction, my husband is now dead, but I did not pay. On 20 May 2021.

The findings stated in previous paragraph shows the unwillingness on the side of the convicts, considering many years after *gacaca* courts decisions, and someone who is saying that she did not pay any one from the victims and even she did not approach them at least to show that she has good faith. This is a big challenge to victims as well as to the authorities.

4.4.3 Administrative organs that do not implement decisions about compensation

On administration side there is a big challenge of some leaders who do not take serious the implementation of gacaca decisions, some have started but did not accomplished the work, others do not consider this task to be in their schedule of work.

Interview confirmed that by one respondent who stressed:

“The administrative authorities are not helping in the implementation of gacaca courts decision, they do not take them as serious issue or are taking them slowly, and some of them have dropped forever” On 20 May 2021.

4.4.4 Transfer of the properties from the convicts

There is a challenge of convicts that escape to pay compensation and transfer their properties and register them to others. It is confirmed by the executive secretary of the cell in the following words.

“We have challenges in implementation of the gacaca courts’ decisions, whereby some convicts register their properties to relatives or family members so that when it is time to request them to pay compensation we do not find the properties to sale or for seizure”.

4.5 Strategies to overcome the challenges

In overcoming the challenges discussed in previous section, the following strategies are proposed:

- a. Dialogue facilitated by authorities between convicts and victims or their families to discuss on how compensation issues can be settled in order to preserve their relationships.
- b. Administrative authorities have to take serious measures against those who do not want to comply so that it serves as an example to others.
- c. There must be serious sanctions to the local authorities who are responsible for implementing Gacaca courts orders as non-profession bailiffs
- d. There must mechanisms for tracing those properties transferred to the relatives of convicted persons and be registered to the real owners.

4.6 Summary of the chapter

This chapter examined the data obtained from the field, by different categories of respondents using qualitative methodology. The respondents' age, gender and level of education were considered by the researcher. Findings from interview and from various literature by using documentary as data collection methods were collected. The analysis and interpretation presented the identified themes. Generally, the researcher marched the findings with the set objectives, the literature and theories guiding the research.

This chapter also presented some of the challenges observed in the study and the strategies to overcome those challenges especially regarding compensation payment and its role to the reconciliation.

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter sets to round up the study by providing a summary of the whole study, summary of major findings, conclusion and recommendations of the study as well as suggested areas for further research.

5.2 Summary of study

This research, entitled “The role of compensation in the reconciliation process in Rwanda, using the case of Muhazi sector, aims to understand the role played by compensation in different aspect of reconciliation whereby the objectives of the study were:

1. To assess the role of compensation in forgiveness in Muhazi Sector.
2. To explore the role of compensation in trust among citizens in Muhazi Sector.
3. To determine the role of compensation in tolerance and interaction among citizens in Muhazi Sector.

This chapter presents the summary of findings in relation to the objectives of the research, the general conclusion of the study and then the recommendations. The study focused on a target population, I interviewed 25 respondents. Those respondent were sampled using purposive sampling technique.

5.3 Summary of major findings

In addressing the first objective of the study, the research arrived at various findings which are presented according to themes and sub-themes of the objective. The first theme was the role of compensation in forgiveness. Under this theme the findings have shown that compensation payment has a big role in forgiveness, because when the one who has an obligation to pay compensation does it willingly, it helps two families in building close and longer relationship without reticence”. Furthermore, when compensation is paid in good faith it has a big role in forgiveness between the survivor and the convict. Forgiveness is also very important because when a person has forgiven he/she chooses the right message to educate his/her children and these young people will grow up without any root of resentment and vengeance.

In regard to the role of compensation in trust among citizens in Muhazi Sector, the findings about this theme has shown that When compensation is well payed, it is very helpful to the victim in the way that it sets him/her frees from anger and also on the side of the convict it reduces his/her status of being suspicious towards the neighbours who lost their properties. From that, they start a flesh and close relationship where they support each other, and participate together in different activities that contribute to their own development and also to the development of the country in general.

But also, if the convicted person is able to willingly pay compensation, it builds trust between him/her and the victim who suffered from the offense committed, even though that trust cannot be determined in percentage because some convicts do it after being forced to do so as provided by the law which impact negatively on the relationship that would be built between the families.

Moreover, the findings have also revealed that compensation payment has a role in tolerance and interactions among citizens whereby according to interviewees, reconciliation starts with acknowledgement of what happened in past which sets a basis for prosecuting the offenders and give justice to the victims. Compensation is the starting point of reconciliation and when the compensation is paid in good faith, tolerance is observed between group of individuals who seemed to be enemies before from what happened. When there is tolerance, it ensures even interactions among citizens which contribute to good relationship. Again, if the compensation is well paid, it rebuilds confidence, trust, to the extent that there is even intermarriage between those families and the leadership plays a key role in ensuring safe environment for tolerance and good interactions among all members of Rwandan society. Generally, the findings have shown that compensation is a prerequisite for successful reconciliation, and mainly the forgiveness, trust, confidence, tolerance and interactions are the focus to rebuild the relationships among citizens and have peace and harmony in society.

5.4 Conclusion

Basing on the above findings, the following conclusion is drawn from the research and it was found that found that compensation has to pay a crucial role in reconciliation in a post genocide Rwanda. The study explored compensation payment vis a vis

reconciliation in post genocide Rwanda by answering three specific questions and the key findings are discussed under three main themes.

From the responses provided by the interviewees, the trust among citizens is rebuilt after acknowledgment of what happened, forgiveness guaranteed and this brings back the trust, confidence, interactions among citizens. More to that findings have explained how the government of Rwanda has to request one group of persons to pay another group of individuals even though the latter group, the victims or their descendants or relations, do not have a previous legal right against the first group. Many compensation structures are centred on a claim that one group of persons unlawfully abused another group of people and therefore owe compensation to the extent of the harm.

5.5. Recommendations

Some of the recommendations suggested by the researcher are the following in regards to this research:

- a. Local authorities to create the compensation structure from cell level to sector level and give responsibilities to organs responsible for the enforcement of compensation payment
- b. Government to initiate how to solve the problem of insolvency of convicted persons by creating the fund to support in compensation payment
- c. Government in partnership with its stakeholders to train the local leaders on the seizure of properties of genocide perpetrators and execution of gacaca decisions
- d. Government to create a follow-up mechanism to implement the gacaca courts decisions on property compensation and have appropriate solutions
- e. NURC and FARG to sensitize general population on the benefit of willing payment of compensation and its role to reconciliation

5.6. Suggestion for further research

This study has shaded light on the role of compensation in reconciliation in Rwanda, it has identified the challenges encountered in compensation process, further research can be carried out to understand the contribution of forgiveness in reconciliation process.

REFERENCES

- Agius, E. & Ambrosewicz J., *Towards a culture of tolerance and peace*, International Bureau for children`s Rights, Montreal, Canada.
- Arriaza N. R., 2004, Reparations Decisions and Dilemmas, *Hastings International and Comparative Law Review*, Vol.27(2)
- Buford W. and Hugo V. M., 2004, Reparations in Southern Africa, *Cahiers d'études africaines*, Vol. 44, Issues 1-2.
- Braun V. and Clarke V., 2006, Using Thematic Analysis, International Atlantic University
- Brehm, H. N., Uggen, C. and Gasanabo, J.-D. (2014) 'Genocide, Justice, and Rwanda's Gacaca Courts', *Journal of Contemporary Criminal Justice*, 30(3), pp. 333–352.
- Bryman, A. (2008) *Social research methods*. oxford: Oxford University Press.
- Creswell, J. W. (1998) *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA, US.
- Cohen, L., Lawrence, M. and Morrison, K.,2007, *Research Methods in Education*. Sixth Edit. London and New York: Routledge, Taylor & Francis Group.
- Daly, E and Sarkin, J, 2007, *Reconciliation in divided societies: finding common ground.*, university of Pennsylvania Press, Philadelphia.
- Echeverria G., 2003, *Reparation: A Sourcebook for Victims of Torture and other Violations of Human Rights and International Humanitarian Law*, the Redress Trust, London.
- Gahongayire, L, 2015, 'The contribution of memory in healing and preventing genocide in Rwanda', *International Journal of Innovation and Applied Studies*, 10(1), pp. 109-118.
- Gatwa T. and D. Mbonyinkebe, 2019, *Home-Grown Solutions Legacy to Generations in Africa: Drawing Resources from the Rwandan Way of Life*, Globethics.net, Ed. Vol. 1 Geneva.

Hazan P., 2006, Measuring the impact of punishment and forgiveness: a framework for evaluating transitional justice, *International Review of the Red Cross*, Vol.88(861), pp.19-47.

Hyslop, D, Nsengiyumva C, I & Davis A, 2019, *Healing Trauma and Building Trust and Tolerance in Rwanda*, Interpeace, Rwanda.

May, L., (2011). Reparations, Restitution, and Transitional Justice. In L. May & A. Forcehimes (Eds.), *Morality, Jus Post Bellum, and International Law* (pp. 32-48). Cambridge, UK: Cambridge University Press

Miles M. & Huberman M 1994, *Qualitative data analysis: An expanded sourcebook*, Thousand oaks: Sage

Mukantaganzwa, D. (2012) *Gacaca Courts in Rwanda*. Kigali.

Mamdani M., 2002, *'When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda'*, Princeton, Princeton University Press.

Bloomfield, D., Barnes, T. and Huysse, L., 2003, *Reconciliation After Violent Conflict. A Handbook*. Stockholm: International institute for democracy and electoral assistance (IDEA)

NURC ,2015, *Rwanda Reconciliation Barometer*. Kigali.

The Organisations, 2012, *Right to Reparation for Survivors: Recommendations for Reparation for Survivors of the 1994 Genocide Against Tutsi*.

Taraku, S and Karlsen, G. M., 2002, *Prosecuting Genocide in Rwanda, the Gacaca system and the International Criminal Tribunal for Rwanda*, Report II.

Maiese, M., 2003. *Compensation and Reparations*, available at <https://www.beyondintractability.org/essay/compensation>, accessed on 10 Oct 20.

Melvin J., 2010, 'Reconstructing Rwanda: balancing human rights and the promotion of national reconciliation', *The International Journal of Human Rights*, 14(6), pp. 932-951.

Juncker, J.C., 2019. *Strengthening Victims' rights: From Compensation to Reparation*. Publications Office of the European Union.

- Kostić, R., 2007. *Ambivalent peace: external peacebuilding threatened identity and reconciliation in Bosnia and Herzegovina*. Uppsala Universitet.
- Lederach, J. P. (1997) *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington DC: United States Institute of Peace Press.
- Sentama, E., 2009. *Peacebuilding in Post-Genocide Rwanda: The Role of Cooperatives in the Restoration of Interpersonal Relationships*. University of Gothenburg.
- Bryman, A., 2012, *Social Research Methods*. 4th Ed. Oxford: Oxford University Press.
- Nicholas, W. (2011) *Research Methods: The Basics*. New York: Routledge.
- Posner E. A. and Vermeule A., 2003, Reparations for Slavery and Other Historical Injustices, 103 Columbia Law Review 689, Vol. 103:689, pp. 689-748.
- Radzik L., 2009, *Making amends: amendment in morality, law, and politics*. Oxford University Press, New York.
- Ranjit, K., 2014, *Research Methodology*. Fourth Edi. Edited by M. Katie. New Delhi: SAGE.
- Roberts, R.C., 1995, 'Forgivingness'. In: *American Philosophical Quarterly*, 32, pp. 289 – 306.
- Rubasha and Bizumuremyi, 2012, *Lessons from Rwanda's National and International Transitional Justice: The Case to Improve Regional and International Perspectives of Justice*, Paper, Entebbe.
- Scarre, G., 2016, On taking back forgiveness, *Ethical theory and moral practice*, 19(4), 931-944.
- UNESCO, 1995, *Declaration of Principles on Tolerance*.
- UNHCHR, 2008, *Rule-of-Law Tools for Post-Conflict States Reparations Programmes*, United Nations Publication Sales No. E.08.XIV.3, Geneva.

APPENDICES

APPENDIX 1: INTERVIEW GUIDE/ KINYARWANDA

IBIBAZO BY'UBUSHAKASHATSI

Muraho! Nitwa Rudasingwa Jean Bosco; ndi umunyeshuri muri Kaminuza y'u Rwanda, ndimo gukora ubushakashatsi ku bijyanye na “**Uruhare kwishyura imitungo yangijwe muri jenocide yakorewe abatutsi 1994 bigira muri gahunda y'ubumwe n'ubwiyunge mu Rwanda**”. Ndifuzako mwamfasha gusubiza ibibazo bijyanye n'ubu bushakashatsi kuko nasanze mufite amakuru y'ingezi ku bibazo nibaza. Amakuru muzampa akazakoresheya mu bushakashatsi gusa kandi umwirondoro wanyu uzagirwa ibanga.

IGICE CYAMBERE: Umwirondoro w'Usubiza

1) Igitsina:

Gabo

Gore

2) Imyaka yawe:

a). 18 – 25

b) 26 – 35

c) 36 – 45

d) 45 – kuzamura

3) Amashuri wize:

a) Abanza

b) Ayisumbuye

c) Kaminuza

4) Irangamimerere:

a) Ndubatse

b). Ingaragu

c) umupfakazi

5) icyo ukora/umwuga:

IGICE CYA KABIRI: Uruhare Kwishyura Imitungo Bigira Mu Kubabarirana

1. Mwatubwira uburyo imanza z'imitungo yangijwe muri jenocide yakorewe Abatutsi 1994 zirangizwa muri uyu murenge?

.....
.....
.....
.....

Uko imanza zingana? Ziyanye ni iyihe mitungo?

.....
.....
.....

Izarangijwe ni zingaha? Izitarangira ni zingaha?

.....
.....

2. Ni ubuhe buryo bukoreshwa mu kwishyura imitungo yangijwe?

.....
.....
.....

3. Ese kwishyura mubona bigira uruhe ruhare mu mibanire hagati y'uwahamijwe icyaha n'uwangirijwe imitungo? Sobanura utanga ingero

.....
.....
.....
.....

IGICE CYA GATATU: Uruhare Kwishyura Imitungo Bigira Mu Kugirirana icyizere Hagati y'abangije n'abangirijwe Imitungo

1. Ni izihe mpinduka zigaragara mu mibanire y'abaturage mu gihe kwishyurana bikoze neza? (Sobanura utanga ingero)

.....
.....
.....
.....

2. Ese mubona kwishyura imitungo yangijwe byaba bigira uruhare mu kubaka icyizere hagati y'abahamijwe ibyaha byo kwangiza imitungo n'abangirijwe imitungo? (Sobanura utanga ingero)

.....
.....
.....
.....

3. Ese mubona icyo cyizere hagati y'abaturage gihagaze gute kugeza ubu? (Sobanura utanga ingero)

.....
.....
.....
.....

IGICE CYA KANE: Uruhare Kwishyura Imitungo Bigira Mu Kwihanganirana Hagati y’abangije n’abangirijwe Imitungo no Kubahuza

1. Ese mubona kwishyura imitungo yangijwe bigira uruhe ruhare mu kwihanganirana hagati y’abangirijwe imitungo n’abahamijwe icyaha cyo kuyangiza? (Sobanura utanga ingero)

.....
.....
.....
.....

2. Ese mubona kwishyura imitungo yangijwe hari icyo bifasha mu guhuza abayangije na ba nyir’imitungo yangijwe? (Sobanura utanga ingero)

.....
.....
.....
.....

IGICE CYA GATANU: Imbogamizi Mu Kwishyura Imitungo Yandijwe

1. Ni izihe mbogamizi mubona zigaragara mu kurangiza imanza z’imitungo yangijwe muri jenocide 1994?

.....
.....
.....
.....

2. Ese izo mbogamizi mubona zakemurwa zite?

.....
.....
.....

Murakoze!

APPENDIX 2: Request Letter for Data Collection

CSP Jean Bosco RUDASINGWA

NPC Musanze

Tel: 0788412232

Email : rujebos@gmail.com

01 April 2021

The Executive Secretary of Muhazi Sector

Re: Request for data collection in Muhazi Sector

Sir,

1. I'm a Police Officer and Student undertaking a Master's Program in Peace and Conflict Transformation in University of Rwanda (UR), College of Art and Social Sciences (CASS) in the Centre for Conflict Management for the academic year 2020/2021
2. I wish to conduct a research on "THE ROLE OF COMPENSATION IN THE RECONCILIATION PROCESS IN RWANDA" for which I need to collect data in Muhazi Sector
3. The assistance to get the data needed will be highly appreciated
4. Attached is the recommendation letter from the college
5. Sincerely



CSP JB RUDASINGWA

NPC Musanze

APPENDIX 3: Respondent Letter

REPUBLIC OF RWANDA

Muhazi , on 10th May 2021



EASTERN PROVINCE
RWAMAGANA DISTRICT

MUHAZI SECTOR

Dear CSP Jean Bosco RUDASINGWA

NPC Musanze

Re: Response to your letter

Dear,

Reference is made to your letter of 1st April 2021 requesting for the authorization to collect data in Muhazi for your research project on " the role of compensation in the reconciliation process in Rwanda",

I'm pleased to inform you that you are allowed to collect the data for your research project.

Thanks

A handwritten signature in blue ink, appearing to read 'Muhamya Amani', written over a circular official stamp.



MUHAMIYA Amani

Executive secretary of Muhazi sector

APPENDIX 4: TO WHOM IT MAY CONCERN

Musanze, 14 DEC 20

RWANDA NATIONAL POLICE



NATIONAL POLICE COLLEGE
TEL: (+250)788311956
P.O.BOX: 23 Musanze
E-mail: npc@police.gov.rw

TO WHOM IT MAY CONCERN

This is to certify that **CSP Jean Bosco RUDASINGWA** is a student at Rwanda National Police College, undertaking a Master's Degree in Peace Studies and Conflict Transformation for the academic year 2020-2021. He is conducting a research on: "THE ROLE OF COMPENSATION IN RECONCILIATION PROCESS IN RWANDA", for which he is required to collect data from relevant sources.

Any assistance rendered to him in this regard is highly valued by this College.


C BIZIMUNGU
CP
COMMANDANT



Final thesis JB RUDASINGWA

ORIGINALITY REPORT

21 %
SIMILARITY INDEX

18 %
INTERNET SOURCES

5 %
PUBLICATIONS

16 %
STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to University of Rwanda Student Paper	2 %
2	crinfo.beyondintractability.org Internet Source	2 %
3	www.columbialawreview.org Internet Source	2 %
4	69.90.80.62 Internet Source	2 %
5	www.idea.int Internet Source	1 %
6	Submitted to Jamia Milia Islamia University Student Paper	1 %
7	www.cain.ulst.ac.uk Internet Source	1 %
8	repository.out.ac.tz Internet Source	1 %
9	Submitted to Tilburg University Student Paper	1 %