



**UNIVERSITY of  
RWANDA**

**COLLEGE OF ARTS AND SOCIAL SCIENCES (CASS)  
CENTER FOR CONFLICT MANAGEMENT (CCM)  
MA of Peace Studies and Conflict Transformation**

**THE CONTRIBUTION OF ACCESS TO JUSTICE TO  
CONFLICTs RESOLUTION IN POST –GENOCIDE  
RWANDA: CASE OF MAISON D`ACCESS A LA  
JUSTICE (MAJ) IN MUSANZE DISTRICT**

**A Thesis submitted to the University of Rwanda in partial fulfillment of the requirements  
for the award of Masters of Arts Degree in Peace studies and Conflict Transformation**

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**Musanze, June 2021**



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## DECLARATION

I, Cecile NYIRANDEGEYA, do hereby declare that this work entitled “The **Contribution of Access to Justice to conflict resolution in post –Genocide Rwanda. Case of MAJ in Musanze District** 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.

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## **DEDICATION**

This thesis is strongly dedicated to my husband Alphonse HABIMANA, my children Aimé Chris GAKWANDI, Christa TUZA INEZA and INKINDI MUGISHA Josue Crispin for unceasing love and patience throughout the time of the Course, may God bless them. It is again dedicated to the Commandant of National Police College whose effort was towards shaping the future career development of all his staff including myself has enabled me reach this milestone of undertaking.

**CERTIFICATION**

I, Dr Denis BIKESHA 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 **Contribution of Access to Justice to conflict resolution in post –Genocide Rwanda. Case of MAJ in Musanze District**”, in partial fulfilment of the requirements for Award of Master`s Degree in Peace studies and conflict transformation.

Signed.....

Supervisor: Dr Denis BIKESHA

## **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 administration and leadership of Rwanda National Police more specifically, the National Police College where I was working before I joined this course 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 Dr. Denis BIKESHA 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.



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## ABBREVIATIONS AND ACRONYMS

<b>ADR</b>	: Alternative Dispute Resolution
<b>AJB</b>	: Access to Justice Bureau
<b>CCM</b>	: Center for Conflict Management
<b>CEDAW</b>	: Committee on Elimination of Discrimination against Women
<b>DIHR:</b>	: Danish Institute for Human Rights
<b>DNA</b>	: Deoxyribonucleic Acid
<b>LASPNET</b>	: Legal Aid Service Providers Network
<b>MAJ</b>	: Maison d'Accès à la justice
<b>MINIJUST</b>	: Ministry of Justice
<b>UN</b>	: United Nation
<b>UNDP</b>	: United Nation Development Program
<b>UNDPI</b>	: United Nation Direction Department of Public Information
<b>FRA</b>	: Fundamental Right Agency
<b>GBV</b>	: Gender Based Violence
<b>GoR</b>	: Government of Rwanda
<b>IGQs</b>	: Interview Guided Questions
<b>NISR</b>	: National Institute of Statistics of Rwanda
<b>RGB</b>	: Rwanda Governance Board
<b>RIB</b>	: Rwanda Investigation Bureau
<b>RQ</b>	: Research Question
<b>USA</b>	: United States of America

## ABSTRACT

This study aims at exploring the contribution of access to justice to conflict resolution in post-Genocide Rwanda, *the case of Maison d'accès à la justice (MAJ)* in Musanze District. The study discussed the contribution of legal aid and legal representation in conflict resolution, the contribution of Alternative Dispute Resolution (ADR) in conflict resolution and the challenges that hinder the effectiveness of MAJ in accessing justice and conflict resolution. Access to justice theory and justice theory were used to show the relationship of the variables. To attain the objective, the researcher selectively uses a methodology that facilitates the easy collection of the data; which includes the documentary and interview. The data was well analyzed and interpreted using appropriate methods as explained in the Chapter Three. Key concepts and related theories are explained in Chapter two to prepare conceptually readers to understand the study. The findings in Chapter Four have revealed that the *MAJ* has been effective in helping people accessing justice, and there is even hope that if it continues in such a way; it will be more effective in few years to come where people are facilitated to resolve their conflict in harmony and live in peace. The proposed recommendations will definitely help in the future improved performance of *MAJ* in relation to conflict resolution. The findings will also help those who do not know the mechanism and different services rendered by MAJ. The study ends with a proposal of various areas for further researches whereby it is indicated that the *contribution of MAJ* is still a field to be researched on with a view to increasing people's awareness about the mechanism and its contribution to conflict resolution.

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**Key words:** Access to Justice, Conflict resolution, MAJ, Conflicts Resolution, ADR, Contribution.



# CHAPTER ONE

## GENERAL INTRODUCTION

### 1.1 Background of the study

Globally, access to justice is considered to be the system by which people may claim their rights and resolve their disputes under the general supports of the state (Moscati, 2015).

Access to justice is a prerequisite for viable peace, development and conflicts resolution; it is also known that security and justice are essential moving stones in resolving conflict successfully (Cannon, 2009), the success of pacific relationships will ultimately be determined by the guarantee to solving conflicts basing on good faith of parties to employ Alternative Dispute Resolution (ADR) mechanisms. ADR today are employed for dispute resolution and it is now widely adopted by both state and federal governments for contracting with the private sector, government to government relationships and people accessing justice (Garvey, 2021).

In the aftermath of a conflict, accessing justice is vital for creation of a safe atmosphere in which conflict resolution can be successful According to United Nations; access to justice has helped in conflict resolution in all continents. Accessing justice is a basic hint of individual rights and rule of law (Francesco, 2007). Kumar et. Al (2020) stipulated that the need for ADR to the formal legal system has engaged the attention of the legal community, comprising judges, lawyers and law researchers for several decades now and it has for long been seen as integral to the process of judicial reform and as signifying the 'access-to justice' approach.

In Europe for example, access to justice has been improved on the use of mechanisms like mediation in conflicts resolution. It has been encouraged to use non-judicial mechanisms in France, Portugal, and Spain, in resolving conflicts because they are helping in avoiding costs and delay in the process (Francesco, 2007).

According to Salthwaite and Dhital (2019), accessing justice is a core principle sustaining human rights and contributes to conflicts resolution in different societies in Africa. Accessing

justice is of major right for the injured individuals and an indispensable factor of resolving conflicts. In the lack of access to justice, exercise their rights, encounter discrimination or hold decision-makers responsible as regards to law (Francesco, 2007). In Africa, because of the financial problem, whereby people want to afford justice, there is a promotion of ADR used to resolve conflicts but also to prevent them (Uwazie, 2016).

"The right of real 'access to justice' has arisen with the new social rights. Indeed, it is of vital importance (...) Effective access to justice can be seen as the most basic requirement, the most basic human right, of a system which imports to guarantee legal rights." Cappelletti cited in Robins (2011). He added that Legal aid and Advice Bureaus were established to help those who are in need of justice.

Accessing justice by all is a fundamental standard of the individual's rights. It means everyone having some basic consideration of their rights. It also means creating law that are less difficult and more comprehensible. And what does "access to justice" mean, if not a totally maintained legal aid system.

Access to justice can be improved in many ways considering limited resources in many countries, three angles can help to compare strategies: costs and assistances, contract costs (diminishing market failure and government failure), and legal consent (enhancing people's control over their lives and their negotiating position). The examination proposes that legal information and education approaches should have a higher precedence, surveyed to improve access to informal adjudication (Barendrecht, 2014).

According to Zaza (2013), most African countries do not have enough financial resources to access formal justice, thus use informal mechanisms that help them to solve their problem between people living in the same community without necessarily going in courts therefore respect of the law, process and mechanisms that help equality before the law by all citizens and the standards of just and accessible justice systems are taking origin in sub-Saharan.

The approaches used in accessing justice for conflict resolution by employing Alternative Dispute Resolution (ADR) mechanisms has been the process of 'fitting the forum to the fuss' (Sander and Goldberg, 1994), parties in conflicts have to settle them in the way they think

can help them (Sander and Goldberg, 1994). In this respect various mechanisms then were put in place to help to equal justice for all.

According to the Lilongwe Declaration (2004) on accessing Legal Aid in Criminal Justice Systems, its article 6 states that “each country has different abilities and needs when concern is given to what kind of legal aid systems to employ; In its responsibility to deliver impartial access to justice for poor and vulnerable people, where different aspects are considered and this includes justice centers, appropriate coordinating mechanisms should be established”.

It also says that governments should enact legislation to promote the right of everyone to basic legal advice. (Lilongwe Declaration 2004). The meaning of access to justice is extended to include *legal advice, legal assistance, legal representation, legal education, and mechanisms for alternative dispute resolution*. In addition, legal aid encompasses equally civil, administrative as well as criminal matters. ADR are also among non-judicial mechanisms used in helping people accessing justice and resolve their conflict especially in Rwanda and in MUSANZE District.

Researches about access to justice have said that access to justice may be but not limited to “the capability of people to access legal representation; the correctness of legal aid; the cost of delivering justice; processes to ease the size and complication of litigation and increase effectiveness; alternative means of delivering justice; the acceptability of funding and resource provisions for public legal centers; and the capacity of aboriginal people to access justice are some of the indicators of access to justice” (Cannon, 2009).

Moreover, access to justice includes legal protection, legal awareness, legal aid and counsel, adjudication, and enforcement (MINIJUST, 2020).

Access to justice concept in this research has to be understood as specified by Cannon (2009) “ability of people to access legal representation, appropriateness of legal aid, efficient litigations, use of Alternative Dispute Resolution (ADR), and ability of indigenous people to access justice”.

Conflict resolution is the process by which two or more parties reach a peaceful resolution to a disagreement, it is seen as a non-violent process that manages conflict through cooperation,

or the assistance of a third party who either facilitates or imposes a resolution. Conflict resolution processes are many, diverse and can be seen on a continuum ranging from collaborative, participatory, informal, mediation processes (conciliation, third party negotiation) to adversarial, fact-oriented, legally binding and imposed decisions that arise from institutions such as the courts and tribunals (Boulle, 1996).

Conflict resolution refers to a “variety of method aimed at easing or eliminating sources of conflict, it is an umbrella term for a whole range of methods and approaches for dealing with conflict: from negotiation to diplomacy, from mediation to arbitration, from facilitation to adjudication, from conciliation to conflict prevention, from conflict management to conflict transformation, from restorative justice to peacekeeping” (Wani, 2011).

“Conflict resolution is defined again as a situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other`s continued existence as parties and cease all violent action against each other” (Wallenstein, 2007 P.11).

The right of access to justice, at domestic levels describes how human rights courts, motivated by the 1948 Universal Declaration of Human Rights, distinguish a right to effective domestic remedies. Initially, courts have measured this as a supplementary right but over time they have recognized its “independent presence of the violation of which creates a human rights breach in itself. (Duijzentkunst, 2012).

In post –Genocide Rwanda period the country had challenges in access to justice whereby the justice sector was destroyed, and there was a must to look for mechanisms to help citizens to access justice and resolve their conflicts and other legal frameworks were there to support that international right of accessing justice for all in order to resolve conflicts among citizens. ADR were advocated to help in

According to the constitution of Rwanda of 2003 as revised in 2015, in its preamble para 5, it states that “Rwanda is committed to building a State governed by the rule of law, based on the respect for human rights for all”. Rwanda has successfully ratified all the eight key human rights instruments and most of their additional protocols.

Those instruments ratified by Rwanda include “International Convention on the Elimination of All Forms of Racial Discrimination of 4 January 1969, International Covenant on Economic, Social and Cultural Rights into force on 3 January 1976, Convention on the Elimination of All Forms of Discrimination against Women, into force on 3 September 1981, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 26 June 1987, Convention on the Rights of the Child of 2 September 1990; Convention on the Rights of Persons with Disabilities, International Convention on the Protection of the Rights of All Migrant Personnel and Supporters”.

Rwanda has accessed to the Universal Declaration on Human Right by the fact that it is a member of United Nation (UN) by Adop.: 10/12/1948, accessed by A:18/09/1962, Rwanda acceded by the mere fact of its admission as a member of the UN (Nirere, 2017). Many other international and regional human rights conventions were ratified by Rwanda or are in the process of ratification.

According to MINIJUST (2014), notwithstanding the instruments introduced, it was perceived that Rwandan citizens still face some challenges in accessing justice including insufficient representation of the needy in criminal matters, the shortage of legal aid benefactors in rural areas as over 85% of advocates are located in Kigali whereas most people who need legal aid are found in rural areas.

While the constitution and other laws arrange for for fairness of all persons before the law, poverty, inadequate access to lawyers and lack of knowledge about legal processes still limit full access to justice in Rwanda is observed through the big number of people that need different services in regards to justice and yet they do not have means.

Access to Justice Bureaus were established in every District also referred as “*Maison d’ Accès à la Justice*” (MAJ) since 2007, especially giving free services to persons who cannot afford the payment of legal representation in courts of law but also help in access to justice by providing free legal advice to all categories of people. MINIJUST report states that:



“MINIJUST and the GoR introduced Access to Justice Bureaus/Maisons d’Accès à la Justice (MAJ) in 2007. In all thirty Districts in the country there is MAJ officers that help people to solve their problems without necessarily going in courts. MAJ gives different services to all citizens in general including legal aid, legal education and assist people in courts through legal representation. It also helps in enforcing the courts decisions for indigent persons “(MINIJUST, 2014).

MAJ gives assistance about legal services through legal information and education, advice, mediation and representation and make sure that, free or supported services are provided to indigent individuals. These bureaus serve as places of orientation to citizens who need services in legal matters; make awareness to the public about their human constitutional privileges; support inmates and train *Abunzi* in different laws they use in their work. (MINIJUST, 2019).

As a product, this has reasonably improved high performance, transparency of the judicial system, and improvement of accessing justice for all in order to resolving conflicts (MINIJUST, 2016).

MAJ personnel were deployed in all Districts in Rwanda and they assist the population in different services as discussed above (MINIJUST 2019).

The present researcher has chosen MAJ in Musanze District as the case because MAJ in Musanze is receiving the big number of beneficiaries comparing to other District in Northern Province, whereby they receive fifty service seekers or above per day and they help a big number of people in conflict resolution which promotes peace and prevent conflict among families.

There is a big number of people who resolved their conflict using mediation through MAJ and from 2015 to 2020, they have resolved 77% of the cases brought to them using Alternative Dispute Resolution Mechanism. (Uwamahoro, 2020).

MAJ is helping people in conflict resolution using mediation as alternative Dispute resolution mechanism before going in courts. According MINIJUST (2020) MAJ in Musanze

started in 2009, and has helped people in conflict resolution without necessarily going in courts in different occasions.

Some scholars and academic researchers have written on access to justice and conflict resolution. Since MAJ in Musanze has started, to the knowledge of the researcher, no research was conducted to explore its role in conflict resolution. So this research is aiming at exploring the contribution of MAJ to conflict resolution, in Musanze District.

## 1.2 Problem Statement

Accessing justice by all, is a universal right and a prerequisite of successful conflict resolution. When there is access to justice to all people without considering the financial status of individuals or other factors, and when people access to justice through formal legal remedies or using ADR mechanisms helping them, this would have contributed to conflict resolution and the society live in harmony (Cannon, 2009).

In Post-genocide Rwanda by considering that all sectors including justice were destroyed; the GoR had the task of establishing ADR mechanisms where individuals access justice and resolve their conflicts. MAJ was introduced as homegrown solution mechanism which works with *abunzi* committee in assisting especially vulnerable category of people to access justice and at some extent it is also used as non-formal mechanism to conflict resolution. Despite the efforts of Rwandan government in ensuring that all people access justice, the situation in Musanze District shows that many people are poor and most of them cannot afford justice because of the cost and the delaying process in formal judicial procedure, yet they need to access justice in order to resolve their conflicts.

It has been observed that when there is no access to justice where citizens especially vulnerable individuals fear the legal system, see it as strange, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system this can bring conflicts among citizens particularly in Musanze District.

MAJ is assumed to play a fundamental role in helping people in Musanze accessing justice in order to resolve their conflicts in good terms. Since also vulnerable people are also considered among people who can access justice, this contributes to peace and conflicts resolution among citizens (MINIJUST, 2020).

Having talked about the access to justice and conflict resolution even the mechanisms used, having known that MAJ help to provide services about legal aid free of charge; legal representation, helping in ADR and take care of those people from vulnerable group,

however to the researcher`s knowledge, there are few researches that have been conducted so far to show us how access to justice help in conflicts resolution using the case of MAJ in Musanze District. This research intends to explore the contribution of access to justice to conflict resolution in post –Genocide Rwanda: Case of MAJ in Musanze District.

### **1.3 Research objectives**

#### **1.3.1 The main objective**

The main objective of this research is to explore the contribution of access to justice to conflict resolution in post Genocide Rwanda the case of MAJ Musanze District.

### **1.3.2 Specific objectives**

The following specific objectives guided this research:

- a. To explore the contribution of legal aid and legal representation to conflicts resolution in Musanze District.
- b. To find out the contribution of Alternative Dispute Resolution(ADR) mechanisms to conflicts resolution in Musanze District.
- c. To find out the challenges faced in accessing justice for conflicts resolution by using MAJ in Musanze District and how they may be mitigated.

### **1.4 Research Questions**

The following questions will guide this research:

- a. What is the contribution of legal aid and legal representation to conflicts resolution in Musanze District?
- b. What is the contribution of Alternative Dispute Resolution (ADR) mechanisms to conflicts resolution in Musanze District?
- c. What are the challenges faced in assessing Justice and resolve conflict using MAJ in Musanze District? How are they mitigated?

### **1.5 Purpose of the research**

Since access to justice is a universal right and Rwanda is a party to Universal Declaration of Human Right of 1948. Violation of that right for some people such as vulnerable group may escalate violence since it may not be easy to resolve their conflicts with ease.

Access to justice through MAJ in Rwanda is a good tool of conflict resolution. This study intends to explore the contribution of access justice to conflict resolution. To achieve this, MAJ is a case study where it is expected that people who seek services from MAJ and take part in this study will provide accurate information which shows the actual state on the field.

## **1.6 The Significance of the research**

The fact that this study explores the contribution of access to justice to conflict resolution in post Genocide Rwanda: case of MAJ in Musanze District, the research contributes to enhance the present researcher's knowledge in this field.

Contribution, to the already existing body of knowledge about the contribution of accessing justice to conflict resolution, forming the basis of the research in the same field, and also it will be a guiding document for further research in the same area.

This study will contribute to peace study and conflict transformation as it promotes Human rights in general and help in right to access justice to all citizens in Rwanda in particular, but also it promotes ADR.

## **1.7 Scope of the study**

This study intends to explore the contribution of access to justice to conflict resolution in post Genocide Rwanda: the case of MAJ in Musanze District. Musanze is one of five District in the Northern Province. Musanze District was selected due to three main reasons: First, this is the District that has many people who seek legal aid provided by MAJ, whereby MAJ services providers from Musanze can receive fifty persons per day as confirmed by MAJ coordinator in Musanze through telephone call, this is easier for the present researcher in data collection (Uwamahoro ,2020)Secondly, MAJ Musanze has helped in conflict resolution whereby 70% of cases received from 2015 up to 2020 were resolved amicably.

Last but not least this is the District of the present researcher's residence with working experience, and the collection of data was easier without using a lot of resources.

## **1.8 Structure of the study**

The research is structured into five chapters:

First chapter covers general introduction, the Background of the study, Statement of the problem, research objectives, and research questions, purpose of the study, its significance, and the structure.The second chapter is about the literature review, discusses access to justice, conflict resolution, difference between conflict resolution and related concepts,

explore the role of legal aid and legal representation to conflict resolution, the contribution of alternative Dispute Resolution in conflict resolution, the theoretical framework that will guide this research as well as explaining the researcher's stand in relation to those concepts and finally the conceptual framework.

Chapter three covers the research methodology used throughout the research. It discusses the research design and approach, data collection instruments, data analysis methods, data interpretation, challenges and mitigating strategies, and finally ethical considerations. Chapter four covers the data presentation, analysis and interpretation while chapter five covers the summary, conclusion of the study; recommendations based on study findings and also propose the areas of further research.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Literature Review is a very essential component for the research in social sciences. It refers to the effort made by researcher to identify the work conducted by other researchers and scholars on the same topic or related one (Abdallah, 2010).

The literature Review in this research is currently a division dealing with other people's writings on access to justice and conflict resolution. This chapter will at the beginning clarify key concepts and terms used in this study based on different authors and scholars. It will discuss independent variable, dependent variable, the research objectives, the theoretical framework, and conceptual framework.

#### **2.2 Clarification of Key concepts**

In this section, some key concepts and terms used along the research have been defined. The definition used to describe the terms in this section will reflect the meaning attached to the concepts in the context of the study.

##### **2.2.1 Access to Justice**

Murebwayire (2018) citing Nkea, access to Justice can be described using two approaches, the narrow and broader approach. The narrower approach describes access to justice as a means of securing vested rights particularly through the courts and tribunals. This approach has however been broadly criticized, for its procedures that are formally and initially set procedurally as a basis to follow and not altered with.

Murebwayire further states that the broader approach seeks a firm combination of a procedural and substantive aspect of justice, and it provides that access to justice requires a construction that ensures just, equitable and inclusive legal and judicial outcome. The author



adds that access to justice is not only a legal concern that should be isolated from other factors affecting people's social and pattern behavior.

Therefore, addressing access to justice includes a whole range of services that are given aiming at having fair treatment in judicial and non-judicial procedures. The complete manner of access to justice therefore includes the psycho-social support which restores and stabilizes them to pursue justice. Access to justice should be based on the like hood that the offender would be arrested, fairly prosecuted and be judged by the competent judge, but also the victim must have the maximum fair justice.

Access to Justice in this study will be referred to as means and procedures trough which indigent people's access justice for free of charge, procedures and information about their legal rights. According to Legal Aid Service Providers Network (LASPNET) (2015), access to justice is a process which enables people to claim and obtain remedies trough formal or informal institutions of justice, and in conformity of human rights standards.

Justice is the amount of fairness that people experience and perceive when they take steps to solve disputes and grievance. According to Farrow (2014), accessing justice is extensively seen as human rights in itself, and as a procedure of attainment human rights, thus an end to a means. Access to justice can be viewed as being two dimensional, and intended to remove *de facto* and *de jure* obstacles to gaining real remedies.

One is the practical aspect: access to courts, lawyers and law implementation activities, this is important for creation of the justice system user friendly, effective and accessible.

According to Committee on Elimination of Discrimination against Women (CEDAW) Access to justice has been a continuing worry for the CEDAW Committee, which has endlessly reminded State Parties of the need to take measures to ensure that women over the world have access to fair and effective remedies when their rights are affected.

The imbalances of legal assistance in America, from the lack of access to instructive services and health benefits to gross injustices in the criminal protection system are still an issue. There is a proposal for a specific agenda for change, contributing visible improvements for

coordinating inclusive systems for the delivery of legal services, maximizing individual's opportunities to represent themselves, and making effective legal services more affordable for all Americans who need them (Deborah, 2004).

### **2.2.2 Access to Justice Bureau (AJB) *Maison d' d'Accès à la Justice (MAJ)*.**

The Access to Justice Department was *established in 2014 by the Prime Minister's order No 40/03 of 25/04/2014* determining the mission, functions, organizational structure and summary of job positions of the Ministry of Justice (GoR 2020).

The relationship between human rights, poverty reduction, development, and peace is stressed in the Constitution, Vision 2020, EDPRS 2, and the Seven-Year Government Program. A policy on legal aid is therefore a significant stage in the country's pursuit for justice and distinguished life for all.

According to MINIJUST (2016), the GOR introduced access to Justice Bureaus/Maisons d'Accès à la Justice (MAJ) through the Ministry of Justice) in 2007. Later they were structured under access to justice Department in Ministry of Justice. All 30 districts of Rwanda have MAJ officers. MAJ serves as the first point of orientation with legal aid service for Rwandans. MAJ primarily provides legal information/education as well as legal advice and mediation .The aim of access to justice bureaus is to help citizens to solve the problems among themselves in order to live in harmony. It was agreed that MAJ are the homegrown solution approach used to help people accessing justice not necessarily from national level, but services from MINIJUST were decentralized at District level. In addition to legal aid, legal representation, legal education, they also use ADR like mediation which is mainly used and negotiation prior to mediation in conflict resolutions.

According to MINIJUST (2019), MAJ with the collaboration with other institution having Justice in their mission, contributes to peace and conflict resolution trough supporting community dialogue for unity and reconciliation, and crime prevention. MAJ is benefiting from durable national management in a way which supplements their performance.

Citizen report card 2020, from Rwanda Governance Board (RGB) has confirmed that MAJ is at average of 85%, about the citizen satisfaction about their services whereby they have reported trust about MAJ, services about GBV 81%, Implementation of court decisions 77,7%, legal representation at 84%, honesty 85%.

### **2.2.2.1 Linkage between MAJ and ADR**

ADR is one of the mechanisms used by people who access justice, and it is an out of courts mechanisms or non-formal procedure which is used in order to minimize the cost and increase the speed of a process of people accessing justice. MAJ as discussed above is the access to Justice Bureaus which is taken as home grown solution mechanism and decentralized service from MINIJUST, which have staff who help people in different services in the field of accessing justice. The ADR is one of the most effective mechanisms employed by MAJ mainly using mediation process in assisting people to resolve their conflicts. The difference between MAJ and ADR is that MAJ uses different methods in their assistance to people who access justice, including legal representation, legal aid but also they use ADR in the performance of their work. MAJ at some instance is also used as ADR to help people accessing justice without cost.

### **2.2.3 Post-Genocide Rwanda**

According to the explanation given by the NURC (2010), The Post-Genocide Rwanda is the era that directly followed the 1994 Genocide against Tutsi in Rwanda until now. In this era, Rwandans need reconstruction in all domains including justice sector and resolve their conflicts.

### **2.2.4 Conflict and conflict resolution**

#### **2.2.4.1 Conflict**

Conflict refers to a “situation categorized by opposing interests amongst individuals or groups who indicate that both sides are against each other and each believes that the interests of the other conspicuously undermine its interest and each undertakes measures to curtail interference in those interests” (Baron and Byrne, 2004, p.109)

Mugume (2020) citing Boulding stated: “conflict is defined as struggle over values, claims over resources scarcity, power and resources. The word ‘conflict’ is derived from a Latin word ‘*confligere*’ which means literally, “to strike together (Wallenstein et. Al 2012).

A conflict is “a situation in which two or more human beings desire goals which they recognize as being achievable by one or the other, but not both. It is a part of any human

interaction which results in disagreements and lead to the path of struggle. Conflict entails a disagreement between at least 2 sides, where the same resources cannot meet the demands of both sides at the same time” (Wallenstein et. Al, 2012).

Miall (2004), considers that the significance of a conflict is influenced by generally the situation from which it rises, and that the behavior the parties have towards one another are fashioned by earlier relations: their conduct is centered on their recall of what has happened in the past and prospects of what may happen in the future. The context comprises the separated society with its culture, governance arrangements, institutions, social roles, norms, the rules and codes in place and the society’s own path of development.

Johan Galtung’s ABC triangle also helps to understand the concept of conflict, whereby the triangle illustrates that, when conflicting or contradictions, behaviors, and attitudes exist, there is like hood of having a conflict.

The attitudes toward a conflict exist on the hidden level and are not directly noticeable to the eye, while behaviors are more visible evidence of the conflict. This triangle applies to both symmetric conflicts (where the parties are fairly equals) and asymmetric conflicts where there are clearly the “topdogs” and “underdogs” (Galtung, 1969).

Galtung first introduced the conflict theory triangle in his article Violence, Peace, and Peace Research and for him Conflict = A+B+C whereby A is Attitude, B is Behavior and C is contradictions or situation. So the conflict can be good or bad depending on the situation and how parties deal with it. The result of a conflict is determined by the feelings or attitudes of parties involved. To resolve a conflict requires the parties to have that concern of resolving it.

#### **2.2.4.2 Conflict Resolution**

Conflict resolution refers to “the process by which two or more parties reach a peaceful resolution to a dispute, it is viewed as a non-violent process that manages conflict through

cooperation, or through the assistance of a third party who either facilitates or imposes a settlement or resolution”.

Conflict resolution processes are many and varied and can be seen on a continuum ranging from collaborative, participatory, informal, mediation processes conciliation, third party negotiation) to adversarial, fact-oriented, legally binding and imposed decisions that arise from institutions such as the courts and tribunals (Boulle, 1996).

Conflict resolution also **refers** to “a range of process aimed at easing or eliminating sources of conflict. Conflict resolution is an umbrella term for a whole range of methods and approaches for dealing with conflict: from negotiation to diplomacy, from mediation to arbitration, from facilitation to adjudication, from conciliation to conflict prevention, from conflict management to conflict transformation, from restorative justice to peacekeeping” (Wani, 2011).

“Conflict resolution is defined again as a situation where the differing parties arrive at an agreement that solves their crucial incompatibilities, accept each other`s continued existence as parties and cease all violent action against each other” (Wallenstein ,2007).

Wallenstein (2007) stated that conflict resolution comes after a conflict and the agreement in conflict resolution is signed under more or less solemn conditions and requires the truth between parties to it. In conflict resolution the parties agree to respect each other and prepare for leaving together.

In order to settle the incompatibilities there is a need first to look at causes and start by analyzing them (Madalina 2015).

For the purpose of this research conflict resolution shall be referred as approach used to have a peaceful resolution from a non-violent process that manages conflict through cooperation, mutual participation of parties, or through the assistance of a third party who either facilitates or imposes a settlement or resolution that is implemented by both parties in good faith. Some people intend to confuse conflict resolution with other related concepts like conflict transformation, conflict prevention, conflict management, and the following sections elaborate on them.

## **2.2.5 Conflict Resolution and related concepts**

### **2.2.5.1 Conflict Resolution and Conflict Transformation**

Conflict resolution was defined as an approach used to have a peaceful resolution from a non-violent process that manages conflict through cooperation, mutual participation of parties, or through the assistance of a third party who either facilitates or imposes a settlement or resolution that is implemented by both parties in good faith whereas conflict transformation refers to product, method, and arrangement oriented towards long-term peace-building determinations, which aim to really overwhelm different forms of violence (Yazdanifard and Huan, 2012).

### **2.2.5.2 Conflict prevention**

It is any intercessory means to keep tensions or disputes from escalating into significant violence and progressively reduce the underlying problems that produce these disputes.

### **2.2.5.3 Conflict management**

Conflict management is arrangement processes to circumvent conflict when probable, and taking rapid and actual actions when it is made (Madalina 2015). Mugume (2020) citing Mason stipulated that conflict management “is a generic term used to talk about all interventions aiming at solving problem, transforming relations and changing structures”.

## **2.2.6 Conflict resolution and ADR**

ADR mechanisms are those instruments used to access justice without necessarily going in courts or using judicial proceedings, they are non-judicial processes used. ADR in this research are methods used by MAJ in Musanze District, to access justice and those involve mediation which is mainly used and negotiation. These mechanisms help in conflict resolution since parties have a third person who is the staff of MAJ who help them and implement the outcome or agreement from that mediation (Uwamahoro, 2020).

### **2.2.7 Limitation of conflict resolution**

Wallenstein (2009) said that conflict resolution is not inescapably equal to peace. The conflict is not resolved until parties to it accept to respect each other and are ready for living together with one another. To accept living together doesn't mean that parties have peace but at least they have managed their conflict in a peaceful way and accept to terminate the disagreement in good faith.

### **2.2.7 The contribution of legal aid and legal representation in conflict resolution**

Legal aid is defined as free or sponsored facilities to eligible people, mainly poor and vulnerable people, delivered as a means to support them accessing justice. According to the Lilongwe Declaration on Accessing Legal Aid in Criminal Justice Systems in Africa of 2004, legal aid is more than representation by a lawyer in a court.

The meaning is broadened to include legal advice, assistance, representation, education, and mechanisms for alternative dispute resolution. In addition, legal aid extends equally to civil, administrative as well as criminal matters (MINIJUST, 2014).

Legal aid is defined as “ a system underpinned by universal access to justice which provides for or makes accessible, free, quality and sustainable legal information and education, legal advice, mediation and legal representation and other related and incidental services to poor and vulnerable persons, in both criminal and non-criminal matters, subject to certain limitations, through the formal and informal justice institutions; is funded wholly or in stipulated instances, partly, out of funds provided by the State, in accordance with its financial means; and is administered by a state institution or non-state entity or by a unique and specialized corporate body independent from the State.

Legal presentation on the other hand is the case that encompasses matters of national or public interest, the indigent person will be expected to lose their freedom; the court is of the opinion that the person before it cannot have a fair trial except he or she receives legal

representation. Legal representation shall contain treatment of clients; representing or defending clients in criminal cases during pre-trial, trial and post-trial proceedings; representing or defending clients in legal cases according to the law.

Danish Institute for Human Rights (DIHR, 2011), legal aid and legal representation have a crucial influence in conflict resolution by using alternative Dispute Resolution mechanisms like mediation and reconciliation between parties and this has been efficient in East African countries. Conflict resolution depends on the situation and what parties agree to include in their resolution.

These mechanisms also have the potential to reduce congestion in the courts, and to reduce the belief upon detention as a means of resolving conflict based upon alleged criminal activity. All stakeholders should recognize the significance of such diversionary measures to the administration of a community-based, victim-oriented criminal justice system and should provide support for such mechanisms provided that they conform to human rights norms. (DIHR 2011).

According to MINIJUST (2018), in Rwanda, there is a benefit in using other mechanisms and resolve the conflicts without going necessarily in

MAJ plays a big role in legal aid and legal representation because they support people in general to access justice and especially people in first category of *ubudehe*<sup>1</sup>, and they are represented in court proceedings and are also given social support as legal aid.

Uwamahoro (2020), MAJ acting coordinator in Musanze District confirmed that people in first category who seek service from MAJ are received and given free service regarding their problems. If they are not able to resolve their conflict as encouraged to do so, then they bring documents showing that they are indigents and then they are represented in lodging their case

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<sup>1</sup> *Ubudehe* is a term used to refer to the culture of collective work by community members aimed at either addressing general challenges or to assist individual households who are short of labor to address their own challenges. *Ubudehe* in the area of agriculture, for instance, would see some members of community coming together to assist vulnerable households such as the handicapped, aged and widows to cultivate their land at no cost.



file in due court thereafter they are represented as legal advocate and assist them only in civil matters, when it is criminal cases they are given advice only.

### **2.2.8 The access to justice using alternative dispute resolution mechanism and its influence in conflict resolution**

MINIJUST (2014), stated that governments are looking for cheap and effective alternatives to keep cases away from the courts. Therefore, mediation and ADR mechanisms are introduced as alternatives to court based solutions. This National Legal Aid Policy presents a new approach to legal aid that will build on the existing strategies to deliver comprehensive access to justice to all Rwandans paying particular emphasis to the poor and other vulnerable groups that have been comparatively disadvantaged and this will contribute to conflict resolution and harmony in families.

Access to Justice and Alternative Dispute Resolution (ADR) movements have influenced both legal thinking of civil procedure and policymaking on the functioning and role of the courts, the two movements will be introduced. Both movements argue that settlements and procedures outside of the courts might be a solution under some circumstances; The legislators have, however, only taken some limited parts of the ideas of the ADR movement; therefore, the way

Court-connected ADR is practiced is often far from the original ideas and ideals (Nylund, 2014).

Nylund further stipulated that, access to justice is much more than legal aid, legally “correct” solutions and the opportunity to have a day in court, access to justice might be a question of satisfying non-legal, even non-monetary, interests and needs, and about the labels used, for instance dropping the labels custody and visitation have given many parents a feeling of achieving justice, although the contents of the agreement on parenting are still the same.

### **2.3 Theoretical framework**

Theories are ideas that try to explain why certain things happen the way they do, and they help the researcher to understand the phenomena (Ward, 2005).

### **2.3.1 A Theory of Access to Justice (2009)**

The theory of access to justice is a theory which was initiated by Robert Robinson (2009) and it is recent. The author explained how justice for all is a challenge in the society because of the reality in each context. Each society has its own context. According to Robinson throughout the twentieth century, as judges and lawyers have predictably accepted, legal institutions have defaulted on their obligation to provide justice to all.

This is surely because the ideal of equal justice is incompatible with the social realities of unequal wealth, power, and opportunity, which no amount of legal formalism can cover. In an unequal society, the haves usually are better served by legal formalism than the Have-Nots, a disparity that creates a persistent legitimacy crisis. This theory is related to this research whereby in Rwanda, access to justice after genocide against Tutsi in 1994 was a big challenge for vulnerable people. Rwanda in having that challenge as grown solution, initiated mechanisms that can help in non-judicial systems and MAJ is among them. Access to justice Bureaus which help vulnerable people access justice as other people who have financial capacity. Vulnerable people are helped in civil and criminal cases and this contribute Conflict resolution (UNDP 2018).

### **2.3.2 Theory of justice (1971)**

Since it appeared in 1971, John Rawls's theory of Justice has become a classic. Rawls aims to express an essential part of the common core of the democratic tradition justice as fairness and to provide an alternative to utilitarianism, which had dominated the Anglo-Saxon tradition of political thought since the nineteenth century.

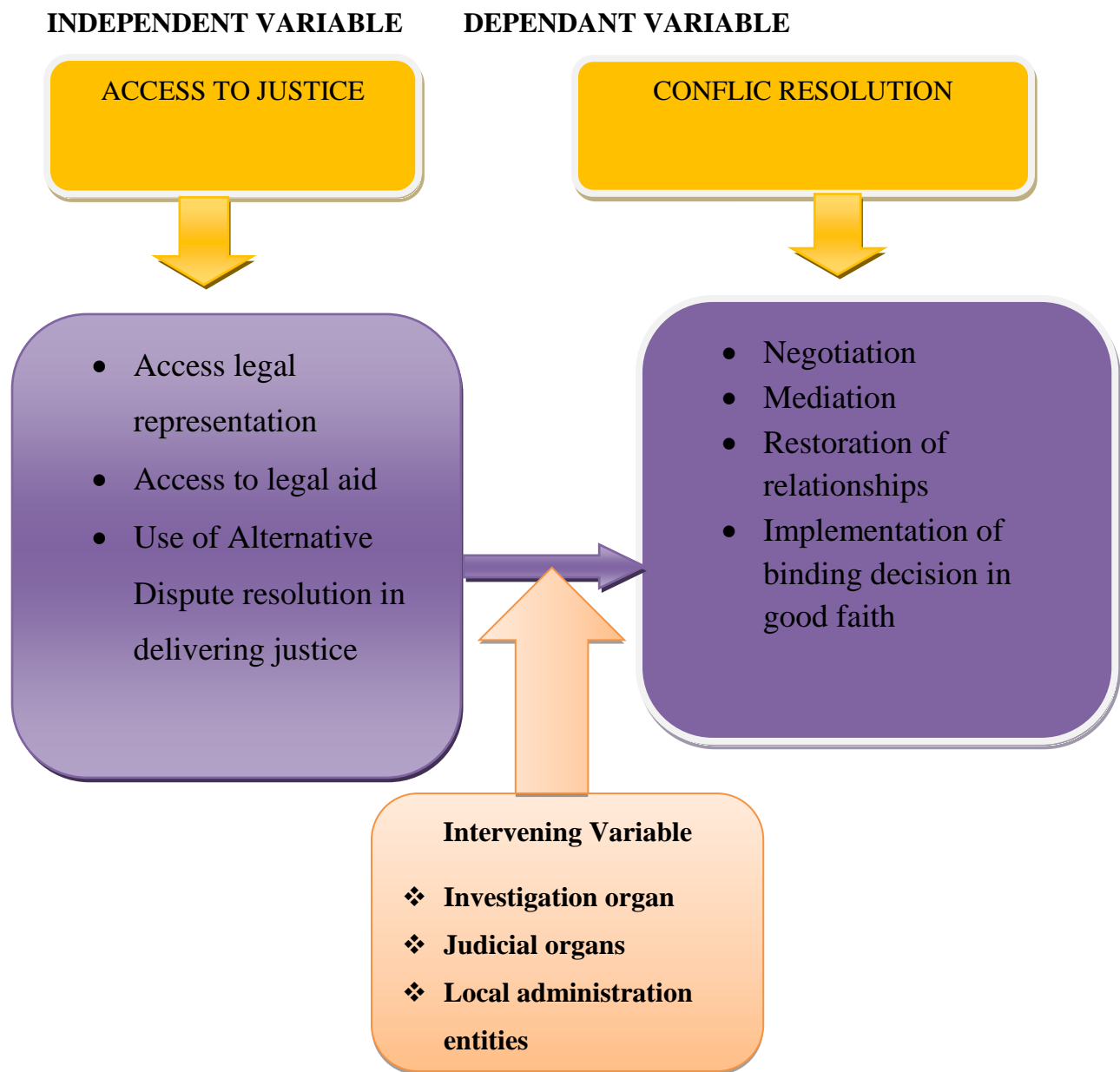
Rawls substitutes the ideal of the social contract as a more satisfactory account of the basic rights and liberties of citizens as free and equal persons. Each person, writes Rawls, possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.

He says that whatever else may be true it is surely correct that there is a must to develop a stricter and more demanding sense of justice. Therefore, in a just society the rights secured by justice are not subject to political bargaining or to the calculus of social interests.

The principles of justice he sets forth are those that free and rational persons would accept in an initial position of equality. In the theory of justice John takes justice as fairness and advocates for equality in the society it is very important to note that people may feel oppressed and discriminated if they are not accessing justice due to financial capacity. In Rwanda, Access to Justice Bureaus were created to the provision of free legal information/education, legal advice, mediation and assistance in criminal, civil and administrative cases to all Rwandans. It also provides for free legal representation for proven indigent people (MINIJUST 2014).

### **2.4 Conceptual framework**

According to Miles and Huberman (1994) conceptual framework is defined as a visual or written product which explains graphically or in narrative form the phenomenon being studied, concepts, variables and their relationship. In simple words a conceptual framework is the network of concepts interlinked together providing an articulation and a complete understanding of a phenomenon. The figure below is the conceptual framework of this research.



**Figure 1: Conceptual framework**

**Source: Author`s conceptual framework**

### **2.5 Research gaps**

The reviewed studies indicated empirical evidences about the access to justice and its contribution to conflict resolution, nevertheless some gaps were identified. First the contextual gap was seen whereby cannon(2009) has addressed the contribution of access to justice to conflict resolution in general, the context of post-conflict societies was not

addressed which is the case of Rwandan society. Uwazie (2016), addressed the contribution of access to justice using ADR mechanisms in Africa, but he did not talk about the contribution of legal aid and legal representation, he, focused on ADR and conflict resolution.

This study then addressed the research gaps by contextualizing access to justice and conflict resolution in post- conflict Rwanda, and is looking at legal aid, legal representation and ADR as mechanisms used to resolve conflict in Musanze District through access to justice Bureau(MAJ).

## **2.6 Conclusion**

This chapter is about the literature review, theoretical and Conceptual Framework. It defines the key concepts and the theories used in this study. The chapter analyses different literature about access to justice, conflict resolution and difference between the concepts of conflict resolution with other related concepts. Furthermore, the chapter discussed the contribution of legal aid and legal representation to conflict resolution, accessing justice using ADR and resolve conflict. All of this was supported by two theories that show the relationship of the variables under study. The researcher again has linked the key concepts considered as variables and that linkage has been made through the Conceptual Framework as it appears towards the end of this chapter. The next chapter discusses the methodology employed by the researcher.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This Chapter presents the research methods and methodology used. It provides the study design and approaches, research area, the population, sample size and sampling techniques employed. It also provides instruments used to collect and analyze both primary and secondary data, the limitations faced and ethical considerations.

#### **3.2 Research Design and approach**

The research is exploratory in nature and using qualitative approach. The purpose of conducting exploratory researches is to develop more understanding about the problem and there is no guarantee that the research will provide any conclusive outcomes.

It begins on the basis of a general idea and the outcomes of the research are used to find out related issues with the topic of the research, which can be used for future research on the same topic. In exploratory research, the process of the research varies according to the finding of new data or insight (Blog, 2019).

Exploratory type of research is usually conducted to have a better understanding of the existing problem, but usually doesn't lead to a conclusive result. Exploratory type of research is usually conducted to have a better understanding of the existing problem, but usually doesn't lead to a conclusive result.

It is better for a researcher to know the significance of what his/her research is about and knowing his/her stand about it, ontologically and epistemologically speaking (Jennifer, 2002). This research is qualitative because there was non-numerical data, rather it was involving the exploration of attitudes, behavior and experience of people who accessed justice through MAJ Musanze and how MAJ has helped them to resolve their conflicts.

Since qualitative researchers are interested in people's belief, experience, and meaning systems from the perspective of the people; it does not include statistical analysis and empirical calculation (Brink, 1993).

The origins of qualitative research lie in social and cultural anthropology, philosophy, psychology, history, and sociology. The goal of the qualitative tradition is a 'deep understanding of the particular' (Domholdt, 1993). The purpose of qualitative research is to describe and interpret issues or phenomena systematically from the point of view of the individual or population being studied, and to generate new concepts and theories. The choice of methodology is directed by the questions being raised (Viswambharan & Priya, 2016).

With Jennifer's views stated above, this study on access to justice and conflict resolution in post Genocide Rwanda is exploratory and the research approach is qualitative approach because it is analyzing the non-numerical data about the contribution of access to justice and conflict resolution and how MAJ have helped people in conflict resolution. I will use open ended questions in interview to explore that contribution mainly from the beneficiaries and from MAJ staff. Being qualitative means that it involves exploration of attitudes, behavior and experience (Dawson 2002), and try to understand clearly indicators of access to justice and conflict resolution and exploring the role played by MAJ in Musanze District.

### **3.3 Area of the study**

The study was conducted in Musanze District and MAJ Musanze was used as a case, Musanze is one of the five Districts in Northern Province with a surface of 530.4 km<sup>2</sup> with the estimated population of 368,267 as per 2012 census. It has fifteen sectors.

MAJ Musanze was chosen as the area of study because it came as the top District in Northern Province with the big number of service seekers from MAJ whereby, they receive about fifty persons a day (Uwamahoro, 2020). Furthermore, they have helped a big number of people in conflict resolution using mediation since they started in Musanze in 2009.

This study about “Access to Justice and Conflict Resolution in Post Genocide Rwanda: Case of Maison d’Accès à la Justice (MAJ) In Musanze District, is exploratory and shall use qualitative approach.



### **3.4 Study Population**

According to Abdallah (2010), the definition of “population is the total sum of individuals that we are interested in during the research. From this population, there are some who are specifically targeted by that same study from whom the sample is selected.

Therefore, the population in this study is projected to be 153 people forming three categories: Two MAJ service providers from MAJ Musanze, one person from MINIJUST, 150 beneficiaries of MAJ services who were taken three days per week and taking fifty persons a day. The population in this study includes men and women. Among this population, the three categories mentioned above as targeted respondents are:

- a. Two Service providers from MAJ in Musanze District
- b. Service seekers of MAJ services
- c. One respondent from MINIJUST who supervises MAJ activities.

According to Katarwa (2018) citing Creswell, where he claims that the next stage after the identification of the population is the sampling. The researcher has used sample size in the following way:

### **3.5 Sample size**

According to Saunderson, Lewis & Thornhill (2007), Sampling is crucial in research since it helps the researcher to obtain data in efficient manner, because due to different reasons like budget constraint time restriction and urgency of the data to be collected, the researcher cannot collect data from the total population of the study. Sample size is suitable because it is a representation of entire population. In qualitative research, the important aspect is to check if the targeted population is relevant to research questions and objectives (Dawson,2002).

There are many different ways to choose a sample size, and the method used depends on area of research, research methodology and preference of researcher (Dawson 2002). When the size of targeted population is less or equal to five hundred (500), but more than one hundred (100), the sample size will be eighty-one with a marginal error of 10% and precision of 95% and this is by using Yamane formula. Again, in qualitative research, sampling is used to select representative cases of the population, but not with the purpose of generalizing results but just wanting to look at certain research questions within certain cases which we assume represent the population (Abdallah 2010, p. 13-14). For a qualitative research to be

published a minimum number of respondents should be 20-30 (Kabir, 2016). Again the researcher using the Yamane formula in calculation of sample size from all study population where 153 participants provided the sample size of 31 participants which were ready to be interviewed willingly and having needed information for the research, also basing on the time constraint of the researcher during data collection, the following formula also supported the literature.

$$n = \frac{N}{1+N(e)^2};$$

$$N= 153 /1+153(e)^2: 31$$

Where **n**: indicate the sampled size

**N**: symbolize the targeted population

**e**: level of accuracy which is equal to the 10%

**Table 1: Sampled size from the population**

Participants	Total population	Sampled population
Maj service providers	2	2
MAJ service seekers	150	29
MINJUST	1	1
<b>Total</b>	<b>153</b>	<b>31</b>

**Source: Field data, December 2020**

### 3.6 Sampling techniques

In a qualitative research, selection of key informants is crucial and is done by selecting a smaller group that represents the characteristics of the larger group from the population, with a view to generalizing the results to the entire population (Gay ,2003).

In this study about access to justice and conflict resolution in post-genocide Rwanda, case of MAJ in Musanze District, the researcher has used purposive sampling technique by choosing two persons who are MAJ service providers in Musanze District, and one person from MINIJUST who supervises MAJ services, the researcher has also employed random sampling by choosing respondents from the group of MAJ service seekers that make the total number of 31 respondents.

### **3.7 Data collection instruments**

Data from the above cited categories of people were collected through interview and the researcher has prepared interview guiding questions for them. The interviews are meant to provoke primary data answers through straight interrogation (Kothari, 2004). It is the utmost method of data collection in any social survey as it provokes different respondents' opinions on a particular subject. The study made use of unstructured interviews in order to get the primary data. One by one interview was very flexible and helped to get noteworthy data. Therefore, some discussions will be made with key target persons

This research will need both primary and secondary data. Primary data is the first hand information, and collected from the original source, while secondary data is that one collected by someone else and not collected from the original source.

For this particular topic: Access to justice and Conflict resolution in post Genocide Rwanda, case of MAJ in Musanze District ", only two methods are found suitable for data collection process due to the reasons that are explained in next paragraphs with a consideration of What, Why and How. These are Documentary to help me answer most of my research questions and Interview.

#### **3.7.1 Interview**

This refers to as a data collection method when the interviewer directly communicates with the respondents in accordance with the prepared questions (Mathers, 2007). According to Matthews and Ross (2010), interview is a particular type of conversation between two or more people where one asks questions and the other responds. It is a primary data instrument used in this research because qualitative interview has a crucial interest in interviewees's

point of view. The researcher has used open ended questions, face to face and using mobile telephone.

Here, the researcher has increased the openness of the respondent(s) by making them believe that their opinions are very useful to the research and is going to be a pleasure rather than to be an order. Interview was helpful in this research to answer research questions.

### **3.7.2 Documentary**

Documentary is one of the Secondary data collection method which involves theorizing, and assessing documents that are relevant to one's research topic and the data collected using this method are termed as secondary data. Therefore, documentary provides secondary data and these refer to as the data that a researcher uses which has already been produced by others (Matthews and Ross 2010).

In this case, the documentary be all those scholars' books related to access to justice and Conflict resolution showing how access to justice has contributed to conflict resolution. And the report from MAJ showing how accessing justice contributed to conflict resolution in Musanze.

This method has been used because it is through it that the researcher managed to know what other scholars, academicians, writers about variables in this current topic. Additionally, some data were obtained from these documents to compliment other primary data from the field. After Documentary as secondary data gathering instrument.

### **3.8 Data analysis and interpretation**

The section talks about methods used to analyze the collected data. For data to be significant to the researcher, participants and readers, they have to be analyzed. Data analysis is a process whereby data are transcribed and organized and aims at making sense out of raw data while making an interpretation of what that data means (Marshall and Rossman 2006). 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's analysis requires exploration and

interpretation of data in order to make clear the study. (Corbin and Strauss, 2008). In research, the analysis of data is required to contextualize the meaning of data to the end state of the study that to get expected result.

The analysis of data will explain deeply the result from research about access to justice and conflict resolution in post-genocide Rwanda, case of MAJ in Musanze District. According to literature, while analysis deals with what the data says; the interpretation focuses on what the data collected means. In fact, it is a search for broader meaning of research findings.

In brief, interpretation is vital for the efficacy and usefulness of research findings lie in proper interpretation. It is a basic component of research process because of various reasons including but not limited to helping the research in grasping the meaning of the data collected as well as arriving at an informed conclusion. The data collected by the researcher were grouped according to their themes and compared moving forward from one them to the other and the summary was done to enable readers to understand such data. The interpretation of interviewees' views was done by matching with the research objectives.

### **3.9 Ethical Consideration**

To collect data from MAJ office in Musanze District, I had a letter from the college requesting facilitation, I wrote a letter to Ministry of Justice (MININJUST), which is the supervising organ of MAJ, and then MINIJUST replied giving me authorization. I conducted interview face to face at MAJ office working place where I also interviewed some of service seekers and some of them were contacted using telephone calls.

Before an individual or a group of individuals become a subject of the study, they will first be notified of the purpose, methods, anticipated benefits of the research. I will respect my respondents and create a conducive environment between us in order to succeed in the research. Biases and previous considerations are to be avoided.

There will not be an individual who will become a subject of this study unless he/she provides a freely given consent that he/she agrees to participate. At the conclusion of the study, any information that could have revealed the identity of individuals who will be subjects of the study will automatically be destroyed.

### **3.10 Study limitations and mitigating strategies**

There are limited studies conducted on the subject matters in Musanze District. Due to limited time available to complete this research, and other circumstances that hindered the research.

The study faced some limitations including the lack of some important key informants due to measures of fighting Covid-19 whereby during the period of collecting data, there was restrictions of movement. In order to mitigate that challenge the researcher conducted some interview on phone call, and sent the interview guide via emails which were filled and returned for analysis.

Again, the researcher met challenges in getting recent documentary data because some were restricted to get online whereby there was a request for membership or payment.

### **3.11 Summary of the chapter**

This chapter explains in details the methodology used in this research, by looking at research design and approach, population, sample technique and sample size, data collection instruments as to get consistent and effective data, which also support us to reach productive outcomes. Additionally, data analysis and interpretation methods have also been clarified, ethical consideration, and some limitations and mitigating strategies that help to come up with valuable findings.

## CHAPTER FOUR

### MAJ AND CONFLICTS RESOLUTION IN MUSANZE: STUDY FINDINGS

#### 4.1 Introduction

This chapter about data presentation, data analysis and data interpretation is meant to relate the literature, the theoretical framework to the findings (Abdallah, 2010). It presents both primary and secondary data collected from respondents that were organized, harmonized, reviewed to eliminate irrelevant information, coded and categorized according to recurring themes and study objectives.

The findings are specifically about the contribution of access to justice to conflict resolution, using a case of MAJ in Musanze District, and the findings compiled from the respondents 'perceptions and opinions on the problem under study.

#### 4.2 General characteristics of respondents

The following are the characteristics of the respondents the present researcher used:

##### Gender and age of respondents

**Table 2: Age and Gender range of respondents**

<b>Gender</b>			
<b>Age</b>	<b>Male</b>	<b>Female</b>	<b>Number</b>
18-27	02	05	07
27-45	05	09	14
46-60	02	08	10
<60	-	-	-
<b>Total</b>	<b>09</b>	<b>22</b>	<b>31</b>

**Source: Primary data December 20**

The gender of respondents was explored to both service seekers and service givers from MAJ Musanze. Gender consideration for both service seekers and service givers in this study was crucial since in Rwandan culture women are more likely to use Alternative Dispute Resolution and are accommodative more than male. According to Kirchhoff (2013) gender also affects dispute handling mechanisms. In this research it is discovered that Women were so many (71 %) comparing to men (29%) and this is explaining the nature of women to handle or resolve their disputes in peaceful way.

But the findings are also linked to the guiding theory of this research that stipulates that throughout the twentieth century, legal institutions have defaulted on their obligation to provide justice to all because of the nature and reality in each society (Robinson 2009).

The number of women that went to MAJ Musanze to seek service was again linked with post Genocide Rwanda, whereby we have widow as consequence of Genocide against Tutsi and this has created the disputes which have to be handled through a mechanism that is not costly. The processes used to resolve disputes for women were effective than for men. The age also of respondents was shown in the table above and it is shown that all categories from 18 years to 60 years are all subject to the study but the big number of the respondent were aged between 27-45. This entails that all people can be involved in conflict and need to access justice and resolve their disagreements but that category of 27-45 (45%) is linked with the location of MAJ office from their residences that shows that old people were not involved.

**Table 3: Category of respondents**

<b>Gender</b>	<b>MAJ CUSTOMERS</b>		<b>MAJ STAFF</b>		<b>MINIJUST</b>	<b>TOTAL</b>
<b>Male</b>		<b>7</b>		<b>1</b>	<b>1</b>	<b>9</b>
<b>Female</b>		<b>21</b>		<b>1</b>		<b>22</b>
<b>Total</b>		<b>28</b>		<b>2</b>	<b>1</b>	<b>31</b>

**Source: Primary data December 2020**

The categories of respondents display that service seekers were many 28 Equal to (90%) of the remaining two groups and this was linked to the nature of the research that is qualitative whereby the researcher wanted to explore the opinions and views about the phenomenon without necessarily coming up with the solution to the problem under study. In this research



service seekers were the one who have experienced access to justice and how it has helped them to resolve their conflict.

#### 4.2.1 Respondents by level of education

**Table 4: Table of respondents by level of education**

<b>GENDER</b>	<b>Ordinary level</b>	<b>Advanced level</b>	<b>Bachelor degree</b>	<b>Master's degree</b>	<b>TOTAL</b>
<b>Male</b>	3	1	2	1	7
<b>Female</b>	9	8	7	-	22
<b>TOTAL</b>	<b>12 (38%)</b>	<b>9 (29%)</b>	<b>9</b>	<b>1</b>	<b>31</b>

**Source: primary data December 2020**

Data from the table above shows that 12 respondents (38%) are ordinary levels holders, 09 respondents equal to 29% were advanced level holders, 09 (29%) were degree holders and 01 remaining had master's degree. This finding shows that respondents were balanced enough in terms of knowledge about the research objectives and research questions. This entails that they appreciated and articulated the issues involved in research giving their views and opinions.

#### 4.3 General response rate of the research

According to Kothari (2004), verifying the response rate in any research is of crucial significance, as it forms the basis for generalization of the study findings. Interview guided questions were used to 22 respondents (71 %) by employing face to face interview, other respondent 9 (29%) were asked through telephone as planned and interviewees have given their views and opinions freely.

The findings showed that the respondents were generally conversant with the research questions done through face to face as well as using mobile telephone. They were qualified to give information the researcher needed related to themes set from research objectives.

## **4.4 Findings**

These findings include the data collected using the interview as primary data collection instrument and documentary as secondary data collection instrument. The findings address research questions. Under qualitative design the analysis and interpretation of data were done in line with four following identified themes:

- a. Access to MAJ services in Musanze District
- b. Contribution of legal aid and legal representation in conflict resolution in Musanze District
- c. Contribution of Alternative Dispute Resolution Mechanism in conflict resolution in Musanze District.
- d. The challenges encountered in accessing justice and resolving conflict in Musanze District.

### **4.4.1 Findings according to the themes**

#### **4.4.1.1 Access to MAJ services in Musanze District**

MAJ receives and support vulnerable people from Musanze District. They receive people who need advice on how to access justice in all cases (both criminal and civil matters) generally and also receive vulnerable people and support them in court proceedings in civil matters including deposit of the case file and legal representation. Most of people have known MAJ through local authority leaders, neighbors or from different meetings, or referred from Rwanda Investigation Bureau (RIB), or Rwanda National Police (RNP).

One of the respondents during face- to- face interview stated that she was taken to MAJ by Executive Secretary of the cell when I went to her and she referred me to MAJ for further guidance:

We receive people from different sectors in Musanze District. We have a form we fill when we register the problem a person has, and contact the opponent party(parties) through telephone if applicable or we write to him/her/ them, and we deposit the case file in court online for indigent persons. Interview with Marie Therese UWAMAHORO, Ag. Coordinator Musanze District, on 22<sup>nd</sup> December 2020.

Equally the local leaders refer people to MAJ to ensure the justice is accessed in their locality. The findings indicate that MAJ is known by different structure from village level, cell and sector level, some are referred by *Abunzi* Committee, or from Police stations or RIB. The fact that they provide service for free charge, they receive many people.

I did not know MAJ before, the executive secretary of cell where I had taken my complaint about my child's right is the one who informed me that there is Access to Justice Bureau at District and I went and was received by MAJ staff. Interview with one lady who came to seek advice from MAJ on 22nd December 2020.

Despite the fact that MAJ is not commonly known to all entire community, the referral made by neighbors, local leaders, RNP.RIB, Abunzi committee, it has helped many people in accessing justice in Musanze District. Before Corona virus they used to receive fifty persons per day including new cases and the ones which need follow up and this has a positive impact about conflict resolution among families.

At MAJ they also receive victims of Gender Based Violence (GBV), and request forensic evidence by testing Deoxyribonucleic Acid (DNA) in cases of establishing paternity. They also provide legal representation in courts for the indigent people in civil matters.

These findings are in connection with what is provided in literature review whereby according to the constitution of Rwanda of 2003 as revised in 2015, in its preamble para 5, it states that "Rwanda is committed to building a State governed by the rule of law, based on the respect for human rights for all". This means that MAJ helps in guaranteeing equal rights for all without considering financial capacity also are assisted in one way or another to access justice and resolve conflicts.

#### **4.4.1.2 The contribution of legal aid and legal representation to conflict resolution**

MAJ has started in 2009 in Musanze District, but the research has covered five years from 2015 to 2020 and has focused on the cases that are involving legal aid and legal representation as well as the mediation done by MAJ in conflict resolution. Both people who seek advice and those who need legal representation in courts, and the ones who want the test

of Deoxyribonucleic Acid (DNA) are received by MAJ on daily basis and are helped accordingly. Beyond different services provided by MAJ staff.

According to the responses given by some service seekers through face to face interview, legal aid and legal representation are done in their everyday work whereby legal aid is done in both criminal and civil matters while legal representation is done in civil matters. During face to face interview with one of MAJ service providers she said:

We receive People who come at our office seeking services and they are first registered and explain their problems, if possible they have issues that require legal representation there is one staff who is always a coordinator who represent them in the court of law but it is done only in civil matters, whereas in criminal matters, our customers only receive legal aid and sometimes they agree to resolve their conflict in good faith. Interview done at Musanze on 22<sup>nd</sup> December 2020.

The contribution of legal aid and legal representation to conflict resolution has been so important and also has been testified by many of the service seekers.

One respondent said that:

Many people did not know MAJ including myself and I was referred to MAJ by Executive Secretary of our cell, because I had a problem of succession whereby I had given birth to a child with a man who was legally married to another woman. After sometimes the man died and the wife did not want to consider my child as the one also having right to the property left by the husband. I went to MAJ whereby they helped me in legal representation and my problem was solved.

Moreover, according to the response given by one MAJ service seeker through face to face interview and he said:

I did not know MAJ and how it helps in legal aid and legal advice, I was referred by the commander of cyuve police station where I went first seeking advice about the divorce process and she told me that I have to go and see MAJ service providers at Musanze District, they received me and gave me appointment to come with all necessary documents to represent me in court for divorce with my husband. Now I won the case and the divorce was granted and am thankful to them. Face to face interview at Musanze 26 December 2020.

Other respondents attribute the contribution of MAJ to conflict resolution by use of legal aid and legal representation as source of helping people who do not have money to lodge their cases in formal court of law. This is said by MAJ service provider:

*Yes, we receive a big number of citizens and especially Mondays, Wednesdays and Fridays, whereby we can receive more than fifty customers who need different legal services and we have the obligation of helping them in legal aid both in civil and criminal matters, but for the cases requiring legal representation we give that service to the poor people and in civil cases only. It has helped people who do not have financial capacity. Done at Musanze on 04/05/2021.*

The statement above is in line with the argument from the literature review that stipulates that when people do not access justice due to financial status, they cannot resolve their conflict this may hinder peace and security. It is also in relation to access to justice theory that provide that MAJ is helping a big number in legal representation and this also help to resolve conflict amicably:

*“Naje kuri MAJ ya Musanze nshaka ko bangira inama mu by’amategeko bakanatangira ikirego ku bijyanye no kuzungura umutungo wasizwe na papa babanza kuntangira ikirego mu rukiko cyo kwitwa umwana wa papa, nyuma bantangira ikirego cyo kuzungura nkaba nshimira cyane MAJ uburyo yantangiye ibyo birego byombi”.*

#### **Translation by author**

I went to MAJ Musanze seeking advice about the problem I had on succession, but first of all I needed to be represented in court for paternity petition, then after MAJ helped me in court for succession petition, I appreciate the service given by MAJ in legal representation in both cases I had. face to face interview, Musanze 26 December 2021.

The analyzed data from the field demonstrated that MAJ has helped a big number of individuals in legal aid and they testify how MAJ has helped those without the financial capacity to sue the cases in courts, they said that it has also helped in speeding up the process but more to that the legal aid and legal representation has helped in restoring relationships between parties.

In case of criminal cases, they are given advice to report to RIB and they continue to collaborate with RIB, in cases requiring legal representation, they are represented successfully in courts and their decisions are enforced free of charge.

This is confirmed by one respondent from MINIJUST who was interviewed using telephone call where he stipulated that MAJ in Musanze has a great contribution in conflict resolution in this words:

MAJ contributes in legal aid of all people who wish advice in regards to legal matters in both criminal matters and civil matters, and also legal representation in civil matters, but also MAJ has a staff who works as a court bailiff who help in the enforcement of the decide cases. Telephone Interview at NPC, on 10<sup>th</sup> May 20201.

Data generated from the first objective which is the contribution of legal aid and legal representation to conflict resolution in Musanze District showed that 25 respondents (80%) confirmed that legal aid and legal representation used by MAJ help in conflict resolution and 16 (20 %) confirmed that they have used other means and resolved their conflict.

#### **4.4.1.3 Contribution of Alternative Dispute Resolution (ADR) mechanisms to Conflict Resolution**

ADR mechanisms refer to “all other dispute resolution or decision making processes that are an alternative to litigation. Parties to any dispute, the continuance of which is likely to endanger the maintenance of harmony in the society, shall, first of all, seek a solution by negotiation, e, mediation, or other peaceful means of their own choice to settle their conflict” Negotiation and Mediation are the commonly used methods by MAJ Musanze in conflict resolution trying to manage the received different conflict and trying to reach a mutually acceptable agreement between conflicting parties. If no outcome agreed by the conflicting individuals, they can proceed to the court of law where they can also be represented if they are eligible because the legal advice is given to everyone who go to seek services from MAJ but the legal representation is given to individuals who are in first category of *Ubudehe*.

The mediation process when successful help in saving time, no expenses and the good relationship remains between people in other words it is promoting peace and contribute to

and conflict resolution. This is also confirmed by three respondents during face to face interview which was conducted on 06 January 2020, as follow:

we had a conflict over the land left by our father and the conflict is between us and our mother who is now living with another husband and wants to take all plots, we approached MAJ in Musanze district where received an advice and we resolved the conflict peacefully without going in court. Face to face interview. On 03<sup>rd</sup> January 2021.

It is earlier mentioned that the Negotiation and Mediation approach is mostly used by MAJ basically because as per the interviewees, the approach helps the conflicting parties reconcile themselves without taking the case further. In other words, the solution to their source of conflict comes out from and/or by the conflicting parties at the extent that MAJ objectively plays a role of mediation; and this is the main purpose for establishing this platform where it has to help them solving their problems by themselves.

This process has helped especially in the cases involving DNA test whereby the defendant pays the fees and if the test is negative, the plaintiff pays back the money. Again when the DNA test is positive, the defendant has to continue with the process of registering the child in civil status affairs office, and also the child has all right to both parents. Again, when there is mutual agreement between parties, they implement in in good faith and the relation is restored.

#### **4.4.1.4 Effectiveness mediation**

According to the findings, ADR mechanisms employed by MAJ help in conflict resolution, have because, they help resolving conflicts faced by many individuals. In addition to this, those mechanisms have also helped to restore relationships and some examples were witnessed during the study; from the interviewees' responses, composed of people from the following categories:

MAJ service seekers

MAJ service providers in Musanze District.

According to responses got from interview done on telephone with the staff from MINIJUST about the use of ADR mechanisms, he stated that ADR is the effective means used by



conflicting parties whereby mediation is employed and is done by parties themselves in the presence of one MAJ service provider and the outcome from mediation is enforced by parties that agree to continue their relationship. He stated that in the following words:

Mediation is the ADR mainly used but in most cases it is also done by using negotiation whereby first parties have their negotiation about the disagreement and when they succeed in negotiation they come for mediation and they are assisted with MAJ service provider who request them to put in writing their agreement and they also put stamp. Telephone Interview at NPC, on 10<sup>th</sup> May 20201.

He also said that ADR used by MAJ in assisting people in Musanze District in different matters including succession, divorce, DNA test and have contributed to conflict resolution. This statement from MINIJUST staff is confirmed by the report from MINIJUST (2018), stating that in Rwanda, there is a growing interest in informal conflict resolutions practices that are the resolution of disputes and the regulation of conduct mediation done or the assistance of a third party that is not part of the judiciary and whose foundation is not primarily based on statutory law.

From the auxiliary theory used in this research in addition to primary one being access to justice theory, in the theory of justice John (1971) takes justice as fairness and advocates for equality in the society, whereby he said that that people may feel oppressed and discriminated if they are not accessing justice, due to financial capacity.

In Rwanda, Access to Justice Bureaus (AJB) were created to the provision of free legal information/education, legal advice, mediation and assistance in criminal, civil and administrative cases to all Rwandans.

The respondents said that ADR mechanisms have helped them first for those who do not have enough money to go for court proceedings, it has helped them to speed up their process but more to that they have helped in restoration of relationships. Conflicting parties appreciate those mechanisms. It is witnessed by one respondent:

I had a problem of DNA test and I did not have capacity to pay for it, and I went to MAJ to seek guidance on how to do, because I wanted my child to have a recognized father. Arriving at MAJ they called the man who I said that he impregnated me, he came and accepted to pay for DNA test and they told us that if the test is positive, he will also register the child and if it is negative, I had to pay back. Finally, the test was positive and the man has accepted to continue with all rights reserved for the child. MAJ has helped me. Musanze on 03<sup>rd</sup> January 2021.

The contribution of ADR mechanisms in conflict resolution is also affirmed by one MAJ service provider:

We mainly use mediation for the customers who wish so, and if agree to use that mechanism, they sign a form that shows the agreement and if one does not implement the agreement in good faith, the aggrieved party can go in *Abunzi* committee or any other courts and lodge complaint, if the victim is in first category of *ubudehe*, we help him/her in legal representation in court.

Another respondent stated that

Mediation done through MAJ in Musanze has helped me and my sisters, whereby we had a problem of succession of the property left with our father, and we have gone to MAJ because we have known that they provide service free of charge and their process to solve disputes is speedy. We went all of us and after they advised us to call for the head of the family to come and help us to settle our disputes, we called him and we have taken only two days to resolve our disputes over land which is to be appreciated.

This statement concurs with access to justice theory guiding this research because it states that in a society whereby people cannot afford court fees, there must be promotion of informal mechanisms used that help to resolve their conflicts.

It is also in the line of the literature that is provided that Access to Justice and Alternative Dispute Resolution (ADR) movements have influenced both legal thinking of civil procedure and policymaking on the functioning and role of the courts, the two movements will be introduced. Both movements argue that settlements and procedures outside of the courts might be a solution under some circumstances; The legislators have, however, only taken some limited parts of the ideas of the ADR movement; therefore, the way court-connected ADR is practiced is often far from the original ideas and ideals (Nylund, 2014)

#### **4.4.1.5 The contribution of ADR Mechanisms in Conflict Resolution**

Most of the received complaints received by MAJ office, and they were solved using negotiation and mediation whereby those conflicts have been handled and managed using this mechanism. Since those mechanisms used are efficient in conflict resolution, conflicting parties especially the ones who want to conduct DNA test are using negotiation to solve their problems. The involved parties agree on how to settle their issues in good faith and the enforcement is done peacefully in order to remain in good relationship.

These approaches that have shown success in handling different conflicts especially those that have failed to be handled using the previous approach. The data collected from interviews witnessed that over 80% of the cases received are handled by using negotiation, mediation and cooperation where MAJ service providers play the role of a mediator between the two conflicting parties after the two have failed to negotiate for themselves.

Mediation has been combined with Negotiation because these two become fairly similar about their application during the resolution of the conflict *by MAJ*. While the latter is trying to mediate and facilitate the conflicting parties, the negotiation also comes in to help the parties to responsibly arrive at their own settlement or agreement.

#### **4.4.2 The challenges encountered in accessing justice in order to resolve the conflicts.**

Respondents were asked to identify challenges that they were facing, and acting coordinator of MAJ in Musanze District stated that they face some challenges like lack of cooperation from the local authority, who are sometimes requested to assist the service seekers. Mainly the challenges faced in accessing justice and conflict resolution are the following as from the findings:

- a. The big number of people who need to be represented in courts comparing to number of the service provider, because only legal representation is done by MAJ coordinator
- b. The lack of transport on MAJ side which hinders the improved service delivery
- c. The office is not sufficient to accommodate all service seekers and no private room for mediation in camera

d. The mediation outcome does not have binding force as the one of *Abunzi* committee which can be enforced

e. MAJ is still far at District level and all service seekers cannot go there due to transport issue

Another challenge is that they do not have transport and sometimes they have to go on ground as stated by Ag MAJ coordinator:

Sometimes in providing justice to resolve conflict, we need assistance from local authorities especially at sector and cell level, but their cooperation is very low because some of them do not know even our office, when we talk to them they provide to help us but sometimes do not cooperate or slow down the procedure, that is one of the challenges we face.

She also stated that again in the provision of their services aiming at contribution to conflict resolution sometimes they need transport and they do not have.

In our day to day work we need transport like when in the agreement, one party agrees to give something for example a cow, or a plot we need to go on ground to be successful in decision making, we do not have transport and this delays the service or hinders the service to be given.

Another challenge is when there is no service provider who is competent for legal representation, like when I was collecting data, there were two service providers, one in charge of court decision implementation as explained by Ag. coordinator on 23 December 2021.

Sometimes we do not have somebody who represent indigent persons in court, because normally the coordinator is the one having that legal capacity, but now we do not have coordinator and me I am handling Gender Based Violence cases and we receive people who are in need to be represented in court.

When the present researcher was collecting the data from MAJ as shown above, they had only two service providers, one is in charge of Gender Based Violence(GBV), and she was acting as coordinator, but she was not having the authority to represent MAJ customers in court as objective number one is concerned with legal representation and legal aid. However, the Coordinator is now there working and represent clients in court but in civil cases only.

#### 4.4.2.1 Binding force of the decisions rendered by MAJ

One of the respondent from MAJ service providers stated that because some parties take the decisions from MAJ as they do not have binding force and they may enforce them or not because they do not produce legal effect before the law:

*“Hari ubwo ugerageza guhuza impande zombi zifitanye ikibazo, ariko kubera ko bazi ko umwanzuro uzava muri Mediation nta buremere ufite mu rwego rw’amategeko bakemera ko biyunze kandi uruhande rumwe ruzi neza ko rutazubahiriza ibyo rwemeye”.*

Translation

“While mediate the two parties to conflict, and because they know that our decision does not have binding force, and sometimes refuse to enforce the decision”. Another challenge is that sometimes in mediation there is a need for using some special skills on how to handle the cases in hand, and because of lack of continuous training, the cases are not handled in a proper way. Again sometimes when we are in mediation, some cases are required to be handled in camera, and MAJ does not have the private room to be used as stated by MAJ coordinator May 4, 2021 and he stated:

*“Kenshi usanga mu kazi kacu dusabwa gukoresha cyane Mediation, nyamara ugasanga abantu basabwa gukoresha ubumenyi karemano kuko amahugurwa ari make, Kuba MAJ yakira umubare munini w’abayigana bituma umwanya wo gukurikiraa Case by Case ngo tumenye uko yarangiye bidakunda, Aho MAJ Itangira Service umunsi kuwundi ntabwo biyifasha kwisanzura mu gihe cya Mediation kuko usanga hari ibyo abari muri uyu muhango batinya kuvuga kuko biba byumvwa n’umuntu wese utegereje guhabwa Service”.*

Unofficial translation by the author

In our day to day work, we often use mediation and the skills and knowledge used are not matching with the required service due to inadequate training. Sometimes also we receive cases that require to be handled in camera and we do not have safe room for that and our clients are not helped properly. Musanze, 4 May 2021.

MAJ service seekers are facing some challenges like little knowledge about MAJ and the services given by MAJ and when the local authorities are requested to help them with

information or documents needed they do not comply or late comply by saying that they do not know MAJ and its role in conflict resolution so their cooperation is low.

One respondent said:

We go to MAJ and sometimes they ask us to provide some documents from the local authorities, and some information also to be provided by local authorities to help MAJ and when we ask local authorities they say that they do not know MAJ and even they do not know what they do. Musanze on 26 December 2020.

Another respondent stipulated:

I came to MAJ and I had a problem with a man whom I was complaining that he impregnated me and died after the baby was born. I went to his wife requesting her to provide some help for the child and she gave me a plot which is not good and MAJ asked me to go and look for the executive secretary of the cell to go and have a look on the plot, the executive secretary did not want to help me and I had to come back and report to MAJ Ag coordinator who called the executive secretary telling her my problem and helped me and report back that the plot was not good, I am still waiting for the resolution to my problem. Musanze on 03<sup>rd</sup> January 2021.

Another challenge is the lack of transport because having MAJ at District and some sectors are far, this hinder the effectiveness of MAJ in conflict resolution, since the service seekers fail to come to their office. The challenge was also recognized by MAJ coordinator on May 4, 2021 and he confirmed what was stated about the lack of transport and how it hinders their performance.

#### **4.4.2.2 Lack of skills required to handle all matters**

Another challenge is that sometimes in mediation there is a need for using some special skills on how to handle the cases in hand, and because of lack of continuous training, the cases are not handled in a proper way. This was from the respondent who stated that

In our day to day work we are requested to handle all matters whether in mediation, legal representation or even legal aid in form of legal advise, and because there are some special skills needed like in commercial matters or in any other field requesting special skills, this hinder our effectiveness to provide full legal service

Again sometimes when we are in mediation, some cases are required to be handled in camera, and MAJ does not have the private room to be used as confirmed by MAJ coordinator in Musanze District.

Yes, we work in partnership with the District, but we face a problem of having office where we have a separate room to be used in cases requiring to be held in camera, like advice about divorce or another case of mediation of spouses living in conflict. Musanze 04 May 2021.

#### **4.4.3 Strategies for effective performance of MAJ in conflict resolution**

MAJ to effectively manage and help people in access to justice in order to resolve their conflicts as well as perform its other general duties and responsibilities, the following have been proposed as the strategies or proposed solutions to the challenges previously identified and explained:

- a. Enhance the cooperation between MAJ and other stakeholders like the local administrative authorities and explain to them that what MAJ perform in helping people in access to justice and conflict resolution are their benefit because they help in their duties and responsibilities also in handling their problems.
- b. Provide transport for MAJ coordination at District level in order to facilitate their customers because they take long journey to reach at the office, but also the transport may help them in going on ground and facilitate parties on ground for some cases requiring being there.
- c. Strengthen and harmonize organizational capacity and coordination of the MAJ. This should be done by empowering the management/coordinating committee members of MAJ in terms of capacity building and training, financial support (incentives), material support.
- d. To have MAJ office with private room, whereby the service providers and their customers can meet and be free to talk and if possible, have some session in camera, in some advice they provide like in cases of divorce, Gender Based Violence, and any other case that requires privacy.
- e. Finally, there is a strategy of expanding MAJ services and reach at least at sector level as other services are decentralized and this will help the service seekers to have service without going far from their home and will easy the service to be given service since justice delayed is justice denied.

#### **4.5 Researcher`s interpretation**

In reference to Chapter Three of this study, the interpretation focuses on what the data collected means. Therefore, the interpretation part of this study is focusing on drawing interpretations from the collected and analyzed facts. The following questions have been mainly considered:

1. What is important in the data in relation to the study?
2. Why is it important?

The good thing in the data collected is the truth that was spoken by the interviewees and conducted and the report received from MAJ office and it would be the most important element which can be considered as the reality on the ground as far as the functioning of MAJ and the service MAJ provides with regard to conflict resolution.

Looking at the theories used in this research, especially access to justice theory which means that the equal access to justice to all citizens is not possible in post- conflict societies like Rwanda, where we have so many people whose financial status is not good, and because of that the government has to look for mechanisms that can assist people, and by taking first into consideration the indigent people or other vulnerable persons like children, widowers and inmates, the findings has shown how people are benefiting from Legal aid, legal representation and using Alternative Dispute Mechanisms in resolving their conflict, while assisted by MAJ in Musanze with free of charge.

The findings above are very important because they reveal what goes well and what goes wrong in accessing justice through MAJ, and it even goes further and suggests what could be the strategies to make this mechanism more effective not only in the regard of conflict resolution but also in the general performance of MAJ. It is also important because, MINIJUST that established MAJ will consider the outcomes of the research to know what to improve as well as where to put much effort. A typical example here could be the sections about challenges and strategies that could be serving as a tool to identify where they can improve. The findings again are supplementing the citizen score card report (2020), where



the services given by MAJ have scored the average of 85% of citizen satisfaction in accessing justice.

#### **4.6 Conclusion**

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

This chapter also reveals some of the challenges perceived in the study and the strategies to overcome those challenges specifically in regard to access to justice and conflict resolution and how MAJ can improve in general. The next chapter is presenting the summary of the study, conclusions drawn from the findings as well as to recommend for area for further study.

## CHAPTER FIVE

### SUMMARY OF THE 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 study, entitled “contribution of access to justice to conflict resolution in post genocide Rwanda. The case of *Maison d'Access a la Justice (MAJ)* in Musanze District, aimed to understand the contribution of MAJ in conflict resolution whereby the objectives of the study were:

1. Contribution of legal aid and legal representation in conflict resolution in Musanze District;
2. Contribution of Alternative Dispute Resolution Mechanism in conflict resolution in Musanze District,
3. The challenges encountered in accessing justice and resolving conflict in Musanze District.

\This chapter presents the summary of findings in relation to the objectives of the research, the general conclusion as well as recommendations of the research. The research also emphasizes on a target population of 153 populations whereby by using Yamane formula, I interviewed 31 respondents. Those respondents were sampled using purposive sampling technique for MAJ service providers and one officer from MINIJUST and random sampling technique for MAJ service seekers. The data collected were analyzed by employing thematic interpretation and content analysis

### **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 was the contribution of legal aid and legal representation and the study found that legal aid and legal representation provided by MAJ has contributed to conflict resolution whereby people who benefited from MAJ services resolved their conflict without any financial involvement and the service was quick and in addition the relationship between parties remained.

In regard to the contribution of Alternative Dispute Resolution in conflict resolution, it was found that it has also helped in the resolving conflict related mostly to Paternity cases whereby there was a need for DNA test and recognition of the child in the law. It was observed again that those ADR mechanisms helped in speeding up the process of conflicting parties and improved on good relationship among citizens in Musanze District. The findings of this study have shown the contribution of MAJ in helping people accessing justice and resolve conflict. The findings have shown that MAJ is contributing whereby the cases received by MAJ from 2015 to 2020, 70% have been resolved through mediation and negotiation as the Alternative Dispute Resolution mechanism. Service seekers of MAJ have witnessed that MAJ helped them in their process to be speedy, non-costly and more to that the relationship among parties who had conflicts have been maintained. Again MAJ has helped in legal aid and legal representation in courts, by helping specifically vulnerable people.

Moreover, the findings have also revealed that MAJ has been effective in conflict resolution and there is even hope that if it continues in such a way; it will be more effective in years to come where people will be helped to access justice and resolve conflict among themselves and this will help citizens to live in harmony.

## **5.4 Conclusions**

Basing on the above findings, the following conclusion is drawn from the research.

As long as the contribution of MAJ in accessing justice and resolve conflict is concerned, the findings show how different people have benefited from the services provided by MAJ in regards to conflict resolution

Legal aid is provided for everyone who wishes to access justice and resolve the conflicts whether in criminal matters and civil matters

As the civil matters are concerned, MAJ has contributed mainly in DNA testing cases and the rights of children, but other cases are also to be considered

About legal representation, despite the challenge MAJ in Musanze District was facing of not having the MAJ coordinator who also represents clients in courts, it was said above that those cases were few on legal representation comparing to the number of people requesting the services, but at least now the coordinator was appointed, which is to be appreciated.

The Alternative Dispute Resolution used by MAJ in helping people resolving their conflict in good terms, mediation is mainly used and it is very contributing to the speedy process, without cost and the relationship of conflicting parties remain, which promotes peace and harmony among citizens

## **5.5 Recommendations**

Some of the recommendations have even been cited in the strategies proposed in chapter four, that to overcome the previously mentioned challenges there should firstly be

- a. MAJ to enhance the cooperation between their office and other stakeholders like the local administrative authorities and explain to them the responsibilities of MAJ in helping people in access to justice and conflict resolution.
- b. MINIJUST to provide transport for MAJ office at District level in order to facilitate their customers because they take long journey to reach at the office, but also the transport may help them in going to the field and facilitate parties on ground for some cases requiring their presence.

- c. MINIJUST to strengthen capacity building in terms of different trainings related to their different responsibilities.
- d. Finally, the researcher recommends MINIJUST to work on the expansion of MAJ services and reach at least at sector level as other services are decentralized and this will help the service seekers to have services without going far from their home and will easy the service to be given because justice delayed is service denied.
- e. Public to be sensitized by MAJ on their duties and responsibilities by using different media broadcast like radios, television and trough different forum like *Umugoroba w`ababyeyi* and community work (*umuganda*) where people are gathered in big number and sensitize them on the benefit of resolve conflict trough MAJ and access justice in general as it is the fundamental right recognized to every citizen the one with financial means and those ones without financial means.

In addition to those recommendations, the Government of Rwanda should also allocate budget MAJ to facilitate the functioning and success of this platform.

## **5.6 Suggestion for further research**

This research was limited to the contribution of MAJ in conflict resolution in Musanze District. Based on various factors uncovered through the collection of both primary and secondary data, and also basing on the recommendations suggested by the researcher, it is found imperative for other researchers to explore further

- ✓ The contribution of other mechanisms like *Abunzi* committee in helping people accessing justice.
- ✓ The comparative assessment of contribution of MAJ and contribution of *Abunzi* committee in accessing justice and resolve conflicts among citizens.

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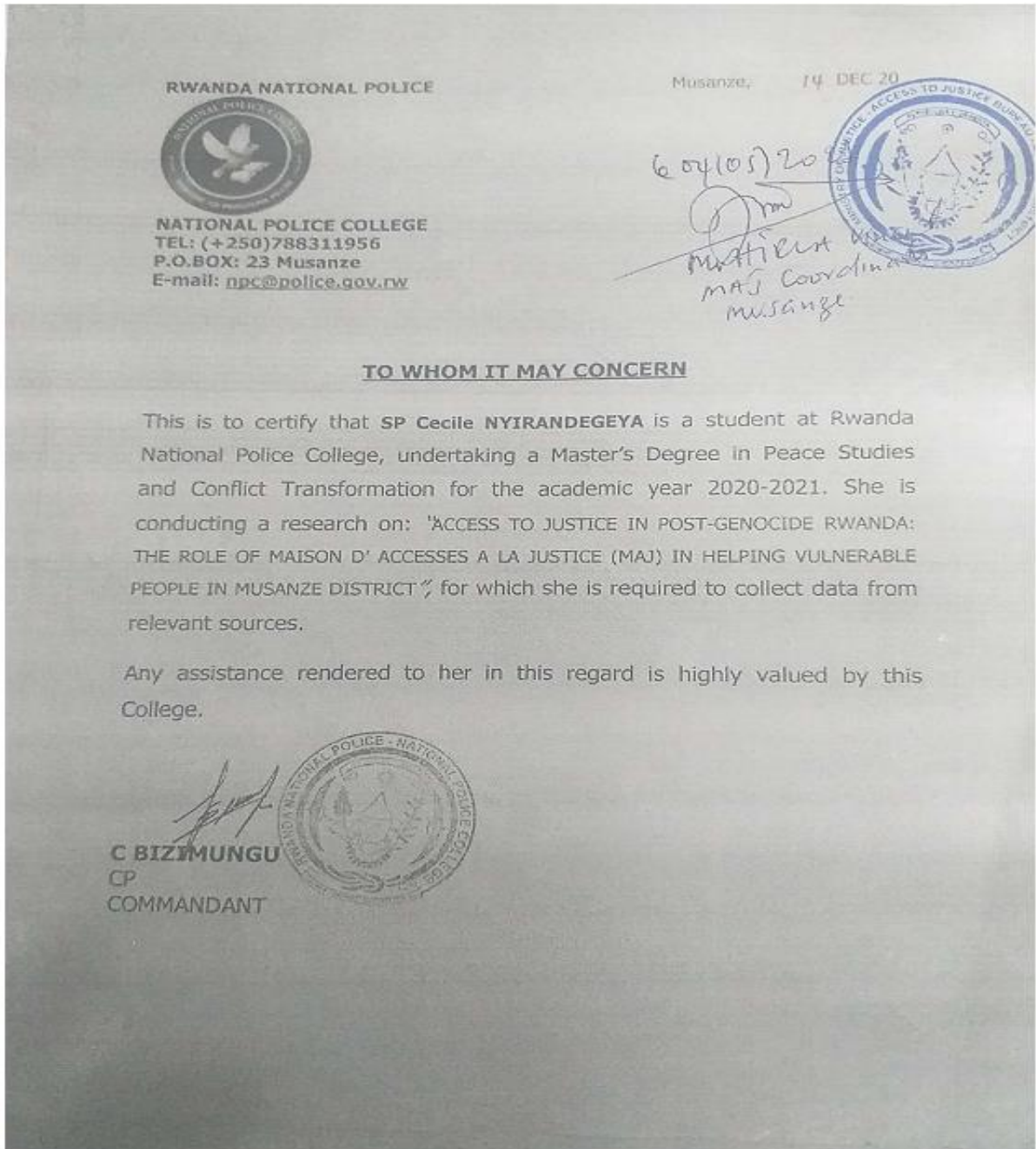
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# APPENDICE

S



**Appendix I: Introductory letter from NPC Commandant**



**Appendix II: Letter to MINIJUST**



Appendix III: Response from MINIJUST



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## Appendix IV: Interview guiding questions

Dear respondent,

I am called Cecile NYIRANDEGEYA, a post graduate student at University of Rwanda undertaking a Master's Degree in Peace and Conflict Transformation. As part of academic requirements for the award of the degree, I am expecting to carry out a research. The study is on “*The contribution of access to justice to conflict resolution in post genocide Rwanda.*

*The case of Maison d`Access a la Justice (MAJ) in Musanze District.*

You have been selected to be among the respondents because of your experience, the information you will provide will be very vital to this research. I would like you to answer them honestly and freely. All the information you provide will be treated with confidentiality and used for the research purpose only. The results are expected to benefit me in my research, the citizens of Rwanda and particularly beneficiaries of MAJ in Musanze District.

Any question or need for clarity do not hesitate to contact me on +250782177292

Your cooperation will be highly appreciated.

Thanks in advance.

Yours sincerely

**Are u willing to participate in this interview?**

**Interviewee**

**Signature**

**Date**

S/N°	Research questions	Interview guided questions
1.	What is the contribution of legal representation to conflict resolution in Musanze District?	<ol style="list-style-type: none"> <li>1. When did MAJ started in Musanze District?</li> <li>2. What kind of services do u offer? Please describe</li> <li>3. What are the approaches used to provide services to beneficiaries?</li> <li>4. How do people access MAJ services?</li> <li>5. Do you offer legal representation to your clients? If yes, how?</li> <li>6. How legal representation offered to your clients contribute to conflict resolution?</li> <li>7. How many case have u used legal representation from 2015 up to2020 ?</li> </ol>
2.	How does legal aid contribute to conflict resolution in Musanze District?	<ol style="list-style-type: none"> <li>1. How effective is legal aid in resolving conflict?</li> <li>2. Would you give us concrete examples of cases of conflicts handled through <i>legal aid</i>?</li> <li>3. How many persons do you receive per day and what are the services do you offer to them?</li> <li>4. How do people enforce resolutions taken during <i>mediation by MAJ</i>? <i>How</i> and to what extent do concerned persons comply?</li> <li>5. What are the challenges do you face in legal aid in conflict resolution ?</li> </ol>
3.	What is the contribution of Alternative Dispute mechanisms to conflict resolution in Musanze District?	<ol style="list-style-type: none"> <li>1. what are the alternative Dispute resolution do you use in the conflict resolution?</li> <li>2. Do you find those mechanisms effective in conflict resolution?</li> <li>3. Are there challenges you had encountered in using ADR mechanisms?</li> <li>4. Would you have to give some advices on how to address the challenges?</li> </ol>



THE END: Thank you once again for taking some time off your busy schedule and respond to the interview.

## Appendix V: Originate Report

