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PROFILE OF INTERNAL DISPLACEMENT : RWANDA

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PROFILE SUMMARY

Rwanda: doubts persist about sustainability of IDP resettlement

- Almost five years after the UN stopped counting internally displaced people (IDPs) in Rwanda, there are still 180,000 relocated families living under plastic sheeting, in damaged shelters or temporarily occupying other people's homes. A majority of these families, some 70 per cent, were forced to leave their homes scattered in rural areas in the north-western prefectures of Ruhengeri and Gisenyi between 1997 and 1999 when the infiltration of Hutu rebels from refugee camps in neighbouring Zaire led to a breakdown of security in the area. At the peak of the crisis in December 1998, there were up to 650,000 IDPs in make-shift camps across these two prefectures alone. The government then decided to move the displaced into group settlements as part of an ongoing "villagisation" programme, ostensibly to ensure their security. This villagisation programme, designed to move all Rwandans from their traditional scattered houses into newly set-up villages, initially received the support of the
- donor community. But funding soon dried up amid growing concerns over the programme's negative long-term consequences and reports of coercion. Already-established group settlements were left half-finished and in miserable conditions, lacking water, schools and health centres. Although the security situation has improved in the areas of origin, the relocated families are not allowed to return to their houses. The UN ceased classifying relocated IDPs as "internally displaced" in 2000, claiming that the situation in the country has "advanced beyond" the stage of displacement. But there remain doubts about the voluntary nature of the resettled IDPs' presence in the relocation sites as well as concerns about the sustainability of their livelihoods. The government should ensure that the villagisation programme does not violate the principle of voluntariness. Furthermore, a survey is needed to find out more about the needs and intentions of the resettled IDPs.

Background and causes

Rwanda has suffered repeated waves of displacement since the genocide in 1994 in which between 500,000 and one million Tutsis and moderate Hutus were killed by a Hutu-dominated regime (Klein, March 2004, p.13). Up to two million people, mainly Hutus, fled during and shortly after the genocide to Zaire (now Democratic Republic of Congo), Burundi and Tanzania for fear of revenge from the Rwanda Patriotic Front (RPF) and following instructions from their own leaders who had orchestrated the massacres. The RPF, which was formed mainly of Tutsis who had fled to Uganda in the late 1950s and early 1960s, managed to quell the genocide in June 1994 and formed a transition government shortly afterwards. The Hutu refugee camps which were set up in Zaire close to the Rwandan border soon became rear bases for the former regime's insurgency operations inside Rwanda. As a response, the RPF launched massive attacks against the camps by the end of 1996. More than one million refugees were forced back to Rwanda where they were assisted to reintegrate by UNHCR and NGOs. Armed forces of the former regime and perpetrators of the genocide returned with the refugees and initiated massacres, ambushes, harassment and attacks on anyone perceived as a supporter of the newly-established RPF government. The two north-western prefectures of Ruhengeri and Gisenyi were hardest hit due to their proximity to the insurgents' hideouts on the Zairian side of the border.

The security situation in these two prefectures deteriorated dramatically until the national army got the upper hand and managed to pacify the prefectures with a massive use of force, reportedly killing hundreds of people, by the beginning of 1998 (HRW, May 2001). As part of its efforts to stabilise the situation, the government moved hundreds of thousands of people displaced by the violence, mostly recently returned refugees, into supervised camps. A humanitarian crisis was unfolding in these camps when international organisations were allowed access in August 1998. By the end of the year the number of IDPs reached

650,000, nearly half of the total population of the two prefectures (WFP, June 1999). The government then decided to relocate displaced people from makeshift camps and resettle them collectively in newly-established group settlements under an ongoing national "villagisation" programme (OCHA, 31 August 2000; WFP, June 1999).

In December 1999 the official number of IDPs was reduced to 150,000 people because only those who received direct humanitarian assistance were now being counted (OCHA, 24 December 1999). The following year OCHA stopped counting IDPs altogether, stating that "while conditions of return and resettlement are often yet inadequate, governmental and international efforts to stabilise the situation through durable solutions have advanced beyond the threshold of what still could be called internal displacement" (OCHA, 18 December 2000). People who had been forced to leave their homes following fighting and widespread violence targeting civilians were thus no longer counted as internally displaced. However, the same UN report also warned that the villagisation policy could lead to renewed tensions and to a renewed situation of displacement unless sustainable livelihoods were put in place, as well as a solid framework of rights to guide the resettlement policy. The decision not to count IDPs any more was in any case strongly contested, even within the UN (Klein, p.111).

Forced relocations

There were numerous reports of the government using force to move people into the new settlements, particularly in Ruhengeri and Gisenyi. In May 2001 Human Rights Watch claimed that tens of thousands had been resettled against their will and that many of those had to destroy their homes as part of the government's efforts to stabilise the situation (HRW, May 2001).

Other international NGOs as well as some UN agencies also pointed out that the process of villagisation had not always been voluntary, particularly in Ruhengeri and Gisenyi. For instance, the UN Special Representative for Rwanda reported in 2000 that some coercion had occurred during the resettlement process (CHR, 25 February 2000). Local Rwandan authorities in several communes reportedly recognised in 1999 that more than half of the resettled population in the north-west would have preferred to go back to their original homes as security improved, but that the army could not (or would not) guarantee their safety (WFP, June 1999). With security long since restored in the affected districts, the legitimacy of the villagisation policy may be questioned. The government has used building restrictions as its main tool to prevent people from returning or establishing themselves outside the regroupement sites (UK Home Office, April 2004, p.54).

180,000 households in precarious conditions

The subsistence needs of the relocated people, whether they are to be considered as IDPs or not, remains to a large extent unaddressed, particularly in the north-west. None or few of the group settlements in Ruhengeri have access to water, schools or health centres. The rate of chronic malnutrition of children under five years is 55.9 per cent in Ruhengeri (Correspondence, 7 September 2004; SC-UK, 29 August 2003, p.23). Productivity in the villages is also reportedly reduced by the time taken to walk to the fields (ACTS, 13 October 2004, 11 June 2004). The government counted around 15,600 and 10,800 households living under plastic sheeting in Gisenyi and Ruhengeri respectively in late 2002 and many of the affected households were headed by women or children (GoR, 31 October 2002, p.10; Brookings, November 2001; OCHA, 10 October 2000, p.12). In 2001 the UN Special Rapporteur on the human rights situation in Rwanda expressed concerns that the reintegration needs of large numbers of Rwandans had not been sufficiently addressed and that there was a danger that people who were still in desperate need would not be reached (CHR, 21 March 2001).

As of October 2004, there are still 180,000 relocated families living under plastic sheeting, in damaged shelters or temporarily occupying other people's homes, according to government figures (IRIN, 5 October 2004). A majority of these households are situated in Ruhengeri and Gisenyi.

National and international response

Shortly after the massive return of refugees from DRC (then Zaire), the government argued that the villages would promote reconciliation and were necessary to accommodate the returnees during an emergency phase. In Ruhengeri and Gisenyi, the government justified the villagisation process by pointing out that traditional scattered settlements left people exposed to the actions of rebel groups. Grouped settlements in the north-west were also seen as a way of depriving the insurgents of hideouts and covert support (Brookings Initiative, November 2001; CHR, 8 February 1999). As of October 2004, with the emergency phase over and security restored, the scarcity of land resources was being used to justify the villagisation policy (IRIN, 5 October 2004).

The Rwandan government has constructed around 300,000 houses under the villagisation programme, but the insecurity in 1998 and 1999 and the ensuing lack of funding has left Ruhengeri and Gisenyi to a large extent unattended. To attract donor support for construction programmes and improve the response to the unattended people, the government has endorsed a more detailed version of the villagisation policy, specifying technical requirements, minimum size of plots, distances to fields and public services.

The parliament has started discussing a land bill which seems to complement the intentions of the villagisation policy (Angolapress, 28 July 2004). The bill, which opens up private ownership of land on a large scale, encourages a geographical separation instead of the traditional way of living in which houses are located on the ground where farming takes place. The bill will thus make it possible to legally purchase land which the villagisation policy has made available. The land bill will reportedly affect around 90 per cent of the population, including those 180,000 households in vulnerable conditions, although it is still unclear in what way (IRIN, 5 October 2004).

There has been a consistent lack of donor support for the villagisation programme since the time security was restored in 1999-2000. The improving security situation has made it impossible for the government to continue justifying the relocation of hundreds of thousand people into regroupement sites as a means to quell the insurgency. Moreover, there was a growing concern among donors that the relocations would imply a permanent reshuffling of the country's demographic structure without proper planning, the required social infrastructure, and not least, without the consent of the affected people, especially in Ruhengeri and Gisenyi (IRIN, 28 July 1999; UNHCR 2000). In its country cooperation framework with the Rwandan government for 2002-2006, UNDP stated in September 2001 that there was considerable concern about the slowdown in financing for the government relocation programme and that UNDP would take the lead to promote the conclusions of the task force of the "Brookings Initiative" regarding this crucial area (UNDP, 20 September 2001). However, UNDP has received practically no response to their requests for support for people in the regroupement sites. The lack of donor support has had the effect of leaving the affected people in a situation in which they are neither supported with the means to regain sustainable livelihoods in the sites, nor given the possibility of returning to the homes they were forced to leave during the insurgency.

With security restored in the areas of origin, displacement no longer appears to be required by the circumstances. In line with the Guiding Principles on Internal Displacement, the government should allow people to return to the homes they fled in the late 1990s should they wish to do so. In addition, a survey conducted by independent experts is urgently needed to assess the living conditions and needs of resettled IDPs in relocation camps as well as their intentions with regard to return. (Updated October 2004)

CAUSES AND BACKGROUND

Background

The influence of colonial powers in the creation of ethnicity, 1860-1959

- Clan hierarchies rather than ethnicity, characterized Rwanda's social structure until the mid-nineteenth century
- Tutsi dominated structure since the mid-nineteenth century
- German and later Belgian colonial powers reinforced Tutsi domination

"Clan hierarchies rather than ethnicity, however, characterized Rwanda's social structure until the mid-nineteenth century, when the Tutsi king, Kigeri Rwabugiri (1860-95), assumed the throne. It was he who molded Rwanda into a Tutsi dominated structure to consolidate his own power.

The fact that in both Rwanda and Burundi the Hutu represented the majority of the population did not deter German colonialists from perpetuating Tutsi domination when Germany established rule over the territory in 1899. On the contrary, Germany - as Belgium would do later from 1916 virtually to 1959 - fostered Tutsi dominance as a means of maintaining control." (Minear and Kent 1998, p.60)

"The patterns of domination/subordination between these two major ethnic groups were strengthened by the European perception with its corresponding belief in the natural superiority of the Tutsis. As a result, this perception had at least three important impacts on the historical evolution of Rwanda. First, it conditioned the views and attitudes of the Europeans regarding Rwandan social groups. Second, it governed the decisions made by the German and Belgian colonial authorities. And, third, it had a profound impact on both ethnic groups in inflating the Tutsi cultural ego inordinately and insulting Hutu feelings until they coalesced into an aggressively resentful inferiority complex." (UNHCR December 1998, para. 2.1)

"The build-up of indigenous social and political structures towards the end of the pre-colonial period, in particular under the reign of the Tutsi king Rwabugiri during the second half of the 19th century. Rwabugiri's administration (1860-1895) imposed a harsh regime on the formerly semi-autonomous Tutsi and Hutu lineages, confiscating their lands and breaking their political power. Rwabugiri amplified feudal labour systems, in particular the uburetwa, i.e. labour in return for access to land, a system that was restricted to Hutu peasant farmers while exempting Tutsi. He also manipulated social categories, and introduced an "ethnic" differentiation between Tutsi and Hutu based on historical social positions. Polarization and politicization of ethnicity thus began before the advent of European colonialism.

2. The German and Belgian colonial (trusteeship) policy of indirect rule, favouring the strengthening of Tutsi hegemony and resulting in a political and administrative monopoly in the hands of the aristocratic Tutsi overlords of the Nyiginya clan from the 1920s. Under the influence of the so-called hamitic thesis, this policy culminated in 1933 with the introduction of compulsory identity cards, reinforcing and accelerating the late pre-colonial process towards a separation of Tutsi and Hutu (and Twa). From then on, all Rwandese had to relate to "their" of 1959 respective ethnic group, which in turn determined avenues and fortunes in society. Under European colonialism, a policy of "ethnogenesis" was actively pursued, i.e. a politically-motivated creation of ethnic identities based on socially-constituted categories of the pre-colonial past. The minority Tutsi became the haves and the majority Hutu the have-nots.

3. The abrupt change by Belgium only some 25 years later, when - under the influence of the general decolonization process in Africa, the build-up towards political independence in the Congo (Zaire) and in a belated attempt to redress past injustices - the colonial administration (and the Catholic church) shifted

support from the minority Tutsi to the majority Hutu. This eased the way for the so-called peasant, or Hutu, revolution of 1959-61, through which Rwanda underwent a profound transition from a Tutsi-dominated monarchy to a Hutu-led independent republic in less than three years. The replacement of one political elite by another introduced a new dimension of political and social instability and a potential for future ethnic violence. The events -61 also forced tens of thousands of Tutsi into exile in neighbouring countries, from where groups of refugees began to carry out armed incursions into Rwanda, sowing the seeds of the country's ethnically-defined refugee problem." (JHA April 1996)

The division of society in ethnic terms

- Population comprising 85% Hutu, 14% Tutsi and 1% Twa

"Rwanda is among the most densely populated countries in the world and also one of the poorest, with a predominantly agricultural economy, which even before the genocide could not sufficiently feed its population. Some have argued that the struggle for extremely scarce resources partly contributed to ethnic strife and genocide in Rwanda, and continues to undermine any prospect of reconciliation." (CHR 8 February 1999, para. 53)

"The population is divided into three groups: the Hutu, the Tutsi and the Twa. Rwandan society is characterized by a rigid Hutu-Tutsi cleavage. The Hutus (85%) constitute the vast majority of the population who are mainly peasants cultivating the soil; the Tutsis (14%) are mostly cattle-herders representing a different racial stock than the local peasants; and the Twas (1%) are pygmies who either lived as hunter-gatherers in the forested areas or served high-ranking personalities and the King in a variety of menial tasks. There is no clearly defined territory for either the Hutus or the Tutsis, thus creating a lack of territoriality." (UNHCR December 1998, para. 2.1)

Following decolonization period, power to the Hutu majority, 1959-1993

- 1959: massacres of hundreds of Tutsi and flight of tens of thousands more across the border
- 1963: establishment of the Republic of Rwanda
- 600'000 Tutsi sought refuge in neighbouring countries during 3 distinct crises (in 1959-61, 1963-64 and 1973)
- 1973: Coup d'etat of Juvenal Habyarimana
- 1990: creation of the Rwandan Patriotic Front (RPF) by Tutsi and incursions into Rwanda from Uganda
- 1993: Signing of Arusha peace Agreement between Rwandan government and RPF

Events leading to Rwanda's independence

"In the decolonizing atmosphere of the late 1950s, the Tutsi grip on the country began to erode and Belgium shifted its support to the increasingly vociferous Hutu majority. Nineteen fifty-nine was a catalytic year in the modern history of Rwanda. It was the year of the jacquerie, or 'peasants' revolts' of Hutu against Tutsi, and also the year that Belgium for all intents and purposes, adopted a pro-Hutu policy. That year and those events were also marked by another catalytic moment - the massacre of hundreds of Tutsi and the flight of tens of thousands more across the border." (Minear and Kent 1998, p.60)

"The period 1959-1961 was a period marked by violence and revolution leading to Rwanda's independence. Gregoire Kayibanda, a leading Hutu intellectual, was the chief editor of [...] the most widely read journal in Rwanda at the time. He created the Movement Social Muhutu (MSM) in June 1957. The MSM was instrumental in orchestrating the revolution against the colonial rule. [...] In the early 1960s,

Kayibanda transformed his movement and the Rwandese Democratic Movement/Party of the Movement and of Hutu Emancipation (MDR-PARMEHUTU) was consequently born. [...] In 1961, MDR-PARMEHUTU, with the support of Belgium, toppled the monarchy in a coup d'état. The party won legislative elections in 1963, establishing the Republic of Rwanda (UNHCR December 1998, para. 2.3)

"The years between 1959 and 1973 were punctuated by at least three distinct and bloody crises (in 1959-61, 1963-64 and 1973) during which approximately 600,000 Tutsi sought refuge in neighbouring countries. And although there was a discernible trend by the government of Rwanda to lay the foundation for some kind of accommodation between Tutsi (both within and outside the country) and the majority Hutu, government-perpetuated exclusion and demographic reality gave the minority Tutsi little cause for relief." (Miner and Kent 1998, p.60)

The coup d'Etat of 1973 and its aftermath

"In 1973, Juvenal Habyarimana, the army Chief of Staff, a Hutu by origin, mounted a successful coup d'état against President Kayibanda. He then proclaimed a second republic and established a military administration under his presidency. He outlawed all political parties and in 1974 created his own political party: the National Revolutionary Movement for Development (MRND) with the army, Forces Armées Rwandaises (FAR). On 5 July 1991, the MRND transformed its party and became the National Revolutionary Movement for Development and Democracy (MRNDD)." (UNHCR December 1998, para. 2.3)

"The sense of Tutsi frustration and hopelessness was in no small part the result of the Rwandan government's lackluster efforts to deal with the issue of Tutsi roles and rights in Rwanda. This failure in turn explains to a significant extent the motivation that led eventually to the creation of the Rwandan Patriotic Front (RPF) and its military wing, the Rwandese Patriotic Army (RPA), as well as to the onset of civil war. Between 1990 and 1994, the RPF launched incursions into the country's northwestern and northeastern prefectures from Uganda in order to deal with what was called 'the refugee crisis' - that is, the determination of the Rwandan refugees to return to their homes." (Miner and Kent 1998, p.61)

"[The RPF] was first led by Major-General Fred Rwigyema who was killed in a battle in late 1990. Major-General Paul Kagame took the leadership of the RPF. In 1993, the RPF made its advance on Kigali but was stopped by the Rwandese army who received support from the French military advisers to the Government of Rwanda. The Habyarimana regime, with the support from France, struggled for survival. War and violence continued in Rwanda until August 1993 when the Arusha Peace Agreement was signed between the Government of Rwanda and the RPF." (UNHCR December 1998, para. 2.3)

Referendum on constitution and presidential and parliamentary elections in 2003

- 93 % voted in favor of the new constitution on 26 May 2003
- Provisions in the new constitution prohibit political parties from grass-roots political activity
- The Supreme Court will have broad discretion to dissolve parties.
- Presidential and parliamentary elections set for later in 2003
- Members of legislature will be elected by universal suffrage for the first time since the genocide

"The New Constitution focussed on women and gave 30% of the posts at National Level in decision making" (GoR 26 May 2003)

"A constitutional commission named by the government is completing the draft of a new constitution that will be presented to voters in a referendum planned for late May. As currently proposed, the constitution will continue many of the institutions and practices that have favored the development of tight RPF control.

A number of the draft provisions directly violate Rwanda's obligations under the rights of association, free expression, and political representation through free elections in the ICCPR.⁶⁰ Political parties, for example, will be allowed to exist, but they will be prohibited from grass-roots political activity, once more leaving them as debating societies where politicians cut off from the population quibble over the spoils of power. Parties will be required to "constantly reflect the unity of the Rwandan nation" and will be prohibited from identifying themselves with any "divisive element" in the population. The forum of political parties will be legally entrenched as an organ to supervise political parties and the Supreme Court will have broad discretion to dissolve parties. In addition, the constitution confers on the government broad powers to curtail speech or meetings that are deemed divisive." (HRW, 8 May 2003 pp 13-14)

Rwanda's transitional period to democracy, nine years after the 1994 genocide, is due to end with presidential and parliamentary elections set for later in 2003.

Under the new constitution, Rwanda would have a legislature, with its members elected by universal suffrage for the first time since the genocide. Currently, assembly members are appointed.

Rwanda is governed by a "basic law" drawn from several texts, including the 1991 constitution and peace accords signed in 1993 in Arusha, Tanzania, by the then Hutu government and the rebel Rwandan Patriotic Front, now in power under President Paul Kagame." (UNOCHA 1 May 2003)

"The Rwandan parliament adopted a draft constitution on Wednesday expected to come into force in July, state-owned Radio Rwanda reported.

All 68 Members of Parliament (MPs) present voted for the adoption. However, the draft proposition is subject to approval by a national referendum scheduled for 26 May.

Radio Rwanda reported that parliament adopted the draft document after examining and voting on it. It provides for basic human rights and state organs such as the executive and legislative arms of government. The legislature would be made up of the National Assembly with 80 members and a 26-member Senate.

In addition, MPs would serve five-year terms and the nation's president would be eligible for election for two seven-year terms.

The transitional period in Rwanda, nine years after the 1994 genocide, is expected to end with presidential and parliamentary elections set for later in 2003. (UN OCHA 24 April 2003)

The government increasingly criticised for repression of opposition, 2002-2003

- Multiple restrictions on political and civil liberty
- No sign of any guarantee that the political opposition will be able to participate in elections on an equal footing with the Rwandan Patriotic Front (RPF)
- Transformation of existing states of mind is the prerequisite for the restoration of full civil and political right' according to the government
- RPF wields almost exclusive military, political and economic control and tolerates no criticism or challenge to its authority
- Major opposition party dissolved (April 2003)
- The country's most independent human rights organization began publishing a new monthly journal on human rights.

"Nine years after the 1994 genocide, Rwanda has reached another crossroads. The transition period defined by the Arusha Accords will be concluded in less than a year as of November 2002 by a constitutional referendum and by multi-party elections which should symbolize the successful democratisation of the country. Today, however, there are multiple restrictions on political and civil liberty and no sign of any guarantee, or even indication, in the outline of the constitutional plan that the political opposition will be able to participate in these elections on an equal footing with the Rwandan Patriotic Front (RPF), in power since 1994....

Faced with the risk of electoral competition based exclusively on ethnic lines, the RPF wants first and foremost to restructure Rwandan political culture through popular education and the increased accountability of political leaders. The Rwandan leadership argues, in effect, that the transformation of existing states of mind is the prerequisite for the restoration of full civil and political rights. Thus, for the past three years, the political parties have either been dismantled or forced to accept the consensus imposed by the RPF, the independent press has been silenced, and civil society forced to exist between repression and coercion. The RPF wields almost exclusive military, political and economic control and tolerates no criticism or challenge to its authority. The opposition has been forced into exile, and anti-establishment speeches relegated to secrecy. In the name of unity and national reconciliation, the various segments of Rwandan society are subjected to a paternalistic and authoritarian doctrine and cannot express themselves freely. (ICG, 13 November 2002, Africa Report 53 Page i)

"On 15 April the Rwandese Parliament voted to dissolve the MDR Mouvement Démocratique Republicain after overwhelmingly approving the parliamentary commission report that accused the MDR of propagating a "divisive" ideology. Forty-seven individuals were named in the report, Parliamentary commission report including two government ministers, five deputies in the Transitional National Assembly, three high-ranking military officers and an ambassador.

"The recent purge of MDR party members and alleged supporters prior to a scheduled May constitutional referendum along with the August presidential and October parliamentary elections, is a blatant infringement of these individuals' human rights," the organization said.

The parliamentary commission's report goes beyond the dissolution of the principle opposition political party, in its attack on the *Ligue rwandaise pour la promotion et la défense des droits de l'homme*, (The Rwandan League for the Promotion and Defence of Human Rights), LIPRODHOR - the leading independent human rights non-governmental organization in Rwanda. In a plenary session of the parliament, the parliamentary commission's Vice President accused LIPRODHOR of obtaining foreign funding for the MDR. Likewise, the media have been under pressure with journalists arrested and, or forced to flee the country for publishing editorials or political cartoons critical of the current government's actions against the MDR. (AI 22 April 2003)

"LIPRODHOR, the country's most independent human rights organization, operated with little of the official harassment which had troubled its work in previous years (notwithstanding the arrest of its treasurer--see above). It was registered by authorities and began publishing a new monthly journal on human rights.

Supporting documentation missing from its registration application led to the League of Human Rights in the Great Lakes Region (LDGL) being attacked by a government minister for noncompliance with the legal registration requirement, and to security agents visiting its offices. In an exchange of letters published in Umuseso, a member of the government human rights commission accused the LDGL secretary-general of the serious charge of minimizing the genocide.

In a report covering 2001, the National Human Rights Commission tackled the politically sensitive issues of land rights and illegal detention but said little about political arrests. One member of the commission privately sought to excuse the arrest of Ntezimana and Muremangingo in connection with the Ubuntu affair" (HRW 2003)

"Freedom of expression

Members of the press, the political opposition and elements within civil society not aligned with the government, or critical of it, faced continuing infringements on their freedom of expression. Self-censorship was rife, with individuals, particularly journalists, unable to cover certain subjects. During the year, journalists were imprisoned, deported and driven into exile.

On 27 January and 2 February, three members of the *Association Modeste et Innocent* (AMI), the Modeste and Innocent Association, a Rwandese non-governmental organization promoting national peace and reconciliation which takes its names from its founders Modeste Mungwarareba and Innocent Samusoni, were arrested and detained in Butare. Ignace Ndayahundwa was released within hours of his arrest. Laurien Ntezimana and Didace Muremangingo were detained for nearly a month before a court determined that the charges against them were unsubstantiated. It was believed that their arrests related to the use in their bulletin, *Ubuntu*, of the word "*ubuyanja*" (renewal or rebirth), which is associated with the banned political opposition party, the *Parti Démocratique pour le Renouveau-Ubuyanja* (PDR-*Ubuyanja*), Democratic Party for Renewal-*Ubuyanja*. All three individuals remained under government surveillance at the end of the year and AMI was not allowed to operate.

Freedom of association and assembly

The Rwandese Patriotic Front (RPF) remained the only political party allowed to organize; all other political party activity remained banned.

Pierre Gakwandi, Secretary-General of the *Mouvement Démocratique Républicain*, Democratic Republican Movement, was detained on 4 January for giving a press interview considered to be "ethnically divisive". He remained detained in Kigali central prison at the end of the year.

Pasteur Bizimungu and his political ally, Charles Ntakirutinka, were arrested in April for illegal political activities relating to the May 2001 launch of the political party PDR-*Ubuyanja*. A Court of First Instance ordered their preventative detention. The Kigali Court of Appeal recognized that their first hearing had violated several provisions of the Code of Criminal Procedure, but still upheld their detention. Their trial, which began on 14 October on different charges, namely inciting civil disobedience, was continuing at the end of the year.

Freedom of religion

The situation with regard to religious freedom deteriorated. Local authorities harassed churches or religious organizations regarding requirements that they acquire legal status, that they hold their services in established places of worship and that they receive permission to hold evening services or meetings. There were also reports that local officials denied the rights of assembly and worship to and detained Jehovah's Witnesses.

Seven members of a congregation within the Association of Pentecostal Churches in Gikondo district, city of Kigali, were arrested and detained for 15 days in November. On 15 and 22 November members of the National Police Force and Local Defence Forces entered the church and attacked members of the congregation. No one had been held to account for these attacks by the end of 2002. (AI World report 2003)

Insurgency in the northwest of Rwanda, 1996-1998

- In 1996 and 1997, Rwanda supported an insurgency in DR Congo against the Mobutu government but split from the Kabila government in 1998 when DRC's President failed to expel Hutu militias
- Interahamwe soldiers returning from Congo in 1996 used Ruhengeri as a base to launch an insurgency against the Rwandan government in 1997
- In the first part of 1998, the RPA used brutal tactics and killed hundreds of civilians while fighting the insurgency

- In the second part of 1998, the Government cultivated the support of the population and hundreds of thousands of civilians consequently returned home
- Insurgents committed hundreds of killings in pursuit of their genocidal ideology and to undermine confidence in the government's ability to protect the population

"In 1996, Rwandan troops helped Zairean Tutsi overthrow the Zairean government in the first DRC war, in the process dispersing the camps, massacring tens of thousands of unarmed civilians, and killing thousands of soldiers and militia. Some 600,000 camp residents returned to Rwanda, where some of them launched an insurgency that posed a serious threat to the current government by mid-1997." (HRW 2000, para. 3)

"1997 - Rwandan- and Ugandan-backed rebels depose President Mobutu Sese Seko of Zaire; Laurent Kabila becomes president of Zaire, which is renamed the Democratic Republic of Congo.

1998 - Rwanda switches allegiance to support rebel forces trying to depose Kabila in the wake of the Congolese president's failure to expel extremist Hutu militias." (BBC News 10 May 2001)

"Ruhengeri Prefecture, in the northwest of Rwanda, was the stronghold of the radical Hutu factions that created Interahamwe, responsible for carrying out the 1994 war and genocide. When refugees who had fled to the Democratic Republic of Congo (then Zaire) returned to Rwanda in 1996, large numbers of Interahamwe soldiers re-entered with them. Using Ruhengeri as a base, they renewed their campaign to destabilise Rwanda. Fighting between Interahamwe militia members and the Rwandan government in 1997-1998 caused extensive displacement of families in Ruhengeri who abandoned their homes and fields in large numbers." (SCF 19 May 1999, "Background")

"The post-genocide Rwandan government had long made it abundantly clear that it would not forever tolerate the camps of eastern Zaire being used as launching pads for the genocidaires' return." (OAU 7 July 2000, E.S.56)

"Killings were more frequent during the first half of the year [1998] when the RPA conducted massive operations in heavily infiltrated areas of Gisenyi, Ruhengeri, and Gitarama prefectures. The number of killings decreased during the second half of the year, as the RPA gained the upper hand against insurgents and undertook efforts to win the support of the local population. The RPA acknowledged that soldiers had difficulty distinguishing civilians from the insurgents, many of whom do not wear uniforms. [...]

Insurgent militias, which included members of the ex-FAR and Interahamwe gangs and some former refugees, committed hundreds of killings both for political reasons and in pursuit of their genocidal ideology. They also sought to create panic and undermine confidence in the Government's ability to protect the population." (U.S. DOS 26 February 1999)

"Some of the worst massacres have taken place in transit camps housing these refugees and returnees. Hutus who failed to support the insurgents' agenda have been deemed 'traitors' and murdered, particularly government officials. Rather than face head-on the militarily superior forces of the Rwandese Patriotic Army (RPA), the insurgents favour guerrilla-style hit-and-run tactics. They have created a regime of terror; the people of Ruhengeri and Gisenyi are living on the frontline.

The insurgents aim to prevent the government from functioning in the region by paralysing state institutions, spreading panic and causing loss of confidence in the state. [...] The insurgents' leaders are soldiers of the Rwandese Armed Forces (FAR) of the previous regime who also held important positions in the military structure set up in the refugee camps in the DRC. For weapons, financial assistance, political and diplomatic support, they rely on their close ties with leaders of the former government, now in exile." (African Rights 2000, "Regime of Terror")

Stabilization at the national level and removal of troops from Democratic Republic of Congo, 1999-2003

- Security situation improved within Rwanda in spite of human rights violations(2002)
- UN confirmed withdrawal of Rwandese troops in DRC (October 2002)
- United Nations Panel accused Rwanda, Uganda and Burundi of looting DRC's mineral wealth in April 2001, which was denied by the targeted parties
- In Mid-2001 clashes between Hutu Interahamwe militias from DRC and RPA (Rwandan Patriotic Army)
- Former allies – Rwanda and Uganda – fought in 1999 and 2000 over Congo resources and regional leadership
- Few insurgent attacks in 2000
- Election of new President in April 2000 and extension of transition period
- By late 1999, the Rwandan government had largely put down the insurgency in the northwest

"The security situation improved within Rwanda; there were no new incursions by armed opposition groups. Nonetheless, the continuing focus on security led to further human rights violations. In July, 2002 the Rwandese and DRC governments signed a bilateral agreement. The Rwandese government pledged to withdraw its troops and the DRC government promised to round up, disarm and repatriate members of armed Rwandese opposition groups. The UN Organization Mission in the Democratic Republic of the Congo (MONUC) confirmed the completed withdrawal of Rwandese troops on 4 October, which was verified by the Third Party Verification Mechanism on 24 October[2002]." (AI World Report 2002)

2001 April- United Nations Panel accuses Rwanda, Uganda and Burundi of looting DRC's mineral wealth

"A report commissioned by U.N. Secretary General Kofi Annan released this week said combatants' looting of the mineral wealth of the Democratic Republic of Congo (DRC) had helped to fuel the many-sided war that began in 1998.

The Rwandan government said the report aimed to smear Rwanda's army and top leadership [...].

The panel called on the Security Council to impose bans on timber, diamond, gold and other exports from Rwanda, Uganda and Burundi, such as coltan, a mineral used in products including cell phones and nuclear reactors. It also called for suspension of aid to the three countries from the World Bank and International Monetary Fund." (Reuters 17 April 2001)

"President Yoweri Kaguta Museveni of Uganda and President Paul Kagame of Rwanda were once called the "new breed" of African leaders but hopes that they can deliver peace and prosperity to their countries are being severely shaken. [...] The former allies now accuse each other of backing and training armed opposition groups. [...]

The quarrel between the former allies is linked to differing strategies on the management of the Congo war, regional leadership rivalries, and competition over Congo resources. It has already resulted in three battles in the Congolese town of Kisangani, in August 1999, March 2000 and May 2000, that caused extensive destruction and the deaths of more than 600 Congolese civilians. Rwanda has accused Uganda of harbouring its dissidents at least since the departure of its Parliament Speaker Joseph Sebarenzi Kabuye for Kampala in December 1999. Uganda declared Rwanda to be a "hostile state" ahead of its March 2001 presidential elections, because it allegedly funded President Museveni's main opponent, former UPDF officer, Colonel Kiiza Besigye." (ICG 21 December 2001, "Introduction")

"Despite improved security within Rwanda, the wider regional problems threaten potential insecurity and turbulence. In the Democratic Republic of Congo (DRC) the Lusaka peace agreements have so far failed to bring an end to conflict and the continued presence of *interahamwe* and Rwandan Armed Forces (FAR) groups in DRC threaten Rwanda's internal security and western border. In Burundi, despite the Arusha initiatives, ongoing insecurity persists on Rwanda's south western borders, while the threat of turbulence in Burundi has prompted concern of displacement of people into Rwanda." (IFRC 1 January 2002, p.2)

"[...] small groups of insurgents resurfaced in Gisenyi prefecture in December 1999 to massacre thirty-one Tutsi at Tamira and in May 2000 to kill nine persons at Rwerere. In May others killed three secondary school students and wounded three others in Kinigi and killed two Local Defense Force members in Ruhondo, both in Ruhengeri. Insurgents recruited adherents, supposedly including children, to serve as combatants." (HRW January 20002, "HR Dev")

"[Rwandan] Government and defence officials have expressed satisfaction that the security situation in the northwestern provinces of Ruhengeri and Gisenyi is "under control" in the wake of attacks by Hutu *Interahamwe* militias from neighbouring DRC. The people of the two provinces had "played a significant role in fighting insurgency by reporting the presence of the rebels in their communities to the army", Rwanda News Agency (RNA) on Monday quoted Deputy Chief of Staff James Kabarebe as saying. Throughout northwestern Rwanda and in parts of the southwest, the Rwandan Patriotic Army (RPA) and local government officials had launched a public information campaign seeking to persuade people to break links with the rebels and to inform on them, Radio Rwanda reported on 16 June.

Interahamwe units had moved from Masisi, in the eastern DRC province of North Kivu, with a view to launching attacks in Uganda and Rwanda, 'The EastAfrican' newspaper reported. Eighty *Interahamwe* were killed and 16 taken prisoner late last week, while nine guns were seized in the Kinigi and Buhoma districts bordering Virunga National Park, Radio Rwanda reported. The RPA on 15 June claimed it had killed 735 Hutu extremists and captured 350 since fighting broke out on 1 May between it and the insurgents - *Interahamwe* militiamen and former soldiers of the Forces armées rwandaïses (FAR), the report said. Clashes had occurred nearly every day for the past fortnight in border areas and deeper inside Rwanda, sparking fears that as the DRC war died down, others may spring up, the station added." (IRIN-CEA 22 June 2001, "Rwanda: Officials...")

For more information on the renewed military activity in northwestern Rwanda, on the role of the Rwandan army and of the rebel Army for the Liberation of Rwanda (Armée pour la Libération du Rwanda, ALIR I), please see Human Rights Watch 20 December 2001, Rwanda: Observing the Rules of War? [External Link]

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Rwandan President Paul Kagame also stated in April that: "Rwanda will not withdraw from the Democratic Republic of Congo (DRC) as long as its security is threatened." (PANA 9 April 2001)

2001 February - President Kagame says Rwandan troops are ready to leave the DR Congo key border town of Pweto, but only on the condition that United Nations military observers moved in. " (BBC News 25 February 2002)

2000 November - International donors, meeting in Kigali to discuss aid to Rwanda, urge the country to withdraw its troops from the Democratic Republic of Congo.

2000 April - Ministers and members of parliament elect Vice-President Paul Kagame as Rwanda's new president.

"2000 March - Rwandan President Pasteur Bizimungu, a Hutu, resigns over differences regarding the composition of a new cabinet and after accusing parliament of targeting Hutu politicians in anti-corruption investigations.

1999 "The five-year transitional period for recovery from genocide expired on 19 July 1999. This was extended by the Government of Rwanda for another four years on the grounds that more time is needed to promote reconciliation and complete drafting of a new constitution." (CHR 25 February 2000, para.45)

"By late 1999, the Rwandan government had largely put down an insurgency which had operated out of northwestern Rwanda and adjacent areas of the Democratic Republic of the Congo (DRC) for the past eighteen months. In doing so, its troops killed tens of thousands of people, many of them civilians, and forced hundreds of thousands of Rwandans to move into government-established 'villages.' The Rwandan government had invaded the DRC in mid-1998, purportedly to ensure its security, but after having destroyed rebel bases near the border, it sent troops hundreds of miles into Congolese territory. As Rwanda scrambled to control Congolese territory and resources, its troops clashed repeatedly with soldiers of its erst-while ally, Uganda." (HRW 2000, para. 1)

For more information on the military activity in northwestern Rwanda, on the role of the Rwandan army and of the rebel Army for the Liberation of Rwanda (Armée pour la Libération du Rwanda, ALIR I), please see Human Rights Watch 20 December 2001, Rwanda: Observing the Rules of War? [External Link]

To view the UN SC condemnation of the illegal exploitation of DR Congo's natural resources, see [External Link]

To view the reaction of the government of Rwanda to the report of the panel of experts on the illegal exploitation of natural resources and other forms of wealth of the DR Congo, see [External Link]

To view the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo (UN SC 13 Nov 01), see [External Link]

Rwandan Government and International Tribunal are still prosecuting perpetrators of the 1994 genocide, 2000-2002

- As a consequence of the genocide about 102,000 persons are still held in often overcrowded jails and cachots
- 400-500 minors were released from prison in December 2000
- In 1999 and 2000 the government tried more persons accused of participating in the 1994 genocide than in previous years
- A new system of community justice- Gataca- is being developed to speed up judicial procedure
- At the international level, the UN Security Council adopted a resolution creating the International Criminal Tribunal for Rwanda in November 1994
- Seven years after its creation, the International Tribunal still has much to achieve

At the national level

According to the UN Special Representative on the human rights situation in Rwanda, "There are still some 92,000 detainees in prisons and 20,000 in cachots in Rwanda. Of these, some 3,400 are women and 3,500 minors (under the age of 18 at the time of allegedly committing the crime). According to UNICEF, approximately 106 children under the age of 3 are also with their detained mothers. It is clear that for a

country as small as Rwanda, with limited resources, this presents an enormous challenge to the authorities and it is well known that the conditions in Rwanda's prisons and cachots need considerable improvement.

The Government has accelerated its efforts to release detainees without files, to regularize files, and to reduce the numbers held in communal cachots by transferring them to prisons. Therefore, whilst the overall figure for detainees in prisons has not changed compared with a year ago, the overall number in both prisons and cachots has been reduced considerably with the emptying of some cachots. Since December 1999 the number of detainees in cachots has fallen by approximately 10,000 and the number of cachots has been reduced from about 133 to 95. The Special Representative also notes with satisfaction that whereas over 5,000 detainees were released during 2000, there were only 2,500 new arrests. This is a positive evolution, and the process of emptying the cachots must be a priority, to be supported by the international community.

Minors in detention. The Special Representative was pleased to be informed by the Minister of Justice last October of the Government's decision to release all children under 14 at the time of allegedly committing crimes. Between 400 and 500 minors were consequently released in December. [...] The Special Representative was concerned to hear, however, that there are still a few hundred minors who were under 14 at the time of allegedly committing a crime still in detention owing to difficulties in determining their true age. During discussions with the Minister of Justice, the Special Representative was promised that every effort would be made to identify and release these outstanding cases. Another difficulty is that many of the minors in detention have incomplete files. According to UNICEF, only approximately 35 per cent of minors in detention have complete files. The Special Representative urges the Government to treat this question as a matter of the highest priority.

As for the estimated 3,500 minors who were between the ages of 14 and 18 at the time of allegedly committing crimes, the Minister stated that their cases will have priority. It is uncertain at this stage whether these cases will be tried under the classic system (where their sentences would be halved), or under gacaca (where the sentences would be halved and the minors would also be able to spend half their sentences performing community service). The latter scenario may be preferable, but obviously this would depend on the speed with which gacaca comes into effect." (CHR 21 March 2001, para. 27-30)

"In 1999 and 2000 the government tried more persons accused of participating in the 1994 genocide than in the two years since trials began. The total tried by March 2000 was some 3,000, but more than 125,000 still languished in prisons. As in previous years, courts varied considerably in the regularity and thoroughness of their proceedings. Of those found guilty, some 14 percent were sentenced to death, a decrease from earlier years. The percentage of persons acquitted rose slightly to nearly 20 percent. The government repeatedly extended deadlines permitting the detention of persons without any case files, a practice otherwise forbidden by Rwandan law. In December 1999, a new deadline was set for June 2001. An estimated 18,000 persons were held without files, some of them detained since 1994.[...]

Conditions in prisons were miserable and in some cases inhumane and life-threatening. The food supply was irregular in some central prisons and the government called upon families to bring food to detainees, a practice previously usual only for communal lockups. Delivering food to detainees imposed a substantial burden on households where there was only one adult, particularly where the prison was distant." (HRW January 2002, "HR Dev")

Gacaca courts

"The Rwandan government plans to create some 11,000 grassroots courts with between 250,000 and 300,000 elected judges when it launches the gacaca project, the independent Hirondele news agency reports. Gacaca courts are set to be based on traditional justice, whose revival and activation have been approved by Rwanda's parliament and constitutional court. The plan was published in the official gazette of 15 March, 2001, which meant that it had now come into force, Hirondele said. The government hopes that gacaca will help resolve Rwanda's chronic problem of prison overcrowding, promote national

reconciliation and expedite trials. At the current rate of about 1,000 per year, dealing with all genocide and crimes against humanity cases would take more than a century." (IRIN 2 May 2001, "Rwanda: Logistics")

International level

In November 8 1994, eighteen months after the international tribunal for the former Yugoslavia had been established [...], the Security Council adopted resolution 955 (1994) creating the International Criminal Tribunal for Rwanda. In this resolution, it decided "to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States". (UNHCHR 1995)

"Seven years after its establishment immediately following the genocide in Rwanda, and more than four years since the beginning of the first trial, the International Criminal Tribunal for Rwanda (ICTR), based at Arusha, Tanzania, has to date handed down verdicts on only nine individuals. Of 69 indicted suspects, 45 have been arrested. Not one of the alleged masterminds of the genocide has been brought to trial – including Colonel Theoneste Bagosora who has been in prison for five years. Most of the masterminds of the genocide, whether officially indicted by ICTR or not (due to lack of evidence), are able to live freely in many countries, including the DRC, Gabon, Kenya, and also France and Belgium." (ICG 7 June 2001, "Executive Summary")

Please visit the official website of the International Criminal tribunal for information on its establishment in 1994 and on the suspects brought to trial [Internet]

Continuing flow of returnees from neighboring countries (November 2001)

"Rwanda no longer faces the dramatic population movements of "biblical" scale that it did during the mid-1990s. However, effects of the past conflict continue to affect reintegration, settlement and land access. Firstly, the refugee flow from neighbouring countries continues. Last year, over 24,500 returnees arrived in Rwanda. This constituted the third largest repatriation figure in the world last year. UNHCR expects another 25,000 (of the estimated 130,000 refugees in neighbouring countries) in 2001. During the first seven months of 2001, around 2,600 Rwandans returned per month. Most of those who return are in a highly vulnerable state, having survived in the extremely isolated forests in war-torn Congo. Over 80% are women and children. Possibly because this caseload is comparatively small, though far from insignificant, assistance to reintegrate the returnees is considerably less forthcoming than in previous years. Furthermore, a greater number of the so-called old-caseload refugees are expected to return as a result of the recent "crackdowns" in Tanzania and Kenya, leading to the deportation of non-nationals. This includes Rwandans who were born in these countries in 1930s.

UNHCR is concerned that the absence of assistance to new returnees might result in heightened tensions between returning populations and those previously reintegrated." (Brookings Initiative in Rwanda November 2001, 2.3.3)

Causes of displacement

Massive internal displacement due to armed conflict between insurgent and government forces in the northwest, 1997-1998

- Intensification of armed conflict between insurgency and government forces caused significant internal displacement in the Ruhengeri and Gisenyi Prefectures in 1997

- Whole communities have gone missing following armed clashes between RPA soldiers and armed opposition groups
- By November 1998, violence in the northwest had caused the internal displacement of 630,000 persons
- Internal displacement in the north-west was not only due to insecurity, but was also the result of coercion and political strategy

"New patterns of internal displacement have occurred in Rwanda in 1997 totalling 180,000 IDPs. Significant displacement occurred at the end of the year in the northwest regions of Gisenyi and Ruhengeri, due to the intensification of armed conflict between members of armed groups comprised of certain members of the Rwandese armed forces (ex-FAR) and the Incerahamwe militia, and counterinsurgency operations by the Rwandan Patriotic Army (RPA). The local people have been caught in the middle of the conflict since both armies seek the support of the local population, making it difficult for civilians to remain neutral. While some attacks are indiscriminate, armed groups have targeted returnees, genocide survivors, local civilian authorities and persons considered to be collaborating with the RPA. These attacks are often followed by RPA counterinsurgency operations resulting in high numbers of civilian casualties. Much of the population is therefore disillusioned with the possibility of being protected by the RPA. Thousands of people have left rural areas and outlying sectors to seek safety closer to communal offices and urban locations. (Kleine-Ahlbrandt 1998, p.72)

"[A]n estimated several thousand people - sometimes whole communities - have gone missing following armed clashes between RPA soldiers and armed opposition groups, or attacks by either side. A number of villages in Gisenyi and Ruhengeri have been left uninhabited. Many of these people may have been displaced by the armed conflict, which is causing thousands to flee from their homes. Some flee in anticipation of likely attacks on their village; others escape in the midst of attacks or fighting. Some have probably 'disappeared'. However, given the widespread insecurity and difficulties of access, it is virtually impossible to ascertain whether and which of the inhabitants have been 'disappeared', killed - and if so, by whom -, arrested, or are in hiding. Others may have been taken hostage by armed groups." (AI 1998, "Introduction")

"WFP Kigali estimated in 1998 that between 100,000 and 250,000 persons were unaccounted for out of a population of some 1.5 million in the two prefectures of Gisenyi and Ruhengeri. What little evidence there is suggests that atrocities were carried out by both sides in the conflict." (WFP June 1999, pp.2-3)

"[...] Government authorities estimated in November that 630,000 people were internally displaced. A UN official stated that 'we have no reason to dispute [the government's] figures' within a 10 percent margin of error.

The rapid increase in displaced people surprised many observers. Rwandan government officials claimed that the displacement indicated that local residents in the northwest had turned against the insurgents and were seeking government protection. Some observers said that violence had disrupted farming activities, creating a food shortage that drove many people off their land." (USCR 1999, pp.81-82)

"Internal displacement in north-west Rwanda cannot be regarded simply as the spontaneous flight of people caught in conflict. In addition to fear and insecurity caused by the destruction of homes and crops, it is also the result of persuasion, coercion, intimidation and political strategy employed by one side or the other in a protracted war. One of the remarkable characteristics of Rwanda is the discipline - some would say passivity - of a population that continues to be exploited by the more powerful sections of society." (WFP June 1999, p.2)

Internal Displacement caused by the resettlement policy of villagization, 1998-1999

- Art 28 of Arusha Protocol signed in June 1993 stated that refugees who had been away for more than 10 years who would not claim back their property but would be assisted to resettle in villages with basic infrastructure
- In 1994, in the wake of the genocide, the question to resettle the homeless (survivors of the genocide and the old caseload refugees) suddenly assumed emergency proportions
- In Dec 1996 the government adopted a National Habitat Policy dictating that all Rwandans living in scattered homesteads resettle in government-created villages
- As security improved in the Northwest, the government ordered the displaced to relocate to officially designated villages
- Villagization programs in the northwest appeared to be meant primarily to reduce likelihood of new insurgency
- Many aid workers claimed that massive displacement was due to the Government's efforts to depopulate the northwest countryside
- In May 2001 The Rwandan government condemned a report by the New York-based Human Rights Watch (HRW) organisation on communal settlements which accused it of "violating the basic rights of tens of thousands of people"

"Article 28 of the Arusha protocol signed in June 1993 between the Rwanda government and the Rwandese Patriotic Front (RPF), on the return of refugees and the resettlement of displaced people states that, the returnees would not claim back their property (if they have been away for more than 10 years). Instead the government would assist them settle in "villages" with basic socio-economic infrastructures such as schools, health centres, water, access roads etc. This would encourage the establishment of 'development poles' in order to do away with the traditional dispersed homesteads. The idea was therefore already there before the 1994 events. Due to these events, though, the implementation of the policy took a somewhat different turn. A lot of houses were destroyed, especially those belonging to the genocide victims which made the survivors homeless. Large numbers of Rwandese fled the country ahead of the RPF forces fearing reprisals; and the old case refugees did not wait for organised repatriation but instead moved in the wake of the RPF forces and occupied the empty premises left by those who had fled, although many of them particularly in rural areas had to make do with makeshift shelters. The question of resettling all these people suddenly assumed emergency proportions. Shelter construction became a priority item on the agenda not only of the government, through its ministry of rehabilitation and social integration (MINIREISO), but also of relief agencies like UNHCR, WFP, International and Local NGOs. Although government officials kept saying that the accepted way of resettlement in rural areas was Imidugudu, it was not until the 13th December 1996, that the cabinet meeting resolution to make Imidugudu the only way for rural settlement was passed – rather after the fact since all agencies involved in shelter construction had chosen to do just that. Subsequently a ministerial directive, N° MINITRAPE /01/97 of 9th January 1997 was published giving instructions on the procedures to be followed in both urban and rural housing construction. The instructions explicitly stated that « The agreed settlement policy in the countryside is IMIDUGUDU. Building on a plot other than IMUDUGUDU is hereby prohibited » (Art.11)." (RISD September 1999, p.5)

"On December 13, 1996, the Rwandan Cabinet adopted a National Habitat Policy dictating that all Rwandans living in scattered homesteads throughout the country were to reside instead in government-created "villages" called *imidugudu* (singular, *umudugudu*). Established without any form of popular consultation or act of parliament, this policy decreed a drastic change in the way of life of approximately 94 percent of the population. In the subsequent four years, the Rwandan government moved hundreds of thousands of citizens into imidugudu, a significant number of them against their will. [...]

Hundreds of thousands of homeless Rwandans, most of them Tutsi returnees, but some of them survivors of the genocide and other victims of the conflict, moved willingly to the settlements.

At the same time and without fanfare, local authorities began insisting that rural-dwellers who had homes, both Tutsi and Hutu, move to imidugudu. It even compelled home-owners to destroy their houses before making the move.[...]

In the course of suppressing the insurgency [in the northwest], soldiers and officials displaced more than 650,000 people into camps, more to keep them from supporting the insurgents than to protect them from attack. By mid-1998, the government forces were largely in control of the area and officials were preparing to disband the camps. Authorities saw this as an 'opportunity' to hasten the creation of imidugudu and ordered the displaced to move to newly designated settlement sites rather than return to their own homes. [...]

The process continued throughout 1999 and early 2000 as more and more people of the northwest, including those who had not been displaced in the conflict, were obliged to move into imidugudu. [...]

By the end of 1999, three years after the policy was announced, some 90 percent of the population of Kibungo and some 60 percent of the population of Umutara resided in the new settlements. In Ruhengeri, virtually all the people from half the communes as well as many others had been resettled at the new sites." (HRW May 2001, "Summary & V.)

"The Rwandan government on Thursday condemned a report by the New York-based Human Rights Watch (HRW) organisation on communal settlements which accused it of "violating the basic rights of tens of thousands of people". According to the Rwanda News Agency (RNA), the government described the report as "baseless and full of lies". "It is regrettable that a reputable organisation like Human Rights Watch, which claims to promote human rights, is actually disseminating propaganda that undermines human rights by promoting ethnic division among Rwandans," the government said in a statement. "Human Rights Watch need not be reminded that their actions are jeopardising the efforts to unite and reconcile the Rwandan people." (IRIN 14 June 2001, "Rwanda")

"Many aid workers attributed the massive displacement to the Rwandan government's efforts to depopulate the northwest countryside in order to deprive the insurgents of food and other support. Authorities deliberately moved many rural residents from their homes and relocated them to designated sites; some families moved to the sites voluntarily, others relocated involuntarily. Government authorities indicated that some relocation sites would become permanent new villages, moving people out of their traditional homes" (USCR 1999, p.82)

Massive displacement in the wake of the Genocide of 1994

- Killing of President Habyarimana in a plane crash on April 6, 1994
- 500'000 to one million people killed by ordinary men and women, and by Hutu militia
- War re-started as the RPF resumed their military operations on 8 April 1994
- Following the proclamation of a new government, 1.2 to 1.5 million internally displaced fled to the zone turquoise established by the French government
- When Opération turquoise ended in August 1994, some 390,000 internally displaced remained in 33 camps

"[T]he [Arusha Peace] agreement was rejected by radical elements in both the government and rebel movement, and Rwanda became embroiled in an increasingly disruptive civil war [...]. The country was plunged further into crisis on 6 April 1994, when presidents Juvenal Habyarimana of Rwanda and Cyprien

Ntaryamira of Burundi were killed in a plane crash. Ironically, the two leaders were returning from a peace conference in the Tanzanian capital of Dar-es-Salaam, which had been convened to discuss the implementation of a power-sharing plan in both countries.

While the cause of the plane crash remains unknown, it is clear that detailed preparations had already been made in Rwanda for the massacre of the Tutsi population and moderate Hutus. In attacks of indescribable brutality, committed by ordinary men and women as well as Hutu militia, at least 500,000 people are believed to have been killed. Some commentators put the figure much higher." (UNHCR 1995).

"The Joint Evaluation Report [of Emergency Assistance] estimates that 500,000 to 800,000 people were killed. The historian G. Prunier provided a figure of 800,000 to 850,000 Tutsis, including 10,000 - 30,000 Hutus." (UNHCR December 1998, para. 2.4).

"[T]he non-governmental organization (NGO) Minority Rights Group International [...] estimates that 500,000 Tutsi had perished, and that the Twa minority had been victimized by both Hutus and Tutsi. It would thus appear that the proportion of Tutsi had fallen to under 5 per cent of the population and that the Twa minority had become still smaller than it had been." (UN HCHR 21 March 2000, para. 7)

"Le génocide rwandais a fait 1 074 017 morts, selon un bilan officiel publié par le ministère rwandais de l'administration du territoire, à l'issue d'un recensement effectué en juillet 2000. Cependant, seules 934 218 victimes ont été identifiées avec certitude. [...]

93,7% des victimes du génocide ont été tuées parce qu'elles étaient identifiées comme Tutsies, 1% parce qu'elles avaient des liens de parenté, de mariage ou d'amitié avec des Tutsis, 0,8% parce qu'elles avaient des traits physiques semblables à ceux des Tutsis, 0,8% parce qu'elles avaient des idées contraires à celles du régime hutu de l'époque, ou cachaient (protégeaient) des gens pourchassés par les tueurs." (Fondation Hirondelle 8 Feb 2002)

"The organizers of the genocide consisted of the regime's political, military and economic elite who had decided through a mixture of ideological and material motivation to resist political change which they perceived as threatening after the death of President Habyarimana. [...] Although the vast majority of victims were people of Tutsi origin, the perpetrators of the violence also targeted moderate Hutu leaders - militants or sympathizers of the opposition, including journalists, professionals and academics. [...]

War re-started as the RPF resumed their military operations on 8 April 1994. The magnitude of the violence in Rwanda reached its peak when 250,000 Hutu refugees crossed the Kagera River between Rwanda and Tanzania [on 28 and 29 April] as the RPF moved into western Rwanda and army resistance collapsed. The organizers of the genocide organized a mass evacuation of the Hutu population. Around 1.75 million people - including members of the former regime and army - moved to the neighbouring countries of former Zaire, Tanzania and Burundi. As the Hutus were leaving, approximately 700,000 Tutsi refugees - including children who had been born in exile - returned to Rwanda. These are people who had been mostly in Uganda for many years and whose repatriation had been blocked by the Hutu regime in Kigali. The 1994 genocide also created many hundreds of thousands of internally displaced persons (IDPs) throughout Rwanda. The World Refugee Survey estimated that nearly a half million were internally displaced." (UNHCR December 1998, para. 2.4)

"By 4 July 1994, the French government created Opération turquoise - a 'safe humanitarian zone' in Rwanda's southwest corner, equivalent to about one-fifth of the national territory. At the RPF's proclamation of a new government in 19 July, roughly 1.2 to 1.5 million IDPs had fled to this zone, most of whom had escaped the advance of the Rwandan Patriotic Army (RPA) in June and July. Many of these people subsequently fled to their homes or dispersed elsewhere in the country. As the deadline for French withdrawal drew near, a collaborative effort between political, military and international humanitarian organizations successfully encouraged a significant number of displaced persons in the southwest to remain

in Rwanda, rather than continue their flight abroad. When Opération turquoise ended on 21 August, some 390,000 IDPs remained in 33 camps." (Kleine-Ahlbrandt 1998, p.69)

"Assiduously encouraged by the retreating government, the exodus from Rwanda was in effect a calculated evacuation of the Hutu population. With a large proportion of the Tutsis already massacred, the victorious RPF was to be left in control of a state with a severely depleted population, as well as a hostile body of exiles, including the defeated army and militia, massed on the country's borders. Underlining the strategic nature of the movement, members of the ousted administration quickly asserted control over the refugee camps and established a dominant role in the distribution of aid." (UNHCR 1995)

For more detailed information on internal displacement in Rwanda in 1994, please check the "Report on Internally Displaced Persons: Note on the mission to Rwanda of the Representative of the Secretary-General, Mr. Francis Deng" 1995 [Internet]

For more information on the UN response in 1994, see the "December 1999 Report of the independent inquiry into the actions of the UN during the genocide" [Internet]

People compelled to destroy their houses in the northwest to move to imidugudu (2001)

"In parts of the northwest, a substantial number of homes were destroyed or damaged during the insurgency in 1997 and 1998, many by Rwandan army soldiers, some by insurgents. But even in an area like Nkuli commune, next to the forest and the site of months of fighting, 410 of the 613 families in one sector still had homes when they were compelled to move to imidugudu in October 1999. In some regions, like the northern sectors of Cyeru, virtually all homes were intact in July 1999. May of the owners of these houses destroyed them when they left for the imidugudu.[...]

As with the order to move, the order to dismantle houses was sometimes couched in terms of security needs. Said a lieutenant in the army, 'Well, if there was force used, if houses were destroyed, we did it to save the lives of the people.' [...]

Officials ordered the destruction of houses most often in Kibungo and Ruhengeri, somewhat less frequently in Umutara and Kigali-rural." (HRW May 2001, IX)

POPULATION PROFILE AND FIGURES

Global Figures

180,000 families in precarious conditions (October 2004)

- A majority of the families are in Rubengeri and Gisenyi, two provinces affected by the insecurity in 1997-1999
- Since 2000, OCHA only counts as IDPs those recently displaced due to a sudden crisis
- UNHCR also views the relocation of IDPs in villages as permanent resettlement
- USCR does no longer count as IDPs 150,000 rwandese relocated in 1998-1999 (December 2002)

"However, although more than one million people had been placed in the Imidugudu settlements, a national survey conducted in September 1999 by the Information Management Unit of the UN Development Programme (UNDP) found that there were some 370,000 vulnerable families living under plastic sheeting in damaged shelters and others were temporarily occupying other people's homes. The figure of those living under these conditions currently is 180,000, according to government statistics." (IRIN, 5 October 2004)

Estimated number of IDPs	Source
0	UN OCHA 26 Nov 2001, p6
0	UNHCR June 2000, p. 100
150,000	USCR June 2001
0	USCR World Refugee Survey 2003

OCHA

A UN report stated in December 2000: "In some regards, post-genocide Rwanda faces problems similar to the ones of a crisis of internal displacement. However, it would do no justice to the specific context if we were to categorise as Internally Displaced Persons the large number of Rwandans who have been uprooted in subsequent waves of external and internal displacement and are now resettling and reestablishing homes or places of habitual residence. While conditions of return and resettlement are often yet inadequate, governmental and international efforts to stabilize the situation through durable solutions have advanced beyond the threshold of what still could be called internal displacement." (OCHA 18 December 2000)

The conclusions of the report were first questioned by the head of the UN Senior Network on Internal Displacement, but then finally endorsed by UN OCHA in 2001.

In its January 2001 Humanitarian Report on Rwanda, OCHA stated that "are considered IDPs those who have been recently displaced due to a sudden crisis" and that the "other categories (e.g. former resettled but with temporary or no shelter, illegally occupying other people's houses, etc.) are classified as 'affected populations'." (OCHA 2 February 2001).

At the end of 1999, OCHA still included 150,000 recently relocated people in its statistics of internally displaced and mentioned that these were the people receiving direct humanitarian assistance. (OCHA 24

December 1999, Rwanda). *Because of OCHA's apparently more restrictive definition of internally displaced persons, newly relocated persons in 2000 can "no longer be considered as internally displaced since they have all been moved to their 'final location', either their old houses or the imidugudu sites." OCHA however still sees the need to distinguish the newly relocated from the rest of the population: "Nevertheless we [OCHA] still prefer to choose the term newly re-located instead of resettled since a number of sites are lacking basic infrastructure and a large number of families are under plastic sheeting."* (OCHA 31 August 2000, pp.2-3)

UNHCR

"[According to UNHCR], [t]hanks to improved security in the north-western prefectures, the Government managed to resettle all the IDPs. However, since international assistance was not forthcoming, this group was resettled in an unplanned manner, without the required social infrastructure." (UNHCR June 2000, p.100)

See UNHCR's 1999 statistical overview, showing that there were no more IDPs in Rwanda at the end of 1999 [External Link]

USCR

"Widely divergent estimates of the number of internally displaced Rwandans existed because various humanitarian and human rights agencies used differing definitions of "displacement." Estimates ranged from as few as 3,000 displaced persons, to as many as 300,000. The root of the wide discrepancy was the Rwandan government's controversial policy of *villagization*, which has required up to 600,000 rural Rwandans—Hutu and Tutsi—to relocate into 180 or more newly established village sites since 1997. [...]

Although villagization was officially voluntary, tens of thousands of persons reportedly moved into the designated villages involuntarily. [...]

At year's end, the U.S. Committee for Refugees counted about 150,000 Rwandans as internally displaced. This total primarily included people who lived at villagization sites without proper shelter or land allocations." (USCR June 2001)

For USCR, as of December 31, 1999, there were "600,000 IDPs in Rwanda although a reliable estimate of the number of displaced persons is unavailable." (USCR 2000)

Tens of thousands of them have been displaced into imidugudu against their will (2001)

- Number of people in imidugudu difficult to assess
- Many of those have been compelled to destroy their own homes

"It is important to know how many people live in imidugudu in order to assess the impact of this program on the lives of Rwandans, yet it is difficult to obtain reliable data on this subject. In late 1999, a study by UNDP together with the Rwandan government estimated that some 177,000 new houses had been completed in imidugudu since 1994 and that 134,024 of them were occupied.

These figures may have been somewhat inflated. UNHCR, the most important source of aid, built or provided materials to build some 85,000 houses. In addition, UNDP supported the building of about 20 percent of the total, which indicates that the number built was some 108,000. In addition, some construction was financed directly by bilateral donors. Taking into account the fact that some houses were built outside imidugudu, we would conservatively estimate that some 100,000 houses were completed and occupied in imidugudu.

The UNDP-Rwandan government study concluded that about 117,000 households were living in imidugudu in unfinished houses or shelters roofed with plastic sheeting or grass. This figure did not include data from the prefecture of Ruhengeri, where information was not collected due to insecurity at the time of the study and where many were still in inadequate housing. In late 1999, for example, some 14,500 households in the single commune of Kinigi had moved into imidugudu and most of them were still in temporary shelters. Allowing for some exaggeration, a conservative estimate based on this data would be that at least 125,000 households were then living in temporary shelters or unfinished houses in imidugudu.

If 100,000 households were living in completed houses and another 125,000 were in temporary shelters or unfinished houses, this would mean that 225,000 households were in imidugudu at the end of 1999. Using the figure of 4.8 persons per household established by the 1996 socio-demographic survey this equates to 1,080,000 people living in the settlements at that time. In the ensuing year, an undetermined number, but certainly thousands more, have moved to the settlements.

One expert on rural life using other data estimated that just under one million people had moved to imidugudu.

Given the unreliability of data, it is currently impossible to arrive at an exact number of residents in imidugudu and even more impossible to be sure how many of them are living there against their will, but these figures give an idea of the scale of the numbers involved. At the least hundreds of thousands of people have moved to the settlements; at the least tens of thousands of them have been displaced against their will and many of those have been compelled to destroy their own homes." (HRW May 2001, XIII)

Approximately 59 percent of heads of household in imidugudu are women according to survey by Rwandan NGO (2001)

"A substantial number of heads of household in imidugudu are drawn from the most vulnerable sectors of society. According to one survey [by the Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques, ADL], 59 percent were women, 5 percent were under the age of twenty, and 7 percent were over the age of 60. [...]

Among them were widows who feared for their security and welcomed the chance to live in a group.

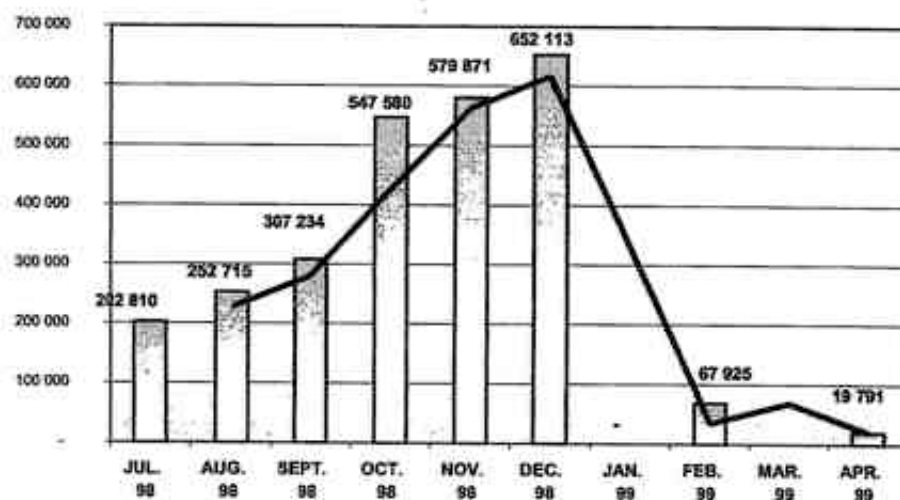
Other women, children, and elderly did have homes and would have preferred to stay in them, but many of them lacked the political or economic power to withstand pressure from authorities and so they too moved quickly to imidugudu.

Survey: Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques (ADL) Etude sur la Situation des Droits Humains dans les Villages Imidugudu (Kigali, 2000)" (HRW May 2001, XI)

Two peaks of internal displacement in recent history: 1998 and 1994

- Peak of displacement in December 1998 due to conflict in the northwest
- New wave of displacement started in 1997
- Between 500,000 and 628,000 internally displaced persons by the end of 1998
- Immediately after the genocide, 2 million of internally displaced in mid-1994 but number decreased in 1995

Northwest IDPs (July 98 - April 1999)



(OCHA 31 August 2000, p.1)

"Some 50,000 to 100,000 persons already were internally displaced when 1998 began. Displaced families included Hutu and Tutsi pushed from their homes by violence in the northwest, and former Tutsi refugees who awaited new homes after repatriation. Some lived in camps, but most lived temporarily with relatives or friends until security conditions permitted them to re-occupy their property. [...] The number of displaced people in Northwest Rwanda increased dramatically in the final five months of the year. [...] Government authorities estimated in November that 630,000 people were internally displaced. A UN official stated that 'we have no reason to dispute [the government's] figures' within a 10 percent margin of error." (USCR 1999, pp.81-82)

"By the end of the year the IDP population in the north-west had risen to a massive 650,000, representing 44 percent of the total population (1.48 million) of the two prefectures. Although numbers were notoriously difficult to verify, approximately 450,000 were in 17 makeshift camps (11 in Ruhengeri, six in Gisenyi), with the remaining 200,000 living with friends or relatives or in public buildings." (WFP June 1999, p. 5)

Estimated number of IDPs end 97	Source
50,000	(USCR 1999, 1998 Country Report)

Estimated number of IDPs end 98	Source
500,000	(USCR 1999, p.6)
625,000	(UNHCR July 1999, p.8)
628,000	(OCHA, 8 November 1999)

Immediately after the genocide, 2 million of internally displaced in mid-1994 but number decreased in 1995

Year	Estimated number of IDPs	Source
End 1994	1,200,000	(USCR 1995, p.44)
End 1995	500,000	(USCR 1996, p.6)

1994:

"The effects of Rwanda's genocide and civil strife were staggering. Out of Rwanda's population of roughly 8 million at the beginning of the 1990s, some 2 million had become displaced within Rwanda's borders during the last eight months of 1994 and close to an additional 2 million had fled as new refugees to neighbouring countries. The displaced included Tutsi, some of whom had remained in Rwanda during the genocide and others of whom were among the 600,000 'old caseload' refugees who entered with the victorious RPF. The displaced also included Hutu, who, as the military and political tide turned, feared reprisals from the new Tutsi regime and army." (Miner and Kent 1998, p.63).

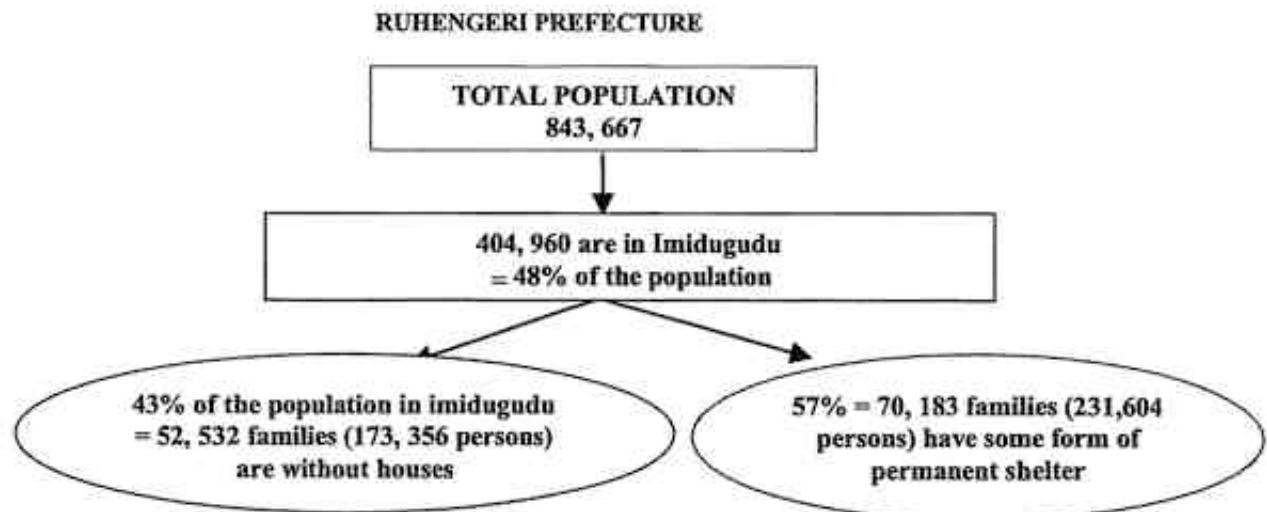
1995:

"An estimated one million or more persons were displaced within Rwanda at the start of 1995. Up to 400,000 lived in dozens of camps in the southwest region of the country, where they received assistance from international relief agencies. Rwandan authorities insisted in late 1994 and early 1995 that the camps should close and that camp occupants - virtually all Hutu - could safely return to their homes. [...] In early 1995, the UN and some NGOs attempted to close several camps by stopping food distributions. Some international observers estimated that as many as 40 percent of the individuals who returned home subsequently fled again. [...] In late April [1995], government forces moved forcefully to close the largest remaining camp, Kibeho, which contained some 120,000 residents. The closure degenerated into massive violence. [...] UN Officials estimated 2000 dead. Other international investigators placed the death toll at about 700 persons. [...] The remaining camps for displaced persons officially closed by May 9. [...] Although no sizeable camps existed after May, an estimated 500,000 persons - primarily Tutsi as well as some Hutu - remained internally displaced at year's end." (USCR 1996, p.62)

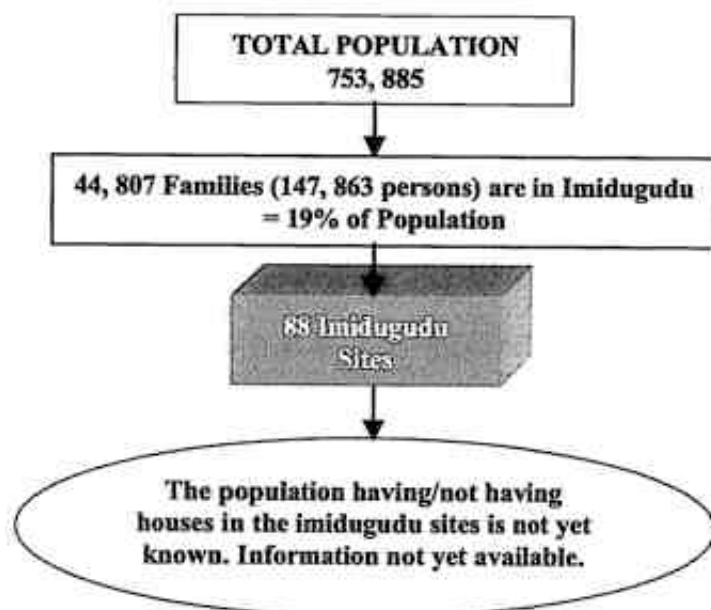
Geographical distribution

Resettlement in Ruhengeri and Gisenyi Prefectures by August 2000

OCHA states that over 400,000 people had been resettled through the villagization process by August 2000



GISENYI PREFECTURE



(OCHA 31 August 2000, p.2)

Over 365,000 internally displaced in Ruhengeri and 143,000 in Gisenyi resettled through villagization (April 1999)

RUHENGARI

Commune	IDPs in Camps Before Umudugudu	IDPs Not in Camps Before Umudugudu	Number of New Grouped Settlement Sites	IDPs Resettled Through Umudugudu	IDPs Still Requiring Resettlement
Butaro		898	N/A		
Cyabingo	8,797		15	8,797	
Cyeru	72,455		28	72,445	
Gatonde	43,830		9	43,830	
Kidaho		1,711	N/A		
Kigombe		7,000	N/A		
Kinigi	46,940		12	46,940	
Mukingo		5,533	N/A		
Ndusu	40,287		10	40,287	
Nkuli		12,100	N/A		
Nkumba		1,253	N/A		
Nyakinama		5,820	N/A		
Nyamugali	61,330		26	61,330	
Nyamutera	35,045		8	35,045	
Nyarutovu	56,730		12	56,730	
Ruhondo		10,536	N/A		
Total	365,414	44,851	120	365,414	0
Total Number of IDPs	410,265 (Total IDP		365,414 (Total IDP		

	Population for Ruhengeri & Gisenyi was 652,113 as of Dec. 1998)		Population for Ruhengeri & Gisenyi is now 508,526)		
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GISENYI

Commune	IDPs in Camps Before Umutugudu	IDPs Not in Camps Before Umutugudu	Number of New Grouped Settlement Sites	IDPs Resettled Through Umutugudu	IDPs Still Requiring Resettlement
Rwerere	57,779		19	57,779	
Kanama		80,000	9	5,803	
Rubavu	3,048	9,952	6	8,807	
Karago		7,500	N/A		
Mutara		14,840	3	9,050	
Gicye	16,700	31,120	8	34,532	
Kayove	3,900	4,258	4	14,360	
Gaseke		6,926	4	6,956	
Nyamyumba			N/A		
Ramba		5,825	1	5,825	
Satinsyi			N/A		
Kibilira			N/A		
Total	81,427	160,421	54	143,112	0
Total Number of IDPs	241,848 (Total IDP Population for Ruhengeri & Gisenyi was 652,113 as of December 1998)		143,112 (Total IDP Population for Ruhengeri & Gisenyi is now 508,526)		

(OCHA 5 April 1999, "IDP Population Update")

PATTERNS OF DISPLACEMENT

General

Phases of Internal Displacement in the Northwest (1997-2000)

- In 1997, tens of thousands people fled to the Virunga forest in the northwest, hid in caves or fled to border areas controlled by the rebels
- In 1998, almost half a million internally displaced persons moved to poorly-equipped camps organized by the military and by the local government
- By end 1998, the displaced had to move into permanent settlements set up by the government
- According to Human Rights Watch, the government continued a program of forced "villagization" as late as mid-2000

"There have been successive layers of returnees and IDPs in the country since the 1994-war: IDPs during the war, returnees following the end of the war, massive return in late 1996, the Northwest crisis of 1998/1999, and the still-returning refugees. These movements, combined with the land issue in Rwanda, constitute the root causes of the major resettlement issue facing the country today." (OCHA 2 February 2001)

Initial Flight (1997)

"Security began to deteriorate [in the northwest] in June 1997 when Armed People for the Liberation of Rwanda (PALIR) gunmen carried out attacks from across the border and from within Rwanda on commune offices, government employees and the local population. Tens of thousands fled to the Virunga forest area north of the Ruhengeri-Gisenyi road and 'disappeared' for months; others fled to border areas controlled by the rebels. Still others apparently hid in caves in the sloping valley approaching Goma (DR Congo). Large areas of the north-west were deserted and eight out of 16 communes in Rubengeri were abandoned by the end of 1997. (WFP June 1999, p.2)

"Following the Kibeho incident [i.e. the killing of about 2000 internally displaced persons in the process of dismantling the Kibeho camp in 1995], the government of Rwanda remained opposed to the establishment of camps or concentrations of IDPs. While forced return has not reportedly been a problem, people are often encouraged by local officials to return to their home sectors. Many IDPs live 'on the move', sleeping in different locations and rarely returning to their homes." (Kleine-Ahlbrandt 1998, p.72)

For more information, see "Killing of 2000 internally displaced persons in Kibeho camp (1995) [Internal Link]

Camps (1997-1998)

"[However d]uring 1998, as part of its effort to suppress the insurgency, the government moved hundreds of thousands of people in the two northwestern prefectures into supervised camps." (HRW 2000, "Human Rights Developments")

"The full extent of the IDP crisis [...] only became apparent when, in April 1998 (after several months of hardly any international access to the north-west), the Prefects of Gisenyi and Rubengeri finally requested WFP emergency food aid assistance to IDPs - some 100,000 of whom had initially gathered in makeshift camps around commune offices. Many had 'returned' from the forest areas, being joined by an ever-increasing number recently displaced by fighting in both prefectures. The camps were not, however,

spontaneous settlements. By the time international agencies were granted access, military and local government authorities had organized mass settlement in extremely crowded and ill-equipped centres. The first camps were created in Kinigi Prefecture in the far north in December 1997 [...] Camps were established in Gisenyi and Ruhengeri from April 1998 onwards." (WFP June 1999, p.3)

Settled Villages (end 1998-1999)

"Following an inter-agency and government joint mission to the north-west in August 1998 in which the full extent of the crisis was finally acknowledged by national authorities as well as donors, it became clear that the crowded camps presented major health and nutrition hazards. Malnutrition, particularly among young children, had reached alarming levels and inadequate water and sanitation was causing enormous problems for people crowded under plastic sheeting and branches on the (by now) completely bare hillsides. The government's response was to implement its *umudugudu* (grouped settlements or villagization) policy, initially in those communes where large camps had been created. The policy had already been under way in Gisenyi and Ruhengeri prior to the current crisis; it was now undertaken with increasing urgency.

The process was relatively straightforward and orderly, although it was accompanied by very little consultation with international agencies. Sector by sector, families were relocated to new sites where they were allocated housing plots, usually near an access road and in close proximity to the original plot of land of that particular farmer, or to land that was to be allocated for cultivation. As the security situation improved in 1999, many (but not all) farmers began walking back to the hills to work during the day, returning to the relative safety of the settlements in the evening. The logic was simple: clearing the hinterland gave the army unimpeded access to rebel hideouts while ensuring that the farming population was more secure in valley settlements. Scattered homes across inaccessible hills were conducive neither to protection, nor to the reintegration of a politically volatile population." (WFP June 1999, pp.5-6)

"When authorities ordered the move to imidugugu sites in late 1998 and 1999, many residents went willingly because even those sites barren of housing and services at least offered more space than the camps and access to their field. [...]

Most people wanted to go back to their own homes rather than to imidugudu, but they were told that this was not a choice." (HRW May 2001, VIII)

Continued villagization in 2000

"The government continued a program of forced 'villagization'. Although enforced less harshly than in preceeding years, as late as midyear [2000], authorities still required people to move against their will to government-designated settlements." (HRW December 2000)

Four categories of displaced persons in 1994

- People who remained in the zone turquoise established by the French forces
- Old caseload refugees who had returned in 1994 from Uganda, Burundi and Horn of Africa
- People without any possession, such as street children and people who lost everything during the genocide
- Tutsi survivors from the genocide who decided to remain in Rwanda but had to abandon their home

"[T]he internally displaced [in 1994] were generally members of one of four major groups. The first were those who decided to remain in the former Zone Turquoise in the southwestern part of the country after French forces withdrew in July. They were unable or unwilling to cross the border but did not feel able to return to their home communes. This group numbered approximately 350,000 in September 1994 and formed the population that crowded into some twenty IDP camps around three southwestern prefectures.

A second group represented a large but difficult-to-quantify portion of 'old caseload' refugees, principally from Uganda but also from Burundi and from areas in the Horn of Africa. A substantial number settled in north and southeastern Rwanda, the former bringing with them 400,000 to 600,000 heads of cattle that wreaked devastation in the parklands. The old caseload refugees posed a very complex problem. An embodiment of the discontent that led to the creation of the RPF and RPA and the new regime's loyal constituency, these returnees after so many years in exile had high expectations. Those among the 600,000 who lacked housing, employment and land - or whose homes and lands had been occupied in the interim - represented a potentially explosive political and emotional issue.

The third group of IDPs was more amorphous and difficult to quantify. They were the impoverished and dispossessed in one of the poorest countries in the world. They included innumerable street children, those traumatized by the war, and the destitute, all of whom had been uprooted and received no assistance from a barely functioning social safety net.

Finally a fourth group were 'rescapés', principally Tutsi who did not flee the genocide but chose to stay in the country even during the massacres. Ironically, these 'survivors' were objects of suspicion by Tutsi who feared that the survivors would pinpoint the 'génocidaires'. Often the only recourse for the rescapés was to abandon their homes and seek shelter in different prefectures. They, too, became part of Rwanda's displaced population." (Minear and Kent 1998, pp.63-64).

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

The government's villagisation policy in 1997-1999 followed by coercion (2004)

- Hastily established villages by the government were conceived as a permanent solution to insecurity, population control and a limit to the accommodation of insurgents
- Construction outside villages was forbidden
- Local authorities discriminated against certain ethnic groups
- People being forced to leave their homes

"While the government's antiinsurgent campaign escalated and security improved in the northwest by late 1999, another facet of the problem of internal displacement became evident. The Rwandan authorities stepped up implementation of a policy of collective resettlement or "villagization" (*imidugudu*) that required tens of thousands of rural families to relocate into newly established settlement sites scattered throughout the northwest of Rwanda as opposed to their traditional dispersal in hillside abodes. The government had conceived the sites as a permanent solution to insecurity, population control and a limit to the accommodation of insurgents. Although on its face, the 1997 instruction did not require individuals to relocate the *imidugudu* sites from their existing residences; it required the Rwandan authorities to "hasten the process to settle the population in villages."

The Government later made clear that the only acceptable form of settlement was in grouped villages, and that all other construction was forbidden. The authoritative and top-down manner employed in implementing villagization often amounted to coercion including numerous cases of forced relocation. Authorities required families to abandon and even to destroy their dwellings, depriving tens of thousands of people of their homes. Local authorities also discriminated against certain ethnic groups in its implementation. One independent study warned that villagization would cause long-term social tension.

In 1998, the Special Representative on Rwanda stated that 41 per cent of those questioned in a government survey of Gisenyi and Ruhengeri had wanted to remain in their own homes instead of moving to villages. He attested to "numerous instances of persons who already had habitable shelter being forced to leave their homes for viligization sites, sometimes before such sites had sufficient housing or facilities to receive them." On 12 July 1999, the EU Council of Ministers urged Rwanda to ensure "careful planning, prior impact studies and pilot projects in order to avoid villagization that brings about human rights violations." (Klein, pp. 105,106)

The government's human rights record remains poor (February 2004)

- Politically motivated disappearances
- The Government harassed refugees who refused to leave the country voluntarily

"The Government's human rights record remained poor, and it continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces committed unlawful killings. Unlike in the previous year, there were no reports of human rights abuses committed by security forces in the DRC. There were reports that an organized group targeted and killed

witnesses to the 1994 genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects. Prison conditions remained life threatening; however, unlike during the previous year, there were no reports that prisoners died of outbreaks of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, particularly of opposition supporters, and prolonged pretrial detention remained serious problems. The judiciary did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government restricted freedom of speech and of the press, and limited freedom of association and assembly. In some instances, local government officials restricted the freedom of religion. The Government harassed refugees who refused to leave the country voluntarily. The Government harassed NGOs, particularly during campaign periods. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor and trafficking in persons were problems." (USDOS, 25 February 2004)

"The most significant feature of the past 6 months was that, as a result of the continued stability in the region, restrictions were relaxed thereby permitting increased freedom of movement. This benefited different categories of households in different ways. Some people went to other prefectures such as Kigali, Kibungo and Gitamara to work for higher wages than are locally available. They were able to travel far and for relatively longer periods because they had 'enough' food stocks to leave behind, some one to look after the home and they could afford the bus fare. Poorer people could not travel far, so they went for shorter periods depending on the food situation at home. Even the poorest benefited from the lifted restrictions because they found some employment working in the fields of those who worked in other prefectures." (SCF-UK May 2000, p.6)

Local Defense Forces (LDF) first set up to assist soldiers against insurgents and then to protect new villages (1997-2002)

- Government recruited young civilians to assist soldiers against insurgents' incursions and organized them into "Local Defense Forces" (1997-1998)
- In communities where most adult males have been killed or are absent, children as young as fourteen have been pressed into service
- LDF's responsibility is to guard each villagization site (1999)
- Local officials have ignored complaints by the population regarding abuses committed by the LDF (2000-2002)

"The organization of citizens to protect their own communities dates back ten years to the period before the genocide when the Habyarimana government established groups of civilians to assist soldiers against incursions of the RPF. When the current government was established in 1994, there was initially no system of local police. To remedy this lack and to protect against remnants of the genocidal forces in several parts of the country, authorities created the Local Defense Force (LDF), a kind of citizens' militia. In 1995, the Minister of the Interior ordered these forces disbanded, both because regular communal police were working again and because some of the LDF members had themselves been guilty of abuses against other citizens.

With the insurgency of 1997-1998, the government once again organized the Local Defense Force, groups of young people (virtually all male) who received two or three months training by soldiers. In some communities, the young people recruited for these forces were 'friends of the soldiers', who had been spending their time at military posts, performing various services for the soldiers, such as fetching water or doing the laundry, in the absence of any more regular employment. Others had previously shunned contact with the RPA. They joined the LDF only under pressure or at the direct order of local administrative officials who themselves had been required to provide a certain number of recruits. Most of the LDF are between the ages of eighteen and thirty, but in some communities in the northwest where most adult males

have been killed or are absent, children as young as fourteen have been pressed into service. They are often called 'the young ones' or even Kadogo, the local term for child soldier. In October 1999, some five thousand LDF members had been trained. Continuing programs have since added thousands more to the number. Communes in the northwest each have between 150 and 250 LDF members, the number varying with the size of the local population and the state of development of the program." (HRW April 2000, Local Defense Forces)

"Local defense forces (LDFs), consisting of ten people per sector, are envisaged as part of the programme of villagisation [...]. This team of ten men, made up of people from the area, will have the responsibility of guarding each site. They will include both former résistants [insurgents] and other civilians and will receive military training and weapons." (African Rights 29 January 1999, "Local Defense Forces")

"The LDF are organized under the authority of the Minister of Local Administration and Social Affairs. They are supposed to be under the orders of local civilian officials within the communes and subject to supervision by a military officer at the level of the prefecture. In some communities, the LDF who abuse their authority have been quickly called to account, usually following complaints by local people to the officials at sectoral or communal level. Some LDF have been disciplined by being taken to military posts for beatings, others have been dismissed from the force and, in the most serious cases, some have been arrested. [...] But where local officials unquestioningly support the LDF or are themselves intimidated by its members, they have ignored complaints by the population and the abuses continue. In some cases, local authorities claim that abuses committed by the LDF were actually the work of insurgents [...]." (HRW April 2000, "Local Defense Force")

"Members of the Local Defense Forces – young people recruited, trained, and armed by the government supposedly to defend their communities – killed more than a dozen people and raped and robbed many others in different parts of the country. Nominally under the supervision of local authorities, they in many cases escaped punishment for their abuses." (HRW January 2002, "HR Dev")

Government offered some protection and material assistance to people in resettlement sites (1999-2000)

- Decline of abuses by the Rwandan armed forces despite recent insurgent infiltration (2000)
- The Rwandan Patriotic Army exhorted the civilian population to move into settlements to be better protected from rebel incursions (1999)

2000

"A rise in crime, politically-motivated murders and the resumption, albeit on a small-scale, of rebel activity in the Northwest has recently affected Rwanda." (OCHA 19 July 2000, "Intensification of conflict")

1999

"[The R]wanda Government has adopted a policy of attracting people away from rebel elements and gathering them in grouped settlements where they enjoy government protection from raids from extremist Interahamwe and infiltrators. These developments reflect a change in the Rwandan Patriotic Army's (RPA) approach. Indiscriminate firing on inhabitants and causing deaths of non-combatant civilians is being replaced by a policy of persuasion and the provision of material assistance in collective resettlement camps." (CHR 8 February 1999, para. 20)

"The overall improvement in security in the north-west has led to a corresponding decline in alleged abuses by the Rwandan armed forces. This was confirmed by the Special Representative's own mission last August [1999], which found the mood in Ruhengeri and Gisenyi to be noticeable calmer than when he visited in January 1999." (CHR 25 February 2000, para. 30)

"The number of killings inside Rwanda decreased [in 1999] compared to 1998, but killings of unarmed civilians and 'disappearances' were still reported throughout 1999. [...] As government troops regained control of the northwest, the armed conflict abated and the level of violence decreased. However, the situation remained tense and the peace fragile." (AI 2000)

Killing of 2000 internally displaced persons in Kibeho camp (1995)

"The new Rwandan government suspected that the IDP camps were providing sanctuary to persons implicated in the genocide and were being used for the formation of an anti- government militia. As neither the UN mandate for Opération Turquoise nor the objectives of the French government included disarming or arresting soldiers, criminal elements were able to consolidate in the camps. In addition, refugee populations surrounding Rwanda, which comprised both those responsible for the genocide as well as innocents under their authority, were re-arming and launching cross-border incursions, in spite of a UN arms embargo. [...]

[O]n 18 April the RPA had moved to close the camp at Kibeho by surrounding it and cutting off its food and water supply. For the next three days, the concentration of 80,000 persons on one hill and rapid deterioration of humanitarian conditions resulted in panic and casualties when soldiers met stone-throwing with machine gun fire. On the fourth day, a large group of IDPs tried to break the cordon. The RPA opened fire on the crowd, killing several hundred persons and causing a stampede which claimed more lives. The government put the death toll at 338 while the UN put the figure at 2,000. UNAMIR troops were present during the massacre but were ordered not intervene despite their mandate to contribute to the security and protection of displaced persons." (Kleine-Ahlbrandt 1998, p.71)

See also by S. Kleine-Ahlbrandt, "The Kibeho Crisis: Towards a more effective system of international protection of IDPs", 1998

Freedom of movement

Reports of coercion during villagization process (1999-2001)

- Human Rights Watch says that implementation of National Habitat Policy violated rights of tens of thousands (2001)
- Reports state that over half of resettled population would have preferred to have gone back to their original homes as security improved
- As long as there was insecurity in the northwest, the internally displaced were in favor of villages
- A 1998 government poll in the northwest found that 41 percent did not want to move to imidugudu
- In December 2000 OCHA said while there is no evidence that the villagization policy could be labeled "forced displacement", there is no clear framework as to the right of the population to decide where and how to settle

"In imposing and implementing the National Habitat Policy, the Rwandan government violated the rights of tens of thousands of its citizens:

By compelling them to reside other than where they choose

By arbitrarily and unlawfully interfering with their homes

By obliging them to destroy or cede their property without due process and without compensation

By punishing those who spoke out against this policy and
By failing to provide adequate remedy for those whose rights were violated." (HRW May 2001, "Summary")

According to the Special Representative reporting to the UN commission on Human Rights, "[t]here can be no dispute that, often for security considerations, some coercion has occurred. In this connection, the Special Representative would note that as security improves in Rwanda, security seems increasingly less relevant as a justification for villages. He would also recall that the Guiding Principles on Internal Displacement require that those who are grouped together for purposes of security should be allowed to return home when the emergency is over. The Special Representative was relieved to hear from the Adviser to the President that no Rwandans will be forced into villages against their will. In recent weeks, this has begun to look more and more like formal government policy: ministers have warned that coercion will not be tolerated, and have made this clear at meetings with donors as well." (CHR 25 February 2000, para.214)

"From a security point of view, the residents of the displaced camps we [African Rights Delegation] visited, as well as those living outside the camps, spoke unanimously in favour of villagisation. They discussed the advantages and disadvantages, but felt that the security situation in the northwest made the advantages more apparent. Weary of war and a life of being on the move, impoverished by the insurgency and anxious to leave the camps and to rebuild their lives, the overriding priority of local people is the pursuit of peace. Security considerations, more than anything else, determine their views about villagisation, as with so much else in their lives. However, they also made it clear that certain conditions must be met if the programme is to satisfy their needs." (African Rights 29 Jan 1999, pp. 6-7)

"A Rwandan government poll in the northwestern prefectures of Gisenyi and Ruhengeri in 1998 found that 41 percent wanted to remain in their own homes and not move to imidugudu." (HRW May 2001, VI)

"The Rwandan government often sought to justify the necessity to move to imidugudu on the grounds of "national security," particularly in the northwest just after the insurgency. Even at that time, such a justification had little merit; any semblance of need for such measures in the interest of national security has long since ended. The Rwandan government itself has said that it has suppressed the insurgency and driven the insurgents from the country. Any restriction of freedom to choose one's residence because of national security is permissible only for the duration of the crisis and so is necessarily temporary. But the Rwandan government has stated clearly that relocation to imidugudu is meant to be permanent. Nor do any of the other possible justifications for restricting this right apply in this case." (HRW May 2001, XIV)

"In all evidence, the policy [of villagization] is not carried out rigidly (some displaced persons in the NW have returned to their homesteads; often people have installed themselves in 'Insisiro', or 'paysannat', schemes along roads, i.e. not in village agglomeration), and efforts by the Government to increase the sustainability of settlement are significant. There is no evidence today that it is implemented with a degree of compulsion which would warrant the label 'forced displacement'. Exceptions occurred at a local level, but the Government has taken remedial action (Kibungo) and has assured the international community that coercion would not longer be tolerated.

Nonetheless, doubts remain if sufficient mechanisms exist already to make sure that the resettlement policy will be followed by those concerned on an entirely voluntary basis. There seems to be no clear framework of principles as to the right of the population in terms of participation in decisions where and how to settle, access to land, freedom of movement and residence, administrative procedures. (OCHA 18 December 2000)

GP on Internal Displacement require those grouped together for purposes of security to be allowed to return home when emergency is over (1999-2001)

- The Guiding Principles add that authorities must explore "all feasible alternatives" to avoid displacement. If there is no possible alternative, then they must take all measures to minimize displacement

"The Guiding Principles on Internal Displacement, which reflect international human rights and humanitarian law, are also relevant to the rural resettlement program. They state that the arbitrary displacement of persons is prohibited in cases of "large-scale development projects, which are not justified by compelling and overriding public interest." The Guiding Principles add that authorities must explore "all feasible alternatives" to avoid displacement. If there is no possible alternative, then they must take all measures to minimize displacement and its adverse effects, including assuring the procedural protections just mentioned. According to the Guiding Principles, "states are under a particular obligation to protect against the displacement of . . . peasants, pastoralists and other groups with a special dependency on and attachment to their lands." (HRW May 2001, XIV)

According to WFP, "Principle 6 (3) [of the Guiding Principles on Internal Displacement]: 'Displacement shall last no longer than required by the circumstances' was not respected during the villagization process. The *umudugudu* schemes were not instigated by common consent. They were conceived as a permanent solution to insecurity, population control and a limit to the accommodation of insurgents. In several communes, the authorities themselves admitted that more than half the resettled population would have preferred to have gone back to their original homes as security improved, but the army could not (or would not) guarantee their safety." (WFP June 1999, p.29).

SUBSISTENCE NEEDS

Health

North-western region struggling to recover from 1997-1999 insecurity (August 2003)

- By the end of 1998, the displaced population numbered more than 600,000
- Most health centres lack sufficient essential equipment as well as qualified health personnel five years later
- The poorer sections of the population still have difficulties accessing proper health care
- The health insurance scheme ('mutuelle') in Gatonde health district does not function properly

"Since the period of insecurity began in Ruhengeri,[1997] Save the Children has assisted to rehabilitate most of its health centres. The zone consists of nine health centres and no hospitals. However, despite rehabilitation efforts to improve the quality of health care, [in Gatonde health district in the north-west] the poorer sections of the population still have difficulties accessing proper health care, primarily because they are unable to afford the full price of treatment. In addition, most health centres lack sufficient essential equipment as well as qualified health personnel. According to the Vision 2020 report, the Rwandan government allocates 4.1 of the national

budget to the health sector (compared to WHO's recommendation of 12%). The cost of treatment has played a role in the population's dependency on traditional treatment – the use of local herbs and traditional healers – to treat common illnesses and on self-treatment (purchase of drugs from pharmacies without proper diagnosis of the illness) Although distance is not the primary obstacle to accessing health centres, travel to health centres or hospitals does pose a problem due to the hilly landscape characteristic of the province. Communities at the cell level rely on the mutual help system of 'hamac'

(hammock type stretchers carried by male members of the community) to transport very sick members to health services. The two most prevalent illnesses that provoke visits to health centres in the zone are malaria

and respiratory diseases (often pneumonia). In Ruhengeri the rate of chronic malnutrition of children under 5 years is 55.9%. HIV/AIDS is endemic in the region. Awareness-raising activities are advanced. However, other programmes to address the problem are still at an embryonic stage. Rwanda has one of the highest rates of HIV prevalence in the world. A survey conducted in 2001 revealed an overall infection rate of 13.7 %, with rural prevalence at 11.6%.⁴ Although Rwanda's seroprevalence of HIV/AIDS may be comparable to other SSA countries, its spread has been accelerated by the war and genocide (increased incidents of rape, increased numbers of

unaccompanied children and widows (with a concurrent increase in transactional sex), etc.). The health insurance scheme ('mutuelle') in Gatonde health district, which was initiated in 2000, has not been very successful (rates of membership have halved, dropping from 17 percent in 2000/2001 to 8 percent in 2002/2003). Support for these schemes and methods

of payment differ between districts. In some health centres payment is by individual and in others it is by household. In addition to this lack of uniformity, the 'mutuelles' lack clear contracts with the health facilities. The frequent enrolment of only sick and elderly people, instead of a mix of healthy and sick individuals, increases the risk for the mal-functioning of the system. The scheme does not have the minimum membership rate (30 %) needed to function properly. Access to clean water in the Gatonde Health District is still problematic in most parts. The majority of the water systems were destroyed during the period of insecurity and in many cases, accessing a potable source of water means that the women or children in a household usually have to walk between an average of 30 minutes to 1 hour (round trip).

Many children were orphaned because of past conflicts and as a result of an increasing HIV/AIDS epidemic. For example, according to a child needs assessment, carried out in Bukonya in 2002 by SC-UK and supported by the World Bank, the proportion of households caring for at least one orphan in the district alone is 29 percent. In the same study, of all children under 18, 25 percent were orphans, having lost either one or both parents. Among children aged 13 to 17 years, the proportion orphaned increased to approximately 52 percent. Children headed less than 2 percent of households.

1.1.5 History of Events

In 1997, Ruhengeri Province experienced widespread insecurity and conflict that persisted for almost three years. By the end of 1998, the displaced population numbered more than 600,000, of which approximately 60 percent were living in camps for Internally Displaced Persons (IDPs). The 1997-1999 insecurity led to the death, illness, and detention of many economically active adults and also resulted in a significant increase in single-headed households.

One of the most important results of the insecurity was the loss of livestock. Almost all households owned (or borrowed) at least small to medium sized livestock and this resource constituted a valuable source of food and income in the area. Livestock numbers were decimated due to looting, household emergency sales to earn cash for immediate needs, and death of cattle en route to the Congolese border as the population fled the insecurity." (SC-UK, 29 August 2003, p.23)

"With rainfall recorded in all areas of Rwanda until at least May 17, the season finally ended up only a week or two weeks shorter than normal. According to key informants in various provinces, this allowed most beans and sorghum to reach maturity. The production of these crops should therefore be about average in most of the country. Irish potatoes and bananas are also reported to have done fairly well. However, sweet potatoes and cassava are performing very poorly because of reduced planting and diseases respectively. The current food security and prospects for the second half of the year look fairly good at the national level. This forecast will be confirmed in July by a Ministry of Agriculture, Livestock and Forestry (MINAGRI) led joint crop assessment mission." (FEWS 18 June 2003)

"Until June 2003, when the next harvest is expected, the food security situation in most parts of Rwanda is satisfactory. If rainfall improves and lasts to at least the middle of May, the bean production should be good in most of the country. This would compensate in part the expected low production of sorghum and sweet potatoes, which will result from reduced acreage and moisture stress in certain areas. However, there is already much concern about a food crisis emerging in low altitude areas of Bugesera Region and in Kibungo Province in eastern Rwanda, particularly in Mayange and Muyenzi Sectors of Nyamata District, Kigali Rural Province, and in some sectors of Cyarubare and Nyarubuye Districts, Kibungo Province. In those areas, where high temperatures deplete soil humidity faster than in higher altitude areas, the season had started very late and rainfall has so far been poor and erratic, causing sorghum to wither and bean cultivation to be delayed. The lack of rains in March and early April resulted in sorghum and bean crops to almost completely dry in some areas. The affected population seems to be coping well, so far, mainly through off-farm employment and petty trade." (FEWS 21 April 2003)

High prevalence to communicable diseases and limited health care in general (2001)

- 11 percent of the Rwandan population is affected by HIV/AIDS

"Regarding health issues, Rwanda has:

Low levels of understanding about health issues; Lack of access to basic health care, including first aid.

Vulnerability to the common, often preventable, diseases and epidemics.

High rates of STDs and HIV infection with resultant impact on the socio-economic structures.

Limited and basic reproductive health care.

Shortage of qualified medical personnel and poor health system infrastructure.

Insufficient access to sufficient clean potable water.

Undeveloped sanitation infrastructure; public hygiene is basic and many people, especially the urban poor, live under conditions of squalor.

There is severe psychological trauma amongst much of the population brought about by the events of 1994.

As a result there is a high prevalence and vulnerability to communicable diseases such as malaria, meningitis, and high risk of cholera. Diarrhoeal diseases are common, as are pockets of malnutrition. Sexually transmitted diseases and HIV infection are a very major area of concern. Estimates as to HIV infection vary but the prevalence amongst adults in Rwanda is estimated at 11.21% as of the end of 1999." (IFRC 15 January 2001)

"[...] [T]housands of children [are] forced to survive in the streets after AIDS or the killings claimed their parents [...]. 'HIV is a big problem by now, because among our beneficiaries, we have around 20 percent who are orphans due to the HIV problem,' says Epimaque Kanamugire, the coordinator of the Tabakunde Centre in Kigali which cares for 169 children. [...]"

Roughly one in nine Rwandans have HIV/AIDS, or about 11 percent of the population of eight million. The prevalence was put at 1.6 percent in 1987.[...]"

The organization estimates 40,000 infants are born to HIV-infected mothers annually. Half of these children contract the virus in the womb or through breastfeeding." (Reuters 29 November 2001)

General decline in malnutrition rates among recently relocated people (1999 - 2000)

- End of 99: 60% of population of the northwestern prefectures was malnourished
- A nutrition survey, undertaken in Gisenyi in 1999 by the government and the UN finds severe malnutrition among children in Gisenyi and Ruhengeri

"Relief agencies working in the northwest have reported a 'significant improvement' in nutritional conditions among hundreds of thousands of displaced people recently relocated from camps to new grouped settlements, the latest monthly report [March 1999] from the Office of the UN Humanitarian Coordinator for Rwanda said. The report, received by IRIN, said malnutrition rates in the new settlement sites were declining, while the number of people at therapeutic and supplementary feeding centres had decreased in recent weeks. However, the nutritional situation remained fragile in some places, it added. The improvement was due mainly to the setting up of health and nutritional facilities, the increase in WFP food rations, and the distribution of farming tools. 'People are adjusting to the environments of the new resettlement sites and resuming agricultural activities,' the report said." (IRIN 20 May 1999)

"The northwest is [...] the traditional breadbasket of the country and projections for [...] the July-August [2000] harvest in the region are more favorable. The government is aware of the need to phase out free food distribution while retaining a nutritional support programme for the most vulnerable. Therapeutic wet feeding was almost entirely stopped by February 1999 as malnutrition rates dropped dramatically. NGOs running health programmes were keen to point out that micronutrient deficiency was by now more a result of traditional constraints such as poor starch-based diets and education rather than food supply." (WFP June 1999, p.8)

However, "By late 1999, [...] [a]bout 60 percent of the population of the northwestern prefectures was malnourished (compared with 40 percent elsewhere in the country) and more than half a million still depended on foreign food aid near the end of the year." (HRW 2000, "Human Rights Developments")

"A nutrition survey, undertaken in Gisenyi by the government and the UN, has been recently completed. It found that malnutrition among children aged 3-59 months tends to be most evident in the south-eastern

communes of Gisenyi where insecurity was prolonged and humanitarian assistance was not provided. The prevalence of malnutrition in Gisenyi exceeds the national averages: global acute malnutrition in Gisenyi is 11%; severe acute malnutrition is 7.3%; chronic malnutrition affects 59.6% of those surveyed and underweight children make up 31.9% of the population." (OCHA 19 August 1999, "Rwanda Humanitarian Situation")

Internally displaced have little access to health services and suffer from epidemic diseases (1998-2000)

- Few health centres in Ruhengeri function (1999)
- Only 170 doctors in the whole country (1998)
- Up to 500,000 Rwandans are infected with the HIV virus (2000)
- Outbreak of epidemic diseases in IDP camps (1998-1999): measles, meningitis, cholera and malaria

Poor health services in the northwest

"[I]n Ruhengeri there are four health districts that include two hospitals and thirty health centres. Three centres are, however, closed while seven are in need of substantial repairs. In Gisenyi, there are three health districts that include two hospitals and fifteen health centres." (OCHA 5 April 1999, Humanitarian Situation)

"[T]here are approximately 170 doctors (of whom 125 are in public hospitals and only 30 are female) and only 5 gynaecologists in the whole country. Most of the 34 hospitals and 300 health centres in Rwanda are managed by 'comprehensive nurses' and traditional birth attendants. The Special Rapporteur [on violence against women, its causes and consequences] considers the absence of gynaecologists a particularly severe problem in view of the many medical consequences affecting women victims of violence in the post-conflict period." (CHR 4 February 1998, para. 3)

Epidemic diseases

"Up to 500,000 Rwandans are infected with the HIV virus, an estimated six percent of the total population of between 7 - 8 million, Health Minister Ezechias Rwabuhiri announced on Tuesday. 'We are facing a silent and devastating epidemic which threatens national security,' the BBC quoted him as telling an AIDS conference in Kigali, attended by delegates from Rwanda, Burundi and Uganda. More than four out of every five deaths in Rwanda were AIDS related and the country's medical facilities were overwhelmed, he said. According to a Rwanda News Agency (RNA) report, 180,000 Rwandans have developed full blown AIDS, while 150,000 have already been killed by the disease." (IRIN 3 May 2000, "Rwanda")

"IDP camps were severely overcrowded and lacked health services and adequate water and sanitation. This led to several outbreaks of epidemic diseases: measles in November 1998 and an ongoing meningitis epidemic in February 1999." (SCF 19 May 1999, "Background")

"WHO says five people have died of cholera in the northwest prefecture of Ruhengeri, and a further 140 have been hospitalised. The epidemic, which broke out last month [October 99], has particularly affected the communes of Cyabingo, Nyakinama and Kigombe, but the situation is under control, a WHO information bulletin said." (IRIN 4 Nov 1999)

"Complementing findings from the recent nutrition survey in Gisenyi, the report on living conditions notes that of the most frequent illnesses, malaria affects 60.1% of the population. It only affected 52.8% in December 1998." (OCHA 3 August 1999, "Living Conditions of Displaced")

According to a UNFPA/ONAPO survey, "mortality among the IDP camp population was primarily caused by malaria (19.3%), diarrhea (18%), pneumonia (16.2%), kwashiorkor (10.5%), tonsillitis (8.4%) and measles (6.7%)." (OCHA 5 April 1999, "Humanitarian Situation")

Water and sanitation

Many Imidugudu still lack adequate basic services (November 2001)

According to a UN/donors/Rwandan Government task force:

"[...] many imidugudu today lack adequate basic services. According to a UNDP survey from 1999, an estimated 50% of rural populations do not have reasonable access to water. The average distance from imidugudu to health facilities is 4-5 kilometres but it is not unusual that some have to cover more than 30 kilometres for care.[...]"

Likewise, the sanitation in villages has not been given enough attention in the past. The vast majority of imidugudus do not have adequate latrines." (Brookings Initiative in Rwanda November 2001, 2.3.2)

Shelter and non-food items

Poor quality of houses constructed under the villagisation programme (October 2004)

- Houses under the villagisation programme were often of bad quality lacking proper finishing such as plumbing and strong roofing
- The size of the land available per household is less than one hectare
- The land used for the villages was often fertile agricultural land

"Homes built under the Imidugudu initiative had several disadvantages, the most pronounced of these being that they were built hastily within the country's emergency phase.

According to Ngaboyisonga, the emergency phase called for the urgent resettlement of thousands of the returnees and displaced persons. This led to the development of many sites by numerous organisations without adherence to clearly defined building standards.

For example, under Imidugudu, the size of the land available per household is less than one hectare and the space for agricultural activities is about half an hectare.

"The biggest problem we have at the moment is lack of land for cultivation," Kabanyana, a resident in one of the Imidugudu, said. "We are forced to move kilometres away to access land for cultivation. This becomes difficult for a person my age."

Most of the Imidugudu homes built during the emergency period lack proper finishing such as plumbing and strong roofing. The homeowners have to undertake these activities, yet most live below the poverty line of \$1 a day.

In some cases, areas of flat land were chosen, making housing construction easier, but the land was often fertile agricultural land, which forced those affected to use less fertile hill slopes for cultivation. This led to low crop yields and environmental degradation."(IRIN, 5 October 2004)

"A joint 2-day OCHA / MINITERE mission was carried out on 17-18 January 2001, to assess the housing and possible displacement situation in Rusumo commune, related to the return of Rwandan refugees from Tanzania (Ngara Camp) through the Rusumo bridge, Rusumo commune, directly bordering Tanzania. Over the year 2000, UNHCR had repatriated 2,176 refugees from Tanzania and around 457 persons in January 2001.

There is no transit center in Rusumo and the returnees are directly driven, with the assistance of UNHCR to their original communes.

As for the IDP situation in Rusumo, findings showed that the returnees who were originating from Rusumo had already resettled in Rusumo and there are no IDPs.

The total number of Rusumo inhabitants is 25, 728 settled in 203 sites. They all have their residential and farming plots. Nevertheless, more than 50% of the population in Rusumo is still living in Biindés [makeshift huts made of banana leaves, etc.] or under plastic sheeting.

LWF, WFP and UNHCR are the main organisations providing assistance in Rusumo." (OCHA 2 February 2001)

Need for adequate shelter for the vulnerable poor, especially among female and child-headed households (1999-2001)

- The Rwandan government provided some basic construction materials for the new villages
- 370,000 households estimated to live without adequate shelter as of Sept 1999
- 192,000 households without adequate shelter as of Oct 2001
- In many imidugudu families headed by women or children occupy the worst structures
- Families without adequate shelter are among the most vulnerable and poorest in Rwanda
- Habitat situation in the Northwest is substantially worse now than in the pre-war era

"Repatriation has put an enormous strain on housing and land provision. More than a quarter of all housing was destroyed by the 1994 war. Despite declining aid budgets, shelter construction continues to be an important priority for the Government of Rwanda, along with agricultural rehabilitation and the provision of assistance such as seeds and tools.

The issue of shelter for IDPs in the north-west became critical during the initial displacement when tens of thousands of people camped under plastic sheeting and makeshift huts of branches and leaves. Some brought with them the plastic sheeting originally provided by UNHCR in the repatriation two years previously; others stripped the hills of all remaining foliage. Once the IDPs had settled in more permanent villages in the valleys (under the *umudugudu* process), the government provided some basic construction materials, including corrugated metal roofing. These villages are fairly regimented, with equal plot sizes and floor space. WFP and other agencies have begun to look at the possibility of brick making to replace the mud and wattle walls of most dwellings." (WFP June 1999, p.7)

"According to Human Rights Watch, "Many who did not initially oppose the habitat policy have since become dissatisfied with the way it has been implemented. Officials promised that imidugudu residents would have greater access to basic services and would be well placed to benefit from new efforts at economic development. Such has not been the case for most. According to a study by UNDP, 81 percent of

the sites still lacked water in late 1999. Another study concluded that among the imidugudu residents sampled, the average person must travel some four kilometers or nearly two and a half miles further to reach fields, school, water and source of firewood than when he or she lived in his or her previous home." (HRW May 2001, VI)

"The order to move has caused many problems for the vulnerable who lack the strength or resources to build new houses. In many imidugudu families headed by women or children occupy the worst structures." (HRW May 2001, XI)

According to a UNDP/MINITERA September 1999 survey, "the number of vulnerable families living under plastic sheeting, in damaged houses or [who] were illegally occupying other peoples' houses amounted to 370,000. [...]

Despite the steady progress in recent years, a significant number of Rwandans do not have the means to improve their housing situation and continue to live under makeshift covers. A majority of villages have access to basic services. [...]

Among the unmet needs are the acute need for adequate shelter for the vulnerable poor living under plastic sheeting or in makeshift huts; [...].

As many as 192,000 vulnerable families [including 900 families in Kigali who do not live under plastic sheeting but share houses assisted by friends] continue to live in sub-standard habitations, covered by old pieces of plastic sheeting or banana tree leaves." [...]

The families who do not have adequate shelter are among the poorest and most vulnerable in all Rwandan society. Many of them are female or child-headed households, which, according to the poverty study undertaken in Rwanda by the World Bank, have grown in size and depth of poverty. [...]

In absolute terms, the shelter conditions may not be worse than, for instance, in slums in other parts of the world. However, in comparison with the pre-war era, the habitat situation in areas such as the Northwest is, in overall terms, substantially worse. The feelings of indignity, bitterness and discontent that poor shelter is likely to provoke can have important repercussions for stability and sustainable peace, taking into account Rwanda's past and recent history.

This is particularly relevant in the Northwest considering (i) the relatively higher number of people living under plastic sheeting; (ii) the inequality between the Northwest and the other provinces that have received substantial housing assistance from the international community during the emergency period and (iii) the fact that the Northwest has traditionally had links with the old regime. It is plausible that communities may therefore perceive to be discriminated against." (Brookings Initiative in Rwanda November 2001, 2.3.1)

180,000 families in inadequate shelter according to government statistics (2004)

- Northwest: few shelter programs have been undertaken due to insecurity and unwillingness of donors to fund perceived security-driven regroupment
- Kibungo: Extensive villagization programs to accommodate the needs of old caseload returnees
- Umutara: significant amount of land available for old caseload returnees

"However, although more than one million people had been placed in the Imidugudu settlements, a national survey conducted in September 1999 by the Information Management Unit of the UN Development Programme (UNDP) found that there were some 370,000 vulnerable families living under plastic sheeting in damaged shelters and others were temporarily occupying other people's homes. The figure of those living under these conditions currently is 180,000, according to government statistics.

"The habitat situation in Rwanda varies considerably from province to province." (IRIN, 5 October 2004)

Northwest (Gisenyi and Ruhengeri): The situation differs from the rest of Rwanda in a number of ways: it is the most densely populated and most fertile area in Rwanda; it has been heavily affected by the insurgency activities and counter activities since 1997 and it was previously the stronghold of the former regime. The shelter needs are much greater in this part of the country. This is a result of the wide-scale destruction during the war and genocide in 1994 and the fact that the insecurity caused by the insurgency activities prevented shelter programmes (aside from distributing plastic sheeting) from being undertaken in 1995-1998. Furthermore, donors were reluctant to fund shelter activities in this region because of their perception of the security-driven regroupment as a result of the prevailing insecurity. Nearly 60% of households in acute need of shelter live in the Northwest. While Gisenyi has seen a drop in the number living under plastic sheeting, the assessment undertaken in 2001 sees a slight increase since 1999.

Kibungo: The province received the largest number of old caseload returnees. In a measure to accommodate the arrivals and devise land redistribution systems, villagisation has been quite extensive in Kibungo. The province account for nearly 17% of those in acute need of shelter assistance.

Umutara: This province was less populated than the areas of Rwanda before the genocide. This is partly because a large part of the province consisted of a national park. Furthermore, the RPA occupied the northern corner of this province before 1994. Many old caseload returnees have settled in Umutara – there has been relatively more land available in this province and the flat and semi-arid landscape has been suitable for their livestock herds. Around 8% of the total caseload in need of acute shelter live in Umutara.

Byumba: Destruction was considerable in this province. Not only was this the scene of many battles in 1994, fighting in 1990 and 1993 created over a million displaced people – many of whom had not returned home before the genocide. About 5% of the vulnerable families in need of acute shelter assistance live in Byumba.

Cyangugu, Kibuye, Gikongoro and Gitarama: These areas experienced the least amount of destruction. The four provinces combined hold 7% of the vulnerable Rwandan families in need of acute shelter assistance. Of the four, Kibuye has the largest number of families living under plastic sheeting or in blindés as a result of the particularly severe consequences of the genocide in the province and the relatively larger number of returning old caseload refugees. Meanwhile, Gitarama and Gikongoro have seen an increase by a few thousand of families living under plastic sheeting/in blindés since 1999.

Butare and Kigali Ngali: While these provinces saw some destruction, perhaps the greatest challenge has been reintegration in view of the particularly extreme violence experienced in these provinces during the genocide." (Brookings Initiative in Rwanda November 2001, 2.3.1 box 1)

Food

Chronic hunger caused by drought (September 2004)

- Up to almost a half million Rwandans could experience chronic hunger, according to FEWS NET
- The crisis is not alarming, according to the government
- Food insecurity has been caused by prolonged drought conditions as well as poor soils
- Milk production has decreased significantly

"A Rwandan official has downplayed predictions by the US government-funded Famine Early Warning Systems Network (FEWS NET) that up to almost a half million Rwandans could experience chronic hunger.

"We certainly do not need food assistance coming from outside because the crisis is not alarming," an official in Rwanda's Ministry of Agriculture told IRIN. He spoke on condition of anonymity.

FEWS NET, on the other hand, has requested that all international agencies concerned with food assistance, "scale up their existing interventions considerably ... until the next harvest in December/January".

The network of scientific institutions and private enterprise issued a statement on 7 September saying: "There are districts that are chronically food insecure, and 250,000 to 400,000 people in these districts will need 15,000 to 25,000 mt of food assistance between September and December."

The food insecurity has been caused by prolonged drought conditions as well as poor soils the network said. It identified 31 districts throughout the country where approximately 10 percent to 15 percent of the population could run out of food stocks between September and October.

The most vulnerable are the southern districts of Bugesera, Gikongoro, and Butare. They will need "the most assistance".

Milk production has decreased "significantly" which "affects many households in the eastern pastoral regions, such as Umutara, where milk sale is a major source of income".

But the government official said the government was initiating alternative income generating activities for poor households in affected areas to enable them buy food from the parts of the country where food would remain in supply.

He said that compared to other countries in the region the threat was "moderate". " (IRIN, 14 September 2004).

ACCESS TO EDUCATION

General

Little access to education in Rwanda in general and in the northwest in particular (1999-2001)

- No free public education system in Rwanda
- Half of the teachers killed during the genocide and a third of the primary school installations destroyed
- One teacher for 70 students in the northwest in 2000
- Little access to education in new villages in 1999-2000
- Some children in imidugudu walk up to 20 kilometres to primary school

"Rwanda would [...] benefit enormously from an effective system of free public education to develop the educated and enlightened society that it needs, and a free public health service to produce the requisite healthy manpower. At the moment, there is no free education system at either primary or secondary level, in contrast to most other countries in Africa and the rest of the world. This explains in part both the low level of literacy in the country (52.7 per cent overall, 51.6 per cent for men and 44.8 per cent for women) and perhaps also the much discussed ease with which the masses can be manipulated by their leaders." (CHR 8 February 1999, para.55)

"[At the national level, s]chools remained inadequate and understaffed: only 4 percent of the population had a secondary education, and northwest areas of the country reported a ratio of one teacher per 70 students". (USCR 2000, "Reintegration Conditions")

"[...] about half of the country's 19,000 teachers were killed in the genocide, an approximately a third of the primary school installations were destroyed." (UNDP 20 September 2001, p.3)

"The Government of Rwanda has been regrouping rural populations of the north-west in grouped settlements, as opposed to the traditional patterns of scattered settlements which leave the people exposed to the action of the rebel groups, while making difficult their access to services such as public education and health, electricity and water." (CHR 8 February 1999, para.25)

School children in resettlement sites "have not been able to attend regular and 'normal' classes: Some of them are studying outside the schools and only if it is not raining (in open air), sheeting near the school, some have joined other schools (just a few) and finally others that have been vacated-at least during the day-by the 'squatters' [some schools were occupied by 800 families without a house]." (OCHA 20 December 2000)

"Likewise, although the average distance to primary school is 1 to 2 kilometres, some children walk up to 20 kilometres. However, even if there is a school building, there are sometimes no teachers or materials." (Brookings Initiative in Rwanda November 2001, 2.3.2)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Access to Land and to Work

Productivity in imidugudu has declined (June 2004)

- Productivity is negatively affected by the time taken to walk to the fields
- The government's assumption that villagisation will improve productivity is contested

"The possible impacts of further villagisation are contested in the literature. Most if not all donors being unwilling to support it. In the past, the exercise has resulted in increased fragmentation, rather than consolidation: some villagers who distributed land to settlers in imidugudu received compensation in the form of small, scattered plots. Republic of Rwanda (2001a) In such cases, productivity is negatively affected by the time taken to walk to the fields, and indeed the government and the UN have jointly concluded that this problem "is contributing to an alarming fall in food production in some areas". See Danish Ministry of Foreign Affairs (2001), and RISD (1999) It is argued by the Government that by situating houses close to one another, cooperation will be facilitated and improved service provision, and hence productivity, will result. However, there exists little firm evidence to suggest that this is the case. Senior agricultural specialists at the University of Rwanda state that in general, it seems that productivity in imidugudu has actually declined. Interviews, Butare February 2004. PhD research is currently underway at the University to ascertain whether this is the case."(ACTS, July 2004, p. 13)

Agricultural activities have returned to pre-conflict levels (2003)

- Livestock numbers have significantly increased between 2000 and 2003 in some communes in the north-west
- Livelihood opportunities have improved considerably
- Some NGOs fear that imidugudu risk becoming ghettos populated by vulnerable people
- A recurring problem in all the Imidugudu sites is the distance between the shelters and the farms

"Agricultural activities have now returned to pre-conflict levels. However, the dependency of 'poor' households on production from their own fields has decreased considerably since 2000. This evolution in agricultural production could be explained by several factors. First, the amount of additional land being cultivated in 2000 may have been underestimated. A number of households had not yet reclaimed their land (they were still residing in Kigali or other large towns until security was guaranteed). Second, in 2000, labour opportunities within the zone itself were scarce and this might have pushed households into cultivating maximum amounts of crops in their fields. Finally, the surplus sweet potato production that occurred during the reference year[2002] for the current study did not give 'poor' households much of a choice other than to cultivate in their fields less since they would be obligated to accept larger than normal quantities in kind for the work they did in the fields of wealthier households.

Livestock numbers, although not yet attaining pre-war levels, have significantly increased since 2000. This is both principally a consequence of a natural process of restocking and the assistance by humanitarian agencies and local authorities in providing small to medium-sized livestock to all and more recently vulnerable households. Poorer households have been involved in a rotating credit scheme, where households are given livestock for production purposes and have to pass on the reproductive pair or the

offspring to other poor households in the community. Migration is no longer occurring on the same scale as in 2000. Today, an able bodied young adult in a household might migrate to higher opportunity areas during certain months of the year. Nevertheless, a minority of households depend on this source for an important part of their income. Since 2000, livelihood opportunities within the zone have improved considerably. Credit schemes, although not easily accessible to poorer households, have proliferated in the zone – predominantly in Bugarura district. This has allowed 'middle' and 'better-off' households to obtain livestock and even to start up small businesses. Improved access to income for the wealthier socio-economic categories has also allowed for increased labour opportunities in the area for poorer categories." (SCF-UK August 2003, p.48)

"The crisis has now improved as a result of good harvests and improved security [...]. At the same time, OCHA warns that 90,000 people are lacking basic services in Ruhengeri and 60,000 in Gisenyi. There is some controversy over whether the policy of villagization is deepening their vulnerability by depriving them of access to land." (CHR 25 February 2000, para. 39)

An April 2000 assessment by SCF-UK found that compared to October 1999, "The changes that had most impact include increased agricultural activity, better access to external employment opportunities, the discontinuation of free food distributions and the increase in the price of fuel. The first three are the result of the continued security in the area and overall most households have reduced their dependency on external assistance. There is still however a need for support to at least one third of the population to enable them to withstand external shocks and to ensure their food security. These households have such small landholdings that the population considers them as landless. The poorest fifth of the population still require some food assistance, which is currently provided by the local community. They are 'landless' and also labour constrained so cannot access enough food through other means." (SCF-UK May 2000, p.1)

"Although enforced less harshly than in preceding years, as late as mid-year [2000], authorities still required people to move against their will to government-designated settlements. Some homeowners were forced to destroy their houses before moving. Lacking the necessary resources to build new houses, hundreds of thousands of people lived in temporary shelters made of tree limbs, leaves, and pieces of plastic. Some cultivators were forced to cede their fields to serve as settlement sites. Many village residents had to walk miles further each day to reach their fields or sources of water and firewood than when they lived in their previous homes. Difficulty in reaching fields and insecurity over land tenure resulting from villagization caused a decline in agricultural production, which was further cut by drought. Toward the end of the year [2000], serious food shortages threatened regions where villagization was most advanced." (HRW December 2000)

"In this unfavorable agricultural and pastoral context [due to the drought], coping strategies evolve towards painful surviving strategies: people start selling metal roof sheeting of houses, selling cattle at low prices, and migration of whole families or school desertion are widely observed. In Imidugudu, which contains mainly the poorest households, the situation is especially bad. These populations do not always have access to arable land. When land plots were distributed to them, they were not yet able to start the cultivation of permanent crops. These crops could have guaranteed the production of a minimum staple food." (FAO 3 November 2000)

According to the Rwandan NGO RISD (Rwandan Initiative for Sustainable Development), "Very many people do not have any land to grow food or graze animals and those who have it have to walk long distances to work on their land. There are no off-farm activities because the people either lack capital to invest or necessary skills or both. This situation which has exacerbated the poverty that affected most of the Imidugudu settlers already, may soon lead to a migration of the able bodied looking for better prospects of making a living. Most of the Imidugudu may soon turn into settlements for the aged, the sick and disabled if something is not done to improve their socio-economic viability." (RISD 21 Sept 1999)

"Lack of income-generation opportunities and market access are of crucial importance if the imidugudu are to become economically viable and offer an alternative source of income to subsistence farming. This is

particularly important for returnees who do not have land of their own. However, these aspects are extremely weak in most imidugudu.

Social capital is an essential building block for long-term development but in Rwanda, it has suffered tremendously as a result of the fractures caused by the genocide and war. Imidugudu offer an important opportunity to enhance social capital by facilitating social and economic collaboration. Yet so far, few imidugudu dwellers have organised themselves into associations or co-operatives. Some imidugudu do not forge broader community cohesion due to their social structure. For instance, there are still villages mainly inhabited by the vulnerable poor – widows, survivors of the genocide, the elderly and children. This segregation was noted in the recent NURC [National Unity and Reconciliation Commission] grassroots consultation as a negative factor affecting reconciliation. In fact, some NGOs fear that imidugudu risk becoming ghettos populated by vulnerable people. [...]

Low productivity is not only a function of poor investments and land degradation. A recurring problem in all the sites visited is the distance between the shelters and the farms. Several of those encountered by the Brookings task force walk up to two hours to reach their farms. Those whose farms have been taken for village sites and who have received compensation in the form of small, scattered plots have a particularly difficult time. The long distance to their fields was considered the main disadvantage of villagisation and deemed to have an impact on production. However, this is the case only for the first few pilot villages constructed in 1996, this situation has changed by identifying the village sites in the cellules and making the villages as small as 100-200 families instead of 400-500, therefore being closer to the fields." (Brookings Initiative in Rwanda November 2001, 2.3.2; 3.2.3)

Women & children heads of households carry heavy burden of raising family and sustaining productive livelihood (1994-2001)

- Many women, most of them Tutsi, were raped and contracted AIDS during the genocide
- Women face challenges of being main breadwinner, supporting own and orphaned children and coping with traumas
- 60% of the displaced population were women and children in 1999
- According to British NGO ACORD, children head almost 13 percent of household in Rwanda, and some have no shelter

Rape and other forms of violence against women

"During the Rwandan genocide, rape and other forms of violence were directed primarily against Tutsi women because of both their gender and their ethnicity. The extremist propaganda which exhorted Hutu to commit the genocide specifically identified the sexuality of Tutsi women as a means through which the Tutsi community sought to infiltrate and control the Hutu community. This propaganda fueled the sexual violence perpetrated against Tutsi women as a means of dehumanizing and subjugating all Tutsi. Some Hutu women were also targeted with rape because they were affiliated with the political opposition, because they were married to Tutsi men or because they protected Tutsi. A number of women, Tutsi and Hutu, were targeted regardless of ethnicity or political affiliation. Young girls or those considered beautiful were particularly at the mercy of the militia groups, who were a law unto themselves and often raped indiscriminately.

As Rwandans begin the onerous task of rebuilding a country ravaged by bloodshed and genocide, the burden is falling heavily on Rwandan women. Rwanda has become a country of women. It is currently estimated that 70 percent of the population is female and that 50 percent of all households are headed by women. Regardless of their status - Tutsi, Hutu, displaced, returnees - all women face overwhelming problems because of the upheaval caused by the genocide, including social stigmatization, poor physical and psychological health, unwanted pregnancy and, increasingly, poverty." (HRW 1996, Introduction)

"During 1998, legislation was passed in the Rwandan Parliament enshrining rape as a crime against humanity within the constitution[...] [This was] achieved in large part, through lobbying by women's associations and women parliamentarians." (IA 1999, p.5)

Displaced women and children

"Women and children comprise 60 percent of the displaced population. Severe malnutrition for children under five was estimated at 53 percent in one camp in 1998. Women and children tend to suffer most from insecurity and poverty. Households headed by women account for one-third (34 percent) and those headed by children account for one-fourteenth (seven percent) of the total number of IDP households. This is a result of disproportionate male mortality during the conflict and a general increase in adult mortality due to HIV/AIDS. Many women face the multiple challenges of being the main breadwinner, supporting their own and orphaned children and coping with their own traumas of bereavement and sexual abuse." (WFP June 1999, p.7)

"[According to a] report released by the National Population Office (ONAPO) with support from UNFPA and UNDP, [...] men currently head 66,1% of households while women are in charge of 33.9%. These figures are largely unchanged from December 1998 except that the number of female-led households has almost doubled in Gisenyi. This means that more women surviving alone are now carrying an increased burden of raising their children and sustaining some sort of a productive livelihood." (OCHA 3 August 1999, "Living Conditions of Displaced")

For more information on the living conditions and the organization of women in Rwanda, please see the Women's Commission Reports:

"Rebuilding Rwanda: A Struggle Men Can Not Do Alone" (Winter 2000) [External Link]

"You Cannot Dance if You Cannot Stand: A Review of the Rwanda Women's Initiative and the UNHCR's Commitment to Gender Equality in Post-conflict Situations" (April 2001) [External Link]

Children head of the household

"Children, some as young as 10, head almost 13 percent of households in Rwanda either because their parents have died or have been in jail. Most of these households depend on agriculture but rarely own more than a small patch of land. The girls are often sexually abused while the boys often end up involved in crime, the report [of ACORD, the Agency for Cooperation and Research in Development] noted. AIDS, the 1994 genocide and the mass jailings that followed are the main causes of this situation, it added." (IRIN 3 August 2001, "Rwanda: Children...")

"Child-headed households face huge material problems

Some have no shelter

Some orphans are homeless either because of the destruction of their parents' house or because of their reluctance to go back to their parents' house due to continuing insecurity. [...]

Others who have returned from exile have found themselves homeless and have been forced to find shelter under plastic sheeting." (ACORD March 2001, pp.4-5)

DOCUMENTATION NEEDS AND CITIZENSHIP

General

First ever population census that ignores ethnic origins (2002)

- The current data on the Rwandan population are only estimates(2002)
- Citizens will be asked 65 questions touching on their age, religion, means of transport and communication, housing and sanitary facilities
- Ethnic labels on ID cards were removed to lessen ethnic tensions
- The internally displaced and other citizens used to be registered in their place of origin and had difficulty to obtain documents to travel

"Eight years after up to a million of its citizens died in Africa's worst genocide in living memory, Rwanda Friday began its first ever population census that ignores ethnic origins. Some 10,000 officials were mobilised to gather information on the tiny central African nation's estimated 8.6 million inhabitants in an exercise expected to last until August 31 and costing around eight million dollars.

'The 1994 genocide and the return of refugees have muddled the statistics, so the current data on the Rwandan population are only estimates' President Paul Kagame said in a televised address prior to the launch of the census.

'We can no longer rely on estimates when we are trying to fight poverty,' he said.

... All ethnic references have since the genocide been banned from official literature by the current government, which emerged after the genocide from the former Tutsi rebellion, the Rwandan Patriotic Front (FPR) Ethnic tensions are blamed for sporadic massacres of Tutsis prior to the genocide, dating back to 1959 – three years before Rwanda's independence from Belgium.

New national trappings officially adopted last December include an ethnically-neutral flag, anthem and coat of arms.

In the new census, citizens will be asked 65 questions touching on their age, religion, means of transport and communication, housing and sanitary facilities – but not on their Tutsi, Hutu, or other ethnic origins.

Both of the previous censuses since independence charted the population's ethnicity, as well its steady growth – from 4.8 million in 1978 to 7.2 million in 1991.

The country's National Population Office expects the current population to double over the next 20 years." (AFP 16 August 2002)

"The Special Representative [on the situation of human rights in Rwanda] wishes to commend the Government for its efforts to eradicate the ethnic tensions that have proved so destructive in the past. Ethnic labels have been removed from ID cards." (CHR 25 February 2000, para. 16)

Before new law

"Freedom of movement was restricted, with most Rwandans confined to their communes by a system of registration and identity cards. They were reportedly not allowed to move around the country or go abroad. While the Government might invoke security considerations to justify such restrictions, they were a violation of human rights, and they also resulted in a less flexible labour market and hampered economic development, as had been pointed out by the World Bank." (UN HCHR 21 March 2000, para. 14)

"To identify remaining IDPs in the country, an identity card system obligated Rwandan citizens to register with authorities in their places of origin." (Kleine-Ahlbrandt 1998, p.71)

"People are required to carry an identity card and also need to obtain a document from the authorities in their home region entitling them to travel to another region. In practice, such documents are often difficult to obtain and there are strict controls and restrictions on freedom of movement. Even those who carry the required documents are not protected from harassment." (AI 1998, Part II.2)

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Study carried out to understand the effects of the genocide on gender relations

- The period prior to 1990 when the man was the centre of family life
- The period from 1990-94, when girls were involved in the war
- The post-1994 period, during which women were obliged to organise themselves in order to guarantee their physical, social and moral integrity
- Women are increasingly present in decision-making bodies (2002)

3.1 Rwanda's various crises, which reached their peak with the genocide and massacres of 1994, have affected the entire population although most notably, its women. While more men died and the majority of women survived, the latter are now obliged to deal with life alone. As such, it is possible to observe changes experienced by women that are due to this situation, while asking whether these changes will be viable or temporary given the extent of the crisis.

3.2 A certain 'reversal of power' is taking place, since in the absence of the men (whether present or absent due to death, imprisonment, inability to resume their former places in society, etc.), the women are being called on to assume new roles for which they often have no preparation. The above has led us to distinguish three major periods in the evolution of gender relations among the testimonies and various studies, namely:

a) In general terms, *the period prior to 1990* when the man was the centre of family life, where among other things, women's rights of succession were completely denied, giving them the status of minors – i.e. they were not considered responsible individuals... "*In my day, women stayed at home and didn't go out, they didn't have any rights and didn't need them [...]*". This period was characterised by the emergence of an important number of women's associations through which women took an active part in the development of the country, albeit with gender relations still characterised by the subordination of women to their husbands.

b) The period from 1990-94, when for the first time in the history of Rwanda, girls were involved in the war between the FPR and the Rwandan government, with women taking part in the genocide. On the side of the rebellion, young women served at the side of the fighters, handling weapons, while others criss-crossed the world in order to mobilise and collect funds for the war. This position gained them positions of responsibility both within the army and in politics. It should also be noted that some served to improve the morale of the soldiers and became pregnant on the battlefield. During the genocide, certain women took part in the killing while others served as spies or carried out reconnaissance (Ref: Human Rights Watch's book 'Not So Innocent').

c) This was followed by the *post-1994 period*, during which women were obliged to organise themselves in order to guarantee their physical, social and moral integrity. After 1994, Rwandan society gives the impression of one in which the men have failed in their recognised role as protectors by killing and raping women, leaving the latter to defend themselves. The appearance of a large number of women heads of family

Women obliged to organise themselves in order to struggle against the precarious nature of their situation and that of their family, and thus having to reinvent the future on a day-to-day basis. A certain 'proliferation' of women's associations that have been called on to organise themselves in order to gain

new rights or to secure their recognition and occupy new spheres of power. These associations appear to favour the establishment and recognition of these new rights.... *"In order to get things moving, women are joining together and are finding it easier to make themselves heard. In any case, they have to get together in order to achieve anything". "The women who are in the associations don't go hungry..."*

The testimonies also reveal the fear that these organisations/associations are capable of instilling, not only among men, but also among some of the women (for example, the widows' associations) *"I used to belong to an association, but since my husband was arrested for genocide, I've been excluded"*.

The men give the impression that the crises have given birth to a society in which it is not easy for them to find their place...

"Nowadays, women can demand everything in a country where they make all the changes...."

"Men no longer feel superior to women: they are even afraid of us"

"...the men have understood that women can live without them"

"...a woman can behave like a man, and the man can no longer treat her as he pleases"

Save for the fact that this person is called a man and that one a woman, everyone has become the same.

3.3 Women provide a great deal of detail about their current life, about an extremely difficult daily existence in which one may perceive the brutality of change, and the brutal and sometimes permanent absence of men, husbands and sons. Men have become *"scarce goods"*, leading to a recognition of the extent and brutality of the breakdown in the gender balance following the genocide. For the majority of women, this change begins the moment they find themselves completely alone in guaranteeing the life and survival of what remains of their families. The studies carried out in Save reveal that the status of widow has become the vehicle for a certain number of social changes in Rwanda. Effectively, the crisis has propelled women, often against their will, to the rank of head of the family, or has at least left them solely responsible for family life, where an accumulation of responsibilities and duties sometimes leads to exhaustion.

"I date the changes in my life from 1994, even if things began to go badly with the introduction of a multi-party state. The main problem was the loss of human life.... in my case, the situation has made me feel very isolated..."

"It was when my husband started his second year in prison that I realised that I had become a single woman, responsible for my little family (my husband and my children), and dealing with all the problems alone."

"We have become men and everything depends on us"

"Nowadays women can do all the difficult jobs that were previously reserved for men"

3.4 The crises and conflicts have obliged the women not only to guarantee family support functions but also to assume responsibilities at national level (economic, social and moral). In this way, women are increasingly present in decision-making bodies, having apparently been catapulted into such positions by the crisis. According to one testimony, *"There aren't many men around, so there is a lot of space, but we need preparation to occupy this space"*. As we will see below, this situation is not the result of a struggle through which women have conquered this power but is simply the de facto state of things. *"Women are now present at all levels of political life... They are encouraged to take part, perhaps because there are no longer many men around"*

3.5. The testimonies also show that in crisis and conflict situations, women remain the main victims of insecurity and violence, having been raped, executed, humiliated, beaten, etc. Some women who were raped but not executed were abandoned to their fate, while others were sometimes held captive and obliged to follow their torturers. A widow of the genocide bears witness: *"my daughter was held captive by an Interahamwe whom she didn't want to marry before the war. Not only did he rape her every evening, but when the FPR soldiers arrived in Save, he made her follow him into exile. They had twins, of whom one died. I don't even know if my daughter has AIDS, since her 'husband' died in exile and of what, nobody knows. Now she's come home and is the only child I have left."*

"The massacres continued, the rapes too. At night, the girls and women were piled into a lorry. Destination, a forest behind the community. The rapes took place away from onlookers and witnesses [...] several of us were freed from that gruesome place, and we'd hardly got out of the forest when almost everyone was massacred. I came out from among the dead." The women thus suffered physical, sexual and moral violence all at once.

3.6. Poverty is most prevalent and most acute among women heads of family for 3 main reasons: The number of individuals in their care (children, orphans, elderly people and sometimes husbands...) Scarcity of income and land assets equivalent to those of a man (a high proportion of the widows were threatened by members of their husband's family trying to recover the dead man's assets) Other constraints and sources of discrimination linked to the fact that such individuals are both women and heads of family: heavy workload, less remunerative activities, difficulty of access to land, social disapproval of certain kinds of single parent (divorcee, concubines, husbands in prison, etc.)

This extract from a testimony speaks for itself: *"After the genocide I had to leave my dead husband's land and can't come back because of custom. My son, the only one I had left, was taken from me by force by his paternal uncle, who came from god knows where and took over my dead husband's property. We still hadn't registered our marriage with the municipal authorities."*

3.7. Widows do not, therefore, inherit their dead husbands' estates automatically. They have to fight with their brothers- or even their parents-in-law.

"My husband, my brothers and my parents left me lots of assets after the genocide. I'm the sole surviving member of my family but I don't inherit these estates automatically because I'm a woman. If I'd had a brother, he would have taken everything..."

A new law on inheritance that has already been implemented was still under study when the testimonies were being collected and seemed to be welcome for both men and women. At the same time, work needs to be done on education and promoting awareness in order to put this law into practice.

3.8. Rwandan society is aware that *"nothing will be the same again"*, as can be observed from almost all the testimonies by the widows. Women have a greater presence in all areas of public and private life. *"Women are now present at all levels of political life... They are encouraged to participate, perhaps because there aren't any more men around"*.

3.9. Women have more freedom to decide their family status

The study revealed that only 7.5% of women are legally remarried, while 34% live with a partner. This implies that only a low percentage of the women interviewed (7.5%) have entered into a system of marriage where the man is the sole head of the family, while 59.5% prefer to remain single. If we add to this those women living with partners (34%), the percentage of women who prefer to retain control of their married life is very high.

This change proves that single women are immediately accepted within society, representing an important cultural change since both men and women have the right to decide on their married lives. This freedom of choice influences the management of one's own life and household. The reasons given by women for avoiding remarriage are summarised as follows: independence, management of the estate left by their dead husbands and freedom to educate their children.

3.10. In households headed by children, no distinction is made between boys and girls in division of labour, with the latter carrying out tasks traditionally reserved for the former and viceversa. The same study nevertheless revealed that the war has made girls far more vulnerable than boys: they lack authority in their own households and are not respected as much as the boys by their nuclear family and community.

The girls are thus condemned to spinsterhood, since no man would be prepared to

assume responsibility for their younger brothers and sisters, while the boys face no obstacles to marriage. Even if the law enshrines equal rights for inheritance and succession, theory is far from practice. Under the current situation, the eldest son can take the entire family's property when he marries, while the daughter merely serves as manager of the family assets.

Girls are subject to abuse of all kinds: rape and other forms of sexual abuse. Some girls offer themselves voluntarily to men in search of some kind of protection. Girls receive more offers of adoption, as they are more docile, do the housework and finally get married, while the boys are more demanding.

3.11 The impact of gender on genocide: In Rwandan society, the men are considered as the perpetrators of the race or ethnic group that they pass to their progeny (women never pass their ethnic group to their children). Gender had an impact on genocide in the sense that the most effort was made to kill the men after they had witnessed the rape of their wives or daughters. In the same sense, the men belonging to the ethnic group that committed the genocide had to prove their masculinity by killing the largest possible number of people and boasting of it. Pity is considered a sign of cowardice in men where it is normal in women. The raping of women was used as a weapon of war, since raping the wife of the enemy is tantamount to conquering him. (ACORD January 2002, pp 7-11)

PROPERTY ISSUES

General

Customary law unfit to deal with Imidugudu-related land disputes

- In imidugudu, land and villages are separated
- Importance of land tenure issues for durable peace
- Difficulty for customary law to deal with Imidugudu-related land disputes between previous owners and new inhabitants
- Local authorities had on one hand to provide shelter and land for returnees and the landless, solve land disputes and on the other hand to hasten villagization process

"Land is regarded as the most important asset for most Rwandans and it is generally viewed that all Rwandans have the right to own and use land. Considering that Rwanda has the highest population density in Africa (303 people per square kilometre) and one of the highest population growth rates, this is a tall order. With a population of 8 million, the average size of a family plot is 0.6 hectares. Excessive partitioning of agricultural plots among family members is considered a serious problem for economic sustainability. By 2020, the population is projected to rise to 16 million, which in theory reduces the already tiny plot sizes by half.

As villagisation progresses in Rwanda, a new rural landscape is emerging in which dwelling and farming areas are separated. Given the fact that over 90% of Rwanda's population are involved in subsistence agriculture, land and settlement are nevertheless intrinsically connected and need to be addressed in an integrated manner.

The significance of the land tenure issues for durable peace cannot be over-emphasised. The National Unity and Reconciliation Commission's grassroots consultations in 2000-2001 underscore this position - the report claims that it was generally agreed that "most of the killings during 1994 were done with a promise of getting the victims' property - a promise for a better livelihood." At the same time, the latest round of NURC consultations reveal that communities consider land-related problems the most serious by far. A workshop organised by the Rwanda Initiative for Sustainable Development (RISD) observed that imidugudu-related land disputes - arising from previous landowners and the occupants of the new settlements, between leaders and communities and among communities - might be exacerbating social conflict in some areas.

Customary law has governed land issues, but has been unable to deal adequately with the current situation in which the population movements following the genocide have led to a number of new cases of insecurity of land tenure. This includes conflicts over existing plots after population displacement, the temporary nature of new land allocations involving returnees and the halting of previous projects that aimed at allocating communal marshland to the population. Some land "grabbing" has allegedly taken place.[...]

[...] local authorities were, on one hand, pressured by the needs of returnees in terms of ensuring shelter in imidugudu, dealing with illegal occupation, finding land for the landless and solving land disputes. On the other hand, the authorities were pressed by the GoR to hasten the process of settling people in villages." (Brookings Initiative in Rwanda November 2001, 3; 3.1.1)

"Land tenure. This is a key issue, which needs to be resolved for reconciliation and sustainable development. Rwanda is the most densely populated country in Africa. With large numbers of returnees (new and old caseload), a rising population and many homeless and unsheltered people, the question of ownership and distribution of land is key." (CHR 21 March 2001, para.36)

"A ministry of lands survey indicates that Rwanda's population had increased from 1,594,400 people in 1934 to 7,7 million in 2000. [...]

According to the survey, available arable land for family farming activities averages around 0.6 hectare per household while the critical threshold under which farming cannot provide the basic nutritional needs is about 0.75 hectares.

An economically sustainable farm should at least extend over 0.90 hectare, according to the UN Food and Agriculture Organisation.

The 1994 civil war is also listed among the other factors contributing to the scarcity of land, experts in the ministry of lands say. Reconstruction and resettlement programs for destitute people, the over-exploitation of forestry resources for fuel (97 percent of households use wood as a source of fuel) increased the pressure on wood resources and the natural reserves of the country." (PANA 4 Nov 2000)

"In Rwanda, Land is one of the most important and fundamental natural resource. The land resource is the foundation of the national economy through agriculture which occupies more than 90% of Rwandan in rural area. However, problems related to land in Rwanda are varied.

The main are the following:

- Very high population density and an extreme pressure on land, a shortage of cultivation land per household with an average of 0.6ha, when a cultivation plot economically viable per a household for Rwanda should be at least 0.90 ha, according to FAO.
- Land degradation particularly due to soil erosion and over exploitation by the dominated agricultural sector without restitution of nutrients and without any specialisation of both human beings and equipment
- Disastrous effects of war and genocide of 1994 with orphans and widows who can not manage properly the land let by their deceased parents and husbands
- A land system dominated by customary law which favours land partitioning through father to son inheritance
- Land system unfavourable to women and female children
- Insufficiency of human and material resources." (GoR, April 2002, p. 1)

Land scarcity crucial for the understanding of conflict in Rwanda (August 2004)

- Proposed land bill do not redistribute additional land to poor peasants
- The new law will permit ownership of land on a wide scale and guarantee security of land tenure
- Article 17 of the draft bill provides for land to be earmarked for imidugudu sites

"The Draft Land Law specifies that:

- Persons occupying less than two hectares, and those with customary holdings of between two and 30 hectares, where the owner has a project and a development plan, will be recognised as the rightful owners.
- Transfer of title deeds requires prior consent of all family members.
- A land tax will be imposed.
- Undeveloped land reverts to the state's private domain after a period of

three years.

- Holders of *ubukonde* land (originally distributed by the clan head), known as *abagererwa*, will have the same rights as other customary owners.

The objective of the draft policy and law is to improve land management while conferring security on the existing occupants of the land. It will be important to devise cost-effective methods of resolving disputes at a community level. It will also be essential that smallholders occupying plots that are less than one hectare are not displaced on the basis of the Land Policy. The process of allocating title will require inclusive local level participation. It may be both more cost effective and transparent to conduct a survey to determine land titles in each community on a particular occasion; rather than to allow individuals to apply opportunistically to register particular pieces of land. Traditionally, local land disputes were resolved by the local *gacaca*, or court. Many households hold several plots at different altitudes both as an insurance mechanism and to spread their labour inputs evenly over different times of the agricultural calendar. As non-agricultural incomes rise, it should be possible for households to diversify their income sources and therefore reduce their dependence on land. The poverty reduction strategy for Rwanda outlines a number of actions to ensure that legal and policy reforms for land are effectively implemented, including:

- cabinet and parliament review of the draft land policy and land law;
- awareness raising and other civic programmes to educate the population about their land and resource rights;
- establishing a cost-effective system to administer land and resource rights;
- and
- creating mechanisms to settle disputes over land at the local level.

The measures undertaken by the Rwandan government to ensure tenure security and ownership rights are a crucial step to redressing the role of land in the conflict in Rwanda. Importantly, however, current reforms undertaken by the government do not redistribute additional land to poor peasants. The overall impact of the policy and legal reforms, therefore, may be limited as long as redistribution is omitted." (ACTS, 30 August 2002, p. 78)

"The Rwandan Parliament Monday opened a debate on a new Land Act poised to introduce the first land reform in the country since independence in 1962.

Under the proposed law, land ownership, exploitation and transfer, would be governed by written and not customary law, as has been the case.

Besides, land will no longer be the exclusive property of the State, with Rwandans being mere tenants.

The bill also provides that Rwandans will have full rights to acquired land, which they may sell, transfer or rent like any other property.

It calls for an end to the system of land use in rural Rwanda, where the same plot of land is used for farming and housing purposes. People will now have proper villages, separate from farmland, when the law goes into effect.

This is the most significant bill in Rwanda for a decade, and it will affect the lives of 90 percent of the country's 8.1 million people, who have been living on food crops and small livestock farming plots of less than one hectare.

The sensitivity of the land issue has pushed back discussion on the new bill several times since 1997, a source said.

For the parliamentary debate that will last several weeks, MPs have broken with traditional practice and invited the people to contribute by sending written proposals to be discussed while the bill is under scrutiny."(Angolapress, 27 July 2004)

"An important development is the government's progress in the preparation of a draft national land policy and a land bill, which will be presented to the Cabinet in November [2001]. During recent months, the Government has been holding consultations on land at the grassroots level and with NGOs. Wider consultations may be undertaken if deemed necessary by the Cabinet.

Within the not-so distant future, the law and policy are expected to eliminate the current legal ambivalence surrounding land issues. The overall goal of the national land policy and law is to elaborate a land system that provides land tenure security for Rwandans and sound management of national land resources for a harmonious and sustainable development. The draft land law, if accepted in its current form, for the first time permits private ownership of land on a wide scale. Through granting ownership titles, land is given a market value and would allow to the farmers to have access to credit through collateral guaranty. Furthermore, by bringing together customary and written systems of law, it provides protection to land rights acquired under either system.

More specifically, the new land policy has the following objectives:

- To promote an equal distribution and access to land, implying no discrimination against women;
- To guarantee security of land tenure in order to encourage investments in land development;
- To orient land management towards the necessities of profitability and sustainable exploitation;
- To strictly monitor land management systems in order to avoid speculation and abusive exploitation;
- To encourage the participation of the population in the management of land.

Meanwhile, the content of the draft land bill can be summarised as follows:

- Land lease for minimum 3 years and maximum 99 years;
- People with customary holdings under 2 hectares, and those with customary holdings between 2 and 30 hectares where the owner has a project and a development plan, will be recognised as owners;
- The land market will be free (although fragmented plots under 1 hectare will not be tradable);
- Land management will be placed under the responsibility of a district land commission in which all the local partners will be represented. It will be responsible for registering lands and providing a certificate of title;
- Detailed provisions are made to expropriate land if its owners fail to exploit it properly or leave it idle for long periods;
- A tax will be imposed on holders of a land title.

The impact of the draft land bill on the imidugudu policy will be that, in the first place, article 17 of the draft bill provides for land to be earmarked for imidugudu sites. Secondly, since land will be given its real value and by ensuring secure tenure, this will in general improve land management and therefore enhance economic development. Thirdly, by legalizing the land ownership of the people, future land disputes will be avoided. [...]

In August 2000, the Rwanda chapter of LandNet was established. This is a sub-Saharan initiative involving NGOs and governments with the aim to network on issues related to land. In Rwanda, LandNet members have taken the initiative to use their respective local networks in the provinces to hold consultations on land issues and potential areas of conflict. The aim is to contribute to a positive dialogue between the GoR and non-governmental actors on land policy issues." (Brookings Initiative in Rwanda November 2001, 3.1.2)

For more information on the new land policy and LandNet Rwanda, please see *Palmer, Robin, Oxfam GB Land Policy Adviser, Nov 2001, A Review for LandNet Rwanda of the Draft National Land Policy - and Beyond [External Link]*

New law on matrimonial property and succession entitles orphaned girls and widows to inherit property (2000-2001)

The Commission on Human Rights "[w]elcomes the new law on matrimonial property and succession, which ensures full real access by women to their husbands' and parents' property" (CHR 18 April 2000, para. 25)

"[...] [T]he Government has begun a nationwide information campaign to educate the population on the changes in women's inheritance rights. From September to December 2000, the women's umbrella organization Pro-Femmes has undertaken a sensitization campaign, working with local NGOs to reach local communities, and has met with some 120 men and women from local authorities in three regions." (CHR 21 March 2001 para.37)

"Previously, under Rwandan law and tradition, women and girls did not have the right to inherit land; instead, it was expected that they would enjoy the benefits of communal property, which was, in fact, owned by husbands or fathers.

The injustice of this gender discrimination became a dramatic issue following the 1994 genocide, when Rwanda was left with hundreds of thousands of orphans", [the Special Representative of the Secretary-General for Children and Armed Conflict], Mr. Otunnu, said. "There are an estimated 45,000 households headed by orphaned children, 90 per cent of them by girls who did not have access to land which is essential for the livelihood of their families." (UN 20 March 2000)

Recommendation of *RISD (Rwanda Initiative for Sustainable Development)*: "The Government of Rwanda, international, national and local nongovernmental associations should undertake an intensive education program to help the Rwandan population understand the new inheritance law." (RISD 25 April 2001)

Authorities often confiscated land for imidugudu without compensation (2001)

- Authorities confiscated land to build new villages
- According to 1996 National Habitat Policy, former landowners had to be compensated
- In practice, the government asked the imidugudu residents to compensate former owners, but this rarely took place

"The December 13 [1996] text of the National Habitat Policy recognized that landowners whose property was taken for imidugudu must be compensated. It explained in some details the procedure for expropriating property [...] including the necessity for compensation to be paid before rights over the land were transferred. [...]

When it came to implementing the policy, the government decided that residents of the imidugudu, not the state, would compensate property owners whose land was taken for building sites. [...] But rarely did the 'villagers' deliver any compensation to the person whose land they occupied. [...]

In a sample of some 500 imidugudu residents in late 1999, only 8 percent of those who had ceded land for imidugudu received something in exchange." (HRW May 2001, X)

"When establishing imidugudu, authorities confiscated land on which to build the settlements. In addition, they required landholders to 'share' land with returnees and, in some cases, to hand over all their land to returnees who claimed to have owned it some decades before. Authorities also took land from cultivators and redistributed it as large-scale holdings to others. In many cases authorities have confiscated land without following the appropriate legal procedures for expropriation and they have not delivered compensation or other plots of land in exchange for the property taken.

[...]

Government officials said repeatedly that grouping dwellings together would make available more land for cultivation. But according to one study, 66 percent of residents in imidugudu say they now have no land while only 47 percent of them were landless before moving to imidugudu. In addition, some 21 percent of the others now have smaller land holdings than they had when living in their old homes. [...]

A substantial number of the newly landless and those with reduced holdings have been deprived of their fields in order to create imidugudu. [...]

In the past Rwandans settled property disputes by appealing to the local administrative authority, by resorting to a customary way of resolving conflicts known as gacaca or by taking the case to court. When the government imposed rural reorganization, it did not specify any form of recourse for those dissatisfied with the loss of property and relatively few landholders have sought or obtained assistance from the existing mechanisms.

Given that administrative authorities ordinarily were the very persons to impose or support taking the land for imidugudu sites or for redistribution to Tutsi returnees, most of those deprived made no effort to obtain redress from them. [...]

In a few cases, authorities have created commissions of local residents to try to resolve claims, particularly if they involve a significant number of persons or an important amount of land. This effort to involve the community continues the idea of communal conflict resolution which is the basis of gacaca, but the participation of local authorities in the discussions frequently deprives the group of real autonomy.

Relatively few landholders have tried to reclaim land which they have lost through the courts. The government has dedicated virtually all resources available for the judicial system to prosecuting cases of genocide, more than 100,000 of which await trial, and they have little left for cases involving property disputes. The inexperience of the judges, many of whom are young and minimally trained, and the corruption or susceptibility to political influence which is sometimes charged against them discourages the dissatisfied from filing complaints. In addition, many judges are Tutsi and Hutu often suppose that they would not receive a fair hearing before them.

In some cases those who have sought redress through administrative or judicial channels have obtained relief, but they have been too few and the grounds on which they won too unclear to encourage others to follow suit." (HRW May 2001, X)

In several provinces, land of displaced farmers given to a few individuals or companies (2001)

- Concentration of property without compensation
- Residents of imidugudu pointed out instances of corruption related to villagization process

"The reorganization of land tenure to favor "modern" farming by "capable professional farmers" has not yet received legislative approval, but such farms have nonetheless been established, depriving hundreds of

small-scale cultivators of the land which has been their basis for subsistence. Authorities saw regrouping rural-dwellers in imidugudu as part of the whole process of reorganizing for large-scale farming, although some large holdings have been granted without any direct link to imidugudu. [...]

According to officials of the Ministry of Land, Human Settlement and Environmental Protection, there are established criteria and a procedure for granting these holdings. They say that grantees may receive land only from public or reserve holdings, not from lands held by individuals, and that they must pay rent to the state for them. One official at the ministry admitted, however, that powerful persons have dealt directly with local officials and have intimidated them into making grants from the lands of individuals, thus forcibly displacing cultivators. [...]

One case from Kibungo showed a clear link between the creation of imidugudu and the granting of large holdings of land. One hundred and sixty-six families from the commune of Nyarubuye were forced to leave their homes and fields and move to an umudugudu in an adjacent commune. Their land was then granted to a military officer who used it to pasture his cattle.

In another case in southeastern Kibungo, local residents were forced to leave their homes in a fertile flood plain which was declared a military zone at a time when there were incursions across the border. Military officers later took over the land to grow cash crops and employed the former landholders as wage laborers on the land which used to be theirs. In some cases the military officers, who were absentee landlords, leased the land back to its original occupants. Although there is no longer any immediate threat to security in the region, the original occupants have not been permitted to return to their lands.

In Rusumo commune, local residents report that several extensive grants of land, about twenty hectares each, have been given either to military officers or to wealthy traders or businessmen.

In one commune in Byumba prefecture, a large farm was established reportedly for the benefit of then President Pasteur Bizimungu and a local official. One man who had previously raised cattle on part of the land said he had received no official notification that the land had been re-assigned by communal authorities. He had heard the news first from other residents of the commune and then had seen it confirmed by the installation of a barbed wire fence around the fields. A woman who had grown crops on a field now enclosed in this farm was no longer allowed to cultivate there and had to borrow a small plot elsewhere to try to grow enough food to feed herself and her family. In March 2000 another powerful person began setting up a farm in the same area, this time on land occupied by homesteads and adjacent fields. The owners of the homes lost all but a minimal plot of land.

In early 2000, a military officer took over a large stretch of land in the Nyabugogo valley, in Butamwa, Kigali-rural, one of the poorest communes in Rwanda. He displaced a number of cultivators who relied on produce from fields in that area for their livelihood. Because of its moisture, the valley was especially valued for cultivating crops in the dry season. The military officer reportedly brought prisoners from Kigali central prison to plant grass on the land and soon after installed his cattle there. Some local officials tried to protect the interests of the cultivators, but the burgomaster supposedly acceded to the demands of the military officer. Most of the people displaced were afraid to protest. But when one threatened to take the matter to the press, the cultivators were given a token payment.

The press reported a case where a group of military officers and businessmen were granted 152 hectares of land being cultivated by some 2,000 people in two communes of Byumba. In a similar case, a sugar-raising enterprise was permitted to displace farmers growing food on 163 hectares in Runda and Shyongu communes in Gítarama and Kigali-rural prefectures. When the cultivators protested, the government replied that the land belonged to it, not to them and that they should either farm other land or go to work for the company." (HRW May 2001, X)

"In interviews with Human Rights Watch researchers, residents of imidugudu expressed anger at government authorities, both for imposing the rural reorganization and for instances of corruption related to

it. They complained about the as yet unresolved accusations of corruption at the national level which may have deprived them of needed assistance. [...]

Elsewhere citizens and the press accused local officials of having taken bribes to allocate lands in or around imidugudu, of having distributed houses or larger plots of lands to favorites, and of having excused others from having to give land to serve as settlement sites." (HRW May 2001, XII)

Rwandan Batwa pygmy people said that they had been denied their land rights (September 2001)

"The Rwandan Batwa pygmy people have demanded respect for their rights, saying that ignorance about their problems is the "biggest evil" to overcome. The president of the Batwa community Zephyrin Kalimba told a conference on the indigenous people of Africa, held in Kigali, that his people had been denied their land rights and evicted from their ancestral homes. He accused the Rwandan government of neglecting the Batwa. According to the Rwanda News Agency, Drocilia Mugorewera, minister of state in the lands ministry, agreed that in the past the government had not done enough to help the Batwa. But, she said, the government was now working to raise the their status. The conference discussed ways in which developmental projects could help the indigenous people." (IRIN 6 September 2001, "Rwanda: Batwa...")

PATTERNS OF RETURN AND RESETTLEMENT

General

Debate on whether the displaced are permanently resettled (2000-2004)

- Many observers claim that relocation to resettlement sites was not voluntary
- OCHA conducted a mission in December 2000 which concluded that, while Rwanda faced problems similar to the ones of a crisis of internal displacement, the resettled population in Rwanda should not be considered as IDPs
- Permanent resettlement was the only criterion that all actors viewed as necessary to end displacement
- Numerous UN and NGO reports of coercion during the resettlement process

"Information sourced from the USCR Country Report of 2002 noted that Rwanda is amongst the most densely populated countries in the world and land is a precious resource. More than 2 million refugees returned to Rwanda in the years following the genocide. According to the Global IDP Database of the Norwegian Refugee Council, at the peak of the displacement in December 1998 there were more than 650,000 Internally Displaced Persons (UNOCHA August 1999). The Government reorganised the country's rural population into hundreds of new 'designated' villages, under a controversial policy called 'villagisation'. The Rwandan government was of the opinion that villagisation would relieve pressures on land while affording cost-effective services and economic opportunities to the rural residents. Human rights advocates debated whether the transfer of rural Rwandans to new villages was entirely voluntary and whether it was "internal displacement." The UN Office for Coordination of Humanitarian Affairs (OCHA) described residents of Rwanda's villagisation sites as "newly relocated" but did not define them as displaced. The USSDR 2004 commented that "While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to remain. Thousands of persons still lived in inadequate housing not of their own choosing." There has been a slowdown in financing and the question whether there are IDPs in Rwanda remains open." (UK government, April 2004, p. 54)

"Although the Government claimed that the move to villages was voluntary, some observers believe that many persons were compelled to move by government authorities; others may have relocated out of fear of government security forces or insurgents. The Government no longer compels these persons to remain in the villages; however, restrictions on where persons can build houses forces some to remain in the villages. One NGO estimates that over 90 percent of the population of Kibungo prefecture and 60 percent of Umutara prefecture were living in villages; however, other sources dispute those percentages." (U.S. DOS February 2001, Sect.1.d)

"Mr. Thomas Linde, Senior advisor on IDPs, OCHA-New York, visited Rwanda from 6 to 12 December 2000 in order to 'help clarify issues related to the number and categorization of displaced persons in the country and review the situation, possibly in preparation of a mission [by the Special Coordinator and the Inter-Agency Network on Internal Displacement]'". (OCHA 2 February 2001)

Mr. Linde's draft report's main conclusions are:

" In some regards, post-genocide Rwanda faces problems similar to the ones of a crisis of internal displacement. However, it would do no justice to the specific context if we were to categorise as Internally Displaced Persons the large number of Rwandans who have been uprooted in subsequent waves of external and internal displacement and are now resettling and reestablishing homes or places of habitual residence. While conditions of return and resettlement are often yet inadequate, governmental and international efforts to stabilize the situation through durable solutions have advanced beyond the threshold of what still could be called internal displacement. [...]

The situation of relocated populations could relapse into one in which they would be compelled to move again in order to avoid economic and social pressure. Two issues need to be addressed in order to prevent this from happening: a) The lack of measures to ensure sustainable livelihoods, and b) the lack of a solid framework of rights to guide the resettlement policy. [...]

Continuous monitoring of the situation – in particular with regard to the above-mentioned issues of the sustainability of, and the rights framework for resettlement – will enable the UN Country Team led by the Resident Coordinator to identify requirements for external support in addressing problems that may arise in the future." (OCHA 18 December 2000)

"At the heart of the problem is the UN agencies' and NGOs' struggle to agree on whether Rwandans relocated into new villages should be considered permanently resettled or still displaced. Over the last decade, Rwandans experienced repeated waves of displacement, the latest in 1998 when several hundred thousand people in the northwest were moved into supervised camps. The government justified this action as a protection measure against insurgent actions but many observers saw it primarily as a way to deprive opponents of support. At the end of that year, the government ordered these camps to be dismantled and the displaced to be relocated to new villages. The UN Office for the Coordination of Humanitarian Affairs (OCHA), UNHCR, the UN Special Coordinator on Internal Displacement and the US Committee for Refugees (USCR) used different criteria to decide when displacement ends. Differences centered on whether resettlement was permanent, if basic humanitarian needs were met and how voluntary and durable the solutions were.

Changing criteria

Some agencies, by changing their criteria, appeared to write off thousands of IDPs. In mid-1999, OCHA counted some 500,000 IDPs previously displaced in northwestern camps and then resettled in villages. That year, OCHA narrowed its criteria and counted only 150,000 people who received direct humanitarian assistance in the resettlement villages. In mid-2000, OCHA adopted an even more restrictive approach, excluding the newly relocated people on the grounds that they had all been moved to their final location: either to former homes or new villages. OCHA then used the term 'newly relocated' instead of 'resettled', noting that "a number of sites are lacking basic infrastructure and a large number of families are under plastic sheeting." At the end of 1999, UNHCR talked about an intermediate category – some 625,000 returned IDPs – calling them 'people of concern' to the agency. In fact, rather than having 'returned', the majority of Rwandan IDPs had been resettled. The following year, IDPs in Rwanda ceased to appear as a category of concern to UNHCR.² Thus in UNHCR's eyes resettlement seemed to have ended displacement. By 2001, OCHA announced that there were no more displaced people in Rwanda. OCHA's Senior Adviser on IDPs, in December 2000, undertook a mission to Rwanda at the request of the UN Special Coordinator on Internal Displacement. He estimated that the resettlement was permanent and that durable solutions had been found for the IDPs. "While conditions of return and resettlement are often yet inadequate, governmental and international efforts to stabilise the situation through durable solutions have advanced beyond the threshold of what still could be called internal displacement," he concluded. The Adviser also looked at whether the process of resettlement was voluntary, deciding "there is no evidence today that [the resettlement policy] is implemented with a degree of compulsion which would warrant the label of 'forced displacement'." His criteria for ending displacement seem to be: permanent resettlement, a durable solution and a reasonable degree of voluntariness. The UN Special Coordinator on Internal

Displacement disagreed. He said that it was politically problematic to say that there were no more IDPs in Rwanda when, in Burundi, people who had been resettled for decades were still counted as IDPs, although they lived in acceptable conditions. At this point, both turned to the Representative of the UN Secretary General on Internally Displaced Persons for guidance. A leading NGO meanwhile considered humanitarian needs and permanent location to be criteria for the end of displacement. USCR concluded that about 150,000 Rwandans were internally displaced at the end of 2000, primarily people at villagisation sites without proper shelter or land allocations. USCR reasoned that people lacking essentials such as proper shelter and farming opportunities at government-designated sites could not be considered permanently resettled. The following year, however, it counted no Rwandans as internally displaced, noting only that unknown displacement might still exist due to the government's resettlement policy.

Resettlement should be voluntary and durable

Permanent resettlement was the only criterion that all actors viewed as necessary to end displacement. Some organisations considered other criteria as necessary but came to different conclusions on whether they had been fulfilled. It was only in 1999 for OCHA and end of 2000 for USCR that fulfilling basic needs became an explicit criterion to end displacement. The forced nature of resettlement, however, was widely overlooked.

Despite numerous UN and NGO reports of coercion during the resettlement process, none of the relevant organisations viewed the forced aspect of resettlement as serious enough to continue to consider the resettled people as displaced people. Also, the durability of solutions was generally not seen as a decisive factor in ending displacement. The need for durable solutions is derived from the UN Guiding Principles on Internal Displacement 28 and 29, which state that competent authorities shall endeavour to facilitate the reintegration of resettled IDPs and assist them to recover their property or appropriate compensation. But only OCHA's Senior Adviser on IDPs stated that efforts to stabilise the situation through durable solutions had advanced beyond what could still be called internal displacement. Complicating matters, durability is highly debatable in a country where close to one million people still live in inadequate shelters lacking basic services, three-quarters of them in the northwest. The case of Rwanda shows the importance of agreeing on when displacement ends, and to consider how voluntary and durable resettlement has been. Narrowing definitions is no way to make the problems of displaced persons disappear." (FMR May 2003)

Three categories of people resettled in villages in Ruhengeri (2001)

According to Oxfam

"There were three categories of people who have been settled in imidugudu in Ruhengeri:

- 1) There were those settled because their houses had been destroyed during the emergency;
- 2) those who did not have houses but were staying with relatives or living in very dilapidated houses (because of poverty);
- 3) those who were told to destroy their houses and move to the imidugudu sites.

With the improvement in the security situation, some families in the first and the last categories moved back to their former sites where they were allowed by the local authorities to build new houses. Others, whose houses were destroyed but did not have enough space to construct new ones (some land was redistributed for settlement), stayed in the imidugudu and they are going to stay there permanently. Those who did not have appropriate shelter and are now living in imidugudu are also going to stay there permanently... reason being that they are relatively better off than they were before they were given houses in midugudu." (Gatari 22 May 2001)

Resettlement of former refugees and of people squatting public buildings (2001)

- Government moved old caseload refugees out of forest where they had settled a few years earlier (Nov 1999)
- 1,540 persons moved out of the Gishwati forest had not been resettled as of Jan 2001
- People squatting in public building in the Northwest have been provided housing parcels and plots of land (2001)

"Due to scarcity of land a large number of 1959 caseloads [refugees who had fled to neighboring countries in 1959] who returned after the war of 94 were settled in the sectors bordering the Gishwati forest of Gisenyi Prefecture. They were settled in Government designated areas such as Arusha in Mutura commune, Gatindori in Giciye, Kinihira in Kayove commune and Mubuga in Kanama commune which border the Gishwati forest and were given land to cultivate by local authorities. Others occupied people's houses in Gisenyi town and were moved out and resettled in Mbugangari and Byahi resettlement sites in Rubavu commune with small plots to cultivate. Over the years as more continued to arrive, they moved to Gishwati and cultivated larger areas and raised cattle sparking concern of the Government authorities on the environmental destruction. Nevertheless, some reports confirm that there was a need for the Government to clear the area from infiltrators. The total number of families had reached 10,184 (a total of 42,913 persons).

Late November 1999, the Council of Ministers decided to move these populations out of the Gishwati forest and set the 31st Dec 99 as deadline for the operation.

In an attempt to resettle these people, the Government allocated in the year 2000, an additional 1,800 ha in 3 communes bordering Gishwati." (OCHA 2 February 2001)

"The 800 families who were squatting in public building in the Northwestern provinces have been provided housing parcels and plots of land – mainly by diminishing parts of the Gishwati forest reserve. This has been undertaken by the GoR with the support from UNDP, UNHCR, WFP and JICA." (Brookings Initiative in Rwanda November 2001)

"Some 4,000 homeless families have been given land in four districts of Mutura, Kayove, Kanama and Gasinga, in Gisenyi province, northwest Rwanda, Rwandan radio reported at the weekend. The group were the first phase of thousands of citizens to be resettled from the areas of Kijote, Arusha and Chambara. An official from the ministry of lands, resettlement and environmental protection, Casian Ngaboizonga, was quoted as saying that three hectares of land had been prepared for resettling 12,000 homeless families. The homeless families are mostly those evacuated from other people's properties." (IRIN 30 July 2001, "Rwanda: Four thousand...")

Relocation of tens of thousands of families into new villages (Dec. 1998 - 1999)

- Policy of villagization required tens of thousand of rural families to relocate into 180 new villages in the northwest
- Internally displaced were often resettled in an unplanned manner, without the required social infrastructure

"As security improved in the northwest, government authorities implemented a policy of villagization that required tens of thousands of rural families to relocate into 180 newly established village sites scattered throughout the northwest. Similar villagization policies were already underway in other parts of the country. The size of villagization sites ranged from 100 families to nearly 2,000. [...]

By late 1999, 94 percent of the population of Kibungo and 60 percent of the population of Mutara, both prefectures in the east, had been moved into villages, as had 40 percent of the population of the prefecture surrounding the capital of Kigali. In addition 94 percent of the people of the northwest who had been in camps had been moved into villages and others, still in their own homes, had been ordered to destroy them

and move to the new sites, where they were obliged to live in temporary shelters, under plastic sheeting, while building new houses. Persons who resisted these orders were fined or imprisoned. Despite government promises, most sites offered no services (water, schools, clinics) and residents often had to walk much farther to cultivate their fields." (HRW 2000, "Human Rights Developments")

"By late 1999, the government had reportedly established more than 300 villagization sites in the northwest and indicated plans to resettle 370,000 more families into as many as 800 new sites nationwide." (USCR 2000, "Uprooted Rwandans")

"Thanks to improved security in the north-western prefectures, the Government managed to resettle all the IDPs. However, since international assistance beyond the emergency phase was not forthcoming, this group was resettled in an unplanned manner, without the required social infrastructure. This group remains in a precarious situation in terms of access to basic amenities." (UNHCR 2000, p.99)

"Many imidugudu are 'inhabited almost entirely by poor and vulnerable people', leading some NGOs to fear that the villages 'may become places where the old and sickly simply go to die'." (IRIN 13 October 1999)

Resettlement sites lack adequate services according to Special Rep of the Commission on Human Rights (February 2000)

- Karambi (Gisenyi prefecture): no evidence of coercion to settle but poor infrastructure
- Rutara (Kibungo prefecture): in this village built by UNDP, there is no evidence of coercion to settle but no drinking water in the village
- Gihinga (Umutara prefecture): evidence of coercion and serious lack of services

"Karambi is the first of 19 villages planned for Gisenyi. All but two were selected by local leaders, indicating a considerable degree of local choice and participation. Karambi's 254 shelters/houses are situated on former farmland. The International Rescue Committee (IRC) has provided running water and built latrines for 200 houses, which are 10 minutes from the communal primary school and health centre. The settlers are only 500 meters from their fields, which can be easily reached. Most families are from the sector and so are living close to their original homes. The exceptions are 50 "old caseload" families who returned to Rwanda in 1994 but were forced to leave their temporary homes when the owners returned. There were no signs that their presence in Karambi was resented, and no hint of ethnic tensions.

There is no evident coercion in Karambi. Nor was there likely to be, given that the inhabitants were all displaced persons whose previous houses had been destroyed or who were otherwise extremely vulnerable. (No fewer than 136 heads of family were widows.) In the case of Karambi, the problem arises from a lack of resources rather than a lack of choice. All 254 houses are still made of temporary plastic sheeting, and only 5 are being built with brick. The health centre may be close - but it has no beds and almost no medicine. Karambi's settlers are regular visitors to the nutrition centre, because many of their infants are seriously underweight. Agricultural production is certainly feeble, but because settlers lack seeds and fertilizer, and most are single women.

The second village visited was Rutara in Kibungo prefecture. It comprises 100 houses built by UNDP on land that was previously occupied by just three houses, two of which were destroyed in the war. The third still stands. The population is mixed: 54 families are old caseload returnees, having no home. A school, market, and health centre are all close, as are fields. The main problem is water: there is a pump in the village but it is only available for settlers who make adobe bricks for latrines. Drinking water has to be purchased in the market, at a price. Coercion is not a problem in this village. All of the settlers opted to live here. In fact, the greatest problem is posed by 50 widows and other vulnerable families who wanted to live in the village for reasons of security, but could not qualify because they were unable to contribute to

the construction of a house. These families have erected makeshift houses at the rear of the village which are plainly inadequate. One widow with four children said she had access to her family's land, but production had fallen because her husband was no longer there to farm.

The third site visited by the Special Representative's mission, Gihinga (Umutara prefecture), was the least satisfactory of the three. It comprises 150 houses that were constructed in 1997 by a consortium of donors. There is a serious lack of services. The nearest health centre is 5 kilometres away, the market is even further, and water supply is intermittent. There was also evidence of coercion: 20 of the 150 families had been told to destroy their original homes and move into the new village. Asked whether they had moved voluntarily, settlers told the Special Representative's mission they had had no choice, because laws had to be obeyed. [...]

It is [however] clear that many settlers have happily taken up the offer of a new house and land, and it is the Special Representative's firm belief that if settlers were assured of proper services in advance, they would be clamoring for admission to villages. He therefore very much encourages the Government to establish a joint programme with its partners to improve services in existing villages. With respect to new villages, pilot sites could be established throughout the country, with the location left to the newly elected development councils. Services should be installed before settlers are sought. Findings of technical studies should be fully exploited for the improvement or establishment of such services and projects. Such a policy would certainly lay a firm foundation for a national policy of integrated rural development, which is essential for the wellbeing of the country. (CHR 25 February 2000, para. 210-215)

HUMANITARIAN ACCESS

General

Law grants the authorities broad powers to interfere in international and national NGOs

- Law endorsed in 2001 grants government broad powers to interfere in local and international NGOs
- Government planned to impose a 40 % tax on expatriates' salaries

"The government required all local and international NGOs to register under terms of a law passed in 2001. Although the law grants the authorities broad powers to interfere in such organizations, they appeared to have granted registration to most applicants, including those critical of the government, with the exception of the Modest and Innocent Association (AMI), a small organization that provided reconciliation training to educational and religious institutions and that published Ubuntu. The Butare provincial administrator banned all activities by AMI and warned members they could resume their work only if they disassociated themselves from Ubuntu's editors, Ntezimana, a respected lay theologian and past recipient of the Pax Christi Award, and Muremangingo, a young genocide survivor.[...]

[...]E.U. representatives protested a plan to impose a 40 percent tax on the salaries of expatriates working for international NGOs, seeing this as a possible impediment to their work. (HRW 2003)

Improved humanitarian access in 1999-2000 compared to 1997-1998

- The UN is still using military escorts to communes off the main roads in the northwest (2000)
- Lower insecurity allows international NGOs' return to the northwest (1999)
- The majority of international NGOs suspended activities in the northwest for security reasons in 1997-1998

1999-2000:

"The security situation in Gisenyi and Ruhengeri is still good despite unconfirmed reports of Interahamwe infiltration during March. The military continue to patrol the main roads on foot and on armoured personnel carrier. Strategic spots on the main roads, such as bridges, sharp bends are guarded by armed soldiers. The UN is still using military escorts to the communes off the main roads in the Northwest. All UN personnel are required to get security clearance to go out of Kigali and to any prefecture." (OCHA March/April 2000, p.1)

"The overall improvement in security in the north-west has led to a corresponding decline in alleged abuses by the Rwandan armed forces. This was confirmed by the Special Representative's own mission last August [1999] [reporting to the Commission on Human Rights on the situation of human rights in Rwanda], which found the mood in Ruhengeri and Gisenyi to be noticeable calmer than when he visited in January 1999. In another sign of improved security, delegates from the International Committee of the Red Cross (ICRC) travel virtually everywhere in the north-west without armed escort." (CHR 25 February 2000, para.30)

"In January 1999, the insecurity in the border region diminished and MSF finally managed to return to Rubengeri where a team launched a nutritional programme." (MSF 20 October 1999)

1997-1998:

"Although the fighting had abated and there were fewer attacks on civilians in the second half of the year [of 1998], insecurity remained high in the north-west. Relief agencies assisting displaced or resettled people had to use army escorts for their own security. Under such circumstances, the ICRC deemed that the conditions or independent action were not fulfilled and it was therefore not in a position to survey needs in the region or to take part in relief operations, which were essentially led by the UN and NGOs." (ICRC 1 June 1999).

"Following fatal attacks on several expatriates in northwest Rwanda in early 1997, the majority of international non-governmental organizations withdrew their personnel and suspended activities in the region. The UN Human Rights Field Operation, which recalled its staff from the region in early 1997, undertakes trips to these regions for one to several days at a time, but still does not have access to certain areas. Efforts by WFP to provide food to displaced people in the northwest have been severely frustrated by the precarious security situation, including attacks on its convoys in October-November 1997. This difficult access for humanitarian organizations and UN agencies to the northwest regions of Rwanda makes accurate numbers of IDPs difficult to obtain." (Kleine-Ahlbrandt 1998, pp.72-73)

NATIONAL AND INTERNATIONAL RESPONSES

National Response

The new constitution adheres Rwanda to international human rights conventions (May 2003)

Paragraph 9 in the preamble of the constitution endorsed 26 May 2003:

"Reaffirming our adherence to the principles of human rights enshrined in the United Nations Charter of 26 June 1945, the Convention on the Prevention and Punishment of the crime of Genocide of 9 December 1948, the Universal Declaration of Human Rights of 10 December 1948, the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, the International Convention on Civil and Political Rights of 19 December 1966, the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, the Convention on the Elimination of all Forms of Discrimination against Women of 1 May 1980, the African Charter of Human and Peoples' Rights of 27 June 1981 and the Convention on the Rights of the Child of 20 November 1989 ; (Government of Rwanda 19 June 2003)

The government has constructed at least 300,000 houses under the villagisation programme (2004)

- Efforts of national authorities to improve conditions of poorest imidugudu residents
- Funds used for resettlement and reintegration of IDPs
- Request for additional \$250 million for poverty reduction

"With up to four million of its citizens living as refugees in neighbouring countries soon after the 1994 genocide, the government of Rwanda has introduced a low-cost housing scheme, known locally as "Imidugudu", to resettle thousands of people who returned after the killings.

So far, the government has constructed at least 300,000 of these mud-bricked homes under the Imidugudu initiative, although it is still grappling with the impact of the genocide on human settlement. At least one million refugees had returned to Rwanda by the end of 1994.

Homes were burnt down during the 100-day genocide, leaving the country with a severe housing problem. And, as hundreds of thousands of Rwandans returned home in the years following the killings, the government had to cater to their housing needs in urban and rural areas.

Among the returnees were "old" groups of refugees, most of whom had spent 35 years in exile in Burundi, the Democratic Republic of the Congo (DRC), Tanzania and Uganda, as well as those who had fled at the height of the genocide.

"Receiving both groups of new and old refugees in a very short period, reconstructing destroyed houses and stabilising the population displaced by the war were very big challenges," Jean Damascene Ntawukulirayo, the minister for infrastructure, told IRIN on Monday." (IRIN, 5 October 2004)

"In the second half of 1999 and during 2000, authorities also made efforts to improve the conditions in those imidugudu where residents lived in the worst squalor. The national government promised to provide some 20 million Rwandan francs or \$50,000 for roofing and the prefects of Ruhengeri and Gisenyi both

said they were encouraging local enterprises which could produce roofing materials at low cost for local people. Conditions in the large umudugudu in Kinigi, one of the worst in the northwest, benefitted from new resources and official attention after President Kagame visited and promised improvements in August 2000. The government sought to encourage visits by foreign tourists to the gorilla preserve in the volcanoes just north of Kinigi and visitors must drive through this commune to enter the park; this, too, may have played a part in the decision to improve conditions there. At the end of 2000, visitors no longer saw blindés but rather wood-framed houses in Kinigi. Most houses appeared smaller than those found in other imidugudu and the quality of construction of the walls varied considerably, with some being made of leaves, others mud, others plastic sheeting, or pieces of metal. Some of these houses had metal roofs which were distributed among residents by lottery since there were not enough for everyone. At the time of one visit in late December, local people were breaking rocks into gravel along the roads. They said the gravel would be used to make concrete for foundations for the houses. Outside the umudugudu, there were no houses at all, although the concrete or stone foundations of former homes were still visible, some with vegetation sprouting through them." (HRW May 2001, XVI)

"Faced with acute shelter needs in the Northwest, the GoR allocated the equivalent of one million US dollars of state resources in 1998-2000. For 2001-2002, another \$900,000 have been allocated. The funds have been used for resettlement and reintegration of IDPs." (Brookings Initiative in Rwanda November 2001, p.15)

"Rwanda's government needs US \$250 million 'at the very least' in the first two years if its poverty reduction strategy is to be implemented properly, Finance and Economic Planning Minister Donat Kaberuka said [...]. [...]"

Rwandan Radio reported that at the end of a four-day international conference on the country's plan to reduce poverty, he told reporters the success of the strategy hinged on revamping the rural economy, rural infrastructure and industry, and the provision of jobs. The government, he said, would inject \$60 million into rural areas." (UN OCHA 19 November 2001)

The government has recently updated its villagization policy (1998-2004)

- The new policy specifies where houses can be built, how many units they should contain, the size of the houses (2004)
- Target is to have all Rwandans living in villages in urban areas or rural settings (2004)
- Government defends policy of villagization despite international criticism (1998-2000)
- Government presents plan to assist relocated population to UN Agencies and NGOs (1999)
- HRW said that Rwandan government exaggerated the housing crisis to push the international community to renewed generosity (2001)

"The government recently updated its settlement policy, specifying where houses can be built, how many units they should contain, the size of the houses, the location of recreational centres and other social services in the Imidugudu. The new policy is in line with the government's overall approach to structural reforms of human settlement related to the land tenure system and environment.

Officials say the new policy aims at the development of sustainable human settlements through improved land management, measures for poverty reduction, measures against hunger and measures to protect the environment.

A draft law on the land and housing policy bill is expected to be passed by parliament soon. It focuses on improving and redesigning settlement patterns in urban and rural areas.

"[The policy aims at] good control and good management of settlement and urban development by opening up previously developed and improved areas and stopping anarchical construction of buildings and the extension of unplanned residential areas," Ntawukuliriyayo, who is in charge of the ministry drafting the bill, said.

The new resettlement policy is expected to focus on finding adequate housing for a category of households such as the homeless, often poor and vulnerable widows, orphans and persons with disabilities.

"The new settlement policy also aims at bringing all the homes in the Imidugudu programme to an acceptable level in terms of housing and access to social and economic services," Ntawukuliriyayo said.

He maintains that Imidugudu remains the only alternative for Rwanda, given its small size and its increasing population.

"Despite some shortcomings in implementing this policy, the government still firmly believes that Imidugudu represents the only feasible alternative to Rwanda's land population equation for the foreseeable future," Ntawukuliriyayo said.

Based on the participation of the local communities, site selection and construction for Imidugudu will follow specific standards. These include specifications such as maximum size of the house, which should be no less than 400-600 square metres; minimum size of a house, which should be 42 square metres; mud blocks, which will be used for home construction instead of wooden poles in order to protect forests; blocks of grouped houses, which should contain no more than 20 plots (to give enough space for agriculture and other social services and also ease congestion); agricultural or mixed farming fields, which should be no farther than 2-3 km from the site; and there must be proximity to basic services, either already in existence, or the ready potential for those services to be provided.

According to Ngaboyisonga, sites where group settlement is to be carried out would be determined by grassroots leaders and approved by district councils in accordance with the district development plan.

Each site where group settlement shall be established shall indicate the surface area, the rough boundaries and the existence of a development plan.

"Our target is to have all Rwandans living in these Imidugudu in urban areas or the rural settings," Ngaboyisonga said. "We hope this will be a voluntary process whereby people will move slowly into the newly established villages." (IRIN, 5 October 2004)

The Rwandan Government stated in 1998 that:

"Since the displaced people have always been victims of threats from the infiltration on the hills, most of their properties (farms, huts) have been destroyed by infiltrators' riots and looting. Abandonment of the places, war and infiltrators' confrontations with the army, have made the situation worse, there is not much left on the hills. Some Rwandese and even donors are very concerned about the Rwandese government policy on settlement and most of the people in Rwanda believe in it as a key factor for positive changes at all levels.

Bias against villagisation were developed during the emergency period when in some places both local authorities and international NGOs initiated the process without any prior sensitization. Better choice of location, people consultation and participation leading to the inoccupancy (sic) of some 'imidugudu'. The lack of resources for economic promotion in 'imidugudu' and the low quality of constructed houses did not encourage people to move easily to such imidugudu. But above all that there are very successful cases where imidugudu have become attractive and development oriented." (Republic of Rwanda November 1998)

Statement by Rwandan Minister of Justice, Mr. Mucyo

"All Rwandan citizens were entitled to return to their country and the refugees who had so wanted had been repatriated. The refugees' return had aggravated the problem of housing and the lack of cultivatable land. It was therefore quite legitimate to regroup the population in villages (*imidugudu*), thus facilitating access to basic infrastructures." (CHR 5 July 2000, para.45)

Statement by Rwandan Secretary General in Ministry of lands, human resettlement and environmental protection

"The policy [of the Rwandan government] is clear. In rural areas, every Rwandan is to move into a village for the purpose of proper land utilisation and the provision of basic services', said Patricia Hajabakiga, secretary-general in the ministry of lands, human resettlement and environmental protection (MINITERE), responsible for coordinating the villagisation initiative known locally as 'imidugudu'. 'It's the only alternative we have,' she said. The programme aims to develop diverse commercial activities and employment opportunities outside the agricultural sector, on which the vast majority of people currently depend. 'We cannot continue to pretend that every Rwandan will be able to live off the land, because of its difficult hilly terrain,' Hajabakiga said. 'We need to create other jobs but there's no way of doing that when people are scattered.'" (IRIN 13 October 1999, para.2-3)

According to a December 2000 OCHA Report (draft stage): "[...] [T]he Government can claim in good faith that the policy is in the spirit of the 1993 Arusha Peace Accords*, and that there is no other way to stabilize the demographic turmoil caused by successive displacements and returns since 1994. *)The Protocol on Repatriation of Refugees and Re-integration of IDPs foresaw '...housing scheme[s]...modeled on the 'village' grouped type of settlement to encourage the establishment of development centers in the rural area and break with the traditional scattered housing'. One argument for a continuation and generalization of this policy, put forward by the Government after the genocide, is that a renewal of the tradition of scattered housing would not only recreate development obstacles but also lead to ethnicised resettlement, which would hinder the process of internal reconciliation." (OCHA 18 December 2000)

According to Human Rights Watch, "In efforts to push the international community to renewed generosity, Rwandan authorities continued to stress the overwhelming scale of the housing emergency, which, they said, was not quite finished. They sometimes exaggerated the extent of the crisis by totaling the numbers of all returnees-"old" and "new"- to arrive at a total of 2,670,000 and by failing to distinguish between returnees, mostly Tutsi, who came from the outside with nothing and the far-larger number of Hutu returnees who had homes they could reoccupy, even if they required repairs. Having depicted the overwhelming nature of the crisis, officials then insisted that they had had no choice but to impose the resettlement policy, particularly in view of the need for reconciliation and promoting social harmony. [...]"

Government officials often tried to make international actors feel at least indirectly responsible for the problems linked to the imidugudu. They implied that many of the deficiencies resulted from the dwindling of international aid and could be remedied by increasing that aid. One senior official even suggested that the reduction in foreign aid demonstrated partiality to the Hutu-that donors became sufficiently concerned about problems of implementation to cut assistance only after the imidugudu program touched people of the northwest.

Skillful in playing upon foreigners' sense of guilt about their conduct in Rwanda, government officials also called upon other possible arguments to persuade international actors to support the imidugudu plan. In one case, a bishop-perhaps with official encouragement-tried to persuade a foreign ambassador in Kigali that women benefited particularly from the establishment of imidugudu: he asserted that husbands beat their wives less often in the settlements because they feared embarrassment if neighbors were to hear the noise of the beating. Given that women were among those to suffer most from forced relocation, this claim of benefit to women seemed especially cynical.

To dispel skepticism resulting from earlier "lack of transparency" about the intended objectives of the resettlement program, government officials in late 1999 began a dialogue with representatives of donors, U.N. agencies, and NGOs. They worked through the steering committee of the JRP, the coordination unit for U.N. agencies mentioned above, to which they submitted a report about imidugudu in early December 1999.

This report finally spurred international interlocutors to confront the continuing confusion between housing for the homeless and the rural reorganization program. In a note prepared by the Belgian, British, Canadian, French, German, Italian, Swedish, Swiss and Netherlands embassies and cooperation missions, they asked whether dialogue with the government was "meant 'to deal with the issue of the lack of shelter' or rather the 'current practice' of 'resettlement' (moving people that already have shelter). . . ." They stated further:

Shelter for the homeless, rehabilitating damaged shelter and relocating people who have shelter are not necessarily contradictory policies. However, they are different and must be clearly distinguished, especially as the latter implies abandoning existing shelter. . . ." (HRW May 2001, XVI)

Rwandan government attempted to remedy some of the errors of resettlement efforts during emergency period (2001)

"The GoR and the local authorities have attempted to rectify some of the errors of the resettlement efforts during the emergency period. For instance, the authorities have encouraged mixing in villages that originally were inhabited by mainly one social group. With the assistance of the international community, the provision of services like schools, health centres and water are being undertaken by the GoR. The World Bank and ADB are financing the construction of schools.

The GoR has reviewed its approach to resettlement. Learning from past mistakes, the authorities aim to make the imidugudu process more participatory in terms of site selection and house construction. Past experiences in, for instance, Kibungo show that ownership and community sustainability are vastly improved when villagers themselves play an active role." (Brookings Initiative in Rwanda, 2.2.2)

International Response

Reintegration needs of the Rwandese are not sufficiently addressed, 2000-2001

- UN Special Representative on the situation of human rights in Rwanda appealed to the international community to fill "reintegration gap" (2001)
- A Multi-agency pre-mission including UN, NGO and Government representatives went to Rwanda in February 2001 to examine conflict-related needs not fully addressed by humanitarian assistance, such as human settlement and access to land
- Late 2001 another mission including UN, Rwandan Government and donor governments representatives focused on human settlements and related needs; its report highlights weak international response and advocated for project to address immediate shelter needs

"The reintegration 'gap'. Large numbers of the Rwandan population are still without shelter, living in extremely precarious circumstances. Although the 'emergency period' is deemed to be over by most actors in Rwanda and the displaced persons crisis in the north-west was successfully addressed by the Government with the support of the international community, it is apparent that the reintegration needs of large numbers of Rwandans have not been sufficiently addressed. With the United Nations Joint

Reintegration Programming Unit (UNHCR/UNDP/WFP) having been dismantled, and with the current focus of most agencies and donors on "development", there is a danger that these people, who are still in desperate need of assistance, will not be reached. The Special Representative understands that a mission to Rwanda was recently undertaken in the context of the so-called Brookings process on the reintegration 'gap'. The Special Representative would appeal to the international community to address this problem, and in particular would ask that the Office for the Coordination of Humanitarian Affairs (OCHA) undertake an assessment to establish the outstanding reintegration needs and design a strategy for United Nations intervention." (CHR 21 March 2001 para.35)

"To date, millions of dollars have been channeled into the country for shelter reconstruction, increased access to clean water, provision of food, the establishment of health and nutrition programs, as well as resettlement activities. Thousands of metric tons of food have been distributed, yet there is still widespread malnutrition. While 500,000 have been resettled into homes and/or families, there are still more than 370,000 families averaging (5 people per family) living under either plastic sheeting or in makeshift dwellings. Since 1994, more Rwandans have access to clean water than ever before. However, in some communes water availability averages at eight litres per person per day which is below the universally accepted minimum of 15 litres per person per day. The poor have also a problem to access medical care and drugs." (ACT 10 April 2001)

A multi-agency pre-mission including UN, NGO and Government representatives went to Rwanda in February 2001 to examine conflict-related needs and problems not fully addressed by humanitarian assistance and development cooperation in Rwanda. One of the issues viewed as a conflict-related need not adequately met by humanitarian and development assistance was the fact that up to 1.2 million Rwandans are living in inadequate shelter without durable solutions regarding access to land. (OCHA 6 March 2001)

"Brookings Task Force

After discussions in Kigali among the UN, donors and the GoR, it was decided that the task force should only focus on human settlement and land since it was felt that these issues required greater attention.[...]

Weak International Response: Since 1998, there has been little funding available for shelter issues. After years of emergency assistance, the GoR and donors shifted to deal with long-term development issues. When the emergency was phased out, many of the traditional humanitarian agencies withdrew from reintegration or of Rwanda altogether. Thus, as aid agencies and donors switched from humanitarian to development budget lines, no resources were available for shelter, which in Rwanda has been associated with the funding structures of humanitarian assistance.[...]

The reticence to prioritise human settlement may be a function of i) scepticism towards the imidugudu policy; ii) the anticipation of land reform; and/or iii) dissatisfaction with the military activities of the Rwandan army in Congo. The actual number of people in need of shelter has also been an issue of considerable debate between the donor community and the Government. [...]

To promote sustainable peace, human settlement issues – such as shelter, access to basic services and sufficient means to make a livelihood in imidugudu – an reintegration issues need to be addressed in an integrated way.[...]

Following the assessment [of shelter needs], a project to address this immediate shelter need is urgently required. The objective should be to provide adequate shelter as part of the social safety net to those vulnerable groups that still have not managed (through external assistance or self-help) to attain even a minimal acceptable standard of housing. MINITERE is working on integrating this project into the thematic consultation document covering resettlement for vulnerable families." (Brookings Initiative in Rwanda November 2001)

UN OCHA suggests to reactivate dialogue with government on resettlement and villagization (2001)

Recommendations:

1. "Reactivate the dialogue between Government, donors and the UN, on the resettlement and villagisation issue. Suggested parties for dialogue with the Government are MINITERE, MINALOC and Mr. Joseph Nsengimana, Advisor to the President (and former Minister- MINITERE)

2. Designate a focal point for resettlement, within the UN system. This focal point could be the UN Resident Coordinator.

3. Set up a UN inter-agency task force (e.g. UNDP, WFP, UNHCR, FAO, UNICEF, OCHA), which would serve as a support team to the UN Resident Coordinator. The task force would also maintain close relationship with the UNDAF thematic group on transitional issues, resettlement being an important part of those issues.

4. The main themes the task force should work on, putting forward proposals to the UN country team, are the following, as recommended by Mr. Linde in his report:

- "To pursue efforts to come up with a consolidated UN platform on sustainability in resettlement, with a focus on practical guidance on how to address, on a durable basis, the basic needs of the population identified as most vulnerable."

- "To pursue efforts with the Government to establish a framework of rights concerning the participation of people in decisions where and how to settle, access to land, freedom of movement and residence, and administrative procedures."

5. Finally, the UN country team could seek any support from the Special Coordinator on Internal Displacement, Mr. Dennis McNamara, including a country visit. " (OCHA 2 February 2001)

Assessment of UNHCR's and UNDP's role in villagization policy by Human Rights Watch (2001)

- Most important UN agency to participate in program was UNHCR, with explicit mandate to protect refugees including returnees
- Difficult position of UNHCR vis-à-vis the Rwandan government
- UNHCR did not denounce forcible displacement of rural-dwellers and the order to destroy houses
- UNDP was charged with coordinating efforts of all UN agencies but played a lesser role in implementing the villagization policy
- In 1997 UNDP and UNHCR established the Joint Reintegration Programming Unit (JRPV) to facilitate their collaboration
- In late 1999 UNHCR sent a team of external evaluators to assess the imidugudu program

"The most important international agency to participate in the imidugudu program was UNHCR which had been involved ever since the planning phase of the Arusha Accords. From its initial role as provider of emergency shelter for returnees it was drawn into the role of leading facilitator of the rural reorganization program. It provided about 80 percent of the funding channeled through U.N. agencies for housing construction.

At least one important UNHCR representative in Rwanda at the start of the imidugudu program disapproved of it and provided much of the critical analysis for the generally negative assessment sponsored by the donors, mentioned above. That document quoted a UNHCR representative as saying, "U.N. organizations do what governments want them to do in general, but they are fully sensitive to back-donors [i.e., the donors who support them] closing funding pipelines in rejection of governments [sic] policy." The official continued that UNHCR favored a common strategy by donors and NGOs to deal with the imidugudu policy but stressed that UNDP-not UNHCR- should take the lead in creating this joint effort.

It is true that UNDP was charged with coordinating the efforts of all U.N. agencies and in this sense might have had responsibility for assuming leadership on this question, but it was UNHCR which had an explicit mandate to protect refugees, including those recently returned to their home country.

Given the situation in early 1997 when the habitat policy was launched, however, it is easy to suppose why UNHCR preferred not to lead opposition to the imidugudu program. It had been blamed for "feeding the genocidaires," the perpetrators of genocide, in the Zairean camps for two years and it had just endured several weeks of bitter conflict with the Rwandan government and its chief foreign backers, particularly the U.S., over the question of how many refugees were in the Zairean forests and how best to rescue them. Taking a firm stand against abuses in the resettlement program would have set UNHCR once more against the Rwandan government and might have entailed being forced out of the country.

Once UNHCR launched building programs, they grew rapidly and the critical voice inside the agency was apparently not heard again. Despite its intimate connection with the imidugudu program and the opportunity to witness abuses involved in its implementation, UNHCR never denounced such practices as the forcible displacement of rural-dwellers and the order to destroy houses. Asked to comment on rural reorganization, one UNHCR staff member refused to make any assessment. "UNHCR is concerned only with shelter," she said, "not with government policy."

UNDP, charged with long-term economic development programs, played a less important role in assisting resettlement, supplying perhaps 20 percent of the funding that came through U.N. agencies. According to one participant in UNDP meetings, abuses related to resettlement were never discussed within UNDP, even after the agency created a special unit for human rights issues.

The two agencies differed in their approaches to resettlement programs: UNHCR focused on building houses as fast as possible, while UNDP favored more integrated projects involving infrastructure, services, and income-producing plans. The two agencies agreed to work together in 1997 and established the Joint Reintegration Programming Unit (JRPU) to facilitate this collaboration, yet they continued to have trouble coordinating their efforts, perhaps because they were similarly intent on using housing programs to maximize the amount of resources that came to their agencies. Concern for human rights apparently dropped from view in this competition.

In late 1999 UNHCR sent a team of external evaluators to assess the imidugudu program. Throughout the inquiry, local UNHCR agents stressed their role in providing "shelter," a term which suggested a short-term emergency response to the housing crisis provoked by the return of the refugees. But the evaluators concluded that UNHCR had done much more:

In the case of the SP[shelter program], UNHCR has embarked in an operation that is much wider than just building shelter. It is directly responsible for participating in the implementation of a settlement policy, which will have long-term consequences altogether socially, economically and physically, and for which, up to now, sustainability has not been ensured.

Several paragraphs later, the report continues: In four years, the "imidugudu" policy has modified drastically the aspect of the rural landscape. The country is now covered with groups of tiny houses, all alike, whether in size, shape, or type of materials; and UNHCR has heavily contributed to this change by

providing the materials or building 98,447 houses in 252 settlement sites and in scattered locations all over Rwanda.

In contacts with the evaluators and others, UNHCR minimized its role in the imidugudu by stating that only some 25 percent of its resources went to building houses in the settlements. This refers to construction programs done under its direct supervision. The rest apparently paid for housing materials, primarily roofs, doors, and windows, that were distributed through local authorities. UNHCR says these materials built houses that were "scattered," implying that these houses were not in imidugudu. But the data, including interviews with imidugudu residents presented in the report, indicates that some-and probably the majority-of these materials were used to build houses in imidugudu.

Although the evaluators criticized UNHCR involvement in the imidugudu program from several points of view, including the possibility that the settlements would not be economically sustainable, they failed to address the human rights abuses which had taken place during its implementation. They said only that the "absence of specific indicators" made it impossible for them to evaluate how well the program fulfilled the protection component of the UNHCR mandate, the component which includes questions of human rights.

After reviewing their records, UNHCR officials in Geneva told a Human Rights Watch researcher that they could find no UNHCR report about or denunciation of human rights abuses in connection with the resettlement policy. One remarked, "We decided to keep our mouths shut and help those whom we could help." Another judged UNHCR conduct more severely, saying, "We were complicit. . . but so were all the U.N. agencies." (HRW May 2001, XV)

HRW says that UN Special Representative for Rwanda failed to address abuses of villagization policy, 1997-1999

- Representative said that Guiding Principles on Internal Displacement require that persons displaced for security reasons be allowed to return home when the emergency is over
- Rather than denouncing abuses and insisting that those already displaced be permitted to return home, he recommended merely that the conditions of life be improved in existing settlements

"The special representative for Rwanda of the U.N. Commission on Human Rights is charged with technical assistance in the field of human rights rather than with monitoring abuses. Nonetheless his opinion was sought-probably by donors-on issues related to the habitat policy. He visited three imidugudu after having heard allegations of the use of coercion to get rural-dwellers to move. After learning, as noted above, that twenty families in one umudugudu had been told to destroy their homes and relocate, he concluded that some coercion had occurred, often for reasons of security. He remarked that with security improving in the country, this justification would have declining relevance as a reason for obliging people to leave their homes. He added that the Guiding Principles on Internal Displacement require that persons displaced for security reasons be allowed to return home when the emergency is over.

But the special representative did not address the situation of persons coerced to move for other than security reasons-certainly the case for many-nor did he discuss their right to return to their former homes. He noted the reassurance given by a presidential adviser that "no Rwandans will be forced into villages against their will" and expressed the hope that this would become formal government policy. It is hard to understand such optimism, unless perhaps he had not known that government officials had first made the same guarantee in 1997 and had repeatedly violated it since. Aware of the importance of land to subsistence cultivators, the special representative encouraged greater debate on the habitat policy. But rather than

clearly denouncing its abuses and insisting that those already displaced be permitted to return home, he recommended merely that the conditions of life be improved in existing settlements. He suggested that if services were provided before people were asked to move, rural-dwellers "would be clamouring for admission" to imidugudu." (HRW May 2001, XV)

International Ambivalence towards the Villagization Policy, 1999-2000

- UN Commission on Human Rights asks Rwandan government to respect human rights principles when regrouping scattered rural populations
- Many donors sceptical about villagization
- Donors concerned that villagization may be coercive, and that it could further undermine Rwanda's agricultural productivity
- WFP reports that villagization addressed immediate needs of population

Caution regarding villagization

The UN Commission on Human Rights "[n]otes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government of Rwanda to respect human rights principles and not to use any elements of coercion in the implementation of the resettlement programme." (CHR 18 April 2000, para.16)

Report of the Special Representative to the Commission on Human Rights

"Rwanda is in the middle of a great debate on land and settlement. [...] It is both understandable and prudent for the Government to be framing a national policy. Over the last five years, over 70 per cent of all Rwandans have left their homes. UNHCR has helped to build just under 100,000 houses, but according to the Government, 370,000 families still need housing.

This is linked to land. Few would dispute that pressure on land was one of the root causes of the war and genocide of 1990-1994, and Rwandan land has been progressively parcelled out through the generations, to the point where it is barely productive. Rwanda's population is expected to grow to 10 million by the year 2005 - putting even greater pressure on land.

The Government argues that regrouping Rwandans in village settlements will better facilitate their access to basic services like water, education and medical care, thereby securing basic human rights. It would also make it easier to organize security for the population, particularly in the north-west. The Government's policy of resettlement has emerged directly from the insurgency in the north-west, [...], where 600,000 displaced persons have been grouped into villages.

Out of these different elements has come the ambitious policy of collective resettlements known as imidugudu, or villagization. The scope and ambition of imidugudu has alarmed many important partners of Rwanda. On 12 July 1999 the EU Council of Ministers urged Rwanda to ensure 'careful planning, prior impact studies and pilot projects in order to avoid villagization that brings about human rights violations'. This reflects the two chief concerns of donors: first, that villagization may be coercive, and second, that it could further undermine Rwanda's agricultural productivity and food security.

There is some evidence on both counts. In December 1998, 41 per cent of those questioned in a government survey of Gisenyi and Ruhengeri said that they wanted to remain in their own homes instead of moving to villages. As for food security, a recent survey by the Government and United Nations agencies suggests that the distance from fields is contributing to an alarming fall in food production. Only 53 per cent said they were able to farm their own land." (CHR 25 February 2000, para.203-208)

"[M]any donors remain sceptical about the programme, citing reports of 'coerced' relocations, disappointing experiences of villagisation in other countries, and a lack of population participation in the process. 'It's very much a top-down approach,' a diplomatic source told IRIN. 'The government is convinced it's good in the long-run but it can't be successful if you don't have the people with you.'

Critics also say that the government does not have the funds necessary to establish basic social services in the new villages and that many are located too far from farm land. A 1997 ministerial-level decree stated that all new houses in rural areas were to be constructed only in imidugudu, but the policy has not been ratified in parliament and its legal status remains unclear, observers say. [...]

While international agencies have supported planned settlement efforts in Rwanda on humanitarian grounds since the 1994 genocide, it is uncertain how much more assistance donors are willing to provide towards villagisation now that it has become less of an emergency issue, aid officials told IRIN.

UNHCR, which has been a major supporter of rural housing projects in Rwanda, said in its 1999 appeal that it was planning to phase out its reintegration activities in the country by the end of the year. The UN country team 'has been holding a number of inter-agency meetings on resettlement with a view to reflect on what its role should be,' a UN official told IRIN last week. (IRIN 13 October 1999)

Positive appreciation of villagization by IFRC and WFP

According to IFRC, "The 'villagisation' [...] process of the government in the north-west has been well accepted by the population, contributing greatly to restoring stability in the region and facilitating the development of the area." (IFRC 7 October 1999, "Context")

WFP reports that the "policy of *umudugudu* appears to have addressed at least the immediate needs of the newly settled IDPs. With houses clustered by administrative cells along access roads, common services are potentially within easy reach of settlers. Inevitably, Rwanda's highly ordered and visible political administration now exercises greater control over the population. Yet anecdotal evidence suggests that abuses of power are rare and in most of the worst-hit communes the *Bourgemeistres* (commune heads) have displayed a genuine interest in the rehabilitation of the traumatized population." (WFP June 1999, p.23)

WFP and NGOs try to improve the living conditions of the people in resettlement sites by the Gishwati forest (January 2001)

- The situation in the 3 sites where people who used to live in the Gishwati forest have been resettled is quite precarious despite international support

"- **Food security:** Agricultural lands have just been distributed to part of the IDPs. This would mean that they would only be able to cultivate in March 2001 and harvest in June. They would need seeds and tools. WFP continues to distribute monthly food rations to the IDPs since March 2000. WFP, together with the prefecture food aid committee had recommended food aid provision until January 2001 harvest.

- **Water & sanitation:** The population is concentrated in 3 sites, with very limited access to water and almost no access to potable water. People have to walk long distances to fetch the water. IRC started the actual rehabilitation of the water system in Gaseke the 3rd week of January, with food for work assistance from WFP.

- **Health & shelter:** On the other hand, in Karago and in Gaseke, no health center is available nearby the sites. In Karago, the nearest health center is 6 km. away from the site. Considering the current heavy rains and the extremely poor shelter situation of the IDPs, one could fear an outbreak of epidemics. SCF-UK has been distributing basic drugs through the health district of Kabaya. It has also been supporting a mobile clinic giving the population weekly access to a doctor." (OCHA 2 February 2001)

UN programs to internally displaced and resettled populations, 1999-2002

- Inter-agency mission says that institutional mandate to assist authorities with resettlement has been somewhat unclear within the UN system (2001)
- UNHCR and OCHA warn that diminished donor support could jeopardize progress made so far in Rwanda (2000)
- UNCHR phased out reintegration program in December 1999, after distributing blankets, jerry cans and plastic sheeting to the internally displaced
- WFP's program aimed to encourage long-term resettlement of refugees and IDPs (2000)
- UNICEF plans to support Rwanda's transition from emergency to long-term development, particularly to reduce the serious children malnutrition (2002)
- UNDP will take a lead in promoting the Brookings initiative regarding resettlement (2002)
- UN Appeal launched to address particular needs of the northwest in 1999

"In Rwanda, the UN tried to pre-empt the problems related to the relief and development divide by establishing a consolidated institutional structure – the Joint Reintegration Programming Unit (JRPV) – that would ensure a smooth transition from emergency to development. However, apparently due to inadequate commitment from both sides, the JRPV did not have strong impact in terms of joint action and was closed down last year. With UNHCR having pulled out of reintegration, the JRPV having closed down and with UNDP not being able to take upon itself the task of resettling returnees, the institutional mandate to assist the authorities with resettlement has been somewhat unclear within the UN system." (Brookings Process November 2001, p.14)

"Rwanda is no longer able to attract the level of financial support it received in the aftermath of the genocide, despite a huge need for shelter and infrastructure. If this situation is not addressed, it could lead to renewed conflict." (UNHCR 2000, "Global Report 1999", p. 97)

"Rwanda is now in a transitional phase where the emergency is over and the gap between humanitarian and development requires strengthened donor response. As mentioned by the World Bank Rwanda: 'diminished donor support will create a critical gap in the recovery of Rwanda. A failure to fill the gap risks jeopardizing the progress made so far and will undermine other efforts to reduce poverty and achieve national reconciliation and peace'. (OCHA 10 October 2000, p.12)

UNHCR

"UNHCR has undertaken the distribution of the plastic sheeting and non-food items in cooperation with the Government of Rwanda and various NGOs. By the third week of March [1999], efforts were underway in Ruhengeri as plastic sheeting was given to beneficiaries in Cyeru thanks to assistance from Christian Aid; in Nyamugali and Nyarutovu through Concern Worldwide; lastly, in Cyabingo, Kinigi and Nyamutera with the help of WorldVision. Communal authorities will work with UNHCR to distribute goods in Gatonde and Ndusu. Blankets were also provided to Save the Children (UK) for their therapeutic feeding centres located in Gatonde, Nyamutera and Giciye Commune in Gisenyi. International Rescue Committee (IRC) and Food for the Hungry International (FHI) are expected to be implementing partners in other areas of Gisenyi.

In the coming days, the remaining pieces of plastic sheeting will be distributed as the other items are made available. Once the distribution is fully completed, most of the shelter and non-food item requirements of the displaced population in the Northwest will be met." (OCHA 5 April 1999, pp.4-5)

UNHCR-Kigali confirmed that UNHCR has phased out its integration program in December 1999 and that it does not conduct any reintegration projects in the Northwest in 2000. (Ghelli, 26 September 2000)

WFP

"WFP has maintained a major humanitarian presence in Rwanda since the genocide, providing emergency assistance to populations with immediate food aid needs, while supporting a framework for recovery and transition programmes. [...]"

Although 91% of the population rely on agriculture for survival, a combination of factors - high population density, exhausted soils and low production technologies - have turned the majority of households into net food buyers since they cannot grow enough to meet their annual food needs. These, together with other structural factors, have resulted in a chronic food crisis in Rwanda since the 1980s. WFP's activities in Rwanda through the PRRO include: Feeding of 29,000 refugees and a monthly average of 2,000 returnees; Nutritional support to vulnerable mothers and children; Food security assistance through food for work activities in support of agriculture and agro-forestry, swamp reclamation, soil conservation, seed multiplication, development of rural assets such as water sources and improvement of infrastructure such as rural access roads; Enhancing preparedness and mitigation of the effects of crises arising from man-made and natural disasters; and Assistance to the national reconciliation process by providing food aid to the countrywide civic training sessions. Through recently-approved development projects, WFP supports primary school feeding and assistance to households affected by HIV/AIDS." ((OCHA 26 Nov 2001, pp. 31-32)

UNICEF

"The United Nations Children's Fund (UNICEF) and its partners plan to spend some US \$10.9 million for humanitarian action in Rwanda during 2002, according to a UN Children's Fund report made available to IRIN on Thursday.

This effort is part of a broader UNICEF goal to ensure that the rights of all children are realised, and in this way "support Rwanda's transition from emergency to long-term human development".

In partnership with WFP and the Ministry of Health, the greatest amount of the money will be spent on nutrition, one of the five major areas of intervention outlined in UNICEF's plan. The "key action" in the nutritional intervention, it says, will be to reduce the "serious situation" of malnutrition among young children of whom 29 percent of under-fives are under-weight, 43 percent stunted in growth and 7 percent wasting. Malnutrition remains problematic, UNICEF says, and 43 percent of Rwandan children suffer from its chronic form." (UN OCHA 29 November 2001)

UNDP-Rwanda government Country Cooperation Framework (2002-2006):

"The second CCF [Country Cooperation Framework] has two strategic objectives: (a) the promotion and consolidation of good governance, and (b) economic management for poverty eradication within the context of Rwanda's transition from emergency to development. [...]"

Within the context of this overall objective, the period of the second CCF will be marked by (a) a clear shift from emergency responses to developmentally-oriented initiatives, and (b) a shift to even greater emphasis on upstream policy support and advocacy/advisory initiatives, while a limited number of carefully chosen grass-roots interventions, with replicability as the main criterion, will continue or begin."(UNDP 20 September 2001, p.5)

Regarding good governance: "There is considerable concern about the slowdown in financing for the Government resettlement programme. In this connection, UNDP will take a lead in promoting the Brookings initiative which aims to provide the framework for planning, resource mobilization and field-level implementation in this crucial area." (UNDP 20 September 2001, p.7)

UNDP-Rwandese Government Country Cooperation Framework (1998-2000) aims – among others – to reintegrate internally displaced persons: "Reintegration of returnees and formerly displaced persons will have a three-pronged approach: (a) ensure social and economic reintegration of returnees; (b) promote job creation and income opportunities through the development of micro-enterprises and small- and medium-sized enterprises; and (c) promote poverty eradication and reduce environmental degradation. The actions to be carried out under this theme will address both the structural causes of poverty and the more recent causes of poverty originating from the genocide, civil disruption and massive population movements. Increasing income through job creation will be emphasized as will improving school attendance rates and raising living standards. The high percentage of female-headed households in Rwanda, who are particularly susceptible to poverty, will be taken into account in designing programmes to combat poverty." (UNDP 9 February 1998)

UN 1999 Appeal for the Northwest

"Rwanda was not included in the United Nations Consolidated Inter-Agency Appeal for Countries of Great Lakes Region and Central Africa for 1999. Instead, a Donor Alert was launched in December [1998] in order to direct attention and channel funding to particular sectors of assistance and programmes. The funding target was set at US\$ 38 million." (OCHA 9 February 1999, "Donor Alert")

How WFP Applied the Guiding Principles to Internal Displacement in Rwanda, 1998-1999

- At height of emergency, WFP was in constant dialogue with Rwandan authorities to advocate improved conditions for the internally displaced
- WFP staff members and implementing NGO partners attended workshop on Guiding Principles on Internal Displacement in Rwanda in 1999

"Since their formulation and official release (March 1998), UN agencies have been asked to disseminate and comment on the application and relevance of the Guiding Principles on Internal Displacement. All WFP Country Directors in 1998 received copies of these principles. In Rwanda, WFP has been reluctant to take a lead in advocacy of the principles for two main reasons. Firstly, the controversy over the mandate and reporting procedures of the UN Human Rights Field Operation resulted in its closure and ultimate expulsion in 1998, precisely at the time when the IDP crisis in the north-west was at its height. Secondly, the staff numbers, access and activities of WFP were closely monitored by government and military authorities, and any threat to this relationship would have compromised the humanitarian operation.

As one of the few international observers on the ground at the height of the 1998 emergency, WFP was in constant dialogue with local and national authorities over conditions in camps and was one of the first agencies to press for improved access to and facilities for IDPs. Yet most reported human rights violations - particularly those relating to army abuses or victimization of returnees - occurred prior to encampment from July 1997 to March 1998 when international witness (including WFP) was extremely limited. Since mid-1998, however, when populations have been at risk from incursions across the border, close liaison with commune leaders has given WFP privileged access to security information, enabling WFP to come to the aid of beleaguered populations swiftly. This should not be under-emphasized: no other agency has been able to respond so quickly to needs on the ground.

In June 1999 some key staff members in Rwanda and implementing NGO partners attended a workshop introducing the Guiding Principles (conducted by this review team). With a few individual exceptions, it was noted that staff and NGOs had little prior knowledge of the principles. WFP field staff were unaware of the boundaries of their responsibilities with respect to protection issues, having received no guidance on the matter. Nevertheless, it was acknowledged that some very practical measures are being undertaken on a

daily basis by field staff to ensure that IDP rights are assured and that abuses are minimized." (WFP June 1999, p.27)

Donor Response

Continued confidence in the Rwandan domestic political and economic situation among donors (2003)

- France shows new willingness to support Rwanda
- United Kingdom still the most enthusiastic supporter of the Rwandan government, continued its ten-year program of \$70 million in general budget support.
- E.U. representatives expressed concern over restrictions on freedom of the press and freedom of association
- The U.S. administration put serious diplomatic and financial pressure on the Rwandan government to withdraw from the DRC

"Despite reservations about Rwandan involvement in the Congo war, international actors expressed continued confidence in the Rwandan domestic political and economic situation. The International Monetary Fund (IMF) released U.S.\$ 12 million for a three year poverty reduction plan and the World Bank, the IMF, the African Development Fund, and the International Fund for Agricultural Development cancelled \$25 million of Rwandan foreign debt. France, in the past critical of the Rwandan government, showed new willingness to support such international aid measures after Foreign Minister Herbert Vedrine was well received in Kigali. Germany granted \$16.8 million for development and China granted \$3.6 million and forgave more than \$16 million in Rwandan debt. The United Kingdom, still the most enthusiastic supporter of the Rwandan government, continued its ten-year program of \$70 million in general budget support.

In the United States the Bush administration adopted a more neutral position in the Great Lakes crisis coincidental with its general reduction of engagement elsewhere in Africa and joined other donors in criticizing Rwandan involvement in the Congo war. Embassy staff closely monitored the conduct of both Rwandan troops and ALIR rebels during the *comol* in northwestern Rwanda in May through July, thus encouraging observation of international humanitarian law. Permitted to establish FM service for the Voice of America (VOA) in Rwanda, the U.S. failed to criticize publicly government intimidation of the press even though a VOA journalist was among those harassed. Although State Department officials privately expressed more reservations about the Rwandan government than in the past, the U.S. provided \$14 million in development assistance and another \$1.5 million under the Great Lakes Justice Initiative.

European Union

E.U. representatives met with the Rwandan foreign minister in February to express concern over restrictions on freedom of the press and freedom of association, and again in April after the arrest of Pasteur Bizimungu. In September, E.U. representatives protested a plan to impose a 40 percent tax on the salaries of expatriates working for international NGOs, seeing this as a possible impediment to their work. The E.U. gave Rwanda, one of twenty-eight countries targeted for its European Initiative for Democracy and Human Rights, U.S.\$155 million in assistance, and gave an additional \$4 million to local and international NGOs and \$1.28 million to the National Human Rights Commission for monitoring *gacaca*. It gave \$475,000 towards rebuilding the Rwandan Supreme Court to make it possible for the ICTR to hold trials in Kigali.

The United Kingdom continued strong political and financial support to the Rwandan government, providing approximately \$50 million, two-thirds in budgetary support and the remaining third in technical assistance. It made modest efforts to support civil society and press freedom and to support independent

research on gacaca. In October 2001, the Dutch government sought to make Rwanda a preferred aid recipient, but in the face of stiff domestic and parliamentary opposition, it compromised by granting Rwanda this special status but with restrictions: no sector-wide budget support and the obligation to meet certain benchmarks on human rights and democratization. The Netherlands disbursed \$19 million in aid, which included budget support and technical assistance to two provinces in furtherance of decentralization as well as significant political and financial support to local human rights organizations and the press. Belgium was the single largest donor to gacaca, giving \$4.75 million to the government and NGOs, out of a total assistance package of \$17 million. Belgium also coordinated diplomatic and donor responses to gacaca.

United States

The U.S. administration put serious diplomatic and financial pressure on the Rwandan government to withdraw from the DRC, an effort that culminated in President George W. Bush meeting with President Kagame in September. In the face of the crisis between the Rwandan government and the ICTR, the U.S. pressured Rwanda to permit witnesses to travel so that trials could resume, but it failed to give strong backing to investigations of alleged RDF crimes. At the International Monetary Fund meeting in June, the U.S. refused to approve funding for Rwanda's Poverty Reduction Growth Facility, in part to indicate strong disapproval of Rwandan human rights abuses in the DRC. The U.S. State Department human rights report criticized Rwanda's poor record in 2001, prompting a sharp rejoinder from the Rwandan government. The U.S. Agency for International Development (USAID) gave \$32 million in assistance." (HRW 2003)

Donors contributed tens of millions of dollars which financed houses in imidugudu (2001)

- Difficult to assess how much international aid was used to build houses in new villages, and whether this aid contributed to house homeless people or not
- According to the Rwandan government, largest donor agencies were the Dutch, Japanese, Canadian and American governments

"It is difficult to compute how much international aid was used to build houses in imidugudu. Assistance was sometimes funneled through budget lines that did not indicate exact use of the funds; aid from several donors sometimes paid for a single project; support for houses in imidugudu was not always distinguished from aid for houses built outside the sites. In addition, some bilateral aid was contributed through U.N. agencies.

Even with incomplete data, however, it is clear that international donors contributed tens of millions of dollars, most of which paid for construction in imidugudu. UNHCR served as the major conduit of funds to building programs between 1996 and 1998 when it spent at least \$30.7 million dollars to build houses or to provide materials to build houses. Of this amount, \$20.6 million paid for houses in imidugudu and another \$10 million paid for construction materials for houses, the majority of which were also built in imidugudu. The Canadian Development Agency, the second most important donor after UNHCR, gave \$16.3 million, at least \$14.7 of which paid for houses built in imidugudu. The Netherlands, one of the first to give, contributed \$10 million, most of which went for housing, and the U.S. spent \$6.1 million in the course of 1997 for housing. Japan was also a major donor. The European Union contributed some \$6 million to build 6,000 houses in 1997 and another nearly \$6 million in 1999. France built houses in five imidugudu for a cost of \$1.2 million. Germany also paid for housing programs. According to the Rwandan government, the Dutch, Japanese, Canadian and American governments were the largest donors through U.N. agencies.

Difficult as it is to evaluate the total international contribution to housing programs, it is even more difficult to know how much of that money contributed to housing people who were homeless and how much contributed to housing people relocated against their will to imidugudu. And it is more difficult still to assess the extent to which the financial support of the housing programs betokened a political support

which encouraged the Rwandan government to implement rural reorganization faster and more unconditionally than it might otherwise have done.

At the start international donors saw the imidugudu program as part of a long-term economic development effort and they discussed it in those terms. But as they realized that their criticism of rural reorganization created difficulties with the Rwandan government-which for many reasons they wanted to avoid-they accepted the official interpretation that imidugudu were necessary as an "emergency" response to an overwhelming housing crisis caused by the return of the refugees. By accepting this pretext, donors and representatives of international agencies relinquished the opportunity to examine rural reorganization in its appropriate context, as an undertaking for economic development. They failed to insist upon the usual requirements for planning, prior consultation with the target population, and enforcement of standards. And they failed to even consider, far less apply, international cautions against funding development projects that involve forced displacement. The U.N. Committee on Economic, Social and Cultural Rights stated in 1990, for example, that international agencies should "scrupulously" avoid involvement in projects which "involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation."¹⁰⁰ (HRW May 2001, XV)

Donor support over the past few years in the area of human settlement (2001)

Examples include:

"The Japanese Government, through the UNDP Trust Fund, has donated \$1,050,000 to resettle about 3,500 families in Gisenyi province, and \$2,300,000 for infrastructure development in Kigali city to resettle mostly the urban poor.

The Netherlands and Japan, through the UNDP Trust Fund, donated \$800,000 to resettle populations evicted from the Gishwati national forest.

The Government of Canada, through CIDA, has donated 10,000,000 Canadian dollars for sustainable community projects which include shelter construction, basic services' provision, income-generation activities, etc.

The Government of France, through the French-Rwanda Cooperation, donated FF15,000,000 to construct about 1,150 houses for vulnerable families in Kibungo and Gikongoro. The project has other components like school construction, water supply, social recreation centres, and income-generating activities.

The Netherlands and Japan, through UNDP and the Ministry of Local Government and Social Affairs, donated \$3,088,659 to support housing for widows and women's economic empowerment in Cyangugu, Gikongoro, Kibuye, Umutara, Byumba, Ruhengeri, Gisenyi and Kigali city. Project components include housing construction for widows, credit scheme for women associations, support to orphans in schools and surveying of plots.

The Master Plan for Land Use was funded by the European Union, which donated 57,000 Euros for the preliminary study. It donated approximately \$3.5 million for the project, which has the objective of providing a national strategic framework for agricultural development and food security based on profitable and sustainable use of land and land management" (Brookings Initiative in Rwanda 4.3.2)

NGOs Response

International Crisis Groups calls on the stakeholders (2002)

To the Government of Rwanda:

1. Cease all harassment of civil society and revise the law on associations to allow them to operate freely in the entire country without the constant control of government agents;
2. Encourage the emergence of a responsible and independent press by allowing it to regulate its activities in the framework of its professional associations;

3. Liberalise political activities across the entire country; and engage in a national debate on the rules of integration for all political constituents in the country in preparation for the next elections;
4. Allow the return and the participation of political parties in exile in time for the next elections, on condition that they cut all links with the armed groups, clearly and convincingly acknowledge and deplore the genocide, and commit themselves to a reconciliation process;
5. Create an Ombudsman's office, directed by a committee of "wise men" representing different sections of Rwandan society and equipped with political, administrative, and financial autonomy from any branch of government. This office would have the responsibility of determining the rules of good conduct for politicians, establishing clear distinctions between legitimate criticism and genocide-denying or hatred-inciting behaviour. The ombudsman could also be mandated to recommend appropriate measures to deal with similar concerns arising in the press and civil society.

To the opposition in exile:

6. Make contact with the International Criminal Tribunal for Rwanda (ICTR) and participate in the transfer of *génocidaires* within the framework of the Pretoria agreement;
7. Stop immediately armed opposition and station, demobilise, and repatriate all its troops;
8. Clarify its own political agenda for the future of Rwanda and spell out the programs by which it would advance reconciliation;
9. Make clear its acknowledgment and deploing of the genocide and its rejection of revisionist sentiment;
10. Participate in a national political conference in Kigali with the aim of debating the constitutional framework of the post-transition period, as well as its own participation in future elections.

To the international community and donors to Rwanda:

11. Demand the unconditional release of Pasteur Bizimungu, Charles Ntakirutika, Jean Mbanda, Pierre Gakwandi and all other Rwandan political prisoners;
12. Support the establishment of an Ombudsman's office and grant it the means of financial independence;
13. Refuse to finance the 2003 elections and the establishment of post-transitional institutions unless they are not preceded by the liberalisation of political activities and a marked improvement in respect for basic freedoms of association and expression;
14. Support immediately the creation of a program to monitor the electoral campaign and the elections themselves.
15. Actively support the peace process in the Democratic Republic of the Congo and particularly the disarmament, demobilisation, repatriation, reintegration, and resettlement (DDRRR) program for the Hutu rebels and commit to a serious surveillance of the security situation in Eastern Congo to allow the government of Rwanda to pursue its reconciliation and political program in a peaceful environment. (ICG, 13 November 2002, Africa Report 53 Page ii)

NGOs address water and sanitation needs of resettled population, despite limited funding, 1999-2002

- International NGOs' presence increased in the northwest in 1999
- Only limited international funds available to resettled population, now that Rwanda is no longer undergoing a countrywide emergency
- Oxfam supports reconstruction and recovery through a rural water and sanitation programme concentrated in North-west Rwanda; facilitates debate regarding land policy
- IRC works closely with the community and government to assist in rehabilitating and building water and sanitation systems

"The legacy of 1994-96, when NGOs in Bukavu and Goma were accused by Rwanda of treating refugees as victims rather than perpetrators of genocide, was to colour relations [between the Rwandan Government and international NGOs] for some years. In February 1997 the government decided no longer to use NGOs as

intermediaries in the food chain, arguing that general distribution could be undertaken by commune authorities once the mass repatriation was complete. Supplementary and therapeutic feeding centres were, however, run by NGOs, notably by CONCERN in the early stages of the emergency. The number of NGOs on the ground increased tremendously in 1999. WFP's FFW partners in *umudugudu* settlements were IRC, Oxfam and Norwegian Church Aid, though the majority of NGOs were working in shelter provision and sanitation (many contracted through UNHCR)." (WFP June 1999, p.33)

"More organisations are now addressing water and sanitation needs in the northwest. In Gisenyi, International Rescue Committee delivers water, provides equipment, rehabilitates distribution networks and constructs latrines. In Ruhengeri, Norwegian Church Aid continues its rehabilitation and distribution efforts in Kidaho, Kigombe, Kinigi, Mukingo and Nkumba. SCF(UK) is now helping to supply water in Ndusu at the four sites of Kabingo, Kilinga, Mugunga and Rusoro. UNICEF has provided material support to organisations working in both prefectures.

Other noteworthy efforts include the work by SCF (UK) to assess water needs in Gatonde. Similarly, Oxfam GB is examining water rehabilitation needs in Cyeru and, in coordination with Concern Worldwide, is addressing requirements at Nemba Hospital in Nyarutovu.

While the response by the humanitarian community is gathering momentum in this sector, only a limited number of programmes are in full operation. As a result, many people in the northwest are still travelling significant distances to fetch water or may be paying unreasonable prices to obtain it from private sources." (OCHA 15 March 1999, "Water and sanitation")

"An essential precondition for NGO response to an emergency is the release of donor grants for specific projects. On average, two to three months can pass between an assessment and final release of donor funds. The larger NGOs such as CONCERN and IRC have small contingency funds to enable them to initiate projects prior to receiving funds, but with Rwanda no longer undergoing a countrywide emergency, these are limited. In the north-west, donor interest in the emergency did not translate into pledged funds until September-October 1998. In the case of IRC's water and sanitation programme, for example, this meant that the USAID Office for Foreign Disaster Assistance (OFDA) funds were not actually received until February 1999." (WFP June 1999, p.33)

"*Oxfam's* programme currently has three main elements:

Supporting reconstruction and recovery through a rural water and sanitation programme concentrated in North-west Rwanda. As well as providing safe water, Oxfam is also working with communities here to help them manage their resources and enable them to address their own needs in the future

Supporting the resettlement of returnees in North-east Rwanda through assisting communities to access and manage clean water services; the programme has been implemented over a period of years. It will be handed over to Government management in 2001, after completion of capacity-building activities aimed at enabling the community to run the newly-established water systems.

Advocacy based on promoting a participatory process aimed around the establishment of a national land policy. Work in this area has focused on opening up the debate around the sensitive issue of land, facilitating dialogue between government and civil society on land issues, and focusing on creating space for grassroots participation in these discussions." (Oxfam 2002)

For more information on Oxfam-GB's activities in the Northwest, see "Contributing to the sustainability of local water infrastructure" [Internal Link]

IRC

"The IRC works closely with the community and government to assist in rehabilitating and building water and sanitation systems; providing micro-enterprise loans; reunifying and reintegrating families; promoting youth development; enhancing civic society through good governance; developing and implementing a child survival health program; and protecting and ensuring the well-being of vulnerable children. Through a

central office in Kigali and three worldwide offices, IRC has been able to help over two million Rwandans." (IRC 2002)

ABBREVIATIONS AND ACRONYMS

ARDP	Area Rehabilitation & Development Plan
DRC or DR Congo	Democratic Republic of the Congo
ECHO	European Community Humanitarian Office
FAO	Food and Agriculture Organization
FAR	Rwandan Armed Forces
FFW	Food For Work
FHI	Food for the Hungry International
GoR	Government of Rwanda
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IRC	International Rescue Committee
IRIN	Integrated Regional Information Network
JRPU	Joint Reintegration Programming Unit
LDF	Local Defense Forces
LDU	Local Defense Unit
MDR-PARMEHUTU	Rwandan Democratic Movement/Party of the Movement and of Hutu Emancipation
MINETERE	Ministry of Lands, Human Resettlement and Environmental Protection
MRND	National Revolutionary Movement for Development
MRNDD	National Revolutionary Movement for Development and Democracy
MSM	Movement Social Muhutu
NGO	Non Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ONAPO	National Population Office
PALIR	Armed People for the Liberation of Rwanda
RISD	Rwanda Initiative for Sustainable Development
RNA	Rwanda News Agency
RNIS	Report on the Nutrition Situation of the Refugees and Displaced Populations
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
SCF-UK	Save the Children Fund-UK
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID-OFDA	USAID Office for Foreign Disaster Assistance
USCR	U.S. Committee for Refugees
WPA	World Food Program
WHO	World Health Organization

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