
Views from the Field:

Lars Waldorf

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You spoke at the Fletcher Conference on Innovative Approaches about compensation funds for the survivors of the genocide and the need to reduce poverty in Rwanda. Can you talk a bit more about the role of a compensation fund in the peacebuilding process?

In a sense, one element of justice is also compensation for victims and compensation for suffering. There are different aspects of justice. One of them is retribution. That can't always be accomplished, especially in a case where you had mass participation like Rwanda. However, one thing that could and should and must be done for victims in these kinds of situations is to give them some kind of compensation for the losses that they suffered. This is understanding of course that there is no way that you can compensate someone for the loss of their loved ones, but in a situation like Rwanda, where poverty is so dire, compensation will go some way towards easing the conditions of life for the survivors. A lot of the survivors tend to be women or children and they tend now to be the new heads of households. Without the menfolk their standard of living is much lower than it was before the genocide. The disappointing thing is that ten years after the genocide we don't have a law on compensation in Rwanda. There has been a fund set up to help survivors of the genocide, mostly with their education and a little bit around housing, and in theory it goes to the most needy survivors. However, there hasn't been any attempt by the government to set up the long promised compensation fund that would compensate survivors for their actual losses, both economic and personal, such as family members who were killed, or their own physical or mental injuries.

I think the trick in designing a compensation fund for survivors after mass violence is to do it in a way that you don't create new socio-economic inequalities along the pre-existing fault lines—in the case of Rwanda the faultlines of ethnicity between Hutu and Tutsi. What you would want to do is to provide

some in-kind compensation to Tutsi survivors—for medical care, for psychiatric care to deal with post-traumatic stress disorder, to deal with education and perhaps housing. The danger is if you give them actual cash in hand, you could skew the rural economy and create new grievances, new economic resentments against the Tutsis.

Where would the money for the compensation fund come from?

There has been talk over the years of approaching the international community and in particular the United Nations for help in establishing that fund. However, the Rwandan government has not made any real sustained effort to appeal to the international community for a compensation fund, so in a sense the victims are being neglected. I think this is because the government prefers to have budgetary assistance that they can use as they see fit. One example is that the Rwandan government used \$24 million out of its budget to build a new five-star luxury hotel. That is a choice that the government made in the hopes of promoting tourism and other forms of development, but that is \$24 million that could have been spent on other projects, including a compensation fund for the survivors.

Were there direct linkages between poverty and the violence in Rwanda?

There's no question that one contributing factor to the genocide, one among many, was the level of poverty in Rwanda. I think that is part of why there was some degree of mass participation. Again, it's not a causal factor, because obviously there are lots of very poor societies that have experienced violence or even mass violence, but nothing on the scale of the Rwandan genocide. So one doesn't want to put too much emphasis on it, but nonetheless poverty is a factor in situations of mass violence and to the extent that you can alleviate that poverty then you dampen the incentive for future violence. For example, when you're out on the hills listening to *gacaca*, people will talk about how they originally went off to steal cows or to steal household goods from their Tutsi neighbors. Then they suddenly thought, well if we don't kill our neighbors then after the fighting is all over we may have to give the cows back to them and we'd rather not do that. So some of the violence is linked to looting and to things that are more directly allied to the deep-set poverty in Rwanda.

Given that many of the factors that led to the genocide remain unresolved, how do you perceive the future of conflict in Rwanda?

I don't think that there will be another genocide in Rwanda. I think the genocide was the result of very specific historical factors, including an ongoing civil war, from 1990 to 1994, that was sparked by the RPF invasion from Uganda into Rwanda, and the fact that you had all these Tutsi refugees outside of Rwanda who wanted the right to return to Rwanda. Those factors no longer exist so I don't think you are going to have that kind of thing happening. Also, all ethnic violence in Rwanda since independence has been state incited, state sponsored. As long as the state is not involved in promoting ethnic violence it won't happen

and we shouldn't expect to see it happen. I think the danger is that governmental power is mostly held in the hands of a minority of Ugandan Tutsi who came with the RPF take over of power from the genocidal regime in 1994. They came to power originally attempting to form a coalition government and to have broad-based support from Tutsi survivors and Hutu moderates. However, over the years the Tutsi survivors and Hutu moderates have been driven out of the coalition and their political leadership has been imprisoned, has gone into exile, or has mysteriously disappeared. So the problem is that the longer that goes on the more likely it is that the majority of the population will see this as an ethnic minority authoritarian regime and one that will have to be toppled by force. If that takes place, the criticism and the attacks on this government are likely to be ethnically directed toward Tutsi. So that is what I see as the danger for the future. I think there is a chance that you will have ethnic violence in the country in the future if the regime doesn't democratize, doesn't broaden its base of support, but that it won't reach the levels that we saw in 1994.

What, in your opinion, are the goals of the current government?

I think that the government tends to talk a good game. They have a rhetorical commitment to very important issues that will determine the future of Rwanda: reconciliation, decentralization, multi-partyism. However, when you look at what they are doing in practice they are really failing to act on these rhetorical goals. I think that this poses real dangers for the future. One of the arguments that the government makes is that the reason there was a genocide was because power in the country was too centralized. So when the order came from the central genocidal government to kill, government officials at lower levels carried it out and the population was indoctrinated in the culture of obedience to governmental authorities. There is some truth to that. And so the government is right to be focusing on decentralization, both as a way of preventing future violence and because it is a more effective way to deliver government services, in particular development. However, the truth is that the government has a very hard time giving up any power from the central control and so NGOs and donors who've been trying to work on decentralized development projects have been very frustrated by their inability to get things moving forward. In terms of reconciliation I think the government has taken some positive steps, but they would rather make talking about it taboo instead of trying to deal with it in an open and frank fashion. My sense is that ethnicity remains a very powerful cleavage in Rwanda but it's there below the surface. People aren't talking about it or dealing with it openly and that is not going to help with long-term reconciliation.

I think that reconciliation in Rwanda would have to involve two things: a broader government that would include more independent members of the Tutsi survivor community and the Hutu moderate community. Also in terms of *gacaca*, the community-based court system that is seen as an attempt to build

reconciliation; it is only going to work if *gacaca* deals with both sides of the conflict. At the moment the government has made it very clear that *gacaca* can only deal with the genocidal killing of Tutsis in the period 1990 to 1994. If you want real reconciliation and if you want to encourage Hutu to be involved and to participate in *gacaca*, you're going to have to allow *gacaca* to deal with Hutu who were killed or injured by Tutsi soldiers of the RPF during that same time period. Of course, one does not want to relativize the genocide and create a moral equivalency between the genocide and RPF war crimes, but nonetheless if you want to accomplish reconciliation you have to let each side talk about and come to terms with their grief, their suffering, and their dead.

Finally, I wanted to talk a bit about your coverage of the International Criminal Tribunal for Rwanda (ICTR). There are a number of major criticisms of the Tribunal, including its location outside Rwanda, and its slow and expensive nature. Can you talk a bit about why these problems have occurred and how they might be avoided in future efforts of the International Criminal Court (ICC)?

There's no question that the International Criminal Tribunal for Rwanda has been an enormous disappointment. I think it has been such a disappointment that there will be extraordinary reluctance by the international community to set up any new ad hoc international tribunals. What we've seen more recently, because of the very negative experiences of the ICTR, and to a lesser extent the International Criminal Tribunal for Yugoslavia (ICTY) is that when there is a need for justice post-conflict, the international community is more likely to set up a mixed tribunal such as we saw in Sierra Leone and East Timor. Since July of 2002, with the coming online of the ICC, I think there will be less desire to create ad hoc international tribunals.

The Tribunal was set up in Arusha for a number of reasons. The choice of Arusha was a peculiar choice, but it was clear that the international community did not want to set it up in Rwanda for a couple of reasons. One, because the infrastructure of Rwanda was destroyed and secondly because there was a fear that you couldn't get impartial justice in Rwanda after the genocide. I think that the new thinking among international legal elites is that where it's possible to have a court in the country you should do that. This is why we see a mixed national tribunal for Sierra Leone in Sierra Leone, for East Timor in East Timor. When these tribunals close down, they want to have contributed to a professionalized, independent judiciary in these post-conflict societies. The Arusha Tribunal has obviously done nothing in that regard for Rwanda and Rwanda's judicial system.

The Tribunal has been very slow and very costly and I think that is largely because the international community did not set deadlines from the start to make the judges and the prosecutors and all the support staff from the registry realize the importance of finishing the Tribunals very quickly. That was not done and people have been very lazy about getting these trials off the ground. The

expense is also attributed to the fact that the proceedings have been so slow. It's only recently that the pace has picked up, in part because the international community finally set a deadline for 2008 for the Tribunals, both ICTY and ICTR, to finish their work. And so the pace has picked up but the question is whether they will be able to meet that deadline or not. The other thing is that the prosecution at ICTR has for most of the Tribunal's existence not had a very clear strategy and they have taken into custody and have pursued investigations against a wide range of small-fish—low-level targets. That has been a waste of time. The point of the international tribunal was to have been, and should have been, to focus on the alleged architects of the genocide. They had somebody like [Théoneste] Bagosora, the colonel who was thought to have been one of the main architects of the genocide, in pre-trial custody for five to six years before his trial finally began. That kind of delay has been very harmful for the kind of quality of justice that's going to come out of the tribunal. Witnesses die, witnesses' memories fade, and it becomes very difficult to get the necessary kind of evidence into the courtroom this many years after the fact. Hopefully the international community has learned lessons from the failures of ICTR but we'll have to wait and see whether they apply these to the ICC. ■