

The courts have closed, but Gacaca lives on  
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Yesterday Gacaca Courts were officially closed. But you can be sure Gacaca won't go away, either as a concept or as practice. Certainly the debate that the notion of citizens trying fellow citizens and acting as prosecution or defence counsel has generated in the ten years Gacaca courts have been in operation will not end with their closure.

There are several reasons why Gacaca will remain with us.

First, there is what President Paul Kagame mentioned at the closing ceremony – that the Gacaca process, its way of resolving conflict, will live on because it is part of Rwandan heritage, and because in practice the people have come to believe in it. Indeed the Inyangamugayo who acted as judges have earned so much respect that their communities call upon them for advice on numerous other issues.

Dr Phil Clark, who has researched Gacaca for nine years, reports that the proven ability of Inyangamugayo to mediate conflict and provide wise counsel has given them another role in the community as unofficial counsellors and mediators.

Second, Gacaca marks two important, contradictory but also in many ways complementary, aspects of our history. It is inevitably linked to the most tragic and painful period – the genocide in 1994 – and most people will see it in exclusively that connection.

But it has also served to reveal the depth and strength of character of the Rwandan people. We had to dig deep into our resources to come up with a workable solution to the immense problems the Genocide caused. We had to stand firm against criticism and opposition from powerful quarters – from international human rights groups, some governments, lawyers' associations, Genocide deniers and a host of other lobby groups.

The successful operation and closure of the courts in the face of such strong opposition was a test of our courage and conviction. It is also both vindication and proof of the resolve of Rwandans in matters affecting our very existence as a nation. In this sense, the success of Gacaca will be to many Rwandans a badge of courage we can proudly wear and show off.

Another reason why Gacaca won't go away is again what the President said yesterday. Its significance went beyond rendering justice and reconciliation.

The level of our current socio-economic progress is traceable to good governance that is itself a result of the enabling environment created by the success of Gacaca.

Nothing gives one a sense of worth as deciding on something, doing it and succeeding especially

in the face of strong odds. That, Gacaca has done.

In the various discussions on Gacaca one rarely hears mention of its democratising influence. Yet an important legacy of Gacaca is the opportunity it has given citizens to participate in open forum in discussing very important local and national matters. President Kagame called this empowerment whose effect has been the opening up of the so-called political space. Unfortunately, critics of Gacaca ignore this democratic dividend of Gacaca.

However, regardless of these obvious benefits to Rwandans, Gacaca is bound to remain a subject of controversy. Legal formalists will continue to question it, despite the evidence that it has worked. Human rights groups will never accept anything that undermines their reason for existence – quite understandably. We can, therefore, expect that these groups will debate it for a long time to come.

And for some reason, everything Rwandan seems to raise controversy. Perhaps it is because we are going against type and chalking up successes, however modest.

You see, the image of a typical African country created over decades is that of a weak state, beholden to others for its very survival. Failure is fast tagged on Africa.

When you reject the label and tear it off and create an unfamiliar image, you become a subject of criticism. Somehow what you are doing must be wrong and cannot work. You cannot and must not be allowed to create your own image. Every effort will be made to find holes in whatever it is you are doing. And if they are not there, they will be punched.

Those who have arrogated themselves the right to make our image will refuse to see anything good from our actions. And so they will continue to make holes in Gacaca. This has been Rwanda's lot in recent times and will no doubt remain so.

There will continue to be beneficiaries of Gacaca outside Rwanda. Many people have built careers in academia and the media on Gacaca. This won't change. More will earn their PhDs from researching this novel and unfamiliar conflict resolution mechanism. Their work will be made easier by a large body of documents now available in one place.

And so, yes, Gacaca will not go away, and regardless of whatever happens next, it is clear that Rwanda has made a major contribution to legal history and conflict resolution. For this, and many other reasons, it lives on.