The European Union's Political and Development Response to Rwanda

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This study describes the situation in Rwanda before July 2001.

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Acronyms

ACP	African, Caribbean and Pacific countries
AIDS	acquired immune deficiency syndrome
CELON	Cellule d'Appui à l'Ordonateur National
CFSP	Common Foreign and Security Policy
DG Dev	Directorate-General for Development
EC	European Commission
ECHO	European Community Humanitarian Office
EDF	European Development Fund
EIB	European Investment Bank
EU	European Union
GDP	gross domestic product
ILO	International Labour Organisation
IMF	International Monetary Fund
NAO	National Authorising Officer
NGO	non-governmental organisation
NIP	National Indicative Programme
OAU	Organization for African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
ODA	official development assistance
PCAC	Programme Cadre d'Appui aux Communautés de Base
PRGF	Poverty Reduction and Growth Facility (IMF)
PRSP	Poverty Reduction Strategy Programme
SAF	Structural Adjustment Facility
SEP	UN Systems Emergency Plan
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UPRONA	Union for National Progress
USAID	United States Agency for International Development
WB	World Bank
WFP	World Food Programme

Summary

European Union (EU) intervention in Rwanda is determined by the consequences of the genocide that took place between April and August 1994. Rwanda is now emerging from this genocide and war in which atrocities were perpetrated massively by the population, deeply damaging the social fabric and all institutions of the state. The EU, like any other donor has to plan its interventions under constraints including acute poverty and tremendous lack of capacities due to the death or flight of most skilled and educated people, the unprecedented more than 100,000 jailed prisoners waiting to be tried, insecurity and land shortage. Challenges facing Rwanda's government range from justice and reconciliation to democratisation, decentralisation, demobilisation, peace and security, education and political and social reconstruction.

The international community, including the EU, are also challenged: to understand and act upon the origins and consequences of the genocide, to support the rebuilding of the state while acknowledging the Rwandan presence in Congo, to address capacity-building and education needs, to accompany the essential land reform, and to engage strongly against impunity and support the justice and reconciliation processes underway within and outside the country.

For the European Commission (EC) the challenge is to seize the full development potential of the newly signed ACP-EU Partnership Agreement, to relevantly support Rwanda as it emerges from a complex political and socio-economic situation.

Introduction

'Fragile states' are understood to be countries facing latent or protracted conflict (including situations of war), countries emerging from conflict (with major uncertainties as to their future stability) and countries indirectly affected by regional conflicts. Their 'fragility' can take different forms. In extreme cases, state structures have disappeared. In other cases, the central state may appear strong (e.g. in terms of military control), but it lacks legitimacy, controls only part of the national territory or fails to deliver even the most basic services (including in developmental terms). The net result is generally a situation of chronic instability, insecurity, violation of human rights, economic and social collapse, high levels of aid dependency and rising levels of absolute poverty.[1]

This study analyses the EU's development response towards Rwanda, looking particularly into prospects for improvement in terms of policies and instruments under the new ACP-EU Partnership Agreement.[2]

While the legal framework and instruments of Cotonou remain the same for all 77 countries, the challenges of implementing development interventions are greatest in politically fragile countries. The polarisation of the political situation and the weakness of the state (concerning its capacity to deliver basic public services) make obstacles more acute, and the volatility of the political environment makes every policy choice difficult and frail.

Rwanda can be characterised as 'fragile' for a number of reasons:

- the state of *insecurity* still prevailing all over the country and particularly at the northern Congo border;
- the post-genocide inheritance of a *polarised*, *traumatised* and *distrustful social fabric;*
- the *closed political space* due to the general mistrust and insecurity;
- the ambition of the *reforms* underway or being undertaken by the authorities all at once;
- the *genocide litigation* still to be dealt with, which involves the whole country to some degree;
- the serious *shortage of knowledge and capacity* to support reforms and the justice and reconciliation processes;
- the post-genocide inherited *war in the Congo;*
- the acute *poverty*, land shortage and soil erosion (although this characteristic is not unique to Rwanda).

[1] According to this definition, a growing number of ACP countries can be categorised as fragile. This confronts the international donor community with unprecedented demands for complex emergency interventions that can help to restore stability and create conditions for addressing pressing development challenges.

[2] In its article 11, the recently signed Cotonou Partnership Agreement (June 2000) provides a new legal framework and mandate to the Commission and Member States to strengthen the link between development and conflict prevention, management and resolution. The essential idea of the Convention is to use regional, sub-regional and national capacities to attack the root causes of conflict. It is interesting to note that the agreement also makes provision for the necessary links to be established between emergency measures, rehabilitation and cooperation on the ground. These provisions must be considered together with article 8, which sets the basis for the political dialogue, and article 96, which sets its limits and the procedures leading to suspension.

1. Rwanda overview

1.1 Political Situation

The ethnicisation of power and politics has underpinned and undermined Rwanda since colonisation (Storey, 1999). The legacy of the 1994 genocide impinges on every aspect of the political and social situation in the country today. Yet to understand current political and social dynamics requires a deeper and more encompassing approach than merely focusing on the genocide.[3] At present, Rwandan society is understandably fragile and susceptible to further bouts of instability and conflict.

From the 1960s successive Rwandan governments have pursued policies championing the interests of an elite while perpetuating widespread human rights abuses and the norm of active discrimination along predominately ethnic lines. As a result, numerous refugees fled Rwanda, including a heavy flow to Uganda during 1959–63. These Uganda-based refugees formed the Rwandan Patriotic Army (RPA) in 1990. The RPA and its political wing, the Rwandan Patriotic Front (RPF), undertook to challenge the *Forces Armées Rwandaises* (FAR) of the incumbent government through military activities within Rwanda. In response to the hostilities in the early 1990s there was an attempt at a regional peace process (leading ultimately to the Arusha Peace Agreements) involving many of the major parties in the conflict in Rwanda and Burundi, including the RPF and FAR.

Box 1: The Genocide, Security and Ongoing Conflict

Following the signing of the Regional Peace Agreement in Arusha, on 6 April 1994 the plane carrying the presidents of both Rwanda and Burundi was shot down under mysterious circumstances. This event triggered a carefully orchestrated and premeditated genocide in Rwanda of the Tutsis and moderate Hutus by FAR government forces, irregular militia (known as the *Interahamwe*) and ordinary citizens. Over a 100-day period close to 1 million Tutsis and moderate Hutus were killed in the worst genocidal atrocity of recent times. The killing was stopped only by the advancing of RPA forces. In the face of the RPA's advance some 1.5 million Hutus fled in a mass exodus to former Zaire (now the Democratic Republic of the Congo). Amongst the fleeing Hutu refugees were the regular (FAR) and irregular (*Interhamwe*) armed forces perpetrators of the genocide. These forces have continued their attacks from their Congo base and constitute a real threat to Rwandan stability. This threat, in turn, led Rwanda to move its army beyond the Congolese borders, for security reasons, becoming de facto an occupying army. This involvement has prompted widespread criticism from the international community and has led to the first fully regional war in Africa with five countries being involved.

Interahamwe and ex-FAR forces made serious incursions into Rwanda in 1997 and again in 2001. It is now widely acknowledged that the country's political and social situation must be viewed from a regional perspective, as regional context dominates the internal politics of every country concerned and has significant impact on political and economic developments within Rwanda.[4]

Despite the genocide, over the past three years Rwandan Diaspora, both Tutsi and Hutu, have returned in significant numbers, making Rwanda's current population of 8.1 million the largest in its history (IMF, 2001: p. 3). While some see this influx as a measure of the success of current attempts at reconciliation, the return has undoubtedly caused additional political and economic tensions. Rwanda now has one of the highest population densities in the world. It is also notable that a number of refugees left Rwanda for Tanzania and Uganda during 2001.

The structural causes of the genocide and the 'culture of fear' and mistrust are still present. These are central factors defining Rwanda's current politics and society.

[3] For a detailed study of the actual genocide see African Rights (1996). For a historical overview see Prunier (1997). For a recent Rwandan view see Center for Conflict Management (2000).

[4] The Rwandan government comments, "The interlocking violent conflict in the Great Lakes region slows down Rwanda's efforts to achieve national reconciliation and undermines efforts at economic development" (Government of Rwanda, 2000: p. *ii*).

The present government in Rwanda is one of 'national unity' led by President Paul Kagame, former military commander of the RPA. As mentioned, the RPA defeated the previous government forces (FAR) and the *Interahamwe*, which was the militia responsible for most of the genocide. The RPF, the political wing of the RPA, remains overwhelmingly the most powerful political force in the country. Other political parties are severely restricted in their activities both outside and within the National Assembly. Observers have noted with concern an increase in defections, with opponents fleeing the country in the course of 2001.

The 1993 Arusha Peace Agreements articulated a governance agenda for Rwanda to promote positive social and political development. The Arusha Agreements were to become the basis for power sharing between the two movements (and the two main ethnic groups in the country). In light of the 1994 genocide and the war that followed it is remarkable that the Agreements were resurrected. At the centre of its agenda was the application in Rwanda of the principles of democratisation, inclusiveness, decentralisation, justice, rule of law and respect for human rights. Four commissions were created in an attempt to address and carry forward activities towards each of these principles.[5] In concert with political reforms to enforce the rule of law, attempts were made to assert governance through economic reforms and control.[6] Further, a decentralisation process was begun to accompany local elections. To address the issue of over 100,000 prisoners being held accused of complicity and involvement in the genocide, the *Gacaca* jurisdictions were created.[7]

Although these reforms all aimed at ensuring long-term social and political cohesion and stability, security has remained the most pressing concern of the Rwandan government. The government exercises strong control over all institutions in the public sector and maintains a high degree of influence over the media and civil society. Despite several noteworthy reconciliation efforts, Rwandan society remains understandably fragile and is highly susceptible to further bouts of instability and conflict.

1.2 Economic Situation

Rwanda is one of the poorest countries in the world with a gross national product (GNP) of US $237 million (Ministry of Finance and Economic Planning, 1999 & 2000). The UNDP in its Human Development Index ranked Rwanda 152th out of 162 countries in 2000 (UNDP, 2001). The economy has undoubtedly improved since 1994 when it was devastated by the genocide. Yet structural economic problems existing before 1994 persist and will take decades to resolve. Weakness in Rwanda's economy stems from lack of natural resources, poorly developed human resources, high population density,[8] antiquated agricultural practices, environmental degradation and difficulties in management. Both the private and public sectors are small and neither has been developed to meet the population's needs. While agriculture contributes 45% of gross domestic product (GDP) it provides more than 90% of employment (GoR, 2000: p. *vi*). Nonetheless, significant progress has been made in rehabilitating and strengthening the economy, with GDP increasing 5.2% in 2000 and inflation at 2.8%. (IMF, 2000b).

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5 The four commissions are the *National Unity and Reconciliation Commission,* the *Human Rights Commission,* the *Legal and Constitutional Commission* and the *Electoral Commission*. In addition, the current authorities plan to create a *Commission on Corruption*.

6 Through the creation of the *Rwanda Revenue Authority,* the *Office of the Auditor General* and the *National Tender Board*.

7 The *Gacaca* jurisdictions are elected popular juries inspired from a traditional Rwandan system of justice. The jurisdictions are mandated by law to try genocide cases that formal justice has not yet been able to judge due to lack of capacity and excessive caseload. It is hoped that this process will quicken the pace of trials of genocide cases. They will not try those accused of being high-ranking organisers; neither will they have the power of death sentence.

8 Rwanda has the highest population density in Africa, averaging 746 people per arable square kilometre (World Food Programme, 2000: p. 1).

The genocide's impact on the economy

Livestock and crops were decimated during the genocide. While huge amounts of humanitarian aid helped to dissipate the worst effects, most of the aid was given to those who fled Rwanda. The situation now has stabilised. Today humanitarian aid makes up only a small part of overall development assistance and major agencies such as the European Commission Humanitarian Office (ECHO) have departed. Potentially more damaging to the economy in the long term is not the physical destruction of resources, but the fact that most of the skilled population either were killed or fled the country in 1994. This had a catastrophic effect on productivity and even the basic functioning of the already limited private and public sectors. The economic legacy of the genocide is perhaps expressed most crudely in the large number of woman- and child-headed households. Lack of human resources and capacity continues to impact the economic functioning of the country.

Exports, public revenue and income

Tea and coffee products accounted for some 80–90% of Rwanda's export earnings between 1992 and 1998 (IMF, 2000a: p. 48). The EU is its major trading partner, receiving 73% of Rwandan exports and providing 41% of imports in 1997 (IMF, 2000a: p. 41). Revenue collection continues to challenge the government, a problem well noted by the international financial institutions. Along with bilateral donors, these international agencies have sought to bolster government revenue collection abilities, in particular by creating and supporting the Rwanda Revenue Authority. It is difficult to gauge the actual amount of government spending that is made up of overseas development assistance (ODA). But there is little doubt that ODA makes up an extremely significant part of the economy.

Box 2: The Interim Poverty Reduction Strategy Paper

The government developed an interim poverty reduction strategy paper (the 'I-PRSP'), which was presented to donors in November 2000. A full paper was to be developed in 2001. The interim paper proposed four short-term approaches to poverty reduction and sustainable growth:

Adopting policies to increase incomes, employment, labour productivity and rural capitalisation in all its components, including extension services, provision of rural credit and financial services, and support to micro and small-scale enterprises.

Taking actions to improve the quality of life of the poor and stabilise lives of populations in new settlements by ensuring access to primary health care, primary education, water and sanitation, energy and housing.

Addressing the problems of vulnerable groups in rural and urban areas on a sustainable basis, replacing transfers with sustainable livelihoods and establishing a safety net.

Creating training and employment opportunities for unskilled young people and empowering skilled youth to engage in income generating activities,

Source: GoR (2000: p. *v*).

Continuing cost of conflict

While acknowledging the need for Rwanda to have a robust defensive capability, donors have repeatedly called for government to reduce spending on the military. According to the Ministry of Finance, defence comprised 31% of government expenditure in 1999.[9] While reliable figures are hard to come by, the conflict in the Democratic Republic of the Congo is undoubtedly impacting the Rwandan economy, particularly available public expenditure. While a few individuals have become wealthy through profiteering (predominantly of diamonds and coltan) it is generally acknowledged that the war is costing significantly more than is being economically gained for the Rwandan State.[10]

[9] From figures in IMF (2001: p. 17).
[10] See United Nations (2001).

Bleak future?

Several key issues crucial for sustainable economic development remain unresolved. One of these is land ownership, an issue which has been linked to social and ethnic conflicts in the country since the early 1960s and the colonial legacy. Basic human needs such as food security and shelter also remain of pressing concern. There is worry that ODA and general economic improvements are failing to reach or positively impact the rural poor, which does not augur well for long-term economic or social stability.[11] It is unlikely that Rwanda will be able to achieve the 9% GDP growth for the next 15 years targeted in its interim poverty reduction strategy paper (see Box 2) as needed to make an impact on widespread poverty.

1.3 Key Challenges facing Rwanda

As one of the poorest countries in the world, Rwanda faces formidable challenges in attaining equitable sustainable development. AIDS, for example, killed some 40,000 Rwandans in 1999 and the infection rate is 11.21%, which amounts to some 400,000 people. Moreover, the development challenge is intertwined with the political challenge. Since colonial times, Rwandan politics have been characterised by significant abuses of power by whoever makes up the political elite. The destruction and total collapse of so many public institutions following the genocide has forced the current government to rebuild the State from the ground up. Good progress has been made in recent years rebuilding these institutions, yet they are still far from optimal.

Sustainable reconciliation and stability

The reconciliation process arising from the 1994 genocide is an often-stated starting point for repairing the country's torn social fabric. Yet reconciliation should be seen with a much wider historical lens. Indeed in order to break the cycle of violence and abuse, the underlying structural abuses that have occurred over the last 100 years must be addressed in an equitable manner. A nonexistent, limited or partial approach to addressing power abuses has in the past simply compounded the problem for a later date. Many remarkable reconciliation initiatives have been undertaken within Rwanda, and it would be a mistake to think that no progress on this issue has been made. For instance, in order to face the genocide litigation that is overwhelming Rwanda's judicial system, the country has embarked on an alternative system based on traditional tribunals, *Gacaca*. The *Gacaca* process, set to begin in January 2002, raises high hopes for reconciliation.

Sustainable diversified economic development

The subsistence agrarian economy that the vast majority of the Rwandan people relies upon could fail to meet their basic needs. Yet large-scale agricultural reform would require significant changes in cultural practices, as well as addressing other more political difficulties such as land rights issues. In addition, the government and international community are unsure as to what the alternatives to agriculture might be and how best to nurture and pursue them. The need for a profitable private sector, especially small to medium-sized enterprises, is an issue gaining prominence; and the government has embarked on a process of privatisation of tea estates as one method to facilitate this. Clearly equitable economic development alone cannot lead to reconciliation in Rwanda. But improvements in the economic situation of ordinary Rwandans would go some way to promoting stability.

[11] The concern that ODA and general economic improvements were not impacting positively the majority of Rwanda's population was an opinion expressed by a number of those interviewed in the country.

Political pluralism and space for democratic development

There is a marked lack of political pluralism and political space in Rwanda for civil society, opposition, independent media and ordinary grassroots political dialogue. Given the turbulence of recent history, it is not entirely surprising that politics and issues of political power remain so contentious. At present there is no functioning opposition party, the media is strictly controlled and civil society organisations have little room for manoeuvre in the political realm. The government contends that it needs to maintain strong control over political life in order to ensure the security and stability of the country. However, external commentators and many international donors think Rwanda's longer term stability would be better served by greater latitude for informal and formal political pluralism, in order to restore trust and ensure reconciliation and reconstruction of social fabric. While local elections were held in March 2001, opinion was mixed on their significance.[12]

Genuine security for all Rwandans

Security and the lack of it has been a constant concern for all the various actors in Rwanda since colonial times. Since the 1994 genocide, the Rwandan government has pursued security by attempting to defeat militarily the *Interahamwe* and ex-FAR forces both inside and outside its borders. Along with many international observers, the government has contended this is the only way to ensure the long-term security and stability of the country. While removal of the *Interahamwe* threat would go considerable way to promoting stability, there are those calling for a more encompassing definition and approach to the security problem. The lack of security felt by the Rwandan population (including survivors, returnees and those who fit into neither of those categories) requires a more nuanced approach than simply the military defeat of the Ex-FAR and its allies. Although there is little agreement on how it might be pursued, equitable security for all segments of Rwandan society remains a pressing prerequisite for political and economic development.

Impact of regional stability on development

Rwanda's future is inextricably linked to that of its neighbours. The region's political and economic volatility will ultimately hamper any meaningful attempts to address the internal development challenges that Rwanda faces in a unilateral fashion or any development attempt in the Democratic Republic of the Congo and Burundi. Rwanda's military activities in the Congo represent at least a partial attempt to control affairs beyond its borders, even though it is also a violation of its neighbour's territorial integrity even if the Lusaka Accord puts the Rwandan presence on an equal footing with that of the Angolans and Zimbabweans. The Rwandan government, neighbouring countries and the international community often have competing and incompatible visions for the region. The regional war taking place on the Congo's territory is characterised by interlaced political, military and economic dynamics which are reinforcing ethnicisation of the conflict. Few informed commentators would deny that unless some degree of equitable regional political and economic stability is achieved, the long-term outlook for Rwanda is further insecurity and lack of development.

[12] See Human Rights Watch (2001).

2 International Donor Response to Rwanda

2.1 International Response in Historical Perspective

Development assistance to Rwanda can be divided into two distinct phases in terms of donor involvement: the pre-1994 genocide phase and post 1994 genocide. Before 1994, Belgium, France and to a lesser extent Germany and Switzerland provided significant bilateral ODA to traditional development activities. The aftermath of the 1994 genocide brought a number of new donors and significantly more resources to Rwanda. It has been contended that the way in which aid was given in the lead up to the genocide certainly did nothing to dissipate the likelihood of the violence, and may even have been a contributing factor.[13]

2.2 Current Situation

While the development needs are huge, there is concern that the capacity to absorb and effectively administer the large amounts of aid being given to Rwanda may be somewhat limited. Some Rwandans interviewed felt that donors' understanding of the present situation was on many levels quite superficial, and that this is leading to bad development programming and poor political decisions. Furthermore, the acute shortage of qualified labour cannot be overemphasised. This problem will likely constrain any real attempt at development for another few years.

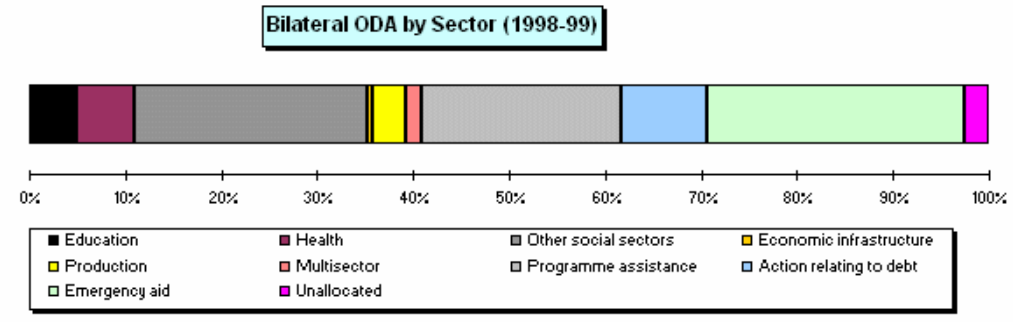
2.2.1 Aid Flows

Rwanda

Net Receipts	1997	1998	1999
ODA (US$ million)	230	350	373
Bilateral share	78%	60%	48%
ODA / GNP	12.4%	17.3%	19.2%
Private flows (US$ million)	- 1	1	1

For reference	1997	1998	1999
Population (million)	7.9	8.1	8.3
GNP per capita (US$)	210	230	250

Top Ten Donors of net ODA (1998-99 average)	(US $m)
1 IDA	63
2 EC	33
3 UNITED STATES	31
4 NETHERLANDS	25
5 UNITED KINGDOM	24
6 BELGIUM	22
7 SAF & ESAF	20
8 GERMANY	20
9 WFP	19
10 FRANCE	17



Sources: OECD, World Bank.

[13] See Uvin (1999).

While ODA sums have not reached the massive levels of 1995 – they topped US $705 million in the immediate post-genocide humanitarian phase when world attention was focused on Rwanda – ODA remains highly significant (Fraure, 2001: p. 230), especially as more aid is for investment and development while the 1995 flows were overwhelmingly short term in nature and in large part for refugees in the Congo. The years 1996–98 marked a significant decline in bilateral ODA as donors spent less on emergency aid in the country. The Rwandan government has often protested that insufficient aid is targeted at increasing its own capacity. However, since 1998 it has received more ODA as direct budgetary support.[14] Also since 1998, the emphasis of aid has shifted from mainly emergency and relief efforts towards achieving sustainable development and transformation in agriculture, education, reconciliation, human rights, health and governance.

Table 1: **Sectors receiving Largest Amounts of Aid in Rwanda, in Millions of US$**

	1994	*1996*	*1998*
Social and infrastructural services	**25.6**	**77.7**	**93.8**
Programme assistance	**24.4**	**14.4**	**76.6**
Emergency assistance	**88.5**	**136.2**	**63.8**
Food aid	**15.9**	**10.9**	**26.8**
Health	**3.9**	**10.9**	**18.7**
Education	**9.2**	**14.8**	**15.2**

Source: DAC–OECD (2001).

2.2.2 Major Players and Mandate

The most significant bilateral donors can be divided into two broad categories: those involved in Rwanda before the genocide of 1994, namely Belgium, France, Germany, Switzerland and the USA, and those that became involved after, the UK, the Netherlands and Sweden. EU Member States currently active in Rwanda are Belgium, France, Germany, the Netherlands, Sweden and the UK. The USA, Canada and Switzerland are also represented.

EU Member States

EU Member States in Kigali differ in their analyses of the current political landscape of Rwanda and the region. In fact, they tend to be quite polarised in their views on and approaches to the current situation, particularly concerning Rwanda's prolonged presence in the Democratic Republic of the Congo. At each end of the spectrum are France and the UK, with the others falling in-between with mostly proactive and incentive-based approaches. Since the genocide, France has yet to totally resume its structural cooperation with Kigali and is without a doubt the most cautious Member State. The UK, on the other hand, has developed a close development partnership with the Rwandan government. The differences in viewpoint are mirrored in the way each Member State disburses its ODA (see Box 3). A good illustration of political positioning in a fragile state is the level of each Member State's direct cooperation with the Rwandan government. The Member States' strategic choice of development sectors in which to be active (i.e. education, agriculture, governance) is determined by a combination of factors: mandate, global strategic priorities for ODA, historical involvement in the country, and Rwanda's specific development needs. The main methods by which Member States distribute ODA are decentralised cooperation, co-management, direct implementation and direct budgetary support.

[14] For a comprehensive overview and analysis of ODA in the pre- and post-genocide phase see Baaré et al. (1999).

Box 3: Member States' Approaches in Providing ODA to Rwanda

Belgium

The application of the provisions of the Lusaka Accords constitutes the main condition to a return to full-fledged partnership with Belgium, though Rwanda remains the largest beneficiary of Belgian external aid. Belgium's support to Rwanda totals €18.5 million per year, of which around €11 million is direct bilateral support, mostly implemented by the Belgian Technical Cooperation (BTC). In line with its concern about the possible misuse of direct budgetary support and its fear of fuelling the conflict, Belgium has concentrated on programmes rather than budgetary support. Its system is one of co-management of aid, very similar to the EC national authorising officer system. Its approach is much broader (or less focused) than that of the Netherlands or the UK, covering sectors ranging from rural development and economy to health, infrastructure, education and justice. Belgium recently pledged an extra €7.5 million to support the judicial system, with Brussels especially concerned with *Gacaca*. Belgium's interest in supporting *Gacaca* is also reflected in its funding of international and local non-government organisation (NGO) projects. Rwanda is, for Belgium, one of the most important partners, and is subject of an ambitious action plan to accompany the end of the Great Lakes crisis: *A Partnership towards Peace, a Partnership in Peace.*

Sweden

Sweden has adopted a country strategy for Rwanda within the framework of its regional strategy for the Great Lakes region. It seems to be the only one applying this regional, strategic approach for Rwanda so far. Most other bilateral donors seem to have a country-to-country approach, although Belgium has just announced a regional action plan, which has not yet been translated into specific strategic planning in Rwanda. The Swedish International Development Cooperation Agency (SIDA) has a five-year commitment to Rwanda, although it does maintain a cautious view on long-term commitment and monitors the situation continually. Sweden concentrates its interventions in areas such as peace, stability and reconciliation; democracy and respect for human rights; economy and macroeconomic development; and building capacity, institutions and competence. Its current emphasis is on addressing the human resources vacuum.

The Netherlands

The Netherlands has the most decentralised system of aid in Rwanda with the embassy responsible for US $20 to $25 million (some €25 million). This is distributed according to broad plans – a framework approach – which are drawn up by the embassy and approved by headquarters in the Netherlands. While there are no ministerial directives, absorption capacity must be deemed sufficient and programmes must include adequate gender and human rights components. The Netherlands focused on justice, human rights and decentralisation in 2000. In addition, Dutch aid included controversial measures, such as support to build a new prison; small innovative projects, such as assistance to interethnic sporting bodies and leagues; and actions such as direct contracts with prefectures to manage amounts of up to €6 million as a pilot decentralisation project. The Netherlands is highly regarded for its flexibility and innovation among the bilateral donors and also among civil society and international NGOs.

France

France has not resumed its aid to Rwanda in a measure comparable to its support to the previous regime. France implements its aid activities directly. None of its projects is being implemented by Rwanda at this stage. Initiatives focus on health, education and community development, with France spending a total of €8.6 million on aid in Rwanda, in addition to providing nine technical assistants to the country. Further, France works in a 'deconcentrated' manner, offering direct support in various areas of the country. Of all the bilateral and multilateral donors, France is by far the least involved with the Rwandan government.

United Kingdom

The UK's Department for International Development (DFID) has pledged very long-term support to Rwanda and remains one of the Member States closest to the Rwandan government. DFID in 2000 announced assistance of £63 million (€105 million) over three years in direct budgetary support for reduction of poverty and promotion of economic growth and good governance as defined by the Rwandan government. DFID's sector-wide approach (SWAP) in education, financed through direct budgetary support, is highly controversial inside and outside Rwanda.[15] DFID defines its supportive and proactive policy towards Rwanda in these terms:

[15] The UK earmarked £21 million (€35 million) for the SWAP in education. Much of this is coordinated from a DFID office within the British Embassy in Kigali. The embassy also manages a small grants scheme of some €0.3 million.

"DFID's policy in Rwanda is based on the perception of Rwanda as a special case of international assistance. It is also defined by the lack of other donors prepared to work closely with the Rwandan government which DFID regards as:

- appropriate given the extraordinary achievements of the Rwanda Government since the genocide and
- the best chance of contributing to long-term development in Rwanda.

The main focus of budgetary support, with associated technical assistance, is to improve management of the budget and ensure that the Government provides improved social sector services to the Rwandan population. DFID wishes to work increasingly closely with other donors and also to encourage other donors to work through the Government systems and help build Government capacity on a long-term basis."[16]

Germany

German programmes are targeted around good governance, education, rural development, infrastructure and health, with Rwanda being in Germany's first category for development assistance. Characteristic of German cooperation with Rwanda is its early return to the country after the genocide and a particularly compassionate approach towards the country's suffering. In terms of cooperation, Germany's intervention aims at reaching mainly rural areas, outside of Kigali. Executed by *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ), German technical cooperation amounted to €4.4 million in with financial cooperation totalling €40.5 million. On top of this, the German Embassy manages a micro-project fund.

The choice of which financial instrument is appropriate for dealing with a country such as Rwanda is the most sensitive point of debate among Member States. Their responses range from direct budgetary support (to the central government or to decentralised authorities, with or without a sector-wide approach) to co-management of funds or direct project funding.

The high degree of incoherence or, better said, disagreement among EU Member States in Rwanda inhibits their taking appropriate joint measures to tackle the most acute needs of the country (human security, food security, education, health) or the most important political challenges (peace in the region, reconciliation, political space). Yet acting together they could have more than the needed critical mass (both financial and political) to act decisively.

Multilaterals

The main multilaterals based in Rwanda are, among the UN agencies, the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF) and the World Food Program (WFP), the World Bank, alongside the International Committee of the Red Cross. The multilaterals' strategies and approaches are based on their respective mandate, competence and historical focus of activities, adapted to varying degrees to fit current perceived needs in Rwanda. This approach has yielded not radical reinterpretations of how to undertake activities, but rather conventional operations lightly adapted to suit Rwanda's highly specific context. Promotion of reconciliation and peace-building, for example, is an often-stated aim of aid projects. Yet, there is a certain lack of technical know-how on how to implement and evaluate such activities which makes some improvisation necessary.

While acknowledging that Rwanda is a special case, most multilateral agencies have seemed more comfortable with planning and undertaking projects based on 'conventional' ways of working rather than undertaking significant adaptation. UNICEF, for example, is applying its strategy of moving from relief to rehabilitation to development in Rwanda; the UNHCR includes reconciliation initiatives in its repatriation of refugees; and the International Red Cross scaled up its operations in Rwanda (as opposed to other countries) to meet the needs of prison inmates. It is perhaps unsurprising that the multilateral agencies' organisational cultures and mandates seem to have far more effect on strategic and operational decisions than on decisions taken in the field in Rwanda. The merits of being genuinely 'adaptive' to the specific needs of Rwanda are not clear-cut for multilateral agencies, and the 'risks' of challenging existing ways of working and stretching mandates are keenly felt.

[16] DFID Policy Statement, British Embassy, Kigali.

UNDP is currently moving away from promoting 'rehabilitation with a development face' to longer term development activities. Its current areas of focus are governance, reconstruction and reconciliation and justice – including human rights. There seems to be a fair degree of flexibility for the UNDP country office to develop its own strategy for Rwanda, as long as it is not at odds with thinking at UNDP headquarters. The UNDP sees its field-level flexibility as a major 'value added' in Rwanda. Its programmes are organised more on a framework basis, in which budgets can be changed and individual projects revised to meet evolving circumstances. Nonetheless, this flexibility in planning and execution is tempered by dependence on actually receiving donor funds (which is determined by donors' individual priorities).

Building up both trust and critical two-way dialogue with the Rwandan government is a particular challenge for the UNDP, especially in dialogue on the future governance program or the Poverty Reduction Strategy Paper. In the past the UNDP has been criticised for not assuming its leadership role in terms of coordination, having insufficient strategic focus (trying to cover too broad a scope of activities), and having too high a turnover of staff (especially resident representatives and middle-ranking employees). While some of these difficulties relate to the political circumstances of Rwanda (i.e. the great variety in donor priorities and major development needs in all areas), others are viewed as stemming from within the UNDP and the UN system.

In December 2000, the International Monetary Fund (IMF) and World Bank announced that Rwanda would receive US $810 million in debt service relief under the enhanced Heavily Indebted Poor Country (HIPC) initiative. This significantly reduced the country's outstanding debt and debt servicing, freeing up resources for reallocation to policy priorities directly determined by the Rwandan government. The concomitant ending of the multilateral debt initiative meant however that at least in 2001 there was no such net additional resource availability. The World Bank is also engaged in a number of development programmes in Rwanda[17] ranging from education to rural development and private-sector support. These are lending programmes with the implementing partner being the appropriate government ministry.

Donors had mixed responses to the Poverty Reduction Strategy Paper (PRSP) process as a way of coordinating aid and ensuring complementarity within Rwanda. However, some Member States, namely Sweden, the UK and Germany declared an interest in working under the paper provided the multilaterals (the World Bank and UNDP) took the lead. While the interim PRSP does represent the most coherent attempt yet at generating consensus on Rwanda's development needs for donors to coordinate their activities around, it in itself cannot bring about coordination. The World Bank, for its part, has not assumed a coordinating role and most donors interviewed were sceptical about its utility as a coordinating agency in Rwanda.

2.2.3 Coordination Mechanisms

While the impetus and mechanisms for coordination were certainly stronger in the humanitarian/emergency phase of 1994–98, the need to coordinate ODA in the country remains. At present, however, there is still uncertainty about which entity should provide direct leadership, or indeed, if direct leadership is even desirable or achievable. The challenges to donor coordination in Rwanda are similar to those elsewhere. At the regional level these include the divergence of political interests being pursued. Within the country a main challenge is the lack of mutually agreed or complementary mechanisms for planning initiatives and disbursing funds. Even when donors fund similar projects or activities they rarely do so in a mutually complementary way. For example, most major donors funded the National Unity and Reconciliation Commission; and almost all funded it differently. While donor officials in Kigali generally know one another and, to a certain extent, one

[17] Examples are a US $40.8 million trade and private-sector development project, a $7.5 million regional trade facilitation project, a $50.18 million rural sector support project, a supplementary credit to the economic recovery credit programme and a $35 million human resource development project in the area of education.

another's programmes, this in itself does not constitute actual coordination. Despite a number of high-level multi-donor meetings held with the Rwandan government outside the country, it has been noted that "the lack of strategic partnerships and co-ordination has been a recurrent theme [of donor involvement in Rwanda]" (COWI & CDR, 2001).[18]

EU coordination

Political cooperation among EU Member States in-country is generally felt to be good by the political representatives on the ground in Rwanda. However the connection between political and development coordination by EU Member States is acknowledged to be weak but improving. The EC Delegation lacks appropriately qualified staff but has some capacity to take on sectoral coordination in one or possibly two areas, such as justice. Yet some bilateral donors feel that the Delegation's power and latitude to coordinate is limited and at times directly hampered by the Commission in Brussels. An EU monthly meeting on aid, for example, was felt to be a 'coffee club', an information sharing session with no fixed agenda. While on one level this was seen as useful, it could not be construed as coordination.

Some Member States felt that a 'technical' forum would be useful for coordinating the functional aspects of EU aid in Rwanda. Proponents suggest such a forum could have more utility than a higher level political forum, as it would be less likely to evolve into a stalemate because the agenda would not be dominated by Member States' divergent views on the merits of various political approaches to aid (such as budgetary support versus programme support).

UN coordination

The UN has suffered a dearth of moral authority in Rwanda following its failure to stop or even limit the genocide of 1994. This loss of moral authority has affected its ability to assume a leadership role in the country – in terms of dealings with both the Rwandan government and donors. Prior to 1998 many donors disbursed their funds through the UNDP-administered UN Trust Fund for Rwanda. This brought about a degree of coherence and a large amount of flexibility. Yet the Trust Fund had many critics, and once the bilateral donors established or re-established themselves in Kigali they were quick to take on the management and direction of their own ODA. A tentative proposal to adopt a 'strategic framework' for coordinating aid in Rwanda, as was developed in Afghanistan, was met with limited enthusiasm. The UN's Common Country Assessment (CCA) leading to a UN Development Assistance Framework (UNDAF) for Rwanda was finalised in late 1999 and launched in 2000. Its goal was to "provide an in-depth analysis and common vision of the key development challenges facing Rwanda" (UN Rwanda, 1999). Yet studies have noted the UNDAF's failure to meet expectations and the UNDP's failure to fulfil coordination needs.[19]

'Like-minded' donors

Several donors have similar views and see themselves as 'like-minded', despite differences in approach and instruments. In the field of justice these donors are the Netherlands, Switzerland, Canada and Germany. Together they finance most of the key human rights organisations, keeping informed of one another's activities and planning co-financing in some cases. The joint Dutch-Swiss funding of a technical assistance unit within the sixth chamber of the Supreme Court,[20] in support of the *Gacaca* process, is a perfect example of the flexibility and complementarity existing within this group. Most civil society organisations cited those four agencies as the easiest to work with.

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18 COWI & CDR (2001) also includes a comprehensive listing of such meetings.

19 See COWI & CDR (2001).

20 The sixth chamber of the Supreme Court is organising the *Gacaca* jurisdictions. This requires such an unprecedented logistical capacity that there was an obvious need for highly qualified technical support. This is to be provided, among others, by a joint technical support unit of three technical assistants, as was decided at the embassy level.

Government coordination

The Rwandan government has expressed dismay at the lack of aid channelled directly through it. The reason has been donors' lack of confidence in the government coordination mechanism, 'CEPEX', which they consider to be weak and lacking in human and physical resource capacity. Yet some donors have been slightly contradictory in their response: they acknowledge that the primary coordinating role should be taken on by government, but they are unwilling to give the government the necessary resources, time or authority to actually take on this role. The government itself recently acknowledged its weakness in coordination (UN-IRIN, 2001).

2.2.4 Regional Perspective on Aid

Rwanda receives significantly more aid than its neighbours Burundi and the Democratic Republic of the Congo, having received US $373 million in 1999 compared with $74 million for Burundi and $132 million for the Democratic Republic of the Congo (though structural aid to the Congo was recently resumed for €120 million, increasing the latter figure) (Fraure, 2001: p. 230). This asymmetry has caused difficulties such as refugees flowing across borders to gain access to humanitarian assistance and skilled and semi-skilled workers moving into Rwanda from neighbouring countries to obtain jobs that are directly or indirectly funded by development assistance. As the main developmental and political problems are regional in scope and origin, with refugee and migration across borders a historical feature of the Great Lakes, it is inevitable that giving substantial resources to one country, without their being matched throughout the region, will cause difficulties and resentment among neighbours.

The lack of regional strategies[21] among the donor community is particularly worrisome since most have a presence in several countries of the Great Lakes region. Their presence throughout the region should lead them to a much more integrated approach, especially regarding interrelated issues such as security, uncontrolled armed forces, refugee movements, HIV/AIDS, ethnic tensions, arms and natural resources trafficking and traditional trade movements.[22]

2.3 Key Challenges facing the International Donor Community

Neither development nor rehabilitation

Rwanda is in neither a strict developmental nor a rehabilitation phase. Many donors complain that they are insufficiently 'tooled' to respond to this situation. Others contend that the tools are sufficient, but the agencies must think more creatively about how they should be applied. Donors also face difficulty in hiring and retaining qualified staff. An emergency phase and a development context are each attached to certain types of resources and ways of working. The present situation in Rwanda, like many politically fragile states, being neither strictly humanitarian nor development, has left agencies at a loss for specialist staff and appropriate tools with which to respond. The judicial system, for instance, is in an acute emergency phase due to the genocide litigation waiting to be resolved. Equally, there is an urgent need to rebuild state institutions. Again, this is a sector where 'emergency' interventions are uncommon, leaving development workers poorly equipped for the challenges they face, particularly with regard to the speed of response required.

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[21] With some notable exceptions such as Sweden, the International Red Cross, and in the near future, Belgium.

[22] This also applies for the Democratic Republic of the Congo and Burundi. See ECDPM Discussion Papers *EU Development Response towards Politically Fragile Countries*, case study Burundi and case-study Democratic Republic of the Congo.

Government, donors and development

It is generally accepted development wisdom that an efficient and responsive public sector is essential for sustainable development. Yet donors have taken distinctly different approaches to working with the Rwandan government for a variety of primarily political rather than technical reasons. Those wary of collaboration with the government often mention its involvement in the war in the Congo as a point of major concern. Others continue to work closely with the government, and some, such as DFID, even channel substantial resources in budgetary support through the central government. France and Belgium are openly critical of this approach, while other bilateral agencies express some degree of concern in private about budgetary support. Achieving an appropriate level of critical engagement with the Rwandan government has thus posed a considerable challenge for Member States. Depending on the analysis, donors have been accused of not being critical enough or being too critical of the government.

Questioning motives to address the right issues in the right way

In order to address the right problems and respond to them with adequate solutions, the donor community may need to take the time to question its own involvement in Rwanda before 1994, as well as the origins of the conflict and tragic events leading up to the genocide. In the same way, it needs to address the reality of the regional conflict, being a consequence of the genocide.

A deep analysis of the events leading to Rwanda's situation and its presence in the Democratic Republic of the Congo would be a step towards a development policy that addresses the root-causes of the conflict.[23] This deep analysis of the conflict should be seen as a prerequisite for addressing politically sensitive interventions like demobilisation and reinsertion of armed forces at the regional level, implementation and support to the Lusaka Accords, and the use of incentives and sanctions to respond to the regional challenges of insecurity and instability.

Understanding and meeting special needs

Rwanda has a variety of special needs, particularly in terms of large-scale reconciliation. Yet to meet these needs, the donor community has no real historical precedence to draw upon for guidance. Meanwhile, educated Rwandans and some aid officials have expressed concern that donors' understanding of Rwanda's complexity and needs is superficial and that insufficient effort has gone into learning lessons from past aid engagement in the country.[24] Few specialists are capable of undertaking the type of situation and impact analysis required to gauge the success or appropriateness of donor activity in the Rwandan context. In many cases, even though it is too early to judge impact there is tremendous pressure to demonstrate positive results. There is also concern that 'high profile' special needs are more popular with donors (such as supporting the judicial process around *Gacaca*) rather than long-term, lower profile and less innovative activities like agrarian reform. Rural development and access to land appear to be low on donors' agendas, even though they may offer the only path to food security and are key elements of reconstruction and social reconciliation. Clearly an appropriate balance and a more thought-out overall strategy needs to be struck between special reconciliation needs and more conventional development needs.

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[23] We refer here to the conflict as the genocide and massacres and the armed presence of Rwandans in the Democratic Republic of the Congo. The need to address the root-causes of conflict is embedded in most of the literature on development and humanitarian intervention in conflict situations, from the OECD Development Assistance Committee (DAC) and the World Bank, and is clearly stated in article 11 of the Cotonou Convention.

[24] Interviews conducted in Kigali, January 2001. Two comprehensive works detail past failures of development and humanitarian activity in Rwanda: Peter Uvin's *Aiding Violence: The Development Enterprise in Rwanda* and *International Response to the Conflict and Genocide: Lessons from the Rwandan Experience – Study 1,2,3,4,5* produced by the Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda.

Lack of consensus on development needs

There is a lack of consensus among donors on what are the most pressing development needs of the country. This has militated against coherence and complementarity in meeting these needs. Building consensus on what the needs are is problematic, however, given donors' differing mandates, priorities derived from headquarters, and histories of assistance. This lack of consensus makes any type of coordination difficult to achieve.

Building and rebuilding human resources

Rwanda's capacity to absorb aid effectively is limited by the lack of appropriately qualified staff and effectively functioning organisations, according to some. Building and retaining human resource capacity across the board is one of the most difficult challenges donor agencies face. Human resource capacity needs to be built within the government, civil society, and the private sector if development activities are to be implemented effectively. As an example, of the 784 active judges only 67 are jurists. Since all County Court's Presidents must be jurists, it is common to have courts in which the president is young and freshly graduated while the judges are experienced men, much older but not qualified as jurists.

Donors such as the Germans and the Swedes have acknowledged the shortage of qualified staff as the major challenge and have targeted resources accordingly. Other donors such as DFID and the EC are building capacity within government, but generally express frustration at the lack of qualified personnel to implement programmes within government ministries. The most common response has been to provide the targeted ministry with technical assistants, expatriates or 'consultants' (qualified Rwandans placed in the ministry at a much higher salary than average as an incentive to work for a short term). This, however, can be construed only as an emergency measure. Donors must seriously address the capacity issue, aiming first at greater sustainability. DFID's sector-wide approach (SWAP) on education, provides a longer term vision than the presence of technical assistants in public administration bodies. In a post-conflict setting, education is also a means towards peace and reconciliation. The history of the misuse of schools to channel intolerance and ethnic violence is such in Rwanda that donor support to the sector, beyond the obvious need for sector strengthening, can become part of a stabilisation strategy.

Promoting a culture of sustainability

There is a distinct question regarding the sustainability of many of the programmes and projects currently being undertaken in Rwanda. Capacity-building among Rwandan civil society and many of the activities of international NGOs seem almost wholly dependent on the amount of donor funding locally accessible. The impact of these activities may be difficult to sustain if there are fluctuations in available funding or if donor funding priorities change. UNHCR mentioned that lack of donor funding has seriously undermined the sustainability its reconciliation activities, as it has been unable to build on work already undertaken in this area (UNHCR, 2000). The UK sees long-term commitment as a way to respond to questions of impact and sustainability. In the face of certain donors' reluctance to fund the government directly, a substantial presence of expatriates and technical assistants within ministries has become common. This in itself does not help build sustainable Rwandan human resource capacity.[25]

[25] There still is a lack of qualified indigenous Rwandans, so use of technical assistants is not determined purely by political considerations.

2.4 Trends in international donor response

Shifting focus from humanitarian to development

The shift from primarily humanitarian activity to longer term development work has been a feature of aid in Rwanda in recent years. This transition has not been particularly smooth however. One reason is because many donor institutional structures (such as DEV and ECHO) do not lend themselves well to a smooth transition. Second is the fact that the current situation on the ground in Rwanda is neither strictly 'developmental' nor 'humanitarian'. The utter lack of long-term vision while navigating through the transition phase, for most donors, could partly explain this 'bumpy' transition. One notable exception is UNICEF: UNICEF not only acknowledged the transition but strategised it into a three-year bridging programme. The programme's aims are to change government and NGO perceptions of UNICEF from donor to partner, to reassess priorities, and to change staff profiles to fit the new development purposes.

Valuing flexibility – within a long-term vision

Donors, international NGOs and local civil society groups generally recognise the importance of being flexible in the types of funding given to match Rwanda's evolving circumstances. In view of the uncertainties raised by the past and present crises, donors must allow a margin for unforeseen needs and expenses. For instance, refugee flows are highly dependent on the evolution of fighting. Programming systems, however, tend to be rather inflexible, with fixed frameworks of intervention from which it is difficult deviate. Only the Netherlands and Sweden were pointed out as having sufficient latitude in-country to be genuinely flexible donors. However, most officials consulted commented that flexibility and innovation of personality among donor staff was more important in actually 'getting the job done', than flexibility in institutional procedures. The Dutch and Swedish systems both accord a relatively high financial autonomy to the country offices and incorporate the offices in defining priorities. With the right staff on the ground, enthusiastic, aware and well-informed, combining flexibility and long-term vision, the two embassies have achieved more impact than some having heavier budgets but also weightier procedures and greater planning and management control from headquarters.

Reconciliation, human rights and justice

Needs in reconciliation, human rights and justice are a preoccupation of all donors in a country coming out of such atrocities and still experiencing ethnicity as a pervasive socio-political tension. Here again, most donors seem poorly equipped for such interventions, apart from specialised NGOs highly regarded and broadly recognised as able to act on such intangible dimensions of social reconstruction. What can donors do to support reconciliation in a post-genocide setting? In spite of the claimed will to attack the root-causes of the conflict, interventions are mostly limited to supporting a small group of chosen local NGOs and organisations, supporting *Gacaca* and the judicial system and supporting the Human Rights and the National Unity and Reconciliation commissions. Due to the political environment, few donors are treading into areas like support to political parties, independent media and pluralist civil society. Most reconciliation or human rights programmes tend to respect the present political status quo. Despite the undoubted need in these areas, some development officials expressed concern that reconciliation and human rights were acquiring resources and political focus at the expense of more conventional development needs.

Decentralised cooperation

Donors such as the Netherlands and the EU are cooperating and channelling resources at the prefecture and commune level in a form of decentralised cooperation (see box 4). If this proves successful other donors will likely follow suit. France to some extent provides direct support to

decentralised bodies. At present, Rwanda is undergoing a political decentralisation process, and the hope is that the new decentralised entities will be granted sufficient means to play their role fully. Their first challenge will be support to *Gacaca*, which will require efforts from all layers of the country's administration. Provision of direct technical and financial assistance to local actors is a trend in development cooperation everywhere. But it appears particularly relevant in politically fragile settings where, even if the will exists, state structure is less able to reach the neediest population.

Budgetary support

Despite concerns raised by some in government and parliament, direct budgetary support has become more a feature of aid in Rwanda in recent years. For their part, donors have been concerned about the fungibility of funds in a country actively involved in a military struggle on foreign soil. Even those sceptical about budgetary support accept that if strictly monitored and used in combination with programme support, it is the best way to ensure long-term sustainable development of Rwanda and a strengthened sense of ownership. Nonetheless, those strictly opposed to budgetary support (primarily France and Belgium) are unlikely to back direct budgetary support in the near future. While France and Belgium stand firmly against budgetary aid as bilateral donors, their position is more moderate as members of the European Development Fund (EDF) Committee, as that committee voted in the EC National Indicative Programme (NIP), which implies budgetary aid, without major difficulty. In the politically charged environment there is little real technical debate between the two camps on the merits of their position for or against budgetary support. It is interesting to note that few practitioners question direct budgetary support to local authorities, which could in coming years prove the way forward, even to support sectoral approaches in social sectors.

The EU and the UK are the two largest contributors of direct budgetary support in Rwanda, the former as means of implementing the NIP and the latter in support of its SWAP on education (see Box 6). In light of the acute shortage of capacity and the absence of sufficient liquid assets, the use of direct budgetary support could make sense as an attempt to tackle immediate needs and provide resources where they are most needed, and develop local ownership of policy, provided it is carried out under strict control mechanisms and with due consideration given to Rwanda's involvement in an armed conflict outside its borders.[26]

[26] See EC recommendations in 1999 EC Communication to the Council on *ACP States Involved in an Armed Conflict*.

3 The EU's Approach in Rwanda: Divergent Interests and Priorities

3.1 Overall EU Strategy

There is no common EU strategy or vision for Rwanda and a wide divergence of opinion on political and development priorities and how they should be pursued. Contention is evident both among the Member States and between the Member States and the Commission. While the EU Council did issue a stated common position[27] on Rwanda, covering both domestic issues and its involvement in the war in the Democratic Republic of the Congo in 1999 calling for its compliance with the Lusaka Agreements and UN Resolution No. 1304,[28] this has yet to be translated into a common approach among Member States for interacting with the Rwandan government. One bilateral official commented, "in Rwanda a 'like-minded donor group' is much more important and useful than any EU group in terms of coordinating development activities."[29]

While most concede the importance of coordinated action, there is little enthusiasm among bilaterals to cede any of their autonomy in matters of development assistance for the benefit of a common European agenda. In addition to political differences, the variety of mandates and current development priorities among Member States does not lend itself well to overall EU coherence and complementarity. Bilaterals are naturally keen to see the EC Delegation in Rwanda function as somewhat of a service institution, and not as a '16th Member State'. Support for the *Gacaca* process is the one area in which a relative consensus exists among EU Member States and other bilateral and multilateral donors.

Most bilaterals and some NGOs thought that the EC Delegation's ability to strategise was severely constrained by its lack of decentralised authority under current EC structures. They saw this as hampering every aspect of Delegation work, from taking advantage of developments by funding complementary initiatives quickly, to having authority to coordinate Member States in-country.

3.2 Key Features of EU Cooperation

In March 2000, the European Commission signed the NIP with Rwanda, providing €110 million over five years. Only in 2000 was the 8th EDF programme for Rwanda signed. The 9th EDF will target the rural economy and infrastructure as its two areas of concentration.[30]

The current EC programme in Rwanda is largely the result of the post-genocide interventions since 1995. These interventions moved smoothly from emergency actions in sectors such as food, health and housing (phase 1), to human rights, justice and rural development as more sustainable interventions (phase 2). The transitional rehabilitation programme covered large-scale infrastructure including rehabilitation of tea factories. The 8th EDF commitments to date have gone on a structural adjustment programme (education, health, justice and debt), plus support to NGOs on human rights and *Gacaca*, general support to the Ministry of Finance, funding for the population census, micro-projects and decentralised social development projects. The remaining 60% of the NIP may be used for roads, rural water, and repair of key buildings such as the Parliament and for education or health.

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27 2000/558/CFSP: Council Common Position of 18 September 2000 on Rwanda.

28 UN Resolution Nr. 1304 on Democratic Republic of the Congo, June 2000.

29 Interview of Member State official conducted in Kigali, January 2001.

30 In accordance with the 9th EDF guidelines and the new Cotonou Convention, the NIPs will focus on two major areas in a framework approach.

The EDF[31] is spent in-country via the Ministry of Finance and includes direct budgetary aid. The use of budgetary support is unquestioned as such in the framework of European aid, as it is seen to provide indispensable liquid assets to governments without resources.[32] However, this type of aid raises is the obvious need to monitor expenses carefully and to couple serious conditionality with budget aid; at present, actors in Rwanda resorting to budgetary support acknowledge severe difficulty in tracking the money.

On a more institutional level, it must be noted that the internal European development reform, with the reshuffling of DEV and the creation of EuropeAid Co-operation Office has so far had a negative impact on the effectiveness of the work. The ambitious Cotonou agenda amounts to a shift in culture and will demand the full learning and adaptation capacities of both the EC and ACP sides. In countries like Rwanda, the daily job is complex enough to keep the whole delegation more than busy. They, like their colleagues elsewhere, will be expected to understand and master the Cotonou Convention and the 9th EDF guidelines, to follow internal staff and responsibility movements in Brussels and to engage with the new actors in the partnership.

In general terms, the EC suffers in Rwanda from the reputation of being slow, over-centralised, too complex and inflexible, as in many other places. The Cotonou and 9th EDF procedures 'revolution' are awaited with great impatience to solve the administrative and financial bottlenecks.

3.3 The EC and Member States

Good relations exist between the EC Delegation and EU Member States present in Rwanda. While the French position is widely acknowledged as relatively isolated at a political level, other Member States and the Delegation work well together. This relationship does not always extend to a common position, but certainly dialogue and communication are well developed, thanks largely to the hard work of the Head of Delegation.

3.4 Linking Development Responses and Political Dialogue

There is no clear link between European development interventions and Common Foreign and Security Policy (CFSP), and none of those interviewed thought such a link was a realistic goal, even in the medium term. This is due mostly to the polarised positions of EU Member States on Rwanda and the lack of priority generally given to the CFSP in a complex environment with many competing demands, as well as the complex histories of individual Member States in Rwanda.

The use of CFSP instruments in Rwanda is less common than in Burundi or the Congo. The September 2000 common position[33] signed under French presidency focused on commitment to the Lusaka Agreements (externally) and commitment to the Arusha Accords (internally). The Member States stress the importance of political dialogue[34] to support Rwanda and monitor its progress towards political transition (no later than 2003) and power sharing. They see reconciliation and justice, including through *Gacaca*, as a means to "deal simultaneously with the problem of impunity and to reach a pragmatic solution to the alarming problem of a large prison population awaiting trial under precarious conditions of detention." Further concerns expressed by the common position regard use of the death penalty (in genocide trials), human rights, reintegration and villagisation. The common position is due for review in September 2001 under Belgian presidency.

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31 The suspension of aid is foreseen in Lomé 4 bis (article 366 bis) and Cotonou (article 96).

32 Some argue that budgetary support can prevent looting, such as that happening in the Congo, because it provides the central government with enough financial resources to simply function.

33 2000/558/CFSP: Council Common Position of 18 September 2000 on Rwanda.

34 See Chapter II of the Cotonou Convention, articles 8 to 12.

The other CFSP instrument in Rwanda is the 'Special Envoy for the Great Lakes', based in Brussels but circling the region, nominated by the Council by joint action.[35] This envoy could play a key role in regional integrated demobilisation programs, for instance. Answering directly to the Council and Member States, the envoy has no built-in mechanisms to articulate work with the Commission.

While much of the development activity and expenditure of the Member States in Rwanda is distinctly political in nature, covering issues such as justice, human rights and democratisation, it is clear that many donors see their development programmes as synonymous with political dialogue. The EC has put in place a regional political adviser, based in Nairobi. While the function is absolutely indispensable, linking, from the field perspective, CFSP and development, the representative's mandate is unclear and thus the force of recommendations made from the position is rather weak, both in Brussels and at country levels.

The EC Delegation currently maintains open and productive dialogue with the Rwandan government on issues of concern. While some individual Member States also enjoy close relations with the government, others choose for political reasons to be more distant. Member States generally see maintenance of critical dialogue with government as an important balance to government power. Some external commentators feel that the Member States and EC Delegation in-country have been insufficiently critical in their dialogue with government or that their dialogue has lacked rigour in holding the government accountable for alleged political and human rights abuses. This position would certainly be challenged by some Member States, which contend that behind closed doors they do maintain an appropriate level of critical dialogue in Rwanda.

[35] Joint Action 96/250/CFSP.

4 Adaptations in the EU Approach

The current 'Rwandan paradox' is that one encounters few adaptations in terms of aid management, for the simple reason that many donors see it as a fairly 'normal' country in development management. It is true that in terms of the daily administration of the state, the consequences of the genocide appear to have been overcome. This leads some actors on the ground to forget a little too easily that strong state and fragile society are not incompatible. Rwanda is a fragile society despite it being, to some extent, a strong state.

4.1 Strategic Adaptations

In adapting to the situation in Rwanda the EC and EU Member States have to counter two competing trends relating to organisational culture and political considerations. These are crudely expressed in their extremes as follows: to plan and implement ODA in a conventional manner without adaptation or innovation, much as was undertaken prior to the genocide; or alternatively to plan and implement programmes that focus only on addressing immediate post-genocide needs as they exist in the short term. In their extremes, neither approach would seem to make sense for impacting the long-term development and social needs of such a politically fragile state.

Most donors have made explicit strategic adaptations to respond to Rwanda's special needs in the fields of reconciliation, justice and human rights. Operational choices on how best to support these areas, however, have posed certain dilemmas for agencies.

Meeting the special needs of the judicial system

Gacaca is an interesting example of the official donor's **lack of adapted tools** to deal with fairly unique situations in a flexible and innovative manner. The international NGOs, on the other hand, specialised in support to the judicial system[36] have shown an amazing capacity to transform their knowledge of the field and the stakes into a variety of innovative support programmes, mostly geared towards providing technical knowledge, with donors expected to provide the core financial support.

Box 4: Support for the *Gacaca* Process

As a result of the atrocities committed during the genocide, Rwanda faces, with hardly any human or material resources, one of the most gigantic challenges any judicial system has known.[37]

The *Gacaca* jurisdictions are Rwanda's response to the genocide litigation for which the formal judicial system had no practical answer. Due to the massive participation of the population in the genocide, and despite a large number of the genocide perpetuators residing outside the country's borders, the courts and tribunals of Rwanda, together with the International Court Tribunal for Rwanda (ICTR), have been unable to significantly reduce the genocide litigation caseload. Today, more than 100,000 detainees still wait to be judged. Enormous efforts made by the international community to support the judicial system (and the ICTR) have been inadequate, and all agree that the effort made by Rwandan courts has been outstanding. Even so, the acceleration of judgment procedures and even group trials have only allowed 6,000 accused to be dealt with.

The *Gacaca* jurisdictions will not only allow the victims to at last be accepted as such, but also will open the way for reparation and enable pragmatic and acceptable solutions to be found for the precarious overpopulated prisons, which constitute a terrible social and economic burden for Rwanda. Without *Gacaca*, there would have

[36] In particular, Penal Reform International (PRI), the Citizen Network (RCN) and Lawyers without Borders (ASF).

[37] See Peter Uvin's paper on *Gacaca* or the BTC project document *Projet d'Appui au renforcement de l'Etat de Droit au Rwanda.*

been very little chance for the victims to see their case pleaded or for the right of defence to be respected; by the time the trials would have been completed, most defendants and accused would have passed away and justice wouldn't have been done. For pragmatic reasons, but also because Rwanda is so small a country, reconciliation is the only option for its survival, *Gacaca* has finally won consensus.

There are of course many potential flaws, ranging from the absence of *stricto sensu* right of defence to the high risk of false testimony or even corruption of judges. At first many donors remained aloof, reluctant to support such an innovative and radical judicial system (destined to judge crimes as serious as crimes against humanity and genocide) with so many potential violations of fundamental rights.[38]

But there will be no *Gacaca* without serious engagement of the donors. The venture is titanic, and Rwanda has no chance of achieving it solely on its own capacities. As an example, the exercise will require the election of 260,000 citizen-judges (elected on their integrity), and these judges are to be trained in three months by 700 trainers. The whole population must be sensitised and informed; alternative, community service sentences must be organised; compensation rates must be defined and more. The mere exercise will carry on for months and years, simultaneously throughout the territory. It will mobilise all energies and require all available capacities, plunging the country into a large-scale logistical whirlwind (if only in terms of transfer of detainees all over the country).

After long hesitation (with the notable exception of some like Belgium which had organised donor meetings around the issue in due time), the donor community is embarking on, in a rather disorganised manner, the *Gacaca* process. Some will support actual implementation. Others will provide parallel support through technical assistance to the prosecution so as to have all the files ready or by providing a database. Still others will remain at a cautious distance, financing monitoring programmes from civil society. Financial approaches are, once again, extremely varied, from budgetary support to project funds and even micro-financing; none even remotely matching the enormous financial need. At this stage, the danger of duplication, gaps and competition for visibility is extremely high.

4.2 Institutional Adaptations in the EU Approach

Among the few examples of the EC's modus operandi in Rwanda, one can note the timid start of inclusive political dialogue with civil society representatives. Information sessions have been held on the 'Lomé to Cotonou' shift and the role of new actors and on the potential funds available for *Gacaca* monitoring projects. A real inclusive partnership certainly requires improved openness towards 'unusual' partners and knowledge of who's who in Rwandan society to avoid falling into side-taking in a highly divided society.

Another change in attitude is linked to the unexpected needs arising from *Gacaca*, which have prompted the Delegation to put very specific expertise at the government's disposal in order to help bring about a pragmatic action plan. This ad hoc expert is contracted for a total amount of support to be provided at various times throughout the year, depending on government's call. Similarly, Belgium has provided ad hoc technical assistance on very precise issues to the Department of the *Gacaca* Jurisdictions via a specialised international NGO based in Kigali and thus immediately available.

[38] It has to be noted that the accused will be categorised depending on the seriousness of the allegations against them and the ones belonging to category one (planners and large-scale killers, as well as rapists) will remain in the hands of the formal judicial system to be tried by the formal Rwandan courts. These courts still have the prerogative to pronounce death sentences, while the maximum sentence for the *Gacaca* jurisdiction is 25 years imprisonment.

4.3 EU Instruments and Procedural Adaptation

Programming

While the programming guidelines of the 9th EDF, to be signed this year, will not be met in terms of inclusiveness of all actors, the basic strategy remains one of complementarity. Already the EC Delegation has begun sharing ideas for projects and programming at the draft stage with Member States. While few consultations were held other than those with the government, choices regarding focus areas were made with real concern for complementarity with the rest of the donor community. This has been much appreciated by the bilateral agencies. There will also be scope, via the focus areas, for an innovative response to the overwhelming question of community service, the alternative sentencing system attached to *Gacaca.* The community service system will involve tens of thousands of prisoners and thus requires a realistic action plan (geared towards rural development for instance) and serious funding to put it into practice. The added value of the EC in this is indisputably its financial clout sine qua non to the endeavour.

Apart from the Commission, most actors' programming systems are exactly the same for Rwanda as for anywhere else, except they are geared towards unusual 'emergency' areas such as the judiciary or education (instead of, say, food security and water sanitation). The Netherlands has a useful framework approach, described in box 5 below.

Decentralisation

Implementation of decentralised assistance in a politically fragile state does carry some risk. Introduction of ODA on a selective sub-regional basis could potentially increase sub-regional disparities and therefore tension and instability. However, provided it does not alienate government or other sub-regions, decentralised assistance may prove an efficient way to meet development needs in politically fragile states (see Box 5).

Several other donors are buying into the decentralised approach[39] and the new ACP-EU Partnership Agreement sets the framework for more intense use of the instrument.[40] The EC is implementing a social infrastructure project directly with Rwanda's CDCs (*Comités de Développement Communal*), making full use of and actively supporting the decentralisation process. Theoretically, each district should be able to implement its own local development plan defined at the CDC level. But most districts lack the resources to make use of that prerogative. The EC project responds to the need for both financial resources and technical support in project management and planning.

The core question behind decentralised cooperation is how to choose relevant partners and to promote public-private synergies. In Rwanda at present there is a strong tendency to work either within government structures (as do the EC, Belgium, the UK, Sweden, Switzerland and Germany) or at the local level. Very few work directly with civil society groups or local NGOs, including most international NGOs. The notable exceptions, again, are the 'like-minded' states, namely, Sweden, the UK, Canada and the Netherlands. Belgium has a new fund allocated directly to the embassy to support local organisations. For its part, the Delegation will have to acquire new approaches to comply with the Cotonou provisions calling for involvement of the 'new actors'.[41]

[39] Switzerland and France for example.
[40] See the ECDPM *Cotonou Infokit* (2001).
[41] See the ECDPM *Cotonou Infokit* (2001).

Box 5: Decentralised Approach of the Netherlands

The Netherlands has provided direct support to certain prefectures to meet the governance goal of decentralisation, including €4.5 to €6.4 million to one prefecture. This assistance complements the Rwandan government's own strategy for decentralisation and democratisation. The rationale being that in some cases there is added value in going through the local government directly to meet certain development needs. It is a pilot project overseen by a group of experts and Dutch Embassy staff and relying on formal and informal progress reporting. This approach could be replicated elsewhere if it is deemed a success.

The strength of the approach lies in three elements:

- its high degree of ownership (it is a contract signed with the prefecture directly and the prefecture defines its own strategies and action plan)
- its high degree of flexibility and combination of tight and loose control (formal and informal monitoring system)
- its capacity to evolve depending on circumstances and needs (the project will encompass a *Gacaca* dimension that was not foreseen at its start)

The highly decentralised flexible approach of both the Netherlands and Sweden is seen as a particularly effective way of funding civil society organisations and international NGOs. Their flexibility stems from a framework approach, rapid local disbursement mechanisms, embassy-based management of funds and a great deal of decision-taking decentralised to field offices. Both the Swedes and the Dutch have used this flexibility to fund activities that other Member States agreed were worthy but were unable to fund at short notice. The Swedish International Development Cooperation Agency (SIDA), which already is among the most adaptable of the Member States, has some flexibility in its programme implementation, allowing it to respond to the specificities of the Rwandan context.

EC funding for civil society

As mentioned, the 8th EDF programme envisages direct funding to civil society and local NGOs in areas such as justice, human rights and reconciliation. The EC's shift to funding civil society organisations to work on justice and human rights issues through small grants administered by the Rwandan Ministry of Finance does raise questions of how autonomous these organisations will actually be on such sensitive issues. At present the EC Delegation is ill-'tooled' in terms of instruments or human resources to fund civil society directly. However, under the Cotonou Convention and with appropriate qualified staff it could fund civil organisations in this way.

4.4 Coordination and Complementarity

The absence of coordination has been commented upon already. In response to the confusion over who does what in the *Gacaca* matter, the EU and Belgium (as the two main contributors to the exercise) have taken it upon themselves to organise informal donor meetings on the subject, trying, at the very least to avoid duplications and gaps. The task is vast, however, and large group meetings might not suffice to bring actual coordination about.

More effective on this point are the joint project funding experiments of the Netherlands and Switzerland. Their union confers them heavier weight in dialogue with the government, increased potential for impact and more complete technical expertise. As a result, many bilateral agencies and the Commission have expressed interest in replicating the example in other areas, always related to the huge endeavour of *Gacaca*.

4.5 Sustainability

Rwanda's peculiar mix of emergency needs (e.g. in justice, knowledge, and capacity) and sustainability demands, has proven highly difficult to combine, as it requires parallel approaches and programmes within a single sector (such as education). Yet as the country moves on from the emergency phase, both the Member States and the EC are placing more emphasis on ingraining a culture of sustainability in their programmes and programme partners. The clear precondition for any degree of sustainability in Rwanda is a comprehensive capacity-building programme. All donors agree and attempt to act on this idea but the link between capacity-building and long-term donor engagement to achieve sustainability is not always systematic. The most adaptive response to sustainability regarding education is DFID's SWAP (see box 6). Regarding long-term engagement, again, DFID is the only bilateral donor engaged in a 20-year perspective, though some may argue that the EU's Cotonou framework (signed for 20 years) could potentially ensure long-term planning.

Box 6: Comprehensive Sector-Wide Approach of the UK to Education Sector

DFID has adopted a sector-wide approach (SWAP) as an innovative attempt to meet the vast educational needs facing Rwanda. In collaboration with the Ministry of Education and the World Bank a long-term comprehensive strategy for the rehabilitation and development of the education sector was drawn up in which DFID provides £21 in earmarked direct budgetary support (primarily for teachers salaries) and £13 million in technical assistance within the Ministry over three years. The strategy includes all sectors of education in Rwanda and is also designed to build the capacity of the Ministry itself. Having a full-time DFID official in Rwanda dedicated to the education sector has certainly helped the programme's implementation. DFID's decision to take a sector-wide approach is largely understandable given the acute shortage of capacity and knowledge in the country and the absence of liquid assets at the ministry level.

The main criticisms of the DFID approach to education are based on political objections to direct budgetary support. None question the SWAP's ability to make a positive development impact. No evaluation has been carried out as yet, but failure of the program would mean a serious drawback of the UK's highly positive political profile in the country.

The merit of DFID's SWAP is that it provides substantial support in spite of the political risk, giving one of the best examples of critical engagement towards the country. The question remains whether such an approach requires the financial risk of providing budgetary support. Comparatively, while Rwanda is the largest recipient of Belgian ODA, that support is siphoned through co-management procedures in which the use of funds is carefully monitored.

Given the inter-linkage between politics and development in politically fragile states, sector-wide approaches involving budgetary support carry a higher degree of political risk for Member States than do other types of activities. It would be difficult to undertake a SWAP without direct budgetary support, and a SWAP, further, requires appropriate on-the-ground human resources in terms of technical assistance within the ministry and in the donor's country office. A comprehensive assessment of the risks versus benefits (both political and development) could provide an indication of the merits (and appropriate modes) of adopting a SWAP in a politically fragile state.

5 Challenges and Opportunities for Improving the EU Response

How could the EU, under the Cotonou Convention, maximise the positive impact of its development and political activities in Rwanda?

5.1 Major Challenges in designing a Coherent EU Approach

5.1.1 Strategic Challenges

- *Acting as Member States v. acting as individual states*

Differences of opinion among EU Member States on the most appropriate development and political engagement in Rwanda severely hamper coherence, complementarity and coordination. There seems to be no clear-cut trend in the donor community between those willing to work under the EU umbrella – or at least to ensure complementarity – and those fiercely attached to their own bilateral uniqueness and visibility.

- *Single-oriented approaches v. mixed strategies*

History, mandate and narrow expertise tend to make it extremely for donors to cover all the range of interventions needed in Rwanda: emergency, rehabilitation and sustainable development. The current response is to stick to one or the other and apply the chosen nature of intervention (from emergency to sustainability) to whatever sector is chosen, regardless of the scope for mixed strategies. As mentioned, the singularity of Rwanda lies in its unusual emergency areas (such as the judiciary or education), as well as in its sectors of early recovery (i.e. housing and resettlement) and even sustainable development areas (governance, macroeconomics and land). Donors are thus left ill-tooled to respond effectively to the overall challenge.

- *Working with the government v. maintaining critical engagement*

Member States recognise that critical engagement with the government is crucial to ensure Rwanda's political and social development. Yet this engagement is mostly in the form of informal expressions of concern as issues arise. The two coexisting extremes in Rwanda are, on one hand, those states acting outside the government and, on the other hand, those acting exclusively within the government.

- *Supporting political issues such as reconciliation v. 'playing it safe'*

The decision to support Rwanda in its reconciliation process seems to have been one of faith rather than pragmatism. Yet engaging in reconciliation is simply a question of supporting the country's survival chances, as surely as engaging in land reform or food security would be. Sensitive issues such as reconciliation unfortunately are rarely disconnected from their political dimension, as they should be seen as social reconstruction interventions. The fear of taking a 'political risk' alongside the government limits donors' allocation of serious funds to fundamental society strengthening.

- *Country-specific strategy v. integrated regional strategy*

The vast majority of donors have a country-specific program of intervention as opposed to a regional one. Where they do exist, regional plans are either at a very early stage or non-operational. Some donors make no use of their presence in all the countries involved in the regional war. Some issues such as demobilisation, AIDS, natural resources management and export can only be tackled seriously at regional level. The EU, particularly through the Commission, Delegations, and the Council, is the most appropriate vehicle to pursue an integrated political and developmental regional approach for the Great Lakes. While this has been noted in the past, tangible progress beyond joint statements has been markedly timid.

- *Chefs de file v. global coordination*

Rwanda has various potential sectoral '*chefs de file*' (Belgium or the EU for justice, the Netherlands for decentralisation). Yet while the added value of those more involved or more skilled in a certain area is never in question, it is insufficient justification for a mandate of lead agency for coordination purposes. Clarity would be needed on which is the leading agency on a more global basis: UNDP, EU, the World Bank? Explicit leadership, even shared or sector-based, would enable serious information sharing, political dialogue and maybe, eventually, coordination. At this stage, the joint work and fair amount of coordination happening among like-minded states (e.g. the Netherlands, Switzerland, Canada, Sweden) has proven more efficient than formal and informal EU or UN meetings, and it has challenged natural alliances.

5.1.2 Institutional Challenges

- *Building specialist expertise and institutional memory v. staff turnover*

Attracting and retaining appropriately qualified staff to work in Rwanda is a problem for all agencies, and the EC is also susceptible.[42] Rwanda has suffered intensive staff turnover with regard to agencies' resident representatives, including EC delegates. This transience has had an altogether negative impact on the quality of interventions, the level of coordination and the general credibility of development aid. The EC Delegation requires not only more human resources but also the right mix of experience and abilities so that staff are mutually complementary and able to deal with diverse duties and the complex environment of Rwanda. Loss of institutional memory and contextual understanding has also seriously impacted the quality and continuity of ODA.[43] Beyond that, the EC recruitment system, so far, tends to attract generalists and not specialists, forcing staff to rely on consultants for highly specific interventions. While these problems are being addressed, the Delegation, acknowledging its own need for complementary expertise, could plug into the right actors on the ground, leaning on international NGOs that have a sound knowledge of the field.

- *Decentralised v. centralised decision-making*

Apart from a few bilaterals and the UNDP, most development agencies still work in a highly centralised manner. Decisions are taken from the siege, on which disbursement also depends. In highly volatile environments, there is a need for fast response and readily available funds, as well as for deep knowledge of reality on the ground (conflict awareness). The need for institutional change towards much more decentralised decision-making is undisputed. Most agencies claim to have made the necessary changes towards decentralisation: Belgium, the EC, Sweden. But in reality, such changes require time and resources to take effect, as well as mentality shifts.

- *Going through internal reforms v. getting the job done*

The impact of reform within the EC is felt more acutely on the ground than in Brussels. The constant reshuffling of units, the intense staff movement and the consequent vacant posts in Brussels render delegations' work particularly difficult in already complex environments. Merely finding the right staff member to talk to on specific dossiers from Kigali to Brussels can become an epic endeavour, all the more so with the denaturing of the desk officer function and the fact that next to none of the responsible staff in Brussels have yet even visited the country. This very tangible reality, both in Brussels and in the field, renders ambitions of shifting from a Lomé culture to a Cotonou culture, and from the 8th to the 9th EDF procedures, an almost chimerical task.

Opportunities for learning and reflection within agencies are generally poorly developed, as is critical reflection on past ODA engagement in Rwanda in the pre and immediate post-genocide phase.

[42] The lack of the right numbers and appropriately qualified personnel to staff EC Delegations has been noted by, among others, Lancaster (1999: pp. 184–219). Rwanda is not currently seen as an attractive posting for expatriate staff.

[43] On a tangible level this can be illustrated by the fact that of the bilateral and multilateral officials interviewed in connection with this study less than 10% had been in Rwanda over three years, and close to 40% had arrived in the last 18 months.

Enhancing opportunities for learning across agencies and from the immediate past is absolutely crucial if positive impact is to be achieved.

While the EU has a special political representative for the overall Great Lakes region, it appears that this political office is not well connected to EC delegations and EC development decision-making.[44] There does, however, seem to be a growing willingness to approach the development and political challenges of Rwanda and its neighbours from a regional perspective. This comes from certain Member States, notably Belgium, and the EC itself. However the complexity and variety of funding instruments and different arms of the Commission and Council and the fact that there is not currently a Regional Indicative Programme makes a regional approach difficult to implement. Indeed the entire European political and development engagement, with the exception of the special political representative for the region, is focused on interacting with individual states rather than in any supra-national fashion.

- *Measuring performance v. measuring the intangible*

Several areas that have acquired significant amounts of ODA funding in Rwanda, such as reconciliation and conflict prevention, are not amenable to easily quantifiable measures of success and impact. Yet these are some of the same areas that require long-term attention and funding to have a measurable impact. If impact measurements remain based on unrealistic quantitative performance criteria, there is a danger that such difficult-to-quantify programmes will lose support – because their impact is difficult to measure rather than due to a lack of actual impact.

5.1.3 Implementation Challenges

- *Sector-based v. 'a bit of everything'*

Experience of the Netherlands and the UK in Rwanda shows that concentration on a few sectors is the surest way to impact. One of Cotonou's innovations is to propose two areas of concentration per country, also allowing for more complementarity with other major players on the ground. It is important to note that the use of a SWAP does not automatically imply direct budgetary support. A SWAP could easily be implemented through co-management systems.

- *Working in a set programming cycle v. matching an evolving environment*

Due to the sometimes rapid evolution of situations, the use of a long- or medium-term programming cycle might jeopardise the relevance of interventions. On the other hand, short-term cycles may lack the sustainability element and impede long-term vision. There is a great variety of needs in Rwanda, even within a single sector, requiring both long- and short-term (even ad hoc) interventions. Most donors have set procedures, implying a fixed programming timeframe. These make it very difficult to employ different project cycles in parallel due to requirements of administrative accountability and monitoring.

- *Framework approach v. project approach*

Although each agency works under its own specific procedures there seems to be two extremes in programming: detailed activities foreseen in full and based on precise expected results, or a broad framework approach based on a general goal to achieve. The experience of the Netherlands, among others, tends to indicate that the latter option better matches the reality of unpredictable environments, allowing even priorities to be reviewed during the course of a programme and budget allocations to be altered.

[44] According to the Council Joint Action (re)establishing the appointment of the special representative: linking or promoting coherence and complementarity in EC development or political activities in the region is not in the special representative's mandate. See Official Journal, L 318, 16-12-2000, pp. 0001–0002.

- *Centralised v. decentralised cooperation*

The dichotomy of working either with central government or with local groups is fading. In a fragile state it is crucial to maintain support to the central government in order to avoid unbalancing the situation or weakening the state further. Even NGOs work in increasingly close collaboration with government. Fuelling antagonism between government and non-government entities in a tense political framework would be irresponsible. While most bilateral agencies have the set-up to do both at the same time depending on needs,[45] the EC continues to work with decentralised and non-government actors through the NAO.[46] This latter approach brings with it a very high risk of government control over civil society organisations.

- *Comply with Cotonou v. take political risk*

Cotonou's innovation of involving 'new actors' is even more challenging in a fragile political context. In Rwanda, political space is rather restricted. Under such circumstances, what does it mean to involve 'non-state actors' and who will they be? EC delegations on the ground are well-placed to bring state and non-state actors together around common development goals, such as the Country Strategy Paper or the Indicative Programme. Yet this requires firstly the knowledge of who's who on the ground on the delegation side; and knowledge of the Cotonou provisions and principles on the non-state actors side.

- *EC funding mechanisms v. achieving flexibility and rapid execution*

A key challenge to make EC assistance more effective is enhancing the speed and flexibility with which funds can be approved and disbursed. There is also need for coherence of funding mechanisms. Delegations have significant latitude in spending large amounts of accumulated outstanding Stabex funds, while allocations of other quite small amounts require sanction from Brussels. It must also be noted that pressure on staff to spend large amounts of EC funds quickly – in particular outstanding Stabex funds – could result in bad decisions being taken. The pressure to spend arises from the practice of evaluating staff performance based on how much they spend, without accounting for the absorption capacity of the recipient country or the potential risks of spending a large amounts at once in a fragile country. The most effective funding mechanism seen on the ground is the locally managed envelope. Herein the field office owns and spends its budget with reporting in terms of ex post accountability. This system enables swift programming reactions and response to unexpected demands (the Netherlands, Switzerland, the UK, Belgium, and the UNDP use elements of this approach).

- *Direct budgetary support*

In 1996 and 1999 the Commission issued a communication on *ACP Countries Involved in Armed Conflicts*. One of its major recommendations was to avoid direct budgetary support to countries where there was a high risk of fund diversion to warfare purposes. In Rwanda the Commission and the UK are the only two actors providing direct budgetary support, but the amounts are quite significant. This has brought them under criticism from fellow Member States and even within their own institutions. However, it could be argued that budgetary support as such is not the issue, rather the issue is the control mechanisms used which in the case of the EC in Rwanda are progressively in place.

- *Budgetary support only v. mixed budget and project funding*

The idea of having parallel programmes responding to diverse needs – under direct budgetary support, project funds or programme funds – requires an adapted funding strategy. Most donors have all the funding instruments at their disposal but tend to adopt one for a given country. For example, DFID doesn't provide budgetary support to all its partner countries, and Belgium has the capacity to provide budgetary support but refrains from doing so in Rwanda.

- *Bilateral programmes' visibility v. complementing EDF*

The EDF could potentially address many of the core development needs that are inextricably linked to the political fragility of Rwanda. Indeed, several Member States commented that the EDF should be

[45] Though they might favour working in a completely decentralised manner as the Dutch do.

[46] This 'national authorising officer' is usually the Minister of Finance.

the core vehicle for addressing Rwanda's development needs, with Member States' bilateral ODA focusing on related areas. Yet despite some bilateral activities which complement the EDF, the depth and breath with which this occurs is relatively limited.

- *Co-management with NAO v. direct funding*

The system of co-management perfectly mirrors the principle of partnership in which decisions are agreed and taken in dialogue. Co-management also engenders ownership at the country level. Nonetheless, the NAO is a representative of the government. Either all EU funds go through the NAO and are targeted to the state or there's a need for a new mechanism of direct funding, such as small grants, for local actors. Though some oppose European governments' funding of NGOs, without it there are undoubtedly embedded risks of government control over 'civil society' groups in certain ACP states.

- *Long-term benefits of EU coordination v. short-term benefits of 'like-minded' coordination*

EU Member States generally feel that coordinated activity among 'like-minded' bilaterals is more constructive than larger groupings or a grouping of the EU Member States as a whole. While maximising bilateral utility in this way may be effective for individual donors in the short or medium term, it in itself does not augur well for overall EU coherence and complementarity in the long run.

- *Information sharing v. operational coordination*

Coordination is crucial in politically fragile countries, especially when security is an issue. Rwanda faces such a magnitude of needs that the only way to respond to them on time is through genuine coordination and even task division, sector by sector. UNDAF, the poverty reduction strategy paper, CSP, NIP and country needs assessments provide a framework in which response can happen only when they are shared and circulated. Certain agencies have a better institutional tradition of coordination than others; and it is particularly difficult to bring all the 'distinctive families' around the same table (USAID, the UN family, etc.). In principle, core responsibility for donor coordination should lie with the government itself, although many agencies hide behind government incapacity to take on such responsibility. The absence of effective government coordination should not hamper donors' own coordinating initiatives, for instance, at the sectoral level. Donor 'coordination' can vary from information sharing ('coffee clubs') to actual coordination of programmes or even joint action, depending on the actors, the *chef de file*, the host of meetings or the sector involved. One could argue that there are only one or two sectors in any given country that actually require resolute coordination.

5.2 Lessons and Opportunities for an Improved EU Development Approach

5.2.1 Strategic Opportunities

- *The EU as an umbrella: enforce EU coordination in the field*

Starting with the willing Member States, **the EU**, more in difficult, fragile environments than elsewhere**, has to appear as one**, even in absence of formal CFSP actions. The Delegate is also Head of Diplomatic Mission and is generally recognised as such by fellow ambassadors, actively participating in all the demarches. In areas covered significantly by the NIP, willing Member States could seek **complementarity** on the basis of their respective added values: swifter disbursement, more flexible procedures, better knowledge of local actors, different geographical coverage, and greater capacity to take ad hoc actions. For instance, the Delegation has the financial capacity to subsidise all local CDCs (district level) and several Member States could finance the prefectures and large cities, where they could include similar capacity-building and local development objectives.

- *Lean on 'like-minded' states*

Like-minded states have shown the way to **proactive action** towards collaboration, coordination, coherence and complementarity. More similar ventures could follow. In technical matters as well as more political issues a **cohesive group of Member States can neutralise counterproductive individual agendas at country level**. The option of joint programmes in the area of support units (to ministries, institutions and NGOs to strengthen capacities in the short or medium term) is particularly vital in avoiding systematic duplications in countries where the needs are so overwhelming that duplications become unacceptable.

- *Use mixed strategies*

Agencies including the EC could explore possibilities to allow for their own different units to work hand-in-hand in fragile countries. Rolling programmes could be crafted with **built-in transition phases** (based on benchmarks and indicators of progress) or parallel programmes created to address different needs in a single area (such as land reform or education). Under a larger framework which sets the goal, different complementary projects could be designed, calling upon expertise from **emergency** units, **rehabilitation** units and thematic '**classical**' units with built-in transfer mechanisms to the next team of experts.

- *Critical engagement through inclusive political dialogue*

The strong desire to maintain critical engagement is still mostly implemented through an exclusive donor-to-government relation. Concerns are expressed the 'old fashion way' to authorities and discussed 'in private'. The other method used to express dissatisfaction with government decisions is to work outside its framework, exclusively with non-government local actors. This attitude reinforces the idea that one is the opposite of the other: on one side is government, on the other civil society. Opening **inclusive dialogue** with the government to other actors, such as local organisations and international NGOs for instance, would not only provide them first-hand information and enable them to be heard, but would also pave the way towards implementing Cotonou **in a joint learning process**. Furthermore, in view of the vast challenges lying ahead for Rwanda, all good will should be welcomed.

- *Integrated regional approach*

The EU has the instruments: the regional political adviser, the special envoy, field offices all over the region, a common unit in Brussels covering the area. Under Cotonou, there is scope for **open regional dialogue** with relevant actors. Under EC structures there should be regular meetings of the delegates, the regional political adviser and the people in charge of the follow-up in Brussels. There is no real need for yet another diplomatic ballet around the Great Lakes crisis. The EC's added value could be in establishing tight contacts across the borders **on interrelated development matters** such as refugees, security and AIDS and building on existing common ground. At the same time, the CFSP instruments and the special envoy(s) should make all possible effort to bring the political weight of the EU – this applies to Member States having their own special envoy(s) such as Belgium and the UK – to bear in support of peace processes underway. Here again, great progress could be made by leaning at first on the like-minded states in order to move ahead.

- *The EC as the honest broker*

The EC Delegation should continue to fulfil the role of **honest non-political** broker, building on this role where opportunity arises. Promoting more intensive 'technical' dialogue within the EU, the Delegation could act as a conduit **allowing for development to happen even at times of political disagreement**. In crucial areas, the EC could call for major funding and swift action. A trust-fund system could be envisaged involving those Member States willing to gather in joint action under EC implementation. EC leadership would be relevant only in sectors where the Commission has added value, and avoiding all duplication with other multilaterals. Such a structure would enable action to be taken where the EDF Committee is paralysed by competing political priorities at the expense of the people on the ground. As it stands, countries like Rwanda are no longer in a strict emergency phase and ECHO has left, leaving no disbursement mechanism other than the National Indicative Programme.

Leave sensitive work to non-political entities, move ahead on non-political issues
International NGOs have proven much more effective in tackling highly sensitive matters such as reconciliation, justice, detention conditions and villagisation. Instead of the traditional approach of funding projects one after the other, development tasks could be divided among multilaterals, bilaterals and NGOs based not on who has the money and who doesn't, but on **who has the capacity and expertise and who doesn't**. Already a task division has been agreed between the UNDP and the EU acknowledging the added value and greater experience of the UNDP in the areas of governance and political development.

5.2.2 Institutional Opportunities

- *Hire specialised staff and avoid turnover*

To respond to Rwanda's needs, most agencies need to create a **new, much more specialised staff profile**, including for political advisors. A way around this has been the EC Delegation's option of hiring short-term highly specialised experts to come on request for ad hoc interventions. But lack of sustainability is the key weakness of this approach. On the other hand, it allows for fast reaction and brings into the country a level of expertise that would be difficult to have on a permanent basis. Particular career incentives should be provided to high-ranking officials to ensure their interest in such posts.

- *Decentralised decision-making*

More significant changes are needed than simple declarations of principle. **Actual decentralised funds** are called for with **real decision-making right of initiative** and **ex post control** more than ex ante.

- *Institutionalise exchange of experiences*

Much more could be done to ensure an effective pooling of human resources, knowledge and expertise. For instance, since most donors fund international NGOs which, in turn, invent new means of intervention, there is scope for these NGOs to feed back results to countries and to headquarters. Donor staff could spend time upon their arrival with NGO staff in the field to get a feel for the challenges and specificities of fragile states that they might not have received at the headquarter before leaving. In turn, NGO staff, with valuable experience and first-hand knowledge could sit with agencies and **share the expertise**. This might also help break the unhealthy donor-recipient relation between NGOs and donors. In order to maintain a broader overview of events, in-country staff should be brought back to their headquarter often enough, meeting regularly with colleagues from neighbouring countries and **exchanging views**. This not only facilitates the setting of a regional approach, but also improved relations with headquarters.

- *Avoid measuring the immeasurable*

In 'intangible' areas, one finds the most important dimension of rebuilding society. In particular in a post-genocide society, reconciliation, trauma management, forgiveness and re-education are paramount. **There should be no question of whether it is part of development work to tackle these issues.** Institutionally, there should be a mentality change to accept funding and support for this type of processes, which inevitably will have a rather long-term perspective and a different set of impact indicators.

5.2.3 Implementation Opportunities

- *Sector-wide approaches and framework approaches*

Donors working in certain areas of concentration, or under SWAPs, could be especially efficient as long as enough actors are present on the ground to ensure that no major sector of society is forgotten.

In Rwanda so far, land reform and rural development have lagged far behind on donors' agendas, though they are areas of concentration of the 9th EDF. Interventions by Member States have ranged from very focused to very diverse. One can assume that the success of the new EC programming system under the Cotonou Partnership Agreement will depend in part on Member States' capacity to 'play along' and fill the gaps, moving towards **more focused interventions in a spirit of complementarity**.

The **framework approach** allows activities to be reassessed, priorities shifted and funds to be reallocated. Already it is being used successfully by the Netherlands and, to a lesser extent, by Belgium through the *Comités de Concertation*. If Member States moved towards a sector-wide framework approach (with locally managed funds), the added value of each Member State could be exploited and a high degree of complementarity achieved.

- *Different programming cycle depending on sectors*

Integrating enough flexibility on the ground to allow for **different programming timeframes** – ad hoc action, long-term programmes and regular reassessment – requires a new kind of staff, serious political analysis, regular needs assessment and precise knowledge of other donors' interventions within a particular sector. A sector-based division of work among donors, allowing for joint actions (say, two donors per sector), could facilitate a framework approach in which, for example, international NGOs could take on short-term, swift, ad hoc interventions; bilateral agencies could focus on the medium term and multilaterals could take on long-term programmes. This would, however, require internal coherence in bilateral donors' portfolio of direct funding, indirect funding (international NGOs) and multilateral funding.

- *Conflict impact assessment of EC activities*

Given the dynamics of violent conflict in Rwanda and the fact that all projects and programmes could potentially impact on this, the conflict analysis now to be undertaken at the country level for EC activities is welcomed.[47] Yet to be effective, conflict analysis and **conflict impact assessment** must be an integral part of the entire planning cycle of every individual programme and project undertaken by the EC. Through appropriate conflict impact assessment, conventional development activities can be better designed **to address the underlying causes of conflict** and to ensure that EC actions do not unwittingly feed into conflict. The EC's engagement in Rwanda could be used to field test conflict impact assessment approaches. This has not been done significantly in the past and thus may indicate a real opportunity to enhance the overall impact and sustainability of EC aid in the future.

- *Engaging new actors*

Engagement **with both government and with civil society directly under Contonu** could offer distinct opportunities. Rwandan civil society needs more than simply financial resources, but rather political space in which to develop. Only more and better-staffed delegations will be able to spend the time required to get to know the internal dynamics of civil society and avoid being caught in internal political competition. Delegations could lean more heavily on the international NGOs on the ground. These tend to have the most experience with local groups, as well as the best knowledge of groups' internal dynamics and stakes. At first delegation staff will have to reach out to civil society and find ways of informing them effectively on the meaning and purposes of Cotonou. Only then will civil society organisations be able to take part in the political dialogue according to Cotonou's provisions.

- *Decentralised cooperation and direct funding of local organisations*

The EC has begun supporting local authorities directly, as do other Member States. Decentralisation provides a unique opportunity for the EC, provided that local governments are given sufficient financial autonomy. Because of the vast extent of the needs in Rwanda, aid agencies may be tempted to put local needs last on the list. **Direct support to local entities** is fundamental to broker ownership

[47] This is mentioned in the *Communication on Conflict Prevention*. However, to undertake conflict impact assessment (which encompasses conflict analysis), resources and time must be devoted to developing appropriate tools and guidelines.

and enable micro-development to happen while donors are occupied with larger goals at the national level. Regarding civil society groups, the only effective way of equitably funding representatives of all interests in Rwandan society is to create a **direct funding mechanism** managed directly by the Delegation.

- *Ensure flexibility from the field level*

The creation of a **delegation core budget**, which could be a small part of the EDF envelope, would enable the Delegation to respond to recurrent criticisms of slow, heavy and untimely spending procedures. This envelope would enable **flexibility in funding and swift response** and could be based on ex post justification (with tighter control mechanisms if need be).

- *Control budgetary support*

Without questioning the need for direct budgetary support in a country with no liquid assets and resources, there is a real need to change and **tighten the control mechanism** of government expenditure under budgetary support mechanisms.

- *Use mixed funding mechanisms*

Use of mixed funding mechanisms (depending on the recipient target groups) could enable parallel programmes to address different levels of needs, from humanitarian to rehabilitation and development. It might also enable donors to **address the needs of a more diverse group of recipients**, perhaps within a single sector, such as education, health, housing, justice and food security.

- *Bilateral programmes to complement EDF*

Bilateral donors are reluctant to relinquish any of the strategic and operational flexibility that they might lose if they commit themselves to directly complementing the EDF. The tension between bilateral profile and EU loyalty is common to all partner countries. The extent to which it becomes counterproductive is higher in politically fragile countries. **Complementary funding** as envisaged by the Cotonou Partnership Agreement.

- *Ensuring impact and sustainability in new areas of ODA activity*

In new venues of development work – such as reconciliation – the Commission along with the rest of the donor community could make more extensive use of instruments such **as pilot cases, reflection seminars and feasibility studies** to significantly reduce the risks associated with interventions in these areas. Belgium started a candid, open debate on *Gacaca* long before donors had considered supporting the process. That dialogue helped the agencies articulate their potential actions around their own standards and values.

- *Move ahead with the willing*

Leaning on like-minded states for sectoral coordination and joint projects is at this point one of the surest ways to **move strongly ahead where possible,** rather than waiting for consensus. In time, more Member States will likely join and coordination will be built step by step.

5.3 Added Value EC

Table 2 tries to identify the added value that the EC could potentially bring along when working in conflict countries (compared to EU Member states).

Table 2: European Commission/Union Added Value

	European Commission/Union	*Individual Member States*
Presence and involvement	A long-term presence and commitment; active on-the-ground involvement in all countries of the region	Involvement in some countries not others; on-the-ground representation in some countries not others; newly involved in some countries
History and geopolitics	No individual colonial legacy; collective regional geopolitical interest in peace, stability and development rather than bilateral interests; 30 years of Lomé culture	Some significant colonial legacies and present-day bilateral geopolitical interests (at time at odds with each other)
Political profile	Non-political body considered an honest broker, using partnership approach and political dialogue	Depending on individual history and current 'political alliances' in-country and in the region
Objective of presence	Cotonou Convention's objectives	Foreign affairs priorities
Actors	Mainly governmental, local authorities	Government, local organisations and local authorities
Regional dimension	Capacity for an integrated strategy that could institute regional-based collective incentives for peace; harnessing of added value depends on acquiring a level of collective 'buy-in' from EU Member States and EC officials in Brussels and on the ground	Requires regional presence, political will and political weight
ODA resources	Significant resources to disburse to all countries of the region; usually the largest donor	Mixed levels of development aid disbursed unevenly to countries to the region

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