

GOVERNMENT AS A GUARANTOR OF SOCIAL JUSTICE, AND ITS ROLE IN THE REALIZATION OF THE MILLENNIUM DEVELOPMENT GOALS

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1. INTRODUCTION

Every government has responsibilities over its citizens' lives, among which to ensure them fundamental rights and a better livelihood. To achieve this, the UN, IMF, OECD and the WB adopted an eight points framework generally known as the *Millennium Development Goals*, representing basic development indicators including poverty and hunger eradication, universal primary education, gender equality promotion and women empowerment, child mortality reduction, maternal health improvement, combating HIV/AIDS, malaria and other diseases, environmental sustainability, global partnership for development. Achieving this challenge for a government requires a number of prerequisites including a solid economic potential and proven good governance qualities for the leadership. In a country facing globalization turbulences and extreme poverty like Rwanda, can government guarantee equitable social justice delivery to attain this ideal?

2. SOCIAL JUSTICE

2.1 Definition

In order to discuss the role of the Government as the guarantor of social justice, we should first establish exactly what 'social justice' is. The Centre for Economic and Social Justice (CESJ) has developed a definition that successfully draws together a number of core ideas central to better understanding the concept: *“Social justice is the virtue which guides us in creating institutions which, when justly organized, provide access to what is good for the person, both individually and in association with others. Social justice*

imposes on each of us a personal responsibility to work with others to design and continually perfect our institutions as tools for personal and social development.” [CESJ, 2004]

It is this concept of social justice which will be used throughout this paper.

2.2 Human rights

Social justice entails human rights promotion. The human being is in a permanent quest for the satisfaction of his basic needs: the most fundamental physical needs such as food, health care and shelter, but also the moral needs of security, affection, valorization and actuation. To secure and ensure respect of these and other related rights, the society has agreed upon a number of conventions, laws and regulations to abide with. It is the Government role to guarantee social justice through the enforcement of these.

To this end, Rwanda Government has undertaken to adopt national, regional and international legal instruments promoting and protecting these rights and to ensure they are upheld, through membership and dialogue with organizations such as NEPAD whose members have pledged to promote democracy and support human rights activities and institutions in Africa, to support African efforts to implement human rights obligations, and ensure accountability for violations of human rights and humanitarian law, including genocide, crimes against humanity and other war crimes”. [EGI, 2003]

2.3 Equity of opportunities

Equity of opportunities is an ideal that all countries are seeking to achieve with more or less success, mostly owing to their economic potential. It is very challenging and all the more embarrassing for concerned governments, when such potential is drastically reduced. Yet they have to ensure fair and transparent wealth and resources sharing...

In this attempt, Rwanda has provided for initiatives in all sectors including: anti-retroviral drugs increased access by price subvention; primary education free for all, starting with the 2003-04 school year; secondary school access through digitally controlled national examination, avoiding past bias cases, public service enrolment through fair competition,

women empowerment through a constitutional principle guaranteeing women at least one-third of posts in decision taking organs, to say but a few.

2.4 Social safety nests to help coping for the vulnerable groups

An individual is said vulnerable when he/she is exposed to conditions not allowing him/her to enjoy fundamental rights for a development in harmony, and to satisfy personal needs, owing to physical conditions, personal history or history shared with other people, the prevailing cultural or societal environment, by creating a large gap between the development of different people¹.

It is the responsibility of the government to create safety nests for those within the community who respond to the above definition. To Rwanda Government in particular, the vulnerable groups constitute a large part of the population: genocide survivors, HIV/AIDS affected people, demobilized soldiers, widows, orphans, disabled, street children, repatriated, refugees, elderly, and disaster victims. Government therefore has to ensure them an equitable access to social protection mechanisms, in order to reduce their vulnerability and to allow them to get out of poverty and feel socially integrated.

After genocide, in order to provide fairer access to scarce resources, Rwanda has provided for FARG², a fund to cater for the neediest among genocide survivors and injects in this fund 5% of its revenue per year. This fund provides assistance in education, health, housing ... Similarly, an education fund has been set up and decentralized to reach community selected poorest people at grassroots level. Positive initiatives are also fostered in favor of the disabled community inclusion: a permanent seat has been provided constitutionally for a disabled representative in the Parliament³. In a subsidiarity principle, other vulnerable groups oriented initiatives are locally geared by the civil society and government supported.

¹ From: Sectoral strategies for good governance, community development and social protection 2004-2008, Ministry of Local Government, July 2004

² FARG: Fonds d'Assistance aux Rescapés du Génocide,

³ The Constitution of the Republic of Rwanda, Art. 76, al.4

2.5 Poverty reduction

Poverty reduction often refers to fair distribution of wealth and other resources and equitable access to economic mechanisms to improve livelihood. Rwanda's poverty reduction strategy paper (PRSP) stipulates that the program "...*aims at reducing the high rate of the population living below the poverty line from 60% to 25%, and at increasing the individual income from, at least, 250\$ to 900\$ by the year 2020*"⁴, despite challenges related to high pressure on land resources, rapid population growth rate, landlockedness, and weakness in human resources development. In a step forward with the participation of the population and basing on local knowledge, Rwanda embarked on a series of community based programs involving a large number of the population, such as:

The ***Ubudehe*** concept, a long held traditional community action targeting communities at grassroots level and penetrating right down to the lowest decentralized structure to finance collective actions. The key strength and innovation of this process is self-evaluation (social mapping) allowing communities to identify their needs and priorities. The ***Common Development Fund (CDF)*** was conceived as a tool to fight poverty through the empowerment and mobilization of the population around community projects that are most appropriate for their livelihood improvement. The government provides equitable finance through this fund to the local government, using 10% of its annual revenue shared on a per-equation formula. ***Labour Intensive Local Development:*** It has established that 90% of the working population in Rwanda are mainly employed in agriculture (PRSP 2002). In order to decrease pressure on scarce land, it is central to increase non-agricultural employment in rural areas. Government is hence developing a pro-poor programme of sustainable labour intensive public works, to expand the narrow economic base.

2.6 Capacities and empowerment

Delivering social justice involves capacities at all levels and empowerment of the actors, including beneficiaries who are also key players. Social justice has to do also with the formal and informal justice mechanisms. This is particularly sensitive in Rwanda where

⁴ Poverty Reduction Strategy Paper, MINECOFIN, 2001

human and social capital was almost inexistent after genocide. A number of actions were undertaken to create, reinforce or else revive capacities and empower key actors including bringing to justice genocide perpetrators: *Gacaca* process was set up - an innovative approach of community courts. This system is now operational nation wide. Rwanda is one of the front runners of the NEPAD process: it has already undertaken NEPAD peer review mechanism, looking at ways to improve its performance. A judiciary reform has just been completed and judges and para-judiciary personnel trained (Gacaca Courts and Abunzi Mediation Committees). The Rwandan National Police is professionalizing and increasing capacities, through community policing mechanisms.

2.7 Misuse of social justice

As seen as from the above section, the term '*social justice*' has traditionally not been clearly defined. Unfortunately, this vagueness has meant that, throughout history, 'social justice' has frequently been interpreted by leaders to justify machiavelic goals. More of recent in Rwanda, misused 'social justice' reached the most terrifying results in 1994, when the then-Government attempted to exterminate the entire Tutsi "ethnic group", in a bid to give the Hutu population complete control of the country, allegedly rendering them *social justice*. Although the attempt ultimately failed, around a million Tutsis and moderate Hutus were killed, in the name of "social justice".

3 GOVERNMENT

3.1 Governance defined

Good Governance may be defined as "*a whole set of complex mechanisms, processes, interactions and institutions, through which citizens express their interests, accomplish their duties and obligations, enjoy their rights and bring into convergence their differences. This ... refers to structures and mechanisms guiding political and socio-economic inter-relations, bringing together the public as well as the private sector and civil society, all three working in synergy toward sustainable development*".⁵

⁵ MINALOC, *National Strategy for Poverty Reduction based Good Governance in Rwanda*, p.21

3.2 Government as principal actor in governance

The Government as the main actor, has got to ensure the respect of good governance principles by assuring the power separation and sharing principle, the rule of law, an efficient, fair judiciary system that can be accessed by all, participatory and democratic decision making mechanisms, equity and justice, with most emphasis on: gender, land and environment, investments, an enlightened and informed society endowed with qualified human resources, public services delivered in an effective and efficient way.⁶

3.3 Core responsibilities of government in a global era

In order to create a conducive environment in a new global era, government has the duty to develop favorable policies that will help achieving governance principles above, especially through such mechanisms as setting up democratic institutions and leaders freely elected by the citizens, reaffirming the right of all citizens to participate freely to the management of public affairs of their country, either directly or through representatives chosen in accordance with legally established rules (art.45 of the Constitution).

3.3.1 Empowerment

One of the main aspects of good governance is decentralization. The global decentralization objective is to ensure the ‘political, economic, social, administrative and technical **empowerment** of the local population to fight against poverty by participating in planning and management of its development process.’⁷ Further, decentralization in Rwanda is meant to ensure national unity and balanced development, local autonomy and identity, to separate political authorities’ assignments from administrative and technical ones and harmonize devolved with resources transfer⁸. The role assumed by the Government has thus been the devolution of much of its powers to local governments with all challenges and constraints recorded to date.

⁶ These good governance principles or characteristics are detailed in MINALOC, *National Program for Good Governance reinforcement for Poverty Reduction in Rwanda*, p.17

⁷ Sectoral strategies for good governance, community development and social protection 2004-2008, op.cit.

⁸ see MINALOC, *National Decentralization Policy*, p.9

3.3.2 *Regulator*

To guarantee social justice, a government cannot just put in places mechanisms and consider its job done; it must also verify that these social justice mechanisms are *working*. This is done through a full set of social justice indicators.

There is no universally-agreed upon set of indicators to measure the level of social justice or injustice in a country. The indicators used vary widely from place to place, and there is no “*blue print applicable for all countries*”. Real, context specific indicators should be decided upon in a participatory manner, involving different sections of the population. They should be directly linked to social justice targets, so that Governments are held accountable to their citizens if they do not deliver. At the same time, Governments must be flexible as indeed, social justice policies should be living and dynamic entities.

3.3.3 *Negotiator of national interests*

There is no ‘one size fits all’ policy prescription as to which interventions or regulations in national interest a just society should set up. At the end of the day, it is up to a democratic system and voting power to ascertain the optimum level of government intervention in any particular country. However, in all countries, developed or developing, one definite role of the Government should be to provide peace and security, and economic stability, as these are needed to create an appropriate environment for social justice. In order to foster such an environment, the Government has got to negotiate and advocate with all stakeholders for the citizens’ interest. To summarize, Government actions to be undertaken in this area include identifying and working out obstacles to full and effective empowerment for all citizens and ensuring democratic decision-making processes are in place

3.4 Government role in areas of social justice

3.4.1 *Policies: social values and virtues*

The concept of setting and living by principled values and practices goes beyond basic human rights and needs, to deal with more abstract factors such as building personal integrity, moral behavior, and a sense of belonging and pride in one's country. However, there are certain policies that are by and large viewed as policies benefiting any society. Such values as promoted in Rwanda include fighting all forms of moral and physical corruption (bribery and embezzlement, but also nepotism and favoritism) among others. In order to revive and seal the national identity, Government is promoting a sense of citizenship, by reinforcing civic education programme and adopting social justice standards for Government and businesses, and ensure that standards at local government level are monitored for proper follow-up.

3.4.2 Institutions development

Rwanda Government has a crucial role to play in guaranteeing social justice by helping to create the framework in which acts of 'virtue' can flourish. This can be done either through direct institution building, or by providing the appropriate conditions to encourage an organic development of social capital and reciprocity networks, as well as the regulation of more structured community-based associations and civil society organizations. The Government's role of institution building has helped moving some decision-making powers from central Government to peripheral areas and is providing financial/technical support for formation and strengthening of institutions, creating networks and undertaking training in management and leadership skills; and actively fostering linkages and dialogue between stakeholders: private sector, donors, civil society, etc.

3.4.3 Capacity rising and building

Multi-sector capacity building programmes are constantly developed to improve coherence, consistency and coordination of capacity building interventions in the public sector, private sector and civil society organizations. To this effect, specific Government actions under implementation are: developing human resources and improving institutional working environment, strengthening the institutional capacities underpinning a decentralization approach to service delivery, enhancing public - private partnerships

and providing a strategic vision aimed at fostering greater coherence, consistency, and coordination of interventions.

3.4.4 *Mitigating group/individual conflicts*

We talk of conflict when misunderstandings arise on substantial issues or frictions caused by relational issues between individuals or groups⁹. There are many ways of reacting to a conflict, but the key issue is to lay foundations to a true conflict resolution, or else, mitigation of conflicts effects, i.e. sweep away conflicting underlying causes.

Various mechanisms are used to prevent conflicts or mitigate their effects. Rwanda's important achievement has been the constitutional provision of specialized organs charged with the settlement of conflicts including: the National Human Rights Commission, the National Unity and Reconciliation Commission, the National Electoral Commission, the Ombudsman's Office, the Mediation Committees, the Gacaca courts, the National Women and Youth Councils all of which are in place today. Other commissions constitutionally provided are on stand still in an ongoing process, including the National Commission fighting against Genocide, the Public Service Commission and the Gender Observatory.

4 POST CONFLICT SITUATIONS

4.1 Conflicts vary in scope and depth

The effects of conflicts on societies vary and can be either positive or negative. Indeed, conflicts sometimes take a society to a higher level of representation. This is the case of class struggle, with democratic challenges to despotism, or women's challenges to [gender discrimination] and fundamentalism¹⁰.

⁹ Walton, Richard E., *Interpersonnal peace making: Confrontations and third-party consultation*, Ed. Addison-Wesley, Reading (MA), 1969

¹⁰ RAWOO, *Mobilizing knowledge for post-conflict management and development at the local level*, The Hague, Netherlands, 2000.

When the element of violence dominates and overwhelms such situations, often bursting into armed conflicts, processes of democratization, of civil society formation, of the conduct of good governance are put at stake. Armed conflicts, whether internal or between states, interfere with or destroy the normal conduct of statecraft or governance. Socio-cultural values such as tolerance and justice are eroded, resulting in general undermining of democratic norms and standards.

4.2 General effects: Eroding the social capital

The first and foremost effect of armed conflicts is communities splitting, bringing along suspicions among people, between different population groups and state. People are exposed to the bitter experience of loss of self and social confidence. Needless to mention the subsequent reduced human, institutional and organizational capacities, and economic dys-functionalities. This process has a gender dimension¹¹. The mobilization of men into armies fuel the mechanisms of a militarized society, while women are often left behind, either to be made targets of opposition forces which often use rape as an attempt to dismantle even people's last attempts to survive with dignity. Women considered as "political innocents" belong to past history, however, as was experienced in most of today's conflicts: e.g. the African Great Lakes conflicts.

As a conclusion, conflict situations often involve perception differences that need to be bridged through dialogue, information sharing and comparative examples. Only with good communication can major stakeholders enter into the process of setting agendas that are really inclusive. Therefore, post-conflict government has to develop an enhanced role in the facilitation process, in order to prevent the escalation of dormant conflicts, to reconstruct and ensure smooth running of the society.

5 SOCIAL JUSTICE PROGRAMS IN POST-CONFLICT RWANDA

5.1 Background to Rwandan Case

¹¹ RAWOO, op.cit.

It would be justified - and a gross understatement - to say that Rwanda did not enjoy much social justice in the twentieth century. First came the colonial powers (Germany, then Belgium), who abused Rwandan class divisions for their own purposes, then came a succession of Governments that discriminated against one or other of the two main Rwandan “ethnic groups” (Hutu and Tutsi), often with devastating effect upon people’s lives and livelihood.

Throughout time, governance was characterized by over-centralization, extreme dependency on the state, and little, if any, questioning of authority, which allowed the aforementioned Governments to dictate their own top-down and twisted form of ‘social justice’ of the popular majority upon the rest of the population. This state of affairs reached its most horrifying and unimaginable - extreme in spring 1994, when more than one million Tutsis and moderate Hutus were brutally murdered by their fellow countrymen. As a result, a number of actions were undertaken to cope with genocide social justice after-effects.

5.1 Repatriation and resettlement: concept of property rights

In 1994, Rwanda was faced with a settlement crisis after 1994 war and genocide for the displaced people, the massive influx of old case refugees (1959 and subsequent: around 2 millions) and the return of the new case refugees (1994: around 3 millions). Subsequently, the government introduced the villagisation re-settlement scheme, settling returnees in “villages” with basic economic infrastructures. Due to intricate relations between returnees, the resettlement in **Imidugudu** villages came to be applied to of all classes indistinctly. OCL and internally displaced people often “squatted” empty houses whose owner had in their turn fled the country. The challenge was to give back houses to their rightful owners once they came back home as NCL. However, as the ***property right*** was recognized to every citizen, throughout a totally chaotic post-genocide environment, squatters were successfully resettled and NCL recovered their properties.

5.2 Security within and out of national borders

Rwanda was particularly threatened by the remnants of the former army and militia that committed genocide and had sought haven in neighbor countries. It had the tremendous task of curbing down sporadic attacks from outside, while also coping with waves of internal insurgency. Social justice could therefore not be delivered in such conditions, the population being often the target of the insurgents. Parallel to tackling other developmental endeavors, the government managed to cool down the internal situation and cope quite efficiently with the external menace. As a result, the country being now stable and concentrating on issues like economic growth, regional integration, poverty reduction, and other MDGS related objectives.

5.3 Reconciliation

The major challenge of a deeply genocide affected society has been to reconcile a people whose fundamental values had been torn apart. The National Unity and Reconciliation Commission (NURC) is operational and continues to undertake activities to help build social capital. For example, it held a peace-building conference in May 2004 for more than 900 people, and a conference for children, and it has also supported and facilitated the activities of 154 associations involved in the promotion of unity and reconciliation. In a similar vein, *ingando* (civic solidarity camps) are regularly held throughout the country, and have gathered more than 28,000 people from all walks of life, including demobilized soldiers, Government officials, students, released prisoners, former infiltrators, local defense units, and women and youth committees. 720 people have been trained as mobilizers in this field.

5.4 Social values and virtues reconstruction

In order to re-dynamize the cultural values which once constituted the base on which social capital was built, the government adopted dialogue and consultations as the mechanism for conflict management and decision making. This was constitutionally consecrated to be as a national principle on disputes solving. To strengthen the revival of such values and virtues, a number of achievements were recorded, including the following: civil society *Transparency Rwanda* organization was recently established, and helped organizing a National Anti-Corruption Workshop in August 2004. The office of

the Ombudsman was established - to act as an oversight body to Government actions towards the citizens. The High Council of the Press (HCP) has improved press freedom and ethics by allowing all journalists to easily access work permits, and by approving the opening of more than 10 private radio stations. A system of Citizen Report Cards (with the aim of making Government more accountable to the people) is being developed.

5.5 Legal and institutional reforms

Legal policy reforms are undertaken to include such organizational values underpinning the core transparency and accountability principles that are central to good governance. Along with legal reforms, there have been undertaken institutional reforms including the judiciary system reform aimed at better justice delivery. This will allow swift performance in a result oriented preoccupation. Similarly, the recent sweeping public service reforms aiming at making the civil service more of a 'meritocracy' than the existing plethora and low performing civil service, are using more standardized criteria for holding office at any particular level. In addition, a performance appraisal tool has been introduced in all Government institutions to enhance individual performance.

5.6 Appeal on old sentiments before the conflicts

Genocide in Rwanda was not an accident. It was the consequence of divisive ethnicity-based ideologies that were institutionalized by successive regimes. Reconciliation between the oppressed and the victim must pass through mutual friendly relationships. The paradox in Rwanda is that, while justice is still under way, and some of the criminals are far from giving up their extermination plans, national reconciliation started on still fresh wounds. An appeal was made to old sentiments and virtues of friendship, community belonging and solidarity, banning of all forms of exclusion. This would then help the re-foundation of inclusive and reconciling national identity, the "rwandanness", as a vector of effective citizenship¹².

5.7 Demonstration of power devolving

¹² SHYAKA, Anastase, The Rwandan conflict, origin, development and exit strategies, NURC 2005

One of the key action in creating “checks and balances” in social justice delivery is power devolving to lower instances, down to the grassroots level. This was done in Rwanda through the electoral process and a permanent Electoral Commission was set up with the task of regularly conducting elections from central to decentralized level. Further, it has also the duty to develop and administer civic education.

Since 1998, Rwanda has embarked in an ambitious political democratic decentralization aiming at giving people at all levels capacity to participate actively in political, economic and social transformation of Rwanda. Basing on an evaluation conducted in 2003, a 5 year plan (2004-2008) was developed to ensure decentralized democratic governance entrenchment with the main objectives of poverty reduction, sustainable decentralization, people capacities strengthening and transparency and accountability.

5.8 Partnerships

Partnerships in social justice refer to some degree of broadening the set of actors involved in social justice delivery. Partnerships between and among different levels of government, the private sector, civil society and other stakeholders can contribute to successful decentralization, good governance and poverty reduction, as the main elements of social justice. Rwanda uses a participatory and coordinated policy implementation system whereby all the different stakeholders are involved throughout the process.

5.9 Global common responsibilities (externalities) and dilemma on social justice

Complex situations found within communities are characterized by the coexistence of two or several logics that can hardly be reduced without deeply altering the situation. This is what Edgar Morin¹³ calls « dialogic », meaning « *two or several logics linked in one unity, in a complex way (complementary, competing and often antagonistic) without denying the dual character of the same* ». As an example, the duality between the economic and environmental logics which often collide, the trade and equitable market access and conditions, the liberal uncontrolled exchanges that over flood the region with

¹³ Edgar Morin, *La complexité et l'entreprise*, 1990, Ed. ESF

drugs and illegal weaponry, deadly diseases including HIV/AIDS and other regional plagues such as Ebola fever or Marburg syndrome. All these are hindrances to social justice delivery beyond national scope, whereby Rwanda has to position herself with global trends.

6 CONCLUSION

Can we talk of a global government for social justice delivery?

We definitely can, in as much as social justice delivery within Rwanda borders is largely tributary to a dynamic environment in which Rwanda is evolving. If Rwanda can positively deal with challenges of social justice delivery within its borders, it has to cope with global trends and influence, hence the necessity of cooperative and interdependent actions with regional and international bodies and countries. Social justice is not a one man show; neither is it “a sprint, but rather a marathon” as some wise statement put it. In the light of MDGs, social justice is a permanent and never ending task of government; in order for it to successfully be carried out, it has to be a matter of “governments”.