THE SOCIAL LIFE OF POLICY REPORTS

Reporting as a Tool in the Transitional Justice Battlefield in Rwanda

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ABSTRACT

Adopting a Latourian approach, this article examines the social role played by policy reports, which are produced and used in the everyday implementation of transitional justice, using the Gacaca Courts in Rwanda as a case study. As glossy end products, transitional justice reports create the image of more efficient processes unaffected by difficult politics. The article traces the journey of Gacaca policy reports and the shift from their envisioned role to their actual performed functions: considered as technical safeguards, reports become central tools in the transitional justice battlefield – almost as if reports were used as weapons while arguing about the past and the nature of the transition. Since transitional justice processes mostly culminate in the production of reports which presume to clarify and make accountable complex legacies of violence, such an analysis contributes significantly to addressing the construction of transitional justice narratives critically. Given the ubiquity of reports in aid-dependent policy implementation, this article draws attention to often glossed-over aspects of complex politics and to the contentious role played by international aid organisations. By doing so, the paper encourages discussions about the materiality of international aid and its social consequences.

Introduction

Transitional justice (TJ) efforts have been deployed to deal with the legacy of widespread violence and human rights violations across numerous post-conflict countries. It consists of socio-political and judicial initiatives put in place with the aim of seeking truth, justice, reconciliation, and ultimately contributing to peacebuilding and the rule of law. TJ praxis is mostly implemented by national authorities, with significant financial and logistical support from international donors and non-governmental organisations (NGOs). In order to understand the role of international aid in TJ praxis, my research looks closely at the 'daily life' of TJ implementation, and in this article, the Gacaca process in Rwanda. The important place held by the production and use of reports is striking: more than 99 policy reports were published in relation to this single policy from 1996 to 2012. Most of these aid-dependent actors have been involved in the production and funding of policy reports.

Building on anthropological insights, my analysis of policy reports looks at the professional practice consisting of writing reports to find a technical solution, whether they have been commissioned or used in lobbying activities (in contrast with policy documents that prescribe policy implementation).[1] Presented as technical tools, these policy reports promote certain approaches and give recommendations to those who will create and implement the policy to deal with complex post-conflict contexts. Long negotiations over their content are swept away from public view, however – yet these battles have shaped the content, and decided on the dissemination and limited (if any) follow-up to these reports. A review of the social life of policy reports as artefacts will thus account for these various battles among practitioners involved in the implementation of Gacaca.

Tracing the social life of these objects reveals a battlefield in which aid-dependent TJ practitioners are involved in "ongoing struggles in the battle for the nature and direction of the transition," thus constituting a metaconflict –"conflict about what the conflict is about" (Bell, 2009). Within

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[1] This excludes the thousands of other gathered Gacaca-related policy documents from the focus of this article, e.g. meeting minutes, legal documents, court, speech, and interview transcripts, public declarations, and news releases.

these daily battles, TJ practitioners play a crucial role in the implementation of TJ. While arguing about the past, the interpretations of the "universal" TJ discourse, and "frictious" implementation, they are engaged in a "knowledge battlefield" in relation to "the issues of conflicting loyalties, of negotiation over 'truth' claims, of battles over images and contesting interests" (Long and Long, 1992). In other words, reports are used in TJ implementation to wage political battles, with texts arguing against each other, almost as if reports were being thrown at each other.

Most TJ scholarship addresses the role of international donors as neutral benefactors, with few exceptions (e.g. Weinstein *et al.*, 2010; Shaw, 2007; Subotić, 2012). Such "technical" aid-dependent interventions ignore or even silence the political dynamics in local contexts, and consequently distort the political bargaining process in unexpected ways. This article brings attention to the process through which facts have been gathered, constructed, and then used. Three research questions frame the analysis: Why does the production of reports matter so much in TJ praxis? How do international donors affect TJ in a given context? What can be learned from tracing the production of policy reports?

The first section describes the methodological and theoretical approach adopted to research policy reports as objects. With an empirical dicussion, the second section unpacks how Gacaca policy reports have gone through these different stages: 1) objects envisioned as a technical fix, 2) performed objects frictioning with the role envisioned, 3) dangerous objects that should be attacked because of their critical stand, and 4) attacking objects that refute the critiques of other reports. Throughout, I highlight how reports have been shaped by internal and external battles. These battles were driven by competing normative positions, political agendas, and concerns for legitimacy

and credibility. Consolidating the contributions of the empirical analysis, the third section underlines the social, political, and normative consequences of such a battlefield. In conclusion, I underline how depoliticised battles about the past are taking place in the production and dissemination of TJ reports, which leads to unexpected consequences. By not tackling these unexpected outcomes, reports have become professionalised legitimation tools for international aid, without necessarily enhancing the promised social changes.

1. Researching Transitional Justice Policy Reports: Methodological and Theoretical Framework

The research presented in this article is based on 12 months of ethnographic fieldwork in Rwanda and Burundi (2008, 2012-2014).[2] During the fieldwork, I undertook participant observations by attending TJ-related meetings, training activities, and commemorative events. I interviewed 80 practitioners from national authorities, embassies, donors, NGOs, and UN agencies. I met regularly with key research informants and had innumerable informal discussions about their work and personal involvement with TJ implementation. In addition, I also worked with six organisations undertaking research on various dimensions of TJ in these two countries from 2008 to 2011. I have been involved in the production of six policy reports, each dealing with JT and the consequences of violence in Rwanda and Burundi. I was also loaned numerous documents gathered by Stef Vandeginste and Bert Ingelaere from 1994 to 2009 – covering the period prior to my research.

Throughout these professional experiences, I had the opportunity to take part in the production of reports through daily discussions, meetings, exchanges of emails and drafts, as well as official launch receptions – or, more accurately, I struggled in these internal battles negotiating the content

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2 My overall research addresses both Rwanda and Burundi. Due to the word limitations, this paper only focuses on the Rwandan case study. During my 10-month doctoral fieldwork, I was mostly based in Bujumbura (Burundi) and would travel to Kigali (Rwanda) every month. The rationale was to look at different stages of TJ policy cycles, but also at aid dynamics from a regional perspective, given that most donors and NGOs at the heart of my research were involved in both countries, with several international staff members having worked in both processes. This part of the fieldwork cannot be clearly divided between the Rwandan and Burundian case studies. The analysis of the national consultation report in Burundi can be found in Chapter 6 of my doctoral thesis (Jamar, 2016).

with my national and expatriate colleagues, while navigating internal politics and hierarchies. During my fieldwork exploring the "daily life" of TJ practitioners in Rwanda and Burundi, the ubiquity of reports in these aid-dependent policy environments encouraged me to define reports as my analytical starting point. My proximity with some research participants and the difficult political context in Rwanda require that I maintain confidentiality (Begley, 2009; Reyntjens, 2011; Thomson, 2012). As a result, any identifying elements without prior consent from my informants have been left out from this article.

Whereas academic research regularly uses policy documents, they are mostly analysed for what they say. By contrast, my article examines how reports play a central role in TJ praxis, and unpacks the collective processes through which facts are gathered and constructed (Latour, 1987) by looking at the actual implementation of TJ, the different stages of the social life of reports, and their uses. This short literature review presents how my work engages with existing research about reports and the social life of objects. Reviewing the use of policy documents in academic literature, Richard Freeman and Jo Maybin (2011) observe that many authors assume that policy documents hold power to instigate policy change, or even demonstrate change by themselves. They encourage looking at policy documents as artefacts to "understand the kinds of work that documents do in order to understand more clearly the work of policy itself." Similarly, I review the production and uses of reports as constitutive of policy praxis in itself.

Development studies pay significant critical attention to policy documents. Since the early stages of the field, Raymond Apthorpe (1996) called for research on the social processes in framing, naming, and numbering the contexts and interventions involved, as they constitute important practices in development policy work. Since then, there has been extensive research looking critically into the implementation of policy papers including in Rwanda (Marriage, 2006; Debusscher and Ansoms, 2013; Debusscher and van der Vleuten, 2012; Holvoet and Rombouts, 2008). This body of research clearly identifies the challenges when attempting to write the best technical recipes for complex social problems without considering issues related to the long-term, structural dimensions of social transformation.

Building on anthropology, other researchers have drawn attention to social rituals and rules in data gathering, analysis, and dissemination, and to the power dynamics at play (Harper, 2000; Mosse, 2005; Good, 2012; Denskus, 2014; Rottenburg, 2009). As one of the most prominent anthropologists in development, David Mosse (2005: 155-156) reviews his participation in an agricultural project in India and writes:

> We consultants were actors like others, but we used our power and networks (into donor or academic communities) to authorise our unifying meta-narratives and make them the stories that [other] actors must tell themselves about strategy (*cf*. Latour, 1996). The project then systematised these models into training manuals and brochures, providing official representations of practices that were in fact generated by a hidden operational logic. These were necessary in order to put back together the worldview of project staff that was constantly fragmented by the everyday contradictions of practice.

Richard Harper (2000) undertook an ethnographic analysis of the International Monetary Fund's (IMF) reporting process, establishing the social processes through which technical and numerical data are gathered. He observes the crucial role of social rituals in the data-gathering process which concede the technical value of reports (such as getting numbers and associated interpretations "signed off" on by the right person, or the agreeing process between the mission and the authorities through ritualised orations). Anthony Good (2012) compares the different genres of reports and observes that structures, argumentation rules, as well as concerns and proof of credibility, are specific to each professional sphere (anthropological academic journals, natural science journals, NGO reports, and country reports for asylum seekers). Through a comparison of policy-oriented and academic research, Jean-Pierre Olivier de Sardan (2011) denounces how the development industry has mobilised most academic bodies in Africa through their extensive involvement in consultancies. He underlines the weaknesses of these policy-oriented research projects, arguing that consultancies operate under managerial constraints, with terms of reference which are often incompatible with research principles, limited qualitative rigour, and "venalisation" effects (referring to financial incentives that academia cannot beat). These anthropological reviews of development policy reports draw attention to the collective processes through which facts are constructed collectively to result in the production of meta-narratives and further policy,

how they are shaped by credibility concerns, bureaucratic constraints, and the power dynamics at play.

Bruno Latour's research on the anthropology of natural scientists and the role of non-humans has inspired many to trace the social life of objects (e.g. Latour, 1992; Star and Griesemer, 1989; Vinck, 1999; Majerus, 2011). With ingenious and meticulous detail, Latour describes how facts gathered in laboratories and presented in scientific texts result from messy collective social processes. He further illustrates how objects render the social more complex (in contrast with what mainstream sociology captures from only studying human relations), and hence adds important insights (Latour, 1992). Benoît Majerus (2011) uses this framework to study how the bathtub, the bed, and the door – as common objects in mental health services – were envisioned by doctors and engineers, and later acted upon by nurses and patients. He underlines the gap between the envisioned (imagined) object and the performed (acted) object: "Alongside the function of the objects being acted upon, the bathtub, the door, and the bed also become 'acting objects' which structure and transform psychiatric practice and experience" (Majerus, 2011, author's translation). Similarly, the article traces the gap between the envisioned Gacaca reports and the performed reports, and their implications – to ultimately demonstrate the political role played by international aid in transitional justice praxis.

In line with these anthropological approaches, I analyse policy reports produced in relation to the Gacaca process as political and social objects. Tracing the social life of reports from a proposed budget line in a funding application to hiring a consultant, drafting, re-drafting, re-re-redrafting and finally releasing them, I argue that the report production process offers a useful perpective to unpack the socio-political negotiations involved in the TJ praxis. In TJ processes, various organisations (national authorities, NGOs, donors, and the UN) are required to organise the logistics and produce a legitimate process. This article explains how the political positions of the authoring organisations are negotiated (or even imposed) internally, based on external political and financial constraints which transform highly political processes of data collection into well-articulated technical policy reports.

2. TJ Praxis through the Gacaca Reports

The reports in question in this article address various dimensions of the Gacaca process in Rwanda, one of the most ambitious TJ mechanisms. From 2004 to 2012, 15,300 Gacaca Courts ruled on over two million cases of genocide crimes committed between 1 October 1990 and 31 December 1994, when an estimated one million Tutsi and moderate Hutu were killed (e.g. *The New Times*, 2012; ASF, 2010). The Gacaca (Kinyarwanda for "grass") process is a popular tribunal system inspired by a traditional form of conflict resolution, which was modified to deal with the judicial and penitentiary burden created by the genocide (e.g. Digneffe *et al.*, 2003; Tertsakian, 2008). The Rwandan population, after electing Inyangamugayo (Kinyarwanda for "persons of integrity") among themselves to serve as judges in Gacaca Courts, had to "recount, disclose the truth and participate in prosecuting and trying the alleged perpetrators" for genocide crimes that took place in their own communities (Preamble of the Gacaca Law, *Official Gazette*, 2004).

The 2004 Gacaca law and subsequent revisions framed the process. While it has often been depicted as a tradition-based system in policy discourse, it became a strictly legally defined process with the judicial ability to decide on acquittal, material reparations, and life imprisonment for genocide crimes. The preamble of the 2004 Gacaca organic law sets out various aims, such as establishing truth, instilling reconciliation, reinserting victims and culprits into society, and fighting against impunity. It refers to international and national legislation, and Rwandan culture. This complex legal framework was the culmination of long negotiations between various positions and concerns expressed by national and international actors involved in the Gacaca preparation – which the published reports account for. The Rwandan authorities, prior to and during the implementation, received significant support from various international actors. Donors also provided direct funding to the National Service of Gacaca Courts (or SNJG, the French acronym for Service National des Juridictions Gacaca), the institution of the Ministry of Justice in charge of implementing the Gacaca law – through coordinating

the Gacaca Courts, training the Inyangamugayo, and raising the population's awareness, a process that relied on foreign funding for at least 60 per cent (Oomen, 2005; Da Câmara, 2001; Hayman, 2008).[3]

The Gacaca process took place (and its reports were produced) in a difficult context influenced by various political dynamics. This includes the authoritarian nature of the regime and national politics in various forms, such as the imposition of Hutu guilt, victor justice, and the political intrusion of national authorities in various cases (e.g. Rettig, 2008; Longman, 2009; Ingelaere, 2009; Thomson and Nagy, 2010). At the same time, as illustrated both by Jennie Burnet (2014) and Bert Ingelaere (2016), the micro-social dynamics of Gacaca also played a role, and varied from one community to another. Furthermore, the production of monitoring reports was heavily influenced by the Rwandan authorities' use of the immorality of the genocide and of international guilt for the international community's lack of intervention to counteract criticism and put pressure on donors (e.g. Gready, 2010; Reyntjens, 2011; Straus and Waldorf, 2011).

At the time of writing, 23 years after the genocide and 5 years after the Gacaca Courts were officially closed, the national political agenda has moved away from TJ matters to strengthening Rwanda's development (e.g. Kagame, 2012). Former Gacaca donors have gradually disengaged from the process; the main supporters have re-oriented their aid towards strengthening the classic justice sector, good governance, creating archives for Gacaca files, and supporting the pursuit of genocide perpetrators internationally.[4] At the same time, the law that terminated Gacaca Courts transferred their competences to other institutions (*Official Gazette*, 2012). This transfer received limited attention from the practitioners interviewed during my fieldwork, to the point that one donor representative in charge of judicial matters asked me to forward him a copy of the Gacaca terminating law.

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3   Various sources indicate a budget for Gacaca of USD43 million for 2003–05 (Oomen, 2005), USD5 million in 2005 (Journal Inkiko Gacaca, 2006: 10), later reduced to USD 1.92 million in 2008 (Presentation at the Peer Meeting, 2008, presentation notes on file with author).

4   Author's interview with donor representatives, Kigali, 2012, 2013, and 2014.

The 99 policy reports I gathered were produced from 1996 to 2012. They include 44 reports from INGOs, 15 from local NGOs, 11 from Rwandan authorities, 7 from donors, 3 from UN agencies, and 8 academic reports. Some reports were written collaboratively, and others by different types of organisations. Mostly funded by international aid, the reports acknowledge donors for their support and discharge them from responsibility regarding the content. These reports were produced at different stages of the Gacaca process, and hence had different envisioned and performed uses, which I unpack in the following sub-sections.

2.1. Envisioned Objects: "Monitoring Reports" as Technical Fixes

The first set of reports produced comments on the potential use of the Gacaca model to deal with the judicial legacy of the genocide. The collection of reports indicates that since 1996, numerous international actors were concerned with the question of impunity, the situation of prisons, the condition of the destroyed judicial system, compliance with international law, and psychological needs in post-genocide Rwanda. These reports testify to the long negotiations which stakeholders went through to come to an agreement on the Gacaca model, as stipulated in the 2004 Gacaca law and its subsequent versions. The various concerns and preferences presented in these reports show that there was a lack of unanimity. These reports clearly illustrate the fear expressed by the authoring organisations over the lack of judicial guarantees that the Gacaca system offered – given that non-professional "judges" would be entitled by the judicial power to rule on genocide crimes. They further account for the policy discussions, summarising different technical options put on the table to deal judicially with the legacies of the genocide. It is interesting to note that most of the reports were written before the national launch of the process, when the authoring organisations hoped to influence the policy model (62 reports were published before the national launch, covering the preparation and pilot phase of Gacaca). Ultimately, this first set of reports and interactions around them shaped the Gacaca policy envisioned.

In response to the above-mentioned concerns, donors' support for the Gacaca process was made dependent on safeguards, including a significant monitoring mechanism. It was envisioned that the monitors, upon observation,

would support the Inyangamugayo at the community level, and that analytical reports would rectify policy guidelines at the national level. It was believed that "reliable and rapid monitoring of instances where the spirit of gacaca is being violated" would allow abuses to be rectified (Uvin, 2000). While the network – made up of staff members from Rwandan authorities, donors, and NGOs – sought consensus, the monitoring system and its reports sealed the deal that the Gacaca model should be used. Envisioned as a technical fix, the Gacaca monitoring reports responded to expressed fears and provided a clear intervention agenda for the actors involved: NGOs would do the monitoring, the National Commission for Human Rights would coordinate it, the SNJG would implement decisions, and donors would fund both the work of Rwandan authorities and NGOs.

Dozens of organisations and hundreds of their staff members were involved in Gacaca monitoring: two local NGOs (PAPG and LIPRHODHOR) had initially around one hundred monitors each. However, throughout the process, their numbers decreased drastically. PRI and ASF had research teams with around eight people dedicated full-time to their monitoring programmes until 2010. Overall, the analysis of monitoring showed that it was difficult for the Inyangamugayo to apply the Gacaca law, i.e. collecting data about crimes and alleged perpetrators, organising and ruling on trials, failing to respect the principle of presumption of innocence, limited verification of evidence, incorrect categorisation of crimes and penalties, false accusations and corruption, and involvement of political actors in the process (ASF, 2006, [a] 2007, [b] 2007, 2010; PRI, 2003, 2006, 2007, 2008, 2010; LIPRODHOR, 2003). The limited training of the Inyangamugayo was denounced as one of the main causes for this situation. It was also aggravated by the acceleration of the process in 2007.[5] All NGOs had serious challenges with their Gacaca monitoring programmes (see below - Waldorf, 2010; Schotsmans, 2011; Oomen, 2005; Hayman, 2008; Da Camara, 2001; Jamar, 2012). As performed objects, monitoring reports failed to act as safeguards that could fix the problem observed. I explain below how these reports were used instead.

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5 To comply with the Gacaca closing date, the pace of the judgements was acce-lerated (up to 19 cases ruled on in one day). Even though the pace slowed down after the deadline was postponed, it had an irreversible impact on the quality of the judgements.

2.2. Performed Objects: "Monitoring Reports" as a Socio-Political Battleground

2.2.1. Initial Fractures between Envisioned and Performed Objects

While it was initially envisioned that problems would be identified and reported, the reports rapidly became difficult objects to produce for the authoring organisations – as Rwandan authorities and some donor representatives found them too critical. From an initially collaborative relationship, the synergy between the monitoring NGOs and the Rwandan authorities deteriorated (Jamar, 2012). In their envisioned monitoring sytem, NGOs expected leveraged support from international donors for their lobbying of Rwandan authorities. What happened was the opposite, with optimistic donors lining up behind Rwandan authorities and pressuring NGOs to write less critical reports, while other critical donors stopped funding the process. Through fieldwork, I collected extensive data illustrating how Rwandan authorities imposed bureaucratic obligations on NGOs to constrain their work.

Each authoring organisation depended on the Rwandan government to be officially registered to operate in Rwanda (requiring a long bureaucratic process with various levels of national authorities). The need for regular registration renewal implied that very limited space, if any, was left to be critical of the government. Monitoring NGOs also depended on the SNJG to obtain a written authorisation to attend and take notes at Gacaca procedings – audio and video recordings were not allowed for monitoring agencies. For instance, a local NGO worker explained: "Initially we were easily given collective research authorisation [by the National Service of Gacaca Courts]. The researcher took a copy and he could go and observe Gacaca Courts. The research authorisation was then individualised and the number of observers consequently diminished" (Interview, author's translation, Kigali, December 2012). ASF was not granted a monitoring authorisation for two months in early 2008, without any official explanation (Skype Interview,

December 2010). All this monitoring was heavily dependent on Rwandan authorities, without much leverage to influence them in return.

At the global level, most NGOs depended financially on international donors, who themselves had their own diplomatic relationship with Rwandan authorities. The donors' embassies were also pressured by their own governments. For instance, the Belgian Cooperation Office in Kigali was asked on several occasions to answer parliamentary questions concerning its support to the Gacaca process. The Office answered that it financed the monitoring safeguards implemented by ASF and PRI (Parlement fédéral belge, 2008). As perfomed objects, monitoring reports became a useful tool for donors to justify their support to such a controversial policy and to deal with increasing criticism about the process. Donors put increasing pressure on NGOs not to produce overly critical reports.

Tensions would also affect the team dynamics within one single organisation. Looking into the internal tensions among staff within INGOs further reveals how social and political dynamics framed the way Gacaca was being monitored and reported on. A former expatriate head of mission explained how the local research team was heavily affected by the post-genocide ethnic context:

> The lead researcher suffered a lot of pressure because he was Hutu. The genocide survivors of the team played with "genocide ideology"[6] and [blamed him for being] incompetent. He had limited authority on his own team, and his ethnic identity had a lot to do with it. When we were the two of us, he would talk to me with full confidence about his analysis of Gacaca. With just one other person in the room, he would talk differently. Actually, only the researchers who were Tutsi survivors would talk in the same way in all circumstances. The others, they suffered from war crimes, but they would always have changed their voice and language with others around. They would not comment negatively on their observation of Gacaca. Through moral pressure, the survivors could frame what type of issues we would work on, or not, and how we would talk about them. As a result, we stopped having team meetings. At the end,

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6 The Rwandan legal framework has criminalised ethnicity and divisionism through the adoption of laws forbidding "sectarian and genocide ideologies" (Amnesty International, 2010; Reyntjens, 2011). It has been argued that this legal framework has been used politically, severely affecting democratisation and the development of an independent civil society.

the researchers would only collect the data and the analysis was dealt with separately (Skype interview, 2014).

In this discussion, it is apparent that the everyday work of a monitoring team was heavily affected by various combinations of personal experiences of the genocide, ethnic identity, and positions towards the regime. In parallel, the monitoring was also affected by other complex interactions between the expatriate staff based in Kigali and the head office regarding the content of the monitoring reports, particularly the last monitoring report. In addition to well-established constraints, my research brings attention to challenges due to competing views between but also within monitoring organisations, and the related micro-social politics. As demonstrated, various levels of politics, including national and international pressure, affected the monitoring process by ultimately defining what was observed, what type of analysis was undertaken, what was written in reports, how they were circulated and used, and finally, how they impacted the Gacaca process.

2.2.2. Dangerous Objects: Critical Reports under Attack

Tracing the report production at the end of the Gacaca process underlines how critical reports were seen as dangerous objects which provided a counter-narrative. These dangerous objects were attacked on this TJ battlefield. For instance, a local NGO faced problems publishing their last Gacaca research project. The research consisted of a quantitative survey of the population with regard to their appreciation for the Gacaca process. The draft report concluded that Gacaca had received limited appreciation and had had a limited impact on reconciliation. Through the editing process, their partner academic institution disengaged, they made the researcher involved redundant, apparently after having been intimidated by the police. Due to a number of other problems, the NGO never published this final report. These are clear obstructions put in place by Rwandan institutions in order to discourage analysis, which is not in line with the official narrative about the genocide and the Gacaca process.

In 2006, the British aid organisation cut its funding to PRI, considering its reports too negative (Waldorf, 2010). With the arrival of a new donor representative who was pro-regime, PRI was encouraged not to publish a report concerning crimes committed by the Rwandan Patriotic Front (RPF, the

ruling party in Rwanda today) in the provinces less affected by the genocide – a report that disappeared and that even the author could not get a hold of (Interview with a former expatriate NGO staff member, December 2014). The Gacaca electronic files of one of the monitoring agencies were alledgedly stolen on several occasions. It is quite clear that the imagined object as a safeguard, gradually played a different role for the organisations involved. Ultimately, the monitoring reports became useful performed objects, as they enabled donors (and even Rwandan authorities on a few occasions) to justify and protect their involvement in Gacaca. NGOs have continued their monitoring with the aim of having an impact on policy, but also of leaving a written account of their analysis of Gacaca.

INGOs stopped their monitoring programmes in 2010, while Gacaca Courts closed in 2012 – due to insufficient funding and the limited contribution of their work. The two INGOs which were involved throughout considered that the last reports should not contain any recommendations, nor should they be followed by lobbying work. Working at PRI in 2009 and at ASF in 2010, I directly experienced and observed difficult discussions internally about the closure of their monitoring programmes. The then ASF head of mission described the situation as follows:

> It was planned that we would say it all in the last report. It was supposed to have a strong political analysis. But as you were submitting different drafts [me being the consultant at the time], the head office realised that ASF was too involved in the process and decided not to say anything. They were worried that they would be challenged on why they did not communicate these problems earlier. I was asked to step out from the discussions about the last report. The Director and other people from the head office took over and decided what could be included and how the political analysis should be tuned down (Skype Interview, December 2014).

ASF decided to launch their last report discreetly. The head office dismissed the critical head of mission, partly to demonstrate that they took actions following their mistakes. By contrast, PRI organised an important event to launch their summary report, which was overly positive – particularly in comparison with the analysis summarised – in London. The PRI head office had asked Klaas de Jonge (former head of mission and coordinator of the PRI Gacaca research programme) to write a piece for its final summary

report. He left the organisation in 2007 when he started disagreeing with PRI's approach and position on the monitoring (Skype interview, December 2014). In his concluding notes (2010), he wrote:

> Naively, we hoped that our analysis of the key issues and proposed solutions […] would have some impact. […] it could be expected that the RPF would instrumentalize the gacaca as it has done with the ICTR [International Criminal Tribunal for Rwanda] […] inside as well as outside Rwanda. … In my view, [PRI monitoring] reports show that the *Gacaca* process was a failure if we relate the outcome to its explicit objectives.

His text was considered too critical for the position that the head office wanted to promote in their last report. It was not included, and it was not distributed at the launch event in London – which I attended at the time. Both PRI and ASF decided to adopt a diplomatic approach towards the closure of their monitoring programmes even though their Rwanda offices were to close. The head offices had serious concerns about their apparent credibility if the problematic aspects of a policy, which they had "supported" for so long, were to be discussed publicly. Receiving funding for their other projects from the same donors was certainly an important element to take into account.

Although all the actors involved were aware that the monitoring did not work, significant efforts continued to be made to produce the reports and project the image of an appropriate safeguard. By simply reading the depoliticised published reports, it is not possible to understand the battles over their content and publication. However, the above description makes it obvious that national politics and bilateral relations (between donor countries and Rwandan authorities) were at stake throughout the monitoring of the Gacaca process. It also clarifies the reasons why the various organisations remained involved in the production of reports. If donors aimed to cover their backs, one can understand why they joined Rwandan authorities in attacking the dangerous reports to silence these critical voices.

2.2.3. Attacking Objects: Intertextual Battles over the Representation of Gacaca

The gap between the envisioned and the performed objects became so important that reports started attacking each other. Beyond internal debates, there were stronger disagreements between organisations, particularly watchdog organisations. Since they did not depend on bilateral donors, their criticism of Gacaca and the Rwanda judiciary was more direct. Their critical stances are obvious in the titles of their report, such as "Rwanda: Genocide suspects must not be transferred until fair trial conditions met" (Amnesty International, 2007); "Rwanda: Gacaca Trial Condemns Activist to Prison" (HRW, 2007); and "The Power of Horror in Rwanda" (Roth, 2009). The resulting media clashes with the Rwandan authorities represented battles over what Gacaca was, how successful it was, and how it should have been represented.

Throughout the years of the Gacaca process, the authorities followed a pattern in refuting NGOs' critiques in relation to Gacaca: they maintained that INGOs did not sufficiently understand the Rwandan context, that their analysis was biased as it was embedded in Western legalism, that they did not appreciate the traditional dimension of Gacaca, and that they did not propose alternatives (e.g. interviews with the authorities' representatives, Kigali, 2008, 2012, 2013). As a result, some informants said they would not bother reading the monitoring reports anymore. The final SNJG report illustrates these patterns (NUR/CMM, 2012). Financed by the Dutch government, the report explains the judicial challenges faced in the aftermath of a genocide, the functioning of Gacaca, and its achievements and challenges. One section dismisses the criticisms made about the Gacaca Courts "having noticed that some individuals and organizations have been providing in their reports … [analysis] which is the contrary of what has been done during the Gacaca courts process". This section invalidates 14 NGOs' criticism and claims to reveal "Gacaca's true nature." For example, responding to the criticism of the Inyangamugayo's training, the report states:

> As it is, Gacaca has always been part of Rwandan culture. When one committed a crime they were brought before Gacaca and chastised by the elders and the two families (the family of the offender and the family of the offended) were reconciled and the conflict was resolved. […] Even though there were no written laws at the time, conflicts were settled basing on cultural values. With regard

to Gacaca courts, the historic goal of reconciliation was maintained however, the Courts applied the codified laws and regulations. […] The only next step involved was to consult the provisions relating to the crime in Organic Law nº 16/2004 governing Gacaca courts. Therefore this does not require graduate education in law.

It should also be noted that the Inyangamugayo judges were given training on the laws and regulations governing hearings of Gacaca courts and most of them even memorised them because the Organic Law mentioned above had become like the Inyangamugayo Bible.

The section does not discuss NGOs' specific criticism, particularly the social implications of the Inyangamugayo's capacity to implement the Gacaca law. It only refutes this by stating that the Inyangamugayo did not need professional legal training because Gacaca is a Rwandan tradition. Therefore, the report implies that the Inyangamugayo's insufficient training, as reported by NGO monitoring, was a false allegation. Such an inference is, however, weak; it only underlines that the authoring organisations rejected the position of the monitoring NGOs' report without providing empirical evidence to refute it. This last report is a typical example of the battles over the representation of what the Gacaca process was, and what it achieved or failed to achieve. More importantly, it implies that any social consequences of infringing on the Gacaca law would not be dealt with.

By the end of the Gacaca process in 2012, the battle was over. The production of reports had not solved the initial battles, but rather exacerbated them since no consensus over a meta-narrative could be found. In addition, the end of the production of the reports marked the end of the network and of the Gacaca process. I remember when a diplomat in Kigali went to his embassy archives to bring me some of the dozens of monitoring reports funded by his government, but could only find one. Similarly, a member of staff of the National Commission for Human Rights in Rwanda could not find any of the Gacaca monitoring reports which his institution had produced. The implication is that these reports had limited use and value, gradually fading with time, to the point that they could not be found in the archives. This signified the end of the social life of Gacaca policy reports, as well as the end of the Gacaca process itself.

3. Analysing the After-Life of Policy Reports:
Social, Political, and Normative consequences

3.1. Political Impact and Social Relevance of the Reporting Battlefield

The end of the production of reports coincided with the end of the Gacaca process itself. During my fieldwork, the legacies of the Gacaca process seemed more important than what the public discourse suggested, even if donors' and authorities' representatives kept repeating that the Gacaca process was over. During the first phase of my fieldwork (October 2012), it was still unclear for the people interviewed how the judicial authorities would interpret the Gacaca termination law. Some informants, particularly NGO staff, were concerned with regard to the consequences of the Gacaca process, the lack of support for people still struggling with this process, and the transfer of Gacaca competences to other institutions. For instance, one interviewee mentioned that a family tried unsuccessfully to obtain a copy of the Gacaca Court decision that acquitted their relative so that he could be released. One organisation counted more than 500 people in detention, even after the Gacaca closure, for genocide crimes whose cases had never been ruled on (Interviews, November 2012). In later periods of fieldwork (2013), it appeared that donors were not involved in the implementation of the closing law, and that no additional measures (other than passing the law) had been undertaken by Rwandan authorities. Even on the side of NGOs, no efforts were being made to follow up on the social and legal issues identified in their monitoring reports of Gacaca (including false accusations, false testimonies, judicial mistakes, and corrupted acquittals).

The review of reports also underlines the murkiness of politics in TJ praxis. It highlights that all the organisations involved, the Rwandan authorities, donors, and NGOs, had their own agendas. As demonstrated, these agendas changed over time, reacting to different dimensions from various pressures and political positions. This affected the production and use of the policy reports. Overall, it shows how inconsistent and unequipped to deal with politics aid-dependent actors were. However, the political impact goes beyond the life of these policy reports themselves. Reviewing a report produced by a London-based NGO about the Rwandan genocide and its contentious financial support from the RPF, Luc Reydams (2016) illustrates the political impact of this report: "It primed the first generation of ICTR

investigators as well as newcomer academics and journalists, whose work in turn primed public opinion. The result was a *pensée unique* about Rwanda that lasted long enough for Kagame and the RPF to gain absolute power." To a different degree, but similarly, the battlefield of reports examined in this article influenced meta-narratives about the Rwandan genocide and Gacaca's success in contributing to Rwanda's reconstruction. Yet in the end, the report battlefield also affected the Gacaca process itself, influencing how the process would be perceived, and consequently, whether and how its own legacies would be acted upon. Within this Gacaca reporting battlefield, one obvious outcome is that most issues raised by critical monitoring reports were silenced, tuned down, and, ultimately, not acted upon.

3.2. Report Production: The Depoliticisation of Normative Battles

The empirical analysis has brought attention to the political reasons which led the authoring organisations to leave data out of their reports. The restrictions on content imposed by the mandate and the functioning of the authoring institutions are not obvious for most audiences reading their reports. The analysis reveals the underlying political and social negotiations in the reporting and representation production. As glossy end products, TJ reports create the image of more efficient processes unaffected by complex politics over the past. Under the surface, however, it appears that these processes were driven by various levels of political negotiation. The technocratisation of aid, and its consequent depoliticisation, are not exclusive to TJ practices (see e.g. Holvoet and Rombouts, 2008; Debusscher and van der Vleuten, 2012; Debusscher and Ansoms, 2013). Depoliticisation does not render processes apolitical; instead, it simply silences or hides the social and political matters at play.

Reviewing the Nuremberg trials and the South African TRC, Bronwyn Leebaw (2011) is one of the few TJ scholars to bring attention to depoliticisation. She argues that depoliticisation is "useful to establish legitimacy of transitional justice institutions… However, depoliticisation has also undermined the critical role of transitional justice as a challenge to denial, as a basis for exposing the systemic dimension of past wrongs, and as a basis for advancing an ongoing process of change". In addition, my research on reports suggests that claims that international aid supporting the transitional justice process

is apolitical also constitute a waiver of responsibility for the long-term outcomes of funding cycles. Yet, more importantly, it renders donors complicit in the political appropriation of TJ processes and the consequences of depolitisation. In this specific case study, donors became complicit with Rwandan authorities in constructing their vision of Gacaca and refuting critical voices (e.g. when cutting funding or forbidding publication). Such silence over political agendas and consequent normative frameworks limits the debates about the disseminated analysis, and can lead to the dismissal of any sound analysis by projecting an idealised vision in a highly sensitive post-genocide or post-conflict context. In stark contrast with the policy call for international aid and civil society support to TJ processsses, I argue more attention should be paid to the silenced normative and political battles fought between all the actors involved. This would enable more transparent debates about the political nature of technical modalities in TJ processes.

Conclusion

Tracing the production of Gacaca policy reports from 1996 to 2012, this article addresses why and how reports matter in TJ praxis, drawing attention to complex politics and the contentious roles played by international aid. Throughout the different stages, NGOs were working under Rwandan sovereignty and were financially dependent on donors. They had insufficient power to legitimise their analysis. Even with robust methodologies, this did not enable them to influence most of the policy changes that they recommended. Given the moral burden of the genocide and the complex ongoing relations with Rwandan authorities, most diplomats I spoke to acknowledged such complexity and the need to focus on new priorities – that is, to strengthen the judicial system and to attend to more general human rights issues. In the end, even critical organisations gave up on the battles over what Gacaca was supposed to be and what could be done to "rectify" its implementation.

Ultimately, reports remain one of the realities in which TJ praxis takes place. Researching policy documents, Freeman and Maybin (2011) state: "Artefacts and practices entail each other, they are mutually constitutive: practices generate artefacts, which in turn structure practices." In the

context of the implementation of the Gacaca process, the production of reports was envisioned as a technical fix, but reports were not used in the way they were designed to be, and gradually became objects that performed different functions. As Dominique Vinck observes: "Objects are not neutral instruments, they also act as translators displacing the envisioned intention, produce unintended effects, and go beyond the framework that could have been predicted" (Vinck, 1999 - author's translation). Similarly, the uses and social roles of monitoring reports could not have been predicted.

For donors who were criticised for supporting Gacaca, the performed objects served as safeguards to justify their own interventions (instead of acting as safeguards for the actual implementation of Gacaca). The dangerous objects, produced by NGOs, accounted for a censured but critical representation of the Gacaca process. Even if these TJ practitioners expected but failed to influence the Gacaca process, they succeeded in leaving a trace of their critique of the Gacaca process – in most cases, at the cost of their own existence in Rwanda. The Rwandan authorities attacked these dangerous reports, and this culminated in the production of reports refuting the critiques. Such attacks were instrumental in their state-building narrative – in which Gacaca was used to demonstrate than Rwanda was successful in dealing with the consequences of the genocide. Such attacking acts and objects affected critical voices in different ways. Local NGOs which were critical could not publish their last reports, while INGOs wrote fewer critical reports than they would have without all these constraints, but still managed to publish and circulate them in Rwanda and abroad – all of which are still available today on INGOs' websites. In the end, Rwandan authorities published a report to attack and negate the critiques, but failed to make all the critical and dangerous reports disappear.

Having unpacked the reporting battlefield, it is not surprising to find that reports failed to achieve the ambitious roles envisioned for them, namely to serve as safeguards for this judicial process in which lay judges ruled on genocide crimes that took place in their own communities. Understanding their different performed functions brings an important contribution to the understanding of TJ praxis. While the power dynamics within and between the organisations involved are critical in defining the level of opportunity to influence TJ implementation, it is not the sole influencing element.

Ultimately, the Rwandan authorities shaped the meta-narrative about Gacaca. Donors only had the capacity to fund or to stop funding these reports. Despite their challenges and limitations, the NGO monitoring reports still inform, advise, argue, and account for different truths. The reports shaped each authoring organisation's representations of Gacaca. Altogether, the Gacaca policy reports materialise the representation battlefield taking place in TJ praxis. These observations have major implications for the possible contribution of policy-orientated research, and by extension, for writing about truth-seeking initiatives and the dissemination of TJ successes.

A review of the social life of policy reports provides unexpected insights into transitional justice praxis. Given that most TJ processes culminate in the production of written documents, such as court decisions, inquiry reports, and final reports of Truth and Reconciliation Commissions, the meta-conflict contained in the social life of policy reports calls for reconsidering the TJ notion of accountability and victims' rights to truth. Policy reports do not solely convey technical and political positions; TJ official reports do not only convey factual clarifications about victims, crimes, and perpetrators. These documents constitute the end products of moral and political battles in relation to the meta-narrative of a legacy of violence. In addition to these narratives, understood as objects, policy reports are the material output of TJ praxis, and demonstrate the limitations of efforts addressing legacies of violence. Reports perform social roles beyond what can be envisioned. In the case of the Gacaca Courts in Rwanda, they legitimised the financial support of Western donors supporting a process in which lay judges had the capacity to rule on genocide crimes and on life sentences – without any capacity to address the social consequences of such a process. Whereas this could be perceived as an extreme example, transitional justice is not the only aid-dependent field of practice in which policy reports play an important role. Most development fields of praxis addressing poverty, inequality, and injustice enter similar normative and political battles – battlefields in which social consequences are hardly tackled.

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Astrid Jamar has been researching transitional justice in Rwanda and Burundi since 2006. Her field experience working for three years with transitional justice NGOs formed the basis of her research. Her doctoral research in Burundi and Rwanda analysed transitional justice as a "battlefield" in which practitioners implement transitional justice policies while arguing about the past. She is particularly interested in understanding the professionalisation of these fields, the everyday struggles of practitioners, and the frictions between the "global/local" dimensions in the implementation of aid-dependent transitional justice and human rights policies.

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