

# Returning to Stability? Refugee returns in the Great Lakes region

October 2019



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## About



International Refugee Rights Initiative (IRRI) is an international non-governmental organisation, founded in 2004 to inform and improve responses to cycles of violence and displacement. IRRI has developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, in particular through advocacy based on field research and analysis.



The Conflict Research Group (CRG) is a multidisciplinary research unit at the Department of Conflict and Development Studies, Ghent University (Faculty of Political and Social Sciences). We study the micro-level dynamics of civil conflict and political violence.



*Actions pour la Promotion Rurale* (APRu) is a non-governmental organisation working on sustainable socio-economic community development in Haut Uélé Province in Democratic Republic of Congo (DRC). APRu's mission is to support communities in the identification of socio-economic challenges and subsequent implementation of durable solutions, and to strengthen civil society organisations.



Based in Bukavu, South Kivu, *Groupe d'Etudes sur les Conflits et la Sécurité Humaine* (GEC-SH) is an interdisciplinary research group within the Center for University Research of Kivu (ISP-Bukavu). GEC-SH carries out both academic and action research, employing a cross-sectional and interdisciplinary approach to conflict and human security studies.

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## Introduction

After decades of conflict and violence, the Great Lakes region of Africa remains one of the areas of the world most affected by forced displacement. Currently, the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Burundi and South Sudan are among the global top ten countries of origin of refugees, but every country in the region has produced refugees, often for several decades. In addition, most countries in the Great Lakes region are not only countries of origin, but also host large refugee populations. Throughout the region, complex histories of conflict have created a complicated displacement landscape.

The DRC, for instance, is not only a major source of cross-border departures, but also hosts over 4.5 million internally displaced people (IDPs) and over 500,000 refugees within its territory. Burundi hosts refugees from eastern DRC, which in turn has become home to tens of thousands of Burundian refugees. The DRC hosts several hundred thousand more refugees from CAR, South Sudan and Rwanda. Rwanda hosts tens of thousands of refugees from Burundi and the DRC. Tanzania and Uganda have opened their doors to hundreds of thousands of refugees.

These protracted situations have wide-ranging effects on the areas of departure and arrival of refugees. The domestic costs and challenges for host countries of managing these refugee populations are enormous.

Voluntary repatriation is generally seen by regional and international actors as the preferred solution to these displacement crises. The return of refugees has become a key element in peace negotiations and post-war peacebuilding and is considered a critical step towards national reconciliation, state stability and economic development.<sup>1</sup> However, studies on return reviewed by researchers for this project show that contrary to previous assumptions, returnees rarely come home to political stability and security, and return migration can itself complicate security and stability in the areas to which they return.<sup>2</sup> This is particularly relevant in the Great Lakes region, where cycles of displacement and return have fuelled conflict and power struggles over many years.

### The rationale for this research

The departure point of this research project was the need to better understand the interactions between return migration, political processes and conflict dynamics in areas of return, and to go beyond humanitarian approaches, to analyse the political dimensions of return. Aside from the logistics of crossing borders and the alleviation of immediate material needs, what does return mean – both for returnees and for ‘stayees’ – people who didn’t migrate – in the communities to which they return? How does return migration affect, or how is it affected by, social relations,

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1 J. Tegenbos and K. Vlassenroot, “Going home? A systematic review of the literature on displacement, return and cycles of violence,” Politics of Return Working Paper, ISSN: 12345678, 2018, p. 3, available at <http://eprints.lse.ac.uk/89151/>, (accessed 4 September 2019).

2 Ibid.

power dynamics, political processes and conflicts in areas of return?

An additional question of this project is how interventions by international agencies and their local counterparts affect the politics of return and take the aforementioned aspects into account. Despite high levels of displacement in the Great Lakes region, international actors have generally struggled to integrate the political dynamics related to displacement and return in their human security interventions. Instead, they have tended to apply a technical, humanitarian approach to returns. Likewise, interventions related to the promotion of political stability and legitimate governance have overlooked the inherently political nature of return.

The research presented in this report therefore aims to provide insights into how return dynamics affect politics in countries and areas of return, and how these could be better taken into account in international peacebuilding interventions. This report brings together research on three case studies: two in the Democratic Republic of Congo (DRC) and one in Burundi.

The few studies that have been carried out on return in the DRC have mainly focused on challenges related to the return and reintegration of former combatants, rather than refugees. The two case studies in this report offer novel insights on how actual and anticipated refugee return affects local political situations. In Faradje (Haut-Uélé province), the research focused on the return of Congolese refugees who fled from the Lord's Resistance Army (LRA) in 2009 and came back when violence erupted in South Sudan. In Kalehe (South Kivu province), the research was aimed at understanding how earlier experiences of sporadic return, and the anticipation of a large-scale, organised return of Congolese Tutsi refugees who fled to Rwanda in the mid-1990s, shapes social relations and militarisation, in a context of communal conflict and competition over land.

In Burundi, the political landscape after independence was profoundly shaped by conflict-driven migration and returns, and refugee return was an important element in previous peace processes. As a consequence, there has been considerable attention for the issue of refugee returns, mostly focusing on the precarious social position of returnees who fled in the 1970s and the 1990s and on conflicts over land, property and housing.<sup>3</sup> The research for this project looks at the most recent wave of returns by Burundians who fled to Tanzania after the 2015 crisis. It provides insights into what it means to return to a context, which has not fundamentally and where flight itself has been politicised.

## Different contexts

The objective of this project is not to provide a comparative analysis of the three cases, but rather to show how return dynamics vary in different socio-economic and political settings and are interlinked with local and national power constellations and conflict dynamics.

The ways in which refugees returned have been very different in the three cases. In Burundi, most have so far returned in the framework of a tripartite agreement between Burundi, Tanzania and

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3 J-B. Falisse and R.C. Niyonkuru, "Social Engineering for Reintegration: Peace Villages for the 'Uprooted' Returnees in Burundi," *Journal of Refugee Studies* DOI:10.1093/jrs/fev002., 2015; T. Mbazumutima, "Building Viable Community Peace Alliances for Land Restitution in Burundi," PhD Thesis, Durban, 2018; S. Schwartz, "Homeward Bound: Return Migration and Local Conflict After Civil War," PhD thesis, Columbia University, 2018 available at <https://academiccommons.columbia.edu/doi/10.7916/D8ZK706X> (accessed 5 September 2019); A. Purdekova, "Respacing for peace? Post-war socio-spatial experiments and the ontopolitics of rural planning in Burundi," *Development and Change*, 48(3), 2017, p. 549; J. Vorrath, "From Refugee Crisis To Reintegration Crisis? the Consequences of Repatriation To (Post-) Transition Burundi," *Afrique Des Grands Lacs*, 2008, p.109–127.

the United Nations High Commissioner for Refugees (UNHCR), which ensures registration and the provision of humanitarian assistance. As the case studies will show, humanitarian resources become an important stake in the politics of return, both at the local and national levels. Other refugees have returned from Tanzania in a disorganised or spontaneous manner, which comes with different challenges. In both Kalehe and Faradje (DRC), refugees have returned without the framework of an agreement and with little assistance. In Faradje, many returned in a short period, due to fighting in South Sudan, while in Kalehe, there have been several waves of sporadic return. The research in Faradje and Burundi looked at how local contexts are affected during and after return, while in Kalehe it is the anticipation or prospect of a larger scale return which affects social relations and power dynamics.

It is not only the modalities of return that differ across these cases. There are also important distinctions in the socio-political make-up and political structures in areas of return in Burundi and the DRC. On the national level, the current governments of Burundi and the DRC can be considered “archetypical” in conflict and post-conflict settings – one ‘authoritarian’ (Burundi) and the other ‘fragile’ (DRC) – although these labels can overlap. In the first decade after the Arusha peace agreement (2000) was implemented in Burundi, there was cautious optimism about the ethnic power-sharing system and multiparty democratisation. Since the 2015 crisis, however, the country shifted to authoritarian rule. A clampdown on opposition parties, media, and NGOs has further tightened a closed political system. People in Burundi’s countryside are subjected to strict surveillance, and boundaries between the state’s administrative and security institutions and the ruling party have become increasingly blurred, with little room for other actors to operate.

In contrast to the strong presence of the state and ruling party in Burundi, state presence in the DRC is weaker, and political and regulatory powers are much more diffuse in many areas of the country, including in Kalehe and Faradje. There are, however, important differences between the two Congolese cases. The presence of a multitude of armed groups in Kalehe contributes to a strongly militarised political arena, in which state authorities, customary institutions, and state and non-state armed actors operate alongside each other in a complex, layered system of governance. In Faradje, it is humanitarian agencies, rather than armed groups, which encroach on certain state functions and play an important role in everyday governance.

As the case studies show, these differences in political configurations also have an impact on the extent to which international agencies can play a role in refugee returns. In Burundi, relations between the government and the UN are at an all-time low since the government rejected proposed human security interventions in response to the 2015 crisis, and as international criticism on its human rights record persists. Some Burundian government officials view UNHCR as complicit in the refugee crisis and in international monitoring, which complicates the agency’s role in assisting return.

Despite these important differences, all three case studies underscore the need to consider the political and social, and not just humanitarian and logistical, dimensions of return. Return is an inherently political process, affecting legitimacy and power relations, with implications for identity politics and citizenship. These dynamics, in turn, can ameliorate or exacerbate conflicts in areas of return. This research therefore makes the case for more conflict-sensitive approaches to refugee return, which incorporates longer term challenges of social status, cohabitation, citizenship and rights.

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## Methodology

The findings presented in this report are based on field research carried out by members of the consortium in the first half of 2019. For the three areas, findings were discussed and further enriched during stakeholder meetings involving national and local authorities, humanitarian agencies, civil society actors and representatives of local communities.

In Burundi, the research focused on returns from Tanzanian camps to four localities (*communes*) which have received many returnees: Giharo (Rutana Province), Kayogoro (Makamba Province), Gisuru (Ruyigi Province) and Nyanza-Lac (Makamba Province). Researchers interviewed around 70 respondents in the first half of 2019. Most were returnees (80%); around 20% were Burundians who had not gone into exile. The findings from the interviews were further enriched by direct observations by our researchers.

In Faradje, the research focused on the town of Aba and its surrounding chiefdoms (*chefferies*), specifically Logo Ogambi, Logo Lolia, Mondo Missa, Kakwa and Logo Bagela. It also included information collected in Faradje town and Kurukwata, all situated in the territory of Faradje. A total of 57 interviews were carried out in addition to a number of field observations. Documents were also gathered from humanitarian agencies and committees representing displaced communities.

In Kalehe, the research was carried out by the *Groupe d'Etudes sur les Conflits et la Sécurité Humaine* (GEC-SH), in collaboration with *Action pour la Paix et la Concorde* (APC), both based in Bukavu, and the Conflict Research Group at Ghent University. This research took place in several principal areas of departure and return in the middle and high plateaus of Kalehe territory. It relied on data collected in two phases – May and July 2019 –, consisting of 45 interviews and 13 focus groups with respondents from different communities in South Kivu, in addition to informal conversations, observations and a review of secondary literature on the security situation in the area.

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## Lessons from the case studies

While the three case studies each have their particular characteristics and dynamics, a number of broader lessons can be learned from this research. Overall, these lessons underscore the need for a conflict sensitive approach, one which begins with an analysis of the political and social structure and which continuously assesses the potential impact of return, not only on humanitarian and logistical aspects, but also on political and social dynamics. This analysis will be relevant for humanitarian and other interventions that support or impact the return of refugees and other displaced communities in areas of return.

The following 12 lessons can be drawn from the field research in the three areas:

1. Refugee return should be understood not solely as a “humanitarian event,” to be logistical-ly managed and organised, but as a political process. Such process is deeply rooted in local histories and experiences of conflict and embedded in complex socio-political environments. The return of often large groups of people in a short time can have a profound impact in areas of return. Understanding how return dynamics - and interventions that engage them - are perceived by displaced communities, by those who did not go into exile and by various authorities is important in any intervention supporting return or intervening in areas of return. Prior to taking decisions that affect the return process, national and international actors should **invest in in-depth, on-the-ground analysis**, based on a detailed understanding of local socio-political environments and historical context, including of migration and return, to ensure that interventions are sensitive to potential conflict.
2. The research presented in this report confirms that assistance programmes (or the lack thereof) can have an important influence on social relations in areas of return. The Burundi and Faradje cases highlight how limited assistance can be a source of social tension between returnees and other groups. When returnees receive assistance, this can create resentment among those who stayed (as is the case in Burundi), many of whom have significant humanitarian needs themselves. Similarly, when returnees receive less assistance and attention than other displaced communities (for example South Sudanese refugees in Faradje), returnees can become frustrated. Humanitarian or legal explanations for why a given group receives assistance while another does not are of little relevance to those impacted and may ignore the realities in regions marked by poverty and marginalization.

Tensions over perceived imbalances between assistance and need can exacerbate or create tensions between the displaced, populations that have not moved and organisations providing assistance. Donors should therefore ensure that humanitarian and development interventions adopt a **long-term, inclusive perspective** that supports returnees, the communities to which they return and other displaced people to enable reintegration and improve living conditions. **Returnee assistance should be integrated into broader assistance** and development and stabilisation programmes in areas of return.

3. Although the political contexts of the three case studies are quite distinct, in each case, returnees have been faced with specific forms of vulnerability in their relations with various forms of authority. In Burundi, the presence of an increasingly authoritarian state and a ruling party which controls many aspects of social and political life strongly influences the way local populations and authorities interact with returnees. Although returnees' experiences have been mixed, the fact that they are returning to a country ruled by the same government that precipitated their flight means that overall, they have little bargaining power. Further, the most important avenue for accessing assistance and social protection — ruling party affiliation — poses challenges for returnees. They are perceived by some local authorities and communities to be less loyal citizens and are sometimes associated with the political opposition, which compounds obstacles to collectively advocate for their rights and interests with local authorities or humanitarian actors.

State presence is much weaker in the DRC and there are significant differences between the social position of refugees in the DRC and in Burundi. Yet in the DRC too, returnees have little bargaining power. In Faradje, a system of collective bargaining has been set up through committees of returnees (and other displaced communities) and local leaders. These committees play an important role in representing returnee interests in discussions with state and humanitarian actors, but their role has sometimes been contested, either from within the returnee community, or more often by humanitarian actors or state representatives.

In Kalehe, some returnees have linked up with powerful political or military actors, sometimes during previous processes of armed mobilisation which they have turned to their advantage to regain access to their land or property. Given the sporadic nature of return, most returnees seem to create such links in an individualised way. However, such networking has created tensions with other communities who feel side-lined or threatened.

The case studies show that national and international actors involved in supporting return migration should take measures to **improve the representation** of returnees and host communities in areas of return by including them in decision making and by supporting their capacity and space to enable them to **promote their interests safely**.

4. The context in which returns take place can have an important effect on the potential role of outside actors, for example in the humanitarian or development field. In Burundi, the state is suspicious of, and seeks to control, outside interventions. This has restricted the space for these actors to operate and has previously led to a temporary halt of the return process. In Kalehe, the existence of armed groups, a weak state presence and ensuing insecurity has limited the presence of national and international actors on the ground, which significantly decreases their ability to understand the needs and to intervene.

Of the three case studies, outside actors probably have the most space to operate in Faradje, but their prominent role there has generated tensions with local customary and state actors, who want to have a greater say in the management and distribution of resources and sometimes feel that humanitarian “authorities” encroaching on what are (or used to be) their prerogatives. International actors, including UNHCR and its implementing partners, should therefore consider how their **interventions affect established forms of authority** and position themselves to ensure that actors who are seen as legitimate by returnees and local communities are involved in and informed about the process. At the same time, they should be

realistic about the resources, capacities and actual legitimacy of local powerholders, and avoid strengthening authorities perceived as corrupt or abusive.

5. Local actors position themselves to benefit as much as possible from the process of returns and related resources. In Burundi, many returnees told researchers for this project that authorities took advantage of the opacity in the selection of beneficiaries of humanitarian assistance (mostly returnees) to seek bribes in exchange for assistance or to reinforce ruling party patronage networks. In Faradje, some authorities managed to strengthen their authority by attracting resources associated with assistance to returnees or displaced populations. Others attempted to convince displaced communities to return, as they saw their authority weakened by the reduced number of constituents. In Kalehe, the context is more ambiguous, as potential returns of Congolese Tutsis are provoking animosity from non-Tutsi community leaders and further militarisation of local society. However, in each case study, the changing dynamics create winners and losers, potentially exacerbating or creating new conflicts among authorities vying for resources and “beneficiaries.” One way of mitigating such risks would be for government agencies working on refugee matters and their international supporters to **include both representatives of returnees and local leaders (including customary leaders) in decision-making** about the return process and related assistance.
6. 6. The way in which returns are organised and perceived can strongly shape returnees’ relations with other groups and actors. In Kalehe, returns remain sporadic, disorganised and are more of an anticipated possibility than a current reality. Nevertheless, even in the absence of large numbers of returnees, the experience and prospect of return have played a role in renewing the identitarian discourses and mobilisation efforts of armed groups, who stress that return migration could negatively affect the communities they claim to represent. In Burundi, most returns are so far taking place in the framework of an organised process, regulated by a tripartite agreement signed by UNHCR, Burundi and Tanzania. This has unlocked assistance and international attention but the process for Burundian refugees in Tanzania has been fraught with disagreement. The Burundian and Tanzanian governments currently envisage a forced return, in opposition to UNHCR which emphasises that the decision to return should be strictly voluntary and that conditions in Burundi are not conducive for promoting returns.

In Faradje, many returnees still lament the fact that no organised repatriation took place before violence erupted in South Sudan, which forced them to return without assistance. The three case studies indicate that a **voluntary and assisted return process** offers the highest chances of providing security and full reintegration for returnees, if external support is managed in a conflict-sensitive and inclusive way. A key element to such an approach is the **provision, by UNHCR and its national partners, of verified information** to refugees about the areas to which they will return, and to host communities and local leaders about the process of return and forms of assistance and support to returnees. As the Kalehe case shows, the absence of such reliable information can feed into speculation and mobilisation against return.

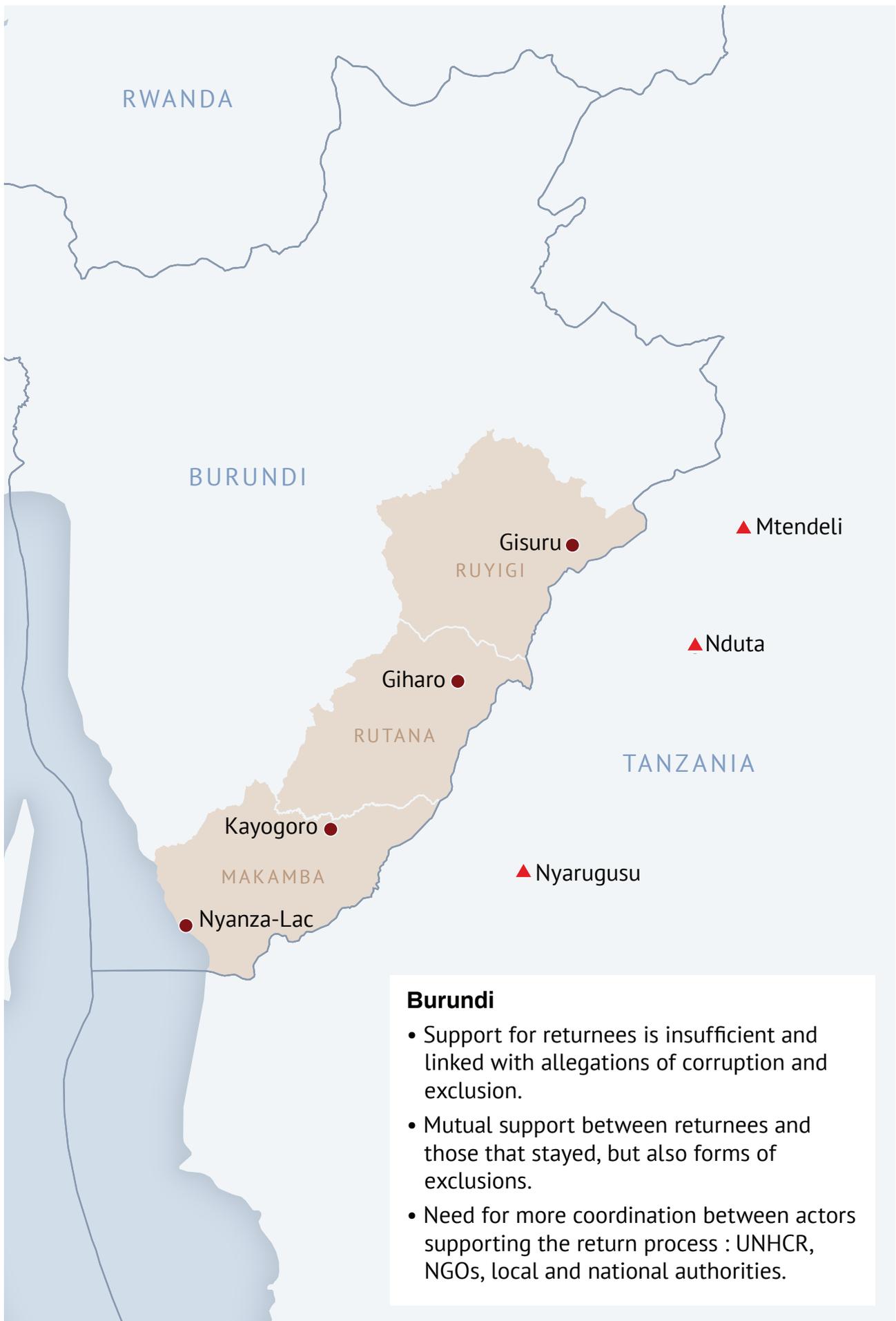
7. The way in which return is organised cannot be dissociated from the broader relationship between the host country and the country of origin and their position towards refugees or returnees. When the interests of the two states align against those of most refugees, as is the case with Tanzania and Burundi, this has negative implications for the return process, putting pressure on refugees and creating challenges for international involvement. In Kalehe, the

complicated relationship between Rwanda and the DRC has undermined coordination and information-sharing between the two states, with implications for relations between returnees (and potential returnees) and resident communities. It would be particularly fruitful for the Kalehe case, but of relevance for all three cases, for host countries and countries of origin **to enhance cooperation and information-sharing**, including on the profile and citizenship status of potential returnees and on refugees intentions to return. Representatives of refugee and returnee communities should be included in such discussions, and UNHCR can facilitate such cooperation.

8. Such cooperation should also acknowledge that frequent movements of populations, not limited to a single forced flight and return, are an inherent feature of the Great Lakes region. Many communities, including those in the return areas featured in this report, have longstanding economic, social and political ties that cut across borders. Despite their international labels of “refugees” or “returnees”, it is therefore often difficult to distinguish refugee and return movements from everyday movements of populations in the border areas where this research was conducted. Regardless of legal regulatory frameworks, many individuals continue to have one foot in their “country of refuge” and another in their “country of origin.” At times, such ambivalent relationships with borders and nationalities have been a complicating factor for refugee returns, in particular in Kalehe. They have also been used to attach negative labels to returning refugees, calling them ‘unpatriotic opportunists’ in Burundi, or have created security risks, such as for ‘returnees’ to Faradje trying to access continuous assistance in South Sudan. While acknowledging that it is sometimes necessary to categorise groups to ensure their protection, return programs must **find ways of better understanding and responding to these realities**, including by facilitating and analysing cross-border movements.
9. 9. The dynamics of refugee return described in this report cannot be disentangled from internal forms of (often forced) migration in Burundi and the DRC. Return does not always mean “coming home” or settling back in the place of departure. In many cases, internal displacement is part of the trajectory, either before going into exile, or after coming back. Violence and economic vulnerability can be both drivers of internal and external displacement for the same person or community. **A better understanding of how internal population movements impact the socio-political constellations** and conflict dynamics, and how they relate with refugee movements, could help domestic and international actors to shape approaches to the potential effects of refugee returns in the short or long term.
10. One cannot talk about displacement in the Great Lakes region without addressing the issue of land and its relationship with authority. Access to land has been a key driver of conflict in the region and has complicated the experiences of returnees in the past, in particular in Burundi. While the question of access to land has had an impact on renewed population movements, it appears to have been less of an explosive factor in the context of the recent flight and ongoing return of Burundians from Tanzania than in previous waves of displacement. The fact that many refugees or authorities had taken measures to safeguard property and refugees spent a shorter time in exile meant that there were fewer opportunities for others to grab their land. However, tensions related to land in Burundi could escalate as more refugees are pressured to return. In Faradje, land has been a less prominent problem, as tensions focus more on humanitarian assistance and other factors. In Kalehe, however, there is a serious risk that land disputes related to refugee returns could spill over into broader tensions between communities

and fuel armed mobilisation. It is important for all three cases, but particularly for Kalehe, that **impartial structures which mediate in land conflicts are supported by national and international actors**, to address current tensions and prevent them from escalating.

11. Addressing the causes of displacement is essential for the promotion of sustainable returns and the prevention of renewed displacement. In all three case studies, many causes of flight remain present. In Burundi, while the mass violence feared by many refugees has not occurred, serious human rights abuses continue, and some perpetrators have been emboldened as the ruling party has consolidated its position. The economic situation, which contributes to the exile of current refugees, remains dire. In Faradje, the threat of the LRA has significantly decreased but not disappeared, and there is potential for other forms of conflict and displacement. In Kalehe, insecurity continues to prevent large-scale returns. The arrival since late 2018 of a large group of combatants from the *Conseil National pour le Renouveau et la Démocratie* (CNRD), along with their dependents and Hutu refugees, has further complicated the picture. In all three areas, what policymakers refer to as the “root causes” of conflict and displacement should be identified and addressed **through locally driven but nationally supported interventions**, to create conditions for the sustainable reintegration of returnees and to avoid renewed conflict.
12. Efforts to support and guide return processes should be coordinated and inclusive. Too often, a multitude of actors pursue support efforts according to their own logic and sometimes in isolation. In order to prevent contradictory policies and forum shopping, **mechanisms should be put in place to both better coordinate return support** and to align these efforts with stabilisation and development policies and support.



**Burundi**

- Support for returnees is insufficient and linked with allegations of corruption and exclusion.
- Mutual support between returnees and those that stayed, but also forms of exclusions.
- Need for more coordination between actors supporting the return process : UNHCR, NGOs, local and national authorities.

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## Burundi: return to vulnerability

### Background

In April 2015, 15 years after the Arusha peace agreement that marked the beginning of the end of the civil war in Burundi, and ten years after the CNDD-FDD party came to power, opposition to President Nkurunziza's ambition to secure a third term escalated into a major political crisis. Faced with harsh repression, and after a failed military coup attempt, groups of opponents gradually took up arms. Most of the violence was confined to specific neighbourhoods in Bujumbura, but hundreds of people died, and many people fled from the capital. Early in the crisis, large-scale displacement also occurred in rural areas, where there was no mass violence, mostly from provinces bordering neighbouring countries. The majority sought refuge in Tanzania, where they were dispatched to the UNHCR-managed refugee camps of Nyarugusu, Nduta and Mtendeli, while others proceeded to Rwanda, DRC and Uganda.

### Return after 2015

In August 2017, the governments of Tanzania and Burundi and UNHCR held a tripartite meeting to discuss assistance to refugees who wished to voluntarily repatriate to Burundi. It became clear that the major stakeholders had divergent positions regarding return. The Burundian and Tanzanian governments actively promoted the return of refugees, driven by their respective interests. The Burundian government uses refugee returns to attempt to prove that the country is stable and to counter its critics, for whom the initial refugee crisis showed that Burundi was descending into chaos. The Tanzanian government seeks to maintain close links to the Burundian government, is intent on prioritising the needs of its own citizens over “foreigners” and has applied various forms of pressure on refugees to return.<sup>4</sup> UNHCR, on the other hand, has been more reluctant to back returns, highlighting continuing challenges in Burundi and emphasising the “importance of all refugees having the opportunity to make a free and informed choice without undue pressure.”<sup>5</sup> Consequently, UNHCR provides assistance to the return process, without promoting it.

Despite the confusion created by these different positions, UNHCR reported in August 2019 that it had assisted 74,979 refugees to return to Burundi since September 2017.<sup>6</sup> Other refugees, including some interviewed for this research project, have returned “spontaneously,” without registering

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4 International Refugee Rights Initiative, “‘They Don’t Even Understand Why We Fled’: The Difficult Path to Reintegration in Burundi”, February 2019 available at <http://refugee-rights.org/they-dont-even-understand-why-we-fled-new-irri-report-highlights-the-difficulties-of-reintegration-in-burundi/> (accessed 19 August 2019).

5 UNHCR, “In Tanzania visit, UNHCR official stresses freedom of choice is crucial for refugee returns”, 16 August 2018, available at <https://news.un.org/en/story/2018/08/1017252> (accessed 27 November 2018).

6 UNHCR, “Voluntary Repatriation of Burundian refugees to Tanzania,” 30 June 2019, available at <https://reliefweb.int/report/burundi/burundi-voluntary-repatriation-burundi-refugees-update-update-30th-june-2019> (accessed 21 August 2019).

or receiving assistance. So far, other host countries, such as Rwanda, DRC and Uganda, have not signed tripartite agreements, and returns from those countries have been very limited. Some refugees have returned from Kenya. At the time of writing, close to 360,000 Burundians remain in exile, and some continue to arrive in neighbouring countries, although the numbers of those fleeing are significantly lower than during the height of the crisis.<sup>7</sup>

Most refugees who returned to Burundi from Tanzania did so as a result of push factors in the host country rather than the belief that conditions in Burundi had improved. Returnees interviewed for this project mostly cited the worsened humanitarian situation in the camps in Tanzania, the ban on economic activities there and abuses against refugees when they went outside the camps to look for work or collect firewood.<sup>8</sup> Some cited improved living conditions in Burundi since their flight. Many had fled between 2015 and 2017, mostly in anticipation of possible mass violence but also because the deteriorating economic situation in Burundi. Only a few returnees interviewed said they had fled because of abuses they had experienced directly, in particular at the hands of the *Imbonerakure*, the youth wing of the CNDD-FDD party. Most refugees with real or perceived links to opposition or civil society groups who opposed President Nkurunziza's third term have remained in exile.

Many of those who went into exile since 2015 had previously been displaced, in particular after episodes of violence in the 1970s or the 1990s, and had returned after the transition process initiated by the Arusha Accords. Research has found that these previous returns led to significant social division and conflict between "residents" and returnees in areas of return, most clearly articulated around the issue of land.<sup>9</sup> It has been argued that these divisions resulting from, or exacerbated by, a flawed reintegration process played a major role in people's decision to flee again in 2015.<sup>10</sup>

A major difference between these past returns and the current ones is that in contrast to the political changes ushered in by the Arusha Accords, the socio-economic conditions and political environment from which people fled in 2015 or 2016 had not drastically changed by the time they returned. The CNDD-FDD has further consolidated its hold on power, both at the national level and in everyday governance, exercising tight control over the state apparatus and the population, resulting in an apparent stable, if tense, political context. Regional and international efforts to find political solutions have failed to produce any meaningful results.<sup>11</sup> The economic crisis persists, and returnees as well as stayees face precarious living conditions.

The dynamics around the current returns have presented many challenges beyond the humanitarian ones usually associated with such processes. In particular, dynamics related to access to assistance, social and political exclusion and relations with various authorities remain unaddressed.

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7 UNHCR, Voluntary Repatriation of Burundian Refugees 31 July 2019, available at <https://data2.unhcr.org/en/documents/details/70994> (accessed 5 September 2019)

8 International Refugee Rights Initiative, "They Don't Even Understand Why We Fled': The Difficult Path to Reintegration in Burundi," February 2019, available at <http://refugee-rights.org/they-dont-even-understand-why-we-fled-new-irri-report-highlights-the-difficulties-of-reintegration-in-burundi/> (accessed 19 August 2019). Reiterated in interviews conducted during this research project.

9 S. Schwartz, "Homeward Bound: Return Migration and Local Conflict After Civil War," PhD thesis, Columbia University, 2018, available at <https://academiccommons.columbia.edu/doi/10.7916/D8ZK706X> (accessed 5 September 2019).

10 Ibid.

11 T. Van Laer and T. Mbazumutima, "Regional dialogue on Burundi: Explaining its failure" in *Conjonctures de l'Afrique Centrale* no 93. Cahiers africains-Africa studies. Sous la direction de Sara GEENEN, Aymar NYENYEZI BISOKA et An ANSOMS. Musée royal de l'Afrique centrale et L'Harmattan, 2019. pp.329-350.

While so far, land issues have created fewer problems than during previous waves of return, unresolved disputes and access to land and housing continue to influence returnees' relations with authorities and other citizens.

### **Politics of assistance**

The majority of returnees interviewed for this project returned via the official repatriation process and received a return package consisting of money, food, tools and other goods when they arrived in Burundi. While the package is supposed to last for three months, it quickly becomes depleted, and is significantly less than the support given to returnees during previous return movements. Some returnees also received other forms of assistance in their areas of return, such as construction materials, seeds, food or money, from international agencies or the Burundian government.

One of the most common complaints voiced by the interviewed returnees concerned the opacity surrounding the selection of beneficiaries for assistance after return. Many described how local leaders, in particular those on the hill (*colline*) or sub-hill level, took advantage of the situation to solicit bribes in exchange for putting names on a list of beneficiaries. As returnees often do not have access to financial means or party membership (see below), they can be excluded from assistance, which can end up in the hands of those with more bargaining power. Some claimed that it was mainly CNDD-FDD members who were able to obtain material assistance intended for returnees. In the words of a young farmer in Gisuru:

I came back in November 2018. I found that people had totally destroyed our house. Earlier returnees had received roofing sheets and financial support, but recent refugees like us couldn't get this. The choice of beneficiaries is unfair, and this is because the hill [local] authorities in charge of selecting the beneficiaries take between 2,000 and 10,000 francs [between USD 1 and 5.5] to put you on the list. As we have nothing to offer, we are excluded. Instead, CNDD-FDD members are registered and receive our roofing sheets. There's no one to complain to.<sup>12</sup>

The returnees interviewed felt that international agencies in particular were not doing enough to prevent these malpractices as they failed to consult local leaders or provide guidance on the selection of beneficiaries. Insufficient, untimely or low-quality support further fuelled allegations of corruption.<sup>13</sup>

In addition to the frustrations of returnees, the provision of assistance is also a source of social tensions between those who come back and those who stayed in these areas. Both returnees and local residents who had not fled said that the latter are at times dissatisfied and feel they are being "punished" for staying in their country, while returnees receive support. Those who perceive themselves as the ones who "took care of the country," but are equally vulnerable, feel side-lined. There have been allegations of coercion on returnees by other local residents to share their support.<sup>14</sup> A woman who had not fled, interviewed for this report, said:

We ask ourselves legitimate questions. Why did we stay in the country when these other people went into exile? Or why do authorities only ever give aid to returnees, while

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12 Interview with returnee, Gisuru, March 2019.

13 Interview with local hill authority, Giharo, 19 February 2019, and workshop with local stakeholders, Rutana, 16 August 2019.

14 Interviews with various respondents in Nyanza Lac and Kayogoro.

residents can't even feed their families? Some residents are really not happy about this assistance to returnees, while those who guarded their [refugees'] houses and agricultural land are not taken into consideration. These residents could have harmed refugees by destroying their houses.<sup>15</sup>

These conflicting views between returnees and stayees regarding assistance resonate with earlier research on returns to Burundi. For example, the integrated peace villages, designed since 2000 to accommodate returnees and other vulnerable communities, have been perceived by residents who did not flee as “islands of privilege” benefiting returnees and by returnees as “inaccessible” to them due to corruption.<sup>16</sup>

## Social and political exclusion

Beyond issues related to assistance, the picture of returnees' relationships with those who stayed, and with local authorities and the ruling party, is mixed and often varies from area to area.

There are various forms of solidarity between returnees and those who stayed, with both groups sharing food or assistance to cater for the needs of the other. In many cases, property and land belonging to refugees were guarded by neighbours and relatives. Those who did not go into exile often recognise the challenges faced by returnees, who struggle to pick up their lives. This is particularly important as, overall, external support for returnees (and other residents) remains limited. But these forms of mutual assistance are being stretched by the persistent economic hardship faced by many Burundians, and the increasing number and needs of returnees.

Likewise, in many cases the returnees interviewed did not experience particular problems with local authorities and often appreciated the little support they provided and their efforts to protect the land and property the refugees had left behind.<sup>17</sup> Some local leaders also went into exile during and after the 2015 crisis, at times triggering the exile of citizens living in the areas under their authority.<sup>18</sup> They were usually replaced by their deputies, and only a few of the local leaders who left seemed to have returned.<sup>19</sup> Some of those who did said they were urged by citizens in their area to run in the 2020 elections.<sup>20</sup>

However, residents who had not left the area expressed various forms of distrust towards returnees, publicly and privately. Several returnees testified that they were accused of being disloyal, of profiting from donor support or of siding with opposition parties.<sup>21</sup> One returnee said: “There are some people who insult us by calling us deserters and nobodies. They say we abandoned the country at the height of the crisis and come back with a lot of money to buy land.”<sup>22</sup> Some returnees recounted how residents shouted insults at them as soon as they got off the buses transporting them back to their areas of origin. People sometimes called returnees *abaguji* (jackals destroying crops), *aba-UN* (people taken care of by the UN) or supporters of General Niyombare, who led the

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15 Interview with female resident, Kayogoro, March 2019.

16 A. Purdekova, “Respacing for peace? Post-war socio-spatial experiments and the ontopolitics of rural planning in Burundi,” *Development and Change*, 48(3), 2017, p. 549.

17 Interviews with returnees, Kayogoro, 19 & 20 March 2019; Nyanza-Lac, 7 March 2019.

18 Interview with female returnee, Nyanza Lac, 13 February 2019.

19 Workshop with local stakeholders, Rutana, 16 August 2019.

20 Interview with male former hill authority, Giharo, 21 February 2019.

21 Interviews with returnees in Giharo, 21 February 2019, Nyanza Lac, 19 May 2019, and Kayogoro 18 March 2019.

22 Interview with male returnee, Kayogoro, 18 March 2019.

2015 failed coup attempt.<sup>23</sup>

This kind of language is reflected in some of the rhetoric of national-level public officials, including the president, who have consistently used derogatory terms in public statements when referring to opponents and people considered disloyal to the government.<sup>24</sup> With its dominant position, the CNDD-FDD party is able to promote its views on national identity and to define the key elements of citizenship through various public discourses, song and theatre performances and the countless monuments and slogans in the public sphere.<sup>25</sup> In post-Arusha Burundi, partisan affiliation has become a more determining element than ethnicity in people's everyday interactions with authorities and their social environment, and plays a great role in their struggle to survive.

Since 2015, the ruling party's rhetoric has also increasingly juxtaposed, on the one hand, opponents, who are described as disloyal citizens conspiring with international actors to topple the government, and, on the other, a "silent majority" of peace-loving, rural Burundians who stayed in the country.<sup>26</sup> Returnees at best seem to fall between these two categories. Even if they were never involved in the protests against President Nkurunziza's third term, and even if they are not all considered traitors, they are not seen as part of the "silent majority" either.

While government rhetoric has not systematically attacked returnees, representatives of the government have on several occasions implied more broadly that returnees are "lesser citizens." Speaking about the crisis that began in 2015, a Burundian official distinguished clearly between "real Burundians inside Burundi" and "so-called refugees", declaring that "real refugees are those who know they are persecuted because of the crimes they committed."<sup>27</sup>

Furthermore, in recent public disagreements, the Burundian government accused UNHCR of inflating the number of refugees, underestimating the number of returnees and using Burundian refugees to collect donor funds.<sup>28</sup> This rhetoric from high-ranking officials contributes to the delegitimisation of refugees' motives and experiences. Refugees are at best described as naïve victims of manipulation by international actors with bad intentions. Although this kind of language is not used systematically, it is no surprise that at the local level in return areas, similar attitudes towards returnees are being expressed. Several interviewees stated that local authorities in their areas attempted to counter the language and practice of exclusion, but others said that local authorities actively fuelled them.<sup>29</sup>

Returnees commonly expressed feelings of marginalisation and believed they were regarded as second class citizens. Some had doubts about being able to participate in the 2020 elections, fed by rumours in the refugee camps in Tanzania as well as by certain comments after their return.<sup>30</sup> As

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23 Interview with 33-year-old male returnee, Kayogoro, 21 May 2019.

24 Some notable examples are 'abamenja' (traitors) or 'mujeri' (rabid dog).

25 T. Van Acker, J. Muhangaje and O-A. Magerano, "Partisan identity politics in post-war Burundi," in A. Ansoms, A.N. Bisoka and S. Vandeginste (eds.), *Conjonctures de l'Afrique Centrale*, L'Harmattan, 2018, pp. 63–81.

26 T. Van Acker, "From rural rebellion to urban uprising? A socio-spatial perspective on Bujumbura's conflict history," *Journal of Eastern African Studies*, 12(2), 2018.

27 Interview with Burundian ambassador in France, France24, 17 May 2018, available at <https://www.youtube.com/watch?v=9LAWCj0p2hY> (accessed 28 August 2019)

28 See, for instance, Radio France Internationale, "Les Preuves, Des Faits: Polémique sur le nombre de réfugiés en exil entre le gouvernement burundais et le HCR," available at <http://www.rfi.fr/emission/20180105-polemique-le-nombre-refugies-exil-entre-le-gouvernement-burundais-le-hcr> (accessed 28 August 2019).

29 Interview with 30-year-old female returnee, Kayogoro, 19 March 2019.

30 Interviews with several respondents in Nyanza Lac and Kayogoro.

a returnee in Giharo said:

The people in the camp tell us that we will not be able to participate in the upcoming elections. [...] This is one of the reasons that convince people not to return yet. And those here shout that we should have stayed in the refugee camp. They threaten us, telling us that even if we have returned, we won't be able to vote.<sup>31</sup>

Another illustration of how the language of exclusion plays out in practice is the difficulty experienced by returnees who were former CNDD-FDD members, including *Imbonerakure*, to reintegrate the party. Both party leaders and returnees confirmed that after submitting a request to reinstate their membership, returning former party members were often regarded with suspicion by local party leaders, labelled as opponents or traitors, and told to apologise for going into exile.<sup>32</sup> Given the importance of affiliation with the ruling party in order to access social and economic goods and services, this complicates the reintegration of returnees. According to one interviewee, it also puts them at risk: "When you are excluded from the party, you are dangerously exposed if socio-political tension erupts, as was the case in 2015."<sup>33</sup>

As in most aspects of governance in rural Burundi, ruling party institutions, networks and individuals, particularly members of the *Imbonerakure* youth league, are involved in various ways in the return process. Experiences varied. Some returnees recounted positive experiences with *Imbonerakure* members welcoming them and assisting in securing or transporting their belongings. However, local authorities denied that *Imbonerakure* played such a role or explained it by pointing out that *Imbonerakure* were also members of local security committees and collaborated with the police.<sup>34</sup> Other returnees, however, blamed *Imbonerakure* for watching their movements, committing abuses against them and controlling access to assistance and participation in public life.<sup>35</sup> As one returnee stated: "They don't trust us because we fled and now we returned. They abuse us and say we should have stayed in the camps."<sup>36</sup> Several interviewees complained about the impunity protecting the *Imbonerakure* and their control over public and political life.

The abusive behaviour of *Imbonerakure* was particularly illustrated by the theft of returnees' belongings in Giharo (Rutana province) and Gisuru (Ruyigi province), when returnees arrived by bus late in the evening. Authorities were unable to prevent individuals, including alleged members of the *Imbonerakure*, from stealing returnees' property. Some suspects were reportedly arrested and some goods returned to their owners, but in many cases, there was no accountability or compensation for these crimes.<sup>37</sup> A local administrator feared that information about such cases would convince refugees to stay in the camps in Tanzania, where stories about *Imbonerakure* abuses are rife, and would "exacerbate tensions between the ruling party and the opposition, who recruit among refugees and returnees."<sup>38</sup>

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31 Interview with 47-year-old female farmer, Giharo, 21 February 2019.

32 Interviews with several respondents with former CNDD-FDD affiliations in Nyanza-Lac, 19 May 2019 and Kayogoro, 18 & 19 March 2019.

33 Interview with 30-year-old male returnee, Kayogoro, 21 May 2019.

34 Workshop with local stakeholders, Rutana, 16 August 2019.

35 Interviews with several respondents in Kayogoro, Gisuru, and Nyanza-Lac.

36 Interview with 23-year-old male returnee, Gisuru, 29 March 2019.

37 Interviews with several returnees, Giharo, 24 May 2019.

38 Interview with local government official, 24 May 2019.

## Access to land and internal migration

While disputes over land, in particular between returnees and those who stayed in the country, were a dominant concern during returns of refugees who had fled in the 1970s and 1990s, they seem to have been less prominent in the current phase. This can be explained in part by the shorter time spent in exile.<sup>39</sup> Those disputes that have taken place are often the result of lack of consent for land transactions within families, and some authorities have made efforts to address this.<sup>40</sup> Many disputes related to the previous return process, however, remain unresolved, and cast a shadow over the current displacement process, contributing to people's decision to leave the country or complicating their reintegration upon return.<sup>41</sup> These continuing tensions underscore the need to adopt a long term perspective when looking at return and reintegration of refugees.

Nevertheless, land remains an important consideration in the current return process. Access to land is a serious challenge for many returnees. According to UNHCR, only 82% of returnee households reported having access to land, and 13% did not own land before leaving.<sup>42</sup> Availability of land was also a factor for a significant minority of returnees choosing to settle in areas other than their villages of origin, where land is cheaper and more easily available.<sup>43</sup> Many returnees, for example, settled in Gisuru because of the proximity of land they had acquired or could access in Tanzania.

Importantly, such internal migration movements have had varied effects on local power dynamics. In some areas, such as Gisuru, where on some hills, internal migrants outnumber residents originating from there, internal migrants have even secured local elected positions. In other areas, for example in Kayogoro, internal migrants are pressured to return to their areas of origin and can face similar forms of exclusion as returnees, including from the ruling party.<sup>44</sup> Returnees settling in areas other than their areas of origin therefore face two sets of challenges, relating to their identity as returnees as well as internal migrants.

Another serious challenge faced by many returnees interviewed for this project is access to housing and property. According to UNHCR, only 33% of returnee households could access housing they owned prior to fleeing. Of those who were not able to return to their homes, 20% did not own a home before their exile, while 49% did, but could not access it. This was mostly due to the degradation of houses: 83% of those who could access their houses reported that they were inhabitable upon arrival. Despite efforts by local authorities to safeguard properties, in all the communes covered in this study, there were many cases of theft of construction materials and crops, in particular by members of the owners' families.<sup>45</sup> Returnees found it difficult to take action on

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39 8% of respondents to UNHCR reported having a problem related to land. UNHCR, Voluntary Repatriation of Burundian Refugees, 31 July 2019, available at <https://data2.unhcr.org/en/documents/details/70994> (accessed 5 September 2019).

40 Interview with male hill authority, Giharo, 24 May 2019.

41 Interviews with returnees in Gisuru, 29 March 2019 and Nyanza-Lac, 20 May 2019.

42 UNHCR, Voluntary Repatriation of Burundian Refugees 31 July 2019, available at <https://data2.unhcr.org/en/documents/details/70994> (accessed 5 September 2019).

43 Ibid. Official figures mention about 10%, which could be an under-estimate.

44 Interviews with returnees in Kayogoro, 18 March 2019 and 21 May 2019.

45 UNHCR, Voluntary Repatriation of Burundian Refugees 31 July 2019, available at <https://data2.unhcr.org/en/documents/details/70994> (accessed 5 September 2019; interviews with numerous returnees in Kayogoro, 19 and 20

these cases, as a woman from Giharo explained: “We know those people [who did this] but we are forced to stay silent so that they won’t say that returnees are resentful. We avoid disputes, as we are not integrated yet.”<sup>46</sup>

## Conclusion

The research findings show that returnees face particular challenges in their relationship with local authorities and those who stayed in Burundi during the crisis. Their experiences in exile and their challenges reintegrating after their return did not lead to the creation of an entirely separate category of citizens, as has been suggested with regards to previous returnees.<sup>47</sup> However, it is clear that many recent returnees from Tanzania experience a cleavage with those who stayed behind, and face challenges regarding their position as citizens in Burundi. International actors involved in refugee returns should consider the multi-dimensional vulnerability of returnees in Burundi from different angles. Unsurprisingly, our findings revealed that material vulnerability was the most obvious factor affecting returnees’ everyday lives. In all the communes covered by the research, inadequate housing and frustration about insufficient material and financial support were common challenges. This was compounded by an overall fragile position within Burundian society and in relation to the state. Returnees have to navigate a social environment and a power landscape dominated by the CNDD-FDD, which has sometimes promoted a differentiated understanding of citizenship depending on loyalty to, and affiliation with, the party and on individuals’ continued presence in Burundi.

Many returnees are perceived to be critical of the government or associated with the opposition because of their flight from the country since 2015. They are often excluded from ruling party membership, making it more difficult for them to access support and limiting their options in an environment controlled by the ruling party. The result of their precarious social position is that returnees have little bargaining power and practically no opportunities to collectively organise to make claims.

While our research did not uncover widespread hostility towards returnees, the forms of everyday exclusion they experience not only contrast with official statements that returning populations are a proof of stability in Burundi, but are evidence of potential future conflict in areas of return. This risk could be exacerbated if recent declarations by the Tanzanian interior minister that Tanzania and Burundi will begin to repatriate over 200,000 refugees from October 2019 materialise.<sup>48</sup> This will further increase pressure on the large number of refugees who haven’t returned so far, many of whom have a more outspoken sympathy for opposition parties or who might have more challenges re-accessing land or livelihood opportunities. This could, in turn, result in increased social tensions over access to limited assistance, property and land, or more vocal tensions between a growing group of returnees and residents who did not leave, in a society strongly polarised along the loyalist-opponent fault line. So far, the political manipulation of the return process has been limited and direct conflicts related to return are not common. But with the 2020

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March 2019; Gisuru, 29 March 2019; Nyanza-Lac, 7 March 2019 and Giharo 21, February & 24 May 2019.

46 Interview with 67-year-old female farmer, Giharo, 21 February 2019.

47 S. Schwartz, “Homeward Bound: Return Migration and Local Conflict After Civil War,” PhD thesis, Columbia University, 2018, available at <https://academiccommons.columbia.edu/doi/10.7916/D8ZK706X> (accessed 5 September 2019).

48 P. Nduwimana, “Pact to Repatriate Burundi’s Refugees from Tanzania Fuels Fear,” VOA, 27 August 2019, available at <https://www.voanews.com/africa/pact-repatriate-burundis-refugees-tanzania-fuels-fear> (accessed 5 September 2019).

elections in view, political actors might take advantage of the frustrations and vulnerability of both returnees and stayees.

As recent research on pre-2015 waves of Burundian returnees has shown, areas of return remain prone to renewed departure.<sup>49</sup> Many recent returnees have been displaced in the past, and there is little doubt that their limited perspectives for improved livelihood and their fragile position in the current socio-political context of Burundi, with fewer opportunities to claim their rights, make them vulnerable to renewed displacement. Some have already returned to Tanzania, finding themselves in a legal and humanitarian limbo. While for most returnees, life in the refugee camps does not hold much promise, many people resettle in areas close to the border in anticipation of renewed tensions or with a view to accessing land and livelihood opportunities across the border. In this respect, the Burundi case study shows that return is often not the end of the refugee cycle, but a process with inherent potential for further tensions and renewed migration. This illustrates the importance of a longer-term perspective to supporting returnees, which goes beyond direct material assistance and includes long-term efforts to enable their socio-economic and political reintegration.

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49 In "Homeward Bound: Return Migration and Local Conflict After Civil War," PhD thesis, Columbia University, 2018, available at <https://academiccommons.columbia.edu/doi/10.7916/D8ZK706X> (accessed 5 September 2019), S. Schwartz identifies a clear link between earlier returnees involved in land disputes and people who fled in the 2015 crisis. Likewise, A. Purdekova has noted how "peace villages" often became new places of departure (A. Purdekova, "Respacing for peace? Post-war socio-spatial experiments and the ontopolitics of rural planning in Burundi," *Development and Change*, 48(3), 2017).



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# Faradje: ‘spontaneous returns’ and the impacts of humanitarian structures

## Background

In the territory of Faradje, in the DRC’s Haut-Uélé province, approximately 11,600 Congolese refugees returned from exile in late 2016 because of increased violence in South Sudan.<sup>50</sup> Clashes between government and opposition forces in the vicinity of Nyori refugee camp had compromised their safety, forcing them to return.<sup>51</sup> In 2009, these approximately 12,000 Congolese from Faradje had fled to Nyori, in South Sudan’s Central Equatoria region, following violent attacks and atrocities committed by the Lord’s Resistance Army (LRA).<sup>52</sup>

The LRA had crossed over from northern Uganda, where the origins of the movement lie, to north-eastern DRC in 2005, after it had been weakened by the Ugandan military. The LRA initially settled in Garamba National Park but carried out a series of violent attacks from Christmas eve 2008 onwards in the territories of Dungu, Niangara, Faradje and Watsa (Durba), in the current Haut-Uélé province (then *Province Orientale*). Faradje was hit most severely in 2008-2009, in particular after reprisal attacks against civilians following “Operation Lightning Thunder,” a joint military campaign by Uganda, South Sudan, DRC and CAR, in a coalition backed by the USA.<sup>53</sup> Abductions and violent attacks resulted in massive displacement across the region, emptying entire villages. Respondents in this research criticised the inability of local authorities to protect residents, while the Congolese army responded late to reports by populations under attack and committed abuses when it did arrive.<sup>54</sup>

This case study focuses on the situation of returnees in the town of Aba and its surrounding chiefdoms (*chefferies*), specifically Logo Ogambi, Logo Lolia, Mondo Missa, Kakwa and Logo Bagela. It also includes insights gathered in Faradje town and Kurukwata, all situated in the territory of Faradje. Most of the returnees in these areas had fled in 2009 to Nyori refugee camp in South Sudan. Others had sought safety in other areas of the DRC, in neighbouring Ituri province, or closer to home, in camps for internally displaced people (IDPs) in Aba, Djibir, Kurukwata and Faradje, where many still reside today. Most of the internally displaced from Ituri returned to larger towns

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50 The latest official statistics of registered returnees from South Sudan in December 2018 stands at 11,572. Interview with National Commission for Refugees (CNR) official, Aba, 25 February 2019.

51 For more information on the renewed upsurge in conflict in 2016, see, among others, ACLED, «Country Report: South Sudan Conflict Update July 2016», 2016, and Réseau pour la réforme du secteur de sécurité et de justice, «Haut-Uélé: les réfugiés du Sud du Sud d’Aba manquent de nourriture,» 2016.

52 Interview with three members of the returnee committee, Aba, 20 March 2019.

53 Human Rights Watch, “The Christmas massacres. LRA attacks on civilians in northern Congo”, 2009; K. Titeca & T. Costeur, “An LRA for everyone: how different actors frame the Lord’s Resistance Army,” *African Affairs*, 114/454, 2014, 92-114.

54 For a more detailed analysis of the reaction of Congolese security forces towards the LRA, see K. Titeca and T. Costeur, “An LRA for everyone: how different actors frame the Lord’s Resistance Army,” *African Affairs*, 114/454, 2014, 92-114.

in Faradje territory in 2010, when there was a perception of better security. While this case study focuses specifically on refugee returns, the political impact of these returns in Faradje is profoundly embedded in a context of protracted displacement and return of various populations, as well as broader forms of cross-border and internal migration characterising the border areas between South Sudan and the DRC.

The research revealed that the political impact of return in Aba and the broader territory of Faradje centred around three main connecting themes. The first concerns the politics of return, which focuses on several dynamics and developments related to the absence of an official repatriation process for Congolese refugees. The second addresses the politics of assistance, focusing on the impact of an increased humanitarian presence and humanitarian structures of displacement on political dynamics in Faradje. The final theme is the impact of newly established political or humanitarian entities on existing forms of authority and legitimacy. Based on these three themes, the research indicates that the political and humanitarian structures that were established during displacement have a continuing impact on the political situation in Faradje and contribute to transforming patterns of authority and legitimacy.

### **Politics of return**

The return of refugees to the DRC in 2016 was preceded by discussions around a potential organised repatriation from Nyori. These discussions had started in 2015, but were overtaken by events in 2016, when increasing insecurity in South Sudan forced refugees to return to the DRC without an official framework of voluntary return supported by humanitarian actors.<sup>55</sup> Authorities found themselves unprepared to assist and register them. Congolese returnees were accompanied by some 34,000 South Sudanese refugees who also fled the upsurge in violence in the Central Equatoria region, near the town of Yei and Nyori camp.<sup>56</sup> A refugee settlement was opened in Meri, close to Aba, to receive these refugees from South Sudan.

People interviewed for this project repeatedly raised the absence of an official tripartite agreement and of accompanying humanitarian assistance. Interviewees said they would have preferred to return in the framework of a formal agreement between UNHCR, DRC and South Sudan, because it would have provided a legal framework, as well as links to assistance and an official transfer of responsibilities for the returnees from the country of refuge to the country of origin. The resulting lack of assistance contributed to a deterioration of relations between Congolese authorities and their returned returnees, as shown below.

An official of the DRC's National Commission for Refugees (known by its French acronym, CNR) pointed to the difference between people who are voluntarily repatriated to their country of origin through an official framework, and "spontaneous returnees" who return independently on their own, without any official process. The latter are not officially entitled to reintegration assistance.<sup>57</sup> Returnees themselves contested the labelling of their movement as "spontaneous return" and preferred to identify themselves as "forced returnees" (given the violence that pushed them to go back) or "repatriates," thereby emphasising their perceived right to assistance and other forms of

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55 Interview with official of the DRC National Commission for Refugees (CNR), Aba, 25 February and 25 March 2019; conversations with Congolese informant throughout the fieldwork period.

56 Interview with CNR official, Aba, 25 and 26 January 2019.

57 Interview with CNR official, Aba, 28 March 2019; interview with head of CNR, Kinshasa, 15 August 2019.

support from the Congolese government and humanitarian agencies.<sup>58</sup>

The 2016 violence in South Sudan and subsequent “spontaneous” returns seemed to have been preceded by years of discussions around an organised return.<sup>59</sup> These discussions intensified when Congolese customary and state authorities visited Nyori camp on several occasions and were met with a welcome that was lukewarm at best, but perceived by authorities as hostile. A customary chief of one of the chiefdoms around Aba in Faradje and refugees who had met him described how his visit to Nyori in 2009 was received with outward rejection by refugees. Current returnees interpreted the chief’s request for refugees to return as a way for him to further his political interests while downplaying the gravity of ongoing insecurity in the country.<sup>60</sup> The chief himself considered he had taken a considerable risk in travelling to South Sudan and described the refugees as “ungrateful.”<sup>61</sup>

Another delegation of Congolese local and national authorities travelled to Nyori in 2015 in response to a letter from the representative of the refugee camp committee and was almost chased out of the camp by refugees. According to former members of various refugee committees in Nyori (the committees were disbanded and replaced regularly), the South Sudanese camp authorities, particularly the South Sudanese Commission for Refugee Affairs (CRA), wanted to keep refugees in South Sudan. To achieve that goal, they had created a rift between Congolese refugees who preferred to remain in the camp and those who wanted to return to the DRC. As part of this effort, the camp management suspended the elected refugee committee, who had supported repatriation, and replaced it with a committee that advocated for staying in South Sudan.<sup>62</sup> The committee appointed by the South Sudanese camp authorities eventually met with the visiting Congolese delegation in 2015 and denied that refugees supported repatriation.<sup>63</sup>

These dynamics continue to have an influence today, despite the “spontaneous” return of most Congolese refugees. Interviewees said that the current refugee committee in South Sudan, which had resisted return and is supported by the South Sudanese CRA, continues to attempt to exert influence over the returnees (see section on the politics of assistance). Several returnees said that the South Sudanese authorities still claim responsibility for hosting the returnees as refugees and for providing assistance. Although this claim has no legal basis, a CNR official accepted it as legitimate on the basis that the Congolese returnees never formally repatriated.<sup>64</sup>

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58 Interview with three members of the returnee committee, Aba, 20 March 2019; interview with member of civil society, Aba, 20 March 2019.

59 Despite multiple requests, UNHCR did not share its version of events preceding the 2016 return.

60 Interviews with returnees, Aba, 27 February 2019 and 26 March 2019; interview with NGO representative, Aru, 23 March 2019; interview with customary leader, Kakwa-Ima, 25 March 2019.

61 Interview with the chief of Kakwa-Ima, 3 March 2019; interview with representative of Terre Sans Frontières (TSF), Aru, 23 March 2019; focus group discussion with returnees from the chiefdom of Kakwa-Ima, 26 March 2019.

62 South Sudanese authorities briefly detained former committee members who supported repatriation when the governor of the then-Province Orientale wanted to visit the camp in 2012 to response to a letter from the committee. Interviews with returnees, Aba, 23 and 25 February 2019.

63 Interviews with three members of the returnee committee, Aba, 20 March 2019; interview with representative of Terre Sans Frontières (TSF), Aru, 23 March 2019; interview with the chief of Kakwa-Ima, Aba, 25 March 2019; interview with CNR official, 25 March 2019; interviews with returnees and customary chief, Banga, 26 March 2019.

64 Interview with CNR official, Aba, 28 March 2019; interview with returnees, Aba, 26 March 2019. Actors in South Sudan were not contacted for this research.

## Politics of assistance

Another way in which the return process has impacted the political situation in Faradje is through a growing humanitarian presence. Humanitarian actors began arriving in response to the internal displacement following the LRA incursions, to provide assistance to displaced populations. From 2016 onwards, the humanitarian presence grew stronger with the influx of South Sudanese refugees in Meri refugee settlement, and to a lesser extent because of the returnees. At the time of writing, several NGOs are still active in the area.<sup>65</sup>

These humanitarian actors have effectively taken on a new form of authority alongside existing forms of state and customary authority. They established themselves through public service provision in sectors such as education, health, protection, response to sexual and gender-based violence, livelihoods, food provision, and construction. Some of these services are traditionally the responsibility of state and customary authorities. There are many types of interaction between these different forms of authority, humanitarian actors and communities, which at times have been fraught with conflicts and distrust. Two issues have particularly complicated this relationship: a feeling among local authorities and communities of being neglected in humanitarian decision-making, and the lack of support for local communities, including returnees.

Local authorities and committees representing returnees, refugees and IDPs complained about their lack of involvement in decisions that have an impact on their communities. A local authority in Aba, for example, explained how he had been invited by UNHCR and one of its implementing partners to the opening ceremony of a school for returnees and other populations, without having been meaningfully involved in the development of the project.<sup>66</sup> UNHCR and its partners at times avoid including local authorities in such projects because of negative experiences of corruption.

Frictions between different actors were further compounded by the joint inability of local and humanitarian actors to support the needs of displaced populations, in particular Congolese returnees. This contributed to the deterioration of trust and legitimacy between humanitarian actors, authorities and returnees. Many interviewees said that they had limited confidence in their authorities to improve their situation: “They cannot do anything for us.”<sup>67</sup> During the field research for this project, interlocutors often said that the returnees who were the focus of the study “*sont rentrés chez eux*” (have returned home), which was framed as a justification for the Congolese authorities’ neglect of the returnees.<sup>68</sup> Because of the lack of assistance and resulting lack of trust in state and customary authorities, returnees tended to focus their efforts on pleading for more assistance and support from humanitarian agencies. Having become accustomed to the prominent role of humanitarian agencies in the political landscape during their years as refugees, returnees seemed to have calculated that they were more likely to obtain assistance through their status as a group of vulnerable humanitarian beneficiaries rather than through any influence they may have as Congolese citizens towards state and customary authorities.

The support provided to returnees by international agencies and their partners, however, also remained limited, resulting in friction between humanitarian actors and returnee representatives. Several returnees interviewed for this project complained that they received little to no assistance,

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65 Conversation with Congolese informant, Arua (Uganda), 20 June 2019.

66 Conversation with local authority, Aba, 20 March 2019

67 Interview with returnees, 26 March 2019.

68 Interview with military official, Aba; interviews with returnees, Aba, 22 and 24 February 2019.

in contrast with South Sudanese refugees living in nearby Meri refugee settlement, with whom they had fled and who did receive assistance. A returnee said: “We were not welcomed upon return. They only care about the South Sudanese refugees and abandoned us.”<sup>69</sup> Humanitarian actors were aware of this frustration, but said their attempts to explain it by pointing at the different legal status of returnees, refugees and those who were officially repatriated did not allay returnees’ grievances.<sup>70</sup> A local leader concluded: “The government will have to take measures to instruct humanitarians to also support residents and returnees, to lower the tension. In my chieftaincy, the track record of humanitarians is very negative. They only constructed three schools and a health centre. Their presence is rather a source of conflict.”<sup>71</sup>

When humanitarian assistance or development projects were carried out, the limited number of beneficiaries, as well as allegations of corruption, further fuelled frustration among returnees.<sup>72</sup> A project providing cash assistance to part of the returnee population, for example, resulted in disagreement about the nature and beneficiaries of the project and in tensions between the NGO involved and the committee of returnees. Each side accused the other of not being open to dialogue and requested the removal of the other party. Only after mediation by the territory administrator were they able to reach a temporary settlement.<sup>73</sup> A member of the returnee committee said that such problems impacted on their relations with authorities as well as with their constituency:

Unfortunately, our committee is not well perceived by humanitarians and state authorities, because every time we intervene in meetings with humanitarians, our recommendations and proposals are not taken into consideration. As a consequence, even our brothers, the spontaneous returnees, think that it is us, the committee, who block assistance.<sup>74</sup>

The establishment of Meri refugee settlement in 2016 also illustrated the entanglements between the politics of customary authorities, local communities, committees of displaced populations and humanitarian actors. The customary chief, who had successfully solicited the establishment of the settlement in his chieftom, along with the humanitarian resources that came with it, conflicted with local residents and IDPs already living there. In response, the communities challenged the chief’s authority by reporting problems related to the settlement, including about land and natural resources, to humanitarian representatives instead of to him, despite his authority over such matters.<sup>75</sup> The availability of humanitarian resources ended up determining, to some extent, the degree of authority of local leaders, depending on whether they were able to successfully lobby for humanitarian projects to be carried out in their constituencies.

As Congolese returnees felt ignored and disadvantaged compared to refugees, they also tried to benefit from the assistance provided to refugees. An estimated 1,000 Congolese returnees were

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69 Interview with returnee, Aba, 23 February 2019.

70 Interviews with humanitarian actors, Aru, 23 March 2019 and Aba, 28 March 2019.

71 Interview with customary leader, Kakwa chieftom, 3 March 2019.

72 Researchers documented and witnessed several cases of corruption in the distribution of assistance, at times characterised by a connivance between humanitarian agents and local (military) authorities.

73 Interviews with civil society representatives, Aba, 20 March 2019 and Kurukwata, 4 March 2019; interview with CNR official, Aba, 21 March 2019; interview with NGO representative, Aru, 22 March 2019; and interviews with returnees, Aba, 17 April 2019.

74 Interview with returnee committee, Aba, 17 April 2019.

75 Interview with local leader, Meri, 25 March 2019.

said to have secretly registered in the refugee settlement in order to access assistance for basic survival.<sup>76</sup> Additionally, several hundred Congolese wives of South Sudanese refugees were registered as beneficiaries on arrival, but were later, in October 2018, excluded from cash distribution.<sup>77</sup> Open protests and clashes with humanitarian actors ensued, resulting in injuries, intervention by the security services and a contested decision to cut cash support to the entire camp for four months.

As was the case for returnees, frictions were observed between the committee representing refugees and the CNR around these events and previous complaints about insufficient assistance. Following the clashes, the CNR replaced the elected refugee committee with a temporary one, later ordered the detention of members of the former committee and banned them from upcoming committee elections. The Congolese returnee committee and local civil society organisations supported the former refugee committee, as they too had experienced frustrations with the interventions and working methods of the CNR and humanitarian actors. Civil society organisations in Aba even demanded the removal of humanitarian staff and threatened to set up roadblocks.<sup>78</sup>

The lack of humanitarian assistance for returnees in the DRC also prompted them to respond to calls from the refugee committee remaining in South Sudan to collect humanitarian assistance in Nyori camp, putting them at risk of abuses given the continuing insecurity in South Sudan. Some returnees went back to collect goods on the occasion of distribution of assistance for Congolese; others continue their schooling in Nyori while living in the DRC or responded to calls for recruitment in Nyori. After one distribution of non-food items in March 2018, South Sudanese combatants kidnapped a group of former refugees on their way back to the DRC.<sup>79</sup> Congolese military subsequently closed the border to prevent other incidents and refused to reopen it, despite requests by the South Sudanese camp authorities and the president of the refugee committee.<sup>80</sup> This example illustrates how the South Sudanese camp authorities continue to exert influence and authority over Congolese returnees who were never formally repatriated.

## Changing political constellations

The various forms of displacement in Faradje territory and the resulting humanitarian presence transformed political dynamics and created new socio-political entities with shifting power and authority.

The protracted displacement of large numbers of people has effectively redrawn the map in certain areas, and some customary authorities have changed or expanded the boundaries of their areas of control accordingly. Many villages, for example in Kakwa-Ima and Logo Ogambi *chefferies*, remain empty, as displaced populations have not yet returned.<sup>81</sup> At the same time, the presence of IDPs or returned refugees in other areas has attracted a concentration of humanitarian

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76 Statement by the governor of Haut-Uélé, 8 December 2018.

77 The status of the remaining Congolese was not suspended as they had officially registered as South Sudanese.

78 Interview with CNR official, Aba, 22 March 2019; interviews with members of the former South Sudanese refugee committee on 24 February, 27 and 28 March; information from Congolese informants between 14 and 25 May, 10 June and July 2019.

79 Researchers received credible information that some of the armed actors involved in the conflict in South Sudan also maintained a presence in Meri refugee settlement.

80 Interviews with military officials and with returnees present during the incident, 26 March 2019.

81 These include 13 villages in Kakwa-Ima *chefferie* located in Garamba National Park and 11 villages in Djibir *groupement*.

resources, including new infrastructure and assistance. Health centres, schools and shelters were constructed around IDP sites, while they had been destroyed in the areas from which the displaced originated.

This has also impacted the political landscape. One customary chief, for example, moved his residence closer to the offices of NGOs assisting displaced populations in the locality of Bilale and struck deals with a representative of the displaced community to receive a percentage of fees paid by humanitarian organisations to that representative for mediating in conflicts. He oversaw the construction of schools and medical infrastructure by humanitarian agencies in his locality and received financial support.<sup>82</sup> Another local chief used the establishment of an IDP camp in his area to effectively increase his status from that of a chief of locality to a chief of *groupement*, a larger geographical entity. In other sites, representatives of the displaced community have taken on roles similar to those of customary chiefs.

Humanitarian actors also created new entities, bringing with them new forms of power and authority, including a range of committees and structures representing returnees, South Sudanese refugees, and IDPs. UNHCR and the CNR facilitate the election of refugee and IDP representative structures to ensure the participation of beneficiaries in issues relating to the management of humanitarian assistance. Returnees created a returnee committee in 2016, specifically to represent them in discussions with NGOs and make claims for assistance. This committee wrote letters and conducted meetings with Congolese authorities and humanitarian partners, was involved in the registration of returnees and attempted to influence the distribution of humanitarian resources.

These types of committees are well placed to employ their status — for example, as refugees, returnees or IDPs — to demand assistance, to assert their rights and to be recognised as “vulnerable people in need of help.” Yet, while they could be important political actors, their relatively low hierarchical status in the humanitarian sphere increases their vulnerability. The refugee committees for Congolese in Nyori and South Sudanese in Meri were both suspended and replaced, respectively after advocating for repatriation and after protests against the exclusion of Congolese wives of refugees from assistance. Conflicts around assistance have led humanitarian partners to question the legitimacy of such committees.

Further, such committees at times enter into competition with existing authorities. Both actors want to be involved in negotiations over the distribution of assistance and other resources and claim representation of overlapping communities. Competition over representation and authority also exists between customary and state authorities on the one hand, and, on the other, the leadership structures carried over from refugee life in South Sudan, such as camp and block leaders. On the basis of their identification as a distinct category of “returnees,” current representative committees and former refugee leaders exercise a form of apolitical authority in their relationship with the humanitarian system, which is different from the political roles of customary and other local leaders.

## Conclusion

The political and humanitarian structures that were established during displacement have a continuing impact on the political situation in Faradje. They contribute to transforming authority

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82 Conversations with Congolese informant, Arua, 18-20 June 2019.

and legitimacy and changing the political constellations. Since the LRA atrocities, displacement has resulted in an increased humanitarian presence, unprecedented in the history of Faradje. Although humanitarian actors are officially apolitical, this case study shows that their interventions have a clear impact on the political landscape.

Humanitarian initiatives related to displacement have produced new political entities which infringe on existing political structures, at times resulting in conflict and frictions. The ability to claim, direct, distribute and manage humanitarian resources has become a source of legitimacy and authority. As local authorities proved unable to support returnees and their reintegration, returnees and other displaced people attempted to take matters into their own hands in relation to humanitarian structures that governed them during exile or that were established after their return.

Dynamics concerning the lack of organisation and assistance in the return process continue to impact relationships between Congolese authorities, humanitarian actors and returnees. Although the timespan of this research limits the ability to draw clear conclusions on how profoundly the experiences of these different actors has affected legitimacy and authority, it is clear that they are an important aspect of reintegration efforts and different parties' perceptions of each other. In order to reduce the potential for conflict resulting from these tensions and increase trust and legitimate authority among various actors, political and humanitarian partners, should ensure closer collaboration between themselves and with representative committees of displaced communities.





### **Kalehe**

- Competition for access to customary power and the creation of new alliance to vie for political power.
- Competition for mineral resources and land between different groups, including returnees.
- Identity-based dynamics linked with mobilisation of armed groups.

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## **Kalehe: displacement, suspicion and militarisation**

### **Background**

In February 2018, unrest broke out in Kiziba refugee camp, in western Rwanda, between Congolese Tutsi refugees and the Rwandan police. The police shot and killed several refugees, who had protested against poor living conditions and limited opportunities in the camps.<sup>83</sup> These events revived discussions about the repatriation of these refugees, who have been living in Rwanda for over two decades. This evolution added to existing concerns about a potential return of Congolese Tutsi refugees among different communities in Kalehe territory (South Kivu), from where many refugees had originally fled in the 1990s.

Throughout history, Kalehe has been characterised by various patterns of migration and competition over access to resources and political representation. But this only led to open conflict after the arrival of hundreds of thousands of Hutu refugees from Rwanda, triggered by the Rwandan genocide in 1994, which fed into regional dynamics and led to the two Congo wars (1996-1997 and 1998-2003). Since the first war in 1996, Kalehe territory has been the scene of massive violence and a proliferation of armed groups, often organised along ethnic lines.

In this context marked by recent memories of violent conflict and fierce competition between communities over land and power, the potential return of Tutsi refugees adds to existing social tensions and has fuelled discourses of “autochthony” by some armed groups and political elites claiming to be the original inhabitants of the area. The Kalehe case illustrates how (anticipated) refugee returns can fuel struggles over resources and power and have significant potential to trigger conflict, especially when the absence of clear policies by regional governments and UNHCR and of reliable information feeds speculation and the politicisation of issues related to refugee returns.

### **Migration and communal conflict in Kalehe**

The territory of Kalehe is located between the cities of Bukavu and Goma and covers an area of 4,082 square kilometres. It is one of eight territories in the province of South Kivu and has a population of approximately 550,000, mainly from six communities: the Batembo, the Bahavu, the Barongeronge, the Hutu and Tutsi (Banyarwanda) and the Batwa. This complex social composition and cultural diversity is the result of a history of migration. In the 1950s, the first Hutu migrants settled in the area, as part of colonial efforts to facilitate the migration of Hutu farmers seeking labour from Rwanda to Congo’s plantations. Some of these migrants came from Masisi in North Kivu, where they had first settled. In addition to working in the plantations, Havu and Tembo

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83 C. Uwiringiyimana, “Five refugees killed, 20 injured, in Rwanda camp food protest: police,” Reuters, 23 February 2018, available at <https://www.reuters.com/article/us-rwanda-congo-refugees/five-refugees-killed-20-injured-in-rwanda-camp-food-protest-police-idUSKCN1G70FT> (accessed 1 September 2019).

customary chiefs granted them access to unoccupied land in Kalehe's *Hauts Plateaux* area.<sup>84</sup> From 1959 onwards, political turmoil in Rwanda forced Rwandan Tutsi to move to neighbouring countries, including to Congo. Some of them settled in Kalehe, where they also gained access to land on the *Hauts Plateaux*.

Both migration processes had a significant impact on the social composition of Kalehe, particularly on the *Hauts Plateaux*, with intensified competition over land between migrant and local communities, as well as between Tutsi pastoralists, who needed space for their cattle, and Hutu agriculturalists. The land disputes that followed were reinforced by various forms of land governance based on customary practices. Against the backdrop of contestation around political representation and citizenship of these migrant communities, disputes become more and more politicised.<sup>85</sup> As in other parts of eastern Congo, identity politics, triggered by intensified political competition around the 1990 democratisation process, became connected to existing land competition and affected social cohesion in Kalehe. The citizenship status of Congolese Tutsi became one of the key sources of mobilisation by armed groups in eastern Congo, reinforcing a cleavage between Rwandophone and other communities.

Until 1994, these conflicts had not turned violent. This changed after the arrival of hundreds of thousands of Rwandan Hutu refugees in the wake of Rwanda's genocide in 1994. With these refugees came members of the former Rwandan army and the *Interahamwe*, a militia involved in the genocide, who started to target Congolese Tutsi communities.<sup>86</sup> These attacks forced Tutsi communities living in Kalehe to leave their lands and move to refugee camps in Rwanda, joining other Tutsi who had returned to Rwanda following the military victory by the Rwandan Patriotic Front (RPF). Prior to their departure, most of them made arrangements regarding their land, either selling it or leaving it to custodians or guardians. Others were forced to abandon their land. These arrangements drastically changed land distribution patterns. Large parts of these lands now fell under the control of new landowners. Where no guardian was appointed, customary chiefs sometimes redistributed land to members of their communities. Many of the new occupants did not anticipate a potential return of the original owners and considered themselves the new and legitimate owners of these lands. When the first refugees started to come back in 1997, this instigated new dynamics of competition and social tensions.

As described below, there have been three distinct dynamics related to the return of refugees in Kalehe as a result of successive waves of return migration. First, the potential return of Tutsi refugees has reinforced a discourse centred around identity, and the fear of loss of livelihoods by new landowners has caused animosity, in turn leading to some groups taking up arms. Secondly, competition over land became tied up with national and regional power dynamics and led to a

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84 APC, «Analyse de Contexte du Territoire de Kalehe», 2009. In 1959, a survey by customary chiefs estimated the number of such migrants at 400, yet most Hutu did not register with local customary chiefs and thus stayed under the radar. See Mushagalusa Mudinga, E., "Les conflits fonciers à l'est de la RDC: au-delà de la confrontation entre rwandophones et autochtones à Kalehe," in F. Reyntjens, S Vandeginste and M. Verpoorten, *L'Afrique des Grands Lacs, Annuaire 2012-2013*, Harmattan : Paris 2013, p. 195-218.

85 Ibid.

86 A Tutsi officer of the Congolese army interviewed for this project explained: "The refugee camps presented a real danger for Congolese Tutsi. The refugees were mixed with ex-military and *Interahamwe*. They cultivated hatred against the Tutsi [including] against Congolese Tutsi (...) who had barely recovered from the shock caused by the genocide in Rwanda and feared another genocide in eastern DRC. [People in] Fizi and Uvira [expressed] similar fears to those in Kalehe. This was an important element in Rwanda's determination to get involved in the Congolese wars." (Bukavu, 6 July 2019).

repositioning of communities, including Congolese Tutsi. Thirdly, a lack of commitment by national authorities and international actors to organise or support return processes has further contributed to existing concerns and tensions. These dynamics show how the sporadic and anticipated return of refugees in Kalehe, framed around land, has a deleterious effect on inter-ethnic cohabitation. Growing frustration around the return of Tutsi landowners partly explains the persistence of armed groups operating in a logic of self-protection, such as the Nyatura, a Hutu group operating on Kalehe's *Hauts Plateaux*, and the *Raia Mutomboki*, a franchise of local self-defence militias.<sup>87</sup>

### Fragmented return

The factors behind the movement of Congolese Tutsi refugees from Kalehe are closely connected to regional conflict dynamics, as is the case with other refugee movements in the region. While the main factor that forced Congolese Tutsi to leave DRC was the security threat posed by the arrival in 1994 of Rwandan Hutu refugees in Congo, from 1996 onwards, the Congo wars created a number of conditions facilitating their potential return to Kalehe. Congolese Tutsi support for the *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre* (AFDL) rebellion during the first Congo war, and the active participation of Tutsi youth in the AFDL, drastically changed the political and military power balance, both nationally and in Kalehe, as the AFDL acceded to power. The Rwanda-backed *Rassemblement Congolais pour la Démocratie* (RCD) rebellion, which instigated the second Congo war in 1998, reinforced the power of the Congolese Tutsi community, yet at the same time confronted it with intensified armed resistance, particularly in the context of increasing concern about Rwandan expansion. In Kalehe, this led to a further militarisation of society, largely centred around perceptions of ethnic or community identity.

Despite the fact that many Tutsi refugees from Kalehe remain in Rwanda, others have returned to the DRC. The first wave of returns, which included a form of “armed return” via participation in rebel movements, took place in the second half of the 1990s, in the wake of the 1994 victory of the RPF. Most of these returnees were young Congolese Tutsi who, on arrival in the DRC, joined the AFDL armed movement against the then Congolese president Mobutu Sese Seko. Having contributed to toppling the Mobutu government, several of these Congolese Tutsi combatants secured influential positions in the new Congolese army. A respondent interviewed for this study recalled that between 1996 and 1998, returnees would often use their political and military influence to reclaim by force the land they had left behind or sold off when going into exile.<sup>88</sup>

The second wave of returns took place between 1998 and 2005, when the RCD rebel group controlled vast parts of eastern Congo. In this period, some Tutsi who had not had the opportunity to sell their land in 1994 came back either to sell it, to appoint guardians for their land within the community or to formalise their land ownership, for instance through the negotiation of a land title.

The third episode of spontaneous returns took place around 2010. With considerably but temporarily improved security conditions as a result of military operations, peace deals and the demobilisation and integration into the army of several militias and armed groups, numerous Tutsi

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87 K. Vlassenroot et al, “Contesting Authority: Armed rebellion and military fragmentation in Walikale and Kalehe, North and South Kivu,” Rift Valley Institute, 2016.

88 Interview with respondent, Cebumba, 5 May 2019.

refugees returned from Rwanda with their cattle, settling near their old grazing lands, mainly in the area around Numbi in northern Kalehe. Despite the fact that UNHCR, Rwanda and the DRC had signed a tripartite agreement, neither UNHCR, nor national or provincial Congolese authorities were directly involved in this wave of voluntary and spontaneous returns. This explains why these returnees were not documented and there are no reliable figures. These returns came as a surprise to other communities in Kalehe, especially those who had acquired land formerly owned by the Tutsi refugees, and sparked several land-related conflicts.<sup>89</sup> As a consequence, community relations became increasingly militarised and public discourse became increasingly radicalised around perceptions of identity.

The fourth wave of returns can be described as “exploratory visits.” As respondents from Lemera and Numbi testified, over the years there had been regular ‘go-and-see’ visits by Congolese Tutsi refugees living in Rwanda to meet family members, inquire about the security situation and check on the status of the land they (used to) own.<sup>90</sup> This also led to tensions, as several of these returnees found their land occupied by others and sought to reclaim it through customary or formal justice mechanisms or local mediation bodies.

Finally, a fifth category of returnees is perceived by other communities as “delocalised” returnees. This refers to people who are considered fully integrated Rwandan citizens, often even part of the political and economic elite, but have continued to own and use land in Kalehe.<sup>91</sup> Interviewees in Numbi were convinced that these people would come back to pursue their business interests in the DRC — a claim that is difficult to verify. It is also difficult to assess the numbers of this group of returnees. Some are considered dual nationals (although dual nationality is not allowed under Congolese law), while others are seen as foreigners who had been excluded from national citizenship in the 1980s.

## **Narratives of distrust**

Several factors complicate the return and reintegration of refugees and their cohabitation with other communities in Kalehe. A first is the connection between displacement and the use of language relating to identity, which has been reinforced by the impact of conflict and violence on local politics and society. As confirmed by several respondents, social life and inter-communal relations in Kalehe continue to be strongly marked by distrust and suspicion, based on previous experiences of returns and fed by speculation about an imminent and “massive” return of Tutsi refugees.

An important contributing factor in the proliferation of this kind of discourse is the absence of reliable and verifiable data about the number of Congolese Tutsi refugees from Kalehe who fled to Rwanda and the number of those who have already returned or could return in the near future.<sup>92</sup> Questions also remain about the policies which will be implemented and the profile of people who would eventually be eligible for return: “Are they registered as refugees, or have they acquired Rwandan nationality?” One of the consequences of this lack of reliable information and of clearly

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89 Interviews with residents from Numbi, 28 April 2019 and Minova, 5 May 2019; interview with local authority, Shanje, 3 April 2019.

90 Interviews with respondents from Lemera, mid-May 2019, and Numbi, 30 April 2019.

91 Interviews with respondents, Numbi, 30 April 2019.

92 Interview with civil society representative, *Haut Plateaux*, Kalehe, 27 April 2019; interview with government official from Minova, 4 May 2019.

communicated policies is the war of numbers in which different actors try to promote a version that suits their interests. Leaders and members of other communities tend to minimise the estimated number of Tutsi families who fled from Kalehe to Rwanda between 1994 and 1996, while armed groups seem to inflate the estimates, thus reactivating the mobilising appeal of conspiracy discourses in which the regime in Rwanda is thought to be on a mission to expand the Rwandan territory in the region in order to found a 'Great Tutsi Land'. Meanwhile, UNHCR in Rwanda officially states that only 6,746 refugees from the whole of South Kivu province were registered in Rwanda as of July 2019, meaning that the proportion of people originating from Kalehe would be less.<sup>93</sup>

Even if people in Kalehe are not categorically opposed to a return of Tutsi refugees, there are suspicions and reservations regarding plans to organise the repatriation of people from Rwanda. In the words of one interlocutor from Kalonge:

A candidate for return recently visited here. Twenty-five years ago, he was young, and he left alone. Now he wants to come back, but with his children and grandchildren. I have nothing against this fellow countryman, but we have to admit that this is quite problematic, and it is likely to affect the social cohesion in Kalonge.<sup>94</sup>

Throughout the years, various narratives about return and returnees have continued to circulate in Kalehe. These narratives are a mixture of rumours, speculation, suspicion and conspiracy theories, often infused with factual observations and informed by previous experiences of return and of violence. Regardless of their veracity, they have become part of the perceptions through which community-aligned political and armed actors mobilise and seek legitimacy.

Reference to nationality, citizenship and loyalty to land are themes that typically come up when discussing return. A common assumption encountered during fieldwork was that these refugees had acquired Rwandan nationality. An agent of the Congolese immigration department indicated that sometimes people would try to return as refugees despite having a Rwandan passport, like their family members who were already in the DRC.<sup>95</sup> With Rwanda allowing for dual nationality, while the DRC does not, the question of nationality is complicated, especially in view of an organised return of Congolese Tutsis who fled to Rwanda. But for respondents from other communities, the issue had far wider implications beyond legal and administrative questions. They articulated an emotional attachment and a sense of belonging to Congolese territory and their ancestral lands, which they thought was not the case for the Tutsi returnees. In the words of a civil society representative: "For them, Congo is a field, but Rwanda is home".<sup>96</sup>

These perceptions are also rooted in the memory of earlier episodes of return and violence, such as during the first Congo war in 1996, when Congolese Hutu were killed by the RPF-supported AFDL rebel movement.<sup>97</sup> The connection between Congolese Tutsi and what was perceived as a Rwandan occupation force during the Congo wars has fuelled suspicion about the real identity, motives and

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93 UNHCR Rwanda - Monthly Population Statistics, available at <https://data2.unhcr.org/en/documents/download/70668> (accessed 1 September 2019). Despite multiple requests, UNHCR did not provide specific information about the number and profile of refugees with origins in Kalehe.

94 Interview with local leader from Kalonge, May 2019.

95 Interview with Migration Department officer, May 2019.

96 Interview with civil society representative, Haut Plateaux, Kalehe, 27 April 2019.

97 This view was confirmed by representative of the Hutu community. Stakeholder workshop, Bukavu, 29 August 2019.

loyalties of the returning refugees, a view reinforced by the observation that several returnees have left their families in Rwanda.<sup>98</sup> These aspects have convinced people in Kalehe that refugees consider Rwanda their real home, and at best, have dangerously divided loyalties or, at worst, nefarious motives.<sup>99</sup>

These issues all play into sentiments of indigenous identity but are also infused with fear of alleged ambitions of territorial expansion by Rwanda. “The Tutsi haven’t finished their mission to conquer Congo and annex it to Rwanda”, said one interlocutor.<sup>100</sup> In this logic, an organised return is seen, first and foremost, as a means to serve Rwanda’s territorial expansion.

### **Competition over land and resources**

As explained above, the issue of land is crucial to understanding the attitudes of different communities towards returnees and towards the idea of an imminent “great return” of refugees residing in Rwanda. Whereas initially, the land left behind or sold off by Congolese Tutsi was mainly grazing land, the stakes have changed. Since 1996, the artisanal exploitation of mineral deposits – cassiterite, coltan, manganese and tourmaline – in the area has gained importance as a source of income and speculation, provoking competition for control of these areas. This is particularly the case for the area between Numbi and Lumbishi, where the mining sector is governed by a multiplicity of competing military and private actors, and where control over land is seen as a way of accessing the artisanal mining sector.

The different waves of sporadic returns have also sparked land-related disputes and conflicts. Since 1996, several of these disputes have been ended through violence, with the help of armed groups. More recently, returnees sought to reclaim the land they left behind through mediation and judicial means, in most cases successfully. So far, these land disputes have not escalated into larger scale violence, thanks to a fragile equilibrium between local self-defence militias, on the one hand, and Banyarwanda political and military networks in the army and in the capital, on the other. Local mediation committees and NGOs have been able to manage these disputes, but it is clear that these cases still generate tension among those who have occupied the land, legally or illegally. These tensions end up affecting ethnic cohabitation in Kalehe. As one respondent stated: “Disputes between individuals are never really individual. They always involve the community to which one belongs.”<sup>101</sup>

### **Return and armed mobilisation**

The position of Tutsi refugees has also contributed to a militarisation of politics and society in Kalehe and to the proliferation of armed groups, even if it was not the reason for their creation. The first armed groups operating in Kalehe territory were created as a direct consequence of the Masisi war, which in 1993 killed thousands of farmers and displaced many more. This war originated in an intensified struggle over land and political representation between indigenous and Banyarwanda communities. In Kalehe, this affected cohabitation between Batembo and Hutu communities. The subsequent Congo wars have had similar effects, dividing local society between

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98 Interview with a member of the security services, Cebumba, 6 May 2019.

99 Interview with representative of local Dialogue and Mediation Committee (CDM), Lumbishi, 3 May 2019.

100 Interview with resident of Cebumba, 6 May 2019.

101 Interview with representative of local Dialogue and Mediation Committee (CDM), Lumbishi, 3 May 2019.

those supporting the AFDL and RCD rebel movements and those allying with armed groups resisting those movements. While these groups used the language of “autochthony” to justify their actions, they also collaborated with Rwandan Hutu rebels against what was perceived as a Rwandan Tutsi-led occupation force. At a local level, the proliferation of armed groups also militarised land conflicts opposing different communities.

Since the end of the Congo wars in 2003, the position and claims of Tutsi refugees continued to be part of the discourse of armed groups and proved to be a fertile basis for mobilisation. The return of these refugees has been one of the demands of Tutsi-dominated armed groups such as the *Congrès National pour la Défense du Peuple* (CNDP) and the March 23 Movement (M23). Former CNDP recruits who were integrated in the Congolese army have also tried to facilitate the return of Tutsi refugees.

Other armed groups have resisted the growing military influence of Congolese Tutsi. In March 2007, the *Patriotes Résistants Congolais* (PARECO) emerged out of different Mayi and Hutu militias to organise and coordinate resistance against the CNDP.<sup>102</sup> While various communities were involved in its creation, the Hutu wing became the most important component of PARECO. In 2011, two years after PARECO’s integration in the Congolese army, a new wave of Hutu armed groups emerged with the creation of the Nyatura (“those who hit hard”) armed groups. In 2017, more than 15 Nyatura branches were active in the Kivus.<sup>103</sup> Those operating in parts of Kalehe claim to defend the interests of Hutu communities and have expressed concern about the return of Tutsi refugees. Similarly, Raia Mutomboki factions, which started to operate in Kalehe in 2011 in order to counter the *Forces démocratiques de libération du Rwanda* (FDLR, a Hutu rebel group with elements from the *Interahamwe* in its ranks), have gradually shifted their focus to the return of Tutsi to Kalehe’s *Hauts Plateaux*.<sup>104</sup>

Even if the security situation has improved in some parts of Kalehe recently, there are still considerable risks that political and military actors could exploit these perceptions of return, undermining recent efforts to mediate between communities and reduce levels of violence. These risks are tangible, as some communities feel that protecting their ancestral lands from external invasion (exemplified by a potential return of Tutsi refugees) justifies resorting to armed violence.

Land conflicts related to recent return movements have not sparked any major violence, and there have been considerable efforts by NGOs such as APC, the UN peacekeeping force MONUSCO and local mediation committees (*Comités de Dialogue et de Médiation*, CDM) to defuse tensions between communities, with positive effects in reducing violence in Kalehe. Research on perceptions of return within communities carried out for this project found more nuanced positions about people who left and less hostile attitudes towards those who returned, compared to those expressed by armed groups and certain political actors. Several returnees interviewed said they did not currently experience significant problems in their daily interactions with members of other communities. “Except for those who are involved in land disputes, we are all happy to have returned,” confirmed a

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102 J. Stearns, “Pareco: Land, local strongmen and the roots of militia politics in North Kivu”, Rift Valley Institute, Usalama Project, 2013.

103 “*Forces démocratiques de libération du Rwanda (FDLR)-FOCA*,” Armed Group Biographies, available at <https://suluhu.org/congo/biographies/> (accessed 6 September 2019).

104 This is particularly the case for the Raia Mutomboki faction of Shukuru and the recent coalition between Kirikicho and Kalume groups

village chief who is himself a returnee.<sup>105</sup> However, when asked why they thought other Congolese Tutsi refugees had not come back, interviewees speculated that insecurity of returnees was an important reason. This may have been a reference to violence against returnees and their cattle by the PARECO and Nyatura armed groups in the mid-2000s.<sup>106</sup> But overall, interviewees did not consider that incidents of violence were specifically directed against Tutsi or against returnees: “Nobody is killed just because he is a Tutsi. All communities are affected by the problems and conflicts.”<sup>107</sup>

## Conclusion

The Kalehe case study shows that in a context of complex and protracted conflict, issues of return can be highly politicised and militarised and require a specific approach. Although UNHCR has not planned or started a large-scale repatriation of Congolese Tutsi refugees from Rwanda, the idea of such a return looms large over society and inter-communal relations in Kalehe. Two factors feed into these perceptions, often linked with previous episodes of sporadic return. First, there is the issue of land, with both economic stakes and implications for identity and regional dynamics. Second, there is the memory of past conflict, particularly the participation of Congolese Tutsi alongside Rwanda-backed armed groups in horrific violence.

The problematic way in which return is perceived by other communities in Kalehe is further complicated by the failure of the Congolese and Rwandan governments and UNHCR to clearly articulate positions and concrete policies, illustrated by the absence of reliable information and statistics about Congolese Tutsi refugees in Rwanda and their possible return to the DRC. Despite recent demobilisation efforts, rumours, speculation and unsubstantiated allegations continue to circulate, reinforcing feelings of insecurity and the perceived threat of an invasion, and further polarising the language of identity and belonging. The risks of further militarisation and renewed violence remain tangible. In this sense, international agencies and governments bear a great responsibility for not just managing refugee populations, but also managing information about refugees and their possible return. In Kalehe, local institutions and actors have the capacity to mediate in inter-communal conflict. However, without proper information, it is difficult for them to work towards reducing or preventing social tensions related to return.

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105 Interview with village chief, *Hauts Plateaux*, 27 April 2019.

106 Interview with returnee, Shanje, 2 May 2019.

107 Interview with returnee, Shanje, 2 May 2019.



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