

Refugee return and root causes of conflict

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Since independence, violent conflicts in eastern DRC have been linked to access to land, affirmation of ethnic identities and competition for political control.

As a fertile border region, North Kivu has always been a zone of frequent migration flows, both voluntary and involuntary. During the Belgian colonial period the Mission d'Immigration des Banyarwanda¹ was established to bring entire populations (Hutu and Tutsi) from neighbouring Rwanda to North Kivu, so as to provide the large plantations with manual labour. After the 'social revolution' in Rwanda in 1959, Tutsi refugees arrived in large numbers in North Kivu, fleeing persecution. These population movements profoundly changed the political, economic and social landscape of the province, and sowed the seeds of localised power struggles and violent conflict amongst ethnic communities, which later escalated following national and regional events.

The populations present in North Kivu prior to the 1885 Berlin Conference at which the borders of the Congo State were determined refer to themselves as autochtones (indigenous) and consider those who arrived later as allochtones ('foreign' or lacking a legitimate connection to the land), applied in particular to those who speak Kinyarwanda. According to popular Congolese perception, the recurrent wars in North Kivu from 1962 to the present all have their origins in cross-border identity allegiances, specifically of the 'foreign' Banyarwanda and the Congolese Tutsis who are often described as 'Rwandans'. The two invasions by the Rwandan army in 1996 and 1998 further strengthened this sentiment.

'Autochtone' discourse about Banyarwanda 'foreignness' and 'domination' is closely linked to grievances about the Banyarwanda buying land which used to belong to white settlers as well as traditional 'autochtone' community land which was sold by local customary

chiefs. Such land purchases have given rise to accusations against the Banyarwanda of 'infiltrating' local power structures.

Following the influx of Rwandan Hutu militia to North Kivu after the 1994 Rwandan genocide, the previously relatively localised ethnic tensions in North Kivu boiled over, leading to mass displacement of Banyarwanda (Hutu and Tutsi alike). Congolese Tutsi fled mostly to Rwanda whereas the majority of the Congolese Hutu fled to Uganda. It is the return of the Congolese refugees from Rwanda that causes the most polemic and raises the greatest fears among some segments of the population in North Kivu. At the end of 2009 there were 53,362 registered Congolese refugees in Rwanda. Most of them arrived in early 1996 and were registered by UNHCR. However, between July 1994 and the end of 1995, large numbers of Congolese Tutsi refugees arrived in Rwanda unassisted and unregistered. Today, they live in villages and towns across Rwanda and there are no official statistics that establish their exact number. The tripartite agreement signed in February 2010 between DRC, Rwanda and UNHCR applies only to registered refugees, meaning that non-registered returnees will not receive UNHCR assistance.

Popular perceptions of return

Since around 2000, when security in some of the areas where the refugees come from started to improve, 'spontaneous returns'² of Congolese refugees to North Kivu have taken place. Some refugees come to visit and go back to Rwanda whereas others stay. Periodically, and linked to the overall political situation, 'autochtone' groups and politicians express fears about plots by the 'Rwandans' (often code for 'Tutsis') to 're-occupy' parts of North Kivu, aided by the international

community. There are also legitimate fears voiced by Congolese who live in areas where the refugees will return, largely focused on land conflicts that may arise when refugees who sold or lost their land come back to reclaim it. The problem is that these legitimate concerns are amplified and manipulated by leaders who use the issue to consolidate their political power and protect their economic interests.

A survey³ by the Mouvement Intellectuel pour le Changement (MIC)⁴ shows that opinions are divided amongst communities in areas of refugee return as to the refugees' national identity and the circumstances surrounding their departure. Many people confirm that Tutsi used to live with them but some claim that they are Rwandans who used to live there and who returned to Rwanda following the fall of the Habyarimana regime there in 1994. The focus on this group of people is used to delegitimise the Congolese nationality claims of all Congolese Tutsi – including those who have lived in North Kivu since well before 1959.

The Congolese refugees living in Rwanda originate from several areas of North and South Kivu. According to a UNHCR return intention survey in 2007, 80% of registered Congolese refugees in Rwanda want to return to DRC. The main determinant of whether and when they decide to do so is the level of security in return areas. The refugees themselves state that the presence of armed groups of Rwandan Hutu refugees in DRC was the cause of their flight. One Congolese refugee in the Gihembe camp states:

"They associated us with Rwandan Tutsi and we felt ourselves to be in permanent insecurity. They even managed to kill some of us before we decided to flee to Rwanda. Even our Congolese compatriots ... allied themselves with the Rwandan Hutu to attack us."

Many people firmly believe that Rwandan citizens are mixing themselves in with returning refugees so as to escape land scarcity in Rwanda and 'occupy' North Kivu. This opinion is so deeply rooted that even normal cross-border movements are from time to time portrayed as 'infiltration' or even planned large-scale migration of Rwandans to eastern DRC. This discourse is a reflection of popular fears but at a deeper level it is an expression of underlying causes of conflict which have never been resolved and which have remained unaddressed in the various peace accords. Constant accusations of being a 'Trojan horse' at the service of 'the enemy' give rise to feelings of exclusion by Congolese Tutsi, who sometimes react by supporting armed groups that promise redress. This of course does nothing to diminish the accusations. Failure to understand fully the link between the deep causes of conflict and the refugee return question can inadvertently reinforce tensions by lending credence to exclusionist discourses that appear rational (thus giving the impression that they are true) but which tend to be based on popular fears rather than established facts.

What can and should be done?

Because of the extreme sensitivity and complexity of the issue, UNHCR and international NGOs often feel constrained to ignore it, rather than communicate in an open and transparent way about the issue. Whereas they of course have to try to protect themselves from accusations based on popular perception that they are aiding Rwandan plots to re-occupy North Kivu, these agencies also have a responsibility to communicate openly about what they are doing and not to shy away from addressing the causes of conflict which are creating these tensions and leading to these accusations. The predominance of humanitarian actors in North Kivu (with short-term staff contracts and therefore almost inevitably a superficial understanding of the causes of conflict) creates an environment in which widely expressed popular fears tend to become understood as established facts.

The March 2009 Ihusi peace accord foresees the establishment of *Comités*



A journalist from Radio Communautaire de Moba records a refugee's greetings to her family members back home. During visits to refugee camps, journalists from the local radio often invite refugees to record short greetings to let their families know about developments in their lives and their return plans.

locaux permanents de conciliation (permanent conciliation committees) in which all community members will be represented. UNHCR and UN-HABITAT have started setting up these committees in North Kivu with the aim of promoting a peaceful environment, allowing the return of displaced people and refugees, and providing a framework for preventing and mediating inter-communal conflicts. However, the absence of any conflict resolution or peacebuilding expertise and proper process accompaniment for this programme is deeply worrying.

Key actions for international actors to avoid refugee return causing conflict include the following:

- Base all interventions on in-depth analysis not only of the humanitarian situation but also of local conflict dynamics and how refugee and IDP returns interact with these dynamics.
- Seek specialist assistance to undertake conflict analysis and to plan and execute interventions which take account of and address the causes of community tensions.
- Promote dialogue between communities about refugee return and facilitate direct dialogue between refugees and people in return areas (also involving relevant NGOs, UN agencies and national and local authorities).

- Advocate for Congolese and Rwandan authorities to communicate publicly and constructively about refugee return and to jointly establish mechanisms to facilitate return.
- Establish and build the capacity of the permanent conciliation committees to facilitate community dialogue about conflicts. This dialogue needs to go beyond mediation in specific local land conflicts to discussing and finding solutions to other conflict issues. The agencies establishing the committees must be very careful to avoid politicisation of these committees.

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1. The term 'Banyarwanda' refers to people who have Kinyarwanda as their mother tongue. The term 'Rwandophone', coined more recently, is a politicised term.
2. 'Spontaneous returns' are refugee returns that take place without the facilitation of UNHCR.
3. Conducted in Masisi, Rutshuru, Goma town, Byumba and Kibuye refugee camps in Rwanda as well as with Congolese refugees in Kigali.
4. A Goma-based group of University students who organise public hearings with youth and MPs on current issues.