

Towards Durable Solutions for Protracted Congolese Refugees in Rwanda

By Evan Easton-Calabria and Annelisa Lindsay

Abstract

The on-going instability in the Democratic Republic of Congo (DRC) has displaced millions of Congolese over the past two decades. For the uprooted, repatriation has often proved infeasible, especially for those from Eastern DRC who have been refugees for almost twenty years. This article examines the main actors involved in both perpetuating the conflict in the Eastern DRC and in potentially resolving the protracted refugee situation of Congolese refugees in camps in Rwanda. These refugees include persecuted groups such as the Banyamulenge, who, due to contested citizenship in DRC, constitute a group in dire need of a more durable solution. The restoration of peace in parts of Eastern DRC with the October disbanding of the M23 rebel group may increase the chance of repatriation for refugees who recently fled. However, thousands of refugees will remain in protracted displacement unless other resolutions are sought. This article explores alternatives to protracted displacement and presents a recommendation to end the life of encampment that many Congolese refugees in Rwanda currently face.

Introduction

Presently, about 400,000 Congolese refugees live outside of the Democratic Republic of the Congo (DRC); nearly 70,000 of whom have sought refuge in neighbouring Rwanda. While 20,000 of these individuals have been displaced only recently due to renewed violence in Eastern DRC, tens of thousands of Congolese refugees in Rwanda have faced the challenges of protracted displacement for nearly twenty years.

While Congolese refugees enjoy safety and protection in their Rwandan refuge, many would prefer to lead more sustainable, independent lives where they are settled or even better: in their home country. However, most protracted Congolese refugees in Rwanda are dispersed between three camps (Gihembe, Nyabiheke, and Kiziba), each hosting between 10,000 and 15,000 refugees. Here they have few options for sustainable livelihoods in addition to facing a myriad of other encampment difficulties, including land shortage, crowded shelters, strained water and sanitation resources, limited educational opportunities, and lack of freedom of movement (UNHCR 2003; 2013a). Some Congolese refugees have locally integrated into urban areas or communities along the Rwandan-Congolese border, but are self-sustaining and without international protection. Only 1,948 Congolese refugees are reported to live in and around Kigali (UNHCR 2013a).

While the durable solution of choice for many Congolese refugees would be to return home, parts of their homeland remain embroiled in a conflict that has resulted in the deaths of at least two million civilians (IRRI 2010). Despite a tripartite agreement in 2010 between Rwanda, DRC, and the United Nations High Commissioner for Refugees (UNHCR) for the reciprocal return of refugees from each country, returns to have continued to be hindered by instability, land ownership conflict, and citizenship issues in the eastern province of DRC,

from which many of these refugees initially fled (UNHCR 2010). Thus, options for durable solutions have been limited.

In order for durable solutions to be achieved for these refugees, creative solutions must be sought. For example, until this year, Congolese refugees did not have the option of third-country resettlement. However, it is only through careful consideration of the interests of all stakeholders in the problems causing displacement as well as the options for solutions that such protracted displacement may be resolved. Stakeholders include first and foremost the refugees themselves, the host and home states, and other international actors who provide protection and work towards durable solutions for the refugees. By devising solutions that take into account the common interests of all stakeholders, refugees may have a future where they enjoy protection, self-sustainability, and the rights, freedoms, and dignity they deserve. This article assesses the viability of the three durable solutions for refugees by examining the current situation as well as the interests pertaining to protracted displacement.

Congolese Refugees and Protracted Displacement

In order to understand possible durable solutions for Congolese facing protracted displacement in Rwanda, it is necessary to understand their reasons for fleeing DRC, their demographics, and preferences regarding durable solutions.

For the last twenty years in the DRC (formerly Zaire), intermittent conflict has led to the death or displacement of millions of civilians. Cross-border movement of Congolese refugees seeking safety in Rwanda has continued periodically since 1994. Many Congolese refugees in protracted displacement in Rwanda fled during a few critical upsurges in violence. Beginning in 1994, the post-genocide exodus of approximately one million Hutus from Rwanda into Eastern Zaire sparked instability and ethnic violence around the Kivus. Since this time, the *Interahamwe* and former Hutu genocidaire militias have used Eastern Zaire as a base for cross-border attacks against Tutsi in Rwanda and further fuelled ethnic conflict in Kivu region. In Eastern Zaire, the Kinyarwanda-speaking Zairois, or Banyamulenge, have a long history of contested citizenship, and persisting tensions between Hema and Lendu populations meant that ethnic violence by the *Interahamwe* contributed to instability (Boeck 2003). Thus, thousands of Banyamulenge have fled to seek protection in Rwanda, Uganda, Burundi, and Tanzania. After 1994, later caseloads of Banyamulenge arrived in Rwanda following increased conflict in North Kivu in 1997 (IRRI 2011). Hema and Lendu arrivals in Rwanda began following ethnic violence and massacres during 1997-2003, a period of internationalised violence in the DRC also known as Africa's World War. These groups have thus come to comprise 99% of refugees in Rwanda (UNHCR 2013a).

Research has shown that many of these refugees would prefer to return to DRC if they could live safely. However, due to regular outbreaks of violence and continued persecution, return to Eastern DRC has not presented a viable durable solution for many of the thousands of refugees in Rwanda. Nevertheless, small numbers do decide to return to Eastern DRC, despite warnings from UNHCR and the Rwandan government (UNHCR 2012). The present situation holds a tenuous peace, with the disbanding of the M23 rebel group in late October, a militia reportedly supported by the Rwandan government and responsible for the dramatic increase in violence in the Kivus over the last year (Stearns 2013). However, the volatile pattern of peace and chaos in the region causes repatriation to often represent a precarious, instead of durable, solution.

Many Congolese view third country resettlement as the only possibility to re-establish normal life. This is particularly true for Banyamulenge, many of whom doubt that, after a long history of contested citizenship, their rights in DRC will ever be recognised or they will ever be safe if they return home. Despite speaking Kinyarwanda and being of similar ethnic identity to Rwandan Tutsi, these individuals do not consider local integration as a possible durable solution due to their continual treatment as foreigners by the government and people of Rwanda (IRRI 2011). With repatriation being possible only for a few, and local integration not providing a full sense of freedom and belonging for these refugees, we now discuss the relevant stakeholders and interests necessary to consider in order to seek other creative, yet realistic, options for durable solutions for the Congolese facing protracted displacement in Rwanda.

Stakeholders and Interests

In addition to considering the opinions of the refugees themselves, the following entities are stakeholders with critical roles to play in securing durable solutions for Congolese refugees facing protracted displacement in Rwanda. The analysis below includes an assessment of their interests in regard to the three typical durable solutions: repatriation, local integration, and third-country resettlement.

Government of Rwanda (GoR)

The GoR, like most governments, has primary interests in meeting the needs of its own population and maintaining the security and stability of the country. Providing land and resources to accommodate 70,000 Congolese refugees and increasing arrival numbers in addition to dense population of 11 million has challenged Rwanda's already limited land and natural resources. For example, while Rwanda is a party to the 1951 Convention, it has filed reservations regarding the freedom of movement and residence of refugees 'for reasons of public order' (World Refugee Survey 2009). Thus, the GoR has been unable to provide extensive local integration opportunities for refugees and is supportive of additional options for durable solutions (UNHCR 2013b). Furthermore, border security with the DRC has long been a concern for the state, and if mass repatriation were the solution of choice for the refugees, the GoR would likely support their return in a measured and controlled manner.

The Rwandan Population

Rwandan citizens have sometimes been reported by Congolese refugees as hostile to sharing land and resources. Congolese refugees have expressed feeling that, despite the fact that many share the same language as the Rwandan population, they are treated as outsiders and excluded from social and economic opportunities (IRRI 2011).

Government of the Democratic Republic of the Congo (GDRC)

The GDRC has demonstrated minimal capacity for restoring security in Eastern DRC, despite, according to the 2010 Tripartite Agreement, its requirement for the refugees' return. It has not advocated for the repatriation of its citizens as Rwanda has for its own, indicating a general disinterest in the return of refugees to their homelands and a satisfaction with the status quo. Thus, these conditions render the possibility of government-supported repatriation unlikely. The GDRC also has reason to be sceptical of refugee returns from Rwanda as the

result of several 'internal uprisings' in the East which have allegedly been Rwandan-supported (Stearns 2012).

Congolese in Eastern DRC

Research has shown that other Congolese nationals in DRC have perceived the repatriation of Congolese refugees from Rwandans as a veil for Rwandan invasion. Some Congolese groups have mobilised attacks against Banyamulenge and other Kinyarwanda-speaking returnees (IRRI 2011).

Rebel Groups

Rebel groups in Eastern DRC, including the Forces Democratiques De Liberation Du Rwanda (FDLR) and M23, have often had divergent interests relating to the Congolese refugees in Rwanda. The FDLR consists of a small number of Hutu militants remaining from the former Rwandan government and *Interahamwe* forces that fled to Zaire in 1994 and have used the DRC as a base for operations against Rwanda since. The FDLR have often fuelled ethnic violence against Banyamulenge and between other ethnic groups (IRRI 2011). Other rebel groups have intermittently arisen to advocate for the return of Tutsi Congolese and the allocation of citizenship and land rights to all Congolese, including the recently disbanded M23 group which had roots in a formerly very active group, the National Congress for the Defence of the People (CNDP) (BBC 2012; Stearns 2013).

Key Donor States

Key donors in international refugee protection including the United States, Australia and the European Union, face increasing fiscal austerity. The expense of continuing to provide assistance to encamped Congolese refugees may soon be too much of a financial burden as donors balance domestic concerns and face donor fatigue in an increasingly challenging economic environment.

UNHCR

As the guardian of the 1951 Convention, UNHCR is committed to providing protection, durable solutions, and assistance to these refugees in a principled manner. UNHCR already plays a key role negotiating interests between Rwanda and the DRC to promote a political resolution to end the protracted refugee situation as well as with other donors to support international protection of the refugees in the meantime.

Assessment of Durable Solutions

The interests of the Congolese refugees themselves and the key stakeholders above must all be taken into consideration in order to find a truly durable solution. This section assesses the feasibility of the three classic durable solutions while also proposing some creative approaches to help bridge otherwise seemingly divergent interests between stakeholders to overcome the challenges that have led to the protracted situation of the Congolese refugees in Rwanda.

Repatriation

The Eastern DRC's persisting conflict, along with concerns regarding citizenship and land rights, has prevented many refugees from returning (Sylla 2010). Beginning in 2012, the rebel group M23 sparked new surges of violence that displaced nearly one million people inside DRC and tens of thousands as refugees (BBC 2013). As of late October, M23 ended their insurgency after defeat by the Congolese military. However, persistent violent activity of other armed groups including Hutu militias indicates that stability in the region is still not guaranteed (BBC 2013).

Elsewhere in the DRC, however, repatriation has been successful. UNHCR has assisted with the beginning stages of repatriation for approximately 81,000 refugees who sought safety in the Republic of Congo to the Equateur province in the northwest DRC (UNHCR 2013c). Such cases demonstrate the possibility for coordinated, successful return to stabilized parts of the country, with UNHCR and UNDP playing cooperating roles in assisting with returns and land re-allocation (UNHCR 2013c). However, as the Congolese refugees who wish to return to DRC desire return to their exact land of origin, mostly in the North and South Kivu provinces, repatriation does not seem viable.

Were peace and stability to be restored to Eastern DRC, Congolese refugees in Rwanda would face citizenship issues upon return if the GDRC does not amend and enforce equal citizenship laws. The 2004 law established by the transitional government to permanently clarify who is and is not a national of the DRC is rarely applied. It has, however, contributed to a rhetoric of exclusion and on-going contested notions of belonging. In order for these refugees to return, changes thus must occur at both the national and local level. A new citizenship law clarifying who is a Congolese national is needed, and local power structures based on ethnicity must be addressed (IRB 2013).

Rwandan participation in a mass repatriation process would be critical to its success. However, given Congolese perceptions of Rwandan intervention in the East as a threat, this would be problematic and likely promote further conflict and thus would need to be carefully negotiated to balance Rwandan security interests, territorial sovereignty, and the safety of the Congolese returnees.

Local Integration

In Rwanda, refugees enjoy neither the right to freedom of movement nor the right to determine their own place of residence (World Refugee Survey 2009), thus local integration is likely to present even more of a burden for the GoR than internationally-maintained refugee camps. Given Rwanda's interest in stability and provision for its nationals, the containment of refugees in camps is likely more preferable than allowing Congolese refugees to compete with Rwandan citizens for limited land, resources, and employment. Rwanda may also face an increased likelihood of cross-border movements, which may contribute to further regional instability.

If Rwanda were to allow more freedoms for Congolese refugees outside of camps, local integration could succeed. Given tensions between refugees and the local population in Rwanda, however, efforts to smooth relations between these groups would be necessary to prevent conflict. International investment in joint development for host communities and integrated refugees could potentially outweigh the costs of prolonged encampment as well as providing incentives for the local Rwandan population to welcome integration of Congolese (Crisp 2003; Jacobsen 2001). The common language between the groups might facilitate this

option. For example, a model of successful local integration was demonstrated by the International Conference on Central American Refugees (CIREFCA), which coordinated development and integration at international, national, and local levels (Betts 2006). Furthermore, promoting self-reliance of refugees promotes the reduction of donor financial commitments and offers a preferred solution to displacement by allowing individuals to determine their own futures, rather than remaining dependent on international assistance.

Resettlement

Resettlement, the third possible durable solution, is usually reserved for the most vulnerable of cases in very protracted situations and requires political and financial commitment from third countries to welcome refugees to resettle in their country. Host states might favour resettlement as an amenable solution as it significantly reduces the space and resource burden born by the host government. Prior to 2012, third-country resettlement was not an option for Congolese refugees. However, UNHCR and several resettlement countries have recently agreed to offer resettlement as an option for individuals in this population who have been in protracted refugee situation for over 14 years. By the end of 2012, UNHCR Rwanda had referred 2,238 cases for resettlement, and 704 individuals had departed to receiving countries (UNHCR 2013b).

While these initial numbers are small compared with the need, the United States has pledged to allow resettlement for thousands more Congolese refugees in the coming years (U.S. Department of State 2013). Thus, resettlement is currently providing the most viable option for a durable solution for refugees who are in the most intractable of situations and are willing to move to a country to which they potentially have no or few ties.

Conclusion

Repatriation does not currently represent a durable solution. While the end of the M23 insurgency may offer hope for more stability in the East, the activity of other armed groups still makes return for refugees in Rwanda untenable. Therefore, given continued violence, repatriation of all Congolese refugees from Rwanda must not be encouraged. However, freedom of movement should always be an option for refugees, and voluntary repatriation may continue to be an option for refugees who have recently fled, such as the 6,000 of the 20,000 Congolese refugees who arrived in Rwanda in 2012 (UNHCR 2013b). Such return should be supported by UNHCR with return packages and allow for refugees to make their own determinations regarding where they return. Given perceptions of Rwandan intervention in Eastern DRC, successful voluntary return should also be contingent on no or minimal Rwandan involvement, thus minimising unintended consequences of sparking violence.

The most viable solution for the most protracted of Congolese refugees in Rwanda is presently third-country resettlement. However, UNHCR should continue and broaden its policy of promoting third country resettlement to those who have been displaced for over 14 years. Since UNHCR has typically considered 'protracted' to refer to situations of displacement for more than five years, UNHCR should work with donor and receiving countries to promote the resettlement of Congolese refugees in Rwanda who are unable or unwilling to return to the DRC and for whom local integration is not a possibility and who have been displaced for longer than five years. For those in the most protracted situations, such as the Banyamulenge, for whom 'home' in the DRC no longer exists, resettlement is the best possible option for living a dignified life with full freedom and protection.

Finally, given the precarious peace in Eastern DRC and the inability of all refugees in protracted situations to resettle in third countries, a more creative solution entails offering Rwanda incentives to encourage further local integration opportunities. Support from UNHCR and international donors for services, education, and infrastructure to benefit both refugee and local populations could possibly overcome Rwandan concerns about resource scarcity and security that make it averse to local integration. Unless Eastern DRC becomes more stable and the option of safe repatriation is restored, the possibility of a joint solution of local integration and resettlement could end displacement for most protracted Congolese refugees in Rwanda. Continued instability and insecurity in Eastern DRC, however, will likely continue until governance and peace prevail. As this unfortunately remains a long-term endeavor, the international community should continue to provide support to Rwanda in the case of new refugee arrivals.

Evan Elise Easton-Calabria is a research assistant for the Humanitarian Innovation Project, based at the Refugee Studies Centre, University of Oxford, and holds an MSc in Refugee and Forced Migration Studies from the University of Oxford. In January she will begin work as an intern in Tanzania for the nonprofit organisation Terre des Hommes. She plans to pursue research on East African refugees, development, and the private sector.

Annelisa Lindsay currently works as a Refugee Officer for the U.S. Department of Homeland Security and has previously worked on U.S. foreign policy regarding democracy, human rights, and refugees at the U.S. Department of State.¹¹ Her research interests include the evolving legal and operational architecture of humanitarian systems, U.S.-Africa relations, and conflict and displacement in the Great Lakes Region. Annelisa was a J. B. and Maurice C. Shapiro Fellow at the Refugee Studies Centre, University of Oxford, where she received an MSc in Refugee and Forced Migration Studies. She also holds an MA and BA in International Relations from The George Washington University.

The authors welcome feedback at: evan.easton-calabria@qeh.ox.ac.uk.

References Cited

BBC NEWS (2012) 'Q&A: DR Congo's M23 rebels', 23 November, <<http://www.bbc.co.uk/news/worldafrica-20438531>> (accessed 11 February 2013).

_____ (2013) 'Q&A: DR Congo's M23 rebels', 5 November, <<http://www.bbc.co.uk/news/worldafrica-20438531>> (accessed 15 November 2013).

BETTS, A. (2006) 'Comprehensive Plans of Action: Insights from CIREFCA and the Indochinese CPA,' *New Issues in Refugee Research*, Working Paper no. 120, January.

BOECK DE, F. 'Postcolonialism, Power and Identity: Local and Global Perspectives from Zaire,' in: R. Werbner and T. Ranger (eds.), *Postcolonial Identities in Africa* (London and New Jersey: Zed Books, 1996): 75.

¹¹ The views presented in this article do not represent official policy of the U.S. Government.

CRISP, J. (2003) 'No solution in sight: the problem of protracted refugee situations in Africa,' *New Issues in Refugee Research*, Working Paper No.75, Geneva: UNHCR, January.

ENOUGH PROJECT (2003) Eastern Congo, <http://www.enoughproject.org/conflicts/eastern_congo> (accessed 10 February 2013).

HUMAN RIGHTS WATCH (2003) 'Ituri: Covered in Blood: Ethnically Targeted Violence in Northeastern DR Congo', Democratic Republic of the Congo 15(11) (A) - July, <<http://www.hrw.org/sites/default/files/reports/DRC0703.pdf> > (accessed 14 February 2013).

IMMIGRATION AND REFUGEE BOARD OF CANADA (2013) 'Democratic Republic of Congo (DRC): Procedure and conditions for Congolese nationals of Rwandan origin to reinstate their nationality,' Research Directorate, Immigration and Refugee Board of Canada, Ottawa, <http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=449918&l=e> (accessed 15 February 2013).

INTERNATIONAL REFUGEE RIGHTS INITIATIVE (2010) 'Who Belongs Where: Conflict, Displacement, Land and Identity in North Kivu, Democratic Republic of Congo', *Citizenship and Displacement in the Great Lakes*, Working Paper no. 3, March, <<http://www.refugeerights.org/Publications/Papers/2010/Who%20Belongs%20Where.EN.March2010.pdf>> (accessed 10 February 2013).

INTERNATIONAL REFUGEE RIGHTS INITIATIVE (2011) 'Shadows of Return: The Dilemmas of Congolese Refugees in Rwanda', *Citizenship and Displacement in The Great Lakes Region*, Working Paper 6, July 2011, <[http://www.refugeerights.org/Publications/2011/Shadows%20of%20Return-FINAL%20\(1\).pdf](http://www.refugeerights.org/Publications/2011/Shadows%20of%20Return-FINAL%20(1).pdf)> (accessed 11 February 2013).

JACKSON, S. (2007) 'Of "Doubtful Nationality": Political Manipulation of Citizenship in the D.R. Congo', *Citizenship Studies*, 11(5), November: 484.

JACOBSEN, K. (2003) 'The forgotten solution: local integration for refugees in developing countries,' *New Issues in Refugee Research*, Working Paper no. 45, July.

KIGAMBO, G. (2012) 'Disquiet among Congo refugees over repatriation,' *Rwanda Today*, <www.theeastafrican.co.ke/Rwanda/News/Disquiet-among-Congo-refugees-over-repatriation/-/1433218/1615944/-/m4wmjhz/-/index.html> (accessed 11 February 2013).

REFUGEES INTERNATIONAL (2013) DR Congo Brief, <<http://refugeesinternational.org/where-we-work/africa/dr-congo>> (accessed 11 February 2013).

STEARNS, J. (2012) *CNDP to M23: The evolution of an armed movement in eastern Congo*, London: Rift Valley Institute: Uslama Project.

SYLLA, O. (2010) *Forced Migration Review*, Land and property disputes impeding return and reintegration, 36, November, <<http://www.fmreview.org/DRCongo/sylla.htm>> (accessed 11 February 2013).

UNITED NATIONS (2009) 'Final Report of the Group of Experts on the Democratic Republic of Congo', 7 December.

UNHCR (2003) 'Feature: Refugees in Uganda move towards self-reliance,' News Stories, 13 October, <<http://www.unhcr.org/3f8aa81e4.html>> (accessed 15 February 2013).

_____ (2010) UNHCR Global Report for Rwanda 2010, <<http://www.refworld.org/pdfid/4e52379813.pdf>> (accessed 14 November 2013).

_____ (2012) UNHCR Position on Returns to North Kivu, South Kivu, and Adjacent Areas in the Democratic Republic of the Congo Affected by on-going Conflict and Violence in the Region, 15 November, <www.unhcr.org/refworld/docid/50a369022.html> (accessed 11 February 2013).

_____ (2013a) UNHCR Global Appeal for Rwanda, 2013 Update, <<http://www.unhcr.org/50a9f81fb.html>> (accessed 11 February 2013).

_____ (2013b) UNHCR country operations profile – Rwanda <<http://www.unhcr.org/pages/49e45c576.html>> (accessed 11 February 2013).

_____ (2013c) UNHCR Global Appeal for Democratic Republic of the Congo, 2013 Update, <www.unhcr.org/50a9f81f0.html> (accessed 11 February 2013).

U.S. COMMITTEE FOR REFUGEES (2009) World Refugee Survey 2009: Rwanda, <www.refugees.org/resources/refugee-warehousing/archived-world-refugeesurveys/2009-wrscountry-updates/rwanda.html> (accessed 13 February 2013).

U.S. DEPARTMENT OF STATE (2013) U.S. Reaches its Refugee Admissions Target for The First Time Since 1980, 21 October 2013, <<http://www.state.gov/r/pa/prs/ps/2013/10/215709.htm>> (accessed 13 November 2013).