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Abstract

Uganda hosts refugees from neighboring countries including Rwanda. According to UNHCR, by the end of 2016, Uganda was the 5th and 1st top refugee hosting country in the world and Africa respectively. It hosted over 900,000 refugees. This number had increased to over 1.2 million by May 2017. In 2003, a tripartite agreement was signed to repatriate 25,000 Rwandan refugees. Only 850 of them accepted to return and many of them came back almost immediately to Uganda claiming insecurity and human rights violations in Rwanda. The Rwandan repatriation was not devoid of politics. It was influenced by political interests of various actors: the international community, regional geo-politics, Uganda and Rwanda. This article analyzes the politics of repatriation of Rwandan refugees by focusing on politics at international and regional levels as well as in Uganda and Rwanda.

Key words: Rwandan refugees, Repatriation, Politics, Uganda, Rwanda

1. Introduction

According to UNHCR, "by the end of 2016, 65.6 million individuals were forcibly displaced as a result of persecution, conflict, generalized violence or human rights violations. Out of 65.6 million, 22.5 million persons were refugees[1], 40.3 million Internally Displaced Persons and 2.8 million asylum seekers".[2]Developing regions hosted 84 percent of the world's refugees under UNHCR mandate.[3]

The UNHCR's Annual Global Trends report further notes that, by the end of 2016, Uganda was hosting 940,800 refugees and asylum-seekers, the highest number in the country's history. Uganda then was the 5th largest refugee hosting country in the world and the first largest in Africa.[4] By May 2017, this number stood at over 1.2 million.[5]The majority of these refugees come from neighboring countries and the wider region, South Sudan, Democratic Republic of Congo, Burundi, Somalia, Rwanda, Kenya, Ethiopia and Eritrea among others. By February 2016 around 17,176 of these were Rwandan[6] who arrived during and after the 1994 genocide.

Rwandan refugees are settled in Nakivale, Oruchinga, Kyaka II and Kyangwali refugee settlements in Uganda, while some are settled in urban areas.[7] Other Rwandan refugees are secondary movers –those that came from neighboring countries such as Tanzania and the Democratic Republic of Congo (DRC) following the forced repatriations of 1996/1997, and who faced persecution upon return because of their previous flight and then fled to Uganda.[8] Rwandan asylum seekers (both Hutu and Tutsi) continue to come to Uganda claiming persecution, human rights violations and dictatorship in Rwanda.[9] These asylum seekers and secondary movers include "recyclers"[10]who were repatriated to Rwanda from Uganda during the period 2004 to around 2012 and moved back to Ugandan refugee settlements and urban areas.[11]

This paper argues that the Rwandan repatriation was not devoid of politics. Repatriation rather than being a humanitarian act addressing the needs of refugees became an operation aimed at serving the political interests of various actors: the international community, regional geo-politics, Uganda and Rwanda. This explains why repatriation has not solved the Rwandan refugee problem. This article analyzes the politics of Rwandan repatriation by focusing on politics at international and regional levels as well as in Uganda and Rwanda.

[1] Out of the 22.5 million refugees, 17.2 million refugees are under UNHCR's mandate and 5.3 are Palestinian refugees registered by United Nations Relief and Works Agency.

[2] UNHCR (2016) *Global Trends: Forced Displacement in 2016*, Geneva, UNHCR: 2, Available at http://www.unhcr.org/globaltrends2016/ [Accessed on 19th June 2017]

[3] Ibid.

[4] Ibid: 15.

[5] Mafabi David &Ainebyoona Emmanuel (2017) "Uganda struggling to feed refugees-Government", *Daily Monitor*, 10 May 2017, Available at http://www.monitor.co.ug/News/National/Uganda-struggling-to-feed-refugees---govt/688334-3920468-jdp7byz/index.html [Accessed on 17th May 2017].

[6] UNHCR (2016) *Uganda-Monthly Refugee Statistics Update*, February, Available at *data.unhcr.org/drc/download.php?id=1216*, [Accessed on 22nd September 2016].This number reduced from 25,000 in 2003 when the tripartite agreement of voluntary repatriation was signed.

[7] Karooma, C. (2014) "Reluctant to Return? The Primacy of Social Networks in the Repatriation of Rwandan Refugees in Uganda", *Working Paper Series No. 103, Refugee Studies Centre*, University of Oxford, August: 11.

[8] Ibid.

[9] This is based on personal interviews, observations and interactions with new Rwandan Asylum seekers in Mbarara, Kampala, Oruchinga and Nakivale refugee settlements during the period June 2010 to August 2016. Rwandan asylum seekers include government officials, genocide survivors, journalists, students together with ordinary people.

[10] The author has interviewed several "recyclers" living in Nakivale and Oruchinga settlements in Uganda.

[11] According to Amnesty International (2011:13), "Credible reports, including those collected during the organization's recent research visit to Uganda in September 2011, indicate that some Rwandan refugees have subsequently returned to Uganda after various obstacles prevented them from successfully reintegrating in Rwanda".

Although there has been scholarly attention to repatriation of Rwandan refugees[12], there is little research focusing on the politics of their repatriation in Uganda.

This study is based on two research visits carried out at different intervals in Nakivale and Oruchinga settlements in south western Uganda. The first visit was undertaken from June 2010 to December 2011. A second visit took place between June and August 2016. The study focused on Rwandan new caseload refugees[13]and used a qualitative research methodology. Semi-structured and key informant interviews, Focus Group Discussions (FGDs), observation and documentary evidence were the main research techniques. Purposive criterion sampling was used to select the study respondents, namely Rwandan refugees, Rwandan and Ugandan government officials, UNHCR and NGOs officials, as well as local hosts around Nakivale settlement, Isingiro District.[14]In addition, 'recyclers'[15]were identified through snowball sampling. Rwandan refugees and other categories of respondents answered questions on themes like refugee physical security, refugee rights and obligations, voluntary and forced repatriation, local integration, resettlement, the so-called cessation clause and, in general, avenues to find durable solutions.[16] The analysis further makes use of secondary data, both scholarly articles and grey literature.

The paper is structured as follows: The next section deals with the search for a durable solution which was voluntary and forced repatriation. Subsequently the paper analyses the politics of repatriation. The paper finally concludes with policy and methodological implications.

[12] Ahimbisibwe, F. (2011) *Repatriation as a durable solution to the Rwandese refugee problem in Uganda*, Saarbrucken, VDM Verlag Publishers;
Karooma, C. (2014) "Reluctant to Return? The Primacy of Social Networks in the Repatriation of Rwandan Refugees in Uganda", *Working Paper Series No. 103*, Refugee Studies Centre, University of Oxford, August;
Karooma, C. (2013) "Preliminary Observations from the Field: Rwandan Refugees' Perceptions of 'Voluntary' Repatriation from Uganda", *Oxford Monitor of Forced Migration*, Vol. 3, No. 2, November;
Whitaker, B.E. (2013) "Changing Priorities in Refugee Protection: The Rwandan Repatriation from Tanzania" in Niklaus Steiner, Mark Gibney& Gil Loesher (Eds), *Problems of Protection: The UNHCR, Refugees and Human Rights*, New York & London, Routledge: 141-154;
Amnesty International (1997) *Great Lakes Region Still in Need of Protection: Repatriation, Refoulement and Safety of Refugees and the Internally Displaced*, London: International Secretariat, 24th January;
International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council (2010), *A Dangerous Impasse: Rwandan Refugees in Uganda*,9 June:8, available at: http://refugeelawproject.org/others/10_06_28_A_Dangerous_Impasse,Rwandan_Refugees_in_Uganda.pdf [accessed on 15 November 2016].

[13] Rwandan new caseload refugees refer to Hutu that came during and after the 1994 genocide. Before them, Uganda hosted old case load Rwandan Tutsi refugees who arrived in 1959 and the early 1960s. The majority returned to Rwanda after the genocide while a significant number stayed in Uganda.

[14] The first visit involved 162 respondents. 1 FGD, each with 12 Rwandans was organized in each of the 3 zones in Nakivale; Base Camp, Juru and Rubondo. In each of the zones, I interviewed 10 refugee leaders. I also interviewed 10 recyclers, 10 Isingiro district officials, 11 Officials from Office of the Prime Minister (OPM), 16 NGOs staff, 10 police officers, 36 local hosts (6 locals from each of the 6 sub-counties bordering Nakivale), 1 expert on refugee studies and 2 officials from the Rwandan High Commission in Kampala. In the second visit, a total of 182 respondents participated in the study. 4 FGDs each with 10 Rwandan refugees were organized in 4 zones of Nakivale settlement; Base Camp, Juru, Rubondo and Kabazana. The 5thFGD with 10 Rwandan refugees was organized in Oruchinga settlement. I interviewed 10 refugee leaders from each of the 4 zones in Nakivale. 10 refugee leaders were interviewed in Oruchinga settlement. Apart from the refugees, I interviewed 16 recyclers (10 in Nakivale and 6 in Oruchinga), 10 new asylum seekers (6 in Nakivale and 4 in Oruchinga), 6 OPM officials (4 in Nakivale and 2 in Oruchinga), 4 Isingiro district officials, 34 local hosts (24 in Nakivale and 10 in Oruchinga), 10 NGOs staff (6 in Nakivale and 4 in Oruchinga) and 2 officials from the Rwandan High Commission in Kampala.

[15] Recyclers are Rwandan refugees who have been repatriated to Rwanda but have returned to Uganda claiming human rights violations, insecurity, persecution and inability to recover land and property in Rwanda.

[16] The study observed ethical principles in research. The study was cleared by the Office of the Prime Minister and Isingiro District in Uganda. During the data collection exercise, the respondents were briefed on the purpose of the study which was purely academic. Their confidentiality, informed consent and voluntary participation were observed and respected.

2. The search for a durable solution

2.1. 'Voluntary' Repatriation

There are three durable solutions to the refugee problem in the world today: voluntary repatriation to the country of origin, integration into the first country of asylum and resettlement to a second country of asylum. Voluntary repatriation is the most favored one. This is where refugees return to their country of origin after conflict to take part in the reconstruction process and nation building.

The repatriation process involves the ceasing of causes for flight, the signing of a tripartite agreement between the country of origin, the country of asylum and UNHCR, the voluntariness of repatriation, refugees' access to information about the situation in their country of origin, the registration of those intending to return, their return in safety and dignity, reception and reintegration in the country of origin.

However, voluntary repatriation remains problematic in situations of protracted exile, protracted conflict in the country of origin and favorable conditions in the country of asylum among other conditions.

Just like in other countries, voluntary repatriation has been the most emphasized and available durable solution for Rwandan refugees in Uganda. Emphasis has been put on forcing these refugees to return. Local integration is yet to be utilized as a durable solution[17] while resettlement remains a dream as there are no countries accepting large groups of refugees.[18]In general, only 1% of the world's refugees benefit from resettlement.[19] In fact, "given the narrow quotas, the chances of being resettled is slim, and indeed many people in refugee camps think of resettlement as akin to winning the lottery".[20]

2.1.1. Tripartite agreement of 2003

The 2003 Tripartite Agreement (hereafter "the tripartite agreement") was between the Government of Rwanda, the Government of the Republic of Uganda and the Office of UNHCR and it was meant for the voluntary repatriation of Rwandan refugees in Uganda. From its preamble, the Tripartite Agreement reiterates that "every citizen has the basic right to leave and return to his or her country as enshrined inter alia in Article 13(2) of the 1948 UDHR and Article 12 of 1966 ICCPR".[21]

The tripartite agreement mainly lays down strategies and road map for repatriation of refugees. It is a sign of good will and shows that the country of origin is ready and willing

[17] See Ahimbisibwe Frank & Ingelaere Bert, "Local Integration as a Durable Solution? The Case of Rwandan Refugees in Uganda", forthcoming, *Institute of Development Policy and Management (IOB), University of Antwerp, Discussion Paper.*

[18] Interview with a Senior Protection Officer, Office of the Prime Minister, Kampala on 1st June 2016;

Ahimbisibwe, F. (2015) *The Host State and Refugee Security in Uganda: The Case of Rwandan Refugees in Nakivale Settlement*, Doctoral Dissertation, Unpublished, Mbarara, Mbarara University of Science and Technology. Ahimbisibwe discusses durable solutions in the context of Rwandan refugees in Uganda where his findings indicate that resettlement is not considered a durable solution since the number of refugees is so high and the Rwandan government has promoted the notion to the international community that there is peace in Rwanda. Ahimbisibwe argues that this has made the international community reluctant to resettling Rwandan refugees when their country of origin is 'secure' and willing to welcome them.

[19] Long, K. (2011) "Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons", *Policy Overview*, Refugee Studies Centre.

[20] Jacobsen, K. (2005) *The Economic Life of Refugees*, USA: Kumarian Press Inc: 55.

[21] UN High Commissioner for Refugees (UNHCR), Tripartite Agreement between the Government of Uganda and the Government of the Republic of Rwanda and the United Nations High Commissioner for Refugees for the Voluntary Repatriation of Rwandan Refugees in Uganda to Rwanda, signed on 23rd July 2003, on file with the author.

to receive refugees. It shows commitment of the parties who sign, such as the governments of Uganda and of Rwanda, and the UNHCR about what is agreed. It is relevant for refugees because it creates a legal basis for repatriation and is an indication of political will.[22]

Article 4 (4) stipulates that "the Government of Rwanda undertakes the responsibility of ensuring the safety and security of repatriating refugees returning to their country of origin, including in transit areas and during transport movements." In the same context, the Agreement, under Article 4 (5), provides that "the United Nations High Commissioner for Refugees shall in accordance with its mandate continue to provide international protection to those refugees who opt not to repatriate."

The Tripartite Agreement imposes obligations on the part of the host state (Uganda) in article 3 (1) that "it will undertake to enforce free will repatriation of Rwandan refugees and that it will ensure that refugees are well informed about the security situation in Rwanda. It shall also ensure that they are able to freely decide whether or not to repatriate without coercion or pressure."

Article 3(4) obliges Uganda "to ensure the safety and security of the repatriating refugees returning to their country of origin, including transit areas and during transport movements". The three signatories have obligations of ensuring the voluntary return of Rwandan refugees in conformity with international law.

2.1.2. Tripartite Commission

The tripartite agreement provides for a Tripartite Commission (hereafter commission).[23]It is made up of the contracting parties: the governments of Uganda and Rwanda and the UNHCR. The commission has roles and functions in ensuring the success of repatriation.[24]It has held various meetings in Kampala, Mbarara and Kigali and issued joint communiqués and resolutions on the voluntary repatriation of Rwandan refugees.

2.1.3. Sensitization campaigns

Sensitization campaigns have been used as a strategy in promoting Rwandan refugee repatriation. Refugees are informed about the whole repatriation process and prospects of reintegration once they return. Sensitization visits have been organized in Uganda's settlements hosting Rwandan refugees. These visits have included delegations of Rwanda, Uganda and UNHCR officials. The delegations have encouraged refugees to return, provided information on the repatriation process, conditions and reintegration in Rwanda. The information to refugees has been disseminated through media (print and electronic), as well as through documentary films including videos and booklets on the political and socio-economic progress in Rwanda.[25]

However, the majority of the refugees have contested the information given to them. In a Focus Group Discussion, refugees noted: "They brought video tapes to educate us on

[22] Karooma, C. (2013) *Rwandan Refugees and their Attitudes to Repatriation, 1994-2012*, Doctoral Dissertation, Unpublished, Mbarara, Mbarara University of Science and Technology.

[23] Article 6, Clause 1 states that "The Contracting Parties hereby agree to establish a Tripartite Commission for the voluntary repatriation of Rwandan refugees in Uganda. The Tripartite Commission shall be responsible for planning and overseeing the implementation of the voluntary repatriation operation".

[24] Article 6, Clause 3 of the tripartite agreement states that "The Tripartite Commission is responsible for planning and monitoring the implementation of measures to facilitate voluntary repatriation of Rwandan refugees and the integration of Rwandan returnees in their communes of origin. It shall ensure the implementation of the provisions of this agreement, particularly those relating to returnee security and assistance. The Tripartite Commission shall periodically evaluate progress made and difficulties encountered. It shall seek solutions and devise measures of implementation by consensus".

[25] Karooma, C. "Rwandan Refugees and their Attitudes to Repatriation", op.cit.

repatriation. They showed us the conditions in Rwanda and how they have improved to enable us go home. However, I was not convinced because they only showed us the good things about Rwanda when inside the rural areas things are different".[26]

2.1.4. Go and See, Come and Tell Visits

Another strategy to promote repatriation has been the "Go and see, come and tell visits". This is where refugee groups are taken to see for themselves the conditions in the country of origin. They are required to come and share their findings with fellow refugees in the settlements. Several refugee delegations accompanied by OPM and UNHCR officials have been organized to Rwanda. On return, the refugees have shared their experiences. However, the refugees noted that they were taken to selected areas in Rwanda. They were not given a chance of visiting areas of their choice. These visits were state managed aimed at painting a good picture of Rwanda. They pointed out that they were not exposed to the other side of Rwanda which is dangerous and full of insecurity. They noted that they would have loved to verify stories of arrests at night by the Directorate of Military Intelligence (DMI), disappearances of civilians who are taken to unknown destinations, human rights violations and land disputes among others.[27]

Despite the efforts of promoting voluntary repatriation, Rwandan refugees were reluctant to return. Since 2004, refugee returns remained low. The refugees returned as follows: 2004 (2,400), 2005 (1591), 2006 (none), 2007(2732), 2008(461), 2009(5583), 2010(1762), 2011(19) and 2012(157).[28]

However, one doubts whether all these refugees were voluntarily repatriated given the push factors that have surrounded the repatriation. In other words, although according to UNHCR's and MIDIMAR statistics one may get a feeling that so many Rwandan refugees have returned, the truth is that many were forced to do so.

Since the late 2000s, Uganda has forced Rwandan refugees to return. On 5th October, 2007, it was reported that "Uganda security operatives on Wednesday night raided Kyaka II and Nakivale refugee settlements and violently drove out thousands of Rwandan nationals".[29] It was further reported that "reports indicate that up to 3,000 people were evicted but a United Nations High Commissioner for Refugees (UNHCR) official said 1,535 people were forcefully repatriated".[30]

According to Harrell-Bond, "on 14 July 2010, the Ugandan and Rwanda government police and military entered Nakivale refugee camps in Uganda. Some 1,700 Rwandans were gathered together in Nakivale on the pretext that they were to be informed of the results of their refugee status claims, but then found themselves being herded into lorries at gunpoint and to be returned in Rwandan military lorries".[31] According to refugees' investigations and report, 14 Rwandans died, families were separated, children were left behind and 17 recognized refugees were refouled.[32]

[26] Focus Group Discussion, Sangano Base Camp, Nakivale settlement on 10th June 2016.

[27] Focus Group Discussion, Sangano Base Camp, Nakivale settlement on 10th June 2016; Focus Group Discussion, Oruchinga settlement on 29th August 2016; Focus Group Discussion, Juru zone, Nakivale settlement on 30th June 2010.

[28] Rwandan Ministry of Disaster Management and Refugees (MIDIMAR) Statistics Report 2012.

[29] Basiime, F., Butagira, T. and Gyezaho, E. (2007) "Uganda Deports 3,000 Rwandans", *Daily Monitor* News Paper, October 5th: 1,

[30] Ibid.

[31] Harrell Bond, B. (2011) *Cessation Clause Uganda Style*, Keynote Speech Delivered at the Northwestern University Conference on Human Rights, January23, Working Paper 11-001, January.

[32] Ibid

Since 2009, Uganda imposed a ban on cultivation for Rwandan refugees. "Since then, refugees have become extremely food insecure and reported resorting to numerous coping mechanisms that, in turn, increased their vulnerability".[33] According to Amnesty International, "such a ban directly discriminates against the Rwandan refugees on the grounds of nationality and as such violates Article 3 of the 1951 Refugee Convention".[34] This ban on cultivation happened at the same time vigorous efforts for promoting repatriation were put in place. Rwandan refugees were given a deadline of 31st July 2009 to repatriate or else Nakivale settlement would be closed.[35] This deadline was extended to 31st August 2009.[36] "The ban on cultivation has been and is continuously being used as a tool to force Rwandan refugees to return to Rwanda".[37]

3. The politics of Rwandan repatriation

It is common government rhetoric to talk of the granting of asylum as a humanitarian act.[38] However, Loescher has observed that refugee problems are intensely political and their causes and consequences are intimately linked to political issues.[39]In addition, "the political interests of various actors play an important role in making a large refugee population return to their home country, despite the problems they may encounter in future".[40]In the same vein, the Rwandan repatriation in Uganda was affected by politics.[41] The political interests of various actors played a role in their repatriation.[42]It was a product of political dynamics at the international, regional and national levels both in Uganda and Rwanda. In the next section we look at political dynamics at the international level.

3.1. International politics

3.1.1. Restrictive refugee policies

The Rwandan repatriation should be seen in a wider global perspective. Today, the world is characterized by restrictive refugee policies and declining protection standards. According to Whitaker, "in the face of complex refugee crises around the world, international organizations were increasingly caught between their humanitarian missions and geopolitical dynamics".[43] During the 1990s and beyond, refugee movements were associated with security and political threats.[44]As a response, host countries have adopted restrictive policies that in-

[33] Amnesty International (2011) *Memorandum to the Government of Uganda about the Cessation of Refugee Protection for Rwandans*, Index: AFR 59/021/2011, London, Amnesty International Publications, December: 12.

[34] Ibid

[35] Ibid: 13.

[36] RWANDA-UGANDA: Repatriation deadline extended, Available on http://www.irinnews.org/Report.aspx?ReportId=85645, Accessed on 15th August 2010.

[37] Ibid.

[38] Nabuguzi, P. (1998) "Refugees and Politics in Uganda" in: A.G.G Gingyera, P. (Ed) *Uganda and the Problem of Refugees*, Kampala, Makerere University Press: 1.

[39] Loescher, G. (1992) "Refugee Movements and International Security", *Adelphi Paper 268*, London: Nuffield Press for International Institute for Strategic Studies: 34-51.

[40] Nasreen, G. (2004) *The Politics of Repatriation: A Case of Afghan Refugee Repatriation from Pakistan 1989-2003*, Doctoral Dissertation, University of Peshawar, October: 132.

[41] Interview with a Protection Officer, Centre for Refugee Rights, Mbarara on 1 July 2016; Interview with a Refugee Law Project Official, Kampala on 15th June 2016.

[42] Ibid.

[43] Whitaker, B.E. (2013) "Changing Priorities in Refugee Protection: The Rwandan Repatriation from Tanzania" in Niklaus Steiner, Mark Gibney& Gil Loesher (Eds), *Problems of Protection: The UNHCR, Refugees and Human Rights*, New York & London, Routledge: 142.

[44] See Loescher, G. (1992) "Refugee Movements and International Security", *Adelphi Paper 268*, London: Nuffield Press for International Institute for Strategic Studies;

Weiner, M. (1992) "Security, Stability and International Migration", *International Security*, Vol. 17, No.3, Winter: 91-126;

clude early/forced repatriation, denying asylum seekers entry, deportations, anti-refugee legislation among others.

The end of the Cold War is also associated with active promotion of repatriation as a durable solution to refugees. According to Eastmond, "the ending of the Cold War also saw the active promotion of repatriation in current international refugee policy".[45]Stein and others argue that "in 1992 the United Nations High Commissioner for Refugees (UNHCR) declared a decade of voluntary repatriation and there have been some major returns of refugees since then to Afghanistan, Cambodia, Iraq, Angola, Somalia, Ethiopia, Mozambique, South Africa and Rwanda".[46] Eastmond reminds us that "as a global preference, it reflects the growing reluctance of rich as well as less well-endowed states to support growing numbers refugees".[47]

For example "with the war in the former Yugoslavia we saw reinforced measures of restriction and deterrence in Europe".[48]In 1991, Turkey refused to admit a large number of Kurdish refugees fleeing northern Iraq. The US and its Gulf allies established "safe havens" inside Iraq. The Syrian refugees have faced restrictions in their movements to Europe. Countries like Hungary have built fences around their borders to limit refugees' entry. In the USA the Trump administration has imposed a travel ban on people and refugees from six majority Muslim countries (Iran, Libya, Syria, Somalia, Sudan and Yemen). The Supreme Court also approved a 120-day ban on refugees entering the US, allowing the government to bar entry to refugee claimants who cannot prove the same ties to an American individual or entity.[49] The US President insisted his ban was necessary for national security and pointed to terrorist attacks in Paris, London, Brussels and Berlin as evidence.[50] However, critics called the policy un-American and Islamophobic, and said that this ban would not have stopped atrocities in the US perpetrated by American-born attackers.[51]

In Africa, a number of countries have put in place restrictive asylum policies characterized by forced repatriation operations, denial of entry, closure of borders, anti-refugee propaganda and violations of refugee rights.[52] For example Tanzania which used to be a friendly country to refugees, forcefully repatriated Rwandan refugees[53]and other asylum seekers in the 1990s and beyond. In April 2016, the Kenyan government announced its intention to close Dadaab, the

Krause K. and Williams, M.C. (eds) (1997) *Critical Security Studies*, Minneapolis: University of Minnesota Press; Ole, Waever et al, (1993) *Identity, Migration and the New Security Agenda in Europe*, London Printers; Ayoob, Mohammed (1992), *The Third World Security Predicament: State Making, Regional Conflict and the International System*, Lynne Rienner Publishers, Boulder CO.

[45] Eastmond, M. (2002) "Reconstruction and the Politics of Home Coming: Repatriation of Refugees in Cambodia", Department of Social Anthropology, Goteborg University, Working Paper No. 1, April: 4.

[46] Stein B.N, Cuny F.C. and Reed P.(1995) "Refugee Repatriation during Conflict: A New Conventional Wisdom", Papers from the CSSC conference in Addis Ababa, Ethiopia, October 1992, Centre for the Study of Societies in Crisis, Dallas, TX quoted from Bakewell, O. (1996) "Refugee Repatriation in Africa: Towards a Theoretical Framework?" Occasional Paper 04/96, Centre for Development Studies, University of Bath, July: 5-6.

[47] Eastmond, M. "Reconstruction and the Politics of Home Coming", op.cit.

[48] Ibid.

[49] BBC (2017), "Trump travel ban comes into effect for six countries", 30th June, Available at http://www.bbc.com/news/world-us-canada-40452360, [Accessed on 7th August 2017].

[50] Ibid.

[51] Ibid.

[52] For more discussion on African countries' restrictive refugee policies, see Rutinwa, B. (1999) "The End of Asylum? The Changing Nature of Refugee Policies in Africa", *UNHCR New Issues in Refugee Research, Working Paper No. 5*, Geneva, UNHCR, May.

[53] For more information on the Rwandan refugee repatriation in Tanzania see Whitaker "Changing Priorities in Refugee Protection", op.cit.

largest refugee camp complex in the world, announcing 30th November 2016 as the deadline.[54] According to Amnesty International, "the extremely tight timeframe and the lack of any alternative options for Somali refugees has left open the prospect of large-scale forced returns to Somalia, a country still riven by armed conflict. Such returns would violate international law including the principle of non-refoulement, and would constitute a serious violation of the human rights of the refugees".[55]There is evidence of the Kenyan government using threats, imposing deadlines and human rights violations to force refugees across the Somali border.[56]

In West Africa, in 2000, the Guinean President Lasana Conte made a speech over national radio stating that Sierra Leonean refugees should be arrested, searched and confined to refugee camps which resulted in widespread violence against them. There was evidence of forced repatriation and other violations of refugee rights.[57] In all the above cases, host countries were motivated by their national interests of security and socio-economic and political considerations.

Therefore the Rwandan refugee forced return operations in Uganda are part of the global trend of restrictive asylum policies and decline in refugee protection standards.

3.1.2. Politics of funding

While analyzing the Rwandan repatriation in Tanzania, Whitaker argues that "a third but related element underlying the December 1996 repatriation was the declining availability of funding to support Rwandan refugee programs".[58] She further notes that "to some extent, this factor may have been even more important than regional security issues, particularly in explaining UNHCR's involvement".[59] UNHCR depends on donor contributions for funding its field operations. Due to financial constraints, UNHCR was no longer able to fund refugee programs in the Great Lakes by 1996. The USA and European Union, the biggest donors of the Great Lakes operations at the time were hesitant to provide more funding for refugees. Instead they supported the idea of funding post conflict reconstruction efforts inside Rwanda.[60]

Like in Tanzania, the Rwandan repatriation in Uganda has been influenced by the decline in donor funding. Just like other African countries, Uganda faces limited funding for refugee operations. This is caused by an "ever deteriorating donor funding to refugee activities, exacerbated by US president Donald Trump's in-ward looking policies, turmoil in the European Union: two critical funders to human rights and refugee operations, and partly the anemic global economy".[61] Human Rights First notes that "Diminishing international support and a continuing lack of adequate 'burden sharing' with hard-pressed states in the region has exacerbated the situation for refugees".[62]

[54] Crisp, J. and Long, K. (2016) "Safe and Voluntary Refugee Repatriation: From Principle to Practice, *Journal on Migration and Human Security*, Vol. 4, No.3: 141-147.

[55] Amnesty International (2016) "No Where else to go: Forced Returns of Somali Refugees from Dadaab Refugee Camp, Kenya", Index: AFR 32/5118/2016, Available at https://www.amnestyusa.org/wp-content/uploads/2017/04/dadaab_report_final_14_november_2016.pdf, [Accessed on 7th August 2017].

[56] Ibid.

[57] See Ahimbisibwe, F. "The Host State and Refugee Security", op.cit.

[58] Whitaker "Changing Priorities in Refugee Protection", op.cit:148.

[59] Ibid.

[60] Ibid: 149.

[61] Musisi, F. and Trombola, N. (2017) "Uganda's 1.2 million refugees at a glance", *Daily Monitor,* Monday 19th June, Available at http://www.monitor.co.ug/Magazines/PeoplePower/Uganda-12-million--refugees--World-War-II/689844-3974622-3qn9qpz/index.html, [Accessed on 7th August 2017].

[62] Human Rights First, "Decade of unrest", op.cit: 2.

It was reported in the Daily Monitor that "UNHCR in Kampala reported early this year (2017) that last year (2016) they received only 40 per cent of the $251m (Shs889b) requested for humanitarian assistance and this year they will need about $558m (Shs2 trillion)".[63] It was further reported that "the World Food Programme's (WFP) country director El Khidir Daloum told this newspaper that the number of refugees they assist has 'more than doubled in the last year, and WFP's operation is under considerable strain to meet their full food needs each month.' For the next six months, he said, they have a shortfall of Shs226 billion ($64m)".[64]

A decline in donor funding has forced the Ugandan government, UNHCR and WFP to cut on the food rations and other assistance given to refugees. A newspaper report raises the same view. "The funding shortfall has had serious repercussions for the refugees. Since the situation became critical, with refugee numbers swelling, the World Food Programme (WFP) last month was forced to cut food rations from 12kg to 6kg per person".[65] Rwandan refugees have been affected by the reduction in food rations. In one of the Focus Group Discussions they noted that "the conditions are not good generally because of inadequate food on the side of Rwandan refugees compared to others. For example they give us 6 kgs of maize whereas other refugee nationalities get 15 Kgs. We get less kg of maize and litres of cooking oil compared to other refugees. They do not give us soya, soap, salt like other refugees".[66]

Although the majority saw these reductions as forms of forced repatriation and discrimination, the decline in funding could have contributed to this state of affairs.

During interviews with OPM and NGO staff, they observed that food rations for Rwandans had been reduced. They however stated that the policy to reduce food rations had been made considering the time refugees have been in the settlement. Since Rwandans have been in the settlement for long, they were expected to be self-reliant.[67] They further argued that "funding for old case load refugees like Rwandans has declined as donors tend to focus on new case load refugees mainly South Sudanese. The other reason is that a lot of attention is put on other refugee emergencies around the world, mainly the Syrian refugee crisis".[68]

Finally, I have argued elsewhere that "reduction of food rations was meant to force Rwandan refugees to repatriate since there was a belief that they were not returning because of the 'better conditions' in the settlement".[69] However, while the reduction of food rations could have been used as a strategy to force refugees to return, it is also possible that this reduction was genuinely as a result of decline in funding for refugee operations in the country.

3.2. Regional politics

3.2.1. Regional security

Since the end of the Cold War, refugee movements have had effects on regional and international security. Refugees traditionally seen as victims of wars and conflicts became security threats and active participants in conflicts as fighters (refugee warriors).[70]Also refugee

[63] Musisi, F. and Trombola, N. "Uganda's 1.2 million refugees", op.cit.

[64] Ibid.

[65] Ibid.

[66] Focus Group Discussion, Rubondo zone, Nakivale on 12th July 2016; Focus Group Discussion, Kabazana village, Nakivale settlement on 15th June 2016;Focus Group Discussion, Oruchinga settlement on 29th August 2016.

[67] Interviews with Office of the Prime Minister and NGO officials, August 2016.

[68] Ibid.

[69] Ahimbisibwe Frank (2016), "Rwandan Refugee Rights in Uganda: Analysis of Law and Practice", *US-China Law Review*, Vol. 13, No. 12: 863.

[70] See Ahimbisibwe Frank (2013), "The Refugee Dilemma: Refugee Rights and State Security in Uganda", *Research*

camps turned into recruitment and hiding grounds for rebel groups. As a result, refugee movements demonstrated the potential to internationalize and regionalize conflicts.[71] For example, after the 1994 Rwandan genocide more than a million Hutu refugees mixed with former genocidaires and Interahamwe fled to Zaire (renamed Democratic Republic of Congo in 1997). This refugee influx greatly affected security in the Great Lakes region as these refugee warriors engaged in rebel activities against the Rwandan government. This was followed by the invasion of DRC by the RPF in an attempt to neutralize the security threats. The region witnessed extreme violence and wars that led to the overthrow of Mobutu regime in DRC.

Due to this insecurity, regional governments responded by forcefully repatriating Rwandan refugees in an attempt to avoid regional conflicts. As already noted in 1996, Tanzania ordered the forced return of hundreds of thousands of refugees. Among the motivations for Tanzania's response was the need to avoid getting embroiled in Rwanda's conflicts. Whitaker shares this view and argues that "rather than risking a military attack into its territory, or at least continued tension along the western border, Tanzanian officials decided to send the refugees home, where Rwandan authorities could deal with them directly. In many ways, the government decision was driven by the desire to avoid drawing Tanzania into a growing regional conflict".[72]

Tanzania's example is similar to the Ugandan forced repatriation of Rwandans in the late 2000s up to present. Rwanda at one time accused Uganda of arming the refugees living in Kibati[73] zone of Nakivale settlement. According to Human Rights First,

> In January 2003, newspaper reports began circulating that a Congolese rebel had arrived in Rwanda claiming that the Ugandan government was training 500 anti-Rwanda rebels in Nakivale and another 1,500 in Kyangwari camp in Masindi (the second largest concentration of Rwandan refugees in Uganda at the time).[74]

Furthermore, there were accusations in early 2003 that there were interahamwe in Uganda. This prompted the Rwandan government to seek permission to inspect Oruchinga and Nakivale refugee camps on allegations that dissidents were allowed to train from there. On March 11, there were rumours of massive deployment on the border with Uganda, which was denied by Rwanda but it confirmed that it would defend its security interests.[75] Rwanda continued to issue threats that it would attack Kibati in Nakivale and forcefully repatriate the Rwandan refugees.

Human Rights First has clearly put it that "the response by the region's governments to the situation of the Kibati group echoes the geopolitics of the Great Lakes. As the Rwandan government urges return of refugees to Rwanda for purposes of ensuring its own security, and identifying those who have still not been held accountable for serious abuses during the 1994 genocide, the security implications of the continued sojourn of large numbers of Hutu

Journal of Social Science and Management: Volume: 03, Number: 06, October: 9-18; Mogire Edward (2009), "Refugee Realities: Refugee Rights Versus State Security in Kenya and Tanzania", *Transformation: An International Journal of Holistic Mission Studies*, Vol. 26, No.15, Available on http://trn.sagepub.com/cgi/content/abstract/26/1/15, [Accessed on 26th June 2015].

[71] See Loescher and Milner (2005), "Protracted Refugee Situations: Domestic and Security Implications", *Adelphi Paper No. 375*, London, Routledge.

[72] Whitaker "Changing Priorities in Refugee Protection", op.cit:148.

[73] Kibati comes from the words Ibaati or Amabaati, which in the local language means "corrugated iron sheets." Few of the rough shelters had such coverings.

[74] "Rebel Flees to Kigali, Angers Kampala," *Daily Monitor*, January 7, 2003 quoted by Human Rights First, "Decade of unrest", op.cit:23.

[75] Human Rights First, "Decade of Unrest", ibid: 24.

Rwandans outside Rwanda are myriad".[76]

3.2.2. Rwanda-neighbors relations

Loescher et al. noted that protracted refugee situations can influence diplomatic relations between states.

> Long-standing refugee populations can place additional strain on diplomatic relations between host states and the refugees' country of origin. The prolonged presence of Burundian refugees in Tanzania, coupled with allegations that anti-government rebels were based within the refugee camps, led to a significant breakdown in relations between the two African neighbours from 2000 to 2002. The prolonged presence of Myanmar refugees on the Thai border has been a frequent source of tension between the governments in Yangon and Bangkok. Similarly, the elusiveness of a solution for the Bhutanese refugees in Nepal has been a source of regional tensions, involving the host state and the country of origin, as well as regional powers such as India.[77]

Both the Tutsi and Hutu Rwandan refugees have been at the centre of Uganda-Rwanda relations. The Museveni government in the 1980s was engaged in talks with the Habyarimana government aimed at looking for a peaceful solution to the Rwandan refugees. Despite some progress, the issue was not resolved. The Tutsi refugees with the support of Uganda armed themselves and attacked Rwanda on 1st October 1990. Earlier in the 1980s, the Obote government found itself at logger heads with the Habyarimana government because of Tutsi refugees.[78]

Currently the issue of Rwandan Hutu refugees has brought together officials from both governments in search of durable solutions. The Rwandan government views the Hutu refugees currently in Uganda and other countries as diplomatic liabilities who portray a bad picture of Rwanda at a regional and international level. The suspicion by the Rwandan government that these refugees are a potential military and political threat adds to this diplomatic burden.

Furthermore, the forced repatriation of Rwandan refugees in the region can partly be explained by the need to promote diplomatic relations. The participation of these countries in forced return of Rwandans was partly due to the pressure from Rwanda. In fact Amnesty International in its report "deeply regrets that under pressure from the authorities in Rwanda, neighboring countries and donor governments, UNHCR have sacrificed basic principles of refugee protection".[79]In response to pressure, these countries have forcefully returned refugees in the name of promoting friendly relations with Rwanda.

An NGO official noted: "Certainly the relationship between the two countries has an impact on refugees. Uganda is under pressure from Rwanda to encourage and support the return of Rwandan refugees. If Uganda does not support repatriation, Rwanda might think we want to destabilize them. If we side with Rwanda, the refugees' rights and protection will be jeopardized. Because of the need to promote bilateral relations, Uganda has chosen the latter

[76] Ibid: 23.

[77] Loescher, G. (2007) et.al, "Protracted Refugee Situations and the Regional Dynamics of Peace Building", *Conflict, Security and Development*, 7:3, 1st October: 494, Available at http://dx.doi.org/10.1080/14678800701556602 [Accessed on 20th October 2010].

[78] Mushemeza, E.D. (1998) "Refugees and International Relations: The Case of Uganda and her Neighbors, 1960-90" in A.G.G Gingyera Pinycwa (Ed) *Uganda and the Problem of Refugees*, Kampala, Makerere University Press: 96.

[79] Amnesty International (1997) *Human Rights Overlooked in Mass Repatriation Report*, 14th January, available at http://www.essex.ac.uk/armedcon/story_id/Human%20Rights%20Overlooked%20in%20Mass%20Repatriation.pdf [Accessed on 12th November 2012].

option".[80]

3.3. Uganda's politics

3.3.1. Domestic security concerns

The Rwandan refugee repatriation can also be explained by Uganda's domestic concerns. Milner makes a categorization of direct and indirect security threats.

> "First there are direct threats from 'refugee warriors' and armed exiles causing a 'spill-over' of conflict.... The direct threat, posed by the spill-over of conflict and refugee warriors, is by far the strongest link between forced migration and conflict. Secondly, there are indirect threats posed by refugees through altering either the levels of 'grievance' or the 'opportunity structure' in a country of asylum".[81]

Direct threats are those where refugees (refugee warriors) engage themselves in military or rebel activities against a country. Such activities tend to regionalize conflicts and bring about interstate conflicts. Examples include the RPF recruitment of Tutsi refugees in Ugandan camps. Other examples include the military nature of Hutu refugee camps in Zaire and Burundian refugees in western Tanzania. In all these cases, the countries of asylum faced retaliation from the countries of origin.

Under indirect security threats are refugees' involvement in crimes like theft, resource based conflicts and competition for employment with the nationals.[82] Using Milner's categorization, while there is no evidence of direct security threats of Rwandan refugees on Uganda, there have been newspaper reports of FDLR recruitment inside Ugandan camps.[83] However, the Ugandan government has strongly denied any rebel recruitment taking place in camps.

Rwandan refugees pose indirect security threats on Uganda. It has been reported that the refugees have engaged themselves in crimes. For example the Minister of Disaster Preparedness and Refugees is on record as saying "that group (deported Rwandan asylum seekers) had become a source of insecurity in the settlement. In 2010 a Rwandan rejected asylum seeker was arrested in Bushenyi with a stolen gun from a police post in Nakivale refugee settlement.[84]

In another incident a Rwandan refugee was killed by nationals in Ngarama sub-county[85] which neighbors Nakivale settlement because he was suspected of stealing a generator.[86]Furthermore, Rwandan refugees have been involved in land conflicts in Nakivale settlement against the Congolese refugees and host communities.[87]

[80] Interview with a Protection Officer, Centre for Refugee Rights, Mbarara on 1 July 2016.

[81] Milner James, *Sharing the Security Burden: Towards the Convergence of Refugee Protection and State Security*, Refugee Studies Centre Working Paper No. 4, 2002, University of Oxford, May, available at http://www.lepnet.org/sites/default/files/upload/og_files/RSC%20Towards%20the%20Convergence%20of%20Refugee%20Protection%20and%20State%20Security.pdf (last visited May 23, 2013).

[82] Ibid.

[83] Candia, S. (2014) "Rwanda Rebels Recruit in Refugee Camps – Kayihura." *New Vision* 11 September: 14. Print.

[84] Magara Darious (2010), "Deported Rwandans were Security Threat", *New Vision*, 20th July, Available at http://www.newvision.co.ug/D/8/13/726411 [Accessed on 8th March 2013].

[85] The researcher and his team were at the time doing data collection in Nakivale settlement and they heard about the murder of this Rwandan refugee in Ngarama sub-county neighboring Nakivale. The Settlement Commandant and the Legal Officer of GTZ, an implementing agency of UNHCR confirmed the murder of this Rwandan refugee man.

[86] Ahimbisibwe F. "The Host State and Refugee Security", op.cit.

[87] See Ahimbisibwe, F. (2017) "Rwandan Refugee Physical (In) security in Uganda: Views from Below", IOB Working Paper No. 2017.3, February, available at https://www.uantwerpen.be/images/uantwerpen/container2673/

Therefore, Uganda's forced repatriation of refugees in 2007, 2010 and beyond was partly due to her domestic security concerns. There was fear that Rwandan refugees were a security threat. The constant complaints and threats of attacks by Rwanda were a source of insecurity.

3.3.2. Shift in Uganda's policies

Uganda's shift in policies is one of the explanations of Rwandans' forced repatriation. Perhaps this shift is as a result of the protracted nature of this refugee case load and pressure from their country of origin. Either way, this shift has affected their protection. It also reminds us of the changing nature of African states' refugee policies.

Although initially the Uganda government had no problem with Rwandan refugees, in late 2004, it got concerned about the slow pace of repatriation. Government ministers started to issue threats urging refugees to return.

According to the Refugee Law Project, in November 2004, Moses Ali, First Deputy Prime Minister and Minister for Disaster Preparedness and Refugees (as he then was), on a visit to Nakivale told a group of Rwandan refugees: "You came here when you had problems at home and we granted you asylum. Today your country is very peaceful, why don't you want to go home?"[88] In addition Christine Aporu, State Minister for Disaster preparedness and Refugees (as she then was), told Rwandan refugees: "Pack your bags and go home. Rwanda is ready to receive you".[89]

By 2009, the Uganda's position to the refugees had become less receptive as evidenced by the threats, ban on cultivation and deadlines to return. As Kabwegyere[90] said,

> "If Rwandan refugees insist, we shall chase them or they can contact UNHCR so that they are relocated elsewhere. This is the government position, UNHCR knows about it and they should arrange with Rwandan refugees and take them to another country. This is not a holiday camp. These people were told that the conditions [in Rwanda] were conducive for them to go back home".[91]

In 2011, UNHCR recommended the invocation of cessation clause scheduled for implementation on 30th June 2013 and later postponed. The new date for implementation is 31st December 2017.[92]

As already noted the shift in Uganda's policies is partly due to pressure from Rwanda. A government official noted that "Originally Uganda had no problem with Rwandan refugees. However, Rwandan has been pushing us to support the cessation clause and forced repatriation. They argue that their country is now peaceful and willing to receive all the refugees. At times we don't agree but compromise on our positions and policy because of the need

files/Publications/WP/2017/wp-201703.pdf, [accessed on 22nd July 2017]; Emmanuel Bagenda, Angela Naggaga& Elliott Smith (2003), "Land Problems in Nakivale Settlement and the Implications for Refugee Protection in Uganda", *Refugee Law Project Working Paper No. 8*, May, available at: http://www.refugeelawproject.org/working_papers/RLP.WP08.pdf; Refugee Law Project (2004), *Land and Ethnicity in Nakivale Refugee Settlement: The Need to Resolve Competing Claims and Address Tensions*, 27th October, available at http://www.refugeelawproject.org/files/archive/2004/RLP.nakivale.land.pdf [accessed on 1st December 2016].

[88] Refugee Law Project (2005) *Update: Repatriation of Rwandan Refugees from Uganda*, March, Available at www.refugeelawproject.org/joint statement.html, [Accessed on 20th June 2013].

[89] Ibid.

[90] Kabwegyere Tarsis is the former Ugandan Minister for Refugees and Disaster Preparedness.

[91] IRIN, *Rwanda-Uganda: Refugees face hunger as farming ban bites*, 18 March 2010.

[92] Email Communication with the Principal Protection Officer, Office of the Prime Minister on 20th October 2016.

to maintain good diplomatic relations".[93]

3.4. Politics in Rwanda

3.4.1. Rwanda is 'peaceful'

The post genocide regime in Rwanda has aggressively promoted the view that the country is peaceful and stable and that no one has any reason to remain outside as a refugee. This view partly influenced Rwandans repatriation in Burundi, DRC and Tanzania. The Rwandan regime partly wanted to avoid embarrassment because of the non-return of refugees and claim legitimacy as a reconciling and inclusive government.[94] Whitaker argues that "a second view behind the Rwandan refugee operation was the adoption by policy makers of the view that the security situation within Rwanda had improved. Rwandans no longer had a legitimate claim to refugee status because the disturbances to public order at home had ended".[95] She further notes that "…the international community largely accepted the argument that peace and stability had been restored to Rwanda, and thus it was safe for the refugees to return home".[96]

This is the same view that has influenced Uganda's policy towards Rwandan refugees. The Ugandan officials supported the view that Rwanda was peaceful and there was no reason for them to remain outside as refugees. A Ugandan official noted: "Rwandan refugees came here because of the genocide and the post genocide insecurity. These conditions no longer exist in Rwanda. Their country is peaceful and stable with impressive socio-economic development indicators. I don't understand why these refugees don't want to return".[97]

However, observers, NGOs and scholars have challenged this view. The Institute for Economics and Peace Global Peace Index Report for 2013 on the trend of peace in the world ranks Rwanda 135th out of 162, which contradicts official accounts that it is among the most peaceful.[98] This is partly explained by the repressive nature of the regime which violates human rights both at home and abroad. Rwanda's location in a turbulent region with neighbors (Burundi and DRC) experiencing conflicts also explains the poor peace ranking in the world.[99]

Amnesty International and Human Rights Watch have reported on human rights violations in Rwanda which negatively affect peace in the country. For example Amnesty International in its 2017 annual report argued that "In the run-up to presidential elections in 2017, the environment for free debate and dissent continued to be hostile".[100] The report points out harassment of opposition parties, unfair trials, violations of freedoms of association, expression and assembly.[101]

Human Rights Watch has also reported on similar violations in the country. It notes that "The Rwandan government continues to limit the ability of civil society groups, media, and

[93] Interview with Senior Protection Officer, Directorate of Refugees, Office of the Prime Minister, Kampala on 16th August 2010.

[94] Whitaker "Changing Priorities in Refugee Protection", op.cit:148.

[95] Ibid.

[96] Ibid.

[97] Interview with a Uganda Government Official, Office of the Prime Minister, Kampala on 1st June 2016.

[98] Rutayisire, E. (2013) "Rwanda among 'least peaceful' countries, Tanzania high on list", *The East African*, Saturday, 22nd June, Available at http://www.theeastafrican.co.ke/news/Rwanda-among-least-peaceful-countries-Tanzania-high/2558-1891216-eobonsz/index.html, [Accessed on 3rd August 2017].

[99] Ibid.

[100] Amnesty International (2017) "Annual Report 2016/2017: Rwanda", available at https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/, [Accessed on 5th August 2017].

[101] Ibid.

international human rights organizations to function freely and independently and criticize its policies or practices. Military and police arbitrarily arrested and detained people in unofficial detention centers, torturing and ill-treating some of them".[102] The human rights violations undermine efforts for peace and are a recipe for insecurity and violence as Rwandan history suggests.

Reyntjens, a leading scholar on Rwanda has warned that "if resentment, injustice and inequality are as widespread as consistent field data suggest, the metaphor that naturally comes to mind is that of a volcano waiting to erupt. If that happens, Rwanda could once again see mass bloodshed that spills across its borders".[103]

3.4.2. Post genocide reconciliation, justice and reconstruction

Rwanda has since the late 1950s witnessed cycles of conflicts including the genocide in 1994. These conflicts have caused divisions, loss of life, displacement, great suffering, human rights violations and negatively affected development. It is therefore understandable that there is need to promote reconciliation, justice and reconstruction.

There is a strong desire by the Rwandan government that all Rwandans living abroad should return and take part in reconciliation and reconstruction of their country. According to Human Rights First, "the Rwandan government has been playing an unusually active role in encouraging the return of its refugee population in exile. This reflects a desire to see the refugees return and take part in rebuilding their country, as well as vital security and justice issues which flow from Rwanda's history of genocide".[104] It is further noted that "a second goal is justice: preventing those who committed serious crimes in 1994 from enjoying continued impunity by hiding under the cloak of refugee status abroad".[105]

While commenting on the recommendation for the cessation clause by UNHCR, the Minister of Foreign Affairs and Government Spokesperson, Louise Mushikiwabo noted that "This stamp of approval from UNHCR lights the path homeward for the estimated 100,000 remaining Rwandan refugees. We urge them to take their rightful place in Rwanda's journey of reconciliation, national renewal and socio-economic development".[106]

This view of the Rwandan Foreign Affairs Minister points to the government's interest in the return of refugees as part of the reconciliation and reconstruction processes. The non-return of refugees signifies an unfinished project of reconciling and reconstructing Rwanda.

3.4.3. Rwanda's security concerns

The Rwandan repatriation is also a product of Rwanda's security concerns. This is based on the view that Rwanda's refugees abroad are both a political liability and security threat. I have argued elsewhere that

> "Rwanda regards all the refugees outside her territory as either enemies or potential ones given the history of the RPF's struggle that started in refugee camps in Uganda. President Kagame formerly a refugee in Uganda knows the potential of refugees in fueling cross border conflicts. Rwanda has therefore made the repatriation of Rwandan refugees in neighboring countries one of her top foreign

[102] Human Rights Watch (2017) "World Report 2017: Rwanda", available at https://www.hrw.org/world-report/2017/country-chapters/rwanda, [Accessed on 5th August 2017].

[103] Reyntjens, F. (2015) "Rwanda: Progress or Powder Keg?", *Journal of Democracy*, Vol. 26, No. 3, July: 32.

[104] Human Rights First, "Decade of unrest", op.cit: 26.

[105] Ibid.

[106] IRIN (2012) "Rwandan Refugees still Reluctant to Repatriate", 14th March, available at http://www.irinnews.org/report/95072/uganda-rwandan-refugees-still-reluctant-repatriate,[Accessed on 3rd August 2017].

policy objectives".[107]

A Human Rights First report shares the same view. "The Rwandan government can be understood as having two major preoccupations around the continued sojourn of a large exile community outside Rwanda. The first is a fear that refugees who remain outside the country may be intent on fomenting dissidence against the Rwandan government. This concern is rooted in very real experience".[108]

International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council also point out Rwanda's security concerns on its nationals living abroad. Thus,

> "President Kagame knows only too well, nationals outside of their country can be a political liability at best and a security threat at worst. Some are also assumed to be *génocidaires* who should be brought to justice. In the context of his own experience of political and military organization in exile – the RPF, the force led by President Kagame to fight his way back into Rwanda, was formed by exiles in Uganda – President Kagame sees all too clearly the need, *inter alia*, to prevent rebellion brewing from outside of the country".[109]

The same view was confirmed by an official working with the Refugee Law Project: "Obviously Rwanda is strongly pushing other countries to force all Rwandan refugees to return. Kagame knows very well the implications of failure to repatriate refugees outside Rwandan territory. Remember there is an active rebel group opposed to the Kigali government. Rwanda thinks that the Rwandan refugees in Uganda are a potential recruiting ground for these rebels. Because of national security interests, Kagame has made refugee repatriation one of his foreign policy priorities".[110]

Due to security concerns, the Rwandan government has aggressively supported the repatriation of refugees living in Uganda and other countries. These countries have been pressured to cooperate in achieving this objective. Non-compliance by these countries in this regard is seen as betrayal and bad neighborliness. Neighboring countries including Uganda have chosen to cooperate for the sake of good neighborliness and peace at the expense of refugee rights.[111]

3.4.4. Rwanda's image abroad

The Rwandan government is concerned about the permanent stay of refugees abroad. President Kagame is quoted to have said that the Rwandan refugees living outside were traitors.[112] This can be interpreted partly to mean that the refugees were damaging Rwanda's image abroad. The International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council have raised the same view. They argue that "the Rwandan government itself has aggressively promoted the return of all its citizens. There are a number of reasons for this,

[107] Ahimbisibwe, F. "Rwandan Refugee Rights in Uganda: Analysis of Law and Practice", *US-China Law Review*, Vol. 13, No. 12: 872.

[108] Human Rights First, "Decade of unrest", op.cit: 26

[109] International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council, "*A Dangerous Impasse*", op.cit: 13

[110] Interview with an official of Refugee Law Project, Kampala on 15th August 2010.

[111] Interview with an official of International Refugee Rights Initiative, Kampala on 22nd August 2016.

[112] Focus Group Discussion, Sangano Base Camp, Nakivale settlement on 10th June 2016;Focus Group Discussion, Oruchinga settlement on 29th August 2016.

including most notably security fears and a concern for the country's public image".[113] It is further stressed that "Indeed, there was a clear perception that the government's motivation for persuading them to return was primarily to promote Rwanda's international image. Numerous interviewees talked of the government of Rwanda's aggressive pursuit of repatriation, which they saw as being motivated by the desire 'to mistake the international community that Rwanda is now okay'".[114]

Other sources share the similar view of Rwanda promoting its image abroad as a reason behind the strong support for refugee repatriation operations. Ogenga Otunnu said that the premature and ungrounded application of "Ceased Circumstances" Cessation Clause (4C) has its roots in the advice of Tony Blair to Kagame's regime of terminating the refugee status of Rwandans as a stratagem to hide to the outside world what is going on in Rwanda. The Mapping Report and political reckonings also were at the base of that prematurity in order to get rid of possible witnesses who are still living abroad as refugees.[115]

4. Conclusion

This article has argued that the Rwandan repatriation was not devoid of politics. Repatriation rather than being a humanitarian act addressing the needs of refugees, became an operation aimed at serving the political interests of various actors: the international community, regional geo-politics, Uganda and Rwanda. This explains why repatriation has not solved the Rwandan refugee problem. This article has analyzed the politics of Rwandan repatriation by focusing on politics at international and regional levels as well as in Uganda and Rwanda.

The insights in this article have policy and methodological considerations. From a policy perspective, this paper has shown that repatriation is affected by political interests of states at international, regional and national levels. This means that repatriation has been politicized rather than being a humanitarian issue. There is need to look at repatriation as a durable solution for refugees and not states. Durable solutions like repatriation should not focus on the needs of states but on those of refugees. It is important to listen to refugees and get their point of view in designing solutions to their predicament. This will help in achieving refugee centered durable solutions and protect their rights.

From a methodological perspective, this paper has focused on the politics of Rwandan repatriation in Uganda. There is need for future research on the politics of repatriation of other refugee nationalities like Burundians, South Sudanese, Congolese and Somalis. Such research should answer the following questions. Is repatriation a humanitarian or political act? Under what conditions does repatriation become political? Does politics affect other durable solutions like local integration and resettlement? How can we protect repatriation and other durable solutions from politics? How do we ensure the humanitarian character of repatriation? Is repatriation still a relevant durable solution in the contemporary world?

[113] International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council, *"A Dangerous Impasse"*, op.cit: 13.

[114] Ibid: 21.

[115] Mutuyimana Manzi (undated) "The Wake of Prematurity of the Cessation Clause: Rwandan Government Orchestrating New Forms of Serious Threats against Rwandan Refugees in Uganda", on file with the author.

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