

Challenges of Ending the Rwandan Refugee Problem in Uganda; The relationship between the Old Case Loads and New Case Loads

Asasira Justus (Corresponding author)

Faculty of Interdisciplinary Studies

Mbarara University of Science and Technology

P.O Box 1410, Mbarara, Uganda

Tel: +256-784-549-486 E-mail: jasasira@must.ac.ug

Aliguma Winfred

Central Administration

Mbarara University of Science and Technology

P.O Box 1410, Mbarara, Uganda

Received: April 20, 2018 Accepted: March 5, 2022 Published: March 15, 2022

doi:10.5296/ijsw.v9i1.19646 URL: <https://doi.org/10.5296/ijsw.v9i1.19646>

Abstract

Uganda is home to over 1 million refugees and asylum seekers. The origin of refugees in Uganda is an unending crisis in the neighboring countries. Rwanda poses a big threat of ending the refugee problem as the host country has accommodated these refugees for over decades with no hopes to return. The two strands (old and new cases loads) make repatriation challenging due to divergent views and attitudes. The paper examines the relationship between the two strands of Rwandan refugees living in Nakivale settlement. Another niche in this paper is focused on how these refugees live with the host communities of Ugandan origin living around the settlement and answers partly why voluntary repatriation has not been realized among Rwandan refugees living in Uganda.

Keywords: Old Case Loads, Rwandan Refugee, Uganda

1. Introduction

Forced migration from Rwanda has become a common trend. It has been there since time immemorial and is still continuing at varying magnitudes. Scholarly literature indicates that over 100,000 Rwandan refugees crossed into Uganda and other neighbouring countries of Burundi, Tanzania and Zaire (the present day Democratic Republic of Congo) in early 1960s seeking asylum following violent political and social changes in Rwanda that erupted in 1959. Rwanda was a former colony of Germany before the First World War which later came under the Belgian administration. It is comprised of three ethnic groups, Tutsi, Hutu and Twa, with the Hutu taking 85%, followed by the Tutsi at 14% and the Twa at 1% of the total population. Interestingly, they all speak the same language; Ikinyarwanda. Prior to colonization, the Tutsi, although smaller in number, were the ruling ethnic group over the majority Hutu. By October 2017, Uganda host 1.38 million refugees and asylum seekers (Note 1).

In 1959, as Rwanda was warming up to attain independence, tensions started erupting between the Tutsi and Hutu over who should rule the new country. It is believed that although the Tutsi were few in numbers, they were more elite and intelligent compared to the majority Hutu. The Hutu, having been mistreated and under looked during the reign of Tutsi, they were determined to supersede them this time round. As the tensions heightened, many Tutsi were killed and the remnants fled to neighbouring countries. To some scholars, this was blamed on the poor management by the Belgians who are believed to have dragged their feet at the beginning and later moved too fast without proper preparation for decolonization of the local communities. The Belgian colonial masters put in place identity cards that classified individual Rwandans as either Hutu or Tutsi which meant permanent racialized divisions in favour of the ruling Tutsi by then (Katy, 2012).

The progression of ethnic conflicts continued even after independence was achieved in 1962. The refugees majorly Tutsi, made various attempts to re-organize themselves to attack Rwanda endangering the Tutsi that remained in Rwanda (Note 2). Whenever they would attack, a good number of those within the country would be killed. The president of Uganda by then, Dr. Apollo Milton Obote instituted the restricted movements of refugees in the refugee settlements of Nakivale, Kyaka and Kyangwali in 1982 as a measure of controlling their political ambitions and were not allowed to freely integrate into the local communities as citizens of Uganda. In Tanzania, the case was different. Refugees were integrated and accepted as nationals who were free to own land and participate in all activities as citizens. It was in 1988 when the Rwandan Patriotic Front (RPF) was instituted (after the guerrilla war in Uganda) that hurled a major attack on Rwanda in 1990. The then president of Rwanda, Mr. Juvenal Habyarimana and Burundi's, Mr. Cyprian Ntayamira, (both Hutu), were killed in a plane crash plotted by the RPF as they returned from a meeting in Arusha attended by the East and Central African leaders of state to discuss ways to end the ethnic violence in Rwanda and Burundi. The assassination of the two presidents was the major catalyst that triggered genocide where over 800,000 Tutsi were massacred (Note 3). The aftermath of genocide after the Rwandan Patriotic Front (RPF) captured power in July 1994, resulted in many Tutsi who had earlier in the 1960s fled to neighbouring countries, return to Rwanda while many Hutu flee the country fearing persecution (Katy, 2012)(Note 4).

The new Rwandan government under the RPF, is perceived to have restored peace and stability which the country had been deprived of between 1959 and 1994. Hitimana (2013) quotes the Minister for Disaster Management and Refugee Affairs, Ms. Seraphine Mukantabana asserting that Rwanda currently, is stable and safe for all refugees to return from the 80 countries where they have been taking refuge (Bosco, 2013). That there is prevailing peace, security, equal opportunities for all Rwandans, good governance, visible economic transformation where poverty has reduced, and provision of basic services to the citizens such as free basic education and community insurance which are provided for both the poor and the rich. She assures refugees to return home given that Rwanda has embraced the idea of inclusive politics where all the three clans can live together in harmony.

Reyntjens (2004) denounces the reported prevailing peace and security in Rwanda. He condemns the dictatorship and exclusion by the government to eliminate every form of dissent, destruction of civil society, conducting flawed democratization process, and massive violated human rights at home and abroad (Reyntjens, 2004). Claims from refugees especially Hutu at Nakivale Settlement indicate that Rwanda lacks independent justice system and they fear that once they return, they may not get fair judgement under the *gacaca* (Note 5) system which leads to misery. Others claim that their homes, land have already been occupied by the most favoured returnees (Tutsi) who fled the country before 1994 and therefore have nowhere to return. Some refugees allege that Rwanda is led by a group of ethnic dictators whose aim is to terminate political opponents. This has resulted into some refugees being labelled hardliners who feed other refugees with wrong information to prevent them from returning to Rwanda.

Article 33 of the Refugee convention (Note 6) prohibits a state from compelling refugees to return to their countries where they would be exposed to persecution. Drawing from UNHCR statistics, between 1994 to November 2012, over 3 million Rwandan refugees had repatriated (UNHCR, 2011). These include both civilians (3.4million) and 9359 former armed refugees, where the biggest repatriation was between 1994 and 1998. Hitiman (2013), asserts that the repatriation program instituted by the government of Rwanda is known as “come and see”, which was put in place to enable refugees send envoys to Rwanda to evaluate the situation and let them know what exactly is happening before they can decide to return home. In the same manner, countries of asylum were free to assess the situation as well. This has enabled many to repatriate (Bosco, 2013).

Amnesty International (2004), suggests that repatriation of refugees must be voluntary and sustainable given that pre-mature repatriation exacerbates the large scale refugee problem and lays a foundation for instability in the region. It is believed that total repatriation of Rwandan refugees may never be achieved. Article 14 of the Universal Declaration of Human Rights talks of the non-refoulement principle that “everyone has the right to seek and enjoy in other countries asylum from persecution”. This means that one cannot be forced to return to his/her country of origin where he/she is at risk of human rights violations (UNHCR Handbook, 1996).

The Organisation of Africa Unity (OAU) Refugee Convention asserts that in order for voluntary repatriation to take place, refugees should be provided with adequate information,

freedom of movement, non-discrimination and the accessibility of land and livelihood to the returnees (Note 7). Coupled with the above, refugees should be able to return home in safety and dignity. This covers safety of themselves, their property and legal safety. With dignity, returnees should be accepted and respected by national authorities. UNHCR intertwines repatriation with reintegration, rehabilitation and reconstruction (the four R's) (Note 7). Analysing the cessation clauses which aim at termination of international protection of refugees, this is invoked without the consent of the refugees.

As Whitaker quotes Zolberg et al 1989 that refugees are not only victims of war but active participants in the war as some refugees are heavily armed and usually organize themselves to fight and return to their country of origin by force. In the process, it kills the relations of the host country with that of the origin country (Whitaker, 2002). This was witnessed by Tanzania in 1972 when the Burundi government bombed villages in the western part of Tanzania suspecting it of hosting rebel groups that kept attacking Burundi. In some instances, they take over the settlement camps in their own hands thus complicating the issues of their protection in the host country and the international organizations.

When the RFP came to power in July 1994, regarded the refugee camps near the Rwandan border as a threat to the country. All possibilities were explored to ensure that these refugees return back to the country. Refugees who were previously government army officers in the Democratic Republic of Congo and Tanzania had started mobilizing themselves to attack Rwanda. This was one of the major reasons as to why the Rwandan government had to pursue the rebels in the DRC in 1996 together with Uganda; the fight that brought Laurent Kabila into power in 1997. Attacks on camps in the DRC were staged between October and November 1996 which forced many to return to Rwanda (Whitaker, 2002).

Before the refugees from Tanzania were repatriated in big numbers, an envoy from Rwanda was sent to Tanzania to assure refugees that Rwanda was ready to receive returnees regardless of whether they were involved in genocide or not. Tanzania thought it wise to work closely with UNHCR and ensure that Rwandan refugees return to Rwanda to avoid what the DRC experienced. As a conflict prevention strategy, a deadline of 5th to 31st December 1996 was given. Bearing in mind that UNHCR support comes from member states contributions on voluntary terms, there was no need to continue offering support to Rwandan refugees in Tanzania when the situation in Rwanda had greatly improved.

The repatriation of Rwandan refugees in Uganda was renewed in 2009 where a tripartite agreement was signed by the government of Uganda, Rwanda and UNHCR. Fearing to be forced to repatriate, the refugees in Uganda wrote a letter to the president of Uganda dated 7th November 2013 copying in other presidents especially in the Great Lakes Region and the UNHCR explaining their fears of returning to Rwanda (Note 8). It was signed by 694 refugees. UNHCR wrote back assuring refugees that the repatriation exercise was voluntary and that those who had issues with Rwanda should write individually expounding their fears.

It is alleged that on 14th July 2010, Ugandan and Rwandan government police and military entered Nakivale and Kyaka II Refugee camps and 1,700 Rwandan refugees were herded into lorries at gun point and taken back to Rwanda in the middle of the night. In Kyaka II camp,

refugees were called to a World Food Programme Centre as if they had some food items to give them and were then surrounded by police and army and loaded onto trucks. Those who were unable to escape were taken back to Rwanda. Two men jumped off the truck and died instantly. Many children were separated from their parents and many people were injured including six (6) pregnant women. Although only two people who jumped off the truck were reported dead, it was later found out that the dead were more than 14. These died by strangling, shot at and stampede while others, their genitals cut off by barbed wire (Harrell-Bond, 2011). This paper examines the relationship between the old refugee caseload (Rwandan refugees who came to Uganda before 1994) and the new refugee caseload (Rwandan refugees who came to Uganda after 1994).

2. Methodology

This was a case study conducted in Nakivale refugee settlements where most Rwandan refugees stay. In-depth interviews, key informant interviews, observation and documentary evidence were the data collection methods used. Purposive sampling techniques were used for refugees and key informants respectively and interview guides were used. The study being qualitative where big numbers is not a concern involved 30 respondents. The respondents were selected purposively, based on their level of knowledge about the research problem. The key informants included the Office of the Prime Minister, Refugee Law Project and Local district officials. In some instances, interpreters were used to translate from Ikinyarwanda to either English or Runyankole. Data was collected in August 2016 in Nakivale settlement in Isangano a camp base for Rwandan refugees. Thematic content analysis was used in data analysis.

3. Relationship between Old and New Rwandan Refugee Caseloads

Rwandan refugees in Uganda can be divided into two groups. Those who came before 1994, here referred as the old caseload and those who came after 1994 as the new caseload. Both refugee caseloads are related by blood. From the field data, the Rwandan old refugee caseloads do not exist in the Nakivale refugee settlement (Note 9). Those who were there melted away, got integrated into the local community and no longer appear in the records of the camp. It is believed that these former refugees bought land elsewhere outside the settlement and resettled themselves. They see themselves as Ugandans who are entitled to vote, have national identity cards just like any other Ugandan, and do not want to be regarded as refugees anymore.

4. Nakivale Refugee Settlement

Nakivale refugee settlement is located in southwest Uganda in Isingiro District. It was instituted in 1958 and officially opened in 1960 to accommodate Rwandan refugees particularly the Tutsi who were fleeing the mass killings under the rule of the Hutu ethnic group (Note 10). This was the first group of refugees to live in Nakivale. It has been there since then and continues to accommodate refugees from other countries like Somalia, Democratic Republic of Congo (DRC), Burundi, Eritrea, Ethiopia, Kenya, Liberia, South Sudan, Tanzania and others. It should be noted that these groups of refugees started to come

after 1990. The settlement is 71.3 square miles divided into 79 villages. Isangano is the village in Nakivale refugee settlement where the Rwandan new caseloads stay. The majority of refugees currently at Nakivale are from Congo, Somalia, Rwanda and Burundi. The Rwandan old caseloads were mainly Tutsi while the new caseloads are majorly Hutu. By 4th July 2016, there were 11,057 Rwandan refugees at Nakivale refugee settlement and 1,886 at Oruchinga camp (Note 11).

After the victory of Rwandan Patriotic Front (RPF) forces in 1994, most of the Rwandan Tutsi refugees returned home. However, they were soon replaced by another group of Rwandan refugees, this time of mainly Hutu ethnicity fleeing the aftermath of the 1994 genocide. Since then, Rwandan Hutu refugees have continued to flock into Uganda and currently comprise the largest ethnic population of refugees in Nakivale refugee settlement. The increase in numbers was exacerbated by the Rwandan refugees who fled from Tanzania between 1998 and 2002 where they had previously lived. The reasons that led to their fleeing were two. One was that refugees were worried about involuntary repatriation by the Tanzanian government and two, that they were attracted by the opportunities of acquiring land for agricultural practices which was not the case in Tanzania. One respondent noted an improvement in livelihood through agriculture. The general observation was that many refugees are eager to engage in agriculture, produce their own food rather than receive relief rations. One respondent who had fled Tanzania said:

“We were given only food and relief assistance in Tanzania. We did not own any piece of land, a few refugees who owned land got it from private individuals. We had expected to get land like refugees in Uganda other than relying on food and relief assistance”.

It is estimated that there are over 30,000 nationals that live near Nakivale settlement and share with refugees some of the benefits like education, health, nutritional programmes they get from humanitarian organisations like the Office of the Prime Minister, (OPM), United Nations High Commissioner for Refugees (UNHCR), American Refugees Committee (ARC) among others (Note 12). Nakivale has 9 primary schools, 27 Early Childhood Development Centres, 1 secondary school and 1 vocational school. There are 4 health centres, one of which is a grade III and three grade II health centres. The major referral point for refugees at Nakivale is Mbarara Regional Referral Hospital located in Mbarara Municipality where refugees are transported in ambulances.

5. Dynamics of Interaction

According to the OPM office in Mbarara, refugees have the liberty to move to any place they feel like going to as long as they do it at their own cost. In so doing, some have found their relatives, employment opportunities outside the refugee camp which has made their live more fulfilling. Refugees move freely to transact businesses, visit friends and relatives or look for employment opportunities. There are various business entities set up in the refugee settlement by the refugees themselves and the nationals. These include small restaurants, bars, retail shops, video showrooms, tailoring services, brick laying, butcheries, food markets among others. Through these avenues, refugees interact more often with each other and the nationals. In the process refugees get to know of places where they can acquire land, which eventually,

lead to self-resettlement outside the refugee camp. This reflects that the refugees are more comfortable in Uganda and is the major cause of the spontaneous return of all categories of refugees especially Rwandans.

The freedom of movement that these refugees has prompted them to buy land outside the settlement. Some of them are harvesting a lot of agricultural produce from the big pieces of land they have acquired outside the camp. Most of the refugees use the settlement as an address but do more business outside the camp. Surprisingly, some carry out business enterprises in Uganda's capital City-Kampala.

6. The Land Question at Nakivale

When a refugee is received at Nakivale refugee settlement, he/she is registered and interviewed to establish facts about him/her to determine if he/she qualifies for refugee status. A refugee is then issued with a refugee card, allocated 50 x 100 metres per family on which to build a temporary house and carry out some subsistence farming to supplement on the food supplies provided by the humanitarian organisations. They are provided with food rations (maize flour, beans, rice) to start with together with basic household utensils, hoes and sickles to use.

The surrounding communities around Nakivale refugee settlement are cattle keepers and cultivators and have lived alongside peacefully for a long time. Well maintained banana plantations can be seen near the settlement as well as goats, sheep and nice looking long horned cattle grazing. The refugees are involved in cultivation of crops like sorghum, cassava, beans, maize which are occasionally encroached on by goats and cows that result in serious and sometimes violent conflicts. With the increasing shortage of land in other areas due to population pressure and permanent settlement of former nomadic communities, many pastoralists have shifted to Nakivale to occupy the open land with good pastures to graze their animals.

The land for refugees has no clear demarcations and some local communities have encroached on it. On several occasions, violence has resulted between the refugees and the local communities. During the last week of July 2016, a story was aired on the local television (TV West) alleging that refugees had cut down banana plantations for the nationals and authorities had to intervene in the matter (Note 13). Due to lack of clear demarcations of the refugee land, it is only those with crops growing on their land like banana plantations that is regarded as nationals' land otherwise on some occasions free/idle land like that of pastoralists is allocated to refugees that has often caused violent conflicts.

7. Experiences of the Rwandan Refugees in Nakivale

People who have never been to a refugee camp consider refugee camps to be horrible places which is not always the case. Refugees at Nakivale live a normal life like or in some cases better than the nationals. Being a refugee does not deprive one of his intellect, culture and morals, it only deprives him/her of his/her homeland (Note 14). Many have set up businesses to earn a living, children have been enrolled in schools to attain education and gain skills in the vocational school. Refugee administrative units were set up in the different cells which

can be compared to the local government system at village level in Uganda. Through the Office of the Prime Minister (OPM) the commandants organize refugee welfare committees which help to communicate all refugee functions and meetings. These administrative units are organized at three levels that is level one is like LCI, level two is equivalent to a parish while level three is like sub-county level. All these leaders work on voluntary basis which teaches them to be administrative ambassadors. Some of these use their experience from their former areas/original homelands. They are also responsible for the security of the villages they head.

When refugees are received by the OPM office, they are sensitized about peaceful coexistence regardless of their backgrounds and ethnicities. Among the refugees, peace committees are established which promote good morals. Some Rwandan refugees did not come as refugees per se but came tracing for their relatives and when they reached the camp, they decided to stay because of a hospitable environment. An old lady in her mid-70s in Isangano confessed to this. She came to Uganda to look for her children who left her in Rwanda when genocide broke out in 1994. She has since been looking for them and has never found them. Her husband died while she was still in Rwanda before war broke out. She stated that:

“I came looking for my children and I have never found them although I had suspected that they came to Uganda. Given the good reception I got when I arrived here at Nakivale and the help I get from my neighbours as if they were my children, I have no intentions whatsoever of returning to Rwanda. Life was hard for me in Rwanda without my children and relatives. I am more comfortable here, I can't think of going back”.

Testimonies from other Rwandan refugees interviewed were related. One of the Rwandan refugees at Isangano is a young businessman who dropped out of school in senior three in Rwanda. When genocide set in in Rwanda, his father, a prosperous businessman in Rwanda by then was attacked at their home. His mother was killed by the government soldiers. Two of his siblings fled to Tanzania while for him and his father crossed to Burundi where they stayed for three years before crossing to Tanzania where they spent six years. In 2004 that is when he crossed into Uganda through Katuna border, continued to Kabale and later to Nakivale where they reported to the OPM. They were granted refugee status after two years. He has been to Burundi and Tanzania but found Uganda more peaceful and it is the only country that give land to refugees. He further expressed that in Tanzania, refugees are only offered food rations and are confined in camps which makes life difficult. In his own words, he had this to say:

“I have no thinking of going back to Rwanda. My father died right here in Nakivale and that is where I buried him. He was a Hutu, a businessman, had land, trees and all were confiscated by the Rwandan soldiers. The government of Rwanda is merciless to us Hutus; they allege that we are the perpetrators of genocide.” (Note 15)

The Rwandan refugees have good relations amongst themselves regardless of being Tutsi or Hutu although at first they were suspicious of each other. The Hutu would look at Tutsi refugees as government spies given the different killing incidences that have happened to some Rwandan refugees in Uganda and other countries where they had taken refuge. One

particular refugee pointed to the death of the late Karegyeya of Biharwe in Mbarara district where the Rwandan government was responsible for his death despite his great contribution in the struggle to bring the new government into power. He claimed that Rwanda looks peaceful to the outsiders but the real fact is that it is not and no refugee is willing to return to Rwanda including the senior officers that fled. He went ahead to shed more light on how those who try to voluntarily repatriate find their way back to Nakivale as refugees again. That some do not come back and one cannot be sure if they have life or not. Those who come back, the picture they give about Rwanda is not good. They feel insecure and the only alternative is to come back to Nakivale.

Rwandan refugees allege that on 31st July 2008, Prof. Tarsis Kabwegyere the then Minister for Disaster Preparedness for Uganda gave a directive that all Rwandan refugees should return to Rwanda. On a date that could not well be remembered, many refugees who were unable to escape were packed in trucks and taken back to Rwanda. A certain woman who was among those that were returned to Rwanda, was with her husband and children. On reaching Rwanda, they were paraded and killed but the woman managed to escape and returned to Uganda. She now stays in Kibaale.

The narration from a 72 years old man who crossed into Uganda after the start of genocide in 1994 leaves one speechless struggling to imagine how the situation was. The Rwandan government soldiers ordered civilians to assemble as though they were going to hold a meeting with them and when people assembled, they started shooting at them killing very many people and injuring many. He managed to escape just the way he was. His children, wife and relatives were unable to escape, all were killed. He walked on foot through Kagitumba and when he reached a place called Kazaho there were trucks that were ferrying refugees, he also boarded. Refugees were well received in Uganda, given posho (maize flour) and beans. Later on, he and others were given a card granting them refugee status and allocated land at Nakivale. He is single, never married again for fear of contracting HIV/AIDS. Having lost all his family members, wife and children, the nasty experience he had to endure, he does not think of returning to Rwanda at all despite the many persuasions by the Rwandan government for all Rwandans to return home. Memories of losing his family are still fresh in his mind and still believes Rwanda is not peaceful at all.

A 50-year-old man arrived in Nakivale in 2000. After genocide in 1994, he fled to Tanzania where he stayed until 1996 when all Rwandan refugees were told that Rwanda is peaceful and they should return to Rwanda. Some of his relatives with whom he was staying with in Tanzania left for Uganda in 1999. He was hesitant to leave until 2000 when the Tanzanian government forced all Rwandans to leave and put their grass thatched houses on fire forcing them to leave. His wife never fled, she remained in Rwanda and got married to a Rwandan soldier in his house. Before the genocide in 1993, he had one child with his wife. He fled Rwanda because he felt that his life was in danger after knowing that his wife had an affair with a soldier in the Rwandan government. He has relatives in Rwanda but cannot go back for fear of being killed by the soldier who took over his wife.

Rwandan refugees allege that those who have dared to return to Rwanda, many have returned

back to Uganda due to the harsh conditions in Rwanda. Once they arrive in Rwanda, they are looked at as genocides, imprisoned, subjected to the gacaca courts and sometimes executed. They feel it would be fine if they can be subjected to the courts of justice in Uganda other than those in Rwanda. One refugee emphasized that whether Rwanda is peaceful or not, he will never go back to Rwanda, one is safe and life is better here in Uganda.

A respondent who knows himself as a Congolese but who others regard to be Rwandan arrived in Nakivale in 2008. In Congo, his home is near the border with Uganda and while still in Congo, he used to bring and sell goods in Uganda and even studied from Rugarama in Kabale district. He left Congo because of the Banyamulenge who invaded his home, killed his father, mother and other relatives. He fled alone leaving behind his wife and children who joined him later. At Nyakabande, refugees were given some kind of bracelet to be worn on the wrist by the commandant to show that they are refugees. The bracelet had an identification number. For survival purposes, at first refugees would dig for people among the community to get food before they could get food from the humanitarian organisations. After reaching Bunagana, he stayed there for two weeks and the Ugandan government vehicle brought them to Nakivale.

Refugees such as this Congolese, live in dilemma. In Congo, he is seen as a Rwandan and in Rwanda he is seen as a Congolese “Munyamurenge” (Note 16), he has nowhere to return to. He is believed to be a Rwandan Tutsi who migrated to Congo as pastoralists in search for pasture for their animals many years ago before the colonial boundaries were put and by the time of independence, they were in Congo. For such people, it is hard to convince the government about their true citizenship since there is no government (Rwanda or Congo) that accepts him as its citizen. In terms of relationship with fellow refugees, there times when refugees especially Congolese are suspected of bewitching and poisoning fellow refugees. This has resulted into fights and violence attracting the intervention of police in the refugee camp. The office of the OPM confirmed this. Mechanisms have been put in place at certain intervals to bring in judicial officers (Judges) to preside over such criminal offences in the refugee settlement for the rest of the refugees to see and learn from them to desist committing the same crimes (Note 17).

A woman in her 60s left Rwanda during genocide in 1994 and headed to Tanzania with her husband where they stayed up to 1997 when they decided to return to Rwanda. They found their land and house occupied by other returnees who fled the country before genocide and had nowhere to stay. In their own country, they lived like foreigners and when her husband died in the same year still in Rwanda, she decided to come to Uganda because she was told, refugees are better off in Uganda, are given land and food. When she arrived at Nakivale, she was welcomed and within a few days, she was given a card granting her refugee status. In her own words:

“I cannot return to Rwanda because I have nothing there. Rwanda is not okay as people think. You cannot reclaim your land once it is taken or else you will be labelled a perpetrator of genocide especially us who have taken long to return to Rwanda after the genocide. We fear for our lives. The only solution to our refugee problem would be removing the current

government and putting in place a new government that can listen to our plight.” (Note 18)

The issue of late returnees finding their houses and land occupied by early returnees could be true given that the Ministry of Rehabilitation and Social Integration of Rwanda estimates that one year after the war had ended in 1995, a total of over 700,000 old case load refugees had returned to Rwanda (Note 19).

8. Challenges

The major challenge with Rwandan refugees is that not even a single respondent showed willingness to return to Rwanda. The government of Uganda and the Rwandan government have often arranged visits to the refugee settlements and have dialogued with them to give them hope but some do not even want to hear anything to do with returning to Rwanda. The repatriation exercise initiated in 2003 saw many return to Rwanda but within a short period, some returned to Uganda and up to now, more are still coming back. It is believed that the conducive environment in the refugee settlements is one of the factors that is discouraging refugees from repatriating back to their countries of origin. Refugees have freedom of movement, access employment opportunities both formal and informal. The new groups of refugees have tried to tress for their relatives and are seen moving to Kyaka, Oruchinga and other refugee settlements. On personal level, some refugees confess that they were convinced by the rich in Rwanda to sell their pieces of land and come to Uganda where they are able to buy big chunks of land at low prices. It is natural for human beings to look at things from the materialistic point of view as evidenced by these Rwandan refugees who use the refugee settlement as their address in disguise as refugees and later acquire bigger pieces of land elsewhere.

From the refugee testimonies, the willingness to acquire Ugandan citizenship is high but the major impediment is the contradiction of the constitution and the laws of Uganda. They are not in harmony.

9. Suggested Solutions and Recommendations

A participatory approach should be used to bring together all stakeholders involved in the refugee problem. These include the refugees themselves, the government of Uganda through the Ministry of Disaster Preparedness, UNHCR, the government of Rwanda, religious leaders, the office of the Prime Minister, NGOs and security agencies so that the decisions that the stakeholders come up with, are owned by all. From the field data, the implementers on the ground have often fulfilled directives from higher authorities of either the government of Uganda or Rwanda which seems to be causing more panic and mayhem on the part of the refugees. Article 1 of the OAU Convention has been breached on many occasions especially when refugees are forcefully loaded onto trucks and repatriated without prior warning.

10. Conclusion

The Rwandan refugee problem will never cease unless the root causes are addressed. The efforts of researchers, refugee-hosting states, the international community especially the humanitarian organizations are only treating the symptoms of the malady but the core and

durable solutions still remain encapsulated in the hearts of refugees and the officials in the government of Rwanda. The issue of being Tutsi and Hutu if not resolved, hatred and conflicts between these two major groups will continue.

References

BBC News of 6th April 1994
http://news.bbc.co.uk/onthisday/hi/dates/stories/april/6/newsid_2472000/2472195.stm

Bosco, K. H. (2013). *54 years of Rwandan refugees ending*.

Cassandra, R. V. (2007). *Forced migration in Eastern Africa*. Democratisation, structural Adjustment, and refugees

Harrell-Bond, B. (2011). Center for forced migration studies, working paper series 11-001 January 2011 pages 13 - 14

Katy, L. (2012) Rwanda's first refugees: Tutsi exile and international response 1959 -1964. *Journal of Eastern African Studies*, 6(2), 211-229.
<https://doi.org/10.1080/17531055.2012.669571>

Katy, L. (2012) Rwanda's first refugees: Tutsi exile and international response 1959 -1964. *Journal of Eastern African Studies*, 6(2), 211-229, DOI: 10.1080/17531055.2012.669571

Organization of African Unity, 'Convention Governing the Specific Aspects of Refugee Problems in Africa ('OAU Convention')', 10 September 1969, 1001 U.N.T.S. 45, 20 July 2016
<http://www.unhcr.org/refworld/docid/3ae6b36018.html> [accessed 20 July 2016]

Refugee Law Project (RLP); International Refugee Rights Initiative (IRRI) (2010); *A dangerous impasse: Rwandan refugees in Uganda*. Citizenship and displacement in the Great Lakes Region. Working paper No. 4.

Reyntjens, F. (2004). Rwanda, ten years on: From genocide to dictatorship. *African affairs*, 103(411), 177-210. https://doi.org/10.1057/9780230523890_2

UNHCR Geneva (2001); Interpreting Article 1 of the 1951 Convention on the Status of Refugees

UNHCR Handbook. (1996). *Voluntary repatriation: International protection*.

UNHCR. (2011). *Comprehensive strategy and cessation for Rwandan refugees*.

United Nations Outreach programme on the genocide of Rwanda.
<http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>

Whitaker, B. E. (2002). Changing priorities in refugee protection: The Rwandan repatriation from Tanzania. *Refugee Survey Quarterly*, 21(1/2), 328-344.
https://doi.org/10.1093/rsq/21.1_and_2.328

Notes

Note 1. Retrieved April 20, 2018, from <https://reliefweb.int/report/uganda/unicef-uganda-humanitarian-situation-report-1-31-october-2017>

Note 2. See: United Nations (UN) downloaded on 11th July 2016 from <http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml> and Cassandra R. Veney (2007): Forced Migration in Eastern Africa

Note 3. A dangerous impasse: Rwandan refugees in Uganda

Note 4. See BBC News of 6th April 1994: http://news.bbc.co.uk/onthisday/hi/dates/stories/april/6/newsid_2472000/2472195.stm

Note 5. Gacaca is a community-based, participatory court system that was put in place in 2002 as a result of the big backlog of cases related to genocide and other crimes against humanity to speed up the judicial process as the Rwandan government found it too expensive to support the huge numbers of prisoners. It is more of a customary dispute resolution mechanism that breaks the cycle of impunity by holding individuals accountable, help to reunite and rehabilitate local communities and gives greater ownership of the process to these local communities.

Note 6. Article 1A (2) defines a refugee as any person who: ...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country...

Note 7. Organization of African Unity, 'Convention Governing the Specific Aspects of Refugee Problems in Africa ('OAU Convention')', 10 September 1969, 1001 U.N.T.S. 45, Retrieved July 17, 2016, from <http://www.unhcr.org/refworld/docid/3ae6b36018.html>

Note 8. Letter to H.E. Yoweri Kaguta Museveni from Amahoro People's Congress dated 7th November 2013.

Note 9. Interview with the Commandant at Nakivale.

Note 10. Report from OPM office Mbarara.

Note 11. Report from OPM office in Mbarara.

Note 12. Office of the Prime Minister (OPM), Nakivale Refugee Settlement.

Note 13. News at 8:00 p.m. locally known as "Agacencwire" on Television West (TV-West).

Note 14. Interview with an UNHCR official at Nakivale Refugee Settlement.

Note 15. Interview with a refugee at Isangano.

Note 16. Congolese of the Rwandan origin are referred to as Banyamulenge – many and Munyamulenge – one.

Note 17. Interview with the Refugee Desk Officer, Mbarara.

Note 18. Interview with a refugee at Nakivale.

Note 19. Report from the Ministry of Rehabilitation and Social Integration of Rwanda.

Copyright Disclaimer

Copyright reserved by the author(s).

This article is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/3.0/>).