Banyarwanda

Republic

Banyamulenge

In regard to

This (known as Banyarwanda and commonly referred to as Banyamulenge) is a tribe that has historically experienced significant persecution. This paper examines how refugees who show (violent) political agency tend to be either not classified, or declassified, as refugees by organizations working with refugees. This paper first examines the refugee situation in the Kivus, focussing in particular on the Rwandan refugees who have been displaced in the region since 1994. I argue that the protracted nature of these refugees’ situation leads them to attempt to establish for themselves a sense of primality in their host site, whilst simultaneously fostering a commitment to returning to their homeland, creating insecurity among both their host and sending communities. The second section considers how these refugee communities, who may be regarded as refugee warrior communities, challenge conventional understandings of the nature of refugee, and I evaluate how the humanitarian community has responded to these challenges. Notably, it is military and demobilization organizations, rather than traditional refugee-support organizations which bear the brunt of dealing with refugee warriors. The third section then goes on to compare two different groups of Rwandan warrior refugee communities operating in the Kivus, the Banyamulenge and the Democratic Forces for the Liberation of Rwanda (FDLR), in order to try and understand how the nature of refugee affects refugee warriors’ decision to continue (or cease) fighting. Drawing on recent fieldwork conducted among a number of organizations working with Rwandan refugees in the DRC, I question the implications of not including this peripheral category of ‘warrior refugee’ in the mandate of refugee-support organizations, and whether disregarding refugees as politically capable actors may explain in part why they may turn towards violent struggle.

A Special Problem of its Own: Refugees in the Democratic Republic of the Congo

In his book, *Africa: Altered States, Ordinary Miracles* Richard Dowden described the Democratic Republic of the Congo, as “the vast, rich, troubled heart of the continent with all its problems and strengths as well as some special ones of its own” (2008: 363-4). Among these ‘special problems’ is a protracted refugee crises which is arguably at the heart of persistent conflict in the country – especially in the DRC’s ‘troubled’ Eastern region. Rwandan refugees have been fleeing across the border into the Eastern DRC for more than half a century. Between 1959 and 1963, which we may regard as Rwanda’s decolonization period, waves of Rwandan Tutsis fled to the DRC to escape persecution from the Hutu-dominated post-independence government. These Rwandan exiles (known as the Banyarwanda or, in South Kivu, the Banyamulenge) settled in the Congo, where many Banyamulenge refugees still remain. No longer considered Rwandan, yet discriminated against by hostile Congolese nationality laws under Mobutu, the Banyamulenge have been subject to constant violence and persecution in the region. This persecution increased further when in 1994, in the aftermath of the Rwandan genocide, nearly a million Rwandan refugees (most of them Hutu) poured across the Congolese border into camps in the Kivu regions of Eastern Congo.

This mass exodus of Rwandan refugees into the Congo (then known as Zaire) resulted in one of the most highly-criticised humanitarian operations in recent history. Several reports at the time

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1 In an attempt to assimilate into the Congo, the Banyarwanda of South Kivu adopted the name Banyamulenge- meaning “People of Mulenge” – a city overlooking South Kivu’s capital, Uvira. The Banyamulenge see themselves as distinct from the Banyamasisisi (who are mainly Rwandan Hutu) and the Tutsi Banyarwanda of North Kivu.
suggested that the refugee camps, especially the camps in North Kivu’s capital Goma, were being run by Rwandan genocidares – who were using humanitarian assistance to reassemble and rearm their militias\(^2\). The perception that aid agencies were facilitating the militarization of the refugee camps meant that many high-profile humanitarian agencies, such as Medicins San Frontier (MSF), the International Rescue Committee, Oxfam, and Save the Children withdrew from the camps, leaving the Office of the United Nations High Commissioner for Refugees (UNHCR) abandoned by many of its partners in the region. “Burdened with that conspicuous failure and associated guilt, and generally unable to read local-level politics, journalists and humanitarians ‘came to see eastern Zaire through the deceptive lens of moral sympathy with the RPF-led regime in Kigali’” (Pottier, 2002: 54 citing Gowing, 1998:41) Accordingly, the refugees became seen as a collectively guilty mass. This perception was further reinforced by the fact that the refugees who remained in the camps after many of the aid agencies pulled out were subsequently barely sustained on inferior quality food. Pottier describes the provision of inappropriate and inferior food by the World Food Programme in the Goma refugee camps as “the clearest sign that they [the Rwandan refugees] were treated as a mass of undifferentiated, unworthy people” (Pottier, 2002: 143). The United Nations High Commissioner for Refugees Sadako Ogata, however, was reluctant to apply a label of collective guilt, and cited innocence of some of the refugees as a key reason for UNHCR’s decision to remain in the camps. When questioned as to why UNHCR did not pull out of the camps along with its partners, Ogata replied: “There were also innocent refugees in the camps; more than half were women and children. Should we have said: you are related to murderers, so you are guilty, too?”(Ogata cited in Wilkinson, 1997). Despite Ogata’s emphasis on the need for differentiation in the camps, UNHCR utilise a top-down approach to dealing with refugee crises, which often overlooks variation among refugees, as well as their independent agency. Pottier has suggested that the failure of the humanitarian operation in the eastern Zaire camps may in part be because “UNHCR was simply not prepared for its encounter with such a well-organised ‘body’ of refugees and the very high percentage of intellectuals living in the camps” (Pottier, 2002: 143).UNHCR’s (in)experience with the Rwandan refugees in Zaire may reveal more about the implications of UNHCR’s approach than it does about the ostensibly ‘dangerous’ refugees themselves. By operating with Western partners such as MSF, Oxfam and Save the Children, UNHRC’s approach means that their operations tend to act on behalf of, rather than in tandem with, refugees – thus denying refugees a voice of their own.

The relative voicelessness, and the collectively guilty label, afforded to the refugees in the eastern Zaire camps meant that by 1996 the assumption was that the innocent refugees had returned to Rwanda, and that those who remained were not only responsible for the Rwandan genocide, but posed an immediate threat to the security of Rwanda. Under the auspices of the international community, and using the prevention of the recurrence of genocide as a justification, Rwanda was able to invade the DRC (supported also by Uganda and Angola) in 1996 and play an instrumental role in the overthrow of President Mobutu and the accession to power of the Rwandan-backed presidential candidate Laurent Kabila. During this First Congo War, Rwanda attacked the eastern Zaire refugee camps. The result of these attacks was the mass return of many of the refugees to Rwanda, although some fled even further into the Congo, seeking asylum in the eastern Congo’s dense and impenetrable forests and jungles. Those refugees who did flee further into the Congo have since been securitized as an imminent threat to Rwandan security. Two years after the First

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\(^2\) In a report in Le Soir, Medicins San Frontier claimed that “The instigators of the genocide are taking control of the camps in an increasingly systematic way” (Le Soir, 27 July 1995 cited in Pottier, 2002)
Congo War, Rwandan border security was once again used as a justification for Rwandan interference in the DRC – this time in an attempt to remove Kabila from power. This Second Congo War was a protracted social conflict, straddling both international and civil dimensions of conflict. This Second War is thought to have produced the most casualties of any conflict since World War Two, and has widely been regarded as Africa’s First World War. In both Congo Wars, Rwanda’s involvement was justified by the presence of Rwandan refugee warriors in the DRC who were deemed to be a threat to Rwandan security. Despite the Second Congo War officially ending in 2002, a protracted strand of the conflict has persisted in the Kivu regions of the Eastern DRC. During this latest stage of conflict, a number of the ethnic and social tensions which characterized both the Congolese conflicts and the Rwandan civil conflicts have resurfaced in the region - emerging particularly strongly in the Kivu provinces. At the heart of the conflict in the Kivus are Rwandan ‘refugee warriors’ who are fighting in a number of Congolese militias. The idea of refugee warrior communities was first presented by Zolberg, Suhrke and Aguayo in 1989, who argued that the mass exit of a large proportion of the sending state leads to “an arena in which groups vie for power as if they were microstates. ...The outcome is a proliferation of warrior bands, verging on a war of all against all” (1989:44).

Zolberg, Suhrke and Aguayo take as a primary example of the refugee warrior the Tutsi refugees who fled Rwanda from 1959 and participated in the various uprisings in Zaire in the mid-1960s. I argue in this paper that the pattern of refugee warrior mobilization in the Congo has been condemned to repeat itself. Many post-1994 Rwandan refugees are fighting in the Democratic Forces for the Liberation of Rwanda (FDLR), as well as in some of the smaller militias collectively known as the Maï Maï. The FDLR was formed in 2000 and has since been fighting in the eastern DRC, participating in both the Second Congo War (during which it aided the Congolese government’s fight against their biggest rebel opposition group Congolese Rally for Democracy – or RCD-Goma) as well as participating in the eastern DRC’s own protracted ethnic conflicts. Mainly comprising of Hutu refugees, the FDLR fighters are a mixture of perpetrators of genocide, ex-Rwandan army officers, and Hutu refugees who simply fled Rwanda. The aims and motivations of the FDLR are not entirely clear. What is known, however, is that they are a primarily Hutu Power movement – responsible for persecuting Tutsi in the eastern Congo, and with ambitions to overthrow the Kagame regime in Rwanda. The Mai Mai, is the name given to a disparate group of rebel movements in the Eastern DRC. Given that they include so many diverse factions, little is known about their composition, although they too were known to have fought against RCD-Goma in the Second Congo War. However, the Rwandan refugee warriors present in Kivu are not only post-1994 Hutu – many of the

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3 Kabila soon distanced himself from Rwanda and Uganda. Consequently, both countries intervened to remove him from power and install more Rwanda- and Uganda-friendly governments. In the Second Congo War, Rwanda therefore gave significant support to the RCD-Goma (Congolese Rally for Democracy) led by Ernest Wamba dia Wamba. Uganda, after falling out with Rwanda, over tactics and strategy supported the MLC (Movement for the Liberation of Congo) led by Jean Pierre Bemba.

4 The Lancet places the death toll between 1998 and 2002 at 3.3 million (Coghlan et al, 2006), although in reality these figures cannot be verified.

5 The first military commander of the FDLR, Paul Rwarakabije was not himself known to have any part in the Rwandan Genocide. Rwarakabije surrendered in 2003, Global Security wrote about Rwarakabije’s surrender “Mr. Rwarakabije himself does not have a record of being involved in the 1994 Rwandan genocide, having merely led attacks against northern Rwanda between 1997 and 2000. As such, he is expected to receive some sort of political amnesty from the Rwandan government, in return for his surrender, although this has not been made clear” (Global Security, 2005)
Banyamulenge Tutsi refugees of the 1960s, and their descendants, have also been embroiled in the conflict, most notably through their involvement with the RCD-Goma. The experiences of both the Banyamulenge and the Post-1994 Hutu refugees will be considered in this paper.

The title of this paper refers to ‘unbecoming refugees’ in two senses of the term. In the first instance I suggest that humanitarian agencies find the concept of the refugee warrior unsettling. The refugee warrior is unbecoming of his or her position in the sense that he or she does not conform to the standard notion of passivity and victimization of what it means to be a refugee. I will consider these accepted understandings and their implications later in the paper. Secondly, by no longer conforming to the passive expectation of refugeeeness, refugee warriors tend to, either not be granted initial recognition as refugees, or have their refugee status revoked – they ‘un-become’, in the sense they cease to exist as refugees, despite the fact that in almost all other aspects they can be regarded as refugees. It is the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Rwanda Demobilization and Reintegration Commission (RDRC) which bear the brunt of dealing with these refugee warriors, rather than the The Office of the United Nations High Commissioner for Refugees (UNHCR) or Rwandan Ministry of Disaster Management and Refugee Affairs (MIDIMAR). The UNHCR’s work in the DRC is directed at IDPs; “managing a particularly challenging operation, protecting and assisting IDPs in the north and the east and supporting return programmes in Equateur province and in the south” (UNHCR, 2011a), rather than dealing with warrior refugee communities in the Kivu region6. The agencies assigned to dealing with the refugee warriors (the brunt of the responsibility is shouldered by MONUSCO and the RDRC) are telling; the ‘warrior’ element of the refugee warrior identity is considered more important than the ‘refugee’ element. The emphasis on ‘warrioriness’ rather than ‘refugeeness’ perhaps highlights refugee agencies’ reluctance to accept that refugees may a) simultaneously be both victim and perpetrator and b) express political agency. This paper will attempt to understand what being a refugee warrior in the case of the Kivus entails and uncover the underlying issues of refuge which, even if they have not caused the refugees to take up arms in the first place, have at least facilitated the continuation of conflict. In this capacity, I suggest that rather than being regarded as refugee warriors (which implies that they are warriors with refugee characteristics), they should be regarded as warrior refugees (that is refugees with warrior tendencies). Given that the presence of refugee warriors in the Kivus presents a threat to the stability of both Rwanda and the DRC, it is understandable that the focus has been on the atrocities that certain members amongst them may have committed. However, by focusing on their human rights abuses, relatively little attention has consequently been devoted to discerning their motivations. This dearth of understanding is further compounded by the difficulty of accessing members of these communities.

“The political and security situation in the DRC remains precarious, and threatens humanitarian work and access to refugees. The location of refugees and asylum-seekers in remote places complicates registration, and the distribution of humanitarian assistance to the vulnerable” (UNHCR, 2011b). However, I suggest that investigation of the nature of warrior refugees’ refugee status, in lieu of better access to these communities and clearer information regarding their motivations, would

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6 UNHCR has, however, stated that it will try to promote the voluntary repatriation of Rwandan refugees to Rwanda: “UNHCR is promoting the voluntary repatriation of Rwandans still in exile and searching for other solutions for those who cannot return. Reintegration projects are important to ensure the sustainability of returns to Rwanda, where scarcity of land makes self-sufficiency difficult” – the implications of this commitment from UNHCR will be assessed later in the paper.
facilitate a more comprehensive understanding of why these communities have become embroiled in armed conflict. This may subsequently lead to more sophisticated analysis of conflict in the region.

**Breaking Convention: Defining Warrior Refugees**

The Great Lakes security complex is rife with warrior refugee communities. This phenomenon may be in part explained because “conflictual regional systems inevitably generate warrior-refugees, whose very existence exposes the inadequacy of conventional understandings of the refugee phenomenon” (Zolberg, Suhrke and Aguayo 1989: 125). The UNHCR’s tendency to shy away from dealing with warrior refugees may be in explained in part by the fact that warrior refugee communities do not fit the legal definitions of refugees set out in 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, upon which UNHCR base their operationalization. Under the Articles of the Convention, a refugee is:

“A person who owing to 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, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (United Nations, 1951: Article 1, a.ii *emphasis added*)

The implications of this definition, which foregrounds victimization and passivity, are that refugees have come to be regarded as devoid of political agency. This, it is assumed, is why they are fearful, and also justifies their dependence on humanitarian assistance. However, what we are considering in the case of the Kivus are not passive victims, but refugeewarriors, defined as those who are “not merely a passive group of dependent refugees but represent highly conscious refugee communities with a political leadership structure and armed sections engaged in warfare for political objective” (Zolberg, Suhrke and Aguayo, 1989: 275). These refugee communities do not appear as victims, and are certainly more than mere passive agents. Furthermore, many of these refugee warriors are wanted as perpetrators of genocide in Rwanda. Under the exclusion clause of the 1951 Convention Relating to the Status of Refugees, refugee status is denied to people who are regarded as criminals or human right violators. Given these conditions, the UNHCR has tended not to regard refugee warriors as refugees, but rather regard them as exiled combatants and criminals who are no longer their responsibility. In an assessment of the legality of the refugee warrior, Adelman observes that “If a refugee resorts to violence, then that person no longer qualifies for refugee status” (1998:2). However, Hathaway has argued that UNHCR’s adoption of “this legal definition of a refugee is at odds with the ordinary, social perception of the refugee status” (1991: v). Furthermore, Adelman himself argues that “Laws excluding those who take up arms from being designated as refugees are virtually never enforced” (1998:2). Given that it is then practicably possible for a person to be both a refugee and a warrior, it is worth exploring why legal understandings have failed to adapt to this increasingly prevalent phenomenon.

Refugees in the Convention understanding adopted by the UN tend to be defined in relation to the protection that the label affords them. As Goodwin-Gill notes, “in practice, satisfying the relevant criteria will indicate entitlement to the pertinent rights or benefits” (Goodwin-Gill, 1996:2). In the case of the post-1994 warrior refugees, the failure to prevent the militarization of the refugee camps, coupled with international guilt over the failure to intervene in the Rwandan Genocide, led to a
widespread belief that these refugees were not entitled to rights and benefits, and therefore should not be considered refugees. However, it is not just the possibility that these refugees may be responsible for atrocities that cause UNHCR to shy away from dealing with them, UNHCR seem somewhat unsettled by the prospect of engaging with politically active refugees more generally.

Aside from the legal complications surrounding the incorporation of warrior refugees into the working mandate of refugee support agencies, doing so would also have a considerable impact on the willingness of receiving states to host refugees. If refugees are seen as apolitical victims, then host countries will be more willing to accept their presence, as hosting simply is seen as an act of humanitarian kindness towards ‘people in need’. Refugee warriors, however, are threatening not only because they are warriors, but because hosting them is a political act – one which may have serious repercussions for the inter-state relations between the host and sending governments. When the concept of the refugee warrior was introduced by Zolberg, Suhrke and Aguayo, Palestinian refugees were given as a prime example of a refugee warrior community. Countries receiving Palestinian refugees were reluctant to treat these Palestinian as refugees in the sense set out in the 1951 Convention. Accordingly, Palestinian refugees are notably not dealt with through UNHCR, but through a agency designed specifically for the Palestinian refugee warrior community – the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which uses its own working definition of what constitutes a refugee eligible for UNWRA support. The same logic governing the ‘outsourcing’ of Palestinian refugees to UNWRA can be seen in their reluctance to address the issue of Rwandan refugee refugees in the DRC: “Their existence raises problems not merely of obtaining sufficient relief money, as UNHCR notes, but also of producing profound ethical and policy dilemmas that UNHCR, because of its dependent position, cannot confront” (Zolberg, Suhrke and Aguayo, 1989: 275-6). The refugee warrior is confusing because it eschews the division between refugee and activist and confers upon the refugee warrior community a bimodal status as both victim and perpetrator. These refugees cause such an operational problem for those working in refugee assistance that the “common consensus on the refugee warrior is that this classification of refugee constitutes a misnomer, a category mistake” (Nyers, 2006: 99)

Harpviken (2008) observes that relatively little was written about refugee warriors for around a decade after the concept was first introduced by Zolberg, Suhrke and Aguayo in 19897. For Harpviken, the key studies of refugee warriors were written after 2002 and focused primarily on “how humanitarian actors are to respond to the militarization of refugees” (Harpviken, 2008: 3) – moved by the “realization that the refugee regime sustained Rwanda’s war perpetrators in the mid-1990s” (ibid). However, this focus on the refugee regime once again ignores the individual agency of warrior refugees. By focusing on how the international community should act in order to prevent mobilization, or at the very least avoid enabling mobilization, scant attention was paid to the refugee experience of the refugee warriors and the role that they play in their own mobilization. What emerged therefore was an attempt to deal with refugee warriors that denies the very factor which makes them warriors – political agency. “As their name implies, refugee warrior communities are defined as autonomous political actors involved in armed struggle for clearly defined political purposes” (Nyer, 2006: xvii-xviii). However, little attempt has been made to understand the complex relationship between their refugeeeness and their political actions.

7 Although he does acknowledge that important works were written during this period – most notably by Howard Adelman (1998)
**Back to Ithaca or Over the Rubicon?**

In trying to understand the refugee conditions of the Rwandan refugee warrior communities in the Kivus, it is perhaps expedient to begin with the period of time that refugee refugees spend in asylum. There has been a tendency to overlook the significance of length of time spent in exile as a contributing factor to a refugee warrior’s decision to fight. This is perhaps forgivable, given that their status as warriors is regarded as existing prior to their status as refugees, and therefore length of asylum is often regarded as a *post hoc* factor which has little bearing on mobilization. However, whilst the period spent in exile may not explain why these refugees became warriors in the first place, it does have some bearing on the continuation of their struggle, and may also explain why, in many cases, the political aspirations of refugee warriors may change over time. The community of warrior refugees in 1994 had the aim of remilitarizing in the Eastern DRC refugee camps, invading Rwanda, and regaining control of the Rwandan government (accompanied by the ostensible goal of completing the extermination of the Tutsi). While this aim is undoubtedly still held by some members of the refugee warrior community, new motivations also affect their everyday lives, and the *characteristics* of the refugee warrior community have changed accordingly.

In the immediate aftermath of the Rwandan genocide, fleeing refugee warriors could be regarded as being Odyssean refugees. That is to say, they regarded their exile as temporary and they possessed substantial ties to their homeland, having “nurtured a collective project in the land of origin and [taken] it with them to the land of exile” (Joly, 2002: 3). Nearly two decades on, and this collective project of return to the homeland has become somewhat diluted; their potential to recapture control of Rwanda has been reduced by the increased stability of Rwanda, and fortified position of the Kagame regime. Of course the FDLR will maintain that recapture of Rwanda is still an ultimate goal, but between 1996 and the present day empirical evidence of their assertion of political agency has been confined to activities within the Kivu provinces. Most notably they assisted the Congolese government in fighting the Rwandan-backed rebel movement RCD-Goma during the Second Congo War. After the official ending of the conflict in July 2003, the Congolese government vowed to assist in the repatriation of FDLR Hutu refugees to Rwanda, but this process has been extremely slow and piecemeal, and these formerly Odyssean refugees appear to show little sign of impending return to Rwanda. Since the beginning of the Rwandan refugee crisis in 1994, the perpetrators of the Genocide have attempted to prevent innocent refugees from returning to Rwanda, as a strong civilian base was necessary in order to keep receiving humanitarian aid and maintain their legitimacy. This trend continues to this day, as FDLR hardliners have tried to prevent Rwandan Hutus from re-entering Rwanda. “The hard-liners have blocked off strategic exit points from forests in the eastern province of North Kivu near the Rwandan border and have been telling returnees that they will be prosecuted in Rwanda, according to sources within the UN mission in the Democratic Republic of Congo” (Global Security, 2005).

A new layer had therefore been added to the post-1994 Rwandan refugee warrior community’s identity – brought on by the protracted nature of their exile. As the likelihood of return to Rwanda diminishes, we can observe that they seem to possess less the qualities of Odyssean refugees and increasingly display behaviour associated with Rubicon refugees. In other words, these refugees are confronting the possibility that they may have to forsake return to the homeland, at least in the foreseeable future, and are therefore attempting to establish security in their host country. In the Kivus, Rwandan refugees are focussing less on conflict in Rwanda, and more on the power play...
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However, their motivations may turn away from a collective return project, and more towards establishing a sense of primal security in their host country, which may see as a new place of more permanent settlement. As a result, these refugees will concern themselves with the power-play of their host country (and gaining political and civil status in their host country).

The Rwandan warrior refugees fighting in the FDLR are therefore straddling the categories of Odyssean and Rubicon – they have not abandoned the possibility of return but, given their protracted displacement, they have sought to root themselves more firmly in their host site. It is this precarious position – to appropriate Haddad’s (2008) term “between two sovereigns” – which affects why FDLR refugee warriors chose to continue fighting. In these uncertain and difficult conditions, these warriors’ continued aggression may simply be a fierce defence system, designed to ensure survival. This factor has been largely overlooked by humanitarian agencies, whose concern has been with exposing and curbing human rights atrocities. It is a vicious cycle; the FDLR are frightening as political subjects because they have been securitized as human rights abusers, and this instils in the FDLR a sense of defensive aggression. “Anyone associated with the FDLR faces the risk of arrest” (Alex, 2010). What has emerged, therefore, is a security dilemma-like situation.

However, this is not to say that this cyclical security dilemma-style relationship cannot be broken. We can perhaps view the FDLR’s status as a refugee warrior community as a stage in the transition between refugee and citizen. How a refugee warrior community is treated during this transformation is significant in determining whether or not the community become citizen warriors, or politically engaged (non-violent) citizens. Nyer argues that refugee warriors may be ‘wannabe citizen warriors’ and questions whether denying refugees access to the political process, forces those wishing to assert agency into becoming armed and violent. Subsequently, I question whether making refugees an armed danger, a threat to international peace and security is, as Nyer asks, “the only way to bring political presence to refugee subjectivity?” (2006: 99). Precedent set in the Kivu region itself suggest that it is possible for refugee warriors to transform themselves into legitimate (non-violent) political actors.

Refugee Warrior to Citizen

If we can consider the FDLR as a community in transition from refugee to citizen, then we can perhaps argue that the Banyamulenge warriors of the Congolese Rally for Democracy (RCD-Goma) have metamorphosed from refugee warriors to legitimate political stakeholders in Congolese democracy. Banyamulenge (ethnic Tutsi of Rwandan origin) have been present in South Kivu since Rwanda’s independence period, when Hutu-dominated nationalist forces began persecuting the

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8 I have discussed in an earlier paper, Autochthonity and (Un)Certainty (presented at the BISA Conference, April 2011) how protracted displacement causes refugees to recast the territory in which their identity is anchored.
9 See Mahmood Mamdani’s (2001) work on the conflictual effects of criminalization in When Victims Become Killers.
Tutsi who had dominated them during the colonial period. Political turmoil in Rwanda meant that by the mid 1960s more than half of the Rwandan Tutsi population lived outside of Rwanda – a significant number of which settled in the South Kivu High Plateau. These refugees (and their descendents) have now been resident in the DRC for half a century, and been the target of much persecution in the Kivus. Constantly seen as an alien ‘other’, the Banyamulenge were originally known as Banyarwanda, but changed their name in an attempt to disguise their Rwandan origins, and claim indigeneity to the Mulenge township in South Kivu. In 1971 Mobutu issued a Citizenship Decree, granting Congolese nationality to those Banyamulenge who had arrived as refugees between 1959 and 1963, but this citizenship was later revoked a decade later under the 1981 Citizenship Bill, which stipulated that Congolese citizens needed to prove that they were descended from indigenes who had been present in the Congo prior to 1885. It was the insecurity conferred upon them by their uncertain citizenship status, combined with Mobutu’s tacit support for their persistent persecution, which motivated the Banyamulenge to join Laurent Kabila’s Alliance of Democratic Forces for the Liberation of Congo (ADFL) in the First Congo War. Their continued persecution under Kabila, however, then led to their involvement in the RCD in the Second Congo War. What is interesting is that, despite regime change in Rwanda facilitating a safe potential return to the homeland for the Banyamulenge, several decades in exile meant that many had formed roots in the DRC, and return was no longer the most desired option. Rather, benefitting from fortification in the form of Rwandan backing, the Banyamulenge sought to assert their own political agency in the DRC – to shift from being refugee warriors, to taking up the role of legitimate political agents. We can see that this objective has, to some extent at least, been achieved; the RCD has come to be regarded as a legitimate Congolese stakeholder. In the 2002 Inter Congolese Dialogue to establish a transitional post-conflict government in the DRC, the RCD were given 7 Ministerial positions and 4 Deputy Ministerial positions – the same allocation afforded to the Joseph Kabila government, the Movement for the Liberation of Congo (MLC) and the official political opposition groups. The RCD refugee warriors have not only moved away from their refugee status (which had previously denied them access to the Congolese political system) but have also brought about a political subjectivity that is not linked to armed danger or threat. Whilst there is some concern about tenability of their newfound political position, at least for the mean time, the RCD have managed to transforms themselves from refugee warrior to political agent.

We might question at this point why the former Rwandan refugees of the RCD chose to remain in the DRC, rather than return to Rwanda – where their presence would arguably be received with more hospitality, and would certainly provide an environment in which they would be less prone to persecution. In response to this question, I suggest two significant factors – one psychological, and the other pragmatic. To begin with the psychological reasons, we can argue that the Banyamulenge warriors stopped seeing themselves as refugees once regime change in Rwanda meant that they would be welcomed back. In his work on Palestinian refugees, Rabinowitz argues that the right to return has the potential to “redefine people’s sense of historic justice, individual and collective choice, identity, morality and destiny” (forthcoming: 1). The ‘well-founded fear of being persecuted,’ which formerly defined the Banyamulenge as refugees, had been alleviated, and what the Banyamulenge now faced was a choice. No longer being passive (refugee) victims is likely to have had an esteem-boosting effect on the Banyamulenge, which may have translated into the confidence to exercise political agency in the eastern DRC – knowing that they had the support of the new Rwandan regime. However, these psychological effects are difficult to assess and overly
reliant on speculative deduction; inferring anything about the Banyamulenge’s decision to remain in the DRC, based on psychological speculation alone, would provide little insight into the manner in which the nature of their refuge affects their actions.

More concrete assertions, can however, be made if we consider the practicalities of return. Rwanda is the most densely populated country in Africa, with a heavily agricultural-dependent economy, and little by way of mineral wealth. Returnees to Rwanda face stiff competition for land and, especially for those who have been exiled for over half a century, asserting successful claims to land are extremely difficult. UNHCR has itself observed that limited land is a significant obstacle to their operations to return refugees to Rwanda, and has sought to mitigate this through ‘reintegration projects’ which they regard as “important to ensure the sustainability of returns to Rwanda, where scarcity of land makes self-sufficiency difficult” (UNCHR, 2011b). By contrast, land is more readily available in the DRC and, perhaps more importantly, lucrative economic opportunities lie in the Congo’s mineral wealth. In Mobutu’s Zaire, “Describing everyday survival strategies, Congolese will often say ‘nous vivons mysterieusement’ (‘we live mysteriously’), ‘nous vivons dans l’air’ (we live in the air)” (Jackson, 2002: 521). This mysterious style of living is also characteristic of the Banyamulenge – in fact, given the precarious position they have occupied for so many decades, and yet survived, we may assume that the Banyamulenge who, perhaps as part of their refugee warrior activities, or perhaps in some separate capacity, have mastered the system of survival in the Congo. By virtue of the fact that they have managed to survive for all this time, the Banyamulenge have demonstrated a degree of assimilation into Congolese culture by following the guiding principle of Zairois life “Debrouillez Vous!” (‘fend for yourselves!’). The ‘fend for yourself’ environment of ‘System D’¹⁰ remained long after the overthrow of Mobutu, but for the Banyamulenge of the RCD there have been significant changes in the Congo since 1997, which actually place them in an even better position than one of mere survival. As noted earlier, the RCD were allocated a number of ministerial positions, including significant positions in Economy and Portfolio, and deputy minister positions in Budget, Public Works, and Infrastructure. These positions allow RCD members to not simply fend for themselves, but also better themselves.

The remarkable metamorphosis of the Banyamulenge from Rwandan refugee (with a brief decade as Congolese denizens), to refugee warrior community, to credible Congolese political actor is not necessarily a transition to which all refugee warrior communities aspire, but it is one which demonstrates that a political presence to refugee subjectivity need not always be one of armed danger. This being said, it would be naive to claim that the Banyamulenge could have reached this point without violence – certainly their success as refugee warriors in the ADFL and the RCD aided their access to power in the Inter Congolese Dialogue. We might even go as far as to say that had they not been violent, they would have not gained a position at the bargaining table in the first place. This is reflected in the fact that the other belligerent group of the Second Congo War, the MLC, the RCD-ML, the RCD-N and the Mai Mai, have also gained ministerial representation in the Inter Congolese Dialogue, and we could in this sense view the actions of the FDLR as a bid to gain political recognition in the DRC.

¹⁰ System D or “Debrouillardise” is the satirical name given to informal economic activities which characterise the Congo, named so after the guiding principle of the system “Debrouillez-Vous” (fend for yourselves). Jackson has argued that “Economic activity outside the formal, legal sphere was already significant at independence, particularly in the Kivus” (Jackson, 2002: 520)
Political recognition for the FDLR may be a positive step towards their own transition from violent group to legitimate actor, and this may be what they are aiming for, but it appears that the humanitarian community is presenting a clear barrier to this. In an interview in 2010, Gregory Alex, Director of Disarmament, Demobilization, Repatriation, Reintegration and Rehabilitation (DDRRR) at MONUSCO informed me that there “may be 30,000 [Rwandan refugees] remaining in the DRC, but that’s the one per cent who tend to be criminals or are held by them” (Alex, 2010). These refugees do not appear to demonstrating a desire to return to Rwanda, yet the emphasis of the MONUSCO operation is repatriation – allowing Rwanda to then deal with the returnees as they see fit (which, for those judged responsible for genocide, means being brought to justice). But it is this fear of reprisal which is preventing repatriation, and the Congolese government’s new spirit of cooperation with the Government of Rwanda and assistance with the capture of FDLR members that is causing the FDLR to remain hidden and continue their violence. Whilst the arrest of key FDLR figures such as Callixte Mbarushimana and Ignace Murwanashyaka has been hailed as a significant blow to the strength of the FDLR, it only serves to compound the fears of lower-level FDLR warriors of capture. As long as fighters in the FDLR feel existentially threatened by Rwanda and the international community, they will continue to defend themselves aggressively, thus perpetuating the security dilemma-like cycle of violence.

**Conclusion**

This paper has attempted to argue that more attention should be paid to the refugee status of warrior refugees. I suggest that by understanding their exile situation, we may be able to gain some insight into the nature of their motivations in an environment where access to such information (and indeed access to the refugees at all) is highly limited. The paper has sought to draw comparison between two groups of refugee warriors in the eastern DRC; the Banyamulenge and the FDLR. The conflict(s) in the Eastern DRC may seem intractable and disorderly, but drawing on the Chaos Theory which I use as the basis for my conflict analysis framework, I suggest that we can see some semblance of order in the disorder – self-similar behavior repeating itself over time. The Banyamulenge-FDLR comparison serves as an example of this. The Banyamulenge successfully transformed themselves from refugee warriors to legitimate political actors in an environment in which armed violence can lead to considerable political gains. In the Inter Congolese Dialogue, it was the belligerents who were brought to the bargaining table, sending out a clear message that violence opens up access to power. Rather than seeing the FDLR as criminals without clear motivations, we can therefore argue that they are simply trying to follow this pattern of political mobility, using violence as a tool to promote themselves and bring some degree of stability to their otherwise uncertain status. The natural conclusion from this argument therefore is that giving the FDLR access to political power in the DRC (if not in Kinshasa, then at least in the local governance of the Kivus) may help to alleviate the violence by offering them alternative paths to political subjectivity.

Naturally, this is not a perfect solution, and one which many critics will undoubtedly point out ignores the previous human rights violations carried out by the FDLR and may arguably encourage other groups wishing to gain access to power to take up arms in the DRC. Whilst these criticisms are duly noted and accepted, it must be pointed out that conflict in the DRC is highly complex, protracted and intractable. Whilst it is true that the FDLR are responsible for human rights violations (both in the DRC, and also in terms of the genocidal crimes of a number of its members), not all FDLR members are war criminals, and human rights violators exist in many of the others groups who *have*
been given access to power. To criminalize an entire group and obstruct their access to non-violent power will only serve to increase their aggression, not diminish it. Similarly, to argue that the FDLR should be prevented from accessing power in order to deter other groups from becoming violent would be to lock the stable door after the horse has bolted – the DRC is already violent, and its inhabitants have known for decades that, in System D, survival is key.
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