

# Congolese Refugees From South Kivu :

## Challenges of return in the territories of Fizi and Uvira

June 2011



Congolese refugees from Tanzania about to cross Lake Tanganyika after a visit to their home villages in Baraka, South Kivu. May 2011. Photo: Alexis Bouvy.



Study carried out by ADEPAE and SVH with the financial and technical support of the Great Lakes Civil Society Project of the Danish Refugee Council.



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## Thank you

This work is the result of a concerted effort between researchers from ADEPAE and SVH, the Danish Refugee Council's Great Lakes Civil Society Project team, a technical expert, and the various people encountered during the course of the study. The underlying goal of the study is to propose solutions to the hardships suffered by returning refugees to the South Kivu province of the Democratic Republic of Congo. We hope that governmental and humanitarian actors, civil society and local communities will draw on our conclusions to establish mechanisms capable of facilitating the reintegration of refugees, improving social relations between returnees and residents, stabilising their social and economic conditions, and bringing long-lasting peace to the territories of Fizi and Uvira.

We would like to thank the members of the Danish Refugee Council's Great Lakes Civil Society Project without whose support this study would not have been possible. We are delighted with the relationship of trust that has come about between our three organisations, and the partnership we have established through this project. We would like to extend our gratitude to the consultant, Alexis Bouvy, who went to great lengths to accompany the researchers and to guide our thought process.

Lastly, many thanks go to the *chefs d'antennes* of the Commission Nationale pour les Réfugiés (CNR) of Bukavu and Uvira, UNHCR's offices in Bukavu and Uvira, OCHA's office in Bukavu, national and international organisations, the province's customary leaders, and the team representing our two organisations for their contribution to our reflection.

Bukavu, June 2011  
ADEPAE and SVH

## **Presentation of both organisations**

ADEPAE (Action pour le Développement et la Paix Endogènes) is a non-governmental and non-sectarian organisation founded in February 1997 in the South Kivu province of the Democratic Republic of the Congo. ADEPAE came about in a post-war context of inter-community strife that jeopardized efforts for cohabitation, social peace and social and economic development. Its ambition was for the various communities that comprise Congolese society to live together in harmony. To this end, ADEPAE aids the population in transforming conflicts and promoting good governance to help build enduring peace in the Eastern region of the DRC. Among other things, ADEPAE conducts analyses and promotes inter-community dialogue in South Kivu. It also takes a special interest in issues arising from conflicts due to population displacements in the region. ADEPAE's national headquarters are located in Bukavu, South Kivu, and its provincial office in Goma, North Kivu.

SVH (Solidarité des Volontaires pour l'Humanité) is a non-profit organisation created in May 2003 in response to poor governance, social injustice, intercommunity divisions, environmental destruction and violations of human rights in Fizi territory, South Kivu. Since its creation, SVH seeks to participate in efforts for restoring peace, establishing peaceful cohabitation between communities and encouraging sustainable development by supporting communities in the analysis and transformation of conflicts, the defense of human rights and the implementation of mechanisms for enforcing good local governance. For several years, SVH has been involved in monitoring population displacements in the South of the South Kivu province, and has been an active participant in the working groups established by humanitarian actors for assisting the displaced.

## **Foreword**

The first version of this report was published in June 2011 and distributed to those involved in repatriations to South Kivu during validation workshops organised in Fizi, Mimembwe, Uvira and Bukavu in July and August. The idea behind these workshops was to enable participants to enrich some of the data presented in the report and to initiate a joint process of reflection on possible solutions. Each meeting brought together some thirty participants from Congolese civil society organisations, NGOs and international organisations (UNHCR, UNDP, UN-Habitat), as well as representatives of governmental authorities (Governorate, Territorial Administration, National Commission for Refugees), the media and customary leaders. In all, more than 120 people were able to react to and approve the report's content, before starting to think about formulating durable solutions for managing and assisting refugees in the province of South Kivu.

The participants in these validation workshops acknowledged the importance of the research conducted by ADEPAE and SVH, in particular the participatory method of collecting data in the field, and the completeness of the analysis presented in the final report. They also emphasised the importance of the refugee question in the region's current context, its ties with inter-community strife in the South of the province and the stakes faced by governmental authorities in dealing with these problems. While the various actors touched upon the limits of the research – insufficient focus on the role of Congolese refugees living abroad, community dynamics in areas of departure, the problem of spontaneous repatriation or the question of host families – they nevertheless undertook to work at implementing the solutions exposed during the validation workshops. This mainly involved answering a series of questions drawn up on the basis of the recommendations made in the report.

This report incorporates the feedback given by the various actors during these workshops. The final version has been distributed to all those involved in the problem of repatriation in the province of South Kivu. It now represents the basis of a training, advocacy and awareness-raising project spearheaded by ADEPAE and SVH by way of monitoring the recommendations that were formulated.

## Executive summary

The repatriation of Congolese refugees to their homes in South Kivu, Democratic Republic of Congo, is a hot topic in the province and the wider region. Approximately 100,000 refugees still live in camps in Burundi and Tanzania, and while the repatriation process considerably slowed down in 2009 and 2010, Tanzanian authorities are in a hurry to close the camps, whilst the Burundian and Congolese governments consider that South Kivu is now safe enough to welcome returnees. However, the refugees themselves are reticent to go home, citing the many socio-economic and security difficulties they perceive as barriers to their peaceful resettlement in their villages.

Among these difficulties, the refugees repatriated by UNHCR (in total approximately 61,000 persons to the territories of Fizi and Uvira since 2005) criticise the insufficient amount of food they receive which, according to them, does not cover their families' needs until the first harvests. This is all the more problematic in a context where agriculture is the main source of livelihood and where alternative revenue-generating activities are limited. Recovering land abandoned by refugees when they left often becomes a source of conflict: when they have not already been sold to others, local residents occupying and exploiting these fields are not inclined to give them up when the previous owners return. Traditional systems of land management sometimes contradict more formal legal provisions. The gap between provisions contained in property law and the reality of its application on the ground creates a situation of structural land insecurity for farmers, both repatriated and resident. Due to prevailing conditions, repatriated families also find it difficult to pay their children's school fees or medical bills. Assistance programmes that provide free health care for repatriates exist, but are time-bound and when the assistance ceases, repatriates tend to fall back into a precarious situation. Socio-economic difficulties faced by repatriates are compounded by the prevailing insecurity in this region. Refugees who returned home before the start of military operations against the FDLR rebel group in South Kivu have been hard hit by a strong upsurge of insecurity due to military confrontations and reprisal attacks against civilian populations. Just like local residents, repatriates become the victims of violence and lootings of their homes and harvests, and have in some cases been forced back into exile.

While the Government of DRC has ratified many texts at the regional level guaranteeing protection and assistance to displaced persons, and has committed itself to translating these norms into its legal architecture at the national level, it is the Tripartite Agreements signed by UNHCR, the DRC government and host governments that provide the primary legal and political basis for the strategy of voluntary repatriation facilitated by UNHCR. As signatories to these Agreements, Congolese national and provincial authorities have primary responsibility for the coordination of this assistance, via the technical body in charge of this, the *Commission Nationale pour les Réfugiés* (National Commission for Refugees, CNR). Besides the CNR, the STAREC, the Programme for the Stabilisation and Reconstruction of Eastern DRC, is supposed to play a key role in managing the reintegration process of persons repatriated to South Kivu. Within the STAREC framework, local conciliation committees (*Comités Locaux Permanents de Conciliation*), the CLPCs, are to be established at the *groupement* administrative level throughout 2011. These CLPCs are intended to resolve local conflicts that might arise as refugees return to these zones. The establishment of these committees is currently blocked while the nomination of their members is being discussed at the provincial governorate level.

In practice, UNHCR is the main actor involved in addressing the repatriation problem, together with several NGO partners at the provincial level. While their assistance essentially rests on a humanitarian conception of repatriation, since 2007, it has evolved towards a community approach, allowing more space for integrated projects of a socio-economic nature. The approach is multisectoral, varying from the registration of returnees in

transit centres, to schooling for children, construction of shelters, revenue-generating community projects, medical assistance, land mediation, and sensitisation sessions to peaceful cohabitation between different communities.

The implementation of this response meets several challenges. Establishing a coherent approach and vision that is shared by all implementers proves problematic, and a tension exists between advocates of a humanitarian, emergency position, and those orientated towards longer term development activities. The establishment of the Early Recovery Cluster illustrates the difficulty of changing approaches in matters concerning return and reintegration: despite the efforts by UNDP, the Cluster's lead agency, to raise awareness of the early recovery approach to different agencies and actors, numerous misunderstandings remain and disagreements between these actors have appeared. While the majority of implementing partners are open to the approach, some blame the constraints of their respective mandates for not being able to transition towards more sustainable projects.

Although certain elements of the assistance package have recently been adapted to the specific needs of the repatriation and reintegration process, the logic of the overall approach is nevertheless that of a short-term emergency. The reason for this can be found in the habits of the different implementing actors, rather than in the specific needs of the beneficiaries. There is, in fact, no clear definition of these needs that humanitarian actors and Congolese authorities have agreed upon. The complexity of the response, linked to the multitude of actors and interventions, but also the changes in these interventions over time, have served to confuse the beneficiaries. Because of the lack of clarity and reliable information on the assistance that should be provided to them, many beneficiaries feel deceived, and perceive the assistance as having been delivered on an arbitrary basis.

The role played by the Congolese authorities in this context is another sensitive issue. Relationships between the humanitarian community and the Congolese provincial authorities have not been very extensive so far. Although certain NGOs collaborate directly with the State's technical services (at an executive level only), political authorities are hardly represented in humanitarian coordination meetings. The scope of the STAREC programme has not been fully explained to the humanitarian community, such that in May 2011, STAREC was still the subject of much questioning within humanitarian agencies in South Kivu. Transparency and communication issues around STAREC go hand-in-hand with a general lack of involvement of Congolese authorities in the issue of repatriation itself; their role is confined to political and technical discussions with the host governments and UNHCR within the Tripartite frameworks. Although the CNR and members of the provincial government involved in the Tripartite agreements are well informed of the latest developments in this context, this information tends not to be shared with lower levels of the provincial administration, at the *chefferies*, *groupements* and *localités* levels. Local authorities therefore do not have an idea of the scope of the problems that repatriation is likely to cause in their jurisdictions, and have not developed specific strategies to anticipate and respond to them.

Another problem is linked to security assessments undertaken by UNHCR and Congolese authorities to determine whether or not return zones are safe enough for repatriation to take place. These assessments fail to address the political, economic and social dynamics that are often linked to security in these areas, and do not constitute comprehensive analyses on the basis of which to make informed decisions. These evaluations do not take into account the possibility of short- to medium-term changes in context (which are frequent given its volatile nature), nor the more structural aspects of insecurity, such as the conditions under which the FARDC have to operate, problems of indiscipline and parallel command chains, and the existence of multiple rebel groups operating in politically fragile areas.

Beyond the challenges inherent in the implementation of repatriation and resettlement efforts, the complex socio-economic environment in South Kivu, characterised by strong inter-community tensions at a local level, has an impact on reintegration and on some of the response mechanisms intended to facilitate this reintegration. Tensions resulting from struggles over land, territorial boundaries, or customary and administrative leadership are anchored in strong senses of identity, and on an ideology opposing “autochthonous” populations to “foreign” ones. The return of Congolese Banyamulenge and Barundi refugees from Burundi, for example, is particularly sensitive in a context where the relationships between communities of Rwandan and Burundian descent - settled in Congo since the 19<sup>th</sup> century – and other communities are based on fear and suspicion. The problem of customary leadership in Fizi and Uvira is also an important potential obstacle, with the most important conflict between the Bafuliru and Barundi communities around the chiefdom of the Ruzizi Plain. Collective land conflicts have also appeared as a result of the establishment of housing lots reserved for the resettlement of returnees. These are built on land belonging to specific *localités*, whose chiefs often refuse to give up the land to returnees. This creates tensions between repatriates and neighbouring communities. Other community-wide conflicts stem from Babembe refugees returning to the High Plateaux of Minembwe and finding their land occupied by Banyamulenge families who have fled armed confrontations in nearby locations, and refuse to return home and to hand the land back over to the Babembe.

It is imperative to recognise the importance of local conflicts for dynamics of repatriation and reintegration. A community approach to reintegration cannot focus solely on questions of access to health and other social infrastructures for vulnerable populations and avoid addressing conflicts of a collective and communitarian nature. In a context as conflict-prone as Fizi and Uvira, a community approach to repatriation must be focused on long term, sustainable conflict resolution strategies.

## **Recommendations**

- **Approaches to repatriation that take into account local tensions must be developed.** It must be recognised that: a) these tensions could become obstacles to the successful reintegration of repatriates, and b) the repatriation process risks aggravating existing tensions and causing renewed violence. Longer term conflict resolution programmes must be envisaged in this context, and community approaches developed to address the structural nature of these conflicts.
- **The livelihood dimension of the repatriation process must be broadened.** The current approach to repatriation follows a humanitarian and emergency logic, but the agricultural reality of the local economy requires assistance programmes which can address these needs over the longer term. Community projects carried out by a paid workforce could help anticipate future repatriates' needs, as could improving access to revenue-generating activities and micro-credit schemes. Developing alternatives to basic food distributions is essential.
- **A comprehensive strategy for land management that is consistent with the needs of the repatriation process must be elaborated.** This strategy must establish clear, coherent and equitable guidelines for the recovery of land and other assets.
- **Local Congolese authorities must be encouraged to play a more pro-active role in facilitating the repatriation process.** This role must be developed in partnership with territorial and provincial authorities, especially the CNR.

- **Coordination and transparency mechanisms in the response strategy must be improved.** Information and communication strategies should be developed by the different actors involved to enable the beneficiaries to better understand the modalities and the constraints of this assistance.
- **It is important that policy-makers and implementing actors recognise the structural nature of the insecurity in South Kivu and its implications for repatriation.** Security assessments should not be limited to superficial or temporary aspects of this insecurity and should take into account deeply entrenched inter-community tensions and dynamics.

## Introduction

The Democratic Republic of Congo (DRC) has faced the problem of forced population displacement for the past fifteen years or more. Suffering from wars and the surge of armed groups and rebellions since 1996, the DRC has seen the internal displacement of more than two million Congolese citizens, and the migration of hundreds of thousands of these people to neighbouring countries. The territories of Fizi and Uvira in the Eastern province of South Kivu have borne the brunt of this crisis. These two territories alone account for almost one quarter of the number of Congolese who have found refuge in Burundi and Tanzania: out of the 403,000 refugees identified by the UNHCR, 93,000 are from Fizi and Uvira<sup>1</sup>. Although a number of Congolese refugees have returned spontaneously to their home country since 1997, repatriations facilitated by the UNHCR from Tanzania to these two territories only began in 2005. To date, more than 60,000 refugees have been repatriated to Uvira and Fizi. Repatriations from Burundi only got underway towards the end of 2010, and even then, only on a small scale.

In early 2011, repatriating these refugees to their home villages has become a burning issue in the province and the wider region. While almost 100,000 refugees remain in camps in Burundi and Tanzania, repatriations have been virtually non-existent since 2009. Faced with this situation, political authorities recently gave a strong signal of their determination to kick-start repatriations on a significant level to put an end to the refugee problem once and for all. Tanzania has notably threatened to close in the coming months the camp at Nyarugusu<sup>2</sup>, which houses some 63,000 Congolese refugees. Despite a marked improvement in security conditions in the resettlement areas, UNHCR and the governments concerned are examining the measures needed to stimulate the repatriation of refugees who, thus far, have shown little intention of returning.

These circumstances mean the time is right to launch a critical review of the state of repatriations thus far, and of the strategies adopted to promote the reintegration of returnees to their villages. Refugees are unwilling to return to their homes for a number of reasons, and the factors that deter them differ in Tanzania and Burundi. Repatriation, in particular from Burundi, remains a delicate matter for the people of South Kivu. If badly managed, it risks igniting renewed tensions between the communities of the "Sud-Sud"<sup>3</sup>, and thus deteriorating the delicate stabilisation process underway.

This report will set about recontextualising the waves of exile/resettlement of Congolese refugees in Fizi and Uvira, before looking at the difficulties encountered by refugees once they have returned to their homeland. These difficulties will bring us to cast a critical eye on the repatriation strategies proposed by the humanitarian community and by the Congolese authorities. We will then focus on local tensions in the two territories in question, and try to identify and understand the links between these conflicts and the repatriation process. By way of a conclusion, our report sets forth a series of recommendations intended to improve the durable reinsertion and reintegration of refugees in their environment, while preventing the exacerbation of local conflicts.

### RESEARCH METHODOLOGY

This report is the result of qualitative, empirical research based on focus groups and comprehensive interviews conducted with the main actors involved in the repatriation effort. The work was carried out by a team of ten researchers from ADEPAE and SVH, aided by a technical advisor hired by the Danish Refugee Council's Great Lakes Civil Society Project. The field survey took place over a 20-day period between April and May 2011,

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<sup>1</sup> All statistics concerning refugees mentioned in the report were provided by the UNHCR. These statistics refer to refugees recorded by the UNHCR alone.

<sup>2</sup> Province of Kigoma, Tanzania.

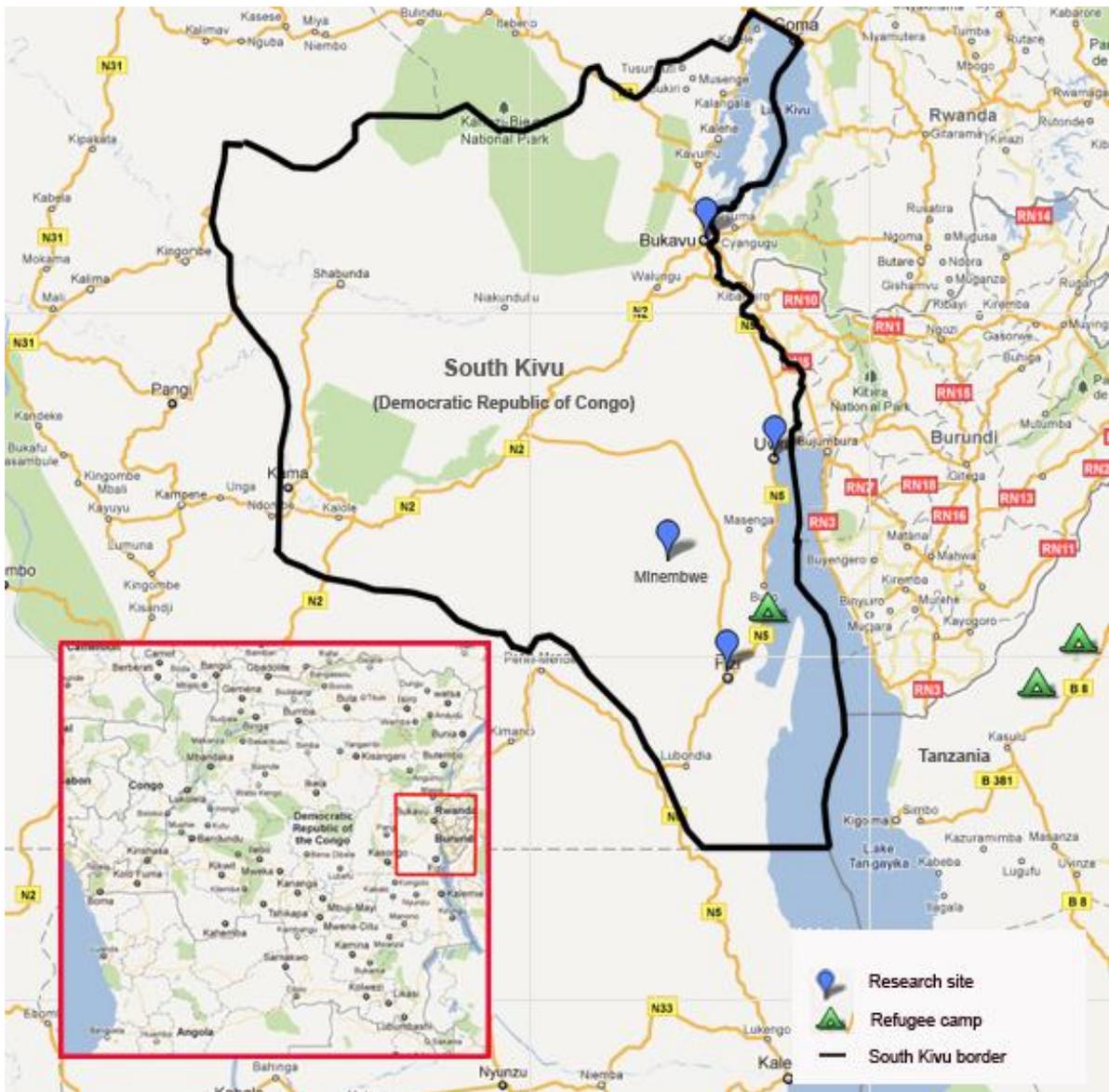
<sup>3</sup> Throughout this report, the term "Sud-Sud" refers to the southern part of the province of South Kivu.

targeting the following areas: Minembwe and the surrounding region, Fizi-centre and the surrounding region, Baraka and the surrounding region, Uvira and the Ruzizi Plain, and the town of Bukavu. These different areas were chosen for their importance in relation to the repatriation issue since they represent sizable resettlement areas, both now and in the future. A total 250 people were interviewed, 41 in Minembwe, 40 in Uvira, 40 or so in Fizi-centre, 50 or so in Baraka and approximately 70 in the Ruzizi Plain. The interviews targeted different actors involved in the repatriation effort, namely provincial, territorial or local authorities, the National Commission for Refugees, the various offices of the UNHCR (Bukavu, Uvira and Baraka), UNHCR's partners and the main NGOs involved in this issue, refugees, host families and residents, soldiers from the Armed Forces of the DRC (FARDC), and the United Nations Stabilisation Mission in the Congo (MONUSCO).

Although the refugee repatriation issue concerns all of the Eastern part of the DRC, this study concentrates on the territories of Fizi and Uvira in the Southern part of South Kivu. A number of reasons explain this choice. Firstly, focusing on a clearly delimited geographic area was crucial in order to obtain a detailed, qualitative analysis of the issue. We preferred to limit ourselves to certain stretches of Fizi and Uvira territories rather than attempting to cover – superficially – a vast geographic area. This choice also ties in with logistical considerations: our resources meant we were able to deploy a team of ten researchers in the field for almost three weeks, thus giving us reasonable coverage of the selected regions, but without going any further. Consequently, our survey does not extend to the refugee camps in Tanzania and Burundi, nor to the prevailing situation in the territory of Kalehe or in North Kivu, where the issue of repatriating Congolese refugees is equally relevant. If we deliberately chose to set these aspects aside, on no account do we consider them to be of little value to the repatriation issue. On the contrary, we believe that they should be examined in detail in the framework of future research.

The same goes for the choice of focusing mainly on refugees rather than internally displaced persons (IDPs). Our initial intention was to better understand the difficulties of reinsertion and reintegration encountered by individuals who have left their homeland for long periods of time, and who have thus undergone a profound, long-lasting break with their original community. This goal lent itself much better to the issue of repatriation rather than that of internal resettlement given that returnees tend to spend many years in exile (sometimes up to ten or fifteen years), whereas internal displacements cover highly diverse realities. While a minority of IDPs undoubtedly leave their villages for long periods without ever going back, most endeavour to stay near their land, and even continue to cultivate it. In this latter case, as with daily displacements (referred to as "déplacements pendulaires" in DRC), there is no long-term break with the original community, and reinsertion is presumed to be less problematic.

## Map of South Kivu



## I. Return and Resettlement in South Kivu

### I. AN AREA OF CONFLICT FROM THE ONSET

The territories of Fizi and Uvira in the South Kivu province, DRC, have been the scene of forced population displacement for more than fifteen years. As a result of widespread insecurity, two wars and repeated confrontations between various armed groups, over 200,000 Congolese have fled both territories since 1994, mainly seeking refuge in Tanzania and Burundi. In 2005, when repatriations facilitated by the UNHCR got underway, some 125,000 refugees in Tanzania and a further 40,000 in Burundi were living in camps managed by UNHCR. In 2010, Congolese nationals were still fleeing from insecurity either to neighbouring countries or elsewhere in South Kivu. In 2011, more than 60,000 refugees remained in Tanzania, alongside 40,000 in Burundi, while the number of internally displaced persons reached its highest level since 2003, accounting for some 79,511 persons. While these figures - provided by UNHCR - offer a good indication of the extent of the waves of migration, they must nevertheless be considered with precaution given the existence of refugees and IDPs who escape all recording processes.

The first observation to be made from these waves of exile from DRC is their sheer extent, and the fact that they are long-term. Another characteristic inherent in most waves of exile since 1994 is their ethnic dimension given that, during the wars, communities were associated with different belligerents. Consequently, displacements were often dependent on the military advance of a given armed group. While this insecurity was essentially regional (directly or indirectly involving various countries within the region), the fact remains that even before these wars broke out, local tensions – often fairly violent – were already prevalent among the various communities of North Kivu and South Kivu, in particular between "Rwandophone" and "autochthonous" communities. In this already conflicting context, regional wars were largely used by local players to shape local community dynamics and the socio-political order to their advantage. The ethnic aspect of insecurity and the waves of exile must also be considered in this light.

Since 1994, several large-scale waves of displacement have been identified, although clearly delimiting them is never easy<sup>4</sup>. The first wave in 1994 was mainly the result of Congolese Tutsi populations fleeing the arrival of Rwandan Hutu refugees, many of whom had been involved in genocidal acts, and who thus represented a direct threat to the Tutsi. Non-Tutsi Congolese nationals would sometimes take advantage of the complicity of these *Interahamwe*<sup>5</sup> to organise anti-Tutsi awareness-raising campaigns and to loot Tutsi property. The second wave of displacement took place in 1996-97, when the AFDL entered Congolese territory. This time, it was the "non-Rwandophone" communities (mainly the Babembe, Bafuliru and Bavira) who fled to Tanzania and Burundi, since they perceived "Rwandan (and Banyamulenge) support" for the AFDL as a direct threat. The same situation would come about again in 1998 with the outbreak of the Second Congo War, involving a rebellion backed directly by Rwanda and with a number of Congolese Tutsi in its ranks. The situation would later to and fro with the organisation of Mai-Mai militia by local, non-Rwandophone communities: Tutsi populations would flee the advances of the Mai-Mai towards Burundi, as in 2002 when the Mai-Mai managed to recapture the town of Uvira from the hands of the RCD (Rassemblement Congolais pour la Démocratie), while "non-Rwandophone" populations would escape advancing RCD troops to Tanzania.

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<sup>4</sup> While these waves coincide with the main milestones in the Congolese wars, this is really a generalised observation. In reality, population displacement has always been particularly complex, extending over long periods of time to the extent that it can almost be considered as a continual wave of exile/displacement/resettlement/repatriation since 1994.

<sup>5</sup> Hutu militia active during the Rwandan genocide of 1994.

The last major displacement of Banyamulenge populations took place between August and September 2004, following the capture of Bukavu by the RCD's Tutsi colonels Laurent Nkunda and Jules Mutebutsi. As a result, Congolese Tutsi populations feared reprisals by the Mai-Mai groups. On the high plateaux of Minembwe, populations (mainly Banyamulenge) fled confrontations between the pacifist Munyamulenge "rebel" Patrick Masunzu with RCD forces in 2003, and the FRF (Forces Républicaines Fédéralistes) with the FARDC starting in 2008. Since 2009, the populations of South Kivu have fled military operations against the FDLR Rwandan Hutu rebel group (Kimya 2 and Amani Leo). These military operations have brought about an explosion in the number of IDPs throughout the province.

The geography of the resulting waves of displacement is fairly self-explanatory: populations from Uvira have tended to flee to nearby Burundi, while those from Fizi have mainly escaped towards Tanzania.

## II. REPATRIATION: PERSPECTIVES AND POLITICAL STAKES

Spontaneous repatriations from Tanzania started back in 1997<sup>6</sup>. According to UNHCR, between October 2004 and July 2005, some 10,831 refugees spontaneously returned to their home villages before returns facilitated by UNHCR got underway<sup>7</sup>. Facilitated returns began in 2005 from Tanzania after the signing of a DRC-UNHCR-Tanzania Tripartite Agreement on 21 January 2005. Between 2005 and 2009, 59,384 refugees were repatriated by UNHCR from Tanzania to Fizi, and 3868 to Uvira. 2006, 2007 and 2008 saw increasing levels of repatriation, with 15,288, 23,260 and 13,570 returnees respectively for Fizi, and 857, 1348 and 1003 for Uvira. Following the start of the Kimya 2 operation against the Rwandan FDLR rebel group, repatriations suddenly dropped off in 2009 (1229 for Fizi, and a mere 93 for Uvira). For the same reason, there were no UNHCR-facilitated repatriations from Tanzania in 2010.

For refugees in Burundi, UNHCR-facilitated repatriations would only begin towards the end of 2010: the DRC-UNHCR-Burundi Tripartite Agreement was signed in December 2009, but repatriations would not begin until October of the following year. From 28 October 2010 to 31 March 2011, 1403 refugees were repatriated from Burundi. Here too, the level of repatriations quickly dropped off. From February to April, the average number of returnees per convoy fell to just 26 (174 returnees via seven convoys), whereas from October to the end of January, there were an average 174 returnees per convoy (1,222 returnees via seven convoys).

In May 2011, there were still over 100,000 refugees to repatriate from Burundi and Tanzania. Given that the remaining refugees seemingly have no intention of returning homeward, 2011 will be a pivotal year for relaunching the voluntary repatriation process. Faced with refugees' ongoing hostility to repatriation, the Congolese authorities, together with UNHCR and the host countries concerned, seek to remedy the situation and deploy the necessary measures to relaunch repatriations. Since the end of 2010, there has been renewed political determination to deal with the repatriation issue, in particular given improved security in resettlement areas.

Authorities on the Tanzanian side are increasingly anxious to close the Nyarugusu camp, home to 63,000 Congolese refugees, once and for all. In February 2011, during a Tripartite meeting held in Kinshasa, they

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<sup>6</sup> It is worthwhile distinguishing spontaneous repatriations (which took place without any supervision from UNHCR, local authorities or international organisations) from repatriations facilitated by UNHCR as part of tripartite agreements with the governments of the host country and the DRC. Evaluating the extent of these spontaneous repatriations is difficult given that they have not been recorded by UNHCR.

<sup>7</sup> In the light of the first meeting of the Technical Task force of the DRC-Tanzania-UNHCR Tripartite Commission held in Lubumbashi from 8 to 10 August 2005, p.4

confirmed their intentions to close this camp by August 2011. The idea of stepping up the current 'facilitated' returns to 'promoted' returns is gaining ground in DRC-UNHCR-Tanzania Tripartite meetings. The shift from 'facilitated' returns to 'promoted' returns would mean that the authorities from both countries concerned - as well as UNHCR - consider that the conditions are in place for a smooth return to resettlement areas, and that more important incentives could be provided in the camps. These measures would imply intensified refugee awareness-raising activities via what UNHCR refers to as *go and see visits* (where refugees literally go and visit their homelands to see the situation for themselves), and *come and tell visits* (where Congolese authorities visit the camps to inform refugees of the situation in the resettlement areas and to address their concerns). Other measures envisaged could include prohibiting commercial activities by refugees in the camps, or even reducing support offered to refugees in the Nyarugusu camp.

To evaluate the possibility of initiating the 'promoted' returns phase, the DRC-UNHCR-Tanzania tripartite technical committee sent a detachment to Fizi and Uvira from 12 to 17 April 2011 to re-evaluate security conditions in the resettlement areas<sup>8</sup>. Their basic finding was that security has indeed been restored across both territories, but that pockets of insecurity subsist due to the presence of criminal groups. These pockets of insecurity are considered as residual, associated primarily with crime (a situation that is perceived as relatively normal by the authorities), and no longer with open confrontations between armed forces, or military operations. Consequently, the security situation is no longer regarded as an obstacle to repatriation<sup>9</sup>. The results of this security assessment will be discussed by the political authorities and UNHCR during a tripartite committee in Kigoma at the end of May 2011. This committee will determine whether it is appropriate to proceed to the promoted returns phase<sup>10</sup>. Having said that, the Congolese authorities met by our researchers<sup>11</sup> did not seem to be in a hurry to step up to a 'promotion' phase, preferring whenever possible to maintain the voluntary nature of the repatriation. However, they could back certain repatriation incentives, such as intensified awareness-raising and the prohibition of commercial activities in the camps.

On the Burundian side, the first repatriation phase, initiated in October 2010, was scheduled for evaluation during a Tripartite meeting held in Burundi from 26 to 28 April 2011<sup>12</sup>. Some actors whom we met in the field prior to this meeting, from UNHCR and CNR, tend to evaluate the repatriation effort from Burundi positively, while observing a slowdown since February. It would seem that one of the obstacles is that many Tutsi refugees wish to return to the village of Vyura, in Katanga, where they were settled in the 1970s, which local populations in Vyura are categorically opposed to (see chapter III). This slowdown could also be due to the fact that returns from Burundi are inherently more sensitive: a large part of the Congolese population – as well as local authorities – have doubts about the nationality of many Tutsi refugees present in the camps in Burundi, and fear an infiltration of soldiers via repatriation operations. It would seem quite logical however that the improvements in security observed by provincial authorities will have fairly similar implications on repatriations from Burundi as on those from Tanzania. It is therefore likely that we will soon see a more pro-active approach taken by Congolese and Burundian authorities to intensify repatriation efforts to DRC.

<sup>8</sup> An initial security evaluation assignment by the tripartite technical committee took place from 6 to 11 September 2010. One of its recommendations was to re-evaluate the security situation six months later to prompt the Tripartite Commission to proceed with promoted returns.

<sup>9</sup> Interviews with different Congolese authorities members of the tripartite mission for re-evaluating security in Fizi and Uvira, which was conducted in April and May, 2011, in Bukavu, Uvira and Baraka, as well as the report of the said evaluation.

<sup>10</sup> During this meeting, the Tanzanian government confirmed the shift to the promoted returns phase. The coming presidential elections in the DRC in November 2011 will provide an additional reason for promoting the return of Congolese civilians to their villages, and effectively emptying once and for all the Tanzanian refugee camps. Interview with a UNHCR official in Baraka, September 2011.

<sup>11</sup> Interviews with members of the Governorate and of the Provincial Ministry of the Interior in Bukavu, May 2011.

<sup>12</sup> Interview with a UNHCR official in Uvira, April 2011.

As far as Congolese authorities are concerned, the official line is the restoration of security and the success of military operations against the FDLR. Whereas until now the focus was on the operations themselves, the government now seeks to consolidate its military successes and the restoration of security by ensuring the resettlement of displaced populations and refugees in their homelands. This is all the more pressing given that security in the East is a key stake in the upcoming presidential elections of November 2011. In this context, the issue of repatriation has taken on a very political character.

Although refugees' intentions of returning home – whether from Tanzania or Burundi – are all but non-existent for now, recent developments point to major changes in repatriation dynamics in the coming months. Understanding the blockages and refugees' resistance to repatriation is one of the key points requiring attention. Although this study does not extend to the situation in the refugee camps, a certain amount of information concerning this reticence was obtained from the refugees encountered, and from certain actors involved in awareness-raising campaigns and exchanges with refugees within the camps (authorities, UNHCR, CNR). The following section, which examines this reticence, will need to be further investigated via visits to the refugee camps in order to sound out refugees' perceptions and fears regarding the repatriation and resettlement process.

### III. PERCEPTIONS OF THE RESISTANCE TO RETURN

Explanations on why refugees are hostile to returning to DRC from Burundi and Tanzania vary from those given by Congolese authorities on the one hand, to those obtained via testimonies from returnees (who stay in touch with the refugees abroad) on the other. Consideration must be given to these differences of interpretation if one is to understand the low repatriation levels.

As far as the Congolese authorities are concerned, given that adequate conditions for return are in place in nearly all the resettlement areas of Fizi and Uvira, the main obstacle to repatriation is the "wait-and-see" attitude of refugees that has come about as a result of long-term assistance. Since refugees in the camps benefit from free food, shelter, medical care and educational infrastructures, they no longer need to work, and therefore cannot envisage the ordeal of settling back in DRC, which implies returning to a normal, active daily life. According to them, the resistance to return stems from the widespread hope in the camps of one day obtaining political asylum in third countries, mainly the US, Canada and Europe. Also, the benefits derived from trading activities and the economic interests developed by some refugees within the camps are thought to represent an important obstacle: given that these traders reap substantial profits by importing and reselling consumer goods in the camps, it is hardly in their interest to see their fellow refugees return to DRC, so they too contribute to spreading false information on the security situation there.

For the refugees, on the other hand, their interpretation of socio-economic and security conditions in the resettlement areas does little to justify returning to DRC for now. Refugees generally obtain their information through informal visits to their villages or towns, or from third parties who have themselves been on this kind of visit. Refugees see their return as leading to a life of misery and endless difficulties: agriculture does not necessarily guarantee a good standard of living, becoming a land owner, finding a job and a regular income are far from straightforward, and school fees, as well as medical care, are too expensive. In addition to these difficulties, refugees invariably have a negative perception of security conditions in resettlement areas, despite what the authorities may say to the contrary. As far as they are concerned, military operations never stopped, armed groups are still on the prowl, crime is an everyday occurrence, and soldiers are still omnipresent, regularly plundering populations' fields and preventing them from making a living from their crops. Sexual violence also

remains widespread, as evidenced by the rapes and looting committed by the members of the Amani Leo military operation in January, in Fizi-centre. In addition, problems of debt left behind in villages, the payment of dowry for marriages entered into in the camps and which are due upon return in the Congo, or any other problem left behind at the time of exile, all represent barriers for certain refugees who worry about facing overwhelming difficulties as soon as they return. Added to all this, the testimonies given by returnees regarding the assistance received are hardly encouraging. Finally, some returnees refer to what they perceive as ill intentions by certain UNHCR agents working in the refugee camps, effectively preventing applicants from registering for repatriation under the pretence that the security situation is not sufficiently stable in their resettlement area<sup>13</sup>.

These differences in perceptions draw attention to the refugees' mistrust of official views given by authorities and humanitarian agencies alike. Most refugees give credence only to testimonies from friends and family (usually from the same village) with whom they have lived in the camps, who have already returned home and who have experienced first-hand all the difficulties of the resettlement process. More importantly perhaps, these differences of interpretation confirm the lack of any real process for understanding refugees' motivations on behalf of the various humanitarian actors. A detailed analysis of the perceptions and motivations of refugees who have stayed in the camps would help formulate more appropriate strategies for encouraging them to return.

#### IV. CHALLENGES OF RESETTLEMENT

Refugees who returned to Fizi from Tanzania between 2005 and 2008 have faced many difficulties in terms of socio-economic reinsertion, which have been compounded by adverse security conditions. While none of the returnees we met suffered any serious difficulties during the homeward journey, most experience serious difficulties upon arrival owing to their limited access to agricultural products, land and revenue.

##### IV. 1. Insufficient food and agricultural products

All the returnees met by our researchers unanimously assert that the three months of food given by the UNHCR and its partners are insufficient for feeding the whole family between the moment of return and the moment they harvest their first crops. Given that rations are calculated by WFP (World Food Programme) as the minimum food requirement for one adult, they do not allow repatriated families to feed themselves for three whole months. In contrast, most locally grown agricultural products require relatively long production periods, from six months to one year, or even 18 months for bitter cassava – the staple diet of local populations. This means that the 3 months' food "support" does not allow returnees to feed themselves as far ahead as their first harvest, assuming they were able to sow immediately upon their return, which is not always the case given seasonal constraints and access to fields. The distribution of fast-growing vegetable seed kits (tomatoes, cabbage crops, amaranths, etc.) in DRC transit camps is inadequate in dealing with this problem.

Refugees thus inevitably face food-related difficulties in the months following their return. Since they rarely have any money after returning from the camps, the only way of procuring any food is by selling the meagre consumer goods in their possession, usually part of the NFI (Non Food Item) kits received as support for their return. Another strategy adopted by refugees is sharecropping, where they provide labour for farming work in exchange for a small part of the harvest in the fields in which they have worked. This local *food for work* model is often to

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<sup>13</sup> This case arose in particular for potential returnees to the High Plateaux of Minembwe. The Banyamulenge in particular felt that they were the victims of discrimination – mainly ethnic in their view – in relation to other applicants.

be found with economically uncertain populations. Sometimes, they have no choice but to live off their host families in which they are often first accommodated. Needless to say, this is not easily tolerated by these families. As a result, relations between the returning family and the host family often deteriorate. Other returnees sell a part of the support they receive to establish some form of revenue-generating activity (RGA) that will give them a more lasting salary, albeit small. A good example of this approach concerns a group of female restaurateurs in Fizi-centre. Once repatriated, some of these women sold off a part of their food and non-food items, received as support, to raise sufficient funds to launch their restaurant activity, which continues today.

Another problem is that refugees are not always sufficiently frugal with the stock of items received upon their return. Many testimonies tell of promises made regarding a renewed supply of items once they arrive in the transit camp. Consequently, refugees are often led to believe that they will receive a fresh 3-month supply of food once their first supply has been used. This kind of misinformation prevents refugees from properly anticipating the difficulties that lie ahead. Apparently, provincial authorities have attempted to negotiate an increase in the period of supplies given to refugees with the WFP<sup>14</sup> to extend it to 6 months. However, budget constraints mean that WFP is unable to meet this request, which would mean increasing the support period of supplies for all Congolese repatriated refugees, not only those from Tanzania and Burundi.

Given the uncertain conditions in which repatriates often find themselves, it is hardly surprising that they decry the food support received: rather than seeing it as a means of support intended to help them settle back into decent living conditions, they consider it merely as temporary relief from an inevitable food shortage. In an environment where agriculture is the core economic activity, these difficulties are compounded by limited access to land or to RGAs. An ideal solution would be to provide repatriates with fields that have already been sown and that are ready to harvest. However, given complex land issues in the resettlement areas, this kind of solution quickly proves to be difficult to implement. Yet it must be noted that solutions like this have never been the subject of any feasibility studies in the field, nor even of any reflection. Providing community fields worked – in exchange for money – by residents pending the future arrival of repatriates could be a viable alternative given that resettlement areas and intentions of returning home are known in advance. This type of project would require local NGOs and customary leaders to come together and jointly identify land that could be used for this purpose. Together with UNHCR or other agencies, the NGOs concerned could ensure that the product of these fields effectively end up in the hands of the repatriates, and that the residents who work them are paid accordingly.

#### IV. 2. Land insecurity

Recovering land abandoned by the refugees when they left their villages is a major problem in South Kivu. When the land has not been sold by others in their absence, residents occupying and working it are not always willing to hand it back to the rightful owners, especially when the crops have not yet been harvested. Land conflicts associated with repatriation are therefore highly common, and returnees must take the necessary steps with customary leaders to either recover their own land or be allocated other, less fertile, plots.

For this purpose, they can appeal to the *Comités de Médiation et de Conciliation (CMC)* established by the NGO *Arche d'Alliance* as part of a partnership with UNHCR, which deal with land conflicts between residents and repatriates. This does however presuppose that the CMC office is located nearby. Recovering land (or access to new land) often takes time, as is the case when the repatriate and the person working the field agree that the

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<sup>14</sup> Report from the fifth DRC-Tanzania-UNHCR Tripartite meeting held in Kinshasa, 1-2 February 2011

field will be handed over after the harvest (usually a one-year period for cassava, or three months for corn), or when the occupying person simply refuses to leave the land he or she now uses. Matters are further complicated when the land has been sold by a customary leader. Out of caution, refugees often make a number of return trips between the camp and their village to resolve the problem of recovering land before resettling.

Other factors affect the dynamics of land recovery, in particular the system of traditional land management that prevails in Congolese rural areas. According to local custom, arable land cannot be left abandoned by cultivators who received it from their customary leader (usually the head of the locality or village). Abandoned land can thus be given to other farmers in order to be exploited. This approach implies that the land does not belong to those who work it, but to the entire community, overseen by the customary leader. The latter is responsible for ensuring that all his subjects benefit from equitable access to cultivable land. This means that land belonging to those who have been in exile for five, ten or fifteen years has inevitably been reallocated to, or reappropriated by, other cultivators, often family members or neighbours, but sometimes persons who have fled insecurity in their own villages (such as in Kalingi on the High Plateaux of Minembwe, where Banyamulenge cattle breeders from Kamombo and Milimba have resettled on land belonging to Bembe farmers who have since fled to Tanzania, and who no longer intend to return to their home villages).

Local practice is in favour of amicable settlements between old and new occupants when repatriated persons return. These settlements are concluded by the persons concerned, or with the help of the customary leader if necessary. Possible outcomes vary: either the resident hands back – before or after the harvest period – all the land that the repatriate used to occupy (a solution that is usually hard for the resident to accept), or the land is shared among old and new occupants, or else the repatriated person is simply relocated to other cultivable land. While these amicable settlements contribute to a certain degree of local stability, they are not without difficulties. Our researcher received many testimonies by returnees who preferred to abandon their fields subsequent to intimidation or threats of witchcraft from the new occupants. Refusals by new occupants to hand over land are frequent and since there are no binding measures for these local settlements, the "law of the strongest" often prevails.

Interventions by customary leaders often complicate matters even more, since they are usually directly involved themselves in land conflicts between residents and repatriates. Thus, when certain customary leaders sell vacant land or plots to several individuals at once, this inevitably leads to land conflicts between the various purchasers. Here, the land abandoned by the refugees may represent a lucrative asset for the leaders concerned who, as a result, are reluctant to intervene in favour of returnees when they come to claim back their land. Local authorities (*postes d'encadrement*, territories, provinces) often tend to minimise these conflicts. In their view, they can all be easily resolved with the customary leaders or via the CMC. For all that, authorities themselves are sometimes incapable of identifying a single body of rules used to settle land conflicts. When interviewed separately, members of the livestock and agriculture departments of a *poste d'encadrement* contradicted what the head of department would subsequently assert regarding the rules in force to settle these conflicts. Such lack of clarity by local authorities severely complicates matters when dealing with this question.

The gap between the provisions of property law and the reality of its application on the ground creates a situation of structural land insecurity for farmers, both repatriated and resident. Indeed, property law stipulates that only those persons who have received land titles in due form from the competent territorial land departments/land registry are officially recognised as owners. Yet farmers seldom possess these titles for the fields they cultivate. Firstly, they are often unaware of any such provisions, and believe that inheriting the land from their parents – with the consent of their customary leader – makes them the rightful owners. Secondly, even when farmers are

familiar with the provisions, completing the various administrative procedures needed to obtain these documents is far from straightforward given the financial cost and potential distance to be travelled. For some farmers, going to the territory's administrative offices means a walk of several days. This explains why many farmers find themselves in a situation of structural land insecurity, effectively running the risk of overnight expulsion by large owners who have acquired vast land grants from the customary leader, and who will have obtained the necessary documents from the competent administrative authorities. In the chapter on local tensions, we will see that there are many such cases in the Ruzizi Plain in Uvira.

The existence of a regional protocol ratified by the Congolese government as part of the Pact on Security and Stability in the Great Lakes Region<sup>15</sup> acknowledges the need to establish simplified, practical methods of recovering assets based on customary principles, and not solely by possessing land titles. The protocol deems proof of previous land occupation through reliable and verifiable testimony as sufficient for allowing repatriated persons to recover their land (which partly corresponds to local practices in use). Note that these innovative measures in relation to the Protocol on the property rights of returning persons are not explicitly reiterated in the Tripartite agreements, which refer only to national laws in force. At any rate, and even if the Protocol has been signed by the Congolese authorities, its contents are not applied on the ground: amicable settlements concerning land occupation issues make no mention of the Protocol of which, moreover, local authorities are largely unaware. These settlements often correspond to a makeshift set of measures implemented by local players in response to problems on their level rather than to a planned strategy by the authorities. These settlements do not refer either to any specific legal procedures defined by the authorities and that would involve local customary authorities. Consequently, these amicable settlements may contradict the provisions of the Protocol, in particular concerning access to land and property rights of repatriated women who are single or widows. Indeed, local custom does not recognise any form of land entitlement for such women; the customary leader will never allocate cultivable land to a single woman. A repatriated woman will have no other choice than to resort to sharecropping or cultivating fields that belong to her family (usually her brothers) in exchange for a share of the crops harvested.

Local land administration officials hold much the same line, denouncing the fact that populations that do not possess titles for the land they occupy risk being evicted from it at any moment. The example of the Mwandiga 3 plot on the outskirts of Baraka, in Fizi territory, is instructive in this respect: this 150-hectaire allotment was allocated to repatriates from Tanzania who did not want to return to their home villages, so that they could build a house on a plot of land (mostly through the support offered by UNHCR partners or other actors, in particular ADRA<sup>16</sup> and PMU<sup>17</sup>). Most of the few hundred households settled on Mwandiga 3 only had a land petition form that could be purchased for \$10 from the land administration authorities; none of them had the actual land titles that confer official ownership of the plot. The land administration authorities charged \$60 per plot to deliver these titles, a prohibitive sum for farmers. The CNR and UNHCR have already been seized in connection with the problem, and UNHCR, together with its local partner Arche d'Alliance, has set about obtaining land titles for the 675 repatriated persons who obtained a plot in 2010 - 2011. Those who were assigned plots in Mwandiga 3 have had serious difficulties accessing the fields, since the customary leaders of the neighbouring villages refused to hand over their land given that Mwandiga 3 was created to the detriment of their customary authority.

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<sup>15</sup> International conference on the Great Lakes Region, *Protocol on the Property Rights of Returning Persons*, 30 November 2006, available at [www.icrgl.org](http://www.icrgl.org). See also: Norwegian Refugee Council, Internal Displacement Monitoring Center and International Refugee Rights Initiative, *The Great Lakes Pact and the rights of displaced people. A guide for civil society*, September 2008.

<sup>16</sup> Adventist Development and Relief Agency

<sup>17</sup> Pentecostal Missionary Union

The inhabitants of Mwandiga 3 thus have no choice but to travel several miles to be able to rent these plots on a multi-year basis. Generally speaking, repatriates who decide not to return to their home villages have the most difficulties accessing cultivable land.

For repatriates, land insecurity means that, since they do not possess any official title of ownership for the land they occupied before their exile, legally speaking they have no right to reclaim abandoned land. In the event of any land conflict, this situation effectively removes any possibility of recourse to the competent courts. As a result, repatriates have no other choice than to find some sort of amicable arrangement with the residents and their customary leader in the hope that they might benefit from new land. Repatriates are hardly in a strong bargaining position to obtain settlements in their favour upon their return.

#### IV. 3. Access to social services

Given prevailing economic insecurity, repatriated households have great difficulty paying their children's tuition fees. Although schools in partnership with the local organisation AIDES (a UNHCR partner) are supposed to guarantee repatriated children free tuition for the first year, they do not always comply with this recommendation. Many teachers who have not yet been appointed and are therefore not paid by the State, demand an allowance. Aside from enrollment fees, schooling also implies other costs (school stationery, uniforms, etc.) that parents can seldom afford. Many of the testimonies we received refer to preferential treatment for the schooling of boys to the detriment of that of girls. Some even denounce the social deprivation of repatriated girls with no schooling, often more subject to early pregnancy and marriage – even prostitution in the mining sites of Mukera or Misisi – than those with schooling.

The same goes for the payment of medical expenses by repatriates. Even though these expenses are covered for a six-month period in certain hospitals supported by UNHCR (via its partner IMC), many repatriates have difficulty paying for health care beyond this period. Their last resort in this situation is to leave basic commodities such as kitchen utensils as security, or even, according to several nurses encountered, to run away. Not all hospitals offer repatriates free cover for the six-month period, and when they do, repatriates are not always able to travel the long distances required to access it.

#### IV. 4. Armed confrontation

Socio-economic difficulties faced by repatriates are compounded by prevailing insecurity in the region. Fizi and Uvira have both been severely affected by the military operations launched at the start of 2009 against the Rwandan FDLR rebel group. In 2008-09, these rebels had established a substantial presence across both territories, especially in Fizi. Refugees who returned home before the start of these military operations were hard hit by a strong upsurge of insecurity due to confrontations and reprisal attacks, often against civilians. In both territories, the number of IDPs went from 35,160 at the end of 2009 to 122,884 by the end of 2010. Just like local residents, repatriates have been the victims of violence and lootings of their homes and harvests, and have in some cases been forced back into exile. This was the case in November 2009 in Baraka during confrontations between the Yakutumba group and soldiers of the 12<sup>th</sup> Brigade, and in April 2010 in Kananda and Fizi-centre during confrontations between the same Yakutumba group and the soldiers of the Amani Leo military operation. Further unrest came about in January 2011 when Fizi-centre suffered mass looting and rape at the hands of Amani Leo soldiers in reprisal for the murder of a soldier by a group of civilians. More generally, many testimonies by repatriates and local residents tell of regular looting of crops by Congolese troops. As a result of this brutality, many of those who returned to Fizi have once again lost some, if not all, of what they owned, and

find themselves in the same uncertain situation as when they returned. Many bitterly regret ever returning to DRC, and are ready to return to the refugee camps at the earliest opportunity.

Many testimonies also reveal a state of paranoia regarding security, more so among repatriates than local residents, no doubt due to the traumatic experience of exile. Residents often claim that returnees are likely to flee at the first sign of trouble, and always "towards the lake" in the hope of returning to Tanzania. Such sensitivity apparently explains why repatriates are more likely to grow crops only on small plots of land to avoid having to sacrifice any considerable investment in the event of looting or having to flee. However, this kind of testimony, usually given by residents, may be the result of prejudice towards repatriates, often perceived as cowards who would rather flee from the enemy than stay in their home country. Residents also frequently envy the support provided to repatriates, whereas they too live in difficult conditions. In their view, those who face up to insecurity benefit from no recognition, while runaways are rewarded.

## II. Response strategies

The response for repatriating and reintegrating refugees involves a whole host of actors with different interests, profiles and institutional set-ups, and covers a wide range of intervention areas. Whether for the distribution of food and NFIs, the rehabilitation of educational infrastructures or the airing of radio programmes to promote peaceful cohabitation between residents and repatriates, this response is largely contingent on budgetary, logistic and security-related constraints, which all evolve in line with the local context and with donor priorities.

While this assistance essentially rests on a humanitarian conception of repatriation, since 2007 it has evolved towards a community approach, allowing more space for integrated projects of a socio-economic nature. Whereas assistance is above all the work of humanitarians, its methods and implementation are defined upstream during negotiations of a more political nature between the authorities of the home country and the host country, facilitated by UNHCR. These negotiations lead to a complex legal/political set-up comprising tripartite agreements, tripartite commissions and tripartite technical committees that form the legal framework of the response implemented by humanitarian actors.

### I. LEGAL AND POLITICAL FRAMEWORK

#### I.1. Tripartite Agreements

While the Government of DRC has ratified many texts guaranteeing protection and assistance to displaced persons at the regional level<sup>18</sup>, and has committed to translating these norms into its legal architecture at the national level, it is the Tripartite Agreements signed by UNHCR, the DRC government and the host governments that provide the primary legal and political basis for the strategy of voluntary repatriation facilitated by UNHCR. These documents, usually ten or so pages long, define the legal framework of voluntary repatriation and the various principles to uphold, such as the refugees' right to return, the voluntary, progressive and ordered nature of the repatriations, basic conditions for decency and security, access to information so that refugees can decide to return in full knowledge of the considerations, preservation of the family unit, etc.

The preamble in these documents refers to the international texts ratified by the governments in terms of human rights and protection of the rights of displaced people/refugees, as well as to the different Congolese peace agreements. By way of example, the Tripartite Agreement signed with Burundi refers to the following: the Universal Declaration of Human Rights of 1948, the Geneva Convention of 1951 and the OAU Convention of 1969 for their articles on voluntary repatriation, the Statutes of the Office of the High Commissioner for Refugees of 1950, the Lusaka Ceasefire Agreement of 1999, the resolutions of the Inter-Congolese Dialogue of 2002 and of the Global and All-Inclusive Agreement of 2003, the resolutions of the Dar-es-Salaam Declaration of Peace, Security, Democracy and Development in the Great Lakes Region of 2004, the commitments of the Pact on Security, Stability and Development in the Great Lakes Region issued in Nairobi in 2006, the commitments of the Joint Communiqué issued in Nairobi and signed by the Congolese and Rwandan governments in 2007, and the Goma Conference Act of Engagement of January 2008.

The agreements define the duties and responsibilities of each party, namely the host government (here, Burundi or Tanzania), the DRC government and UNHCR. They provide for the creation of a Tripartite Commission

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<sup>18</sup> See the protocols on IDPs in the Pact on Security and Stability in the Great Lakes Region, ratified in 2006 by DRC.

bringing together the authorities of each country and a Technical Task Force. These agreements are then prescribed by practical methods that give effect to the operational aspects of repatriation (standard operating procedures, border procedures, transport, repatriation of goods, delivery of civil status certificates/documents, medical procedures, etc.).

## I.2. Implementation and political tensions

As the signatories of the Tripartite Agreements, national and provincial authorities take part in all meetings and missions of the Tripartite Commissions and Technical Task Forces. Founded in 2002, the National Commission for Refugees (CNR) represents the technical body responsible for questions concerning displaced people, returnees, refugees and repatriates on Congolese soil on behalf of the national and provincial authorities. Its *antenne* in South Kivu was established in 2005 in Bukavu, and has offices in Uvira and Baraka. It includes representatives of the various provincial ministries (e.g. Interior and Social Affairs), and of the DGM (Direction Générale des Migrations). It monitors all matters concerning repatriations, represents the authorities in the Tripartite Commissions, and works closely with UNHCR. It participates in welcoming refugee convoys and in the different *go and see* and *come and tell* missions organised by UNHCR. Its Coordinator is the former *Administrateur du Territoire de Fizi* (a position in which he developed considerable experience managing refugees given that Fizi received the massive waves of Burundian and Rwandan refugees in 1993 and 1994). However, its limited resources mean that the CNR does not implement any repatriate reinsertion projects. Its role is limited to monitoring the development of repatriations, and acting as the technical body that operates on behalf of the government. In the field, it is much less visible than UNHCR and its partners, and has only limited contact with the repatriates themselves.

Besides the CNR, the STAREC (Programme for the Stabilisation and Reconstruction of Eastern DRC) is supposed to play a key role in managing the reintegration process of repatriates to South Kivu. STAREC is a national programme that covers seven provinces/regions in Eastern DRC, namely North Kivu, South Kivu, Maniema, Ituri, Bas Uélé, Haut Uélé and Tanganyika (North of Katanga). It follows on from the Amani Programme, itself initiated at the Goma Conference of January 2008, the outcome of which was a peace agreement between the government and the various armed groups of North and South Kivu. Whereas the Amani Programme focused on security and on integrating Congolese armed groups within the national army, STAREC is orientated towards restoring state authority, economic recovery and sustainable conflict resolution. STAREC is split into three parts ("composantes"): the security part, based on the FARDC and the police, that focuses on reinforcing State presence in areas formerly under the control of armed groups; the economic recovery part that focuses on infrastructure and rehabilitation projects; and the humanitarian/social part that focuses on reintegrating repatriates and displaced persons, protecting civilian populations, fighting sexual violence and promoting gender awareness. At the provincial level, STAREC reports directly to the governor, vice-governor and Ministère du Plan (Ministry for Planning), and works alongside MONUSCO's Stabilisation Support Unit. It embodies the government's new approach for managing issues in Eastern DRC and with which all external actors must fall into line. It also promotes a transition phase, moving away from habitual emergency interventions towards longer-lasting actions such as "early recovery". In South Kivu, it is fully integrated into the *Plan d'Action Prioritaire* established by the provincial government with UNDP support for 2011-2015.

Within the STAREC framework, local conciliation committees (*Comités Locaux Permanents de Conciliation - CLPCs*) are to be established throughout 2011 in South Kivu. Established for each *groupement*<sup>19</sup> within the

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<sup>19</sup> The "groupement" is the administrative entity that lies between the "localité" and the "collectivité". The "chefs de localité" report to the "chefs de groupement", and "chefs de groupement" report to their "chef de collectivité" (*chefferie* or sector).

province, the CLPCs are teams comprising 15 members that act as local relays for the STAREC programme. They seek to find a peaceful resolution to various local conflicts, in particular those involving the integration of repatriates in their home communities, and to identify the various problems that obstruct local restoration of State authority. Presided by the "chef de groupement", the CLPCs comprise notables and members of local civil society from the different communities. They are supposed to enjoy a certain level of trust and legitimacy on behalf of local populations.

In October 2010, the governor appealed to the CNR's local *antennes* to help the *groupements* draw up lists of members for the different CLPCs in Fizi and Uvira. However, this was done in a hurry and without any real discussion between the various communities of each *groupement*. As a result, there have been a number of disputes between the notables of the different communities. This was especially the case with the Bijombo *groupement* and with all the *groupements* of the Ruzizi Plain *chefferie*. Within these entities, customary power has long been the subject of profound contestation. It has also been the source of division between the Banyamulenge and Bavira communities for the Bijombo *groupement*, and between the Bafuliru and Barundi communities for the Ruzizi Plain. These tensions have had direct consequences on the process for creating the CLPCs: the Banyamulenge rejected the list of members drawn up for Bijombo, and the Barundi challenged the lists drawn up for the Ruzizi Plain *groupements*, since both communities had been largely excluded from the member selection process, and felt that they were either underrepresented or badly represented on the initial lists. Community tensions in relation to the management of customary power in these entities represent veritable time bombs for peaceful cohabitation between the communities of both territories. The impact of these tensions on the deployment of the CLPCs illustrates their potential effect on the smooth reintegration of repatriates from the different communities<sup>20</sup>. The governor himself has sent the lists back for an exhaustive review. More consensual lists have since been drawn up for each province.

The implementation of these CLPCs is presently blocked, apparently due to slow administrative and financial procedures on the STAREC side. Provincial decrees for the creation of the CLPCs and the appointment of their members were still in discussion by the provincial government members in May 2011. It would seem that the financing promised by partners has not yet materialised for the province, which means that the governor has put off signing the decrees. Apparently, he is concerned that their publication will spread confusion among the members of the CLPCs should the financing needed for their effective operation fail to be secured. According to certain testimonies, the \$400 monthly sum earmarked for CLPC operation has had a bearing on disputes concerning the lists of members, since it seems that each notable wants to receive a share of the funds.

Another bone of contention between authorities and local notables concerns the verification of the nationality of refugees returning from Burundi. Both the local populations and the authorities fear "Tutsi infiltrations" (in other words, soldiers pretending to be civilians) among Congolese Banyamulenge refugees returning from Burundi to Fizi and Uvira. The authorities have therefore pleaded with the Tripartite Commission to implement a system for checking the nationality of each refugee, with support from local customary authorities. The CLPCs could or should have played this role. However, defining nationality verification procedures has been far from straightforward, and UNHCR has been highly reticent about the idea, fearing that it will lead to haphazard repatriations. The idea is for the customary leaders (of the *groupement* or *localité*) to be granted access to the lists of repatriates in order to identify each person listed. The customary leaders have expressed their desire to visit the camps to directly identify each refugee, although this would seem to be a particularly laborious, unrealistic undertaking. The matter has thus been resolved from a different angle: there is to be no special

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<sup>20</sup> The third chapter of this report examines these local tensions in greater detail and their effect on repatriations.

verification committee associating the customary leaders, however the agents of the *Direction Générale de la Migration* (DGM) will continue their registration and control work in the transit centres. Nevertheless, the approach taken by authorities on how to go about these verifications remains ambiguous: some CNR officials maintain that a specific verification procedure associating the customary leaders will indeed be implemented when the nationality of certain refugees is uncertain, although they acknowledge that nothing of the sort has yet been carried out. The situation thus remains confused. It is quite possible that this issue will resurface when the CLPCs are finally implemented. These suspicions tie in with frequent objections about the nationality of the Banyamulenge and which continue to stir up tension between communities in South Kivu.

In the absence of the CLPCs, it is the *Comités de Médiation Communautaire* (CMCs), deployed by Congolese NGO Arche d'Alliance in partnership with UNHCR, that have assumed the role of managing tensions linked to the reintegration of repatriates. The CMC continues to resolve civil disputes/land conflicts between residents and repatriates via mediation processes, but is due to be replaced by the CLPCs. While this illustrates the wider role that authorities will have to play in lieu of UNHCR's local partners, the deployment of the CLPCs continues to pose problems in many respects, and it is likely that their operation will be undermined by internal conflicts linked to inter-community tensions.

## II. HUMANITARIAN ASSISTANCE, STRIKING A BALANCE BETWEEN EMERGENCY AND DEVELOPMENT

UNHCR is unquestionably the key actor in the repatriation process. It registers volunteers for repatriation in the camps, organises their transport and ensures that they are taken to their resettlement areas in good conditions (or nearby for inaccessible areas). It provides for the protection of repatriates and coordinates the various actors involved in the repatriation process. UNHCR also establishes the profiles of the resettlement areas. On the basis of these profiles, it decides whether the areas meet the necessary repatriation conditions, and informs the other actors and the refugees accordingly. These profiles refer to information on the security situation in the resettlement area concerned, on accessibility conditions and on the state of socio-economic and sanitary infrastructures.

UNHCR promotes a multidisciplinary approach based on humanitarian and protection principles that mainly apply in emergency situations. To deploy its programme for assisting and repatriating refugees in Fizi and Uvira, UNHCR relies on five partners to implement projects that it finances itself directly. These partners benefit from UNHCR's institutional support (at least as far as the local NGOs are concerned). Each one intervenes in a specific sector<sup>21</sup>. While the distribution of food and non-food items in the transit centres is similar to any other type of humanitarian intervention in an emergency context<sup>22</sup>, other aspects of interventions by UNHCR and its partners represent more specific strategies intended to respond to specific repatriation needs.

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<sup>21</sup> AIDES (Action et Intervention pour le Développement et l'Encadrement Social, DRC): Vulnerabilities and schooling. Running transit camps and welcoming repatriates (moral support); identifying and monitoring vulnerable repatriates; identifying and monitoring children of school age; mapping educational infrastructures in the resettlement areas.

ADRA (Adventist Development and Relief Agency, DRC): "Shelter" project management. Distribution of shelter kits to repatriated families.

IMC (International Medical Corps, USA): medical sector. Support to hospitals and health centres in resettlement areas to provide repatriates with free health care for the first six months following their return.

GIZ (German cooperation): economic recovery and management of community self-sufficiency projects.

Arche d'Alliance (DRC): Human rights and mediation. Identification and monitoring of human rights abuses; implementation and follow-up of the *Comités de Médiation et Conciliation*; collection of information to establish resettlement area profiles. Since March 2011, project for obtaining land titles plots belonging to vulnerable repatriates who have received shelter assistance.

<sup>22</sup> Food and non-food kits are handed out to repatriates upon their arrival in the transit camp in DRC. WFP gives each household three months' food support, UNHCR distributes non-food items (covers, mats, blankets, kitchen utensils, mosquito nets, etc.), IMC offers 12 condoms per person as part of the HIV prevention programme, and AIDES distributes assistance kits to women of child-bearing age (women aged 12 - 62) comprising three sets of underwear, soap, a small bucket and six metres of flannel. Lastly, the Food and Agriculture Organisation (FAO) of the United Nations distributes a farming kit

## II.1. Transit centres

The Congolese organisation AIDES oversees a number of tasks as part of its partnership with UNHCR. Its primary mission is to welcome and provide moral support to refugees in the transit centres, as well as to Burundian refugees returning to their country, since the centres accommodate both inward and outward movements. AIDES runs the transit centres of Mushimbakye (Baraka, 700-person capacity), Kavimvira (Uvira) and Kivovo (Uvira-port). Repatriates spend between 2 and 48 hours in the centres, depending on the region they are returning to and on the logistic organisation of the convoys. AIDES' secondary mission is the social screening of each repatriate, effectively determining their degree of vulnerability to classify them as not vulnerable, vulnerable or extremely vulnerable<sup>23</sup>. Vulnerability criteria are taken from UNHCR standards and cover dynamic vulnerabilities (such as pregnant women) and static vulnerabilities (disabled persons, elderly persons etc.). The main population categories corresponding to vulnerable persons are female heads of household, children heads of household, disabled persons, aged persons and persons with chronic disease (diabetes, leprosy, etc.). Registering refugees' vulnerability enables AIDES to create a database of these refugees in their resettlement site. AIDES can then monitor the integration of these refugees on the ground, and inform other actors of possible needs. The database remains the property of UNHCR.

Since 2006, AIDES has registered some 3200 vulnerable repatriates for Fizi, and approximately 850 for Uvira. The organisation usually monitors them for a six-month period, after which both AIDES and UNHCR consider that the person has been successfully reintegrated and is capable of assuming responsibility for him or herself. While this period may be extended in certain cases, UNHCR's role is to provide emergency humanitarian assistance; its partners are not responsible for long-term monitoring of repatriates' reintegration.

## II.2. Schooling for children

As with vulnerable persons, AIDES registers schoolable children in a database, and provides them with a recommendation signed by the head of the education sub-division. This document enables children to benefit from free schooling in public schools assisted by AIDES for the first year following their return. Here too, the NGO monitors the children on the ground. It also establishes a map of the educational infrastructures in resettlement areas to evaluate needs in terms of rehabilitation and supplies. AIDES does not directly rehabilitate the schools; it forwards the needs observed to other actors in the framework of the Education Cluster. However, since the end of 2007, AIDES has provided schools with support for supplies (benches, tables and other materials), in return for which the schools undertake to provide free schooling to repatriated children for one year.

This "community" approach for repatriated children's schooling is part of a wider reflection initiated by UNHCR. Before the end of 2007, AIDES used to cover all repatriated children's schooling expenses for one year: tuition fees, supplies and all other related costs. This approach stirred up resentment by local residents, and did little to facilitate the smooth integration of repatriates in their villages. After a review of the programme, AIDES realised that many resident children were being ousted from their schools because their parents were unable to pay their fees, whereas this problem simply never arose for repatriated children. UNHCR thus decided to revise its strategy and adopt a more community-orientated approach, one that benefited both repatriates and the

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comprising tools for tilling and 50 grammes of vegetable seeds (tomatoes, amaranths, onions and cabbage). This assistance is only given to UNHCR-facilitated repatriates, not to spontaneous repatriates.

<sup>23</sup> In fact, this is merely a verification, since a refugee's degree of vulnerability will have already been determined in the camp in the host country, then forwarded to AIDES before their repatriation.

community at large. From then on, AIDES established its project for providing public schools with supplies in return for free schooling for repatriated children. That way, the return of the refugees was in the interest of all the children in school, since they all benefited from AIDES' support, while the repatriated children continue to receive one year's free schooling. Between 2006 and 2011, 4398 benches and 2703 teaching aids were distributed to schools in the resettlement areas in the framework of the UNHCR partnership.

This change of approach to repatriated children's schooling is not without its problems however, since repatriated parents must now pay for all other expenses (supplies, teachers' allowances) with the exception of enrollment (\$11 in 2010-2011, compared with \$5 in 2009). Having hurriedly applied this strategy without any proper dialogue with the repatriates, their reaction wasn't long in coming: repatriated children in Baraka organised a walk during which stones were thrown at the AIDES offices. This episode illustrates the beneficiaries' failure to understand intervention strategies, and the enduring negative perceptions of assistance and those associated with it.

According to AIDES (and GIZ), this latest approach will help put more children to school, in particular through the creation of revenue-generating activities (RGAs) by UNHCR (in association with GIZ) that allow vulnerable parents (both resident and repatriate) to benefit from income to pay for their children's schooling. We will discuss the creation of the Fizi ACOOPEC (Coopérative pour le relèvement communautaire) later on. However, the director of a public school in Baraka that receives AIDES assistance gives another side of the story. According to him, in 2005, a year that saw a considerable number of repatriations, there were 1937 pupils in his school. This figure had dropped to approximately 1700 in 2011. In his view, this drop ties in with AIDES' change of approach: when the organisation stopped paying teachers' allowances, these teachers demanded that they be paid by the pupils; those who were unable to pay were promptly expelled. Out of the 27 teachers in his school, only 12 are appointed and paid by the State; others receive only the allowances paid by pupils' parents. AIDES and UNHCR respond that it is not up to them to pay teachers' allowances, rather the Congolese government. Again, it must be recalled that free schooling is one of the key demands made by refugees for accepting repatriation.

AIDES is not the only actor involved in the schooling of repatriated children. The Norwegian Refugee Council (NRC) has a programme for reinserting drop-out children in schooling called the Teacher Emergency Programme (TEP). This programme gives children one year's special accelerated learning after which they can return to normal schooling. The TEP programme concerns children aged between 10 and 13. They are subsequently reinserted in classes between the first and fourth year of primary school depending on the results obtained in their accelerated learning. During the year of accelerated learning, NRC covers all school fees, including supplies. In the second year, this cover only extends to the pupil's enrollment. This programme concerns 60% of repatriated children, and 40% of resident children from vulnerable families. NRC reskills and trains teachers who work for the TEP, most of whom are themselves repatriates. The programme concerns 13 schools in Fizi, 6 of which are in Mboko, and 7 in Baraka. For the 2009-10 academic year, 624 children were overseen by NRC. The Canadian NGO War Child also had a similar academic upgrading programme; it has since been taken over by the NGO ZOA.

### II.3. Shelter

The destruction of a great many homes belonging to IDPs and refugees as a result of war and conflict has left considerable shelter requirements in Fizi and Uvira. In 2006, the Village Assessment and Mapping Project evaluated the overall need at 60,000 shelters. Between 2006 and 2011, some 17,251 shelters were built by humanitarian actors, of which 2981 by UNHCR. In addition, UNHCR distributed 2525 shelter kits via its partners.

According to the various evaluations, shelter requirements reached 80,057 in 2011: 42,749 for repatriates, and 36,000 for IDPs<sup>24</sup>.

Since 2008, ADRA has been UNHCR's local partner for the distribution of shelter kits and support with their construction. Since 2006, ADRA has helped build 6686 shelters for vulnerable individuals (generally comprising 70% repatriates and 30% residents): 4171 in Fizi and 2 515 in Uvira<sup>25</sup>. These ADRA shelters were co-financed by UNHCR, Danida, USAID and BPRM. According to ADRA, the practicalities concerning the construction of the shelters are defined by the donors, where each project adopts its own approach in line with each donor. Modalities such as the method of payment for the labour contracted to build the shelter, or the sum to be provided by the beneficiary to receive the shelter may therefore vary from one project to the next.

In fact, the project's modalities have evolved over time subsequent to complaints or internal appraisals. For example, the actual make-up of the shelter has changed. In 2008, it comprised 10 sheets of metal, 2 kg of nails, a door and two windows. Following complaints by repatriates regarding the number of sheets of metal – considered insufficient for housing a family, the kit was upgraded in 2009 to include 22 sheets, 6 kg of nails, two doors, two windows and a pickaxe.

The distribution methods have also changed. Initially, the kits were directly distributed to refugees in the transit camps. However, following an evaluation, ADRA realised that most of the sheets were being resold. ADRA and UNHCR thus decided to hand the kit to beneficiaries only after they had built the walls of their future house. ADRA also pays for labour costs associated with the roofing and masonry, but requires that beneficiaries (with the exception of vulnerable individuals) provide the bricks and stone needed for the actual foundations. For 2011, ADRA forecasted the construction of 325 shelters in Uvira alone, since there have not yet been any repatriations to Fizi (from Tanzania). Should repatriations from Tanzania resume, ADRA will revise its forecasts in concert with UNHCR.

Shelter beneficiaries are selected based on UNHCR vulnerability criteria, where priority is given to the most vulnerable individuals. At first, customary leaders were responsible for identifying beneficiaries in their village, however there were numerous cases of fraud, where leaders would select beneficiaries in return for payment. Mixed committees comprising individuals considered as trustworthy by the villagers were thus created to select the beneficiaries and to limit the risk of corruption.

In March 2011, following numerous requests by repatriates, UNHCR, together with NGO Arche d'Alliance, launched a project for obtaining land titles to secure plots belonging to vulnerable individuals who have been granted a shelter. For 2011, it is predicted that this project will help establish land titles for 675 repatriates, namely those who received a shelter in 2010 (350) and in 2011 (325).

#### II.4. Community self-sufficiency projects and RGAs

Projects for promoting community self-sufficiency represent another facet of UNHCR's change of approach. The idea is to make sustainable the reintegration of repatriates and UNHCR assistance, whose emergency role is, by definition, time-limited. For this purpose, UNHCR no longer focuses exclusively on repatriates, but on the community at large, seeking to prepare an environment suited to successful reintegration, both socially and

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<sup>24</sup> According to an internal UNHCR HCR document entitled "Les projets de réintégration en faveur des rapatriés et communautés hôtes dans les territoires de Fizi et Uvira de 2006 à 2011".

<sup>25</sup> Interview with the ADRA Baraka programme manager in Baraka, April 2011.

economically. In 2009, UNHCR, in partnership with GIZ, established the Fizi COPAC programme (Coopérative des Projets d'Autonomisation Communautaire). The idea was to initiate economic projects defined jointly with the local communities – and financed by UNHCR – that would generate revenue. COPAC manages this revenue, reinvesting it in the community through projects for assisting vulnerable individuals (including repatriates). As a result, GIZ has launched a number of projects: opening a cybercafé in Baraka (still not operational in May 2011), building 15 houses for rent on the outskirts of Baraka (still not operational in May 2011), opening a motel in Baraka, providing support for palm oil and motorised fishing activities in Mboko, and two projects for cattle breeding and animal-drawn cultivation in Fizi and Luberizi. 40% of the revenue from these projects is reinvested among the 16,460 beneficiaries via the construction/rehabilitation of schools and health centres. The remaining 60% is given back to COPAC for inputs (40%) and internal operating costs (20%).

The COPAC undertaking is an innovative idea that reconciles emergency projects with longer-term economic schemes. It also represents a potential alternative to the population's dependency on funding and UNHCR support. However, COPAC's administrative committee has fallen victim to certain functional problems, as well as diverging opinions with regard to the definition of the projects. In fact, the administrative committee comprises ten individuals from Baraka, Fizi and Mboko, whereas initially, the members from Fizi and Mboko wanted their own structure, i.e. without Baraka. Strong disagreement within this committee is therefore hindering its operation. In addition, the inhabitants of Fizi would have preferred to benefit from a motel project like the one in Baraka, whereas the project that was eventually approved (or, in the views of some, imposed) by GIZ was that of animal-drawn agriculture.

Other projects for developing RGAs had already been organised by UNHCR between 2006 and 2008, such as providing kits for farming, breeding, fishing and handicraft, as well as support for microprojects and vocational training (soap production, petty trade, cooking, cleaning, masonry, etc.) for the benefit of some 38,000 individuals (6700 for vocational training, 31,000 for the various kits, and 1325 for the microprojects). For its part, NRC introduced a new programme dubbed the "Youth Emergency Package" (YEP) in 2011. Its objective is to teach manual trades to young people aged 14 - 22. The YEP targets 50% of repatriates and 50% of vulnerable residents.

## II.5. Medical assistance

UNHCR provides repatriates with six months of free medical care via International Medical Corps (IMC). IMC supplies health centres with essential drugs, maternity kits and leaflets. It also delivers training to medical staff. In return, the health centres guarantee free health care for repatriates and refugees. In 2007, IMC provided support to health care zones in the Ruzizi Plain (Uvira), Nundu (Fizi), Fizi and Kimbi-Lulenge. When repatriations from Tanzania came to a halt in 2010, IMC withdrew from two health care zones in 2011. It now supports only the zones in Ruzizi and Lemera. In these zones, only those hospitals and centres situated in areas with a high proportion of vulnerable populations benefit from IMC support. Thus, for example, in 2011, IMC provides support to 7 of the 16 health centres in the Ruzizi Plain, and 3 of the 22 health centres in Lemera. In practice, repatriates who benefit from free medical assistance tend to live near the health centres. Those who live further away do not generally travel the long distances involved to obtain free care, or else they do not know in which centres they could receive such care, despite information given by IMC on this subject in the transit camps.

Since 2006, UNHCR has built 4 new health centres, and rehabilitated 11 existing centres, 3 hospitals and 1 hospital centre via its partners. It has delivered supplies to 14 health centres, 2 hospitals and 1 hospital centre.

In 2010, 36 structures received supplies of drugs. In 2011, 8 health centres and 2 hospitals will have received these supplies.

## II.6. Land mediation

As mentioned earlier, conflicts between repatriates and residents for recovering plots and fields that belonged to repatriates before their exile represent a particularly important problem. To remedy this situation and promote mediation and amicable settlements between the conflicting parties, UNHCR, via its partner Arche d'Alliance, has established the "Comités de Médiation et de Conciliation" (CMC). These committees comprise ten persons (five men and five women) recognised as trustworthy and legitimate within their local communities. They are usually representatives of local authorities, members of civil society, members of the different religious denominations (pastors, priests, etc.) and even an army or police representative. Since 2006, Arche d'Alliance has created 36 CMCs: 13 in Uvira and 23 in Fizi. These CMCs usually convene once a week to deal with conflicts brought to their notice by the populations. A total 3016 conflicts have been recorded in Uvira, and 3187 in Fizi<sup>26</sup>.

Whereas the CMCs were initially created to focus specifically on conflicts relating to repatriations, they have since been extended to all conflicts of a civil nature (debt, household disputes, inheritance, etc.). This wider coverage no doubt explains why the CMCs in both territories have recorded almost the same number of conflicts, since Fizi is home to far more repatriates than Uvira. In fact, the repatriation process in Uvira only really got underway with the launch of UNHCR-facilitated repatriations from Burundi in October 2010. However, it may seem a little strange that both territories have registered the same number of conflicts given that there are only 13 CMCs in Uvira compared with 23 in Fizi.

Since 2009, NRC has also been involved in a project for land mediation between repatriates and residents via the so-called "Comités d'Action et de Réconciliation" (CAR). In the framework of its Information, Counselling and Legal Assistance programme (ICLA), NRC has deployed 4 CAR committees in Fizi. These CARs were created subsequent to training given by NRC as part of the ICLA programme. As the CAR's advisor, the "chef de groupement" countersigns decisions made within the CAR between the conflicting parties. Note, however, that since their deployment in 2009, there have been hardly any repatriations to Fizi.

While these structures play an important role in terms of resolving local civil conflicts between individuals, they are not without certain weaknesses. The CAR and CMC committee members met by our researchers complain of insufficient resources for carrying out their work. Although the structures benefit from NRC support in terms of premises (NRC has built offices for each of its CARs) and supplies, the members are not paid. Moreover, the CARs receive an allowance for mediation expenses: successful mediations are "sealed" via a small ceremony. Although NRC is currently considering how to establish RGAs to self-finance and guarantee the sustainability of the CARs, the Arche d'Alliance CMCs remain financially dependent on UNHCR. Moreover, agents from Arche d'Alliance and NRC acknowledge that these structures are insufficient faced with the extent of civil conflicts in both territories. The fact that they are not dedicated solely to conflicts concerning repatriations removes them somewhat from their original mission. Also, these structures are unable to intervene outside conflicts between individuals. However, as we shall see in the next section, the most difficult land conflicts are often between groups, or between large concession holders and farmers. Here, the CAR and CMC committees are unable to

play their pacification role. Nevertheless, the fact that local authorities are directly involved in these structures remains an important aspect.

## II.7. Raising awareness of peaceful cohabitation

Most of the awareness-raising work in relation to repatriations is done by the American organisation Search for Common Ground/Centre Lokole (SFCG) which specializes in promoting peace and peaceful cohabitation using the media (radio, television, theatre, cartoons, etc.). As part of its partnership with UNHCR, SFCG produces radio broadcasts on repatriation and on the integration of repatriates. These programmes discuss the resettlement areas, fears of refugees still in the camps and land conflicts between repatriates and local residents, and the mediation possibilities available in this respect. They always include testimonies from repatriates, residents or refugees. Since the programmes are produced both inside the camps and within the resettlement areas, they are able to air questions-answers between residents/repatriates on one side, and refugees on the other. This helps with the challenge of giving refugees access to accurate information on the resettlement areas. These programmes are broadcast in the camps and across the resettlement areas via local and community-based radio networks. SFCG also supports local radio stations with radio equipment, and trains local journalists for their programmes.

SFCG also works with interactive theatre companies. During visits to the villages and camps, these "troupes" deal with problems encountered on the ground, and encourage beneficiaries to participate in the conclusion to be given in the play. This promotes a real debate between the spectators and actors. Note that these theatre troupes comprise actors from mixed communities.

By raising awareness and broadcasting information, SFCG helps to counter widespread negative rumours regarding repatriations that often have an adverse effect on the smooth integration of repatriates. Here too, SFCG relies on targeted testimonies to deliver exact, balanced information that helps to quell these rumours. SFCG has countered rumours relating to ADRA houses, according to which the Babembe who had received these houses were going to be ousted by Banyamulenge repatriates who had been given the keys to these same houses. Other rumours concerning the distribution of flour to repatriates that had passed its sell-by date have also been discussed. In addition, SFCG allays false ideas on Amani Leo operations ("a new Rwandan or Banyamulenge war", "the entire Sud-Sud is being torn apart by war", "new balkanisation plan for DRC", etc.), giving examples of specific areas in which operations are underway. Following incidents in Moba (Katanga) in 2009 during which local populations tore down UNHCR offices in protest against Banyamulenge repatriations, once again it was SFCG that administered an active awareness-raising campaign so that these populations would accept the returnees.

SFCG is the only organisation that directly manages the information, rumours and prejudice that all too often undermine relations between residents and repatriates, or between different communities, and that represent a major obstacle to repatriations. Indeed, whenever information is manipulated by certain unscrupulous leaders, this stirs up tensions and risks causing outbreaks of violence, as was the case in Moba. According to certain members of civil society, the risk of seeing such outbreaks occur in Uvira runs high should any convoys comprised exclusively of Banyamulenge repatriates go ahead. It must be noted that this awareness-raising task is particularly delicate: some SFCG agents have already received threats and accusations as a result of their activities.

Beyond its role of informing and raising awareness, SFCG helps to cheer up the welcome given to repatriates at the border and in the transit camps via a group of musicians and dancers. The idea is to make the return a happy occasion. SFCG also supports CELA, an organisation created in Baraka by refugees in the camps in Tanzania. In partnership with SFCG, CELA runs an IT centre and gives training on English and on peaceful cohabitation for the benefit of residents and repatriates alike.

## II.8. Local initiatives

In addition to UNHCR's local partners (ARAL, AIDES and ADRA), a number of local initiatives have been created by the repatriates themselves. CELA is a good example of this kind of initiative, created by refugees in the camps and continued once they returned to their homeland. UVIMAWA, a network of female organisations for promoting development, created by women refugees in the Tanzanian camp of Nyarugusu, is another excellent example. These women started out by selling part of the assistance received in the camps (tokens for access to food, also plates, pans, etc.) to create a fund of \$50 per person. They used this money to establish a source of revolving credit via a group of five: one of the women received the \$250 and invested it in a small business (doughnuts, palm oil, manioc flour, everyday consumer goods, etc.) for three months. After this period, the recipient is required to repay the initial amount plus \$50 interest. Once these women returned to Fizi-centre, they used the money earned from these commercial activities to resettle, buy fields or plots of land, and to avoid being entirely dependent on a host family.

These revolving micro-credit schemes have continued in Fizi-centre, and now extend to resident women. Not only has this enabled these women to benefit from economic resources that facilitate their reinsertion, it has also helped to build social ties that have formed the basis of a network of mutual help and solidarity between repatriate, refugee and resident women. In May 2011, UVIMAWA comprised five groups of five women. At one stage, their activities suffered a setback as a result of unrest and looting in April 2010 in Fizi-centre.

While there are many other repatriate committees in Fizi and Uvira, their activities are often slow and "disconnected" from their immediate environment. These endogenous initiatives would benefit from greater attention by other players in the field. Despite their various weaknesses, they still represent a foundation on which projects for successfully reintegrating repatriates could be based. The first step needed would be to map out and evaluate all such initiatives to identify which could represent viable, functional associations.

## III. WEAKNESSES OF THE RESPONSE

Having touched upon the various difficulties associated with repatriate assistance projects in the previous section, here we take a general look at the weaknesses and challenges of this response.

### III.1. Consistency and coordination

While UNHCR undoubtedly plays the main role in the repatriation process, establishing a consistent approach and a consensual vision shared by all the actors involved represents a major stumbling block. The result is a certain degree of discord between actors engaged in an emergency, essentially humanitarian approach, and those who have adopted a more development-orientated one.

The response to repatriation has so far been largely based on a classic humanitarian approach, i.e. distributing food and non-food kits to clearly identified beneficiaries. However, dealing with repatriation as if it were an

emergency operation is contradictory: these are not sudden, disordered population displacements resulting from conflict; they are deliberate, facilitated repatriations organised by UNHCR and its partners. Handing out kits of food and other items to refugees as would normally be done for IDPs fleeing war does not adequately address the complexity of their socio-economic reintegration. Certainly, the kits have been adapted to the repatriation context (so, for example, sheets of metal are not distributed to IDPs), and RGAs are encouraged. But the underlying logic of the approach is still one of providing emergency, short-term assistance. The reason for this can be found in the habits of the different implementing actors, rather than in the specific needs of the beneficiaries. From an operational perspective, UNHCR strikes up partnerships with humanitarian actors (local and international NGOs) to provide operational humanitarian assistance to repatriates on the ground. However, the practical methods defined via DRC-UNHCR-Tanzania Tripartite Agreements are still somewhat vague in terms of how the operational partners are to participate. The projects and humanitarian support deployed for the purpose of repatriates' smooth reintegration are not discussed; there is no standard, approved definition of the actual assistance needs. In fact, establishing this kind of definition would represent an effective tool for coordinating and allocating assistance between the actors involved. The fact that none exists is a significant shortcoming.

### III.2. Limitations of the Early Recovery Cluster

The implementation of the Early Recovery Cluster illustrates the difficulty of changing approaches in matters concerning return and reintegration. Introduced in DRC back in 2006, the cluster approach represents the main instrument for coordinating humanitarian action. Promoted and overseen by the United Nations, the idea is to organise the implementing partners into sector-specific clusters that meet on a weekly or bi-monthly basis. The Early Recovery Cluster thus brings together implementing partners (UN agencies, international and local NGOs) actively involved in repatriates' early recovery and reintegration. The cluster's South Kivu *antenne* is led by UNDP, co-led by UNHCR and co-facilitated by AVSI, an Italian NGO.

Initially called the Return and Reintegration Cluster, the organisation focused on resettlement areas and on the multidisciplinary emergency responses needed in these areas. In 2008, it changed its name to Community Return and Reintegration, in line with a renewed orientation towards more sustainable socio-economic recovery. In late 2010, the Cluster changed names one last time to become the Early Recovery Cluster. This change reflects the ongoing importance given to community recovery aspects, and the need to implement programmes that move on from an emergency approach to one involving development. The early recovery approach seeks to build on both experience gained through emergency programmes, and on the existing dynamics inside the actual communities. Its goal is to get local authorities involved further upstream, and to encourage humanitarian actors to adopt methods that are more development-orientated, for example by replacing distributions with humanitarian fairs, promoting RGAs, etc.

Despite the efforts by UNDP, the Cluster's lead agency, raising awareness of the early recovery approach among the different agencies and actors has led to numerous misunderstandings and disagreements between these actors. While the majority of implementing partners are open to the approach, some blame the constraints of their respective mandates for not being able to shift towards more sustainable projects. The disagreements above all concern the form this early recovery should take within the cluster system: either making it a transversal aspect mainstreamed into the intercluster as well as in every cluster, or assigning it a cluster of its own. The latter option ultimately prevailed, but has suffered considerable resistance in light of certain ambiguous explanations by UNDP. Indeed, many implementing partners thought that the Cluster would take the form of a second intercluster. Certain international NGOs questioned UNDP's legitimacy as the Cluster's lead given its

lack of expertise in humanitarian interventions, its philosophy and its methods, but also for its rather excessive criticism of "routine" humanitarian methods. Defining new terms of reference for the Early Recovery Cluster, its role and its place within the cluster system, has fuelled long and demanding discussions among the actors concerned.

Besides these difficulties, the Early Recovery Cluster has run into financial difficulty: it received no funding from the last Pooled Fund (in April 2011), despite the existence of early recovery projects. In May 2011, still without funds, the Cluster had yet to find any donors to fund its projects. This loss of funding betrays a lack of belief in this new approach among donors, even though some of them played a prominent role in its promotion.

### III.3. Relations between authorities, STAREC and humanitarian actors

The role played by Congolese authorities and the impact of the STAREC programme on interventions by the humanitarian community is another sensitive issue. Through STAREC, authorities seek to play a more important role in coordinating and controlling humanitarian interventions, and even to initiate local structures themselves, with a view to replacing those established by certain agencies, as was the case with the CLPCs (STAREC) and the CMC committees (UNHCR). So far, relationships between the humanitarian community and the Congolese provincial authorities have not been very extensive. Although certain NGOs collaborate directly with the State's technical services (at an executive level only), political authorities are hardly represented in humanitarian coordination meetings. Exchange mechanisms between the authorities and the humanitarian community remain insufficient.

With the launch of STAREC in 2010, the changes needed may be just around the corner. Via STAREC, the authorities seek to play a more important role in the programmes deployed by humanitarian actors. STAREC embodies the government's new approach with which all the various development and humanitarian interventions must fall into line. Authorities now want to affirm that the Congo has truly emerged from the period of war, and that emergency measures are now a thing of the past. STAREC is therefore urging the humanitarian community to orientate itself toward more sustainable programmes, and to help the State restore its authority, for example by rehabilitating administrative buildings and infrastructures, or providing training to government employees.

Nevertheless, the content of the STAREC programme remains obscure. For a long time, many thought that it was a UN programme, given that MONUSCO's Stabilisation Support Unit – which supports STAREC – was operational before STAREC itself in Bukavu (STAREC only moved into its permanent offices in Bukavu in March-April 2011). The scope of the STAREC programme has not been fully explained to the humanitarian community, and as recently as May 2011, STAREC was still the subject of much questioning within humanitarian agencies in South Kivu. Implementing partners are still largely unaware of the implications STAREC will have on their work and on the mechanisms for coordinating humanitarian actors. Here, the example of the CLPCs is revealing: whereas their implementation would normally mean the end of the CMC committees established by Arche d'Alliance and UNHCR, in May 2011 there had still been hardly any contact between STAREC and Arche d'Alliance.

### III.4. Communication and transparency

The complicated nature of the response to refugee repatriations does not help beneficiaries see it in a favourable light, which can lead to widespread resistance and a negative perception of both the response and the

organisations behind it. Also, complexities linked to the many actors and interventions, as well as the changes in these interventions over time, have served to confuse the beneficiaries. Because of the lack of clarity and reliable information on the assistance provided to them, many beneficiaries feel cheated, and perceive the assistance as having been delivered on an arbitrary basis. Repatriates often denounce the "false promises" made by authorities and implementing partners in terms of assistance, especially for schooling. This kind of negative perception inevitably prompts incidents such as the rebellion against the AIDES offices in 2007. It also fuels suspicion that goes against the peaceful reintegration of repatriates.

### III.5. Authorities too far removed from realities on the ground

The STAREC situation also illustrates a lack of involvement by authorities in the issue of repatriate reintegration. Obviously they are active in the Tripartite Commissions, and work with UNHCR via CNR. But their role remains overly confined to political and technical discussions with host country authorities and UNHCR, and to merely monitoring the repatriation situation. Although the CNR and members of the provincial government involved in the Tripartite agreements are well informed of the latest developments, this information tends not to be shared with lower levels of the provincial administration, i.e. among the *chefferies*, *groupements* and *localités*. This makes local authorities the weak link in terms of actually helping with the reinsertion of repatriates, whereas it is at their level that this challenge is the most pressing. Most of the *chefs de localité* (at least all those our researchers were able to meet) are unable to say with any degree of accuracy how many refugees are still due to return in their areas, and how many fields and plots that used to belong to them are to be handed back. They have no idea of the many problems that future repatriations are likely to cause in their jurisdictions, and have not developed specific strategies to anticipate and respond to them. This leaves a yawning gap between the provincial and territorial levels on the one side, and the local level (*chefferie*, *groupement* and *localité*) on the other. This gap illustrates the lack of involvement by authorities at all levels: at the provincial/territorial level where they fail to adequately mobilize their resources, instead confining themselves to mere discussions, meetings and missions carried out as part of Tripartite agreements; and at the local level where they adopt a passive, wait-and-see policy.

When it comes to actually reintegrating repatriates, authorities seem to have delegated all responsibility to UNHCR and its operational partners. Indeed, authorities (including CNR) have not conducted any project or taken action in the field to promote the smooth reintegration of repatriates, save for a few awareness-raising sessions among local populations in the framework of Tripartite missions. Given CNR's highly unobtrusive presence on the ground compared with UNHCR and its partners, it is hardly surprising that many of the repatriates we encountered explained that they failed to grasp what the role of CNR was supposed to be.

### III.6. Security assessment

Another problem concerns security assessments undertaken by UNHCR and Congolese authorities to determine whether or not return zones are safe enough for repatriation to take place. Information on security is mainly gathered by Arche d'Alliance as part of its activities for monitoring and evaluating the return zones on behalf of UNHCR. ARAL only concerns itself with information concerning the presence of armed groups in the zone, cases of conflict or military operations, and violation of human rights. Any zone that has not been subject to one of these three problems in recent weeks or months is considered as having good security conditions. These assessments clearly fail to address the political, economic and social dynamics surrounding security in these areas, and do not constitute comprehensive analyses on the basis of which to make informed decisions. They do not take into account the possibility of short- to medium-term changes in the security situation (which are

frequent given its volatile nature), nor the more structural aspects of insecurity, such as the conditions under which the FARDC have to operate, problems of indiscipline and parallel command chains, and the existence of multiple rebel groups operating in politically fragile areas.

As far as authorities are concerned, there is an ingrained tendency to treat all security assessments as "alarmist"<sup>27</sup>. For obvious political reasons, authorities prefer to draw attention to security successes, and paint a fairly positive picture of the situation since the Amani Leo operations. Yet, while insecurity has undoubtedly been reduced in large areas of South Kivu, considerable risks remain, all the more so given the current pre-electoral period. For example, issues such as the sustainability of integrating armed groups like the CNDP or the FRF in the national army need to be analysed carefully following failed integration attempts encountered in the past. Faced with tensions observed in the ranks of the ex-CNDP between March and April in Bukavu (an attempted attack on Kavumu airport by CNDP elements opposed to the transfer of an ex-CNDP officer to Kinshasa, condemned for rape in Fizi in January), it would be unwise to ignore such risks. Moreover, underestimating the ongoing threat from the FARDC on local populations is hardly an objective approach given the numerous cases of looting perpetrated by the military. The threats and abuses committed by the FNL and FDLR in certain parts of Fizi and Uvira represent an equally large obstacle to repatriation.

The choice of criteria inevitably introduces a certain degree of subjectivity in the security assessments. It would thus be advisable to select the security evaluation criteria as exhaustively as possible, and to consider more dynamic aspects of the security context. Likewise, it would be fitting to conduct analyses based on possible scenarios in order to determine the merit of the repatriation schedule. Indeed, repatriating refugees only for them to become IDPs several months later, as has often been the case in Fizi in recent years, can hardly be seen as an effective response.

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<sup>27</sup> As was the case with the reaction by provincial authorities following a UNHCR security presentation during a Tripartite task force meeting in 2005, already considered as "alarmist".

### III. Towards a Conflict-Sensitive Approach to Repatriation

Beyond the challenges of implementing the repatriation and resettlement strategies observed on the ground, the key issue appears to be the socio-political and community-related aspects of the returns. South Kivu's complex socio-economic environment, characterised by strong inter-community tensions at the local level, has an impact on reintegration and on some of the response mechanisms intended to facilitate this reintegration. Similarly, the repatriations themselves have an impact – usually negative – on these conflicts.

In Fizi and Uvira, strong social tensions between the various communities remain rife. Resulting from disputes over land, territorial boundaries or customary and administrative leadership, these tensions are anchored in strong senses of identity. They bring into play a form of ideology that opposes "native" and "foreign" communities, "them" and "us", dividing local populations and making social cohesion particularly vulnerable. Highly aggravated by the wars of 1996-97 and 1998-2003, these tensions represent an enduring part of the region's history, and find their origins in the social, political and economic conditions brought about during – and even before – its colonisation.

In a context of great suspicion between Rwandophone and non-Rwandophone communities, the repatriation of Banyamulenge Tutsi Congolese from Burundi (to say nothing of Congolese refugees from Rwanda) tends to heighten prejudice and finger-pointing aimed at the Banyamulenge/Tutsis, often masking other political and economic factors. These dynamics represent a risk of renewed, open conflict between communities, and the resurgence of uncontrolled armed groups. Even if some consider such a risk to be minimal, it nevertheless deserves careful attention.

This chapter gives a non-exhaustive review of the main local tensions observed by our researchers which have – or are likely to have – an impact on repatriation and resettlement dynamics. Among these tensions: suspicion and fear resulting from the repatriation of refugees from Burundi; problems in terms of administrative supervision and authority in the High Plateaux of Minembwe; customary leadership conflicts in the Ruzizi Plain and the Bijombo *groupement*; land conflicts between cultivators and large concession holders in the Ruzizi Plain; and tensions between cattle breeders and farmers as a result of transhumance.

#### I. FEARS AND SUSPICIONS IN RELATION TO THE REPATRIATIONS FROM BURUNDI

Widespread suspicions tie in with long-standing hostility between communities of Rwandan or Burundian origin (the Banyamulenge and Barundi) who settled in Eastern DRC in the late 19th century or early 20th century, and other communities (in particular the Babembe, Bafuliru and Bavira). These hostile feelings were exacerbated with the war of 1998-2003 and as a result of the pro-RCD position taken by many Barundi and Banyamulenge members and notables. The members of these two communities are often perceived as Rwandan or Burundian, and their return to Kivu is considered as a fresh attempt at splitting up the country by its neighbours.

In this respect, many of the Bafuliru repatriates from Burundi that we encountered told us that the refugee camps did not have many Banyamulenge, which would imply that their mass return must be questionable. Many testimonies continue to deny the fact that the Banyamulenge fled in their masses during the various wars and conflicts. Controversy surrounding the nationality verification of refugees from Burundi must be seen in this light: local populations are genuinely paranoid in relation to these repatriations. Via their leaders, they have called out – often fiercely – for reassurance. This situation is all the more critical given that certain unscrupulous leaders often exploit such fears to stir up tension in their favour. This was the case on the eve of the first convoy's

repatriation: to vilify the return of Rwandans, leaflets were handed out and posters put up on the walls in the town of Uvira.

In order to address these fears and prevent the situation from deteriorating, the CNR and UNHCR have gone about carefully selecting applicants for repatriation: for the first convoy, only three or four Banyamulenge women with their children were repatriated; all the other repatriates were members of other communities in the town of Uvira, most of whom were recognisable by the people who came to welcome the convoy. Up until now, this strategy has worked quite well, although several notables from different communities have pointed out that the situation could quickly deteriorate if convoys comprised exclusively of Banyamulenge were to be organised, in particular if they were young Banyamulenge (who are alleged to have taken arms). Given that the initial tendency by UNHCR and the CNR is to give preference to refugees whose return zones are easily accessible, there is an increasing risk of soon having convoys that consist solely of Banyamulenge returning to the High Plateaux of Minembwe, a landlocked region that is home to the majority of Banyamulenge.

It may be noted that the same problem exists, with a heightened sense of hostility, for the Banyavyura (Tutsi Congolese nationals who settled in Vyura, in the province of Katanga, near Moba, in the 1970s). The local populations of Vyura refused to even hear of the return of these refugees in their territory. The Banyavyura thus have no choice but to return to the High Plateaux of Minembwe, or to Bwegera in the Ruzizi Plain, also home to many Banyamulenge. The problem is that the Banyavyura seek one thing only: to return to Vyura. For their part, the Tripartite Agreements stipulate that these refugees must be able to freely choose their resettlement zone. This situation is clearly impeding the repatriation of refugees to Vyura, and is the focus of special attention by the Governorate, the CNR and UNHCR.

More generally, the fears and suspicions surrounding repatriations from Burundi and, even worse, from Rwanda, serve as a reminder of the poor relations between the various communities in the Sud-Sud. Initiating a real process for intercommunity dialogue would be particularly constructive towards smooth repatriation, successful integration of Tutsi repatriates, and maintaining relations between the area's various communities.

## II. MINEMBWE, THE FRF AND THE ADMINISTRATIVE SUPERVISION OF LANDLOCKED POPULATIONS

In Fizi, administrative supervision of the High Plateaux of Minembwe has long been a sore point that opposes the majority Banyamulenge community with that of the Bembe. The Banyamulenge seek to become customarily and administratively independent from the Bembe leaders, who welcomed the Banyamulenge on their land in the days of their grandfathers. Over time, this aspiration has turned into a demand to make the High Plateaux of Minembwe an independent territory<sup>28</sup> in relation to Fizi. The other communities in Fizi, in particular the Babembe, are firmly opposed to this demand, since it would infer the loss of large areas controlled by Bembe notables.

As with the repatriation of refugees from Burundi and Rwanda, this claim to the Minembwe territory has long been spearheaded by the FRF (Forces Républicaines Fédéralistes), an armed group formed within the Banyamulenge community. In January 2011, the FRF was incorporated in the national army in exchange for a number of guarantees by the Congolese government<sup>29</sup>. The first guarantee is to maintain their presence for 5 years in the High Plateaux, with command of a military sector created specifically in this region, applicable since January 2011. Recognition of ranks and obtaining positions in the army was a second requirement, partially met in May 2011: the FRF commander-in-chief General Bisogo was still hoping to obtain a post in the 10th Military

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<sup>28</sup> In the sense of an administrative entity directly dependent on the Province.  
<sup>29</sup> Meetings with FRF civil and military commanders, April-May 2011.

Region, which manages the province of South Kivu. A further demand concerning the administrative supervision of populations in the High Plateaux also appears to have been met. It seems the government has agreed to make Minembwe-centre a "commune" and to assign five *postes d'encadrement* to the High Plateaux, compared with only one such position at present. In May 2011 however, this demand had not been given any effect by the authorities.

The creation of these *postes d'encadrement* raises a number of questions in relation to repatriations. Firstly, it risks having a negative impact on relations between the Babembe and Banyamulenge communities, which in turn is likely to affect the repatriation issue. Secondly, certain FRF officials have inferred that they would be unable to promote positive awareness among refugees in their community until administrative supervisory conditions are met. In fact, the provincial authorities are set to associate the FRF in future awareness-raising campaigns in the refugee camps of Burundi. Should the government fail to fulfil its commitments however, a number of consequences are possible: a deterioration of the situation in Minembwe, certain FRF factions returning to the bush, or the creation of another armed group in the High Plateaux. At present, this looks unlikely given that the new sector under FRF command covers nearly all of the High Plateaux region. Nevertheless, certain zones (Kamombo) are still without any military presence.

As we can see, the issue of reintegrating armed groups, in this case the FRF, remains complex, and is contingent upon a number of issues where further progress is still required. In a worst-case scenario, the withdrawal of certain groups from the national army would have a harmful effect on security in the region and on the dynamics of repatriation. It follows that authorities must remain particularly vigilant.

### III. CONFLICTS ASSOCIATED WITH CUSTOMARY POWER

Conflicts over power are particularly prevalent in Fizi and Uvira, undermining the effectiveness of local leadership and bringing about divisions within communities. These conflicts can be found at all levels of customary power, from the *localité* to the *chefferie*. Populations have no choice but to side with one or other of the rival chiefs and recognise decisions made by their chosen leader only, which causes many a conflict. Tensions arising from challenged local leadership inevitably go beyond internal family disputes, and quickly take on a political, collective dimension. By weakening social cohesion, these conflicts prevent the emergence of a suitable environment for smooth repatriation.

The most severe customary conflict of both territories is undoubtedly that between the Bafuliru and Barundi communities for the Ruzizi Plain *chefferie*, officially referred to as the Barundi chefferie. The origins of this conflict date back to the 18th century, when the first migratory flows of Burundian populations who came to settle in the Ruzizi Plain swore allegiance to the Bafuliru customary leaders who occupied this area. Conflict broke out in 1928 when the settlers created their own Barundi chefferie, effectively enabling these populations – previously under the Bafuliru's customary authority – to govern themselves and appoint their own customary leaders. Not surprisingly, the Bafuliru were opposed to it. After the country's independence, the Fuliru customary power challenged the existence of this chefferie, and sought to restore its authority across the Plain. The situation deteriorated, especially during the rebellion led by Pierre Mulele in the 1960s. Despite being deposed twice in the 1980s and 1990s, the Murundi mwami was reinstated each time. Subsequent to the second deposition in 1991, the present leader of the Mufuliru chefferie, Kibinda, held the position up until 1996, when the AFDL reinstated the Murundi leader. During both wars, populations fled the Plain, and most of the Barundi customary leaders sought refuge in Burundi. In 2004, the Mai-Mai Nakabaka group (Fuliru) controlled the Ruzizi Plain, and appointed the current Fuliru mwami at the head of the chefferie. All the other Barundi customary leaders (4 *chefs*

*de groupement* and 14 *chefs de localité*), many of whom were in exile, were replaced by members of the Bafuliru community.

Since then, the situation has hardly changed: on the ground, power is wielded by Bafuliru leaders appointed in the days of the *Mai-Mai*, even though the official, legal mwami is still that of the Barundi. The Barundi community seeks the restoration of its customary rights, as illustrated by the Barundi memorandum presented at the Goma conference in January 2008. To legitimise their power, the Bafuliru – the majority community in the Plain – continue to fall back on their native rights, and on the fact that they were the region's first occupants. The governor has repeatedly called on the administrator of Uvira to reinstate the former Murundi mwami, something no *Administrateur du Territoire* (local authority) has ever attempted to do for fear of arousing public protest in the Plain and in Uvira. Note that tensions between the two communities were intensified during the Congo war, during which the Bafuliru sided with the *Mai-Mai* movement, while the Barundi sided with the RCD (Ndabagoye, the leader of their chefferie, was himself a DRC figurehead, and was appointed parliamentarian in 2004).

In May 2011, most of the former Barundi customary leaders were still in exile (three of the four *chefs de groupements*, and several former *chefs de localités*). For some of them, their return was conditional upon regaining their former positions. Those leaders who have come out of exile have been able to resettle in the Plain without any major difficulty, but only provided they take no steps to try to recover their positions. In the absence of any survey conducted directly in the refugee camps, evaluating the impact of these customary and intercommunity tensions proves difficult. The fact remains that they do nothing to ease the peaceful, successful reintegration of repatriates, instead poisoning the local climate. Although for entirely different reasons, a Mufuliru and former FARDC member stationed in Kavumu going by the name of Bédé recently revived an armed group in the Moyens Plateaux of Fizi<sup>30</sup>. This kind of information does not help appease relations between the two communities.

The other major customary conflict opposes the Banyamulenge and Bavira communities for control of the Bijombo *groupement* in Uvira. Representing the majority within the *groupement*, the Banyamulenge in Bijombo seek to gain independence from a custom that is not their own, and thus to no longer be subject to the authority of leaders from another community. However, the Bavira continue to assert their native rights over the *groupement* on the grounds that they occupied the region before the Banyamulenge.

Not all these customary conflicts necessarily pit the communities themselves against one another. Sometimes, they arise within the same "reigning" family, as is the case in the locality of Kivumu, in Minembwe centre, Fizi, where the recently appointed official leader is now quarrelling with his paternal uncle, who previously held the position in the interim. This conflict is between two networks of opposing interests, involving local officials (*ANR, poste d'encadrement*) in the illegal sale of plots of land. Also in the High Plateaux, in the South Basimunyaka *groupement*, the locality of Kibumba is divided between a Fuliru leader and a Nyindu leader. Both resort to armed factions (*Mai-Mai* Mulumba vs. FDLR) in an attempt to establish power, resulting in cases of looting. Finally, there is a conflict concerning the administrative limits of the locality of Runundu, Kabingo (High Plateaux of Minembwe) between a Munyamulenge leader and two Babembe leaders, in particular in terms of how to manage taxes on two contracts.

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<sup>30</sup> Bédé deserted the FARDC following a case of unregistered arms found in his possession. He refused his superiors' orders to hand over these illegal weapons, preferring to escape with some of his men. Until then, he did not pose a major threat. However, in May 2011, Fuliru notables did not know how to react faced with this new attempt at forming an armed group. According to military sources, Bédé's main motivation is to obtain a higher military ranking.

These examples of disputed leadership are by no means exhaustive. Indeed, there are far too many of them to list herein. They invariably make it difficult to establish a positive, responsible form of leadership just when the local authorities should be playing a more proactive role in the repatriation issue.

#### IV. REPATRIATION AND LAND

Land represents one of the most important issues in Fizi and Uvira given that agriculture and cattle breeding are the two leading economic activities in these provinces. Here too, a number of significant conflicts have brought about considerable social tension. Even if the most sensitive land conflicts do not relate directly to repatriations, they are not without their indirect influence on returning refugees. For example, there have been various conflicts between farmers and large concession holders, especially in the Ruzizi Plain. Customary leaders have sold off huge plots of land, some measuring up to 100 hectares, to economic players in Uvira or Bukavu, whereas this land used to be tended by local populations. Once sold, crops are often uprooted by the new owners' henchmen, effectively making it clear to the previous farmers that they are no longer welcome. These large concessions are usually intended for intensive farming that relies more on tractors than local manual labour. These land sale and expropriation issues are particularly prevalent in Mutarule and Luvungi. They concern both local residents and repatriates, although nobody knows precisely how many have been expropriated following this type of sale. Customary leaders may offer other cultivable land to the populations concerned, but it is usually less fertile. Local populations know that once land has been sold by their leader, it will never be used to the benefit of the community.

This phenomenon is a regular cause of discontent among the local populations concerned. Walks have been organised against the leaders responsible for these sales, for example in Luvungi in February 2011, or in Mutarule in December 2010 and again in March 2011. The leader of the Luvungi-Itara *groupement* was eventually dismissed by the *Administrateur de Territoire* in February 2011 following sales that he claimed to be making on behalf of the *chefferie*. The CMC committees established by Arche d'Alliance are unable to mediate in this kind of conflict, which goes beyond the competence and responsibility of their members. Not a single inhabitant came forward to complain to the Luberizi CMC about these expropriations, even though it was well informed of the situation. However, the victims managed to convene at an intercommunity *Barza* (a community mediation institution), bringing with them the cassava that had been uprooted. Up until now, however, the *Barza* has not taken any action. Just like the CMC committees, this type of local structure created on the population's initiative has no power over a *chef de groupement* or a *chef de collectivité*.

Another important land-related issue, this time opposing cattle breeders and farmers, concerns the transhumance of herds of cows in the dry season. Every year, from mid-May to September, cattle breeders (mostly Banyamulenge, and some Bafuliru) bring their cattle down from the High and Middle Plateaux of Uvira and Fizi to the plains and coastal areas, frequently damaging farmers' fields in the process. In riposte, the farmers regularly plunder the breeders' troops, as recently occurred in Lulimba where armed Bembe bandits stole two hundred cows belonging to Banyamulenge breeders. More generally, it is the issue of taxation in relation to this transhumance that opposes Banyamulenge breeders and Bembe *chefs de localité*. While all concerned agree to pay a transhumance tax to compensate farmers for the passage of cows on their land, it is the amount and the actual method of collecting this tax that poses a problem between the two communities. Established by local NGOs (RIO, ADEPAE and Arche d'Alliance) with backing from the Life and Peace Institute, a local initiative dubbed the *Comités de Conciliation Intercommunautaires* (CCI) is tasked with resolving the transhumance issue, which continues to divide the Bembe and Banyamulenge communities.

Other less important land conflicts concern repatriates directly. We have already referred to some of the many land conflicts that exist between residents and repatriates who seek to recover the land they abandoned at the time of their exile. In addition to these individual disputes, collective conflicts often emerge whenever authorities look to reserve areas of land for the purpose of resettling repatriates. These areas are formed by land that belongs to *localités*. Their *chefs* (or the *chefs de groupement* or *chefs de chefferie*), along with their populations, often refuse to hand this land back to repatriates, or else they do so begrudgingly. This is particularly the case with the ORAC allotment (*Organisation des Rapatriés Congolais*, formerly the ORAZ, *Organisation des Rapatriés Zaïrois* dedicated to Zairian repatriates returning from Burundi in 1978) in the Ruzizi Plain. The government wants to enlarge this 7-hectare area where it adjoins the chefferie of the Bavira in Lutemba to welcome new repatriates, but the local leader is only willing to concede one hectare. In 2010, an incident occurred when agents from the land department came to measure up the various plots for subdivision: they were ousted when the local populations, who refuse to give up this land which they use for farming, threw stones at them. This in turn led to an intervention by the police and Amani Leo soldiers. Since then, this area has not been subdivided. The provincial minister of justice went on to send an official letter demanding that the Bavira mwami give up this land, but to no avail.

Another similar incident concerns the Mwandiga 3 allotment, which has been used to house hundreds of repatriate families on the outskirts of Baraka (Fizi). Forced to give up their land to create Mwandiga 3, the chiefs of the three *localités* concerned refuse to recognise the name Mwandiga 3. Instead, they prefer to directly manage the repatriated populations settled on "their" land. They also refuse to recognise the authority of the *chef de localité* of Mwandiga 3. Although the repatriates are now settled in Mwandiga 3, relations with local residents are not good. For example, repatriates have difficulty finding arable land to rent near to Mwandiga 3 because the local inhabitants are reluctant to let their land for sufficiently long periods. As a result, the repatriates have no other choice than to rent plots between 5 and 10 kilometres away. Although the repatriates of Mwandiga 3 have repeatedly presented this problem to the *chef de groupement*, a solution has yet to be found.

Another case of land conflict encountered during our research concerns the recovery of land belonging to Bembe refugees in the High Plateaux of Minembwe, in Kalingi. Displaced Banyamulenge populations occupied this land following unrest in the localities of Kamombo and Milimba. They now refuse to return to their homeland and, therefore, to hand back the land to Bembe repatriates. The customary leaders are in favour of amicable solutions such as sharing the land between Banyamulenge residents and Bembe repatriates, rather than definitively handing it all back. The repatriates consider this unacceptable. These tensions also echo problems between cattle breeders and farmers, since the displaced Banyamulenge populations now raise cattle on land which the Babembe used for growing crops.

## V. CONCLUSIONS

This chapter was intended to show the extent to which the return zones in Fizi and Uvira are subject to local tensions, making them anything but neutral, cooperative and peaceful havens. These long-standing tensions are often rooted in local history and consubstantial with the social structures that govern large sections of Congolese society. They may go unexpressed for long periods of time, and then suddenly flare up uncontrollably following some otherwise banal event. This latency leaves little room for excessive optimism in the hope that such conflicts will be resolved of their own accord, or that they belong to the past, as many local actors would seem to believe (it is often these same actors who play a key role in finding long-term solutions). The structural character of these tensions requires both restraint and a long-term vision: it would be foolish to imagine that such deeply

rooted conflicts, which often go back to colonial times and even before, can be resolved in the space of a few weeks or months.

These tensions make social cohesion vulnerable, reinforce divisions within populations and intensify social relations between groups. As such, they represent an obstacle to durably reintegrating refugees in their original communities. Meanwhile, repatriations tend to aggravate existing tensions; if not properly managed, they can provoke sudden new developments and even destabilise large parts of North and South Kivu.

It is therefore imperative to recognise the importance of local conflicts in relation to the dynamics of repatriation and reintegration. A community approach to reintegration cannot focus solely on questions of access to health and other social infrastructures for vulnerable populations and avoid addressing conflicts of a collective and communitarian nature. These local conflicts must be given the same level of priority as other requirements (medicines, education, food) in relation to vulnerable populations. Yet, from what can be observed, the response to the repatriation issue does not give any consideration to the social tensions that are rife in the return areas. We have already observed that the current strategies to resolve land conflicts resulting from repatriation only focus on inter-individual conflicts, whereas the problem lies on a collective, inter-community level on which these strategies have no effect. Apart from certain awareness-raising activities that are often vague and unfocused, there is simply no coherent, wide-reaching programme in place for resolving these tensions.

In a context as conflict-prone as Fizi and Uvira, a community approach to repatriation must be focused on long term, sustainable conflict resolution strategies.

## IV. Conclusions and Recommendations

This research project was intended to cast an analytical, critical eye on repatriation operations and on the difficulties encountered by repatriates in Fizi and Uvira upon their return and their subsequent reintegration. By way of a conclusion, we suggest a number of avenues worth exploring by the humanitarian organisations and Congolese authorities involved. These suggestions assume that those involved in the response are capable of shifting from a short-term humanitarian approach to a more global, medium- and long-term approach.

### **Recommendation 1: Approaches to repatriation that take into account local tensions must be developed.**

The main lesson learnt from our research is that the response to the repatriation issue does not give any consideration to the social, community and political factors at play. Implementing partners tend to view repatriation as a purely technical operation, one whose responses serve merely to meet a series of needs (for food, medicines, schooling, shelters, etc.), whereas it inevitably implies a number of political, community and identity-based considerations. The environment to which refugees return is often rife with conflicts that ultimately segregate the communities. Given this context, the following must be acknowledged: a) that these local tensions undermine the smooth reintegration of repatriates, and that a **genuinely community-orientated approach (such as that advocated by UNHCR) necessarily involves a structured, long-term strategy in relation to these conflicts**; b) that the repatriation process risks aggravating tensions and exacerbating hostile feelings that exist between the communities, and even causing renewed violence.

Based on this observation, **conflict resolution programmes must be more widely implemented**. In this respect, certain initiatives have already been established, such as the work carried out by the Life & Peace Institute partners in both territories, however they must be stepped up and expanded to cover the repatriation issue. Provincial authorities and local civil society actors will need to play a key role in finding long-term solutions to these local conflicts.

### **Recommendation 2: The livelihood dimension of the repatriation process must be broadened.**

The current approach to repatriation still follows an overly humanitarian and emergency-based logic, i.e. that of distributing food and non-food kits. This approach does not efficiently deal with the tough social and economic difficulties faced by repatriates during the first 18 months of their return. Once again, the current response is excessively focused on the short term only, whereas needs in terms of socio-economic reinsertion extend to the medium term. Progress has been made via UNHCR projects for promoting RGAs and teaching manual trades, but these are still few and far between.

Greater consideration must be given to the fact that the local economy revolves mainly around agriculture, and to the resulting constraints on repatriates in order to define programmes that are better adapted. In the year following their return, the most pressing need faced by repatriates is access to food, mainly from crops. The food support provided by WFP is still largely insufficient with regard to this need. Community projects carried out by a paid workforce could help anticipate future repatriates' needs, as could **improving access to revenue-generating activities and micro-credit schemes**. Developing alternatives to basic food distributions is essential if the current response is to be improved.

Moreover, developing access to sources of livelihood would help repatriates (and vulnerable residents) better cope with costs such as schooling and medical expenses once their six months' medical assistance comes to an end.

**Recommendation 3: A comprehensive strategy for land management that is consistent with the needs of the repatriation process must be elaborated.**

This strategy must establish **clear, coherent and equitable guidelines for the recovery of land and other assets**. Delicate issues that oppose repatriates and local residents must no longer be left to local, arbitrary arrangements. While these may well offer a temporary solution to disputes between residents and repatriates, they offer very limited guarantees to the parties concerned in terms of their rights, and risk being transformed into situations where the "law of the strongest" prevails. Moreover, the fact that these arrangements are based on local customs means that single women or widows have no possibility of regaining their land or assets. Lastly, these arrangements often contravene commitments made by Congolese authorities in the framework of the Great Lakes Pact and the Protocol on the Property Rights of Returning Persons.

More generally, the issue of land as a whole in DRC poses a problem given the gap between provisions in property law and the reality of its application in Congolese rural areas, where customary land management often holds sway. This gap infers dual standards in relation to land, effectively undermining the security of all Congolese farmers, both residents and repatriates.

**Recommendation 4: Local Congolese authorities must be encouraged to play a more pro-active role in facilitating the repatriation process.**

Faced with the future challenge of repatriating refugees from Tanzania and Burundi, greater involvement by local Congolese authorities is imperative. Although national and provincial authorities play an active role in the Tripartite Commissions, greater commitment is needed at a more local level. Local authorities tend to minimise the problems resulting from repatriations and prefer to make do with the current response, in spite of repatriates' complaints. In addition, these authorities are not sufficiently involved in finding solutions, and remain badly informed of the latest developments concerning repatriations. As a result, they adopt a wait-and-see policy that does little to facilitate the reintegration of repatriates in their communities, whereas it is at their level that the real problems of reintegration exist. In fact, local authorities have no formal strategy for the repatriation process; their sole response takes the form of an ad hoc reaction when the problem becomes obvious. **Local authorities must adopt a more forward-thinking approach in partnership with their territorial and provincial counterparts, especially the CNR, if a more effective, longer-lasting solution is to be found to the repatriation issue.**

**Recommendation 5: Coordination and transparency mechanisms in the response strategy must be improved.**

Despite existing mechanisms for coordinating the humanitarian response (UN cluster system), important challenges still lie ahead given the disparate visions, approaches and institutional profiles of the actors involved. The problems encountered with the implementation of the Early Recovery Cluster in South Kivu are instructive in this respect. A common, shared definition of the repatriation needs and priorities is a prerequisite for improved coordination of the various facets of the response. Until now, no such definition has been established.

Beneficiaries do not have a clear perception of this response given its complicated nature, the many actors and intervention areas and its evolving nature. This lack of transparency leads to widespread resistance and a negative perception of both the response and the organisations behind it. Because of the lack of clarity and reliable information on the assistance provided to them, many beneficiaries feel deceived, and perceive the assistance as having been delivered on an arbitrary basis. These negative perceptions fuel suspicion that goes against the peaceful reintegration of repatriates.

**Improved information and communication strategies should be developed by the different actors involved** to enable the beneficiaries to better understand the modalities and constraints of this assistance. Developing a more participatory approach in defining the actual response is a step in this direction.

**Recommendation 6: It is important that policy-makers and implementing actors recognise the structural nature of the insecurity in South Kivu and its implications for repatriation.**

Although the security situation in Fizi and Uvira has improved somewhat in recent months, it remains a troublesome factor for the reintegration of repatriates. The region's widespread insecurity is part and parcel of the long-standing Congolese crisis. This crisis is itself the result of undisciplined Congolese soldiers, uncontrolled armed groups, continuing Amani Leo operations, ongoing conflicts and looting. These factors are all causes of legitimate concern not only among local populations, but also among repatriates and refugees who are still living in camps. The volatile security situation in both territories inevitably has an impact on the dynamics of repatriation, regardless of what the authorities and UNHCR may claim to the contrary.

**Security assessments should not therefore be limited to superficial or temporary aspects of this insecurity, and should take into account deeply entrenched inter-community tensions and dynamics.** Prudence is called for faced with the uncertainties that continue to hang over the region. Repatriating refugees only for them to flee fresh conflicts several months later, as has already been the case in Fizi, cannot be considered as an effective strategy that meets the populations' need for protection. Moreover, security assessments or decisions concerning repatriations must not be swayed by the political considerations of the various authorities in power.

## Acronyms

ACCOPEC	Coopérative pour le relèvement communautaire
ADEPAE	Action pour le développement et la paix endogènes
ADRA	Adventist development and relief agency
AFDL	Alliance des forces démocratiques pour la libération du Congo
AGR	Activité génératrice de revenus
AIDES	Action et intervention pour le développement et l'encadrement social
ANR	Agence national de renseignements
APR	Armée patriotique rwandaise
AVSI	Associazione Volontari per il Servizio Internazionale
BPRM	Bureau for population, refugees and migration
CA	Conseil d'administration
CAR	Comités d'action et de réconciliation
CELA	Centre pour l'épanouissement des jeunes et la formation de l'adulte
CLPC	Comités locaux permanents de conciliation
CMC	Comité de médiation et de réconciliation
CNDP	Congrès national pour la défense du peuple
COPAC	Coopérative des projets d'autonomisation communautaire
CNR	Commission nationale pour les réfugiés
CRP	Cluster relèvement précoce
DGM	Direction générale des migrations
FARDC	Forces armées de la République Démocratique du Congo
FAO	Organisation des Nations-unies pour l'alimentation et l'agriculture
FDLR	Forces démocratiques de libération du Rwanda
FRF	Forces républicaines fédéralistes
GIZ	Coopération technique allemande
GTT	Groupe de travail technique
HCR	Haut-Commissariat pour les Réfugiés
IMC	International Medical Corps
MONUSCO	Mission de l'Organisation des Nations-unies en République Démocratique du Congo
NFI	Non-Food Items (biens non-consommables)
NRC	Conseil norvégien pour les réfugiés
OCHA	Bureau des Nations-unies pour la coordination des affaires humanitaires
ONG	Organisation non-gouvernementale
OUA	Organisation de l'Union Africaine
PAM	Programme alimentaire mondial
PMU	Mission de développement pentecôtiste
PNUD	Programme des Nations-unies pour le développement
RCD	Rassemblement congolais pour la démocratie
RDC	République Démocratique du Congo
RIO	Réseau innovation organisationnelle
SFCG	Search for common ground
STAREC	Programme de stabilisation et reconstruction de l'est de la RDC
SVH	Solidarité des volontaires pour l'humanité
TEP	Teacher emergency programme
USAID	Agence des États-Unis pour le développement international
UVIMAWA	Umoja wa Vikundi vya wa Mama Wakimbizi

VIH                      Virus de l'immunodéficience humaine  
YEP                      Youth emergency package

## **Bibliography**

### Tripartite Agreements:

Accord tripartite RDC-Tanzanie-HCR;  
Accords tripartite RDC-Burundi-HCR;  
Modalités pratiques relatives au rapatriement volontaire des réfugiés de la RDC vivant en Tanzanie

### Statistics:

Source: HCR - Statistiques de rapatriements depuis le Burundi et la Tanzanie depuis 2005 pour les territoires de Fizi et de 2010 d'Uvira, UNHCR, bureau de terrain d'Uvira;

Source: HCR - Effectifs restants à rapatrier à partir de Tanzanie dans les différentes zones de retour année 2011 UNHCR, bureau de terrain d'Uvira;

Source: HCR - Statistiques par tranches d'âge des rapatriés à partir du Burundi et par les différents convois avec leurs zones de retour par villages au 20 avril 2011 et mise à jour au 27 avril, UNHCR, bureau de terrain d'Uvira;

Source: HCR - Statistiques des réfugiés burundais rapatriés au Burundi Mars 2011 UNHCR, bureau de terrain d'Uvira;

Statistiques 2010 des vulnérables dans les territoires d'Uvira et Fizi, AIDES, bureau d'Uvira.

### Reports:

Source: CNR - Rapport de mission de réévaluation sécuritaire des territoires de Fizi et Uvira / comité technique tripartite Tanzanie – 12-17 avril 2011

Source: HCR - Rapport de la mission d'évaluation de conditions de protection et de réintégration dans les zones de retour (comité tripartite Tanzanie) – 6-11 septembre 2010

Source: CNR - Rapport sur les projets de réintégration en faveur des rapatriés et des communautés hôtes en territoire de Fizi et Uvira de 2006 à 2011 (en matière d'abris, santé, éducation, etc.) / rapport fourni par CNR Uvira

Source: HCR - Descriptif des return package du HCR – Uvira (transmis par CNR Uvira)

Source: CNR - Document de présentation de la CNR et de son rôle et mandat (antenne de Goma) de novembre 2010

Source: Chronogramme des activités du groupe de travail technique relatif aux opérations de rapatriement des réfugiés congolais vivants au Burundi et des réfugiés burundais vivant en RDC / pour 2010 (document non daté)

Source: CNR - Rapport annuel d'activité 2009 de la CNR / antenne d'Uvira (daté du 9 janvier 2010)

Source: CNR - Rapport annuel d'activité 2010 de la CNR / antenne d'Uvira

Source: HCR - Compte rendu de la réunion bilatérale UNHCR – gouvernement provincial du Sud Kivu du 4 décembre 2009

Source: CNR - Compte rendu de la première réunion du groupe technique de travail de la commission tripartite RDC-Tanzanie-HCR tenue à Lubumbashi du 8 au 10 août 2005

Source: OCHA Données du déplacement au Sud-Kivu, RD Congo de 2009 - au 31 mars 2011

Source: CNR - Rapport de la cinquième réunion du groupe de travail technique de la commission tripartite RDC-Tanzanie-HCR sur le rapatriement volontaire des réfugiés congolais vivant en Tanzanie / Kinshasa, 1-2 février 2011

Source: CNR - Présentation de la situation sécuritaire générale dans les zones de retour des réfugiés congolais vivant en Tanzanie par l'inspecteur principal de la PNC à Kinshasa / non daté / avril 2011, dans le cadre de la mission de réévaluation sécuritaire d'avril 2011

Source: PNUD, bureau de Bukavu - Présentation de l'approche relèvement précoce.