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Introduction

The purpose of this paper is to raise a number of general points concerning the relationship

respects, there are a number of common elements that characterize modern states' institutional design, actual state practices as well as the normative underpinnings of modern statehood, such as the notion of public goods and the related notions of development and welfare, law and taxation, to name but the most important elements. (Kraler forthcoming).

The hypothesis guiding the research is that the history of Rwanda's early post-colonial refugees is indeed an expression of the modern, exclusionary state and perhaps, of modern state- and nationhood in general. In order to analyse the

therefore, both academic and non-academic

Far from being merely of historical significance, the narrative of the "hamitic hypothesis" has a strong resonance up to this date and has long since become part of ethnic identities and of narratives of "migration" in the Great Lakes region, and indeed, elsewhere on the continent (Jackson 2003: 59ff; Lemarchand 1999).⁷

The issue of citizenship in the Congo throughout the post-colonial period, and, to a lesser extent in Uganda, was indeed informed by the overarching concern to restrict participation, political office and access to resources such as land to so-called "autochthones", to the true natives of the country, often articulated in the very language of the hamitic myth (Congo Fraternité et Paix 2002, Mamdani 2001). In both contexts, the debate was sparked by the massive presence of Kinyarwanda speakers, only few of whom were actually migrants in any meaningful sense of the term.

2.3 First-Comers and Late-Comers

At the same time as European explorers, administrators and missionaries introduced the discourse of the hamitic hypothesis there were also powerful indigenous discourses on migration that were, on an abstract level and by their very nature as narratives legitimising power relations very similar to the discourse of the hamitic myth introduced by the Europeans.

The notion of "first-comers" and "new-comers", which distinguishes between the "owners of the soil", those "who cleared the land" on the one hand and "late-comers"/ "strangers" on the other, is a case in point. The discourse served in certain areas of Rwanda and elsewhere in the region to justify the status of "land-clearers" as those

having control over access to land on the one hand and the status of new-comers/ strangers as clients who are given land within a patron-client relationship, on the other.⁸ Like the hamitic hypothesis, the discourse was long taken at face value, but unlike the former, local traditions seemed to support its factual nature. A recent study of the pre-colonial Rwandan state, however, argues that far from reflecting the earlier settlement of "land-clearing" families, or, by implication, the expansion of human settlement into virgin lands driven essentially by pioneering agriculturalists, the discourse is a reflection of the changing nature of land tenure in Rwanda during the 19th century - in already relatively densely populated areas (Vansina 2001). While there is no doubt that migration played a role in the dynamics of land tenure and land-clientship, it was but one aspect of a much wider process (See Feltz 1975; Meschi 1974). Similarly, a study of the

emergence of Rwandan social categories Hutu, Tutsi and Twa by Jean-Paul Kimonyo (Kimonyo 2001) and the careful analysis of human settlement of Rwanda on the basis of archeological, linguistic, anthropological and ecological evidence by Kanimba Misago (Misago 2002).

⁷ A survey carried out by the Centre for Conflict Management of the National University of Butare (Ntaganda 2002), however, seems to suggest that the interest of ordinary Rwandans in the issue of human settlement of the region and the order of settlement by the different groups is rather limited; moreover, a majority of respondents subscribed to the myth that Rwandans are descendants of one ancestor (Gihanga), thus implicitly rejecting the narrative of human settlement altogether. The survey is problematic on methodological grounds, being biased towards a certain "harmonious" vision of pre-colonial society, promoted by the RPF regime. Nevertheless, the conclusion drawn from the results, namely that the discourse of "anteriority" is significant only to a small, educated elite seems plausible.

But the discourse of "firstcomers" and "newcomers", had a much wider resonance and was not limited to land tenure or clientship, or to peripheral regions not touched by the various pre-colonial state-building projects. Pre-colonially, it also served, albeit in a more indirect way, to legitimise the hold on power of those on the apex

Rwandan attempts to colonize the region during the rule of Rwabugiri (c.1867-1895), barely managed to establish a semblance of rule. Very often, Tutsi notables from central Rwanda (known as Banyanduga) at best competed with "indigenous" power brokers. Thus, central Rwandan institutions of rule often co-existed side-by-side with local institutions of authority (Vidal 1985: 178). Central Rwandan penetration of these peripheral areas, however, was also crucial in forging ethnic identity, or more precisely, popular conceptions of Tutsi ethnicity. Central Rwandan Tutsi notables were widely seen as agents of "foreign" domination and a threat to local autonomy, and several uprisings in North-Rwanda in the 1890s seem to have had strong ethnic overtones, as did a major uprising in 1912 (Des Forges 1986; Vansina 2001: 177ff).

Colonial boundaries, however, were different. The imposition of colonial boundaries, as colonial rule in general, changed spatial patterns of political power in a fundamental way: the practice and theory of colonial boundaries erased the ambiguity so characteristic of pre-colonial patterns of rule, by clearly defining the jurisdiction of the Rwandan state, in terms of subject matter, that is, by defining what power was all about, as much as in terms of geographical scope. While early German administrators soon realized that the king's power over much of the territory claimed to be under his jurisdiction was a to some degree fictive,¹¹ they found these claims a useful myth and supported the "consolidation" of the court's power within the area of its present borders, a process that continued well into 1920s, when the last of the independent Hutu kingdoms was subdued (Reyntjens 1985: 95ff Vidal 1985: 174).

¹¹ To some extent, the judgment of administrators seems to have been influenced by their own understanding what constitutes "rule". For example, Richard Kandt, a Jewish German explorer, physician and the territory's first *Resident* (administrator) concluded after his first journey through Rwanda that the Mwami's power over territories outside the royal capital was weak, because he hardly saw any chiefs in the countryside and because his caravan was plagued by bandits (Kandt quoted by Vidal 1985: 174). Still, some of the areas he travelled through may well have been tightly ruled – in the sense that the Mwami and his chiefs controlled access to land and cattle and levied taxes and other dues. "Security" or indeed, the welfare of the ordinary peasantry was not something Rwanda's traditional rulers cared very much about. On the contrary, many of their actions (like warfare and cattle raids as well as constant inter-elite struggles for powers) were a heavy burden for the peasantry (Vansina 2001: 231ff).

3.2 Boundaries and discourses of migration

As I have indicated so far, the drawing of colonial boundaries had immediate political effects, limiting the scope for military action and by doing so, restricting the scope for "traditional" modes of predation (mainly cattle raids), while during the first decade of the 20th century, colonial boundary-making drastically changed the relations of the central Rwandan court with the areas within these boundaries, often cited as an example of "internal colonialism". At the same time, boundaries also created new opportunities for "dissenters" and "rebels", for whom nearby areas across the colonial border provided a sanctuary from both their respective colonial governments and local rulers such as the Rwandan king. Colonial governments, however, soon responded to these unintended consequences of boundary making, and increasingly cooperated on the issue of "fugitives" and "rebels", organizing joint police raids¹² or arresting fugitives on behalf of one another in their respective areas of jurisdiction (Des Forges 1986; Kajiga 1956; Vansina 2001).

From the perspective of the colonial governments, then, boundaries were not just expressions of their territorial claims to a particular territory, primarily addressed to rival powers, or of their adherence to a particular state model, but a crucial mechanism of control - over people, goods, and money, however limited their "real" impact seemed to be in terms of the daily lives of the majority of Africans (See for a general argument Herbst 1990; 2000; for a West African case study see Nugent 2002). The discourse of population control as expressed by the border, had several facets, the concern over certain "criminal" or "political subversive" elements, though prominent throughout the colonial period, being just one among others.

For example, the German colonial administration was so concerned about the insecurity, criminality, and exploitation supposedly brought about by foreign traders to which it attributed part of the blame for an uprising in 1904 that it

increasingly concerned about the large-scale migration of "able bodied adult men", that is, taxpayers, from Rwanda and Burundi to the British Territories. They felt that migrants were only trying to evade paying their dues in labour and kind, thus undermining the administration's development policies. Along with its long-standing ally, the Catholic Church, it vigorously campaigned against migration to the British territories (Chrétien 1993: 307; 2003). While there was little the colonial government could do in practice to stop these migrations from happening, the very fact that it was so concerned underlines how important it was deemed to control the movement of people for attaining its wider goals of social transformation and state-building, while clearly seeing spontaneous migration as a threat to "traditional" and by implication, the colonial order.¹³

4. Migration, past and present

4.1 Regions of "Rwandan" settlement in the Great Lakes

At Independence, large numbers of Kinyarwanda-speakers lived outside the country's borders, in Rwanda's neighbouring states. Many were migrants in the first or second generation. Many others, however were not and either were descendants of much earlier, pre-colonial migrants or happened to live in areas attributed to the Congo or Uganda when colonial borders were finally demarcated in 1911 (Louis 1963).

In 1970, there may have been some 1.2 million Kinyarwanda-Speakers or 36% of Rwanda's then population who lived outside the country's borders, most of them in the Kivu region of the Congo and in Uganda.¹⁶

In 1959, 378,656 "Banyaruanda" lived in Uganda, over half of them (213,497) in Buganda (Helle-Valle 1989: 124). However, most of the remainder were in fact "indigenous" Kinyarwanda speakers, living in two districts of South-Western Uganda. They were lumped together with migrant Rwandans in a category that basically meant to record ethnicity rather than "citizenship" or a background as migrant. By 1969, swelled by a large number of refugees, the number of Banyarwanda in Uganda may have reached some 800,000 (ibid.: 159). Similarly, the 1969 census in the Congo, recorded some 335,000 Rwandans. The majority of these lived in the Kivu-Region, and particularly in North Kivu - the proportion of Rwandans reached 70% in one district in North-Kivu (Masisi), but a significant population of Rwandan background could also be found elsewhere in the Kivu (Saint-Moulin 1975; 1976). Again, it is not quite clear what was actually recorded (citizenship, ethnicity, language, or country of birth), even though "foreigner" was the actual category used. Presumably, many indigenous Rwandans will have been enumerated as "foreign immigrants", and vice versa. Generally, therefore, the overall number of

¹⁶ Own calculations, using figures given by Egerö 1979, Helle-Valle 1989, and Saint-Moulin 1975 and 1976. The large numbers of Kinyarwanda-speakers who live outside Rwanda repeatedly gave rise to irredentist claims by Rwandan politicians and academics. In reality, however, even those territories such as Bwisha and Bufumbira which had a tributary relationship with the Rwandan court, were only loosely "attached" to the pre-colonial Rwandan polity. In practice, local elites enjoyed a wide-ranging autono

More important, Rwandans, particularly pastoralists, fled the expanding and centralizing Rwandan monarchy by establishing a livelihood beyond the reach of the central state. This movement was, by and large, directed to the west, that is, towards the Congo-Nile watershed and beyond, into what is today the DRC. Paradoxically, it was often these refugees who paved the way for the westward expansion of the Rwandan monarchy. Not only did the "refugees"

migrants, as did its administrative policies, based on an ideology of indirect rule. The latter tended to enhance the power of chiefs as well as greatly extending the scope of supposedly traditional "prestations" (taxes) and the extent of forced labour due to the chiefs. The streamlining of the traditional hierarchy further enhanced the power of individual chiefs. Abuse and exploitation by traditional authorities remained widespread up until the end of colonial rule and was often cited as a reason for migration by migrants themselves (Guichaoua 1999; Richards 1973).

Some of these colonial policies, notably forced cultivation were actually meant to address the issue of food security and partly were a response to two major famines in the 1920s. In practice, however, the policies adopted aggravated the situation in many respects¹⁷ and, by placing yet more demands on peasants, gave further ground to large-scale migrations. The Belgian administration estimated that over 100,000 emigrated from Rwanda as a response to the famine in 1927-1930. Yet, the population in the regions immediately affected by the famine hardly migrated, and if so, never over long distances. Migrants to the British territories thus fled the effects of the famine (including Belgian policies adopted as a response) rather than the famine itself (Cornet 1996: 39 and passim).

As we have seen earlier, Belgians were concerned about spontaneous migration to the British territories, partly for political reasons (Belgium was extremely embarrassed about the international attention given to the 1927-1930 famine). Partly, however, it was a genuine concern about "spontaneous", that is,

land under "customary law", that is, through the traditional authorities. Towards the end of colonial rule, however, the Rwandan chiefdom was abolished and integrated into the larger Hunde chiefdom. As a result, land tenure became increasingly insecure for Rwandan migrants, but particularly for poorer ones.

Some 85,000 Rwandans were resettled between 1937 and 1955 - and many more may have come on their own accord, joining resettled relatives, friends and neighbours.

Two points are particularly noteworthy here:

First, the combined impact of native policies, the creation of a plantation economy and large-scale resettlement led to a process of

not allowed to leave the designated areas and had to ask for permission for doing so. Interaction with locals was discouraged. The creation of separate spaces for migrants - "transmigrants" in colonial times, and refugees in the post-colonial period did in fact enhance their perceived difference vis-à-vis the local population. Perhaps, as Liisa Malkki suggests in her study of Burundian refugee settlements in Tanzania, these "closed communities" are in fact a fertile breeding ground for similarly closed, rigid identities and mythical historical narratives (Malkki 1995).

Labour migration and resettlement are but the most evident forms of migration, engendered by the colonial twin projects of state building and development. Other, quantitatively perhaps less important forms of migration such as educational migration or the migration of Christian catechists and clerics attached to the missions, were equally important in terms of their implications for social change in general as well as for the emergence of translocal ethnic communities in particular.

5. Refugee migrations – Rwanda's "old-caseload" refugees

5.1 The origin of the refugee problem

The origin of Rwanda's "refugee problem" can be traced to the period prior to independence. Colonial rule in Rwanda had come under increasing pressure from the 1950s onwards, leading to various but limited reforms. For the ordinary Rwandan, the chiefs and sub-chiefs embodied the oppressive "facets" of the exclusionary and authoritarian colonial regime. Most chiefs and sub-chiefs were Tutsi. Hutu were thus largely excluded from positions of power. In addition, the education system and the labour market for public offices discriminated against Hutu. In view of this situation, it was not surprising that Hutu politicians drawn from a rather tiny stratum of educated Hutu, picked up the "ethnic" theme and began to fight their political struggle along ethnic lines. Yet the Manichean picture of the oppressed and dispossessed Hutu masses against the "parasitic" leisured class of Tutsi had never been an accurate description of reality. Only a tiny fraction of the Tutsi population belonged to the privileged few and various other cleavages - region, class etc. - cut through "ethnic" categories.

A peasant revolt in late 1959 marked the beginning of a period of intense crisis, in the course of which the Tutsi monarchy was abolished and replaced by an increasingly "ethnically" defined republic. Already during the November 1959 uprising and the royalist counterattack that

followed numerous people were displaced. Violence was initially mainly directed against office holders and their families, and only later, during the election campaign for the communal elections in 1960s and afterwards, increasingly took on an "ethnic" character, fuelled by the fierce and often violent confrontation between the competing parties.

Still, "political ethnicity" (in terms of what groups or actions stood for) was quite different from the actual "ethnicity" of the actors involved. Initially, most refugees had remained inside the country, at least until the 1961 national elections and the campaign preceding it. Generally, the pattern of displacement was not straightforward: some of it was only temporary or recurrent. A camp for internally displaced was set up as early as November 1959 in Nyamata in Bugesera, as there had been earlier plans to establish a rural settlement scheme there (St John 1971: 219). Embarrassed over the presence of Rwandan refugees outside the country, the Belgian authorities attempted to prevent any "international"¹⁸ flows, if necessary, by force, while its auxiliary troops - in 1960, a Rwandan National Guard was formed - were often those, who pushed Tutsi into exile (Adeney 1963: 45f).

By 1960, some 3,000 refugees had fled abroad. Many of those early international refugees were in fact political activists and/or office holders of the monarchy. Most of them returned, being encouraged to do so by the Belgian authorities and the provisional government, installed in October 1960 and more importantly, they did so to take part in the national elections scheduled for September 1961.¹⁹ However, by 1961 the situation had badly deteriorated: the (illegal) declaration of a republic in early 1961, the Belgian authorities' indication that the Rwandan king was no longer welcome in Rwanda, and particularly the run-up to the national elections and the simultaneously held referendum on the abolition of the monarchy had greatly increased the tensions. In addition, the change of power at the local level, completed with the local elections of 1960s, intensified local power struggles rather than ending them as new and often inexperienced local office holders sought to assert their power,

¹⁸ Given that most countries involved (except the Congo) only received Independence after the numbers of international refugees soared (Tanganyika in late 1961, Rwanda and Burundi in June 1962, Uganda in October 1962), and two of the countries were under Belgian rule, the term "international" has to be qualified.

¹⁹ Interview with Pierre Mungarulire in Kigali, 10 September 2004.

by mobilizing against the representatives of the toppled regime, expropriation of their property and use of violence. As several observers have pointed out, the logic at work in the republic was in crucial ways very similar to that under the old system, in the sense that political office was intrinsically linked to control over land and other resources and the ability to use them to build and maintain a power-base (Gravel 1968; Reyntjens 1987).

Ultimately, and informed by the anti-Tutsi discourse of the leading Hutu Party on the national level, Tutsi at large were targeted and became victim to lootings, expulsions, expropriations and killings. Importantly, however, "ethnic conflict", rather than being the underlying cause of the so-called revolution, was a by-product of struggles over the control of the state, both on the local and the national level. By 1960s, however, an ethnic interpretation of the conflict had widely spread, even among ordinary peasants (Codere 1962).

On the part of some refugees (Hutu refugees and Twa), the decision to go may also have been politically influenced, that is, may have partly been an expression of loyalty towards the king and the major monarchist party, UNAR, rather than only a simple consequence of violence or expulsion (Hutu UNAR activists, however, were similarly subject to arson and violence). UNAR leaders such as Michel Kayihura in any case consciously opted for exile because they felt that UNAR had better chances to (re)gain power in Rwanda – if necessary by force – operating from outside than as a small opposition party from inside the country.²⁰ Similarly, the decision of many refugees to stay in exile, particularly in the period between the aftermath of the elections in late September 1961 and Independence (June 1962) was to some degree also a political decision. Although largely informed by a concern for personal safety and a deep mistrust against the Belgian administration, the reluctance to repatriate was also fuelled by refugee politicians, who tied the fate of the refugees to the ultimate outcome of decolonization.²¹ That refugees were able to exercise some choice - however limited, is

²⁰ Interview with Pierre Mungarulire in Kigali, 10 September 2004. For private reasons, Pierre Mungarulire, a senior UNAR leader and former chief in Bwancyambwe (the area around Kigali), also opted for exile.

²¹ See Otto W. Gobius to High Commissioner, Geneva,

A somewhat banal difference, which, however, at the time of the refugee crisis was often overlooked, was that refugees themselves didn't expect exile to last for long; as a consequence, they were often reluctant to engage in more than temporary economic activities. Aid agencies, on the other hand, commonly attributed the unwillingness of the refugees to plant certain crops, engage in communal activities in the framework of settlement programmes etc. to the "inherent laziness" of the "Tutsi tribe" and the privileges they had supposedly enjoyed in Rwanda. Thus, whereas refugees did not easily give up the idea of going home one day, both host governments and aid agencies stopped thinking seriously about repatriation after Rwanda had achieved Independence in June 1962. A consultant for a ILO operated development scheme for Rwandan refugees in the Congo and Burundi told a conference in 1968:

the 1960s from the much more successful but at the same time ultimately tragic return of Rwandan exiles in the 1990s, is the emergence of a much more interconnected refugee diaspora that the exile-rebel-army successfully managed to organize. The particular circumstances in Uganda (the marginalisation and attempted large-scale expulsion of Rwandans under Obote in 1982-84, as well as the widespread participation of Rwandan youth in Museveni's guerilla war against the latter) certainly favoured the emergence of a radical and militarized refugee movement there rather than in the other countries of exile. Yet politically active associations of refugees were also emerging in other countries of the region and independently of refugee activities in Uganda, for example in Burundi and among refugees in North Kivu.

A number of factors explain the renewed and much more successful mobilization for return in the 1980s: in several countries of exile, particularly in Burundi and Uganda, discrimination had become particularly severe by the late 1970s and 1980s; also, by the late 1970s, sizable numbers of refugee youth had graduated from universities all over the region, who had begun to

the states have changed dramatically. In much of contemporary Africa the state has become one of the primary resources if not the primary resource, access to which (on whatever level - local, regional or national) means access to many other resources, including natural resources such as land (Englebert 2003). It should thus come not as a big surprise that conflicts over resource entitlements are at the same time often also conflicts over who can legitimately claim access to

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