

REGIONAL CONFERENCE ON RWANDESE REFUGEESIntroduction

1. Following the armed strife that occurred in Rwanda in early October 1990, the Rwandese Armed Forces, in defence of the national territory, subsequently came into confrontation with the external armed opposition.
2. The Secretary General of the Organization of African Unity immediately established contact with the Current Chairman of the Organization of African Unity, H.E. President Yoweri K. MUSEVENI of Uganda and, subsequently, with the President of the Rwandese Republic H.E. Major General JUVENAL HABYARIMANA. The objective of the OAU Secretary General's démarches was to find out how best to bring about a quick and peaceful resolution of the problem.
3. After further consultations with the governments of Uganda and Rwanda, the Secretary General despatched a two man mission led by the Assistant Secretary General in charge of Political Affairs to Rwanda and Uganda to have an on-the-spot assessment of the situation and to find out how best the OAU could assist in bringing about an amicable settlement of the problem. The delegation also had the opportunity to meet with the Prime Minister of Belgium in Nairobi, Kenya, on the same matter.
4. The Secretary General of the OAU on 20 October 1990 met with H.E. Col. NDINDIYIMANA AUGUSTIN, a special envoy of the President of Rwanda, at the OAU Headquarters. Also on 6 December 1990, at the same venue he met with H.E. Dr. C. BIZIMUNGU, Minister of Foreign Affairs of Rwanda. During both meetings the Secretary General expressed concern over the grave situation in Rwanda and over the implications for the sub-region and Africa as a whole.
5. On 24 December 1990, at the OAU Headquarters the Secretary General met with a delegation from the Rwandese Patriotic Front and exchanged views on the implementation of the various decisions contained in Mwanza, Gbadolite and Goma communique.
6. Furthermore, the Secretary General of the OAU has also been in communication with the Presidents of Burundi, Rwanda, Tanzania, Uganda and Zaire.
7. Meanwhile, at the sub-regional level, the President of the United Republic of Tanzania, at the request of President HABYARIMANA, convened a meeting of the Heads of State of Uganda and Rwanda in the north-western Tanzanian town of MWANZA on 17 October 1990 in order to find a peaceful solution to the problem.

8. The Summit, while stressing the need to have an immediate ceasefire also stated that:

"Following upon the ceasefire, a regional conference to be attended by all parties affected by the question of refugees would be convened to discuss the refugee problem in the region, in a comprehensive manner."

9. The President of the Rwandese Republic made two important declarations at MWANZA:

(i) The right of all Rwandese in exile to return to their country whenever they wished to do so. He pointed out, however, that there would be the need for international assistance for their resettlement and rehabilitation.

(ii) The readiness of the Rwandese Government to initiate talks with the internal and external opposition.

10. On the Regional Conference, the Secretary General in his discussion with the Special Envoy of the President of Rwanda stated that:

"We are encouraged by the readiness of President Habyarimana to resolve the refugee problem. We do understand the complexity of the problem in view of the limited resources and economic difficulties of Rwanda. The mobilisation of the International Community is, therefore, required".

11. Another meeting of the Heads of State of Burundi, Rwanda, Uganda and Zaire was called in Gbadolite, Zaire, by President Mobutu Sese Seko of Zaire in furtherance of the search for peace in Rwanda.

12. At Gbadolite, the Heads of State agreed on the need for mediation between the Rwandese authorities and the armed opposition. They, therefore, entrusted this responsibility to President Mobutu Sese Seko of Zaire. Furthermore, with respect to the question of refugees, the Heads of State once again reaffirmed that the dialogue should culminate in a Regional Conference to find a final and lasting solution to the question of refugees.

13. The latest Communiqué adopted in Goma, Zaire, on 20 November 1990 by the Heads of State of Rwanda, Burundi, Zaire and the third Deputy Prime Minister of Uganda stated that:

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"As regards the regional Conference on Refugees and considering the importance of the problem, the President of Uganda was mandated by his colleagues, in his capacity as the current Chairman of the OAU, to inform the Head of State of Tanzania of the conclusions of the Goma meeting and to take urgent measures for the convening of the said conference."

14. Based on successive appeals from concerned parties to the UNHCR and the OAU and also in line with the existing excellent relations between the two organizations, the Secretary General of the OAU requested the UNHCR to associate itself with the preparation of the Conference.

Background to the Rwandese Refugee Problem

15. Rwanda, a former German and subsequently (after W.W.II) Belgium colony with a land area of 26,338 Sq. Km., had long been united by language and customs. According to 1985 census figures, Rwanda had a population of 6,274,000 people thus making it one of the most densely populated countries on the continent.

16. In 1959, following the death of the Rwandese King Ntara III and the succession by Kigeri V, there was a social upheaval in Rwanda. In the wake of this event many Rwandese for the first time left the country and took residence in mainly the neighbouring countries.

17. On 1 July 1962, Rwanda became independent under its first President Mr. Gregoire Kayibanda. In 1963, following independence and the resultant changes in the political set up, there was another social upheaval which led to the flight of thousands of Rwandese nationals into exile.

18. Further political changes took place in Rwanda between independence and 1969 with the declaration of a one party state in 1965. There were Rwandese who were not satisfied with this political arrangement and this brought about political agitation within the country.

19. This disaffection to and dissatisfaction with the political system led to a military take over on 5 July 1973. Major General Juvenal Habyarimana became President. The new government took a number of measures to bring about social cohesion among Rwandese. It abolished the then sole political party the Parmehutu, the 1962 constitution and adopted the slogan "Peace and National Unity".

20. President Habyarimana in 1975 proclaimed the formation of a new party called the "National Revolutionary Movement for Development". A constitution was adopted in 1978, and President Habyarimana confirmed as President.

21. In order to consolidate the gains scored in terms of national unity and good neighbourliness, Rwanda in 1976 became party to the establishment of the Economic Community of the Great Lakes involving Rwanda, Burundi and Zaire. In 1978, Rwanda, Burundi and Tanzania formed the organization for the management and development of the Kagera River Basin. Uganda became a member in 1980. Such economic cooperation amongst the countries of the sub-region augured well for peace and eventual integration among the countries of the sub-region.

22. Nevertheless, the problem of the Rwandese refugees still persisted even though some of them had integrated in the societies of their asylum countries.

23. In October 1982, tens of thousands of Kinyarwanda speaking people - Banyarwanda - were expelled manu militari towards Rwanda; ninety per cent of them were Ugandan citizens although they are culturally and linguistically Rwandese. The United Nations Secretary General and the United Nations High Commissioner for Refugees played an important role first, to stop the expulsions and, subsequently, to find a peaceful and diplomatic solution to the crisis.

24. The expellees of Rwandese nationality were integrated in Rwanda whereas those of Ugandan nationality were admitted in Rwanda as refugees until their repatriation to Uganda in 1986.

25. In July 1986, the central Committee of the National Revolutionary Movement for Development issued a Declaration that Rwanda would not allow the return of large numbers of refugees since the country's economy was incapable of sustaining such an influx.

26. In order to have a proper perspective of the Rwandese refugee situation in the sub-region a country by country analysis is provided hereunder.

Rwandese Refugees In Burundi

27. Burundi, with an area of 27,800 square kilometres, has one of the highest rates of population in Africa.

28. The first mass influx of Rwandese into Burundi occurred in 1959 following the social upheaval in Rwanda that year. These were estimated at the time to be between 40,000 and 50,000 refugees.

29. The government of Burundi has since that time taken several measures not only to cater for the needs of the refugees but also to prevent any attempts by the refugees to cause problems for their home country. Thus, soon after the first influx, the government of Burundi ordered all the refugees to be transferred to three areas, namely, KIGAMBA, KAYONGOZI and MURAMBA. A fourth area was added when more refugees arrived.

30. In 1962, the UNHCR started an assistance programme in Burundi.

31. The four settlements progressively achieved self sufficiency by 1969 with the help of the League of Red Cross Societies, the International Labour Organisation and other agencies. From the time of their arrival until 1969, the refugees received food from the world food Programme. Access roads, the construction of schools and land preparation were carried out.

32. In this way, the standard of living of the refugees gradually improved. Most of them therefore came to accept settlement in Burundi with which they had affinities rather than any attempts to return to their country of origin.

33. Other educated Rwandese refugees soon got jobs within the public service and private sector in Burundi. UNHCR continued with its assistance programme to the Rwandese refugees with emphasis on education. Schools were constructed and scholarships awarded thus enabling refugee children to attend secondary school and to obtain professional training.

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34. According to government figures there are currently 267,455 Rwandese refugees in Burundi. In 1989, twenty Rwandese refugees were repatriated to their country.

Rwandese Refugees in Kenya

35. Kenya, with an area of 583,000 square Km. borders on a number of States including Sudan, Ethiopia and Uganda but has been spared mass influxes.

36. Most of the refugees who arrived in Kenya are urbanised and the government and the UNHCR have been making strenuous efforts to find individual solutions to the problems of these people.

37. The Rwandese refugee population stands at around 2000, most of whom are of urban origin living in and around Nairobi or Mombasa.

38. Most of these refugees are employed or are attending school or some other form of training. The UNHCR has been providing subsistence allowance to some of the refugees while others who are not employed are being assisted to start their own income generating projects.

Rwandese refugees in Tanzania

39. The United Republic of Tanzania has a population of 23 million people. A country having frontiers with eight neighbouring countries, Tanzania has been host to refugees since 1961. The settlement of refugees in Tanzania was guided by the concepts of permanence and productivity. The government's belief that "the main wealth of a country lay in its people, and in their unexploited potentialities, led to the acceptance of refugees, and to a firm determination to devote the same efforts to them as the nationals". This policy coincided, in general, with the objectives of the UNHCR.

40. The government took steps to give the Rwandese refugees the chance to make a living for themselves. In 1962, therefore, two settlement zones were established in the north-west of the country, at MUYENZI and KARAGWE.

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41. In Karagwe, the refugees were determined to make a decent living in their new home and cultivated the land allocated to them. However, at MUYENZI, there were political agitators among the refugees and this caused initial problems at that settlement.
42. However, the UNHCR and the League of Red Cross Societies undertook to supervise work there and, subsequently, MUYENZI also achieved self-sufficiency, the other settlement at Karagwe having achieved self-sufficiency two years earlier.
43. Another settlement where 3000 Rwandese refugees who left Zaire were settled between 1964 and 1965 was MWESE in the west of Tanzania. After many initial problems and difficulties, the refugees at MWESE ended up by not only becoming economically independent, but also by accepting the Tanzania citizenship offered to them, as it was to 36,000 other Rwandese settled elsewhere in the country.
44. Having ceased to be refugees, the Rwandese became, in the words of the representative of the government "one of the innumerable little tribes of the country".
45. At present there is an estimated 22,300 Rwandese refugees the majority of whom were spontaneously settled. A small group of 1000 refugees lives in a rural settlement at Burigi, in Kagera region.

Rwandese refugees in Uganda

46. Uganda with a population of 17 million began to receive refugees in 1959 three years before its independence. In 1962 there were 35,000 Rwandese refugees. By 1973, there were 72,000 of them in the country.
47. As in other asylum countries, the first concern of the government was to move this group of agitated people away from the border areas.
48. Beginning in 1961, a total 11,000 labourers and cattle herders were moved east to OBUCHINGA valley. Another group of 12,000 were moved to RAKIVALE where the area had first to be cleared for cultivation, an exercise that was partly financed by the UNHCR.

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49. These two settlements were soon overcrowded as further Rwandese refugees arrived. It was, therefore, necessary to open up new centres 300 Km. further north which included KAHUNGE, JEUGA, RWASWANJE, KYAKA and KIRYAGA and later KYANGWALI, near Lake Victoria.

50. The XMOA co-financed a project from which the refugees received technical assistance for a number of years from Ugandan agricultural advisers who encouraged the raising of cash crops such as tea, coffee, cotton and tobacco.

51. In 1976, it was confirmed that the rural refugee population had reached a level of economic independence equal to that of the Ugandans in the region.

52. In the meantime, there were other Rwandese refugees who had found employment in the urban centres, in particular, Kampala and had been integrated. Scholarships for secondary education, University as well as professional training were extended to the Rwandese refugees.

53. Following the October events in Rwanda, many Rwandese fled to Uganda. The current Rwandese refugee population in Uganda is estimated at 73,154 persons.

54. In addition to these, there are over 50,000 more Rwandese refugees who are spontaneously settled.

Rwandese refugees in Zaire

55. Zaire with an area of 2,360,000 Square Km. in Central Africa shares borders with nine other states.

56. Between 1959 and 1961 about 30,000 Rwandese refugees left their country and sought asylum in the neighbouring Zairean province of Kivu. There were other Rwandese nationals who had settled in this area during the Belgium administration. These were the people who initially assisted their compatriots. However, the UNHCR, UNICEF, OXFAM and the League of Red Cross Societies extended various forms of assistance to the refugees.

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57. Settlements were established in 'MULA and BIWE in the north of the country. The Rwandese refugees who were taken to Bukavu were without means of support and wanted to return to Rwanda no matter the means.

58. In 1963, a joint UNHCR/ILC mission approved a Development Plan to cover seven villages which was meant to benefit locals and refugees alike. There were also another 20,000 Rwandese refugees in urban areas of Kivu who were expected to move to the villages when the plan was implemented but because of problems this plan was not carried out.

59. The Rwandese refugees in South Kivu had to abandon their settlements and most of them crossed over to Burundi. The UNHCR came to the rescue of the other Rwandese refugees by transferring 3000 of them from Bukavu region to MHEZI in Tanzania where the government had offered to settle them.

60. By 1967, things began to improve in the settlement areas in Zaire and the remaining Rwandese refugees began to prosper again.

61. However, by October 1968 the ILC decided to wind up its activities in the Kivu settlement, the Kalonge settlement in Bukavu having been deserted a year earlier because of problems.

62. The government of Zaire has indicated that the present population of Rwandese refugees stands at 124,149 persons.

63. In addition to the Rwandese refugees in the countries of the sub-region, there are about 10,970 Rwandese refugees elsewhere in the world.

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Efforts deployed by the OAU to solve Rwandese Refugee Problem

64. In order to have a further insight into the Rwandese refugee problem, it is perhaps necessary to recall that for the first time the OAU Council of Ministers at its Second Ordinary Session in Lagos, Nigeria, in February 1964, discussed refugee problems on the continent in general and the Rwandese refugee problem in particular. The Council by Resolution CM/19 (II) established a Commission on the Problems of Refugees - consisting of Rwanda, Burundi, Zaire, Uganda, Tanzania, Sudan, Senegal, Nigeria, Ghana and Cameroon, and charged it with the responsibility of examining :

- a) The refugee problem in Africa and make recommendations to the Council of Ministers on how it can be solved;
- b) Ways and means of maintaining refugees in their country of asylum;

65. This Commission's first report was submitted to the Third Ordinary Session of Council in Cairo in July 1964. The report was subsequently noted under Resolution CM/36 (III), with some of the paragraphs of the Resolution underscoring the necessity for peaceful resolution of refugee problems amongst Member states of the OAU. In operative paragraphs 5 and 6, of that resolution the Council,

- a) Recommends that countries which have refugee problems start forthwith or continue discussions, particularly on bilateral basis when appropriate, so as to find a solution to these problems;
- b) Invites the Commission to draw up a draft Convention covering all aspects of the problem of refugees in Africa.

This resolution subsequently led to the adoption in 1969 of the OAU Convention on Refugees.

66. By Resolution 26 (AHG 26) of the Heads of State and Government of the Organization of African Unity (OAU) meeting in Accra, Ghana, in 1965 entitled "The Problem of Refugees in Africa" it was stated inter alia that the Conference :

1. "Reaffirms its desire to give all possible assistance to refugees from any Member State on humanitarian and fraternal basis;
2. Recalls that Member States have pledged themselves to prevent refugees living on their territories from carrying out by any means whatsoever any acts harmful to the interests of other states Members of the Organization of African Unity;
3. Requests all Member States never to allow the refugee question to become a source of dispute amongst them".

67. Thus, the OAU right from the beginning had the desire and will to resolve the problem of refugees in a peaceful manner.

Efforts deployed at sub-regional level

68. The Member states within the sub-region both on an individual and group basis have also tried over the years to find solutions to this problem by the conclusion of agreements between themselves as a way of reducing the influx of the refugees or removing areas of tension. Some of these include the following:

69. On the 2nd of February 1967, a joint Communiqué was issued by the delegation of Burundi and Rwanda on the need to control refugee influxes and to resolve their common problems resulting from the refugee issue.

70. On 20th March 1967, the Heads of state of Zaire, Burundi and Rwanda made a declaration at Goma, Zaire, on the question of refugees. In this Declaration, the three Governments undertook:

- a. "To apply scrupulously the clauses of the tripartite agreement on security signed in Kinshasa in August 1966.
- b. To take effective measures against all possession of arms by political refugees.
- c. To appeal to all refugees who hold arms to hand these over to the government of their host countries within one month. After that period measures will be taken against those who fail to comply;
- d. To create a permanent tripartite political Commission which will have as its task to suggest appropriate measures to help the refugees return to their country of origin;
- e. In conformity with the Geneva Convention, not to send any refugees back to their country of origin against their own wish. Furthermore, no refugee who returns to his country following this declaration will be prosecuted for his part except for common law offences;
- f. To consult each other regularly on problems of common interests and to exchange information concerning the maintenance of law and order in the three countries".

71. The adherence by the countries concerned to the provisions of this declaration, in a way contributed to the containment, for a long time, of the refugee problem within these countries.

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72. As a sequel to earlier efforts deployed by Uganda to resolve the Rwandese refugee problem, President Yoweri Museveni of Uganda and President Juvénal Habyarimana of Rwanda on 6 February, 1988 decided to set up a Joint Ministerial Committee to examine ways and means of solving the problem of Rwandese refugees who have been living in Uganda for the last 30 years or so. The Joint Ministerial Committee thus set up held its first meeting in Kigali, Rwanda, from 15 to 17 February 1989.

73. During that meeting, and following thorough discussions of all the relevant issues related to the problem of Rwandese refugees in Uganda, the Committee:

- (a) re-affirmed the inalienable human right of a refugee to return to his country of origin;
- (b) underlined Rwanda's responsibility towards her citizens;
- (c) took note of Rwanda's constraints with regards to the re-integration of all refugees in case of en masse repatriation; and
- (d) reviewed other durable solutions to the problem, namely, individual voluntary repatriation and naturalization.

74. The second meeting of the Joint Ministerial Committee took place in Kampala, Uganda, from 14 to 17 November 1989. During that meeting, and after reviewing the developments which had taken place since its first meeting of February 1989, the Joint Ministerial Committee resolved:

- (a) to call upon UNHCR to set up an Independent Committee of Experts to survey and establish all relevant facts about Rwandese refugees living in Uganda; and
- (b) to convene a meeting of the Joint Ministerial Committee to examine and review the report of the Independent Committee of Experts.

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... to the Rwandese and Ugandan Governments' call, UNHCR designated five of its officers to constitute the core of the Independent Committee of Experts. These officers undertook a mission to Rwanda and Uganda from 5 to 18 February 1990, for the purpose stated in (a) above. The Mission's recommendations were communicated to the Governments concerned in May 1990. In summary, the Mission recommended that:

- (a) the OAU become member of the Independent Committee;
- (b) the survey be carried out by an agency whose independence and expertise are internationally recognized;
- (c) the concerned Governments restate their commitments with regard to the implementation of the results of the survey; and
- (d) relevant legislative work on refugees be undertaken in Uganda and an absorption capacity study be carried out in Rwanda.

76. The third meeting of the Uganda/Rwanda Joint Ministerial Committee on the Problem of Rwandese refugees living in Uganda, and at which the OAU was invited to participate in an observer capacity, was held from 27 to 29 July 1990 in Kigali, Rwanda, and it was also attended by UNHCR. The purpose of the meeting was to examine the recommendations of the Independent Committee of Experts in respect of its on-the-spot fact-finding Mission of February 1990, which among others, included the following:

- (a) The inclusion of OAU in the Independent Committee of Experts;
- (b) the setting up at ministerial level a Quadripartite Commission composed of Rwanda and Uganda as well as OAU and UNHCR;
- (c) the working out of an objective and written information package on the three options for the refugees, namely: voluntary repatriation, naturalization or resettlement;
- (d) Uganda Government to undertake relevant legislative work to allow for naturalization of Rwandese refugees;
- (e) the carrying out of a fact-finding mission to Rwanda by a "representative" group of the refugee community.

77. All these recommendations were approved by the Joint Inter-Ministerial Committee which also mandated the Independent Committee of Experts to delve into the modalities of its work on the future of Rwandese refugees in Uganda. The Joint Inter-Ministerial Committee on the Problem of Rwandese Refugees in Uganda also agreed to hold its fourth meeting in Kampala, in January 1991, only to be overtaken by the events of 1 October 1990.

78. In addition to these events, the government of Rwanda has taken further measures to solve the problem of Rwandese refugees. These include:

- a) the reiteration of the call by the government of Rwanda to genuine refugees to return voluntarily.
- b) the opening of the political arena to allow the formation of political parties to enable every Rwandese citizen to participate in the political life of the country.
- c) the deletion of the part in the Rwandese Identity Card which hitherto required a citizen to indicate his or her ethnic origin and the introduction of a new identity card.
- d) the voluntary repatriation of Rwandese exiles on the basis of individual and voluntary application.

Conclusion

79. In order to bring about a lasting and durable solution to the Rwandese refugee problem, conditions conducive to the voluntary return of the refugees must be created within the country. Other causes that lead to the flight of people into exile must also be avoided or eliminated. The present Conference is, therefore, not only timely but also carries the hope that solutions would be found to this long standing problem.

ANNEXES:

1. OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
2. Kwanza, Gbadolite and Goma Communiqués.