

REFUGEE  
STUDIES  
CENTRE

WORKING PAPER SERIES NO. 92

## **Repatriation**

The politics of (re)-constructing and  
contesting Rwandan citizenship

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June 2013

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# Working Paper Series

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## List of abbreviations

MIDIMAR	Ministry of Disaster Management and Refugee Affairs
RPF	Rwandan Patriotic Front

## Glossary

gacaca	localized, semi-traditional courts
génocidaire	a person who participated in the 1994 genocide

# 1 Introduction<sup>1</sup>

*'Like Butler's Antigone, "as a figure for politics, [the refugee] points somewhere else, not to politics as a question of representation but to that political possibility that emerges when the limits to representation and representability are exposed" (2002: 2)' (Limbu 2009: 78).*

The United Nations High Commissioner for Refugees (UNHCR) recently announced that the refugee status of all Rwandans who fled the country between 1959 and December 1998 will cease in June 2013 (UNHCR 2011). The declaration follows almost ten years of active lobbying by Rwanda and other host countries to end the Rwandan refugee situation (AI 2004). Rwandan officials insist that it is peaceful and safe, and that there is no reason for refugees to remain outside the country (MIDIMAR n.d.d). Voluntary repatriation programmes from ten host countries have been organized with the cooperation of UNHCR to facilitate return (UNHCR 2011: 2). Considerable concern, however, has been raised by international human rights organizations and refugees alike that the cessation clause is being invoked prematurely, leading to rejected asylum applications, coercive pressure to return and potentially *refoulement* (AI 2004, 2010b; Fahamu 2011a; HRW 2009a, 2009b, 2010; IRC 2005). Despite the assurance of government authorities, many refugees fear that 'a safe return with dignity [does not exist] in Rwanda' (IRIN 2012).

The controversy surrounding the application of the cessation clause for Rwandan refugees highlights the fundamental dynamics of repatriation as a process of rapprochement between the nation, state and citizen. Indeed, refugees are an 'inevitable if unintended consequence of the international system,' which exhaustively divides the world's population as citizens based on the assumption of a natural congruence between the nation and the state (Arendt 1951; Haddad 2008; Malkki 1992,1995; Monsutti 2006, 2008). Refugees are seen as the result of an abnormal breakdown of the state-citizen-territory hierarchy and anomalies in this 'correct mode of belonging' (Haddad 2008: 60). Repatriation, which is '...inextricably linked to a nation-state conception of political-territorial power and the distribution of rights through citizenship,'<sup>2</sup> (Long 2008: 22) has become the preferred mode<sup>3</sup> of (re)habilitating<sup>4</sup> refugees into

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<sup>1</sup> I owe a large debt of gratitude to the many people who helped me through the process of writing this dissertation. In particular, would like to acknowledge the extensive support of my supervisor, Dr Elena Fiddian-Qasmiyeh, as well as the love and guidance of my family and friends. This paper is a testament to their kind encouragement, which accompanied me from start to finish.

<sup>2</sup> As Haddad explains, refugees are in fact not aberrations but an inevitable product of the nation-state system. Replacing refugees into the tripartite nexus simply perpetuates the system that produces them (Haddad 2008).

<sup>3</sup> Repatriation is one of the three durable solutions, which include local integration and third country resettlement (UNHCR n.d.).

<sup>4</sup> The prefix 're' is placed in parentheses to highlight the fact that some refugees may have never enjoyed the protection of their state and have thus not been fully situated in the state-citizen-territory nexus (Long 2008: 39). This would be the case with groups such as the Mayans in Guatemala, who are a long-persecuted minority (ibid). Through the three durable solutions refugees may thus be placed into this tripartite nexus for the first time rather than simply reinserted (ibid).

this tripartite nexus. Repatriation, however, has also become a depoliticized process, whereby successful return is declared once a refugee has crossed the border into her country of origin (Black and Koser 1999; Hammond 1999; Long 2008; Stein and Cuny 1994). According to Long, such an approach fails to recognize the root causes of displacement and address the political implications of effectively (re)asserting citizenship (2008, 2009a, 2009b, 2010). It additionally overlooks the fact that refugees are a result of a ‘breakdown of the protection of the community,’ which often involves not only the state, but the nation as well (Long 2008: 11, see also Arendt 1951). Long posits that repatriation should be reconceptualized as a fundamentally political process – a process of *empatriation* – which entails (re)establishing a protective relationship not only between the citizen and the state, but also the citizen and the nation(s)<sup>5</sup>, or *patria* (2008: 39). The tripartite nexus of state, citizen and territory must therefore be extended to include the nation in order to adequately capture the dynamics of repatriation.

The quote opening this introduction posited that the figure of the refugee points “‘not to politics as a question of representation but to that political possibility that emerges when the limits to representation and representability are exposed’” (Limbu 2009: 78 quoting Butler 2002). It is this ‘political possibility,’ and the essentially political nature of refugeehood, that I seek to examine in this dissertation. In particular, I conceptualize repatriation as a political site of citizen (re)formation that depends on a rapprochement between the citizen, state and nation. The questions that guide my dissertation are: How is the Rwandan government performing the ‘work’ of (re)constituting refugees as not only citizens, but also as members of the nation, through processes of organized<sup>6</sup> voluntary repatriation and cessation? How does this reflect the synergies and tensions that exist between national and civic modes of belonging? Rwanda provides a valuable case to investigate these questions, as the government is currently engaged in a project of nation-building to reconcile Rwandan society<sup>7</sup>. The government argues that, in order to counter the so-called ‘divisive’ Hutu/Tutsi ethnic and regional-based identity politics that led to the 1994 genocide, it is necessary to unite the population under a single, de-ethnicized national form of civic citizenship<sup>8</sup> (Beswick 2011: 497; Buckley-Zistel 2006: 109). Rather than addressing underlying tensions, however, this project frames any difference as threatening, resulting in unity without meaningful reconciliation (Buckley-Zistel 2006; Clark 2010; Purdeková 2008a, 2008b, 2011a, 2011b). How

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<sup>5</sup> While the nation-state has become the primary ordering principle of the international system, the state is not necessarily analogous with the nation (Haddad 2008), and there may be multiple national communities within one state (Long 2008: 39).

<sup>6</sup> Voluntary repatriation may also occur ‘spontaneously’ without the intervention of states or international organizations. While this constitutes a potentially important number of returns (Stein and Cuny 1994), the focus of this dissertation is the role of the Rwandan government in formal repatriation programmes.

<sup>7</sup> While Chapter 2 provides a basic outline of the 1994 genocide, the focus of this dissertation is the post-genocide politics of the government. For more information on the Rwandan genocide, see Chretien 1995; Hintjens 1999; Mamdani 2001; Prunier 1995; and Straus 2006.

<sup>8</sup> This is in contrast to neighbouring Burundi, where peace agreements explicitly addressed ethnicity by guaranteeing balanced Hutu and Tutsi political participation after the 1993 genocide (Van Leuven 2008: 403).

does this dynamic of nation-building spill across the territorial borders of Rwanda to include, and exclude, refugees still in exile?

To explore these questions, this dissertation is organized as follows. Chapter 2 examines the post-genocide nation-building process occurring in Rwanda. I identify the 'ideal' Rwandan citizen under construction by the government, as well as the ways in which the government negotiates (or fails to negotiate) the relationship between national civic and ethnic modes of belonging. Chapter 3 analyzes Rwanda's current advocacy for voluntary repatriation and the invocation of the cessation clause. I situate this campaign in the broader political and legal dynamics that shape processes of repatriation and cessation. I focus on voluntary repatriation as a legal 'grey zone' where state sovereignty and refugee agency interact, making it a particularly contentious area of the refugee regime. Chapter 4 in turn examines how the ideas of citizenship and nationality under construction in Rwanda relate to one another in official government communications on repatriation and cessation.

Overall, I argue that the 'ideal citizen' portrayed by Rwandan state discourse places more emphasis on national belonging and 'obligations...rather than rightful demands on the state' (Purdeková 2011b: 317). The process through which the refugee becomes the 'ideal citizen,' however, is not a straightforward one, and is empowering at the same time as it constrains. Thus, while the status of 'citizen' has become subsumed to a 'Rwandan' national identity, it is a hierarchy that may be changed to reinforce refugees' rightful demands on the state for protection and the fulfilment of their basic rights (following Bradley 2005).

### **Theoretical framework**

This dissertation is guided by the following definitions of 'refugee,' 'citizenship' and 'nation'. Firstly, I draw upon Shacknove's argument that refugee status is defined by the rupture of the protective state-citizen contract on which citizenship is based, and 'the absence of state protection of the citizen's basic needs'<sup>9</sup> (1985: 277). Such an approach draws attention to the role of protection and citizenship rather than persecution in the 'making' and 'unmaking' of refugeehood (Long 2007: 39). While assuming that the state-citizen contract is an inherently protective one is not an unproblematic starting point (Agamben 1998), such a framework nonetheless resonates with the focus of this dissertation, which is to investigate the ways in which the protective relationship supposedly framed by the state-citizen bond is constructed and contested. I furthermore conceptualize citizenship as 'the set of practices (juridical, political, economic and cultural) which define a person as a competent member of society...' (Turner 1993:2). Citizenship is thus not 'merely a collection of rights and obligations,' but also a 'genuinely sociological' notion that entails questions of social membership (ibid; Bassel 2007: 2 citing Hazareesingh 1998: 4). This approach enables me to unpack the 'work' which must be performed by states to re-cast refugees as not just de jure, but also de facto citizens and members of the national body. Finally, I draw on Anderson's understanding of the nation as a project that must be continually constructed as an 'imagined political community' (1983: 6). I

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<sup>9</sup> As noted by Shacknove, such a rupture of the state-citizen bond may apply equally to internally displaced persons (IDPs) or others who remain within the state, however this dissertation focuses on the refugee regime and thus only refugees will be discussed.

do not consider whether the imagined community of Rwanda is genuine or false, but rather the ways in which it is framed, mobilized and contested in the process of nation-building (ibid: 6).

Foucault's concept of governmentality is useful to examine the power relations inherent in nation-building and citizen formation. Foucault describes governmentality as 'the direction of conduct towards specific ends,' which has individuals and populations as its objects (Sharma and Gupta 2006: 24 citing Foucault 1991). Scholars such as Balibar argue that these populations become 'citizen subjects' by being brought under the disciplinary and cultural apparatus of a regime (Strozier 2002: 12 citing Balibar 1991). For Foucault, these apparatuses are 'power-knowledge network[s] of discourses...and disciplines...to which the modern individual is necessarily submitted in order to be produced as cultural subject' (Strozier 2002: 12, see also Foucault 1980). The institutions and processes of socialization that broadcast these power-knowledge discourses create a particular self-awareness among the citizen-subjects of a nation state that transforms individuals into subjects of a social, political and economic system (Tuck 2011: 6; Zake 2002: 219, 221). In this way, discursive formations generate meaning, produce knowledge and maintain a certain political order (Turton 2003: 10). Power is thus not only repressive, but also productive, as it endows people with 'capacities for action' (Judge 2010: 6) and enables individuals to 'live in a shared social reality' (Zake 2002: 224, see also Cruikshank 1999; Foucault 1980).

Refugees are made citizen-subjects not only discursively, but also physically when they cross the border of their home state. Foucault's concept of biopower is thus also instructive in this investigation. Foucault argues that relations of rule have shifted focus from power over death to fostering and ordering life (1980). Institutions of the state make the population obedient and docile by 'correcting' deviations to the prevailing order, turning the body itself an object of power (ibid). Biopower can therefore be seen as a key element of repatriation as the state strives to reconstitute the social body of the nation by literally aligning it with the territorial state (Foucault 1980: 55; Gellner 1983).

Foucault's theories of biopower and governmentality highlight the physical and discursive power dynamics of repatriation; however they do not explain what political order is created as a result. Laclau and Mouffe's concept of nodal points is useful in this regard. Nodal points are the 'privileged signifiers' around which a particular system of meaning, or 'discourse,' is organized (Howarth et al 2000: 8). Pre-existing words, such as democracy or the state, are 'elements' that may have multiple meanings (Phillips and Jørgensen 2002: 27). These 'elements' take on particular connotations, or form a 'chain of signification,' by being articulated around a nodal point such as 'nation' (Howarth 2000: 8). The meanings of 'elements' are thus transformed into 'moments' as their multiple meanings are reduced and 'fixed' into place (Phillips and Jørgensen 2002: 27). These discourses are inherently political, as they make the world inhabitable by excluding other ways of living and marking antagonistic frontiers between insiders and outsiders (Howarth et al 2000: 4; Phillips and Jørgensen 2002: 37). This system of meaning is never entirely stable, however, as nodal points are 'empty signifiers' devoid of any inherent meaning and may be interpreted in a variety of ways (Howarth et al 2000: 8). While hegemonic projects attempt to fill these nodal points with a particular meaning (ibid: 9), social phenomena are never entirely finished or 'closed' (Phillips and Jørgensen 2002: 24). The process by which one becomes a 'subject' in the

Foucauldian sense previously described can thus be contested and negotiated, refused and reformulated (Bassel 2007, 2008; Bousfield 2005; Edkins and Pin-Fat 2005; Phillips and Jørgensen 2002: 45).

Together, Foucault, Laclau and Mouffe offer an instructive theoretical framework to explore the ways in which the 'work' of creating citizens through repatriation is accomplished in discourse and practice. These theories furthermore underscore the dialectic relationship that exists between social structures, discourse and practice, as each shapes and is shaped by the other (Fairclough 1989: 14; Howarth et al 2000: 6). This dissertation examines the nation of 'Rwanda' as the nodal point around which concepts of 'citizenship' and 'repatriation' are organized: Who is the 'ideal' citizen being created to fit the system of meaning being organized around the nodal point of 'nation,' and what is the identity of those who fall outside of this system of meaning? How are these meanings being contested, and how does the Rwandan government respond?

To answer these questions, I use both primary and secondary sources, including academic publications; articles from IRIN news service, as well as Rwandan and East African newspapers; NGO reports; UNHCR documentation; Rwandan government press releases; and the speeches of Rwandan President Paul Kagame<sup>10</sup>. Two main limitations to this dissertation arise from such a methodological approach. First, discourse analysis is 'no substitute for fieldwork' (Macrae 1999:5). As such, I do not seek to provide a fully comprehensive analysis of the links between nation-building, citizenship formation and repatriation, but rather present an exploratory framework for future research. The second limitation is the lack of participation from refugees themselves. Many scholars have argued that such exclusion in research, advocacy and policy reproduces the figure of the refugee as a homogenous, mute, depoliticized and dehistoricized victim (see for example Malkki 1995, 1996; Rajaram 2002; Spivak 1988). Interviewing refugees, however, presents significant ethical concerns and exceeds the limited time and resources available for this study. Nonetheless, I concur with Turton's argument that one cannot justify

*...conducting research into situations of extreme human suffering if one does not have the alleviation of suffering as an explicit objective of one's research. For the academic this means attempting to influence the behaviour and thinking of policy-makers and practitioners so that their interventions are more likely to improve than worsen the situation of those whom they wish to help (Bakewell 2008: 434 quoting Turton 1996: 96).*

While I thus may be unable to include the voices of refugees themselves in this dissertation, I hope my work will inform better policy and contribute to the 'alleviation of suffering' in the longer term.

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<sup>10</sup> Further details regarding source selection are given in Chapter 4.



## 2 Post-genocide politics and the ‘ideal’ Rwandan citizen

Before investigating the ways in which Rwanda’s promotion of the cessation clause and voluntary repatriation (re)constitute refugees as citizens, it is necessary to ask *who* is the ‘citizen’ that the government is attempting to construct? In the contemporary context, this identity is based on the politics of the Rwandan Patriotic Front (RPF)-dominated government, which seized power to end the genocide in 1994<sup>11</sup>. A central goal of this government has been the establishment of a unified and reconciled nation, bound under a ‘Rwandan’ national civic citizenship that transcends Hutu and Tutsi ethnic categories. This chapter examines the government-led discourses and practices of citizenship that characterize post-genocide Rwanda. First, I outline the highly complex social landscape that the Rwandan government is purportedly attempting to unite. I then critically examine the discourse of de-ethnicization that the government uses to obscure the ethnic categories of Hutu and Tutsi. Finally, I point to potential ruptures in this message of unity and reconciliation, which serves to submerge rather than dissolve ethnic categories and lingering tensions. Thus, while the nodal point of the Rwandan ‘nation’ is associated with the concepts of ‘unity,’ ‘reconciliation,’ and inclusive ‘citizenship’ in government discourse, it remains an unstable project.

### **Post-genocide Rwanda: a complex society**

Post-genocide Rwanda has often been described as a ‘polarized’ (Sidiropoulos 2002: 86), ‘dualist’ (Drumbl 2005: 53), and ‘divided society of Hutus and Tutsis’ (Purdeková 2008b: 5). Discourses of allochthony (who is a foreigner) and autochthony (who is a native), largely divided along Hutu and Tutsi lines, have played a powerful role in Rwanda’s pre- and post-colonial history. For example, Belgian colonialists instituted a strategy of divide and rule by favouring the Tutsi with superior education and administrative posts (Buckley-Zistel 2009: 35). This system was justified with the ‘Hamitic hypothesis,’ which cast the Tutsi as a civilizing, European race over the so-called indigenous Hutu (Mamdani 2001: 16, 89; Newbury and Newbury 2000: 839). After independence, the Hamitic hypothesis continued to be used to powerful effect in Rwandan society. It was invoked by President Kayibanda during the First Republic (1962-1973) to label the Tutsi as foreign immigrants and restrict their citizenship rights (Buckley-Zistel 2006: 105; Buckley-Zistel 2009: 37). During the 1990 armed

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<sup>11</sup> The RPF entered Rwanda through an armed repatriation from Uganda, where many of the organization’s members had lived in exile since the Tutsi pogroms that occurred following the attempted assassination of Hutu political leaders in 1959 (Reed 1996: 48). Over the 1980s, the rights of Rwandan refugees became increasingly tenuous in Uganda and other countries of asylum (Des Forges 1999: 42). Rwanda, however, declared in 1986 that ‘the country was too overpopulated to permit the return of the refugees’ (ibid). In 1990 the RPF undertook an armed repatriation that it declared was not only to ensure the right to return, but also to overthrow President Habyarimana and install a more democratic regime (ibid). A civil war followed between the RPF and the Rwandan government, ending with the signing of the Arusha Accords in 1993. Neither side was committed to peace, however, and when President Habyarimana’s plane was shot down by unidentified assailants in April 1994, genocide was the result (Prunier 1995: 192, 213). The genocide ended thirteen weeks later when the RPF defeated the military and civilian authorities in Kigali responsible for coordinating the killings (Des Forges 1999: 535).

repatriation of the RPF, Hutu political leaders attempted to consolidate their position by cautioning against the 'Hamitic infiltration of the Bantu [Hutu] country,' and called on the Hutu to 'defend their nation' (Buckley-Zistel 2009: 38) against the *inyenzi* (cockroach) invasion (Des Forges 1999: 43). This discourse of the foreign and oppressive Tutsi continued through the 1993 genocide to legitimate the murder of 500,000-800,000 Rwandans<sup>12</sup> (Des Forges 1999; Mamdani 2001; Prunier 1995; Straus 2006). Ethnicity continues to occupy a key place in contemporary politics, as all Hutu are labelled with a 'collective guilt' for the 'genocide of Tutsis,' even though it is unclear how many actually participated in the killings<sup>13</sup> (Hovil 2010: 12-3; Pottier 2002).

It is essential, however, to problematize the Hutu/Tutsi dichotomy in order to grasp the politics of 'unity and reconciliation' that are the foundation of current discourses of division, co-existence (Purdeková 2008b: 5-6) and citizenship in Rwanda. Brubaker warns against approaches that uncritically take 'discrete, bounded' ethnopolitical categories 'as [the] basic constituents of social life, [and] chief protagonists of social conflicts...' (2004: 8). Instead, he argues that ethnicity, race and nation should be conceived in 'relational, processural, dynamic, eventful, and disaggregated terms...' (ibid: 11). This means that the 'basic analytical category [is] not the "group" as an entity but groupness as a contextually fluctuating conceptual variable' (ibid).

Brubaker's argument finds particular resonance in Rwanda, where relations between Hutus and Tutsis are underlain by a complex web of inter- and intra-'group' dynamics. Regional identity in particular was established as a key political variable even before colonization, as the expansion of the Tutsi-dominated Nyiginya monarchy resulted in 'a centre versus periphery affair and not one of Tutsi versus Hutu' (Prunier 1995: 21). During the First Republic, president Kayibanda disproportionately favoured his south-central home region (Prunier 1995: 85). Regional dynamics even impacted the outbreak of genocide. A small circle of Northern Hutu elites called the *akazu*, or 'little house,' who rose to power with President Habyarimana, played a significant role in the coordination of the killings by encouraging the targeting of Tutsis and moderate Hutus in order to protect their influential positions (Clark 2010: 143; Des Forges 1999: 40; Uvin 2001: 79-80). Regional identities are further split among Tutsi and Hutu according to sub-region, clan, lineage and client affiliations that were established before class and ethnic divisions (Purdeková 2008a: 515 citing Newbury 2005: 284, Vansina 2004, Vidal 1991).

The post-genocide social landscape presents an even more complicated picture. The genocide affected Hutus and Tutsis alike, as well as intellectuals, such as professionals, journalists, university students and professors (Prunier 1995: 249). Such widespread violence created

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<sup>12</sup> While it is estimated that around three quarters of the Tutsi population died in the genocide (Des Forges 1999: 6), they were not the only target of the killings. Many moderate Hutus were killed as well in order to counter the future threat of democracy and potential opposition (Clark 2010: 143; Prunier 1995: 222).

<sup>13</sup> For example, the government estimates that 3 million people participated in the genocide, while Straus (2006) argues that only 175,000-210,000 people were actually *génocidaires* (Hovil 2010: 13).

tensions that do not ‘cut along the familiar divides’ (Purdeková n.d.: 9 citing Minow 2003: 40). Even memories of the genocide shift within and between Hutu and Tutsi (Lemarchand 2009: 8). After the genocide, additional labels arose beyond the binary of victim/participant to include the categories of bystander, hero and survivor (Buckley-Zistel 2006: 48).

The mass repatriation and resettlement movements that followed the genocide in particular have re-shaped the social landscape in Rwanda (Fisiy 1998; ICG 2002; Mamdani 2001: 266; Newbury 2005; Oomen 2006). Approximately 2.1-3.4 million Hutu and Tutsi refugees have returned since 1994 (Newbury 2005: 279-80; UNHCR 2011: 2) in the largest recorded repatriation in the world (Kaiza 2003). While UNHCR groups together refugee flows before 1998 as the result of ‘armed conflict, events seriously disturbing the public order and/or the presence of a consistent pattern of mass violations of human rights including genocide’ (UNHCR 2011: 6), their causes of flight and experiences of exile are highly diverse. The major waves of refugees in 1959, over the 1960s and 1970s, and in 1994, each fled a different set of circumstances<sup>14</sup>, spent a different period of time abroad<sup>15</sup>, and have a different understanding of the meaning of ‘home’ represented by Rwanda (Newbury 2005: 283; Van der Meeren 1996). The circumstances under which they returned also vary widely. Indeed, while between 500,000-800,000 Tutsi refugees repatriated under relatively little pressure after the RPF takeover in 1994 (Lischer 2011: 271), many Hutu refugees returned from Zaire (Pottier 2002) and Tanzania (Whitaker 2002) under intense coercion from Rwanda and their country of asylum.

These post-genocide return movements have created new power structures, ‘new constituencies and new inequalities’ (Purdeková n.d.: 9). Tensions simmer between returnees and stayees over the distribution of land (Bruce 2007; Van Leeuwen 2001), as well as suspicion of genocide collaboration, as returnees suspect the survival of stayees who they thought were either collaborators or dead (Grohmann 2009: 20 citing Brandstetter 2004: 147). Conflict over access to power also exists between the Anglophone RPF-elite and Francophone Rwandese (Grohmann 2009: 20 citing Brandstetter 2004: 141), as well as between the Burundian,

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<sup>14</sup> As previously mentioned in note 11, the first major wave of refugees from post-colonial Rwanda was in 1959 after a group of Tutsis attempted to assassinate Hutu political leaders. About 7,000-10,000 people fled the country in the subsequent violence (Straus 2006: 179). The unrest continued until 1963, raising this total figure to 150,000 people (UNHCR 2011: 5). The 1973 coup that brought President Habyarimana to power led to another exodus of 40,000 people (AI 2004: 8). The 1994 genocide resulted in the creation of over 2 million refugees and 1.5 million internally displaced people (UNHCR 2011: 5). Between 1997-8, an insurgency in the northwest of the country purportedly led by Interahamwe and former soldiers from the Habyarimana regime caused the displacement of almost 650,000 Rwandans both in and out of the country (ibid: 5-6). People continue to flee Rwanda today due to ‘instability, ethnic strife, arbitrary judicial procedures...political violence [and] intolerance of dissent...’ (Fahamu 2011a: 1). The number of Rwandan refugees currently outside the country is mentioned in note 27.

<sup>15</sup> Indeed, while about one third of Rwandan refugees who returned before 1994 were born in exile and had never previously seen Rwanda (UNHCR 2011: 3), those who fled the genocide remember their country of origin quite clearly.

Congolese and Ugandan diasporas<sup>16</sup> who have returned to the country (ICG 2002: 18). Perhaps the most powerful social and political cleavage is the 'Ugandan Tutsi' returnees, who compose the upper echelons of the RPF, thus leading to the perception of a general 'tutsification' of power (Buckley-Zistel 2006: 112; Mamdani 2001: 271; Reyntjens 2006: 1109; Zorbas 2004: 44). As Purdeková notes, however, calling this simply the 'tutsification' of power is insufficient, as 'there is no homogeneous "Tutsi" category' (n.d.: 11). Instead of reifying the ethnic Hutu/Tutsi binary or political categories, a more instructive approach is to focus on the fact that 'there is a monopoly of power in place, that there is a minority vision of the future pursued, and that, hence, the political process should change' (ibid: 12). It is to this political system that I now turn.

### **Citizenship as discourse: unity through de-ethnicization**

The RPF-dominated government's approach to the complex post-genocide social landscape is a discourse of unity and reconciliation through de-ethnicization, or removing any mention of ethnicity from the public sphere. The government identifies bad governance and divisive politics rooted in ethnic and regional-based ideology introduced by European colonisers as the causes of the genocide (Buckley-Zistel 2006: 102; Lemarchand 2009: 1), and argues that it is possible to 'unlearn' this Hutu/Tutsi divide (Uvin 2001: 76). Central to the promotion of such unity is the idea of civic national 'Rwandan' citizenship (Beswick 2011: 497; Buckley-Zistel 2006: 109) to create one big family (*umuryango*) for all Rwandans (Ingelaere 2009a: 13). The emphasis on a single, all-inclusive fictive ethnicity of 'Rwandanness' (Buckley-Zistel 2006) over 'Hutu' or 'Tutsi' is presented as a 'natural' and 'desirable' (Purdeková 2008b: 9) route to overcome 'divisive politics' (Buckley-Zistel 2006: 108)<sup>17</sup>.

Key to the construction of an idea of cohesive 'Rwandanness,' is a selective reading of history. In particular, the government makes two claims (Purdeková 2008b). First, it posits that before colonialism, Hutu, Tutsi and Twa lived in unity: 'All Rwandans were living together and speaking the same language, they had the same culture and were loving each other' (Office of the President of the Republic 1999a: 17). There were no ethnic conflicts, and the terms 'Hutu' and 'Tutsi' were flexible labels that referred to social status and wealth and could change through changes in economic circumstances (Buckley-Zistel 2009: 34; Office of the President of the Republic 1999a: 17; Office of the President of the Republic 1999b: 6). Ethnicities thus did not exist; instead, all considered themselves to be Rwandan, or the 'King's People,' which united them in harmony (Office of the President of the Republic 1999a: 16; Office of the President of the Republic 1999b: 6). The government's second key argument is that colonisers

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<sup>16</sup> The term 'diaspora' lacks clear definition, however it generally describes established communities that have experienced forced dispersal, are settled in several locations, and maintain an idea of homeland (Wahlbeck 2002: 229). The concept of 'diaspora' is thus not necessarily coterminous with that of 'refugee', however there are important overlaps, particularly in terms of the experience of 'forced' dispersal and the transnational social connections that are sustained (Wahlbeck 2002; Van Hear 2003). Such an overlap is evident in Rwanda, where members of the diaspora have returned with refugees, and dissidents in turn leave to join the diaspora abroad (ICG 2002).

<sup>17</sup> Rwanda is not the only case where a homogenous national identity has been promoted by the government to unite diverse populations. See for example China (Mauri 2008) and Pakistan (Durrani and Dunne 2010).

imposed ethnic categories as divisive fixed identities in order to further their own political ends (Buckley-Zistel 2009: 34; Grohmann 2009: 16 citing NURC 2000). This imposition was achieved through the ‘Hamitic hypothesis’ and institutionalizing identity cards in order to ‘divide and rule’ the Rwandan population (Grohmann 2009: 16 citing NURC 2000; Ingelaere 2009a: 13-4).

While scholars are generally in agreement that colonialism had a destructive impact by institutionalizing an ethnic and racial divide, it is less clear how exactly Hutus and Tutsis related to one another in the pre-colonial era (Lemarchand 1970; Oomen 2006: 4; Pottier 2002: 13). The ‘Hutu’ and ‘Tutsi’ labels were still evolving in pre- and early-colonial Rwanda, and the social distinctions related to them were not uniform across different regions (Eltringham 2004: 13; Uvin 2001:78). As Eltringham describes it, ‘[b]oth over time and at any moment in time the terms ‘Hutu’ and ‘Tutsi’ were polyvalent – there was no single meaning valid for the whole territory at any one time’ (2004: 13). A territorially and socially coherent Rwandan kingdom overseen by ‘omnipotent’ rulers thus did not exist in pre-colonial times (Vansina 2004). Colonial rule also did not introduce the categories of Hutu and Tutsi, although it did change, solidify and intensify how they mattered by connecting race and power (Straus 2006: 22; Uvin 2001: 78-9).

### **Grassroots control**

While ‘Hutu’ and ‘Tutsi’ are contested and unstable concepts, they remain salient ones, as it is the belief (or non-belief) in these ethnic markers that spurs action (Eltringham 2004: 12). Indeed, laws against ‘genocide ideology’ and ‘sectarianism,’ or ‘divisionism,’ were enacted by the government in 2002 to ostensibly prohibit the kind of ethnic hate speech that fuelled the genocide (AI 2010a: 7, 10; Melvin 2010: 939). The vaguely worded legislation, however, has been used to criminalize dissent against the government. In particular, ‘anti-sectarian’ laws have been invoked to restrict calls for the prosecution of crimes committed by the RPF, suppress the freedom of expression of opposition politicians, silence the press, debilitate civil society, and even settle personal grudges by discrediting opponents (AI 2010a: 7-8; McMillan 2012: 236; Niesen 2010; Reyntjens 2004: 1111-2; Sidiropoulos 2002: 82-3). Those who refer to identities outside of the officially approved *Banyarwanda* (‘the people of Rwanda’) label are publicly shamed, called *génocidaire* sympathisers, and sometimes formally charged for promoting ‘divisionism’ (Zorbas 2004: 43). The manipulation or promulgation of historical narratives that challenge the RPF discourse of unity is now a ‘serious criminal offense’ (Buckley-Zistel 2009: 39-40). Observers argue that this form of tight top-down control is a result of the military roots of the RPF, which sees the military as crucial for the survival of the state and thus places security as its top priority (Lischer 2011: 262; Sidiropoulos 2002: 78, 80). Little criticism has been forthcoming from the international community for these and other human rights abuses<sup>18</sup> partly to due to what is called the ‘genocide credit,’ as governments continue to feel guilty for their inaction during the 1994 genocide (Lischer 2011: 270; Pottier 2002; Reyntjens 2004).

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<sup>18</sup> Some of these abuses include the massacre of Rwandan Hutu refugees and local civilians in Zaire during the forced repatriation of Hutu refugees from 1996-7 (Pottier 2002), the killing of tens of thousands of Rwandan citizens to put down an insurgency in northwest Rwanda from 1997-8 (AI 2004: 29), and the forcible resettlement of rural populations into collective villages, or *imidugudu*, especially in the late 1990s (Van Leeuwen 2001).

Despite the emphasis on social and political control, many of Rwanda's post-genocide governance structures emphasize a grassroots approach to 'unity' and 'reconciliation'. It is critical to note, however, that these 'local' 'participatory' 'traditional' activities also act as 'government tools of large-scale...transformation'<sup>19</sup> (Purdeková 2011c: 5) and facilitate local-level social control (Ingelaere 2009a; Lischer 2011: 274-5; McDoom 2011: 28; Purdeková 2011c; Rentjens 2004: 1114; Straus 2006: 202-6; Uvin 1998: 21-5). The *gacaca*, for example, are localized, semi-traditional courts that are often characterized as a 'homegrown' solution to deal with transitional justice issues after the genocide (Oomen 2006: 7-8). The goal of the courts is to ostensibly 'work for the consolidation of National Unity' and reconstitute 'the Rwanda Society that had been destroyed by bad leaders who incited the population into exterminating part of the Society' (ibid: 15-16). They are structured by strict rules of procedures, must meet once a week, and refusal to participate is a criminal offense (ibid: 10). The courts have been questioned, however, from a number of angles. While the *gacaca* courts were used in the pre-colonial period, their traditional purpose was to settle local disputes related to issues such as land and property rather than mass atrocities (Ingelaere 2009b; Melvin 2010: 942). The courts have additionally been critiqued not only for their lack of transparency and accountability, but also as an opportunity to use the law in order to air personal grievances, entrench Hutu guilt and sustain the government's official version of history (Clark 2010; Ingelaere 2009b; Melvin 2010: 943; Oomen 2006: 15-16). While the courts are also shaped by local dynamics (Clark 2010) and alternatives to large-scale justice may have been impracticable (McDoom 2011: 18), the theme of unity appears to receive far more attention than reconciliation in the *gacaca* courts and other government programmes (Grohmann 2009: 16).

The idea of citizenship as an inclusive project that embraces all members of society is often juxtaposed against nationalism, which is characterized as an exclusive mode of belonging limited only to those who fit a particular set of markers of language, ethnicity, etc. (Turner 1993: 3, 14). Citizenship and nationalism, however, both include elements of exclusion, and do not exist as ideal dichotomous 'types' from one another (Purdeková 2008a: 512 citing Kuzio 2002, Nikolas 1999, Yack 1996). Turner even argues that the 'bland moral shield of universalism' aids in the subordination of various identities (1993: 14). The repression of political opponents and continuing refugee flows out of the country attest to enduring tensions in Rwanda despite, or because of, this seemingly inclusive project of civic national citizenship. The over-arching Rwandan label restricts the public space available to address group tensions (Buckley-Zistel 2006: 112). The inclusive framing of the project thus obscures the superficial nature of unity without reconciliation occurring in Rwanda (Buckley-Zistel 2006: 110-2; Buckley-Zistel 2009: 102; Grohmann 2009; Melvin 2010; Purdeková n.d., 2008a, 2008b, 2011a, 2011b, 2011c).

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<sup>19</sup> There are a large number of governmental, international and local non-governmental programmes at work in Rwanda that focus on unity and reconciliation activities (Grohmann 2009). Examples of government-run programmes (often directed or funded by the National Unity and Reconciliation Commission, NURC) include: *ingando* (re-education camps), TIG community service, *imidugudu* (the forcible resettlement of rural populations into collective villages), trauma counselling, *itorero* (traditional) schools, *ubudehe* (mutual assistance schemes), *ubusabane* (get together festivals), *abakangurambaga* (local promoters), and *umuganda* (collective work) (Grohmann 2009; Purdeková 2011c: 5-6).

These tensions also highlight the ongoing effort that the Rwandan government must exert to entrench a particular discourse of a united Rwandan nation over alternative interpretations. By attempting to obliterate ethnicity as an ordering principle, the government reproduces ethnic logic rather than denying it, as it recognizes ethnicity as a powerful potential marker of difference (Clark 2010: 145; McLean Hilker 2009: 96). For example, the state categories that divide the post-genocide social landscape into the supposedly non-ethnic categories of returnees, refugees, victims, survivors and perpetrators are commonly understood to correspond to categories of Tutsi and Hutu (Lischer 2011: 272-3). Ethnic categories are thus continually being '(re)interpreted, utilized and experienced by Rwandans themselves' (McLean Hilker 2009: 82). The Foucauldian 'regime of truth' promulgated by the government to create the ideal, de-ethnicized 'Rwandan' citizen remains an unfinished project. The remainder of this dissertation will build upon these themes of 'nation', 'citizenship' and unity without reconciliation to demonstrate how Rwanda's process of nation-building extends across its borders to include, and exclude, its members in exile, and refugees in particular.

### **3 Rwanda beyond borders: repatriation and cessation**

The previous chapter established the process of nation-building through 'unity,' 'reconciliation' and 'citizenship' occurring within the territorial boundaries of Rwanda. This nation-building project, however, is not limited to state borders. Uniting all Rwandans both in and outside of the state through equal citizenship was one of the RPF's goals before coming to power (Purdeková 2011b: 100, 103), and repatriation has remained a priority of the government as a way to overcome divisionism (NURC 2002a, 2002b).

This chapter places Rwanda's campaign for the voluntary repatriation and cessation of refugee status for its nationals within the broader legal and political frameworks that shape such processes. First, I highlight the legal 'grey zone' occupied by the concept of voluntary repatriation. The ambiguity surrounding voluntary repatriation makes this not only a site of contestation between state sovereignty and refugee agency, but also a concept that may be harnessed to achieve political ends, often to the detriment of refugee protection. I then outline the recent programmes instituted to actively promote the repatriation of Rwandan refugees with a view to the global cessation of their status in June 2013. In doing so, I highlight the key concerns that international organizations and refugees themselves have brought forward regarding this process. The controversy surrounding the invocation of the cessation clause underlines the fact that the 'Rwandan nation' remains an unfinished project both inside and outside of the state that is open (albeit minimally) to alternative interpretations (following Laclau and Mouffe 1985).

The purpose of this chapter is thus to focus on the legal and political practices of repatriation. This analysis serves as a backdrop to Chapter 4, which illustrates the dialectic relationship between these practices and the Rwandan government's discourse by investigating the ways in which ideas of citizenship, nationality and return are framed by officials in order to encourage recalcitrant returnees.

### **Between voluntary repatriation and cessation: the ‘grey zone’**

In the discourse of international law and UNHCR, refugees are citizens in waiting. International protection is meant to act as a surrogate system whereby the international community steps in when states fail to uphold their duty to protect their citizens’ human rights (Goodwin-Gill and McAdam 2007: 10). Refugee status thus acts as a bridge between the severance of the state-citizen protective bond and its (re)establishment with either the country of origin or a new state (Hovil 2010: 46; Long 2011: 233). This occurs through one of the three durable solutions of repatriation, third country resettlement or local integration (UNHCR n.d.). While there is no *de jure* hierarchy between the three durable solutions, voluntary repatriation has arisen as the *de facto* ‘ideal’ solution of the international community and UNHCR to the ‘problem’ of refugees (Chimni 1999; Chetail 2004: 11-12).

It is clear in international law that refugees cannot be forcibly repatriated<sup>20</sup>, yet *voluntary* repatriation remains an ill-defined legal concept that is not directly addressed in the 1951 Convention relating to the Status of Refugees (hereafter called ‘the 1951 Convention’) nor its 1967 Protocol<sup>21</sup>. Under the 1951 Convention, refugee status and the associated quality of unrepatriability only lapses when one of the six cessation clauses under article 1C is applied (Zieck 1997: 102). The cessation clause most closely associated with voluntary repatriation in the 1951 Convention is article 1C(4), which concerns the re-acquisition of state protection through the voluntary re-establishment of the refugee in the country of origin (Zieck 1997: 34). Cessation clauses 1C(5) and 1C(6), however, allow states to terminate refugee status based on a change of circumstances in the country of origin<sup>22</sup> and to mandate the deportation or repatriation of former refugees without their consent (Hathaway 1997: 551; Hathaway 2005: 916). The intersection between mandated repatriation and human rights protection, however, is poorly understood, and in practice international obligations are often violated (Hathaway 1997: 554-5). How to strike an appropriate balance between refugee agency and state sovereignty in deciding when the protective state-citizen bond has been re-established, thus meriting the invocation of clauses 1C(5) and (6), represents a fiercely debated legal ‘grey zone’<sup>23</sup> (Takahashi 1997: 601).

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<sup>20</sup> According to article 33 of the 1951 Convention, refugees by definition cannot be forcibly returned or *refouled* to ‘the frontiers of territories where [their lives] or freedom would be threatened on account of [their] race, religion, nationality, membership of a particular social group or political opinion’ (UN General Assembly 1951).

<sup>21</sup> The only international legal instruments to explicitly do so are the 1984 Cartagena Declaration on Refugees (UNHCR 2002: 2) and article V of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (Goodwin-Gill and McAdam 2007: 493).

<sup>22</sup> The change of circumstances in the country of origin must be fundamental, effective, durable and result in the actual reacquisition of protection (AI 2004: 6; Fahamu 2011a). Refugees may be exempt from the cessation clause if they have a ‘well-founded fear of persecution,’ can invoke compelling reasons arising from previous persecution, or if the invocation of the cessation clause would endanger their established situation in the host country (AI 2004: 6).

<sup>23</sup> See in particular Chimni 1999 and Hathaway 1991, also Bialczyk 2008 and Zieck 1997.



The legal ambiguity of voluntary repatriation also makes it ‘a site of negotiation between the legal principles that underpin the international refugee protection regime and the practical constraints of international politics’ (McMillan 2012: 231). This point is well illustrated by the shifting international politics of asylum in Africa. During the 1960s and 1970s, newly independent countries were emerging, sometimes violently, from the grip of colonial rule (Rutinwa 1999: 1). Neighbouring countries were relatively happy to take in their compatriots fleeing wars of liberation (Milner 2009: 18). Some scholars explain this openness in terms of traditional hospitality, but Milner argues that these policies were mostly driven by domestic and international politics, and in particular the opportunity to highlight the failure of colonialism and broadcast a pan-African ideology of solidarity (2009: 19, 24). The Cold War also contributed to these dynamics, as the ‘voluntary’ element of repatriation became a form of liberal resistance against repatriation to Communist countries and constituted an important tool to affirm the primacy of liberal citizenship values (Long 2011: 233).

By 1985 the exilic bias in Africa and the global North was coming to an end with repatriation coming into favour. The end of the Cold War lowered the international political stakes in Africa, where chronic conflicts increased (Crisp 2003: 3) and international aid decreased (Milner 2009: 2). Refugee flows were also larger and more complex due to wars or general instability that had little to do with liberation struggles, and thus elicited less sympathy from countries of asylum (Rutinwa 1999: 2). Refugees came to be seen as harbingers of conflict (especially due to the emergence of the ‘refugee warrior’ figure, see Zolberg et al 1989, Lischer 2005) and environmental and economic burdens (Crisp 2003: 3-4; Loescher 1993; Milner 2009: 2-3; Weiner 1995). Politicians in newly democratized states played on these negative dynamics, as well as xenophobic anti-refugee fears, to win elections and restrict policy (Milner 2009: 34; Rutinwa 1999: 1-2). African states further justified this turn by citing the restrictionism of Northern states<sup>24</sup> and a lack of burden sharing to offset the increased pressure that IMF privatization policies had placed on public services (Crisp 2003: 2-3; Milner 2009: 34; Rutinwa 1999: 1-2). Due to these changes in domestic and global politics, repatriation (not necessarily voluntary) became the preferred solution to refugee situations in Africa and other low-income regions around the world (Crisp 2003: 3). An assumption that it is possible and desirable to return ‘home’ after conflict also became entrenched in state and UNHCR discourse<sup>25</sup> (Black and Koser 1999: 6-7).

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<sup>24</sup> The international economic recession of the 1970s had reduced states’ demand for external labour and thus incentives to resettle refugees (Gibney 2004: 3). In addition, the Cold War was ending, and with it the ideological and geopolitical value of refugees (Chimni 1998a: 351). Accompanying these shifts was the rise of the ‘myth of difference’ discourse, which framed Third World refugees fleeing war as fundamentally different from the ‘normal’ ‘white, male and anti-communist’ asylum seeker who had previously dominated asylum politics (Chimni 1998a: 351). Constructions of refugees as security threats (Huysmans 2006) and ‘bogus’ criminals trying to enter countries of asylum (Zetter 2007: 183) legitimate restrictive migration control and non-entree regimes, as well as calls involuntary repatriation when refugees refuse to return to their country of origin (Gibney 2004: 2; Chimni 1998a: 352; Chimni 1999: 55).

<sup>25</sup> Hammond argues that repatriation programmes assume a ‘natural’ congruence between people and their place of origin (1999: 228-9). Through repatriation, people are ‘put back’ into

The slide from voluntary to involuntary repatriation is reflected in UNHCR's practice and discourse. Ironically, a series of UN General Assembly resolutions and donor states seeking to reduce the costs of long-term encampment have made voluntary repatriation a cornerstone of UNHCR's mandate since the 1980s (Chetail 2004: 12; Loescher 2001: 280). This has led the organization to shift from the passive facilitation of voluntary repatriation to actively promoting it, accompanied by increased engagement in countries of origin (Bialczyk 2008: 8; Chetail 2004: 12; Zieck 1997: 117-9). UNHCR has not always been a willing participant in these changes, as it must walk a tight balance between a pragmatic approach to maintain its donor base and protecting refugees (Barnett 2001; Loescher 1993). UNHCR nonetheless justifies its focus on voluntary repatriation on the grounds of international human rights law and, in particular, the right to return to one's country<sup>26</sup> (UNHCR 1996). This right to return theoretically makes clear that 'voluntary repatriation presupposes that the refugees are entitled to exercise the human right to return to return in their country of origin' (Chetail 2004: 26).

The more aggressive approach to voluntary repatriation has been criticized as part of the West's agenda to contain refugees in their regions of origin or return them to unsafe conditions (Barnett 2001: 32; Chimni 1998a, 1999). The potentially pernicious effects of UNHCR's stance are made clear when the organization encourages voluntary repatriation even when the change in circumstances is below the threshold required for the cessation clause (UNHCR 1996). This is not necessarily illegal, as refugees can legally re-establish themselves in the country of origin even at the risk of persecution (Hathaway 2005: 918). There is a tendency, however, to use the language of repatriation when describing mandated return, even when citizen rights have not been effectively restored (McMillan 2012: 257). The increasing confusion between cessation and voluntary repatriation increases the danger of prematurely encouraging return or rejecting asylum applications, possibly resulting in repeated displacement or even *refoulement* (Bialczyk 2008: 5; McMillan 2012: 257; Zieck 1997: 6, 446). This is particularly problematic as UNHCR conceptualizes voluntary repatriation and cessation on a continuum whereby the former acts as a precursor to the latter (McMillan 2012: 257). States furthermore have the tendency to shirk their obligations by using UNHCR's declarations of cessation as sufficient evidence that refugee status should be terminated. This is an abuse of international law as UNHCR's proclamations are only effective for refugees under its Statute, and states remain the only competent parties that can apply the 1951 Convention's cessation clauses (Hathaway 2005).

UNHCR attempts to counter such lapses in protection with the language of return in 'safety and dignity' (Chetail 2004: 15). The actual utility of such concepts in improving refugee protection, however, is questionable. UNHCR itself admits that 'the concept of dignity is less self-evident than that of safety' and resorts to a dictionary definition of dignity to frame its discussion of a meaning of the term (Bradley 2005: 5). Chetail argues that the ambiguous concept of return in safety and dignity 'blur[s] the legal content of voluntary repatriation' and overemphasizes the objective element of voluntary repatriation over the subjective one (2004: 17). This is evinced by the emphasis on safety in the country of origin rather than the

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this place, which is assumed to be 'familiar, and therefore qualitatively better, than either remaining in exile or being resettled in a third country' (ibid: 229).

<sup>26</sup> A notable exception to the application of the right to return is the case of the Palestinian refugees (Weiner 1997).

voluntary character of repatriation, thus assuming that the refugee is willing to return (Chetail 2004: 17). The concept of safety must furthermore be interpreted by UNHCR and states according to conditions in the country of origin, and their judgements are often taken as 'objective' (Bialczyk 2008: 8; Chimni 1999). Replacing the subjective experience of refugees with the supposed 'objective' judgements of states may only serve to advance national interests over refugee protection (Chimni 1999: 7).

### **Rwanda: involuntary citizens?**

The promotion of voluntary repatriation in situations that may not be safe for return has redefined this process from a recognition of refugee status and the related quality of unrepatribility to a mode of refugee status cessation and a solution to protracted refugee situations, especially in the developing world (McMillan 2012: 260; Zieck 1997: 430). The campaign to end the Rwandan refugee situation promulgated by UNHCR, Rwanda and numerous host countries reflects many of the tensions outlined above, and this point in particular.

In recent years, the RPF has made the return of Rwandan asylum seekers and refugees its primary partnership priority with UNHCR (UNHCR 2010: 2) and since 2002 it has lobbied UNHCR, alongside numerous host countries, for the invocation of the cessation clause (Fahamu 2011a: 2). After a meeting with Rwanda and Tanzania in 2002, UNHCR shifted its policy from facilitating to actively promoting the voluntary repatriation of Rwandan refugees (AI 2004: 1). Tripartite agreements to organize voluntary repatriation programmes were thereafter signed between UNHCR, Rwanda, and ten host countries between 2002 and 2003 (UNHCR 2011: 2).

In 2009, UNHCR declared that it would consider recommending the cessation refugee status of all Rwandans who fled the country between 1959 and 31 December 1998<sup>27</sup> (Fahamu 2011a: 2; Weru 2009). UNHCR argues that Rwandan 'has undergone rapid, fundamental and crucially positive changes,' and 'enjoys an essential level of peace and security' (UNHCR 2011: 6), meriting the end of refugee status by June 2013. The so-called 'Road Map' or 'Comprehensive Strategy' drawn up to guide the implementation of cessation is occurring at the same time that UNHCR is seeking to resolve several long-standing refugee situations in Africa, particularly Burundi, Angola and Liberia (AI 2004: 1; Fontanini 2009; McMillan 2012).

The Comprehensive Strategy to end the 'Rwandan refugee situation' is comprised of four components: '(i) [enhance] the promotion of voluntary repatriation and reintegration of Rwandan refugees in Rwanda; (ii) [pursue] opportunities for local integration or alternative legal status in countries of asylum; (iii) [continue] to meet the needs of those individuals unable to return to their country of origin for protection-related reasons; and 4) [elaborate] a

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<sup>27</sup> Estimates of the number of Rwandan refugees currently abroad ranges from around 77,000 (Hovil 2010: 14) to over 90,000 (UNHCR 2011: 1) and up to 129,000 (Fahamu 2011a: 1). While the discrepancy between these statistics may be due to the challenges of counting mobile populations, it is important to note the political motivations that may also underlie methods of counting (Crisp 1999).

common schedule leading to the cessation of refugee status' by June 2013 (UNHCR 2011: 1). While host countries have affirmed both voluntary repatriation and local integration as core components of the strategy (ibid: 2), the emphasis remains on voluntary repatriation (ibid: 3). Some countries have indicated a willingness to offer citizenship or alternative legal status to certain long-status refugees, yet they remain in the minority (ibid: 4).

Despite the push for repatriation, fewer refugees have returned than expected. A lack of accurate information has been blamed as one reason for the slow progress, either because fellow refugees and members of the diaspora present an excessively negative image of Rwanda, or the Rwandan government provides an excessively positive one (AI 2004: 20, 37; UNHCR 2011: 3). Evidence suggests that the Rwandan government is promoting voluntary repatriation rather than an objective, informed decision to return (AI 2004: 37). Many refugees, however, insist that it is not safe for them to go home, citing continued political repression, ethnic discrimination, accusations of genocide ideology, conflicts over land, torture, and imprisonment (Hovil 2010: 1-2; IRIN 2011). Their fears have been confirmed by multiple jurisdictions, including the United Kingdom, Sweden, and even the International Criminal Tribunal for Rwanda (ICTR) in Tanzania, which have declined extradition requests to Rwanda because of concerns related to judicial independence (UNHCR 2009: 38). UNHCR has even recognized the apprehension of many refugees to return not only due to strong ties to the country of asylum, but also because of fear of possible persecution (UNHCR 2011: 1).

Immediate repatriation, however, is the only durable solution being offered to many Rwandan refugees (Hovil 2010: 16). Host countries are hesitant to offer Rwandans the opportunity to apply for citizenship or alternative legal status due to the slow pace of repatriation, and resettlement is nearly impossible except in exceptional emergencies (AI 2004: 18; Hovil 2010: 16; IRIN 2012; UNHCR 2011: 1, 4). This has led to several instances of probable forced repatriation and *refoulement*. Zambia, for example, threatened to revoke the refugee status of those refugees who refused to return home, and cease recognizing Rwandan asylum seekers as refugees (AI 2004: 19). In 2000, Tanzania labelled 'old caseload' Rwandan refugees who had fled to the country in the 1960s as illegal immigrants and expelled 2,300 people (ibid: 23-4). Tanzania then began urging the international community and UNHCR to repatriate approximately 11,000 Rwandan refugees who had fled political persecution between 2000 and 2002 (ibid: 13). Uganda in particular has undertaken a process of 'constructive' (McMillan 2012: 244) or 'de facto' cessation by enacting cessation measures (ie rejecting new asylum applications and denying national protection and the rights associated with refugee status) without formally declaring it (McMillan 2012: 244, 246; Hovil 2010: 4). Multiple deadlines for repatriation have been set, with Uganda threatening to revoke the status of those who remain (Hovil 2010: 1; Mbon 2009). Uganda has furthermore cut food rations to refugees and re-allocated their land (Hovil 2010: 1). Thus, while UNHCR cites increasing returns, it is questionable how voluntary these returns are (AI 2004: 16).

UNHCR additionally claims that returnees have reintegrated 'reasonably well,' although they face impediments to accessing basic services like other Rwandans (UNHCR 2011: 3). Evidence from other sources suggests that those who have been returned home are not effectively re-established as full citizens and may flee repeatedly. Indeed, while Uganda supposedly voluntarily repatriated 1,945 refugees between 2003 and 2004, 300 people had fled back into Uganda during that year (AI 2004: 19). Many Uganda-based refugees additionally cite bad

repatriation experiences as the reason for their hesitation to return to Rwanda (McMillan 2012: 242).

The timing of these repatriation exercises and the motivations behind them has been little questioned by states (Hovil 2010: 16). This silence is worrying, as ‘a striking feature of this particular repatriation process is the extent to which the Rwandan government itself has aggressively promoted the return of all its citizens’ (ibid: 15). Rwanda argues that the country is now peaceful, and that the ethnic violence that refugees fled no longer exists (McMillan 2012: 250). Refugees are being encouraged to return in order to help reconstruct the country (ibid). Rwanda further claims to be pursuing justice for those who are responsible for the genocide, which many refugees are assumed to be implicated in (McMillan 2012: 250). Observers, however, posit that the RPF’s desire to project an image as a stable and legitimate government is the primary motivation (Hovil 2010: 15, 25). Refugees serve as ‘an ongoing reminder of ethnic tensions that are supposed to have been addressed...’ (ibid: 1). Others cite concerns over cross-border security threats as a factor (a particularly salient one, as the RPF itself seized power via armed repatriation) (AI 2004: 3, 21; Hovil 2010: 15; McMillan 2012: 251; Whitaker 2002).

These critiques of Rwanda’s push for repatriation, while mostly absent from mainstream discourse, point to the still controversial nature of the process and the continued need for justification. Indeed, this chapter established voluntary repatriation as a particularly contested area of the refugee regime and a site of negotiation between state sovereignty and refugee agency. This resonates with Laclau and Mouffe’s (1985) argument that constant effort is required to privilege a particular system of meaning, even a hegemonic one, over other potential interpretations. While Rwanda, countries of asylum and UNHCR have been encouraging voluntary repatriation through the distribution of information pamphlets, meetings and tours of Rwanda (UNHCR 2011: 2), many refugees remain unconvinced by Rwanda’s discourse of ‘unity,’ ‘reconciliation,’ and all-inclusive ‘citizenship’. This is a particularly salient point, as it is only the refugee who can lift the prohibition of *refoulement* before the formal invocation of the cessation clause. Chapter 4 expands upon the institutional practices of repatriation presented here by analysing the justifications utilized by the Rwandan government in its attempts to cement particular meanings of ‘nation’, ‘citizenship’, ‘refugee’ and ‘repatriation’ in the public discourse. In doing so, Chapter 4 illustrates the dialectic relationship between the practices and discourse of repatriation.

## 4 Rwanda beyond borders: the discursive national citizen

The previous chapter established the legally and politically contested nature of the international efforts to end the refugee status of Rwandans through voluntary repatriation and cessation. Many Rwandans are reluctant to return, citing *inter alia* possible human rights abuses and a lack of land. The relatively slow pace of repatriation has resulted in harassment, deportation and de facto cessation in many countries.

While the previous chapter outlined *what* legal and political points are being contested, this section analyses *how* the Rwandan government is attempting to reconcile nation, state and

citizen in its discourse surrounding the invocation of the cessation clause. In particular, I explore the meanings of 'nation' and 'citizen' that the government is trying to 'fix' into place over other potential interpretations (following Fairclough 1989: 2; Laclau and Mouffe 1985). In doing so, I highlight the dialectic relationship between the de-ethnicizing discourse presented in Chapter 2 with the practices of repatriation analyzed in Chapter 3 (following Foucault 1980; Bourdieu 1991; Fairclough 1989: 31, 34, Howarth et al. 2000: 6; Laclau and Mouffe 1985) as the Rwandan government attempts to extend its nation-building project beyond its territorial borders. By questioning the 'naturalness' of this discourse I also highlight its contingency and the power relations required to sustain it (Fairclough 1989: 89; Gramsci 1975). The construction of the nodal point of 'Rwanda' is a never-ending project (Purdeková 2011b: 7-8) that is being contested by Rwanda's citizens both in and outside the state's borders, as indicated by the reluctance of thousands to return. How does the state make these potentially unwilling subjects legible and thus governable (Scott 1998) in its discourse?

### **Methodology**

In keeping with the previous two chapters, this analysis is guided by Foucault's concepts of 'governmentality' and 'biopower,' (Foucault: 1980) as well as Laclau and Mouffe's theory of discourse interpretation (1985; Phillips and Jørgensen 2002: 24- 59). While authors such as Fairclough (1989) advocate for a distinction between discursive and non-discursive analysis, I concur with Laclau and Mouffe's (1985) argument that social practices are deeply embedded in discourse. I thus continue to use the concepts of 'nodal point,' 'closure,' 'empty signifier,' 'hegemony,' and 'chain of signification' to guide the following analysis. In this chapter, I ask the question: What meanings are associated with the nodal point of the 'Rwandan nation,' and what interpretations do the 'elements' 'refugee,' 'repatriation' and 'citizen' take on as a consequence?

I additionally draw upon Favell's 'study of political ideas and justifications in action [that sustain] particular policies or [push] them in new directions' (1998: 14). The 'focus and raw material' of this approach are 'the arguments found empirically in the political reflections surrounding policies and their application' (ibid). The 'raw materials' used here include all refugee-related official press releases found on the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) website (<http://www.midimar.gov.rw>), which numbers 35 articles released between 2009 and 22 August 2012. I also analyzed 10 press releases from the website of the Government of Rwanda ([www.gov.rw](http://www.gov.rw)) and 21 speeches from the website of the Office of President Kagame (<http://www.presidency.gov.rw>), which were identified using the key words 'refugee,' 'repatriation' and 'cessation clause'. Using the same keywords, I complement this with 16 news articles from IRIN (<http://www.irinnews.org>) and 38 articles from allAfrica.com<sup>28</sup> that quote Rwandan government officials. I use only articles dating from 2009 onwards, as 2009 is the year when UNHCR declared its intention to invoke the cessation clause.

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<sup>28</sup> allAfrica.com is a news aggregator website. My search yielded hits from the Rwandan newspaper *The New Times*, as well as *The New Vision* (Uganda); *Times of Zambia*; *The Herald* (Zimbabwe); *The East African* (Kenya); *The Independent* (Uganda); and *Rwanda Focus* (Rwanda).

### **The Rwandan refugee: a (current) national (and as yet) citizen**

In government discourse, refugees are still members of the Rwandan *nation*, even though they may not yet be full *citizens*. In MIDIMAR press releases the terms ‘Rwandan’ and ‘refugee’ are often linked directly (‘Rwandan refugee’ was used 94 times) or indirectly (‘Rwandans living outside the country’ was mentioned 7 times, and ‘Rwandans living abroad’ 6 times). The national bond remains not just for refugees but for all Rwandans, no matter their territorial location:

*The Minister of Foreign Affairs, Louise Mushikiwabo said that... ‘President Kagame assured [members of the diaspora] that this country is theirs and at this particular time in our history, no Rwandan should be excluded. The President told them that they belong to Rwanda and whether they want to return or remain wherever they are, the country is open to them and the leadership is ready to continue protecting the interests of any Rwandan wherever they are’ (Office of the President 2011a).*

The ultimate goal is to dissolve the ‘refugee’ label entirely in order to fully re-establish the state-citizen-nation bond. For example, referring to the cessation clause, President Kagame states that ‘...eventually no *Rwandan* should be called a refugee since there is no longer any reason for this.’ (Office of the President 2011d, emphasis added). While officials do acknowledge the possibility of gaining citizenship in another country, emphasis is placed on this all-encompassing ‘Rwandan’ identity, which subsumes all other markers of difference:

*Kagame said that...what everyone seeks [is] a Rwanda for Rwandans, not for Tutsis, or Hutus or Twas or even foreigners – but for Rwandans...Kagame said that in building a new Rwanda, there [is] room for debate, competition of ideas, forgiveness and compromise but...not [for] divisionism of the kind that once destroyed Rwanda will ever be allowed (Office of the President 2010c).*

The message of ‘unity and reconciliation’ that structures domestic politics thus overflows Rwandan state borders to include its members abroad, including refugees.

Government discourse furthermore frames refugees as not only part of the Rwandan nation, but also as citizens who have access to all the rights such a status entails. These rights, however, are predicated upon return. Jean Claude Rwahama, Director of Refugee Affairs at MIDIMAR noted that ‘repatriation is the right [of] any citizen’ (De La Croix Tabaro 2012). Once they are in Rwanda, refugees ‘are entitled to all the privileges that their country offers’ (MIDIMAR n.d.a), including education and health services. Thus, ‘Rwanda reaffirms its commitment to ensuring safety and security for *all its citizens including returnees.*’ (MIDIMAR 2011, emphasis added). Returnees, however, are not yet fully constituted citizens, and are linked with ‘other vulnerable groups’ who need additional support to become competent and empowered citizens. For example, Captain Jean Damascene Kayitana, former Permanent Secretary of MIDIMAR, comments: ‘In addition to assistance for returnees, the government has adopted an integrated community-based approach to reintegration, broadening the capacity of those who can benefit from reintegration assistance to include other vulnerable groups’ (MIDIMAR n.d.d). The former Minister of Disaster Management and Refugee Affairs, General Marcel Gatsinzi, further explains that reintegrated returnees are enabled as citizens ‘to contribute to their community’s development’ (MIDIMAR n.d.b). The Permanent Secretary of MIDIMAR, Antoine Ruvebana, notes that reintegrated refugees will then be able to ‘help themselves’ (MIDIMAR 2012c).

### **The duty to return: the nation-state-citizen-territory nexus**

According to the Rwandan government, national and civic belonging not only entails a set of rights, but also duties. Indeed, the government does not simply *want* refugees to return home, it *needs* them to. A strong biopolitical logic is expressed, whereby the social body of the nation is reconstituted by the return of refugees, as highlighted by President Kagame: 'In essence, our national socio-economic transformation project hinges on developing our greatest resources – the Rwandan people. They are our drivers of change and the managers of our production for greater overall prosperity' (Office of the President 2010b). President Kagame also emphasizes the particularly special role that returnees play:

*...I would like to thank all Rwandans for answering the call of this struggle that has involved everyone, as evidenced by the testimony we have just listened to (of someone who came back from the refugee camps of D.R. Congo and now has been named the most exemplary farmer in Rwanda) (Office of the President 2011c).*

As explained by Foreign Affairs Minister Louise Mushikiwabo, refugees are urged 'to take their *rightful* place in Rwanda's journey of reconciliation, national renewal and socio-economic development' (IRIN 2012, emphasis added). President Kagame furthermore describes repatriation as key to the unity, reconciliation and reconstruction of the country:

*The most fundamental principle that underpins our constitution is the unity and reconciliation of our people...It is in view of this that we repatriated the vast majority of the refugees who had fled immediately after genocide and reintegrated them in the Rwandan society (Office of the President 2010a).*

General Gatsinzi thus explains that Rwanda is 'ready and prepared to receive all Rwandan refugees who opt for voluntary repatriation' (MIDIMAR 2012a).

By equating physical return with the reconstitution of the country, the Rwandan government advocates for the literal alignment of the nation and the state as the preferred order (following Gellner 1983). Identity and the territorial state are thus explicitly linked, as there is only one place where national identity and citizenship rights can be fully expressed: at 'home,' in the 'motherland' of Rwanda. While Uganda and Zambia are debating the merits of granting Rwandan refugees citizenship, officials continue to push voluntary repatriation so that returnees can 'participate in the development of their country,' as Jean Claude Rwahama, MIDIMAR Director of Refugee Affairs, argues (Kabeera 2012b). The congruence between nation and state is presented as so natural that misinformation or lack of knowledge is the only barrier to voluntary return: those who are sensitized by government officials with 'correct' information can make an informed choice, and as a consequence are 'determined to return' voluntarily (MIDIMAR n.d.g). Five MIDIMAR press releases include the phrase: 'As the implementation of the cessation clause on Rwandan refugees nears, the number of those returning home continues to rise,' emphasizing the inevitability and desirability of return. Refugees themselves are implicated in the process of sensitization, as they are 'invited' to participate in 'Come and See'/'Go and Tell' tours of Rwanda, where they can 'witness' first-hand the country's progress and report back to their colleagues. Rwanda is consistently associated with the words 'safe', 'peace', 'stable', 'freedom', 'security' and 'development', underlining the common sense position that there is 'no reason' why anyone should remain a



refugee. Verbs such as ‘urge’, ‘persuade’, ‘inform’, ‘inspired’, ‘opt’ and ‘decide’ further suggest that the act of repatriation is a negotiation and a choice. Government officials, such as Permanent Secretary Ruvebana, insist ‘that Rwanda considers repatriation as a voluntary act...the country will not force anybody to return home’ (Kabeera 2012a).

There is no mode of repatriation other than a voluntary one. Despite the regular use of the word ‘voluntary’, however, there is very little depth given to the term. Refugees are often ‘received’ at the border by officials, yet this passive verb does little to capture the complex calculations that form part of the decision to repatriate (Kibreab 2003; Lindley 2009; Lubkeman 2005; Serrano 2009), nor does it indicate how voluntary these returns actually are. The only returnees cited in MIDIMAR press releases are those who are (supposedly) excited to come home, such as Marie Louise Muhonganseko, who proclaims: ‘Life has never been good for all eighteen years we spent as refugees...I am so happy to arrive in my home country’ (MIDIMAR n.d.c). The government discourse thus portrays Rwanda as a country constituted by the will of its national citizens (following Cruikshank 1999).

The Rwandan government’s insistence on voluntary repatriation may furthermore be understood as a ‘technology of citizenship,’ which seeks to make individuals politically active and capable of self-governance through discourses and programmes (Cruikshank 1999: 1). Achieving this rests on developing people’s capacities through the dissemination of ‘correct’ information from the Rwandan authorities and ‘Come and See’/‘Go and Tell’ tours. Such supposedly democratic empowerment makes refugees complicit in the strategies of governance exercised by the state (Sharma and Gupta 2006: 21 citing Chatterjee 2004; Cruikshank 1999; Leve 2001; Paley 2001, 2002), leading to a ‘paradox of citizenship’ (Skovsmose and Valero 2002: 386), whereby the process of becoming a citizen with ‘capacities for action’ (Judge 2010: 6) simultaneously ensures the ‘adaptation of the individual to the given social order’ (Skovsmose and Valero 2002: 386). This approach blurs the lines between the ‘public’ and the ‘private,’ as personal volition becomes a matter of national and international concern, ‘confus[ing] and reconstitut[ing] the boundaries between the personal and the political...the voluntary and the coercive’ (Cruikshank 1999: 6).

### **The anti-Rwandan citizen**

The effect of propagating the concept of an ‘ideal’ citizen is to endow people with a particular set of identities and needs that determine not only who is a legitimate subject, but also what is a legitimate claim in the public sphere (Bassel 2008: 298, also see Zetter 1991, 2007). Laclau and Mouffe similarly emphasize that identities are constructed not simply in terms of what they are (a logic of difference), but also in contraposition to what they are not (a logic of equivalence) (Howarth et al 2000: 9, 11). The discourse of the Rwandan government is hegemonic and inherently political as it ‘fixes’ particular meanings of membership by drawing antagonistic borders between insiders and outsiders (following Howarth et al 2000: 4; Laclau and Mouffe 1985; Phillips and Jørgensen 2002: 37). An ‘anti-Rwandan citizen’ thus also exists in government discourse in contrast to the ‘ideal Rwandan citizen’. Those who do not partake in Rwanda’s nation-building project as ‘ideal’ citizens are expelled from the nation discursively and physically. Those who attempt to keep their refugee status are simply abusing it:

*...Kagame isolated four situations that, according to him, cessation clauses would directly address: Where refugee status is continued when the conditions have entirely changed and the status doesn't fit in the situational circumstances; where being a refugee turns into an industry for people who profit from it; where some people hide behind their refugee status and as such avoid being held accountable for their own participation in Rwanda's tragic history; and others who turn economic problems they face into claims that would give or warrant them refugee status (Kigambo 2011).*

The choice is clear that one is either Rwandan or not, as President Kagame emphasizes: 'Whoever decides to live out of Rwanda should either do so as a Rwandan national or be referred to as something else' (Office of the President 2011b). Some of those who refuse to return are labelled *génocidaires*, as argued by Rwanda's High Commissioner to Uganda, Frank Mugambage: 'A few individuals in the camps find it hard to respond to this call because they committed Genocide and other crimes and are wanted to answer for their crimes back home' (The New Times 2011). Press releases describe innocent refugees as being misled by 'hardliners whose message [aims] to tarnish the image of Rwanda and thus prevent willing returnees [from making] the journey home' (MIDIMAR 2012b). Thus, while voluntariness and choice is celebrated in the decision to return, many of those who exercise choice in a way that is perceived to be contradictory to the aim of nation-building are cut off from national, civic and territorial modes of belonging.

With such a dichotomy, unity is easy to maintain, as any aberrations are simply excluded. These aberrations, however, also serve a constitutive function. The 'ideal' refugee is framed as a responsible citizen and returnee, who repatriates willingly in order to help rebuild the Rwandan nation. Only certain categories of people may legitimately stay abroad, as General Gatsinzi notes: 'There are those who want to stay in the countries they live in currently as expatriates or are married to citizens of those countries. Those ones have the reasons to remain... ' (Kagire 2012). Other refugees are reluctant to return because of false rumours, which prevent otherwise voluntary repatriation. By contrast, the 'anti'-Rwandan citizen is someone who fits into at least one of a number of categories, which include: the refugee who maintains his or her status for personal gain; the *génocidaire* who refuses to come home due to a fear of prosecution; and/or the 'hardliner' who spreads 'misinformation' in order to 'tarnish' Rwanda's image. The contraposition of the 'anti' against the 'ideal' citizen thus helps to establish clear borders between who is and is not included in the social and territorial community of Rwanda. The concept of an 'anti' or 'other' counterpart to the 'ideal' citizen is not unique to Rwanda. Many scholars, particularly in Europe and North America, have commented on the figure of the threatening and alien refugee 'other' who aids in the construction of political communities by helping to demarcate their protective borders (Chimni 1998b; Huysmans 2006).

### **Legitimizing the discourse**

Beyond the creation of 'ideal' and 'anti' citizens, the government cites three sources to lend legitimacy and objectivity to its claims: 1) high-ranking government officials, 2) UNHRC personnel and other external 'experts,' and 3) statistics. Official press releases principally quote authorities such as former MIDIMAR Minister Gatsinzi, Foreign Affairs Minister Louise Mushikiwabo and President Paul Kagame, who use their stations to speak on behalf of the country as a whole. The involvement of the international community is notable as well: 'President Kagame pointed out that Rwanda was working with international organisations to

convince refugees to repatriate and that the international community's perception of the situation was an influencing factor' (Office of the President 2009). UNHCR's declarations in particular are cited as influential in the declaration of the cessation clause, as Louise Mushikiwabo, the Foreign Affairs Minister, proclaims: 'This stamp of approval from UNHCR lights the path homeward for the estimated 100,000 remaining Rwandan refugees' (IRIN 2012). Statistics are additionally used to depoliticize and substantiate the purported success of repatriation operations: 'Only in [the] last two weeks, MIDIMAR received about 200 returnees while from January 2011 up to now more than 5,000 refugees opted for voluntary repatriation' (MIDIMAR n.d.f); 'From 1994, close to 3.5 million Rwandans of those who had fled the country have since repatriated willingly' (MIDIMAR n.d.a); '...in one week MIDIMAR registered 214 Rwandan Refugees who opted for voluntary repatriation...' (MIDIMAR n.d.e).

The use of bureaucratic numbers and 'expert' knowledge is reminiscent of Foucault's concepts of governmentality and biopower (1980), as well as Scott's work on 'seeing like a state' (1998). Social science knowledge that is calculable, specific and measurable enables 'new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control...' (Cruikshank 1999: 40). Counting the number of people who have crossed the border makes the body itself a biopolitical 'terrain of governance' (Cruikshank 1999: 39) as populations are made legible and controllable through being officially written into the statistical 'state register' (Scott 1998). References to such official records suggest that all are counted and visible under the gaze of the state, including those who continue to exist as a biopolitical aberration through their continued presence outside of the country.

There are ruptures, however, in the government discourse. Narratives of alternative understandings of belonging exist in the Rwandan refugee community, as documented in the relatively few news articles (Pino 2010; IRIN 2012) and NGO reports (Fahamu 2012) that actually cite refugees themselves. For example, interviews conducted with Rwandan refugees in the Ugandan Nakivale camp reveals a different interpretation of nationality and citizenship. Interviewees understand citizenship as freedom of movement and safety, as well as freedom from the threat of exile (Hovil 2010: 45). Their refugee status, however, is also recognized as indicative of 'the failure of their Rwandan citizenship to deliver on its promise of protection' (ibid). Hutu identity is cited as a barrier to enjoying all the rights of citizenship, and raising the point leads to accusations of *irondamoko* (ethnicism) and *amacakubiri* (divisionism) (ibid). Many of the refugees interviewed, both Hutu and Tutsi, thus see themselves as second class citizens in Rwanda and de facto stateless (ibid: 45-6) rather than as members of the Rwandan nation and citizens entitled to their rights. Refugee protests in Zambia against return (Zambian Watchdog 2012), and the submission of petitions to UNHCR against the invocation of the cessation clause (Fahamu 2011b) additionally point to the disjuncture between government and refugee-led discourses of belonging. The discursive creation of 'ideal' and 'anti' citizens thus remains an incomplete project.

This chapter has explored the dialectic that exists between the nation-building discourse analyzed in Chapter 2, and the practices of repatriation presented in Chapter 3. The two are tightly linked, as the Rwandan government must navigate the legal 'grey zone' (Takahashi 1997: 601) of voluntary repatriation with justifications of 'informed' and 'free choice' in order

to demonstrate its commitment to the principle of *non-refoulement*. The government furthermore attempts to encourage recalcitrant refugees to return by positioning them as members of a united, de-ethnicized Rwanda and citizens entitled to the right to return. In keeping with the repatriation bias of host states, UNHCR and Rwanda, however, return is emphasized as the 'correct' mode of belonging. Indeed, 'Rwanda' is portrayed as not only a social entity that stretches beyond borders, but also a territorial state to which refugees have a duty to return in order to participate in its reconstruction. Such a position is legitimated by high-ranking Rwandan and international officials who cite statistics that indicate the supposed success of repatriation operations. Refugees may fail to return because they are misled by false rumours, and will choose to repatriate with 'true' information. Refugees may also belong to a narrow group who may legitimately stay abroad as expats or as spouses of foreign nationals. Those who fall outside these categories, however, are 'anti' citizens who are cut off from the Rwandan community. The government definition of 'citizenship' is thus closely linked to the nodal point of the Rwandan 'nation,' making it an exclusive label for those who fail to fit within the official mould. The 'ideal' Rwandan citizen is 'overwhelmingly interpreted as [a] person with obligations to rather than rightful demands on the state' (Purdeková 2011b: 317). The existence of alternative narratives of citizenship and belonging, however, do exist on the margins of the Rwandan government's discourse. The voices of refugees reluctant to return demonstrate the inherently unstable nature of the government's hegemonic discourse, and the impossibility of entirely 'fixing' the meaning of 'nation', 'citizen' and 'repatriation'.

## 5 Conclusion

The controversy surrounding Rwanda's push for voluntary repatriation and refugee status cessation brings to the fore the rapprochement between citizen, state and nation that occurs through repatriation. Refugees are seen as anomalies from the 'correct' mode of belonging represented by the state-citizen-territory nexus (Haddad 2008: 60; Malkki 1995: 508). This nexus is predicated on the division of the world's population into citizens based on the assumption of a natural congruence between the nation and the state (Arendt 1951; Haddad 2008; Malkki 1992, 1995; Monsutti 2006, 2008). The fact that refugees must leave the domestic political community of their country to seek asylum in another, however, points to the deviations that are possible within this normalized model of political and territorial belonging (Haddad 2008: 7). Drawing from the work of Douglas and Turner, Malkki argues that refugees are thus problematic liminal subjects that exist as 'matter out of place' betwixt and between the nation-state order (1995: 7-8). This order is established by (re)forming refugees as nation-state citizens through repatriation, and voluntary repatriation in particular, which has become the preferred solution of the international community (Chimni 1998a, 1999).

Repatriation is thus '...inextricably linked to a nation-state conception of political-territorial power and the distribution of rights through citizenship' (Long 2008: 22). The effective (re)establishment of citizenship requires the formation of a protective bond between not only the citizen and the state, but also the nation (Long 2008, 2009a, 2009b, 2010, 2011). The association of repatriation with citizenship and its associated rights thus points to the

inherently political nature of the process, which does not end when refugees cross the border (Black and Koser 1999; Hammond 1999; Long 2008; Stein and Cuny 1994).

Through the Rwandan case study, I have argued that conceiving of repatriation as a site of citizen (re)formation that involves both the nation and the state allows us to highlight the political nature of refugee status. Recognizing this political element is key to understanding repatriation, which is inherently tied to relations of power and discourses of the ideal 'citizen' and 'nation'. These discourses have very real effects by restricting membership only to those who fit a particular hegemonic mould. The construction of 'ideal' and 'anti' citizens by the Rwandan government demonstrates this point. In the context of repatriation, the 'ideal' citizen is framed as a refugee who voluntarily returns to the 'motherland' to contribute to the reconstruction of a united and de-ethnicized Rwandan nation. The 'anti' citizen, by contrast, includes those who refuse to participate in this project of nation-building. The refugees who are hesitant to return are labeled as misled (and may still be saved with 'correct' information), or disaffected 'hardliners' and '*génocidaires*' fleeing justice who do not deserve a place in the social or territorial community of Rwanda. The rights attached to the status of 'citizen' have thus been subsumed to the duties of belonging to the Rwandan nation.

The dichotomy of the 'ideal' and 'anti' citizen not only illustrates the logic of equivalence that helps to define political communities (Laclau and Mouffe 1985), but also the 'paradox of citizenship,' whereby the productive endowment of 'capacities for action' (Judge 2010: 6 citing Li 2005, Ong 2003) also ensures the 'adaptation of the individual to the given social order' (Skovsmose and Valero 2002: 386). It furthermore prompts us to question the distinction often made between citizenship as a universal tool of inclusion that admits all members of society, and nationalism, which is framed as a closed project available only to those with the 'correct' ethnicity, language, shared history, etc (Turner 1993: 14). Both citizenship and nationalism can be exclusive, and do not necessarily exist as antitheses of one another (Turner 1993: 2-3; Purdeková 2008a: 512 quoting Kuzio 2002, Yack 1996, Nikolas 1999).

The contraposition of the 'ideal' and 'anti' citizen is furthermore not 'fixed'. The continued resistance against repatriation demonstrates that the nodal point of the united 'Rwandan nation' is an unstable project, and requires effort to be maintained. This is particularly true in the legal 'grey zone' of voluntary repatriation, where state sovereignty and refugee agency interact. Refugees cannot be forcibly repatriated before the formal invocation of the 1951 Convention cessation clauses 1C(5) or (6) by states. Until such a time, this area of the refugee regime must be negotiated with language such as 'voluntariness', 'free choice' and discourses of inclusive membership. It is here that official discourses of belonging may directly clash with those understood by refugees themselves, as illustrated by Rwandan refugee protests in Zambia and the submission of petitions to UNHCR against the invocation of the cessation clause.

This dissertation thus illustrates three key points. First, the inherent precariousness of the Rwandan government's discourse suggests the possibility for change, possibly towards a less exclusive project of belonging. If Rwanda is to move beyond its past, it must do so equipped with the language of 'construction, innovation and creativity' (Hammond 1999) rather than fear and intimidation.

Second, a more fine-grained approach to return that considers not just the state, but also the nation, is required to understand the process of repatriation. Indeed, when repatriation does not result in a re-establishment of the protective state-citizen bond, scholars have remarked that 'return' may be a better term (Long 2008: 7). It is important to separate refugeehood from displacement, as the end of one does not necessarily lead to the end of the other (Hathaway 2005; Long 2010). Is there, however, a spectrum between full repatriation and simple return? In government discourse many refugees are called 'Rwandan' and considered part of a particular de-ethnicized national identity, yet their status as citizens, with the requisite promise of protection and other corollary rights it provides, seems to be lacking. According to the government they thus appear to be united with the patria, which includes all Rwandans in and outside of the state, but not actually reconciled with the patria, as enduring tensions, abuses and the effective lack of citizenship rights show. A more nuanced approach to repatriation, rather than an either/or approach that hinges on the re-establishment of protection, is therefore warranted. While the state and nation may be closely related or even synonymous with one another, it is important to delineate the two to better capture the dynamics of repatriation and return. The nation must therefore be added to the state-citizen-territory nexus to adequately depict the 'making' and 'unmaking' of refugeehood.

Finally, refugees are not simply the citizen's 'other' (Haddad 2008; Huysmans 2006), but also citizens-in-waiting, whose status acts as a bridge between the severance of the state-citizen bond and its (re)establishment with either the country of origin or a new state (Hovil 2010: 46; Long 2011: 233). Focusing on repatriation as a process that (re)constitutes the refugee as a citizen calls attention to the inherently political nature of refugee status (Long 2008). Taking an explicitly political approach is key to understanding processes of repatriation, as it enables us to uncover the relations of power that spill across territorial borders to include and exclude refugees still in exile.

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