Homeward Bound:  
Return Migration and Local Conflict After Civil War

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ABSTRACT

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Conflict between returning and non-migrant populations is a pervasive yet frequently overlooked issue in post-conflict societies. While scholars have demonstrated how out-migration can exacerbate civil war, less is understood about what happens when the same populations return. This dissertation interrogates how legacies of forced migration influence conflict dynamics in countries-of-origin. I argue that return migration creates new social divisions in local communities based on where individuals lived during the war – in-country or abroad. These new cleavages become sources of conflict when institutions – like land codes, citizenship regimes, or language laws – provide differential outcomes to individuals based on their migration history. Using ethnographic evidence gathered in Burundi and Tanzania between 2014 and 2016, I demonstrate how refugee return to Burundi after the country’s 1993-2003 civil war created new identity divisions between so-called rapatriés and résidents. Local institutions governing land disputes hardened competition between these groups, leading to widespread, violent, local conflict. Consequently, when Burundi faced a national-level political crisis in 2015, prior experiences of return shaped both the character and timing of renewed refugee flight. By illuminating the role of reverse population movements in shaping future conflict, this study demonstrates why breaking the cycle of return and repeat migration is essential to conflict prevention.
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***
For those who shared their stories with me
CHAPTER ONE

THE RETURNEES

1. Introduction

In February 2015, about six weeks before thousands of Burundians took to the streets in protest against president Pierre Nkurunziza, I was sitting in a small shop in southern Burundi with two young women. The store was something of an aberration for the area. Rather than a rickety, open-air, wooden kiosk vending peanuts, soda, and cell-phone top-up cards, this shop was a modified shipping container with three corrugated iron sheet walls in the middle of a busy dirt road. Crates of glass bottles were stacked up the walls of what I learned was a local beer and soda distribution stop. One of the women had asked if she could work while we chatted, so she periodically got up and served the traders on bicycles who came by to exchange plastic flats of empty glass bottles for flats full of Primus beer. As they served their customers, the women explained to me how before the war in Burundi they used to hear things about the three tribes (Hutu, Tutsi, and Twa) – alluding to the ethnically rooted conflict that had sparked the country’s 1993-2003 civil war. But now, they said, it was about rapatriés (people returning from exile) and résidents (those who stayed in-country during the war). Since we were clearly visible to the rest of the street while the women continued conducting business, I was not surprised that after a time a few passers-by came peaking around the iron sheet walls. When the onlookers briefly disappeared around the corner, the two women started speaking in fast Kirundi to my interpreter – something seemed to be wrong. “Please can you tell them to leave because they can't listen to me,” said one of the women to my interpreter. “They are the rapatriés we are talking about.
They’re gonna kill us.”¹ My interpreter assured me that “kill us” was an exaggeration - just a turn of phrase - but given in the violence of the past few years, I was concerned.²

Talking about rapatriés and résidents had become quite common in Burundi. In my interviews people sometimes referred to family members not as their brother or uncle but as “the one who came back” or “the one who stayed.” Conflict, particularly over land, between people who had come back to Burundi after living in Tanzania during the war and those who had remained in Burundi became widespread in the provinces where returnees congregated. Rapatriés and résidents cut down each other’s crops, destroyed each other’s houses, and violently attacked or killed those trying to claim land parcels as their own. Sometimes these conflicts were between family members, other times between neighbors or strangers. They could pit Hutu against Hutu, or Hutu against Tutsi or Twa. But as one civil society leader put it, “The problem is about movement [his emphasis].”³ And in Burundi, “land equals life, so the issue of movement is integrally related to land.”

This kind of volatile animosity between people returning from exile and those who stayed behind during wartime is not a phenomenon exclusive to Burundi. In other post-conflict settings, even if the cleavages that divided the society during the conflict have resolved or diminished, like the tribalism described by the women in the beer shop, the mass movement of people back across borders can create new sources of distrust, animosity, and even violence. Yet those responsible for rebuilding the country – from national politicians to international interveners – may be so focused on repairing old wounds that they fail to take these issues into account.

¹ Author Interview 02/23/2015.
² The study was conducted under IRB Protocol # IRB-AAAN7454. For more detailed description of the methods for interviewing and ethical considerations, see the methods of data collection section of chapter two.
³ Author Interview 01/28/2016.
When I was working in South Sudan just before the country voted for independence, I observed a similar pattern of animosity between those who had returned from abroad and those who remained in-country during the war. In an interview in Juba, South Sudan’s capital city, a group of young South Sudanese men made a point of emphasizing how unfair it was that now that the war was over they had such a hard time getting jobs with the international non-governmental organizations (NGOs) operating in the city. NGOs offered some of the best paying gigs if you could get them. As it happened, most of the international organizations (IOs) working in South Sudan were focused (justifiably) on the need to balance their local staff to ensure non-discrimination across ethnic groups – the Dinka, Nuer, Bari, etc. But they also were looking for English speakers, as English was the primary working language for the majority of NGOs. This meant that young people who lived abroad as refugees in East Africa, where English was taught in schools, were much more likely to get jobs with these organizations as compared to South Sudanese returning from northern Sudan, who learned Arabic, not English, or those who, having stayed in South Sudan during the war, only spoke Juba-Arabic and their tribal language. This not only bred animosity between young people, but it helped solidify local identities of the “East Africans” and “Khartoumers,” for South Sudanese citizens returning to the capital city from abroad, as distinct from those who had stayed in-country during the war. Hostility between these groups was evident in competition for employment, struggles for land, and youth gang violence in urban centers.4

The similarities of animosity between returnees and people who stayed behind in South Sudan and Burundi were striking. When I spoke about these dynamics with colleagues working on peacebuilding programs in other countries, each had their own story about how there was a similar dynamic between returnees and non-migrants where they worked, though it manifested in slightly

4 See Sommers and Schwartz 2011; McMichael 2014.
different ways. In fact, conflict between returning and non-migrant populations after civil war is a pervasive issue across post-conflict societies.

Take, for example, the case of Iraq: With improvements in security between 2008 and 2010, the Iraqi government actively encouraged refugees and internally displaced persons (IDPs) to return to their home communities. By August 2010 the UN Refugee Agency (UNHCR) had documented 941,880 voluntary returnees. Yet, many returning IDPs and refugees said their property was occupied when they came back, and that they faced violent backlashes in their home communities when attempting to reclaim their houses. In one instance, the International Organization for Migration (IOM) reported that returnee families in the Bya’a neighborhood of Baghdad were targeted for attack specifically because they were identified as returnees. A study of Iraqis returning from Denmark found that not only were these returnees stigmatized for being “Danes” as opposed to Iraqi, they also faced threats of murder or kidnapping if others found out that they had returned from Europe. The situation was so bad that a 2010 UNHCR poll found that 61% of Iraqi returnees interviewed regretted going back to their home country. Many of the Iraqis who returned during this time ended up fleeing again. Thus, rather than a harbinger of increased stability, return migration to Iraq created new sources of conflict, and eventually led to repeat migration.

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5 UNHCR 2010. The majority of these returnees (85%) were IDPs, with 15% returning refugees from Iran, Syria, Saudi Arabia, Jordan, Turkey and elsewhere. International Organization for Migration 2010.


7 Human Rights First 2008.

8 Riiskjær and Niellsson 2008.


10 Isser and Auweraert 2009.
In Bosnia and Herzegovina (BiH), the return of refugees from ethnic minorities was a deliberate goal established in the peace agreement ending the war. While there was some success in encouraging return, many Bosnian returnees expressed “strong feelings of frustration, marginalization, and alienation.” There were reports of discrimination against returnees “ranging from a denial of their right to repossess their homes and some types of jobs, to payment of higher fees for having their telephone reconnected, to converting their foreign diplomas into Bosnian ones, to having job applications turned down because of ‘better qualified candidates’ (meaning stayees).” While in some cases the returnees were satisfied with the process of settling in BiH, hostility between returnees and non-migrants was so common it permeated pop-culture. For example, a song at the time declared:

“Sarajevan [people] / While Bosnian cities burned/ You were far away/ When it was difficult/
You left Sarajevo…When you come back one day I shall greet you/ But nothing will ever be the same/
Don’t be sad then, it is nobody’s fault/ You saved your head, you stayed alive.”

After a war largely characterized by national ethnic and religious rivalries, the legacy of forced migration and subsequent return had created a new source of enmity in Bosnia between those who fled during the war, and those who remained.

In El Salvador, return migration from the United States changed the nature of violence against the state. In the 1980s and early 1990s, civil war was the primary threat to peace. During this time, roughly two million Salvadorans fled to the United States, alongside thousands of other Central Americans also fleeing civil war violence. However, in the past 10 to 15 years, transnational gangs and criminal organizations have become the main source of insecurity in the region. The emergence

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11 Stefansson 2004, 175.
12 Stefansson 2004.
13 Stefansson 2004.
14 Sviatschi 2018.
of this gang activity throughout the region has been directly linked to the rise in U.S. deportation of Central American migrants after the 1992 Los Angeles riots.\textsuperscript{15} After the riots, California police began cracking down on gang activity, and both state and national authorities passed immigration laws which made it easier to deport non-citizens. As a result, from the late 1990s through 2014, the U.S. deported approximately 300,000 immigrants convicted of crimes to their countries-of-origin in Central America.\textsuperscript{16} According to Ana Arana, these “young Central American criminals, whose families had settled in the slums of Los Angeles in the 1980s after fleeing civil wars at home, were deported to countries they barely knew… The deportees arrived in Central America with few prospects other than their gang connections; many were members of MS-13 and another vicious Los Angeles group, the 18th Street Gang (which took the name Mara 18, or M-18, in Central America).”\textsuperscript{17} The gangs’ presence as a challenge to state authority is particularly felt in El Salvador, where in 2016 the Maras and other transnational gangs maintained a presence in 247 out of 262 municipalities.\textsuperscript{18} Gang violence has also fueled subsequent out-migration from Central America to the U.S. and Mexico, as children in particular flee.\textsuperscript{19} Like in Iraq, in El Salvador return migration not only created new sources of violence in the country-of-origin, but it also led to renewed forced migration.

Though manifest in different forms and to different degrees – violent targeting in Iraq, communal tension in Bosnia, and structural transformation in El Salvador – these cases are

\textsuperscript{15} Sviatschi 2018; Arana 2005.

\textsuperscript{16} International Crisis Group 2017.

\textsuperscript{17} Arana 2005, 100–101.


representative of a broader pattern: Across contexts and continents, when forced migrants return after civil war, new types of conflict emerge shaped by experiences of displacement during war. This dissertation seeks to understand why this common phenomenon occurs. *Why is it that return migration—usually seen as a sign of increased peace and stability—so often leads to conflict?*

Examining the consequences of return migration is all the more important considering the scale of forced migration today. Violent conflict displaces millions of people across borders every year.\(^{20}\) UNHCR estimates that the number of refugees globally has more than doubled from 8.66 million in 2005 to 17.2 million in 2016.\(^{21}\) The vast majority of these refugees reside in neighboring countries, like Pakistan, Turkey, and Lebanon.\(^{22}\) Only a very small percentage of refugees resettle in countries in the Global North (just 1% of refugees under UNHCR’s mandate were resettled in 2016).\(^{23}\) Instead, the majority are faced with the choice of returning to their countries-of-origin or remaining stuck in asylum-seeking limbo for decades.

While the annual stock of returnees in recent years has been small in comparison to population exit (the UN estimates that were 2.51 million returnees out of 16 million refugees worldwide in 2015),\(^{24}\) this figure fluctuates with world events: as conflicts subside, peace treaties are signed, or wars worsen, documented return increases or decreases accordingly. If we look ahead to a potential resolution to the wars in Syria, Afghanistan, or South Sudan, only a small minority of refugees will be able to stay abroad, and the total stock of returnees will likely increase.

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\(^{20}\) There are even more internally displaced persons — about 40.3 million in 2016. See UNHCR 2017a.

\(^{21}\) UNHCR 2017a.

\(^{22}\) Migration data has several limitations in accurately calculating migrant stock over time. However, reports suggest that in the past decade South-South migration is roughly as common or outweighs South-North migration. See United Nations, Department of Economic and Social Affairs, Population Division 2013; Bakewell 2009.

\(^{23}\) This reflects 189,300 resettled out of 17.2 million refugees under UNHCR mandate in 2016. See UNHCR 2016.

\(^{24}\) These data include only returnees previously granted official refugee status. It therefore likely underestimates the total number of return migrants.
Still, international observers and interveners focused on promoting national-level peace negotiations and building democratic institutions in post-conflict societies frequently overlook the potential for return migration to affect conflict dynamics in countries-of-origin after civil war.\footnote{On international peacebuilding interventions’ tendency to engage at the national level rather than the local level, see Autesserre 2010.} While billions of dollars are spent on peacebuilding every year,\footnote{Schippa 2016.} without considering how return migration may affect local political, social, and economic structures, these programs are likely to ignore, or even exacerbate, new sources of violence during war-to-peace transitions.

2. Who are Returnees and Why Do They Matter for International Politics?

In the cases described above return migrants played central roles in changing local political dynamics. Yet, scholars of political science have not systematically examined the different ways return migrants can affect homeland politics. This section lays out various roles returnees play in international and domestic politics in post-civil war contexts. In particular, I focus on documenting how return population movements can complicate political, social, and economic structures, and on highlighting where returnee-stayee\footnote{“Stayee” is a term I use to characterize individuals who remained in-country during a war as opposed to “Returnees,” which refers to individuals who migrated, or whose parents migrated, across an international border, and then migrate back to their country-of-origin. I occasionally use migrant and non-migrant as synonyms for returnee and stayee to avoid repetition.} conflict is likely to emerge.

While the focus on returnees provides an important counter to the disproportionate attention paid to out-migration in political science literature (as will be explored further in section three), it is easy to fall into the trap of overemphasizing this single segment of the migration cycle and obscuring how return migration fits within historical and future cycles of migration. Indeed, dynamics of return migration cannot be understood without consideration of prior causes of flight, and the process of
return is often a precursor to a spiral of repeat and protracted migration. Therefore, returnees’ roles as outlined below should not be understood as stagnant, but as positions in a particular phase, which may change over the course of continued and/or future migration.

I divide returnees’ roles into three broad categories: (1) Nation-Building and Citizenship; (2) Post-Conflict Statebuilding, Peacebuilding, and Development; and (3) Opening and Maintaining Transnational Channels. I follow Shain and Barth (2003)\textsuperscript{28} in making the designation within these categories of passive roles for returnees in local and international politics, as opposed to active roles. I further stipulate that these roles differ depending on the class of the returnees – either elite or non-elite. Elite returnees, often referred to as “diaspora returnees,” are return migrants who may have had elite status prior to flight, or gained economic, political, and/or social capital while abroad. Many elite returnees sought asylum or lived as diaspora in countries in the Global North or in regional capital cities close to their country-of-origin. Non-elite returnees make up the majority of return migrants. They are most frequently former refugees who remained in their country of first asylum in the Global South.\textsuperscript{29}

\textbf{2.1 Nation-Building and Citizenship}

The return of nationals from abroad – whether passively by the mere act of return, or through active returnee and/or state engagement – is broadly speaking part of a nation building/rebuilding project after civil war. When a significant percentage of a country’s population has been displaced due to war (as is currently the case in South Sudan, where in 2018 it is projected that roughly a quarter of the population will be displaced across international borders, and in Syria where approximately one third

\textsuperscript{28} Shain and Barth (2003) outline the different roles diaspora (people who live outside their country-of-origin) play in international politics.

\textsuperscript{29} This builds on Phillips 2004.
of the population has been displaced as refugees), the physical return of co-nationals to their countries-of-origin is part of the project of creating a new body politic that resides within specific territorial borders.

Simply by showing up, all returnees (elite and non-elite) make implicit (and explicit) claims to citizenship and belonging. The claims may come into direct conflict with stayees’ views of citizenship, patriotism, and belonging. For example, in South Sudan when individuals returned from exile after the country declared independence in 2011, narratives of “we stayed behind and suffered,” and “we fought for this country when you fled,” were common among populations who stayed in-country during the war. These accounts contrasted starkly with those of returning refugees who frequently spoke of their own suffering in exile and of completing an arduous journey of return so they could contribute to building their new state. In Bosnia, many returnees from Western Europe complained that “stayees believe they have a “monopoly on suffering” that makes them “morally superior.” Similarly, in post-conflict Rwanda, Tutsi returnees monopolize both political and economic power. They justify this state of affairs by appealing to narratives of their moral superiority as compared to both Tutsi stayees who survived the genocide, and the Hutu population. These types of competing narratives of patriotism and suffering are common following return migration, and often fuel conflict between returnees and stayees.

30 Estimates exceed over half of the population in both cases if you include internally displaced persons. Phillip Connor 2018; UNHCR 2018a.

31 This process of re-bordering and establishing the boundaries of states is not exclusive to the national government and its population. It is also connected to regional actors and other foreign governments who are equally seeking to maintain their sovereign borders, through policies like offshore detention, policing at sea, or forced repatriation.

32 Author interviews and observation, Juba, South Sudan 2011-2012.

33 Stefansson 2004, 179.

34 Longman 2017.
In addition to physically returning to their countries-of-origin, returnees may take on more active roles by making claims to citizenship, equal rights, and belonging. Laura Hammond (2004) describes this process as “emplacement,” or actively creating meaningful political, social, and economic ties to the region. In addition to the construction of meaningful social spaces, returnees must frequently engage with non-migrants in claiming land and property which may have been lost, destroyed, or occupied during wartime. For example, da Silva and Furusawa (2014) describe how military operations in Timor Leste forced populations to settle in districts already occupied by others. While some of these displaced persons later returned to their communities-of-origin, other stayed, claiming that as victims of Indonesian military operations they deserved the land. This led to rising tensions between residents and settlers and small-scale violent confrontations.

Land and property are of particular importance in the process of a nation integrating returnees into its body politic because for those who have been forcibly displaced belonging is integrally tied to territory. Whether in rural or urban areas gaining access to land, a home, and property is essential for basic human-security. Land and property are not only economic resources critical to civilians’ livelihoods, but they are often connected to political power and social identity as well. The process of return migration can beget competition for land and property left behind by migrants who fled during war time, and land conflict therefore plays a significant role in the everyday security of the majority of non-elite civilians after conflict.

Issues related to land are not exclusively about competition between individuals after civil war. Insecurity around land and property rights may also be related to long-standing structural issues which existed well before a war, and may have even fueled the civil war conflict at both the national and local

37 Takeuchi 2014.
levels. Indeed, scholars have demonstrated that institutions governing land and property rights shape political dynamics like mobilization, ethnic politics, and rebellion in both war and peacetime. Moreover, government administrations may have encouraged the occupation of land or even sold large tracts of land and property to private businesses during the war. As such, after war, the process of making claims to equal property rights under the law is sometimes framed as a form of transitional justice to compensate for crimes of expropriation committed during wartime, particularly for those forcibly displaced from their property including return migrants.

Return migration after war also creates situations in which civilians must engage the state and/or private corporations to secure access to land and property rights. For myriad reasons, either due to discrete political incentives or weak conflict-resolution and legal structures, returnees and non-migrants often have different experiences in engaging state and private authorities in this process, which can create strong resentment and even fuel violent conflict during war time. For example, in southern Sudan after Comprehensive Peace Agreement in 2005 ended the war between the north and south, southern Sudanese Dinka (the majority ethnic group in southern Sudan) were the ascendant political majority seeking to control the soon-to-be state of South Sudan. And at the local level, many Dinka who stayed in-country during the war justified their occupation of land left behind by south-Sudanese who had fled during the war by claiming that those who stayed had fought for the right for southern Sudanese to have that land at all; They “bought the land during wartime with the buckets or tins of their blood that was shed upon it.”

Critically, Dinka-stayees in the semi-autonomous

38 Takeuchi 2014; Uvin 2011; Autesserre 2010.
39 Boone 2014.
40 Bradley 2013.
41 Leonardi 2011, 217.
government of southern Sudan supported these claims given their vested interests of maintaining their power and electoral base upon independence.\footnote{Leonardi 2011.}

Returnees and non-migrants (both elite and non-elite) may make claims for equal treatment in other formal sectors as well, like education, health care, employment, etc. At an even more basic level, returnees may actively claim the right to formal recognition as citizens, through access to visas, passports, or other legal recognition from the state. The issue of non-recognition of refugees’ rights as citizens of the state from which they fled, for example, has been an integral issue among Bhutanese refugees seeking to repatriate. In 2003, after years of blocked efforts to verify the status of Bhutanese refugees in Nepal, only 2.4% were recognized as legitimate Bhutanese citizens who therefore had a right to repatriate.\footnote{Adelman and Barkan 2011, 103.} The vast majority were instead labeled as “voluntary Bhutanese emigrants,” and therefore had no legal claim to return.\footnote{Adelman and Barkan 2011, 103.} Therefore, return migration (or attempted return migration) does not only trigger resource competition, but also creates competition between those returning and those who stayed to define the character of who belongs as a citizen of that state.

### 2.2 Post-Conflict State-building, Peacebuilding, and Development

The boundaries between nation-building, as described above, and statebuilding are often blurred, but it is useful to think about returnee roles beyond claims of belonging in a nation, but in terms of formation of formal state structures. For example, Stepputat (1999) describes how in the process of repatriation to Guatemala, both governmental agencies and international NGOs accompanied or preceded returnees into areas which had been emptied during wartime. This process “increased the presence of the state in the former areas of conflict” and brought in new resources while “at the same
time [enhancing] the possibility of new conflicts.” In occupying this space, government and international actors began using new categories to describe Guatemalan citizens, like “displaced,” “repatriates,” “returnees,” and “locals,” which cut across other categories previously relevant in these communities. These kinds practices can re-define individuals’ relationship to state structures according to their migration histories.

In addition to the process of return bringing government agents into new localities, elite returnees may seek to contribute as members of the government or claim other political, economic, and social seats of power. Returnees themselves may have constituted a government or rebel group in exile that is now taking over state positions. Or, diaspora who gained certain social, political, or economic capital abroad who decide to return to their country-of-origin, may assert that given these skills and resources, they are especially suited to serve the country as compared to non-migrants.

The international policy community, in particular, has framed this kind of “reverse brain drain” and increased access to transnational capital as a net positive resource for post-conflict countries, who can capitalize on returnees’ skills and resources in rebuilding the state. However, this process can also be a source of contestation, as elites who stayed in-country during a war are often reluctant to cede positions of power to those who left (or vice-versa). For example, Lynellyn Long describes how the Vietnamese government recognized the capital and skills of Viet Kieu (or overseas Vietnamese) returnees as a resource to improve the economy, but also remained deeply distrustful of these returnees – assigning monitors to individual returnees, and actively working to prevent returnees from reclaiming or establishing too much local power. Thus, the return of elite refugees seeking to

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47 See for example Nyberg-Sorensen, Hear, and Engberg-Pedersen 2002; De Haas 2005; Potter 2005; Raghuram 2009.
contribute to statebuilding through taking positions in state government or financial structures can become another site on which returnee-stayee tensions emerge.

It other cases, elite or non-elite returnees’ claims for equal consideration as citizens may change the structure of local political representation or create new political constituencies. For example, in Burundi, villagers reported that specific slots on local commune councils were reserved for returnee representatives. In other cases, local non-governmental organizations or citizen groups emerge to promote returnees’ rights. National-level elites may also engineer return population flows to create electoral advantages.

Whereas the previous examples offered instances of return migration’s role in state-building by engaging official structures of governing, return migration may also fuel rejection of state authority. As appears to have been the case with Salvadoran returnees and their utilization of gang and criminal networks once back in their country of origin, returnees who bring in outside models for economic success and physical protection may challenge the state’s monopoly on violence.

### 2.3 Opening and Maintaining Transnational Channels

In addition to elites actively using resources gained while abroad to contribute (or detract) from state-building processes, returnees can play a more passive role in opening channels of transnational exchange, for example through the introduction of new language, cultural, and religion practices. These practices may be decidedly different from those in the country-of-origin. In some instances elites coming back from abroad may view their experiences in the Global North as “superior” to local practices. For example, in some areas of Guatemala, returnees represented themselves as more developed or better able to foster economic development, where those who stayed were
“underdeveloped.” In Bosnia, some returnees expressed feelings of superiority to those who stayed behind “because of their experiences in Western countries, which are often perceived in positives terms such as ‘democratic,’ ‘civilized,’ ‘developed,’ and ‘just,’ while stayees are seen as negatively affected by their experiences of war, brutality and social degradation.”

A more active role that also draws on transnational ties is returnees’ creation or maintenance of transnational economic networks. For example, in Burundi, the process of displacement and return also allowed for continued economic connection in the border zone, as non-elite returnees regularly crossed the border and came back to buy and sell fruit and vegetables or other items in markets. At the elite level, returnees might bring in capital investment from connections abroad.

Outlining the different political roles that returnees can play in countries-of-origin after civil war illustrates the numerous sites where hostility between returnees and non-migrants is likely to develop. It therefore becomes clearer why processes of forced displacement and return, in particular, are so often associated with conflict. It is not that return migration necessarily incites a continuation or renewal of past wars. Rather, processes of displacement and return can change the contours of post-conflict societies, creating new sources of conflict which may be distinct from and/or layered on top of previous social cleavages like ethnicity, class, religion etc.

3. Return Migration in Theory & Practice

3.1 The Evolving Study of Return Migration in Context

As compared to the study of refugees and diaspora, understanding return migration is a relatively recent priority. The move towards prioritizing scholarship on repatriation is in part reflective of

49 Stepputat 1999
50 Stefansson 2004, 179–80
changes in international relations since the end of the Cold War, which have deeply influenced the agenda for studying forced migration.\textsuperscript{51}

During the Cold War, providing refuge to displaced populations was useful propaganda for Western powers as it promoted the idea that migrants were victims of communist regimes and therefore in need of protection.\textsuperscript{52} However, following the Cold War, these states had less of an incentive to invest in the provision of asylum as such policies no longer served the political purposes of villainizing rival regimes. Thus began a period of increased disinclination to host refugees and hostility toward immigration. Heightened nationalist narratives and fear of transnational terrorism coincided with the implementation of restrictive immigration policies. Conversations moved away from the humanitarian obligation to provide asylum toward the prevention of “illegal immigration,” protecting state borders against “fake refugees,” and an interest in repatriation of refugees as the most natural solution to migration crises.\textsuperscript{53}

Therefore, rather than victims in need of humanitarian support, refugees were increasingly framed as potential security threats.\textsuperscript{54} Through this securitization of the refugee regime, states have developed creative ways to circumvent humanitarian obligations to refugees without technically reneging on obligations of non-refoulement (the international prohibition against deporting asylum seekers who face a well-founded fear of persecution in their countries-of-origin).\textsuperscript{55} Rather than turning forced-migrants away once in the country-of-asylum, which would obviously constitute refoulement, the

\textsuperscript{51} For more detailed overview of the evolution of refugee studies since the Cold War see Van Houte (2016) and K. Long (2013). These reviews highlight other works including Hamlin 2012; Chimni 2000, 2002, 2004; Castles, de Haas, and Miller 2014; Black and Koser 1999.

\textsuperscript{52} For a case study, see Hamlin (2012)’s discussion of U.S. immigration policy vis a vis Cuba before and after the Cold War.

\textsuperscript{53} Van Houte 2016; Black and Koser 1999; Duffield 2007; Chimni 2000.

\textsuperscript{54} Hammerstadt 2014.

\textsuperscript{55} Hansen 2014.
U.S., E.U., Australia and other relatively powerful and wealthy countries are able to simply prevent refugees from crossing their borders and claiming asylum by exporting the migration regime overseas – through airport security checks, visa application bureaucracy, interdiction at sea, and the use third-party holding zones like the Australian refugee holding centers on the islands of Nauru and Manus, or immigration detention prisons on the U.S-Mexico border. In addition, these governments create incentives for states like Kenya, Uganda, and Turkey to bear the burden of refugee care through foreign aid. As such, wealthier states can delay the determination of refugee status, deter would-be refugees from seeking asylum, and encourage other refugees to return. In addition, these migrant-deterrence polices are aided by the fact that while international law implies a strict determination between refugees and economic migrants, the nature of forced migration is not so clear cut in practice, and many asylum seekers flee both persecution and acute poverty. Thus states can claim that asylum seekers are “bogus refugees” fleeing economic malaise, when they are in fact fleeing multiple sources of oppression.

This interest in the return of forcibly displaced populations also coincided with the entrenchment of the international human rights regime. International and state actors began treating the right to return home as a basic individual right, and framed repatriation as a process toward restoration of the natural order both in countries-of-origin and within the international community.

Given states’ interests in keeping migrants out, and the emerging concept of return as a basic human right, individual governments and international organizations began encouraging return migration. Those promoting repatriation often used the frame that return migration was a necessary component in “undoing” the negative impact of conflict, and refugee return became an indicator of

56 Betts 2010.
post-war recovery, stability, and progress towards reconciliation.\textsuperscript{59} For example, peace agreements in Cambodia, Guatemala, East Timor, and Bosnia and Herzegovina included stipulations, promoted by international community, that the return of refugees was a pre-requisite for reconstruction.\textsuperscript{60}

The promotion of repatriation as the end of the refugee cycle and an indicator of stability has led to policies that induce return (through financial incentives, deportation, or the creation of untenable living situations in host-countries), and blur the lines of what constitutes “voluntariness” in repatriation.\textsuperscript{61} For example, Blitz ct. al (2006) argue that the United Kingdom prematurely induced the return of refugees as a way of demonstrating the success of military intervention in Afghanistan.\textsuperscript{62} The promotion of return migration before conditions are safe for refugees to return continues to be an issue today. For example, the United Nations currently offers payments to Somali refugees in Kenya to go back to Somalia,\textsuperscript{63} and Burundi and Tanzania recently signed an agreement to orchestrate the return of Burundian refugees, despite UNHCR’s warnings that conditions are not safe.\textsuperscript{64}

The increase in repatriation, and potentially problematic policies promoting return, augmented academic inquiry on the processes of return, primarily in anthropology, sociology, law, and geography.\textsuperscript{65} Many anthropologists critiqued the concepts of return and reintegration as the most natural and pragmatic solutions to forced migration, arguing that many migrants do not have a home into which they can “re”-integrate, and instead must develop new narratives of belonging and place

\textsuperscript{59} Eastmond 2006
\textsuperscript{60} Eastmond 2006.
\textsuperscript{61} Van Houte 2016; Black and Gent 2006; Blitz, Sales, and Marzano 2005.
\textsuperscript{62} Blitz, Sales, and Marzano 2005.
\textsuperscript{63} Sieff 2017.
\textsuperscript{64} UNHCR 2017b; Ensor 2018.
\textsuperscript{65} K. Long 2013, 1–4 provides a comprehensive overview on the existing work in these fields on return migration. See also Allen and Morsink 1994; Allen 1996; L. Long and Oxfeld 2004; Black and Koser 1999.
both in exile and upon return. There is also a large body of work in international law that discusses the evolution of the norm of non-refoulement.

Today, the literature on repatriation continues to push back against the concept of return as a natural end to the refugee cycle – arguing for a more cyclic understanding of mobility and exploring why return migration might not be the easy, pragmatic, and durable solution policy makers want it to be. Scholars have elaborated on the various reasons why migrants may not want to return – including livelihood and security strategies as well as considerations of the emotional, physical, and financial capital required to return. Others have studied why “reintegration” into countries-of-origin is often not an achievable endpoint, but an ongoing process that can disrupt local power structures.

Within this literature examining what happens when migrants return is a debate on whether return migrants create instability or can be positive agents of change. On the one hand, scholars have sought to demonstrate that both diaspora and return migrants can contribute to peace and development in their countries of origin. On the other hand, scholars have documented how return migration in places like Greece, the Caribbean, and Vietnam has sparked animosity between returnees and non-migrants, and produced different forms of discrimination. These studies have predominantly focused on the return of elite diaspora, and most of the returnees in question had access to Western educations and accumulated financial capital while abroad. However, there has been

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68 Among others see Omata 2013; Zimmermann 2012.
69 Among others see Hammond 1999, 2004; Cassarino 2004; Jain 2013.
70 See Van Houte 2016, 11–16 for an overview of studies on both sides this debate.
72 Chan and Tran 2011; Potter 2005; Christou 2006.
much less focus on mass return of non-elite refugees. Considering the vast majority of forced-migrants today are non-elites living in states that neighbor their countries-of-origin in the Global South, this represents a significant gap in our understanding of return migration.

Despite the recent proliferation of scholarship on return, Long (2013) notes that there remains a dearth of political analyses of return migration. This trend is slowly being corrected and there is an emerging literature which approaches return migration from a political perspective. These studies have examined the interplay between return migration and transitional justice, the relationship between durable migration solutions and transnationalism, and the role of return migration in post-conflict minority/majority ethnic politics.

While there has not been a great deal of inquiry on return migration within political science, there is an expansive literature on out-migration. Scholars of political science have examined the relationships between population flight, refugees, and/or diaspora and political outcomes such as violence, foreign policy, economic development, and radicalization. There has also been particular interest in out-migration as both a consequence and cause of civil war. Scholars have demonstrated that outward population flight can externalize conflict regionally, that migration to refugee camps may prolong wars by providing safe haven for rebels, and that elite political actors can manipulate migration patterns to achieve discrete political goals. Others have focused on forced migration and the

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73 K. Long 2013.
74 Bradley 2013.
75 Van Hear 2003; Bradley 2013; Souter 2014.
76 Adelman and Barkan 2011; Stefanovic and Loizides 2017.
77 For an overview of the literature on international migration and politics see Kapur 2014.
78 Salehyan and Gleditsch 2006.
79 Lischer 2005.
80 Greenhill 2010.
transnationalization of politics, demonstrating that diasporas’ interaction with homeland politics challenges notions of nationalism and citizenship, and that diasporic engagement can have discrete impacts on both home- and host-country politics. Diaspora can exacerbate civil wars by lobbying for, organizing, and financing conflicts at home,\(^{81}\) as well as influence foreign policy in their new countries of residence.\(^{82}\)

Similarly, much of the early work on immigration in sociology and economics focused on questions stemming from processes of out-migration, seeking to understand who chooses to leave their country, why, when, and what happens once they have arrived in destination countries.\(^{83}\) In answering these questions, many scholars use the lens of network analysis to understand the push- and pull-factors influencing individuals’ decisions of whether or not to migrate and their ability to integrate into destination communities.\(^{84}\)

Another strand of research moved away from this conception of migration as confined to individual- and meso-level population movements from one nation-state entity to another, to examine the creation, character, and function of transnational spaces.\(^{85}\) These studies emphasize how the mobility of people, technology, ideas, and corporations construct transnational (or post-national) spaces and challenge conceptions of citizenship and sovereignty within a traditional understanding of nation-state relations.\(^{86}\) By documenting how processes of globalization are connected to

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\(^{81}\) See for example Wayland 2004; Hockenos 2003.

\(^{82}\) Mearsheimer and Walt 2006; Sheffer 2003; Collier 2000.

\(^{83}\) Schmitter Heisler 2008 provide an overview of studying migration from the sociological perspective, which notes this trend. Chiswick (2000) provides an overview of how economics as a discipline approaches migration on the individual level, asking similar questions about who moves and who stays.

\(^{84}\) For an overview see Castles 2003.

\(^{85}\) For an overview on the sociological literature on transnationalism see Levitt, DeWind, and Vertovec 2003; Levitt and Schiller 2004.

\(^{86}\) See for example Ong 1999, 2006; Wimmer and Glick Schiller 2002; Soysal 1994; Sassen 2015.
displacement, these studies have also challenged the idea that forced migration is the antithesis of economic migration, and demonstrate how global economic structures and practices can also contribute to non-voluntary expulsion.\textsuperscript{87}

In political science, the intersection between transnationalism and migration is often examined within the context of security, namely the links between globalization, population movement, and radicalization of migrants in countries-of-asylum, and attitudes towards migrants in receiving communities.\textsuperscript{88} However, by and large these studies, again, focus on security in the receiving countries or international security writ-large. While we know that diasporas’ engagement with homelands can also affect security in countries-of-origin, beyond the role of elite-returnees there has been little effort in political science to theorize the connections between return migration and conflict in countries-of-origin as opposed to receiving countries.

The focus on questions of out-migration and transnationalism among scholars of political science and migration is reflective of two broad historical trends: first, an understanding of static residence in nation-states as the cultural norm, and migration as the exception; and second, Western states’ desire to control security by controlling migration. On the first issue, it is fairly clear why there is a relative dearth of analysis of return migration in political science as compared to the study of diaspora and refugees: diaspora members and refugees challenge traditional conceptions of state-citizen relationships. These actors outside the territorial boundaries of their countries-of-origin but still claim privileges that are traditionally reserved for those living inside borders – shared nationality, protection, voting rights, accountability from the government, etc. Returnees lack the same atypical qualities that make refugees or diaspora anomalies in the Westphalian system. Within this context, a

\begin{itemize}
\item \textsuperscript{87} Sassen 2014.
\item \textsuperscript{88} Among other examples see Adida, Laitin, and Valfort 2016; Dalgaard-Nielsen 2010; Mitts 2017; Adamson 2006.
\end{itemize}
returnee is simply a citizen of a country who, after a period of displacement, is now back living in that country. They may face temporary obstacles to building their lives back in their home country and integrating into their home communities. But, from this standpoint, returnees living in their country of citizenship are not qualitatively different actors as compared to their compatriots – just citizens of a state.

Rather than an entrenched epistemic approach, the second historical trend which has affected the research agenda on forced migration is Western countries’ continued policy interest in containing migration. As discussed at the beginning of this section, since the end of the Cold War there has been a ratcheting up of anti-immigration sentiment and policies among countries seeking to stem the flow of migration into the Global North, and increased promotion of the narrative of migrants as potential security threats.

The interest in framing refugees as a potential cause of insecurity and protecting against those potential security threats influences the type of questions the scholarly community asks and publishes. In the past 25 years (especially since the September 11th, 2001 terrorist attacks in the United States), these policy priorities have fueled academic interest in how out-migration affects security in countries in the Global North, how and under what circumstances increased mobility spreads violence outside of countries-of-origin, the determinants of immigrant and asylum seekers’ successful or unsuccessful integration into receiving communities, and the causes of both xenophobia in host communities and radicalization in migrant communities.

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89 See Byman and Shapiro 2014.
91 Chimni 2009.
92 One exception to the focus on how migration affects political dynamics and security in the Global North is Klotz (2013)’s exploration of migration and xenophobia in South Africa.
Indeed, international migration can affect national security: population mobility complicates states’ abilities to control their borders and identity as well as their ability to project economic, military, and diplomatic power. Migration has also changed the nature of certain security threats, like international terrorism. While the challenges that mobility presents to countries in the Global North are important issues in their own right, the tunnel vision in academia which promotes scholarship on the security consequences of out-migration for the Global North ignores the realities of forced migration today. First, forced population movement across international borders primarily takes place between countries in the Global South, not from the Global South to the Global North: As of 2014, 86% of the world’s refugees lived in neighboring and/or developing countries.

Second, the vast majority of refugees do not receive permanent asylum in a so-called “third countries.” Instead, some refugees, like the Palestinians in Lebanon or the Somalis in Kenya, live for decades in their country of first asylum without formal integration. Many other refugees attempt to seek asylum by “illegally” crossing in Europe, Australia and the U.S., but are kept in detention, sent to camps in neighboring countries, or are simply deported. Others return. By focusing on South-South migration, and on the impact of migration flows back to countries-of-origin, this dissertation seeks to contribute to correcting the bias in the literature to better reflect the reality of global forced migration dynamics.

3.2 Return Migration in the Policy World: Complex on Paper, Less So in Practice

As described in the previous section, scholarly inquiry on return migration has evolved to challenge the conventional wisdom that repatriation is the most natural solution to forced migration. The

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93 Adamson 2006.
94 Adamson 2006.
95 United Nations, Department of Economic and Social Affairs, Population Division 2016.
96 UNHCR 2017a.
international community’s approach to implementing repatriation programs has also evolved. International policymakers have become increasingly aware – perhaps through trial and error – that return migration is not a simple solution, nor is the process of repatriation limited to the physical return of refugees to their countries-of-origin. Instead, current international frameworks designate three potential “durable solutions” to “migration crises”: repatriation, local integration in the first country-of-asylum, and resettlement in a third country. Still, repatriation is frequently assumed to be the best of these options. In 2011, then UN Secretary General Ban Ki Moon reaffirmed this preference stating, “Voluntary repatriation in conditions of safety and dignity is often the preferred durable solution for refugees.”

In promoting voluntary repatriation, there is an implicit assumption that refugees prefer to go back to their countries-of-origin. Indeed, many refugees want to return to their homeland and see no alternative acceptable future. For example, the 2015 documentary series “Life on Hold” highlights the story of Haifa, a Syrian woman living in Lebanon. In her interview Haifa insists that despite the horrors she experienced during the war in Syria, and her two years living abroad, she is not a refugee. Like many other refugees around the world, Haifa states with no uncertainty, “I just want to live in my country.” However, many other forcibly displaced persons do not want to return, or least wish to remain in their country-of-asylum until they feel it is safe to go back. Given this heterogeneity of

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97 These terms are widely used in the international community. However, they are also somewhat problematic in that a “durable solution” implies the end of a migration cycle, and “migration crisis” suggests that the majority of migration is irregular, dangerous, and/or an emergency.

98 UNSG Ban Ki Moon 2011.


100 Al Jazeera 2015.

101 Al Jazeera 2015.
refugees’ preferences, some scholars have pushed back against the idea that homecoming for refugees is “impossible” because forced migrants have no home to which they can return.\footnote{Kibreab 1999; Said 1979, 2000.}

Still, refugees’ preferences unfortunately (though unsurprisingly) are not the primary consideration in the promotion of voluntary repatriation as a durable solution. Instead, the penchant to promote and induce “voluntary” repatriation reflects, in part, would-be host-countries’ interests in keeping refugees in their countries-of-origin, and the growing trend discussed in the previous section of skirting non-refoulement obligations.\footnote{For further discussion on this see Thomas Gammeltoft-Hansen 2011; T. Gammeltoft-Hansen 2014; Orchard 2016; Zetter 2007.} Hosting and resettling refugees is a costly responsibility that few countries (in the Global North or Global South) are keen to take on. When the European Union, United States and Australia call upon countries of first asylum to live up to their international obligations to protect refugees, countries in the Global South cry foul that they must bear the majority of the “burden.” Consequently, it is not uncommon for host-countries to coerce refugees to self-repatriate by creating an inhospitable environment, or for host- and home-countries to pressure UNHCR into tripartite agreements that orchestrate the return of refugees when migrants “safety and dignity” cannot be guaranteed.\footnote{See for example Chimni 2004; Blitz, Sales, and Marzano 2005.} Therefore, “without the possibility of local integration or resettlement as widely available ‘durable solutions’ to refugee exile, the international refugee regime is left with repatriation as the solution to refugee exile.”\footnote{K. Long 2013.}

While return migration remains the de facto preferred solution to protracted forced migration situations, the international community has come a long way in acknowledging the complexities involved in implementing voluntary repatriation processes. In a much-cited speech to UNHCR in
2005, then UN Secretary General Kofi Annan stated, “The return of refugees and internally displaced persons is a major part of any post-conflict scenario. And it is far more than just a logistical operation. Indeed, it is often a critical factor in sustaining a peace process and in revitalizing economic activity.”

This principle is incorporated into UNHCR guidelines, which affirm that “return and reintegration is not a simple reversal of displacement, but a dynamic process involving individuals, households, and communities that have changed as a result of their experience of being displaced.” Thus, in theory (and on paper) leaders in the international community responsible for orchestrating and supporting return understand that repatriation is a complex component of war-to-peace transitions.

In practice, however, the international approach to return migration reduces repatriation support to the spheres of emergency humanitarian aid and short- to medium-term economic development. This is evident in the same UNHCR “Policy Framework and Implementation Strategy” document quoted above as acknowledging the complexity of return migration. These guidelines go on to affirm that “UNHCR’s support to the reintegration process is essentially humanitarian in nature, with important links to the early recovery process.” Successful repatriation of refugees is then measured on a continuum of emergency humanitarian need to sustainable economic development. In fact, UNHCR explicitly states that “these activities should nonetheless be approached within a broader developmental perspective” and even notes that one way international actors can “strengthen peacebuilding” is to enable refugees who do not voluntarily repatriate to send remittances back to their country-of-origin: “Refugees who are resettled, who integrate locally in their country-of-asylum,

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106 UNSG Kofi Annan 2005.
107 UNHCR 2008b, pt. II. 4.
108 UNHCR 2008b, V, 31
109 UNHCR 2008b, VI, 33
or who are able to access regular migration opportunities may be in a position to support the development of their homeland by means of remittances, the transfer of skills and technologies, as well as the establishment of new trading and investment networks."\textsuperscript{110}

To be fair, UNHCR does acknowledge that reintegration is not simply an economic endeavor, and describes successful reintegration as “the progressive establishment of conditions which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights,” and the “erosion (and ultimately the disappearance) of any differentials that set returnees apart from other members of their community.”\textsuperscript{111} But the approach outlined above is not designed to meet goals beyond the economic sector. Moreover, UNHCR’s potential to support peacebuilding and reconciliation during the process of return migration is circumscribed by a relatively short-term approach to repatriation programming. While there is no exit-strategy per-se, UNHCR will “normally seek to complete its post-return activities within an indicative time frame of three years.”\textsuperscript{112} After this point remaining responsibilities are transferred to \textit{development} partners, again placing future emphasis on the economic rather than political aspects of return migration.\textsuperscript{113}

Thus, despite recognizing the complexities of voluntary repatriation in theory, in practice the international community still treats return migration as a technical endeavor. When repatriation programs are implemented, international organizations like UNHCR and the IOM primarily focus on the logistics of getting returning migrants settled in their countries of origins, and providing basic short-term humanitarian support, as opposed to approaching return migration within the broader political context of post-conflict peacebuilding. By placing return migration squarely within an

\textsuperscript{110} UNHCR 2008b, VI, 33

\textsuperscript{111} UNHCR 2008b, secs. II, 6–7

\textsuperscript{112} UNHCR 2008b, VIII, 65

\textsuperscript{113} UNHCR 2008b, VIII, 65
emergency humanitarian relief to sustainable economic development framework, international interveners depoliticize returnees as actors in their local communities, and are likely to overlook the potential for return migration to change local political dynamics. Building sustainable livelihoods is absolutely necessary for returnees. But a development-centric approach can depoliticize a very political process. In an emergency-aid to economic development frame, conflict between returnees and non-migrants is interpreted as simple competition for scarce resources – resolvable through more effective distribution and implementation of aid. This approach is decidedly anti-politics, and consequently can preclude international interveners from recognizing broader political and social dynamics in countries-of-origin resulting from return migration.

Yet, the pattern of tensions between returnees and stayees observed in Bosnia and Herzegovina, South Sudan, El Salvador described at the beginning of this chapter, suggest that voluntary return migration after protracted displacement is not necessarily a natural solution. More often than not, the lines between voluntary and involuntary return are blurred. Even more importantly, the durability of return migration as a solution remains in question as return population flows rarely mark an endpoint to either violence or mobility, and there are multiple examples of repeat migration subsequent to return.

This is not to say return is impossible. As described above, in many cases refugees do want to return and they succeed in settling in their countries-of-origin. Many returnees also participate in the promotion of peace and reconciliation once back in their countries-of-origin. Still the process of

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114 Cronin-Furman, Gowrinathan, and Zakaria 2017 expand on a similar argument linking development and livelihoods programming to women’s de-politicization in post-conflict and developing contexts.

115 Macrae 1999

return is equally political as economic, and return migration can also create new forms of conflict between migrants and non-migrants in post-conflict societies.

4. Return Migration and Local Conflict After Civil War

This dissertation contributes to the literature on forced migration by looking explicitly at the connections between mobility, in this case return migration, and post-conflict dynamics in countries-of-origin. Below, I provide a summary of the dissertation’s argument and contributions in brief and preview the remaining chapters.

4.1 The Argument in Brief

Conflict between returnees and those who stayed in-country during war is a common phenomenon in post-conflict societies. These conflicts manifest in different forms and to varying degrees such that they are often treated as idiosyncratic to a specific country rather than representative of a pattern across post-war contexts. Understanding how returnee–non-migrant tensions develop and why they take on different forms can help peacebuilding actors prevent new sources of violence from emerging during war-to-peace transitions.

I argue that processes of forced displacement and return during civil war create the opportunity for new local cleavages to form based on where individuals lived during the war – in-country or abroad. For individuals who lived abroad during wartime, shared experiences of adapting to new environments, combined with the very act of leaving, help to create new networks and signal group identification in contrast to co-nationals who remained in-country. Those who stayed in-country also share a set of experiences during the war that can create new collective memories, networks, and group cohesion. Consequently, those who left and returned and those who stayed may possess different sets of highly visible characteristics and practices that reflect where they were during...
the war: Returnees and those who stayed in-country may speak different languages, dress differently, or practice different religions.

Group experiences during the war may also produce conflicting narratives of deservedness for peacetime dividends. Common tropes of “We stayed and fought for our country – where were you?” among stayees compete with returnees’ narratives of, “We were forced from our homes and deserve to return to our native countries and the lives taken from us,” as each group works to gain power, status, and welfare in post-conflict societies. These competing narratives constitute different understandings of what individuals’ place should be during peacetime, or an idealized status quo, which differ depending on where they lived during the war. Returnees may envision an ideal status quo as reflecting the situation prior to the war, before they were forcibly displaced. Non-migrants may see the ideal status quo as reflective of how the country has changed during the war. Failure to meet the expectations on either side places both returnees and non-migrants in a situation where they feel they are losing out from this idealized status quo. Therefore, both returnees and non-migrants may be more likely to take on risks to guard against losses from this ideal-in-expectation.\(^{117}\)

Because forced displacement is one of the most common sequelae of civil war, these processes of group differentiation and guarding against losses from idealized expectations are likely to occur in most post-conflict contexts – thus accounting for the common pattern of returnee-stayee divisions.

I argue that the relative salience of these new group divisions in everyday society, the form that competition between these groups takes on, and the degree of conflict between them (from non-violent opposition to widespread violence and/or political mobilization), depends on the particular institutional environment in each country-of-origin. If institutions, either formal rules and regulations or informal practices and norms, produce differential outcomes for individuals based on their

\(^{117}\) Kahneman and Tversky 1979. For an overview of other applications of prospect theory to political science and opportunities for future application see Levy 2003; Mercer 2005.
migration history, this creates an endogenous cycle whereby perceptions of relative deprivation shape and reify migration-related group divisions. As individuals begin to understand their position in society as connected to their migration history, they may more strongly identify with an “imagined community” of others with similar migration histories, and adjust their future political and social behavior may adjust accordingly. A combination of perceived losses against idealized expectations for peacetime, and observations of relative deprivation as compared to other migration-based identity groups can create a volatile situation, fueling conflict and/or political mobilization.

4.2 Research Design & Preview of Findings

The argument presented above was developed in large part based on my own observations living and working in South Sudan. To trace the impact of return migration on local communities, the project uses ethnographic evidence from the case of post-civil war Burundi.

Fieldwork for the study spanned thirteen months in South Sudan, Burundi, and Tanzania, during which time I conducted 258 semi-structured interviews with villagers and refugees, international humanitarian organization staff, government officials, and local experts, in addition to countless hours of participant and field observation. I use this data to interrogate three related questions: (1) After Burundi’s civil war, did new identity cleavages form between those who fled and returned, and those who stayed in-country during the war? (2) If so, what role, if any, did institutions play in constructing those identities and bringing them into conflict? And (3), If migration-based divisions emerged in post-conflict Burundi, how salient were they?

To preview the results, I find that mass refugee return from Tanzania created new, violent, local-level conflict between so-called résidents and rapatriés in Burundi. This most frequently manifested

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through land conflict, exacerbated and incentivized by institutions governing land and property ownership. These migration-related tensions shaped both the character and timing of renewed refugee flight in 2015.

Selecting Burundi as the case study afforded a number of (intentional and unintentional) advantages. First, using a second case study as opposed to the case in which the core constructs of the argument were originally developed allowed for better analytical leverage, and lends initial plausibility towards further generalization. Second, I chose Burundi because it represents a particularly hard case for the emergence of migration-based identities due to the strong ethnic character of the waves of out-migration prior to return. Burundians Hutus were more likely to flee to Tanzania, while Burundian Tutsi were more likely to stay in-country. Therefore, it should have been more difficult for return migration from Tanzania to Burundi to produce cross-cutting cleavages tied to experiences of forced migration as opposed to re-inciting ethnic divisions. Finally, over the course of my fieldwork, Burundi became embroiled in a renewed political crisis that coincided with another wave of out-migration. I was therefore able to conduct fieldwork both before and after refugee flight in 2015, which allowed me to evaluate if and how previous experiences of return affected Burundians decisions whether or not to flee.

As of the time of writing, the political crisis which began in 2015 continues to plague Burundi, and has produced immense suffering both in-country, and among Burundian refugees throughout the East African region. Findings from this study can hopefully provide policymakers intervening in this crisis with a better understanding of the nature of forced migration in Burundi, as well as recommendations for how to help Burundian refugees today.

4.3 Theoretical Contributions

In addition to providing a more complete understanding of conflict dynamics in Burundi, this
dissertation contributes to both the theoretic and policy debates on migration, identity construction, violence, and peacebuilding. There has been an immense focus on the nature of ethnicity and ethno-nationalist violence in political science, but much less attention has been paid to non-ethnic identity construction in the context of civil wars and peacebuilding. I argue that forced displacement and return after civil war provides the opportunity for situational identity formation in the short-term – and that these types of identities are also relevant in structuring political competition and violence.119

The practices, narratives, symbols, and habits that constitute the “groupness” of these migration-based situational identities can also be understood as one type of “local cleavage,” or “overarching issue dimension,” as described by Kalyvas (2003, 2006).120 Following Kalyvas’ theory of violence during civil war, the direction of violence during war-to-peace transitions is likely to emerge along this new social division, either on its own or in alliance with national-level actors. Because forced migration and return are so common during civil war, migration-based cleavages are likely to emerge across different post-conflict contexts.

Given the role of institutions that I identify in the construction and reification of these new sources of local conflict, my argument also has important implications for the debate on the promises and perils of institution building after civil war. A large strand of the peacebuilding literature focuses on whether or not institutions, including but not limited to power-sharing arrangements, enhance the likelihood of producing durable peace, or instead sow the seeds for a return to violence.121 Without acknowledging how migration may have changed underlying community structures, institutions built

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119 This argument is most similar to (Malkki 1995). However, Malkki focuses on the different environments in exile as crucial to the formation of identities, whereas I focus on the social processes and physical of the displacement and return to the same point of origin.

120 On understanding identities and “groupness” through social practice see Wedeen 2010; Brubaker 2004.

to promote peace may inadvertently, or intentionally, contribute to the development of new migration-based identity divisions. Yet, with notable exceptions, much of the existing theory on post-conflict state-building implicitly assumes that causes of violence do not change over the course of the war and therefore focuses on how to design institutions to contain competition along divisions relevant to the previous war. This dissertation demonstrates that by failing to take into account how migration may affect the operation and legitimacy of government institutions after wartime, institutions designed to build peace are likely to miss – or worse, exacerbate – new sources of conflict.

4.4 Outline of the Dissertation

The rest of the dissertation proceeds as follows: In chapter two, I outline my argument linking return migration and conflict. I argue that return migration leads to conflict when interactions between returnees, stayees, and local institutions render the differences between those who stayed and those who left more visible and higher stakes. Frequently, institutions governing land and property rights are implicated in this process. However, competition for land is not the only issue that brings returnees and stayees into conflict. Perceptions of discrimination in education systems, health care, or job sectors, as well as competing narratives around patriotism based on different experiences of civil war also intensify resentment between returning and non-migrant communities and solidify each group in opposition to the other. Identifying land and property as one of many institutions that can create tensions between returnees and stayees allows us to connect seemingly idiosyncratic issues in post-conflict societies – from Khartoumers’ resentment of East African English speakers in Sudan, to

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122 M. Lake 2017

123 See for example C. Call and Cousens 2008; Hartzell, Hoddie, and Rothchild 2001a; Samii 2013.
kidnapping of Iraq returnees from Europe, to the rise of gang activity in El Salvador – to a common source in return migration.

In chapters three, four, and five, I use ethnographic data to trace how well this argument holds in the case of return migration from Tanzania to Burundi after Burundi’s 1993-2005 civil war. In chapter three I demonstrate how return population movement created new group identities at the local level between “repatriates” and “residents” in Burundi. I describe how Burundians I interviewed divided their worlds between those who stayed and those who left, in addition to or in conjunction with previous ethnic divisions. And I find that tensions between the returnees and non-migrants led to widespread, violent, local-level conflict, most frequently manifested through land disputes.

Chapter four interrogates the role institutions played in exacerbating migration-related competition in Burundi. In particular, I examine the policies of the Commission Nationale des Terres et Autres Biens (CNTB), an institution established after the civil war to govern land disputes. I show that the CNTB’s rules for adjudicating disputes reified a hierarchy between three migration-related identity groups – those who fled in 1972, those who fled in 1993, and those who stayed in-country – and fomented violent competition for land between them.

In Chapter five, I evaluate if and how these migration-related dynamics affected future behavior. I find that individual and community experiences of return migration after the 1993-2003 civil war shaped both the character and timing of renewed refugee flight when Burundi faced heightened political conflict in April 2015. I find that rapatriés (especially those who fled for the first or second time in 1993) were the first to flee the 2015 conflict, as they were already facing economic and security threats from land conflict in Burundi as a result of their previous return. Résidents or return-migrants who (re)gained assets were more likely to wait and see how the conflict would play out before making the risky decision to flee.

Finally, Chapter 6 concludes by exploring policy recommendations based on these findings. I
also suggest avenues for future research to further our understanding of the causes and consequences of return, repeat, and protracted migration.
CHAPTER TWO
UNDERSTANDING RETURN MIGRATION AND CONFLICT

1. Introduction

Conflicts between returning and non-migrant populations after civil war often appear idiosyncratic, rooted in the particular histories and local customs of each nation. Power struggles following changes to the national language policy in Rwanda seem to have little to do with competition to rent apartments in post-war Bosnia or resentment over lack of access to government jobs in South Sudan. However, each of these conflicts is a symptom of one of the most common, and disruptive, processes of civil war: displacement. Policy-makers are well aware that outward population flight from civil wars can spread, prolong, or exacerbate conflict, and attempt to adjust their response strategies accordingly. Yet, despite acknowledging the complexities of return migration, the international community frequently treats repatriation as simply a logistical obstacle to restoring a country to a previous peaceful status quo. Priority is placed on physically moving populations from exile back to their country-of-origin, and providing short- to medium-term development support, while the potential conflict dynamics associated with return are relegated to the bottom of the peacebuilding agenda. Yet, return migration can create new divisions in local communities that alter how conflict is experienced during peacetime. Understanding why returnee-stayee antagonism is so prevalent, what determines the form in which that competition manifests, and under what circumstances returnee-stayee tensions become more or less salient can therefore help policymakers better anticipate changing sources of conflict in war-to-peace transition periods.

In the first half of this chapter, I present my argument explaining both the prevalence of migration-related rivalries across post-conflict contexts and their variation in duration and intensity. I argue that cycles of forced migration during civil war spur social processes – such as adaptation to new environments, forming or rupturing social networks, and survival against physical and
psychological violence – such that migrants share certain characteristics and collective memories that are distinct from those of individuals who stayed in-country during the war. Given these different formative experiences of the war, subsequent return migration creates the possibility for new group identity divisions to emerge based on where individuals were physically located during wartime: those who stayed and those who left and returned. Because forced migration is such a common occurrence during civil war, the potential to categorize groups based on collective experiences of staying or fleeing is common across post-conflict settings. I then argue that in each specific context, these latent divisions become salient and antagonistic when post-conflict institutions (such as property rights, cultural traditions, or language laws) intentionally or unintentionally provide differential dividends to individuals based on their migration history. This creates a dynamic process such that when individuals see that certain aspects of their life during peacetime – like their access to land, ability to gain employment, or likelihood to succeed in a school – are different for people who stayed and people who left, they are more likely to identify themselves and others as “returnees” or “stayees” and adjust their future behavior accordingly. These migration-related cleavages can become engrained in local politics, and alter political, social, and economic structures at both the local and national levels.

This argument was developed in large part based on my observations living and working in South Sudan. The second half of the chapter then presents my research design and methodological approach to explore whether the argument holds in another case: return migration to Burundi after that country’s 1993-2003 civil war.

2. Explaining Return Migration and Conflict

2.1 Under-theorization of return migration, conflict and peacebuilding

Existing theories connecting migration and conflict tend to focus on outward population movement as opposed to return. Scholars have argued that population flight caused by civil war can regionalize
conflict,\(^1\) that migration to refugee camps may prolong or spread wars by providing safe haven and resources to rebels,\(^2\) and that diaspora congregating in more powerful countries abroad may exacerbate civil wars by lobbying for, organizing, and financing conflicts at home without directly experiencing the consequences of the violence.\(^3\) While these theories do not address return movements directly, applying their logic to post-conflict environment would yield hypotheses that suggest that return migration can exacerbate violence along pre-existing divides, such as ethnic rivalries, political grievances, or power inequalities. For example, the Tamil diaspora community in the West provided funding to prolong the Tamil rebellion; therefore, return migration of Tamil-refugees may also fuel the Tamil cause through the transfer of human capital or monetary support, and returning Tamil diaspora may be less willing to compromise for peace since they did not live through the everyday violence of the previous war. Similarly, if mass migration of Rwandan Hutus to the Democratic Republic of Congo (DRC) can disrupt local ethnic demographics in the DRC, return migration may alter ethnic demographics back in Rwanda disrupting local power dynamics between ethnic groups. However, this type of explanation does not account for recurring empirical patterns of tension between returnees and stayees of the same ethnicity, religion, or political affiliation.

Another reason there may be differences in the ways return migration affects conflict as compared to out migration is that returning populations enter into a complex, fluctuating situation in which a country is (ostensibly) transitioning from wartime to peacetime. The experience of war may have destroyed physical infrastructure, changed political alliances, and altered demographic geographies. Moreover, a multitude of actors may be rebuilding, reforming, or attempting to manipulate the political environment in their favor. Amid this reform process, institutions designed

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\(^1\) Salchyan and Gleditsch 2006.

\(^2\) Lischer 2005.

\(^3\) Anderson 1982; Mearsheimer and Walt 2006; Wayland 2004.
to rebuild the state may inadvertently favor returnees or non-migrants, and elites may manipulate conditions so as to benefit themselves, migrants, or non-migrants toward particular political goals, thereby changing the configuration of political competition. Thus, intentionally or unintentionally, post-conflict institutions can exacerbate tensions between returnees and non-migrants.

There is a large strand of peacebuilding literature that focuses on exactly this question: the promises and perils of designing post-conflict institutions to build peace. Scholars have argued that strengthening and reforming governance institutions, implementing particular power sharing arrangements, and promoting the rule of law can enhance the likelihood of peacebuilding success. Others have noted that these same institutions, while vital, can actually entrench conflict, sowing the seeds for a return to violence. Yet, with notable exceptions, the debate focuses on whether national-level institutions mitigate or exacerbate divisions associated with the previous conflict. This logic implicitly assumes that sources of conflict do not change over the course of the war.

Yet, we know that social processes of war – like political mobilization, militarization, and migration – leave lasting legacies such that social, political, and economic terrains are decidedly different than before the conflict. The experience of forced migration, in particular, may alter populations’ conceptions of identity, nationalism, social networks, and priorities after war. We also know that violence during civil war often manifests along local-level cleavages related to issues like

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6 Weingast 1997; Carothers 2006.

7 Call 2012; Paris and Sisk 2006; Menkhaus 2008; Weinstein 2006.

8 See for example Autesserre 2010; Lake 2017; Woods 2008.

9 Wood 2008.

vendettas between local power brokers, competition for land rights, and clan rivalries. These conflicts often differ significantly from the primary national cleavage viewed as the broader cause of the war, such as religion, ethnicity, or national political grievances.\(^\text{11}\) Therefore institutions designed to intervene in conflict only at the national level are not only likely to overlook the primary sources of violence, but may actually exacerbate them.\(^\text{12}\) My argument takes these two findings – that social processes of waging war change the structure of political, social, and economic life after war, and that local cleavages interact with both national cleavages and intervening institutions to determine where violence is directed -- as its starting premises.

Finally, in explaining conflict between returnees and stayees, I argue that processes of return migration spur the development of the returnee – stayee identity categories. As such the argument below is not just about return migration and conflict, but also about identity and conflict more generally. While there has been an immense amount of inquiry on the staying power of ethnic identities, and how ethnic identities may be linked to violence, I argue that situationally constructed identities – such as those that arise from displacement – can be just as relevant. The scholarship on ethnic politics therefore offers a number of theoretical jumping-off points to understand the construction and consolidation of displacement-related identities and the mechanisms through which these identities become salient and/or linked to violence. The argument below draws in particular on the idea that institutional environments can contribute to the construction and relative salience of ethnic identities;\(^\text{13}\) that experiences of violence can construct more rigid ethnic identities;\(^\text{14}\) and that framing, perceptions of relative deprivation, loss of status, and resentment play important roles in

\(^{11}\) Autesserre 2010; Kalyvas 2006.

\(^{12}\) Autesserre 2010.

\(^{13}\) Posner 2005; Boone 2014; Chandra 2006.

\(^{14}\) Fearon and Laitin 2000.
connecting identity to violence. While situationally constructed identities may have a shorter half-life than ethnic identities (or class identities, etc.), understanding when and how they are created can contribute to our understanding of politics in times of transition.

2.2 Definitions:

Before outlining my argument, it is necessary to define a few key terms:

**Cleavage:** Following Kalyvas (2006 & 2003) and Autesserre (2010), I define a “cleavage” as an “overarching issue dimension” that provides a link between actors at the center and action on the ground. Common examples of national-level cleavages are class, ethnicity, and religion. Examples of local cleavages include kinship rivalries, struggles for land, or economic competition between clans or villages. Following Kalyvas’ analytical structure, I use the language of “cleavage alliances” to describe the transaction between core and periphery actors that allows each to pursue their own goals, creating a convergence of interests: core actors provide local actors with external muscle, money, or legitimacy. In exchange, periphery actors mobilize their supporters towards the core actors’ interests, for example by providing electoral support for specific candidates or new recruits for a rebel group. Core actors are national-level actors who are divided along a master cleavage, or streamlined symbolic and material representation which constitutes the dominant discourse of the conflict. Kalyvas cites the ideological division between those supporting the monarchy and those promoting a republic in the French revolution as an example of a master cleavage. Core actors, therefore, would include Parisian

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15 Tarrow 1998; Gurr 1970; Petersen 2011.


18 Kalyvas 2006, 368.

revolutionary leaders and members of the aristocracy. Periphery actors, are agents at the local and/or supra-local level whose interests are divided along local-level cleavages, for instance clan members, families, individuals with local economic interests or investments, etc. In the French Revolution example, periphery actors included leaders of rival small- and medium-sized towns, who appropriated the national discourse to obtain certain privileges for their villages.\textsuperscript{20}

While I use the terms cleavage and cleavage alliance according to these definitions, I occasionally substitute the word division for cleavage to avoid repetition. Importantly, identity-based divisions constitute one type of local-cleavage, but not all local cleavages are related to identity-based conflict.

**Conflict:** When I refer to conflict between returnees and non-migrants after civil war, I mean a repertoire of activities and behaviors ranging from non-violent political and social tensions, to political mobilization and widespread organized violence. I use this broad definition for a number of reasons. First, I argue that during times of transition from war to peace, the lines distinguishing the types of violence used in wartime and violence used during peacetime are blurred.\textsuperscript{21} Second, I am interested in understanding the process through which a common pattern of tension arises between returnees and stayees in different post-conflict contexts. These tensions are expressed in different forms and to different degrees. Limiting the scope to only violent political expression would be counterproductive to developing an argument to explain this broad pattern. Finally, I include the creation of social hostilities between groups as a form of conflict because new social fissures present distinct obstacles to peacebuilding. In war-to-peace transitions, peacebuilding and state building activities are often

\textsuperscript{20} Kalyvas 2006, 372.

\textsuperscript{21} For a discussion on the differences between the types of violence during wartime and the types of violence during peacetime see Kalyvas 2006, 22–23, 31.
designed to foster trust and promote reconciliation within communities. Thus, locating sites where new social conflicts are likely to be produced is important for future peacebuilding success.

Institutions: Following Martin and Simmons 2012, I define an institution as a set of rules and/or norms meant to pattern behavior. In this case, rules are best understood as statements or conditions that forbid, require, or permit particular kinds of actions.22 Martin and Simmons argue that a definition of institutions as a set of rules is flexible enough to include implicit and explicit rules, principles, and decision-making procedures. However, they admit that the definition skews toward a rationalist understanding of institutions. Therefore, I add norms into my definition alongside rules to emphasize that the institutions implicated in my argument are often socially constructed sets of practices that order behavior in post-conflict societies. I follow existing definitions of norms in the constructivist literature as “socially shared expectations, understandings, or standards of appropriate behavior for actors with a given identity.”23

2.3 How Return Migration Leads to Conflict

I propose a two-part argument linking return migration and conflict: First I argue that return migration after civil war creates new group identities based on where individuals were during the war. This may be as simple as in-country or abroad, or further delineated by the type of displacement (e.g. perception of physical coercion vs. voluntary migration), host-country type (region, political relationship to country-of-origin, language, etc.), or era of flight. For the purposes of this project, I limit the inquiry on type of displacement to divisions between groups who were displaced across international borders

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22 This definition is based on Martin and Simmons’s (2012) definition of international institutions as “sets of rules meant to govern international behavior.” p 328.

23 Duffield 2007, 6.
and those who did not cross borders during wartime. Internal displacement may function similar to, though not exactly the same as, international displacement within my argument. However, the patterns I describe will be most visible when a group fully exits the country due to the stark differences of experience in different states, and the opportunity for narratives of competition over nationalism to emerge between those who “stayed, suffered, and fought,” and those who “left the homeland.” As such, examining relations between these sets will make it easier to confirm or disconfirm the plausibility of my argument. If the general constructs hold for these groups, future projects may examine the similarities and differences for processes of internal displacement.

The creation of latent social categorizations after return migration is logical given what we know about migration and network processes. Whereas there is a tendency in the forced migration, peacebuilding, and development literatures to focus on the creation and maintenance of multi- and trans-national networks through the cross-border flow of goods, ideas, money, and social capital, social network formation among migrants within host-countries is equally relevant. For individuals living abroad, shared experiences of adapting to new environments, combined with the very act of leaving, help to create new networks and signal group identification in contrast to co-nationals who remained in-country. Some characteristics that differentiate these groups are discrete and observable – language, accent, way of dress, religion. Others are more nuanced, based on perceptions of differences in national ideology or patriotism, roles in the prior conflict, access to wealth and education, and/or “deservedness” of peace dividends.

This process is not restricted to those who fled; those who stayed in-country also share a set of experiences during the war that can create new collective memories, networks, and group cohesion.


As Nicholas van Hear writes, “It is an obvious fact, but it bears noting that both the returnees and the home community will have changed during the absence of the migrants.”\(^\text{26}\) For those who stayed these changes may have been sparked by collectively experiencing wartime violence, participating in the conflict on either the government or rebel side, and even the experience of being left behind by those who fled. For example, Ivana Maček documented how for Sarajevans living under siege, the everyday task of collecting water during wartime was such a formative experience that “the physical hardships of transport and psychic exposure to nervous, depressed, or angry fellow townspeople engraved the experience of supplying water in people’s bodies and memories as something to avoid by all means.”\(^\text{27}\)

With these new collective experiences, networks, and/or altered cultural practices, the return of displaced populations to their countries-of-origin creates the opportunity to divide people according to those who stayed and those who left and returned. While we commonly think of local cleavages as existing exogenous to war, in this case the local cleavage is produced through the previous conflict.\(^\text{28}\) Therefore, in addition to describing these supra-local dynamics of competition between returnees and stayees, because the return-migration cleavage is produced through one of the most common social processes associated with violent conflict – displacement and return – it is likely to be a common source behind seemingly idiosyncratic local-level conflicts across contexts. Moreover, the international community also contributes to this pattern of local conflict through its frequent promotion of repatriation as the most pragmatic durable solution to refugee crises, even when return is not entirely voluntary.\(^\text{29}\)

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\(^{26}\) Van Hear 2003, 56–57.

\(^{27}\) Maček 2009, 65.

\(^{28}\) Kalyvas notes that cleavages may be produced exogenous or endogenous to conflict Kalyvas 2006, 375.

\(^{29}\) For a similar argument on the international community’s war in perpetuating civil war see Hironaka 2005, 149.
Having explained why migration-related tensions are common across post-conflict contexts, we then need an additional theoretical component to explain the different forms in which returnee-stayee frictions manifest in each specific context, and the relative degree of hostility associated with the migration-related divisions, from moderate social tension to widespread violence.

This brings me to the second part of my argument: Migration-related cleavages become more politically and socially salient when post-conflict institutions create, or further, differential outcomes for individuals based on their migration history. Institutions may include formal bodies and regulations, or informal practices at the national, regional, and community level. For example, a national-level language law may affect returnees who spent protracted periods of time in host-countries with a different predominant language by impeding access to jobs, education, or even healthcare. If these institutions seemingly favor returnees over stayees, or vice versa, it can create an endogenous cycle whereby institutional biases shape and reify migration-related group divisions: As individuals begin to understand their position in society as connected to their migration history, their future political and social behavior adjusts accordingly. They may begin to resent groups who seemingly have more access to the dividends of peace and limit their interaction with this out-group. Having experienced a perceived difference in outcome with relation to one institution, they may adhere to narratives of discrimination and bias against their imagined community of like others in different aspects of their lives not related to that specific institution. This increased group identification and resentment may provide an impetus for mobilizing politically (or violently) against the other group.

Additionally, elites may strategically use these divisions to their advantage by enacting policies such as orchestrating demographic shifts or changing citizenship, property, or land codes so as to bolster their own power – be it electoral, wealth, etc. Societies where institutions do not provide differential dividends to migrants and non-migrants, or where policy-makers quickly remedy these
disparities rather than exacerbate them, are less likely to see violent tension between these groups. Importantly, the argument does not predict that divisions between returnees and stayees will be stagnant, but allows for change and gradation depending on interaction with institutions and elites over time.

Finally, the emergence of migration-related divisions can affect political structures and individual behavior in post-conflict environments. For example, returnee-stayee conflicts can create *de facto* hierarchies of citizenship, lead to the exclusion of diaspora or stayees from public or private offices, and/or alter the nature of political rivalries in peacetime. Moreover, these new local migration-related cleavages can operate in alliance with national-level cleavages to produce conflict during peacetime in a number of different ways. First, individual returnees seeking to gain leverage over stayees may use connections to national politics to gain status, money, and/or arms. Second, if migration-related divisions have created widespread and/or violent tensions at the local level, this can also hasten descent into a broader political crisis should there be a trigger at the national level. The population, primed by these low-level conflicts, may anticipate that additional, even unrelated, political turmoil may open the door to alliances between local and national actors, and create a more permissive environment for local rivals to act with impunity.

### 2.4 Perception Matters: Framing Loss & Belonging

The argument outlined above explains why hostility between returnees and non-migrants is so common in post-conflict contexts. One way to think about why these migration-related tensions become so high stakes as to fuel widespread violence and/or political mobilization, is through the lens of prospect theory. Prospect theory suggests that individuals’ decision-making processes differ based

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30 Kahneman & Tversky 1979. In political science, prospect theory has been applied to help us understand both the psychology of decision-making in international systems, the behavior international organizations, and structure of international policies. Jervis 1976; Barnett & Finnemore 2004; Shaw 2007; Autesserre 2009. Interestingly, there has been
on their perception of whether they will be gaining or losing something relative to the status quo. If a particular outcome, say that you will end up with 20 acres of land, is framed as a potential gain from the status quo, individuals are less likely to take risks to obtain that land than if the same outcome, 20 acres of land, is framed as a potential loss from the status quo. In other words, people are more likely to take risks when they believe they are protecting themselves against loss, than if they believe they are acquiring something new.

I argue that displacement and return after civil war disrupts conceptions of the status quo. In this context, the term “status quo” refers to an understanding of what constitutes the current state of affairs including (but not limited to) where people lived, what they owned, and their relative status in their community. People who flee a civil war and then return may retain an idealized perception of life prior to the war as the “rightful” status quo. For example, returnees forced from their land either by conflict or external shock may think that property they left behind in their country-of-origin should still be theirs in the status quo, despite time spent abroad. On the other hand, people who stayed in-country during the war are likely to update their perception of the status quo based on the evolution of events on the ground and their own experiences during the war. Consequently, stayees may view that same property as rightfully theirs, given the length of time they’ve lived on and invested in it. Therefore, return migration triggers a situation where, due to experiences of displacement and staying, both returnees and non-migrants view themselves as facing potential losses from an idealized status quo, and therefore may be more likely to engage in riskier, potentially violent, behavior.

Additionally, stayees who may have fought during the war, or suffered at the hands of government and rebel groups, often develop expectations that having stayed, fought, and survived,

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surprisingly little application of prospect theory to migration analyses. Exceptions include Czaika 2012, Koikkalainen and Kyle 2016. These exceptions still focus on individuals’ decisions whether or not to migrate out of their country-of-origin, often considering perceptions of labor market opportunities.
they are the ones who rightfully deserve dividends of peace, such as access to political power, employment, social status etc. Migrants may have their own narratives of deservedness and expectations of peace dividends: unjustly forced from their homelands due to persecution by their own government, and trapped in vulnerable situations as non-citizens living abroad, returnees may feel that in finally settling to their homeland they deserve to have all advantages of equal citizenship restored to them. If either returnees or non-migrants perceive that, based on their migration history, they are receiving less than what they deserve as compared to others, this can create a sense of relative deprivation that further reifies migration-based identity categories and increases the salience of the migration-related cleavage.31

3. Alternative Explanations

While there are a number of alternative explanations that could account for the prevalence of migration-related tensions in post-conflict societies, I argue that none are sufficient on their own to explain both how common such divisions are, and under what conditions they become more salient and/or conflictual. Drawing on existing work on migration, conflict, and identity politics, I address four categories of alternative explanations.

3.1 Demographic Changes

One argument from the existing literature would allege that return-migration changes social, political, and economic dynamics on the ground by changing the ratio of majority/minority populations in certain areas. However, this cannot explain a) why we would see divisions between returnees and non-migrants when the return does not significantly increase the proportion of minority groups or b) why

such groups would choose to highlight their migration history as part of their identity as opposed to the pre-existing majority-minority divisions such as ethnicity, religion, or even other local rivalries.

### 3.1.1 The Diaspora Effect

Scholars have demonstrated that diaspora often hold stronger views on conflict, and are often are less willing to compromise than individuals who remain in-country, and frequently use financial and political power to alter both homeland and host-country politics. Following this logic, an explanation for returnee-stayee conflict relying on the “Diaspora Effect” would suggest that return-migrants may be less likely than those who stayed in-country to support political compromises in post-conflict contexts, such as ethnic quota systems, or may be less reticent to use violence to achieve their desired outcomes than individuals who “lived through the war.” Alternatively, return of diaspora populations may alter the local power balances via demographic change, the transfer of resources, or political lobbying, etc.

However, these explanations do not necessarily hold empirically in situations where both migrants and non-migrants have incited violence, like Burundi. Nor would it account for the emergence of new types of grievances that are frequently associated with returnee-stayee conflict, as it would instead predict that these individuals would hold fast to the historical constructs of the civil war. Moreover, while diaspora may hold more extreme views on the conflict when outside the country because they do not feel the direct effects of everyday violence, they may not hold on to these same views after returning.

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32 Shain and Barth 2003; Lyons 2007; Wayland 2004; Mearsheimer and Walt 2006; Adamson 2006; P. Collier 2000.
3.2 Networks

A networks approach to understanding migration emphasizes that individuals develop and maintain formal and informal ties to kin, friends, or other close associates across migration trajectories. These networks create opportunities and can mitigate risk by facilitating the transfer of goods and information. Such an approach may predict that returnee-stayee rifts develop in countries-of-origin after civil war because of network connections formed in exile during wartime, or due to ruptures with networks in-country resulting from displacement.33

I argue that a network-based explanation is necessary but insufficient to explain the phenomenon of returnee-stayee conflict. I agree that network formation throughout the migration process is important to understanding the emergence of returnee-stayee identities. Networks theory helps us to understand why latent migration-related identity categories emerge after civil war due to the varying strength of the networks connections and shared experiences in exile. However, while network formation is one component of the process of creating migration-related identities, I argue that it is not the strength of networks alone that accounts for the variation in how salient those identities become. Regardless of the strength or density of networks built during the war, upon return people may find commonalities in different types of shared experience of living abroad, or staying in-country. For example, if returnees experience what they perceive as discrimination based on their migration history once back in their country-of-origin, they may develop a stronger identity as a returnee, and promote a group narrative of the returnee experience irrespective of their prior development of social networks abroad. In other words, common experiences of displacement or staying bind people together in an imagined community of like others, even if they did not know or interact with each during wartime.

33Portes 1978; Portes, Guarnizo, and Landolt 1999; Boyd 1989; Kent 2006; Sassen 1995. For an overview on networks analyses see FitzGerald 2015; Castles, de Haas, and Miller 2014.
3.3 Resource Scarcity & Land Conflict

A resource scarcity alternative argument would suggest that economic competition alone can explain the emergence of conflict between returnees and stayees after civil war. I agree that competition for scarce resources is an important factor. However, I do not believe it is sufficient to explain the content of the returnee-stayee divide. While competition for scarce resources contributes to some of the conflicts between returnees and stayees, other forms of conflict are not about property or resources, but may be cultural (e.g. returnees no longer socializing with returnees), symbolic (perceived patriotism), or political (access to power and/or citizenship). For example, the returnee-stayee cleavage may become salient when individuals believe they are being treated as lesser-class citizens, as was frequently the case among South Sudanese returnees from Khartoum, or when returnees or stayees challenge the state’s monopoly on violence, as was described in El Salvador in the previous chapter. In addition, a scarcity argument alone cannot account for the development of new group identities after resource competition subsides, or when differential access to resources is more perception than reality.

A related alternative argument suggests that dynamics of returnee-stayee conflict should be understood through the lens of land conflict after civil war rather than a lens of return migration.34 Conflict over land and property is a common issue between people who stayed in-country during a war and those who fled. However, I would argue that land conflict is one of many ways in which a return migration-based cleavage can manifest in the post-conflict environment. For example, there may be perceived discrimination in citizenship regimes, educational curriculum, and language policies. Limiting the lens to land conflict would preclude the identification of a wider pattern of conflict between returnees and non-migrants in other countries where the institutional environment might

34 Van Leeuwen 2010.
lead to different kinds of issues as the primary source of competition between returnees and those who stayed in-country. Moreover, existing theories of the land-conflict nexus focus on whether competition over property will exacerbate pre-existing divisions, but do not explain the formation of new migration-based identities after civil war.

4. Research Design: An Ethnographic Case Study Approach

The research design for this project drew on a combination inductive and deductive approaches to develop, evaluate, and refine the argument. The core constructs of my argument were developed inductively based on my observations living and working in South Sudan during the years just before and after the country’s independence (2011-2013). Based on those experiences, I developed the concept of a two-part process whereby return migration creates new local conflicts between those who stayed and those who left, which takes on different forms depending on the local institutional context (in South Sudan I was particularly cognizant of the English/Arabic language divide and the policy change removing Arabic from the list of officially designated national languages). Due to the outbreak of renewed violence in South Sudan in 2013, I took the opportunity to evaluate and further refine my theory in a different case. I use an in-depth ethnographic case study of migration between Burundi and Tanzania after Burundi’s 1993-2003 civil war to evaluate how well the argument holds against evidence in a second case and further refine the theory – adding in the intuition on prospect theory as a lens. When using a case study approach, theory construction and theory development are often intertwined. This project is no exception. However, by developing the primary theoretical constructs for my argument in South Sudan first, and then conducting the study in a different context, I am able to get better analytical leverage to analyze the argument’s expectations outside the conditions

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35 Van Leeuwen and Van der Haar 2016.
in which they were was originally developed while still focusing on a single case study. For example, in South Sudan ethnicity was not a primary determinant of country-of-asylum during the war, whereas in Burundi refugees from the two primary ethnic groups congregated in different host-countries, presenting a harder environment for the development of migration-related divisions to cut across ethnicity in the post-war context.

Both the case selection and methodology offer a number of advantages. First, process tracing and thick description using ethnographic data in a single case study is an effective tool for assessing evidence against theory-generated expectations and eliminating alternative explanations. Second, my argument centers on the process of change in individual and community understandings of social structures: Who are different types of actors in a community? How do understandings of who these actors are change over time? How salient are different types of group divisions in daily life? What power relationships do social divisions reflect and why? How do these dynamics affect individual behavior? Ethnographic approaches are particularly suited to address these types of questions as they allow the researcher to tease out the nuances of the process of meaning-making in communities. Ethnographic techniques like embeddedness, flexibility, and repeated interaction allow the researcher to explore how individuals’ ideas, beliefs, values and preferences are rooted in power relationships in their communities rather than imposing outside characterizations, and to document and evaluate complex meso- and micro-level dynamics over time. Whereas survey work often requires researchers to impose external categorizations through survey instruments, by using an ethnographic approach I allow the interviewee to lead the process towards issues that are important to them. Additionally, ethnography is a particularly appropriate tool to identify and analyze why behaviors which seemingly

36 On case studies see Van Evera 1996; Mahoney 2012; George and Bennett 2005. On thick description and generating inferences see D. Collier, Brady, and Seawright 2010.

37 Schatz 2013; Parkinson 2013; Bayard de Volo & Schatz 2004; Wedeen 2010 p. 260.
deviate from cost-benefit analyses make sense given certain historical and cultural contexts. Ethnographic approaches also permit the flexibility to capture meta-data, such as dissimulation or non-verbal communication like silences, gestures, and tone of voice – which can reveal useful information on how the current social and political dynamics inform what interviewees are willing to say openly, or how interviewees choose to portray themselves to an outsider.38

Finally, an ethnographic approach is especially useful when operating in conflict affected environments. Communities which have recently experienced the type of violence that leads to mass forced migration are likely to be tense and skeptical of outsiders, even after the war is over. Many informants will likely have participated in or witnessed violence. In such an environment, ethnography allows researchers to progressively build trust with their informants, thereby “gaining access to insider perspectives, experiences and mean-making practices” they may otherwise be unwilling to share.39

4.1 Case Selection

Burundi is a particularly useful case for studying return migration. Burundi has had several cycles of forced-migration outflow and return which allows for the investigation of differentiation of group identity and/or competition among sub-sets of return migrants who fled to different destinations, at different times, or to different types of host countries. Second, the timing was such in Burundi that the majority of return migration had been completed no more than ten, but no less than two years from when I began data collection. This meant there was sufficient time for migration-related divisions to have developed (or not), and the range in time of returnees’ arrival in Burundi provided the opportunity to explore whether these cleavages had diminished or persisted over time. Finally, the

38 Fujii 2010; Allina-Pisano 2009.
39 Parkinson 2013, 420.
2015 electoral crisis in Burundi provided a unique opportunity to evaluate the impact of the experience of return-migration on future behavior. The crisis was, and continues to be, devastating for civilians in Burundi. Faced with political uncertainty, many Burundians were forced (again) to make a decision whether or not to flee the country. Given these circumstances, I adapted the project to explore the salience of migration-based identities by examining whether prior experiences of return affected individuals’ decision-making in this high-stakes context.

Importantly, return-migration to Burundi is also a hard case for testing my argument. In South Sudan, the first country of asylum for refugees was not highly correlated with ethnicity: South Sudanese of Nuer, Dinka, or other ethnicities fled to Khartoum as well as to the refugee camps in East Africa; ethnicity was not a primary determining factor in determining their destination. Therefore, it may have been easier for cross-cutting migration-related identities to develop upon return. However, in Burundi refugees’ country of first asylum was highly correlated with ethnicity: Burundian Hutus were more likely to flee to Tanzania and Burundian Tutsi were more likely to flee to Rwanda. Given that refugees returning from Burundi were primarily Hutu, and Hutu nationalism was a prominent component of rebel groups’ casus belli, in expectation, return-migration of refugees from Tanzania should be more likely to exacerbate ethnic relations than produce new, cross cutting, migration-related divisions. Therefore, selecting Burundi as the primary case study provides the opportunity to explore whether displacement-related situational identities emerge in a particularly hard case.

4.2 Evaluating the Argument: Supportive and Falsifying Evidence

Having developed the core aspects of my argument in South Sudan, I outlined a set of indicators for evaluating how well my argument held in another environment. I then conducted a month-long exploratory trip to Burundi to see if there were signs of these expected dynamics. This trip served as both preliminary deductive evaluation of the argument and renewed inductive theory refinement:
Based on the exploratory evidence evaluated against my expected indicators, I was confident that the core aspects of my argument about the emergence of new divisions between returnees and non-migrants could help explain local-conflict dynamics in Burundi. I also used the observations and interviews conducted on this trip to further refine the theory, incorporating prospect theory. I then returned to Burundi (and later Tanzania) on two subsequent trips to conduct the primary data collection for the ethnographic case study.

Below, I outline the indicators I used to evaluate how well my argument illustrated local conflict dynamics in Burundi. These indicators were also important in establishing what types of evidence would be disconfirming for my theory, such that I could be conscientious in guarding against my own potential confirmation-biases while collecting and evaluating the ethnographic data.

If my argument held, I expected to see new group categorizations emerge in Burundi between returning and non-migrant populations, potentially cutting across pre-existing divisions, such as ethnicity. Because there were two distinct waves of out migration, and markedly different characteristics between host countries, I also expected additional delineation of the returnee group according to which time-period they fled or which country they fled to. Further, if there was an institution that provided, or was perceived to have provided, differential outcomes to those who returned and those who stayed, I expected these divisions to be especially salient.

If my argument did not hold in the Burundian context, I expected respondents to focus on general malaises in the community (poverty, health, etc.) or to highlight preexisting divisions, like ethnicity, religion, or exogenous local-level rivalries as the primary cleavages in their community. Evidence that that returnee-resident labels were simply used as way to couch references to pre-existing divisions, like ethnicity, would also suggest migration-related divisions were less important.

I use the 2015 crisis to further interrogate the relevance of return-related divisions in society. If migration-related cleavages were particularly consequential in Burundian communities, I expected
that some individuals fleeing Burundi in 2015 would cite local-level competition between returnees and stayees, a sense of discrimination based on their migration history, or other perceived economic or security threats that emerged as a result of previous return population movement to their community, as among their reasons for fleeing, in addition to the national political crisis. If returnee-stayee divisions were highly salient, to the point of violence or severe economic duress, I also expected that some individuals in the group that felt disadvantaged would have tried to exit Burundi before the opening of the borders following the 2015 conflict. An absence of such migration, or attempted migration, would provide evidence that return-related rivalries may not have been as important to the everyday lives of Burundians in the transition period. Similarly, if issues related to return migration were less salient in Burundi, I expected newly minted Burundian refugees to exclusively cite push-factors related to the national-level political conflict (fighting between political parties, targeting for recruitment into armed groups, repression of perceived opposition voices) or general fear of war as their primary, or only, reason for fleeing.

4.3 Data Collection

Data for this project was gathered over the course of nine months of research on both sides of the Burundi-Tanzania border. This includes two month-long trips to Burundi prior to the 2015 conflict (August 2014, February 2015), as well as six months in Tanzania and one month in Burundi after the third-mandate crisis began (November 2015-June 2016). Overall, I conducted 258 semi-structured
interviews with Burundian civilians, international humanitarian organization staff, Tanzanian and Burundian government officials, and Tanzanian villagers, in addition to countless hours of field observation. Interviews were conducted with the aid of interpreters who spoke English, French, Kirundi, and Swahili. Some interviews were with one individual, while others were with small groups. The modal interviewee group size was two. I encouraged small group interviews as it often produced conversation and debate on the questions presented which was useful in evaluating where there was agreement or disagreement on various issues. Sometimes large groups gathered to join in the conversation, though I tried to avoid this for numerous reasons, including control over the interview and future interviews, as well as my own safety.

Research was conducted three areas:

(1) Makamba province, Burundi (specifically Nyanza-Lac, Kabo, Kibago, and Nyabigina villages); 41
(2) Nyarugusu Refugee camp, Tanzania; and
(3) Ilagala village, Tanzania.

I chose Makamba as the field site in Burundi because it was the province which received the most returnees from Tanzania after the civil war. The villages were selected in consultation with

sensitive given the election season, and the government (which was showing signs of increasingly authoritarian behavior) may try and suppress any research that would show them in a negative light, such as their treatment of refugees. Instead, my local partners suggested that they write me a formal letter of affiliation under their umbrella, and that as a research project being conducted through a local organization there was not a need for further COSTECH approval. Instead they would assume responsibility for oversight. This worked in practice as I was able to get a permit from the Tanzanian Ministry of Home Affairs to access the refugee camps. As an independent international researcher, a COSTECH clearance is usually required before getting the permit. However, in my case they accepted the letter of attachment under the umbrella of the local organization. In all my interactions with the Tanzanian government – elected officials, bureaucrats, police, and the refugee camp manager – the letter of affiliation with a local organization and the Ministry of Home Affairs permit to access the refugee camps sufficed as government approval for the project. However, I was not fully comfortable with this arrangement. Therefore, upon returning to Tanzania a year later to conduct follow-up interviews, I applied for COSTECH approval for the project, and received approval under permit number No. 2017-287-NA-2017-139. The difficulties and ethical issues I faced in obtaining research approvals are not uncommon, especially in areas where governments have incentives to prevent the gathering of information. Cronin-Furman and Lake 2018.

41 In Nyabigina I conducted interviews in both Nyabigina Peace Village and Nyabigina Village
several experts in Burundi and IRC representatives to get a diversity of settings and experiences, (such as rural hillsides, town centers, Peace Villages, areas with known issues of land conflict or relatively fewer known issues of land conflict, etc.) In some cases, the IRC was operating in the selected village, which allowed easier transportation and access.

In Tanzania, the primary field site was Nyarugusu refugee camp. However, I also included a non-camp field site in Tanzania to explore the nature of migration after the Burundian civil war, but prior to the third-mandate conflict. I chose the village of Ilagala because of its reputation as a destination for Burundians wishing to live under-the-radar in Tanzania, and because it was the site of a recent IOM pilot program to register Burundian “irregular migrants.” Through the program, Burundians living illegally in Ilagala, who could prove they were refugees from the 1993 civil war, were given a type of identity card that allowed them to live legally in Tanzania for one year, renewable for a second. This was important because without official residence papers, individuals outed as illegal migrants could face imprisonment or deportation, and would be wary of publicly identifying as Burundian or speaking to outsiders. By choosing a village that had already experienced a registration program, I was more likely to be able to find Burundians willing to speak with me. Most importantly, my presence was less likely to jeopardize their safety in the community.

4.4 Sampling in Burundi

My sampling method to collect semi-structured interviews included “random walks” in the selected villages in addition to key-informant and expert interviews. The random walk method, like snowball sampling, is most commonly used in research on social networks. It allows the researcher to randomly select respondents within a given geographical area and then, if desired, ask the randomly selected respondents for referrals to a second phase of participants, eventually building out a map of responses
in a geographic and social space.\textsuperscript{42} In each village, I met first with the local elected official, chief, or other appointed representative to introduce myself and get permission to walk around the village. If possible, I interviewed the leader as well. Once I had permission from the local authorities, I established a landmark, such as a church or market, to begin the walk. Then, using a randomly generated list of directions, I would walk straight, left, or right and would select the 10\textsuperscript{th} house.\textsuperscript{43} If no one was home, or the resident of the selected house did not want to participate in the research project, I went to the next house in the same direction. Upon completing the interview, I selected the next randomly generated direction and walked another 10 houses either right, left, or straight from my original trajectory. The next day, I would begin at the landmark again. This worked well for small village settings where houses were not directly in line from each other and were relatively far apart. In addition to these randomly selected interviews, if people approached me asking to be interviewed, I obliged if possible (given time restraints, etc.), and also followed up on referrals from community leaders and interviewees. I accommodated the requests of people who approached me when I was walking through the villages when I could because many individuals expressed that they wanted to tell their story and that few people like me had listened to them before. While I would benefit from the data informants provided in their interviews, they were not poised to receive any potential benefit from the research process. If the opportunity to tell their story was all I could offer, I felt it was important to do so.

The very act of walking all day in the villages also allowed me to conduct observation along the way. I would chat with people in the roads, or inquire with my interpreter as to the goings on we observed, like what game the children were playing with pebbles in the dirt, what crops people were growing, and other small talk.

\textsuperscript{42} On random walks see McGrady et al. 1995. On non-probability sampling for key informants and probability sampling with snowball selection see Bernard 2011.

\textsuperscript{43} I did not have a population estimate or accurate map of residences in these rural areas, so the decision to use 10 houses was somewhat arbitrary, but informed by evaluating the relative size in walking around the village.
farming in small yards, where people were drinking when they gathered and socialized outside the home, etc. We even got caught in the rain a few times, and took shelter in welcoming families’ homes – sometimes accompanied by a goat or two. This informal observation and interaction allowed me to better immerse myself in the community, and often led to unexpected data gathering opportunities, or “accidental ethnography.”

For example – I would not have known that children in Burundi use different rules in their pebble games than children in Tanzania had my interpreter and I not been walking the villages day in and day out.

My approach in Burundi changed in 2016. On previous visits I traveled by private or NGO vehicle to villages where I conducted random walks, observation, and snow-ball referred interviews. However, after the third-mandate crisis, due to the heightened political tensions, I did not travel into the villages as the presence of a foreigner could have been dangerous to informants and research staff. Instead, to meet with villagers I worked with the International Rescue Committee (IRC) who had initiatives supporting farmers in several villages. In the course of their day, IRC staff would see if anyone in the area might be interested in speaking with me. These participants then traveled, alone or in small groups, to the IRC office and I compensated them for the cost of transport. I then used snowball sampling from these interviewees for other referrals. I also used referrals from previously established informants to recruit new informants, who I interviewed in the privacy of the IRC office. It is important to note that at the time the IRC office in Makamba was staffed primarily by Burundians, with the exception of the head of office who was Congolese. But, surprisingly, there were no Western officials who worked in that office regularly, though they occasionally hosted visitors. Therefore, there was not a great risk that informants would be associated with an American by walking into a meeting.

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44 For more on “accidental ethnography” see Fujii 2015. Fujii explains “Any researcher can turn ‘non-data’ into data by paying systematic attention to unplanned or ‘accidental’ moments in the field. The importance of such observations lies not in what they tell us about the particular, but what they suggest about the larger political and social world in which they (and the researcher) are embedded.” p 526.
at the Makamba IRC office. For certain interviews, such as those with Burundian government representatives, NGO staff, or local community service organizations, I went to their offices in Makamba town.

Given the circumstances in Burundi at the time, it is possible that the paysans who were willing to talk to me were among those who felt more secure, including those who may have been sympathetic to the ruling party. In addition, these individuals may have previously won local land conflicts, whether through non-violent or violent means, and therefore could have been less willing to discuss or reveal the nature of those conflicts. If these respondents were sympathetic to the ruling party, wanted to maintain the veneer of that support for their own safety, or had threatened and/or participated in violence against their own neighbors in conflicts over land, they may have had an incentive to de-legitimize the refugees who fled in 2015. Indeed, many claimed that refugees who fled in 2015 were not fleeing “real” security problems, but simply wanted to go “back to the UN” to receive humanitarian aid, or apply for resettlement abroad. I therefore considered these types of responses with a degree of skepticism, and kept track of when and why I thought these responses may have been misrepresentations for meta-data analysis.

4.5 Sampling in Tanzania

Nyarugusu refugee camp is a massive settlement (4.6 square miles – or roughly one fifth the size of Manhattan) in the forested outskirts of Tanzania, 20 miles from the border with Burundi. In 2015, the camp was inundated with hundreds of thousands of Burundian refugees, who were placed in tents packed together in extremely close proximity. As such, interview subjects were readily available, easily approached, and often eager to talk. Moreover, my presence as a white woman walking around the zones was a bit of a novelty – very few NGO or IO workers spent their days walking in the residential zones of the camp, but instead stayed in their organizations’ offices in the camp. This presented a
different set of opportunities and obstacles for sampling. I needed to adapt the random walk design such that I could a) ensure that I was able to gather data camp-wide, and b) have a reasonable mechanism to tell individuals that I did not have time to interview everyone. As opposed to in Burundi, where I made an attempt to interview the people who sought me out, it would not have been feasible to do so in this environment.

I designed a clustered sampling method taking advantage of the organization of the camp where residential areas were divided into sub-units called “zones.” The first Burundians to arrive in Tanzania were placed in “Zone 8.” As the influx continued, the camp expanded to include Zones 9, 10, and 11. Over the course of my fieldwork, UNHCR and the government of Tanzania opened two new camps, Nduta and Mtendeli, and began moving Burundian refugees out of Nyarugusu to these new camps and redirecting new arrivals to Nduta. In each zone in Nyarugusu I conducted an estimated census of shelters by counting the shelters in one block of the zone, and then extrapolating to get an approximate number of houses. I then used a random number generated guide based on the approximate number of shelters to the closest hundred to select the houses which I would approach for an interview. However, not all interviews were randomized. Others were conducted with the elected leaders of the blocks and with Burundian and Tanzanian staff of NGOs in the camps among others. I also conducted interviews with some of the individuals who approached me directly, though this was a less frequent occurrence than in Burundi. In addition to the semi-structured interviews I conducted with refugees in or near their residences, I also conducted observation and unstructured

45 Nyarugusu camp has housed refugees from the Great Lakes region for decades. In 2015, Zones 1 through 7 were already occupied by Congolese refugees, many of whom had lived in Nyarugusu for more than 20 years. When the first Burundian refugees, UNHCR had not anticipated the influx and therefore scrambled to create an extended area of camp to accommodate the new arrivals. They called the area the “Zone 8 extension,” and the naming convention continued from there.

46 Over the course of my fieldwork, Zone 12 was under construction. Additionally, at the peak of the crisis, thousands of refugees were housed in mass shelters for a few months before being placed in tents in the residential zones.

47 Sarah Khan assisted in devising the cluster sampling protocol.
interviews at other sites around the refugee camp, including restaurants, hair salons, tailor shops, and NGO outposts, among others.

In Ilagala village in Tanzania, I used snowball sampling exclusively as I did not want to draw attention to myself by walking all day throughout the village. I began with an initial informant who was known to help Burundian migrants living in the area. This individual then referred me to other Burundians living in the area and so on.

4.6 Semi-Structured Interviews and Mapmaking Exercises
The majority of data for this project was gathered through semi-structured interviews with non-elite Burundian villagers in Burundi and Burundian refugees or irregular migrants in Tanzania. I used these interviews to evaluate my argument’s hypothesis – that new social divisions emerged in Burundi based on where individuals were during the war – against alternative arguments. The semi-structured interviews are especially useful towards this goal, as they allowed me to inquire about important nuances in how individuals understand their position in society as compared to others, while also remaining on topic and allowing me to ask all necessary questions and follow ups.48

To avoid confirmation and social desirability bias, I tried as much as possible to avoid priming interviewees to my interest in migration as a local cleavage. Instead, I began with very open ended questions about what individuals saw as the primary issues in their community at that time, and who were the different groups that were represented in their community. In the following sections of the interview, I would ask questions intended to capture an individual’s experience of migration (or staying).

In some interviews, I also used a mapmaking exercise to better understand how Burundians saw the structure of their community over time. For this method, I worked with small groups of informants and asked them to draw maps of what their community looked like before and after the civil war. As they were creating the maps, I would ask them to describe what they were drawing and would ask additional questions like, “who were the primary groups that made up the community at this time?” I took notes on the conversation as informants decided what to include on the map, and also retained the map itself. This technique allowed me to ask informants about the primary cleavages in their community and the issues their community faced, therefore allowing informants to drive the conversation. Moreover, it provided another opportunity for individuals to emphasize what they saw

as the important differences in their community before and after the war, which may not have anything to do with social divisions at all – like environmental degradation, development of roads, etc.

4.7 Positionality

In any ethnographic study the positionality of the researcher must be considered when interpreting the data collected. Positionality refers to a researcher’s own role in the field site, how they came to be in that role, and how their own demographic characteristics and cultural background may influence what individuals communicate, prioritize, or omit when being interviewed or observed.\textsuperscript{49} While positionality may alter what informants say to researchers, analyzing these dynamics can provide important meta-data on the power dynamics and social structures influencing interviewees.\textsuperscript{50}

The primary aspects of my positionality as a researcher among Burundian civilians, refugees and illegal migrants include (1) that I am a young, white, American, female, researcher with relatively more wealth and access to power than the interviewees; (2) that on occasion I traveled in NGO vehicles or held meetings at NGO offices; and (3) that I conducted interviews through interpreters with their own histories, ethnicities, genders, etc. I discuss each of these factors in turn below.

In my previous experience conducting research in East Africa, I have found that being a young, white, female, American in traditionally patriarchal societies with strong reverence for the wisdom of elders influences both my access to informants and the ways in which informants relate to me. First, power-asymmetries often allow Western researchers to access informants and data in developing or conflict-affected environments that they may not have the same priority accessing elsewhere.\textsuperscript{51} For

\textsuperscript{49} For a short overview on positionality in writing and evaluating ethnographic researcher see (Yanow 2009)

\textsuperscript{50} Fujii 2015; Allina-Pisano 2009

\textsuperscript{51} Cronin-Furman and Lake 2018; Wood 2006.

For an overview on the literature on the ethics of research in conflict zones see Campbell 2010. This power asymmetry favoring Western researchers is not always applicable. Malejacq and Mukhopadhyay note, “Like any other outsider, a
example, in Burundi as I was able to jump the queue in front of many Burundians to get a meeting at the Office of the Governor of Makamba. In addition, as a woman (of relatively small physical stature) who appears young, I am generally not perceived as particularly knowledgeable or threatening. While some male researchers might be perceived as threatening, and struggle to get access to female informants, I have an easier time interviewing both men and women. I can also use the perception of youth and naiveté to my advantage, as individuals (especially men) are eager to explain to me the things I do not know. This is particularly advantageous in moving away from a semi-structured interview with pre-established questions to allowing the interviewee to drive the topic of the conversation, and provides additional data about what the interviewee believes is important for me to learn.

Adopting a particular demeanor to enable the interviewing process is not uncommon, though it is often described in different ways. One way it is frequently described is developing a “rapport” with different informants. Lee Ann Fujii (2018) presents a different way to think about it. Fujii describes how skills she acquired as a former acting teacher were integral to her ability to conduct interviews as an ethnographer, noting that teaching acting “required me to set a comfortable tone with people I did not know so that they might open up. It also required quickly identifying those areas where students felt more comfortable and those where they felt more vulnerable, and to use that knowledge to encourage rather than embarrass them. We each had our own reasons for being there, but our success at achieving our respective goals hinged on establishing a good working relationship—one that facilitated the work of the class.”52 This is a useful analogy to describe my own, somewhat accidental, approach to positionality and persona in interaction with informants. My “field persona”

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52 Fujii 2018, xiii.
was a demeanor which I intuitively adapted in different situations (with varying degrees of success) to meet the goals Fujii outlines above - creating a comfortable and productive space to facilitate a conversation, identifying what interviewees might want to gain and why they were in the room with me, and using that information to conduct a more effective interview.

While my own demographic characteristics afforded a number of advantages in accessing information, they also presented a number of obstacles during this project. The primary issue was that as a young, white, American woman most interviewees presumed that I was a staff member of an international NGO. This is a common issue: Elisabeth Wood has described how villagers in Guatemala assumed she was a missionary,53 and Milli Lake has described how in Democratic Republic of Congo many people expressed hope that they would receive aid after sharing their stories with researchers.54 I have found that regardless of what I do, it is nearly impossible to avoid the initial assumption that I am an aid worker when I am conducting research in environments saturated by international humanitarian programs.

While traveling in an NGO vehicle could certainly exacerbate this issue, I took a number of precautions to combat this perception. First, I limited my use of NGO vehicles as much as possible. In Burundi in 2014 and 2015 I was able to hire my own driver most days. My travel to Ilagala village in Tanzania was also arranged with private transportation. However, NGO vehicles were my primary mode of travel from my residence in Kasulu, Tanzania to the refugee camps. I needed to arrange to get to the camp every morning, and renting cars is extremely costly in humanitarian-saturated environments where roads are in poor shape and SUVs that can traverse the mud and rocky terrain are in high demand. Car rentals ran around $100USD per day, plus fees for the driver. When the UN

53 Wood 2006.
54 Cronin-Furman and Lake 2018; Lake 2018.
is in town it is a seller’s market as plenty of NGOs and international agencies are willing to pay the daily rate in full to compensate for their own scarce resources. As a result, few car owners were willing to provide a student with a discounted rate. Because I needed stay in-country for an extended period of time, I needed to limit my use of daily car rentals. On days when I did hire my own car, the Tanzanian soldiers manning the entrance told me that I could not enter the camp (despite having camp entrance permits) unless my vehicle had an NGO logo on it, as non-NGO affiliated vehicles did not frequently seek to enter the camp. Therefore, even if I paid the money to rent a vehicle to avoid being associated with an NGO, I was required to publicly display an affiliation with an NGO on my vehicle.

So, instead of insisting on renting my own vehicle, I took a number of steps to combat the impression that I was an NGO aid worker once I was in camp. I had developed a good relationship with the IRC in Burundi and Tanzania, and therefore was able to ride with IRC staff to camp every day. I would have the IRC driver drop me off on the main road on the way in, and then proceed walking around the zones in the camp on foot. An IRC vehicle would then pick me up on the main road at the end of the day on the way out of the camp. Remarkably, very few NGO personnel walked daily around the zones of the refugee camp, instead always traveling by vehicle.55 NGO personnel in camp also wear logo-branded t-shirts, vests, and/or ID badges when interacting with refugee clients, both as a way of identifying themselves as aid workers and advertising their organizations’ services to the refugees. To separate myself, I never wore clothing to suggest I was associated with a NGO.

Most importantly, in my informed consent introduction to interviewees I repeatedly emphasized that I was not with an NGO, not with a government agency, and was simply a student-researcher looking to learn more about their experiences. I then emphasized that in agreeing to speak

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55 On the practice of NGO staff travelling by white land rover see Smirl 2015; Autesserre 2014.
with me, I could not offer them aid or help them gain aid from international organizations that were in the area.\textsuperscript{56} I repeated that the most I could offer was that their stories would be included in my report, which may one day in the future help other refugees, but would not provide them with any direct benefit. Like in the Burundian villages, many interviewees expressed that very few people like me sat with them and asked them to share their stories, so they wanted to take the opportunity to speak with me even if it would not help them get aid. Still, at the end of interviews people often asked if I could help them get more food or other support from aid organizations. When this happened, I reiterated what my role was as a researcher, and that I was not an NGO staff member. Often people indicated that they understood this, but also stated that I might be able to ask the NGOs to direct aid in certain ways. I would respond by repeating again that I could not help them directly access aid, though, interestingly, informants’ insistence that I could help them access aid was actually demonstrative of an astute understanding of the power dynamics between the interviewer and informant in this situation: Even if I was not an aid worker, international NGOs were more likely to listen to my assessments about the situation, as a white, American, researcher, as opposed to the pleas of local villagers. Moreover, my network of colleagues in NGOs provided insider knowledge on which organizations were conducting which programs.\textsuperscript{57}

Given these practices, walking around villages and the refugee camp rather than traveling by car, never wearing NGO logos, and repeatedly differentiating myself from NGOs and government agencies in the informed consent process, I was able to put some distance between myself and the IRC. However, despite my best efforts it was often nearly impossible to shake interviewees’ initial

\textsuperscript{56} If respondents in the refugee camp indicated they were facing a particular issue – health, trauma, etc. – I tried to refer them to the NGO in camp which provided the appropriate care.

\textsuperscript{57} On rare occasions, when I was particularly struck by the plight of certain repeat informants, I would try to directly help the informant access care. For example, I would go with them to the UN Protection office and use my implicit status as an international researcher to facilitate a meeting with the protection officers.
assumption that I was a humanitarian worker, if only because the vast majority of people who looked like me in their communities were NGO workers. Therefore, I am conscious that in my interviews participants may have framed their stories to better elicit aid. For example, they may have exaggerated hardships or tried to figure out if there was something I wanted them to say in order to receive aid. As such, I approached narratives that exclusively placed interviewees and their families in the role of victim (for example within the context of a land conflict where they may also have been perpetrators of violence) with a measure of additional caution.

However, even if I were not associated with an NGO, individuals are unlikely to be forthcoming with their own culpability in violence and had a variety incentives to paint themselves in a more flattering light. In this case, what was most important for my research was not culpability in violence or victimhood, but in how interviewees framed the competing sides – did they say they were attacked by other Hutus, by Tutsi, or did they frame the conflict as between returnees and stayees. Therefore, even biased information meant to elicit my sympathy or establish interviewees’ deservedness of humanitarian support could still provide the information on community structures and meaning-making processes that I was interested in. I then triangulated narratives about the level of violence, who the violence was targeted against, and why, against the other hundreds of interviewees’ stories as well as reports from civil society and NGO staff and other experts to obtain a more concrete understanding of the common dynamics of the violence.

The biggest issue I faced because of my appearance and practice of asking questions about individuals’ migration history was the possibility of rumors spreading that I was secretly conducting interviews for a resettlement program to the United States. I had not anticipated this issue before working on the Tanzanian side of the border. However, in Nyarugusu and Ilagala I encountered the shadow of a previous American intervention among Burundian refugees in Tanzanian refugee camps. During the process closing of the Tanzanian refugee camps in the mid to late-2000s the United States
was one of the few countries offering resettlement to Burundians. Tales abounded of the U.S. State Department interview process in camp, where individuals were asked in great detail about their reasons for fleeing to evaluate whether they should be prioritized for asylum. This process coincided with a parallel endeavor sponsored by UNHCR and other international and Tanzanian agencies to evaluate all of the 1993-cohort of Burundian refugees’ individual asylum cases to decide whether they could stay in Tanzania when the refugee camps closed. Those who could establish that they feared persecution if they returned to Burundi (according to specific international standards) were to stay in Tanzania, or potentially win one of the few resettlement spots, while others were sent back to Burundi. Consequently, the presence of white woman conducting interviews about “why people fled” could seem like a secret advance-interview for asylum.

This was not particularly an issue in Nyarugusu camp. There, I could control any rumors about who I was because I had more time to develop a rapport with the population and establish both my credibility as an independent researcher and my lack of power as compared to UN and NGO staff. My interpreter, who lived in the camp, was able to advise me if rumors about my presence were an issue, and would occasionally note in an individual interview if he felt the respondent was unconvinced of my role as a researcher rather than asylum interviewer or NGO staff member. At the time I was in camp, Burundians seeking to establish their refugee status were better off emphasizing that they fled the current Burundian regime because they were a member of an opposition political party or because of their ethnicity, as these were the primary reasons why Burundians refugees received *prima facie* refugee status. If the UN or Tanzanian government got word that many of the Burundians were fleeing for other personal or economic reasons, they could revoke the group status. At the same time, my interpreter noted that refugees understood from the prior experience in camp that they needed to establish individualized fears as well, otherwise they could be sent back whenever the Tanzanian government wanted to kick them out. I therefore analyze refugees’ narratives with consideration to
how they may or may not have thought to frame their answers to be most advantageous to future asylum claims. Though, because there were competing incentives on how to frame that claim, I do not believe there is a clear bias in favor of a single narrative.

The one time when this rumor became a more significant issue was in the Ilagala village field site in Tanzania. In this case, I was interviewing Burundians who were living as irregular migrants integrated into Tanzanian villages rather than living in refugee camps. Some of these individuals had ID cards from the IOM that allowed them to legally reside in Tanzania on a temporary basis. However, the IOM cards were not always recognized by officials, and discrimination and harassment against Burundian migrants in Tanzanian towns was common. My approach was designed to avoid drawing attention to individuals who were living only quasi-legally in the community, as well as combat the usual misconceptions that I was an aid worker. However, neither I nor my interpreter had as much of a rapport in this village as we did in the camp to assess and combat rumors that the interviews were part of a refugee resettlement process. After several visits, I began to feel uncomfortable with the thought that people might be more willing to take on the risk of speaking with me if they thought I might be able to offer them help in gaining asylum in the U.S.\textsuperscript{58} I eventually decided that the potential benefits from data collection were outweighed by the potential costs to prospective informants in the village, and I stopped conducting interviews in the area.

Finally, as mentioned above, my position as an American researcher in Burundi changed after the outbreak of conflict in 2015, as the American government was quite vocal in their disapproval of the Burundian government’s repressive tactics. I worried that Burundians who were seen associating with an American might be harassed, or that Burundian authorities might think I was a researcher for Human Rights Watch, Amnesty International, or a similar organization which reports on human rights

\textsuperscript{58} There was no similar risk in the refugee camp as camp residents were protected by their refugee or asylum seeker status and were abiding by the Tanzanian government’s encampment policy.
violations. This might have endangered both my interviewees’ security as well as my own. I therefore took a number of precautions to prevent civilian interviewees from being seen talking with a white woman (as described above). However, when interviewing government or civil society officials in Makamba town, I went with my interpreter to these individuals’ offices.

On one occasion, I went with my interpreter to interview a government official and as we were leaving, the official and my interpreter had a short conversation in which the official made a sarcastic joke that my interpreter should find a way to go back to America with me, implying that he was not safe if he stayed in Burundi. I learned shortly thereafter that the interpreter working with me that day was also a member of one of the local chapters of an opposition political party. I worried that his presence in that interview, in which we could have been seen as questioning the legitimacy of the government’s activities, would endanger him. I was also particularly uncomfortable that I had not known about my interpreter’s political affiliation. My interpreter said that he did not feel threatened by the comment, which was a joke, and that these officials knew him anyway because of his role in the opposition party – not because of his work for me. Instead, his priority was to make money so that he could afford to leave the country with his family; his work for me was one of the ways he could make additional money. He therefore wanted to continue the work. This presented an ethical dilemma of whether to prioritize my own updated assessment of the potential dangers facing any interpreter I might use, which may or may not have been accurate given my position as an outsider, or prioritize my interpreter’s assessment of the potential costs and benefits of continuing to work with me. I decided that I was uncomfortable inserting myself into that complex power dynamic and that the best solution was to refrain from conducting further research in Burundi at that time. As a result, I have less data on the question of who stayed in Burundi after the 2015 crisis.
5. Conclusion

In this chapter I have laid out my argument explaining the process through which return migration creates new sources of conflict after civil war. I argue that the process of forced displacement and return generate a common set of situational group identity categories in post-conflict societies – those who stayed and those who left and returned. Rivalry between these groups is more likely to play a central role in community life, or turn violent, when institutions intentionally or unintentionally discriminate between returnees and non-migrants. For example, language laws that provide returnees with an advantage on the job market, land regulations that prevent people who have been gone from reclaiming their property, or narratives that deride the patriotism of people who fled, reify migration cleavages, and can foster hostility between returnees and stayees. Competition along this migration-cleavage is especially high stakes considering that displacement can create a situation where each side has a different perception of an idealized status quo: returnees may think that land, status, and power they had in-country prior to the war is the rightful state of affairs, while stayees now occupying those positions believe by the very virtue of their staying that they rightfully belong to them. Thus, both sides may engage in riskier behavior to guard against losses from this what they see as the rightful status quo.

I then described the ethnographic methodological approaches I used to explore whether the dynamics outlined in my argument were present in Burundi after hundreds of thousands of Burundian refugees living in Tanzania returned to their country-of-origin following the 1993-2003 civil war. The primary goal of data collection was to gather narratives that could establish if new divisions emerged after refugees returned to Burundi based on where individuals lived during the war or not, and if so, whether interaction with local institutions was implicated in the making these new divisions more salient or fomenting violence across the migration cleavage.
In the following three chapters I present the empirical results. In chapter three I explore how return migration in Burundi created new local identity cleavages between returnees and non-migrants. In chapter four I examine the role of institutions in the creation of these divisions, and in exacerbating violent competition over land between returnees and stayees. Finally, in chapter five I evaluate if experiences of return migration affected whether individuals chose to flee again when faced with the prospect of potential renewed civil war in 2015.
CHAPTER THREE

THE MAKING OF BURUNDI’S RAPATRIÉS AND RÉSIDENTS

“Yes, he’s proud to be [a] repatriate. Even, residents, [they] are proud. They failed to find someone to sensitize them that they are all Burundian.”

1. Introduction

Like Rwanda, its neighbor to the north, Burundi is a small, verdant country in central Africa with rolling hills of farmland reflecting its deep agricultural traditions. Also like Rwanda, Burundi’s recent history has been marred by violent conflict. The terms Hutu and Tutsi became synonymous with ethnic conflict in Western media after the Rwandan genocide in the 1994. Burundi has a similar ethnic composition, and suffered its own ethnically-charged genocide in 1972 (in this case against the Hutu majority) and subsequent civil war in the 1990s. However, the two countries had notably different ways of dealing with their ethnic divisions after war. Where Rwanda essentially banned the use of ethnic categories, Burundi addressed the ethnic question head on.

The agreement that heralded the beginning of the end of Burundi’s civil war, the Arusha Peace Accords, outlined a set of power sharing arrangements to ensure cross-ethnic representation across the government, army, and political parties. The international community soon lauded Burundi as an exemplar of peacebuilding success. In just a decade, ethnic polarization had waned and rebel groups transitioned into ideological political parties competing through (somewhat) peaceful elections. However, calling Burundi a posterchild for peacebuilding was both an oversimplification and premature. While ethnically motivated competition was certainly less heated, peacetime in Burundi was hardly without violence. From the end of Burundi’s civil war to April 2015, in addition to sporadic conflict between ruling party and opposition party supporters at the national level, there was also

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1 Author Interview, Burundi 02/19/2015.

2 Curtis 2013.
widespread local-level violence – not between Hutus and Tutsis, but between people who stayed in the country during the war, and those who fled and then returned.

In fact, after the civil war, many observers – including the architects of the peace agreement – identified refugee return as a potential source of instability going into the transition.\(^3\) What they worried about most was that refugees’ desire to reclaim land they or their families had left behind in 1972 would reignite ethnic tensions in the short term. Indeed, the initial return of refugees in the early to mid 2000s brought tense competition as both Burundians returning from abroad and those who stayed in-country frequently claimed the same land, and others struggled to reclaim land from the state. However, while the return of refugees did bring both non-violent and violent land conflict, the astonishing move away from ethnically charged politics at the national level assuaged the fear that return migration would recreate ethnic divisions in the immediate aftermath of war. A decade later, when I arrived in Bujumbura in 2014, many people told me that while the issue of returnees had been a problem when people were first coming back, it was much calmer now. Most people had been back for several years, so while there remained some individuals who still had unresolved land conflicts, by and large communities were no longer hampered by conflict between “repatriates” and “residents.”

The primary issues in Burundi, most analysts claimed, were about political parties and the upcoming 2015 elections.

Yet, sitting down with a villager who had returned to Burundi in 2008 – seven years prior – it seemed that there were still lasting scars from the return process. He explained, “Even when the authorities are giving speeches, they say, ‘Don’t call them ‘residents’ and ‘repatriates.’” But it’s not easy for them to stop calling us ‘repatriates.’”\(^4\) He had lived in Tanzania since the 1972 genocide but

\(^3\) International Crisis Group 2003.

\(^4\) Author Interview, Burundi 02/19/2015.
returned to Burundi “because it was home.”

However, after returning with his family, life was very difficult. He was able to get back some, but not all, of his familial land. His son found life so hard that he had gone back to Tanzania. One of his grandchildren had returned as well, after their family was unable to pay for her to continue her studies on “this side.”

It was not only those returning from having lived in Tanzania since the 1972 crisis who still saw their community as divided between those who stayed and those who returned. Similar problems were still present with those who had been gone “only” since the mid to late 1990s. In another village, I met two young men who had fled Burundi for Tanzania in 1997, and returned 10 years later in 2007. Farm tools in hand, they explained to me as we walked down a dirt road in the village that, “Us who fled after the seventy-twos, it’s like we’re not citizens.” And despite the fact that some refugees had learned various trades in the refugee camps in Tanzania, eight years after returning to Burundi they had not found jobs. Instead they were still trying to farm what little land they had. Even for those who had stayed in Burundi, the animosity toward returnees was clearly still on the surface. Many of those who stayed in-country expressed that returnees would receive special attention or representation and that the government and international community only cared about the returnees.

This chapter explores the production of these new returnee and stayee identity categories in Burundi. I argue that one of the consequences of mass displacement and return was the creation of new social cleavages in local communities based on where individuals lived during the war. The existence of these divisions was evident in the widespread use of different labels to distinguish “les résidents” from “les rapatriés”; in the development of stereotypes or narratives about how returnees or non-migrants behaved; and the perception of discrimination based on migration history. The résident-

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5 Author Interview, Burundi 02/19/2015.

6 Author Interview, Burundi 02/19/2015.


repatrié divisions were particularly sticky in communities that had received greater numbers of returnees, and frequently led to violence when returnees and non-migrants both claimed rights to the same piece of land. These new identities did not erase the ethnic cleavages of the past, nor did they simply exacerbate ethnic tensions. Rather, these displacement-charged identities layered on top of, or worked in alliance with, pre-existing ethnic and class divisions. The result was the creation of a new landscape of social and political divisions and alliances during ‘peacetime.’ These divisions and alliances sat at the heart of violent land conflict, pervasive across Burundi’s countryside. Rather than focusing on ethnic violence alone as the source of identity politics, these findings demonstrate that the construction of situational identities, like those resulting from displacement, after civil war can be just as relevant. Moreover, the findings in this and the following chapter suggest that repatriation may not be the easiest, or most desirable, solution to mass displacement crises. Refugee return can solve some problems, but it can also create others.

Several other studies have examined the impact of return migration in Burundi. Predominantly, these studies have focused on evaluating the successes and failures of various international humanitarian, development, and peacebuilding programs to reintegrate returning refugees and mitigate land conflict between those returning and those who stayed in-country during Burundi’s civil war. Others have analyzed the political, and potentially violent, consequences of displacement, repatriation, and land competition, examined issues of legal reform and land restitution and transitional justice, and interrogated the connections between return migration, land conflict and

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long term development.\textsuperscript{10} In a more recent study, Van Leeuwan and Van der Haar use the Burundian case as an example to develop their theory of a land-conflict nexus.\textsuperscript{11}

This chapter builds on these studies by widening the lens of inquiry to look beyond land conflict exclusively and examine how processes of return migration can change social cleavages and group identification. Land conflict is one way in which these identity divisions are activated, but there are many others. This approach therefore allows me to examine the spectrum of issues that emerge after return migration from a framework of identity politics. As explained in the previous chapter, the literature examining identity conflict and violence tends to focus on the exceptionality of ethnic identity, overlooking other politically relevant identities. While the salience of these identities may be situationally dependent, or fade over time, examining the impact of return migration nearly a decade after the population movement was largely complete allows me a vantage point to assess the stickiness and relevance of these situational identities over time.

Finally, rather than simply recreating ethnic divisions, I demonstrate how return migration can change conflict dynamics in post-war societies, often through new alliances building on local and national cleavages. In this chapter, I demonstrate that migration related divisions in Burundi were not simply re-creations of ethnic divisions, but actually cut across ethnic divisions, frequently pitting members of the same family against each other.

The rest of the chapter proceeds as follows: In section two, I provide a brief overview of the conflict in Burundi and concurrent cycles of migration. In section three, I document the creation of new social identities related to migration in Burundi, arguing that three identity categories emerged:

\textsuperscript{10} Fransen 2017.

\textsuperscript{11} Van Leeuwen and Van der Haar 2016.
the 1993-returnees, the 1972-returnees, and those who stayed in Burundi during the war. In section four, I describe how these new identity divisions were implicated in widespread local-level violence.

2. Cycles of Migration: A Brief History of Conflict, Forced Migration, and Land in Burundi

While there have been many cycles of migration in Burundi since independence in 1962, I focus on three primary outward movements and two related return movements between Burundi and Tanzania:\textsuperscript{12}

1. Out migration from Burundi to Tanzania after the 1972 genocide;
2. A relatively small return movement of Burundian refugees in Tanzania to Burundi in the early 1990s;
3. Out migration starting in 1993 from Burundi to Tanzania at the start of Burundi’s civil war;
4. Significant return migration from Tanzania to Burundi between 2000 and 2012; and
5. Out migration from Burundi to Tanzania with the outbreak of violence in Burundi in 2015.

It should be noted, that while I focus on migration between Burundi and Tanzania, population movement in Burundi is also entangled in broader regional dynamics; in each of instances of migration cited above, Burundian refugees also fled to and returned from other countries in the region, namely Rwanda and the DRC. The choice of where to flee was often reflective of both proximity (the closest border) as well as ethnicity, with Hutu more likely to go to Tanzania and Tutsi more likely to go to Rwanda. However, for the purposes of this study I focus on the experiences of migration between

\textsuperscript{12} Migration in and out of Burundi has also been a part of broader regional political dynamics. For example, the process of ethnic polarization in Burundi that preceded the 1972 genocide can be traced in part to the Hutu revolution in Rwanda (1959-1961) and subsequent migration of Tutsi civilians to Burundi. See Lemarchand 1999, 143.
Burundi and Tanzania, as Tanzania has been the country hosting the majority of Burundian refugees since 1972.

Figure 3.1 below places the primary out- and return migration movements between Burundi and Tanzania on a timeline of major political events in Burundi. Each of the migration movements will be discussed in turn below.

**Figure 3.1 – Timeline of Migration between Burundi & Tanzania**

- **Out Migration**: 1972 Genocide
- **Out Migration**: 1993 Start of Civil War
- **Out Migration**: Approx. End of Civil War
- **Out Migration**: 2015 Third Mandate Crisis

**2.1 Out-Migration: The 1972 Genocide**

Violence in Burundi in the late twentieth century has followed a clear pattern: a small revolt against one group (ethnic, political party, etc.) is met with mass repression by the government against civilians on an exponentially greater scale. This was exactly what happened in 1972 when a Hutu-led rebellion led to the massacre of several thousand Tutsis in southern Burundi. The government responded in what has been called a “selective genocide” by orchestrating the killing of 200,000-300,000 elite Hutu 13

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13 Lemarchand 2009, 129.
civilians. The genocide led to the first wave of mass-out migration from Burundi, with at least 217,000 primarily Hutu Burundians crossing the border to seek refuge in Tanzania. Tanzania welcomed these refugees under then-Tanzanian President Julius Nyerere’s “Open Door” policy, which welcomed refugees from neighboring post-colonial conflicts based on an ideological commitment to pan-Africanism, as well the prospect of attracting resources from the international community. Policymakers referred to this group as “the 1972 caseload” and the refugee camps that housed this population as the “Old Settlements.” These settlements in western Tanzania were set up on three sites (Mishamo, Katumba and Uyankulu) and functioned more like rural villages than refugee camps; refugees were granted land on which they could both live and farm, with some flexibility of movement outside the settlements. While the international community initially ran these camps, by the mid 1980s, UNHCR no longer was no longer responsible for the Old Settlements.

2.2 The In-Between Years (1972-1993) & Preliminary Return

While there was little return migration in the fifteen years following the 1972 genocide, several important events took place between 1972 and the start of Burundi’s civil war in 1993. These include increased ethnic polarization, rebel group formation, land occupation, and preliminary return migration in the early 1990s.

Ethnic Polarization: Following the events in 1972, ethnic relations worsened in Burundi. The three subsequent government administrations were all led by Tutsi presidents – Micombero,  

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14 UNHCR 2009b, 2. This does not include urban refugees. For discussion of urban refugees in Tanzania see Sommers 2001.

15 Kuch 2016.

16 Kuch 2016.

17 Kuch 2016.
Bagaza, and Buyoya – while the majority Hutu population balked at what they saw as increasingly discriminatory policies. The ethnic polarization came to a head again in 1988, when a revolt of Hutu peasants against Tutsi in northern Burundi was met with massive government repression resulting in an estimated 15,000 casualties.\(^{18}\)

**Rebel Group Formation:** Meanwhile, in Tanzania the genocide and subsequent ethnic polarization had become a rallying point for Hutu nationalism abroad.\(^{19}\) The Hutu nationalist parties which would become major players in Burundi’s subsequent civil war began as movements among Burundian refugees and exiles in Tanzania. This included the Party for the Liberation of the Hutu People, known by their French acronym, PALIPEHUTU and PALIPEHUTU’s armed wing, the National Forced of Liberation (FNL) (which later formed its own rebel group, the PALIPEHUTU-FNL). These groups advocated for the armed overthrow of the Tutsi dominated Burundian government and began launching cross border attacks against the government in Burundi starting in the 1980s.\(^{20}\)

**Land occupation:** Between 1972 and 1993 (and again between 1993 and the end of the Burundian civil war in 2003) civilians and government agents who remained in-country legally and illegally occupied land left behind by Burundians in exile. In some cases, individuals expanded the borders of their land into neighbors’ property. In other cases, the government encouraged citizens in other provinces to settle on the vacant land. In addition, the Burundian government, under several different presidential administrations, appropriated large plots of particularly fertile land in southern

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\(^{18}\) Lemarchand 1996, 126. The 1988 violence sent approximately 50,000 Burundian Hutu peasants to Rwanda – the closest neighboring country from the center of the violence. The vast majority of the displaced returned shortly thereafter. Lemarchand 1996.

\(^{19}\) On Hutu nationalism among Burundian refugees in Tanzania see Malkki 1995.

\(^{20}\) Other scholars have studied the formation of rebel groups among refugee populations in Burundi and elsewhere at length. See for example Lischer 2005; Nindorera 2010.
Burundi left behind by Hutu refugees under the auspices of various development projects. These lands were frequently sub-divided and distributed to settlers from the northern provinces of the country whom the government encouraged to relocate.\textsuperscript{21} While those who stayed in-country were predominantly Tutsi, and some of these plots stayed in the new Tutsi occupants’ family lines, in many cases land was later sold to new owners of different ethnicities.\textsuperscript{22} Thus, land left behind by primarily Hutu refugees was occupied by individuals of all ethnicities as well as the government agents.

\textit{Preliminary Return in the early 1990s:} After the 1988 violence, President Buyoya announced a new policy of “national reconciliation” and instituted a number of reforms to ease ethnic polarization. Subsequent to these reforms, in 1991 Burundi, Tanzania, and UNHCR signed a tripartite agreement to allow for the return of refugees to Burundi.\textsuperscript{23} Refugees were offered the option to voluntarily repatriate or to naturalize as Tanzanian citizens. Advocating for the voluntary return of refugees was politically advantageous for Buyoya even if the country was not adequately prepared to deal with the return: It provided further legitimacy for his national reconciliation agenda, while also allowing him to prevent further rebel organization in the Tanzanian camps.\textsuperscript{24}

While some refugees returned voluntarily, the majority chose to stay in Tanzania. Still, in Burundi there were already worries that return migration could disrupt the nascent ethnic reconciliation process. In particular, the government worried that the emerging militant Hutu rebel groups operating in Tanzania would use the cover of returning refugees to ‘infiltrate’ the country and

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\textsuperscript{21}Ndayirukiye and Takeuchi 2014, 115–16.
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Many of the interviewees who participated in this study believed these settlers were largely Tutsi who remained in-country during the war.

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\textsuperscript{22} Lemarchand 2009.
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\textsuperscript{24} Lemarchand 1996, 173.
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carry out attacks. In fact, these *infiltrés* were blamed for inciting a 1991 attack against Tutsi targets in Burundi, which led to subsequent government repression against Hutu civilians.²⁵

Buyoya’s reform movement culminated in Burundi’s first multi-party national elections in 1993. The elections pitted the incumbent President Buyoya, representing the primarily Tutsi Union for National Progress (UPRONA) party, against Melchior Ndadaye of the (primarily Hutu) leading opposition party, the Front for Democracy in Burundi (FRODEBU) party. Ndadaye won in a landslide and became the first Hutu president of Burundi.²⁶

With a newly installed Hutu president, tens of thousands of Burundian refugees in Tanzania spontaneously returned to Burundi. However, the new administration struggled with the problem of restoring land to returning owners and the subsequent evictions of (primarily) Tutsi occupants who also had legitimate legal claims. UPRONA leaders – having lost the election – took advantage of the situation and supported Tutsi families who had lost, or were facing the potential loss of their land, in protesting against the government. These protests contributed to a rapidly destabilizing situation, which would culminate in the assassination of President Ndadaye.²⁷

**2.3 Out-Migration: Civil War in the 1990s**

Only three months after he was elected, President Ndadaye was assassinated by members of the Burundian army (known as the Burundian Armed Forces (FAB)). His assassination and the violence that followed forced many FRODEBU politicians to flee the country. In exile, these leaders founded the National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD-

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²⁵ Lemarchand 1996.

²⁶ It is important to note that while Ndadaye and FRODEBU represented the Hutu majority, the party advocated for a multi-ethnic representative government, and President Ndadaye attempted to appoint a number of Tutsi representatives in his new government.

²⁷ Lemarchand 1996.
FDD) rebel group. Burundi was thus drawn into a decade of civil war pitting the CNDD-FDD and other rebel factions, like PALIPEHUTU-FNL, against the Burundian government and FAB.

President Melchior Ndadaye’s assassination, and the subsequent civil war, led to the second major out migration from Burundi to Tanzania. Again, hundreds of thousands of Burundians took up residence in Tanzanian refugee camps and villages – the so called ‘the 1993 caseload’. Some had only spent a handful of years back in Burundi, having fled for the first time in 1972. Exact data on how many Burundians fled in this period (as opposed to 1972), where they fled, and if they had previously returned, do not exist. However, the refugee camp population reached its peak in 2000, with 570,000 registered refugees in Tanzania. Estimates suggest that another 300,000 Burundian refugees were living illegally in the Tanzanian countryside and urban centers.

Refugees from the 1993 exodus were housed in different camps than those who had remained in Tanzania since 1972. These camps, including Mtabila, Nduta and Mtendeli, were commonly called the “New Settlements.” Unlike the Old Settlements, the New Settlements operated on much stricter encampment policies, with very little freedom of movement.

In addition to international refugee flight, there was also mass internal displacement during the civil war. Whereas migrants who fled outside the country (“les dispersés”) were predominantly Hutu, the majority of civilians who left their homes but stayed in-country were Tutsi. Over the course of the war, these civilians, known as “les déplacés,” would often flee to nearby displacement camps near army

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28 Others migrated to the Democratic Republic of Congo, Rwanda and Uganda. For the purpose of this article I focus on migration to Tanzania.

29 Some estimates suggest there were 610,000 Burundian refugees in Tanzania at the height of the crisis. International Organization for Migration, Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) 2012.

bases for protection. By some accounts, the déplacés were able to exit the camps and farm during the days or tend to their property, returning to the displacement camps in the evening.³¹

There were also many Hutus peasants who remained in-country during the war. Seeking to stymie the spread of rebellion, the government forcibly displaced many of these Hulu villagers to “regroupment” camps near army bases on the pretext of providing increased safety to civilians. This group became known as the “regroupés.” During the early years of the civil war, Arnaud Royer notes that the increasingly factionalized rebel groups and political parties used the terminology delineating internal displacement from international displacement or regroupment as a dog whistle to refer to ethnicity so as to present themselves as the best defenders of each group.³²

Finally, as was the case in 1972, with the flight of hundreds of thousands of refugees, those who remained in-country frequently took over land left behind by neighbors, and the government continued to appropriate and redistribute abandoned land.

2.4 Return Migration after Civil War

On August 28, 2000, the government of Burundi and several rebel groups signed the Arusha Peace and Reconciliation Agreement for Burundi, which outlined a framework for ending the civil war. However, two major rebel groups – the CNDD-FDD and the FNL – did not sign the agreement, and despite efforts to install a transitional government, the war continued for several years. In 2003, the CNDD-FDD signed a ceasefire agreement and power-sharing with the government, starting a two-year transition period, in which the government integrated members of the various rebel factions (except the FNL) into government and army positions. I use this event as the marker of the end of

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³¹ Author Interviews.
³² Royer 2006.
the civil war as the primary rebel group had signed on to the peace agreement, and the transition period and implementation of the Arusha Accords began in earnest. In 2005 the country held national elections which brought the CNDD-FDD to power as the ruling party of Burundi. The FNL, however, remained active until 2008, when it signed its own ceasefire agreement with the CNDD-FDD led government.

Between 2002 and 2012, nearly 500,000 refugees returned to Burundi from Tanzania (in addition to approximately 8,000 returnees from Rwanda and 15,000 from DRC).33 Between 2000 and 2002, with signs that peace might be on the way, some refugees began returning voluntarily from abroad. However, with the continuation of rebel activity and uncertainty about whether the peace agreement would hold, mass return did not begin in earnest until around 2003. Return then tapered off around the elections in 2005, picking up again en masse in 2008. Makamba Province, Burundi’s southernmost district which shares a border with Tanzania, was one of the regions with the highest concentration of refugee returns.34

In 2007, Tanzania began looking into how to close down the refugee camps that housed refugees who fled in 1993. Over the next several years Burundians in the New Settlements were strongly encouraged to return to their country-of-origin. This “encouragement” reportedly included tactics like decreasing the supply of food rations and surrounding camps with soldiers to intimidate the refugees.35 Worried that they would have no land or home to which to return, tens of thousands of Burundians in these camps refused to go back to Burundi voluntarily.36 Some found ways to remain

33Fransen and Kuschminder 2012; UNHCR 2009a. 
This 500,000 includes only those documented by the UN. There was also likely a significant amount of undocumented return.

34 UNHCR 2008.

35 Amnesty International 2009; Rema Ministries 2012.

36 Author Interviews 2015-2016.
in Tanzania illegally rather than repatriate, living under the radar in small towns in the same region and farming for Tanzanian villagers. Then in 2012, in light of the alleged positive developments in Burundi, Tanzania revoked the *prima facie* refugee status awarded to the 1993-caseload Burundians, allowing only some 2,700 to remain as individual asylum seekers. The Tanzanian government, with the help of the international organizations including UNHCR and IOM, worked to return the remaining 37,000 of what had been several hundred thousand refugees residing in the New Settlements to Burundi through a course of action they termed “Orderly Repatriation.”

There has been little official documentation of the process, but both refugees and NGO staff familiar with the situation report that numerous human rights violations occurred, including burning down refugees’ residences and beating them on to buses.

While Tanzania was forcibly closing the New Settlements, the government agreed to let UNHCR propose an alternate solution for refugees in the Old Settlements, the majority of whom originally fled in 1972. Based on these refugees’ overwhelming preference to stay in Tanzania, UNHCR formulated an agreement with the Tanzanian government called the Tanzania Comprehensive Solutions Strategy (TANCOSS) under which Burundian refugees in the Old Settlements – not the New Settlements – were offered the choice to return to Burundi voluntarily or apply for Tanzanian citizenship. Providing 200,000 refugees with a choice between naturalization and repatriation was unprecedented – and a keen political move by the Tanzanian government. Not only would the money UNHCR raised to implement the TANCOSS program help promote development in the region, but Tanzania could also develop a reputation as a progressive-host country among

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37 While this report glosses over the human rights violations which occurred during this process, it provides some useful statistics on the closing of Mtabila camp and transfer of asylum seekers to Nyarugusu. International Organization for Migration, Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) 2012.

38 Author Interviews; see also Amnesty International 2009; Rema Ministries 2012.
international donors and effectively curtail the international community’s ability to chastise the country for brutal treatment of Burundian refugees in the future. In interviews I conducted between 2015 and 2017, UNHCR and IOM representatives would repeatedly bring up the Tanzanian government’s exceptional goodwill in agreeing to the naturalization program as a reason why they needed to tread lightly when criticizing the country’s strict refugee encampment policies. To date, approximately 170,000 Burundian refugees from Old Settlements have received naturalized Tanzanian citizenship, and several thousand more applications are still pending.39

Thus, by mid-2014 when I arrived in Burundi, return migration from Tanzania to Burundi had largely concluded (for lack of a better term). Early waves of returnees came from both the Old Settlements and New Settlements, but the vast majority of Burundian refugees who lived in the Old Settlements opted to seek citizenship in Tanzania through the government’s promise of naturalization. Approximately 55,000 returnees returned to Burundi from the Old Settlements,40 while the remaining 445,000 came from either the New Settlements (or received returnee status after returning from living or elsewhere in Tanzania.

Though it is only one phase of several related cycles of migration, I focus on the impact of this wave of return migration, when 500,000 Burundians living in Tanzania repatriated to Burundi between the end of the civil war in 2003 and the closure of the last of the New Settlement refugee camps, Mtabila, in December 2012.

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39 For a full discussion of the TANCOSS program see Kuch 2016. Due to recent political developments in Tanzania in 2017, the naturalization program was suspended, however the most recent estimates suggest that well over 200,000 Burundians’ gained Tanzanian citizenship before the suspension. See also Ensor, Charlie, “As risks rise in Burundi, refuge in Tanzania is no longer secure,” IRIN, Tanzania, 8 May 2018, <https://www.irinnews.org/feature/2018/05/08/risks-rise-burundi-refuge-tanzania-no-longer-secure>, accessed 15 May 2018.

2.5 Out-Migration: The 2015 Third Mandate Crisis

Over the course of this project, another wave of out-migration occurred from Burundi to Tanzania during the so called 2015 “Third-Mandate Crisis.” In April 2015, when President Pierre Nkurunziza announced he would run on the CNDD-FDD ticket for a controversial third term in office, Burundi immediately descended into political crisis. As of March 2018, more than 427,959 Burundians have fled to neighboring countries, of which 251,375 are registered in refugee camps in Tanzania.41

While this chapter and chapter four focus on understanding return migration after the civil war, chapter five will examine if and how return migration between 2000 and 2015 affected this subsequent wave of out-migration in 2015.


In this section, I explore how return migration affected Burundian communities after the civil war. I find that the mass return of refugees created new group divisions in Burundi between rapatriés (returned refugees) and résidents (individuals who stayed in-country). The rapatrié category was further subdivided by era of original flight: those who fled in 1972 versus those who fled 1993. Rather than simply recreating prior patterns of conflict, these returnee-stayee divisions cut across the ethnic cleavages that dominated during the civil war. In fact, the rapatrié-résident designation frequently divided families— with one brother or uncle and their family having fled the war, and the others having stayed. While chapter four will explore the role of institutions in shaping the hierarchy and fueling conflict between these migration-based identity groups, this chapter uses ethnographic evidence to demonstrate the existence of these categories in Burundi, and to illustrate the ways in which forced

displacement and return altered social interaction and created new narratives of legitimacy, nationalism and citizenship in Burundi.

The findings in this section are drawn primarily from evidence gathered in Burundi on two separate fieldwork visits in July/August 2014 and January/February 2015. During this time, I conducted a total of 67 semi-structured interviews with Burundian citizens, civil society members, government officials, and international organization staff members. Semi-structured interviews were conducted individually or in groups ranging between 2-6 people. The modal interview size was 1 person, and average interview size was between 2 and 3 people. (In one exceptional case I conducted a focus group with 24 people). Among the villagers interviewed for whom I was able to determine their migration-group identification, there were approximately 42 returnees and 34 individuals who stayed in-country during the war. Evidence from these interviews is also triangulated with data collected over an additional 6 months of fieldwork after the renewed violence in 2015, including 181 interviews in Tanzania with Burundian refugees and irregular migrants, and 22 interviews in Burundi with villagers and civil society members.

3.1 Labeling and Attribution of Group Characteristics

In 2014, several years after the return of refugees to Burundi, villagers in Makamba province still identified groups in their community by their previous migration history. Among the evidence confirming the existence of these identity categories was the widespread use of labels and nicknames defining each group. Informants described two primary categories: First was the Abahunguste, meaning “those who came back” in Kirundi, and otherwise known by the French term les rapatriés. Second was
the Abasangwa, Kirundi for “those who were here and welcomed others”, also known as les résidents in French.42

Within the rapatrié group, there were labels that further subdivided individuals according to their era of initial flight and timing of return. People would refer to “the 1972s” as opposed to the “1993s.” In other cases they would talk about “those who came later,” meaning those who returned later in the late 2000s/early 2010s who were almost exclusively from the settlements which house 1993 era refugees, as opposed to those returnees who arrived in the early to mid 2000s. In some cases, further delineation was made by returnees’ country of asylum, whereby villagers would refer to Burundian returnees as “those from Tanzania,” “those from Congo,” and (less frequently) “those from Rwanda.”

Very frequently these terms were used without my prompting, often to describe land conflict or problems (or the absence of problems) in the community. When I did ask questions about migration, I explicitly tried not to use the language of group identity labels unless the interviewees did first, instead asking more general questions about where people lived during key events and going forward with the interview from there.

Burundians were not the only ones using these the labels of résidents and rapatrié, or 1972s and the 1993s. International actors also used the terminology of the “1972 caseload” and the “1993 caseload” as opposed to the “résidents.” However, some returnee-rights advocates refused to use the term “résidents” in the context of land conflict, calling it a misnomer that implied undue legitimacy to the occupation. Instead, they preferred the term “second occupants” to describe an individual who was found on a returnee’s land.

42 For convenience, I use the French terms throughout. However, in most interviews participants used the Kirundi terms.
International interveners treated the two “caseloads” differently, holding strongly to the narrative that the “1972 caseload” needed more assistance integrating into Burundian communities because they had been away for so long, while the “1993 caseload” did not really have a hard time coming back, as they had only been living outside Burundi for a short time (just 20 plus years!). As will be discussed in full in the following chapter, the international community’s reliance on these designations in part contributed to solidifying the return migration related divisions in Burundi. Moreover, their refusal to update the narrative that the “1993 caseload” refugees had an easy time recovering both overlooked the plight facing many returnees, and served the political interests of the ruling party, many of whom had family members who died in the 1972 genocide and/or fled at that time.

The different labels for returnees and those who stayed in-country were not simply neutral indicators delineating return migration related categories, but often carried negative connotations. In some cases pejorative nicknames emerged. For example, Burundians frequently used the term “Sabini na mbili” which is Swahili (the Tanzanian national language) to refer to “The 1972s.” In some contexts this term was used an objective descriptor, and in others it was used as a derogatory slur for any returnee, regardless of era of flight. By using Swahili, the nickname was a subtle dig at returnees for being too Tanzanian, or not truly Burundian.

Many of the 1993-rapatriés who returned later on in the transitional period (after approximately 2007) complained that others in the area called them the “UN.” This was a reference to the fact that when they returned to Burundi, many were transported on United Nations vehicles, and received UN aid upon arrival. Unlike the sabini na mbili nickname, all the respondents who mentioned the use of the UN label claimed that it was a derogatory term used to degrade returnees as not really Burundian and as in need of aid. The term was most commonly used for people who returned after the Tanzanian government began closing down the refugee camps, so there was also an implication that because they
had not chosen to return to Burundi independently, they were not strong enough supporters of the country in terms of their nationalist attachment, or the ruling party – as they had not returned in time to vote in the 2005 (and, for some, the 2010) elections.

As mentioned above, individuals might also use the terms “Tanzanian” or “Congolese” as synonymous with returnee. While not always interpreted as derogatory, non-migrants’ use of returnees’ host-country as an identifier tacitly implied that return-migrants’ belonging as citizens of Burundi was less legitimate than those who stayed behind. As one interviewee explained: “People who remain in Burundi and those from Tanzania, what changes most is that when they are together they don’t want to speak to each other, [they] want to form [their] own group. To them, people who remained in Burundi are their enemies…”

The *rapatrié-résident* groups were also thought to be distinguishable by certain key characteristics. Having lived for decades abroad, some *rapatriés* spoke only Swahili, as opposed to Kirundi, the national language of Burundi. Others spoke a mix of Kirundi and Swahili, or spoke Kirundi with an alleged Swahili accent. Some returnees also resorted to speaking Kiha, a language spoken on both sides of the Tanzania-Burundi border among the Ha people and somewhat similar to Kirundi. Therefore, most informants believed you could tell if someone was a returnee just by listening to them speak, either from their alleged Tanzanian accent, mixing of Swahili and Kirundi, or use of Kiha words instead of the proper Kirundi terms. On occasion, I would find that this assertion was wrong. Walking down through the villages my interpreter and I would often overhear conversations, and knowing that I did not have the ear to pick out Kirundi spoken in a Tanzanian accent, my interpreter would say to me “Oh, that one has an accent. They are probably a returnee.” But, he was only right some of the time, and often the alleged linguistic offender had never left Burundi. That the

43 Author interview 02/16/2015.
narrative of linguistic differences between returnees and residents was so strong, despite evidence to the contrary, demonstrates that Burundians did not just use the labels of returnee and resident as practical descriptive in the immediate aftermath of return, but that these labels were indicators of a constructed group identity, performed through perceived differences in accent, that persisted for years after.

Some interviewees also claimed that they could tell if someone was a returnee by sight – saying that returnees dressed differently than those who remained in-country. Returnee women were said to cover their hair in a different style than those in Burundi, and to carry their babies “like the Tanzanians” – wrapped in a cloth diagonally across their backs rather than horizontally as is done in the Burundi. It was also common to hear people comment that only returnee women rode bicycles, a common practice in Tanzania but something women in Burundi had not done before. Moreover, narratives emerged around individuals’ claims to national authenticity based on these characteristics. For example, as one respondent said “I thought when I came to Burundi I would face many problems due to loss of culture. We don’t speak Kirundi. They say people who don’t speak Kirundi are not Burundian. They call us not Burundian.”

Importantly, the résident-rapatrié division was not simply another way to talk about prior ethnic relations. The two categories did overlap significantly, as returnees were primarily Hutu and residents thought to be primarily Tutsi. So, in some cases individuals would use these stereotypes to invoke prior ethnic rivalries to their own advantage. However, in actuality while returnees from Tanzania were primarily Hutu, residents were Hutu, Tutsi or Twá. What made them residents was the simple fact of being in Burundi when those returning from abroad came back. In fact, the returnee-stayee divisions not only cut across ethnicity, but frequently divided families where members had lived on

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44 Author Interview 02/10/2015.
either side of the border during the war. In these cases, interviewees would frequently use the language of family (e.g. uncle, cousin, brother, etc.) mixed in with the language of return (e.g. the one who stayed, or we who repatriated). Often, when returnees described their issues they faced in Burundi after repatriation as conflict between the family, I would then ask where this family member was during the war and find out that the conflict was with a family member who had remained in-country during the war. The reverse was also true. On occasion, I would have to ask people if “those on the land” or the “one who stayed” who they were talking about were members of their family. It was only after my prompting that they referred to this person as their uncle, cousin, or in some cases brother-in-law.

Take for example Cynthia.* Cynthia fled during “Ndadye’s war” in the 1990s to Mtabila camp in Tanzania. When she returned to Burundi in 2009 she said that she had “bad security.” I asked her why she had bad security and she responded using the language of return saying, “I could go farming but later they could sit in front of me and because of aid I was given, because I was a repatriate, [they would say] if you won’t bring aid and share with us we will kill you.” I then clarified that the “they” who would sit at her house were family members – the brothers of her late husband. As she got into more detail about her story she wove a complicated tale of farmland left behind that she was using upon repatriation, but that multiple brothers-in-law who had remained in-country during the war wanted to claim. In describing this problem she proceeded to use the language of kinship, like “the family of my husband” or “the problem of family.” Later, Cynthia explained that at one point her mother tried to come help by reasoning with her bothers-in-laws. Some of her in-laws were sympathetic saying, this time with the language of migration, “she’s only a repatriate,” implying that

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* Cynthia is a pseudonym used for anonymity. Author Interview 03/22/2016.
Cynthia and her children were worse off because they were returnees. Thus the language of family and migration could be layered, entangled, or used interchangeably in accounting for the conflict.

This is not to say that ethnicity was not a relevant group division for interviewees. The majority of Burundian interviewees cited ethnicity as a primary group category in their community. But they often did so in addition to, or in interaction with, other categories like displacement-based identities or political parties. Therefore migration-related categorizations existed independent of ethnicity, though sometimes associated with, ethnic categorizations. As Leonard, a local civil society member put it, “The problem of ethnicity can accentuate the problem of returnees.” Leonard was trying to explain to me the nature of the returnee-resident relationship in Burundi as compared to Rwanda. He said, “It becomes more apparent, hard[er], when refugees have the power. They are the ones that are leading the country.” When I asked him why those political parties would have incentive to meddle in the returnee-resident divide, he responded, point blank, without hesitation: “Votes.” He went on to explain that in the past it was perceived that Tutsis took land from Hutu refugees. So, if you were pro-residents it was like a way to mobilize the Tutsi votes for your party, and vice-versa for those who were pro-returnee. “In reality,” Leonard said, “this is not the case that Hutu lost land to Tutsi. It's the politically weak who lost to the politically powerful.”

In other instances, people were very clear that ethnic groups were still relevant identity categories in society, but that there was no longer discord between ethnic groups; the problems were between returnees and residents, independent of ethnicity. One interviewee explained to me how in church or in the market he would see different groups, “here there is a group of repatriates and here a group of residents.” I tried to push him to clarify if was just another way to refer to ethnic divisions

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* Leonard is a pseudonym used for anonymity.

45 Quotes from Author Interview 02/10/2015.
and asked, “When you say groups is it by ethnicity?” He responded, “It is not ethnic. Like repatriates [are] the same ethnicity, but residents [are] in two ethnic groups. There is no problem between ethnicities.” So in this case ethnicity may be used to describe differences characteristics between the migration-based group identities, but the migration-based cleavage is identified as more salient.46

These divisions between returnees and non-migrants were also evident in some of the maps that interviewees made of their communities before and after the war. Often, the divisions came out in the conversation while making the maps, as I would ask the participants, “Who are the different groups of people were who lived in this community at that time?” In some cases, the interviewees chose to delineate these groups on the physical maps as well.

For example, in one instance three young men described the divisions in their community before the war as related to economic practices (whether people were farmers or traders) whereas the group delineations in their community after the war were about whether people were returnees or non-migrants. As the young men drew the map of their community before the war they emphasized that houses were very far apart in the hills before coming into the market in town. They said that even if someone had a small piece of land, people could still produce enough crops to have some extra to sell. I asked a few times who were the different groups of people who lived in the community at that time, and the question did not quite resonate at first. The young men eventually decided that the different groups in the community before the war were farmers, some of whom were able to sell extra crops at market, and traders or craftsmen who could buy the extra crops. They indicated these different groups of people with different colors for stalls in the town’s central market.47 The brown indicated farmers and green indicated traders (see Figure 3.2 below).

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46 Quotes from Author Interview 02/19/2105.

47 Over the course of fieldwork, I learned that drawing maps and using symbols or colors to indicate different things was not something all Burundians were familiar with. In this case, after describing the different groups in conversation, my interpreter offered that they could use different colors from the markers we had to indicate which group was which.
On the map of their community after the war, the men indicated that there were a lot more houses, very close together, on both sides of the road. They explained that this was in part because there were a lot of people repatriating. They repeatedly emphasized that the houses were everywhere, unlike before. When I asked who lived in these houses, they said there were houses for repatriates and houses for those who were not repatriates; the two groups were “mixed together.” The “mixed together” reference was to indicate a contrast with a nearby “Peace Village,” – a separate community built by the government exclusively for returnees who had no land or family to which they could

Thus, the idea for the delineation of the groups came through the conversation, but the choice to use colors on the maps was encouraged by my interpreter.
return (See chapter four for a full discussion of the Peace Villages). The men showed these different groups on the map by filling in some of the houses with green and leaving some white to indicate that repatriates (green) and non-migrants (white) lived together, side-by-side in the village (see Figure 3.3 below).

**Figure 3.3 – Map with Houses Labeled for Returnees and Non-Migrants**
*Interviewees’ Map of Community in Burundi After the War (02/13/2015)*

Thus, return migration to Burundi had created a new set of community divisions based on where individuals were during the war. These delineations, by displacement history and alleged visible or auditory characteristics are indicative of the creation of situational group identities. These categories were still used a decade after return to delineate between identity groups in the community: as one
respondent, a returnee from the 1990s, succinctly stated when I asked him who were the main groups of people who lived in this neighborhood - “Us, the residents, and the 72s.”

3.2 “They No Longer Greet Us”: Group Segregation and Behavior

While the creation of new identity groups does not automatically entail conflict or differential treatment, many Burundians described social behaviors in their community as being segregated along rapatrié-résident lines, or said that they felt discriminated against based on their migration history. One common complaint was that if there was a death in a returnee’s family, only other returnees would participate and come to the family’s home to mourn with them, which is usually a community-wide practice. One woman explained with much derision that when her husband died, the stayees in her neighborhood just went to go drink beer instead. When I asked another woman, a returnee from 1993, what she meant by “discriminations” from the 1972s she cited a similar issue during celebrations saying, “At a ceremony [like a marriage or funeral] [they] could be sitting at their own place separated, you could not even talk to them. Separated to [1972] returnees. We were like their enemies. Yes, they said we were their enemy. We could try to approach them […] but it was impossible. Even when [the] children are playing could say you are from Mtabila [one of the New Settlement camps which housed the 1993-refugees].”

Another common trope was that individuals from different groups no longer greeted each other in the streets. One group of informants explained that this was somewhat reflective of a cultural difference in Tanzania and Burundi: “There is also culture and tradition [which can allow you to discern who is a rapatrié]. Because in Tanzania the tribe [who have the tradition that] when you are coming

48 Author Interview 02/24/2015.
49 Author Interview 12/03/2015.
50 Author Interview 04/06/2016.
home you greet everyone. So people say people from Tanzania always greet someone. They keep the tradition.”

Other informants in Burundi reported that often a local administrator would call a meeting, and either not invite or not inform returnees about the gathering. Some returnees claimed, though it was not confirmed, that they could not access health care and that the national identification cards for returnees after 2012 were different than those of other citizens. These discriminatory practices, real or perceived, furthered the 1993-returnees’ views that the government (and other Burundians, like the 1972-returnees) treated them as a lesser class of citizens.

For their part, résidents would claim that rapatriés would gather together in the market in town to drink coffee and discuss current events, which is a common social practice in villages throughout Tanzania, but exclude résidents from joining. Other résidents remarked that the international community and government preferred returnees, providing them with additional aid or favoritism. Said one female résident, “It’s because the government is not fair. They always want to help the people who repatriated and those who remained inside they see as meaningless.”

The trope of government favoritism for the 1972-returnees, in particular, was more fact than fiction. The ruling CNDD-FDD party was previously a rebel group formed in exile, and many of the leading members had parents who died or were forced to flee during the 1972 genocide. They therefore tended to favor returnees from 1972, and an alliance with someone in the ruling party could lead to more favorable outcomes in court, access to money for bribes, or support from one of the feared Imbonerakure militia members to make threats of violence more credible. Rumors abounded that certain high-level members of the CNDD-FDD were also profiting from buying up land after it was successfully claimed by 1972-returnees.

51 Author Interview 08/05/2014.

52 Author Interview 02/10/2015.

53 The existence of these rumors was triangulated from several interviews and observations. However, I do not have evidence to confirm or disprove whether the land grabbing was actually happening.
Additionally, many returnees felt that the government and other members in their community did not see them as truly Burundian. One interviewee explained, “The people here accuse us. They say we are not Burundian. They say go back to the DRC.”54 Another explained that “those we found there [meaning Burundians who remained in-country during the war] could discriminate [against] you. [They] could tell you, “why didn’t you stay and fight for your country?”55

Even when informants made statements asserting returnees did belong, these claims were tinged with a terminology that suggested communities were struggling with the perception that returnees were lesser-citizens. For example, one résident was vehemently claimed, “Those problems are no longer there, even those who are called repatriates. And according to [the] news [they are] not allowed to be called repatriates. Now they are Burundians,” (my emphasis).56 This designation as not really Burundian was particularly difficult for returnees who had been born in Burundi, as part of their reason for returning was that they wanted to finally have the chance to live in their native country, in a place where they were considered full citizens.

These real and perceived practices reinforced the displacement-based cleavage and exacerbated the atmosphere of distrust between the 1972-returnees, the 1993-returnees, and those who remained in-country. As I will discuss further in the following section, tensions between résidents and rapatriés were most evident – and were most likely to turn violent – in the context of land conflict.

Based on the findings presented in this section, Figure 3.4 below summarizes the different labels, characteristics, and narratives that defined the return migration cleavages that developed in Burundi after the mass return of refugees from Tanzania between 2000 and 2012. The separation of groups along the horizontal axis indicates the general division between those who left and those who

54 Author Interview 08/04/2014.
55 Author Interview 04/06/2016.
56 Author Interview 02/16/2015.
stayed during the war. The returnee category is further subdivided by (perceived) era of flight. Placement of each group category along the vertical axis indicates relative status in society. The “In-Group Narrative” summarizes how each group would describe their place in the community as compared to the other migration-based identity groups, and the “Out-Group Narrative” summarizes how others not in that category might describe those in the group.

Figure 3.4 - Migration Related Group Labels, Narratives & Hierarchy in Burundi

Les Rapatriés
Kirundi: Abahunguste
aka: Sambini na mbili

Les Résidents
Kirundi: Abasangwa

High

The 1972s
In-Group Narrative:
• Land illegally taken starting in 1972 genocide
• “Transitional justice” requires full restitution of property

Out-Group Narrative:
• Favored by ruling party
• Use favoritism to claim more land than rightfully owned in past

The 1993s
aka 97s
In-Group Narrative:
• Land occupied illegally or illegally claimed by 1972s
• Discriminated against by others, called not really Burundian
• Least favored because have no political or economic resources

Out-Group Narrative:
• Coming to claim land
• Face fewer problems because not gone as long 72s
• Those who came back “later” are in opposition party (FNL)

Low

The Residents
In-Group Narrative
• Welcomed those returning from abroad after having suffered in-country during the war
• Invested time and capital into land, which is now rightfully theirs
• Have no other “home” to which they can go

Out Group Narrative
• Better off economically because had it easy living on farmland during war, rather than in refugee camps or exile
• Occupiers
4. Violent Land Conflict between Résidents and Rapatriés

The primary objective for the majority of returnees upon arrival in Burundi was to provide themselves with the means to support their families. But because land in the inter-war years had been occupied, bought, or sold, both rapatriés and résidents often claimed the same piece of land as rightfully theirs.

An estimated 90% of Burundians depend on small-holder agriculture for a living. Combined with rapid population growth, a decline in land arability, strong cultural traditions of patrilineal land inheritance, and divisive post-conflict governing institutions, the mass return of displaced populations put immense pressure on the tiny country’s most desired resource. As such, simply by showing up in villages – even if not directly claiming a plot – returnees presented a potential threat to non-migrants. This bred distrust and widespread, frequently violent, conflict between returning populations and non-migrants.

Conflict between résidents and rapatriés over land manifested in everything from harassment, to destruction of crops, threats of future violence, physical assault, and murder. The most common type of violence cited was “cutting” or using farming implements like pangas (machetes) to assault those occupying or claiming land. Thus, it was commonly thought that if someone did not leave the land, or tried to claim it, the opposing party would cut them, or cut members of their family. This violence between returnees and non-migrants frequently pitted family members against each other. As one informant explained, “I have observed someone cutting his brothers or children killing father.”

In other cases people would use poison, or accuse each other of using witchcraft.

In addition to assault and murder, violence was also carried out through destruction of property and crops. Some people talked of how people would throw grenades to destroy someone’s

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57 World Bank 2017.


59 Author Interview 02/12/2015.
house. More common was cutting down valuable crops, like palm fruit or cassava. Returnees often claimed that residents might allow them to live on a parcel of land, but would threaten them with violence if the returnees tried to harvest crops, as the residents argued that the crops planted during wartime were rightfully theirs. Also common was constructing walls or using stones and tree trunks to block paths to access the land.

While individuals may have had incentives in their interviews with me to hide their own culpability in violent conflict, the similarities in descriptions of the nature of the conflicts themselves as occurring between returnees and residents, often within the same family, and involving cutting with machetes, murder, destruction of property and crops, and/or accusations of witchcraft were corroborated across hundreds of interviews with Burundian villagers and refugees, and further confirmed in discussions with local experts and civil society leaders.

While these narratives of land conflict suggested that violence was restricted to the parties engaged in a specific case, the violence from these individual disputes was so widespread that tales of rapatrié-résident conflict further sowed fear and resentment along the migration-based cleavage. As discussed in the previous section, résidents and rapatriés would often separate themselves in other aspects of life (such as socializing over coffee, sharing firewood, or participating in funerals) and explain that the other side thought of them as “enemies.”

The theme of violence between résidents and rapatriés was prominent enough that one group of interviewees depicted it on the map they drew of their community after the war. This map exercise took place with a large group of rapatriés that the IRC had organized for me to meet on my first visit to Burundi. To do the map-making project, the group decided to divide themselves into a group of adults and elders, who would draw the map of the community before the war, and a group of young people who would draw the map of their community “today.” The youth painstakingly drew the different landmarks in the community – Lake Tanganyika, the high school, the new cell phone tower,
the local government administrative offices, the large road that big trucks could drive on, and the stadium near town. They then decided it was important to draw people on the map, and show that Abasangwa (non-migrants) and Abahunguste (returnees) were attacking each other for land. This is shown in Figure 3.5 in the bottom left quadrant of the map as two people fighting each other with farm implements, next to someone who is farming in the field. The youth also labeled the houses in the upper left corner and center of the map to indicate the areas where Abahunguste (returnees) lived, and the areas where Abasangwa (non-migrants) lived.

Figure 3.5 – Map with “Residents & Repatriates Fighting Over Land”
Interviewees’ Map of Community After War (8/6/2014)
Importantly, the common tropes used in narratives to defend individuals claims to land, and violent actions to defend it, paralleled the narratives of deservedness and differing perceptions of wartime suffering which my theory predicts. While these narratives do not have to pertain to claims to land and property specifically, different perceptions of suffering during war, for example “we stayed here and fought for our country, where were you?” versus “we were forced to flee, suffered just as much abroad, and fought hard to return to finally live in our homeland” are frequently paired with justifications for deserving access to dividends during peace time – like employment, power, prestige, and property. In this case, résidents argued that they spent years investing and taking care of the land, even during the war, while the rapatriés were gone, and therefore it was not fair for them to lose both the crops and the property. On the other hand, rapatriés claimed that their familial land was illegally taken from them when violence forced them to unwillingly leave their property. Therefore, this property had always been legally theirs, and their absence was just another example of how they suffered during the war. With both sides looking at the prospect of loss of property from this idealized version of the status quo, it is not surprising that individuals would be willing to risk using violence (or risk others using violence against them) to maintain what they saw as rightfully theirs. One interviewee succinctly summarized these competing perspectives: “The residents say, ‘We are the residents, all this work are our efforts: these plants, these farms, schools, hospitals, it’s us who made it that way. There’s nothing you are helping us.’ Repatriates say ‘you remained eating our property.’”

In some senses, the rapatriés’ insistence on familial ties to property based on cultural traditions may seem contradictory with evidence that résidents who became second-occupants on this land were equally invested in this land without familial ties. However, many of the rapatrié–résident conflicts were also between members of the same family, in which both sides would have familial connection to the

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60 Author Interview 02/19/2015.
land, in addition to other types of claims of deservedness. In the case of non-inter-familial disputes, the key difference may be the fact that returnees did not choose to leave their family’s land – they were forced to do so as a result of the genocide and/or civil war. For many résidents, they or their ancestors previously chose, in one manner or another, to leave one area in the country for another. They remain dependent on the new land that their family currently resides on, not only because they need to farm to sustain their livelihoods, but also because over the course of the war they invested in planting crops, built houses, and otherwise spent capital to make the land their own, and thus the status-quo should reflect that interim experience and expense. However, because in these cases résidents might have less strong ancestral attachments, some were open to moving but only if the government could find them another piece of land on which to live and compensate them for their lost investments.

While violence was acute when returnees and non-migrants were in competition for the same land, in some cases the two parties negotiated either on their own, or with the help of the CNTB or local civil society organizations, to share the land. Respondents who shared land, or who noted that they did not have a conflict over land, were more likely to say they did not face any security issues. However, even the fear of potential conflict still affected community dynamics. For example, one interviewee noted, “On her land, they shared, but during the night the one she shared with came and cut down all the plants (the palm oil fruits). It’s because of this that they don’t feel secure.”61 Another interviewee stated, “[You] cannot lack for fear because after seeing your neighbors chased, you keep expecting today or tomorrow they will chase me.”62 In other cases people were simply too afraid to take their case to the CNTB or courts for fear of reprisal. Said one interviewee when I asked him if

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61 Author Interview 08/06/2014.
62 Author Interview 08/05/2014.
he had tried to get his land back, “Not even in court - I’m scared [for] my life. Even you can get killed...[I] decided to leave it.”

This was true for both individuals and larger communities of returnees. A representative from a local women’s peacebuilding organization relayed another instance, where the national land commission reportedly offered a group of returnees in Kirundo province a large tract of land on which they could settle, but the returnees refused to take it out of fear that their new neighbors would come kill them if they did.

Moreover, the pervasiveness of violence, and fear of potential violence, also structured how individuals described their communities. People might say that violence between returnees and non-migrants was bad when repatriates first came back, but these groups lived in “harmony” now. Others commented that in neighboring villages they have problems with returnees and residents, but “here we are ok.” While interviewees may have had incentives to dissemble as to whether or not relationships between returnees and non-migrants in their own community were peaceful or not, even when people described their community as harmonious, the harmony in question was with reference to relations between “those coming back” and “those who stayed” – emphasizing newly created migration-based identity divisions, as opposed to ethnic conflict or political parties.

While many observers had anticipated that return migration after the war could destabilize Burundi, the primary fear was that refugees coming to claim land could reignite previously existing ethnic divisions. Instead, violence between returnees and non-migrants was frequently between members of the same family who had been on different sides of the border during the conflict, or between Hutus returning from Tanzania and other Hutus who were living on the land, in addition to between Hutu and Tutsi.

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63 Author Interview 04/05/2016.

64 Author Interview 07/20/2014.
That said, violence was particularly acute when actors could use other pre-existing cleavages – like ethnicity, or political parties – to their advantage in competing land claims. For example, I would frequently hear about cases where one party to a land conflict had connections in the national or local government administration, or relatives who were soldiers, and could use that power to bolster their threats against the other party. Similarly, some communities, like Kibago, were known as stronger opposition party centers or home to former high ranking Tutsi members of the army, such that conflict over land between returnees and these residents (who were also members of the opposition) did enflame pre-existing ethnic or emerging political party divisions, rendering the situation particularly volatile.

Thus, pervasive land conflict between returnees and stayees in the decade after the Arusha Accords contributed to further hardening the migration-related identity cleavages such that categories like rapatrié and résident remained relevant years after the return population movement was complete. However, relations did not have to be this bad. As I will demonstrate in the following chapter, conflict between rapatriés and résidents became as severe and as widespread as they did in part because institutions governing land and property rights provided different dividends depending on one’s displacement history. I argue that perception of bias created an endogenous cycle whereby individuals would understand their position in society in other aspects of their lives as related to their migration history, further reifying the returnee-stayee divides.

5. Conclusion

In this chapter I have mapped out the local social divisions in several communities of Makamba province, Burundi ten years after the end of the civil war. If my argument is correct, the processes of displacement and return after Burundi’s civil war would have created new categories of belonging in Burundi that delineated those who returned from those who stayed in post-conflict societies. The
substantive characteristics that differentiated these groups would be based in part on their different experiences during war.

This is exactly what I found in Burundi in 2014 and 2015. After hundreds of thousands of refugees had returned to their country-of-origin, new group labels emerged to describe Burundians who had returned from living abroad during the war – *rapatriés* or *abahunguste* – as opposed to those who had stayed in-country during the war – *résidents* or *abasanga*. These labels were not simply descriptors of how individuals were displaced during the war – as in fact there was different terminology used during the early years of the war to make the descriptive distinction between refugees living outside the country (*dispersés*) from internally displaced Tutsi civilians (*déplacés*) and internally displaced Hutu civilians (*regroupés*). Where these categories of *dispersés*, *déplacés*, and *regroupés* directly overlapped with pre-existing ethnic divisions, the categories of *rapatrié* and *résident* that emerged after the civil war cut across ethnic division – frequently even dividing members of the same family. Moreover, the labels of *rapatrié* and *résident* were not just used to indicate where people lived during the war, they referred to newly constructed group identities.

The characteristics that differentiated the *rapatriés* from the *résidents* were directly related to years spent in different cultural contexts: *rapatriés* spoke a different language, Swahili, or spoke the Burundian language, Kirundi, with an accent suggesting they had previously lived in Tanzania. *Résidents* claimed that *rapatriés* brought new cultural practices with them from abroad, such as different ways of dressing, or even riding bicycles. Members of both groups claimed the other had lost a way of relating in the community that previously brought people together – such that *résidents* might not greet *rapatriés* in the street, or *rapatriés* would sit drinking strong coffee in the village (a practice common in Tanzania) without inviting the *résidents*.

In addition, my argument suggests that narratives claiming that returnees or stayees are better citizens, more patriotic, suffered more, or more deserving of success in peacetime are particularly
common after civil war. These tropes were definitely evident in how résidents and rapatriés spoke about each other, and in how they related to land claimed by both parties. Rapatriés saw the use of nicknames like “the UN” or “Sambini na mbili” and other behavior by either their fellow villagers or government agents that differentiated the returnees from those who stayed as indicative of the fact that their fellow countrymen did not see them as truly Burundian. Many expressed this was unfair, not only because they were Burundian, but also because they had suffered under the Tanzanian regime, were never fully accepted by their host society, and therefore (in some cases) wanted to return to the country in which they truly belonged.

Moreover, the way each side framed their arguments for land ownership paralleled these narratives of deservedness. Reminiscent of arguments like “we stayed here and fought for our country, where were you?”, résidents would argue that they spent years investing and taking care of the land, even during the war, while the rapatriés were gone, and therefore it wasn’t fair for them to lose the property. On the other hand, rapatriés claimed that their familial land was illegally taken from them when violence forced them to unwillingly leave their property. Therefore, this property had always been legally theirs. Their absence was not a sign of their dereliction of citizenship, but a clear indicator of the wrongs committed against them during war. With both sides operating from a frame of potential loss from an idealized status quo, combined with the scarcity and cultural importance of land, it is not surprising to see that competition between rapatriés and résidents for land soon became violent. (The following chapter will explore this issue in more depth.)

While it is clear that new group categories emerged after the mass return of refugees to Burundi, one could argue that these delineations were situationally dependent and temporary. Thus one could be a returnee when they first came back, but after “successfully reintegrating” into a community, no longer identify as such. I agree that just as return migration can create these new cleavages and situations – like competition for land – can render them particularly salient in the
community, they can also lose relevance over time. However, there is evidence that these categories were durable over the 15 years of return migration from Tanzania to Burundi.

Moreover, even if these migration-related cleavages are only temporary going into the future – they still changed how communities operated at a very important period of the peacebuilding process. First, competition along this new division was directly related to where violence emerged during peacetime, and where it was directed: land conflict between returnees and non-migrants at the local level. Second, as I will discuss more in depth in the next chapter, the migration-related divisions also affected local political structures. Colline administrations noted whether they had returnees represented on their councils, and in other cases the national government appointed returnee representatives in different communes. Therefore, even if they fade over time, the emergence and initial salience of new group divisions based on where individuals lived during the war can shape behavior in local communities during a particularly fragile time of peacebuilding.

Interestingly, the characteristics that I found to be associated with returnees and stayees in Burundi do not line up directly with Liisa Malkki’s (1995) findings on the situational identities formed among Burundian refugees in Tanzania in the 1980s and early 1990s. Malkki found that refugees living in camps developed new national mythologies that exhibited a heightened sense of Burundian Hutu nationalism and connection to their country-of-origin. Refugees who lived in towns and villages adopted characteristics of Tanzanian culture – changing their names and religious practices and often intermarrying. However, I found that upon returning to Burundi, all rapatriés were in some way treated as “Tanzanian,” having picked up various Tanzanian cultural and language habits even when living in camp environments.

The differences in the way returnees from 1972 (associated with the Old Settlements) and 1993 (associated with the New Settlements) were treated upon return also suggest differences in the process of forming situational identities as compared to Malkki’s findings. Malkki’s theory suggests
that the dynamics and geography of refugee camp life, in particular, bred heightened nationalism as compared to towns and villages. However, by the early 2000s, less than 25% of refugees who had been living in the Old Settlements where Malkki observed heightened Hutu Nationalism chose to return to Burundi. Instead, the majority opted to try and gain Tanzanian citizenship. Those who did return to Burundi, however, received favor from the new ruling party as the sons and daughters of those who perished in the 1972 genocide. Those who were able to capitalize on this favor tended to be in better positions to win back family land. The fact that many 1972-rapatriés were able to gain relatively favorable positions in local hierarchies due to their symbolic place as representatives of a Hutu nationalism from 1972 that had now gained power in Burundi does match with Malkki’s findings.

However, for the 1993-rapatriés, the situation was quite different. Like some of the 1972-rapatriés who had lived in the Old Settlements in Tanzania, the 1993-rapatriés also lived in camps. Yet, many of them resisted returning to Burundi until they were forced to leave Tanzania, and upon arriving back in Burundi were treated as less than legitimately Burundian. The returnees who came back from the New Settlements often faced discrimination from neighbors as being the “UN,” and (as will be described in the following chapter) had a much harder time winning cases of land conflict without the favor of the ruling party. This would suggest that Malkki’s assertion about the nature of camp geographies and isolation producing heightened nationalism may not have held in the years following her field work.

As I will explore in the following chapter, I argue that rather than geographies, institutions (both formal and informal) are central to the process of situation identity construction. In chapter four I will demonstrate how, after the 1993-2003 civil war in Burundi, the institutional environment into which returning migrants entered entrenched the divisions between résidents and rapatriés and

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65 On the other hand, those who returned from the Old Settlements without knowing where their family had lived before ended up in particularly destitute situations in Peace Villages, as will be discussed in the following chapter.
exacerbated conflict between these groups, leading to the widespread violence between returnees and non-migrants described above.
CHAPTER FOUR

INSTITUTIONS AND RAPATRIÉ-RÉSIDENT CONFLICT IN BURUNDI

1. Introduction

While devastating for those it touched, the violent land conflict between résidents and rapatriés in villages across Makamba province came as no surprise. International observers had warned that the return of refugees could lead to a “land bomb,”¹ and the team negotiating the Arusha Accords explicitly cited return migration as a potential source of destabilization. As one of several recommendations to prevent refugee returns from re-igniting conflict, the agreement stipulated that a commission be put in place to mediate competing land claims resulting from repatriation; and in 2006, the newly elected Burundian government established the Commission Nationale des Terres et Autres Biens (CNTB). By the time I arrived in Burundi in 2014, any villager in Makamba could tell you about the CNTB’s work. But it seemed rather than mitigating conflict, the CNTB, itself was a source of tension: On the one hand, people said the CNTB was biased and only helped the returnees. On the other hand, interviewees claimed that the CNTB was not doing its job, as résidents could ignore the commission and stay on the land. As one informant put it, “[I don’t] appreciate it, because the CNTB does not want to put the returnees and the ones who stay here on good terms. They want to put enmity between them.”²

While the CNTB was the formal institution interviewees most frequently talked about as exacerbating the relationship between people who stayed and people who returned, it was not the only institution which contributed to the construction and intensification of displacement-based cleavages in Burundi. In this chapter, I explore how formal and informal institutions in Burundi – including a

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² Author Interview 08/05/2014.
strong tradition of patrilineal inheritance, the cultural prominence of agrarian life, and formal laws and organizations governing land and property – helped reinforce migration-related social divisions and shaped the ways in which returnee – non-migrant tensions emerged in Burundi.

Whereas the mass return of refugees to Burundi created the opportunity for situational identity groups to emerge based on where people lived during wartime (as discussed in the previous chapter), the delineation between résidents and rapatriés could have easily faded in a few years. Even if people still used the labels to describe someone who had been a refugee or stayed in-country, those labels could have lost relevance for describing the how local communities functioned, or become subsumed under other longstanding or emerging divisions like ethnicity and political parties.

Instead, in Makamba the labels of résident and rapatrié were still widely used, meaningful categories in the decade after Burundi’s civil war. Not only that, competition between résidents and rapatriés for land was one of the primary drivers of local-level violence during peacetime. The hostility between résidents and rapatriés became so strong that eventually citizens began mobilizing to try and ameliorate the situation. Some protested the CNTB’s treatment of résidents and prevented the organization’s staff from entering villages under threat of violence. Others formed civil society advocacy organizations to promote the rights of rapatriés.

The importance of formal and informal institutions in Burundi in strengthening the résident-rapatrié division’s relevance in daily life supports my theory that displacement-based situational identities are bolstered through an endogenous process of institutional interaction: individuals’ and communities’ interactions with institutions like the CNTB reinforced the idea that rapatriés were treated differently than résidents, which further strengthened the rapatrié and résident identity categories (and sub-categories), increased hostility along the displacement cleavage, and influenced individuals’ future behavior.
The rest of this chapter explores this dynamic institutional interaction and evaluates my argument linking return migration and local conflict against alternative explanations. In section two, I demonstrate how both formal and informal institutions in Burundi shaped the hierarchy between returnees and those who stayed and determined the most common form in which conflict between them manifest: violence over land. I find that informal institutions, like the tradition of patrilineal inheritance, elevated the importance of land ownership issues. Perceived favoritism of 1972-returnees over résidents and 1993-returnees in formal institutions, like CNTB, further hardened divisions between returnees and stayees and added fuel to the land conflict fire. Ironically, the government justified the CNTB’s policies as a necessary form of transitional justice in the process of consolidating durable peace. Additionally, I examine how institutions not related to land, like the national language, education curriculum, and common practices among international interveners, also contributed to reifying the divisions between returnees and those who remained in-country.

In section three, I explore how the hierarchies and conflict between rapatriés and résidents affected municipality politics and led to different forms of collective action, including the creation of civil society lobbies advocating for returnee rights, and violent protests against the CNTB and government officials.

Finally, in section four, I examine a set of alternative explanations for the local-level violence in Burundi during the post-conflict period. One alternative explanation for the local-level land conflict in Burundi is a simple story of scarcity of resources. Burundi is a tiny country, economically dependent on agriculture, and experiencing a degradation of arable farm land. Therefore, local conflict in Burundi after the civil war is best understood as competition for this scarce and valuable resource. I agree that scarcity was a contributing factor, however I argue that this explanation is not sufficient. In theory, given a scarcity of one type of resource, individuals could have chosen to pursue alternative forms of employment to make money. But instead, most Burundians expressed that they did not prefer to rent
a house and seek alternative employment, either because they prioritized maintaining their rights to familial land or because it cost more than they could earn by “farming for others.” Moreover, a scarcity explanation alone cannot account for the production of the identities of résident and rapatrié discussed in the previous chapter, which persisted as meaningful categories in communities in Makamba even after some individual land conflicts were resolved.

A second alternative argument would suggest that the local conflicts observed in Burundi after the civil war should be analyzed through the lens of long-term issues in land governance, not as the immediate consequence of return migration after civil war. This type of explanation would argue that conflict over land is not new to Burundi, but reflective of structural issues regarding land and property rights, as well as cultural attachments to land. Therefore, to best understand the sources of local conflict in Burundi, it is best to analyze these issues with an eye to historical land governance dynamics in Burundi, rather than looking at return migration as the immediate trigger. I agree that Burundi’s history of land conflict is essential in explaining local dynamics after the civil war, however it is not sufficient. In addition, I argue that it is important to examine how return migration affected the pattern of local conflict in Burundi after the civil war. Conflict over land was the primary manifestation of competition between returnees and non-migrants in Burundi, however this is in large part due to the institutional environment in Burundi which elevated the prominence of land. Other institutions also contributed to the development of the returnee-stayee divide. Limiting the lens to land conflict would obscure a wider pattern of conflict following return migration in Burundi and elsewhere.

A third alternative explanation stems from a networks analysis approach to migration studies. This type of explanation would argue that the density and character of refugees’ networks formed while living abroad were the driving factors which led to the observed divisions between returnees and non-migrants in Burundi after the civil war. However, I argue that a networks explanation is not sufficient to explain the observed dynamics. While collective experiences and practices adopted while
abroad, like new language acquisition, contributed to the development of the displacement-based situational identity categories (as described in the previous chapter), there is little evidence to suggest that the density of personal network connections made while individuals were displaced (or not) was an especially relevant contributing factor affecting strength of these divisions. Instead interactions after return seem to have exacerbated relations between rapatriés and résidents.

Finally, a fourth category of alternative explanations emphasizes the role of demographic changes resulting from return migration to account for the new sources of conflict in Burundi. One type of explanation along these lines would argue that return migration can alter the demographic make up a community, upsetting previous ethnic-power dynamics of majority-minority politics therefore breeding renewed conflict. A similar argument would suggest that because diaspora often hold more strongly nationalistic opinions than their compatriots in-country, the movement of refugees back into their country-of-origin could constitute the mass repatriation of a hardline population less willing to compromise for peace, thereby increasing the likelihood of renewed conflict. I find little evidence to support arguments that demographic changes or the diaspora effect were at play, as both of these alternative arguments suggest that return migration would create conflict during peacetime by aggravating pre-existing divisions.

Instead, I argue that the evidence presented here and in chapter three suggest that return migration did not simply recreate or exacerbate existing cleavages, like ethnicity or political parties, but added a new layer on top of these. Acknowledging the addition of this divide (and the potential alliances between national actors and the new displacement-based cleavage at the local level) provides a more complete understanding of the sources of peacetime violence in Burundi after the 1993-2003 civil war.
2. Interaction with Institutions

The previous chapter laid out evidence demonstrating that new migration-related identity divisions emerged in Burundi amid the mass return of refugees after the 1993-2003 civil war. These divisions frequently manifest in conflict over land between returnees and non-migrants. If my argument is correct, local institutions in Burundi should have played a role in the creation and hardening of this new cleavage. This chapter, therefore, focuses on describing the process through which the résident-rapatrié identities were constructed.

Using ethnographic evidence (including semi-structured interviews, field observation, and documents analysis) gathered in Burundi and Tanzania between 2014 and 2016, I find that several different institutions in Burundi were implicated in the creation and hardening of the résident and rapatrié identities, and in fueling violent conflict between them. The primary set of institutions that I focus on regulate land use. However, I also look at a number of other formal and informal institutions including the national language, education curriculum, and the tendency in the international community to separate Burundian refugees by era of flight.

As predicted in my theory, some of these institutions, like the CNTB, had rules or procedures that explicitly favored different populations based on where they lived during the war. Others, like the national education system’s use of Kirundi and French as the official languages of instruction, unintentionally created disadvantages for rapatriés.

In addition, several institutions – like a strong tradition of patrilineal inheritance, cultural ties to the land, and the agenda established in the Arusha Accords – did not provide differential dividends to returnees and stayees, but instead determined the forums in which returnee-stayee conflict manifested, particularly by heightening the importance of land ownership and prioritizing property restitution as a form of transitional justice. The raised stakes of maintaining land and property rights in Burundian society exacerbated both returnees’ and non-migrants’ perceptions of potential loss. If
analyzed through the lens of prospect theory, it therefore makes sense that there was an increased likelihood that Burundians would take on great risk, such as the use of violence, to guard against these losses.

This section proceeds as follows: I provide a brief overview of land reform in Burundi using the Arusha Peace Accords in 2000 as a starting point. I then examine informal institutions regulating land use practices, such as patrilineal inheritance and the primacy of small-holder farming and familial ties to land in Burundian culture. I then look at the evolution of formal institutions governing land after the civil war. I provide an overview of the different types of formal institutions regulating land ownership and mediating land conflict, including both positive law and customary judicial mechanisms.

I then focus on the CNTB. I demonstrate how changes in the CNTB’s design exacerbated the separation between rapatriés and résidents, and contributed to constructing and reifying the sub-division between 1993- and 1972-rapatriés. The CNTB and government officials justified these changes under the auspices of restorative justice for crimes committed during the 1972 genocide. Many members of the ruling CNDD-FDD party were sons and daughters of those who perished in the events of 1972, and/or were returnees themselves. As such, ruling-party elites were poised to reap both symbolic and concrete benefits from a policy that made it easier for 1972-refugees to win back contested land. The CNTB adopted the ruling party’s narrative, arguing that that their policies were designed to restore land and property that was unjustifiably taken away during the touchstone events of 1972. The CNTB’s extreme differential treatment of returnees and non-returnees created incentives for the use of violence to protect land claims and furthered the perception that the government only cared about 1972-returnees as opposed to groups with other migration histories.

The section concludes with discussion of other non-land related institutions’ role in shaping the résident-rapatrié cleavage.
2.1 Return Migration & Land Use in Burundi

2.1.1 Land and Land Reform After Arusha

Land is an integral part of Burundian society. In fact, some historians trace the origins of the Hutu and Tutsi ethnic categories prior to colonialism to patron-client relationships between the wealthier land-owning class (Tutsi) and the tenant class working the land (Hutu). There was some mobility between these class categories, such that a Hutu could gain wealth and become a Tutsi. Someone with Ganwa (royal) status, could equally be demoted to Tutsi. The subsequent German and Belgian colonization formalized ethnic stratification through a divide and rule strategy that integrated Tutsis into government positions and subjugated Hutus.\(^3\) While modern ethnic categories were not directly tied to patterns of land ownership, the fraught history in Burundi of using land ownership to subjugate others is prominent in Burundians’ historical memory, and therefore important for understanding the primacy of land politics in Burundi.

It is important to note that the events of 1972, in particular, are a watershed moment in Burundian history, and “the horror of 1972 remains deeply woven in the collective memory of the Hutu masses.”\(^4\) After the government’s selective genocide of Hutu elites, the government encouraged the occupation, reallocation, and sale of land left behind by Hutu refugees. Consequently, narratives of the horror 1972 and subsequent oppression are inextricably tied to the forceful displacement of the Hutu population from their land and property. As a result, when discussing the illegal expropriation of land, 1972 remains the primary touchstone event as compared to the civil war in 1993, though individuals and government agents in-country occupied land and seized property left behind by those who fled during both events.

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\(^3\) For a more complete explanation of the origins of ethnicity in Burundi, and the role of European colonization in exacerbating ethnic divides see Lemarchand 1996, 19–26.

\(^4\) Lemarchand 1996, 106.
Unsurprisingly, rectifying issues of expropriation of land and property became one of the principal issues cited in the peace negotiations in the context of addressing how to deal with displaced populations. In fact, the first chapter of the protocol on reconstruction was dedicated to “Rehabilitation and Resettlement of Refugees and Sinistrés,” and included a full sub-section on “Issues Related to Land and Property.” Among the principles established to guide this rehabilitation and resettlement process was the idea that “returnees must have their rights as citizens and their property restored to them.” Throughout, the agreement explicitly cited the need for recovery of, or compensation for, plundered property and monetary assets. The agreement outlined several concrete steps to achieve this goal including creating a National Commission for the Rehabilitation of Sinistrés (CNRS) with the mandate to work with international organizations and countries-of-asylum to organize the return, resettlement, and reintegration of refugees; forming a sub-commission on land tasked with resolving the land issues concerning “old-caseload” refugees; and revising the national land act. Further, the guidelines for the resettlement and integration of returnees stipulated that the government “help returnees to recover the property and bank accounts left in Burundi before their exile,” and “offer intensive language courses for returnees to mitigate the language problems.” Finally, the Accords also advised that any measures taken to integrate returnees “ensure equity in the distribution of resources between the ethnic groups on the one hand and the provinces on the other.”

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5 Arusha Peace and Reconciliation Agreement 2000, Protocol IV, Chapter 1. The French “sinistré” is defined in the peace agreement as “all displaced, regrouped and dispersed persons and returnees.” Outside the context of the Peace Agreement it is often also used to describe the victims of war more generally.

6 Arusha Peace and Reconciliation Agreement 2000, Protocol IV, Chapter 1, Article 8.

7 Arusha Peace and Reconciliation Agreement 2000, Protocol IV, Chapter 1, Article 2, 2e.

8 Arusha Peace and Reconciliation Agreement 2000, Protocol I, Chapter 2, Article 7.25.C

9 Arusha Peace and Reconciliation Agreement 2000, Protocol IV, Chapter 1, Article 4.i

10 Arusha Peace and Reconciliation Agreement 2000, Protocol 1, Chapter 1, Article 4.f
Given these explicit references, the Accords enshrined several principles for approaching the issue of return migration that affected the design and implementation of subsequent land governance reform and international humanitarian intervention in Burundi:

(1) The Accords emphasized return migration could create instability by recreating ethnic competition. Additional judicial institutions or reforms were seen as the solution to mitigate against this potential crisis.

(2) Repatriation was most explicitly tied to issues of land and property restitution as opposed to other potential concerns (with the exception of noting issues related to language).

(3) The agreement firmly placed restitution of land and property within a frame of restorative justice for crimes committed in 1972.

(4) Not all returnees were considered the same: The Accords’ language singled out “Old Caseload” or 1972-returnees as particularly in need of reparations.

Of course, the substance of the peace agreement did not emerge from thin air, but was the result of years of negotiations between actors with vested interests, including rebel groups, Burundian government representatives, and members of the mediation team. Rebel groups and politicians in exile had incentives to encourage the repatriation of refugees, as they had developed a support base among populations in exile. Exiled politicians could likely benefit personally from recuperating lost assets. Moreover, the government of Tanzania had a vested interest in encouraging repatriation, as Tanzania had borne the brunt of refugee hosting responsibilities during the conflict (and was seen as sympathetic to the Hutu cause).

11 The Tanzanian government was represented by President Julius Nyerere as lead facilitator of the peace negotiations until his death in 1999, after which Nelson Mandela took over.
The resultant Accords became the roadmap for Burundi’s new constitution. Debate on future policies and government actions (like President Nkurunziza’s announcement that he would run for a third term in office in 2015) frequently centered on whether they adhered to the spirit of the Accords. Therefore, prior to the actual return of refugees, the peace agreement established a specific frame for interpreting issues arising from repatriation, and further solidified land and property governance as the primary forum in which these issues to played out.

2.1.2 Informal & Cultural Institutions: The Primacy of Familial Land

In addition to the Arusha Accord’s emphasis on restoring land and property, certain norms and traditions in Burundian society pertaining to land shaped returnee – non-migrant relationships. Burundi is a small country where 90% of the population is employed informally or formally in the agricultural sector. Burundi also has an extremely high population density, with 385 people per square km in 2014. Land is therefore a scare commodity, essential to Burundians’ economic livelihoods. This scarcity contributes to land competition across the population, not just between displaced populations and those who stayed in-country. However, as I will explain in this section, land is not just a scare community, but a precious one in Burundian society. Cultural norms governing land ownership, like the tradition of patrilineal inheritance, structured the environment after repatriation to pit families against each other to maintain rights to familial land. More generally, the cultural dedication to living on one’s familial land restricted the set of acceptable solutions to the lack of land, with many paysans emphasizing the need to have access to their family’s farmland as opposed to

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13 The global average is 56 people per square km, and sub-Saharan African average is 41people per square km. Food and Agriculture Organization and World Bank population estimates 2016.
seeking alternative models of income generation, like renting a house and farming for others or entering non-agricultural markets.

The informal institution most clearly shaping returnee – non-migrant conflict was the practice of patrilineal inheritance. Traditionally, land in Burundi is passed down from father to son (often without written title). If there are multiple sons, the land is split, with a bigger plot often given to the eldest son. This institution created a situation where land conflict over the scarce amount of fertile land was a serious issue across Burundian society. However, the return of refugees looking to settle on their familial land exacerbated the problem, triggering conflicts that pitted male members of the same family (and ethnicity) with different displacement histories against each other: to maintain their land, brothers or uncles or cousins who fled during the war threatened, injured, and killed members of their family who stayed behind, and vice versa.

In cases where non-family members occupied land left behind by migrants, those returning from abroad still held strong attachments to their familial land as the place where their ancestors were buried and the area in Burundi over which they could rightfully claim ownership. But, because second occupants had lived on, and invested in, the land for multiple decades, these résidents often claimed they did not have access to familial land elsewhere in the country (at least not without creating new conflicts), and deserved compensation for their losses if they were forced to leave the land.¹⁴

Patrilineal inheritance practices also made it particularly difficult for women to recoup land, as they were not traditionally recognized as owning property. Female heads of households became particularly vulnerable to predation if male family members had died during the war, or had taken on second or third wives while the first wife was living as a refugee (or vice versa). Without clear ownership rights, other male family members often claimed the land as their own. In other cases,

¹⁴ Berwouts 2013; Rema Ministries 2009.
women who married while in exile often threatened violence or witchcraft against their husband’s other wives who had remained in-country (or vice versa), since their offspring could make competing claims to the husbands’ inheritance. In addition, neighbors could take advantage of the absence of a male head of household to push women off desirable farmland land. For example, as one woman explained:

“After I repatriated I found my father had another wife. Some in my family fled, others didn’t. So when we repatriated, arriving there, we could find our step-siblings had taken everything of ours. [They] said we don’t know you, not our tribe. When we went to go hold cases in court (because of the problems in the family) they threatened ‘we shall kill you.’”

In this case, cleavages of returnee versus non-migrant and inter-familial disputes overlapped to place this woman in a particularly vulnerable position.

While intra-familial land conflicts were not exclusively between families split on either side of the border during the war, the institutionalized practice of patrilineal inheritance shaped the form of competition between returnees and stayees. In this case, mass population return combined with the norms of patrilineal inheritances both increased the stakes of competition to (re)claim land and framed the issue as one between returnees and non-migrants. As discussed in the previous chapter, in describing these conflicts interviewees often used the language of displacement (e.g. “those who stayed,” “the repatriate,” etc.) and family (brother-in-law, uncle, etc.) to label disputants in the same conflict. Considered alongside conflicts between returnees and stayees who were not related, returnee-stayee conflicts that crossed kinship lines demonstrate that the process of return migration did not simply re-create or exacerbate prior ethnic divisions, but created a new displacement-based cleavage.

The primacy of land to Burundian *paysans’* way of life was especially evident in the mapping exercises I conducted with small groups of Burundian villagers. On almost all of the maps, the groups

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15 Author Interview 05/30/2016
highlighted that before the war, families lived on their own plots of land in the *collines* (hillsides) very far away from each other, whereas after the war families were living one on top of the other, disrupting the prior way of life. For example, Figures 4.1 and 4.2 show a set of maps drawn by a small group of women in Makamba province of their community before and after the civil war. In the first map, Figure 4.1, the women emphasized that each family was on separate, large plots of land. Houses had thatched roofs, and were far away from each other on the hillsides. Each plot had room for animals and crops, and the informants noted that, at that time, crops like cassava grew very well, in addition to beans, bananas, and others.

**Figure 4.1 Community Map Emphasizing Access to Arable Farmland**

*Interviewees’ Map of Community in Burundi Before the War (8/5/2014)*

The same group of interviewees drew Figure 4.2, below, as map of their community after the war. The map shows individual families living very close to each other in houses with tin roofs on small plots of land. Each house is labeled with the family name, and the interviewees were careful to
note the different kinds of plants that could fit in the small plots. In our conversation about this map, the women mentioned that some families had more space than others depending on how much money they had. They also noted that there was not enough space to farm on these plots and the crops generally did not grow as well.

**Figure 4.2 Community Map Emphasizing Reduced Access to Land**
*Interviewees’ Map of Community in Burundi After the War (8/5/2014)*

The features which the women chose to emphasize provide important insight into the structure of life in the *collines*. Both maps emphasize land and agriculture, and the most notable feature which changed from before to after the war was the structure and availability of land. Where before the war there was enough arable land to go around, after the war, with many more people present, there is much less land available. This lack of land is directly linked to agricultural production, reflecting the majority of Burundians engagement in subsistence farming.

In addition, the majority of interviewees differentiated between renting a house with a small piece of land to farm, and reclaiming familial land. Renting a house was not considered a desirable
solution to finding land and a place to live as opposed to recouping (or maintaining ownership of) familial land. This view was grounded in both cultural ties to familial land, and subsequent economic realities. Pragmatically speaking, renting was an additional economic obstacle: individuals had to earn enough money to cover the cost of the house and provide for their family’s basic needs. With enough money it was possible to rent a large plot of farmland separately, but very few Burundian paysans were able to do so. The primacy of familial land in Burundian culture therefore reduced the preferred set of solutions to overcome the issue of land scarcity, as employment outside the agricultural sector or even renting a house and farming elsewhere proved both less culturally desirable and often less lucrative.

Symbolically, land was also integral to individuals’ sense of belonging in Burundi. As one civil society official explained, many of the returnees were “connecting [the] issue of land with that of identity. It's about who they are when they aren't being able to reclaim land, to reclaim the full rights of being a citizen. They say, 'this is my ancestors, my land, I don't want to share it.' ”

On the other hand, residents who have occupied the land for decades depend on the same parcel for their livelihoods, and frequently do not believe they have any land to which they could go instead. As a resident interviewed for a different study explained, “I arrived here shortly after the incidents because the government asked me to come. They said they needed me here. There was unused land. In the meantime, I lived here nearly forty years, and everything I ever had has been invested in this land. Also for me, this land is my entire life. I understand these people who come from Tanzania. For them, this piece of land means much more than for me. For me it is the economic backbone of my existence. For them it is much more. It is the place their ancestors are buried. I could happily leave it to them,

16 Author Interview 07/26/14.
but where do you want me to go?"\textsuperscript{17} Many of the residents I interviewed expressed similar sentiments that if they were kicked off the land, they would have nowhere to go.

These statements that returnees understood the restoration of their ancestral land as essential to their citizenship and identity support my argument that displacement can create competing conceptions of a \textit{rightful} status quo. Returnees did not see reclaiming land they or their families had left behind during the war as gaining an asset. Instead, they understood regaining their land as a restoration of a \textit{status quo} from before their displacement in which they and their family truly belonged; belonging, in this case, is embodied in the ownership and control over ancestral land. On the other hand, the second occupants of the land are faced with the prospect of losing the land on which they currently live and farm, and understand their ownership of that land as the only \textit{status quo} they’ve known for decades. These competing perceptions of losing out from the rightful \textit{status-quo} made land competition an extremely high-stakes issue in Burundi.

\textit{2.1.3 Formal Land Governance Institutions}

If informal inheritance practices created a permissive environment for inter-familial \textit{résident-rapatrié} conflict, the formal institutions governing land and property rights, including the newly created CNTB, had an equally strong impact. There were several types of formal institutions governing land and property rights in Burundi both before and during the process of return. I discuss each in turn below, before focusing in particular on the evolution of the CNTB.

\textit{The Arusha Peace Agreement (2000):} As discussed above, the Arusha Accords formalized the priority of land issues in relation to return migration and enshrined the concept of restitution of land and property as a form of transitional justice (a fact several Burundian villagers and governing officials noted in their interviews).

\footnote{\textsuperscript{17} Berwouts 2013.}
Code Foncièr (Land Code): Burundi has a set of positive laws governing land and property ownership commonly referred to as the “land code,” which took on increasing importance as roughly 80% of court cases in Burundi 2005 were land disputes.\(^\text{18}\) At the time the peace agreement was signed (2000) the land code dictated that anyone living peacefully on a plot of land for more than 30 years rightfully owned the property. Many observers anticipated that this law would become problematic, given that many refugees had been living abroad for well over 30 years.\(^\text{19}\) However, those who fled in 1972 could also rely on legislation from 1977 which stated that any occupation or enjoyment of land or goods taken from refugees following the events of 1972 was not enforceable.\(^\text{20}\) Therefore, in many cases opposing parties each had legal claims to the same parcel of land.\(^\text{21}\) The fact that both returnees and non-migrants could have legitimate rights under the law to the same parcel of land further institutionalized the perception of loss as opposed to gain.

Moreover, as will be elaborated in section 2.2 below, the international community’s focus on the “30 years” law also contributed to the narrative that land was easy to recuperate for those returning from 1993, but difficult to recuperate for those returning from 1972, despite evidence suggesting that returnees from 1993, especially those returning from the New Settlements after Tanzania began shutting down the camps, felt that they had just as hard a time recuperating their land and integrating into local communities as the 1972 population.

**Courts and Customary Judicial Institutions:** In addition to land code used in the formal court system, customary institutions known as the bashingantahe also adjudicated land conflicts in Burundi. The

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\(^{\text{18}}\) Van Leeuwen and Haartsen 2005.

\(^{\text{19}}\) For an overview of the process of changing the land code see Kohlhagen 2009.


\(^{\text{21}}\) Van Leeuwen 2010.
bashingantabe had been prevalent throughout Burundi’s recent history, particularly in the more rural hillsides. They were still a fixture of Burundian life after the war, serving as the primary fora to mediate land conflict in the early years of the transition period until the establishment of the National Commission for Land and Other Goods (CNTB) in 2006.

International interveners seeking to ameliorate the potential repatriation “land bomb” initially focused on strengthening the bashingantabe.22 While the bashingantabe had historically been legitimate and effective conflict resolution sites, over time they had lost a significant amount of power compared to formal courts of law, and had developed a reputation of corruption – requiring fees or favoring one ethnic group in a particular area. Some citizens believed that the judges in the primary court system and local administrators were equally corrupt, and that those with money could buy favorable rulings in court.

While the courts and bashingantabe were previously the main institutions mediating land conflict, and continued to adjudicate cases not involving returnees. However, by the time I arrived in Burundi, the new commission governing land conflict between returnees and non-migrants had been operating for several years. It became clear from all my interviews that the CNTB had become the institution governing rapatrié-résident land conflict. Most interviewees cited the CNTB by name, often without my prompting. This kind of institutional reach was surprising in such rural areas where customary institutions had previously held prominence. Very few informants cited the bashingantabe by name, though a handful mentioned being in or out of favor with local administrators in the colline.

Forum shopping across the three institutions, and perceptions of their corruption and bias, further contributed to hardening the returnee-stayee divide and strengthening the perceived bias against 1993-rapatriés. At the outset, the CNTB did not have a strong legal authority to enforce

22 See, for example, Dexter and Ntahombaye 2005.
decisions if the parties refused to accept the decisions. Many interviewees explained that individuals could therefore appeal a ruling they did not like at the CNTB to the court system, which would often reverse the CNTB’s decision. These reversals perpetuated the perception that the courts favored the résidents (and Tutsi) where the CNTB favored the rapatriés (and Hutu). In particular, returnees who arrived later on in the return process from New Settlements in Tanzania frequently brought up the issue of paying fees for rulings. They claimed that résidents were better off financially since they benefitted from years of access to farmland during the war, whereas refugees had returned with “just their clothing and nothing else.” As mentioned above, the 1972-returnees were also seen as having particular connections with the ruling party, and deserving of restitution of land taken in 1972. The 1993-returnees therefore complained that since they were refugees for so long, and had neither the money of the résidents nor the political clout of those the 1972-returnees, they would never be able to afford to pay off the corrupt courts or bashingantabe.

The ability to seek out different outcomes across institutions had several consequences. First, the perception that the CNTB favored returnees and the courts favored residents layered on top of ethnic stereotypes that all returnees were Hutu, and all residents were Tutsi. This created a complicated narrative of ethnic competition that did not necessarily reflect the actual ethnic make-up of the complainants in each case, who were often of the same ethnicity. Additionally, the availability of forum shopping and buying decisions exacerbated the 1993-returnees sense of relative deprivation as compared to both the résidents and 1972-rapatriés. This contributed to solidifying the hierarchy between 1972- and 1993-returnees, and perpetuated the narrative among the 1993-returnees that the government was biased against them.

Peace Villages: Finally, the government, with the help of UNHCR, international NGOs and civil

society organizations, created areas known as “Peace Villages” (later called Rural Integrated Peace Villages (RVIs)) to house refugees who had no land and/or did not know where to find their ancestral home area – the so called “sans reference.” Approximately 5,000 families (30,000 individuals) settled in these villages starting in the early 2000s. The Peace Villages were first conceived as an emergency stop-gap mechanism, and then later as a long-term solution to house particularly vulnerable populations as well as promote reconciliation and reintegration. However, several studies have shown that the Peace Villages failed on all three counts. The villages did not provide adequate economic and food security, with villagers often living in deplorable conditions and houses falling down. In most cases, returnees living in the Peace Villages did not “integrate” into the community in large part because of violent conflict over the distribution of land. The residents of the Peace Village felt the land was legally theirs, given to them by the government, whereas the population living around the Peace Village often claimed the government’s allocation of the land was a fraudulent distribution of community resources. There was pervasive violence between those in the Peace Villages who claimed land and those in surrounding communities. Falisse and Niyonkuru note that in one community violence between Peace Villagers and the local community was so bad that the police had to establish a separate outpost near the village.

In my own interviews in the Nyabigina RVI, interviewees confirmed similar instances of violence and threats of violence. Many also emphasized the deplorable conditions and extreme poverty

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24 This included the sinistrés, which evolved into a general category of “victims” of the war who faced especially dire circumstances – like homelessness – during the transition period.

25 Falisse and Niyonkuru 2015.

26 Fransen 2017.

27 Falisse and Niyonkuru 2015; Fransen 2017; Fransen and Kuschminder 2012.

28 Falisse and Niyonkuru 2015, 388. However, there was less violence in Peace Villages on infertile land or where villagers did not claim plots of land.
in RVI and noted that several families had sold the iron sheets the international community had provided for them as roofing to get enough money to return to Tanzania and live as illegal migrants there, rather than put up with these conditions and the constant threat of violence. I also found that residents of Nyabigina Peace Village were especially adamant about the government’s role in exacerbating the issue by not providing those living in the RVI with the proper paperwork to verify their legal right to be there. As will be explored in section three below, one of the groups organizing protests in front of the Makamba governor’s office was a community group of RVI-based returnees.

The failure of the Peace Villages is an extreme example of how government engineering exacerbated relationships between returning and non-migrant populations. However, the Peace Villages housed only a minority of the hundreds of thousands of returning refugees. The majority of returnees either sought out their rural familial land or settled in nearby towns where they were more likely to interact with the courts, bashingantabe, or CNTB if land conflicts arose.

2.1.4 The National Commission of Land and Other Goods (CNTB)

By 2014, the CNTB, had become the focal institution in the politics of return and resettlement in Burundi. Much to my surprise the CNTB was widely known in rural areas, and individuals in my interviews would bring it up without prompting. Many had strong opinions on how well it was functioning, whereas few noted continued relevance of the bashingantabe. This kind of institutional penetration is remarkable in extremely rural areas of East Africa where I would otherwise expect formal government institutions to have less reach, or to be used only after customary conflict resolution mechanisms. Indeed, this seems to have been a marked change from land conflict resolution mechanisms used prior to the 2005 elections, in which observers noted a much larger role for the

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29 Vorrath 2008, 118.
Additionally, when the CNTB was established in 2006 it claimed jurisdiction to mediate all conflicts involving *rapatriés* as opposed to the courts, making it the primary site of formal institutional interaction when it came to land conflicts arising from repatriation. Therefore, to understand the role of institutions in the construction of migration-based situational identities, I focus on the analyzing interaction between local Burundian communities and the CNTB.

The National Commission for Land and Other Goods (CNTB) emerged directly from the Arusha Accords: The peace agreement stipulated that the Burundian government create a commission to adjudicate land disputes arising from return – specifically those from ‘old caseload’ returnees – and take the requisite measures to prevent future conflict.

The first iteration of the CNTB that was put in place in 2006 was a relatively independent commission, which sat under the office of the First Vice President. Under Burundi’s power-sharing arrangements, the position of the First-Vice president was reserved for a member of an ethnic minority, and had been traditionally given to a Tutsi member of the opposition UPRONA party.\(^{30}\) The commission was composed of several dozen members, balanced for ethnicity and political party and civil society representation. Under the 2006 law creating the commission, these members were appointed by the First Vice-President, based on recommendations of the commission’s president in consultation with the local provincial authorities.\(^{31}\) However, a revision to the CNTB structure in 2011 placed the commission directly under the president, and gave the president the power to nominate the commission members, with no reference to consultation of local provincial authorities.\(^{32}\)

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\(^{30}\) In 2006, the commission was allotted 23 members This increased to 50 members in 2011. Loi 1/18 du 4 Mai 2006, *Republique du Burundi*; Loi 1/01 du 04 Janvier 2011, *Republique du Burundi*.

\(^{31}\) Loi 1/18 du 4 Mai 2006.

\(^{32}\) Loi 1/01 du 04 Janvier 2011.
To mediate competing land claims, individuals submitted cases to CNTB commission representatives in the province, which then sent a small committee to investigate the claims, often seeking out witnesses in the community to confirm historical ownership of the land.\textsuperscript{33} The CNTB was then responsible for mediating the complaint between parties based on their findings. While the first iteration of the CNTB did not have strong enforcement capabilities (and appeals could be made through the judicial system), later revisions to the law provided increased enforcement power.\textsuperscript{34} According to government reports, as of 2012, the CNTB had registered 33,499 cases of land conflict.\textsuperscript{35}

This first administration of the CNTB, led by Father Astère Kana (a respected civil society member and clergyman), promoted a policy of sharing land between the current occupant and returnee. This policy recognized that many occupants on the land did not necessarily expropriate the land themselves, but bought it “in good faith” from the government or other individuals.\textsuperscript{36} If two individuals claimed the same property, each would get a percentage of the land and would both live on the plot. While this was not fully satisfactory to either party, many villagers I interviewed indicated that they were either content with sharing, or that at least, pragmatically, the policy was the lesser of possible evils in the short-term. In some interviews, individuals indicated that in areas where parties had capitulated to sharing the land, relations between résidents and rapatriés were more peaceful.

However, the sharing policy was not universally implemented. As referenced above, with forum shopping options, people could appeal CNTB rulings through the courts, which often reversed the CNTB’s decisions. In other cases, returnees, especially those from the nineties who had less

\textsuperscript{33} Author Interviews.

\textsuperscript{34} Keenan 2015.

\textsuperscript{35} CNTB 2012. This number likely vastly underestimates the total cases of land conflict in Burundi, and many Burundians did not take their case to the CNTB for fear of retribution. Others sought out other mediation venues, or simply took matters into their own hands.

\textsuperscript{36} Wittig 2017.
political and economic capital generally, often were too scared to take their claims to court for fear of retribution. Moreover, it was generally easier to maintain residence on the land than to enforce an eviction. Therefore, résidents often had either the resources that allowed them to buy-off officials, or the ability to outlast others in a stand-off when sharing the land. The inconstant implementation of decisions precluded the CNTB from assuaging the hostility between the two groups. While some individuals resolved their personal land conflict via the sharing policy, there was still a sense that other rapatriés and résidents in the community had land problems, and that these group identity categories remained relevant.

After Father Astère Kana died in July 2011, the commission was placed directly under the office of the president and a new party loyalist installed: Father Sérapion Bambonanire. Bambonanire himself was a former refugee, having fled in 1972 to Rwanda and Zaire, and eventually making his way to Italy for further theological training.\(^{37}\) Under Bambonanire, the CNTB revised their policy to require full restitution of all land and property to returnees, particularly those from 1972.\(^ {38}\) The commission even began reopening previously resolved cases that allowed parties to share the land to instead give all the property to the rapatrié. As a rapatrié, himself, and a party loyalist Bambonanire was seen as biased, and particularly ruthless in his attitude towards résidents, earning himself the nickname of “The Scorpion.”\(^ {39}\)


The government further strengthened the CNTB mandate in 2013, granting judicial power to enforce decisions, making obstructing the commission’s work punishable with 1-5 years of jail time, and creating a new Cour Spéciale des Terres et Autres Biens (Special Land Court) to decide on appeals, rather than through the regular court system.\(^{40}\) Several opposition politicians alleged that the new Special Land Court was unconstitutional, as the final judicial power should be reserved for the courts, and that the CNTB’s new strength would only serve to further exacerbate conflict, not resolve it. Moreover, with the 2015 elections quickly approaching Bambonanire’s controversial approach favoring the 1972-returnees was also seen as a way to gain electoral advantages and encourage party loyalty among the returnee population.\(^{41}\)

Despite its seemingly extreme approach, Bambonanire’s CNTB justified this new policy as a form of transitional justice: The land was wrongly taken as a result of the 1972 genocide and subsequent mass exodus; therefore, it was only right that all property be returned.\(^{42}\) For example, in a 2012 conference on the CNTB’s activities, the commission provided an overview and justification of their mission which stated that displaced populations who found their land occupied or otherwise obtained by government authorities could not fully reclaim the rights owed to them as Burundian citizens. Therefore, Burundi could not achieve lasting peace without restoring those rights. The CNTB claimed that the previous policy which forced returnees to share their property with neighbors – who sometimes had been the very cause of the returnees’ exile – was therefore unjust.\(^{43}\)

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\(^{41}\) Author Interviews; Wittig 2017.

\(^{42}\) Author interviews, CNTB 2011, 2012.

\(^{43}\) CNTB 2011, 3.
Instead the CNTB framed its mission to restore land rights to victims of the 1972 genocide as essential to the goals of peace and reconciliation, and a prelude to the actions of a Truth and Reconciliation Commission. In the same conference, judicial advisor for the CNTB Jean Havyarimana even explained that the CNTB’s policies were in line with the Pinheiro Principles, international standards on the right to restitution of property.44

Indeed, the Pinheiro Principles (a set of principles developed by Paulo Sérgio Pinheiro as UN Special Rapporteur on Housing and Property Restitution for Refugees and Internally Displaced Persons and endorsed by UN Sub-Commission on Human Rights in 2005) does emphasize the primacy of refugees’ rights to property restitution as a form of restorative justice in its guidelines for States, UN agencies, and the international community. Section II, Article 2 of the report states:

“(2.1) All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.

(2.2) States shall demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice. The right to restitution exists as a distinct right, and is prejudiced neither by the actual return nor non-return of refugees and displaced persons entitled to housing, land and property restitution.”45

The Pinheiro Principles represented a progressive step toward strengthening international norms protecting refugee and displaced persons’ rights, and against the seizure of property during wartime through forced population transfers.46 However, they have also been heavily criticized for exactly the

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44 CNTB 2011, 3.
For an overview of the Pinheiro Principles see UN OCHA/IDD, UN HABITAT, UNHCR, FAO, OHCHR, the Norwegian Refugee Council (NRC), and the NRC Internal Displacement Monitoring Centre (IDMC) 2007.

For a general discussion of housing and property rights after conflict see Huggins and Leckie 2011.


46 Huggins and Leckie 2011; Takeuchi 2014.
issues that arose in Burundi.\footnote{Anderson 2011; Paglione 2008; Ballard 2010; Takeuchi 2014.} In addition to myriad other problems, scholars have found that the Pinheiro Principles do not adequately address the issue (or protect the rights of) secondary occupants from subsequent displacement in the process of restitution. Nor do they deal with the problem of whether there are time limits on the right to repossession.\footnote{In this case, the Pinheiro Principles fall into the trap of prioritizing Western conceptions of individual rights to property over other conceptions of property over the potential for alternative remedies. For a full discussion of these critiques of the Pinheiro Principles see Anderson 2011; Paglione 2008; Ballard 2010.}

CNTB officials repeatedly echoed the Pinheiro Principles frame of restorative justice in their interactions with me. In 2016, when I asked Jérome Nsabiyumva, the head of the permanent CNTB delegation in Makamba, what the mission of the CNTB was, he offered a lesson on the justness of restitution of property:

“The mission is to investigate the things he [a repatriate] is looking for: if it is a house, if it is his, etc. If they find a home belongs to the person, then the other one must give it back. The land, especially in the early days, [there was a] habit of dividing it into two. But we realized that to divide the land in two parts is not good because there is no justice.”

When I asked why there was no justice Mr. Nsabiyumva energetically began to draw a diagram for me. Tracing two plots of land side by side he outlined a hypothetical case: “Before the war there are two neighbors. One leaves and one stays on the land.” He explained that the one who remained in-country not only stayed on his own land, but also occupied his neighbor’s parcel. When the rapatrié came back, Mr. Nsabiyumva explained, “with [the] sharing [policy], they divided only the part of the one who had been out,” and he drew a line though one parcel, leaving the remaining one and one-half parcels to the résident neighbor. “They [the government] have no right, no right, \textbf{no right} to divide’s someone land without his consent. Your neighbor takes your land, and now you are only left with half?!” Mr. Nsabiyumva was incredulous that I did not seem to understand that this was reason enough
to switch to full restitution policy, exclaiming (as if it was the simplest concept), “Yes, because when someone comes it is good to give him his things back!”49

The previous year, when I asked then-Vice President of the CNTB Hon. Martin Mbazumutima about the changed sharing policy, he offered a similar argument, this time directly referencing the Pinheiro Principles:

*Researcher*: What happened to the sharing policy?

*VP Mbazumutima*: “Before, neighbors occupied [some]one-who-fled’s land, when he comes back this land that belonged to him, it was said [they had] to share. And then we came to see that this was unjust. [The one occupying the land] lied to the government and said the land was given by the government, but on paper as it doesn’t say that.” [Note that very few Burundian paysans had written deeds to property, regardless.]

*Researcher*: Why was it unjust?

*VP Mbazumutima*: “By then we referred to what the international organizations said about a person who is repatriated. We found that nowhere is it written that a person who repatriated has to share land [in] principles of human rights (he refers specifically to what he calls the ‘Pinheiro international treaties on human rights.’) We did not grab lands from them. Even if they left, the lands were still [theirs]. That is the [international] right to property.”50

In some cases, there were indeed clear cut issues of annexation of property. However, the CNTB’s characterization was a vast oversimplification of the issue. As noted above and in the previous chapter, occupants on the land may not have illegally appropriated it themselves, but bought the plots from the government, or inherited them indirectly. In other cases, multiple parties had legitimate legal claims to the land (having taken advantage of the displacement during the war to buy property at low prices),51 or the disputes were about *résidents* and *rapatriés* in the same family claiming familial property. However, the CNTB under Bambonanire refused to acknowledge that any of the second-occupants

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49 Author Interview 01/28/2016

50 Author Interview 02/23/2015

on the land could have acquired the property “in good faith.” Instead, all second occupants were vie considered “spoilers” to peace, whose ownership of the land was an unjust expropriation of property resulting of from crimes of war.

Moreover, while the CNTB’s official policy was that the second occupants who did not have land would be compensated and/or provided with alternative housing, CNTB representatives told me this was not a frequent problem. They claimed, instead, that the majority of résidents/second-occupants had traveled from other parts of the country to occupy the land, and therefore had another home to which they could return if evicted from the disputed property. Of course, résidents disputed this, saying that their family had lived for decades on this land and did not know any other home: “As the résidents, ‘we've got where we came from.’ They think you can go back where you came from. But that place doesn’t exist.”

While résidents may have had an incentive to lie about their ability to relocate elsewhere, the historical trajectory of land occupation suggests that having lived on the occupied land for decades, it was certainly possible that they no longer had unoccupied land to which they could return in other provinces. Civil society members familiar with the process of eviction confirmed that the implementation was irregular, sometimes families were given weeks to leave, other times a few months. Many were not provided any form of compensation, and struggled finding alternative housing. Still, grounded in this narrative of restorative and transitional justice, and with the support of the ruling CNDD-FDD party, the CNTB moved forward with the reversed policy. Individuals re-opened previously settled cases to receive full restitution, and CNTB documents that verified previous agreements were no longer legally valid.


54 Author Interview 02/24/2015.
Rather than consolidate peace through justice, the new approach worsened relations between returnees and stayees, and exacerbated violence between the community and against the CNTB itself. As many villagers described it, hostility between residents and rapatriés centered around issues of land, and this worsened with the new institutional design. As one résident claimed, “The CNTB is the one that has killed everything. Because before these [people] would share fifty-fifty… But now [the CNTB] gives all.” Exact data on these crimes is hard to come by. However, other researchers and journalists found similar perceptions of increased violence during the second CNTB administration, and according to an investigative report, during Bambonanire’s administration the attempted murder and arson rate related to land conflict nearly doubled from 19% to 36%. These statistics likely underestimate the actual rates given the underreporting bias. Where previous policies were less detrimental to returnee-stayee hostilities, the decision to have the government clearly favor one group over the other fueled animosity and contributed to the continued crystallization of the groups’ separation within the communities. As one respondent explained, the new policy brought about a worsening of relationships between stayees and returnees: “Before we used to share the land. Back then we used to live together, could go to neighbor and ask for fire (for cooking). Now there is no sharing.”

Not only did the new policy increase hostility, the CNTB’s new policies were also perceived as extreme favoritism for the 1972-returnees. In some cases, the policies were seen as directly

55 Author Interview 02/24/2015.
57 Keenan 2015.
58 Author Interview 02/23/2015.
benefitting government officials who were also making their own land claims with the commission.\textsuperscript{59}

The four women who drew the two maps shown above, all returnees from the New Settlements in Tanzania housing 1993-returnees, had explained to me that “Those who fled in 93” were having problems with land because “others from 1972” were claiming the land was theirs. When I asked if the CNTB could help them, one woman explained, “It [the CNTB] comes and says that they have to leave so that those who fled in 1972 can have the land. They (only have enough time/permission) to take their clothes, but not their plates and other things in the house.”\textsuperscript{60} The fact that 1972-refugees were well connected to the ruling party, as compared to the 1993-returnees, contributed to the 1993-returnees’ reduced ability to collectively act and seek recognition of their plight, as any mobilization could invoke retributive attacks backed by ruling party.

The policies were also particularly threatening to résidents, who, having invested years of work into the crops on the land, had a lot to lose. This exacerbated community relations to the point where communities organized to prevent the CNTB from executing their work or even entering certain villages (See section 3 below).

Beyond the violent conflict, the consequences of restricted access to land were dire. Because the vast majority of villagers in Burundi are subsistence farmers, without property they were left in a desperate economic situation. Forced to “farm for others” and use wages to rent houses, Burundians who were most disadvantaged in accessing land, were often unable provide adequate food, clothes or care for their families. Many interviewees reported seeing neighbors try and go back to Tanzania because the combination of economic hardship and the threat of violence over land was too much to bear.

\textsuperscript{59} For example, it was widely rumored that the Governor of Makamba and others were buying up properties and stood to make a lot of money from the settlements of various land conflicts in the community.

\textsuperscript{60} Author Interview 08/05/14.
2.2 Other Formal & Informal Institutions

Besides the formal and informal practices governing land conflict there are several other institutions unrelated to land that Burundian paysans perceived as discriminatory, further contributing to both the solidification of migration-based identities and the emergent hostility between these groups. Two examples are discussed below, the education system and common practices among international humanitarian and peacebuilding interveners.

*Education:* As discussed above, many returnees believed that the education and health care systems were biased against them. While I could not confirm this in the context of health care, the languages used in the national curriculum certainly put many returnee families at a disadvantage. Students returning from Tanzania who were more fluent in English and Swahili than French and Kirundi often struggled in an immersion education setting. Some students who struggled with the language dropped out. This issue was often overcome with language acquisition overtime, especially among younger students who picked up Kirundi and French easier. However, in Makamba town one high school prefect noted that because of these language issues, a few organizations had started separate English speaking schools.61

In many instances, individuals assigned this narrative of discrimination based on migration history to other interactions, without necessarily the same concrete evidence of clear patterns of differential treatment. For example, Bonifax* – a returnee – had completed some university education while in Tanzania, but struggled to get Burundi to recognize his certificates of program completion so he could pursue a job in Burundi. It is possible that in this instance Bonifax’s qualifications earned in Tanzania differed in some substantive way from diplomas offered in Burundi, or that standard

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61 However, to his knowledge the schools were shut down. He also suggested this issue was linked to the public debate about joining the East African community so that English could be one of the official national languages.

*Bonifax is a pseudonym used for anonymity.
bureaucratic issues were to blame. But according to Bonifax and others, discrimination against returnees was to blame: “I think it’s because we are repatriates.” Bonifax would later go on to explain that issues between résidents and rapatriés persist in his community because they were still having land conflicts, and in some cases having to give back land. Bonifax’s perception of discrimination as a widespread issue across sectors is demonstrative of the endogenous interaction between institutions and identity formation: institutional interactions in one part of society (land conflict) which clearly treated individuals differently based on their migration history (in this case land rights) solidified individuals’ identification as “returnee” or “stayee.” This stronger group identification, and perception of discrimination, then colored individuals’ broader world views such that they interpreted other interactions (receipt of a diploma) through the same lens – whether actual bias existed or not.

International Intervention Practices: Another informal pattern which reinforced the migration-based cleavage was the international community’s standard practice of separating Burundian returnees according to their era of original flight, 1972 or 1993. This designation was understandable pragmatically – the Burundians who fled in the 1970s and 80s and who did not return to Burundi until after the civil war lived in a different set of camps (the ‘Old Settlements’) than Burundians who fled after 1993 (who lived in the ‘New Settlements’). However, many of the Burundians who lived in the New Settlements had also fled in 1972. These repeat-migrants had returned to Burundi for an interim period, often just a few years, and then fled again in the 1990s when civil war broke out. They were therefore placed in the New Settlements and considered a part of the “1993 cohort.” That said, because they lived in different locations, refugees in the New Settlements required different logistical support from those in the Old Settlements in order to return to Burundi. Moreover, the Tanzanian

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62 Author Interview 02/23/2015.
63 Author Interview 02/23/2015.
government offered Burundians who had been living the Old Settlements since 1972 the option to become naturalized citizens, but did not offer this option to those living in the New Settlements, further differentiating the two cohorts.

There was a pervasive narrative among international organization staff, civil society representatives, and government officials that those Burundians returning from the “1993 cohort” did not face many problems in reacquiring their land, but that the “1972 cohort” did, and therefore needed more help in the process of restitution. In practice the difficulties faced by individuals who fled in 1972 and individuals who fled in 1993 varied within-category. Some returnees from 1972 did have an especially hard time reclaiming land. This was especially true for the returnees from 1972 that were born in Tanzania and/or did not know where their familial land was, commonly referred to as the “sans référence.” Some individuals who fled in 1993 did have an easier time finding their families and reclaiming property. This seems to have been especially true for the 1993-returnees who arrived early on after the peace agreement.

However, this was not the case when I arrived – or at least not how the 1993-returnees themselves understood the issue. Having been gone for 20 years, many of the interviewees who fled in the 1990s also found that in their absence their land had been occupied, that the government had appropriated land, and/or that family parcels had been bought and sold. For many, this was their second times fleeing and returning. In theory, if they brought their cases to court they would have the legal advantage, as it was more likely there would be witnesses in the area who could verify their family owned the land, and the ‘30 years occupancy’ law did not preclude them from legally reclaiming the land. The CNTB, on the other hand, was designed to rectify cases where the land code would unjustly

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64 Fransen 2017; Huggins 2012.
discriminate against refugees who had been forced to flee their land for more than 30 years and therefore could not legally reclaim their land under the existing land code.

As described above, the CNTB also had a particular affinity for the 1972-refugees, and had come under more direct control of the ruling CNDD-FDD party. Many 1993-returnees claimed that because they had “returned late” from Tanzania to Burundi (after the 2010 elections), the government accused them of being members of the opposition (FNL). This allowed individuals they had land conflicts with to malign their reputations, accusing them of “being rebels,” and make it even more difficult for them to safely remain in the community. This left many returnees from the 1993-cohort feeling doubly persecuted for their migration choices – even those who had fled in 1972, but after returning and fleeing again ended up identified with the 1993-"rapatriés."

Consequently, many in the 1993-cohort felt that they would not be able to win their cases at the CNTB, which “only favored the 1972s.” Instead, many returnees in this position simply refrained from even taking their cases to the CNTB: any potential benefits were far outweighed by the very likely violent retribution they would face from their neighbors.

Despite these difficulties, when I spoke with staff members of international humanitarian organizations, without fail, they adhered to the narrative that the 1993-cohort did not face as difficult a time as the 1972s. Early evaluations of return to Burundi found the process of repatriation to be one of the most successful of its kind, and as a result there was much less subsequent evaluation of the international community’s strategies, including of the “1993” “1972” cohort delineations.66 These tendencies in part reflect a kind of path dependency in the international community’s approach to peacebuilding throughout Burundi. As Curtis (2013) explains, the international peacebuilding community designed programs in Burundi to promote their preferred understanding of peacebuilding,

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66 Huggins 2012
which centered on liberal governance and cross-ethnic power sharing. Through this approach, international interveners often overlooked the “messier” components of local political dynamics in Burundi as long as the national level situation tended to be improving.  

This allowed local actors to “reappropriat[e] and reinscrib[e] peacebuilding ideas and strategies to further their own authority and control.” This exactly what the CNDD-FDD did in this situation, taking advantage of the international community’s tacit agreement with oversimplified narrative that 1972-returnees were the most in need of assistance, to then use the CNTB to promote “transitional justice,” in such a way that directly benefited themselves and their base supporters.

3. Political Organization & Mobilization

It is clear from the discussions above that migration-related divisions altered social dynamics in communities, and were linked in many cases to pervasive violence between neighbors and within families. Interactions with institutions like the CNTB hardened these identity categories, and sowed hostility across the resident-rapatrié cleavage.

In addition, community politics and civic engagement began to coalesce around résident-rapatrié competition. In this section, I explore how the résident-rapatrié divide played into politics at the local and national level.

3.1 Collectively Contesting the CNTB

On March 20, 2015, just one month before protests in Bujumbura would plunge the country into a new era of political crisis, the protests of note were not in Bujumbura. They were in Makamba. For

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67 Curtis 2013.

68 Curtis 2013, 78.

69 See also Wittig 2017.
several years there had been growing public debate around the purpose of the CNTB and the perceived biased toward rapatriés. Members of the UPRONA party (the primary opposition party at the time, with a traditionally majority Tutsi membership), were particularly vocal in accusing the commission of favoring only rapatriés from 1972 and otherwise serving the interests of the CNDD-FDD. Many résidents felt the CNTB’s new policy of reopening cases in which the parties had agreed to share the land to give all the land back to the rapatriés was extreme and discriminatory.

Dissatisfaction with the new policy soon grew to a boiling point. Résidents in several villages led protests and organized to keep the CNTB from operating in the area. In Nyanza-lac, Kibago, Vugizo, and Mabanda résidents (supported by some rapatriés as well) placed large stones and tree trunks in the road and a make-shift check-point to ensure that no CNTB personnel could not get in.70 In other cases villagers chased the CNTB cars out by throwing stones, wielding farming tools like machetes, and threatening the CNTB staff that if they came back again they would not leave alive.71 Reports suggest that while the majority of those fighting the CNTB were résidents (who stood to lose the most from the Bambonanire CNTB administration), some rapatriés also joined as they worried the CNTB’s policies could create further instability.72

The situation had gotten so bad, that after the March 2015 protest the governor of Makamba halted the implementation of CNTB rulings in the province “to avoid a blood bath.”73 The President then followed suit and announced a nationwide suspension of CNTB activity.74

70 Bigirimana and Hakizimana 2015; Keenan 2015; Nyenyezi Bisoka 2013; RFI 2015b.
71 Author Interviews.
72 Bigirimana and Hakizimana 2015.
74 RFI 2015a; Wittig 2017.
3.2 Civil Society in the Peace Villages

The résidents were not the only ones organizing around migration divides. While the CNTB became the epitome of institutionalized favoritism of returnees, this did not mean it was exclusively résidents who felt discriminated against. As explained in the previous chapter, both returnees and non-migrants believed their neighbors were biased against them because of their identity as a rapatrié or résident.

Take for example the case of Hassan.* I met with Hassan on all of my trips to Burundi, and subsequently found him in Nyarugusu refugee camp in Tanzania when he fled Burundi again in 2015. Hassan’s parents had fled during the 1972 genocide, seeking refuge in the DRC, where Hassan was later born. When Hassan returned to Burundi in November 2010, he was one of many who did not know where to find his familial land. The government allocated him and several others small plots of land as a part of the Nyabigina Peace Village in Makamba. However, the government did not provide those living in the Peace Village with adequate paperwork demonstrating their ownership of the land, and résidents in Nyabigina town refused to accede to the land allocations (which included plots with palm oil trees – a particularly lucrative crop). The returnees in Nyabigina Peace Village were repeatedly harassed by non-migrants claiming to be rightful owners of the property. Hassan described situations where returnees in could not harvest palm fruit on their property without threat of violence from the résidents, or were not allowed to plant seeds unless they provided résidents with the future profit. The situation was so untenable – dilapidated houses, lack of food, violence and threats of future violence from neighbors – that many of the returnees in the Peace Village, including one of Hassan’s sons, sold their iron sheet roofs for money to re-migrate to Congo.

* Hassan is a pseudonym used for anonymity.
Hassan decided to organize the peace-villagers to lobby various ministries, political representatives, and the international community to do something about the situation. He and his fellow returnees in Nyabigina formed a civil society organization called *Dukumbane Burundi* or “Love each other, Burundi.” Representing about 34 families of returnees in Nyabigina Peace Village, the organization wrote several letters to try and get the government’s attention – one to the Ministry of Solidarity which was in charge of ensuring the welfare of returnees, one to UNHCR, and another to a governmental Ombuds office. While UNHCR intervened to try and encourage the government to attend to the issues highlighted by Hassan’s group, the returnees saw little improvement in their daily lives. So, they decided to protest. *Dukumbane Burundi* gathered a group of returnees to sit for three days outside the commune administrator’s office, and on the fourth day a representative from the government came to see if they could find a solution. However, Hassan believed that the protestors were essentially “chased” from the commune administrator’s office. The government had promised the protestors that they would receive new land, but in the two years since the protest, nothing had happened.

In Hassan’s view, part of the problem was that both the government and the international community only paid attention to returnees from Tanzania and their counterpart *résidents* (so as not to promote favoritism of returnees over non-migrants). But they seemingly ignored returnees from DRC. Other returnees from DRC that I interviewed felt equally slighted. They recounted how NGOs would hold meetings on the issues facing returnees, inviting returnees from Tanzania and non-migrants, but that returnees from DRC were not notified. Hassan recalled another situation where an international organization, started a program to provide access to a grinding machine for processing crops like rice, cassava, and palm oil. The program was meant to help individuals find employment. But the perception among those in Nyabigina Peace Village was that returnees from DRC were excluded from accessing these new jobs. Whether the neglect of returnees from Congo was as extreme and intentional...
as Hassan and others portrayed it or not, the perception of relative deprivation and discriminatory treatment was quite strong. These perceptions fueled the hostility between returnees, the government, and residents and reified the migration-based collective identify divisions and sub-divisions.

As the national elections approached, Hassan’s neighbors told him and others in Nyabigina Peace Village that if the elections brought conflict to Burundi, those in the Peace Village would be the first to be killed. This fear, and relative lack of resources and status, precluded their ability for further collective action; if it failed they would likely face much worse repercussions. Given the threats these rapatriés faced, I was not surprised when I found that out in April 2015 that Hassan was among the very first to flee Burundi when national protests broke out in Bujumbura [this is explored in further in the following chapter].

3.3 Local Political Representation

Counter-intuitively, even creating local government posts to try and increase political representation for returnees generated problems. In many of the towns I visited, there was an official representative of the returnees recognized in the local administration. In some cases, a returnee was appointed by the national Ministry of Solidarity as the representative of returnees for that area. In other cases, a returnee was able to win a seat on a local administrative council, and was then referred to as the representative for the returnees by default. The “representative” title could also be informal, organized by the returnees in the community as a way to lobby the government and international community on various issues like land, housing, food, and employment. While there may have been instances where conflict was avoided through increased representation, many interviewees noted that singling out posts for returnees was also a source of tension in the community. As one appointed returnee-representative explained to me, “The people who stayed here they are complaining and jealous that there is this
position of representative of the returnees. They fear us or are jealous that there is going to be special attention.”

3.4 Utilizing alliances between migration identities, political parties, and ethnicity

Finally, national political actors could utilize résident-rapatrié competition to their own advantage. For example, there was a common perception that national political parties used return migration policy to gain voter support around the national elections – either by providing favorable outcomes to their constituent base, or by triggering ethnic resentment to invigorate their traditional voter base. The CNDD-FDD’s extreme favoritism toward the 1972-returnees in the lead-up to the 2010 and 2015 elections was seen as one method to win returnee votes, as returnees often fit the demographic of the party’s traditional base of Hutu paysans. In fact, many returnees I spoke to believed that they were encouraged to return to Burundi between 2007 and 2009 because the ruling party wanted them to vote in the 2010 elections. By playing on stereotypes of résidents as Tutsi, the UPRONA’s criticism of the CNTB could equally be interpreted as trying to drum up electoral support among their traditional Tutsi base. The CNTB thus became an easy site for elite manipulation along multiple national and local cleavages, including political party competition, ethnic narratives, and résident-rapatrié divisions.

Moreover, there was a pervasive perception among the returnees I interviewed who arrived after 2012 that they were discriminated against because they failed to come in time to vote for the President in 2010, and therefore must be allied with the FNL opposition party. Some may have

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75 Interview 08/01/2014.
76 See also Wittig 2017.
77 See also Wittig 2017.
78 The FNL opposition party was the political wing of the more extreme Hutu-nationalist FNL rebel group. As a rebel group, the FNL did not sign on to the peace agreement until 2006, and therefore continued sporadically fighting the CNDD-FDD led government through 2008.
indeed been FNL supporters, but many of the refugees who did not return to Burundi until 2012 were avoiding return because they knew their land had been occupied in their absence. Upon arrival, they described how their neighbors would accuse them of being FNL in order to get ruling-party loyalists in the community to support them in their efforts to prevent the returnees from claiming land. This is a very clear embodiment of the type of national-local cleavage alliance Kalyvas describes as determining where violence is targeted during civil war – though here we see it in “peacetime.” (I describe this trend more detail in the following chapter on who migrated during the 2015 third-mandate crisis).

Thus, return migration not only created new identity divisions and catalyzed local violence between returnees and non-migrants, but hostility between returnees and non-migrants proved in at least some settings to be an important dimension of broader political dynamics and efforts at mobilization. In some cases, this took the form of bottom-up organization of protests and civil society engagement. In others, individual actors used alliances between local cleavages (résidents versus rapatriés) and national cleavages (political party and/or ethnicity) to further their own political and private pursuits.

4. Alternative Arguments

There are a number of alternative arguments to explain the dynamics of competition between returnees and non-migrants I observed in Makamba province after Burundi’s 1993-2003 civil war. The first alternative argument suggests that what I have described here is simply a case of competition for scarce resources. Second, but related, is the argument that while land conflict may not be reducible to scarcity alone, that local conflict in Burundi after the civil war should be understood through the lens of land conflict - not as related to return migration. A third alternative argument is that strength of networks in-country or while in exile during the war can explain the relative strength or salience of the
displacement-based cleavage. Finally, there is the argument that competition along pre-existing cleavages, like ethnicity, or the existence of other factors known to increase the likelihood/decrease of civil war violence (like GDP, rough terrain, etc.) could equally be responsible for the pervasive local-level land violence observed in Burundi. I address each of these arguments in turn.

4.1 Scarcity of Resources

An explanation emphasizing scarcity of resources would argue the following: Land in Burundi is both scarce and extremely valuable. Between population growth, environmental degradation, and the predominance of the agricultural sector, it is unsurprising to see conflict emerge when even more people enter the country trying to make claims on this resource.

I agree that resource competition was an essential contributing factor to the local-level violence in Burundi’s transition period. However, resource competition alone is not a sufficient explanation to account for the character and persistence of returnee-stayee conflict in Burundi. First, several institutions, both formal and informal seem to have affected the level of conflict in addition to the scarcity of the resource. This is especially true of some of the formal bodies governing land, like the CNTB. Other institutional interactions also exacerbated these divisions, including perceived disadvantages in the national education system, and regularized practices among international organizations.

This lends plausibility to my argument that institutions which provide differential dividends (real or perceived) based on individuals’ migration history reify and exacerbate displacement-related cleavages. Future comparative case studies of return migration in other contexts could provide additional leverage to evaluate the role of institutions in development of these cleavages.

Second, exclusively focusing on resource competition can obscure the process of situational identity construction that can affect community dynamics; Scarcity of land alone cannot account for
the development of social identities of *rapatrié* and *résident* that persisted in Burundian communities outside the realm of resource competition, for example in the ways certain individuals describe how they can no longer share fire with their neighbors, or how only the returnee men sit and drink coffee in town. However, an institutional lens can illuminate how competing conceptions of deservedness and perceptions of relative deprivation can reify group divisions during post-conflict transitions. If, after interacting with certain institutions, individuals believe they are being treated differently based on their migration histories, this can create a greater sense of identification with an imagined community of like others. They may then adjust their future political and social behavior may adjust according to this more salient group identification.

Third, and relatedly, scarcity is what you make of it: Just because there is competition does not mean there will be violence, nor does it determine who the violence will be directed towards.\(^79\) In addition to being a scarce resource, in Burundi land holds particular cultural significance. In theory, if scarcity was the only issue, instead of violence you might see a proliferation of side payments or alternative mechanisms for diffusing conflict as opposed to dividing land. Had there not been this particular attachment to agrarian life, expanding the diversity of economic activity in Burundi may have produced better economic outcomes for both the government and many Burundians, especially since being tied to increasingly infertile land has contributed to the pervasive poverty and hunger.\(^80\)

\(^79\) Van Leeuwen and Van der Haar 2016. Though developed independently, Van Leeuwen and van der Haar use similar arguments of cultural significance and framing to refute the argument that scarcity alone can explain violent land conflict, using evidence from both Burundi and Mexico. They also draw on Kalyvas 2006 and Autesserre 2010 to explain the emergence and direction of violence. However, they argue that institutions cannot explain the violence associated with land conflict, and instead cultural context or framing needs to be taken into account. I agree that framing and culture are important, however I also believe that institutions play a role, and that these institutions are not just formal laws or organizations, but include strongly held cultural practices that pattern behavior (what Van Leeuwen and Van der Haar call cultural frames), and the resulting dynamics can further shape post-conflict peacebuilding.

Moreover, if scarcity were the only issue, returnees might have been satisfied with renting a house and the same small bit of land they might otherwise receive if they won in court, without taking on the risk of violence. But most interviewees did not accept this as a sufficient resolution to the issue. When land competition pitted returnees against non-migrants, given cultural attachment to ancestral land, returnees viewed the land as rightfully theirs, even if they had left it behind during the war, and did not want to rent a house somewhere else. Without such a strong cultural attachment to land, more Burundian villagers may have been willing and able to pursue alternative forms of employment. Residents on the other hand, saw the land as their only means of survival, and having lived in that area for decades, did not know of any other familial land to which they could return. Therefore, the processes of displacement and return created a situation where not only were two groups competing for scarce resources, but displaced populations and non-migrants each expected the resource to be theirs in the status-quo. As such, failing to win a land case represented a net loss for either party, not a potential gain. Prospect theory then helps explain why, when presented with the possibility of losing that land, many Burundians were willing to take on enormous risk to guard against potential losses.

Population growth and degradation of land quality were frequently cited as issues in both interviews and the map-making exercise. Though, I would argue that these issues were not only linked to the increasing scarcity of resources, but to the disruption of the traditional way of life where individual families maintained inherited tracts of land far away from each other on the hillsides. As such, in this case both scarcity and cultural frames compounded the need to protect against future losses of land.

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81 Van Leeuwen and Van der Haar 2016 make a similar argument.
4.2 Land & Conflict, not Return Migration & Conflict

Another alternative argument in this vein suggests that the lens of land conflict is sufficient for understanding the situation in Burundi after the civil war, and it would therefore be misleading to draw the additional connection to return migration.

As stated above, in the Burundian case land conflict was the primary mode in which returnee-stayee conflict manifested. However, while the violence in Burundi between migrants and non-migrants most frequently centered on property rights, the narratives around these group identities were salient beyond the realm of land conflict, or even economic competition. In particular, animosity between returnees and non-migrants was evident in cultural domains and fueled perceptions of legitimacy/illegitimacy, and who could claim to be “true citizens” of Burundi. This supports my argument that the construction of new local divisions is spurred by population return after civil war, and aggravated through institutions in an iterative cycle, such that individuals continue to interpret various community interactions through the returnee-stayee frame. Absent the institutional environment governing access and attitudes towards land ownership, it is possible that returnee-stayee conflict may have emerged more strongly in a different domain. The narratives around discrimination in access to education, and legitimacy of citizenship, for example, suggest the possibility of these alternative sites.

There are two additional variations of the alternative argument that rapatrié-résident violence is attributable to land conflict, but not necessary to return. First, Van Leeuwan (2010) argues that land conflict in Burundi after the civil war is not attributable to the short-term impact of mass refugee return, but to long standing structural issues in land governance. I agree that long standing structural issues are at play. In fact, this is central to my argument, that returnees’ interactions with regularized institutions, practices, or traditions in countries-of-origin create and harden new identities related to migration.
However, Van Leeuwan discounts the short-term impact of return migration on land conflict by arguing that return migration did not exacerbate prior *ethnic divisions* through land conflict. Instead in many cases these conflicts were between family members, or due to expropriation by the state.\(^{92}\) Therefore, he argues, return migration was not the primary contributing factor. Van Leeuwan concludes that “Rather than an ethnicized problem of returning refugees, the land problems resulted from state interventions in the past. Further, both returning refugees and people that had not fled had been affected by expropriation. The resulting disputes were not between community members or between returning refugees and occupants, but between people and the state.”\(^{83}\)

I disagree. To the contrary, I argue that it is exactly this data about conflict across ethnicity and within families (in addition to the development of return/stayee identities) that supports the argument that return migration was an important element in the production of violence in Burundi’s war-to-peace transition, and that, more generally, return migration can create new cross-cutting local cleavages which can reshape prior structures of conflict. My data (which were gathered several years after van Leeuwan’s) suggest that conflicts between family members were often also characterized as conflict between returnees and non-migrants.\(^{84}\) And that frequently, though not always, the language used to articulate the problem was the language of migration identity, e.g. “the one who stayed.”

It is possible that if word got out that a researcher in the area was going around asking about return migration that villagers could have changed the way they framed this data to me as more about...
migration than about family. However, with the random walk sampling design most of the interviewees in the Burundian villages did not know who I was when I approached them, nor did they indicate that they heard I was asking questions. Moreover, as was discussed in the chapter two, the semi-structured interview protocol was also designed to prevent priming as much as possible. As such, I doubt that interviewer-demand effect strongly biased my data.

On van Leeuwan’s second point, I disagree with the assessment that because in some cases the conflicts were between citizens and the state, population return was not the primary issue triggering land conflict. Instead, I argue that this actually supports my theory that when interaction with institutions produces real or perceived differential outcomes for individuals based on their migration history, this can contribute to the creation and hardening migration-based cleavages: 1993-returnees’ beliefs that the government was keeping land from them, but helping the 1972-returnees recover land, supported the 1993-returnees’ perception that they were treated as second class citizens because of their migration history. This, in turn, led to further solidification of the sub-division of returnee identities. A team of Burundian researchers came to a similar conclusion in their study of land conflict after return, suggesting: “Specifically, gaining access to land – which is seen as a process determined by the government – represents the renewal of a political relationship with the state. Within this context, therefore, access to land is inextricably linked with notions of citizenship and forms of governance.”

The differences in my findings, as opposed to van Leeuwan’s, may be due to changes in policy between 2010 and 2015, given that it was during this period that the CNTB switched from a policy promoting the sharing of contested land parcels to one of full restitution to rapatriés, and therefore

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85 As discussed in chapter two, this was different when I was Tanzanian refugee camps or villages.

86 Rema Ministries 2009.
there was more opportunity for the iterative interactions I describe to create stickier migration-based identities.

### 4.3 Networks

Another alternative argument emphasizes the role of network connections in the formation of the displaced-based cleavage in Burundi. For example, returnees may have gathered together in the same communities upon return because they used information networks developed during wartime to facilitate travel and the process of settlement in their destination country, in this case their country-of-origin.\(^{87}\) According to this approach, upon return, networks of other returnees can create a community which identifies as a group based on reciprocal transactions, like helping others in the network access to jobs.\(^ {88}\) These groups may be judged on their relative achievements as a group as compared to others.\(^ {89}\)

While interviewees did cite collective experiences and practices adopted while abroad (like language acquisition, type of dress, and cultural habits) as contributing to delineating the displacement-based identity categories, there is little evidence to suggest that the density of network connections made while individuals were displaced (or not) was especially relevant in determining the strength of these divisions. For example, very few returnees mentioned maintaining relationships with people they knew in Tanzania as relevant to their daily lives, or as contributing to the conflict between rapatriés and résidents. Instead rather than individual nodes of network connection which facilitated return or resettlement, interactions after return which furthered the new meso-level group identification

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\(^{87}\) See for example Massey et al. 1987, 1993, 1994; Boyd 1989. For an overview of network analyses of migration across disciplines see FitzGerald 2015, 121; Bean and Brown 2015, 72–73; Brettell 2015, 159–63.

\(^{88}\) See Portes 1978; Light 1972; Waldinger 1994; FitzGerald 2015.

\(^{89}\) Perlmann 2005.
One of the reasons why networks analysis may not have as much explanatory power in the Burundian case is that returnees were not dependent on others in order to find employment upon return, whereas networks theory emphasizes that individuals decisions to migrate depend on their perceived ability to access labor networks or certain types of jobs in their destination country. Therefore, as will be explored further in the following chapter, a networks theory approach may be more adept at explaining why former refugees would be more likely to re-migrate in future if they anticipated being able to re-access labor markets in their former country of asylum. However, again, I do not find strong evidence that this was the case.

4.4 Ethnicity and other pre-existing divisions and conditions
The last set of alternative arguments suggest that return migration leads to violence during peacetime by aggravating pre-existing cleavages. For example, migration-related group labels may just be a coded reference to ethnic divisions which were salient during the prior civil war. Alternatively, return migration may alter the demographics of home-community exacerbating ethnic tensions. Finally, studies of diaspora connections to conflict suggest that individuals who lived abroad during conflict might be less willing to compromise on issues related to the previous conflict (like ethnic rivalry).

In the Burundian case, the data suggest more complicated relationship between migration-related divisions and other cleavages. While there were stereotypes that *rapatriés* tended to be Hutu and *résidents* tended to be Tutsi, in practice *rapatrié-résident* conflict often pitted members of the same ethnicity – even the same family – against each other. Moreover, I do not argue that ethnicity disappeared. Most of the interviewees agreed that ethnic group identities were relevant in their

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90 See for example Sassen 1995.
community. However, they often mentioned ethnic divisions either in addition to or in conjunction with the new migration-related divisions.

Similarly, at times elites used the language of migration to try an invigorate ethnic competition. Thus, migration related divisions were one of many cleavages that worked in alliance to contribute to the local-level violence in Burundi after the civil war. Pre-existing cleavages, such as ethnicity, and emerging divisions, like political parties, also contributed. Still, these new migration-based cleavages and social identities did emerge – and were particularly salient at the local level. Therefore, return migration added a new complicating – and in some instances overriding – layer to the post-conflict social and political landscape in Burundi. In so doing, experiences of return migration shaped perceptions of security, the directionality of violence, and future behavior - both in terms of collective action as well as the incidence and timing of future migratory choices (which I explore further in chapter five).

5. Conclusion

I argue that the return of displaced populations can create new situational group identities based on where individuals and families lived during violent conflict – in-country or abroad. This group cleavage will be more salient, and may create conflict, when institutions intentionally or unintentionally create different outcomes for those who stayed and those who left and returned. Where chapter three established that new social categories emerged in Burundi based on where individuals lived during the 1993-2003 civil war, and when they fled, this chapter explored how formal and informal institutions in Burundi exacerbated and reified divisions between 1993-rapatriés, 1972-rapatriés, and résidents.

Specifically, I find that formal and informal institutions shaped the construction of identities in post-civil war Burundi: The Commission Nationale des Terres et Autres Biens (CNTB) provided differential benefits to returnees as opposed to non-migrants. Whereas the first CNTB administration
prioritized conflict resolution through sharing land, the CNTB changed its policy to require full land restitution for *rapatriés*, a policy which particularly favored returnees from 1972. The CNTB defended this revised policy as a form of restorative justice that was necessary before the country could fully consolidate peace. However, instead of promoting peace, the new policy exacerbated conflict at the local level along the new migration divide.

A number of other institutions also contributed to solidifying the displacement-based identities, including the national education system and regular practices among international interveners. Returnees often commented that they felt they were at a disadvantage because the Burundian system was in Kirundi and French, or that their equivalent educational degrees from Tanzania were not recognized in Burundi. International actors adhered to the narrative that 1993-returnee group had only been displaced for a short time and had a relatively easy time recouping their land, and therefore the 1972-returnee group, who had been gone longer, was in more need of assistance. This discrimination – both real and perceived – solidified group identities of *résident*, 1972-returnee, or 1993-returnee; constructed a perceived hierarchy between the groups; and fueled the spread of land conflict in Makamba province.

Interestingly, my findings suggest that institutions that did not necessarily provide differential dividends, but were still important in governing behavior in Burundian society also shaped the form in which returnee-stayee conflict manifest. Traditions of patrilineal inheritance and strong cultural ties to agrarian created a situation where individuals were less willing to seek alternative remedies to maintaining land ownership.

Eventually, the poor state of affairs between *résidents* and *rapatriés* led to local political mobilization - although who was able to mobilize, and to what effect, varied based on relative access to resources and power. In one case discussed in this chapter, a local civil society organization formed to advocate for *rapatriés’* rights, even holding a protest outside the province Governor’s office in
Makamba. In a more violent turn, villagers protesting the CNTB’s policy of full restitution of contested land to *rapatriés* rallied together to prevent the organization's personnel from even entering their communities. Villagers reportedly threw stones at the CNTB cars, downed trees onto roads as makeshift roadblocks, and threatened staff with machetes if they tried to come in. Anger with the CNTB culminated in a protest in March 2015, after which the Governor of Makamba suspended all CNTB activities in the area.
CHAPTER FIVE

FLEEING, AGAIN:
HOW RETURN MIGRATION SHAPED POPULATION FLIGHT DURING
BURUNDI’S 2015 THIRD-MANDATE CRISIS

Lake Tanganyika, the second largest lake in the world by volume, borders four countries in Central Africa: Burundi, the Democratic Republic of Congo (DRC), Tanzania, and Zambia. In Burundi and Tanzania the lake is usually a site of commerce and sightseeing: Local fisherman haul in mikeske fish to sell in town markets, and weekend visitors relax on the beach. However, in the summer of 2015 the International Organization for Migration (IOM) was using the lake to transport ferries full of sewing machines, mattresses, bicycles, and household utensils – all belongings of Burundian refugees fleeing to Tanzania.

In April 2015, Burundi had become embroiled in a violent political crisis after President Pierre Nkurunziza announced that he would seek a controversial third term in office, or so-called “Third Mandate.”1 The move sparked protests, an attempted coup, the formation of an armed rebellion, a government crackdown on any perceived opposition, and mass displacement. Assassinations in broad daylight and grenade attacks became regular occurrences in the capital city, Bujumbura, as did illegal detention, torture, and extra-judicial killings of civilians. Between June 26th and June 30th 2015, an average of 1,878 Burundians refugees arrived in Tanzania each day.2

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1 Burundi’s constitution stipulates that the president can only be elected to two terms in office. President Nkurunziza and the CNDD-FDD argued that because he was indirectly elected at the end of the transition period in 2005 as proscribed in the constitution, that Nkurunziza had only served one directly elected term, and was therefore eligible for a second elected term. However, the vast majority of opposition political parties and civil society organizations, as well as the international community, viewed this as the President and ruling party attempting to skirt the law to stay in office, and therefore argued that a Third Mandate was counter to the spirit of the law.

2 These are the earliest publicly available data provided by the UN Refugee Agency (UNHCR). However the mass population movement started in April. UNHCR 2015b.
Surprisingly, amid all this chaos, refugees seemed to have been well prepared to leave. As the IOM’s director of operations remarked to me, “In May, I could not understand why people fleeing a country of conflict, a country like Burundi, were coming with so many luggages. Furniture, sewing machines…”\(^3\) How was it that refugees had time to pack all their belongings and transport heavy furniture if they were facing an imminent threat?

Most observers in the media and international humanitarian community assumed that the refugees were fleeing the immediate outbreak of electoral violence in Bujumbura.\(^4\) Yet, early reports from the Tanzanian camps suggested that the vast majority of Burundians were coming from Makamba, Burundi’s southernmost province, not Bujumbura. Certainly, there was fear throughout the country that there could be renewed civil war. But, the government’s campaign of violence in the first few months was relatively contained to Bujumbura.\(^5\) Outside the capital at that time, daily life mostly continued as usual, with few reports of targeting of opposition figures or repression of civilians. UNHCR, the lead organization coordinating aid to Burundian refugees in Tanzania, did not start publishing data on refugees’ province of origin in Burundi until July 2015, but the first reports show that as of July 10, 2015 64.5% of the refugees in Tanzania were from Makamba. Only 5.6% had come from Bujumbura and Bujumbura Rural combined.\(^6\) UN, IOM and IRC staff in Tanzania also

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\(^3\) IOM Tanzania Director of Operations, Interview 12/17/15.


\(^5\) The 2015Burundi Project data set shows 95% of conflict events in April and May were in Bujumbura. ACLED estimates 78-84% of conflict events in the same period occurred in Bujumbura. 2015Burundi Project; Armed Conflict Location and Event Dataset (ACLED).

\(^6\) UNHCR 2015c.
confirmed that the vast majority of the refugees they met arriving in first few months were repeat migrants – this was their second, third, or even fourth time fleeing Burundi.

If the protests, violent crackdown, and fear of civil war were the primary drivers of flight, why did less than 6% of refugees in Tanzania hail from the areas most affected by the third-mandate crisis? It’s certainly plausible that simple geography is the explanation: Makamba shares an easily-crossable border with Tanzania; Bujumbura is farther away. But Bujumbura residents were not just heading to a closer border elsewhere, either: only 2,514 out of 29,626 Burundian refugees in Rwanda hailed from Bujumbura as of June 11, 2015.\(^7\) Nor does the close proximity between Makamba and Tanzania explain why so many of the refugees arriving in Tanzania in first few months were also repeat-migrants;\(^8\) why the majority were women and children, as opposed to the men who were the most likely targets of the regime violence;\(^9\) nor why, if they were fleeing imminent attack, these migrants were arriving with extremely heavy personal property.

Given the dynamics of local conflict in Makamba prior to the third-mandate crisis, though, this pattern makes more sense. In this chapter, I explore how previous experiences of return migration shaped both the character and timing of the 2015 population movement. As demonstrated in chapters three and four, well before the third-mandate crisis reached its tipping point, villages in areas that saw mass refugee return after the 1993-2005 civil war were already experiencing violence, or the threat of it, on a regular basis. Particularly in the southern province of Makamba, conflict over land and other consequences of return fueled untenable living situations and a constant stream of low-level violence.

\(^7\) UNHCR 2015a.

\(^8\) There are no publicly available data to confirm the exact proportion of repeat vs. first time migrants. However, estimates for the early arrivals from interviews and news sources ranged from 80-90%. See for example Magnay, Diana and Brendt Swails, “Burundi’s Refugees Waiting for Boat Ride to Safety,” CNN. 26 May 2015, [http://www.cnn.com/2015/05/21/africa/burundi-refugee-crisis/index.html](http://www.cnn.com/2015/05/21/africa/burundi-refugee-crisis/index.html) 25 July 2017.

\(^9\) In camp, I observed (along with many international NGO staff) that areas that housed early arrivals had more women and children, whereas the camp which opened to receive newer arrivals appeared to house many more men.
between rapatriés and résidents. Faced with this untenable situation, my data indicate that many villagers in Makamba (especially those who had not been able to get access to land or had lost family members to land conflict upon returning to Burundi) had been thinking of re-migrating to Tanzania well before Nkurunziza’s announcement.

Worried the situation might become even worse with the national crisis, these Burundians (mostly rapatriés from the New Settlements) took the opportunity to jump the border as soon as possible. Therefore, while the third-mandate crisis is the clearest proximate cause of the 2015 flux of out-migration from Burundi, I argue that prior experiences of return migration affected both the character and timing of the population movement. These return migration related concerns, like land conflict, discrimination, and/or extreme poverty, pre-dated and were distinct from the political-party competition central to the 2015 conflict. At the same time, the national crisis exacerbated these local issues, and the interaction between local land conflict and political party competition at the national level shaped the subsequent migration pattern. Therefore, return migration to Burundi not only changed the sources of local conflict during peacetime, it also influenced individuals’ future behavior – the decision whether or not to flee when faced with the prospect of potential renewed civil war.

This chapter proceeds as follows: Section one provides an overview of the events leading up to the third-mandate crisis and the subsequent displacement dynamics. In Section two, I use ethnographic data gathered among Burundian refugees in Tanzania between November 2015 and June 2016 to explore the reasons why individuals fled during the crisis, and when they chose to leave. In addition to presenting stories from refugees who fled after the April 2015 coup to Nyarugusu refugee camp, I also provide examples of Burundians who fled Makamba province prior to the 2015 crisis to live as irregular migrants in Tanzania. Section three explores reasons why individuals chose to stay in Burundi during the crisis, and section four concludes by summarizing how the evidence presented in
this chapter further demonstrates the salience of *rapatrié-résident* divisions in Burundi, as they were a clear factor in individuals’ future behavior and decision-making.

1. **Background to the Third Mandate Conflict**

Burundi’s third-mandate crisis was the culmination of several years of tension in anticipation of the 2015 election. The 2005 national elections installed Pierre Nkurunziza, the head of the CNDD-FDD rebel group-turned political party into power. In 2010, Nkurunziza was elected to serve a second term in office, and the CNDD-FDD maintained its status as the country’s ruling party, despite the majority of opposition parties boycotting that election. In the years following, as Nkurunziza neared the constitutional two-term limit for the presidency, tension grew between his CNDD-FDD loyalists and leaders in the opposition who worried that if Nkurunziza decided to run for another term, his gambit for power could damage the emerging democracy. In 2014, the CNDD-FDD tried and failed to amend the constitution to allow Nkurunziza to serve a third term in office. In the year preceding the election, it became clear that many actors within the ruling CNDD-FDD party also opposed the third mandate. Among the opponents were the head of the national intelligence and security service, General Godefroid Niyombare, who Nkurunziza fired in February 2015 after Niyombare sent a memorandum to the president urging him not to seek another term.\textsuperscript{10} The Catholic Church (a significant presence in Burundian political life), civil society leaders, human rights advocates, and many members of the media were also outspoken against the third mandate, along with leaders of opposition political parties like Agathon Rwasa of the FNL, the former rebel group that was the last hold-out from the previous war.

\textsuperscript{10} This dismissal was only one of many similar events which revealed the cracks in the CNDD-FDD, and brewing national political tension. On this particular event, see “Burundi: le président Nkurunziza limoge son chef des services secrets,” *RFI*, 19 February 2015, [http://www.rfi.fr/afrique/20150219-burundi-president-pierre-nkurunziza-limoge-son-chef-services-secrets-cnnd-fdd-hutu-godefroid-niyombare](http://www.rfi.fr/afrique/20150219-burundi-president-pierre-nkurunziza-limoge-son-chef-services-secrets-cnnd-fdd-hutu-godefroid-niyombare), accessed 15 May 2018.
In addition to the local protests of the CNTB in Makamba province described in chapter four, in the three months leading up to the third-mandate crisis events in Bujumbura had reached telenovela-level dramatics: in addition to sacking General Niyombare and other key government officials, there were attempted assassinations in broad daylight, the rise of a popular opposition movement triggered by the imprisonment of a journalist who was investigating alleged government complicity in the murder of three Italian nuns, accusations of summary executions, and the high-level prison break of a former CNDD-FDD leader and Nkurunziza-competitor, Hussein Radjabu, who vehemently opposed the upcoming elections as a sham.

The CNDD-FDD’s announcement on April 25th 2015 that Nkurunziza would indeed run as the party’s presidential nominee set off a series of popular protests in the capital, followed by a failed coup attempt led by Gen. Niyombare in mid-May. The ruling party’s primary goal since then has been to repress any semblance of opposition to the party and Nkurunziza’s continued rule. During the coup battles, the army destroyed all non-state media infrastructure. Since then, they have continued to explicitly repress the media as way to maintain control, targeting journalists and civil society leaders with assassination attempts and disappearances. The government has also conducted extrajudicial executions of young men living in neighborhoods alleged to be opposition strongholds, and used the national security apparatus as well as CNDD-FDD’s feared youth militia, the *Imbonerakure*, to torture

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12 RFI 2015.
and intimidate civilians into supporting the president. Nascent rebel organizations have also been active and are alleged to be behind the frequent grenade attacks in Bujumbura during the early months of the conflict, along with other assassination attempts and armed attacks. The Rwandan government has been accused of aiding rebel organizations by providing safe haven and military training, even allowing recruitment from the refugee camps in their territory.¹⁷

Under significant pressure from the ruling party, Burundi’s constitutional court found that Nkurunziza’s third term did not violate the constitution. The election was held in July and Nkurunziza won the presidency with an estimated 69.41% of the vote. His closest rival on the ticket, Agathon Rwasa of the FNL received only 18.99%, and several other opposition parties simply boycotted the election. The international community, including the U.S. and Britain, condemned the vote as undemocratic due to the violence and voted intimidation.

The level of violence fluctuated in the following months following the election. While the protests subsided, and international attention waned, there were also reports of government officials trying to prevent citizens from leaving the country.¹⁸ The regional refugee crisis was the primary issue that could continue to garner international attention and criticism against the Burundian regime. Therefore, many experts believed that the Burundian government agents and Imbonerakure efforts to prevent refugees from fleeing were an attempt to improve Burundi’s international public relations problem, while maintaining a campaign of repression against civilians in-country.

¹⁷ For a summary of the allegations and evidence against the Burundian government see Vigaud-Walsh 2015.

Then, in December 2015 opposition forces attacked four military installations in Bujumbura. The government responded with brutal retaliation. Security agents went into neighborhoods of Bujumbura historically associated with the opposition, pulling young men into the streets and summarily executing them. Burundian army officials reported that at least 87 civilians died in that incident.\(^\text{19}\) However, human rights groups estimate the number killed to be much higher, and evidence of mass graves have emerged.\(^\text{20}\)

Since the December 2015 massacre, violence in Burundi largely dropped out of international media headlines. Nevertheless, there has been an uptick in what refugees call “silent war” – the torture, detention, disappearance, and murder of civilians.\(^\text{21}\) The exact death toll from the crisis is unknown. However, a UN human rights inquiry found 348 cases of extrajudicial killings and 651 cases of torture in Burundi between April 2015 and April 2016.\(^\text{22}\) The actual numbers are likely much higher.

One of the primary consequences of the conflict was mass displacement. By May 15, there were more than 105,000 Burundian refugees in neighboring countries in the region – 70,187 in Tanzania; 26,300 in Rwanda; and 9,183 in the DRC.\(^\text{23}\) UNHCR and the IOM had to hire ferries to transport tens of thousands of migrants who had gathered in Kagunga, a small village about two miles south of the Burundi-Tanzania border, via Lake Tanganyika to the Tanzanian regional capital of Kigoma. There the Burundian refugees were processed and taken to Nyarugusu refugee camp. Refugees were arriving so quickly in Kagunga that in May 2015 the town, which normally had a


population of around 11,000 people, was hosting more than 80,000 Burundian refugees.\textsuperscript{24} Conditions were so poor that cholera had begun to spread.\textsuperscript{25} The number of Burundian refugees arriving in Tanzania continued to climb at staggering rates through November 2015. By the end of December 2015, the rate of refugee flight slowed. More than a quarter million Burundian refugees had fled throughout the East African and Great Lakes region, of which more than 124,000 were in Tanzania.\textsuperscript{26} Thousands more were estimated to have been displaced internally.\textsuperscript{27}

By the time fieldwork for this project was completed in early June 2016, there were 142,876 registered Burundian refugees in camps throughout Tanzania, out of 260,878 Burundian refugees total in East and Central Africa.\textsuperscript{28}

**Figure 5.1 – Total Refugees from Burundi April 2015-June 2016 (East & Central Africa)**

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\textsuperscript{25} Associated Press 2015.

\textsuperscript{26} See UNHCR, Burundi Situation Data Portal.

\textsuperscript{27} Initial internal estimates on internal displacement from UNHCR Burundi were thought to be wildly inaccurate by NGO staff from multiple agencies on the ground in February 2015. Author Interviews. Later on, the IOM established a displacement tracking mechanism in 5 of 18 Burundian provinces, registering over 25,000 internally displaced persons as of March 2016, and asked for funding to support an estimated 85,000 internally displaced Burundians over the course of the year. In December 2016 UNHCR estimated 139,000 internally displaced. See IOM 2016; UNHCR 2016b.

\textsuperscript{28} UNHCR, Burundi Situation Data Portal.
As of the time of writing (April 2018), there were 431,632 registered Burundian refugees in neighboring countries, 58.2% (251,375) of which were in Tanzania, 21.5% (92,840) in Rwanda, 10.8% (46,763) in the DRC, and 9.4% (40,634) in Uganda. These estimates likely underestimate actual flight, as not all Burundians who fled ended up in the refugee camps, and therefore would not have been registered with UNHCR.

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The rest of this chapter uses ethnographic data gathered in Tanzania among Burundian refugees who fled in 2015 to assess their reasons for fleeing. Data was collected between November 2015 and June 2016, primarily in Nyarugusu refugee camp, though interviews and observation were also conducted in Ilagala village and Nduta refugee camp. In Nyarugusu, interviewees were recruited through randomized sampling, clustered by the zones in camp. I also draw on additional interviews and observation with non-random refugee interviewees, NGO staff, Tanzanian government officials and Tanzanian citizens (see chapter two for a full description of data collection methods).
2. Who Fled and When? Patterns of Refugee Flight in 2015

2.1 Alliances between national and local migration related conflict in 2015

Refugees’ own explanations for what forced them to flee during the third-mandate crisis illustrate the interaction between national-level conflict dynamics and local conflicts related to previous experiences of return migration. This interaction matches with Kalyvas’ explanation of where violence is directed during conflict as determined by an alliance between local and national cleavages. In this case, the local cleavage was developed as a result of return migration between 2000 and 2015 (as discussed in the previous two chapters). The reasons for flight generally fell into three categories (shown in Figure 5.3):

(1) Those who emphasized local level issues, most often related to their previous return such as land insecurity, discrimination, extreme poverty (25.6%).

(2) Those who fled exclusively because of the national unrest, fear of recruitment/political targeting, or who had directly experienced torture, etc. (28%).

(3) Those who described a combination of categories one and two (46.4%).

Those in the category one (1) cited land conflict or related issues as the preponderant threat forcing them to flee Burundi.

Take, for example, two women that I interviewed on one of my first days in Nyarugusu. The interview took place in an open-air lean-to outside a family tent in Zone 8. At the time, the outdoor sitting area constructed in the small space between tents out of branches and dried grass, and supplied with wooden benches, was notable among the temporary shelters. Many refugees worried they would not be allowed to stay in Nyarugusu, that they would be moved to another camp, or sent back

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to Burundi by the Tanzanian government. Building additional structures was a sign of investment from the refugees who constructed them. They were not going anywhere.

Figure 5.3 Reasons for Refugee Flight 2015 (percentage)

As we began the interview, immediately, and without my prompting, as I was just recording the women’s demographic details (asking how old the women were, whether they had any children, etc.), one of the women told me she had children, but her husband had died in 2013, “after we returned to Burundi by force. Because of land problems, he died in this way.” As we continued talking, she explained that she was among the Burundians who had fled in 1972, and then again in 1993. In 2012, she was still living in Mtabila Camp when the Tanzanian government forcibly repatriated the remaining refugees. She had not wanted to return to Burundi because she knew that her land was occupied, and
there would be problems if she went back. According to her, “The ones who had not fled do not want to see us in the country, because they have taken lands. Whenever they see us they feel bitter.”

Both women went on to tell me how, when they returned to Burundi, family members who had stayed in-country during the war were now occupying their land. Those on the land now threatened to kill the women and their families if they tried to stay. In the first woman’s case, they had murdered her husband. She explained that this is why they had left in 2015. Later, when I asked what was causing the current crisis in in Burundi, the women referred back to their family and land issues. I followed up to clarify, maybe they did not understand that I was asking about the broader crisis in Burundi, “What about the troisième mandat?” The second woman looked at me with a complete blank face, no recognition of what I was talking about and said “I do not understand.” I had assumed, given the severity of the crisis, that everyone knew the term “Third Mandate” – it had been in the news for months if not years. I tried to explain about how I had heard there was an election, and Peeta (as President Nkurunziza is familiarly known) has won a third term in office. I asked, “There were protests, people were killed. Did this contribute to the issues in Burundi right now?” Her response was, “[We have] Nothing to hear about Peeta.”

These women were exceptional in their absolute rejection of the relevance national-level conflict. Most refugees knew about the third-mandate crisis. Still for many, the consequences of their previous return were preponderant in their decisions to flee. The women, like the vast majority of refugees in Zone 8, had fled Burundi multiple times, including in 1972 and 1993, and lived in one of the “New Settlements” in Tanzania before returning to Burundi after the war. Upon repatriating to Burundi, they faced discrimination as “1993 rapatriés,” and were often engaged in violent land conflict with neighbors and family members who had stayed in-country during the civil war. As one refugee

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30 Quotes from Author Interview 11/26/2015
explained, “We had fled and those who remained on the land said it was theirs. Conflicts followed. [T]hey can kill each other based on land.”

Another woman said she left simply because, “We had no lands and nowhere to cultivate.”

Responses in Category (3) cited the local-level issues discussed above as well as the 2015 national-level political conflict as reasons for fleeing. Some respondents expressed these as distinct issues, e.g. they faced land conflict or other adverse consequences of return, but also expressed that they feared the country would descend into full scale war and they did not want to be there when it happened. More commonly, however respondents described the two as intertwined: that the current crisis would exacerbate pre-existing conflicts over land and property. Given the elevated political chaos, they felt it would be easier for those with whom they were already fighting to act with impunity.

For many refugees, the person they had a land conflict with had a network connecting them to the ruling party. For example, their nephew may have been Imbonerakure and therefore able to use the cover of the CNDD-FDD’s crackdown to access arms and carry out existing vendettas in the name of party allegiance. As one man explained to me, “The first reason, our land was taken. [They] tried to kill us… [They] said once this conflict begins [meaning potential renewed war], you would be among those killed, so [they] could take the land permanently.”

In another case, two men I interviewed in Nyarugusu told me as we began our conversation that they had fled Burundi repeatedly: first during Ndadaye’s war and “now recently with the third mandate because everyone who did not agree, [they are] to kill him.”

This was a clear reference to the CNDD-FDD’s repression of opposition voices. As we got further into the interview, one of the

31 Author Interview, 12/8/2015
32 Author Interview, 12/21/2015
33 Author Interview 12/10/2015
34 Author Interview 1/19/2016
men explained that when he returned to Burundi in 2013, he had found that family members had taken over the family’s land in his home area. He tried, instead, to settle in another town. But the family sent *Imbonerakure* from the ruling party after him so that they could remain on the land.

Other interviewees further explained that the family members who remained in country during the war often accused returnees of being with one of the opposition political party/rebel groups, the FNL, as a way to leverage the political climate and scare the returnees off the land. In fact, many Nyarugusu residents described how their neighbors in Burundi would accuse them of being FNL even before the 2015 crisis broke, using the logic that only those loyal to Agathon Rwasa (the leader of the FNL) would have waited so long to come back after the war was over.

This complicated interaction between political and personal conflict is most evident in the following interviewees’ description of the Commission Nationale des Terres et Autres Biens (CNTB):

“There is this organization called CNTB, they came to [allow] people to be back in their land, but [they] were to be killed in that land. Because they [the CNTB] could say ‘the repatriates tak[e] that land,’ and they let you. But then they [the disputing party] come back and kill you with your family and say they were killing murderers and FNL. You are FNL because of the land they want. So they can kill you.”

Further indicative of the salience of local-level *rapatrié-résident* land conflict in Burundi prior to the recent electoral conflict, many refugees in categories (1) and (3) expressed that they had thought about leaving before the third-mandate crisis broke. Citing either physical insecurity from land conflict, or dire economic conditions due to lack of farmland, these refugees often explained that the situation had been untenable for some time, and that they had seen many of their community members leave Burundi as a result. For example, one informant explained, “To me, the *troisième mandat* was the second problem. The first was land. The thought of leaving was there before. Those who had tickets

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35 Author Interview 1/19/2016
In an interview with two refugees who had previously fled in the 1990s to the new settlements, when I asked if they had thought about leaving Burundi again before the third-mandate crisis, one emphasized they had wanted to leave “because of family who were after us saying we were refugees we had thought of leaving.” The second man also emphasized that because they were returnees from the New Settlements, they faced discrimination because people would accuse them of being with the opposition FNL party so, “Yes we want[ed] to flee, [we were] just missing the way.” Another woman explained to me that she had problems in Burundi when she repatriated because “For us who were returnees, members of the party threatened that they didn't want us in the country.” Because of this, she had wanted to leave Burundi before 2015. When I asked whether she would have left Burundi if everything had gone smoothly with the election she explained, “Even if things went smoothly, I want to come here, and [if] possible to live in the villages. Because I tried many times to escape before. But was arrested [for illegal migration into Tanzania] and forced to return.”

The economic impact of being landless was particularly dire, and so many Burundians saw the opportunity of others fleeing Burundi with the Third-mandate crisis as a way to escape with their families. During the interim period, while the border between Burundi and Tanzania was open for small trade, Burundians could not move to Tanzania legally. If they had enough money or a strong enough network, some Burundians took the risk of fleeing to Tanzania to live under-the-radar as illegal

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36 Author Interview 12/02/2015.
37 Author Interview 01/19/2016.
38 Author Interview 01/19/2016.
39 Author Interview 12/01/2015.
40 Author Interview 12/01/2015.
migrants. But this was not an option for many of the 1993-rapatriés who had so few resources in Burundi. The mass refugee flight forced Tanzania to open its borders and accept Burundians legally. As one refugee explained, “We were living in someone’s house and at any time she could say we need to leave. [We] came to Nyarugusu because we had no peace: First no land, second nowhere to live, and third nothing to eat. Life was really bad. All the children, none was at school.” When I then asked him how he came to Nyarugusu he explained that “After seeing the war could strike, we thought others are received, let’s go.”

Similarly, these refugees often expressed skepticism that they would be safe to return to Burundi in the future even if President Nkurunziza stepped down and peace returned to Burundi. These refugees said that they would not return either because they would still face insecurity from local-level land conflict, or simply because they would not have any land to cultivate and therefore would not be able to support their families. Others stated that they had been fleeing so many times that they did not trust that any declared peace would truly last. Many refugees were so vehement that a national-level peace agreement would not bring them security, and that they would never be safe in Burundi, that a common response was: “I cannot go home. I would rather die in the bush.”

The final category of refugees, Category (2), highlighted issues related to the national conflict as their primary reason for flight, citing political repression, torture, attempted recruitment into government or opposition forces, fear of return to full-scale war, etc. For example, in Nyarugusu camp, a man whose eyes were badly injured after he was tortured by members of the ruling party recounted, “Well first, you see what they’ve done to me [pointing to his eyes]. I was told with the insecurity they were coming to finish me. At 22.00hrs that night I made the decision to leave.” He later went on...

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41 Author Interview 04/04/2016.

42 See for example Author Interview 04/18/2016.
to describe how the main problems in Burundi were with the ruling party – that he had been asked to join and had refused.\textsuperscript{43}

Other interviewees in this category responded that, regardless of local-level land conflict, they left because they were afraid the third-mandate protests and attempted coup were a harbinger of full-scale civil war. As one woman stated “The main reason to come here, I saw that life was bad since I was a child. I saw that what I fled before comes back. So I thought some members of my family died, even my father, because of war. And even now starting to be the same as it had [been].”\textsuperscript{44} Refugees who fell into this group were much more likely to say that they would have remained in Burundi had there been no issue with the election, and that they might be willing to go back to Burundi if there was peace. Though across the board in Nyarugusu, because of the repeated cycles of violence in Burundi, refugees tended to be skeptical that any new peace agreement would actually lead to security in the long term.

Refugees’ stories, therefore, reflected patterns of violence that scholars find common across civil wars: Local actors appropriate national divisions – like religion, class, or political allegiance – to achieve local- or individual-level goals.\textsuperscript{45} Local politics can then, in turn, shape contestation in the center. In this case, the local cleavages were clearly linked to prior cycles of forced migration and return. Moreover, refugees directly cited governing institutions’ unfair treatment of civilians in Burundi based on their migration history as one of the issues contributing to the deterioration of local security.

\textsuperscript{43} Author Interview 11/27/2015.

\textsuperscript{44} Author Interview 02/26/2016.

\textsuperscript{45} Kalyvas 2003, 2006; Autesserre 2010.
2.2 The Time Factor

When I designed my sampling strategy to cover all the Burundian zones in Nyarugusu camp, the goal was simply to make sure I gathered information from across all areas in camp. In doing so, however, another interesting pattern emerged. I found that in addition to creating the substantive impetus to leave, experiences of return after the 1993-2003 civil war also influenced the timing of out-migration from Burundi amid the 2015 crisis. Among the refugees interviewed, early arrivals were much more likely to emphasize land conflict as one of their primary reasons for flight, whereas later arrivals (those coming to Tanzania from approximately mid/late July 2015 onward) were more likely to highlight political persecution. These later arrivals were also more likely to be first time migrants, and originate from a more diverse set of locations in Burundi – the percentage of refugee residents from Makamba fell from 65% in July 2015 to 46% in January 2016.46

I began to notice this pattern as I visited the different zones in Nyarugusu. Nyarugusu is a decades old settlement for refugees from the Great Lakes region that sits just an hour away from the Burundian border. While it has also historically been home to Burundians and Rwandans seeking asylum, for the past 20 years Nyarugusu has primarily housed refugees from the DRC.47 The Congolese side of camp looks more like a village than a refugee camp. The refugees live in small houses made of mud bricks and grass-thatched or iron-sheeted roofs. There are concrete buildings which house schools, and the humanitarian organizations operating in Nyarugusu all have permanent structures on the Congolese side that serve as operation bases, hospitals, and youth centers.

Immediately after turning the corner on the main road out of the Congolese settlements towards the camp exit, one is confronted with a starkly different image: a prototypical tented refugee

46 UNHCR, Burundi Situation Data Portal.

47 In addition to the 59,150 Congolese living in Nyarugusu prior to the 2015 influx, there were also 2,438 Burundians. These individuals had been transferred after the closing of Mtabila camp, having garnered individual asylum status when Tanzania closed the last of the New Settlements in 2012. UNHCR 2016a.
camp. This is the Burundian side. When Burundians began arriving en masse in Tanzania, UNHCR did not have anywhere to house them in Nyarugusu, as the semi-permeant housing in which Congolese refugees had been living for decades was full. So, in concert with the IOM, the UN provided arriving families with temporary tent shelters in an “extended zone” also known as “Zone Eight.” The international community and Tanzanian officials running the camps did not anticipate that the new arrivals would stay more than a few months, nor that so many more would continue to come across the border. Caught short on supplies and acreage, tents meant for families of four were housing ten or twelve people.

By the time I arrived in camp in November 2015, the extended zones had expanded from just Zone Eight, to Zones Nine, Ten and Eleven. Over 100,000 Burundians were living in incredibly close quarters in mud-covered tents set up with little to no space in between. Others were living in terrible conditions in mass shelters. When I was back in in Burundi conducting fieldwork in January and February 2016, UNHCR finished construction of Zone 12, and negotiated the opening of two more refugee camps, Nduta and Mtendeli. The Burundians who were housed in overcrowded mass shelters (either temporary tarped structures or buildings which under had previously served as the Congolese schools) were later integrated into these zones on the Burundian side of Nyarugusu or transferred to the new camps.

I spent my first month in camp primarily in Zone Eight, where I tended to hear very similar stories about refugees’ reasons for leaving. But as I moved to different zones in camp, I was surprised to find that interviewee responses in zones housing earlier arrivals were different from responses in zones whose residents had arrived in Tanzania later. While Zone Eight housed the earliest arrivals from Burundi to Tanzania, the zones constructed later in the crisis, Zones 10, 11 and 12, tended to house later arrivals. In Zone Eight, I was constantly confronted by refugees recounting stories of legacies of land conflict, including the two women mentioned above who claimed to know nothing
about the Peeta and the third-mandate crisis. It was not until I began walking around in Zone 12 that I saw refugees demonstrating outward signs of heightened political engagement. It was there where I met a refugee who proudly showed me his FNL (opposition party) flag which he had gone to great lengths to keep with him throughout his journey, and where I saw young men playing a local board game which was labeled with four teams – three Champions League football teams and the other one FNL.

**Figure 5.4 – Photo of Refugees’ Game Board in Nyarugusu**

![Image of a handmade game board with various colored blocks and labels indicating teams and positions.]

This helps to make sense of the initial puzzle of arrivals in Tanzania. Those facing pre-existing issues, many of whom were *rapatriés* living in Makamba province, took the first opportunity to leave Burundi when it became clear that Tanzania would allow Burundians to cross the border and be admitted into the refugee camps. In fact, many of these earlier arrivals had wanted to leave Burundi well before the 2015 crisis, but had not found the means to do so. As I will demonstrate in the
following subsection, this pattern holds true outside the camps as well, where there are many Burundians living illegally in villages. Among them are repeat migrants who returned to Burundi after the civil war but, finding the situation too difficult, re-migrated from Burundi to Tanzania before the 2015 crisis.

Those who were not involved in a local conflict, or were able to reclaim their land more easily upon return, were more likely to stay in Burundi until the national conflict more directly forced them to leave. Burundians in this group tended to be either résidents or 1972-retrunees from the Old Settlements who had succeeded in using their favored status to reclaim the land they had previously left behind. These latter arrivals were more likely to have fled Burundi only after they were directly attacked in the 2015 violence, had evaded recruitment attempts from either the ruling party and opposition, or felt that the balance had tipped and Burundi was heading back into full scale-conflict.

This pattern of flight was also evident in the different reports of security issues refugees brought to international NGO staff responsible for protection in the Tanzanian camps. As the refugee crisis grew, the international community opened two new camps in addition to Nyarugusu called Nduta and Mtendeli. Nduta tended to house later arrivals who were still arriving from Burundi at the time the camp opened. Mtendeli tended to house earlier arrivals who were directly transferred from Nyarugusu to relieve overcrowding.

According to the head of the Danish Refugee Council in Nduta, the lead NGO managing the camp in mid-2016, refugees in Nyarugusu and Mtendeli would complain of substantively different security risks than those in Nduta. In Nduta refugees more frequently reported that their safety in camp was at risk because of potential cross-border forced recruitment or infiltration of Imbonerakure into Tanzania – in other words political-party related conflict. In Nyarugusu and Mtendeli camps,

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48 Author Observation 5/31/2016.
refugees frequently told the UN that their safety in camp was in jeopardy because of land conflicts they had when living back in Burundi, often as a result of their previous repatriation. These refugees feared that family members or neighbors would send someone to come and “hunt” them so that they could not return to Burundi and reclaim the land.

This was not simply paranoia – though initially the UN staff interpreted it as such. In one documented case, two refugees reported to UNHCR that an uncle in Burundi was trying to send someone to injure them in the camp so that they could not come back to Burundi to claim the family’s land. No action was taken to protect the refugees, and an individual was able to break into the camp and stab one of the siblings.\(^9\) Thus, not only did return migration affect individuals’ security in their country-of-origin, but the need to create permanent solutions to guard against any future land claims affected individuals’ security after they re-migrated to Tanzania.

### 2.3 Perspectives from Outside the Camp: Ilagala Village & Pre-2015 Flight

Before the third-mandate crisis, some Burundians had already crossed the border, preferring to live illegally in Tanzania than remain in Burundi. Primarily composed of repeat-migrants, the character of this flight mirrors that of the early arrivals in camp: These individuals had been in Tanzania during the civil war and were unable to settle in Burundi due to land conflict with résidents. They joined other Burundians who had a long history of living in Tanzanian villages and urban centers like Dar es Salaam, both legally and illegally.\(^{50}\)

In the 2015 population movement, international interveners have been very careful to bring all arriving migrants to the refugee camps as the Tanzanian government insisted on a strict

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\(^9\) Discussion with IRC social work staff, 5/9/2016.

\(^{50}\) See Malkki 1995; Sommers 2001.
encampment policy. However, there was still an unknown number of Burundians living under the radar in villages throughout the region, and in Dar es Salaam, including “newcomers”, or those who did not simply stay in Tanzania after first fleeing in either 1993 or 1972, but who returned to Burundi and then re-migrated to Tanzania within the last decade.

In 2015 and 2016, some of these irregular migrants had identity cards that allowed them to have temporary legal residence in Tanzania through a program implemented by the IOM in response to the Tanzanian government’s efforts to forcibly deport Burundian migrants. In the year and a half prior to the 2105 third-mandate crisis in Burundi, the Tanzanian Government had implemented an anti-immigrant campaign, known as “Operation Hurricane,” to round up and forcibly deport Burundians who were living illegally throughout the country, including these former refugees. According to the IOM, by 2015, Tanzania had deported approximately 63,000 of these “irregular migrants.”

Recognizing that Operation Hurricane was a human rights debacle, and that there was still a significant population of former Burundian refugees living in villages throughout the Kigoma region, often subject to mistreatment and discrimination by Tanzanian neighbors and government officials, the IOM decided to institute a pilot program to alleviate the situation. Whereas former Burundian refugees who could demonstrate that they lived in the Old Settlements could apply for full Tanzanian citizenship, the IOM recommended that the Tanzanian government try a new program of registering and providing identity cards to this other Burundian former-refugee population. This would allow the Tanzanian government to keep track of the number of former refugees from the New Settlements who were still in the country, and would provide the Burundians with a temporary legal status that

51 IOM 2015.
allowed them to live freely in the country, without risk of arrest, for one year, renewable for a second.\textsuperscript{52} The first wave of the pilot program registered more than 22,000 Burundian irregular migrants in the Kigoma region.\textsuperscript{53}

One of the villages where the IOM irregular migrant program was piloted is Ilagala. Ilagala is a small rural town in the Kigoma region. Workers travel from Ilagala to nearby farming towns or ports to work short-term jobs which can last for weeks or months at a time. Burundians living in Ilagala have diverse migration histories. Some were born in Tanzania, their parents having fled in 1972 or 1993, and then settled in Ilagala when the government began closing the refugee camps. Others had been traveling in and out of Burundi repeatedly, or arrived for the first time in the recent political crisis. In this border region, many Burundians and Tanzanians have married and/or speak the same local language, Kiha, as opposed to Kirundi or Swahili, making it easier for Burundians to blend in. Burundians have been living among Tanzanians in the area for so long that it can be difficult to tell who is from where without prior knowledge – though frequently my research team would claim that they could. My driver and interpreter would regularly say they could tell if someone was Burundian because of the way a woman was wearing her hair, or their “Kirundi accent,” or even the way they walked.

Given that so many refugees in camp cited issues that pre-dated the third-mandate crisis as primary factors in their decision to leave, it is unsurprising that many interviewees had arrived in Ilagala in the last 5 years, after unsuccessfully returning to Burundi. For example, a young construction worker, James\textsuperscript{*}, in Ilagala initially told me that he had remained in Tanzania since his family first fled

\textsuperscript{52} IOM 2015.

\textsuperscript{53} IOM 2015.

\textsuperscript{*} James is a pseudonym used for anonymity.
the 1993 civil war, but that his wife was a recent arrival from 2014. Her mother was living in refugee camp, and the young woman occasionally went back to the camp to maintain their ration card.

A few weeks later, James called my interpreter saying he wanted to speak with me again. When we finally were able to meet, he told me he had actually been among those who returned from Mtabila to Burundi in 2012. When he and his siblings arrived on their parents’ land in Burundi, someone else was occupying it. A dispute ensued, and James’s brother was mysteriously killed after destroying a fence their neighbor had constructed to divide the land. Seeing his brother killed, and worrying for his other siblings, in 2013 James decided to leave with his family, planning to make their way to Kenya. However, the contact who had promised James he would organize bus tickets for the family to Kenya, never followed through, stealing the money James had saved for the tickets and leaving them without further contact in Kigoma. James’ eldest sister was married and moved with their younger sister to another small Tanzanian town. His younger brother worked selling water for a Tanzanian in Kigoma town, the regional capital. When I asked why he had not told me this story before, James said that he was worried I going to arrest him and take him back to Burundi.

James’ fears are common among Burundians living in Ilagala, who are desperate not to return to Burundi. Many, like James and others in the refugee camps, were former rapatriés who lived in Burundi for only a year or two before deciding to re-migrate. Like the refugees in Nyarugusu, new arrivals in Ilagala often cited land and/or family conflicts upon return as among the primary reasons why they left Burundi.

3. Who Stayed? Views from Outside Bujumbura

On the other side of the border in Burundi, in Makamba Town in February 2016, little appeared to have changed from when I visited a year earlier, before the third-mandate crisis. Small shops on the side of the street are packed with customers and children walk to and from school freely. Many
villagers, and even the Governor, told me that things were peaceful in Makamba. While daily life remained largely the same, there certainly was increased fear and uncertainty regarding if and when the conflict would reach the province. The Governor now traveled in an extended motorcade with soldiers armed with rocket launchers in addition to their usual AKs. Police checkpoints along the main road out of town were increasingly frequent, and the government’s crackdown on media in the coup had left Burundians living upcountry with little access to information aside from what was presented on the state-run radio.

One of the primary assertions from those still in Makamba was that they remained in-country because there was nothing to fear. The Burundians arriving in Tanzania fled rumors of war, they said, but there was no real insecurity. Of course, those who remained in Burundi are unlikely to report that security issues are prevalent, either because they themselves are participating in inciting violence, or for fear of repercussions from the deeply embedded state and party security apparatuses.

People would often brush off the issue of recent displacement, or speak of those who left with derision, saying that those refugees simply wanted handouts from the UN or thought they might get resettled in America. The truth of the ‘UN dependency’ trope is less important than its prevalence as the narrative offered by those who stayed to describe those who left. This attitude makes sense given how refugees described their fears as frequently rooted in a local conflict. If you did not have land conflicts (or had previously gained control of land), were on good terms your neighbors and local CNDD operatives (or were a member of the party yourself), or had particular connections that provided protection, there was less sense of immediate danger. And you could point to the lack of overt violence in the countryside as evidence to deny refugees’ claims of insecurity. The narrative that refugees were not fleeing “real” insecurity, but simply wanted handouts from the UN or to seek resettlement abroad paralleled the CNDD-FDD’s rhetoric that Burundians who fled in 2015 were
likely to flee at the slightest hiccup, were unfaithful to Burundi, or were linked to opposition political parties and rebel groups.

Some Burundians also stayed to protect economic assets, waiting until it was absolutely necessary to leave if they had land or a job.\textsuperscript{54} Many of the villagers I spoke to either owned or had access to land, or had some sort of business, job, or other economic assistance that allowed them to get by. In line with reports from the refugee camps, households would often leave a male representative behind to protect their property until it became too risky to stay, sending women and children ahead to Tanzania. This helps to explain the overwhelming majority of women and children in refugee camps in the early months of the crisis, when in fact men and young men were the most likely targets for political violence.

4. \textit{Alternative Arguments – Pull Factors}

The data presented in this chapter demonstrate that the causes of the renewed Burundian refugee crisis cannot be reduced to the national political turmoil which came to a head in April 2015 with the third-mandate crisis. Rather, the previous process of return migration between 2000 and 2015 had created new local level conflicts in Burundi between \textit{rapatriés} and \textit{résidents}, and advanced acute poverty conditions. These local level issues resulting from the previous return interacted with the national level crisis in pushing individuals to flee the country.

While these represent the primary push factors for refugees, it is possible that there were also factors that pulled individuals to Tanzania – namely that certain types of people are more predisposed to choose to move rather than staying in place. Secondly, pre-existing network connections with

individuals in Tanzania may have made it easier for people to successfully re-migrate to Tanzania. While I find some evidence on the former pull factor, it does not seem to have played an outsized role in determining the character and timing of migration. I find little evidence on the latter argument, that people were more likely to flee if they had network connections to Tanzania. Each of these arguments is discussed briefly below.

4.1 Predisposition to Migrate or Stay

For Burundian civilians in spring 2015, the decision as to which risk to take – to stay or to go – was somewhat, though not completely, path dependent. Life in a refugee camp is extremely hard. Those who had already lived as refugees once (rapatriés) were more likely to have some idea of how they would survive under those conditions, whereas stayees feared it could be too difficult to establish lives in camp. Worried that they may not survive either in a refugee camp or in Burundi, some Burundians therefore weighed the options of staying and leaving according to which country they felt more attached: NGO staff in Burundi said that many villagers they interacted with would say, “If I’m going to die, I’d rather die here.” Burundians whom I spoke who were still living in Makamba after the crisis more frequently expressed attachments to Burundi as their home country and/or fear of living as a foreigner. Refugees in Tanzania, on the other hand, often expressed that they would rather “die in the bush,” than return to Burundi, and struggled to express their relationship as a citizen to a nation they had spent so few years actually living in.

That said the prior experience of living in Tanzania was not an over-determining factor. First, returnees from 1972 who had lived in the Old Settlements and were able to re-settle on their family’s land in Burundi were more likely to have stayed in Burundi, while the first Burundians to re-migrate in 2015 tended to be returnees from the New Settlements who fled (for the first or second time) in 1993. Moreover, it appeared that the experience of living in the refugee camps in Tanzania could also
cut both ways. For some, as mentioned above, they knew how to navigate camp life, and so were willing to leave to increase their security vis-à-vis local threats of land conflict. For others, they remembered how hard life had been in camp, and stated if there were to die regardless, they may as well stay in Burundi. The clear commonality, though, was that one of the decision-making factors that pushed toward repeat-migration was the relative security threat faced by returnees as opposed to stayees during the post-conflict period.

4.2 Networks

Another alternative explanation for why repeat-refugees fled earlier on in the 2015 crisis would emphasize pre-existing network connections. This type of explanation would argue that the earliest migrants in 2015 were repeat-refugees because these refugees had developed connections in Tanzania that would allow them a better chance of succeeding there than in Burundi. While some refugees did mention that they “knew Tanzania from before,” when I asked why they chose to come to Tanzania as opposed to other places they could have fled, the majority responded that it was the closest border.

For example, Hassan, an informant I met in Burundi (who I described in the previous chapter) had fled to Congo during the civil war. However, he stated that he fled to Tanzania this time because, “I saw [it] was easy to come to Tanzania and get more security than Congo. It was nearest.”55 Similarly, many people mentioned that they fled to Tanzania as opposed to elsewhere simply because “it was nearest,”56 or because they saw other people in Burundi fleeing to Tanzania, and so they went where the others were going.57 Many interviewees even scoffed at the question of why they would “choose”

55 Author Interview 11/25/2015.
56 See for example Author Interview 11/27/2015.
57 See for example Author Interview 1/4/2016.
to come to Tanzania, saying that when you are afraid for your life, you just flee to easiest and quickest
destination. For those in southern Burundi, that was Tanzania.

When I asked refugees if they knew any other Burundians living in Tanzania, very few said
they had direct connections with anyone living outside the camps. Occasionally people would say they
knew that some Burundians did still live in Tanzania, but did not know any of these individuals
personally. I also asked if refugees anticipated the ability to go out of camp and work as farmers for
Tanzanians the way some refugees had done in the past, and if they had kept in touch with the
Tanzanians they had previously worked for. None of the refugees I spoke to in Nyarugusu said that
they had remained in touch with Tanzanians who they could potentially work for outside the camp,
and hardly any refugees said the ability to farm for Tanzanians once in camp was factor in their
decisions of whether or not to leave Burundi.

Thus, there was very little evidence that there were strong network connections pulling
refugees to Tanzania. While refugees who had previously been in Tanzania did express that they knew
the area from before, the choice of fleeing to Tanzania (as opposed to elsewhere) appeared to have
been primarily out of the close proximity of the border (and relative political stability compared to
Congo). As one refugee succinctly put it “First of all, here, Tanzania is nearest (He states this effusively).
Second, we are familiar with Tanzania. Third, [you should] remember that all those presidents in
Rwanda and Congo do not want to give up power [implying that neither alternative country would be as safe].”
The familiarity with Tanzania as a pull factor is not mutually exclusive to the push of local- and
national-level conflict, but there seems to be less evidence to suggest that network connections and
familiarity were primary factors in bringing repeat-migrants to Tanzania early on in the 2015 conflict
as compared to the preponderance of data pointing to local-level land conflict between rapatriés and
résidents as a primary reason for flight.
That said, given that network support was not as necessary for successfully migrating if individuals planned to go to a refugee camp rather than live under the radar in villages, the Nyarugusu camp residents’ assertions that they lacked connections with other Burundians living in Tanzania should perhaps be taken with a grain of salt. Refugees may have had an incentive to hide connections if they wanted to create the perception that they were especially in need of aid. Still, I found no evidence that a majority of refugees in camp were using any previous network connections to get a leg up in Tanzania. It is possible that network connections were a bigger draw for Burundians living outside the camps, who arrived before the Third-mandate crisis began. However, for those who wished to avoid living in camps, but arrived with the other masses of refugees in 2015, it was very difficult to avoid getting rounded by international agencies and taken to camps. If this was the case, I should have seen some evidence of people in living camp indicating that they tried to use their networks to stay living in the villages upon re-migrating after the 2015 crisis, but I did not find any evidence to that effect.

5. Conclusion

When protestors took to the streets in April 2015 and tens of thousands of Burundians began seeking refuge in neighboring countries, international observers and humanitarian staff receiving refugees in neighboring countries assumed that the Burundians were fleeing the government crackdown on opposition political parties and other regime critics. However, who left and who stayed in 2015 was not simply a question of who supported the government and who supported the opposition. Return migration to Burundi in the years following the civil war (2000-2015) had created new community divisions between so called *rapatriés* and *residents*, which escalated to widespread, often violent, land conflict. Rivalries between returnees and non-migrants were a powder keg ready to explode if the opportunity presented itself. That opportunity came in the form of the 2015 Third-mandate crisis.
The crisis activated divisions at both the local and national level, exacerbating an already volatile situation. In particular, *rapatriés* who had not yet been able to find or recover land worried that the national conflict would afford local actors the ability to carry out personal vendettas with impunity. These prior experiences of return migration then shaped the character and timing of renewed refugee fight: refugees arriving in Tanzania in the first few months after the third-mandate crisis broke were more likely to be these former *rapatriés*. As the conflict took hold, later arrivals had more direct connections to opposition groups or direct experiences of being targeted by the CNDD-FDD.

This pattern of reasons for flight accords with theories of the origins of violence during civil war that suggest the actual experience of violence – who it is directed at, for what reason, and to what degree – is determined through an interaction between national and local-level cleavages. In this case, Burundian refugees in Tanzania cited conflict resulting from their previous displacement and return as the primary local cleavage. Stories of Burundian migrants fleeing prior to the 2015 crisis provide further evidence of the salience of the development of *rapatrié-résident* conflict in Burundi following the 1993-2003 civil war.

The importance of local-level conflict over land and property in driving Burundians to flee the country in 2015 also reflects the salience of the migration-related cleavage which developed prior to the crisis. In the previous chapters, I demonstrated that return migration created new situational identity groups based on where individuals lived during Burundi’s 1993-2003 civil war, and that institutions governing land and conflict exacerbated relationships along this cleavage, bringing them into conflict. What I have demonstrated here is that not only did these new group divisions emerge after the war, but they were salient enough in Burundians’ lives to have shaped individuals’ decisions of whether and when to flee Burundi when faced with the potential of renewed civil war.

Moreover, the importance of land conflict between people previously displaced by the civil war and those who stayed in country continued to have ramifications even after Burundians re-
migrated to Tanzania. In the first year of the refugee influx to Tanzania, Refugees repeatedly cited the close proximity to the border as an issue because they worried that those with whom they had a land conflict in Burundi could easily cross the border, enter the camp, and “hunt them,” such that they would not be able to return and make claims on land again. This carried important policy implications for the short-term humanitarian response to the Burundian refugee crisis, as UNHCR was responsible for protecting refugees while in the camp. However, because international observers were more on the look-out for issues involving political party activity, or militia infiltration in camp, the fear of being too close to the border because of land conflict in Burundi was often overlooked or explained away as trauma induced paranoia. That international interveners did not take these issues seriously speaks to humanitarian and peacebuilding interveners’ strong tendency to view conflict exclusively through the lens of the master national narrative.

Tanzania is now housing more than a quarter million Burundian refugees in refugee camps with strictly enforced encampment policies, with no signs that the conflict in Burundi is ending. Throughout my fieldwork, the East African Community attempted to bring opposing parties in Burundi together to negotiate a national peace agreement. However, because local land conflict was such an important factor in individuals’ decisions whether or not to leave Burundi in 2015, many of the Burundian refugees whom I spoke to in 2015 and 2016 expressed that a national level peace agreement would not resolve their security issues at home, and therefore many would not return to Burundi voluntarily. If forced to return, some refugees claimed that they would refuse to leave, and would rather die in the bush. This suggests that even if Tanzania works to close down the Burundian refugee camps again, these refugees are likely to re-migrate at the first opportunity. If the government of Tanzania wishes to avoid hosting future cycles of repeat-refugees, rather than encouraging repatriation, they may need to work with the international community to consider alternative solutions.
CHAPTER SIX

RETURN MIGRATION & POST-CONFLICT PEACEBUILDING

This dissertation began with the observation that seemingly idiosyncratic events in post-conflict communities – Iraqi returnees facing violent attacks from former neighbors and re-migrating; the rise of “East African,” “Khartoumer,” and “Juban” divisions among South Sudanese youth after independence; and land conflict in Burundi’s countryside – were actually connected through a common phenomenon: return migration after civil war. Whereas return migration is often thought of as a sign of increased peace and stability, in many cases the return of populations displaced abroad during wartime can itself become a new source of tension. The rest of the dissertation sought to explain why divisions between people who stayed in-country during civil war and those who fled and returned are so common, and to explore the process through which return migration can lead to violence. Understanding how the legacy of forced migration alters local community dynamics in post-conflict societies can help government officials, international interveners, and local peacebuilders develop conflict prevention strategies during war-to-peace transitions.

1. Migration-Related Identity Formation and Local Conflict Dynamics

1.1 The Argument in Summary

Having identified the common pattern above, this dissertation argued that return migration after civil war creates new local cleavages based on whether or not individuals were displaced across international borders during wartime. Violence during peacetime may arise along this new migration-related local cleavage on its own or in alliance with national-level divisions.

The construction and relative salience of the return migration local cleavage involves the production of situational identities through two linked mechanisms: First, the physical and social processes of displacement and return creates the opportunity in countries-of-origin to distinguish new
group categories: people who stayed and people who left and returned. These groups may be further subdivided by country of asylum, era of flight, etc. Displacement and return create a common occasion in post-conflict societies to produce this new “groupness” for several reasons: communities that were forced to migrate will have had collective experiences of living through the war, fleeing, and adapting to new situations and places that signal group likeness and differentiate them from those who stayed. The same is true for those who remain in-country. As a result, upon return, people who fled and people who stayed may have different sets of practices, symbols, and meaning-making habits. Some of these practices may be clearly discerned, like language or way of dress. Others are more symbolic, like assertions of legitimacy and patriotism.

Second, these new identity categories harden and come into conflict when post-conflict institutions intentionally or unintentionally favor individuals based on where they were physically located during wartime. This is an endogenous process where individuals’ interactions with institutions can affect group salience by (1) increasing (or decreasing) situational identity group identification with an “imagined community” of like-others; (2) creating (or mitigating) perceptions that certain situational identity groups have a comparative advantage/disadvantage relative to other groups; and (3) fueling conflict between the groups or between the groups and the state. This increased group awareness, sense of relative deprivation, or experience of conflict then further hardens the return migration-based cleavage. The new migration-based cleavage adds a complicating layer on top of other local and national cleavages in post-conflict communities, and can become the site of future violence and/or collective action during peacetime.

The institutions which shape returnee – non-migrant relations also determine the specific venue in which migration-related competition manifests: Where institutions governing land rights

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1 This definition of salience is drawn from Gurr 2000.
create differential dividends for individuals based on where they lived during wartime, conflict between returnees and non-migrants will take on the form of land conflict. However, not all migration-related divisions manifest as land conflict. For example, some of the other institutions commonly implicated in exacerbating the returnee – non-migrant cleavage are language laws, private hiring practices, and both formal and informal citizenship regimes.

In theory, situational identities could be brought on by any number of events, social processes, or geographies. However, when return migration after civil war is the impetus, another complicating layer may arise. Because of the social and physical processes of displacement during wartime, returnees and non-migrants are likely to have developed different idealized versions of the status quo once the war is over. Returnees may hold to a conception of the status quo based on their position in their countries-of-origin prior to the war. For those who remained in-country, their understanding of the status-quo may reflect their cumulative experiences in-country during the war. Often, competing perceptions of this idealized status quo are framed in expressions of deservedness for so-called “dividends of peace” – be it welfare, property, power, or social status. Given these competing perceptions of an ideal status quo, prospect theory (Kahneman and Tversky 1979) provides a useful analytical lens to understand why competition between returnees and non-migrants is so volatile: Guarding against the losses from an ideal status quo creates seemingly high stakes situations in which returnees and non-migrants are more likely to engage in risky behavior.

1.2 Return Migration-Based Cleavages in Burundi

The Burundian case clearly illustrates the dynamics outlined above. Return migration to Burundi after the country’s 1993-2003 civil war sparked the creation of new local identity groups based on where individuals lived during the war and when they fled: The 1972-rapatriés, the 1993-rapatirés, and the résidents. Each was associated with particular linguistic characteristics, ways of dress, practices, symbols,
and behaviors. Importantly, these migration-related identity categories did not simply recreate the ethnic divisions which had been prevalent during the previous civil war. While the majority of returnees from Tanzania were Hutu, résidents were members of multiple ethnicities, and frequently the résident-rapatrié divide even cut across families. While elites sometimes manipulated the stereotypes of rapatriés as Hutu and résidents as Tutsi to their own political and/or individual advantage, at the local level these migration-based identity categories cut across the pre-existing ethnic cleavage.

Institutions in Burundi played both permissive and active roles in reifying these identities and bringing the them into conflict. Forced migration and return into a society in which land was central to the culture and lifestyle created a situation where both returnees and non-migrants had a lot to lose when faced with prospect of losing land they felt was rightfully theirs – either land left behind that refugees then claimed upon return, or land those who stayed in-country occupied and invested in over multiple generations during the war. The land-centric structure of Burundian society therefore strongly shaped the forum in which returnees and non-migrants would compete. Traditions of patrilineal inheritance meant that returnee and stayee competition often manifest between members of the same family who had been on opposite sides of the border during the war.

Other formal and informal institutions, including the Commission Nationale des Terres et Autres Biens (CNTB) and practices in the international community, exacerbated the divisions and subdivisions between 1972-rapatriés, résidents, and 1993-rapatriés. Tasked with mediating land conflict between returning refugees and those who remained in-country during the war, the first administration of the CNTB implemented a policy where returnees and non-migrants claiming the same piece of land could share the property. Sharing was not an ideal outcome, but many Burundian villagers I interviewed noted that relationships between résidents and rapatriés were not as bad under the sharing policy as they became once it changed.
With the death of the President of the CNTB in 2011, the ruling CNDD-FDD party took the opportunity to install a party loyalist to helm the commission and enacted several revisions to the CNTB legislation and policy which sharply favored returnees, especially those who could prove they originally fled the contested land in 1972. These changes exacerbated relationships between *rapatriés* and *résidents*, and there were reports of increased violence (or threats of violence) throughout Makamba as villagers competed to maintain their land. At the same time, those unable to obtain land reported facing acute poverty and food insecurity.

In the face of the CNTB’s extreme tactics, dire economic conditions, and perceived discrimination, there were multiple instances of *résidents* in villages (supported by some *rapatriés*) rallying together to prevent the CNTB from entering their village. In other cases, *rapatriés* held protests and formed organizations to demand better treatment from the government.

Many Burundians described how the hostility between returnees and non-migrants operated in alliance with other political divisions in Burundi. For example, *résidents* who allied with the CNDD-FDD party could use the stereotype that *rapatriés* from the New Settlements in Tanzania were opposition party supporters to their advantage in local land conflicts, threatening those returnees that if war came to Burundi, they would be the first to be killed if they continued to make claims on land. These “peacetime” dynamics in Burundi resemble Kalyvas’s (2003, 2006) characterization of the origins of violence during civil war. According to Kalyvas, violence during civil war is often grounded in local vendettas over issues like land competition, family rivalries, etc. These local actors then engage in transactional alliances with national-level actors, where they receive the resources and political cover to execute on their local issue in exchange for providing core actors with recruits or electoral support along one side of the national-level cleavage.

The alliance between the local migration-based cleavages and national interests in directing violence (or the threat of violence) was also evident in the pattern of refugee flight from Burundi in
2015. The experience of return migration in Burundi had created an untenable situation for many Burundian *paysans*, who were faced with the constant threat of violent land conflict. Moreover, without access to land, many interviewees expressed that they could not provide adequate food and shelter for their families. With the emergence of renewed national conflict in April 2015, many *rapatriés* (particularly those who returned from the New Settlements) worried that *résidents* could use the cover of the national conflict or connections with the ruling CNDD-FDD party to make good on the threat of violence. Consequently, *rapatriés* from the 1993 camps were among the first to flee to Tanzania in 2015. Once in Nyarugusu Refugee Camp in Tanzania, these repeat forced-migrants cited this combination of issues related to their previous return as among their primary reasons for leaving Burundi. As the conflict continued, later refugee arrivals in Tanzania were more likely to be first-time migrants and/or cite the national-level conflict as their primary reason for fleeing.

The impact of the previous experiences of return continued to be felt even after *rapatriés* fled again. Those who stayed in-country in 2015, and managed to maintain their land, had strong incentives to find permanent resolutions to the land situation. Refugees in Tanzania therefore worried that with their close proximity to the border, those who stayed in-country could send individuals to infiltrate the camp and kill them, preventing them from ever coming back and claiming the land. The fact that international organizations seemed oblivious to these potential protection issues, and instead focused on infiltration of political-party allied militia or rebel group organization in camps, reflects Autesserre’s (2010) findings that international interveners focus on national-level narratives of civil war, rather than the local conflict dynamics which may actually be driving violence.
2. Revisiting Alternative Explanations

This dissertation has proposed three categories of alternative explanations to account for the emergence of the *rapatrié-résident* divide in Burundi described above: (1) The re-activation of pre-existing divisions; (2) Economic scarcity and competition; and (3) Networks.

2.1 Reactivation of pre-existing divisions

The first category of alternative explanations applies mechanisms found in the existing literature on out-migration and civil war to reverse population flows. These arguments suggest that return migration can create conflict in countries-of-origin by altering the ethnic demographic composition of home communities; that return migration fuels conflict by creating channels for the transfer of military supplies, rebel ideologies, and potential recruits; or that returnees, like diaspora, may hold stronger ethno-nationalist views than those who stayed in-country.²

If these mechanisms were at play, then we would expect to see that conflict induced by return migration to Burundi should be substantively related to the divisions salient during the previous war. In the Burundian case, these were primarily ethnic cleavages and loyalty to different armed factions (which turned into political parties after the war). I do not argue that ethnicity or rebel-group competition disappeared in Burundi after the war. Indeed, as described in Chapter Three, most interviewees in Burundi and Tanzania cite ethnicity and political parties as categories which describe the different groups in their communities. However, there is also evidence that *résident – rapatrié* cleavages developed, and that these new situational identities cut across ethnicity, and even divided families according to who stayed in-country and who fled during the war. Moreover, for many

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interviewees, the primary security issues in their communities during this transition period were “problems of land” between résidents and rapatriés. This would suggest that return migration can create new sources of conflict, rather than simply recreating or exacerbating previous divisions, and, in some cases, competition along these migration-based cleavages may take precedence over other divisions.

2.2 Economic scarcity and competition

Alternative explanations in the second category suggest that the dynamics of local conflict observed in Makamba province in post-civil war Burundi are better explained through the lens of competition for scarce resources, namely land. Indeed, land conflict was the primary forum in which returnee and stayee violence manifest. That competition, in-turn, contributed to hardening the résident and rapatrié identities. However, if land scarcity were the sole explanation, once those who stayed in-country and those who returned achieved relatively equitable living conditions (economically) these divisions should have faded away. This was not the case in Burundi. Even after individual cases of land conflict were resolved early on during the return migration process the rapatrié identity in Makamba remained strong.

A different take on a resource-centric argument suggests that the simple fact of scarcity of resources cannot explain the dynamics which emerged in Burundi. However, longstanding structures governing land were more central to explaining these dynamics than the immediate trigger of return migration. I agree that the structures governing land and property rights are central in the creation of the return migration-based local cleavages. However, the evidence presented in the case study of

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4 See Fearon and Laitin 2000 for debates on constructing identities through violence.

5 Van Leeuwen and Van der Haar 2016; Van Leeuwen 2010; Boone 2014.
institutions in Chapter Four suggests this is not necessarily something intrinsic to institutions governing land. Rather land and property issues are invoked in this situation not only because of what land and property represent for how individuals/groups understand their position in society and their relationship to the state generally, but also because one of the most common issues resulting from forced migration during civil war displacement is the loss/occupation of land and property.

There were also non-resource driven venues in which résident-rapatrié divisions arose. The data presented in Chapter Three and Chapter Four illustrate how résidents or rapatriés each had perceptions that state or international governing institutions discriminated against them or de-legitimized their authenticity as Burundian citizens. This was especially apparent among the 1993-returnees, where repeated interactions with multiple governing institutions (such as engaging bureaucrats to get foreign diplomas certified to qualify for local employment, or returnee children struggling with the French-language school curriculum), further contributed to the perception that the government did not see these returnees as full citizens or truly Burundian. Explanations that focus exclusively on land competition would therefore ignore the multifaceted character of the returnee-stayee cleavage.

2.3 Networks

Finally, much of the research on migration seeks to explain, who migrates, when they migrate, and the impact of migration on either host-countries or transnational practices through an analysis of social network formation, maintenance, and abrogation.6 A networks-based explanation for the phenomenon of returnee-stayee conflict in Burundi would suggest that the strength of social networks formed during the period of displacement can explain the relative strength of returnee – stayee identity

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6 See Schmitter Heisler 2008 for an overview of the sociological literature on migration, and Kapur 2014 for a similar overview in political science. Each review highlights the focus on questions of who migrates, when, and the impact on host-countries/transnationalism in these literatures, and proposes network analysis as one of the best methods of inquiry for answering these questions.
divisions upon return to Burundi. Moreover, a networks-based explanation would anticipate that individuals’ network ties to Tanzania would be a determining factor in who chose to flee Burundi in 2015, and where they fled.

Starting with the former assertion, I agree that experiences during displacement, including network formation, maintenance, or abrogation, contributed to delineating the differences between the *rapatriés* and *résident* group identities in Burundi. In fact, my argument emphasizes that different experiences for migrants and non-migrants during wartime were essential to delineating substantive characteristics associated with these identity groups after return. However, while collective experiences during displacement may include network formation, their impact after return is not contingent on the relative strength of networks, or individual nodes of connection. In Burundi, respondents described the differences between returnees and non-migrants not simply in terms of a density of connections to people they knew from living in Tanzania or during the war, but in terms of collective adaptations and representations of their experiences during wartime once refugees had returned to the country-of-origin, as well as in terms of similar experiences in-country after return migration was complete (like land conflict).

Moreover, in Burundi interviewees frequently framed the relative strength of *rapatrié-résident* competition in relation to the land commission’s change in policy from promoting sharing land to requiring full restitution. While absence of evidence speaking to the importance of network formation in this case does not constitute evidence of the absence of the role of networks in the formation of returnee-stayee identities, the relative salience of talking about these identities with reference to institutions lends additional support to my argument that institutions in the country-of-origin are central to the formation of the return migration based cleavage.

On the latter assertion that network connections were a determining factor in who fled during the 2015 conflict, there is more solid disconfirming evidence. When asked why refugees fled to
Tanzania rather than elsewhere, most refugees stated that Tanzania was the closest border over which they could flee. Some refugees did say that they knew the camp environment, having lived there before, but they also said that they did not know many others still living in Tanzania, nor did they maintain contact with Tanzanian farmers who they worked for as farmhands during their prior displacement. This lends additional credibility to refugees’ explanations that consequences of their previous experience return were a primary factor pushing them to leave in 2015, regardless of whether they did or did not have strong prior network connections in Tanzania.

3. **Theoretical Implications**

3.1 **Situational Identity Construction**

The dynamics observed in the Burundian case provide an important proof of concept for my argument that return migration after civil war can lead to the creation of situational identities based on where individuals lived during the war – and that these situational identities matter for politics and peacebuilding. Whereas there has been immense interest in understanding the connections between ethnic identities, politics, and violence (as well as nationality and class), there has been much less focus in the study of civil war and peacebuilding on the role of non-ethnic identity politics. I argue that processes of population displacement create a common situation for new non-ethnic identities to develop (in a relatively short period of time), and that these situational identities can shape local politics in much the same way that we think about ethnic identities.

The importance of migration-based identities in post-war Burundi would suggest that it is not just hard-to-change identities that can play a prominent role in organizing politics and political violence. While most scholars agree that ethnic identities are socially constructed, and situationally dependent, there are scholars across the constructivist-to-rationalist spectrum who argue that ethnic
identities are exceptional because they are hard to change. This may be because of a mutually constructed belief that ethnicity stems from certain attributes related to descent, or because these identities are constructed through macro-historical forces that take time to develop. Accordingly, when ethnicity is difficult to change, it becomes an efficient way to organize society – either to extract and distribute resources from the state, or to provide security. What I have demonstrated through this dissertation is that identities constructed in the short-term, which are therefore inherently malleable rather than durable, are also important.

Similar to Malkki (1995), I argue that the process of displacement is a likely impetus for this kind of identity construction. However, it is not just that migration forces individuals to adapt to new environments that made the rapatrié and résident identities meaningful in post-war Burundi. I argue that because of their different experiences of displacement/staying during the war, there is something specific about the process of return that creates a situation where new identities are likely to develop. In these cases, returnees and stayees are likely to have competing understandings of what their status in post-war society should be relative to each other and to the state. In particular, narratives of “deservedness” based on whether one “stayed and fought” or “suffered when forced to leave” can create a situation where both non-migrants and returnees enter post-war communities with an idealized expectation of what they deserve in a peacetime. For some the expectation may be a restoration of a pre-war status-quo; others may expect the post-war society to reflect their lived experiences and contributions during wartime. Returnees and stayees are more likely to identify with others who espouse the same idealized expectations. Moreover, as we know from findings in

7 Hale 2004
8 Geertz 1973; Lijphart 1977; Horowitz 1985; Chandra 2006
behavioral economics, individuals may be more likely to engage in risky behavior when trying guard against losses from this kind of ideal-in-expectation.\textsuperscript{11}

The evidence presented in this dissertation also emphasizes the roles of institutions, symbolism, and elite manipulation in the process of identity construction. Scholars have argued that ethnic identities become particularly salient, and can lead to violence, through a number of different mechanisms including elite instrumentalization of ethno-national identities for political gain;\textsuperscript{12} institutions’ ability to constrain the set of identity choices or to impose, harden, mitigate, and construct identity categories;\textsuperscript{13} the experience of violence itself and/or subsequent emotional residue;\textsuperscript{14} and symbolic politics, framing, everyday practice, and groupness.\textsuperscript{15}

My argument builds on both the institutionalist/situational context literatures,\textsuperscript{16} as well as the sociological and anthropological literatures on “groupness” and culture.\textsuperscript{17} Like the groupness-through-practice literature, I argue the content of a situational identity category can be created through social processes and narratives, symbols and practices used in everyday life (such as Burundian residents and rapatriés no longer sharing fire, or attending each other’s funerals). The return of displaced populations after war to countries-of-origin provides the opportunity to construct a different type of categorization of everyday practices, narrative frames, and symbols which reflect the differences of

\begin{thebibliography}{17}
\bibitem{11} Kahneman and Tversky 1979.
\bibitem{12} Mueller 2000; Gagnon 1994; Goddard 2009.
\bibitem{14} Kaufmann 1996; Fearon and Laitin 2000; Petersen 2011.
\bibitem{15} Kaufman 2011; Wedeen 2002; Brubaker 2004; Malkki 1995.
\bibitem{16} Posner 2005; Malkki 1995.
\bibitem{17} Kaufman 2011; Wedeen 2002; Brubaker 2004.
\end{thebibliography}
where individuals lived during the war. Experiences of violence (like land conflict in Burundi) can further contribute to solidifying these categories in an endogenous cycle.

Like the institutionalist arguments of ethnic formation, I argue that the salience of the migration-based identity is determined through institutional interaction for a number of reasons. First, institutions can define the bounds in which returnee-stayee is likely to arise. When institutions set the parameters and define the rules of the game, they can determine what conflict will look like and fuel competition and conflict along certain divisions (e.g. the combination of an agricultural centric society with strong traditions of patrilineal inheritance, and the CNTB deciding land ownership cases based on whether someone was a 1972-returnee or not). Second, if an institution defines certain group categories, it is likely to reify those groups. Thus, practices in the international community which relied on separating the 1993 caseload returnees from the 1972 caseload returnees were likely to also reify those divisions.

Importantly, these institutional interactions can feed narratives of relative deprivation. As individuals’ interaction with institutions provides different outcomes seemingly based on migration history, they are more likely to adhere to narratives that frame differences in their communities are along the lines of these migration-based identity groups. This conflict can further solidify the migration-based identity division and fuel hostility between these groups.

However, whereas certain instrumentalist arguments focus on individual and group agency in strategically choosing to use ethnic identity as an organizing principle to extract and distribute goods, services, and security, in my interactions with Burundian refugees and villagers, it was very clear that

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18 Duffield 2007.
19 Brubaker 1996; Barry 1975.
it was the rare case when individuals wanted to identify as returnees. Rather many felt that this identity was put upon them, because of situations beyond their control (being forced to migrate), or because others in power were strategically emphasizing these divisions. Indeed, many of the returnees from the New Settlements emphasized that because of their migration history they had little power (financially, politically, or socially) to change their situation. Thus, evidence from the Burundian case would suggest there are situations in which identities that matter for politics are not always activated because they are a strategically useful choice for the mass populace.

This finding on the limits of strategic choice provides an important qualification to the broader debate on agency within the literature on ethnicity, identity, and violence. This literature is often characterized by an unresolved dichotomy: top-down theories which emphasize elites’ roles in manipulating mass populations into ethnic conflict underestimate the agency of everyday people in committing violence. At the same time, theories which emphasize that ethnic violence is fueled from the ground up underestimate elites’ political incentives to use ethnicity as a tool for mobilization. Evidence on the construction of migration-related identities in Burundi provides an important complication to this dichotomy: in cases of mass population return, power differentials can restrict individuals’ ability to make choices about which of their identities to make salient. Rather than using existing institutions to overcome collective action problems and develop coalitions to extract resources from the state,\textsuperscript{22} in this case non-elite return migrants who had little economic or political capital (as opposed to returning elite diaspora) were subject both to the institutions of the state and broader norms governing local society in determining how others identified them, and consequently how they defined themselves in relation to others.

\textsuperscript{22} Posner 2005.
3.2 Peacebuilding and Institutions

The construction of migration-based situational identities, and the implication of institutions in that process, has important consequences for the way that we think about successful peacebuilding. A large strand of the peacebuilding literature focuses on whether or not building certain institutions, including but not limited to power-sharing agreements, enhances the likelihood of peacebuilding success or sows the seeds for a return to violence. Yet, with notable exceptions, the debate focuses on whether national-level institutions mitigate or exacerbate divisions associated with the previous conflict. This logic implicitly assumes that sources of conflict do not change over the course of the war.

The findings presented in this dissertation lend credibility to my argument that institutions in countries-of-origin can intentionally, or unintentionally, contribute to migration-based situational identity formation after civil wars and increase the likelihood of conflict along that cleavage. The Burundian case study also suggests that seemingly neutral practices, like the international community referring to the “1972 caseload” as opposed to the “1993 caseload” for very reasonable and pragmatic purposes, or seemingly unrelated institutions, like patrimonial inheritance practices, can equally be implicated in the process of fomenting resentment between returnees and non-migrants. As discussed more in the policy implications section below, these findings do not resolve the debate on whether or not building institutions can strengthen post-conflict peace and stability. However, the findings do suggest that international interveners need to approach their programming with a degree of flexibility that allows them to update and change their approach based on feedback that certain programs are producing unintended consequences at the local level.

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24 See for example Autesserre 2010; Lake 2017; Woods 2008.
3.3 Land and Conflict

The evidence presented from the Burundian case also contributes to a growing literature on the importance of land conflict. Competition for land was central to the creation of the *rapatrié* and *résidents* identities. However, in this case, I argue that land conflict was at the fore of returnee-stayee relations because of a confluence of circumstances and institutions. Burundi is a tiny country with a growing population, the vast majority of whom hold strong cultural connections to agrarian life. As such, land is a scarce and extremely valuable resource.

While land is central in the Burundian case, my argument suggests that in other contexts, the institutions which shape the nature of conflict between returnees and non-migrants, or dictate the forum for competition, are not always about land governance. Therefore, it is important to think about the emergence of return migration as a combination of situational identity construction and conflict, formed in interaction with institutions that frequently, but not exclusively, relate to land and property rights. Using the reverse approach – focusing on land conflict as the lens through which to analyze violence in post-conflict societies – would obscure the pattern of returnee-stayee conflict identified in other cases like Bosnia, El Salvador, Afghanistan, and South Sudan. Understanding return migration as a source of conflict in these cases is important because it affects what policies are likely to ameliorate or exacerbate these issues. However, further research is necessary in other institutional environments to test the relative importance of land and property related institutions as compared to other institutions in reifying these identities and producing local level conflict. (This is discussed more in full in following section on generalizability).

At the same time, the case of land conflict in Burundi is especially helpful in demonstrating why prospect theory is a useful lens through which to understand why conflict related to return migration after civil war can become so high stakes. In the Burundian case, it is clear that processes of out-migration and return created two populations with different idealized perceptions of the status
Rapatriés saw land and property left behind during the war as still rightfully theirs – even if they had been away for 40 years, the occupation of that land was ill-gotten, premised on the government’s persecution that forced them to migrate. Résidents saw the same property which they occupied during the war, and invested time, money, and effort into maintaining, as justifiably theirs. Thus, both parties were operating from a frame of loss from the status quo, and may have been more willing to take risks to guard against this loss.

Importantly, these were not individual episodes. Rather, the process of displacement and return in particular (as opposed to other social processes of war) creates a situation in which whole sub-sets of a population have incentives to maintain what they believe is rightfully owed to them. In this case, it is particularly obvious because the status quo in question relates to ownership of a tangible parcel of land. In other cases, the characteristics that define the competing idealized status quos may be more opaque.

3.4 Sources of Violence During War-to-Peace Transitions

Renewed conflict in Burundi in 2015 provided an unexpected additional opportunity to observe how much return migration can affect local conflict dynamics. Just like other types of local cleavages, migration-related divisions can work in alliance with those at the national and international levels to determine the direction and character of violent conflict. In this case, the local cleavage between résidents and rapatriés was produced endogenously through displacement during the previous civil war and subsequent peacebuilding process. While Kalyvas states that local cleavages can be produced by war itself, common interpretations of his theory often assume that these local vendettas and rivalries

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exist exogenous to conflict. This dissertation therefore provides an important case study of how local cleavages can be produced through the process of war, and subsequently affect “peacetime” dynamics.

There are also certain characteristics of this local cleavage that are specific to migration. Because the process through which these local divisions were created – forced displacement and return – is one of the most common sequelae of civil war, seemingly idiosyncratic local conflicts between returnees and non-migrants in different post-conflict contexts are representative of a more common phenomenon of conflict induced by repatriation.

Moreover, neighboring countries and the international community have strong incentives to encourage return migration as the easiest and most pragmatic solution to forced displacement crises so as not to bear the burden or supporting refugees, or pay the reputational costs of refusing humanitarian obligations. This was certainly the case in Burundi as Tanzania played a significant role in encouraging the repatriation process that brought about this new source of local conflict in Burundi. As such, these very local conflicts during war-to-peace transitions are also linked to broader global structural factors, like the incentive structures which allow countries to maintain their power by narrowing the bounds within which refugee resettlement or local integration is allowed, therefore creating situations where voluntary return is the only option refugees have.26

4. Policy implications

4.1 Reconsidering Repatriation as a Durable Solution

In recent years, debates over refugee policy have taken center stage as the world bears witness to both the highest levels of forced displacement on record and a rising tide of nativist immigration advocates.

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26 Hironaka 2005 offers a similar argument on the connections between global and local sources of civil war. Autesserre (2010) also notes the importance of international dynamics in addition to local and national-level issues in structuring conflict dynamics in the DRC.
Yet, with the focus on out-migration, interveners often overlook return migration to post-conflict societies as a potential conflict dynamic. Instead, the policy community frequently views repatriation as a harbinger of increased peace and stability, a natural human right, and/or the most pragmatic solution for forced displacement. This dissertation contributes to the conversation challenging these assumptions. Based on the findings, I outline a number of ways policy makers can prevent the emergence of violence related to return migration.

Existing humanitarian protocols outline three potential “durable solutions” for the 22.5 million civilians forcibly displaced across international borders today: Voluntary repatriation to their country-of-origin, local integration into their current host-countries, or resettlement in a third country. While the vast majority of Burundian refugees I spoke to for this project expressed that they would prefer third-country resettlement, this is the least common durable solution. It is an expensive endeavor, both financially and in political capital. Refugees undergo years of vetting by resettlement programs, requiring staff, resources, and time, and still only small minority of refugees are resettled to third-countries (1% of refugees in the East and Horn of Africa, for example). As such, third country resettlement, while important, it is not a viable long-term solution for the vast majority of forced migrants.

Local integration, the second durable solution commonly proposed in the international community, refers to the permanent settlement of displaced persons in their first country of refuge. Often this country is in the same region as the country-of-origin. While countries in the Global North frequently promote this solution, host-countries in the Global South argue that they already bear a


28 Regional Durable Solutions Secretariat n.d.
disproportionate amount of the burden in emergency refugee support.\textsuperscript{29} As such, offers of naturalization in these host-countries are very rare. Instead, states can use the opacity of the international refugee regime to their advantage and create policies that promote refugee integration or deportation as it serves their political interests.\textsuperscript{30} Even in countries that attempt to win the favor of the international community by implementing progressive refugee hosting policies, local corruption and the refugee-regime complex, can produce a situation where a significant proportion of the aid intended to reach refugees instead ends up in the hands of local government officials and humanitarian agencies – not refugees.\textsuperscript{31}

This leaves voluntary repatriation as the most pragmatic of the durable solutions on the table: refugees choose to go back to their country-of-origin, and host states do not have to pay the costs of resettlement or integration programming. However, as demonstrated by the Burundian case, the durability of return migration as a solution for forced displacement rests on a number of potentially false premises. First, as many scholars and journalists have documented, voluntary repatriation is frequently not very voluntary.\textsuperscript{32} And, as was the case in Burundi, the line between voluntary and forced return is opaque, and both may occur at the same time. In addition, refugees may not have a home to which they can return, even if they want to do so.\textsuperscript{33} Just because a civil war might have ended, does not mean that refugees will return to a peaceful community. In fact, what I have demonstrated through

\begin{footnotesize}
\begin{enumerate}
\item Chimni 2004. This issue of “burden sharing” is one of the primary issues that the emerging Global Compact on Refugees seeks to address. UNHCR 2018b.
\item Betts 2013.
\item Betts 2010. For a recent example of local corruption see Okior 2018 on how officials in Uganda, a country hailed by the international community for its progressive refugee policies, siphoned off funds intended to support South Sudanese refugees.
\item Chimni 2004; Warner 1994; Sieff 2017; Lietaert, Derluyn, and Brockaert 2014; Koch 2014; Zetter 2007.
\item Hammond 2004.
\end{enumerate}
\end{footnotesize}
this dissertation is that the very act of return can produce new sources of violent conflict in countries-of-origin. Rather than relieving neighboring countries of the burden of refugee hosting, when return migration leads to conflict, it can create the impetus for repeat migration.

Each of the three durable solutions has potential shortcomings. What my argument and the findings presented from the Burundian case suggest is that the international community needs to think outside the confines of the voluntary repatriation, local integration, third-party resettlement box. For the Burundian case, because prior experiences of return created insecurity, most Burundian refugees I spoke to in 2015 said even if a national peace agreement was reached, that they did not wish to return. Some even stated that they would live illegally in Tanzania or “die in the bush” rather than go back. Should they be encouraged to repatriate, in all likelihood this population would jump the border to Tanzania again at the first chance. This is not a durable solution.

Instead, thinking outside the confines of the resettle-naturalize-return confines allows for the development of creative policy solutions that acknowledge the reality of forced migration as a continuing cycle, not a crisis with a single endpoint. For example, with the current displacement from Burundi the government of Tanzania could grant refugees priority access to renewable, medium-term labor visas that would allow them to legally work and live in both Tanzania and Burundi, subject to certain constraints. This could be a win-win: Tanzania could gain from increased labor-force in underdeveloped regions of the country, and Burundian refugees could have the flexibility to legally reside and work in Tanzania without full citizenship. While this is an unorthodox suggestion, it is not impossible: The IOM implemented a pilot of a similar program in Tanzania previously, and regional economic zones like the East African Community (like the European Union) provide the structures to implement regional visa programs.

Certainly, one potential issue with this approach is that by taking away the refugee label, refugees would lose the special protections they are currently afforded under international law, like
non-refoulement. But the strict delineation between “refugees” (or forced migrants) and “economic migrants” also comes with costs. It obscures the fact that many migrants have multiple reasons for fleeing, and in recent years the delineation has become more of a tool for host-states to back-out of their non-refoulement obligations by claiming populations are illegal “economic migrants” who should not be granted refugee status.\textsuperscript{34} Labels and definitions matter because they dictate policy solutions.\textsuperscript{35} While scholars have demonstrated that the use of the refugee/migrant label has clear impacts on immigration policies in host-countries,\textsuperscript{36} labels are also relevant to return migration. Taking the time to reconsider the use of the refugee versus economic migrant categories when it comes to durable solutions might actually benefit forced migrants.

Recently, an opportunity emerged to do just that. In 2016, all 193 member states of the United Nation signed on to the New York Declaration for Refugees and Migrants, which affirmed a commitment to protecting forced migrants and tasked UNHCR with producing a new Global Compact on Migration.\textsuperscript{37} The conversations around the Global Compact provide an opportunity to reconsider the policy approaches to migration like the resettlement – local integration – voluntary repatriation paradigm to better reflect political realities. Unfortunately, the current draft of the compact reaffirms the three durable solutions categories.\textsuperscript{38} This is likely a result of the political interests represented at the table largely, as the focus has been on host-states in the Global South arguing for more equitable burden sharing with states in the Global North in responding to emergency forced


\textsuperscript{35} Cronin-Furman 2017.

\textsuperscript{36} Zetter 2007.

\textsuperscript{37} United Nations General Assembly 2016.

\textsuperscript{38} UNHCR 2018b.
migration situations. Changes to the international community’s structural approach to refugee support will likely require greater political will.

4.2 Implementing Repatriation

When it comes to supporting voluntary repatriation in practice, the findings presented in this dissertation suggest that international interveners, government officials, and civil society organizations may want to reconsider certain basic assumptions that structure their programming approach. As discussed in chapter one, while UNHCR guidelines acknowledge that “that return and reintegration is not a simple reversal of displacement, but a dynamic process,” in practice the focus tends to be on the logistics of getting returning migrants settled in their countries-of-origin, and envisages the successful reintegration of refugees on a continuum from emergency aid to sustainable development.

The evidence presented from the Burundian case in this dissertation suggests that while emergency support is necessary, it is not sufficient. Many Burundian interviewees did express that short-term economic needs, like providing adequate food and health care for their family, were among the primary problems they faced when they returned to Burundi. Indeed, as one of the poorest countries in the world, the majority of Burundians face similar issues related to poverty. However, conflict between résidents and rapatriés created security issues and altered local political dynamics in addition to exacerbating economic conditions. By treating return migration as a technical issue of integration into the economy rather than also a complex political issue, the proposed programmatic remedies will end up ignoring important local political dynamics that may contribute to the emergence

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40 Macrae 1999; Van Houte 2016; Van Houte and Davids 2008; Ruben, van Houte, and Davids 2009.

41 Burundi ranks 184th out of 188 countries on the Human Development Index, with 81.8% of the population classified as multi-dimensionally poor (Human Development Report 2016).
of violent conflict. Therefore, international interveners and other peacebuilding actors should also treat return migration as a potential source of local conflict.

Moreover, what the Burundian case demonstrates is that rather than focusing on return migration’s ability to recreate previous divisions of the war, interveners should also focus on the potential for new conflict between returnees and non-migrants. Multiple international and domestic actors in Burundi identified return migration as a potential destabilizing process, however the primary worry was that return migration would re-incite ethnic conflict. When Burundi appeared to be making strides toward ethnic reconciliation at the national level, local conflict over land was largely considered to be an ancillary, short-term phenomenon that could be resolved through legal reform and transitional justice.

While institutional reform, like revising the land code in Burundi, can be helpful in attenuating the returnee-stayee conflict, what this dissertation has demonstrated is that even institutions designed to promote peace can intentionally or unintentionally exacerbate conflict between returnees and non-migrants after conflict. In addition to institutional environments conducive to land conflict, the international community’s habit of dividing returnees into “1993s” and “1972s” further solidified these sub-groups of rapatriés. Moreover, their de-politicization of the 1993/1972 categories based on “need” obscured how those in power might manipulate return policy to their advantage politically at the expense of reconciliation.

These findings speak directly to the peacebuilding debate on whether institutions build peace or sow the seeds for future conflict. In this case, regular practices in the international community contributed to creating new, situational identities and fomenting conflict between résidents and rapatriés. This would suggest that international actors, especially, should try and anticipate how their interventions, regardless of sector, may be affected by or affect the process of return migration. Moreover, they should approach their interventions with a degree of flexibility and a willingness to
update behavior. Updating policies based on listening how local communities express that the programs were affecting the community might help curtail practices that unintentionally feed new sources of conflict.

The most egregious example of this is the lack of updating is not just the regularized practice of delineating between sub-groups of returnees based on era of original flight, but also the international community’s insistence that 1993-returnees had an easy time integrating into their home communities. Early evaluations (2004-2007) found that individuals who left in 1993 had a relatively easy time recuperating land. Interveners held to this narrative even after a new wave of returnees from the 1993 camps arrived between 2007-2012. For this group, accessing land was particularly hard as refugees who stayed longer in the New Settlements were often accused of supporting opposition politicians, compounding their insecurity and their perception that the Burundian government was biased against them. Yet, by holding to the narrative that the only issue was length of time away from land, interveners ignored a significant local political dynamic that both contributed to violence during peacetime and shaped the subsequent refugee flight from Burundi. This is a prime example not only of peacebuilder’s need to prioritize local knowledge in addition to technical knowledge, but of the need to listen to local communities and update conflict assessments and standard practices based on that knowledge.42

A somewhat surprising finding from the study of the institutions governing land ownership in Burundi is the striking paradox of committing to the restoration of land and property ownership after war under international principles of justice and accountability, when the process of restoration itself can incite violence. This was the case in Burundi as the ruling party consistently referred to the Pinheiro Principles on land and property restitution after civil war as justification for a policy that was

42 Autesserre 2014.
exacerbating security relations. As others have noted, an approach to land and property issues after civil war which applies one-size-fits all Western ideals of justice and accountability is deeply problematic.\textsuperscript{43} Findings from this dissertation suggest, additionally, that conflict over land may not directly overlap with narratives of the previous conflict, complicating whether land restitution fully aligns with the goals of broader transitional justice agendas. Future research may want to look at the interaction between return migration-related conflict and emerging international norms of the right to land and property restitution, and the role of land and property rights in international law, in relation to broader debates on peace versus justice trade-offs.

5. **Beyond Burundi**

As discussed in Chapter Two, the broad constructs for my argument on return migration-related conflict were developed based on my own observations living and working in South Sudan. The ethnographic case study of Burundi presented in this dissertation provides an initial proof of concept that my argument holds in another case. Moreover, because out-migration from Burundi strongly correlated with ethnicity, with mostly Burundian Hutus fleeing to Tanzania and Burundian Tutsis to Rwanda, return migration from Tanzania to Burundi is a particularly hard case to establish the development of migration-related identities. One could expect in this case that the return of a large population of Burundian Hutus would be more likely to exacerbate pre-existing ethnic cleavages than create a new cleavage that cuts across ethnicity. As such, the proof of concept in this case is no small feat. However, additional comparative case studies are needed to further analyze the process through which these migration-related identities develop, as well as the antecedent conditions under which the argument holds.

\textsuperscript{43} Anderson 2011; Paglione 2008.
I am particularly interested in exploring the role of institutions in shaping both the content of migration-based identities, and in fomenting conflict along the return migration cleavage. In the Burundian case, there was a confluence of institutions primarily governing land that appear to have concentrated returnee – non-migrant competition within the sphere of land competition. At the same time, evidence in the Burundian case suggests that other institutions also affected résident-rapatrié relationships. Moreover, anecdotal evidence from cases like Bosnia, El Salvador, and South Sudan suggest that returnee-non-migrant relations may center on different issues, or that returnee-stayee land and property conflict may not always reach lead to violence. Future shadow case comparisons should therefore examine cases with variation in the degree of conflict between returnees and non-migrants over land and property.

The Burundian case is also characterized by a number of antecedent conditions which may have affected the development of returnee-stayee identities. First, there was a significant, though not overwhelming, proportion of returnees relative to the population – more than 500,000 returnees to a country with a population at the time of around 8 million. Contexts in which the proportion of returnee population is much greater/smaller may see different outcomes. Second, the Burundian case had a particularly long duration of exile – with most returned refugees having lived outside Burundi for between ten and forty years. This allowed a significant amount of time for refugees and non-migrants to develop new collective experiences and narratives of the conflict, and for those in-country to move onto and invest in land left behind. Return migration from shorter durations of displacement may be less likely to produce new migration-based identities. At the same time, spending at least twenty years in exile is not that uncommon when compared to other current conflicts like Somalia or Congo. Moreover, anecdotal evidence from Iraq, Afghanistan, and Bosnia where the duration of displacement was shorter, suggest that situational identities can develop without refugees spending decades in exile.
Finally, there are a number of permissive conditions which may increase the likelihood of violence – including poverty, political stability, terrain, and population, (Fearon and Laitin 2003). Burundi faced acute poverty and marked population growth. Other cases should be evaluated relative to these and other background conditions which may be more or less permissive to violence.

Based on these parameters, future comparative cases should be selected according to the following types:

(1) A case where there appears to be variation in the strength of returnee/stayee identities but the type of conflict between them is the same, e.g. where conflict between returnees and non-migrants manifests primarily in the sphere of land and property. Bosnia might be a good case for this. In the ideal, a case of internal variation might be another good option, however the Burundian institutions evaluated in this dissertation were national, which may reduce the value of another Burundian case.

(2) A case where returnee-stayee divisions are present, but do not appear to be linked to land or property rights. El Salvador may be a useful case here. Other possible cases highlighted in the literature where issues of belonging, citizenship, and authenticity are particularly salient include return to Vietnam, Greece, and Cambodia.\textsuperscript{44} However, these existing case studies focus on the return of elite diaspora. More research is needed to find a potential comparative case with non-elite diaspora, or to establish elite/non-elite return as a conditioning variable for the type of returnee-stayee identity and conflict observed.

(3) A case in which we do not see the development of returnee-stayee divisions. Other conditions associated with this case (such as the duration of exile, proportion of the population returning, etc.)

\textsuperscript{44} Chan and Tran 2011; Long 2004; King and Christou 2010; Wijers 2014.
would further solidify the scope conditions. If I cannot find this case, this would lend further credibility towards that my argument that development of return migration situational identities is an extremely phenomenon across post-conflict contexts.45

6. Conclusion

The way policymakers understand local conflict dynamics matters. Yet, all too often peacebuilders misapprehend the context in which they are operating. One conflict dynamic that frequently goes unrecognized is the legacy of forced migration in post-conflict societies. While peacebuilders focus on the causes of the previous conflict, processes of forced migration and return after civil wars can create new identity divisions between populations who were displaced across borders and those who remained in-country.

These dynamics were clearly at play in post-war Burundi. Return migration to Burundi after the 1993-2005 civil war created new situational identities between rapatriés and residents. Competition along this local cleavage became a new source of conflict, leading to widespread, often violent, tension between rapatriés and residents over land. Rivalries between returnees and stayees were a powder keg ready to explode if the opportunity presented itself. That opportunity came in the form of the 2015 Third Mandate Crisis. Thousands of Burundians fled the government crackdown on anyone perceived to be in an opposition political party or critical of the regime. However, who left and who stayed did not reflect a simple distinction between ruling-party and opposition supporters. Rather, the Third Mandate Crisis activated local migration-related divisions. Rapatriés in particular, who had not yet been able to recover land, worried that the national conflict would allow local actors the cover to carry out personal vendettas with impunity, and therefore were among the first to flee to Tanzania. As the

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conflict dragged on, later arrivals had more direct connections to opposition groups or direct experience of being targeted by the ruling party. The findings from the Burundian case demonstrate that situational identity divisions constructed through the process of return migration can be linked to violence in much the same way that we think about ethnic or national identities. The pattern of violence accords with accounts of the origins of violence during civil war, but also highlights a crucial dimension missing from those explanations: in post-conflict contexts, legacies of forced migration may connect seemingly idiosyncratic local conflicts to a common cause. Forced migration and return, one of the most common sequela of civil war, is likely to create new displacement-based situational identities across a variety of post-conflict contexts. The form in which returnee – non-migrant hostility manifests depends on the institutional conditions in the country-of-origin which exacerbate perceived divisions between people who stayed and people who left and return.

Lessons from the Burundian case have important implications for humanitarian responses to refugee crises. Building strong institutions is frequently cast as one of the strongest tools in the peacebuilding arsenal. Yet, as is clear in Burundi, while institutional reform may help to mitigate against pre-existing tension, it can also create venues to reify social divisions, and intentionally or unintentionally feed new conflicts in post-war environments. Peacebuilding interveners must balance the line of addressing the distinct needs of different groups in the population, while being wary of institutionalizing new community categories which may create new obstacles to durable peace.

In addition, plans to orchestrate voluntary return to countries-of-origin must be treated as a potential source of new conflict. Simply (re)entering home areas creates the opportunity to differentiate groups based on their migration history. And because stayees and returnees are likely to have competing understandings of what is rightfully theirs – both physically in terms of property and normatively in terms of connection to the state – conflict between these two groups is likely to incite
risky or violent behavior. In cases of repeat migration, individuals who already experienced local-level conflict due to their migration history may be unwilling to endure that process again, even if national-level political processes bring renewed peace.

As such, the international community needs to start thinking outside of the resettlement-local integration-repatriation box and consider alternative durable solutions for these refugees. However, finding solutions for refugees that do not perpetuate the cycle of return, forced displacement, and repeat-migration is not simply a matter of negotiating peace in countries-of-origin. It will take political will from the international community to reconsider the current approach to forced migration in a way that not only listens to refugees’ wishes, but also finds a way to respect them.
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