

**URBAN REFUGEES IN KENYA: THE CASE OF  
BANYAMULENGE REFUGEES IN NAIROBI; 1996-2012**

**BY**

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## DECLARATION

This project is my original work and has not been presented for the award of any degree in any university.

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Signed.....

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The dissertation has been submitted to the university with my approval as a university supervisor.

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## **DEDICATION**

This project is dedicated to Banyamulenge refugees in Kenya for their contribution to uncover the problems they face in the host country.

## **ACKNOWLEDGEMENT**

To begin with, I highly appreciate all the members of teaching staff, Department of History and Archaeology University of Nairobi for the knowledge they imparted in me that has enhanced the writing of this scholarly work. I appreciate my supervisors, Professor V. G. Simiyu and Dr. Amatsimbi Misigo for the support and advice during my work. Further recognize Dr. G. Gona and Dr. Mary Mwiandi for their enrichment with knowledge that I have utilized in writing the project. I would like to thank all the thirty three Banyamulenge refugees who voluntarily shared their stories with me during the study. I would wish to salute J. Biwott who is a student at Kenyatta University for tirelessly working with me during the data collection exercise.

Finally, I wish to thank the Inspector General of Police and other relevant command points for appreciating my studies through granting me the golden chance to pursue my master's degree.

Thank you all.

## **OPERATIONAL DEFINITION OF TERMS**

### **Refugee**

In this work, the definition in United Nations High Commissioner for refugees (UNHCR) relating to the status of Refugees (1951) is adopted and used throughout. A refugee means a person who being out of his country of nationality or habitual residence and who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is unable or unwilling to avail himself of the protection of that country.

### **Voluntary migration**

This refers to the free willed movement of a person or persons from their place of usual habitation in search for better and more hospitable place to live in.

### **Forced migration**

Means the compulsory movement of a person from their usual place to a better hospitable place to live in, usually in response to capricious leverage and exercise of power by an arbitrary authority or authorities.

### **Temporary migration**

This is migration where the migrant has in mind that when conditions get better in his place of habitual residence, he will return to continue living there or migration where although the migrant intended not to return, he is forced by circumstances in the new habitation to return to his place of original habitant.

### **Munyamulenge**

Means one refugee, while Banyamulenge refers to more than one refugee from a particular ethnic group in question from Democratic Republic of Congo.

## ACRONYMS

<b>IRO</b>	International Refugee Organization
<b>IDP</b>	Internally Displaced Persons
<b>GOK</b>	Government of Kenya
<b>UNRC</b>	United Nations Refugee Convention
<b>UNHCR</b>	United Nations High Commissioner for Refugees.
<b>DRC</b>	Democratic Republic of Congo
<b>DRA</b>	Department of Refugee Affairs
<b>MIRP</b>	Ministry of State for Immigration and Registration of Persons.
<b>OAU</b>	Organization of African Union
<b>RCK</b>	Refugee Consortium of Kenya
<b>NGO</b>	Nongovernmental Organizations
<b>RSD</b>	Refugee Status Determination
<b>DRC</b>	Democratic Republic of Congo
<b>RCD</b>	Rally for Congolese Democracy
<b>AFDL</b>	Alliance of Democratic Forces for Liberation of Congo
<b>RSD</b>	Refugee Status Determination
<b>FDLR</b>	Forces of Democracy for Liberation of Rwanda
<b>UN</b>	United Nations
<b>CNDP</b>	National Congress for Defense of People

## **ABSTRACT**

This study is to explore the problems faced by urban refugees in Kenya and specifically Banyamulenge refugees from Democratic Republic of Congo. They have faced many problems since their arrival and settlement in Nairobi in the year 1998. Their problems include contested citizenship, refugee to refugee conflict in the refugee camps and access to basic needs. The issues have not received adequate attention from scholars and therefore there is need for more study to fill this gap.

The study is embedded in the theory of push and pull that was advanced by Earnest G, Ravenstein who argued that, it is a normal habit for human beings to migrate. He added that migration is governed by push and pull factors. The refugees in question vacated their state of origin due to persecution; they were pushed out of Congo and were pulled to Kenya in Nairobi by factors like security and basic necessities where they sought refuge. Alex Honneth's theory of struggle for recognition also was applied and used through this work and in that Banyamulenge refugees struggled to be recognized by the government and other urban communities in Kenya for their survival through coping.

The research objectives were to examine the origin of Banyamulenge refugees in Nairobi. Their migration to Kenya was confirmed by the respondents and the hypothesis suggested that ethnic clashes caused generation of Banyamulenge refugees Nairobi and it was confirmed. The settlement of Banyamulenge refugees in Kenya was examined and the hypothesis suggested that they settled in Nairobi to access basic needs and it tested partially positive since there were other factors like refugee to refugee conflict. The objective was to assess to the impact of Banyamulenge refugees in Nairobi and the hypothesis suggested that Kenyan government and host communities had positive response

from the impact and have no problem with Banyamulenge refugees in Nairobi hence it was disapproved since Banyamulenge refugees experienced both negative and positive responses and tested negative like requirement to have work permit in Kenya. That is one of the negative response from the government. Highlighted coping mechanisms were interrogated and several coping methods were identified hence the hypothesis that Banyamulenge have adopted coping mechanisms to sustain their settlement and survival was confirmed.

In methodology, both primary and secondary data sources were utilized in writing this work. Major finding was that Banyamulenge refugees are still facing problems in Kenya as urban refugees. It is recommended that international community should facilitate peace and their citizenship in Congo or facilitate integration in Kenya through funding.



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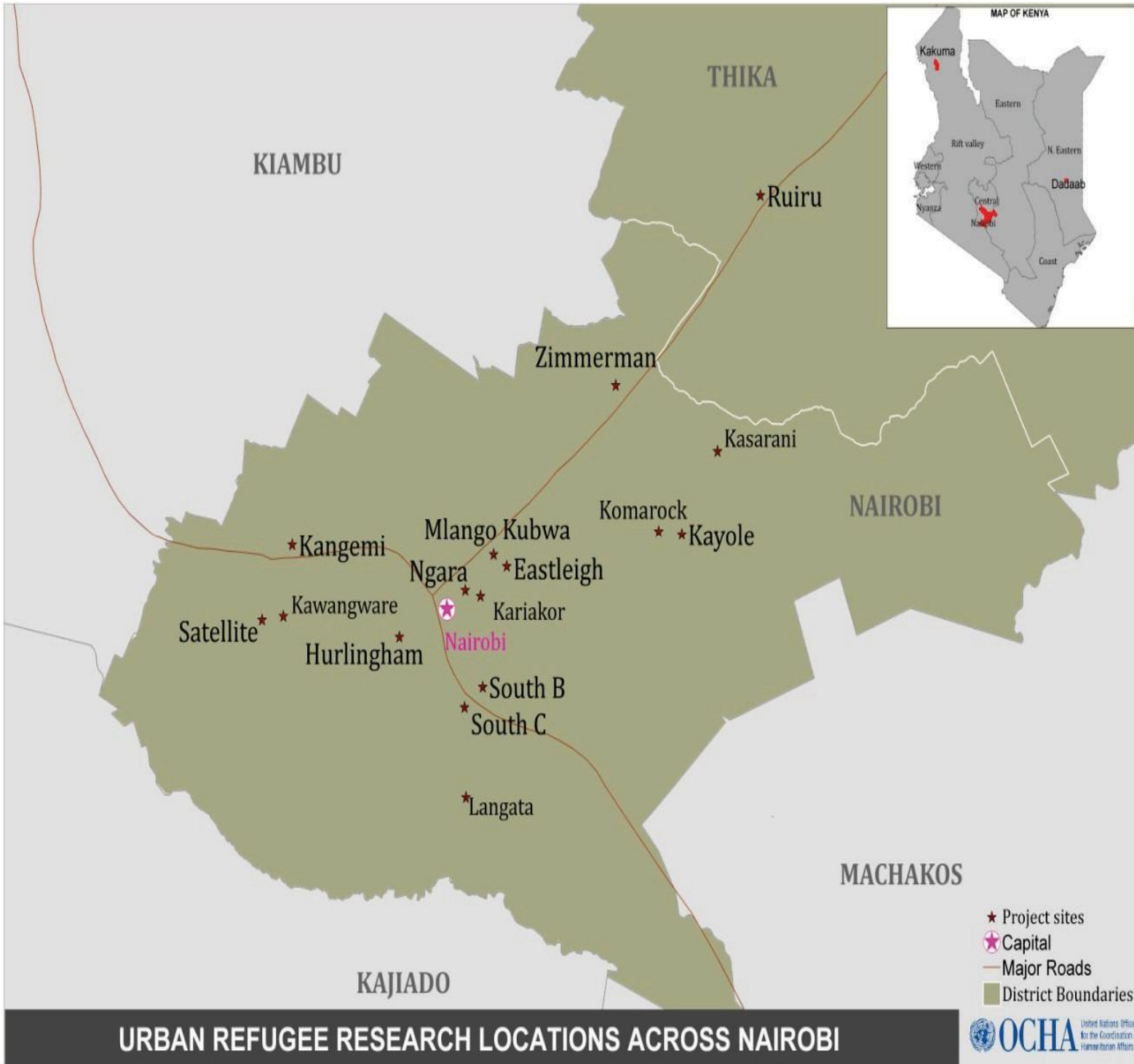
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## Map showing various locations of urban refugees in Nairobi



S. Pavanello, S. Eihaway, S. Pantuliano Hidden and Exposed: *Urban refugees in Nairobi, Kenya*, HPG Working paper 2010, also assessed in [www.rescue.org/sites/default/files/resource-file/hidden&\\_open=1](http://www.rescue.org/sites/default/files/resource-file/hidden&_open=1) exposed urban refugees report final pdf, on 26<sup>th</sup> June 2013.

## CHAPTER ONE

### 1.1 Introduction:

The study focused on Banyamulenge refugees in Nairobi. Intensive research is ongoing to unearth the problems that refugees encounter in the town of Nairobi. The response by both host government and communities to Banyamulenge refugees was examined. Finally, intensive interviews on the coping mechanism within the context on how they survive in Nairobi were carried out. Firstly, the terminology urban refugee is defined as a person who fits in internationally recognized definition of a refugee in the Convention on Refugees of 1951 and who has decided or was obliged for some reasons to settle in urban areas of the country where he found asylum rather than common based settlement.<sup>1</sup> It has been noted up to now no clear definition of what it takes to be an urban refugee. The security aspect has caused Banyamulenge refugees to settle themselves in Nairobi instead of settling in refugee camps.

In the year 2009 5.5 million people were considered by United Nations High Commissioner for Refugees, to be urban refugees in the world and did not include those registered by the mentioned international organization. This presents unique insights into the lives of urban refugees and again many challenges they face in towns within their various locations in the world.<sup>2</sup>

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<sup>1</sup>S. Pavanello, S.Eihaway, S.Pantuliano Hidden and Exposed: Urban refugees in Nairobi, Kenya, HPG Working paper 2010 [http://www.rescue-ok.org/sites/default/files/hidden%26 exposed urban refugee report final pdf](http://www.rescue-ok.org/sites/default/files/hidden%26%20exposed%20urban%20refugee%20report%20final%20pdf), accessed on 12<sup>th</sup> April 2013

<sup>2</sup> Ibid.

The study relates the initial definition of 1951 refugee convention to Banyamulenge refugees in Kenya in the sense that they crossed their national border and are not citizens unless by virtue of integration. Further, it captures scenario that in terms of refugee disaggregation, their status is upheld whereby most of them can afford to sustain themselves in towns instead of joining others in camps. Again push factors which caused scenario of their displacement and migration after being attacked by their neighboring communities at their mother country Congo. Also pull factors that caused them to secure their settlement in Nairobi like access to basic necessities and peace.

## **1.2 Background of the study**

The issue of refugees in world gained ascendancy from protracted crises of Second World War that led to massive displacement of civilians, It was caused by German from the East with her allied states during the Second World War and refugees who survived death camps mainly Jews from all corners of Europe added millions of displaced persons who were in need of basic Needs and resettlement. The war ended in the year 1945, Peace was restored and United Nations was formed through UN Charter. Jews who survived the war migrated to Israel and (United States of America (USA) due to persecution in Europe.

The massive displacement of people in the world during the war led to formation of several international instruments that include; the International Refugee Organization (IRO),it was established in the year 1946 under the Resolution No62(1) of United Nations General assembly and remained in force until the year 1952. It was a resettlement agency and

resettled 1,049 refugees and displaced persons mainly from central Europe, USA, Australia, Western Europe, Israel, Canada and Latin America.<sup>3</sup>

United Nations (UN) was formed in the year 1945 and recognized presence of refugees in the world who came into being from the protracted war mentioned earlier. In reference to that, The UN through Secretary General found it relevant to have international instruments to take care of the displaced people hence several international instruments were enacted. There was adoption of Universal Declaration of Human Rights in 1948 (Article 14) that recognized the rights to seek and enjoy asylum from persecution. Also Geneva Convention gives relative protection of civilian persons in war time and was enacted on 12<sup>th</sup> August, 1949 (Article 44) whereby the treaty protects refugees during war as they cannot be treated as enemy aliens. There is also (United Nation High Commissioner for Refugees) UNHCR It was formed in the year 1951 to assist in International protection of refugees with which primary duty was to ensure that all persons can exercise right to seek asylum and find safe refuge in another state or return home voluntarily.<sup>4</sup>

Again there was also a convention relating to refugees' status (1951) which covers most fundamental aspects of refugee life.<sup>5</sup> It spells out human rights that should be at least equivalent to freedoms enjoyed by foreign nationals living ,legally in a given country and in many cases those of citizens in that country. There is also a protocol relating to status of refugees that was adopted in year 1967 removing geographical and time limitation written

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<sup>3</sup> International Refugee Organization (IRO) United Nations Publication, 1946.

<sup>4</sup> UNHCR)United Nations High Commissioner for Refugees, UN Publication,1951

<sup>5</sup> Article 1 of refugee convention 1951 defines a refugee as 'a person who is outside his/her country of nationality or habitual residence; has a well founded fear of persecution because of his/her race, religion, nationality, membership in particular social group or political opinion, and he is unable or unwilling to avail himself/herself of the protection of that country, or return there, for fear of persecution.



in the original refugee convention that mainly Europeans involved in events occurring before the month of January, 1951 could apply for refugee status. In the year 1969, there was convention covering specific aspects of refugee problems in Africa.

Consequently, Kenya established Refugee Act and Department for Refugee Affairs (DRA) in Ministry of State for Immigration and Registration of Persons (MIRP) in the year 2006. Therefore, DRA was given mandate to administration and management issues related to refugees.<sup>6</sup>

In Kenya, refugee history began with hosting Ugandan refugees in the year 1971 that were displaced by the coup d'etat which brought in that country political instability. Kenya experienced another influx of about 300,000 refugees from Somali after collapse of Siad Barre regime in the year 1991 when he was overthrown from government. The collapse of Ethiopian government again displaced around 40,000 people who entered Kenya and 12,000 Southern Sudan people were displaced due to attack by the government forces in first quarter of 1990s. Congolese refugees also entered Kenya fleeing the Mobutu regime after a civil war that continued up to the year 1996 when Mobutu was overthrown. The official number of refugees living in Nairobi according to census statistics of the year 2000 stood at 55,581, but actual number could be higher as most of them are registered in the camps but those in Nairobi sometimes move out of the camps and others choose to stay in towns because of security concerns like Banyamulenge who fear confrontation with their

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<sup>6</sup>Kirui and Mwaruvie, "The dilemma of hosting refugees", a focus on security in north eastern Kenya, *International journal of social science* Vol 3 NO 8 (special issue 2013)

persecutors who are in camps within Kenya like Wabembe and other refugees who were there enemies from Democratic Republic of Congo.<sup>7</sup>

Kenya witnessed a great influx of refugees mostly triggered by protracted humanitarian crises in the neighboring countries. In the year 1988 Kenya hosted about one thousand two hundred refugees (Campbell 2004). There were more than 282,000 refugees making it the tenth hosting refugee country and unlike the refugees in the camps little is known about their numbers, profile, status, location, and livelihoods. They have been absorbed in urban fabric and more so dispersed all over the city and it poses a great challenge to state authorities. It is important to note that the problem of urban refugees is still and emergent phenomenon and globally under researched. The main pull factors drawing people to Nairobi include livelihood opportunities, security, engaging in trade or employment in micro economic enterprises beside other factors.

In the year 2006 the Government of Kenya (GOK) passed the Refugee Act implementing the 1951 United Nations Refugee Convention related to status of refugee in the year 1967 Protocol and the 1969 (OAU) Organization of Africa Unity, Convention and the developing of the Act drew advocacy by United Nations High Commissioner for Refugees (UNHCR) and other refugee organizations. The Refugee Act classified refugees into two categories; Prima facie meaning those who migrated irregularly, statutory refugees referring to regular migration and meeting legal requisites further lays down the conditions for the withdrawal of refugee status for those who committed crime in Kenya or outside.

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<sup>7</sup> Oral Interview, Nyazuba Clementine on 21<sup>st</sup> may 2013 at Mwiki area in Nairobi County.

There is an understanding that there is new lot of refugees from Congo who most of them belong to Banyamulenge people.<sup>8</sup>Banyamulenge refugees originated from Congo in the year 1998 following a standoff between President Laurent Kabila and foreign troops during the second major Congo conflict. Banyamulenge formed a rebel group Rally for Congolese Democracy (RCD) that was affiliated to foreign troops from Rwanda and Uganda. They were faced with ethnic clashes from neighboring communities like wambembe, wamoshi and others calling them foreigners and again they faced contested citizenship from the Congo government associating them to Rwanda but ironically in Rwandan soil they will be were refugees. They were forced out of Congo where they migrated to Kenya and other countries. This Information comes from oral interview.<sup>9</sup>

After their arrival in Kenya, some went to the refugee camps and further relocated to the town of Nairobi due to refugee to refugee conflict with their former belligerents in Congo. They have settled themselves in the town of Nairobi within Santon area as urban refugees. The research comprehensively looked into the problems these Banyamulenge refugees encounter in Nairobi and the context of their coping mechanism for survival.<sup>10</sup>

### **1.3 Statement of the Problem**

The issue of urban refugee's problems has become emergent phenomenon in Kenya due to the fact that efforts have not been in place to unearth the problems faced by Banyamulenge refugees in Nairobi. Existing scholarly work only mentions the problems without deeply interrogating the causes and the remedies. Some scholars like Mahmood Mamndan did

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<sup>8</sup> Hyndman and Nyland;(UNHCR)United Nations High commissioner for Refugees, Status of prima facie refugees in Kenya,1998 Vol 4.

<sup>9</sup> Oral Interview from Nkigi Alpha on 22<sup>nd</sup> may 2013 at Kasarani in Nairobi County.

<sup>10</sup> Oral Interview from Ntezeyombi Augustine on 20<sup>th</sup> may 2012 at Kasarani, Nairobi.

mention and never explained their background. There is a huge gap in our knowledge like who are they, how they came to be urban refugees in Nairobi, problems they are facing and to the best of my knowledge, their problems have not been subjected to systematic study and my study is to fill these gaps. Banyamulenge refugees originated from Congo and during the interview they highlighted many problems they were experiencing in Nairobi due to inadequate basic needs among others and lack attention from international instruments. There is need for the international community to give attention for their various demands as urban refugees in Nairobi to solve their problems.

#### **1.4 Research Objectives**

1. To examine the generation of Banyamulenge refugees.
2. To examine settlement of Banyamulenge refugees in Nairobi.
3. To assess the impact of Banyamulenge refugees in Nairobi
4. To interrogate the coping mechanisms of Banyamulenge refugees in Nairobi

#### **1.5 Justification of the Study**

There are many urban refugees in Nairobi. However Banyamulenge refugees have not been comprehensively studied within the context of how they came to be urban refugees in Kenya. There is need to examine their settlement and coping mechanisms in Nairobi hence understanding how they coped with life in Nairobi. The problems they face in Nairobi have been under researched and there was need for further study to find a long-lasting solution to contain the situation. They settled in Nairobi without going to refugee camps hence there was need to investigate why they chose to settle in Nairobi. The Kenyan government should find a solution for them to settle in refugee camps as other refugees.

The study aims to increase scholarly knowledge; it helps the policy makers in policy making of urban refugees in Nairobi. Finally it facilitates in understanding how Banyamulenge refugees co-exist with other urban communities in Nairobi.

### **1.6 Scope and Limitation**

The study focuses on Banyamulenge refugees who have settled themselves in Nairobi. There are many refugees from different countries in Nairobi. However I undertook to study Banyamulenge refugees because I wished to uncover their problems contrary to perception that they get help from international instruments The study is limited to the year 1996 During the start of Congo first major conflict and when Laurent Kabila took power from president Mobutu Seseko through a coup up to the year 2012 also that is the period when most of the Banyamulenge refugees entered Kenya and settled themselves in Nairobi

### **1.7 Literature review**

Mahmood Mamndani in his article, ‘African States, Citizenship and War’ gives a case study of Banyarwada population who live in Rwanda, Burundi, Uganda and democratic republic of Congo. They are divided into groups that include nationals, migrants and refugees. The nationals in the article refer to the people who entered the country before colonialism and this applies to the named countries. The lot of people who migrated to Congo during colonial period was referred to as migrants. Lastly after colonialism; those who followed were referred as refugees.<sup>11</sup>

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<sup>11</sup>Mahmood Mamndani Article, African States, Citizenship and war; A case study;<http://www.jstor.org/stable/309588>. Accessed on 20/05/2013.

The distinction between migrants and refugees is embedded on basis of descent. There is also contested citizenship applying to those who migrated to Congo after colonialism. The case of contested citizenship has been witnessed in the democratic republic of Congo with three major groups of Banyarwanda in northern Kivu. They included Banyarutshuru, Banyamasisi in northern Kivu and Banyamulenge in southern Kivu. The study found Banyarutshuru to be indigenous as opposed to Banyamasisi who lived in Congo before colonization by Belgium hence colonialism spells the fact that classifies the migrants as citizens and therefore colonialism was the determinant of citizens and non citizens. Banyamulenge of southern Kivu who are Tutsi have their citizenship being contested and they have encountered protracted conflicts with the neighboring communities in another name of refugees. They are still struggling to have customary land and recognition as nationals of Congo.<sup>12</sup> The citizenship is contested because of consideration by Congolese communities as emigrant's and Rwandan nationals and important to note Rwandan people and the government cannot accept them instead they are channeled to refugee camps on stepping to Rwandan soil.<sup>13</sup> In this case their migration and urban Settlement has not been mentioned like the case of Banyamulenge people of DRC who have already settled themselves in Nairobi as refugees.

Bucyalimwe Mararo in his article ' Law Power and Ethnic Conflicts in Masisi'' denotes how Land and power led to contest between indigenous and migrant people and how the colonial state in congo took advantage of conquering, expropriating land from Batwa and

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<sup>12</sup>MahmoodMamndani,opcit p,8

<sup>13</sup> ibid

Bahunde to benefit the whites and Rwanda immigrants.<sup>14</sup> In the same context, Belgium economics imperatives enacted a labor policy that led to settlement of majority Hutu and minority Tutsi in Muvunyi and Kababi areas in Kivu.

Ethnic relations worsened after the year 1960 when colonial rule ended and its legacies were openly down played from then Bahunde struggle to dominate and maintain power monopoly by no other means other than expelling Hutu and Tutsi from the area to control the land.<sup>15</sup> Hutu and Tutsi relation could not reconcile due to mutual suspicions and the scenario of discontent continued that Hutu at times stood with Tutsi other situations stood with Bahunde. That was greatly contributed by lack of government good will to settle the scores of conflict among tribes at Kivu. In July 1994, there was influx of Rwanda refugees to Congo and again precipitated in intervention by Rwanda and Uganda governments. However it was not specified where the refugees settled either in camps or in urban areas and there was no information about Banyamulenge.

Gaim Kibreab in the article of "Self settlements", asserted that Proponents of spontaneous settlements of refugees claim that settling themselves was preferable option. It may be difficult to reach overarching conclusions about refugee choice in regard to accommodation and some refugees who are self settled express feeling of insecurity in camps. Further he talked of way refugees in Uganda resisted handing over of refugee settlement to local authorities and feared both protection and assistance unavailability. Therefore he talked of inadequate protection on urban settlements and problems faced by urban refugees especially in accordance to this research about Banyamulenge who have

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<sup>14</sup>Bucyalimwe Mararo,law,power and ethnic conflicts in Masisi (Congo Kinshasa) 1940-1994,bolston university of African studies center, International journal of African historical Studies, Vol 30,No 3(1997)pp 503-538.

<sup>15</sup>Bucyalimwe Mararo,opcit,p 9

settled in Nairobi within Kenya.<sup>16</sup> Hansen study of Angolan refugees in Zambia expressed findings in observing that camps were avoided due to reputations of diseases and healthy, forced repatriation, social patterns of residence and movements and he did not talk of urban refugees.

Mazrui and Tidy in their Book, "Nationalism and New States in Africa" put in depth protracted ethnic crises of Hutu versus Tutsi strife in Rwanda and Burundi. They found consensus to settle the Tutsi reprisals against Hutu as they waged uprising in the year 1972.<sup>17</sup> There was systematic Tutsi purging in Burundi to all Hutu who hardly got education which further resulted to massacre of about 200,000 Hutus and others who numbered about 70,000 went into exile the neighboring Tanzania as refugees. In the year 1984 they stayed in Tanzania as refugees in the year. There is no information on Hutu who remained in Burundi or assumption that those who did not face conflict in their locality were otherwise not displaced. In this literature they did not discuss about urban refugees and the settlement.

Russell King puts in place an outline of migration in the book titled origins; "An Atlas of human migration" (2007). He focuses migration as movement of people from original place of abode to search for better places which comfort can be found. The history of world asserts that humans are born migrants and they wish to enjoy peace in places of abode. King, Drew a difference between internal and international migration, forced and voluntary movement again between permanent verses temporally movement. This makes a conclusive focus on humanity movement in search for a more favorable place. King

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<sup>16</sup>Gaim Kibreab, "Host Governments and Refugee perceptions, Settlements and Repatriation in Africa, 1996 also can be accessed from <http://www/forced migration org>.

<sup>17</sup>Mzurui and Mtidy; "Nationalism and New States of Africa, "Nairobi, EAEP, 1994.



examines human migration since dawn of mankind drawing it through ancient world, medieval world, expanding world, industrial world and new world finally modern world. King distinguishes between voluntary migration on one hand and internal, international migration on the other hand. Further to that he does not recognize refugees after migration like urban refugees settled in town and problems they encounter like the case of Banyamulenge in Nairobi.<sup>18</sup>

Martin Meredith in chapter titled “The Graves are Not Yet Full” in the volume the State of Africa History in 50 years of independence outlines the Tutsi and Hutu population during Rwanda genocide of 1994. The issues of urban settlement were not mentioned; nevertheless both internal displacement and refugees who fled from Rwanda to Goma in democratic republic of Congo were discussed in depth.

Waldrons and S,Hasciin their Article’ Refugees in the Horn of Africa, State Arts Review’’ States that host governments are burdened by balancing competition in terms of economic, political and ethnic and humanitarian demands of the refugee in a given state. Further states that, positive effects of a refugee outweigh the merits and positive propagation in the host country however in the reference to Sydney Waldron denotes that some refugees may have skills that can be asset to the host state and others has capital that can be of good use if utilized in the creation of job.<sup>19</sup>The case that has been discussed did not mention specific refugees like Banyamulenge from DRC and their contribution to Kenyan economy and again application of skills in Kenya institutions. Further the literature did not give any

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<sup>18</sup> Russell King.Origins;”An Atlas of Human Migration’’,Capetown,Struik Publishers,2007, p 8.

<sup>19</sup>Waldrons,S,Hasci, Somali refugees in the horn of Africa, States Art Review, Studies on emergency and disaster relief,1995

specification relating to application of skills that can successfully be utilized by the host countries.

In the analysis of Ethiopian refugees, kibreab refers urban refugees as “what the eye sees” and further draws the attention on the neglect and failure to recognize urban refugees by the host governments.<sup>20</sup> The literature did not talk of other refugees like Banyamulenge that do not feature anywhere in the discussion despite being refugees facing many dilemmas and again found in the most neighboring states to Congo Kenya included

Elizabeth Cambell, Veff Crips in their article “Navigating Nairobi” review of implementation by (UNHCR), urban refugee policy in Kenya capital city denoted that, at the end of 2010, Kenya was hosting over 40,000 refugees and asylum seekers. They included Somali who were about 83% Ethiopians 8% Sudanese 6% DRC 2% and Burundi Rwanda Uganda collectively were 1%.the article denotes that Kenya is a signatory to 1951 Refugee convention and 1967 protocol as well as OAU refugee convention but Kenya lacked national legislation until the year 2007 when refugee act has come into force. Nairobi city in particular has long history of hosting refugees from neighboring countries.

<sup>21</sup>In the year 1970, a significant number of Ugandans migrated due to violence that was in their country and took refuge in Kenya. In the year 1980 the country witnessed mass influx of refugees from horn of Africa, refugees and asylum seekers were able to settle in any place of their choice however the article failed to specify the exact settlement area either in camps or in town. In the year 1990 large number of refugee arrivals was witnessed from

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<sup>20</sup>Waldrons,S,Hasci, Somali refugees in the horn of Africa, States Art Review, Studies on emergency and disaster relief,1995.

<sup>21</sup>Elizabeth Cambel,Veff crisp, “(UNHCR)United Nations High Commissioner For Refugees,” Navigating Nairobi; review of implementation of UNHCR, Urban refugee policy in Kenya capital city, Jan 2011(PDES/2011/01

Ethiopia, Somali and Sudan and refugee camps were set up at the border areas. Somali initially made their way to Mombasa and coastal area but subsequently relocated to the camps like Daadab in north eastern Kenya, refugees from Ethiopia and Sudan went to Kakuma refugee camp in North West of the country. At this time it was anticipated that the refugee situation was temporally and most people who were concerned were believed to return at their country after a short time. However the article failed to give steps to counter violence and return of peace in the mother countries of the refugees. Further, it was very general since it only mentioned various refugees without giving the exact number and their dates of entry to Kenya.

Jacobsen (2004) in his Article ‘Supporting Displaced Livelihoods’ observed that urban refugees are self-settled, they are believed to be residing in urban areas.<sup>22</sup> The livelihood problems they face in urban are similar to those faced by urban poor people regardless of whether they are refugees or not. The difference between them and urban refugees is the additional problems in reference to legal status and negative perception by the local people in the host states this can influence their livelihoods and coping strategies. However the argument is general and do not touch on particular refugees more so the legal status is not elaborated and the host country is not known. He further argues that UNHCR assumes that those who migrate to cities can support themselves because they have to secure stay in the camps where their problems can be addressed. In this case he did not state other problems that can cause settlement in town like security as was witnessed from the Banyamulenge

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<sup>22</sup> Jacobsen K, ‘Supporting Displaced Livelihoods’ The economic impacts of protracted conflict and displacement. Lessons learned from four micro enterprise interventions, November 2012.

refugees in Nairobi.<sup>23</sup> He further argues that authorities assume that some refugees move voluntarily therefore they are not given adequate assistance in urban areas but whenever a person becomes a refugee he should be given assistance since the subject is in new environment and again he failed to mention specifically the refugees who were believed to have moved voluntarily from their country.

Landau in his article (2006) "Research Guide, Urban Refugees Forced Migration" talked of identity documents as key elements in refugee protection. The documents are used for identification in the foreign states and prevent the refugees from arbitrary arrests by security agents and deportation.<sup>24</sup> He argues that the agency responsible plays an important role in giving the documents to the refugees but more important he has not named the specific agency at this point. Case studies in his show that states are responsible for the refugee status determination, issuing of documents and they are not reliable. When subjected to UNCHR its actions are restricted however he failed to give example of the specific country that has restricted the actions of the organization. Finally did not talk of specific refugees like Banyamulenge refugees in Nairobi.

## **1.8 Theoretical Framework**

In this study the "push and pull theory" of Earnest G. Ravenstein an English geographer in his of migration studies was used where he argued that it's not normal habit for humans to move from one place to another. He used census data of migration from England to Wales to develop his laws of migration.<sup>25</sup> He therefore pointed out that migration was governed by push and pull factors which include conditions that do not give comfort for peaceful

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<sup>23</sup> Karen, Jacobsen, "Just enough for the city" urban refugees make their own way, world refugee survey, 2004

<sup>24</sup> Landau Loren B. "Research guide; Urban Refugees", forced migration, No 1, 2004

<sup>25</sup> E.G. Ravenstein, 'Laws of Migration,' Journal of the royal established society, Vol 52, 1889 pp, 241-305.

stay in a certain place. The conditions involve ethnicity oppressive laws, heavy taxation, and conflict that push people out of their places of abode. Alternatively it is presumed that in other places there existed favorable conditions which attract people to enjoy and comfortably reside.<sup>26</sup> Further to that, absence of conflict and positive peace as per scholar Galtung remarks in his study of peace draws the attention of research in that, urban refugees in the name Banyamulenge from Congo were excluded from their place of origin which explains the scenario of being pulled out through extermination and absence of peace then migrated to Kenya and important to note pull factors have been found in town like Nairobi resulting to the same refugees settling in Nairobi due to access of basic necessities and peace.

Further, The push and pull theory was supplemented by theory on struggle for recognition by Alex Honneth that findings suggested coping mechanism is a function behind individual and involves the ability to negotiate recognition.<sup>27</sup> This ability to negotiate involves not only primary relationship but also legal order and other social networks such as family and friends. Honneth article was used because of its emphasis on legal recognition and larger structural factors contributing to daily coping and this greatly draws attention of a case of Banyamulenge tribe and their case as urban refugees presently in Nairobi and captures the fact to be recognized by host government as urban refugees .further to establish the extend of Banyamulenge refugees bargaining their acceptance from the host communities in Nairobi.

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<sup>26</sup>E.G.Raventstein, op cit p 15.

<sup>27</sup> Leveret, theory of migration, Pennsylvania, university of Pennsylvania press, 2010, pp 20-40

Mary Kaldo in her research implied’’ Dual Concept of Exclusionary Logic of Politics of Identity’’. Evidence drawn from oral interview of Banyamulenge Refugees shows that they were forced to migrate and ethnic exclusion has been in force at Congo due to ethnic and political conflicts. She consequently used the study of humanitarian consequences of what is named as new wars. Further she used this scenario to expound characteristics of armed conflict in post war and incidence of intrastate conflicts founded on ethnicity and religion. Ethnicity in the case at hand has created or informed political identity that generates feeling of identity in terms of ethnic origins which has manifested in cultural and political exclusion as the case of Banyamulenge refugees in Nairobi who were excluded from their country of origin.

### **1.9 Research Hypothesis**

1. Ethnic clashes in Congo gave rise to Banyamulenge refugees in Nairobi.
2. Banyamulenge refugees settled in Nairobi to access basic needs.
3. Banyamulenge had positive impact to both government and host communities in Nairobi.
4. Banyamulenge refugees in Nairobi adopted coping mechanisms to sustain their survival.

### **1.10 Methodology**

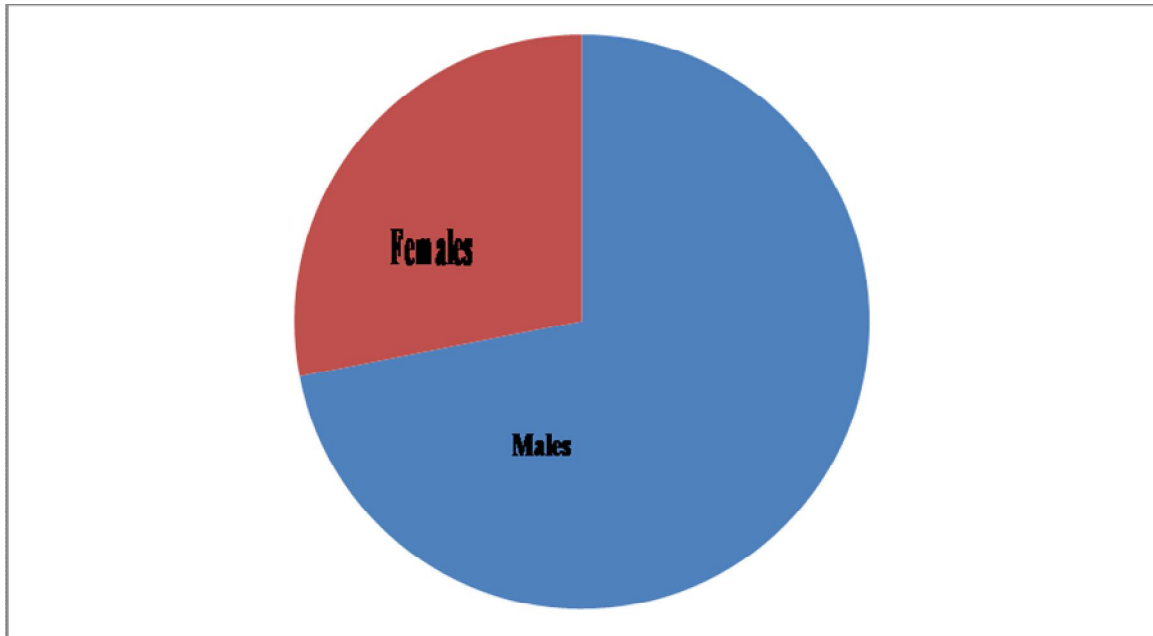
The research employed qualitative data collection methods. Primary and secondary sources of data collection were used. The University of Nairobi, Jomo Kenyatta Memorial Library (JMKL) was visited where several books and academic articles were comprehensively reviewed and a lot of information gathered. United Nations High Commissioner for refugees (UNHCR) and United Nations Headquarters Nairobi was

visited where secondary information was collected. Through oral interview, UNHCR workers who gave a lot of information relevant to the research including various challenges the refugees encounter after displacement.

Open ended questionnaire were used thus giving respondents a chance to give more information. Tapes that recorded oral interviews were also used after seeking consent from the respondents. After that, the oral information was transcribed and the data that was analyzed and descriptively given. The research began by interviewing one known Banyamulenge refugee namely Justin settled at Kasarani. From there he identified other respondents. Since the refugees are scattered in different places as noted above, the mode of their settlement dictated the mode to employ in the collection of primary data by putting efforts to trace by visiting each individual in his house and again leading us to another refugee who would give reliable and useful information for the study. Movement was made from house to house occupied by Banyamulenge refugees within Kasarani. In the process one respondent identified another until a number of them were interviewed.

Other resourceful respondents were met in the church and after being informed the purpose of the research which was purely for academic purposes, Questions were put to the relevant informants through oral interview. A representative sample of thirty three people was taken and interviewed. Further, data was collected for final analysis representing the large population of Banyamulenge refugees in Nairobi. It helped to exonerate full information and was most convenient because informants were interviewed individually with which confidentiality was highly Observed. The relevant information was duly given and exhausted without fear and suspicion noting that the respondents are foreigners hence the course of their interview was undertaken with comprehensive talks.

The chart below shows the number of urban refugees interviewed in terms of sex.



**KEY**

3/4 = Male Banyamulenge refugees

1/4 = Female Banyamulenge refugees

The chart above represents the number of respondents interviewed in terms of sex and therefore more men were interviewed compared to women. The fact shows that there are more male Banyamulenge refugees in Nairobi than women. Interview informs that women could not make a fast escape and were left behind at their homes and again don't easily migrate although they face the same blunt of offensive as equally as men.

It has been found from oral interview that, the number of Banyamulenge refugees in Nairobi is about 5000 People. Therefore 75% is men while 25% are women. The number



of men is 3750 refugees compared to 1250 women refugees as per interview of an elder of Banyamulenge refugees in Nairobi.<sup>28</sup>

The secondary data sources included scholarly books, articles from scholarly journals, newspapers and other relevant secondary sources, therefore the mentioned secondary data sources made the research to be enriched with information that conclusively touched the matter in question referring to urban refugees. The research was also enriched with information from Internet especially to have history of the tribe taken as case study which again comprehensively informed the research positively.

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<sup>28</sup> Oral interview from Bangaza Jeanne on July 2013 at Kasarani Nairobi County.

## CHAPTER TWO

### HISTORY OF THE BANYAMULENGE PEOPLE IN CONGO

#### 2.1 Introduction

The chapter discusses the history of Banyamulenge people in Congo recalling the push and pull theory as it was advanced Ravenstein. Further, the issue of push has created the basis in this chapter in relation to contested citizenship of Banyamulenge refugees. The study in this context is complex since it involves certain parameters that comprehensively need thorough interrogation to unravel the issue of Banyamulenge citizenship in Congo.

The study in this chapter puts down historical analysis from the year 1885 to comprehend facts on migration of Banyamulenge who are known to be Tutsi social economic category. They originated from Rwanda searching for pastures to graze their cattle. These are some facts that inform the study of the migration of Banyamulenge during the 17th century and this is the period when most of the Banyarwanda community from Rwanda crossed the border and entered Congo.

The circumstances surrounding the migration connect the fact with search for pastures to graze their livestock in Congo. They further settled at Mulenge hills whereby in the language of Bunyamulenge “Mulenge” means a hill. The study confirms such information from oral interview with some Bunyamulenge refugees who are settled in Kenya as urban refugees. Another version of literature brings in an academic contest whereby the information obtained still claims that Mulenge Hills were inhabited by Wamoshi tribe

hence rules out possibility of Banyamulenge settling at those mountains in early times of 17th century.

## **2.2 The History of Banyamulenge Migration to Congo**

The atlas of research by Jeune Afreque 1978 provides a map showing migration and pastoralists from Rwanda and Zaire between 17<sup>th</sup> and 19<sup>th</sup> century also involved was Rwandan Tutsi, Banyamasisi and Banyarutshuru tribes in North Kivu.<sup>29</sup> United Nation special rapporteur on human rights in Zaire states that ever since 1797 under the rule of Yuhi IV Ganhindiro, Rwandan Tutsi migrated to Congo settling in Kikamba, Ruzizi and higher regions of (Mulenge Hills) because of conducive climate and availability of pasture for their cattle. They went ahead and settled in Mulenge and they were renamed Banyamulenge people. Further they went and settled in Uviru, Mwenga and Fizi areas.<sup>30</sup> They established their settlement with fellow Bantu ethnic groups who include Webembe, Wafurelo, Banyindo, Baringa and Bashi. They speak Kinyarwanda language and were recognized as separate dialect by other Congolese people. They were estimated to be 250, 000 to 400, 000 people, Baringa were estimated to be 400, 000, Wambembe were estimated to be 252, 000 and Wafurelo were estimated to be 275, 000 people.<sup>31</sup>

The period during the reign of Belgium colonial authorities, Banyamulenge experienced discrimination evidenced from treatment by colonialists as Rwandan immigrants and could not exercise civic duties in Congo. Again resulting from ministerial notice (circular) issued by Minister of Internal Affairs of Belgium during the colonial era in the year 1920, Louis

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<sup>29</sup>Kagame Alexis,maquet,janhiernaux j,(1954-1956) 1972, retrieved on 3/3/2013

<sup>30</sup>Robbert Garreton,report on situation of human rights in zaire, zajan, 2006.

<sup>31</sup> Htt://www/irin news.org.report/73571/DRC.Banyamulenge seeking political solutions-to-tensions. Accessed on 20<sup>th</sup> April 2013

frank required Banyamulenge kingdom ‘Chefferie Dekanyira’ to be annexed to Bafulero.<sup>32</sup> In the month of November 1923, the merger of kingdom was undertaken and since then, Banyamulenge began being discriminated, excluded by other ethnic groups from their own country like Wambembe, Bafulero and Bavira after having support from the government. The situation worsened during Mulele rebellion in the year 1964 and over one thousand Banyamulenge were killed in different places within Congo as a result of their fight with armed forces of government.<sup>33</sup>

Banyarwanda people entered Congo as labour immigrants during colonial period. This is evidenced by seeking of employment at the Union Miniere Du Haut In Katanga that was in the year 1925 to 1929 whereby more than 7000 workers were employed; They went on with search for work and major influx of Tutsi Refugees in the year 1959 to 1960 entered Congo following a social revolution led by Hutu people under leadership of Gregoire Kabyanda in Rwanda. Early emigrants were pastoralists in high plains and other group of colonial immigrants relocated to towns as refugees where they settled themselves in refugee camps within Congo.<sup>34</sup>

In the year 1924, pastoralists were allowed by the colonialists to occupy high plateaus to the south of Kivu.<sup>35</sup> There was also an Anti-Tutsi persecution in the year 1959 to 1973 which led to high influx of displaced groups from Congo and the consequent

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<sup>32</sup> [www://Gatumba survivors.org/massacre](http://www://Gatumba survivors.org/massacre) Accessed on 5/4/2013

<sup>33</sup> Gribbith, Robert E, in *aftermath of genocide, the US role in Rwanda*, New York University press, 2005 pp. 107-201

<sup>34</sup> Mahmood Mamndani, *when victims become killers, colonialism and nativism genocide in Rwanda*, Princeton, Princeton university press, 2001

Banyamulenge, joined Simba rebellion in the year 1964 to 1965.<sup>36</sup> However they turned against the rebels when the same rebels fleeing from Jean Schrammes mercenaries and government troops entered the plateau and began killing the Banyarwanda cattle for food.<sup>37</sup> Tutsi people then rose up against the rebels and accepted weapons from the President Mobutu Seseko forces where they helped to counter the rebels. It is important to note that many of the rebels belonged to Wabembe people and as of the fight they were killed during the offensive hence scenario developed a lasting intra-group tension discontent between Banyamulenge Tutsi and other people in Kivu.<sup>38</sup>

The government of Mobutu came into power in the year 1965 after overthrowing Kasavubu government. Banyamulenge being a minority group, Mobutu hoped that they would keep a tight grip to power to deter more ethnic groups from forming opposition.<sup>39</sup> He then rewarded Banyamulenge action by appointing individuals to high positions in the capital of Bukavu. Concurrently, their children were taken to missionary schools for good education. From then Banyamulenge took their recognition as political force.<sup>40</sup> After the conflict, they took advantage to accommodate their stay enjoying the good political environment to expand.

It is important to note that Banyarwanda of South Kivu had no native authority hence prompted their reliance to local chiefs in their areas of settlement. Other pastoralists relocated to Mwenga inhabited by Walega people, Fizi settled by Wabembe people and

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<sup>36</sup> Gerald Pruner, Africa word war: Congo, the Rwandan genocide, and the making of continental catastrophe, oxford: oxford university press, 2009.

<sup>37</sup> IBID.

<sup>38</sup> The impact and aftermath of Belgium colonial policy (1920-1989), Indiana university press, 1990.

<sup>39</sup> Autesserre, Severine, Trouble with Congo; How local disputes fuel regional conflicts, foreign affairs, vol 83(3) 2008 pp 94-110

<sup>40</sup> Learchad, Rene, The dynamics of violence in central Africa, Philadelphia University of Pennsylvania press, 2009.

Uviva by Wavira, Bifulero and Barundi people.<sup>41</sup> Another group of Banyarwanda had settled at Itobwe Plateau and the name Banyamulenge was chosen in the year 1970 to avoid the name Banyarwanda and creating the notion by other communities to see them as foreigners.<sup>42</sup>

### **2.3 Contested Citizenship of Banyamulenge in Congo**

Banyarwanda people in Kivu were divided into three groups which included Banyamasisi in Northern Kivu and Banyamulenge in Southern Kivu. There were also Banyarutshuru who were part of Rwandan kingdom before colonization of Zaire and had been known and considered to be indigenous in Congo. Citizenship in contemporary Congo had two dimensions that include civic and ethnic. Civic citizenship means individuals rights that are civil and politically interpreted by the constitution of a country. However, ethnic citizenship means group rights and involves social, economic and customary rights like right to own land and to access customary courts. Banyarutshuru were the only Kinyarwanda speakers considered indigenous in Congo and had their own native authority in colonial Congo. Banyamasisi entered Congo as migrants during colonial times from late 1930s to 1959 and were given their own native authority named as collective-Gishari.

Consequently, collective authority was abolished at independence and they were put under rule of indigenous chiefs who were known as Guerra Du Banyarwanda hence they have been struggling for their native authority. They were not recognized as indigenous and lacked significant rights particularly rights to customary land and governance by their own

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<sup>41</sup>Learchad, Rrene, opcit p 24

<sup>42</sup> ibid

chiefs. Banyamasisi in Northern Kivu were Hutu and Banyamulenge were Tutsi and had been struggling for recognition as indigenous that they can have their own customary land and customary authority.<sup>43</sup>

In the year 1970, President Mobutu changed the name of the country to Republic of Zaire with an intention to draw strength of the whole country for development. A process was to be implemented and would not replace foreigners in local positions at public and private sector but would inspire creation of new nation.

Original constitution of 1960 had given Congolese nationality to all those persons whose parents were atleast members of an ethnic group established within territory of Congo before 15<sup>th</sup> October 1908. In the year 1972, attempt to clarify continuous question on definition of Banyamulenge identity from Eastern group of people that many originated from Rwanda were given Congolese Zairian nationality at instigation of Barthalemy Bisengimana permanent secretary to President Mobutu government again status of Banyamulenge re-emerged in several later occasions. Aliens were re-named and people were encouraged to quit their Christian names.

Citizen controversy in the year 1971 prompted to citizenship decree by President Mobutu to Banyarwanda who entered Congo by the year 1959 and to 1963 and as a result the locals were discontented by the decree sensing more influence of Banyarwanda administration particularly permanent secretary Barthalemy Bisengimana.

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<sup>43</sup>Mahmood Mamndani. African states, Citizenship and War, A case study. International Affairs.78.3(2002) also can be accessed from, <http://www.jstor.org/stable/3095887>>

In the year 1976, Banyamulenge became popular because a South Kivutian Minister of Parliament started an initiative to regroup Banyamulenge in locations of Mwenga Fizi and Uvira into a unified administrative entity. However, the efforts bore no fruits and the initiative remained over-decades.<sup>44</sup> In response to the upcoming of Banyamulenge popularity, majority ethnicities that included Banande and Bahunde of North Kivu propagated to victory and domination of 1977 legislative elections.

Consequently, in the year 1981, the Congo passed a citizenship bill stating that people who were able to connect their decent from ancestors and who resided at Congo in the year 1885 would qualify for Congo citizenship. That again resulted to other people being seen as indigenous by other communities who included Bafulero. The name Banyamulenge was claimed to mean indigenous in ‘‘Mulenge’’ that Bafulero claimed ownership hence that could not reconcile with implementing the bill by the time of 1985 provincial assembly elections where ad hoc measure was adopted and Banyarwanda were allowed to vote in elections. However, they were not allowed to run for any political office. This again aggravated the scenario in which Banyarwanda who had gained citizenship under the 1981 law hence their political rights were short-lived. There was confrontation in response and tension arose within Banyarwanda community leading to division of social economic category groups into Tutsi and Hutu in the year 1988.<sup>45</sup>

In the year 1991, Sovereign National Conference (CNS) manifested coherence of anti-Mobutu forces and again following beginning of Rwanda conflict in the year 1990, Tutsi people in Kivu crossed the border to join the Tutsi dominated rebel Rwandan Patriotic

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<sup>44</sup>Mahmood Mamndani,opcit p 26

<sup>45</sup>Mahmood Mamndani,opcit p 26



Front (RPF) to counter the offensive Hutu-dominated government in Rwanda. Another turning point emerged when Mobutu government implemented Mission of Identification of Zairian at Kivu to identify non-Zairian Banyarwanda using end of Berlin Conference as point of division. This again prompted the families that came as colonial laborers to be regarded as aliens and further gave them room to join Rwandan Patriotic Front rebels. This also contributed to Sovereign National Conference taking action to distinguish Hutu and Tutsi social economic categories. The Tutsi Banyarwanda social economic category was regarded as Banyamulenge and in turn Hutu social economic category people commenced identifying themselves as indigenous in Congo enjoying hegemony of other Bantu communities. However, Tutsi people were seen as foreigners due to allegiance to foreign groups in the countries bordering Congo particularly Rwanda.

#### **2.4 Change of Name from Banyarwanda to Banyamulenge**

There was a point of contention that in the year 1970s following the end of Simba rebellion, Banyamulenge changed their name from members of Banyarwanda community to social economic category group by name Banyamulenge that has no ties to Rwanda.. This again distanced them from being associated with Rwanda and hostile Tutsi and Hutu relations. The study reveals that the change of name from Banyarwanda people is highlighted and further gave light on the origin and settlement of Banyamulenge. This also distanced them from volatile Hutu and Tutsi social economic groups from Burundi and Rwanda.

The facts about the name change however narrowed name change to identification camouflage as to put off belief that Banyamulenge community was Rwandan and Tutsi

social economic group. It led to suspicion in reference to motives of Banyamulenge people.<sup>46</sup>It also gave room for policy makers and government officials to distort the Banyamulenge history in Congo. In the year 1996 and 2003 expulsion of people belonging to Banyamulenge community was justified by one of the mentioned argument in the fact that there were no Banyamulenge people in the year 1885 and elaborated that they were referred as Banyarwanda.<sup>47</sup>

The fact of identifying themselves as citizens of Congo and the name change to Banyamulenge resulted to contesting their citizenship that again prompted the government to revoke their citizenship from being Congo nationals and distanced them from their neighbors'. In the year 1981, President Mobutu declared that the citizenship be based on ancestry or descent and not residence noting the name change of Banyamulenge in the first half of 1970s. It resulted to the government of president Mobutu in expulsion of Banyamulenge people from reasons of lacking citizenship; therefore this caused them to change their name from Banyarwanda to Banyamulenge to retain their citizenship

Nationality of 1981 was again a fact in issue to citizenship since the political opponents manifested some facts that Banyamulenge people could not claim their citizenship reasons being that in the year 1885 there was no community like Banyamulenge in Congo In the year 1989, the Mission for Identification of Zairians intensively investigated citizenship of Banyamulenge in Congo whereby the investigation led in ethnic resentment Banyamulenge were facing from their neighbors' hence were seen as foreigners.<sup>48</sup>

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<sup>46</sup>Mahmood Mamndani, opcit p 26

<sup>47</sup><http://justodospa/stable/3055887> Accessed on 1/5/2013.

<sup>48</sup>Vlassenroot,koen.'Identity formation and conflict in south kivu: the case of Banyamulenge.review report of African political economy.29.93/94 (2002)499-515.web 1 December 2001.

After Rwandan genocide in the year 1994, Congo witnessed influx of refugees from Rwanda making it difficult for the local communities to control eastern groups. This prompted to demand that foreigners should be repatriated to original homeland. Burundi and Rwandan refugees were immigrants and also included Banyamulenge further were required to be repatriated to their home countries respectively.<sup>49</sup>

The scenario prompted new developments resulting to some clear parameters and beside no other action except for Banyamulenge to join Alliance of Democratic Forces for Liberation of Congo rebellion in the year 1996 that was allied to Kabila. In the consequent, a governor from southern Kivu announced through media that Banyamulenge had to leave the province within a week another turning point which made the Congolese locals to associate Banyamulenge with Rwanda was their affiliation to Alliance of Democratic Forces for Liberation Congo in the year 1996, Rwanda proclaimed that the area of eastern Congo sometimes back was their land and this is manifested by the presence of Rwandan speakers in Zaire and justified the claim of their citizenship in Congo in reference to Tutsi social economic groups in Congo like Banyamulenge.<sup>50</sup>

The disgruntled land aspect in Congo and indigenous claims in Kivu developed into conflict in the first half of 1990s further in the year 1993, Hutu and Tutsi landlords commenced buying of lands from poor Hutu, Bahunde of Wanyanga in Masisi and North Kivu, That resulted to displacement where about 50000 Burundian refugees were displaced from Burundi civil war and began entering South Kivu; they were followed in the

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<sup>49</sup>Vlassenroot,koen, op-cit, p29

<sup>50</sup> Turner, Thomas, the Congo wars: conflict, myth and reality. Newyork: zed books, 2007.

subsequent year with a million people mostly Hutu refugees from Rwandan Genocide bringing crisis to great lake regions.

The land question was the source of the conflict between Banyarwanda and Zairian in north and south Kivu and remembering that there was a lot of interethnic violence in 1992 – 1993 in northern Kivu.<sup>51</sup>

Refugee condition of Banyamulenge people remained until the year 1982. In the month of April 1995, high council of Congo government passed a resolution order preventing Burundian and Rwandan refugees from acquiring citizenship. Immediately Vangu commission of inquiry in Congo was formed and established Banyamulenge as recent refugees which prompted to Mulele rebellion in April 1995.

Further, Anzuluni Mbembe co-speaker of parliament of Congo signed a resolution stating that all Banyamulenge people were refugees regardless of how long they had lived in Congo and provided a list of people who were to be expelled from Congo. In the year 1990 march, many Tutsi in Masisi and Rutshuru were identified and expelled to refugee camps in Gisenyi. The Bahunde who were there before forced out by Hutu also took refuge there. Further, Banyamulenge people were threatened by both Hutu to the north and Congolese army appropriating their property and land with no help from the government of Mobutu. The episode resulted to them, crossing the border to transact with Rwanda patriotic front (RPF). In the year 1996 Rwandan Patriotic Front rebels were backed by Alliance of Democratic Forces for the Liberation of Congo which the option was for the

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<sup>51</sup> Turner, Thomas, opcit p 30

Banyamulenge people to join the mentioned rebels hence sustaining their strength and counter the humiliation by then government forces that treated them as foreigners.<sup>52</sup>

## **2.5 The First Congo Major Conflict**

In September 1996, South Kivu Governor Lwasi Nyambo Lwabanji directed through media that Banyamulenge people to vacate Zaire within a week and failure to it will result to their extermination. In reaction, Banyamulenge people who were backed by Rwanda and Uganda governments stood by their grounds and civil war began in DRC.<sup>53</sup>The main cause was disgruntled ethnic tensions and lack of control of the government in the east of Rwanda, the country was prompted by circumstances to stand against security threat posed by those former Rwandan nationals who had crossed the border to seek refuge in Congo after the genocide of 1994. The scenario made Rwanda to support Banyamulenge people in Congo.

In the year 1996, conflict took course between Banyamulenge people and Rwandan Hutu refugees in Southern Kivu province who were reported to have entered Congo following genocide of 1994 in Rwanda. The Hutu refugees included members who were implicated in genocide of Tutsi and again the government of Congo blamed Rwandan government that Banyamulenge people were being trained in that country. Banyamulenge again joined Alliance of Democratic forces for liberation of Congo-Zaire (AFDL) led by Laurent Kabila. In the month of October 1996, Zaire government declared state of emergency in North and South Kivu to counter the growing conflict. Zaire troops gave little effective resistance to the rebels being supported by Rwandan forces hence on 17<sup>th</sup> May 1997,

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<sup>52</sup>Pomfret,John,Rwandans led revolt in Congo, defense Minister sends army, troops supplied for antimobutu drive, Washington post jult 1987.

<sup>53</sup><http://oocitus.org/shabantu/banyamulenge> Html. Retrieved on 6/5/2023

AFDL forces entered the capital of Zaire Kinshasa and Laurent Kabila declared himself as president and Zaire state was renamed (DRC) Democratic Republic of Congo further government institutions were dissolved.<sup>54</sup>

## **2.6 The Second Major Congo Conflict**

By the year 1998, relations between Joseph Kabila and Rwandan backed Banyamulenge Tutsi could not work hence he demanded that they should withdraw from the government forces of DRC, information from respondent confirms;

“My name is Nkigi Alpha and a Munyamulenge from DRC in Southern Kivu. I confirm that migration was due to ethnic conflict with our neighboring communities. They claimed that we were not Congo citizens as a result mass killings began. Road blocks were erected in search of Banyamulenge people and by GOD’s mercy I was taking seminary studies at one of the seminary college in Kivu. Consequently I was arrested and imprisoned in the year 1998 as I was taking studies within the college compound and worse to tell every Banyamulenge person was executed on sight.

After the leadership of president Kabila, situation worsened and the Mai Mai group that composes tribes in the neighborhood within southern Kivu began mercilessly exterminating Banyamulenge uttering some words that we were foreigners and we should leave Congo. I was released from prison after one year. After release i could not trace my family members. I got information that they were killed by the Maimai. Then I fled to Goma and again crossed to Uganda and boarded a bus to Nairobi to secure my life. Fortunately, I met fellow Munyamulenge asylum seeker in a bus I was

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<sup>54</sup>Banks,A.Mulled T Coverstanct, Wr&Isacoh, ”If political handbook of world outline edition, democratic republic of Congo”, Washington,Cq press, 2009.

travelling in who took me to Kasarani location Santon area in Nairobi County. I wish to confirm that I did not intent to go Kakuma fearing to meet some refugees belonging to Maimai like Wambembe who also claimed that Banyamulenge massacred them back home in Democratic Republic of Congo. I feared because the same refugees who had killed my parents and committed atrocities further forced us to migrate calling us foreigners. Banyamulenge people were still in danger from the year 1996 up-to when I left the country from what I witnessed.’’<sup>55</sup>

Banyamulenge rebel forces supported by Rwandan troops launched an offensive to government soldiers in east of DRC. Consequently the Rebel forces formed Rally for Congolese democracy in which Banyamulenge people held high positions. The conflict escalated during the year 1998 and 1999 between the government forces and rebel group, Rally for Congolese Democracy (RCD) who were backed by Rwandan government from the discontent on the issue of leadership after overthrow of president Mobutu in Congo.

On 16<sup>th</sup> January 2001, Kabila was shot by his bodyguard and Laurent Kabila’s son Joseph Kabila in turn was selected by transitional legislation to succeed his father and the fighting proceeded between the mentioned parties. In the month of December 2002, a peace accord was signed between Kabila and the Rally for Congolese Democracy (RCD) factions and other rebels. It provided for cease fire, installation of transitional government before democratic election could take place within a grace period of 3 months. However, clash between government forces and Banyamulenge people was also witnessed at South Kivu in the year 2004. As earlier mentioned in the year 1998, Second war broke between the government forces and Rally for Congolese Democracy rebels. This happened when president Kabila called for the expulsion of Tutsi from Congo through the media supported

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<sup>55</sup> Oral interview from Nkigi Alpha at Kasarani on 24<sup>th</sup> July 2013 at 1800 hours.

by foreign minister namely Elodia Dombasi. That was also echoed by Kabila directive that Banyamulenge were to be eliminated. Massacres orchestrated by military and civilians took place in the parts of Kisangani among other areas like Uvira and Fizi areas that also witnessed attacks in the year 2004. The Congo government and the local authorities in southern Kivu attacked Banyamulenge in Uvira and Bukavu cities, this displaced refugees who migrated to Rwanda and Burundi in those referred states the respective governments settled them in refugee camps.

### **Gatumba Massacre of the Year 2004 in Burundi**

Those who sought refuge in Burundi at Gatumba refugee camp were slaughtered, massacred by a joint force of Congolese soldiers and Interahamwe while under the protection of international community as refugees. Unfortunately there was no reaction from the government regarding the atrocities to the affected community that left a lot of questions.<sup>56</sup>

In May 2004, fighting erupted at Bukavu in southern Kivu ignited by extremist politicians in the government of Congo. Further, the same was directed by military authorities under command of General Budjamabe of 10<sup>th</sup> military region to counter Banyamulenge community expansion. The killers struck on the night of August 12-13, 2004 and they targeted Banyamulenge refugees in Gatumba refugee camp where they sought refuge as they fled their original country Congo following civil war. The attack claimed about 116 lives of Banyamulenge refugees mainly women and children.<sup>57</sup> The reaction of international community directed that the United Nations Security Council to carry out an

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<sup>56</sup> Freedom house, Freedom in the world, Democratic Republic of Congo, [Http://www.fraidhouse.org](http://www.fraidhouse.org), 2012. Accessed on 22/4/2013.

<sup>57</sup>Banks,A.Mulled T Coverstanct, Wr&Isacoh, op-cit p33.



inquiry and arrest the perpetrators of the massacre and all the personalities who were responsible for the genocide. The report again directed that the perpetrators to be sentenced at the courts either in their countries of origin or international courts. The report requested the government of Burundi and Congo to hold a joint inquiry and to bring perpetrators to trial.

Security conditions worsened in the year 2007 when National Congress for Defense of People (CNDP) rebels and ethnic Tutsi group declared war with Congo army and Hutu militia to protect the Tutsi social economic category. The rebel group was formed in the year 2006 by Laurent Nkunda a Congolese Tutsi who predicted marginalization of Tutsi community by the government of Congo. However, he was threatened by Democratic Forces for liberation of Rwanda (FDLR) a Rwanda rebel group. The group was known to be armed and a threat to Rwanda territory since its members belonged Rwanda armed forces during genocide of 1994.<sup>58</sup>

On January 2008, a peace agreement was signed by DRC government and 22 armed groups including CNDP. However FDLR were not included thus the cease fire was not headed and fighting went on between CNDP and government forces.

A hard-line developed on reconciliation to the conflict and stood in that DRC accused Rwandan government of cross border incursions to support the CNDP and in turn Rwandan government accused DRC government of tolerance to the FDLR. Finally there was deployment of the armed group against Tutsi minority in Congo.

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<sup>58</sup>Freedom house, Freedom in the world, op cit p36.

In the year 2009, President Joseph Kabila of Congo and Rwandan president Paul Kagame formed a joint military offensive strategy to neutralize the CNDP and eradicate FDLR whereby the Rwandan government was tasked to arrest the CNDP leader prompting integration of the members to government army of DRC and an operation was launched through military offensive on 20<sup>th</sup> January 2009. Laurent Nkunda was arrested by the Rwandan government on 22nd January 2009 and detained in unknown location within Rwanda. He was succeeded by Bosco Ntaganda who took over leadership of National congress for the Defense of People (CNDP).<sup>59</sup>

According to a report of 2010 that was published by Globe and Mall, the former Tutsi National Congress for Defense of People rebels group was to be merged with Congolese army. However they were Loyal to their commanders also (FRF) a rebel group comprised of Banyamulenge people was to join national army of Congo.

A report by freedom house states that societal discrimination based on ethnicity is practiced in DRC particularly against indigenous pigmy people and Banyamulenge Tutsi hence the ongoing fighting in southern Kivu is part of ethnic rivalry again echoed by oral interview from the respondents in this research.<sup>60</sup>

In spite of introduction of citizenship of November 2004, the new measures have born no fruits and scenario for Banyamulenge people remains unchanged hence they are facing discrimination and persecution due to being associated with rebel groups both inside and outside Congo Nation, specifically Rwanda, this arguments are also supported by oral interview from the respondents.

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<sup>59</sup> ibid

<sup>60</sup> Oral interview from Nteseyombi on 30/6/2013 at Umoja in Nairobi County.

M23 means (March 23 movement) also known as Congo Revolution Army, It was formed by former Tutsi rebels who were incorporated into the Congolese army in the year 2009 after peace deal. This resulted after complaint of failure to implementation of the bill. They mutinied in the month of April 2012 turning guns against their fellow comrades and launching outrageous rebellion to ravage democratic republic of Congo minerals region and conflict prone parts of Kivu. United Nations and human rights groups had accused M23 of atrocities including rape, murder in conflict that had caused ten thousands of refugees to flee and again United Nations was accusing Rwanda of backing M23 a charge the government had denied completely. The rebels had accused Congolese army of joining forces then with Hutu (FDLR) democratic forces for the liberation of Rwanda which was active in eastern DRC where its members fled to in wake of 1994 genocide in Rwanda. <sup>61</sup>

M23 agreed to resume talks with the government agreeing demand from Africa's great lakes leaders' region. Leaders demanded resuming talks between the two sides and concluded within fourteen days. M23 was to end military activities, stop war and threats of overthrowing a lawful government of democratic republic of Congo. <sup>62</sup>

To conclude, Banyamulenge were seen as immigrants by other Congo communities and not citizens of that country. The constitution of DRC failed to recognize them and safeguard their rights and give them equal rights as the other citizens. The international community failed to oversee the issue of citizenship and strongly articulate for

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<sup>61</sup> Nation news paper, dated 14/9/2013, p 37.

<sup>62</sup> Saturday Nation newspaper of Kenya dated 14/9/2013 p 34

Freedom house, freedom in the world, Democratic Republic of Congo, <http://www.fraid house.org>, 2012 retrieved on 3/5/2013

Banyamulenge people to be secured by the government of Congo. The research confirms Banyamulenge as true Congolese citizens by descent and nationality.<sup>63</sup>

## **2.7 Summary of Banyamulenge Citizenship in Congo**

In the colonial era, Belgium authorities termed Banyamulenge as Rwandan natives as they never recognized them as Congo citizens despite their stay in Zaire for decades and again in Rwanda did not qualify to be citizens.

In the year 1972 President Mobutu issued a decree granting Zairian citizenship to Rwandans and Burundians who entered Congo before 1<sup>st</sup> 1960 and in the year 1981 he again overturned the decree through parliament that abrogated 1972 decree pronouncing that only those who had been in Congo in 1885 would have Zairian nationality. The other lot shall have citizenship through the two processes provided by the 1981 amendment as there was non-existence of Banyamulenge people in year 1885 hence that deprived Tutsi their citizenship.

In the year 1999 Change was made regarding citizenship to 1981 law that was described by organic law to implement article 14 in transition of constitution of DRC. The 1981 law described two types of citizenship petite and Grande citizenship giving some conditions that implied that a person must be over 18 years of age and speaking one of Congolese language and have habitual residence for a period of 15 years. Further, they should not have been involved in activities prejudicial to Congolese state and should have maintained interest in Congo for the proceeding 10 years. The condition denounced holding of elected political positions in army, police offices and public position at the executive level.

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<sup>63</sup>Pomfret,John, op-cit, p31

The second Grand citizenship required 15 years of status under petite citizenship, good service to Congo nation and have had recommendation from the president Mobutu Seseko centrality committee that was changed by 1999 law to legislative constitution, Banyamulenge in this case were ineligible for Grande citizenship and this made to them not to hold positions in government and at this time they were seen as foreigners.<sup>64</sup>

### **Identity of Banyamulenge people in Congo**

In the year 1999 Congolese government supported by the allies and Congolese rebels signed in Zambia a peace agreement “Lusaka Accord”. This agreement focused on the provision regarding citizenship in that parties to conflict comprehend that all ethnic communities whose territory came to be Congo at independence should quality to have equal rights and protection in law as Congo citizens. The Lusaka agreement above crowned various mentioned decrees of citizenship starting with:

“1/ Ordinance No. 72-002 5 January 1972 that stated ,All persons of Rwandese origin who established their residents in the Kivu province before 1 January 1950 and who had continued to reside in Zaire were collectively granted Zairian nationality as of 30 June 1961. The 1972 decree bestowed citizenship upon all who had arrived as refugees in the 1959-60 periods as a result of the political turmoil in Rwanda.

There was again the No 2/ 29 June 1981 Decree that proclaimed, “Only those who could establish that one of their ancestors was a member of one of the tribes established in the territory of Zaire republic by 1<sup>st</sup> August 1885 were classified as Zairian citizens”. Nationality would be acquired on an individual basis only and any other mode of

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<sup>64</sup> [www://cid.umd.edu.mar/assessment.asp?group id=49010](http://www://cid.umd.edu.mar/assessment.asp?group id=49010) ,Accessed on 3/3/2013

acquisition of Zairian nationality was null and void. In effect, people of Rwandese origin in Zaire were rendered stateless persons.

No 3/ ordinance the resolution passed on 28 April 1995 the High Council of the Transitional Parliament''.

A mission for the identification in south Kivu was launched to determine who has Zairian nationality. Recalling the discussion further resolutions came up in reference to Kivu by Vangu commission of inquiry that was launched to answer the citizenship questions. The resolution pronounced Banyamulenge as resent refugees and announced the banning of Tutsis from any administrative post. The solution was solidified by being supported by the speaker of parliament Anzuluni Bembe claiming to have originated from Uvira again having Mbembe ancestry.

Finally the question of citizenship as earlier stated regenerated from 2004 citizenship agreements that granted Banyamulenge Congo citizenship rights, however xenophobic perceptions from their neighboring communities remained and in accordance to the agreements they secured citizenship rights equally as other people of Congo in the same year.

## **2.8. Affiliation of Banyamulenge people to foreign troops both in and out of Congo**

The Tutsi social economic category in the name of Banyamulenge people were favored by mbutuseseko government to build his political support in first half of 1970s. Their citizenship was abrogated in the year 1981 because of their political expansion. Following that, there was a conflict between them and the Hutu people who migrated from Congo due to civil war that was taking place in Rwanda and allied themselves to their fellow Bantu

communities hence they began attacking Banyamulenge calling them foreigners.<sup>65</sup> Banyamulnge youth began crossing the border to Rwanda joining their fellow Tutsi people in the affore mentioned civil war against Hutu social economic category people. Then Congo government formed sovereign national congress to investigate whether Banyamulenge were Congo citizens or not. In the year 1994 after the Rwanda genocide, many refugees entered Congo and that sense Hutu refugees allied themselves to other Bantu communities and began attacking Banyamulenge in southern kivu. It was not possible for the government of Congo to identify the recent refugees from Rwanda and therefore all refugees were channeled to refugee's camps.<sup>66</sup> All Banyamulenge were regarded as recent refugees and they began again crossing to Rwanda and allied themselves to a rebel group (AFDL) alliance of democratic forces for liberation of Congo. In the year 1996 they fought alongside Ugandan and Rwandan troops led by Laurent Kabila and overthrew the government of Mobutu Seseko in Congo. In the year 1998, during the second Congo major conflict they allied themselves to foreign troops of Rwanda and Uganda and following the announcement by Congo government for the earlier mentioned troops to leave Congo. They formed RCD rally for Congolese democracy a rebel group against the government and this manifested their affiliation to foreign troops. Then they were clearly seen as foreigners by their neighboring communities and the government of Congo. Ethnic clashes began against Banyamulenge by group of neighboring communities in the name of Mai Mai calling them foreigners and they commenced migrating to other countries Kenya included. Their first group entered Kenya through Busia border as echoed by respondents in this research and went kakuma refugee

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<sup>65</sup>Mahmood Mamndani ,opcit p 26

<sup>66</sup>Vlassenroot,Koen ,op cit p 29

camp and a conflict arose between them and the other refugees from Congo who claimed that Banyamulenge attacked them in their mother country Congo. They moved to Nairobi where they secured their stay as urban refugees in Santon area within Kasarani. This is one of the factors that caused migration of Banyamulenge refugees from Congo.

**Article 7** of convention on the rights of a child (CRC) denotes that a child shall be registered by birth in the country of origin and shall have right to name, right to acquire nationality and again right to be taken care by their parents. In this context, state parties shall ensure implementation in accordance with their constitution and obligations under international instruments particularly where the child is stateless and in relation to Banyamulenge people who have descent or ancestry in Congo should qualify for citizenship without contest.<sup>67</sup>

## **2.9 Conclusion**

The government of Congo failed to counter the allegiance of Banyamulenge social economic category Tutsi people to foreign troops through strong justice institutions. Further they were not recognized as true Congo citizens through the constitution and further clear guidelines were not set to accommodate them averting the hatred from the neighboring communities. The government failed to promote holistic approach to have social inclusion allowing the disadvantaged community in terms of citizenship contestation to develop politically and economically. The Congo government did not comprehensively monitor giving appropriate legislation to deter and counter factors leading to exclusion. It ought to impose total incorporation and involve participation of all citizens hence

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<sup>67</sup> Convention on the rights of the child, United Nations publications, 1989 article 7.



achieving peace in DRC. United Nations through the secretary general has to enact a bill concerning citizenship in which a person will be registered by birth in the country of origin to avoid eventual citizenship contestation. This was again echoed by convention on the rights of a child of the year 1989 among other international instruments. It stated that for the purpose solidifying nationality.

To sum up, following the principles laid down, democratic republic of Congo will achieve a lasting peace since conflict has grown from failure to recognize some communities as citizens further disharmonizing relations with their neighbors thereby promoting intercommunity long lasting tensions of otherness. This has also contributed confrontation between Banyamulenge with government forces which their duty is to protect them as citizens. Oral interview confirms.<sup>68</sup>

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<sup>68</sup> Oral interview from Alpha Kingi in Kasarani on 24<sup>th</sup> June 2013 Nairobi County.

## **CHAPTER THREE**

### **THE SETTLEMENT OF BANYAMULENGE REFUGEES IN NAIROBI**

#### **3.1 Introduction**

This chapter deals in depth with the main aspect of study being outlining the settlement and problems faced by refugees in foreign country recalling push and pull theory, considering that they don't have support from any government instead they are under suspicious surveillance by their own government. The scenario is diverstating to their hope as refugees.

The study articulates thesis for the shortcomings faced by Banyamulenge refugees in Nairobi. It has taken into account various exclamations and personal connotation from the focus group and evaluating to uncover the problems encountered at and after the time of getting asylum and refugee mandate as the law regards. The ultimate goal is the tendency to create stable condition under which refugees will effectively develop long-term solutions to the inevitable harsh encounters within the context of survival and immediately after displacement There is also examination of how legal requirements creates rigid condition as earlier seen and confirmed in study such as employment in host country. There are also the conditions of having in possession a work permit to allow refugees seek employment and affects them due to the long process involved to get them.

### **3.2 The coming of Banyamulenge refugees in Nairobi**

They migrated from Congo due to many factors as outlined in the earlier chapters. After Congo gained independence of Congo, the Banyamulenga acquired citizenship however in the year 1971 the issue of citizenship arose in Congo in that through legislation in the parliament Banyamulenge were declared Congo citizens. In the year 1982, the same citizenship was abrogated through parliament and Banyamulenge were deprived of their citizenship. Ethnic clashes began with neighboring Bantu communities calling them foreigners. Their migration began from Congo to other countries. <sup>69</sup>Information from oral interview informs that they passed through the neighboring countries including Rwanda, Burundi and Uganda and eventually most of them settled in Kenya. They never settled in the neighboring states of Congo in fear of attacks from the neighboring communities that hurled offensive to them in Congo like Wambembe Wanyanga and other Bantu groups.

During their migration, they experienced many problems including attacks from other communities, starvation due to lack of food, and arbitrary arrests from foreign security agents like police. Women were raped and infected with venereal diseases and their men killed as they witnessed. Finally they entered in Kenya through Busia road and other porous border locations in western region. They again moved to the capital city of Kenya Nairobi for settlement in Kasarani. They never went to refugee camps in fear of their former belligerents in Congo who migrated to Kenya during the first half of 1970s and settled in the refugee camps. <sup>70</sup>Therefore, that prompted most of them to secure rental flats at the mentioned area where they settled as urban refugees. Others sought refuge in other neighboring sub locations like Umoja and Kayole. Banyamulenge refugee's settlement in

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<sup>69</sup>Oral interview from Alpha Kingi at Kasarani area in Nairobi county on 30.6.2013

<sup>70</sup>Oral interview from Alpha Kingi, op cit p 46.

the town was due to availability of basic needs like shelter, employment and security among basic factors for human survival. Others met their relatives who influenced their settlement in Kasarani area like one respondent informed that he met her sister who took him to UNCHR in Nairobi offices for refugee *alien* card. They also met in the church mostly attended by Banyamulenge refugees that is located in Santon area within Kasarani. They began new life in foreign country bearing the blunt of xenophobic tendencies from urban communities due to the effects of sharing resources within Nairobi.

### **3.3 Role of (UNHCR) United Nations High Commissioner for Refugees to Banyamulenge refugees in Kenya**

The roles of UNHCR in Kenya is to assist in protection and giving of refugee mandate to asylum seekers alongside hospitality and support in extended services of access to public health services and medical referrals. It also integrates urban based children to local learning institutions. The same applies to Banyamulenge refugees

In the year 2009 UNHCR changed its policy towards refugees in the city towns and developed a global urban refugee policy which Kenya is part of. Refugee status determination is again a task conducted by the UNHCR in Kenya on behalf of the government to the refugees meeting the legal requisite to be given asylum.<sup>71</sup> Upon entry of asylum seekers in Kenya, they are given movement pass in the UNHCR offices to proceed in the refugee camps for registration and for (RSD) refugee status determination to determine whether they meet the threshold as asylum seekers. If successful they are issued with protection certificate mandate under the UNHCR international mandate for the protection of asylum seekers. Kenyan government initiated a project of refugees to be

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<sup>71</sup> United Nations High Commissioner for Refugees (UNHCR), United Nations publication, 2009.

issued with refugee ID card valid for five years in conjunction with Department of Refugee Affairs (DRA).<sup>72</sup> It has been confirmed from oral interview that Banyamulenge underwent the mentioned scenario as asylum seekers before being given refugee identity cards.

### **3.4 Problems encountered by Banyamulenge Refugees in Nairobi**

To begin with, refugees are impoverished group of people. They are believed to have been displaced from their localities by various factors like persecution among others. The refugee convention of 1951 defines a refugee comprehensively and has been echoed by several other international instruments including the refugee protocol of 1967 as discussed in the earlier chapters.<sup>73</sup> This chapter again defines some perceptions that are complex within the context of the refugees assuming the other name of urban refugees. This distances them in terms of settlement within the camps and apparently after entering the country, they settled themselves in towns especially Nairobi. Several reasons and parameters have been highlighted and confirmed through oral interview exposing the fact as refugee to refugee conflict.

Legal implication in host states manifested that refugee's lack knowledge of their rights and the way to uphold them begins from lack of awareness to the foreign environment generated by what cannot be conceived from circumstances beyond control by the refugees.<sup>74</sup> The perception of legal implication applied to the situation where urban refugees enter the host state considering that they know none and only guess the next course of action. They guess their security; protected area of stay, sustenance and access to

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<sup>72</sup> Department of Refugee Affairs (DRA), Kenya Government publication, 2010.

<sup>73</sup> Oral interview from alpha Kingi, opcit p 46

<sup>74</sup> Bailey, Sarah 'Is legal status enough' 'legal status and livelihood obstacles for urban refugees, Fletcher school MALD thesis 2004.

basic necessities that are not guaranteed to whose duty it applies hence UNHCR employ efforts to ensure and render services to a refugee that is crowned by the international law. Firstly, the government of host states and non-governmental organizations including UNHCR among many others cater for subsistence of the refugees in host countries.

### **3.5 Housing Facilities**

Housing being a very important factor in the life of a human being, bearing in mind that this is an urban area where such necessity is scarce, Refugees do not easily access. The housing units are few in urban areas compared to the demand because of high population hence the refugees are in equivalent platform which requires accommodation as the same applies to the urban people. Banyamulenge refugees again are facing the same problem of accommodation since they have to struggle with other people in the city to get accommodation.<sup>75</sup> In the same issue, the cost of renting the housing units is expensive for people who have no regular income considering that the refugees in question have no liable means of subsistence like employment to get pay or elsewhere to rely for income except the casual employment or self-employment. It also aggravates the problem when merged with the earlier discussed issue, hence they have no income to meet high cost of rooms in Nairobi and that has been highlighted as a problem that needs to be addressed. It has been echoed by one of them.

“I am Nyambabazi Soleil a Munyamulenge refugee from Congo. I entered Kenya during the year 2010. I confirm that I came from South Kivu in Congo because of frequent armed attacks that left my family members dead and thought of nothing else except to secure my own life by vacating

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<sup>75</sup>Jacobsen, Karen, “Just enough for the city; urban refugees make their own way” world refugee survey quarterly 2004

Congo. I moved to Goma in Northern Kivu still in Congo and crossed to Uganda where I joined other Banyamulenge Refugees. I boarded a vehicle to Nairobi and on arrival; I relocated to Kasarani where I stayed up to date. I further inform that, to secure a room for rent is not an easy task and this prompted me to stay with a Kenyan who he declined to give his name because of reasons he could not disclose also I could not get a house without an assistant. After being discovered that I was a foreigner it was hard to get a vacant room from the high demand and few houses in town. The issue of cost is still high in that I pay KSH. 8000/= for single room at Kasarani where I stay''.

Meeting the cost of water and electricity besides the rent resulted to worsening the problems as also highlighted by other respondents. Therefore, housing problem has been informed by several respondents as a problem faced by urban refugees.<sup>76</sup>

### **3.6 Employment Opportunities**

Employment is an important issue that encompasses all people as a means of earning for daily upkeep and the same applies to refugees; the problem of employment has been highlighted from the fact that urban refugees are in foreign state. The responsibility of state first goes to its citizens and sometimes attention may be directed to aliens with support of international community. However, there is an obstacle of rules and regulations pertaining employment of foreigners considering the fact that in Kenya a foreigner must have a work permit which is expensive to get and it entails a long process before being granted by the relevant authorities. There is the issue of competition from the urban people who rely on the same spaces to earn income therefore the citizens get first priority compared to refugees when being considered for any employment. On the same issue, after being

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<sup>76</sup> Oral interview from MunezaBagazi at Kasarani on 29<sup>th</sup> September 2013 at 1300hrs

employed, a refugee as a foreigner is paid little money compared to local people that again generates a serious problem to budget for little pay as respondents confirmed that.

There is also over exploitation by the employers hence generating imbalance and unfairness to the foreigners in the host states. Therefore, employment has many aspects that when they are considered, they becomes grave and again to access is not easy;

‘‘I am RwakiaMuhire a Munyamulenge refugee and inform that I escaped from Congo<sup>77</sup> in the year 2011. I crossed to Uganda and stayed for two months. Due to hostility of the host tribes I vacated Uganda, entered Kenya through Busia Border and further relocated to Nairobi. Finally, I settled at Roysambu in Kasarani area. At first, life was hard as I could trace nobody I knew. However I met a Good Samaritan and I was employed as a gardener. To narrate the ordeal I underwent was difficult because I faced harsh treatment and was paid only KHS, 2000/= whereby in Nairobi that could not sustain even food. I further secured a job at hotel in Roysambu as cook and was overworked hence to crown the facts and experiences I underwent employment is a serious problem even to access beside many other shortcomings in host country’’. It’s also echoed by other refugees who declined to give their names and still they are not employed.<sup>78</sup>

**Education** has been identified as a challenge to refugees generally because they are foreigners to the host state. However, being in foreign environment contributes to scenario of anarchy and strange reactions to cope with the prevailing conditions in host state. The case in focus draws attention to the fact that as condition of survival, people must get education to advance their intellectual skills in their country and unfortunately being in host state does not expressly accommodate foreign students to education institutions,

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<sup>77</sup> Oral interview from RwakiaMuhire at Roysambu at 1700 hrs on 29<sup>th</sup> September 2013 within Nairobi county

<sup>78</sup> Oral interview from RwakiaMuhire at Roysambu at 1700 hrs on 29<sup>th</sup> September 2013 within Nairobi county



however certain guidelines must be followed. In case of refugees it proves more challenging situation that downplays preparation of getting education in foreign states. The competition from the local population due to high demand of education in host state as it has been confirmed from the Banyamulenge in Nairobi. The curriculum change from one state to another has also resulted to great challenge that affected refugees in question in the host states also to those in city of Nairobi. There is also an extent of cultural integration in relation to the refugees within the context of being familiar with host students in the education institutions that again propagates a sense of togetherness in the course of academic progression in host state. Another challenge is **discrimination** from both teachers and students subjecting refugees as foreigners and manifested by less effort to handle the foreign students by the teachers and also discontent from students in the host country that has been again been confirmed as a problem.

The crucial point to highlight in reference to education system in Kenya is that, certain provisions have been endorsed and passed as law by the government in the ministry of education requiring every scholar starting primary to have a birth certificate. This disqualifies refugees from joining education systems in Kenya and has generated a situation through legislation that requires any person joining secondary school in Kenya to possess a Kenya Certificate of Primary Education. In this connection, many of refugees do not have any education certificates as they left them behind during conflict in their countries. In this case, Banyamulenge refugees condemn their motherland Congo as they could salvage nothing from the fierce battle and deadly attack they experienced in their motherland. This again disrupts the case of joining colleges in Kenya that requires most students to have a history in Kenyan education system, like Kenya Certificate of

Secondary Education Certificate. This outlines the formality in education which has been highlighted as grave and discordance to success of education in foreign country by the Banyamulenge refugees in Kenya as it has been echoed by one,

“I am John a Munyamulenge refugee from Congo and did standard eight in the year 2009 at Congo. We were attacked in the year 2010 at our homestead as I was preparing to join secondary school. That contributed to a setback in accessing secondary education in Congo. The attacks prompted my escape from Congo to Uganda for safety. The environment in Uganda was not conducive and I further left to Kenya through Busia border. I boarded a bus to Nairobi and on reaching the city, being foreigner, I was welcomed by a Good Samaritan who we met in the bus and he directed me to a local church in Santon area where I met other Banyamulenge refugees from Congo. I joined them and started new life as refugee. I wish to inform that in the year 2011, I tried to find a secondary school but I was astonished to find that the vacant places were limited and could not even accommodate the whole lot of pupils who did Kenya Certificate of Primary Education (KCPE) in Kenya. The KCPE Certificate was a mandatory factor to join form one in Kenya including birth certificate that totally disqualified me and he thought otherwise and pronounced end of the road to advancement in my education which was a grave scenario of education success for the refugees seeking to proceed with education in Nairobi within Kenya”.<sup>79</sup>

The conditions have been identified as obstacles to education for the Banyamulenge refugees in Nairobi as per the remarks of the respondents.

### **3.7 Delay in Processing Refugee Documents**

Another problem is processing of refugee documents in host state. Refugee documents include alien cards, refugee mandate and refugee certificates that allow the refugee to be

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<sup>79</sup> Oral interview from John at Kasarani on 2<sup>nd</sup> September 2013 in Nairobi county

recognized and identified as asylum seeker or a refugee. It has been a problem due to long time that is taken by relevant organizations like the UNHCR with the responsibility of issuing the refugee documents to refugee after entering the country. It is the responsibility of refugees to visit the offices and get documents for identification as asylum seekers to avoid being questioned by security officers and avoid charge of unlawfully being in the country which is an offence in Kenyan law refugee act. This secures their stay in Kenya, however a great shortcoming has been highlighted within the context of long time and delay in processing the documents hence when they are caught in the country without documents, it is hard to convince the security officers that the processing of their refugee documents is underway and a factor behold their control to have the document that is not their individual responsibility to process. It has been echoed by several Banyamulenge refugees in inter alia chapters and Nyambaruta narrates;

“I am Nyambaruta Jolie a Munyamulenge female refugee from Southern Kivu. I vacated Congo in the year 2010August after a fierce offensive from rebel groups who attacked our homestead. Everyone ran for his life in his own direction and then I vacated Congo in the same year. I crossed to Uganda through North Kivu and boarded a bus to Nairobi. I reached Nairobi after few days of travel and relocated to Umoja II in Nairobi. I found other Banyamulenge refugees who welcomed me and luckily enough I met my cousin who had left Congo earlier. I was taken to UNHCR offices in Nairobi and as an asylum seeker. I applied for the relevant documents. However, I was informed by my fellow refugees that documents might take even a year to be processed and within that period anything can happen since in case of arrest, a charge of unlawfully being within the country will automatically be preferred against the offender in Kenyan law. This again affected me since my documents took more than a year to be processed hence risking every time to be arrested”. Therefore delay and processing

have been highlighted as a problem faced by refugees in host states as per the remarks by several refugees Jolie included.<sup>80</sup>

### **3.8 Refugee to Refugee Conflict**

Refugee definition as captured in the refugee convention of 1951, in the United Nations and again collaborates with other international instruments strongly uncovers the complex mentioned scenarios that academic interrogation need to comprehensively be lodged to unravel the reason why the groups of people from the same country of origin should clash in foreign or host state; this draws serious attention to any person and in this case Banyamulenge refugees are said to have a long-lasting hatred with groups of other tribes in Congo like Wafulero, Wambembe among others that developed in the first half of years of 1960s during the reign of president Mobutu. Banyamulenge caused those tribes to migrate through attacks. However in the year 1996 up to date, things turned against them prompting them to be attacked by communities bordering them in another name of Maimai that include Wafulero, wanyaga among others echoed and confirmed by respondents in the research. There are various groups of refugees from different countries in Kenyan. However, it has been noted that Banyamulenge people cannot visit the camps fearing to consequently clash with their former enemies from Congo ironically in Kenya as refugees. The turn of events has prompted Banyamulenge refugees to seek refuge elsewhere as opposed to the camps and have settled themselves in Nairobi as urban refugee's reasons being that they cannot accommodate themselves with their belligerents as the literature and respondents informs. This scenario is out of their will considering that the services that can be easily accessed in the camps like housing although congestion will

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<sup>80</sup>Oral accounts from Nyambaruta Jolie at Kasarani area on 4/5/2014 within Nairobi County.

be sighted among other services that are channeled direct to the camps by the relevant authorities cannot be utilized by the tribe in question.<sup>81</sup>

“I am Musheshe Ngambo a Munyamulenge refugee from Congo. I crossed to Uganda and entered Kenya through Busia. Further boarded a bus to Nairobi and relocated to Kasarani after being directed by another Munyamulenge who I met on the bus. I could not visit Kakuma Refugee Camp since our enemies back in Congo relocated to Kenya and joined camps hence I feared for my life since the remnants of those tribes had caused my plight in Southern Kivu through armed attacks therefore I settled at Kasarani joining other Banyamulenge refugees scattered within the town through self-settlement and again echoed by several respondents in the study who have highlighted refugee to refugee conflict as serious problem facing urban refugees especially Banyamulenge refugees from Congo.”<sup>82</sup>

### **3.9 Security**

This is a vital aspect in the life of human beings bearing in mind that human themselves contribute to insecurity through deviant behaviors. Security of a country is a factor that is considered core responsibility of government agents and the government again has the duty to protect its citizens including foreigners. Refugees are endangered species far back in their original country since the same aspect is core to migration of people from one place to another to secure good haven and hospitable place where a peaceful co-existence can be attained.

In the year 1951, the United Nations Convention for refugees echoed the fact of persecution in the other name of insecurity in reference to study and highlighted it in the definition of a refugee. The fact that refugees cross national borders to another country for

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<sup>81</sup>Musheshe Ngambo from kasarani area on 4/5/2013 oral accounts

<sup>82</sup>Ibid

their safety considering that there is nobody to receive them but subject themselves in the sense of nothing else from securing their life. In this case, Banyamulenge Refugees from DRC presently in Nairobi are faced with uphill of insecurity from the issue of being seen by the host communities as foreigners; this contributes to their exclusion and sense of being seen as outsiders. It results to vulnerability of being attacked by deviant people in the society.<sup>83</sup> Sometimes they find it difficult to report the matter to police in sense that little they know well the criminals in Kenya. They seldom report the matter however when they report, The matter is investigated and eventually arrest made. They also face insecurity because of perception that the society in Kenya that they came from rich state that has gold beside other minerals and therefore there is a feeling that they have valuables. Another factor is competition for few available resources between the urban refugees and local population that regenerates into hatred hence upholds the discontent which propagates attacks from the citizens to the foreigners. This has been echoed by several respondents and one Kimara Nelson a refugee from Congo staying in Shaurimoyo narrates his ordeal he underwent.

‘I Migrated from Congo in the year 2010 from fierce attacks and crossed to Kenya from<sup>84</sup> Uganda further by road entered Kenya in the same year. I arrived in Nairobi after two months from the time of displacement and was received by a Good Samaritan; I later secured a house in Shauri Moyo. I recall well one night I was attacked and my household items were stolen. However no injuries were inflicted on me but I heard utterances that “you foreigner must leave Kenya, reasons being that you are working in our country and we are jobless”. That annoyed me and I realized that the attacks resulted from being a foreigner,’

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<sup>83</sup>MushesheNgambo, op-cit, p56

Oral interview from Kimara Nelson at ShauriMoyo in Nairobi county on 2<sup>nd</sup> October 2013

Hence insecurity has again been highlighted as a problem by foreigners because of the inter alia narratives.

Another factor that has been witnessed as a problem to refugees especially Banyamulenge is that they cannot visit their Embassy. It is assumed that there are no conflicts in their home country by the government of Congo. That has been a dilemma since everyday refugees are migrating to other countries from civil war in the same country. In this context, Banyamulenge refugees are in fear even within Kenya from their government spies who they suspect that they are spying them and their activities from the fact of being associated with rebels and again reflected in the earlier chapters, hence they stay in suspicion and fear. This is a problem to Congo refugees.<sup>85</sup> There is again the factor of health whereby from the fact that the government of Kenya so far has not deeply been involved in provision of special attention in terms of health to the foreigners. However health services are not given equally to refugees like the citizens. The urban refugees in question set a stage for consideration, since they have no support from anybody except little attention they get from the UNHCR among other international instruments that is argued to be very little attention and collaborated by the respondents.<sup>86</sup> The refugee follow the normal channel and so like other citizens but a setback was noted when being referred from a public dispensary to higher hospital whereby it has to take a gradual process hence it has been highlighted as a problem to the urban refugees. It has been echoed by several respondents who were victims of circumstances considering that they have to seek medication.

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<sup>85</sup> Oral interview from Kimara Nelson at ShauriMoyo in Nairobi county on 2<sup>nd</sup> October 2013

<sup>86</sup> *ibid*

There is the issue of psychological trauma that affects the refugees since most of them in accordance to interviews informed that they were seriously affected from memories of ill activities and acts that they experienced back in Congo. This again regenerated to a situation whereby the problem of mental disturbance from the narrated ordeals that had been disclosed like killing of family members that was experienced by most of them before migration. Frequent attacks and rape of women among many other atrocities affected most of them. They feel it traumatizing to mention and others decline completely to make comments regarding the heinous ordeals they underwent in their country before being urban refugees in Kenya. Psychological trauma has been highlighted as a problem and has been echoed by one;

“my name is Nyambabazi Soleil and wish to inform that I am a Banyamulenge from Congo and wish to inform that my parents were killed in daylight by the neighboring communities claiming that they are foreigners in Congo that sounded as a myth because I was born in that country. I was gang raped by the attackers in turns until i became unconscious. They left me thinking that I was dead. Another turning point comes again since the state has a sitting government and cannot either protect citizens or contain the criminals in the name of rebels within the country in the other name of Maimai who claim that Banyamulenge people are foreigners and should leave Congo despite several peace agreements and recognition of the same tribe as citizens through constitution of Congo in the year 2004.

I left at night after I regained conscious and vacated Congo, the most disturbing thing is that I shed tears after it recur in my mind that I found my parents lying in a pool of blood already dead from gunshots. I only escaped to Northern Kivu and met another Munyamulenge woman together we crossed to Uganda and further entered Kenya by road through Busia. We



entered Nairobi in the year 2011 and relocated to Mwiki where we secured a rental house and started a new life. I further wish to inform that I went to a nearby church at Santon area where I narrated the ordeal to other refugees then I was counseled by the church elders who told me that my life was important to secure beside anything else”.<sup>87</sup>

Therefore psychological trauma has been identified as a problem since in Nairobi no special institution that directly handles refugees to counter psychological, trauma except in hospitals where the same is offered for pay and it is expensive service bearing in mind that the refugees in question don't have income even to sustain themselves in towns.

### **3.10 Mistaken Nationality**

The issue has been identified as problem facing urban refugees specifically Banyamulenge since they look like Somali nationals because of their *soft* hair. Firstly, the rampant association of terror activities to the refugees of Somali origin connects them due to their physical appearance; security agent's associates them with Somali people in a mistaken identity. In the event of police operations against terrorists, they face the same scenario of being thoroughly scrutinized to ascertain their origin and nationality. The situation has aggravated their stay in Nairobi since most of them do not have identity documents to reaffirm that they escaped from death and there was no time to carry anything with them and the burden of proof now lands in their disposal to proof that they are not terrorists, not Somali nationals. However, they are Banyamulenge from Democratic Republic of Congo.

The episode has intensively affected their stay in town. The exercise of profiling Somali nationals was put in place due malcontents of frequent attacks to innocent Kenyans by the

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<sup>87</sup> Oral interview from Nyambabazi Soleil at Mwiki on 2<sup>nd</sup> October in Nairobi county

militant group named alshabaab. This commenced when the Kenyan defense forces attacked and flushed the mentioned group out of Somali and further made the Kenyan authorities to be aggressive in scrutinizing any foreigner they suspect to be Somali national hence because of physical appearance and soft hair Banyamulenge refugees were included for clearance. The refugee mandate that gives clear origin and identification of a refugee takes long time to be given because of gradual process taken in processing documents and therefore mistaken nationality has subjected the refugees in question to harsh treatment by security officers again has been crowned as a problem to urban refugees and oral interviews.

“I am Nyantonesha Aline a female adult refugee from Congo. I escaped from Goma in the year 2011 and crossed Uganda. I relocated to Nairobi through Busia border and finally went to Kayole where I was received by a Good Samaritan who took me to the area chief. I was enjoined with other Banyamulenge refugees and was informed to seek refugee documents from UNHCR offices. I went and filled various forms as asylum seeker. On the way home, I was stopped by police officer at the town Centre and directed to give identification documents. The most challenging moment I experienced since I had nothing finally I was arrested. I humbly pleaded with officers telling them the harsh moments I underwent in my country of origin and as a result that prompted to my freedom from arrest when they realized I was not from Somali since it was assumed that terrorists enter country through the Kenya-Somali porous border”.<sup>88</sup>Therefore mistaken nationality has been highlighted as a problem to the refugees in question.

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<sup>88</sup> Oral interview from Nyantonesha Aline at Kayole county on 2<sup>nd</sup> October 2013

### **3.11 Xenophobic Tendencies**

This is an aspect of negativity and drawn from reaction by host communities to foreigners in sense that their presence is a disadvantage relating to all opportunities, privileges and access to basic necessities from the government and other international instruments. The international community gives priority to the refugees through UNHCR and sometimes it results to a situation where the locals are overlooked and the services are channeled to the refugees. It has been witnessed in Turkana County at Kakuma Refugee Camp where facts have uncovered that the refugees have a better living standards than the Turkana people. The turn of events and the topic pronounces that it is better to be a refugee than to be a Turkana by Ekuru Aukot in his article<sup>89</sup>the local urban population extends the similar reaction to Banyamulenge refugees as resources are channeled to them by international community.

### **3.12 Culture**

It is a complex aspect and to begin with, it means the shared knowledge and schemes created by set of people for perceiving, interpreting, expressing and responding to social realities.<sup>90</sup> It includes many aspects like language and artifacts among others to identify a society.<sup>91</sup>

Banyamulenge refugees have strong traditions in some aspects, however it is hard to maintain mostly at time of disturbances like displacement because the environment is dictated by course of events again the sense of settlement in Kenya. A person will flee in

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<sup>89</sup>Ekuru Aukot, 'It is better to be a refugee than a Turkana in Kakuma', revisiting relationship between hosts and refugees in Kenya, Vol 21, No 3, 2002.

<sup>90</sup>Ekuru Aukot, opcit p 63

<sup>91</sup>Ledarach J, P. Preparing for peace, conflict transformation across Cultures, Syracuse, NY, Syracuse University press, 1995.

his/her own as opposed to the whole society migration and future settlement is not predetermined.

Information from respondents manifested strong tradition in terms of marriage among others. The refugees in question do not marry outside their tribe. However Banyamulenge refugees in foreign lands have been prompted to break some traditions to reconcile normalcy in life and that has compromised abiding by their culture. Another aspect is language that has been highlighted by the respondents as a problem due to the fact some refugees do not understand Kiswahili hence they have a language barrier. The twist of events in displacement and urban settlement in Nairobi resulted to problem in communication. However there are some who understand the language and they translate same to relevant authorities therefore language has been highlighted as a problem to refugees and that has been revealed by several respondents.

### **3.13 Conclusion**

The chapter explored several challenges faced by urban refugees in host states. Respondents highlighted how they have undergone grave experiences immediately after displacement during their migration and reasons why they have chosen to settle in town as opposed to settlement in the camps. Basic necessities are of great challenge to access and especially resources for sustenance within the context of availability of food, shelter and clothing that again is manifested as great obstacle to survival. Employment that is understood as a means to generate income has been a challenge to urban refugees as highlighted by the respondents. Important to note, refugee to refugee conflict has deeply been interrogated in the course of research and found to be a grave problem affecting

Banyamulenge refugees and resulting from the discussion in the previous chapter and ironically to have refugees clashing in foreign land after migration blaming each other as seen in the study. There is also a case of mistaken nationality that is not common to other refugees in Kenya however it has been identified as a problem affecting Banyamulenge refugees in Nairobi and again coupled with culture that sounds unique since it limits their marriage to be within their community as highlighted by respondents. Other problems have been captured and discussed in the study as per the information from oral interviews. Finally United Nations through UNHCR and the Kenyan government should join hands to tackle the problems faced by urban refugees in Kenya.

## **CHAPTER FOUR**

### **IMPACTS OF BANYAMULENGE REFUGEES IN NAIROBI, 1996-2012**

#### **4.1 Introduction**

This chapter captures the scenario on how the host government and communities in Nairobi have continuously responded to influx of refugees especially Banyamulenge from Congo despite the absence of close attention and assistance to them by the international instruments. Self settlement has constituted to be the preferred option of the refugees. This has been propagated by the facts mentioned in the earlier chapters. The host communities' altitude towards refugees is a stabling block to cordial relationship between the two parties due to the stiff competition of scarce basic necessities. Also taken into account is the presence of refugees that has prompted xenophobic tendencies manifested by the host communities. There is also an international instrument UNHCR among others that is charged with giving refugees mandate to legally stay in the host country and ensure their protection. United Nations High Commissioner for refugees was created in the year 1951 to assist in the international protection of refugees. Organization primary objective is to ensure that all persons can exercise the right to seek asylum and find safe refuge in another state further to return home voluntarily. Another task is again to encourage government to adopt fair and flexible process to promote just and effective refugee law. Also covers provision of food and housing. Further added roles include material assistance for the refugees and returnees. There is a dilemma in assistance due to the fact that urban refugees are scattered and cannot be traced in a central point within town as opposed to those in a

central point within the camps and can easily be accessed when need arises. The factor of sharing basic needs creates imbalance and more pronounced when the refugees receive assistance for their upkeep. This is manifested by refugees in the host countries within the context of political, social, economic and cultural underpinnings whereby refugees are said to be overburdening economic status among many other things of interest in urban areas.<sup>92</sup>

#### **4.2 Responses to Refugees by Host Communities in Kenya**

The crisis of urban refugees has risen to worse situation in reference to Kenyan urban communities. This relates to the competition for the few available resources and basic necessities within urban areas. To begin with, shelter as basic necessity; refugees have brought competition in their resilience to securing rental houses in Nairobi. This has been brought about by high influx of refugees who by several reasons have settled themselves in towns.

The first and very contentious issue is being a refugee outside the country of origin and again facing refugee to refugee clash or conflict in refugee camps as disclosed in the earlier chapters. It has greatly caused Banyamulenge to settle in the town of Nairobi.<sup>93</sup> The factor of housing as said in the inter-alia paragraph being a basic necessity to human beings has created an impact within the context of competition of resources as highlighted. There is Competition for the few housing structures to cater for both urban dwellers and refugees. From the scenario, exorbitant rental prices have been experienced with high influx of refugees in Nairobi from different countries Congo included. This has resulted to gross effect for the host communities by meeting high cost of rental houses despite the refugees

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<sup>92</sup>Nyambabazi Soleil, opcit p 60.

<sup>93</sup> ibid

joining hands in cluster of two or three and sharing of rooms to counter the exorbitant rental prices as oral interview confirms.<sup>94</sup> The host communities are faced with the problem of paying high rental prices hence having negative perception bearing in mind that living standards and rental prices could be lower if there were no refugees in Kenya.

In turn, landlords are concurrently enjoying reaping high rental income from both refugees and host communities because the rate of demand is high to both parties and as a matter of fact that human beings must accommodate themselves in a shelter regardless of paying high prices. Therefore to the landlords the business is in peak and further enjoy reaping high income hence to them it is beneficial to have refugees in the country. However the impact to the refugees is again high expenditure despite being foreigners they have to work hard to get money for house rent. In the context of landlords again another side manifests harsh treatment of foreigners by landlords considering that the refugees are not citizens and can easily be needs including shelter and it has been confirmed by one of them, manipulated as they less comprehend the foreign environment.

Another aspect is discontent from the local urban population within the context of sharing rental flats with refugees. Hence from that sense, association or linkage is limited and as a result bad response in terms of the sharing basic

“Iam Bizimana a munyamulenge refugee from Congo and I entered Kenya in the year 2009 after the turbulence and political turmoil in that country, I crossed to Uganda from southern KIVU and boarded a bus to Nairobi. I relocated to Kasarani area where I found other people belonging to Banyamulenge community. Firstly I settled in a church after a warm welcome by a pastor who informed of the forthcoming life in Kenya. After

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<sup>94</sup>Nyambabazi Soleil, opcit p 49.



a month I secured a job at nearby shop as a sales person and was able to live on my own, therefore I searched for a house to rent. Fortunately I got a vacant room in a nearby flat. However it was not interesting since firstly the caretaker requested for identity card which as foreigner I produced an alien card. The caretaker firstly said he was to consult the owner of the flat for permission but finally he agreed to offer.

Further I was informed to pay Twelve thousand Kenya shillings for a single room and could not raise such amount hence I consulted my fellow Munyamulenge refugee but was given another person such that we could each contribute half to get vacant single room. On investigation I found that the other locals were paying half as much as I was requested to pay sighting the exorbitant rental payment and again high profits to the landlords. Also that displayed attitude of hatred from the rest communities in Nairobi from displacement by the act of paying high prices. That collaborated the negation from housing scenarios among the refugees in host communities as per the conditions manifested in terms of shelter.’’<sup>95</sup>

In terms of housing units, the host communities’ still associate Banyamulenge refugees with people of Somali origin hence they feel insecure to share houses with them following the act of terrorism that is associated with earlier mentioned community and rampant in Kenyan towns. This began after the Kenya defense forces entered Somalia to flush out the terror group known as al-shabaab. Again Banyamulenge refugees face security challenge in relation to securing rental house among other urban communities. Another aspect in housing is that since they are foreigners they pay high amount of money in deposit as a requirement for their rental housing pay because landlords don’t trust them and suspect that they can vacate the country to seek asylum elsewhere in the world. However from that

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<sup>95</sup> Oral interview from Bizimana at Kasarani area on, 23<sup>rd</sup> September 2013 at about 1645hrs within Nairobi County.

fact, it's hard to trace them hence a challenge also results in facing negative response in reference to accommodation. However their goal remains to accommodate themselves and gets safe area to stay.

Responses by host communities in relation to Employment, The scenario of employment assuming either casual or self-employment requires herculean efforts bearing in mind that Banyamulenge people are refugees. Firstly, they are not familiar with the environment and again the same is collaborated by other limiting factors to achieve the projected goals in relation to employment. The issue becomes contentious and is faced by great hurdles on the side of refugees to achieve.

In reference to employment as earlier mentioned, it is hard for a refugee who is a foreigner to compete with other Kenyan people in urban areas considering that a requirement will be that, a person must be a Kenyan citizen and have a national identity card which shall render the refugee stand an automatic disqualification. Also the local communities develop a sense of hatred considering that foreigners are giving them competitive ground in respect to that said fact in issue. Refugees in another aspect face discrimination from the employers within the context of a fact that they are not citizens that is confirmed by oral interview from several respondents.<sup>96</sup>

Discrimination takes course whereby a Kenyan citizen is more likely to get employment and best suited in comparison to a refugee from the employers' perception hence that inter alia fact is highlighted and upholds Banyamulenge being discriminated by both employers

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<sup>96</sup>Rwakia Muhire,opcit p 50

as well as host communities which in this context host communities consider themselves more suited to be employed than refugees.

Another aspect of response gives us light on fact that after employment the scenario of input capacity by refugees is not reciprocated by employers and important factor to uncover is that employers in Kenya. They give the refugees very little pay compared to other locals bearing in mind that they have little space to complain and results to put them in relatively poor status in terms of income and crowns a down play in response which is experienced by refugees.

Also consequent pairing that, negation highlighted stands within the context of over exploitation by the employers in sense that the work done cannot be quantified in relation to the payments and this causes to over exploitation in terms of lab our from the refugee where for instance they work for more hours against little payment.

The mentioned person asserts that she is female munyamulenge refugee; “I am Nyakiyobe and wish to inform that I entered Kenya after my escape from northern Kivu in Congo. Further narrates that we were attacked at our homestead at about 0500 hours and fortunately I was out when the attackers entered our compound. It was diver stating moments since I lost all family members.<sup>97</sup>

The area was not peaceful as every day; gunshots were the order of the day from rebel groups. I vividly state that there are many rebels in Congo and it has never been peaceful since 1996 from protracted political turmoil. I further state that I crossed to Uganda and again proceeded to Kenya and settled at Mwiki area where I found other Banyamulenge urban refugees.

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<sup>97</sup> ORAL interview from Nyakiyobe from Mwiki in Kayole area on 30<sup>th</sup> September 2013 within Nairobi.

Life was tough in terms of survival such that I had to cost share basic necessities and prompted me to search for employment.

I remembered well one day I was humiliated in a private school where I attended an interview for a teaching job and scored good marks. Later I was turned down on a fact that I was a refugee and other Kenyans were employed. I went and searched for a job as a sales lady in a supermarket. However, it was not easy but after frequent visits finally I was employed as a cashier in the supermarket at Mwiki town. I wish to inform that I tried severally without success due to xenophobic tendencies being exhibited by both urban communities as well as employers.<sup>98</sup>

The incident resulted to my mental trauma and was hard to bare in my mind Hence I sought refuge elsewhere to save life. Therefore I relocated to northern Kivu. To hit nail on the head, I could recapture the past incidents in traumatizing scenarios and mental disturbances from the memories of harsh treatment that I shall never forget in my life time however I volunteer the information to uncover what happened.”

The highly manifested aspect in relation to employment is the negative altitude to refugees, further securing of employment considering large urban population in Nairobi is not easy and this remains hard enough to get employed as a refugee at the expense of local population. And as earlier said this is summarized by negative attitudes and large population consisting of unemployed local population that is are in the town of Nairobi.

The Security of refugees is important issue hence the reaction by the host communities to foreigners in Kenya is negative. The refugees pronounce that they vulnerable to insecurity in terms of being robbed, their houses being broken into by thieves who they suspect that they are part of poor people in the city. This has resulted from the fact that they are

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<sup>98</sup>Nyakiyobe,opcit p,72

foreigners and it is said that they are competing for the little resources in the country. In accordance to Banyamulenge refugees it is assumed by local communities that their home state Congo has minerals hence contribute to the notion that they are wealthy people from the Kenyan host communities failing to link and bear in their mind that they left everything at their home country to secure their lives and presently leaving below poverty level and it is echoed by one.

“My name is Runyambo and a Munyamulenge from Congo currently settled at Santon area. I wish to state that I was forced to assume another name to avoid being associated with rich people from Congo although I am a refugee. That took place as was doing my normal shopping near the place I normally reside to conceal my identity thereby averting that notion from the locals.”<sup>99</sup>

That triggers a bad response which results into attacks from the perception that foreigners are creating competition ground in terms of buying goods especially basic necessities like food at high prices hence locals face a sense of humiliation in their country. This results to hatred that propagates insecurity to the refugees. The security officers sometimes harshly react from the fact that the complainants are refugees in another aspect they are often mistaken for Somali refugees and results to being discriminated and suspected to be terrorists. This is following frequent grenade attacks in Kenya contributing to insecurity in the country, therefore this brings a discomfort that they cannot peacefully enjoy staying in the country and their movement is not free due to suspicion. That has been corroborated by one refugee.

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<sup>99</sup> Oral interview from Runyambo at Santon area on 22/10/2013 at about 1200 hrs.’ in Nairobi county

'My name is Runerezamuhoza a Munyamulenge refugee from southern Kivu, I entered Kenya in the year 2010 and I reside at Umoja inner core within Nairobi. I wish to inform that on the 28<sup>th</sup> august 2011,I left for work and on retiring to my own room, I found the house had been broken into and everything stolen. The neighbors were reluctant to inform me the suspects and I reported the matter to police for action further. I was of the opinion that my house was broken into because I was a foreigner. The case was investigated and so far no arrest has been made but investigations by police are still underway.<sup>100</sup>

Culture is an important factor in the society and it refers to transmission of values and tradition from one generation to another. Within the context of host communities their culture is superior to that of incoming refugees or outsiders hence the foreigners have to be integrated within the culture of host communities. It is difficult to argue about the scenario as it involves foreigners who are said to have foreign culture different from the culture of host communities in Nairobi.<sup>101</sup>

The case study of Banyamulenge refugees in place is hard to comprehend in terms of culture and for instance, the research informs the study that some traditional values of Banyamulenge cannot be even disclosed to the other communities even at their home country. That results to automatic discrimination from home and in Kenya assuming as refugees.

It has again been discovered from respondents that they don't marry outside their community and again bring questions on their culture that within the conditions of being refugees. It's hard to preserve and results in diffusing their culture since the environment

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<sup>100</sup> Oral interview from Runereza Muhoza at Umoja inner core at about 1800hours in Nairobi county

<sup>101</sup>Runereza Muhoza,opcit p74

doesn't give room for maintaining the same intact. After migration to Kenya as it is inherent, they had to maintain the possible aspects for survival further to couple others with demands of the scenario in urban areas. It is confirmed that from the tragedy that affected them resulted them to have what was possible while migrating to Kenya and they left with their culture.

In the context of marriage among other values, they don't marry outside their tribe to maintain status of their cultural values and principles. It is echoed by oral interview from many who say that their traditional rules and regulations do not allow them to have any conjugal engagement and relationship from other people both in Congo and elsewhere. This applies to those urban refugees residing in Nairobi as oral interview confirms from Mutunzia a Munyamulenge refugee from Congo among others. This propagates the fact that they marry among themselves and as a result the host communities have in this sense developed a negative attitude to Banyamulenge refugees in Nairobi. From that behavior aspect, it prints an inherent sense that they are more superior tribe than others which is not the case. However more hatred has developed as a response by host communities to urban refugee's and discussed in earlier paragraph.<sup>102</sup>

#### **4.3 Responses by Host Government to the Refugees in Kenya**

The government of Kenya through the Ministry of Immigration and Registration of Persons (MIPR) passed a refugee act in the year 2006 implementing 1951 United Nations refugee convention related to status of refugees; the 1967 protocol relating to status of the refugees whereby geographical restriction was removed and time limitation reviewing the

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<sup>102</sup> Oral interview from Mutunzia on 2<sup>nd</sup> august 2013 at Kayole in Nairobi County

mentioned refugee convention and further recognition happened in the year 1969 by (OAU) organization of African union to the convention.<sup>103</sup>

The organization adopted the specific aspects of refugee problems in Africa further accepted the definition of 1951 refugee convention and magnified it to include people who were compelled to leave their country not only as a result of persecution but also to include external aggression, occupation or foreign domination by other states and events disturbing public order. The African union definition recognizes non state groups as perpetrators of persecution and also it is sufficient that a refugee considers harm sufficient to force her/him to vacate their country.<sup>104</sup> The development was followed by advocacy by (UNHCR) United Nation High Commissioner for Refugees that is responsible for the refugee status determination process, The system is subject to significance delays as oral interview from respondents point out that it takes up to 24 months for their decision on status of refugees as argued and also included is civil society organization and (RCK) Refugee Consortium of Kenya.<sup>105</sup>

The refugee act in Kenya established departments of refugee affairs (DRA) in the Ministry of Immigration and Registration of Persons (MIRP), whereby DRA mandate is to coordinate and management of issues related to refugees. Like policies, international assistance, receiving and processing applications for refugee status, registration, issuance of refugee alien cards, travel documents and finally included the refugee affairs committee that was established under the act. The act determines the parameters for Refugee Status in

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<sup>103</sup> Organization of African Union (OAU) African union publication, 1969.

<sup>104</sup> [Http://www.umn.edu/humanrts/edumat/study\\_guides/refugees.htm](http://www.umn.edu/humanrts/edumat/study_guides/refugees.htm), Retrieved on 7/8/2013

<sup>105</sup> Refugee Consortium of Kenya, government of Kenya publication, 2006.



Host Country Determination (RSD) that is process that refugee's documents are easily accessed on entry in host states.

Asylum seekers are easily scrutinized on entry centre's set up by DRA. Details are taken and issued with asylum seeker certificate that gives opportunity and exception from illegal immigrants. After being given asylum, they get refugee Identification Pass and again can apply for travel documents that give them privilege and opportunity to travel without a Visa<sup>106</sup>

The government of Kenya has again responded to the high influx of refugees into the country bearing in mind that the country has porous border that is not effectively closed. In that sense, it has responded by deploying security forces along the border lines after discovering that many refugees are entering the country unnoticed as illegal immigrants and again channel themselves to Nairobi; This poses a security threat that affect the country peace considering the recent terrorist scenarios that has took course not elsewhere but within the national borders.

The government in this case responded to refugees by closing the Somali-Kenyan border when situation of high insecurity posed the country being associated with terror group that ruled and controlled Somalia before being flushed out by Kenya Defense Force (KDF) after a rampant insecurity and threats by the group entering Kenyan soil and abducting tourists. However the lot of refugees in study has never been associated with terror activities despite looking like Somalis with their *soft hair* leading to a confusion that draws

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<sup>106</sup> Ministry of Immigration and Registration of Persons, Government of Kenya Publication, 1996.

a great concern and profiling by the government security agencies to ascertain their origin and activities.

Profiling of refugees is the act of sorting out or scrutinizing by examining the documents and their origin before asylum has been granted. Sometimes the government is prompted to open borders as a requirement and a condition by international law. Further considering the refugee demands like Kenya was prompted to open the border with Somali hence allowing the asylum seekers running from Al-Shabaab militants to enter Kenya in order to secure their lives that was important to allow Kenya Defense Forces to counter the militant group in full force applying collateral damage to the offensive and averting the lethal effect to innocent Somali people.

Banyamulenge refugees are less affected because Congo does not directly neighbor Kenya and they don't cross the border to neighboring country. Instead, they board vehicles to Kenya from Uganda and they have never been associated with terror activities despite looking like Somali people.

The government downplays the act of dealing with them but enforcement of refugee law remains in force within the country for all refugees regardless of their origin to attain refugee mandate. It has again introduced employment laws to refugees whereby they cannot work in Kenya without work permits and the research advances to clarify situation of access to employment that is determined by the refugee status. Refugee act in Kenya subjects refugee to the same wage, employment restrictions as other foreigners and calls the commissioner to ensure that refugee economic activities don't impact negatively the

host communities. They are required to get work permit at a cost of about KSh. 50,000/= and valid for two years.<sup>107</sup>

However Rwandans were exempted from getting work permits following reciprocal agreement between Rwandan and Kenyan governments in the month of November 2008. Further to that, the immigration act grants class work permits to refugees recognized by Kenya government prior to the year 1990. The ministry of immigration stopped issuing the permits in the 2004 and announced to reinstate the issuance of the same permits in December 2008 to avert the proliferation of forged documents. They allow the refugees to seek employment in various schools as per regulations of work permits. In this case, Banyamulenge faced the mentioned requirement and are again governed by the mentioned legal provision discourse and echoed by one of the respondents.

“My name is John Pacifique a Munyamulenge refugee and holder of bachelor of medicine from Congo. I wish to inform that I went to interview in the ministry of health in Kenya for a medical officer in government health facility since I am a doctor. However I was informed that I should have work permit to get the job beside the certification of practice” hence it manifests negative government response to refugees in employment”.<sup>108</sup>

There is also institutional environment law that governs integration; hence there is no integration policy in Kenya that translates into integration of refugees being a mirage and thought to be a provision of protection to refugees as enacted by international law.

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<sup>107</sup> World Refugee Survey, government of Kenya review publication ,2009

<sup>108</sup> Oral interview from John Pacifique at Kayole on 2<sup>nd</sup> September 2013 in Nairobi county

#### **4.4 Conclusion**

The chapter explored host communities responses to Refugees and again the host government response to the refugees. The host communities' responses have been examined throughout the research and important to note, negation has been pronounced in most of the contagious issues. However, this has resulted from stiff competition of resources to sustain both the host communities and refugees. The overburdening the host government is experienced in terms of provision of basic necessities to both host communities and refugees.

The factor of sharing basic necessities is of great concern bearing in mind that this is urban area. There is high population of people because of unavailability of resources in rural areas and again it's assumed that basic necessities are plenty in the capital city that draws many people in urban areas including the refugees. Several formalities of survival have been highlighted by refugees like employment among others. Stiff competition for jobs has been focused in depth and again within the context of exclusion that has contributed to xenophobic tendencies from the host communities has been witnessed and vulnerability of refugees to insecurity has been highlighted by oral account of respondents. The government of Kenya has reacted by allowing the urban refugees to enter and settle in urban areas as opposed to settling in refugee camps. This applies particularly to Banyamulenge refugees from Congo. The government has enacted an act to deal with refugees as witnessed in inter alia chapters and created a good ground for UNHCR to deal and carry its duties in relation to refugees that include vital undertakings like giving the refugee mandate among others. The government has responded again by providing security to refugees in urban areas and again sometimes closing of border when security has been

jeopardized as the case of Somali terror group attacking innocent Kenyans within the borders like recent incident of Westgate Mall terror attack among others. To sum up, host communities are not at ease due to competition for available resources with foreigners hence they mostly responded negatively to refugees' presence in urban area.

## **CHAPTER FIVE**

### **COPING MECHANISMS OF BANYAMULENGE REFUGEES IN NAIROBI**

#### **5.1 Introduction**

The chapter discusses coping mechanisms of refugees and broadly focuses on the Banyamulenge community from DRC that is settled in Kenya as urban refugees. To begin with, Refugee generating scenarios are defined as complex emergencies that involve intricate adverse hostile political, economic and military attacks besides other causes. This brings a great deficiency in sufficiency of a refugees regarding day to day life since their assets and belongings had been left behind. In focusing the coping mechanisms can again be interrelated to livelihood of a refugee. In this context livelihood refers to capabilities assets and activities required to sustain a living. The definition of livelihood in a conflict was developed by researchers at Feinstein international center at Tufts University that explains it in reference to, “the ways in which people access and mobilize resources that enable them to increase their economic capacity thereby reducing vulnerability created and exuberated by conflict and pursue goals necessary for survival and possible return”

The contexts of working together takes course among refugees by working in groups and align themselves with external and internal framework of networks, Those who are embedded in networks find it easy to cope and that is manifested by readily securing employment and getting protection from threats resulting from their unity encounters. Networks again give refugees access to basic services and other livelihoods like education. They promote peaceful coexistence with the indigenous population and also establish coping strategies and integration by the refugees into urban communities. Lazarus define

coping as a process of perceiving potential response to a threat and executing a response that was based on some theories upon the methods that people adopt in coping. The coping strategies that he has discussed take the mentioned dimensions, firstly, the problem of focused coping that undertakes to do anything to change the source of stress and problem also applies to groups of people who have conceptions that they can do something constructive to minimize stress, the subsequent is emotional focused coping that manages and reduces stressful situation .it takes course among the people who feel that they should reduce stress causing scenarios and survival.<sup>109</sup> It is argued that, theories help to comprehend how people cope with stress. The explanation of coping strategies that people adopt forms basis upon which various refugees cope to counter different scenarios they face in new lives.<sup>110</sup>

There is Adaptive and restraint coping that allows refugees to develop ways of protecting themselves in foreign countries and in towns. Livelihood approach as coping strategy; livelihood means maintaining and sustaining lives that is important to facilitate refugees in host countries to work in groups enhancing their encounter and coping with life. Livelihood has been narrated by scholars like “*Jacobsen to comprise how people access and utilize resources enabling them to increasing their economic security*”.

It also helps in reducing the vulnerability created and exuberated by conflicts and they pursue goals necessary for survival and return to their home country. Referring to those refugees in this case, should consider resources that are available to them and develop ways of their accessing basic necessities in host states and again define their goals of

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<sup>109</sup>Lazarus, psychological stress and coping process, New York town, McGraw hill, 1966.

<sup>110</sup>Charles V Caver Michael F. Schaire and Jagdish K Weintraub, accessing coping strategies: a theoretically based approach, “journal and social psychology volume 56, No. 2, PP 267-283, 1989. Accessed from [HTTP://WWW.psy Miami.edu/faculty/ccarver/p89 cope pdf](http://www.psy.miami.edu/faculty/ccarver/p89_cope.pdf) on 3<sup>rd</sup> September 2013.

propagation and priorities in their lives. Some goals advocated by scholars include minimizing food insecurity and economic vulnerability in relation to making decisions on where to settle. However, in the study, Banyamulenge have conveniently and positively located themselves in the town of Nairobi where most of the resources can be found noting that everything is centralized in towns where there is high population. The network phenomenon has been documented in details among migrants and the urban poor in developing countries like Africa and Asia.<sup>111</sup>

*Nelson and Huntington*, discovered that ethnic relations among migrants and urban poor have formed framework to which migrants choose places of residence. It helps to secure emergency assistance, employment opportunities and spread information of their needy fellows. The urban poor have organized themselves into groups with some goals and interest as well as refugees that take and serve the members interest.<sup>112</sup>

## **5.2 Coping Mechanisms of Banyamulenge Refugees in Nairobi**

From the explanation of coping methods as earlier mentioned, there is a controversy and unique approach to the scenario of refugees being dealt with in this study. There has been protracted conflict that displaced many people after DRC Independence in the year 1960. Consequently Banyamulenge refugees migrated from Congo and entered Kenya important to note the lot in question upholds the discussion and captures the year 1996 to 2012. The question again raises and endeavors to answer why the refugees are still migrating and

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<sup>111</sup>Karen Jacobsen, livelihood in conflicts: “The pursuit of livelihood by refugees and impact in human security to host communities,” international migration volume 40, NO5 special issue 2, PP 95-123(2002) P 98 Also can be accessed from <http://www.Blackwell-synergy.com/dol/pdf/10.1111/1468-2455.0021#> article.

<sup>112</sup> Samuel Huntington and John Nelson, No easy choice: [political participation in developing countries (Harvard university press1975) p140.



several exclamation from oral interview informs the research that migration of Banyamulenge is as a result of frequent attacks by a group of Maimai that include group of neighboring communities like wambembe among others. Also the government of Congo is doing little to counter the attacks and protect the community in question from ethnic clashes. Again they are seen as foreigners that bring xenophobic perception from the neighboring tribes to Banyamulenge .Still the government is associating them with rebel's of M23 hence no other course other than to seek refuge elsewhere in the world. Most of the refugees have entered Kenya and instead of being channeled to the refugee camps they have settled themselves within various locations in Nairobi County as urban refugees.

Urban refugees in general face many challenges relating to their subsistence that prompts them to advance and devise coping mechanisms to counter subsistence in their new environments. Firstly, the refugees in question cannot access the refugee camps due to conflict with their fellow refugees from their home country resulting from a long lasting hatred within borders of democratic republic of Congo. Those groups as mentioned in the earlier chapters include wambembe and wanyanga among others as confirmed by oral interviews. This has prompted to settlement of Banyamulenge within various localities in Nairobi town. The consequent in relation to coping begins with erecting business activities at the local centers for dairy earning. This generates money to purchase food for the refugee since oral interview confirms that they get little assistance from UNHCR that is access to health.

### 5.3 Employment

There is also seeking casual **or domestic employment** as way of coping mechanism that again is confirmed from oral interview by one the refugees,

“TamHaron Yves Bigizi, a munyamulenge refugee from Congo. My ordeal in southern Kivu was totally devastating. In the year 2008 at about 1000hrs we heard gunshots while at our homestead and within no time neighbors were shouting for help from deadly attacks. The option was to immediately flee and seek refuge at any safe place on sight before the enemy fire landed on us with other family members. I escaped to northern Kivu and because there was no safe haven again crossed to Uganda and boarded a bus to Nairobi since I never wished to stay in a country near Congo, on arrival to Nairobi I went relocated to Kasarani through a help from a good Samaritan where I joined other Banyamulenge refugees from Congo whom were staying in a church at Santon area. Afterwards, being traumatized and humiliated by the experience I underwent back in Congo did not wish to focus on the scenarios and now a domestic worker as a watchman in one of the bars at santon where I earn a monthly salary of five thousand for daily upkeep. The amount is utilized for subsistence like buying food and clothing among other needs”.

The same has been echoed by other refugee's hence self employment and casual employment has been confirmed as one of the coping mechanism of Banyamulenge refugees in Nairobi within Kenya.

#### **5.4 Seeking Help from (UNHCR) United Nations High Commissioner for Refugees**

Another way of coping that has been adopted by the refugees in question is seeking help from United Nations high commissioner for refugees (UNHCR) to easily get documents and evade the scenario of being treated as aliens. A structural factor such as growing urban population has deeply resonated across the cities like Nairobi, and again has prompted to scrutinization of citizens, non citizens and aliens by the relevant authorities of the government. Oral interview informs the study that due to the turmoil of the conflict that caught Congo nationals unawares lead to them leaving everything regarding belongings behind hence they left with nothing except clothes they were wearing. Life was only important to secure far from anything else. From the explosion of the attacks most Banyamulenge refugees left with no documents and after entering Kenya as asylum seekers, an international instrument already mentioned earlier took the opportunity to give them alien cards that are processed at the offices in Nairobi. However a shortcoming has been pointed out due to long delay of document processing after application. As a way to cope and avoid entangling with security agents in Kenya the refugees secure the refugee cards for identification and this prompts to a situation where they cannot be mistaken for wanted terrorist suspects in the town. Oral interview still confirms that;

“My name is Mwangura Ruganza a Munyamulenge from DRC.I was stopped by police officers at Shaurimoyo area in Nairobi, They requested to identify himself and fortunate enough I had a refugee card that i produced and comfortably freed further left to my residing place feeling relief. My fellow refugee had no documents and could hardly convince the officers

that they were being processed hence he was arrested and taken to Shaurimoyo police station for investigation to confirm his true identity.<sup>113</sup>

To sum up, refugees visit UNHCR offices to get documents for identification as refugees especially in Nairobi where there is high population and activities.

### **5.5 Forming Associations**

Forming associations is one of the steps towards realization of Banyamulenge groups. Banyamulenge refugees have framework of organized network to serve important functions like a situation where one of them is faced with a serious problem, they undertake to come together and put everything in order when a grave issue like contributing money for paying hospital bill or any other emergency arise. This is done through reaction of the other community members by providing help through channeling information to other people of the group in various localities within in the town of Nairobi in relation to any hurdle facing any of them. Another point to note is that framework has been put in place to direct their members after entry to Kenya as foreigners where to go like in the church. It is a central place where most of the refugees can meet during worship recalling that a foreigner cannot comprehend where to go in a new environment as he/she was leaving but through that first reception a person can organize the way to start a new life. Again bearing in mind that this is a foreign country and except UNHCR that gives little assistance there is hardly no help from local communities since it translates into a burden to the local population to take care of foreigners with their little resources at hand. Therefore the associations afore mentioned get funded from their fellow members through generous contribution to help those in need. It is echoed by oral interview where most of

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<sup>113</sup> Oral Interview from MwanguraRuganza at Shaurimoyo area at 1300 hrs 6<sup>th</sup> July 2013 in Nairobi County.

the refugees have entered Nairobi and were taken to churches where most of the refugees in question are found for eventual help. It has been supported by Bushimo Nkingirizi who says that;

“I am a Munyamulenge refugee from Congo and I met my uncle at Nairobi with no knowledge of what transpired at our home country. However, I remember last day severe attacks were launched against us by our neighbors that prompted me to escape to Nairobi. Later my uncle fell sick and was admitted at avenue park hospital in parklands area. The hospital bill went to about fifty four thousand and none could raise the amount. This prompted to fund raiser that received about sixty thousand from fellow refugee members. The other amount was raised from money kept for a refugee association of merry go round group to cater for that emergency hence the bill was settled and the uncle to me was discharged therefore the association facilitated the contribution”<sup>114</sup>.

## **5.6 Relationship with Host Government Authorities**

Another version of coping is building strong relationship with the government authorities like office of the district officer (DO) and the chief of the area such that the relevant ministry can take charge and render necessary help to the foreigners in case of demand like security from criminals who can take advantage of the people being refugees .Also there is a way creating a cordial relationship with the local communities through interaction and inviting them to their contributions thereby helping the highly needy refugees. This brings in a feeling of togetherness and a good way to ensure that the refugees are appreciated by the communities they stay with realizing that it is only conflict that has brought such situation and not a holiday expedition and refugee informs,

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<sup>114</sup> Oral Interview from Byishimo Nkingirizi on 3<sup>rd</sup> July 2013 at about 1600hrs in Nairobi County.

“My name is Bagaza Patrik and kindly informs that I entered Kenya in the 2010 from Congo. One morning as I was going to the nearby shop, I was attacked by two Kenyan boys whom I knew very well and they stole from me cash 500/ that I had in my pocket ,I went to Santon police post and reported the matter and in turn police visited the scene and neighbors helped to identify the culprits eventually they were arrested and taken to police and finally were charged before Makadara court with the offence .I wish to tell that if it was not for the relationship with the locals I could not alone have identified them”

The coping mechanism of building relationship with both local communities and government authorities in host country stands to be very crucial in dealing with problems like indicated by respondent.

### **5.7 Education**

In education, the refugees who left school in their country of origin at their tender age are privileged to enroll, also those who have children can enroll them in the city schools by utilizing peaceful moments in Nairobi as opposed their place in Congo. This is a way of coping up which involves taking their children to schools within a foreign country and a privilege. Oral interview confirms that there before they were restricted to take their kids to Kenyan schools but now they are privileged to access education facilities in the town both in public and private schools. This helps in progress of education for the refugees who are eligible and again is a way of coping to education and development of skills by Banyamulenge refugees in Nairobi.

## **5.8 Housing Facilities**

Housing facilities are basic necessity to living of a human being and it has been pointed out as great challenge to refugees in host a country. It is strange for a refugee who has nothing from their mother country and again who has knowledge of none in the host state like Kenya to bare the blunt of securing a place to accommodate him/herself. In accordance to the research, Banyamulenge refugees have sought a way of cost sharing in terms of paying rent. As a result, two or more people Banyamulenge refugees share a room to counter the expensive price of a rent in Nairobi.

‘I am GapingaSemahoro a Munyamulenge from Congo, I entered Nairobi from Congo in the year 2010 June. I went to kayole, met my fellow Banyamulenge refugees and received me.<sup>115</sup> We stayed in cluster of about two to three sharing a single room .this was not our will but to cope with the expense of paying house rent. As time went on I was able to secure a job in a hotel at a nearby centre that enhanced the paying of the rent and again I secured a single room and could pay on my own with no sharing.<sup>116</sup> Therefore in terms of cost sharing of paying rent has been pronounced as way of a coping mechanism of Banyamulenge in Nairobi as urban refugees’.

## **5.9 Coping with Psychological Displacement**

Coping up with psychological displacement is defined in many contexts which include physical coping. This involves displacing a person physically by making that particular person to move from his place of abode. It was also defined by Zatter (1988) in the journal of refugee studies that a refugee is a person that has found favor in a popular

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<sup>115</sup> Oral Interview from Gapinga Semahoro at Kasarani on 23<sup>rd</sup> July, 2013 at about 15.00 Hours within Nairobi County.

<sup>116</sup>Gapinga Semahoro,opcit p, 91

discourse over the course of this century. Indicating exclusion and exile, it implies a human dependence on humanitarian intervention and a rupture of normal social, political, economic and cultural relations. A distinction is drawn from a refugee in relation to economic immigrant in a situation where a person voluntarily moves in search of better places to live, not because of any emergency or calamity as opposed to refugees who migrated because of persecution that further clarification gives no other option except to flee to secure their lives due to inter-alia activities of violence. To shed light on the episode, where a person is psychologically displaced, it causes distress and confusion; hence as a way of coping, Banyamulenge refugees have devised a mode of dealing with it at their residing places in Kenya. They have jointly formed a committee that has undertaken to further seek help in hospitals to get experts in dealing with distressed victims in Nairobi. Oral interview informs the study that women were more vulnerable to psychological displacement that translates to depression and stress and again echoed by one.<sup>117</sup>

“I am Grace, a local belonging to Banyamulenge community wish to say that during migration, I encountered harsh life conditions in that I was gang raped before crossing to Uganda from Goma in Congo. I could not help myself to counter the attackers; hence my health deteriorated drastically from protracted effects of rape I underwent. Eventually on arrival at Nairobi, I went to and joined other Banyamulenge refugees in Santon area and further was taken to hospital since then I was infected from the inter-alia scenario of rape.”<sup>118</sup>

UNHCR officials assisted the victim in getting medical attention and again at Santon she was counseled by experts who had been called by the committee of Banyamulenge

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<sup>117</sup>Zatter J, Journal of refugee studies, Vol 1, No 1, 1988.

<sup>118</sup> Oral interview from Grace at Church within Santon area in Nairobi county ON 6.4.2013



refugees tasked to cater for psychologically traumatized refugees. The way of coping up can be shown by the experts handling and counseling the victims. Important to note, the same way has been adopted by those who were affected from mental torture and disturbance that resulted due to protracted and disgruntled effects of violence that is again reflected among the urban refugees recuperating from displacement psychologically.

Another way of coping up is interacting with the local communities in places of worship where most of the community members in the study are Christians hence they are scattered in different areas within the city. Bearing in mind that this is a host country to an asylum seekers and refugees, they cannot easily set their own worship places hence they are prompted to join Christians in churches within the city host state. This can be pronounced again as way of coping up with life in host country in relation to religious activities. The interview has still shown that most of the refugees in question were Christians hence interacted freely with their fellow worshipers. This is echoed by a group of informants but one of them talked to me on the issue.

‘My name is FilipoMunaba, I wish to inform that on Sundays, I normally attend a church service at Kasarani with other locals’ further inform that there is no discrimination or special church sessions for foreigners and host communities bearing in mind that the important objective is prayers and believe in God supersedes anything else and this facilitates coping also building harmonious relationship with host communities’’.<sup>119</sup>

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<sup>119</sup> Oral accounts from Filipo Munamba at Kasarani, Santon area On 31.5.2013

### **5.10 Coping with Refugee to Refugee Conflict**

This is a complex episode since in the conception of a situation where refugees are in conflict out of their country of origin among themselves blaming each other as reflected in earlier chapters, it is seen that refugees in Kenya from Congo migrated from their home place because of inter-tribal attacks from their neighboring communities. In this context there was a time when during the reign of president Mobutu, Banyamulenge community was favored by the political regime in the first half of 1960s. They were armed by the government to counter rebellion from their neighboring communities like Wambembe among others in southern Kivu who by then most of them migrated from Congo fearing attacks by Banyamulenge and government forces to neighboring countries Kenya included. Also eventual consequences regenerated to interplay and change of power in the political regime. They were in turn attacked by a group of neighboring tribes who there before they persecuted and the turning point was that the same groups now called them foreigners. Presently, they are urban refugees in Kenya and cannot access Kakuma refugee camp where most of other Congo refugees are found having been displaced by protracted conflict in Congo. As a way of coping on reaching Nairobi they never visited the camps but settled in Nairobi in fear of meeting their enemies and this can be pronounced as refugee to refugee conflict that is countered by urban settlement by the Banyamulenge refugees from democratic republic of Congo.

### **5.11 Political Participation**

In the terms of political participation, refugees in Kenya don't participate in politics because methods of political participation in campaigning situation develop hatred among the communities. Generally, each individual has his/her own perception and choice of

candidates they wish to be elected. Kenya is a multiparty state whereby democratic election takes course and every eligible candidate in various posts as interpreted in the constitution of Kenya stand to be elected. To vote in Kenya, you must be a Kenyan citizen, you must have valid elector's voter's card or a passport and automatically excludes a refugee from voting. Recalling that this is a foreign country to refugees, they only remain neutral to the either part of the contestants in various posts and give neutral reaction in relation to coping whereby refugees can develop hatred and conflict by supporting or not supporting either of the candidates. The option is to remain neutral as way of coping for the host societies to participate in accordance to their constitution.

In this context, Banyamulenge refused to take part in politics in Kenya remembering what has transpired at their home country Congo and this is echoed by one of them.

“My name is Ruhumuriza Ngirumuremyi and I inform that, during the Kenyan campaigns before general election on 4<sup>th</sup> march 2013 we never participated either by supporting any of the candidates for the various posts and again during the day of voting we never participated on limitation by law and also maintaining neutrality to have cordial relationship with all communities in the host state”.<sup>120</sup>

## **5.12 Culture**

Culture is a shared knowledge and schemes created by set of people for perceiving, interpreting, expressing and responding to social realities. It forms a belief system within a community and passing of beliefs forms perception. PAGE 96 CONT CORR

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<sup>120</sup> Oral interview from Ruhumuriza Ngirumuremyi at kasarani area in Nairobi county on 2/6/2013

For a refugee, it requires willingness to join the lifestyle of the host society without hoping to lose his/her identity culturally. Host societies in this case never appreciated the refugees as equals and working together was difficult hence the Banyamulenge refugees had to lie low for their survival in Nairobi.

This is an important factor in coexistence of people in particular area. It gives a division between the clusters of people and explains the factor of one group against the other. Culture in this context refers to behavioral ways of living in particular community in relation to language among other factors. Language is very crucial factor of identity and further defines interrelationship of people with others.<sup>121</sup>

Language enables people to interact and is very crucial since relationships cannot be regenerated if people in certain locality cannot transfer information and values among themselves. It enhances sharing of information, encountering problems together and brings in consolidative and solidification of bonds among people. It also identifies people differently at the grassroots and again propagates good coexistence among people in various localities by sharing language. In this context, Banyamulenge have fought hard and vigorously to learn and also understand languages that are used in towns as way of coping. This enhances their identification with local population in host country hence on arrival to the country they make efforts to learn and understand the models of survival and stay. Further to that, terms of sharing and utilization of basic facilities in the host countries.

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<sup>121</sup>Lederach, J, p, preparing for peace: conflict transformation across cultures, Syracuse NY, Syracuse university press, 1995.

### **5.13 Coping with Discrimination**

Lack of the opportunity can intensify grievance among social groups suffering discrimination where opportunities are scarce. Discrimination affects hope of securing employment or other factor of need to the citizens and in this case, the refugees are sidelined by the local communities. It also causes resentment and destroys sense of belonging among refugees that they have a stake in the society when discriminated. In some countries like Rwanda and Uganda denial of opportunities and impoverishment of people linked by primordial ties contributed to strength of social resistance to the state. Banyamulenge refugees have developed a way of coping to discrimination by social interaction with neighboring communities and sharing the available opportunities since this is a privilege as a refugee to get equivalent treatment as citizens unless that scenario takes course through integration.

### **5.14 Conclusion**

The chapter comprehensively focused on the coping up with mechanisms of the Banyamulenge refugees in the town of Nairobi. Several parameters of coping have been highlighted whereby information from oral interview mostly has been utilized. General coping ways for the foreigners is a great challenge as posed by the respondents since from the beginning the person fleeing hardly has knowledge on his/her destination. They migrate to secure their lives from persecution or even death quoting from the respondents who are Banyamulenge refugees from Congo. Sometimes it has forced them to undergo very strainers scenarios trying to relocate themselves to urban life in Nairobi. Recalling the mental traumas they underwent back in their country of origin with a ruling government and a sitting president. Remembering and considering relocation of a person who does not

know where he is going sounds very strange. The start of life is not a holiday experience however it translates to hard beginning of life. To sustain and get resources for maintaining upkeep is disastrous to the refugees especially when the host state is not help getting from the international community for catering to the needs of the refugees.

The episode reflected above makes urban refugees' life hard noting that, they are not within the camps where they can get basic needs like food. They face the problem of accessing other basic needs and that has been echoed by the respondents in this study. This situation has caused the refugees under study to stay in clusters of two or three to enhance payment of house rent beside other things that can possibly be undertaken jointly. Considering that, they are foreigners again has formed associations in forms of groups to tackle difficult situations together and humiliation of loneliness in the host state. Banyamulenge refugees are seeking ways that can enhance their integration from the government with help of international community if order shall not be restored in their country of origin that is Congo. To sum up, Banyamulenge refugees have devised many ways of coping which has enhanced their survival in Nairobi as urban refugees.

## **CONCLUSION**

The research aimed at exploring and unearthing problems faced by Banyamulenge refugees in Nairobi; it unravels the coping up mechanisms and finally responses by both the communities and government in the host states. To begin with, Article 1 of Refugee Convention of 1951 defines a refugee as 'a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in particular social group or political opinion, and he is unable or unwilling to avail himself/herself of the protection of that country, or return

there, for fear of persecution. This does not include urban refugees and further does not classify the location of refugees either in camps or in towns.

Consequently the study captures the scenario of displacement from the time of Second World War which resulted to displacement of many people in the world and with formation of United Nations organization in the year 1945 there was again formation of (IRO) International Refugee Organization in the year 1946; that recognized displaced people in various localities in the world. Other international instruments were enacted like United Nations High Commissioner for Refugees in the year 1951 and later in Kenya there was recognition of refugees in the year 2006 through the Ministry of Immigration and registration of persons that adopted refugee convention of 1951 among other refugee organizations in the world.

Kenya witnessed an influx of refugees from political crisis that thwarted political stability in the neighboring countries and great lakes region. Important to note after the refugee flocked into the country, some of them like Banyamulenge from Congo decided to settle in towns reasons confirmed that they wished not to clash with their enemies in camps from their motherland ironically as refugees. This again lead to point out a fact of refugee to refugee conflict does not originate from competition of resources but a long-lasting hatred of long period blaming each other in foreign lands from the consequences they were experiencing. Several methods of coping up have been highlighted and responses by communities and government in the host state.

The research objectives targeted to examine the generation of Banyamulenge refugees in Nairobi considering that they are called refugees in their own country and assume a

contested citizenship. However the turn of events manifested the neighboring communities in southern Kivu calling them foreigners and it is echoed by several respondents. The government of Congo in the year 2004 passed legislation that Banyamulenge are Congo citizens but there is tribal hatred from their neighbor's that has caused frequent attacks and a dilemma since the government institutions are not strong enough to counter menace .In Kenya, they have settlement deficiency hence they cannot access the camps instead they have settled themselves in town of Nairobi as urban refugees that has been highlighted as a problem to them. They migrated and settled in Nairobi mostly at Kasarani area as it was noted that those who entered Kenya first went to refugee camps but they had conflicts with their fellow refugees from their country Congo and they moved to Nairobi because various factors like availability basic needs among others.

Coping mechanisms of Banyamulenge refugees were investigated and in that connection several methods have been identified and confirmed that the refugees in question have adopted the same to enhance their survival in Nairobi. Important to note is, since Kenya is a foreign state to refugees they had to devise some means to achieve their settlements as a way to cope up with foreign environment through co-existence with both government and communities in the host state that has successfully been achieved by the refugees. However challenges have been encountered but they have been neutralized by the analyzed coping up methods facilitating their stay in Nairobi.

The interplay of the responses by first host government, international instruments like (UNHCR) and finally host communities to the refugees in question has been examined. It has been realized that various response mechanisms have been manifested by both the government and international instrument through various actions like issuance of refugee



mandate. The government has allowed the refugees to settle in towns as opposed to their settlement in camps but to abide by the law and make efforts to have refugee mandate.

To sum up, various problems are encountered by refugees in host country. In this context, the research interrogated Banyamulenge refugees from DRC who are faced with contested citizenship and again shortcomings have been revealed like refugee to refugee conflict, mistaken nationality among others. The phenomenon has resulted from various refugees tribes from Congo like Wambembe that are presently settled in refugee camps within Kenya. The issue of mistaken nationality comes in as a result of Banyamulenge people looking like Somali refugees. The conflict in Congo has been highlighted by several respondents to have been caused by ethnic hatred that the same conflicting tribes once again have met in Kenya as refugees; they cannot stay together that has prompted Banyamulenge refugees settling in town of Nairobi. Also access to basic necessities like communication, employment and other services that can easily be found in town collaborate the theory of push and pull factors as analyzed in the theoretical framework.

Banyamulenge refugees are faced with contested citizenship in their own country of origin in another name they are called in their state of origin. Secondly they never settled in their neighboring country like Burundi and Uganda in fears of attacks from their neighboring communities as was witnessed in Gatumba Massacre of 2004. After entering Kenya they did not go to camps instead they settled at Nairobi in fear of attacks by other refugees from Congo like Wafulero and finally problems as urban refugees have been mentioned by passing hence more study was in need to comprehensively unearth the problems faced by urban refugees. It has been established several factors caused problems to Banyamulege refugees Kenya however recommendation was made to achieve a lasting solution.

All the theories that had been highlighted in the study have been proved correct and have collaborated the research. The study is embedded on several theories including push and pull theory, it was advanced by Earnest G, Ravenstein who argued that it is normal habit for human beings to migrate and added that migration is governed by push and pull factors. The refugees in question vacated their state of origin due to conflict persecution their neighboring tribes; they were pushed out of Congo and were pulled to Kenya in Nairobi by factors like security and basic necessities where they sought refuge.

The theory of struggle for recognition was applied and used through this work and in that Banyamulenge people in Congo faced contested citizenship and they struggled to be recognized by their government and in Kenya they struggled to be recognized by Kenyan government and urban communities for their survival. The research objectives targeted to examine the generation of Banyamulenge refugees in Nairobi. Their migration to Kenya was confirmed by the respondents and the hypothesis suggested that ethnic clashes caused generation of Banyamulenge refugees Nairobi and it was affirmed hence it supported the same and tested positive. The settlement of Banyamulenge refugees in Kenya was examined and the hypothesis suggested that they settled in Nairobi to access basic needs and it tested partially positive since there were other factors like refugee to refugee conflict. The objective targeted to examine the impact of Banyamulenge refugees in Nairobi and the hypothesis suggested that Kenyan government and host communities had positive response from the impact had no problem with Banyamulenge refugees in Nairobi hence it was disapproved since Banyamulenge refugees experienced both negative and positive responses and tested negative like requirement to have work permit in Kenya and that is one of the negative response from the government. Highlighted coping mechanisms

were interrogated and several coping methods were identified hence the hypothesis that Banyamulenge have adopted coping mechanisms to sustain their settlement and survival tested positive

In methodology, both primary and secondary data sources were utilized in writing this work. Primary data collection was done through purposive snow bowling and guided interviews to each respondent. Secondary data sources were utilized where books, journals and articles relevant to the study were read.

Major findings were; Banyamulenge refugees are facing contested citizenship in Congo and still facing problems in Kenya as urban refugees. The host communities and the government of Kenya sometimes responded positively and other times response was negative to Banyamulenge refugees. Finally they adopted several coping mechanisms for their survival in Kenya as urban refugees. It is recommended that international community should facilitate peace and their citizenship in Congo or facilitate integration in Kenya through funding.

It was confirmed that Banyamulenge refugees are Congo citizens since they migrated to that country before independence. Therefore the government should ensure that they are protected from other rebels and should not face forced migration in the name of foreigners hence should enjoy privileges and opportunities as other Congo citizens.

## **RECOMMENDATION**

The research, recommends that international community through United Nations should look into the making of peace in Democratic republic of Congo among the tribes and strengthen the government institutions to counter displacement. The government of Congo

should preach peace among its citizens to avoid conflict. The government of Kenya should work together with international community through UNHCR to give refugees mandate and other assistance thereby enabling refugees to have their basic necessities and not to overburden the economy of the country. Further integration should be facilitated with support from World Bank and IMF to resettle the refugees if peace is not guaranteed in their country of origin Democratic Republic of Congo.

## **BIBLIOGRAPHY**

### **ORAL INTERVIEWS**

Nyambabazi Soleil at Mwiki on 2<sup>nd</sup> October, 2013 in Nairobi County.

Haronyves Bigizi at Santon area in Kasarani within Nairobi County July 2013 at 1700 hrs

Musheshe Ngambo at Kasarani on 30<sup>th</sup> September within Nairobi County.

Nyamatungo Aline at Umoja Inner Core at about 1300 hours in Nairobi County.

Filipo Munamba at Kasarani area on 8<sup>th</sup> august at 1400 hrs in Nairobi Country

Runereza Muhoza at Umoja Inner Core at about 1800hours in Nairobi County

Kimara Nelson at Shaurimoyo in Nairobi County on 2<sup>nd</sup>October 2013

Ntezeyombi Augustine on 20<sup>th</sup> may 2013 at Kasarani, Nairobi.

Filipo Seguro on 6<sup>th</sup> June 2013 in Nairobi County

Ngabonziza on 22<sup>nd</sup> may 2013 at Mwiki in Nairobi County

Nyazuba Clementine on 21<sup>st</sup> may 2013 at Mwiki area in Nairobi County.

Rugenera Eric on 30/6/2013 at Umoja in Nairobi County.

Byishimo Nkingirizi on 3<sup>rd</sup> July 2013 at about 1600hrs in Nairobi County.

Makombe Rugaju at Shaurimoyo area at 1300 hrs 6<sup>th</sup> July 2013 in Nairobi County.

Muhumure Nzanyamahoro at Kasarani on 23<sup>rd</sup> July, 2013 at about 15.00 Hours within Nairobi County.

Mwangura Ruganza at Shaurimoyo area at 1300 hrs 6<sup>th</sup> July 2013 in Nairobi County.

Nkigi alpha at Kasarani on 24<sup>th</sup> July 2013 at 1800 hours in Nairobi County.

Sabintu Christophe on 3<sup>rd</sup> July 2013 at about 1600hrs in Nairobi County.

Bagaza Patrick at Santon area Kasarani, at 1700hrs July 4<sup>th</sup> 2013 in Nairobi County.

Mberinka Jeane at Santon area Kasarani, at 1700hrs July 4<sup>th</sup> 2013 in Nairobi County.

Bisengimana Muvunyi at Kasarani area, on 23<sup>rd</sup> September 2013 at about 1645hrs within Nairobi County.

Bizimana at Kasarani area, on 23<sup>rd</sup> September 2013 at about 1645hrs within Nairobi County.

Gatreere at Kayole, on 22<sup>nd</sup> September 2013 at about 1600 Hrs in Nairobi County.

Muneza Bagazi at Kasarani on 29<sup>th</sup> September 2013 at 1300hrs

Nyakiyobe from Mwiki in Kayole area, on 30<sup>th</sup> September 2013 within Nairobi.

Nyakiyobe from Mwiki in Kayole area on 30<sup>th</sup> September 2013 within Nairobi.

Ruhumuriza Ngirumuremyi at Kayole, on 22<sup>nd</sup> September 2013 at about 1800 Hrs in Nairobi County.

RwakiaMuhire at Roysambu at 1700 hrs, On 29<sup>th</sup> September 2013 within Nairobi County.

Nyambaruta Jolie at Umoja II at, 1600 hrs On 30 September 2013 in Nairobi County.

Nyantonesha Aline at Kayole county on 2<sup>nd</sup> October 2013.

Nzabakiza at Santon area on, 22/10/2013 at about 1400 hrs, in Nairobi County

Runyambo at Santon area on 22/10/2013 at about 1200 hrs.' in Nairobi County

Gapinga Semahoro at Kasarani on 23<sup>rd</sup> July, 2013 at about 15.00 Hours within Nairobi County.

## **BOOKS AND JOURNALS**

Bailey, Sarah, 'is legal status enough,' legal status and livelihood obstacles for urban refugees, Fletcher school MALD thesis 2004.

Banks, A. mulledt Coverstanct, Wrisacoh, jf political handbook of world outline edition, democratic republic of Congo, Washington, CQ press, 2009.

Bucyalimwe Mararo, land, power and ethnic conflicts in Masisi (Congo Kinshasa) 1940-1994, Boston University of African studies center, international journal of African historical studies, Vol 30, No 3(1997)pp 503-538.

Charles V Caver Michael F. Schaire and Jagdish K Weintraub, 'Accessing coping strategies,' a theoretically based approach, journal and social psychology volume 56, No. 2, PP 267-283, 1989. Accessed from <Http://www.psy Miami.edu/faculty/c, carver/p89 cope pdf> accessed on 3<sup>rd</sup> September 2013.

Convention on the rights of the child, United Nations publications, 1989 article 7.

Ekuru Aukot, 'It is better to be a refugee than a Turkana in Kakuma', Revisiting relationship between hosts and refugees in Kenya, Vol 21, No 3, 2002.

Gaim kibreab, 'host governments and refugee perceptions, settlements and repatriation in Africa, <http://www/forced migration org>.

Gribbith, Robert E, in aftermath of genocide, the US role in Rwanda, New York, university press, 2005 pp. 107-201

Autesserre Severine, 'Trouble with Congo; How local disputes fuel regional conflict, foreign affairs vol.83(3) pp 94-110

Hyndman and Nyland;(UNHCR)United Nations high Commissioner for Refugees, status of prima facie refugees in Kenya, 1998 Vol 4.

International Refugee Organization, (IRO), UN publication, 1946.

Jacobsen Karen, "Just enough for the city; urban refugees make their own way" world refugee survey quarterly 2004

Karen Jacobsen livelihood in conflicts: the pursuit of livelihood by refugees and impact in human security to host communities, "international migration volume 40, No 5 special issue 2, PP 95-123(2002) P 98 Can be accessed from <http://www/Blackwell-synergy.com/dol/pdf/10.1111/1468-2455.0021#> article.

Kibreab, G, Eritrean and Ethiopian refugees in Khartoum.' "what the eye refuses to see" African studies review report, 1996, No 39, pp 131-178.

Kirui and Mwaruvie, "The dilemma of hosting refugees, A focus on insecurity in north eastern Kenya, international journal of social science, VOL 3 NO 8(special issue 2012)

Lazarus, "Psychological stress and coping process", New York town, McGraw hill, 1966.

Learchad, Rrene, the dynamics of violence in central Africa, Philadelphia University of Pennsylvania press, 2009.

Leveret, "A theory of migration, Pennsylvania", university of Pennsylvania press, 2010, pp 20-40.

M, Kaldo, New and old wars; Organized violence in global era, Cambridge; polity press, 2000.

Lederach, JP, preparing for peace; conflict transformation across cultures, Syracuse NY, Syracuse university press 1995.

Mahmood Mamndani article, African states, citizenship and war; a case study; <http://www.jstor.org/stable/309588>. Accessed on 20/05/2013.



Mahmood Mamndani. African States, citizenship and war, a case study. *International affairs*.78.3 (2002)<http://www.jstor.org/stable/3095887>>

Mahmood Mamndani, *When victims become killers, colonialism and nativism genocide in Rwanda*, Princeton: Princeton university press, 2001

Ministry of Immigration and Registration of Persons (MIRP), Government of Kenya Publication, 2006.

Robert Garretton, report on situation of human rights in Zaire,zajan,2006.

Mzurui and Mtidy; "Nationalism and new states of Africa,"Nairobi, EAEP, 1994.

MtthewJ.Gigney, *the ethics and politics of asylum, liberal democratic response to refugees*, Cambridge, Syndicate of University of Cambridge press, 2004

Mcmaster,Don, *asylum seekers; Australian response to refugees*, co print, 2002

mitchel,J.clyde, *social networks in urban situations*, Manchester, England, University press,1969.

Moser Caroline O.N,Clerk, *victim's perpetrators or actors, gender, armed conflict and political violence*, Newyork, 2001.

Nation news paper, Nation Media Group Publication, dated 14/9/2013, p 37.

Pomfret, John, *Rwandans led revolt in Congo, defense minister sends army, troops supplied for anti-Mobutu drive*, Washington post jult 1987.

Prunier Gerald, *Africa word war: Congo, the Rwandan genocide, and the making of continental catastrophe* oxford, Oxford University press, 2009.

Russell King, *Mass Migration in Europe; the Legacy and the Future* (London New York). Belhaven Press, Halsted Press, 1993.

Raventstein, laws of Migration,' journal of the royal established society, Vol 52, 1889pp, 241-305.

Refugee Consortium of Kenya, government of Kenya publication, 2006.

Russell King, Origins; An atlas of human migration, Cape Town, Struik Publishers, 2007, p 8

Organization of African Union, (OAU) United Nation's publication, 1969.

Samuel Huntington and John Nelson, No easy choice: [political participation in developing countries (Harvard university press 1975) p140.

Saturday Nation Newspaper of Kenya, Nation Media Group Publication dated 14/9/2013 p 34

The impact and aftermath of Belgium colonial policy (1920-1989), Indiana university press, 1990.

Turner, Thomas, the Congo wars: conflict, myth and reality. New York: zed books, 2007.

Ucla Journal of International Law and Foreign Affairs no.2p, 423, 2009

United Nations High Commissioner for refugees (UNHCR), UN Publication, 1951.

United Nations High Commissioner for Refugees (UNHCR), UN publication, 2009.

United Nations International Refugee Convention, UN publication, Article 1 of 1951

Vlassenroot, Koen.'Identity formation and conflict in south Kivu: the case of Banyamulenge. Review report of African political economy.29.93/94 (2002)499-515.web December 2001, can be accessed from <http://www.jstor.org/stable/4006793>>.

World Refugee Survey, government of Kenya review publication, 2009.

Waldrons, S, Hasci, Somali refugees in the horn of Africa, states article review, studies on emergency and disaster relief, 1995.

Walter Christaller, 'central place theory', 1930.

## **INTERNET SOURCES**

Freedom house, freedom in the world,(DRC) Democratic Republic of Congo,  
<http://www.fraidhouse.org>. Retrieved on 22/4/2013

Kagame Alexis, Maquet, Jahiernaut, (1954-1956) 1972. Retrieved on 3/3/2013

Www: //Gatumba survivors.org/massacre UN report, 2004 retrieved on 5/4/2013

[www://cid.umd.edu.mar/assessment.asp?groupid=49010](http://www.cid.umd.edu.mar/assessment.asp?groupid=49010). Retrieved on 3/3/2013

[Http://www/irin,news.org](http://www/irin,news.org). Report/73571/(DRC). Banyamulenge seeking political solutions-to-tensions. Retrieved on 20/5/2013

<http://justodospa/stable/3055887>,retrieved on 1/5/2013

<http://oocitus.org/shabantu/banyamulenge> Html. accessed on 1/5/ 2013

<http://www.umn.edu/humanrts/edumat/studyguides/refugees.htm>. Retrieved on 7/8/2013

S. Pavanello, S. Eihaway, S. Pantuliano Hidden and Exposed: Urban refugees in Nairobi, Kenya, HPG Working paper 2010, also accessed in [Http://www.rescue-ok.org/sites/default/files/hidden%26 exposed urban refugee report final pdf](http://www.rescue-ok.org/sites/default/files/hidden%26%20exposed%20urban%20refugee%20report%20final.pdf), on 12<sup>th</sup> April 2013.

## APPENDIX 1

### Method of data collection

I used open ended **questionnaire** that guided me in oral interviews and the following questions were put across the informants noting that each respondent was interviewed individually.

What is your name?

State of origin

Why did you migrate?

How did you enter Kenya?

Why did you prefer Kenya?

How did you reach Nairobi why did you settle in Nairobi instead of going to camps?

How did you cope with life?

How was the response by government and host communities?

What problems do you encounter in Nairobi as foreigners?

The questions were tackled affirmatively in the research and the responses were laid down accordingly. It has been confirmed that each individual had his/her own way of interacting with foreign environment until settlement was achieved. The same was analyzed and reflected to answer questions raised in the study.