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Refugee Politics in Tanzania: Receding Receptivity and New Approaches to Asylum

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Acknowledgements

Due to my background as a History student, I developed a broad interest in international relations the past years. The informative and practically oriented courses I followed during the Master Conflict and Development, as well as an unforgettable research trip to Jordan, only made this interest grow further. In fact, I became particularly captivated by political and social issues such as illegal and forced migration. Once given the opportunity to undertake a field research trip, I was therefore very eager to leave for Tanzania and to bury myself in the subject of this dissertation, the evolution of Tanzanian refugee politics and its relation to the new approaches to asylum in the post-Cold War era.

After nearly two months of research and a year of unremitting labour, the end point is currently in sight. Consequently, I would like to thank my promotor, professor Vlassenroot, for assisting me in defining the subject and providing me with valuable contacts in the field. Furthermore, I wish to express my extreme gratitude to the representatives of UNHCR and the Tanzanian government that granted me an interview, as well as to Mr. Deo Baribwegure, Director of the Kigoma Community College by Radio (KICORA), for accommodating me during my stay and providing valuable input and recommendations. To conclude, I also wish to thank my parents, family, friends and girlfriend for their unconditional support and wonderful moments the past years.

Summary

The past decade the international community's focus on refugee emergencies, providing humanitarian assistance and large-scale repatriation exercises made the global refugee population drop substantially. Nevertheless, the proportion of refugees in prolonged exile and without a prospect of a durable solution has seriously increased and worldwide national asylum policies have grown more restrictive. This dissertation, using primary and secondary literature as well as interviews and fieldwork conclusions, attempts to better comprehend this evolution by identifying the different factors and processes that contributed to diminishing receptivity and solidarity in the United Republic of Tanzania, once – and maybe still – one of the most hospitable asylum countries in the world. Analysis of Tanzania's national refugee policy since the 1960s will show that new developments in national and regional politics have played an important role. However, it will finally be concluded that changes within the international (refugee) system and the externalization of EU asylum policy were equally and even more decisive. In order to counter and possibly reverse the growing restrictivity, it will also be recommended that an alternative approach is adopted, linking the Northern and Southern countries' respective interests in migration control and additional burden-sharing.

"If a door is shut, attempts should be made to open it; if it is ajar, it should be pushed until it is wide open. In neither case should the door be blown up at the expense of those inside."

(Julius Kambarage Nyerere, Speech on Stability and Change in Africa, University of Toronto, Canada, 2 October 1969).

Samenvatting

De aandacht van de internationale gemeenschap voor vluchtelingen situaties in het algemeen, en voor humanitaire bijstand en grootschalige repatriëringoperaties in het bijzonder, heeft de voorbije decennia tot een aanzienlijke daling van de mondiale vluchtelingen populatie geleid. Desalniettemin, is het aantal vluchtelingen in langdurige ballingschap en zonder vooruitzicht op een duurzame oplossing omvangrijk gestegen en is wereldwijd het nationale asielbeleid restrictiever geworden. Deze scriptie poogt – gebruikmakend van interviews, veldonderzoek en literatuur ter zake – deze evolutie beter te vatten door de factoren en processen te identificeren die bijdroegen tot verminderde ontvankelijkheid en solidariteit in Tanzania – eens, en misschien nog steeds, één van de meest gastvrije landen in de wereld. Analyse van het Tanzaniaanse vluchtelingenbeleid sinds de jaren ’60 zal aantonen dat nieuwe ontwikkelingen op nationaal en regionaal vlak een belangrijke rol speelden. Desalniettemin, zal worden besloten dat veranderingen in het internationale (vluchtelingen) systeem en de externalisatie van het Europese asielbeleid eveneens doorslaggevend waren. Teneinde de toenemende beperkingen te stoppen en zelfs tegen te gaan, wordt een alternatieve aanpak naar voor geschoven. Deze houdt in dat er een brug geslaan wordt tussen de interesse van het Noorden in migratie controle en die van het Zuiden in bijkomende ontwikkelingshulp en burden-sharing

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Contents

Introduction

The past decade the international community's focus on refugee emergencies, providing humanitarian assistance and large-scale repatriation exercises made the global refugee population drop substantially. Nevertheless, the proportion of refugees in prolonged exile has seriously increased – at the end of 2004, the Refugee Agency of the United Nations (UNHCR) counted 33 major protracted refugee situations, with a total refugee population of 5.69 million – and worldwide national asylum policies have grown more restrictive. The United Republic of Tanzania (hereafter, Tanzania) is not an exception to these trends. In the build-up to the presidential elections, for instance, the Tanzanian Minister for Home Affairs, Lawrence K. Masha, reiterated his country's intention of becoming a refugee free area before the end of this decade; a remarkable change if one takes into consideration that Tanzania has hosted refugees since independence and is generally regarded as one of the world's most hospitable asylum countries (United Republic of Tanzania, 2009 (a)). The past decade, however, the Tanzanian government, as many of it counterparts in the developing world, dramatically changed its attitude towards refugees beginning with the closure of the Tanzanian-Burundian border in 1995 and culminating with the adoption of the first, rather restrictive, National Refugee Policy in 2003.

1. Definition of the subject

In order to improve our understanding of the above trends and, more in general, of the current-day challenges facing refugee protection in North and South, it is imperative to gain a better insight into the underlying causes of diminishing receptivity and solidarity. A comparative study of the evolution of different national protection regimes initially seemed ideal for this, but was due to the limited timeframe and resources finally not manageable. Therefore, I chose to focus on the refugee policy of one single developing country, namely the United Republic of Tanzania. This choice bore various risks, but seemed justifiable nonetheless. First of all, because Tanzania's receptiveness to new internationally funded programmes or projects – such as the European Regional Protection Programmes (RPP's) and the UN 'Delivering as One' initiative – allows

assessing the latter's real impact on refugee practice in the South. Moreover, Tanzania was chosen as a case study since it has long been one of the largest refugee hosting countries in the world and its reputation in terms of refugee handling changed several times in the past two decades.

Following the mass expulsion of Rwandese refugees in 1996 – to which the international community responded very critical – and the adoption of more restrictive legislation in 1998, the country was first stigmatized as the umpteenth 'fatigued host' (Mahiga, 1997). Later on, however, the Tanzanian government worked fiercely together with UNHCR on finding durable solutions and managed to steadily reduce its refugee population; an evolution that gradually lead the original skepticism to make way for new laudations. A good example of the latter is the article *'Tanzania earns kudos in refugee handling'* – published in *The Guardian* on the day I left Dar es Salaam – in which Tanzania is praised for it's decision to grant citizenship rights to a large number of Burundian refugees as well as for its humane handling of asylum seekers; and this despite the recurrent reports of refugee intimidation in and involuntary return from Tanzania (The Guardian on Sunday, 25 October 2009).

2. Previous Research. A Status Quaestionis

In academic circles, Tanzanian refugee politics and related topics have not been left undiscussed. Nevertheless, most articles and books published directly deal with the livelihoods situation in the refugee camps or the impact of refugee presence on (Western) Tanzanian development (Malkki, 1995; Rutinwa, 1996 (a); Whitaker, 1999 and 2002; Jacobsen, 2001; Landau, 2001, 2003 and 2004; Rutinwa and Kamanga, 2003; Ongpin, 2008; Berry, 2008; et al). Only a few scholars specifically concentrate on the transformation of the Tanzanian policy towards refugees or attempt to explain some aspects of the latter (Rutinwa, 1996 (b) and 2002; Chaulia, 2003; Kamanga, 2005). And even if they do so, the mass refugee influxes during the 1990s and their indirect consequences (border insecurity, depleted national resources, slowing local development, etc.) are commonly regarded as the major cause for the change in Tanzanian asylum policy.

Some (Van Hoyweghen, 2001 and Kweka, 2007) have, in addition to the above, correctly pointed to the significant impact of abandoning the foundational ethics of the Tanzanian state (state ideology, economic policy, etc.) on the country's 'Open Door' policy, but almost none clearly emphasize the diminishing level of international burden-sharing (Morel, 2009) or the externalization of Northern asylum policies (Betts, 2006 and 2009), which unquestionably had an important influence on the growing restrictivity in Tanzania. They explain, for instance, the decrease of funding or why Tanzania was chosen for initiatives such as the Regional Protection Programmes (RPP's), but do not sufficiently dwell upon the impact of these evolutions and new projects (with the exception of Whitaker, 2008). This question is nonetheless very important, since external developments have seriously influenced the transformation of Tanzanian refugee policy. In order to demonstrate this, this dissertation will study the evolution of the latter and compare the impact of external developments with the influence of predominantly national evolutions.

3. Research Questions

In view of the above, this dissertation will thus attempt to explain the changing face of asylum in Tanzania, with a specific emphasis on the impact of changes within the global and European refugee system. At first, the principal objective will be to find an answer to the following question: Why did the protection regime become more restrictive in postcolonial Tanzania? In order to do so, the study will be divided in two parts and first analyze to which extent the national refugee policy, as an integral part of the broader social and political atmosphere, changed since Tanzanian independence. Consequently, it will use the conclusions of the first part to assess the impact of external developments on the Tanzanian policy change as well as to identify some of the current challenges in refugee protection. More generally, it will also look at what the case of Tanzania may learn us about the existing capacity of the international refugee regime to solve protracted refugee situations and try to provide some recommendations for improvement towards the future?

The first chapter will give a rough sketch of the 'Open Door' policy in postcolonial Tanzania and will discuss the major political events and decisions, both national and

international, during the Nyerere presidency (1962-1985). After all, if one wants to comprehend a country's sudden change of direction in terms of refugee hosting, it is imperative to have an idea of the political climate and asylum policy preceding that turnabout. The second chapter will look into the development of the new refugee policy and practice, and will provide an overview of the current refugee situation, programmes and protection concerns. The third chapter will drastically break with the previous two and basically try to comprehend the transformed Tanzanian attitudes previously described. It will examine which developments, both national and international, contributed to the declining Tanzanian receptivity and attempt to establish to which degree these were decisive. The fourth chapter will, reckoning with the limited scope of this case study, formulate some recommendations to address the steady growth of refugee restrictions, both in Tanzania and globally, while the final chapter will eventually bring together the conclusions of this research.

4. Source Material: A Short Overview

In addition to a broad collection of secondary literature, news paper articles, speeches and official documents, this dissertation is primarily the product of data gathered during one month and a half of field research in Tanzania. In Kigoma and Kasulu district (Western Tanzania), interviews were conducted with UNHCR staff, Tanzanian government officials and NGO representatives. These were selected by using the snowball approach and will, given the sensitivity of refugee issues in Tanzania, remain anonymous. The interviews themselves were conducted in English and consisted of a semi-structured list of questions since, especially in the beginning, the exact scope of this study had not been fully determined. Moreover, the questions varied depending on the respondents interviewed, just as the interpretation of their answers depended of the agency they represented.

In general, the interviews inquired after the underlying reasons of the Tanzanian change of practice, the impact of international developments on Tanzanian policy, the current operations and protection concerns in the refugee camps, the invocation of the cessation clause for the Burundian caseload, the closure of the Old Settlements, the then upcoming naturalization exercise, and the prospects for (self-settled) refugees remaining

in Tanzania. In Dar es Salaam, the research was completed through the collection of supplementary data from the library of the Center for the Study of Forced Migration (University of Dar es Salaam) and the Tanzanian Ministry for Home Affairs (Department for Refugee Affairs).

5. Terminological Reading

Although this study does not aim at subjecting established concepts to an in depth analysis, it seems nonetheless recommended to provide some more clarity about how some of them will be read. The notion 'refugee', which generally refers to those persons entitled to international protection under the 1951 Convention relating to the Status of Refugees (hereafter, the 1951 Convention), will due to the particular nature of the African refugee context be rather broadly interpreted. As a 'refugee' will be understood any individual recognized under the 1951 Convention, the 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (hereafter, the 1969 OAU Convention) as well as each person enjoying any other form of international protection under UNHCR mandate. This is, as mentioned above, necessary since refugee status in Sub-Sahara Africa is almost always granted on a *prima facie* basis, and because it allows including victims of conflict-related displacement as well.

Other concepts, such as burden-sharing, *non-refoulement* and voluntary repatriation, will, in general, be read in accordance with their definition in the 1951 Convention, at least if defined by the latter. *Non-refoulement* will be understood as the prohibition on the expelling or returning of a refugee *"in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened"* (1951 Convention, Article 33, p. 32). Burden-sharing shall – as in the Preamble of the 1951 Convention – be interpreted as a form of international solidarity and, in extension, as *"a virtual sine qua non for the effective operation of a comprehensive non-refoulement policy"* (Fonteyne, 1980, p. 175). Voluntary repatriation, finally, will be read in accordance with the UNHCR Statute (14 December 1950), i.e. as return to the country of origin *"when subjective fear for persecution has ceased"*; and thus not in the sense of notions as 'safe' or 'imposed' return (UNHCR, 1996; Chimni, 1999, p. 1). This does however not

imply that this study (see third chapter) will not take into account the 'progressive development' some of these core principles (e.g. voluntary repatriation and *non-refoulement*) underwent.

Chapter 1: Tanzania's 'Open Door' policy (1961-1985)

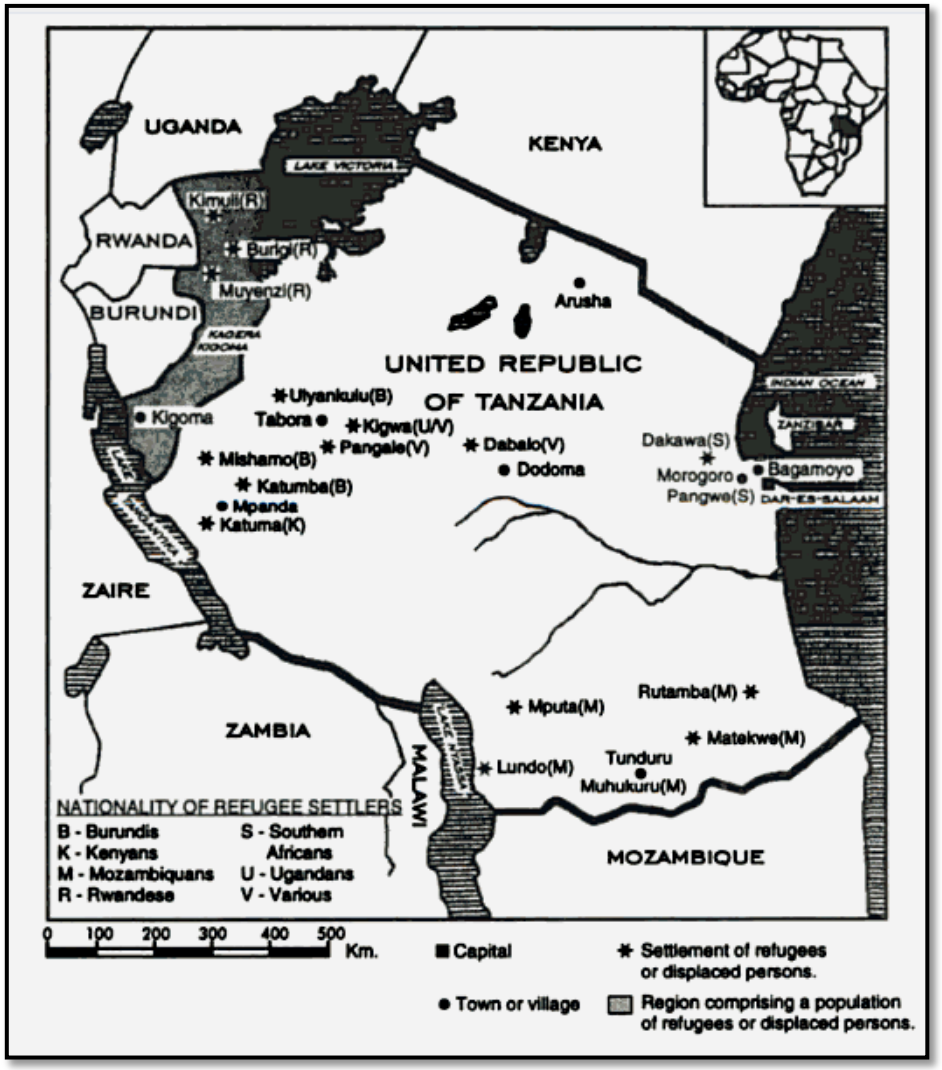
Following independence in 1961, Tanzania had to contend with several inflows of uprooted people from both surrounding and distant states. Remarkably, the country adopted a certain degree of openness towards refugees and turned into being a safe haven for Africans fleeing colonialism, independence struggles, racial discrimination or ethnic violence. This evolution, for which the country earned world respect and Julius Nyerere was awarded the Nansen Medal in 1983, is often attributed to the early independence of Tanzania, although there were also various other tenets supporting it (Kamanga, 2005, p. 1). For instance, as Mazrui already indicated in 1967: *"A major element in the mystique of Tanzania is, of course, Julius K. Nyerere himself"* (Mazrui, 1967, p. 162). Therefore, this chapter will look into the legal provisions underpinning the 'Open Door' policy and analyze the different Tanzanian rationales for accepting refugees. To commence, however, it will briefly describe the imprint of the colonial asylum practices, as well as the extent and nature of the refugee population during the first three decades of independence.

1. The colonial legacy: Hospitality and Economic Opportunism

Historically, Tanzania has long been a refugee host. Thousands of Africans from within the Great Lakes Region annually fled to Tanganyika – especially to the less populated and fertile western borderlands – in order to escape overpopulation or draconian labour regimes in neighbouring colonies. Tanzanians generally welcomed these uprooted people, even if their German, and later on, British masters ordered not to accept the newcomers – an attitude often attributed to the strong cultural affinity between Tanzanian hosts and immigrants, even though it was also the result of economic necessity. In summary, it is thus imperative to realize that although Tanzanians had a long tradition of hospitality, there were definitely other motives present for receiving refugees – motives that were also incorporated into the postcolonial refugee policy (Chaulia, 2003, pp. 149-152).

2. The Postcolonial Refugee Population: Freedom Fighters and Rural Settlement

In contrast with other African countries, Tanzania received both asylum seekers and freedom fighters during its first three decades of independence. For the latter category, reliable population estimates are hard to obtain, partly as a result of the rapid changing situation in their countries of origin (South Africa, Mozambique, Namibia and Zimbabwe), but also due to their cross-border mobility. Numbers varied, for example, from 7000 Mozambicans in 1964 to 50.000 in the early seventies, when FRELIMO intensified the war against Portuguese domination (Chaulia, 2003, p. 156). Yet, the majority of these freedom fighters stayed for only a limited period in Tanzania's Southern regions (ex. Lindi and Ruvuma) and eventually returned to their home country.



Map 1: Main Refugee Settlements in Tanzania. (Source: Armstrong, 1987)

Regarding the other category, several major influxes were recorded. A first substantial wave of refugees arrived from neighbouring Rwanda (Tutsi) in 1959, while in 1965 and 1969 the first groups of Burundians found their way into Tanzania. A few years later another massive influx occurred following the unsuccessful Hutu uprising in Burundi (1972), bringing more than 300.000 Burundians into the country (United Republic of Tanzania, 2009 (b); International Crisis Group, 1999, p. 1). The majority of these refugees were allocated big plots of land in the country's underdeveloped Western regions (Kagera, Rukwa and Tabora) and were provided with basic services (health, education, etc.), but more than half of the Burundians spontaneously settled in Tanzanian villages (United Republic of Tanzania, 2009 (b); Amnesty International, 2005, p. 4). In the early 1980's, the Rwandan settlements were transformed into villages after the government offered citizenship to 36.000 Rwandan refugees (United Republic of Tanzania, 2009 (b); Mendel, 1997, p. 43). The Burundian settlements (Ulyankulu, Katumba and Mishamo) on the other hand were handed over to the Tanzanian state in the mid 1980's after attaining food self-sufficiency, but still exist today (United Republic of Tanzania, 2009 (b)).

In summary, Tanzania hosted both asylum-seekers and freedom fighters, of which the majority were accommodated in rural settlements throughout the country. Consistent numbers barely exist, but it is generally estimated that the country received between 400,000 and 500,000 refugees during the first three decades following independence (Chaulia, 2003, p. 148; Whitaker, 2008, p. 244). Nevertheless, this estimate could be way off given the high degree of illegal migration, the number of self-settled refugees and the lack of national identity cards in Tanzania.

3. The 'Open Door' Policy: Legal Framework

In order to regulate immigration and asylum matters after attaining independence, Tanzania co-opted the existing British laws. In 1964, the Republic also became signatory to the United Nations 1951 Refugee Convention, but a written account of the 'Open Door' policy was not immediately formulated – and never would be (United Republic of Tanzania, 2009 (b)). Nevertheless, the main principles of the policy were firmly established: *'group (as opposed to individual) determination of status, generous*

allocation of land, local integration, and the en masse offer of citizenship through naturalization' (Kamanga, 2005, p. 103). In 1965, a legal foundation was more or less created with the Parliament's enactment of the Refugees (Control) Act, but as Mendel and Kamanga pointed out it had a number of problematic characteristics. These included the absence of a 'refugee' definition and provisions on 'refugee entitlements', as well as the preoccupation with control and coercion. Under the Act, refugees were confined to geographically isolated settlements, risked detention when leaving without permission and government officials (Section 13) enjoyed unbridled powers to '*ensure that the settlement was administered in an orderly and efficient manner'* (United Republic of Tanzania, 1965, p. 7; Kamanga, 2005, pp. 103-104).

The *prima facie* status determination and the generous allocation of arable land are thus no reason to assume that Tanzania not perceived refugees as 'subversive elements' (Chaulia, 2003, pp. 158-160). The 1965 Refugee (Control) Act was definitely designed to control refugee influxes and limit their negative repercussions, rather than to protect refugee rights. In practice, however, major security problems and infringement of refugee rights were few and far between. Moreover, the Tanzanian asylum policy – apart from the 1965 Act mostly soft law – remained more liberal than in other African countries, especially because of its underlying motives (see below). Attempts to amend the shortcomings of the 1965 Act and to bring national legislation in accordance with the 1969 OAU Convention, were only taken after the mass refugee influxes during the nineties (Chaulia, 2003, p. 159; Kamanga, 2005, p. 104).

4. The 'Open Door' Policy: Political and Socio-Economic Foundation

After Nyerere's election to President of Tanganyika in 1962, consolidating independence and providing stability were the primary Tanzanian concerns. It was, however, only following the Union with Zanzibar and the formation of the Republic in 1964 that refugee politics really took shape, when Nyerere set Tanzania on the path of African socialism and turned the country into a one-party democracy pursuing self-reliance. Therefore, and considering the limited legal justifications for the liberal asylum policy, a short profile of the Father of the Nation and overview of Tanzanian politics, is thus imperative.

4.1. Julius K. Nyerere: Pan-Africanism, Humanism and Brotherhood

The impact of Nyerere's personality and moral beliefs on the Tanzanian refugee policy was immense. As one of the leading lights of the Pan-African movement, he was convinced that the main wealth of a country lay in its people and that both Tanzania and the African continent had sufficient resources to share: *"Our resources are very limited and the demands upon us are very large. But I do not believe that dealing with the problems of 3.5 million people and giving them a chance to rebuild their dignity and their lives is an impossible task for 46 nations and their 350 million inhabitants"* (Nyerere, 1979, p. 1). Furthermore, the notions of humanity (*Utu*) and brotherhood, which Nyerere introduced to stimulate the creation of one national identity, influenced Tanzanian citizens' attitude towards refugees and freedom fighters – or as the Father of the Nation liked to call them 'resident guests'. The catchphrase *"I am, because you are"* is a perfect illustration of this and emphasizes the importance of Nyerere's ideals – which were broadly reflected on foreign and domestic politics, and in this way also on the Tanzanian refugee policy (Chaulia, 2003, p. 154).

4.2. Foreign and Domestic Politics: Pan-Africanism, *Ujamaa* and Opportunism

Internationally, Nyerere's intended transformation resulted in a course of non-alignment, good neighbourliness and regional co-operation, as well as an active role in the Organization for African Unity (OAU). The Republic housed the headquarters of the OAU Liberation Committee and devoted nearly one percent of its national budget to the continent-wide crusade against colonialism. Moreover, in 1965 Tanzania even broke diplomatic ties with Great Britain over the Rhodesian struggle for independence (Chaulia, 2003, p. 155). The underlying rationale advanced by Nyerere in support of this foreign policy was that he considered Tanzanian independence to be incomplete before the whole of Africa casted off European domination. *"We shall never be really free and secure while some parts of our continent are still enslaved"*, he argued when defending African Unity as the primary objective of his Party and Government (Nyerere, 1967, pp. 8-9) – a conviction which, together with his ideals of humanity and brotherhood, had a major influence on Tanzanian hospitality, at least when it came to

freedom fighters. The generosity towards refugees from already independent states rested on a completely different logic.

Domestically, Nyerere's aim of self-sufficiency manifested itself with the adoption of the *Arusha Declaration* (1967), a document that promoted an egalitarian society, universal primary education and the collectivization of (agricultural) production. The latter, also known as *Ujamaa* (familyhood), aimed at assembling smallholders into sizeable rural villages, which could subsequently function as efficient units for agricultural production and the delivery of basic services (education, public health, etc.). During the 1970's it was thoroughly implemented – even though the popular dissatisfaction – and *Ujamaa* became the cornerstone of Tanzanian development (Ujamaa Villages Act, 1975). Ultimately, however, villagization turned out to be an economic disaster and resulted in Nyerere's resignation as President in 1985. Nevertheless, it left a major impact on the way refugees were treated in Tanzania, particularly those from already independent countries as Zaire, Rwanda, Burundi, Zambia and Malawi. The fact is, within the framework of *Ujamaa* both the Tanzanian state and its citizens had utilitarian motives for hosting foreigners. For the latter refugees were a cheap labour force – thus, in consonance with the motives in colonial times – while for the government refugees were *"vehicles for the exploitation of peripheral [and scarcely populated] areas"*, as for example the Western Tanzanian borderlands (Daley, 1989, p. 79; Chaulia, 2003, pp. 156-157).

5. Tanzanian Hospitality: Secondary Explanations

Although Nyerere's ideals and *Ujamaa* politics shaped the Tanzanian 'Open Door' policy, a few other elements stimulated the Tanzanian goodwill towards refugees. First and foremost, the combination of cultural affinity and border porosity, which made state frontiers less significant and cross-border mobility the norm (Kamanga, 2005, p. 101). Secondly, the availability of idle land and *"vast uncultivated tracts of forest"* (Armstrong, 1988, p. 67; Gasarasi, 1984, p. 50). Nyerere's dictum *"The country is empty"* is a prefect illustration of this (Kamanga, 2005, p. 103). Thirdly, a certain degree of naivety about the length and dimension of the refugee problem – Tanzania believed *"that [...it] was temporary and could be considerably reduced after the*

liberation of all African countries" (United Republic of Tanzania, 2003, p. 1). And finally, the fact that *"UNHCR and other donors were forthcoming to contribute for the maintenance of the settlements"* (Chaulia, 2003, p. 157).

6. Conclusion

Although asylum-seekers were perceived as subversive elements under the 1965 Refugees Act, postcolonial Tanzania hosted a very diverse and volatile refugee population and demonstrated an unprecedented generosity in terms of land allocation and the delivery of basic services. This openness stemmed from humanist values, the long Tanzanian tradition of hospitality and Nyerere's altruistic rhetoric, but in contrast to what many *Tanzaphilians* like to believe, was also the result of other rationales (Mazrui, 1967, p. 162). As in colonial times self-interest and economic opportunism were the ulterior motive for hosting refugees, local integration and even naturalization – especially if refugees came from already independent countries. Regarding freedom fighters, on the other hand, political sympathy and solidarity were of overriding importance, since the strife against white-minority rule was one of the cornerstones of Nyerere's foreign policy.

Chapter 2: Tanzania's Contemporary Refugee Policy

Tanzania was long one of the world's biggest exporters of agricultural products. As a result of *Ujamaa* politics, however, the country saw its initial economic growth undone and experienced a long-term depression. By the early 1980's, the Tanzania state was bankrupt and had become one of the most impoverished and aid-dependent in the world. In extremis, Nyerere attempted to reverse the economic downfall, but due to a lack of funding, failure was inevitable. In 1985, the Father of the Nation voluntarily resigned as one of the first African heads of state and left Ali Hassan Mwinyi, his confidant and fellow CCM member, the hard task to lead the country to economic recovery within a liberal market system. In contrast to his predecessor, Mwinyi accepted the substantial loans from the IMF, as well as the conditions attached. In accordance with the Washington consensus, Tanzania issued an Economic Recovery Program (1986) and the following years fundamental reforms were carried out: Nyerere's welfare state was abandoned; the government withdrew from the major economic spheres; social spending was frozen; private entrepreneurship and foreign investment were encouraged; and multi-party politics were reinstated (Reed, 1996, pp. 107-127).

In terms of refugee hosting important changes occurred as well, especially concerning accommodation of refugees. Starting with the Mozambicans who fled guerilla warfare in 1988, Tanzania reverted to the warehousing of refugees in secluded camps, which only provided basic needs and were financed by international assistance – these were cheaper than *Ujamaa* villages, where the state had to subsidize health, education and infrastructure to make them sustainable (Chaulia, 2003, p. 159). At the end of the Cold War, the Tanzanian refugee situation looked more or less stable, since most freedom fighters had already returned to their country of origin, and both the 1988 Mozambicans and 1972 Burundians slowly started to repatriate – whether or not by military force (United Republic of Tanzania, 2009 (b); Malkki, 1995, pp. 261-263; International Crisis Group, 1999, p. 1). Unfortunately, the Great Lakes Region turned into a powder keg the following years and the Tanzanian 'Open Door', which already demonstrated severe cracks after the country's dramatic turnover in 1985, was radically shut.

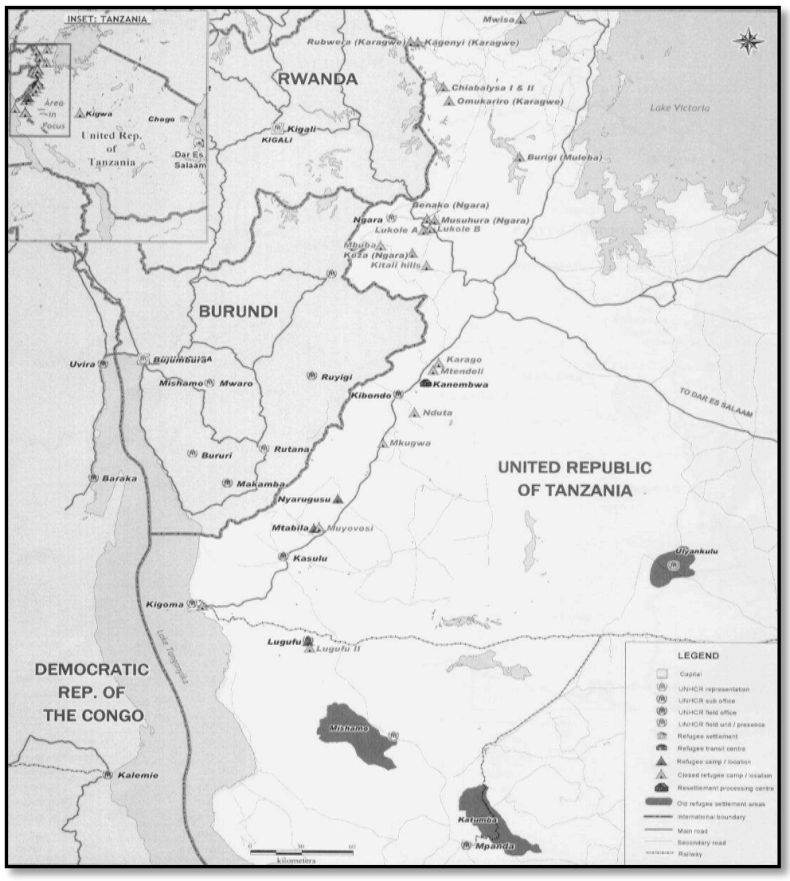
1. The Great Lakes Refugee Crisis

Although Tanzanian hospitality was already subject to pressure, the actual policy shift only occurred in the aftermath of ethnic conflict and military strife in the region. According to the Tanzanian government, the assassination of Melchior Ndadaye – Burundi's first democratically elected President – in October 1993 marked the beginning of the second era of refugee hosting. Nearly 350.000 Burundians, mostly Hutu, fled to Tanzania and were housed in make-shift refugee camps (Mtabila, Nduta, Kanembwa, Lukole etc.) in Kigoma and Kagera region – a clear illustration of the different treatment of 'new refugee caseloads'. The majority of them returned as stability briefly returned in 1994, but due to the intensification of civil war in 1995 and the Buyoya coup in 1996 a steady outflow of refugees continued the following years – especially from the northern and southern border provinces of Burundi (United Republic of Tanzania, 2009 (b); International Crisis Group, 1999, pp. 1-3). By 2001, Tanzania consequently counted 540.000 Burundians, including the 'old caseload' in the settlements, but excluding the then estimated 300,000 self-settled refugees (Amnesty International, 2005, p. 4).

Tanzania's Refugee Influxes with Principal Countries of Origin (1993-2009)				
Year	**Burundi**	**Rwanda**	**DR Congo**	**Vol. Rep.**
1994	202,738	**626,196**	16,054	495,386
1995	227,216	547,976	16,022	14,207
1996	385,452	20,020	55,214	510,028
1997	459,420	410	74,313	110,774
1998	473,768	4,760	58,282	70,021
1999	498,982	20,098	**98,545**	12,372
2000	538,448	27,372	110,412	8,732
2001	521,180	3,034	117,516	32,659
2002	540,861	2,717	140,301	74,775
2003	494,209	24	150,160	84,760
2004	443,706	188	153,474	89,161
2005	393,611	11	150,112	81,519
2006	352,640	-	127,973	66,509
2007	336,227	-	97,099	67,876
2008	240,480	170	79,706	110,830
2009	53,823	-	63,275	30,573

Table 1: Tanzania's Refugee Influxes with Principal Countries of Origin (1993-2009)
Source: UNHCR Online Population Database (July 2010)

Simultaneously another tragedy occurred in neighbouring Rwanda, producing the largest and fastest refugee exodus in modern times. The 1994 genocide, following the assassination of President Habyarimana on April 6, forced more than 250,000 Rwandans to cross the Rusumo Bridge border post, and this within the twenty-four hours between April 28 and 29. The majority of them were put up in tented camps within walking distance of the border – a clear infringement on the 50 km provision of the OAU Refugee Convention, which also demonstrates the Tanzanian government's intention to isolate refugees from society – and became totally dependent on emergency relief from UNHCR and the World Food Programme (Rutinwa, 1996 (a), p. 295; Chaulia, 2003, p. 161). The following month civil war and an advancing rebel army (RPF) made the Rwandan exodus continue and by early May the population of Benaco Camp in Ngara District even stood between 500,000 and 700,000 refugees – transforming the camp into Tanzania's second largest city (Whitaker, 2002, p. 328; Rutinwa, 1996 (a), p. 295).



Map 2: Refugee Camps and Settlements in Tanzania, January 2009
(Source: UNHCR Tanzania, 2009 (b))

Additional groups of refugees also started entering Tanzania from Eastern Zaire subsequent to the Banyamulenge rebellion, the AFDL attacks on refugee camps (September 1996) and the Kabila-led uprising against long-time dictator Mobutu Sese Seko (International Crisis Group, 1999, pp 3-4). These consisted of Congolese as well as Burundian and Rwandan refugees, and were accommodated in two camps in Kigoma region (Nyarangusu and Lugufu). By Kabila's take over in May 1997 and the country's renaming as the Democratic Republic of Congo, already 85,000 Congolese had sought refuge in Tanzania. Shortly thereafter, however, refugees started to repatriate – an operation that proceeded well until the beginning of the Second Congo War in 1998. This triggered off several other influxes and finally caused the DRC population in Tanzania to mount to 150,000 refugees by mid 2005 (United Republic of Tanzania, 2009 (b)).

2. The End of 'Open Door': Mass Refoulement and Forced Round-Ups

The Great Lakes Crisis, which showered Tanzania with an unmanageable one million refugees, unquestionably depleted Tanzanian resources, threatened national security and enforced the trend of the end of the 1980's (see above) to warehouse refugees in temporary camps. Nevertheless, Tanzania practically maintained it's 'Open Door' policy and with the exception of sporadic irregularities typical of large emergencies, entry to the country was not obstructed. In March 1995, however, following another influx of Burundians and the incursion of armed forces, the government decided to close its Western border – a clear violation of the *non-refoulement* principle, which made Tanzania lose a lot of international credit – and the Minister for Foreign Affairs publicly stated the objective to repatriate all refugees residing within Tanzania: *"We are saying enough is enough. Let us tell the refugees that the time has come for them to return home and no more should come"* (The Guardian, 19 July 1995, p. 1; Rutinwa, 1996 (a), p. 295).

The following months and year, the Tanzanian border became highly militarized and thousands of refugees were forcibly denied entry to the country. Nevertheless, border insecurity grew and both Rwanda and Burundi continued accusing the country of allowing fugitives and rebels to use the refugee camps for shelter, recruitment and as

operating base for launching cross-border attacks (International Crisis Group, 1999, pp. 4-6). Seriously disgruntled, Tanzania argued that the donor community was equally at fault and by December 1996 – when frustration with international criticism peaked, the AFDL expelled refugees from Eastern Zaire and rebel movements (ex-FAR, Interahamwe, CNDD-FDD, etc.) started relocating their operations to Western Tanzania – President Benjamin Mkapa took a radical decision to prevent his country form being drawn into the turmoil: *"All Rwandese refugees in Tanzania are expected to return home by 31 December 1996"* (Stromberg, 1996; International Crisis Group, 1999, p. 1,6; Reuters, 19 November 1996). Subsequently, more than 200,000 Rwandans massively fled Ngara and Karagwe District. Within a few days, however, the Tanzanian army forced the refugees back into the camps and on December 14, the involuntary repatriation exercise began. By December 28, finally, Tanzania and UNHCR had expelled half a million Rwandans, their reputation being badly damaged (Whitaker, 2002, pp. 328-330).

The Burundian refugees, on the other hand, were allowed to stay, mainly due to the long tradition of solidarity and the Tanzanian intention to bring down the Buyoya regime (International Crisis Group, 1999, p. 5). Moreover, the border with Burundi and DR Congo was reopened and new influxes were not systematically hindered. Nevertheless, additional action was required in order to enhance security, since new refugee and rebel groups (Palipehutu, Frolina, CNDD-FDD) had arrived following the expulsion from Zaire (see also: Reuters, 19 November 1996). From September 1997, Tanzania therefore resorted to the forcible round-up of all refugees unlawfully residing outside refugee camps or settlements. According to UNHCR over 35,000 refugees – of which many were self-settled Burundians who lived in Tanzania since the 1960's and awaited Tanzanian citizenship – were forced from their homes and given the 'choice' of confinement in UNHCR-run refugee camps or return to their country of origin (Human Rights Watch, 1999, pp. 17-18; International Crisis Group, 1999, p. 6). The majority opted for encampment, but some were forcibly repatriated for criminal behaviour and executed or tortured upon return (Human Rights Watch, 1999, p. 17; Amnesty International, 20 January 1997). In addition, thousands of newly arriving refugees, both Burundian and Congolese, were denied entry and small numbers of illegal Rwandan residents were expelled (Amnesty International, 14 January 1997).

3. A New Legal Framework: The New Refugees Act and National Refugee Policy

In 1998, the sea change that occurred the previous years was legally formalized through the enactment of a New Refugees Act. This was primarily adopted to repeal his 1965 predecessor, but also to *"bring existing legislation in conformity with"* international refugee law and especially with *"the country's new obligations under the OAU Refugees Convention"* (Kamanga, 2005, p. 104). In addition, the 1998 Act had the objective to *"signal disengagement from the Open Door Policy of the Nyerere administration"*, to *"convey [...] disenchantment with the humanitarian assistance system for being insufficiently responsive to the impact of refugees on economically impoverished [...] Tanzania"* and to *"assure the populace that [the] government is determined to address the problem of [...] refugee influxes"* (Kamanga, 2005, p. 104). Regarding content the 1998 Act was a qualitative improvement too. A clear and broad refugee definition was included (Section 4), procedural rights were extended and a National Eligibility Committee was created to review applications and make recommendations to the responsible Minister (Section 6 and 7). Nevertheless, these supplementary provisions cannot conceal the numerous shortcomings and inconsistencies of the New Refugees Act. To begin with, it grants unrestrained powers to refugee administrators (ex. detention, use of force, withdrawal of work permits, etc.) and only recognizes repatriation and resettlement as legitimate and viable solutions (Section 34 and 36). Furthermore, the Act recognizes both group and individual determination of refugee status (Section 9), restricts refugee rights (property, assembly, work, etc.) and limits freedom of movement by requiring refugees to stay within four kilometer of the Designated Areas (DA) (Section 17). Finally, the *non-refoulement* provision of the Act raises questions, since it preserves the Tanzanian right to deport *"any asylum seeker who has not qualified to be granted refugee status"* and refugees *"dangerous to the security of the state"* (Section 28) (United Republic of Tanzania, 1998; Kamanga, 2005, pp. 107-114).

The positive provisions and deficiencies of the Refugees Act were also reflected in Tanzania's first National Refugee Policy. This was adopted in 2003 to help the government with *"managing an ever increasing number of refugees"* and to provide the administration with practical and documented guidelines for running refugee affairs

(United Republic of Tanzania, 2003, p. 2). The policy itself basically compromises the same clauses of the 1998 Act (refugee admission, status determination, right on education and employment, etc.) and is a perfect illustration of the receding Tanzanian receptivity, especially given its revolutionary provisions in terms of durable solutions. To begin with, it abandons local integration and states *"the government has always considered voluntary repatriation of refugees to be the best solution"* (United Republic of Tanzania, 2003, p. 7). Furthermore, it advocates the creation of 'Safe zones' within refugee generating countries, and this in order to alleviate the burden on host countries like Tanzania: *"The government [...] will admit asylum-seekers and refugees for not more than one year within which arrangements should be made to take them back to the established safe zones in their countries of origin"* (United Republic of Tanzania, 2003, p. 8). The latter proposition, however, was rapidly written off because of the reluctance of the international community and its questionable legality under international law (see inset).

'SAFE ZONES': A NEW DURABLE SOLUTION?

The notion of 'safe zones' – i.e. areas in the country of origin under the supervision of a neutral authority such as UNHCR, within which civilian populations could be temporarily protected and to which refugees could be returned before the conditions for voluntary repatriation have been established – was not new when incorporated in the Tanzanian National Refugee Policy in 2003. It had, for instance, previously been raised in ex-Yugoslavia. In the Great Lakes Region the idea was already adopted at a Regional Summit held in Nairobi in January 1995. Furthermore, it was even incorporated in the Plan of Action for Voluntary Repatriation of Refugees in the Great lakes Region adopted at the Intergovernmental Regional Conference held in Bujumbura between 12 and 17 February 1995 (Rutinwa, 1996 (b), p. 313). At that moment, the Tanzanian government's plea for 'safe zones' was the following:

> *"Firstly, it ['safe zones'] serves as a constant reminder to their governments that the refugees are in fact their citizens and therefore, they have a natural duty towards them. Secondly, it relieves the refugees' host countries of a problem, which is not of their own making. Thirdly, 'safe zones' make it easy for the refugees to return to their homes when the situation stabilizes. Fourthly, 'safe zones' serve as a confidence building measure because the situation in third countries would be gauged on first hand basis. Lastly, it causes least disruption on the part of refugees in terms of language, culture, weather, etc"* (United Republic of Tanzania, 1995).

Due to a combination of factors (e.g. the questionable legality under international law, the inconsistency with country of origins' territorial sovereignty, etc.), the creation of 'safe zones' agreed on did not reach the implementation stage. This did however not prevent the Tanzanian Ministry of Home Affairs (MHA) to raise the issue again and promote it as one of the spearheads of its new refugee policy during an international conference held in Dar es Salaam in September 2003: *"Tanzania is of the opinion that the international community should work out a strategy through which safe havens will be created for refugees within the borders of a country in civil strife"* (IRIN News, 15 September 2003). The conference, attended by representatives from a number of African states, proved to be an interesting discussion on the challenges to refugee protection in Africa, but in the end did not lead to the endorsement of the principle of safe zones (The Guardian, 19 September 2003).

At the moment of research it was argued, although not officially, that the Tanzanian plea for 'safe havens' was primarily the result of the then Tanzanian refugee context and in essence aimed at enforcing the Tanzanian stand, namely that naturalization and local integration would on no account be offered. A government official acknowledged this and added that, because of its limited legal basis, the 'safe haven' proposal was rather a means of drawing attention to the need for repatriation – which slowly got into stride in 2002 – and burden sharing by the international community (Interview Refugee Department, Tanzanian Ministry of Home Affairs, Dar es Salaam, October 2009).

4. Durable Solutions for 'Old' and 'New': A differentiated Approach

The 1998 Refugees Act and 2003 National Refugee Policy clearly demonstrated Tanzania's turnabout in terms of durable solutions. In practice, however, some refugee caseloads could resort to different solutions, while others only had access to voluntary repatriation or, at least, a return that passed as 'voluntary repatriation' (see hereafter, paragraph on the 'voluntary character' of repatriation from Tanzania).

4.1. 'New' Caseloads: 'Voluntary Repatriation'

Even though Tanzania annually received a substantial number of new arrivals, spontaneous repatriation of both Burundian and Congolese refugees was equally a constant throughout the 1990's. In March 1998, however, an important change took place with the signing of a Tripartite Agreement, in which UNHCR, Burundi and Tanzania agreed to facilitate voluntary repatriation from Kibondo District to Ruyigi Province. The following year 30,000 Burundians successfully repatriated assisted by UNHCR, and this in addition to the spontaneous returnees from Ngara and Kasulu

Districts. Nevertheless, a second Tripartite Meeting was cancelled, seen the number of 'recycled' refugees and Burundi's eagerness to shift organized repatriation to a promotional phase (International Crisis Group, 1999, 9-10).

Following the Arusha Peace and Reconciliation Agreement and the formation of a transitional government in Burundi (2000), new Tripartite Meetings were held, resulting in the establishment of an organized repatriation programme in June 2002. It was, however, only after the cease-fire with the CNDD-FDD in 2003 that facilitated return picked up (see hereafter, Table 3). In June 2006, following political stabilization and the elections in Burundi, voluntary repatriation entered a promotional phase – which implies that UNHCR may actively inform and encourage refugees to return home. As a result, UNHCR assisted already more than 480,000 Burundian refugees upon their return ever since the launch of the repatriation programme in 2002 – a figure which includes returnees from the Burundian caseload in the 'Old Settlements (UNHCR Burundi, 2009 (a), p. 1).

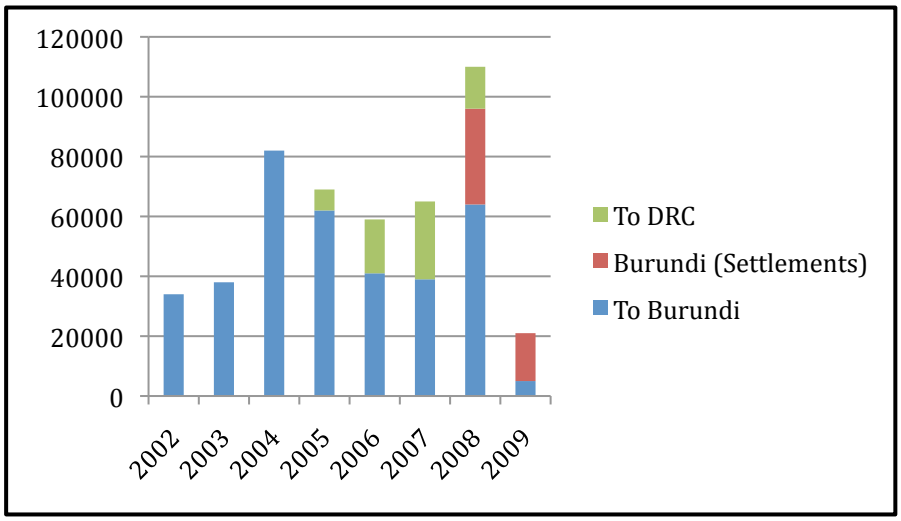


Table 2: Annual Voluntary Repatriation Numbers According to Country of Origin
(Source: UNHCR Tanzania, 2009 (b))

The Congolese refugees spontaneously started to return in 2004 and since January 2005, when the respective parties (Tanzania, the DR Congo and UNHCR) signed a Tripartite Agreement, UNHCR also facilitates repatriation to certain areas. Ever since, more than 64,000 of the 150,000 Congolese refugees voluntarily crossed Lake Tanganyika to Baraka assisted by UNHCR. Renewed conflict in Eastern Congo in 2008, followed by the military operation against the FDLR (Forces Démocratiques de Libération du

Rwanda) in 2009, however put an abrupt stop to the repatriation activities. As a result, UNHCR only assisted a handful of Congolese refugees repatriating during 2009 (Interview UNHCR Protection Unit, Sub-Office Kigoma, October 2009).

4.2. 'Old' Caseload: 'Voluntary Repatriation' and Naturalization

In 2007, Tanzania also started searching for a solution for Burundian refugees in the 'Old Settlements', of whom some already resided in Tanzania since the 1960's. Earlier the government declared that all of them were expected to repatriate, but in a wave of generosity – and in analogy with the Somali Bantus in Chogo – settlement based Burundians got the choice to return to Burundi or to apply for Tanzanian citizenship. In July 2007 a population census was organized, bringing the official settlement population to 222,036 refugees. During the exercise some 45,549 refugees registered for repatriation, while 79% or 171,642 Burundians unveiled their intention to seek naturalization in Tanzania. In March 2008, the Ministry of Home Affairs (MHA) launched the Comprehensive Solutions Strategy (TANCOSS) and by the end of 2008 about 30,400 refugees had voluntarily returned to Burundi (UNHCR Tanzania, 2007; International Refugee Rights Initiative, 2008, p. 8; UNHCR Tanzania, 24 April 2009). By the end of October 2009, the repatriation exercise was completed, when the last 400 of some 53,500 Burundians returned – in 2008 some 9,000 refugees that earlier registered for naturalization changed their intentions and registered for voluntary repatriation after all (UNHCR Tanzania, 30 October 2009).

4.3. 'Old' and 'New' Caseloads: Resettlement

Although UNHCR constantly tries to identify deserving caseloads such as chronically ill, disabled, unaccompanied minors (UAM) or single female-headed households (SFHH), only a minority of refugees can annually resort to resettlement as durable solution – the quota for Tanzania is a mere 2500 individuals per year. The past years, Australia, Canada, Ireland, Portugal, Sweden, Norway and the United Kingdom frequently resettled refugees from Tanzania. However, the most remarkable operation unmistakably remains the resettlement of 8,500 protracted '1972 Burundians' in 2007 to the United States (UNHCR Tanzania, 18 May 2007).

5. Durable solutions for 'Old' and 'New': The Voluntary Character of Repatriation

Ever since the inception of the international protection regime, the definition and interpretation of 'voluntary repatriation' has seriously evolved. From actual voluntary return over the doctrine of safe return – occupying the middle ground between voluntary and involuntary – to the notions of imposed and involuntary return (Chimni, 1999, p. 1). The past decade, however, the vague concept of 'safe and dignified return' – focusing rather on the conditions for return than on the voluntary character – has widely been accepted and become the norm. The question now remaining is whether we may consider repatriation from Tanzania as 'voluntary' return, and if not, whether we may classify it as 'safe and dignified return'.

To begin with, the voluntary character of repatriation may be questioned since both Congolese and Burundian refugees – with the exception of the '1972' caseload – cannot resort to any other solution than repatriation. The National Refugee Policy clearly prioritises repatriation and maintains that refugees should return home as soon as the situation that causes their flight normalises (United Republic of Tanzania, 2003, pp. 7-8; Rutinwa, 2005, p. 56). Furthermore, voluntariness is debatable since it are the respective national governments, which all have considerable interests in a rapid repatriation of refugees, that objectively' determine whether the conditions for the latter are fulfilled – e.g. whether the precarious security situation and the limited reception capacity in Burundi already permits repatriation or not.

The elements raising most questions about the voluntariness of repatriation nevertheless remain the various push and pull factors gradually created by the Tanzanian government and UNHCR to stimulate the pace of the repatriation process. Push factors include the limited freedom of movement, prohibition to work, limitations on incoming generating activities, closure of common markets, reduction of services (e.g. secondary education, church, etc.), camp consolidation and in certain cases direct intimidation (see inset, Mtabila camp). Pull factors are dependent of the caseload. Congolese refugees receive food and material assistance upon return – as their repatriation is only facilitated – while the Burundians – for whom repatriation is already in the promotional phase – are

stimulated to return through mass information campaigns (Radio Kwizera and Refugee Information Bulletin), meetings with high level government officials, go-and-see visits and a multitude of incentives (e.g. cash grants, material benefits and free services) (UNHCR Tanzania, 2009 (c) (d); Jesuit Refugee Service, 2009 (a)(b)).

Taking all the aforementioned elements into account, it would be an understatement to say that repatriation from Tanzania solely occurs on a voluntary basis. The last years, pressure on refugees to return has exponentially increased and 'voluntariness' of repatriation has become highly questionable. Nevertheless, the majority of the interviewees refuted this and argued that, despite the incentives given, return is voluntary since it are finally the refugees themselves who register for repatriation (Interviews International Rescue Committee; International and Tanzanian Red Cross Societies; UNHCR External Relations and Mass Information Units, Kigoma and Kasulu, September-October 2009). One official however declared that he considered return to be voluntary as long as it was the result of the pull factors in place. With regard to the Congolese refugees and '1972 Burundians' this was partly the case, he argued, but concerning the encamped Burundians he admitted that the incentives had hardly proven effective – including the extra for teachers and community leaders – and that their return consequently might be considered as 'constructive refoulement' (Interview UNHCR Protection Unit, Kigoma, October 2009).

MTABILA CAMP, TANZANIA: WAREHOUSING AND INTIMIDATION

Mtabila refugee camp in Kasulu District is the last of 11 Burundian camps in Western Tanzania. By the end of June 2009, all refugees were expected to have repatriated. This did however not occur because the diverse refugee population was very reluctant to repatriate – to the great dissatisfaction of Tanzanian camp officials (see hereafter). As a result, the deadline for camp consolidation was moved to September 2009. The situation nevertheless remained the same and finally incited the Tanzanian government to adopt a different approach. Instead of extending the deadline, the latter announced during the 16th Tripartite Commission Meeting that it would request the Annual ExCom Meeting in Geneva (September 2009) to invoke the Cessation Clause for *"[…] Burundian refugees without prejudice to the naturalization process for the Burundian refugees who arrived in Tanzania in 1972"* (UNHCR Burundi, 2009 (a), pp. 3-4).

- MTABILA: INTIMIDATION AND FORCED REPATRIATION?

Frustrated with the small number of refugees signing up for repatriation, Tanzanian

camp officials employed strong-arm tactics as the initial consolidation deadline of 30 June approached (Kweka and Hovil, 2009, p. 10). To begin with, only short-cycle crops (beans, cassava leaves and potatoes) were still allowed to be cultivated and all social services/activities (hospital, schools, markets, shops, etc.) were suspended – thereby enforcing refugees' dependency on assistance from international aid organizations. Furthermore, refugees were seriously intimidated by the burning of shelters – officially an integral part of 'camp consolidation' – and were coerced to return. Non-compliance could result in expulsion from the camp and would no longer entitle the refugees to profit from return packages or any other benefits (Neumann, 2009, pp. 2-4).

To what extent these refuge rights' violations actually took place, remains a big question mark – Tanzanian officials and refugees, not surprisingly, differ in their version of the facts. UNHCR staff interviewed – although usually downplaying the importance of the events – nevertheless brought clarification by confirming the intimidation of refugees in Mtabila and the destruction of their property (Interview External Relations, Mass information and Protection Units, UNHCR Kigoma and Kasulu, September-October 2009). We may therefore conclude that, in an effort to encourage repatriation from Mtabila, the Tanzanian government deliberately created a climate of fear, and thus committed 'constructive refoulement' (Kweka and Hovil, 2009, p. 10).

- MTABILA: ONGOING PROTECTION NEEDS?

In order to further demonstrate the problematic nature of repatriation from Mtabila, two more pertinent questions need to be addressed: Are the conditions in Burundi conductive for return? And, have the remaining refugees in Mtabila still legitimate protection concerns that prevent them from repatriating to Burundi?

According to the Tanzanian authorities this is no longer the case. They argue that *"[…] the circumstances which have led to the refugees' flight in 1993 are no longer evident"* (UNHCR Burundi, 2009 (a), p. 4) and attribute the refugees' reluctance to return to the 'hard core' mentality of the Mtabila population and presence of a minority of community refugee leaders, who wish to retain their power base in the camp. The analysis made by UNHCR – based on several intention surveys – is generally the same, only less explicit: *"The reasons cited by the Mtabila refugees with regard to their unwillingness to return are not related to protection concerns in Burundi but primarily to challenges vis-à-vis their socio-economic integration"* (UNHCR Burundi, 2009 (a), p. 4). UNHCR staff interviewed confirmed this and added that the reluctance to repatriate especially resulted out of aid dependency and the fact that many refugees still hope to be considered for resettlement or naturalization (Interview UNHCR Protection Unit, Kigoma and Kasulu, August 2009). Nevertheless, they also acknowledged that some refugees (e.g. vulnerable groups) might still have protection concerns.

Possible protection needs are illustrated in the figure and refugee stories below, but must indeed be taken with a pinch of salt as some still hope to get access to another durable solution. Main concerns expressed are security-related and the shortage of arable land. Refugees argue that they fear retaliation on personal grounds upon return or persecution in the build-up to the elections, since the Mtabila population is traditionally regarded as being supportive to the FNL (Forces Nationales pour la

Liberation), which is the primary opposition party. Furthermore, they fear not to retrieve their land and to end up in overcrowded transit centres or so-called 'peace villages', where infrastructure is poor and incoming generating activities are anything but obvious (UNHCR Tanzania, 2009 (e), International Refugee Rights Initiative, 2009, p. 11.)

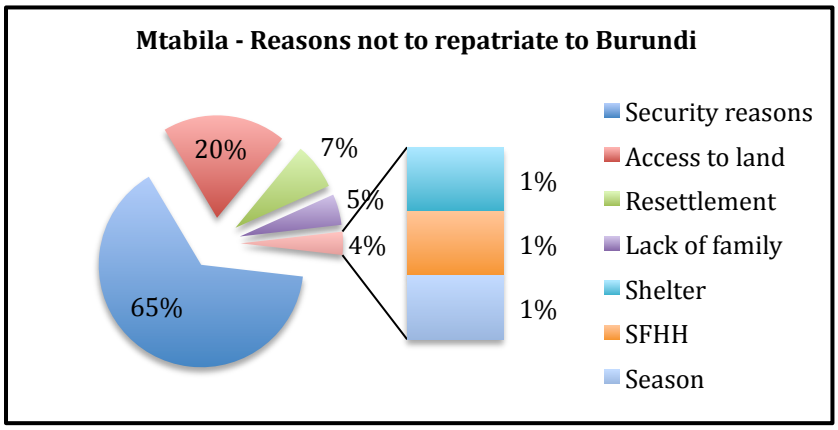


Table 3: Mtabila - Reasons not to repatriate to Burundi.
Source: Voluntary Repatriation Intention Survey
(UNHCR Tanzania, 2009 (d))

Refugee Stories: Ongoing Protection Needs?

"I didn't repatriate because I don't know where to go. I was born in Tanzania and I do not know Burundi. My parents died in the camps. We were moved from villages to Nduta camp in 1997 and now we have been moved here. My husband was born in Mishamo. My relatives have taken the land. I do not know where our farm is. How will I know? We heard from the radio that the situation is not good and we are waiting for the election in 2010." (Refugee woman, Mtabila camp, 7 August 2009; International Refugee Rights Initiative, 2009, p. 3)

"My mother was Tutsi and my wife is a Hutu. I have not gone back because I was born in Congo where my father ran in 1972. He died in 1993 when he went back to Burundi with his brother in law, my uncle is the one who killed him... Those of 1972 who have gone back were told that there are peace villages but these villages are not there." (Refugee man, Mtabila camp, 8 August 2009; International Refugee Rights Initiative, 2009, p. 9)

"I fled to Tanzania in 1994... In the camp I refused to contribute to the rebel movement. I was working as a storekeeper. The rebels asked me to supply them food, about three bags per week, but I refused to do so, and I was therefore regarded as a traitor. They planned to kill me. [...] When they were repatriating, they warned me that I should never return to Burundi, and if I do I will be killed. I also know that my land is now occupied by a soldier." (Refugee man, Mtabila camp, 8 August 2009; International Refugee Rights Initiative, 2009, 2009, p. 6)

6. Forced Expulsion: Refugees, Asylum-seekers or Illegal Immigrants?

In addition to pressurizing refugees to repatriate, Tanzania also expelled thousands of people the past years. This was for instance the case for numerous persons and families of Rwandan origin in 2006 (Human Rights Watch, 8 May 2007) and for respectively 9,705 and 7,555 Burundians in 2007 and 2008 (OCHA Burundi, 2007, p. 2; OCHA Burundi, 2008, p. 1). Whether these were self-settled refugees, asylum-seekers or illegal aliens, remains however difficult to assess, especially since the Tanzanian government repeatedly declared that no refugee would be forcibly returned and that the people expelled are 'illegal immigrants' (United Republic of Tanzania, 2003, p. 2; IRIN News, 14 August 2006; IRIN News, 16 August 2006). A UNHCR officer interviewed somehow clarified the situation:

> *"I have never witnessed refoulement of recognized refugees [i.e. in camps and settlements] and, from my point of view, this also rarely occurs. Most of the people forcibly expelled are Burundians who never applied for refugee status. Maybe, with the exception of people that sought asylum in the late 1980s and have received documentation from the Tanzanian authorities ever since."* (Interview UNHCR Protection Unit, Kigoma, October 2009)

> *"The process of expelling illegal aliens happens very randomly, based on reports of the these local Village Executive Officers (VEO), [...] and is probably quite intensive now, since the Tanzanian government is planning to issue national identity cards [for nationals and residents] next year."* (Interview UNHCR Protection Unit, Kigoma, October 2009)

Taking all this in consideration, we may thus assume that most of the expelled were illegal immigrants and that only some were asylum-seekers, whose protection needs have not yet been assessed; returnees fleeing once again to Tanzania; self-settled refugees not able to produce proper documentation (e.g. refugee cards, naturalization

documents, temporary residence permits, etc.); or refugees convicted for violations under the 1998 Refugees Act (e.g. absconding from the refugee camps, etc.).

7. Current Situation and Future Perspectives: Naturalization and Cessation

At the time of research, some 275,000 refugees remained in Tanzania, of whom the majority was Burundian – for the exact breakdown in nationality and form of accommodation, see Table 5 and 6. Ever since, the situation has not dramatically changed, except for the '1972 Burundians', of whom 162,000 were granted Tanzanian citizenship in April 2010 as a result of the most generous naturalization exercise in history (UNHCR, 16 April 2010). The prospect is that they will soon be relocated and integrated in Tanzanian society – if they are not already. Nevertheless, some important concerns remain. First of all, regarding the nearly 10,000 refugees that have not been withheld for naturalization – they are expected to repatriate to Burundi after living more than 40 years in exile. Secondly, concerning the upcoming relocation of naturalized refugees. They make up a considerable proportion of the arable produce in Tabora and Rukwa regions and are significant contributors to the food security of central Tanzania. Relocation might thus not only have serious economic repercussions for the concerned, but also for the Tanzanian population in these regions (International Refugee Rights Initiative, 2008, pp.; UNHCR Tanzania, 2007 (b)).

CAMPS	NATIONALITY	POPULATION*	SETTLEMENTS	NATIONALITY	POPULATION*
Kibondo D.		**3,359**	**Rukwa Reg.**		**125,401**
Kanembwa**	Burundians	1,224	Katumba	Burundians	70,581
Kanembwa**	Mixed	185	Mishamo	Burundians	54,820
Kanembwa**	Congolese	1,950			
Kasulu D.		**96,913**	**Tabora Reg.**		**48,820**
Mtabila	Burundians	35,942	Ulyankulu	Burundians	48,820
Nyarugusu	Congolese	60,971			
Kigoma D.			**Tanga Reg.**		**1,435**
Lugufu	Congolese		Chogo	Somalis	1,435
TOTAL		**100,272**	**TOTAL**		**174,221**

Table 4: Registered Refugee Camp and Settlement Population in Tanzania
(Source: UNHCR Tanzania, 2009 (a)) (*September 2009; ** Resettlement Processing Centre).

	CURRENT TOTAL*	As of 1 JAN 2009	As of 1 JAN 2008
Burundians	**37,166**	45,920	118,043
Congolese	**62,921**	79,706	97,099
Mixed	**185**	201	195
TOTAL	**100,272**	125,827	215,337

Table 5: Registered Refugee Camp Population in Tanzania
(Source: UNHCR Tanzania, 2009 (a)) (*September 2009).

For camp-based refugees, the current situation is quasi the same as in October 2009, following the consolidation of Lugufu camp. A little less than 100,000 refugees remain, spread over the only two refugee camps left in Kigoma region, Mtabila and Nyarangusu. The latter hosts around 60,000 Congolese refugees, who will, given the current situation in Eastern Congo and the Tanzanian government's preoccupancy with the Burundian caseload in Mtabila, not be directly coerced to leave. The 30,000 Burundians in Mtabila camp, on the other hand, are expected to have repatriated by the elections in October 2010 and if not, chances are very high that Tanzania will invoke the cessation clause for the residual population (United Republic of Tanzania, 2009 (a); UNHCR Burundi (2009) (a)).

In such event, the remaining Burundian should, and probably will, be given an opportunity to indicate why their status as refugees should not be revoked or why they may have a continuing need for protection. Nevertheless, it will probably be concluded from the results of a large profiling exercise undertaken during the fall of 2009 that only few Burundians still have protection needs. Most refugees with pertinent cases have earlier been identified for resettlement and are currently residing in Kanembwa camp (Kibondo District), where they await transfer to a host country such as the United States, Canada or Australia (Interview UNHCR Protection Unit, Kigoma and Kasulu, October 2009).

For self-settled refugees finally, the prospects vary widely. A group of 24,000 spontaneously settled 1972 Burundian refugees, who has been identified by the Tanzanian government in 2009, will be registered once the naturalization exercise for the 'Old Settlement' population has been concluded and in all probability be presented with the options of local integration and voluntary repatriation (UNHCR Burundi (2009) (a)). Self-settled refugees not part of the above group face however much more

uncertainty. Chances are high that they will not be allowed to register at all and, at some point, be expelled from Tanzania as ‘illegal or irregular migrants’ (Kweka and Hovil, 2009, p. 12).

Chapter 3: The Transformation of Tanzanian Refugee Policy: Analysis and Discussion

This chapter will identify the various factors that contributed to the abandonment of the Tanzanian 'Open Door' policy, and thus enforced the creation of the current refugee practice. To commence, it will examine the impact of national and regional developments, while thereafter it will discuss the influence of different external evolutions. In this respect, the following questions will be used as guidelines: To which degree is Tanzania's retreat from asylum the result of externally imposed political and economic reform? Is there a connection with the decrease of international burden-sharing in the post Cold War era? And, are there any linkages with the new approaches to asylum of Northern States?

1. Impact of National and Regional Evolutions

According to the National Refugee Policy, as well as several other speeches, communiqués and academic studies, there were multiple reasons for Tanzania's change of policy and growing disregard for basic refugee rights: the sheer magnitude of the refugee problem; the complexity of inter-state relations; various aspects of national and state security; the impact of refugee hosting on natural resources and socio-economic development; and the Tanzanian democratization process (United Republic of Tanzania, 2003, pp. 2-3). The past years, however, some of these explanations have been proven false or dubious. Moreover, some even appear to be the result of perception and political agenda. Therefore, they will be shortly discussed, as will their actual influence be evaluated.

1.1. The Magnitude and Different Nature of the Refugee Population

Although the abandonment of 'Open Door' was a cumulative process, the altered nature of the refugee population in the mid 1990's has indisputable been a catalytic agent in the complex Tanzanian policy transformation. For, in contrast to previous decades – when refugees mostly fled from colonial and racist regimes, or states with ideological

differences – new arrivals were mostly citizens of neighbouring countries, on whom Tanzania was not eager to expend substantial resources (Rutinwa, 2002, p. 29; United Republic of Tanzania, 2003, p. 1). Especially since it suspected the countries of origin of having *"[…] a deliberate policy of offloading onto other countries of the Region their unwanted extra-population"* (United Republic of Tanzania, 1995 (b), p. 5). In addition, the refugee number multiplied in an unprecedented manner. The government's drastic measures at the height of the Great Lakes refugee crisis are unequivocal in this respect, as are the statements of the then Tanzanian Minister for Foreign Affairs and Head of the Refugee Department (MHA): *"Their sheer numbers and their out of hand influxes cannot be sustained by Tanzania, now and in the future. The problem is deep rooted and such measures as providing asylum, permanent settlement or even granting citizenship are not enough since they do not provide a solution to the problem"* (Brahim, 1995, p. 11). *"The ultimate solution […] is, in other words, the return of all the refugees to their original countries"* (United Republic of Tanzania, 1995 (b), p. 9). The sudden tsunami of a differently composed refugee population thus made Tanzania critically revise its past policies and must be considered as a direct cause of the government's 'no more refugees policy' and the decision to house new caseloads in enclosed refugee camps.

1.2. A New Foreign Policy: Identical Priorities, Different Approach

The creation of the first National Refugee Policy was not an isolated process, but must, as demonstrated above, be regarded as an integral part of the New Foreign Policy Tanzania formulated in the wake of the Great Lakes Crisis. The latter brought the country on the edge of armed conflict and made the Tanzanian government seriously rethink its priorities in terms of foreign policy. Good relations with its neighbours remained the main objective under the New Foreign Policy, but whereas political convictions or ideals used to prevail, Tanzania would let economic interests dominate from 2001 onwards (United Republic of Tanzania, Ministry of Foreign Affairs, 2001). The government indicated that it would pursue good relations with all its neighbours regardless of their political or economic systems or their actions, provided these did not harm the country and its citizens (Rutinwa, 1996 (a), p. 299; Rutinwa and Kamanga, 2003, p. 12).

1.3. Refugees and Security: A Well-founded Correlation?

Whether one finds itself in Sub-Sahara Africa or Europe, the dominant school of thought seems to be that refugees trouble inter-state relations and are a burden to national security: *"Support to migrants and refugees incurs military retaliation and draws asylum countries into the turmoil"* (Loescher, 1992, p. 50). In Tanzania, this way of thinking was and is equally present. Refugees are considered *"threats to national security" [...] "who have caused incalculable damage to this country"* (Government of Tanzania, n.d.). To know if this assumption is correct – and security reasons actually contributed to the adoption of the new refugee policy – it is of utmost importance to distinguish the national security situation from the regional one.

1.3.1. Regional Insecurity and Inter-State Relations

After the Rwandan Genocide of 1994, both the foreign policy and the traditional Tanzanian perseverance in terms of granting refuge took a severe blow. For the first time since independence, the presence of refugees actually became more than a serious *"[...] source of tension in the relations between Tanzania, Burundi and to a certain extent Rwanda"* (United Republic of Tanzania, 1995 (b), p. 4). The accommodation of refugees and rebel activities led to military incursions of foreign troops, armed confrontations (ex. between the Tanzanian People's Defence Forces and the Burundian army) and the suspension of inter-state relations (Rutinwa and Kamanga, 2003, p. 11). In order to stay out of the turmoil, Tanzania finally resorted to contested measures such as the rejection, forcible expulsion and forced round-ups of non-camp refugees – a serious change with regard to the past, which clearly illustrates that regional insecurity and strained inter-state relations contributed to Tanzania's new approach *vis à vis* refugees.

1.3.2. Refugees: A Burden to National Security?

In the wake of the large refugee influxes, criminality rates in and around the 'Designated Areas' skyrocketed, for refugees – armed with machetes or small arms – committed killings, robberies and other crimes to obtain basic commodities and shelter.

Some even settled outside the refugee camps and took part in illegal or rebel activities, causing instability and social disruption within the host communities (Government of Tanzania, n.d.): *"Refugees contravene laws"* (The African, 2000, p. 3) or *"Police uncover hit list in refugee camp"* (The Guardian, 2000, pp. 1,5). In this respect, refugees also put additional pressure on the already weak and understaffed Tanzanian judicial and correctional system. A detailed study of the Center for the Study of Forced Migration – funded by the European Union – is explicit in this respect (Peter, 2000, pp. 12-23), as are numerous press articles: *"Refugees, convicted of crimes, fill prisons in Kigoma"* (The Guardian, 2000, p. 1), *"Burundi refugees detained in Ngara"* (The African, 2000, p. 1), *"Kigoma court jails 165 Burundi combatants"* (The Guardian, 2000, p. 1).

The number of cases involving local people and refugees at the Kigoma Resident Magistrates Court between 1997 and 2000.				
Year	Cases of Local People	Cases of Refugees	Cases of Refugees and Local People	Total
1997	452	22	1	475
1998	319	29	17	365
1999	296	129	32	457
2000	441	99	31	571

Table 6: Refugee Impact on Local Administration (Police and Judiciary)
(Source: Peter, 2000, p. 20)

A deteriorating (national) security situation and additional pressure on law enforcement agencies thus seem to have played an important role in the formulation of Tanzania's new approach. Yet, this conclusion must be nuanced. For, in 2003, the same year Tanzania presented its National Refugee Policy, the co-authors of the above-mentioned study somehow came to different conclusions. Rutinwa and Kamanga acknowledged that Kigoma and Kagera witnessed higher criminality rates compared to other non refugee-hosting provinces, but argued that refugees did not necessarily cause this situation: *"The proportion of refugee cases is almost the same as the proportion of refugees in relation to the total population"* (Rutinwa and Kamanga, 2003, pp. 15-16). Instead, they attributed the higher prevalence of crimes to the proximity of Tanzania's Western provinces to war torn regions – which makes it easy for weapons to be smuggled in – and illegal migration (Rutinwa and Kamanga, 2003, p. 16). Except the refugees' impact on the Tanzanian judicial system (in absolute numbers), there is thus

no direct link proving that refugees were a burden to national security. However, by capitalizing wisely on the public dissatisfaction with refugees and the press' perspective, the Tanzanian government succeeded after all in transforming the latter into a valid argument to support its new refugee policy. We must not forget that it is very convenient for a government – and especially for one struggling to maintain law and order – to hold aliens responsible for serious inadequacies in policy and practice.

1.4. Refugees and Development: Asset or Burden?

In line with the above, rather unfounded argument that refugees were and still are a security risk, the Tanzanian government also succeeded to stigmatize refugees as a burden to local socio-economic development. Whether this has actually been the case is difficult to assess, especially because only limited consensus exists in the many comprehensive studies conducted on this subject (Rutinwa, 1996; Whitaker, 1999 and 2002; Jacobsen, 2001; Landau, 2001, 2003 and 2004; Rutinwa and Kamanga, 2003; Ongpin, 2008; Berry, 2008; et al). Basically, three schools of thought can be distinguished. The first, of which Rutinwa is one of the most important exponents, initially argued that the massive refugee influxes had a negative impact on local development, but currently emphasizes some positive aspects of the subsequent refugee presence in Western Tanzania. The second, primarily represented by Whitaker, identified both burdens and benefits from the beginning, but underlined that these were not evenly distributed among local hosts. The third reasons that refugees did not produce the harmful economic and environmental effects the Government, popular media and some of the above academics claim. Karen Jacobsen, for instance, refers to the refugees' extreme value for economic development, while Lauren Landau argues that their presence mainly left a profound impact on Tanzania's governmental practice.

Taking all arguments into account, one may conclude that, at least initially, the refugee influx had a substantial negative impact on Western Tanzania. This was unmistakably the case with regard to the environment, infrastructure (schools, health facilities, roads, bridges, etc.) and the economic system. The sudden population increase oversaturated the existing structures, created food scarcity and led to astronomical prices, thereby seriously affecting the local population. The following reasoning by the then Minister for Foreign Affairs therefore seems defensible: *"The influx of such large numbers of*

refugees has brought population pressures in the border districts sheltering the refugees, environmental and ecological destruction, depletion of stocks, havoc to the social services and infrastructure, insecurity and instability in the border areas" (United Republic of Tanzania, 1995 (b), p. 4). Notwithstanding, further nuance is imperative, as the majority of the above studies demonstrate that by moment the new Tanzanian refugee policy was drafted, positive developments outweighed the initial problems created by refugees. The international community, inter alia, provided new infrastructure and society started benefiting from the new demographic situation once the market had adjusted itself to it. Refugee mouths had to be fed, creating additional demand, while they were used as cheap labour force by Tanzanian farmers. In this respect, it thus seems that the argument of refugees as burden is equally unfounded. One could even argue that the development benefits refugees bring are a reason to plead for their local integration. Nevertheless, we must bear in mind that also this reasoning must nuanced: (1) only a certain category of the affected population benefited from the refugee presence, and (2) the presence of international institutions seriously weakened local governmental capacity.

1.5. Democratization and Xenophobia

Another element underlying the tightening of the Tanzanian refugee policy was the democratization process and political campaign preceding the second multi-party elections in 2000. Before, anti-refugee sentiments were also present but did not play a significant role. Due to the introduction of multi-party politics, however, refugee presence became an important electoral issue, especially since opposition parties capitalized on public discontentment in order to gain influence. Realising that not taking the local population's grievances into account could come at a considerable cost, the ruling party (Chama Cha Mapinduzi - CCM) took advantage of being in power to immediately demonstrate that it was willing to suit action to the word. President Mkapa, running for a second term at that time, therefore also promised to send all refugees back within the next years.

2. Impact of External Developments

Since some of the above explanations proved false or unfounded, it is imperative to place the evolution of the Tanzanian refugee policy within a broader perspective. Following the end of the Cold War, the nature of armed conflict drastically changed and conflict management methods were seriously reviewed (Keen, Old and New Wars). In addition, the international refugee system underwent profound alterations: international burden-sharing and donor support decreased, voluntary repatriation became the preferred durable solution and new approaches to asylum were formulated. These trends, although well-known and thoroughly discussed the past years, will be the subject of analysis in the following paragraphs. For, if one attempts to truly understand and explain the transformation of the Tanzanian refugee policy, it is essential to take them into account.

2.1. Macro-Economic Reform and Democratization

Although often minimized, externally imposed macro-economic reform was one of the most important processes shaping the Tanzanian attitude towards refugees from the late 1980s onwards. By demanding a less explicit and more market-oriented role for the government, the Structural Adjustment Programmes (SAP) profoundly altered the Tanzanian state's distribution capacity and reformulated the priorities of the latter's development strategy – in which refugees had long been at the forefront (e.g. Rural Integrated Development Plans, RIDEP). The new programmes consequently started prioritizing poverty alleviation and no longer considered refugees capable of contributing to development (e.g. Poverty Eradication Strategy, 1998). As a result, refugees living in rural settlements were deprived of their access to welfare (agricultural subsidies, social benefits, etc.), while newly arriving ones, from whom it was believed Tanzania could no longer benefit, were accommodated in camps (Kweka, 2007, pp. 75, 81, 100-101).

In addition to the above top-down evolution, the Structural Adjustment Programmes also created general economic hardship, which in its turn enforced the xenophobic climate within the refugee hosting areas. Before, the latter was also present but did not manifest itself on the national level. However, as a result of the parallelly ongoing

political reform referred to above, refugee presence managed to become an important electoral issue after all.

2.2. The International Refugee System: Post-Cold War Developments

In closing its borders and adopting more restrictive legislation, the Government of Tanzania has also been emboldened by post-Cold War trends in the international refugee system. The increasing restrictivity of Western refugee politics, the decrease of international burden-sharing as well as the change of preferred durable solution and the externalization of European asylum policy had the most significant impact on Tanzania and will therefore be further discussed.

2.2.1. International Burden-Sharing and Durable Solutions

Given 'the accident of geography', the principle of *non-refoulement* and the obligation to offer a certain form of temporary protection, the responsibility to host and protect refugees is primarily falling on those states neighbouring refugee-producing countries (Betts, 2006, p. 31; Hathaway and Neve, 1997, p. 141). As such, developing countries are required to bear *"[…] a disproportionate share of the refugee burden, while others [the developed countries] bear little or none of these responsibilities"* (Rutinwa, 2002, p. 18). In order to address this unequal distribution, there has however always been a general understanding that there is an international responsibility to assist those states hosting large refugee populations (Betts, 2006, p. 31). This understanding, better known as burden-sharing, has never been formally reflected in any Convention or international law but was, at least to a certain extent and time, put into effect by the developed countries. During the Cold War, they had legitimate interests to comply with burden-sharing demands: financial assistance permitted to maintain the Western influence sphere, while resettlement provided the market with a cheap labour force.

The end of the Cold War, however, marked the beginning of new era in which developed countries had no more political or economic interests to support refugee-hosting countries at both the level of resources and asylum (Chimni, 1999 (a), p. 17). As a result, the North's financial solidarity rapidly dwindled and emergency refugee situations – which require less financial input – became the standard (Whitaker, 2008, p.

9; UNHCR, 2006, p. 114; Crisp, 2003, p. 9). Furthermore, resettlement was depreciated and voluntary repatriation became the only viable durable solution (Morel, 2009, p. 4; Chimni, 1999 (a), pp. 2-4). This conveniently allowed northern states to contain and manage the global refugee problem far away from its borders, but also put significant strain on the link between burden-sharing and *non-refoulement* – the two supporting principles of the international protection system – and initiated the gradual devaluation of core protection principles, in particular of *non-refoulement* (see infra) and voluntary repatriation (Kibreab, 1991, p. 31; Chimni, 1999 (b), p. 7).

That this entire evolution had an unmistakable impact on the Tanzanian refugee policy and practice, has repeatedly been emphasized by presidents Mkapa and Kikwete: *"Tanzania's sympathy in assisting refugees should be supported by the international community because it is its responsibility"* (IRIN News, 10 January 2001). Moreover, it can be demonstrated by the multiple connections there are between events on the international and Tanzanian level. A direct link exists, for instance, between Tanzania's controversial decision to forcibly repatriate Rwandan refugees (in December 2006) and a high-level meeting in Geneva (in June 2006), during which major donor states, under guidance of the United States, limited the humanitarian budget available for refugee operations in Central Africa – they considered emergencies in Yugoslavia and elsewhere more important and rather preferred spending funds on reconstruction than on emergency relief.

The serious decline in Tanzanian protection standards and the worsening nature of 'voluntary repatriation' are also connected to the decrease of funds (see Table 7). In recent years, serious drops in funding led the World Food Programme (WFP) and UNHCR to severely cut rations and non-food supply (The Guardian, 19 May 2005; Whitaker, 2008, p. 251). Services were equally reduced, at one point, even to a level of 65 percent of the refugees' basic needs (The Guardian, 30 July 2003). This made refugees 'spontaneously' repatriate to unsafe conditions at home, led to semi-violent refugee protests and forced refugees to resort to theft or other forms of criminality to make up for the shortages. The latter forced government officials to further restrict refugee rights (e.g. refugee movement, common markets and incoming generating

activities); a measure that, on its turn, further complicated life in refugee camps and made the pace of 'voluntary' repatriation increase (Whitaker, 2008, pp. 251-253).

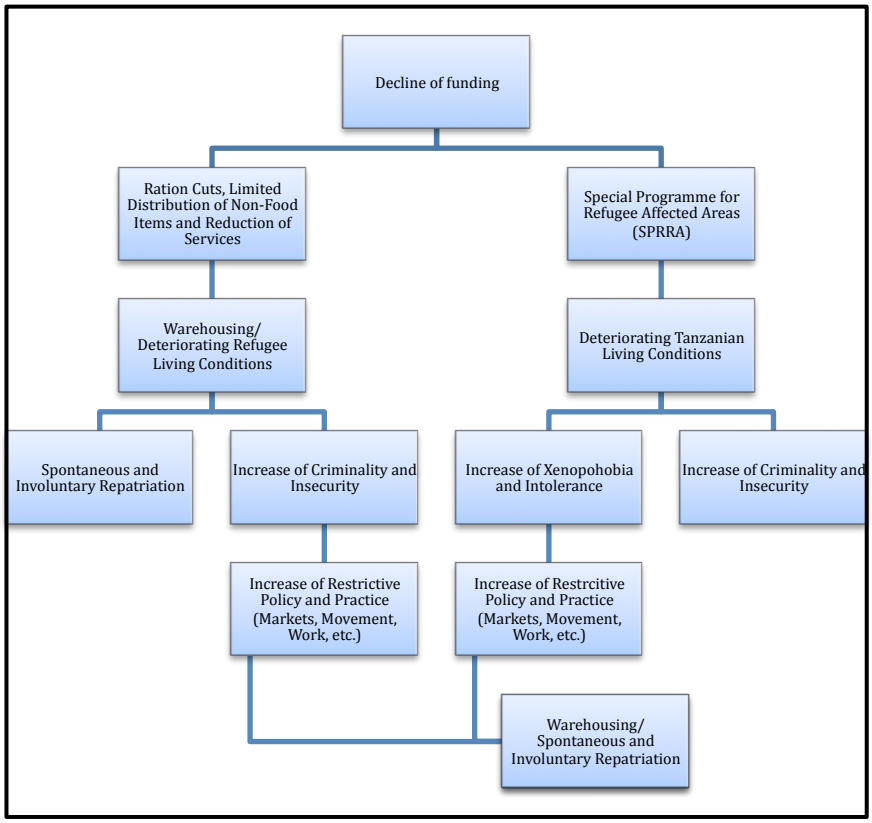


Table 7: Impact of decline in funding on Tanzanian refugee policy and practice.

In the mean time, the refugee impact on the Tanzanian host population also worsened since funding for the Special Programme for Refugee Affected Areas (SPRAA) – which attempted to neutralize the negative impact of refugee presence – dried up in 2002. Together with the rising criminality and insecurity, this caused the net refugee impact to become negative again and strengthened the already present xenophobia and intolerance. The latter, on its turn, gave rise to a more restrictive refugee policy and practice (Whitaker, 2008, pp. 254-257).

2.2.2. The Externalization of European Asylum Policy

Another aspect of the post-Cold War evolution of the international refugee system is the so-called externalization of the European asylum policy. This process started with the adoption of deterrent and restrictive policies during the nineties and seriously strengthened the reasoning of refugee hosting countries, such as Tanzania, that Northern

states were turning their back on them. It continued with a proposal of the UK Government in 2003, the consequent EU-wide debate about external processing of asylum claims and so far culminated with the conceptualization and implementation of the Regional Protection Programmes (UK Government, 2003; European Commission, 2005).

These aim at providing a solution to the plight of refugees in protracted situations and are presented by the European Commission as a gesture of solidarity with the overburdened host countries as well as a capacity-building measure to help these countries become 'robust providers of effective protection' (Oxfam, 2005, p. 60; European Commission, 2004, p. 14). However, in practice, they have only led to limited progress so far (e.g. the identification of gaps in protection capacity). This has nothing to do with its supporting principles, but is mainly the result of the limited funding, insufficient engagement (from the rotating presidencies) and lack of a comprehensive approach. Moreover, it has to do with the fact that the voluntary commitment to resettlement – which was conceived as *"an important factor in demonstrating the partnership element of the Regional Protection Programmes"* – has not (yet) been put into practice (European Commission, 2005; De Brouwer, 2010; Andrade, 2010). Especially the last has finally led refugee hosting countries to realize that the Regional Protection Programmes are primarily unilateral instruments serving the European purpose of migration control and, contrary to burden-sharing, just another form of burden-shifting.

In view of the above, we may thus conclude that so far the externalization of EU asylum policy – of which the Regional Protection Programmes are an important exponent – has been contra productive. Instead of enhancing protection and thereby limiting onwards migration to Europe, it's unilateral approach only strengthened the impression of refugee hosting countries that migration control is the only European objective – and thus not sharing the burden of the protection of people fleeing persecution. Moreover, it gave the latter another moral argument to no longer adhere to their international protection obligations – thereby seriously undermining the international protection regime.

In Tanzania, which is one of the pilot countries for the Regional Protection Programmes, this was and is not different. The government's call for a revision of the 1951 Convention and proposition to create safe zones in the country of origin (expressed in the National Refugee Policy of 2003) as well as its hasty push for Burundian repatriation – which might be regarded as a form of burden-shifting from Tanzanian refugee camps to Burundian peace villages – are all the result of the above impression and a reaction to the externalization of EU asylum policy.

2.3. East African Integration

Another element that significantly attributed to the increasing restrictivity in the last years – often cited by interviewees – is the ongoing East African Integration (EAC). Before allowing freedom of movement and legal migration in the sub-region, Tanzania, which is currently also dealing with illegal migration from the Horn of Africa, needs to issue national identity cards to all people living on Tanzanian territory. It is thus logical that the government wants to repatriate as many non-nationals, including self-settled refugees, before officially registering all its inhabitants. And especially Burundians, since on a regular basis the latter illegally migrate to Tanzania, where arable land is abundant.

Chapter 4: The Transformation of Tanzanian Refugee Policy: Remedies

In order to find durable solutions for people in protracted refugee situations and reverse the negative spiral of increasing restrictivity – in Tanzania as well as in other refugee hosting countries – a comprehensive answer must be formulated. To begin with, more attention should be devoted to addressing the root causes of displacement and the prevention of (new or continuing) conflict in the country of origin (e.g. through post-conflict reconstruction or national reconciliation programmes). Furthermore, the North should step up the pace by increasing burden-sharing and building mutual beneficiary partnerships with host countries.

As Morel (2009) and others argued, an integrated approach linking development aid to refugee protection (Targeted Development Aid, TDA) and durable solutions, such as local integration, is the way to do this – since it enhances protection standards and benefits the host country (Morel, 2009, p. 6). Some, however, deem this unrealizable because of the large cost of local integration and the lack of political will in the North. Nothing is less true, at least with regard to the first: *"Local integration [if acceptable by all actors] is a desirable outcome for both refugees and their host countries [... since it can, inter alia,] boost economic productivity in the [host] region. [Moreover it is nearly always] likely to be cheaper than conventional assistance programmes aimed at meeting all the needs of refugees kept segregated in camps.* (Jacobsen, 2001, p. 27). Regarding the latter, several challenges exist, especially since the last attempt, the Convention Plus initiative (2003-2005), ended up to be a failure. This does, however, not mean that no further attempts – along the same lines – should be made towards the future. North-South cooperation to address long-standing refugee situations has namely proven to be successful on previous occasions (CIREFCA and Indo-Chinese CPA). In contrast with the unilateral approach often applied – with limited success – a comprehensive mutually beneficiary agreement should thus be concluded, linking the Southern states' above-mentioned interest in attracting more development aid and resettlement (as the basis for their greater commitment to protection and durable solutions on their territory) with the interests of the North in migration control (as the

basis for their committing to additional burden-sharing) (Betts, 2006 and 2009, pp. 144-145).

From a European perspective, this means first of all that the external dimension of the European asylum and migration policy has to be incorporated in the EU's Global Approach to Migration – as provided by the Lisbon Treaty (2007) and the Stockholm Programme (2009). Furthermore, the unilateral approach has to be abandoned and comprehensive partnerships are to be strived for in order to encourage the synergy between migration and development referred to above (Council of the European Union, 2009, p. 60). In practice, this implies, for instance, that the Regional Protection Programmes have to be expanded horizontally (to ensure interaction with other policy areas) and complemented by resettlement to Europe (to guarantee the mutual beneficiary character).

At the moment, the European Union is on the good way, since it has adopted a Joint EU Resettlement Programme (2010), created a European Asylum Support Office (2010), plans to extend the Regional Protection Programmes (e.g. to Kenya) and aims at completing the Common European Asylum System (CEAS). Notwithstanding, several challenges and pitfalls remain. First and foremost, the risk exists that the Joint EU Resettlement Programme will simply lead to the re-packaging of current national schemes and will not substantially add to the already existing resettlement effort. Secondly, it is plausible that the extra resettlement effort and budget for Regional Protection Programmes render European countries less inclined to accept spontaneous arrivals of asylum-seekers – which may of course never be the goal. Complementarity of resettlement quota and asylum space within mixed migratory flows should at all times remain the guiding principle. Finally, protection quality within the European Union itself remains too diverse and should be improved. For only then, Member States will be able to restore their moral authority and reacquire the necessary credibility to demand large refugee-hosting countries, such as Tanzania, to commit to protection and durable solution as well.

Conclusion

Since its independence in 1961, Tanzania, which has long been one of the world's largest refugee hosting countries, has the reputation of being 'the' African country of solidarity and generosity, in particular thanks to its 'Open Door' policy in the 1960s and 1970s. However, this policy crumbled when the supporting logic (state ideology, economic policy) rapidly dwindled in the 1980s and was gradually replaced by a more restrictive one during the 1990s. Ever since, the quality of refugee protection in Tanzania has seriously decreased. Encampment of refugees and aid dependency has – as in many other refugee hosting countries – become the norm and 'voluntary' repatriation turned out to be the only viable durable solution to which refugees in Tanzania can resort. Only occasionally (e.g. with the naturalization of the 1972 Burundians) the country still manages to link up with its reputation of the olden times. More frequently, however, the level of refugee protection reaches such dramatic proportions, that refugees prefer to return to unsafe conditions at home instead of staying any longer in un-resourced and uninhabitable refugee camps.

The above transformation of the Tanzanian refugee policy – from openness and hospitality to encampment and, occasionally, 'constructive *refoulement'* – was a complex and cumulative process with multiple causes. This study, which aim was to identify the respective impact of the latter, proved that although a couple of them – such as the spectacular increase of refugees, the reorientation of the Tanzanian foreign policy and the democratization process – were indeed decisive, the ones mostly invoked by the government to explain the Tanzanian policy change – such as the refugees' burden on security and economic development – were poorly founded and partially the result of perception or political agenda. Moreover, it demonstrated that international developments – such as externally imposed economic reform (SAP's), the decrease of burden-sharing and the externalization of the EU asylum policy – had and have a much larger influence than often assumed.

In order to counter the increasing restrictivity, in Tanzania and globally, and safeguard asylum capacity towards the future, 'a grand bargain' between North and South was finally recommended, linking the interests of the North in terms of migration control

(onwards migration) with the South's interest in attracting additional (targeted) development aid and resettlement. For only then, agreements will be mutually advantageous and will be able to lead to higher protection standards in the regions of origin.

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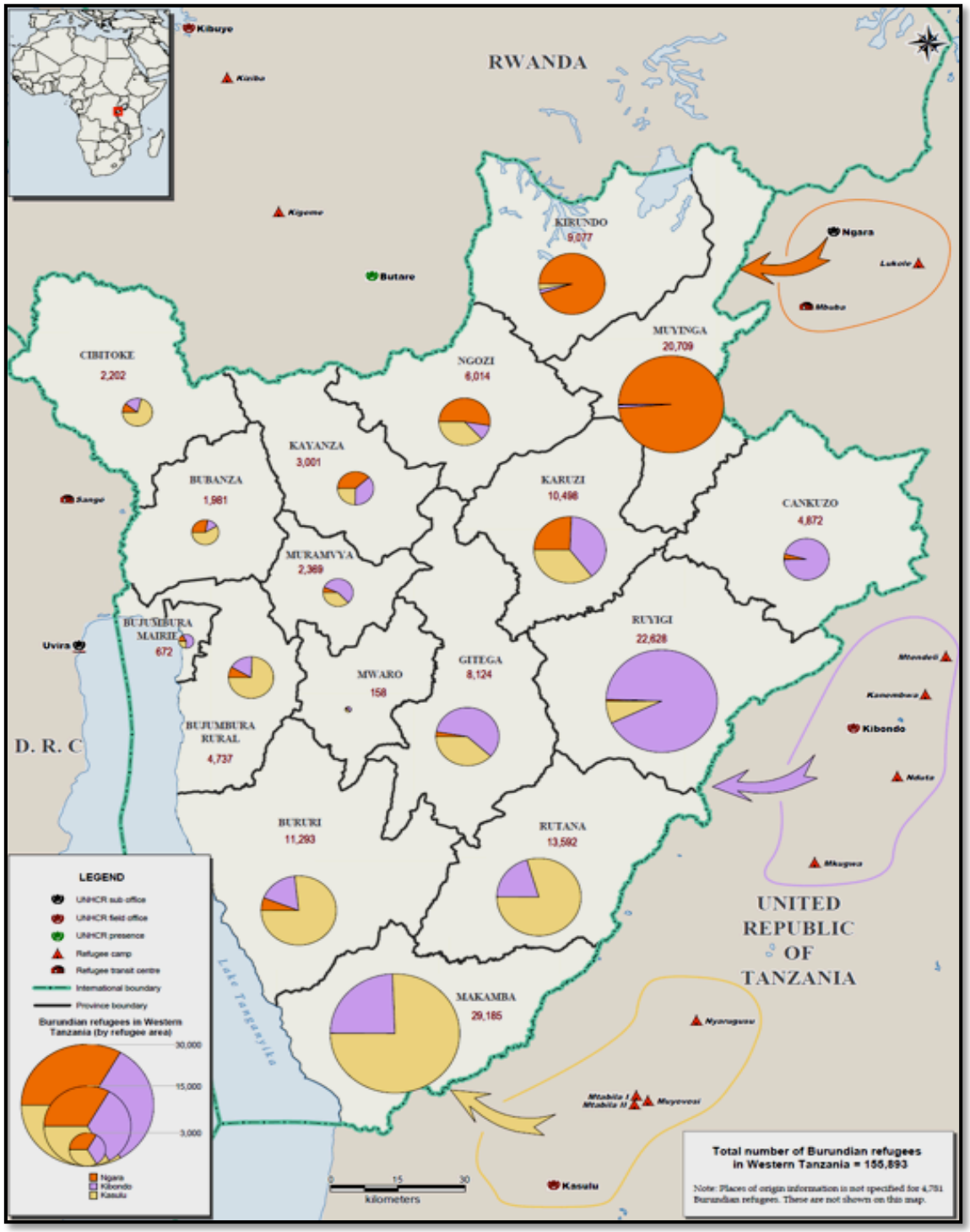
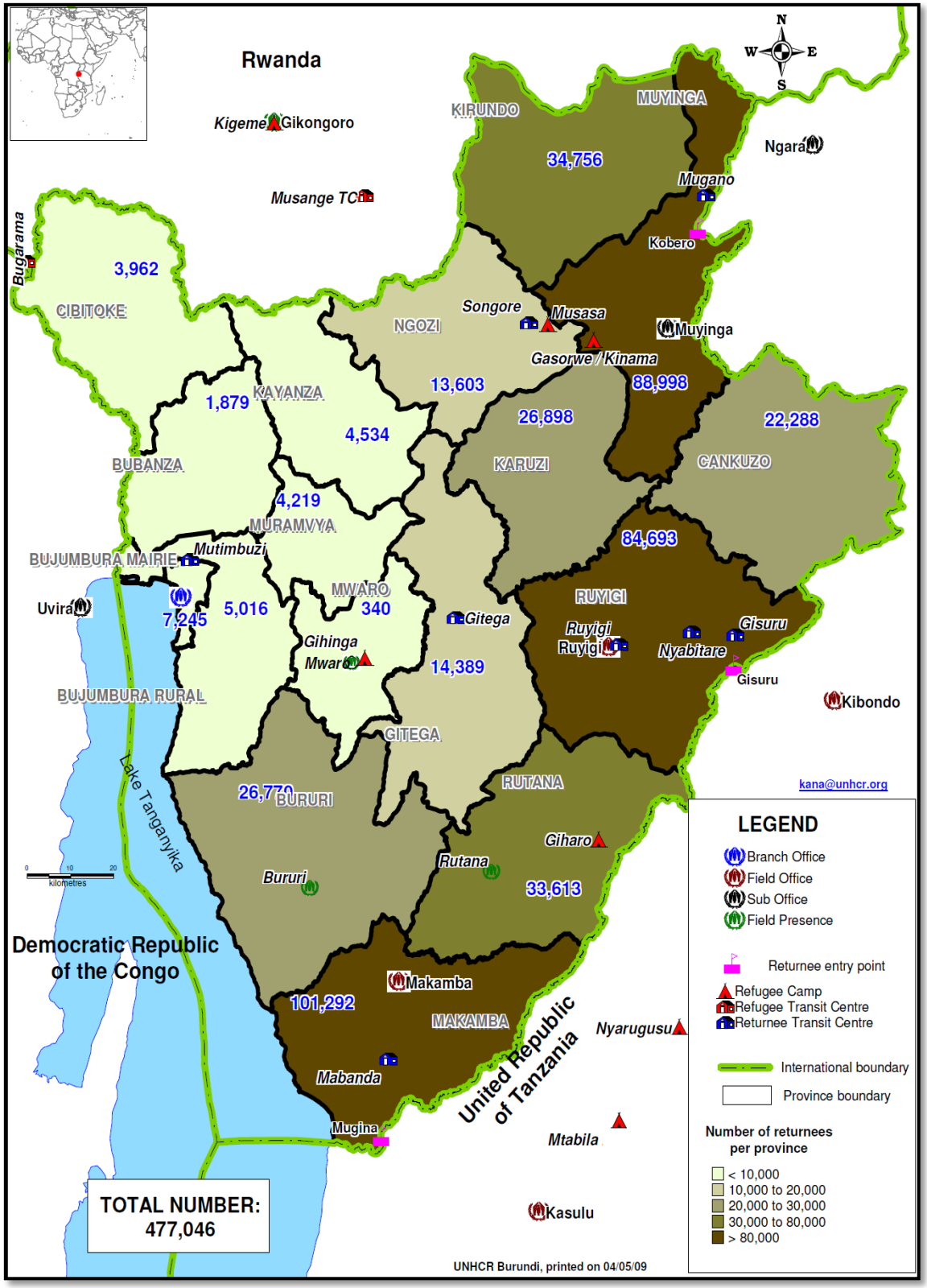
Annexes

Annex 1: Province of Origin of Burundian Refugees in Tanzania (New Caseload, 1990's) (Source: UNHCR Tanzania, April 2007)

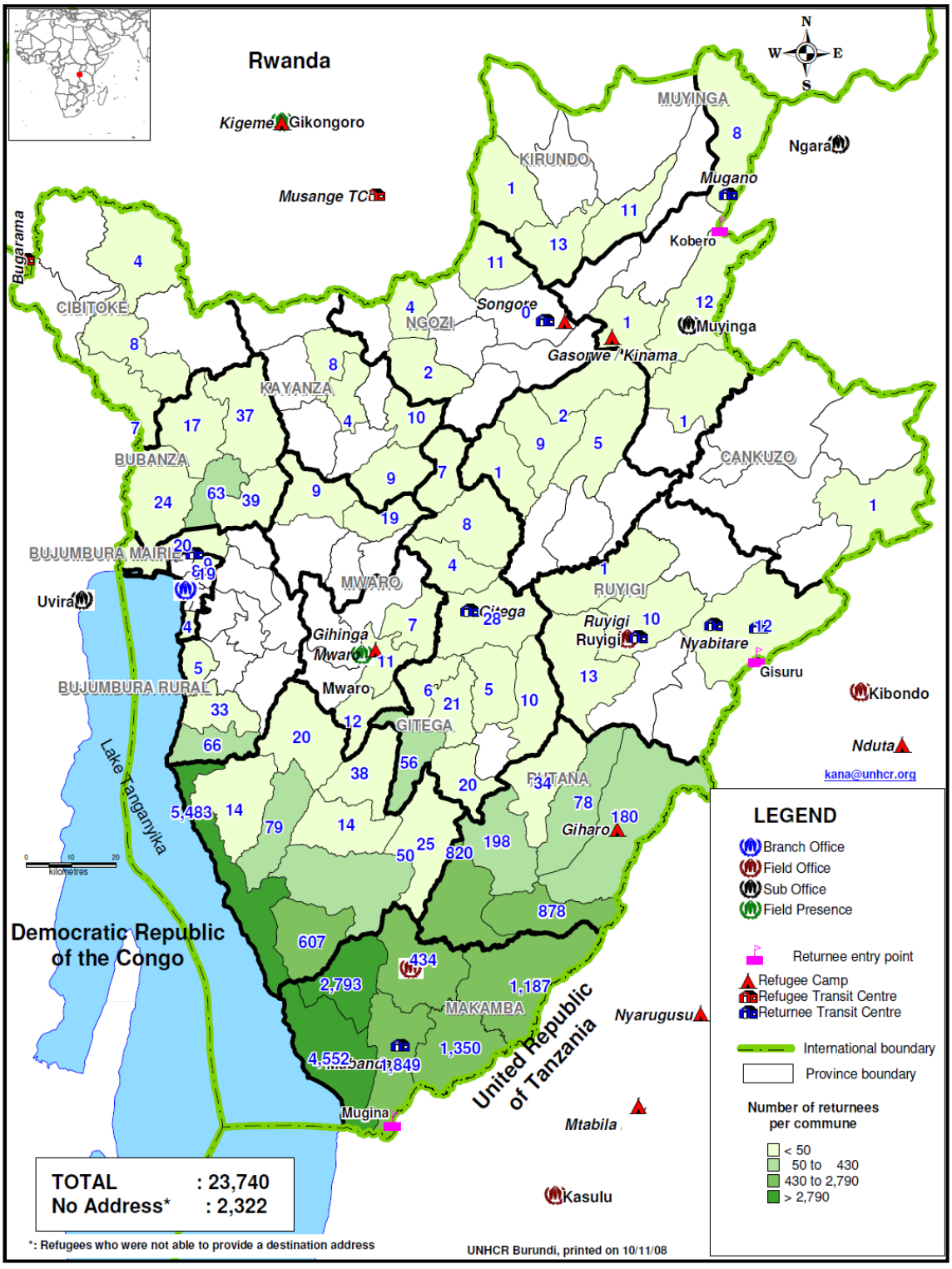


Annex 2: Number of Burundian Returnees per Province (01 March 2002 - 30 April 2009) (Source: UNHCR Burundi, 2009 (b))



Annex 3: Number of Burundian Returnees per Commune in 2008 (Old Caseload, 1972)

(Source: UNHCR Burundi, 2008)



Annex 4: KICORA – Kigoma Community College by Radio (Source: Belgian Technical Cooperation, Dimension 3, November-December 2009, 5, p. 23)

Technologie

Radio Solidariteit in Tanzania

De Burundees Deo Baribwegure was in 2008 één van de laureaten van *Harubuntu*. In een verloren hoek van Tanzania stampt hij eigenhandig een onderwijssysteem uit de grond dat aanzet tot solidariteit.

Tijdens de Burundese burgeroorlog in de jaren 90 zat Baribwegure 1 jaar onschuldig in de gevangenis. Daar realiseerde hij zich dat er iets mank loopt met het onderwijs. *"Hoe is het mogelijk dat mensen die in Europa gestudeerd hebben hun land tot chaos brengen?"*, vroeg hij zich af. B. nam zich voor hier iets aan te doen. Na zijn studies in België ging hij in 2006 in Tanzania aan de slag.

Doelgroep volwassenen

"Wellicht het grootste probleem in Afrika is de enorme kloof tussen rijk en arm, zonder middenklasse. De elite trekt zich weinig aan van het lot van de noodlijdenden. Dus stelde ik me de vraag: hoe kan onderwijs verantwoordelijke mensen vormen die inzien dat solidariteit belangrijk is?", vertelt B.

Volgens B. zijn volwassenen (vanaf 14 jaar) de beste doelgroep. *"Volwassenen hebben al kennis gemaakt met de realiteit van het leven. Ze vragen zelf om te studeren omdat ze uit hun armoede willen breken"*, zegt B. In Afrika hebben veel volwassenen zelfs hun lagere school niet afgemaakt, omwille van ziekte, geldgebrek enzomeer. Aan die mensen de kans geven een diploma te halen is een belangrijke eerste stap. Een diploma halen geeft immers zelfvertrouwen, en de kracht het leven in eigen handen te nemen. De geslaagden geven hun motivatie als ouder ook mee aan hun kinderen.

Gemeenschapsradio

Als medium koos B. voor radio. Radio laat toe om veel mensen, ook in afgelegen dorpen, op hetzelfde moment te bereiken. Schoolradio volgt men gewoon thuis. Maar het medium kan ook omgesmeed worden tot een 'gemeenschapsradio' die aanzet tot samenwerking. Als iemand met een praktische vraag zit – uit het leven gegrepen – kan hij deze over de radio bespreken. Iedereen luistert mee en kan via gsm reageren. De mensen zelf beslissen dus wat er op hun gemeenschapsradio aan bod komt, en voeren de radioprogramma's ook zelf uit. *"Stel dat iemand zich afvraagt hoe hij met minder water even goed zijn velden kan bevloeien. Dan kan hij een expert vragen en op de radio het probleem behandelen. Op die manier profiteert de hele gemeenschap mee. Maar het kan ook gaan over betere wegen, energie, gender, malaria, abortus, landeigendom, hygiëne, cultuur... Kortom, zaken die iedereen aanbelangen. Via gemeenschapsradio nemen de bewoners de ontwikkeling van hun regio in eigen handen"*, aldus nog B.

Maar zijn mensen niet van nature egocentrisch, enkel begaan met zichzelf en de familie? *"Mensen dienen in te zien dat men als enkeling geen succesvol leven kan leiden. Men heeft de ander nodig. Enkel samen kunnen de mensen bouwen aan een toekomst die beter is voor iedereen, zchzelf inbegrepen. De gemeenschapsradio is een middel om de solidariteit aan te moedigen. Ook in de vakken van de schoolradio komt solidariteit aan bod."*

Kigoma

B. ging van start in Kigoma, een district in het westen van Tanzania, dat aanleunt tegen Burundi, Rwanda en het Tanganyikameer. Een vergeten gebied wat betreft lokale ontwikkeling, maar wel overspoeld door internationale organisaties. De door conflicten geteisterde buurlanden zorgden immers voor een massale vluchtelingenstroom.

Letterlijk van nul begonnen in 2006 beschikt B. nu over een gebouw met studio en een team leraren. De eerste cursussen werden al gegeven. Bovendien erkent het Tanzaniaanse ministerie van Onderwijs het grote belang van het pilootproject. Als het slaagt, is het ministerie bereid om het systeem toe te passen in heel het land. Mooie vooruitzichten. Maar eerst moet B. fondsen vinden voor een radiomast en zonnepanelen. Pas dan kan hij met uitzendingen starten. *"In Afrika gaat alles traag, afspraken maken is niet zo simpel"*, lacht B. *"Misschien heb ik te lang in Europa gewoond"*.

Chris Simoens

Harubuntu

Harubuntu wordt georganiseerd door de ngo *Echos Communication*. Deze wedstrijd beloont Afrikanen die zich inzetten voor Afrika, en die hiermee bewijzen dat er ook positief nieuws uit Afrika komt. *Echos Communication* werkt vooral rond ontwikkelingseducatie en communicatie tussen Noord en Zuid. De ngo ontvangt hiervoor steun van de Belgische ontwikkelingssamenwerking en van de Europese Unie.

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