

# Durable solutions for Burundian refugees in Tanzania

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**The comprehensive solution currently underway for the so-called ‘1972 Burundian refugees’ in Tanzania can offer important lessons for other protracted refugee situations.**

The first major wave of mass displacement in Burundi’s recent history followed the 1972 ‘selective genocide’ against the Hutu population. The conflict produced one of Africa’s most prolonged refugee situations, in which over 200,000 Burundian refugees have lived in three designated settlements in western Tanzania, known as the Old Settlements, for 36 years. This refugee population is distinct from those groups of refugees who arrived later and were hosted in refugee camps in north-west Tanzania.

Refugees from 1972 were allocated five hectares per family and by 1985 were largely self-sufficient. In 2007, the governments of Tanzania and Burundi announced their desire to find a lasting solution to this refugee situation. Refugees in Tanzania’s Old Settlements were given a choice about their future. Some elected to return to Burundi, while the vast majority expressed a desire to remain in Tanzania. A handful of others, who fled first to neighbouring countries and then to Tanzania, were accepted for resettlement in third countries.

So-called ‘comprehensive solutions’ – which make use of all three durable solutions (return, local integration and resettlement) – are rare. Understanding how this comprehensive solution came about, the range of actors involved and the barriers to sustainability could help in future efforts to resolve similar protracted refugee situations around the world.

## The emergence of a comprehensive solution

Following the consolidation of peace in Burundi and with the aim of developing a comprehensive solutions strategy, UNHCR initiated the establishment of an Old Settlements Task Force (OSTF) in partnership

with the governments of Tanzania and Burundi. This was followed by a census and full registration of the population in the Old Settlements and resulted in the recommendation in December 2007 that those who wished to return be supported to do so and that those who expressed a desire to stay (approximately 172,000 people) go through an expedited naturalisation process and be supported in their full integration into new communities in Tanzania.

Asked why, after 36 years, the Government of Tanzania decided to naturalise such an unprecedented number of refugees, the Minister of Home Affairs stated: “We felt that it was our duty as a country to take cognizance of the fact that these people have no home other than Tanzania.”<sup>1</sup> The initiative emerged, he said, out of the government’s commitment to peace and security in the region and in recognition of the possible repercussions of asking 200,000 people to return to Burundi after so many years.

The Government of Tanzania, with the support of UNHCR, has largely completed the initial phase of the expedited naturalisation process. Citizenship will not be granted, however, to anyone until they have left the Old Settlements, as “those who have elected to stay must fully integrate into Tanzania society in the interest of long-term stability.”<sup>2</sup>

With regard to voluntary return, UNHCR has committed itself to ensuring that all 46,000 people who have indicated their desire to return are transported in safety and with dignity by the end of September 2009.

Those identified for resettlement have largely left the refugee camps in north-western Tanzania for third countries. While the comprehensive

strategy as it was initially proposed did not include reference to resettlement, over 8,000 refugees from 1972 were identified for resettlement – people who are not self-sufficient in Tanzania and would be likely to face a multitude of challenges if they returned to Burundi.<sup>3</sup>

While this is a good example of a truly comprehensive solution involving all three durable solutions and engaging a wide range of actors from a diversity of sectors, ongoing inter-agency collaboration and sustained support from the donor community will be essential to ensuring that each solution is truly durable.

## Local integration

While the 1972 Burundian refugees have been largely self-reliant for decades and have been de facto locally integrated in the Old Settlements, the government has said that those who are naturalised will be expected to relocate within Tanzania in order to prevent both the encroachment of the Old Settlements on conservation areas and the creation of an isolated or differentiated group within Tanzania. It remains unclear, however, how they will ensure that they all actually relocate from where their livelihoods, families and communities have been based for over 30 years.

Plans are still being developed to set out where the newly naturalised citizens will be relocated, under what timelines and – given the fact that farmers make up the vast majority of this population – whether or not they will have access to land.

Successful integration into communities in Tanzania will require support for social services, particularly health and education, in receiving communities. It will also require not only that UNHCR receive sufficient resources but also that development partners be willing to work to support these communities. The UN’s ‘Delivering as One’ initiative in Tanzania has

been cited by both the government and UNHCR as an essential way to pursue joint programming.

### **Voluntary repatriation**

Despite the fact that only 20% of the 1972 Burundian refugees in Tanzania elected to go home, their arrival after such an extended period of time is having a profound impact.

In July 2008, each person received a cash grant<sup>4</sup> to support their return and reintegration but, as they were largely self-reliant in Tanzania, it was agreed that food assistance would not be provided. At the same time, this population has a slightly larger baggage allowance for return, which has enabled them to bring food and non-food items from the Old Settlements.

The sustainability of their return is one of the most pressing issues facing the operation. Many have returned to find their land occupied after their long absence and the secondary occupants have accrued certain legal rights. Or they have elected to return to Burundi but

do not know where their family originally came from after several generations abroad. Restitution of land and property is complicated by the fact that many lack sufficient documentation to demonstrate their legal title to the land.

The Arusha Peace and Reconciliation Agreement for Burundi recognised the political dimension of land issues and called for respect of principles that encourage the return of refugees and the recovery of land or compensation.<sup>5</sup> While the Peacebuilding Commission has acknowledged the importance of resolving land disputes for sustainable peace, the National Commission on Land and other Possessions, established to resolve land disputes, has had insufficient capacity to respond to the extensive and complex land and property issues facing Burundi in this post-conflict period.

For landless returnees, the Government of Burundi, in partnership with the international community, has begun to implement its 'villagisation' policy, which aims

to establish Peace Villages. The government has acknowledged, however, that it had been so preoccupied with finding a physical place for people to resettle that it did not fully assess access to basic services in and around these new village sites. Further partnership with the international community and effective planning to ensure both access to land and basic services will be essential.

### **Resettlement**

Resettlement has played an important role in efforts to resolve the protracted refugee situation in Tanzania. First, it has been and continues to be used as a protection tool for individuals with legal and physical protection problems. Second, it has been used in a strategic manner to complement voluntary return and local integration in the context of the 1972 caseload. To this end, group processing was pursued for the resettlement of these individuals from the 1972 caseload currently residing in Tanzania's refugee camps. Four important criteria define this group: they fled Burundi in 1972; they have been displaced more than

once; most have spent almost all their lives in exile, and many were born in exile; they do not have the option of local integration and are either unable or unwilling to return home. However, it has created a pull factor for individuals from the 1993 Burundian caseload in Tanzania's refugee camps who could not understand why they were not eligible for resettlement as well. While the difference in profile and needs may seem obvious from the outside, the two groups are integrated in the same refugee camps in north-western Tanzania and many face the same challenges in this protracted situation.

### Conclusion

The efforts currently underway to resolve the protracted refugee situation in this region are impressive and demonstrate a number of innovative components. Involvement of the refugees themselves through census and registration has ensured that return is truly voluntary. It is an inspiring example of a careful balance between responsibility sharing and state responsibility in support of voluntary repatriation, local integration and resettlement. Moreover, tools such as the Peacebuilding Fund and the UN's 'Delivering as One'

initiative have provided new opportunities for inter-agency and inter-sectoral collaboration.

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1. The Honourable Lawrence Mesha, Minister of Home Affairs, United Republic of Tanzania, Personal Interview, 9 October 2008.
2. *ibid*
3. see Box 'Burundi: seven years of refugee return', *opposite*.
4. 50,000 Burundian francs (roughly US\$45)
5. <http://www.issafrica.org/AF/profiles/Burundi/arusha.pdf>