



International Refugee
Rights Initiative

**“I can’t be a citizen if I am
still a refugee.”¹**

Former Burundian Refugees
Struggle to Assert their new
Tanzanian Citizenship

Citizenship and Displacement in the Great Lakes Region
Working Paper 8

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Background to the Paper

This paper was drafted by Dr. Lucy Hovil of the International Refugee Rights Initiative (IRRI), with input from Dr. Opportuna Kweka of the University of Dar es Salaam and Deirdre Clancy of IRRI. Bronwen Manby of the Africa Regional Office of the Open Society Foundations provided additional expertise on issues of citizenship law in Africa. The field research team was led by Dr. Kweka, who was assisted by Edward Ezekiel of Stella Maris Mtwara University College. Zachary Lomo kindly reviewed an earlier draft of the paper.

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Citizenship and Displacement in the Great Lakes Region, Working Paper Series

The paper is the eighth in a series of working papers that forms part of a collaborative project between the International Refugee Rights Initiative, the Social Science Research Council, and civil society and academic partners in the Great Lakes region. The project seeks to gain a deeper understanding of the linkages between conflicts over citizenship and belonging in the Great Lakes region, and forced displacement. It employs social science research under a human rights framework in order to illuminate how identity affects the experience of the displaced before, during and after their displacement. The findings are intended to facilitate the development of regional policies that promote social and political re-integration of forced migrants by reconciling differences between socio-cultural identities and national citizenship rights that perpetuate conflict and social exclusion.

Previous works in this series (available at www.refugee-rights.org)

- "Going Home or Staying Home: Ending Displacement for Burundian Refugees in Tanzania," 2008.
- "Two People Can't Wear the Same Pair of Shoes: Exploring the Challenges of Access to Land and Reintegration in Burundi," 2009.
- "Who Belongs Where? Conflict, Displacement, Land and Identity in North Kivu, Democratic Republic of Congo," 2010.
- "A Dangerous Impasse: Rwandan Refugees in Uganda," 2010.
- Lucy Hovil, "Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan," 2010. (A UNHCR Working paper)
- "Shadows of Return: the dilemma of Congolese Refugees in Rwanda," July 2011.
- "Darfurians in South Sudan: Negotiating Belonging in Two Sudans." May 2012.

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Introduction

It is rare for host countries to offer citizenship to groups of refugees, especially in the Great Lakes region where millions have been displaced. Instead, most governments wait for circumstances to change so that refugees can go back to their home country. In official refugee policy language, therefore, repatriation is typically favoured over local integration as the most desired “durable solution”.²

In 2008, however, Tanzania challenged this trend. It took the bold and commendable decision to offer naturalisation to approximately 200,000 Burundian refugees who had fled their country in 1972 and had since been living as refugees in Tanzania. It was an offer that was unprecedented in scale not only in Tanzania, but across the globe. While some of this group of refugees opted to repatriate to Burundi, 162,256 took up the offer of applying for naturalisation.

This paper builds on previous research conducted in 2008³ and focuses on whether or not the offer of naturalisation has translated into genuine citizenship for this group of (former) refugees at both a legal and practical level. Based on interviews with former refugees, local government officials and members of the host community, as well as engagement with national government officials, the findings show that the former refugees are—*as a matter of practice*—caught somewhere between refugee status and the genuine assertion of their new citizenship. An unprecedented offer has become increasingly caught up in the realities of implementation and *realpolitik*. While it is important not to detract from the level of generosity that the government of Tanzania’s original offer demonstrated, the *process* has revealed a disjuncture between presentation and reality and the whole undertaking appears to be in jeopardy.

As a result, five years after the offer of citizenship was made neither the status of “refugee” nor “citizen” can apply unproblematically to this group. The majority of those who applied for naturalisation were successful, in as much as their identification numbers were displayed in public places in the settlements announcing that they had been accepted for naturalisation. On that basis, they formally renounced their Burundian citizenship and swore an oath of allegiance to the Tanzanian state. However, only 744 former refugees, all of whom were living in Dar es Salaam, have received their certificates to date. The rest are living without documentation or evidence of their new status. The government argues that the process was never completed: “The mere fact that certificates were not issued to the applicants connotes the incomplete part of the process.”⁴

The former refugees understand that only when they relocate elsewhere in Tanzania will they get their certificates – and, therefore, be recognised as having gained all the rights of Tanzanian citizens. In the meantime, they continue to be treated like refugees in as much as they are still living under

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the jurisdiction of a camp commandant and have to obtain travel permits to leave the settlements.

While the plans for relocation were outlined in the National Strategy for Community Integration Programme (NASCIIP) 2010-2014,⁵ their implementation has not been clear cut. Although local officials seemed to share the refugee community's understanding that relocation will be the trigger for the issue of their certificates, this understanding may not be shared by the central government. The Ministry for Home Affairs, for example, has asserted that "the issue of certificate distribution has never been linked with the concept of relocation as the basis of one attaining citizenship. The need for distributing the certificate in the areas of relocation had initially been thought of as an administrative tool for monitoring purposes but not as a determinant factor on naturalisation."⁶

The confusion of approaches to the situation has created something of an impasse. In terms of relocation, compelling arguments were made by interviewees on the disadvantages and advantages of such a move. Arguments *for* relocation were made by government officials, some members of the host population, and even a few of the naturalised former refugees. The arguments resonate with the way in which citizenship has been constructed in Tanzania for decades, which has been built on precipitating a break with localised expressions of "tradition" in order to ensure that citizenship is built on "new" (i.e. non-ethnic) forms of social affiliation at the national level. The fact that Tanzania has been a place of stability in a region characterised by conflict, demonstrates to its proponents the value of this approach.

Yet at the same time, the vulnerability that could be created by this enforced relocation has the potential to jeopardise the entire process and to break crucial forms of local belonging that allow vital access to livelihoods. Many of the former refugees expressed concern that moving away from the place that has been their home for the past 40 years will jeopardise extended family connections and undermine the value of their current fixed assets (such as their houses and land) and mark them out in their new areas as "outsiders" who do not legitimately belong. The fact that they have not only been supporting themselves, but exporting food to markets around the country, is a further indication of the potential inefficiency of asking them to relocate.

Without their certificates, the former refugees are unable to access their full rights as Tanzanian citizens, including their right to vote, acquire business licenses, equal access to secondary education and medical treatment. As a result, some of the former refugees are now resigned to moving as it appears to be the only way to get their citizenship fully recognised. This shift⁷ appears to be motivated by a fear that they might lose their naturalisation altogether if they continue to resist. In the midst of all this, international donors have also altered their priorities from care and maintenance of refugees to supporting the end of displacement. However, as the relocation process has stalled, UNHCR has apparently returned the money to the donors until such time as the government gives clear direction on how the relocation will take place.⁸ To add further confusion, two of the three settlement areas, Katumba and Mishamo, have been part of an agricultural investment land deal involving a United States-based company. Although the sequencing of events remains unclear, there were concerns that the land deal was one of the

motivations for the original emphasis on relocation as a condition of naturalisation.⁹ The fact that the original deal now appears to have fallen through has further complicated an already complex situation.¹⁰

As a result, the situation has become gridlocked, with everyone feeling demoralised. Regional and local government actors feel that they have been left to implement a decision that they were not consulted over in the first place – and for which they are adamant that they do not have the resources. Refugees are becoming increasingly vulnerable as they are being told not to plant long term crops or repair their houses, and services have been reduced. The host population is also feeling somewhat ambivalent towards the whole process, concerned about the uncertainty it is creating: while many recognise the benefit that the refugees have brought to their area and want them to remain, economic hardship and the fear of a potential political monopoly by the former refugees and competition for resources, especially land, means others want them to relocate.

Therefore, some kind of compromise is necessary – a compromise that encourages relocation but that does not make the final issue of citizenship certificates contingent upon it. It is likely that, with time, many former refugees will relocate themselves around the country, and incentives for doing so can and should be offered to those who are willing and able to move, just as Tanzanians are likely to move into the former settlement areas vacated by those who have moved. Indeed, unofficially this has already started to take place. At the same time, those who are unable or unwilling to move should be allowed to remain where they are – and still receive their citizenship certificates. Most importantly, any action that is taken needs to be cognisant of the fact that tying people to specific geographical locations is a recipe for exclusion. Inclusive citizenship, on the other hand, is based on integration, flexibility and the recognition of diversity. As one of those interviewed put it “integration happens when ‘new’ and ‘old’ citizens come together as one and count each other as relatives under equality even though our cultures and values are different.”¹¹

Finally, it is clear that the government of Tanzania is grappling with a broader context in which the very foundations of the courageous decision to offer naturalisation – described with great fanfare by the President of Tanzania at the UN General Assembly in 2009 – may be under threat.¹² As the process has stalled, the particular national actors who received huge international praise for the group naturalisation offer made in good faith, have remained largely silent.¹³ At the same time, public statements by other national officials have increased uncertainty on the ground, including suggestions that the grant of naturalisation might be revoked altogether.¹⁴ The government has also indicated that correct procedures may not have been followed in the creation of the scheme, particularly in terms of involving all levels of government in the decision-making. It has now been clarified that the government did take a decision to halt the relocation process in 2011 and review the scheme. A cabinet paper on options for the way forward is due to be discussed, and the parliament will be informed of their decision.¹⁵

It seems, therefore, that the issue may not simply be one of managing the sequencing of relocation and the issue of naturalisation certificates: it may be a more fundamental and complex confluence of politics, policy and law. The challenge and opportunity facing Tanzania is significant: how can a way forward be found that acknowledges Tanzania's generous undertaking, recognises the legal fact that these tentative "new citizens" have engaged in good faith and with legitimate expectations in a successful naturalisation process that has seen them take an oath of allegiance to the Tanzanian state, but that also grapples with the very real pressures that may be forcing the authorities to consider renegeing on their commitment to the process and to the requirements of national law? The legal issues are highly complex: it is possible, for example, that some of those naturalised under the scheme were in fact already entitled to claim Tanzanian citizenship. It is possible also that a failure of the process may create the threat of statelessness. Tanzania's partners and the international community at large have a responsibility to assist Tanzania – upon its request – to tackle these latter pressures, whether they be economic, security or political. Ultimately, it would be a tragedy for all involved if the process was to fail, not least for the government of Tanzania. The history of the Great Lakes region demonstrates the dangers of creating large populations of people who are not certain of their status where they live; while Tanzania's own history shows how policies of inclusion can benefit a country as a whole, not just the minorities affected.

Recommendations

Recognising the complexity and seriousness of the current situation in which the immediate and long-term future of a considerable number of former refugees is at stake, the report makes the following recommendations:

First, the government of Tanzania should move forward with the final step in the naturalisation process, namely the grant of certificates. The socio-economic, political, security and humanitarian reasons for the government of Tanzania's unprecedented offer of naturalisation still hold, and the requirements of Tanzanian citizenship and administrative law would also suggest that this is an appropriate way forward. Furthermore, the international community is looking to Tanzania for leadership in this process: regional and international partners, state and non-state, must be ready to support Tanzania, to the extent requested, to address some of the complex challenges raised by its innovative approach to durable solutions for this group of refugees.

Second, there is a need for considerable sensitisation and education in the localities where the former refugees are currently living, as well as in the areas to which former refugees might relocate. It is clear that much of the resistance and concern being expressed about the naturalisation scheme stems from lack of inclusive decision making; perceptions that local realities are not being fully addressed; and lack of knowledge about the nature, capacities, and intentions of this group of "new citizens". These gaps in understanding create opportunities for those who wish to undermine the process. Therefore, ensuring an open dialogue among all

stakeholders will be key, in addition to working to communicate the history, experiences and future hopes of the group.

Third, the government needs to be clear about the issue of relocation and the way in which it is connected to the citizenship process. Receiving citizenship certificates should not be contingent upon relocating for the following reasons:

- In a context in which former refugees have not only been supporting themselves but exporting food to markets around the country, it is vital that the relocation exercise not generate increased levels of poverty. In order to avoid this, until a resolution to the situation is found, services in the settlements should be maintained and refugees should not be discouraged from engaging in farming or other income generation activities. In the longer term, the former refugees should be allowed to choose the settlement option that allows them to best support their families—and, furthermore, to maximise their economic potential for the country.
- The economic benefits of non-relocation have to be weighed against the potential negative impact on social integration. It is important that the government of Tanzania engage openly with the group to explain to them the rationale behind the idea of relocation, including the wider context of the history of Tanzania's unique experimentation of fostering inclusive citizenship. The findings indicate that on this basis some of the former refugees will likely relocate in due course—but in such a way as to minimise negative impact on their livelihoods.
- The government should allow the former refugees the necessary time and space to explore possible places to which they could relocate, the opportunity to build new homes and start up new economic activities in the areas they have chosen, and should facilitate this voluntary process of gradual relocation in collaboration with local and regional governments. Such a process might include, for example, the potential for some family members to relocate first and have other more vulnerable members follow when they are more firmly established. Ultimately, it should be a process that promotes the rights of these new citizens, in particular the right to freedom of movement, alongside ensuring that they maintain their basic standard of living and that their vulnerabilities are not exploited by the unscrupulous.
- There are likely to be individuals and families who are unable to relocate due to specific vulnerabilities. The findings indicate, for instance, that elderly people are likely to be more reluctant, and less able, to relocate. In addition, certain categories of the new citizens may have strong ties to the area such as being married to a Tanzanian from the locality. These specificities should be taken into account in the framework drawn up to encourage relocation and onward movement from the settlement.

Methodology

This paper focuses on a group of former Burundian refugees who fled to Tanzania in the early 1970s, and who are distinct from subsequent groups of refugees who fled Burundi in the early 1990s. The group originally settled mainly in border villages and Kigoma town, until the government created the three settlements of Ulyankulu, Katumba and Mishamo.¹⁶ The settlements were originally set up along the same *Ujamaa*¹⁷ village system as the rest of Tanzania. By 1985, they were considered self-sufficient and administration was handed over from the UNHCR to the government of Tanzania. All the settlements have high population densities: at the time of the 2007 census, there were 222,036 refugees in the settlements and, of this number, 82% were born in Tanzania.¹⁸ While thousands returned to Burundi under the repatriation programme that began in 2008, some elected to apply for naturalisation and 162,256 were granted it; 744 who were already self-settled in Dar es Salaam have received citizenship certificates.

Interviews were conducted with naturalised former refugees and Tanzanians living in the three settlement areas, as well as government and UNHCR officials in the Tabora, Katavi and Dar es Salaam regions. The three settlements and their respective regions and districts are Katumba (a new region of Katavi and a new district of Mlele); Mishamo (Mpanda district, Katavi region); and Ulyankulu (Kaliua district in Tabora region). Research permits were obtained from the University of Dar es Salaam and the Ministry of Home Affairs. Additional permits were obtained from the Regional Administrative Secretaries (Katavi and Tabora regions), District Administrative Secretaries (Mpanda, Milele, Kaliua districts) and settlement commanders in the three settlements.

During the research, we asked newly naturalised Tanzanians/former refugees questions surrounding the naturalisation process, their views on relocation, and the challenges and opinions on issues of integration, belonging and notions of citizenship. Tanzanians who were interviewed (all of whom were living and/or working in close proximity to the settlement or were living within it) were asked about their knowledge of, and opinion about, the issue of naturalisation, as well as issues of integration with the former Burundian refugees. During the research, local government officials were asked their opinion on the drivers of relocation, the broader political landscape within which the naturalisation process is taking place, the reaction of local government, and the current needs of refugees for relocation. Many of the officers were reluctant to talk about the issue, claiming that it is with higher authorities and that they are awaiting instructions. This resulted in a smaller number of interviews with officials than had originally been intended.

A total of 99 interviews were conducted between August 5 and 26, 2012, including 62 interviews with former refugees, 26 with Tanzanians living in proximity to the settlement areas, and 11 with officials (including regional, district and settlement officials) based in one of the three areas. In addition, the Refugees Department of the Ministry of Home Affairs submitted a thorough and thoughtful response to a draft of the paper, which has been incorporated into the report. The

dates of individual interviews have been deliberately withheld in order to ensure the confidentiality of the interviewees.

Local Integration

The policy context

The naturalisation process that is unfolding needs to be understood within its wider policy context. As one of three officially recognised “durable solutions” to exile along with repatriation and resettlement, UNCHR defines local integration as a “complex and gradual process which comprises distinct but related legal, economic, social and cultural dimensions and imposes considerable demands on both the individual and the receiving society. In many cases, acquiring the nationality of the country of asylum is the culmination of this process.”¹⁹ In the Global North, refugees are almost never asked to return home, are rarely subject to cessation (revocation) of their refugee status and many eventually become citizens in their country of asylum through individual naturalisation procedures. UNHCR estimates that during the past decade, 1.1 million refugees around the world became citizens in their country of asylum.²⁰ In the Great Lakes region, however, repatriation is the durable solution that has been, and continues to be, most heavily promoted – while local integration as a durable solution has been generally evaded as a matter of policy. As a result, it is rare for refugees to be permitted to apply for naturalisation, regardless of how long they have been in the country and regardless of the extent to which they fulfil the statutory threshold for such an application – although the barriers are usually ones constructed more of practice (cost, for example,) and unwritten policy (a belief that refugees cannot apply for naturalisation) than law.

What is unique about this process, therefore, is that naturalisation has been pro-actively offered to a large *group* of refugees through a special procedure at a time when the region has been promoting return on a group basis. It is a decision that formalises a solution that in many respects has already been forged by refugees themselves: millions of refugees across the region have created linkages with the host population and reached strong levels of economic and social integration in the specific localities in which they have been living (*de facto* local integration.) In this case, by offering the possibility of naturalisation through a special scheme, refugees are able to formalise and reinforce their legitimacy to belong at the national level. As a result, it is not surprising that UNHCR has touted this initiative as a model programme for ending displacement.²¹

What is taking place in Tanzania, therefore, is likely to have a considerable impact not only on this specific group of former refugees, but also on the international refugee policy environment. As one of only a few examples of enhanced local integration being deliberately pursued by a refugee-hosting government, albeit with strong encouragement from the international community, the situation that is currently unfolding in Tanzania could be a watershed for other situations of protracted exile.

Specifically, Tanzania is demonstrating a radically different approach to belonging – an approach that is rooted in the philosophy of its first post-independence president, Julius Nyerere, who welcomed refugees in the context of a Pan-African vision that superseded the constraints of colonially-imposed boundaries and sought to construct a citizenship based on inclusion rather than exclusion. However, this vision was eroded through the 1980s and 1990s as Tanzania, as with other governments in the region, fell victim to increasingly nationalistic and exclusive understandings of belonging, not least as a result of increasing pressure on limited resources and the sheer scale of displacement that characterised this period.

The alternative vision of citizenship, characterised by exclusive approaches to belonging, has been witnessed across the region to disastrous effect, as evidenced by the extraordinary pressure being put on groups of refugees in the region to repatriate, including Burundian refugees in Tanzania and Rwandan refugees across the region. Although these changes have been linked to a number of causal factors – including the post-genocide exodus from Rwanda and its association with militants and *genocidaires*, leading to concerns about crime and insecurity caused by militants among the refugees, economic strains, and increased environmental degradation –forced returns and expulsions threaten to destroy the long and generous tradition of asylum for which Tanzania has been so well respected.

Ultimately, these competing visions of citizenship and belonging have created something of a tension within the region: while exclusive expressions of belonging remain dominant, there has been increasing discussion over the past decade around more inclusive approaches. These include recognition of regional identities through, for example, the East African Community, growing acceptance of dual citizenship and, through the International Conference of the Great Lakes process, an acknowledgement that the acquisition and loss of citizenship can impact peace and security and be a matter of regional concern and inquiry. The offer of naturalisation by the government of Tanzania to this group of refugees is an opportunity to give substance to this more inclusive vision of belonging.

“Nobody understands exactly who we are”²²: Confusion on the ground

The findings from the research demonstrate that the situation on the ground is one of confusion. This confusion stems first and foremost from a lack of clarity regarding the exact legal status of this group of former refugees/new citizens (referred to here as former refugees). All the officials we interviewed acknowledged this confusion. As one official in Ulyankulu put it:

Legally, UNHCR and refugees claim that the Burundians are “new citizens” –a vocabulary which is not even in the dictionary, because they denounced Burundian citizenship. We, government and other Tanzanians, are saying that they are not citizens, they are still refugees. Practically on the ground they are not citizens because the citizenship process is incomplete –they don’t yet have their certificates.²³

Or, in the words of another official in Katumba: “We regard them as prospective Tanzanians but their nationality is still Burundian, so we write on their travel pass that this is a prospective Tanzanian waiting to be given citizenship.”²⁴

I feel that I am part of this community – I have lived here for a long time... but it is like we are floating now. We are not sure who we are. The issues of a clear identity need to be resolved.

Not surprisingly, those who understood themselves to be new Tanzanian citizens but who are still being treated like refugees from Burundi are disappointed. As one former refugee said, “I feel that I am part of this community – I have lived here for a long time... but it is like we are floating now. We are not sure who we are. The issues of a clear identity need to be resolved.”²⁵ The lack of documentation was seen as crucial in this regard. As a man in Katumba, who is married to a Tanzanian, said, they have no official documentation to show that they were accepted for naturalisation: “The names of those accepted were only posted on a board – like examination results. We only have the census document from the UN as identity documents.”²⁶ They continue to use their UNHCR census forms as their identity documents, and are still required to obtain a travel permit from the settlement commander to move outside of the settlement, indicating that they are still being officially identified as refugees.

Therefore, although their names appeared on a list indicating that they had been accepted for naturalisation, they are still being treated like refugees. As a naturalised refugee in Mishamo said, “My travel permit identifies me as a refugee.”²⁷ “I don’t have freedom because I have to kneel down to get a travel permit.”²⁸ Or as another said, “I am still called a Burundian refugee.”²⁹ “We have been granted citizenship, but it is not complete because the settlement commander is still around this place. He gives orders, like stopping housing construction. All the problems are dealt with by him rather than the Ulyankulu Division Secretary (Katibu Tarafa) as they should be now that we are citizens... This means the citizenship we have got is not helpful to us.”³⁰

In many respects, their situation is worse than when they were formally recognised as refugees in as much as their outsider status has, somewhat ironically, been highlighted by the naturalisation process. As evidence of this, in both Ulyankulu and Katumba many of those interviewed told of a recent incident in which “refugees” had turned up to a seminar to talk about the possibility of becoming enumerators for the forthcoming census, and had been told to leave: “They are calling us ‘new citizens’ but we are still denied our basic rights. For instance, participation in this year’s census as enumerators... When the seminar was still going on, suddenly the supervisor chased us out commenting that ‘if you know you are a refugee or a visitor, you are not supposed to be inside this room. Please vacate the compound.’”³¹

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Indeed, it was telling that during this latest census the naturalised refugees/new citizens were registered under the category of refugees. This decision is particularly of concern given the fact

that in past censuses, refugees were simply included in the overall population rather than in a specific refugee category. It is surprising that they are now being specifically identified as refugees at the point at which they are supposed to be shedding their refugee status.

There was a strong awareness, therefore, of the former refugees' vulnerability without certificates. "A citizenship certificate is our security."³² A naturalised refugee living in Mishamo talked of how they feel that they have no nationality now: "We have sworn and denied our Burundian citizenship – we had to denounce it – but our certificates for our new nationality have not come. We feel suppressed. When we are caught moving around [outside the camp] we are taken to police and told that we are not citizens."³³ As a woman in Mishamo said, "They said that we are new Tanzanians but we don't have citizenship certificates... We don't know who we are at the moment. We are like a bat. We are neither birds nor animals."³⁴ Another person put it like this: "We are not allowed to participate in any political activities around here because we have been told (by officials) that we are only 95% Tanzanian and 5% is still incomplete."³⁵ Ultimately, therefore, they see obtaining their certificates as crucial: "We need the government to give us our certificates so that we can introduce ourselves."³⁶

As a result, this group of former refugees accepted for naturalisation is living with huge uncertainty. "I see this issue of citizenship as something very complicated."³⁷ As one man said:

Since our names were announced and we knew we had been accepted for naturalisation, it has been two or three years where nothing is going on. We are not yet free, the settlement commander is still here, we don't have our citizenship certificates, and all we hear are the words 'you are still a refugee.' And all the time we are told we cannot construct our houses. It makes me very unhappy.³⁸

As another former refugee said, "What I know is that I can't be a citizen if I am still a refugee."³⁹ "What disappoints me is that my permit still portrays me as a refugee. How is it that I am told I am a refugee when I have been granted citizenship?"⁴⁰

Not surprisingly, this uncertainty is having a serious impact on their day-to-day lives. As stated above, the former refugees have been told by the settlement commanders not to construct houses anymore and to stop planting crops: "We are having problems now, because we were told not to cultivate so there is no food. But now we have decided to go ahead anyway and plant long-term crops like oil palm and cassava."⁴¹ In Ulyankulu, two schools outside the settlement are no longer available to "refugees", so they only have the option of one secondary school which is inside the settlement, and class sizes have gone up dramatically as a result. The legal impasse, therefore, has created vulnerability in the ability for these naturalised refugees to access livelihoods and basic services.

A confusion of agendas

This lack of clarity in terms of how the status of this group is perceived reflects a broader ambivalence towards the entire process. As a result, there are numerous agendas at play, which has resulted in discordance and tension between the priorities of refugees (who would like to naturalise as a means to ending their exile through full integration); the priorities of the national government; and the interests of local and regional government actors.

According to those interviewed, this divide was partly created by inadequate consultation with, and backing for, the initiative in its initial stages from different strands of government, particularly at a local level. As a result, there was a strong feeling of resentment on the ground regarding the fact that those who made the decision to offer citizenship to this group are not the ones who have to implement it. As a local government official in Ulyankulu said, “XXX [then Minister of Home Affairs] made the decision, yet his constituency has never hosted even a single refugee... We fear this issue has been clouded by politics and corruption...”⁴²

The fact that the decision to offer naturalisation was taken by a few top senior government officials with no consultation with local government, parliament and even some senior government leaders, has led to frustration with both the national government and UNHCR. The involvement of UNHCR, in particular, in terms of its in-depth engagement in the operational elements of the scheme from the examination of naturalisation applications through to the setting up of local integration offices in the areas targeted for the relocations (since disbanded) was viewed with suspicion and contributed to the perception that it was a process that was “not theirs”.⁴³

As a result, there is a lack of ownership of the process amongst local government, with some openly hostile to the idea. As one local government official put it, “Burundians know they are here because of the government and UNHCR’s mercy, built on Nyerere’s socialism, humanity, equality and good neighbourhood policy – not because Tanzanians admire them.”⁴⁴ Local officials are therefore looking to the central government to resolve the current impasse. It appears that ultimately the NASCIP could not be implemented due to concerns raised by those left out of the decision making at both local and national level and it was remanded to cabinet for revision. It will be the decision of cabinet that will determine the way forward.

Some officials cited security concerns as their primary reason for opposing the initiative. As an official in Ulyankulu said, “If you come across a group of bandits fighting the police, just investigate in detail and you will discover that they are Burundians.”⁴⁵ Another official talked about increasing amounts of illegal movement around the border area between Tanzania and Burundi, including people who had repatriated coming back from Burundi: “Some of those who repatriated and didn’t find what they expected have returned – they found no land, no money, and no livelihoods in Burundi. They come back with no travel documents. They use what we call *panya* – rat routes – which are unrecognised entry points where they don’t have to report to an immigration officer.”⁴⁶ An official in Katumba suggested they should only be given permanent

residence “so that we can return them if they make mistakes.”⁴⁷ Such negative stereotyping of refugees, partly perpetuated by the media, has helped stir up fears among local communities in the areas of prospective relocation. There is no information available to these communities about the nature of the group and, in particular, the fact that these new citizens are already deeply socially and economically integrated within the regions in which they were originally settled.

Burundians know they are here because of the government and UNHCR’s mercy, built on Nyerere’s socialism, humanity, equality and good neighbourhood policy – not because Tanzanians admire them.

Not all local officials were against the idea of naturalisation, however. As another official, based in Ulyankulu – and who said he knew many of the former refugees personally – said: “It is good for them to get citizenship. We are like relatives now.”⁴⁸ He does not agree with the security argument, saying security issues in and around the settlements are no different to anywhere else in Tanzania. Instead the problem, as he sees it, is the fact that refugees have not been allowed to integrate: integration would allow for proper security as anywhere else. Regardless of perspective, however, what is clear is that the divide between decisions taken at a top level, and the ability to implement those decisions on the ground, remains.

The case for and against relocation

Because the former refugees/new citizens have been told that although they have been accepted for citizenship in principle, they will not be issued with their certificates until they relocate elsewhere in Tanzania, the issue of relocation, therefore, also dominated discussions.

Our previous research revealed that the fact that citizenship was being made contingent on relocating to other areas of Tanzania was causing considerable disquiet among refugees. Since then, the discussion has become increasingly heated and there is on-going lack of clarity regarding what is happening.

From an official point of view at the local level, no-one appeared to know exactly what was going on, although there is an awareness that a decision from government is pending.⁴⁹ As an official, who insisted that these are new citizens and not refugees, said, “Now the government is quiet and everyone is confused.”⁵⁰ As another official said, “People are in limbo right now. They don’t understand what they should do. They are still waiting to hear government’s decisions. Even us, we don’t know exactly where the citizenship issue has reached. The government is silent.”⁵¹ The lack of clarity from the central government regarding how this relocation process should take place has led to considerable confusion among local government officials. As one official in Mishamo said, “The local government was tasked with the job of relocation, but they need help in education, health, everything. And nothing has been done.”⁵² Instead, he thinks that the government should just allow Tanzanians to move into the settlement.

This confusion among local government officials has, in turn, translated into confusion for the former refugees. As another official said, “They are just sitting and waiting. For those who have money they are moving out illegally through *panya* routes pretending that they are travelling, but they are actually constructing houses outside. Some request permits to go outside and then they never come back... you will just hear that someone has moved their family to Dar es Salaam, Morogoro, Shinyanga and Mpanda.”⁵³ The interviews suggest that a few former refugees have already relocated, but no specific information or details were given by those interviewed: it appears that they have moved out of the settlements off the official radar and want to stay that way. As a former refugee said, “The majority of those who have relocated are financially powerful. It is just the poor and destitute who are still here.”⁵⁴

Furthermore, there was a lack of clarity over whether or not those that had relocated have received citizenship certificates. According to a number of interviewees, many who have moved out might have used fake identities: they may not have stated where they have come from so they cannot be identified as refugees (or former refugees).

Yet given the increasingly desperate situation in which the former refugees are finding themselves, it was noticeable that many have become more open to the idea of relocation since our previous research in 2008, not least as their current situation of being unsure about their status is untenable. One former refugee had a positive spin on it: “when there is just one dominant tribe in the area it is somehow difficult to develop. [Mishamo] is very near Burundi, and we live here like refugees. It is easy to cross over the border. But if we move to different places it will simplify things and make it better for local integration – it will minimise dominant behaviour by one tribe.”⁵⁵ Likewise in Katumba, some of those interviewed talked of the land being exhausted, so they have to travel outside the settlement to find land for farming.⁵⁶

There was also an awareness of the fact that in Katumba and Mishamo, the government might have other plans for the land they were on. One interviewee said that the land was supposed to be turned into a reserve: “we heard that wildlife animals are replacing us here – we are supposed to move out so that they can move in. Others say that *wazungu* [white people] are moving in here. I don’t know which story to believe.”⁵⁷ Another talked of how they had heard about “American investors” coming in to take the land.⁵⁸ In Mishamo, one refugee said, “This area has been sold off to an American investor, so we are moving out to give them room.”⁵⁹

Regardless of the reasons, while most were becoming increasingly resigned to the fact that they might have to move, most had serious reservations about relocating and were still completely unclear about the logistics of doing so. In the first instance, serious questions were being asked regarding the resources available for the relocation, and the impact that it would have on their access to livelihoods. They have been told they will receive 150,000 Tanzanian shillings (approximately US \$93) when they move and 150,000 Tanzanian shillings when they arrive. As one refugee asked, “300,000 – is that the cost of a new life?”⁶⁰ As a young man in Katumba said:

If I relocate, I will lose all the development I have built up in my life. I disagree with the government that the word ‘refugee’ will end if we move, because in schools the TSM9 cards⁶¹

that we fill in has two sections – one for citizens and one for people who are not, and the word ‘origin’ is there. So they will always identify us as people of Burundian origin and once they do that the word ‘refugee’ will keep coming back.⁶²

Likewise an elderly man of 73 talked of how he feels about relocation: “I am too old, at my age and capacity, to move. I have constructed a home here, and now you are telling me to relocate? Where should I go? Back under a tree again? I don’t have the finances or the energy to begin building again from scratch... Ulyankulu has become my home.”⁶³ Another elderly man living in Mishamo expressed a similar sentiment: “I ran here in 1972 and I made this place my home. All this area, we cleared it – it was all forest – and now we are old we want to stay here.”⁶⁴ A woman living in Mishamo with her eight children said, “We do not know why the government wants to relocate us and make us become a problem somewhere. It is a puzzle to us.”⁶⁵ Another woman expressed concerns about the interruption in her children’s education if she was unable to afford school fees due to the expense of moving.⁶⁶

From the perspective of the former host population, there were mixed feelings regarding the benefits of relocation. Some saw it as a positive thing: “so that they do not stay as a group.”⁶⁷ Others felt threatened by the prospect of a “Burundian” political enclave: if a Burundian gets into leadership they will segregate other citizens – they will find each other and unite and discriminate against the Tanzanians.”⁶⁸ As another Tanzanian man said, “They should relocate from this area because they feel that it exclusively belongs to them and us Tanzanians are here mistakenly. Even if they get citizenship, they should relocate to another place. It will help them lose the ‘visitors’ tag.”⁶⁹ Likewise an official in Mishamo, when asked what he thought was the reason for pushing for relocation, said: “it is to remove the name ‘refugees’. If they move, they will mix and the name will go away.”⁷⁰ Another man living in the same area said that they should relocate “because they will congest us, they will lead us, they will administer us and we shall be under their management.”⁷¹

I am too old, at my age and capacity, to move. I have constructed a home here, and now you are telling me to relocate? Where should I go? Back under a tree again? I don’t have the finances or the energy to begin building again from scratch...

However, a significant number of Tanzanians interviewed stated that relocation was unnecessary. A Tanzanian man living in Ulyankulu, for instance, talked of how it made no sense to relocate the former refugees:

It is not a good plan at all. They have assets here and other investments, there are students who are studying and many have intermarried. Surely government would be unfair to them if they are made to move. They should live here because if you have granted someone citizenship, you can’t just relocate them... And for us who were already here, we are no longer living in the forests because they have cleared the land and prepared the environment.⁷²

Yet another Tanzanian man from the same village said this: “Through tobacco farming [the refugees] have constructed iron sheet houses from the money they have made. They shouldn’t

be relocated. Let them live here. Where they will relocate to the situation will be very difficult for them, they will have to get used to a new environment.”⁷³

Indeed, many of the former refugees interviewed talked of the need to encourage more Tanzanians to move onto the former settlement land to enable better integration. Another option suggested was that they should be allowed to relocate over a number of years in a staggered way, in a process that is driven by them rather than by external agendas. As a woman in Katumba said, “I suggest that we continue living here for now, and if we find a region that we like then we can move later.”⁷⁴ “Relocation is ok, but it can only work if we can choose when to move and do it in our own time.”⁷⁵ As another former refugee said, “To relocate is another version of being a refugee, especially when you are relocated by the government. If I relocate on my own after a certain period of time, then that is ok.”⁷⁶ A former refugee in Katumba said, “integration happens when ‘new’ and ‘old’ citizens come together as one and count each other as relatives under equality even though our cultures and values are different.”⁷⁷

Citizenship means to feel at home

At the end of the day, many of the practicalities and concerns of relocating elsewhere in Tanzania related to issues of to what extent the former refugees would be truly able to integrate in a new local area. Indeed, former refugees who were interviewed talked of the way in which economic, political, social and cultural integration are all intimately connected. Being forced to relocate to an area where they have no connections would mean that they have to start from scratch with schooling, access to land, planting crops, forging relationships and, most significantly, carving out the legitimacy to belong. While none of this is impossible – and, indeed, many have done precisely this since fleeing Burundi in 1972 – the point is that it is a process that puts them in a vulnerable position.

As a young woman in Katumba said, “We were accepted for naturalisation, but then the word ‘relocation’ is complicating the citizenship process. We are supposed to move from the very place where we are used to feeling like citizens... I feel like a Tanzanian, but if I moved then I will be questioned all the time: where are you from? Why are you here? It is disturbing me.”⁷⁸

There was recognition that, as former refugees, they were somehow being treated like second class citizens: “If it is true we have Tanzanian citizenship, the Citizenship Act clearly states that any Tanzanian can live anywhere without breaking the country’s laws.”⁷⁹ “Citizenship means to feel at home, to not be disturbed. But since we are now told we are going to have to run again, we are still disturbed because we will still be called refugees.”⁸⁰ As a woman in Katumba, who was born in Tanzania, said: “When I get citizenship I expect to be like others who were born here – to have freedom of movement and to be allowed to vote.”⁸¹

Although one could equally argue that by staying in the settlement areas they would also be identified as former refugees, the point here is the extent to which the process of relocation is one that is seen as precarious as it removes many of the coping strategies that people have

deployed for decades in order to not only survive but, in many cases, thrive. Many of those interviewed recognised the need to integrate as Tanzanians, yet wanted to hang on to these coping mechanisms, forged through forms of local belonging, at the same time. “If I move I will lose my relatives.”⁸² In particular, there was a feeling that there is no room for their specific and unique cultural ways of doing things in the nationalist project of Tanzania:

Our values and culture will disappear as Tanzanians are very diverse with these things. For instance, we have our own way of mourning and burying our dead. But if we all have to go away, we will lose out. We will have family disintegration like the breaking of the extended family ties and support from them, our incomes will go down because we will have to start all over again and we will lose our farming land.⁸³

At the same time, both Tanzanians who were not former refugees, and former refugees, emphasised the extent to which integration has already taken place irrespective of legal status. As a member of the host population said, “They are already like Tanzanians. We have integrated so much here. Some of them are outside the settlement, and many Tanzanians are inside the settlement.”⁸⁴ Another Tanzanian said, “Those who were born here count themselves as Tanzanians. They don’t even know what Burundi looks like. The situation here in Ulyankulu has changed drastically. It is now difficult to tell who is Hutu, Burundian, Haya, Nyamwezi or Sukuma, because we are so mixed up.”⁸⁵

Indeed, Tanzanian nationals living in the settlement areas who were interviewed, for the most part emphasised the extent to which the two groups had become integrated at a number of levels: “These people have been here since 1972. It’s time for them to get citizenship. They are our fellows now and they are not discriminative along tribal lines. They are my very good friends as we have been living together for such a long time. After all, Ulyankulu is a full division now and there are a number of institutions and organisations such as police, parish, secondary schools and others.”⁸⁶

Economically, it was clear that business and trade had increased – and indeed, relied on – the presence of the refugee population. As a former refugee in Ulyankulu said, “it is rare to hear that Ulyankulu is suffering from food insecurity, hunger or famine, because here we are farmers and we work hard. Even Kenyan businessmen come here to buy cereals and other food stuff so you can imagine the production rate.”⁸⁷ This was echoed by a Tanzanian man: “For my business, I depend on them... they are major producers of food, very hard working. Security-wise there are rumours that they are not good people, but I don’t have any evidence of that.”⁸⁸ As another man said, “I am a businessman – I buy and sell bicycles. If I was a leader, I would give them citizenship. They are good people and we need to keep them here. We share in the market, selling food, they sew clothes, I come here to get *mikeka*⁸⁹ and sell them.”⁹⁰ This was echoed by a Tanzanian businesswoman: “We share many things in the business I am doing. We collaborate and they are trustworthy in business. If we all continue living in this area, business and investment will grow more than before.”⁹¹ A local government official supported this statement: “They are hard workers and productive, and all of us here benefit.”⁹²

Yet economic integration was not always seen favourably: inevitably, increased competition can also be seen as a threat. For instance, in Ulyankulu several interviewees mentioned land tensions between “refugees” and Tanzanian cattle-keepers (referred to as “Sukuma”, the ethnic group with which they were associated) – a tension between agriculturalists and cattle-keepers that is far from unique to this context. Yet in a somewhat unusual twist, it was the Sukuma who were seen to be the new arrivals to the area, and the refugees did not necessarily welcome them. Yet at the same time, many of the former refugees interviewed saw their presence as something positive as they have taught them how to use ox-ploughs: “Sukumas have oxen and now we use them to prepare our farms. This is a kind of transformation for us from hand hoe to ox plough.”⁹³ In addition, several refugees talked of how they had sold some of their land to Sukumas.

There was less clarity regarding the extent to which both groups have integrated at a cultural level. Some talked of the fact that they always come together for burials and weddings. Indeed, many interviewees had either themselves married Tanzanians or had relatives who had done so. Others, however, talked about the fact that strong differences remain. As a man in Katumba said, “we share a lot of things with the Tanzanians – we are in school with them, our teachers are mixed Burundian and Tanzanian, health services, markets, water, land, grazing land, security issues, church, local administration, social activities especially playing soccer together. But we do not share culture.”⁹⁴

Belonging is being able to borrow salt from your neighbour

At the end of the day, however, there was a clear recognition that the optimal situation for accessing human security was to ensure local *and* national belonging. Without both, one cannot have security.

On the one hand, and regardless of how “integrated” the former refugees were – a highly subjective concept at the best of times – people had forged a sense of belonging in the areas in which they were living which, for the most part, translated into better access to their rights. When asked if she felt like she belonged in Ulyankulu, one former refugee woman answered, “Yes. Here we live together. We support each other in issues like sickness, in borrowing salt from our neighbours.”⁹⁵ As another former refugee said, “To me, citizenship is to cooperate if someone is sick and help them to feel at home.”⁹⁶ It was precisely for this reason that they wanted to be allowed to choose to stay where they were.

At the same time, however, for as long as they officially remained refugees, this local integration always had its limits and points of vulnerability. These limitations stemmed from restrictions on refugee movement, and the way in which their status as refugees and outsiders was continually reinforced through the administrative and humanitarian structures that governed their lives. Even for those who have “self-settled”, without citizenship their ability to remain in Tanzania will always have significant points of vulnerability.

There was a strong recognition, therefore, that ultimately local integration even in their current home areas was under threat if they did not have citizenship certificates to prove their national, political legitimacy to belong. And this is precisely what the offer of naturalisation represented: the opportunity to move from informal, localised notions of belonging, to something more robust and permanent. Yet this means of legitimacy, in the form of a citizenship certificate, has proved to be highly illusive, and, because of the way in which it is being implemented, has become contingent upon breaking local forms of belonging.

To me, citizenship is to cooperate if someone is sick and help them to feel at home

The question that is concerning this group, therefore, is whether or not they will be able to “belong” anywhere in Tanzania, recognising that if they are not accepted in the locality in which they are living, their certificate will be meaningless. In particular, there was concern that by relocating they would be clearly identified as former refugees – and, therefore, as both Burundian and as outsiders – and not be accepted. A young man who was born in Tanzania and is married to a Tanzanian expressed his concerns about being accepted as Tanzanian: “We have been told that new citizens will have a different identity card from Tanzanians. They will add to ours that these are Tanzanians of Burundian origin. If I am in a different place, they will know that I am a refugee.”⁹⁷

Ultimately, it is possible that this group of former refugees will have no other choice but to relocate and be dispersed across different areas of the country. And, for sure, while the logic of doing so chimes with the broader integration strategies of Tanzania that have proved relatively successful, a huge amount will be lost in the process. Whether or not it will ultimately prove beneficial for the former refugees and host population alike looks very uncertain.

Can the law reconcile the confusions and dilemmas?

As these findings have demonstrated, the current situation is characterised by confusion and the whole process has become effectively gridlocked. Can the law help reconcile some of the dilemmas?

From a legal perspective, the situation would appear to be fairly cut and dried. The group of former refugees who are the subject of this study had their applications for naturalisation considered as part of a special scheme administered under the framework of the Citizenship Act No 6 of 1995 (the Act). Those who chose to apply for naturalisation were assisted to make their applications in the manner prescribed by the authorities, and those who satisfied the threshold criteria and received ministerial assent were then told that their applications had been successful. Subsequently, they made the statutorily required declaration renouncing Burundian citizenship and taking an oath of allegiance within the time period specified.⁹⁸

It is important, therefore, to consider whether or not the members of the group are now citizens as a matter of Tanzanian law, notwithstanding the practical barriers they are experiencing with respect to the exercise of the rights attendant on that status – and, critically, to receiving certificates of naturalisation. The language of the Act would seem to suggest that the moment of naturalisation occurs prior to the grant of a certificate. Section 12 (1), for example, stipulates that subject to Sections 12(2) and 12(3) – which refer to naturalisation “being approved” followed by renunciation of other nationalities and the taking of the oath within the required timeframe – “a person naturalised as a citizen under this Act shall become a citizen of the United Republic by naturalisation on the date on which he is naturalised.” Thus, the point at which citizenship inheres, along with all the related rights and duties, would appear to be the point of “approval” of naturalisation. The issue of a certificate of naturalisation is thus *proof* of nationality only, not the moment at which nationality is granted.⁹⁹ This is generally the approach taken in common law countries. Moreover, given that the Act leaves the timelines open in relation to next steps after the period set for renunciation and oath-taking, there is no other point identified which could be said to be “the date on which [a person] is naturalised”. This approach also guards against statelessness, in line with Tanzania’s obligations under international law. It is vital that at no point a person is left in limbo without a protecting state and the rights that go with being a citizen.

The question of what form of renunciation of previously held citizenships is sufficient to validate the process of naturalisation is a matter of interpretation of Tanzanian law. The Act requires an applicant for naturalisation to make “a declaration in writing in the prescribed form renouncing, or indicating his willingness, but for the legal restrictions, to renounce, any other nationality or citizenship he may possess and any claim to the protection of any other country” (Section 9(3)). The prescribed form is apparently that in Schedule 3 to the Act. (Schedule 3 refers to Section 9, though this is not specified in the text of Section 9(3)). Neither the text of Section 9(3) nor the wording in Schedule 3 require the person to supply proof of renunciation under the law of the country whose nationality they previously had. Whether the form of renunciation set out in the Act will also be sufficient to satisfy Burundian law on the renunciation of citizenship is a separate question. In fact, in order to guard against statelessness, Burundian law stipulates that only an individual who already possesses another nationality may renounce Burundian nationality. Further, the renunciation does not become effective until it is published in the Official Gazette.

The basic human rights principles of fairness and reasonableness give the former refugees a legitimate expectation that the individual application and approval process that they have been through has in fact had the effect that they were told it would have: that is, that they are now Tanzanian citizens. In light of all of this, it would be interesting to see how the Tanzanian courts might respond to a judicial review application seeking an order for the issue of naturalisation certificates or for the state to respect other citizenship rights of the former refugees. There are, in fact, a range of administrative law questions which are raised by the situation of this group. Constitutional issues might also be considered, from those relating to freedom of movement (albeit amenable to quite significant restrictions under the Constitution),¹⁰⁰ to the right to own property (Article 24) and to privacy and personal security (Article 16).

There are a host of other complex citizenship law questions which fall for determination when the particular circumstances of this group, which has spent so many decades in Tanzania, are explored in detail. First, there are sub-categories of the group to whom special considerations might apply – refugee women married to Tanzanian citizens, for example, would appear to be “entitled” to be naturalised upon application in most circumstances (see Section 11 (1) of the Act). Second, questions persist about whether or not those in the group who were born in Tanzania—82 % of the group—may have, or have had, a separate entitlement to citizenship, depending on their circumstances. It is also not clear whether all those in the group can be considered current or even former Burundian citizens as a matter of *law*. Some in the group may not be entitled to Burundian citizenship, or cannot, without the making of special declarations, claim or maintain it.

In creating a framework for the resolution of the situation of this group of “new citizens” it would be important that these legal realities, questions and requirements are borne in mind.

Conclusion

This paper is about the individual futures of approximately 162,256 people, in addition to the impact that these futures will have on the wider population. It is about the aspirations and dreams of individuals and families who fled to Tanzania decades ago, or who have subsequently been born in Tanzania, and who have created lives for themselves in a new land. It is about the *possibilities* offered by citizenship and all the rights that go with it, yet also about the challenges of accessing those rights. The current situation facing this group of former refugees is complex and the stakes are high. Yet having been offered the opportunity to formalise their stay and no longer live in a permanent state of exile, that offer is now delayed, creating fear that it might slip away and, in a worst case scenario, leave members of the population stateless. The findings, therefore, point to a number of conclusions.

First, it is clear that the legal status of the naturalised former Burundian refugees is viewed by both refugees and the local administration as something in flux. This uncertainty is having a strongly negative effect on their lives. The attendant reduction in services and restriction on activities – such as dissuasion from planting crops – could lead to a major food security crisis in an area which has, for the past four decades, been a significant producer of food and other agricultural commodities.

Second, there is a clash between the desires of the naturalised former refugees, and government officials. Refugees desperately want to receive documentation attesting to their new status. On the other hand, the government of Tanzania, as well as local government officials, insist that the declaration that 162,256 former refugees have been accepted for naturalisation does not automatically confer citizenship and are clearly under pressure with regard to the scheme as a whole. In order to resolve this, it is vital that the formalisation of citizenship status—and subsequent enjoyment of the rights of citizenship – take place within the context of Tanzania’s

constitutional, legislative and administrative requirements relating to equal citizenship and fundamental rights.

Third, there is significant tension over the issue of relocation. The arguments for and against relocation are both persuasive. On the one hand, the way in which citizenship has been constructed in Tanzania for decades has been premised precisely on such ruptures of relocation taking place: on precipitating a break with localised expressions of “tradition” that ensures that citizenship is built on “new” (i.e. non-ethnic or place-bound) forms of social affiliation. The need to break with the past was recognised not only by Tanzanians and local government officials living and working in the settlement areas, but also by a few of the former refugees themselves. Yet at the same time, the former refugees fear that moving could cause additional vulnerability which has the potential to jeopardise the entire process and to break crucial forms of local belonging that allow vital access to livelihoods. It is clear that there is a need for information and sensitisation within local communities, and for improved communication between national and local government actors. Indeed, poor communication appears to lie at the heart of many of the current problems.

Ultimately the prospects of genuine integration for this group of naturalised refugees lies with the government confirming its commitment to seeing through the current process, and for both sides to reach a compromise on the issue of relocation—a compromise that allows the naturalised refugees to take the initiative in relocating at a pace and timing that causes least disruption to their lives, and yet does not have to take place under the threat of losing their citizenship.

¹ Interview with former refugee man, Katumba, August 2012.

² The three durable solutions are local integration, repatriation and resettlement to a third country.

³ International Refugee Rights Initiative, Centre for the Study of Forced Migration and Social Science Research Council, "Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania", Citizenship and Displacement in the Great Lakes Region Working Papers Series No. 1, November 2008.

⁴ Written communication with Refugees Department, Ministry of Home Affairs, 18 March 2013.

⁵ United Republic of Tanzania, Prime Ministers Office: Regional Administration and Local Government.

⁶ Written communication with Refugees Department, Ministry of Home Affairs, 18 March 2013.

⁷ International Refugee Rights Initiative, Centre for the Study of Forced Migration and Social Science Research Council, "Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania", Citizenship and Displacement in the Great Lakes Region Working Papers Series No. 1, November 2008.

⁸ Interview with UNHCR official, Mpanda, August 2013.

⁹ Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Tanzania*, (2011).

¹⁰ Specifically, the government has put a ceiling on the amount of land that any one investor can buy. See Oakland Institute, Press Release, 10 December 2012, www.oaklandinstitute.org.

¹¹ Interview with former refugee man, Katumba, August 2012.

¹² Speech of H.E. Mr. Jakaya Mrisho Kikwete, President of the United of Republic of Tanzania, at the General Debate of the 64th Session of the United Nations General Assembly, 24 September 2009, available at <http://www.un.org/en/ga/64/generaldebate/TZ.shtml>

¹³ Written communication with Refugees Department, Ministry of Home Affairs, 18 March 2013.

¹⁴ See, e.g., Khalfan Said, "Government backtracks as ex-refugees await citizenship papers", *The Guardian*, IPPmedia, 19 May 2012, available at: <http://www.ippmedia.com/frontend/index.php?l=41714>

¹⁵ Written communication with Refugees Department, Ministry of Home Affairs, 18 March 2013.

¹⁶ The term "settlement" in Tanzania is used differently to "camp" where more recent influxes of refugees have been housed. Although there are some differences between camps and settlements in this instance, the difference is primarily semantic under Tanzanian law: both represent refugees being kept within confined areas of land with restrictions on their freedom of movement.

¹⁷ *Ujamaa* refers essentially to the collectivisation of agriculture through Tanzania's founding President's determination to create socialist villages throughout the rural areas. For details see J.K. Nyerere, *Freedom and Development*, Oxford University Press, 1973.

¹⁸ For a detailed background on Burundian refugees in Tanzania, see IRRI, CSFM and SSRC 2008.

¹⁹ See UNHCR, "Local Integration," <http://www.unhcr.org/pages/49c3646c101.html>, accessed 24 February 2013.

²⁰ *Ibid.*

²¹ It should be noted that a number of other refugees from this group were approved for resettlement to third countries prior to the institution of the special scheme – some 8,500 of the '1972 Burundian refugees' were resettled in the USA in 2007. See UNHCR, "Tanzania: Burundian Refugees to be Resettled in USA", 18 May 2007.

²² Interview with former refugee man, Mishamo, August 2012.

²³ Interview with government official, Ulyankulu, August 2012.

²⁴ Interview with government official, Katumba, August 2012.

²⁵ Interview with former refugee man, Katumba, August 2012.

²⁶ Interview with former refugee man, Katumba, August 2012.

²⁷ Interview with former refugee man, Mishamo, August 2012.

²⁸ Interview with former refugee man, Mishamo, August 2012.

²⁹ Interview with former refugee man, Ulyankulu, August 2012.

³⁰ Interview with former refugee man, Ulyankulu, August 2012.

³¹ Interview with former refugee man, Ulyankulu, August 2012.

³² Interview with former refugee man, Ulyankulu, August 2012.

³³ Interview with former refugee man, Mishamo, August 2012.

³⁴ Interview with former refugee woman, Mishamo, August 2012.

³⁵ Interview with former refugee man, Ulyankulu, August 2012.

³⁶ Interview with former refugee man, Mishamo, August 2012.

³⁷ Interview with former refugee man, Katumba, August 2012.

³⁸ Interview with former refugee man, Ulyankulu, August 2012.

³⁹ Interview with former refugee man, Katumba, August 2012.

⁴⁰ Interview with former refugee man, Katumba, August 2012.

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- ⁴¹ Interview with former refugee woman, Katumba, August 2012.
- ⁴² Interview with government official, Ulyankulu, August 2012.
- ⁴³ Written communication with Refugees Department, Ministry of Home Affairs, 18 March 2013.
- ⁴⁴ Interview with government official, Ulyankulu, August 2012.
- ⁴⁵ Interview with government official, Ulyankulu, August 2012.
- ⁴⁶ Interview with government official, Mpanda, August 2012.
- ⁴⁷ Interview with government official, Katumba, August 2012.
- ⁴⁸ Interview with government official, Ulyankulu, August 2012.
- ⁴⁹ See for example the *East African* reported that the Minister of Home Affairs, Shamsi Nahodha, said, “The government with immediate effect stopped the whole process of resettling the Burundi refugees as most of them have been found to have connections with the militias in Burundi...”, see, “Tanzania halts resettlement of naturalised Burundi Refugees”, *The East African*, 12 December 2011.
- ⁵⁰ Interview with local government official, Mishamo, August 2012.
- ⁵¹ Interview with local government official, Mishamo, August 2012.
- ⁵² Interview with government official, Mishamo, August 2012.
- ⁵³ Interview with government official, Mishamo, August 2012.
- ⁵⁴ Interview with former refugee man, Ulyankulu, August 2012.
- ⁵⁵ Interview with former refugee man, Mishamo, August 2012.
- ⁵⁶ Interview with former refugee man, Katumba, August 2012.
- ⁵⁷ Interview with former refugee woman, Katumba, August 2012.
- ⁵⁸ Interview with former refugee man, Katumba, August 2012.
- ⁵⁹ Interview with former refugee man, Mishamo, August 2012.
- ⁶⁰ Interview with former refugee woman, Ulyankulu, August 2012.
- ⁶¹ TCM9 stand for Taarifa za Shule za Msingi form no 9, meaning “Information of Primary School Pupils Development Form”. It records development of a pupil from standard V to VI.
- ⁶² Interview with former refugee man, Katumba, August 2012.
- ⁶³ Interview with former refugee man, Ulyankulu, August 2012.
- ⁶⁴ Interview with former refugee man, Mishamo, August 2012.
- ⁶⁵ Interview with former refugee woman, Mishamo, August 2012.
- ⁶⁶ Interview with former refugee woman, Mishamo, August 2012.
- ⁶⁷ Interview with Tanzanian man, Katumba, August 2012.
- ⁶⁸ Interview with Tanzanian man, Katumba, August 2012.
- ⁶⁹ Interview with Tanzanian man, Ulyankulu, August 2012.
- ⁷⁰ Interview with government official, Mishamo, August 2012.
- ⁷¹ Interview with Tanzanian man, Mishamo, August 2012.
- ⁷² Interview with Tanzanian man, Ulyankulu, August 2012.
- ⁷³ Interview with Tanzanian man, Mishamo, August 2012.
- ⁷⁴ Interview with former refugee woman, Katumba, August 2012.
- ⁷⁵ Interview with former refugee man, Ulyankulu, August 2012.
- ⁷⁶ Interview with former refugee man, Ulyankulu, August 2012.
- ⁷⁷ Interview with former refugee man, Katumba, August 2012.
- ⁷⁸ Interview with former refugee woman, Katumba, August 2012.
- ⁷⁹ Interview with former refugee man, Ulyankulu, August 2012.
- ⁸⁰ Interview with former refugee woman, Katumba, August 2012.
- ⁸¹ Interview with former refugee woman, Katumba, August 2012.
- ⁸² Interview with former refugee man, Mishamo, August 2012.
- ⁸³ Interview with former refugee man, Katumba, August 2012.
- ⁸⁴ Interview with Tanzanian woman, Ulyankulu, August 2012.
- ⁸⁵ Interview with Tanzanian man, Ulyankulu, August 2012.
- ⁸⁶ Interview with Tanzanian man, Ulyankulu, August 2012.
- ⁸⁷ Interview with former refugee man, Ulyankulu, August 2012.
- ⁸⁸ Interview with Tanzanian man, Katumba, August 2012.
- ⁸⁹ Meaning “mats” in Swahili.
- ⁹⁰ Interview with Tanzanian man, Katumba, August 2012.
- ⁹¹ Interview with Tanzanian woman, Ulyankulu, August 2012.
- ⁹² Interview with local government official, Ulyankulu, August 2012.
- ⁹³ Interview with former refugee man, Ulyankulu, August 2012.

⁹⁴ Interview with former refugee man, Katumba, August 2012.

⁹⁵ Interview with former refugee man, Ulyankulu, August 2012.

⁹⁶ Interview with former refugee man, Mishamo, August 2012.

⁹⁷ Interview with former refugee man, Katumba, August 2012.

⁹⁸ Section 9(1) of the Act provides that “any person who is not a citizen of the United Republic may, being a person of full age and capacity, on making an application in that behalf to the Minister, and on satisfying the provisions of the Second Schedule to this Act, be naturalised as a citizen of the United Republic, and be granted a certificate of naturalization.” Section 9 (3) further provides that naturalisation as a citizen will only occur “after [the individual] has made a declaration in writing in the prescribed form renouncing, [...] any other nationality or citizenship he may possess and any claim to the protection of any other country, and taken an oath of allegiance in the form specified in the First Schedule to this Act”.

⁹⁹ The wording of Section 9 (1) see above would seem to reinforce this approach.

¹⁰⁰ See, *inter alia*, Articles 17 and 30 of The Constitution of the United Republic of Tanzania.