

# **NEW ISSUES IN REFUGEE RESEARCH**

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## **Two steps forward, one step back: understanding the shifting politics of refugee policy in Tanzania**

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## Introduction<sup>1</sup>

In December 2007, the Government of Tanzania announced its willingness to offer naturalization as part of a comprehensive solution for Burundian refugees who had been in Tanzania since 1972. This policy announcement was a surprise to many observers of refugee issues in Tanzania, especially in light of Tanzania's restrictive approach to asylum since the 1990s, subsequently formalized in Tanzania's 2003 National Refugee Policy. By June 2010, 162,156 applications for naturalization had been approved.<sup>2</sup> Some three years later, however, the vast majority of applicants had not yet received their citizenship papers, leading some observers to believe that the process of naturalization had stalled or worse. In fact, in September 2012, Tanzania's Deputy Minister of Home Affairs, Pereira Silima, suggested that the decision to grant citizenship to Burundian refugees may be reversed.<sup>3</sup> Given the state of the naturalization process, and the increased reluctance demonstrated by a number of key actors, the International Refugee Rights Initiative recently concluded that "the whole undertaking appears to be in jeopardy."<sup>4</sup>

The offer of naturalization by the Government of Tanzania is to be commended. However, the current state of the naturalization process in Tanzania is a source of concern, not only given the significant uncertainty it has raised within affected communities, but also given that the case of Burundian refugees in Tanzania was highlighted as one of the five priority cases for the High Commissioner's Initiative on Protracted Refugee Situations<sup>5</sup> and as an example of the 'strategic use of resettlement',<sup>6</sup> both potentially important examples of the use of global initiatives to leverage solutions in specific asylum countries. Given the significance of the naturalization process for discussions on asylum in Africa and solutions for protracted refugee situations, the goal of this paper is to understand the shifting politics of refugee policy in Tanzania, especially as it relates to naturalization. The paper asks: what factors best explain the changing course of Tanzania's policy on durable solutions for refugees?

Drawing on an overview of Tanzania's approach to durable solutions for refugees under the presidencies of Julius Nyerere (1962 to 1985) and Benjamin Mkapa (1995 to 2005), this paper argues that recent shifts in Tanzania's approach to naturalization for Burundian refugees under President Jakaya Kikwete (2005 to present) can best be explained by shifts in regional, national and local politics. Specifically, the paper argues that changing regional relations, personal relations, dynamics within the ruling party and historical factors best

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<sup>1</sup> An earlier version of this paper was presented at the Refugee Studies Centre 30<sup>th</sup> Anniversary Conference, "Understanding Global Refugee Policy", Oxford, 6 December 2012. The author is grateful for comments on the paper received during the conference, and would especially like to thank Nicolous Praygod, a graduate student in the Faculty of Law, University of Dar es Salaam, for his invaluable support as a Research Assistant on this project. The research for this paper was supported by funding from the Social Science and Humanities Research Council of Canada (SSHRC). This paper represents a work in progress, and the author welcomes comments and suggestions.

<sup>2</sup> Laurence Masha, Minister of Home Affairs, Tanzania, statement to Parliament, 25 June 2010, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>3</sup> Pereira Silima, Deputy Minister of Home Affairs, Tanzania, statement to TBC1 reporter, 3 September 2012, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>4</sup> International Refugee Rights Initiative (IRRI) (2013), "I can't be a citizen if I am still a refugee' Former Burundian Refugees Struggle to Assert their new Tanzanian Citizenship", Citizenship and Displacement in the Great Lakes Region, Working Paper 8, March, 3.

<sup>5</sup> UNHCR, Executive Committee of the High Commissioner's Programme (ExCom) (2008), "Protracted Refugee Situations: Revisiting the Problem", EC/59/SC/CRP.13, 2 June; UNHCR (2008), "Protracted Refugee Situations: High Commissioner's Initiative", Geneva, December.

<sup>6</sup> Elizabeth Campbell (2010), "Tanzania: Protracted Refugee Situations Addressed in Part by Strategic Use of Resettlement", blog posting, <http://www.refugeesinternational.org>, 10 May. See also: UNHCR (2010), "UNHCR Position Paper on the Strategic Use of Resettlement", paper prepared for the Annual Tripartite Consultations on Resettlement, Geneva, 6-8 July.

explain why a policy including naturalization for the 1972 Burundians was proposed in 2007. In contrast, the paper argues that electoral politics, dynamics within the ruling party, and the shifting position of President Kikwete within Tanzanian politics best explain the lack of progress on naturalization since 2010. Moreover, the paper argues that while global programmes, specifically the High Commissioner's Initiative, made an important contribution to the early stages of the naturalization process by ensuring that the opportunity presented by Tanzania was seized and international support mobilized, it has nonetheless resulted in global policy actors becoming less effective in ensuring progress in the naturalization process in light of Tanzanian reluctance.

To support this argument, this paper employs process tracing to identify and assess the range of factors that have contributed to the formulation and implementation of naturalization as a solution for Burundian refugees in Tanzania. Specifically, the paper draws on the results of fieldwork and elite interviews in Tanzania in 2009 and 2011 and a review of Tanzanian parliamentary debates and official documents to more critically engage with the policy-making process in Tanzania. The first section of the paper outlines the methodology for this paper, including the sources of data and basis of analysis. The paper then briefly reviews Tanzania's refugee policy under Presidents Nyerere and Mkapa to outline the factors that have affected Tanzania's historical approach to refugees and durable solutions. Section three of the paper then outlines the policy of durable solutions for Burundian refugees who had been living in three settlements in western Tanzania since 1972. The paper will then consider the extent to which the factors identified in earlier periods help to explain the naturalization offer to about 162,000 refugees before going on to consider if similar factors explained the delays in the policy's implementation since 2010.

## **Methodology**

The focus of this paper is to understand what factors best explain the changing course of Tanzania's policy on durable solutions for refugees, especially the changing approaches to naturalization and local integration from 2007 to 2012. To support this analysis, this paper adopts 'process tracing' as a methodology. As argued by George and Bennett, process tracing "attempts to trace the links between possible causes and observed outcomes" by drawing on "histories, archival documents, interview transcripts and other sources to see whether the causal process a theory hypothesizes or implies in a case is evident in the sequence and values of the intervening variables in that case."<sup>7</sup> In the absence of a testable *theory* of durable solutions from which hypotheses for the case of Tanzania may be derived, this paper argues that process tracing may be employed as a theory-building methodology by directing the systematic analysis of the factors that determined the particular course of policy development and implementation in a particular case study, which may then form the basis for comparisons with other case studies.

There are several benefits of process tracing that are important to this study, and which informed its use in the research. First, process tracing provides an approach to systematically consider the factors that contributed not only to policy formulation but also to the

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<sup>7</sup> Alexander George and Andrew Bennett (2005), *Case Studies and Theory Development in the Social Sciences*, Cambridge: MIT Press, 6.

implementation, or non-implementation, of a particular policy.<sup>8</sup> Instead of emphasizing a single shift or policy moment, process tracing allows for a broader consideration of how a range of factors are interconnected and affect the changing course of a policy within a single case study. While many discussions of policies on asylum and durable solutions in Tanzania and other states have largely been focused on the consideration of particular policy choices, an approach that considers the policy process and changes in that process were found to be especially appropriate to explain the changing course of naturalization policy in Tanzania through its formulation to only partial implementation.

Second, process tracing incorporates both a “detailed narrative” as the subject of analysis and details the sources of data that can be used to explain that narrative.<sup>9</sup> Specifically, process tracing is premised first on the detailed ‘telling’ of the story of a particular policy by drawing on the available secondary literature, archival material and interviews. While there is a considerable body of secondary literature on Tanzania’s asylum policies from the 1960s to the 1990s, there has been no published scholarly research considering Tanzania’s 2007 decision to offer naturalization to the Burundian refugees remaining in the Old Settlements.<sup>10</sup> This absence posed the challenge of how to both build from the earlier literature while documenting and explaining the recent policy changes over a particular period. Process tracing enabled this research to build from the earlier literature, as discussed below, but also provided a systematic approach to the use of other sources of data that were available in the case of Tanzania.

Specifically, this paper draws on reports from UNHCR, NGOs and the Government of Tanzania as examples of ‘archival materials’ to detail (sometimes competing) narratives of the course of the policy process. This paper also draws on translations from Swahili of debates on the naturalization process in the Tanzanian Parliament, between 2008 and 2012, to better reflect the changing position of political actors on the question of naturalization.<sup>11</sup> Finally, the paper draws on ‘elite interviews’, *i.e.* interviews with actors directly implicated in the policy process. These interviews were conducted with representatives of the Government of Tanzania, UN agencies, donor governments, NGOs, civil society and refugee communities, in Dar es Salaam, Mpanda, Kigoma, and in the Katumba settlement, during fieldwork in 2009 and 2011.<sup>12</sup> In total, 38 interviews were conducted during these two rounds of fieldwork.

Third, process tracing outlines how the course of a policy process can be both described and explained. In its most specific application, process tracing calls for the generation of a full range of hypotheses from theory to explain outcomes within a particular case or set of cases.

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<sup>8</sup> The author plans to build from this case study to more systematically consider the factors that explain the various stages of the ‘life-cycle’ of refugee and asylum policy. For a discussion of the stages of the policy process, see: Michael Howlett, M. Ramesh and Anthony Perl (2009), *Studying Public Policy: Policy Cycles and Policy Subsystems*, Third Edition, Don Mills: Oxford University Press.

<sup>9</sup> George and Bennett, 2005, 210-222.

<sup>10</sup> An important exception is the work of the International Refugee Rights Initiative in following the case and the overview of the case study provided in the 2009 special issue of *Forced Migration Review* on protracted displacement. See: IRRI, 2013; and Jessie Thomson (2009), “Durable solutions for Burundian refugees in Tanzania”, *Forced Migration Review*, Issue 33, September.

<sup>11</sup> The author is grateful to Nicolous Praygod, University of Dar es Salaam, for his work in identifying and translating Parliamentary proceedings from Swahili to English.

<sup>12</sup> The author is grateful to the Social Sciences and Humanities Research Council of Canada (SSHRC) and Carleton University (Office of the Dean, Faculty of Public Affairs, and Office of the Vice-President, Research and International) for funding that supported this fieldwork, in addition to the support of UNHCR’s offices in Tanzania and Burundi for facilitating the logistics of fieldwork in 2009.

The testing of these hypotheses against the specifics of a case may then affirm or refute the theory in question. George and Bennett also note that process tracing can “perform a heuristic function as well, generating new variables or hypotheses on the basis of sequences of events observed inductively in case studies.”<sup>13</sup> Given the absence of *theories* on the formulation of asylum and durable solutions policies in African states, this paper adopts this broader understanding of process tracing, and specifically to establish that there is utility in a “detailed narrative or story presented in the form of a chronicle that purports to throw light on how an event came about. Such a narrative is highly specific and makes no use of theory or theory-related variables, but these remain tacit.”<sup>14</sup>

Building on this more general application of process tracing, the next section of this paper draws on the secondary literature to consider the changing nature of Tanzania’s policy towards asylum and durable solutions from 1962 to 2003. The purpose of this section is to provide a brief narrative of the changes present in Tanzania’s approach to refugees during this broad period. More specifically, the section will outline the factors identified in the secondary literature as explaining changes in Tanzania’s refugee policies during this period. The paper will then ask if these same variables help explain the course of Tanzania’s naturalization policy in the period after 2007, and consider the extent to which identified factors have an explanatory utility in understanding Tanzania’s early refugee policy and explain its experience in the formulation and (non-) implementation of a naturalization policy for Burundian refugees.

### **The shifting politics of asylum in Tanzania: 1962 to 2003**<sup>15</sup>

Soon after achieving independence in 1962, Tanzania established a reputation as one of the most hospitable countries of asylum in Africa, if not the world. Through the 1960s and 1970s, it hosted tens of thousands of refugees fleeing both wars of national liberation in Southern Africa and post-colonial conflict in neighbouring states, especially Burundi and Rwanda.<sup>16</sup> Tanzania provided refugees with land, and refugees were encouraged to achieve self-sufficiency through the establishment of refugee settlements. Arguably the hallmark of Tanzania’s open asylum policy during this period was the mass naturalization of 36,000 Rwandan refugees in December 1980.<sup>17</sup>

According to Zarjevski, “from the start, the settlement of refugees in Tanzania was guided by the concepts of permanence and productivity, stemming, no doubt, from the principles on which the President, Julius Nyerere, hoped to develop his country.”<sup>18</sup> These principles, collectively known as *ujamaa na kujitegemea* (socialism and self-reliance) were adopted as Tanzania’s national policy in 1967 through the Arusha Declaration.<sup>19</sup> Among other

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<sup>13</sup> George and Bennett, 2005, 7.

<sup>14</sup> George and Bennett, 2005, 210.

<sup>15</sup> This overview is drawn from: James Milner (2009), *Refugees, the State and the Politics of Asylum in Africa*, Basingstoke: Palgrave Macmillan.

<sup>16</sup> Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo (1989) *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*, Oxford: Oxford University Press, 45-9.

<sup>17</sup> It is, however, important to note that very few refugees had received citizenship more than a decade after this mass naturalization through declaration, arguably as a result of significant economic changes experienced by Tanzania during the 1980s. See: Charles Gasarasi (1990), “The Mass Naturalization and Further Integration of Rwandese Refugees in Tanzania: Process, Problems and Prospects”, *Journal of Refugee Studies*, Vol. 3, no. 2.

<sup>18</sup> Yéfime Zarjevski (1988), *A Future Preserved: International Assistance to Refugees*, Oxford: Pergamon Press, 137.

<sup>19</sup> See: Andrew Coulson (1982), *Tanzania: A Political Economy*, Oxford: Clarendon Press

provisions, the Declaration called for the establishment of *ujamaa* farming collectives to encourage self-reliance. More specifically, several authors have linked Tanzania's willingness to host refugees from Rwanda and Burundi during this period to its view that refugees represented an opportunity to attract the resources necessary to encourage the settlement and economic development of under-populated regions of the country.<sup>20</sup> For example, Daley argues that the creation of settlements contributed to the development and exploitation of a remote region of the country as these settlements were organized not only to produce subsistence crops but also export-earning crops, such as coffee and tobacco, which were then sold through parastatals, earning valuable foreign currency for Tanzania.<sup>21</sup>

It may also be argued that Tanzania's open asylum policy was encouraged by the significant external financial and technical support it received for the refugee settlements through the Tripartite Partnership Model.<sup>22</sup> Established in 1964, this approach formalized a tripartite agreement between the Government of Tanzania, UNHCR and the Tanganyika Christian Refugee Service (TCRS) for the management of settlements for refugees from Rwanda and Burundi. Under this agreement, Tanzania provided the land for settlements, staff support, basic tools, access to community services and a waiver on import duty for goods related to the settlements. In turn, TCRS assumed responsibility for managing the settlements, while UNHCR provided the necessary funding and technical advice. Between 1963 and 1979, 13 settlements were managed through such tripartite agreements, hosting an estimated 182,000 refugees. The three settlements that were the focus of discussions on durable solutions for Burundians in 2007 – Katumba, Mishamo and Ulyankulu – were all established through the Tripartite Partnership Model.

Tanzania's approach to refugees changed dramatically in the context of renewed conflict and genocide in Rwanda, Burundi and Zaire in the mid-1990s and the arrival of hundreds of thousands of refugees.<sup>23</sup> Tanzania's first change in policy came on 31 March 1995 when the government closed its border with Burundi to prevent additional Rwandan refugees from fleeing renewed conflict in Burundi. Then, in December 1996, some 483,000 refugees were returned to Rwanda, sometimes through the use of force after Tanzania announced that all Rwandan refugees would be required to leave the country by the end of the year.<sup>24</sup>

Several authors have identified a range of factors that help explain Tanzania's decision to close its border with Burundi and expel the Rwandan refugees.<sup>25</sup> First, they emphasize that Tanzania's change in policy came in the context of domestic political changes within

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<sup>20</sup> See: Louise W. Holborn (1975), *Refugees: A Problem of Our Time: The Work of the United Nations High Commissioner for Refugees 1951 – 1972*, Metuchen, NJ: The Scarecrow Press; N. R. T. Tunga (1987), "Ujamaa Socialism and Rwandese Refugees' Settlement in Mwesi, Tanzania", Paper prepared for the Conference on The Management of Planned and Spontaneous Refugee Settlements in Africa, Dar es Salaam, April; Saskia van Hoyweghen (2002), "Mobility, territoriality and sovereignty in post-colonial Tanzania", *Refugee Survey Quarterly*, Vol. 21, no. 1 and 2.

<sup>21</sup> Patricia Daley (1992), "The Politics of the Refugee Crisis in Tanzania", in Horace Campbell and Howard Stein (eds.), *Tanzania and the IMF: The Dynamics of Liberalization*, Boulder, CO: Westview Press.

<sup>22</sup> See: Charles Gasarasi (1987), "The Tripartite Approach to the Resettlement and Integration of Refugees in Tanzania", in John R. Rogge (ed.), *Refugees: A Third World Dilemma*, Totowa, NJ: Rowman and Littlefield.

<sup>23</sup> According to UNHCR, Tanzania's refugee population climbed from 292,100 at the end of 1992 to 883,300 at the end of 1994. See: UNHCR (2000), *The State of the World's Refugees: Fifty Years of Humanitarian Action*, Oxford: Oxford University Press, 312.

<sup>24</sup> See: Sadako Ogata (2005), *The Turbulent Decade: Confronting the Refugee Crisis of the 1990s*, New York: WW Norton; and Beth Elise Whitaker (2002), "Changing priorities in refugee protection: the Rwandan repatriation from Tanzania", *Refugee Survey Quarterly*, Vol. 21, no. 1 and 2.

<sup>25</sup> See, for example: Augustine Mahiga (1997), "A Change in Direction for Tanzania", *Refugees*, No. 110, Winter; Bonaventure Rutinwa (1996), "The Tanzanian Government's Response to the Rwandan Emergency", *Journal of Refugee Studies*, Special Issue, Vol. 9, no. 3; and Whitaker, 2002.

Tanzania and the introduction of multi-party politics. In February 1992, a special congress of Tanzania's ruling party, *Chama Cha Mapinduzi* (CCM),<sup>26</sup> endorsed the principle of a multi-party system of government, partially as a result of pressure from donor institutions. The first multi-party elections were scheduled for October 1995. Anti-refugee rhetoric was a common feature of the ensuing campaign, with all parties portraying themselves as the only party with the solution to the refugee crisis.<sup>27</sup> More generally, CCM portrayed itself as the only party that could prevent the spread of violence from Rwanda and Burundi, while claiming that a vote for the opposition would lead to ethnic divisions within Tanzania. The final results gave CCM 186 of 232 seats in the National Assembly. The CCM candidate, Benjamin Mkapa, won 62 per cent of the presidential vote, and was sworn-in as Tanzania's third president on 23 November 1996.

With the advent of multi-partyism came changes in Tanzania's foreign policy. Tanzania's foreign policy under President Nyerere was guided by Pan-Africanism and support for liberation movements. Consequently, President Nyerere was willing to host a number of refugee populations actively opposed to oppressive regimes in their country of origin, often at the expense of friendly regional relations and sometimes at the expense of Tanzanian security. Unlike President Nyerere, the new regime in Tanzania "pursued an active policy of maintaining good relations with all neighbours," regardless of their ideology.<sup>28</sup> By the time of the Rwandan emergency, Tanzania had adopted a regional policy of cooperation and conciliation, and giving a higher priority to regional relations. This policy carried through to the Rwandan expulsion, as the government did not want to exacerbate tensions between Kigali and Dar es Salaam.

Authors also highlight the importance of understanding how specific features of the Rwandan refugee population contributed to Tanzania's change in policy. First, the scale of the Rwandan influx must be appreciated, with some 250,000 refugees crossing into Tanzania from Rwanda on 28-29 April 1994 alone. Second, there was a widely-held suspicion that the camps were harbouring Rwandan elements who were not fleeing persecution, but justice. The activities of these elements also extended beyond the camp boundaries, leading to more general concerns of law and order in the surrounding areas. Third, concerns were raised over the physical and environmental damage associated with the influx, especially as water sources and forests were depleted through overuse and the indiscriminate felling of trees. While there was considerable donor support for the response to the initial influx of refugees, this support waned over time leaving the local authorities to supplement food aid, and leaving the local environment and population vulnerable. This led Rutinwa (1996) to conclude that the "failures of the international community to give adequate assistance to Tanzania was the main reason for the closure of the border" with Burundi, marking the change in Tanzania's refugee policy.<sup>29</sup>

It is important to emphasize how extensively Tanzania's position on refugees changed in the 1990s. The emphasis on self-sufficiency and local settlement was replaced by a focus on repatriation, while the integration of refugees into the Tanzanian political community was replaced by a desire to exclude them. This shift is arguably best illustrated by a common

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<sup>26</sup> *Chama Cha Mapinduzi*, Party of the Revolution, was formed in 1977 as a result of the merger of the ruling party of the mainland, TANU, and the ruling party of Zanzibar, ASP. CCM remained the only legal party in Tanzania until May 1992, and has remained the ruling party in Tanzania since independence.

<sup>27</sup> Rutinwa, 1996, 299.

<sup>28</sup> Rutinwa, 1996, 299.

<sup>29</sup> Rutinwa, 1996, 298.



statement found in international speeches of Tanzania's Minister of Home Affairs and Minister of Foreign Affairs from 1995, which claimed that "experience has shown that measures such as the granting of permanent asylum and citizenship to the refugees are not a panacea for a permanent solution to the refugee crisis" and that "the solution lies in the countries of origin rather than the countries of asylum."<sup>30</sup>

This policy of exclusion was reinforced through several developments in Tanzania's refugee policy in the years following the expulsion of Rwandan refugees. In 1997, Tanzanian authorities began to round-up Burundians living outside the camps, claiming that this was a necessary move to protect Tanzanians living in the border areas. This increasingly securitized view of refugees motivated the passing of more restrictive refugee legislation in 1998. Kamanga argues that the 1998 Refugees Act had two objectives: to "signal disengagement from the open door policy of the Nyerere administration", and to "assure the populace" that the government was "determined to address the problem of seemingly endless refugee influxes."<sup>31</sup>

In fact, restrictions on refugees intensified after the coming into force of the Act in February 1999. For example, Tanzania subsequently adopted a policy prohibiting refugees from travelling more than four kilometres outside the camps. Refugees were consequently no longer able to seek wage-earning employment in neighbouring villages and towns, and practically all economic activity between refugees and the local population ceased. Tanzania's 2003 National Refugee Policy codified many of these restrictions, including restrictions on freedom of movement and limitations on economic activity for refugees, while dismissing the granting of citizenship as a durable solution for refugees in Tanzania and identifying voluntary repatriation as "the best solution for the refugee problem."<sup>32</sup>

This overview of Tanzania's asylum policy from independence to the introduction of the 2003 National Refugee Policy suggests that while the nature of Tanzania's asylum policy shifted from an open door policy under President Nyerere to a restrictive policy under President Mkapa, the factors underlying the policy have remained constant. Specifically, domestic, regional and international factors, coupled with the changing nature and scale of the refugee population in Tanzania, played a dominant role in determining Tanzania's asylum policy for the 40 years following independence. Further to the policy of *ujamaa* under President Nyerere, refugees from Rwanda and Burundi were welcomed in Tanzania and seen as an economic asset. The pressures of democratization, however, resulted in a change in the idea of the Tanzanian state, and a consequent change in its asylum policy. These changes were coupled with the mass arrival of Burundian and Rwandan refugees in the mid-1990s. Changes in domestic and regional politics, along with the scale and nature of the refugee situation, played a significant role in explaining Tanzania's change in asylum policies in the mid-1990s, and arguably contributed to the entrenchment of these restrictive policies through to the early 2000s. Given these factors, how can a shift back to a policy of naturalization be explained?

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<sup>30</sup> Government of the United Republic of Tanzania (1995), "Statement by Hon. Judge E. Mweisumo, Deputy Minister for Home Affairs (Tanzania) to the UNHCR Executive Committee, Forty-Sixth Session, October, 1995", Geneva, October, 9; and Government of the United Republic of Tanzania, Ministry of Foreign Affairs and International Cooperation (1995), "Speech delivered by Hon. Joseph Rwegasira, Minister for Foreign Affairs and International Cooperation on the opening of an international workshop on the refugee crisis in the Great Lakes Region held on 16-19 August 1995 in Arusha", Arusha, 16 August.

<sup>31</sup> Khoti Kamanga (2005), "The (Tanzania) Refugees Act of 1998: Some Legal and Policy Implications", *Journal of Refugee Studies*, Vol. 18, no. 1, 104.

<sup>32</sup> Government of the United Republic of Tanzania (2003), Ministry of Home Affairs "The National Refugee Policy", Dar es Salaam, September, 7.

## A new phase in Tanzania's refugee policy: 2005 to 2012

The process that led to the prospect of naturalization and local integration for Burundian refugees who had been in Tanzania since 1972 is generally seen to have its origins in CCM's 2005 election manifesto. Point 10 in the 13-point manifesto was a commitment to make Tanzania "refugee-free" by 2010.<sup>33</sup> While this may be seen as a continuation of the intention of the 2003 National Refugee Policy, it is important to understand how the option of naturalization emerged in the context of discussions of the implementation of the election promise following the 2005 elections, which resulted in a significant mandate for CCM and its Presidential candidate, Jakaya Kikwete.<sup>34</sup>

Following the election, the Government of Tanzania signaled to UNHCR that it wanted to prioritize the closure of the remaining camp (Mtabila) for Burundian refugees in Tanzania by encouraging voluntary repatriation.<sup>35</sup> This emphasis was reinforced through meetings of the Tripartite Commission, comprising the governments of Burundi and Tanzania and UNHCR. Initially, these discussions did not address the future of the 1972 Burundians remaining the 'Old Settlements' of Katumba, Mishamo and Ulyankulu as this group had been self-reliant since the mid-1980s and had not been included in UNHCR's Tanzania program since 1985. In a meeting of the Tripartite Commission in 2006, however, the governments of Burundi and Tanzania expressed their desire to close both the camps and the 'Old Settlements'. Observers of the process noted that this desire "caught UNHCR off-guard" as the Old Settlements had not previously been part of the discussion.<sup>36</sup> In response, however, UNHCR was able to propose a response that became known as the Tanzania Comprehensive Solutions Strategy (TANCOSS).

During the subsequent meeting of the Tripartite Commission, in June 2007, UNHCR responded to the intentions of the governments of Burundi and Tanzania by accepting as a priority the closure of both the camps and settlements hosting Burundian refugees. In considering how best to pursue this objective, however, UNHCR raised the possibility that repatriation may not be the best solution for all refugees in the Old Settlements. Instead, UNHCR noted that it had not been in the Old Settlements for some 20 years, and that a solutions strategy for this population would therefore be best developed with the support of further study of the conditions and intentions of refugees in the Old Settlement. With the agreement of the two governments, the Old Settlements Task Force was established as a sub-group of the Tripartite Commission and tasked with developing a solution for refugees remaining in the three settlements. This approach was endorsed by the Foreign Affairs, Defence and Security Committee of Tanzania's National Assembly along with Tanzania's

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<sup>33</sup> Interviews, Dar es Salaam, July 2009. See also: Nordic Consulting Group (2010), *Evaluation of the Protracted Refugee Situation (PRS) for Burundians in Tanzania: Joint evaluation by UNHCR, DANIDA and the Ministry of Foreign Affairs of Denmark*, Copenhagen, October, 25.

<sup>34</sup> In 2005, Jakaya Kikwete was elected president with 80.3% of the vote, while CCM won 206 of the 232 directly elected seats in the National Assembly. See: National Election Commission of Tanzania, <http://www.nec.go.tz/>, accessed 19 September 2012.

<sup>35</sup> Interviews, Dar es Salaam, July 2009. Mtabila Camp, in the Kigoma Region of Western Tanzania, is the remaining camp for Burundian refugees who fled to Tanzania in 1993. Its population is primarily comprised of refugees who remained in eight other camps for Burundian refugees in Kigoma and Kagera regions, which were progressively closed following the start of the repatriation exercise to Burundi in 2002. There were some 24,300 refugees remaining in Mtabila in early 2012.

<sup>36</sup> Interviews, Dar es Salaam, July 2009.

Cabinet of Ministers who, on 15 June 2007, “directed the Minister of Home Affairs to find a durable solution for these refugees.”<sup>37</sup>

As a result of this agreement, a series of initiatives, led by UNHCR with the support of the two governments, were prepared in a short period of time. This was all the more remarkable as UNHCR had not been present in the settlements for over 20 years. First, a population census was conducted in the three settlements in July 2007. Second, an individual registration process was conducted in the three settlements between August and October 2007. Third, a socio-economic assessment of the settlements was conducted by an independent consulting group.<sup>38</sup> This survey not only documented the resources and economic activity taking place within the settlements, but also asked refugees to identify their preference between repatriation to Burundi and local integration in Tanzania as a possible durable solution. In response, some 79 per cent of refugees identified the acquisition of Tanzanian citizenship as their preferred durable solution, with the remaining 21 per cent opting for repatriation.<sup>39</sup> While the survey has been critiqued for not fully describing to respondents the specifics and implications of their choice,<sup>40</sup> the results clearly indicated the overwhelming preference of the refugees to pursue naturalization. It was also significant that the census exercise revealed that 82 per cent of residents in the three settlements were born in Tanzania.

These findings were presented to a meeting held in Dar es Salaam on 26 November 2007 which was attended by some 80 representatives from government, NGOs and UN agencies.<sup>41</sup> Although there were diverging views between representatives of Tanzania’s central government and local government authorities (LGAs) on the best course of action, an agreement was reached that residents of the Old Settlements who wished to pursue repatriation to Burundi should be included in the broader repatriation program, while those seeking naturalization should be supported in the application process, as indicated in the Tanzanian Citizenship Act of 1995. Crucially, however, the Government of Tanzania added the condition that those Burundians approved for Tanzanian citizenship would be required to leave the settlements and relocate to a new area of Tanzania before citizenship would be formally granted.

Despite the opposition of Tanzanian LGAs, a ‘three-pillar’ approach was approved at a Tripartite Commission meeting in Bujumbura in December 2007. The first pillar of this approach involved the repatriation of some 46,000 individuals to Burundi.<sup>42</sup> The second pillar involved the processing of citizenship applications for some 162,000 individuals who wished

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<sup>37</sup> Laurence Masha, Minister of Home Affairs, Tanzania, statement to Parliament, 25 June 2010, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>38</sup> See: SA3 (2007), *Study of Tanzania’s Old Settlement Hosting the 1972 Refugees from Burundi*, Dar es Salaam, December.

<sup>39</sup> SA3, 2007, 1.

<sup>40</sup> See: Centre for the Study of Forced Migration, International Refugee Rights Initiative, and the Social Sciences Research Council (2008), *Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania*, Citizenship and Forced Migration in the Great Lakes, Working Paper no. 1, November.

<sup>41</sup> Interviews, Dar es Salaam, July 2009.

<sup>42</sup> While a discussion of the challenges of repatriation for refugees who had been outside Burundi since 1972 is beyond the scope of this paper, it is important to note that some 500,000 refugees repatriated to Burundi between 2002 and 2009. As some 30 per cent of refugees from the Old Settlements had no access to land upon their return to Burundi, an effective response to the repatriation of refugees became a priority issue for those engaged in the peacebuilding process in Burundi. See: James Milner (forthcoming), “The Implementation of ‘Integrated Responses’ within the UN System: Lessons from Tanzania and Burundi” in Alexander Betts and Phil Orchard (eds.), *Implementation in World Politics: How International Norms Change Practice*, Oxford: Oxford University Press; and Judith Vorrath (2009), “From Refugee to Reintegration Crisis? The Consequences of Repatriation to (post)Transition Burundi” in Stefaan Marysse, Filip Reyntjens and Stef Vandeginste (eds.), *L’Afrique des Grands Lacs, Annuaire 2007-2008*, Paris: L’Harmattan.

to pursue naturalization in Tanzania. The third pillar involved the relocation of naturalized refugees from the settlements and their integration in new areas of Tanzania. On 12 February 2008, UNHCR launched a supplementary appeal, calling on donors to contribute just over US\$34 million to support a comprehensive solution for the 1972 Burundian refugees in Tanzania.<sup>43</sup> While no specific timeline was detailed in the appeal, UNHCR did note that “the opportunity for a facilitated naturalization process is time-bound, and providing adequate resources to complete it by the end of 2008 is critical to achieving success in this programme.”<sup>44</sup>

In March 2008, the UN High Commissioner for Refugees, António Guterres, officially launched the TANCOS process during a visit to Tanzania. Repatriation to Burundi from the settlements began in March 2008. At the same time, some 76,000 individual citizenship applications, representing some 162,000 individuals, were prepared in the three settlements and transferred to the newly-established Citizenship Processing Unit in Dar es Salaam.<sup>45</sup> In June 2010, the Minister of Home Affairs stated in the National Assembly that 162,156 of the 164,312 applications for Tanzanian citizenship had been approved.<sup>46</sup>

In parallel to what was seen as a successful and expeditious realization of the second pillar, plans were being developed to support the relocation and local integration of refugees from the Old Settlements, now referred to as newly naturalized Tanzanians (NNTs). To support this process, Tanzania’s Ministry of Home Affairs and the Prime Minister’s Office for Regional Administration and Local Government (PMO-RALG) drafted the National Strategy for Community Integration Programme (NaSCIP).<sup>47</sup> A first draft, presented in June 2010, initially called for donor’s to contribute some US\$350 million to support relocation and local integration in 16 regions across Tanzania.<sup>48</sup> Subsequent negotiations led by PMO-RALG, however, reduced this total to US\$144 million. Ultimately, a total of US\$103 million was included in the 2011-2015 United Nations Development Assistant Plan (UNDAP), concluded between the Government of Tanzania and the UN System in Tanzania in December 2010.<sup>49</sup> This included US\$55 million for the relocation and integration of newly naturalized Tanzanians (NNTs) in 16 regions across Tanzania and US\$48 million to enhance the “absorption capacity of receiving communities through targeted interventions, particularly in the sectors of education, health, water and agriculture.”<sup>50</sup> This second portion of funds was widely seen to be an effort to encourage the support of LGAs through incentive payments.<sup>51</sup>

In preparation for relocation, and in light of concerns about the quality of information gathered on preferred destinations for naturalized refugees during the 2007 census exercise, UNHCR also conducted an additional registration exercise in all three settlements. This exercise, concluded in May 2011 and including the intentions of 29,022 families, indicated

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<sup>43</sup> UNHCR (2008b), “Supplementary Appeal: Comprehensive Solutions for Burundian Refugees in Tanzania’s Old Settlements: 2008-2009”, Geneva, February.

<sup>44</sup> UNHCR, 2008b, 6.

<sup>45</sup> Interviews, Dar es Salaam, July 2009. It is important to note that this individualized approach to granting citizenship is in contrast to the mass naturalization process for the Rwandan refugees in 1980. See: Gasarasi, 1990.

<sup>46</sup> Laurence Masha, Minister of Home Affairs, Tanzania, statement to Parliament, 25 June 2010, translated from Swahili by Niculous Praygod, University of Dar es Salaam.

<sup>47</sup> Government of Tanzania (nd), “National Strategy for Community Integration Programme (NASCIP): 2010-2014”, Dar es Salaam: Regional Administration and Local Government, Prime Minister’s Office.

<sup>48</sup> Interviews, Dar es Salaam, June 2011.

<sup>49</sup> United Nations Tanzania (2010), *United Nations Development Assistance Plan (July 2011- June 2015)*, United Republic of Tanzania, Dar es Salaam, December.

<sup>50</sup> United Nations Tanzania, 2010, 110.

<sup>51</sup> Interviews, Dar es Salaam, July 2011.

that the most popular destination for relocation were the regions of Dodoma (10.1 per cent) and Inringa (8.9 per cent).<sup>52</sup> UNHCR also supported the recruitment of 13 staff by PMO-RALG's local integration programme team, noting in March 2011 that "while five of them will be based as zonal focal points in local integration support offices in Dar es Salaam, Dodoma, Inringa, Mtwara and Mwanza, the others will support the operation from Dar es Salaam, Kagera, Morogoro and Tanga."<sup>53</sup> PMO-RALG and UNHCR also hosted information sessions in 13 of the 16 destination regions to inform district councilors and ward and village leaders about the relocation exercise and to develop "action plans for the implementation of NaSCIP" in each region.<sup>54</sup>

Notwithstanding these investments in the relocation process, however, there had been no relocations from Old Settlements by March 2013.<sup>55</sup> In fact, several statements by the Government of Tanzania suggested that the process remained under review and could remain stalled for some time. On 21 June 2011, for example, the Minister of Home Affairs acknowledged in the National Assembly that there had yet to be any relocation from the settlements, and that, in response to concerns expressed by a number of actors, "the government will consider another avenue that will please Tanzanians on this matter," noting that the relocation exercise remained under review.<sup>56</sup> More than a year later, no relocations had occurred from the settlements and no renewed plan for relocation had been brought forward by the government. Then, on 3 September 2012, the Deputy Minister of Home Affairs, Pereira Silima, suggested that the decision to grant citizenship to Burundian refugees may be reversed, noting that the process that led to naturalization would need to be reconsidered in light of concerns raised by various stakeholders.<sup>57</sup>

While this announcement has not been followed by a formal decision by the Government of Tanzania on the future of naturalization and relocation,<sup>58</sup> it does mark a clear hesitation on the part of the government to fully implement the TANCROSS policy. Given the tremendous pace of the policy formulation and early implementation process between 2007 and 2009, it also raises important questions about what motivated this change of heart on the part of the government. More generally, given the shift between the restrictive approach of the 2003 National Refugee Policy and the launch of TANCROSS in 2008, and given the potential significance of this case for understanding the prospects of comprehensive solutions for other protracted refugee situations, it is important to understand what factors best explain both the emergence of a solutions-oriented approach in Tanzania and the recent reluctance of the government to fully implement this policy. Given the emphasis placed on the case of Tanzania in discussions on the resolution of protracted refugee situations at the global level, this course of events also raises important questions on the global discussion on this issue and initiatives to address specific refugee situations.

The next section of the paper seeks to understand the factors that explain both the emergence and suspension of naturalization and local integration as a durable solution for Burundian

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<sup>52</sup> United Nations Tanzania (2011), "Tanzania Local Integration Programme: April 2010 to May 2011", Dar es Salaam, 4.

<sup>53</sup> United Nations Tanzania, 2011, 3.

<sup>54</sup> United Nations Tanzania, 2011, 3.

<sup>55</sup> See: IIRI, 2013.

<sup>56</sup> Shamshi Nahodha, Minister for Home Affairs, Tanzania, statement to Parliament, 21 June 2011, translated from Swahili by Nicolous Praygod, University of Dar es Salaam. See also: *The Guardian (Tanzania)* (2011), "Govt studies relocation of naturalized refugees to new areas", 22 June.

<sup>57</sup> Pereira Silima, Deputy Minister of Home Affairs, Tanzania, statement to TBC1 reporter, 3 September 2012, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>58</sup> As of May 2013, there has been no formal statement regarding a change in the policy of naturalization and relocation.

refugees in Tanzania. To support this analysis, it draws on the factors identified in the review of Tanzania's refugee policy from 1962 to 2003. Following the methodology of process-tracing, the section considers the extent to which each factor may have contributed to the ebb and flow of naturalization and local integration. While these factors do not constitute hypotheses in a formal sense, the section considers to what extent factors, such as shifts in local, national and regional politics, best explain the emergence of a policy of naturalization in 2007 and the subsequent reluctance of the Government of Tanzania to fully implement this policy.

## **Understanding naturalization policy in Tanzania**

Drawing from archival material, reports, Parliamentary proceedings, fieldwork and elite interviews, this section argues that changing regional relations, personal relations, dynamics within the ruling party and historical factors best explain why a naturalization policy was proposed in 2007. In contrast, this section argues that electoral politics, ruling party dynamics and the shifting position of President Kikwete within Tanzanian politics best explain the lack of progress made on naturalization since 2010. Many of these factors are bound-up in broader shifts in the local, national and regional politics of Tanzania since independence. As such, this section argues that factors unrelated to the presence of refugees broadly explain the emergence and suspension of a naturalization policy in Tanzania since 2007, just as similar factors helped explain the shifts in Tanzania's refugee policy since 1962. This section will first explain the factors explaining the adoption of a naturalization and relocation policy before considering the factors that explain its lack of implementation since 2010.

### *Explaining the offer of naturalization*

A number of factors may be seen to have contributed to Tanzania's decision to offer naturalization to Burundian refugees. The most frequently cited factors during interviews related to the role of history and the role of personalities. Specifically, several respondents noted that the naturalization of refugees in Tanzania was seen as a continuation of the policies of Julius Nyerere that had been interrupted by the economic crisis of the 1980s, especially the end of *ujamaa* and the introduction of a structural adjustment program in 1986,<sup>59</sup> and the scale of the refugee emergency confronting Tanzania in the 1990s. The significance of this historical precedent may have been compounded by the fact that the Minister of Home Affairs at the launch of TANCOS, Joseph Mungai, had been Minister of Agriculture under Julius Nyerere when the Burundians initially arrived in 1972. As he had been responsible for the establishment of the settlements in the 1970s, as detailed above, many observed that he saw the opportunity of pursuing naturalization for this refugee population as a completion of this project at the end of his political career and ahead of his retirement in 2008.<sup>60</sup>

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<sup>59</sup> In 1986, Tanzania launched the Economic Recovery Programme (ERP), which resulted in currency devaluations, the removal of import restrictions, increases in food prices and an intensive campaign against bureaucratic inefficiency. Future reforms ended many of the material elements of *ujamaa*, especially in the areas of health, education and the provision of water. In responses, the IMF provided loans and stand-by credits to Tanzania in 1986 and 1987. See: Milner, 2009, 115.

<sup>60</sup> Interviews, Dar es Salaam and Kigoma, July 2009. See also: Nordic Consulting Group, 2010, 27.

More generally, respondents cited the important personal relationship between the Deputy Minister of Home Affairs in 2007, Lawrence Masha, and the UNHCR Representative to Tanzania, Yacoub el Hilo.<sup>61</sup> Respondents noted that Masha and el Hilo had developed a close working relationship during the 1990s when el Hilo was a UNHCR Protection Officer in Tanzania at the time of the Burundian and Rwandan influxes, while Masha had been a human rights lawyer in Tanzania working to protect the rights of refugees during the emergence of Tanzania's restrictive policy. It was frequently noted that this relationship played an important role in UNHCR's ability to bring the option of naturalization into the discussion in early 2007, while it played a crucial role in the rapid implementation of the second pillar following Masha's promotion to the post of Minister of Home Affairs in 2008. More generally, respondents noted the importance of el Hilo's leadership of the UNHCR office in Tanzania and his ability to understand and quickly assess changing political opportunities in Tanzania.

A number of respondents also noted the role played by domestic politics and dynamics within the CCM following the 2005 elections. Elected with 80.3 per cent of the popular vote, President Kikwete was seen to have a stronger mandate than Mkapa, who had been elected with 62 per cent of the vote. Given the emphasis on solutions for refugees in CCM's election manifesto, there was a sense that Kikwete had a wider discretion on how solutions for refugees may be pursued, even when confronted with opposition from the LGAs. With this strong mandate, coupled with what has been termed the "missing opposition" in the National Assembly,<sup>62</sup> there was a sense that Kikwete enjoyed a monopoly on state authority, similar to the authority enjoyed by Nyerere when he pursued naturalization in 1980.

Third, changing regional relations were frequently cited as playing an important role in the government's decision. Specifically, discussions on naturalization occurred in parallel with negotiations for Burundi and Rwanda to join Tanzania, Kenya and Uganda in the East African Community (EAC). When EAC membership was formally expanded in July 2009, the regularization of the refugee issue was seen as part of a broader normalization of relations between neighbours.<sup>63</sup> This fact is reinforced by the fact that EAC leaders signed a subsequent agreement in November 2009 that allowed for free movement and right to residency to citizens of EAC states.

It was also frequently noted that the decision to naturalize Burundians in Tanzania was reinforced by a desire to support peacebuilding in Burundi, thereby diminishing the prospects of future conflicts and refugee flows. As noted above, some 500,000 refugees were repatriated to Burundi between 2002 and 2009, meaning that some 6 per cent of Burundi's total population was returned refugees. Many of these refugees returned to the volatile south of the country, where a long history of tension between Hutu and Tutsi communities, compounded by a history of land conflict, was seen as an unresolved element of the conflict. As noted in the May 2009 report of the UN Secretary-General on the UN Mission in Burundi, addressing the needs of returning refugees was seen as a central factor contributing to the overall objective of peacebuilding in Burundi.<sup>64</sup> These links between refugees and peacebuilding were further reinforced during a meeting of the Tripartite Commission in

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<sup>61</sup> Interviews, Dar es Salaam, July 2009 and June 2011.

<sup>62</sup> Barak Hoffman and Lindsay Robinson (2009), "Tanzania's Missing Opposition", *Journal of Democracy*, Vol. 20, no. 4, October.

<sup>63</sup> Interviews, Dar es Salaam, July 2011.

<sup>64</sup> UN Secretary-General (2009), "Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi", UN Doc. S/2009/207, 22 May, para 65, p. 13, emphasis added.

August 2009, when the Executive Representative of the Secretary General in Burundi offered to support a proposal from the Government of Tanzania to seek financial support from the UN Peacebuilding Fund for the local integration of Burundian refugees. Given that a large proportion of refugees returned to find their land occupied and the potential that land-related issues could lead to a renewal of conflict in Burundi, a solution for Burundian refugees that precluded the need for repatriation was seen as an important contribution to peacebuilding in Burundi.

In addition to these national and regional factors, it is important to note that there were particular characteristics of the Burundian refugees in the Old Settlements that contributed to the willingness to consider naturalization. First, 82 per cent of the refugees were born and raised in Tanzania. As opposed to refugees in camps, who followed the Burundian school curriculum and spoke Kirundi and French, these refugees had followed the Tanzanian school curriculum and spoke Swahili and English. This led the Minister of Home Affairs to note in an interview that “these people have no home other than Tanzania.”<sup>65</sup> In addition, the 2007 survey found that the settlements had been very productive and made an important contribution to the Tanzanian state through taxes. In addition to being self-reliant through the production of food crops, the settlements had proven to be very successful in producing cash crops, especially tobacco. The sale of these cash crops resulted in the payment of taxes to the District Authorities. In 2006-2007, for example, Ulyankulu settlement alone generated TSh. 1.1 billion (approximately US\$950,000) from tobacco production, resulting in TSh. 350 million (approximately US\$300,000) in taxes paid.

Likewise, it is important to note the key role played by the responsiveness of UNHCR and the donor community once the Government of Tanzania raised naturalization as a possible durable solution. Specifically, respondents noted that UNHCR was able to develop and implement a plan for a census and socio-economic survey in the three settlements within 12 months, despite not having had a presence in these settlements for over 20 years. Likewise, it is important to consider the response of donors to the Supplementary Appeal to support the naturalization process. In fact, UNHCR noted in its *2008 Global Report* that contributions to the supplementary budget for the comprehensive solution for the 1972 Burundians was actually US\$4.9 million more than what was requested from donors.<sup>66</sup> It was noted in interviews how this quick and tangible response from UNHCR and the donor community was necessary for the quick implementation of ‘Pillar Two’, especially in light of Tanzania’s past concerns about the reliability of international solidarity and burden sharing, but that this fact alone was not sufficient for explaining the formulation and implementation of this policy.

### *Explaining the insistence on relocation*

There has also been some consideration about the factors that explain the insistence on the part of the Government of Tanzania that all newly naturalized Tanzanians must leave the settlements and relocate to a new area of Tanzania for the naturalization process to be completed and for individuals to receive their citizenship certificates. In fact, given the success of the settlements and the economic contribution they have made to the local economy, as outlined above, a number of donors and NGOs questioned the policy of

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<sup>65</sup> Lawrence Masha (2008), interview for the film *Home Free: Three Burundian refugee stories*, Burundi Film Centre.

<sup>66</sup> UNHCR (2009), “United Republic of Tanzania”, *UNHCR Global Report 2008*, Geneva, 34.



relocation.<sup>67</sup> Given that the implementation of the relocation requirement is the only remaining obstacle for the full naturalization of Burundian refugees in Tanzania, it is especially important to consider the factors that contributed to the inclusion of this provision in TANCOSS and the persistence of these factors, notwithstanding changes in the context of the settlements over the past 5 years.

The most frequently cited justification for the policy of dispersal and closing the settlements relates to the politics of the population within the settlements and concerns about the long-term presence of a “Burundian enclave” in Tanzania.<sup>68</sup> Specifically, respondents referred to the history of the Banyamulenge in eastern DRC, as well as concerns that similar sources of conflict and tension may arise in western Tanzania if Burundian refugees remained in a concentrated area, even after acquiring Tanzanian citizenship. While these concerns were generally considered to be problematic among representatives of the international community in Dar es Salaam,<sup>69</sup> it is important to note that the settlements have a particular political history.

Specifically, the Mishamo and Katumba settlements were strongholds of the *Parti pour la libération du peuple Hutu* (PALIPEHUTU) and the Front for National Liberation (FROLINA), respectively, during the 1980s, providing a base for armed and political opposition to the regime in Bujumbura.<sup>70</sup> As noted by the International Crisis Group, the Old Settlements in Tanzania “spawned the first organized Hutu armed groups, Palipehutu and Frolina, which launched cross-border incursions against Burundi beginning in the 1980s.”<sup>71</sup> While there was a sense that some elements of the Government of Tanzania had provided support to these groups, there were continued concerns that these groups viewed the settlements as an extension of Burundian territory. For example, one respondent with a long history in the settlements recalled how a delegation from PALIPEHUTU visited the Katumba Settlement in 1989 and replaced the Tanzanian flag at the entrance of the settlement with the Burundian flag, something they had already done in the other two settlements.<sup>72</sup> It was further noted that the refugee leadership in the settlements through the 1990s was drawn primarily from these political groups, and that the governing structures of the settlements served to maintain and perpetuate a particular “cosmology” or social organization premised on Hutu supremacy and the eventual return to Burundi.<sup>73</sup> In fact, when the acquisition of Tanzanian citizenship was raised as a possible solution for refugees, leaders in the church in Katumba<sup>74</sup> were reported to have preached sermons that it was a sin to denounce one’s Burundian citizenship, a necessary step in acquiring Tanzanian citizenship.<sup>75</sup>

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<sup>67</sup> Interviews, Dar es Salaam, July 2009. See also: Centre for the Study of Forced Migration, International Refugee Rights Initiative, and the Social Sciences Research Council, 2008.

<sup>68</sup> Interviews, Dar es Salaam, July 2009 and June 2011.

<sup>69</sup> Interviews, Dar es Salaam, July 2009 and June 2011.

<sup>70</sup> Interviews, Katumba Settlement, July 2009. See also: Liisa Malkki (1995), *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*, Chicago: University of Chicago Press; International Crisis Group (ICG) (1999) “Burundian Refugees in Tanzania: The Key Factor to the Burundian Peace Process”, ICG Central Africa Report No. 12, Nairobi: ICG, 30 November.

<sup>71</sup> ICG, 1999, 2.

<sup>72</sup> Interview, Katumba Settlement, July 2009.

<sup>73</sup> Interview, Katumba Settlement, July 2009. For a discussion of the role of the settlements in maintaining a particular “national cosmology”, see: Malkki, 1995, 105-52.

<sup>74</sup> The church in Katumba, with an estimated standing capacity of 10,000 worshippers, is thought to be the largest church in East Africa. Built by the refugees themselves, it was seen to play a central role in the refugee community.

<sup>75</sup> Interviews, Katumba, July 2009.

The particular political history and leadership of the settlements, especially those of Mishamo and Katumba, arguably provides an important context within which to understand Tanzania's insistence of dispersal from the settlements, notwithstanding their economic productivity. It is, however, also important to consider the continued foundations of these concerns, especially given the changed composition of the population in the settlements following the conclusion of the first pillar which involved the repatriation of approximately 20 per cent of the population of the Old Settlements. It was frequently noted during interviews in Katumba that the political leadership that had so fiercely opposed naturalization had opted for repatriation and left the settlements in 2008-2009. As such, the minority of the settlement population that promoted and encouraged the political identity that was of greatest concern to Tanzania are no longer present in the settlements. It may consequently be argued that the characteristics of the population that were initially highlighted to justify a policy of relocation are no longer present, and that the necessity of relocation may consequently be revisited.

A second factor that was identified as possibly explaining the insistence on relocation was a desire on the part of the Tanzanian government to lease the settlements' land to an international commercial agriculture consortium, either Chinese or American.<sup>76</sup> It was subsequently announced that Tanzania was in advanced negotiations with a group called AgriSol Energy LLC, a US-based commercial agriculture group.<sup>77</sup> Initiated in late 2009, these negotiations involved a proposed investment of US\$700 million and the development of three sites for large-scale commercial agriculture, namely Lugufu, the site of a former camp for Congolese refugees, as well as Katumba and Mishamo settlements. As detailed in a presentation by AgriSol to the Tanzanian Prime Minister in January 2011, "refugee hosting area evacuation competition" was one of the requirements for the full implementation of the proposal.<sup>78</sup> While land rights advocates have raised several concerns about this partnership,<sup>79</sup> this specific partnership is not likely to have played a role in motivating the policy of relocation as negotiations between AgriSol and Tanzania started nearly two years after the elements of TANCOS were announced.

### *Explaining delays in naturalization*

Similar to the factors that help explain the offer of naturalization in 2007, features of Tanzania's domestic politics were found to have played a predominant role in explaining the delays in implementing the third pillar and the precarious state of the naturalization program. In fact, specific features of Tanzanian domestic politics since 2010 – including tensions within CCM, the results of the 2010 elections and tensions between the central government and local government authorities – were found to explain the government's reluctance to implement the third pillar, notwithstanding the allocation of resources and the development of capacity. These factors also suggest that the future implementation of the third pillar and

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<sup>76</sup> Interviews, Dar es Salaam, July 2009.

<sup>77</sup> For details of AgriSol in Tanzania, see: <http://www.agrisoltanzania.com/>, accessed 15 May 2013. For details of AgriSol Energy LLC, see: <http://www.agrisolenergy.com/>, accessed 15 May 2013.

<sup>78</sup> AgriSol Energy (2011), "Report to the Prime Minister of the United Republic of Tanzania regarding Proposed Development of Katumba, Mishamo and Lugufu Former Refugee Hosting Areas", 7 January, 40, <http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/AgriSol%20Presentation%20to%20PM%207%20Jan%202011.pdf>, accessed 15 May 2013.

<sup>79</sup> Oakland Institute (2010), "Land Deal Brief: Eight Myths and Facts about Agrisol Energy in Tanzania", Oakland, December.

the successful conclusion of the naturalization programme will need to take into account the changing dynamics of Tanzanian domestic politics.

Declining public confidence in CCM, especially relating to its perceived ability to address corruption, has resulted in resignations, *e.g.* in 2008, the Prime Minister, the Governor of the Central Bank and the Minister of Infrastructure Development were all forced to resign following a major corruption scandal.<sup>80</sup> This crisis led to a cabinet reshuffle half-way through Kikwete's first term as President, including the appointment of Mizengo Kayanza Peter Pinda as Prime Minister. Although Pinda launched a series of initiatives to address corruption, public outrage over these events contributed to the rise of CHADEMA, an anti-corruption conservative political party. In fact, it was a CHADEMA MP, Said Amour Arfi, who first raised concerns about the naturalization process in Tanzania's National Assembly. Arfi, the MP for Mpanda, made a statement on 31 July 2008 in which he accused the government of not following the proper procedures for naturalizing refugees, possibly for corrupt purposes, noting that "we are selling our citizenship because of our poverty so that we may earn money."<sup>81</sup> Although these claims were subsequently refuted by the Minister of Home Affairs, Lawrence Masha, it is important to note that early concerns on the naturalization process were raised by an opposition party.

It is also significant to note that the issue of corruption has been seen to cause important divisions within CCM. In fact, splits emerged in October 2008 during a party conference between the 'reformist' anti-corruption wing of CCM, led by Parliamentary Speaker Samuel Sitta and the 'traditionalist' faction led by former Prime Minister Lowassa. In mid-2008, Lowassa's supporters tried to force Sitta's resignation following "his decision to allow several CCM deputies to voice criticisms of the Government in the National Assembly."<sup>82</sup> These tensions continued during the CCM primaries in August 2010 to select candidates for the October elections, with a consequence that several prominent CCM figures, including Lawrence Masha, were dropped as CCM candidates. Although Kikwete was selected as the Presidential candidate for the 2010 elections, this move was seen by some as reflecting "a lack of a unifying alternative."<sup>83</sup>

The tensions within CCM and the constraints on President Kikwete's authority were compounded by the elections results of October 2010. It is important to note that the government had reportedly requested that the third pillar not be implemented ahead of the 2010 elections for fear that this would be perceived as an effort to bias the outcomes of the elections by relocating new supporters of CCM into contested seats across Tanzania.<sup>84</sup> The hope had been expressed that the 2010 elections would return Kikwete and CCM to power with a strong mandate, thereby minimizing opposition to the relocation activities. Instead, the 2010 elections resulted in a further erosion of Kikwete's authority in Tanzania and within CCM. Kikwete was re-elected as President, but with only 62.8 per cent of the vote, compared with 80.3 per cent in 2005. In the National Assembly, CCM won 186 (78 per cent) of the directly elected seats, compares with 206 in 2005. The results of the election showed that the opposition had made significant gains in areas of the country where refugee issues were

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<sup>80</sup> See: Michael Jennings, "Recent History (Tanzania)", *Europa World* online, <http://www.europaworld.com>, accessed 8 August 2012.

<sup>81</sup> Said Amour Arfi, statement to Parliament, 31 July 2008, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>82</sup> Jennings, 2012.

<sup>83</sup> Jennings, 2012.

<sup>84</sup> Interviews, Dar es Salaam, June 2011.

significant. For example, opposition parties gained a majority of seats in Kigoma Region, the traditional refugee-hosting area and location for the remaining Burundian camp, Mtabila. Likewise, CHADEMA's Presidential candidate won 4 of the 8 districts in Kigoma. CHADEMA also made important gains in many of the proposed relocation destinations, especially Mwanza, Iringa and Dar es Salaam.

More significantly, the 2010 election results were seen to further weaken President Kikwete's capacity to unite CCM and embolden the 'traditionalists' within the party. These trends have had particular consequences for the naturalization policy, specifically in terms of creating political incentives for members of CCM to criticize the government's decision. Prior to the 2010 elections, there were very few criticisms of the naturalization policy in the National Assembly. In fact, the only notable opposition was from Afri, as outlined above. Following the 2010 elections, however, there was a sharp rise in statements in the National Assembly opposing the relocation of newly naturalized Tanzanians (NNTs) from the settlements. In June/July 2011 alone, there were 13 statements opposing relocation, 10 of which were from CCM MPs. Many of these statements have expressed concerns from constituents on their reluctance to receive relocated NNTs. Following are six examples of these statements, all from CCM MPs:<sup>85</sup>

Beatrice Shellukindo (28 June 2011): "Burundian refugees have been naturalized and now they wander across the country. Our people fight, blood is shed, there are no spaces but you still want to scatter these Burundians across the country, we do not want to think. We are in the box."

Riziki Lulida (28 July 2011): "To grant citizenship to refugees is to increase problems in the country. They have learned a lot while in Tanzania, now it is time they should go back home and not giving them citizenship. I do not know if you scrutinize these people before granting them citizenship or you are just granting them citizenship because you have decided to do so. That is not fair. Honourable Chairperson, we are all witnesses of how refugees from Rwanda and Burundi violate the law and deplete the forests in Kagera and cause problems in the area but you tell us that these people are given citizenship and will be scattered across the country. What I plead, do not bring them to Lindi, take them to Tarime, Mbeya and Kilimanjaro so that they may taste the flavor of holding refugees."

Azza Hamad (29 July 2011): "Why is our country so generous? I see no reason why we should grant citizenship to these people even if they have applied for it. They should go home. We are not given such kind of treatment when we seek citizenship in other countries, why them? I think this matter should be re-considered."

Betty Machangu (29 July 2011): "I want to commend the decision by the government to stop relocating the refugees that have been given citizenship. I advise the government to request the UNHCR to provide funds for the relocation programme. On the other hand people should be asked if they are ready to accommodate these foreigners. This should be done diligently because people are afraid of tribal and ethnic differences that are common amongst Burundians."

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<sup>85</sup> Statements translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

Deo Filikunjombe (29 July 2011): “Regarding the issue of refugees, on behalf of the people I represent here and I myself, I say we do not want them... We believe the President was misled in making this decision. I expect that the Ministry will properly advise the President to stop from receiving these refugees.”

Murtaza Mangungu (29 July 2011): “I have been hearing time and again that there is a plan to relocate the refugees to the Southern regions. We do not need them in Kilwa. We already have refugees who are pastoralists. In addition to that it will be difficult to live with people whose customs contradict ours. In short, we do not want them at all.”

It is in this context that the government appears to have suspended plans for relocation. In June 2011, for example, the Prime Minister noted in a speech to the National Assembly that “the program to relocate these refugees is yet to commence but already it has faced some resistances... I received some concerns from some MPs that this matter should be reconsidered and I whispered to the President that there are some new ideas on this matter which merit consideration.”<sup>86</sup> Likewise, the Minister of Home Affairs responded to earlier statements by stating on 16 June 2011: “I say we have heard you and the government will consider another avenue that will please Tanzanians on this matter.”<sup>87</sup> Significantly, the government also appears to have started to distance itself from the decision to pursue naturalization. In contrast to 2008, when the Minister of Home Affairs reported to the National Assembly that the decision to offer citizenship to the Burundian refugees was further to a recommendation to the President from the Foreign Affairs, Defence and Security Committee,<sup>88</sup> in 2011, the Prime Minister reported that “the United Nations, via the UNHCR, spearheaded the idea.”<sup>89</sup>

This section has argued that the emergence of naturalization as a policy option in 2007 and the delayed implementation of relocation since 2010 can both be explained by particular aspects of Tanzania’s national and regional politics. Specifically, the section has argued that changing regional relations, personal relations, dynamics within the ruling party and historical factors best explain why a naturalization policy was initially proposed in 2007. In contrast, electoral politics, dynamics within the ruling party, and the shifting position of Kikwete within Tanzanian politics best explain the lack of progress on naturalization since 2010. While the government has not officially changed its position on naturalization, it is also important to note the tensions it now faces in light of the changing context of domestic politics. Given these tensions, it may be especially important to consider what role global initiatives played in encouraging the policy of naturalization, and what role it may consequently play in overcoming the current impasse.

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<sup>86</sup> Peter Pinda, Prime Minister, statement to Parliament, 16 June 2011, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>87</sup> Shamsi Vuai Nahodha, Minister of Home Affairs, statement to Parliament, 21 June 2011, translated from Swahili by Nicolous Praygod, University of Dar es Salaam

<sup>88</sup> Laurence Masha, Minister of Home Affairs, Tanzania, statement to Parliament, 25 June 2010, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

<sup>89</sup> Peter Pinda, Prime Minister, statement to Parliament, 16 June 2011, translated from Swahili by Nicolous Praygod, University of Dar es Salaam.

## *Understanding the role of global refugee policy in Tanzania*

The naturalization process in Tanzania has been closely associated with two recent elements of “global refugee policy.”<sup>90</sup> The first element is the High Commissioner’s Initiative on Protracted Refugee Situations, launched by UNHCR in 2008.<sup>91</sup> This initiative was intended to “reinvigorate possibilities for solutions to protracted refugee situations (PRS)” by increasing the profile of PRSs and by “restructuring and recalibrating efforts to resolve specific protracted situations deemed likely to benefit from new impetus at this point.”<sup>92</sup> Given that Tanzania was one of the five priority situations included in the HC’s Special Initiative Initiative, and given the timing of the initiative, it may seem logical that it played an important role in leveraging the opportunity of naturalization for Burundian refugees. As noted in the October 2010 Joint Evaluation of the Tanzania Comprehensive Solutions Strategy, however, “the HC’s Special Initiative was launched in the first quarter of 2008, *i.e.* a few months after TANCOS. TANCOS is likely to have been implemented without the contribution of the Special Initiative, but the initiative, nevertheless, played a facilitating role in the initial stages of strategy implementation.”<sup>93</sup> In fact, the focus brought to the case of Tanzania by the Initiative arguably ensured that the situation received the attention of high-level UNHCR officials, especially the High Commissioner and the Deputy High Commissioner.<sup>94</sup>

Second, it has been argued that the resettlement of some 8,500 Burundian refugees from camps in western Tanzania helped leverage the offer of naturalization for the 1972 Burundians, and is consequently an example of the “strategic use of resettlement.”<sup>95</sup> In 2007, a group of some 8,500 Burundians were, in fact, resettled from a number of camps in Western Tanzania that housed the 1993 Burundian caseload.<sup>96</sup> The resettled refugees had originally fled Burundi in 1972, initially to either Rwanda or the DRC. These refugees then fled to Tanzania following conflict and genocide in their countries of asylum in the mid-1990s, joining Burundian refugees who had fled in 1993. As such, these refugees had characteristics that were distinct from both the other refugees in the camps and the 1972 Burundian refugees in the three Old Settlements. The proposal to promote the resettlement of these refugees was first raised in a meeting in Geneva in June 2004.<sup>97</sup> In the context of restrictions on other refugees in the camps at the time, it was hoped that the resettlement of this group would help leverage a more open protection environment for the remaining refugees. At the time, there were no prospects of local integration for Burundian refugees, and the timing of resettlement from the camps in 2007, followed by the offer of naturalization, can best be seen as a coincidence. In fact, during interviews in Dar es Salaam in 2009 and 2011, not a single respondent identified resettlement as a factor that contributed to the government’s decision to pursue naturalization.

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<sup>90</sup> For an understanding of ‘global refugee policy’, see: Sarah Deardorf Miller (2012), “Global Refugee Policy: varying perspectives, unanswered questions”, Background paper for the Refugee Studies Centre 30<sup>th</sup> Anniversary Conference, Oxford, September.

<sup>91</sup> UNHCR, ExCom, 2008, “Protracted Refugee Situations: Revisiting the Problem”, EC/59/SC/CRP.13, 2 June; UNHCR (2008a), “Protracted Refugee Situations: High Commissioner’s Initiative”, Geneva, December.

<sup>92</sup> UNHCR, ExCom, 2008, 1.

<sup>93</sup> Nordic Consulting Group, 2010, 9.

<sup>94</sup> See, for example: UNHCR (2011), “News story: UNHCR reaffirms support for integration of 1972 Burundians in Tanzania”, Geneva, 29 August.

<sup>95</sup> See: Campbell, 2010.

<sup>96</sup> UNHCR, “News story: First of some 8,500 Burundians due for resettlement in US leave Tanzania”, Geneva, 18 May 2007.

<sup>97</sup> Interview, Geneva, June 2011.

It may therefore be understood that global refugee policy played an important role in Tanzania in the context of a permissive domestic context, but that it does not appear to have been successful in addressing the impasse resulting from changes in Tanzanian domestic politics. This may be further compounded by the fact that the naturalization of the 1972 Burundians is not the only issue on the agenda of UNHCR and the donor community in Tanzania. In fact, the impasse on naturalization has coincided with the government's insistence on the closure of Mtabila, the last remaining camp for the 1993 Burundian refugees. Since 2008, Tanzania and Burundi have agreed on the need to close Mtabila camp and repatriate the remaining refugees. Facing opposition from UNHCR, Tanzania has twice extended its deadlines to close the camp. At the February 2012 meeting of the Tripartite Commission, however, UNHCR and the Governments of Burundi and Tanzania agreed that 33,708 of the 36,333 individuals in the camp were no longer in need of international protection and should be encouraged to repatriate and that Mtabila camp should ultimately be closed on 31 December 2012.<sup>98</sup> In light of the challenges of these discussions, recent visits to Tanzania by senior UNHCR officials have consequently focused on the situation in Mtabila and not included visits to the Old Settlements or public statements on the naturalization process.<sup>99</sup> This raises important questions about the ability of global refugee policy actors to leverage change in difficult domestic contexts.

## Conclusion

The goal of this paper has been to describe and explain the shifting politics of refugee policy in Tanzania, especially as it relates to the formulation and implementation of the policy of naturalization for 1972 Burundian refugees. Drawing on an overview of Tanzania's approach to durable solutions for refugees from 1962 to 2003, the paper has argued that recent shifts in Tanzania's approach to naturalization for Burundian refugees can best be explained by shifts in regional, national and local politics. Specifically, the paper has argued that changing regional relations, personal relations, dynamics within the ruling party and historical factors best explain why a policy including naturalization for the 1972 Burundians was proposed in 2007. In contrast, the paper has argued that electoral politics, dynamics within the ruling party, and the shifting position of Kikwete within Tanzanian politics best explain the lack of progress on naturalization since 2010. The paper has also argued that while global refugee policy, especially the High Commissioner's Initiative, made an important contribution to the early stages of the naturalization process by ensuring that the opportunity presented by Tanzania was seized and international support mobilized, global policy actors have been less effective in ensuring progress in the naturalization process in light of Tanzanian reluctance.

This argument has important implications for the study and practice of global refugee policy. First, this analysis highlights the importance of engaging with every stage of the policy cycle, from formulation to implementation. Specifically, the case of Tanzania illustrates how the announcement of a policy and preparations for its implementation do not necessarily lead to its implementation. Just as Rwandan refugees in Tanzania had not received citizenship a decade after their mass naturalization in 1980, the current state of the naturalization of

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<sup>98</sup> See: UNHCR (2012), "UNHCR Bulletin Tanzania", No. 6, <http://www.unhcr.org/4f60c10b5.html>

<sup>99</sup> For example, in September 2012, the Assistant High Commissioner (Protection) and the Director of the Africa Bureau visited Tanzania and Burundi. Although this visit was in the immediate aftermath of the statement of the Deputy Minister of Home Affairs on the possible reversal of the naturalization policy, the situation of the 1972 Burundians did not feature in the public statements from UNHCR during this visit.

Burundian refugees suggests that the international community may have been premature to declare the situation a success in 2008. As with the Rwandans in the 1980s, it will therefore be important for actors to continue to work with Tanzania to understand and overcome the impediments that frustrate the implementation of the third pillar.

Second, the case of Tanzania highlights the importance of studying the formulation and implementation of refugee policy as an example of ‘refugee relevant’ research. In 2007, Landau called for the development of a more rigorous approach to policy-relevant research in refugee studies.<sup>100</sup> Landau’s observations reflect the feeling among some quarters that while refugee studies has developed as a strong field of enquiry, the research it produces tended to be ‘refugee-centric’, focused on the experience of individual refugees or groups of refugees, rather than also encouraging research that is ‘refugee-relevant’, considering broader political and economic factors that are important for the well-being of refugees. As suggested by the analysis of this paper, a more rigorous understanding of the political context within which Tanzania has pursued its refugee policies since independence sheds important light on the motivations for policy changes. Such an approach may also be useful in identifying opportunities to promote more solutions-oriented approaches or to identify the factors that need to be addressed if such an approach is to be encouraged. Ultimately, the case of Tanzania illustrates how ‘refugee-relevant’ research can play an important role in contributing to the protection of refugees and in finding a solution to their plight.

Third, the case of Tanzania most clearly illustrates the importance of on-going political analysis of the domestic and regional context within which solutions for refugees are pursued. As concluded by the Joint Evaluation, one of the key lessons of the Tanzanian case is the importance of a “UNHCR country team with strong networking and engagement skills.”<sup>101</sup> As noted above, UNHCR’s ability to understand the opportunity presented by the domestic circumstances in Tanzania in 2007, and the ability to seize that opportunity, contributed significantly to the decision to pursue naturalization. In contrast, it may be argued that a more limited engagement with the changing domestic political context, especially following the 2010 elections, has contributed to the lack of implementation of relocation. While it is possible that negotiations with Tanzania on relocation have been marginalized given developments with Mtabila camp, findings from fieldwork in 2011 suggest that the international community has adopted a ‘wait and see’ approach, accepting Tanzania’s position that it is revising and adjusting the specifics for the implementation of the relocation program – notwithstanding the scale of mounting opposition to relocation within the ruling party.

While it may be argued that the statement of the Deputy Minister of Home Affairs in September 2012 was taken out of context and that a change in direction on naturalization is not being planned, it would be problematic to overlook the mounting opposition to naturalization and the subtle shifts in the government’s position. Given the opportunity presented by naturalization in Tanzania, and given the potential significance of this case for leveraging solutions in other protracted refugee situations, how tragic would it be if the naturalization of Burundians in Tanzania follows the same course as the naturalization of Rwandans, and we look back on this case 10 years from now and realize that a delayed implementation of a policy was, in fact, a change in policy in disguise?

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<sup>100</sup> Loren Landau (2007), “Can We Talk and Is Anybody Listening? Reflections on IASFM 10, ‘Talking Across Borders: New Dialogues in Forced Migration’”, *Journal of Refugee Studies*, Vol. 20, no. 3.

<sup>101</sup> Nordic Consulting Group, 2010, 13.



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