

BURUNDIAN REFUGEES
IN TANZANIA:

The Key Factor to the Burundi Peace Process

PROLOGUE

The following report was originally issued by the International Crisis Group (ICG) as an internal paper and distributed on a restricted basis in February 1999. It incorporates the results of field research conducted by an ICG analyst in and around the refugee camps of western Tanzania during the last three months of 1998. While the situation in Central Africa has evolved since the report was first issued, we believe that the main thrust of the analysis presented remains as valid today as ever. Indeed, recent events, including the killing of UN workers in Burundi and the deteriorating security situation there, only underscore the need for greater attention to be devoted to addressing the region's unsolved refugee problem. With this in mind, we have decided to reissue the report and give it a wider circulation, in the hope that the information and arguments that follow will help raise awareness of this important problem and stimulate debate on the best way forward.

**International Crisis Group
Nairobi
30 November 1999**

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I. INTRODUCTION

There has been a considerable Burundian refugee population, almost entirely Hutu, in countries neighbouring Burundi, and especially Tanzania, since the 1972 mass slaughter of Hutus when 300,000 are reported to have fled. Several smaller periodic outflows of refugees, in 1965, 1969, 1988 and 1991, augmented the 1972 caseload numbers.¹ Though roughly 40,000 refugees repatriated to Burundi in anticipation of the 1993 elections, nearly 240,000 stayed behind. There was another mass exodus of over 400,000 Hutu refugees following the October 1993 crisis. While a large number of refugees subsequently returned, a steady outflow of refugees predominantly from the south continues up to the present day. The refugees are now about 470 000 in Tanzania, which represent more than 7 % of the Burundi population.

Since June 1998, the parties to the Burundi conflict have started peace talks in Arusha under the auspices of former Tanzanian President Julius K. Nyerere. One of the negotiating committees in the talks, Committee IV on Reconstruction and Development, was specifically tasked to find a solution to the refugee plight and allow them to return safely to Burundi and to be restored in their citizen rights. Both the Facilitator, the late Julius Nyerere, and the chair of the Committee IV have visited the camps and supported their participation in the talks. Following those visits, a delegation from the camps attended the June session of the talks.

Prospects for a solution to the plight of the refugees are closely linked to a political settlement in Burundi and now the resolution of the 1998-99 DRC war. The Burundian refugee camps in Tanzania are stigmatised for being highly militarised and for harbouring rebel movements, including CNDD, Palipehutu, and Frolina². This accusation is partly a result of a well waged propaganda campaign by the Buyoya government in Burundi, which claims that Tanzania is not a neutral host for the Arusha peace process; partly a result of Tanzania's own duplicitous policies - Burundi has, since last year, become more insecure with a series of attacks partly staged from Tanzania unleashing new rounds of violence in Southern Burundi between the army and the rebel groups and new influxes of population into Tanzania; and partly a result of the humanitarian community's own chequered past in the region, particularly its experience of the Rwandan refugee camps in Zaire between 1994 and 1996, which included³ perpetrators of the genocide.

¹ For a brief history see, *Transition in Burundi: The Context For A Homecoming*, U.S. Committee for Refugees, Washington, D.C., September 1993.

² CNDD: Centre for the Defence of Democracy, with its splinter group CNDD-FDD (Forces for the Defence of Democracy). Palipehutu: Party of the Liberation of the Hutu People; Frolina: Front for National Liberation.

³ When genocide occurred in Rwanda in 1994, nearly two million refugees fled into Eastern Zaire. Those refugees included the ex-Far and Interahamwe, and former Rwandan officials involved in the genocide.

Refugees themselves are also exposed to a situation of high tension and insecurity at the border between the two countries and as a result of the cross-lake military activity due to the Congo war. The FDD rebels have been fighting on Kabila's side since the war broke out in August 1998. With the Agreement for a Cease-fire in the DRC - which includes a commitment to disarm armed groups, including the Burundian rebels, it is feared that a lot of the rebels have returned to Tanzania from the DRC.

II. REFUGEE FLOWS INTO TANZANIA

A. The 1972 caseload

The 1972 caseload of Burundian refugees fled predominantly to Tanzania, Rwanda and eastern Zaire. In Tanzania, the bulk of the 1972 refugees settled among the local population or in refugee camps that later became permanent settlements in three zones in the Tabora region. In these settlements, Burundian families were each given five hectares of land, became self-reliant cultivators, and enhanced the productivity of the region, which in turn benefited the host population. In Rwanda, however, the Burundian refugees found little land and few opportunities and faced substantial hardship following the 1990 invasion of Rwanda by the Rwandan Patriotic Front (RPF)⁴. In Zaire, refugees found greater opportunities and some became rich from the trade in palm oil, ivory, gold and diamonds.

The old caseload refugee population in Tanzania spawned the first organised Hutu armed groups, Palipehutu and Frolina, which launched cross-border incursions against Burundi beginning in the 1980s. Palipehutu branched out to attract a small number of followers in Rwanda and Burundi as well. Frolina drew its support from both refugee and local populations originating almost exclusively from southern Burundi. Both groups recruited from refugee camps and settlements, and carried out active training and small-scale cross-border attacks from the bush not far from their Tanzanian encampments.

In anticipation of the 1993 democratic transition, relief and development agencies sponsored a large, voluntary repatriation of refugees to Burundi, even though many of those who returned had no clear title to land. Some members of Palipehutu and Frolina refused to return to their homeland during these repatriation operations. Instead, they whipped up fears and spread propaganda to enliven the refugees' suspicions of both the UNHCR repatriation program, and the trustworthiness of the Burundian government. However, others returned and participated in the presidential campaign as FRODEBU militants. FRODEBU was officialised in 1992, when multipartism was introduced, but Palipehutu remained clandestine. The assassination of Melchior Ndadaye, the first democratically elected Hutu president on 21 October 1993 triggered massive massacres

For more than two years, the international community considered them as refugees, while those groups were rearming and retraining with the intention of attacking Rwanda in December 1996. In October 1996, the RPA attacked the camps. Some refugees were killed, some were dispersed, others went home. The Rwandan refugees situation provoked a sharp debate within the international community criticised for providing a safe haven to the *génocidaires* in those camps.

⁴ The RPF invasion was motivated by the rights of the Rwandan Tutsi refugees to return to Rwanda. President Habyarimana had stated that there was no land nor space for the refugees and that they should remain where they were.

of Tutsis, soon followed by a violent repression of the army on the Hutus. The presidential campaign had been ethnicised by both sides, and Palipehutu members were later accused of mobilising the Hutus on racist themes.

B. The consequences of the 1993 crisis in Burundi

As a result of the October 1993 crisis, hundreds of thousands of Hutu refugees, fearing reprisals from the Burundian military fled again for their lives into neighbouring countries. Many of the refugees from the previous 1972 caseload, especially those who had lost relatives, bitterly complained that they were duped by the international community into believing that it had been safe for them to return to Burundi. Furthermore, the mass exodus far exceeded the capacity of existing relief operations to respond, leading to mortality rates more than twice the number considered “acceptable” for complex emergencies. This scenario enabled both Palipehutu and Frolina to once again draw considerable support from the refugee population in western Tanzania.

In early 1994, following a lull in the violence, large numbers of refugees in Tanzania who had fled in 1993 began to return out of concern that they would lose their harvests or their land. However, civil war intensified at the end of 1994, and there was an additional outflow of refugees into Tanzania resulting from ongoing violence and instability in the northern provinces of Burundi.

C. From Rwanda to Zaire: the refugee camps as a base for the Hutu insurgency

Some Burundian refugees who fled to Rwanda following the 1993 October crisis are known to have participated in the 1994 Rwandan genocide in areas near their settlements. These “refugees” were forced to flee again during the mass exodus of Rwandan Hutus into eastern Zaire in the aftermath of the genocide. Some of those refugees have already returned to Burundi. Most preferred to stay in eastern Zaire and were organised into approximately 11 camps along an 80-kilometer stretch of South Kivu on the Burundian border. Others lived in and around the towns of Bukavu and Uvira. Some of these refugees lived among five camps where Rwandan refugees were also living. In these mixed camps, Burundians and Rwandans forged a military alliance, which later became a major source of instability for both countries.

A growing Burundian insurgency operating from the refugee camps in eastern Zaire gained international notoriety for its ongoing military co-operation with the Rwandan *génocidaires*. During the early period of their exile in eastern Zaire, the Burundians depended on members of the former ex-FAR and allied Interahamwe militias for arms, training, logistical support and joint military operations. Together, these rebel allies organised a military campaign with the intention of creating a Hutu zone inside northern Burundi from where they could launch their respective guerrilla campaigns. With the growth of the CNDD/FDD (Centre for the Defence of Democracy with its armed wing, the Forces for the Defence of Democracy created in September 1994) movement out of eastern Zaire, the Burundians eventually attracted their own political and military backers and established separate arms and logistical pipelines.

When Buyoya took power for the second time in Burundi in a 1996 coup, Burundian and Rwandan Hutu rebel insurgency operations launched from eastern Zaire were in full gear. Sporadic attacks, in the south by Frolina and in the north by Palipehutu, and regular

ambushes and military operations by the FDD had destabilised 13 out of the 15 provinces. Both Frolina and Palipehutu splinter groups operated from small bases within Tanzania, in the Kigoma and Ngara districts respectively.

The autumn 1996 launch of the ADFL rebellion in eastern Zaire squashed the Hutu rebellion for a time. In late September 1996, the refugee and Hutu insurgency camps in South Kivu were attacked by the combined force of the Rwandan, Burundian and Ugandan armies and the ostensibly Banyamulenge-led ADFL rebels. The Burundian refugees and rebels were the first victims. As a result, the Burundian exiled population in Zaire was dispersed. Many refugees were forced back into Burundi where they were killed by the Burundian army. It was some time before the rebels were able to re-establish themselves in neighbouring countries, such as Tanzania and, to a far lesser degree Zaire, and regroup for their military effort.

D. Tanzania's response to refugee crisis

The spillover of the Rwandan, Burundian and Zairian conflicts into western Tanzania increased tensions within Tanzania as well. Tanzanian authorities faced domestic pressure to address the instability, crime and environmental degradation caused by the immense refugee populations.

1. The expulsion of Rwandan refugees from Tanzania in 1996

Tanzania unfairly came under international scrutiny for allowing the Rwandan *génocidaires* to use its territory as a base for launching renewed attacks against Rwanda. Tanzania loathed being perceived as harbouring *génocidaires* and international fugitives. The Rwandan refugees also embarrassed Tanzania with their political agitation in the camps. Despite persistent lobbying efforts, it was some time before Tanzania was granted funding and logistical support from the donor community to deploy police to monitor security in the Rwandan refugee camps. By late 1996, international opprobrium and donor fatigue over assistance to the Rwandan refugees had grown to an unmanageable point. Tanzania felt pressure to collude with the Rwandan government in forcibly expelling over 250,000 Rwandan refugees in December 1996, some of whom had lived in Tanzania since the 1960s.⁵

Tanzania's reputation as one of the most generous asylum countries was severely tarnished by the expulsion of Rwandan refugees in December 1996, following the closing of its border in March 1995 to Burundian and Rwandan refugees fleeing Burundi in clear violation of the 1951 UN Refugee Convention. In its defence, Tanzania claimed that its resources had been over-stretched and insecurity on its western frontier had become untenable.

Shortly thereafter in May, Tanzania deployed troops to its border with Burundi, citing concern over Burundian troop pursuits of refugees, and insecurity resulting from refugee influxes. By July, both Tanzania and Burundi had deployed significant numbers of troops along their mutual border. During this period, only

⁵ Bruce Jones, "Study II, International Response to Conflict and Genocide: Lessons from the Rwandan Experience", *Early Warning and Conflict Management*, Copenhagen, 1996, page 67-68.

handfuls of Burundians managed to cross into Tanzania and those caught were sometimes forcibly repatriated. UNHCR and NGOs providing relief assistance in western Tanzania were barred from certain border areas.⁶ By 1996, Tanzania claimed to be in a military state of high alert. The military build-up on Tanzania's western border still remains in effect.⁷

2. Tanzania's attitude towards Burundian refugees

Tanzania's view of the Burundian refugees and rebellion was different from its view of the Rwandan refugees. Following the 1996 Buyoya coup, Tanzania shifted towards increased sympathy for the Burundian rebellion out of a sense of growing solidarity, and an intention to bring the Buyoya regime to its knees. At that point, Julius Nyerere took the lead to impose sanctions on the Buyoya regime.

Initially, Tanzanian officials welcomed the newly arriving, beleaguered Hutu refugees and rebels. However, not long after their arrival, Tanzanians were heard chastising themselves for having "mistakenly" failed the Hutu rebellion in the past. Still influenced by their former panafricanist perspective, Tanzanian authorities likened the Hutu rebellion to the South African "liberation" movement against the former apartheid regime. Officials stated that the Hutus should have received robust Tanzanian backing similar to what was given to the southern African liberation movements and Museveni's forces in their overthrow of Uganda's previous brutal regime.

The association between Tanzanian and Burundian armed groups dates back to the period after 1972 when Burundians began to settle in western Tanzania. A certain number of exiles even served in the Tanzanian People's Defence Forces. Others who had previously served in the Burundian army established their own armed groups and orchestrated small scale rebel attacks from Tanzanian soil. Both Palipehutu and Frolina forces have maintained bases in Tanzania since the early 1980's. Although Tanzanian authorities intermittently jailed rebel leaders or clamped down on their militant activities, for the most part they looked the other way. The Burundian Hutus spoke the same language and shared ethnic and family ties with Tanzanians on the other side of border, and the Hutu cause was often sympathetically viewed as "just". Solidarity with the Hutu cause grew immensely after the October 1993 crisis. Burundian rebels received limited military assistance and political support even while Tanzania denied asylum to new hordes of Burundian refugees.⁸

3. The 1997 round-ups of Burundian refugees as a response to international criticism⁹

As long as the Rwandan refugees remained in Tanzania, the Tanzanian

⁶ *Burundi's Uprooted People: Caught in the Spiral*, U.S. Committee for Refugees, Washington, D.C., August 1995.

⁷ ICG interviews and observations, western Tanzania, August 1998.

⁸ For examples, see *Stoking the Fires*, Human Rights Watch, 1996, pp. 71-73.

⁹ See *In the Name of Security; Forced Round ups of Refugees in Tanzania*, Human Rights Watch, July 1999.

government was accused of allowing the camps to be used for the shelter, recruitment and launching of cross-border attacks by genocidal groups. Tanzanians rightly argued that the accusations were unfair since the humanitarian community was equally at fault and since Tanzania itself was destabilised by these militant activities. However once the Rwandans were expelled, Tanzania came under further scrutiny for similar activities in the remaining Burundian refugee camps. After the forced expulsion of Burundian refugees from eastern Zaire, and the onset of the ADFL rebellion in 1996, vast numbers fled anew to western Tanzania. Among the civilians were a large number of Burundian rebels who later used Tanzania as a base to regroup and mobilise their insurgency.¹⁰

At the height of its frustration with the international community over criticism, initiated by the Burundian government, that it was hosting the Burundian rebellion, the Tanzanians launched a massive “round-up”¹¹ of most Burundians living outside of refugee camps or settlements. The round up included Burundians that had lived independently in Tanzania since the 1960s, as well as the 1972 caseload. Many of these Burundians had settled in villages, married local Tanzanians and integrated effectively into the local society. Local Tanzanians, many with shared ethnic or family relations, depended on Burundian labour, initiative and skills. The Burundians had helped local economies grow, eking out marketable crops from previously unproductive and disused land. During the round-ups, many of these Burundians were forced from their homes, separated from spouses and family, and often not even given the opportunity to collect their belongings. Adding further to the resentment, Burundians who could afford to pay bribes to local authorities or police were sometimes released. Only recently has the Tanzanian government begun to acknowledge the protests of the old caseload refugees about their unexpected forced encampment.¹²

Burundian refugees began to fear the capriciousness of the Tanzanian authorities. Refugees often expressed their concern and confusion to ICG representatives over the round-ups: “The government put us in the camps. We don’t know why they put us in the camps.”¹³ Some Burundian refugees speculated that the Burundian government had paid the Tanzanians off, particularly as many Tanzanian officials were subsequently transferred.¹⁴ With the Rwandan example on their minds, many refugees hold the view that Tanzania might at any time forcibly repatriate them back to Burundi. The round-ups further instilled within the refugees a will to reclaim or fight for their own homeland. It is unclear whether Tanzania intended the round ups to further militarise the exiled Burundian population.

III. THE REFUGEE SITUATION

¹⁰“Burundian Rebels Head to Tanzania from Zaire Bases”, Reuters, 19 November 1996.

¹¹ This massive forced encampment operation undertaken by Tanzanian authorities is infamously known as the “round-ups”.

¹² ICG interview, UNHCR protection officer, Kigoma, August 1998.

¹³ ICG interview with a Frolina representative who had come to Kigoma in 1972 at the age of 8 and excelled as a student in Tanzanian higher education schools, Kigoma, August 1998.

¹⁴ ICG interviews, rebels and refugees, Kigoma, August 1998.

A. Current flows and condition of refugees into western Tanzania

Refugee flows into the Kigoma region of western Tanzania are sorely under-reported by sources other than UNHCR and IRIN. Travel to and around the camps is difficult. Very few foreign journalists travel to western Tanzania, and the Tanzanian journalists that come out from Dar Es Salaam are less focused on the refugee issue.

UNHCR estimates that a total of 288,000 Burundian refugees are currently residing in neighbouring countries¹⁵. The vast majority totalling 266,000, are in western Tanzania. Refugees in Kigoma district number 158,000, while the total in Ngara is 110,000. In 1998, it was estimated that a total of 12,817 refugees returned to Burundi from Tanzania, of which 2,276 participated in UNHCR organised returns.

Refugees from Burundi continue to flee into western Tanzania, mainly driven by fighting in the southern Burundian provinces of Rumonge, Nyanza Lac, Bururi, and Makamba as well as Bujumbura Rural. All Burundians fleeing their homeland immediately receive *prima facie* refugee status with minimal screening for personal data and reasons for flight. Some exiles from the south are rebels or displaced persons from other provinces ranging as far as Bubanza. Because there is a repatriation program from western Tanzania, mainly back to the two key provinces of Ruyigi and Cankuzo, some outside observers assume that there has been no overall increase in refugees. Other factors contributing to the confusion of refugee flows are: the flight of Congolese refugees into northern Burundi from the war in the DRC, and the return of Burundian refugees from the DRC after the outbreak of hostilities in August 1998.¹⁶

The majority of refugees who fled Burundi in the first half of 1998 were reported to be men. These male refugees told UNHCR that they were fleeing because they had become targets and that they had left women and children behind. During the second half of the year, more families began to arrive as the military intensified attacks on villages.¹⁷ Most refugees are now reported to be children. While ICG was in the region in the autumn of 1998, refugees were reported to be arriving at twice the normal weekly rate, which humanitarians workers considered a rather "big influx."¹⁸ As a result of recent fighting and regroupment policy of the government of Burundi, the influx of refugees has increased in October and November 1999.

ICG visited all of the Kigoma transit sites and interviewed many refugees. Several way stations were near the border area close to Kasulu and were difficult to access by road. At these sites, the refugees were first cared for by religious charities until they could be attended to by UNHCR staff. The Kibondo station was close to the border and well attended to by humanitarian staff, especially since there was an active repatriation program underway. The most troubling way station was a collection point, which refugees reached by boat, but which was inaccessible to UNHCR and other humanitarian organisations (except for the local Caritas agency). This was the main entry point for those fleeing southern Burundi, including most of the young men. These refugees were fed limited rations by a local Caritas parish, and were transported by boat to Kiberizi only when their numbers reached a critical mass. Medical staff expressed grave concerns

¹⁵ UNHCR, January 1999.

¹⁶ UNHCR, Great Lakes Update, 4 November 1998.

¹⁷ ICG interview, UNHCR protection officer, Kibondo, August 1998.

¹⁸ ICG interview, humanitarian staff, Kibondo, August 1998.

that starving and injured refugees had to “first manage the trek, then the transit.”¹⁹

The outlying stations are problematic since most of the refugees arrive in bad physical condition. For several months, the humanitarian staff repeated that refugees arrive in conditions more destitute than they had seen before. They are severely malnourished; many face acute starvation. It is apparent that refugees are hiding in the bush for long periods of time before making their way into Tanzania. Some refugees stay hidden until they think either the military or fighting has moved on; some do not know a way out and wait for safe escort; some await rebels to escort them around land mines and booby traps; and still others hide from the rebels. Some refugees believe that they are being prevented from leaving, though the causes for this were difficult to ascertain.

Refugees are arriving with numerous mine and other conflict-related wounds. Humanitarian staff report receiving large numbers of seriously injured refugees who “first spent some time in the bush with their fresh injuries before reaching us.”²⁰ Most of the injured are young males between 16-30 years of age. Some with only mild war injuries are able to reach the camps before being hospitalised. The seriously injured arrive with complicated bone injuries due to bullets and land mines. The gunshot wounds treated by one doctor were most often in the stomach and chest. Medical staff reports that one out of ten of the war injured are landmine victims.²¹ Those with machete wounds rarely survive the arduous journey out of Burundi. As one doctor remarked, “we don’t get many machete wounds because they can’t make it here alive. They either die from the injury or are more easily finished off.”²²

The refugees, local population and humanitarian staff all expressed grave concern over land mines. One group of refugees encountered land mines while fleeing towards a way station south of Kasulu. Tanzanians who cross into Burundi to do business have been injured or killed by mines. Based on his experience, a security officer reported that “there are mines planted by the Burundian military all over the border area.”²³ Many in peril of starvation and additional attacks remain hidden in Burundi waiting for rebels to show them a way out around the mines.

Refugees are fleeing Burundi for a host of reasons. Some refugees in the north and centre of the country, particularly from Gitega and Ruyigi, are trying to escape forced participation in joint civilian military patrols; these refugees are fearful of summary execution by the military, and attacks by rebels who disapprove of the patrols or ambushes on the front line.²⁴ People from Kayanza said that they fled after their entire villages were destroyed. Other refugees say they fled from internally displaced camps where they were starving

Those in the south fled fighting between the military and rebels or from fear of reprisals by the military. Refugees from Makamba were reportedly told by both sides of the conflict to leave their villages and flee to Tanzania. Refugees from the south reported that “much of Makamba had been wiped out.” Many young men felt that they were not safe from either

¹⁹ ICG interviews, medical staff, Kigoma region, August 1998.

²⁰ ICG interview, medical staff, Kigoma region, August 1998.

²¹ ICG interview, doctor, Kigoma region, August 1998.

²² ICG interviews, medical staff, Kigoma region, August 1998.

²³ ICG interview, humanitarian security officer, Kigoma, August 1998.

²⁴ ICG interviews, Ruigyi, August 1998.

side. Some said they had followed Burundian government orders to save their lives and were then targeted by rebels for collaboration. Most young men interviewed said they were fleeing round-ups by the military of Hutu men in villages. They said these round-ups resulted in either execution or imprisonment (and torture). One group of refugees described their ordeal; "They take some of the young boys in round-ups and then burn and bomb [using grenades] others. Whole villages are being burned. The young men are dealt with separately." One humanitarian security officer claimed that based on his experiences with the fleeing refugees there was a "clear sign that genocide" was being committed in southern Burundi.²⁵

Others have told ICG that they were forced to flee by the rebels, and that they were used as human shields by the rebels on their way to the Tanzanian border. The refugees fleeing from the South come in two waves. Many arrive quickly after fresh fighting. The rest stayed hidden in the bush until they could find a safe escort out of the country.

More recently, refugees claim to flee Burundi for three reasons: they are afraid of regroupment camps; they see the army distributing weapons to the Tutsi population; and they flee forced enrolment of young men by Hutu rebellion.

B. Repatriation and recycling of the refugees

On the basis of a Tripartite Agreement between UNHCR, Burundi and Tanzania, signed on 12 March 1998, UNHCR is facilitating voluntary repatriation from the Kibondo district in Tanzania to Ruyigi inside Burundi.²⁶ The program is in response to refugees who have expressed a desire to be repatriated, as well as UNHCR's positive security assessment and absence of regroupment camps in homeland provinces. There is no such facilitation from Ngara, which is close enough to the border for spontaneous repatriation,²⁷ or Kasulu district because the provinces of origin are too insecure. 23 000 were repatriated to Burundi during 1998 and a further 4978 were repatriated between January and April 1999.

The UN Secretary General has used the dialogue over humanitarian needs to manage the continuing tensions between Burundi and Tanzania. In 1998 and in 1999, Madame Ogata travelled to the region to hear the perspectives of both governments and to visit refugee sites. The Burundian government was successful in presenting its views on the militarisation of the camps. The Burundians wanted UNHCR to move from simply facilitating to actually promoting repatriation, but UNHCR remained committed to working out modalities only for "spontaneous" repatriation. The Burundian government sought permission for regular, official visits to Tanzania. It also called on UNHCR to conduct organised information visits to Burundi by the refugees in the camps. Neither idea received warm support from Tanzania. To push its point, the Burundian government also asked UNHCR and the Tanzanian government to halt the actions of "intimidators" who then agreed were impeding repatriation. While the meeting addressed but did not resolve all sensitive issues, it produced the added benefit of building confidence and opening better lines of communication between the two countries. It also established

²⁵ ICG interview, Kigoma, August 1998.

²⁶ A Tripartite agreement between the parties was signed before October 1993 and was considered too controversial for Tanzania to renew.

²⁷ The number of refugees that express interest in repatriation are higher than the new arrivals in Ngara. For the month of September 1998, 109 new arrivals were registered while 1,524 returned.

blueprints for an organised repatriation program. A second tripartite meeting was scheduled for December 1998 to discuss the practical issues of refugee return. It was cancelled by the Tanzanian government after Bujumbura sent an official note to the Tanzanian government protesting against cross border infiltration. No meeting has been rescheduled yet.

The Kibondo camp staff report that the numbers of “recycled” refugees has dropped since UNHCR organised voluntary repatriation began earlier in 1998. New arrivals to Kibondo must first stop at transit stations for registration, so fewer have tried to cheat their way back into camps. Most of the recyclers from Kibondo have returned because they found their local *collines* too dangerous or difficult, particularly if their houses had been destroyed, their land seized, or if they had been accused of colluding with the rebels.²⁸ As of August 1998, UNHCR noticed that it was getting a small number of returnees from the organised repatriation. One humanitarian worker stated that “as soon as we get 300 new arrivals, we send 300 back. They should be talking to each other.”²⁹

In the first four months of the organised repatriation, mainly women and children returned. Adult men were returning spontaneously on their own, but after the Burundian authorities called for this to cease, more men joined the formal, arranged repatriation.

Refugees are still fearful of *refoulement*. The initiation of the organised repatriation program occurred simultaneously when rations to the camps were cut due to transport problems. This caused many refugees to think that the repatriation was forced. The refugees have told the camp staff that they do not understand why they were not included as participants in the Tripartite Agreement.

IV. ARE THE CAMPS IN WESTERN TANZANIA MILITARISED?

Western Tanzania is the central, external base of the Hutu rebellion against the Buyoya regime. As a result of the escalating regional conflict in August 1998, FDD rebel forces quickly moved to the DRC to support the Kabila government against the Congolese rebels backed by Rwanda, Uganda and Burundi. Since the Agreement for a Cease-fire in the DRC was signed in Lusaka in July 1999, a good number of FDD fighters have gone back to Tanzania and the level of military activity there has increased again. While bases in the interior of Burundi remain critical, Western Tanzania is a focal point for key activities of the rebellion including: military mobilisation, recruitment, training, fund-raising, political strategizing, communications, arms trafficking, resource distribution, medical treatment, naval operations and the launching of cross-border attacks, all of which ICG analysts observed.³⁰ A few of these activities occur in refugee camps sheltering the Burundians, however, most of the more militant activities occur outside the domain of the camps. Given the large number of Burundian refugees in western Tanzania, it can be expected that such activities would take place. For the most part, these Burundians aspire to return to their homeland and reclaim their rights, and, if necessary are ready to use force to achieve these goals. Many see the rebellion as the only defence for those left behind. Others say they have little to lose and may as well die fighting inside Burundi.

²⁸ ICG interview, UNHCR staff, Kibondo, August 1998.

²⁹ ICG interview, humanitarian staff, Kibondo, August 1998.

³⁰ ICG Research Mission, Autumn 1998

It is not difficult to meet with many of the rebel leaders and their troops outside of the refugee camps in western Tanzania. Meetings within the refugee camps were more difficult to arrange given the policies of the Tanzanian Ministry of Home Affairs (MHA) and the proclivities of the camp management staff. Much of the rebel leadership operated outside of the camps where they were able to move about freely, albeit often secretly. According to various rebel factions, the Tanzanian government will not let them carry out military activities openly. In fact, if they are caught they either pay fines or bribes, or are sent to prison, though they claim that recently none have received sentences. The rebels claim they have adapted to Tanzanian politics and operate “quietly” in a “non-visible” way.³¹

A. Overview of the Kigoma camps

Currently, UNHCR oversees Burundian refugee camps in the Ngara and Kigoma sub-regions of western Tanzania. Camps in the Kigoma sub-region are located in proximity of the towns of Kigoma, Kasulu and Kibondo. At the time of research, there were six UNHCR way stations for the Kigoma district at Kagunga, Biharu, Manyovu, Kiberizi I, Kiberizi II and Mabamba. The camps in the Kigoma district include: Mtabila I and II, Moyovosi, Nyarugusu, Mkugwa, Nduta, Kanembwe, Mtendeli.

In short, the camps are organised into blocks, streets and plots. In an effort to avoid the pitfalls of the Rwandan camps³², the Burundian refugees are not organised according to their communes of origin. New arrivals are assigned to the next available plot, and family reunification is not initiated until after a refugee is screened and settled. Block and street leaders are chosen in yearly elections organised by UNHCR and the Tanzanian MHA.³³ The block leaders are the standard interlocutors between the refugee community and outsiders. The majority of camp leaders are middle-aged men, but some are women and older men. A group mentality pervades the meetings of the block leaders, some of whom become agitated over outsiders seeking individual appointments or meetings. The considerable level of distrust among various political factions within the refugee camps manifests itself in exchanges between block leaders. Refugee leaders are also organised into security committees, which establish patrols and work to maintain a semblance of order. The “camp leaders” are a mixed lot; some are educated, organised and effective, and others are not. Differences in leadership qualities became apparent during UNHCR registration process in August 1998, when some successfully organised their constituents for the procedure, and others failed.

B. Camp management under UNHCR and MHA

In general, the Kigoma refugee camps are highly organised and well managed by UNHCR and Ministry of Home Affairs authorities. Staff from UNHCR and MHA attempt to make the camps as successful and comfortable as possible, promoting the welfare of the refugees through women’s co-operatives, education programs (although one major

³¹ ICG interviews, Frolina rebels, Kigoma, August 1998.

³² In the Rwandan Hutu refugee camps in eastern Zaire following the 1994 genocide, the reconstitution of Rwandan society down to the commune level in the refugee camps enabled the *génocidaire* leadership to reorganise and gain control of the refugee camps to suit its own ends.

³³ The principal Tanzanian government authority responsible for overseeing the refugee camps is the Ministry of Home Affairs (MHA). MHA staff are present in the refugee camps and have regional as well as a national office.

complaint of the refugees is that they are not permitted secondary education), horticultural training and community services and other projects. Kigoma is a fairly isolated region with few amenities, an environment that camp staff endure with notable resilience. In contrast, the donor community's frugality and poor resource management has led to unnecessarily high mortality rates in the camps. For example, the inadequate funding of water treatment and malarial eradication programs caused numerous, preventable deaths. Another serious problem has been the overwhelming employment of local Tanzanians on the staffs of UNHCR and NGO implementing partners, at the insistence of the Tanzanian government. The Tanzanian staff are inclined to carry out the agenda of the Tanzanian government, which may not necessarily be aligned with UNHCR. Local staff is also over eager to protect their government, particularly where it concerns issues of security, political expression and militarisation.

C. Camp security: the role of Tanzanian police

Both MHA staff and Tanzanian police may live in, or adjacent to, the refugee camps. UNHCR and NGO staff typically reside at considerable distance from the camps and must commute using poor roads. Refugees can apply for permits to travel out of the camps for specified periods of time. Otherwise, they are expected to remain within a certain radius of the camp borders. Camp management staff, NGOs and organised refugee committees try to monitor infringements on this policy in an effort to curtail environmental destruction, crime, unruliness, and feuds with local villagers. Within the camps, refugee leaders, assisted by Tanzanian police posted in the camps, often handle domestic disputes and violence. The camps are basically stable, though several human rights and humanitarian agencies have expressed concern over the high level of sexual and gender violence in the camps.³⁴

In early August 1998, a contingent of security police mandated by a new UNHCR package deal with the Tanzanians was deployed to the refugee camps in western Tanzania.³⁵ The security package includes financial incentives and other materials such as tents, vehicles and communications equipment. The Tanzanian camp police live in compounds in the refugee camps and work in conjunction with the Tanzanian district and regional police offices. The new police contingents are tasked with enforcing law and order and maintaining the civilian nature of the camps.

The agreement was called for specifically to counter criticisms that the UN had not been doing enough to secure the civilian nature of the refugee camps.³⁶ However, the police may be creating a false sense of security. It is not in a strong position to curtail insurgency or criminal activities by refugees who reside outside of the camps, or leave the camps in order to carry them out. The police presence may in fact obscure the fact

³⁴ ICG interviews, Kibondo and Kigoma, August 1998. The flawed survey on gender violence in the camps does not provide a good comparison with gender violence in Burundian society in general.

³⁵ Police were actually deployed to the camps prior to the newly arranged UN security package deal. A new deployment began under the newly mandated UN auspices.

³⁶ In a similar fashion, the UN agreed to provide for a quasi-international police force in the refugee camps in eastern Zaire, known as the Zairean Camp Security Contingent (ZCSC), which failed to address the security threat posed by continued military activity of the Rwandan ex-FAR and Interahamwe. For more background see Howard Adelman and Astri Suhrke with Bruce Jones, "Study II, International Response to Conflict and Genocide: Lessons from the Rwandan Experience", *Early Warning and Conflict Management*, Copenhagen: Danida, 1996.

that the camps provide a base for preparing military excursions.

The police assigned to the camps have a mixed record. For the most part, the policemen are seen as fair, and refugees feel adequately comfortable co-operating with them on matters of justice. There are however considerable complaints that the police steal, bribe and even aggrandise charges against uncooperative refugees. Similar complaints against the police exist within the general Tanzanian population as well. There have been a few cases reported in which police have been bribed to endorse accusations by refugees who falsely accuse their political rivals. At the Kiberizi transit site, ICG observed how the police denied humanitarian workers access to newly arriving refugees so that the police could loot the meagre possessions of the refugees.

D. The political and military nature of the Kigoma camps

Like most other refugee camps around the world, the Burundian camps in Tanzania are highly politicised. The Burundian refugees have fled for their lives from a devastating conflict; many have lost relatives, friends, homes and their possessions. The exile from Burundi, the experience of being a foreigner, and the unpleasant conditions of the refugee camps all serve to nurture their political views. The refugees consist of a cross-section of the wider Burundi population: cultivators, labourers, school teachers, college faculty, lawyers, businessmen and even former politicians and government officials.

Although UNHCR has not adequately collected data on the demographics and origins of the various waves of caseloads, certain trends and patterns can be deduced. For example, the caseload coming from Uvira after the AFDL operation is said to contain a majority of young, militant men. At the time of research, the camps which fall under the most suspicion for sheltering members of armed groups were Mtabila I and II, Moyovosi and Nduta. These camps are said to contain scores of young men, Uvira caseload refugees, refugees forced into camps during the 1997 round-ups and recent arrivals from southern Burundi - all of whom are said to be more volatile.

The Kigoma district camps are situated close to the border area where most of the current military action is taking place in southern Burundi, and all experience heavy traffic in and out of their parameters. Most of the refugees detained for security violations and military activities have come from these particular camps. Other than Nduta, the Kibondo area camps are generally more quiet even though they are receiving increasing numbers of new caseload refugees. The Ngara camps were fairly unstable until 1996. Today a few of the Ngara camps are used by more militant Hutu rebels.

Since 1993, various waves of refugees have brought political changes to the Kigoma area camps. While the region has been traditionally fertile for Palipehutu and Frolina, the CNDD/FDD has come to the fore in the Kigoma region particularly since the 1996 arrival of rebels from their disbanded bases in eastern Zaire. Most of the refugee camps are dominated by one particular group, but they still share turf with representatives and constituencies from the others. There is also considerable internal movement between the different camps. Within the camps, veteran leaders from Palipehutu and Frolina have been forced to share ground with newly emerging ones. At present, CNDD/FDD are known "to be ruling" the majority of newer caseload camps.

The real political authorities in the camp however are not readily apparent; they tend to hide behind the screen of the ostensible "camp" or "zone leaders". In part, this is done to

satisfy the Tanzanian authorities and staff managing the camps, who deny any political expression in the camps, even if it is unlikely to lead to violence. The Tanzanian approach has led to various political groups scrambling for *ad hoc* and murky ways to communicate with foreign observers, diplomats, expatriate staff and NGOs. The prohibition of any form of political activity or identification has created a false environment in the camp.

E. Maintaining civil order

UNHCR, and to a much lesser extent its implementing partners, have a two fold approach. UNHCR exercises a soft approach for political leaders who make themselves known privately in order to engage with UNHCR. The hard approach is reserved for political and military leaders who do not come forward; if they are caught, they may be turned over to local authorities. The effect of this policy has been to drive the military leaders, a secretive group anyway, further underground. The confusion is compounded by outsiders' attempts to distinguish the political representatives from the military ones. Although formally one may speak of the political and military wings of the various armed parties, in reality, the divisions do not always exist, and there is considerable overlap between the two structures.³⁷

UNHCR, MHA, and camp managers are not fully aware of what takes place in the camps both because the camps are quite large and because field officers rarely stay overnight in them.³⁸ Most camps are several hours from staff residential compounds. Few confidence-building measures are undertaken to engage the refugees in dialogue concerning their political interests. Instead, the priority has been to use iron fist tactics to maintain the civilian nature of the camps. The Tanzanian authorities are summoned if there is any detection of physical conditioning or manoeuvres that could be interpreted as military training or for violent incidents of political in fighting. Those overseeing the camps are on constant lookout for activities, which could qualify as fund-raising, taxation, mobilisation and recruitment. Accusations of subversive activities have been levelled by one political group at another, and it has been difficult for authorities to determine whether accusations are legitimate or engineered to discredit rivals. Within the past two years (1996-1998), serious security incidents qualifying as military activities numbered less than half a dozen.

Generally, the camps remain "calm and quiet" for long periods of time, and subversive activities are not visible. There have been a few exceptional incidents and heightened periods of tension around key external events. For example, camp witnesses claim that before the January 1998 attack on the airport in Bujumbura, there was a noticeable increase in organised refugee meetings and what appeared to be recruitment activities. In another case, witnesses claim that additional meetings took place and political tension pervaded the camps before the Arusha meetings in June and July 1998. Camp staff report that various groups appeared to be jockeying for stronger positions within the camps in the periods just before and after the Arusha meetings.

³⁷ A mistake of this kind has been the generalisation of the split between Nyangoma and Jean Bosco as one between the political and military wings of the CNDD/FDD.

³⁸ Historically, UNHCR field officers stayed in camps and came to know their environments quite well. Newer generations of UNHCR field staff do not have the same experience. An MHA representative may live in certain specified camps.

In August 1998, ICG observed the mobilisation of nearly two thousand refugees for transit from Kigoma to the DRC for military operations (which went largely undetected by humanitarian workers, who attributed camp disappearances to the problem of recycling). Most camp staff report that the camps have been easy to calm down even after noticeable subversive activities. As one camp manager explained, "the MHA call a meeting, a few people are arrested and the police use intimidation to quiet would-be agitators."³⁹

While there has been the occasional confiscation of handguns, locally made guns, bullets and a few rounds of ammunition - most used for common crimes - weapons are not generally seen in the camps. Only a few celebrated security incidents have taken place inside the camps. For example, in January 1998 training of Frolina was reported in Nduta camp by a rival political group. In two other instances in 1997 and 1998, men were caught, none with weapons, leaving the perimeters of Moyovosi camp for military training or operations. The men were arrested and went through judicial proceedings. Those who confessed to be combatants were sent to "special" camps, either at Kigoma in the Tabora region or Mwisu in Kagera. The Tanzanian authorities are loathe to create an additional site for "combatants" and prefer instead to send them to "special" camps. The others who did not declare their status as combatants were given suspended sentences for being "illegally in the country" and were then sent back to the refugee camps. The key message was that self-professed or "confirmed" combatants would not be accepted into the regular refugee camps; harsher punishment was unlikely, although small numbers of refugees have served time in the Kigoma prison. In late 1998, a few trucks full of young men were intercepted by the police. The refugees were sentenced for leaving the camps illegally.⁴⁰

F. The issue of political expression of the refugees

It is clear that MHA and Tanzanian camp managers are keen to suppress all forms of political activity. However, the issue of the politicisation of the camps should not be confused with the issue of the civilian nature of the camps. Many policymakers and NGOs have equated politicisation with militarisation. They have therefore been adverse to allowing various forms of political expression within the refugee camps. In fact, many have advocated against any form of political mobilisation. While political agitation may lead to insecurity, the consequences of prohibiting political activities must also be taken into account.

The stifling of political expression could be considered a violation of the rights of the refugees. In any case, it has had the consequence of de-legitimising political activity in the eyes of the refugees and precludes them from playing a productive role in the political resolution of the Burundian conflict. It has also pushed their political activities further underground; meanwhile, hard-liners continue to gain influence. To loosen the grip of the extremist political and military leaders, the international community must present the refugees with alternatives. Promoting peaceful participatory activities such as political training and preparing the refugees for a future role in the political process could serve as moderating influences and encouraging the development of a healthy civil society. Programs which promote constructive dialogue concerning relevant socio-political issues could be useful. Some of these activities are being offered as "peace" activities by

³⁹ ICG interview, humanitarian staff, Kigoma, August 1998.

⁴⁰ *In the Name of Security*, Human Rights Watch Report, July 1999.

UNICEF or community services, but there is a need to move beyond these lofty kinds of education to more practical endeavours.

It is difficult to have fruitful discussions with Tanzanian authorities, refugee camp managers and staff on these issues, because they invariably deny that any political activities exist in the camp. Publicly, they claim that any form of political activity would automatically lead to instability in the camps. Privately, some admit to other motives. For one, the Tanzanian government does not want anything to interfere with Nyerere's orchestration of the political dynamics of Arusha. Secondly, some say that Tanzania's hard-line approach towards the refugees is in response to unfair criticism by the international community and attacks on Tanzanian sovereignty. Others sincerely believe that if Tanzania permits political activities in the camps, then "the Buyoya people will infiltrate the camps and stir up trouble, throw a grenade or two, in order to claim that there is in-fighting among the political parties. This has happened before."⁴¹ Humanitarian staff reported a few cases where Burundian and Congolese government infiltrators were caught in the Kigoma refugee camps. Humanitarian groups also question how the Burundian government was able to compile information on UNHCR on precise activities allegedly taking place in the camps. In one instance, a document was found which contained a hit-list of refugees. The refugees and local population allege that repressive policies are also due to ethnic Tutsi influence in the Tanzanian power structures. It is difficult to assess whether Tanzania's policy is a matter of control or prudence. In either case, there is a large number of local Tanzanian staff who ensure that their government's policies are carried out.

In fact most refugees should be given some credit for their civil behaviour in the camps, particularly in contrast to the Rwandan refugees and historical examples of camps in eastern Zaire. The international community has a tendency to keep fighting its last battle, in this case, the militarisation of the refugee camps in eastern Zaire. There were ubiquitous complaints from humanitarian workers on the ground that international donors and diplomats visit the camps exclusively to look for military activities. One expatriate relief worker with long experience in the area said: "Many of these refugees are just simple farming people, peasants. Yet diplomats keep coming here asking questions about militarisation. We don't see the training in the camps that they fear. They should be looking instead at the huge forest and savannah areas outside of the camps. If they really wanted to, they could fly surveillance planes to see. We wanted to show them the conditions of the roads, the camps and talk to them of food needs. But they came only focused on the militarisation of the camps."⁴²

The political leaders of the refugees admit that they themselves have learned lessons from their own past experiences. Those from the Uvira refugee caseload (which includes members of both the FDD and Palipehutu) are particularly conscious of maintaining a different standard in the Tanzanian camps. They recognise that the warlord quality of leadership and political in-fighting that predominated in the Uvira camps resulted in both loss of life and their own failure to attain their political goals. Some have subsequently modified their behaviour in an effort to be taken seriously as political players. This is one positive effect that Nyerere and the Tanzanian government's political support of the rebellion have had. The rebel leaders are actually learning to be more astute political players and to understand that their goals are more likely to be achieved if they

⁴¹ ICG interview, humanitarian security officer, Kigoma, August 1998.

⁴² ICG interview, relief staff, Kibondo, August 1998.

participate in a political process.

The political and military leaders within the camps keep a low profile. With the exception of visible military activity around the time of the Arusha meetings, camp leaders tend to engage in more militant activities outside the camp so as not to attract unfavourable attention to their refugee communities. In general, the worst forms of political infighting have been avoided. Afraid of being expelled from Tanzania in the same way as the Rwandan refugees, Burundian refugees tread more lightly. The rebel groups are also cautious for practical reasons; they realise that it is easier for them to gain access to money, food, shelter, medicines and other material needs from the camp if the refugee population is not attracting scrutiny.

G. Information flows in the camps

One of the key problems facing refugees in the western Tanzania camps is that they have little access to outside information on events in their homeland, the region and, more significantly, the Arusha peace process. The Burundian refugees constantly complain about the dearth of objective media coverage of current events and general educational information. Many refugees ask why they are not provided programming similar to what they received in the eastern Zaire camps on Radio Agatashya⁴³. Now some projects of radio stations or programming have been proposed for western Tanzania.

When ICG visited the camps, the refugees refused to engage in dialogue without first being provided with information on Arusha, the nature of political affairs affecting their country and even the situation in particular communes in Burundi. Despite being refugees for many years, few had an understanding of the functions of the UN or the international community beyond the provision of basic refugee needs. Much of their frustration with the humanitarian operations could be countered by furnishing them with adequate information.⁴⁴

More importantly, if refugees had access to news and feature programs, they would undoubtedly feel more included in the Arusha process as well as broader political developments in their country and the region. Reliable, relevant information could also mitigate the consequences of hard-line propaganda spread throughout the camps. Countering "hate media" is a rallying cry for many policy-makers focused on the Great Lakes region, yet the opportunity to provide alternatives for the refugee populations in western Tanzania is being overlooked.

H. The discussion about their participation to the Arusha peace talks

Some of the refugees have been directly involved in political affairs in the past, others currently are engaged in camp leadership issues, and some have been participating in the Arusha process since June 1998 albeit as an open secret. Delegations from the

⁴³ A radio station founded by the Swiss Foundation Hironde as an emergency service for refugee and displaced persons and to counteract hate messages in Rwanda and eastern Congo.

⁴⁴ Information goes a long way with the refugees. For example, during the 1997 "El Nino" rainy season, transport of WFP food to the Kibondo camps was delayed because of flooding. The refugees thought instead that the UNHCR was cutting rations in an effort to force them all home to Burundi. Once the refugee leaders were taken to see the impasse in the road, they calmed down the tensions in the camps.

armed groups came directly from the camps. However, the camp authorities claimed not to have been consulted and complained that Nyerere bypassed both UNHCR and MHA officials by not informing them about his decision to permit key political and military leaders from the camps to attend the peace talks.

However, there is a strong sentiment among the refugees that they are being denied participation and are being fed false information on Arusha, the Tripartite refugee agreement, the situation in their own country, and other issues. Refugees are also concerned that the Tanzanian authorities are sending mixed signals, allowing some refugees to leave the camps and participate at Arusha clandestinely.

Because they will play a critical role in any peace and transition process, the refugees feel that they should be incorporated into the Arusha process. Exclusion from Arusha hardens their perspective towards the peace process and increases their distrust of the Tanzanian authorities and the international community. And it is quite clear that the refugees will gravitate towards more militant options as long as their political and participatory needs are not being met.

At the time of research, UNHCR's sub-regional Kigoma office was interested in facilitating refugee participation in both the Arusha process and in broader political discussion. The office recognises that the voice of refugees in western Tanzania should be heard at the international and regional level.

Within UNHCR as a whole, there were mixed sentiments regarding refugee participation at Arusha and in general political affairs. UN staffs in Burundi seemed to reject the idea. Local staff, as well as officials familiar with the Great Lakes, were divided on the subject. Some advocated that the refugees should be entitled to express their views and have a voice at Arusha as long as their involvement was limited to specific, apolitical refugee needs and not rooted in political party agendas. In this capacity, the refugees could participate as cross-party representatives of civil society. Others advocate that the refugees should not only be permitted to partake in political activities, but should be afforded political representation at Arusha.

Some refugee leaders, who had already been approached, rejected the notion that they should lay aside their political mantle in order to participate in an *apolitical* framework. This view was strongly held by the leaders of the armed groups who already have representation at Arusha. The more experienced leaders assert that the resolution of the Burundian conflict will require army reform. This is a politicised issue of prime concern to the refugee population and their leaders, and they realise that solutions to political problems will require them to bolster their military efforts.

Following the March session of the Arusha peace talks, Nyerere visited the camps and made a statement in favour of refugee participation in the talks, and more specifically in Committee IV on Reconstruction and Development that deals with the issue of refugee return and rehabilitation. A delegation of refugees attended the June 1999 committee session of the talks and came up with a statement asking for a transition government; an international post-Arusha peacekeeping force; the reform of the army; the trial of the 1993 putschists, the liberation of political prisoners; and the military intervention of Tanzania if necessary. The refugees also asked that reconstruction aid should only resume after the peace agreement is signed in Arusha, and that the Tripartite meeting be postponed until then. In the mean time, the delegation asked for the refugees to be

given refugee status, land, and primary and secondary education in the camps.

Although this statement was very politicised, it can be expected that the participation of the refugees at Arusha had beneficial effects: refugees attending Arusha were able to bring first-hand information back to the camps; a renewed relationship between refugee populations and a wider variety of political actors was created.

V. THE REBELLION IN WESTERN TANZANIA

A. Military activity outside of the refugee camps

The Burundi rebellion's military activities in western Tanzania generally take place outside of the camps. The rebellion's political leaders claim that Tanzania forbids them to conduct military activities overtly. However, they also claim that Tanzania has provided instructions for maintaining discrete military operations. It is apparent that some rebel leaders in the Kigoma district move with ease through the main towns, some are recognised and even well known. Others tread more carefully and are sometimes afraid to be seen conversing in public. Some rebel leaders have jobs in western Tanzania. While the executive committees for most of the major rebel armed groups reside in western Tanzania, all have key representation in Dar Es Salaam. The town of Kigoma has become a central hub for the rebel movement. Here rebels often feel relaxed and circulate freely among the local population, but refuse to see the press.

In the Tabora region settlement camps, rebel leaders operate with less scrutiny. One rebel leader returned to the settlements after Arusha and was granted permission by the Tanzanian authorities to hold a meeting on the peace talks and to prepare videotape for the exiled community overseas. At one point, the Tanzanian government pressed UNHCR to provide police to the old settlements as part of the security package deal. UNHCR rejected this request because it has not been responsible for the camps since it handed them over to the local authorities in 1985. As in the refugee camps, the Tanzanians creatively search for ways to hold the UN responsible for activities undertaken by the armed parties in the region.

B. The rebellion's resources

The Burundian rebels easily recruit from among the vast pool of disgruntled and bored male refugees in western Tanzania. Some new recruits do not relish the idea of going into battle or of risking their lives by crossing back into Burundi; they plead not to be enlisted, but are short of alternatives. The rebellion claims their movement has grown since Arusha began. Following the inclusion of armed groups at the talks, new supporters have joined the rebellion.

Competing rebel groups travel, often to the same camps, to find recruits, even funding basic supplies such as food, blankets and medicines. All of the rebel groups complain of the lack of funding, arms and other resources necessary to carry out a sustained military campaign in Burundi.

The main complaint of the rebels is the lack of international support. As one rebel leader said: "we don't have anyone to support us the way the Banyamulenge are supported by

Rwanda and Uganda, or Kabila is supported by Zimbabwe and Cuba. We don't have enough weapons."⁴⁵ When the Congo war started, the Burundian rebel leaders were distressed that Tutsi solidarity in the region would increase, and that their chances for a successful military campaign would be limited. However, after Kabila recruited and mobilised the Burundian rebellion from Tanzania to join his operations in the DRC, their enthusiasm soared. Tanzania became the hub of the movement to join Kabila's forces in the DRC. The FDD rebels in particular have received training and equipment from Kabila and Zimbabwe since the war started. After the signing of the Lusaka agreement, most came back to Burundi and Tanzania. However, they seem to be still quietly supported by Kabila and Zimbabwe; some are kept on stand by since the signing of the Lusaka agreement; others have been encouraged to go back to Burundi and to step up their attacks in order to keep the Burundi army busy at home and to force it to repatriate some of the troops stationed on the Congolese side of Lake Tanganyika.

VI. BURUNDI-TANZANIA; AN UNEASY RELATIONSHIP

A. Tanzania's security concerns

To the dismay of the Tanzanians, the Burundian conflict has a nasty habit of spilling over onto its soil. Tanzania's security has been affected in a number of ways. Over the past few years, Tanzania has greatly expanded its military operations at its borders to protect the country's territorial integrity and to defend its population against Burundian soldiers crossing the border in hot pursuit of Hutu rebels and refugees. Tanzania recognises that many civilians living on both sides of the Tanzanian/Burundi divide are not necessarily conscious of the official borders; some have inter-married and many families are intermingled. They plant crops on both sides of the border and travel back and forth to conduct small-scale business unaware of economic sanctions in place at the time. In the face of Burundi's military actions, Tanzania claimed to care for the security needs of its people and refugees.

Since the Burundian army has created a 5 kilometre buffer zone on its side of the border, local inhabitants who cross over to attend their crops have become targets of military gunfire. One international dispute arose when a Tanzanian woman crossed into Burundi to care for her crops and was shot trying to flee. Both governments claimed that the woman had died on their respective sides of the border, and each had maps to prove it. The Tanzanian Ministry of Defence launched an internal investigation and undertook surveys, which concluded that the woman was killed on the Burundian side.⁴⁶ In another incident in July 1998, Tanzanians were killed and injured after crossing into Burundi to conduct small business. Many local people and refugees have been victims of mines and booby traps planted by the Burundian Armed Forces on the Burundian side of the border.⁴⁷ The Tanzanian authorities and humanitarian community have had to develop a medical program to deal with the injured. Often, when explosions and gunfire are heard going off in Burundi near the border, local residents fear that they are meant to be the targets. Some residents complained that "gunfire and bombs are hitting too close".⁴⁸

⁴⁵ ICG interview, rebel leader, Kigoma, August 1998.

⁴⁶ ICG interview, Tanzanian Defence Ministry official, Dar es Salaam, August 1998.

⁴⁷ ICG interviews, Tanzanian military officers and UNHCR security officers, Kigoma, August 1998.

⁴⁸ ICG interviews, UNHCR security officers, Kibondo and Kigoma, August 1998.

Tanzania has emphasised that its military forces in the border region are also there to protect the Burundian refugee population. In the company of a high-level UNHCR delegation, a senior Tanzanian official told the refugees that Tanzania would protect them.⁴⁹ Some refugees interpreted the speech as a sign that they shared a “common enemy”.

Tanzania continues to suffer from instability in its western region caused by the large refugee community. When food supplies in the camps are inadequate, refugees have leave the camp to forage for food. This leads to increasing criminality, pillaging, crop raiding and violence against locals. The Rwandan refugee population also continues to be a problem. Some Rwandan refugees refused to depart and others returned following their massive, forced repatriation. Those in camps in the Kigoma sub-region have not been officially classified as “refugees”, but rather as “asylum seekers” who are awaiting the results of screening processes. (The screening was completed in October 1998).⁵⁰ The presence of these refugees among the Burundians is a cause of concern. Some of the Burundian refugees fear the Rwandans; others are susceptible to the hard-line views and violence that the Rwandans espouse.

Kigoma is a key storage and transit point for Tanzanian, local and foreign arms traffickers and smugglers plying their trade on Lake Tanganyika. Locally based operations have links in the region to southern Africa, Zambia, eastern DRC and Burundi and outside links to China, Oman, Dubai, United Arab Emirates, India and Pakistan. A few smugglers have continued their operations to, from, and through Burundi even when sanctions existed; though they bitterly complain of being forced to suspend most of their business activities. Others have become suppliers to the Burundian rebellion based in western Tanzania, Zambia, southern Burundi and eastern DRC. Many of them are at least locally known. The Burundian rebellion has profited from the smuggling network out of Kigoma, and depends on logistical and military supplies from this pipeline. Though they are furthering the ends of the armed parties to the conflict in Burundi, the smugglers operate with impunity. Tanzanians are bribed to look the other way or otherwise benefit from being involved.

The DRC conflict also has a major destabilising impact on western Tanzania. Extensive recruitment and mobilisation of both Burundians and Congolese by Kabila’s officials has taken place in Kigoma. The mobilisation was directed from the Congolese consulate in Kigoma, and was supervised by a former Burundian diplomat. Large numbers of men left their refugee camps and the surrounding environs, and were loaded onto boats for transport to eastern DRC near Kalemie. Most of the recruits did not have previous military training. Some expressed regret at having to go but claimed to have no other option.⁵¹ Even injured refugees, some recovering in a hospital ward, were persuaded to go to the front. Some local Kigoma residents, disturbed by the military undertaking, took several recruiters to the local police who subsequently released them.⁵² Local police officials denied the Congo war recruitment operation, though some facilitated the undertaking.

⁴⁹ ICG interview, UNHCR security officer, Kigoma, August 1998.

⁵⁰ ICG interview, humanitarian staff, Kibondo, August 1998. UNHCR, Great Lakes Update, 4 November 1998.

⁵¹ ICG interviews, Burundian refugees and rebels, Kigoma, August 1998.

⁵² Newspaper article and ICG interviews, local police, Kigoma, August 1998.

In October – November 1999, the government of Tanzania has shown new concern about the situation in the Kigoma region. The Deputy Minister of Home Affairs visited the area in November and decided that movements of refugees outside of the camps should be restricted. For long, Kigoma has been out of the political mainstream and is distrusted in the ruling party's national arena. Since the parliamentary representative for Kigoma town does not belong to the ruling party, his views do not sufficiently resonate at the national level. Outside of western Tanzania, various Tanzanian politicians have alternatively belittled the refugee presence or criticised it to suit their political objectives. With the presidential elections in June 2000, the Tanzanian authorities want to restrict refugees' movements out of the camps to prevent them from voting. A fear persists that refugees could swell the ranks of the local constituencies with whom they have family and ethnic or cultural ties, and out-vote the governing party in the region.

B. Tanzania's ambiguous role in the Burundi peace process

Tanzania feels that it has not received the credit it deserves from the international and donor community for its moderating influence in the Burundian crisis. First, having been viewed as a model "asylum" country, Tanzania is harshly criticised for its support of the Burundian rebellion, and the assumed military nature of the refugee camps within the country's borders. Tanzania feels that it has become the "scapegoat" for a refugee crisis, which the Burundian government and security forces should take responsibility for having created it in the first place. National and local Tanzanian authorities complain that top UNHCR officials and important members of the NGO community have been convinced by the Burundian government's public relations campaign that Tanzania is a major part of Burundi's problem. Mortified by its own failings in eastern Zaire, the humanitarian community fears being accused of repeating its mistakes in Tanzania now;⁵³ Burundian officials have taken advantage of these feelings of guilt. Tanzanians say that instead of pointing the finger at them, the international community should acknowledge its own failure to take important political and security actions at the level of the UN Security Council which could have prevented or alleviated the humanitarian crisis.

Second, they feel insulted that the efforts of Mwalimu Nyerere, who led the peace process from March 1996 until October 1999, are not recognised as genuine. Allegations abound that Nyerere was biased towards the Hutu because the Tanzanian government allowed rebels to operate from the refugee camps on the country's western border and because most Hutu leaders of the opposition went to exile in Dar Es Salaam.

Tanzania's impartiality in the peace negotiations has been however continuously questioned by the Burundian government as well as by the diplomatic community. While the international community has funded the Arusha process and the Mwalimu Nyerere Foundation since June 1998, more and more voices have drawn attention to the fact that political support, if not military, to one side of the conflict was compromising the neutrality

⁵³ It is interesting to note that the UNHCR and implementing partners refused to admit that the Burundian refugee camps in Uvira were highly militarised despite eyewitness observations, journalist accounts, including a BBC video diary, and reports by human rights and humanitarian organisations. Many relief workers who worked in the camps are still upset that the UNHCR refused to acknowledge the military activity despite serious attacks on relief workers and their compounds, hostage taking of local and expatriate staff and the confiscation of grenades, ammunition and small arms.

of Nyerere's mediation's. The Burundian government has successfully attracted international condemnation of Tanzania's support for the rebels, both in and outside of the refugee camps.⁵⁴ A proposal for an OAU fact-finding mission to investigate refugee militarisation in Tanzania was flatly rejected by the Tanzanian government, which claimed the focus should instead be on Burundi. In its defence, Tanzania has written to the UN Security Council to draw attention to Burundian military build-up, and offensives taking place on the Burundian side of the border.

Most recently, on 12 November 1999, the Security Council issued a press release on the Burundi situation calling on the States of the region to ensure the neutrality and civilian character of the refugee camps and to prevent the use of their territory by armed insurgents. That press release can be interpreted as a clear signal that Tanzania should do more to control the Kigoma region's security.

C. The military option against the Buyoya regime

One of the reasons why Tanzania's neutrality is questioned is that, during certain periods within the past few years, Tanzania felt that it had at least the silent approval of relevant regional and international governments to pursue a military campaign against Burundi, though it never had ample resources to do so. The height of Tanzania's enthusiasm for a military confrontation with Burundi came in the spring of 1996. At that time, Tanzania was playing a lead role in the preparation of a multinational force to stabilise Burundi. But, after the Buyoya coup in July 1996 and after foreign backers pulled the plug, Tanzania became embittered by the loss of energy and resources expended on the effort.⁵⁵ Very recently, the Ministry of Defence asked the Tanzanian government for a substantial troop reduction in the west due to the coastlines of the deployment and waning military objectives.

For most of the second half of the 1990s, Tanzania has been prepared to exercise military options to force change in Burundi. Tanzania has consulted regional and other foreign allies, increased its resources and manpower on the border, and tolerated the Burundian rebellion's activities on its territory. The local humanitarian community is aware of Tanzania's military build-up but has been confused about Tanzania's motives. Humanitarian agencies have been denied access to border and other areas by Tanzanian authorities. As one official remarked, "For us, one of the key issues in the region is denial of access. There are certain no-go areas in western Tanzania."⁵⁶ Regular border monitoring of the region by humanitarian agencies is not permitted.

Publicly, Tanzania keeps its distance from the armed parties. While Tanzania has provided support to the rebellion in many ways – freedom of movement, political activity outside of the camps, political support, resources and military training – the support has always been circumscribed. Tanzania wants to keep Burundi destabilised by supporting the rebellion, but for the time being has otherwise reduced its military ambitions towards Burundi.

However, Nyerere's death on 14 October could have a very negative impact at this stage

⁵⁴ ICG interviews, Kigoma and Kibondo, August 1998.

⁵⁵ The Tanzania government has appealed to the donor community for assistance to demobilise veteran soldiers and professionalise its military with new recruits, training and military equipment.

⁵⁶ ICG interview, UN staff, Tanzania, July 1998.

of the process. President Mkapa, Minister Kikwete, or the Tanzanian chief of staff have been threatening the Burundi government to give massive support to the rebellion if negotiations were not moving. This line is supported by a number of pro-Hutu lobbies in Tanzania. The common view is that if Tanzania's ambition for the rebels was stronger, there would be a marked improvement in the rebellion's performance. Nyerere had a moderating effect on those lobbies and wanted to give a chance to the negotiations in Arusha. With the upcoming elections, it is not sure that the new Tanzanian leadership's attitude will be non-violent. If the Burundi negotiation process doesn't quickly produce results, Tanzania can argue that it is time again for a military intervention in Burundi.

D. Growing tension between Burundi and Tanzania

After numerous claims of aggression by rebels from the Tanzania territory and counterclaims from Tanzanians, the two Ministers of Defence have met on 12 August to discuss border security. The discussion focused on the general causes of insecurity as well as on the particular incidents that happened on the border. The meeting ended with proposals to improve co-operation on security at the border.⁵⁷

However, Burundi has recently again accused Tanzania of allowing refugee camps on its soil to be used as bases for ethnic Hutu rebels. Both countries accused each other of lax security along their border. The Burundi government says Tanzania is not doing enough to police the camps. It also claims that the rebels who killed two UN workers in Rutana in October 1999 had crossed over from Tanzania. In a letter to the Security Council, Tanzania denied any responsibility for the attack. The Foreign Minister Jakaya Kikwete said in an interview: "If they have a problem in their country, there is no use trying to find a scapegoat...It's outrageous. The government of Burundi cannot in any way exonerate itself from its primary responsibility of providing security for United Nations personnel as well as its own citizens," the foreign ministry said in a statement."⁵⁸

The growing animosity over the camps issue has also been fed by rumours that the Burundi army is planning to attack the camps in Tanzania. Hutu rebels claim Burundi and Rwanda have deployed thousands of soldiers near the border to prepare for an assault on the refugee camps around the Tanzanian town of Kigoma, as they did in 1996 on the Zaire camps. Tanzania's Minister said reports of a possible attack on the camps in Tanzania were just rumours put around by the rebels, but added: "In situations like these it's very easy to find yourself being drawn into other people's problems". With the present influx of refugees (about 5000 in the first two weeks of November 1999), the likelihood of incidents at the border is increasing. Although at this point, it would be disastrous for Burundi to fight a war against Tanzania, the possibility of an incident triggering a war can not be ruled out.

VII. RECOMMENDATIONS

A. Maintain the civilian nature of the camps

The civilian nature of the camps must be maintained. It is essential that UNHCR,

⁵⁷ "Burundi-Tanzania: Ministers Meet on Improving Border Security", IRIN, 12 August 1999.

⁵⁸ Reuters, 22 November 1999.

Tanzanian authorities, UNHCR-sponsored security police and humanitarian staff continue to have a watch dog role and robustly enforce prohibitions against any kind of military activities. More subtle political activities such as political consciousness-raising and mobilisation should be treated with a softer approach.

UNHCR, Tanzanian authorities and the donor community need to decide on a common policy both for combatants caught in the refugee camps, or for those caught outside. Common terms and procedures must be established for judicial process, penalties, rehabilitation, confinement, release and quartering. A decision also needs to be made to determine which lead agency will attend to their needs.

It is imperative that UNHCR carefully monitor the activities of the police to inhibit corruption and abuses against the refugees. The humanitarian staff should also inform the refugees, through UNHCR protection office and community services, that refugees can approach them with legitimate complaints against the police, and that their confidentiality will be respected.

B. Promote a negotiated and inclusive solution in Burundi

It is important that the international and donor community recognise that humanitarian action is not a cure-all and will not fill the political and security vacuum. Maintaining the civilian nature of the camps will not ensure the security of all of western Tanzania nor will it thwart refugees (backed by Tanzania) from resorting to violence to achieve their political ends. To mitigate further suffering, loss of life and abuses of human rights and law, it is vital that creative, long-term solutions be found for the Burundian human tragedy.

As long as war-afflicted refugees spill into Tanzania with grievances against the Burundian government and military, there will be cause for the mobilisation of a rebellion from the western region. The "cause" of the rebellion will continue to be perceived as "just" among sections of the local Tanzanian population and government.

1. Include all rebel movements in the peace process

International leverage should be brought to bear on Tanzania to change some of its policies towards the rebellion. This would include formally inviting to the Arusha talks both the FDD commander Jean Bosco and representatives of the refugee communities; instituting transparency in its support of various parties to the armed conflict in Burundi; and using the country's own influence over the rebels to modify their behaviour, particularly curtailing some of the egregious ways in which they conduct the rebellion.

The new mediation team should reach out to the various groups to better ascertain their needs and interests. The rebels will not commit to a lasting cease-fire and peace process until their concerns are addressed. However, the international community must exercise caution and transparency in dealing with the non-state actors, and use leverage and resources to transform them into legitimate political actors with a common interest in a negotiated political settlement.

There is a serious need for a healthy dialogue between the Tanzanian

government on the one hand, and foreign donors, the UN, and international participants at Arusha on the other. To create a healthy atmosphere and ensure that this dialogue takes place, ICG recommends more openness towards Tanzania's security concerns.

2. Ensure refugee protection

Because there is a peace process underway, the horrendous and complex emergency ticks on with little external vigilance. The tendency of key international players has been to focus on one-track diplomacy and the Arusha negotiations. Most of the foreign observers at Arusha tend to be high level diplomats and envoys who retain a focus on "high politics", and reserve little attention for humanitarian, practical or technocratic concerns. Significant, ongoing loss of life, gun and land mine injuries, refugee flows, internal displacement, arms flows and the gravitation of the various political parties towards pursuit of the military option each demand the attention of the international community.

There is a lack of definitive information regarding the reasons why Burundian refugees are arriving in Tanzania in increasingly poor condition. Is it because of starvation in place of origin, difficulty getting out, policies by the Burundian government or rebels, fear of land mines or other reasons? Following a careful study of this issue, recommendations must be acted on to alleviate the gravity of the situation.

ICG recommends that the international community use the toughest measures at its disposal, including economic conditionality to stop the Burundian government from laying mines and to de-mine areas where mines have been planted. In the meantime, the UN and the donor community must do what they can to assure the refugees that they have safe passage out of Burundi even if it means creating safe passage corridors.

3. Protect returnees

UNHCR must maintain the voluntary nature of repatriation for Burundian refugees. Refugees that return home face an on-going complex civil war, a devastated economy, complicated property issues, destroyed homes and the likelihood that their municipal areas are controlled by hostile authorities and policed by the army. UNHCR and donor community must work to create the necessary pre-conditions for eventual safe refugee returns. This should include providing the refugees with reliable up to date information on conditions in areas of intended return. As earlier mentioned, site visits should be organised on a planned basis and with a sensitivity towards Tanzania's sovereignty and security concerns.

ICG recommends a careful review of the UN's "relief to development continuum" inside Burundi. UNHCR must judiciously use its limited funds in the region to care for the welfare and eventual repatriation of the refugees before becoming committed to non-essential activities. UNHCR must avoid subsidising Burundi's rehabilitation process, whether this benefits shelter construction programs or the social service sector, before a long-term negotiated settlement is reached.

Otherwise, UNHCR in Burundi will continue to be criticised for discriminatory practices. Once a peaceful transition is underway, UNHCR should focus the core of its activities on providing the refugee population with a good incentive package that exceeds basic survival needs.

ICG recommends that within Burundi, UNHCR continue to advocate for a modicum of security for refugees under its care. The relationship between human rights and UN agency protection mandates should be strengthened.

4. Improve access to information of the refugees

Better information about the plight of refugees fleeing from Burundi and the nature of the conflict can be readily obtained from the refugee population in western Tanzania. Access to this type of information is more difficult to obtain inside Burundi for reasons previously mentioned. Regular cross border information exchanges should be encouraged between UN staff in Bujumbura and Kigoma. Monitors from the UN human rights mission should travel to western Tanzania to interview refugees in order to better understand the nature of fighting inside Burundi, and the abuses committed by both the rebels and the Burundian army. Human rights and humanitarian agencies should better coordinate their activities and if at all possible humanitarian staff should be provided training in, or exposure to, human rights law.

The refugees deserve better access to outside information on events in Burundi, the region and the Arusha talks. Refugees would profit from basic public health information and other forms of educational material. Providing information to counter the hard-line hate messages would have a moderating influence in the camps. To achieve these goals, specialised radio programming should be provided to western Tanzania. Since most of the Burundian refugee population has suffered from discriminatory educational policies in the past, many are illiterate and will depend on sources of information other than the written word. Providing information would build confidence and expedite the healing process for the refugees who feel that they are victims of discrimination both previously in Burundi and now in Tanzania.

If radio programming is not feasible, there should be frequent informational meetings held in the camps, not only for the ostensible camp leadership, but also for the entire population. In the large camps, there should be regular rotations among smaller meeting units.

To counter their fears, the refugees also require consistent information from the UN regarding their refugee status and repeated confirmation that Tanzania welcomes their presence and will not forcibly be repatriated. Dialogue between Tanzanian authorities (other than the security police and MHA) and the refugees should take place more frequently. The UN should be a more forceful advocate of the rights of the old caseload Burundians who were abused during the "round ups". The UN could start by initiating exchanges between selected refugees and the Tanzanian authorities.

The refugees should be provided with reliable and up to date information on conditions in areas of intended return, at least at the commune level. Refugees

should be permitted site visits organised by UNHCR. Tanzania should be fully engaged in the organisation of these site visits, and the UN should reassure Tanzania of the benefits to the refugee population.

5. Allow political expression in the camps

The international community, especially UNHCR and donors, should better appreciate the distinction between a politicised refugee population and a militarised one. Coming to terms with this differentiation should initiate a reconsideration of the kinds of political expression and activity that would be acceptable in the camps. A thorough study of this issue should be carried out, sensitive to Tanzanian concerns. At minimum, some forms of political education and skills training would prove useful.

In addition, the international community should support for a delegation from the refugee community to continue to participate in Arusha, at least at the level of the committee IV, which will most affect them. This would include the peace and security commission and the commission on reconstruction and development. The peace process would benefit greatly by directly engaging refugees in an effort to understand their requirements and preconditions for their return home. This could also diffuse their susceptibility to recruitment and mobilisation by the armed rebel groups.

Skills training will need to be provided to refugees who participate in the Arusha process. The international community should look at other models to see how former militarised exiles and refugees, with few political skills, were brought into a significant political process. Donors should prepare to pay for both the costs of the refugee delegation as well as the political skills training.