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TANZANIA: MAINTAIN PROTECTION SPACE FOR BURUNDIAN REFUGEES

Following the announcement by the governments of Tanzania and Burundi of a plan to step up repatriation of Burundian citizens to 2,000 people a week, Amnesty International called on all parties involved to ensure that any returns are genuinely voluntary and conducted in safety and with dignity. With serious human rights violations and acts of repression continuing in Burundi against perceived government opponents since the last elections and in the run-up to the 2020 elections, it is essential that asylum space remains open to Burundians who continue to leave the country, as well as those who fled previously.

According to a confidential agreement document signed by Tanzania's Minister for Home Affairs Kangi Lugola and Burundi's Minister of Interior Pascal Barandagiye on 24 August and reviewed by Amnesty International, the planned returns process would begin in the second week of September and be completed by 31 December 2019. The two ministers visited Nduta and Mtendeli refugee camps in the Kigoma region on 25 August where they announced that the returns would start on 1 October.

The assertion in the 24 August agreement that returns would continue with or without refugees' consent is alarming. This fits with Minister Lugola's comments to various media outlets. For instance, he told the BBC that the "refugees have until 1 October to repatriate. After that we will send them back whether they want to or not."¹ AFP reported the minister stating that "in agreement with the Burundian government and in collaboration with the High Commissioner for Refugees, we will start the repatriation of all Burundian refugees on 1 October."² However, when asked about the announcement at a press conference in the Burundian capital Bujumbura on 27 August, Minister Barandagiye asserted that the returns would not be forced and that he was confident that the Burundian authorities would defeat any legal challenges brought against their actions on the matter.³

For his part, Minister Lugola in Tanzania warned that any individual or NGO working on refugee issues would "face the wrath of President John Pombe [Magufuli]" if they opposed the government's repatriation plans. During the announcement and in line with the contents of the 24 August agreement, Minister Lugola said that "whether our partner UNHCR will show interest to play their role or wants to delay us, we, the two countries, will proceed with this exercise to ensure that these Burundians go to their home."⁴ Both governments have been critical of the UN High Commissioner for Refugees (UNHCR), accusing the UN refugee agency of delaying returns. At a meeting of the tripartite commission on 28 March 2018, Burundi, Tanzania and UNHCR agreed a plan of action which included return of two convoys of 1000 people per week for the remainder of 2018.⁵ UNHCR has maintained the position that "conditions in Burundi are not currently conducive to promote returns", but says it is assisting those who indicate that they genuinely want to return.

In 2017, the governments of Tanzania and Burundi began actively encouraging returns of Burundian refugees. Nearly 75,000 people have returned to Burundi since September 2017. On 20 July 2017, President Pierre Nkurunziza visited Tanzania and encouraged refugees to return home because he said the country was "at peace". His host, President John Magufuli, echoed his remarks to the refugees, saying: "My Burundian brothers, I urge you to return home to build your country. You have just heard your president, prepare from today to return home. I am not expelling you, but we should speak the truth... Those who go around preaching that Burundi is not at peace should stop their gospel."⁶

¹ BBC, 'Tanzania to forcibly return refugees', 28 August 2019, <https://www.bbc.co.uk/news/topics/ce1qrvle07t/burundi>

² AFP, 'Tanzania to send back Burundi refugees from Oct 1', 28 August 2019, <https://www.thecitizen.co.tz/news/1840340-5251774-9b8yrf/index.html>

³ Minister Barandagiye press conference, 27 August 2019.

⁴ Minister Lugola remarks, 25 August 2019.

⁵ UNHCR, Regional Update: Burundi Situation March 2018, <https://data2.unhcr.org/en/documents/download/63552>

⁶ Agence France Presse, "Tanzanian leader urges Burundian exiles to go home," 21 July 2017, <http://www.news24.com/Africa/News/tanzanian-leader-urges-burundian-exiles-to-go-home-20170720>. "Today, Burundi is at peace. We call on our brothers and sisters sheltering in Tanzania to return home, so that we can build our country together." President Nkurunziza's speech reported in Agence France Presse, "Tanzanian leader urges Burundian exiles to go home," 21 July 2017, <http://www.news24.com/Africa/News/tanzanian-leader-urges-burundian-exiles-to-go-home-20170720>.

In January 2017, the Tanzanian authorities ended *prima facie* recognition of refugees from Burundi, meaning that all asylum seekers coming from Burundi would from then on have their cases individually assessed. By July 2018, the Government of Tanzania had closed all reception centres at border entry points from Burundi – both restricting access to the country and the possibility of claiming asylum.⁷ Tanzania's Refugee Services Department is no longer conducting registration in western Tanzania, where asylum seekers from Burundi typically arrive in the country. The temporary closure of the refugees' common markets and some refugee-run businesses in the camps have put even greater pressure on the Burundian refugee community. Some Burundian refugees have told Amnesty International that they left Tanzania to seek asylum in other neighbouring countries such as Uganda, where they believe the conditions are more favourable.⁸

The governments of Burundi and Tanzania must strictly adhere to international principles and standards for a dignified, safe and voluntary return that ensure that no-one feels compelled to return to Burundi either because of the hostile conditions in camps arising from withdrawal or termination of basic services such as education, or threats from high-ranking government officials. The Tanzanian authorities should publicly reassure Burundian refugees and asylum-seekers that they will continue receiving protection in Tanzania, devoid of pressure to return.

Amnesty International calls on UNHCR to ensure that the choice to return is truly voluntary and that Burundian asylum seekers and refugees have the option of staying in their host country. UNHCR should only facilitate returns that meet international standards.

Additionally, regional response efforts for Burundian refugees have been chronically underfunded by the international community. Only 22% of the 2019 Burundian Refugee Response Plan had been funded as of 31 July.⁹ Donor countries should substantially increase and provide predictable and consistent funding to the Burundi Regional Refugee Response.

⁷ UNHCR, Tanzania: 2018 Year End Report BURUNDI REGIONAL RRP, <https://data2.unhcr.org/en/documents/download/69345>

⁸ Amnesty International, Conform or flee: Repression and insecurity pushing Burundians into exile, 29 September 2017, <https://www.amnesty.org/en/documents/afr16/7139/2017/en/>

⁹ UNHCR, Regional overview of the Burundian refugee population, 31 July 2019, <https://data2.unhcr.org/en/documents/download/70865>