



**PROTECTING REFUGEE IN THE CONTEXT OF
LOCAL INTEGRATION: THE CASE OF LUGUFU
REFUGEE CAMP, TANZANIA**

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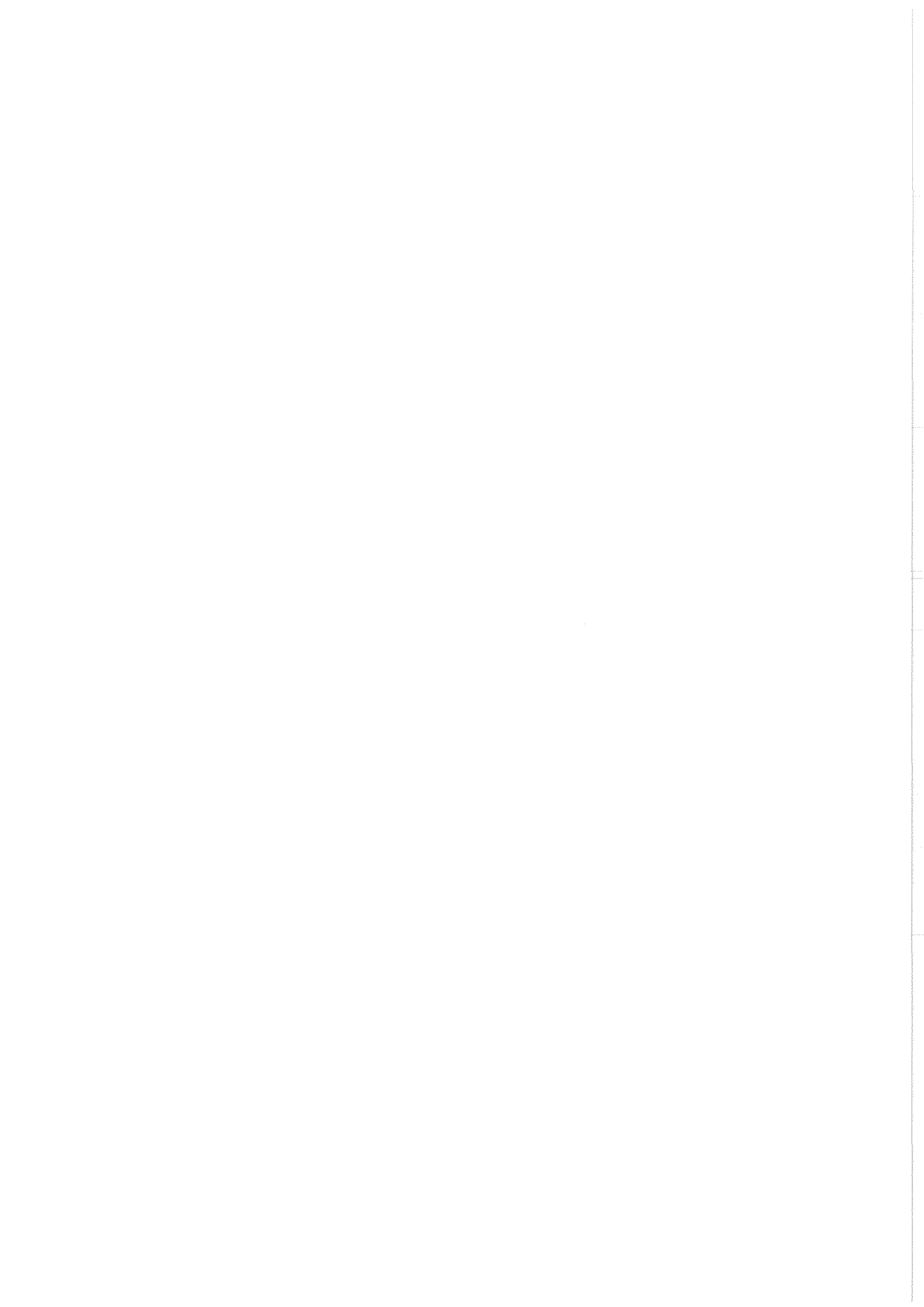
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DEDICATION

I dedicate this work to my families who missed me badly during the extended period abroad. Without their patience and perseverance, it would have been impossible to pursue my studies successfully.

I also dedicate this work to my late father Mchele Shimba, who for God's will, did not witness the fruits of his inspiration for hard work which kept me going until I accomplished this task.



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List of Acronyms

CAT	Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CORD	Christian Outreach Relief and Development
CRC	Convention on the Rights of the Child
DAR	Development Assistance for Refugees
DRC	Democratic Republic of Congo
GDP	Gross Domestic Product
GTZ	<i>Deutsche Gesellschaft Fur Technische Zusammenarbeit</i> (German Technical organisation)
ICARA	International Conference on Assistance to Refugees in Africa
IOM	International Migration Management
NGO	Non Governmental Organisation
OAU	Organisation of African Unity
RBA	Rights Based Approach
REDESO	Relief to Development Society (Tanzanian NGO)
TDA	Targeting Refugees for Development Assistance
TNRP	Tanzania National Refugee Policy
Tsh.	Tanzanian Shillings
UDHCR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
URT	United Republic of Tanzania (Government)

Chapter One: General Introduction to the Study

1:1 Introduction

Tanzania is in the Eastern part of Africa and shares a border with Democratic Republic of Congo (DRC) on its Western side. On its North-Western border, the country shares a frontier with Rwanda and Burundi (See figure I). All these three countries bordering Tanzania are known as refugee generating states whose history is turbulent and sometimes extremely violent ever since they acquired their independence from colonial rules in 1960s.¹

The country's Gross Domestic Product (GDP) per capita currently stands at \$ US 319.8 which is one of the lowest in the Africa but it has one of the highest refugee populations in the continent (Bank of Tanzania, 2007; Mogire, 2006: 137). The official refugee's figure is 484,457 excluding those undocumented and living in towns as well as in remote villages.²

Contrary to refugee migration trends in other parts of the world, these refugees enter Tanzania in mass influxes simultaneously, with or without warning. After their entry, they settle and live with the rural communities which are poor and have very limited means of sustenance. Their migration can aggravate the low living standards of the rural communities because it adds extra economic, social and ecological costs. As a result of this handicap, Tanzania is economically unable to meet humanitarian and development assistance to these massive numbers of extra people (Human Rights First, 2007). Due to this handicap, refugees have been shifted to refugee camps under the United Nations High Commission for Refugees (UNHCR) supervisions (Hoyweghen, 2002: 317-318).

On the one hand, refugees being accommodated in camp-settings impinge on their fundamental human rights; on the other, the huge numbers of refugees means that alternative ways of accommodating them are very difficult to organise. To tackle the problem of preserving the rights of these refugees, UNHCR has formulated three durable solutions. The first one is voluntary Repatriation which involves returning back refugees to their origin countries when the causes leading to their flight have abated or ceased to exist. The second is local integration referring to inclusion of refugees into economic and social system in indigenous population which can include, but does not necessarily mean, giving them full citizenship. The third is resettlement defined as transferring refugees to a third country willing to accommodate them in order to relieve the countries hosting huge caseloads of cross-borders or regional refugees.³

In this paper, I argue in favour of implementation of local refugee integration as generally the optimum solution in protecting refugees in Protracted Refugee situations. The superiority of local integration over other UNHCR solutions is that it appropriately links humanitarian and development assistances in a sustainable way. The local integration also alleviates poverty among refugees as well as local

¹ Chaos began when the first Prime Minister Patrice Lumumba was ousted out of power followed by the 30 years brutal rule of Mobutu Seseko in Zaire now DRC and political instability caused by repressive, military governments in Rwanda and Burundi in 1964 and 1962 respectively. <http://www.ictj.org/en/where/region1/646.html>. Accessed on 20 March.2007.

² This figure is recorded from Refugee Headquarters, Dar es Salaam on 29 July 200

³DAR <Http://www.unhcr.org/cgi-bin/vtx/refworld/rwmain?page=search&docid=4124b6a04> Accessed on 12 August 2007

people. The paper however does not overrule the viability of other two durable solutions as they always go together and supplement one another.

The paper attempts to shed light on how local refugee integration can be implemented to serve two purposes. Firstly, to realise refugee rights including those of local population while avoiding continued preferential treatments to the refugees at the expense the other local societies. Secondly, the aim is to stimulate social and economic development in Tanzania as a whole.

The study also notes that, notwithstanding the fact that refugee migration presents a heavy burden to host states, there are also potential benefits of these influxes of people seeking refuge and who need to make a living.

1:2 Background Information

Tanzania has been hosting refugees for several decades since the 1960s. The actual total number of refugees who have sought asylum in Tanzania is very difficult to estimate as there is an absence of data. Initially the majority of them were freedom fighters from countries then under colonial occupation (1960s-1970). The modest size of the refugee populations at that time enabled the country to provide them various cultural, social and economic rights which includes being allocated large tracts of land for cultivations. They freely mixed with local people without any limitation (Rutinwa, 2002: 13-14, 28).

From the year 1980s to 1990s, two major events happened simultaneously. The first one was in the 1980s when Tanzania's economy worsened due to the unfavourable terms of globalization. An economic crisis began after the country implemented the structural adjustment programmes under the advice of major international lending organizations. The second event in the 1990s was the dramatic rise of mass refugee influxes in flight from Rwanda, Burundi, Democratic republic of Congo (DRC) and Somalia. This trend not only raised security concerns for the country but also the responsibility of the government to accommodate and provide economic and social services to a large magnitude of people. There was no immediate solution other than shifting some of the burdens to UNHCR. The Government remained mainly with the duty of provision of land and security matters (Hoyweghen, 2002: 317-318).

As already pointed out, refugee encampment can lead to infringements on refugees' rights. Safeguards have therefore to be created in order to reduce the harmful effects of the process, as refugees are human-beings with inalienable human rights to be observed. They have rights to liberty and recognition as persons before the law, rights to work as well as a right to an adequate standard of living as per articles 3, 6, 23 and 25 of the Universal Declaration of Human Rights (UDHR) (Banning, 2004: 1-2).

It is also imperative to recognise the concern of the country sharing borders with conflict-ridden and warring states since there is a possibility of spill-over of the conflict spreading everywhere, when refugees are left unconfined (TNRP, 2002: 18). There are reports showing that refugees in some cases organised themselves and waged cross border attacks into their countries of origin which could be damaging to foreign relation between neighbouring states (Mogire, 2006: 143-145).

1:3 The Importance of this Research

Tackling refugee problems is the responsibility of states in contemporary international law as they have obligations to respect, fulfil and protect refugee rights. (Sepulveda, et al, 2004: 6). Refugees, as provided for in the preamble of the 1951 Refugee Convention deserve human dignity and protections without discrimina-

tions. Their rights can be realised by integrating refugee development and economic activities and those of local populations. This will reduce heavy reliance on humanitarian assistance which is declining because of the danger of 'compassion fatigue or donor fatigue' on part of the international communities as a result of persistence of refugee problems (Kibreab, 1999: 388).

To facilitate refugee local integration, UNHCR has formulated the so called *Convention Plus* which aims at targeting refugees for development assistance (TDA, 2003). This policy gives guidance on how to start some limited economic projects in host states to supplement their rations. Another UNHCR project known as Development Assistance for Refugees (DAR, 2003) aims at assisting refugees in promoting self reliance and improvement of the quality of their lives.

Many donors are unwilling to finance the UNHCR-sponsored *Convention Plus* initiatives because it does not expressly feature anywhere in the refugee laws. Moreover, it seems to be a generic departure from the core mandate of UNHCR. The Statute of the Office of the UNHCR (Resolution 428(V)) Article 2 provides that 'the work of High Commissioner shall be of entirely non-political character; it shall be humanitarian and social [].' (UN, 1978: 95).

This paper contends, as correctly pointed out by UNHCR that, while the 1951 Refugee Convention remains an 'essential framework of refugee rights, it does not alone suffice' (Harrell-Bond, 1986; 480). Enabling refugees in a participatory way, basing on their free agencies, to be self reliant in the provision of food and other immediate requirements and less reliant on humanitarian assistance is the most correct step towards realisation of their rights. There is also a great potential for refugee integration to enhance economic development to local people close to the camps (Jacobsen, 2003).

Local populations residing near the camps should also be specifically targeted for development assistance because their environments have been affected by the establishment of refugee camps in their midst. Targeting them for inclusion in development assistance will eliminate their resentment and xenophobic behaviour towards refugees as they can realise that the camps can augment their own economic and social wellbeing (Women's Commission, 2006).

1:4 Central Research Objectives and Questions

The **first objective** of this research paper is to explore options of formulating and implementing a participatory refugee local integration policy aimed at the realisation of refugee rights and those of local settled population.

The second objective is to examine the Tanzanian policy and legal refugee regimes for the purpose of making recommendations aimed at making policy makers refine or alter their perspective in protecting refugee rights.

The objectives leads to **the main research question** which asks: How can local refugee integration be effectively implemented between refugee and local people communities so as to realise rights of both?

The first Sub-question which is also addressed to in the paper is: How can organisations involved in the lives of refugees formulate and implement policies and legal procedures aimed at realising the rights of refugees?

Furthermore **the second sub-question** whose answer is given is: What are the challenges which stakeholders charged with duties which involve refugee affairs face in order to make refugee rights realistic?

And finally **the third sub-question** is; what are the benefits to be secured if refugee local integration is effectively carried out?

1:5 Questions of Methodology

The research was conducted on my personal capacity without having a proxy directly in Lugufu refugee camp after getting official permission from refugee head-office. It is based mainly on qualitative research methodology. McCracken underpins the superiority of qualitative research over quantitative one when he stated, 'qualitative method may have the power to take the [researcher] into the minds of respondents, to capture them warts and all' (McCracken, 1988: 10). The contention is that qualitative methodology is more suited for this research as it permits direct interaction between the researcher and refugees. The method allows the researcher to easily know the respondents' priorities and perceptions pertaining their own protection and livelihoods (Tete, 2005: 31). This does not mean that quantitative method usefulness is dismissed; to the contrary, I have used it substantially when I was assessing the viability of the three UNHCR durable solutions according to the views of refugees.

The language used in gathering primary data was Swahili; the official language of Tanzania which the respondents were fluent as they had stayed in the country not less than 7 years. The questionnaires were translated from English to Swahili then the result translated in English again. The problem which can arise in the course of translation is that the meaning can be distorted or lost, but I tried to do it as accurately as possible.

Random Sampling method was used enabling me to select 80 refugees. 50 of them were supplied with semi-structured questionnaires and 30 refugees were interviewed; the interview was also semi-structured and arranged as a discussion involving three groups having 10 respondents. They were randomly selected in various areas in the camp in order to increase the opportunities to make the results representative of the whole range of refugee populations at Lugufu. Ten (10) local indigenous people were also interviewed. Other people interviewed are the UNHCR Representative at Lugufu as well as the Assistant Director of refugees in Dar es Salaam

It is however, admitted that 80 refugees interviewed is a very small number compared to the refugee population of more than 60,000 at the two camps. It cannot therefore be taken to be an excellent representative sample, giving reliable results statistically. It can nevertheless give a clue as to what kind of rights and services refugees generally prefer to be accorded to in order to realise their rights. Another fact which adds strength to the authenticity and representation of those interviewed is that, Congolese refugees are very open when it comes to discussions of matters affecting them even if some of them are sensitive.

I also acknowledged that as I was doing a research in the ministry where I work as a public servant, there is a problem of being emotionally involved or being biased. I however tried as much as possible to distance myself from my public servant position and therefore reduced the biasness or emotions which might likely to occur.

I stayed in the camp compounds from morning till evening each day for a week. I participated in the refugees' social activities as well as visiting the sick. The purpose of involvement in their activities was to gain a trust from the refugees and to survey as well as to observe their lives so as to prove some of the matters under investigation.

The study is mainly based on primary data acquired from interviews and information from questionnaires covering refugees who have stayed in Tanzania not less than 7 years from 2000-2007. Other sources are secondary data from literature

review: UNHCR published materials, refugee laws, reports and working papers as well as books on refugee integration and repatriation.

1:6 Study Limitations

The limitation of this research was limitations of time. I did not succeed to interview individuals earmarked beforehand as they were not available the time the data were collected. Another problem was severe transportation problems. Lugufu is situated at very remote area with dusty roads punctured by delicate and aging bridges across streams. Save for one very old bus which operates between Uvinza and Kasulu, there are very few vehicles belonging to UNHCR, URT and NGOs based at the camp which provide transport in that area. This presented a handicap to interview as many refugees as possible.

1:7 Structure of the paper

Chapter One introduces the research problem regarding protecting refugee rights in mass influxes situation which includes background information, importance of research, central objectives of the study and methodology. **Chapter Two** covers conceptual, legal and policy frameworks comprising Right Based Approach covering accountability, participation, equity and non-discrimination and sustainability. The Chapter also covers Legal and Policy framework covering refugee laws and policy. The purpose of referring to them is to see how they facilitate the whole process of protecting the rights of refugee especially local integration. **Chapter Three** presents the data and its analysis at Lugufu Refugee Camp covering the year 2000-2007. **Chapter Four** deals with UNHCR Durable Solutions namely voluntary repatriation, resettlement and local integration according to how refugees themselves view as optimum solutions for their plights. **Chapter five** gives a number of recommendations aimed at improving the protection of refugee rights in Tanzania and provides a conclusions for the study as a whole.

Chapter Two: Conceptual, Legal and Policy Framework for the Study

2: 1 Introduction

This part contains general terms used in this research project which will be critiqued specifically chosen and defined in order to enable the reader easily to follow the overall account. It also covers the conceptual and analytical frameworks, namely the Rights Based Approach, which is used to support empirical data collected as well as to give assistance in the subsequent analysis of the data.⁴ A Right Based Approach is a conceptual framework structured on international human rights standards and it integrates 'norms, standards and principles of human rights system into plans policies and processes of development.' It is based on the concept of accountability, participation, equity/non discrimination and sustainability, among other things (Mark, 2001: 8)

The legal and policy framework which is part of this chapter, attempt to indicate how Tanzania as the major duty bearer of refugee rights, is facilitating the whole processes of acquisition of the rights of refugees. It is a brief descriptive outline of refugee laws and policy how they affect the realisation of refugee rights.

2:2 Key Concepts and Terms

2:2:1 Definition of Refugee

A refugee is defined in Art 1(2) of Refugee Convention of 1951 as a person who flees from his/her country of 'habitual residence' and seeks asylum in another country due an established threat to his/her life based on a 'well founded fear' of being persecuted for reasons of 'race, religion, nationality, membership of a particular social group or political opinion [].' A refugee is also defined under Art. 1(2) of OAU Convention of 1969, as a person who flees from his/her country and seeks asylum to other countries due to 'external aggression, occupation, foreign domination or events disturbing public order []' (Banning, 2004: 78).

2:2:2 Refugee Protection

The duty is imposed on states to admit refugees and accord them refugee rights. The duty include states exercising negative duties (*non-refoulement*) which restrain states from repatriating refugees to their countries of origin where they may face persecution, without the chance to lodge an asylum claim (Art 31 of 1951 Convention). In addition to that there is a duty of providing positive duties which demands states to observe the concept of non-discrimination and providing humanitarian and development assistance to refugees and those seeking refugee status.⁵

⁴ Framework. <http://www.euser-eu.org/Document.asp?MenuID=69> Accessed on 22 August 2007

⁵ Protecting the World Vulnerable People. <http://www.unhcr.org/protect.html> Accessed 15 July 2007

2:2:3 Protracted Refugee Situations

This generally refers to the situation where refugees remain in camp settings for an extended period of time, more or less in a state of limbo. Though their lives are seemingly protected, their basic rights including the economic, social and psychological needs are not adequately fulfilled. Refugees in this situation have few rights and opportunities other than accepting anything offered by international humanitarian organisations. There is also a high rate of unemployment, idleness and other antisocial behaviours. This can result in situations of (sometimes minimal) humanitarian assistance for years without a foreseeable end on sight (UNHCR Report, 1993:50; Ahlsten, 2005).

2:2:4 Refugee Agency

Agency which is used in this research project refers to the ability of the refugee themselves to act on their own volition in order to bring out changes regarding their livelihoods. This includes measures of controlling their lives and choices according to their priorities or preferences (Ahlsten et al, 2005: 35). The agency is related to Sen's Concept of the capacity for change in light of an individual's 'capabilities in the public sphere' (Sen, 1999). Agency also refers to ways under which refugees seek and devise ways to cope with their lives even under intensely difficult living conditions. Skonhoft calls this a form of 'coping strategy' (Skonhoft, 1998; Tete, 2005: 26).

2:2:5 Burden Sharing

As indicated in the preamble to the 1951 Convention, and as furthermore elaborated by Stein, burden sharing means the following: the duty of the international community to assist states with high caseloads of refugees, covering social, economic and infrastructure costs. It also means the equitable distribution of humanitarian as well as development costs among contracting states within the international community; including the duty of accepting refugees for resettlement (Stein, 1987: 53).

2:2:6 Refugee Local Integration

This refers to measures aimed at inclusion of refugees in development assistance as well as provision of employment in association with indigenous local population, but does not necessarily lead to according them full citizenship. The major intention of refugee local integration is to make refugees more productive members in the host communities and improve the qualities of their lives as well as their host communities (UNHCR, DLI and DAR, 2003).

2:2:7 Encampments

Refers to the act of keeping refugees in refugee camps (designated areas) where there are restricted to move out without permission from camp authorities. Studies have shown that refugee camps may be useful at the beginning of displacements but they often impinge on the rights of refugees when encampments extend for a prolonged span of time as UNHCR noted: '[Refugee] camps save lives during the

emergency phase, but as years pass by, they progressively waste these same lives' (UNHCR June 2004, EC/54/SC/CRP.14).

2:2:8 Refugee Mass Influxes

This a situation whereby a large numbers of refugees migrate into a country at the same time creating complex problems including in the provision of accommodation as well as in the provision of land where they can settle. Other problems are related to provision of humanitarian and development assistance in terms of food, water and other immediate needs including development assistance. Rutinwa noted, one of the biggest problems facing states or organisations involved in the admission of mass refugee's influxes, is to try to sort out military and criminal elements among the refugees who do not qualify for according refugee status. This process happen when they are allowed entry (Rutinwa, 2002: 35).

2:3 Conceptual and Analytical Framework: Right Based Approach

2:3:1 Accountability

The central issue of a rights-based approach is based on the fact that the state is the single most crucial duty holder with the responsibility to uphold the rights of all the people in its territorial jurisdiction, which includes refugees and internally displaced people. This responsibility includes legal and policy reforms, and 'advocacy to change attitudes', as well as humanitarian and development assistance (Castles, 2005: 53). This can be ensured by the state taking affirmative action to make sure that refugees are protected by appropriate legal standards.

These affirmative actions are supposed to be temporary measures to guard against providing services to a particular group at the expense of another which can lead to resentments between the two societies (Sepulveda, 2004: 36). The RBA accountability approach also covers those agencies responsible for humanitarian and development assistance so as they 'demonstrate efficiency and effectiveness' in their work which includes effective response to specific refugee problems in the field and constant dialogue between all stakeholders. 'The accountability approach moves downward to [all] people who are intended to benefit(downward accountability) including refugee themselves and local indigenous people' (Castles, Op. Cit: 3).

2:3:2 Participation

This is a new innovative approach of re-thinking and getting away from the assumption that refugees are victims and passive actors and recipients of aids whose ability to provide for their livelihood have been curtailed. There is now a realisation that refugees are active actors and therefore need to be supported in a participatory way so as to improve their lot. Demusz in the study of Sri Lankan displaced persons stressed that institutions involved in refugee matters comprising of state officials, international relief agencies and NGOs must find out what displaced 'people prefer so as to sustain their growth.'. Refugees have to be allowed to communicate their views and be listened to as well as supported as actors in their own protection and improvement in their livelihoods. (Demusz, 2000: 263-264).

2:3:3 Equity/Non-Discrimination

Attention to equity presupposes that priority be given to marginalised sections of the population especially in humanitarian crises. This is particularly important given that refugees are prone to suffer more human rights abuses than average populations, even of poor countries, due to their delicate lack of social power. Affirmative steps should be taken to elevate them to an appropriate legal position (Sepulveda, 2004: 36). The aims, as Castles stressed, 'Should be to identify and address the attitudes, processes and systems that result in prejudice, discrimination and violation of priority groups rather than providing services to a priority groups' (Castles et al, 2005: 56).

This is a delicate matter because addressing the inequality if taken carelessly will result in 'stigmatising those affected or it may lead to resentment and loss of social status by others' (Ibid.). For instance the local people close to the camps may feel that refugees are more favoured by the government than them, and this can create hostility, in turn resulting in difficulties in finding longer-term sustainable solutions to the refugee problem. Affirmative must be a temporary matter and it will be stopped when objectives are achieved (Sepulveda, Op. Cit: 36).

2:3:4 Sustainability

This is pivotal aim of RBA to development because it is viewed that mass influxes of refugees is regarded endangering environment sustainability. This contention is based on the fact that large number of people settling in an area with fragile ecology such as the tropical African countries climates may cause 'environmental threat' by damaging the ecology and water table of the area (Castles, 2005: 55). This seemingly threat may be reduced by allowing refugee to settle in refugee settlements with a lot of space and to participate in at least some decisions affecting their lives, including how to integrate with local people.

It is also appropriate that UNHCR and other refugee agencies, and similar partner organisation should move beyond provisions of relief supply into more people-centred development assistance; for instance giving skill to refugees to enable them more easily to acquire their own livelihoods. Environmental and economic sustainability also refers to steps taken in order to address the problems faced by local people as a result of refugee immigration and settlement so as to reduce tension and conflict over scarce natural resources; thus refugees are not the only ones who may benefit from greater participation (Castles, 2005: 56).

2:4 Legal and Policy Frameworks

2:4:1 Convention Relating to the Status of Refugees of 1951

The 1951 Convention was adopted so as to address the refugee problems in post-war Europe immediately after the end of World War II. Art. 1(3) of the Protocol Relating to the Status of Refugees of 1967 extended its geographical application to cover other parts of the world. Though the convention establishes the basis of determination, it is conceptualised in terms of individuals rather than movements of refugees in other regional blocks (Bin Talal, 1993: 2). The Convention contains crucial elements with regard to refugee protection exemplified by the concept of non-refoulement. This concept prohibits states from sending persons back to their countries of origin where they realistically fear that they may face persecution (Goodwin-Gill, 2003: 215-216). There also an absolute prohibition of refoulement

in Art.3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Torture (CAT). States are allowed to interpret and determine the reasons entitling a person to be accorded refugee status. They are however required to observe the rules of *pacta sunt servanda* when they are making the interpretation; meaning that they have to observe the minimum requirement of fairness, good faith and non-discrimination (Ibid.).⁶

The 1951 Refugee Convention has fundamental principles of preservation of refugee rights by local integration. Thus for instance, Articles 17-19 and 34 provide guidance to allow refugees to engage in employment within host states as well as 'expatriation and facilitation of naturalisation' and assimilation of the refugees in the host state.

Although the law though provides essential framework for refugee rights by local integration, it does not provide for the protection of refugees by targeting them for development assistance. Save for the 1967 Protocol, there are no changes or amendment that have been done to the law so far in order to accommodate the fast growing human rights protections regimes. Some of positive changes in human rights regimes are the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and The Convention on the Rights of Child (CRC) (Banning, et al, 2004: 20, 34).

2:4:2 The OAU 1967 Refugee Convention

The 1967 OAU Convention known as the Convention Governing the Specific Aspects of Refugee Problems in Africa of 1967 is an African foundation for protection of refugee rights. It was adopted because it was considered that the 1951 Convention's categorising of refugees did not incorporate the African refugee variations and 'peculiar circumstances.' It expanded protective coverage to include those who flee due to 'external aggression,' civil wars, political violence or any events seriously disrupting public order and tranquillity (Eriksson, et al., 1981: 105-106; Tete, 2005: 5).

The other contribution to refugee protection in the OAU Convention is that it expanded the concept of *non-refoulement* by extending its applicability to include all asylum seekers as well as prohibition of them being rejected at the borders. The 1951 only protects refugee but the OAU Convention covers all asylum seekers. (Banning, 2004: 136). The OAU Convention identifies repatriation as the only durable solution for refugee problems leaving out local refugee integration. This is strongly disputed by Bakewell who has the view that repatriation does not really offer a means of solving refugee problems (Bakewell, 1996: 14).

2:4:3 The Tanzania Refugee Act of 1998

Immediately after Tanganyika, now Tanzania; ratified the 1951 Refugee Convention, it enacted the Tanzania Refugee Act of 1965.⁷ The significance of this enactment is that for a country with a dualistic legal system such as Tanzania, international conventions do not have over-riding binding force unless they are

⁶ The rule of *Pacta sunt servanda* is provided for under Art. 26 of Vienna Convention on the Law of Treaties provides that interpretation of conventions or treaties must be 'performed in good faith' (Banning, 2004:221)

⁷ Tanzania ratified the Refugees Convention of 1951 and its protocol of 1967 on 12/5/64 and 4/9/1968 respectively. <http://www.unhcr.org/publ/PUBL/44b501e42.pdf> Accessed on 20 July 2007

domesticated by municipal law (Mbunda, 1986: 18-19). According to Simma, a dualistic legal system is a radical separation between International law and domestic law while Monist legal system contends that International law is a specific part of municipal law and it has 'superiority and primacy on the latter' (Simma, 1995: 12-13; Sepulveda et al, 2004: 68). In principle therefore, when Tanzania passed the Refugee Act No 9, it means that all International Refugee Conventions could be applied in the country.

The Tanzania Refugee Act of 1965 which was repealed and replaced by the 1998 Act No. 9 retains the definitional parts of the 1951 Convention and the 1967 OAU Convention. The 1998⁸ Act further contributed to the preservation of refugee rights by relaxing the procedure for entry of refugees. The law permits them to enter into the country without being authorised by immigration officers. On arrival, however, refugees are required to report to the authorised officials within 7 days, effective from their day of entry. Their failure to report by the prescribed time means that a refugee breaks the law can be fined and even face imprisonment for a period of up to six month (S. 9 (1) read together with S. 24(2) the Act.

The only durable solutions incorporated in the law are voluntary repatriation and repatriation in sections 35 and 36 respectively and no any reference to naturalisation of refugees. There is however pronouncement regarding provision of employment to refugees on section 32 without any elaborations how it can be carried out.

2:4:4 Tanzania National Refugee Policy (TNRP) of 2002

In the past before the enactment the new refugee policy of 2002, Tanzania was managing refugee affairs without any reference to any documented policy guidelines. Its open door policy reflecting the attitudes of the state towards refugees was practised not on solid legal policy grounds but based on directives of politicians, mostly given verbally (TNRP, 2002).

The country, however contributed to local refugee integration, along the lines of the tripartite refugee integration approach, whereby refugees engaged in extensive agricultural activities leading to their overall food self sufficiency. In many refugee settlements this was the policy adopted. Other measures were mass naturalisation of refugees especially those coming from Rwanda. These measures were mostly individual initiatives of the late president Julius Kambarage Nyerere who was awarded the UNHCR Nansen Medal for 'exceptional hospitality' to refugees. Nyerere's contribution to refugee protection, though not specifically documented anywhere as specific policy, came to be known as Nyerere's humanist refugee policies (Chaulia, 2003: 145; Gasarasi, 1990).

Currently the country has a refugee policy of 2002 which was designed to address several refugee matters. The most important policy measure is the Preventive Protection Policy which is a drastic departure from solving refugees' problems by integration, mainly because this is seen as an overwhelming, thankless and unbearable burden. To get out of this problem, the focus since 2002 has been on solving the root causes that force refugees to flee from their countries of origin. The intention is that they should no longer be forced to flee at the first place. This approach involves among other things: 'Healing of ethnic, political, religious or regional divisions and restoration of law and order, respect of human rights and good governance as well as social and economic development' (TNRP, 2002: 8)

⁸ Refugee Act No. 9 of 1998. <http://www.kituoachakatiba.co.ug/TZREFUGGEES.pdf>
Accessed on 17July 2007.

This new policy involves voluntarily repatriating refugees to the created 'safe havens', even if conditions in the countries of origin have not completely stabilized (Rutinwa, 2002: 12). Voluntary repatriation measure in Tanzania is carried out through tripartite repatriation agreements between Tanzania, countries of origin and UNHCR which is sponsored by the government of Denmark⁹. The purpose of creating the 'safe havens' in the countries of origin is to 'alleviate the burden on Tanzania of hosting large caseloads of refugees so that the reduced remaining number will be protected and assisted effectively (TNRP, 2007: 8). The measure is analogous to the UNHCR-sponsored 4Rs; Repatriation, Re-integration, Rehabilitation and Reconstruction. (DAR Framework, 2003). The disadvantages of these approaches are discussed on Chapter four of this paper.

⁹ The Guardian (Tanzania), 1st August 2007

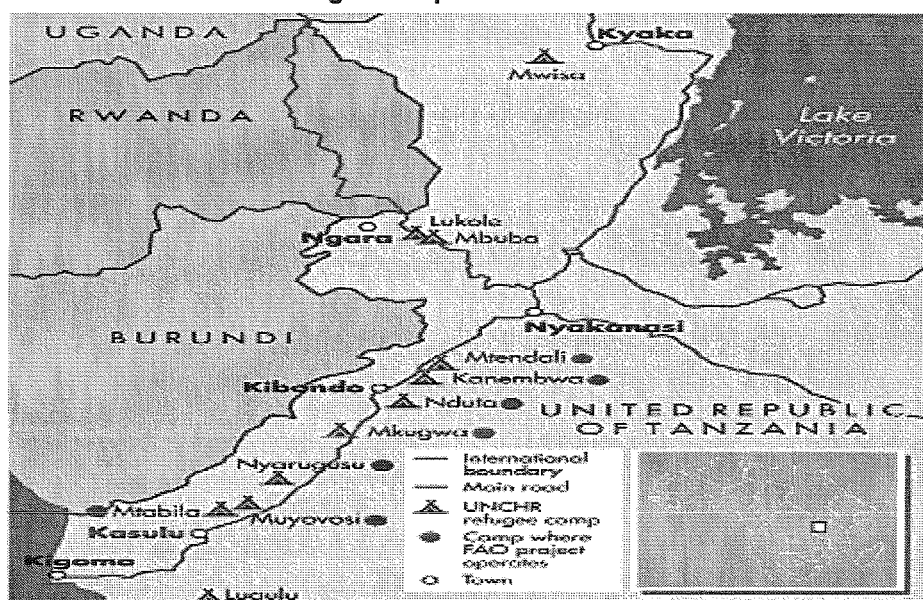
Chapter Three: Lugufu Refugee Camp: An Analysis

3:1 Introductory Information

Lugufu Refugee Camp is situated in the western part of Tanzania. It is divided into 2 parts; the first part is Lugufu II which is not covered in this research. This is a Reception Centre and it accommodates newly arrived refugees (Dicks, 2002: 10). There is information in Lugufu UNHCR office indicating that the camp II is to be closed on December 2007 in order to consolidate and improve services in Lugufu I. It is however, not elaborated anywhere how the consolidation plans are going to be carried out.

Lugufu I and II are located 80 to 90 kilometres from the southern part of Kasulu and the eastern part of Kigoma Municipality respectively (See figure 1). (Lugufu is at the bottom misspelled as Lugulu).

Figure 1
Refugee camps in Western Tanzania.



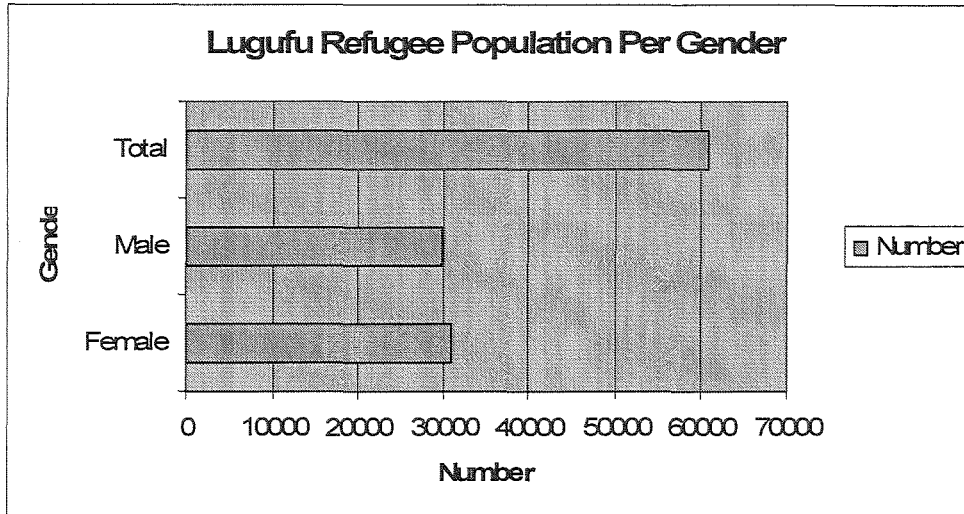
Source: FAO¹⁰

The total refugee population according to World Vision Records in both parts of camp is 60,796 comprising of 46,205 of children above 5 years and adults.¹¹ In addition, there are 14,591 children below the age of five years who make up of 24 per cent of refugee populations. The children below 5 years are specifically chosen because most of them were born at Lugufu refugee camp. Female Population regardless of age, are 31006 while those of males are 29790. (See figure 2 and 3).

¹⁰ Food and Agricultural Organisation. <http://www.fao.org/NEWS/2000/img/tanzl-e.gif>

¹¹ The current record up to 26 July 2007

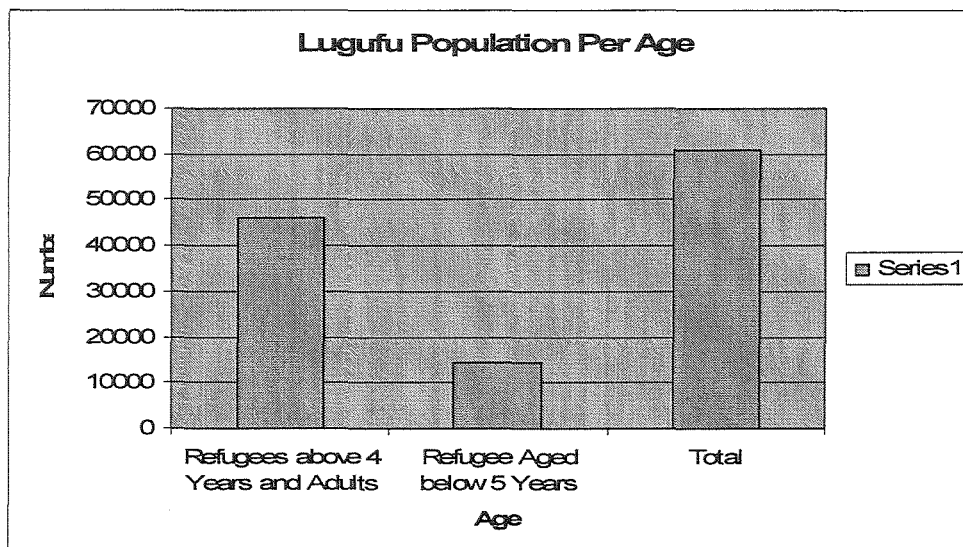
Figure 2
Lugufu Population per Gender



The total figure of refugee population is suspected to be inaccurate as refugees have not been issued with identity cards. The figure is based on the number of ration cards issued. According to refugees who were interviewed, there are about 1200 refugees who have no ration cards. Some of them had secretly returned back to the camp after having been repatriated to their country of origin.

Lugufu I has an estimated area of 22.5 Kilometres. 'The area has 8 Zones, in which each zone has 4 villages. A village is made up of 24 blocks and each block consists of 24 plots. A single family is allocated 7.5 by 10 metre plot' (Dick, 2002: 10). From this explanation it is evident that the place is very much overcrowded and that structural and institutional adjustments are needed to improve refugee living conditions.

Figure 3
Refugee Population per Age, in numbers (totals).



3:2 Camp Institutional Support

Information from Lugufu UNHCR office shows that there are 7 institutions at the camp dealing with various activities. The first one is UNHCR itself which coordinates all activities at the camp including the provision of humanitarian assistance. The United Republic of Tanzania (URT) government is the second whose activities are catering for provisions of land and security matters outside in the areas surrounding the camp. Internal security is taken care of by UNHCR *Sungusungu* groups which do community patrol and security duties; it is composed of refugee themselves.

The other 5 organisations are NGOs contracted by UNHCR to carry out specific duties as follows: World Vision which has taken over the activities formerly done by CORD is entrusted with planning and daily camp managements. It also provides several assignments including provision of education, cultural activities, sports and gender issues.

The second NGO is Red Cross whose activities are health matters, provision of water and sanitation. The third is Care International which is contracted by UNHCR to deal with environmental matters, including soil conservation. The fourth is REDESO which provides vocational training for refugees in carpentry, masonry, tailoring and computer studies, among others. The last is GTZ which is responsible for the provision of transport and logistics. The whole range of camp activities has therefore been privatized, or at least sub-contracted to NGOs. This is because UNHCR and the URT lack of resources mean they are obliged to rely heavily on the implementation partners of NGOs to run the camp and provide for refugees' needs. This is why NGOs are an important part of the picture in Lugufu Camp life.

3:3 How Refugees Perceive Camp Life

Most refugees interviewed openly indicated their frustration with the living conditions under the camp settings. They are not allowed to control their own lives in order to earn income to supplement their meagre ration outside of the camps. Instead they are forced against their will to rely only on humanitarian assistance. Kibreab quoting Stein (1982) referring to Somali refugees, said that long term provision of humanitarian assistance creates a culture of 'dependency syndrome'. It also leads to reduction of refugee's ability and human rights urges to work by creating the sense of inertia and lack of agency. (Kibreab, 1993: 322). Under such conditions, enabling the right of refugees to participate in camp life can be problematic. The curtailment of freedom of movement is very much opposed by refugees themselves; as K.A. a refugee, put it bluntly in an interview done on 24 July 2007. 'It is like forcing us to be spoon-fed like the man on the UNHCR emblem who happens to be a disabled. We are capable of providing food to feed our families if we are enabled to do so.'

Some of those interviewed also stated that if the law restricting them to remain in camps is removed, Tanzania would be the best country to live in because it is a peaceful whereby individuals can easily earn a living without fearing for one's life in marked contrast to other, neighbouring countries. I was very much amazed by the comments of one refugee who perhaps has been 'crippled' by dependency and refugee camp life. He said:

Refugees are entitled for free services because it is known that a refugee is a cripple whose hands has been severed; the problem seems to be the ill-will of people in authority. I do not understand how comes we were receiving free and sufficient

rations in Congo refugee camps but we cannot get them in Tanzania manned by the same UNHCR (X. Z. interviewed on 25 July 2007).

Other refugees expressed gratitude to the change of the leadership at Lugufu URT on 2003 because permissions to go out of the camp have been somewhat relaxed compared to under previous leadership. Being permitted to be out of the camp had improved their living condition, the refugees felt, because they had managed to engage in some economic activities to supplement their rations which had made camp life more bearable.

3:4 Livelihoods and the Camp Economy

Livelihood as used in this subsection includes, the whole range strategies, for instance, economic in form of provision of rations, occupations, whether self employment or employment by organisations and other refugee survival strategies (coping strategies). It also covers provision of education, health and security services (Tete, 2005: 73). The paper will limit itself to only livelihoods in relation to local refugee integration.

The most important livelihood for refugees at Lugufu is humanitarian assistance in the form of rations. This is distributed only to refugees who have ration cards. Their rations comprises of maize flour and peas as well as a little quantity of cooking oil. Every refugee interviewed claimed that the rations did not suffice. Moreover, they expressed that they had been receiving the same kind of food for a continuous period of 10 years ever since they settled in the camp. They further claimed that although the quantities of rations they were receiving had been somewhat increased, its supply was very much erratic and often reduced without prior notice.

Lugufu UNHCR office admitted there was erratic reduction of rations but said it was due to the fact that donors were not fast enough to provide fresh humanitarian assistance because Lugufu camp is categorised not as an emergency refugee centre. However care was taken not to reduce the rations for those families which were categorised as very poor.

As already indicated, there are about 1200 refugees who had no ration cards and therefore were not entitled to rations provisions. Their cards were allegedly confiscated by UNHCR claiming that they were ration recyclers (*Makanaki*); a Lugufu refugee term which refers to those who dubiously receive more than their required single share per head.

According to information from refugees, some legitimate refugees are unfairly deprived of their ration cards. Nevertheless there was reliable information that some of these *makanaki* have secretly returned back in the camps after having been repatriated back to DRC and therefore failed to report back to UNHCR office. The *Makanaki* do not feature anywhere in the records of UNHCR and they depend mainly on social networks as well as the generosity of fellow refugees for their livelihoods.

In order to make ends meet, some of the refugees have started to raise chickens and goats using traditional methods. They make no use of modern technology to increase output. Some have small carpentry workshops producing surprisingly advanced goods, even using very outdated implements; such activities raise the question whether there is any serious assistance from the camp organisations or international communities for the livelihoods of the refugees.

There are small saloons mostly owned by women refugees where women plait their hair. Also there are tiny restaurants preparing very delicious Congolese dishes. Some of the places have been reserved for small bureau-de-change manned by

refugees who claimed that the funds for business are provided by their relative in the Diaspora. A small number of refugees have managed to get employment with UNHCR as Sungusungu who provide security services within the camp. Some are employed by NGOs as labourers, drivers, and housekeepers.

As noted in UNHCR publication, humanitarian assistance can only solve immediate refugee needs but cannot be expected to be a permanent solution in a protracted refugee situation. It has to be supported by development assistance which has a potential to empower refugees and enhance their productive capacity which leads to self reliance (UNHCR, DAR, 2003). Some very few steps towards that end have been made by REDESO and World Vision. These organisations have been responsible for training and funding some of the refugees in micro-projects such as carpentry, saloons, small shops, and restaurants but the numbers of the projects are very limited benefiting small numbers of refugees.

Gardening is not extensively carried out due to paucity of space; the plot allocated to each family, as already indicated above, is sufficient to build a hut, a latrine and a small kitchen. The areas which are ideal for gardening are the few empty spaces separating the zones enabling very few refugees to benefit. Refugees are not permitted to engage in agriculture because the area where the camp is situated is a forest reserve. The prohibition on refugees against conducting agricultural activities greatly hurts them as that would be a sure way to supplement their food rations. According to refugees' explanations in the interviews, agriculture could have provided avenues for them to be more self-sufficient in food provisions and less reliant on rations assistance. This question of land and access to land will be analysed further when dealing with the question of environmental sustainability.

Throughout the camp, I did not see any major steps being taken in line with the highly publicised UNHCR initiatives and implementation of Development Assistance for Refugees (DAR). Neither did I see any serious international assistance apart from some humanitarian assistance geared towards trying to: 'enhance the productive capacities and self reliance of refugees. For example, in my own opinion, World Vision's priority of building a very expensive dancing and social hall at Lugufu while refugees live in abject poverty, and is not compatible with DAR initiatives (DAR Framework, 2003).

The dilemma of UNHCR to involve itself fully in development assistance is understood because it is mainly a humanitarian organisation. However, since the organisation itself is the author of the DAR-initiatives, it is supposed to mobilise funds to that end and actively act as a catalyst by initiating elaborate plans to implement them in every camp in Tanzania.

The first step is for UNHCR and other NGOs based at the camp to do what is on their capacity to stop further marginalizing refugees who are in their employment by paying them sufficient living allowances. According to what I gathered from interviews with Sungusungu, they are paid only Tsh. 13,500/= (8 EURO) as a monthly allowance. Those who are employed by Red-Cross are a bit more fortunate as they are paid Tsh. 19,500/= (11 EURO) per month. These are very low rates; even by Tanzanian standards. There is of course a rule in the camp that refugees are not entitled to receive any wages. Drawing from this example, it is difficult for UNHCR to convince people that it is serious about making refugees self reliant and self sufficient while it pays only a pittance to its refugee employees. One Sungusungu employee lamented;

How can they pay us such degrading little sums of money? The money cannot be sufficient to buy sardines for a week for my family! We are the backbone of security of this camp. We have information that the Tanzania police are paid very huge

amount of money while it is we who are arresting and taking the suspects to them. Sometimes we do patrol together at night. Because of the nature of our duties we cannot go out to work outside the camp like what our neighbours are secretly doing. One of them went to Mwanza at Lake Victoria to do fishing; the trip enabled him to have a lot of money to spend. However I am a bit more fortunate to have this kind of job compared to others who have no extra income (Z. P.).

The second duty of UNHCR should be geared towards addressing development assistance problems by properly coordinating the activities of NGOs at the camp more vigorously. The organisation can realise that goal by seeking assistance from other development organisations such as United Nations Development Programme (UNDP) and Department for International Development- UK (DFIP).¹²

Developed countries should also exercise their international responsibilities of sharing the burden of Tanzania hosting huge numbers of refugee as provided for in the preamble of refugee convention of 1951. They are supposed to cooperate with Tanzania to ensure that the burdens are equally shared in the sense of financing and implementing economic measures explained in the International Conference on Assistance Refugees in Africa (ICARA) Project 11. Assistance to host countries with heavy caseloads of refugees to ensure their livelihoods is one way of ensuring world stability. Ruud Lubbers, the current High Commissioner for refugee hit the nail on its head when he was quoted saying:

Refugees have to be given the capacity to live and participate in a society in a genuine democratic fashion; it is about dignity and just society. If the international community does not address these issues successfully, we will pay the bill in political instability later (Helton, 2002:1)

Leaving the whole development initiatives for refugees in hands of World Vision and REDESO at Lugufu Refugee Camp is not ideal and appropriate decision. The reason is that the two NGOs are ill-equipped to handle refugee protection and management of such large refugee numbers. Having stated so, I do not belittle the appreciable work of NGOs especially World Vision and REDESO but according to complains raised by refugee regarding their performance, they are supposed to be assisted by other international organisations.

The URT for its part, being the major duty-holder in preservation of the rights of refugees, should vividly show the political will and interest to relieve the problems of refugees and consider them as contributors to the development of Tanzania (TNRP, 2002: 9). The refugees have to be allowed access to some ranges of social economic activities with local communities in the country. The various limitations and seemingly prohibitions regarding their rights do not augur well for improvement of their welfares and preservation of their fundamental human rights.

3:4:1 Refugees Participation

Interview done at Lugufu refugee camp have revealed that there is very limited evidence of active participation of refugees in matters concerning them. The reason given by the Lugufu UNHCR office is that the refugee numbers are so large that it is impossible to involve all of them in decision making. One mechanism of refugee participation in use is through monthly meeting comprising of refugee zone leaders

¹² DFID

<http://www.rsc.ox.ac.uk/PDFs/Policy%20Approaches%20to%20Refugees%20and%20IDPs%20RSC-DFID%20Vol%20I.pdf>. Accessed on 12 July 2007

elected among refugees and all stakeholders of the camp who are URT, UNHCR, and NGOs discharging duties at the camp.

It was stated by UNHCR leadership at Lugufu interviewed on 12/8/2007 that 'the purpose of those meeting is to restore the refugee dignity'. In addition to that, the meetings are geared to enable them to make decisions by inculcating in them a sense of security and belonging. The emphasis of the measures, are aimed at enhancing refugee initiatives to better their own lives according to UNHCR handbooks.

The majority of zone leaders, who attend those meetings when interviewed, indicated their frustrations with the top leadership of the camp. They stated that most of the meeting are dominated by camp authority giving insufficient opportunity for their participation. Moreover, even when they got the chance to contribute, their concerns were not acted upon. Most of their suggestions and recommendations were ignored as expressed by M. M.; a refugee zone leader:

We are not valued by the high leadership. We have been raising the problem of the leadership targeting innocent refugees as recycler (*Makanaki*) but the leadership does not listen to us. We have been forced by the situation to organise a contribution campaign in which every zone leader has to get some amount of rations which is used to feed them. We, as refugee leaders, perform our work like post-messengers who have no influence at all on how our duties are to be done. We only 'deliver mails' as instructed by the postmaster with no payment at all.

The hesitation of the leadership of Lugufu to fully include refugees in decision making is based on previous assumption that it is 'impossible and inadvisable' to engage them as participants as they are passive actors. Vincent correctly and forcefully expressed that contention when he said that it is based on the common assumptions that refugees or internally displaced people are resource-less persons who think only of their present circumstances. The current trend however is that they are supposed to be engaged as active participants and social actors for their own protections; because they possess skills and plans to improve their welfares (Vincent, 2001). Tete elaborates this when she said, refugees should not be seen as 'helpless and hapless individuals' who should always be spoon-fed but have to be regarded as having the capacity of taking initiatives to improve their welfare and conditions if they are permitted to do so (Tete, 2005: 26-27).

They should be involved in planning, implementation and if possible given ample privilege to evaluate and assess all activities having direct bearing to their protections. Allowing refugee to participate in affairs affecting their lives is not a favour but it is their fundamental rights enshrined in contemporary international law (RBA). Castles goes on explaining this point further 'A participatory approach requires agents to change their manner of working: transforming aspects of organisational culture and building skill in order to engage displaced people in a democratic dialogue' (Castles, et al, 2005: 54).

The benefits of refugee participation are that it improves 'efficiency and efficacy of projects' as well as empowering and equipping them to be in control of their lives and transform their protracted refugee circumstances (Ibid. 2005: 54-55). Another advantage emanating from involvement of refugee in development activities in a participatory way, as noted by Smythe, is that it is important for refugees to depend on themselves in order to gain their 'self-respect and effective functioning' (Smythe, 1987: 62). Refugee participation can lessen the burden of hosting refugees and the policy of hosting refugees can be a comparatively easier task. Implementation of the key features of RBA provided for in relation to accountability, participation sustainability and equity/ sustainability mean that the humanitarian organisations should henceforth change the way they perform their activities. Their

accountability should not only be limited to government and their donors but also must be accountable to the refugees and engage them as active participants in matters concerning their protections and improvement of their livelihoods (Castle, 2005:53).

3:4:2 Formal Lack of Agencies Recovered Informally

Through my interview and observations, I discovered that there is an informal but very much pronounced local integration between refugees and local people at Lugufu. Despite restriction of refugees movements out of the camp, some of them manage to evade that order and engage in various social and economic activities to supplement their rations. Some of the refugees, who provide cheap labour outside the vicinity of the camp, complained of little payment they are given once the assigned work is completed. The reason why local people sometimes fail to abide with their unofficial contracts is that refugees cannot seek legal redresses anywhere as the immigration and refugee laws do not allow them to do those activities.

Others refugees work as casual labourers in village farms, road construction sites and in ubiquitous small-scale salt industries at Uvinza as that area has a vast underground reserves of salt minerals. A refugee who decides to work outside the camp may be arrested for being illegally staying in country because it may be difficult to prove that he/she is in a country legally as no identity cards are issued to all refugees.

Some of the refugees are unofficially engaging in trade transactions with DRC facilitated by the porous border coped with inadequacy policing between the two countries. It a common knowledge to all refugees at Lugufu Camp that substantial amount of cash used by refugees who are conducting bureau-de Change business in the camp, is acquired through trade with DRC. Hoyweghen noted a thriving semi-legal border trade involving refugees at Kigoma which backs this contention. (Hoyweghen, 2002: 322).

When I was seeking my return train ticket after completing my research assignment at Lugufu, I witnessed more than ten women refugees selling dried fish at Uvinza markets. Information from some of the refugees shows that some of them have managed to go as far as Lake Tanganyika 90 kilometres away from the camp to engage in fishing industries. Local people interviewed said that they have revolutionised fishing industries in which many local Tanzanian fishermen are greatly satisfied with their contribution in increased fish catches.

Willens on the study of town refugees in Dar es Salaam noted that some Congolese refugees had moved out of the camp and are living side by side with local communities and are earning their livelihoods in towns under forced assimilation. They use the technique of using 'fictitious identities or being clandestine residents' in order to guard themselves against being arrested by security organs (Willens, 2003).

Through a combination of these techniques, refugees have somehow managed to survive and carry on with their lives in those difficult living conditions. It also indicates the ingenuity, willpower and resiliencies of refugees how they have managed to mediate and manoeuvre their ways when they were further constrained by restricted social space that inhibit their free agency (Skonhofs, 1998; Bakewell, 1996: 42).

Through this study, I have formed an opinion that some of the activities which are now categorised as unlawful such as going out of the camp to work in order make refugees supplement their rations need to be relaxed. The spirit of relaxation

of legal procedure should be aimed at ameliorating the difficult living conditions facing them when struggling to earn their livelihoods.

It is also important to note that some of the opportunities offered to refugees to go out of the camp had been misused by some of the refugees who commit offences once permission is given. There is therefore an urgent need to have meticulously formulated and monitored procedures so as to guard against compromising national security taking in mind the volatile security situation in those locations (Mogire, 2006: 143-145).

Interestingly, studies in Zambia indicate that relaxation of the law to allow refugees freedom of movement and being included in development activities can be successfully implemented in Tanzania also. It has proved to be beneficial in the sense of reducing poverty between local Zambians and refugees when economic projects were jointly carried out. For effective implementation, however, these strategies have to be included in the national development planning like what Zambia is currently doing (Castles, 2005: 98).

3:4:3 'Wasted' Refugee Intellectuals

I had an opportunity to meet and interview very highly educated refugees; some of them had degrees in business studies and education to mention but few of professions. It is a pity that their knowledge is lying idle in camps without gainfully being utilized in various areas within Tanzanian economy. Even the Refugee Act No. 9 position in relation to refugee's local integration by employment in Tanzania is obfuscated. Under section 32, refugees are permitted to apply for and possess work permits. There is however no elaboration on the procedures, modalities and qualifications which the applicant is supposed to possess. To make matters worse, there is a claw-back-clause¹³ in section 17(5) (b) which limits the period a refugee is permitted to stay out of the camps to 14 days only. To my personal knowledge, not a single refugee has been granted a refugee work permit ever since the Act was passed in 1998.

Had the country formulated an elaborate policy which is accommodative to refugee intellectuals in acquisition of employment, they could have been instrumental in steering the Tanzanian economy to further advancement and growth. Though TNRP acknowledges that 'refugees are human resources' who are needed in facilitating the economy to further advancement, the policy only pays a lip service to it because it is not accompanied by elaborative steps for its implementations (TNRP, 2002: 9). A.Y, who is a refugee intellectual who was interviewed on 20 July 2007, explained:

We have degrees which can enable us to be employed, but since we are refugees, who are degraded by Tanzanians, our academic qualifications are worthless. We are only rotting here. May be one day we will be able to go back to our country where a person is valued by his or her qualification.

Tanzania indecision to utilize professional refugees, at the same time opting for foreign expatriates who demand very high wages is very difficult to understand. Smythe correctly noted; 'among refugees there are [people with professions], with proper management, their training and talents can contribute to the economy []' (Smythe, 1987: 61). Moreover, the fears held by policy makers in developing countries as noted by Helton that refugee migration is a threat to local employment

¹³ An Act with claw-back-clauses is that which provide for certain rights in certain provisions but takes it back on other provisions.

provisions may not always be true (Helton, 2002: 13). Handmaker in South Africa acknowledged that refugees are capable of creating new job opportunities and have income generating potentials when they are effectively utilized in the host country economy (Handmaker and Ndessomin, 2007: 143, 151-152). Refugees in Tanzania, especially those who are professionals have to be considered for the posts to instil different working strategies for the betterment and improvement of the economy.

It is high time the refugee law and policy in Tanzania are amended so that all these professionals are gainfully engaged in various economic and social activities. Moreover, it is a privilege and a rare opportunity for the government to secure and employ qualified persons without incurring expenses of training them. This will save two purposes; preserving and protecting the rights of refugees as well as enhancing development initiatives of the country for betterment of all Tanzanians.

3:4:4 Local People Inclusion

Inclusions of local indigenous people in social and economic development is categorised as a priority issue at Lugufu, but seems to be hampered by various legal and policy prohibitions in relation to refugee freedom of movement. Lugufu camp has two dispensaries and a large health centre possessing very modern medical equipments with professional doctors who serve refugees as well as the local people close to the camp. The centre performs operations and admits patients. Apart from medical services, Lugufu offers a market for sale of goods by local people who come to Lugufu employee's residential area to bring their agricultural products for sale. Some local people have managed to get employment with the NGOs which are based in the camp; ranging from casual labourers to technical duties.

The biggest inclusion of local people in refugee affairs is symbolised by the Union market (*Soko la Muungano*) which is a beehive of activities of refugees and local people. This market acquires its name from the unity of refugees and local people in conducting market activities. On Tuesday and Saturday each week, refugees and local people assemble together to exchange or buy goods from each other. Refugees sell their ration provision, which includes maize flour, blankets and cooking oil. They use the money from the sales to buy different food stuffs from the local people thereby stimulating agricultural productions in the almost "sleeping" landlocked Lugufu area. This promotes economic growth for the rural poor local people. Some indigenous people come as far as Uvinza, 20 kilometres from Lugufu to engage in trade with refugees; indicating the importance of trade relationship between these two communities.

Refugees, as well as local people, see the Union market as an umbilical-cord between these two societies. This is the only official place where they interact and have sufficient time to get to know each other. Consequently these frequent meetings at the market have enabled some refugees to have partners for marriage from local communities. It was revealed that when a local man marries a woman refugee, the camp authority allows him to take his wife out of the camp and settle with her in the local village. It is a different case for a man refugee marrying a local woman; he is told to live with his wife in a refugee camp.

The significance of *Soko la Muungano* is further explained by M. K, a woman refugee interviewed on 20 July 2007:

Our refugee isolated life will be further improved if local people will always be allowed to come to the camp as much as they like to bring us goods because that is the only way we can change the diet of our families. I have a small shop at

the camp and there is no way I can manage to get new supplies in it other than buying goods brought at *Soko la Muungano* by Tanzanians.

Apart from hospital services and the interaction brought by *Soko la Muungano*, I did not see any long term development initiatives in the camp that is aimed at uniting refugees and local communities in a sustainable economic relationship. Without these initiatives it is impossible to ensure a cordial and durable relationship between the two societies in the long run. Castle correctly suggested for the implementation of policies to alleviate local grievances towards refugees and to contribute to development objectives in order to alleviate poverty among local people as well as refugees themselves which is desirable in areas such as Lugufu (Castles, 2005).

Other refugees suggested that contacts and associations of the local communities should be further enhanced by the camp authority in the sense of organising frequent good-neighbourhood meetings (*Ujirani Mwema*¹⁴). The meetings could be forums for refugees to explain their views and expectations to the local people so that they understand their predicaments. In addition, it will eliminate their negative perceptions and labelling of refugees as persons who are not really entitled for fundamental human rights but merely criminals and people who cannot be trusted.

3:4:5 Environmental Sustainability

Large numbers of refugees hosted in an area with a fragile soil composition is a threat to the environment because, as Symthe said, it may damage 'the fragile ecology and leaving an already declining water table further reduced and sometimes fouled'. There is also a danger that the area may turn into a desert if refugees are randomly allowed to cut trees in search for fuel and house construction materials (Symthe, 1987: 60). Ertegun underpinned this fact when he stated that mass settlement of refugees 'strain the precarious balance between environment preservation and immediate need to sustain lives which force the local ecosystems to exceed their carrying capacity' (Ertegun, 2002).

Loss of natural vegetation is clearly visible in Lugufu, which is indicated by dusty air pollution and signs of loss of natural vegetations. It was noted by Whitaker that though the problem of deforestation started to emerge many years before the coming of refugees in western Tanzania, 'its rate accelerated after their arrival' (Whitaker, 2002: 342). Lugufu Care International explained that due to the delicate ecological situation at the place, it is impossible to expect refugees to care and to protect the environment. Refugee destruction of the ecological balance also carries a high probability of creating bitter conflict between refugees and host communities over resources.

The cause of environmental destruction by refugees at Lugufu and other parts where refugee have settled in Tanzania are more often than not much exaggerated in some political circles in the country. The argument is made to the effect that had there been no refugees in Tanzania, the country would have a clean record of environmental and forest preservation¹⁵. This kind of assertion increases resentment and xenophobic behaviour against refugees by the local communities. It also fails to address the equally pressing problems such as unplanned logging for timber,

¹⁴ *Ujirani Mwema* is a Swahili word when it is roughly translated in English, it means as good-neighbourhood

¹⁵ This assertion is rampant in Tanzania especially the media.

bush fires and shifting agriculture which I witnessed being carried out by the local people in Tabora and Kigoma regions when I was travelling on board a train.

Care International is doing a commendable job in preserving the forest at Lugufu. Nevertheless, URT, being the duty holder of refugee rights, should design other ways of protecting the environment and forest other than passing a blanket-prohibition on refugees to engage in agricultural pursuits.

One way of preserving refugee rights as well as ensuring environmental protection is to allow restricted scientific agricultural activities which are environmentally-friendly. Lugufu possess some forest and agricultural experts, some of them being refugees. Their expertises should be utilized in agricultural farms so as it can be exemplary measure in imparting modern farming skills. The local people can easily copy better and modern agricultural technique which can provide multipliers effect in improving farming technology at the surrounding local areas which in turn they can preserve the environment.

I obviously differ with those who base their conclusions by looking at only one part of the coin on environmental destruction negative side regarding refugee migration. On one hand however, I agree with those who argue that massive refugee migration in Western Tanzania presents a heavy burden to the environment sustainability and financial resources. On the other, as Whitaker said, it has a substantial benefit in form of expanded consumer markets and provisions of cheap labour as well as improvement of communication infrastructures, which in turn stimulates economic development at the area (Whitaker, 2002: 333-357).¹⁶ These positive gains can be used in the protection and preservation of environment. It is undisputed fact by my simple observations of refugee related activities that refugee migrations have significantly improved economic and social development at Lugufu and the surrounding places.

3:4:6 Education: A Strategy for Refugee Local Integration

It is provided in the UNHCR Education Guideline of 2003 that refugees like any person, are entitled to be provided with education because it is their human right entitlements as indicated in Article 26 of UDHR (Banning, 2004: 3). It is a vital requirement for restoring hope, dignity and psychological needs. It also provides very essential practical skills for the promotion of self-reliance, techniques needed in advancement of economic development and preservation of their rights. It also creates stability in their lives as well as being better prepared for a durable solution such as local integration, repatriation and resettlement (UNHCR Education Guidelines, 2003).

At Lugufu I there are eleven primary schools which provide education for refugee children. The children are provided with free education and are given free stationery and books. Five secondary schools have been established that provide education for all children who have passed the primary school examinations. The complaints raised by refugees in relation to these schools were shortage of qualified teachers. All teachers come from DRC because education is provided through the framework and curricula of that country. Some questioned why the school curriculum is given through DRC frameworks, which create a problem to them when they want to pursue further studies.

¹⁶ Whitaker uses a Swahili proverb to express the situation when she said: *Kila kibaya kina uzuri wake*; compared roughly with an English proverb 'Every cloud has silver lining'

The highest level of education offered at the camp is advanced secondary school education. A refugee student who intends to continue with studies is supposed to repatriate to DRC unless he is lucky to be resettled in a third country of asylum where the curricula is similar to that of DRC. There are also two technical schools run by REDESO. They provide technical education that is geared to improve the possibilities of refugees to contribute to the societies through participation in the labour market in Tanzania or whether they decide to repatriate to DRC (TNRP, 2002: 9).

3:4:7 Security Concerns: To What Extent are they Valid

One of the major reasons explained as justifying moving refugees to refugee camps in Tanzania are security concerns. When refugees are allowed entry to Tanzania they import with them their security problems. Some of them engage in criminal activities by importing weapons which are normally used in committing violent crimes. Mogire recounts how Burundese refugees in Tanzania waged cross-border attacks to their country of origin which almost caused border hostilities between Tanzania and Burundi (Mogire, 2006: 143-144). Some of incidents where refugees are accused of committing violent crimes are expressed by a Tanzanian member of Parliament in which he was quoted saying:-

Some refugees openly engage in violent crimes and menace in local communities bordering refugee camps. District Immigration Officers know how they cross into the districts but have been doing hardly anything to tame them. [] Nobody seems bothered by this life-threatening situation (The Guardian: Tanzania, 1 August 2007: 2).

It has also been noted by Whitaker that the rate of criminal activities and insecurities has increased ever since the establishments of refugee settlements in Western Tanzania. Local people are also involved who in collusion with criminal elements within refugee communities organise robbery activities (Whitaker, 2002: 343-345). There is therefore no justification whatsoever to indiscriminately categorize refugees as criminals and local communities the innocent victims of those offences. Refugees were amazed why local people blame them that they are the only individuals responsible for commission of criminal activities while in some places in Tanzania having no refugee camps violent crimes are also committed.

The reality, as pointed out by Jacobsen, is that there is a tendency of some political leaders to blame refugees for 'pre-existing social or economic problems such as crises in [crimes preventions as well as] insecurity, declining standards of living and public health crises' (Jacobsen, 2003: 2).

Criminality among refugees, which is a hindrance to local integration, cannot be condoned and those involved have to be punished severely. Politicians on their part have to exercise a bit of caution when they make public statements in relation to refugees. The reason is that it can damage the fragile refugees and local people relationships; which are almost chinaware interactions, slowly germinating in the areas bordering refugee camps. This interaction between the two societies helps to eliminate fears of cultural relativism and labelling refugees as it leads to a realisation that all are human beings deserving human dignity and that all African cultures are the similar. Refugees need sympathy and assistance from all people who care for human rights. They need every assistance to enable them integrate with local communities so as to get psychological consolations and have chances to supplement their meagre rations by working inside and outside the camp.

Chapter Four: A Question of Durable Solution

4.1 Introductions

In this chapter the paper attempts to analyse the data relating to the three durable solutions proposed by UNHCR according to views of refugees at Lugufu. Reasons informing their choices will also be discussed. The fundamental constraints influencing their preference to make decisions in relation to the appropriate durable solutions will also be looked into. The aim of involving refugees in deciding what are the best UNHCR durable solutions is to have an understanding of the complexity of the choices and problems encountered when making their decisions. At the end of the chapter, an assessment is made of what might be the most appropriate durable solution which will protect and preserve the rights of refugees in Tanzania.

4.2 Responses to Questionnaires and Interview Survey

50 questionnaires were filled and returned and 30 refugees were interviewed (See figure 4). Among them thirty six (36) refugees preferred to stay in Tanzania; the majority in this group were mostly male refugees whose number was 24 out of 36. The reason for their continued stay in Tanzania was that war is still raging on in their countries of origin and stabilities have not been attained. They said they are comfortable to stay in camps provided they are allowed to move out freely so that they can find work to supplement their ration provisions. Young refugees, especially those who are orphans said that in Congo they have no relatives to stay with. Two young refugees who were born in Tanzania gave an account regarding their former repatriation. They were disillusioned with the whole process.

Twenty four (24) refugees opted to be voluntarily repatriated back to DRC; the majority of these being females whose number were fourteen. They stated that they want to go back to their country because they were tired of living in encampment settings. When asked why they decided to repatriate while they said they were not sure whether the situation had stabilised, some, especially the elderly said they prefer to die in the land of their ancestors rather than dying in a foreign land in a refugee camps. Other female respondents who opted for repatriation stated that when they are repatriated to DRC they hoped to conduct agricultural activities in order to easily feed their children. What I observed and gathered information from questionnaires is that women were the only individuals who were fully engaged and overburdened with unpaid labour provision at homes from morning till dawn. They really felt the pitch of preparing food for the family with very limited and unsatisfactory rations. The reason for opting for repatriation in order to get out of that tiring engagement is therefore not surprising.

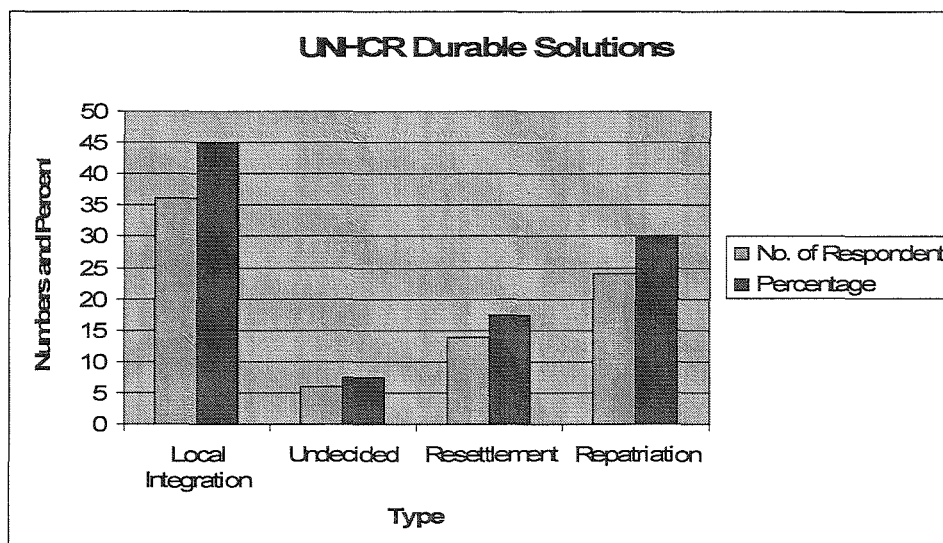
Fourteen (14) refugees preferred to be re-settled in other countries, preferably in Europe; this group was composed mainly of young refugees who happened to be in secondary schools. They wanted to be resettled because they intended to continue with their studies. They said it was very difficult to continue with studies in Tanzania as chances were very limited. In addition to that, their Congolese's curricula they used in the refugee camp's schools made it almost impossible to be accepted in Tanzanian higher academic institutions.

Eight (8) refugees were unable to make independent decisions and they wanted UNHCR to decide the best durable solution on their behalf. When further inquiries were made as to why they did not make a decision, two refugees replied that their lives have ceased to have any meaning. In Tanzania, they are harassed and degraded while in Congo there is war so they are confused.

4:2:1 Voluntary Repatriation

Voluntary Repatriation of refugees has been earmarked as the most optimum solution for refugee plights in many quarters. This assertion is based on the belief that countries of origin are the 'places of nostalgia' where refugees have to return. It is viewed as return to normality and 'restoration to past glory' (Bakewell, 1999). Moreover many organisations which are involved in repatriation efforts believe that that measure is an end in itself. It is viewed that refugees returning to their 'homeland' to practice their cultures and own lifestyles, will immediately end all their refugee problems. (Bakewell, 1996: 14; Tete Op. Cit: 104).

Figure 4
Durable solutions as seen in the eyes of Refugees at Lugufu



Source: Interview Materials

While challenging the viability of repatriation, Bakewell noted that the measures of returning back refugees to their respective countries are executed uncritically without regard to the facts how their homes may have changed when they were forced to leave. Bitter conflict between these societies may still be subsisting or their land and other resources may have changed hands during their extended stay in foreign lands (Bakewell, 1999). These problems brings into doubt the effectiveness of the 4Rs formulated as optimum solution for refugees plights.

There are also probabilities that "old tensions and conflicts" may re-emerge in more complex forms if safeguards are not first put in place (Smille, 1998: 2). Moreover, the whole process is prone to create secondary refugee migrations. The glaring example is indicated by Burundi refugees in Tanzania. Among the refugees repatriated back home after staying abroad for several years have ended up seeking refuge to other countries after new waves of violence ensued again. Another problem indicating the difficulties facing repatriation and re-integration of refugees to their former societies, especially those coming from Rwanda and Burundi, is that there are complex and unresolved land issues due to population explosion. The problem is even more complicated for those who are born in exile as they are not normally regarded as citizens in their countries of origin (Unjobs, 2007).

The other point indicating the difficulties facing repatriation measures is that sometimes refugee's voluntariness to repatriate is not normally considered in relation to constraints which refugees face when making their decisions. Difficult living conditions under encampment settings with very limited freedom of movement

also contribute to make refugees decide to return home. In some situations, structural constraints are so strong that a refugee cannot be considered to have the capacity of making independent and informed decisions (Bakewell, 1996: 48).

Refugees at Lugufu face lots of constraints from the structure (UNHCR and URT), for instance the URT has decided to close one part of the camp on December 2007. The refugees have been given two choices of either repatriating to DRC or shifting to Lugufu I. Those who had opted to repatriate, are to be assisted by UNHCR by being given 10 iron roofing sheets and food to sustain them for three months. The refugee interviewed stated that most of iron roofing sheets are sold at *Soko la Muungano* and the proceeds from the sale is used by the refugees themselves to buy food for their families.

Those who decide to continue staying in Tanzania are further disadvantaged because they are not assisted to build alternative houses at Lugufu I. Matters would have been different had those organisations listened first to their voices before repatriation measures are effected; thus there were possibilities they would have changed their perspectives. Implementing measures on top down decision-making directly affecting the displaced people are revealed by Rajaram in Sri Lanka where humanitarian agencies rely on top-down analysis of what displaced people need. '[There] is a failure to contextualize and to understand different needs and priorities of [refugees]' (Rajaram, 2002: 249.).

'Voluntary' repatriation measures carried out at Lugufu is more or less carried out on top-down basis with least involvement of refugees who are to be affected by the measure. Moreover, there is likelihood that their rights are infringed upon on the process. This assertion is backed by the fact that the majority among 30 per cent of those interviewed said that they opted for voluntary repatriation because of living under confinement. One refugee aged 42 spoke for many when he stated:

I have decided to go home because I can no longer continue to stay in Tanzania under confinement. The people in Tanzania do not care for our needs. I have no knowledge whether the war has ended. Moreover, I do not care any more for my future life. It is far better to go home and die in the land of our ancestors than to die in Tanzania under confinement.

Notwithstanding that voluntary repatriation is somehow imposed on the refugees, the viability of it cannot be underrated because some had genuine reasons for going home especially among intellectuals who aspire to get employment on return. There is also a possibility that some refugees may change their mind and opt to voluntarily repatriate when stability and social harmony will be ensured in DRC.

Involuntary repatriation of refugees in Tanzania cannot in any sense be compared with the seemingly erosion of the principles of refugee protections in Western European countries (Rutinwa, 2002:33), where a bad signal has been set to other parts of the world. Helton says that these countries have erected the so called *Cordon Sanitaire* which is a wall of friendly states especially Mediterranean Countries, to foretell and stop the arrival of new refugees from developing countries. Those who manage to 'traverse access barriers' are detained and later hurriedly deported to the countries of origin (Helton, 2002: 261).

4:2:2 Resettlements

Resettlement and local integration have similar elements. In the case of resettlement, a refugee expresses a preference to migrate so as to integrate with third country communities. According to refugee laws, no country is bound to accept and

admit refugees for resettlement; it is optional and states can only decide on their own volition to accept refugees for resettlement (Ahlsten, et al 2005: 67-68).

Among the refugees interviewed, 16 refugees opted for resettlement and their reason seems to be genuine one; they want to continue with their education. There is however a very slim chance for them to succeed as many Western Countries are tightening their immigration laws and policies. They normally take their quotas in an ad-hoc basis without transparent criteria. Even if these developed states do not accept their international responsibility to admit refugees for resettlement in their countries, 'it remains one of the most preferred options for refugees especially among the young refugees' (Ahlsten et al, 2005: 67).

As Bin Talal argued, burden-sharing in one form of resettlement for refugees to relieve countries hosting high caseloads of refugees should not be viewed as a matter of charity but an international obligation (Bin-Talal, 1993: 2). Moreover, it is disheartening to note that UNHCR and the International Migration Organisation (IOM), an international non-governmental organisation entrusted with resettlement matters, have no mandate on resettlement matters. They are only entrusted in processing resettlement applications. The question who to resettle and who is not is none of their concern (Ahlsten et al, Op. Cit: 67-68).

Refugees desiring resettlement have few chances to influence events. They can, however, make their own resettlement decisions by migrating without following the procedure to third countries notably Western Countries or South Africa for the purpose of seeking asylum. Loren explains that some of Congolese refugees migrate to South Africa where they are referred to as 'asylum shoppers' by South African officials. It is stated that these are refugees who are 'looking for the easiest or most profitable place to make asylum claims' (Loren, et al, 2004: 45). Their chances of getting asylum to those countries are slim. Experience shows that the majority of them end up being deported back to their countries of origin as prohibited immigrants.¹⁷

4:2:3 Refugee Local Integration

Out of 80 refugees I interviewed, 36 which is 45 per cent of those interviewed, prefer to stay in Tanzania despite the pressure from the URT and incentives given by UNHCR for those who opt to voluntarily repatriate. These refugees have the view that one can make a home away from home. One of them took the argument to the extreme when he gave an assessment of how his new found home is far better than his country of origin when he said: 'it is better to stay in Tanzania because there is everlasting peace, while in our country we are always at war.'

The above view is shared by all refugees who expressed a preference to remain in Tanzania. Others who came in Tanzania when they were infants and other who were born in Tanzania stated that in DRC they do not know anyone whom they can stay with as explained by E.D. who is now studying secondary school studies. He stated:

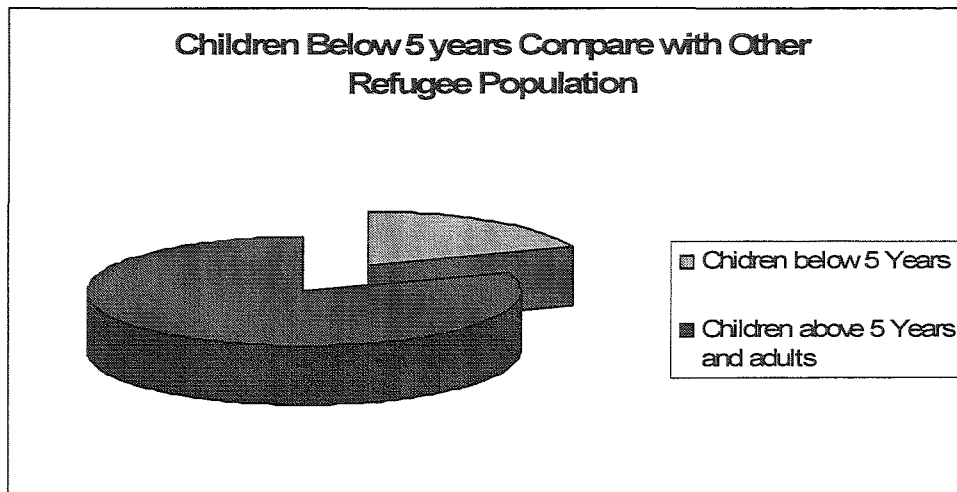
My father and mother migrated to Tanzania in the early 1990s. Formerly we were living in refugee camps where my brother and I were born. Due to difficult and unbearable life in the camp, we decided to shift to town. We did not stay for long before being rounded up by security agents and deported out to Congo in 1997. In Congo troubles started to emerge when our father died on 1999 as result of shock from a bomb which was thrown near our house. Our relatives in Congo informed

¹⁷ There are frequent reports in the media especially BBC and CNN in which refugees fleeing to Western Countries seeking asylum are deported back to their countries of origin.

us that they do not want to assist us as we are not citizen of Congo. Moreover they ceased to care for our welfare. We had no option other than to return back to Tanzania being escorted by our mother. We are not sure of our future lives; in Congo we have been chased and in Tanzania we are told that we are not citizens but refugees.

The above predicaments face many refugee children living for protracted periods in refugee camps in Tanzania. At Lugufu, as pointed earlier, more than 24 per cent of refugee population at Lugufu are children who were born in Tanzania (See Figure 5). These children know very little or nothing at all about Congo except from the tales of their parents or perhaps via music, which even that, is all diffused across the whole of Central and Eastern Africa.¹⁸

Figure 5
Children below 5 Years Compared with Other Population.



I wanted to know from the leadership of the Tanzania refugee department how the Problem of statelessness of refugee children who were born in Tanzania was dealt with. The Legal Refugee Department replied that it is seeking solution to solve it once and for all.¹⁹

It is difficult to understand how the statelessness of children refugees could be solved in isolation from that which is facing their parents in protracted refugee situations. It could be argued that URT government seemingly unsuccessful attempts to solve the problems may seem as if they are being punished for sins they have not committed.

4:3 Conclusions

I concur with Handmaker's statement that the issue of durable is still contentious one generating various views and solutions (Handmaker and Ndessomin, 2007:

¹⁸ Among children and teenager refugees many of them prefer to stay in Tanzania or resettle to other countries because they know very little about DRC. They seem to suggest that repatriation to them is a very unattractive option.

¹⁹ Interview conducted at Refugee Headquarters Dar on 31 July 2007

136). The data acquired in this study however, makes me differ with Bakewell (1999) on dismissing the viability of repatriation as 30 per cent of refugees prefer to be 'voluntarily repatriated' though voluntariness in some cases are questionable. I also oppose OAU Convention's contention that repatriation is the only solution to solve refugee problems in Africa.

To be precise, Jacobsen who is in favour of local integration provides an authentic and correct stand. He says 'where it appears that local integration can create new and additional problems, other options for refugee [such as repatriation and resettlement] must be developed' (Jacobsen, 2003). Ideally the determinant of what is the optimum UNHCR durable solution must always be the refugees themselves based on their own independent decisions.

Chapter Five: Policy- Legal Recommendations and Conclusions

5:1 Introduction

This chapter summarizes the recommendations which in my opinion can facilitate the processes of implementation of refugees' local integration in Tanzania. At the end of the recommendations, there is a brief conclusion which also summarizes the whole research paper

5:2 Recommendations

The first recommendation is that there is an urgent need for a change of attitude among all organizations working with refugees by requiring them to listen to refugees because they have ideas and knowledge very essential for their own protection. A right based approach stresses that refugees should be regarded as active participants who are to be involved in a participatory dialogue in all matters concerning their own livelihoods and protection. They are not only capable of being self sufficient but also can potentially be vehicles for social and economic transformation of the Tanzanian economy, provided they are assured of their fundamental human rights. The study therefore strongly suggests for an urgent need to recognise the reality of the refugees' own strategies for making a livelihood, and to reduce the obstacles in their way. Their views should be taken on board when Policy decisions affecting their lives are made. The tendency of making decisions on top- down bases and in so doing neglecting refugees' capacities of making their own decisions affecting their lives should be discouraged. (Castles et al 2005: 54-55; Rajaram, 2002: 249).

The second recommendation as stressed by Bin-Talal is that the 'whole foundation of international refugee regime' needs substantial re-assessments and amendments (Bin Talal, 1993: 6). The reason for re-assessment is that International Refugee laws have remained stagnant for decades without borrowing positive contributions from the International Human Rights Conventions. For instance to continue to regard those seeking asylums in a 'faceless word refugees' hides the fact that inside that word, there are starving children who are directly under CRC protection (Banning et al, 2004: 34-41, Bin Talal, 1993: 4). There are also desperate and marginalized mothers who would have otherwise been under the protection of CEDAW (Bakewell, 1999: 4). That is why De Than stressed for 'a clear, visible cross-pollination and cross-referencing [between] [] International humanitarian law and International Human Rights which are different perspectives on the same problem' (De Than, et al, 2003: 12).

There is also an urgent need to adopt another further protocol to the 1951 Refugee Convention to protect refugee rights more effectively. The protocol should contain clauses whereby there is an international shift of paradigm between humanitarian assistance to development assistance. One way of implementing this change is to incorporate the UNHCR *Convention Plus* in the suggested protocol to the 1951 Convention so that refugees are locally targeted for development assistance within host states (Chaulia, 2003: 164-165). On the part of regional Refugee OAU convention, this paper makes a recommendation that it must also be reviewed in order to include resettlement and local integration as recommended by the ICARA II Project. In particular, I recommend amendment or relaxation of Tanzania immigration and refugee laws to ensure greater freedom of movement for refugees and enable them to earn their livelihoods both inside and outside the camp. Such freedoms, which are currently severely curtailed, lead to cases of economic exploitation which need to be prevented. Care however needs to be taken not to

compromise national security and tranquillity taking into consideration the volatile nature of the areas around the borders

The third recommendation is the enhancement of international burden-sharing. On the one hand host states in Africa are heavily overburdened with mass refugee caseloads from the growing violent civil conflicts within and among states which to a large extent endanger those countries' security and social harmony. On the other hand, developed states show reluctance to assist them (unless it is to police their borders). As if that is not enough, the Western Countries have erected barriers to deter further refugee migration to their countries or 'relocate them in nearby countries of asylum' (Helton, 2002: 272). It is therefore appropriate; as argued by Bin Talal, that the international communities should re-thinks afresh about the issue of burden sharing by enhancing materials and monetary assistance to countries with heavy caseloads of refugees. Whenever it is deemed appropriate, it is better to adequately compensate those host countries with long history of accommodating refugees such as Tanzania. The action will encourage those countries and give them necessary morale, to continue to accord asylum to further influxes of refugees (Bin-Talal, 1993: 3; Chaulia, 2003: 164-165).

The fourth recommendation is the enhancement of conflict prevention and peace-building measures in countries of origin. As suggested by the Tanzania refugee policy, there is an urgent need to solve the root cause of refugee problems which makes refugees flee from their countries of birth (TNRP, 2002: 8). The reason triggering those measures as explained by UNHCR former Commissioner for Refugees Sadako Ogata is that 'today human rights abuses are tomorrow's refugee movements' (Stremlau, 1998). Some of the solutions to these problems are laying the foundation for democratic governance and respects of human rights for all countries involved in the conflict including the developed countries that are sometimes fuelling the conflicts. The other important solution is the promotion of economic development and social progress. Some of the conflicts are caused by poverty and corresponding fight over very scarce resources.²⁰ The benefit of solving refugee problems in the counties of origin is that some of the refugees may opt to voluntary repatriate. The implication from that measure is that Tanzania would remain with fewer refugees to locally integrate them into economic and social development activities even naturalizing them as citizens of Tanzania.

The fifth recommendation is to encourage measures by drawing comprehensive lessons from the past. This can be done by making restoration of some of Nyerere refugee protection policy - though Chaulia seems to be against this idea as 'wishful thinking' and the 'restoration of renaissance of lost ethics' (Chaulia, 2003: 145). This research, however, suggests that by restoring some of the positive elements of refugee policy, and identifying mistakes where Tanzania erred in preservation of refugee rights might be a more realistic basis for a manageable refugee policy in future. The restoration however should keep in mind the changing global trends, because indeed Nyerere's so-called humanist policies towards refugees were executed before globalization negative impact was fully felt in Tanzania and the wider region.

Some element of restoration of Nyerere humanist policies would require at least starting to lift existing tight limitations on refugee freedom of movements by allowing refugees to undertake some large scale agricultural pursuit in a joint undertaking with local people. I however do not recommend an abrupt dismantling of refugee camps as they still serve their security purposes. Another restoration meas-

²⁰ The Addis Ababa Document on Refugees and Forced Population Displacement in Africa. <http://www1.umn.edu/humanrts/africa/REFUGEE2.htm> Accessed on 19 July 2007

ure is to study the viability of the mass naturalization carried successful in the past (Gasarasi, 1990). My view is that it makes sense when those children refugees born in the country are mass naturalized as citizen of Tanzania; including those who have stayed in the country for several years who have limited prospects of returning to their countries of origin.

The sixth recommendation is for URT to work closely with UNHCR in conducting a census of all refugee camps, towns and villages in order to know the actual numbers of refugees hosted in the country. The census will be intended to make sure that all refugees are identified and issued with proper identity cards. The issue of identity cards is very crucial as it was raised by many refugees who were interviewed and was seen as a stumbling block for them to integrate with local communities. When actual number of refugees is known and properly identified, it can facilitate the duty of law enforcing organs to monitor them and if possible, identify military and criminal elements within their midst who may pose an obstacle to the further local integration of refugees.

The seventh recommendation is that local people must also be targeted for development assistance in order to eliminate the fear of refugees being given preferential treatment at the expense of their own welfare. This proposal can be carried forward by combining refugee development plans together with those of the government and NGOs in relation to host communities living close to the camp. These development plans will be geared to reduce poverty among these communities as studies from Zambia have revealed (Castle, 2005: 98).

5:3 Conclusions

In this research paper, an attempt is made to show that refugee local integration is not an unrealistic or idealistic solution. It is the most optimum and durable solution that could address both the refugees' plight and the interests of the Government and UNHCR in Tanzania. The reason which is put forward is that refugees have stayed in the country for several years and some have lost touch with the countries of origin. This is more evident to children born in Tanzania who know no country other than the place they are currently residing. For such people, the country provides both security and a possibility to advance themselves in economic and social endeavours.

Prioritization of local integration over repatriation is a departure from the dominant UNHCR and URT view that the optimum solution to the refugees' situation is voluntary repatriation; and that refugee hosting is always a heavy burden and a temporary alternative to return (TNRP, 2002:8). Throughout the study, an attempt is made to show that a Local Refugee integration policy, if correctly formulated and implemented in collaboration with local people, can reduce the duty of refugee hosting and make it somewhat less of a burden. Indeed, hosting refugees might even become (once again) an asset rather than a liability. Refugees can contribute much more to the economic and social development of the country in form of extended market for consumer goods as well as providing labour services, capital and small businesses.

The coping strategy, ingenuity and resilience apparent among refugees at Lugufu indicate that when refugees are given enabling opportunities, they are capable of feeding themselves and becoming at least partly self-reliant. As suggested by refugees themselves, frequent good-neighbourhood meetings between refugees themselves and local people living around the camp have to be enhanced so that these two societies can create good working relationships and greater trust. The refugees, especially the highly educated persons show liveliness and appear to have high levels of integrity and commitment. They also declare themselves willing to

contribute to the economy of Tanzania because the country provides 'practical and security needs' for them and their families (Tete, 2005; my own interview).

In order that these refugees can effectively contribute towards their own protection; education, especially technical education provided by organizations such as REDESO and World Vision at Lugufu should be enhanced. The reason, as explained by Castles is that, refugees who are living productive lives are those who are educated and have developed skills as well as those enabled to accumulate some resources. These groups are better placed to locally integrate, resettle or repatriate to their countries for the purpose of re-integration to those societies (Castles, et al 2005: 140). The situation in Lugufu refugee camp, as understood through this research, confirms this view.

Another area stressed in this study is that the whole foundation of refugee laws and policies may now need substantial amendments. For instance the continuation of labelling refugees somehow deprives them of the very protection to which they are otherwise entitled. Refugees are human beings who are supposed to be protected by all Human Rights Conventions without discrimination.

It is also important to reiterate what has been pointed out before; that Western Countries are supposed to know that assisting Tanzania and other countries hosting heavy caseloads of refugees to bear some of the costs incurred, is not a matter of charity but an international obligation (Bin Talal, 1993: 2). They are required to open their borders for resettlement for those refugees who have genuine reasons for resettlement. Provision of humanitarian and development assistance to those host states overburdened by refugee cross-border movements will reduce the general perception that hosting refugees is generally a heavy, unbearable burden and a thankless task.

A suggestion is made that local people affected by refugee influxes and camp-based settlements should also be targeted for development assistance to eliminate the fear they may have that refugees are more favoured than them. Targeting them for development assistance may help reduce their resentment and xenophobic feelings towards refugees, thus contributing to local integration process, and perhaps making it more feasible.

The study also suggests that organizations which are working with refugees are supposed not only to be accountable to hosting states and donor communities when discharging their duties but also to the refugees (Castles, 2005: 3). They have to involve them, in a participatory manner, in all aspects regarding affairs affecting their lives. Complaints raised by refugees at Lugufu indicated that they are least consulted in measures greatly affecting their livelihoods. For effective protection of refugee rights, it is high time now that the systems of refugee managements were reformed. Failure to do so, means that these organizations may fall into the same trap of labelling these people as 'faceless refugees' and disregarding their rights.

Voluntarily repatriating refugees is noted as a viable solution. For its effective implementation the organizations or states in question must make sure that the problems which triggered their flight at first place are mediated or solved, and that flight and return do not become a repetitive cycle (Unjobs, 2007). This involves, among other things, healing of past wounds, observance of human rights and rule of law as well as good governance in the countries of origin (TNRP, 2002: 8). Moreover, refugees whose rights are going to be affected by measures such as repatriation, have to be given free unencumbered options either to go back to their country or remain in the host state. If the refugees do not voluntarily decide to repatriate or in case where the decisions are imposed on them from above; or when misinformed about the terms of their return, any measures to repatriate them will

be contrary to refugee laws and human rights conventions, and will not really be 'voluntary'.

The study makes a slightly departure from studying refugee matters while laying heavy emphasis on structures (laws, state and organizations). It instead pays more attention to agency of refugees by employing the theory of rights based approach. The reason for applying RBA is that the studies which exclude the direct involvement of refugees themselves may fail to capture what refugees really need, aspire to and prioritize in their lives.

In this study, I have attempted to provide the refugees with a voice by quoting them as much as possible in their own words and taking what I perceived to be their own expressions. In some sense, this is what a rights-based approach is all about. The theory is about involvement of the marginalized sectors of society in constructive dialogue and in a participatory manner, in matters affecting their livelihoods and rights, on the basis of norms of rights or entitlements of all. By employing RBA in refugee studies, solutions can be unearthed and new ideas provided, as well as some essential strategies for refugees' own protection and make the refugee policy easy to manage. This line of study, rarely used in refugee studies, should be further pursued and improved by other researchers in order to realize refugees' welfares in Tanzania and other places.

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Appendix: General Questionnaire Resource

Facts and Perceptions of the Current Situation

A: Background of the Interviewee

Age:

Sex:

Education level:

Code (for name):

Languages spoken:

Previous profession:

When were you first registered in this camp?

How often do you have to re-register?

B. Livelihood and Skills:

What work have you done since coming to the camp?

Give details (e.g. food, animals, repairs, cooking, rations etc)

Do you know any people in the camp who have paid work?

Do you do any unpaid work? (e.g. housework, communities help)

What kind of work would you like to do if you were allowed to work in the camp or outside?

What rations do you receive in the camp (list)?

Are these sufficient for your needs?

Have you learned any new skills while in the camp?

What kind of training would you like to see in the camp?

C. Health and Education:

What type of health services are there for camp dwellers?

What type of education services are there for camp dwellers?

When your family or you need health services, where do you find them?

Do you have family members who go to school? Where?

Are services for health better in the camp than outside?

Is education better in the camp or outside?

D. Security:

When you face a problem of security in the camp what do you do?

When you face a problem of security outside the camp what do you do?

Do you feel that the UNHCR security protects you?

Do you feel local police protect you?

Do you know anyone who has been threatened or beaten up in the camp?

Do you know anyone who has been threatened or beaten up outside the camp?

What other forms of security are there for you?

2. Perceived agency

Have you ever tried to change something you didn't like in the camp?

What did you do?

Where did you get support to help change something for the better in the camp?

3. Knowledge and Attitudes

What's better; staying in the camp, waiting to go home, or resettling somewhere?
Elaborate.

If you do not want to go home and stay in Tanzania what else do you want to go?

Would you choose to stay in Tanzania? Where do you want to stay?

How do you find out about the situation at home?

Has it changed recently?
How do you feel about returning home?

4. Integration

Do you get along with local people living around the camp?
What could be done to improve interaction with local people?
Do you think that relationships with local people are getting better?
Would you let one of your children marry someone from the local communities?
What groups within the camp have the closest relationships with local communities?
What groups have the least contact with local communities?
What groups have the most conflict with the local communities?
Where do married refugees to local people live?