

“Umenga Ntituri Abarundi”

Rethinking Reintegration in Burundi

Rema Ministries

May 2012



With the support of:



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¹ “It is as if we were not Burundian”. Quote from a returnee interviewed by Rema Ministries, September 2011.

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List of Acronyms

CNDD-FDD	Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie
CNRS	Commission Nationale pour la Réhabilitation des Sinistrés (National Commission for the Rehabilitation of <i>Sinistrés</i>)
CNTB	Commission Nationale des Terres et autres Biens (National Commission for Land and other Property)
DRC	Democratic Republic of Congo
FAO	Food and Agriculture Organisation of the United Nations
FNL	Forces Nationales de Libération
FRODEBU	Front pour la Démocratie au Burundi
IDMC	Internal Displacement Monitoring Centre (Norwegian Refugee Council)
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
IRC	International Rescue Committee
IRRI	International Refugee Rights Initiative
NRC	Norwegian Refugee Council
PARESI	Programme de Réintégration des Sinistrés
PRRSLP	Programme d'Appui à la Réhabilitation, Réintégration des Sinistrés et Lutte contre la Pauvreté
RET	Refugee Education Trust
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WFP	World Food Programme
WHO	World Health Organisation

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Rema Ministries
Bujumbura, May 2012

Foreword

Rema Ministries (hereafter: Rema) is a Burundian Non-Governmental Organisation that has worked with Burundian refugee populations since 1996. Having started its work within refugee camps and settlements in Tanzania and Kenya in 1996, it returned to Burundi in 2004 and has since focused on responding to the massive return of Burundian refugees to their country (over half a million since 2002), by building the capacities of returnees and forced migrants to cope with their new life.

In 2010, Rema conducted a strategic re-visioning and repositioning exercise which led to the decision to work with grassroots associations of refugees and residents and to address the long term (re)integration needs of Burundian refugees and internally displaced people (IDPs), as well as non-Burundian refugees in Burundi. Rema's overall aim is to promote the rights of forced migrants and returnees by helping them improve their livelihoods and build the confidence necessary for solving their own problems. To this end, the organisation supports ten partner associations selected from seven communes in Burundi who, together, cover a wide geographical area and represent a large membership base.

The present research was undertaken within the framework of Rema's new programme of support to these associations, and following a decision to assess the success of past efforts to reintegrate returnees in Burundi by re-evaluating, several years on, their current needs.

The research also follows from observations made by Rema's team in the course of various activities carried out alongside returnees since 2004, as well as several pieces of research published by Rema in this context since 2008². Fieldwork conducted by Rema consistently pointed to a growing dissatisfaction among returnees about their living conditions and their level of reintegration within Burundian society. Rema was regularly confronted with reports of violent episodes deriving from disputes over land, the inability of returnees to recover their assets, the perceived lack of authority of the CNTB to pronounce definite and binding judgements, difficult living conditions in the "Peace Villages", numerous school dropouts within the returnee community, etc. As these reports were not systematically documented, Rema felt it was necessary to determine whether these anecdotes were evolving into a definite trend, since they seemed to contradict the general consensus that returnees' needs had been met by various reintegration programmes, and that any remaining needs would now have to be addressed by broader poverty-reduction efforts targeting all Burundians.

Developments in the broader policy context seemed to be moving in an opposite direction to this perceived trend: imminent plans to repatriate the remaining Burundian refugees from Tanzania, the closure of the Ministry in charge of Repatriation after the 2010 elections, and the decision, by many international donors, to withdraw from Burundi as early as 2010-2011. These developments were indicators of a possible discrepancy between prevailing analyses and the reality of the needs on the ground. In this context, Rema felt not only that it had the mandate to test its assumptions, but also that this exercise was timely given the period under analysis (almost 10 years since 2002) and what it perceived as worrying developments taking place in the broader Burundian context. In determining whether there were any remaining (or newly identified) needs that were specific to returnees and falling outside the scope of current frameworks, Rema wanted to evaluate whether it was necessary for all intervening actors in Burundi to question, and possibly re-think, their existing strategies and approaches.

By proposing an up-to-date analysis, Rema also wished to question prevalent definitions of "reintegration". Indeed they sensed that an over-simplification of the complex issues involved in reintegration may have led to premature declarations that reintegration had essentially been "successful"³. For Rema, the adoption of a reductionist definition, though understandable in many

² International Refugee Rights Initiative (IRRI), Rema, and the Social Science Research Council (SSRC) (2011) *"Two People Can't Share the Same Pair of Shoes": Citizenship, Land and the Return of Refugees to Burundi*. Bujumbura.

³ For example, one report talks of "Near-complete repatriation and reintegration". However, as will be described below, these positive conclusions have often been qualified by concerns about the sustainability of reintegration). Terra-P Group (2008) *Impact Evaluation of PRM Humanitarian Assistance to the Repatriation and Reintegration of Burundi Refugees (2003-08)*. Bujumbura.

ways considering the scale of refugee returns since 2002, had the potential to compromise the long-term stability of Burundi.

On this basis, Rema conducted, from September to October 2011, a detailed qualitative and quantitative assessment amongst returnees in order to better understand the challenges returnees face as well as the more successful aspects of their reintegration experience⁴. The needs assessment was designed to contribute to a more holistic understanding of reintegration, and to offer concrete and targeted recommendations to address any remaining needs or gaps.

Preliminary results of the research were presented during a participatory workshop held in Makamba in December 2011 which brought together representatives of the seven associations involved in the research, commune administrators and communal council chairpersons from the seven communes in the sample. The participants in the workshop were able to discuss the findings and make additions before the report was finalised. The workshop discussions enriched the analysis and provided the basis for some of the recommendations presented herewith.

⁴ Rema decided to analyse the needs of returnees, rather than IDPs, because the Norwegian Refugee Council had already highlighted important integration concerns facing IDPs. NRC's report, and a recent survey by the government will be used by Rema in the planning of its activities.

Executive Summary

Since independence, Burundian politics have been characterised by ethnic competition and violence. Major episodes of violence in the 1970s, 1980s and 1990s caused widespread displacement in and out of Burundi, culminating in a total number of 574,471 refugees in 2002. Most Burundians who fled the country went across the border to Tanzania, while smaller numbers sought asylum in other countries in Central and East Africa or further afield. From the late 1990s, the Government of Tanzania showed an eagerness to empty the refugee camps, using forceful measures to put pressure on Burundians to return. UNHCR started the process of voluntary repatriation from Tanzania in 2002. Between 2002 and October 2011, 514,453 refugees returned to Burundi, with the greatest number of returns occurring in 2004 and 2008.

A comprehensive policy framework for refugee return has been in place in Burundi since the early 2000s. The overarching framework is provided by the 2000 Arusha Agreement, which offers a set of policies and institutional guidelines for dealing with the socio-economic dimension of stability and recovery. The *Commission Nationale pour la Réhabilitation des Sinistrés* (CNRS) (National Commission for the Reintegration of the War-Affected) was the primary institution for the reception and socio-economic reinstallation of returning refugees and IDPs from early 2003 until early 2006. The CNRS was replaced by the *Programme de Réintégration des Sinistrés* (PARESI) in 2006, which is still in place today and works closely with UNHCR. Acknowledging that land disputes were an important obstacle to successful reintegration, the Burundian Government established in March 2006 the *Commission Nationale des Terres et autres Biens* (National Commission for Land and other Property, known as the CNTB), with a broad mandate to address land conflicts arising from past conflicts and repatriation. In conjunction with these national-level policy frameworks, regional-level mechanisms also include provisions for return and reintegration applicable to the Burundian case. Burundi signed and ratified the Pact on Security, Stability and Development in the Great Lakes Region, which came into force in June 2008, and includes a Protocol on the Property Rights of Returning Populations which represents a legal responsibility on the part of the Government of Burundi to assist returnees to recover their property and possessions upon return.

The Government of Burundi and the international community have invested colossal resources in assisting returning refugees, and UNHCR has described the return process as “one of the most successful operations on the African continent”. Various studies have found that reintegration has, overall, been a success. In terms of material indicators, it has been argued that returnees’ living conditions normally become similar to those of resident neighbours within a couple of months, and that it takes one year to be truly on the same footing. While the return and resettlement of Burundian refugees has in many ways been more successful than was initially thought, this narrative of “success” may however have blinded some actors to the difficulties still faced by many returnees.

Indeed, a brief overview of the return process indicates the diverse nature of the refugee experience and the multiplicity of categories of returnees. In addition to the length of their stay in exile, returnees have been shaped by their country of exile, language of preference, access to different livelihood options and forms of assistance, and their mode of return. There are major differences between those who know their place of origin, who can re-connect with extended family members and claim ancestral land when they return, and the “*sans références*” who do not have any living links to Burundi and are faced with a completely new beginning. These different categories of households are likely to have different expectations and experiences of return and reintegration. Perhaps because of the many positive assessments of the return and reintegration process from 2005-2008, there has been insufficient follow-up in recent years, and agencies have an incomplete sense of the returnees’ feeling regarding reintegration.

Rema Ministries’ research, which was conducted in September–October 2011 in seven communes across the country, has found that returnees, particularly those who were in exile for decades, or were born in exile, still encounter numerous problems reclaiming their land and property. 70% of respondents report a serious problem regarding access to land, with a trend slightly worse for women than men. In many instances, the land they once owned has already been allocated to others by the

government; in others, relatives or secondary occupiers have already sold the land to third parties, or distributed the land amongst their descendants according to customary inheritance regulations. This affects all returnees, but the 1972 refugees face the most complex situation. Many returnees are extremely bitter about their treatment by land dispute resolution mechanisms, including those represented by the *Abashingantahe*, an institution of male elders, and the CNTB. In practice, land dispute resolution has placed so many demands upon state and non-governmental actors that other forms of property (e.g. housing) have yet to be systematically addressed. This is perceived by returnees as a profound bias in the systems of restitution. There are generally significant differences between returnee and resident perceptions of the justice system, with 89% of returnees seeing judicial institutions as flawed, compared to 46% of residents.

In addition, almost four-fifths of respondents report serious problems with access to employment opportunities in their commune. For returnees, this figure is 84%, compared to only 43% of residents. The most commonly reported obstacle to gaining employment is the refusal of potential employers and local authorities to recognise professional credentials gained whilst in exile. Returnees also lack access to capital, including credit, that would allow them to start their own small businesses. Furthermore, 77% of all respondents in the survey areas report being food insecure. While this problem is experienced by both returnees and residents, both sexes, and all age groups, returnees in the sample are more likely to experience hunger than residents. Some of the returnees link their food insecurity to a lack of land. Many of those interviewed have children who show signs of malnutrition, while living in a Peace Village does not seem to improve the chances of having enough to eat. In addition, approximately 78% of all the respondents report that they cannot access healthcare, usually due to the high costs of treatment. Both residents and returnees report major problems in this area, but only about half of the residents complain that they cannot pay for healthcare, compared to 83.5% of returnees.

About half of respondents also report problems with their children's access to education. The situation in each commune varies between more than two-thirds of all respondents to between a quarter and a third of respondents reporting problems. Residents of host communities report that schools tend to be over-crowded, lacking in materials, and sometimes poorly maintained, while returnees report much more fundamental problems: that the transition between the Tanzanian and Burundian education systems is particularly problematic because students are forced to use French and Kirundi, whereas many returnee children are more comfortable speaking Kiswahili and English, and that language classes are insufficient to facilitate this transition. More profoundly perhaps, the actual syllabus used in Burundi is different from that used in Tanzania. Integration into the Burundian system is therefore extremely challenging for many of the returnees from Tanzania. The frustrations caused by forcing students to repeat several grades have caused many students to drop out, and it is reported that some children have returned to Tanzania in order to continue their studies there.

Finally, about 68% of respondents report serious problems regarding access to, and use of, identification, professional, and education documents. There are clear differences between returnees and residents of host communities in responses. A few residents have problems getting identification documents because of the costs involved, but the majority of residents do not experience major problems. Returnees, on the other hand, tend to experience significant problems, specifically with marriage certificates, birth certificates, professional certificates and other documents. The 1972 refugees also have more problems than the returnees who fled Burundi in the 1990s, with many children who were born in Tanzanian refugee camps being forced to change their names (from Anglophone, Congolese or Kiswahili names to Kirundi names) upon repatriation.

The research carried out by Rema and its partner organisations reveals the extent to which returnees feel themselves to be segregated from various social and state structures, and the ways in which more complex and less tangible dimensions of the reintegration process – linked to issues of reconciliation, justice, language, identity and inclusion – do not seem to have been adequately addressed by existing frameworks, and could seriously compromise the long-term sustainability of the reintegration effort. The problems highlighted by returnees during Rema's research go far beyond a sense of dissatisfaction over the size of land parcels accessible to returnees and the fate of the rest of their occupied lands. Many returnees feel extremely strongly about biases within land dispute resolution systems, and feel that the government of Burundi was intentionally dishonest regarding its intentions towards the restitution of returnee land and property.

Returnees, particularly those who left in 1972, have difficulties understanding and speaking French and Kirundi. This linguistic divide is much more than a technical barrier to education and employment opportunities. It can also become an impediment to the pursuit of justice. Problems around language have taken on a divisive character, reinforcing the idea of differences between the returnees and other Burundians, rather than becoming an area for cooperation and mutual-learning.

The interviews also suggest that those living in “Peace Villages” or “Rural Integrated Villages” are particularly likely to have negative perceptions of the reintegration process. These feelings are linked to lack of land, a sense of geographical remoteness from more established commercial or residential centres, and a broader feeling of being marginalised and forgotten about by the government. Returnees also regularly mention discrimination against them.

It should be of great concern to the Government of Burundi that many returnees directly blame the state for many of the problems they are currently experiencing. There are a number of specific sources of grievance that returnees draw attention to again and again. Returnees contrast the promises made to them by government officials, particularly regarding land restitution, with their current situation. Many of the returnees state flatly that the Government “lied” about the living conditions they could expect on return. A second source of grievance is that the government has not adequately followed-up on the return and reintegration activities with monitoring visits or opportunities for returnee consultation and feedback. Returnees feel that the government and international agencies have prematurely declared the reintegration process to be complete, and that they now have few avenues through which to voice their grievances. Many of those interviewed said that the impulse to return to Tanzania is not only caused by socio-economic difficulties but also a sense that returnees have not been treated fairly by the government.

The implications of these findings for the “politics of return” and the challenge of nation-building in post-conflict Burundi are serious. The mainstream narrative of a “successful reintegration” represents an oversimplification of a complicated and multifaceted process, which could end up doing more harm than good to the achievement of peace and stability in Burundi. In the complex and fluid context of post-conflict Burundi, where political tensions remain very high and it is relatively straightforward to mobilise unemployed youth to violence, the implications of hundreds of thousands of disappointed people who feel cheated and lied to, who do not feel themselves to be fully accepted as Burundians, and whose children may not easily be able to finish school, could be highly destabilising.

The research makes the following recommendations:

- A more comprehensive form of consultation and participation, which involves returnees in the design, monitoring and evaluation of resettlement and reintegration programmes, should be envisaged to avoid some of the problems reported by the returnees.
- More research is needed into the ways in which the land issue can be defused through revision of decisions over land perceived to be unjust, provision of alternative sources of livelihood, and improved dialogue between returnees and residents at various levels.
- Further research should be conducted into the number of returnee children who have dropped out of school due to the combined problems of language and curricula differences, and particularly the number of children who have returned to Tanzania as a result.
- Much more research is needed in the food security problems that seem to be acute in the Peace Villages visited during this research, as well as the broader questions of sustainable livelihood options.
- Return movements to Tanzania should be monitored closely. It is important, however, that any data on cross-border movements is not used to punish those who have entered other countries illegally.
- Alternative options for Burundians still in Tanzania and/or for those wishing to return to Tanzania should be envisaged. This could include exploring options within the framework of the East African Community, that might guarantee a right to residency and employment in Tanzania.

- Sensitive indicators should be developed by conflict specialists and mainstreamed into broader assessments of community development and returnee reintegration in order to assess the risks of conflict, whether immediate or long-term.
- International donors should reconsider their decision to withdraw from Burundi and should support the Burundian Government in assisting a durable reintegration process for all returnees.
- Existing national and international policy frameworks should broaden their definition of “Reintegration” to include a wider range of indicators linked to longer-term reconciliation, identity, language, trust and belonging.

Map of Burundi



Section I. Conflict and Displacement in Burundi

I. The Political Context

Since independence, Burundian politics have been characterised by ethnic competition and violence. From 1965, when a Hutu Prime Minister was assassinated and an abortive *coup d'État* repressed by the army, control over the state apparatus became increasingly concentrated within a small group of the Tutsi political, military and economic elite. Several Hutu rebel groups emerged and a dreadful cycle developed of massacres of Tutsi civilians, followed by the retaliatory massacre of Hutu civilians by the military, often on a very large scale. When in 1972 Hutu militants from the South-Western region of Burundi killed several hundred Tutsi civilians, a murderous army- and government-led retaliation systematically targeted educated Hutu, killing as many as a quarter of a million⁵. Some 150,000 people fled their homes as a result of this violence, many of them across the border to Tanzania, and became known as the “1972 refugees” or “1972 caseload”.

The next major episode of violence occurred in 1988, when the army repressed Hutu rebellions in the North of the country. Though the exact number is unknown, several thousands were killed, while more fled the country to neighbouring Rwanda. A peace process led to the first democratic elections in the country in 1993, which resulted in the election of a Hutu President. He was assassinated just months later by elements of the military, plunging the country into another cycle of violence that was to last another ten years. As a result of the 1993 violence, some 400,000 people fled Burundi and more than twice that number were displaced within the country⁶.

In 2000, the Arusha Peace and Reconciliation Agreement (hereafter: Arusha Agreement) was signed between President Buyoya and 13 armed groups, and a transition period gradually led to a reduction in violence and a nationwide election in June 2005. The elections were won by a former rebel group, the *Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie*, (CNDD-FDD), and Pierre Nkurunziza took over the Presidency. Since that time, the CNDD-FDD has, according to opposition politicians and many independent observers, worked to marginalise its political rivals. The most significant political rivals include the Hutu-dominated FRODEBU party, and the *Forces Nationales de Libération* (FNL), which came to the negotiating table much later than other parties and is considered the most hard line of the Hutu rebel groups.

The political situation in Burundi remains fragile. The ruling party, the CNDD-FDD, won a landslide victory in 2010, but the opposition boycotted the elections over accusations of massive fraud while the international community reported the elections as free and fair. The election period was characterised by violence and politically motivated arrests. The West of the country has recently been the scene of clashes between the army and unidentified “armed bandits”, who are suspected by some observers of having links to opposition groups. While the current situation does not yet herald a return to civil war, a number of observers have argued that the marginalisation of the opposition and potential hardening of its positions may over time provide fertile ground for organised rebellion⁷. Meanwhile, elements of the ruling party have consolidated their power at the expense of a viable opposition, which has arguably reduced the potential for effective democratic governance in Burundi.

In this context, the integration of returnees as Burundian citizens takes on added importance. If returnees are able to fully participate in the affairs of the country in all senses – economic, social, and political – they may help to stabilise the nation and contribute to democracy and development. If, on the other hand, they feel marginalised and are generally viewed as a group apart, as somehow not fully Burundian, they will represent fertile ground for resistance to state policies and, potentially, organised political violence. Alternatively, in a situation where security deteriorates, they may potentially represent a group in which to recruit elements for further violence.

⁵ Estimates vary between 200,000 and 300,000 Hutu deaths. See Uvin, P. (1999) “Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence.” *Comparative Politics*, 31(3): 253-271; and Reyntjens, F. (1996) *Burundi: Breaking the Cycle of Violence*. London: Minority Rights Group.

⁶ Bunte, T. and L. Monnier (2011) *Mediating Land Conflict in Burundi: a Documentation and Analysis Project*. Accord.

⁷ See e.g. Oxford Analytica (2011) *Strife could signal slide back to rebellion in Burundi*. Briefing Note, November 17 2011; International Crisis Group, “Burundi: From Electoral Boycott to Political Impasse”. Brussels, 2011.

II. Forced Displacement and Conditions of Exile

Burundi's conflicts had a terrible impact on livelihoods and social networks. Between 10% and 15% of the population has, at some point or another, been displaced inside or outside of the country due to conflict. The number of official (registered) refugees in 2002 was 574,471 - making Burundi the second largest generator of refugees worldwide in that year⁸. This number does not include the unregistered Burundians living in exile without official refugee status. Most Burundians who fled the country went across the border to Tanzania, which was peaceful and initially welcoming to refugees. Smaller numbers sought asylum in other countries in the Central and East African regions or further afield.

Most Burundian refugees in Tanzania lived in huge camps in the West of the country, while a few lived *incognito* in urban areas. The livelihood options available to refugees depended on when they left Burundi and where they lived in Tanzania. The refugees who fled in 1972 and lived in camps often had access to farmland, and many households became self-sufficient since aid agencies withdrew from most such camps in the mid 1980s⁹. Some 1972 refugees also worked for neighbouring communities. The massive size of the camps meant that many refugees took part in other income-generating activities, such as small businesses usually associated with an urban lifestyle. Therefore, despite facing a hostility toward refugees that was often visible at the level of the Tanzanian State (including members of the local administration), many of the 1972 refugees managed to make a reasonable living in Tanzania.

In contrast, the 1990s refugees who were settled in camps did not have access to farmland and were totally dependent on relief. While some refugees were keen to return as soon as the security situation in Burundi improved, others, especially the "old wave" 1972 refugees, were more hesitant. Over 160,000 of the 1972 Burundian refugees applied for Tanzanian citizenship instead of repatriation. Of the 1972 refugees, some 10% do not know their places of ancestral origin and therefore have no chance of reclaiming land in Burundi. Such people are termed "*sans références*" in Burundi¹⁰. The *sans références* may not have any reason to settle in any particular area of the country except for their perception that certain areas are wealthier, or better served with infrastructure, than others.

III. The Scope of Return

From the late 1990s, the Government of Tanzania showed an eagerness to empty the refugee camps, using diplomatic channels to push for tripartite agreements with the Government of Burundi and UNHCR for the facilitated return of refugees, and using forceful measures to put pressure on Burundians to return. Such pressure included strong rhetoric and the imposition of deadlines, the closure of primary and secondary schools, the destruction of markets, the banning of trading in camps, and restrictions on farming activities inside and outside the camp. The closure of most camps between 2006 and the end of 2008 (leaving only one, Mtabila, currently in existence) forced many refugees to return to Burundi around that time¹¹.

UNHCR started the facilitation of voluntary repatriation from Tanzania in 2002. Between 2002 and October 2011, 514,453 refugees returned to Burundi, with the greatest number of returns occurring in 2004 and 2008. While the exact number of those who returned spontaneously is not known, it is estimated that just over three-quarters of all returnees who returned between 2002 and 2006 had benefited from UNHCR facilitation¹². The vast majority had been in exile in Tanzania. While those living in camps returned in several waves as provision of camp services was gradually reduced, those living

⁸ Vorrath, J. (2008) 'From refugee crisis to reintegration crisis? The consequences of repatriation to (post) transition Burundi'. *L'Afrique des Grands Lacs* (Paris), 12, 2007 / 2008.

⁹ UNHCR (2009) *UNHCR Burundi Country Briefing*. Bujumbura: UNHCR, August 2009.

¹⁰ International Refugee Rights Initiative (IRRI), Rema Ministries, and the Social Science Research Council (SSRC) (2011) "*Two People Can't Share the Same Pair of Shoes*": *Citizenship, Land and the Return of Refugees to Burundi*. Bujumbura.

¹¹ International Refugee Rights Initiative (IRRI) and the Centre for the Study of Forced Migration (CSFM) (2009) "I Don't Know Where to Go": *Burundian Refugees in Tanzania Under Pressure to Leave*, New York/Kampala/Dar Es Salaam.

¹² Haver, K; F. Hatungimana, and V. Tennant (2009) *Money matters: An evaluation of the use of cash grants in UNHCR's voluntary repatriation and reintegration programme in Burundi*. Geneva: UNHCR.

outside of camps were forced to repatriate starting in May 2006, and some 8,000 had returned by May 2007¹³. No legal framework was agreed between the two countries to manage the return process of those living outside the camps¹⁴. This affected the ability of the Burundian government to systematically plan for refugee return and provide adequate services for returnees.

Smaller numbers of refugees also returned from other neighbouring countries. Between 2002 and October 2011, some 7,968 people returned from Rwanda (some of them were forcibly returned)¹⁵. Another 14,903 returned from the Democratic Republic of Congo (DRC), and fewer from Uganda. Since October 2010, nearly 16,000 Burundian refugees living in DRC began to be repatriated to Burundi at an average rate of 200 people per week¹⁶.

This brief overview of the return process indicates the diverse nature of the refugee experience and the multiplicity of categories of returnees: in addition to the length of their stay in exile, returnees have been shaped by their country of exile, language of preference, access to different livelihood options and forms of assistance, and their mode of return (e.g. spontaneous or facilitated repatriation). Even amongst categories that are often described as relatively homogenous, such as the '1972 caseload', there are major differences between those who know their place of origin and can hence re-connect with extended family members and claim ancestral land, and the *sans références* who do not have any living links to Burundi and are faced with a completely new beginning.

Moreover, refugees include different kinds of household units, such as female-headed households, multi-generational households comprising of older as well as younger family members, and households led by younger people with no experience living in Burundi. These different categories of households are all likely to have different expectations and experiences of return and reintegration. For example, it has been argued that younger people may find it easier to adjust to return and reintegration than older people, while widows or separated women who return to their parents' land are especially likely to become embroiled in divisive family land conflicts¹⁷. These kinds of dynamics which are particular to different categories of the returnee population make it difficult to make sweeping statements about the success or failure of reintegration.

¹³ Human Rights Watch, *Open Letter to President Jakayo Mrisho Kikwete of Tanzania*. New York. May 2007.

¹⁴ UNHCR/WFP (2007).

¹⁵ UN-OCHA (2009) *Humanitarian Bi-Monthly report*. Bujumbura: 25 May to 7 June 2009.

¹⁶ UNICEF (2010) *2011 Humanitarian Action for Children*. New York: UNICEF.

¹⁷ Fouéré, M-A (2007) *Traditional Knowledge in Refugee Camps : The Case of Burundian Refugees in Tanzania*. Dar es Salaam: UNESCO Field Office.

Section II. Return and Reintegration: From Policy to Practice

I. The Policy Framework

The overarching policy framework for refugee return in Burundi is provided by the Arusha Agreement, which offers a set of policies and institutional frameworks for dealing with the socio-economic dimension of stability and recovery. The Arusha Agreement uses a fairly broad definition of “war affected persons” (*sinistrés*, in French), which includes IDPs (both those living in camps, and the *dispersés* living outside of camps), returnees, widows, and other people directly impacted by conflict such as demobilised combatants¹⁸. The Arusha Agreement is relatively comprehensive in its treatment of return and reintegration and generally provides a very solid policy foundation.

Protocol IV of the Arusha Agreement, which was signed in 2000, is concerned with the resettlement and reintegration of IDPs and returnees. It unequivocally affirms the right to return of all refugees and provides for the establishment of a National Commission for the Rehabilitation of *Sinistrés* (CNRS, discussed below). The Protocol addresses the broad issues to be considered during the return and resettlement of the displaced, including special assistance required by vulnerable groups (Art. 10).

Other provisions of relevance include¹⁹:

- Requirement of *voluntary* return taking into account the particular vulnerability of women and children (Art. 2(2)(c));
- Restoration of property to returnees (Art. 2(2)(d)); if restitution of land and property is impossible, returnees should receive just compensation (see discussion of this issue further below);
- Participation of the population in resettlement activities (Art. 4(g));
- Assistance to returnees to recover their property and bank accounts (Art. 4(h));
- Provision of intensive language courses for returnees (Art. 4(i));
- Principles and mechanisms to resolve land and other property issues (Art. 8).

These and other elements of the Arusha Agreement were disseminated to the refugee population via radio, public speeches, and “sensitization” by the authorities. They were highlighted by the government and were central to efforts to encourage facilitated refugee return. In addition, a number of specific governmental mechanisms and institutions were put in place to implement the Arusha Agreement, and are briefly described here in broadly chronological order. While many multilateral agencies and international and local NGOs have contributed to returnee reintegration efforts, many of them have now ceased their activities in this domain, leaving the Government of Burundi as the main provider of services to returnees. Accordingly, this section focuses on efforts by the Government of Burundi since 2003.

The *Commission Nationale pour la Réhabilitation des Sinistrés* (CNRS) – roughly translated as the National Commission for the Reintegration of the War-Affected – was the primary institution for the reception and socio-economic reinstallation of returning refugees and IDPs from early 2003 until early 2006. The CNRS deserves some acknowledgement for its activities on land dispute resolution, but it had several limitations. The Arusha Agreement specified that it was to be an independent commission; in practice, however, it was affected by political struggles, and was also handicapped by limited technical capacity, both of which hindered donor funding. Returnees often complained of being abandoned by the CNRS and being denied the support they had been promised²⁰. In particular, the reception committees established by the CNRS at commune level were seen as “disappointing” by returnees, both in terms of their limited welcome and their limited willingness or capacity to offer concrete assistance²¹. Due to its institutional weaknesses, it was closed in early 2006. Because of the

¹⁸ Republic of Burundi (2004) *Programme National de Réhabilitation des Sinistrés*.

¹⁹ This list is taken from Brookings Institution/London School of Economics (2011).

²⁰ IRIN (2004) *Burundi: Returnees stage sit-in to demand food, shelter*. Bujumbura, 8 April 2004.

²¹ Fouéré, M-A (2007) *Traditional Knowledge in Refugee Camps: The Case of Burundian Refugees in Tanzania*. Dar es Salaam: UNESCO Field Office.

centrality of land claims to refugee return and reintegration, CNRS played a role in establishing frameworks for land dispute resolution, which are considered in more detail below.

The CNRS was replaced by the *Programme de Réintégration des Sinistrés* (PARESI) in 2006, which is funded by, and works closely with, UNHCR. It also coordinates with the INGOs involved in various reintegration activities. PARESI took over the CNRS's responsibilities regarding the provision of shelter and basic infrastructure to returning refugees.

The *Programme d'Appui à la Réhabilitation, Réintégration des Sinistrés et Lutte contre la Pauvreté* (PRRSLP) was launched in mid-2005, and received almost \$17.5 million in funding between 2005 and 2008, particularly through the United Nations Development Programme (UNDP). However, it was able to actually mobilise and disburse only 33% of this money due to operational deficiencies. The PRRSLP had some successes: it provided support for organizations directly supporting the reintegration of returnees, such as the CNTB, and funded the rehabilitation of infrastructure (irrigation systems, roads and bridges). In particular, investment in agricultural activities had a significant impact. At this time, the construction of "Peace Villages"²² was key to the reintegration strategy for those returnees who were *sans références* or for those who did not have any land to reclaim.

Despite its successes, the PRRSLP was criticised for its high operating costs. Its headquarters were located in Bujumbura, far from the field sites, which reduced efficiency, and the financial management was also poor – the main monitoring organ, the *Comité Technique National de Suivi du Programme* (CTNSP), was never established²³. Coordination institutions and processes were *ad hoc* and changed during the life of the Programme, reducing its effectiveness. Because of this criticism, the PRRSLP went through a restructuring in mid-2007, intended to increase the proportion of money actually reaching the beneficiaries. A number of field projects were closed as a result. Many of the responsibilities of the PRRSLP were taken over in late 2008 by the ad-hoc commission for return and reintegration (see below), which was also funded primarily by UNDP. The PRRSLP ceased its activities in 2008.

Acknowledging that land disputes were an important obstacle to successful reintegration, the Burundian Government established in March 2006 the *Commission Nationale des Terres et autres Biens* (National Commission for Land and other Property, known by its French acronym CNTB), with a broad mandate to address land conflicts arising from past conflicts and repatriation, as well as illegal land transfers²⁴. The CNTB faces an uphill battle to address thousands of land disputes around the country, as will be discussed below.

In 2008 an ad-hoc commission for return and reintegration (the *Commission Intégrée Ad-hoc pour le Rapatriement et la Réintégration*) was established within the Ministry of National Solidarity, Human Rights and Gender. The Commission, no longer in place today, received funding from UNHCR and UNDP²⁵. Also in 2008, a review of the Peace Villages approach was undertaken, which concluded that while the Peace Villages approach had provided shelter and access to some other services, there had been too few efforts to understand how returnees living in Peace Villages could create viable livelihoods. This review resulted in a shift towards a more integrated strategy. In March 2009, a Directorate General for Repatriation, Reinstallation and Reinsertion of Displaced and Repatriated Persons was created at the Ministry of National Solidarity, which supervises PARESI. In March 2010, the government adopted its socio-economic reintegration strategy for people war-affected people. The policy emphasizes the role of rural development centers in creating sustainable livelihood options for returnees and resettled IDPs.

22 "Peace Villages" were built in Burundi between 2003 and 2008 to provide homes for landless returnees, and to foster reconciliation between the Hutu, Tutsi and Twa communities. They have been heavily criticised by residents who complain about their isolation and the lack of access to basic services.

23 Munoz, A, and Gakima, C. (2008) *Evaluation du Programme d'Appui à la Réhabilitation, Réintégration des Sinistrés et de Lutte contre la Pauvreté. PRRSLP*.

24 Under law n°1/18 of 04 May 2006, the CNTB was given several responsibilities, from providing technical and material assistance to returnees and IDPs, to updating the existing inventory of state land and reclaiming illegally occupied land.

25 IDMC (2011).

26 République du Burundi, (2010) *Stratégie nationale de réintégration socio-économique des personnes affectées par le conflit*. Bujumbura : Ministère de la Solidarité Nationale, du Rapatriement des Réfugiés et de la Réintégration.

In conjunction with these national-level policy frameworks, regional-level mechanisms also include provisions for return and reintegration applicable to the Burundian case. Burundi signed and ratified the Pact on Security, Stability and Development in the Great Lakes Region (commonly known as the Great Lakes Pact), which came into force in June 2008. The Great Lakes Pact includes a Protocol on the Property Rights of Returning Populations, which represents a legal responsibility on the part of the Government of Burundi to assist returnees “to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement”²⁷. Where land and property cannot be directly recovered by returnees, the Protocol requires that “member states undertake responsibility for compensating the loss of the property... in situations where they are directly responsible for such loss” (for example, if land belonging to returnees has been allocated to others by the government or used for the construction of public infrastructure), and “to undertake to establish a framework for enabling the compensation of internally displaced persons and refugees by those responsible for the loss of property...where member states bear no direct responsibility for such loss”²⁸. These provisions match emerging international legal standards on property restitution²⁹. The Great Lakes Pact re-iterates and reinforces the Burundian government’s existing commitments to the property rights of returnees under the Arusha Agreement.

The Government of Burundi has not completely followed the requirements of the Protocol. In cases where land has been taken directly by the state for construction of schools and other infrastructure, compensation has generally been offered³⁰. However, rather than ensuring that returnees can reclaim all their land, the government has used “land-sharing” as the principle mechanism for addressing property disputes where land belonging to returnees was occupied by others during their absence – including in cases where the government allocated that land to others. Land sharing involves the loss of significant parts of returnee land and property. These widespread losses have not been compensated, either by the state or by individual Burundians who occupy lands formerly belonging to returnees. The Burundian Government has made the case that it does not have adequate funds available to compensate returnees, and has informally mentioned the possibility of providing “symbolic compensation” to returnee communities and other *sinistrés*³¹. However, as described in sections 3 and 4 of this report, the loss of land and property has been very keenly felt by returnees (in terms of the economic impacts and the sense of injustice involved), and “symbolic compensation” is unlikely to make a significant difference to these feelings of loss and betrayal.

II. Institutional Challenges

The Government of Burundi and the international community have invested colossal time, money, and energy in assisting returning refugees. While the United Nations and other international organizations, in coordination with local authorities, have been successful in providing for the immediate needs of returnees (i.e. in terms of provision of shelter), the coordination with central government has often been minimal, resulting in a lack of institutionalization of key lessons and approaches learnt during programme implementation³². The frequent changes in the institutional and policy environment, and the fragmented way in which reintegration challenges have been addressed by the Government, are symptoms of state institutions becoming overwhelmed by the magnitude and complexities of the various issues. Although policies have been put in place, the implementation of these policies by the state has to date been rather patchy. The institutional fragility of the state response is also a result, in some cases, of a lack of long-term commitment to the issue by some high-level civil servants, who have moved rapidly from one institution to another, thereby creating temporary gaps in leadership, impacting on institutional memory, and reducing institutional effectiveness.

²⁷ Article 4.

²⁸ Article 8.

²⁹ Leckie, S and C. Huggins (2011) *Conflict and Housing, Land and Property Rights*. Cambridge University Press, p. 123.

³⁰ Nonetheless, there are often questions over whether the amount of money involved is adequate.

³¹ Interview with CNTB staff, Bujumbura, November 2011.

³² This has been noted in the independent evaluation reports of various international NGOs and UN programmes. Coordination with *local* state officials, in contrast, is generally good.

The organisational instability of Burundian state responses to returnee issues raises questions about the future of policies and programmes aimed at areas with large returnee populations, once international attention and financial support for returnees has waned. Systems to monitor and respond to the needs of returnees have arguably been poorly institutionalized within the Burundian state.

The ongoing monitoring of the situation of returnees is also negatively affected by the marginalization of returnees from the design and supervision of the reintegration process. As noted above, the Arusha Agreement represents a commitment by the government to involve refugees in the design of resettlement and reintegration programmes (Article 4g). This reflects widespread recognition that the participation of refugees in developing programmes and procedures is an essential element of a successful return and re-integration process³³. However, in the case of Burundi most of the emphasis has been on the provision of information to refugees in the camps in Tanzania, in order to encourage return and facilitate the return process: the government and international partners have not given a significant role to refugee associations, for example, in the design of return and reintegration programmes. Once the returnees have reached their local destination, their participation in resettlement and reintegration activities is often reduced to labour contributions. For example, families are often expected to construct their own housing, using some materials supplied by the government and international agencies. This definition of “participation” as labour inputs is often intended to ensure a greater sense of ownership by the beneficiaries. However, there is a sense of dissatisfaction amongst many returnees in Burundi that more comprehensive forms of participation have not been possible. There is a common feeling amongst the returnees that the government is not interested in their opinions, especially since the main repatriation exercise was concluded. A more profound form of participation, which involved returnees in the design, monitoring and evaluation of resettlement and reintegration programmes, may have avoided some of the problems reported by returnees. In addition, such a participatory approach would have paved the way for returnee involvement in other community and state-organised activities.

Furthermore, policy and programme responses to the challenges facing returnees have always been designed and implemented as a subset of broader policies for the “*sinistrés*”. While there are some obvious political and institutional advantages to this approach – for example, duplication of effort can be avoided – there are also disadvantages. As will be shown in section 3, many issues (such as institutional and social discrimination and problems with integration into the education system) are very specific to the returnees. Many of the returnees feel that their particular concerns have not been taken into account, either at the policy or programme levels. In hindsight, a more specific institutional and policy approach to refugee reintegration may have been more effective in identifying and responding to their specific concerns³⁴.

III. The Reality of Return

UNHCR began facilitating repatriation from the refugee camps in Western Tanzania in 2002, and moved from facilitation to active promotion of refugee return in July 2006³⁵. In collaboration with the Government of Burundi and partner NGOs, UNHCR manages a return process which includes dissemination of information on the political and economic context in Burundi, the registration of voluntary returnees, issuance of national identity cards to returnees at the initial point of return to the country, the transportation of refugees, personal effects and livestock (when possible), and the distribution of return packages³⁶. Once they have been transported to the reception committees at commune level, returnees are expected to make their own way to the *colline* (hill) where they are to (re)settle.

³³ Leckie, S. (2000) Housing and property issues for refugees and internally displaced persons in the context of return: Key considerations for UNHCR policy and practice. *Refugee Survey Quarterly*, Vol 19, No. 3, 2000.

³⁴ Of course, there are several ‘sub-categories’ within the returnee population (such as country of exile, length of time spent in exile, date of return, spontaneous or facilitated return, etc). Policy and programme design should also be sensitive to these differences.

³⁵ Vorrath (2008).

³⁶ Fouéré, M-A (2007) *Traditional Knowledge in Refugee Camps: The Case of Burundian Refugees in Tanzania*. Dar es Salaam: UNESCO Field Office.

Some of the initial returnees received almost no assistance, but material assistance increased over time. Those returning with official support (for example, from UNHCR) received a support package³⁷. From 2005, those returning spontaneously were also eligible for a package. The contents of this package have varied over time, and different groups of returnees (e.g. the refugees of 1972, 1980s and the 1990s) received different packages. Those who had left Burundi in the 1980s and 1990s received both a food package and non-food items³⁸. Returnees also received a “return food package” intended to feed a family for three months; in 2007 this was increased to a six-month food supply³⁹.

From July 2007 onwards, returnees from the camps who had left Burundi in the 1990s were given a cash grant by UNHCR, in addition to non-food items. Each returnee was eligible to receive \$41. The cash grant system was an innovative approach, based on extensive assessments of actual reintegration experiences in Burundi and elsewhere, and has generally been praised. The 1972 refugees were initially provided only with the cash grant and were not provided with food or non-food items, on the grounds that they had been well-established in the refugee camps in Tanzania and were therefore more economically stable and better-skilled than the other refugee groups. Many of the 1972 returnees were suffering as a result of lack of access to land upon return to Burundi, and had few sources of food upon return.

The CNRS provided transport for returning refugees from the reception centres at the border to their communes of origin. However, CNRS-supported reception centres, staffed by local volunteers, were often barely functional⁴⁰. Once they had visited the reception centres, refugees would walk or seek public transport to their *colline* of origin, if they knew it. If, as is usually the case, households found that their lands and houses had been occupied by other households, they would have to file a claim for the restitution of their land with the CNTB and/or the local administration. While they waited for their claim to be processed, they may have benefited from housing in a transit centre, but these were available in only a few communes. Where they could not access a transit camp, returnees may have rented a house and/or a plot of land (if they could afford to do so), rely on the hospitality of friends or family, or attempt to live in the open using scavenged materials to build a shelter. The period during which their land claim was being heard was often a time of great hardship for the returnees. Many of those who returned from exile with some financial savings were often forced to use these savings to rent housing or land while waiting for the return of their property.

Those returnees who did not know their place of origin or did not have any land to reclaim, would usually be able to choose an area in which they would settle, whether in a Peace Village or Rural Integrated Village, or, if they had the financial capacity, in a commercial centre. Many of these *sans références* chose to settle in Provinces such as Makamba, because of a perception that the economic possibilities were greatest there. This has resulted in local services (such as health clinics and schools) becoming over-subscribed and crowded in such areas, reducing the quality and accessibility of services.

Once they reached the local level where they attempted to restart their lives, returnees depended heavily on reciprocal support from friends, relatives and neighbours⁴¹. Such support typically included provision of food and water, as well as invitations to family or community events such as weddings.

UNHCR also provided support to communities hosting returnees, in order to avoid exacerbating tensions between returnees and local residents who may feel marginalized when they see the aid

³⁷ IRRI *et al* (2011).

³⁸ A typical bundle of non-food items for a single household would consist of blankets, sleeping mats, fabric for women to use as clothing, soap, plastic sheeting, jerry cans, buckets, a kitchen set, mosquito nets, tools and sanitary materials for women, seeds (provided by the Food and Agriculture Organization of the United Nations - FAO - and education materials from The United Nations Children's Fund - UNICEF). Haver, K; F. Hatungimana, and V. Tennant (2009) *Money matters: An evaluation of the use of cash grants in UNHCR's voluntary repatriation and reintegration programme in Burundi*. Geneva: UNHCR.

³⁹ Maniraguha, J.P. (2011) *Challenges of Reintegrating Returning Refugees: A Case study of returnee access to land and to basic services in Burundi*. Masters thesis, Peace and Conflict Transformation, University of Tromsø.

⁴⁰ UNHCR/WFP (2007).

⁴¹ Fouéré, M-A (2007).

provided to returnees⁴². These policies have tended to reduce tensions. However, despite evidence of cooperation, and “although both residents and returnees do their best to live in peace”, some external observers have concluded that at the local level, “suspicion and mistrust are still the rule”⁴³. This is partly because some residents suspect returnees of involvement in past rebel activities, and more generally because the history of violence and genocide has never been systematically addressed in Burundi, for example through reconciliation meetings or transitional justice measures.

IV. A Success Story?

Despite many obstacles, UNHCR has described the return process as “one of the most successful operations on the African continent”, and various studies, such as the UNHCR-World Food Programme (WFP) Joint Assessment Mission, have found that reintegration has been successful overall⁴⁴. In terms of material indicators, it has been argued that, “returnees’ living conditions normally become similar to those of resident neighbours within a couple of months”⁴⁵, though “it takes one year, a full agricultural cycle, to be truly on the same footing”⁴⁶. Other studies, based on representative samples of returnees (who had spent over 4 years in Burundi since repatriation) and residents, also found that average household assets were the same in both returnee and resident households⁴⁷. Indeed, it is argued that due to access to land, education and employment enjoyed by some refugees whilst in exile, “returning refugees are often better off in terms of health and education compared to their fellow countrymen”⁴⁸. Similarly, it has been argued that the average level of education and self-assessed health status of returnees is about the same as that of resident host households⁴⁹. According to these analyses, problems experienced by returnees are similar to those faced by the local population. While there are “difficulties with access to land, housing, education and health”, these “structural problems” are “*exacerbated* by the process of repatriation” and the resulting scarcity of services and resources is experienced not just by refugees but by wider communities.

While the return and resettlement of Burundian refugees has in many ways been more successful than was initially feared, this narrative of “success” may have blinded some actors to the difficulties that many returnees still face. Perhaps because of the many positive assessments of the return and reintegration process from 2005-2008, there has been insufficient follow-up in recent years, and agencies have an incomplete sense of the returnees’ feelings regarding reintegration.

There are various limitations to the Burundian “success story”. Many local experts argue that the reception and reintegration system has been inadequate, and that following provision of return packages, “returnees are very much left to themselves”⁵⁰. More profoundly, there are few sources of information on the non-economic dimensions of reintegration, such as the psychological, political, and social dimensions⁵¹. Most attention has been paid to shelter and the material aspects of agricultural livelihoods, which represents an incomplete and outdated analysis of people’s survival strategies and the context in which they live. Taking the sustainable livelihoods framework as one example of an internationally-recognised tool, it becomes apparent that most agencies have addressed only some forms of “assets” identified in the framework: the “human”, “natural”, “financial”, and “physical” assets available to a household. Other assets, such as “political” and “social” assets, have been largely ignored⁵². Political and social assets have been shown to be vital to people’s livelihoods around the

⁴² UNHCR (2005). *Return and Reintegration of Burundian Refugees, Supplementary Appeal*, July 2004 – December 2005, Dar Es Salaam : UNHCR.

⁴³ Fouéré, M-A (2007).

⁴⁴ Redmond, R. (2008) *Nduta: Burundian refugees relocated as camp closes*. Geneva: UNHCR Press Briefing, December 8th 2008.

⁴⁵ Vorrath (2008).

⁴⁶ UNHCR-WFP, *Joint Assessment Mission of Burundian Returnees*, Burundi, 07-11 May 2007.

⁴⁷ Terra-P Group (2008) *Impact Evaluation of PRM Humanitarian Assistance to the Repatriation and Reintegration of Burundi Refugees (2003-08)*. Bujumbura.

⁴⁸ Vorrath (2008).

⁴⁹ Terra-P Group (2008) *Impact Evaluation of PRM Humanitarian Assistance to the Repatriation and Reintegration of Burundi Refugees (2003-08)*. Bujumbura.

⁵⁰ Vorrath (2008).

⁵¹ Bunte, T. And L. Monnier (2011).

⁵² For a schematic diagram of the Sustainable Livelihoods Framework, see Ludi, E. and R. Slater (2008) *Using The Sustainable Livelihoods Framework To Understand And Tackle Poverty*. Poverty-Wellbeing

world. These assets include, for example, easy access to state services; personal connections within informal and formal organizations and associations; and community-level relationships based on the reciprocal provision of free labour, loans of tools, seeds, or cash. Such relationships and assets can only be built through investment of effort and the development of mutual trust over long periods of time.

This inattention to the broader national and community-level political and social issues is worrying. To be successful, reintegration should enable returnees to effectively enjoy a comprehensive definition of citizenship, which entails perceptions of “belonging to” and “participating in” various communities (which may be defined according to geographic, social, and political criteria). Returnees should not feel discriminated against; they should not feel economically or geographically marginalized; they should not feel like second class citizens. As will be described in section 3 below, most returnees do not feel that they have received a fair deal in terms of restitution of land, access to justice more generally, and several other issues. These findings should ring alarm-bells in the state, multilateral and non-governmental institutions responsible for managing refugee reintegration, and in the broader range of Burundian state agencies which govern the justice system, support local administration, and maintain political stability.

Section III. Standing the Test of Time: Results from the Field

I. Survey Areas and Methodology

The research was conducted in September-October 2011 in collaboration with Rema's ten partner associations⁵³, and a number of questions were developed to guide the design of the research. These included exploring the relationship between the land problems experienced by returnees, and their socio-economic and socio-political status; determining whether "Rural Integrated Villages" programmes were successful compared with the previous "Peace Villages" model; asking whether returnees were able to recover lost assets other than land (such as houses and permanent crops or trees); understanding how the languages spoken by returnees (Kirundi, French, English or Kiswahili) affected their access to justice, jobs, and education; and collecting any evidence of discrimination against returnees by other members of the communities to which they return.

Seven communes were selected for the study: Rumonge (Bururi Province), Nyanza-Lac, Mabanda, and Kibago and Kayogoro (all in Makamba Province), Bukemba and Giharo commune (Rutana Province). According to the latest available comprehensive statistics, which document returns up to late 2008⁵⁴, Makamba province has received the largest number of returnees (101,292, with approximately one third of these coming from the 1972 caseload). By the same date, Rutana Province had received 34,514 returnees, while Bururi Province had received 28,984 people⁵⁵. It is also in these provinces that the largest numbers of land disputes have been recorded: Rumonge Province registered 11,996 such disputes in 2007. This is partly because Rumonge was home to many of the people who fled in 1972, and because disputes over the valuable, fertile land in this Province are difficult to resolve through private, amicable negotiations⁵⁶. According to recent data from the CNTB, there are 2,600 landless returnees in Makamba⁵⁷. These provinces also host a large number of Peace Villages and Rural Integrated Villages, which were of particular interest to this research. An overview of the more important characteristics of each commune is included in Appendix 1.

In total, 216 people were interviewed in the seven communes, including returnees, residents, and representatives of government ministries, the CNTB and INGOs. Interviews were conducted by members of Rema's own partner associations, under the supervision of Rema's staff. Respondents were selected randomly and the sample was then adapted in order to maintain a balance in a set of criteria including sex, age, returnee caseload, and other factors (see Appendix 3).

Interview guides were developed to guide the researchers, but interviews were semi-structured to allow respondents to develop their answers freely. Separate interview guides were developed for different categories of respondents, but were based on broadly similar thematic templates. The interview guides were developed using benchmarks from the United Nations *Framework for Durable Solutions for Refugees and Persons of Concern*⁵⁸. Rema decided to use elements from this framework as the template for the research because it represents a clear and internationally recognized conceptual framework for examining reintegration. Importantly, the framework includes issues linked to the responsiveness of state institutions to returnee needs, the relationship between returnees and other local households, and the expectations, rhetoric, and realities of the return and reintegration

⁵³ See appendix 4 for a list of these associations.

⁵⁴ UNHCR (2009) *UNHCR Burundi - Number of Returnees per Province (01 March 2002- 30 April 2009)*. Bujumbura.

⁵⁵ Government of Burundi (2010) *Plan d'action visant la réintégration socio-économique des personnes affectées par le conflit*. Bujumbura.

⁵⁶ Those 1972 refugees returning to Rumonge often find that their land has changed hands and been subdivided two or three times in their absence, making it difficult to negotiate directly with the occupants to have it returned.

⁵⁷ Maniraguha, J.P. (2011) *Challenges of Reintegrating Returning Refugees: A Case study of returnee access to land and to basic services in Burundi*. Masters thesis, Peace and Conflict Transformation, University of Tromsø.

⁵⁸ The section on the kinds of activities that could be facilitated by agencies such as The Office of the United Nations High Commissioner for Refugees (UNHCR) under a Development Assistance for Refugees (DAR) programme was particularly useful. UN High Commissioner for Refugees, *Framework for Durable Solutions for Refugees and Persons of Concern*, May 2003, pg 12. Accessed online on 30 December 2011 at: <http://www.unhcr.org/refworld/docid/4124b6a04.html> .

process. These dimensions, which are related to ideas of group identity and social and political aspects of reintegration, have been largely missing from many other surveys on returnee issues.

Interviews were conducted in Kirundi, and interview transcripts were later translated into English. Analysis of the resulting information was conducted by Rema in conjunction with the returnees' associations which helped to collect the data, as well as an independent consultant. The 216 interviews represent a rich trove of qualitative information on socio-economic indicators, which have been analyzed in order to provide quantitative data on the extent of the problems that returnees face⁵⁹.

II. Overall Findings

II.1. Access to Land

Some of the most significant findings of the research concern access to land by returnees. Returnees, particularly those who were in exile for decades, or were born in exile, encounter problems reclaiming their land and property. In many instances, the land they once owned has already been allocated to others by the government; in others, relatives or secondary occupiers have already sold the land to third parties, or distributed the land amongst their descendants according to customary inheritance regulations. These issues potentially affect all returnees, but the 1972 refugees face the most complex situation. The CNTB has registered 26,513 land disputes between 2006 and 2011, of which 17,144 have been settled⁶⁰. Of these, most have been settled amicably between the parties; a significant number have been mediated by the CNTB; some 2,244 were settled through the intervention of local authorities, and NGOs resolved a small number. There remain some 9,369 cases which are yet to be resolved.

In total, 70% of respondents reported a serious problem regarding access to land. The trend was slightly worse for women than men: 79% of female respondents reported problems of land scarcity. Many returnees are extremely bitter about their treatment by land dispute resolution mechanisms. Almost nine out of ten respondents in each of Giharo, Rumonge, and Nyanza-Lac communes reported problems. In Rumonge, where population densities are very high, a startling two-thirds of respondents reported being landless. Very few returnees have been able to recover any of their family land: only one in six have regained or shared any land at all in this commune. The remaining five rent or bought land from government compensation or personal savings. Many are unable to locate their family land, and those whose lands were taken by the government feel that they have no recourse.

Land disputes have customarily been mediated by an institution of male elders, termed "*Abashingantahe*". These male elders are chosen at the local level for their credibility and perceived wisdom. Studies suggest that on average, *Abashingantahe* are called to mediate in over one third of land disputes⁶¹. According to Rema's research results, the credibility of the *Abashingantahe* varies from one locality to the next. In one zone in Kayogoro commune, for example, the *Abashingantahe* was felt to be effective. In other zones, it was not. It is generally clear that residents were more likely to approve of the *Abashingantahe* than returnees. One returnee from Kayogoro stated that:

"The Abashingantahe are doing their work, but not in the right way. They always side with the residents because they have been living together for a long time. They say that the returnees have just arrived, and that they do not know if they will stay with them".

⁵⁹ In this section, this qualitative information has been analysed and interpreted in order to generate quantitative data. This involves summarizing long, nuanced responses and categorizing them in order to assess whether they represent a view that things are "problematic" or are "acceptable". In categorizing and coding the data, we have looked specifically for indicators which *substantiate* the statements of the respondents. In some cases, respondents did not provide responses on particular issues, because interviewers ran out of time, or interviewers judged that these sections did not apply to the person being interviewed. These blanks in the data were not included in the statistical calculations that follow. In other cases, respondents provided answers which are ambivalent (i.e. they contain positive and negative views). These ambivalent responses are built into the calculations. Ambivalent responses usually represented about 4-8% of the sample.

⁶⁰ Interview with CNTB staff, Bujumbura, November 2011.

⁶¹ Umwari (2007)

One returnee explained that even when returnees managed to get positions in decision-making bodies they tended to be marginalised and ignored:

“I am not satisfied by the way the local chiefs [Abashingantahe] are behaving and the judgments they make. There are five chiefs, only one of them is a returnee and when there is a case somewhere, they do not inform him because he often does not accept their procedures. Our local court is dividing people rather than uniting them”.

A common complaint is that the *Abashingantahe* demand money or alcohol to mediate a dispute. The sum involved is usually excessive and takes the form of a bribe; the party who provides the most incentive tends to get the most favourable outcome. Many respondents expressed bitterness over the injustice that this causes. *“To us, they are useless”*, lamented one man in Bukemba.

Local NGOs, particularly church-based organisations, also practice dispute resolution for members of their diocese. UNDP and other international agencies have supported such mediation activities. However, these NGOs address very few disputes compared to the *Abashingantahe*, the CNTB, and the local administration and courts. Respondents who were asked about the NGOs did not have positive impressions of their work, but only few had had direct experience of their mediation activities.

Litigation around land and property represents up to 80% of all court cases in Burundi. However, the court process is long and most courts are overloaded with cases. Litigation is prohibitively expensive for the majority of the Burundian population, and few returnee households can afford to go to court. In addition, Burundi’s judiciary is widely perceived to be both politically partial and corrupt⁶².

There were significant differences between returnee and resident perceptions of the justice system, with 89% of returnees seeing judicial institutions as flawed, compared to only 46% of residents. A member of the local administration in Mabanda stated that:

“There are contradictions between the courts, the CNTB and the authorities. Land cases should not be taken to court, there the repatriate always loses”.

In Kibago commune, whilst about a quarter of returnees explicitly criticised both the *Abashingantahe* and the CNTB for bias against them, these institutions are still favoured over law courts. The vast majority of respondents felt that law courts were corrupt, and that lawyers were too expensive. One returnee living in Kayogoro contended that:

“Residents have money and use it to go to court. Repatriates are moneyless, as they have had to start their life from scratch”.

A returnee from Nyanza Lac reports that, in the courts:

“The truth is bought with money”.

Returnees also complained that court proceedings took place in French or Kirundi and therefore were incomprehensible to them. A respondent from Mabanda said that:

“Some repatriates go to courts but the courts do not listen to them although they have strong cases and have eye witnesses to testify for them”.

Reinforcing this problem, another respondent in Mabanda stated that,

“Returnees are another nation altogether. We are not treated equally”.

⁶² International Crisis Group, “Burundi: From Electoral Boycott to Political Impasse”. Brussels, 2011.

Returnees are generally negative about the CNTB because of what they perceive as an inherent unfairness in the process of land sharing. In some of the survey areas, the CNTB was regarded as well meaning and useful, but in others it was criticised for being slow and/or ineffective. There were also some accusations of corruption within the CNTB. One returnee in Mabanda argued that:

“Justice is done through money and social connections and government institutions are biased and out of touch. The CNTB is very biased”.

In addition, almost one fifth of the returnee respondents in Kibago reported being able to reclaim their lands in whole (a much higher occurrence than the other communes surveyed), which they attributed to personal connections they had to administrators, or the wealth that allowed them to buy land back. In general it is residents who have had time to build strong social links with administrators and who receive a more favourable hearing than returnees who are dealing with individuals they do not know. These perceptions echo aspects of independent assessments of land mediation and land-sharing in Burundi and neighbouring Rwanda, which emphasize the socially embedded nature of land dispute resolution. Where returnees have social connections, they can generally reach better results⁶³.

Of all the communes surveyed, Nyanza Lac was the one presenting the most acute problems. Residents reported feeling “betrayed” and “robbed” of land by their government. Of those involved in a land share arrangement in this commune, the vast majority were dissatisfied with the arrangement (returnees and residents alike). In an extreme case, one landowner had seen his former 4-hectare property occupied by over 36 other households and built on by the state, and had only been able to reclaim a small part of the original property. Residents report being subjected to intimidation and, in some cases, arrest for refusing to share their lands; they feel coerced and robbed of their assets.

Although a comprehensive definition of “property” is used in the Arusha Agreement, which includes professional equipment, livestock, commercial goods, and crops⁶⁴, in practice, land dispute resolution has placed so many demands upon state and non-governmental actors that other forms of property have yet to be systematically addressed. The land-sharing exercise does not appear to have covered housing, for example. A resident stated:

“We have never heard of any resident who gave a house back or lost a house to a returnee”.

This gap is perceived by returnees as a profound bias in the systems of restitution. There are also links between unsatisfactory access to land and lack of access to housing, which potentially have profound implications for those affected, particularly the youth. One man in Kibago reported that,

“Young people who would like to get married have serious problems because they don’t have anywhere to build a house, and if they did they don’t have any materials to build it with”.

The current head of the CNTB recently started a series of reforms, including dealing with the issue of restitution of housing, and revisiting past decisions by the CNTB which have been seen as biased or against CNTB policy. However, his efforts have been heavily criticized as “pro-returnee” by some opposition parties⁶⁵.

Most worryingly perhaps, many returnees who have been through land-sharing processes stated that while they will temporarily accept the arrangement, they are likely to reject it in the long-term. Once they are more socially, economically and politically established (or, as some respondents put it, when they have become truly “Burundian”) they intend to make legal claims to get all of their land and

⁶³ Pottier, J. (2002) *Re-Imagining Rwanda*. Cambridge University Press, p. 189; Huggins, C. ‘Land in Return, Recovery and Re-integration Processes’, in Pantuliano, S. (2009) *Uncharted Territory*. Practical Action Publishing.

⁶⁴ Observatoire De l’Action Gouvernementale, *Evaluation de la Politique Sectorielle de Rapatriement, de Réinsertion et de Réhabilitation des Sinistres au Burundi*. Bujumbura, May 2005.

⁶⁵ Iwacu newspaper, 20th February 2012.

property back. For example, one man living in Mabanda who had received only part of his original land back, declared his intention to reclaim more of his property

“... so that the secondary occupant living on the land will be able to understand that they do not have the right to steal, pillage, or grab what is ours”.

Land disputes, particularly those between returnees and host-community residents, are already a source of actual or potential violence in Burundi. In Nyanza-Lac, a respondent commented:

"Some people have been beaten up and imprisoned because of land [...]. We have bad relationships with the host population. We are looked at as enemies because we dare speak for our rights especially with regard to our lands".

Another respondent from Nyanza-Lac knew two returnees who had been imprisoned, reportedly for attempting to reclaim their land through courts. Residents who were in the army, or had relatives in the police, were seen as “untouchable” and returnees said it is risky to try to reclaim land occupied by such powerful people. Another reported that the family had suffered a grenade attack due to a land dispute with a former soldier. In Rumonge, a woman reported that her brother had been killed because of a land dispute. Some returnees feel that they are at risk of arrest from corrupt or biased police and/or local authorities because of their involvement in land disputes. A returnee in Rumonge said that residents accused them of being “rebels” who had killed their relatives, and threatened to chase them from the area. According to the respondent:

“They added: 'You came by cars [i.e. UNHCR vehicles] but you will go back by foot, without ever looking behind’”.

In Mabanda Commune, it was only the returnees who reported feeling physically insecure. Respondents from three zones in particular reported intimidation, property destruction, and violence as a result of land conflicts with neighbours. A respondent reported that a sibling had just been killed over a land dispute. In Kayogoro, a returnee had been forced to move after his house and some of his crops were intentionally set on fire. In Karinzi-Kayogoro, several respondents reported being in conflict with a local church and subjected to threatening army visits at the behest of a church leader.

This strongly suggests that while the Government of Burundi and the international community regard land dispute resolution as putting in place permanent solutions to land conflicts, access to land is likely to remain a source of social tension and legal action in the future. Such a conclusion is backed up by surveys in neighbouring Rwanda, where compulsory land sharing has been implemented since 1996. Research indicates that while land sharing had avoided violence breaking out between returnees and residents, “post-sharing grudges” remains an important source of local social conflicts⁶⁶.

As noted above, almost all of the inhabitants of the “Peace Villages” interviewed by Rema and its partner organizations complained that the land available to them was infertile. Probably due to this land problem, living in a Peace Village does not seem to improve the chances of having enough to eat. In fact, 95% of those residing in a Peace Village reported food insecurity. In Kibago commune, all respondents living in the same Peace Village are food insecure. In addition, some returnees are ill-suited to a farming lifestyle, having lived a more urban existence whilst in exile, either in a town, or in one of the huge, densely-populated refugee camps. Advocacy organizations have suggested that livelihood programmes reflect that farming is not always the preferred option for returning refugees – micro-credit programmes, for example, could better help returnees build small businesses⁶⁷. In addition, despite the aim of ethnic reconciliation, some of these villages are mono-ethnic, populated entirely by Hutu returnees. Some observers have argued that the construction of such villages has reduced the risk of immediate crises during the repatriation phase, but may not necessarily offer

⁶⁶ Gasarasi, C. and H. Musahara (2004). *The Land Question in Kibungo*. Butare: Centre for Conflict Management, National University of Rwanda.

⁶⁷ Refugees International (2008) *Burundi: Stability Depends on Successful Reintegration of Returnees*. Washington DC.

sustainable solutions in the long-term: “A Peace Village buys important time for the landless returnees to get started in their home country, to look around, to prepare for, and respond to an opportunity”⁶⁸.

The implication of this is that villagization is unlikely to be a solution in the medium-long term. The question of how returnees will build sustainable livelihoods remains unanswered. Returnees are aware of this problem, and some plans for new “rural integrated villages” have reportedly been cancelled because returnees do not want to live in them⁶⁹.

II.2. Employment

Almost four-fifths of respondents reported serious problems accessing employment opportunities in their commune. For returnees, this figure was 84%, compared to only 43% of residents. Returnees of both sexes, all age groups, and various dates of flight from Burundi reported problems. The most commonly reported obstacle to gaining employment is the refusal of potential employers and local authorities to recognise professional credentials (such as experience and professional training certificates) gained whilst in exile. Some employers have asked the jobseeker to get him- or herself certified again once back in Burundi, an expensive and time-consuming exercise that is often impossible for returnees. This may have its roots in a broader sense of suspicion towards returnees. Many returnees stated that employers are biased against former refugees: for example, if they give returnees a chance to try out for a job, they require them to go through an unpaid probation period that is not required of residents. One woman from Mabanda complained that:

“Most of the repatriates do not get the jobs. We are asked to do placement for 6 months where we do practicum. Unfortunately even after the practicum we are not considered. [...] Those who managed to get jobs spent two good years without pay. Some end up giving up, it is terrible”.

Naturally, only those returnees who have financial savings or access to loans can afford to work on probation. A woman from Bukemba reported that while she was able to get a job after spending time working unpaid, this is likely not to be a viable option for most returnees:

“I know other friends who were in the same situation as me, but who cannot get a job because they cannot do the placement and cannot get the money to move to and from Bujumbura. Some of them are now into prostitution”.

Some respondents also mentioned the need to pay a bribe before accessing any salaried position. While such practices are relatively common across Burundi, it appears that returnees are more commonly asked to provide bribes than residents, reinforcing their feelings of discrimination. Returnees also lack access to capital, including credit, that would allow them to start their own small businesses. Several returnee respondents mentioned that most returnees do not have the connections necessary to know about and gain job opportunities, so that “*even the educated are out in the streets*”. These “social barriers” to employment, as one respondent described them, can only be overcome through a gradual process of building trust over time, or through active efforts on the part of the state to facilitate better dialogue between returnees and local residents.

When formal employment is not available, even returnees with diplomas have to rely on agriculture. Those who had been in long-term camp situations in exile often find it difficult to adjust to the rural setting. One man in Kibago stated:

“In the camp, I was jobless but I could occasionally work as a bicycle taxi driver. It is very hard to know how to cultivate for those who have lived in Mtabila [camp] for a long time, because we have been kept on relief for so many years”.

⁶⁸ Terra-P Group (2008).

⁶⁹ International Refugee Rights Initiative (IRRI), Rema Ministries, and the Social Science Research Council (SSRC) (2011), p. 36.

II.3. Food Security

77% of all respondents in the survey areas reported being food insecure. While this problem is experienced by both returnees and residents, both sexes, and all age groups, returnees in the sample were more likely to experience hunger than residents (83% of returnees compared to 69% of residents). Many respondents cited a lack of fertilizer, insufficient access to farmland, and infertile soils as causes of food insecurity. Some of the returnees linked their food insecurity to the lack of available land, itself a direct consequence of land-sharing. Many of those interviewed had children who showed signs of malnutrition. One respondent lamented that, *"our children are dying of hunger"*. As noted above, living in a Peace Village does not seem to improve the chances of having enough to eat: 95% of those residing in a Peace Village reported being food insecure.

It appears that Rumonge, Nyanza-Lac and Giharo communes are the most affected. In Rumonge, the vast majority of respondents eat only one meal a day, and in both Rumonge and Nyanza-Lac, 20% of respondents regularly pass an entire day without eating anything. One person interviewed in Rumonge saw their own child die due to the effects of malnourishment. In Giharo, some 20% of respondents regularly went an entire day without eating. A local authority reported that *"most people go to Tanzania to work for food"*, because of lack of local opportunities and the fragility of subsistence livelihoods.

While food insecurity is an issue for several million people across Burundi, this survey suggests that, in combination with the difficulties they face in gaining access to land and income-generating activities, it may be a particularly critical issue for returnees, driving them back to Tanzania on a temporary basis. This option however is a dangerous one, as it has recently been reported that Burundians returning to Tanzania for work have been forced back to Burundi by the Tanzanian authorities and snatched of the product of their work⁷⁰.

II.4. Education

About half the respondents reported problems with their children's access to education⁷¹. The situation in each commune varied between more than two-thirds of all respondents (in Nyanza-Lac, Mabanda, Kayogoro and Kibago communes) to between a quarter and a third of respondents (in Rumonge, Bukemba and Giharo communes) reporting problems. Both returnees and residents of host communities report problems, but these are slightly different in nature. Residents of host communities complain that schools tend to be over-crowded, lacking in materials, and sometimes poorly maintained. Returnees coming from Tanzania, on the other hand, complain that the transition between the Tanzanian and Burundian education systems is particularly problematic because students are forced to use French and Kirundi, when many returnee children are more comfortable speaking Kiswahili and English. They report that language classes are insufficient to facilitate this transition. Local administrators agree, arguing that rather than a mere 3 months of training, at least a full year of French instruction is needed for children to grasp the basics of French.

More profoundly perhaps, the actual syllabus used in Burundi is different from that used in Tanzania. Integration into the Burundian system is therefore extremely challenging for many of the returnees from Tanzania. Students report that they need more prolonged language instruction and dictionaries. The frustrations caused by forcing students to repeat several grades have caused many students to drop out, and it is reported that some children have returned to Tanzania in order to continue their studies there. These problems also cause conflicts within families. According to an administrator in Mabanda, *"These children accuse the parents of betraying them"* by taking them out of the Tanzanian system into a French-language Burundian system. One man from Nyanza Lac told researchers:

"My children are wondering why we forced them to repatriate and then dumped them in the road. What will be their fate in the future?"

⁷⁰ http://www.arib.info/index.php?option=com_content&task=view&id=3392&Itemid=65.

⁷¹ Some respondents did not have school-age children (and hence no strong opinions on the issue), so the actual proportion of those with children who report problems is slightly higher.

Many returnees specifically said that they or their children had been “needlessly” forced to repeat grades because of the language and syllabus issues, reinforcing the idea that the problem is not related to their knowledge or capacity, but rather to the inability of the Burundian educational system to manage the returnee caseload appropriately.

While efforts have been made by INGOs to address the educational challenges facing returnees, they do not reach everybody. Out of approximately 13,000 children who returned in 2008 from the 1972 caseload, only 1,000 benefited from the UNICEF-supported pilot course for accelerated French, Kirundi and life skills training. NRC provides a Teacher Emergency Package (TEP) to assist teachers working in difficult conditions, but this programme covered only 10,200 pupils for the school year 2010/2011. The organisation RET implements programmes specially designed to overcome the language barrier, but only at a relatively small scale, offering services for hundreds, rather than thousands, of students in Makamba Province⁷². The training is very short, lasting only three months.

A very small number of schools have developed curricula in English, but they have yet to be officially recognised by the Government⁷³. One school that was founded by returnees and was using an English-based curriculum in Mabanda commune was shut down by the government – an action perceived by many returnees as a deliberate act against their interests. Originally, it was intended that students of the Mabanda school would be transferred to a school in Bujumbura but this programme stalled because of poor planning. Though it eventually resumed, relatively few students were able to enrol in Bujumbura⁷⁴.

Returnees also reported some discrimination against their children, who in some areas are pejoratively called “UN kids”. One female returnee from Mabanda said that returnees are “despised” because local people treat them as if they “studied under a tree”. This was particularly the case in Kayogoro and Rumonge communes. It was reported that many such children had dropped out of school. In some cases, returnees have clashed with authorities and police over cancelled plans to open schools specialized in the education of returnees, or the closure of existing schools that have been established by returnees in order to allow children to continue using the Tanzanian syllabus. In such cases, returnees feel strongly that the government of Burundi is actively blocking their attempts to improve their socio-economic situation. This issue is the source of much bitterness and anger, which is directed unequivocally at the government. One young man, who had been through many attempts to get an education in Burundi but had finally given up, said that:

“The government should give us a scholarship so that we go back to study in Tanzania or elsewhere, otherwise it should tell us if we are unwanted people”.

The idea of being “unwanted” is a common one amongst the returnees. A returnee in Kayogoro tells his story:

“We had set up an [educational] programme for our children but unfortunately the government sabotaged the work we did and now our children are languishing at home, they do not study. The government is not helping us, rather it is sabotaging us [...]. It is against us and we cannot fight with the government”.

The returnees value education very highly, and many share the perception that the life chances of their children are being wilfully limited by the authorities. This issue is a cause for much frustration amongst the returnees.

II.5. Healthcare

Approximately 78% of all the respondents reported that they could not access healthcare, usually due to the high costs of treatment. Both residents and returnees reported major problems with access to

⁷² IRIN (2011) *BURUNDI: Helping returnee students overcome language barrier*.

⁷³ Ibid.

⁷⁴ Ministry of Education staff, personal communication, October 2011.

healthcare, but only about half the residents complained that they could not pay for healthcare, compared to 83.5% of returnees. Indeed few returnees have opportunities to borrow money:

“Private clinics will help you but then keep you there until someone from your family comes to pay for your treatment”.

Some residents of host communities mentioned that they could sometimes access healthcare because “they were known” to the staff in the clinics, or they had social networks which allowed them to borrow money for treatment. Access to healthcare depends on “favours” or reciprocal support networks often described as “social assets”, something which many returnees have not yet been able to develop.

Returnees also complained that healthcare staff discriminated against them. A woman from Mabanda stated that when returnees go to the health centres:

“We are stigmatized as returnees and by the way we speak”.

Some returnees in Rumonge commune even reported that they had travelled back to Tanzania for treatment on occasion. Returnees in Bukemba for example reported that they had been promised free healthcare for a year, but either did not receive it or received it only for a few months before being asked to pay. In some cases, the respondent’s family members had chosen to stay in the one remaining refugee camp in Tanzania so that they could access healthcare, as access is so poor in Burundi. A man living in Nyanza Lac said that if he had the means, he would also return to Tanzania in order to access better medical treatment, and noted that, “many returnees decide to go back into exile” for this and other reasons. As noted above, these factors which push returnees back towards Tanzania, whether on a temporary or permanent basis, should be cause for concern.

II.6. Access to identity documents

While living in exile, refugees go through many milestones in their lives: young people graduate from school and gain college diplomas, couples get married, children are born, and members of the family die. All of these milestones are documented, and these documents can be of great importance in gaining access to education, jobs, land, and basic government services. These changes at the household and individual level have been documented according to the systems in place in their country of exile, and in the national language of the host country. Upon return to Burundi, the question arises of how these documents are acknowledged and accepted by the Burundian authorities. Additional questions arise in situations where documents have been lost or confiscated from refugees before or during the process of return⁷⁵.

About 68% of respondents report serious problems regarding access to, and use of, identification, professional, and education documents. Though a few residents have problems getting identification documents because of the costs involved, overall, they do not seem to experience major problems. Returnees, on the other hand, tend to experience significant problems. In Rumonge, of the 19 returnees surveyed about access to documents, only three had adequate access to the documents they needed. The majority of our respondents did not mention problems getting national identification cards, which in most cases were provided upon initial return to Burundi. However, marriage certificates, birth certificates, professional certificates and other documents were more problematic. Marriage certificates issued in other countries – particularly Tanzania – appear not to be recognised in Burundi, and returnees have to re-register their marriages upon their return. Some returnees refuse to do so, while others use this as an excuse to leave their wives and marry other women. A few women in Rumonge mentioned that men had benefitted from the legal uncertainty this causes to leave their wives and marry younger women. In Nyanza-Lac, two of the women respondents mentioned that their own husbands were unwilling to re-register their marriages in order to make them legal in Burundi.

This is a source of personal stress and family tensions, and can easily lead to other disputes (between wives and/or children and the husband, for example) over inheritance issues. It may exacerbate the issue of domestic, gender-based violence, which is a serious one for many women. This was

⁷⁵ In particular, those Burundians who have been forcibly returned from exile may have experienced violence or have been unable to collect their identification documents before being deported.

particularly evident in Giharo, where women report that the problem is not taken seriously by the authorities.

In addition, polygamy - which is legal in some of the refugee-hosting countries in the region - is illegal in Burundi. This puts “co-wives” in polygamous households in danger of being abandoned by their husband, without any legal protection. In some cases, Burundian husbands were reported to live in Burundi with their “main wife” but to return frequently to Tanzania to be with the “co-wives”. This is yet another example, along with the search for healthcare and employment, of the factors pushing returnees across the border. It should therefore be taken seriously by the authorities if they wish to see a stable returnee population, fully invested in Burundian society.

A couple of respondents mentioned cases of political interference in the process of document provision. A woman from Kayogoro said that:

“It is not easy because whenever you ask for a laissez-passer, they ask you the political party you are a member of”.

In most areas, repatriates who were in exile in Tanzania have more significant problems than repatriates coming from Rwanda and DRC. Authorities have refused to recognize papers from the camps in Tanzania and identity papers issued to returnees when they repatriated. In some cases, this has prevented the returnees from accessing employment. Those who repatriated from Tanzania are angry that they face these barriers while returnees from other countries do not. One respondent from Kibago insisted that:

“The government of Burundi should speak with the government of Tanzania because those from Congo and Rwanda do not have the same problems as we do”.

The 1972 refugees also have more problems than the returnees who fled Burundi in the 1990s. For example, many children born in Tanzanian refugee camps were forced to change their names (from Anglophone, Congolese or Kiswahili names to Kirundi names) upon repatriation, apparently because Burundian officials did not recognise their names and were suspicious that documents with Tanzanian names were not genuine or did not really belong to the returnees. Returnees whose names have been changed are unhappy because their names do not match their document papers and this regularly causes problems. In some cases, returnees have been given two slightly different surnames by the authorities due to mistakes made by the officials. This situation has caused some children to drop out of school, as their primary school diplomas from Tanzania are not recognised because they do not match their current legal name. This issue is not only a practical one, but is also directly relevant to ideas of identity and self-worth. People whose own names are seen as “unacceptable” in their home country are unlikely to feel welcome, while the feeling of having more than one name (e.g. on different identity documents) will doubtless engender a sense of having a divided self: a Tanzanian identity and a Burundian one.

Section IV. Rethinking Reintegration in Burundi

Some studies, mostly conducted several years ago, have concluded that the refugee return and reintegration process in Burundi has been broadly successful. These concentrated on the socio-economic issues facing returnees, and tended to ignore the aspects of returnee interactions with local communities and institutions, which are equally serious, if less immediately visible. The research carried out by Rema and its partner organisations reveals the extent to which returnees feel themselves to be segregated from various social and state structures, and the ways in which more complex and less tangible dimensions of the reintegration process – linked to reconciliation, justice, language, identity and inclusion – do not seem to have been adequately addressed by existing frameworks, and could seriously compromise the long-term sustainability of the reintegration effort. Now that several years have passed since the return of the majority of refugees to Burundi, it is time for the Government of Burundi, in collaboration with its partners, to conduct an extensive and in-depth review of the reintegration process. It may also be useful, in view of the findings presented below, to rethink existing definitions of the concept of “reintegration” itself, by including these fundamentally subjective dimensions, which could provide a more holistic and all-encompassing strategy for addressing reintegration.

I. Justice and Reconciliation

The results of land dispute resolution processes, and the broader reality of land scarcity, have been identified by many observers as potential sources of social tension and obstacles to returnees’ attempts at establishing sustainable livelihoods. Other studies have argued that the average level of discontent amongst parties to a dispute that has been resolved by the CNTB “is between medium and high”⁷⁶.

The problems highlighted by returnees during Rema’s research go far beyond a sense of dissatisfaction over the size of land parcels accessible to returnees and the fate of the rest of their occupied lands. Many returnees feel strongly about biases within land dispute resolution systems, and sense that the government of Burundi has been intentionally dishonest about its intentions to give the returnees their land and property back. These findings require that the Government and its development partners transform the debate over land, which is currently largely framed as a socio-economic issue, focused on the distribution of a finite amount of land. In view of the present findings, it is important that the government and other stakeholders treat land as more socio-political in nature. As pointed out by returnees in this survey, a key problem is the one-sided identity politics within dispute resolution and land allocation institutions. Returnees do not have an equal voice within these institutions. By contrast, local residents, who are often wealthier and have long-established personal ties with various decision-makers in these institutions, seem to be systematically favoured by them.

Many returnees frame the question of land as one of justice and reconciliation. The term reconciliation is to be understood here not as directly related to the acts of physical violence that have taken place, but more broadly. In linking reclamation of their land to the potential for reconciliation, returnees implicitly put those who have occupied their land into the category of “perpetrators of injustice”, and themselves into that of “victim”, notwithstanding any particular experiences of violence that the various households may or may not have experienced. Many returnees are adamant that the land-sharing policy is an obstacle to reconciliation. They see those occupying their land as committing an injustice with the support of the central government and local institutions such as the *Abashingantahe*.

One returnee from Mabanda summed up these sentiments as follows:

*“Reconciliation is a government slogan which is empty.
Reconciliation is not possible unless there is repair and restitution.”*

⁷⁶ Terra-P Group (2008). The study noted that, “Importantly, the evaluators did not have a case sample from Makamba. In all likelihood, the inclusion of that highly contentious province would increase the “grudge index” value.

How can I reconcile with somebody who knows that he is in my land and there is nothing he is doing about handing it back to me. And worse, he is backed by government institutions like the CNTB and the courts”.

Another from Nyanza-Lac also emphasised the land problem:

“How can I reconcile with somebody who has been exploiting my land for more than 35 years, has not compensated me for anything, and, worse, when I come I am asked to share it with him. He is indeed my tormentor”.

A returnee from Kibago said:

“As long as the impostors have not restituted our lands, reconciliation is a utopia”.

Other returnee respondents used terms such as “intruders”, “usurpers”, and “looters”, and referred to secondary occupation of their land as “theft”. A local administrator in Mabanda commune stated firmly that “*this is a potential danger which could generate war*”.

Respondents framed the question of reclaiming land as one intimately linked to feelings of ancestral belonging. A man from Mabanda said:

“For residents and returnees to live well and peacefully together, residents need to go back where they came from, and we get back our lands. In fact, he has to go where he left his umbilical cord, he has to go back there, we are on the land where we left our umbilical cord”.

Another returnee from Mabanda used the figurative phrase, “*nobody was born from a tree*” to argue that the family histories of each household are important: the household occupying his land originally came from elsewhere – and should reclaim their ancestral lands there, leaving him to reclaim his land. Another man from Mabanda argued that, just as the returnees who are *sans références* have to go to the authorities in order to have land allocated to them, so should “*those residents who came to inherit our lands and lie that they do not know where they came from*”.

Apparently, the idea of land sharing representing a source of inter-group tensions is shared by many of the residents. There is an “us against them” mentality, which leads to those residents who are willing to hand land back to returnees being stigmatized by their neighbours. A resident revealed:

“Here in Kayogoro I was the first resident who accepted to share with a returnee. I was defamed, insulted and called a betrayer [by other residents]”.

Similarly, a returnee told an interviewer about a resident who had witnessed in his favour in a land dispute:

“There is an old man we used to live well with, he was beaten up because he told the truth. He was showing the boundaries of different lands as left when we fled. He was considered a betrayer”.

These issues, far from being resolved by land sharing, are likely to persist, with many respondents vowing to contest the land-sharing process in the future, by administrative or legal means.

II. Language and Identity

Many returnees, particularly those who left in 1972, have difficulties understanding and speaking French and Kirundi. This linguistic divide is much more than a technical barrier to education and

employment opportunities, as is sometimes implied. Returnees find themselves unable to take part in court proceedings, meaning that language becomes an impediment to the pursuit of justice. But more importantly, it seems that school teachers and other important local figures have not been adequately trained or sensitised to understand the needs of returnees who do not speak Burundi's official languages. Returnee children going through the Burundian school system have dropped out not just because they have become frustrated at being forced to repeat classes, but also because they feel that no one in the school system is really supporting them. Returnees mentioned that rather than being sympathetic, some teachers were impatient, while others stigmatised returnee children. The language training that has been provided seems to be unrealistically brief.

The promises that were made to returnees in the early 2000s regarding the smooth integration of children into the Burundian system, even if it meant continuing the Tanzanian curriculum, have been broken. When returnee communities have attempted to use their own initiative and resources to open schools using the Tanzanian curriculum, they have received little support from the government and feel that the government purposefully undermined their efforts. Problems around language have therefore taken on a divisive character, reinforcing the idea of differences between the returnees and other Burundians, rather than becoming an area for cooperation and mutual learning⁷⁷. The direct impact on returnee families is serious, and includes the opportunity costs of curtailed education, the separation of families as some children return to Tanzania to seek schooling or jobs, and family disputes arising from disruption to children's education. The indirect impact on the Tanzanian economy should also be considered: thousands of school dropouts are likely to go into underemployment in the agricultural and unskilled labour sectors, rather than going into formal employment or starting their own small businesses.

III. Inclusion and Participation

The interviews suggest that those living in Peace Villages or Rural Integrated Villages are particularly likely to have negative perceptions of the reintegration process. These feelings are linked to the lack of land, a sense of geographical remoteness from more established commercial or residential centres, and a broader feeling of being marginalized and forgotten about by the government. One man in Kibago described Peace Villages like the one he lives in, as "*miserable ghettos*". They are contributing to a feeling amongst returnees that the government (and some INGOs) consider their problems to be "solved". The inhabitants often feel completely marginalised, as if they have been "dumped" in the countryside and forgotten about, in the words of one. Provision of housing, which has generally been successful, does not make up for the broader socio-political issue of "ghettoisation" and the socio-economic one of lack of livelihood options.

Returnees also regularly mention discrimination against them. Whereas another major survey found that discrimination existed only in "isolated cases", 13% of the respondents in the current survey reported widespread discrimination, distrust or generalised "tensions" between returnees and the resident community⁷⁸. This conforms to other studies that have found that although about half of returnees found that their relationship with host community residents met or exceeded their expectations, 18% expected a better reception from host community residents, and were essentially disappointed or concerned by their interactions with local residents⁷⁹. Rumonge, Mabanda, and Giharo communes were most affected by this. Respondents in Mabanda and Nyanza-Lac reported the greatest number of threats, acts, or fears of physical violence: 27%, more than a quarter, of all respondents replied that they or their close family members felt physically insecure. On average, just under 19% of the respondents felt physically insecure due to particular threats, conflicts, or the risk of violent robbery⁸⁰. Such respondents generally provided concrete examples of violence, or intimidation,

⁷⁷ In the context of Burundi's entry into the East African Community (EAC), it is not inconceivable that the language skills of the returnees, as well as their grasp of the Tanzanian curriculum, might be of some utility to the Government of Burundi's efforts to increase the mobility of Tanzanian labour across the (largely Kiswahili- and English speaking) EAC area.

⁷⁸ This does not include specific disputes between individual families or individuals over land, which are much more common. UNHCR-WFP, *Joint Assessment Mission of Burundian Returnees*, Burundi, 07-11 May 2007.

⁷⁹ Terra-P Group (2008).

⁸⁰ Many other respondents reported other kinds of insecurity, such as food insecurity, fears for their health, etc. These are not included as 'security problems' in this section. Here we focus only on the threat of violence due to disputes, robberies, etc.

which had affected them personally or their close family members or neighbours. This discrimination is partly linked to the lack of any systematic investigation of historic violence in Burundi, and related suspicion that some returnees might be former rebels. One man from Mabanda reported that:

“Even at the church, when people see you they say that we are betrayers, killers”.

Sometimes returnees are accused of being associated with groups which are still at war with the government, such as the FNL. Most of those respondents reporting discrimination were amongst the 1972 caseload or had been born in exile, but some of the 1993 returnees also reported discrimination. A returnee in Giharo stated that:

“These children are mocked that they are from the [Peace Village] site, hungry people, segregated, and despised”.

Many others reported that returnees were called “Tanzanians” or “UNHCR” by the host population. Even residents – such as a member of the local authorities in Kayogoro - stated that *“they were stigmatised as if they were not Burundians”*. In the minds of many returnees, the key obstacle to reintegration is not access to particular goods or services, but a feeling of acceptance as a full Burundian citizen by the government and by local communities. The question of feeling “Burundian”, and of being perceived by others as Burundian, reoccurs again and again in the interview transcripts. A woman in Bukemba asserted that:

“Government and NGOs should think about the repatriates [...] so that we may also feel that we are Burundians like any other Burundian”.

A man from Rumonge lamented:

“To be a refugee is like a sin, you become a slave, nobody speaks out for you, you look like an orphan, a fool”.

Several respondents summed up these feelings by saying: “*Umenga ntituri Abarundi*”: “It is as if we were not Burundians”.

More research should be conducted amongst residents to understand the root causes of this discrimination. A possible contributing factor, according to some of those interviewed, is a lack of adequate consultation with the residents by the government before the refugee return. Local residents said that they had not been informed, prior to the return of the refugees, of the activities that would be launched in order to manage the repatriation and reintegration process, particularly the land-sharing process. A returnee from Nyanza Lac also emphasised that:

“Before we repatriated we were sensitized. Those on the ground, in Burundi, were not prepared to receive us”.

Many respondents noted that there are few organised spaces for dialogue between returnees and residents, and asked that trainings, meetings or other activities be held in order to facilitate better relations between them.

IV. Confidence in the State

It should be of great concern to the Government of Burundi that many returnees directly blame the state for the problems they are currently experiencing. There are a number of specific sources of grievance that returnees draw attention to again and again.

Firstly, returnees contrast the promises made to them by government officials – particularly regarding land restitution – with their current situation. A man from Mabanda stated unequivocally:

“The promise made by the officials was very clear. Let people return what they have looted and peace will be in our land”.

Many of the returnees state flatly that the Government “lied” about the living conditions they could expect on return. Their analysis is that the Government purposely exaggerated the benefits they could expect in order to encourage the refugees to return. A returnee living in Rumonge said:

“It was hard to convince refugees who were well settled to abandon everything they had laboured for and repatriate to start life from scratch. That is why the government had to lie to us and lure us into repatriation”.

Returnees say that they were promised access to education by government officials who visited the refugee camps, and did not expect all of the problems arising from differences in language and curricula. Some returnees said that they were promised that their children would be able to continue to study according to the Tanzanian curriculum. A large number of returnees referenced the Arusha Agreement, arguing that the principle of restitution has been violated by the land-sharing programme. Returnees said that they had been promised that all their land would be returned. For their part, residents often feel that the Government let them down by promising land sharing to the returnees without adequately consulting local residents.

A second source of grievance is that the government has not adequately followed-up on the return and reintegration activities with monitoring visits or opportunities for returnee consultation and feedback. Returnees feel that the government and international agencies have prematurely declared the reintegration process to be complete, and that they now have few avenues through which to voice their grievances. A returnee from Nyanza-Lac phrased his sense of betrayal in the following way:

“They were just sensitising us to repatriate, and [then they] dumped us. Since we repatriated, nobody came to see us and monitor how the integration is going on”.

This sense of being abandoned by the Government is quite common. One man from Nyanza-Lac said that:

“The Government should at least visit the returnees to enquire of the challenges and problems they have, just as they used to come to refugee camps to sensitise us to repatriate”.

This feeling of abandonment is particularly acute amongst those returnees who returned spontaneously, without UNHCR facilitation, and who often feel sidelined from assistance programmes. They feel invisible and forgotten.

A third source of grievance is that the Government, or state employees (such as soldiers), are sometimes directly involved in land disputes with returnees. In some areas, such as Rumonge, extensive areas of land claimed by returnees have been used for government buildings or other state projects, and the process of claiming compensation can be very slow. The land which is provided in return is often seen as inferior in soil quality and geographic location, leading to bitterness on the part of the returnees. A respondent expressed the feeling of having no recourse against injustices committed by the state:

“The Government looted us so where shall we go to sue the Government? In which court of law?”

Where relatives of soldiers are involved in disputes over land, the soldiers sometimes intimidate the returnees. Several respondents mentioned specific episodes of violence against returnees at the hands of the military. A returnee in Giharo, for example, asked:

“When people who were supposed to protect me are the ones who contribute to kill me, what can I do?”

Another said that:

“Residents have their relatives in the police force and the army, and when they come they threaten the returnees to the point that some have opted to go back into exile”.

When people try to stand up for their rights, they are often oppressed. One respondent reported that a returnee who sued a private company which had taken over his land was imprisoned for a week, due to the influence of the company over the local police force. This adds to the returnees’ sense that the entire state system is against them.

A considerable number of returnees have returned clandestinely to Tanzania, whilst others are considering to make the move. Administrators have been approached with demands for travel papers to allow returnees to go back to Tanzania⁸¹. Although these demands are not granted, many households secretly move to Tanzania without the necessary documents. There are regular reports of Burundians forcibly deported from Tanzania after travelling across the border in recent years or months. Many of those interviewed said that the impulse to return to Tanzania is not only caused by socio-economic difficulties (such as lack of access to education, healthcare, or jobs) but also a sense that returnees have not been treated fairly by the government. As one respondent from Nyanza-Lac declared:

“We were cheated, lied to, and really if we knew for sure [what was going to happen] we would not have repatriated”.

The research strongly suggests that the majority of returnees are committed to staying and putting down roots in Burundi. Those who leave, whether temporarily or permanently, feel that they have been forced to do so by poverty and lack of access to employment and basic services.

⁸¹ Interventions by administrators attending the Rema Ministries workshop, Makamba from 4th January through 6 January 2012.

Conclusions and Recommendations

The research findings documented above cast doubt on the comfortable assumptions that reintegration is “on track” or has already been accomplished. Almost all of the returnees are disappointed by the way that they have been received in Burundi, and are bitter that many of the goods (especially land), services (especially education) and opportunities for employment they were promised have not been available. Ironically perhaps, those living in Peace Villages, which were specifically designed to provide a liveable environment for returnees, tend to be even more pessimistic about their situation than those outside the villages.

The issue of reclamation of land, which the Government has tried to address permanently through a process of land sharing, is not resolved in the minds of returnees nor in that of residents. This is linked to a broader issue of unfairness in the land dispute institutions and the justice system more generally. Once they have greater financial and socio-political resources, returnees are likely to struggle in whichever ways they can to reclaim what they see as “their land”. This issue is likely to become a key obstacle to the establishment of sustainable livelihoods as well as a stumbling block to returnees feeling that they permanently belong in Burundi.

The overall feeling expressed by the vast majority of returnee respondents in the survey is one of disappointment and anger. Some people are returning to Tanzania on a temporary or permanent basis, to access employment, land, or healthcare. There is a risk that this small-scale and temporary pattern will build over time, and might eventually become permanent. The problems that they experience in all of the sectors are seen as the result of the Government of Burundi choosing not to prioritise the returnees in the distribution of financial resources and the provision of socio-economic infrastructure.

The implications of these findings for the “politics of return” and the challenge of nation building in post-conflict Burundi are very serious. The mainstream narrative of a successful reintegration represents an oversimplification of a complicated and multifaceted process, which could end up doing more harm than good to the achievement of peace and stability in Burundi. In the complex and fluid context of post-conflict Burundi, where political tensions remain high and it is relatively straightforward to mobilise unemployed youth to violence, the implications of hundreds of thousands of “*disappointed*” people who feel “*cheated and lied to*”, who do not feel themselves to be fully accepted as Burundians, and whose children may not easily be able to finish school, could be highly destabilising.

The research did not explicitly ask returnees or residents about the ways in which their experiences of reintegration might contribute to future political tension or conflict. However, the feedback regarding the potential for reconciliation, as well as information on community-level and institutionalised discrimination, suggest strongly that the current situation is worrying. Not only do returnees experience generalised discrimination in some communes, but some individuals have also experienced intimidation and violence at the hands of police or soldiers (who are related to households occupying returnees’ lands), and others are treated with suspicion and hostility because of a perceived political affiliation. In the context of political tensions between the ruling and opposition parties, and intermittent episodes of politically motivated violence, such dynamics can easily become linked to national-level political violence.

There is an implicit assumption within existing research on reintegration that the risks of violence will diminish over time. However, this research suggests that it may be that the returnee children of today will become radicalised, as the meagre landholdings that their parents have reclaimed become divided up into tiny, worthless parcels, and they see their livelihood options gradually diminishing. Sensitive indicators should be developed by conflict specialists and should be mainstreamed into broader assessments of community development and returnee reintegration in order to assess the risks of conflict, whether immediate or long-term.

This research should not be considered definitive, but should rather be seen as the start of a much-needed process of critical evaluation of the reintegration experience. Rema and its partner organisations call upon all agencies working in areas in which significant numbers of returnees are found to systematically examine the issues raised in this report. It is important that existing ideas of reintegration, dominated by socio-economic indicators, are broadened to include social and political factors, and less tangible dimensions linked to identity and belonging. It is much too early to make definitive statements regarding the sustainability of refugee return, but the warning signs are clear. Much more should be done, particularly by the government, to ensure that the specific needs of returnees are met to the greatest extent possible.

This report recommends that⁸²:

- A more comprehensive form of consultation and participation, which involves returnees in the design, monitoring and evaluation of resettlement and reintegration programmes, be envisaged to avoid some of the problems reported by the returnees.
- More research be conducted into the ways in which the land issue can be defused through revision of decisions over land perceived to be unjust, provision of alternative sources of livelihood, and improved dialogue between returnees and residents at various levels.
- The Government of Burundi and its development partners transform the debate over land, from one that frames it largely in socio-economic terms (focusing on distribution of a finite amount of land), to one that considers it as more socio-political in nature.
- Further research be conducted into the number of returnee children who have dropped out of school due to the combined problems of language and curricula differences, and particularly the number of children who have returned to Tanzania as a result. Research could also be conducted into the ways in which the language skills and experiences of returnee children could be re-conceived as opportunities for learning by resident children and teachers, within a context of the on-going integration of Burundi within the East African Community, especially the potential labour mobility of Burundians. The experiences of returnee children should be valued, rather than ignored.
- Much more research be carried out in the food security problems that seem to be acute in the Peace Villages visited during this survey, as well as the broader questions of sustainable livelihood options.
- Return movements to Tanzania be monitored closely. It is important, however, that any data on cross-border movements is not used to punish those who have entered other countries illegally.
- Alternative options for Burundians still in Tanzania and/or for those wishing to return to Tanzania be envisaged. This could include exploring options within the framework of the East African Community, that might guarantee a right to residency and employment in Tanzania.
- Sensitive indicators be developed by conflict specialists and mainstreamed into broader assessments of community development and returnee reintegration in order to assess the risks of conflict, whether immediate or long-term.
- International donors reconsider their decision to withdraw from Burundi and support the Burundian Government in assisting a durable reintegration process for all returnees.
- Existing national and international policy frameworks broaden their definition of “reintegration” to include a wider range of indicators linked to longer-term reconciliation, identity, language, trust and belonging.

⁸² More specific recommendations and suggestions were developed by key stakeholders (representatives of local returnee associations involved in the research, as well as local authorities from the seven communes in the sample) in response to the preliminary report presented at the participatory meeting organised by Rema Ministries in Makamba, December 2011. These suggestions are presented in Appendix 4.

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Appendix 1: Brief background information on the research areas

Rumonge Commune is situated in Bururi province alongside Lake Tanganyika. Rumonge has very fertile soils and a good road network, and is very economically important. Following the 1972 violence, many thousands of hectares of land and other properties belonging to refugees in Rumonge were redistributed to other people by the government. In particular, many thousands of hectares of fertile land that had been abandoned by refugees were taken over by the government, which developed commercial palm oil plantations on the land and then redistributed the parcels to other individuals and households. Many of these valuable parcels have since been re-sold to third or fourth parties, while others are leased by third parties. The government still legally owns these plantations but the households who manage them control the profits. The original parcel boundaries are no longer visible, as the government constructed roads through the plantations and settled the population in urban villages with electricity and water. Returning after over 30 years in exile, returning refugees find it impossible to reclaim their land, as the original boundaries of their plots cannot be identified and people who were their neighbours in 1972 have often moved elsewhere or have died. Likewise, it is difficult for returnees to reclaim their houses which now represent a major source of financial revenue for those who control them. Even before the massive return of refugees in recent years, the Rumonge palm oil plantations have been hotly contested and were the subject of several land commissions, many of which were accused of corruption.⁸³ Because of this situation, there are thousands of landless people in the commune, many of whom live in the Peace and Rural Integrated villages.

Nyanza-Lac commune has some similarities with Rumonge. Situated alongside the lake, this commune is also very fertile and economically significant, and it is the most populous commune in Makamba province. Today, the population of Nyanza-Lac is thought to be bigger than the rest of the five communes of Makamba province put together. Many returnees originating from other areas chose to settle in Nyana-Lac because it potentially offers more opportunities for economic reintegration. There is therefore very high demand for land and other sources of livelihood. Like Rumonge, Nyanza-Lac is the site of several Rural integrated villages created to provide housing and livelihood options for landless people.

Mabanda is also situated in Makamba province. It borders Tanzania. Commerce is facilitated by a good road network, and there were many successful businessmen in Mabanda before the 1972 violence. The commune is home to thousands of 1972 returnees, and there are many disputes over land and houses. Members of the Pentecostal church are among those who are accused of having taken land belonging to returnees. Mabanda is also a home of one of the oldest Peace Village in the country.

Kibago commune borders Mabanda. Kibango is known for violent land conflicts which opposed returnees against members of 'host communities' who migrated in past years from the high plateaux of Bururi, Muramvya and Mwaro. Kibago Commune hosts one Peace Village.

Kayogoro commune is also at the border of Makamba province and Tanzania. There are many cassava plantations in the commune, which have created significant economic opportunities for the population. Many returnees in Kayogoro were refugees from the violence of the 1990s and were formally in exile in Mtabila, Tanzania. The returnees mostly prefer to live in urban centres rather than villages.

Bukemba commune (Rutana Province) is on the border of Tanzania. Many of the fertile parcels in the commune (including those belonging to returnees) were converted into government land, in the 1970s and 1980s allegedly without fair compensation to the original owners. The areas claimed by the state were transformed into sugar plantations and the sugar processing factory, SOSUMO; national agricultural research institute (ISABU); and *paysanats* (uniform agricultural parcels, which were distributed to farming households). Bukemba was also the home of Rwandan refugees who came to Burundi in 1959 and 1994.

⁸³ See e.g. Kamungi et al (2005).

Finally, Giharo commune (Rutana Province) is the largest commune in Burundi. It received most of the 1993 returnees from all over the country who did not want to go back to their home areas. Thus many semi-urban centres have been developed in this commune, such as Muzye and Rubaho. This commune also received a significant number of 1972 returnees, some of whom found that their land had been redistributed by the state to immigrants from the northern province of Kayanza. Giharo also hosts two Peace Villages.

Appendix 2: Summary of the Quantitative Results of the Survey

The overall findings, aggregated across all communes are as follows:

Issue	Proportion of respondents who report serious problems	Communes most seriously affected
Security	19%	Rumonge, Nyanza-Lac, Mabanda
Housing	28%	Nyanza-Lac, Kayogoro
Access to land	70%	Giharo, Rumonge, and Nyanza-Lac
Access to Healthcare	78%	Rumonge, Mabanda, Kayogoro
Food security	77%	Rumonge and Giharo
Access to Drinking Water	75%	Rumonge and Kayogoro
Access to Education	50%	Kayogoro and Kibago
Access to Employment Opportunities	79%	Mabanda, Rumonge, Nyanza-Lac
Access to Justice	76%	Rumonge, Nyanza-Lac, Kayogoro
Documentation	68%	Nyanza-Lac, Rumonge, Kayogoro and Mabanda

Appendix 3: Interview Sample Criteria

In total, 216 people were interviewed in the seven communes, including returnees, residents, and representatives of government ministries, the CNTB and INGOs. Respondents were selected randomly and the sample was then adapted in order to maintain a balance in the following set of criteria:

- Sex: the intention was to interview mainly 'heads of households', so the majority of respondents were male. In order to reflect gender differences in the experience of return itself, a significant proportion of people interviewed (32%) were female.
- Age: An approximately equal proportion of young and older persons were interviewed. While older people are likely to remember where their land was located prior to their exile, young people may not know where their parents' land was located and therefore fail to claim it.
- Geographic area: respondents were selected from all zones in each of the seven communes, apart from two zones in Rumonge which could not be covered due to the size of the commune.
- Areas of (re)settlement: interviews were conducted with returnees who were settled on their original land, returnees settled in Peace Villages and Rural Integrated Villages, landless households unable to recover their land or who were landless prior to their flight from Burundi, as well as with returnees still living in transit centres (*Centres d'hébergement temporaire*).
- Specific vulnerable groups: respondents included inhabitants of Peace Villages, Rural Integrated Villages, widows, and disabled people.
- Returnees and host communities: While the majority (79%) of respondents were returnees, a number of members of the host community were also interviewed. This allowed for comparisons between returnee and resident perceptions.
- Mode of return: Respondents included returnees who had been assisted by UNHCR, and those who had returned spontaneously without receiving any official assistance.
- Date of exile: the sample included roughly equal proportions of returnees who had left Burundi in 1972 (or who had been born in exile) and those who had left in the 1990s. A smaller number had left Burundi in the 1980s.

Appendix 4: Rema Ministries' Partner Associations in Burundi

Bururi Province

URB (Union des Rapatriés Burundais) - Rumonge Commune

Dukundane Barundi - Rumonge Commune

Makamba Province

Iriakanabu - Nyanza Lac Commune

PEACE - Mabanda Commune

Turiku Rutonde - Kibago Commune

Humuriza – Kayogoro Commune

Rutana Province

BIVI – Bukemba Commune

Twungubumbwe-Dushirehamwe – Bukemba Commune

Iriakanabu – Giharo Commune

Twungubumwe – Giharo Commune

Appendix 5: Recommendations and Suggestions from the Makamba Workshop, December 2011

To the Government of Burundi specifically:

- In order to avail arable land for landless and land-poor returnees and landless residents, valleys should be drained (following social and environmental impact assessment) and made viable for agriculture.
- Small scale loan schemes should be established to help returnees and other residents who are disadvantaged.
- All the repatriates should be considered as eligible for assistance, whether they returned spontaneously or were repatriated by UNHCR. Spontaneous returnees should be included in assistance programmes.
- Available data on vulnerable people, especially the spontaneous returnees, is insufficient. The Government should establish a list of vulnerable residents and repatriates at the communal level so as to facilitate effective planning and interventions.
- The Government should ensure the physical security and food security of the repatriates and residents during the period of pursuit of their lands and properties (whether in the courts or through the CNTB or other institutions).
- The CNTB should set up a comprehensive monitoring and evaluation system as well as a team which can follow-up on problems, in conjunction with civil society organisations like Rema Ministries. This will help to manage tensions and ongoing disputes.
- The CNTB and the Government should make concrete plans for compensation for those who have lost land and possessions. The symbolic compensation which has been suggested by some in government cannot replace adequate financial compensation, especially for those who do not have alternative (off-farm) livelihood options.
- The government should initiate a voluntary health insurance scheme for the whole population. Currently, most people gain access to treatment and medicines through cash payments or social connections which repatriates don't have.
- The government should decentralize some key health services covering the most common ailments to bring them closer to people in the rural areas.
- Health infrastructure should be increased, facilities should be better equipped and more trained nurses and doctors should be recruited
- It is a common misapprehension that the key issue in returnee education is the language barrier. However, returnees have to deal with a completely different educational system in addition to different languages. A review and upgrading of services available to returnee students should be conducted, concerning all the subjects in the curriculum.
- The Government should encourage the integration of Burundian labour into the East African Community by allowing returnee students to retain English and Swahili as they are useful languages across the entire region. The government should therefore allow returnees to provide education to their children using the Tanzanian syllabus. The government should identify ways to use returnee language skills to add value to the country and increase its labour potentials across the East African Community.
- The initiation of vocational schools should be encouraged and supported.
- The government should validate academic diplomas received abroad, give equivalent papers and decentralize the educational diploma service which is currently located in Bujumbura.
- Returnees who studied in Tanzania and other countries and who want to work in the health sector have to arrange for an internship, which can be done in only a few selected hospitals across the country. Instead, practicum and internship should be decentralized to all the hospitals in Burundi, and the government should support the students during their internship.
- The allegations made by survey respondents that religious and para-government institutions have grabbed land from (former) refugees should be investigated further to establish the truth and quantify the magnitude of the problem.
- Currently, the Burundian government does not give legal status to returnees' marriage certificates and some other documents. The Government should reverse this policy and

recognize other identity papers and certificates that have been issued by neighboring countries.

- Because some host countries like Tanzania legally recognized polygamy (which is illegal in Burundi) the government should consider granting special legal status to polygamous returnee families.
- Many refugees who had acquired Tanzanian and Congolese names in exile had them changed by non-competent authorities which sometimes did not follow the law. In such cases, returnees should be able to revert to their former names.
- Judges sometimes demand illegal 'per diems' before going to the field to judge cases. This per diem is paid by the parties in disputes, a situation which can pervert justice and which puts returnees at a disadvantage, as they find those charges very high. It is recommended that Judges who ask for 'per diems' be punished according to the Burundian law.
- The 5 elected Bashingantahe at the colline level (regulated by the communal code) should be salaried or given incentives by the government to encourage them as they do a lot of work. This would reduce the money or beer which they charge the parties to a dispute before hearing their cases.
- The policy on 'rural integrated villages' should be implemented only where it can be shown that potential residents support the idea and viable livelihoods options (agricultural and off-farm) can be sustained over time.

To International and Local Non-Governmental Organisations

- Civil society organisations should train parties in conflicts about the correct procedures for reclaiming land and properties, and should provide para-legal assistance to those who are not able to claim their property. Participants in the Makamba workshop requested Rema Ministries to conduct such training.
- Some administrators and local opinion-leaders do not know the national policy governing displacement and reintegration issues, and consequently, it is difficult for them to evaluate the success of the policy or to fully understand the rights of refugees. NGOs should work to disseminate this policy.
- NGOs that build houses for the repatriates should also provide housing to vulnerable residents in order not to create tensions between returnees and local community members. However, these NGOs should sensitise and create awareness among both the residents and the returnees that the first responsibility for building houses is theirs, in order to avoid a 'dependency syndrome.'
- A comprehensive analysis of the Land Law should be conducted in order to identify ways in which it might facilitate better resolution of land disputes related to refugee return.
- NGOs working on returnee issues should train the associations formed by repatriates so that they can better advocate and speak for themselves.
- Associations of the repatriates should be provided with funding and support to develop the means to enable them to speak and advocate for themselves.
- Associations, NGOs and clinic centres should train people in nutrition, food storage and conservation, in order to reduce food insecurity.
- In coordination with the government, efforts should be made to improve the availability of safe water to communities.
- The 'customary' Abashingantahe (not the colline-level ones) should be regulated as a civil society organisation and should be regulated so that they do not ask the population to compensate them for helping to resolve the conflicts. INGOs should consider initiating some forms of regulation and support (i.e. capacity-building).
- More research is also required into the reasons why some repatriates opt not to return to their provinces of origin, but prefer instead to resettle in other provinces, particularly Makamba, Bururi and Rutana provinces. A thorough investigation should be carried out to establish the reasons why some returnees are choosing to go back into exile, and the implications of this for their families and/or for community-level integration.
- Regular meetings should be held between local residents, repatriates, and local administrators in order to discuss issues arising in the community and to sensitise them on the needs of living together peacefully and ironing out differences amicably.

- Interviews show that some returnees do not know where to go in order to seek solutions for their problems. Awareness-raising systems should be established to inform the repatriates of available options for assistance.
- In the context of large-scale grabbing of public land (reported in interviews and identified as a common problem across the country), those who have grabbed state land should be forced to reconstitute land to the government so that it may be allocated to the returnees and landless residents.
- Because of the extent and depth of land scarcity, competition for land, and feelings of injustice around land-sharing, a thorough study should be conducted on where and how the government should compensate those who are entitled to being compensated under the Arusha Agreement and the Great Lakes Pact. The findings of this study should be used to develop a clear policy on the matter. For example, it is suggested that the Government purchase idle parcels of lands from large-scale landowners and re-allocate the retrieved land to the landless people, whether returnees or landless residents affected by land-sharing and other government actions.