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THEME V: REFUGEE QUESTION, IDENTITY AND CITIZENSHIP

The Question of the Expulsion of Banyarwanda from Tanzania,
by Prof. Charles GASARASI

There are six categories of Banyarwanda who settled in Tanzania for different reasons:
Some individual families which fled the country after falling out with traditional rulers, particularly chiefs, mainly in the 1920s and 1930s.
People who fled colonial harshness e.g. forced labor, flogging, taxes, etc.

Refugees of 1959 through the 1960s and 1970s (20,000-30,000). Most of these were placed in formal rural refugee settlements in Kagera, Tabora and Rukwa regions of Tanzania.
Economic migrants of the late 1970s-early 1980s under the Habyarimana regime.

The massive wave of the 1994 refugees (460,000-750,000). Most of these were repatriated "en masse" in 1996. There were remnants after this mass repatriation and their numbers grew as new refugees fled Rwanda subsequently. Their numbers reached a high of 23,677 by the time their repatriation was completed in 2003.
There is a mixed bag of other Banyarwanda who migrated to Tanzania over the years, even before independence, for a variety of reasons: women married to Tanzanians, agents of missionary establishments, students supported by relatives living in Tanzania, small business people, etc.

Many in categories 1, 2 and 6 who had not been keenly following the evolution of Tanzania’s immigration and citizenship laws complacently believed they had automatically acquired Tanzanian citizenship by virtue of their pre-independence arrival and settlement. They were wrong.

Those in categories 3 and 4 who were around at the time of mass naturalization and could not get naturalization for a variety of reasons fell into illegality if they did not obtain residence permits.

Those refugees in category 5 who did not repatriate as part of the organized repatriation programs mounted between 1996 and 2003 and who have not obtained legal immigration papers have been rendered illegal immigrants since the tripartite signing of the 1951 Refugee Convention cessation clause in 2003.

Since the days of refugee settlements in the 1970s, some Tanzanian authorities, particularly Settlement Commandants, began to harass refugees even though at the time they had no illegal immigrant status.

Such seemingly benign, isolated and jocular attitudes seem to have sawed the seed of a more pronounced antipathy against Banyarwanda particularly those of Tutsi descent. This antipathy has in more recent years been observed among a wider circle of the politico-administrative class of Tanzania. It has also occasionally surfaced among some ordinary people in the form of bigotry.

In recent years, formal round up operations against real and alleged Banyarwanda illegal immigrants have become frequent in Kagera region where most of them reside. The last operation (2006) was authorized by the Prime Minister himself.
Tanzania justifies its operations to crack down on illegal immigrants on several grounds. The most common are: illegal immigrants (Banyarwanda being many in Kagera region) are major culprits in murders, armed robberies, cattle theft, poaching of wild game, attacking vehicles on high ways, attacking villages and stealing foodstuffs, unlawful possession of arms and armaments, illicit trade in arms, and environmental degradation caused by overgrazing.

Banyarwanda who have experienced the frequent round ups and subsequent repatriation have expressed complaints and allegations. The most common are: confiscation of their herds by local authorities (immigration officials, police, and other predatory authorities) ; confiscation of their money by the same; beatings; burning of their houses; asking them to give bribes in order to get legal immigration papers; tearing of their legitimate immigration papers if they don’t accept to pay bribes; forcing them to leave their properties behind; causing family separation; blacklisting of those who submit complaints to the Sub-Joint Technical Committee; reluctance by Tanzanian authorities to expedite the processing and verification of legal immigration papers, and expulsion of some who fulfill immigration conditions.

The benign anti-Tutsi/anti-Banyarwanda sentiment that began in Tanzania in the 1970s smoldered on slowly without any overt expression until the end of 1990 when the RPF launched the war of liberation. The war marked the beginning of a new political -ideological offensive on the part of the Habiyarimana regime through the agency of his sponsored collaborators mainly in Tanzania and the DRC. Some political genius invented the Hima Empire thesis and it spread like bush fire in the region and beyond.

In Tanzania, the political “gurus” tried to illustrate the veracity of their unfounded Hima Empire thesis by falsifying the plight of Banyamulenge in the DRC as proof of the Hima Empire thesis. These political “gurus” told the people that Banyamulenge had withdrawn their allegiance from the state of the DRC and transferred it to their original Rwanda, soon to be an important pillar of the Hima/Tutsi Empire. In the midst of this propaganda, and insinuating that naturalized Banyarwanda, particularly the Tutsi, and Tanzanian nationals of Tutsi descent have no real allegiance to the Republic, they coined the term “the Bizima Karaha syndrome”. This perception spread quickly down to the grassroots. The Hima/Tutsi Empire campaign reached its xenophobic proportions in 1994 when the RPF took over Kigali. The propaganda worsened when Rwanda took part in the DRC war and succeeded. The Hima Empire thesis seemed to be a reality, and Banyarwanda began to be regarded as a real threat in the region.

There are other factors that did fuel the drive to expel Banyarwanda during the period 2000-2006. Some laws and policies that had just been passed in Tanzania had inculcated new ways of thinking and responding to new needs and priorities: the Land Act, 1999 and the Village Land Act, 1999 both heightened people’s consciousness and hunger for land; the Agricultural and Livestock Policy, 1997 which emphasizes environmental conservation in rural areas and the National Wildlife Policy. 1998, both were bound to bring Banyarwanda pastoralists and their grazing practices (including in game reserves) under close scrutiny. The
economic malaise prevailing in Tanzania during the period under discussion (rising costs of living, food shortages, droughts, etc.) fuelled intolerance of Banyarwanda perceived as illegal aliens.

Both countries Tanzania and Rwanda handled the problem raised by the recurring rounding up and expulsion of Banyarwanda with a quiet diplomatic style: no public condemnations, no formal exchange of protest notes, no sanctions, no recall of ambassadors, etc.

A multi-track diplomacy approach was developed. Lines of communication seem to have been kept open between the Heads of State (mutual state visits, use of special envoys, etc.) and these Heads of State kept themselves seized on the matter in other ways. Good Neighborhood meetings were frequently held between the Governors of the then Kibungo Province and Kagera Region with the occasional participation of the Governor of Umutara Province. The problem of repatriation was often negotiated at these meetings.

Practical matters relating to resolving the problem were negotiated and implemented by task forces created by both sides. The work of these technical teams has helped to grease the wheel of diplomacy by performing tasks such as: sensitizing Banyarwanda to repatriate, registration and compilation of data relating to statistics of both persons and their properties, investigation of allegations of confiscated property and other abuses, designing and implementing workable logistics for the repatriation exercises, etc. The Teams' negotiating ability has also led to innovative forms of bilateral cooperation in the repatriation exercise.

The round up operations, the expulsions and the alleged abuses in Kagera region, seem to have taken place without the full knowledge and oversight of national level authorities in Dar es Salaam. All that was needed was the collusion of the huge powers of the Regional and District Commissioners, the tremendous powers of police and immigration officers, the great influence of defense and security committees at all levels, and that of the local authorities and local politicians, to successfully pull off dangerous operations of very dubious legal credibility.

The rounding up and expulsion of Banyarwanda from Tanzania seems to be nearing completion. Efforts made to resolve the problem are paying off. However, throughout Kagera region a new problem has been born. The same local leaders who were expelling Banyarwanda have now turned to campaigns against their repatriation. This is surprising but there is a logic to this move. The departure of poor illegal immigrants means loss of cheap labor; the departure of rich pastoralists means loss of handsome money contributions to local development projects, cheap milk and meat, etc.; the departure of both categories means loss of bribes income to corrupt local and other levels of leadership. But both countries have come a long way in succeeding to solve the Banyarwanda repatriation problem. They cannot fail to resolve this one.