

**THE RIGHTS OF REFUGEES: THE INFLUENCE OF REGIONAL AND
INTERNATIONAL TREATIES IN AFRICAN COUNTRIES**

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ABSTRACT

This article critically examines the relationship between democracy, state sovereignty, and the protection of refugees' rights in Southern Africa, with particular focus on Zambia, Angola, and the Democratic Republic of Congo (DRC). Drawing on Hannah Arendt's theory that rights are secured through membership in a political community, it interrogates whether refugees excluded from the *demos* can meaningfully enjoy human rights protection. The study analyses restrictions on freedom of movement and political participation, especially the right to vote, under domestic refugee laws and international instruments including the 1951 Refugee Convention, its 1967 Protocol, and the OAU Convention. While Zambia and Angola maintain reservations limiting refugees' freedom of movement, the DRC presents a contrasting yet complex case of formal legal guarantees amid weak democratic structures. The article argues that state sovereignty often operates as a barrier to the full realization of refugees' rights, reinforcing political exclusion despite states' international obligations. However, the existence of regional and international refugee frameworks challenges Arendt's assertion by demonstrating that rights need not depend exclusively on political membership. The paper concludes that only a democracy genuinely grounded in human rights principles can ensure effective protection of refugees, and it recommends stronger domestication and implementation of international refugee law within host states.

Keywords: *Refugees; Democracy; State Sovereignty; Freedom of Movement*

INTRODUCTION

One theorist, Hannah Arendt, highlights that human rights only become meaningful when they are recognized in a political society and that legal rights depend on the membership of individuals to a political community. Therefore, suggesting that only those with political sovereignty are capable of solidifying their human rights. She concludes that those excluded from political communities do not have citizen rights to protect them and therefore in reality are left with limited rights.⁴⁰ So, according to Arendt's theory, individuals' membership into the country's political community allows them to solidify their rights as citizens in the country because it gives them the power to address issues pertaining to the protection and provision for their rights in the country by choosing leaders they believe will uphold their rights and freedoms through the social contract. Whereas, refugees do not get such a luxury as they have no one to address their concerns to without the existence of a social contract with the state. Therefore, they are left with only their most basic rights and needs provided to them as dictated by the masses. Consequently, despite the world going through a massive growth in human rights regimes with women, children and people of colour's rights now being recognized, some individuals rights – refugees - remain an anomaly of this flawed paradigm of democracy in which citizens right are the only rights that seem to exist. Refugees' rights and freedoms are therefore, according to Arendt, barely recognized before those of the citizens even though refugees make up a large proportion of the people of concern with whom human rights were intended to protect.

In Zambia, for example, encamped refugees inside refugee settlements have restricted rights to the freedom of movement. Most refugees are required to get permission and acquire a movement pass from settlement authorities in order to leave the settlement camp. Any refugees found outside the settlements without their movement pass or without permission from the authorities are subjected to the risk of getting arrested and detained by the state police.⁴¹ In Angola, although the freedom of movement for refugees is guaranteed, it also comes with limitations set for reasons of public safety.⁴² The 2015 Law 10/2015 states that refugees need to get permission from the settlement authorities to be able to leave their camps.⁴³ Although, the IRRI has reported that despite the existence of this provision in the law, there are no mechanisms in place for this to happen. Besides the fact that some refugees from the Lóvua Settlement have permission to travel to the towns of Dundo, Chitato and Ngazi, they are still required to get governmental permission to leave the province.⁴⁴ The UNHCR, U.S Department of State, the IRRI, Other NGOs and refugees have also

⁴⁰ Hannah Arendt, *The Origin of totalitarianism*, New Ed. Harvest Book (Harcourt Brace Jovanovich, 1979) 299.

⁴¹ The Refugees Act No. 1 (n44) Section 63(a).

⁴² Law on the Right of Asylum and the Refugee Status (n46) art 41.

⁴³ Law on the Right of Asylum and the Refugee Status (n46) art 31.

⁴⁴ Movement Restricted: Congolese Refugees in Angola (n103) 5.

testified on the restriction of the freedom of movement for refugees in Angola especially those in the Lóvuá Settlement and Dundo Town.⁴⁵ Reports have described the atrocious treatment of refugees by the State Police including arbitrary arrests and detentions during periodic roundups. Refugees have also recounted events in which they have been restricted from the freedom of movement outside the settlements.⁴⁶

Whether refugees should have the unrestricted right to move freely within the host country is a topic that has stirred up much of a debate. The 1951 Convention and its 1967 Protocol explicitly provide for the right of refugees to move freely within the host state's territory and to choose their place of residence under Article 26. Angola and Zambia, unlike the DRC, have expressed their reservation to this right. Specifically the right for refugees to choose their place of residency in their territory. The OAU Convention, on the other hand, does not even touch on the topic of refugees' freedom of movement in host countries. The IRRI has criticized and advocates for refugees' rights to the freedom of movement and against encampment. It asserts that encampment is an obstacle to refugees' freedom of movement and that camps and settlements;

“reinforce the marginalisation of refugees and asylum seekers by restricting them to isolated environments. This in effect challenges their local integration and creates both personal as well as socio economic barriers in their ability to determine a well-rounded and healthy quality of life.”⁴⁷

It is therefore clearly evident that the restrictions on refugees' rights to freedom of movement, in comparison to Zambia and Angola's citizens, are being violated. Whereas Zambian and Angolan citizens have the comfort, through an institutional arrangement in which their common goods - the freedom of movement - are realized through the election of individuals who would carry out their will, refugees would otherwise not have the same luxury from the state without international interference.⁴⁸

It should be noted, however, that DRC's regulations on the freedom of movement, on the other hand, is surprisingly more appreciative of the right, regardless of the fact that it has the poorest democratic regime amongst the three countries. Despite the issue that most refugees' rights to the freedom of movement are compromised due matters of security in the country, the UNHCR reports that the right to freedom of movement is guaranteed for refugees in the country. The Government

⁴⁵ U.S. Department of State, 2019 Country Reports on Human Rights Practices: Angola (2019) 13 <[Angola - United States Department of State](#)> accessed 27 June 2021.

⁴⁶ Movement Restricted: Congolese Refugees in Angola (n103) 6.

⁴⁷ 'Freedom of Movement for Refugees' (International Refugee Rights Initiative)< [Freedom of Movement for Refugees – International Refugee Rights Initiative : International Refugee Rights Initiative \(refugee-rights.org\)](#)> accessed 16 June 2021.

⁴⁸ Schumpeter (n24).

does not prevent refugees who would like to and choose to resettle in the host communities from moving out of the settlements, provided these are sufficiently far from the border and do not pose a security threat for refugees themselves or the host country.”⁴⁹

Most countries have signed and ratified the Declaration on Human Rights, therefore, the protection of human rights is mandatory for all regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁵⁰ Therefore, the protection of individuals’ rights, by the state, are not limited only to citizens who are part of the state’s social contract, but its duty to protect individuals rights exists regardless of whether they are citizens or refugees. Furthermore, the development of the refugee conventions has reinforced the protection of refugees’ fundamental rights addressing their needs and protection directly. Agreeably, some rights like the right to freedom of movement are not awarded to refugees in Zambia and Angola, but as earlier mentioned, such restrictions have been set for reasons of public safety.⁵¹ More importantly, most of their fundamental human rights such as the right to life, the right to freedom from torture and inhumane treatment are protected by the state. Besides this, nationals are extremely welcoming to refugees especially in Africa. This is due to the fact that in most cases refugees come along with international support, that correspondingly also provides services and goods in host communities, such as education, employment, self-reliance opportunities and health care. Therefore, the existence of refugees in the country also reinforces the protection and provision for citizens’ rights within host communities. Following this logic, the existence of international human rights and refugee instruments refutes the concept that individuals are required to be members of a political community or part of a political society in order to have their rights protected, hence challenging Arendt’s theory.⁵²

It should be a point to make that firstly, with the consent of the demos, the adoption of the refugee conventions is only possible in a democratic society. That is, through an institutional arrangement (the Government) in which political decisions (the decisions to give effect and or to implement the conventions into their state laws) are made and individuals make autonomous decisions through the elections that would carry out the will of the masses, resulting in individual and group liberties and promoted development.⁵³

Secondly, despite the existence of the Declaration on Human Rights, the 1951 Convention and the OAU Convention on refugees, the problem of state sovereignty materialises.

⁴⁹ Democratic Republic of Congo Country Refugee Response Plan (n112) 6.

⁵⁰ Universal Declaration on Human Rights (n13) art 2.

⁵¹ Law on the Right of Asylum and the Refugee Status (n46) art 41.

⁵² Hannah Arendt, (n126) 299.

⁵³ Schumpeter (n24).

4. The Right to Vote and State Sovereignty

McLoughlin has made a note on how democratic states rest their sovereign powers on the need to protect their citizens by producing extreme forms of political exclusions that abstract frameworks of human rights are unable to address.⁵⁴

For example, the right to vote for refugees has been a controversial conversation for many years. This is because of individual's negative perception and attitude towards refugees' involvement in their political and security interests. It would be unconscionable to have foreigners or aliens – refugees - involved in the decision making process, regarding the entire nation's political and security matters. Although international law does not grant refugees the right to vote, it is at the state's discretion to allow refugees to participate in their elections and vote.

The ICCPR grants citizens in a country the right to vote and stand for public office but this right has not been extended to aliens and thus refugees in the country are not entitled to this right.⁵⁵ The 1951 Convention and the OAU Convention on refugees do not make any provisions for the political rights of refugees. Although, the conventions do state that refugees are required to respect the laws of the host country for reasons of maintaining public order.⁵⁶ Meaning that host countries have the right to limit and restrict the activities of refugees in their territory and most particularly the rights to vote with the exception of those that have acquired citizenship in a country.

This demonstrates how states use democracy and the protection of their citizens' rights as an excuse for state sovereignty to promote 'extreme forms of political exclusions.'⁵⁷ Therefore, although most countries are signed to the Declaration on Human Rights the 1951 Convention and the OAU Convention on refugees, refugees do not, in reality, have the full protection of their rights through international human rights legal instruments.⁵⁸ Referencing Giorgio Agamben, McLoughlin highlights the shortcomings of human rights organisations in resolving the issue of statelessness by failing to confront 'political drivers' in their production of statelessness in order to preserve state sovereignty.⁵⁹

Lastly, refugees' right to vote would be misplaced if granted in the host country. This is because the right to vote, especially in their country of origin, would best promote the full realization and

⁵⁴ McLoughlin Daniel, 'Post-Marxism and the Politics of Human Rights: Lefort, Badiou, Agamben, Rancière' (2016) 27 *Law and Critique* 312.

⁵⁵ International Convention on Civil and Political Rights (n2) art 25.

⁵⁶ Convention Relating to the Status of Refugees (n34) art 2.

⁵⁷ McLoughlin Daniel (n140) 312.

⁵⁸ UNHCR, State Parties, Including reservations and declarations to the 1951 Refugee Convention, (1954) 189 United Nations Treaty Series 13. < [UNHCR - States parties, including reservations and declarations, to the 1951 Refugee Convention](#)> accessed 3 August 2021.

⁵⁹ McLoughlin Daniel (n140) 313.

respect for their other fundamental rights. This would allow refugees - the individuals that have been directly affect by human rights violations in their country of origin - the opportunity to participate in their country elections to choose the best state representatives that they believe would best promote and protect their rights. This would help tackle the problem of mass refugee productions in their countries of origin and restore the state's social contract allowing them to enjoy peace, security and protection of their rights.⁶⁰ This can be done by allowing refugees to be able to also vote outside their country of origin. The recent development of Out of Country Voting (OCV) for individuals outside their country of residence, would give them the right to vote whilst residing in other countries as refugees. The option of OCV has been practiced in countries such as Afghanistan in 2004, South Sudan in 2010 and Iraq in 2005 and 2010.⁶¹ This development originated from the 1996 Guidance provided on the meaning of 'unreasonable restrictions' relating to Article 25 of the ICCPR.⁶² The UN Human Rights Commission stated that no discrimination could be made amongst citizens on the right to vote. They did not, however, state the need for residency in their explanation. Meaning citizens residing abroad could still be permitted to exercise their right to vote. Such options should be available for refugees as well. In 1996 an attempt was made by the UNHCR to include the holding of national elections in settlement camps for refugees to be able to vote.⁶³ This unfortunately never materialized because emphasis was made on the matter of UNHCR's limited involvement in political and electoral matters, asserting that the UNHCR should not be actively involved in any way other than for the monitoring of international protection principles that are being violated.⁶⁴ Regardless, recent developments have shown improvements in such areas. In the 2015 Iraq elections, OCV was held for refugees by the Independent High Electoral Commission Office (IHEC), with the assistance of the UNHCR. Iraqi refugees were therefore able to participate in the peace building elections.

While refugees in Angola, DRC and Zambia still do not have permission to vote in their territory, or participation in their country of origin's elections, there has been a growing acceptance of refugees' situations around the world and the importance of their need to participate in their

⁶⁰ Thomas Hobbes (n122).

⁶¹ 'Voting from Abroad: The International IDEA Handbook' (IDEA 2007) 25 < [voting-from-abroad-the-international-idea-handbook.pdf](#)> accessed 3 July 2021.

⁶² UNHRC CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, 12 July 1996, CCPR/C/21/Rev.1/Add.7 <https://www.refworld.org/docid/453883fc22.html> accessed 3 July 2021.

⁶³ UNHCR Voluntary Repatriation: International Protection (1996) 66 < <https://www.unhcr.org/3bfe68d32.pdf>> accessed 3 July 2021.

⁶⁴ Ibid.

country of origin's elections which would hopefully allow them to return back to their countries of origin eventually.⁶⁵

Conclusion

From the Preceding chapters it has been noted that the practice of democracy in most African countries, is different from the democracy that exists in the other parts of the world. The democracy in Africa is extremely flawed and in some cases it lacks the basic necessities desired for a rights based democratic system as shown by DRC.

However, the participation by international NGO's and other states, through support programmes and the provisions for refugees' rights and freedoms in these countries has played a huge role in the realization and promotion of refugees' basic rights such as the right to education health, employment within and outside the refugee settlement camps in Angola, Zambia and in the DRC.

Despite the huge role played by international NGO's, however, it is the recognition of the fundamental rights found in the Declaration, the 1951 Convention and the OAU Convention that provide the foundation for refugees' fundamental human rights, such as the right to freedom of movement. Theoretically the proper implementation of such instruments would require a democratic regime that meets the basic necessities for democracy. The DRC, on the other hand, has shown that this is not the case. DRC has displayed the technical indicators of a political democracy by holding regular elections but when analysed closely, their democratic regime was extremely flawed and actually violated the political rights of its nationals. It did not check off any of Diamond, Schumpeter and Ake's descriptions of democracy as stated in Chapter 2. DRC has slow and stagnant economic, social and political development and its political method is corrupted. It has failed to provide and protect individual liberties.

The situation in the Democratic Republic of Congo is therefore still particularly bad and the country still has a long way to recovery. It still requires substantial improvements in many areas especially regarding democracy, human rights violations, impunity and excessive oppression of peoples' rights to freedom of expression. More is needed to actually correct the situation. Recommendations from different organisations have been made to the government of the Democratic Republic of Congo regarding these issues. Four NGO's, the Lotus Group, the League Of Voters, the Association Africaine Des Droits De L'Homme (ASADHO) an the International Federation for Human Rights (fidh) had recommended five key priority areas of focus for the new government to improve the countries human rights situation; 1. Fighting against impunity,

⁶⁵ Ruma Mandal, 'Legal Protection Policy: Research Series on Political Rights of Refugees' (UNHCR, November 2003) 13 <<https://www.refworld.org/pdfid/3fe820794.pdf>> accessed 3 July 2021.

promoting truth and strengthening justice in order to guarantee national reconciliation and lasting peace; 2. Respect fundamental rights and promote political dialogue; 3. Build an egalitarian society by promoting the rights of women and gender equality; 4. Enact substantial reforms to build the rule of law and democracy and 5. Strengthen cooperation with the international community and mechanisms for the protection of human rights.⁶⁶ These are actions for which the government may consider and implement for the country to move in the right and acceptable direction.

From the analysis made in the aforesaid chapters, it has been shown democracy and state sovereignty go hand in hand due to the fact that states rest their sovereignty on the needs and wants of those individuals that have elected them as their state representatives and leaders. With this, international organization are forced to respect state sovereignty but what results is that sovereignty of states begins to create a barrier for the protection of human rights for those individuals that fall outside the demos. As highlighted with Zambia and Angola reserving the right against refugees freedom of movement within their territory as well as with the right to vote. Therefore, state sovereignty has proven to create a fall back cushion for countries when it comes to the cooperation of states with the protection of all the fundamental human rights of refugees.

The information provided focuses only on conditions faced in Angola, DRC and Zambia in Southern Africa and is very limited but based on this information it is safe to conclude that only a democracy that fully upholds and respects human rights guarantees the protection and promotion the fundamental human rights of refugees.

However, it has been noticed and acknowledged that the issue of southern African countries' poor democracy and state sovereignty in host countries creates a barrier to the protection and promotion of refugees' rights and there is need for reform to address these problems.

REGIONAL AND INTERNATIONAL PERSPECTIVE

In the wake of World War II, the UN adopted the Convention Relating to the Status of Refugees in 1951⁶⁷ pursuant to Resolution 429 adopted the previous year.⁶⁸ The Convention was drawn with the purpose of protecting individuals that had been forced to flee their homes during the war. The 1951 Convention is a landmark treaty that defines who a refugee is. According to the definition in the 1951 Convention a refuge is defined as:

⁶⁶ International Federation for Human Rights, Report on the Five Human Rights priorities addressed to President Felix Tshekedi (21 March 2019) <[*fidh_drc_human-rights-roadmap_march2019 REPORT.pdf](#)> accessed 03 July 2021.

⁶⁷ Convention Relating to the Status of Refugees (adopted 28 July 1951) 189 UNTS 137.

⁶⁸ UNGA Res 429(V) (14 December 1950) UN Doc A/RES/429(V).

“any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear is unwilling to return to it.”

However, this definition is too restrictive because it has failed to acknowledge that other regions of the world, like Africa, have a distinct refugee problems from those created by World War II. Only about ten to twenty percent of individuals passed the conventional requirements to attain refugee status in host countries.⁶⁹ Despite the UN’s efforts by adopting the Protocol Relating to the Status of Refugees in 1967, the definition has remained the same.⁷⁰

In order to harmonise this situation, the Organisation of African Unity (OAU) adopted their own regional convention, the Convention Governing the Specific Aspects of Refugee Problems in 1969. The Convention maintained the same definition of refugee as it appears in the 1951 Convention under Article 1(1) but extended it to include;

“every person who, owing to external aggression, occupation, foreign domination or event seriously disturbing public order in either part or the whole country of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside of his country of origin or nationality.”⁷¹

This extension to the definition includes entire populations and mass groups that have been forced to flee from unbearable and dangerous conditions in their nations. It marked an important step towards expanding requirements needed for more refugees to gain refugee status in host countries. This definition is more adaptable to the refugee conditions in Africa and allowed more refugees in Africa to gain refugee status unlike the 1951 Convention.

The aforementioned Conventions are now the key international legal instruments that provide the foundation for the protection of refugees. They outline the rights awarded to refugees and the legal obligations of states for the protection of refugees, specifically covering principles such as non-refoulement,⁷² asylum⁷³ and voluntary repatriation.⁷⁴

⁶⁹ Alfred De Zayas ‘Human Rights and Refugees’ (1992) 61 (1-4) Nordic Journal of International Law (1992) 253.

⁷⁰ Protocol Relating to the Status of Refugees (adopted 31 January 1967) 606 UNTS 267.

⁷¹ AU, Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969) Article 1(2).

⁷² Convention Relating to the Status of Refugees (n34) art 33.

⁷³ Convention Governing the Specific Aspects of Refugee Problems in Africa (n38) art 2.

⁷⁴ Convention Governing the Specific Aspects of Refugee Problems in Africa (n38) art 5.

The difficulty in the protection of refugees arises with the failure of the countries to provide competent, legal structures that would enable the effective implementation of international refugee laws. The lack of most African Governments to create competent and capable legal and administrative institutions for the effective implementation of the protection of the rights of refugees in Africa, has made the protection of refugees' rights problematic.⁷⁵

ZAMBIA

The current domestic law that governs the refugee situation in Zambia is the Refugee Act, 2017 which replaced the Refugee (Control) Act, 1970.⁷⁶ The Refugee Act, 2017 domesticates the provisions of the 1951 Convention and the OAU Convention on refugees.⁷⁷ It also establishes the office of the Commissioner for refugees in Zambia highlighting all its functions, including the recognition, protection and control of refugees. The Act grants refugees rights and freedoms similar to those awarded to Zambian Nationals. Zambia has been home millions of refugees in the Southern region of Africa since gaining its independence in 1964. With refugees coming in mostly from Burundi, Rwanda, Democratic Republic of Congo, Angola and Somalia. By the end of February 2018, Zambia was host to over 70,000 refugees 92 percent of whom were Congolese.⁷⁸

ANGOLA

In 2018, the Angolan Government passed the Law No.10/2015 on Asylum and Refugees Status.⁷⁹ This law revokes the Country's old laws on the Status of Refugees, Law no. 08/90 as well as any other legislation that contradicts the provisions in the new law.⁸⁰ The Legal provision was passed in order to regulate the right of asylum found in the Angolan Constitution Article 71 *"to transpose into the internal legal order for compliance with international obligations the precepts of the international legal instruments, to which Angola has adopted,"* in particular the 1951 Convention, its 1967 Protocol and the OAU Convention on refugees.⁸¹ In 2020 Angola was host to 25,806 Refugees.⁸² The Law provides for the rights to health, housing and food, legal aid, the preservation of family unit and the right to care for vulnerable people. However, other rights are not provided for in the new law that was passed such as the right to education and work.

⁷⁵ Zachery A Lomo, 'The Struggle for Protection of the Rights of Refugees and IDP's in Africa: Making the Existing International Legal Regime Work' (2000) 18(2) Berkley Journal of International Law (2000) 268.

⁷⁶ National Assembly of Zambia, Refugee (Control) Act (adopted 4 September 1970).

⁷⁷ National Assembly of Zambia, The Refugees Act No. 1 of 2017.

⁷⁸ UNHCR, Zambia <<https://www.unhcr.org/zambia.html>> accessed 28 June 2021

⁷⁹ Angola National Assembly, Law on the Right of Asylum and the Refugee Status (adopted 17 June 2017) Law No. 10/2015.

⁸⁰ Angola National Assembly, Law on Refugee Status (adopted 1990) Law No.08/90.

⁸¹ Law on the Right of Asylum and the Refugee Status (n46).

⁸² UNHCR, Global Focus UNHCR Operations Worldwide: Democratic Republic of Congo 2020 <<https://reporting.unhcr.org/angola>> accessed 15 June 2021.

DEMOCRATIC REPUBLIC OF CONGO

The Democratic Republic of Congo (DRC) has maintained an open-door policy to refugees coming in from neighboring countries such as Burundi, Central African Republic, South Sudan and Rwanda, where thousands of individuals are fleeing into the DRC to escape the realities of their country's conflict and violence. DRC has adopted the 1951 Convention, Its 1967 Protocol and the OAU Convention on refugees and is currently host to 490, 243 refugees as of 2020.⁸³ In DRC, however, national law for the refugees and asylum seekers is still in development. The current law for Refugees in the DRC is the Refugee Law No. 021/2002.⁸⁴ This law created the National Commission for Refugees (NCR) which is responsible for examining requests for asylum and granting identity cards to certify refugees' status in the country as refugees.⁸⁵ However, the UNHCR's compilation report has indicated that most governmental service providers often do not recognize the validity of the identity cards issued by the NCR.⁸⁶ This creates difficulties for refugees because access to their basic rights and needs such as healthcare and education for instance, are then restricted and in violation of refugees' rights.

Despite being a host country for refugees in Africa, DRC has been recorded to be one of the World's top ten countries to "produce" refugees in the world. The on-going armed conflict between government forces and rebel and guerilla armed forces causing security conditions to consistently decline, has been a torturous cycle for the Congolese population.⁸⁷ Especially in the eastern and central parts of the country where there exists widespread militia and guerilla rebel activities.

This has caused major internal as well as external displacement of the Congolese population. Recorded in 2017, 100 000 Congolese had fled the conflicts in the Kasai region into neighbouring countries as refugees.⁸⁸ Since then, between the periods of 2017 to 2019, a further estimate of 5 million people have been displaced, mostly from Kasai, Tanganyika, Ituri and Kivu regions. By the end of February 2019, an estimated figure of almost a million refugees were seeking refugee status in countries of asylum like Zambia and Angola.⁸⁹

⁸³ UNHCR, Global Focus UNHCR Operations Worldwide: Democratic Republic of Congo 2020 <<https://reporting.unhcr.org/node/4874?v=2020#objectives>> accessed 15 June 2021.

⁸⁴ The Status of Refugees in Democratic Republic of Congo (adopted 16 October 2002) Law No. 021/2002.

⁸⁵ *Ibid* art 27.

⁸⁶ UN High Commissioner for Refugees, 'Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Democratic Republic of the Congo' (September 2013) 2, <<http://www.refworld.org/docid/5283481a4.html>> accessed 21 June 2021.

⁸⁷ Global Conflict Tracker, 'Violence in the Democratic Republic of Congo' (Council on Foreign Relations, 29 July 2021) <<https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo>> accessed 27 June 2021.

⁸⁸ UNHCR, Operational Data Portal: Refugee Situations, Zambia 2021 <<https://data2.unhcr.org/en/country/zmb>> accessed 27 June 2021.

CONCLUSION AND RECOMMENDATION

From the foregoing, it is evident that refugees are entitled to human rights just like any other human being. It is also evident that refugees are vulnerable when it comes to recognition of their rights and civil liberties. It is recommended that host countries should implement or domestic regional and international treaties to enhance protection of the rights of the refugees. It is also recommended that states should promulgate myriad policies for the enforcement of the human rights of refugees.

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