



ANALYSIS ON THE LEGAL FRAMEWORK ON TREATMENT OF REFUGEES IN UNITED REPUBLIC OF TANZANIA

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Abstract

Convention Relating to the Status of Refugees Resolution No. 2545 of 1951 provides for the legal framework on treatment of refugees which United Republic of Tanzania is supposed to adapt as a member state to the Convention Relating to the Status of Refugees Resolution No. 2545 of 1951 where some of the legal framework on treatment of refugees has been adapted by United Republic of Tanzania as seen in the Refugee Act Cap. 37 [R.E 2002] while some have not been adapted. The objectives to address are on the legal challenges facing standardization of the legal framework on treatment of refugees in United Republic of Tanzania to meet the international standards where such challenges are conservativeness of parliament of United Republic of Tanzania on laws for the welfare of refugees and evasion of responsibility to the refugees. On the analysis of the efficiency of the legal framework on treatment of refugees in United Republic of Tanzania that was done, it appears to be inefficient as it lacks provisions of laws to protect socio-economic welfare of refugees which it causes the escape of refugees from designated areas due to poor living conditions which can catastrophic in reference to the events that happened in the Kurdistan region of Iraq and legal lessons of the legal framework on treatment of refugees in Kenya, Rwanda, Uganda and Zambia were the need to make improvement on the legal framework on treatment of refugees in United Republic of Tanzania which appears to be successful in Kenya, Rwanda, Uganda and Zambia. The recommendations on addressing the problem in question are amendment of the legal framework on treatment of refugees, enforcement of policies and initiatives and emphasizing the role of international organizations on protection of welfare of refugees among others.

Keywords: legal framework, conservativeness, United Republic of Tanzania, evasion, refugees, inefficiency.

1. Introduction

The discussion and analysis of the findings on the legal framework on treatment of refugees in United Republic of Tanzania aim at demonstrating the data that has been collected from the field and by the use of electronic means. The methods for data collection include primary methods which were done through the use of Laws which include *Refugee Act*¹, and Conventions which include *Convention Relating to the Status of Refugees*² and secondary methods which include the use of scholarly writings of qualified scholars that are relevant to the topic in question. The tools of

data collection that were used to obtain significant data, were through primary tools of data collection which were group discussions and secondary tools of data collection which were questionnaires and documentary review. There is a specific sample design on how to obtain the respondents, the distribution of the given respondents as per their profession among other roles in the society and the number of the respondents used to obtain the required information or data.

¹ Cap. 37 [R.E 2002]

² Res. No. 2545 of 1951

2.1 Discussion and Analysis of the Findings

2.1.1 Legal Challenges Facing the Standardization of the Legal Framework on Treatment of Refugees in United Republic of Tanzania to Meet International Standards

The findings on the challenges facing the standardization legal framework on treatment of refugees in United Republic of Tanzania to meet international standards are as follows;

2.1.1.1 Conservativeness of the Parliament of United Republic of Tanzania on Laws for Protection of Welfare of Refugees

Conservativeness of the parliament of the United Republic of Tanzania on laws for protection of welfare of refugees has been a challenge towards standardization of the legal framework on treatment of refugees in United Republic of Tanzania to meet international standards as the members of parliament still rely on the basis which were used to construe the legal framework on treatment of refugees during domestication process.

During domestication process there was an intensive discussion of the bills presented before the parliament of the United Republic of Tanzania on the enactment of the refugee laws³. This was a period which democracy became dominant in United Republic of Tanzania as it was the time when multiparty system was dominant thus causing a lot of friction between the representatives of different political parties in United Republic of Tanzania.

It was ascertained that the representatives in the parliament reached a common ground to develop a common mindset on the bill that was presented in the parliament of the United Republic of Tanzania regarding the revision of the *Refugee Act*⁴ especially in the part of legal framework on treatment of refugees where protection of the interests of the United Republic of Tanzania as a developing country was prioritized⁵.

The members of the parliament of United Republic of Tanzania sought to enact laws that they could enforce⁶. They agreed that, the part of the legal framework on treatment of refugees, it should be construed in respect of patriotism, economic capacity and national security thus creating a baseline for education for refugees, work permit for refugees and partial freedom of movement for refugees as provided in *Refugee Act*⁷.

This issue of patriotism is ascertained by respondent from the government of United Republic of Tanzania who provided that, in order to ensure that patriotism is maintained in the process of hosting refugees in the United Republic of Tanzania, as the result the Parliament of the United Republic of Tanzania domesticated the issue of education for refugees that would be provided to the refugees in accordance to *Education Act*⁸ as refugees would be provided the same education as it is provided to the nationals of United Republic of Tanzania where *Refugee Act*⁹ provide on the same¹⁰.

The issue of economic incapacity has also been ascertained by the respondent from the government who provided that, as developing country, the United Republic of Tanzania has to solve the problems that as a country they can afford and not otherwise. The legal framework on treatment of refugees in the designated areas that has been laid down in the *Refugee Act*¹¹ is within the limits of United Republic of Tanzania in ensuring that they can enforce it¹².

The respondents from the government also added the following on economic capacity, the government of United Republic of Tanzania is doing what is possible to ensure that the welfare of refugees is protected in the designated areas but also the same government is still fighting for the survival of this nation so whatever socio-economic situations that are found in the designated areas are within the reach of the government at least for now until when circumstances changes. In the future, the government of United Republic of Tanzania would be able to ensure that refugees are treated at least the same as nationals¹³.

Thus, due to the economic capacity of United Republic of Tanzania, refugees have been given the right to work as implied by the right to be issued a work permit which would be provided to those who require them so that refugees could earn their own living and become self-sufficient and independent from the government of United Republic of Tanzania as provided in the *Refugee Act*¹⁴.

The issue of national security is ascertained by respondents from the government who provided that, the refugees may ask for a fourteen days permit if the Director or the Settlement Officer is satisfied with the status of the given refugee but also the reasonable need to go outside the designated areas then the refugee would allowed to go out the designated areas for fourteen days and if they fail to return to the designated areas, there are procedures put in place to punish their act of breaking the law as far as refugee law is concerned but there are some who are still at large mostly in the urban areas as the studies confirmed¹⁵.

³ CHIMADA Leonardo and MORRIS Stefanie, (2020), Tanzania National Legal Framework for Treatment of Refugees, Local Engagement Research Network Paper No. 5; <https://www.carlerton.ca> (accessed on 11/09/2024)

⁴ Act No.9 of 1998

⁵ CHIMADA Leonardo and MORRIS Stefanie, (2020), Tanzania National Legal Framework for Treatment of Refugees, Local Engagement Research Network Paper No. 5; <https://www.carlerton.ca> (accessed on 11/09/2024)

⁶ Ibid.

⁷ Cap. 37 [R.E 2002]

⁸ Cap. 353 [R.E 2019]

⁹ Cap. 37 [R.E 2002], Sect. 31

¹⁰ Anonymous Respondent

¹¹ Cap. 37 [R.E 2002]

¹² Anonymous Respondent

¹³ Anonymous Respondent

¹⁴ Cap. 37 [R.E 2002]

¹⁵ Anonymous Respondent

The issue of partial freedom of movement of refugees that has been set by the *Refugee Act*¹⁶ is derived from the emphasis of the parliament to develop attention on the national security of the sovereignty of United Republic of Tanzania where in the *Refugee Act*¹⁷ amended the complete restriction of freedom of movement of refugees that was posed by the *Refugee Control Act*¹⁸ by posing exceptions to the restriction of freedom of movement of refugees of fourteen days permit for refugees to be outside the designated areas .

In turn the respect of patriotism, economic capacity and national security have appeared to be challenging the standardization of the legal framework on treatment of refugees in United Republic of Tanzania to meet international standards as they tend to inhibit the incorporation of important matters like public housing, employment opportunities, rationing among others as provided by *Convention Relating to the Status of Refugees*¹⁹.

The factor like economic capacity facilitated the issue of work permit but work permit cannot stand alone to protect the welfare of refugees in the designated areas. Work permit needs rationing of resources which could promote investment in the designated areas to create employment opportunities and admission of foreign certificates so that refugees could attain formal employment something that is not covered in the *Refugee Act*²⁰.

The factor like patriotism have facilitated the issue of education for refugees but such framework does not explain on how the refugee children may make a transition from secondary education to higher learning institutions so as to obtain higher learning education as promised in the *Refugee Act*²¹.

The factor like national security which encouraged the partial freedom of movement of refugees puts burden of the government of the United Republic of Tanzania on ensuring that they protect the socio-economic welfare of refugees in the designated areas while freedom of movement of refugees would create self-sufficiency of the refugees something that would unload the burden.

Partial freedom of movement of refugees creates a responsibility to the government of United Republic of Tanzania to adhere to the issue of public housing, rationing of resources as provided by *Convention Relating to the Status of Refugees*²² something that *Refugee Act*²³ has not provided.

Therefore, the conservativeness of the parliament of United Republic of Tanzania which depends on economic capacity, patriotism and national security to determine the legal

framework on treatment of refugees, impose challenges to the standardization of the legal framework on treatment of refugees in United Republic of Tanzania to meet international standard where this has led to the ignoring of other important factors which are important for the welfare of refugees like public housing, rationing among others as provided by *Convention Relating to the Status of Refugees*²⁴.

2.1.1.2 Evasion of Responsibility towards Refugees

Some of the scholars have established theories on the governments' evasion from their responsibility towards refugees where different theories like hyper legalism and obfuscation were pioneered; hyper legalism is where the governments under achieve or overachieve the terms of agreement of the international convention to evade their responsibility towards refugees while obfuscation is where the governments makes decision which lack justification of the law to evade their responsibility towards refugees²⁵.

This is practical in the United Republic of Tanzania where the government of United Republic of Tanzania has underachieved the terms of agreement of *Convention Relating to the Status of Refugees*²⁶ to escape their duties towards refugees as seen in the *Refugee Act*²⁷ where they have only incorporated the issue of education, work permit and partial freedom of movement while ignoring other issues like public housing, rationing of resources among others therefore implying hyper legalism²⁸.

But also, obfuscation²⁹ can be seen when the parliament of United Republic of Tanzania has refused to put into consideration the *National Refugee Policy*³⁰ which came along soon after revision of *Refugee Act*³¹ but since then there have not been any efforts of transforming the said policy into bill so as it could be discussed for improvement of legal framework on treatment of refugees.

The *National Refugee Policy*³² which was prepared by the Ministry of Home Affairs has expanded the length unto which the *Refugee Act*³³ extended in order to ensure that it balances the protection of the interests of the United Republic of Tanzania and at the same time to ensure that refugees are protected and ensure that the treatment of their welfare is at least the same as of nationals³⁴.

²⁴ Res. No. 2545 of 1951

²⁵ GHEZELBASH Daniel, (2020), *Hyper-Legalism and Obfuscation: How State evade their International Obligation towards Refugees*, *American Law Journal of Comparative Law*, p. 479-516; <http://www.academic.oup.com> (accessed on 24/06/2024)

²⁶ Res. No. 2545 of 1951

²⁷ Cap. 37 [R.E 2002]

²⁸ Ibid.

²⁹ Ibid.

³⁰ (2003)

³¹ Cap. 37 [R.E 2002]

³² (2003)

³³ Cap. 37 [R.E 2002]

³⁴ CHIMADA Leonardo and MORRIS Stefanie, (2020), *Tanzania National Legal Framework for Treatment of Refugees*, Local

¹⁶ Cap. 37 [R.E 2002], Sect. 17(5)

¹⁷ Cap. 37 [R.E 2002]

¹⁸ Act. No. 2 of 1966

¹⁹ Res. No. 2545 of 1951

²⁰ Cap. 37 [R.E 2002]

²¹ Cap. 37 [R.E 2002]

²² Res. No. 2545 of 1951

²³ Cap. 37 [R.E 2002]

The *National Refugee Policy*³⁵ considered the actions such as voluntary repatriation, local settlement or resettlement in a third country so as to reduce congestion in the designated areas, this can also be seen in the part of employment where the policy argues for the equal employment opportunities in which refugees are to be treated the same as the nationals in the consideration for employment opportunities³⁶.

On the issue of employment opportunities, the *National Refugee Policy*³⁷ intended to deepen the depth of work permit or expand and the jurisdiction of the work permit in which it would recognize the professional certificates of the refugees which they had attained from their countries of origin so as to have equal chance in the employment opportunities at least the same as nationals of United Republic of Tanzania³⁸.

Due to patriotic reasoning of United Republic of Tanzania as one of the developing countries where even its nationals are still struggling for employment opportunities in both public and private sector the implications of the *National Refugee Policy*³⁹ have failed to be practicable but there are recommendations which if the government lives up on them, the control of refugees would be efficient as such recommendations would generate employment opportunities in the designated areas thus discourage the escape and influx to the residential areas.

There have been initiations of policies which would inspire the rights of the refugees on the issue concerning education where the refugee's children have been mentioned in the given policy so as to ensure that they are provided with special needs to ensure that they keep up with the Tanzanian education system as it is their right to be treated at least the same as nationals in the matters concerning education⁴⁰.

There are also other policies that sponsors the education for refugees' children include Tanzania Education Training Policy of 2014, Pre-primary Curriculum, the Guide for Pre-primary School, Tanzania Long Term Perspective plan 2011/2012 to 2024/2025 and three Tanzania Five-year Development Plans 2006-2011; 2011-2016 and 2016-2021 where its implications are still practicable very slowly in phases due variety of reasons that are economic in nature⁴¹.

Engagement Research Network Paper No. 5;
<https://www.carlerton.ca> (accessed on 11/09/2024)

³⁵ (2003)

³⁶ Ibid.

³⁷ (2003)

³⁸ CHIMADA Leonardo and MORRIS Stefanie, (2020), *Tanzania National Legal Framework for Treatment of Refugees, Local Engagement Research Network Paper No. 5*; <https://www.carlerton.ca> (accessed on 11/09/2024)

³⁹ (2003)

⁴⁰ NDIJUYE Laurent & RAO Nirmla, (2018), *Pre-Primary Education Policy in Tanzania: Does it meet the Educational Needs of Newly Naturalized Refugee Children, Global Education Review Mercy College, New York, p. 36-54*; <http://ger.mercy.edu> (accessed on 23/08/2024)

⁴¹ NDIJUYE Laurent & RAO Nirmla, (2018), *Pre-Primary Education Policy in Tanzania: Does it meet the Educational Needs of*

The efforts of the Ministry of Home Affairs and Ministry of Education Science and Technology to come up with *National Refugee Policy*⁴² and variety of education policies to improve legal framework on treatment of refugees remain unnoticed as a result of hyper legalism and obfuscation something that imposes a challenge on standardization process of the legal framework on treatment of refugees in United Republic of Tanzania to meet international standards.

2.1.2 Analysis of Efficiency of the Legal Framework on Treatment of Refugees in United Republic of Tanzania

The role of legal framework on treatment of refugees in the host state is to protect the refugees who appears to be vulnerable in the host state thus international community came up with the *Convention Relating to the Status of Refugees*⁴³ to advise the host states on proper way to formulate legal framework on treatment of refugees that could protect the welfare of refugees while in the host state.

United Republic of Tanzania as one of the host state has adapted the legal framework on treatment of refugees so as to protect the refugees in the United Republic of Tanzania as provided in *Refugee Act*⁴⁴. The following is the analysis of the efficiency of legal framework on treatment of refugees which appears to;

2.1.2.1 Lack of Provisions of Laws on Socio-economic Welfare of Refugees

The legal framework on treatment of refugees in United Republic of Tanzania has proved to be inefficient as demonstrated in the *Refugee Act*⁴⁵ where United Republic of Tanzania has only covered three things that were provided in the *Convention Relating to the Status of Refugees*⁴⁶. That include partial freedom of movement, education and work permit thus ignoring other issues like public housing, rationing and other factors to be considered in employment opportunities like social security among other things for socio-economic improvement of living conditions in designated areas.

United Republic of Tanzania has also failed to establish the relationship between restriction of freedom of movement of refugees which requires refugees to stay in the designated areas as provided by *Refugee Act*⁴⁷ and the legal framework on treatment of refugees while in the designated areas whereas, for the matters which have been expressed in the *Refugee Act*⁴⁸, for example, *Refugee Act*⁴⁹ provide for

Newly Naturalized Refugee Children, Global Education Review Mercy College, New York, p. 36-54; <http://ger.mercy.edu> (accessed on 23/08/2024)

⁴² (2003)

⁴³ Res No. 2545 of 1951

⁴⁴ Cap. 37 [R.E 2002]

⁴⁵ Cap. 37 [R.E 2002]

⁴⁶ Res No. 2545 of 1951

⁴⁷ Cap. 37 [R.E 2002], Sect. 17(5) b.

⁴⁸ Cap. 37 [R.E 2002], Sect. 31 and 32

⁴⁹ Cap. 37 [R.E 2002], Sect. 31

education but does not establish on how refugee children could attain education in the higher learning institutions with regard to restriction of freedom of movement and the issue work permit have not covered the admission of certificates of refugees from refugees' country of origin to practice in the their qualified profession or any other formal employment.

Therefore, it is important to ascertain that the inefficiency that has been noticed after the analysis of the legal framework on treatment of refugees in United Republic of Tanzania can be lethal as such legal framework causes poor living conditions in the designated areas which encourages the escape of refugees from designated areas to influx residential areas something that can be catastrophic in reference to the events that happened in the Kurdistan Region of Iraq where mass influx of Syrian refugees in the residential areas caused socio-economic decline in the region⁵⁰.

2.1.3 Legal Lessons from the Legal Framework on Treatment of Refugees in Kenya, Uganda, Rwanda and Zambia

2.1.3.1 Legal Framework on Treatment of Refugees in Kenya

Kenya has been part and parcel of the *Convention Relating to the Status of refugees*⁵¹ since its accession in 1966 and the *protocol to the Convention Relating to the Status of Refugees*⁵² in 1981 where the government of Kenya has been able to set refugee camps in places like Kakuma in Turkana County, Dadaab in Garissa County among others⁵³. This is in accordance with laws governing refugees, namely *Kenya Refugee Act*⁵⁴.

The government of Kenya had to improve and frame the laws concerning treatment of refugees in the refugee camps in a manner that will confer to the requirement of the law for the refugees to remain in the refugee camps, this can be seen by the demonstration of the provision which states that all the resources that are available in the host community will be shared between residents and refugees in a manner that does resort to conflict even ascertaining the identity cards of refugees with similar status of immigrants' identification cards as provided by *Kenya Refugee Act*⁵⁵.

The government of Kenya has fulfilled its international obligation on matters relating to treatment of refugees in the host countries in issues like public housing, rationing, employment opportunities among other things as far as the

*Convention Relating to the Status of Refugees*⁵⁶ is concerned as provided by *Kenya Refugee Act*⁵⁷.

The government of Kenya did not just end there but also in matters of enforcement of the legal framework for the treatment of refugees in the refugee camps as part of Medium Terms Plan which is Kenya's National Economic Policy, they have established a program called Kalobeyei Integrated Social and Economic Development Program (KISED) which is in collaboration with United Nations High Commission for Refugees (UNHCR) and World Bank so as to improve socio-economic welfare of the refugees in the refugee camps⁵⁸.

2.1.3.2 Legal Framework on Treatment of Refugees in Uganda

Uganda did not stay behind on the matters concerning refugees as it is also a state party to the *Convention Relating to the Status of Refugees*⁵⁹ and its *protocol*⁶⁰ since its accession in 1976⁶¹ whereas as a result it led to establishment of refugee settlements in places like Nakivale, Palabek, Rhino, Rwamwanja among other settlements⁶². This is in accordance with the laws concerning refugees namely *Uganda Refugee Act*⁶³

*Uganda Refugee Act*⁶⁴ provide legal framework on treatment of refugees in Uganda which is clear and efficient as it requires refugees to be treated at least the same as nationals in socio-economic matters including education, employment opportunities. Uganda also recognizes the certificates of refugee's country of origin in the course of offering employments among other things as it is provided by *Uganda Refugee Act*⁶⁵.

*Uganda Refugee Act*⁶⁶, the grant of freedom of movement to refugees in Uganda have facilitated the execution of the legal framework on treatment of refugees in Uganda whereas refugees can attain the status of recognized refugee thus afterwards being treated the same as residents of Uganda and refugees can enjoy socio-economic privileges all over Uganda but also in the settlements which have been set by the government of Uganda.

⁵⁰ Res. No. 2545 of 1951

⁵¹ Cap. 173 [R.E 2022], Sect. 28

⁵² MILLAR Herr Stefan (et al), (2022), *Encamped States: The state of the Kakuma Refugee Camp and Kalobeyei Integrated Settlement*, Martin-Luther-University, Halle-Wittenberg; <https://researchportal.helsinki.fi> (accessed on 15/09/2024)

⁵³ Res. No. 2545 of 1951

⁵⁴ Res. No. 8791 of 1967

⁵⁵ United Nations, (2024), *United Nations Treaty Collection: Refugees and Stateless Persons: CAP. V, United Nations*; <http://treaties.un.org> (accessed on 30/06/2024)

⁵⁶ UNHCR, (2023), *Uganda-Population Dashboard: Overview of Refugees and Asylum seekers in Uganda: UNHCR*; <http://www.reliefweb.int> (accessed on 30/06/2024)

⁵⁷ Act No. 21 of 2006

⁵⁸ Act No. 21 of 2006, Sect. 29 (1) and (2)

⁵⁹ Act No. 21 of 2006, Sect. 29 (1) and (2)

⁶⁰ Act No. 21 of 2006, Sect. 30

⁵⁰ YASSEN Abdullah Omar, (2019), *Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq*, Middle East Research Institute, p. 5-7; <https://www.jstor.org/stable/resrep20027.4> (accessed on 11/09/2024)

⁵¹ Res. No. 2545 of 1951

⁵² Res. No. 8791 of 1967

⁵³ *Refugee Consortium of Kenya, (2019), Refugees, Asylum Seekers and Returnees, Refugee Consortium of Kenya*; <http://www.rckkenya.org> (accessed on 30/06/2024)

⁵⁴ Cap. 173 [R.E 2022], Sect. 31

⁵⁵ Cap. 173 [R.E 2022], Sect. 34 and 28 (6) and (7)

2.1.3.3 Legal Framework on Treatment of Refugees in Rwanda

As one of the friendly host states in Africa has been follower of the *Convention Relating to the Status of Refugees*⁶⁷ and its *protocol*⁶⁸ which, as a state, has been a part of since its accession in 1982⁶⁹ which as a show of a good faith the government of Rwanda has established refugee camps like Mahama, Nyabiheke, Gihembe, Kiziba among others⁷⁰, where refugees reside before being granted the status of refugees in order to enjoy the livelihood in Rwanda which is at least the same as the nationals of Rwanda as provided by *Rwanda Law Relating to Refugees*⁷¹.

Rwanda is one of the East African Countries where refugees enjoys their rights in full where Rwanda has constructed their legal framework on treatment of refugees in line with the provisions of the *Convention Relating to the Status of Refugees*⁷² where the laws allow refugees who approach the territories of Rwanda in search of refugee from violence, persecution or war in their countries of origin to enjoy rights. Therefore, the requirements of the legal framework on treatment of refugees are set by *Convention Relating to the Status of Refugees*⁷³ in Rwanda as provided by *Rwanda Law Relating to Refugees*⁷⁴.

2.1.3.4 Legal Framework on Treatment of Refugees in Zambia

Zambia is not part of East African Community but after considering the merits on legal framework on treatment of refugees while in the refugee camps, the study discussed Zambia as one of the references in the topic concerned. Besides United Republic of Tanzania, Zambia has also limited the freedom of movement of the refugees as provided by *Zambia Refugee Act*⁷⁵. Zambian technique of enforcing the legal framework on treatment of refugees might be useful to the government of United Republic of Tanzania.

Zambia has been a part and parcel of the *Convention Relating to the Status of Refugees*⁷⁶ since its accession 1969⁷⁷ which as part of acknowledgements that were done by the government of Zambia was to establish refugee settlements which includes

⁶⁷ Res. No. 2545 of 1951

⁶⁸ Res. No. 8791 of 1967

⁶⁹ UNHCR, (1998), *UNHCR CDR Background Paper on Refugees and Asylum Seekers from Rwanda, Refworld Global Laws and Policy Database*, UNHCR; <http://www.refworld.org> (accessed on 01/07/2024)

⁷⁰ *Integral Human Development*, (2024), *Rwanda-Migrants and Refugee Section, Integral Human Development*; <http://www.migrants-refugees.va> (accessed on 01/07/2024)

⁷¹ [Law 13TER of 2014], Art. 18

⁷² Res. No. 2545 of 1951

⁷³ Res. No. 2545 of 1951

⁷⁴ [Law 13TER of 2014], Art. 18

⁷⁵ Act No. 1 of 2017, Sect. 63

⁷⁶ Res. No. 2545 of 1951

⁷⁷ *United Nations*, (2024), *United Nations Treaty Collection: Refugees and Stateless Persons: CAP. V, United Nations*; <http://treaties.un.org> (accessed on 30/06/2024)

Mantapala, Meheba, Mayukwayukwa among others⁷⁸. They were set purposely for the refugees to reside since the refugees in Zambia are not allowed to live or influx the residential areas.

*Zambia Refugee Act*⁷⁹ has a systematic legal framework that has been put in place to ensure that the treatment of refugees in the refugee settlements is adequate to ensure the welfare of refugees is maintained thus discouraging their escape from the refugee settlements to influx the residential areas. The legal framework on treatment of refugees is at least the same as the nationals in the refugee settlement in matters concerning rationing, employment opportunities and practicing professions among other items as provide by *Convention Relating to the Status of Refugees*⁸⁰ essential for their survival in refugee settlement.

2.1.3.5. The Legal Lessons from Legal Framework on Treatment of Refugees in Kenya, Uganda, Rwanda and Zambia

United Republic of Tanzania as a member state to the *Convention Relating to the Status of Refugees*⁸¹ has provided the issue of partial freedom of movement, education and work permit as provided by *Refugee Act*⁸² while ignoring other issues like rationing of resources, public housing and proper layout for creating employment opportunities like social security among other things.

The legal framework on treatment of refugees in Kenya as provided by *Kenya Refugee Act*⁸³, Rwanda as provided by *Rwanda Law Relating to Refugees*⁸⁴, Uganda as provided by *Uganda Refugees Act*⁸⁵ and Zambia as provided by *Zambia Refugee Act*⁸⁶ have been able to provide a proper layout that would benefit refugees in the camps, settlements and designated areas thus protecting the welfare in the host state. This can be seen by the acknowledgment of legal framework on treatment of refugees as provided by *Convention Relating to the Status of Refugees*⁸⁷ by Kenya, Uganda, Rwanda and Zambia something that United Republic of Tanzania has failed to do.

Therefore, despite the demonstration of inefficiency of the legal framework on treatment of refugees in United Republic of Tanzania with respect to *Convention Relating to the Status of Refugees*⁸⁸, United Republic of Tanzania appears to be behind in the legal framework on treatment of refugees in

⁷⁸ UNHCR, (2024), *Operational Data Portal: Country-Zambia*, UNHCR; <http://www.data.unhcr.org> (accessed on 03/07/2024)

⁷⁹ Act No. 1 of 2017, Sect. 39 to 44

⁸⁰ Res. No. 2545 of 1951

⁸¹ Res. No. 2545 of 1951

⁸² Cap. 37 [R.E 2002]

⁸³ Cap. 173 [R.E 2022], Sect. 28

⁸⁴ [Law 13TER of 2014], Art. 18

⁸⁵ Act No. 21 of 2006, Sect. 29(1) and (2)

⁸⁶ Act No. 1 of 2017, Sect. 39 to 44

⁸⁷ Res. No. 2545 of 1951

⁸⁸ Res. No. 2545 of 1951

comparison with other neighboring jurisdictions that is Kenya, Uganda, Rwanda and Zambia with regard to the comparative analysis that has been done above.

3.0 Conclusion

The government of the United Republic of Tanzania should try to reflect the lessons that have been provided above on the legal framework on treatment of refugees in Kenya, Uganda, Rwanda and Zambia so as to ensure that they improve the legal framework on treatment of refugees in United Republic of Tanzania which appears to be inefficient after a thorough analysis that has been done above.

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