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**A COMPARATIVE ANALYSIS OF THE LEGAL STATUS OF FORMER REFUGEES
UNDER GENERAL CESSATION CLAUSE: A CASE STUDY OF RWANDESE
REFUGEES IN ZAMBIA AND UGANDA**

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FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE BACHELOR OF
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DECLARATION

I hereby declare that this dissertation, titled, **A COMPARATIVE ANALYSIS OF THE LEGAL STATUS OF FORMER REFUGEES UNDER GENERAL CESSATION CLAUSE: A CASE STUDY OF RWANDESE REFUGEES IN ZAMBIA AND UGANDA**, is my own original work.

It is being submitted as a partial requirement for the attainment of a Bachelor's Degree at the University of Lusaka. I certify that it has not been previously presented for a degree at this University or any other tertiary institution.

I am fully cognizant of the concept of plagiarism and I am well informed about the university's policies pertaining to academic integrity. Therefore, I have diligently acknowledged and cited the contributions of other individuals in my work. Any inaccuracies or omissions in this dissertation are solely attributable to me.

GLADYS TWAMBO MWENGO

.....**15/11/2025**.....

RECOMENDATION

I MWIKA MUSAKUZI, do recommend that this dissertation titled "A COMPARATIVE ANALYSIS OF THE LEGAL STATUS OF FORMER REFUGEES UNDER GENERAL CESSATION CLAUSE: A CASE STUDY OF RWANDESE REFUGEES IN ZAMBIA AND UGANDA"

Authored by GLADYS TWAMBO MWENGO, student number LLB211483025 done under my supervision, be admitted by the University. I have checked it carefully and I am satisfied that it meets the requirements related to the format as laid down by the University Regulations governing directed research.



13/11/2025

MWIKI MUSAKUZI
SUPERVISOR

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Firstly, I would like to thank God, who is my Lord and personal savior, and through him this gas become a reality has made it possible for me to accomplish this

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DEDICATION

This dissertation is dedicated to God almighty who is my Lord and personal savior whose grace and compassion has been my source of strength throughout my academic life. I also dedicate this to my parents **MWENGO MAXIMO** and **ANNA KAHANJI** Their sacrifices have made it possible for me to successfully complete my program of study and I am forever grateful and remain indebted for your encouragement and sacrifice.

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ABSTRACT

The study presents a comparative analysis of the legal status of former refugees under the general cessation clause, focusing on Rwandese refugees in Zambia and Uganda. It explores how both states implemented the clause and the extent to which their approaches aligned with international protection standards. By means of a qualitative and comparative legal methodology, the study concludes that Zambia, in spite of not having a conclusive legal framework at the time still ensured that efforts to uphold international norms by way of administrative collaboration with UNHCR importance placed on voluntariness. Conversely, even though Uganda had a well structured legal framework outlined in the Refugees Act of 2006 and the Refugee Regulations of 2010, its application of the cessation clauses digressed from international refugee principles as political and diplomatic deliberations paved way for actions that weakened principles of non-refoulement. This study indicates that operative protection relies not only on the premise of legal provisions but on genuine observance of their provisions in practice.

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.0 INTRODUCTION

The general cessation clause, is defined in **Article 1C (5) of the 1951 Convention** on refugees, *provides that refugee status ceases when an individual "can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist or continue to refuse to avail himself of the protection of the country of his nationality."*

This clause, extends to stateless refugees under Article 1C(6), applies when fundamental and durable changes in the country of origin, such as the resolution of conflict or elimination of persecution eliminates the basis for international protection. The invocation of general cessation requires a collaborative process involving the host state, the United Nations High Commissioner for Refugees (UNHCR), and when necessary the country of origin. This process demands a complete evaluation of the safety and solidity of the situation in the country of origin, procedural fairness to allow exceptions for those still in danger, and the existence of durable solutions, such as voluntary repatriation or local integration, for affected refugees.

This dissertation explored the legal status of former Rwandan refugees in Zambia and Uganda under the application of the general cessation clause. At that time, thousands of Rwandan refugees primarily Tutsis who fled ethnic violence between 1959 and 1973, lived in these host countries.

By associating the legal systems implementation challenges, and outcomes in Zambia and Uganda, this study explores the implications of applying the general cessation clause in the premise of Rwanda's ongoing political tensions noticeable by the 1990 Rwandan Patriotic Front (RPF) invasion, rendered such a declaration premature. This comparative analysis, highlights the complications of aligning international refugee law with national policies, the risks of statelessness, and the critical need for forceful legal mechanisms to protect former refugees after their status is terminated.

1.2. BACKGROUND OF STUDY

The movement fueled by the Rwandan genocide postured huge challenges to the international refugee regime, leading to large-scale humanitarian concerns. Zambia and Uganda, as key host countries, implemented different approaches to refugee management, bringing out differences in their legal, social, and economic contexts. In Zambia, the Refugees Act of 1970 and its subsequent revisions governed the refugee status however at the time of implementation of the cessation clause the existing Refugees act did not provide explicitly for cessation clauses, creating a legal framework for the repatriation and integration of Rwandan refugees. Therefore, Zambia's implementation of the cessation clause in 2013 resulted in substantial legal and practical challenges, with many former refugees finding themselves in legal limbo, unable to secure permanent residency or citizenship.

Uganda, distinguished for its advanced refugee policies, provided a different approach. Under the Refugees Act of 2006, Uganda adopted a more inclusive system that promoted self-reliance, local integration, and to citizenship. While the cessation clause was also applied in Uganda, the country proved greater flexibility in addressing the legal status of former refugees. Thus agreeing for more sustainable integration solutions. Nevertheless, both countries faced challenges in equating their humanitarian commitments with domestic concerns, such as national security and resource allocation.

This study explores the 1990s Rwandan refugee case within the wide context of international refugee law, including the 1951 Refugee Convention and its 1967 Protocol, and regional instruments such as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. By comparing and contrasting the legal frameworks and outcomes in Zambia and Uganda, this dissertation seeks to highlight important lessons for the implementation of cessation clauses and the protections of former refugees rights.

1.3. STATEMENT OF THE PROBLEM

The cessation clause (**Article 1(C)6 of the 1951 Refugee Convention**) allows withdrawal of refugee status when conditions in the country of origin stabilize, often leaving former refugees stateless due to ongoing violence or lack of legal recognition, preventing safe return. This statelessness causes severe social, economic, and political marginalization, and deprivation of access to basic needs, including exclusion from services, employment, and political

participation. The 1951 Convention lacks protections for stateless former refugees after cessation, and existing statelessness treaties are inadequately implemented.

1.4 OBJECTIVES

1. To assess the Implementation of the General Cessation Clause of Rwandan Refugees in Zambia
2. To evaluate the implication of the General Cessation Clause on the former Rwandan refugees.
3. To compare Zambia's approach to the General Cessation of Rwandan refugees with Uganda.

1.5. RESEARCH QUESTIONS

1. How effective has the implementation of the general cessation clause in Zambia been?
2. What are the key differences in the approaches taken in implementing the general cessation clause?
3. To what extent have legal and political factors influenced the implementation of the general cessation clause?

1.6. SIGNIFICANCE OF THE STUDY

This study is important as it gives a thorough comparative analysis of how Zambia and Uganda succeeded the legal status of former Rwandan refugees after the 1990s crisis. By examining the legal frameworks and their impact on host nations and refugees it contributes to the refinement of refugee laws, providing insights on effective practices for transitioning refugees from temporary asylum to permanent residency or citizenship. In addition to, the study places interest policies and mechanisms that promote social and economic inclusion, which are important for refugees' integration. It also speaks to the issue of statelessness by assessing solutions to ensure refugees have access to legal identity and nationality, by so doing safeguarding their fundamental rights. The findings can inform policymakers and international organizations, supporting the development of systems that facilitate long-term stability for refugees. Moreover, the comparative approach pushes for regional dialogue and cooperation among African nations, promoting refugee management strategies. Lastly, the study adds to academic knowledge in refugee and migration studies, offering perceptions on the intersection of law, human rights and post-conflict recovery.

1.7. SCOPE OF THE STUDY

The study centres on the legal status and integration of former Rwandan refugees in Zambia and Uganda after the 1990s genocide and civil unrest. It examines the policies, legal framework and processes used by these countries to shift refugees from temporary asylum to permanent residency or citizenship. The research considers how these methods affect refugee rights livelihoods and social integration with a concentration on the post-conflict period. It addresses risks of statelessness, access to legal identity and adherence to international refugee law. The study compares Zambia and Uganda to highlight similarities, differences, and lessons learned, while limiting its application to legal and socio-political aspects of integration.

1.8. LITERATURE REVIEW

The topic involving refugees is a topic of interest as many authors have written about it and some include:

Fitzpatrick and Brotman in their work cited by **Yasmeen Siddiqui** in his working paper No.76 on '**Reviewing the application of the Cessation Clause of the 1951 Convention relating to the status of refugees in Africa**' argued that although its language appears theoretically coherent, the Cessation Clause has proven to be troublesome in its application both on account of premature declarations of cessation that return refugees to situations that are still uncertain as well as on account of the legal consequences for those refugees refusing to return.¹ They further targeted that the three procedural aspects of the Cessation Clause have been flagged as being particularly problematic: "[the] objective assessment of the situation in the country of origin, procedural fairness to ensure risk of persecution has been eliminated for individual applicants and consideration of exceptions to the Clause."²

This work is relevant because it addresses the legal consequences of the former refugees' refusal to return to their countries of origin upon the invocation of the cessation clause and it is in line with what this research is trying to address.

¹ Fitzpatrick and Brotman (2001). Available at [wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf](https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf)

² Fitzpatrick and Boanan (2003) available at <https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf>

Yasmeen Siddiqui³ states that scholars are divided on the appropriateness of repatriation as durable solution. Some argue that "...the 1951 Refugee Convention does not require that refugees be granted asylum in the sense of permanent admission to a new political community..."⁴.⁵

This literature is necessary and relevant to this study as it seeks to bring out the intentions of the lawmakers in Articles 1C (5) and whether the lawmakers intended to grant permanent citizenship to the refugees up According to others, the Convention implicitly favors integration in the asylum-seeking nation.

Fitzpatrick claims the that tension between Article 1C (5) and the Convention's Articles 12–30 and 34. While the later provisions encourage social and economic assimilation and citizenship, the former permits authorities to terminate protection when it is judged unnecessary.on invocation of the cessation clause of 1951 or they aimed at relieving the host nations of their duties the refugees.

Galligan articulates the importance of procedures thus: "without procedures, law and legal institutions would fail in their purposes", thus the law and the measures that implement the law "can be seen as equal partners."⁶ Neither the 1951 Convention nor the OAU Convention imply what types of procedures are to be adopted either for the identification of refugee status or responsible for its end. 'Treaty texts do address many of the salient fashionable issues pertaining to termination of international protection' and there is no state preparation to learn from.⁷

³ Reviewing the application of the Cessation Clause of the 1951 Convention relating to the status of refugees in Africa, 2011.

⁴ Hathaway (2005). Available at <https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf>

⁵ Fitzpatrick (1998-1999). Articles 12 to 20 deal with personal status, moveable and immovable property, artistic and industrial property, right to association, access to courts, public education, public relief, labor legislation and social security, administrative assistance, freedom of movement, identity and travel papers, fiscal charges, and transfer of assets. Article 34 states that "[t]he contracting states as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." See also Goodwin-Gill and McAdam (2007). In referring to UNHCR recommendations that states are under no obligation to accord a solution by way of local integration, Goodwin-Gill states that "it is difficult to reconcile the absoluteness of this statement with the obligations which many states have expressly accepted in articles 2-34 of the 1951 Convention." Executive Committee of the High Commissioners Programme Conclusion No. 104 (LVI) 2005.

⁶ Galligan (1997)

⁷ Fitzpatrick (1998-1999)

This literature is relevant to this study as it seeks to challenge the law makers to come up with clear procedures for the end of protection and when identification of refugees when executing the requirements under the Cessation clause.

Hathaway states that it is evident that the practice and procedures in the invocation of the cessation clause are not well developed.⁸ This fact is supported by **Cwik** who speculates that this gap in international law places refugees at a high risk of prematurely losing protection and increase the burden on asylum countries to try and implement the clause the best way by know-how.

Frank Ahimbisibwe, Bert Ingelaere & Sarah Vancluysen argued that local integration is the best option for many Rwandan refugees that are still residing in Uganda today. This because back in Rwanda, the rights of the returnees cannot be guaranteed – as is illustrated by the many refugees that fled their country after the 1994 genocide and still do so today. Also other, more flexible forms of return, will not be accepted by the Rwandan government.⁹

This literature is relevant to my study as it addresses and brings out the best way to approach the execution of the matters relating to former refugees with regards to the cessation clause of 1951, bringing out the concerns that the former refugees might have after having fully established themselves and having adapted to the conditions in the host nation only to their country of origin where the future is not promised.

Cecilia Nsenduluka Mbewe her study was on an analysis of the legal status of refugees in Zambia. This study precisely attempted to evaluate the extent towards which international treaties regarding refugees are implemented by Zambia. This further also went a step extra to analyze the position of refugees in regards to their fundamental rights and freedoms. an example of one of the issues pertaining to the rights and freedoms of a refugee was as to whether when given asylum, is he protected under the host country or maybe under his country of origin?¹⁰

Mathias Sahinkuye's study examines the protection of refugee's human rights in Zambia according to international law. The significance of the study is that Zambia does not possess

⁸ Hathaway (2005). Available at <https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf>

⁹ Rwandan refugees and the cessation clause: the possibilities for local integration in Uganda

¹⁰ Cecilia. N. Mbewe, An analysis of the legal status of refugees in Zambia. University of Zambia, 1995.

adequate or enough means to address the rise in refugee influx, and the national legislation does not entirely provide protection to the rights of refugees as outlined in international frameworks. This research further explores the level to which Zambia is prepared to receive asylum seekers and to offer them asylum.¹¹

This literature is relevant to this study as it brings Zambia's lack of enough or adequate means to address issues relating to the refugees and their rights and it alarms the need for the enactment of a stronger legal framework that is in line with the international frameworks.

Patricia Weiss Fagen in her paper **Protecting Women and Children** debated how leadership is the key to successfully protecting refugee women and children. It deliberated that it is important that all mechanisms of refugee guard such as education, social service income generation psycho-social support and the initiative of refugee camps and settlements are meant to cover refugee protection deliberations. Additionally, it stated that protection of refugees must not only be the primary objective of legal protections but also of the society in general.¹²

Samuel Zulu in his dissertation discussed that despite the fact that Zambia has made great progress in the integration of refugees into society, it still faces challenges within then legislation that needs to be worked on for the country to recognize a full and all-inclusive repatriation and integration back into society.¹³

Cwik¹⁴ submits that the ceased circumstances clause implies state cessation of refugee status which is termed 'mandated repatriation'. Cwik further states that mandated repatriation through the ceased circumstances clause is not well developed in international practice. This supports the notion by Hathaway of the lack of strength which the Guidelines have in ensuring that State parties restrict themselves to the procedure prescribed in the cessation Guidelines. One may however state that because the majority of these countries

¹¹ The legal protection of refugees in Zambia in the light of international law. The university of Zambia, 2011.

¹² Patricia .W. Fagen, Protecting refugee women and children.

¹³ An analysis of Zambia's success in integration and repatriation of refugees under the refugee act no.1 of 2017: a comparative study with Kenya. University of Lusaka, 2021.

¹⁴ Marissa Elizabeth Cwik. Forced to flee and forced to repatriate. How the cessation clause of Article (5) and (6) of the 1951 Refugee Convention operates in international law and practice; Vanderbilt Journal of Transnational Law; Vol. 44. 711; P. 715, 2011, available at <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Cwik-CR.pdf>. [Last visited on 16/04/2025].

enlist the services of the UNHCR in refugee status determination they shall have no option but to follow the Guidelines as they do not have the resources or data to ensure implementation of the clause. For the ceased circumstances clause to come into force, there are certain qualification that asylum states as well as UNHCR ought to examine to determine whether a country is safe for return.

1.9. RESEARCH METHODOLOGY

This study will use a qualitative approach to gather information to efficiently address the research questions and objectives outlined in the proposal. This is due to the nature of the study which requires data collection to be done using primary sources including legislation and other laws and secondary sources including books, articles, government reports, and policies. It will involve getting views from different stakeholders including High commission for refugees in Zambia, the ministry of home affairs and UN High commissioner for refugees.

1.10. RESEARCH DESIGN

The research design that will be used for this study is a narrative study. This is because this study will critically look at the current legal framework governing the affairs of former refugees following the invocation of the cessation clause of 1951 by the Rwandan government. Research subjects will be required to tell stories following their experiences regarding what is currently happening and how it has affected them.

1.11. RESEARCH TYPE

The research type that will be used for this study will be a comparative study. This is because the research seeks to analyze the current happening in the current framework governing former refugees both in Zambia and Uganda after invoking the cessation clause.

1.12. DATA COLLECTION TECHNIQUE

Data collection will be done using primary and secondary sources. Primary sources will include examining the provisions of the laws governing the refugees and former refugees, and collecting information by conducting interviews with the stakeholders and the affected parties, and those who have information on the subject in question. Secondary sources will include collecting information from books, articles, and journals on the subject in question.

1.13. DATA ANALYSIS

This study will use the thematic data analysis to analyze the information that will be collected. The information will be closely examined in order to identify common patterns and suggestions from the information that will be available in trying to effectively address the objectives while responding to the research questions.

1.14. ETHICAL CONSIDERATIONS

The researcher pledges to uphold the required ethics in the quest to obtain the information needed to effectively complete this research paper. The information collected will be used in accordance with permission of use given and permission will be obtained prior to any interviews that will be conducted.

1.15. LAYOUT OF CHAPTERS

CHAPTER ONE: has introduced the study and has covered the background to the study, the statement of the problem, objectives of the study, research questions as well as the literature review.

CHAPTER TWO: this chapter will assess Zambia's implementation of the General Cessation Clause for Rwandan Refugees

CHAPTER THREE: examines the impact of these legal statuses on the social, economic, and political integration of former refugees in Zambia.

CHAPTER FOUR: evaluates the challenges and gaps in the legal systems of Zambia and Uganda in addressing the needs of former refugees and will carry out a comparative analysis with Uganda.

CHAPTER FIVE: as the final chapter provides findings, conclusions and Recommendations of the study.

CHAPTER TWO

IMPLEMENTATION OF THE GENERAL CESSATION CLAUSE

2.0 INTRODUCTION

The general cessation clause was formally invoked and implemented in Zambia following UNHCR's 2013 recommendation, bringing an end to refugee status for Rwandan refugees who had arrived before 1999. This decision affected more than 4,000 individuals, many of whom had lived in established refugee settlements for many years. Implementation was embedded within the search for durable solutions and sought to prevent statelessness by pairing the withdrawal of refugee status with exemptions and alternative pathways.

2.1 LEGAL FRAMEWORK.

At the time of implementation of the general cessation clause in Zambia, there was no particular national law in place to guide the process. Instead, the government primarily relied on administrative procedures coordinated through the Office of the Commissioner for Refugees, and the UNHCR. Given this gap in national legislation, Zambia adopted international principles and practices to make sure there was compliance with broader refugee protection frameworks.

Internationally the primary stand point was *the UNHCR Guidelines on the Application of the Cessation Clauses*, which provided elaborative directions on how and when cessation may be applied. These guidelines emphasized principles of voluntariness and safety in the implementation of durable solutions, also allowing for exemptions in cases of individuals with persuasive protection needs.¹⁵

¹⁵ UNHCR, *The Cessation Clauses: Guidelines on Their Application*, Geneva, 26 April 1999
UNHCR, *The Cessation Clauses: Guidelines on Their Application* (26 April 1999) UNHCR
<https://www.refworld.org/policy/legalguidance/unhcr/1999/en/39942> accessed 17 September 2025.

At the regional level, Zambia depicted on the **1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa**, which complements the 1951 Refugee Convention by providing for cessation on a group basis.¹⁶ This framework was specifically relevant in the Zambian context, as cessation affected many refugee populations such as Angolans and Rwandans, than being determined solely on an individual basis.

By contrast, the **1951 Refugee Convention** and its **1967 Protocol** primarily address cessation on an individual level, particularly under Article 1C, which outlines circumstances under which an individual refugee ceases to qualify for protection. Taken together, the 1951 Convention, the 1969 OAU Convention, and the UNHCR Guidelines provided legal and policy foundation upon which Zambia implemented the general cessation clause, filling the gap left by the absence of comprehensive national refugee legislation at the time.

2.2 GENERAL CESSATION PROCEDURE.

Zambia's implementation involved multilateral appointments between the Zambian government (through the Commissioner for Refugees under the Ministry of Home Affairs and Internal Security), UNHCR and the Rwandan government. Key measures outlined below were involved in the implementation processs.¹⁷

2.2.1 PRE-CESSATION ASSESSMENT AND NOTIFICATION (2011–2013)

UNHCR's comprehensive strategy for Rwandan refugees, included discussions with host countries to assess the application of the cessation clause. This consisted of joint assessments of conditions in Rwanda such the "Go and see come and tell programs in which Zambian officials had gone to witness and also sensitizations, community meetings and official announcements in their numerous settlements to educate refugees on the changes. After the invocation of the cessation clause, refugee status was routinely terminated except for individuals who qualified for exemptions.¹⁸

¹⁶ Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 January 1974) OAU https://www.refworld.org/legal/agreements/oau/1969/en/13572?utm_source=chatgpt.com accessed 16th September, 2025

¹⁷ Ibid

¹⁸ UNHCR, 'UNHCR helps Rwandans in Zambia make informed decisions on return' (21 January 2003) <https://www.unhcr.org/news/unhcr-helps-rwandans-zambia-make-informed-decisions-return> accessed (16th September, 2025).

2.2.2 EXEMPTION APPLICATIONS (2013–PRESENT)

Refugees could apply for exemptions under the **Refugee Convention Article 1 (C) (5)**¹⁹ if they could prove compelling reasons for continued protection such as ongoing personal risks of persecution in Rwanda due to political affiliations, ethnicity or past experiences. Applications were submitted to the commissioner for refugees and reviewed by a joint UNHCR and Zambian committees and were decided upon on a case by case basis after having conducted interviews. In Zambia, the majority of refugees had applied for exemptions but most of them were rejected due to lack of sufficient evidence of individualized risks.²⁰ Interviews with officials from the Commissioner for Refugees Office confirmed this, highlighting that “no government policy was put in place and that the process was merely administrative, not only but also verification processes were carried out in both Maheba and Mayukwayukwa with emphasis on identifying individuals eligible for exemptions people were given an opportunity to be interviewed and out of the total population only about 700 were granted refugee status.”

2.3 DURABLE SOLUTIONS

Durable solutions aimed at providing long-term security and stability for affected refugees. In line with international refugee protection standards, three principal solutions were considered: voluntary repatriation, repatriation, local integration and resettlement. Each of these options designed to ensure that refugees either returned home safely or remained lawfully within Zambia under an integration framework, or where possible resettled to third countries.²¹

REPARTRIATION (2013–2015)

¹⁹ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137

²⁰ Lusaka Times, ‘UNHCR not forcing Rwanda Refugees to repatriate’ (3 February 2012)

<https://www.lusakatimes.com/2012/02/03/unhcr-forcing-rwanda-refugees-repatriate/> accessed (16th September, 2025).

²¹ UN, “Innovative, Durable Solutions — Voluntary Repatriation, Local Integration — Needed to Solve Problem of Refugees, Say Speakers in Third Committee” (5 November 2008) UN Press Release GA/SHC/3935

<https://press.un.org/en/2008/gashc3935.doc.htm> accessed 2nd September, 2025.

Following the invocation of the general cessation clause, repatriation was promoted as the primary durable solution for former Rwandan refugees in Zambia. As a general policy, refugees were encouraged to return to their countries of origin once it was determined that circumstances had fundamentally changed and that they could again avail themselves of national protection. Not only was that but, voluntary repatriation emphasized as an option for individuals who, of their own accord, chose to return and re-establish themselves under the protection of their home state. Guided by UNHCR's 2013 recommendation and implemented in collaboration with the Government of Rwanda, the process encouraged Rwandan refugees to return on the basis that conditions had improved since the 1994 genocide. Repatriation exercises were coordinated by the Office of the Commissioner for Refugees and UNHCR, which provided transportation and basic reintegration support. However, while some individuals accepted repatriation, many others were reluctant to return, citing fears of persecution, political repression or lack of economic opportunities in Rwanda.

Interviews with former Rwandan refugees in Lusaka further revealed that, in practice, policies often felt imposed on refugees rather than negotiated with them. Unlike Angolans, who were mainly able to return voluntarily, Rwandans handled pressured to accept the protection of their government even when they continued to perceive risks. Many interviewees argued that the circumstances leading to their flight had not come to an end, pointing to ongoing political tensions in Rwanda. They also alleged that some individuals continue to leave the country and, in desperation, obtain false nationalities such as claiming Congolese identity to avoid being linked back to Rwanda. This reluctance underscores the complications of implementing cessation, as the authorised promotion of repatriation often contravened with refugees' lived experiences and perceptions of safety in their country of origin. And also Scholars note that cessation processes often risks creating statelessness authors position on this **M Yonekawa** in post cessation. Yonekawa, a former UNHCR field officer in Rwanda and former UNHCR head of field office in Goma in the eastern DRC, questions the accountability of the UN refugee agency. "The repatriation of refugees was a politically and economically preferred option among all major stakeholders other than the

refugees themselves, and alleges that repatriation was not voluntary but rather forced repatriation.”²²

LOCAL INTEGRATION (2015–PRESENT)

The Government of Zambia and the UNHCR launched a strategic framework for the local integration of former refugees was intended to run from 2014 to 2015,²³ the objective of outlining priority requirements and actions as well as resources required to implement governments pledge to locally integrate about 10,000 refugees which required refugees availing themselves to the Rwandan authorities, and surrendering their refugee cards and gaining Rwandan passports. Local integration deemed to be the most effective among the outlined durable solutions, it is however costly and the outcome is at 33%. Nevertheless, interviews with former Rwandan refugees contend that ‘the plight of refugees are not considered and that they are treated inhumanely. They also allege that none of the said durable solutions had been realized practically.’²⁴ While an official at the Commissioner for Refugees office explained that local integration provides an opportunity for those who wish to remain in Zambia, provided they make themselves available to the country of origin as required. However, interviews conducted with a former Rwandan refugee revealed a contrasting experience. According to the refugee, Rwandan nationals were being compelled to avail themselves of the protection of their government, rather than being granted a genuine choice in the matter.

RESETTLEMENT

Resettlement is amongst the durable solutions for refugees, together with voluntary repatriation and local integration. It involves the transfer of refugees from a host country to a third country that gives them permanent residence. This is reserved for refugees facing constant insecurity, protection risks, or limited chances of integration. While resettlement promotes safety and access to basic rights, global opportunities are scarce due to limited

²² Masako Yonekawa, *Post-Genocide Rwandan Refugees: Why They Refuse to Return ‘Home’: Myths and Realities* (Springer Singapore 2020) ISBN 978-981-10-6755-6 (electronic ISBN 978-981-10-6756-3).

²³ Lweendo Kambela, *Angolan Refugees in Zambia: Policy & Practice Brief* (ACCORD, 10 May 2016) <https://www.accord.org.za/publication/angolan-refugees-zambia/> accessed (17th September, 2025)

²⁴ Interview with Dr Fred a former Rwandan refugee, (Lusaka, Zambia) 10th September, 2025.

allocations and political restrictions. In Zambia, such openings are minimal, and the success rate remains at 2% leaving most refugees to rely on voluntary repatriation.

CONCLUSION

In conclusion, when Zambia invoked the general cessation clause and adopted international standards to guide its implementation, the process has not been fully realized. Despite efforts through repatriation, local integration, and resettlement, major gaps remain. Refugee resistance, administrative and financial constraints and the absence of a strong legal framework have delayed effective outcomes. Thus, implementation of the cessation clause in Zambia remains partial and incomplete.

CHAPTER THREE

IMPLICATIONS OF THE GENERAL CESSATION CLAUSE

3.0 INTRODUCTION

The implementation of the general cessation clause carries wide range of effects that encompass beyond the withdrawal of refugee status. Its application effects legal obligations at international, regional and national levels, while concurrently affecting the humanitarian, socioeconomic and political landscape of both host states and the refugees concerned. In the Zambian context, these implications expose the impediments complicated in aligning national performs with international protection principles and warranting that the process sustains fundamental refugee rights.²⁵ The debate that follows examines these implications concluded multiple dimensions, highlighting the broader significances and experiments associated with the cessation process

3.1 LEGAL IMPLICATIONS

The invocation of the general cessation clause in Zambia gave rise to deep legal consequences that were far beyond the formal removal of refugee status. It marked a pivotal shift in the legal relationship between the State and the affected refugee populaces, redefining rights, obligations and the scope of protection available under both international and national law. In practical terms, the cessation process required the Zambian authorities to traverse the complex connection of obligations arising from the **1951 Refugee Convention** and its 1967 Protocol, the **1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa**, and the national refugee framework.²⁶

However, the aftermath of this process exposed several legal challenges. The absence of a comprehensive national legal framework at the time of invocation created ambiguity regarding the procedures to be followed, the criteria for determining durable change in the country of origin, and the safeguards required to ensure due process and non-discrimination.

²⁵ UNHCR, Guidelines on the cessation clauses (Article 1c(5) and (6) of the 1951 convention relating to the status of refugees

²⁶ Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) (1951 Refugee Convention); Protocol relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967)

These openings intensified the risk of unpredictable interpretation and potential abuses of fundamental principles such as the right to be heard and the exclusion of refoulement. Furthermore, the legal status of individuals who did not opt for voluntary repatriation but remained in Zambia offered an additional challenge, as existing legislation providing restricted direction on residual security or local integration mechanisms.

3.1.2 ABSENCE OF A LEGAL FRAMEWORK

At the time of the invocation of the general cessation clause, Zambia did not have a leading legal system. It relied upon administrative measures as highlighted by a key informant at the Commissioner for refugees office and also relied heavily on international conventions and the leadership provided by the United Nations High Commissioner for Refugees (UNHCR).

Therefore the lack of governing legislation describes the extent to which the removal of refugee status adheres to policies of fairness, due process, and the rule of law. The cessation process, by its very nature, includes the formal assumption of a legal status that awards security and rights to individuals who have fled persecution. Thus as such, its implementation must be directed by clear legal standards and events that promote and ensure consistency, accountability, and the protection of essential human rights. where cessation is done without a well-defined legal framework, there is a huge risk of arbitrariness, inconsistent application, and potential violation of the basic principles of justice, including the right to be heard and the right to non refoulement ²⁷.

In the Zambian context, the absence of specific legislation governing the cessation process twisted notable legal breaches through its implementation.

From the perspective of refugees, the nonexistence of a clear legal framework takes many implications on their legal status, documentation and access in the direction of rights within the host country. Once cessation is declared, refugees lose the legal protection that warrants their stay, separation many in a state of uncertainty regarding their residence, employment, and right to essential services. Minus clear domestic procedures stating how cessation decisions are communicated, reviewed, or appealed, affected individuals may find

²⁷ Interview with Key informant, Office of the Commissioner for Refugees Lusaka Zambia, 2025. UNHCR, Guidelines on the applicability of the Cessation Clauses in the 1951 Refugee Convention (UNHCR 2003).

themselves suddenly exposed of status without comprehending the basis of the decision or their available remedies. In their context, the implementation method not only affects the legal position of refugees but also places them in a vulnerable position where their human rights and dignity may be compromised.²⁸

3.1.3 RELIANCE ON ADMINISTRATIVE PROCEDURES

This intended that, although Zambia sought to align itself with international standards, the implementation lacked the strictness and legal certainty that a statutory framework would normally provide. Administrative procedures, while flexible, are often subject to interpretation and may lack enforceable safeguards, leaving decisions largely dependent on institutional discretion rather than binding law.

The dependence on administrative mechanisms also raises questions of legal accountability. Without codified procedures, there is limited choice for affected individuals to contest conclusions or seek remedies in cases of wrongful cessation. This depicts refugees to possible procedural injustices, when decisions affecting their fundamental rights are made without adequate legal recourse. Furthermore, the lack of legislative guidance limits transparency of the policymaking process, making it difficult to ensure uniformity in the application of cessation criteria. Such gaps weaken the rule of law and may compromise the integrity of the complete refugee protection framework.²⁹

3.2 HUMANITARIAN IMPLICATIONS

Although the legal magnitudes of the cessation clause point out issues of compliance, due process and state accountability the broader concerns protracted deeply into the humanitarian sphere. The withdrawal of refugee status not only change legal standing but also affects the fundamental welfare, security and dignity of those who once depended on international security. This then shows how cessation challenged the living circumstances, reintegration prospects and the protection of the environment of former refugees in Zambia

²⁸ K Feller "The cessation clause: A Refugee Protection Tool or a Protection Threat?" (2005)

²⁹ Musonda Mumba, 'Legal and Institutional Frameworks for Refugee Protection in Zambia: Gaps and Challenges' (2018) *Zambian Law Journal* 45.

3.2.1 IMPACT ON REFUGEE WELFARE AND PROTECTION

Withdrawal of refugee status subsequent the invocation of the general cessation clause had deep effects on the welfare and protection of affected refugees. When legal protection in international and domestic refugee law was dismissed, many former refugees in Zambia practices reduced right of entry to essential services such as healthcare, education, shelter, and food assistance. The cessation of legal status meant that refugees were no longer accepted as persons of concern under the same framework of rights and entitlements, thus limiting their suitability for humanitarian aid and support from both the state and international partners.³⁰

The response to the growing humanitarian gaps, the United Nations High Commissioner for Refugees (UNHCR) and several non-governmental organizations (NGOs) commenced besieged interventions to mitigate the adversarial effects of the cessation process. These efforts included shortening voluntary repatriation, supporting reintegration advantages in countries of origin, and on condition that transitional assistance for those who persisted in Zambia without legal status. Amid these efforts, humanitarian needs often surpassed presented possessions, leaving many individuals and families in hazardous conditions.³¹

The unexpected change from protected refugee status to legal ambiguity also promoted refugees' vulnerability and psychosocial distress. The loss of aid appropriateness, coupled with insecurity about future residence and livelihoods, supported heightened anxiety, social dislocation, and a sense of abandonment among affected populations. For many, the end of refugee status did not associate to the end of displacement, but rather indicated the beginning of a new chapter of instability in which humanitarian protection became increasingly fragile.

3.2.2 CHALLENGES IN REINTEGRATION AND RETURN

The repatriation advantages encountered many obstacles that undermined the sustainability of return and the wider objectives of durable solutions. Many returnees encountered challenges reintegrating into societies still grappling with economic instability, limited the cessation of refugee status in Zambia was followed by extensive efforts to infrastructure, and residual insecurity. In many cases, property compensation and rights to livelihoods proved

³⁰ *Ibid*

³¹ *ibid*

difficult due to land disputes, lack of documentation, or stigma against those who were in exile. As a result, the prospect of return, while voluntary in principle, often exposed refugees to conditions that were short of the standards of safety and dignity prescribed by international humanitarian norms.³²

For those who remained in Zambia, the challenges were equally significant. A considerable number of refugees either could not or chose not to repatriate, citing fears of renewed persecution, political uncertainty, or lack of economic opportunities in their home countries. The cessation of legal status left many in a state of legal limbo without formal recognition, residence permits, or access to basic services. Some of these individuals continued to live in former refugee settlements such as Mayukwayukwa and Meheba under precarious conditions, while others moved to urban areas where they struggled to survive without documentation or the protection previously afforded to them. This situation created a population of de facto stateless persons whose humanitarian needs persisted despite the formal closure of Zambia's refugee response.

3.2.3 HUMAN RIGHTS CONCERNS

The invocation of the general cessation clause inevitably raises significant human rights concerns, particularly for refugees whose protection needs persisted beyond the formal withdrawal of status. The process exposes gaps in Zambia's ability to safeguard the rights and position of individuals who no longer held legal recognition but remained within its territory. Many former refugees have found themselves without documentation or legal identity, in that way limiting their access to justice, social services, and protection from exploitation or abuse. Such circumstances increased their susceptibility to arbitrary arrest, detention, and discrimination conditions that counter the fundamental principles enshrined in international human rights and refugee law.³³

Women, children, and persons with disabilities were extremely affected by these vulnerabilities. The loss of formal refugee status often meant exclusion from targeted

³² Isabel Ruiz and Carlos Vargas-Silva, 'Refugee Return and Social Cohesion' (2021)

³³ UNHCR, Guidelines on the Protection of Refugee Women (7 May 2002) paras 5–10; UNHCR, Guidelines on Child Protection and Refugee Children (2012) paras 2–8; UN Committee on the Rights of Persons with Disabilities, General Comment No. 4: Article 24: Right to Inclusive Education (2016) para 10.

humanitarian programs, leading to increased risks of gender-based violence, child labour, and poverty related exploitation. The breakdown of structured protection mechanisms within refugee settlements further eroded community safety networks that had previously provided social and psychological support. By way of a result, these groups are faced with compounded shield challenges that required a more cautious human rights based response. The situation tested Zambia's adherence to international obligations under instruments such as the **1951 Refugee Convention**, the **1969 OAU Convention**, and **International Covenant on Civil and Political Rights (ICCPR)** and the **African Charter on Human and Peoples' Rights**. The principles of non refoulement, equality before the law, and the right to human dignity require that even in the context of cessation, the State continue to protect individuals from rights violations and ensure humane treatment. However, in practice, the absence of a strong post-cessation protection framework weakens the implementation of these obligations.³⁴

In essence, the cessation process revealed that the end of refugee status does not free a State of its continuing human rights responsibilities. When the protection framework contracts faster than the human needs it once covered, individuals are exposed to renewed risks and marginalization. This underscores the necessity for a rights-based approach to cessation one that is

3.3 SOCIAL ECONOMIC CHALLENGES

The invocation of the general cessation clause formed important social and economic challenges for former refugees in Zambia. Despite, the fact the cessation marked the formal conclusion of refugee status for many long-term residents, its results exposed deep gaps in verifying sustainable reintegration and socio economic stability. The evolution from protected refugee status to that, of undocumented migrants, was neither smooth nor uniformly managed. As a result, many former refugees qualified new forms of exclusion, economic marginalization, and social vulnerability.

³⁴ OAU, Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974), International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976), African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986)

Economically, the removal of legal status implied the loss of employment, vocational training, and livelihood programmes previously supported by UNHCR and other humanitarian agencies. Many former refugees who had small-scale businesses or engaged in agricultural production in settlements such as Meheba and Mayukwayukwa encountered ambiguity over their constant right to land use and ownership. Without legal documentation or recognized property rights, their ability to sustain livelihoods was severely forced. This termination of humanitarian aid further deteriorated economic insecurity, as many households lost critical assistance that had supplemented their limited incomes.

The cessation also restricted access to financial services, including credit and savings facilities, since most former refugees did not have formal identification needed by the financial institutions. Subsequently, many were restricted to informal and precarious economic activities such as casual labour, street vending and subsistence farming. These survival strategies, though necessary, promoted poverty and hindered long-term self reliance. The lack of state-led social protection programs to absorb those transitioning out of refugee status further expanded socio-economic disparity between local citizens and former refugees.³⁵

Socially, the loss of refugee status activated a difficult process of identity renegotiation and social displacement. Former refugees often experienced discrimination and stigma within host communities, being perceived as “foreigners” despite many years of residence in Zambia. This social hostility limited their capacity to fully integrate and take part in community life. The absence of legal documentation also curtailed access to crucial social services such as education and healthcare and affecting women, children, and persons with disabilities. Many children, who were beneficiaries of camp-based education systems, were unable to enroll in national schools after the cessation and access to healthcare was dependent on out of pocket payments that most of them were unable to afford.

For those who opted to return to their countries of origin, reintegration presented equally profound socio economic challenges. Many returnees found limited employment opportunities, inadequate infrastructure, and poor access to basic services in areas of return. Some faced rejection or suspicion from local populations, further complicating their

³⁵ Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* (Cornell University Press 2013).

reintegration. Who can not return or secure a new legal status in Zambia, remained in limbo either within former refugee settlements or in urban areas, without protection or stable livelihoods.

These issues reveal that cessation, in practice, does not routinely result in durable solutions. Instead, the sudden withdrawal of legal and humanitarian support can perpetuate dependency, poverty and social exclusion. From a humanitarian and human rights perspective, such outcomes conflict with the principles of safety, dignity, and sustainability that strengthen durable solutions in international refugee protection. Effective cessation should then be accompanied by complete socio economic reintegration programmes, inclusive national policies, and constant support from international partners to ensure that former refugees shift into self-sufficiency.³⁶

3.4 POLITICAL AND ADMINISTRATIVE IMPLICATIONS

Politically, the outcome of the general cessation clause in Zambia exposed the delicate balance between domestic policy priorities and international protection responsibilities. The decision to formally end refugee status for long-standing groups such as Angolans and Rwandans demanded a recalibration of state interests, diplomatic relations, and internal governance dynamics. It required Zambia to navigate competing pressures: maintaining regional solidarity, demonstrating compliance with UNHCR frameworks, and addressing domestic sentiments regarding protracted refugee presence. In practice, this balancing act revealed political sensitivities around citizenship, land allocation, and national identity, as debates emerged over whether integration or repatriation best served the country's durable interests.

The cessation process also reshaped Zambia's broader refugee policy landscape, shifting the political discourse from humanitarian accommodation to migration management. This transition reflected an intent to normalize refugee governance under national control, yet it simultaneously risked diminishing the humanitarian space that had defined Zambia's historical approach to asylum. The process tested the government's commitment to uphold refugee protection standards amid growing domestic demands for stricter migration

³⁶ <https://www.unhcr.org> accessed on 15 October 2025.

regulation. Politically, Zambia's approach also influenced its regional image as both a cooperative partner in refugee solutions and a state grappling with the domestic implications of protracted displacement.

Administratively, cessation implementation exposed persistent institutional weaknesses. The absence of detailed operational guidelines on cessation meant that government agencies often relied on discretionary decision making, leading to inconsistencies in the treatment of affected individuals. The Office of the Commissioner for Refugees (COR), which bore primary responsibility for managing the transition, struggled with limited staffing, inadequate funding, and coordination gaps between central and local authorities. These constraints affected the timely processing of residence permits, repatriation documentation, and the management of those who opted to remain in Zambia under alternative legal arrangements.

The gradual withdrawal of UNHCR's logistical and financial support further compounded administrative strain. Local authorities in settlements such as Meheba and Mayukwayukwa faced operational challenges in maintaining records, facilitating documentation, and supporting integration without external assistance. Overlapping mandates between ministries, together with weak data sharing mechanisms, hindered coherent management. This lack of institutional continuity contributed to administrative delays, policy uncertainty, and, in some cases, the marginalization of those left outside formal reintegration pathways.³⁷ Politically and administratively, therefore, the cessation process illuminated the tension between aspiration and capacity. While Zambia demonstrated willingness to comply with international recommendations, the absence of sustained political commitments to post-cessation governance and the inadequacy of administrative structures limited the effectiveness of the process. The long term success of cessation as a durable solution depends on more than legal conformity it requires stable political leadership, coordinated institutions, and adequately resourced administrative frameworks capable of managing transition without compromising the protection and dignity of former refugees.³⁸

³⁷ <https://www.unhcr.org/africa/media/zambia-refugees-economies-livelihoods-and-challenges> accessed 16 October 2025

³⁸ International Organization for Migration (IOM), Supporting Durable Solutions for Former Refugees in Zambia (IOM 2015)

CONCLUSION

The cessation process in Zambia revealed the intricate interplay between law, policy and practice in managing the transition from refugeehood to self-sufficiency. While it sought to resolve a lasting displacement situation, its outcomes exposed enduring gaps in protection, governance, and socio economic inclusion. The legal ambiguities, humanitarian strain, and administrative limitations that emerged highlight the difficulty of achieving durable solutions without coherent national frameworks and sustained international support. Beyond its immediate effects, the experience highlighted the need for a rights based and development oriented approach that balances state sovereignty with humanitarian responsibility. Ultimately, the cessation process stands as both a milestone and a lesson demonstrating that ending refugee status is not merely a procedural act, but a multidimensional challenge requiring legal clarity, political commitment, and inclusive reintegration strategies that uphold human dignity and long term stability.

CHAPTER FOUR

A COMPARATIVE ANALYSIS OF ZAMBIA'S AND UGANDA'S APPROACHES TO THE GENERAL CESSATION OF RWANDAN REFUGEES.

4.0 INTRODUCTION

Zambia and Uganda, both long-lasting hosts of Rwandan refugees and parties to the 1951 Refugee Convention and the 1969 OAU Convention, responded to the cessation directive through different administrative and legal approaches. This explores how these two countries implemented the general cessation clause analyzing the national mechanisms, institutional structures and contextual factors that influenced their respective responses. By leaving the discussion within broader debates on refugee protection, state sovereignty and durable solutions the chapter makes available a comparative perspective on the co-existence between international refugee law and national practice. It proceeds by first outlining the processes in both Zambia and Uganda, followed by a comparative assessment of their approaches and the implications these have for the protection and reintegration of former Rwandan refugees.

4.1 ZAMBIA'S APPROACH TO THE IMPLEMENTATION OF THE GENERAL CESSATION CLAUSE

Zambia's approach to the implementation of the general cessation clause for Rwandan refugees was mainly influenced by a mixture of administrative practice, political caution and humanitarian considerations. Though the country has had a long history of hosting refugees and has upheld cooperation with the United Nations High Commissioner for Refugees, Refugees Control Act.³⁹ Which governed refugee affairs during the cessation process, lacked detailed provisions on the same. Consequently, the implementation depended heavily on ministerial commands and the flexible authority of the Commissioner for Refugees, with technical and logistical support from UNHCR.

Following UNHCR's declaration in 2013 that the conditions in Rwanda had changed, Zambia endorsed the cessation clause and began the process of assisting the return of Rwandan refugees. The government emphasized voluntary repatriation as a better option among

³⁹ Cap 120 Of the laws of Zambia

durable solutions, with UNHCR providing transport assistance and uncertain reintegration support to returnees. At the same time, those refugees reluctant to return were encouraged to apply for alternative legal status either local integration or residence permits subject to the country's immigration laws. However, the lack of a comprehensive statutory framework to guide cessation created ambiguity around procedures and rights.⁴⁰

Implementation was further inhibited by a range of political, administrative and humanitarian challenges. Politically the process was delicate as some refugees communicated fears about security and political persecution upon return to Rwanda. Administratively, resource limitations and weak institutional capacity affected the efficiency of reintegration processes. Humanitarian concerns also emerged, particularly regarding the voluntariness of return and adequacy of reintegration support once refugees arrived in Rwanda. The process was therefore slower and less coordinated than anticipated with many refugees opting to remain in Zambia despite the formal cessation of their status. The process was therefore slower and less coordinated than anticipated, with many refugees opting to remain in Zambia despite the formal cessation of their status.

Zambia's approach thus reflected a realistic yet constrained implementation of the cessation clause. While the government demonstrated willingness to align with international policies and UNHCR guidelines, its reliance on administrative mechanisms and lack of clear legal safeguards limited the protection space for affected refugees. The experience highlighted the rigidity between state sovereignty and humanitarian obligations, underscoring the need for clearer legal frameworks and a more comprehensive reintegration strategies to achieve durable solutions.

CHALLENGES FACED BY THE ZAMBIAN GOVERNMENT IN THE IMPLEMENTATION PROCESS

Despite the progressive intent behind Zambia's approach, the implementation of the cessation clause was troubled with challenges. One of the most significant issues was the bureaucratic and administrative difficulties involved in transitioning former refugees to

⁴⁰ 'Former Rwandan refugees in Zambia to get alternative status after cessation clause' (7 July 2014) <http://reliefweb.int/report/zambia/former-rwandan-refugees-zambia-get-alternative-status-after-cessation-clause> accessed 7 November 2025.

permanent resident status. Many Rwandans faced delays in processing their applications, lacked access to legal assistance, or were unable to meet the documentation requirements. According to **L Savelli** in **“What happens to those who do not repatriate voluntarily”** it was emphasized that Zambia’s legal framework, though supportive of the integration principle, often failed to provide clear procedural guidance, leaving many former refugees in a state of legal limbo. This uncertainty was exacerbated by limited financial and technical challenges which hindered the government’s capacity to effectively manage the integration process.⁴¹

The role of international actors, particularly UNHCR, was instrumental in shaping Zambia’s approach. UNHCR provided technical support, policy guidance, and limited financial assistance to facilitate the cessation process. It also worked closely with the Zambian government to conduct information campaigns, legal screenings, and community consultations. Nonetheless, the scale of the task and the complexity of individual refugee cases often outperformed the available resources. The cessation clause, while legally sound, requires careful and contextual implementation to avoid undermining the rights and dignity of affected populations.

While Zambia’s emphasis on local integration was commendable, its experience underscored the importance of ensuring that legal and administrative frameworks are inclusive and responsive to the needs of refugees. The Zambian case thus offers valuable lessons for other countries grappling with similar challenges, particularly in balancing sovereignty, international obligations, and humanitarian imperatives. Zambia’s approach to the cessation of Rwandan refugee status was a complex and multidimensional process that reflected both the strengths and limitations of a national refugee policy. By choosing to implement the cessation clause and promote local integration, Zambia demonstrated its commitment to durable solutions and regional stability. However, the challenges encountered ranging from legal ambiguity to resource constraints highlight the need for sustained international support, stronger institutional capacity and a more elaborate approach to refugee protection. As the global refugee landscape continues to evolve.

⁴¹ L Savelli, What Happens to Those Who Do Not Repatriate Voluntarily? Protection and Prospects for the Residual Caseload of Angolan Refugees in Zambia (Master’s thesis, Lund University 2003)
<http://lup.lub.lu.se/student-papers/search/publication/1561767> accessed 4 November 2025

Zambia's experience remains a critical study in the application of the cessation clause and the pursuit of long term solutions for displaced population.

4.2 UGANDA'S APPROACH TO THE GENERAL CESSATION CLAUSE

Uganda's experience with the implementation of the general cessation clause for Rwandan refugees presents a complex intersection between humanitarian commitment, regional diplomacy and domestic enforcement practices the developments that followed the invocation of the clause revealed both procedural and protection related shortcomings in Uganda's handling of the process.

According to Harrell Bond, Ugandan media outlets announced the arrival of approximately 1,300 Rwandan nationals seeking asylum in Uganda and response to this development, a tripartite meeting was convened between the Governments of Uganda and Rwanda and the United Nations High Commissioner for Refugees. During this meeting, the parties issued a Joint Communiqué expressing several concerns among which UNHCR's frustration with the slow pace of repatriation, Rwanda's assertion of readiness to receive its nationals and Uganda's anxiety over the growing number of asylum seekers from neighbouring states. The Communiqué also declared that the refugee status of Rwandans in Uganda would cease with the invocation of the cessation clause by December 2011 and further affirmed that a mechanism would be established to consider individual cases of those unable or unwilling to return to Rwanda.⁴²

However, despite the planned procedural timeline, reports indicate that enforcement measures began prematurely and in a manner inconsistent with the principles of voluntariness and non refoulement. Harrell Bond recounts that on the night of 14 July 2010, Ugandan and Rwandan security forces entered the Nakivale and Kyaka II refugee settlements. Approximately 1,700 Rwandan refugees were gathered in Nakivale under the pretext of receiving information regarding their refugee status but were instead forcibly loaded onto trucks at gunpoint and transported toward Rwanda. Similarly, in Kyaka II, refugees were reportedly lured to a World Food Programme (WFP) distribution point under the promise of aid only to find themselves surrounded by armed personnel and compelled to

⁴² No consensus on implementation of cessation clause for Rwandan refugees' (12 July 2013) <https://www.thenewhumanitarian.org/analysis/2013/07/12/no-consensus-implementation-cessation-clause-rwandan-refugees> accessed 7 November 2025.

board vehicles bound for the Rwandan border. Many were unable to gather their belongings or notify family members before removal.

These events as reported by Harrell Bond, cast doubt on the voluntariness of Uganda's repatriation efforts and raised serious concerns about violations of international refugee law, particularly the principle of non refoulement, which prohibits the forced return of refugees to countries where they may face persecution. They also underscore the tension between Uganda's reputation as a progressive host country and the pressures arising from bilateral relations with Rwanda and the regional push for cessation.⁴³

Overall, the Ugandan experience reveals that even within states possessing advanced legal frameworks for refugee protection, the practical implementation of cessation processes may be influenced by political and security considerations. It highlights the importance of independent monitoring mechanisms, transparent procedural safeguards and ongoing protection assessments to ensure that the invocation of cessation aligns with the fundamental principles of voluntariness, safety and dignity

Uganda's handling of the Cessation Clause for Rwandan refugees between 2009 and 2011 reveals a complex interplay of political pressure, humanitarian obligations and regional diplomacy. The Cessation Clause, found in Article 1C(5) of the 1951 Refugee Convention, allows states to end refugee status when the circumstances that led to flight have fundamentally changed. In theory, it should only be invoked when conditions in the country of origin are safe and stable enough to guarantee voluntary, dignified return. Uganda's approach, however deviated significantly from these principles.⁴⁴

In May 2010, Uganda, Rwanda and UNHCR issued a joint communiqué announcing that the refugee status of Rwandans in Uganda would cease by December 2011. This decision was based on the assertion that Rwanda had achieved sufficient political stability. Yet, evidence from refugee testimonies and human rights organizations painted a different picture. Many Rwandan refugees feared persecution upon return, citing threats from Gacaca courts,

⁴³ *ibid*

⁴⁴ Article 1C(5) of the Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention)

political repression and targeted abductions by Rwandan intelligence agents operating in Uganda.⁴⁵

Despite assurances that repatriation would be voluntary, Uganda began implementing the cessation clause prematurely. On 14 July 2010, Ugandan and Rwandan security forces forcibly removed over 1,700 refugees from Nakivale and Kyaka II camps under false pretences. Refugees were told they would receive updates on their asylum claims or food aid only to be rounded up at gunpoint and deported. Reports documented deaths, injuries and family separations during the operation, with some refugees dying from violence or attempting escape.

Uganda's actions drew criticism from UNHCR, which stated it had not been informed of the timing or nature of the operation. The agency emphasized that cessation must be accompanied by mechanisms to assess individual claims for continued protection. While Uganda promised such mechanisms, their implementation was opaque and insufficient. Furthermore, Uganda's approach ignored the broader legal and ethical standards governing cessation. The 1951 Convention and the OAU Convention require that cessation be based on profound and enduring change in the country of origin, and that refugees be exempted if they can demonstrate compelling reasons to remain. However Uganda's blanket application of the clause, coupled with forced returns, violated these norms and undermined the principle of non refoulement.⁴⁶

Thus, Uganda's invocation of the Cessation Clause was not merely a legal makeover it was a political act that compromised refugee protection. By prioritizing regional diplomacy over individual rights, Uganda set a troubling precedent for how cessation can be misused. The episode underscores the need for stronger safeguards, transparent procedures and genuine commitments to international refugee law.

⁴⁵ Barbara E Harrell-Bond, 'The Cessation Clauses: Uganda's Experience with Rwandan Refugees' (Refugee Studies Centre Working Paper No 95, University of Oxford 2013) <https://www.rsc.ox.ac.uk/publications/the-cessation-clauses-uganda-s-experience-with-rwandan-refugees> accessed 7 November 2025.

⁴⁶ *1951 convention on refugees*

4.2 COMPARATIVE ANALYSIS OF ZAMBIA'S AND UGANDA'S APPROACHES

The implementation of the general cessation clause for Rwandan refugees in Zambia and Uganda reveals both convergence and divergence in legal frameworks, administrative practice, and humanitarian orientation. While both states were guided by the same international and regional instruments, their domestic interpretations and institutional capacities produced distinct outcomes in the cessation process. Furthermore, the following subsections analyze the comparative dimensions that shaped each country's approach and application.

4.2.1 LEGAL AND INSTITUTIONAL FRAMEWORKS

Uganda's approach to cessation was underpinned by a comprehensive and modern legal regime, primarily the Refugees Act of 2006 and the Refugee Regulations of 2010, which expressly unified international protection principles. These instruments delivered procedural safeguards such as the right to appeal, individual exemptions and the principle of voluntariness in return. This ensured that implementation was carried out within a predictable legal framework.

By contrast, Zambia's legal foundation remained rooted in the Refugees (Control) Act, a statute that lacked detailed procedural guidance on cessation and relied heavily on administrative discretion. The absence of explicit provisions on exemption or appeal mechanisms limited refugees' ability to contest cessation decisions. Consequently while Uganda's system reflected the respect for human rights and codified framework, Zambia's approach remained largely administrative, depending on policy directives and institutional goodwill rather than enforceable legal standards.⁴⁷

4.2.2 POLITICAL AND ADMINISTRATIVE CONTEXT

Politically both states were cautious in implementing the cessation clause mindful of the domestic and diplomatic sensitivities surrounding Rwanda's post-conflict context. However, Uganda's political environment was conducive to open dialogue between government institutions, UNHCR and refugee communities. The Office of the Prime Minister worked

⁴⁷ Refugees (Control) Act, Chapter 120 of the Laws of Zambia; UNHCR, Implementation of the Comprehensive Strategy for the Rwandan Refugee Situation, including UNHCR's Recommendations on the Applicability of the "Ceased Circumstances" Cessation Clauses (UNHCR, 31 December 2011).

closely with UNHCR to ensure that cessation did not result in forced returns. However, Uganda implemented the cessation clause outside of the guidelines set by UNHCR for progressive refugee governance.⁴⁸

Zambia's administrative context, on the other hand, reflected a more rigid control and slower institutional coordination. Implementation was largely down, with limited engagement of refugee representatives in decision making, resource limitations, bureaucratic delays, and fragmented joint coordination impeded efficient execution. These administrative weaknesses underscored the influence of domestic governance structures on the realization of international protection standards.

4.2.3 HUMANITARIAN AND PROTECTION CONSIDERATIONS

From a humanitarian standpoint, Uganda's emphasis on voluntariness and individual assessment still demonstrated greater forced repatriation based on the fact that refugees were forced from their refugee camps and transported back to Rwanda forcibly. Which did not promote willingness of the government to allow exemption claims for Rwandans who still feared return reflected that it did not uphold the principles of non refoulement. Conversely, Zambia's while not coercive, placed greater emphasis on repatriation as a durable solution. Refugees who resisted return often faced uncertainty regarding their legal status and access to socio and economic rights.

In both countries, however the reintegration of returnees in Rwanda remained a common challenge. Refugees expressed concerns over security, access to property and socio and economic reintegration highlighting that cessation in the host country does not automatically translate into sustainable return. This underscored the continuing relevance of humanitarian oversight even after cessation is declared.⁴⁹

⁴⁸ Frank Ahimbisibwe, 'Beyond the Cessation Clause: Rwandan Refugees in Uganda—From Refugees to East African Citizens?' (ASC-TUFS Working Paper, African Studies Centre/Tokyo University of Foreign Studies 2022) <https://repository.uantwerpen.be/link/irua/2025100151162162141> accessed 9 November 2025.

⁴⁹ IRIN, 'Rwandan refugees still reluctant to repatriate' (IRIN, 2004) <https://www.thenewhumanitarian.org/report/95072/uganda-rwandan-refugees-still-reluctant-repatriate> accessed 6 November 2025.

4.2.4 OUTCOMES AND LESSONS LEARNED

Although Uganda adopted a rights based, participatory and legally grounded approach to the implementation of the cessation clause, the process still faced significant challenges that hindered its overall success. Persistent fears of persecution upon return, limited reintegration opportunities in Rwanda and inadequate resources for sustained implementation weakened the effectiveness of Uganda's otherwise progressive framework. Similarly, administrative constraints and competing national priorities sometimes limited the extent to which procedural safeguards were applied consistently.

Zambia's implementation, on the other hand, reflected a compliance oriented yet administratively constrained model that prioritized policy execution over individual rights protection. The reliance on ministerial directives and the absence of clear procedural guarantees created uncertainty for refugees resisting return or seeking alternative legal status.

The experiences of Uganda and Zambia demonstrate that the success of cessation processes depends not only on the formal endorsement of international standards but also on the institutional capacity and political commitment of host states to uphold them. Sustainable implementation requires clear legal frameworks, predictable procedures and strong reintegration support in countries of origin. Above all, durable solutions demand a balanced approach that respects state sovereignty while safeguarding refugee rights and human dignity throughout and beyond the cessation process.

4.4 IMPLICATIONS ON REGIONAL REFUGEE GOVERNANCE

The cessation process exposed the lack of harmonized processes among host countries when translating UNHCR's declaration into national policy. While Uganda relied on collected legal instruments to monitor implementation, Zambia's approach was predominantly administrative. These variations expose an absence of common standards on how cessation should be executed once declared. Therefore, refugees situated in different jurisdictions experienced different levels of legal certainty and protection, raising concerns about equitable treatment under regional and international law. Such inconsistencies undermine the collective intent of the 1969 OAU Convention, which emphasizes solidarity and uniform responsibility among African states in addressing refugee situations.

The comparison also highlights the need for stronger regional coordination mechanisms. The Great Lakes and SADC frameworks have played a role in monitoring the implementation of cessation or in observing post-repatriation outcomes. The Zambia and Uganda cases highlight how the absence of a regional oversight mechanism allowed national variations to persist unchecked. Enhanced collaboration through bodies such as the African Union Commission and regional economic communities could ensure that cessation processes remain aligned with continental protection norms and that no affected group is left without a viable legal or humanitarian solution.⁵⁰

Not only that but it also relates to the durability and sustainability of return. The regional experience demonstrates that the declaration of cessation, even when legally valid, does not automatically translate into successful reintegration within countries of origin. Persistent socio and economic challenges in Rwanda and limited reintegration assistance have often led to secondary displacement or irregular migration. This suggests that cessation should be framed within a regional strategy for durable solutions, combining repatriation with alternatives such as local integration, naturalization, or mobility schemes for those unable or unwilling to return. Without such coordinated measures, cessation risks being perceived as a political gesture rather than a durable protection outcome.

In essence, the implications of Zambia's and Uganda's experiences extend beyond their national boundaries. They highlight a pressing need for regional harmonization of refugee protection standards, improved states cooperation, and the establishment of monitoring mechanisms to ensure that cessation processes uphold the principles of voluntariness, safety and dignity. Strengthening regional refugee governance would not only enhance the credibility of Africa's protection regime but also reaffirm the continent's collective responsibility towards displaced populations under the 1969 OAU Convention and subsequent regional instruments.⁵¹

⁵⁰ Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974) CAB/LEG/24.3(OAU) 1974 UNTS, preamble and arts I, V.

⁵¹ African Union, 'Guidelines on the harmonization of Refugee protection Standards in Africa' (AU Doc Ex.CL/Dec.981(XXXVI), 2005) <https://au.int/en/documents/35558> accessed 5 November 2025

4.3 COMPARISON OF STRENGTHS AND WEAKNESSES

While Zambia's approach was characterized by legal formality, humanitarian sensitivity, and collaborative engagements with international organizations, Uganda's implementation revealed significant shortcomings in transparency, voluntariness and adherence to international standards. Zambia's decision to invoke the Cessation Clause in June 2013 followed the UNHCR's 2011 declaration that Rwanda had achieved sufficient stability. Rather than pursuing mass repatriation, Zambia prioritized local integration as a durable solution. Approximately 10,000 Rwandan refugees who expressed unwillingness to return were offered legal pathways to remain, including residence permits and eventual citizenship under the Refugees Act.⁵² This rights based approach reflected Zambia's broader refugee policy, which emphasizes voluntary repatriation, local integration, and resettlement.

Zambia's collaboration with UNHCR was a cornerstone of its success. The government worked closely with the agency to enhance civil documentation systems. However, Zambia's approach was not without challenges. Bureaucratic delays, legal ambiguities and resource constraints hindered the smooth transition of refugees to permanent resident status. Many applicants faced difficulties in meeting documentation requirements or accessing legal assistance. Despite these obstacles, Zambia's emphasis on integration and legal protection set a positive regional example.

In contrast, Uganda's invocation of the Cessation Clause between 2009 and 2011 was marred by premature action and coercive practices. Although a joint communiqué with Rwanda and UNHCR in May 2010 announced the cessation of refugee status by December 2011, Uganda began implementing the clause months earlier. On Ugandan and Rwandan security forces forcibly removed over 1,700 refugees from Nakivale and Kyaka II camps under false pretences. Refugees were misled into believing they would receive updates on their asylum claims or food aid, only to be rounded up at gunpoint and deported. Reports documented deaths, injuries, and family separations during the operation.

Uganda's actions drew sharp criticism from UNHCR, which stated it had not been informed of the timing or nature of the operation. The agency emphasized that cessation must be accompanied by mechanisms to assess individual claims for continued protection mechanisms that Uganda failed to implement transparently. Moreover Uganda's blanket

⁵² Cap 1 of 2017

application of the clause ignored the requirement for profound and prevailing change in the country of origin and the need to exempt individuals with compelling reasons to remain. The forced returns violated the principle of non-refoulement and undermined the credibility of the cessation process.

Zambia's strengths lie in its legal preparedness, respect for refugee agency, and proactive collaboration with UNHCR. Its emphasis on local integration and civil documentation reflects a humane and sustainable model for managing protracted refugee situations. While Uganda, on the other hand, demonstrated weaknesses in procedural integrity, respect for voluntariness, and protection of refugee rights. The premature and coercive implementation of the Cessation Clause not only endangered lives but also eroded trust in the country's refugee protection framework.⁵³

The experiences of both Zambia and Uganda's with the Cessation Clause offer contrasting lessons. Zambia's model underscores the importance of legal clarity, international cooperation and rights based integration. Uganda's case serves as a cautionary tale about the risks of politicizing refugee management and neglecting international obligations. As global displacement continues to challenge host countries, these examples highlight the need for principled, transparent, and humane approaches to refugee protection and durable solutions.⁵⁴

4.5 CONCLUSION

The comparative analysis of Zambia and Uganda's approaches to the general cessation of Rwandan refugees highlights the complex interplay between legal frameworks, political considerations and adherence to international standards. Zambia, despite lacking a fully developed statutory framework at the time of invoking the cessation clause, made a deliberate effort to uphold international protection principles. Its approach emphasized voluntary repatriation, local integration and collaboration with UNHCR, reflecting a commitment to refugee rights even within the constraints of administrative mechanisms and limited institutional capacity.

⁵³ *ibid*

⁵⁴ *ibid*

In contrast, Uganda had enacted comprehensive refugee legislation, including the Refugees Act of 2006 and the Refugee Regulations of 2010, which should have facilitated structured and rights-based implementation. However in practice, Uganda's approach prioritized political and diplomatic considerations over procedural safeguards, leading to premature and coercive repatriations that compromised the principles of voluntariness and non refoulement outlined by UNHCR.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

This last chapter synthesizes the findings of the whole study titled “A comparative analysis of the legal status of former refugees under general cessation clause: a case study of Rwandese refugees in Zambia and Uganda” It summarizes the fundamental recognitions drawn from the preceding chapters, draws conclusions concerning The challenges and the implications of the general cessation clause and presents recommendations to better its domestic and international frameworks. Finally, it outlines areas that need further academic inquiry to tackle enduring challenges within international and domestic refugee law.

5.2 SUMMARY OF KEY FINDINGS

The research indicates that despite the existing international conventions and current domestic laws which govern refugee affairs, the frameworks still do not provide for the protection of stateless former Rwandan refugees. It further highlights procedural weaknesses.

CHAPTER ONE

The first chapter introduces the study by outlining the general cessation clause as defined under article 1(5)C of the 1951 convention on refugees. This chapter examines the legal status of former Rwandan refugees in Zambia and Uganda under the application of the general cessation clause. The chapter further recognizes the problem of the study that the 1951 Convention on refugees lacks protection for stateless former refugees post the invocation of the cessation clause and existing statelessness treaties are inadequately implemented. The objective of the study is to assess the implementation of the general cessation clause, to evaluate the implications and compare Zambia’s approach to the general cessation clause of Rwandan refugees with Uganda.

CHAPTER TWO

Chapter Two examined the implementation of the general cessation clause in Zambia following UNHCR’s 2013 declaration, which brought an end to refugee status for Rwandan refugees who had arrived before 1999. The findings reveal that Zambia’s implementation

was primarily administrative, guided by international and regional instruments rather than domestic legislation. The process was based on the UNHCR Guidelines on the Application of the Cessation Clauses, the 1951 Refugee Convention and its 1967 Protocol, and the 1969 OAU Convention, which collectively provided the legal and policy framework in the absence of specific national provisions.

The absence of a comprehensive legal framework and institutional constraints collectively hindered the effective implementation of the general cessation clause, rendering the process partial and incomplete. As local integration remains limited at about 2%, and that the plight of many former refugees continues to receive insufficient attention.

CHAPTER THREE

Chapter Three examined the implications of the general cessation clause in Zambia, revealing that its implementation generated multifaceted effects extending beyond the mere withdrawal of refugee status. The findings demonstrated that cessation reshaped legal relationships, humanitarian conditions, socio-economic structures, and administrative practices within Zambia's refugee protection framework, from a legal perspective, the invocation of the general cessation clause exposed significant gaps in Zambia's domestic refugee law. The absence of a statutory basis meant that cessation was implemented through administrative measures guided by international instruments. The lack of codified national procedures created uncertainty, limited due process, and heightened the risk of inconsistent application. Refugees had minimal avenues to appeal cessation decisions, undermining fairness. Humanitarian implications were equally profound. The withdrawal of refugee status curtailed access to essential services such as healthcare, education, and food assistance, leaving many former refugees in precarious situations. Although UNHCR and partner organizations provided some transitional assistance, available resources were insufficient to meet the needs of all affected individuals. Many experienced psychosocial distress, social dislocation, and renewed vulnerability. Socio-economic effects included marginalization and economic instability, as the loss of legal recognition restricted access to employment, land, and financial services. Many former refugees were forced into informal and insecure livelihoods.

Politically and administratively, the cessation process tested Zambia's balance between domestic priorities and international obligations. Limited institutional capacity, inadequate funding, and overlapping mandates weakened coordination, resulting in inconsistent implementation and delays in documentation for remaining refugees.

CHAPTER FOUR

Chapter Four conducted a comparative analysis between Zambia and Uganda in the approaches taken by both countries in the implementation the general cessation clause for Rwandan refugees. The study indicates that while Zambia adopted international standards to guide implementation progress remains incomplete due to administrative, financial, and legal challenges. And refugee reluctance to return, hindered the full realization of the invocation of the general cessation clause. Uganda, by contrast, had enacted a comprehensive refugee framework under the Refugees Act of 2006 and Refugee Regulations of 2010. However, despite this legal foundation, Uganda's implementation prioritized political and diplomatic objectives over procedural safeguards. Which led to instances of coerced repatriation that violated the principles of voluntariness and non-refoulement. Overall, the comparative analysis established that both Zambia and Uganda faced challenges in translating legal and policy frameworks into more effective and rights-based cessation practices.

5.3 GENERAL CONCLUSIONS

The study concludes that the existence of legal frameworks alone is insufficient to guarantee effective cessation implementation without genuine political commitment, and provisions for adherence to humanitarian considerations, adequate institutional capacity and Both Zambia and Uganda's experiences undermine the importance of aligning domestic practices with international protection standards to ensure durable and dignified solutions for refugees. And also the need to strengthen protections for stateless refugees in both domestic and international refugee laws.

5.4 RECOMMENDATIONS

The following recommendations seek to address ongoing ambiguities and Challenges in the implementation of the contents of the 1951 Convention and the Refugee Act of 2017 and enhance the overall effectiveness of international and domestic refugee laws. Collectively, these measures are designed to ensure that rights of refugees are safeguarded and protected.

1. Amendment of the Refugees Act, Chapter 1 of 2017

The Refugees Act should be amended to include clear provisions on the treatment and legal status of former refugees following the invocation of the general cessation clause. The amendment should specify procedures, rights and administrative pathways for individuals transitioning from refugee to alternative legal statuses such as permanent residency or naturalization. Amendments should therefore define the criteria, procedures and timelines for implementing cessation, while also establishing safeguards to prevent arbitrary withdrawal of refugee status. In addition, the amendment should ensure that former refugees retain access to fundamental rights including education, employment, property ownership and access to justice throughout the transitioning and post transition process. Embedding these provisions in domestic law would provide a clear legal foundation, enhance transparency and ensure consistency in Zambia's refugee management framework, in line with the principles of international regional protection.

2. Commitment by the Government of Rwanda

The Government of Rwanda, with the continued support of the international community, should sustain and strengthen its commitment towards facilitating the sustainable voluntary return and reintegration of Rwandan refugees. Such commitment should not only involve political assurances but also tangible measures that address the socio-economic and security concerns of returnees. To this end, Rwanda should implement reintegration programmes that provide returnees with access to housing, employment opportunities, education, and psychosocial support. It is equally important that the Rwandan government

engages transparently with host countries and UNHCR to build trust and ensure that repatriation is genuinely voluntary and safe. Furthermore, Rwanda must ensure the timely issuance of national passports, consular identity cards, or other forms of documentation that enable Rwandan nationals abroad to regularise their legal status. This will allow them to obtain residence and work permits in host countries or facilitate their reintegration at home. Such measures would heighten confidence among refugees, demonstrate Rwanda's good faith in implementing the cessation clause and regional stability and cooperation in refugee management.

3. Consideration for Naturalization or Alternative Legal Status

Host countries ought to consider granting naturalization or alternative legal status to Rwandan refugees with strong family, social, or economic ties in their host states. The method aligns with Executive Committee Conclusion No. 69 (XLIII) (1992) and signifies a humane and pragmatic response to extended refugee situations. UNHCR should promote deliberations to secure lawful status for refugees who choose to remain in host countries.. Permitting alternative legal status such as permanent residency, indefinite leave to remain, or citizenship would not only reflect a humane approach but also regional stability and social cohesion. The recommendation aligns with Executive Committee Conclusion No. 69 (XLIII) (1992), which encourages member states to adopt flexible and compassionate solutions for long staying refugees affected by cessation, offering technical guidance, policy support and legal frameworks that can enable refugees wishing to remain to do so under lawful conditions.

4. International and Financial Support for Local Integration

Given the financial burden of local integration, UNHCR and partner organizations may intensify efforts to mobilize resources from donor states and international agencies. Enhanced funding will sustain integration programs and ensure that local integration remains a viable solution for refugees unable or unwilling to return. Local integration is a complex but durable solution that requires continuing investments in community development, education

healthcare and employment generation. Strengthening host communities alongside refugee populations prevents tension, promotes a peaceful coexistence and enhances socio-economic development for both groups. Therefore, international cooperation must go beyond policy declarations and translate into, sustained financial and technical assistance. Through targeted partnerships host states like Zambia can implement inclusive development programs that ensure local integration remains a viable, impartial and sustainable solution for refugees who cannot or choose not to return to Rwanda.

5. Provision of National Documentation by the Rwandan Government

The Government of Rwanda should prioritize the issuance of valid national documents passports, identity cards or consular papers so as to facilitate voluntary repatriation, access to rights and lawful residence abroad. This measure would build confidence among refugees and strengthen cooperation between Rwanda and host countries. Access to proper identification is central to ensuring legal recognition, mobility, and access to rights. Without these documents, refugees face challenges in obtaining residence permits, securing employment, accessing education, and integrating into host societies. Timely provision of national documentation would therefore facilitate voluntary repatriation for those who wish to return, while also allowing those who remain abroad to regularize their stay lawfully. Moreover, it would help prevent statelessness and strengthen diplomatic relations between Rwanda and host countries by promoting transparency and mutual cooperation in refugee management.

6. Strengthening Regional Cooperation

To ensure the consistent and humane implementation of the general cessation clause, there is need to strengthen regional cooperation among host states, the Government of Rwanda, UNHCR and regional bodies such as the African Union (AU) and the International Conference on the Great Lakes Region (ICGLR).

The cessation of refugee status for Rwandan refugees has cross-border implications that cannot be effectively addressed by individual states acting in isolation. A coordinated regional framework would facilitate the exchange of information, harmonization of legal standards and adoption of uniform procedures that safeguard refugees' rights during and after cessation. Regular consultations and joint monitoring meetings should be established to

assess the conditions in Rwanda, verify voluntary repatriations, and evaluate the treatment of returnees. Furthermore, regional platforms should be used to develop protocols for alternative legal status. Such collaboration would foster transparency, accountability, and trust among stakeholders, ensuring that cessation is not used as a political or diplomatic tool but as a genuine step towards enduring stability and protection. Enhanced regional coordination would therefore contribute to a more predictable and sustainable refugee management regime in Africa.

BIBLIOGRAPHY

STATUTES

Refugee Act, No. 1 of 2017, Laws of Zambia.

INTERNATIONAL CONVENTIONS AND TREATIES

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986).

Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974) CAB/LEG/24.3(OAU) 1974 UNTS.

Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention).

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976).

Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967).

UN AND REGIONAL INSTRUMENTS

UNHCR, Guidelines on the Cessation Clauses (Article 1C(5) and (6) of the 1951 Convention Relating to the Status of Refugees) (26 April 1999) <https://www.refworld.org/policy/legalguidance/unhcr/1999/en/39942> accessed 17 September 2025.

UNHCR, Guidelines on the Applicability of the Cessation Clauses in the 1951 Refugee Convention (UNHCR 2003).

UNHCR, Guidelines on the Protection of Refugee Women (7 May 2002) paras 5–10.

UNHCR, Guidelines on Child Protection and Refugee Children (2012) paras 2–8.

UN Committee on the Rights of Persons with Disabilities, General Comment No. 4: Article 24: Right to Inclusive Education (2016) para 10.

African Union, Guidelines on the Harmonization of Refugee Protection Standards in Africa (AU Doc Ex.CL/Dec.981(XXXVI), 2005) <https://au.int/en/documents/35558> accessed 5 November 2025

BOOKS

A Betts, *Survival Migration Failed Governance and the Crisis of Displacement* (Cornell University Press 2013).

G. S Gill and J McAdam, *The Refugee in International Law* (3rd edn, Oxford University Press 2007).

I Ruiz and C. V Silva, *'Refugee Return and Social Cohesion'* (Oxford University Press 2021).

K Feller, *'The Cessation Clause: A Refugee Protection Tool or a Protection Threat?'* (2005).

M Yonekawa, *Post Genocide Rwandan Refugees: Why They Refuse to Return Home Myths and Realities* (Springer Singapore 2020).

P. W Fagen, *Protecting Refugee Women and Children* (UNHCR 1993).

JOURNAL ARTICLES

B. H Bond, *'The Cessation Clauses: Uganda's Experience with Rwandan Refugees'* (Refugee Studies Centre Working Paper No 95, University of Oxford 2013) <https://www.rsc.ox.ac.uk/publications/the-cessation-clauses-uganda-s-experience-with-rwandan-refugees> accessed 7 November 2025.

J. Fitzpatrick *'Articles 12–20 of the 1951 Convention: Rights and Obligations'* (1998-1999).

M.E Cwik, *'Forced to Flee and Forced to Repatriate: How the Cessation Clause of Article (5) and (6) of the 1951 Refugee Convention Operates in International Law and Practice'* (2011)

44, 711 <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Cwik-CR.pdf>
accessed 16 April 2025

M Mumba, 'Legal and Institutional Frameworks for Refugee Protection in Zambia: Gaps and Challenges' (2018) *Zambian Law Journal* 45.

THESES AND DISSERTATIONS

C.N Mbewe, *An Analysis of the Legal Status of Refugees in Zambia* (University of Zambia 1995).

The Legal Protection of Refugees in Zambia in the Light of International Law (University of Zambia 2011).

An Analysis of Zambia's Success in Integration and Repatriation of Refugees under the Refugee Act No. 1 of 2017: A Comparative Study with Kenya (University of Lusaka 2021).

L Savelli, *What Happens to Those Who Do Not Repatriate Voluntarily? Protection and Prospects for the Residual Caseload of Angolan Refugees in Zambia* (Master's thesis, Lund University 2003) <http://lup.lub.lu.se/student-papers/search/publication/1561767>
accessed 4 November 2025.

INSTITUTIONAL AND POLICY REPORTS

International Organization for Migration (IOM), *Supporting Durable Solutions for Former Refugees in Zambia* (IOM 2015).

L Kambela, *Angolan Refugees in Zambia: Policy & Practice Brief* (ACCORD 10 May 2016) <https://www.accord.org.za/publication/angolan-refugees-zambia/> accessed 17 September 2025

Fitzpatrick and Brotman (2001). Available at [wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf](https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf)

Fitzpatrick and Boanan (2003) available at <https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf>

F Ahimbisibwe, 'Beyond the Cessation Clause: Rwandan Refugees in Uganda — From Refugees to East African Citizens?' (ASC-TUFS Working Paper, African Studies Centre/Tokyo University of Foreign Studies 2022)

<https://repository.uantwerpen.be/link/irua/2025100151162162141> accessed 9 November 2025

B Galligan, Refugee Law and Policy (1997).

UNHCR, Implementation of the Comprehensive Strategy for the Rwandan Refugee Situation, Including UNHCR's Recommendations on the Applicability of the "Ceased Circumstances" Cessation Clauses (UNHCR 31 December 2011).

Reviewing the Application of the Cessation Clause of the 1951 Convention Relating to the Status of Refugees in Africa (RSC Working Paper No 76, 2011)
<https://www.rsc.ox.ac.uk/files/files-1/wp76-reviewing-application-cessation-clause-1951-convention-2011.pdf> accessed 16 September 2025.

INTERNET SOURCES

Former Rwandan Refugees in Zambia to Get Alternative Status after Cessation Clause (ReliefWeb, 7 July 2014) <http://reliefweb.int/report/zambia/former-rwandan-refugees-zambia-get-alternative-status-after-cessation-clause> accessed 7 November 2025.

IRIN, 'Rwandan Refugees Still Reluctant to Repatriate' (The New Humanitarian, 2004)
<https://www.thenewhumanitarian.org/report/95072/uganda-rwandan-refugees-still-reluctant-repatriate> accessed 6 November 2025

'UNHCR Not Forcing Rwandan Refugees to Repatriate' Lusaka Times (3 February 2012)
<https://www.lusakatimes.com/2012/02/03/unhcr-forcing-rwanda-refugees-repatriate/>
accessed 7 November 2025

No Consensus on Implementation of Cessation Clause for Rwandan Refugees (The New Humanitarian 12 July 2013) <https://www.thenewhumanitarian.org/analysis/2013/07/12/no->

[consensus-implementation-cessation-clause-rwandan-refugees](#) accessed 7 November 2025

UNHCR, 'UNHCR Helps Rwandans in Zambia Make Informed Decisions on Return' (21 January 2003) <https://www.unhcr.org/news/unhcr-helps-rwandans-zambia-make-informed-decisions-return> accessed 16 September 2025

<https://www.unhcr.org> 15 October 2025

<https://www.unhcr.org/africa/media/zambia-refugees-economies-livelihoods-and-challenges> accessed 16 October 2025

INTERVIEWS

Interview with a Former Rwandan Refugee (Lusaka, Zambia, 10 September 2025).

Interview with Key Informant, Office of the Commissioner for Refugees (Lusaka, Zambia, 2025)



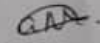
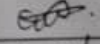
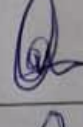
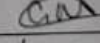
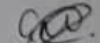
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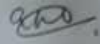
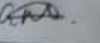
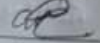
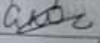
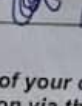
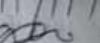
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Stage	Supervisor's Comments	Supervisor's Signature & Date	Student's Signature & Date
Research Proposal	Hi Gladys, the Background of study, objectives and research questions need to be correctly stated	 13/11/2025	2/08/2025 
Chapter 1 – Introduction	Hi Gladys, work on the introduction and conclusion then proceed to chapter 2	 06/08/25	06/08/2025 
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Chapter 5 – Conclusions & Recommendations	Does not look good. Needs read to re-do the work in this area start afresh.	 06/11/2025	6/11/2025 
Abstract, Table of Contents, Bibliography and Appendices	Add at the Preliminary page to look uniform with the rest of the chapters	 13/11/2025	13/11/2025 
First Draft	N/A	 13/11/2025	11/11/25 
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