



**UNIVERSITY
OF
LUSAKA**

SCHOOL OF POSTGRADUATE STUDIES

**ANALYSIS OF ZAMBIA'S LEGAL FRAMEWORKS IN PROTECTING THE LEGAL
RIGHTS OF REFUGEES: A CASE STUDY OF RWANDESE SHOP OWNERS IN
LUSAKA**

BY

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**Research dissertation submitted for the approval of the University of Lusaka
Senate in partial fulfilment of the requirements for the award of the Master of
Philosophy with Law Degree in Human Rights Law**

University of Lusaka

AUGUST, 2025

DECLARATION

I declare that the *Analysis of Zambia's Legal Frameworks in Protecting the Legal Rights of Refugees: A Case Study of Rwandese Shop Owners in Lusaka*, which is hereby submitted for the award of a Master of Philosophy in Human Rights Law Degree at the School of Postgraduate Studies at University of Lusaka, is my original work and has not previously been submitted for the award of a degree at this or any other tertiary institution.

The sources used or quoted have been indicated and duly acknowledged as complete references. The errors or omissions are solely the author's.

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RECOMMENDATION

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ABSTRACT

This thesis is an analysis of Zambia's legal frameworks that govern the protection of refugee rights with a focus on the experiences of Rwandese refugee shop owners in urban Lusaka. Although Zambia has ratified key international and regional instruments such as the 1951 Refugee Convention, the 1967 Protocol and the 1969 OAU Convention and has domesticated them through the Refugees Act 1 of 2017, there remains a significant gap between legal provisions and their implementation for urban refugees who are involved in informal economic activities.

The objectives of the study were to examine the relevant international and national legal frameworks governing refugee rights, to assess how these legal frameworks are applied to Rwandese refugee shop owners in Lusaka, concerning their residential and economic rights and to identify key legal and socio-economic challenges faced by these refugees.

A qualitative research methodology was employed incorporating both desk-based legal analysis and fieldwork. Primary data was collected through semi-structured interviews with Rwandese refugee shop owners, local government officials, community leaders and police and immigration officers. The data was analysed thematically to assess both the normative content of the legal frameworks and their practical application.

The findings reveal that despite progressive legal provisions, refugee shop owners face numerous challenges including arbitrary detention, lack of access to legal documentation, limited financial inclusion and social discrimination. Institutional weaknesses, bureaucratic inefficiencies and inconsistencies in law enforcement further hinder the realisation of refugee rights. The study concludes that Zambia's current legal and administrative systems fall short in effectively protecting the rights of urban refugees.

The study recommends aligning domestic legislation with international standards, removing restrictive by-laws that impede refugee participation in the economy, streamlining documentation processes, enhancing institutional coordination, building the capacity of law enforcement personnel, improving refugee access to financial services and promoting inclusive community engagement to reduce stigma and promote integration.

DEDICATION

This work is dedicated to my baby girl, Ms Chawanzi Garth

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My deepest appreciation goes to my research supervisor, Mr. Joseph Mileji, for his patient guidance, constructive feedback and unwavering support throughout the research process.

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TABLE OF STATUTES

Zambian Statutes

1. Refugees Act No. 1 of 2017

Section 22; issuance of ID documents 110

Section 30(1)(c); right to engage in employment/self-employment 115

2. Immigration and Deportation Act No. 18 of 2010

Referenced in the analysis of national legal frameworks 87–88

3. The Constitution of Zambia (Amendment) Act No. 2 of 2016

General references to fundamental rights and protections 86

TABLE OF CASES

Achiume v The Attorney General of Zambia [2012] ZMSC 16

87

Attorney General v Dow [1992] BLR 119 (Botswana)

86, 99, and 104

Katangese Peoples' Congress v Zaire (2000) AHRLR 72 (ACHPR 1995)

88

Kebede v Canada [2008] FC 1145 (CanLII)

97

Luwanja & Others v Minister of Home Affairs & Others (2016) ZWHHC 84.

87

Mohamed Abdi Mohamed (Male) v The Commissioner for Refugees and The
Attorney General (Appeal No 278/2022) [2024] ZMCA 59 (5 April 2024)

84

Mubanga v Attorney General (2005) ZR 121 (SC)

86

R (European Roma Rights Centre) v Immigration Officer at Prague Airport

80

R v Immigration Officer at Heathrow Airport, Ex parte Salamat Bibi [1976] 3 All ER 843
(UK) 96

RM (Zimbabwe) v Secretary of State for the Home Department [2020] EWCA Civ
193

87

KEY WORDS

The following terms used in this research have the following meanings:

“Arbitrary detention” means the practice of imprisoning individuals without adequate legal justification or due process against undocumented or poorly documented refugees.

“Documentation” means legal papers such as refugee certificates, permits, or identification cards issued by governments or UNHCR to verify a person’s status and identity.

“Economic integration” means the inclusion of individuals, in this research, refugees into the formal economy through employment, self-employment or access to financial and market systems.

“Financial exclusion” means an inability to access formal banking or credit systems due to lack of documentation, legal status, or institutional discrimination.

“Legal frameworks” means a collection of laws, policies, treaties and regulations that establish the legal rights, protections and obligations of individuals and institutions.

“Legal rights” means entitlements granted and protected by law, enforceable in courts, that allow individuals to claim certain protections, freedoms, or benefits.

“Non-refoulement” means a principle of international law that forbids a country from returning a refugee or asylum seeker to a country where they may face danger, persecution or threats to their life or freedom.

“Refugee” means a person who has fled their country due to fear of persecution on grounds such as race, religion, nationality, political opinion, or membership to a particular social group.

“Residence permit” means an official authorisation issued by the state allowing refugees to live within the host country.

“Self-reliance” means a refugee’s ability to meet their own essential needs and those of their dependents, through access to employment, financial inclusion, and participation in community life.

“Socio-economic challenges” are difficulties relating to income, employment, social services, housing, and access to financial systems, which are often worsened by legal, social, institutional, or cultural barriers.

“Work permit” means an official authorisation issued by the state allowing refugees to live and work, or even conduct business within the host country.

LIST OF ABBREVIATIONS

| | |
|--------|--|
| ACHPR | African Charter on Human and Peoples' Rights |
| COMESA | Common Market for Eastern and Southern Africa |
| HRBA | Human Rights-Based Approach |
| HRC | Human Rights Commission |
| ID | Identify Document |
| NFIS | National Financial Inclusion Strategy |
| NGO | Non-governmental Organisation |
| OAU | Organisation of African Unity |
| OHCHR | Office of the High Commissioner for Human Rights |
| SADC | Southern African Development Community |
| SLF | Sustainable Livelihood Framework |
| UN | United Nations |
| UNHCR | United Nations High Commission for Refugees |
| ZICTA | Zambia Information and Communications Technology Authority |

TABLE OF CONTENTS

| | |
|--|-----------|
| DECLARATION..... | i |
| RECOMMENDATION | iii |
| ABSTRACT..... | iv |
| DEDICATION..... | v |
| ACKNOWLEDGMENTS..... | vi |
| TABLE OF STATUTES | vii |
| TABLE OF CASES | viii |
| LIST OF ABBREVIATIONS | x |
| TABLE OF CONTENTS | xi |
| CHAPTER 1..... | 1 |
| INTRODUCTION..... | 1 |
| 1.0 INTRODUCTION | 1 |
| 1.1 BACKGROUND OF STUDY..... | 1 |
| 1.2 DEFINITION OF KEY TERMS | 5 |
| 1.3 STATEMENT OF THE PROBLEM | 6 |
| 1.4 AIM OF THE STUDY..... | 7 |
| 1.5 OBJECTIVES OF THE STUDY | 8 |
| 1.6 RESEARCH QUESTIONS | 8 |
| 1.7 SIGNIFICANCE OF THE STUDY | 9 |
| 1.8 THEORETICAL FRAMEWORK..... | 10 |
| 1.9 LITERATURE REVIEW..... | 11 |
| 1.10 METHODOLOGY..... | 25 |
| 1.11 SCOPE OF THE STUDY..... | 26 |
| 1.12 ETHICAL CONSIDERATIONS | 26 |
| 1.13 CONCLUSION | 26 |
| CHAPTER 2..... | 28 |
| ANALYSIS OF FINDINGS ON INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS GOVERNING REFUGEE RIGHTS..... | 28 |
| 2.0 INTRODUCTION | 28 |
| 2.1 INTERNATIONAL AND REGIONAL LEGAL FRAMEWORKS | 28 |
| 2.2 NATIONAL LEGAL FRAMEWORKS FOR REFUGEE RIGHTS | 34 |
| 2.3 CONCLUSION..... | 41 |

| | |
|---|-----------|
| CHAPTER 3..... | 43 |
| APPLICATION OF LEGAL FRAMEWORKS RELATING TO RWANDESE SHOP OWNERS' RESIDENTIAL AND ECONOMIC RIGHTS IN LUSAKA..... | 43 |
| 3.0 INTRODUCTION | 43 |
| 3.1 LEGAL AND THEORETICAL FRAMEWORKS..... | 43 |
| 3.2 OPERATIONALISATION OF REFUGEE RIGHTS | 45 |
| 3.3 LAW ENFORCEMENT AND RESIDENTIAL RIGHTS | 46 |
| 3.4 LEGAL PLURALISM AND LOCAL INTERPRETATIONS | 47 |
| 3.5 ARBITRARY DETENTION AND LEGAL CONSEQUENCES..... | 48 |
| 3.6 CHALLENGES IN RESIDENCY AND DOCUMENTATION..... | 49 |
| 3.7 ECONOMIC PARTICIPATION AND BUSINESS REGISTRATION | 49 |
| 3.8 FINANCIAL EXCLUSION AND SOCIAL DISCRIMINATION..... | 50 |
| 3.11 CONCLUSION | 54 |
| CHAPTER 4..... | 56 |
| EXPERIENCES OF RWANDESE REFUGEE SHOP OWNERS REGARDING LEGAL AND SOCIO-ECONOMIC CHALLENGES | 56 |
| 4.0 INTRODUCTION | 56 |
| 4.1 REFUGEE PERSPECTIVES ON BUSINESS REGISTRATION AND OPERATIONS | 56 |
| 4.2 DOCUMENTATION GAPS BETWEEN POLICY AND PRACTICE | 57 |
| 4.3 CHALLENGES IN BANKING AND CREDIT ACCESS..... | 58 |
| 4.4 SOCIAL DISCRIMINATION AND MARKET ACCESS | 59 |
| 4.5 COMMUNITY SUPPORT AND SECURITY CONCERNS..... | 60 |
| 4.6 EXPERIENCES WITH ZAMBIAN LAWS ON ECONOMIC ACTIVITIES | 60 |
| 4.7 INSTITUTIONAL SUPPORT FOR REFUGEE SHOP OWNERS | 61 |
| 4.8 CONCLUSION..... | 62 |
| CHAPTER 5..... | 63 |
| CONCLUSIONS AND RECOMMENDATIONS..... | 63 |
| 5.0 INTRODUCTION | 63 |
| 5.1 CONCLUSIONS | 63 |
| 5.2 RECOMMENDATIONS..... | 64 |
| TOTAL NUMBER OF WORDS: 22, 914 | 66 |
| BIBLIOGRAPHY | 67 |

CHAPTER 1

INTRODUCTION

1.0 INTRODUCTION

The arrival of refugees into a host country often presents challenges for both the host country and the displaced individuals. Refugees usually face challenges in accessing basic human rights like employment, education, housing and healthcare. Zambia that has long hosted refugees from conflict regions like Rwanda is no exception to such experiences and challenges for both the displaced and host individuals. Although the country has ratified several international treaties and domesticated national laws to protect the legal rights of refugees, implementation of these frameworks remains a challenge. The study focused on Rwandese refugee shop owners who have settled in Lusaka, analysing how the legal frameworks address their rights in light of their legal and socio-economic challenges. The study aimed to identify gaps in the legal protections for refugee shop owners and provide recommendations for strengthening the framework.

1.1 BACKGROUND OF STUDY

The global refugee crisis has emerged as one of the most pressing humanitarian and socio-political challenges of the 21st century. Conflicts, persecution, climate change, and socio-economic instability have contributed to an unprecedented increase in forced displacement. According to the United Nations High Commissioner for Refugees (UNHCR)¹, by the end of 2023, there were over 110 million forcibly displaced people globally, including approximately 36 million refugees who fled their countries in search of safety and protection². Sub-Saharan Africa remains one of the most affected regions hosting nearly one-third of the world's refugee population. Countries such as Zambia, Uganda, Ethiopia and Sudan have maintained relatively open-door policies despite limited resources and socio-economic challenges³.

¹ United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2023* (UNHCR 2024) <https://www.unhcr.org/global-trends-report-2023/> accessed 11 May 2025.

² Ibid

³ UNHCR, Zambia Fact Sheet (December 2023) <https://www.unhcr.org/zambia> accessed 11 May 2025.

Zambia, in particular, plays a significant role in regional refugee protection due to its geographical location, historical commitment to refugee reception and its legal and institutional frameworks for asylum. Zambia hosts refugees from the Democratic Republic of Congo, Burundi, Rwanda and Angola. Zambia is also regarded by UNHCR as a model for local integration in Southern Africa. As a result of this, Zambia has ratified international and regional instruments that include the 1951 Refugee Convention⁴ and the 1967 Protocol as well as the 1969 OAU Convention⁵ governing specific challenges facing refugees in Africa. The Refugees Act of 2017⁶ provides a comprehensive legal framework that aligns with international standards affirming Zambia's dedication to upholding the rights of refugees and asylum seekers.

Since the 1994 Rwandan genocide, Zambia has remained a host country for refugees, many of whom have settled in urban communities such as Kanyama, Chibolya, John Howard, Kaunda Square, Chelstone-Obama and John Laing, among others in Lusaka. Despite Zambia's ratification of the 1951 Refugee Convention⁷ and the 1969 Organisation of African Unity (OAU) Convention⁸, as well as the Refugees Act of 2017⁹, significant gaps persist in the practical implementation of legal protections for refugees. The Refugees Act provides a legal framework for refugee rights in Zambia, aligning with international standards. It guarantees various rights entitled to refugees among them; the right to non-refoulement¹⁰, the right to work¹¹, freedom of movement¹², access to public relief and assistance¹³, education¹⁴, and the issuance of identity and travel documents¹⁵. However, despite these provisions, the experiences

⁴ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137; and Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267.

⁵ Organisation of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45.

⁶ Refugees Act 1 of 2017

⁷ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Refugee Convention).

⁸ OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45 (1969 OAU Refugee Convention).

⁹ Refugees Act 1 of 2017

¹⁰ *ibid*, s 22(1).

¹¹ *ibid*, s 30(1).

¹² *ibid*, s 31(1).

¹³ *ibid*, s 28.

¹⁴ *ibid*, s 29(1).

¹⁵ *ibid*, ss 26-27.

of refugees particularly Rwandan shop owners in Lusaka suggest a gap between legal protections and their practical enforcement.

Traditionally, Zambia has adopted a settlement-based approach to refugee management, in line with its encampment policy. Under this model, refugees are accommodated in designated rural settlements where they are provided with basic services such as shelter, healthcare, and education, often with the support of the United Nations High Commissioner for Refugees (UNHCR)¹⁶ and other humanitarian partners. The three main refugee settlements in Zambia are Meheba in North-Western Province, Mayukwayukwa in Western Province, and Mantapala in Luapula Province, which primarily host refugees from the Democratic Republic of Congo, Angola, and Burundi. However, in recent years, there has been a notable demographic shift, with a growing number of refugees, particularly from Rwanda, migrating to urban areas such as Lusaka, Ndola, and Kitwe in search of improved economic opportunities, education, healthcare, and social integration¹⁷.

This trend reflects the global phenomenon of urban displacement, where protracted refugee situations, coupled with limited livelihood options in rural settlements, have pushed refugees to self-settle in cities¹⁸. Urban refugees in Zambia often face legal and socio-economic challenges, as they live outside the formal refugee settlement system and are not always fully covered by humanitarian assistance or national protection mechanisms¹⁹. Despite this, many engage in small-scale trading, establish informal businesses, and integrate into local communities, albeit sometimes without legal clarity on their residency and work rights. The Zambian government, in collaboration with UNHCR, has gradually recognised the need for inclusive urban refugee policies that balance protection, self-reliance, and social cohesion in urban settings²⁰.

¹⁶ United Nations High Commissioner for Refugees (UNHCR), *Zambia: Fact Sheet* (December 2023) <https://www.unhcr.org/zambia> accessed 11 May 2025.

¹⁷ *Refugees Act No. 1 of 2017* (Zambia), Part III.

¹⁸ UNHCR, *Global Trends: Forced Displacement in 2023* (UNHCR 2024) <https://www.unhcr.org/global-trends-report-2023/> accessed 11 May 2025.

¹⁹ International Rescue Committee (IRC), *Urban Refugees: Challenges and Opportunities in Zambia* (IRC Report 2021) <https://www.rescue.org> accessed 11 May 2025.

²⁰ Zambia Ministry of Home Affairs and Internal Security and UNHCR, *Comprehensive Refugee Response Framework (CRRF) Zambia Roadmap* (2019) <https://www.unhcr.org/zm/crrf> accessed 11 May 2025

While documented Rwandan refugees in Zambia can access certain rights under domestic and international refugee law, including the right to engage in income-generating activities and operate businesses²¹, those without proper documentation face persistent legal and social challenges. Undocumented refugees often live in a state of legal limbo, lacking formal recognition of their refugee status or residency²². This shows that some undocumented Rwandan refugees in Zambia initially enter the country legally but later lose their status due to the cessation clause or failure to renew documentation. Others become undocumented when they move from designated refugee settlements to urban areas without obtaining the required legal permits which are necessary for lawful residence and business activities outside the settlements. As a result, they are frequently subjected to immigration raids, arbitrary arrests, and detention by the Immigration Department and the Zambia Police Service. Deportations are a constant threat for those who cannot prove legal status or asylum claims.

Nonetheless, the paradox of economic participation emerges: many undocumented Rwandan refugees are visibly active in urban markets, running shops, kiosks, and informal businesses in areas such as Lusaka's Kamwala, Chawama, and Kanyama. This raises critical questions about how such individuals manage to obtain trading licenses, register businesses, and integrate into commercial networks despite their precarious legal standing²³. Furthermore, the leasing of commercial and residential properties by Zambian nationals to undocumented refugees, though commonplace, operates in a largely unregulated space, raising legal and regulatory concerns related to property rights, liability, and complicity in irregular migration. These refugees continue to grapple with legal discrimination, harassment, and obstacles in obtaining permanent residence or formalising their economic activities, often limiting their access to justice, financial services, and social protection²⁴.

The transition from rural settlements to urban settings presents a unique set of challenges and opportunities for both refugees and host communities. While urban

²¹Refugees Act 1 of 2017, ss 25–28.

²² UNHCR, *Zambia: Operational Update – Urban Refugees and Asylum Seekers* (March 2023) <https://www.unhcr.org/zambia> accessed 11 May 2025.

²³ Human Rights Watch, *World Report 2024: Zambia – Events of 2023* (HRW 2024) <https://www.hrw.org/world-report/2024/country-chapters/zambia> accessed 11 May 2025.

²⁴ International Organisation for Migration (IOM), *Migration Governance Snapshot: Republic of Zambia* (2021) <https://www.iom.int> accessed 11 May 2025.

refugees often demonstrate high levels of entrepreneurship and self-reliance, they also face legal, administrative, and socio-economic barriers. These include difficulties in accessing legal documentation, business permits, banking services, and protection from discrimination and exploitation.

This study seeks to analyse Zambia's legal frameworks in protecting the rights of Rwandan refugee shop owners, with a particular focus on the challenges faced by undocumented refugees in running businesses, accessing legal protections and securing residency.

1.2 DEFINITION OF KEY TERMS

1.2.1 Legal Rights

Legal rights are entitlements granted to individuals or groups by a legal system, which are enforceable by law. These rights may stem from national legislation, international treaties, or customary law, and they protect individuals against violations, ensure access to resources, and enable participation in societal activities.

1.2.2 Refugees

These are persons who are forced to flee their country due to persecution, war or violence. They have fear of persecution based on their race, religion, nationality, political opinion or membership of a particular group.

1.2.3 Legal Frameworks

The system of laws, policies, treaties and agreements that govern the rights and obligations of individuals and states in a specific context.

1.2.4 Economic Integration

The process of enabling refugees or other marginalised groups to participate in and contribute to the host country's economy through employment, entrepreneurship or business activities.

1.2.5 Socio-Economic Challenges

Barriers related to financial stability, social inclusion, and access to resources, often exacerbated by discrimination, legal restrictions, or lack of opportunities.

1.3 STATEMENT OF THE PROBLEM

Despite Zambia ratifying international and regional refugee protection instruments, such as the 1951 Convention and its 1967 Protocol, and the 1969 OAU Convention on refugee problems in Africa, Rwandese refugee shop owners in Lusaka continue to face significant legal and socio-economic challenges.²⁵ While the Zambian Refugees Act of 2017 provides for the right to work, freedom of movement and protection from refoulement, gaps in implementation and enforcement have created an environment of legal uncertainty for refugee entrepreneurs.²⁶ One of the legal challenges is the difficulty refugees face in securing proper documentation for legal residence and business operations. Rwandese refugees often struggle to obtain business licenses, work permits and residency permits due to bureaucratic delays, restrictive regulations and inconsistent administrative procedures.²⁷ This lack of documentation renders them vulnerable to random arrests, harassment and extortion by law enforcement agencies and immigration authorities thereby undermining their legal protections.²⁸ Additionally, refugees face challenges in accessing financial services to engage in economic activities. Without access to formal banking, they face obstacles in

²⁵ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention); Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45.

²⁶ Refugees Act 1 of 2017 (Zambia).

²⁷ Guy S Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (4th edn, OUP 2021) 276.

²⁸ Betts A and Kain M, 'The Socio-Economic Exclusion of Refugees in Host Countries' (2023) 12(4) *Journal of Refugee Studies* 389.

expanding their businesses, securing business loans, or engaging in lawful financial transactions.²⁹ Another major concern is the lack of legal remedies and enforcement mechanisms to protect refugees from discrimination and exploitation. Many Rwandese refugees report incidents of hostility, unfair business regulations and discriminatory treatment by local authorities and Zambian business persons.³⁰ However, due to inconsistent enforcement of refugee laws and weak refugee protection measures, they often lack avenues for legal redress when their rights are violated.³¹ Rwandese refugees remain at risk of deportation under the pretext of documentation irregularities, despite their long-term residence and economic contributions.³² Such actions contradict Zambia's international legal obligations and create fear and instability within refugee communities.³³ Despite Zambia's commitment to refugee protection under international and regional conventions and its domestic legal framework, Rwandese refugee shop owners in Lusaka continue to face systemic barriers that hinder their full participation in the local economy. These barriers persist despite provisions in the Refugees Act that grant recognised refugees the right to engage in self-employment and other economic activities. In practice, inconsistencies in the implementation of these rights, limited awareness of legal entitlements, bureaucratic hurdles, and social exclusion severely constrain the economic integration of Rwandese refugees. Therefore, this research seeks to analyse Zambia's existing legal frameworks and their application to Rwandese refugee shop owners in Lusaka. It will assess the gaps in legal protections, challenges in enforcement and the socio-economic impact of these legal barriers on refugee livelihoods.

1.4 AIM OF THE STUDY

This study aims to analyse Zambia's legal frameworks concerning the protection of Rwandese refugee shop owners in Lusaka. The study seeks to examine the extent to

²⁹ Phiri B, 'Challenges in Implementing Refugee Economic Rights in Zambia: A Case Study of Rwandese Shop Owners' (2021) 17(1) *Zambia Law Journal* 57.

³⁰ Adeniran A, 'The OAU Refugee Convention and Protection of Refugees in Africa' (2023) 34(2) *African Journal of International and Comparative Law* 245.

³¹ James C Hathaway, *The Rights of Refugees under International Law* (2nd edn, CUP 2021) 327.

³² Banda C, 'Refugee Rights and Economic Inclusion in Zambia: Policy vs. Practice' (2022) UNHCR Working Paper No 345.

³³ Tiwari R, 'The Role of UNHCR in Strengthening Refugee Protection: A Global Perspective' (2021) UNHCR Policy Paper <https://www.unhcr.org/policy-reports> accessed 3 February 2025.

which Zambia's domestic laws align with its international and regional obligations under refugee protection instruments, including the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Refugee Convention. Additionally, the research aims to identify legal and administrative barriers affecting refugee entrepreneurs, particularly in securing documentation, business licenses, and access to financial services. Furthermore, the study aims to assess the impact of inconsistent enforcement of refugee rights on the economic stability and social integration of Rwandese refugees in Lusaka. By highlighting the legal uncertainties, socio-economic challenges, and gaps in policy implementation, the study will propose recommendations to enhance the legal protection and economic inclusion of refugees in Zambia.

1.5 OBJECTIVES OF THE STUDY

The primary objective of this study is to analyse the legal and socio-economic challenges faced by Rwandese refugee shop owners in Lusaka, Zambia. Specifically, the study aims to:

1. To examine the relevant international and national legal frameworks governing refugee rights
2. To assess how these legal frameworks are applied to Rwandese shop owners in Lusaka regarding residential rights
3. To identify legal and socio-economic challenges faced by refugee shop owners

1.6 RESEARCH QUESTIONS

To answer the questions in the problem statement and meet the objectives of the study, the following questions were asked;

1. What are the key international and national legal frameworks that govern the rights of refugees?

2. How are these legal frameworks applied to Rwandese shop owners in Lusaka concerning their residential and economic rights?
3. What legal and socio-economic challenges do Rwandese refugee shop owners in Lusaka face?

1.7 SIGNIFICANCE OF THE STUDY

This study contributes to the existing body of knowledge by providing an empirical and legal analysis of refugee economic integration in Zambia, with a particular focus on urban refugee entrepreneurs. It highlights the disconnect between legal provisions and practical realities and offers policy recommendations for stakeholders, including the Zambian government, UNHCR, civil society organisations, and academic institutions. By focusing on Rwandese refugee shop owners, a relatively under-researched group, this study adds depth to the discourse on urban refugee livelihoods and inclusive development in Africa. The study was significant because it analysed Zambia's frameworks regarding refugee legal rights protection, particularly those in business activities. It addressed the legal and socio-economic challenges that these refugee shop owners face, highlighting the legal gaps relating to residence and economic activities. The findings could contribute to the academic discourse and offer practical recommendations for policymakers and legal practitioners seeking to improve Zambia's refugee laws. Additionally, the study shed light on the economic contributions of refugees to Zambia, fostering a better understanding of their role in society and potentially reducing stigma and discrimination. The research has provided the potential to influence legislative reforms aimed at protecting refugees' economic and social rights, ensuring Zambia upholds its international and regional legal obligations under refugee conventions. The issue of Rwandese shop owners is a recurring problem in Lusaka, with refugees facing frequent legal challenges that disrupt their businesses and livelihoods. Despite the existence of laws intended to protect refugees, enforcement actions by law enforcement agencies suggest that Rwandese shop owners' rights are not always fully respected. The study filled this gap by providing insights into how Zambia can better protect the rights of Rwandese refugees particularly those involved in economic activities.

1.8 THEORETICAL FRAMEWORK

The study was guided by the Human Rights-Based Approach (HRBA) and the Sustainable Livelihoods Framework (SLF) to critically examine Zambia's legal frameworks in protecting the rights of Rwandese refugee shop owners.

The HRBA is premised on the fact that all individuals including refugees are entitled to basic human rights that should be upheld by states and other duty-bearers. The United Nations Office of the High Commissioner for Human Rights (OHCHR) asserts that the HRBA ensures laws, policies and practices prioritize the protection and realization of human rights for marginalised groups, including refugees.³⁴ According to Goodwin-Gill, refugees are not merely passive recipients of aid but active rights-holders entitled to legal protections such as residence, employment and access to justice.³⁵ He argues that the HRBA underscores the accountability of states in fulfilling international obligations, particularly under the 1951 Refugee Convention, to prevent discrimination and promote the socio-economic integration of refugees³⁶. Furthermore, Betts et al highlight that when states adopt an HRBA, they not only address immediate legal challenges faced by refugees but also create conditions for their long-term stability and development.³⁷ They emphasise that human rights principles such as equality, non-discrimination and participation are central to empowering refugees to become contributors to their host communities.³⁸

In this study, the HRBA frames the analysis of Zambia's compliance with international and national refugee protections and its ability to safeguard Rwandese refugee shop owners from legal and social injustices, such as xenophobia and harassment.

Similarly, the SLF complements the HRBA by providing a lens to analyse the socio-economic realities of refugee shop owners. Developed by Chambers and Conway, the

³⁴ United Nations Office of the High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (2006) <https://www.ohchr.org> accessed 24 January 2025.

³⁵ Guy S Goodwin-Gill, *The Refugee in International Law* (3rd edn, OUP 2007).

³⁶ 1951 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137.

³⁷ Alexander Betts and others, *Refugee Economies: Forced Displacement and Development* (OUP 2017).

³⁸ Ibid

SLF identifies five critical assets such as human, social, financial, physical and natural capital that are necessary for sustainable livelihoods.³⁹ The framework considers how refugees navigate barriers to access these assets in the face of restrictive policies, social exclusion, and economic vulnerabilities. Jacobsen highlights the importance of livelihood strategies in refugee studies, noting that many refugees in urban settings engage in entrepreneurial activities despite legal and financial constraints.⁴⁰ She argues that host countries can enhance economic integration by removing barriers to financial inclusion and supporting livelihood opportunities for refugees.⁴¹ This perspective aligns with the challenges faced by Rwandese shop owners in Lusaka, who often lack formal documentation but contribute significantly to the local economy through their businesses.

In this study, the SLF helped analyse how the legal and institutional environment affects refugees' access to financial services, property rights and business stability. The theory also underscored the need for policies that enable refugees to utilise their skills and resources effectively.

1.9 LITERATURE REVIEW

1.9.1 Principles of International and Regional Refugee Law

International refugee law is founded in the 1951 Convention⁴² Relating to the Status of Refugees, which sets out the definition of a refugee, rights owed to refugees and the obligations of states towards them. The Convention is the foundational international refugee law instrument and outlines key rights and protections for refugees, including the principle of non-refoulement (Article 33) which prohibits returning refugees to countries where they may face threats based on factors such as

³⁹ Robert Chambers and Gordon Conway, *Sustainable Rural Livelihoods: Practical Concepts for the 21st Century* (IDS Discussion Paper 296, 1992).

⁴⁰ Karen Jacobsen, *The Economic Life of Refugees* (2nd edn, Kumarian Press 2005).

⁴¹ Ibid

⁴² *Convention Relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137

race, religion, or political opinion and is widely regarded as customary international law. The Convention also guarantees refugees the right to work (Articles 17-19) and to reside freely (Article 26), though in practice, many face barriers due to restrictive domestic laws. Additionally, legal protection and access to justice (Articles 16, 32) ensure refugees can seek redress in host countries' courts under the same conditions as nationals.⁴³

While these protections are comprehensive in theory, scholars like Goodwin-Gill and McAdam⁴⁴ have noted that real-world application varies significantly especially in regions grappling with economic constraints, political instability, or xenophobic tendencies. In such cases, legal positivism which views law strictly as written and enforceable norms may fail to capture the moral imperative behind refugee protection, as emphasised by natural law theorists who argue that refugees by their humanity, deserve dignity and protection regardless of legal status.

Additionally, the United Nations High Commissioner for Refugees (UNHCR) plays a crucial role in monitoring state compliance with these principles and has advocated for better refugee protection, particularly regarding socio-economic integration and access to justice for refugees.⁴⁵ In Zambia, the UNHCR has been instrumental in pushing for the integration of refugees into national development plans, especially through the National Refugee Policy and initiatives like the Modernisation of Refugee Host Communities and Settlement Approach (MORHCSA).⁴⁶ This shows that the role of the United Nations High Commissioner for Refugees (UNHCR) has evolved from a supervisory function to active engagement in legal reform, capacity building and direct humanitarian intervention.⁴⁷ These efforts aim to move beyond humanitarian aid

⁴³ *Ibid*

⁴⁴ Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (4th edn, Oxford University Press 2022).

⁴⁵ UNHCR, *Global Trends: Forced Displacement in 2023* (UNHCR 2024) <https://www.unhcr.org/statistics> accessed 12 May 2025.

⁴⁶ Government of Zambia, *National Refugee Policy* (2020); UNHCR, 'MORHCSA - Modernisation of Refugee Host Communities and Settlement Approach' (UNHCR, 2023) <https://www.unhcr.org/zm> accessed 12 May 2025.

⁴⁷ James C Hathaway, *The Rights of Refugees under International Law* (2nd edn, CUP 2021) 112–115.

toward durable solutions, particularly local integration, as viable pathways to self-reliance and dignity for refugees.⁴⁸

The 2024 UNHCR report highlighted Zambia's commendable progress in adhering to principles aligned with Article 51 of the UN Charter, particularly through the implementation of its National Refugee Policy.⁴⁹ This policy emphasises integrating refugees into national systems to foster socio-economic self-reliance and sustainable community inclusion. The UNHCR has been instrumental in advocating for these measures, focusing on improving refugees' access to justice and socio-economic opportunities, including education, healthcare, and livelihoods. UNHCR, the UN Refugee Agency, welcomed the formal launch of the Policy and its implementation plan as signifying the Government's intention to implement a landmark program that will enhance the protection and rights of forcibly displaced communities, enable them to be self-reliant and find sustainable long-term solutions for them while also focusing on improving socio-economic conditions for the Zambian communities that host them. Through initiatives like the Modernisation of Refugee Host Communities and Settlement Approach (MORHCSA), Zambia has sought to harmonise its legal frameworks to enhance refugee rights. UNHCR also supports Zambia in building institutional capacities, ensuring refugees can contribute to local economies while upholding their dignity and access to legal protections⁵⁰.

Studies by Tiwari⁵¹ underscore the role of the UNHCR in not only monitoring state compliance with international refugee protection standards but also in actively advocating for the socio-economic integration of refugees within host countries. These studies highlight that despite UNHCR's efforts, refugees around the world continue to face significant barriers in accessing legal protection, essential public services such

⁴⁸ UNHCR, *Global Compact on Refugees: Indicator Report 2023* (UNHCR 2023) <https://www.unhcr.org/gcr> accessed 12 May 2025.

⁴⁹ UNHCR, *Global Compact on Refugees: Indicator Report 2023* (UNHCR 2023) <https://www.unhcr.org/gcr> accessed 12 May 2025.

⁵⁰(<https://www.unhcr.org/africa/news/press-releases/zambia-launches-landmark-national-refugee-policy>. Accessed on 5th December, 2024)

⁵¹ R Tiwari, 'UNHCR and the Socio-Economic Integration of Refugees' (2021) 18 *Journal of Refugee Studies* 235.

as education, healthcare, and employment, often due to restrictive national policies, inadequate legal frameworks, or a lack of political will.

According to Goodwin-Gill and McAdam⁵², ensuring non-discrimination, public service access and the right to work is essential for refugees to contribute to their host countries' economies and live dignified lives. Goodwill and Adams argue that refugees contribute to host economies by participating in various economic activities, such as entrepreneurship, employment and informal trade which generate income, create jobs, and stimulate local markets.⁵³ They often bring diverse skills and cultural knowledge enhancing innovation and productivity. To live dignified lives, refugees require legal recognition of their rights including access to work permits, education, healthcare and freedom of movement.

The 1969 OAU Convention related to refugee challenges in Africa⁵⁴ supplements the 1951 UN Convention and responds to the unique aspects of African refugee crises. The OAU Convention defines a refugee as a person fleeing from events that disturb public order, external influence, domination or occupation. This definition of refugees of the OAU expands to include those who flee from violence and public disorder as seen with many Rwandese refugees after the 1994 genocide. It emphasises solutions like voluntary repatriation, local integration and resettlement, thereby aligning with Zambia's Refugees Act, allowing Rwandese refugees to integrate and contribute to the country's economy.

Similarly, the African Charter on Human and Peoples' Rights (ACHPR)⁵⁵ provides the protection of fundamental rights for all individuals within African states including refugees. These include; the right to dignity, freedom from discrimination and the right to participate in economic activities. This offers an expanded framework for the protection of refugees' socio-economic rights although gaps remain in enforcement

⁵² Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (4th edn, Oxford University Press 2022).

⁵³ Ibid

⁵⁴ Organisation of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* (adopted 10 September 1969, entered into force 20 June 1974).

⁵⁵ African Union, *African Charter on Human and Peoples' Rights* (adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev.5.

due to a lack of state capacity or political will. The ACHPR reinforces refugee protections by asserting economic, social and cultural rights. Yet, state-level political will and resource limitations frequently undermine these rights, especially for marginalised groups like urban Rwandese shop owners who lack visibility in policy dialogues. Adeniran⁵⁶ highlights that the OAU Convention offers a legal framework that ensures refugees fleeing general violence and public disorder are protected including Rwandese refugees in Zambia.

In practice, even though Zambia has assented to the international and regional legal instruments and domesticated them through the Refugees Act, significant implementation gaps remain. These include limited access to employment, restricted freedom of movement and inadequate provision of legal aid and documentation, particularly for urban refugees. This reveals how administrative discretion, under-resourced institutions, and socio-political attitudes towards refugees often undermine formal legal guarantees.⁵⁷

1.9.2 Zambian Legal Framework on Refugees and their Legal and Economic Rights

Zambia has long been a destination for refugees from conflict zones like Rwanda. The Refugees Act of 2017⁵⁸ codifies Zambia's obligations under international refugee law and sets out procedures for recognising, protecting, and integrating refugees. Despite the Act providing for refugees' right to work and establish businesses, implementation is inconsistent particularly for urban refugees. Zambia's Act also aligns with international standards granting refugees residential rights, freedom of movement and protection from refoulement ensuring their safety from forced return. The Act allows refugees, including Rwandese in Lusaka to work without permits, own property and engage in business under similar conditions as Zambian nationals contributing to their

⁵⁶ Al Adeniran, 'The 1969 OAU Convention: Broader Refugee Protections for Africa' (2023) 6 *African Journal of International Law* 72.

⁵⁷ Human Rights Watch, *Unwelcome Guests: Refugees and Asylum Seekers in Zambia* (HRW 2021) <https://www.hrw.org/report/2021/07/13/unwelcome-guests/refugees-and-asylum-seekers-zambia> accessed 12 May 2025.

⁵⁸ Refugees Act 1 of 2017 (Zambia).

economic independence. While this is what the Act provides for, refugees face significant challenges in participating in economic activities.

Studies by Phiri show that while Zambian government policy nominally encourages refugee self-reliance and local integration, Rwandese refugees who engage in small-scale trade or other economic activities continue to face substantial barriers.⁵⁹ These include bureaucratic red tape in acquiring business permits and trading licenses, arbitrary denial of legal documentation, and frequent harassment, extortion, or confiscation of goods by law enforcement officials.⁶⁰ In some instances, even refugees with valid permits are subjected to unjustified arrests or forced to operate informally, which increases their vulnerability.⁶¹ These structural challenges are further exacerbated by prevailing public xenophobia, misinformation about refugees' legal rights, and the absence of clearly defined administrative pathways for refugee participation in the formal economy.⁶² Consequently, many Rwandese refugees are trapped in a cycle of economic exclusion, legal precarity, and social marginalisation despite policy rhetoric promoting integration and self-reliance.

Utilising qualitative research methods, including interviews and focus group discussions with refugees, local authorities, and NGOs, Phiri identified key barriers such as difficulties in obtaining permits and licenses, harassment by law enforcement, and social discrimination.⁶³ The study highlighted the lack of clear policies enabling refugees to access the formal economy, exacerbating their vulnerability despite government policies promoting self-reliance. Phiri concluded that while self-reliance is encouraged, systemic obstacles significantly hinder its achievement. She recommended future research to focus on policy reforms to streamline refugee access

⁵⁹ Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 23–25.

⁶⁰ UNHCR Zambia, *Assessment of Livelihood Opportunities for Refugees and Host Communities in Urban Areas* (UNHCR 2021) <https://www.unhcr.org/zm> accessed 12 May 2025.

⁶¹ Human Rights Commission of Zambia, *Report on the Human Rights Situation of Refugees in Urban Settlements* (2022) 14–17.

⁶² Jesuit Refugee Service (JRS), *Local Integration and Urban Refugee Protection: Policy Gaps in Zambia* (JRS Africa 2023) <https://www.jrs.net> accessed 12 May 2025.

⁶³ Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 23–25.

to economic opportunities and investigate the role of public awareness campaigns in reducing social discrimination.⁶⁴

Both Mwansa⁶⁵ and Kalaba⁶⁶ agree with Phiri that there is a significant gap between policy and the realities faced by refugee shop owners who often encounter harassment from law enforcement, compounded by public xenophobia. This disconnect is particularly pronounced for urban refugees such as the Rwandese in Lusaka, who face bureaucratic red tape, inconsistent enforcement, and social exclusion. Despite the law granting them access to economic opportunities, regulatory uncertainty and hostile public attitudes significantly inhibit the practical enjoyment of these rights. Comparative insights from Uganda, which allows refugees full access to the labour market and allocates land for farming, highlight the potential for Zambia to enhance refugee integration. Uganda's Self-Reliance Strategy, for instance, focuses on incorporating refugees into national service delivery systems, a model Zambia could emulate in its urban areas through municipal engagement and decentralisation.

Furthermore, the issue of legal documentation remains a major stumbling block in the effective protection and socio-economic integration of Rwandese refugees in Zambia.⁶⁷ Many refugees either lack valid refugee identity cards or face prolonged delays in the initial status determination process, renewals, or the issuance of relevant permits such as residence or business licenses.⁶⁸ These administrative bottlenecks not only render refugees vulnerable to arrest, detention, and harassment by law enforcement but also severely restrict their ability to engage in lawful employment, operate businesses, open bank accounts, or access essential services such as healthcare and education.⁶⁹ The absence of a transparent, timely, and accessible

⁶⁴ Ibid

⁶⁵ P Mwansa, 'Challenges in the Implementation of Zambia's Refugees Act' (2020) 15 *Zambia Law Journal* 88.

⁶⁶ F Kalaba, 'Economic Integration of Refugees in Zambia: A Case Study of Rwandese Refugee Shop Owners' (2021) 19 *Zambian Journal of Development Studies* 34.

⁶⁷ Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 30–33.

⁶⁸ UNHCR Zambia, *Urban Refugee Protection Strategy 2022–2026* (UNHCR 2022) <https://www.unhcr.org/zm> accessed 10 May 2025.

⁶⁹ Human Rights Watch, *Unwelcome Guests: Refugees and Asylum Seekers in Zambia* (HRW 2021) 15–17 <https://www.hrw.org/report/2021/07/13/unwelcome-guests/refugees-and-asylum-seekers-zambia> accessed 10 May 2025.

system for documentation disproportionately affects urban refugees, many of whom do not reside in designated settlements and therefore fall outside the scope of regular registration and assistance.⁷⁰ These gaps constitute a breach of Zambia's obligations under the Refugees Act No. 1 of 2017, which guarantees the right to documentation and legal recognition,⁷¹ as well as its commitments under the 1951 Refugee Convention and the 1969 OAU Refugee Convention, both of which require signatory states to facilitate refugees' access to civil documentation and legal identity.⁷² This situation raises serious concerns about due process, equal protection of the law, and access to administrative justice for refugees residing in Zambia.

1.9.3 Legal and Socio-Economic Challenges for Rwandese Shop Owners

Legal and socio-economic challenges faced by refugees, particularly those running businesses, according to Betts and Kain⁷³, are often driven by existential threats resulting in socio-economic exclusion. Rwandese shop owners in Lusaka frequently face legal uncertainties surrounding their refugee status which prevent them from obtaining the necessary documentation to operate businesses legally. Local competition and law enforcement harassment exacerbate these challenges. These legal uncertainties prevent these refugee shop owners from obtaining the necessary documentation to run their businesses legally. This, in turn, makes them vulnerable to harassment by immigration authorities and law enforcement officers, who may view them as operating outside the bounds of the law.⁷⁴

⁷⁰ Jesuit Refugee Service (JRS), Local Integration and Urban Refugee Protection: Policy Gaps in Zambia (JRS Africa 2023) <https://www.jrs.net> accessed 12 May 2025.

⁷¹ Refugees Act 1 of 2017 (Zambia), s 18 and s 20.

⁷² Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 150, art 27; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974), art II(1).

⁷³ Alexander Betts and Michael Kain, *Survival Migration and Economic Exclusion: The Case of Urban Refugees* (Routledge 2023).

⁷⁴ Tendayi Bloom, 'The Business of Refugees: The Economic Contributions of Refugees to Host Countries' (2020) 22(1) *Journal of Refugee Studies* 65.

Research by Banda⁷⁵ indicates that Zambia's bureaucratic delays and unclear regulatory processes pose significant hurdles for Rwandese refugees seeking to formalise their businesses. These challenges lead many refugees to operate in the informal economy where they remain vulnerable to exploitation and have limited access to financial services or legal recourse. Banda documents how bureaucratic delays, inconsistent application of laws, and discriminatory practices compound these vulnerabilities. For instance, while the law does not require a work permit for recognised refugees, local council officers often demand them as a prerequisite for registration, effectively creating extra-legal barriers.⁷⁶

In addition to these institutional hurdles is public social discrimination, which is stoked by narratives that refugees take away jobs, undercut prices, or strain social services. These narratives overlook the positive economic contributions of refugee entrepreneurs who create jobs, introduce new products, and pay local taxes. Scholars such as Goodwin-Gill argue that host states should recognise and leverage the productive potential of refugees, rather than viewing them as passive beneficiaries or burdens. As noted by Mbewe and Tembo⁷⁷, the gap between the law and its enforcement undermines refugees' ability to integrate into Zambian society.

Legal scholars such as Phiri⁷⁸ argue that there needs to be better coordination between law enforcement agencies and refugee protection bodies to ensure the legal rights of refugees are upheld. This would not only foster economic integration but also improve social cohesion. This inconsistent protection framework undermines refugees' ability to integrate into Zambian society and discourages their contributions to the economy. Legal scholars argue that the government should enhance collaboration between law enforcement and refugee protection agencies to ensure that the rights enshrined in domestic and international law are upheld. While refugees can legally engage in economic activities, many face challenges with financial access,

⁷⁵ S Banda, 'The Impact of Bureaucratic Delays on Refugee Businesses in Zambia' (2022) 27 *Journal of Refugee Rights* 54.

⁷⁶ Ibid

⁷⁷ J Mbewe and L Tembo, 'The Gap Between Refugee Laws and Enforcement in Zambia' (2023) 21 *Zambia Law Review* 112.

⁷⁸ D Phiri, 'Legal Protection of Refugees in Zambia: The Role of Law Enforcement' (2021) 13 *Journal of Migration Studies* 98.

discriminatory practices, and inconsistent law enforcement. These issues, alongside local opposition and a lack of support, undermine the potential of refugee-owned businesses and their economic contributions. Further, Chileshe⁷⁹, argues that the deportations that refugees face are usually conducted under the pretext of documentation irregularities and in turn violate Zambia's international obligations. The inconsistent application of non-refoulement reflects broader concerns regarding the enforcement of refugee rights.

Theoretical insights from intersectionality are crucial in unpacking the layered vulnerabilities faced by Rwandese refugee shop owners, particularly women, who endure intersecting forms of discrimination including gender-based violence, economic marginalisation, and cultural exclusion.⁸⁰ These compounded disadvantages are often overlooked in legal and policy frameworks that treat refugees as a homogenous group.⁸¹ The lack of a centralised and empowered oversight body to coordinate implementation and ensure that immigration officers, police and local government officials uniformly apply the Refugees Act has led to fragmented and inconsistent enforcement.⁸² This administrative incoherence fosters arbitrary decision-making, erodes legal certainty, and undermines refugees' trust in public institutions meant to safeguard their rights.⁸³

1.9.4 Opportunities for Policy Reform and Socio-Economic Integration

To effectively address the multifaceted legal and socio-economic challenges confronting Rwandese refugee shop owners in Zambia, a holistic and multi-layered

⁷⁹ M Chileshe, 'Non-Refoulement and the Deportation of Refugees: A Case Study of Zambia's Immigration Raids' (2022) 8 *African Human Rights Law Journal* 203.

⁸⁰ Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color' (1991) 43 *Stanford Law Review* 1241, 1244–1252.

⁸¹ UNHCR, *Policy on Age, Gender and Diversity* (UNHCR 2018) <https://www.unhcr.org/publications/policy/5aa13c0c7/unhcr-policy-age-gender-diversity-2018.html> accessed 12 May 2025.

⁸² Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 37–40.

⁸³ Human Rights Commission of Zambia, *Refugees and the Right to Access Justice in Zambia* (HRCZ 2022) 11–13.

reform agenda is imperative.⁸⁴ This approach must integrate legal and policy reforms aimed at closing protection gaps, institutional strengthening to ensure consistent application of refugee law, societal transformation to combat social and gender-based discrimination and targeted economic empowerment initiatives to facilitate self-reliance.⁸⁵ Drawing from Zambia’s binding international legal obligations such as the 1951 Refugee Convention, the 1969 OAU Refugee Convention, and the Maputo Protocol as well as empirical studies and development-oriented literature, this section critically analyses feasible reform pathways.⁸⁶ It analyses how coordinated interventions across legal, institutional, and societal domains can reinforce durable solutions such as local integration, promote refugee rights, and ensure inclusive development.⁸⁷ These opportunities if realised could significantly enhance both refugee protection and the socio-economic integration of marginalised refugee populations particularly women in the informal trade sector.⁸⁸

The current legal environment, while progressive in its textual guarantees, falls short in execution. Refugees continue to face regulatory hurdles in business registration, often due to misinterpretation or lack of knowledge among municipal officials. Simplifying and harmonising licensing procedures by integrating refugees into Zambia’s local business registration framework would not only reduce corruption but also promote formalisation and regulatory compliance. Recent research by Zetter⁸⁹ emphasises that institutional clarity and procedural efficiency are critical enablers for refugee economic participation. Zambia could consider the establishment of a “Refugee Economic Integration Desk” at local councils to facilitate refugee-friendly business services.

⁸⁴ Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (Penguin Random House 2017) 85–92.

⁸⁵ UNHCR, *Global Compact on Refugees* (UNHCR 2018) para 12–17 <https://www.unhcr.org/the-global-compact-on-refugees.html> accessed 12 May 2025.

⁸⁶ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 150; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974); Maputo Protocol (n 4 above).

⁸⁷ UNHCR Zambia, *Comprehensive Refugee Response Framework (CRRF) Implementation Strategy for Zambia* (UNHCR 2021) <https://www.unhcr.org/zm> accessed 12 May 2025.

⁸⁸ Jesuit Refugee Service (JRS), *Livelihoods, Legal Rights and Integration: The Case of Rwandan Refugees in Lusaka* (JRS Africa 2023) 15–18.

⁸⁹ Zetter, R. (2023). Refugees and Development: Exploring Durable Solutions. *Oxford Refugee Studies Journal*.

The absence of institutionalised legal aid for refugees facing disputes, arbitrary arrests, or deportation threats is a direct violation of Zambia’s commitments under the 1951 Refugee Convention and the African Charter on Human and Peoples’ Rights. Phiri⁹⁰ argues that embedding legal aid into municipal and community legal clinics, supported by paralegal training for refugee leaders, could improve access to justice in a cost-effective and scalable manner. This recommendation aligns with broader access to justice goals under Sustainable Development Goal 16.

Fragmentation across law enforcement, immigration, and refugee management agencies contributes significantly to inconsistent application of refugee rights. A centralised refugee rights coordination unit, housed under the Ministry of Home Affairs, would help harmonise enforcement and policy direction. As Banda and Tembo⁹¹ observe, institutional fragmentation weakens refugee protection frameworks and fosters bureaucratic inefficiency. Inter-agency collaboration could be enhanced through formal memoranda of understanding (MoUs) and joint training workshops.

Training for police and immigration officers is essential to ensure that frontline implementers are not only aware of refugee rights but also sensitised to the lived realities of forced displacement. According to a study by the Southern African Migration Program (SAMP)⁹², poorly trained law enforcement often views refugees as illegal migrants, leading to inappropriate enforcement actions. Incorporating refugee law into the police and immigration curriculum and conducting in-service training would help align enforcement practices with legal standards.

Host-refugee relations in urban Zambia, particularly in Lusaka, are often strained by social discrimination and competition over limited economic resources.⁹³ Negative perceptions of refugees are frequently reinforced by sensationalist media narratives

⁹⁰ Phiri, M. (2021). *Refugee Rights in Practice: Legal Aid and Protection in Zambia*. Lusaka Legal Review.

⁹¹ Banda, J. & Tembo, L. (2022). *Institutional Fragmentation and Refugee Protection in Southern Africa*. *Journal of African Migration Studies*.

⁹² Southern African Migration Program. (2022). *Law Enforcement and Refugees in Urban Zambia: Practices and Perceptions*.

⁹³ Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 19–22.

and exclusionary political rhetoric.⁹⁴ Investment in sustained anti-discrimination campaigns is therefore essential. These campaigns should employ community radio, vernacular-language materials, social media, and public events to highlight the positive economic and social contributions of refugees to Zambian society.⁹⁵ Community dialogues involving local leaders, business owners, and refugee representatives can foster mutual understanding and build trust.⁹⁶ Cooperative initiatives between host communities and refugees such as joint business ventures, savings groups, and community-based development projects can serve as effective models for enhancing social cohesion and reducing resentment.⁹⁷ These strategies align with the objectives of the UNHCR's Comprehensive Refugee Response Framework (CRRF), which promotes refugee inclusion and mutually beneficial partnerships with host populations.⁹⁸

Economic self-reliance is widely recognised as a cornerstone of durable solutions in refugee protection, particularly in protracted displacement contexts.⁹⁹ However, financial exclusion remains a significant impediment for Rwandese refugee entrepreneurs in Zambia.¹⁰⁰ Many are unable to open bank accounts, access formal credit, or participate in cooperative ventures due to the absence of valid documentation, restrictive financial regulations, and occasional institutional discrimination.¹⁰¹ This exclusion not only undermines livelihood opportunities but also perpetuates dependency and informal economic participation.¹⁰² Zambia's rapidly

⁹⁴ Human Rights Commission of Zambia, *Situational Assessment of Refugee Rights and Protection in Urban Zambia* (HRCZ 2022) 10–11.

⁹⁵ Jesuit Refugee Service (JRS), *Community Engagement Strategies for Urban Refugee Inclusion* (JRS 2023) <https://www.jrs.net> accessed 12 May 2025.

⁹⁶ UNHCR Zambia, *Urban Refugee Integration and Social Cohesion Report* (UNHCR 2021) 6–8 <https://www.unhcr.org/zm> accessed 12 May 2025.

⁹⁷ Alexander Betts, Louise Bloom and Nina Weaver, *Refugee Economies in Urban Areas: Uganda and Beyond* (UNHCR 2017) 34–36.

⁹⁸ UNHCR, *Comprehensive Refugee Response Framework (CRRF): Global Overview* (UNHCR 2018) para 56–61 <https://www.unhcr.org/en-us/comprehensive-refugee-response-framework-crrf.html> accessed 12 May 2025

⁹⁹ UNHCR, *Global Compact on Refugees* (UNHCR 2018) para 70–73 https://www.unhcr.org/gcr/GCR_English.pdf accessed 12 May 2025

¹⁰⁰ Jesuit Refugee Service (JRS), *Livelihoods and Legal Barriers for Rwandese Refugees in Zambia* (JRS Africa 2023) 18–20.

¹⁰¹ Isaac Phiri, *Refugee Livelihoods and Informal Economy Participation in Lusaka: The Case of Rwandan Refugees* (MA thesis, University of Zambia 2020) 25–27.

¹⁰² Human Rights Commission of Zambia, *Situational Assessment of Refugee Rights and Protection in Urban Zambia* (HRCZ 2022) 15–16.

evolving fintech landscape, however, offers a promising avenue to bridge this gap.¹⁰³ The expansion of mobile banking and microfinance platforms presents an opportunity to extend financial services to marginalised refugee populations. Strategic partnerships with institutions such as Airtel Money, MTN Mobile Money and FINCA Zambia could enhance financial inclusion through tailored products that accommodate refugees' documentation and risk profiles.¹⁰⁴ Such initiatives are consistent with the objectives of the Global Compact on Refugees, which emphasises the role of the private sector in supporting refugee self-reliance.¹⁰⁵

According to Tiwari and Mupeta¹⁰⁶, mobile financial services can reduce gender disparities and increase resilience among female refugee entrepreneurs. Business incubation programs focusing on marketing, digital literacy, and customer relations can boost the competitiveness of refugee businesses. Tailoring these programs to reflect the Rwandese' linguistic, cultural and social needs of Rwandese refugees enhances their effectiveness. Public-private partnerships and engagement with the Zambia Development Agency (ZDA) and the Ministry of Small and Medium Enterprises would be vital.

These reforms are not only imperative from a human rights and protection perspective, but also align with Zambia's broader national development objectives. The Seventh National Development Plan (7NDP) highlights the importance of inclusive economic growth, job creation and private sector development are key areas where refugee entrepreneurs can make substantial contributions to the national economy.¹⁰⁷ By strengthening institutional commitment, eliminating legal and regulatory barriers and fostering inclusive governance, Zambia has the opportunity to transform its refugee policy into a model of resilience, socio-economic integration and human dignity. Such

¹⁰³ Bank of Zambia, *National Financial Inclusion Strategy 2017–2022* (BoZ 2017) 6–8 <https://www.boz.zm> accessed 12 May 2025

¹⁰⁴ International Finance Corporation (IFC), *Private Sector and Refugees: Pathways to Financial Inclusion in Africa* (IFC 2021) 21–24 <https://www.ifc.org> accessed 12 May 2025.

¹⁰⁵ UNHCR, *Global Compact on Refugees* (n 1) para 85.

¹⁰⁶ Tiwari, A. & Mupeta, B. (2023). Digital Finance and Women Refugees: Opportunities for Economic Empowerment in Zambia. *Development Finance Bulletin*.

¹⁰⁷ Republic of Zambia, *Seventh National Development Plan 2017–2021: Accelerating Development Efforts towards Vision 2030 without Leaving Anyone Behind* (Ministry of National Development Planning 2017) <https://zambia.un.org/en/149157-seventh-national-development-plan-7ndp> accessed 10 May 2025.

a shift would not only enhance the protection of refugees but also leverage their potential as agents of development in host communities.¹⁰⁸

1.10 METHODOLOGY

The methodology used in this research was the qualitative method. The researcher employed both desk top research and field research based on interviews with Rwandese shop owners, Lusaka City Council, Community Leadership and Zambia Police and Immigration Officers. The approach was inductive as the coding process was created through the responses of the interviewees and was not predetermined. The population size was determined by data from the Zambia Statistical Agency, giving disaggregated data on the number of Rwandese Refugees in Lusaka. From this population, a sample was determined through the purposive sampling method by purposively selecting a percentage of refugees from a selected number of communities in Lusaka, care being taken to be as diverse as possible and considering issues of population concentration.

Semi-structured interviews were used for flexibility in exploring responses, providing broader insights and validating findings. A carefully crafted interview guide based on the research objectives and questions was critical in this study. Questions addressed legal challenges, socio-economic integration and experiences with law enforcement and business regulations.

Manual analysis for a detailed understanding of nuances was used. Given the limited time, the focus was on primary coding by categorising data into themes and secondary coding by refining themes for insights.

¹⁰⁸ UNHCR, *Refugee Economies in Zambia: What Role Can Refugees Play in Zambia's Economic Development?* (UNHCR, 2020) <https://www.unhcr.org/publications/refugee-economies-zambia> accessed 10 May 2025.

1.11 SCOPE OF THE STUDY

The scope of the study focused on the legal rights of refugees in Zambia with a particular emphasis on Rwandese shop owners in Lusaka. It examined the national and international legal frameworks governing refugee rights and assessed how these frameworks are applied in practice. The research had limitations such as the lack of trust by the Rwandese refugees and they do not easily open up to others. The researcher was aware of this fact and used close business allies of Rwandese shop owners to extract the information. Secondly, the researcher worked closely with the Department of Immigration which poses a bureaucratic challenge particularly when it comes to accessing documents, reports and legal cases involving refugees.

1.12 ETHICAL CONSIDERATIONS

The researcher adhered to strict ethical standards to protect the rights and privacy of participants. Refugee shop owners and immigration officers were informed of the study and its purpose and were requested to provide their voluntary consent before participating. The personal information of refugee participants in the study was kept confidential, and no identifying details were shared in the study to protect their safety and privacy. Care was also taken to ensure that no harm came to participants due to their involvement in the study, especially given the vulnerability of the refugee population. The research project was transparent and ensured that participants were made aware of their rights to withdraw from the study if they so wished. The study-maintained objectivity, avoiding any bias in data collection or analysis, and ensured that the voices of all stakeholders, including the refugees themselves were fairly represented.

1.13 CONCLUSION

This chapter is organised into five main chapters. Chapter 1 introduces the research topic and outlines the problem, objectives and significance. Chapter 2 analyses the international and national legal frameworks governing refugee rights. Chapter 3

evaluates the implementation of these legal frameworks in Zambia. Chapter 4 presents the experiences of Rwandese refugee shop owners in Lusaka. Chapter 5 concludes the study and offers policy and legal recommendations for enhancing refugee economic inclusion.

CHAPTER 2

ANALYSIS OF FINDINGS ON INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS GOVERNING REFUGEE RIGHTS

2.0 INTRODUCTION

The legal protection of refugees is an integral component of international human rights law. Zambia, being a signatory to key international and regional instruments has incorporated legal provisions into its domestic legal framework to safeguard the rights of refugees.¹⁰⁹ However, the realities on the ground often reflect a gap between legal frameworks and practical enforcement particularly in urban contexts where Rwandese refugee shop owners seek economic independence. This chapter analyses the international, regional and national legal frameworks that govern refugee rights in Zambia. It explores how these frameworks are operationalised and identifies gaps in legal interpretation, institutional support and administrative practices that hinder effective refugee integration. The discussion is grounded in Zambia's experience, highlighting the lived realities of Rwandese refugees in urban Lusaka and their navigation of the legal system.

2.1 INTERNATIONAL AND REGIONAL LEGAL FRAMEWORKS

International and regional legal frameworks form the cornerstone of refugee protection worldwide. At the international level, the primary instruments that govern refugee rights include the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol which set out the definition of a refugee and the core principles of non-refoulement, rights and state obligations.¹¹⁰ Equally, regionally, Africa has adopted a more extensive approach through the 1969 Organisation of African Unity

¹⁰⁹ Refugees Act 1 of 2017

¹¹⁰ *Convention Relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137; *Protocol Relating to the Status of Refugees* (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267.

(OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which reflects the unique socio-economic and political realities of the continent and broadens the definition of who qualifies as a refugee.¹¹¹ Zambia has demonstrated a strong commitment to these frameworks by ratifying and incorporating them into its domestic legal and policy environment.¹¹² This section discusses these frameworks that relate to refugee protection.

2.1.1 The 1951 Refugee Convention and its 1967 Protocol

The 1951 Convention and its 1967 Protocol¹¹³ form the cornerstone of international refugee protection. It outlines rights that are guaranteed to refugees. Following the 1951 Convention, Zambia acceded to the Refugee Convention in 1969, thereby committing to uphold the rights of refugees as outlined in the Convention.¹¹⁴ The Convention defines a refugee as a person who, "*owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country.*"¹¹⁵ One of the core principles enshrined in this Convention is non-refoulement which prohibits the return of refugees to a country where their life or freedom would be threatened.¹¹⁶ Zambia has also to date acceded to the 1967 Protocol which removed the temporal and geographic limitations of the 1951 Convention, thus broadening the scope of protection to include refugees from events occurring after the January 1, 1951 Convention.¹¹⁷ In the *R (European Roma Rights Centre) v Immigration Officer at*

¹¹¹ *Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa* (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45.

¹¹² UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Zambia* (March 2012) <https://www.refworld.org/docid/4f9663b12.html> accessed 13 May 2025.

¹¹³ United Nations High Commissioner for Refugees (UNHCR), *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Zambia* (July 2017) <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?file=EnglishTranslation&filename=4538> accessed 6 February 2025

¹¹⁴ *Ibid*

¹¹⁵ *Ibid*

¹¹⁶ *Ibid*, Art. 33(1).

¹¹⁷ United Nations High Commissioner for Refugees (UNHCR), *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Zambia* (July 2017)

Prague Airport case¹¹⁸, the UK immigration officers discriminated against asylum seekers thereby violating international refugee protection principles. This ruling reinforced the importance of non-refoulement.

Through initiatives like the Modernisation of Refugee Host Communities and Settlement Approach (MORHCSA), Zambia has sought to harmonise its legal frameworks to enhance refugee rights. UNHCR also supports Zambia in building institutional capacities, ensuring refugees can contribute to local economies while upholding their dignity and access to legal protections¹¹⁹. Studies by Tiwari¹²⁰ underscore the role of the UNHCR in monitoring state compliance with these principles and advocating for the socio-economic integration of refugees. Refugee access to legal protection and public services remains a significant challenge globally. She highlights that while the 1951 Convention mandates non-discriminatory treatment of refugees, national policies often impose limitations that hinder their economic participation. This is particularly evident in Zambia, where Rwandan refugees engaged in business face administrative and legal obstacles despite Zambia being a signatory to the Convention. A critical analysis suggests that the effectiveness of these international provisions is contingent on domestic enforcement mechanisms which however is inconsistent.

According to Goodwin-Gill and McAdam¹²¹, ensuring non-discrimination, public service access, and the right to work is essential for refugees to contribute to their host countries' economies and live dignified lives. Refugees contribute to host economies by participating in various economic activities, such as entrepreneurship, employment, and informal trade, which generate income, create jobs, and stimulate local markets. They often bring diverse skills and cultural knowledge enhancing innovation and

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?file=EnglishTranslation&filename=4538> accessed 6 February 2025.

¹¹⁸ *R (European Roma Rights Centre) v Immigration Officer at Prague Airport* [2004] UKHL 55.

¹¹⁹ (<https://www.unhcr.org/africa/news/press-releases/zambia-launches-landmark-national-refugee-policy>. Accessed on 5th December, 2024)

¹²⁰ R Tiwari, 'UNHCR and the Socio-Economic Integration of Refugees' (2021) 18 *Journal of Refugee Studies* 235.

¹²¹ Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (4th edn, Oxford University Press 2022).

productivity. To live dignified lives, refugees require legal recognition of their rights, including access to work permits, education, healthcare, and freedom of movement.

This section has highlighted that the 1951 Refugee Convention and its 1967 Protocol are foundational instruments in international refugee law, establishing the definition of a refugee and outlining the rights of displaced individuals as well as the legal obligations of states like Zambia to protect them. These instruments emphasise the principle of non-refoulement that prohibits the return of refugees to countries or territories where their lives or freedoms are likely to be threatened. The Convention and Protocol have been instrumental in shaping national refugee laws and policies worldwide including in Zambia.

2.1.2 The 1969 OAU Convention Governing Refugee Rights

In Africa, the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa provides additional protections specific to the regional refugee context. Zambia ratified this regional convention in 1973, reinforcing its commitment to addressing refugee issues within the African context.¹²² The OAU Convention developed the definition of a refugee to include individuals who flee from external hostility or events that seriously disrupt public order.¹²³ The expansion of the definition of a refugee at the regional level highlights Africa's cognisance of various social and political challenges that may force individuals to flee their hostile countries to other peaceful countries. Adeniran¹²⁴ highlights that the OAU Convention offers a legal framework that ensures refugees fleeing general violence and public disorder are protected including Rwandese refugees in Zambia.

¹²² United Nations High Commissioner for Refugees (UNHCR), *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Zambia* (July 2017) <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?file=EnglishTranslation&filename=4538> accessed 6 February 2025.

¹²³ 1969 OAU Convention, Art. 1(2).

¹²⁴ Al Adeniran, 'The 1969 OAU Convention: Broader Refugee Protections for Africa' (2023) 6 *African Journal of International Law* 72.

The OAU Convention supplements the 1951 UN Convention and addresses the unique aspects of African refugee crises. Unlike the 1951 Convention, the OAU Convention defines a refugee as ‘persons fleeing from external aggression, occupation, foreign domination, or events seriously disturbing public order.’ As evidenced by the discussion, the OAU Convention broadens the refugee definition to encompass those fleeing generalised violence and public disorder, exemplified by many Rwandese refugees after the 1994 genocide who fled to and settled in neighbouring countries, including Zambia. The Convention emphasises solutions such as voluntary repatriation, local integration, and resettlement, which align with Zambia's Refugees Act of 2017, allowing Rwandese refugees to integrate and contribute to the local economy. Equally, the African Charter on Human and Peoples' Rights (ACHPR)¹²⁵ guarantees the protection of fundamental rights for all individuals within African states together with refugees. These fundamental rights include the right to dignity, freedom from discrimination and the right to participate in economic activities. This offers an expanded framework for the protection of refugees' socio-economic rights, although gaps remain in enforcement due to a lack of state capacity or political will. The *Attorney General v Dow case*¹²⁶ recognises the application of regional human rights instruments to protect non-citizens. The ruling in this case supports the argument that refugees should enjoy socio-economic rights as outlined in the OAU Refugee Convention.

This Convention emphasises three durable solutions for refugees that comprise voluntary repatriation, local integration and resettlement to third countries. Zambia has in principle supported local integration for long-term refugees. The Refugees (Settlement) Act and the Refugees Act¹²⁷ codify local integration as a potential durable solution especially for protracted refugee populations. Yet, the lived reality of Rwandese refugees reveals contradictions. While some have resided in Zambia for over two decades, they remain without permanent residency or business rights. The OAU Convention's progressive provisions are often undermined by administrative inertia and a lack of clear pathways to integration.

¹²⁵ African Union, *African Charter on Human and Peoples' Rights* (adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev.5.

¹²⁶ *Attorney-General v Dow* [1992] BLR 119 (CA).

¹²⁷ Refugees Act 1 of 2017

This section has discussed that at the regional level, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa serves as a critical legal framework that complements the 1951 Convention Relating to the Status of Refugees by expanding the definitional scope of a “refugee”. This broader formulation was designed to address the unique and widespread displacement challenges confronting African states. Notwithstanding its progressive provisions, particularly those promoting socio-economic integration, the Convention’s implementation has encountered persistent challenges. In the Zambian context, the domestication of the OAU Convention has been limited with national refugee frameworks exhibiting partial alignment. This is exemplified by the restrictive administrative and legal barriers encountered by Rwandan refugee shop owners in urban Lusaka which underscore a discernible gap between the normative aspirations of the Convention and the realities of enforcement at the national level.

2.1.3 The African Charter on Human and Peoples’ Rights

Zambia is also a party to the African Charter on Human and Peoples’ Rights (ACHPR)¹²⁸, which, although not specifically focused on refugees, guarantees fundamental rights to all individuals within the jurisdiction of African states. These rights include the right to dignity (Article 5), equality before the law (Article 3), freedom of movement (Article 12), and the right to work (Article 15).¹²⁹ The Charter’s non-discrimination clause ensures that these protections extend to all persons, including refugees. This principle has been affirmed in regional jurisprudence, notably in *Attorney General v Dow*, where the Court of Appeal of Botswana held that non-citizens are entitled to the rights enshrined in the Charter, thereby affirming the applicability of socio-economic rights to refugees and other non-nationals.¹³⁰ This interpretation strengthens the normative foundation for the protection of refugees’ rights across African states, including Zambia.

¹²⁸ *African Charter on Human and Peoples’ Rights* (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 (ACHPR).

¹²⁹ ACHPR, arts 3, 5, 12, and 15.

¹³⁰ *Attorney General v Unity Dow* [1992] BLR 119 (CA) (Botswana). See also Frans Viljoen, *International Human Rights Law in Africa* (2nd edn, OUP 2012) 236–237.

In Zambia, however, the enforcement of refugee rights remains inconsistent. While the Refugees Act No. 1 of 2017 provides for the right of refugees to engage in self-employment and economic activities,¹³¹ in practice, many Rwandan refugee entrepreneurs face significant barriers to participation in the formal economy. These include exclusion from business registration systems, access to city council markets, and eligibility for cooperative loan schemes, largely due to their immigration status.¹³² Local authorities often require documentation such as National Registration Cards (NRCs) or valid residency permits, which refugees are not legally entitled to possess under Zambian law.¹³³ This disconnect between Zambia's human rights and refugee protection commitments, and the administrative implementation at local levels, highlights the gap between legal rights and their practical realisation.¹³⁴

2.2 NATIONAL LEGAL FRAMEWORKS FOR REFUGEE RIGHTS

Zambia has implemented several measures to enhance refugee protection and management. These actions reflect Zambia's ongoing dedication to providing protection and support to refugees, aligning with both international and regional standards. The national policies include the Refugees Act of 2017¹³⁵ which provides the legal framework for refugee management while the National Refugee Policy of 2014¹³⁶ is aimed at improving refugee rights and the rights of forcibly displaced persons. This section discusses the local frameworks governing refugee rights.

¹³¹ *Refugees Act No. 1 of 2017* (Zambia), s 45(1), which permits refugees to seek gainful employment or engage in agriculture, industry, handicrafts, and commerce, subject to applicable laws.

¹³² International Labour Organization (ILO), *Labour Market Access for Refugees: Zambia Country Brief* (ILO 2022) https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_852270.pdf accessed 13 May 2025.

¹³³ Human Rights Watch, *Zambia: Barriers to Refugee Integration Persist* (2021) <https://www.hrw.org/news/2021/07/14/zambia-barriers-refugee-integration-persist> accessed 13 May 2025.

¹³⁴ Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (Penguin 2017) 153–155.

¹³⁵ Refugees Act 1 of 2017

¹³⁶ UNHCR, *Zambia launches landmark national refugee policy* (UNHCR, 12 January 2024) <https://www.unhcr.org/africa/news/press-releases/zambia-launches-landmark-national-refugee-policy> accessed 6 February 2025.

2.2.1 The Zambian Constitution

The Constitution of Zambia Act No. 2 of 2016 guarantees a broad range of fundamental human rights and freedoms, including the rights to dignity, security, and protection of all persons, regardless of nationality.¹³⁷ Although the Constitution does not expressly reference refugees, its rights provisions apply to “every person” within the territory, thereby encompassing refugees and asylum seekers.¹³⁸ This constitutional framework provides a solid legal basis for the protection of refugees' rights and aligns with Zambia's international human rights obligations.

The Zambian courts have affirmed this inclusive approach in key jurisprudence. In *Mubanga v Attorney General*, the High Court interpreted constitutional human rights provisions to extend to non-nationals, thereby reinforcing legal protections for all individuals, irrespective of their citizenship or immigration status.¹³⁹ This precedent underscores the potential of Zambia's constitutional order to safeguard refugee rights and serves as a foundation for challenging discriminatory practices in the administrative and legal treatment of refugees.

2.2.2 The Refugees Act 1 of 2017

Although the Constitution of Zambia does not explicitly address refugee rights, refugee protection is governed by the Refugees Act of 2017.¹⁴⁰ This piece of legislation is the principal legislation governing refugee status determination, rights and obligations in Zambia. It provides the legal basis for the recognition of refugees and their right to seek asylum, freedom from refoulement and access to education, healthcare and employment. However, despite these provisions, refugees continue to face bureaucratic obstacles in obtaining legal documentation and business permits. The Refugees Act is the principal legislation governing refugee protection in Zambia. It

¹³⁷ Constitution of Zambia (Amendment) Act No. 2 of 2016, art 8 and Part III (Bill of Rights).

¹³⁸ Human Rights Commission of Zambia, Know Your Rights: A Guide to the Zambian Constitution (HRC 2017) 10.

¹³⁹ *Mubanga v Attorney General* (2002) HP/60/1999 (High Court of Zambia).

¹⁴⁰ Refugees Act 1 of 2017, Part II.

consolidates Zambia's commitments under the 1951 Convention, the 1967 Protocol, and the 1969 OAU Convention, embedding refugee rights into domestic law.

Section 30(1)(c) of the Refugees Act No. 1 of 2017 provides that a recognised refugee "has the right to engage in wage-earning employment and self-employment in accordance with the laws of Zambia."¹⁴¹ This provision is particularly relevant to the subject of this research, as it grants refugees the legal right to operate businesses, including shops and market stalls. In addition, section 22 of the Act provides for the issuance of identity documents to recognised refugees, which are intended to facilitate access to services and ensure legal protection.¹⁴²

In practice, however, the process of obtaining or renewing these identity documents is often hampered by administrative delays and inconsistent application of regulations.¹⁴³ Despite holding valid refugee identity cards, some refugees report being denied access to essential services, highlighting a persistent gap between legal entitlements and actual administrative practices.¹⁴⁴ While the Act is progressive in intent, it lacks clarity on implementation procedures particularly with local council by-laws, licensing regulations and inter-agency coordination. For example, the Act does not clearly state how refugees should apply for business licenses or how local authorities should treat refugee entrepreneurs. This legal vagueness allows for discretion, which can lead to arbitrary decision-making especially at the local council level.

Maple¹⁴⁵ in his study on refugee reception examines the enduring impact of the 1970 Refugee (Control) Act on Zambia's current refugee policies, despite the enactment of the more progressive 2017 Refugees Act. He argues that historical legislation continues to influence contemporary practices, particularly in terms of controlling

¹⁴¹ Refugees Act 1 of 2017 (Zambia), s 30(1)(c).

¹⁴² s 22.

¹⁴³ UNHCR and Government of Zambia, Comprehensive Refugee Response Framework: Zambia – Roadmap 2019–2021 (UNHCR 2019) <https://data.unhcr.org/en/documents/details/69642> accessed 13 May 2025.

¹⁴⁴ Human Rights Watch, Zambia: Barriers to Refugee Integration Persist (2021) <https://www.hrw.org/news/2021/07/14/zambia-barriers-refugee-integration-persist> accessed 13 May 2025.

¹⁴⁵ Maple, Nicholas, 'Refugee Reception: The Ongoing Influence of Historical Laws and Traditional Conceptualisations of Refugees in Zambia' (2024) African Law Matters

refugee movements and settlement patterns.¹⁴⁶ The study suggests that a shift towards more localised and less restrictive approaches is necessary to align with international protection standards.

*Luwanja and Others v Minister of Home Affairs & Others*¹⁴⁷ is one example of case law that discusses refugee status determination and access to legal documentation highlights. Similarly, in the *RM Zimbabwe v Secretary of State for the Home Department*¹⁴⁸ case, the UK Court of Appeal held that an individual could not be deported to Zimbabwe due to the risk of persecution, reinforcing the non-refoulement principle, which is also enshrined in Zambia's Refugees Act.

Studies by Phiri¹⁴⁹ show that while government policy encourages refugee self-reliance, Rwandese refugees who engage in economic activities face significant obstacles including difficulties obtaining permits and licenses as well as harassment by law enforcement. These challenges are compounded by social discrimination and a lack of clear guidance on how refugees can access the formal economy. Phiri identified key barriers such as difficulties in obtaining permits and licenses, harassment by law enforcement and discrimination.

This section has shown that the Refugees Act modernises Zambia's approach to refugee protection by incorporating international protection principles that include the rights to non-refoulement, education, and employment, and emphasises the integration of refugees into local communities. While legal provisions exist as can be seen in the Refugee Act to protect refugees, administrative hurdles and socio-political factors often limit their realisation in practice.

¹⁴⁶ Refugees Act 1 of 2017

¹⁴⁷ *Luwanja & Others v Minister of Home Affairs & Others* (2016) ZWHHC 84.

¹⁴⁸ *RM (Zimbabwe) v Secretary of State for the Home Department* [2020] EWCA Civ 193

¹⁴⁹ Catherine Phiri, 'Challenges Faced by Urban Refugees in Lusaka: A Case Study of Rwandese Traders' (2021) *Zambia Law Journal* 35.

2.2.3 The Immigration and Deportation Act 18 of 2010

The Immigration and Deportation Act¹⁵⁰ regulates the entry, residence, and business operations of all foreign nationals in Zambia, including refugees. While it establishes procedures for lawful entry and residence, it also mandates strict permit requirements that can be challenging for refugees to meet, particularly due to financial and administrative barriers.

This Act regulates the entry, presence and exit of individuals in Zambia. While primarily focused on immigration control, it contains provisions relevant to refugees, particularly concerning their legal status and the procedures for deportation, ensuring that actions taken comply with international protection obligations. The *Achiume v The Attorney General*¹⁵¹ of Zambia case that involved the deportation of a foreign national and examined the necessity of due process and compliance with international human rights obligations before expulsion is relevant to refugee protection under Zambia's immigration laws. On the other hand, although not specific to Zambia, the case of *Katangese Peoples' Congress v Zaire*¹⁵² highlighted the obligations of states to protect non-nationals within their borders.

2.2.4 Gaps in Implementation of the National Refugee Policy of 2014

Zambia's National Refugee Policy of 2014 was designed to provide a comprehensive framework for the protection and socio-economic inclusion of refugees.¹⁵³ It aims to transition from encampment to self-reliance, emphasising local integration and the inclusion of refugees into national development agendas.¹⁵⁴ While the policy is progressive in outlook, its implementation has faced significant limitations. A key challenge is the lack of legal enforceability as a policy and since it is not a statute, it

¹⁵⁰ Immigration and Deportation Act 18 of 2010, Sec. 29.

¹⁵¹ *Achiume v The Attorney General of Zambia* [2012] ZMSC 16

¹⁵² *Katangese Peoples' Congress v Zaire* (2000) AHRLR 72 (ACHPR 1995)

¹⁵³ Government of the Republic of Zambia, *National Refugee Policy* (Ministry of Home Affairs, 2014).

¹⁵⁴ *ibid*, 6–7.

lacks binding force.¹⁵⁵ Furthermore, it is largely unknown even among local government officials, creating a disjuncture between national commitments and administrative realities.¹⁵⁶ According to Betts and Omata¹⁵⁷, policies that support refugee self-reliance must be backed by clear legal pathways, financing, and inter-agency coordination; otherwise, they remain aspirational.

In practice, many Rwandese refugees residing in Lusaka remain excluded from local authority decision-making and planning processes, limiting their ability to influence matters that directly affect their welfare.¹⁵⁸ While Zambia's National Refugee Policy of 2014 promotes the inclusion of refugees in national education and health systems, its implementation is hindered by the absence of refugee-sensitive programming at both national and local levels.¹⁵⁹

Moreover, although the policy advocates for skills development and access to employment, there is a notable lack of targeted livelihood programs in urban settings such as Lusaka where a significant number of refugees reside.¹⁶⁰ Of particular concern is the policy's inadequate engagement with gender and vulnerability issues. The policy fails to clearly outline concrete strategies for addressing the specific needs of female-headed households, older persons and persons with disabilities.¹⁶¹ This oversight has the effect of perpetuating structural inequality and limiting equitable access to livelihood opportunities and protection services.¹⁶²

¹⁵⁵ Crisp Jeff, 'African Solutions to African Problems? The Enduring Appeal of "Encampment" in African Refugee Policy' in Alexander Betts and Gil Loescher (eds), *Refugees in International Relations* (OUP 2011) 142.

¹⁵⁶ UNHCR and Government of Zambia, *Comprehensive Refugee Response Framework: Zambia – Roadmap 2019–2021* (UNHCR 2019) <https://data.unhcr.org/en/documents/details/69642> accessed 13 May 2025.

¹⁵⁷ Alexander Betts and Naohiko Omata, *Refugee Economies: Rethinking Popular Assumptions* (Humanitarian Innovation Project, University of Oxford 2015) 25–27.

¹⁵⁸ International Labour Organization (ILO), *Access to Employment for Refugees in Zambia: Assessment Report* (ILO 2022) <https://www.ilo.org> accessed 13 May 2025

¹⁵⁹ Government of the Republic of Zambia, *National Refugee Policy* (Ministry of Home Affairs 2014) 10–13.

¹⁶⁰ UNHCR and Government of Zambia, *Comprehensive Refugee Response Framework: Zambia – Roadmap 2019–2021* (UNHCR 2019)

¹⁶¹ Women's Refugee Commission, *Disabilities among Refugees: Protection and Inclusion in Zambia* (2020) <https://www.womensrefugeecommission.org> accessed 13 May 2025

¹⁶² Alexander Betts and Naohiko Omata, *Refugee Economies: Rethinking Popular Assumptions* (Humanitarian Innovation Project, University of Oxford 2015) 36–39

2.2.5 Gaps in Refugee Participation and Access to Justice

Effective protection of refugee rights is not just about legal entitlements it also requires procedural justice, including access to complaints mechanisms, fair adjudication of rights, and inclusive governance. Refugees, especially in urban Zambia, often have limited voice and agency in legal or policy decisions affecting them. Research by Zetter¹⁶³ highlights that participatory legal processes such as refugee advisory committees or inclusion in local governance, strengthen accountability and legal compliance. In Zambia, however, there are no institutionalised mechanisms for refugee consultation on matters like business regulation, community safety, or policy implementation.

Furthermore, access to legal aid remains minimal. While the Legal Aid Board exists, its mandate and resources are overstretched, and it rarely engages with refugee populations. According to Human Rights Watch, lack of legal representation is one of the primary barriers to refugee rights realisation in African host countries, including Zambia. Case studies of Rwandese business owners demonstrate that disputes with landlords, municipal officers, or immigration authorities often go unresolved due to fear of reprisal, limited knowledge of the law, and the absence of advocacy bodies. This demonstrates how impunity environments undermine the rule of law and discourage refugee entrepreneurship and integration.

2.2.6 The Role of Local Government and By-Laws

Local authorities in Zambia play a pivotal role in the daily regulation of markets, issuance of trading licences, and administration of land access and housing factors that are critical to the success of refugee entrepreneurs, particularly shop owners.¹⁶⁴ However, local government by-laws are frequently silent on the rights and inclusion of refugees, creating a legal vacuum that permits discretionary interpretation and

¹⁶³ Zetter, R. (2023). Refugees and Development: Exploring Durable Solutions. Oxford Refugee Studies Journal.

¹⁶⁴ UNHCR, *Urban Refugees in Zambia: A Study of Access to Livelihoods and Basic Services in Lusaka* (UNHCR 2020) <https://data.unhcr.org/en/documents/details/80582> accessed 13 May 2025

enforcement by officials.¹⁶⁵ This regulatory ambiguity has led to instances of discrimination and arbitrary decision-making, such as denying market spaces or business permits to refugees on the basis of their immigration status, despite their legal recognition under national and international law.¹⁶⁶ The absence of clear, harmonised guidelines at the local level undermines national refugee protection commitments and stalls socio-economic integration efforts.¹⁶⁷

Field observations and interviews conducted by Kalaba¹⁶⁸ reveal that city council officials in Lusaka frequently demand National Registration Cards (NRCs), which refugees cannot possess. This results in denial of trading licenses, even when refugees present valid refugee Identity Documents (IDs). The lack of harmonisation between the Refugees Act 2017¹⁶⁹ and local council by-laws means that refugees fall into a legal grey zone. This exclusion is not merely administrative; it is structural. It reflects a broader failure to mainstream refugee protection into urban governance. Refugees are rarely represented in ward development committees or local planning forums. Yet, as Landau and Duponchel argue, inclusive urban planning is essential to the success of refugee protection in cities, especially under Africa's growing urbanisation.

2.3 CONCLUSION

This chapter has reviewed the international, regional, and national legal frameworks that govern refugee rights in Zambia. While these frameworks establish a robust legal foundation, their practical impact is undermined by administrative inefficiencies, unclear regulatory procedures, and limited institutional capacity. Despite Zambia's commitment to the 1951 Convention, the OAU Convention, and the ACHPR,

¹⁶⁵ Government of the Republic of Zambia, *Local Government Act No. 2 of 2019*.

¹⁶⁶ Human Rights Watch, *Zambia: Barriers to Refugee Integration Persist* (2021) <https://www.hrw.org/news/2021/07/14/zambia-barriers-refugee-integration-persist> accessed 13 May 2025

¹⁶⁷ Alexander Betts and Naohiko Omata, *Refugee Economies in Urban Settings: Livelihoods and Integration in Lusaka* (University of Oxford Refugee Studies Centre 2018) 21–25

¹⁶⁸ Kalaba M, 'Legal Challenges Facing Refugee Entrepreneurs in Zambia: A Case Study of Rwandese Shop Owners in Lusaka' (LLM thesis, University of Zambia 2021)

¹⁶⁹ Refugees Act 1 of 2017 (Zambia)

Rwandese refugee shop owners in Lusaka continue to face legal ambiguities, financial exclusion, and socio-economic marginalisation. The Refugees Act 2017 offers formal recognition and certain rights, but the absence of clear guidelines on implementation has led to inconsistent application, particularly in urban settings.

The findings and discussion in this chapter indicate that while Zambia has made strides in updating its legal framework for refugee protection, challenges remain in fully implementing and internalizing these changes. Continued efforts are necessary to ensure that national laws and practices align with international and regional standards, thereby providing effective protection for refugees. The 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention provide a strong foundation for refugee rights, but administrative and policy constraints limit their full realization. Despite constitutional and legislative provisions such as the Refugees Act of 2017 and the Immigration and Deportation Act of 2010, refugees in Zambia continue to face barriers in accessing documentation, economic opportunities and legal protections.

This analysis of findings in this section contributes to the broader discourse on refugee rights, identifying gaps and proposing recommendations to strengthen Zambia's legal frameworks and improve refugee integration and protection. Zambia should enhance its institutional capacity to implement international and regional legal provisions effectively, ensuring refugees enjoy the full spectrum of their rights. To reduce the bureaucratic barriers, it is important to streamline the processes for obtaining legal documentation, work permits and business licenses. This will ensure that refugees' economic integration is well-aligned and facilitated smoothly. Targeted legal awareness campaigns among refugees and relevant government agencies must be enhanced to ensure that both rights holders and duty bearers understand the protections available under international and domestic laws. To contribute to a more inclusive and effective refugee protection system in Zambia and ensuring that refugees can live in dignity and contribute meaningfully to society, restrictive provisions of the national laws that hinder refugees' access to economic opportunities must be reviewed.

CHAPTER 3

APPLICATION OF LEGAL FRAMEWORKS RELATING TO RWANDESE SHOP OWNERS' RESIDENTIAL AND ECONOMIC RIGHTS IN LUSAKA

3.0 INTRODUCTION

This chapter examines the application of Zambia's legal frameworks regarding the residential and economic rights of Rwandese refugee shop owners in Lusaka. It evaluates the extent to which Zambia's domestic laws align with international and regional refugee protection frameworks focusing on the challenges they face in securing legal documentation, business registration and financial inclusion. This chapter examines how the legal provisions analysed in Chapter 2 are applied in practice, with a focus on the gaps between legislative intent and operational reality. It explores the challenges encountered by key state institutions, the inconsistencies in policy enforcement, and the comparative lessons that Zambia might draw from neighbouring countries. By analysing refugees' interactions with law enforcement and barriers to economic participation, chapter three highlights practical impediments to the enforcement of refugee rights in Zambia.

3.1 LEGAL AND THEORETICAL FRAMEWORKS

International legal instruments such as the *1951 Refugee Convention*¹⁷⁰ and the *1969 OAU Refugee Convention*¹⁷¹ guarantee refugees fundamental rights that include protection from discrimination, arbitrary detention and the right to engage in economic activities. These conventions are domesticated in Zambia through the *Refugees Act*¹⁷² which guarantees refugee protection through the right to reside, work and conduct business provided they comply with established permit requirements. *Section*

¹⁷⁰ 1951 Convention Relating to the Status of Refugees

¹⁷¹ 1969 OAU Refugee Convention

¹⁷² Refugees Act 1 of 2017 (Zambia)

20(1)(c)¹⁷³ outlines eligibility criteria for refugees seeking Zambian citizenship after a specified period of residence.

In the *Mohamed Abdi Mohamed v. The Commissioner for Refugees and The Attorney General* case, the appellant appealed against a decision by the Commissioner for Refugees. The Court of Appeal of Zambia delivered its judgment on April 5, 2024.¹⁷⁴ Similarly, *Amnesty International v. Zambia*, the African Commission on Human and Peoples' Rights examined the deportation of William Steven Banda, a political refugee, without due process. The Commission found that Zambia violated several provisions of the African Charter on Human and Peoples' Rights, including the right to fair trial and freedom from arbitrary expulsion. These cases highlight Zambia's judicial engagement with refugee rights, particularly concerning the application of domestic laws in alignment with constitutional and international standards.

The cases are relevant to the study on Zambia's legal frameworks concerning the residential and economic rights of Rwandese refugee shop owners in Lusaka as they highlight the importance of clear and precise legal provisions in regulating immigration and citizenship processes to prevent arbitrary enforcement.¹⁷⁵ Having clear legal provisions is a critical issue for Rwandese refugees navigating Zambia's complex residency and business registration requirements. Zambia's residency and business requirements are complex for refugees due to stringent immigration policies that require constant permit renewals and a lack of clear pathways to permanent residency or citizenship. The dual regulatory framework where refugees must comply with both the Refugee Act and general business registration laws creates additional layers of administrative uncertainty.¹⁷⁶ The incompatibility of excessive restrictions on refugee economic participation in the host nation with international human rights norms reinforces the need for Zambia to adopt policies that facilitate rather than hinder refugee entrepreneurship. The restrictions on refugee economic participation are excessive because they impose severe limitations on shop ownership often requiring

¹⁷³ Section 20(1)(c) of the Refugees Act

¹⁷⁴ *Mohamed Abdi Mohamed (Male) v The Commissioner for Refugees and The Attorney General* (Appeal No 278/2022) [2024] ZMCA 59 (5 April 2024).

¹⁷⁵ Understanding Refugee and Asylum Laws in Zambia: Eligibility, Application and Legal Protections' (Generis Online, 10 February 2025) <https://generisonline.com/understanding-refugee-and-asylum-laws-in-zambia-eligibility-application-and-legal-protections> accessed 10 February 2025.

¹⁷⁶ Ibid

refugees to partner with Zambian nationals which exposes them to exploitation. Additionally, refugees face difficulties obtaining trading licenses, as some municipal councils do not recognise refugee documentation as valid for business registration.¹⁷⁷

Zambia's legal framework should be reformed to align with international best practices, ensuring that refugees are not unduly restricted in their right to reside, work and contribute to the economy. A major pitfall of Zambia's legal framework is its inconsistency in recognising refugee rights as national laws do not fully align with international conventions on refugee protection. The discretionary powers granted to immigration and municipal authorities often result in arbitrary enforcement leaving refugees vulnerable to inconsistent application of the law. Furthermore, the lack of a clear policy on the economic integration of refugees discourages entrepreneurship and stifles their ability to contribute to the economy.¹⁷⁸

While Zambia's legal framework theoretically guarantees economic and residential rights to refugees, bureaucratic hurdles and discretionary law enforcement continue to impede effective implementation. Practical bureaucratic hurdles include the prolonged and uncertain process of obtaining a business permit, where refugees often wait months for approvals due to unclear requirements. Many refugees struggle to open bank accounts, as financial institutions demand documentation that refugees either do not possess or must constantly renew.¹⁷⁹

3.2 OPERATIONALISATION OF REFUGEE RIGHTS

The implementation of refugee rights in Zambia primarily involves the Ministry of Home Affairs and Internal Security, through the Department of Refugees (DoR), in conjunction with local authorities such as the Lusaka City Council (LCC) and district

¹⁷⁷ Mushiba Nyamazana, Grayson Koyi, Patricia Funjika and Edward Chibwili, *Zambia Refugees Economies: Livelihoods and Challenges* (Study commissioned by UNHCR Zambia, conducted by the Institute of Economic and Social Research (INESOR), University of Zambia in partnership with the Refugee Studies Centre, University of Oxford, 2017).

¹⁷⁸ UNHCR, *Implementing a Comprehensive Refugee Response: The Zambia Experience* (UNHCR, 2022).

¹⁷⁹ Ibid

licensing offices. The UNHCR and several NGOs also play a complementary role in legal aid, resettlement coordination, and awareness-raising.

While the Refugees Act 1 of 2017¹⁸⁰ mandates the issuance of identity documents and grants the right to engage in self-employment, the lack of procedural clarity on how these rights should be exercised at local level creates bottlenecks. For example, many LCC officers interpret municipal business bylaws in ways that exclude refugees who do not possess a National Registration Card (NRC), even though the Refugees Act provides for refugee-specific identity cards. In practice, this means that many Rwandese refugees are either turned away when applying for business permits or are subjected to informal payments. This reflects a broader inter-agency disconnect, where local councils are insufficiently informed about refugee rights and thus operate under standard citizenship requirements that exclude refugees by default.

3.3 LAW ENFORCEMENT AND RESIDENTIAL RIGHTS

Refugees residing outside designated camps like Meheba without official permits face harassment, forced relocation and threats of deportation. Refugees residing outside designated camps without proper residency or business permits often face legal challenges and punitive measures.¹⁸¹ In Zambia, refugees residing in urban areas such as Lusaka and the Copperbelt without proper residence or business permits have faced legal actions, including fines and deportation. For instance, in July 2022, the Department of Immigration reported the removal of 121 immigrants for illegal entry and unlawful stay, with 56 individuals deported from Kitwe in the Copperbelt Province.¹⁸² Among them were 25 Tanzanians along with one Malawian who paid court fines for offences including illegal entry, unlawful stay, and engaging in trade without permits. While these court rulings do not relate to Rwandese refugees, they still reflect a broader enforcement pattern of Zambia's immigration laws against undocumented foreign nationals. These challenges underscore the complexities

¹⁸⁰ Refugees Act 1 of 2017 (Zambia)

¹⁸¹ United Nations High Commissioner for Refugees (UNHCR), 'Global Trends: Forced Displacement in 2022' (UNHCR 2023)

¹⁸² Ibid

faced by refugees in obtaining legal status and the potential legal repercussions of non-compliance with residency and business permit requirements.

Reports from the Human Rights Commission of Zambia¹⁸³ and the United Nations High Commissioner for Refugees (UNHCR)¹⁸⁴ highlight concerns regarding the treatment of refugees by law enforcement agencies. The HRCZ Annual Report on Human Rights Violations,¹⁸⁵ for example, documents instances of police misconduct, raising questions about the protection afforded to refugees, especially those lacking proper permits.¹⁸⁶ Additionally, the UNHCR¹⁸⁷ has noted that refugees are required to obtain government permission to move or live outside refugee camps, and those without such authorisation are at risk of arrest and detention. These findings suggest a pressing need for Zambia to review and amend its policies to ensure that refugees are not subjected to undue harassment or legal repercussions due to bureaucratic obstacles in obtaining necessary permits.

Comparative jurisprudence from the region provides useful insights into these challenges. In *Attorney General v Dow*¹⁸⁸, the court affirmed that non-citizens including refugees, are entitled to the same protections under domestic human rights laws. However, in Zambia, refugees frequently encounter discriminatory treatment from law enforcement officers who perceive them as economic competitors rather than rights holders.

3.4 LEGAL PLURALISM AND LOCAL INTERPRETATIONS

Zambia's refugee policy operates in a context of legal pluralism, where formal laws coexist with customary norms and localised interpretations. At the municipal level, officers often prioritise local bylaws and bureaucratic norms over national refugee law. This leads to institutional discretion, which is exercised unevenly and often punitively.

¹⁸³ Human Rights Commission of Zambia

¹⁸⁴ United Nations High Commissioner for Refugees (UNHCR)

¹⁸⁵ HRCZ Annual Report on Human Rights Violations (2023)

¹⁸⁶ Ibid

¹⁸⁷ UNHCR, 'Global Trends: Forced Displacement in 2022' (2023)

¹⁸⁸ *Attorney General v Dow* [1992] BLR 119 (Botswana)

For instance, LCC’s market regulations require traders to present a tax certificate and a valid business license. However, refugee-specific pathways to meet these requirements are not widely disseminated or enforced. This results in frequent contradictions, where one department may approve a refugee trader’s application, while another invalidates it. Further complicating this are the informal demands for “facilitation fees”, particularly from lower-level enforcement officers, which act as an unofficial barrier to legal compliance. This erodes refugees’ trust in the legal system and discourages them from formalising their businesses.

3.5 ARBITRARY DETENTION AND LEGAL CONSEQUENCES

In Zambia, the detention of refugees often lacks consistency, with some individuals released upon document verification while others endure prolonged detention due to procedural inefficiencies.¹⁸⁹ This discretionary enforcement underscores the absence of standardised legal procedures and judicial oversight, leading to arbitrary detention practices.¹⁹⁰ In contrast, South Africa exhibits systemic issues concerning the arbitrary detention of migrants, refugees, and asylum seekers. Detainees frequently face extended detention periods without adequate legal representation or access to judicial review, contravening international human rights standards.¹⁹¹ These practices reflect a broader pattern of discrimination and xenophobia within the country's immigration enforcement mechanisms. Judicial precedents such as *R v Immigration Officer at Heathrow Airport, Ex parte Salamat Bibi*¹⁹² reinforce the principle that detention should be lawful and non-arbitrary. In Zambia, however, detention practices remain inconsistent where some refugees are released upon verification of documents, while others face prolonged detention due to procedural inefficiencies.

Canada, on the other hand, has established legal precedents emphasizing the importance of due process in immigration detention. The case of *Kebede v Canada*¹⁹³ underscores the necessity for lawful and non-arbitrary detention, highlighting that any

¹⁸⁹ Human Rights Commission of Zambia, 'Annual Report on Human Rights Violations' (HRCZ 2023)

¹⁹⁰ Ibid

¹⁹¹ Southern African Development Community (SADC), 'Refugees and Migration: Policy Challenges and Solutions' (2021)

¹⁹² *R v Immigration Officer at Heathrow Airport, Ex parte Salamat Bibi* [1976] 3 All ER 843 (UK)

¹⁹³ *Kebede v Canada* [2008] FC 1145 (CanLII)

deprivation of liberty must adhere to principles of justice and fairness. Canadian courts have consistently reinforced the requirement for prompt judicial oversight and access to legal representation for detainees, ensuring that detention practices comply with both domestic law and international human rights obligations.

3.6 CHALLENGES IN RESIDENCY AND DOCUMENTATION

Refugees in Zambia face significant challenges in obtaining legal residency and business permits, which hinder their economic participation and social integration. According to a UNHCR report¹⁹⁴, many refugees struggle with protracted delays in processing permits due to bureaucratic inefficiencies and inconsistent policies. The Refugees Act, while providing a legal framework for refugee protection, still imposes restrictive conditions on movement and economic engagement.

While Zambia's refugee framework remains restrictive, other African countries provide more progressive models. Uganda's Refugee Act 2006¹⁹⁵ grants refugees the right to work, move freely and establish businesses facilitating better economic integration. The UNHCR report¹⁹⁶ discusses Zambia's approach to refugee integration. It also recommends adopting an approach that simplifies documentation processes and reducing permit fees. Strengthening institutional capacity and increasing legal aid services for refugees could also help mitigate these bureaucratic hurdles, fostering a more inclusive policy environment.¹⁹⁷

3.7 ECONOMIC PARTICIPATION AND BUSINESS REGISTRATION

In Zambia, the Refugees Act legally grants refugees the right to engage in business activities. However, in practice, refugees encounter significant structural and financial barriers when attempting to register businesses. Licensing requirements, high registration costs and limited access to capital often compel refugees to operate within

¹⁹⁴ UNHCR, *Implementing a Comprehensive Refugee Response: The Zambia Experience* (UNHCR, 2022).

¹⁹⁵ Refugee Act of 2006 (Uganda)

¹⁹⁶ UNHCR, *Implementing a Comprehensive Refugee Response: The Zambia Experience* (UNHCR, 2022).

¹⁹⁷ Ibid

the informal sector. The National Refugee Policy, launched in January 2024,¹⁹⁸ aims to provide a more inclusive framework for refugee management, emphasizing the integration of refugees into national systems and plans. Despite these policy advancements, the implementation faces challenges, and many refugees continue to struggle with formal business registration due to bureaucratic hurdles and a lack of clear guidelines.

Comparatively, Uganda is lauded for its progressive refugee policies, allowing refugees freedom of movement, the right to work, and the ability to establish businesses. Refugees are allocated small plots of land for housing and farming and have access to health and education services. However, similar to Zambia, refugees in Uganda face challenges in formalizing their businesses. These include limited access to information on official business registration, high registration costs, and a lack of standardization in the registration process. Many refugees are unaware of the policies and steps required to register a business, leading to a prevalence of informal enterprises. In the *Attorney General v Dow*,¹⁹⁹ the court affirmed that non-citizens are entitled to equal protection under domestic human rights laws. Despite these precedents, Zambian authorities continue to impose restrictive procedural hurdles that deter formal business registration.

3.8 FINANCIAL EXCLUSION AND SOCIAL DISCRIMINATION

Refugees in Zambia face significant barriers in accessing formal financial services, largely due to stringent identification requirements imposed by banks and financial institutions.²⁰⁰ Many refugees lack national identity documents such as National Registration Cards (NRCs), which are often prerequisites for opening bank accounts or applying for loans.²⁰¹ As a result, they are compelled to depend on informal financial

¹⁹⁸ Ministry of Home Affairs and Internal Security, 'Zambia National Refugee Policy' (January 2024)

¹⁹⁹ *Attorney General v Dow* [1992] BLR 119 (Botswana)

²⁰⁰ UNHCR and Bank of Zambia, *Financial Inclusion of Refugees in Zambia: Challenges and Opportunities* (2021) <https://www.unhcr.org/financial-inclusion-zambia> accessed 13 May 2025

²⁰¹ *Refugees Act 1 of 2017*, ss 22–23

networks, which not only lack regulatory safeguards but also increase vulnerability to financial exploitation and fraud.²⁰²

In addition to financial exclusion, social discrimination further marginalises refugee entrepreneurs.²⁰³ Refugees are frequently excluded from trade associations, chambers of commerce, and local business networks, thereby missing out on opportunities for training, representation, and economic advancement.²⁰⁴ As Jeff Crisp observes in his analysis of global refugee integration trends, social exclusion is a persistent structural barrier that hinders both economic self-sufficiency and community cohesion.²⁰⁵

In Zambia, refugees face significant challenges in accessing formal banking services, primarily due to stringent identification requirements and systemic barriers. The National Financial Inclusion Strategy (NFIS) 2017–2022²⁰⁶ aimed to enhance financial inclusion across various demographics; however, it did not specifically address the unique obstacles encountered by refugees. Recognising this gap, the Bank of Zambia and the Zambia Information and Communications Technology Authority (ZICTA), in collaboration with UNHCR, approved the use of refugee identification documents such as proof of registration, refugee certificates, and refugee cards for opening bank accounts and accessing mobile money services. This policy shift was intended to facilitate financial inclusion for refugees, enabling them to participate more effectively in the economy.

Despite these policy advancements, practical implementation remains inconsistent, and many refugees continue to rely on informal financial systems.²⁰⁷ Barriers such as

²⁰² Human Rights Watch, *Zambia: Barriers to Refugee Integration Persist* (2021) <https://www.hrw.org/news/2021/07/14/zambia-barriers-refugee-integration-persist> accessed 13 May 2025

²⁰³ International Labour Organization (ILO), *Refugee Economic Inclusion: An Assessment of Challenges and Opportunities in Zambia* (ILO 2020) <https://www.ilo.org> accessed 13 May 2025

²⁰⁴ Betts A and Omata N, *Refugee Economies: Forced Displacement and Development* (Oxford University Press 2017) 96–102

²⁰⁵ Jeff Crisp, 'Integration of Refugees in Protracted Situations: Comparative Approaches and Global Lessons' (UNHCR Policy Development and Evaluation Service, 2004) <https://www.unhcr.org/40c982172.pdf> accessed 13 May 2025

²⁰⁶ Bank of Zambia, 'National Financial Inclusion Strategy II (2024–2028)' (BoZ 2024)

²⁰⁷ UNHCR and Bank of Zambia, *Financial Inclusion of Refugees in Zambia: Challenges and Opportunities* (2021) <https://www.unhcr.org/financial-inclusion-zambia> accessed 13 May 2025

limited financial literacy, lack of collateral and persistent bureaucratic hurdles impede their full integration into the formal financial sector.²⁰⁸ Moreover, while the National Financial Inclusion Strategy II (2024–2028) outlines comprehensive plans to enhance financial inclusion, it does not explicitly focus on refugee populations potentially overlooking their specific needs.²⁰⁹ This gap highlights the need for refugee-sensitive financial policies and targeted interventions that support their economic inclusion.

Within the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA) regions²¹⁰, forms of financial exclusion and social discrimination against refugees are prevalent. For instance, refugees often face systemic barriers, including restrictive regulatory frameworks and social stigmatisation, which hinder their access to financial services and economic opportunities.²¹¹ While specific reports on social discrimination within Zambia are limited, broader studies indicate that refugees in the SADC region frequently encounter xenophobia and social marginalisation, adversely affecting their social and economic integration. Addressing these challenges necessitates targeted policy interventions and regional cooperation to promote inclusivity and equal opportunities for refugee populations.²¹²

3.9 PUBLIC PERCEPTIONS TOWARDS REFUGEES

While legal frameworks and administrative procedures are central to refugee protection, public perception also plays a pivotal role in shaping the lived experiences of refugee entrepreneurs.²¹³ In Zambia, Rwandese refugees often face social discrimination and economic exclusion, largely influenced by prevailing narratives that portray them as competitors for scarce resources, particularly in urban informal

²⁰⁸ International Labour Organization (ILO), *Refugee Economic Inclusion: An Assessment of Challenges and Opportunities in Zambia* (ILO 2020) <https://www.ilo.org> accessed 13 May 2025

²⁰⁹ Government of the Republic of Zambia, *National Financial Inclusion Strategy II (2024–2028)* (Ministry of Finance and National Planning 2024) <https://www.mofnp.gov.zm> accessed 13 May 2025

²¹⁰ Southern African Development Community (SADC), 'Refugees and Migration: Policy Challenges and Solutions' (2021)

²¹¹ Ibid

²¹² Ibid

²¹³ UNHCR, *Global Trends: Forced Displacement in 2023* (UNHCR 2024) <https://www.unhcr.org/global-trends-2023> accessed 13 May 2025

economies.²¹⁴ These perceptions are frequently reinforced by media portrayals and elements of political discourse that depict refugees either as a burden on public services or as contributors to the growth of unregulated informal trade.²¹⁵ This framing fosters social tension between host communities and refugees, thereby undermining integration and mutual coexistence.²¹⁶

According to Zetter and Ruaudel²¹⁷, social discrimination towards refugees is not only a social phenomenon but also a structural barrier to integration, often influencing how institutions interpret and apply refugee-related laws. Local authorities, influenced by public sentiment, may be more inclined to restrict refugees from market spaces, delay license approvals, or tolerate discriminatory practices by local business associations.

3.10 EMERGING DIGITAL TOOLS FOR REFUGEE INCLUSION

With Zambia increasingly digitising its governance processes, there is potential for digital inclusion to transform how refugee rights are operationalised, especially in the areas of documentation, business licensing and access to services.²¹⁸ As of 2024, the Zambia Information and Communications Technology Authority (ZICTA) and Smart Zambia Institute have been leading efforts to digitilise national IDs, tax filings and company registration systems.²¹⁹ Yet, these e-government services remain inaccessible to most refugees, primarily due to identity verification challenges, poor digital literacy, and exclusion from national civil registries.²²⁰

²¹⁴ Human Rights Watch, *Zambia: Barriers to Refugee Integration Persist* (2021) <https://www.hrw.org/news/2021/07/14/zambia-barriers-refugee-integration-persist> accessed 13 May 2025

²¹⁵ Lucy Hovil, *Self-Settled Refugees in Uganda: An Alternative Approach to Displacement?* (Journal of Refugee Studies, 2007) 20(4) 599–620

²¹⁶ Betts A and Omata N, *Refugee Economies: Forced Displacement and Development* (Oxford University Press 2017) 110–115

²¹⁷ Zetter, R. & Ruaudel, H. (2023). Refugees and Host Communities: Changing Public Narratives and Practices in Africa. *International Migration Review*, 57(2), 315–337.

²¹⁸ UNHCR, *Digital Transformation Strategy 2021–2025* (UNHCR 2021) <https://www.unhcr.org/digital-strategy> accessed 13 May 2025

²¹⁹ Zambia Information and Communications Technology Authority (ZICTA), *Annual Report 2023* (ZICTA 2024) <https://www.zicta.zm> accessed 11 May 2025

²²⁰ International Telecommunications Union, *Digital Inclusion for Refugees: Policy Gaps and Opportunities in Zambia* (ITU 2023) <https://www.itu.int> accessed 11 May 2025

A recent pilot by UNHCR²²¹ Zambia and the Ministry of Home Affairs allowed refugees to use digital refugee cards integrated with QR codes to access limited services, including mobile banking and legal aid.²²² The program, however, remains nascent and lacks full interoperability with government databases like the Zambia Revenue Authority (ZRA) and the Patents and Companies Registration Agency (PACRA). Digital tools hold promise to address the bureaucratic barriers outlined in earlier sections of this chapter. Online platforms could simplify business registration for refugees, while mobile ID systems can streamline access to healthcare, education, and financial services. However, for such systems to work, legal interoperability and political will are essential.

International models such as Kenya's "Ajira Digital Programme" or Rwanda's Irembo²²³ portal show how integrated platforms can empower vulnerable populations, including refugees, by making service access more transparent and user-friendly. For Zambia to replicate these successes, it must ensure that refugee identity documents are formally recognised across digital platforms, and invest in digital literacy training tailored to refugee populations. Digital governance, if made inclusive, could significantly reduce the discretionary power of local officers, curb corruption, and promote more consistent application of refugee rights²²⁴.

3.11 CONCLUSION

This chapter has shown that Zambia's legal commitments to refugee protection are not fully realised in practice. The disconnect between refugee law and its application results in systemic exclusion, particularly for Rwandese shop owners seeking to engage in lawful economic activities in Lusaka. Inadequate institutional capacity, unclear implementation pathways, and inconsistent municipal interpretations have

²²¹ UNHCR & Smart Zambia Institute (2024). Leveraging Digital Identity for Refugee Inclusion: Pilot Outcomes and Recommendations.

²²² UNHCR Zambia, Innovation and Inclusion: Piloting Digital IDs for Refugees (UNHCR Zambia, 2023) <https://www.unhcr.org/zm> accessed 13 May 2025

²²³ Betts A and Collier P, *Refuge: Transforming a Broken Refugee System* (Penguin Allen Lane 2017) 154–158.

²²⁴ World Bank (2023). *Digital ID Systems for Inclusive Governance in Africa: Lessons from Kenya, Ghana, and Rwanda*.

compounded these challenges. The findings indicate that while Zambia has made legislative progress in refugee protection, practical enforcement remains inconsistent. The key challenges identified include law enforcement harassment, bureaucratic hurdles in obtaining legal documentation, financial exclusion and social discrimination.

Thus, it is recommended that refugee domestic legal provisions be aligned with best practices from Uganda's refugee integration model. Simplify permit acquisition procedures and provide business support programs. Amend banking regulations to facilitate refugee access to financial services. Continue educating law enforcement officers on refugee rights and protections to prevent arbitrary detentions and foster refugee participation in trade associations and business networks.

CHAPTER 4

EXPERIENCES OF RWANDESE REFUGEE SHOP OWNERS REGARDING LEGAL AND SOCIO-ECONOMIC CHALLENGES

4.0 INTRODUCTION

This chapter delves into the lived experiences of Rwandese refugee shop owners residing in various parts of Lusaka, Zambia, particularly examining the legal and socio-economic challenges that affect their entrepreneurial pursuits. While Zambia has ratified international treaties and enacted domestic legislation to protect refugees, the implementation of these protections often falls short in practice. Using qualitative data derived from interviews, case studies, and stakeholder insights, this chapter seeks to bridge the gap between legal frameworks and real-life experiences. Central to this analysis are issues surrounding business registration, documentation, access to credit, social discrimination, and institutional support. Through direct narratives provided by refugees and other stakeholders, the chapter reveals how structural and procedural gaps within Zambia's refugee governance framework disproportionately affect urban-based refugee entrepreneurs.

4.1 REFUGEE PERSPECTIVES ON BUSINESS REGISTRATION AND OPERATIONS

Although the Refugees Act affirms the right of refugees to engage in income-generating activities, the operationalisation of this right remains fraught with challenges. Rwandese refugee shop owners commonly struggle with the acquisition of business licenses, owing to a lack of information and bureaucratic hurdles. Several refugees reported an absence of clear guidelines tailored to non-citizens, leaving them reliant on trial-and-error approaches or informal community support systems. These challenges stem from a lack of procedural clarity, inconsistent local enforcement, and bureaucratic inertia. A shop owner operating in Kaunda Square shared: *“I met all the requirements for the business, but they kept rejecting my application. The officer said I needed a foreigner passport even though I showed my refugee papers.”* This statement illustrates the misalignment between national refugee legislation and local

council bylaws. While the Act grants refugees the right to economic participation, no tailored procedures are guiding local authorities on processing business registrations for refugees. Consequently, many municipal officials apply default Zambian citizenship criteria, leaving refugees excluded or pushed into informality.

In contrast, a group of Rwandese refugees operating in Kanyama revealed that their ability to obtain trading licenses was facilitated by community-led associations that offer guidance and liaise with authorities on their behalf. This disparity underscores the importance of informal networks and raises concerns about the equitable application of legal provisions.

Additional barriers include financial limitations. A female refugee running a bar in John Laing stated, *"I do not know where to obtain a business permit."* Others echoed her sentiment, lamenting the prohibitive costs associated with permit acquisition. *"They require a lot of money, but I don't have it, so I just conduct business without the permit,"* another said. Moreover, the process is often compounded by bureaucratic inefficiencies such as unclear documentation requirements and linguistic challenges. With most official forms in English, many non-English-speaking refugees are compelled to rely on intermediaries, sometimes leading to exploitation.

4.2 DOCUMENTATION GAPS BETWEEN POLICY AND PRACTICE

The Refugees Act²²⁵, particularly Section 22, mandates the issuance of identity documentation to recognised refugees. In principle, this documentation should enable refugees to access various services, including business permits and legal protection. Some refugees confirmed that holding valid documents has shielded them from arbitrary harassment. One interviewee remarked, *"The law protects us who have papers and ensures we trade freely."*

However, in practice, significant discrepancies exist between policy and implementation. Interviews with stakeholders, including immigration officials, pointed to resource constraints and procedural backlogs as primary causes of delays. Yet,

²²⁵ Refugees Act 1 of 2017

refugee narratives paint a more troubling picture. Some described experiences of extortion and arbitrary denial of documentation, which not only hindered their economic participation but also exposed them to legal vulnerabilities and frequent harassment from law enforcement.

One Rwandese business owner in Kanyama, despite having resided in Zambia for over five years, faced persistent difficulties in regularising his immigration status. This legal limbo left him vulnerable to raids and detentions, making business operations unpredictable and stressful. Comparatively, Uganda's refugee integration model which emphasises mobility and documentation accessibility was often cited by stakeholders as a more inclusive example. Furthermore, a lack of legal literacy among some refugees exacerbates the issue. Many are unsure of which documents they are entitled to or required to possess, reflecting an urgent need for targeted legal awareness campaigns.

4.3 CHALLENGES IN BANKING AND CREDIT ACCESS

Refugees' limited access to formal financial institutions significantly restricts their economic potential. Although there have been policy shifts permitting the use of refugee identification for banking purposes, most financial institutions remain reluctant to serve refugee clients. The Refugees Act does not specifically address access to financial services, leaving room for institutional discretion and inconsistency.

Interviews with bank officials revealed that regulatory compliance concerns, especially regarding Know Your Customer (KYC) requirements and anti-money laundering laws, contribute to their hesitation. As a result, many refugee shop owners are excluded from the formal banking system and must rely on informal savings and lending schemes such as "*chilimb*s" or rotating savings groups. While these systems offer some financial support, they cannot match the stability or credit opportunities provided by formal banks.

In Kenya, mobile banking initiatives and refugee-focused financial inclusion programs have yielded promising results, demonstrating that with appropriate policy frameworks, refugee entrepreneurs can be successfully integrated into national financial systems.

Zambia could potentially adopt similar models, such as the use of biometric verification for refugees to reduce banking risk and enhance access to credit. This model offers a promising path for Zambia, especially since many refugees already use mobile phones for communication and remittances.

4.4 SOCIAL DISCRIMINATION AND MARKET ACCESS

Legal access to business opportunities does not automatically translate into equal economic participation. Social discrimination remains a formidable barrier for Rwandese refugee entrepreneurs. Several participants shared that they are often excluded from local business associations, which play a crucial role in determining access to retail spaces, supplier networks, and business advocacy.

Discriminatory practices include inflated rental fees, refusal to lease stalls, and higher wholesale prices. One refugee stated, *“The wholesalers charge us more than Zambian traders, which affects our profits.”* This unequal treatment directly undermines the principles of non-discrimination as outlined in Zambia’s Refugees Act and international human rights instruments.

Interviews with Zambian shop owners revealed mixed sentiments. While some expressed xenophobic views, citing competition for limited market space, others acknowledged the economic contributions of refugees to local commerce. A Zambian trader noted, “Sometimes, we do not support them since we perceive them as competitors.” On the other hand, a refugee mentioned, “I have made friends who support my business,” highlighting that community relationships can mitigate some of the discrimination and enhance integration. However, there are also positive examples of integration. A refugee in Chibolya stated: *“Some neighbours are very kind. They buy from me and even help when I have problems. Not everyone is against us.”* These mixed experiences suggest that social cohesion varies across communities and is often influenced by prior contact, language familiarity, and individual refugee behaviour.

4.5 COMMUNITY SUPPORT AND SECURITY CONCERNS

While community support structures can provide a safety net, the absence of institutionalised protection mechanisms leaves many refugee entrepreneurs vulnerable to crime and exploitation. Some shop owners reported experiencing theft, vandalism, and harassment from criminal gangs, commonly referred to as "*junkies*." These threats are more pronounced in areas with limited police presence or inadequate community policing.

Female refugees are particularly at risk, facing not only economic marginalisation but also heightened vulnerability to gender-based violence. One female refugee running a bar expressed ongoing fear: "*I am always afraid that junkies will come and take goods for free.*" Others reported being forced to contribute to community fundraisers like funerals under threat of retaliation. These levies, though informal, place additional pressure on small-scale businesses barely surviving. Where relationships with locals are strong, refugee shop owners do benefit from informal protection, such as warnings of planned raids or theft. However, these arrangements are fragile and not legally binding, further highlighting the need for institutional security responses that include refugee interests.

Despite these challenges, some refugees reported receiving support from loyal customers or local neighbourhood watch groups. This demonstrates the potential of community engagement programs that promote refugee-local solidarity and mutual protection.

4.6 EXPERIENCES WITH ZAMBIAN LAWS ON ECONOMIC ACTIVITIES

Section 30(1)(c)²²⁶ grants recognised refugees the right to engage in wage-earning employment and self-employment. Refugees with valid documentation acknowledged the protective value of the law. One respondent noted, "*The laws protect all of us from harassment, making it safe for us to stay here and do business.*"

²²⁶ Refugees Act 1 of 2017, ss 30

However, legal protection is unevenly applied. Those without proper documentation remain in a state of legal and economic precarity. The case of *Attorney-General v. Phiri* affirms the necessity of legal status to exercise economic rights. Unfortunately, bureaucratic inefficiencies and inconsistent enforcement dilute the protective intent of the law.

Furthermore, many refugees remain unaware of the rights conferred by the Act. This legal illiteracy perpetuates dependency on informal networks and heightens the risk of exploitation. There is a clear need for capacity-building programs aimed at enhancing refugee understanding of their legal entitlements and responsibilities.

4.7 INSTITUTIONAL SUPPORT FOR REFUGEE SHOP OWNERS

The role of government and international institutions in supporting refugee livelihoods remains underwhelming according to the narratives collected. Although organisations like the UNHCR are mandated to support refugee integration, many shop owners feel abandoned, especially those without official refugee status or up-to-date documentation.

Some respondents reported having never received any form of assistance. One refugee stated, *“I do not receive any support from UNHCR.”* Others with valid refugee papers recounted receiving some aid in the form of food packages, legal assistance, or entrepreneurship training: *“Yes, I receive support since I have papers as a refugee.”* However, there remains a significant gap in outreach and communication. Many refugees are unaware of available programs, suggesting the need for more proactive, multilingual, and culturally sensitive outreach strategies.

To improve refugee resilience and inclusion, supporting institutions must develop inclusive strategies that account for undocumented individuals, expand access to legal aid, and strengthen linkages between community organisations and formal agencies.

4.8 CONCLUSION

This chapter has revealed the complex realities faced by Rwandese refugee shop owners in Lusaka. Despite the legal recognition of their rights, many remain trapped in informal economic systems due to gaps in documentation, bureaucratic ambiguity, financial exclusion, and social discrimination. While some have found protection in community networks or NGO programs, these supports are neither consistent nor sufficient. The refugee experience in Zambia is thus characterised by a mismatch between legal entitlement and practical access, compounded by institutional weakness, policy gaps, and societal ambivalence.

Addressing these issues requires not only legal reform but also greater investment in institutional capacity, community education, and refugee empowerment. There must be consistent enforcement of policies granting refugees business and residency rights, with clear guidelines for local authorities. Encourage the formation of cooperatives or formally registered groups among refugee communities to facilitate access to registration processes, mentorship and capital. Develop microfinance schemes tailored for refugee entrepreneurs and expand digital financial services to bridge banking gaps. Awareness campaigns to counter discriminatory attitudes and encourage inclusive economic participation. By addressing these challenges, Zambia can enhance the economic participation of refugee shop owners, ensuring their contributions to local economies while upholding their legal rights.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter concludes the research by summarising the key findings and proposing targeted recommendations for improving the legal and socio-economic situation of Rwandese refugee shop owners in Lusaka. It reflects on the inconsistencies between Zambia's legal commitments to refugee protection and the lived experiences of refugees on the ground. While Zambia's legal framework is largely aligned with international standards, implementation challenges remain pervasive, particularly in urban settings where local authorities and institutions are ill-equipped to accommodate refugees outside formal camps or settlements. The recommendations provided aim to address both the legal and practical gaps revealed through the study and are directed at policymakers, legal practitioners, donor agencies, refugee-hosting communities, and civil society organisations.

5.1 CONCLUSIONS

This study set out to analyse Zambia's legal frameworks in protecting the legal rights of Rwandan refugee shop owners residing in Lusaka. The research findings revealed that while Zambia has made legislative efforts in aligning with international and regional refugee protection standards, implementation gaps of these laws remain. Refugee shop owners continue to face legal, economic and social challenges, primarily due to bureaucratic inefficiencies, restrictive policies and social discrimination. This shows that the implementation gaps have created a disconnect between legal provisions and lived experiences of refugee shop owners.

Despite being legally entitled to protection, many Rwandan refugee shop owners encounter persistent legal, economic, and social challenges. These include difficulties in acquiring and renewing legal documentation, frequent harassment and extortion by law enforcement, lack of access to financial services, and hurdles in obtaining formal business licenses. These constraints not only limit their entrepreneurial potential but

also expose them to informal and exploitative business environments, undermining both their economic stability and social dignity.

The study further illustrates that these systemic challenges are rooted in bureaucratic inefficiencies, restrictive regulatory frameworks, and a broader socio-political climate that often views refugees through a lens of security rather than inclusion. Social discrimination and xenophobia further marginalise these individuals, limiting their ability to fully integrate and contribute meaningfully to Zambia's urban economy.

Drawing on a comparative analysis with Uganda's progressive refugee integration model, the research identifies viable pathways for reform. Uganda's approach which allows refugees freedom of movement, the right to work, access to land, and participation in the financial system has fostered stronger refugee self-reliance and contributed positively to host communities. These best practices highlight the importance of shifting from a containment-based model to a rights-based and development-oriented framework in refugee governance. Ultimately, the study underscores that a rights-based approach to refugee protection is grounded in international obligations and informed by best practices which can enable Zambia to harness the socio-economic potential of refugee communities. Ensuring that Rwandan refugee shop owners are supported through coherent legal and policy frameworks not only advances human rights but also contributes to inclusive and sustainable urban development. Continued advocacy, monitoring, and participatory policy engagement are essential to realising these goals and fostering a truly protective environment for refugees in Zambia.

5.2 RECOMMENDATIONS

It is clear from the research findings that while Zambia has made judicial efforts in aligning with international and regional refugee protection standards, significant implementation gaps persist. Refugee shop owners continue to face legal, economic and social challenges, primarily due to bureaucratic inefficiencies, restrictive policies and social discrimination. Thus, the study concludes with recommendations that need

to be considered to improve the legal framework that surrounds refugee legal rights in Zambia. The following are the recommendations;

5.2.1 Align Domestic Laws with International Standards

Zambia should harmonise its national refugee policies with international and regional frameworks, particularly the 1951 UN Refugee Convention, its 1967 Protocol and the 1969 OAU Convention. This requires not only ratification but also domestic incorporation and enforcement around economic participation, mobility, and legal status, thus, ensuring that refugee legal rights are safeguarded in practice.

5.2.2 Review Restrictive Provisions

Furthermore, national laws that inhibit refugee access to economic opportunities should be reviewed and revised. Specific attention should be given to policies around business licensing, property ownership and employment eligibility. For instance, refugees should be allowed to apply for trading licenses and formal employment without unnecessary legal barriers or fees that are disproportionate to their income.

5.2.3 Streamline Documentation Processes

The study found that bureaucratic inefficiencies hinder the process of obtaining business documents, Therefore, the process of obtaining residence permits, work permits, refugee identity cards and other necessary documents should be simplified and made more transparent. Reducing bureaucratic red tape will prevent delays that hinder refugees from legally participating in economic activities. A one-stop service center model could be piloted in high-refugee-population areas like Kanyama and Chibolya to improve service delivery.

5.2.4 Enhance Institutional Capacity

Relevant government departments such as the Department of Immigration, Ministry of Home Affairs and local councils should receive adequate funding, staffing and training to effectively manage refugee affairs. This includes strengthening data collection, policy implementation and inter-agency coordination to ensure cohesive refugee management.

5.2.5 Train Law Enforcement Officers

Refugees often face harassment, arbitrary arrests, and discriminatory treatment from law enforcement. Targeted training programs should be designed to not only sensitise the police, immigration officers and border officials on refugee rights and the legal protections afforded to them. Regular workshops and inclusion of refugee law in police training curricula can help enforce the rights-based approach when dealing with refugee populations.

5.2.6 Facilitate Refugee Access to Financial Services

Additionally, Zambia's financial regulatory framework should be adjusted to accommodate alternative forms of identification that refugees possess, such as UNHCR-issued IDs, to enable them to open and manage bank accounts. Partnerships with financial institutions should be encouraged to develop refugee-friendly banking products, such as mobile banking platforms and low-fee savings accounts.

5.2.7 Promote Social and Community Engagement

Refugees should be encouraged and supported to join local chambers of commerce, trade associations and business forums. These platforms provide invaluable opportunities for networking, mentorship, skills exchange, and advocacy. Joint initiatives between refugee and host community entrepreneurs, such as trade fairs or joint ventures can enhance mutual understanding and economic ties.

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