

The Cessation Clause for Rwandan Refugees in Uganda

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I. INTRODUCTION

This research highlighted the different positions, opinions and/or views from the Rwandan people living in exile in Uganda. These views were about the Cessation clause set to be officially invoked by the UNHCR June 2013. The study argues that the implementation of the Cessation Clause to put an end to the refugee status of the concerned group will affect different categories of people. The background to the study shows the presence of Rwandan refugees in different part of Uganda. The study underlined the complexity of this decision in the sense that the group concerned is made of different categories of people, those former refugees who came in Uganda following the 1959 events; then those who came following the 1994 genocide and in between the two major events and even after 1994, some Rwandans came individually as refugees with particular reasons. There is also a group of Rwandans who were born in Uganda from the former refugees. Some know Rwanda for having been there whereas other always hear about the country but have never got chance to step there.

The study established that most refugees of Rwandan origin do not want to go back to their country come June 2013. Among the major reasons they give, there are: the economic issues and poverty in their country; the socio-political tensions within the country, lack of information about Rwanda. As for the solutions they envisaged, some pleaded for a voluntary repatriation for those who wish to go; the majority of them were in favor of integration within the host country, Uganda. Only few of them saw the resettlement to a third country as a solution to their problems.

Generally, the study confirmed that there was lack of information and preparation on the side of the refugee group.

This situation makes it difficult the repatriation that refugees themselves view as a forced move to go back home.

The study recommends the following points for an effective handling of the Rwandan refugee issues: the involvement of the concerned group – Rwandan refugees – in the decision concerning the assessment of the ceased circumstances leading to the invocation of the cessation clause and their repatriation; a possibility of integration or naturalization of those who do not wish to be repatriated. Furthermore, the study recommends to regional and international organizations to promote a regional mechanism for protection of the refugees.

II. RWANDAN REFUGEE GROUPS IN UGANDA

Different respondents were encountered. These people are from various groups according to the year of their entry in Uganda and/or their age for those born in the country. Some have come as a group in 1959 and 1962 whereas others kept coming individually between 1962 and 1990. This group is termed as the First group and they both have the same characteristics.

Another massive move of Rwandan Refugees came in 1994 following the genocide. This is the second group and they include but not limited to the cut time of 1998, however, even members of later years have been approached, since the Cessation Clause shall be invoked in June 2013.

The table below shows the interviewees according to their age and timeframe or year of entry in Uganda and the length of time spent in the host country. In the case of Rwandan Refugees, the Cessation Clause will affect the first and second group despite the differences in relation to the host and home country.

Table 1: Age group of the respondents of Rwandan origin

GROUP	AGE (15 years – 54 years)											
	20 -25	26-30	31–35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80
Men	5	10	3	3	5	1	0	3	2	2	2	1
Women	3	4	3	1	1	0	2	0	0	0	1	0
TOTAL	8	14	6	4	6	1	2	3	2	2	3	1

From this table, it can be seen that 39 (or 75%) of the respondents are in the span of age between 20 and 50 years

old. These one were born in Uganda. The figures show that a majority number of the first group who will be repatriated

know little about their country of origin as several of them declared it during the interviews. On the other side, 13 (or 29 %) of the respondents are in the age bracket of 51 and 80. For most of these groups they might have come to Uganda when

they were between 1 year and 26 years old. As for their stay in Uganda (between 20 and 54 years), table 2 below shows the length of time spent in the country.

Table 2: Length of stay in Uganda

GROUPS	TIMEFRAME OF STAY IN UGANDA								TOTAL
	15-20	21-25	26-30	31-35	36-40	41-45	46-50	51-54	
Men	0	6	8	4	3	5	1	10	37
Women	3	3	4	1	1	0	0	3	15
TOTAL	3	9	12	5	4	5	1	13	52

The table above indicates that 24 (46.1%) respondents have been in Uganda for between 15 and 30 years, some of these members of this group fit the first group description. The Implications are that: These people are in touch with their home country, their vivid memories and experiences which gave them refugee status on entry should be considered when they are presented with the option of the Cessation Clause. A sarcastic D.K said: if they love us so much as they claim, let them wait, we will come at our own will: *“Nibabadukundakokonkukobabivuga, batureketuzazetubishaka”*¹

Note on the table above that men who have spend less than or 15 to twenty years in Uganda were not willing to give the researcher their opinion. As it was observed during the whole research period, suspicion and mistrust and security alertness leads to this category to hide or lie about their nationality or other details. They are not at ease with anyone who inquires on Rwanda; they cite Rwanda security agents presence and actions in Uganda as a reason to react this way. Compared to those who have spent 54 years in Uganda, 10 of them came forward and they chat easily about their life.

It appears that 15 (29%) respondents have been living in Uganda for a time range between 31 and 50 years. The table indicates that 13 (25%) respondents have spent between 51 and 54 years in exile. These are people who are aged between 55 and 78 years these respondents are of the first group, which as I remind is the (1959-1994).

The implications are that: most of the first group are disconnected to their country of origin; quite a good number have not been in Rwanda and have no interests or assets in this country; they feel like they do not have any affiliation with Rwanda. Quite a big number of them know Rwanda by what the parents told them. If B. M. who is 27 says that she came to Uganda when she was in her tenth year and that she has really nothing to regret about the country she left behind, this same feeling must be deep for others respondents who have spent more than four decades in Uganda or those who were born in Uganda and have not yet been to Rwanda.

Mr. M. P., who is 37 years old says: *“kujya mu Rwanda kuritwesinkokujyamumahanga? Ntahantutuzi, ntamuntutuziyo. Ababyeyibacunibobaturutseyo. Babasubizeyo.”*² This means: “For us to go to Rwanda is like going abroad or to a foreign country. We do not know anywhere, we do not know anybody there. Only our parents who came from there would be taken back.” As for R. C. who is 41 years old says: *“Ababyeyibashajebatatubwiyeagasozibaturutse ho. Ubu se none konanjiyenshaje, wanjyanayonkamenyanja he?”*³ Which means: “The parents died before they tell us the exact hill where they came from. As for me, I’m old. I cannot know where to go if you take me back there.” M. Patrick who is 27 years old says: “Us we have made our life here in Kampala. I was born in Kawempe and I grow up in Bunga. I don’t know where my father came from. I don’t see how I can go there. (to Rwanda).”⁴

III. AWARENESS OF THE CESSATION CLAUSE

The study established that a good number of the respondents are totally unaware of the Cessation clause. However, some others were aware of the Cessation clause. Most of the respondents, especially those falling under the first group (1959-1994) are unaware of the coming Cessation Clause and its implementation. According to their understanding, the result of the Cessation Clause should be the voluntary repatriation.

Mrs. M. B. is even pessimistic about the operation and says: *“unless they put strong conditions or they use forced repatriation. If it is voluntary repatriation, the percentage is very, very, very low; not even one percent.”*⁵ According to M. E, “those who are in Rwanda should stay there, those who are in Uganda should also remain there and those who are willing to go back to Rwanda can do as they wish”⁶. However, the old man adds that the current living conditions in Rwanda are not

¹ Interview with D.K on 14th of May 2013 at Naburagara, Kinyarwanda

² Interview with M. P., In Mubende, on 29th April 2013, Kinyarwanda

³ Interview with R.C., in Mubende, 29th April, 2013, Kinyarwanda

⁴ Interview with M. Patrick, in Kampala, 2nd April 2013, English

⁵ Interview with B.M., in Sembabule, in English, on 8th April, 2013

⁶ Interview with M. E., Sembabule, in Kinyarwanda, on 8th April 2013 (*“Abariiriyababereyo, Abariinonabobagumeino. Maze ushakagutahaataha mu mahoro.”*)

as good as in Uganda. He gives an example of farming and cattle keeping in Mutara where he sometimes goes. The Table 3 below shows the awareness of the respondents of the Cessation Clause. A 45 year old man (M. M) is recognizes that he does not have relatives nor does he have properties in Rwanda. So his question: “*Ubu se wajyayougahera he?*”⁷

Another respondent, a 25 year old lady, says she is aware of the Cessation Clause but the explanations she got from “people” are not clear to her. Then about the repatriation, S. K. says: “*Barebeabashakagutaha; abadashakababareke. Kiretse Uganda ivuzeitisimbashaka!*”⁸

Both the first group and second group agree on the voluntary repatriation option. As S. K. states above, let those who have reasons to go be allowed and those with reasons to stay be given the option.

Table 3: Awareness of the respondents about the Cessation Clause

#	Have heard about it	Have never heard about it	Total
Men	12	25	37
Women	2	13	15
TOTAL	14	38	52

From this table 3, it results that 12 men (or 32.4 %) and 2 ladies (or 4 %) are aware of the Cessation Clause. This amounts to 36.4 % of the respondents, most of the one who are aware and worried of the Cessation Clause are of the second group.

On the other side, 25 men (or 66 %) and 13 ladies (25 %) are totally unaware of the Cessation Clause. This amounts to 91 % of the study population. What they got in mind is that the repatriation will be a forced operation to take them back home. This raises the assumptions that the Rwandan refugees will be either taken by surprise (cfr B. M.) or there will be conflicts between the refugee group and the decision makers i.e. UNHCR, OPM and the Uganda Government.

According to S. K., she finds that there is a hidden agenda and tricks behind the Cessation Clause because according to her the way it is being handled is not clear to the refugee population who will be involved in the operations⁹. For her, long before the Clause is invoked, the refugees should have been informed of it and prepared for the new life they are going to start in their country of origin.

The implications are that most of the interviewees, especially those who were unaware of the Cessation Clause were surprised and afraid of this operation. Others started hiding their real identity when others were sad about the change that

would bring in their lives. Among the changes they oversee, there are: to leave behind an area where someone was born or was used to and go to totally unknown place to start a new life there. Another interesting case from the first group is that of N. P. who found that for them who had even got Ugandan’s names, how will it be possible to separate them from other Ugandans? This is the same case with others. For M., she said that she left her country when she was 11 and had really not felt that she missed the country because she had not much to tell about it. She said she had not missed her country because she felt she had not lost so much. For these cases, they find that going back to Rwanda; they will always feel like foreigners just because of their names.

The case of H., who fled under false accusations of his neighbors on genocide crimes who is wondering what, will happen to him if he goes back, since the Gacaca courts have stopped. He says nobody is willing to hear his innocence and expects no justice¹⁰.

Both M. E. and Mr. N. Y. talked about the “demographic stress” showing that the population growth is not proportional to the land available in Rwanda. According to them, these conditions are not conducive to the return of the group of Rwandan Refugees around the world and in particular the group living in Uganda. M. E. was simply categorical when he declared: “*URwandaniruto; ubutakantabwo. None wakwongeramoabanyarwandabavuyehanzeboseukababonera ahoubashyira?*”¹¹ As to say: “Rwanda is small, there is no enough land. Then where do you want to settle all the Rwandese from around the world?”

This view was shared by K. S. when she aroused a series of questions and some comments. She first said: “*Abahunzekerabarabyaye. URwandaruzakura he ubutabwokubakira? Amasambubasizeabandibarayafashe.*” Wh at means: “Those who migrate long ago got children in exile. Where will they get enough land to accommodate all these people?” Then she adds, giving an example: “*Umuntuumazeimyakamirongwinehanze, afiteinkan’abakazanab’abaganda, none URwandakoarirutouwonatahaabandibazabashyira he?*”¹² What means: “Someone who has spent forty years out of the country, who has got cows and Ugandan granddaughters; where will this person go once he goes back to this tinny country?” As to say that their return could be a source of conflicts with people currently living in Rwanda.

IV. REFUGEES’ POSITIONS TOWARDS THE CESSATION CLAUSE AND THE POSSIBLE REPATRIATION

Most of the interviewees alleged different reasons as to why they were opposed to the Cessation Clause and to the subsequent repatriation to Rwanda. Among the major reason

⁷ Interview with MugishaMaritini, in Kinyarwanda, on 15th April, 2013 (*I don’t see where you can start from if you go there!*)

⁸ Interview with S. K., Sembabule, on 8th April 2013, Kinyarwanda (“*Let them take those who want to go and leave the others. Unless the Government of Uganda says that it does not want them!*”)

⁹ Interview with S. K., in Sembabule, on 8th April, 2013, Kinyarwanda

¹⁰ Havugimana, Naburagara, on 14th May 2013, in Kinyarwanda

¹¹ Interview with M. E., Sembabule, on 8th April 2013, in Kinyarwanda

¹² Interview with K. S., in Sembabule, on 8th April, 2013, Kinyarwanda

they gave, there are: Political concerns, social tensions or ethnic hostilities among the different ethnic groups antagonizing in the country.

The question that kept on coming up in the discussions was why the UNHCR is forcing the Cessation Clause to the refugees? Mostly to the refugees who frequent the refugee services centers, they had a bitterness with the way UNHCR has handled the forced repatriation of Rwandans and the fact that there is nothing being done to prevent future incidents like the one of July 2010.

There are also the political issues. B. F. insisted on the endless conflicts in Rwanda when he said: “*Intambaraz’urudaca!*” and he added: “*Abantub’iwacubakundaintambara!*” which means that “people at home love wars!”¹³ The fear of going back have political aspects as it can be felt through what K.S. said: “*Kohariubwokobwinshi, ntabwobazagaruraibibazobyatumyebahunga?*”. As we have many ethnic groups, aren’t people going to bring back the same conflicts that led them to flee?

She also gave a series of questions asking: “*Biteguyekubafatank’abandi?*” As to say that once the returnees are in Rwanda, will they be welcomed like any others? or : “*Abashoborakwinjiramuri politic, biteguyekubakira?*”¹⁴ which means: “Are they ready to welcome those who are able to take part in politics?” Considering the lack of political space of the opposition, her question requires time and space to be answered positively. The separation of “them” and “us” also raises the antagonistic nature of the Rwandan conflicts.

Such deep questions have some ideological content and indirect reference is made to the ethnic groups whereby conflicts in Rwanda have always been antagonistic between the Hutu and Tutsi. The respondent without clearly naming the two ethnic groups refer to them through the formulation of her questions or in her talk, always using the pronoun “ba” or “them/they” like in: “*Biteguyekubakira?*” (Are they ready to welcome them?) ; “*Bazabafatank’abandi?*” to mean: “Will they consider them like any other person in the country?” ; “*Bamwebarize! Nonenibagerairiyabazababoneraimirimoyogu kora?*” (Some of them have studied or are educated! So once in Rwanda will they get jobs?).

Another old lady who required anonymity asked a question: “*Ushoboragutegutura mu gihuguudashoborakuganiran’umuturanyi?*”¹⁵ To mean: “How can I live in a country where I cannot talk to the neighbor next door?” This respondent refers to the socio-political factors that pushed the Rwandans into exile. Despite the reconciliation flag that floats in Rwanda, and the fact that ethnicity cannot be mentioned except in relation to the genocide, she is insinuating on the ethnic conflict whereby

Tutsi and Hutu will be living in an antagonistic and tense relationships.

The researcher came across a petition written by Rwandan Refugees living in Uganda. The introduction of this petition was worded as follows: “The elemental purpose of this petition is to call on United Nations High Commissioner for Refugees (UNHCR) to unconditionally and forthwith suspend its decision of prematurely applying the “Ceased Circumstances “Cessation Clause on our Refugee Status whose invocation is completely ungrounded. It is subtly utilized as a shortcut which will not therefore lead to durable solution to the intractable problem of Rwandan refugees. Throughout of this petition; we shed the light to the reality in Rwanda, and to ongoing persecutions, threats to our safety and ill treatments we are victimized with in Uganda where we are discriminated against owing to our nationality which has become a bone of contention and a source of trouble”¹⁶

Some talked about the economic issues. Here the study established that these issues encompass the issues of the immovable assets they have in Uganda but also the issues of poverty in Rwanda whereby they assume that once there, they cannot get as much as what they would have left behind. K. S. referred to the “ten iron sheets people will get once there in Rwanda yet they had built their house in Uganda.”¹⁷ A big number do not know much about Rwanda. In Table 4 below shows the reasons alleged by the respondents.

Table 4: Reasons not to go back to Rwanda

	Social tensions	Political problems	Economic issues/poverty	Do not know anything about Rwanda
Male	2	1	18	16
Female	0	4	0	11
TOTAL	2	5	25	27

From this table, it appears that 25 (or 55 %) of the respondents know little or nothing about the country Rwanda. Considering that the respondents willing to talk and free to interact with the researcher were of the first group, who came when young or born in Uganda, this gives us a picture of what the Cessation Clause projects in its results. Many desktop researchers who recommended the Cessation Clause in relation to Rwanda have a picture of “returning” a group of people into a place they have been to. They do not count numbers of the first group, who have never been to Rwanda, therefore, a group that will need a “new” place and a new life.

¹⁶ “Petition of Rwandan Refugees and Asylum Seekers living in Uganda to United Nations High Commissioner for Refugees (UNHCR) over the premature and ungrounded invocation of the cessation clause to our refugee status” Dated 7th December 2011. It details provides their reasons not to go back to Rwanda. See detailed petition on: <http://ppdr.info/petition>

¹⁷ Interview with K. S., in Sembabule, 8th April, 2013, Kinyarwanda. (“*Kubahaamabati 10 ngobongerebubake!*”)

¹³ Interview with B.F., in Mubende, on April, 2013, Kinyarwanda

¹⁴ Interview with K.S., in Sembabule, on 8th April, 2013, Kinyarwanda

¹⁵ Interview with an old lady, Mubende, April, 2013, Kinyarwanda

Implications of this have escaped some who are in a hurry to an unknown end.

People of the first group, who were born in Uganda where they have spent much of their life. Some of them however have spent few days or weeks in Rwanda and then came back to Uganda. An example is B.A., aged 33 and mother of 5. She spent 8 months in Kigali at her brother's home but found it hard to live there¹⁸. Another example was given by B. I. when she said: “*nkatweturigupagasa, bazatureketwishakireubuzima.*”¹⁹. On the other side, 24 (or 46 %) of the respondents alleged that economic issues could not allow them to go back to Rwanda. By economic issues, some said that not only they could not move with their belongings but also that Rwanda is poor. M. E. talking about the Mutara region, he said: “*Mu Mutarantabiryo; yewen'itungontiryabonaicyorirya.*”²⁰ For other, especially the young ones, the policies are tough for them to cope with.

Among the second group, only one (2.2%) respondent was bold enough to talk about political issues, looking over his shoulder, he said that the political environment in Rwanda is not convenient for him to go back. Being one person to voice this point according to our analysis relates to the fear of coming out than being irrelevant. Other 2 (4.4%) respondents talked about social tensions and ethnic issues in the country.

As it appears from the table above and from the observations from different angles, the first group has more economic reasons in relation to their reaction to the Cessation Clause, while the second group has Political reasons that guide their reactions towards the Cessation Clause.

Almost half of the respondents alleged the loss of their properties, others talked about their jobs or activities they are doing to earn their living, in relation to the number and causes of obtaining or not obtaining the information as mentioned above, the researcher concluded that both economic and political factors play a very big role in the applicability of the Cessation Clause or the non- applicability of it.

V. POSSIBLE CONSEQUENCES OF THE IMPLEMENTATION OF THE CESSATION CLAUSE ACCORDING TO THE RESPONDENTS

The respondents gave various negative outcomes from the invocation of the cessation clause once it is implemented. For B.F., the repatriation will be to go in a new place: “*Kujya mu kireregishya!*”²¹. H. of the second group, says that there is no good solution in the forced repatriation, since he does not envisage any voluntary repatriation he says “*niukujya mu muriro*”²², directly translating “it is going to hell”. He has fears

of persecutions and says other people are cowards not to say that.

For B. M., the repatriation is “like shifting. Shifting always comes with many challenges.” She looks at the children who were born in refuge and argues that these children have got the culture, the language, and schooling in Uganda. So taking them to Rwanda will first be a separation with the social life they were used to and force them to adopt another new culture, language and school life. She goes further and looks at the socio-economic impacts and the security issues from the repatriation. She gave an example of someone who used to work and make his/her life in Uganda; once in Rwanda you give him/her 10,000 UGX, what can they do with this amount? As a consequence, these people will start stilling and committing crimes.

K. S. echoed the same thing and said that once people are in Rwanda without employment, they will be a situation of insecurity: “*Abantubagiyegukoraza crimes, kwicana, etc*”²³. This respondent raised the case of some former refugees who have been to school in Higher education and who are currently working in Uganda. Once back in Rwanda they may find themselves jobless. The respondent argued: “*Bamwebarizekandibafiteuruhare mu economy y'ubuganda. None kubajyanantibizatera gaps mu gihugu?*”²⁴ As to say: “Some of the refugees are educated and are playing a role in the Ugandan economy. So to take them back (to Rwanda) will create some gaps in the position where they were.” Here the interviewee sees some economic problems but also problems in the employment sector in general; they are fearing to find themselves jobless once in Rwanda.

In addition to the above, the respondents raised several other issues that will be ushered in by the Cessation Clause: D.K is concerned with the lack of justice that he has experienced and he denies going back arguing that there is no justice in Rwanda and he will never go back, forcing him will be the end of his life he says. The issue of intermarriage between Rwandans and Ugandans, K. S. sees that if the Rwandan parent decides to go and the Ugandan counterpart decides to remain behind, the fate of the children will be compromised.

As for the solution suggested by the respondents or refugees, table 5 shows their preferences:

Table 5: Cessation Clause options: Best preferences

	Voluntary return but not now	Naturalization/Integration in the local community	Resettlement	Have not preferences	Total
Male	12	18	2	2	32
Female	7	2	2	2	15
TOTAL	19	20	4	4	52

¹⁸ Interview with B. A. , in Mubende, on 30th April 2013, Kinyarwanda. She said: “*nyumay'amezi munani I Kigali, nasanze bikomeye kuhiitaiwacu.*”

¹⁹ Interview with B. I., Sembabule, on 8th April 2013, Kinyarwanda

²⁰ Interview with M.E., in Sembabule, on 8th April, 2013, Kinyarwanda

²¹ Interview with B.F., in Mubende, on 29th April, 2013, Kinyarwanda

²² Interview with H., Naburagara, on 14th May 2013, Kinyarwanda

²³ Interview with K. S., in Sembabule, on 15th April, Kinyarwanda.

²⁴ Interview with K. S., in Sembabule, on 15th April, Kinyarwanda

From this table, the study established that 12 (26,6%) men wished for a voluntary repatriation but not now, citing that Rwanda is not yet peaceful enough for them. Whereas 7 (16%) female were in favor of repatriation but not now, citing the same as the men in this category. So, 19 respondents (42,1%) were in favor of voluntary repatriation but not now. For most of them, the solution should be a voluntary repatriation, explaining that if a person feels welcome and at peace in their country, there shouldn't be any problem, going back wouldn't have to be forced upon them. These echoed the same sentence "hariamahoro, ntibakwirirwabaduhatiragutaha".

On the other side, 18 men (40%), who are mainly the first group, pleaded for being naturalized or integrated within the local/host community. However, only 2 (4%) ladies opted for integration. What amounts to 44%. This group sees the naturalization and integration processes in the host country (Uganda) where they were born and/or lived for years as a durable solution. According to Mr M. M. the group that is concerned takes part in elections; in his own case, the plot where he lives is his²⁵.

The study revealed that 2 (4.4%) female are in favor of resettlement to a 3rd country and 2 (4.4%) men opted for this solution as members of the second group, without property and or with less of it to feel rooted, the same cite Uganda not secure enough due to the proximity to the home country. The study shows that 2 (4.4%) men were undecided as to what solution would be best for them.

Two readings result from these data: first of all that of the former case of the 1959 refugees. Those who are still in Uganda or their grandchildren have already settled themselves and made their live in this country that they do not wish to move to any other country, which is why the majority of this group opted for naturalization.

They are not really in the refugee mood, they are now citizens and cite that going to another country means to become a refugee, be t Rwanda or a third country.

For those in the second group, i.e, post genocide; They still have vivid memories of bad experiences of the genocide events, revenge acts, Gacaca injustices, land grabbing, political persecutions to mention but a few, and the fear of what they went through in addition to lack of evidence of any durable change of these circumstances and uncertainty of what is waiting for them once they go back in Rwanda. These have a high level of insecurity in Uganda and they swear not to go back to Rwanda, instead prefer resettlement in the third country. Among this group, we found many of them mentioning security concerns in Uganda in relation to the Spy network from Rwanda and these have resorted to different defense mechanisms including changing nationality to

becoming Congolese and calling themselves Bafumbira in order not to be related to anything Rwandan.

One cited example is a trip unrelated to the research taken by the researcher in Nakaseke District in April 2013, encountered two casual laborers who claimed to be Congolese. As the conversation went on, one of them Bosco was speaking a very basic Kiswahili that is not typical of a Congolese national. This attracted the researcher's attention, when asked why his Kiswahili was not as good, Bosco said that he had started to forget about his mother tongue. He alleged that he had entered Uganda in January 2013 and had passed through other local languages that by April 2013, his Kiswahili had started fading.

The observation made by the researcher was that Rwandan refugees from the camps around Uganda and other locations where the Rwandan population is concentrated, afraid of the pending invocation by June 2013 and the previous forced repatriation exercise that took place, have started to scatter around Uganda, forging new identities in order to continue living in Uganda. Some of them have integrated in the local community and are involved in various activities. They are enjoying their freedom in Uganda and do not wish to lose it by going back to their country.

Others respondents referred to the East African Community to draw the durable solution. One respondent, Nyanzi said: "Numviseko URwandana Uganda byabayeigihugukimwe, kuki se none ho bashakakuvanaabantubabajyana mu kindigihugu?"²⁶ Saying: "I have heard that Rwanda and Uganda had become one country. So why do they want to move people from a country to another?"

The same view is shared by N.Y. when he says: "Kurinjye, bagombye gukurikiza amabwirizay'umuryangowa East African Community maze bakarekaburimuntu ukomokamur'ibiyobihugu akishyira akizana; akanaba ahoyumva ashakakuba." Which means: "According to me, they should follow the East African Community policies and allow people to live where they want." Another respondent referred to the culture and social relationships on which she based her line of reasoning. She says: "Abagandan'abanyarwandantatandukaniro. Imico, imibereho ibindibyo se bimeze kimwe. Kandimbona ntakibazob aduteye. Nibatureketwiberehamwenkukobyaribisanzwe!"²⁷

In conclusion,

From the different contacts with various informants and from the available literature about the Cessation Clause and the Rwandan Refugees living in Uganda it appeared clearly that the big number of the refugees are not aware of the Cessation of their refugee status or had heard about it but in an "ambiguous" way.

²⁵ Interview with M. M., in Mubende, on 27th April, 2013, Kinyarwanda, ("Turatora; iyisambuniyanjye!")

²⁶ Interview with Nyanzi J. in Sembabule, on 9th April 2013, Kinyarwanda

²⁷ Interview with S.E., in Sembabule/Kabayora, on 8th April, 2013, Kinyarwanda

It has been noticed that Rwandan Refugees from 1959 to early 1990s have more of social economic reasons of not going back to Rwanda, due to their deep roots with the Ugandan Community and their settled families and investments in Uganda, while the Rwandan Refugees from 1994 onwards have Psycho Political reasons of not going back to Rwanda, due to the political developments of the Post Genocide era in relations to the RPF policies, ethnic tensions and political suppression.

The majority of the refugees pleaded for a voluntary repatriation. Quite a good number of them argued that their assets and the time spent in exile were enough factors that could motivate their integration and/or naturalization (Which is not possible for the moment due to the fact that there is a case in the constitutional court on the same issue in Uganda). In addition to that, most of the first group members said that they had embraced the local culture or had never been to their motherland. So they had nothing to lose by not going back there. This study concluded that the invocation and the implementation of the cessation clause will definitely have serious social, political and psychological impact that cannot be measured currently.

For the second group, their response to the Cessation Clause is more pronounced despite their fear to express themselves. Resettlement should be the solution for them but, as the other Cessation Clause options, it is not present currently. This has been acting as a push factor by the UNHCR, Rwanda and Uganda to force refugees to repatriate in addition to denying refugees land in camps and denying new refugees status as visits to OPM, UNHCCR Website and readings from available literature showed.

Another area that needs particular attention according to the respondents is on the side of the country of origin, Rwanda. The changes that are supposed to have taken place, in order for refugees to feel safe enough to go back to the country are not there; instead suppression laws being put in place scare the refugees.

The repatriation process which will have to be a long process will bring in the country some clashes between the returnees and the local population that have been always living in the country. The conflict will result from the sharing of the resources, especially land. Some of the returnees have no reference as to where their parents came from or about the assets they left behind when they went into exile whereas for others, the properties have been shared, sold or used by those who had remained in the country. So this situation will raise tensions and conflicts.

Putting returnees into labeled camps “imidugudu” will only alienate them further from the local community, since these camps will be seen as “returnees villages” there can be a segregation against this group from the community because they will be excluded, marked and labeled.

As for the international community or the neighboring countries, they will have to deal with stateless people of the Rwandese origin who will not go back home and who may find themselves as “stateless” in between Uganda and Rwanda; they will have to take responsibilities for those who will be repatriated in contributing to their reintegration and rehabilitation.

Even though the invocation of the Cessation Clause is unavoidable, it appeared clearly that the people concerned have never been prepared at all or involved in the decision so that they could get ready to shift to another environment and to start a new life for some or to go back to their old lifestyle. It appeared that in the Cessation Clause concerning the Rwandan refugees there was a serious gap in the channel of communication, due procedures and human rights aspects whereby the refugees were excluded in the introduction of the issue, the evaluation of the persecutory factors and decision making processes.

As a consequence, refugees had different versions and interpretations of the same decision. This gap would also be source of frustration and panic and would create a lack of cooperation between the decision makers and the groups of refugees.

There will be political and economical implications both in the host country –Uganda – and in the country of origin – Rwanda.

The study concluded that there was a shift of persecutory factors from the socio-political factors to economic factors, according to which group is under study. In case of the first group, 1959 -1994, this shift was visible. The majority of the interviewees ranked here, alleged their immovable asserts in Uganda while others talked about the jobs or employments and what they were getting in Uganda. They were not so sure that they could get the same once in their country.

However, when analyzing the second group, post genocide to date, the socio- Political prevails over the economic factors. Security related issues of kidnapping, murder and threats from the home country’s security agents were put forward.

Finally the study revealed some psychological implications of the invocation of the Cessation Clause. For those who were aware of it as for those who were hearing of it for the first time, it was not so clear what was behind this decision. As a result, there was a kind of suspicion, panic, and unhappiness, uncertainty as for their fate thereafter, sadness, and a sense of loss of materials and loss of freedom.

Few of them felt compelled to silence due to fear of security agents in Uganda and over delicate situations or former causes of violence and or torture that could make their lives miserable once they are in Rwanda, considering that no durable change has taken place in Rwanda and even some of those who had ever gone back voluntarily came back to Uganda.

Among those situations, there are the socio-political relationships in the country and the genocide consequences that could have serious repercussions on the above relationships because people will always remember what happened in Rwanda since 1959 even though the RPF government suppresses people's expression, the hatred and revengeful nature of some, the fear and collective guilt of others was expressed.

The indicators above allow us to conclude that, in the Rwandan context, the invocation of the Cessation Clause is premature and indeed should not be invoked, and doing otherwise shall be detrimental on a later stage because this study concluded that the Cessation Clause is being applied to Rwandan refugees in a vacuum of other alternatives thus there is violation of Human Rights in invocation of this clause in absence of alternatives.

Second, the invocation of the cessation clause shall not solve the Rwandan refugee problem; it will be instead a root for conflict perpetuation.

BIBLIOGRAPHY

Books

- [1] Adedeji Adebayo, (ed), (1999), *Comprehending and Mastering African Conflicts. The Search for Sustainable Peace & Good Governance*. London & New York, Zed Books/ACDESS
- [2] Bell Morag, (1986), *Contemporary Africa: Development, Culture and the States*. Harlow, Longman Scientific & Technical.
- [3] Braathen Einar, Morten Boas et Gjermund Saether, (eds), (2000), *Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa*. London, Macmillan Press Ltd
- [4] Clark Phil & Kaufman D. Zachary (eds), *After Genocide. Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*. London, Hurst & Company
- [5] Cohen Roberta et Deng M. Francis, (1998), *Masses in Flight. The Global Crisis of Internal Displacement*. Washington, Brookings Institution Press.
- [6] Dunne Tim & Wheeler J. Nicholas, (ed), (1999), *Human Rights in Global Politics*, Cambridge, Cambridge University Press
- [7] Go S. Delfinet Page John, (eds), (2008), *Africa at a Turning Point? Growth, Aid, and External Shocks*. Washington D.C., The World Bank
- [8] Hathaway C. James, (1991), *The Law of Refugees Status*. Ontario, Vancouver, Butterworths.
- [9] ICRC, (1983), *Basic Rules of the Geneva Conventions and their Additional Protocols*. Geneva, International Committee of the Red Cross
- [10] Kegley W. Charles et al., (2006), *World Politics. Trends and Transformation*. Tenth Edition, Belmont, Thomson Wadsworth
- [11] Mamdani, Mahmood, (2001), *When Victims became Killers. Colonialism, Nativism and the genocide in Rwanda*. Kampala, Fountain Publishers
- [12] Mertus A. Julie et Helsing W. Jeffrey, (eds), (2006), *Human Rights & Conflicts. Exploring the links between Rights, Law, and Peacebuilding*, Washington, United States Institute of Peace Press
- [13] Mulumba Deborah, (2010), *Women Refugees in Uganda. Gender Relations, Livelihood Security and Reproductive Health*. Kampala, Fountain Publishers.
- [14] Prendergast John, (1996), *Crisis and Hope in Africa*. London, Inter-Agency Group and Center of Concern
- [15] Prunier Gérard (1995), *The Rwanda Crisis 1959-1994. History of a Genocide*. Kampala, Fountain Publishers
- [16] Prunier Gérard (2009), *From Genocide to Continental War. The 'Congolese' Conflict and the Crisis of Contemporary Africa*. London, Hurst & Company
- [17] Rosenthal Gabriel et Bogner Artur (eds), (2009), *Ethnicity, Belonging and Biography. Ethnographical and Biographical Perspectives*. Berlin, Lit Verlag
- [18] Thomson Allan, (ed), (2007), *The Media and the Rwanda Genocide*. Kampala, Fountain Publishers
- [19] Williams D. Paul, (2011), *War & Conflict in Africa*. Cambridge, Polity Press
- [20] World Bank, (2005), *Reshaping the Future. Education and Postconflict Reconstruction*. Washington, The International Bank for Reconstruction and Development

Journals

- [21] Mathew Penelope et James C. Hathaway et Michelle Foster, "The Role of State Protection in Refugee Analysis." in International Association of Refugee Law Judges, Internal Journal of Refugee Law, Volume 15, No 3, 2003, pp.444 - 460

Reports

- [22] ACTV (2008), *African Centre for Treatment and Rehabilitation of Torture Victims. Annual Report 2008*, Kampala, ACTV
- [23] IRRI et al., (June 2010), *A Dangerous Impasse: Rwandan Refugees in Uganda. Citizenship and Displacement in the Great Lakes Region*. Working Paper No 4, a joint paper by the International Refugee Rights Initiative, the Refugee Law Project and Social Science Research Council.
- [24] IRRI, (December 2012), *Rwandan Refugees Facing Cessation: Exploring Opportunities for Local Integration in Uganda*. A Paper by Guillaume Cliche-Rivard et Evi Kyprioti
- [25] NRC et al., (September 2008), *The Great Lakes Pact and the Rights of Displaced People. A Guide for Civil Society*. Internal Displacement Monitoring Centre and the International Refugee Rights Initiative
- [26] African Commission on Human Rights and Peoples' Rights, 'AU Convention Governing Specific Aspects of Refugee Problems in Africa', 2012, available at: <http://www.achpr.org/instruments/refugee-convention/> [accessed 31 March 2012].
- [27] Amnesty International, 'Human Rights Overlooked in Mass Repatriation', 1997, available at: http://www.essex.ac.uk/armcdcon/story_id/Human%20Rights%20Overlooked%20in%20Mass%20Repatriation.pdf [accessed on 15 July 2012].
- [28] Amnesty International, 'Rwanda and Burundi - The return home: rumours and realities, 1996', available at: <http://www.amnesty.org/en/library/info/AFR02/001/1996> [accessed on 15 July 2012]
- [29] Amnesty International, 'Rwanda Annual Report 2011', 2011, available at: <http://www.amnesty.org/en/region/rwanda/report--2011> [accessed 21 November 2012].
- [30] Amnesty International, 'Rwanda Annual Report 2011', 2011, available at: <http://www.amnesty.org/en/region/rwanda/report--2011> [accessed 31 March 2012].
- [31] Amnesty International, 'Rwanda urged to end clampdown on dissent as Charles Ntakirutinka released', December 2012, available at: <http://www.amnesty.org/en/news/rwanda---urged---end---clampdown---dissent---charles---ntakirutinka---released---2012---03---01> [accessed 21 November 2012].
- [32] Amnesty International, 'Rwanda urged to end clampdown on dissent as Charles Ntakirutinka Released', December 2012, <http://www.amnesty.org/en/news/rwanda---urged---end---clampdown---dissent---charles---ntakirutinka---released---2012---03---01> [accessed 31 March 2012].
- [33] Amnesty International, 'Vague laws used to criminalise criticism of government in Rwanda', 2010, available at: <http://www.amnesty.org/en/news---and---updates/report/vague---laws---used---criminalise---criticism>

- government---rwanda---2010---08-
--31 [accessed 21 November 2012].
- [34] Amnesty International, 'Vague laws used to criminalise criticism of government in Rwanda', 2010, available at: <http://www.amnesty.org/en/news---and---updates/report/vague---laws---used---criminalise---criticism---government---rwanda---2010---08-31> [accessed 2 April 2012].
- [35] B. S. Chimni, 'The Meaning of Words and the Role of UNHCR in Voluntary Repatriation', Oxford University Press, 2003.
- [36] Barbara Harrell-Bond, 'Cessation Clause Ugandan Style', Centre for Forced Migration Studies Working Paper Series, January 2012, available at: http://www.cics.northwestern.edu/documents/workingpapers/CFMS_11---001_Harrell---Bond.pdf [accessed 15 February 2012].

Websites/Internet

- [37] UNHCR, 'The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol – Questions and Answers', September 2011, available at: <http://www.unhcr.org/4ec262df9.pdf> [accessed on 19 September 2012].
- [38] UNHCR, 'UNHCR Executive Committee 60th Meeting', 2009, available at:
- [39] <http://www.unhcr.org/pages/4a8bc9286.html> [accessed on 19 September 2012].
- [40] UNHCR, 'Universal Periodic Review: Uganda', 2011, available at: <http://www.unhcr.org/refworld/pd/4d806bc112f.pdf> [accessed 21 November 2012].
- [41] UNHCR, 'Protracted Refugee Situations In Liberia and Angola to Finally End', June 2012, available at: <http://www.unhcr.org/4fed81049.html> [accessed on 14 July 2012].
- [42] UNHCR, Government of Uganda and Government of Rwanda, 'Joint Communiqué of the 8th Tripartite Commission Meeting', Uganda, May 2010, on file with author.
- [43] UNHCR, Government of Uganda and Government of Rwanda, 'Joint Communiqué of the 10th Tripartite Commission Meeting', Uganda, September 2012, on file with author.
- [44] Barbara Harrell-Bond and Guillaume Cliche-Rivard (10 May 2012), 'Rwandan refugees face no choice but repatriation', on <http://www.opendemocracy.net/xml/rss/home/index.xml> (Accessed on 3rd December 2012).