A Sliding Scale of Protection?

Implementation of the Cessation Clauses in Article 1C(5) of the 1951 Refugee Convention

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What are the variations in protection afforded to refugees who status comes to an end as a result of Article 1C(5)?

- Temporary protection visas
- Cognisance of past persecution
- Availability of a subsidiary protection

What is the difference between the ending of persecution and the provision of protection?

- Article 1C(5) is more about providing for the ending of the persecution that gave rise to refugee status – protection must be available
- There must be protection available – Iraq and Afghanistan are good examples

How is this protection measured and what is deemed to be effective?

- States differ – the EU requires protection to be available when declaring cessation but this can be in the form of international troops; Australia allows for cessation when persecution ends, there does not need to be protection.
- Often, armed conflict that may be occurring does not fall within the definition of refugee status and therefore, without the protection requirement in cessation, a person may be returned to such a situation.
My research so far has focused on the use of Article 1C(5) by various states. For this I have examined case law and legislation from states such as the UK, EU, Canada, Australia and New Zealand. I have also examined UNHCR guidelines, publications and declarations as well as NGO publications to determine UNHCR practice.

I intend the next steps of this research to encompass broader areas of post-conflict justice and rebuilding, and how cessation interacts with this process in bringing protracted refugee situations to an end by essentially forcing refugees, who have not already voluntarily repatriated, to return to their home state.