

INTERNATIONAL DAY OF THE REFUGEES

“This is a year of mixed emotions for Angolan refugees in Namibia. The General Cessation Declaration issued by the Government of Namibia is a welcome measure for those who are eager to return. However, many Angolan refugees have lived in Namibia for a long time and have built a new life here. For them, this Declaration is not so welcome,” said Mrs Toni Hancox, Director of the Legal Assistance Centre.

What is of concern is that it would appear that the UN (UNHCR) procedural and substantive guidelines relating to General Cessation Declarations have not been adequately adhered to. The guidelines provide for the process of Cessation to be consultative and transparent and specifically mention that refugees themselves should take part in this process. In addition, there should be clear procedures for exemption applications to be brought and states are encouraged to offer other solutions, such as procedures geared towards local integration, to refugees who have forged new lives in Namibia.

In terms of article 18 of the Constitution of the Republic of Namibia everyone in Namibia (including Angolan refugees) are entitled to fair administrative action. Failure to adhere to the UN (UNHCR) guidelines, in particular those that relate to refugee’s rights to be heard and to appeal decisions made, would amount to unfair administrative justice.

In the words of former Chief Justice Langa of South Africa: “Our mettle as a nation will be judged by how we deal with the weakest and poorest amongst us.”

The Legal Assistance Centre calls upon the Government of the Republic of Namibia to adhere to the UN (UNHCR) guidelines in the implementation of the General Cessation Declaration and to declare and implement procedures to be followed in respect of exemption applications as well as providing alternative solutions, such as local integration in defined circumstances.