



Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review:

NAMIBIA

I. Background information and Current Conditions

Namibia has been a multi-party democracy since its independence in 1990. Since before its independence Namibia has been hosting refugees and continued to do so until the present day. After independence, the country acceded to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in February 1995. It incorporated provisions of the 1951 Convention and the 1969 OAU Convention into its domestic refugee legislation, the Namibia Refugees (Recognition and Control) Act of 1999.

Namibia is not a party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

Under the prevailing democratic conditions in the country, refugees and asylum-seekers have continued to enjoy a favourable protection environment, in which their rights have largely been respected. They have continued to have access to a fair asylum regime, which is generally in line with international protection standards. The country, having incorporated the provisions of the 1951 Convention Relating to the Status of Refugees and the 1969 OAU Convention, cooperates closely with UNHCR in order to provide international protection and material support to refugees and asylum-seekers.

As such, the right to seek and enjoy asylum has largely been respected by the authorities, and so has the right not to be refouled. UNHCR Namibia is not aware of any instance of *refoulement*. It should be noted, however, that some 41 Congolese persons of concern have been declared “not welcome” by the authorities after those persons had crossed the Namibian border illegally and went to Botswana.

II. Achievements and Best Practices

Due to the lack of repatriation possibilities and the limited resettlement potential for a number of refugees in Namibia, UNHCR has strengthened efforts towards local integration, and has managed to secure the commitment of the Namibian Government at the highest level. A Cabinet Memorandum on local integration, focusing specifically on Angolan refugees, was approved by the Namibian Cabinet in February 2009. The Cabinet then requested the Ministry of Home Affairs and Immigration and UNHCR to draft a policy framework that will contain criteria and categories of persons who could qualify for local integration. The draft policy, which also included modalities on the implementation of local integration and alternative status for refugees, was submitted to the Namibian Government in May 2010 for scrutiny and eventual approval.

Repatriation of Angolans was suspended at the end of 2006 by the Angolan authorities. In June 2010, however, a tripartite commission meeting was held between Namibian and Angolan authorities with the participation of UNHCR, resulting in an agreement to restart the voluntary repatriation process, amongst other provisions, A similar exercise was undertaken where the Government of Namibia, the Government of Botswana and UNHCR had a Tripartite Meeting in Francistown to plan the repatriation of the 800 Namibian refugees still living in Dukwi refugee camp in Botswana back to Namibia.

Namibia provides free primary and secondary education for refugees and asylum-seekers residing in the Osire refugee settlement. The school in Osire, which employs refugee teachers, offers classes up to grade 12; in fact, the school together with its ultra-modern library is one of the best in the country, and often has the best result at the end of each school year.

Refugees from the age of six are issued with identity documents, while asylum-seekers are issued with asylum-seeker certificates.

Antiretroviral treatment is provided free of charge by the national authorities to refugees suffering from HIV infection in the same manner in which it is provided to nationals. In addition, the country has recently removed an immigration requirement, which previously required persons applying for visas to enter the country, to show that they were not suffering from HIV or other deadly diseases.

After several years of issuing refugee children with “Notification of Birth” documents, the Namibian authorities, after lobbying from UNHCR and UNICEF, are now issuing “Non-Citizen Birth Certificate” documents.

III. Challenges and Constraints

Freedom of Movement (Article 26 of the 1951 Convention)

Namibia continues to maintain its reservation to Article 26 (Freedom of Movement) of the 1951 Convention. In practice, this reservation is enforced through the government legal directive that all asylum-seekers and refugees are required to reside in the Osire refugee settlement.

This requirement has had and continues to have particularly inhibiting consequences for the social as well as the economic endeavours of the refugees. Osire refugee settlement is located

between commercial farms some 245 kilometers from the capital Windhoek. It is also situated about 124 kilometers from the nearest town. Persons of concern that want to leave the settlement are required to obtain a permit from the Settlement Administrator. This isolation has resulted in refugees and asylum-seekers having very limited contacts with the local communities, making social interaction difficult, unless they leave the settlement on a permit and go to other towns. Enterprising refugees in the settlement struggle to find outside markets for their products. Because of the isolation, they are often left to sell their products in the settlement, where the available market is saturated.

UNHCR recently submitted a Draft Policy Framework Document on Local Integration to the Namibian authorities for consideration and eventual submission to the Cabinet for approval. The policy document contains criteria and categories of persons to be considered for local integration and the modalities of implementation. Even if this document is approved, however, the continued reservation to Article 26 and the concomitant isolation of the refugee settlement may make it difficult for local integration to achieve its full potential for a great number of refugees.

Namibian Voluntary Repatriation

There are still approximately 900 Namibian refugees in Botswana. These persons fled the country in the aftermath of the violence that erupted in 1999, when certain members of the north-eastern Caprivi region sought to violently secede from Namibia. There is currently a long-running treason trial, which has been delayed because of several factors, amongst others the death of some state prosecutors assigned to the trial.

Namibian refugees in Botswana have been slow in returning home for various reasons, despite so many years of peace in the Caprivi region. UNHCR is working closely with the Government of Namibia to ensure that all the Namibian refugees in Botswana return to Namibia in safety and in dignity.

IV. Recommendations

- **UNHCR recommends that the Government of Namibia removes its reservation to Article 26 of the 1951 Refugee Convention, and allows freedom of movement and residence to the refugees and asylum-seekers hosted in Namibia.**
- **UNHCR recommends that the Government of Namibia follows-up on the steps it has taken to incorporate the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa into domestic legislation by acceding to the Convention.**
- **UNHCR recommends that the Government of Namibia step up its efforts to facilitate the repatriation of Namibian refugees currently residing in Botswana.**
- **UNHCR recommends that the Government of Namibia accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.**

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