



**Implementation of the Comprehensive Strategy for the Angolan Refugee Situation,
including UNHCR's recommendations on the
applicability of the "ceased circumstances" cessation clauses**

A. Introduction

1. In October 2009, UNHCR announced at the 60th Executive Committee of the High Commissioner's Programme (EXCOM) a comprehensive strategy to bring to a proper closure the Angolan refugee situation. The strategy comprised four components: (i) enhancing promotion of voluntary repatriation and reintegration of Angolan refugees in Angola; (ii) pursuing opportunities for local integration or alternative legal status in countries of asylum; (iii) continuing to meet the needs of those individuals unable to return to their country of origin for protection-related reasons; and (iv) elaborating a common schedule leading to the cessation of refugee status.
2. Since 2009, UNHCR has engaged relevant stakeholders, including authorities in countries of asylum and the country of origin, and affected refugees themselves, to achieve solutions for as many refugees as possible. Over the past months, the Office has undertaken a critical review of progress achieved in the implementation of the comprehensive strategy, including through consultations with countries of asylum and the country of origin.
3. This review has demonstrated that, while much has been achieved over the past two years in bringing the comprehensive strategy to fruition, important challenges remain. With regard to voluntary repatriation, while some 4,000 refugees have returned to Angola since organized returns were resumed in July 2011, an estimated 55,000 more wish to return home but have been unable to do so. Many refugees also remain reluctant to return to Angola due to strong links to their countries of asylum after many years in exile or questions about their reintegration in Angola. As for local integration, although some States have recently made a commitment towards local integration of Angolan refugees, other hosting states have not been decisive in putting forward local integration or alternative legal status as a solution, particularly in the absence of progress on voluntary repatriation.
4. In relation to the cessation of refugee status, it was initially envisaged that cessation would take effect on 31 December 2011. Given, however, the current status of implementation of the comprehensive strategy, UNHCR recommends that States continue to implement all aspects of the cessation of refugee status during the first half of 2012, including exemption procedures, for Angolan refugees who fled their country as a result of the war of independence and the civil war between 1961 and 2002, with refugee status to formally cease by 30 June 2012.

B. Overview of the Angolan Refugee Situation

5. The end of the civil war in 2002 saw Angola emerge from more than 40 years of armed conflict, beginning with the war of independence from Portugal (1961–1975) and immediately followed by its civil war (1975–2002). Warfare, insecurity and human rights violations during the independence struggle and the subsequent civil conflict uprooted significant numbers of Angolans. In all, over four million Angolans were displaced internally while another 600,000 fled the country to seek refuge abroad. After numerous failed attempts at peace negotiations, the Angolan civil war ended conclusively with the

signing of the Luena Memorandum of Understanding on 4 April 2002 between the Government of the Republic of Angola and the National Union for the Total Independence of Angola (UNITA).

6. As of end of 2011, there were some 131,300 Angolan refugees and 730 asylum seekers still in exile. In Africa, the Democratic Republic of Congo (DRC) was hosting the largest number of Angolan refugees (78,087), followed by Zambia (23,160), Namibia (5,950), South Africa (5,800), the Republic Congo (830), Botswana (500) and others. Nearly all Angolan refugees in the region were granted refugee status on a 'prima facie' basis under Article 1 (2) of the 1969 OAU Convention, having fled as a result of the conflicts that affected Angola between 1961 and 2002.

C. Status of the Comprehensive Strategy

7. On 4 October 2011, taking advantage of the presence of high level government officials at the 62nd Session of UNHCR's Executive Committee, the Office organized a side meeting with States hosting Angolan refugees and the country of origin to review the state of progress, challenges and next steps in the realization of the Comprehensive Strategy for Angolan refugees. Representatives of the governments of Angola, Botswana, the Democratic Republic of Congo, Namibia, the Republic of Congo, and Zambia participated, as did representatives of UNHCR, including the Director of the Africa Bureau. Bi-lateral discussions also took place between UNHCR and Government delegations on the margins of the Executive Committee session.
8. During these meetings, States uniformly validated the Comprehensive Strategy as a whole, agreeing to continue to work towards its full implementation. States also confirmed that repatriation and local integration remain the core solutions for the Angolan refugee situation under discussion. Particular note was made of the need to facilitate the return of the large number of Angolan refugees who wish to return to their home country.
9. The status of each of the main components of the comprehensive strategy for Angolan refugees and UNHCR's recommendations going forward are outlined below.

(i) Intensify efforts to promote voluntary repatriation

10. The greatest part of the Angolan refugee population has, since the end of the conflict in 2002, returned home. Between 2002 and 2007, an estimated 450,000 refugees voluntarily returned to Angola. Spontaneous returns followed, in some cases with UNHCR support, with 12,770 Angolan refugees returning in 2008, 2,334 in 2009 and 273 in 2010. Over the past year, the Government of Angola has held various tripartite repatriation meetings with host Governments and UNHCR1 to facilitate the continued return and reintegration of Angolan refugees from countries of asylum. Organized returns resumed in July 2011, some 3,600 refugees returning home by the end of the year.
11. UNHCR's monitoring of refugee returns has indicated that returnees have reintegrated reasonably well into their home communities. The Government of Angola has undertaken various measures to create reception and reintegration capacity in the country. Returnees are, however, in some instances faced with socio-economic problems impeding meaningful access to basic services, such as health and education, similar to those faced by other Angolans. During the 4 October 2011 side meeting with countries of asylum in

¹ Tripartite meetings between the Government of Angola, countries of asylum and UNHCR include: the Fourth and Fifth Tripartites with the Government of the DRC (6–8 June 2011 and 24-25 October 2011), the Sixth Tripartite with the Government of Zambia (9 September 2011), and the Second Tripartite with the Government of the Republic of Congo (18–19 October 2011).

the region and the country of origin, voluntary repatriation was reaffirmed as a central component of the comprehensive strategy. States reiterated, however, the importance of investing greater efforts in the reintegration of Angolan refugees to make return more sustainable.

12. In view of the above, UNHCR recommends that the following next steps be taken:

- a) UNHCR, countries of asylum, the country of origin and other partners to continue to work actively and decisively in promoting voluntary repatriation and facilitating the voluntary return of Angolan refugees, in particular the estimated 55,000 Angolan refugees who have already indicated an interest in repatriation.
- b) Countries of asylum, the country of origin and other partners to implement, as soon as possible and in close coordination with UNHCR, information campaigns and outreach to furnish refugees with the options available to them so that they can make informed decisions.
- c) In promoting returns, relevant actors to increase dialogue with Angolan refugee communities, address any misinformation, and establish confidence-building measures encouraging further returns.
- d) The Government of Angola, with the support of the international community, to maintain and enhance its commitment to supporting the sustainable voluntary return and reintegration of Angolan refugees.
- e) Angolan refugees wishing to repatriate voluntarily to receive assistance to help them reintegrate upon return.

(ii) Pursue opportunities for local integration or alternative legal status in countries of asylum

13. Some Angolan refugees may wish to continue to remain, reside or integrate in the countries where they have thus far enjoyed asylum. Many Angolan refugees are long-term residents in their countries of asylum. They have established family ties through marriage to nationals of the country of asylum or third-country nationals residing there. Many are contributing to the local economy. In such cases, UNHCR considers local integration or an alternative legal status to be the most appropriate durable solution.

14. Since the Comprehensive Strategy was adopted in October 2009, certain progress has been made in securing local integration for Angolan refugees in countries of asylum. Most significantly, the Government of Zambia recently committed to locally integrating some 10,000 long-staying Angolan refugees on its territory. Elsewhere, citizenship, permanent or long stay legal status has been granted to a limited number of refugees, including refugee spouses and children of host country nationals, refugees with professional skills, and other long-term residents. It should be noted in this regard that Angolan law does not permit citizens to hold dual nationality.

15. Despite these positive examples, challenges in securing greater opportunities for local integration remain. Broadly speaking, governments in countries of asylum have yet to step forward with concrete offers of local integration for Angolan refugees generally, or to define the categories of refugees who may be eligible for this solution, many being reluctant to commit to local integration options absent clear progress with regard to voluntary repatriation.

16. During the consultative and bi-lateral meetings with States that took place in October 2011, State delegations broadly agreed on the need to accommodate, to the extent possible, the strong ties that many refugees had established in their countries of asylum. They also noted, however, the significant challenges that they, as host States, confront in this regard, including scarcity of land and lack of resources to ensure adequate integration.

17. In view of the above, UNHCR recommends that the following next steps be taken:

- a) Countries hosting Angolan refugees to favorably consider the granting of naturalization or an alternative legal status to refugees with strong family, social and economic ties to their countries, consistent with Executive Committee Conclusion No. 69 (XLIII) (1992) on “Cessation of Status”. UNHCR to take steps to confirm or secure with the concerned countries appropriate arrangements that will enable refugees seeking to remain to do so.
- b) States, with UNHCR support, as necessary, to apprise refugees who wish to remain, reside or integrate in countries of asylum of their legal entitlements or options that may be available to them under national laws.
- c) The Government of Angola to provide national passports, consular cards or relevant documentation to Angolan refugees in countries of asylum so as to facilitate the issuance of residence and work permits by those countries in a timely manner.
- d) Recognizing the costs associated with local integration, UNHCR to support countries of asylum with local integration efforts to the extent funding is available. UNHCR and countries of asylum to advocate with donor countries to make available increased funds for this critical element of the comprehensive strategy.

(iii) Elaborate a common schedule leading to the definitive cessation of refugee status, while continuing to meet the needs of those unable to return to their country of origin for protection-related reasons

18. The application of the “ceased circumstances” cessation clauses is an end point to the comprehensive strategy. As noted above, UNHCR recommends that States implement all aspects of the cessation of refugee status, including exemption procedures, for Angolan refugees who fled their country as a result of the conflicts between 1961 and 2002, during the first half of 2012, with refugee status to formally cease by 30 June 2012.

19. The paragraphs below elaborate in greater detail UNHCR’s recommendation on the applicability of the “ceased circumstances” cessation clauses to the current Angolan refugee population.

D. Applicability of “Ceased Circumstances” Cessation Clauses to Refugees from Angola

Rationale and scope of cessation

(i) General

20. Both the 1951 Refugee Convention and the 1969 OAU Refugee Convention provide for the cessation of refugee status when positive changes have taken place in the country of nationality (or country of habitual residence) such that the causes of refugee flight no

longer exist. The changes that have occurred must be of a fundamental and durable character.

21. Cessation is not invoked in an open-ended manner, with the intention of declaring that a country no longer produces refugees. Rather, application of the cessation clauses is generally fixed to specific events, against which “fundamental and durable changes” can be measured. A declaration of cessation should not serve as an automatic bar to refugee claims, either at the time of the declaration or subsequent to it, and asylum-seekers from that country should continue to have their claims fully and fairly considered.

(ii) Rationale

22. From 1961 to 2002, a period of more than 40 years, Angola was immersed in armed conflict. The war of independence from Portugal lasted from 1961 to 1975, only to be immediately followed by a civil war between the Government of Angola and rebel forces. During this time, millions of Angolans were displaced, with some 600,000 fleeing the country to seek refuge abroad.
23. The Angolan civil war ended conclusively with the signing of the Luena Memorandum of Understanding on 4 April 2002 between the Government of the Republic of Angola and the National Union for the Total Independence of Angola (UNITA). Since the Luena agreement of 2002, Angola has enjoyed relative peace and tranquility, with the exception of Cabinda Province where sporadic violence in relation to a secessionist movement has occurred.
24. The first post-war legislative elections in Angola were held in 2008 and resulted in a decisive victory for the ruling party, the Popular Movement for the Liberation of Angola (MPLA). The results were accepted by UNITA, which became the main opposition party. A new Constitution was adopted in early 2010, introducing a set of core values and principles including respect for the rule of law and fundamental human rights. There has been steady progress in the restoration of the social and economic infrastructure and services. The Government is implementing a programme of decentralization for public services and has begun to allocate resources for development throughout the country, including in remote rural areas.
25. Reflecting these positive developments, the greatest part of the Angolan refugee population has returned home. Between 2002 and December 2011, some 470,000 Angolan refugees repatriated to Angola, the majority of whom assisted by UNHCR.

(iii) Scope of cessation

26. Based on an in-depth analysis of the fundamental developments that have occurred in Angola over the past nine years, together with consultations with the principal countries of asylum and the country of origin, UNHCR considers that the refugee status of Angolan refugees who fled the country as a result of the conflicts between 1961 and 2002, can now be brought to an end pursuant to the “ceased circumstances” cessation clauses contained in paragraphs 6(A)(e) and (f) of the UNHCR Statute, Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the “1951 Convention”), and Article I(4)(e) of the 1969 Organization of African Unity Refugee Convention (the “1969 OAU Convention”).

Legal and practical consequences of cessation

(i) **Declarations of cessation and entry into force of cessation**

27. UNHCR recommends that States implement during the first half of 2012 all aspects of cessation of refugee status, including exemption procedures, for Angolan refugees who fled their country as a result of the conflicts between 1961 and 2002, with refugee status to formally cease by 30 June 2012. To this end, States should declare cessation of refugee status as soon as possible, including making known to refugees the date of its entry into force, i.e., 30 June 2012. UNHCR is ready to provide technical advice to States in this regard, including in relation to the implementation of the exemption procedures (see paragraphs 29-32 below).²
28. The date for the coming into effect of the cessation of refugee status may arrive before arrangements for voluntary return and/or the provision of alternative legal status will have been completed. In such situations, a suspension of cessation could be considered such that persons concerned would continue to benefit from protection as refugees, including protection from *refoulement*, until the pertinent arrangements are fully implemented. Suspension of a cessation declaration would amount to a temporary stay of the decision to cease status, and, consistent with general administrative law principles, should be time-limited. Suspension of the cessation declaration is not to be confused with the suspensive effect of an application for exemption, explained further below.

(ii) **Exemption procedures**

29. Based on the earlier-cited provisions of the 1951 Refugee Convention and other instruments, and in line with established principles of international refugee law, there are two categories of Angolan refugees falling within the scope of cessation for whom cessation would not apply: (a) those who continue to have a well-founded fear of persecution; and (b) those who have “compelling reasons arising out of previous persecution” for refusing to avail themselves of the protection of the country of origin.³
30. While Angolan refugees generally should be able to avail themselves of the protection of their country of origin, UNHCR recognizes that the situation of those originating from Cabinda Province requires special consideration. Cabinda Province has been affected by an insurgency, dating back to 1975, led by separatist groups. Bearing in mind the distinct dynamics in Cabinda Province, UNHCR recommends that States implement simplified exemption procedures for Angolan refugees originating from the Province. UNHCR will provide further information and guidance on the modalities of simplified procedures.⁴
31. In cases where UNHCR, government counterparts or partners have knowledge of specific individuals who may continue to need international protection, they may affirmatively approach and counsel such persons regarding their right to seek exemption from application of the cessation clauses.
32. A request for exemption has a suspensive effect on the application of the cessation decision. Accordingly, Angolan refugees who have lodged such applications, but whose

² See, UNHCR, *Guidelines on Exemption Procedures in respect of Cessation Declarations*, December 2011, available at: <http://www.unhcr.org/refworld/pdfid/4eef5c3a2.pdf>.

³ Article 1C(5) and (6), 1951 Convention.

⁴ See, in particular Part 6.3, *Guidelines on Exemption Procedures in respect of Cessation Declarations*, December 2011, available at: <http://www.unhcr.org/refworld/pdfid/4eef5c3a2.pdf>

claims have not been decided by the effective date of cessation, will retain their refugee status pending the outcome of the exemption process, including exhaustion of appeals.

33. UNHCR will work with governments in the countries of asylum and its partners to ensure that the necessary procedures are established to properly receive and decide on any such exemption applications that are lodged. In particular, information campaigns on cessation will need to be carried out.

(iii) Asylum seekers

34. Asylum-seekers are generally not covered by the terms of a declaration of cessation. Angolan nationals with pending asylum claims should undergo individual refugee status determination and have their claims adjudicated and determined in a fair and just manner.

(iv) Modalities for the implementation of cessation

35. For countries of asylum that are party to the 1951 Convention and/or the 1969 OAU Convention, national authorities have the ultimate responsibility to establish the modalities for the application of the “ceased circumstances” cessation clauses. Relevant domestic legislation will also be applicable. States should therefore undertake appropriate preparations for the implementation of the cessation of refugee status for Angolan refugees in a transparent manner and as soon as possible. Bearing in mind the supervisory role of UNHCR under paragraph 8 of its Statute in conjunction with Articles 35 and 36 of the 1951 Refugee Convention, Article II of the 1967 Protocol and Article VIII of the 1969 OAU Refugee Convention, UNHCR will provide advice and technical or such other support and resources as may be required by States for the implementation of the cessation clauses.

UNHCR
15 January 2012