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WHEN the Act on Namibian citizenship was unanimously passed yesterday, there were still unclarities of interpretation of the conditions under which one would be entitled to citizenship.

Unlike the interpretation given to citizenship requirements by the government legal opinion held that citizenship was a mere official issue.

The interpretation given to it by the government invested the Constitution with dangerous political notions.

Should the government's interpretation be allowed, it might result in countless court actions.

The most contentious interpretation concerned the constitutional clause pertaining to the granting of citizenship to those not born in Namibia.

The Constitution reads that citizenship could be claimed, conditionally upon a residence qualification of five years together with a requirement that such an application be filed with a year from independence.

Prior to such an application the applicant would have to renounce his former citizenship.

The Prime Minister in a speech during the debate, interpreted the clause as saying that citizenship could only be obtained five years from the date of application, in other words, full citizenship could be conferred only after a minimum period of ten years.

According to the Prime Minister's interpretation, the application had to be taken as a signal of loyalty to Namibia.

The next five years would be some kind of waiting period, during which the original intention had somehow to be proven.

Mr Geingob's interpretation had been supported by the Minister of Home Affairs, Mr Lucas Thamba, who tabled the bill and moved it through its stages. Prominent lawyers to which The Times had spo-

ken denied. without excep-  
tion, Mr Geingobls inter-  
pretation.

They claimed that such a  
reading of the Constitution  
refuted the surface 'reading  
of Clause 4 of the chapter on  
citizenship in the  
Constitution.

It was pointed out that a  
prospective candidate to  
citizenship would be state-  
less during the waiting pe-  
riod, as dual citizenship  
was disallowed and the  
applicant had to renounce  
any former citizenship.

"Let us suppose the five  
years to run out, and that the  
government then, for some  
reason, decides to turn  
down the application? Has  
the unsuccessful applicant  
then to apply for a United  
Nations passport for the  
stateless?"

The Times were told that  
international law not  
merely frowned upon de-  
facto legal dispute threaten  
over citizenship bill  
declaring people as stateless,  
but that states who declare  
people stateless, even for a  
temporary period open  
themselves to serious inter-  
national censure.

The constitution de-  
manded only formal quali-  
fications to citizenship. The  
issue of citizenship was  
considered an open and  
closed case, as long as the  
residential qualification is  
satisfied, and an application  
is entered before March 21  
next year after renouncing  
all former citizenship. -  
To consider a waiting  
period", to prove loyalty"  
was to subject legal require-  
ments to political consid-  
erations, it was said.

Who is to decide on  
loyalty', it was asked.  
It was pointed out that the  
Constitution made, the health,  
morality, security...as pre-  
scribed by law" prerequisites  
for those who want to  
become citizens by natu-  
ralisation subsequent to  
March 21. "Health", immo-  
rality", if security might be  
given political connota-  
tions then. but this is not a  
constitutional leeway open  
to those already satisfying  
clause 4 of the chapter on  
citizenship. a 742  
Replying to the debate, a

certain political undertone  
in the formal requirements  
for citizenship surfaced. Mr  
Pohamba said that Angolan  
refugees, some of whom  
were in the country since  
1974, could not claim  
automatic citizenship".  
uSome of us stayed for over  
twenty years in Zambia but  
never thought of becoming  
citizens of that country," he  
said and drew a parallel  
with Angolans residing in  
Namibia. He added, "They  
are refugees?  
Since independence, it  
has at various occasions  
been reported that pressure  
was exerted on former  
Angolan refugees living in  
Ovambo and the Kavango  
to return to Angola.  
tiGoing by the Constitu-  
tion alone, as we must the