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Conference on Ensuring Everyone's Right to Nationality: The Role of Parliaments in Preventing and Ending Statelessness

Cape Town (South Africa), 26-27 November, 2015

Co-organized by the Parliament of South Africa, the Inter-Parliamentary Union
and the United Nations High Commissioner for Refugees

Background note

Introduction

Statelessness, or the absence of a nationality, is a problem affecting some 10 million people globally. There is no region on the planet that does not have significant numbers of stateless persons. In addition to the indignity of being without a nationality, stateless persons are often denied basic rights, such as access to education and health care.

Their exclusion from citizenship marks their lives, and those of their families and communities, in dramatic ways. Yet while statelessness is a serious problem, it is one that can be resolved with relatively simple changes in national law and practice. Parliamentarians therefore have a vital role to play in implementing legal reforms to prevent, reduce and ultimately end statelessness worldwide.

Statelessness – causes and consequences

Under international law, States set the rules for acquisition, change and withdrawal of nationality. Their discretion in doing so, however, is limited by international treaty obligations, customary international law and general principles of international law.

The 1954 Convention relating to the Status of Stateless Persons is the cornerstone of the international protection regime for stateless people. Specific obligations relating to the prevention and reduction of statelessness are established in the 1961 Convention on the Reduction of Statelessness.

But neither of these two conventions has achieved or even approached universal ratification. The 1961 Convention has only 63 States Parties (as of July 2015). Fortunately, many of the States that are not parties to that convention have nationality laws of their own that help prevent statelessness, by prohibiting discrimination against minorities and women in the acquisition, transfer or change of citizenship, for instance. Some States, however, have no such provisions – or provide some safeguards but not others, such as for foundlings who would otherwise be stateless.

Statelessness may occur for a variety of reasons, including discrimination based on ethnicity, religion or gender; the emergence of new States and transfers of territory between existing States (State succession); conflict of nationality laws; and the presence of simple safeguards, such as those for foundlings.

Whatever the cause, statelessness has serious consequences for people in almost every country and in all regions of the world. Stateless persons are often denied enjoyment of a range of rights, including access to identity documents, education, employment and healthcare.

Statelessness affects not only local communities, by effectively marginalizing and disenfranchising certain groups, but the international community as a whole, by making people more vulnerable to human trafficking and other forms of exploitation, such as recruitment by violent groups. Statelessness can both lead to, and result from, forced displacement. It can also contribute to political and social tensions and, where large populations are excluded or marginalized, can impair a State's economic and social development.

UNHCR and IPU work

For nearly a decade the Inter-Parliamentary Union (IPU) and the United High Commissioner for Refugees (UNHCR) have worked together closely to address statelessness. This partnership is very important, as parliaments generally hold the keys to resolving and preventing statelessness at the national level, where small adjustments to nationality law can make a major difference in the lives of individuals and communities. In October 2014, during the Plenary of the IPU Assembly, UNHCR and IPU issued the second edition of their Handbook for Parliamentarians on Nationality and Statelessness. This important advocacy and learning tool, which recommends concrete actions that can be taken by parliamentarians, was updated to provide information on contemporary statelessness issues, developments in international law and doctrine and good practice examples.

Launched in November 2014, UNHCR's #IBelong Campaign to End Statelessness sets out a Global Action Plan comprising 10 actions to address statelessness, by:

- resolving major situations of statelessness where they exist;
- preventing new cases of statelessness going forward; and
- better identifying and protecting stateless populations.

These can only be achieved by engaging a strong network of stakeholders, including parliamentarians in particular. If parliaments can play a leadership role in response to the Global Action Plan, it is conceivable that statelessness can be eliminated within a decade.

Role of Parliaments

Parliamentarians can play a vital role, through legislative reforms, in preventing and reducing statelessness. To cite just two examples, reforms adopted in Senegal and Algeria introducing concepts of gender equality in their respective laws on nationality now enable women to transfer their nationality to their children, thereby putting an end to a major cause of statelessness in those countries.

In general terms, parliamentarians can help end statelessness by adopting and ensuring the implementation of domestic legislation that is consistent with international law and best practices. Nationality laws need to ensure that individuals are not arbitrarily deprived of nationality and that children are granted a nationality in circumstances that would otherwise leave them stateless. Parliamentarians can also promote accession by their States to the two United Nations statelessness conventions, which provide the framework for a concerted international response to the problem.

Objectives of the Conference

The Conference on Statelessness will be a stand-alone event to engage parliamentarians on how they can successfully contribute to ending statelessness worldwide.

The overarching theme of the Conference on Statelessness will be "Ensuring Everyone's Right to Nationality: The Role of Parliaments in Preventing and Ending Statelessness". By focusing on this theme the conference is intended to illustrate contributions made by parliamentarians through the adoption of good practices and to look at emerging and future approaches parliaments and their members will need to take to maximize their role in ending statelessness.

The conference is expected to result in an action plan for parliamentary contributions to ending statelessness.