



**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 Office of the United Nations High Commissioner for Refugees

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

Prepared by the Rapporteur, Ms. M.G. Boroto

***Member of the National Assembly and
House Chairperson of the International Relations Committee***

We, representatives of the parliaments of Armenia, Angola, Bahamas, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Ecuador, Guinea, Iraq, Jordan, Kenya, Liberia, Madagascar, Malawi, Morocco, Mozambique, Niger, Nigeria, Pakistan, Palestine, Papua New Guinea, Paraguay, Peru, Republic of Korea, Sierra Leone, South Africa, Spain, Sudan, Togo, Uganda, Ukraine, Viet Nam, Zambia, Zimbabwe, as well as representatives of national and international organizations, met in Cape Town, South Africa, on 26 and 27 November 2015 for a global conference entitled *Ensuring Everyone's Right to Nationality: The Role of Parliaments in Preventing and Ending Statelessness*. The conference was jointly organized by the Parliament of South Africa, the Inter-Parliamentary Union (IPU) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The conference noted with concern that statelessness is a serious human rights issue that currently affects at least 10 million people globally. Given the remarkable fact that a stateless child is born every 10 minutes and that statelessness is widely understood to have a devastating human impact, it was acknowledged that the scourge of statelessness has not received the attention it deserves. In this regard the particular vulnerability of women and children to the risk of statelessness was noted, as was the increased risk of statelessness related to the dramatic increase in forced displacement resulting from armed conflict and other reasons. Members of Parliament called for more concerted efforts to address the root causes of statelessness, including more coordinated diplomacy to help prevent and resolve armed conflict that leads to forced displacement; more regional initiatives aimed at resolving and preventing statelessness; reviews of nationality legislation; and more sharing of best practices among States. A number of Members of Parliament called for a parliamentary alliance of champions committed to resolving statelessness and facilitating implementation of the Plan of Action outlined below.

The conference provided us with current information on the major statelessness situations, on the significant progress that has been made by many States to address this problem in recent years, and on lessons learned and good practices in that regard. We also examined good practices that can reduce the risk of childhood statelessness, including the removal

of gender discrimination from nationality laws and the inclusion of key safeguards in legislation to provide nationality for children who would otherwise be stateless.

We were informed of the increased efforts of UNHCR, the IPU and partners in the context of the *#IBelong* campaign to end statelessness, launched in November 2014. The Campaign's strategy is set out in the *Global Action Plan to End Statelessness: 2014–2024*. The Plan consists of ten actions that States should take with the support of UNHCR and other actors. The conference served as a forum for exchanging experiences and ideas about ways in which parliamentarians can directly contribute to ending statelessness. Those ideas included:

- reviewing, and where necessary revising, nationality legislation so that it complies with international standards to prevent statelessness and facilitates acquisition of nationality for persons recognized as stateless;
- taking steps towards accession to both the 1954 UN Convention Relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness; and
- generally advocating for greater awareness of the problem and for the prevention and elimination of statelessness, including by signing the Open Letter to End Statelessness and supporting UNHCR's *#IBelong* campaign.

The conference helped clarify the differences and links between stateless persons, refugees and migrants. A stateless person is someone who is not considered to be a national by any State under its law. This means that stateless people do not have the nationality of any country anywhere. The vast majority of the world's stateless people live in their own country – that is to say, the country in which they were born, have lived all their lives, and with which they have significant ties. Without nationality, stateless persons are severely deprived of their basic human rights, and unless their situation is resolved, their stateless status may be passed on from one generation to another. It was agreed that parliamentarians have a key role to play in generating the political will to make the necessary legislative and policy changes that would resolve *in situ* situations of statelessness and prevent future ones from arising.

The conference agreed that the eradication of statelessness is the primary responsibility of States, which are responsible for addressing any existing situations in their territory. While the majority of stateless persons are *in situ*, a smaller number are both stateless and migrants.

Stateless persons who flee their countries due to persecution, including on the basis of their race, ethnicity, religion or language, may be refugees. However, not all refugees are stateless. Stateless refugees must, as a minimum, be eligible for protection under the 1951 Convention Relating to the Status of Refugees, international refugee law and regional legal instruments regarding refugees.

We discussed the fact that statelessness is both a human rights and a development issue. It was underscored that ending statelessness will go a long way towards realizing the ultimate ambition of the Sustainable Development Goals, i.e. that no one is left behind. Stateless persons often face obstacles to accessing education and basic services, thereby preventing them from realizing their full potential. Statelessness can also cause division and divisiveness and fuel strife and conflict. The eradication of statelessness is therefore an important element in the realization of the development ambitions of communities, countries and the international community as a whole. This should be achieved through non-discriminatory legislation and procedures that are accessible to all.

The conference noted the linkages between certain Sustainable Development Goals and the goals of the *#IBelong* campaign, particularly Goal 5 (the elimination of gender discrimination) and target 16.9 (ensuring a legal identity for all, including through birth registration). We will encourage our governments to understand these matters as both human rights and development concerns that should be included in development planning. For example, as facilitating birth registration is often a matter of capacity, taking steps to make birth registration an automatic procedure and making provision for late birth registration can help reduce the risk of statelessness.

We welcomed the new regional initiatives to address statelessness presented during the conference, such as the Abidjan Declaration, the Brazil Plan of Action and the envisaged Protocol to the African Charter on Human and Peoples' Rights on the Right to a Nationality in Africa. In light of these developments, we encouraged regions that were yet to take action at the regional level to do so. We acknowledged the importance of partnerships among governments, parliaments, international organizations and civil society; all actors were encouraged to speak with a common voice to tackle statelessness. We are convinced that the sharing of good practices will encourage other governments to act and are committed to ensuring that this dialogue continues.

The conference agreed on a Plan of Action that includes the following commitments:

Plan of Action:

We agree to advocate for the following:

1. Resolution of any existing situations of statelessness within our own countries and regions in accordance with the best practices discussed during the conference;
2. A review of national legislation to ensure its consistency with international standards on the prevention and resolution of statelessness;
3. Legislative reform that addresses any identified gaps or challenges, including any discrimination on the basis of race, ethnicity, religion, or gender, thereby helping to prevent statelessness;
4. Strengthened parliamentary oversight of implementation by the executive of these measures, as appropriate;
5. Greater awareness of UNHCR's *#IBelong* campaign, the Global Plan of Action to End Statelessness by 2024, and global and regional legal frameworks that address statelessness, including through joint activities with UNHCR on the national level;
6. Steps towards accession to the 1954 and 1961 Statelessness Conventions;
7. Formation of an informal group of Members of Parliaments who will act as champions for the *#IBelong* campaign, with the support of the IPU and UNHCR.

Lastly, the conference called upon all international, regional and sub-regional parliaments and parliamentary assemblies to accelerate efforts to achieve these goals and to support the creation of alliances to advance them. It also calls for a follow-up meeting to assess progress and actions taken.

We hereby entrust the Speaker of the South African Parliament to bring this to the attention of the IPU to support its implementation.