

***“The right to a nationality: the “gateway” right” for the full exercise of other fundamental human rights***

**Oral intervention from UNHCR Snr. Regional Protection Officer (Statelessness) in the Great Lakes Region, Ms. Bénédicte Voos at the at the High-Level Regional Conference on Justice and Good Governance**

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Ladies and Gentlemen, All protocol observed,

I will articulate my intervention in the first panel relating to respect for human rights and promotion of access to justice around three questions relating to the right to a nationality and more specifically, talk about the lack of recognition of any nationality, which is statelessness and how with the ICGLR and ICGLR Member States we aim at eradicating statelessness in the Great Lakes Region.

**Why the right to a nationality is of paramount importance to the realization of other fundamental human rights including access to justice?**

**“Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”** This is enshrined in **Article 15 of the 1948 Universal Declaration of Human Rights** confers upon every individual, everywhere in the world, the right to have a legal connection with a State;

Citizenship or nationality, not only provides people with a **sense of identity**, it entitles individuals to **the protection of a State and many civil and political rights**. Hannah Arendt has described nationality as **“the right to have rights”**.

Today, millions of people around the world are denied a nationality. As a result, they often are not allowed to go to school and sit for exams, see a doctor, get a job, open a bank account, buy a house or even get married or register their child or access to Court and/or lodge an complaint, often being denied this fundamental rights because they lac identity card or any nationality documentation: in brief, no documentary proof of nationality.

While nationality and the ability of people to realize the fundamental rights associated with nationality provide an indispensable element of stability to life, lack of recognition of any nationality called statelessness is a source of human insecurity, marginalization and exclusion, forced displacement and serious conflict posing a threat to national and regional stability. This is of particular significance for the Great Lakes Region affected by conflicts and forced displacement that has prompted the ICGLR to be engaged in the fight against statelessness and to continue to do so.

Therefore clear domestic nationality legislation and administrative practice that are in accordance with internationally recognized human rights standards - including international standards against statelessness - are essential elements of the rule of law and respect of human rights.

Millions of people around the world have no nationality and this include also thousands of people from this region. But statelessness is one of the lesser known human rights problems facing the world and often forgotten by the international community.

**What is exactly statelessness and its main causes? What are the main consequences on being stateless? What are the scope and the scale of this problem in the Great Lakes Region?**

According to international law, a **stateless is “a person who is not considered as a national by any State under the operation of its law”**. In simple terms, this means that a **stateless person does not have a nationality of any country**. Some people are born stateless, but others become stateless.

Statelessness can occur for several causes, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States including at the independence and transfers of territory between existing States, and gaps in nationality laws. Excessive executive discretion in deciding questions of nationality also creates major risks of statelessness and violations of other rights.

**In this region and according to experts, the reasons why a significant number of people are at risk of statelessness relate to the colonial history of Africa and arbitrary delineation of borders which divided many ethnic groups between two or more countries, as well as the challenges created by conflict and forced displacement.** All ICGLR countries either host significant populations of long-term refugees or have been the source of refugees fleeing to neighbouring countries; sometimes both. Furthermore, civil registration and identification systems inherited by the colonial authority were weak and centred on control of the “native” population rather than the effective administration of the state to ensure the right for legal identity documentation for all.

It is not possible to establish the number of stateless persons in the Great Lakes Region but it is clear that there are tens of thousands of people at risk of statelessness, among them many who are actually stateless. Those who are stateless or at risk include descendants of people who have migrated from another place, often many years ago, and their children; members of cross-border populations, and children unable to establish rights derived from their parents. Many of these people are only now finding out that their citizenship is in doubt, as new identity cards are being introduced, or old systems upgraded.

Statelessness and discrimination in access to nationality documents has a strong negative impact on the ability of individuals, the family and the society as a whole to fully enjoy their basic human rights and to participate fully in the economic, social and political life of a country. Where the requirement to hold a national identity card has been in place since independence, lack of an identity card can lead to complete exclusion from public and private benefits, including not only the possibility of obtaining a passport for international travel, or the right to vote or stand for public office, but also a job in the formal sector; the ability to complete school leaving exams; access to health care and financial services, or any number of other entitlements.

### **What can be done to address statelessness? And what is being pursued to uphold the right to a nationality and working towards the eradication statelessness in this region?**

**At international level**, there are two UN conventions relating to statelessness: (i) the 1954 Convention Relating to the Status of Stateless Persons, and (ii) The 1961 Convention on the Reduction of Statelessness

**The United Nations High Commissioner for Refugees (UNHCR) has been given the mandate to assist the plight of stateless persons, and actively promote the reduction and prevention of statelessness.** The mandate of UNHCR on statelessness articulates around four pillars: (i) the identification, (ii) prevention of new statelessness situation and (iii) reduction of existing statelessness situation, and (iv) the protection of stateless persons. . In this respect, it provides technical advice and support to governments for the accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. UNHCR provides advice to governments on how to develop an effective legal framework to prevent and reduce statelessness and protect the rights of stateless persons. In addition, in recent years UNHCR has increasingly provided concrete operational support to States to resolve long-lasting or protracted situations of statelessness.

In 2014, UNHCR with other key stakeholder's launched the #IBelong Campaign to End Statelessness along with its Global Action Plan to end statelessness, by the year 2024 identifying ten actions that are essential to achieving this goal. In 2019, we reach the midway point of this Campaign and UNHCR will organise a Global High Level Segment on Statelessness in early October 2019 in Geneva enabling States and other stakeholders to showcases of achievements and deliver new pledges for the remaining five years of the Campaign.

Among key actions proposed for State in this Global Action Plan that needs to be translated into a national action plan to end statelessness, we can highlight the following objectives : (i) ensure that nationality is attributed at birth to child born on their territory for those who would otherwise be stateless; (ii) remove gender discrimination from nationality laws allowing women to pass on nationality to their children in the same way as men, and (iii) ensure birth registration for all children, as this helps prove legal identity and lowers the risk of statelessness as well as (iv) accede to the UN statelessness conventions.

In the Great Lakes Region and because the eradication of statelessness may be key to addressing root causes of conflict and forced displacement, cementing reconciliation in post-conflict environments, and working towards regional stability and integration, the ICGLR Secretariat and the ICGLR Member States have, as of 2004, shown interest in the issue of statelessness. In October 2017, the 12 Member States of the ICGLR adopted the Brazzaville Declaration and Action Plan of ICGLR to eradicate statelessness in the region. Given this importance of this common strategic framework for the region, consensus was reached in April 2019 to extend and expand the Action Plan of ICGLR until 2024 and, add a strategic objective to guarantee access to proof of legal identity, including birth certificates and nationality documentation for all.

In the region, only Rwanda acceded to both statelessness conventions and has a legal framework for nationality administration that generally complies with the international and African norms on the prevention and reduction of statelessness. Furthermore, a very few countries of the ICGLR Member States have the protections against statelessness among children required by the African Charter on the Rights and Welfare of the Child (ACRWC).

This landmark regional framework on the eradication of statelessness provides for ICGLR Member States and ICGLR institutions a set of actions and recommendations, to act collectively and individually in a coordinated and timely manner, that if properly implemented will contribute to eradicate statelessness in this region by 2024 and contribute to the overall mandate of ICGLR on security, peace building, and development in the region.