

Nairobi Appeal for regional coordination to eradicate statelessness in the East African Community

We, Civil Society Organisations from the East African Community (EAC) Member States,

Background

1. Recognising that the issue of nationality and statelessness is first and foremost an issue of basic human rights, that affects many people in our region who may believe themselves to be nationals in the countries in which they have always lived, but who do not qualify for nationality under the terms of the law, or who have difficulties in proving their status;
2. Concerned about the many EAC citizens stranded in other continents without proper documentation to enable them re-enter their home countries. Either as a result of forced migration or subsequent acts of commission or omission after lawful entry;
3. Noting that ethnic , racial and gender and any other forms of discrimination in nationality continue to deny some members of the EAC a right to nationality against the rules of good governance within the EAC formative charter , the African Charter on human and people rights as well as the international human rights instruments ;
4. Cognisant of the administrative barriers in accessing nationality and related documents of registration including birth certificates , national identity cards , marriage certificates for intersex and transgender persons in all the EAC member states;
5. Aware that EAC members states continue to use arbitrary rules to strip persons of their nationality and or nationality documents as a way of silencing dissent;
6. Urging States and other stakeholders to address eradication of statelessness with due urgency as new identification systems are introduced at national and regional levels increasing, the risk of exclusion in the immediate future;
7. Recalling that in the EAC region, the majority of stateless persons are generally 'in situ' (living where they were born) rather than contemporary migrants or refugees, and as such, are de facto nationals who contribute to society's development but whose inclusion needs to be clarified by law;
8. Recognising that the boundaries of where we live as a result t of colonization.
9. Acknowledging that resolving statelessness is an essential element in guaranteeing regional integration and effective freedom of movement for all community citizens as per EAC principles;

Dialogue and cooperation on statelessness with the EAC

10. Call for further dialogue on nationality and eradication of statelessness with and within the EAC that involves all actors necessary in eradicating statelessness ;
11. Urge the issue to be placed at the centre of EAC institutions, including through the official nomination of an EAC focal point on statelessness;

12. Recognize that this could be achieved in the first instance through the completion of a mapping study on citizenship and risk of statelessness in EAC countries, thereby also furthering identification of affected persons and groups, and indicating possible solutions;

Commitment to eradicate statelessness in the Great Lakes Region through the ICGLR Declaration and regional action plan

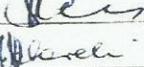
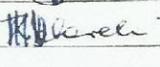
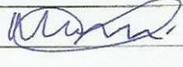
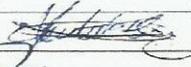
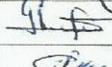
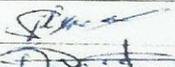
13. Note that the partner States of the EAC regional economic commission compose half of the membership of the International Conference of the Great Lakes Region;
14. Applaud the recently adopted ICGLR Declaration and its regional action plan on eradication of statelessness, in particular, its recognition of the role of civil society in reviewing progress made towards implementing the Declaration's commitments;
15. Call for the ratification of the international conventions on statelessness by ICGLR Member States that have not yet done, in accordance with Commitment No. 2 of the Declaration, and stand ready to support campaigns to promote accession to these international instruments;
16. Look forward to contributing to the development and implementation of national action plans to end statelessness in each Member State, in line with Commitment No. 11 of the ICGLR Declaration;

Development of the continental legal framework: supporting the Draft AU Protocol on nationality and eradication of statelessness in Africa

17. Join the ICGLR Declaration in supporting and encouraging the African Union to conclude the draft protocol to the African Charter on Human and Peoples' Rights on the right to nationality and the eradication of statelessness in Africa;
18. Call attention to the fact that the Draft Protocol is a document promoting regional integration, by guaranteeing the right to a nationality for all Africans;
19. Call on States to adopt a common EAC (regional) position in support of this innovative legal development, prior to the meetings of the AU Specialised Technical Committees during which the Protocol will be reviewed.
20. Hereby establish an EAC civil society coalition for advocating on nationality for all persons in the EAC. the Coalition will focus both at the national state level as well as the EAC regional level

Nairobi, 1 December 2017

Signed by

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