



Keynote Remarks by Mr Olabisi Dare

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commission

Ministerial Conference on the Eradication of Statelessness in the Great Lakes Region
Nairobi, Kenya, from 16-18 April 2019

Excellences. Invited Guests. Ladies and Gentlemen.

Let me start by thanking the organizers of this important ministerial conference on statelessness for extending invitation to the African Union Commission (AUC).

It is indeed an honour for the AUC to participate in this ministerial conference co-organized by the Government of Kenya, the secretariat of the International Conference for the Great Lakes Region (ICLGR) and UNHCR.

On behalf of the AUC, allow me also to express our gratitude and thanks to the Government and people of the Republic of Kenya for the hospitality afforded to us.

Eradicating statelessness is a major preoccupation and concern to the African Union (AU). There are estimated hundreds of thousands stateless persons in Africa. The consequences of lack or loss of nationality to individuals concerned is quite devastating. Stateless persons or those who are at the risk of statelessness face invisibility, limited access to social services and a narrower path to a dignified livelihood and self-actualization.

Unless risks to statelessness are fully and effectively addressed we will not be able to realize the full potentials of **Agenda 2063: the Africa We Want!** Access to nationality is core to achieving human dignity and addressing barriers to access to services and economic wellbeing.

The causes of statelessness can be multiple: conflicts of law, state succession and discriminatory practices. At the AU we do not see statelessness just as a human rights issue. It is a much broader and complex challenges touching on development, economic integration and peace

and security issues as well. Regularizing the status of stateless person is in the interest of countries which do not want to see any one left behind in their economic and social policies. Contested nationality has also been source of political violence and crisis in some parts of the continent. The prevention and eradication of statelessness can contribute to the collective effort of nation-building and the strengthening of peace and security on the continent. Of course more fundamentally statelessness is contrary to human dignity as enshrined in regional and international instruments. Our collective response to address this challenge must therefore be equally comprehensive, broad and multi-dimensional.

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The AUC is very encouraged by the bold and progressive steps taken by AU Member States particularly in the ICLGR region where countries have developed progressive policy frameworks and approaches. Similar efforts have been undertaken by the Economic Community of Western Africa (ECOWAS) and other Regional Economic Communities (RECs). I would like to express appreciation to the ICLGR's exemplary leadership in confronting the challenges of statelessness. We are very pleased that several representatives of RECs have been invited to this meeting. Peer-learning and exchange of information among RECs plays an important role in creating coherent approaches to address the challenge of statelessness.

While acknowledging the progress achieved so far, we must also fully recognise the gaps the ICLGR region faces. While it is true that regional instruments of the AU play critical role in ensuring access to nationality, commitment to international treaties is important. In this regard it is quite distressing that only three countries three countries from the region have ratified the 1954 Convention relating to the Status of Stateless Persons whereas just one ICLGR Member States has ratified the Convention on the Reduction of Statelessness. We must double our efforts to achieve progress in improving ratification of these important global international instruments.

Our collective journey from the state of denial of the problem of statelessness to a time where we are witnessing these major development has been heartening. Sharing and disseminating the incredible personal stories of individuals affected by the problem of statelessness played instrumental role in this transformation. We should all engaged and involve representative of affected population in our works and activities. Nothing is as compelling as the personal stories and journey of Africans who can tell the story of challenges and resilience from a personal experience.

Absence of data and limited access to documentation is a major setback to efforts in creating visibility to the issue of statelessness. During our daily interaction with representatives of Member States, this is raised as one of the most important problems not only in the area of statelessness but also in all our activities concerning refugees and displaced persons. For the individual stateless person, invisibility and lack of documentation means limited access to services and lack of recognition. The African Union has made progress in developing

frameworks to strengthen civil registration system in Member States. We encourage ICLGR Member States to use this platform to prevent risks of statelessness.

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The link and complementarity between developments at the sub-regional level and continental level cannot be ignored. The AUC has actively supported a series of consultations and negotiations on the Protocol to the African Charter on the Right to a Nationality in Africa by experts of Member States which had been endorsed by the Specialised Technical Committee on Migration, Refugees and Displaced Persons on 3rd November 2018 at Malabo, Equatorial Guinea.

The draft protocol fills an important legal gap in the African Human Rights system on the human right to nationality. The protocol reinforced and further strengthens the definition of stateless persons by defining the latter as follows: “a person who is not considered as a national by any State under the operation of its law, including a person whose nationality cannot be established.” The objective of the protocol includes: (aa) promotion, protection and ensuring respect for the right to a nationality in Africa; (b) ensuring that statelessness in Africa is eradicated; and (c) determining that the general principles for the prevention and eradication of statelessness in Africa.

The fulfilment of the human rights of all persons is central to African Union Agenda 2063 and relevant policy frameworks of the Union. Let us cast our eyes on the broader objective and impact of this protocol in protecting the most vulnerable, i.e. the children who faces major challenges in accessing registration at birth and women who are fare from having equal treatment in nationality matters. This initiative has benefitted and continues to draw on the positive experiences at the level of Regional Economic Communities particularly on the strong legal and policy frameworks developed in ECOWAS and ICLGR regions.

The adoption of the draft Protocol by the Specialised Technical Committee on Migration, Refugees and Displaced Persons is a major victory. However we have to bring this important development to a successful conclusion.

Preparations are currently underway at the AUC to organize a meeting of the STC on Legal Affairs to undertake a final review of the Protocol before its submission for adoption by the AU’s Assembly of Heads of State and Government. The contribution by the African Commission on Human and Peoples Rights particularly that of Professor Maya Sahli-Fadel, the African Commission’s Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa has been instrumental.

We also recognize and appreciate the important role played by UNHCR in supporting this process. We call up on all Member States of ICLGR to ensure that their representatives at the STC on Legal Affairs fully endorse and support the instrument.

Supporting the implementation of the continental, sub-regional and national frameworks to address the risks of statelessness is an important element of the African Union theme of the year 2019 on *“Refugees, Returnees and Internally Displaced Persons: Towards Durable Solution to Forced Displacement in Africa.”*

As an important component of the commemorative activities, the AUC, in collaboration with UNHCR and other relevant, has carried out a series of capacity building and training initiative named *“Livingstone Syllabus.”* Standards and practices in tackling statelessness have been fully integrated in this training initiative. So far close to 500 government officials from all parts of the continent have benefitted from this important capacity building training initiative.

In line with the decision of the AU Assembly and Project 2019 Roadmap, the Commission is also working to organize a continental consultative meeting on statelessness in 2019. The AUC is committed to engage all including ICLGR Secretariat and its Member States in this process. The outcome of this important ministerial conference will feed into this important activity.

The consultative meeting aims not only to promote the adoption of the draft Protocol but also promote the implementation of other regional human rights instruments with direct relevance to addressing the challenges of statelessness and review progress in the implementation of the Global Action Plan to End Statelessness. In this endeavour the active engagement and role of all other organs of the AU should be strengthened and promoted. In May we will engage with the Pan-African Parliament on the theme of the year. One of the outcomes of such a high-level engagement is on a decision by the parliament outlining key areas of engagement by members of parliamentarians to tackle the scourge of statelessness.

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The AU aims to take full advantage of all these activities to galvanize Member States to ratify sub-regional regional and international instruments on statelessness, make concrete pledges and commitments and disseminate best practices.

In this context, the deliberations and outcome of this ministerial meeting plays an important role. On behalf of the AUC, I would like to reiterate the full cooperation of the Commission with Member States and the RECs in realizing our collective objective, i.e. the full eradication of statelessness from the continent.

I thank you for your attention.

