

African Union, African Regional Bodies

Resolution on statelessness

Legislation as at 17 May 2019

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Resolution on statelessness

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African Union

Resolution on statelessness

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Commenced

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THE PAN-AFRICAN PARLIAMENT,

RECOGNIZING Article 17 of the Constitutive Act of the African Union which establishes the Pan-African Parliament, as read together with Rule 3 (a) of the Rules of Procedure of the Pan-African Parliament;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

CONSIDERING FURTHER Article 5 of Charter on Human and People's Rights, which implies the right to nationality, essential to the enjoyment of other fundamental rights and freedoms under the Charter, and Article 6 of the 1990 African Charter for the Rights and the Welfare of the Child, which provides for the acquisition of nationality of the country of birth if the child would otherwise be rendered stateless;

NOTING that millions of people in the world, including hundreds of thousands in Africa are not considered to be nationals by any State and are thus stateless, which limits their enjoyment of the full range of human rights, and undermines development, peace and security in the continent;

HAVING REGARD to the report on the Right to Nationality in Africa, issued by the African Commission on Human and People's Rights in 2014, that highlights the gaps in the nationality legislations enacted in Africa, and the importance to develop and adopt an African instrument on the right to a nationality;

HAVING REGARD ALSO to the UNHCR global mandate to identify and protect stateless persons, and prevent and reduce statelessness;

HAVING REGARD FURTHER to the UNHCR Global Campaign #Ibelong to Eradicate Statelessness by 2024 and the outstanding efforts deployed by ECOWAS and its member States to implement this campaign in West Africa;

CONVINCED by the centrality of the right to nationality, as a fundamental human right essential to the enjoyment of other Human rights and closely interrelated with the Rule of Law, Peace, international security and development, and therefore a priority for the African Union;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. **WELCOME** the commitment of the African Union's Assembly of Heads of State and Government, expressed at its 32nd Ordinary Session, to develop a clear policy framework to address the challenge of the stateless persons hosted in the continent;
2. **WELCOME ALSO** the African Union's efforts on the draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, in line with decisions of the African Union's Assembly of Heads of State and Government;
3. **URGE** all Member States concerned to accede to these two conventions and to work to support the adoption, in 2019, of the draft Protocol on the Right to Nationality and the Eradication of Statelessness in Africa;

4. **URGE ALSO** the AU Member States to find immediate solutions for stateless persons and persons at risk of statelessness so that they can obtain or confirm their nationality, and to prevent statelessness by addressing its root causes. In this regard, the Pan-African Parliament urges Member States to:
 - In line with article 6 of the African Charter on the Rights and Welfare of the Child, reform nationality laws to ensure that every child born or found on a state's territory will acquire the nationality of that state if the child would otherwise be stateless, and further reform nationality laws to eliminate all forms of discrimination that constitute a leading cause of statelessness in Africa;
 - Improve access to birth registration, irrespective of the parent(s)' immigration status, and raise awareness of such registration among stateless persons and persons at risk of statelessness, and establish accessible procedures for late birth registration; and
 - Adopt legislation that facilitates the recognition and documentation of nationality through registration or simplified naturalisation procedures.
5. **TAKE NOTE** of the Economic Community of West African States' Banjul Plan of Action on the Eradication of Statelessness 2017-2024 and the International Conference on the Great Lakes Region's 2017 Declaration on the Eradication of Statelessness;
6. **URGE FURTHER** the Regional Economic Communities that have not yet done so to conduct regional research on the prevalence, causes and consequences of statelessness and to coordinate actions to develop comprehensive regional strategies to address statelessness; and
7. **REAFFIRM** the importance for all Member States to commit to eradicate statelessness in Africa by 2024 and urge them to make concrete pledges in this regard at the October 2019 High-Level International Event on Statelessness, to be held in Geneva.

Adopted at Midrand, South Africa,

on 17 May 2019.