

**STATEMENT BY THE COMMISSIONER FOR POLITICAL AFFAIRS OF THE AFRICAN UNION,
H.E. DR Aisha Laraba ABDULLAHI, AT MINISTERIAL CONFERENCE ON STATELESSNESS
ABIDJAN 25 FEBRUARY 2015**

Your Excellency, Mr Alassane Ouattara, President of the Republic of Cote d'Ivoire

Your Excellency, Mr Antonio Guterres, United Nations High Commissioner for Refugees,

Your Excellency Mr Ibn Chambas, Special Representative of the Secretary General for West Africa,

Honorable Ministers here present,

Honorable Justice Mme Maria do Ceu Silva Monteiro, President of the ECOWAS Community Court of Justice,

Your Excellency, Mme Fadel Sahli, Commissioner for the ACHPOR and Special Rapporteur on Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons in Africa,

Excellencies, Ambassadors and Representatives of Diplomatic Missions, Distinguished Participants,

Ladies and Gentlemen

It is an honor for me to be speaking on behalf of the African Union, at the first regional Ministerial Conference on Statelessness held in West Africa. I am particularly pleased that this conference has been convened and held in the Republic of Cote D'Ivoire, where His Excellency President Alassane Ouattara , continues to demonstrate an exemplary commitment to the eradication of statelessness on the African continent.

I would like to thank His Excellency the President of Cote D'Ivoire and His Excellency Mr. Antonio Guterres, the High Commissioner for Refugees, as well as the Secretariat for all efforts exerted towards the successful organization of this conference.

On behalf of the African Union, I would here wish to congratulate the UNHCR for the launch on November 2014 of its global campaign to end statelessness by 2024.

Statelessness is a wide spread, man-made problem that affects people all over the world. It is an issue of significant importance in West Africa, as well as in the rest of the African continent, where the problem is particularly acute, due to historical reasons such as the creation of borders, trans-border populations and migration on the continent. Statelessness may also occur due to political or legal directives, or

the redrawing of state boundaries, as we have seen in such countries as Sudan, South Sudan and Nigeria and Cameroun.

More than fifty years after independence, there are thousands of persons living in our continent who have been denied access to birth certificates, passports, or other identification documents, due to the inability to claim the citizenship of the only country they have known as home. They are, therefore, effectively 'non persons' in that country. They cannot have the births of their children registered or enroll them in schools or universities, they cannot obtain travel documents, nor can they run for public institutions.

There are also those people, from border or nomad communities, whose nationality is questioned for historical reasons. They are faced with special difficulties which could sometimes result in statelessness and deprivation of citizenship. Such situations have given rise to instances of political persecution and deprivation of civic rights.

Equally troubling is the fact that more than half of the countries in Africa, still discriminate against women in the issue of nationality, especially in respect to transmission of their nationality to their children or their spouse.

The violations of these rights are contrary to all international standards and indeed, to the spirit of our own flagship continental instrument, the African Charter on Human and Peoples Rights, to safeguard human rights in all its totality in Africa.

Moreover, if this situation is allowed to persist unchecked, it will constitute an impediment to the overall quest for free movement of people across the continent, as there will be persons who are unable to satisfy the first level requirement of nationality in order to enjoy freedom of movement.

Your Excellencies

Distinguished Ladies and Gentlemen,

Allow me to recall that in 2012, The African Union organized a symposium in Nairobi Kenya, on the theme 'citizenship in Africa; Preventing Statelessness, Preventing Conflicts'. Amongst the recommendations addressed to the African Union from this symposium were the following : - the African Union should .

- Raise awareness on statelessness and the risk of statelessness to facilitate prevention and appropriate responses to statelessness,
- Encourage member states to guarantee equal rights to nationality , including the right to confer nationality/citizenship to descendants, regardless of gender, racial, religious and ethnic considerations;

- Encourage its partners to coordinate their actions and mobilize the necessary resources for the prevention of statelessness.

It was therefore in this light that the African Union, in collaboration with the UNHCR, OSIEWA and the Special Rapporteur of the African Commission on Human and Peoples rights for Asylum seekers, Displaced persons and Migrants in Africa embarked on an in-depth study on the right to nationality. This was done in accordance with resolution 234 of April 2013, which tasked the Special Rapporteur to carry out the research, of which the Study on the Right to Nationality in Africa was the outcome.

This study was approved by the 55th Ordinary Session of the Commission of Human and Peoples rights in May 2014. During the same session, the African Commission on Human and Peoples Rights adopted Resolution 277 on the drafting of a Protocol to the African Charter on Human and People's Rights on the Right to a Nationality in Africa.

I am glad to report that the Study on the Right to Nationality in Africa was successfully launched during the 24th Summit of the African Union in January 2015 by H.E. President Alassane Ouattara, in the company of H.E. Dr. Nkosazana Dlamini-Zuma, Chairperson of the African Union Commission and the UN High Commissioner for Refugees, Mr. Antonio Guterres.

The study now identifies gaps in legislation in many of our countries. Most African countries do not have legislation that guarantees the nationality of every child born in their territory – in violation of the commitments undertaken within the framework of the African Charter on the Rights and Welfare of the Child.

Furthermore, about half of the countries in the African continent have legislation that allows for the revocation of nationality by birth of a person, and in a large number of countries, governments may revoke the nationality of a naturalized person on extremely arbitrary grounds. Indeed, very few countries stipulate that nationality cannot be revoked if as a result of the revocation the person will become stateless.

The study concludes that despite the Protocol to the African Charter on Human and Peoples Rights Relating to the Rights of Women in Africa and the Charter on the Rights and Welfare of the Child, the right to nationality is still not fully recognized as a fundamental human right on the continent, as the state of law in many of our jurisdictions does not allow individuals the right to nationality.

Your Excellencies,

Distinguished Ladies and Gentlemen

It is recognized that an Africa where everyone can exercise the right to nationality will constitute an enabling environment for the achieving the lofty goals of the Common African position on the Post-2015 Development Agenda and the Africa Agenda 2063. Achieving the Post-2015 Development Agenda and the Agenda 2063, will go a long way towards the Union's vision of an integrated, prosperous and peaceful Africa driven by its own citizens and playing a dynamic role in the international arena. The denial of citizenship rights has been a major cause of conflict and remains an obstacle to Africa becoming a peaceful and prosperous continent. But the obstacle is not unsurmountable.

Let me assure you that the African Union strongly believes that it is time this situation was set aright and reforms of nationality laws and documentation procedures are put in place to ensure that everyone enjoys the right to nationality in Africa.

Finally, let me remind you that the Year 2015 has been declared the Year of Women's Empowerment and Development Towards Africa's Agenda 2063. Gender discrimination in nationality laws prevents women from acquiring, changing, retaining or passing on their nationality to their children and/or their spouses on an equal basis with men. This can lead to statelessness when fathers are stateless or also unable to confer their nationality on their children. Stateless persons are in a state of permanent vulnerability and stateless populations are condemned to a cycle of poverty that is passed from generation to generation.

This should no longer be tolerated on our continent, and we should all work together to seek solutions and prepare tools that are relevant to the realities of our beloved continent.

I thank you for your attention.