

AG/RES. 2826 (XLIV-O/14)

PREVENTION AND REDUCTION OF STATELESSNESS
AND PROTECTION OF STATELESS PERSONS IN THE AMERICAS

(Adopted at the second plenary session, held on June 4, 2014)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1693 (XXIX-O/99), AG/RES. 1762 (XXX-O/00), AG/RES. 1832 (XXXI-O/01), AG/RES. 1892 (XXXII-O/02), AG/RES. 1971 (XXXIII-O/03), AG/RES. 2047 (XXXIV-O/04), AG/RES. 2511 (XXXIX-O/09), AG/RES. 2599 (XL-O/10), AG/RES. 2665 (XLI-O/11), and AG/RES. 2787 (XLIII-O/13) on the issue of prevention and reduction of statelessness and protection of stateless persons in the Americas;

CONSIDERING that at the ministerial meeting of the United Nations member states on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, held in Geneva, Switzerland, on December 7 and 8, 2011, the participating states recognized that “the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons are the principal international statelessness instruments, which provide important standards for the prevention and resolution of statelessness and safeguards for the protection of stateless people” and considered becoming a party to them, where appropriate, and/or strengthening their policies that prevent and reduce statelessness;

EMPHASIZING that on that occasion, several member states formally adopted specific commitments with regard to their accession to the applicable international instruments and to the adoption of measures to establish national mechanisms for determining statelessness;

CONSIDERING ALSO that in the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of November 11, 2010, it was resolved to “urge countries in the Americas to consider acceding to the international instruments on statelessness, reviewing their national legislation to prevent and reduce situations of statelessness, and strengthening national mechanisms for comprehensive birth registration”;

EMPHASIZING that this year marks the 60th anniversary of the adoption of the 1954 Convention relating to the Status of Stateless Persons and that, as part of the commemorations for the 30th anniversary of the 1984 Cartagena Declaration on Refugees (Cartagena+30), the member states are considering the adoption of a new strategic framework with which to promote the protection of stateless people and refugees over the coming decade;

NOTING that the legislation of some member states considers that recognition of stateless persons is a declaratory, humanitarian, and apolitical act, granted in accordance with the principles of due process;

CONVINCED that statelessness is a serious global humanitarian problem that calls for broad international cooperation and the development of related programs, based on the recognition of the fundamental responsibility of states to prevent and reduce statelessness;

RECOGNIZING that 17 member states of the Organization of American States (OAS) are parties to the 1954 Convention relating to the Status of Stateless Persons and that 12 are parties to the 1961 Convention on the Reduction of Statelessness, and noting Nicaragua’s recent accession to both international instruments, Jamaica’s accession to the 1961 Convention on the Reduction of Statelessness, and Peru’s adherence to the 1954 Convention relating to the Status of Stateless Persons;

EMPHASIZING the tradition in the countries of the Americas to prevent and reduce statelessness by granting nationality through the combined application of the principles of *ius soli*, for children born in their territories, and of *ius sanguinis*, for those born in other countries;

RECOGNIZING that some countries of the region have recently introduced legislative amendments or practices to determine the status of, or to provide protection to, stateless persons;

EMPHASIZING the importance of the right of all persons to nationality in the Americas, recognized in Article XIX of the American Declaration of the Rights and Duties of Man and in Article 20 of the American Convention on Human Rights, as well as the relevance of promoting accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

UNDERSCORING the importance of the Inter-American Program for Universal Civil Registry and the Right to Identity, given that recognition of the identity of persons is one of the means through which observance of the rights to recognition as a person before the law, a name, a nationality, civil registration, and family relationships is facilitated, among other rights recognized in international and inter-American instruments;

STRESSING the positive contribution of the member states in the process of adoption of Conclusion No. 111 (LXIV) on civil registration by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR), which notes that the lack of civil registration and related documentation makes persons vulnerable to statelessness and associated protection risks, and that birth registration without discrimination of any kind is essential to the reduction and prevention of statelessness;

RECOGNIZING the usefulness of employing the UNHCR Guidelines on Statelessness in interpreting and enforcing the applicable international provisions, and noting with satisfaction the recent publication of the UNHCR Handbook on Protection of Stateless People;

RECOGNIZING ALSO the organization of the Second Latin American Course on Statelessness, held in Costa Rica on April 29 and 30, 2013, and attended by officials from governments and the UNHCR, and the inclusion of a module on statelessness in the 40th Course on International Law organized by the Inter-American Juridical Committee with the support of the Department of International Law of the OAS Secretariat for Legal Affairs and held in Rio de Janeiro, Brazil, on August 5 to 23, 2013; and

EXPRESSING its appreciation to UNHCR for its work in the region to support member states in their efforts to prevent and reduce statelessness and to protect stateless persons, and for the technical and financial assistance provided,

RESOLVES:

1. To invite member states to use the commemorations of the 30th anniversary of the 1984 Cartagena Declaration on Refugees and the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons to identify the challenges and the actions necessary to eradicate statelessness from the Americas, and to include a chapter on the subject in the future regional strategic framework arising from the commemorative process.

2. To emphasize the importance of the international instruments for the protection of stateless persons and for the prevention and reduction of statelessness, and to invite those member states that have not yet done so to consider ratifying or acceding to the international instruments on

statelessness, as applicable, and to create or strengthen the technical agencies responsible for overseeing their proper implementation.

3. To urge member states, with the technical support of the United Nations High Commissioner for Refugees (UNHCR), to follow up on the commitments assumed at the Ministerial Intergovernmental Event on Refugees and Stateless Persons to commemorate the 50th anniversary of the Convention on the Reduction of Statelessness (Geneva, 2011) and on such other international commitments as they may have adopted in this area.

4. To urge member states, without prejudice to their ratification of or accession to the international instruments on statelessness, to consider amending or adopting, as applicable, domestic laws to comprehensively regulate all matters relating to the identification and protection of stateless people and their appropriate documentation, and to include in their nationality laws appropriate safeguards to prevent and reduce new cases of statelessness and to eliminate those that already exist.

5. To instruct the Inter-American Juridical Committee to draft, in consultation with the member states, a set of Guidelines on the Protection of Stateless Persons, in accordance with the existing international standards on the topic.

6. To urge member states, in accordance with their domestic laws and, when applicable, in collaboration with and with the support of the UNHCR, to enforce the legal and practical measures necessary to overcome difficulties in making entries in civil registries, establishing or strengthening existing institutions responsible for civil records, building their capacity, and ensuring data security and confidentiality.

7. To ask member states and the international community to assist and support the strengthening and consolidation of the UNHCR's programs on the identification, prevention, and reduction of statelessness and the international protection of stateless persons, so that it may continue to monitor the implementation of international instruments on statelessness and support efforts to eradicate statelessness.

8. To reaffirm the importance of international cooperation in the provision of appropriate technical and advisory services to prepare and implement legislation regarding nationality and effective protection to stateless persons.

9. To instruct the Permanent Council, through the Committee on Juridical and Political Affairs and with support from the Department of International Law of the General Secretariat and such technical and financial cooperation as may be provided by the UNHCR, to continue emphasizing the problems of statelessness in its promotional and training activities and to organize, during the first quarter of 2015, an international course on statelessness for members of the permanent missions of the member states, the staff of the General Secretariat, and other interested parties.

10. To request the Permanent Council to report to the General Assembly at its forty-fifth regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be

subject to the availability of financial resources in the program-budget of the Organization and other resources.