

SOUTHERN AFRICA

Achievements and Pledges

High-Level Segment on

Statelessness Preparatory Meeting

Centurion, 30 August 2019



UNHCR Regional Bureau
for Southern Africa

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“In recent years, important steps have been taken to address statelessness worldwide. However new challenges, like growing forced displacement and arbitrary deprivation of nationality, threaten this progress. States must act now and they must act decisively to end statelessness.”

- United National High Commissioner, Filippo Grandi



Foreword by the UNHCR Director for Regional Bureau for Southern Africa, Valentin Tapsoba

I am delighted to present in this publication the outcomes of the preparatory meeting of the southern Africa region that my Office facilitated on 30 August 2019.

As the states in southern Africa do not have a mechanism to report on statelessness, the full scale of the problem is not yet defined in the region. Nonetheless, there are indicators that shed light on the prevalence of statelessness, including a low birth registration rate at less than 50 per cent. Statelessness risks in southern Africa stem from many factors including gaps in the legislative and administrative framework related to nationality, migration, and protracted forced displacement.

Depriving persons of a nationality constitutes for the countries in the region a missed opportunity for development and prosperity. Ensuring that everyone can enjoy their right to belong to a State, also allows a State to rely on the potential and talents of hundreds of thousands of people who would otherwise be marginalised and excluded.

Ending statelessness is also an essential objective for human and state security.

I am heartened by the level of achievements in the region, as well as the indicative pledges that reveal the coherence and synergy in the region towards the eradication of statelessness.

These achievements and commitments to ending statelessness show that southern African states have embraced the global fight against statelessness. They also reflect the political will to promote tolerance and acceptance, and create a social and human space where all members of society can be recognised and to which they can contribute.

UNHCR Regional Bureau for Southern Africa stands ready to actively engage with all states under its recently expanded coverage, including the Democratic Republic of Congo (DRC), the Republic of Congo (RoC) and Indian Ocean island states, in order to support them in delivering their commitment, enhancing protection to stateless persons and finding solutions to their plight.



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In 2014, the United Nations High Commissioner for Refugees (UNHCR) launched a Global Campaign to End Statelessness within 10 Years, #IBelong Campaign. It is grounded in a Global Action Plan which outlines a blueprint of 10 actions that can resolve and prevent statelessness.

The year 2019 marks the mid-point of UNHCR's #IBelong Campaign. It therefore affords an important opportunity for the international community to take stock of the achievements and to identify what more needs to be done to meet the Campaign's goals, as set out in the Global Action Plan to End Statelessness.

To that end, UNHCR will convene a High Level Segment on Statelessness on 7 October 2019 as part of its Executive Committee meeting. This High-Level Segment on Statelessness will be an intergovernmental meeting of United Nations Member States and other stakeholders. The purpose of this event will be to assess achievements to date against the Campaign's goals, showcase good practices and allow for voluntary pledges by States to take action to address statelessness in the remaining 5 years of the Campaign.

achievements and pledges that their governments will consider to showcase and deliver. This document serves as an easy reference document to assist delegates to follow during the deliberations and for partners to keep as a record of the areas in which they can channel support to the sterling efforts and commendable intentions of the concerned States. The expectation of UNHCR is that strategic partnerships will be formed to take forward the #IBelong Campaign in southern Africa and successfully complete, in the next five years, the work to end statelessness or the risk of being stateless in the sub-region. A regional approach will be key and UNHCR invites other States in southern Africa to join this "whole of society" endeavor.

Introduction

The Government Statelessness Focal Points of the Republic of Angola, Kingdom of eSwatini, Kingdom of Lesotho, Republic of Malawi, Republic of Mauritius, Republic of Mozambique, Republic of Namibia, Republic of South Africa, Republic of Zambia and Republic of Zimbabwe met in Irene, Centurion, South Africa, to share information on their respective achievements as well as progress on the elaboration of pledges to end statelessness or the risk thereof in each country. The achievements and pledges will be communicated globally at the High Level Segment on Statelessness of the 70th Session of the United Nations Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR).

The meeting, held on 30th August 2019, was an important watershed preparatory session, during which the Government statelessness focal points, with the technical support of UNHCR, shared achievements, exchanged ideas, refined draft pledges and drew cross-border linkages on common action plans. This was an important strategic discussion forum which will prepare the participation of the 10 Southern African States in the High Level Segment on Statelessness. At the end of the meeting the focal points outlined the following



Angola

Achievements

The Republic of Angola:

- Has, in 2019, acceded to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness;
- Endorsed the International Conference of the Great Lakes Region Ministerial Declaration and Action Plan to End Statelessness, and participated in the elaboration of the draft Regional Action Plan and Ministerial Declaration to End Statelessness in the Southern African Development Community (SADC);
- Has endeavoured to improve birth registration and has conducted an information campaign throughout the country. The government has also conducted a campaign to provide birth certificates and identity documents on a free of charge basis, throughout the country, to individuals who had never been registered or issued an identity card;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa ;
- Has appointed a government focal point on statelessness;
- Has participated in statelessness related training to develop the capacity of its practitioners, and in particular its representatives attended the 2017 regional Portuguese-speaking training organised by UNHCR in Senegal.

Pledges

The Government of Angola commits to:

- Establishing by the end of 2019 a national technical committee on statelessness charged with the development of a national action plan to end statelessness. The government of Angola will ensure that all committee members will participate in capacity development events organised in cooperation with UNHCR;
- Adopting in 2020 a national action plan to eradicate statelessness by the end of 2024, in close consultation with the national technical committee on statelessness.
- Facilitating by 2024 the procedure for the issuance of nationality documentation so as to ensure that all people entitled to it, in particular people living in cross-border areas, obtain national identity cards;
- Simplifying and improving access to birth registration procedures by 2024, including late birth registration to ensure universal and free birth registration for all children, including asylum-seekers, refugees and migrants as well as cross-border populations born in Angola;
- Ensuring that former refugees of Angolan origin whose refugee status has ceased, and who opted for local integration in their former countries of asylum, have facilitated access to identity and nationality documentation in those countries, if need be through the Angolan consulate services, in view of achieving a durable solution in their host country, by 2020;
- Working with UNHCR to raise awareness and foster a common understanding about statelessness, and to urge States that are yet to accede to one or both of the UN statelessness conventions to do so before the year 2024;
- Supporting the adoption of the Regional Action Plan to End Statelessness in the Southern African Development Community.



Eswatini

Achievements

The Kingdom of Eswatini:

- Is a party to both the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness, since 1999;
- Participated in all events at regional and international levels where statelessness is discussed, and in the drafting of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC), and its related ministerial declaration;
- Conducted a multi stakeholders' workshop to develop a national action plan to end statelessness by 2024, based on the #IBelong Global Action Plan. The action plan has been endorsed by the Minister of Interior and is now pending endorsement by the Cabinet;
- Is conducting an awareness campaign amongst elders, traditional Chiefs and Members of Parliament, on the importance to address statelessness and, in particular, to implement the 1954 and 1961 UN Conventions;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Has appointed a government focal point on statelessness;
- Participated in statelessness related training to develop the capacity of its practitioners, and in particular its representatives attended the 2019 training organised by the University of Cape Town and UNHCR.

Pledges

The Government of Eswatini commits to:

- Introducing a provision in its nationality law by 2024 to grant nationality to children of unknown origin found on its territory, and a safeguard in its nationality law to grant nationality to children born on the territory who would otherwise be stateless;
- Undertaking national consultations on gender equality in nationality by end of 2019, and undertaking the necessary reform to uphold citizen's equal ability to confer nationality on spouses and children by end of 2024;
- Undertaking by June 2020 and publishing by March 2021 a qualitative study to better understand the situation of groups and individuals living on its territory, who are stateless or at risk of statelessness, with a view to finding a solution to their situation;
- Establishing by 2022 a procedure to determine the status of stateless migrants in line with the 1954 convention;
- Committing to support the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC).



Lesotho

Achievements

The Kingdom of Lesotho:

- Is a party to both the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness since 1974 and 2004, respectively;
- Made a statelessness-related pledge in 2011, and has taken the necessary steps towards implementation, notably in participating in all regional and international fora where statelessness is raised and discussed. In particular, Lesotho participated in the elaboration of the draft Ministerial Declaration Regional Action Plan to End Statelessness in the Southern African Development Community (SADC);
- Appointed a government focal point on statelessness;
- Participated in statelessness training to develop the capacity of its practitioners, and in particular the 2019 training organised by the University of Cape Town and UNHCR;
- Identified statelessness concerns amongst its border population and diaspora;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Enacted a constitutional reform in 2019 which now upholds citizens' equal ability to confer nationality on spouses.

Pledges

The Government of Lesotho commits to:

- Enacting by 2020 the bill on nationality that grants nationality to children of unknown origin found in its territory, and provides for a safeguard to grant nationality to children born on the territory who would otherwise be stateless;
- Undertaking, by 2020, a qualitative study and publishing it to better understand the situation of groups and individuals, who are stateless or at risk of statelessness, staying on its territory, with a view to finding a solution to their situation;
- Establishing by 2020 a procedure to determine the status of stateless migrants in line with the 1954 convention;
- Developing and adopting by 2020 a national action plan to end statelessness, based on the #IBelong Campaign Global Plan of Action;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC);
- Facilitating naturalization of refugees and stateless persons by 2020.



Malawi

Achievements

The Republic of Malawi:

- Is a party to the 1954 UN Convention relating to the Status of Stateless Persons since 2009
- Participated in the drafting of the draft Ministerial Declaration and Regional Action Plan to End Statelessness in the Southern African Development Community (SADC);
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Participated in statelessness-related training to develop the capacity of its practitioners, and in particular, the 2019 training organised by the University of Cape Town and UNHCR;
- Is conducting, through a legal commission, a review of its nationality legislation.

Pledges

The Government of Malawi commits to:

- Conduct necessary consultations by 2021 with members of the parliament and other stakeholders in view of the anticipated accession to the 1961 UN Convention on the Reduction of Statelessness;
- Working closely with UNHCR in the drafting of its nationality law reform, and, within this process, considering the introduction of a provision in its nationality law to grant nationality to children of unknown origin found in their territory, and a safeguard in its nationality law to grant nationality to children born on the territory who would otherwise be stateless;
- Undertaking and publishing a qualitative study by June 2020 to better understand the situation of groups and individuals staying on its territory, who are stateless or at risk of statelessness, with a view to finding a solution to their situation;
- Establishing by 2022 a procedure to determine the status of stateless migrants in line with the 1954 convention;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC).



Mauritius

Achievements

The Republic of Mauritius:

- Participated in the drafting of the draft Ministerial Declaration and Regional Action Plan to End Statelessness in the Southern African Development Community;
- Appointed a government focal point on statelessness;
- Participated in statelessness-related training to develop the capacity of its practitioners, and in particular attended the 2019 training organised by the University of Cape Town and UNHCR;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa ;
- Reports that 99.7 % children are registered at birth, and that all cases of late birth registration are referred to and solved by the Civil Status Office and the Ministry of Gender Equality, Child Development, and Family Welfare;
- Participated in the drafting of the AU Protocol on the Right to Nationality and the Eradication of Statelessness in Africa.

Pledges

The Government of Mauritius commits to:

- Analysing the implication of accession to both the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness by 2020;
- Reviewing, by 2022, in consultation with all stakeholders, the nationality law to identify any gaps that may lead to statelessness, and based on this review, consider to introduce a provision in its nationality law by 2024 to grant nationality to children of unknown origin found in its territory, and a safeguard in its nationality law to grant nationality to children born on the territory who would otherwise be stateless;
- Undertaking and publishing by 2021 a study to identify individuals, who are stateless or at risk of statelessness, living on its territory;
- Setting up by 2021 a remedy committee to review and follow up cases of late birth registration;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community;
- Setting up a regional centre of excellence to train government and civil society practitioners on statelessness in the Indian Ocean region;
- Championing the development of a Regional Action Plan to End Statelessness in the Indian Ocean region, in cooperation with the Indian Ocean Commission and UNHCR.



Mozambique

Achievements

The Republic of Mozambique:

- Is a party to both the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness since 2014, respectively, having made a statelessness-related pledge in 2011, committing to accede to the UN Conventions on statelessness;
- Enacted a legislation that efficiently prevents the occurrence of statelessness, and notably grants nationality to all refugee children born in Mozambique;
- Has constitutional provisions allowing applicants, including refugees, residing in the country for more than 10 years or 5 years in case of marriage with a national, to apply for naturalisation;
- Participated in the drafting of the draft Ministerial Declaration and Regional Action Plan to End Statelessness in the SADC region;
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa ;
- Participated in statelessness-related training to develop the capacity of its practitioners, and in particular, its representatives attended the 2019 training organised by the University of Cape Town and UNHCR.

Pledges

The government of Mozambique commits to:

- Undertaking the necessary law, policy and administrative reforms by 2020 to facilitate the naturalization of refugees;
- Undertaking and publishing a qualitative study by 2021 to better understand the situation of stateless groups and individuals staying on its territory with a view to finding a solution to their situation;
- Establishing by 2022 a procedure to determine the status of stateless migrants in line with the 1954 convention;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC).



Namibia

Achievements

The Republic of Namibia:

- Made in 2011 pledges in relation to awareness campaigns on statelessness, improvement of birth registration, and increase of registration points in the country, and have implemented them all;
- Developed important efforts to improve birth registration, by opening registration units in schools, and by deploying mobile units. Namibia has increased its birth registration rate by 21 points since 2011, and has now reached a birth registration rate of 88%;
- Informed the public in general and the regional authorities in particular about statelessness, through information campaign and consultation. In 2019 Namibia conducted a consultation in all of its regions on the importance to accede to both UN conventions on statelessness;
- Undertook in collaboration with Angola an identification exercise among undocumented populations at risk of statelessness residing alongside their common border with a view of solving their nationality status;
- Set up a national working committee to draft a national action plan;
- Participated in the elaboration of the draft Ministerial Declaration Regional Action Plan to End Statelessness in the Southern African Development Community;
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Participated in statelessness-related training events to develop the capacity of its practitioners, and in particular, its representatives attended the 2019 training organised by the University of Cape Town and UNHCR.

Pledges

The government of Namibia commits to:

- Acceding to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness by end 2020;
- Adopting by June 2020 a National Action Plan to End Statelessness;
- Introducing a provision in its nationality law, by 2021, to grant nationality to children of unknown origin found on its territory;
- Undertaking the necessary law, policy and administrative reforms to grant or confirm nationality to foreigners established in Namibia between 1978 and 1989 and who are unable to claim another nationality;
- Identifying stateless persons in all regions by March 2020, and undertaking and publishing, by 2021, a qualitative study to better understand the situation of stateless groups and individuals staying on its territory with a view to finding a solution to their situation;
- Partnering with the governments of bordering States with a view to identify the nationality status of undocumented people living in border areas, and to issue nationality documentation to those with entitlement to it;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC).



South Africa

Achievements

The Republic of South Africa:

- Made a number of statelessness-related pledges in 2011, including with respect to the accession to the UN statelessness conventions. Although this pledge has not yet been implemented, South Africa remains committed to its implementation;
- Enacted a progressive nationality legislation that grants nationality to children born and registered in its territory who would otherwise be stateless;
- Participated in the drafting of the draft Ministerial Declaration and Regional Action Plan to End Statelessness in the Southern African Development Community (SADC);
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Participated in statelessness-related training to develop the capacity of its practitioners, and in particular, its representatives attended the 2019 training organised by the university of Cape Town and UNHCR.

Pledges

The Government of South Africa commits to:

- Undertaking and publishing by 2021 a qualitative study to better understand the situation of stateless groups and individuals living in its territory with a view to finding a solution to their situations;
- Inserting specific questions in its next population census so as to measure the number of stateless persons;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community;
- Introducing a provision in its nationality law by 2021 to grant nationality to children of unknown origin found in their territory;
- Undertaking by 2022 the necessary law, policy and administrative reforms to establish procedure to determine the status of stateless migrants.



Zambia

Achievements

The Republic of Zambia:

- Is a party to the 1954 UN Convention relating to the Status of Stateless Persons, since 1974;
- Pledged in 2011 to accede to the 1961 convention on the Reduction of Statelessness, and to conduct a qualitative study on statelessness. In 2019, the results of the study were published, while the government of Zambia is at an advanced stage of acceding to the convention;
- Is a signatory to the Regional Action Plan and Ministerial Declaration to End Statelessness in the International Conference of the Great Lakes Region (ICGLR) region, and has participated in the drafting of the Regional Action Plan and Ministerial Declaration to End Statelessness in the Southern African Development Community;
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa ;
- Participated in statelessness-related training events to develop the capacity of its practitioners, and in particular its representatives attended the 2019 training organised by the University of Cape Town and UNHCR.

Pledges

The Government of Zambia commits to:

- Completing by 2022 the issuance of residence permits to at least 17,000 former refugees who opted to locally integrate in Zambia, and to facilitating the naturalization of those who have not obtained nationality documentation from the authorities of their country of origin;
- Introducing by 2021 a safeguard in its nationality law to grant nationality to children born on the territory who would otherwise be stateless;
- Facilitating by 2023 naturalization procedures for stateless persons and their children to acquire nationality;
- Simplifying and improving access to birth registration and certification, by 2023, for persons born in Zambia, including late birth registration procedures, to ensure universal birth registration for all children, including refugees and asylum-seekers born on the territory;
- Including specific questions in its next national census to capture data on stateless persons staying in its territory;
- Supporting the adoption of the draft regional action plan to end statelessness in the Southern African Development Community (SADC).



Zimbabwe

Achievements

The Republic of Zimbabwe:

- Is party to the 1954 Convention on the Status of Stateless Persons, since 1998;
- Signed a Memorandum of Understanding with UNHCR to undertake a qualitative and quantitative study on statelessness in the country;
- Conducted a comprehensive constitutional reform that resulted in inserting safeguards against statelessness at birth and later in life;
- Reports that the Zimbabwean National Human Rights Commission is undertaking a study on access to identity and nationality documentation;
- Participated in the drafting of the draft Regional Action Plan and Ministerial Declaration to End Statelessness in the Southern African Development Community;
- Appointed a government focal point on statelessness;
- Participated in the drafting of the AU protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
- Participated in statelessness-related training events to develop the capacity of its practitioners, and in particular, its representatives attended the 2019 training organised by the University of Cape Town and UNHCR.

Pledges

The Government of Zimbabwe commits to:

- Conducting consultations with all relevant stakeholders in view of acceding to the 1961 Convention on the Reduction of Statelessness;
- Conducting and publishing a qualitative and quantitative study on statelessness by 2021, and identifying and implementing durable solutions for stateless persons or those at risk thereof;
- Developing a National Action Plan to End Statelessness by 2022, based on the findings of the study;
- Aligning its nationality legislation with the Constitution by 2023;
- In line with the 1954 Convention, establishing a procedure to determine the status of stateless migrants by 2022;
- Supporting the adoption of the draft Regional Action Plan to End Statelessness in the Southern African Development Community (SADC).

In 2019,
Madagascar removed
gender discrimination
from its nationality law, and
allowed women to confer
nationality on their children
on an equal basis with men.

