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Senegal: Voluntary Repatriation Critical for Protecting Stateless Mauritanians.

Statelessness in Africa, as elsewhere, has been caused by state succession, gaps in citizenship laws, and targeted discrimination. Traces of the colonial legacy remain in social, economic, or political structures and favor specific groups.

In other cases, the arbitrary boundaries that divided linguistic, ethnic, and religious communities and interfered with traditional patterns of movement have at times undermined access to nationality. In Senegal, a small group of Mauritanian refugees have spent 15 years in the limbo of statelessness. They exist without valid refugee identity documents (most holding only a receipt for an application for refugee status), limiting their ability to travel or work and placing them at risk of arrest or harassment.

The 1948 Universal Declaration of Human Rights holds that everyone has the right to a nationality. And recognizing the severe impact of statelessness, the United Nations developed the 1954 Convention relating to the status of Stateless Persons to define a stateless person as someone who does not have the legal bond of nationality with any state. This legal bond is reinforced by the 1961 UN Convention on the Reduction of Statelessness.

In the late 1980s and early 1990s, Mauritania stripped citizenship from a large portion of its non-Arab population. Between 65,000 and 100,000 individuals were forced out of their country when ethnic and regional tensions with Senegal flared up. Senegal deported large numbers of Arabs to Mauritania. The identity papers of many non-Moorish black Mauritanians were confiscated and destroyed by Mauritanian officials. As time went on, most of those forced out returned home spontaneously. A Mauritanian representative told Refugees International that despite some of the refugees' claims, "Any real citizens can return... if they possess valid documents or if current residents can testify to their Mauritanian citizenship." But the refugees who have remained in Senegal, some of whom prefer to be called deportees or expellees, say they are afraid to go back, since they were forced out of their country.

Today, an estimated 19,000 persons (claims range from 15,000 to 50,000) from the Pulaar (or Peul/Fulani), Soninke, and Wolof ethnic groups live dispersed in settlements across a 600-kilometer strip near the Mauritanian border. International refugee assistance ended in 1997 and no census has been taken in many years. UNHCR continues to visit the refugee settlements and in cooperation with UNICEF has undertaken preliminary efforts to encourage birth registration, a requirement of signatories to the Convention on the Rights of the Child.

RI was told that in theory Mauritanian children born in Senegal could become citizens. Some refugees are unwilling to register their children, as they prefer to return to Mauritania and regain recognition of their citizenship there. Parents remain divided about registration because, as one father said, "I was expelled from Mauritania because I was born in a Dakar hospital. If I get my son a Senegal birth certificate, they could expel him." Others who tried to register have been told to return to the office repeatedly or asked for compensation beyond their means. "They don't tell you directly, but they know you can't pay," one parent said.

At one settlement all children over six attend school. At another settlement of 1,700 just over 50 of the children are reported to be attending school. A 13-year-old boy told RI he would like to be a teacher but his job grinding grain and finding water made it hard to study. He had no birth certificate or refugee document. "I want to be helped with my documents," he said, since that might give him access to public education. A girl who didn't know her age said she was sent back from school because she didn't have supplies. Another girl said she had never met a Mauritanian teacher, but hoped one day to become one.

Only a few refugees have an annually renewable refugee card, which requires the time and expense of a day-long journey to Dakar, waiting time, and payment for a photo and other fees. In one camp with about 5,000 residents, it was estimated that 10 people had such cards. Some of the other refugees only have receipts for their application. A man said, "I don't know if we are refugees or not. I have a 1989 card, but the government said it is not valid now." Another asked, "What can you do with a refugee application receipt? You can not get a job or open a bank account." A woman said, "We feel little hope." Others complained they were harassed when they tried to travel since they had no valid documents.

A smaller number of the refugees live in and around Dakar. One man, who works in the informal sector due to his lack of status, said "Those who go back cannot retrieve their rights. They are not really free." But while the situation in Senegal is basically stable he had been told, "If you are Mauritanian, why don't you go back." The urban refugee repeats, "If possible I want to be in Mauritania and develop the country, but we are stateless."

Senegal is to be commended for becoming a signatory to the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the Reduction of Statelessness. As an active and responsible member of the international community, Senegal should be encouraged to help bring an end to the legal limbo that the 19,000 or more refugees from Mauritania continue to face.

"I think citizenship is the highest level of identity," a leader of the stateless Mauritanians told RI. "It gives you rights, civil rights, which give you a civic life. I think the Mauritanian issue is protracted is because we educate our children that they are Mauritanian, not Senegalese." Although no formal repatriation agreement exists, RI was told that both countries have permitted unsupervised, informal repatriation. "Mauritanians can naturalize as Senegalese for convenience, but in his mind he is Mauritanian," one man said. Another confirms, "We don't belong to this place, and we will not return to Mauritania until security is assured, citizenship is restored, and our goods and property are returned." Mauritanians, on the other hand, note that those Arabs expelled from Senegal were never compensated for the goods and property they lost.

REFUGEES INTERNATIONAL RECOMMENDS:

- ❑ The United States working with the United Nations undertake efforts with the governments of Senegal and the newly elected government of Mauritania to end statelessness among the remaining Mauritanians in Senegal and encourage a voluntary repatriation program that would include UNHCR-facilitated "go and see" visits to Mauritania.

- ❑ UNHCR renew its efforts to encourage voluntary repatriation to Mauritania and facilitate immediate "go and see" visits for the refugees.
- ❑ UNHCR's protection role for Mauritanian refugees include the provision of information and assistance to the refugees to enable them to comply with the government's refugee documentation requirements and to facilitate the receipt of birth certificates for all refugee children.
- ❑ The government of Mauritania agree to an internationally facilitated return of those refugees residing in Senegal who are found to be Mauritanians and ensure that returnees are granted the full rights of citizenship, including valid identification documents and opportunities for reintegration and consideration of their property claims.
- ❑ The government of Mauritania facilitate the work of the UNHCR and other international or nongovernmental organizations in supporting the return and reintegration of the refugees and the prevention of statelessness.
- ❑ To ensure effective temporary protection, the government of Senegal require that its re-registration or renewal of documentation requirements are well advertised to those affected and that sufficient time is provided for refugees, who live in isolated areas, to comply.
- ❑ Senegal make it possible for refugee registration documentation to be issued by government officials in the provinces in which the refugees reside instead of requiring an expensive, lengthy journey and multiple day wait in the capital city.
- ❑ The United States and the UN work with Senegalese authorities to aid any refugees eligible for Senegalese citizenship or permanent residence to receive proper documentation that will permit them to enjoy their full rights and undertake their responsibilities as citizens.

Maureen Lynch and Dawn Calabria visited Senegal in October 2006 to assess the situation for stateless Mauritanians.