Ministerial regional conference

23-25 February 2015

on statelessness

We can make it happen
President Ouattara
High commissioner
ECOWAS Vice President
lead the way

STRONG ALLIANCE
against
STATELESSNESS
350 experts &
high level
officials united

Success!
15 ECOWAS States commit
to end statelesness

UNHCR
The UN Refugee Agency

CEDEAO
ECOWAS

^ *and Statelessness*

SIGNED: Declaration of Abidjan
on the Eradication of Statelessness

ATTENDED: 15 ECOWAS members states

Benin·Burkina Faso·Cape Verde·Cote d'Ivoire
The Gambia·Ghana·Guinea·Guinea-Bissau·Liberia
Mali·Niger·Nigeria·Senegal·Sierra Leone·Togo

COMMITTED: ALL states

Acceed
to the UN Statelessness Conventions

Remove
gender discrimination

Improve
birth registration system

Facilitate
acquisitions of nationality by stateless people

Revise
nationality legislations

Develop
National Action Plans

REQUESTED: ECOWAS, AU & UNHCR

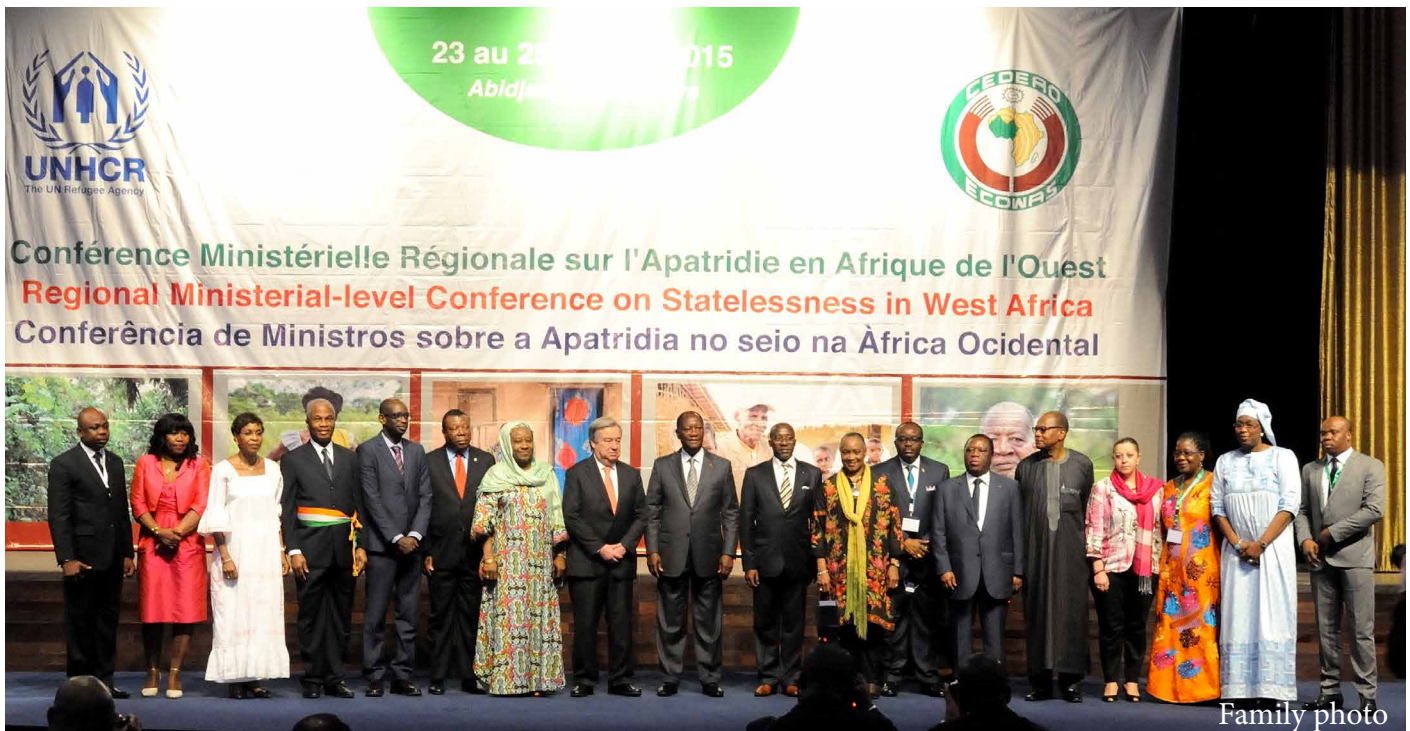ECOWAS to revise
its Community law to end statelessness

AU to adopt
a Protocol on the Right to Nationality

UNHCR & ECOWAS to monitor
implementation of the Declaration

1. General

The first ministerial regional conference on statelessness in West Africa[1] took place from 23 to 25 February 2015 in Abidjan. This event, organized by UNHCR and ECOWAS, was attended by more than 350 persons including high level officials of ECOWAS member States, the African Union and the United Nations, as well as experts from Governments[2], regional and international organizations, National Human Rights Institutions, civil society and universities.

Family photo

The experts segment, on 23-24 February, resulted in the adoption of 62 recommendations to end statelessness in the region. Many experts had in recent years participated in meetings and training on statelessness and were therefore familiar with the issue.

The ministerial segment of the conference was held on 25 February, and resulted in the adoption of a 26-point Declaration. It was opened by the President of Côte d'Ivoire in the presence of the United Nations High Commissioner for refugees, the Vice President of the ECOWAS Commission, the Special Representative of the Secretary-General of the United Nations for West Africa and the Commissioner for Political Affairs of the African Union. 15 ECOWAS Governments were represented, including 10 at ministerial level.
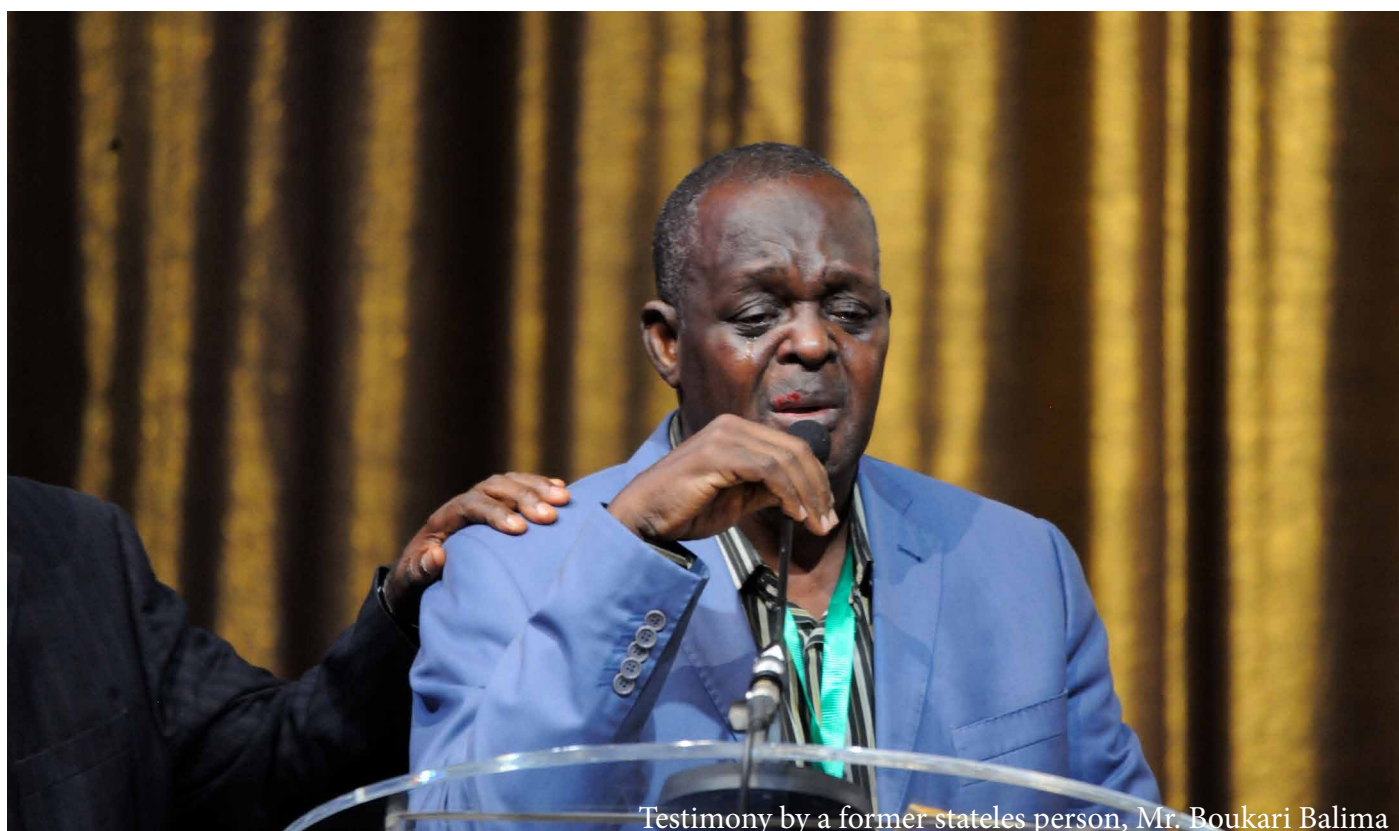
The testimonies of the soprano Barbara Hendricks, UNHCR Goodwill Ambassador, Alfaro, leader of the musical group Magic System, as well as former stateless persons have enabled the topic of statelessness to resonate more strongly with the public. Media coverage of the event was also far-reaching. Many international and regional media

attended the conference and it was covered by a large number of press articles, TV programs and radio, making statelessness and UNHCR's work highly visible in the region and beyond.

All observers to the conference concluded that it was a resounding success, because of the large and high level participation, its media coverage, and the States commitments. The final documents of the conference clearly indicate States willingness to reform and to put an end to situations of statelessness.

Testimony by a former stateles person, Mr. Boukari Balima

2. Speeches by Organizations

ECOWAS [3] confirmed its commitment to guarantee the right to nationality and combat statelessness, particularly in the context of its Strategic Plan and its 2020 Vision. It acknowledged the necessity to redefine community citizenship.

UNHCR [4] underlined the nexus between statelessness, States security and development. It called for an approach based on multi partnership to end statelessness, and it supported the adoption of a Protocol on the right to nationality, additional to the African Charter on Human and People's Rights.

The Special Representative of the Secretary General for West Africa [5] stressed that actions against statelessness should be carried out by

Speech by S.E. M. Alassane Ouattara
President of the Republique of Côte d'Ivoire

UN agencies under the leadership of UNHCR. It also highlighted the need to integrate stateless persons' needs in humanitarian responses.

The ECOWAS Court of Justice [6] insisted on the obsolete nature of the Protocol on community citizenship due to the fact that it does not allow for dual citizenship, and does not address statelessness issues. The Court indicated that violations of the right to nationality by a member State fall within its jurisdiction.

The African Commission on Human and Peoples' rights [7] stressed the importance of adopting an additional Protocol to the African Charter on Human and People's Rights on the right to nationality.

[3] ECOWAS was represented by the Commissioner in charge of Social Affairs during the experts segment and by the Vice President of the Commission during the ministerial segment.
[4] UNHCR was represented by the Deputy Director of the Division of International Protection during the experts segment, and by the High Commissioner during the ministerial segment
[5] Mr Chambas
[6] Represented by the President of the Court, Maria do Céu Monteiro Silva
[7] Represented by Commissioner Maya Sahli Fadel, Special Rapporteur on Refugees, Asylum Seekers, Internally displaced persons, and Migrants

National Human Rights Institutions delivered a joint statement in which they affirmed their engagement to assist States and UNHCR to resolve statelessness, including through awareness-raising campaigns with the authorities and the public, and by promoting access to justice by stateless persons.

IOM[8] pointed to the risk of statelessness in the context of forced displacement and migration, especially when migrants have no documents and their migration/displacement is protracted. IOM stressed the need to develop a regional framework for the protection of migrant stateless persons and to establish fair procedures for the determination of nationality and issuance of documents.

UNICEF[9] indicated that less than 50% of children are registered at birth in the region, and stressed that the absence of a birth certificate is an obstacle to the determination of nationality. UNICEF said that the 3rd Conference on Civil Registration (Yamoussoukro, 12-13 February, 2015) has declared the Decade of Civil Registration in Africa, and adopted a series of measures to ensure birth registration including for refugee and stateless children.

Civil Society[10] called on States to take measures to end statelessness including the creation of multi-sectorial working groups and developing national plans of action. It advocated for a greater involvement by States in all actions they undertake. Finally, it requested **UNHCR to integrate the word stateless in its title**.

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8 IOM was represented at the ministerial segment by the Regional Director for West and Central Africa.
9 Deputy Representative of UNICEF in Ivory Coast, speech delivered on the behalf of the UNICEF Regional Representative
10 Secretary General of the West Africa Forum of Civil Society Organizations (WACSOF) read a joint statement prepared by several NGOs platforms.

je cherche là où écrire mon histoire

Declaration by the ECOWAS state delegation, a session chaired by the ECOWAS representative

3. Presentations

3.1. Sources of Statelessness in West Africa

The panelists stressed the fact that gaps in nationality law and in civil registration increase the risk of statelessness in the migration context. Taking into consideration border disputes in the region, the panelists also emphasized the need to adopt measures against statelessness when States succession takes place. They indicated that the ten-year UNHCR campaign for the eradication of statelessness has been working well in the region so far. They pointed to the priority actions to be undertaken, namely the resolution of the existing situations of statelessness, the reform of nationality laws, the improvement of birth registration and vital statistics data, and the accession to the international conventions on statelessness.

3.2. Identification, protection and solutions

The panelists recalled that the right to nationality is a fundamental human right, enshrined in many international instruments. Its violation constitutes an obstacle to the enjoyment of other fundamental rights. The right to nationality is not mentioned in the African Charter on Human and People's Rights, however denial of nationality amounts to a violation of the Charter provisions including those relating to dignity and non-discrimination. On this basis, the ECOWAS Court of Justice declared that it is competent to deal with violations of the right to nationality. The panelists also emphasized the absence of mechanisms for the protection of stateless migrants in the region. They also noted that many migrants lack identification documents, which creates a risk of statelessness. They indicated that the priority is to help them recover their identity and confirm their nationality.

4. Speeches by Countries

All States acknowledged that statelessness is a relevant and important issue in West Africa. Most States emphasized the detrimental consequences of statelessness on human beings (including The Gambia, Nigeria). Sierra Leone drew a parallel between the exclusion caused by Ebola and statelessness. States also stressed the harmful consequences on country's development (Ghana), and security (Côte d'Ivoire, Nigeria). Based on its security context, Nigeria indicated that identity and citizenship lie at the heart of its national concerns. States emphasized that statelessness stems from gaps in nationality legislation and low rate of birth registration. They also stressed (in particular Ghana, Niger) that protracted migration, including refugee situations, can contribute to statelessness. The majority of States agreed that they should conduct reforms to end statelessness, many indicating that they are already underway (including Senegal and Ghana); Guinea meanwhile suggested, as a solution to statelessness, that all countries adopt the jus soli principle. States generally supported a partnership approach to eradicate statelessness, Liberia recommended that Heads of ECOWAS member States opt for a joint action plan, and Côte d'Ivoire expressly supported UNHCR's ten-year campaign to end statelessness. Liberia and Sierra Leone reported their efforts to integrate and naturalize refugees respectively from Sierra Leone and Liberia, while Mali pledged to naturalize Mauritanian refugees.

5. The Commitments of the States Expressed in their Speeches

>> *On Accession to Statelessness Conventions –* **5 commitments**

Togo committed to quickly deposit the instruments of accession to the 1954 Convention and to become a party to the Convention of 1961. Ghana, Sierra Leone and Mali are committed to accede to the two Conventions, Ghana specified that it will do so by end of 2016. Burkina committed to accede to the 1961 Convention.

>> *On Legislative or Constitutional Reforms –* **8 commitments**

Côte d'Ivoire, Togo, Guinea, Ghana, Senegal, Sierra Leone, Liberia, Guinea Bissau pledged to revise their nationality legislation; Guinea and Togo explained that the process is already underway, while Sierra Leone and Liberia in particular committed themselves to remove gender-based discrimination.

Senegal and Ghana committed to put in place a legal framework for the protection of stateless persons in accordance with the 1954 Convention.

>> *On National Action Plans*

Liberia and the Gambia have developed national action plans to eradicate statelessness in accordance with the comprehensive Plan of Action by UNHCR.

>> *On Strengthening of Civil Registration*

Togo, Benin, Burkina Faso, Niger, Senegal, and Sierra Leone have committed to the furtherance of their efforts towards a policy of systematic registration of births and a reliable system of birth record.

>> *Mapping of Statelessness*

Benin has committed to conduct a mapping of statelessness, while Liberia has indicated that it will soon complete its mapping. Togo has made a commitment to establish an inter-ministerial commission to study the risk of statelessness on its territory.

>> *Solutions for Stateless Persons*

Liberia made a commitment to review the case of the «red coded[11] ».
Mali pledged to naturalize the Mauritanian refugees residing on its territory.
Benin committed to issue certificates of nationality to all eligible persons.

>> *General*

Nigeria indicated that identity is a national priority.
Liberia supported the establishment of regional mechanisms for monitoring the elimination of statelessness.

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[11] The red coded refer to former refugees (refugee status has ceased) registered as Liberian by countries of asylum, but not recognized by Liberia as its nationals.

6.   Final Documents of the Conference

At the end of the ministerial segment of the Conference, all 15 States unanimously adopted and signed the **Declaration of Abidjan from the Ministers of the Member States of ECOWAS on the eradication of statelessness**. This statement contains **26** commitments related to the prevention of statelessness, identification and protection of stateless persons, resolution of existing situations, and implementation of strategies and partnerships to fight against statelessness.

> *Among the key commitments:*
> - *States have decided to reform their citizenship laws on and in particular to remove gender-related discrimination.*
> - *States support the adoption of a Protocol on the right to a nationality, additional to the African Charter on Human and Peoples' Rights.*
> - *States acknowledge the nexus between migration and statelessness, and calls upon ECOWAS to adopt measures to address this problem.*
> - *States committed themselves to develop a protection regime of stateless migrants and call upon ECOWAS to do the same at the regional level. They also committed to facilitate the acquisition of nationality by stateless persons residing on their territory.*
> - *States have decided to appoint a focal point on statelessness within their respective Government and call upon ECOWAS and UNHCR to monitor the implementation of the Declaration.*

Signature of the Declaration of Abidjan by Mr. Coulibaly G. Mamadou, Minister of Justice and Human Rights in the Republic of Côte d'Ivoire, in presence of Mr. António Guterres, United Nations High Commissioner for Refugees and Dr. Fatimata Dia Sow, ECOWAS Commissioner in charge of Social Affairs

Testimony by Mr. Asalfo, a musician of Magic System

In the Abidjan Declaration, States expressly approve the **Conclusions and Recommendation of the Ministerial Conference on Statelessness** drafted during the experts segment. This document includes **62** recommendations on prevention and reduction of statelessness, partnership and information-sharing, identification and protection of stateless persons.

Among the key recommendations:

- *ECOWAS and UNHCR are expected to develop a model law on citizenship, and on the protection of stateless persons.*
- *ECOWAS is requested to engage in monitoring the conformity of the nationality laws with international standards, in collecting data and statistics on statelessness, and in settling nationality issues in the context of border management.*
- *ECOWAS is requested to review its protocols and treaties including that relating to community citizenship.*
- *ECOWAS is requested to integrate statelessness in its programs of conflict prevention and resolution.*
- *States are called upon to grant their nationality to children found on their territory, and adopt flexible mechanisms for the identity and nationality determination of nomads.*
- *The recommendations highlight the link between prolonged exile and statelessness and call upon countries of origin, once refugee status has ceased, to confirm the nationality of former refugees on the basis of the information available with countries of asylum.*

Statelessness = Rightlessness

END IT.

1954

made by
mauritanian
refugees
2015
senegal

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