

Banjul Appeal on Statelessness

We, the participants gathered for the Regional Round Table on Statelessness in West Africa, organized in Banjul, the Gambia, on 4 -5 December 2013, by the United Nations High Commissioner for Refugees,

Recalling the firm commitment of our states to the rights contained in the African Charter on Human and Peoples' Rights and its protocols;

Taking to heart the consequences of the balkanization of our states, born of the problematic borders generated by colonization;

Bearing in mind the socio-political crises of our countries, which have created refugees and statelessness;

Welcoming

The growing number of accessions in West Africa to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons;

The engagement of the African Commission on Human and Peoples' Rights in the fight against statelessness, notably by means of its resolution 234 on the right to nationality;

The efforts of UNCHR to raise awareness of statelessness in West Africa and beyond;

Regretting

The general lack of knowledge on statelessness by many governmental and non-governmental actors and the public;

That a large number of states have not yet acceded to the statelessness conventions;

That nationality laws are still not in conformity with international human rights instruments, and that consequently they may cause statelessness;

That states have failed in their obligations to ensure universal birth registration;

That many persons are stateless and as a result do not enjoy the protection of any state nor their most fundamental rights;

The large number and vulnerability of women and children at risk of statelessness;

Highlighting the necessity to move forward with identification, prevention and reduction of statelessness and the protection of stateless persons,

Call upon:

The African Union and its specialized organs:

- To adopt as soon as possible a protocol on statelessness and the right to a nationality without reservations;

The regional judicial and quasi-judicial institutions of the African Union and ECOWAS:

- Upon adoption of the said protocol, to immediately apply it to the cases of which they are seized;

- To train judicial officers on how to proactively use the legal instruments on statelessness;
- To strengthen their regional and sub-regional jurisdictions so as to better prevent statelessness and protect stateless persons, notably through the Law Court of ECOWAS, the African Court for Human and Peoples' Rights and the African Commission on Human and Peoples' Rights;
- To provide legal aid to stateless persons;

States

- To accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- To ensure the rapid entry into force of the said protocol once the 15th instrument of ratification is deposited;
- To undertake to harmonize their domestic laws on citizenship with the rules of the statelessness Conventions. In particular, states must provide nationality to children born on their territories who would otherwise be stateless, as per the norms stipulated in the 1961 Convention on the Reduction of Statelessness and other international human rights instruments, notably the African Charter on the Rights and Welfare of the Child;
- To put specialized mechanisms in place for the protection of stateless persons and to create a status of stateless person similar to refugee status so as to address their urgent protection needs;
- To improve birth registration. It is essential that states computerize civil status documents in order to guarantee a better maintenance of registered births. Also, in order to increase child birth registration, states must ensure that women, on an equal footing with men, can register the birth of their children;

- In view of the large number of unregistered births within the territory of States, to organize mobile court hearings with the support of UNHCR and other relevant organizations for the purpose of birth registration in areas where populations are at risk statelessness,;
- To organize awareness-raising campaigns for populations at risk of statelessness;
- To establish a joint committee to assess and regularize populations at risk of statelessness residing on either side of State borders;
- To regularly conduct census of the population in a statelessness situation or at risk of statelessness with the purpose of regularizing their situation;

National Human Rights Institutions:

- To monitor governments' compliance with the statelessness conventions and international treaties on a continuous basis;
- To undertake awareness-raising and informational campaigns for parliaments, national authorities, schools and universities, and civil society organizations;
- To create domestic awareness on issues of statelessness with the view of empowering the public;
- To strengthen their collaboration with UNHCR and identify areas of partnership;
- To promote access to justice for stateless persons;
- To conduct studies on statelessness in order to better document the situation of stateless persons;

Civil society organizations:

- To take up and prioritize the problem of statelessness;

- To partner with UN agencies in order to propagate information and sensitize the legislative bodies and the public to the issue of statelessness;
- To build knowledge on statelessness and inform populations at risk of statelessness about their rights and the legal procedures available for remedies;
- To organise national awareness and information campaigns on statelessness;
- To lobby states to accede to and implement the 1954 and 1961 Conventions on statelessness;

UNHCR:

- To sensitize and build the capacity of legislative bodies and other key actors in the government on issues of statelessness;
- To continue to promote accession to and implementation of the statelessness conventions and other relevant resolutions;
- To provide support to states for the development and implementation of action plans on the prevention and reduction of statelessness and the protection of stateless people;
- To conduct a baseline study on statelessness, with a focus on statistics, obstacles, and causes;
- To support and work in active synergy with all relevant state bodies working in this area;
- To follow up on the conclusions of the present roundtable in the context of the preparations for the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons, employing the following four pillars: identification, prevention, reduction and protection;

- To strengthen collaboration and create a synergy with key actors such as regional judiciary institutions, national human rights institutions and civil society;

International organisations:

- To join the civil society in disseminating information on the right to nationality and the protection of stateless persons, and to sensitize members of the parliaments and the public to those issues;
- To support studies on statelessness;
- To raise with governments the importance of complying with and implementing decisions by the judiciary.

Done in Banjul, The Gambia on December 6, 2013

Participants of the Round Table:

The African Union

The African Commission on Human and Peoples' Rights

The African Court of Human and Peoples' Rights

The Community Court of Justice (ECOWAS);

The Ministry of Human Rights of Guinea

High Court judges, Nigeria

National human rights institutions of Burkina Faso, Côte d'Ivoire, Ghana, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. The International Association of Refugee Law Judges

Open Society Foundations

Amnesty International, Benin

The Institute for Human Rights and Development in Africa

The Association of Non-governmental Organizations (TANGO), the Gambia

Legal Aid (Gambia)