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

(Adopted at the second plenary session, held on June 5, 2013)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1971 (XXXIII-O/03), AG/RES. 1693 (XXIX-O/99), AG/RES. 1762 (XXX-O/00), AG/RES. 1832 (XXXI-O/01) and AG/RES. 1892 (XXXII-O/02), AG/RES. 2511 (XXXIX-O/09), AG/RES. 2599 (XL-O/10), and AG/RES. 2665 (XLI-O/11), on the topic of preventing and reducing statelessness and protecting stateless persons in the Americas;

CONSIDERING that at the Ministerial Meeting of Member States of the United Nations on the occasion of the 60th Anniversary of the Convention relating to the Status of Refugees of 1951 and the 50th Anniversary of the Convention on the Reduction of Statelessness of 1961, held in Geneva 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 those Conventions, where appropriate, and/or strengthening their policies for preventing and reducing statelessness;

EMPHASIZING that on that occasion, several member states formally assumed specific commitments regarding their adhesion to the applicable international instruments and regarding 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”;

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 problem that calls for broad international cooperation and the development of related programs, and recognizing that it is essentially the responsibility of states to prevent and reduce statelessness;

RECOGNIZING ALSO that 15 member states of the Organization of American States (OAS) have acceded to the 1954 Convention Relating to the Status of Stateless Persons; that nine are parties to the 1961 Convention on the Reduction of Statelessness; that Honduras recently became party to both international instruments; and that Ecuador and Paraguay recently became parties to the Convention on the Reduction of Statelessness;

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 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 legal personhood, a name, a nationality, civil registration, and family relationships is facilitated, among other rights recognized in international and inter-American instruments;

RECOGNIZING the publication by the Office of the United Nations High Commissioner for Refugees (UNHCR) of guidelines relating to the interpretation and implementation of international standards on statelessness;

RECOGNIZING ALSO the course held on essential factors for identifying, protecting, preventing, and reducing statelessness in the Americas for personnel of the permanent missions, the General Secretariat, and other interested parties, on February 23, 2012, at OAS headquarters, as well as the First Latin American Course on Statelessness, held in Quito, Ecuador, on August 27 and 28, 2012, for Latin American government officials and UNHCR staff, followed by the Second Latin American Course on Statelessness, held in San José, Costa Rica, on April 29 and 30, 2013.

RESOLVES:

1. To invite those member states that have not yet done so to consider ratifying or acceding to, as the case may be, the international instruments in the area of stateless persons, and to promote the adoption of procedures and institutional mechanisms for their application, in accordance with those instruments.

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 urge member states to follow up on the specific commitments entered into during the celebration of the 50th anniversary of the Convention on the Reduction of Statelessness, with technical support from the Office of the United Nations High Commission for Refugees (UNHCR).

3. To urge member states, without prejudice to their ratification of, or accession to, the international instruments on statelessness, to consider revising their domestic law or, when necessary, adopting domestic legal provisions to prevent and reduce statelessness and to protect stateless persons, and to consider strengthening their national mechanisms for universal birth registration.

4. To request the member states and the international community to collaborate on and support strengthening and consolidation of the programs of the United Nations High Commissioner for Refugees (UNHCR) in the area of identification, prevention, and reduction of statelessness and international protection of stateless persons.

5. 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.

6. 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 technical and financial cooperation as may be provided by the UNHCR, to continue emphasizing the topic of statelessness in its promotional and training activities, and to conduct a joint study comparing nationality laws in the Americas.

7. To request the Permanent Council to report to the General Assembly at its forty-fourth 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.