



STATEMENT BY THE SOUTHERN AFRICAN NATIONALITY NETWORK

“END STATELESSNESS IN SOUTHERN AFRICA”

18 AUGUST 2021:

Statelessness is a preventable but growing phenomenon globally and in the SADC region. Statelessness across the region is primarily linked to: colonialism, border changes, migration, arbitrary deprivation of nationality, gaps or conflict in nationality laws, discrimination against particular ethnic or religious groups or based on gender or race, and poor civil registration systems. There is no confirmed data on the exact number of stateless people in the region, but there are almost 150 million undocumented people in the region according to 2018 World Bank statistics.

Statelessness has a devastating impact on affected persons, as nationality is a fundamental prerequisite to have complete access to civil, political and socio-economic rights. Stateless people can face a lifetime of discrimination, social injustices and denial of basic human rights. They often live in precarious conditions on the margins of society without access to education, healthcare or employment. They are unable to obtain identity documents, travel documents or to register births, deaths and marriages. The marginalisation faced by stateless persons has only been exacerbated by the Covid-19 pandemic.

States have the power to establish who their nationals are. This makes them responsible for the legal and policy reforms that are necessary to end statelessness. The SADC Treaty of 1992 establishes that SADC and its member states must act in accordance with principles that include respect for “human rights, democracy and the rule of law”; its objectives include the strengthening of “the long-standing historical, social and cultural affinities and links among the people of the Region”. SADC has not adopted any binding commitments at ministerial or head of state level for the resolution of statelessness, but these principles provide a foundation for the adoption of such commitments.

As our leaders gather for the 41st SADC Heads of State Summit, we call upon SADC states to use this opportunity to accelerate efforts to end statelessness in the region by committing to:

- ensure every child has a name and a legal identity by promoting and implementing universal birth registration in line with the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child
- promote gender equality and non-discrimination in nationality laws;
- develop a Regional Action Plan to address statelessness in the region and National Action Plans in each member state
- support the adoption of the African Union’s Protocol to the African Charter on Human and People’s Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa that addresses Africa’s unique challenges with respect to statelessness
- ratify the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Prevention of Statelessness
- ensure all stateless persons are included in state Covid-19 responses, including Covid-19 testing and treatment programmes, and economic recovery plans.

SANN remains committed to advancing universal access to the right to a nationality and the eradication of statelessness in Southern Africa. In accordance with our motto – “Freedom in Belonging” – we recognise that without belonging concretised by formal nationality, African individuals and communities can never be free. Not only does nationality ensure access to human dignity and basic human rights for the individual, it fosters the belonging which is necessary for the creation of a prosperous and peaceful society.

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