



McGill Centre for Human Rights and Legal Pluralism

Post Event Report

FIRST QUARTER REVIEW OF THE UN GLOBAL ACTION PLAN TO END STATELESSNESS

Date: 23 February 2023

Time: 13:00 – 16:00

Venue: New Chancellor Day Hall, Room 101, Faculty of Law, McGill University, Montreal, QC, Canada.

Format: Hybrid

Organizer: Omotunde Enigbokan, PhD, O'Brien Fellow In Residence at the Centre for Human Rights and Legal Pluralism (CHRLP), Faculty of Law, McGill University.

Event Objective:

The seminar brought together a diverse cohort of statelessness experts from United Nations High Commissioner for Refugees (UNHCR), civil society organizations, academia, lawyers, and policy makers from Africa, Asia, Europe, and the Americas.

The invited experts addressed the following questions:

- Whether significant progress has been made in Europe, Asia, Africa, and the Americas on the protection of stateless persons and prevention and reduction of statelessness?
- What legal and policy gaps and restrictive practices still exist? and
- What can be done to accelerate the state's response to address statelessness?

Expert in Attendance:

Dr. Heather Alexander, the Research Network Coordinator, IDRC Research Chair on Forced Displacement, Carleton University, Canada

Dr. Katja Swider, Assistant Professor at Free University, Amsterdam

Dr. Cristiano D'orsi, Former Lecturer and Senior Research Fellow, Faculty of Law, University of Johannesburg.

Dr. Rodizina Mohammed Razali, Senior Lecturer at the Faculty of Law and Syariah Islamic Science, University of Malaysia.

Dr. Solomon Momoh, the UNHCR Associate Protection Officer for Tanzania.

Prof. Edwin Abuya from the Faculty of Law, Nairobi, Kenya

Event Overview:

The seminar commenced with a brief address by Dr. Omotunde Enigbokan on statelessness situations worldwide. The address provided background context to international, regional, and domestic drivers of statelessness in different regions of the world.

The introduction was followed by Dr Momoh's presentation which highlighted significant progress and extant gaps with the Nigerian government statelessness interventions. Most notable progress in Nigeria

include the introduction of domestic statelessness determination procedure, subscription to the Abidjan Declaration (2015), and the Banjul Plan of Action on the Eradication of Statelessness (2017), Development of a National Action Plan on Statelessness in the Ministry of Interior. However, Dr. Momoh noted some gaps in Nigeria's statelessness determination procedure (SDP) include lack of a clear pathway to naturalization and absence of judicial review. Furthermore, Dr. Momoh mentioned some shortcomings with Côte d'Ivoire's SDP. These include absence of an implementation guideline and lack of clarity on the method for initiating an application for stateless status. Dr. Solomon concluded by encouraging stakeholders to join the United Nations (UN) new initiative, the Global Alliance to End Statelessness by 2030.

Prof Abuya stressed the necessity for improved data collection on statelessness in East Africa, including Kenya. He stressed the need for reliable data collection, and recommended that stakeholders such as faith based organizations, local NGOs, administrators should actively pursue data collection. He stated that statistics can assist with identifying the root causes of statelessness, new trends and the interventions to address the plight of stateless persons and the issue of statelessness.

Dr. Razali highlighted some progress made by countries in Southeast Asia and identified certain gaps. She highlighted regional restrictive practices based on gender and race, and institutional gaps such as weak civil registration and birth records. Positive developments were noted the Philippines, with the country adopting a National Action Plan to end Statelessness (2017), cooperation with Indonesia to address nationality registration and confirmation of persons of Indonesian Descent. She concluded by recommending that addressing long standing discriminations in countries like Myanmar and Cambodia, need to factor in specific country context and careful engagements with states. She further suggested that protracted situations of *in situ* stateless persons in the region require more generous naturalization programs for its resolution.

Dr. Swider's presentation focused on situation of stateless children born in the Netherlands. She noted a recent significant legislative reform in the country which provided nationality pathway for stateless children born in the Netherlands. However, she highlighted the problematic difference in treatment between children with and children without a legal residence permit. She concluded by stating that some European states stretch the loopholes in the 1961 Convention on the Reduction of Statelessness. Dr. Swider recommended that focusing on the letter of the law of both the 1961 Convention on the Reduction of Statelessness and the 1954 Convention Relating to the Status of Stateless Persons is not sufficient to meet the needs of contemporary statelessness.

Dr. Alexander briefly highlighted some progress in the Americas. Some of this progress include the establishment of the American Network on Nationality and Statelessness, the Brazil Plan of Action, and the successful grant of Brazilian citizenship to the stateless activist, Maha Mamo. Countries like Chile, Peru, Jamaica, Haiti, Colombia, El Salvador have acceded to one or both Statelessness Convention. Legislative progresses were made as well, including legislative reform in Colombia to grant nationality to children born in Colombia to Venezuelan parents in efforts to mitigate statelessness. One of the challenges she mentioned is the stripping of citizenship of political activists.

Conclusion

Overall, the objective of the seminar was achieved. Responses from speakers and attendees were very positive. The seminar was enriching for all participants. Participants had the opportunity to learn from experts and practitioners in the field who provided them with valuable insights, research findings on progress made so far on Statelessness in different regions, and interventions that could effectively address the issue of statelessness.