



For further information:

Dismas Nkunda, IRRI: +256 782 310404

Ibrahima Kane, Open Society Foundations: +254 728 787099 / +251 922 114664

Peace and Security Council should protect the right to a nationality in Sudan

(Addis Ababa, 28 January 2011) More than two dozen civil society organisations called today on the AU's Peace and Security Council to ensure that the rights of all Sudan's existing citizens to a nationality are fully protected following the probable secession of South Sudan. The PSC has been following the implementation of the Sudan Comprehensive Peace Agreement, which provided for the referendum on independence of South Sudan.

The organisations, which are supporters of the Citizenship Rights in Africa Initiative (CRAI), a campaign dedicated to ending statelessness and the arbitrary denial of citizenship in Africa, deplored the failure of the representatives of the Government of Sudan and the Government of Southern Sudan to come to an agreement on nationality rights.

"The denial of the right to a nationality has been at the heart of many of Africa's most intractable conflicts", said Dismas Nkunda, director of the International Refugee Rights Initiative, one of the lead organisations in the CRAI coalition. "The PSC should do what's necessary to avoid Sudan becoming another case."

The CRAI submission to the PSC welcomed statements by President Bashir indicating his commitment to protect southerners in the North from violence, and his promise to allow them to retain residence and employment in the private sector. They also welcomed similar commitments from the Government of Southern Sudan that the rights of northerners in the South will be protected, while those pastoralists whose home base is in the North will preserve their traditional rights to move cattle through the South.

However, they highlighted the serious risk of statelessness if existing Sudanese nationality is withdrawn, as is the current negotiating position of the Government of Sudan, on the basis that a person is a member of one of the "indigenous communities" of Southern Sudan.

The grant of nationality in law or practice on the basis of ethnicity creates the likelihood that the right to nationality of those whose status as "indigenous" may be in doubt will not be respected, however long their families may have been resident on the territory concerned. Among the groups most likely to be affected are those that have members on both sides of the north-south border and people of mixed ethnic parentage.

The signatories to the CRAI submission called on the PSC to ensure that, in the interests of the peace and security of the region, both the Republic of Sudan and the future government of South Sudan rapidly adopt nationality laws that, at minimum:

- Do not discriminate on the basis of race, ethnicity, language, religion, gender or any similar ground prohibited by the African Charter on Human and Peoples' Rights;
- Provide those who have a connection to both states with a right to opt for their preferred nationality during a transitional period;
- Provide for dual nationality between north and south; and, at minimum, permit dual nationality by naturalisation following the option for an initial nationality;
- Provide for due process in the process of withdrawal or grant of nationality; and
- Provide guarantees against statelessness.

CITIZENSHIP RIGHTS IN AFRICA INITIATIVE (CRAI)

CRAI is a campaign dedicated to ending statelessness and the arbitrary denial of citizenship in Africa.

www.CitizenshipRightsAfrica.org

CRAI is a joint project of the Global Pan African Movement, the International Refugee Rights Initiative and the Open Society Justice Initiative. Contact:

CRAI@CitizenshipRightsAfrica.org