PRESENTATION BY THE KENYA PERMANENT MISSION TO THE UNITED NATIONS, GENEVA AT THE SIDE EVENT "FROM ASPIRATION TO ACTION - INCLUDING DISPLACED POPULATIONS IN THE 2030 AGENDA" - 30TH JUNE 2017, ON THE MARGINS OF THE UNHCR'S 69TH MEETING OF THE STANDING COMMITTEE

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Fellow Speakers:

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Distinguished Guests

Ladies and Gentlemen,

I am pleased to be given this opportunity to speak on the subject **"From Aspiration to Action - Including Displaced Populations in the 2030 Agenda"** with specific reference to Kenya's progress in addressing issues of statelessness and risks of statelessness and the linkage to the Sustainable Development Goals. I will focus on the case of the Makonde ethnic community, a people who originated from the territory of present day Mozambique and who came to work in pre-independence Kenya in the 1940s.

The Makonde people of Kenya consist of descendants of refugees of civil war, exiled freedom fighters and labourers who were recruited by the British colonial administration in the Colony and Protectorate of Kenya to work in sisal farms and sugar plantations across Kenya's Coastal region. They were neither repatriated to their countries of origin, nor recognized as Kenyan citizens, when the country gained independence in 1963.

In recognition of the plight of the significant number of stateless people who reside in Kenya's coastal county of Kwale, the County Government petitioned the national government to address the problem of statelessness in the county. In response, the national government appointed a committee to address and profile all stateless persons in the country and give recommendations on their registration.

The Governments response was based on the Kenyan Constitution of 2010 and the Kenyan citizenship and Immigration Act, passed in 2011. The latter incorporates various principles from the 1954 and 1961 UN conventions, which obligate state parties to implement naturalization remedies for statelessness. The Act is also reflective of the guiding framework outlined in the UNHCR's Global Action plan to End statelessness between 2014 and 2024.

According to the Act, a person is considered stateless if he/she does not have any enforceable claim to citizenship of any recognized state. The Government appointed committee therefore set about identifying stateless persons in Kwale, Kilifi, Mombasa and Taita Taveta counties, capturing their data through questionnaires and focus group discussions, followed by data analysis and verification and validation of every application by inter-agency teams together with county authorities and giving of appropriate recommendations.
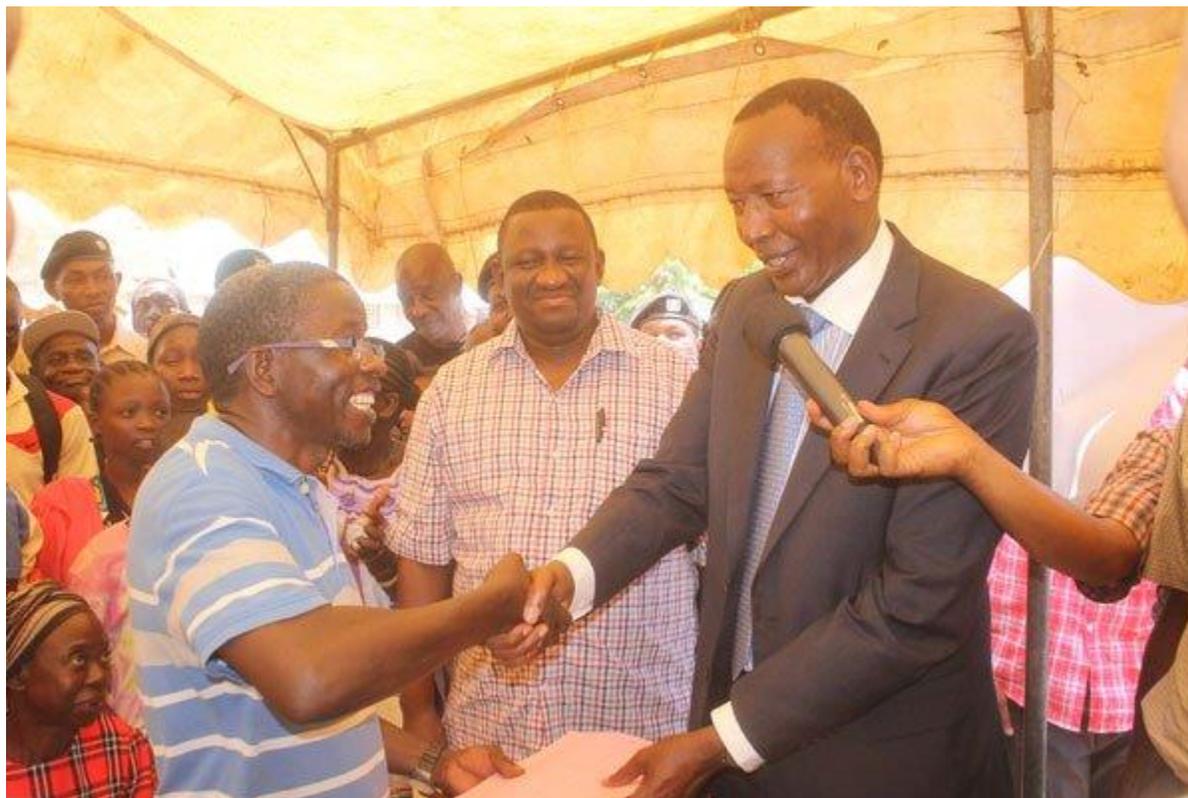

Sensitization exercise targeting Stateless people

The exercise resulted in the profiling of 3,570 stateless persons from 38 ethnic groups, who turned up for the exercise, of which 2,144 were adults and 1,426 were children. The majority were found to be the descendants of the Makonde community from Mozambique, at 52.49%, followed by the Pemba at 30.48%, the Shiraz - 5.97% and the rest making up 11.06%. 60% of the individuals who turned up for the exercise were adults, because most of the children had acquired citizenship through one parent being a Kenyan Citizen, an entitlement conferred by the 2010 constitution and the Citizenship and Immigration Act of 2011.

Members of the Makonde Community being registered

Following the committee's recommendations, 1,496 Makonde people were granted Kenyan citizenship, making them the 43rd ethnic community in the country. 1,176 were given national IDs and 1,700 were given birth certificates. The individuals granted citizenship were accorded a waiver on some legislative requirements, such as showing evidence of having continuously lived in Kenya since 12th December

1963 due to lack of the relevant documentation, as well as fees in order to be granted citizenship.

The Cabinet Secretary for the Ministry of Interior and Coordination of National Government, Major-General (Rtd.) Joseph Nkaissery presenting Citizenship certificates to members of the Makonde community

The Minister responsible for citizenship and Immigration also extended until August 2019, the five-year window period for registration for statelessness, which had expired in August 2016, and it was recommended that the mandate of the committee be extended to carry out the exercise of resolving the issue of statelessness to other regions across the country. In addition it was recommended that a Citizenship and Registration of Persons Policy be formulated, to address and eradicate issues of statelessness in the country.

In Kenya, having no Identification documents, such as a birth certificate or an ID card, means that you cannot register to go to school, access financial services, buy property, apply for employment, access health services, buy a mobile phone or apply for travel documents if needed. All these challenges were resolved for the Makonde community when they became Kenyan citizens, and has had a major impact on their lives, enabling them to integrate fully into Kenyan society.

So, what is the relevance of the 2030 Agenda for Sustainable Development in meeting the needs of stateless persons?

It is estimated by the UNHCR that today, there are approximately 10 million stateless people worldwide. They live marginalized lives in the lowest strata of society, in terms of economic prosperity, social inclusion and political participation and the Makonde community in Kenya was previously no different. Migration, defective citizenship laws, religious and/or ethnic discrimination are some reasons blamed for statelessness in many nations, making daily life for stateless people very challenging. The overarching aim of the 2030 Agenda for Sustainable Development is "to reach the furthest behind first" and "leave no one behind" and this is what the Kenyan Government endeavoured to do through the grant of citizenship to this community. This achieved a number of quick wins in terms of implementation of the SDGs, touching indeed on one aspect, or the

other of most of them. The initiative was also in line with the UNHCR's Global Action Goals, as expressed through the #IBelong Campaign, to end statelessness by 2024. The first SDG target that was achieved through the granting of citizenship to the Makonde, whereby the Government was able to resolve an existing major situation of statelessness, was Goal 10, on *reducing inequality within and among countries*, specifically, Target 10.3 *Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.* It also realized Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all.

Through the issuance of national Identity Cards, as well as late birth certificates to the new citizens, as their entitlement under Kenya's citizenship laws, another of the practical actions to end statelessness was realized, as well as SDG 16, Target 16.9, by 2030, provide legal identity for all, including birth registration and Target 16.b, Promote and enforce non-discriminatory laws and policies for sustainable development.

The passage of the progressive and forward looking Constitution in 2010 that removed gender discrimination from Kenyan laws by allowing Kenyan women to pass citizenship to their children, regardless of the citizenship of the father, has also meant that female members of the Makonde community, as Kenyan citizens need not fear that one day, their children could be at risk of statelessness in the event that they had a child with a non-Kenyan. Indeed, in the profiling exercise carried out at the coastal region, upto 10,000 persons had been expected to turn up and the much lower number that showed up was attributed to assimilation and integration of individuals through marriages, as a result of removal of gender discrimination in the citizenship law. This law fulfills SDG 5, Target 5.1, which relates to gender equality and the elimination of gender discrimination against women and girls everywhere.

Apart from the SDGs that play a role in terms of resolving existing major situations of statelessness, there are the broader range of SDGs which are relevant to improving the living conditions of stateless persons. SDG 4, Target 4.1 commits States to ensuring that by 2030, all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. This is now a reality for the Makonde children who will be able access free primary education and receive certifications of school completion.

Further, following the granting of citizenship, in the spirit of affirmative action, the President of Kenya undertook to have Makonde youths recruited as police and military officers. The Government also reserved 200 places in the National Youth Service for youths from the Makonde community. The Service undertakes major projects which are part of the national development plan and provides the service personnel with personal skills that enable them to better their lives. These initiatives that guaranteed employment and thus means of livelihood, speak directly to Goal 8. Promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

The President also pledged that the community would benefit from the "Inua Jamii" or uplift the community programme. This is a social welfare programme run by the Social Protection Department in the Ministry of EAC, Labour and Social Protection that works by remitting monthly cash payments to support livelihoods directly to the poor, those living with disabilities and the elderly in the society via their mobile phones. (The Safaricom Mobile Company in Kenya is involved in the Inua Jamii cash Programme in Kenya and therefore, ensures that all beneficiaries without mobile phones get one). Older people in Mombasa county where the Makonde reside have also been enrolled in the National Hospital Insurance Fund after joining the Inua Jamii programme, which is helping them, especially those suffering from diabetes and high blood pressure. For the Makonde, this will mean that beneficiaries will not only progressively realize SDG 1, End poverty in all its forms everywhere and its Targets in

their entirety, but also Goal 2. on ending hunger, and achieving food security, Targets 2.1 and 2.2 and Goal 3. ensuring healthy lives and promoting well-being for all at all ages, Targets 3.1, reduce the global maternal mortality ratio, 3.2 by 2030, end preventable deaths of newborns and children under 5 years of age and 3.8. Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

While the Government has been able to resolve the statelessness of the Makonde community, other groups of stateless persons still remain within Kenya's borders. These include the Pemba, Urundi and Shona communities, who though claiming birth in Kenya, have for various reasons remained stateless. However, the Government has expressed its commitment to deal with the nationality issues being faced by the eligible members of the stateless communities as a matter of priority and with the involvement of the UNHCR, Human Rights institutions and civil society organizations working with stateless people, mapping of stateless groups is proposed to be

undertaken and concrete steps identified in a consultative process to eventually resolve the problem of statelessness in the country.

I thank you