

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-AFRICANO

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SIXTH PARLIAMENT

RESOLUTIONS

FIRST ORDINARY SESSION

under the African Union theme for 2022, “Building resilience in nutrition on the African continent: Accelerate the human capital, social and economic development”

24 October - 11 November 2022

Midrand, South Africa

RESOLUTION ON THE FORMULATION OF A MODEL LAW ON STATELESSNESS

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the *“full participation of the African people in the development and economic integration of the continent”*;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of *“collective self-reliance and economic recovery”* as well as the implementation of the policies, objectives and programmes” of the African Union;

CONSIDERING ALSO Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States;

CONSIDERING FURTHER Article 2 of the African Charter on Human and Peoples’ Rights, which enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour and social group and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);

NOTING that statelessness is a widespread phenomenon in Africa and a violation of the right to human dignity and to a legal status established under article 15 of the African Charter on Human and Peoples’ Rights;

NOTING ALSO the consequences of statelessness on the basic and socio-economic rights of stateless persons such as education, employment, social welfare, housing, healthcare as well as civil and political rights including, freedom of movement, freedom from arbitrary detention and political participation;

ACKNOWLEDGING the efforts made by African Union Member States to protect the fundamental rights for the enjoyment and protection of the full range of other human rights by releasing a Report on the Right to Nationality in Africa, and to

domesticate and implement the African Charter on the Rights and Welfare of the Child and the Protocol to the Maputo Protocol;

CONVINCED that a comprehensive and harmonised continental legal framework to address the various statelessness and nationality challenges in Africa can be instrumental in preventing the occurrence of statelessness, enhance human rights in Africa and also contribute to peace and security on the continent;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS TO:

4. **INTENSIFY** parliamentary advocacy and engagement for the domestication of legislations that spell out safeguards against statelessness; and for the ratification, domestication and implementation of the UN Convention relating to the Status of Stateless Persons (1954) and the UN Convention on the Reduction of Statelessness (1961);
5. **STRENGTHEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhancing the capacity of parliamentarians to harmonise conflicting laws at the national level that directly causes;
6. **FORMULATE** a Model Law on Statelessness through the Committee on Cooperation, International Relations and Conflict Resolution as a means to promote legislative frameworks on the prevention and the eradication of statelessness in Africa;
7. **MANDATE** the Committee on Cooperation, International Relations and Conflict Resolution to work with all technical partners and all relevant institutional stakeholders, including civil society organisations, in the formulation of the proposed Model Law on Statelessness.

**Adopted in Midrand, South Africa
10 November 2022**