

Citizenship questions

By Peter de Clercq

Citizenship questions are taking centre stage as the January 2011 Referendum approaches. The subtle implications of possible secession are starting to emerge. Of concern on both sides of the divide are Sudanese citizens who have up to now enjoyed freedom to move to and from any part of the country. Over the years, many sought livelihood opportunities across the boundaries that may soon separate North and South Sudan. Others sought refuge, primarily in the North, from the wars that ravaged their regions of origin.

Although reliable figures are hard to come by, populations at risk include an estimated

two million persons of 'southern' origin who reside mainly in Khartoum. Many are second-generation residents who were born in the North. They include internally displaced persons who opted to remain in the city after the large-scale voluntary repatriation operation that followed the signing of the CPA.

In the event of reciprocal action to withhold southern citizenship from 'northerners' residing in the South, populations at risk include traders, mixed marriage families, IDPs from Darfur and nomadic groups. Moreover, Sudanese expatriates (refugees or migrants) may have difficulties proving citizenship where one or more generations were born abroad.

The situation is compounded by widespread absence of legal documentation such as national identity cards and birth certificates among the much of the population. Large sections do not have documentation to prove their Sudanese nationality, birth on the territory of Sudan or family links with Sudan. Undocumented IDPs are the most likely to fall through the cracks of any future citizenship arrangements, or to suffer the brunt of any lack of agreement, between the governments of the North and South. Concerns about an uncertain future are weighing heavily on the minds of persons who face the prospect of no longer 'belonging' to the only place they call home. Irrespective of social standing, it is not

uncommon to hear a southerner say, "If they say I should go South, I have nowhere to go." Having somewhere to go is not simply an issue of geography; it concerns housing, employment, amenities and all of the elements that contribute to the decision of selecting a place to be one's home.

At issue is the position of at-risk populations regarding return to their place of origin, whether voluntary or forced, as well as their future status of potential statelessness. Such a rapidly changing landscape could leave hundreds of thousands of people either inadvertently or through deliberate acts without a nationality and as a result without the legal protection of any state. UNHCR has flagged this as one of the principal protection concerns in the lead up to the referendum.

It is, therefore, both encouraging and judicious that the parties to the Comprehensive Peace Agreement are addressing questions of citizenship. On the other hand, alarming rhetoric is fuelling fears among law abiding citizens who may in due course find themselves faulted merely for having been born in one part of the country or another.

Strong leadership is needed to safeguard the gains of the peace process. In both the North and the South, the people need unequivocal reassurances so as to ward off fear and anxiety, avoid the panic of deadlines and help calm the situation in a context of rising tensions. The spirit of the his-

toric agreement, signed in Naivasha in January 2005 marking the end of a long and bitter civil war, must continue to prevail. Let me conclude by appealing to the parties to the Comprehensive Peace Agreement to formulate comprehensive, transparent, timely, fair and workable citizenship arrangements, including provision for the prevention of de jure and de facto statelessness.

Box

UNHCR has been entrusted by United Nations General Assembly resolutions with a global mandate to prevent and reduce statelessness and for the international protection of stateless persons. UNHCR's Executive Committee has requested UNHCR to provide technical advice to States to adopt and implement safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of citizenship and has stressed that States should take such measures specifically in the context of State succession. In addition, the General Assembly has designated UNHCR as the body mandated to examine the cases of persons who claim the benefit of the 1961 Convention on the Reduction of Statelessness and to assist these persons in presenting their claims to the appropriate national authorities.