

COURSE ON FUNDAMENTAL ELEMENTS FOR IDENTIFICATION AND
PROTECTION OF STATELESS PERSONS AND PREVENTION AND
REDUCTION OF STATELESSNESS IN THE AMERICAS^{1/}

Late February or early March 2012
Simón Bolívar Room, OAS headquarters
Washington, D.C.

AGENDA^{2/}

(Approved by the CAJP at its regular meeting of December 15, 2011)

I. Mandate

By resolution AG/RES. 2665 (XLI-O/11), "Protection of Asylum Seekers and Refugees in the Americas," the General Assembly instructed the Permanent Council, through the Committee on Juridical and Political Affairs and with support from the Department of International Law of the General Secretariat and such technical and financial cooperation as may be provided by the UNHCR, to emphasize the topic of statelessness in its promotional and training activities, particularly in view of the fact that 2011 marks the 50th anniversary of the adoption of the 1961 Convention on the Reduction of Statelessness.

In keeping with the mandate contained in the above resolution, this draft agenda, its corresponding rationale, and the experts proposed to lead the course were put forward by the UNHCR.

II. Proposed topics

A total of four topics are proposed: two would be addressed in the morning, with the other two to be covered in the afternoon.

1. Content of the statelessness conventions
2. Pending amendments to laws to prevent and reduce statelessness

1. Resolution AG/RES. 2665 (XLI-O/11), "Prevention and Reduction of Statelessness and Protection of Stateless Persons in the Americas."
2. Prepared by the UNHCR and presented by the Chair of the CAJP.

3. Procedures for determining statelessness status
4. Strengthening civil registries

III. Rationale for the topics proposed

In general terms, the above-cited resolution AG/RES. 2665 urges the member states and the international community to collaborate on and support strengthening and consolidation of the programs of the United Nations High Commissioner for Refugees (UNHCR) in the area of identification, prevention, and reduction of statelessness and international protection of stateless persons. The resolution also refers to the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of November 11, 2010, which instrument sets out the fundamental concerns to be addressed by the region in the area of statelessness: *inter alia*, it urges the countries of the Americas to consider acceding to the international instruments on statelessness; highlights the need to review national legislation to prevent and reduce situations of statelessness; and calls for national mechanisms for comprehensive birth registration to be strengthened. These fundamental concerns will be covered during the course in order to provide an overview of the situation of identification and protection of stateless persons in the Americas as well as of prevention and reduction of statelessness.

Specifically in reference to the first two topics, in anticipation of the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, the UNHCR launched the *Statelessness Conventions Campaign*, encouraging states to accede to that convention as well as the 1954 Convention relating to the Status of Stateless Persons. The 1954 Convention seeks to ensure that stateless persons have a status and enjoy minimum standards of treatment until such time as their predicament can be resolved. The 1961 Convention sets rules for preventing statelessness from occurring and thereby reducing it over time. It is particularly important for states to adopt legislation or amend existing laws so as to observe and ensure international standards on statelessness.

As to the third topic, the 1954 Convention sets out the definition of who counts as a stateless person and the standards of treatment to which they are entitled. It does not, however, provide a mechanism for states to identify stateless persons. That said, it is implicit in the 1954 Convention that states must identify stateless persons subject to their jurisdiction so that their rights can be recognized and so that states can thus discharge the obligations they adopted upon ratifying or acceding to the Convention. Those mechanisms include a procedure that is mindful of due process, including proper appraisal of evidence.

Finally, in relation to the last topic, inasmuch as it refers to persons at risk of becoming stateless, it is necessary to underscore the importance of the OAS' Inter-American Program for Universal Civil Registry and the Right to Identity and to creatively explore areas where it dovetails with the activities of the UNHCR. In that regard, strengthening civil records in the countries of the Americas is vital to ensure that all children are properly registered at birth and to avoid situations that could lead to statelessness.

IV. Experts proposed to lead the course:

- Mr. Mark Manly, Head of Statelessness Unit, Division of International Protection, United Nations High Commissioner for Refugees (UNHCR)
- Dr. Laura van Waas (LLM, PhD), Senior Researcher and Manager of the Statelessness Programme, Tilburg Law School, the Netherlands