

**Report on the 124th Assembly of the Inter-Parliamentary Union
(Panama City, 15-20 April 2011)**

Background:

Since the IPU's Bangkok Assembly last April, UNHCR has been concentrating on enlisting high-level political support for the anniversary commemorations in 2010-2011, while also targeting parliamentarians regarding statelessness and the AU's IDP Convention.

José Riera and Mina Adjami of DIP, and Nathalie Karsenty and Juan Carlos Murillo, UNHCR Representative in Panama and Senior Legal Officer of the Americas Regional Legal Unit based in Costa Rica, respectively, participated actively in the IPU's 124th Assembly in Panama. This report has been prepared jointly by the delegation members. DIP is grateful to the Americas Bureau and to the UNHCR Office in Panama for the effective support provided in preparations for and throughout the conference.

Main achievements during the Assembly:

- IPU's adoption by acclamation of the attached statement entitled *Parliamentary Action in Support of UNHCR and Refugee Protection* (in English and French);
- Promoting awareness of how parliamentarians can prevent and address situations of statelessness (notably in an open session of the Committee to Promote Respect for International Humanitarian Law organized by UNHCR (IHL Committee)).
- Bilateral discussions with representatives of a number of national parliaments regarding accessions to the 1954 *Convention on the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, as well as amendments needed to bring national legislation into line with international standards. (Copies of the Statelessness Accessions brochures and the IPU Handbook on Statelessness were used in this effort and made available throughout the Assembly.)
- Advocacy regarding signature and ratification of the AU's 2009 *Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala IDP Convention)
- UNHCR statements i) in the Assembly's Plenary, and (ii) during a panel discussion on 'Recent Political Upheavals in North Africa and the Middle East.

Follow-up:

- IDP to commence a revision of the IPU Handbook on Refugee Protection
- Statelessness Unit follow-up with country offices and NGOs on advocacy messages on statelessness for pledges to be made at the Ministerial Meeting
- Statelessness Unit to update briefing book containing notes on 30 target countries
- Statelessness Unit to liaise with the IPU for the reprinting of the Handbook on Nationality for Parliamentarians in English
- Follow up the commemoration process with key parliamentary delegations who will attend the coming IPU 125th Assembly to be held in Bern, Switzerland, next October.

Summary:

IHL Committee

Mirna Adjami of DIP's Statelessness Unit introduced the theme of the IHL open session, which took the form of a panel discussion, entitled '20th Century Norms and 21st Century Realities: Protecting the Stateless, Refugees and Civilians Today'. She highlighted the protection themes being explored during the commemorations year. Former Brazilian MP Orlando Fantazzini described Brazil's experience of amending its Constitution to avert statelessness of children born to Brazilians abroad and emphasized the important role of Parliament in this regard. Participants also viewed a four-minute multimedia video of Greg Constantine's photos on child statelessness and the 1961 Convention. Despite competing for interest with a panel discussion on recent political upheavals in North Africa and the Middle East, there was good participation. The panel drew lively comments from parliamentarians from Algeria, Gabon, and Italy. There was a particularly engaging interaction with MP Maalin of Kenya on contemporary statelessness and refugee issues faced by Kenya today. UNHCR also briefed a closed session of the committee, providing updates on developments relating to refugees, statelessness and IDPs, with specific emphasis on updates on the Kampala Convention.

Bilateral discussions on Statelessness

Using a very useful briefing book prepared by the Statelessness Unit, bilateral discussions were held with the following delegations:

- **Kenya:** Several members of the Kenyan delegation to the IPU were engaged, notably MPs Farah Maalin and David Eseli, who expressed that the 2010 Constitutional reform resolved most citizenship matters and what lies ahead are the formalities of implementation. To that end, UNHCR's assistance to support the work of the Task Force and the Constitution Implementation Commission was offered and the delegation was encouraged to consider accession to the statelessness conventions.
- **Philippines:** Contact was made with Congressman Rufus Rodrigues, who spoke highly of collaboration with UNHCR's office in Manila, particularly on draft IDP legislation currently under consideration. The issue of Philippine ratification of the 1954 Statelessness Convention and accession to the 1961 Statelessness Convention was discussed and materials shared.
- **Bangladesh:** Two members of the Bangladeshi delegation were engaged. The experience of policy reform that led to the confirmation of citizenship of Urdu-speakers and the reduction of statelessness among this population was praised and the delegation encouraged to consider accession to the statelessness conventions.
- **Colombia:** A meeting was held with the head of the Colombian delegation, Senator Juan Galan, to discuss the importance of re-launching the process in Parliament for acceding to the statelessness conventions. Mr. Galan was very receptive to this idea and suggested to follow up this issue in Bogotá with Senator Guillermo Garcia who is the President of the Second Commission of the Senate which is in charge of this matter and also recommended a discussion with the Ministry of Foreign Affairs whether the accession process will be initiated

by the Congress and/or by the Senate in order to speed up matters. Accession-related materials were shared with Senator Galan.

- **Ecuador:** A meeting was held with Deputy Fernando Cordero and Cesar Andrade, Officer for International Relations on the accession to the 1961 Convention. They acknowledged that this has been an omission considering that Ecuador is Party to all human rights instruments and mentioned that they will follow up the matter with the Ministry of Foreign Affairs, since the Executive Branch is the one competent to draft new legislation and request the accession to international instruments.
- **El Salvador:** Deputy Margarita Rodriguez (FLMN), former refugee in Mexico, was very open to the idea of considering the accession of her country to the statelessness conventions as well as of supporting the amendment of nationality legislation to align it with international standards. Since she is a deputy of the current Administration, she recommended being in contact with the Presidency and the Ministry of Foreign Affairs to follow up this issue.
- **Panama:** In UNHCR's plenary remarks and in meetings with the Panamanian Ambassador in Geneva (Mr. Alberto Navarro) and Alejandro Mendoza of the Permanent Mission in Geneva, UNHCR congratulated Panama for taking steps to formalize accession to the statelessness conventions, and in particular for the passing of a law approving both international instruments. Mr. Mendoza also informed us about Panama's intention to formally apply to ECOSOC for ExCom Membership. Technical advice was offered for the revision of national legislation and the setting up of national procedures for the determination of stateless status.
- **Paraguay:** Accession to the statelessness conventions was also discussed with Senator Petronila Samudio as well as the need to amend national legislation. She offered her support at the Senate and also recommended to follow up this issue with the Ministry of Foreign Affairs.

UNHCR's Plenary Statement

UNHCR's Representative in Panama, Nathalie Karsenty, delivered the plenary statement on behalf of UNHCR. The overall theme was 'Parliamentary accountability: Living up to people's expectations'. Karsenty highlighted a few dimensions of accountability relating to citizens and non-citizens. Nationality is a legal bond between a person and a State. It provides individuals with a range rights, including the right to vote. Everybody has a right to a nationality, but there are over 12 million people globally who are considered stateless, depriving them of even the most basic rights accorded to citizens. Over 40 million people have been uprooted from their homes and communities. This includes 14 million refugees and 24 million internally displaced persons. In both cases, the links between national authorities and the individual has been broken.

UNHCR has partnered with the IPU for over a decade, drawing attention to issues affecting these groups of people. The events of 2011 have demonstrated that 20th Century norms are needed to address 21st Century realities. Parliamentarians are crucial in ensuring that legislation adopted on asylum is consistent with international standards. Parliamentarians also have a role to play in showing Governments that refugees can be more than just a 'burden' and in creating the conditions for refugees to return home. IDPs are still citizens, but Guiding Principles have been devised to ensure that they are

not subject to mistreatment or neglect. UNHCR welcomed the AU's Kampala Convention in IDP and saw parliamentarians as being key in promoting ratification of the document. Statelessness could result from many factors, including the break-up of States, gender discrimination, lack of birth registration or arbitrary deprivation of nationality. Parliamentarians should take steps to ensure that national legislation acted to prevent and reduce statelessness. In this regard, UNHCR congratulated Panama for taking steps to formalize its accession to the 1954 and 1961 Conventions on Statelessness.

Panel discussion on recent upheavals in the Middle East and North Africa

This was probably the best attended and liveliest event during the 124th Assembly. A number of interesting points were made during the debate:

- Talking about Arabic countries as one unit in cultural, religious, and political terms was as absurd as asserting that democracy is not suited for the Arabic world.
- Reflecting on the ouster of Ferdinand Marcos by the 'People's Power' movement led by Cory Aquino, it is only a matter of time before the people topple autocratic governments. In a variation on this theme, whenever there is disagreement between a people and its Government that cannot be settled through elections, the people will always prevail.
- Latin America's experience was one of US interventionism of all sorts in internal affairs in the name of democracy. Many of Latin America's democracies remain fragile, despite their robust façades.
- Most countries are less worried about democracy and human rights violations in North Africa and the Middle East than about petrol. If there is no democracy in the Arab States it is because they have the misfortune of possessing oil.
- Social networks played an important part in toppling authoritarian and autocratic regimes. Youth played the driving role, unshackled by technology and lack of fear, since they literally had nothing to lose.

On behalf of UNHCR, José Riera said that events in North Africa and the Middle East might bring a period of prolonged instability and movements of refugees and IDPs. UNHCR was helping Tunisia and Egypt deal with half a million who had crossed land borders from Libya in both directions. While the first crossings had largely consisted on migrant workers, 75 per cent of them now were Libyans. While developing countries in the region were grappling with such large numbers, European States were squabbling about how to deal with a small number of boat arrivals. UNHCR has appealed to European States for additional resettlement places, effective contingency planning and activation of responsibility sharing mechanisms. Events in North Africa had also considerably changed conditions for maritime activity in the region. The tragic death of hundreds fleeing by boat had brought sharply into focus the need for a more effective system for rescuing boats in distress. Inside Libya, humanitarian organizations like UNHCR were increasing their presence in the east, but most parts of the country remained unreachable by aid workers. Once again, innocent civilian populations are victims of large-scale human rights violations.