



Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

**“A REGIONAL UNDERTAKING TO COMBAT EXCLUSION AND
PREVENT STATELESSNESS”**

address by
Knut Vollebaek

OSCE High Commissioner on National Minorities

to the

**CONFERENCE ON THE PROVISION OF CIVIL DOCUMENTATION AND
REGISTRATION IN SOUTH-EASTERN EUROPE**

[Check Against Delivery]

Zagreb, Croatia – 26–27 October 2011

Thank you, Mr. Chairperson,

Mr State Secretary,

Ladies and Gentlemen,

Dear friends,

Let me start by thanking our hosts, the Government of Croatia, and the co-organizers.

It is a great pleasure to address today's conference and I hope it will serve as an inspiration and lead to an initiative to strengthen regional cooperation in tackling the situation of people lacking registration and civil documents. Such an effort is essential to reduce the risk of statelessness in this part of Europe, which is still recovering from the legacy of past conflicts and is trying to achieve integration and consolidation of its diverse, multi-ethnic societies.

Integration is a process that is built upon participation, upon a shared sense of belonging and upon legal, political and cultural bonds between individuals of different backgrounds and affiliations. Citizenship is one such bond. It legally links the State and the individual, creating a kind of "social contract" which defines rights and responsibilities based on justice and equality.

Indeed, integration cannot possibly take place if some people lack a defined status as citizens, if they do not have documents or are not even included in any civil registry. Without up-to-date and recognized identity papers one cannot access basic services, cannot participate in public life, cannot move freely and cannot make one's voice heard. In sum, one cannot live in dignity as a human being. It was precisely the need to protect dignity of all human beings that inspired the Universal Declaration of Human Rights. Article 15 of the Declaration states: "Everyone has the right to a nationality", and it continues, "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". Acquiring citizenship means entering fully into a society as a subject with rights and obligations. Leaving vulnerable people in a legal limbo without full access to their rights is a threat to their security and a failure on the side of the authorities to fulfil their responsibility. .

Statelessness can be caused by many factors. State succession is one such factor, and it is this factor that is particularly relevant in the context of the former Yugoslavia. The UNHCR is at the forefront of ensuring that the rules governing State succession are as clear as possible and that the principles of non-discrimination and the right to nationality serve to guide the

obligations of States in such situations. It is also becoming increasingly accepted that even though States can, in principle, decide who their citizens can be, the evolution of international human rights law imposes considerable constraints on the way in which this right can be applied by Governments. As we were told by Mr Endres, UNHCR considers that close to twenty thousand people remain at risk of statelessness in South-Eastern Europe. All too often, the children of these people are not being registered; they inherit their parents' problems and perpetuate a cycle of exclusion and deprivation.

Given the history of violent conflict in the region, accompanied by the large-scale displacement of people and the loss or destruction of documents, regularizing access to citizenship and civil documents for all individuals has not been an easy task. Particularly vulnerable and marginalized groups such as Roma appear disproportionately affected by the lack of civil documents, registration and access to citizenship. According to anecdotal evidence, some Roma still hold old Yugoslav passports. Due to displacement across borders as a result of conflict and the destruction of informal settlements, it is difficult to identify exactly which of the successor States should offer citizenship, registration and protection to these individuals. This is precisely why a regional effort aimed at addressing the common challenge is so important.

I am well aware that despite having a common history and facing similar challenges, every situation is different and requires a context-specific approach. I therefore believe that national and local authorities should take the lead and bear the primary responsibility for taking concrete steps and delivering results. At the same time, regional co-operation can prove to be both valuable and effective. It should supplement, not replace, local efforts. It should offer ways and means for local stakeholders to exchange information, sharing best practices and learning from failures, and, when necessary, come up with joint solutions to this problem that clearly has a cross-border dimension.

Ladies and gentlemen,

Let us today try to move beyond rhetoric and make sure that this event does not become just another conference. Our meeting here should promote a regional co-operation, and bring forward practical solutions that we can implement together and simple ways of assisting each other. If there is a political will, there is a way.

Combining local and regional efforts should begin with the basic task of trying to identify locally those people who lack registration and valid identity documents. This may require a collection of accurate statistical data, but in a way that respects privacy and individual sensitivities. It is also important to promote universal birth registration by removing unnecessary financial and procedural burdens and providing legal aid and mediation. The procedures to provide evidence and register, need to be simplified. In order to encourage registration, relevant authorities may consider removing fines for late registration and conducting appropriate outreach activities. At the national level all this is best achieved if there is a single institution or a selected governmental structure tasked with addressing this problem and which can co-ordinate inter-agency efforts and serve as a focal point.

This would also make regional efforts more effective and better co-ordinated. Networking among the nationally assigned structures should be promoted in order to share information. Regional co-operation should support States in defining and overseeing registration caseloads, facilitating information exchange, undertaking outreach activities and assisting civil registration. Regional co-ordination would ensure more robust and effective co-operation between all stakeholders. We need to take into account the particular conditions of people at risk of statelessness. They should be able to regularize their situation without undertaking costly travels. Those living in informal housing settlements should be given formal addresses as part of wider efforts to upgrade their neighbourhoods.

Fortunately, we already have very concrete recommendations from prior conferences and workshops. The recommendations from last year's Skopje Regional Conference on "Providing Access of Roma to Personal Identification Documents" are a good example. We also have useful experiences from grassroots organizations working door-to-door to identify people who are not registered anywhere. These good examples could be shared widely within the region and put into practice.

Ladies and gentlemen,

As State Secretary Nobile reminded us, we are not here to talk only about civil documents and registries. This conference is first and foremost about human beings and their often tragic lives in which they face daunting social challenges. Applicable international standards, such

as the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, provide blueprints for addressing statelessness. Unfortunately, there is a clear gap between the promise of international law and local realities faced by people at risk. Even when national laws conform to international treaties, the reality is that administrative practices and low political attention often leave these people marginalized and defenceless.

I believe we can do better. We can try to ensure that every individual exists in the eyes of the State and is included in the political space governed by democracy and the rule of law. This is not only a moral obligation; it is also a precondition for the stability and development of all our societies. For many individuals, the doors to society are currently closed. We have the opportunity today to start a concerted effort to open our doors and welcome them in.

Thank you for your attention.