

Strengthened or Sidelined? An Evaluation of Pledges to Eradicate Statelessness in the Southern African Development Community

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Abstract

Since 2018, there has been a significant mobilization of developmental funding mechanisms and efforts to facilitate greater burden-sharing among refugee-hosting states and address protracted displacement. The Global Compact on Refugees (GCR) of 2018, seeks to harness this developmental approach – in particular, multi-stakeholder participation and a system of pledge-making – for the benefit of refugees and the communities that host them. Multi-stakeholder participation and pledge-making are common tools of a developmental approach to forced displacement more broadly, as well as statelessness, with the pledging system aiming to galvanize cross-sectoral collaboration, facilitate more predictable funding and provide a mechanism for the tracking of progress. Yet this system is still nascent and it remains unclear whether the long-term progress its enabling framework envisions is currently unfolding. This paper assesses whether the pledging system, as an operationalizing mechanism of the GCR and its framework, has contributed toward the efforts to eradicate statelessness in the Southern African Development Community (SADC). Statelessness in the SADC – as is the case globally – remains a significant issue and an obstacle to accessing basic services and rights. The true scale of statelessness has consistently been difficult to gauge due to the lack of data collection on statelessness by most countries. While states in the region have taken steps to eradicate statelessness, the role that the pledging system plays in this endeavor has received little attention. The pledging system may be able to facilitate multi-stakeholder participation where there is already an impetus, but it is unclear whether it can address the systemic issues, such as discrimination, that underpin statelessness. Further, the pledging system is still in the early stages of configuring measures for transparency and accountability.

Keywords: statelessness, Global Compact on Refugees, burden-sharing, Southern Africa

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INTRODUCTION

The 2018 Global Compact on Refugees (hereafter “GCR”) (UNHCR, 2018) is a voluntarist and non-binding commitment by various stakeholders – state and non-state – to establish and operationalize a collective framework for burden-sharing. Appearing in no substantive provision of the 1951 United Nations Convention Relating to the Status of Refugees (hereafter “UN Refugee Convention”), burden-sharing has remained a lacuna in the international refugee protection framework. States in the Global South host the vast majority of refugees with middle- to low-income countries bearing most of the load while the Global North has persistently engaged in efforts to deter those seeking asylum and circumvent their obligations. The GCR is an attempt to address these imbalances by providing a platform for, among other things, various stakeholders to pledge assistance to affected populations. Questions exist as to whether this nascent project can make substantial progress toward burden-sharing. While the GCR is focused on refugees, other displaced communities and stateless persons are and can be included within its mandate.

A person is stateless if they are not considered a national by any state under the operation of its laws, as per Article 1(1) of the 1954 Convention. Without the vital link between an individual and their state, a person cannot access basic rights and services that they need to live a normal life. Stateless persons are largely left unprotected and unnoticed. In the Southern African Development Community (hereafter “SADC”) – consistent with a more global pattern – there is insufficient data on the number of stateless persons. This makes it difficult for states to adequately design policy and improve infrastructure to include stateless persons. There have been several encouraging improvements in the region to eradicate statelessness; however, these rely on participation across spheres of government and significant resources.

This paper explores to what degree the GCR and its pledging system have been able to contribute to the adoption of measures to eradicate statelessness in the SADC region. Central to the GCR and the pledging system is a developmental approach – long-term funding directed at expanding national and local infrastructure to include non-nationals and to offer greater opportunities for self-reliance. To that end, the GCR has facilitated or accompanied several stateless-specific events that used the pledging system and functions against the backdrop of a larger, global effort to eradicate statelessness. The focal point of this effort is the Global Alliance to End Statelessness launched in 2024 as the successor of the decade-long IBelong campaign. By embracing a multi-stakeholder approach, the pledging system may be able to strengthen state adherence to human rights norms through normative standards (Arnold-Fernández, 2023: 8). However, the pledging system must still navigate its voluntarist and non-binding nature among rising levels of protracted displacement and statelessness.

The discussion is divided into three parts. Part I reflects on the Global Compact by outlining its structure, aims and objectives, the approach it has taken, and the role of the pledges. Eradicating statelessness, while not a major feature of the GCR, has

nonetheless been accompanied by the system of pledge-making and monitoring that the GCR's framework uses. Part II provides an overview and analysis of the situation of statelessness in the SADC region, providing a discussion of the regional frameworks that aim to address statelessness. There are several systemic issues that cause and exacerbate statelessness, such as gender discrimination, that the pledging system has to contend with. The focus of Part III is on examining the steps taken toward addressing statelessness in the SADC region. Part III shows that the pledging system has contributed to several measures taken to end statelessness, although there are still issues with low implementation and a lack of multi-stakeholder effort. It is also argued that, while the pledges play a role in sustaining momentum and providing an opportunity for review, they are often hamstrung by the slow processes of legislative reform, accession to binding instruments, and nationwide documentation drives.

METHODOLOGY

This paper is based on a literature review of the existing publications on the GCR and the development turn in forced displacement responses. It engages with existing literature on statelessness in the SADC region. The paper contributes to an understanding of the interactions between the Global Compact and developmental funding, on the one hand and statelessness in the Southern African region, on the other. Central to this is an analysis of the pledging system, which is currently not well traversed in the literature. This paper engages with reports and articles that describe the early steps taken to address statelessness to understand what role, if any, the pledging system plays in the region. Measuring the material impacts of developmental funding and the pledges requires long-term systemic analysis, which is not undertaken by this paper.

PART I

THE GLOBAL COMPACT ON REFUGEES, DEVELOPMENT, AND STATELESSNESS

The global distribution of refugees displays significant imbalances among host nations, as 69% of refugees originate from just five countries – Venezuela, Syria, Afghanistan, Ukraine, South Sudan – four of which are in the Global South (UNHCR Global Trends, 2025). While imbalances may, to some extent, be inevitable in the short term, given that most refugees flee to neighboring countries, the Global South has consistently hosted the vast majority of refugees, estimated at 85% (Schewel and Debray, 2023). Mitigating these distributional imbalances is the aim of burden-sharing, which describes international cooperation to lessen the immediate burdens on host nations of large refugee flows. Along with this geographical element of burden-sharing, there is also a temporal element, as refugee situations are increasingly protracted. Humanitarian funding has been stretched thin in this context, as it provides mostly short-term crisis-oriented responses. The international refugee framework has long

recognized this and has sought to leverage developmental funding mechanisms and programs that allow more long-term and cross-sector funding (Miller, 2019). Given that forced displacement more generally has reached unprecedented levels and is also increasingly protracted, international institutions have embraced and encouraged a humanitarian-developmental nexus in responding to the challenges of forced displacement. Developmental approaches emphasize expanding local and national infrastructure and creating more socio-economic opportunities for those living in protracted displacement (Kelley, 2022).

In response to these major challenges, both equitable burden-sharing and more predictable funding are central principles of the GCR. Adopted in 2018 by 193 states, the GCR is a non-binding commitment to establish and operationalize a collective framework for burden-sharing. The absence of such a framework has been described as the “perennial gap” in international refugee protection, existing since the adoption of the UN Refugee Convention (Türk, 2018; Triggs and Wall, 2020). The GCR’s main goals are fourfold: to ease the pressures on host countries; to enhance refugee self-reliance; to expand access to third-country solutions; and to support conditions in countries of origin for return in safety and dignity (UNHCR, 2018). The GCR also envisages the development of resettlement places and complementary pathways for admission to third countries and other actions that states can take at the national level in support of the objectives of the GCR. In addition to states, the GCR engages with a wide range of actors, such as international and regional organizations, multilateral development banks, as well as those that have traditionally been marginalized in global multilateral processes, such as civil society organizations (CSOs), municipalities, the private sector, and refugees themselves. To operationalize this participation, stakeholders make pledges – a description of an issue that a pledge maker has identified, a statement of intent to address this issue, and a commitment of resources thereto.

Pledge-making and multi-stakeholder participation are not in and of themselves new initiatives, yet the GCR is combining and consolidating them in ways that may hold promise. Additionally, the displacement–development framework has mobilized vast amounts of funding through international institutions. This includes \$2 billion in loans and grants to low-income refugee-hosting states through the World Bank Group’s International Development Association Refugee Sub-Window, hundreds of millions of dollars committed to development projects through regional development banks and an uptake in initiatives and financing from the private sector (Miller, 2019; Kelley, 2022). These amounts are undoubtedly significant, as is their potential to expand local infrastructure and foster more opportunities for forcibly displaced persons and their host nations, yet this may allow states in the Global North to fund projects in the Global South without dismantling their policies built on deterrence and restriction (Chimni, 2018). Further, Hathaway (2018) argues that the GCR’s non-binding nature and lack of enforcement leave it overly procedural and aspirational and may keep intact the significant imbalances that it supposedly

seeks to address. While the GCR is non-binding, it exists within an institutional framework of international cooperation and political commitments that align with developmental goals (Gilbert, 2019).

The GCR is one component of a larger, multilateral and coordinated effort toward addressing protracted and large-scale refugee situations and forced displacement. Several large-scale movements of refugees and migrants in 2014 and 2015 highlighted the inadequacies of the international protection framework as receiving states, mostly in the Global North, responded with deterrence and restriction. Forced displacement was growing in scope and severity in many regions and the majority of receiving states were in the developing South, as mentioned above, yet it was the influx of Syrian refugees into Europe – labeled as a “refugee crisis” by European states – that precipitated several convocations by the United Nations (UN) General Assembly (Ferris and Donato, 2020). The mandate of these convocations was to develop a framework for equitable and predictable funding as well as greater burden-sharing. This led to the 2016 New York Declaration for Refugees and Migrants, the main substantive outcome of which was the codification of the Comprehensive Refugee Response Framework (CRRF). The CRRF is designed to realize the goals of equitable and predictable funding, self-reliance, and multi-stakeholder participation that are elements of a developmental approach toward forced displacement. Beginning in 2017, the CRRF and its humanitarian–developmental approach was used in various pilot projects in 15 states and the lessons learned therein would inform the GCR.

This larger effort therefore represents a network of compacts, initiatives, funding mechanisms, and other innovations across various sectors geared toward bolstering a developmental response to forced displacement as well as statelessness. In addition to the GCR, out of the New York Declaration came the Global Compact on Safe, Orderly and Regular Migration (hereafter “GCSORM”) with its own mandate. Measures to reduce statelessness feature in the GCSORM, for example, the harmonization of travel documents, ensuring gender equality in the conferral of nationality to children, increasing birth registration, and providing nationality to children born in another state’s territory, especially where a child would otherwise be stateless (UN, 2018). The CRRF commits to working toward immediate birth registration of refugee children upon reception and assisting in ensuring access to marriage, death, and birth certificates and other documentation. It also calls for the collection of data on both displaced populations and the implementation of the framework itself to allow not only for a more accurate picture of statelessness but to inform and refine policy.

There is currently no compact dedicated to statelessness, although the existing framework does contain provisions on the eradication thereof. The GCR encourages the establishment of a global network of universities, academic alliances, and research institutions on “refugees, other forced displacement and statelessness issues” working toward “research, training and scholarship opportunities” in line with the goals of the GCR (UNHCR, 2018). The GCR also calls for the establishment

of and referral to statelessness status determination procedures as well as the capacity building of national civil registries to prevent the risks of statelessness “including through digital technology and the provision of mobile services, subject to full respect for data protection and privacy principles” (UNHCR, 2018). The GCR and CRRF acknowledge that statelessness is both a cause and consequence of refugee movements and encourage states to accede to the 1954 UN Convention Relating to the Status of Stateless Persons (hereafter “1954 Stateless Convention”) and the 1961 UN Convention on the Reduction of Statelessness (hereafter “1961 Stateless Convention”). Further, it encourages states, the United Nations High Commissioner for Refugees (UNHCR), and other stakeholders to contribute resources and expertise to support the sharing of “good, gender-sensitive practices for the prevention and reduction of statelessness” and the development of national, regional, and international action plans to end statelessness (UNHCR, 2018).

THE PLEDGING SYSTEM

The developmental approach, as sketched above, contains certain common tools – multi-stakeholder participation, local and national infrastructural expansion and an emphasis on self-reliance – that are increasingly unfolding in the institutional response to forced displacement. Included in this set of tools, is the system of pledge-making. Pledges can take the form of financial, material, or technical assistance. Additionally, pledges may provide for resettlement places, complementary pathways for admission to third countries, and “other actions that States have elected to take at the national level in support of the objectives of the global compact” (UNHCR, 2018). Various stakeholders, individually and in cooperation, such as states, regional intergovernmental organizations, multilateral development banks, education institutions, CSOs, faith-based actors, the private sector, and others make pledges of assistance to refugees and hosting communities. To monitor the progress of these pledges and the GCR as a whole, the Compact established a Global Refugee Forum that takes place in Geneva every four years for UN Member States and relevant stakeholders to announce pledges made, take stock of past pledges and consider opportunities and challenges for burden-sharing. The first and second of these took place in 2019 and 2023, respectively. Additionally, the GCR provides for a biennial meeting of high-level officials in between the forums as a means of “mid-term review.” These make it possible for the pledging system to be used as an indicator for the success of the GCR (Gilbert, 2019).

Several forums have been convened for the purpose of announcing and stock-taking pledges made toward statelessness. This includes the UNHCR’s Ministerial Intergovernmental Event on Refugees and Stateless Persons in 2011 and the High-Level Segment on Statelessness in 2019, which were held at the midpoint of the IBelong campaign. The 2019 High-Level Segment was announced in tandem with the GCR to address statelessness and is thus more explicitly part of the GCR’s framework than the 2011 event. The eradication of statelessness thus follows suit

with the GCR by adopting pledging as a core mechanism for the operationalization of multi-stakeholder participation and burden-sharing. The stateless-specific events appear to be ad hoc events rather than quadrennial like the forums, raising concerns as to whether momentum will be maintained. While the GCR initially contributed to greater awareness and global mobilization toward the eradication of statelessness, Alexander (2024) argues that this has since waned. She notes, for example, that the burden of global advocacy since the 2019 High-Level Segment has fallen on civil society who have considerably less resources and reach than the UNHCR (Alexander, 2024: 139). A further mechanism for stock-taking is the publicly available online dashboard that collects and displays data on the implementation of pledges.

As of February 2025, 15.71% of pledges are listed as fulfilled – 522 pledges out of 3,322 – 2.35% are in the planning stage and 30.46% are in progress. The vast majority of pledges – 51.48% – are listed as “N/A,” reflecting pledges where implementation data is not available or has not been reported. The pledging system is still nascent and there remain questions on its efficacy as a whole. Pledges often contain broad commitments to improvement but do not specify or quantify the financial or material contributions. Some states made pledges that contained funding commitments that had already been made under other initiatives (InterAction, 2021: 11). Pledges have been made without specifying timeframes, rendering it unclear whether the pledge was describing previous efforts, ongoing efforts, or commitments to future efforts. Assessed against the GCR’s main criteria – greater funding and multi-stakeholder participation – pledging has thus far fallen short. Of the pledges made at the 2019 Forum, only one sixth were financial commitments and 70% were made by the main refugee-hosting countries surrounding Venezuela and the Democratic Republic of the Congo (DRC). Najmah Ali notes that “donor countries, like the US and those in the EU, comprised solely 13% of all top crisis-related pledges, failing to show meaningful solidarity with those states hosting the vast majority of the world’s refugees” (Ali, 2022). This raises concerns as to whether the pledging system can contribute to measures taken toward eradicating statelessness. The following discussion contextualizes this within the SADC region.

PART II

STATELESSNESS IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

A stateless person is defined in Article 1(1) of the 1954 Convention as someone who is not considered a national by any state under the operation of its law. The legal recognition of nationality is a vital link between individual persons and the state to which they belong (Mbiyozo, 2019). Nevertheless, belonging to a particular state is not always available to all persons on the African continent. The consequences of statelessness are far-reaching, as stateless persons are unable to access socio-economic rights, such as housing, education, employment, and health care. Without valid and

legal documentation, stateless persons' freedom from arbitrary arrest and detention is compromised. Further, stateless persons face severe psychological impacts, as they are unable to live a normal life (Warria and Chikadzi, 2022).

The very nature of statelessness makes it difficult to assess its scope accurately. On the one hand, the UNHCR reported in 2023 that there were 4.4 million stateless persons globally (UNHCR Global Trends, 2023). This figure is heavily caveated, as it is based on data from 95 countries that report data on statelessness, with the UNHCR stating that half of all countries do not report any data on statelessness. In 2020, the Institute on Statelessness and Inclusion (hereafter "ISI") published that there were around 15 million persons globally who were stateless (ISI, 2020). Thus, it is not possible to put an exact number on the stateless population, and any official estimate is likely far less than the true number. Data collection is a key concern for the GCR and its larger framework, as discussed earlier, yet this goal is complicated by many of the systemic challenges that cause and exacerbate statelessness.

Stateless persons within the African continent form part of a vulnerable group of persons who are faced with several forms of human rights abuses. Some of the largest estimated stateless populations in the world are found in Southern Africa with conflict exacerbating already high numbers of forcibly displaced and stateless persons in the DRC and Mozambique (UNHCR Global Trends, 2023). Statelessness in the Southern African region is primarily attributed to colonial histories, long-term forced displacement and migration, discrimination on the grounds of race, ethnicity, religion, and discriminatory gender laws that do not allow women to pass their nationality to their children on the same grounds as men (Manby, 2009). Further contributing to the issue is the lack of provisions for nomadic and cross-border populations, deficient dual nationality laws, the denial of access to naturalization, provisions with regards to state succession, a lack of access to nationality documentation, abusive withdrawal of citizenship, and poor civil registry systems (Manby, 2009).

Structural discrimination in society is a leading cause of statelessness globally, particularly discriminatory gender laws (Manby, 2009; Beninger and Manjoo, 2023). In several African countries, as is the case in many other countries, direct discrimination is found in patriarchal nationality laws that fail to ensure that women have equal rights in conferring nationality to their children as men. Furthermore, an unregistered marriage is likely to result in an unregistered birth. In countries upholding discriminatory nationality laws against women and where women are barred from conferring their nationality to the child, the lack of a marriage certificate will mean that the child may become stateless. Numerous scholars have brought attention to the lack of literature regarding gender and statelessness, which is troubling, as gender discrimination is the main cause of statelessness (Beninger and Manjoo, 2023). There have, nonetheless, been judicial challenges to discriminatory nationality laws. In Botswana, the Court of Appeal presided over a milestone judgment in *Attorney-General v. Dow* (1992) where it approved a woman's right to pass on her citizenship to her children and spouse.

Statelessness also results from the arbitrary deprivation and denial of nationality, as is the case when a person who has been deprived of their nationality is not eligible to acquire another nationality or does not possess another nationality (Manby, 2009). In the case of *Modise v. Botswana* (1997), the African Commission on Human and Peoples' Rights (hereafter "ACHPR") held that Article 5 of the African Charter – which guarantees the right to dignity and recognition of legal status – finds application in matters where the government deprived persons of their nationality, which results in them being stateless. The ACHPR reinforced this decision in the case of *Amnesty International v. Zambia* (2000). Additionally, statelessness can result from processes of political restructuring, particularly those that involve racist or xenophobic campaigns by states. In Côte d'Ivoire, persons eligible for Ivorian citizenship who had migrated to Côte d'Ivoire had their right to citizenship revoked as a part of the Government's campaign to achieve ethnic purity (AU, 2015). Decolonization has also strongly influenced many people's nationality and is responsible for statelessness or leaving persons with a disputed claim to citizenship in various parts of the world. Many new nations were created when states gained independence from colonial empires. During the process of enacting new legal frameworks, governments had the liberty of determining who they considered as citizens. In the process, certain groups were privileged more than others depending on religious, ethnic, or historical considerations. A lack of provisions for nomadic and cross-border populations whose identities did not fall squarely within the new borders has also led to statelessness (Mbiyozo, 2022).

Statelessness can occur through legal gaps in citizenship laws. For example, where no provision is made for foundlings or poor civil registry systems that lead to a lack of birth registration (Manby, 2009). In 2011, the African Committee of Experts on the Rights and Welfare of the Child (hereafter "ACERWC") made a groundbreaking decision when the Kenyan government's refusal to grant citizenship to children of Nubian descent was challenged. In *OBO Children of Nubian Descent in Kenya v. Kenya* (2011), it was argued that this denial resulted in the gross violation of their human rights and a violation of Article 6 of the African Children's Charter. Since independence, Nubian communities had become stateless and Nubian children were deprived of the right to nationality and the documentation that enabled access to education and health care. The ACERWC found that this discrimination was in violation of "African human rights standards" and it used a human rights approach to address the discrimination caused by statelessness. Addressing the major root causes of statelessness entails states and regional bodies playing a central role in legislative, policy, and other reforms.

REGIONAL FRAMEWORK ON NATIONALITY IN AFRICA

The current African framework on the right to nationality is quite limiting. The 1986 African Charter on Human and Peoples' Rights (hereafter "African Charter") is silent on the right to a nationality, but it makes provision for procedural rights in

circumstances where critical rights are violated. However, Article 5 of the African Charter makes provision for the right to the recognition of one's legal status. Article 6 of the 1999 African Charter on the Rights and Welfare of the Child (hereafter "African Children's Charter") provides for the right to be registered immediately after birth, asserts that every child has the right to a nationality, and underscore that states have the responsibility to ensure that children born within their territory, who are not granted the nationality of another state, acquire nationality. The African Children's Charter, however, does not make provision for the right to a nationality of origin. The 2005 Protocol to the African Charter on the Rights of Women in Africa (hereafter "Protocol on the Rights of Women"), in Article 6(g)-(h), guarantees both men's and women's rights to acquire the nationality of their partner and transmit it to their children. Therefore, the Protocol on the Rights of Women reinforces that African women have the right to gain a nationality and to acquire the nationality of their husbands and supplements the degree of protection.

In 2013, the ACHPR adopted a resolution on the right to a nationality, which delegated the Special Rapporteur on the Rights of Refugees, Asylum Seekers and Internally Displaced Persons to undertake a study on nationality laws in Africa. The "Right to Nationality in Africa" was published in 2014 (AU, 2014). The findings of the study reiterated the urgent need to develop a further Protocol to the African Charter to address the various issues of nationality and statelessness in Africa. On 17 February 2024, almost 10 years later, the Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (hereafter "Nationality and Statelessness Protocol") was adopted by the ACHPR in Addis Ababa, Ethiopia. The adoption of this Protocol was truly revolutionary for the African continent and a step in the right direction to end statelessness in Africa. This Protocol is now a binding document, and the objectives of the Protocol are laid out in Article 2:

Promote, protect and ensure respect for the right to a nationality in Africa; Ensure that statelessness in Africa is prevented and eradicated; Determine the general principles for the prevention, the elimination of the risk of statelessness and eradication of statelessness in Africa; and Promote the aspirations of the African people for an African citizenship.

State parties to the African Charter are encouraged to sign and ratify the Nationality and Statelessness Protocol to facilitate its entry into force. Beyond regional efforts, the eradication of statelessness receives institutional support through global initiatives.

INTERNATIONAL EFFORTS TO ERADICATE STATELESSNESS

In the last 10 years, there have been great efforts to eradicate statelessness. The UNHCR's Global Action Campaign to Eradicate Statelessness, known as the IBelong campaign and that ran from 2014 to 2024, brought to light the issue of statelessness. Many of the SADC countries have taken steps to amend the gaps in their legislation

and grant stateless persons a nationality. Since the end of the campaign, the Global Alliance to End Statelessness was launched on 14 October 2024 at the High-Level Segment on Statelessness in Geneva, building on the foundational successes of the IBelong campaign. The 2024 High-Level Segment on Statelessness was held to launch the Global Alliance to End Statelessness and was not used to make or monitor pledges. It is thus not included in the analysis of pledges made toward statelessness in this paper. The Global Alliance to End Statelessness is the latest initiative, with the goal of finding solutions to end statelessness through a multi-stakeholder approach. The Global Alliance, with the UNHCR as its Secretariat, brings together a range of actors, such as governments, regional bodies, UN agencies, and other essential stakeholders to collaborate, share expertise and good practices, and ensure that the rights of stateless persons are upheld. The Global Alliance thus shares certain mechanisms with the GCR, such as a multi-stakeholder approach, which is discussed alongside the pledging system in the next section.

PART III

PLEDGE-MAKING IN THE SADC: EARLY ANALYSIS

The GCR, as discussed above, does not deal extensively with statelessness. It has been supplemented by ad hoc stateless-specific events that used the pledging system. Nonetheless, pledges toward ending statelessness have been made at the previous two Global Refugee Forums as well as the High-Level Segment on Statelessness. Long-term and systemic analysis of these pledges is required to fully appreciate the extent to which there has been a material impact on ending statelessness in the region. The following section offers a step toward this by evaluating the role that the GCR and the pledging system played in the measures adopted thus far. It will be shown that states are currently playing the most significant role in offering pledges to address statelessness. While this is encouraging, as Part II showed, statelessness often hinges on discriminatory laws; this also reveals a potential lack of multi-stakeholder collaboration. Part II also discussed some of the major developments toward the goal of eradicating statelessness in the SADC region that are not explicitly connected to pledging. Part III adds to this discussion to effectively analyze the role of the GCR's framework in addressing statelessness.

In 2011, the UNHCR held a Ministerial Intergovernmental Event on Refugees and Stateless Persons that used pledge-making. A total of 62 states and the African Union (AU) made stateless-related pledges. South Africa and Tanzania pledged to become state parties to both statelessness conventions, while Madagascar and Zambia pledged to become parties to the 1961 Statelessness Convention (UNHCR, 2011). Mozambique noted that it was in the advanced stages of acceding to both conventions. Mozambique, Zambia, Namibia, and the DRC pledged to conduct studies and awareness campaigns on statelessness, and the latter two countries pledged to undertake civil registration projects (UNHCR, 2011). Before the 2019

High-Level Segment, 10 of the 16 SADC countries³ held a Preparatory Meeting where they reflected on achievements thus far. Mozambique noted that it had become a state party to both conventions and Namibia reported that it had improved birth registration and increased the number of registration points – its birth registration rate went from 67% in 2011 to 88% in 2019 (UNHCR, 2019). States also outlined pledges that would eventually be made at the 2019 High-Level Segment, some with amendments or alterations.

At the 2019 High-Level Segment, held at the midpoint of the IBelong campaign, 11 Southern African states made a total of 46 pledges toward eradicating statelessness. This included the non-SADC Republic of Congo. A treaty-signing event was held where Angola acceded to both Statelessness Conventions. Most pledges were aimed at ensuring that no child is born stateless, granting protection status to stateless migrants and facilitating their naturalization, birth registration, acceding to Statelessness Conventions, and the improvement of qualitative and quantitative data on stateless populations. These reflect Actions 2, 6, 7, 9, and 10, respectively, of the Global Action Plan to End Statelessness. Five of the 21 CSOs that made pledges were based in Southern Africa (UNHCR, 2020: 18). These kinds of regular forums can serve an important accountability function, as they provide intervals for which states can use as timelines. They can, in addition, catalyze legal commitments and policy changes.

Between the Global Refugee Forums, the 2011 event and the 2019 High-Level Segment, 15 of the 16 SADC countries had submitted pledges related to statelessness. Seychelles has not made statelessness-related pledges. Mauritius made pledges at the Preparatory Meeting only and reported on progress made thereto. The highest number of state pledges dealt with accession to the Statelessness Conventions, data collection, and strengthening birth registration. In addition, states committed to: engaging in law reform; raising awareness and sensitization; establishing statelessness determination procedures; facilitating access to naturalization; and developing a National Action Plan to end statelessness. The GCR's online dashboard shows that 51 pledges dealing with statelessness have been made by the Southern African region, 30 of which were by states. This does not include pledges made to the Southern African region from outside the region. The 2019 High-Level Segment pledges are not included on the dashboard; as a result, the total number of pledges made is closer to 100.

Pledge implementation thus far in the region has shown some progress toward the eradication of statelessness through legislative reform and documentation drives. In Botswana, legislative reform has been introduced to amend the Refugee (Recognition and Control) Act to allow for the issuance of identity cards to refugees and members of their families, in pursuance of its pledge made at the 2019 Forum. In 2021, Botswana drafted a National Action Plan and has been in discussion with the UNHCR to sign a Memorandum of Understanding on statelessness. Mozambique

³ Botswana, Comoros, DRC, Madagascar, Seychelles, and Tanzania did not participate.

has undertaken various exercises to provide documentation, birth registration, and national IDs in collaboration with the UNHCR and the Catholic University of Mozambique – an example of effective multi-stakeholder collaboration. Since 2021, more than 45,000 identity documents and birth certificates have been issued to both those displaced by ongoing conflict and host communities. Additionally, several projects have been launched in Mozambique, with funding and infrastructure from the Vodafone Foundation and the Instant Network School, to expand access to digital education services for refugees.

The following section thematizes the pledges made by SADC states toward addressing statelessness at the Forums and the 2019 High-Level Segment and highlights examples of pledge implementation. There is still a lack of reliable implementation data on the pledges made at the 2023 Forum and on the long-term impacts of the 2019 pledges; thus, more research is required. Emphasis in this section is placed on pledges that have been fully or partially implemented, unless mentioned otherwise, as this reflects this paper's aim. As mentioned below, most pledges have not been implemented; therefore, this is not a comprehensive report of all of the pledges made.

THEMATIC PRIORITIES OF PLEDGES

Develop and strengthen systems for the identification and protection of stateless migrants

Most stateless persons remain in the country of their birth; however, some move and become migrants or refugees. The majority of persons are not recognized as stateless; resultantly, they are faced with serious human rights violations due to their lack of legal status. In terms of the 1954 Statelessness Convention, states should establish procedures to determine who is stateless. In this way, stateless migrants will be able to acquire legal status in the country in which they find themselves and be able to enjoy basic human rights. Statelessness determination procedures are recommended for stateless persons in migratory situations. It is not a suitable procedure for situations with large-scale in situ stateless populations. In terms of a long-term solution, states are encouraged to facilitate the naturalization of recognized stateless persons.

Zambia, one of the CRRF pilot countries, in implementing its pledge at the 2019 High-Level Segment toward greater access to birth registration and certification for persons born in the territory, has undertaken exercises to register births and issue birth certificates and refugee documents at the Mohebi, Mantapala and Mayukwayukwa refugee settlements. This involved the introduction of a new system to register and issue birth certificates on the spot (UNHCR, 2022). In service of its pledge at the 2019 High-Level Segment, the DRC registered 1,278 children, including 609 girls and 669 boys, of whom 512 were internally displaced children, 457 were repatriated children, and 309 were children from host communities (UNHCR, 2024). Eswatini committed to preventing and eradicating statelessness by conducting a

nationwide “mop-up” exercise to register and issue nationality documentation to those entitled to it to ensure legal identity and facilitate inclusion by 2022. Further, this would assist in identifying stateless people and those at risk of statelessness and consider legal, policy, and administrative reforms that will address and end the statelessness situation by 2024. Eswatini launched its national “mopping-up” exercise as well as regional exercises in Shiselweni and Lubombo. These exercises are ongoing and over a thousand people have been issued with documents.

Introduce provisions in the nationality law to prevent statelessness and ensure effective implementation of these safeguards

The majority of stateless persons have not held a nationality since birth; this often occurs due to the gaps in states’ nationality laws. Each country has its own laws that make provisions for the acquisition or withdrawal of a nationality. However, if the laws are deficient regarding the right to a nationality, persons can be barred and left stateless. The 1961 Statelessness Convention stipulates three crucial protections that states are required to introduce in their nationality laws to prevent childhood statelessness. These are, to grant nationality to children: born on the territory if they would otherwise be stateless; born abroad to nationals if they would otherwise be stateless; and found on the territory to unknown parentage, known as “foundlings.” A number of states are not signatories to the 1961 Convention and those states that have ratified the 1961 Convention have not yet included these safeguards in their nationality laws. Lesotho pledged to enact by 2020 the bill on nationality that grants nationality to children of unknown origin found in its territory and provides for a safeguard to grant nationality to children born on the territory who would otherwise be stateless, although this has not yet occurred. However, in 2018, Lesotho enacted constitutional amendments that allow for equality in the conferral of nationality on spouses (Eighth Amendment to the Constitution Act, 2018: section 40).

Improve quantitative data on stateless populations

Only a handful of countries report on quantitative data on stateless populations, while some of the countries globally with a large suspected stateless population do not report on statelessness at all. There are several ways how statistics and information on the situation of stateless populations can be gathered, using a range of methods, including analyses of civil registration data, population censuses, and targeted surveys and studies. The Expert Group on Refugee, IDP and Statelessness Statistics developed the International Recommendations on Statelessness Statistics (hereafter “IROSS”), which was submitted to and unanimously endorsed by the UN Statistical Commission in March 2023. IROSS seeks to improve the quality of data on statelessness by providing guidance on the production, coordination, and dissemination of stateless-related statistics. In late 2022, commissioned and assisted by the UNHCR, Malawi validated and published a national study on statelessness

and the risks of statelessness, which it pledged to do in 2019. Although Angola made no explicit pledge to do so, released its study on statelessness and risks of statelessness in 2022 (Lungu, 2022).

National surveys of this sort are crucial to a state's response and action plan toward statelessness to first establish the scope of the problem. Several countries in the SADC region still require complete and comprehensive national surveys of this sort; South Africa's survey is set to be completed in 2027, while Zimbabwe's survey still requires field research. Eswatini's national study, which had been earmarked for completion in 2021, required interviews with focus groups, which were hampered by COVID-19 restrictions and internal unrest. While the preliminary report was discussed at a validation workshop, it was decided that more interviews were to be conducted. These national studies are often reliant on UNHCR funding for completion. Where national surveys have not yet been completed, any potential plans to address statelessness are thwarted, as states do not have accurate data upon which to build their policies.

Strengthen institutional coordination on statelessness

States are encouraged to develop a national action plan to end statelessness, which includes the identification and protection of stateless persons, as well as the prevention and reduction of statelessness. A national action plan would highlight the key objectives, activities, and actors responsible for implementation. To this end, national inter-ministerial taskforces or working groups on statelessness are established to facilitate coordination across ministries and levels of government. Namibia pledged to adopt a National Action Plan to End Statelessness by June 2020. A National Committee on Statelessness (NCS) comprising stakeholders; Offices, Ministries and Agencies (OMAs); UN agencies; and non-governmental organizations (NGOs) was established to spearhead the implementation of the proposed plan. Malawi adopted a National Action Plan on the Eradication of Statelessness in 2023, supported by the UNHCR, to implement various actions of the Global Action Plan to End Statelessness. In the same year, Zambia updated and adopted its National Action Plan to End Statelessness, which, among other things, recommends amendments to the Citizenship Act No. 33 of 2016 and the National Registration Act Chapter 126, to establish a statelessness determination procedure and raise the maximum age by which foundlings would be presumed to have Zambian nationality.

PROGRESS BEYOND PLEDGING

While one of the GCR's main forms of operationalization is the pledging system, it exists within a larger framework of events, campaigns, multi-stakeholder participation, and funding mobilization. Global and sustained campaigns to eradicate statelessness, such as the Global Alliance, function with their own mandate and institutional structure that have significant overlaps with other initiatives like the

GCR. Efforts made toward the eradication of statelessness are often manifestations of pre-existing national, regional, or international projects that may or may not be expressed through a pledge. Mauritius, for example, reported at the Preparatory Meeting in 2019 that 99.7% of children were registered at birth, and that all cases of late birth registration were referred to and solved by the Civil Status Office and the Ministry of Gender Equality, Child Development and Family Welfare.

Many of the Forum pledges made in the region were by the UN Country Team (UNCT), who committed to support or continue supporting governments. Their work is facilitatory, and progress often reflects ongoing efforts and not necessarily novel initiatives made through the pledging system. This facilitatory relationship shows that there is collaboration between states and development actors – a key aim of the GCR. Yet in the case of statelessness, states must maintain a central role in addressing systemic exclusion. The UNCT in Angola helped launch a registration and documentation exercise in 2023 to pave the way for greater access to services as well as social and economic integration. In Luanda, 1,041 refugees with expired documentation had been re-registered (UNCT, 2023: 25). Further, authorities announced that all asylum seekers processed before 2015 would be automatically recognized. Beginning in 2020, legislative reform was introduced to allow the civil registration and issuance of ID cards to about 4 million unregistered individuals who hold a voter's card and appear in the electoral roll (Offerman, 2022: 9).

States engage in regular legislative reform to address gaps in their nationality laws that have the effect of reducing statelessness. While reform such as this is situated within the larger global and regional efforts to eradicate statelessness and institutionalize multi-stakeholder participation, the pledging system is not necessarily a *sine qua non* for this reform. A major cause of statelessness is discriminatory nationality laws that result in direct or indirect exclusion. While not in line with any specific pledge, Madagascar in 2019 removed gender discrimination from its nationality law and allowed women to confer nationality on their children on an equal basis with men. Gender discrimination in the conferral of nationality is one of the leading causes of statelessness and takes concerted legislative effort to alleviate. However, as the pledging system and the GCR are voluntarist, the system's ability to galvanize legislative and policy reform that is not already in progress may be muted.

The pledging system is designed for the making and monitoring of pledges and other progress. As pledging and the GCR are voluntary, there is no institutional form of accountability or enforcement. Pledges can thus be made and remade at succeeding events, without making any progress. In 2011, Zambia pledged to accede to the 1961 Statelessness Convention, then again in 2019 at the High-Level Segment and has still not become a state party. The implementation of pledges is often hamstrung by the slow incrementality of bureaucracy and the mercuriality of changing administrations. The vast majority of pledges made toward statelessness in the Southern African region are listed as in the planning stage or in progress. Arguably, as the GCR is built atop a developmental approach, progress should be measured in the long term. However,

the pledging system is a means to make incremental progress through smaller, achievable deliverables, but the low implementation rate reveals early concerns of unsustainability. The GCR's dashboard shows that pledge-making spikes in the years of the Forums, yet the rate of implementation has remained below 30%.

CONCLUSION

The degree to which the GCR and the pledging system can make progress in eradicating statelessness is largely a function of how receptive a state is to addressing the issue. States with a pre-existing commitment to enact more inclusive nationality legislation, expand their civil registration systems, and take other steps toward eradicating statelessness may reap great benefits from the pledging system and the momentum of the GCR. However, the pledging system will play a minor role in states that do not have the same commitment or political will. Further, the pledging system has no monitoring or accountability authority. Moreover, there is no obligation to report on the implementation of pledges, let alone to make pledges. It is evident that the pledging system may be largely facilitatory and unable to galvanize large-scale burden-sharing. The voluntarist nature of pledging also means that the implementation rate of pledges has remained low; yet it is important to note that a developmental approach requires long-term analysis.

There remains an urgent need to eradicate statelessness. States in the SADC region are encouraged to adopt stateless-determination legislation and undertake national surveys on statelessness and associated risks to better outline the scope of the problem. These steps require political will but also financial and other resources. Addressing statelessness also requires active participation and collaboration from multiple components of government at every level, as well as non-state actors that can contribute the necessary resources. Early evidence shows that the pledging system is not adequately securing resources and multi-stakeholder participation for eradicating statelessness in all cases, but there are, nonetheless, some important measures being taken toward this goal.

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