

Comments under Rule 112 relating to Implementation

April 2016

Introduction

1. In July 2015, the Commission notified the parties of its decision in this case, which concluded that by depriving and excluding certain Ivoirians of citizenship and its benefits, Côte d'Ivoire had violated a number of articles under the African Charter, including Article 5 on the right to recognition of a legal status, Article 2 on the right to non-discrimination and Article 3 on the right to equal protection, along with a number of rights that flow from the right to a nationality, and recommended a number of steps necessary to address these violations. In accordance with Rule 112 of its Rules of Procedure, the Commission also requested that both parties submit observations on the measures that had been taken to implement that decision. As set out in our letter of 29 February 2016, and pursuant to the Commission's request, we provide our observations in accordance with Rule 112 (2) of the Commission's Rules of Procedure and in response to the Commission's request, dated 7 July 2015.¹
2. The government of Côte d'Ivoire has made important steps towards securing the right to nationality for all Ivoirians, including the many individuals who lack the legal documentation necessary for the enjoyment and exercise of their rights. However, despite recent reforms that provided a temporary procedure for certain groups to apply for nationality, many challenges remain in accessing Ivoirian nationality and an estimated 700,000 people remain stateless.²
3. The Ivoirian government has acknowledged these challenges, and does not dispute the scale of the problem or the fact that further steps are needed to solve it. In light of this recognition of expression of will to solve the problem of statelessness in Côte d'Ivoire, we would encourage the Commission to engage with the Ivoirian government to fully implement its decision. We respectfully request the Commission to appoint a Rapporteur for this Communication under Rule 112 of the Commission's Rules of Procedure. We would invite the rapporteur to request further information from the Government of Côte d'Ivoire, to urge the government to address the concerns raised in this submission and to take the steps identified, and to report back to the Commission during its Ordinary Session and regularly thereafter.
4. Moreover, as the litigators in this case and as an organization that has been working on issues around citizenship, nationality and statelessness for many years and in a range of jurisdictions, we would welcome the opportunity to work with the Ivoirian government on the key actions required, including some of the technical issues necessary to achieve full compliance with the Commission's recommendations. We would be pleased to continue to provide further information to the Commission, and to work closely with the rapporteur in engaging with the government of Côte d'Ivoire and other actors in the country on the Commission's recommendations.

¹ The information contained in this submission is gathered from consultations in Abidjan with government officials, civil society leaders, the National Commission on Human Rights, the United Nations High Commission on Refugees (UNHCR) and victims, in October 2015; expert opinion on remedies prepared by Bronwen Manby, expert in comparative African nationality law; media review and research by the Open Society Justice Initiative, as well as follow up conversations with various stakeholders. Further details of the people consulted can be provided if helpful to the Commission.***

² Annex 1: Chacun a droit à une nationalité. *Fraternité Matin*. Vendredi 26, Février 2016. See also Annex 2: UNHCR, *Statelessness in Côte d'Ivoire: Information Note*, February 2016. See also Annex 3: Bronwen Manby, expert opinion, para 76.

Background and Findings

5. In its decision, the Commission recognized that the government of Côte d'Ivoire had initiated a number of reforms over the past decade. However, while the Commission considered that some of these reforms were significant, it did not consider that those reforms had solved the problems identified in the communication or addressed the root causes of people without a nationality in Côte d'Ivoire. The Commission anchored its decision in Article 5 of the Charter, the right to recognition of a legal status and dignity, finding that the specific right protected by Article 5 is the obligation on any state party to recognize an individual's capacity to enjoy rights and to exercise his/her obligations.³ On the question of whether there is "a right to nationality" according to the provisions of Article 5 of the Charter, the Commission, reaffirming its Resolution 234 on the right to a nationality, observed that the right to a nationality of any human person is a fundamental right derived from the terms of Article 5 of the Charter and essential for the enjoyment of other fundamental rights and freedoms guaranteed by the Charter, including equal and comprehensive access to proof of nationality, including birth registration.⁴
6. The Commission found that laws that lack precision as in the case of Côte d'Ivoire open the door for arbitrariness, abuse, and interpretation dependent on the good will of the authority vested with power.⁵ In doing so, the Commission also concluded that vagueness of the law ensured the adoption of policies and practices that discriminated against people deemed to not be Ivoirians by origin, on the basis of ethnicity and religion, violating article 2 of the Charter⁶, and that where discrimination occurs, equality and equal protection of the law protected by Article 3 are automatically undermined.⁷ In addition, the Commission found the government of Côte d'Ivoire to be in violation of a number of other important rights linked to the right to nationality under the African Charter, namely: Article 1 (violation of rights, duties and freedoms under the Charter), Article 12 (right to freedom of movement), Article 13 (right to political participation), Article 14 (right to property), Article 15 (right to employment); Article 18 (right to family life), and Article 22 (right to development).
7. The Commission issued a comprehensive set of recommendations, including detailed recommendations to address the legislative gaps and administrative deficiencies that had caused the violations it identified⁸:
 - Amend the provisions of Articles 35 and 65 of the Constitution in accordance with the provisions of Articles 2 and 13 of the Charter;
 - Amend the Nationality Law to incorporate provisions to grant nationality to children and documentation to other victims by domesticating the provisions included in the Statelessness Conventions and the African Charter on the Rights and Welfare of the Child;
 - Establish a reliable birth registration system, where the birth certificate serves as proof of nationality;
 - Share the burden of proof of nationality with the applicant, accept alternative modes of proof, and issue sanctions for relevant authorities in cases of unjustified and discriminatory denial;

³ *Open Society Justice Initiative v. Côte d'Ivoire*, AfCommHPR, Comm. 318/06, Decision of 1 August 2015, para. 97.

⁴ *Ibid.*, para. 98.

⁵ *Ibid.*, para. 114.

⁶ *Ibid.*, paras. 150, 158.

⁷ *Ibid.* para.162.

⁸ The Commission also made additional recommendations regarding compensation and reform of land ownership.

- Establish an independent, fair, impartial, and equitable procedure for disputes on the right to nationality.

Recent Reforms and Current Challenges

8. Since the most recent briefings to the Commission in this case, the Ivoirian government has continued to take positive steps, including ratifying key international and regional conventions and passing a temporary procedure to provide expedited and non-discriminatory access to nationality for some people. However, while these reforms are welcome, they have not solved the problem of statelessness in Côte d'Ivoire, especially as the relevant international and regional conventions still remain to be incorporated into the national legal framework. As a result, an estimated 700,000 people remain stateless, a number that is supported by UNHCR and not contested by the Ivoirian government.⁹ Despite the scale of this challenge, the Ivoirian government has recently reaffirmed its commitment to eradicate statelessness, providing a firm foundation to take the steps necessary to fully implement the Commission's recommendations.

2013 Reforms and Their Impact

9. In 2013, the government signaled its political will to address the question of nationality and statelessness by approving a package of reforms. These included the ratification of both the 1954 Convention relating to the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. However, almost three years later, none of the provisions of the Statelessness Conventions have been domesticated. Without taking affirmative steps to incorporate the provisions of these conventions into its national legal framework, the Ivoirian state's ratification remains largely symbolic.
10. As part of the 2013 reform package, the Ivoirian government also enacted a temporary law, Loi 2013-653, providing a simplified procedure of declaration to recognize the Ivoirian nationality of those present in Côte d'Ivoire at the time of independence.¹⁰ It is widely reported that this measure was able to reduce the discretion inherent in nationality determination in Côte d'Ivoire¹¹, and that "[t]he implementing decree of the law made it significantly easier to access [citizenship] by providing for non-discretionary acquisition of nationality by declaration".¹²
11. Despite restraining the widespread discretion of previous nationality determination procedures, Loi 2013-653 reached an underwhelming number of beneficiaries. In interviews with the Open Society Justice Initiative in October 2015, affected persons lamented the fact that a wider education campaign had not been organized to disseminate information about the special procedure, especially in the remotest parts of the country where illiteracy remains high.¹³
12. One of the concerns raised by affected individuals was the limited time allowed for this corrective measure considering the long history of the problem it was seeking to

⁹ See Annex 1: Chacun a droit à une nationalité. *Fraternité Matin*. Vendredi 26, Février. See also Annex 2: UNHCR, *Statelessness in Côte d'Ivoire: Information Note*, February 2016. See also Annex 3: Bronwen Manby, expert opinion, para. 76.

¹⁰ Loi No.2013-653 du 13 Septembre 2013 portant dispositions particulières en matière d'acquisition de la nationalité par déclaration.

¹¹ See Annex 3: "The law on special procedures of acquisition of nationality by declaration adopted in 2013 provides for a less discretionary process, which should ease applications; yet only a minority of those who would appear to be eligible have applied." Bronwen Manby, expert opinion, para. 38; see also Bronwen Manby, *Citizenship and Statelessness in Africa: The Law and Politics of Belonging* (2015), p. 319.

¹² *Ibid.*

¹³ Notes on file with the Justice Initiative. See also Annex 3: Bronwen Manby, expert opinion, para. 105.

correct.¹⁴ While there had been widespread confidence expressed in October 2015 that this law would be extended, the implementation period of the law ended on 24 January 2016, without extension.¹⁵ Despite a massive push to get more people to take advantage of this special naturalization procedure, a total of 123,000 applications had been received by 24 January 2016, compared to the end of 2014, when approximately 60,000 declarations had been made under the provisions.¹⁶

13. Unfortunately, despite receiving 123,000 applications, this only represents a minority of those eligible to apply.¹⁷ In addition, in cases of rejection of an application, only limited recourse was available to the applicant to challenge this rejection.¹⁸ Thus far, only 6,400 individuals have been able to acquire documents confirming their nationality and another 6,000 have received a late birth certificate through this law,¹⁹ indicating a troubling lag time or a high rate of non-acceptance of the applications. While we do not know the exact size of the targeted population, it is worth noting that the special procedure was designed to only address a small percentage of the problem of lack of nationality, thus leaving people born since 1973 and historic migrants and their descendants without a solution.²⁰

Promising Recent Developments

14. On 25 February 2015, Côte d'Ivoire hosted the first ECOWAS Ministerial Conference on Statelessness, facilitated by UNHCR, which adopted the Abidjan Declaration. This Declaration contained 25 commitments to address and eradicate statelessness in West Africa.²¹ This ambitious commitment tracks many of the commitments already present in the Statelessness Conventions and the African Charter on the Welfare and Rights of the Child, such as ensuring that every child acquires a nationality at birth and that all unaccompanied children ("foundlings") are considered nationals of the State in which they are found.²² It is estimated that of the 700,000 stateless people in Côte d'Ivoire, foundlings or children of unknown parentage account for approximately 300,000.²³
15. In keeping with its commitment under the Declaration, Côte d'Ivoire has designated a focal point (*Point Focal gouvernemental*) for questions relating to statelessness in order to strengthen the coordination of governmental actions in the fight against statelessness.²⁴ Côte d'Ivoire has also started the process of drafting a National Action Plan against statelessness, in keeping with UNHCR's global campaign to eradicate statelessness. While the Plan has yet to be finalized and publicized, it includes a multi-sector approach involving the Ministries of Justice, of Human Rights, of Foreign Affairs, and of the Interior, and is set to be part of a larger National Development Plan

¹⁴ Notes on file with The Justice Initiative.

¹⁵ Annex 2: UNHCR, *Statelessness in Côte d'Ivoire: Information Note*, February 2016.

¹⁶ *Ibid.*; see also UNHCR, "First Anniversary of the Abidjan Declaration on the eradication of statelessness", 25 February 2016, available at <http://www.unhcr.org/56ceda796.html>.

¹⁷ Annex 3: Bronwen Manby, Expert Opinion, page 10, para 38.

¹⁸ *Ibid.*

¹⁹ UNHCR, "First Anniversary of the Abidjan Declaration on the eradication of statelessness", 25 February 2016, available at <http://www.unhcr.org/56ceda796.html>.

²⁰ Annex 3: Bronwen Manby, expert opinion, para. 92.

²¹ Annex 4: Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness (both French and English copies).

²² "Foundlings are children found abandoned in the territory. Most nationality laws provide for a foundling (newborn infant) or more generously, a child of unknown parents to be presumed to be a national." Bronwen Manby, "Nationality, Migration and Statelessness: A Study for UNHCR and IOM", June 2015, p. 75 available at <http://unhcr.org/ecowas2015/Nationality-Migration-and-Statelessness-in-West-Africa-REPORT-EN.pdf>

²³ Annex 2: UNHCR, *Statelessness in Côte d'Ivoire: Information Note*, February 2016

²⁴ UNHCR, "First Anniversary of the Abidjan Declaration on the eradication of statelessness", 25 February 2016, available at <http://www.unhcr.org/56ceda796.html>.

that Côte d'Ivoire will be producing. This plan has benefitted from the input of the focal points of various ministries, ECOWAS, various UN agencies including UNHCR, as well as local and international NGOs. Before its formal adoption by the government, the comprehensive National Action Plan will be finalized in a two-day meeting where other concerned parties such as lawyers, researchers, and academics will be able to provide comments, before its formal adoption.

16. Importantly, the Ivoirian government itself has acknowledged that the steps it has taken to date are insufficient to solve this problem and has committed to do more. On the occasion of the first anniversary of the Abidjan Declaration, in an article published in various national papers, MM. Sansan Kambilé, Minister of Justice, and Mohamed Askia Touré, Resident Representative of UNHCR in Côte d'Ivoire, stated:

“Un an après l’adoption de la Déclaration d’Abidjan, fiers des progrès réalisés et conscients que de nombreux efforts restent à faire, nous réitérons notre détermination à mener à bien le Plan d’action national entrepris par la Côte d’Ivoire et à nous assurer que les réformes législatives et administratives nécessaires pour l’éradication de l’apatridie d’ici 2024 soient entreprises”²⁵

Recommendations: From Political Will to Political Action

17. Given the recognition by the Ivoirian government that it still needs to do more in order to eradicate statelessness, and its commitment to do so, the Justice Initiative has identified a series of concrete steps that the government can and should take, and that the Commission could encourage the Ivoirian government to enact.²⁶ These steps focus on two crucial issues: legislative and administrative reforms that are necessary to effectively remove barriers to access nationality. Enacting these key reforms will enable progress in a range of the other consequential and historical violations the Commission identified in its decision. For instance, empirical evidence in Kenya has shown a positive correlation between holding particular forms of legal documentation with better outcomes across a range of development goals.²⁷

Legislative Reforms

18. To fulfill the commitments it has undertaken, Côte d'Ivoire must consider comprehensive legislative reforms to facilitate the acquisition of Ivoirian nationality. Importantly, these reforms should not be time-limited and should be applied retroactively where possible.
19. *Review and expand the simplified declaration procedure.* The law on special naturalization procedure by declaration, Loi No. 2013-65328, was limited to those habitually residing in Côte d'Ivoire in 1961, and for those born in the territory before January 1973 and still residing there as adults. The vast majority of the affected population was unable to take advantage of this law.²⁹ Now that the simplified procedure has concluded, the government of Côte d'Ivoire should study its impact, so

²⁵ Annex 1: *Fraternité Matin, Chacun a Droit à une Nationalité*, 26 Février 2016 ; see also, *Le Patriote* – No 4864 – Vendredi 26 Février 2016.

²⁶ For a more thorough analysis of Ivoirian nationality law and recommendations for comprehensive legislative and administrative reform, please consult the expert opinion authored by Bronwen Manby, expert on Citizenship law in Africa. The complete report is attached as Annex 3.

²⁷ Annex 5: Ben Oppenheimer and Brenna Marea Powell, *Legal Identity in the 2030 Agenda for Sustainable Development: Lessons from Kibera, Kenya*, October 2015.

²⁸ Loi No.2013-653 du 13 Septembre 2013 portant dispositions particulières en matière d’acquisition de la nationalité par déclaration.

²⁹ “But these measures, while important, only addressed the situation of those born before 1973, leaving a very large number of people resident in Côte d’Ivoire in doubt as to their nationality as Ivoirian.” Bronwen Manby, *Citizenship and Statelessness in Africa: The Law and Politics of Belonging* (2015), 320.

as to diagnose the cause of the low turnout and the even lower rate of success. Understanding this and making this procedure a permanent feature of the Nationality Code that is open to more affected groups would address its previous weaknesses: its temporal nature and selective applicability, paving the way for the government to craft a more comprehensive and permanent, durable solution.

20. *Adopt the double jus soli rule.* Thus far, the Ivoirian government has deployed temporary solutions to confront the nationality crisis. Adopting a temporary measure to address a longstanding issue will eventually unravel unless a permanent and durable solution in the form of reforms to the Nationality Code is introduced. Namely, the Ivoirian government should consider adopting the double jus soli provision, which has already been adopted by neighboring countries.³⁰ The provision allows for a child born within the territory of Côte d'Ivoire of one parent also born there to automatically acquire Ivoirian nationality by operation of the law, at birth. Countries that provide very limited rights based on birth in the country risk creating large populations of people of whose nationality is in doubt or who are stateless.³¹ As it currently stands, despite the recent reforms, the Ivoirian nationality code remains very closed to the integration of new migrants or to the grant of nationality rights based on birth in the territory: indeed, Côte d'Ivoire is among the countries in Africa whose nationality is most difficult to access.³² By adopting double jus soli, Côte d'Ivoire could at least prevent this situation from spilling over more than one generation.³³
21. *Restore the provision on foundlings and children of unknown parentage.*³⁴ The 1972 amendments to the Nationality Code closed the only legal avenue for unaccompanied children found in Côte d'Ivoire ("foundlings") to acquire nationality.³⁵ As a state party to the 1961 Convention on the Reduction of Statelessness, Côte d'Ivoire now has the obligation under Article 2 of that Convention to grant Ivoirian nationality to foundlings. Restoration of this provision would be a positive step to implement the international instruments on statelessness and the African Charter on the Rights and Welfare of the Child to which Côte d'Ivoire is party to. This is also in accord with the recommendation of the Commission in this decision.³⁶
22. *Domesticate the statelessness conventions.* As noted above, while the ratification of the statelessness conventions is an important step, they must be implemented in domestic law to be effective. While the Ivoirian Nationality Code itself states that international treaties to which Côte d'Ivoire is a party have direct effect, the law and the procedures for its implementation have not yet been modified to reflect these obligations.³⁷ This

³⁰ Bronwen Manby, expert opinion, para 108, p. 24

³¹ Bronwen Manby, "Nationality, Migration and Statelessness: A Study for UNHCR and IOM", June 2015, p. 92 available at <http://unhcr.org/ecowas2015/Nationality-Migration-and-Statelessness-in-West-Africa-REPORT-EN.pdf>

³² "The rules on nationality of origin are ambiguous, especially in relation to those who became Ivorian at independence, and, by contrast especially to other countries of francophone West Africa, provide no rights based on birth in the territory. It is one of the few nationality laws in Africa that does not even provide for nationality for abandoned infants found in the territory." Annex 3: Bronwen Manby, expert opinion, para. 11.

³³ Bronwen Manby, "Nationality, Migration and Statelessness: A Study for UNHCR and IOM", June 2015, p. 92 available at <http://unhcr.org/ecowas2015/Nationality-Migration-and-Statelessness-in-West-Africa-REPORT-EN.pdf>.

³⁴ Annex 3: Bronwen Manby, expert opinion, para 106.

³⁵ Loi No. 72-852 du 21 Décembre 1972 modifiant la Loi 61-415 du 14 Décembre 1961 portant Code de la nationalité.

³⁶ *Open Society Justice Initiative v. Côte d'Ivoire*, para. 200.

³⁷ International instruments ratified by Côte d'Ivoire, have to be first promulgated into Law, before they can be implemented, in accordance to article 87 of the Ivorian Constitution, which provides that "duly ratified international agreements, once promulgated, shall have precedence over the laws subject to each treaty or agreement being implemented by the other party," See Côte d'Ivoire's initial report to

includes creating an official statelessness status determination procedure and a pathway to citizenship. Having acceded to both conventions, Côte d'Ivoire is obligated to review its national legislation and bring it in compliance with the international standards contained in these treaties.³⁸ Côte d'Ivoire should implement the United Nations conventions on statelessness and the African Charter on the Rights and Welfare of the Child to which Côte d'Ivoire is a party. This is in keeping with the Commission's recommendation that Côte d'Ivoire consider implementation of the aforementioned instruments.³⁹

23. *Remove problematic clauses like Article 35 of the Constitution.* In early post elections statements in 2015, president Alassane Ouattara, in an interview to *Jeune Afrique*, said that very high on his list is eliminating Article 35 of the Constitution, which speaks of the divisive “ivoirité” concept.⁴⁰ This is also one of the key recommendations of the Commission and it revisits the recommendation from the case of *MIDH v. Côte d'Ivoire*, where the Commission had previously found article 35 of the Constitution to be contrary to spirit of nondiscrimination of Article 2 under the Charter.⁴¹

Administrative Reforms

24. For the legislative reforms to be properly implemented, sound administrative bodies and procedures are necessary. We therefore respectfully request the Commission to encourage Côte d'Ivoire to develop its policies with regard to the following:
25. *Nationality Certificates and Identification.* Côte d'Ivoire should make the procedure for obtaining nationality certificates more accessible to its population. This includes reviewing the decrees implementing any procedure for nationality certificates to ensure they are effectively providing identification to those who are entitled to it.⁴² The identification process should integrate the possibility of allowing the affected person concerned to make the declaration to opt for Ivorian nationality provided under temporary measures.⁴³ Furthermore, Côte d'Ivoire should develop explicit procedures for the identification, protection, and naturalization of stateless persons in accordance with the State's obligations under the 1954 Convention relating to the Status of Stateless Persons.
26. *Civil Registration procedures/ Birth Registration.* Making civil registration services more accessible to all children born within the country's territory, irrespective of the nationality of their parents, should be a priority. In addition, measures should be put in place to facilitate the registration under Ivorian law of children of Ivorian refugees who were born abroad in asylum countries, and whose birth was not registered in that

the UN Human Rights Committee, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CIV/1&Lang=en

³⁸ Annex 3: Bronwen Manby, expert opinion, para. 99.

³⁹ *Open Society Justice Initiative v. Côte d'Ivoire*, para. 200.

⁴⁰ “Côte d'Ivoire: Alassane Ouattara veut modifier la Constitution et supprimer l'ivoirité s'il est réélu” *Jeune Afrique*, available at <http://www.jeuneafrique.com/273031/politique/Côte-divoire-ouattara-veut-modifier-constitution-supprimer-l-ivoirite-sil-reelu/>

⁴¹ “The Commission thus finds the requirement that an individual can only exercise the right to stand for the post of a President not only if he/she is born in Côte d'Ivoire, but also that his parents must be born in Côte d'Ivoire unreasonable and unjustifiable, and finds this an unnecessary restriction on the right to participate in government guaranteed under article 13 of the African Charter. Article 35 is also discriminatory because it applies different standards to the same categories of persons, that is, persons born in Côte d'Ivoire are now treated on the places of origin of their parents, a phenomenon which is contrary to the spirit of article 2 of the African Charter.” *Mouvement ivoirien des droits humains (MIDH) v. Côte d'Ivoire*, AfCommHPR, Comm. 246/02, 2008.

⁴² Annex 3: Bronwen Manby, expert opinion, para 119.

⁴³ *Ibid.*, para 120.

country, or whose registration documents need rectification.⁴⁴ Similarly, the Ivoirian government should allow for other forms of proof where documentary evidence (civil registration documents) is not available.⁴⁵ This is in line with the Commission's recommendation to Côte d'Ivoire, requesting that it ensures full access to nationality by introducing a birth registry system based on the birth certificate.⁴⁶

27. *Due Process.* The Ivoirian government should remove discrimination in nationality procedures by providing objective criteria in laws and regulations, publishing the condition that must be fulfilled and providing for administrative and judicial appeals in all cases.⁴⁷ This is in keeping with the Commission's recommendation that Côte d'Ivoire establish independent, fair, impartial and equitable procedures for the determination of nationality.⁴⁸
28. *Protection and Integration of Stateless Persons.* The Commission should encourage the Ivoirian government to establish bi – and multi- lateral commissions with neighboring states to determine the nationality of those whose status is in doubt and issue documents accordingly. This is also contemplated in the Abidjan Declaration for better regional coordination in the fight against statelessness.⁴⁹
29. *Statelessness Determination Procedures.* The Commission should encourage the government of Côte d'Ivoire to institute procedures for the determination of stateless persons.⁵⁰ This is in keeping with the Commission's commitment to the right to nationality as well as Côte d'Ivoire's obligations under the Statelessness conventions.

Conclusion

30. There is no question that major developments have occurred in Côte d'Ivoire between the time the Commission became seized of this case and the time that it issued its decision on the merits. This demonstrated political will provides further impetus and opportunity to develop and implement a durable solution for the nationality legal regime.
31. Seizing upon this political will, we invite the Rapporteur for this Communication to request further information from the government of Côte d'Ivoire to clarify measures that are being undertaken to implement this decision. Where possible, the Commission should assist the Ivoirian government in its goals of creating fair and inclusive nationality laws and should require regular and publicly available implementation updates that are tracked against the Commission's recommendations.
32. We also invite the Rapporteur for this Communication to request that the government of Côte d'Ivoire indicate the appropriate focal point within its government, dealing with implementation of this Communication, for ease of future dialogue and discussions on implementation.
33. Given that conversations around implementation are ongoing, if the Commission has received a submission from Côte d'Ivoire pursuant to Rule 112 or when it receives further information, we respectfully request that this be shared with the Justice Initiative. This will inform our continued engagement with the government on steps that have been taken or are contemplated to implement the Commission's

⁴⁴ *Ibid.*, para 117.

⁴⁵ Bronwen Manby, *Citizenship and Statelessness in Africa: The Law and Politics of Belonging* (Wolf Legal Publishers, 2015), 465.

⁴⁶ *Open Society Justice Initiative v. Côte d'Ivoire*, para. 201-02.

⁴⁷ Bronwen Manby, *Citizenship and Statelessness in Africa: The Law and Politics of Belonging* (Wolf Legal Publishers, 2015), 466.

⁴⁸ *Open Society Justice Initiative v. Côte d'Ivoire*, para. 205.

⁴⁹ Bronwen Manby, *Citizenship and Statelessness in Africa: The Law and Politics of Belonging* (Wolf Legal Publishers, 2015), 466.

⁵⁰ *Ibid.*

recommendations. We make this request while noting that we have no objection for our submission to be shared with the government of Côte d'Ivoire. This exchange, we believe, would enable more productive discussions with the government, and foster more effective engagement for implementation of the Commission's recommendations.

34. We would also be pleased to continue to provide information to the Commission as our conversations with the government progress. Because of the ongoing nature of discussions with the Ivoirian government, the National Commission on Human Rights in Côte d'Ivoire and local civil society organizations, we respectfully ask that the Commission request a follow up update within the next 180 days for the Justice Initiative to appraise it on positive implementation steps taken to date.



Cassandre C. Théano, Associate Legal Officer
James A. Goldston, Executive Director
Open Society Justice Initiative

Enclosures:

- Annex 1 Déclaration Conjointe: Haut-commissariat des Nations Unies pour les Réfugiés (HCR) et la Communauté Economique des Etats de l'Afrique de l'Ouest (CEDEAO), 26 Février 2016.
- Annex 2 UNHCR, *Statelessness in Côte d'Ivoire: Information Note*, February 2016.
- Annex 3 Bronwen Manby, Expert Opinion, prepared on behalf of Open Society Justice Initiative.
- Annex 4 Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness (French and English copies provided).
- Annex 5 Ben Oppenheim and Brenna Marea Powell, *Legal Identity in the 2030 Agenda for Sustainable Development: Lessons from Kibera, Kenya* (October 2015).