

Title

Statelessness Phenomenon in southern Africa and International Law: A case study of Zimbabwe

Topic 5

Governance of Migration: Migrants and Refugees' Human Rights

By

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Abstract

This paper analyses statelessness within an interdisciplinary approach. Statelessness is often due to State intervention in cases of questioned migration of persons. Zimbabwe is used here as a case study.

Migration has always been a phenomenon of everyday life. The migration of individuals seeking better lives in other countries has been happening for centuries. This paper analyses the recent years' developments through interdisciplinary discussions surrounding statelessness, offering the perspective of the effects of migration on State sovereignty. Particular attention is given to defining statelessness, the root causes of statelessness, State responsibility to migrants, and their right to nationality. International law related to nationality is relatively embryonic. The granting of nationality has historically been regarded as being within the discretion of the State concerned, though it was generally assumed that if one was born in a territory one had the nationality of that State. It is assumed through the Universal Declaration of Human Rights that everyone is guaranteed the right to nationality. The Convention on the Reduction of Statelessness makes it a duty of states to prevent statelessness in nationality laws and practices. Numerous other instruments mention citizenship in relation to their own focus area, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, in conjunction with Convention on the Rights of the Child which also assures the right of every child to acquire a nationality, placing a responsibility on State parties to reverse this right.

A closer examination of the motivations compelling States to disregard these treaties, will it be possible to address the issues behind statelessness and State recklessness to the observance of international law.

Keywords: Nationality, Citizenship, International law, De facto, De jure, Jus sanguinis