

50th Anniversary of the 1954 Convention relating to the Status of Stateless Persons

Panel Discussion

Wednesday, 6 October 2004 (1500-1630)

Conference Room XIX, Palais des Nations, Geneva

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.

(Article 15, Universal Declaration of Human Rights)

To mark the 50th Anniversary of the Convention relating to the Status of Stateless Persons, UNHCR will host a panel discussion during the meeting of its Executive Committee in October 2004 on current challenges in protecting stateless persons and reducing statelessness.

Background and UNHCR's role

The right to a nationality and the need to enjoy an effective nationality – nationality serving as the basis for the enjoyment of many other rights – was developed progressively throughout the 20th century. Determining to which nationality a person may have a right remains, however, a major challenge in the 21st century. In the case of stateless persons, the right to a nationality has itself been rendered null and void.

The right contained in Article 15 of the Universal Declaration was given concrete expression in two international legal instruments concerning statelessness, the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*. Regional treaties, such as the *1969 American Convention on Human Rights* and the *1997 European Convention on Nationality*, also recognize the right of every person to a nationality, and seek to clarify the rights and responsibilities of States in this regard. International law stipulates that it is for each State to determine, by operation of domestic law, who are its citizens. This determination should be consistent with general principles of international law and, in particular, with principles relating to the acquisition, loss or denial of citizenship.

Despite the development of international law and practice relating to nationality, the international community continues to face numerous situations of statelessness. These occur most frequently in the context of State succession or in States where conflicts involving ethnic groups have emerged. There may, however, also be problems of statelessness in States which have neither had a recent change in legislation nor undergone any transfer of territory. Sometimes it is the mere operation of incompatible nationality laws which leads to statelessness.

Persons affected often include life-long residents of a State, ethnic minorities, nomads, and, in some cases, women and children who are rendered stateless because their husband or father is a stateless person. Although accurate statistics are hard to obtain, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that there are several million stateless persons today.

UNHCR has been designated by the United Nations General Assembly a mediating agency under Article 11 of the 1961 Convention on the Reduction of Statelessness, a role entailing the provision of assistance to individuals and States in resolving existing and potential cases of statelessness. Conclusions of the Executive Committee of UNHCR have also urged the Office to:

- encourage States to accede to the 1954 and 1961 Statelessness Conventions;
- provide technical and advisory services to States on their nationality legislation and practice;
- assist stateless persons directly, through consultations with the States concerned, and by working with the relevant national authorities to find a solution for them.

A recent survey on statelessness conducted by UNHCR pursuant to the Agenda for Protection¹ has confirmed that no region is free of the problems which lead to statelessness. Root causes of statelessness often result from State succession, disputes between States concerning the legal identity of individuals, protracted marginalization of specific groups within society, or stripping individuals or groups of their nationality. The perpetuation of these situations leads to a deepening sense of disenfranchisement of these populations which can eventually lead to displacement.

Contrary to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which now have a total of 145 States Parties, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness have not yet been ratified by a significant number of States. The United Nations General Assembly and UNHCR's Executive Committee have tasked UNHCR, among other functions, to promote accession to both instruments most actively.

Objectives of the Panel:

The Panel should serve the purpose of highlighting the possibilities for solutions to situations of statelessness, taking as a basis for discussion concrete examples realized in different contexts, including that of State succession. There will also be a focus on how to maximize and achieve more from close and innovative partnerships with a range of actors. Given that many statelessness situations are of a protracted nature, the Panel will be called upon to examine in particular how these might be brought to an end through multilateral efforts. The information gathered by the recent survey on statelessness demonstrates that many States lack proper mechanisms to allow them preemptively to identify developing statelessness situations. The Panel should also allow States to discuss such mechanisms. The Panel is timed to coincide with UNHCR's annual Executive Committee meeting to take advantage of the presence in Geneva of concerned officials. Prominent experts in the field will lead the panel discussion.

¹ "Final Report Concerning the Questionnaire on Statelessness Pursuant to the Agenda for Protection", Department of International Protection, UNHCR, March 2004. The *Agenda for Protection* includes a Programme of Action which calls on States, intergovernmental organizations and UNHCR to, *inter alia*, examine the root causes of refugee movements and to adopt a more resolute response to these problems, including statelessness. Noting that statelessness is often associated with displacement and refugee flows, States were invited to give renewed consideration to ratifying the 1954 and 1961 Conventions relating to statelessness (Goal 1, Objective 12).