

**Global Forum on Statelessness  
The Hague, 15-17 September 2014**

**Ending Statelessness: An Imperative for the 21<sup>st</sup> Century**

**Keynote Address by  
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Distinguished Participants, Dear Colleagues, Ladies and Gentlemen,

It is a great pleasure to welcome you to the first ever Global Forum on Statelessness, held on the occasion of the sixtieth anniversary of the 1954 Convention relating to the Status of Stateless Persons. With at least 10 million stateless people around the world, statelessness remains one of the anachronisms of the 21<sup>st</sup> century. We need to find urgent solutions to end this phenomenon in the interests of equality, justice and human dignity. It is therefore fitting that the first Global Forum on Statelessness takes place in the Peace Palace -- a universal symbol of international law, justice and peace-building. The Hague has particular significance in the history of international cooperation in relation to statelessness, as it was here that the League of Nations made its first major attempt to codify rules for the acquisition and withdrawal of nationality and to prevent statelessness by negotiating and signing the 1930 Hague Convention.

This Forum is testament to how far we have come in our collective efforts to better understand and address the problem of statelessness around the world. Over the course of the next three days we will share examples of good practices to resolve statelessness, examine ongoing challenges and develop fresh thinking on what can be done in the years to come. What is particularly exciting about this gathering is the diversity of backgrounds and disciplines represented by over 300 participants. We will hear from policy-makers, academics, journalists, civil society groups, lawyers, UN and development agencies, and most importantly, from stateless and formerly stateless people themselves. We have indeed much to share, debate and put into action.

At the outset, let me thank you all for coming and for your commitment to this cause. In particular, I'd like to thank the Statelessness Programme of Tilburg University for their excellent collaboration in co-organizing the Forum with us, as well as the Government of the Netherlands for its support.

Ladies and Gentlemen,

Looking back over the last sixty years, it is fair to say that the last ten years have seen a real sea change in the way countries, civil society actors and the broader international community have dealt with statelessness. By way of example, in the last decade, over four million stateless people have acquired a nationality or had their nationality confirmed. At UNHCR's December 2011 Ministerial Meeting, over 60 States made statelessness-related pledges. In the past three years there have been an unprecedented 40 accessions to the two statelessness conventions. The steady increase in the number of States party to these conventions is clear evidence that there is growing international consensus on the need to tackle statelessness. In fact, more States acceded to these instruments over the last four years than during the four decades following their adoption. We have baseline population data in now 75 countries compared to only 30 a decade ago. A number of States champion the cause, for example, 12 countries have, in the last decade taken steps to remove gender discrimination from their nationality laws.<sup>1</sup> More events are taking place internationally on the issue -- the latest being the regional meeting on migration and statelessness, hosted by the Government of Turkmenistan in Ashgabat in June 2014, which we hope will help to make Central Asia the first region in the world to end statelessness. I am further encouraged by plans for a regional conference to be held in Côte d'Ivoire next year, bringing together the African Union, ECOWAS, a range of UN agencies, academics, civil society representatives and international experts.

The new dynamism around statelessness and the achievements that we have seen in this regard -- with real impact on people's lives -- need to be channeled into a global movement focused on ending statelessness in the next ten years. This Forum, the momentum it creates, is an important milestone in this endeavor.

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<sup>1</sup> Algeria, Bangladesh, Egypt, Indonesia, Kenya, Monaco, Morocco, Senegal, Suriname, Tunisia, Yemen, and Zimbabwe.

It is against this background that I would like to set out the *ethical, rule of law, and development/peace-building* imperatives which compel the international community to put an end to the plight of stateless people around the world.

### ***The ethical imperative – ending human suffering***

There is something deeply unethical about perpetuating human suffering through statelessness, especially when solutions are within our reach. It is difficult to imagine that there are individuals in today's world whom no state recognizes as its citizens. We know that, without the formal legal bond of nationality, stateless people face severe hardship in their daily lives and are vulnerable to violations of their most basic human rights. Stateless people suffer marginalization and stigmatization, often lack birth certificates and other crucial documents, have serious difficulties in accessing basic services and face daily discrimination.

Many metaphors have been used to describe the stateless: 'nowhere people', 'legal ghosts', 'the erased', 'the invisibles' or the 'unrecognized'. Each label represents a void, a gap, an empty space – yet each of these terms fail to convey the real anguish of what it means to live without a nationality. The daily reality, the individual hardships, and the real experiences of statelessness are best described by stateless individuals themselves. I am glad that we will hear, in the coming days, from stateless and formerly stateless people about their experiences and how statelessness has affected their lives. For my part, I would like to share with you a few stories of people who cannot be here. While their names have been changed, their stories are real.

Nahmeh, a citizen of a country in the Middle East, and her foreign husband had six children. Because neither of them was educated they did not realise that the law prevented Nahmeh from passing on her nationality to her children, and it never occurred to them to register their children under their father's nationality with his consulate. When her husband died, it was too late and Nahmeh was left to raise six stateless children singlehandedly. Now in her sixties, she continues to work multiple jobs to support them in their adulthood because their statelessness prevents them from entering the legal job market. She fears for the day that she dies or is unable to work because she does not know how her children will survive. She told UNHCR: "*It is not my mistake that I married a foreigner. I did not disobey my parents or the State in marrying my husband. Because of that, we all now live as though we were dead.*"<sup>2</sup> Nahmeh is not unique: Her situation is experienced by women in 27 countries around the world.

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<sup>2</sup> UN High Commissioner for Refugees, *UNHCR and CRTD-A Regional Dialogue on Gender Equality, Nationality and Statelessness*:

Eighteen year-old Mubari was born in Myanmar. He is Rohingya, a stateless minority group, which faces severe restrictions on their ability to work, access education, travel and even marry. Following violent incidents in 2012, Mubari paid a people smuggler for a dangerous boat passage. He, along with 400 other Rohingya, ended up in a jungle camp in southern Thailand, run by traffickers. There, he was beaten, starved, forced to ask money from his family, made to squat by day and sleep in a foetal position at night. After ten weeks, rubber tappers found Mubari. His captors had abandoned him. The ordeal left him paralysed from the waist down.<sup>3</sup>

These are just two of at least 10 million stories of suffering caused by statelessness.

Statelessness is an anomaly in a global system organized through a system of nation-States. Over time scholarship and debate have played an important role in bringing this issue to the attention of the international community. As early as 1958, statelessness was recognized by U.S. Supreme Court Justice Earl Warren as “*a form of punishment more primitive than torture*”<sup>4</sup>. It “*destroys for the individual, the political existence that was centuries in the development. The punishment strips the citizen of his status in the national and international community...It subjects the individual to ever-increasing fear and distress.... He may be subject to banishment, a fate universally decried by civilized people. He is stateless, a condition deplored in the international community of democracies.*”<sup>5</sup>

Indeed, statelessness is a manifest injustice. The very ‘idea of justice’, as Amartya Sen puts it, demands that we act to redress clearly remediable wrongs.<sup>6</sup> Simply put, it is morally untenable to allow statelessness, and the needless suffering it inflicts, to exist, if we are to give true meaning to the idea of the ‘dignity and worth’ of every human being that not only underpins generally accepted notions of humanity, but is also codified in a range of international instruments. This brings me to the rule of law imperative for definitively resolving statelessness.

### ***The rule of law imperative – fulfilling legal obligations***

When it comes to the task of ending statelessness, there is a spectrum of legal tools at the disposal of both States and the international community. Internationally agreed rules relating to

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*Overview and Key Findings*, January 2012, available at: <http://www.refworld.org/docid/4f267ec72.html>.

<sup>3</sup> UN High Commissioner for Refugees, *A stateless Rohingya boy's quest for a better life*, available at: <http://stories.unhcr.org/stateless-rohingya-boys-quest-life-p4686.html>

<sup>4</sup> *Trop v Dulles*, 356 U.S. 86 (1958), available at: <http://supreme.justia.com/cases/federal/us/356/86/case.html>.

<sup>5</sup> *Trop v Dulles*, 356 U.S. 86 (1958), paragraphs 101 – 102.

<sup>6</sup> Amartya Sen, *The Idea of Justice*, (2009), Penguin Books, vii.

the prevention and reduction of statelessness, and to the treatment of stateless persons, establish a robust framework that offers guidance, standards and legal requirements.

In 1948, the Universal Declaration of Human Rights<sup>7</sup> established the right of every individual to a nationality, which has been reaffirmed by a number of global and regional human rights instruments, including the American Convention on Human Rights<sup>8</sup> and the European Convention on Nationality.<sup>9</sup> As a result, States must make every effort to prevent statelessness through legislative, administrative and other measures.

In addition to a significant number of human rights law provisions, which can be invoked in the area of statelessness, two international conventions are, as you know, specifically dedicated to statelessness -- with UNHCR playing an important institutional support role.

The 1954 Convention relating to the Status of Stateless Persons is the cornerstone of the international protection regime for stateless persons, providing a universally accepted legal definition of a stateless person. The value of an internationally recognized status for stateless persons is that they are extended specific rights, for instance, relating to administrative assistance or the issuance of identity and travel documents.

In this regard, UNHCR has issued this year a *Handbook on the Protection of Stateless Persons*, which provides governments, lawyers, academics and NGOs with practical guidance on how to interpret and implement the protection standards envisaged by the 1954 Convention. These guidelines have already been used to help establish statelessness determination procedures in Georgia, Moldova, the Philippines and the United Kingdom.

Additionally, the 1961 Convention on the Reduction of Statelessness sets out practical obligations that States parties must undertake to prevent and reduce statelessness, including crucial standards to avoid childhood statelessness.

In 1995, UNHCR's Executive Committee adopted a comprehensive *Conclusion on the Prevention and Reduction of Stateless Persons*, which was endorsed by the UN General Assembly.<sup>10</sup> This text

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<sup>7</sup> Article 15, Universal Declaration of Human Rights.

<sup>8</sup> Article 20, American Convention on Human Rights.

<sup>9</sup> Article 4, European Convention on Nationality.

<sup>10</sup> UNHCR Executive Committee Conclusion No.78(XLVI)(1995); UN General Assembly Res. 50/152, 9 February 1996, paras.14-16.

consolidates the evolution of UNHCR's mandate with regard to non-refugee stateless persons and the prevention and reduction of statelessness more broadly. The Conclusion has helped UNHCR become a vehicle, *inter alia*, to promote accession to the international statelessness instruments and to provide technical and advisory services pertaining to the preparation and implementation of nationality legislation. This is significant because it requires action not only with regard to protection and solutions for stateless persons but also to prevent statelessness from occurring.

As international law has progressively developed, an increasing number of entry points have emerged in order to tackle statelessness. These include, for example, the universal prohibition against discrimination on account of race, colour, or national or ethnic origin, as enunciated in the Convention on the Elimination of All Forms of Racial Discrimination,<sup>11</sup> which prohibits States from discriminating in nationality matters. Likewise, the Convention on the Elimination of All Forms of Discrimination against Women<sup>12</sup> guarantees that States parties must grant women equal rights as men with respect to nationality. The International Covenant on Civil and Political Rights<sup>13</sup> and the Convention on the Rights of the Child<sup>14</sup> require States parties to ensure that children are registered immediately after birth and acquire a nationality -- principles which are also affirmed in, for example, the African Charter on the Rights and Welfare of the Child.<sup>15</sup>

The *International Campaign to End Gender Discrimination in Nationality Laws*, launched in June this year, demonstrates how the array of human rights standards complement each other and, when applied together, provide a comprehensive legal guide to address statelessness issues. This campaign draws attention to the principles of non-discrimination, the equal rights of women with respect to nationality and the right of all children to acquire a nationality. Civil society groups, UN agencies and academia, supported by a network of champion States, seek law reform in relation to the nationality laws of 27 States which do not allow mothers to pass on their nationality to their children, and in relation to some 60 States which do not give women equal rights as men to acquire, change and retain their nationality.

Judgements of international and national courts also demonstrate increasing support for legal principles which underpin the resolution of statelessness issues. For instance, the *Kuric* case,

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<sup>11</sup> Article 5, Convention on the Elimination of All Forms of Racial Discrimination.

<sup>12</sup> Article 9, Convention on the Elimination of Discrimination Against Women.

<sup>13</sup> Article 24, International Covenant on Civil and Political Rights.

<sup>14</sup> Article 7, Convention on the Rights of the Child.

<sup>15</sup> Article 6, African Charter on the Rights and Welfare of the Child.

decided in 2012,<sup>16</sup> concerned the ‘erasure’ from the civil registry of the names of at least 18,300 citizens of the former Yugoslavia who were legally residing in Slovenia. The European Court of Human Rights held this erasure to be an arbitrary denial of nationality, which had left these individuals stateless, in violation of Article 8 of the European Convention on Human Rights. Just two months ago, the European Court of Human Rights found the prolonged detention of a stateless man to amount to inhuman and degrading treatment, in breach of Article 3 of the European Convention on Human Rights.<sup>17</sup>

In 2011, the African Committee on the Rights and Welfare of the Child found that the failure to provide Nubian children with a secure nationality status at birth left them stateless; a situation that the Committee called ‘the antithesis of the best interests of the child’,<sup>18</sup> and which was held to be a violation of Article 6 of the Charter.<sup>19</sup> And in 2008, the Bangladeshi High Court confirmed that Urdu speakers, or Biharis, who had been denied citizenship, were Bangladeshi nationals and ordered the Government to issue them with national identity cards and register them as voters. In all these breakthrough decisions, the work of civil society, lawyers and stateless communities is indelible, and evidence of the impact of increasing pressure at local, regional and international levels.

It is clear that the international legal principles relating to nationality and statelessness are as relevant today as they were when they were first crafted in the wake of the appalling mass deprivation of nationality perpetrated by the Nazis during the Second World War. It is therefore incumbent on the international community to employ these powerful legal tools to remedy existing situations of statelessness and to prevent new cases from occurring.

### ***The development and peace building imperatives –securing sustainable societies***

Statelessness has a detrimental impact not only on affected individuals but also on societies more generally. Excluding entire sectors of a population can, for example, create social and political tensions and significantly impair efforts to promote economic and social development.

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<sup>16</sup> Case of Kuric and Others v. Slovenia (2012), available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111634#{"itemid":\["001-111634"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111634#{).

<sup>17</sup> Case of Kim v. Russia, available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145584#{"itemid":\["001-145584"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145584#{).

<sup>18</sup> The African Committee of Experts on the Rights and Welfare of the Child, Decision of the Communication submitted by the Institute for Human Rights and Development in Africa and the Open Society Justice Initiative (on behalf of children of Nubian descent in Kenya) against the Government of Kenya, paragraph 46, available at: <http://www.acerwc.org/wp-content/uploads/2011/09/002-09-IHRDA-OSJI-Nubian-children-v-Kenya-Eng.pdf>.

<sup>19</sup> Article 6 of the African Charter on the Rights and Welfare of the Child refers to ‘Name and Nationality’.

Statelessness is also often closely related to discrimination against specific groups, including racial, ethnic, religious and linguistic minorities, or on the basis of perceived national origin. Refugee communities across the globe often include stateless people forced to flee their already precarious positions, adding strains on local communities and severely testing interstate relations.

Left unaddressed, protracted situations of statelessness can provide the ingredients for the perfect powder keg: feelings of resentment, exclusion, despair and desperation. Recent incidents involving stateless people in the Gulf or the Rohingya in Myanmar demonstrate the considerable costs to security, development and human rights of leaving statelessness unresolved and do not bode well for national or regional stability and development.

Where statelessness has been a contributing factor to conflict, initiatives to grant nationality to stateless populations will need to be incorporated into programmes to restore justice and the rule of law, including effective public administration. Acquisition of nationality by individuals who have strong links to a State based on factors such as birth on the territory, descent or long-term residence is a crucial means of giving them a stake in society and fully welcoming them by formally acknowledging their roots.<sup>20</sup>

In Côte D'Ivoire, for example, the first post-independence nationality law in 1961 defined citizenship in a manner which excluded many residents who originated from neighbouring parts of West Africa. Hundreds of thousands of agricultural workers who had been brought to Côte d'Ivoire from neighbouring countries in colonial times were thereby denied citizenship. This situation had been one of the root causes of a decade of deadly armed conflict in the country. Statelessness has also had an economic impact, as in Côte d'Ivoire, the political turmoil continued to damage the economy of the country until recently, resulting in the loss of foreign investment and slowing of economic growth.<sup>21</sup> In 2013, Côte d'Ivoire not only acceded to both statelessness conventions, but also enacted law reforms which will facilitate the acquisition of nationality by people born and resident in the country for decades who had never been naturalized, thereby contributing to reconciliation and social cohesion.

While recognizing the central role of States, experience demonstrates that it is best to include the affected individuals and populations in all efforts to address statelessness. First-hand information

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<sup>20</sup> UN Secretary-General (UNSG), *Guidance Note of the Secretary-General: The United Nations and Statelessness*, June 2011, available at: <http://www.refworld.org/docid/4e11d5092.html>

<sup>21</sup> UCLA: African Studies Centre, Available at: <http://www.international.ucla.edu/africa/article/96732>.

on situations is only accessible through consultation with stateless persons. In some cases, stateless populations also have the capacity to play a role in redressing their situation. In the case filed by the Urdu-speaking Peoples Youth Rehabilitation Movement in 2008, the Bangladeshi High Court ruled that members of the Urdu-speaking minority had in fact been Bangladeshi nationals since independence, observing that:

*“By keeping the question of citizenship unresolved on wrong assumptions over decades, this nation has not gained anything – but rather was deprived of the contribution they could have made in nation building.”<sup>22</sup>*

Outreach to affected populations, advocacy with all sectors of society, training and capacity-building are essential components in addressing statelessness; civil society can make critical contributions in this respect. In order to ensure global impact, the UN needs to work in close partnership with a broad range of actors, including different government departments, parliaments, regional bodies, legal-aid networks, women’s rights groups, national human rights institutions, NGOs which provide development assistance as well as academia.

In order to better understand how statelessness can be tackled at the regional level and through development approaches, we look forward to hearing from Nils Muiznieks, the Council of Europe Commissioner for Human Rights, as well as Irene Khan, the Director-General of the International Development Law Organization, who will deliver keynote remarks later in the programme.

It is vital for the impact of statelessness on development, peace and stability to be taken into account in the post-2015 development agenda. Promoting the achievement of equality and non-discrimination in nationality matters, and the right to a legal identity, through the post-2015 sustainable development goals will be important to ending statelessness and crucial to dismantling some of the major barriers to sustainable and peaceful development.

### ***Conclusion: UNHCR’s Campaign to End Statelessness***

Now is the time to act upon these *ethical, rule of law, development and peace-building* imperatives I have just described and to make a strong push to end statelessness. On 4 November 2014, the High Commissioner, Mr Guterres, will launch UNHCR’s Campaign to End Statelessness in ten years.

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<sup>22</sup>Md. Sadaqat Khan (Fakku) and Others v. Chief Election Commissioner, Bangladesh Election Commission, Supreme Court, Writ Petition No. 10129 of 2007, Decision, 18 May 2008, available at: [http://www.geneva-academy.ch/RULAC/pdf\\_state/high-court-on-urdu-minority-may-2008.pdf](http://www.geneva-academy.ch/RULAC/pdf_state/high-court-on-urdu-minority-may-2008.pdf).

As part of the Campaign, UNHCR will publish a special report, highlighting the impact of statelessness around the world, as well as a Global Strategy which will set out ten key actions; actions which we believe can put an end to statelessness by 2024.

We know that the goals of the Campaign are ambitious, but we count on your collaboration and support to make them a reality. What we need is a broad global coalition to resolve statelessness, including champion governments, civil society, associations of stateless persons, and other UN agencies. With political will and commitment, the right to a nationality and the recognition that we all belong, can indeed be achieved.

I wish you an enriching and thought-provoking conference.

Thank you.