Contribution to the

European Union Seminar on the Content and Scope of International Protection:
Panel 1 – Legal Basis of International Protection

"The International Legal Framework Concerning Statelessness and Access for Stateless Persons"

Organized by the General Directorate on Immigration and Foreigners of the Spanish Ministry of Internal Affairs

Madrid, 8 – 9 January 2002

Contribution by Carol A. Batchelor
Senior Legal Officer Statelessness
Department of International Protection
UNHCR

I. Introduction

1. The objective of this Seminar is to review the content and scope of international protection, beginning with an analysis of existing international statutes as well as of any conditions or constraints for potential beneficiaries in obtaining and effectively enjoying the protection these instruments outline. Of particular note is the inclusion for review of the problem of statelessness, and of the international legal regime intended to promote protection of stateless persons and to establish mechanisms for the avoidance of cases of statelessness. It is appropriate that these considerations are tabled under the auspices of the Spanish Presidency of the European Union, as Spain has in recent years ratified the 1954 Convention relating to the Status of Stateless Persons, enacted legislation to implement this instrument, and introduced procedures for identifying cases of statelessness and promoting solutions. Indeed, who might more appropriately be considered in relation to the need for effective protection than those who have no legal bond of citizenship or nationality[1] with any State?

2. Yet, not all stateless persons are refugees, nor do they necessarily have a well-founded fear of persecution. Hence, while the overlap between statelessness and displacement, conflict prevention, and post-conflict resolution is clear, the mechanisms for approaching the problem of statelessness and for ensuring protection for stateless persons may not be identical to those outlined for refugees. A comprehensive review of the content and scope of international protection requires, therefore, a careful review of the problem of statelessness, the point of overlap with protection for refugees and consideration of the special regime designed for stateless persons. An overview of the nature of the problem of statelessness and of the context within which the international community has taken action to outline a legal framework tailored to meet the challenges statelessness presents may be helpful in assessing the content and scope of international protection in relation to statelessness.

II. Background

3. Broadly speaking, in the context of World War I, the problem of statelessness presented itself when refugees were summarily stripped of citizenship in an effort to ensure they could not return to their country of origin. In the context of World War II, the problem of statelessness arose as resident citizens were gradually but systematically stripped first of certain rights as citizens then of citizenship itself. In recent years, State dissolution has resulted in situations where individuals have become stateless because the borders around them "moved" although they themselves did not. Despite international efforts beginning early in the last century, including for example the 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws[2], a lack of harmonized approaches by States to the acquisition and loss of nationality continues to create cases of statelessness. In fact, cases may arise which States themselves are not aware of and may even have attempted to avoid through legislative measures.

4. Whether statelessness arises as a result of targeted discrimination, of sweeping political change, or of simple oversights or differences between the laws of States, the link between statelessness, marginalization, disenfranchisement, and ultimately population displacement, is well established. The destabilizing effects of living without citizenship, and often without any legal status, are substantial. Statelessness is the antithesis of legal identity in a world construct of

---

1 For purposes of this paper, the terms citizenship and nationality are used as synonyms.

2 179 *LNTS* 89, 99.

States. In the legal context, statelessness categorizes those individuals who do not have the recognized legal bond of citizenship with any State. As such, stateless persons fall outside the normal legal regime. In the social context, this legal vacuum translates into a lack of secure identity, belonging, and sense of place. Frequently, stateless persons cannot work, own property, access education or health care, travel, register births, marriages or deaths, or seek national protection. Positive developments concerning the rights of resident non-nationals are not always applied to stateless persons, in particular to those who cannot establish a legal status in any country.

5. Stateless persons have thus been referred to as "anomalies"[3], falling outside legal and social constructs. In the post-dissolution context of the CIS, Eastern Europe and the Balkans, as one example, new citizenship laws have been actively promulgated, an important aspect of addressing the statelessness challenge. Nonetheless, in order to access the provisions of a given citizenship law, an individual must first be lawfully present in or recognized by a country. The fate of many stateless persons has been to live without a legal identity: without the legal bond of citizenship, without lawful stay, and without effective mechanisms for normalizing their situation.

6. This situation can be exacerbated by confusion about who is a stateless person and how to identify cases of statelessness. Stateless persons do not necessarily cross borders, seek asylum, or emerge as a distinct group in a given population. Few national registration systems are equipped to accurately identify the number of stateless persons on a State's territory. Some stateless persons are registered as foreigners, some as non-national residents, and many are categorized as nationals of another State even in instances where the other State in question does not consider them as its nationals and will not extend national protection. In other cases, persons may be registered as stateless but this information is not widely available because of political sensitivities. Furthermore, numerous stateless persons are categorized as refugees or asylum-seekers even in cases where they have been rejected for asylum or have not sought asylum. The number of stateless persons languishing in detention continues to increase as stateless persons cross borders in search of solutions, or become stateless while abroad. States dealing with such cases are often at a loss as to how to find appropriate and lasting solutions.

7. In theory, the root causes of statelessness might be readily addressed by each State at the national level. Moreover, if the root causes of statelessness are addressed and statelessness is decreased, then one of the root causes of displacement and asylum flows will also be addressed. The greater the assurance of citizenship in a given State and of effective national protection by that State, the less likely the need for international protection to fill the void. In principle, all States have laws concerning citizenship and, by definition, all States try to enumerate which persons have citizenship and which persons do not. However, States do not make this determination in precisely the same way or in consultation with other States. Instances continue to arise in which individuals are not granted citizenship by *any* State. The situation is further exacerbated by political tensions, varying ethnic and racial notions of national identity, social or economic challenges, conflicts between or within States, transfer of territory, and issues such as marriages, birth registration and the civil status of women and children.

---

[3] Weis, P., 'The United Nations Convention on the Reduction of Statelessness, 1961', 11 *ICLQ* 1073 (1962).

III. Current Problems of Statelessness

8. National legislation pertaining to citizenship may set out the explicit goal of avoiding and reducing cases of statelessness, however, access to the provisions of laws may not be possible unless a person is considered to be lawfully and habitually present on a State's territory. While lawful presence is the recognized norm for virtually all countries, what *constitutes* lawful presence continues to be a subject of debate. The result in some cases has been that people who were born and lived all their lives in one country were found, after State dissolution for example, to be aliens or non-nationals. In some cases the situation has worsened, as persons issued with temporary permits for foreigners cannot afford or are not allowed to renew these permits, leading to a situation of unlawful stay in their country of origin. Non-citizens where they live, disputed citizenship in another State or simply *de jure* stateless, the potential for unrest, instability, and displacement in such cases needs no lengthy explanation.

9. Issues of gender and statelessness are also becoming increasingly apparent as UNHCR develops its activities in this field. In situations where the problem of statelessness has hit broad sections of society as a result of political events, such as State succession, women and children account for the majority of those affected. There are also instances in which statelessness affects a woman as a consequence of her gender or through her relationship to her children or spouse. All of these issues have an impact on family status and unity. Problems may arise with regard to the registration of marriages and to the recognition of traditional marriages under national legal regimes, with the result that the woman is not considered lawfully wed and has no entitlements flowing from the marriage, including any which pertain to citizenship, even though she may have lost or forfeited her citizenship of origin. It may also mean that she is not granted permanent residence in her husband's country of citizenship, or he is hers. UNHCR continues to note such cases arising, for example, in the Balkans and Eastern Europe. Improvements in registration practices, based on social and cultural realities, would be a positive measure to address these situations. Women may also face major difficulties in passing their citizenship to their stateless spouse or to their children even in those exceptional cases where the father is stateless, unknown, or not present.

10. The trafficking of women has also given rise to problems related to the establishment of their identity and national status. Trafficked women may have their documents stolen or destroyed either on arrival in a third country or prior to transfer, often making it impossible to prove their status when they try to re-enter their country. UNHCR has assisted in the resolution of a number of such cases recently, including in instances of prolonged detention, but the vast majority of such problems go undetected.

11. One of the principle problems for children in association with statelessness is access to birth registration. In order to lay *any* claim to citizenship an individual must be able to establish an identity, showing where s/he was born and to whom. However, birth registration does not always take place. In many instances the citizenship status of children suffers as a result of their being orphans. UNHCR has encountered thousands of stateless children in orphanages, including cases of Afghan children and Roma following the dissolution of States in Europe. Without citizenship while in the orphanage, their situation worsens when they are released upon reaching adulthood, sometimes becoming "illegal" in the only country in which they have ever lived. In other cases, States do not harmonize their approaches and instances continue to arise in which the child is not granted citizenship in the State of birth or in the State in which the parent(s) holds citizenship. Unless the States negotiate, or one State modifies the otherwise strict application of

its law, children are rendered stateless in these and other contexts. These types of situations are also interconnected and self-perpetuating. A mother whose marriage has not been registered may, for example, be unable to register the birth of her children or may be afraid to try.

IV. The International Legal Framework for Statelessness: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

12. The international community has long-since seen the need to promote the avoidance and reduction of cases of statelessness, as aspects of conflict prevention, of post-conflict resolution, reduction of cases of displacement, and as part of the protection of the human rights of individuals. Article 15 of the 1948 Universal Declaration of Human Rights declares each person has an inherent right to a nationality.[4] Of course, the challenge is in determining *which* nationality a person may have a right to. It is clear that in cases of statelessness, the right to a nationality as outlined in the Universal Declaration, has been rendered void. The aspiration of Article 15 was, however, given concrete form by way of two international instruments concerning statelessness, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[5]

13. These Conventions outline a comprehensive legal framework to avoid the creation of cases of statelessness and to ensure that, at a minimum, individuals are granted a legal status which provides them with a measure of stability and, in appropriate cases, normalizes their stay in a given country. This, in turn, significantly decreases the potential for displacement. It also provides a reference point for resolving cases which might arise between States. In brief, the 1954 and 1961 Conventions provide a ready-made framework for addressing one of the consistent challenges to effective protection arising both in and between States. By seeking to ensure everyone has their right to a nationality in practice, this legal framework places emphasis on securing national protection for persons who might otherwise be in need of international protection.

i. *The 1954 Convention relating to the Status of Stateless Persons*

14. The 1954 Convention relating to the Status of Stateless Persons was originally prepared as a Protocol to the 1951 Convention relating to the Status of Refugees.[6] The overlap between problems of statelessness and refugee flows was considered substantial in post-war Europe, requiring preparation of a legal framework designed to address both problems. Yet, not all stateless persons actually become refugees or necessarily cross borders. Moreover, States have well-established approaches to the determination of citizenship which, while not of themselves running counter to international law, may inadvertently do so when colliding with the established and equally legitimate approaches of another State. Hence, some cases of statelessness arise as oversights or conflicts in legal approaches and are not the result of discrimination or deliberate denial of human rights. For such reasons, a comprehensive legal framework specifically tailored to the problem of statelessness was deemed necessary and, accordingly, was prepared under the auspices of the United Nations.[7]

---

4 UNGA res. 217 A(111), 10 Dec. 1948.

5 *UNTS* 5158, vol.360, p.117 and *UNTS* 14458, vol.989, p.175.

6 *UNTS* 2545, vol.189, p.137.

7 See *IJRL* vol. 7, 1995, p.232, 'Stateless Persons: Some Gaps in International Protection', for an analysis of the events surrounding the adoption of the Statelessness Conventions.

15. The 1954 Convention relating to the Status of Stateless Persons is the primary international instrument adopted to date to regulate and improve the legal status of stateless persons and to ensure to stateless persons fundamental rights and freedoms without discrimination. For those persons who are stateless refugees, who have a well-founded fear of persecution, the 1951 Convention and related legal regime is the relevant reference point. The 1954 Convention was adopted to cover those stateless persons who are not refugees and who are not, therefore, covered by the 1951 Convention relating to the Status of Refugees. As such, the 1954 Convention is intended to ensure a minimum standard of protection is available to persons who are stateless but who cannot demonstrate a well-founded fear of persecution. Article 1 of the Convention contains the definition of a stateless person and serves as a critical reference point in the consideration of the content and scope of international protection. Various interpretations of statelessness have been used, including in the European context. Without a common agreement as to who is stateless, there is little chance of agreement as to which solutions and approaches should be pursued to improve access to protection. The 1954 Convention provides the internationally recognized definition of a stateless person and, therefore, the starting point for dialogue.[8]

16. While recognition as a stateless person and the grant of legal status and basic entitlements will improve the situation of many, the Convention's provisions are not a substitute for granting nationality. Indeed, if an individual has specific links with a State, such as birth on the territory, descent from a national, or habitual residence in the case of State succession, *and would otherwise be stateless*, the relevant reference point is the 1961 Convention on the Reduction of Statelessness. Rather, the 1954 Convention outlines a legal framework for international protection in cases where national protection is not available. Paragraph 16 of the Convention's Schedule states that the issue by a State party of a travel document to a recognized stateless person "does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not *ipso facto* confer on these authorities a right of protection". The recognition by a State of a person under the terms of the Convention serves the purpose of providing a legal status and extension of basic entitlements. This will amount to some degree of protection in practice, however, with significant limitations including in the area of diplomatic protection. While under no absolute obligation to naturalize a recognized stateless person, Article 32 indicates Contracting States shall "as far as possible facilitate the assimilation and naturalization of stateless persons". Certainly, the only durable solution for a stateless person and potential for truly effective national protection is the acquisition of a nationality.

17. Of particular note in consideration of access to effective protection, is the recommendation included in the Final Act of the 1954 Convention. The recommendation is that each Contracting State, when it recognizes as valid the reasons for which a person has renounced the protection of the State of which he is a national, consider sympathetically the possibility of according to the person the treatment which the Convention accords to stateless persons. Included on behalf of *de facto* stateless persons who cannot demonstrate *de jure* statelessness or who technically still hold a nationality, this provision recognizes that there may be instances in which the nationality is in name only and the national does not receive any of the benefits generally associated with nationality, such as national protection. The drafters were indicating that there may be instances in which individuals do not have effective national protection, but are

[8] Article 1 of the 1954 Convention defines a stateless person as "a person who is not considered as a national by any State under the operation of its law."

not able to demonstrate a well-founded fear of persecution, and therefore cannot avail themselves of international protection under the refugee regime *or* under the regime provided for formally stateless persons. In other words, in cases where individuals cannot demonstrate technical statelessness, the drafters encourage States to consider their *factual* situation in terms of actual availability of national protection. This is an important aspect of the content and scope of international protection.

18. States can apply the Convention through the adoption of a legal regime. While some States use the aliens, immigration, or even asylum laws to incorporate provisions of this instrument into national law and practice, other States have found it most useful to create an independent framework, including designated officials with the expertise to identify cases of statelessness through tailored procedures. While there is no monitoring or supervisory agency provided for under the terms of the Convention itself, UNHCR has been mandated to promote accessions to this instrument and to play an advisory role concerning its implementation.[9] In some countries, for example in Spain, UNHCR has been asked to participate as an observer in the statelessness status determination procedures.

ii. *The 1961 Convention on the Reduction of Statelessness*

19. The primary international legal instrument aimed at the prevention of the creation of cases of statelessness in the 1961 Convention on the Reduction of Statelessness.[10] The essential purpose of the Convention is to avoid the creation of *future* cases of statelessness. As such, the Convention provides a framework for promoting national protection and a correlative decrease, if that protection is effective, in the need for international protection to fill the void. The avoidance of future cases of statelessness can be accomplished by States incorporating into their citizenship laws three basic principles:

- access to citizenship for persons *who would otherwise be stateless* if the person is born on the State's territory or born abroad to a State's national;
- protection against the loss or deprivation of citizenship if the person *will become stateless* as a result;
- as relevant, guarantees *against statelessness* in cases of transfer of territory.

20. Both the grant and the loss of citizenship may be made conditional on the person concerned meeting certain basic criteria, hence, the drafters of the Convention recognized that there may be isolated and exceptional instances in which a person will be stateless. The key element is that every effort is made on the part of the State *with which an individual has an appropriate link through birth, descent, or pre-existing nationality* to reduce as far as possible cases of statelessness. Basic principles of human rights are an essential component of these efforts, including access to procedural guarantees, non-discrimination, and family unity. Specific protections against statelessness are also included for spouses and children of persons whose

---

[9] UNGA res. 50/152, 9 Feb. 1996.

[10] There are numerous international instruments which touch on the right to a nationality, and certain instruments which delineate specific approaches in given cases. See, for example, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Elimination of Racial Discrimination, the Convention on the Nationality of Married Women, and the 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws. However, the 1961 Convention is the only international instrument adopted to date which delineates which nationality is relevant in given instances where statelessness will otherwise result. See also developments at the regional level including the American Convention on Human Rights, the African Charter on the Rights and Welfare of the Child, and the European Convention on Nationality.

status may change. Article 13 of the Convention indicates that the minimum standard of treatment outlined in the instrument will not prejudice any more extensive assistance a State may wish to provide to stateless persons.

21. The Convention was drafted by the United Nations International Law Commission (ILC). The ILC felt it important that an agency be available to provide technical advice, to develop expertise in this field, and to advocate as needed the resolution of cases. Article 11 of the Convention accordingly indicates that the Contracting States shall promote the establishment within the framework of the United Nations "of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority". Under Article 20(2), the Secretary-General of the United Nations was responsible for bringing this to the attention of the General Assembly once the Convention was to enter into force.

22. This took place in 1974, immediately prior to the entry into of the Convention in 1975. Under General Assembly Resolutions, UNHCR has been tasked with the functions foreseen in Article 11 of the 1961 Convention.[11] The Office has also been asked to promote accessions to the 1961 Convention and to provide technical and advisory services to all States in the drafting and implementation of nationality laws, including in cases where the State is not party to either of the Statelessness Conventions. Further, UNHCR has been asked to take active steps to promote the avoidance and reduction of statelessness globally through dissemination of information, training of staff and government officials, cooperation with interested organizations, and regular reporting to and consideration of activities with the Office's Executive Committee.[12]

23. Finally, in review of the scope of protection provided under the 1961 Convention on the Reduction of Statelessness, included by way of resolution in the Final Act is the recommendation "that persons who are stateless *de facto* should as far as possible be treated as stateless *de jure* to enable them to acquire an effective nationality". Here again we see the effort to ensure a truly comprehensive regime of effective protection for all persons. The 1961 Convention is the platform on which future cases of statelessness, both in law and in fact, can ultimately be averted, shifting the emphasis to securing national protection for persons who would otherwise be in need of international protection.

iii. *Perspectives on the Statelessness Conventions*

24. The Statelessness Conventions have proven to be valuable to States in setting a reference point for dialogue, for promoting effective solutions, and for determining with which State an individual is most closely associated and should accordingly be ensured access to citizenship. The importance of these instruments as tools for dialogue and remedies is evident in the number of European Union member States which are parties, 13 to the 1954 Convention and 7 to the 1961 Convention.[13] In addition to the benefits of harmonization within the European Union for States Parties to these instruments, births to non-nationals, inter-marriages, and migration within

---

[11] UNGA res. 3274, 10 Dec. 1974 and UNGA res. 31/36, 30 Nov. 1976.

[12] UNGA res. 50/152.

[13] EU member States which are parties to the 1954 Convention include, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden and the United Kingdom. EU member States Parties to the 1961 Convention include Austria, Denmark, Germany, Ireland, Netherlands, Sweden, and the United Kingdom. Although a signatory to the 1961 Convention, France has not ratified the instrument and, therefore, is not included in this figure.

the EU necessarily involve the laws of States *outside* the EU construct. Likewise, EU nationals migrate, intermarry, and reside abroad. These are relevant facts for all States in today's world, meaning international harmonization of laws and practice to promote solutions concerning statelessness involves and concerns all States.

25. Through its technical and advisory services UNHCR can play an important a role in promoting positive developments in law, policy and practice as well as in improving dialogue among States globally. In principle, all States have nationality laws, but not all States are aware of how their approach may conflict with the approaches adopted elsewhere. UNHCR can provide information and expertise to identify gaps. As an indicator of the importance of this activity, the Office's statelessness team has in the past 5 years provided technical advice on statelessness in relation to the laws and practice of 141 States, cooperating directly with many in drafting legislation reform. This level of activity demonstrates the challenges States face in this field and the importance of an international legal framework for promoting solutions.

V. Some Challenges

26. International law stipulates that each State determines who are its nationals. In theory, if States take effective measures to avoid statelessness within their own national laws and practices, and undertake some dialogue with other States to avoid conflicts in cases involving cross-border interests, the problem of statelessness should not be too difficult to address. In practice, UNHCR has found that even where States adopt similar provisions in their laws, their efforts and even dialogue toward the prevention of statelessness are hampered due to differing interpretations. For example, most States now agree that statelessness is a problem which has international ramifications, and agree that efforts should be undertaken to avoid statelessness. Yet even within the European context States disagree as to what statelessness is, some defining stateless persons as those who do not have a legal bond with any State, others defining them as persons who do not have a possible claim to citizenship in any State, yet others defining them as persons who have no documentation to prove citizenship in any State. Differences in interpretation, and consequently in identification of the problem and of possible solutions, do not end with the definition of statelessness. In the context of political turmoil, economic dispute, or war, for example, the dialogue itself may become impossible.

27. Thus, while the steps taken by each State nationally to enact legislation which provides legal status could theoretically serve as a basis for avoiding cases of statelessness, in practical terms the different national perspectives require a bridge to link varied national approaches to a common international reference point. A common platform is needed for reaching consensus on the definition of statelessness, on mechanisms for identifying statelessness, and on appropriate solutions to avoid the creation of cases while ensuring that, at a minimum, stateless persons are provided a legal status in an appropriate country. Without this bridge, the question of the avoidance and reduction of statelessness remains a relatively academic one. The very differences noted in the approach to nationality or citizenship in various countries will only be mirrored by an equal number of differences in the approach to the avoidance and reduction of statelessness.

28. While not all States will necessarily be interested in harmonizing their concepts of nationality *per se*, and differences will continue between States on broad questions of nationality determination, the international community has agreed that statelessness is an unacceptable result of different approaches because its consequences are so severe for States, for individuals, and for regional and international stability. The importance of an international framework for the

protection of stateless persons and, therefore, of the Statelessness Conventions is clear: they define statelessness, they provide mechanisms for identifying statelessness, they outline appropriate solutions, and they advocate specific national approaches only insofar as is necessary to achieve the reduction of statelessness and to provide a legal status for stateless persons. Can these goals be achieved through national laws which reflect the principles of these instruments without accession of the State concerned? To some degree perhaps, but ultimately when differences of perspective arise between States, an objective set of principles already set in place by way of agreement can improve dialogue, balance interests, and promote solutions. It can also help to prevent such cases from arising by providing all States with a reference point as to how national law and practice should be pursued toward this end.

29. In fact, in practice access to the full spectrum of possibilities to assist stateless persons and to reduce statelessness might be possible *only* in cases where States have ratified these instruments. For example, a stateless person recognized and granted legal status in one country will nonetheless have difficulty in acquiring a visa for temporary travel to another country. If both countries have ratified the 1954 Convention, however, then both countries have a clear understanding of the individual's legal status and of the rules pertaining to admission, stay, and return. Similarly, the 1961 Convention provides mechanisms for reviewing in which country a person would most logically have access to citizenship if otherwise stateless.

VI. Concluding Observations

30. Awareness of the problem of statelessness has become more global. While in some situations, statelessness and refugee problems overlap, in others statelessness is unrelated to refugee situations and requires a qualitatively different response and expertise. An international legal framework tailored to the problem of statelessness is available in the context of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. These instruments provide the essential elements needed to identify cases of statelessness and to promote solutions.

31. One of the primary aims in detaching the Protocol relating to the Status of Stateless Persons from the 1951 Refugee Convention, and making it a Convention in its own right, was to ensure that statelessness in all its aspects was dealt with in its own right as a problem requiring unique and independent solutions. The 1954 and 1961 Conventions were intended to set in motion the consistent and methodical identification of problems of statelessness and to provide the tools for their eventual elimination. Ironically, a decrease in the level of attention given to the problem of statelessness actually followed the drafting of these instruments, with periodic reactions in relation to severe and sweeping changes such as the dissolution of States in the last decade. The operational activities requested of UNHCR by the UN General Assembly in 1995 represent both a recognition by the international community that the problem of statelessness is not a periodic one and an effort to ensure these instruments, and the solutions they provide, are increasingly promoted and effectively used in addressing statelessness.

32. The ultimate aim of the international legal framework for statelessness is to secure national protection, in large part by securing the right to a nationality for all both in law and in practice. The Statelessness Conventions are tools of prevention and mechanisms for durable solutions. They place the burden on the avoidance of the creation of cases of statelessness, either through the provision of a legal status which serves as the platform for potential acquisition of citizenship or by preventing the statelessness from arising to begin with. This, in turn, reduces

associated problems of disenfranchisement, unrest, and potential displacement. The greater the assurance of the legal bond of citizenship in a given State, and of effective protection by that State, the less likely the need for international protection to fill the void. In this sense, the statelessness and refugee regimes are complimentary, yet the statelessness regime has been under-utilized in the effort to promote protection. Not all refugee situations involve issues of statelessness and a reduction in cases of statelessness will not prevent a continued need for international protection in various situations. Nonetheless, with the substantial overlap between problems of statelessness and displacement, and with the availability of a tailored legal framework to provide mechanisms for dialogue and solutions, this complimentary framework is one which merits a heightened awareness.