



A stateless family in Southern Lebanon.

Addressing Statelessness

PEOPLE WHO ARE stateless can be found on every continent, and probably in every country of the world. In most cases their predicament is the result of events and circumstances beyond their control, such as the break-up of States, racial and gender-based discrimination, and arbitrary laws and administrative processes. Without a country to protect them, those who are stateless risk finding themselves relegated to the margins of society, with few or no opportunities of legal employment, without access to public services or travel documents. With no legal status, stateless people risk detention and deportation from their place of residence. In some cases this detention becomes indefinite because no State is willing to receive them.

The statelessness component of UNHCR's mandate was established by the United Nations General Assembly through a series of resolutions. It allows UNHCR to work on statelessness anywhere in the world, regardless of whether or not a particular State has ratified the relevant international conventions. UNHCR's Executive Committee

has elaborated on this mandate through its Conclusions. Of particular importance is Conclusion No. 106 of 2006, which sets out a roadmap for the work UNHCR should undertake on statelessness, in cooperation with States, partner agencies and with civil society. It describes a range of activities in four areas: the identification, prevention and reduction of statelessness, and the protection of stateless people.

The total financial requirements for UNHCR's statelessness activities in 2012 amount to USD 56.2 million, more than half of which will support programmes in Africa and Asia. Even though this represents only a fraction of UNHCR's total budget, attracting sufficient funds to establish or maintain programmes that can make a real difference in this area is a major challenge. More support for the work UNHCR undertakes to address statelessness is essential if the organization is to carry out its mandate effectively.

PROMOTING ACCESSION TO THE STATELESSNESS CONVENTIONS

TWO INTERNATIONAL CONVENTIONS were specifically adopted to address statelessness. The 1954 Convention relating to the Status of Stateless

Persons aims to ensure that people who are already stateless enjoy certain standards of treatment, while the 1961 Convention on the Reduction of Statelessness seeks to prevent statelessness from occurring. Despite being the only two universal treaties dealing exclusively with statelessness, the number of States Parties to them remains low.

This is partly due to misconceptions among States about the consequences of accession to these instruments. UNHCR recognizes the need to step up its advisory engagement with States to help dispel these misconceptions and encourage accession.

In 2011, the 50th anniversary year of the 1961 Statelessness Convention, UNHCR has increased its efforts to promote accession to the two Statelessness Conventions. As a result, a number of States are currently in the process of ratifying or acceding to these treaties. Nigeria, Panama and the Philippines had taken the step during 2011 of becoming parties to the 1954 Convention while Croatia, Nigeria and Panama all acceded to the 1961 Convention. UNHCR is hopeful that these positive examples will be followed by others in 2012, and will continue to lobby and work with

governments to this end. This will include disseminating information to States on the benefits of acceding to the 1954 and 1961 Statelessness Conventions, as set out in new brochures to be available in all six UN languages, as well as Portuguese, by the end of 2011.

PREVENTING STATELESSNESS THROUGH THE APPLICATION OF INTERNATIONAL STANDARDS

ALTHOUGH ONLY 40 STATES have so far acceded to the 1961 Convention, many of its principles have been incorporated into nationality laws around the world. One example is the principle that residence abroad should not lead to loss of nationality if the person thereby becomes stateless. According to UNHCR's analysis, this standard has been incorporated into the nationality laws of at least 90 countries. UNHCR will therefore continue to urge States to incorporate the principles upheld in the 1961 Convention and other international standards for the prevention of statelessness, when nationality laws are being drafted or amended.

For example, in 2010, UNHCR provided technical advice on nationality issues and statelessness to South Sudan, which is now in the process of adopting its first constitution and nationality law. Other States, including Georgia, Tajikistan and the Philippines, are also being advised on how nationality legislation can be brought into line with

UNHCR continues meanwhile to develop guidelines on the international standards for the prevention of statelessness, as set out in the 1961 Convention. This began in 2011 with the preparation of guidelines on the interpretation of the Convention's provisions that aim to prevent statelessness among children. Guidance of this kind seeks to fill gaps in areas where UNHCR has not yet developed comprehensive policies.

Another of UNHCR's goals is to establish and make available a global, analytical database on nationality legislation. To this end, agreements with academic institutions and civil society partners working on nationality and statelessness are being established. The database will make it easier for States to identify the steps they need to take to strengthen their commitments to the principles of the 1961 Convention. It will also enable a range of stakeholders, including international organizations, academic institutions and civil society, to make accurate and timely analyses of nationality laws as basis, for example, of advocacy for legislative amendments.

IDENTIFYING THE MAGNITUDE OF STATELESSNESS

THE LACK OF RELIABLE INFORMATION on the number of stateless people in many countries around the world is a persistent challenge for UNHCR. While many estimates indicate that

UNHCR's official figure for the number of stateless people worldwide was 6.6 million; in 2010, changes in the methodology for data recording further reduced this figure to 3.5 million.

In 2011, the first ever countrywide registration of stateless people was carried out jointly by UNHCR and the Government of Turkmenistan. Those registered through this exercise will either be granted citizenship or legal residence in the country. A number of other UNHCR operations will also seek to identify the scale of statelessness in the year to come. Mapping projects will be undertaken in several Central Asian countries, Nepal, the Philippines, Kenya and Mozambique. These initiatives will result in an improved understanding of the profile of the stateless population in each country and the solutions that could be available. A guidance document on measuring stateless populations, which has been released in 2011, will be tested in the field as part of the mapping initiatives to be undertaken in 2012.

In some cases, however, stateless populations may be more easily identified through a nationwide census. UNHCR will continue to advocate for the inclusion of questions designed to identify stateless people in population censuses planned for 2012-2013. In other situations, it may be preferable to carry out a study on stateless populations and the causes of statelessness. Several such studies are planned in 2012-2013, many of them in cooperation with academic institutions. Workshops in 2011 are providing training to UNHCR staff on data collection methods for measuring statelessness. More will be held in 2012.

REDUCING STATELESSNESS THROUGH ACCESS TO CITIZENSHIP AND DOCUMENTATION

THE MAPPING OF STATELESSNESS is typically followed by targeted advocacy for solutions or a programmatic response by UNHCR and its partners. The latter may, for instance, include

EXCOM CONCLUSION NO. 106 DESCRIBES A RANGE OF ACTIVITIES IN FOUR AREAS: THE IDENTIFICATION, PREVENTION AND REDUCTION OF STATELESSNESS AND THE PROTECTION OF STATELESS PEOPLE

international standards. In the next two years, UNHCR expects that these States along with five others will strengthen their compliance with international principles to prevent statelessness.

there are up to 12 million stateless people in the world, the shortage of proven data has meant that UNHCR's official statistics register lower numbers. At the end of 2009,

THE SECRETARY-GENERAL'S GUIDANCE NOTE, THE UNITED NATIONS AND STATELESSNESS, RECOGNIZES THE IMPORTANCE OF A COORDINATED UN RESPONSE TO STATELESSNESS

legal aid programmes, which assist stateless persons and those at risk of becoming stateless to acquire or confirm a nationality, and to obtain documentation. In 2011, such legal aid programmes were in place in 25 countries around the world. UNHCR hopes to set up similar programmes in other countries in 2012.

There are many protracted statelessness situations around the world. In some cases the concerned populations have been stateless for generations. The best solution for these people is to acquire or, in cases where citizenship was lost in the past, to re-acquire the citizenship of the country where they reside. Partial resolution of one protracted situation occurring in the Syrian Arab Republic has resulted from a presidential decree in 2011, granting citizenship to many Kurds who had been stateless since 1962.

UNHCR would like to see more protracted statelessness situations resolved in the next two years. Renewed efforts will thus be directed to joint strategic advocacy for the resolution of protracted situations, in partnership with other UN agencies, regional organizations and/or civil society. Where these efforts meet with success, and stateless people are granted citizenship, UNHCR will advocate for their inclusion in development programmes so as to ensure their full integration into society.

PROTECTING STATELESS PERSONS BY GRANTING THEM LEGAL STATUS

WHEN STATELESS PERSONS have recently arrived in the country where they reside, the most likely solution is to grant them protection by providing

them with a legal status. Principles that States should follow for the treatment of stateless people are set out in the 1954 Convention relating to the Status of Stateless Persons. These include granting the right to work, and access to social services, education, and other fundamental rights and freedoms. Stateless people should also receive identity and travel documents.

Relatively few States currently have procedures dedicated to determining who is stateless, and to grant such people legal status in line with the 1954 Convention's principles. In 2012-2013 UNHCR will strengthen its advocacy for the establishment of such procedures, where appropriate. It will also provide technical advice to States that request information on what such measures could entail. To this end, UNHCR is currently developing a series of guidelines on the definition of a stateless person, on procedures to determine eligibility, and on the granting of a national status for stateless people. These will be followed in 2012-2013 by guidelines on how UNHCR should determine qualification for the granting of statelessness status. The updated version of the registration software *proGres* will facilitate this process.

CAPACITY-BUILDING AND PARTNERSHIPS

CLOSE TO 150 STAFF OF UNHCR and its partners have been trained through the Thematic Protection Learning Programme on Statelessness since its inception in 2008. This programme, along with an advanced short course on statelessness launched in 2011, will continue to impart knowledge and strengthen skills among staff and

partners in 2012-2013. Opportunities for the exchange of best practices and working experience among UNHCR staff will be provided by an online Community of Practices on Statelessness being initiated in 2011.

While UNHCR has been specifically mandated to work on statelessness, cooperation and contributions from other agencies, regional organizations and civil society are of vital importance in addressing the issue globally. The Secretary-General's Guidance Note, *The United Nations and Statelessness*, which was issued in 2011, recognizes the importance of a coordinated UN response to statelessness. The Note, which was developed through an inter-agency process coordinated by the UN Rule of Law Unit, will be a blueprint for collaboration between UNHCR and other agencies on statelessness in the years to come.

Since 2009, a series of regional events on statelessness have taken place in South-East and Central Asia, the Middle East, South-Eastern Europe and Southern Africa.

Each of these roundtables has sought to inspire action on statelessness, including through strengthened cooperation between States. These events have also spurred the interest of regional organizations, and given rise to new relationships that will need to be nurtured and strengthened. This is notably the case with the African Union and with the ASEAN Intergovernmental Commission on Human Rights. In addition, NGOs from around the world remain at the frontline of vital activities undertaken by UNHCR under its statelessness mandate in areas such as advocacy, strategic litigation and legal aid. ■