

Maria was born in South Africa to Cuban parents. Her parents learned that she was not recognized as a national by the Cuban authorities, which made her stateless. Fortunately, the South African Citizenship Act allows a child born in the country to be a citizen if she has no other nationality.



Addressing Statelessness

Being stateless means having no nationality and no State to provide protection. Sixty years after the adoption of the Convention relating to the Status of Stateless Persons, millions of people around the world still do not enjoy the rights, privileges and protection that citizenship of a State brings. At the end of 2012, UNHCR counted 3.3 million stateless persons worldwide. However, many stateless people go unreported - their actual number is likely to be more than 10 million.

Most people who are stateless find themselves in that situation through no fault of their own. They may have been excluded when a newly-independent State defined who were - and who were not - its citizens. Some groups were excluded by design, others by accident. Decolonization in Asia and Africa left many people stateless, as did the break-up of the former Soviet Union and the former Yugoslavia in the 1990s. Entire communities have been arbitrarily deprived of nationality because of racial or religious discrimination. ●●●

Ending statelessness

Today there are some 20 known situations in which groups of more than 25,000 people have been stateless for a decade or more. Collectively, these long-lasting situations account for the vast majority of people identified as stateless in the world. In 2012, High Commissioner António Guterres called for decisive action on the issue, underlining that “these protracted statelessness situations are not a problem to be addressed at some future date. Solutions are needed now, and I call on all States to make a firm commitment to ending statelessness within the next decade.”

If statelessness often results from a narrow definition of who qualifies as a citizen of a given State, resolving statelessness requires a more inclusive understanding of who belongs to, and can participate fully in the life of, a nation. Given the fundamental nature of this issue for many States, the question is: how can the international community encourage and assist governments to resolve these situations, and achieve the goal set by the High Commissioner?

A large part of the response to this challenge is to increase awareness of the impact of statelessness on people’s lives, and on society more broadly. In 2014, UNHCR will use the occasion of the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons to draw attention to the “human face of statelessness”, and to launch a global campaign to eradicate statelessness over the next 10 years.

UNHCR will highlight the plight of stateless people through a series of dialogues to be organized with the cooperation of stateless groups in several countries around the world. The events will be used to gather testimonies that will be disseminated with films and photographs through social media and print.

In cooperation with Tilburg University in the Netherlands, in 2014 UNHCR will hold the First Global Forum on Statelessness in The Hague. It will bring together stateless people, government officials, staff of UNHCR

and other international organizations, NGOs and academics, with the objective of looking at statelessness from a variety of perspectives. The forum and the recently created UNHCR Prize for Statelessness Research (see *News and Views* section) will promote and disseminate research on statelessness, thereby improving the targeting of advocacy, technical advice and operational responses by UNHCR and partners.

Several years of work to improve the identification of stateless populations have now allowed many UNHCR operations to focus more on preventing and reducing statelessness. In order to achieve the High Commissioner’s goal of eradicating statelessness, UNHCR will advise States on how to reform their nationality legislation and simplify criteria and procedures for the acquisition of nationality. It will also support documentation campaigns and help national authorities to process applications.

Numerous States have, indeed, already adopted creative strategies to reduce statelessness, offering a range of good practices from which other governments can learn. UNHCR will also draw inspiration from these various strategies in order to help other States in addressing their nationality and statelessness challenges.

The most efficient means of resolving statelessness is through changes in law or policy to permit the automatic grant of nationality to stateless people. This approach has been used to grant nationality to large numbers of stateless people with immediate effect, thereby avoiding costly bureaucratic procedures. It is frequently combined with simple measures for the issuance of documentation proving nationality.

Examples of remarkable developments in fighting statelessness in recent years include that of Kyrgyzstan, where the new Citizenship Law adopted in 2007 recognizes as nationals all stateless former USSR citizens who have resided

in the country for more than five years. Since 2009, more than 50,000 former USSR citizens have benefitted from this provision and have been issued with citizenship documents.

Subject to certain requirements, Zimbabwe’s 2013 Constitution has now automatically restored citizenship to descendants of citizens from other Southern African Development Community member States, whose Zimbabwean citizenship had been withdrawn as a result of an amendment to the Citizenship Act in 2001.

Bangladesh provides another example for States looking to resolve protracted situations. A 2008 High Court judgment recognized the Urdu-speaking minority (Biharis) as citizens of Bangladesh; an ensuing change in government policy meant that up to 300,000 people were recognized as citizens. Adults were issued with identity documents proving nationality, and allowed to vote for the first time in national elections.

Responses to other statelessness situations have included simplified procedures for acquisition or re-acquisition of nationality. Most recently, in August 2013, Côte d’Ivoire amended its laws to allow nationality to be acquired through a simple declaration by individuals resident in the country before independence in 1960 and their descendants, as well as those born there between 1961 and 1973. The new Citizenship and Immigration Act adopted in Kenya in 2011 allows stateless people who have resided in the country since independence and their descendants to register as citizens during a five-year period.

In Iraq, nationality legislation adopted in 2005 and 2006 overturned a 1980 decree that stripped the Faili Kurds of Iraqi citizenship. They may now apply to restore their citizenship, and more than 100,000 have taken advantage of this opportunity. Some 600,000 stateless people are reported to have acquired nationality in the Russian Federation between 2002 and 2009 through a simplified naturalization procedure. New,

DURABLE SOLUTIONS

Greater reduction of statelessness is achieved

Develop and implement strategies to address protracted situations of statelessness

Assist stateless people and those with undetermined nationality to acquire or confirm nationality

Provide training and technical advice to government officials on statelessness reduction measures, including acquisition or confirmation of nationality by stateless people and those with undetermined nationality

Promote facilitated naturalization procedures

- At least 200,000 stateless people will acquire a nationality or have it confirmed.

FAVOURABLE PROTECTION ENVIRONMENT

Law and policy developed or strengthened

Conduct advocacy to encourage reform to ensure that nationality laws are consistent with international standards on the prevention of statelessness

Support development of national capacity to implement standards contained in the Statelessness Conventions through provision of expert and technical advice as well as training

- 7 States will improve their citizenship laws so as to be consistent with international standards on the prevention of statelessness.

International and regional instruments acceded to, ratified or strengthened

Conduct advocacy to encourage accession to the Statelessness Conventions

- The number of countries that have ratified/acceded to the 1954 and 1961 Conventions will increase to 89 and 68, respectively.

FAIR PROTECTION PROCESSES AND DOCUMENTATION

Identification of statelessness improved

Undertake studies to boost knowledge on the number of stateless people, their situation and possible solutions

Conduct advocacy and provide technical advice to improve the quality of procedures to identify stateless people

- The number of countries for which UNHCR reports statistical data on stateless people will increase to 80.
- The number of countries that have statelessness status determination procedures will increase by 6.

less stringent criteria for the naturalization of stateless people introduced in 2012 are expected to have a significant impact once implemented. In Brazil and Indonesia, the grant of citizenship to people left stateless by nationality laws in force in previous decades was complemented by legislative reforms to prevent new cases of statelessness.

Since States alone can grant nationality, governments are the primary actors in the reduction of statelessness. But others too have important parts to play, and in many instances progress has only been achieved through the cooperation of a range of stakeholders. In addition to UNHCR, these include other UN agencies, regional organizations, civil society and academic institutions. Of particular value in efforts to reduce statelessness are cooperation arrangements with interna-

tional and local NGOs that run legal aid programmes to help stateless individuals confirm or acquire citizenship and obtain vital documentation.

To aid the work of its staff and those of its partners, in 2014 UNHCR will publish a collection of good practices on the prevention and reduction of statelessness and the identification and protection of stateless people. UNHCR will also organize a series of regional and country meetings with governments and regional organizations, such as the African Union, ASEAN and the Council of Europe, to disseminate good practices and discuss strategies and responses. The matrix in this chapter presents examples of some of the activities and interventions that UNHCR plans to undertake in 2014 in order to reduce statelessness. ■

● *New accessions to Statelessness Conventions*

The 1954 Convention relating to the Status of Stateless Persons aims to ensure that stateless people receive a certain minimum standard of treatment. In recent years, there has been a surge in new accessions to this treaty and its sister convention, the **1961 Convention on the Reduction of Statelessness**. Since the beginning of 2011, an unprecedented 31 new accessions have been recorded to the 1954 Convention and to the 1961 Convention (see list of *Parties to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness* in the Annexes). ■