The Issue of Statelessness

The concept of statelessness is defined by the 1954 Convention relating to the Status of Stateless Persons as someone “who is not considered as a national by any State under the operation of its law”. According to the UN High Commission for Refugees (UNHCR), there are an estimated 4.4 million stateless people globally. However, this figure is likely to be an underestimation, as most countries do not report data on statelessness. Additionally, there exists a lack of consensus regarding the criteria for classifying an individual as stateless.

Stateless groups are often found in regions characterised by ethnic diversity. They tend to be in the minority and are subject to discrimination or may be particularly susceptible to abrupt legislative changes that can further marginalise them. For instance, there are approximately 1 million Rohingya people, an indigenous group from Myanmar, living without citizenship. They are systematically denied this status through discriminatory practices that are influenced by racial biases.

In the landmark 1948 Universal Declaration of Human Rights, Article 15, declared that every person has a ‘right to a nationality’, thereby recognising that statelessness is a fundamental human rights violation. Stateless individuals lack recognition from any country as citizens, which denies them access to government services including education, healthcare and employment. Consequently, they often resort to illicit labour, placing them at high risk of exploitation and violence due to the absence of legal protections. Deprived of voting rights, they are rendered politically disenfranchised, unable to influence the policies that govern their lives. Furthermore, the typical absence of official documentation among stateless people not only prevents them from legally crossing borders but also exposes them to a heightened danger of human trafficking and abuse — pressing issues that call for international attention and action.

Recognising the multifaceted causes of statelessness is crucial. It can arise from inadequacies in drafting and implementation of nationality laws or shifts in national borders. Often, these laws are discriminatory depriving certain ethnicities or religions of their rights to nationality or preventing women from passing on their nationality to their children. The absence of a birth certificate also exacerbates the risk of a person becoming stateless as they cannot prove their link to a country. Most stateless people have never left the country in which they were born. However, they have been denied citizenship due to the country’s nationality laws.

In rare cases, a person may have their nationality removed if their actions are deemed threatening to the country to which they are a national. Citizenship can also be revoked if a person has lived outside of their country for too long. Both of these depend on a country’s individual laws and, unless the individual is of dual citizenship, they will become stateless.

Points to consider:

* How can we develop a consensus of the meaning of statelessness and work towards ensuring instances of it are minimised. Can administrative procedures be improved to ensure people do not becoming stateless through cracks in legal frameworks.
* What should be done to discard of/ avoid implementing discriminatory laws? Likewise, how should member states prevent children being born stateless?
* How can member states protect stateless individuals against exploitation?

[Stateless people | UNHCR](https://www.unhcr.org/about-unhcr/who-we-protect/stateless-people)

[UNHCR-Statelessness-2pager-ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-Statelessness-2pager-ENG.pdf)

[Statelessness: What It Is and Why It Matters - Open Society Justice Initiative](https://www.justiceinitiative.org/voices/statelessness-what-it-and-why-it-matters)