

Who Has a Right to Belong?

Written by Simon Thompson

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SIMON THOMPSON, JUN 3 2015

Being stateless is a very precarious and dangerous situation to be in. A stateless person is not a member of any of the two hundred or so states that exist today. Since states are responsible for protecting and providing for their members, to be stateless is to find oneself without all the things that states provide.

There are a number of ways in which people become stateless. It can happen at an individual level. A person might want to move from state A to state B. State B says: give up your membership of state A and you can then apply to be a member of B. So the person does this, but then for some reason is not accepted into B. Perhaps their paperwork is not in order, or the laws regarding citizenship in state B change.

Not just individuals, but large groups of people can become stateless. One of the best known of these is the Rohingya people of Burma/Myanmar. The laws of this state officially recognize a considerable number of ethnic and cultural minorities. But they do not recognize the Muslim Rohingya people. They are considered to be recent arrivals from Bangladesh, even though they have in fact been living in Myanmar for generations.

Of the 800,000 Rohingya living in Myanmar, over 100,000 are currently internally displaced. As a result, they are very vulnerable to a range of injustices. According to Benjamin Zawacki:

[The Rohingya in Myanmar face] systemic discrimination ... That is, ... a political, social, and economic system – manifested in law, policy, and practice – designed to discriminate against this ethnic and religious minority. This system makes such direct violence against the Rohingya far more possible and likely than it would be otherwise.

What can be done about the problem of statelessness? It could be argued that states have a duty to take in the stateless, to make them citizens who are able to enjoy the security, rights and freedoms that go with citizenship. The problem is that it is difficult to say *which* state has a duty to make *which* stateless people members. For the Rohingya, the case is pretty clear: it's Myanmar which should be reforming its citizenship laws in order to include them.

But in other cases, it's not so clear. Consider the situation in Syria today. Over three million Syrians have fled their country and are now living in very poor conditions in a number of neighbouring states. If Syria won't take them back – and if most of them don't want to go back – then which state has a duty to take them in? One way of answering this question would be to say that the international community as a whole has a duty of aid here. But this doesn't help us to identify with part of that community – that is, which states – have a derivative duty to help.

In the meantime, the lives of the internally displaced, refugees, and the stateless of all kinds, continue to go very poorly indeed. Whilst there might be international conventions which aim to tackle this problem – in particular the 1954 Convention relating to the Status of Stateless Persons – the gap between theory and practice seems very large indeed.

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