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Dawn Of A New Era for the Forgotten Issue of Statelessness

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LAURA VAN WAAS, FEB 23 2012

Not long ago, statelessness was quite rightly described as one of the most hidden or forgotten issues of international relations. The international treaties developed to address statelessness were, in turn, nicknamed the “orphaned conventions”: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness drew little attention and attracted disappointingly few state parties. With the benefit of hindsight, there is no denying that for several decades since these instruments were adopted, the issue of statelessness sat by the way-side while related areas such as human rights law and refugee law underwent significant development.

In the 1990s however, the dissolution of the Soviet Union and of Yugoslavia, created a large, new wave of statelessness. This caused the issue to resurface onto the international agenda as the states concerned – and their neighbours – came to acknowledge the detrimental impact of statelessness. To leave people without any nationality is to cast them as outsiders in our otherwise well-ordered world. As such, the stateless find themselves unable to exercise a wide range of rights that others usually take for granted. Statelessness therefore breeds human insecurity and can lead to further human rights abuses, forced displacement and communal tension. It is a problem that has not disappeared or diminished, with time, but rather it has suffered from neglect, as governments concentrated on other international relations challenges. As a result, as many as 12 million people are still afflicted by statelessness and its damaging effects today.

The growing realisation as to the persistence and impact of statelessness was accompanied by growing interest to recommit to tackling the issue. Through the UN General Assembly, states asked the United Nations High Commissioner for Refugees (UNHCR) – which has always had a mandate for stateless refugees and has held a specific role under one of the international statelessness conventions since the 1970s – to expand its activities on behalf of stateless people. Gradually then, between the 1990s and today, UNHCR has taken up a global and comprehensive mandate which includes assisting states to identify, prevent and reduce statelessness and better protect the rights of stateless people. At the same time, there was a slow but steady increase of interest in statelessness within civil society and academia, with more individuals and organisations taking up the issue in advocacy and research work. Meanwhile, in a number of states, significant breakthroughs were achieved in terms of legal reform for the prevention of statelessness and the resolution of sizeable, previously protracted, situations of statelessness. For instance, in Sri Lanka and Ukraine, citizenship campaigns emerged, deliberately targeted towards ensuring that stateless people acquired a nationality.

The preceding developments form the backdrop against which the events of 2011 unfolded and which enabled the international community to enter a new era for the previously forgotten issue of statelessness. The year 2011 marked exactly half a century since the adoption of the 1961 Convention on the Reduction of Statelessness – an instrument designed to help states ensure that statelessness is avoided by incorporating certain safeguards in their citizenship laws. Since the dismal number of state parties that the convention had achieved to date and the stark reality of so many million stateless people worldwide were no cause for celebration, the anniversary was instead seized upon as an opportunity to reinvigorate and consolidate international interest in resolving statelessness. Thus, in the same month that the 1961 Convention was blowing out the 50 candles on its birthday cake, UNHCR spearheaded a global

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media campaign to raise awareness of the continuing suffering caused by statelessness around the world. This included the first ever interviews devoted in their entirety to the problem of statelessness by the UNHCR High Commissioner himself, Antonio Guterres. Reuters' AlertNet service also produced an impressive range of multimedia reports highlighting statelessness, adding further weight and content to the media campaign. The result: more reports on statelessness in newspapers, online and on the television and radio, than had perhaps ever been devoted to the subject in the past. Several hundred press clippings were tracked over the course of just a few days in English-language media alone.

Cynics may suggest that this was just a blip, a short flurry of interest that will prove insignificant in the long run. But I would disagree. As someone who has been following the issue of statelessness closely for the past 8 years, I saw the first signs of a sea-change in this keen, if possibly short-lived, media interest. The reason for this is that the unparalleled media attention for statelessness in 2011 was mirrored by similarly unparalleled attention for statelessness from states. As the year drew to a close, something of a revolution happened at a meeting convened by UNHCR and attended by representatives of around 150 different governments. They gathered to mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees – the cornerstone of international refugee protection – while also commemorating the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. In the past, any such meeting called by UNHCR was taken up principally with the discussion of refugee situations, with other issues usually remaining on the margins. This time though, thanks to the carefully timed media campaign, fervent lobbying on the part of UNHCR and other organisations over the preceding months and the organic growth of interest in the issue over the past decade or so, statelessness was ready to steal the show. And it did.

Far outdoing everyone's expectations in this regard, some 50 states made concrete pledges at the December 2011 UNHCR Inter-ministerial meeting to take action to address statelessness. Prominent government representatives such as US Secretary of State Hillary Clinton devoted a significant portion of their speech to the problem of statelessness. At least 20 states pledged to sign up to one or both of the international statelessness conventions – and this on top of the impressive 8 new accessions that were already achieved in the run up to the meeting itself. Remarkable and pivotal promises were made by a number of countries, like Senegal, Liberia and Benin, to review their nationality laws with a view to improving safeguards against statelessness. In short, governments came together to plot out an agenda for action on statelessness that has enough meat to it to carry forward work in this field in the years to come. In his closing speech, that was itself significant and rather moving for anyone who has been frustrated by the lack of attention given to the issue in such a forum in the past, UNHCR High Commissioner Guterres concluded that a "quantum leap" had been taken at the meeting where statelessness was concerned. As such, UNHCR has also reasserted this aspect of its own mandate and it is evident from the plans that the agency is now developing that this is set to be a long-term, structural and serious commitment.

While it is true that we should be careful not to exaggerate the impact of what could also be summarised as one media bubble and one high-level event, my sense is that the issue of statelessness is now entering a new era. This heightened interest is not an anomaly. Instead, it marks the culmination of a range of developments at national, regional and global levels which indicate that there is not just every reason for states to want to do more to address statelessness, but also that something can be done about it, as demonstrated by a wide variety of good practices and successful legal and operational responses. 2011 is, in that sense, simultaneously a natural and a monumental watershed for this issue. The task for 2012 and the further years to come is to keep up the momentum that has been achieved through this "quantum leap".

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