

Combating statelessness: a government perspective

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The US government believes that the prevention of statelessness and the protection of those who are stateless should be priorities for all governments.

Statelessness lurks behind many problems. All too often, it denies children access to education. It prevents their parents from working legally, and makes persons vulnerable to labour exploitation, sexual exploitation, trafficking in persons, arbitrary arrest and detention,

to see some of the most grievous consequences of statelessness.

A citizen is a person owing allegiance to and entitled to the protection of a sovereign state. Citizenship helps establish identity and instil human dignity. By contrast, statelessness,

There is little data on the history of statelessness or related population trends. Issues of citizenship and nationality (and related issues of immigration) may be politically sensitive. In the worst cases, governments have taken nationality away from their citizens for political reasons; in some cases, governments simply lack the capacity to officially recognise and document their citizens; and in other cases statelessness results from systematic discrimination or other gaps in citizenship laws and procedures. The citizenship laws of the Burmese regime explicitly exclude the Rohingya, for example. After the death of several hundred Rohingya migrants at sea in February 2009, the regime reiterated its position that the Rohingya are not among the official “national races of Burma”.

The US government cares about statelessness as an issue that carries repercussions for regional stability and economic development. US diplomats advocate directly with governments to prevent and resolve situations of statelessness within their territory. In Vietnam, for example, US diplomats are encouraging the government to naturalise nearly 10,000 stateless persons who fled Cambodia’s Khmer Rouge in the late 1970s. In 2007, the Department of State created a distinct sub-section devoted to statelessness in the Country Reports on Human Rights Practices it submits annually to the Congress. This new sub-section is included again in the recently released 2008 reports. Its inclusion is intended to help create public awareness about the existence of stateless populations, the challenges they encounter and progress made in resolving situations of statelessness.

Through diplomacy and humanitarian assistance, the US Department of State has sought to elevate statelessness as an important human rights and humanitarian issue in the US foreign policy agenda. The US is committed to



The Urdu-speaking community in Mirpur in Dhaka, Bangladesh, lives in poor housing conditions with families of 6-8 people living and working in a single room. Men and women work long hours – the men weaving saris at a factory and the women embroidering at home.

discrimination and other abuses. It denies families access to health care, and prevents them from marrying, owning property, opening a bank account or travelling. When stateless people become displaced, the question of which state they belong to becomes critical. We have only to look at the situations of Rohingya Burmese or Palestinian refugees

or the absence of citizenship, typically denies individuals the ability to exercise their human rights, poses obstacles to meeting their basic needs and prevents their full participation in society.

The problem of statelessness is not new but has been ‘in the shadows’, like stateless people themselves.

continued support for stateless populations. The US government is the single largest donor to UNHCR, the international agency with the mandate to protect stateless people.¹

US law is generally consistent with the objectives and principles of the two main conventions² that address the problem of statelessness; that is, the US does not contribute to the problem of statelessness, and US law does not treat stateless individuals differently from other aliens. The US has not, however, become a party to these international legal instruments because they contain some specific obligations that are inconsistent with US law. For example, the 1961 Convention prohibits the renunciation of nationality where such renunciation would result in statelessness. This legal prohibition in the Convention conflicts with US law, which has long recognised the right of Americans to renounce

their nationality, even if doing so would lead to statelessness. Thus, while we have not joined these two particular conventions, we are fully committed to their objectives; not being a party does not in any respect undermine our commitment.

Indeed, the US promotes the policy goals of these conventions and encourages other governments to join bilateral and multilateral efforts to prevent people from becoming stateless, identify those who are stateless, protect stateless people from exploitation, discrimination and other abuses, and promote solutions, including naturalisation, birth registration, resettlement and other measures to increase access to citizenship.

Whether they are deliberately excluded or simply fall through legal or administrative cracks, stateless persons have been described as

“legal ghosts”.³ The US government is pleased to support this issue of *Forced Migration Review* as an important effort to recognise stateless people, give voice to their stories, create awareness about the causes and consequences of their situation, and encourage the international community to find solutions to their plight.

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1. In 2008, the US provided over \$500 million to UNHCR, including contributions to the agency's core budget that supported protection and assistance activities for stateless populations.

2. Convention Relating to the Status of Stateless Persons (1954); Convention on the Reduction of Statelessness (1961)

3. *The World's Stateless People: Questions & Answers*, UNHCR, 2006, p5.