

# Tackling statelessness: the fundamental importance of stateless people's voices

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**Enabling stateless people's voices to be heard more strongly and more widely is a fundamental requirement for a better understanding of the problem of statelessness and how to tackle it.**

Statelessness affects over ten million people worldwide.<sup>1</sup> A perpetual issue for stateless people<sup>2</sup> and those helping to resolve statelessness is the notable lack of awareness from the world at large about the issue. With limited awareness about it, there is little pressure to pay attention to statelessness. The solution is simple, albeit not easy: there needs to be comprehensive and dedicated awareness-raising on statelessness and, most importantly, stateless people need to be included in discussions on statelessness.

Stateless people must be treated as purposeful participants whose voices matter rather than as mere objects of discussion. Every media article, for example, must include their voice. The same is true for any international projects<sup>3</sup> where decision-making on the direction of these projects must be shared with stateless communities. Every conference on statelessness should involve participants and speakers who are stateless or formerly stateless, and not in a tokenistic way. Yet this is something that has only very recently started to happen and to a limited degree.

The author of this article is himself stateless and is writing after consultation with other stateless people, namely through the Apartheid Network. Consultation was also undertaken with members of two leading organisations in the field with which the author is associated, the European Network on Statelessness (ENS) and the Institute on Statelessness and Inclusion (ISI).

## Rebalancing imbalances of power

Power imbalances in statelessness directly relate to the common causes of statelessness. Contrary to common understandings, most stateless people today are not

refugees but are minorities in their own country,<sup>4</sup> who have been disenfranchised of their rights and left powerless due to antagonism from a more dominant ethnic, racial or religious group. This impacts how statelessness is treated politically.

The Statelessness Determination Procedure (SDP), the process by which stateless people can individually apply for recognition of their status as people who are without a nationality, is a good example of how power imbalances play out. International organisations have a positive impact in helping stateless people with their SDP. However, where States have created or sustained statelessness, the authorities tend to refuse to call statelessness by its name for fear of being held accountable. This deters international organisations from doing humanitarian work on statelessness, such as with SDP, because of the perceived political nature of the subject. Large humanitarian organisations like UNHCR are notoriously weak when it comes to tackling such situations, preferring to avoid stepping on the toes of States at the expense of helping those in need.

In spite of these difficulties, SDP remains important, particularly for stateless people who end up leaving the 'home' country that discriminates against them. It is one of the few existing mechanisms that can help stateless people find their way out of statelessness. More attention needs to be given to SDP, and the relevant authorities need to be trained on SDP and statelessness in general.

The strategy of denying statelessness or refusing to call it by its name has been very successful in keeping statelessness out of the spotlight. The way forward is to encourage people to recognise States'

obstruction of statelessness for what it is. This is a task for the international community, including the humanitarian sector, as well as for domestic actors such as politicians and the media. Successful awareness-raising on statelessness with direct involvement of stateless people's voices and perspectives will help tackle the problem of misinformation. The more stateless people's voices can be heard, the more possible it will be to have an accurate and balanced discussion of statelessness – which is a key first step towards resolving statelessness.

Ultimately, there is a need to bring all sides to the negotiating table. The reluctance usually lies with State actors that are not acting in good faith. International interest can galvanise the attention that is needed. But stateless people too need to be less hesitant and afraid to speak up because of their legal limbo. Those who believe in tackling statelessness can help by providing a safe environment for stateless people to voice their perspective and practise freedom of expression. Without this, we cannot hope to resolve statelessness, at least not fairly.

### **Fighting disenfranchisement**

The real challenge is in how stateless people are disenfranchised in power and politics. At the very root of statelessness are its troubling common causes of xenophobia, racism and sexism. Statelessness is not an accident, nor is it something that anyone deserves. Historically, States have abused their power to decide who can and cannot belong. We need to end this abuse and prevent it from happening in the future.

Discrimination is not only why stateless people become stateless; it is also why they remain so. Statelessness situations across different parts of the world have one prominent aspect in common: victims of statelessness tend to be from disadvantaged groups, such as minorities, who have had their right to nationality compromised because a more dominant group feels animosity toward them. This animosity has various forms. Some countries have sexist nationality policies, such as in refusing to allow mothers to pass on their nationality.

This hinders the resolution of existing cases of statelessness, and often leads to new cases of statelessness, with children continuing to be born into statelessness every day.<sup>5</sup>

The solution is to keep fighting all forms of discrimination and to reinforce relevant regulations, such as those relating to minority, child, gender and migrant rights. Organisations that fight to resolve statelessness can cooperate more closely with anti-discrimination organisations. Influential organisations like the UN can help bridge the gap. Stateless people can help by sharing their own experiences and openly revealing the discrimination and challenges they have faced. Initiatives such as the United Stateless, Statefree and the Apatride Network show how stateless people can come together to tackle statelessness. These stateless-led initiatives not only empower the stateless to be engaged participants but they also provide a valuable piece of the puzzle that bigger organisations like the UN have been missing in their approach to statelessness. These bigger organisations have an important role to play in facilitating a safe and welcoming environment for these initiatives, as shown in current efforts such as ISI's Global Movement on Statelessness and UNHCR's Global Alliance to End Statelessness.

### **Conclusion**

In order to move forward in resolving statelessness, stateless people must be included at the forefront of awareness-raising on the subject. Racism, State obstruction, misinformation and any other forms of discrimination need to be exposed and fought as part of the campaign to end statelessness.

Statelessness is not a marginal issue, nor is it one with a single focus. There are various and multi-faceted forms of statelessness which affect people across the world, including in the West. It makes sense to take small steps toward concrete actions, focusing on one problem at a time, at the same time as trying broad strokes. We must pick our battles carefully and be ready for a long campaign. In that campaign, it would help to have better data, as current data are too unreliable and one-sided (dominated by

authorities who have caused statelessness, or otherwise not inclusive enough of stateless people themselves). It would also help to resolve why the fight to tackle statelessness in general is severely underfunded compared with other human rights issues.

If you would like to help, you can, even just by becoming more familiar with the topic and sharing that knowledge with someone else. We can make the world a better place, one connection at a time. Knowledge is power – and the voices of stateless people need to be the source of that knowledge.

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1. Statelessness is difficult to accurately quantify, presenting a unique set of challenges for statisticians. See Institute on Statelessness and Inclusion (2020) *Statelessness in Numbers: 2020* [bit.ly/statelessness-numbers](https://bit.ly/statelessness-numbers) and Nahmias P (2020) 'Better statistics to help end statelessness', UNHCR [bit.ly/statistics-end-statelessness](https://bit.ly/statistics-end-statelessness)
2. In international law, a stateless person is someone who is "not considered as a national by any State under the operation of its law". UNHCR (2003) *The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonisation* [bit.ly/convention-stateless-persons](https://bit.ly/convention-stateless-persons)
3. For example, UNHCR's IBelong campaign [www.unhcr.org/ibelong/](https://www.unhcr.org/ibelong/)
4. OHCHR (2018) 'Statelessness: A Minority Issue' [bit.ly/minority-issue](https://bit.ly/minority-issue)
5. UNHCR (2015) 'The Urgent Need to End Childhood Statelessness' [bit.ly/childhood-statelessness](https://bit.ly/childhood-statelessness)

