ALL ABOUT THE SDGS

What Statelessness Actors Need to Know

Institute on
Statelessness and
Inclusion

statelessness
essentials

Difficulties accessing education and employment; restricted property rights; lack of opportunities to own or register a business; limited access to a bank account or a loan; and, in some cases, the threat of extortion, detention or expulsion; these factors can trap stateless persons in poverty and make it extremely challenging for them to improve their circumstances.

Where statelessness affects whole communities over several successive generations – as it often sadly does, such communities can be neglected by development actors and processes. This can result in a significant lag behind others in the country or region in terms of development.

Statelessness means a waste, of individual potential, of human capital and of development opportunities.

So, if development matters, statelessness matters.

Institute on Statelessness and Inclusion
The World's Stateless
Wolf Legal Publishers 2014

Cover photo © Saiful Huq Omi
Rohingya children playing in Cox's Bazar, Bangladesh

- The SDGs are not just about economic growth, social development and environmental protection, but about achieving this **for all**. This provides a significant opportunity to advocate and take action for stateless persons to no longer be 'left behind'.

- The alignment of the development, statelessness and human rights frameworks and discourses, provides an opportunity to engage between these fields, to address statelessness through human rights and development mechanisms. There is an impetus on all actors to learn to speak to each other in a common language.

- Development work aims to improve people's well-being, addressing poverty and improving opportunity. Statelessness is detrimental to human development. Stateless communities often find themselves trapped in poverty's vicious circle.

- The promotion of sustainable human development, inclusion and stability are complemented and strengthened by greater attention to the situation of stateless persons and the participation of the stateless persons in such efforts. Those working on statelessness have a role to play in educating development actors and ensuring that statelessness is addressed through development programming.

- The SDGs are universal goals to be achieved by all UN member states (in contrast to the MDGs which focused on low and middle-income countries), meaning that they can be a tool for addressing statelessness in any country.

- SDG Target 16.9 is highly relevant to statelessness: "by 2030, provide legal identity for all, including birth registration". It has tremendous potential to help tackle the root causes of statelessness. But there is a risk that it could end up being counterproductive – and actually cause new cases of statelessness – unless an informed, rights-based approach is adopted.

- Stateless persons are best placed to identify their development needs and it is imperative that they are empowered to fully participate in development processes and are adequately consulted, and that development actors are accountable to stateless communities. However, achieving this is likely to be challenging, due to the structural nature of the exclusion and discrimination faced by stateless populations.

IN THIS BOOKLET

© Greg Constantine

This is the note book of a Roma child in Serbia. Before his father died, he scribbled the names and birth dates of the child and his siblings on this note book. This is the only record they have of their dates of birth, the only proof that they exist.

Nationality is a gateway through which people can access rights and services. Without it, the stateless often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; and basic banking, mobile phone and other services. Perceived as outsiders, the stateless can be vulnerable to victimisation, discrimination and exploitation. They are frequently unable to participate in political and social life and may wrongly be viewed as less 'deserving' of protection and support.[1] Under these conditions, it is difficult for stateless persons to realise their capabilities and live with dignity, free from poverty. The denial of their fundamental rights is also heightened by their inability to access justice.[2] This results in a vicious circle, which is difficult to break.

Development work aims to improve people's well-being, addressing poverty and improving opportunity. In 2015, the UN General Assembly adopted the Sustainable Development Goals (SDGs) that together form "a plan of action for people, planet and prosperity".[3] The SDGs are not just about economic growth, social development and environmental protection, but about achieving this for all. Accordingly, **No one must be left behind** and **the furthest behind must be reached first.** This requires paying special attention to those groups most in need and addressing systems and structures that engender exclusion, disadvantage and impoverishment – including those affecting the stateless.

This booklet introduces the SDGs to those working on statelessness. It discusses why development is an important field which can benefit those without a nationality and provides an insight into how stateless people can be included in the implementation of the SDGs: through greater awareness, inclusive programming and a more sustained effort to address structural discrimination and disadvantage.

If you are working to promote the enjoyment of the right to a nationality, to combat statelessness or improve the lives of stateless communities, or are interested in how statelessness, development and human rights interact, this booklet is for you. It is part of our statelessness essentials booklet series, which includes introductory booklets on statelessness and how it relates to human rights, development and other issues. To learn more about this series and other available or forthcoming titles, please visit our website:

www.institutesi.org

WHAT ARE THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)?

In September 2015, the United Nations General Assembly unanimously adopted the 2030 Agenda for Sustainable Development, laying the foundation for global development work for the next fifteen years. This Agenda sets out 17 Sustainable Development Goals (SDGs or "Global Goals") which cover a broad range of areas and challenges – including poverty, health, education, gender inequality, justice and climate change.

The seventeen goals are made up of a total of 169 targets, which identify more specific objectives to be achieved. For instance, under Goal 10: Reduce inequality within and among countries, one of the targets is to "By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average". In total there are 232 agreed indicators against which progress to achieve the SDGs will be monitored.

THE CENTRAL PHILOSOPHY:
"LEAVE NO ONE BEHIND"

The SDGs are not the first global development targets - they replace the eight Millennium Development Goals (MDGs), which the international community had committed to achieve by 2015.[4]   While the former MDGs enjoyed some success, the record is uneven across the goals and between regions of the world.[5] However, the SDGs differ from the MDGs in several important ways. The SDGs are:

BROAD

There are more SDGs than MDGs, and they address a broader range of issues, including for instance justice and environmental issues.

INTERCONNECTED

The SDGs recognise the interconnectedness of different development challenges and opportunities, as well as the intersectionality with human rights frameworks.

UNIVERSAL

The SDGs make it clear that development is not only a concern for developing countries – they are universal goals to be achieved by all UN member states (in contrast to the MDGs which focused on low and middle-income countries).
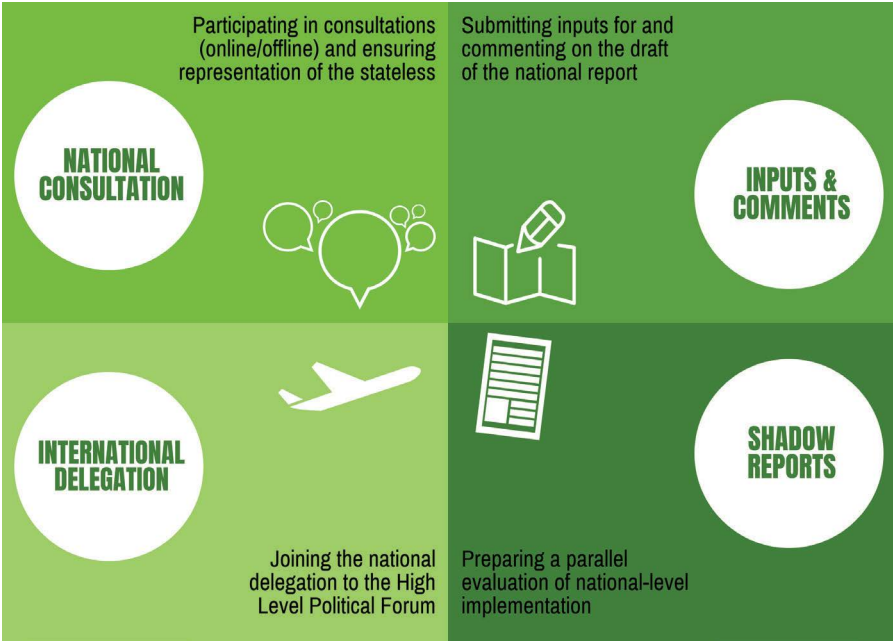
A core focus of the 2030 development agenda is that **No one must be left behind** and **the furthest behind must be reached first.** This means paying special attention to those groups most in need and addressing systems and structures that engender exclusion, disadvantage and impoverishment. This offers important opportunities for those seeking to address statelessness or improve the lives of stateless communities.

All 17 of the SDGs are in some way relevant to the stateless: their achievement will benefit stateless persons and communities, while the continued existence of statelessness can also impede progress towards the SDGs. However, the link with statelessness is stronger for some SDGs than for others. SDG 5 (Gender Equality), 10 (Reduced Inequalities) and 16 (Peace, Justice and Strong Institutions) require states to address structural inequalities and discrimination, striking at the root causes of statelessness. Other SDGs address key areas where stateless people are more likely to be disadvantaged, and where concerted effort is needed to ensure that development programming reaches them. These include SDG 1 (no poverty), 2 (Zero Hunger), 3 (Good Health and Wellbeing), 4 (Quality Education), 6 (Clean Water and Sanitation), 8 (Decent Work and Economic Growth) and 11 (Sustainable Cities and Communities).

HOW WILL THE SDGS
BE IMPLEMENTED?

Although it sets out universal goals, the Sustainable Development Agenda does not specify how these must be achieved. There is an attempt to recognise that all regions and all States have a stake in sustainable global development and have their own roles to play in achieving this, rather than focusing on one global ideal that would be imposed inflexibly on every state. UN member states are intended to develop their own national strategies for implementation and required to engage in regular reviews of progress.[6] Some governments have already begun to mainstream the SDGs into national planning. The intension is to involve a wide range of stakeholders, including the private sector and civil society, as well as local governments and cities, as part of 'localising' the SDGs.

The process is new and still being tested but offers opportunities for civil society engagement in advocacy and monitoring at global, regional, national and local levels. The UN High Level Political Forum on Sustainable Development (HLPF) is the global arena which will review progress. Each year, states will present Voluntary National Reviews, based on national-level monitoring activities. At the time of writing this booklet, 111 states have committed to voluntary reviews in the period from 2016 – 2019, with over half having submitted their progress reports.[7] Not unlike the Universal Periodic Review (UPR), this review process also allows for civil society stakeholders to engage at various stages, as set out in the diagram below.

Participating in consultations (online/offline) and ensuring representation of the stateless

Submitting inputs for and commenting on the draft of the national report

NATIONAL CONSULTATION

INPUTS & COMMENTS

INTERNATIONAL DELEGATION

SHADOW REPORTS

Joining the national delegation to the High Level Political Forum

Preparing a parallel evaluation of national-level implementation

MAKING THE ARGUMENT: STATELESNESS IS A DEVELOPMENT ISSUE

Statelessness is detrimental to human development. Stateless communities often find themselves trapped in poverty's vicious circle. The intergenerational nature of most statelessness situations in the world, whereby the statelessness of parents is inherited by their children and grandchildren, exacerbates and perpetuates the exclusion, disadvantage, poverty and marginalisation of the stateless. Such exclusion and marginalisation also perpetuates statelessness.

Consider the situation of a Rohingya woman born in Myanmar in the 1990s. Her grandparents, who lived in Burma at the time of independence, never had any documentation, but were treated like nationals. They had university education and held government jobs. Her parents, growing up in the 70s and 80s were stateless and faced severe deprivations in travel, marriage, work etc. They could not attend university. The woman herself – also stateless – only accessed primary education in a remote school with no teachers. As her parents couldn't work, she grew up in poverty. Her own stateless five-year-old child, is today severely malnourished and may never go to school. What does the future hold for her grandchildren?
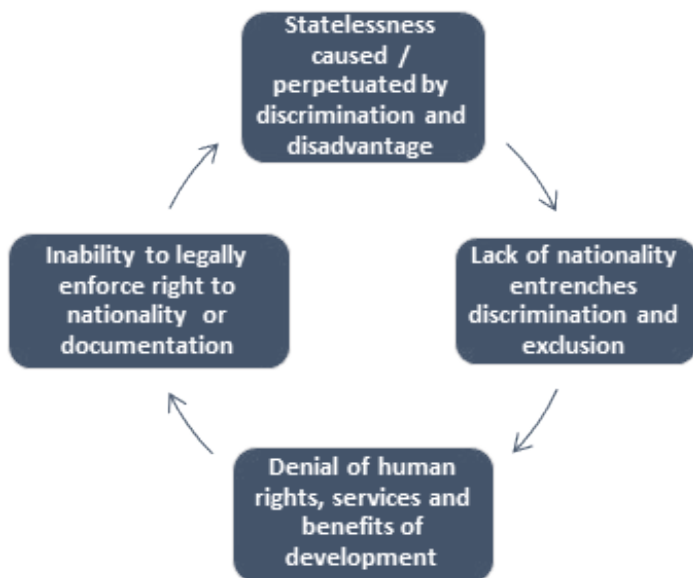

This intergenerational cycle of statelessness, poverty and exclusion must be broken. Development actors have the tools and the SDGs provide them with the impetus to do so. Those working on statelessness have a role to play in educating development actors and ensuring that statelessness is effectively addressed through development programming.

THE DEVELOPMENT, STATELESSNESS AND HUMAN RIGHTS FRAMEWORKS

For statelessness to be effectively addressed, sustained collaboration between development, human rights and statelessness actors is needed. This means understanding the alignment and divergence between these frameworks. UNHCR's statelessness mandate has been articulated under the pillars of identification, prevention, reduction and protection.[12] The UNHCR led #ibelong campaign to end statelessness[13] and its Global Action Plan[14] has 10 action points, many of which relate to the right to a nationality, identity and birth registration – rights protected in international human rights treaties and now also finding support in the SDGs. Just as the ICCPR, ICESCR, CRC, CEDAW, CERD, CRPD and regional human rights treaties are all relevant to statelessness, enshrining rights that protect the stateless and help prevent and reduce statelessness, many of the SDGs can contribute towards the prevention and reduction of statelessness, as well as the wellbeing of stateless groups.

The alignment of the development, statelessness and human rights frameworks and discourses, provides an opportunity to engage between these fields, to address statelessness through human rights and development mechanisms. There is an impetus on all actors to learn to speak to each other in a common language.
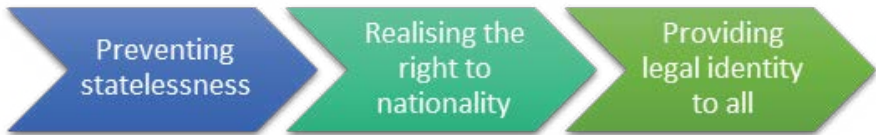
Divergences

While human rights are obligatory and therefore justiciable, the SDGs are aspirational. This difference in approach can be utilised to strengthen impact, encouraging states to go beyond human rights in pursuit of the development agenda. But if aspirations under the SDGs fall short of human rights obligations, this could result in a lowering of standards. For example, the indicator to SDG 16.9 - "Percentage of children under 5 whose births have been registered", is less ambitious than the obligation under CRC Art 7, that "the child shall be registered immediately after birth".

Perhaps because it is obligatory, international human rights law allows for some differential treatment between nationals and non-nationals (to the disadvantage of the latter). For example, the ICESCR provides developing states with some leeway with regard to the economic rights of non-nationals. The SDGs take the opposite approach of not discriminating against migrants or non-nationals, but instead prioritising reaching the most vulnerable first. When resources are scarce, there is a strong argument to be made for starting with the worst off – even if they are non-nationals.

FAMILIARISING YOURSELF WITH THE SDGS (1): HOW CAN THEY HELP THE STATELESS?

As the image and table on the next double spread show, many of the traditional disadvantages faced by stateless people - such as inequality, hunger, poverty, lack of education, healthcare or decent work – are targeted through the SDGs. It is of paramount importance to convince development actors, both on **how they can** and **why they must** ensure that their work reaches the stateless in a sustainable, equal and meaningful manner.

> Unless the Goals are pursued in a manner which is inclusive of the stateless and addresses statelessness, development actors will not meet their SDG targets.

The aspiration to **leave no one behind** and to **reach the furthest behind first,** requires development actors to move beyond merely quantitative approaches aimed at demonstrating aggregate gains, to also identify the specific challenges and vulnerabilities faced by the most disadvantaged groups, and ensure that these are addressed. This would require finding creative and sustainable ways to incentivise states to ensure that stateless persons and other similarly disadvantaged and marginalised groups are included, consulted, reached and empowered to exercise their rights in relation to development.

Statelessness actors have a key part to play in facilitating this process – serving as a source of expertise and a bridge between stateless groups and development actors. In playing this role, it is important to reiterate that many of these development targets relate to the human rights of stateless persons, which states have a deeply rooted obligation to respect and fulfil.

> Emphasising the link between development priorities and human rights obligations, can be an important strategy.

Understanding the complementarity between human rights and the SDGs, allows statelessness actors to support a rights-based approach to development work and help to transform stateless persons from passive beneficiaries of development aid to active rights bearers who have a say and are able to demand accountability. Statelessness actors can also help to ensure that human rights monitoring mechanisms such as the Universal Periodic Review and UN Treaty Bodies are used to track progress under the SDGs.

3 GOOD HEALTH AND WELL-BEING

10 REDUCED INEQUALITIES

4 QUALITY EDUCATION

RIGHT TO EQUALITY

RIGHT TO HEALTH

RIGHT TO EDUCATION

I am always treated differently

I can't go to the doctor when I get ill

I can't go to school

I'm not allowed to work

I can't earn enough to meet my family's needs

RIGHT TO WORK

I can't cultivate my own land

RIGHT TO ADEQUATE STANDARD OF LIVING

8 DECENT WORK AND ECONOMIC GROWTH

RIGHT TO PROPERTY

1 NO POVERTY

2 ZERO HUNGER

Theme	Relevant SDGs	Relevant rights under the ICESCR	Leaving no stateless person behind
Stateless persons often live in poverty and hunger, with poor water and sanitation	SDG 1 on ending poverty, elaborates a roadmap for development actors to follow, to ensure that no one is living on less than $1.25 per day, by 2030. A mixed approach of development aid, access to equal rights and resources, ownership and control over land, property and resources, the implementation of social welfare and protection is promoted.	Art 9 establishes everyone's right to social security, including social insurance; and Art 11 recognises everyone's right to an adequate standard of living, including food, clothing, housing and the continuous improvement of living conditions.	Undocumented, disenfranchised and discriminated against, it is not unreasonable to assume that stateless people are likely to be poorer than their neighbours with nationality, while also being denied access to free or subsidised healthcare and education, and denied the right to work in the formal labour market. A growing body of research demonstrates that this is the reality faced by stateless people in many countries.
	SDG 2 on ending hunger, sets out the targets for a multi-faceted approach to ensure there is no hunger or malnutrition in the world - focusing on food delivery, productive and sustainable agriculture.	Art 11 recognises everyone's right to be free from hunger and sets out a collective international obligation to avoid hunger through cooperation.	However, this isn't merely a situation of lack of access or resources. There is often a deeper challenge of discrimination, lack of political will and the lack of a legal status or documentation, which keeps stateless persons in poverty. This is further exacerbated over generations.
	SDG 6 targets 'universal' and 'equitable' access to safe and affordable drinking water for all and the reduction of water pollution.	Art 11 and 12 guarantee the right of everyone to clean and safe water.[8]	
Stateless persons are often denied equal access to healthcare	SDG 3 on ensuring healthy lives and promoting well-being for all, at all ages, directly targets the most important, life-threatening healthcare challenges faced by humanity. The SDG also targets universal access to healthcare and reproductive healthcare. Therefore, this Goal targets the stateless	Art 12 sets out everyone's right to the enjoyment of the highest attainable standard of physical and mental health. States should take various steps in this regard, such as reducing infant mortality, improving hygiene and preventing and treating epidemics.	The role of statelessness actors is to make these connections clear to development actors, and to emphasise rights-based interventions, which capitalise on the resources available to the development field and the normative framework of human rights.
Stateless children are often denied access to education	SDG 4 includes various targets to achieve quality education, including the pursuit of free primary and secondary education for all children by 2030, a strong focus on quality pre-school and technical and vocational training for adults. The SDG also targets progress in relation to literacy and numeracy, and the upkeep and upgrade of education facilities.	Art 13 establishes everyone's right to education, holds that primary education shall be compulsory and free for all and that secondary and higher education is to be made available and equally accessible to all.	Such joined up action can help find ways to bring stateless people out of poverty in a sustainable and dignified manner.

*This table sets out relevant socio-economic rights under the ICESCR.
Please note that there are corresponding rights set out in other treaties as well, such as the CRC, CEDAW and CRPD.

FAMILIARISING YOURSELF WITH THE SDGS (2): HOW CAN THEY SUPPORT THE RIGHT TO NATIONALITY?

One of the most revolutionary aspects of the SDGs, is that they go beyond the 'standard' delivery of development aid, to require the scrutiny and reform of discriminatory and exclusionary legal and societal structures:

Notably, the SDGs mark the first time that countries have recognised the centrality of justice to sustainable development. The previous attempt to coordinate development across all nations through the MDGs failed to address structural injustice and inequality, thereby ignoring crucial root cases of persistent poverty, instability, and underdevelopment. It is axiomatic now that sustainable development can only be realised when people are able to be their own agents of development, but this is a fairly recent revelation.[9]

While many SDG targets across the different goals require (or depend upon) structural change in some form or other, three Goals stand out for what they set out to achieve, and how this in turn relates to statelessness:

5 GENDER EQUALITY	10 REDUCED INEQUALITIES	16 PEACE, JUSTICE AND STRONG INSTITUTIONS
SDG 5.1: end all forms of discrimination against all women and girls everywhere. Gender discriminatory laws of 25 countries (conferral on children) and approximately 50 countries (conferral on spouses), which can cause statelessness, should be addressed through SDG 5.1.	SDG 10.3: ensure equal opportunity and reduce inequalities of outcome... by eliminating discriminatory laws, policies and practices and promoting appropriate legislation ... and action ... Discriminatory nationality laws on grounds of race, disability etc., should be addressed through SDG 10.3	SDG 16.9: by 2030, provide legal identity for all, including birth registration. Universal birth registration and the provision of other forms of legal identity documentation, on the basis of non-discriminatory laws, will help reduce statelessness.

All three Goals and their targets are strongly aligned with existing human rights. As elaborated in the image on the opposite page, they address some of the root causes of statelessness and key factors which further disadvantage the stateless. They also provide important avenues for structural and institutional change, which can create a more conducive environment to confront and effectively address statelessness, and to ensure fairer and more equal treatment of stateless people.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

In particular...

SDGs 16.1; 16.2; 16.3; 16.5; 16.6; 16.7; 16.9; 16.10 & 16.b

Convention on the Rights of the Child (Art 7.1) protects every child's right to immediate birth registration, a name and nationality.

We are stateless because...
- Our births were never registered,
- We lacked the documentation to prove our link to the state,
- We were denied access to justice.

We are stateless because...
- particular races or ethnic groups are denied nationality in our country,
- disabled persons are not allowed to naturalise,
- our parents are stateless and we have 'inherited' it from them.

We are stateless because our mothers or spouses could not confer nationality on us

ICERD (Art 5) prohibits race & ethnic discrimination.
CRPD (Art 18) prohibits disability discrimination.
ICCPR (Art 24) and CRC (Art 2 & 7) prohibits all discrimination in relation to the child's the right to nationality.

CEDAW (Art 9) prohibits gender discrimination in nationality law.

In particular...

SDGs 10.1; 10.2; 10.3; 10.4; & 10.7

10 REDUCED INEQUALITIES

In particular...

SDG 5.1; 5.2; 5.3; 5.5 & 5.6

5 GENDER EQUALITY

"LEGAL IDENTITY" FOR ALL - WHAT ARE THE RISKS AND OPPORTUNITIES?

Of all the SDGs, Target 16.9 is probably the most obviously relevant to statelessness: by 2030, provide legal identity for all, including birth registration. This target has tremendous potential to unlock resources to enhance access to the fruits of development for vulnerable groups. However, there is a risk that it could end up being counterproductive unless a rights-based interpretation and approach is adopted.

The term "legal identity" has no clear definition. The SDGs themselves do not define it, and international law recognises various concepts and characteristics that fit (or could fit) under this term. From a human rights perspective, identity, like dignity, is inherent to all people regardless of whether it can be proven. This is why, for example, the ICCPR states that every person has the "right to recognition everywhere as a person before the law",[10] and to equality before the law.[11] Article 7 of the CRC sets out that "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents". These are all components of a child's identity as understood by the most widely ratified human rights treaty in the world. Importantly, 'nationality' is included in this list.

Illustration © Dian Pu

Me   My Name   My family   My Nationality   My Personality

The child's right to name, family and nationality are protected by the Convention on the Rights of the Child. These are all integral components of the identity and development of the child.

The approach taken under the SDGs is more limited. The only indicator to track implementation of SDG 16.9 is "percentage of children under age 5 whose birth is registered with a civil authority". Therefore, there is a real risk that this Target will be approached conservatively, paying attention only to birth registration and not also to wider structural discrimination in the law and its implementation, which deprives countless persons of their right to a nationality – another key component of identity. For example, in countries with gender discriminatory systems, single mothers may in practice not be able to register the births of their children. Or countries which arbitrarily deny entire ethnic groups the right to nationality may register such persons as foreigners or non-citizens. An approach which targets universal registration (good or bad) is likely to also create and entrench statelessness and related disadvantage.

However, even taking this limited approach, achieving universal birth registration can still help to address the risk of statelessness, especially if it means that those who currently face structural barriers to registration can be reached (as those without birth registration documentation can be at heightened risk of statelessness).
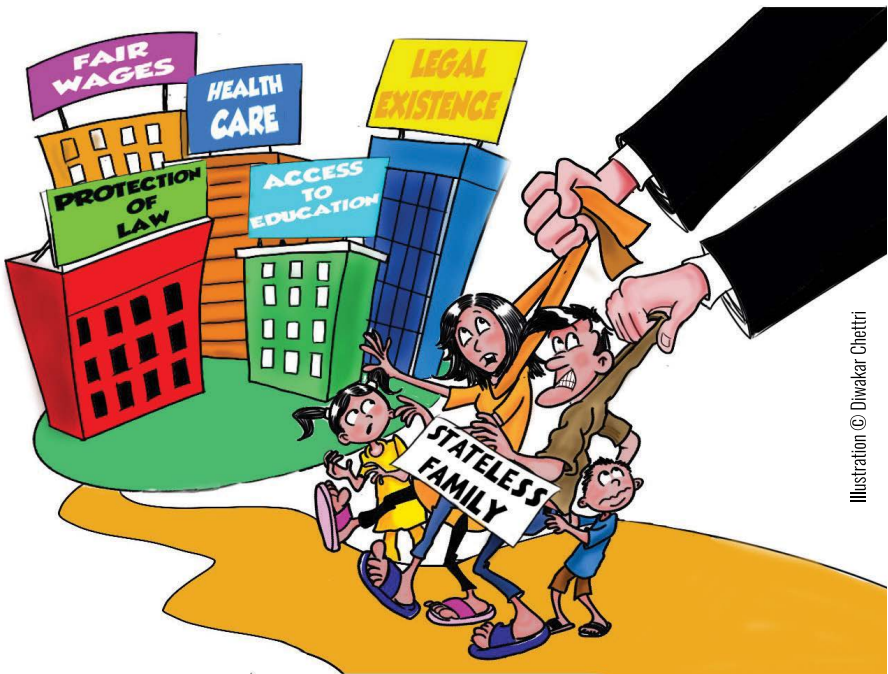

Illustration © Diwakar Chettri

All people have the right to an education, healthcare, fair wages and protection of the law. However, denied proof of legal identity, the stateless often face barriers in accessing these rights. Development actors can play a key role in realising everyone's proof of legal identity and in ensuring that the denial of proof of legal identity does not lead to the denial of other rights.

Ultimately, development actors must be challenged and incentivised to be more ambitious and seize the opportunity provided by the SDGs to create a paradigm shift in how certain stumbling blocks, which historically have served as barriers to vulnerable and marginalised people accessing rights and services, are perceived and approached. For example, the undocumented child who applies to attend school, should not be denied education, but should instead, also receive documentation.

MONITORING THE SDGS THROUGH HUMAN RIGHTS MECHANISMS

One of the main differences between the SDG framework and the human rights framework, is that the latter sets out state obligations, which are justiciable through individual and group complaints, and which are also monitored through regular reporting to the treaty bodies and Universal Periodic Review. While the SDG monitoring framework is yet to be properly tested, it is voluntary and therefore very different in feel, to the human rights mechanisms.[15] Importantly, human rights treaty bodies have expressed interest in looking at the implementation of SDG targets relevant to their mandates, through their monitoring function. The Universal Periodic Review can also become a useful forum to monitor the human rights related aspects of the implementation of SDGs.

Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee urges the State party to [...] ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship.

Committee on the Rights of the Child
Recommendation to Bhutan, 2017

Continue to implement policies for women development under SDGs.

Universal Periodic Review of Nepal
Recommendation by Pakistan, 2015

The application of policies and programmes on comprehensive and sustainable development continues. Bahrain will submit its first report on achieving the Sustainable Development Goals 2030 to the High-Level Political Forum on Sustainable Development to be held in New York in July 2018.

Universal Periodic Review of Bahrain
Voluntary Pledge by Bahrain, 2017

From a statelessness perspective, it is of paramount importance that all international monitoring and review processes, be they voluntary or obligatory, also look at the inclusion of stateless persons in the implementation of SDGs. Civil society will have an important role to play, in making the relevant connections and bringing statelessness to the attention of such forums and mechanisms.

PARTICIPATION OF AND ACCOUNTABILITY TO THE STATELESS

Principles of consultation, participation and accountability are central to human rights. They have also become key features in development practice over the last 15 years. The plethora of development actors that might engage in programming affecting statelessness will range from government agencies, international organisations (e.g. The World Bank, UN agencies, OECD), civil society organisations (CSOs) to philanthropic foundations and firms. Each actor will have different incentives and face multi-directional demands (legal, contractual and ethical), which makes the task of ensuring participation and accountability from beneficiary groups complex. As stateless people wield little political power, ensuring accountability to them can be particularly challenging.

Though the SDGs set out high-level goals and targets, it is at the national planning level that these are given proper context and specificity, and made tangible. Furthermore, while the SDGs have identified metrics through which progress will be measured at the international level, there will be a need to develop nationally appropriate plans and progress monitoring mechanisms. Therefore, countries with stateless populations should be identifying the special development needs of these communities and addressing them through their National Action Plans (NAPs). This process clearly provides civil society with an opportunity to leverage the SDGs and simultaneously help governments focus the lens on the issue of statelessness. CSOs can also be "inclusiveness watchdogs" and ensure that marginalised groups – including the stateless – are fully consulted and able to participate in planning.

Stateless persons are best placed to identify their development needs. Both as a matter of efficiency and as one of justice, it is imperative that they are empowered to fully participate in development processes and are adequately consulted. It is equally important that development actors are accountable to stateless communities, and that there are remedial systems in place for when development programmes fail to deliver.[16]

However, achieving this is likely to be challenging, due to the structural nature of the exclusion and discrimination faced by stateless populations – meaning there are often strong political reasons behind the disadvantage they face. In Myanmar for example, any attempt to include stateless Rohingya in development planning is likely to face stiff resistance by the Myanmar state and by Rakhine groups, due to the acute systemic discrimination and persecution of the Rohingya over many decades. There is also the challenge of the 'invisibility' of stateless populations. This raises a classic 'catch 22' problem in relation to SDG 16.9 for example, of not being able to identify the group in order to consult them, while not being able to consult the group to provide them with identification.

CASE STUDIES: KENYA AND INDONESIA

Below are two case studies on good practices by civil society to positively influence national planning processes to be more inclusive of stateless groups.[17]

KENYA

- In 2015, legal empowerment NGO Kituo cha Sheria, the International Commission of Jurists Kenya, and the Law Society of Kenya, began advocating for a National Justice Plan that incorporated the justice targets of the SDGs. The organisations held a two-day meeting that brought together the Kenyan Parliamentary Human Rights Association, the Attorney General, and the Human Rights Commission to discuss justice issues. The government representatives supported justice reforms but stressed that a National Justice Plan could take several years to develop. They suggested instead that civil society and government work together to revise existing legislation. The organisations agreed. The National Human Rights Policy was selected as the legislation to tackle first as it would serve as a strong foundation on which to develop other laws and policies. The policy had been in draft form since 2008, but by capitalising on the momentum created by the SDGs, advocates were able to get the policy to the top of the legislative agenda in less than a year. The legislation was passed and led to the development of related policies, including the Legal Aid Bill; the Right to Information Bill, the Community Land Bill. All of which have since been signed into law. Within months of the first advocacy meeting, Kenya passed its first Legal Aid Law.

INDONESIA

- In 2009, the Government of Indonesia incorporated a National Access to Justice Strategy (NAJS) into its 2010-2014 mid-term development plan. NAJS was created to embody the Indonesian Constitution and relevant legislation, which recognise that Indonesian people have a right to access to justice. Similar to the SDGs, the mid-term development plan incorporated high-level development goals and targets that were used to measure progress towards achieving these goals. As the government looked to update this plan for its 2015-2019 mid-term development plan, civil society organisations collaborated with the government to ensure that the planning process was organised around the ideal of providing access to justice to all citizens and residents of Indonesia. They pushed for the inclusion of themes related to legal identity, curbing corruption, and access to legal services. This collaboration contributed to the process of building the national coalitions and partnerships needed to advance access to justice in Indonesia.

NEXT STEPS

The SDGs provide an important opportunity for addressing statelessness. However, if they are pursued with no (or little) awareness and sensitivity towards the challenge of statelessness, this can result in stateless individuals and communities being further disadvantaged and left behind. Statelessness actors therefore have an important role to play, in familiarising themselves with the Sustainable Development Agenda, and sharing their statelessness expertise with development actors in a timely and strategic manner. Development actors should be encouraged to learn more about statelessness and take the necessary steps to act on this issue, by adopting **a statelessness-sensitive approach to development.** Some possible next steps include:

- Recognise the relevance of the SDGs as a useful framework through which the quality of life of stateless persons can be improved, and statelessness can be prevented and reduced.

- Strengthen collaboration with development and human rights actors, learn more about how these different frameworks can be utilised to address the causes and consequences of statelessness.

- Learn more about the relevant development actors (government, UN, civil society, academic, private sector) operating in your region or country. Develop relationships with them and introduce them to the issue of statelessness.

- Understand how the national development action planning process works, identify entry-points to influence this process and try to ensure that statelessness is adequately understood and prioritised within the process.

- Build bridges between stateless communities and the development sector. Ensure that stateless persons and groups are adequately consulted, that they are enabled to participate in development processes as equal stakeholders, and that they are able to influence the development of national action plans and development programming. Equally, ensure that development actors are accountable to stateless persons and groups.

- Utilise existing human rights monitoring and accountability mechanisms to bolster awareness and implementation of the SDGs. Similarly, engage in the voluntary national review process of the SDGs.

- Emphasise that the stateless have historically been left behind due to the structural inequality they face, and that development actors should prioritise reaching these groups through comprehensive development planning that addresses the causes of statelessness, while also ensuring that stateless persons benefit from development.

FURTHER READING

- Gelb, A. and Manby, B., Has Development Converged with Human Rights? Implications for the Legal Identity SDG, Centre for Global Development, March 2016.

- Institute on Statelessness and Inclusion, Statelessness, Human rights and the Sustainable Development Agenda: a Working Paper, February 2017.

- Institute on Statelessness and Inclusion, The World's Stateless Report 2017, Chapter 10: The Sustainable Development Agenda and childhood statelessness, Wolf Legal Publishers, January 2017, pp. 275 – 336.

- UNHCR, The Sustainable Development Goals and Addressing Statelessness, 2017.

- World Bank and Center for Global Development, Principles on Identification for Sustainable Development, February 2017.

- The Danish Institute for human Rights, The Human Rights Guide to the Sustainable Development Goals, web resource: http://sdg.humanrights.dk/en

ENDNOTES

1   Institute on Statelessness and Inclusion, The World's Stateless, 2014.

2   Institute on Statelessness and Inclusion, Statelessness, Human Rights and the Sustainable Development Agenda: A Background Paper, 2017.

3   UNGA, '70/1. Transforming our world: the 2030 Agenda for Sustainable Development', Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1, 21 October 2015.

4   UNGA, '55/2. United Nations Millennium Declaration' (2000) A/55/L.2.

5   J McArthur and K Rasmussen, How successful were the Millennium Development Goals? 2017; D Hulme, The Millennium Development Goals (MDGs): A Short History of the World's Biggest Promise, BWPI Working Paper No. 100, 2010.

6   United Nations Development Group, Mainstreaming the 2013 Agenda for Sustainable Development: Reference Guide to UN Country Teams, 2016.

7   Available from High Level Political Form on Sustainable Development: Voluntary National Reviews, Sustainable Development Knowledge Platform, https://sustainabledevelopment.un.org/vnrs/

8   UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), 20 January 2003.

9   B. Apple and L. Bingham, 'The SDGs, an opportunity to leave no stateless child behind', in Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017.

10 Article 16 of the ICCPR.

11 Article 14 of the ICCPR.

12 See UNHCR ExCom Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, No. 106 (LVII), 2006.

13 See http://www.unhcr.org/ibelong/.

14 NHCR, Global Action Plan to End Statelessness: 2014 – 2024, 2014.

15 See https://sustainabledevelopment.un.org/hlpf

16 UNDP, Marginalised Minorities in Development Programming: A Resource Guide and Toolkit, 2011.

17 These case studies are drawn from 'The SDGs, an opportunity to leave no stateless child behind', in Institute on Statelessness and Inclusion, The World's Stateless: Children, 2017.

1954 Convention	1954 Convention relating to the Status of Stateless Persons
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDGs	Millennium Development Goals
OHCHR	Office of the High Commissioner of Human Rights
SDGs	Sustainable Development Goals
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

All About Statelessness: What Development Actors Need to Know, is the sister booklet to this publication. This booklet also looks at how statelessness relates to and can be addressed by the SDGs. However, it is written for development actors, who have an interest or stake in the SDGs, and would like to understand why the lack of a nationality leaves people behind and gain an insight into how stateless people can be included.

These two booklets intend to bring the statelessness and development fields closer together, in the common pursuit of addressing statelessness through the SDGs.

ALL ABOUT STATELESSNESS
What Development Actors Need to Know

Institute on Statelessness and Inclusion

statelessness
essentials

This is number 4 in the Institute's statelessness essentials Series. For more information about this series, visit

www.institutesi.org.

Nationality is a gateway through which people can access rights and services. Without it, the stateless often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; and basic banking, mobile phone and other services. Under these conditions, it is difficult for stateless persons to realise their capabilities and live with dignity, free from poverty.

Development work aims to improve people's well-being, addressing poverty and improving opportunity. In 2015, the UN adopted the Sustainable Development Goals (SDGs). The 17 Goals and 169 Targets are not just about economic growth, social development and environmental protection, but about achieving this for all. No one must be left behind and the furthest behind reached first. This requires paying special attention to groups most in need and addressing systems that engender exclusion and impoverishment – including those affecting the stateless.

This booklet introduces the SDGs to those working on statelessness. It discusses why development is an important field which can benefit those without a nationality and provides an insight into how stateless people can be included in the implementation of the SDGs. If you are working to promote the enjoyment of the right to a nationality, to combat statelessness or improve the lives of stateless communities, or are interested in how statelessness, development and human rights interact, this booklet is for you.

To learn more about this series and other available or forthcoming titles, please visit:

www.institutesi.org

The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to realising the right to a nationality for all, through our role as expert, knowledge partner, catalyst for action and advocate for change.

statelessness
essentials 4