



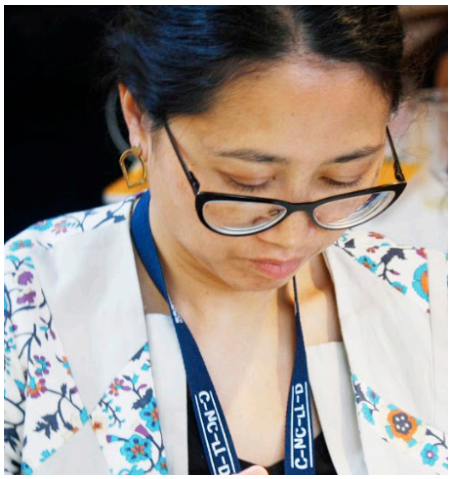


FOR INCLUSIVE SOCIETIES

WORLD CONFERENCE ON STATELESSNESS

HOSTING THE CANCELLED ARTS PROGRAMME

Report 2019

Building a Global Movement

Institute on Statelessness and Inclusion

ISI's World Conference on Statelessness took place in the Hague from 26-28 June 2019 and provided a unique space for conversations that transcend geographic divides and connect people working in different fields and disciplines. At a time when citizenship is under so much threat, it was extremely rewarding to witness the openness, energy and enthusiasm with which conference participants engaged on this critical issue.

We hope this conference marks a new beginning. Re-energised, inspired and empowered, may we all work together to build a truly inclusive movement, despite the many barriers before us. We at ISI, will redouble our efforts as the global expert, partner, catalyst, advocate and leader in the field, to galvanise action.

This report is a post-conference publication which pinpoints the key takeaways of the Conference as a whole, while simultaneously giving an overview of the main overarching themes including development, women & children, migration, minorities and securitisation of citizenship and the arbitrary deprivation of nationality. The report aims to give an overview of the Conference, reaffirming and reminding Conference participants and demonstrating to those curious about the three days, that the Conference was the beginning of a truly inclusive and interdisciplinary global movement to address statelessness.

In 2022, we will host the Second World Conference on Statelessness, to again convene, take stock, celebrate, reflect and build on. We hope to see you there!

The ISI Team

 # ForInclusiveSocieties

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James Petermeier, Alena Jascanka, Greg Constantine, Saiful Huq Omi, Pierre Albouy (UNHCR), Reuters, AFP

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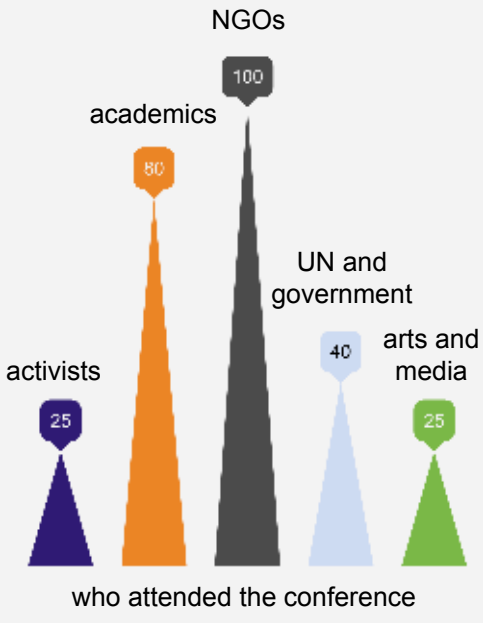
World Conference on Statelessness 2019
in numbers

290 people are attending the conference

Half are speaking or leading a session

Participants work in **60** different countries



who attended the conference

*"This Conference provided me a sense of more **belonging**"*

Parsu Sharma-Luital,
formerly stateless activist from Bhutan

Key Conference Takeaways

The overarching conference theme, **Citizenship for Inclusive Societies**, served to inspire and inform the conversations that took place throughout the event. Inclusion is not just something that we seek to achieve through promoting the right to a nationality and addressing statelessness, it is also a core value of our collective efforts. As Conference Chair, Laetitia van den Assum, described: *"Dialogue, sharing of information, collaborative projects, and activism, hold prominence for the global statelessness and inclusion agenda… inclusion is about democracy, it is about the kind of societies we want to build, societies that don't include the exclusion of others".* Over three days of inclusive dialogue among the most diverse array of stakeholders ever convened to discuss statelessness, these were some of the key takeaways:

1 Discrimination and the intersection of multiple discrimination are the real drivers of state policies, legislation and practices that cause and perpetuate statelessness. Racism, xenophobia, patriarchy and the other underlying causes of discrimination therefore lie at the root of most statelessness, and the enduring exclusion and disadvantage of stateless people and communities. Collectively, these are the biggest obstacles to tackling statelessness and can only be overcome through a joined-up and multi-sectoral response that takes its lead from stateless people.

"We must empower the stateless people, so they can raise their own voice, fight for their own cause, and make change in their own communities."

Sujauddin Karimuddin
Elom Empowerment & SNAP

2 The arbitrary deprivation of nationality of the Rohingya, their statelessness, denial of legal status and protection, and the exclusion and marginalisation they have endured for decades are all contributing factors towards the persecution and genocide of this community. There is no sustainable way forward from this crisis that does not include the protection of the right to nationality and ending the statelessness of the Rohingya.

3 The unfolding crisis in Assam, which has led to almost 2 million people being deprived of their Indian nationality, the displacement caused by the Syria conflict and Venezuela crisis, the continued disenfranchisement of Dominicans of Haitian origin, the endurance of gender discriminatory nationality laws in a quarter of the world's countries, are all demonstrative of the persistence and indeed escalation of statelessness and its impacts around the world. These big issues require bold, innovative and committed responses.

4 The recognition and promotion of every child's right to a nationality is crucial and must be prioritised by both the human rights and development sectors. Special emphasis and greater urgency must be placed on addressing intergenerational statelessness and protecting the right to a nationality of the children of stateless parents, to break the cycle of exclusion.

5 Nationality deprivation is a discriminatory and arbitrary practice violating international norms. The increasing use of this measure by States in the name of (inter)national security, in spite of the mounting evidence that it does not advance security and may even be counterproductive, undermines citizenship as a core democratic institution and is negatively impacting any advances made internationally to address statelessness.

6 All actors must prioritise listening to and learning from the lived experiences of those directly affected by statelessness, including stateless children, in order to imagine and implement useful and sustainable actions to address statelessness and protect the human rights of stateless persons.

"We need to listen and make sure many different voices are represented."

Laetitia van den Assum
Diplomatic Expert and
Conference Chair

7 If a global movement is to flourish, it must provide a safe and equal space for all types of actors to come together and collectively drive the issue forward. Such a space will only begin to take shape when individuals and institutions reflect on and make concerted efforts to address power imbalances, recognise and deal with privilege and combat barriers to equal participation. Resources, language, freedom of movement and safety are all very real barriers which must be recognised and confronted.

"In real life, for most people living in these cracks, life is marginalised and vulnerable, where one faces existential threat on a daily basis. It is a site of danger and precariousness though some have found agency through powerful mobilization."

Radhika Coomaraswamy
Member of the UN Human Rights Council
Fact-Finding Mission on Myanmar and former
Under-Secretary-General of the UN, Special
Representative on Children and Armed Conflict

8 We must work to simplify over-complicated bureaucratic requirements in civil registration and documentation procedures to reduce the risk of statelessness which current systems can cause, especially for minorities, refugees, migrants, nomads or other potentially marginalised groups. Where citizenship is denied or deprived, leading to severe rights violations, state accountability must be more effectively addressed.

9 At the international, regional and national level we must strengthen our advocacy efforts and human rights engagement. We must also secure increased State accession to relevant treaties.

10 We must prioritise awareness raising and facilitate the increased collaboration between different sectors in order to address the cross-cutting themes related to statelessness. Statelessness must be more effectively identified in order to appropriately tailor interventions for individuals and communities without a nationality – be it within humanitarian assistance, development programming or another sector.

"[Statelessness] should be mainstreamed as part and parcel of statelessness awareness and literacy for people also dealing with conflict prevention, with humanitarian aid, with development corporation, for access to basic social services, with equal rights."

Marriët Schuurman,
Human Rights' Ambassador
of the Kingdom of the Netherlands

11 Given what we have come to understand about the deeper drivers behind the manipulation or even weaponisation of citizenship, we must do more to promote not just legal 'remedies' but also to challenge the narratives that allow statelessness to be created and perpetuated. Our collective efforts must be more inclusive of the arts and media, offering greater space for interdisciplinary collaboration.

"The CANCELLED Arts Programme is rooted in the idea that something has to exist to be cancelled, any entity that has been cancelled does exist in the world, but we are denied access to it. ... [We aim to] remove the boundary between art and other forms of practice and see if there is something where all sides benefit from a collaborative conversation."

David Cotterrell,
Empathy & Risk

Development

"Even if the SGD 16.9 has reached 99% of the population affected, let us remember that the 1% that remain are some of the most vulnerable and most discriminated communities"

Yasah Kimei
Nubian Rights Forum

Statelessness exposes people to poverty and marginalisation and can render them invisible to government systems because they are simply not 'counted'. This invisibility challenges the pursuit and measurement of progress towards the Sustainable Development Goals (SDGs), which are not just about economic growth, social development and environmental protection, they are about achieving this for all, and reaching the furthest behind first. Yet, if nationality acts as a gateway through which people can access rights and services, how do we ensure that stateless communities are not "left behind"? This is one of a number of questions at the intersection between statelessness, human rights and development that were explored across several of the sessions at ISI's World Conference on Statelessness.

Grand Challenge 2
SDG16.9 and "legal identity for all": Opportunity or threat?

Moderator:
Kerry Neal
UNICEF

Panelists:
Elvis Berisa
Roma Youth Organisation

Laura Bingham
Open Society Justice Initiative

Yasah Kimei
Nubian Rights Forum

Melanie Khanna
UNHCR

Bronwen Manby
London School of Economics

Grand Challenge 2 *'SDG16.9 and "legal identity for all": Opportunity or threat?'* explored and critiqued SDG 16.9 which is of acute relevance to statelessness. The drive to ensure that everyone has proof of their "legal identity" risks creating and entrenching exclusion if there are unresolved questions of belonging or access to citizenship is grounded in discriminatory or otherwise arbitrary policy or practice. This means that technological "solutions" to provide proof of legal identity for all, can, in an unsettled and controversial context, aggravate statelessness and its impact, undermine the SDGs and result in excluded persons being further disadvantaged. Those implementing and monitoring the SDGs must understand statelessness implications in their work to achieve inclusive development. From the beginning of this session, the crosscutting nature of the Conference was clear, with participants being asked to view the SDGs and legal identity through four different perspectives, which included alongside development and planning also: national security; migration and border management; and civil registration and child protection - all of which resonated throughout the Conference as a whole.

"We need to bring the country-level experience more into the debates about how to think about these goals and bring experiences of individuals into the discussions at the global level."

Christoph Sperfeldt
Peter McMullin Centre on Statelessness

Panellists discussed how SDG16.9 has resulted in a new entry point for talking about statelessness, birth registration and nationality law. Whereas the terminology of 'statelessness' and 'nationality' has historically often led to reticence to engage by States that view these as sovereign issues, 'legal identity' can be more accepted, and is therefore an important and useful tool to the statelessness agenda. Nevertheless, the general ambiguity around the wording of the target was also discussed and related to the potential for misuse of the term 'legal identity', with governments approaching it from a control, rather than rights-based perspective. Panellists clarified that legal identity is 'inclusive' of birth registration and is not solely birth registration; but whether the notion of legal identity could also be understood to include nationality was deemed a more challenging question. Ultimately, in practice, it can be more effective to make the wider case that preventing and resolving statelessness is consistent with SDG16.9 and 'leaving no one behind', than it is to urge states to include nationality as a component of legal identity. There was a strong call to action for actors with expertise on citizenship/statelessness to engage with the development of digital identity systems which will be rolled out over the next five to ten years. The time to be building coalitions and working towards a rights-based perspective in the implementation of these systems is now, to ensure that efforts in pursuit of SDG16.9 do no harm.

The discussion of legal identity was prominent throughout the Conference, in particular in the following sessions:

1. *'Documentation and legal identity formation'* where panelists considered the importance of legal documents in the context of SDG16.9.

2. *'Legal identity under rebel governance'* where the panel explored both legal and political understandings of the identity of people living within rebel-controlled areas in civil war. This session followed a two-day closed-door workshop held in Utrecht in June, which brought together a group of scholars and was supported by the Melbourne University Statelessness Hallmark initiative.

3. *'Citizenship in unrecognised states'* where the panel discussed the issue of obtaining a nationality in unrecognised states and the numerous problems associated with this.

"Discussions are mostly state-centric, how should we help individuals and those from non-recognised states?"

Ramesh Ganohariti
Leiden University

Grand Challenge 8
The development legacy of statelessness

Moderator:
Megan Price
Knowledge Platform Security and Rule of Law

Panelists:
Dawn Chatty
University of Oxford

Amanda Flaim
Michigan State University

Diana Gichengo
Kenya Human Rights Commission

Rehana Mohammed
Verite Research

Christophe Sperfeldt Peter McMullin Centre on Statelessness/ University of Melbourne

Another question that is prompted by the Sustainable Development Agenda's aim to *"strive for a world that is just, equitable and inclusive"* is what inclusive development means and what is needed to achieve it, in the context of statelessness. This was the focus of Grand Challenge 8 *'The development legacy of statelessness'*. Encouraging the participants to question whether there are viable models for development operating outside the framework of the nation state, the speakers questioned how we reach people who are not recognised by states when applying a development agenda in a state-centric world. They then discussed how to get statelessness on the agenda of the major development actors, problematising the approach by discussing how these actors may be exacerbating the problem by campaigning to secure nationality for stateless persons but not adequately addressing access to social welfare needs, for example to education and healthcare. They may remain inaccessible due to the structural barriers these communities face when stateless and possibly even after securing nationality. In these circumstances, the acquisition of a nationality may not be enough to improve the quality of life of those who are, or have been, stateless. The long enduring legacy of statelessness was considered with the example of Sri Lanka and the 'Hill-Country Tamils' who continue to face structural discrimination and disadvantage today as a result of the enduring effects of statelessness.

Key Reflections

- **Discrimination is one of the biggest obstacles in realising SDG 16.9.**
- **Civil society and affected persons are currently not strongly represented in debates on digital identity systems which needs to change before these systems are established without the input of this citizenship / statelessness expertise.**
- **There are risks inherent to digital ID systems and we must not forget these. Inclusion does not equate protection, and the visibility that can result from inclusion in digital ID systems can lead to further discrimination.**
- **Digital ID systems are being rolled out at a fast pace as an 'answer' to exclusion but will generate new problems. These systems have the same biases as those who create them, which is also true for laws and policies, which collectively can generate or entrench statelessness.**
- **We need to accompany technocratic solutions with awareness of socio-political contexts and social impact assessments. We need more evidence-based, country-based research when designing data collection surveys etc., to inform top-down policies and keep in mind that stateless people are often also ethnolinguistic minorities.**
- **Catching up with the current backlogs of registration, pushing to register more people and issuing more documents might be an unattainable goal and we should not be looking to accelerate this race. Registration leads to categorisation which in turn leads to different types of documentation which thus enables differentiated access to different services, rather than bringing equality and inclusion.**
- **The idea of both the 'nation state' and 'citizenship' are colonial legacies which have shaped the way people think about who they are. The hegemonic notion of citizenship is completely infiltrating and reorganising the relationships between the self and the other.**
- **Colonialism is the origin of the conditions we see today but mobilising action requires us to understand structures as they are today and not be distracted by their colonial beginnings.**

The Case of Kenya and the National Integrated Identity Management System (NIIMS)

The Kenya country context was discussed at length in a number of different sessions during ISI's World Conference. It was highlighted by Yassah Kimei (*Nubian Rights Forum*); Laura Bingham (*Open Society Justice Initiative*); Mustafa Mahmoud (Namati) and Diana Gichengo (*Kenya Human Rights Commission*).
One of the topics to receive a lot of attention was Kenya's contentious new biometric database: the 'National Integrated Identity Management System' (NIIMS). A digital identity management system, NIIMS is a national population register set to become a single source of information about Kenyan citizens (both those residing in Kenya and the Kenyan diaspora) and foreigners residing in the country. Its implementation has received criticism due to many factors that put individuals at risk of statelessness, and further penalise those excluded. These issues include the requirement to have an ID card to register; not being able to opt out of the system; exclusion from essential rights and services for those not signed up; the lack of clarity around how sensitive information required to sign up will be used and the risk of Kenyan citizens being registered as foreigners if they cannot provide the required documentation at registration.

The Nubian Rights Forum filed a petition in the High Court of Kenya, challenging the constitutionality of NIIMS. Since the Conference, the hearings on this case have been held and the outcome is now expected by late 2019 or early 2020. Those working on legal identity, citizenship and statelessness issues around the world are continuing to watch the Kenyan context closely and eagerly await the High Court's ruling.

'Unseenuntouchable'

Nepali artist Manish Harijan's work depicted the artist with a silver bowl affixed to the front of his face. The bowl covered the artist's face, reducing him to a state of anonymity. However, viewers could see the distorted reflection of their own faces in the bowl. Adding an element of performance art to his work, Manish – in full costume – interacted with participants. The bowl obscuring his face and voice made for challenging and interesting conversations with a voiceless, faceless counterpart.

This artwork raised questions around identity, how we see those whose identity is obscured by barriers placed before them and how we interact with them in the face of such constraints. It provided a unique and thought-provoking perspective through which to engage with the real challenges faced by persons who have been denied their identity, and who are compelled to interact with society and institutions from this position of disadvantage and invisibility.

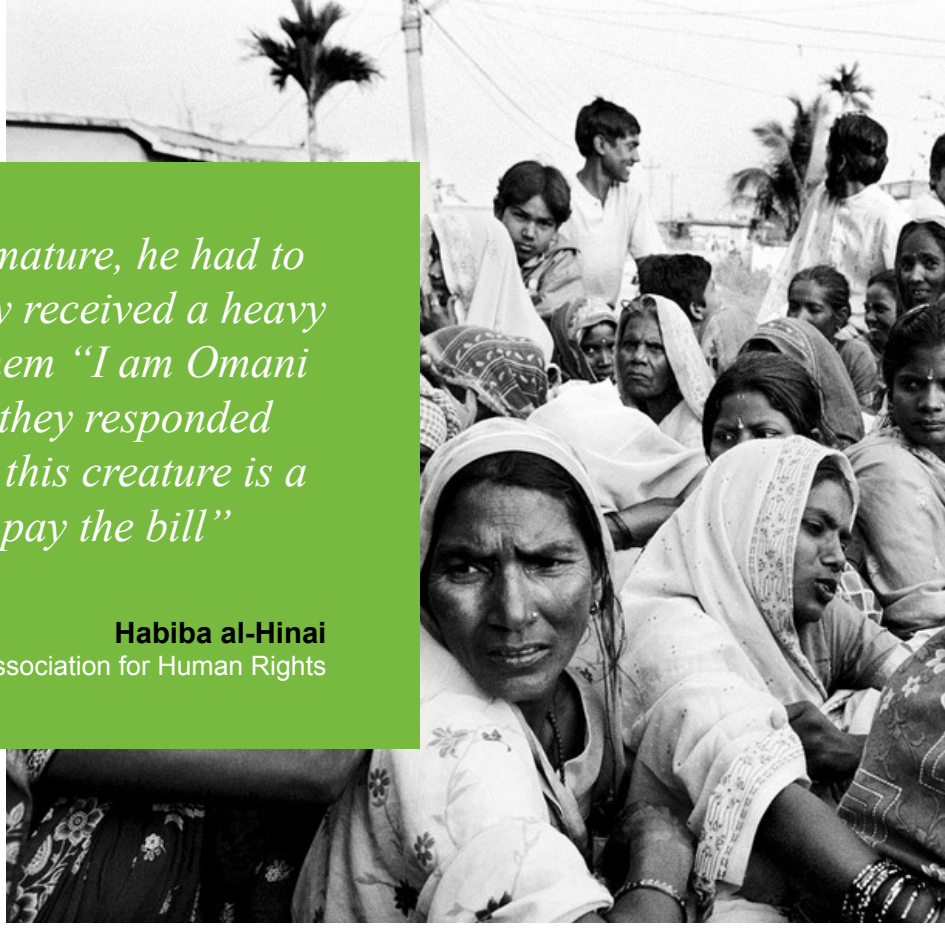
Moving Citizenship up the Legal Identity (SDG16.9) Agenda

In collaboration with Open Society Justice Initiative and the Knowledge Platform Security and Rule of Law, ISI convened a closed-door strategy meeting on the margins of the Conference. 25 key actors participated in this meeting, including practitioners working on the ground in countries as diverse as India, Kenya, Malaysia and Myanmar. Collectively, they brought together expertise on nationality and statelessness, sustainable development, open government, humanitarian assistance, peacebuilding and rule of law. The purpose was to map current priorities, concerns and strategic interests in engaging with the issue of legal identity. Among the challenges articulated by the participants was the need to 'complexify' the understanding of legal identity such that any false assumptions, and also the interconnectivity with other SDGs and with citizenship/statelessness is exposed. The need to influence the narrative around technology as being neutral, non-political or inherently 'good', and show how systems that are not intentionally designed and implemented to be inclusive will be intentionally or unintentionally exclusive and may impact on people's citizenship status was also stated. Meeting participants agreed that "the train is moving fast" on this issue and it is key to try to influence things, identifying a number of target audiences and strategies for outreach and engagement. Drawing from the meeting conclusions and the Conference debates on these issues, ISI is developing a policy brief on this issue for publication later in 2019.

Women & Children

"When my son was born premature, he had to be in an incubator... I suddenly received a heavy bill that I had to pay. I told them "I am Omani it's free medical care" and they responded "you have a foreigner child...this creature is a foreigner, so you have to pay the bill"

Habiba al-Hinai
Omani Association for Human Rights



Nationality laws in **25 countries** deny women equal rights as men to pass nationality to their children. Roughly **50 countries** (a quarter of the world's states), deny women equal rights to acquire, change or retain nationality, or confer nationality on non-national spouses. Gender discrimination in nationality laws can cause and perpetuate statelessness across generations, by denying equal access to nationality to children, women and their spouses. Discrimination, patriarchy, stigma, structural barriers to birth registration and failed integration of migrants and refugees all result in statelessness for millions of children. With stateless persons overwhelmingly inheriting statelessness from their parents, the cost of childhood statelessness is incalculable.

The themes of women and children were prevalent across the three days of the ISI's World Conference in various different ways. Two Grand Challenges sessions focused on gender and children respectively, with these issues also being touched upon in many other sessions and workshops.

Gender workshop and Closed-Door Meeting

During the Conference, an expert roundtable took place on *'Statelessness, gender and intersectionality: towards a more nuanced understanding of who is stateless, why and what this means for our work.'*

The meeting began with a discussion on feminist theory, considering what intersectional feminism is, how it was developed, why this approach is important in regards to statelessness, and how we can implement intersectionality into our work. Considering then the gender discrimination in nationality laws, the inequality of legislation is indicative of the wider patriarchal framework we exist within, with the Omani context highlighted as an example. Finally, before a wider discussion on how to move forward, research into indirect discrimination and children's nationality rights was considered.

Following this session, a conclusions document was drawn up and shared with participants to help inspire and inform future conversations.

Grand Challenge 7
Getting to Women's Equal Citizenship: What Hurts and What Works

Moderator:
Annika Markovic
H. E., Ambassador of Sweden to the Netherlands

Panelists:
Deepti Gurung
Activist &
ISI Advisory Council

Catherine Harrington
Global Campaign for Equal Nationality Rights

Habiba Al-Hinai
Omani Association for Human Rights

Allison Petrozziello
Wilfred Laurier University

"...what advice would you give in the context where women do not perceive that are discriminated against whereas factually / legally they are, but there isn't this perception because they are in positions where they don't see it as an issue?"

Conference Participant
UNHCR Bahamas
Representative

Grand Challenge 7 *'Getting to Women's Equal Citizenship: What Hurts and What Works'* explored and critiqued efforts to realise global law reform, focusing on arguments that resonate and barriers to reform that prevent gender equality in the equal access to citizenship. With activists such as Deepti Gurung and Habiba Al-Hinai as panelists, some very personal accounts of what it is like to encounter statelessness and discrimination, and to fight for equality were shared. In their experience, patriarchal power structures mainly create and shape the experiences of stateless persons. In the face of such injustice, stand many powerful female voices claiming their rights. There is an increasing momentum at both the global and national levels to eliminate gender-discriminatory nationality laws. The knock-on effect of gender discriminatory legislation on childhood stateless was considered in Grand Challenge 9 *'Realising the Right of Every Child to a Nationality*. While efforts to realise children's right to nationality are underway, more children are born into statelessness every year and as a result, statelessness is a growing phenomenon.

Nepalese activist and inspiration/protagonist of ISI's children's book **'The Girl Who Lost Her Country'** Neha Gurung, recounted her family's experience of statelessness in Nepal, and their struggle to challenge the injustice they were subjected to. She poignantly asked

"Why was I denied a citizenship certificate? How was I trapped in my own country? What did the world gain from stopping me from living as a free human being?"

Grand Challenge 9
Realising the Right of Every Child to a Nationality

Moderator:
Laura van Waas
ISI

Panelists:
Neha Gurung
Activist

Gerard-Rene de Groot
Maastricht University

Kerry Neal
UNICEF

Rabiaa Benlahbib
Creative Court

Benyam Mezmur
UN Committee on the Rights of the Child

The session looked at international and national legal standards and practices related to the child's right to a nationality, and considered the general lack of understanding of the right to nationality and the need for increased 'statelessness literacy' among stakeholders, as well as the importance of ensuring the voices of those affected are heard and child human rights defenders are recognised.

Bachir in Wonderland

Directed by Els Duran and Evelien Vehof, produced by Kiyomi Molin, and introduced by Rabiaa Benlahbib during Grand Challenge 9, *'Bachir in Wonderland'* follows stateless 10-year old West Saharan, Bachir, as he travels to Spain for summer camp during the holidays. With dreams of swimming the sea, Bachir embarks on his journey and experiences a whole new way of life in Spain.

Key Reflections

- **Discrimination and the intersection of multiple discriminations is a key cause of statelessness among women and children.**
- **Statelessness disproportionality affects women and their children even though women are carrying the global equal nationality rights movement.**
- **International, national and local level advocacy should be strengthened. Women in power must advocate for all women's rights. In doing this however, we must not undermine the role men can play as allies to advance the movement.**
- **The recognition of every child's right to a nationality is crucial and must be seen as both a human right and a development issue, with special emphasis on addressing intergenerational statelessness.**
- **The child's right to education, healthcare and social services should be upheld regardless of whether they have nationality or have been denied their right to a nationality and are therefore stateless.**
- **Ensuring equal access to birth registration is critical in ensuring every child's right to acquire a nationality.**
- **Accession to relevant treaties and increased collaboration between different sectors is important, but this alone is insufficient, given the urgency of the issue.**
- **Listening to and learning from the lived experiences of stateless children is essential if we want to implement useful and sustainable remedies.**

Conference Workshops

During the Conference, two workshops were dedicated to the themes of women and children. The first, *'Birth registration and the risk of statelessness'* incorporated short presentations and videos highlighting practices in Malaysia, the Dominican Republic and Argentina, after which participants were invited to share examples of practices elsewhere, to identify common patterns which threaten to undermine progress on SDG 16.9 'legal identity for all including birth registration.'

The second *'Campaigning for equal citizenship: applying lessons learned'* saw participants working in small groups to identify and consider new applications for strategies and tactics to achieve national laws that are not discriminatory, foster inclusion and uphold universal human rights targeting policy makers, the public, traditional and social media outreach and advocacy and the international level.

Conference Sessions

The panel of the session *'Born into irregularity, denied nationality,'* covered a wide array of issues on the right to nationality for children. Every ten minutes a child is born stateless due to no fault of their own and often, they are born into irregularity. The country situations of children's access to nationality in Colombia, the USA, Thailand, Hong Kong, as well as children of migrant parents more generally was discussed.

The panel *'The child as "other": Challenging contexts for ensuring the child's right to nationality'* discussed the additional challenges faced when a child is viewed as 'other', thus significantly reducing the prospects for their situation to be resolved by law reform alone; and looked at other creative ways in which such situations can be addressed.

“Free Neha”

“Free Neha” was collaboratively created by artist, Ralph Eya, and Nepalese statelessness activists, Deepti and Neha Gurung. Under the CANCELLED Platform, the artist and activists were paired up before the Conference and had a number of exchanges and conversations, through which, they conceptualised and designed this participatory artwork. The artwork included a life size cardboard cut-out of Neha – who grew up as a stateless child in Nepal - with a mirrored face. This was placed in the centre of a large bubble, symbolising the invisible barriers to participation faced by Neha and other stateless children. Conference participants were tasked with the challenge to ‘Free Neha’ from the bubble of statelessness through the acquisition of Nepalese citizenship via a process of various tasks symbolising the complicated, gender discriminatory and arbitrary process of acquiring citizenship in Nepal. One such task was to take a picture of Neha - the mirror on her face humanising the issues upon seeing yourself reflected back. Along the way, they also received a short overview detailing the discriminatory and arbitrary Nepali process. Neha would only be freed once 46 Conference participants completed this process and placed their newly acquired passports at the foot of the artwork. On day three of the Conference, Neha was finally ‘freed’ by Ralph and Deepti.

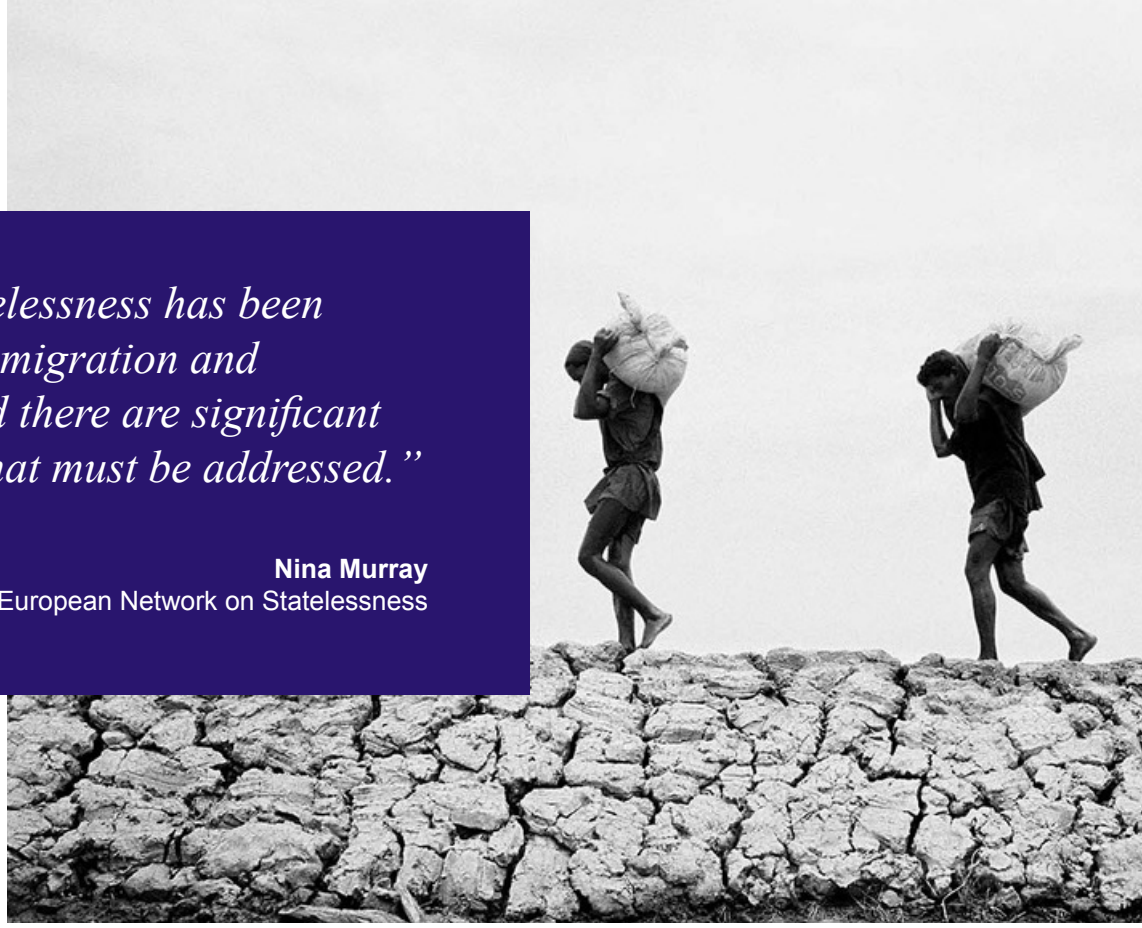
“We can’t have the conversation of childhood statelessness without making sure that we hear their voices. We need to find the Gretas of climate change for statelessness.”

Benyam Mezmur
UN Committee on the Rights of the Child

Migration

"The issue of statelessness has been very absent in the migration and asylum debate and there are significant knowledge gaps that must be addressed."

Nina Murray
European Network on Statelessness



Statelessness is a cause and consequence of displacement. Discrimination can escalate to violence and persecution, resulting in forced migration. Without access to identity/travel documentation, it's difficult for the stateless to cross borders, forcing the use of irregular migration channels and putting them at heightened risk of human trafficking. For migrants and refugees with a nationality, the connection to that country of nationality can become tenuous or break, especially if displacement lasts several generations and children born in exile struggle to secure a nationality as a result of conflicts of laws, bureaucratic obstacles or policies of exclusion. Ensuring statelessness is adequately identified and addressed in a mixed migration context therefore presents a distinct challenge, but one that has not always received the attention it deserves. The inclusion of language on statelessness in the New York Declaration and both the Global Compacts on Refugees and on Migration may help to prompt a deeper conversation about what is needed to take on this challenge.

Grand Challenge 5
Addressing Statelessness in Mixed Migration Context

Moderator:
Beth Fernandez
Sigrid Rausing Trust

Panelists:
Álvaro Botero
UN Committee on Migrant Workers

Michelle Foster
Peter McMullin Centre on Statelessness / University of Melbourne

Nina Murray
European Network on Statelessness

Grand Challenge 5 *'Addressing Statelessness in Mixed Migration Context'* explored the peculiarities of, and possible responses to, statelessness in a mixed migration setting. The speakers provided valuable insight into the gaps in statelessness protection within the contexts of West Africa, Europe and Latin America. In the context of Latin America, the specific and urgent issue of the risk of statelessness for Colombian-born children of Venezuelan parents was raised. In Europe, a key problem was the continuing lack of appropriate frameworks to identify and protect stateless persons, with one consequence being the practice of recording stateless refugees as having an 'unknown nationality' without initiating further investigations to establish statelessness.

Across the different geographic contexts, a shared concern expressed by panellists was the substantial knowledge gaps regarding statelessness within the contexts of migration and asylum. The need to build capacity and improve access to information was emphasised as crucial to building a more informed response. The panellists discussed a number of other necessary measures and presented some ideas for creative solutions including the better implementation of the 1951 Refugee Convention; using a more contemporary understanding of human rights law; and that although hugely overlooked, consular assistance can play a really important role in addressing statelessness in migratory contexts and should be implemented. They also emphasised the need to recognise that in-situ statelessness and statelessness in migratory contexts may require

Laura Parker
IOM

different solutions. In a migratory context, to ensure adequate protection, the need for the implementation of robust statelessness determination procedures (SDPs) was recognised, but also the linking of such procedures to a suitable protection status that should subsequently lead to the possibility of facilitated naturalisation.

During the session *'International protection and statelessness in a migration context – case studies and sticking points'* the panellists delved in depth into how migration and statelessness so often coincide. Amongst other matters, they discussed the challenges of the intersection of Refugee Status Determination Procedures with Statelessness Determination Procedures especially in the context of Greece; the state of procedures in the UK and UK Home Office criteria for granting permission for stateless persons to stay and the position of stateless Palestinians from Syria seeking international protection in the European Union. The session *'Born into irregularity, denied nationality'* considered access to nationality specifically for children born to migrant/refugee parents, where panellists discussed Colombia, the United States, Thailand, and Hong Kong in depth as well as holding a more general discussion.

"The Inter-American Commission on Human Rights is developing a process to adopt the Inter-American Principles on the human rights of migrants, refugees, and other persons in the context of mixed migratory movements... these principles will reflect existing international and inter-American law and standards developed by UN and inter-American bodies."

Álvaro Botero
UN Committee
on Migrant Workers

Grand Challenge 3
Syria's Statelessness Landscape:
Eight Years On

Moderator:
Sabine Nolke
H.R., Ambassador of
Canada to the Netherlands

Panelists:
Fateh Azzam
Boston Consortium
for Arab Region Studies

Haqqi Bahram
Linkoping University

Martin Clutterbuck
Norwegian Refugee Council

Bernadette Habib
Frontiers Ruwad
Association

Thomas McGee
Peter McMullin Centre on
Statelessness / University of
Melbourne

It is impossible to talk about statelessness and displacement without reference to the crisis in Syria. The 2011 revolution and the Syrian government's extremely violent retaliation caused a humanitarian disaster. 4.8 million refugees are registered in neighbouring countries and over a million have travelled to Europe. The majority hold Syrian nationality, facing no immediate risk of statelessness, but a small proportion of the refugees are stateless. Others, particularly children born in exile, are at risk of statelessness due to Syria's nationality law, which is gender discriminatory, or difficulties documenting their connection to Syria and therefore their right to nationality. In Grand Challenge 3 *'Syria's Statelessness Landscape: Eight Years On'* the panel looked at the risk of statelessness and the additional vulnerability of displaced stateless refugees. The session was introduced with an overview of the devastating humanitarian crisis in Syria. The range of challenges faced by Syrian refugees in Jordan, Lebanon and Iraq resulting from onerous state-specific bureaucratic procedures were illustrated, highlighting that the role of bureaucracy not only causes problems for those trying to access services, but can also perpetuate and reinforce other barriers including, for example, gender discrimination.

The situation of minority groups, particularly, the Kurds in Syria, and in displacement contexts were extensively considered. The practical challenges experienced by forcibly displaced Kurds and Palestinians in Europe, including widespread misidentification of statelessness, discrimination and obstacles to resettlement and family reunification were explored. There was also a discussion of what happens "post-statelessness" and how citizenship acquisition alone cannot be assumed to solve all issues associated with statelessness.

"Syria is a microcosm of every dynamic that affects citizenship and statelessness in the region and beyond."

Fateh Azzam
Boston Consortium for Arab Region Studies & ISI Advisory Council

Key Reflections

- **To ensure better protection for stateless persons, the 1951 Refugee Convention must be better implemented, with a more contemporary understanding of human rights law. Nationality deprivation, denationalisation and deprivation of social and economic rights are all types of persecution which stateless persons may face.**

- **Consular protection has been greatly overlooked but it can play an important role in addressing statelessness in migratory contexts.**

- **The effect and impact of the gender discrimination within Syria's Citizenship Law is exacerbated through the ongoing conflict and forced displacement of the Syrian crisis. Syrian women must have equal rights to confer their nationality on their children and spouses.**

- **There is an urgent need to simplify over complicated bureaucratic requirements in civil registration procedures to reduce the risk of statelessness which they can cause for refugees and migrants.**

- **The need for greater awareness and statelessness identification mechanisms to identify statelessness are essential to reduce the occurrences of statelessness.**

- **The idea that citizenship acquisition is a solution to statelessness can be problematic as political and structural dimensions of statelessness (and therefore post-statelessness) need to be tackled if statelessness is going to be truly addressed.**

- **In the context of gross human rights violations, what do we actually mean by citizenship?**

- **The qualification *'de facto'* statelessness does not provide for anything because international law does not provide any facilitation to those who are *de facto* stateless. We therefore either need to help people get their nationality recognised, or we need to re-think when someone can be recognised as *'de jure'* stateless.**

The Case of Colombia

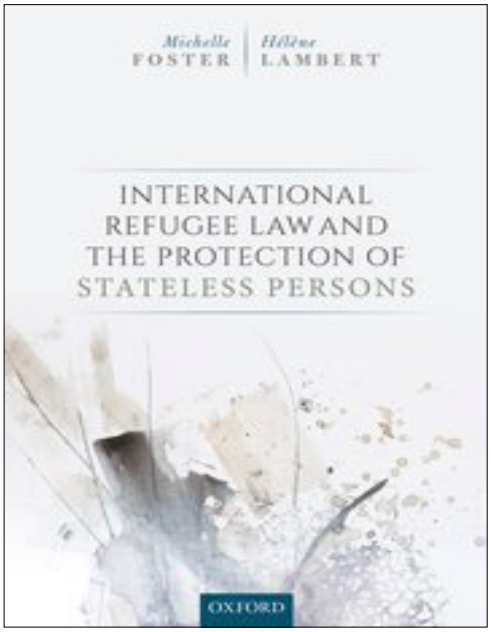
ISI's World Conference on Statelessness saw strong representation from the Americas region which led to heavy discussion on statelessness in the migratory context especially in the context of the forced migration into Colombia from Venezuela.

These conversations led to the initiative of developing a joint statement about the situation in Colombia which was prepared by a group at the Conference and shared with others who subsequently signed on.

The statement was then used as an advocacy tool, culminating in Colombia adopting the Special Decree on 5 August 2019 granting Colombian citizenship to more than 24,000 children born to Venezuelan mothers on its territory since 2015, as well as all those who will be born in the next two years.

"The Colombian experience shows that it is possible to join forces for a humanitarian cause, as [has] happened with the adoption of the exceptional measure in favour of the 24,000 stateless children."

Ana Maria Moreno Sachica
Colombian Ministry of Foreign Affairs



Book Launch

On the final day, the Conference hosted the launch of long anticipated book *'International Refugee Law and the Protection of Stateless Persons'* by Michelle Foster and Helene Lambert.

The book examines the extent to which the 1951 Convention relating to the Status of Refugees protects *de jure* stateless persons. While *de jure* stateless fall within the scope of the 1954 Convention relating to the Status of Stateless Persons, this book explores contexts in which such persons are also entitled to refugee status.

Workshop

No longer locked in limbo: Tools and good practices for preventing immigration detention of stateless persons

Stateless persons are often at risk of arbitrary immigration detention. Interventions may be made to prevent and/or end immigration detention at various stages. This session brought together experts and practitioners who exchanged tools and good practices relating to prevention and identification of stateless persons as part of immigration detention monitoring and securing solutions. On the second day of the Conference the idea of immigration detention was also considered during the session *'Histories of Statelessness'* in which Andre Dao and Michael Green presented their award winning oral history project *'Behind the Wire'* which documents the stories of men, women and children detained by the Australian government after seeking asylum in Australia. Dao and Green also participated in the CANCELLED Arts Programme of the Conference, and Conference participants were able to listen to audio clips of the stories of those detained.

Sessions

The position of non-citizens in democracy in an era of migration

At a time when more and more people are on the move, we are increasingly confronted with new questions about what belonging means and how inclusion and exclusion are defined. This panel explored the interlinkages between nationality and migration, focusing on the position non-citizens have in the respective communities they find themselves in. The presenters unpacked the complexity of the relationship between the individual and the nation state, critically examining the rights and legal status of non-citizens living within their host community. Having identified the differences in access to rights between citizens and non-citizens of a particular State, the presenters looked at the justifications for these differences. The panel also explored the added value of regional organisations in addressing statelessness and reflected on the processes of identity formation for stateless people – the non-citizen *par excellence.*

Minorities

"Stateless people are treated with suspicion, as people in between, without a clear identity or belonging. It is a status that elicits racism and xenophobia of the worst sort ... It is often the symptom and the cause of discrimination."

Radhika Coomaraswamy

Member of the UN Human Rights Council Fact-Finding Mission on Myanmar and former Under-Secretary-General of the UN, Special Representative on Children and Armed Conflict

At least 75% of the world's known stateless persons belong to minority communities. Whether exclusion is intentional or due to historical accidents, statelessness is a defining characteristic and a basis for exclusion. Statelessness as a result of state succession or decolonisation is likely inflicted on minorities perceived as outsiders brought in by former colonial powers or as a group loyal to the previous larger state. Poor administrative practices, such as lack of birth registration, disproportionately impact racial and ethnic minorities who cannot access registries.

The theme of discrimination against minorities (on the basis of race, ethnicity, religion, language and other such characteristics) resonated throughout the conference, and was addressed in grand challenges sessions, other sessions and workshops as well as the CANCELLED art programme.

Two of the grand challenge sessions addressed discrimination against minorities head-on. Grand Challenge 6 *'Breaking the Cycle of Exclusion for Stateless Minorities'* looked at stateless minorities, minorities at risk of statelessness, and those who have fought for their nationality to be restored. The panel consensus was that statelessness faced by minorities is often intentional and the result of state policies, legislation and practices, discriminating against minorities in their access to citizenship.

Speaking on this panel, UN Special rapporteur on Minority Issues, **Fernand de Varennes** stated:

"Statelessness does not simply happen. What we have here are the results of policies, practices and legislation that target minorities."

Not enough is being done to combat statelessness with the speakers referencing for example the continued effects today of the forceful relocation of members of the Nubian community from Sudan to Kenya; and others referring to communities who have gained citizenship yet still face discrimination with continued lack of access to rights. Statelessness continues to be on the rise and situations of mass statelessness are looming. Panellists also spoke of the threat of mass deprivation of nationality in Assam, India; a concern which played out just two months after the conference, with 1.9 million people - mainly from the minority Muslim Bengali community, being pushed onto the brink of statelessness.

Grand Challenge 4
Strengthening a Unified Human Rights Voice on the Rohingya

Moderator:
Samantha Wolthuis
American Jewish World Service

Panelists:
Laetitia van den Assum
Diplomatic Expert and Conference Chair

Sheikh Mohammed Belal
H.E. Ambassador of Bangladesh to the Netherlands

Amal de Chickera
ISI Co-Director

John Packer
University of Ottawa

Hasfar Tameesuddin
Rohingya Activist

Maung Tun Khin
Burmese Rohingya Organisation (UK)

Nay San Lwin
Free Rohingya Coalition

Saiful Huq Omi
Photographer & film maker

It is impossible to talk about minorities and statelessness without looking to the Rohingya of Myanmar. An ethnic, religious and linguistic minority, the Rohingya have suffered systemic discrimination, persecution, crimes against humanity and genocide at the hands of the Myanmar state. The arbitrary deprivation of nationality and resultant statelessness of the Rohingya is a central feature of the severe social and institutional marginalisation they have suffered for decades. Myanmar's 1982 Citizenship Act is a predominant feature in the discriminatory law and policy landscape, but the problems faced by the Rohingya predate this law. With over a million Rohingya refugees displaced in Bangladesh and hundreds of thousands having sought refuge in other countries, the international community's response has not risen to the challenge. Grand Challenge 4 *'Strengthening a Unified Human Rights Voice on the Rohingya Crisis'* was dedicated to this issue. The panellists touched on different recurring themes including the international response, right to nationality, accountability and displacement, with speakers uniform in their view that the statelessness of the Rohingya was not an accident of history and was produced by the State of Myanmar as part of their genocidal agenda, the denial of citizenship being central to their persecution.

"Although the government and military do not recognise the Rohingya, they technically recognise the Rohingya language because there are other ethnic groups who are in the list of 135 [recognised ethnicities] who share our language…they share our skin colour and culture, but our crime is we are Muslim where they are Buddhist, so they are recognised as citizens and indigenous ethnic groups and they exclude us based on our religion."

Nay San Lwin
Free Rohingya Coalition

Strategic Meetings on the Rohingya Crisis

A series of confidential, closed door meetings, briefings and visits on the Rohingya crisis were convened on the margins of the conference. Rohingya and other participants spoke about their priorities and related concerns; discussed the question of citizenship of the Rohingya – both in Myanmar and countries of displacement; learned from the First Secretary of the International Court of Justice about the Court's application and interpretation of the Genocide Convention; and met with the Prosecutor and her team at the International Criminal Court.

Key Reflection

- **Statelessness faced by minorities is the result of deliberately discriminatory state policies, legislation and practices. The response to such discrimination must be multi-pronged, from direct lobbying and advocacy at the Government level to awareness raising and activism at the community level.**

- **Individuals, who were once considered citizens, are being labelled as migrants to exclude them from access to rights and this is an increasingly worrying trend.**

- **Discrimination against minorities has been recognised as a main cause of statelessness yet in spite of this, it continues to be perpetuated in all situations related to statelessness, including where individuals face difficulty in accessing rights despite having finally obtained their nationality.**

- **State accountability must be more effectively addressed and perpetrators from the top to the bottom must be held accountable for their actions.**

- **We must prioritise the protection and safety of the Rohingya in all repatriation efforts.**

In addition to these Grand Challenges Sessions, other panels dedicated to other themes often heavily touched on discrimination as well. While there are a variety of circumstances that give rise to statelessness at birth or later in life, there is most often an element of discrimination and/or arbitrariness at play, when individuals or entire groups become stateless. This affects the Bidoon in Kuwait, Palestinians and Roma in Europe, certain groups within India as well as people of Indian origin in neighbouring states, among others. Discrimination and arbitrariness can manifest itself in an obvious, aggressive and even persecutory manner, such as when large communities are deprived of their nationality based on ethnicity or religion. These ideas were explored in the session *"The nationality and statelessness of nomadic people"* where the theoretical and conceptual problems of nationality and statelessness were discussed through the framework of a comparative research project on nomadic peoples carried out by the Peter McMullin Centre on Statelessness. In the session *"The child as 'other': Challenging context for ensuring the child's right to nationality"*, the speakers considered that childhood statelessness is extremely complex, especially when their statelessness cannot be resolved simply through law reform as they are labelled as 'other' and treated as such from birth.

Discrimination can also be more subtle and latent, such as the failure of states to prioritise legal reform that would plug gaps in the law which could cause statelessness. The panel on *"A fresh look at international and regional frameworks and standards"* saw international and regional frameworks and standards being discussed. This included contributions on the International Convention on the Elimination of Racial Discrimination by Timnah Baker and discrimination under the European Convention on Human Rights by Caia Vlieks.

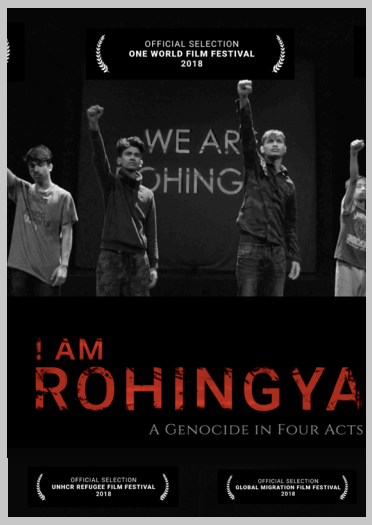
The Conference's workshops on *"Strategic litigation"* and *"Legal assistance as an approach to addressing statelessness caused by discrimination"* looked at how discrimination against minorities, which causes statelessness, can be challenged and addressed through litigation and legal assistance; and the conference's interactive art programme, the CANCELLED experiment, looked at identity that exists at the exclusion of others, discussing the politics of identities that are defined by cancellation in their session CANCELLED: Identity.

Film Screenings

There were two film screenings, both depicting the experiences of some of the most marginalised, persecuted and discriminated against populations on earth. They highlighted the strength, resistance and activism shown by members of these two communities who will stop at nothing to ensure the recognition of their rights and that the collective identity of their people lives on.

“I am Rohingya: A Genocide in Four Acts”

Directed by Yusuf Zine, produced by Jamaal Azeez, supported and introduced by John Packer, the Neuberger-Jesin Professor of International Conflict Resolution, University of Ottawa, *‘I am Rohingya: A Genocide in Four Acts’* is a powerful documentary that chronicles the journey of fourteen Rohingya youth living in Canada, who take to the stage in order to depict their families’ harrowing escape from Myanmar. With no prior acting experience, the decision to re-enact the stories of their people became a courageous act of resistance, demonstrating to the world that they will not be erased, and they will not be silenced.



“Hasta la Raiz”

Filmed and produced by Juan Carlos Gonzales, *‘Hasta la Raiz’* is a documentary about the denationalisation of Dominicans of Haitian descent in the Dominican Republic, told from the perspective of three affected women. Imagine the country where you were born and raised tells you one day that you do not belong anymore because of your parents’ origins. You’d be forced to deny who you are, to hide your roots; you’d be excluded from civil life and condemned to live in poverty. *‘Down to the Root’* is the story of three women facing this reality in the Dominican Republic where a part of society rejects them while another embraces and fights alongside them on a journey toward the recognition of their rights, and a proud re-encounter with their identity.

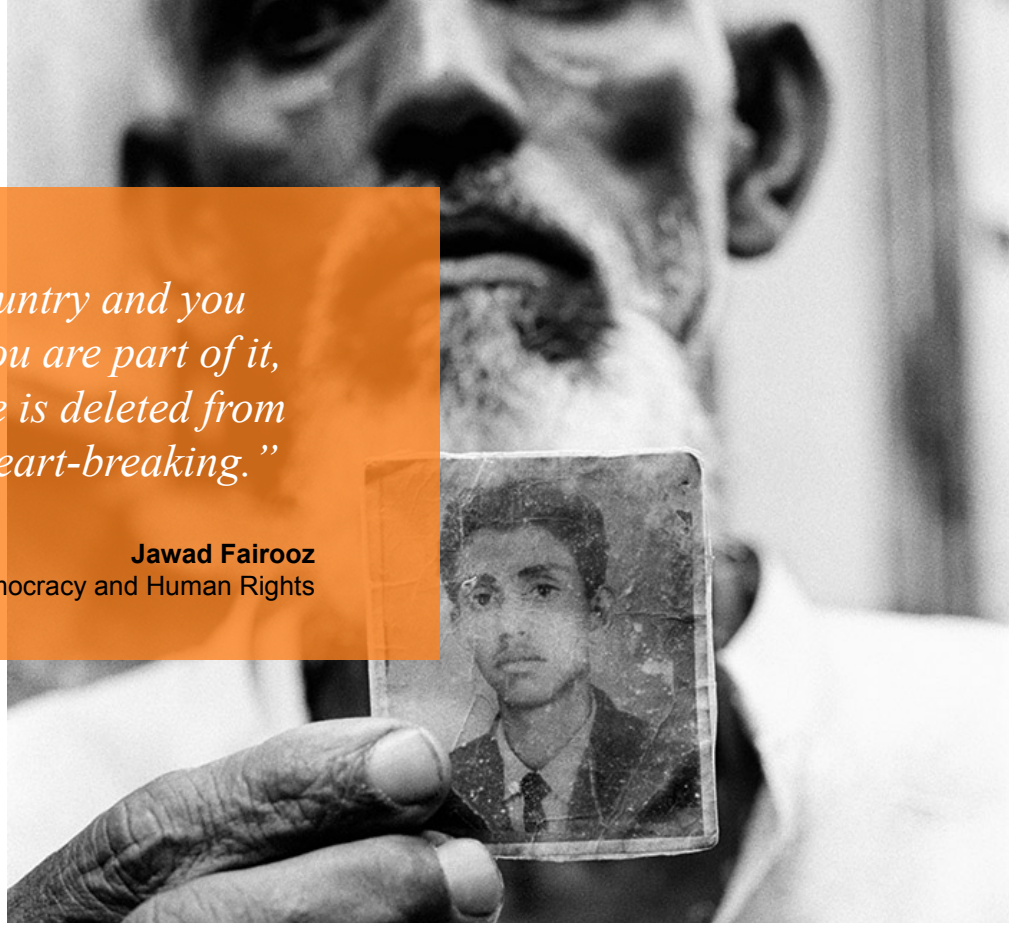
The viewing was followed by a Q&A with Reconocido Coordinator, Ana Maria Belique.

‘Protecting the Right to a Nationality in the Dominican Republic’

A panel session dedicated to this topic titled *‘Protecting the Right to Nationality in the Dominican Republic’* saw academics, activists and NGOs debate how to maintain international attention on the issue and make more meaningful progress towards a remedy for the arbitrary deprivation of nationality.

In recent decades, the Dominican Republic (DR) has restricted the enjoyment of the right to a nationality for Dominican-born descendants of migrants through its legal framework. On 23 September 2013, the Constitutional Court issued ruling TC/0168/13, ‘La Sentencia’, which retroactively deprived those born in the DR of their Dominican citizenship if their parents were irregular migrants at the time of their birth, even though they had been recognised as citizens according to the laws in effect between 1929 and 2010. This ruling affected an estimated 133,770 people born in the DR and has had a disproportionate impact on those of Haitian descent.

Securitisation of Citizenship and the Arbitrary Deprivation of Nationality



"If you are born in a country and you serve the country and you are part of it, and suddenly your name is deleted from that country, it is very heart-breaking."

Jawad Fairooz
SALAM for Democracy and Human Rights

The present upward trend in the use of nationality deprivation in response to alleged threats to national security or terrorism is of urgent concern. While the majority of states do not resort to this measure, over the past few years, numerous governments have taken steps to expand their deprivation powers, with little consideration given to its legitimacy or effectiveness. This measure, commonly implemented in an arbitrary manner, undermines the rule of law and has the effect of exporting the threat. Its net positive impact on global security is therefore questionable, while its use as a discriminatory tool predominantly against minority and migrant communities plays into populist narratives underscored by racism and xenophobia. The use of nationality deprivation is further being increasingly used as a punitive measure against human rights defenders, journalists and political opponents.

ISI's World Conference on Statelessness first Grand Challenge session, *'Precarious citizenship: The use and misuse of deprivation of nationality'* looked at the phenomenon of deprivation of nationality as a national security and counter-terrorism measure, through a combination of personal stories, legal analyses and historical insights.

The crux of the problem was set out clearly in the session. Counter-terrorism measures must always be in accordance with international law yet in practice this is not always respected. Nationality deprivation is often employed with the broad-strokes rationale that States have the obligation to protect the right to life and personal security of their citizens and to counter any threat to their national security. The argument is sometimes also made that the ability to detain foreign fighters upon their return may not be straightforward because of the difficulty in compiling the necessary evidence to secure a conviction – therefore, it is in the state's interest to prevent return. In practice however, depriving someone of their nationality actually does relatively little to enhance (inter)national safety and security, and those denied the ability to return to their country of former nationality may continue to pose a threat from the territories they are left stranded in.

The question of accountability was an important thread in the discussion, with concern raised that the deprivation of nationality of suspected terrorists can lead to the denial of justice. The act of citizenship stripping can serve to hinder criminal proceedings if this makes it no longer possible to prosecute such individuals in the courts of their former country of nationality. Further, this is a measure that affects not only the individual in question, but those close to them as well and may also impact their enjoyment of rights (such as family life) or sense of belonging.

Grand Challenge 1
'Precarious citizenship: The use and misuse of deprivation of nationality'

Moderator:
Christophe Paulussen
Asser Institute / International Centre for Counterterrorism

Panelists:
Jawad Fairooz
Salam for Democracy and Human Rights

Amal de Chickera
ISI

Matthew Gibney
University of Oxford

Edward Flynn
Counter-Terrorism Committee Executive Directorate

Audrey Macklin
University of Toronto

"This is not just about terrorism. Sometimes, when we only focus on terrorism, it is far too narrow. Nevertheless, it must be clear that terrorism laws are seeping into other matters as well, and this partly has to do with the increased scepticism towards migration."

Matthew Gibney
University of Oxford

The participants then heard the very personal account of Jawad Fairooz who was stripped of his Bahraini citizenship in 2012 for his outspoken critique of the human rights practices of the Bahraini State. He highlighted the Bahraini context and demonstrated the severe consequences when someone is deprived of their nationality. The use of citizenship stripping as a way of silencing human rights defenders is not limited to Fairooz and is a commonly employed tactic to control those who speak out against those in power. This has consequentially contributed to the shrinking of civil society space in a number of countries across the globe.

Panellists then looked to the transformation of the UK from a country that very rarely used denationalisation powers to a country that uses them with troubling regularity. The UK is one of the States in which there has been an expansion of deprivation of nationality powers and this tool is now reached for by the Home Secretary with increasing frequency. The idea that deprivation of nationality can only be applied if the individual has a dual citizenship (so as not to render them stateless) has also essentially been voided in the UK, after the introduction of a new law in 2014 allowing for deprivation of nationality of naturalised citizens, even if statelessness results. The UK has further been known to deprive citizenship even in cases where there is no threat to national security and has expanded the reach of this measure to certain domestic crimes. The evolving practice of individual states was explored further in other sessions of ISI's world Conference on Statelessness, including the session *'Securitisation of nationality: The case of deprivation of citizenship'* where participants looked in greater depth at the UK and Belgian contexts. They also discussed the increasing 'securitisation' of other policies relating to nationality and statelessness such as the application of exclusion provisions relating to protection as a stateless person.

In the Grand Challenge session, the underlying dichotomy of understanding citizenship as a right versus a privilege was also discussed. When a state strips a dual national of their citizenship, they view citizenship as a privilege; however for the State left with the individual, citizenship is a right that cannot (any longer) be interfered with and they must then accept the individual in question so as not to leave them stateless. In situations where citizenship is viewed as a privilege rather than a right, the end result can be a race between the two countries to see who can strip citizenship first. This, however, does not serve to reduce the risk of terrorism and it is not in the best interest of the State. The use of other administrative techniques to control a person's right to enter and remain in their country of citizenship are also being employed increasingly by states, including, for example, passport cancellations or travel bans.

Probing further, panellists identified and unpacked a number of fault lines. One of these was the question *"is it the right of the State to revoke nationality or the right of the national to retain it?"* Through adopting the lens of national sovereignty, the apparent tension between the two can actually be resolved: taking care of one's citizens and protecting their rights is inherent to state sovereignty i.e. in respecting their international obligations a state is exercising its sovereignty and it is in the interest of this national sovereignty to protect human rights. Another fault line discussed is the perceived tension between the obligation to avoid discrimination and the obligation to avoid statelessness - i.e. can discrimination be justified on the basis that it is needed to prevent statelessness? It was highlighted that States are required to respect both principles, but by only allowing dual citizens to be denationalised, a process of protecting against statelessness becomes, in and of itself, discriminatory and is therefore problematic. This raises the question of whether any deprivation of nationality can be justified, if it cannot be carried out without implicating one or both of these international prescriptions.

Key Reflections

- **Nationality deprivation is a measure that is increasingly employed by States, and in particular in the name of (inter)national security. Yet, such measures do little to increase security, and may in some cases even be counterproductive.**
- **Denationalisation is a harmful and undesirable measure, and the increasing popularity of its use in the name of (inter)national security, should be mitigated and counteracted as a matter of urgency.**
- **Deprivation of nationality is often a discriminatory practice which violates international legal norms – including where a State's policy to only target dual nationals (in order to prevent statelessness) results in indirect discrimination.**
- **The human rights implications of denationalisation are considerable, threatening – among others – the right to a fair trial, the right to free movement and the right not to be punished twice; and where denationalisation results in statelessness, the frequency and severity of consequential human rights violations is liable to increase.**
- **To deprive someone of their nationality is to export the risks and move the problem around rather than States taking responsibility.**
- **It is important not to frame the measure of denationalisation exclusively in terms of counterterrorism, as the measure is not only employed in this context in all States.**
- **Nationality deprivation is being increasingly employed against human rights defenders for speaking out against those in power and this is contributing to shrinking civil society space.**
- **Alongside or in place of the deprivation of nationality, some States are deploying other measures such as passport confiscation and travel bans achieve the aim of preventing people from entering or leaving the territory. Such measures should also be subject to scrutiny.**

The Need for Principles on Citizenship Stripping

Following two years of research and consultations, ISI, Open Society Justice Initiative, the Asser Institute and the Ashurst Law Firm are in the final stages of developing a set of *Principles on Deprivation of Nationality as a National Security Measure* and an accompanying Commentary to the Principles. The Principles restate international law, reflect existing standards and draw on practices that guide and limit State power to deprive persons of their nationality as a national security measure. The Commentary provides further background analysis and discussion of the international law standards and norms upon which the principles are grounded.

The Principles have been developed through extensive consultation with global experts in the fields of human rights, statelessness, national security and counterterrorism, and related fields of migration, refugee rights, child rights, discrimination and international law. On the margins of ISI's World Conference, an expert meeting was held to discuss the progress made with this project and hear thoughts and feedback from experts around the world on a draft text of the Principles. Those consulted include leading academics, UN Special Rapporteurs, UN experts, senior diplomats and litigators.

The ISI team is now finalising the Principles and Commentary, which will be launched in the Spring of 2020, marking the start of a "year of action" against citizenship stripping as a political weapon. Over the course of the year, we will engage in concerted efforts to draw attention to this issue and develop and share resources to raise awareness and bring to the fore, the international standards that states are obligated to uphold. A series of launch events, academic seminars and debates and UN side-events will be complemented by the implementation of a media and outreach strategy as well as the development and dissemination of further resources. The Principles and Commentary, as well as ISI's World's Stateless Report (see box to the right), will be at the heart of this year of action, as we step up efforts to draw attention to, and combat practices of arbitrary deprivation of nationality.

World's Stateless Report: Arbitrary Deprivation of Nationality

In 2020, ISI will publish the third edition of its flagship *World's Stateless Report*, this year, focusing on the theme of Arbitrary Deprivation of Nationality. The report, which will complement the publication of the *Principles on Deprivation of Nationality as a National Security Measure and Commentary*, will bring together research and analysis on historical and contemporary practices of deprivation of nationality, which has impacted both individuals and entire communities. The report will feature chapters on relevant international standards, comparative research on deprivation of nationality as a national security measure and a discussion of cases of mass deprivation of nationality as a result of race discrimination and situations of precarious citizenship. The latter will include a focus on mass deprivations against the Rohingya, Dominicans of Haitian origin and Assamese of Bengali origin in India. A further chapter will provide the perspectives of leading experts from different fields, including political science, security and philosophy on the phenomenon of denationalisation. The report will also include an exclusive interview with UN Special Rapporteur on contemporary forms of racism and xenophobia and ISI Advisory Council Member, Tendayi Achiume.

As with previous *World's Stateless Reports*, this third edition will also feature an overview and reflection on the state of statelessness in the world today, with a number of country analyses as well as a special feature to mark the halfway point of UNHCR's #IBelong campaign to end statelessness by 2024.

Movement Building

"We breathe, we bleed, we vibrate under the same sky as you. Our cries; our whispers; our shouts, our demands; our love utterances; our curses; our prayers. We pulsate in and among these as you do, yet, in your need to recognise, hypothesise, categorise, theorise, legalise, you forget to humanise. We are not stateless, we are not merely a word, within the act of listening, lives the right to be heard."

Extract of spoken word poem 'Humanise'
by **Kristy Belton**
ISI / International Studies Association

The World Conference on Statelessness brought together **290+ activists, advocates, academics, artists** and other actors, and explored statelessness related challenges, opportunities, research, policy and advocacy; shaped the strategic direction of the field; found creative ways to respond to challenges and forged collaborations to achieve change. The Conference was a stepping-stone towards building a global movement to address statelessness, encompassing a wide-range of ideas, partnerships, actors and strategies and helped raise the profile of statelessness as a global issue, which must be understood and addressed, if we, as a global community, are to effectively address the biggest challenges that preoccupy us.

The tenth and final Grand Challenge session of the Conference, *'Transforming the Narrative Landscape: Advocacy, Activism and Art'* brought together advocates, activists and artists for a conversation about one of the bigger-picture questions we all face in our efforts to promote enjoyment of the right to a nationality – that of language and the approaches we take to understand, speak about, build alliances on and search for solutions to statelessness.

All of the panellists expressed, in their own way, the need for the recognition and participation of affected persons in a true global movement to address statelessness. They highlighted how no one should impose language on affected persons, creating the space instead, for them to define themselves. Panellist also spoke of a collective responsibility to challenge and transform narratives used for oppression. Ensuring meaningful participation was a key focus, with speakers recognising that this is an ever-evolving process but pointing out that clear communication and follow-up with affected persons is crucial. We must work to reduce the time stateless persons wait for their cases to be resolved, smartly engaging with the mainstream media, strategically picking which platforms to engage with and when to engage with them.

The session began with a powerful spoken word poem *'Humanise'* which questioned whether the need to *"recognise, hypothesis, categorise, theorise and legalise"* stateless people results in their dehumanisation. The language we use was critiqued – individuals without nationality are more than the word *'stateless'* encapsulates. Their existence does not depend on how the world chooses to label them. Language was drawn on again and talked about in the context of challenging narratives imposed by authorities. While this was discussed in the context of Bahrain and the broad definitions of terrorism used to arbitrarily arrest individuals for activities such as peaceful assembly, it stands true for many different country contexts across the globe. Finally, language was further placed in the context of multidimensional

portrayals - different languages include not only linguistics, but also art, academia, data gathering and research. Eradicating statelessness will not happen overnight but if we utilise and engage with all these difference languages and work together, we can make headway. Participants were encouraged to not forget their own voices, and how they themselves can transform their own narratives by widening the scope of their contributions to other skills and talents they may possess.

The Conference also offered a multi-dimensional learning experience aimed at encouraging participants to challenge their assumptions, see a problem in a new light or make an entirely new and perhaps unexpected connection. As such, the conference offered various formats for interaction, from more traditional panel-style information sharing sessions, to film screenings, to discussions centred on collective brainstorming and disruptive and thought-provoking art installations. A global statelessness movement requires us to share our expertise and knowledge with one another and to listen to and learn from each other. The Conference provided space for this in the form of skills labs and workshops throughout the three days.

Remarking on the atmosphere and intensity of conversations between participants throughout the three days of the event, during the closing plenary, Conference Chair, Laetitia van den Assum, asked the question, *"Where do we go from here?"* She challenged the audience to think positively about the idea of a global statelessness movement: *"If we only focus on what is not working,"* she said, *"we are not going to make much progress."*

ISI Co-Director, Amal de Chickera, encouraged conference participants to reflect further on five areas of statelessness work in the development of a global statelessness movement: the Rohingya crisis, the child's right to a nationality, citizenship stripping, the underlying structures of exclusion (such as patriarchy, xenophobia and racism) and protracted situations of statelessness in places like the Dominican Republic and Bhutan. He urged us to consider that to progress in our missions we must address the inequalities that exist among us and in the work we do; utilising the diverse skills that different actors can bring to the table and stop perceiving 'success' as defined by what any individual or institution can claim, but rather, by the intangible impact of what we all do together. This was complemented by Chris Nash's address in which he appealed to participants to ensure that we move forward in an intersectional and sustainable way, broadening coalitions and finding a space to engage with new partners. As Laetitia van den Assum so aptly put it, the Conference is *"only the beginning of getting to know each other"* and we must ensure that we *"stay a tight community"* as we forge ahead with the momentum that the Conference created.

Carol Batchelor reflected that when she started working with UNHCR, *'exclusion'* was not perceived as a worthy subject of study, but things have changed so much since then as evidenced by the Conference. She echoed the idea that resonated throughout the Conference, that *"we can't afford to build walls, of any kind"* because exclusion has *"never served our collective interest as human beings."* Activist, Maha Mamo, provided a moving account of her life as a stateless person and shared the encouragement she felt when discovering UNHCR's #IBelong Campaign; and David Cotterrell posited that statelessness can happen through benign indifference where citizens hold onto their privileged status of citizenship without considering what it would mean to actually give it up and no longer buy into the current system of privilege and exclusion.

During every Grand Panel session, alongside the panellists, was an empty chair, symbolic of the stateless individuals who could not be present at the Conference. During the Conference, participants began writing the names of those who could not be present on the chair. The role the activists played at the Conference was crucial, without their voices, it would not have been the success it was. We gave the activists centre stage and placed them in the middle of every discussion, to the best of our ability. However, more work needs to be done to ensure greater, meaningful representation from stateless individuals to inform discussions and work moving forwards. ISI Co-Director, Amal de Chickera, noted:

"the Conference is poorer for not having all those voices present."

Skills Labs and Workshops

ISI's Global Conference offered a variety of different skills labs and workshops across the three days including:

'Fundraising'
Beth Fernandez (*Sigrid Rausing Trust*) and
Martin O'Brien (*Social Change Initiative*).
Participants were introduced to the different types of donors, discussed challenges in fundraising for statelessness related work, and given sound tips and advice on 'dos and don'ts' when putting together proposals.

'Effective advocacy'
Rachel Brett (*ISI*) and
Thom Woodroofe (*Independent Diplomat*).
Participants were introduced to a range of ideas and examples of successful advocacy and then talked through successes, failures and challenges in advocacy and advocacy related work.

'Podcasting'
Andy Clark (*owner of podcasting4u.com*).
Participants learnt how to profile their organisations and establish themselves as a thought leader in their field. With the growth in popularity of podcasts, and the ever-present smartphone, more and more people are downloading podcast apps and listening to all kinds of content.

'Statelessness, the right to vote, and participatory democracy'
In this exploratory workshop, the right to vote and participate in democracy was discussed with participants asked to share their views and experiences regarding voting rights for stateless persons.

'Mapping statelessness in the Middle East'
This workshop was structured as an interview with researchers and activists from distinct geographical and disciplinary contexts, in which, participants were encouraged to contribute. Participants were asked to consider questions including, but certainly not limited to, whether or not it is appropriate to invoke 'mapping' as a rhetoric or practice? Beyond the aptness of 'mapping' as a frame, what could be the desirable ends of such a project? And, can stateless persons take charge of the practice of mapping statelessness to general legal empowerment?

Other skills labs and workshops included:
Media training,
Using theatre techniques to engage on statelessness,
Birth registration and the risk of statelessness,
No longer locked in limbo: tools and good practices for preventing immigration detention of stateless persons,
Campaigning for equal citizenship: applying lessons learned,
Strategic litigation.

Activist, NGO and Artist Closed-Door Meetings

ISI's World Conference provided a unique opportunity for stakeholders from all over the world, who rarely get to meet in one place. We seized upon this occasion therefore to convene three closed-door meetings on the Saturday after the Conference: with activists, NGOs and artists. The meetings were held in an informal setting to create a safe space for an open discussion, including of potentially difficult or sensitive topics.

The meetings were hugely beneficial to the global movement and allowed us to further strengthen our understanding of what is truly needed to sustainably move forward in an inclusive manner to address the global and ever rising problem of statelessness. Each group set its own agenda for discussion. Even though they were conducted separately, the three meetings complemented each other very well. The NGO meeting centred around three main themes, how to more effectively work with stateless activists, how to strengthen solidarity, and finally looking forwards to the, then, upcoming UN High Level Segment on statelessness – an event to mark the halfway point of the UNHCR #IBelong Campaign. The activists meanwhile discussed how they are portrayed in the NGO world, how NGOs interact with them and where they see room for improvement; how to stay connected with each other and support and strengthen each other's work; the importance of self-care and finally, their wants and needs in terms of advocacy. The artists critically reflected on the integration of the arts within the conference space and spoke of the value of collaborating with NGOs and activists to co-create artwork on complex issues such as statelessness. After the individual meetings ended, the groups came together for lunch and a representative from each gave a short de-brief of what was discussed.

Launch of the Inaugural Edition of the Statelessness and Citizenship Review

At the Conference, ISI and the Peter McMullin Centre on Statelessness at Melbourne Law School formally launched the inaugural edition of a new online journal: *The Statelessness and Citizenship Review*. This joint initiative is the first journal to be entirely dedicated to advancing the understanding of statelessness and related citizenship phenomena and challenges, helping to meet the growing demand for the exchanging of ideas and knowledge among scholars in the blossoming field of statelessness studies. With the full editorial team in attendance at the Conference, the journal's joint editors-in-chief, Dr. Laura van Waas (ISI) and Prof. Michelle Foster (Peter McMullin Centre) led a lunchtime session celebrating the publication of the inaugural issue. The three scholars who contributed thought pieces for the Journal's *Critique and Comment section* – and who were also all at the Conference - each gave a brief account of their article outlining their reflections on the current state of statelessness studies. The journal is published on a bi-annual basis and all articles are available open-access via the journal's website at *statelessnessandcitizenshipreview.com* (details of the submission and review process can also be found there).

In all, scholars from over 60 different universities and research institutes from across the world came to The Hague for the conference. Many also opted to participate in an impromptu session convened especially for academics, to exchange research and teaching experiences on statelessness and explore areas for collaboration.

International Observatory of Human Rights (IOHR)

The International Observatory of Human Rights (IOHR) is an independent NGO based in London dedicated to putting the focus on human rights worldwide through a unique human rights TV channel. With a team made up of TV producers, researchers and award-winning journalists, IOHR utilises its unique access and expertise to champion several advocacy programmes and expose and investigate human rights violations. Their independence and international reach give them leverage to work with global movements to defend the dignity of people stripped of their rights including oppressed communities, unjustly jailed journalists, human rights defenders, refugees and victims of oppression.
IOHR acted as the official media sponsor of the Conference, filming and broadcasting the conference, live streaming sessions and carrying out interviews with delegates.

We are thrilled to have collaborated with IOHR and are looking forward to continued partnership post-Conference.

Thomas Reuters foundation

The Conference was reported on by **Emma Batha** of the Thomas Reuters Foundation. Emma, a journalist specialising in humanitarian crises and women's rights, has followed, and reported on statelessness for many years, and wrote a number of articles featuring conference participants, the issues they work on and challenges they face.

Conference in the Media

Thomson Reuters Foundation
Amal de Chickera
OPINION: We need to build a global statelessness movement

Groundviews Journalism for Citizens
Radhika Coomaraswamy
Beyond borders: statelessness and the people inbetween (keynote address)

Reuters
Emma Batha
Countries urged not to strip terror suspects of their citizenship

Reuters
Emma Batha
Nepalese mum tells how unfair citizenship laws squander children's futures

Mail & Guardian (Africa)
Nezo Sobekwa and *Luyanda Ndaba*
Citizens of nowhere suffer social and physical deprivations

Reuters
Emma Batha
Myanmar must give Rohingya 'pathway to citizenship': UN investigator

UNHCR High Level Segment

In November 2014, the #IBelong Campaign was launched, with the aim to end statelessness by 2024. The accompanying Global Action Plan sets out that this is to be achieved by resolving existing statelessness, preventing new cases from emerging and better identifying and protecting stateless populations.

Session:
Supporting the UNHCR high level event on Statelessness and implementation of its outcomes

Moderator:
Radha Govil
UNHCR Expert on Statelessness

Panelists:
Carol Batchelor
UNHCR Special Advisor

Hervé Kuate
UNHCR Senior Regional Protection Officer, West Africa

Jelvas Musau
UNHCR Senior Regional Protection Officer, Asia/Pacific

Johanna Seidl
International Refugee Rights Initiative

Benedicte Voos
UNHCR Senior Regional Protection Officer, East Africa

The #IBelong Campaign reaches its half-way point this year and the anniversary was marked by UNHCR in October with a "High-Level Segment" on statelessness: an intergovernmental meeting of UN Member States and other stakeholders in Geneva. As part of preparations for this event, during the ISI World Conference, UNHCR ran a session titled *'Supporting the UNHCR high level event on statelessness and implementation of its outcomes.'* The panel discussed the #IBelong Campaign's achievements to date, the goals and modalities of the October event and the implementation of its outcomes with a forward-looking discussion about the second half of the #IBelong Campaign.

On Saturday 29 June, a day after the closing of the Conference, many of the NGOs and activists present at the Conference stayed on in the Hague to take part in a global civil society strategy meeting. With all of the ideas the conference generated around how to build a global statelessness movement still fresh in everyone's minds, the purpose of the Saturday meetings was to provide a space where NGOs and activists could each talk freely with their peers about the current state of affairs, air and discuss any grievances and collaboratively discuss how to move forward post-conference. The meeting was also a chance for civil society to look ahead to UNHCR's High-Level Segment and further discuss joint engagement at this event.

The High-Level Segment on Statelessness took place on the 7th of October. The meeting gave States the opportunity to highlight key achievements in addressing statelessness since the #IBelong Campaign was launched and deliver concrete pledges to address statelessness in the remaining five years left of the campaign. In his opening statement, the United Nations High Commissioner for Refugees, Filippo Grandi spoke about the impact of statelessness on people and emphasised the importance of maintaining momentum to address statelessness. Film star and Goodwill Ambassador for UNHCR, Cate Blanchett, then interviewed Maha Mamo, a statelessness activist who also spoke movingly on the Closing Plenary of the Conference in the Hague in June. Mamo spent 30 years stateless in Lebanon before relocating to Brazil where she received citizenship in 2018 and she continues to be a powerful advocate for the right to a nationality.

Cate Blanchett described statelessness as

"A condition of invisibility... stateless people are unseen and unheard"

and referred to **Maha Mamo** as

"an extraordinary beacon of hope."

Civil society, still benefiting from the momentum of the Conference and the strengthening of connections and of international solidarity, seized the opportunity of the UNHCR High Level Segment to join forces and take collective action. Firstly, to mark this milestone in the campaign, they issued a joint statement *"Now is the Time to Act."* Identifying that the threat of statelessness is growing, and new risks of statelessness are outpacing the efforts to remedy the situation, the statement is explicit in its message that in the majority of cases, statelessness could have already been eradicated if governments fully implemented their obligations under international law. It calls on governments and the UN to, with support from civil society, increase action and address seven key challenges – many of which were also central in discussions at the conference, including tackling the discrimination that drives so many situations of statelessness and addressing evolving practices around citizenship stripping. Secondly, during the lunch break on the day of the High-Level Segment in Geneva, a side event co-organised by civil society groups working to end statelessness and UNHCR was held in the UN Palais. It drew on the work by civil society activists and experts from different geographic regions and covering different thematic issues, to showcase efforts made to end statelessness from a civil society perspective. The side-event provided an opportunity to take stock of significant achievements, identify steps States are encouraged to take, discuss the role of the civil society in mobilising action and identify key obstacles to ensuring nationality rights for all.

Well over 300 commitments were made on the occasion of UNHCR's High-Level Segment on Statelessness – by States, UN and civil society actors. Indeed, more than 55 States made concrete pledges, including on such action as acceding to or ratifying the UN Statelessness Conventions, facilitating naturalisation for stateless people, preventing statelessness by ending gender discrimination in nationality laws, ensuring universal birth registration, providing protection to stateless people and enhancing or initiating data collection on stateless population. Grandi stated that this shows

"...there is an unprecedented level of political will and commitment to resolve this issue and prevent it...It is crucial that these commitments are now turned into action..."

CANCELLED
Arts Programme

Running within ISI's World Conference on Statelessness was the CANCELLED Arts Programme, devised by *Empathy & Risk* as a co-curated, artist led, interdisciplinary initiative. The project was curated in collaboration with *Creative Court* and involved established and emerging practitioners willing to critically reflect on political challenges like inclusion/exclusion and the role of their art practices within society. The CANCELLED Arts Programme featured the work of over 70 artists, bringing together the most comprehensive global body of artwork relating to statelessness ever assembled. A number of new works were produced especially for the Conference through a process of co-creation by artists who were 'matched' by ISI with activists, advocates and academics working in different countries and contexts.

The CANCELLED Arts Programme was curated such that Conference participants encountered artwork on statelessness that was both seminal as well as ephemeral, archival as well as contemporary. Participants were introduced not just to new artwork but also offered insights into the process behind the creation of the work. There were opportunities for activists and artists to engage with each other on panels and for conference participants to understand the work of artists, working on issues of statelessness. Dialogues were structured to help encourage artists and activists to engage deeper with each other's work – to draw actively from each other's practice and experience, so that we may all be enriched by new perspectives into common challenges.

The CANCELLED Arts Programme was comprised of five main parts:

CANCELLED Platform

Six artists were commissioned to create new works of art, in any medium, for performance or exhibition at the Conference as part of the CANCELLED Platform. Each artist was paired with a conference delegate. The artist-delegate partners exchanged experiences and perspectives in the lead-up to the conference, which fed into the artworks that were produced for the conference. They were also encouraged to present their experiences of working together within the CANCELLED Arts Programme.

CANCELLED Archive

The CANCELLED Archive marks the beginnings of a global collection of artworks reflecting on issues of statelessness. The CANCELLED Archive exists primarily as a virtual platform providing access to artists and artworks that focus on statelessness. Selected artworks from the CANCELLED Archive featured at the Conference. It is intended that the Archive will be maintained going forward, becoming a global repository for artwork related to statelessness.

CANCELLED Experiment

The CANCELLED Experiment included discrete artist interventions challenging the structure, process and programming of the Conference. Interventions included the use of signage to compel conference participants to identify with one of two binary categorisations (such as EU/Non-EU and female/ non-female), in order to invoke a deeper reflection onto the identities that are imposed on us as well as the implications of not fitting within such identities (or being cancelled). On the last day of the conference, the CANCELLED programme hosted an Artist Audience Discussion entitled '*Unpacking the CANCELLED Experiment: A roundtable discussion between artists and audience on what was intended and what was experienced through the CANCELLED Experiment'.*

CANCELLED Dialogues

The CANCELLED Dialogues were curated conversations that took place as key events within the Conference. They were interdisciplinary, non-hierarchical conversations convened by artists and featuring non-artists as well, in response to artwork or a social intervention of relevance. The Cancelled Dialogues were:

- **CANCELLED: Risk**
'Discussing the politics of personal and institutional risk within the issue of statelessness'
Professor, John Packer, in conversation with Professor, David Cotterrell.

- **CANCELLED: Identity**
'Identities that exist at the exclusion of others with an artwork as stimulus for conversation, artists and activists discuss the politics of identities that are defined by cancellation'
Artist, Manish Harijan; Lawyer, Cynthia Orchard; Artist, Rana Bishara and Statelessness Activist, Jawad Fairooz.

CANCELLED Bridge

The CANCELLED Bridge aimed to connect the closed space of the ISI World Conference to the city of The Hague and vice-versa. It included a reception, hosted in collaboration with the City of The Hague, at The Hague Humanity Hub – home to a community of innovators in peace, justice, and humanitarian action.

WORLD CONFERENCE ON STATELESSNESS

CANCELLED

PLATFORM ARTS PROGRAMME

Thank you to our wonderful funders and partners

THE SIGRID RAUSING TRUST

The Hague

OAK FOUNDATION

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Knowledge Management Fund | Knowledge Platform Security & Rule of Law

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Art and Design Research Centre

stages theatre group

Institute on Statelessness and Inclusion

EMPATHY & RISK

Creative Court

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"I have never really seen a gathering that so beautifully blended substance with emotion, strategy with activism, academic rigour with political finesse – all with a truly international cast of actors who were both eager and capable to bring their experience and to gain for their future work. And with an agenda format that allowed for an unusually high productivity. The presence of so many stateless activists was ground-breaking indeed."

Conference Participant

Institute on Statelessness and Inclusion

EMPATHY & RISK

Creative Court

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