

The World's Stateless



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Institute on Statelessness and Inclusion

December 2014



The Institute on Statelessness and Inclusion is an independent, non-profit organisation dedicated to leading an integrated, inter-disciplinary response to the injustice of statelessness and exclusion. Established in August 2014, it is the first global centre of expertise and action committed to promoting the rights of stateless persons and reducing statelessness worldwide. We believe in the value of research, education, partnership and advocacy. We aim to develop and share our skills and expertise with partners in civil society, academia, the UN and governments, and to serve as a catalyst for change.

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FOREWORD

This report is about ordinary people, living all over the world, who have one extraordinary thing in common: they do not hold any nationality at all. They are *The World's Stateless*. When having a nationality (or even multiple nationalities) is the norm, it is difficult to picture what statelessness is like. It is difficult to find the right words to describe the absence of something. More often than perhaps we should, those of us who seek to convey the urgency of this issue and the severity of its impact have fallen back on terms like 'legal ghosts' and 'citizens of nowhere' to try to portray what statelessness means. Such labels may be effective, and even rather poetic, in describing the phenomenon of statelessness. Yet they are also misleading. As, perhaps, is the word 'stateless' itself.

The more we listen to the experiences of stateless persons around the world, the more we understand about who they are and how they view their own situation, the more we explore the root causes of statelessness and the more we learn of the incredible scale and reach of this problem, the more these terms seem inadequate. Yes, statelessness presents unique challenges to those who it touches. It can trap people in poverty, stigmatise, isolate and disenfranchise. While feeling lost, rejected, unsettled and insecure are sentiments commonly expressed by stateless persons, they should be no more defined – or confined – by their statelessness than you or I by our nationality. These are people with hopes, ambitions, talents, character, identity and in many cases a deep sense of belonging to a community and of having a homeland. To borrow an expression put forward by a leading scholar who has commented on this issue, the stateless are perhaps better described not as 'citizens of nowhere' but as 'unrecognised citizens'.* They have a place in this world, a country of their own, but this country does not recognise them as its nationals. This must change, because everyone has the right to a nationality.

* M. Gibney, "Statelessness and Citizenship in Ethical and Political Perspective", A. Edwards and L. van Waas (eds.), *Nationality and Statelessness under International Law*, Cambridge University Press, 2014.

FOREWORD

The photographs that we selected for the cover of this report offer a glimpse at the lives of these ordinary people from around the globe who are all experiencing something extraordinary. Their statelessness sets them apart, but their humanity unites them and us. We hope that this report will help to further engage people with the issue of statelessness, without contributing to further isolate or stigmatise those affected. Our ambition is to promote inclusion and participation, for everyone.

*Laura van Waas, Amal de Chickera and Zahra Albarazi
December 2014*

ACKNOWLEDGEMENTS

This World's Stateless Report is the inaugural publication of the Institute on Statelessness and Inclusion, which was established in August 2014. We intend to publish a World's Stateless Report every two years as our flagship publication. Consequently, the launching of this report is an opportune moment to acknowledge both those who contributed to this publication, as well as those who have played a key role in the establishment of the Institute.

The establishment of the Institute on Statelessness and Inclusion would not have been possible if not for the advice, guidance and support of many people. While it is not possible to thank everyone who played a role individually, we wish to express our gratitude to the following people for their help:

- The first Trustees of the Institute – Rachel Brett, Stefanie Grant, Nicola Jägers, Linda Kerber and Joop van Waas – who readily accepted our invitation and who we are honoured to have on board.
- All those who responded with great enthusiasm and wise advice, when we first told them of our plans to establish the Institute.
- Mark Manly and the UNHCR Statelessness Section, past and present, for all their support.
- Our colleagues at Tilburg University and Equal Rights Trust for encouraging us to take this big step.
- All colleagues in the statelessness field for welcoming us, endorsing us and already showing willingness to collaborate with us.
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- Hamed Hashemi for helping us with our various video outputs.
- Our families and friends, for their incredible support as we embark on this new journey.

The primary drafter of this report is Laura van Waas, with Amal de Chickera also drafting some sections. Both Laura and Amal also edited and finalised the report for publication. Zahra Albarazi provided input on draft versions of the text.

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The images depicted on the report cover were kindly shared with us by Karel Hendriks (Iraq), Praxis (Serbia), Liesl Muller & Daniel Boshoff (South Africa), Bridget Wooding & Allison Petrozziello (The Dominican Republic), Helen Brunt (Malaysia) and Evelien Vehof & Els Duran (Latvia, Hungary & The Netherlands).

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This report is dedicated to all persons who continue to endure the injustice of statelessness in the 21st century. The Institute hopes that this report will contribute towards enhancing our collective understanding of statelessness so we may together be better equipped to address and ultimately end statelessness in a decade.

EXECUTIVE SUMMARY

Statelessness is a problem of global proportions. It affects people all over the world and can have a harmful impact on them, their families and the wider community. The recently launched #ibelong global campaign, spearheaded by the Office of the United Nations High Commissioner for Refugees (UNHCR) with a view to galvanise further action by governments, civil society, UN agencies and others, is a very welcome initiative. It has a bold but appropriate objective: to work to end statelessness within a decade. Statelessness is a man-made phenomenon and bringing it to an end is – at least in theory – entirely feasible. Yet, resolving situations of statelessness around the globe does present a formidable task.

There are many different lenses through which statelessness can be explored. This inaugural World's Stateless report, focuses largely on the question of statistical reporting on statelessness, with a hope to contribute to a better sense of the task ahead: knowing who and where the stateless are and how many people are afflicted by statelessness in the world today can help to inform the campaign to end statelessness. It is important to emphasise that the pursuit of statistical information on statelessness, while being a useful exercise, should not happen in isolation nor be an end in itself, and should always complement and inform wider efforts to protect the stateless, reduce and ultimately end statelessness.

Quantifying statelessness is our shared responsibility. States hold the primary duty to identify stateless persons in order to implement their international obligations towards these populations –under the two UN statelessness conventions and in accordance with international human rights law. In the fulfilment of its statelessness mandate, UNHCR has been tasked to undertake and share research on various aspects of statelessness, including on the scope of the problem. Other UN agencies, NGOs and academia also have a role to play in the identification and quantification of situations of statelessness. At present, UNHCR is the only organisation which systematically collates statistics and regularly reports on the number of stateless persons in the world. Beyond UNHCR data, information on the scope and reach of statelessness is dispersed across a wide array of resources.

The problem of statelessness

Under international law, a stateless person is someone “who is not considered as a national by any state under the operation of its law”. Where a person lacks any nationality, he or she does not enjoy the attached rights or duties, resulting in a lack of protection. Such gaps in protection almost always amount to violations of international human rights law. Historically, statelessness has been seen as a technical legal issue. But its devastating consequences to real people are abundantly clear. Equally evident, is that statelessness cannot be seen or addressed in isolation. It impacts on – and is impacted by – other issues and disciplines such as international development, humanitarian affairs, human rights, children’s rights, economics, healthcare, democracy, peace and security and forced migration. Statelessness will only be successfully addressed if such disciplines recognise its relevance and respond to it in an integrated way.

The challenge of mapping statelessness

Quantifying statelessness is a complicated task, requiring several methodological hurdles to be overcome. Here are a few of those challenges:

- Definitional issues: The definition of statelessness is not as straightforward as it appears to be. The term “not considered as a national... under the operation of its law” has been authoritatively interpreted as being both a question of fact and law. Consequently, there are persons who would legally be eligible for a particular nationality, who are nonetheless not considered as nationals by the state, and whose statelessness is consequently hidden.
- Gaps in data collection tools: States may give insufficient priority to the implementation of measures to identify statelessness or accurately quantify it. Sometimes, there is even a deliberate strategy to deny the prevalence of statelessness by asserting that such persons are nationals of another country.
- Lack of adequate or comprehensive data collection: Even where data on statelessness is collected, this does not always yield comprehensive or reliable results, due to a wrong interpretation of the definition or poor methodology. Furthermore, some such exercises have been limited in their scope, focusing only on one ethnic group or geographical area of a country and do not therefore produce a complete picture.
- Unwillingness or lack of awareness to self-identify as stateless: Many stateless persons do not see themselves as being stateless. Even if they do, there is often reluctance to draw attention to this. Thus, data collection which relies on self-identification may not be entirely accurate.

- Protection considerations in the identification of statelessness: Undocumented persons and those who are of undetermined nationality may be at risk of statelessness and indeed, some of them are likely to already be stateless. However, when such persons are in their own countries, they will almost always receive greater protection if confirmed to be nationals and the 'stateless' label can be counter-productive. Nevertheless, even in such situations, where the denial of documentation is long-lasting (even inter-generational), there would come a point when it is better to acknowledge such persons as stateless.

From a practical perspective too, there are various gaps in the existing data on statelessness:

- Not all countries in the world are able to report data on statelessness: Today, UNHCR has reliable data on the number of stateless persons in 75 countries. This means that statelessness remains unmapped in over 50% of the world's states.
- Figures for different countries are compiled from different data sets – that use different methodologies – and do not always reveal the full picture: The data collated by UNHCR is drawn from information produced by different actors, in different places, using different approaches – not all of which deliver the same level of reliability or produce readily-comparable data.
- Only persons exclusively under UNHCR's statelessness protection mandate are reported in its statelessness statistics: UNHCR's statistical reporting on statelessness excludes stateless persons who also fall within the protection mandates of other UN Agencies (at present, only the UN Relief and Works Agency – UNRWA), and those who also come under other UNHCR protection mandates (such as refugees, IDPs or asylum seekers).

Global statelessness statistics

UNHCR estimates that there are 'over 10 million' stateless persons in the world. Due to gaps in the collection of data by governments, the UN and civil society, a full breakdown of this figure is beyond reach. Statistical reporting by UNHCR, which uses data that has been collated from a wide range of sources, currently covers only a total tally of some 3.5 million stateless persons. A closer look at the data shows that 97.6% of the number of stateless persons reported in UNHCR statistics globally can be found in just 20 countries, which each is home to a stateless population of over 10,000. Less than 84,000 stateless persons are spread across the

remaining 55 countries for which a figure on statelessness is reported. This perspective on the global statelessness figures demonstrates that although it is an issue that affects people in all parts and indeed most countries of the world, the spread of the problem is uneven.

In absolute numbers, statelessness is documented as affecting far more people in **Asia and the Pacific** than in any other region of the world, with UNHCR reporting a total of 1,422,850 persons under its statelessness mandate in Asia. There are six countries in which the number of stateless persons is reported to be over 10,000 and a further nine which are currently marked by an asterisk in UNHCR's statistics. This means there are no less than 15 countries in which statelessness affects a significant number of people (out of 45 countries in total) – also more than any other region. It is also evident that statelessness is severely underreported in Asia and the Pacific. It is safe to conservatively project that the true number of stateless persons in Asia and the Pacific is more than double what UNHCR is currently able to account for in its statelessness statistics. It may be far higher if, indeed, there are widespread problems of statelessness in India, Indonesia, Nepal and Pakistan, as some of the available information suggests there might be.

In contrast, the **Americas** currently reports the lowest number of stateless persons (at just over 200,000) and is indisputably the region with the fewest people affected by statelessness. This demonstrates the advantages of a *jus soli* approach to nationality (i.e. conferral of nationality at birth to all children born in the territory), the norm in the Americas, as this prevents statelessness being passed on to the next generation. Yet, the situation that has unfolded in the Dominican Republic over the past year is the most egregious new violation of international human rights norms relating to nationality and statelessness that the world has witnessed in the 21st century. Underreporting on the size of the population affected in the Dominican Republic and the lack of reliable statistics on statelessness in numerous other countries mean that statelessness affects far more persons in the Americas than currently be reported by UNHCR – how many more, is not known.

In (sub-Saharan) **Africa**, statelessness has proven to be exceedingly difficult to accurately quantify. Only four out of 47 countries in this region were accounted for in UNHCR's end-2013 statistics; these are the countries where there has been significant advocacy on the issue and a parallel effort at reporting. There are many countries with *significant*

stateless populations who cannot at present be tallied in UNHCR's statistics (currently totalling 721,303 stateless persons). Alternative data sources show widely varying estimates, for instance for Madagascar and Zimbabwe. In other cases, there are no numbers at all, such as in the DRC and South Africa. These gaps demonstrate that there is a severe problem of underreporting on statelessness in the region. It appears safe to conclude that, in Africa, statelessness is likely to actually affect more than double the number of persons currently accounted for in UNHCR's statistics, and probably many more.

By comparison, statelessness is more comprehensively mapped in **Europe** than any other region. Statistical reporting on statelessness has been achieved in 40 out of the 50 countries that fall within the scope of UNHCR's Europe regional bureau. The total figure reported by UNHCR is 670,828, some 85% of whom can be found in just four countries (Latvia, the Russian Federation, Estonia and Ukraine) – in all cases as a product of the dissolution of the Soviet Union. Thus, just as it is anywhere else in the world, statelessness is in large part a home-grown problem in Europe. Although the phenomenon appears, at first sight, to be largely mapped, a closer look at the numbers gives reason to question whether this data is truly accurate and comprehensive. In at least a number of countries in Europe, there is a problem of persons being reported as holding an 'unknown nationality', which is obscuring the true number affected by statelessness. While it is difficult to estimate how significantly current statistics undercount statelessness in Europe, there are a significant number of people across the region who have not been identified as stateless and are not currently reported.

UNHCR reports a total of 444,237 persons under its statelessness mandate in the **Middle East and North Africa** (MENA). This figure excludes stateless Palestinians. Furthermore, the absence of any data for three countries which are known to have significant statelessness problems, points to substantial under-reporting on statelessness in UNHCR's statistics with respect to MENA. Quantifying the problem is a massive challenge in this region though, because of the diversity of the groups affected and the underlying causes, as well as the high political sensitivity of questions of citizenship and demography in many countries. On the basis of what incomplete data there is, it is apparent that the UNHCR statistics for statelessness in the MENA significantly underrepresent the problem and (excluding stateless Palestinians and refugees such as the Rohingya) the lowest estimate for how many stateless persons are currently unreported is 100,000 persons.

While not all stateless persons are **refugees** and, indeed, not all refugees are stateless, there is some overlap between these two groups. A person can be both stateless *and* a refugee for the purposes of international law. However, stateless refugees are not included in UNHCR's statelessness statistics (so as to avoid double counting). This report also canvases the world's most significant stateless refugee populations, including for instance Black Mauritians, Fali Kurds, stateless Kurds from Syria and Rohingya refugees. A conservative tally of the total number of refugees affected by statelessness across these and the other groups discussed suggests that there are currently at least 1.5 million stateless refugees and former refugees around the world. Many of these persons are counted within UNHCR's refugee statistics and receive protection as refugees, as appropriate (a significant exception being hundreds of thousands of Rohingya in the Middle East and some Asian countries). Yet, they are also stateless for the purposes of international law and should be acknowledged within the overall tally for the number of persons affected by statelessness globally.

Stateless persons of **Palestinian** origin are also largely excluded from present statistical reporting. While, from the point of view of international law, many Palestinians are likely to meet the definition of a stateless person, their situation is nevertheless complex and deserving of a dedicated discussion. Due to the mandate of UNRWA, established specifically to provide assistance to *Palestine Refugees* within the UN system and under international law, Palestinians also enjoy different statuses and these do not align with the question of nationality status. This report discusses the available data on three categories: Palestinians who fall under UNRWA mandate, Palestinians under UNHCR's refugee mandate and Palestinians potentially under UNHCR's statelessness protection mandate. The data shows that there are more than five million Palestinians worldwide who are stateless under international law or whose nationality status is currently ambiguous. Upon clarification of Palestinian nationality law and who falls within its scope, this number would need to be carefully reviewed.

Conclusion and recommendations

Our research confirms that the 3.5 million figure reported by UNHCR from collated global statistics on statelessness significantly underrepresents the scale of the problem. We found conservative estimates in other sources that would account for an additional approximately 2.5 million stateless persons. There are also approximately 2.1 million persons of Palestinian origin, who were never displaced from the West Bank or Gaza Strip and

whose nationality status remains ambiguous in the absence of Palestinian nationality regulations. This brings the tally of stateless persons who are currently in some way statistically accounted for, to over eight million. The true number of stateless persons is likely to be significantly higher, due to the data gaps which were identified and could not be filled. Thus, it is clear that UNHCR's estimate of 'at least 10 million' persons exclusively under its statelessness protection mandate is well founded. Furthermore, there are also at least 1.5 million stateless refugees and around 3.5 million stateless refugees from Palestine. When this is all tallied up, there are therefore likely to be more than **15 million** stateless persons worldwide today.

The report offers a number of recommendations to states, UNHCR and civil society with regard to how to improve statistical data on statelessness:

Recommendations to states

1. States should adopt and/or strengthen measures to count stateless persons on their territory. Where current data on statelessness is unreliable or incomplete, states should consider conducting or cooperating with dedicated statelessness mapping exercises.
2. States should include a definition of a stateless person in their domestic law that is formulated, interpreted and applied consistently with international law.
3. States with significant statelessness problems on their territory must revisit the legal and policy framework which created statelessness with a view to preventing and reducing statelessness.
4. States with stateless migrant populations should establish statelessness determination procedures to identify the stateless.
5. States which host refugee populations that are also stateless (or at risk of statelessness), must take their statelessness into account when providing durable solutions.
6. States must fully cooperate with UNHCR to enable it to fulfil its mandate towards the stateless.
7. States are encouraged to increase financial support towards enhancing knowledge – both quantitative and qualitative – on statelessness.

Recommendations to UNHCR

1. UNHCR is encouraged to increase its engagement with states and civil society actors in respect to the identification of statelessness, in particular by continuing efforts to promote a unified approach to the definition of a stateless person in accordance with international law.
2. UNHCR should continue to pursue and strengthen dedicated mapping initiatives on statelessness.

3. UNHCR should develop a way to reflect the true reach of statelessness globally by also reporting on the number of stateless refugees and asylum seekers.
4. In its periodic statistical reporting, UNHCR is urged to ensure that any asterisks delineating significant but unquantified statelessness situations are carried over from the table dedicated specifically to reporting on persons under UNHCR's statelessness mandate to also be visible in the main (i.e. compilation) table of persons of concern to UNHCR.
5. In carrying out refugee status determination, UNHCR staff should also identify those who are stateless or at risk of statelessness.
6. UNHCR should seek every opportunity to strengthen collaboration with other UN agencies engaged in activities relevant to data collection on statelessness.

Recommendations to civil society, including academia

1. Civil society should more actively pursue the consolidation and analysis of data on statelessness.
2. Civil society should work to identify pressing gaps in statelessness data and conduct research to fill these gaps.
3. Through the collection, compilation and analysis of data, civil society should contribute to the wider dissemination of information on statelessness globally, including statelessness statistics.
4. Civil society should contribute to the strengthening of methodologies for counting the stateless by sharing methodological approaches and openly discussing challenges and good practices.
5. Civil society should continue to work to raise awareness of the phenomenon of statelessness among relevant actors and the general public. Wherever possible, civil society should also support UNHCR in its identification, protection, reduction and advocacy work on statelessness.

The report concludes by discussing that while the quest for clarity on the magnitude of statelessness is a fascinating, compelling and useful one, it is important to acknowledge that it should not be all-consuming. Having comprehensive and accurate information about who is affected by statelessness and where, is a means to an end, not an end in itself. Better data will undoubtedly help in the campaign to end statelessness by 2024, but the priority needs to rest firmly with addressing – not (just) mapping – the issue.

INTRODUCTION

To end statelessness worldwide by 2024. That is the ambition of the recently launched #ibelong global campaign, spearheaded by the Office of the United Nations High Commissioner for Refugees (UNHCR),¹ which aims to galvanise governments, civil society, UN agencies and others into action.² It is a bold but appropriate objective. Statelessness has been a cause of human suffering for too long, and unnecessarily so. Nationality is our own bureaucratic invention and we wield the power to exclude, but also to include. As such, statelessness is a man-made phenomenon and bringing it to an end is – at least in theory – entirely feasible.

Yet, resolving situations of statelessness around the globe does present a formidable task. It is a problem that arises from a variety of different causes and endures in many different and sometimes difficult social, economic and political contexts. Ending statelessness requires a higher intensity of purpose, action and collaboration from a wide range of actors, including involvement of the stateless themselves.

There are many different lenses through which the world's stateless can be explored and it is the intention of the Institute on Statelessness and Inclusion to publish a study of statelessness in the world every two years, helping to track progress in the campaign to end statelessness but also looking at the issue from different perspectives in order to further our collective understanding of it. We hope that over the years, we will be able to create a body of work which offers an interdisciplinary view of statelessness; exploring, analysing and trying to come to terms with the issue – and indeed searching for solutions – from different but complementary perspectives. For example, future issues may focus on the human rights protection of stateless persons, or the relevance of statelessness to the international development agenda, or new work on statelessness in the health and mental-health fields.

¹ UNHCR is the UN agency which has been mandated by the UN General Assembly to assist states in addressing statelessness.

² The UNHCR led #ibelong campaign was launched on 4 November 2014. For details about the campaign, see <http://ibelong.unhcr.org/en/home.do>.

For this inaugural World's Stateless report, we decided to focus largely on the question of statistical reporting of statelessness, with a hope to contribute to a better sense of the task ahead by providing an insight into the scope of statelessness around the world.³ It seemed a logical place to begin, given that knowing who and where the stateless are and how many people are afflicted by statelessness in the world today can help to inform a campaign to end statelessness. That being said, it is important to emphasise that the pursuit of statistical information on statelessness, while being a useful exercise, should not happen in isolation. It should complement wider efforts to protect the stateless, reduce and ultimately end statelessness.

While statistical reporting on statelessness may sound like a straightforward topic, it is far from being so. The very definition of statelessness is a complex one, and it is often difficult to assess whether people are stateless or whether they have a nationality but are simply undocumented and/or are at risk of becoming stateless. Furthermore, the phenomenon remains largely hidden. Thus, statelessness is a problem that is both massive in scale, yet hard to fully measure.

States hold the primary responsibility to identify and protect stateless persons, prevent and reduce statelessness. Statelessness also falls within the UNHCR mandate, which counts among its responsibilities, that of collating information on statelessness and enhancing our understanding of the scope of the issue. Other UN agencies, NGOs and academia also have a role to play in this regard.

UNHCR estimates that there are 'over 10 million' stateless persons in the world. Due to gaps in the collection of data by governments, the UN and civil society, a full breakdown of this figure is beyond reach: statistical reporting by UNHCR, which uses data that has been collated from a wide range of government and other sources, currently covers only a total tally of some 3.5 million stateless persons. At the same time, a significant proportion of the world's stateless do not appear to be 'seen' at all by the international community. Those who are both

³ This report takes its inspiration from, among others; Refugees International, *Nationality Rights for All: A Progress Report and Global Survey on Statelessness*, 2009. It has also drawn ideas from global reports on other human rights and humanitarian phenomena, such as; UNHCR, *Global Appeal Reports, 2014-2015* edition, and Internal Displacement Monitoring Centre, *Annual Global Overviews 2014* edition.

stateless *and* in a refugee situation are counted only as refugees and remain beyond the reach of current statelessness statistics. The same is true of those stateless persons who *also* fall within the mandate of a UN agency other than UNHCR, which is the case for stateless Palestinians who are registered by the UN Relief and Works Agency (UNRWA). Many millions of people are undocumented as nationals for a variety of reasons (including discrimination against ethnic minorities and the rural poor and the general weakness of state institutions and identification systems in some countries), and it is not clear whether they are stateless, or at risk of statelessness. As this report will discuss, these factors mean that the picture of the present state of statelessness around the globe is not fully complete.

This report has significant limitations. No new empirical research was conducted for the purpose of this report and it does not present any new statistical information. Instead, it is based primarily on desk research, with additional information being provided by reviewers, who were able to draw on their extensive field research on statelessness. Thus, without pretending to offer a comprehensive overview of statelessness in every country and region, and fully aware that the pursuit of greater statistical data is in itself not an end, but rather one of many (at times conflicting) means to achieving greater protection for the stateless and ultimately an end to statelessness through the granting of nationality, this report seeks to complement and build on UNHCR's reporting on statelessness by starting to fill in some of the aforementioned gaps. For instance, where available, data from other sources is used to provide an estimate of the number of stateless persons in those countries which are widely acknowledged to host significant populations but for which UNHCR is not able to report statistics at present. The report also looks at available data relating to stateless refugee populations and stateless populations under other UN mandates with a view to including *all* persons who are "not considered as a national by any state under the operation of its law"⁴ in this global snapshot of statelessness.

As the statistical picture gets clearer, we will in future be able to more confidently estimate the global stateless population. As more mapping of and research on statelessness is carried out by states, UNHCR, NGOs and academia; as government data collection exercises and mechanisms

⁴ United Nations Convention Relating to the Status of Stateless Persons, 360 U.N.T.S. 117, 1954, Article 1(1).

are adjusted to make the identification of statelessness possible (e.g. in population registries and national censuses); as methodologies to count stateless persons applied in different countries or contexts are strengthened; as international guidance on the interpretation and use of the definition of statelessness is increasingly applied by all actors, we will be able to produce more comprehensive and accurate data on statelessness. Thus, while acknowledging the need for further data collection and analysis to fully map the issue and to track progress of the campaign to end statelessness, this report hopes to contribute at least as a first step towards a clearer picture of the world's stateless.

The structure and content of this report

This report has four chapters, but does not need to be read sequentially from beginning to end. As a reader, we hope you will pick and choose the sections that are of interest and relevance to you.

Chapter one provides an overview of the 'problem of statelessness'. The inclusion of such a chapter in this report is a reminder that any discussion or action related to statistics should not happen in isolation, but should always be related to and complement our efforts to protect stateless persons and reduce statelessness. Appreciation of the qualitative scope of the problem of statelessness focuses the quantitative aspect of the problem (which is the subject of this report) as one that demands serious and urgent attention in order to facilitate the achievement of the ultimately more important protection and reduction objectives. While many readers of this report will have a sound understanding of statelessness and thus may choose to skip this chapter, we also hope that this report will reach new audiences, who will find this a useful overview and introduction to statelessness. Furthermore, we hope that through this section, we adequately make the case for statelessness being integrated and prioritised by persons working in other disciplines that have an impact on, and are impacted by statelessness.

Chapter two contains the core analytical content of the report – as it identifies, analyses and critiques the key challenges related to mapping statelessness. We believe that this text will be of most interest to persons working on statelessness, and also those with statistical experience. In this text, we identify some of the methodological challenges related to the existing quantification of statelessness. We also identify further

challenges around populations that have not yet been included in statelessness statistics. We hope that this chapter will serve to get more people – in particular those with statistical expertise - thinking about the statistical challenges related to quantifying statelessness, and that it will catalyse action that results in stronger methodologies being used and more groups being included.

Chapter three provides an overview of existing statistical information on statelessness. This text was drafted primarily through reference to desk research, but also benefited from the input of expert reviewers with extensive field experience in various countries and regions. The chapter is divided into sub-sections that provide regional overviews, with a final two sub-sections looking at existing information on two groups currently not included in statelessness statistics – stateless refugees and stateless Palestinians. While some readers may find the entire chapter relevant, we understand that most will be primarily interested in the scope of the problem in their own country and/or the countries relevant to their work. Therefore, we hope that the information in this chapter has been organised in an easy to navigate way (arranged by region and alphabetically under each region). The purpose of bringing this information together was to provide a snapshot of our collective knowledge of the statistical scope of statelessness in the world today. I.e. this chapter does not claim to enhance our existing knowledge, but rather presents it all in one place, so we may reflect on where the biggest gaps lie, and what needs to be done in future to further knowledge in this area. Please note that the chapter does not discuss all countries in the world or address all significant country situations in the same level of detail.

Chapter four reflects back on the previous chapters and provides a series of recommendations to states (responsible for protecting all persons on their territories and subject to their jurisdictions, including the stateless), the UNHCR (the UN agency mandated to work on statelessness), and civil society (that increasingly has a role to play on the issue).

1

THE PROBLEM OF STATELESSNESS

I. STATELESSNESS UNDER INTERNATIONAL LAW

Under international law, a stateless persons is someone “who is not considered as a national by any state under the operation of its law”.⁵ Nationality, in this context, refers to a particular type of legal bond between an individual and a state.⁶ It is a type of formal membership that results in rights and duties on both sides. The individual, for instance, holds the right to reside in the territory and the state a corresponding duty of admission; the individual holds a duty of allegiance (which may include a duty to perform military and/or national service) and the state the right to exercise diplomatic protection on behalf of its nationals abroad. Where a person lacks any nationality, he or she does not enjoy the attached rights or duties, resulting in a lack of protection.⁷ A stateless person is seen and treated as a foreigner everywhere, as a national nowhere.

⁵ See above, note 4.

⁶ Citizenship is commonly used as a synonym for nationality, also referring to this specific type of legal bond between a person and a state. In some disciplines and various domestic or regional contexts, nationality and citizenship can also have distinct meanings, but within writing on statelessness – and in this report – the two terms are used interchangeably.

⁷ It is important to note however, that all persons – including those who are stateless – are protected by international human rights law. Thus, while the stateless may not necessarily benefit from rights attached to citizenship (such as the right to vote), they are entitled to the general protection of international human rights law.

Each state sets the conditions for acquisition and loss of its nationality – an act which is an expression of self-determination and a legitimate exercise of sovereignty – within the limits set by international law (including in relation to the avoidance of statelessness). Whether an individual is considered to be a national by a particular state will therefore depend on that state’s domestic nationality law, including how the rules are interpreted and applied in practice.⁸ A person is left stateless either where he or she has failed to acquire any nationality to begin with (i.e. at birth), or where he or she has lost or been deprived a nationality that was once held, without acquiring another. For the purposes of determining whether a person is stateless in accordance with international law, it is not relevant how or when he or she came to be without a nationality, only whether a nationality is held at the time the assessment is being made.

The two core international treaties on statelessness are the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁹ As their names imply, the former – very similar in content and structure to the 1951 Refugee Convention – sets out the protection framework for stateless persons (complementing the subsequent international human rights treaties), whereas the latter sets out the international standards related to the avoidance and reduction of statelessness. In addition to the two statelessness treaties, many human rights treaties also contain standards that are relevant both to the protection of stateless persons and the avoidance/reduction of statelessness. In terms of the latter, the right to a nationality is well established under international law, and the existence of statelessness can be viewed as the most extreme violation of this right. The Convention on the Rights of the Child, which enjoys almost universal ratification, contains a safeguard against statelessness,¹⁰ and the Convention on the Elimination of all forms of Discrimination Against Women protects against gender

⁸ In applying the definition of a stateless person, determining whether a person is “*considered as a national by a state under the operation of its law*”, requires a careful analysis of how a state applies its nationality laws in practice, in that individual’s case. UNHCR, *Handbook on Protection of Stateless Persons*, 30 June 2014, paragraphs 23-24.

⁹ United Nations Convention on the Reduction of Statelessness, U.N.T.S. 989, 1961.

¹⁰ See Articles 7 and 8, read in conjunction with Article 3, Convention on the Rights of the Child, G.A. Res. A/RES/44/25, 1989.

discriminatory nationality laws – one of the causes of statelessness.¹¹ Thus, the identification of stateless persons and the collation of statistical information on statelessness, is relevant not only to assess states' compliance with the statelessness treaties, but also with the more widely ratified human rights treaties.

It is important to point out that in finding a person to be stateless, it is not relevant where in the world that person is. A person can be stateless in the country in which he or she was born, has always lived and has all family ties. Equally, a person can be stateless in a migratory context – for instance, losing nationality prior to, as a consequence of or at some point after crossing an international border. Statelessness rests on the fact of lacking any nationality, nothing more. Most stateless persons have not moved from their homes and live in what can be described as their own country. Yet, due to the added vulnerability of stateless persons to discrimination, human rights abuse and even persecution, statelessness can also prompt forced displacement. Some stateless persons, then, become internally displaced persons (IDPs), asylum seekers and refugees. Where a person who “is not considered as a national by any state under the operation of its law” also falls within the scope of the 1951 UN Convention relating to the Status of Refugees, he or she is a *stateless refugee*.¹² That someone can simultaneously be both stateless and a refugee, asylum seeker or IDP does not lessen their experience of statelessness, which should be taken into consideration when protecting and finding durable solutions for them.

With regard to the identification of stateless persons, for the purposes of statistical reporting or otherwise, it is also important to note the distinction between statelessness and the situation of being undocumented, of undetermined nationality and/or at risk of statelessness. As will be explored in the next section, universal birth registration and the provision of other life documents remains a significant challenge in many parts of the world. The lack of such documentation can mean that the person is stateless (e.g. where denied documentation because the state does not consider the person to be a national), but more often, such lack of documentation does not mean a lack of nationality, despite it being a significant barrier

¹¹ Article 9, Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. A/RES/34/180, 1979.

¹² See above, note 8, paragraph 15.

to proving nationality. Indeed, persons without documentation are at heightened risk of statelessness when compared with those who do have adequate documents, and some may become stateless in the future (e.g. where unable to establish or prove links to the state of nationality such that this state no longer considers the person as a national). Risk is always a question of degree, however, so the problem is a complex one, deserving of further dedicated study. In some countries, there is no commonly held definitive proof of nationality, so evidence of statelessness may be built up over multiple rejections for documentation by the state (refusal to register to vote, refusal of ID card, refusal of passport...). When dealing with such persons, it is pertinent to question if identifying them as stateless would serve any protection purpose. The starting point must be to push for them to be recognised as nationals by the country to which they have the strongest links. This would often require scrutiny and assessment of nationality laws and policies, their implementation and the documentation that confirms nationality. If persons of undetermined nationality and/or at risk of statelessness are ultimately recognised as nationals of a particular country, without ever being deemed to be stateless, this would be the ideal outcome. However, the question of how long their status is to remain undetermined, before concluding that they are actually stateless is a difficult one, to which international law does not seem to have a ready answer. This grey area between 'statelessness' and 'nationality' shows that they are two sides of the same coin, and that it can be harmful to address the one without sensitivity to the impact on the other.

II. CAUSES OF STATELESSNESS

There are a variety of circumstances that give rise to statelessness at birth or in later life, and this section highlights some of the most common causes. As this section will elaborate, there is often an element of discrimination and/or arbitrariness at play, when individuals or entire groups become stateless. 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; or it can 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. Thus, it is worth reminding ourselves that while states do have significant freedom to set out their own membership criteria, they also have a responsibility to protect against discrimination and arbitrariness, and to uphold international standards. Statelessness most often occurs when states fail to do so.

Conflict of nationality laws

The classical example is where state A confers nationality by descent while state B confers nationality by place of birth, but the combination of a particular individual's birthplace and parentage is such that neither nationality is acquired. Neither state A nor state B necessarily have 'bad' laws or have picked out the person concerned as being undeserving of nationality, he or she simply fails to qualify under the regular operation of the rules of either state with which he or she has connections. Unless safeguards are in place in the law to prevent statelessness from arising,¹³ the regular operation of these states' nationality laws can leave people stateless. While this may seem like an unlikely and marginal occurrence, the scale of international migration today is such that conflicts of nationality laws are becoming more commonplace, increasing the need for safeguards to ensure the avoidance of statelessness. Brazil and Indonesia are among the countries which have introduced such safeguards in recent years in order to address significant problems of statelessness for their citizens and their descendants living abroad.¹⁴

¹³ Such as those laid out in the UN Convention on the Reduction of Statelessness.

¹⁴ Brazil reformed its constitution in 2007 to make it easier for children born abroad, to Brazilian parents, to acquire Brazilian nationality. Indonesia

State succession

A particular context in which the risk of a conflict of nationality laws is high, and where a large number of persons may simultaneously be affected, is that of state succession. When part of a state secedes and becomes independent, or when a state dissolves into multiple new states, the question emerges as to what happens to the nationality of the persons affected. The new nationality laws of successor states may conflict and leave people without any nationality, while the re-definition of who is a national of the original state (where it continues to exist) may also render people stateless. Most often in the context of state succession, it is vulnerable minorities who are associated with either the successor or parent state who are deprived of nationality, exposing the discriminatory motivations and arbitrary nature for such exclusion. Common types of state succession which have resulted in large-scale statelessness are the dissolution of federal states into independent republics (for instance, in the countries of the former Soviet Union and Yugoslavia¹⁵) and the more recent cases of state secession (for instance, with the splitting off of Eritrea from Ethiopia and South Sudan from Sudan¹⁶). Situations of emerging or contested statehood complicate this picture further, leading to unique challenges around nationality and statelessness (for instance, for the Palestinians¹⁷ and the Sahrawi¹⁸). Today's world map looks very different from that of a few decades ago and political upheaval is likely to continue to bring changes to borders and sovereignty in the years to come. Solving existing cases of statelessness that have already been created by changes in political geography and forestalling new cases in the event of future situations of state succession is one of the major challenges that the international community faces in addressing statelessness.

The legacy of colonisation

While the de-colonisation process technically would be categorised as a form of state succession, the unique challenges presented require

amended its nationality law in 2006 to limit the loss of nationality due to long-term residence abroad to those cases in which the person concerned would not be rendered stateless.

¹⁵ See sections 3.IV and 3.V on statelessness statistics in Asia and Europe.

¹⁶ See section 3.II on statelessness statistics in Africa.

¹⁷ See section 3.VIII on stateless Palestinians.

¹⁸ See sections 3.VI and 3.VII on statelessness statistics in the Middle East and North Africa and on stateless refugees.

separate attention. Many of the most large scale and entrenched situations of statelessness in the world today were born out of the experiences of colonisation, de-colonisation and consequent nation-building. In such contexts, newly independent states (many of which never had a common pre-colonial national identity) have had to deal with borders arbitrarily drawn (often dividing ethnic groups) peoples forcibly migrated (for labour) and the consequences of decades, sometimes centuries of colonial rule which successfully pitted different ethnic and religious groups against each other, privileging some and marginalising others, as part of a wider divide and rule policy. It is not surprising that many newly independent states thus struggled with nation building, national identity and the treatment of minorities. While colonial history does not justify in any way discrimination, arbitrariness and disenfranchisement, this historical context must be understood and addressed in order to reduce statelessness.

Arbitrary deprivation of nationality

Large-scale statelessness can also be caused by the arbitrary deprivation of nationality outside the context of state succession. Arbitrary acts can involve the collective withdrawal or denial of nationality to a whole population group, commonly singled out in a discriminatory manner on the basis of characteristics such as ethnicity, language or religion, but it can also impact individuals who are deprived of their nationality on arbitrary and discriminatory grounds. In many cases, the group concerned forms a minority in the country in which they live. Sometimes they are perceived as having ties to another state, where they perhaps share common characteristics or even ancestral roots with a part of the state's population (such as in the case of the Rohingya in Myanmar¹⁹ and persons of Haitian descent in the Dominican Republic²⁰); in other instances, the state uses the manipulation of nationality policy as a means of asserting or constructing a particular national identity to the exclusion of those who do not fit the mould (such as in the case of the Kurds in Syria in the 1960s and the black population in Mauritania in the 1980s²¹). Nationality law may also be designed to restrict the access of certain groups to economic power, especially the right to own property (such as in Liberia or Sierra Leone, where only those who are 'negroes' or

¹⁹ See section 3.IV on statelessness statistics in Asia.

²⁰ See section 3.III on statelessness statistics in the Americas.

²¹ See section 3.VI on statelessness statistics in the Middle East and North Africa.

'of negro-African descent' may be citizens from birth). In some cases, individuals or groups are targeted for their political beliefs, since nationality is the gateway to political rights and its withdrawal can be a means of silencing political opponents. Deprivation of nationality on security grounds can also be arbitrary if certain criteria – including due process standards – are not met. Other forms of discrimination in nationality policy can also create, perpetuate or prolong problems of statelessness. For instance, where a woman does not enjoy the same right to transmit nationality to her child as a man, children are put at heightened risk of statelessness. A stateless, absent or unknown father, or one who cannot or does not want to take any steps that might be required to confer his nationality to the child, can spell statelessness because the mother is powerless to pass on her nationality. This form of gender discrimination is still present in more than 25 countries around the world and many more laws contain other elements of discrimination against women – or sometimes men – in the change, retention or transmission of nationality.²²

Administrative barriers and lack of documentation

The hand of discrimination can often be seen at play when it comes to obtaining documentation of nationality, with ethnic and religious minorities, nomadic communities and the rural poor more likely to face barriers than religious and ethnic majorities and urban populations. A surprising number of situations of statelessness actually stem from the poor administration or documentation of a country's nationals during the period of state formation or when the first citizenship registration was carried out. In Thailand,²³ Lebanon and Kuwait,²⁴ for instance, statelessness became a feature of the landscape many decades – and several generations – ago, when the nationality laws were first being administered by the state. Elsewhere, individuals and groups who have had difficulties accessing birth or other forms of civil registration may find themselves unable to satisfy the state that they have connections with it. For example, without *proof* of place or date of birth, nor of parentage, states may dispute these facts and fail to consider a person as a national even if he or she would qualify under the law on the basis

²² See for more details on this issue UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness 2014*, 8 March 2014. See also the Global Campaign for Equal Nationality Rights: www.equalnationalityrights.org.

²³ See section 3.IV on statelessness statistics in Asia.

²⁴ See section 3.VI on statelessness statistics in the Middle East and North Africa.

of these ties. The risk of statelessness is greatest where those who have been unable to access civil registration also belong to minority or nomadic groups, migrant or refugee populations, or are affected by state succession.²⁵ The Roma in countries of the former Yugoslavia and elsewhere in Europe are an evident example of where lack of documentation and civil registration can evolve into a problem of statelessness when several such factors converge.²⁶

The inheritance of statelessness

The single biggest cause of statelessness globally in any given year – in the absence of fresh, large-scale situations stemming from one of the above problems – is the inheritance of statelessness. Many contemporary situations of statelessness have their roots at a particular moment in history, such as state succession, the first registration of citizens or the adoption of a discriminatory nationality decree stripping a whole group of nationality, as outlined above. Yet these situations endure and even grow over time because the states concerned have not put any measures in place to stop statelessness being passed from parent to child – or do not implement existing measures to that effect. Furthermore, these situations migrate to new countries along with the (often forced) migration of stateless persons abroad, as in migratory contexts too, statelessness is allowed to continue into the next generations. This means that most new cases of statelessness affect children, from birth, such that they may never know the protection of nationality. It also means that stateless groups suffer from intergenerational marginalisation and exclusion, which affects the social fabric of entire communities.

²⁵ See also UNHCR Executive Committee, *Conclusion on civil registration*, 17 October 2013, No.111 (LXIV).

²⁶ See section 3.V on statelessness statistics in Europe.

III. IMPACT OF STATELESSNESS

This brings the discussion to the broader question of the impact of statelessness. What difference does it make to people's lives, in our modern world, to not have any nationality? The simple answer: a massive and often very harmful difference. Modern bureaucracies are crafted in a way that takes the possession of a nationality as the norm. Statelessness is the neglected, in fact largely forgotten state of exception. To exercise rights or access services, to be treated as belonging or even with respect – in practice commonly requires a nationality.

Human rights are those rights which are to be enjoyed by all of us, by virtue of our belonging to the human race and in accordance with human dignity. However, without any nationality, a number of rights are immediately out of reach even according to the mechanics of contemporary human rights law. Political rights in particular, such as the right to vote or stand for election and to perform certain public functions, may be restricted to a country's citizens,²⁷ such that stateless persons are not owed them by any state. Disenfranchisement therefore is an immediate and almost universal problem for stateless persons,²⁸ limiting their ability to influence laws and policies that affect them or to call for reforms that would bring an end to their statelessness. This undoubtedly also contributes to the invisibility of and lack of attention to the problem of statelessness in general, and its resultant manifestation and growth over generations. Developing countries may also limit the enjoyment of economic rights by non-nationals in certain circumstances,²⁹ which may be used to justify

²⁷ Article 25, International Covenant on Civil and Political Rights, G. A. Res 2200A (XXI), 1976.

²⁸ There may be some minor exceptions, where special arrangements with regard to voting for non-nationals in certain elections or the recruitment of long-term residents into public functions does create some political space for stateless individuals. For instance, in Estonia, the country's long-standing stateless population is eligible to vote in municipal elections. Such arrangements are far and away the exception, rather than the rule, and don't necessarily mean that the right of stateless persons to vote has been recognised, and can instead mean that they have merely been granted a privilege that can be revoked.

²⁹ Article 2(3), International Covenant on Economic, Social and Cultural Rights, G.A. Res 2200A (XXI), 1976.

the economic disempowerment of stateless persons. With regards to other rights, states can treat nationals and non-nationals differently if that treatment can be justified by the pursuit of a legitimate aim and if the principle of proportionality can be satisfied – providing a margin of discretion that may be detrimental to the position of stateless persons.³⁰ All this means that the stateless experience a degree of deficit of rights under international human rights law. Yet, this should only be limited. As the UN Committee on the Elimination of Racial Discrimination (CERD) has stated, any such restrictions must be seen as an exception to the principle of equality and consequently, “must be construed so as to avoid undermining the basic prohibition of discrimination”.³¹ Similarly, the UN Committee on Economic, Social and Cultural Rights (CESCR) has asserted that “The ground of nationality should not bar access to Covenant rights (...) [which] apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation”.³² Furthermore, as the Human Rights Committee, has stated, “in general, the rights set forth [...] apply to everyone, irrespective of reciprocity, irrespective of his or her nationality or statelessness”.³³

In practice though, the situation of many stateless individuals and groups betrays a far greater problem: as a non-national generally and as a stateless person in particular, actually effectuating rights can be distinctly challenging.

The harsh reality for many stateless persons is a story of lack of opportunity, of lack of protection and of lack of participation. They face challenges in all areas of life, including: entering or completing schooling; accessing healthcare services for preventative medicine

³⁰ See further on the rights of non-citizens, Office of the High Commissioner For Human Rights, *The Rights of non-Citizens*, 2006.

³¹ Committee on the Elimination of Racial Discrimination, *General Recommendation No. 30: Discrimination Against Non Citizens*, UN Doc. CERD/C/64/Misc.11/rev.3, 2004, Para 2.

³² Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (Article 2, Para 2 of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc. E/C.12/GC/20, 25 May 2009, Para 30.

³³ Human Rights Committee, *General Comment No. 15: The position of aliens under the Covenant*, UN Doc. HRI/GEN/1/Rev.6, 1986.

"In Kenya, if you do not have an ID card, you don't exist. Technically you cannot even leave your house, because if you leave your house and you are challenged 'Where is your ID?' That is considered a crime. Now, if you cannot leave your house, how do you live? How do you look for a job? You can't even open a bank account, you can't transact business, you cannot own anything, because you don't exist"

Issa Abdul Faraj, Nubian elder,
formerly stateless, Kenya

Transcribed from UNHCR, *Kenya: Nubians in Kibera* (<http://unhcr.org/v-4e5ca05e6>)

or to treat an injury or illness; finding gainful employment or signing a labour contract; buying or inheriting a house; registering a car or a business; obtaining a birth certificate, driving license, marriage certificate or even death certificate; opening a bank account or getting a loan; falling back on social security; and enjoying a pension. Obtaining a passport or indeed being issued any form of identity documentation is extremely difficult if you are not the national of any country, such that many stateless persons have no proof that they exist and no means by which to identify themselves in their day-to-day interactions with the state or with private entities. International

travel is almost inconceivable, unless by illicit – and dangerous – means. Free movement within the state of residence, even if it is where the person was born and has all of his or her ties, can also be difficult due to the inability to provide proof of identity if stopped at a security checkpoint or in a random check by the police. Arbitrary arrest and detention, including in the person's home country, is not uncommon. In some cases, detention becomes prolonged or even indefinite, if the state is intent on expulsion, but no other country can be found which would allow the person to enter. Where a stateless person wants to assert their rights, or where they have become a victim of crime or exploitation, their statelessness can also stand in the way of getting help from the authorities or finding their way to a court. Their complaint may be readily dismissed or ignored, and they are powerless to take a stand against this due to their status of disenfranchisement.

In some situations, statelessness actually becomes a conduit or catalyst for human rights violations, be they perpetrated by the state or because of a vacuum of state protection. Stateless persons may be subjected to specific regulations or practices that do not apply to other residents in a state. For instance, there may be restrictions on their movement within the territory or they may be denied land rights. In extreme cases, further debilitating and dehumanising restrictions may also be imposed, such as on marriage or reproductive rights.

Being slated as outsiders, not just by *their* country but by *all* countries, may indeed make the stateless easy targets for victimisation within society as they may be seen as less deserving of compassion, protection and support. They may be a target for exploitative practices, such as forced labour or extortion. Indeed, the treatment of stateless persons can, in certain instances, amount to persecution.³⁴ Moreover, the constraints that stateless persons experience, coupled with the fact of not being formally recognised as a member of their – or indeed any – country, has an evident impact on their well-being. A diminished sense of self-worth and in some instances a confused sense of identity and belonging can prompt sentiments of hopelessness, anxiety and depression.

"The price to pay for the perpetuation of statelessness is high not only for the persons affected, but also for the countries in which stateless persons live. Statelessness prevents participation in socio-economic, but also in public affairs, and results in the alienation of entire groups from society, which is passed on from generation to generation".

Nils Muižnieks, Council of Europe
Commissioner for Human Rights

The foregoing consequences of statelessness can also create a ripple such that they are felt not just by those individuals who are directly impacted because they lack nationality, but also by their family members, wider society and the international community of states. Statelessness of a single family member can create problems for all due to the difficulties it causes and the tension and stress that can ensue. A mother who holds nationality, but whose son is stateless because she was not able to confer her nationality to him under the law, worries that he will never have a family of his own because he is condemned to a life without nationality and to pass this on to his own children, were he to have any. A country in which a whole community has been excluded, disenfranchised, stigmatised and perhaps even vilified through the denial of nationality may face social tensions that affect both the stateless and citizens alike. Mounting tensions between the 'in' group and those portrayed as outsiders can also fuel conflict. Where conflict arises or where the stateless face such severe restrictions or violations of their fundamental rights that they are forced to seek sanctuary elsewhere, their displacement becomes a concern for the receiving country and the international community as a whole.

³⁴ Consider the example of the Rohingya of Myanmar – see sections 3.IV on statelessness statistics in Asia and 3.VII on stateless refugees.

IV. LINKS BETWEEN STATELESSNESS AND OTHER INTERNATIONAL CONCERNS

In describing the causes and impact of statelessness, the intersection between statelessness and a range of other international concerns has already started to emerge. Given that statelessness, as a stand-alone issue, has not received the same kind of attention as many other international challenges to date, it is helpful to identify these links as a way to demonstrate how addressing statelessness can contribute to solving other problems – and vice versa. The following paragraphs therefore offer some brief reflections on the links between statelessness and other international concerns.³⁵

If people matter

Stateless persons are among the world’s most vulnerable. Stateless persons are deemed and treated as foreigners – mostly unwanted - by every country in the world, including the country in which they were born, the country of their ancestors, the country of their residence, the country they happen to find themselves in today and the country they find themselves expelled to tomorrow. Stateless persons face an extreme form of exclusion that impacts both their sense of dignity and identity, and their ability to exercise even the most basic human rights, like the right to education, the right to work, the right to health and the right to marry. The marginalisation and discrimination that groups such as ethnic minorities, indigenous peoples, migrants or displaced people all face becomes that much greater and more entrenched when it is compounded by statelessness. *So, if people matter, statelessness matters.*

If human rights matter

“All human beings are born free and equal in dignity and rights” – so opens the Universal Declaration of Human Rights (UDHR). The contemporary human rights framework is premised on notions

³⁵ Note that a version of this section was published as a letter outlining why statelessness matters, in support of the launch of UNHCR’s #ibelong campaign on 4 November 2014, and can be found online here: <http://www.institutesi.org/whystatelessnessmatters.pdf>.

of equality, liberty and dignity, on the idea that we hold basic rights because we are human beings. Yet the universality of human rights also rests on the premise that everyone enjoys a nationality (as laid down, as a right in the UDHR and recognised under every other major human rights instrument). The human rights system recognises that states may reserve some rights for their citizens – such as the right to participate in government – placing these out of reach for stateless people. So until statelessness is eradicated, the fundamental aspiration of universal human rights remains just that, an aspiration. Moreover, in practice, statelessness is a proven barrier to the ability to exercise a wide range of other rights. Far greater effort is needed to ensure that these barriers are overcome and stateless people have access to the protection of national and international human rights law. ***So, if human rights matter, statelessness matters.***

"Everyone has the right to a nationality"

Universal Declaration of Human Rights,
Article 15

If children matter

Many of the world's stateless persons are actually children. In fact, in every region of the world, children are born into statelessness every day. Some children inherit this status from their stateless parents, creating an intergenerational problem. Others simply aren't able to acquire their parents' or any other nationality due to discriminatory laws and policies (such as laws which do not allow women to confer nationality to their children) or the failure of governments to include or properly implement the few simple safeguards that should be found in every nationality law to prevent childhood statelessness. Without a nationality, can have difficulty exercising their rights, become outcasts in their own country, struggle to feel like they belong and grow up to be disenfranchised and excluded adults. ***So, if children matter, statelessness matters.***

If democracy matters

Nationality is the gateway to political participation. Stateless persons cannot vote, stand for election or effectuate change through regular political channels. Their statelessness suppresses their voices and renders their opinions obsolete. In countries with large stateless populations, whole sectors of the constituency are disenfranchised. Elsewhere, statelessness is a tool in the arsenal of those who would seek

to manipulate the democratic process, with deprivation of nationality a means of silencing the opposition. To ensure a level and inclusive democratic playing field, stateless persons must also be heard. ***So, if democracy matters, statelessness matters.***

If development matters

Difficulties accessing education and employment; restricted property rights; lack of opportunities to own or register a business; limited access to a bank account or a loan; and, in some cases, the threat of extortion, detention or expulsion; these factors can trap stateless persons in poverty and make it extremely challenging for them to improve their circumstances. Where statelessness affects whole communities over several successive generations – as it often sadly does, such communities can be neglected by development actors and processes. This can result in a significant lag behind others in the country or region in terms of development. Statelessness means a waste, of individual potential, of human capital and of development opportunities. ***So, if development matters, statelessness matters.***

If preventing displacement matters

Statelessness is a recognised root cause of forced displacement, with stateless people fleeing their homes and countries in order to find protection as IDPs or refugees elsewhere. In 1993, UNHCR's Note on International Protection acknowledged that preventing and reducing cases of statelessness is "vital for the prevention of refugee flows".³⁶ This link has been a key motivation for the agency to further operationalise its statelessness mandate. At the same time, addressing nationality disputes and tackling statelessness where it arises can be a key tool in resolving refugee situations because it can pave the way for successful voluntary repatriation and reintegration. ***So, if preventing and resolving situations of displacement matters, statelessness matters.***

³⁶ UNHCR, *Note on International Protection*, A/AC.96/815, 31 August 1993; see also UN General Assembly, *Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly*, A/RES/50/152, 9 February 1996.

If peace and security matter

The vulnerability, exclusion, despair, frustration and sometimes persecution experienced by stateless persons can spark other problems. Casting a group as 'others' or 'outsiders' by denying them access to nationality – in spite of clear and lasting ties to the country – can contribute to attitudes of suspicion and discrimination. This may cause a dangerous build-up of tension within and between communities that may lead to conflict. Disenfranchised, discriminated against and excluded, some stateless persons can also be more susceptible to the negative influence of extremists who prey on desperation. On the other hand, disputes surrounding nationality, membership, belonging and entitlement can also hamper peace-building efforts. ***So, if peace and security matter, statelessness matters.***

If size matters

Many millions of people are affected by statelessness around the world today. UNHCR estimates that there are at least 10 million stateless persons, while further desk research conducted for this report suggests that the true number likely surpasses 15 million (see further section 4 below). That number does not include the many more who feel the impact of statelessness, for instance because a close family member lacks any nationality. There are enough stateless people to create a medium-sized country: at 15 million stateless persons, such a country would have the 70th largest population in the world – although this is not suggested as a solution.³⁷ ***So, if size matters, statelessness matters.***

³⁷ According to July 2014 estimates of country population sizes offered in the CIA World Factbook, available at: <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html>

2

THE CHALLENGE OF MAPPING STATELESSNESS

As stated in the introduction, the primary focus of this report is to explore the scope and reach of the problem of statelessness globally. This is a distinct and extremely difficult challenge, particularly because statelessness is often an invisible phenomenon. This section of the report offers a summary of some of the main methodological difficulties in quantifying statelessness, followed by a discussion of situations of statelessness which are, at present, largely 'hidden' to statistics.

States hold the primary responsibility to identify stateless persons on their territory and subject to their jurisdiction, in order to implement their international obligations towards these populations – be it under the two UN statelessness conventions or in accordance with the broader body of international human rights law. The UN General Assembly has also requested UNHCR to regularly inform the international community on the magnitude of the problem of statelessness.³⁸ In fulfilment of this request and of UNHCR's statelessness mandate, the Executive Committee of UNHCR has tasked the Agency to undertake and share research on various aspects of statelessness, including on the scope of the problem, and has encouraged states to cooperate with UNHCR in this regard.³⁹ Since 2004, UNHCR has reported, on a country-by-country basis, the number of persons who fall under its statelessness mandate, and remains the only organisation which systematically collates statistics and regularly reports on the number of stateless persons in the world.⁴⁰ Just one other organisation has

³⁸ See above, note 36, UNGA Resolution.

³⁹ See for example, UNHCR Executive Committee, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, No. 106 (LVII), 6 October 2006.

⁴⁰ Note that the source of the data which is reported by UNHCR varies from

ever attempted such a global survey: Refugees International. The report 'Lives on Hold', published in February 2005, includes a 'Global Review of Statelessness', broken down by country.⁴¹ In the report, a short narrative including, where possible, an estimate of the size of the population, was provided for over 80 countries, and Refugees International estimated the then global stateless population to be over 11 million.⁴² Refugees International's global statelessness survey was updated in 2009, with a new issue of the report, this time entitled 'Nationality Rights for All',⁴³ concluding that "around 12 million people worldwide" were stateless.⁴⁴ These Refugees International reports are the only other source, alongside UNHCR's statistical reporting, of country-by-country statelessness data and they have since been at least partially superseded by developments or new information in a number of countries, as well as by a further clarification of the interpretation and application of the definition of a stateless person.⁴⁵

Although the statistics collated by UNHCR are therefore the most complete and up-to-date source of data on statelessness globally, this does not mean that the responsibility for identifying and counting stateless people falls exclusively upon UNHCR to perform. Indeed, as mentioned, states must identify stateless persons on their territory, in order to implement their international obligations towards these populations. These obligations derive from the two UN Statelessness Conventions,⁴⁶ but also from general human rights law and thus all states, not merely states which are party to the two Statelessness Conventions have a responsibility in this regard. UNHCR, other UN agencies, and civil society, including academia, can support the

one country to another. It may, for instance, be extracted from population census data or population registries, come from a survey or mapping exercise specifically undertaken to identify stateless persons or be based on cross-checked estimates provided by civil society or even media reports.

⁴¹ Refugees International, *Lives on Hold. The Human Cost of Statelessness*, 2005.

⁴² *Ibid*, page 7.

⁴³ Refugees International, *Nationality Rights for All. A Progress Report and Global Survey on Statelessness*, 2009.

⁴⁴ *Ibid*, page 1. Note that this figure matches the UNHCR estimate for the global statelessness population at the time. See UNHCR, *Global Trends 2007, 2008*; and UNHCR, *Global Trends 2008, 2009*.

⁴⁵ See above, note 8. See also, UNHCR, *Summary Conclusions of Expert Meeting - The Concept of Stateless Persons under International Law*, Prato, Italy, 2010.

⁴⁶ The 1954 Convention Relating to the Status of Stateless Persons (note 4 above) and the 1961 Convention on the Reduction of Statelessness (note 9 above).

identification and quantification of situations of statelessness by also conducting data collection. Statistics on statelessness can thus be found in a diverse array of reports and data sources.

When collating and reporting on the number of persons under its statelessness mandate, UNHCR uses a range of sources in order to ascertain or estimate how many stateless persons are in any given country. Beyond what UNHCR reports, further data on the scope and reach of statelessness is also dispersed across a wide array of reports and documents. For instance, the United States Department of State includes information on statelessness in its annual Country Reports on Human Rights.⁴⁷ Some data on the number of stateless persons in specific countries may be found in these reports but this information is not compiled separately in a single overview. Information, including statistical data, on statelessness can further be found in, among others, some state and stakeholder reports to UN human rights treaty and charter bodies, documents of international, national and grassroots NGOs with relevant missions (e.g. working on minority rights issues or on forced displacement), media reports, national human rights institutes and government documents or databases. Much of this data is already in the public domain, but it is not easy to navigate, or verify for reliability, accuracy, authenticity or being up-to-date. As such, there is varying information (of varying quality) available on the situations of statelessness which are not or not fully 'counted' in UNHCR statistics, as explained below.

⁴⁷ The most recent of these can be accessed at: <http://www.state.gov/j/drl/rls/hrrpt/>.

I. METHODOLOGICAL ISSUES IN QUANTIFYING STATELESSNESS

Statistical coverage on statelessness has improved significantly in recent years.⁴⁸ Yet it is still difficult to get a full and reliable picture of the magnitude of statelessness in all countries. In this respect, it must be acknowledged that quantifying statelessness is a complicated task, requiring several methodological hurdles to be overcome.⁴⁹ Here are a few of those challenges:

Definitional issues

The definition of statelessness is not as straightforward as it appears to be. The term “not considered as a national... under the operation of its law” has been authoritatively interpreted as being both a question of fact and law.⁵⁰ Consequently, there are persons who would – according to the letter of the law – be eligible for a particular nationality, who are nonetheless stateless because they are not considered as nationals by the competent authorities of the relevant state.⁵¹ It may not be apparent to the persons concerned, nor even to an outside observer, that they are stateless. Thus, there will always be people whose statelessness is hidden and who are not captured by the statistics. On the other hand, there are also likely to be individuals who self-identify as stateless – for instance because they do not feel connected to their state due to either political beliefs or personal sentiments – even though they do, in fact, hold its nationality. This too, is inevitable, given that acquisition of nationality occurs automatically for most people (usually at birth), without taking into account the views of the individual with respect to the state concerned. Historic and enduring miscomprehension of the scope and application of the definition of a stateless person also

⁴⁸ See section 3.I on general trends in statelessness statistics.

⁴⁹ See also UNHCR, *Guidance document on measuring stateless populations*, May 2011.

⁵⁰ See above, note 8.

⁵¹ This is for instance the case for otherwise stateless children born in Lebanon who, according to the letter of the law, acquire Lebanese nationality, but this safeguard is not implemented in practice. See in this regard, Frontiers Ruwad Association, *Invisible Citizens: Humiliation and a life in the shadows. A legal and policy study on statelessness in Lebanon*, 2011.

impedes the accurate quantification of statelessness. Moreover, many states do not have a definition of statelessness in their domestic law or maintain a definition – or an interpretation – that diverges from that understood under international law, such that it is not applied uniformly across all jurisdictions.

Gaps in data collection tools

In most countries, statelessness is not high on the political agenda. Consequently, state authorities may not deem it important to put in place measures to identify stateless persons and enhance the accuracy of their figures on statelessness. In other cases, it is a deliberate strategy to deny that there are any stateless persons, by asserting that those who cannot obtain recognition of nationality are in fact nationals of another country. Of the 142 national censuses between 2005 and 2014 for which the UN possesses questionnaires, only 112 include questions on nationality of which less than 25% provide for statelessness to be recorded.⁵² The United Nations Statistics Division, in the instruments it uses to collect data from states on an annual basis (annual questionnaires) and following a census exercise (census questionnaires) also does not request reporting on the number of stateless persons, while it does ask for data on the number of refugees as well as on the number of citizens, foreign or non-citizens and persons of unknown citizenship status on a state's territory.⁵³ Furthermore, "although UNHCR and other UN agencies frequently carry out registrations of refugees and in some cases internally displaced people, it is not common for them to register stateless persons".⁵⁴ Thus, it is not merely governmental data which is incomplete, the UN's own data often does not provide a comprehensive picture of statelessness. Indeed, it may not be advisable for UNHCR to seek to conduct large-scale registration of stateless persons because in the majority of cases, stateless persons remain in their 'own country' whereby the ideal solution for them is the grant of nationality by the state concerned, not recognition and registration as stateless persons.⁵⁵

⁵² UNHCR, *Global Action Plan to End Statelessness 2014-2024*, November 2014, page 24.

⁵³ These instruments can be downloaded here: <http://unstats.un.org/unsd/demographic/products/dyb/dybquest.htm>. See in particular section 2 of the annual "Population Estimates Questionnaire" and table 20 of the "Population Census Questionnaire: General Characteristics".

⁵⁴ See, for instance, UNHCR, *The State of the World's Refugees*, 2012, at page 108.

⁵⁵ See above, note 8, paragraphs 58-61.

Lack of adequate or comprehensive data collection

Even where data collection exercises include information on statelessness, this does not always yield comprehensive or reliable results. For instance, a 2011 mapping study of statelessness in the UK identified several methodological flaws in the UK's statelessness data.⁵⁶ Furthermore, while there are reported to be 1,951 stateless persons in the Netherlands, the real figure is likely to be much higher because tens of thousands of persons have been registered as being of 'unknown nationality' due to procedural difficulties in establishing either nationality or statelessness for the purposes of registration in the population database.⁵⁷ This problem is often linked to the definitional issues discussed above and how accurate any given figure is will clearly depend on the methodology which underlies the data. Some statelessness-specific data collection exercises that have been carried out, such as in Myanmar and the Philippines, were limited in their scope – i.e. collecting data only in part of the country or only with respect to one particular target population affected by statelessness. These studies offer an important contribution towards a clearer picture of the problem but more research is needed to unearth the full scope of statelessness in such countries.

Unwillingness or lack of awareness to self-identify as stateless

Many stateless persons identify with the country of their birth and descent to the extent that they do not see themselves as being stateless. Even if they do, there is often reluctance to draw attention to this, due to the obvious disadvantages associated with statelessness, which can range from bureaucratic difficulties, to barriers to accessing socio-economic rights to increased vulnerability to arrest and detention. This means that data collection which relies on self-identification, such as is often the case in a national population census, may not be entirely accurate. To overcome this, for instance in the context of census data, it is possible to undertake an informed analysis of other relevant data

⁵⁶ UNHCR and Asylum Aid, *Mapping statelessness in the United Kingdom*, November 2011.

⁵⁷ Advisory Committee for Migration Affairs, *No country of ones own. An Advisory Report on treaty protection for stateless persons in the Netherlands*, December 2013, English summary available at: <http://www.acvz.org/publicaties/summaryREPORT39.pdf>. See also, section 3.V on statelessness statistics for Europe in this report.

(e.g. suitable proxies) which has been captured – such as that on country of birth or what identity document is held.⁵⁸

Protection considerations in the identification of statelessness

As explained, the categorisation of persons as stateless or not is not always a straightforward exercise. Undocumented persons and those who are of undetermined nationality may be at risk of statelessness and indeed, some of them are likely to already be stateless. In a migratory context, a presumption that such persons could be stateless and giving them the opportunity to be identified as such in line with international guidance, is likely to enhance protection.⁵⁹ When such persons are in their own countries however, they will almost always receive greater protection if confirmed to be nationals and the 'stateless' label can be counter-productive. Consequently, for persons in their own countries it is better to begin with a process that scrutinises nationality law and policy and its implementation against international standards, and determines nationality. However, even in such situations, where the denial of documentation is long-lasting (even inter-generational), there would come a point when it is better to acknowledge such persons as stateless, rather than leaving them in the limbo of having no legal status. Such complexities mean that identifying and counting the stateless can be a very difficult exercise, and that ultimately protection and the reduction of statelessness must be at the heart of all such actions.

⁵⁸ For an example of a proposed method for analysing census data with a view to identifying statelessness, see above, note 56, page 55.

⁵⁹ Note that the process of statelessness status determination in the migration context may also lead to the establishment of nationality – i.e. the person concerned may be found to be a national of country x, resulting in the prevention of statelessness and enjoyment of national protection.

II. 'HIDDEN' STATELESS GROUPS

As mentioned above, since 2004, UNHCR has reported on the global statelessness population. Yet, the data reported by UNHCR for the number of persons under its statelessness protection mandate only fills in part of the picture with regard to the global stateless population. The following paragraphs explore three specific characteristics of UNHCR's statistical reporting on statelessness that have a big impact on what the figures show and, more importantly perhaps, who remains hidden as a result.

1. Not all countries in the world are able to report data on statelessness

The first time UNHCR reported country-by-country data on persons under its statelessness mandate, in its 2004 *Global Trends* report, it identified a total of 41 countries with stateless persons for its reporting. Of these, a reliable figure for the number affected was identified for 30 countries; the remaining 11 were marked with an asterisk. The total number of stateless persons accounted for in this first set of UNHCR statistics was just under 1.5 million,⁶⁰ and no estimate was given for the global number of stateless persons.⁶¹

A decade later, UNHCR now has reliable data on the number of stateless persons in 75 countries.⁶² This means that statelessness remains unmapped in over 50% of the world's states. While the problem may not exist on a significant scale in all of these countries, there is no denying

⁶⁰ UNHCR, *2004 Refugee Global Trends*, June 2005.

⁶¹ The first time a global population estimate was given in UNHCR's *Global Trends* reports was in 2005, when the number was estimated to be "at least 11 million persons". UNHCR had previously issued estimates for the overall magnitude of the problem in its *Global Appeal* – a fundraising document not intended for detailed statistical analysis. For instance, in its 2002 *Global Appeal* (published in December 2001), UNHCR estimated there to be 8.9 million stateless persons worldwide. This was the first *Global Appeal* to provide an estimate. In the same report the following year, this dropped to one million, where it remained in the 2004 *Global Appeal* as well, before changing to 'millions' in the 2005 report.

⁶² See UNHCR, *Global Trends 2013, 2014*, for statistics for the stateless population as at end-2013. This data is presented by UNHCR in a statistical table that is an annex to the *Global Trends* report, and which has also been annexed to this report.

that the data remains incomplete and many cases of statelessness do not appear in the statistics. At a macro level, this problem is mitigated by the extrapolation of an estimate for the actual number of stateless persons globally (i.e. at least 10 million, while just 3.5 million are accounted for in country-level data). At a regional and country level, nevertheless, greater effort is needed to fill in the gaps in statistical coverage. The goal set by UNHCR, as part of 'Action 10' in the campaign to end statelessness, of achieving quantitative data coverage for 150 states by 2024 is therefore a welcome one.⁶³

2. Figures for different countries are compiled from different data sets – that use different methodologies – and do not always reveal the full picture

Collecting data on statelessness is the primary responsibility of governments, in order to implement their international obligations, but may also be carried out by other actors in support of this or in the execution of their own work. UNHCR collates this data to offer a global snapshot of the available statistics on statelessness. It has already been noted that gathering data on statelessness is a complex task. That it is shared by different actors, in different places, leads to a variety of approaches – not all of which are able to deliver the same level of reliability or produce readily-comparable data. Some government databases, for instance, do not disaggregate their data such that stateless persons are identified separately from refugees or from persons of unknown nationality. This could lead to both *over* and *under*-reporting on statelessness. For example, for some countries, the number includes persons of 'undetermined nationality' (e.g. in Sweden), even though not all such individuals will actually be stateless;⁶⁴ while in others it does not (e.g. in the Netherlands).⁶⁵ Some figures may include a number of stateless *refugees*, even though it is UNHCR's policy to report such persons in its refugee statistics only, because the methodology used to collect the data by the organisation or authority which did so – such as a government population registry –

⁶³ See above, note 52.

⁶⁴ See above, note 62 and Annex to this report, the introductory note at the top of UNHCR's statistical table on persons under its statelessness mandate.

⁶⁵ Around 2,000 persons are registered as stateless in the population registers in the Netherlands, but a further 80,000+ are registered as being of 'unknown nationality', in part due to procedural difficulties in establishing statelessness for the purposes of registration. For further details, see above, note 57.

simply does not account for different types of residence or protection status, only nationality. Some figures are based on census data, the accuracy and currency of which is affected by the challenge of relying on self-identification as a means to count stateless persons and by the fact that a census is usually carried out only every 10 years.⁶⁶ Data can become outdated in the interim period between census exercises and can fail to reflect newly emerging situations of statelessness, but also efforts to reduce the number of cases through conferral of nationality.

Some statelessness figures are based on a specific data collection exercise which only targeted part of the country or a specific stateless population within the country – such that it does not account for statelessness in other regions or affecting other groups. Examples of this include Myanmar, where only stateless Rohingya who were encountered in a survey conducted in three townships in Rakhine state are included, to the exclusion of an estimated 500,000 more stateless Rohingya found elsewhere in the county,⁶⁷ as well as any of the other populations affected by statelessness in Myanmar.⁶⁸ This limitation is acknowledged in a footnote in UNHCR’s statelessness statistical table which points out that the number refers to “Muslim residents of northern Rakhine State”. Another example is the Dominican Republic, where the number of 210,000 stateless persons only accounts for the first generation of persons of Haitian descent born on Dominican soil who have been left stateless following a Constitutional Court ruling stripping them of nationality. There is no data available on the second and third generations which have been simultaneously affected, and are therefore not included in the current statistics.⁶⁹ In this case, however, UNHCR has not included an explanatory footnote in its 2013 statistics table.

⁶⁶ According to the footnotes in UNHCR’s statistical table, several of the figures included in the *Global Trends 2013* were actually drawn from a 2009 (Azerbaijan), 2010 (Russian Federation and Tajikistan) or 2011 population census (multiple countries, including Croatia, Czech Republic and Poland). Thailand’s figure is based on the country’s 2000 national census.

⁶⁷ Fortify Rights, *Policies of Persecution. Ending abusive state policies against Rohingya Muslims in Myanmar*, February 2014.

⁶⁸ See for instance, IRIN, *The Forgotten Ghurkhas of Burma*, 20 May 2014; Report of the High-Level Committee on the Indian Diaspora, 2001, page 60, available at: <http://www.indiandiaspora.nic.in/diasporapdf/chapter20.pdf>.

⁶⁹ United Nations Population Fund, *Primera Encuesta Nacional de Inmigrantes en la República Dominicana [First National Survey of Immigrants in the Dom. Rep.]*, 2013.

The methodological difficulties of compiling statelessness data across different countries have led to several situations where the number of stateless persons reported substantially under-represents the true scale of the problem. It is valuable to continue to include such data in UNHCR's overviews of country statistics even when it only tells a part of the statistical story and helpful that in many cases this partial data is noted through the inclusion of a footnote (as for Myanmar). Yet, it would be beneficial if such countries were identified consistently, i.e. in all cases, through an explanatory footnote which clearly indicates that only partial data is available.

3. Countries where there is known to be a significant problem of statelessness, but no reliable figure, are indicated with an asterisk in UNHCR's statistical compilations

Wherever UNHCR has "information about stateless persons but no reliable data", these countries are marked with an asterisk (*) in the statistical table which identifies persons under UNHCR's statelessness mandate.⁷⁰ UNHCR has taken this approach since it first started to report country-by-country data on statelessness and there certainly is an attraction to it. Usefully, it allows the Agency to flag problems of statelessness and identify countries where the response to statelessness perhaps needs to be stepped up, while avoiding the publication of unreliable or unverified data that could give a false impression of the situation. UNHCR presents its statelessness data in the form of a simple table, without room for more than a footnote's explanation per country. This means that there is no space to discuss the likely range of the stateless population or comment on whatever estimates may be available for the number affected. So, even if there is some data on the potential magnitude of statelessness within one of the 'asterisk countries', this is not included alongside the rest of the global statistics to avoid misrepresenting the scale of the issue.

The asterisk, however, disappears when the data is transposed from UNHCR's statelessness-specific table to the main overview in which UNHCR compiles all of the figures for its populations of concern. In the latter table – the only one which is included within the body of the

⁷⁰ As explained in a note at the top of this table.

UNHCR Global Trends reports⁷¹ – the asterisks are replaced by dashes (-), indicating that “the value is zero, not available or not applicable”. The countries believed to be home to a significant stateless population, then, do not stand out from those states for which no data for or problem of statelessness has been flagged at all. This arrangement should change, to ensure that countries with significant stateless populations are also indicated in the main overview. What is also of interest with respect to the ‘asterisk countries’ is just how long a state can remain in this category. Of the 19 countries that are marked with an asterisk today, five were already flagged in this manner in 2004 and 10 in 2005. This shows that the lack of reliable data on statelessness can, itself, be a protracted and at times political issue – confirming that it is important to identify such situations and that it does not make sense to ‘wait’ to act decisively on statelessness until the problem has been comprehensively mapped. Rather, initiatives to protect stateless persons and to prevent and reduce statelessness should continue and be further strengthened while also paying due attention to opportunities to better identify and quantify statelessness.

Looking beyond UNHCR’s reporting on statelessness to alternative data sources, it is possible to make at least a small start on filling in some of the gaps in countries which currently have asterisks as placeholders – even if this only means identifying a range of estimates for a given country. For instance, it is evident that statelessness affects tens of thousands of people at least in countries such as Lebanon and Zimbabwe. Estimates for the total stateless population in the former range from 80,000 to 200,000;⁷² in the latter from 80,000 to 600,000.⁷³ While a precise quantification of the problem is still not possible on the basis of such widely ranging estimates, what this information does show is that, collectively, the asterisks in UNHCR’s table represent a massive number of stateless persons who are not presently accounted for in global statistics. Looking at these numbers helps to explain why UNHCR has estimated that, despite only accounting for some 3.5 million persons under its statelessness mandate, the total number of stateless persons globally is actually over 10 million.

⁷¹ To access the statelessness-specific table 7, users must download the full set of statistical annexes to UNHCR’s *Global Trends* reports, which are made available in the form of an Excel file, and pull up tab 7 in the spreadsheet.

⁷² See above, note 51.

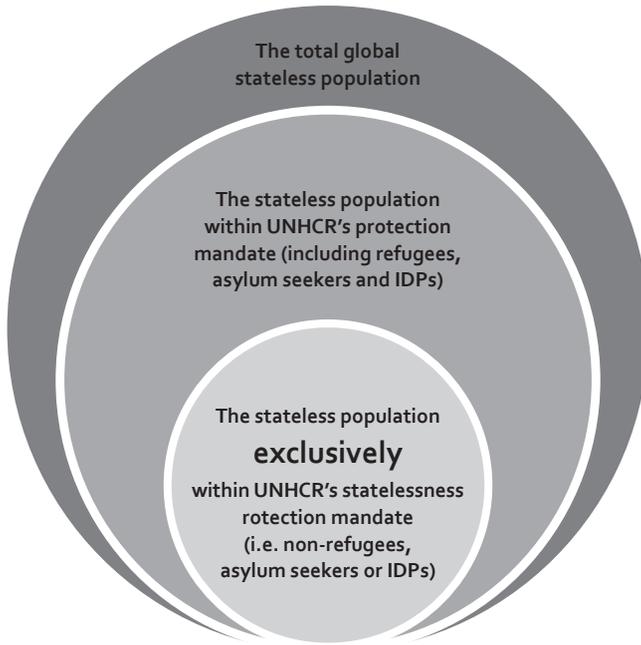
⁷³ See above, note 41; K. Ridderbos, “Stateless former farm workers in Zimbabwe”, *Forced Migration Review*, 32, 2008.

4. Only persons exclusively under UNHCR's statelessness protection mandate are reported in its statelessness statistics

UNHCR has a separate programming and budget structure in place to operationalise its distinct statelessness mandate (so-called 'Pillar 2'). With this in mind, to ensure that data is made available in a way that effectively informs the process of "crafting strategies"⁷⁴ to address statelessness under this part of its mandate and to avoid double-counting of populations of concern, UNHCR's statistical reporting only indicates the number of persons exclusively under its statelessness protection mandate. To reach the total figure for persons of concern to UNHCR, this number is added to those from the other population categories (refugees, asylum seekers, etc). Thus, while international law defines a stateless person as anyone who is "not considered as a national by any state under the operation of its law",⁷⁵ in UNHCR's statistical reporting on statelessness, stateless persons who also fall within the protection mandates of other UN Agencies (at present, only the UN Relief and Works Agency – UNRWA), and those who also come under other UNHCR protection mandates (such as refugees, IDPs or asylum seekers) are not counted as stateless. The below diagram demonstrates the significance of this approach to the statistical picture on statelessness globally:

⁷⁴ See above, note 39.

⁷⁵ See above, note 4, Article 1. The Article 1 definition of a 'stateless person' is regarded as being part of customary international law and thus applicable to all states, including those that are not party to the Convention.



UNHCR's statistical reporting then, even if it were to capture reliable data for all countries, excludes from its statelessness statistics a significant number of persons who are stateless as a matter of international law. While it does not mean that these individuals are not 'counted' somewhere or do not receive appropriate protection, it does make it difficult to see the full magnitude and spread of the statelessness phenomenon.

The Rohingya are a good case study to demonstrate the statistical complexities that emerge when one group has multiple protection needs. While according to some estimations there are 1.33 million Rohingya within Myanmar,⁷⁶ there are also approximately a further one – 1.5 million Rohingya who live outside Myanmar.⁷⁷ Of the total

⁷⁶ See above, note 67.

⁷⁷ This includes some 31,000 registered Rohingya refugees in Bangladesh and another 40,000 registered in Malaysia, but also an estimated further 300,000-500,000 unregistered Rohingya refugees in Bangladesh, a few thousand unregistered in Malaysia and in Thailand, tens of thousands in Pakistan and hundreds of thousands in Saudi Arabia, as well as more scattered across a number of other countries. See, for instance, the records of a Parliamentary Debate in the United Kingdom, answers given by Ian Pearson based on

global Rohingya population of an estimated more than 2.5 million (of which a significant majority are stateless), only 810,000 are counted as stateless in the UNHCR statistics.⁷⁸ The following groups are not included:

- *Rohingya refugees, asylum seekers and those in a refugee like situation who are included in UNHCR refugee statistics* - this includes the 31,145 registered refugees and 200,000 of the estimated 300,000 – 500,000 unregistered Rohingya population in Bangladesh, 40,660 registered in Malaysia and smaller numbers in other countries.
- *Rohingya in a refugee like situation who are not included in UNHCR refugee statistics* – The unregistered Rohingya refugees in Bangladesh who are not included in the UNHCR refugee statistics (between 100,000 and 300,000), the Rohingya in Pakistan, Saudi Arabia and the United Arab Emirates (totalling hundreds of thousands) and the Rohingya who have been unable to register as refugees in Malaysia, Thailand and other countries.
- *Rohingya asylum seekers yet to be registered* – throughout the world, in much smaller numbers than the two above groups.

There is also uncertainty as to whether and how Rohingya IDPs in Myanmar (of whom there are an estimated 140,000) and Rohingya resettled refugees (likely to be a small group due to the lower numbers of resettlement) are represented in the statelessness statistics. And the Rohingya are not the only stateless group that suffer displacement and persecution. As discussed later in this report, there are other significant groups of stateless refugees who are also ‘counted’ only in UNHCR’s refugee statistics.

Looking at stateless groups that fall under the mandates of *other* UN agencies leads us to stateless Palestine refugees, registered by UNRWA, who are also not reflected in UNHCR’s statistical reporting as refugees or stateless persons.⁷⁹

information from UK missions, on 1 February 2006, available at: <http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060201/text/60201w16.htm>

⁷⁸ See further sections 3.IV and 3.VII on statelessness statistics for Asia and stateless refugees.

⁷⁹ See further section 3.VIII on stateless Palestinians.

Excluding these other stateless populations from the global statelessness statistics can create confusion with regard to the situation of particular populations as well as the application of international standards. For example, since the onset of the Syrian crisis, the number of stateless persons reported in the country has dropped from 300,000 at the start of 2011 to 160,000 at the end of 2013. Only part of this reduction is due to efforts to resolve the situation, namely through the naturalisation of a segment of the stateless group on the basis of a specially adopted decree. Much of the decrease in numbers comes as the result of forced displacement prompted by the conflict. A closer look at how the figure has shifted indicates that only around half of those who have now been removed from the statelessness statistics have acquired a nationality – the others *remain stateless*, but are now counted only as refugees. It is important to remember that for them and other groups of stateless refugees, as well as stateless persons of Palestinian origin, their statelessness is still a relevant fact with respect to their treatment under international law. For instance, safeguards against statelessness such as those found in the 1961 Convention on the Reduction of Statelessness and the Convention on the Rights of the Child apply to *all* situations in which statelessness threatens, necessitating their inclusion in the statistics in some manner.⁸⁰

⁸⁰ For a further discussion of the drawbacks of boxing individuals into just one definitional category, see Amal de Chickera, “A stateless person, a refugee and an irregular migrant walk into a bar...”, *European Network on Statelessness*, July 2014, available at: <http://www.statelessness.eu/blog/stateless-person-refugee-and-irregular-migrant-walk-bar%E2%80%A6>.

3

GLOBAL STATELESSNESS STATISTICS

The total number of persons under UNHCR's statelessness mandate which is accounted for in its statistics today is approximately 3.5 million.⁸¹ A further 19 countries are marked with an asterisk, signifying the presence of a significant but as yet unquantified stateless population. It is still widely acknowledged that, despite a steady improvement in statistical reporting, many situations of statelessness continue to go unreported or are underrepresented in the figures. Taking this into account and based on further information that UNHCR has access to – but does not include in its statistical reports – **UNHCR estimates the actual total global stateless population today to be “at least 10 million persons”**.⁸²

This chapter looks more closely at currently available statelessness statistics – both those which have been collated and reported by UNHCR, as well as data from other sources that are not included within UNHCR's statistical reporting. Firstly, a few further observations are offered with regard to the general picture of statelessness data globally and some of the regional trends. Then, a regional summary, which highlights some individual countries of interest, is given. This summary looks at data reported by UNHCR but also explores alternative statistical sources, either where UNHCR is not presently able to indicate a figure or where the UNHCR-reported figure may not represent the full situation. Finally, the situation of stateless refugees and of stateless Palestinians is also discussed – two groups not reported in UNHCR statelessness statistics at present, for the reasons already outlined above.

⁸¹ Note that data from some countries also includes persons of 'undetermined nationality', who may – if nationality verification or statelessness determination were to be carried out – be confirmed as nationals of a particular country rather than found to be stateless.

⁸² See above, note 62.

It should be noted that because this report is based on a desk review and therefore uses secondary sources throughout, it has not been possible to verify the quality of the estimates which are featured. Regrettably, the method by which the data has been captured – and even how the definition of statelessness has been used – is often not specified in the respective reports and documents making it difficult to assess whether it can be deemed accurate or comprehensive. Nevertheless, this compilation of additional data which exists in the public domain will hopefully complement the UNHCR-collated data to offer a picture of where things currently stand with respect to the mapping of statelessness globally.

I. GENERAL TRENDS

A figure or estimate for the total number of stateless persons worldwide –over 10 million – only tells us a small part of the story with regard to this phenomenon. It is of equal or even greater interest to take a closer look at how that number is composed: where are the world's stateless people? There are several ways to approach this question. One way is to identify which countries have the largest stateless populations according to data currently reported by UNHCR. While any global benchmark is inevitably somewhat arbitrary, this report has adopted 10,000 persons as the cut-off point for what it will consider to be significant stateless populations.⁸³ **At the end of 2013 there were 20 countries worldwide with a reported figure of over 10,000 stateless persons.** These countries are shown, in order of the magnitude of statelessness reported in each, in table 1 below.⁸⁴

⁸³ It is important to acknowledge that due to significant disparities in population size between countries, a population of 10,000 or even of less stateless persons in one country may be a highly significant issue, while in a country with a much larger population this may be considered, domestically at least, to be a more marginal phenomenon. Nevertheless, the 10,000 stateless persons cut-off has been selected as an objective benchmark which can also be readily applied against the available statelessness statistics.

⁸⁴ Note that in some of these countries, such as Sweden and Poland, statelessness exists as a largely migratory phenomenon – i.e. these states are not necessarily significant source countries of statelessness, but host a sizeable number of stateless persons from other parts of the region and the world on their territory.

Table 1: Countries with >10,000 reported stateless persons

Myanmar	810,000
Côte d'Ivoire	700,000
Thailand	506,197
Latvia ⁸⁵	267,789
Dominican Republic	210,000
Russian Federation	178,000
Syrian Arab Republic	160,000
Iraq	120,000
Kuwait	93,000
Estonia	91,281
Saudi Arabia	70,000
Malaysia	40,000
Ukraine	33,271
Brunei Darussalam	20,524
Sweden	20,450
Kenya	20,000
Germany	11,709
Kyrgyzstan	11,425
Viet Nam	11,000
Poland	10,825
Total reported in 20 countries with >10,000 persons	3,385,471

It is of interest to note the total number of stateless persons who reside in this limited set of countries is 3.385 million. Thus, **97.6% of the number of stateless persons reported in UNHCR statistics globally can be found in just 20 countries**. Less than 84,000 stateless persons are spread across the remaining 55 countries for which a figure on

⁸⁵ The figure is for the total number of stateless persons reported by UNHCR in Latvia – separated in UNHCR's statelessness statistical table into two entries (267,559 'non-Citizens of Latvia' and 230 other stateless persons).

statelessness is reported. This perspective on the global statelessness figures demonstrates that although it is an issue that affects people in all parts and indeed most countries of the world, the spread of the problem is uneven. Paying greater attention to (creating opportunities to) resolving these few large-scale situations of statelessness is necessary if real progress is to be made on the objective of ending statelessness in a decade.

Another way to explore the statistics is by region. UNHCR organises its work, including its reporting, into five regions: Asia and the Pacific, Africa,⁸⁶ Europe, the Middle East and North Africa and the Americas. Table 2 provides an overview of the number of persons under UNHCR's statelessness mandate in each of these regions as reported in its end-2013 statistics.

Table 2: Stateless persons reported per region

Asia and the Pacific	1,422,850
Africa	721,303
Europe	670,828
Middle East and North Africa	444,237
Americas	210,032
World total	3,469,370

In terms of absolute numbers, most of the persons UNHCR reports as falling within its statelessness mandate can be found in Asia and the Pacific. Africa and Europe, which come second and third respectively, report approximately half the number of stateless persons found in Asia.

Asia and the Pacific also stands out in terms of the number of countries which are significantly affected. Of the 20 countries worldwide that reported a figure of over 10,000 stateless persons (see table 1): seven are in Europe, six in Asia and the Pacific, four in the Middle East and North Africa, two in Africa and one in the Americas. Of the nineteen countries marked with an asterisk, nine are in Asia and the

⁸⁶ Covers Sub-Saharan Africa.

Pacific, six in Africa, three in the Middle East and North Africa, one in the Americas and none in Europe.⁸⁷ Thus, Asia and the Pacific has not only the largest total number of reported stateless persons, but also the most countries for which there is information of substantial stateless populations, but no reliable figure to report. This suggests that even if a full count of stateless persons were achieved globally, the Asia and the Pacific region would likely remain that in which statelessness affects the greatest number of people. It is important to put this into perspective, however, by recalling that Asia and the Pacific is home to far more people in absolute terms than any other region in the world – the population is more than four times that of any of the other regions.⁸⁸ The Americas currently reports the lowest number of stateless persons – all but 32 of whom are reported in a single country – and there is just one country where there is information of further statelessness issues but no reliable data.⁸⁹ As such, the Americas is indisputably the region with the fewest number of people affected by statelessness. This demonstrates the advantages of a *jus soli* approach to nationality (i.e. conferral of nationality at birth to all children born in the territory), the norm in the Americas, when it comes to preventing and reducing statelessness: even where statelessness were to arise, it will not be passed on to the next generation.

⁸⁷ The 19 countries are the Bahamas, Bhutan, Cambodia, the Democratic Republic of the Congo, Eritrea, Ethiopia, India, Indonesia, Lebanon, Libya, Madagascar, Nepal, Pakistan, Papua New Guinea, South Africa, Sri Lanka, the United Arab Emirates, Uzbekistan and Zimbabwe. An overview and a summary of information available with regards to the stateless populations in these countries is provided in chapter 3 of this report.

⁸⁸ If overall population size is taken into account and the number of persons identified as falling within UNHCR's statelessness mandate were to be expressed as a percentage of the total population, Asia and the Pacific would actually show a smaller prevalence of statelessness. A rough calculation of such percentages based on 2010 global population statistics from the UN Department of Social and Economic Affairs (Population Division, *World Population Prospects: The 2012 Revision*, 2013) puts the number of reported statelessness cases in Asia at 0.036% of the overall population, as compared to for instance the Middle East and North Africa which would have the highest prevalence rate at 0.103%.

⁸⁹ This is a country with a *total* population of under 400,000 people, of whom more than 80% are citizens (Bahamas 2010 Census of Population and Housing, available at: <http://statistics.bahamas.gov.bs/download/024494100.pdf>). Thus, even if statelessness affected a large proportion of the non-citizen population, it would not add a significant number to the total number of stateless persons in the Americas.

More generally, if we were to assume that each of the 19 asterisked countries *also* host a stateless population of over 10,000 persons,⁹⁰ then the issue of statelessness is, at best, only half-mapped: There are as many countries with significant stateless populations for which there is no reliable data at all, as there are countries with significant stateless populations for which data is reported. The data gap is not just noteworthy in terms of the overall population that remains to be properly captured, but also the spread of countries across which they can be expected to be found.

The following sections provide a more detailed look at who is stateless in each of the five regions into which UNHCR organises its work. The report will provide a brief narrative on each region, before discussing a selection of those countries which are reported to be home to more than 10,000 stateless persons or marked by UNHCR with an asterisk as having a significant, but as yet unquantified, stateless population. It will also touch on a number of other situations of statelessness that are presently un- or underreported in UNHCR's statistics. Where available, it will present alternative sources of statistical data on each of these statelessness situations. The aim is to offer a fuller – though by no means full – picture of who is stateless around the world, and where.

⁹⁰ This may not, in fact, be the case for all countries marked with an asterisk but is likely in the majority of these states (as set out further below under each of the regional sections).

II. AFRICA

UNHCR reports a total of 721,303 persons under its statelessness mandate in sub-Saharan Africa, but the phenomenon remains largely unmapped across the region so the number of persons affected is likely to be much higher. UNHCR's current figure for stateless persons in Africa is comprised almost exclusively of the data reported for just two countries (Côte d'Ivoire and Kenya).⁹¹ There are, at present, six countries in Africa where UNHCR has identified statelessness to be a significant problem but is unable to report any data. Four of these were indicated with an asterisk when UNHCR first began statistical reporting in 2005,⁹² showing that a dearth of information on the scope of statelessness in Africa is a protracted problem.⁹³

Table 3: Countries in Africa with over 10,000 stateless persons or marked with *

Côte d'Ivoire	700,000
Kenya	20,000
Democratic Rep. Congo	*
Eritrea	*
Ethiopia	*
Madagascar	*
South Africa	*
Zimbabwe	*

⁹¹ There are only two other countries for which UNHCR reports any statistic for the number of persons under its statelessness mandate in Africa: Burundi (1,302 persons) and Liberia (1 person). See above, note 62.

⁹² These are the Democratic Republic of the Congo, Eritrea, Ethiopia and Zimbabwe. See UNHCR, *2005 Refugee Global Trends*, June 2006.

⁹³ See also on the challenges of quantifying statelessness in Africa, B. Manby, "How will UNHCR's statelessness campaign affect Africa?", *African Arguments*, 12 November 2014, available at: <http://africanarguments.org/2014/11/12/how-will-the-unhcrs-statelessness-campaign-affect-africa-by-bronwen-manby/>.

The causes of statelessness in Africa include: the legacy of colonialism and the impact of restrictive post-colonial nationality policies; more recent cases of state succession; and mounted pressure on citizenship policy with the spread of multiparty democracy.⁹⁴ Discrimination against minority and (perceived) immigrant groups, whereby the laws of some African countries explicitly restrict citizenship rights on a racial or ethnic basis,⁹⁵ increase the risk of statelessness – particularly against a backdrop of significant migration and displacement. Discrimination against women also features in the nationality laws of some African states and may be further compounding or perpetuating situations of statelessness, with eight countries in sub-Saharan Africa denying women equal rights to men with respect to the nationality of their children.⁹⁶ Other legal, political and sociological complexities, including cross-border populations and nomads, the lack of adequate protection for foundlings and other undocumented or vulnerable children, mismanagement of civil status and nationality documentation all also contribute to a difficult environment with respect to the avoidance of statelessness.

Côte d'Ivoire

UNHCR reported figure (end 2013): 700,000

The explanatory note on Côte d'Ivoire in the statistical table in which UNHCR reports a stateless population of 700,000 persons provides a good indication of the context in which statelessness arises in the country. It indicates that this figure is arrived at on the basis of government estimates for 'descendants of immigrants' (400,000) and 'children abandoned at birth' (300,000). In Côte d'Ivoire then, statelessness stems primarily from the restrictive nationality rules that were adopted at independence, tightened in 1972, and implemented in an even more limited manner over the last two decades with respect to historical migrants and their descendants born in the country. Since before independence in 1960, Côte d'Ivoire has drawn migrants from neighbouring countries; indeed, for a period the French colonial authorities had a policy of forcibly importing labour from

⁹⁴ See, in particular, B. Manby, *Struggles for Citizenship in Africa*, Zed Books, 2009; see further the resources posted by the Citizenship Rights in Africa Initiative at: <http://citizenshiprightsinafrica.org/>.

⁹⁵ This problem is found, for instance, in Sierra Leone, Liberia, Malawi and to some extent Mali.

⁹⁶ See above, note 22; and B. Manby, *Citizenship Laws in Africa*, 2010.

the territory of what is now Burkina Faso. The new nationality law adopted at independence provided for 'foreigners' to be able to opt for Ivorian nationality within one year, and also provided for children of foreign parents born on the territory after independence to have the right to opt for nationality at majority. But it was unclear who exactly needed to take these steps, and in the context of widespread illiteracy almost none did so. The right to opt was removed in 1973, creating a nationality law founded purely on descent. Nevertheless, the long-lived regime of President Félix Houphouët Boigny continued to encourage immigration and integrated historical migrants and their descendants, distributing to them national identity documents and granting them full rights of citizenship, including employment in public services and the right to vote. In the mid-1990s, after the death of Houphouët Boigny, Ivorian political leaders adopted a series of measures to deny identification documents to all those who were perceived to be of foreign origin; this deprivation of citizenship rights was at the heart of the rebellion that broke out in 2002. With the installation of a new government, following an election accompanied by significant violence in 2010, some reform measures have been undertaken. In September 2013, legislation restored, as an exceptional and temporary measure, the right suppressed in 1973 for foreign-born residents living in Côte d'Ivoire since before independence and persons of foreign descent born in Côte d'Ivoire between 1961 and 1973, as well as some descendants of these groups, to acquire nationality through a declaration procedure.⁹⁷ Another law removed gender discrimination in the right of a person to transmit nationality to his or her spouse.⁹⁸ However, these exceptional measures leave untouched the highly restrictive general provisions of the nationality code.⁹⁹ It also seems that many of those affected by statelessness have not applied for nationality under the temporary provisions.¹⁰⁰

⁹⁷ Loi n. 2013-653 Portant dispositions particulières en matière d'acquisition de la nationalité par déclaration, 13 September 2013.

⁹⁸ Loi No.2013-654 du 13 Sep 2013 portant modification du Code de la nationalité ivoirienne.

⁹⁹ Although with the country's recent accession to the 1961 Convention on the Reduction of Statelessness – and given the country's monist system – it may be possible to directly invoke provisions of this instrument to address relevant issues.

¹⁰⁰ Mirna Adjami, *Statelessness and Nationality in Côte d'Ivoire*, UNHCR, forthcoming.

Democratic Republic of the Congo (DRC)

Marked by an asterisk in UNHCR statistical data. Estimated size of stateless population unknown

There are no available estimates for the number of stateless people in DRC. Since 2005, UNHCR statistics have flagged the country as one where statelessness is a problem (though the problem is much older), but a mapping of the situation in the country has not been possible due to the decades of civil conflict and the political sensitivity of the issue. There has, in fact, not been a national census in DRC since 1984. Statelessness is understood to affect members of the Banyarwanda population.¹⁰¹ DRC's nationality law was amended several times in response to political concerns around the status of the Banyarwanda. At its most restrictive, from 1981 to 2004, the law gave nationality only to "any person one of whose ancestors was a member of one of those tribes established in the territory of the Republic of Zaire as defined by its frontiers of 1 August 1885",¹⁰² the date on which the borders of the Congo Free State were officially recognised. In November 2004, a new nationality law was adopted, which returned the foundation date for nationality to 1960, as it had been in 1971. This change was confirmed in the 2006 constitution. Although naturalisation was also made slightly easier, the law still bases Congolese nationality of origin on membership of "the ethnic groups and nationalities of which the individuals and territory formed what became Congo at independence".¹⁰³ The continued disputed status of the Banyarwanda population — some of them entitled to Congolese nationality under the 2006 constitution, some of them more recent immigrants — is a significant contributor to conflict in the eastern region.¹⁰⁴ The total

¹⁰¹ The Banyarwanda are those speaking the language of Rwanda, descended from various groups: those whose ancestors have always lived on the territory, ethnic Tutsis who migrated to the territory of present day DRC centuries ago, Hutus and Tutsis who were brought by the Belgian colonial powers from Rwanda to work on plantations, and refugees from conflicts in Rwanda and Burundi.

¹⁰² See above, note 94, chapter 3.

¹⁰³ Article 6, Loi n°04/024 du 12 novembre 2004 relative a la nationalité congolaise.

¹⁰⁴ See above, note 94. See also, "Who belongs where? Conflict, displacement, land and identity in North Kivu, Democratic Republic of Congo", *Citizenship and Displacement in the Great Lakes Region*, Working Paper No. 3, March 2010; Immigration and Refugee Board of Canada, *Democratic Republic of Congo (DRC): Procedure and conditions for Congolese nationals of Rwandan origin to reinstate their nationality*, 24 January 2006, COD100961.FE; Célestin Nguya-

Banyarwanda population is not known, but is likely in the hundreds of thousands, possibly substantially over a million. For example, the government reportedly estimated it to be approx. 1.9 million in the 1990s.¹⁰⁵ There are no recent statistics, nor any information about how many within this population are affected by statelessness; indeed, state institutions are mostly not effective in the zones affected by conflict.

Kenya

UNHCR reported figure (end 2013): 20,000

As reported in UNHCR's statistics, statelessness is estimated to affect some 20,000 persons in Kenya – mainly members of minority groups.¹⁰⁶ A footnote in UNHCR's statelessness statistical table for Kenya indicates that this figure is based on "currently available information on several communities in Kenya" and is "under review pending further research and mapping activities" – it is, as yet, unclear whether the estimate will be revised up or down as a result of further study of the situation in Kenya. A new constitution was adopted by referendum in 2010 and removed gender discrimination in nationality law, while permitting dual nationality for the first time. A new citizenship act in 2011 also created a temporary procedure for stateless persons who could trace their ancestry in the country since independence to apply for Kenyan nationality. However no regulations were adopted to implement the law, and no cases of recognition of Kenyan citizenship have been reported based on these provisions. Among the groups currently under threat of non-recognition of Kenyan nationality are those of Somali descent and Muslims in the coastal region, whose applications for nationality documentation are subject to additional and highly onerous screening measures, in the context of concerns about threats from terrorist attack.¹⁰⁷

Ndila Malengana, *Nationalité et citoyenneté au Congo/Kinshasa: Le cas du Kivu*, Paris, L'Harmattan, 2001.

¹⁰⁵ See A. Makombo, "Civil conflict in the Great Lakes region: The issue of nationality of the Banyarwanda in the Democratic Republic of Congo", in A. Yusuf (ed.), *African Yearbook of International Law*, 5 Afr. Y.B. Int'l L., 49, 1997.

¹⁰⁶ See, for instance, A. Hussain Adam, *Making of Stateless People – The Kenyan Style*, 2013; Open Society Justice Initiative, *Citizenship Discrimination and the Right to Nationality in Kenya*, 2009.

¹⁰⁷ Kenya National Commission on Human Rights, *An Identity Crisis? Study on the Issuance of National Identity Cards in Kenya*, 2007; Kenya National Commission on Human Rights and UNHCR, *Out of the Shadows: Towards Ensuring the Rights of Stateless Persons and Persons at Risk of Statelessness in Kenya*, 2010; Muslims

Madagascar

Marked by an asterisk in UNHCR statistical data. Estimates for the size of the stateless population: more than 2,200 – up to 100,000

Madagascar has a sizeable community of Muslims of Indo-Pakistani origin, often referred to as the Karana, who have been in the country for more than four generations – i.e. since long before independence. Some among this community failed to acquire any citizenship (be it Malagasy, French, Indian, Pakistani, or English) at the time of Madagascar's independence and have not been able to resolve this since. Madagascar's 1993 national census reports 0.2% of Madagascar's 12.3 million population as foreign and 9.3% of these - or 2,200 persons - as stateless.¹⁰⁸ This is likely to be an underrepresentation of the number currently affected. Firstly, it is important to keep in mind the limitations inherent in reporting the size of a stateless population based on self-identification in a census alone, for people may not know or be reluctant to indicate their nationality status as stateless. Secondly, Madagascar's total population has since grown significantly – up to 21.3 million by 2011¹⁰⁹ – and a lack of safeguards in the nationality law to prevent statelessness being passed to the next generation means that problem of statelessness is likely to have grown with it. Thirdly, the perpetuation of statelessness is further compounded by the fact that Malagasy women experience difficulties transmitting their nationality to their children – even though the law should allow for this if the father is stateless, access to nationality remains a problem in practice. The combination of gender discriminatory law and historical ethno-religious discrimination has perpetuated statelessness in the country. Furthermore, naturalisation processes are inaccessible, including to the Karana community.¹¹⁰ There has yet to be a comprehensive mapping of statelessness in Madagascar to confirm the current number of persons affected. Other sources that touched on this question concur that reliable data remains unavailable. Refugees International has suggested that the Karana population number some

for Human Rights, *Persistent Human Rights Violations and Harassment by the State to Muslim Communities in Kenya*, Muhuri, Mombasa, 23 July 2014.

¹⁰⁸ The national census report is available here: http://www.gripweb.org/gripweb/sites/default/files/databases_info_systems/Madagascar_RGPH%20Vol2%20Tome1.pdf.

¹⁰⁹ UN Statistics Division, *World Statistics Pocketbook*, 2011 population figure for Madagascar.

¹¹⁰ C. McInerney, "Accessing Malagasy Citizenship: The Nationality Code and Its Impact on the Karana", *Tilburg Law Review*, Vol.19, 2014, pp.182-193.

20,000 and within that group, “only a handful of individuals hold citizenship rights”.¹¹¹ The US Department of State, in its annual human rights reporting, cited Muslim leaders who estimate that up to 5% of the approximately two million Muslims in the country may be stateless – this would amount to up to 100,000 people.¹¹² Preparations are now underway for the next population census, which will take place in 2016 and may present an opportunity to gather new data on the scale of the problem of statelessness in the country.

Nigeria

Unreported in UNHCR statistics. Estimated number of stateless persons: unknown

In 1979, constitutional reform in Nigeria introduced an ethnic dimension to the criteria for citizenship, repeated in the 1999 constitution currently in force, which provides for citizenship by birth to be acquired by “every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria”. Although this provision only refers to persons born before independence, the emphasis on belonging to a “community indigenous to Nigeria” ensures that recognition of citizenship at the moment of succession of states is based on ethnicity, and continues in practice in the recognition of nationality of those born since then. These provisions, reinforced by provisions relating to the respect for Nigeria’s ‘federal character’ in state appointments, have created a strong emphasis on ‘indigeneity’ that, despite the lack of laws providing any more detailed framework, pervades identification systems and that impacts both internal migrants and those who have come from other countries. There is no document that serves as definitive proof of Nigerian citizenship, and currently no requirement to hold a national identity card (this is being introduced). Statelessness is likely to be a substantial but currently hidden problem in Africa’s most populous country.¹¹³ A 2002 judgement of the International Court of Justice granted sovereignty over the Bakassi peninsula between Nigeria and Cameroon, and other

¹¹¹ See above, note 43.

¹¹² US Department of State, *Country reports on human rights practices for 2013: Madagascar*.

¹¹³ B. Manby, *Nationality, Migration and Statelessness in West Africa, A study for UNHCR and IOM*, forthcoming.

territory, to Cameroon.¹¹⁴ The number of people affected was also disputed between Cameroon and Nigeria, but was alleged by Nigeria to be more than 150,000. Nigeria rejected the judgment. In 2006, a bilateral agreement was reached at Greentree, New York, between the two countries, by which Cameroon promised, among other things, not to force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality. The territory was formally handed over to Cameroon on 14 August 2008, though a Nigerian presence remained during a five-year transitional period, ending in 2013. There have been problems in establishing recognition of nationality both for those Bakassi residents who remained in their homes, in what is now Cameroon (whether of Cameroon or Nigeria), and for those who relocated to the Nigerian side of the border. For the time being, all former or current Bakassi residents should be regarded as being at risk of statelessness.¹¹⁵

Zimbabwe

Marked by an asterisk in UNHCR statistical data. Estimates for the size of the stateless population: 80,000 – 600,000

Dual citizenship was permitted on attainment of majority rule in Zimbabwe in 1980, but forbidden from 1984. The 2001 Citizenship of Zimbabwe Amendment Act strengthened this prohibition by requiring proof of renunciation of another citizenship under the relevant foreign law, and not only a declaration under Zimbabwean law that only one citizenship was held. The government applied this amendment to mean that even those people with only a claim to a foreign citizenship (but who had made no attempt to claim another citizenship in fact) had to renounce that potential citizenship. The vast majority of persons affected by the amendment were farm workers and other migrants born in neighbouring countries or one of whose parents or grandparents were born in neighbouring countries, such as Malawi, Mozambique, and Zambia.¹¹⁶ Most of these individuals lack identity documents, including birth registration, and were caught in the difficult position of not being considered as Zimbabwean nationals while not being able to prove their origins to obtain citizenship of their countries of origin or proof of renunciation of that citizenship. The number of persons

¹¹⁴ International Court of Justice, *Land and Maritime Boundary between Cameroon and Nigeria, Cameroon v. Nigeria*, 10 October 2002.

¹¹⁵ See above, note 113.

¹¹⁶ See above, note 94.

affected is unclear. In 2005, Refugees International estimated that some 80,000 foreign farm workers and their family members might have lost their nationality.¹¹⁷ The Internal Displacement Monitoring Centre released a report in 2008 indicating that in fact up to 600,000 people could be affected (30% of an estimated two million farm workers were reported to be of foreign descent) and Refugees International revised its figure to match this in 2009.¹¹⁸ The US Department of State 2013 human rights country report indicated that 'independent groups' estimated as that many as two million may have lost their Zimbabwean nationality,¹¹⁹ but again did not indicate how many were thereby made stateless and this high figure is not reported elsewhere. None of these sources provide a figure for the number of persons actually left stateless by loss of Zimbabwean nationality, nor do they provide insight into the methodology that was used to arrive at the estimates, so further research is clearly needed. Some neighbouring countries reported that they did not recognise as their citizens, those who were rejected by the Zimbabwean government as Zimbabwean citizens.¹²⁰

Constitutional amendments adopted in 2009 removed gender discrimination in the law but did not resolve the issue of 'potential' dual nationality. A new constitution adopted by referendum in 2013 confirmed these changes, and for the first time since 1984 permitted dual nationality for those who are Zimbabwean citizens by birth, while giving parliament the power to prohibit it for citizens by naturalisation or descent (born outside the country).¹²¹ In addition, the new constitution contains a section on 'restoration' of Zimbabwean citizenship (by birth) for those persons who were born in Zimbabwe if one or both of the individual's parents was a citizen of a member country of the Southern African Development Community *and* the individual was 'ordinarily resident' in Zimbabwe on the effective date of the Constitution.¹²² Although those who had been affected by the

¹¹⁷ See above, note 41.

¹¹⁸ See above, note 73. See also, note 43.

¹¹⁹ US Department of State, *Country reports on human rights practices for 2013: Zimbabwe*.

¹²⁰ B. Manby, *Statelessness in Southern Africa*, 2011.

¹²¹ Constitution of Zimbabwe 2013, Chapter 3 (sections 35 to 43). See also, B. Manby, *Draft Zim constitution fails citizenship test*, 11 October 2012.

¹²² The member states of the Southern African Development Community are Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

previous rules began to re-apply for confirmation of Zimbabwean citizenship, the registrar-general continued to deny passports to those who were believed to be entitled to another citizenship, despite court rulings in favour of specific individuals, pending a change to the Citizenship Act (which still prohibited dual nationality in all cases). An amended Citizenship Act was not yet proposed by mid-2014.

Other countries in Africa

In **South Africa**, research by Lawyers for Human Rights has identified multiple groups who may be affected by statelessness – as well as other groups at risk.¹²³ These include an estimated 100,000-200,000 Zimbabwean born migrants with foreign parentage who may face statelessness for the reasons described above and who currently live as (largely undocumented) migrants in South Africa.¹²⁴ There may also be stateless persons among other migrant, asylum seeker and refugee communities in South Africa and problems have been flagged regarding access to citizenship for undocumented persons in border areas as well as potentially for some orphans.¹²⁵ It remains unclear though what the overall stateless population in South Africa is.

Several situations of state succession have created problems of statelessness in Africa. In **Eritrea** and **Ethiopia**, it has been established that statelessness exists as a consequence of Eritrea's independence from Ethiopia in 1993 and affects persons in both countries – in particular those of mixed Eritrean-Ethiopian origin or parentage and those of Eritrean origin in Ethiopia. But no figures are available for how many persons remain stateless in each country today. In 1998, at the outbreak of the war between the two countries, there were still around half a million people of Eritrean origin living in Ethiopia. An estimated 100,000 Ethiopians were living in Eritrea. During the war, each country expelled 70 – 75,000 persons to the other. Those of Eritrean descent who were not expelled and who remained in Ethiopia (an estimated 150,000) were not considered Ethiopians, but had not acquired another nationality. In 2003, a new Ethiopian nationality law should have significantly improved the situation, but implementation has

¹²³ See J. George, *Statelessness and nationality in South Africa*, Lawyers for Human Rights, 2013, at page 41,

¹²⁴ See above, note 120.

¹²⁵ See above, note 123.

remained problematic.¹²⁶ More recently, the secession of **South Sudan** from **Sudan** following a referendum in 2011 has created a population of several hundred thousand at risk of statelessness, mainly persons of South Sudanese origin still resident in Sudan, whose Sudanese nationality has now been removed by law. This is the case even for those individuals who have one parent who is Sudanese, who, under the Sudanese constitution have “an inalienable right to nationality”. UNHCR estimates that 300,000 – 350,000 South Sudanese living in Sudan are at risk of statelessness. However, UNHCR has not included this population within its statistics for stateless persons for the country as of 2014 and most would have a theoretical right to South Sudanese nationality under the very extensive attribution of nationality under the law of the new state.¹²⁷ Yet many of these individuals do not wish for South Sudanese nationality, and in any event – in the context of the renewed outbreak of conflict in South Sudan – have no way of obtaining confirmation of South Sudanese nationality in practice. In the meantime, those of South Sudanese origin have been deprived of Sudanese identity cards, their state employment terminated, and denied access to state services. In **Benin**, the nationality status of about 2,000 persons living on a remote island is also unclear: following a 2005 ruling by the International Court of Justice, Birds Island was transferred to Benin after a border dispute with Niger that had endured for almost half a century. Neither state considered the determination of the nationality of the island’s inhabitants during negotiations which has left them with an unresolved nationality status – a problem aggravated by the fact that none of the island’s residents have ever been documented and their births have not been registered. .

Other groups at risk of statelessness across all countries in Africa include persons following a nomadic pastoralist lifestyle, who often face difficulties in obtaining recognition of nationality in any of the countries where they habitually graze their livestock; members of

¹²⁶ Human Rights Watch, *The Horn of Africa War: Mass Expulsions and the Nationality Issue*, 2003; Refugees International, *Ethiopia-Eritrea: Stalemate Takes Toll on Eritreans and Ethiopians of Eritrean Origin*, 30 May 2008.

¹²⁷ The 2014 UNHCR country operations profile for Sudan estimates that “Between 300,000 and 350,000 South Sudanese live in Sudan and are at risk of statelessness”, but the figure for stateless persons in Sudan is listed as zero, See: www.unhcr.org/pages/49e483b76.html. See also B. Manby, *The Right to Nationality and the Secession of South Sudan: A Commentary on the Impact of the New Laws*, Open Society Foundations, 2012.

ethnic groups that cross international borders, where both states see them as belonging to the other; children of national mothers and foreign fathers, in countries where gender discriminatory nationality laws are still in place (or amendments repealing such laws are not effectively implemented); and trafficked, abandoned and orphaned children, including especially those born out of wedlock, whose identity is not documented and who cannot establish nationality on reaching adulthood. For instance, in Senegal, the Gambia, Guinea, Guinea Bissau and Mali, the Talibé – male children who are sent to study the Koran at a madrasa – may be at risk of statelessness. Among these children are some with foreign parentage who were separated from their parents at such a young age that it is now virtually impossible to trace their families, reconstitute their identity and establish their nationality. Thus, although members of this and the other groups described above may be eligible for nationality under the law, they may face insurmountable problems in obtaining recognition of nationality in fact. It is not possible to quantify these situations, but the overall numbers affected, spread throughout the continent, will be significant.

The phenomenon of statelessness is exceedingly difficult to accurately quantify in Africa at the present time. Only four out of 47 countries in this region were accounted for in UNHCR's end-2013 statistics; these are the countries where there has been significant advocacy on the issue and a parallel effort at reporting. Even if in the remaining countries, statelessness is only a marginal issue affecting a few hundred or a few thousand people, the total number of unreported stateless persons would add up. Moreover, the foregoing examples of *significant* stateless populations who are not tallied in UNHCR's statistics – and for whom, in many cases, there are no reliable numbers – demonstrate that there is actually a severe problem of underreporting on statelessness in the region. Although there is insufficient information to provide an alternative estimate for the total number of persons affected, it appears safe to conclude that, **in Africa, statelessness is likely to actually affect more than double the number of persons currently accounted for in UNHCR's statistics, and probably many more.**

III. AMERICAS

Statelessness is a 'smaller' problem in the Americas than in other parts of the world in terms of absolute numbers. **UNHCR reports a total of 210,032 persons under its statelessness mandate in the Americas, almost all of whom are found in a single country, the Dominican Republic.** There also does not appear to be a serious issue of known but unmapped situations of statelessness, such as that which exists in Africa. Only one further country in the Americas has been identified as presenting a significant, but as yet unquantifiable, problem of statelessness.

Table 4: Countries in the Americas with over 10,000 stateless persons or marked with *

Dominican Republic	210,000
Bahamas	*

As mentioned earlier in this report, an important reason for this low number of stateless persons is the principle of *jus soli* which is common to the countries in the western hemisphere: by granting nationality to all persons born on the territory, regardless of parentage or other circumstance, any situation of statelessness fades away automatically with the next generation enjoying birth-right citizenship. As discussed next, the two countries in which statelessness has surfaced as a real problem are those in which restrictions have been placed on the *jus soli* conferral of nationality.

Dominican Republic

UNHCR reported figure (end 2013): 210,000

Statelessness in the Dominican Republic (DR) concerns persons of Haitian descent. Until 2010, the Constitution of the Dominican Republic granted nationality automatically to any person born on Dominican soil, with only the limited exception of children whose parents were diplomats or 'in transit' in the country at the time. Individuals born in the country thus acquired Dominican nationality, whether their births were recorded in the Civil Registry or not. In practice, this

narrow exception has long been applied in such a way as to deny many children of (presumed)¹²⁸ Haitian descent access to Dominican nationality, often leaving them stateless – despite an Inter-American Court ruling which condemned these practices.¹²⁹ The General Law on Migration adopted in 2004 expanded the ‘in transit’ exclusion for *jus soli* citizenship to children born to parents considered as ‘non-residents’, which is understood to include temporary foreign workers, tourists and students, among other categories. A 2005 ruling of the Dominican Supreme Court further expanded this exception to include all individuals without proof of lawful residence. This expanded definition of the ‘in transit’ exception was then enshrined in the new Dominican constitution adopted in 2010. Most recently, in 2013, the DR’s constitutional court ordered that this new interpretation of ‘in transit’ be applied to all individuals with Dominican citizenship born in the DR to migrant parents (i.e. retroactively, as far back as 1929). This process resulted in the arbitrary deprivation of nationality on a massive scale. Those affected are left stateless because Haiti has prohibited dual nationality until 2012¹³⁰ so those who enjoyed Dominican nationality could not *also* be Haitian.

There are no exact figures on how many Dominicans of Haitian descent are affected by this series of amended laws. A survey jointly conducted by the National Statistics Office and the UN Fund for Population (UNFPOA) estimated that 209,912 individuals were born in the DR of Haitian migrants.¹³¹ This matches the UNHCR figure of 210,000 stateless persons in DR at the end of 2013. The figure, however, captures only the first generation of persons of Haitian descent, born in the Dominican Republic. Given that the retroactive stripping of nationality affected individuals who were born in the country as far back as 1929, a far larger number of persons lost their entitlement to Dominican nationality because their parents or grandparents are considered never to have possessed it. For instance, Juliana Deguis Pierre, whose case before the constitutional court figures at the centre of the current problems, has four children herself. If Juliana is no longer considered

¹²⁸ Often determined arbitrarily or on the basis of racial criteria.

¹²⁹ Inter-American Court of Human Rights, *Yean and Bosico v. Dominican Republic*, Series C, Case 130, 8 September 2005.

¹³⁰ Canada: Immigration and Refugee Board of Canada, *Haiti: Dual citizenship, including legislation; requirements and procedures for former Haitian citizens to re-acquire citizenship (2012-January 2013)*, 8 February 2013, HT1104293.E.

¹³¹ See above, note 69.

Dominican, they also lost their nationality– yet only she appears in the statistic of 210,000 persons under UNHCR’s statelessness mandate. It is not possible, at present, to estimate the size of the further population affected – i.e. the second, third or even fourth generations born in DR who were also stripped of their nationality – but the fertility rate in the Dominican Republic is reported to be 2.8 children per woman.¹³² Thus, while there are also some recent legislative developments that look set to allow an estimated 10% of those affected to regain their Dominican nationality, the assessment of civil society groups is that statelessness actually threatens a far larger number of people in DR and the data reported is significantly underestimating the problem.

Other countries in the Americas

The **Bahamas** is the only other country in the Americas which has been identified within UNHCR statistics as having a significant statelessness problem – it is marked by an asterisk in UNHCR statistical data. The country generally adheres to the *jus sanguinis* principle, setting it apart from most other countries in the region. While provision is also made for *jus soli* acquisition of nationality, instead of an automatic entitlement at birth there is a procedure which must be completed within a year after reaching majority. Thus, under the Bahamian nationality law, children born in the country to foreign parents, or to a Bahamian mother and a non-Bahamian father,¹³³ can only apply for Bahaman citizenship as a matter of right after they turn 18 but before they turn 19. After the age of 19, they can still apply for citizenship, but it is granted at the discretion of state authorities, and not by right. Persons of Haitian descent in the Bahamas report facing discrimination and lengthy delays in this citizenship application procedure.¹³⁴ If they are also unable to access Haitian nationality, statelessness may result. The 2010 Population and Housing Census identifies a total of 39,144 persons of Haitian origin/citizenship.¹³⁵ An overview of other estimates of the size of this

¹³² L. Fletcher and T. Miller, “New perspectives on old patterns: Forced migration of Haitians in the Dominican Republic” in *Journal of Ethnic and Migration Studies*, Vol. 30, No. 4, 2004.

¹³³ See above, note 22.

¹³⁴ College of the Bahamas and International Organisation on Migration, *Haitian Migrants in the Bahamas*, 2005, in particular annex 2.

¹³⁵ 2010 Population and Housing Census of the Bahamas, available at: <http://www.soencouragement.org/forms/CENSUS2010084903300.pdf>. See also Krystelle Rolle, *Census: Almost 40,000 Haitians in the Bahamas*, Nassau Guardian, 22 November 2012.

population can be found in a 2005 study – most lie between 30,000 and 60,000 (with the occasional outlier estimate).¹³⁶ Among this group, the number of stateless persons is unknown but may in fact be relatively small: the aforementioned 2005 study also reported on a survey conducted among the population of Haitian origin, which found that approximately 86% of the respondents held a Haitian passport.¹³⁷ This must be interpreted in light of the fact that 90.7% of the respondents were actually born in Haiti so were themselves migrants, rather than descendants of migrants, making it less likely that they would have experienced problems with their nationality. Nevertheless, it shows that of the total population estimates for persons of Haitian origin in Bahamas, certainly not all of this community is stateless or even at risk of statelessness.¹³⁸

A 2012 mapping study of statelessness in the **United States** revealed that over the course of five years, several hundred persons whose data was logged by the United States Citizenship and Immigration Service (in the context, for instance, of an asylum application) were recorded as stateless.¹³⁹ It has been suggested that the total number of stateless persons in the country is a few thousand, although the figure has not been substantiated.¹⁴⁰ Research in Canada shows a similar picture of a few hundred persons logged as stateless in the asylum or migration channels each year.¹⁴¹ Numerically more significant, over 66,000 stateless refugees from Bhutan, previously warehoused in camps in Nepal, were accepted for resettlement to the United States in recent years.¹⁴² They will hope to one day naturalise there and the new generation will automatically be US citizens – indeed, resettlement is

¹³⁶ See above, note 134, pages 12-13.

¹³⁷ *Ibid*, page 58.

¹³⁸ Note that some of the literature on 'statelessness' in the Bahamas uses this term in a broader sense, to include persons who do hold a nationality but whose nationality does not come with the protection generally associated with nationality. See, for instance, K. Belton, "Arendt's children in the Bahamian context", in *The International Journal of Bahamian Studies*, 2010.

¹³⁹ See UNHCR, *Citizens of Nowhere: Solutions for the Stateless in the U.S.*, December 2012.

¹⁴⁰ See the Congressional record for the Department of Homeland Security Appropriations Bill, *House Report 112-091*, 2012, page 123.

¹⁴¹ UNHCR, *Statelessness in the Canadian Context: An updated discussion paper*, March 2012.

¹⁴² UNHCR, *Refugee resettlement referral from Nepal reaches six-figure mark*, 26 April 2013.

a recognised durable solution because it sets the refugee on a pathway to eventual citizenship so resettled individuals are no longer counted in refugee statistics nor tracked as refugees. In the meantime, however, statelessness is a feature of their lives and the total tally for the number of stateless persons in the Americas should also acknowledge such populations until such time as they have successfully naturalised.

Elsewhere in the Americas, the statelessness figures which are available suggest the problem is small – most reporting concerns a handful of individual cases identified in the migration context. For instance, **Mexico** reportedly hosted just 13 stateless persons at the end of 2013. Statelessness may also continue to affect some people in **Suriname** as a result of problems in the interpretation and application of the nationality rules which were adopted by treaty with the Netherlands in 1975 to address the distribution of citizenship following Suriname’s independence.¹⁴³ There are likely to also be cases of statelessness caused by gender discrimination that remains in place in some nationality laws in the region, specifically **Barbados** and the **Bahamas**. Nevertheless, all of these numbers are likely to be relatively small.

This brief exploration of statelessness in the Americas reveals a rather mixed picture. It is a region in which, aside from the stark exception of the Dominican Republic, statelessness has not arisen on a large scale. As explained, this is likely due to the generous *jus soli* regimes present in the majority of countries in the Americas as well perhaps to a particular perception on the role of citizenship as a state-building tool to unite people of different backgrounds under a system of civic equality. It is, after all, a region which has historically been defined by immigration and as such the approach to the regulation of nationality may naturally be more inclusive than in those places where nation-building has involved asserting a particular ethnic, religious or linguistic identity (to the exclusion of others). Yet, the situation that has unfolded in the Dominican Republic over the past year is the most egregious new violation of international human rights norms relating to nationality and statelessness that the world has witnessed in the

¹⁴³ See H. Achmad Ali, *De toescheidingsovereenkomst inzake nationaliteiten tussen Nederland en Suriname* [The agreement on the assignment of nationalities between the Netherlands and Suriname], SDU, 1998; see also, B. van Melle, “Surinaams, Nederlands of geen van beide?” [Surinamese, Dutch or neither?], in *Asiel en Migrantenrecht*, 2013.

21st century. Statelessness is also a problem *of* the Americas, not just *in* the Americas. Underreporting on the size of the population affected in the Dominican Republic and the lack of reliable statistics on stateless persons elsewhere – including, for instance, on the number of stateless who have been resettled to the Americas under refugee resettlement programmes mean that **statelessness affects far more persons in the Americas than currently reported in UNHCR's statelessness statistics – how many more, is not known.**

IV. ASIA AND THE PACIFIC

In absolute numbers, statelessness is documented as affecting far more people in Asia and the Pacific than in any other region of the world, with UNHCR reporting a total of 1,422,850 persons under its statelessness mandate. There are six countries in which the number of stateless persons is reported to be over 10,000 and a further nine which are currently marked by an asterisk in UNHCR's statistics. This means there are no less than 15 countries in which statelessness affects a significant number of people (out of 45 countries in total) – also more than any other region. Moreover, as discussed below, statelessness may also be a significant problem in other countries in Asia which are currently not indicated at all in UNHCR's statistics, such as Afghanistan and China.

Table 5: Countries in Asia and Pacific with over 10,000 stateless persons or marked with *

Myanmar	810,000
Thailand	506,197
Malaysia	40,000
Brunei Darussalam	20,524
Kyrgyzstan	11,425
Viet Nam	11,000
Bhutan	*
Cambodia	*
India	*
Indonesia	*
Nepal	*
Pakistan	*
Papua New Guinea (PNG)	*
Sri Lanka	*
Uzbekistan	*

Statelessness has surfaced in a number of different contexts across Asia and the Pacific. In the countries of central Asia, including in Kyrgyzstan and Uzbekistan in the table above, it is a product of state

succession. The dissolution of the Soviet Union left large numbers of stateless persons in its wake across all of the successor states and these situations are not yet fully resolved in Central Asia (nor in Europe, as shown later in this report). Across South and South East Asia, statelessness is a product of historic and contemporary migration patterns, colonisation, the decolonisation process and the definition of new states' national identity following independence, administrative issues and discrimination including on ethnic, linguistic and gender grounds. In some countries, such as Malaysia, most of these factors are present to one degree or another. The following paragraphs take a closer look at the manifestation of statelessness in a selection of countries in Asia and the Pacific, focusing in particular on those situations which have received relatively little attention elsewhere to date.

Afghanistan

Unreported in UNHCR-statistics. Estimates of the size of the stateless population: 20,000 – 30,000 (Jogi minority only)

As a country with many ethnic minority groups, poor infrastructure and weak institutions, as well as a long history of conflict and displacement, Afghanistan is a place where one might expect to find significant problems of statelessness. However, very little is known or reported about stateless populations in Afghanistan and this is likely the reason why UNHCR has not indicated it as a country where statelessness is a significant concern. The only group which has so far been concretely identified as experiencing difficulties with regard to recognition of their nationality is the 'Jogi', a term commonly used to describe one of the country's traditionally nomadic communities, belonging to the Jat ethnic minority. They are predominantly found in the North of the country and are estimated to number between 20,000 and 30,000 people. Surveys have shown that the majority of the Jogi are undocumented – they do not hold and cannot acquire the Afghan ID card known as the *tazkira*, which provides proof of nationality. This community is reportedly not recognised as citizens by the Ministry of Interior, which has indicated that Parliament would have to adopt a law to *grant* citizenship to the Jogi before it can issue ID cards to them.¹⁴⁴

¹⁴⁴ S. Hall and UNICEF, *Jogi and Chori Frosh communities. A story of marginalisation*, 2011.

Bhutan

Marked by an asterisk in UNHCR statistical data. Estimate for the size of the stateless population: 81,976

People of Nepali origin migrated to Bhutan as workers since the 19th century, settling mostly in the South of the country, where they are also referred to as Lhotshampas. Descendants of these ethnic Nepali in Bhutan were granted Bhutanese nationality pursuant to the 1958 Citizenship Act. However, in the 1980s, they came to be seen as a security threat. Bhutan passed a new Citizenship Act in 1985 with strict nationality criteria that were applied retroactively, essentially recognising only those who could prove their residence in Bhutan prior to 1958 as nationals. Since the late 1980s, as the new Citizenship Act was being enforced, Bhutan forcibly expelled over 100,000 ethnic Nepali to Nepal, where they became stateless refugees.¹⁴⁵ Many ethnic Nepali remain in Bhutan where they are reportedly still affected by statelessness, explaining why UNHCR marks the country in its statistical table with an asterisk. The 2005 national census identified 81,976 people in Bhutan as ‘non-national residents’ – amounting to approximately 13% of the total population of the country. Bhutanese NGO groups claim that these are mainly ethnic Nepali and they are not recognised as nationals.¹⁴⁶ Human Rights Watch also reported in 2007 that those registered as ‘non-national residents’ in the 2005 census were not being issued citizenship ID cards.¹⁴⁷ There are no more recent estimates of the size of the population but there is no information of the problem being addressed in Bhutan¹⁴⁸ and the overall population of the country has since grown by a further 100,000, so it is likely that the number of persons affected by statelessness has also increased.

¹⁴⁵ See further, section 3.VII on stateless refugees in this report.

¹⁴⁶ Bhutanese Refugee Support Group and Association of Human Rights Activists, *NGO Response to the second periodic report of the Kingdom of Bhutan under the Convention on the Rights of the Child*, July 2007.

¹⁴⁷ Human Rights Watch, *Last Hope. The need for durable solutions for Bhutanese refugees in Nepal*, 2007.

¹⁴⁸ For a more recent discussion of the problem of statelessness in the country, including of the 2008 constitutional changes which “formalise the high bar to citizenship established by the 1985 Citizenship Act”, see M. Ferraro, ‘Stateless in Shangri-La: Minority rights, citizenship and belonging in Bhutan’ in *Stanford Journal of International Law*, Vol. 48, 2012.

China

Unreported in UNHCR statistics. Estimated number of stateless persons: unknown

The problem of statelessness has not been mapped in China and the number of persons affected is unknown.¹⁴⁹ Significant problems have been reported with regard to access to birth registration, documented in China through the family booklet called the 'hukou', which also serves as the primary ID document. The hukou is key for access to education, state welfare, legal employment, and is necessary for daily life in China. According to the 2010 census around 13 million children in China lack birth registration, although the true figure could be higher.¹⁵⁰ Independent analysis of the 2000 census revealed a possible 37 million children lacked birth registration.¹⁵¹ One group that is particularly affected is that of children denied birth registration as a result of family planning policies, better known as the 'one child policy'. The Chinese government requires their parents to pay a 'social compensation fee' for the violation of this policy.¹⁵² The fee is decided at a provincial level, and is often as high as eight to ten years of the parent's disposable income.¹⁵³ Until the parents have paid, their children are denied birth registration.¹⁵⁴ Other children are denied documentation when mothers refuse to implement contraceptive measures following the birth of their child.¹⁵⁵ Furthermore, giving birth out of wedlock is widely deemed to be illegal, and explicitly prohibited under

¹⁴⁹ This section is based on research and analysis conducted by Stephanie Gordon, Consultant and PhD Candidate specialising in the study of civil registration laws and practices in China.

¹⁵⁰ 人民网, "统计局:中国1300万人没户口 绝大多数为超生" 人民网People, 10 May 2011, available at: <http://politics.people.com.cn/GB/1026/14523741.html>.

¹⁵¹ D. Goodkind, "China's missing children: the 2000 census underreporting surprise", *Population Studies* 58 (3), 2004, pages 281-95.

¹⁵² 人民网People, 2011.

¹⁵³ For example Population and Family Planning Regulation of Fujian Province (Promulgated 26 July 2002, Effective 1 September 2002).

¹⁵⁴ S. Greenhalgh, "Planned births, unplanned persons", *American Ethnologist* 30, 2006, pages 196-215; for case studies see: <http://www.scmp.com/news/china/article/1284550/single-mothers-china-face-higher-legal-hurdles-outdated-policies>, or <http://www.lifesitenews.com/news/chinese-father-of-four-commits-suicide-over-one-child-policy-fines-so-his-c>.

¹⁵⁵ Congressional-Executive Commission on China, *Congressional-Executive Commission on China Annual Report*, 2013, page 103.

many provincial laws.¹⁵⁶ Single mothers are usually also fined social compensation fees, and some mothers face great difficulty registering their child's birth even if they pay a fine, because they lack a marriage certificate.¹⁵⁷ Finally, some children who are informally adopted or live in non-state orphanages are also denied birth registration.¹⁵⁸ Adoption is a political concern in China as the state attempts to prevent parents circumventing family planning policies through this route.¹⁵⁹ Across the board, children lacking birth registration tend to be situated in poorer rural regions.¹⁶⁰ Girls are less likely to be registered than boys as evidence suggests some parents are only willing to pay the fine if their child is male.¹⁶¹ Many children manage to secure birth registration later in their life, but some do not.¹⁶² At present, there is no indication that the denial of registration in the hukou system leads to non-recognition of Chinese nationality and therefore directly results in statelessness. Yet, those who continue to be refused registration in the system are denied legal identity, and may be at risk of statelessness, particularly if they cross national borders.

Kazakhstan

UNHCR reported figure (end 2013): 6,942

As with most other successor states of the Soviet Union, Kazakhstan is also affected by statelessness. With the UNHCR reported figure of 6,942 falling under the 10,000 benchmark for 'significant' stateless populations used throughout this report, Kazakhstan is not included in the table above showing the largest situations of statelessness in

¹⁵⁶ UK Border Agency "China: Country of Origin Information Report" *COI Service*, 2012, page 160.

¹⁵⁷ South China Morning Post, <http://www.scmp.com/news/china/article/1284550/single-mothers-%20china-face-higher-legal-hurdles-outdated-policies>.

¹⁵⁸ See A. High, "China's Orphan Welfare System: Laws, Policies And Filled Gaps" *U. of Pennsylvania East Asia Law Review* vol. 8, pages 127-176, 2013, page 163 on orphanages; and K. Johnson, *Wanting a Daughter, Needing a Son: Abandonment, Adoption, and Orphanage Care in China*, Yeong & Yeong Book Co, 2004.

¹⁵⁹ *Ibid*, K. Johnson.

¹⁶⁰ S. Li, Y. Zhang, M. Feldman "Birth Registration in China: Practices, Problems and Policies" *Population Research and Policy Review*, Vol. 29 (3), 2010, pages 297-317.

¹⁶¹ *Ibid*, pages 297-317; See also, Y. Cai (2013) "China's New Demographic Reality: Learning from the 2010 Census" *Population and Development Review* 39 (September), pages 371-396.

¹⁶² See above, note 158, K. Johnson.

Asia and the Pacific. Nevertheless, alternative sources of data suggest that the number of stateless persons may be substantially higher. Official data released by the Ministry of Internal Affairs indicates the number of stateless persons with permanent residence in Kazakhstan as of 1 October 2011 as 7,872. A further approx. 9,700 persons with 'undetermined citizenship' (identified as former USSR passport holders) were also living in the country, some of whom may be stateless. The Ministry of Justice has reportedly estimated that there were in the region of 21,000 stateless persons in the country.¹⁶³ In the 2009 national census by the Agency of Statistics of the Republic of Kazakhstan, 57,278 persons were identified as stateless. This was based on self-identification by the census respondent and, in the absence of other questions which would have enabled the census-takers to verify these responses, the data has not been recognised as entirely reliable.¹⁶⁴ Nevertheless, these alternative data sources suggest that statelessness is likely to affect more persons in Kazakhstan than currently reported by UNHCR.

India

Marked by an asterisk in UNHCR statistical data. Estimated size of stateless population: at least 60,000

India has been indicated with an asterisk in UNHCR's statistical reporting since 2005 so it has long been seen as a country where statelessness is a real problem, but reliable data remains unforthcoming. There are, in fact, multiple groups in India which are reported to be affected by statelessness which makes it a complex environment in which to map the issue. For example, the Chakmas and Hajongs migrated to India decades ago from the Chittagong Hill Tracts of what was then East Pakistan (now Bangladesh) and have settled in Arunachal Pradesh. Despite a Supreme Court judgment in favour of recognising the Chakmas as Indian citizens, this is reportedly still not the case in practice.¹⁶⁵ The number of Chakmas is estimated to be some 60,000-65,000 persons.¹⁶⁶ Other populations in India which

¹⁶³ US Department of State, *Country reports on human rights practices for 2013: Kazakhstan*.

¹⁶⁴ Commission on Human Rights under the President of the Republic of Kazakhstan, *Special Report on the situation concerning the rights of Oralmans, stateless persons and refugees in the Republic of Kazakhstan*, 2012.

¹⁶⁵ D. Singh, *Stateless in South Asia: The Chakmas between Bangladesh and India*, SAGE Publications, 2010.

¹⁶⁶ *Ibid.* See also, Calcutta Research Group, *Executive Summary of the Report on*

are reportedly affected by statelessness include: Hindus from Pakistan who came to India after the 1947 partition riots and are not considered as Indian citizens; inhabitants of the Chitmahals (Indian enclaves in Bangladesh); persons of Chinese origin in Kolkata; Nepali speakers in the north-eastern states; Bhutanese of Nepali origin living in eastern/north-eastern India; Bihari Muslims from Bangladesh;¹⁶⁷ and Rohingya refugees in India. Neither the total size of these populations nor the prevalence of statelessness among all them is clear – plus, in some reporting on these groups it is not evident that the term ‘stateless’ is being applied in the sense of the international legal definition.¹⁶⁸ Further research is being undertaken by the Calcutta Research Group¹⁶⁹ which should help to clarify the overall scale of the problem but it appears likely to affect many tens of thousands more people, if not even greater numbers.

Malaysia

UNHCR reported figure (end 2013): 40,000 (covering West Malaysia only)

The UNHCR-reported figure for Malaysia is an estimate¹⁷⁰ of the number of “potentially stateless people in Peninsular Malaysia”.¹⁷¹ UNHCR has more recently clarified that this figure relates to ethnic Indians (mainly Tamils) who are not being treated as Malaysian nationals.¹⁷² They were brought to Malaysia from India several generations ago while the country was under British rule and are elsewhere described as ‘stateless Indians’.¹⁷³ In all, ethnic Indians comprise a total of 7.8% of Malaysia’s population, or 1.9 million

“*The State of Being Stateless: A Case Study of the Chakmas of Arunachal Pradesh*”, (undated).

¹⁶⁷ Calcutta Research Group, *Mapping the stateless in India – phase 2*, 2011.

¹⁶⁸ See, for instance, media reports relating to the enclaves between Bangladeshi and India; *The Economist*, *The land that maps forgot*, February 2011.

¹⁶⁹ Calcutta Research Group, *Statelessness Project Concept Note*, available at: http://www.mcrg.ac.in/Statelessness/Statelessness_Concept.asp.

¹⁷⁰ According to a footnote in UNHCR’s statelessness statistical table for Malaysia, the estimate is “based on NGO and media reports, some citing official sources”.

¹⁷¹ UNHCR, *2011 Global Appeal Update: Malaysia*, 2011, available at: <http://www.unhcr.org/4cd96fc59.pdf>.

¹⁷² See, more recently, UNHCR, *2014-2015 Global Appeal: Malaysia*, 2014, available at: <http://www.unhcr.org/528a0a320.html>.

¹⁷³ See, for instance, N. Ramalo, *Stateless – Undocumented Indians*, South East Asia Human Rights Watch, 2011.

people.¹⁷⁴ The exact number of people affected by statelessness within Malaysia's Indian community remains highly contested (and heavily politicised), with some suggesting it is as low as 9,000 and others claiming that as many as 300,000 are stateless.¹⁷⁵ Importantly, the UNHCR figure does not account for other individuals or groups who may be affected by statelessness, including those outside Peninsular Malaysia (also known as West Malaysia), such as in the state of Sabah in East Malaysia (one of the two Malaysian states on the island of Borneo). There, unaccompanied minors or 'street children'¹⁷⁶ and the Bajau Laut (also known as Sama Dilaut or 'sea-gypsies')¹⁷⁷ are widely reported to be affected by statelessness, although again the numbers are unclear. Malaysia is also home to a large population of Indonesian and Filipino migrant descent or Filipino refugees. According to the last 2010 census, almost 900,000 of Sabah's 3.2 million population consists of non-Malaysian citizens.¹⁷⁸ Even though it remains unclear if this figure accounts for all the undocumented populations, an estimate of 200,000 to 500,000 undocumented migrants live in Sabah.¹⁷⁹ Within this undocumented population, an unknown number of Indonesian migrants or migrant workers may be affected by statelessness because they lost their nationality on the basis of their more than five years' residence abroad without consular registration under the pre-2006 Indonesian nationality law, and have not reacquired it.¹⁸⁰ In the case of irregular Filipino migrants, the absence of a permanent consular

¹⁷⁴ DHRRRA Malaysia, *Mapping and registration factsheet*, September 2014.

¹⁷⁵ See, for instance, M.D. Izwan, "Najib debunks 300,000 stateless Indian claim, says only 9,000", *The Malaysian Insider*, 12 December 2012.

¹⁷⁶ See, for instance, Greg Constantine's work on the 'Lost Children of Sabah', part of the *Nowhere People* project, available at: <http://www.nowherepeople.org>.

¹⁷⁷ See, for instance, J. Clifton, et al., "Statelessness and Conservation: Exploring the Implications of an International Governance Agenda", *Tilburg Law Review*, Volume 19, Issue 1-2, 2014.

¹⁷⁸ Department of Statistics Malaysia, *Population Distribution and Basic Demographic Characteristics 2010*, 2010, page 71, available at: http://www.statistics.gov.my/portal/download/Population/files/census2010/Taburan_Penduduk_dan_Ciri-ciri_Asas_Demografi.pdf.

¹⁷⁹ Compare the figures cited in the Malaysian press, here: <http://www.freemalaysiatoday.com/category/nation/2011/08/28/illegal-immigrants-in-sabah-a-numbers-game/>; and here: <http://www.theborneopost.com/2012/06/02/najib-announces-setting-up-of-rci-to-probe-issue-of-illegal-immigrants-in-sabah-new/>.

¹⁸⁰ According to IOM statistics, Malaysia hosts well over a million labour migrants from Indonesia. See http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/Final-LM-Report-English.pdf.

presence for the Philippines due to the unresolved dispute between the governments of Malaysia and the Philippines over the sovereignty of Sabah combined with low levels of birth registration can result in irregular Filipino migrants and their children lacking documentation to prove their link to the Philippines, risking difficulties in proving citizenship.

Therefore, part of the difficulty of ascertaining the size of the population affected is the ambiguity surrounding the nationality status of persons within these communities who are undocumented – i.e. the exact relationship between lack of identity documentation and statelessness is complex. This is particularly so with regard to children of Indonesian or Filipino migrant descent.¹⁸¹ Estimates of the number of street children who may be affected by statelessness range from 10-30,000,¹⁸² to 50,000,¹⁸³ to 150,000.¹⁸⁴ There are no estimates available for the overall number of migratory maritime populations/groups¹⁸⁵ affected by statelessness in Malaysia, but the number of undocumented Bahau Laut children is expected to be high due to their nomadic lifestyle even if they are born in Malaysian waters. One report suggested that 60% of one Marine Park's 2,500 resident Bajau Laut population (or 1,500 people) were stateless.¹⁸⁶ This is just a small proportion of the total Bajau Laut population estimated at being approximately 450,000¹⁸⁷ and it is unclear whether the level of statelessness among this group is representative. Finally, Malaysia hosts a significant number of refugees from Myanmar, including stateless Rohingya, as discussed later in this

¹⁸¹ See also C. Allerton, "Statelessness and the Lives of the Children of Migrants in Sabah, East Malaysia", *Tilburg Law Review*, Volume 19, Issue 1-2, 2014.

¹⁸² See above, note 176.

¹⁸³ This NGO estimate was reported in the Alertnet special multimedia report on statelessness, "Sabah's stateless children seek official status", *Thomson Reuters Foundation*, 23 August 2011; the Asia Foundation similarly reported an estimate of 52,000 stateless children in Sabah in a 2010 web-story, available at: <http://asiafoundation.org/in-asia/2010/12/08/sabahs-stateless-children/>.

¹⁸⁴ Various media reports citing other NGO estimates, including in Al Jazeera, *Malaysia's stateless children in legal limbo*, 16 July 2014.

¹⁸⁵ Ethnicities/groups include sub-groups of Bajau (Sama) and Suluk (Tausug).

¹⁸⁶ E. Wood, et al., *Results of the 2006 Community Census*, Semporna Islands Darwin Project, 2007.

¹⁸⁷ This is according to the World Directory of Minorities and Indigenous Peoples, and amounts to approximately 15% of the three million inhabitants of Sabah, Malaysia. See: <http://www.minorityrights.org/4542/malaysia/indigenous-peoples-and-ethnic-minorities-in-sabah.html>.

report. The overall picture is such that UNHCR's statistical report on statelessness in Malaysia appears not to be representative of the full reach of statelessness in the country, where it could affect tens of thousands more persons than presently reported.

Myanmar

UNHCR reported figure (end 2013): 810,000

Statelessness is a serious issue in Myanmar, both in terms of its scope and its impact. The principle group affected are the Rohingya, an ethnic, religious (Muslim) and linguistic minority who predominantly live in northern Rakhine state. They have suffered severe social and institutional marginalisation for decades and as a result of the implementation of the 1982 Citizenship Act they were arbitrarily deprived of their nationality.¹⁸⁸ Described as one of the most persecuted minority groups in the world, the treatment of the Rohingya has attracted the attention and indeed condemnation of the international human rights community.¹⁸⁹ The UNHCR figure for the number of persons under its statelessness mandate in Myanmar is based on household surveys conducted in three townships in north Rakhine state in 2010, since adjusted to take into account population birth/death rates. As such, it accounts only for stateless Rohingya and only for those found in that part of the country. The figure therefore does not include stateless Rohingya in other townships in Rakhine state, nor stateless Rohingya elsewhere in the country. Other sources report a total estimate of at least 1.33 million Rohingya in Myanmar (1.08 million of whom are in Rakhine state),¹⁹⁰ almost all of whom are stateless.¹⁹¹ None of these figures include other stateless persons

¹⁸⁸ According to the 1982 Citizenship Act and a subsequent Schedule, automatic acquisition of nationality is reserved for members of the 135 recognised 'ethnic nationalities' of Myanmar. The Rohingya (and a few other ethnic groups) have been excluded from this list. According to the letter of the law, most Rohingya should still be eligible for naturalised citizenship (a 'lesser' form of citizenship with fewer rights attached, the acquisition of which is not automatic and which can, once acquired, be deprived on multiple grounds). However, due to discriminatory implementation of the law and (related) lack or loss of documentation, very few have been able to acquire citizenship by naturalisation.

¹⁸⁹ See, for instance, Human Rights Council Resolutions A/HRC/19/L.30 of 20 March 2012; A/HRC/22/L.20 of 15 March 2013; and A/HRC/25/L.21 of 24 March 2014.

¹⁹⁰ See above, note 67.

¹⁹¹ *Ibid.* This source suggests that only an estimated 40,000 Rohingya do hold nationality in Myanmar and are therefore not stateless.

in Myanmar, i.e. non-Rohingya stateless. Other ethnic minority populations are also reported to be affected by statelessness in Myanmar as they are similarly excluded from the list of 'National Races' to whom citizenship is attributed under the Burma Citizenship Law. These include persons of Chinese, Indian and Nepali ancestries.¹⁹² According to Minority Rights Group International, persons of Chinese descent account for some 3% of Myanmar's population and persons of Indian descent a further 2%.¹⁹³ In 2001, the High Level Committee on the Indian Diaspora estimated the number of persons of Indian origin in Myanmar to be higher – as many as 2.5 million – and suggested that despite the government of Myanmar continuing to grant citizenship to this group in 'small batches', between 200,000 and 400,000 are still stateless.¹⁹⁴ There are no other reports on how many persons from these, or indeed other minority groups in Myanmar, are stateless. The UNHCR figure for the number of persons under its statelessness mandate seems to therefore underreport the problem in Myanmar by at least 500,000 persons, probably many more.

Nepal

Marked by an asterisk in UNHCR statistical data. Estimates for the size of the stateless population: an unknown percentage of 800,000 – 2.6 million persons

Nepal's 1951 citizenship law granted citizenship through both birth in the territory and descent. In 1990, Nepal revised its constitution and citizenship laws, abandoning the possibility of acquiring Nepali citizenship through birth on the territory and restricting the acquisition of Nepali citizenship to descent from a Nepali father only. As a result, millions of individuals in Nepal were unable to establish their citizenship status. In 2006, Nepal revised its citizenship act again, reviving granting citizenship by birth in certain circumstances, provided concerned individuals make an application within a two-year period. A subsequent nationality campaign enabled 2.6 million eligible citizens to receive Nepali citizenship certificates within two years. Nevertheless, a large number of people still do not hold citizenship

¹⁹² See, for instance on the vulnerability of ethnic Nepalese or Ghurkha descent to statelessness, above, note 68.

¹⁹³ Minority Rights Group, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma*, 2009.

¹⁹⁴ See the country section of Myanmar in chapter 20 of the Report of the High-Level Committee on the Indian Diaspora, 2001, page 60.

certificates and their status is currently unclear. In 2011, UNHCR published an estimate within its statelessness statistics of the number of persons without citizenship certificates in Nepal to be 800,000.¹⁹⁵ The Government of Nepal rejected that figure.¹⁹⁶ Since then, UNHCR has been in consultations with the Government of Nepal to clarify the estimates of stateless persons in the country, acknowledging that not possessing a Nepali citizenship certificate does not automatically mean that the person concerned is stateless. UNHCR has subsequently indicated Nepal with an asterisk in its statistical reporting.¹⁹⁷ A recent survey estimates the number of persons in Nepal without citizenship certificates to be 4.3 million, but does not further analyse how many of those are stateless.¹⁹⁸ The U.S. State Department acknowledges the range of estimates for stateless persons to be 2.3 to 2.6 million in Nepal, but this may again reflect those who lack of citizenship documentation which does not necessarily mean in all cases that the person is not recognised as a national.¹⁹⁹

Uzbekistan

Marked by an asterisk in UNHCR statistical data. Estimates for the size of the stateless population: 86,703 – over 500,000

UNHCR indicates Uzbekistan with an asterisk in its statistical reporting as a country where statelessness is known to have been a by-product of the dissolution of the Soviet Union but for which no reliable data can yet be reported. An Uzbek news report from 2008 stated that a source from the Interior Ministry had indicated that there were 'over 500,000' stateless persons in the country.²⁰⁰ This figure was also reported in a 2009 Refugees International publication.²⁰¹ The Uzbek

¹⁹⁵ UNHCR, *UNHCR Global Trends 2010*, Table 1, page 37.

¹⁹⁶ Anil Giri, "Govt Refutes UN's "Stateless Nepalis" Report", *Kathmandu Post*, 3 October 2012.

¹⁹⁷ UNHCR's Nepal country office website states as follows: "In 2011, UNHCR reported the figure of 800,000 as an estimate of individuals who lack citizenship certificates in Nepal. However, as individuals without citizenship certificates are not necessarily stateless, UNHCR has been in dialogue with the Government of Nepal to clarify and address the situation for future reporting." Please see: <http://www.unhcr.org/pages/49e487856.html>.

¹⁹⁸ M. Aryal, "Stateless in Nepal", *IPS News*, 10 March 2014.

¹⁹⁹ Please see the United States Department of State, *Country Reports on Human Rights Practices 2013: Nepa*.

²⁰⁰ "Uzbekistan's stateless people", *UZnews.net*, 15 January 2008.

²⁰¹ See above, note 43.

state party report submitted to the Committee on the Elimination of Racial Discrimination (CERD) in 2010 indicated that the country hosted the far smaller (but still significant) number of 86,703 stateless persons, according to data provided by the Ministry of Internal Affairs in respect of permanent residents in the country.²⁰² It is unclear to what extent there may be stateless persons without permanent residence in the country who do not feature in these statistics, nor has there been any further information issued since 2010.

Other countries in Asia and the Pacific

As UNHCR reports, there are over half a million stateless persons in **Thailand**, predominantly members of various indigenous and minority communities collectively known as 'hill tribes'.²⁰³ In **Brunei Darussalam**, according to UNHCR statistics, there are 20,524 stateless persons, which is equal to 5% of the population or a remarkable one in every twenty people in the country. **Viet Nam** has taken steps to facilitate the naturalisation of part of its resident stateless population in recent years, as well as to improve safeguards against statelessness in the country's nationality laws.²⁰⁴ Today, some 11,000 stateless persons in the country still await a solution, including many women who previously renounced Vietnamese nationality following marriage to a foreign national and were left stateless. In the **Philippines**, UNHCR reports 6,015 persons under its statelessness mandate but indicates in a footnote that this figure is "from a 2012 survey undertaken by the Government with UNHCR in southern Mindanao". As such, it does not account for any cases of statelessness in other parts of the country and is likely to underrepresent the problem. On the other hand, **Papua New Guinea** has been indicated with an asterisk in UNHCR statelessness

²⁰² Committee on the Elimination of Racial Discrimination, *Reports submitted by States parties under Article 9 of the Convention: Uzbekistan*, CERD/C/UZB/6-7, 31 March 2010.

²⁰³ There are many reports discussing the situation of this group. For a summary, see the series of three blog posts drafted in the context of recent research in Thailand by Laura van Waas entitled "Reflections on Thailand", the first of which is available here: <http://statelessprog.blogspot.nl/2013/02/reflections-on-thailand-1-protracted.html>.

²⁰⁴ See, for instance, UNHCR, *Statelessness: Former refugees win citizenship, and now dream of home ownership*, 15 September 2011; US Department of State, *Government Responses to Statelessness*, remarks by Senior Policy Officer for the Bureau of Population, Refugees and Migration, 28 February 2013, available at: <http://www.state.gov/j/prm/releases/remarks/2013/207642.htm>.

statistics for many years, but in fact this may be in error. While there is a sizeable stateless population in the country, this is reportedly comprised of stateless West Papuan *refugees* and they are therefore included within UNHCR's refugee statistics (with a figure of 9,378 persons).²⁰⁵ In **Cambodia**, the populations of ethnic Vietnamese, ethnic Chinese and children of other ethnic minorities have been variously identified as possibly being impacted by statelessness.²⁰⁶ The extent to which this is the case remains largely unmapped and the overall size of these populations is also uncertain – perhaps unsurprisingly, against the historic backdrop of persecution and ethnic cleansing of minorities during the rule of the Khmer Rouge. For example, a report looking in more detail at the position of Cambodia's ethnic Vietnamese commented on the diverging estimates for the size of this population – from official government data provided to the UN treaty bodies which put the number at some 72,000 to an estimate in the CIA World Fact book that this group accounts for some 5% of the total population, or 750,000 person – but was unable to resolve the question or determine the prevalence of statelessness among this population.²⁰⁷

In **Sri Lanka**, statelessness has largely been addressed by successive legislative initiatives and in particular by a 2003 law recognising the so-called 'hill Tamils' (Tamils of south Indian origin whose ancestors were brought to 'Ceylon' as it was then known by the British colonisers to work on hill country plantations) as nationals and a subsequent citizenship campaign that distributed identity

²⁰⁵ However, the position of this report is that it is necessary and correct for these and all other stateless refugees to also be included in statelessness statistics. See further section 3.VII on stateless refugees.

²⁰⁶ See, for instance, Asia Pacific Refugee Rights Network webpage on Cambodia, available at: <http://aprrn.info/wiki/tiki-index.php?page=Cambodia>; T. Duos, *To be determined: Stories of people facing statelessness*, 2012; M. Miller, *Ethnic and racial minorities in Asia. Inclusion or exclusion?* Routledge, 2012; Jesuit Refugee Service, *Brief on the Khmer Krom*, 2013; Radio Free Asia, *Ethnic Vietnamese left in limbo without citizenship*, 19 March 2014. Relevant literature also identifies the Khmer Krom as a group affected by statelessness in Cambodia but in fact this group is likely to possess Vietnamese nationality on the basis of previous historic residence in Viet Nam and the fact that access to Cambodian nationality is experienced as problematic is erroneously conflated with statelessness.

²⁰⁷ L. Nguyen and C. Sperfeldt, *A boat without anchors - A report on the legal status of ethnic Vietnamese minority populations in Cambodia under domestic and international laws governing nationality and statelessness*, Jesuit Refugee Service, 2012.

documents as proof of citizenship to those concerned.²⁰⁸ There is a lack of information about how many persons remain stateless to date despite these reduction efforts, such that the country is currently still indicated with an asterisk in UNHCR's statelessness statistics. In the other countries which UNHCR has indicated with an asterisk in its statelessness statistics, it is very difficult to find information about who is stateless and what the size of the populations are. In **Mongolia**, official statistics count only a small number of stateless persons on the territory but some other sources are reported as suggesting there may be tens of thousands. The country's ethnic Kazakh community, a minority group, faces the problem of statelessness because after thousands moved to Kazakhstan in the 1990s many returned to Mongolia but had lost – or renounced – their Mongolian nationality and were unable to reacquire it (and had also not managed to acquire Kazakh nationality while resident there). A statelessness survey conducted in 2010 uncovered several obstacles that stood in the way of restoring Mongolian nationality, including lack of awareness on the part of the population concerned as to their status and the possibilities available to them to resolve it, but did not reveal the number of persons affected.²⁰⁹

In **Indonesia**, statelessness had in the past affected large numbers of persons of Chinese origin – as many as 300,000 in 1992, according to one report.²¹⁰ This appears to have since been largely resolved due to both facilitated acquisition of Chinese citizenship by much of this population and later the reform of Indonesia's nationality law in 2006 which made it easier for ethnic Chinese to acquire Indonesian nationality.²¹¹ It is suggested that as many as three million ethnic Chinese in Indonesia still lack birth registration, but this is not an uncommon problem among the wider population in Indonesia either.²¹² It is therefore unclear to what extent there are residual

²⁰⁸ See, for instance, UNHCR, *Sri Lanka makes citizens out of stateless tea pickers*, 7 October 2004.

²⁰⁹ See UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Mongolia*, April 2010.

²¹⁰ Minority Rights Group, *World Directory of Minorities: Indonesians – Chinese* (undate).

²¹¹ L. Suryadinata, *Ethnic Chinese in contemporary Indonesia*, ISEAS Publications, 2008;

²¹² Indonesian Citizenship Institute, *32 Juta warga belum Punya akta kelahiran* ['32 million people have not got a birth certificate'], 17 April 2014.

cases of statelessness among this group,²¹³ nor has there been any reported mapping of other groups identified to face statelessness in Indonesia.²¹⁴ At present the country is marked with an asterisk in UNHCR's statistical reporting. The situation with respect of statelessness in **Pakistan**, also marked with an asterisk, is similarly hazy. A submission by UNHCR to the Universal Periodic Review process on Pakistan explains the problem: "While the Government of Pakistan considers Bengalis, Biharis and Burmese as illegal immigrants and aliens, these population groups consider themselves as citizens of Pakistan [...] The governments of Bangladesh and Myanmar do not consider these groups as their nationals".²¹⁵ The U.S. State Department acknowledged that international and national agencies estimated there are "possibly thousands" of stateless persons in Pakistan.²¹⁶ Other reports suggest that statelessness may actually be a widespread problem among the two – 3.5 million Bengali in Pakistan, signalling that statelessness could actually exist on a far greater scale in the country.²¹⁷ There is also potentially a significant Rohingya population in the country, who have integrated well, but may still be stateless. UNHCR is currently engaged in further mapping the situation of statelessness in Pakistan.

As was the case for Africa, it is evident that statelessness is severely underreported in Asia and the Pacific at present. From the presentation of available data on a number of countries which are currently un- or underreported in UNHCR's statistics, it is safe to **conservatively project that the true number of stateless persons in Asia and the Pacific is more than double what UNHCR is currently able to account for in its statelessness statistics.** It may be far higher if,

²¹³ There are some more recent media reports which relate ongoing problems but these do not indicate the scale of the issue. See, for instance, South China Morning Post, *Home is where the heart is for Indonesia's stateless community*, 2 May 2010.

²¹⁴ See UNHCR Indonesia webpage on Stateless People, available at: <http://www.unhcr.or.id/en/who-we-help/stateless-people>.

²¹⁵ UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Pakistan*, April 2012,.

²¹⁶ US Department of State, *Country reports on human rights practices for 2013: Pakistan*.

²¹⁷ Policy Research Group, *Pakistan treats its own Bengali citizens as aliens*, October 2010; The Express Tribune, *Identity crisis: "I was born here, live here and work here. Why can't I vote?"* 13 April 2013.

indeed, there are widespread problems of statelessness in China, India, Indonesia, Nepal and Pakistan, as some of the available information suggests there might be.

V. EUROPE

Statelessness is more comprehensively mapped in Europe than any other region.²¹⁸ Statistical reporting on statelessness has been achieved in 40 out of the 50 countries that fall within the scope of UNHCR's Europe regional bureau. **The total figure reported by UNHCR for persons under its statelessness mandate in Europe is 670,828.** Given that no European countries have been marked with an asterisk and in light of the impressive reach of UNHCR's data on statelessness in the region already, as well as the stronger state systems for identity documentation, the likelihood of there being further, large and hidden stateless populations is low. Nevertheless, as discussed below, the figures UNHCR reports for the number of stateless persons in countries around Europe are not necessarily representative of the full scale of the issue and there may be cases of underreporting. At the same time, there may also be over-reporting, for instance where census data has been used and this has become outdated due to a subsequent reduction in numbers.

Table 6: Countries in Europe with over 10,000 stateless persons or marked with *

Latvia ²¹⁸	267,789
Russian Federation	178,000
Estonia	91,281
Ukraine	33,271
Sweden	20,450
Germany	11,709
Poland	10,825

²¹⁸ On the profile of stateless populations in Europe, see also M. Manly, "UNHCR's Mandate and Activities to Address Statelessness in Europe", *European Journal of Migration and Law*, Vol. 14, 2012.

²¹⁹ Figure is for the total number of stateless persons reported by UNHCR in Latvia – separated in UNHCR's statelessness statistical table into two entries (267,559 'non-Citizens of Latvia' and 230 other stateless persons).

State succession is the primary cause of large-scale statelessness in Europe. **Some 85% of stateless persons reported in Europe can be found in just four countries (Latvia, the Russian Federation, Estonia and Ukraine) – in all cases as an enduring product of the dissolution of the Soviet Union.** The exact source of the significant number of stateless persons who can be found in a number of other European countries is more difficult to pin-point, but is likely to arise as a result of: immigration of stateless persons from other countries and regions, the presence of migrants who have become stateless following their arrival in the country,²²⁰ and the operation of the country's nationality rules which fail to adequately safeguard against statelessness arising from a conflict of nationality laws.²²¹ Although beyond the countries affected by the dissolution of the USSR and Yugoslavia, statelessness is commonly perceived as a migratory phenomenon in much of Europe, it is of interest to note that where further mapping has been undertaken, this shows that a large proportion of stateless persons were born in the country they are presently found in.²²² Those who are stateless migrants also seem often to be European in origin, contradicting the common assumption that stateless persons have largely 'arrived' in Europe from other parts of the world. A recent mapping study in Belgium concluded, for instance, that "of the lawfully present stateless population in Belgium, almost two thirds were born in Europe".²²³

Germany

UNHCR reported figure (end 2013): 11,709

In UNHCR's statistical reporting, it notes the following with regard to the number reported for Germany: "The figure does not represent the entire number of persons registered as stateless in the German Central Aliens Register. The number of stateless persons holding a humanitarian

²²⁰ For instance, due to the dissolution of their state of origin.

²²¹ For instance, due to absent, inadequate or poorly implemented safeguards to guarantee that all otherwise stateless children born in the territory acquire a nationality. See on such problems in Europe, European Network on Statelessness, *Preventing childhood statelessness in Europe: Issues, gaps and good practices*, April 2014

²²² See, for instance, the comments on statelessness in Germany and the Netherlands below.

²²³ The report goes on to identify successor states of the Soviet Union and the former Yugoslavia as the important countries of origin of stateless persons in Belgium. See UNHCR, *Mapping statelessness in Belgium – Summary report*, 2012.

residence title (not all of whom are persons of concern to UNHCR) and the number of stateless asylum-seekers have been deducted from it'.²²⁴ Thus, to avoid double-counting across UNHCR's different mandates,²²⁵ only a sub-group of those identified as stateless in Germany are reported. In contrast to its statistical approach to Sweden – see below – UNHCR has not included persons registered in Germany as being of 'unknown nationality', of which there were over 38,000 in the Central Aliens Register in 2011.²²⁶ While not all of these persons will be stateless, one report citing data from the late 1990s suggested that some 75% of those registered with 'unknown nationality' were stateless Palestinian refugees from Lebanon.²²⁷ There is no new information on this particular group, but it is evident from this example that there are likely to be many thousands of stateless persons among the population registered as 'nationality unknown'. What is furthermore of interest with respect to the statistics in Germany is that although the phenomenon arises predominantly in a migration context – i.e. it affects persons who are from outside Germany – a significant proportion was born in Germany: almost 30% of those recorded as either stateless or of unknown nationality in Germany were born in the country.²²⁸ Statelessness is thus not just a problem in Germany, but also *of* Germany, as it also affects many people who were born there.²²⁹

²²⁴ This is indicated by a footnote in the statistical table of the UNHCR 2013 *Global Trends* report in which the data can be found.

²²⁵ Although, as UNHCR points out, the methodology adopted also means that those who hold a humanitarian residence title but are not of concern to UNHCR are extracted from the statelessness statistics even though they would not be counted elsewhere as of concern to UNHCR.

²²⁶ See the data provided by the German statistical office in an overview of non-nationals resident in Germany in 2011, available at: https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevolkerung/Tabellen/AuslaendischeBevoelkerungStaatsangehoerigkeit.xlsx?__blob=publicationFile.

²²⁷ Monika Kadur, Fadia Foda, "Cycle of Isolation: the Situation of Palestinian Refugee Women in Germany", in: Abbas Shibliak (ed.), *The Palestinian Diaspora in Europe – Challenges of Dual Identity and Adaptation*, Refugee and Diaspora Studies Series, No. 2, Institute of Jerusalem Studies / Palestinian Refugee and Diaspora Centre, 2005. Note that as refugees they would be recorded in UNHCR's refugee statistics rather than its statelessness statistics.

²²⁸ This is calculated based on the statistics provided in respect to the registration of the foreign population in Germany at the end of 2013, available at: <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevolkerung/Tabellen/Geburtsort.html>.

²²⁹ See further on statelessness in Germany also K. Bianchini, "On the protection of stateless persons in Germany", *Tilburg Law Review*, Vol. 19, No. 1-2, 2014.

Italy

UNHCR reported figure (end 2013): 470

UNHCR only reports a small presence of stateless persons in Italy – the figure in the 2013 General Trends, which is actually based on data from 2011, is 470 persons.²³⁰ Yet other sources have indicated that there may be a larger problem of statelessness in Italy. In particular, Italy is known to be home to a sizeable Roma population, only 40-60% of which holds Italian nationality.²³¹ While many of the non-Italian national Roma will hold the nationality of another country, it is suggested that among those who came to Italy from the former Yugoslavia and have been residing in the country for up to 30 years without any defined legal status, there may be a significant number of persons who are in fact stateless.²³² Only one concrete estimate can be found to date, issued by an Italian religious-based charity in 2008, which estimated that 10,000-15,000 Roma in Italy were stateless due to the aforementioned circumstances.²³³ The European Roma Rights Centre has reported that according to official Italian statistics, there are 800 stateless Roma recorded in the country. However, it too estimates that the true figure is likely to be “a few tens of thousands”.²³⁴ Mapping studies are now underway to get a better picture of the number of Roma affected by statelessness in Italy and determine whether this figure is an accurate representation of the problem.

²³⁰ This is indicated by a footnote to the statistical table of the UNHCR *2013 Global Trends* report in which the data can be found.

²³¹ The estimate of 40% can be found in: The National Union of Roma and Sinti in Italy, *Report – Roma Communities in Rome, Naples and Milan*, 2008. The estimate of 60% can be found in: N. Sigona and ‘Lo Scandolo dell’allerità, *Roma e sinti in Italia*. The estimate of “about half” can be found in: The European Roma Rights Centre, OsservAzione and Amilipé Romanò, *Submission to the Universal Periodic Review of Italy*, 2010.

²³² See, for instance, Organisation for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, High Commissioner on National Minorities, *Assessment of the Human Rights Situation of Roma and Sinti in Italy – Report of a fact-finding mission to Milan, Naples and Rome on 20-26 July 2008*, March 2009.

²³³ Sant’Edigio, *Thousands lead invisible life in Italy*, 14 September 2008.

²³⁴ European Roma Rights Centre, *Italy: Country Profile, 2011-2012*, 2012.

Latvia

UNHCR reported figure (end 2013): 267,789

The number of persons reported as falling under UNHCR's statelessness mandate in Latvia comprises two groups. The vast majority are the so-called 'non-citizens of Latvia' who were left stateless following the country's independence from the Soviet Union. This is due to the approach Latvia took to the distribution of nationality upon independence, whereby it effectively reinstated the 1919 citizenship law that was in place prior to Latvia's incorporation into the Soviet Union. Persons who were nationals under that law and their descendants, acquired nationality. Soviet citizens who moved to Latvia during Soviet rule, principally ethnic Russians, did not qualify for nationality but were recognised as 'non-citizens of Latvia'. They enjoy a secure legal status and a wide range of rights, including many on a par with nationals of the state, but do not hold the right to vote or stand for election. To naturalise, stateless 'non-citizens' must pass language and other integration tests (e.g. a history exam) and to secure Latvian nationality for their children they must complete a declaration procedure – a process that has recently been simplified leading to an increase in the number of children acquiring nationality.²³⁵ Although the numbers are slowly dwindling, this stateless group still accounts for some 12.5% of the Latvian population today. The remaining 230 persons also reported as stateless in Latvia are those who are recognised as such in accordance with the law on the status of stateless persons that the country enacted in 2004.²³⁶

²³⁵ For an analysis see, S. Djackova, "Statelessness among children in Latvia: current situation, challenges and possible solutions", *European Network on Statelessness*, 29 September 2014, available at: <http://www.statelessness.eu/blog/statelessness-among-children-latvia-current-situation-challenges-and-possible-solutions>.

²³⁶ For further details of the situation of these two stateless groups in Latvia and the legal regimes regulating their status, see, I. Reine, representative of the Government of the Republic of Latvia, "Protection of stateless persons in Latvia", *Seminar on prevention of statelessness and protection of stateless persons within the European Union*, June 2007; Refugees International, *Latvia: the perilous state of nationality rights*, January 2011.

Netherlands

UNHCR reported figure (end 2013): 1,951

As was the case for Italy, UNHCR only reports a relatively small presence of stateless persons in the Netherlands – the figure in the 2013 General Trends is 1,951 persons. This broadly corresponds with data on statelessness compiled by the Dutch Central Agency for Statistics which is based on registration details from the municipal population registry.²³⁷ Generally, only persons with lawful stay in the Netherlands are able to register in this registry, so any stateless persons who are in the country irregularly will not be captured in this data. On the other hand, the data may include some stateless *refugees and asylum seekers*, since the registry holds data on persons with all different types of residence permit.²³⁸ A more important reason for drawing attention to the situation in the Netherlands is that, like in Germany, there are also a high number of persons registered in the country as being of ‘unknown nationality’: in fact, almost 89,000 persons were registered as such in the Netherlands at the end of 2012.²³⁹ Unlike the case for Sweden, these persons are not included within UNHCR’s statistics at present. Within this population of 89,000 persons of ‘unknown nationality’, statelessness is likely to affect a significant number, given that the country of birth for many thousands of these individuals is one where statelessness is known to be a problem – such as the former Soviet Union, the former Yugoslavia, Iraq and Syria.²⁴⁰ The UNHCR statistic is therefore likely to significantly underrepresent the true scale of statelessness in the Netherlands. Again similarly to Germany, a further point of interest with respect to statelessness in the Netherlands is the substantial proportion of stateless persons who were born in the country. A remarkable 70% of persons registered as stateless in the Netherlands were born in the country.²⁴¹

²³⁷ In 2012, the Central Agency for Statistics reported 2,005 stateless persons living in the Netherlands. See above, note 57.

²³⁸ In Germany, for instance, UNHCR had specifically indicated extracting stateless refugees and persons with other forms of humanitarian status from the statistics reported under its statelessness mandate, but that does not appear to be the case in the Netherlands.

²³⁹ See above, note 57.

²⁴⁰ *Ibid.* See for an explanation of the difficulties of registering statelessness and the procedural reasons behind the large number of persons of unknown nationality in the Netherlands, K. Swider, *Statelessness determination in the Netherlands*, 2014.

²⁴¹ See also UNHCR, *Mapping statelessness in the Netherlands*, 2011.

Russian Federation

UNHCR reported figure (end 2013): 178,000

The Russian Federation faced a serious problem of statelessness, as did all successor states, following the disintegration of the Soviet Union. The numbers have been shrinking due to subsequent measures adopted by Russia to reduce statelessness in its territory. According to some reports, approximately 600,000 stateless people acquired nationality between 2002 and 2009 through a simplified naturalisation procedure.²⁴² This has not entirely resolved the issue and UNHCR still reports a figure of 178,000 persons under its statelessness mandate in Russia – although this number is taken from the country's 2010 census,²⁴³ so may not account for any more recent naturalisations, particularly as the process of acquiring Russian nationality was again made easier through further law reform since the 2010 census.

Sweden

UNHCR reported figure (end 2013): 20,450

Sweden reports just over 20,000 stateless persons which, when off-set against a total population of some 9.5 million persons,²⁴⁴ means that one in every 500 or so people in the country is stateless. This number actually also includes persons who are registered as being of 'unknown nationality' – a group which accounts for over a third of the total figure reported. Some of these individuals would likely be found to hold a nationality if a nationality verification or statelessness determination exercise was undertaken. At the same time, those stateless persons who do not hold a residence permit are not included in Sweden's population register and may be eluding statistical reporting altogether. UNHCR has been carrying out some further mapping of statelessness in Sweden which should shed further light on the size and composition of the country's stateless population.

²⁴² See, for instance, UNHCR, *Global Appeal 2014-2015*; and the report on the recent *Conference on Migration and Statelessness* organised by UNHCR and IOM in Ashgabat in June 2014, available at: <http://www.iom.kz/new/116-conference-on-migration-ashgabat>.

²⁴³ This is indicated by a footnote in the statistical table of the UNHCR, *Global Trends 2013* report in which the data can be found.

²⁴⁴ See above, note 109, population figure for Sweden.

Other countries in Europe

The majority of stateless persons in Europe owe their plight to the break-up of the Soviet Union. In addition to Latvia and the Russian Federation, already discussed above, **Estonia** and **Ukraine** also make a sizeable contribution to the total tally for stateless persons in Europe: 91,000 and 33,000 persons respectively.²⁴⁵ Other situations of state succession in Europe have also created lasting statelessness problems, albeit on a smaller scale. The **Czech Republic** and **Slovakia** report populations of just over 1,500 persons each, while the total tally for the countries of the Former Yugoslavia stood at just over 12,000 persons at the end of 2013. Many of those affected in the latter are Roma who have been unable to establish their ties to any of the successor states, often due to lack of documentation or civil registration.²⁴⁶ A footnote for **Slovenia** (which recorded just four stateless persons) acknowledges that “the figure is based on an NGO analysis of government registry data and may not represent the full magnitude of statelessness in Slovenia”.²⁴⁷

In other parts of Europe, in countries unaffected by political changes in the 1990s, UNHCR’s statistics show that statelessness generally affects between a few hundred and a few thousand people. Only a minority of countries report smaller figure, such as **Ireland** (73 persons) and **Switzerland** (79 persons). Accurately quantifying statelessness remains a problem, however, because relevant statistical information is often spread across a number of different data sets that do not necessarily employ the same approach to the definition of statelessness or apply it in the same manner. This challenge became apparent in a mapping study conducted by Asylum Aid and UNHCR in the **United Kingdom** and published in 2011. Although there were multiple sources of data on statelessness, the report concluded that there

²⁴⁵ Note that in Estonia, as in Latvia, a specific legal status has been established to regulate the situation of ethnic Russians left stateless following the country’s independence. In Estonia, this group is identified as the persons of ‘undetermined citizenship’, which should not be confused with the situation of those registered with ‘unknown nationality’ elsewhere in Europe (the latter being an administrative category to deal with those persons who cannot establish or meet the burden of proof for the registration of their nationality or their statelessness).

²⁴⁶ See, for instance, UNHCR, *Report on Statelessness in South Eastern Europe*, September 2011.

²⁴⁷ See above, note 62.

was nevertheless “a problem in recording and categorising stateless persons”, in particular because of a “confused and overlapping” use of the categories of stateless, unknown and unspecified nationality across different data sets. Each year, several hundred persons entering asylum claims or making other applications under the provisions of the immigration law were identified as stateless by the UK authorities, but this data is insufficient to ascertain a total tally for the number of stateless persons currently in the country.²⁴⁸ Similar problems are in evidence in **Poland**, where the UNHCR statistic on the number of stateless persons in Poland of 10,825 is taken from country’s 2011 census.²⁴⁹ This tally likely relies on individuals’ self-identification as stateless, which may not be entirely accurate.²⁵⁰ Data from the Polish Central Statistical Office from the same year showed a high number of persons were recorded as being of ‘undocumented nationality’ (6,780) and much fewer were considered stateless (2,020)²⁵¹ – numbers that do not entirely correspond with the data drawn from the population census. In Poland as well then, it is very difficult to establish the true number of stateless persons. In 2013, the Polish Legal Aid Centre, Halina Niec, undertook a study of statelessness in Poland, looking at four other government data sources, and confirmed that “there is no clear and comprehensive statistical data on the number of stateless persons residing in Poland”²⁵²

Perhaps the most interesting conclusion to draw on the basis of the above discussion of statelessness situations in Europe is that although the phenomenon appears, at first sight, to be largely mapped and real ‘holes’ in the statistics are not apparent, a closer look at the numbers gives reason to question whether this data is truly accurate and comprehensive. In a number of countries in Europe, **there is a problem of persons being reported as holding an ‘unknown nationality’, which is obscuring the true number affected by statelessness.** It is apparent that there are still problems with the way stateless persons are

²⁴⁸ See above, note 56, pages 58-59.

²⁴⁹ This is indicated by a footnote to the statistical table of the UNHCR, *Global Trends 2013* report in which the data can be found.

²⁵⁰ See for the drawbacks of this approach, section 2.I of this report.

²⁵¹ *Ibid.*

²⁵² Halina Niec, *The Invisible. Stateless Persons in Poland*, 2013, English language summary available at: http://www.pomocprawna.org/images/stories/Pomoc_migrantom/The_Invisible_Stateless_Persons_in_Poland_2013_Summary.pdf.

identified, recorded and reported in different countries in Europe and it is likely that the absence of statelessness determination procedures in many places is contributing to this problem. On the other hand, the existence of statelessness determination procedures in some countries may also result in underreporting, with an overreliance on statistics provided by such procedures, to the exclusion of those (including asylum seekers, refugees, refused asylum seekers and irregular migrants plus their descendants) who have not presented themselves for statelessness determination. While it is difficult to estimate how severely UNHCR's statistics undercount on statelessness in Europe, **there are a significant number of people across the region who have not been identified as stateless and are not currently reported.** What a closer look at who is stateless in Europe also made apparent is that even beyond the state succession context, although it is also a migratory phenomenon, a great many stateless people were born in the country they are found in or in another European state. Thus, just as it is anywhere else in the world, statelessness is in large part a home-grown problem in Europe.

VI. MIDDLE EAST AND NORTH AFRICA

UNHCR reports a total of 444,237 persons under its statelessness mandate in the Middle East and North Africa (MENA). A review of how this figure is constituted shows that stateless Palestinians have not been included due to their particular legal status and position with reference to UNRWA and they will therefore also be discussed in a separate section, later in this report. What UNHCR's statistics also show is that there are both a number of countries with significant stateless populations (over 10,000 persons) and several for which the problem has been indicated as significant but where no figure has been reported. In combination, the absence of Palestinians from the data relating to persons under UNHCR's statelessness mandate and the absence of any data for three countries which are known to have significant statelessness problems, already points to substantial under-reporting on statelessness in UNHCR's statistics with respect to MENA.

Table 10: Countries in the MENA with over 10,000 stateless persons or marked with *

Syrian Arab Republic	160,000
Iraq	120,000
Kuwait	93,000
Saudi Arabia	70,000
Lebanon	*
Libya	*
United Arab Emirates	*

Many of the modern-day situations of statelessness in the MENA region have a long history. In some cases, the problem was created when the country originally adopted and implemented rules on nationality and when people were recognised – or not recognised – as nationals for the first time. In Lebanon and across a number of countries in the Arab Gulf, for instance, the failure to ensure that everyone was included and documented during early population census and registration exercises left many to live as stateless persons in their own country. Another key

cause of statelessness in the region was the pursuit of a strong Arab national identity, to the exclusion of particular minority groups, which led to policies resulting in statelessness in Iraq, Libya, Mauritania and Syria.²⁵³ The absence or lack of implementation of legal safeguards to ensure that children acquire a nationality and prevent the perpetuation of statelessness has served to ensure that these problems which were created at a particular time in the various countries' histories continue to affect new generations today. Moreover, due to the presence of gender discrimination in many laws in the region, that prevents women from passing their nationality to their children, the risk of statelessness among children is further heightened. Almost half of the countries worldwide which do not allow mothers to transmit nationality on the same terms as fathers can be found in this region.²⁵⁴ In the following paragraphs, the context and magnitude of statelessness in a selection of countries in the Middle East and North Africa is discussed in greater detail.

Iraq

UNHCR reported figure (end 2013): 120,000

In 1980, Iraq's Revolutionary Command Council passed a decree which provided for the withdrawal of nationality from anyone 'of foreign origin' who was deemed to be disloyal to the country. This decree was used to strip as many as 300,000 Fails Kurds of their nationality,²⁵⁵ leaving them stateless.²⁵⁶ A large proportion of those affected were also forcibly expelled, most seeking refuge in Iran where some were able to naturalise, but many remained as stateless refugees.²⁵⁷ Their numbers were estimated to be approximately 130,000 in 2004.²⁵⁸ After Saddam

²⁵³ See further in the relevant country sections below.

²⁵⁴ 12 out of the 27 countries whose nationality laws discriminate against women are found in the MENA. See above, note 22. Since this UNHCR background note was published, Suriname amended its nationality law to remove discrimination against women in all aspects of the enjoyment and transmission of nationality.

²⁵⁵ The Fails Kurds are a Shia, ethnic Kurdish minority group in Iraq who suffered severe discrimination under the regime of Saddam Hussein who perceived them as being aligned with Iran.

²⁵⁶ See A. Shiblak, "The lost tribes of Arabia", *Forced Migration Review*, Number 32, 2009; E. Campbell, *The Fails Kurds of Iraq: Thirty years without nationality*, Refugees International, 2 April 2010; UNHCR, *The situation of stateless persons in the Middle East and North Africa*, October 2010.

²⁵⁷ See, for instance, *Fails Kurds seek way out of identity impasse*, UNHCR News Story, 28 May 2008.

²⁵⁸ M. Verney, "The Fails Kurds. Expulsion. A forced march. And the loss of

Hussein's regime was ousted, a new nationality law passed in 2006 declared void the 1980 decree and paved the way for the return and reacquisition of nationality by the Faili Kurds. The Iraqi authorities have since reported that the vast majority of those Faili Kurds who remained in or returned to Iraq have now had their nationality reinstated – a finding which has been corroborated by the leadership of the Faili Kurd community. Nevertheless, the requirements to be met by Faili Kurds seeking to regain their nationality were described in one report as “almost crippling”²⁵⁹ and a relatively small but unknown number of persons concerned have been able to satisfy the evidentiary requirements such that statelessness remains a problem in Iraq. The Iraqi Ministry of Displacement and Migration has expressed its commitment to resolving the issue, declaring that “the Faili Kurds file will not be closed in anticipation of the existence of some of them who didn't get their documents so far”.²⁶⁰ UNHCR maintains the figure of 120,000 persons under its statelessness mandate in Iraq, but indicates that this “is an estimate and currently under review”, acknowledging that the situation in Iraq is changing but the exact impact of efforts to resolve statelessness has not been confirmed to date.

Lebanon

Marked by an asterisk in UNHCR statistical data. Estimated size of stateless population: 80,000 – 200,000

Statelessness is a significant yet poorly understood problem in Lebanon. While it is common knowledge that the state hosts a large population of stateless Palestinians,²⁶¹ other cases of statelessness in the country receive far less attention. There are a number of causes which underlie the statelessness of this population: the authorities overlooked part of the population during the first registration of inhabitants and subsequent identification of nationals in the 1920s-30s and this has since been only partially remedied; the legal safeguards which can be found in the law to prevent statelessness at birth are

nationality”, *Refugees Magazine*, Volume 1, Number 134, 2004; Norwegian Refugee Council, *Profile of Internal Displacement: Iraq*, Global IDP Database, 2004.

²⁵⁹ F. J. Darah, “Faili Kurds: The curse of compound identity and scars of collective memory” in S. Salloum, *Minorities in Iraq: Memory, Identity and Challenges*, Masarat for Culture and Media Development, 2013, page 120.

²⁶⁰ “The displacement ministry restores nationality to 97% of Faili Kurds”, *Shafaq News*, 4 February 2013.

²⁶¹ See section 3.VIII for further information on stateless Palestinians.

rarely, if ever, implemented in practice; and the law does not allow Lebanese women to transmit nationality to their children so if they are unable to acquire a nationality from the father, they are left stateless. Moreover, if a child's birth has not been officially registered within the first year, the authorities do not recognise the person as a national until the birth registration has been completed. A petition must be made to the court to effectuate the birth registration and recognition of nationality and this procedure is inaccessible or ineffective for many. These different causes mean that different groups are affected by statelessness in Lebanon, making mapping that much more complex. There has also been no national census in Lebanon since 1932 due to political sensitivities surrounding the demographic composition of the country. Nevertheless, there is consensus that among those populations which are significantly affected are the Bedouin²⁶² and Kurdish²⁶³ communities. In 1994, the Lebanese authorities passed a naturalisation decree which granted nationality to 150,000-200,000 people.²⁶⁴ This act partially addressed the situation of statelessness in the country, but approximately half of those naturalised already held a foreign nationality so the measure was not solely targeted at remedying statelessness. It is not known how many people remain stateless in Lebanon today. Various sources only provide partial data, for instance estimating that there are still 10,000-15,000 stateless Bedouin,²⁶⁵ or between 3,000 and 5,000 stateless Kurds.²⁶⁶ One Lebanese NGO which has been studying the problem has estimated that statelessness affects a total of 80,000 - 200,000 people in the country,²⁶⁷ although the results of efforts to more precisely survey the issue are still pending.

²⁶² See D. Chatty and N. Mansour, *Bedouin in Lebanon: Statelessness and Marginality*, feature piece, Refugee Studies Centre, C Winter Newsletter, 2011, available at: <http://www.rsc.ox.ac.uk/about-us/newsletters/RSCWinterNews11.pdf>.

²⁶³ See above, note 51. See also, L. Meho and F. Kawtharani, "The Kurdish community in Lebanon", *International Journal of Kurdish Studies*, 19 (1-2), 2005; M. el-Khoury, T. Jaulin, *Country Report: Lebanon*, EUDO Citizenship Observatory, 2012.

²⁶⁴ The official Gazette, *Al-Jarida Al-Rasmiyya*, of 30 June 1994 stated that 39,460 families were admitted to the Lebanese citizenry. Statistics supplied by the Ministry of the Interior indicate that 157,216 people were granted naturalisation and a further 45,311 spouses and children also benefited by extension, yielding a total of 202,527. Statistics cited in "Lebanese Citizenship: Given arbitrarily", *The Monthly*, Information International, Issue 94, May 2010.

²⁶⁵ See above, note 262.

²⁶⁶ See above, note 263, L. Meho and F. Kawtharani.

²⁶⁷ See above, note 51.

Libya

Marked by an asterisk in UNHCR statistical data. Estimated size of stateless population: 1,085 – up to 50,000 (Tebu community only)

Statelessness has been identified as a problem that affects certain minority populations in Libya, as a result of policies of 'Arabisation' implemented under the former regime of Moammar Gadhafi. Berber (Amazigh), Tuareg and Tebu are three communities for whom access to citizenship has been reported as problematic.²⁶⁸ The magnitude of the problem is not known and UNHCR indicates the country with an asterisk in its reporting on statelessness. While no published information is available on statelessness among the Berber and Tuareg populations, there has been some limited reporting on the Tebu minority. The Carter Center reported in 2012 that the district court in Kufra ordered the removal of 1,085 voters (members of minority groups) from the electoral register because they were deemed inhabitants of Aouzou and lost their citizenship under a 1998 law.²⁶⁹ How many of this group do not enjoy another nationality is unknown. In late 2012, a representative of the Tebu community in Libya was quoted as estimating the size of the Tebu minority to be 50,000, an unknown number of whom are affected by statelessness due to the aforementioned 1998 law.²⁷⁰

Saudi Arabia

UNHCR reported figure (end 2013): 70,000

In Saudi Arabia and across the Arabian Peninsula, one stateless group has acquired its own term, *Bidoon* or 'without' (short for *bidoon jinsiya* or 'without nationality'). The Bidoon owe their statelessness to the failure to register when the countries in the Gulf first promulgated their nationality laws and started to record and issue documentation to their nationals. They and their descendants remain stateless today because they have limited access to naturalisation in their state of residence and because the law does not guarantee that children of stateless parents are able to acquire a nationality. It has become a deeply entrenched, inter-generational problem and to be Bidoon today can also mean to suffer discrimination specifically on account of that status which has

²⁶⁸ See, for instance, United Nations Inter-Agency Mission to Southern Libya, 15-18 November 2011.

²⁶⁹ The Carter Center, *Carter Center Congratulates Libyans for Holding Historic Elections*, 9 July 2012.

²⁷⁰ As reported in L. van Waas, *The Stateless Tebu of Libya?*, May 2013.

become stigmatised in Gulf societies. Saudi Arabia is reportedly home to the second largest Bidoon population – after Kuwait – and UNHCR estimates there to be some 70,000 persons under its statelessness mandate in the country. There have been no detailed studies of the statelessness situation in Saudi Arabia, nor any government figures released publically. National media outlets and any other available documents which touch on the problem of statelessness in Saudi Arabia repeat the figure of 70,000 which is reported by UNHCR. The Saudi Bidoon population actually comprises persons from a variety of different, often traditionally nomadic tribes, living in different parts of the country, and so is not a homogenous group. In addition to the Bidoon, it is important to note that there are also a large number of stateless Rohingya refugees living in Saudi Arabia.²⁷¹

United Arab Emirates (UAE)

Marked by an asterisk in UNHCR statistical data. Estimated size of stateless population: 10,000 – 100,000

As in Saudi Arabia, stateless persons in the UAE are known as Bidoon and are mostly descendants of nomadic groups in the Arabian Peninsula who are stateless because they failed to be registered as citizens of the countries in which they lived at the time of state formation. The number of stateless persons in the UAE is disputed and UNHCR currently marks the country with an asterisk in its statistical reporting. The Government of the UAE asserts that there are around 10,000 Bidoon in the country.²⁷² Independent observers, however, maintain that this number vastly underestimates the true population size of the Bidoon in the UAE. The United States State Department acknowledges that estimates range from 20,000 to 100,000 resident Bidoon in the UAE.²⁷³ The figure of 100,000 has also been acknowledged by the Emirates Center for Human rights.²⁷⁴ Like Saudi Arabia, the UAE also has a significant (though smaller) Rohingya population.²⁷⁵

²⁷¹ See section 3.VII on stateless refugees for more details.

²⁷² Please see Katie Cella, *The U.A.E's Brewing Crisis*, 3 February 2014.

²⁷³ See above, note 43. See also, The United States Department of State, *Country Reports on Human Rights Practices 2013: United Arab Emirates*.

²⁷⁴ Please see Emirates Center for Human Rights, *The Bidoun of the United Arab Emirates*, July 2012.

²⁷⁵ See section 3.VII on stateless refugees, for further details on the Rohingya refugees.

Other countries in the Middle East and North Africa

Elsewhere in the MENA region, statelessness has also been a substantial problem. In **Kuwait**, statelessness also affects a sizeable Bidoon population. They number 93,000 persons according to UNHCR statistics, or 106,000 persons according to other sources.²⁷⁶ They have now been stateless for over half a century. While at first this presented few practical problems, the situation of the Bidoon in Kuwait deteriorated dramatically in the 1980s when their access to various rights – work, education, healthcare – was significantly restricted. In recent years, despite some measures to bring about improvement in their situation, the Bidoon population has remained severely marginalised and has also seen the imposition of renewed rights restrictions.²⁷⁷ In **Syria**, against a backdrop of ‘Arabisation’ measures introduced to assert an Arab national identity, an arbitrary census exercise conducted in Al-Hasake region in 1962 left some 120,000 Kurds stateless. Part of this population was registered as *ajanib* (foreign) and many others were not registered at all and came to be described as *maktoumeen* (hidden).²⁷⁸ Because there was nothing to stop this status being inherited by the next generation, the number of both *ajanib* and *maktoumeen* grew, affecting an estimated 300,000 persons by the time of the onset of the current crisis in Syria in 2011.²⁷⁹ The figure reported by UNHCR for the number of persons under its statelessness mandate in Syria at the end of 2013 is just over half that – 160,000 people. The drop in numbers is due in part to a naturalisation decree which was issued in the spring of 2011 and has allowed tens of thousands of *ajanib* stateless to acquire Syrian nationality, but it is also due to the mass population displacement that the Syrian crisis has prompted, which has caused tens of thousands of stateless Kurds from Syria to leave the country. They are no longer recorded within

²⁷⁶ Human Rights Watch, *Prisoners of the Past. Kuwaiti Bidun and the Burden of Statelessness*, June 2011.

²⁷⁷ Most recently, in October 2014, it was reported that Bidoon children who were unable to present a birth certificate were denied access to schools. See “600 Bidoon children denied admission to local schools – Kids without birth certificates crammed in makeshift classrooms”, *Kuwait Times*, 14 October 2014.

²⁷⁸ Human Rights Watch, *Syria: The Silenced Kurds*, 1 October 1996; KurdWatch, *Stateless Kurds in Syria: Illegal invaders or victims of a nationalistic policy?* March 2010.

²⁷⁹ See also UNHCR, *Global Trends 2011, 2012*.

UNHCR's statelessness statistics because they are stateless *refugees*.²⁸⁰ There are several other large-scale stateless refugee situations in the region, including the Black Mauritians displaced to **Mali** and **Senegal** and the Sahrawi refugees from Western Sahara in **Algeria** and **Mauritania**. These groups are discussed in the section below which specifically looks at stateless refugees. Finally, there are further situations of statelessness in the MENA region which remain almost entirely unreported by states and other actors. Statelessness has been flagged as an issue with respect to, for instance, the al-Azazma, one of the largest so-called Negev Bedouin communities, a tribe that lives in parts of Southern **Israel** and the Sinai Peninsula of **Egypt**, as well as Southern **Jordan**.²⁸¹ It is not entirely clear how many of this tribe face statelessness and their situation seems to differ in the various countries they can be found in. Similarly, the Dom community – a gypsy group found across much of the MENA region and believed to be distantly related to the Roma in Europe – have also been reported to face difficulties accessing nationality, in particular in **Lebanon**²⁸² and **Iraq**.²⁸³ Again, the scale of the problem is not known and mapping statelessness within the region is especially complex at present due to the current political and security context.

The foregoing demonstrates that statelessness is a very real problem in the Middle East and North Africa, beyond the specific context of the Palestinian community. There are many minority groups, in different parts of the region, whose members are reported to experience nationality problems. Quantifying the problem is a massive challenge in this region though, because of the diversity of the groups affected and the underlying causes, as well as the high political sensitivity of questions of citizenship and demography in many countries. It is a region in which further mapping of stateless populations is evidently

²⁸⁰ See further, section 3.VII on stateless refugees.

²⁸¹ D. Chatty, *Nomadic Societies in the Middle East and North Africa: Entering the 21st Century*, Brill, 2006, at page 904; K. Darmame, S. Nortcliff and R. Potter, "The role of water and land management policies in contemporary socio-economic development in Wadi Faynan" in S. Mithen and E. Black (Eds.) *Water, Life and Civilisation: Climate, Environment and Society in the Jordan Valley*, Cambridge University Press, 2011.

²⁸² Terre des Hommes, *The Dom people and their children in Lebanon*, 2011.

²⁸³ IRIN, *Iraq: Gypsies call for greater rights*, 3 March 2005. According to Minority Rights Group International, there are as many as 60,000 Dom in Iraq. See Minority Rights Group International, *Iraq Overview*, 2008, available at: <http://www.minorityrights.org/?lid=5726>.

needed, but also where such activities will be difficult to carry out. On the basis of what incomplete data there is, it is apparent that **the UNHCR statistics for statelessness in the MENA significantly underrepresent the problem and (excluding stateless Palestinians and refugees such as the Rohingya) the lowest estimate for how many of stateless persons are currently unreported is 100,000 persons.**

VII. STATELESS REFUGEES

Most stateless persons have never crossed an international border, but continue to live in the country of their birth or ancestry. Nevertheless, statelessness is recognised as an important root cause of forced displacement²⁸⁴ and there have been many instances, both historical and contemporary, in which stateless persons have been compelled to escape persecution in their country and seek refuge elsewhere. So, while not all stateless persons are refugees and, indeed, not all refugees are stateless, there is some overlap between these two groups. A person can be both stateless²⁸⁵ *and* a refugee²⁸⁶ for the purposes of international law. As explained in section 2.II, however, when UNHCR issues data relating to the number of persons under its statelessness mandate, these figures generally do not include those individuals who have already been ‘counted’ elsewhere in UNHCR’s statistical reporting. As such, the information presented above with regard to statelessness around the globe concentrates mainly on non-refugee stateless persons, covering a large proportion of stateless persons but failing to account for those cases where statelessness and refugee status overlap. This section will canvas the world’s most significant stateless refugee populations.²⁸⁷

Bhutanese

During the 1990s, over 100,000 ethnic Nepali Bhutanese – often referred to as ‘Lhotshampas’ – were displaced across the border into Nepal. As discussed above, during the 1970s and 80s, the Bhutanese authorities adopted an ever-more restrictive approach to citizenship and this ultimately led to the arbitrary deprivation of nationality from the country’s ethnic Nepali community. Those who were forcibly expelled have not since been allowed to return and despite repeated

²⁸⁴ See above note 36, UNGA Resolution.

²⁸⁵ Meeting the definition of article 1 of the 1954 Convention relating to the Status of Stateless Persons.

²⁸⁶ Meeting the definition of Article 1, United Nations Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, 1951.

²⁸⁷ Please note that stateless Palestinian refugees are discussed separately in section 3.VIII.

attempts to negotiate solutions with both the governments of Bhutan and Nepal, neither country is willing to offer them a way out of their plight. More than 83,000 have now been resettled to eight countries which have agreed to provide a durable solution.²⁸⁸ By the end of 2013, just over 30,000 remained in refugee camps in Nepal²⁸⁹ – all of whom are *stateless* refugees.

Black Mauritians

In April 1989, against a backdrop of drought, land-grabbing and a border dispute, inter-communal conflict flared up in Mauritania. Over the course of the next year, the government arbitrarily denationalised over 60,000 'Black Mauritians', leaving them stateless, and simultaneously expelled them from the country.²⁹⁰ Following the conclusion of a tripartite agreement between UNHCR and the governments of Mauritania and Senegal (the host country of the majority of these stateless refugees), a significant number were able to return. Restoration of nationality and re-issuance of citizenship papers formed part of the repatriation agreement, such that those who returned to Mauritania should now be recognised as nationals. However, representatives of the expelled report significant problems in obtaining restoration of Mauritanian identity documents (as well as land and other property).²⁹¹ Nevertheless, there remain 13,703 refugees from Mauritania in Senegal and 12,897 in Mali, as well as just over 5,000 in France.²⁹² It is therefore unlikely that they are currently recognised as nationals by Mauritania – nor have they yet acquired

²⁸⁸ According to the latest information on UNHCR's country page on Nepal, available at: <http://www.unhcr.org/pages/49e487856.html>. For an impression of life as a Bhutanese stateless refugee see, "In Pictures: Nepal's Bhutanese Refugees", *Aljazeera*, January 2014.

²⁸⁹ The exact figure given in UNHCR, *Global Trends 2013*, is 30,977.

²⁹⁰ See above, note 94, page 105 onwards.

²⁹¹ There have been reports of returnees being denied identity cards and still not being recognised as nationals in Mauritania, such that some cases of statelessness may remain. See, for instance, E. Dessie, *The repatriation and reintegration of Mauritanian refugees from Senegal: entry-points for conflict transformation, a case study*, 2013. A widely criticised national census and population registration exercise which Mauritania embarked on in 2011 may have compounded issues. See also IHRDA, *3 ½ years later, Mauritanian refugees still await restoration of citizenship, reparation*, June 2011. Currently, however, the scale of this problem is unconfirmed.

²⁹² See above, note 62.

a new nationality in their state of refuge.²⁹³ This means that the remaining 30,000 or so Black Mauritians living in exile are likely to be *stateless* refugees.

Faili Kurds

When a Presidential Decree led to the deprivation of nationality from several hundred thousand Faili Kurds in Iraq in 1980, many were forced across the border into exile, mostly in Iran. There remains a sizeable group of refugees from Iraq in Iran: 43,268 at the end of 2013, according to UNHCR's refugee statistics. This number includes other, non-Faili refugees from Iraq – in particular those fleeing the US-led invasion and subsequent violence. It is therefore not clear how many within this group would be stateless Faili Kurds. One recent report indicates that estimates inside the country put the number at approximately 8,000 persons.²⁹⁴

Former Burundian refugees in Tanzania

In 2007, Tanzania offered naturalisation to Burundian refugees resident in the country since 1972 and their descendants; of those eligible, 80 percent, or 172,000 people, expressed their desire to remain in Tanzania, and the remaining 20 percent were to receive assistance with repatriation from March 2008. Because Tanzania does not recognise dual nationality, those wishing to naturalise had to renounce their Burundian citizenship, with no possibility of retaining refugee status without naturalising. However, the naturalisation procedure was stalled in 2012, when almost complete, leaving thousands in limbo: they had renounced Burundian nationality but had not received Tanzanian certificates of naturalisation, even if named in lists of those approved for Tanzanian citizenship.²⁹⁵ In late September 2014, the government of Tanzania announced its intention to follow through

²⁹³ The acquisition of nationality in a new country leads to cessation of refugee status under the 1951 Convention relating to the Status of Refugees, such that a person would no longer be included in UNHCR's refugee statistics.

²⁹⁴ J. Tucker, *Exploring statelessness in Iran*, May 2014.

²⁹⁵ See International Refugee Rights Initiative, *Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania*, 2008; International Refugee Rights Initiative, *I can't be a citizen if I am still a refugee: Former Burundian Refugees Struggle to Assert their new Tanzanian Citizenship*, 2013; and International Refugee Rights Initiative, *From refugee to returnee to asylum seeker: Burundian refugees struggle to find protection in the Great Lakes region*, 2013.

with the naturalisation of the former Burundi refugees and has since begun to issue certificates of naturalisation.²⁹⁶ This will put a welcome end to the uncertain nationality status of this population.

Former Liberia, Rwandan and Sierra Leonean refugees

The cessation clauses under the 1951 Refugee Convention have been invoked in Africa by UNHCR and the governments of Sierra Leone (at the end of 2008), Liberia (in 2012) and Rwanda (in 2013). At that time, the former refugees were given three options, according to agreements negotiated between UNHCR, host governments and governments of countries of origin: local integration, voluntary repatriation, or exemption from the cessation clause on the grounds of a need for continued international protection. Among the former refugees from the three countries where the cessation clauses have been invoked, there is a substantial number who now remain in the country of refuge with no legal status. In Guinea, for example, there is perhaps a number in the low thousands of former Sierra Leonean and Liberian refugees who were rejected or did not apply for continuing protection, and now have no documentation of identity or nationality (whether Guinean identity documents or a passport from their home country) nor any continuing refugee status. In the case of the Liberians, around a thousand across West Africa who were registered as refugees with UNHCR have in fact been rejected for Liberian passports by the Liberian authorities.²⁹⁷ It is likely that many thousands of former Rwandan refugees are in the same situation in the countries neighbouring Rwanda, including DR Congo, Tanzania and Uganda. How many persons among these groups are stateless at present is unknown.

Kurds from Syria

As explained earlier in this report, an arbitrary 1962 census exercise conducted in Al-Hasake region of Syria stripped many Kurds of their nationality, leaving them stateless.²⁹⁸ The current crisis in Syria has led to displacement on a massive scale and stateless Kurds are among those fleeing the country. How many of Syria's refugees are stateless cannot be made out from UNHCR's refugee statistics and there has not been a comprehensive study of the extent of statelessness among

²⁹⁶ UNHCR, *Tanzania grants citizenship to 162,000 Burundi refugees in historic decision*, 17 October 2014.

²⁹⁷ See above, note 113.

²⁹⁸ See above, note 279.

those in exile. However, UNHCR has updated its statistics for the number of persons under its statelessness mandate in Syria to factor in displacement prompted by the current crisis. The fall in numbers suggests that there are now some 70,000 *stateless* refugee Kurds from Syria living in exile.²⁹⁹ Many of these will be found in Iraqi Kurdistan,³⁰⁰ but there could also be some in other countries which host Syrian refugees.

Rohingya

As already discussed above, the overwhelming majority of Rohingya in Myanmar are stateless and this has acted as a catalyst or even a conduit for severe human rights violations and prompting displacement on a massive scale. Stateless Rohingya refugees can be found in large groups in several nearby states and further afield, while smaller numbers have sought asylum in many more countries. In Bangladesh, forcibly displaced stateless Rohingya account for almost all of the 231,145 persons reported in UNHCR's statistical data as refugees or in refugee-like situations.³⁰¹ According to other sources, the number of Rohingya in Bangladesh is in excess of 300,000 and perhaps as high as 500,000.³⁰² Since a new wave of increased and sustained violence

²⁹⁹ Compare the end-2012 figure in UNHCR, *Global Trends 2012*, against the updated start-2013 and the end-2013 figures in UNHCR, *Global Trends 2013*.

³⁰⁰ See, for instance, UNHCR, *Lacking a nationality, some refugees from Syria face acute risks*, December 2013.

³⁰¹ Country of origin data for refugees in Bangladesh indicates that all but 20 of this number are from Myanmar. See above, note 62. Some 31,000 of these Rohingya refugees are officially registered and reside in two refugee camps. The remaining displaced Rohingya population living in Bangladesh is not registered with either UNHCR or the authorities but is estimated by UNHCR as 200,000 persons. Note that in media, estimates for the number of Rohingya in the country varies between 200,000 and 500,000 persons. See, for instance, IRIN, *Bangladesh's "Rohingya Strategy" stokes concern*, 26 November 2013; and Kaladan National Press Network, *Bangladesh bars on marriage with Rohingya refugees*, 12 July 2014.

³⁰² During the June 2012 violence, Dipu Moni, the Bangladesh foreign minister (at the time) made a speech in Parliament in which she said that the Rohingya population in Bangladesh was likely to be as high as 500,000. Since then, more Rohingya have arrived in Bangladesh fleeing persecution, but others have also left the country by boat to Thailand, Malaysia and beyond. While her speech did not receive much international coverage, it was widely reported by Bangladesh media, in Bengali. For example, see this article of 15 June 2012 in the Daily Janakantha news: http://www.dailyjanakantha.com/news_view.php?nc=15&dd=2012-06-15&ni=99766.

against the Rohingya began in 2012, an estimated almost 100,000 have fled Myanmar, but their situation is very fluid and difficult to map, hence it is difficult to establish where they all are.³⁰³ According to UNHCR, Malaysia currently hosts 40,660 Rohingya refugees registered with the agency, meaning that the group represents over 40% of the overall UNHCR registered refugee population residing in Malaysia.³⁰⁴ UNHCR has also registered 12,040 'Myanmar Muslims', a category that is likely to include within it, Rohingya who are stateless.³⁰⁵ The Furthermore, UNHCR estimates that approximately 15,000 Rohingya have been unable to register with the agency, while NGOs and Rohingya community leaders believe that the number of unregistered Rohingya is much higher.³⁰⁶ Recent in-depth research on the situation of the Rohingya in Thailand concluded that the long-term population that has resided in the country since the 1990's numbers approximately 3,000.³⁰⁷ There are a few thousand new arrivals as well, many of whom are in detention.³⁰⁸ At least a few hundred stateless Rohingya can be found in Indonesia.³⁰⁹ UNHCR reports that 11,122 refugees in India are

³⁰³ The Arakan Project estimates that approximately 94,500 Rohingya made the boat journey between June 2012 and July 2014. The majority of the boats found their way to Malaysia, either directly or after being 'helped on' by Thai authorities, a few proceeded to Indonesia or Australia while some only made it to Sri Lanka. As many as 2000 are believed to have gone missing at sea – presumably drowned (making this one of the most dangerous irregular migration routes in the world). A few thousand entered Thailand, many of whom were subsequently smuggled or trafficked into Malaysia (having first been detained by the state).

³⁰⁴ UNHCR Malaysia – Figures at a glance (September 2014), available at: <http://www.unhcr.org.my/About-Us-@-Figures-At-A-Glance.aspx>.

³⁰⁵ *Ibid.*

³⁰⁶ Equal Rights Trust, *Equal only in name: the human rights of stateless Rohingya in Malaysia*, October 2014, page 15.

³⁰⁷ Equal Rights Trust, *The Human Rights of Stateless Rohingya in Thailand*, 2014.

³⁰⁸ *Ibid.* Some media reports suggest that the number of recent Rohingya arrivals in Thailand may be as high as 20,000 (see, for instance <http://www.irinnews.org/report/99717/hell-is-real-for-the-rohingyas-in-thailand>), but this has not been confirmed and Rohingya experts do not consider it to be plausible as Thailand is mainly a country of transit, not of destination, for Rohingya refugees.

³⁰⁹ A news report citing UN data indicated that the number of Rohingya refugees in Indonesia went up from 439 in 2012, to 795 in 2013. See Fox News, *Rohingya kids flee Myanmar by boat alone as exodus surges, scattering families across region*, 26 April 2014. Information from an Indonesian NGO, based on UNHCR registration data, suggests there were more than 1,300 Rohingya in Indonesia at the end of 2013.

from Myanmar but does not specify how many of these are Rohingya.³¹⁰ Recent news reports have cited 5,500 - 6,000 as the number of Rohingya refugees currently registered with UNHCR in India, but also suggested that there are likely to be thousands more Rohingya living informally, without registration, across the country.³¹¹ The number of Rohingya in Pakistan is not known, but according to the records of a Parliamentary Debate in the United Kingdom in 2006, inquiries made by UK missions produced an estimate of 80,000 Rohingya living in Karachi alone,³¹² while for many years unverified reports have put the overall number of Rohingya in the country at 200,000.³¹³ Outside the Asia and Pacific Region, a large population of Rohingya can also be found in the Middle East. Although the numbers there are also uncertain, it would appear that they run into the hundreds of thousands, thanks to a massive presence in Saudi Arabia in particular. The same UK Parliamentary Debate record cited above gave an estimate of 450,000 - 500,000 Rohingya in Saudi Arabia and media reports give a broader range of estimates of between 300,000 and 600,000.³¹⁴ In 2013, the Saudi government announced that a regularisation exercise would be undertaken³¹⁵ - if and when it is completed, this may also lead to firmer figures for the number of stateless Rohingya in the country. With regard to the Emirates, the 1993 edition of the Asian Yearbook of International Law estimated that 20,000 Rohingya could be found in UAE,³¹⁶ while a Rohingya community leader residing in UAE reportedly

³¹⁰ See above, note 62.

³¹¹ See, for instance, Aljazeera, *Rohingya exiles struggle to survive in India*, 6 January 2014; South China Morning Post, *Three generations of Rohingya living in India trapped in stateless cycle*, 5 May 2014.

³¹² No information was uncovered for the rest of the country. See above, note 77.

³¹³ This number appears in the section on 'minorities' in the Asian Yearbook of International Law in 1993, but it is not sourced. It can later be found, for instance in BBC News, *Refugees smuggled to Pakistan* 8 February 2000, citing NGO *Images Asia* as the source of this data; and in Press TV, *Over 200,000 Rohingyas flee to Pakistan to avoid repression*, 3 August 2012.

³¹⁴ See, for instance, The National, *Rohingyas live in limbo*, 9 June 2009; Saudi Gazette, *Protecting the Rohingya*, 23 June 2012. According to national media reports, the Director of the Branch of the Ministry of Foreign Affairs for Holy Mecca, Ambassador Mohamed Bin Ahmed Tayeb, publically announced in 2012 whilst receiving a delegate from the community of Rohingya Muslims that the Rohingya population in Saudi Arabia numbered 600,000.

³¹⁵ The Daily Star, *Government to arrange spl documents*, 18 July 2013.

³¹⁶ 'Minorities' section in the Asian Yearbook of International Law, 1993. The same section suggests that 200,000 Rohingya can be found in Saudi Arabia, 1,500-2,000 in Qatar and 3,000-5,000 in Jordan.

estimated in 2006 that the country hosted some 50,000 Rohingya refugees.³¹⁷ Neither estimate is corroborated by other sources and there is no further data available on the stateless Rohingya living in UAE. While there are clear gaps in the data, it would appear from the various estimates provided that, in all, there are upwards of one million stateless Rohingya living in exile around the world, and that only a small proportion of this figure, (less than 300,000) that are reflected in UNHCR's refugee figures because most have not been recognised by their host country as refugees. The rest, do not feature in either the refugee or statelessness statistics of UNHCR.

Sahrawi

Western Sahara is a disputed territory in the Middle East and North Africa, flanked by Morocco, Algeria and Mauritania. The International Court of Justice passed a ruling in the 1970s that the residents of this territory be given the opportunity to participate in a referendum on the question of self-determination.³¹⁸ Subsequently, Morocco assumed control of the territory and a referendum was never held. Those Western Saharans, or Sahrawi, who did not want to be subjected to Moroccan control were forced to flee the territory.³¹⁹ Most live in refugee camps across the border in Tindouf, Algeria. UNHCR reports that there are 90,000 refugees from Western Sahara in Algeria,³²⁰ while the government of Algeria estimates the number to be far higher, at approximately 165,000.³²¹ In addition, according to UNHCR, there are 26,001 refugees from Western Sahara in Mauritania.³²² The legal status of these refugees is complicated by the disagreement regarding the status of Western Sahara itself. While the so-called Polisario Front, which has established itself as a government-in-exile, has proclaimed the independent statehood of the Sahrawi Arab Democratic Republic (SADR), this has only been recognised by a few dozen governments and it is not apparent that a Sahrawi nationality exists at present.³²³ Morocco

³¹⁷ A. Rahman, "The Situation of Rohingya in UAE", *Kaladan Press*, 2006.

³¹⁸ International Court of Justice, *Advisory Opinion, Western Sahara*, 16 October 1975.

³¹⁹ See above, note 94, chapter 8 on 'Naturalisation and long-term integration'.

³²⁰ See above, note 62.

³²¹ UNHCR, *2013 UNHCR Country operations profile – Algeria*, 2013, available at: <http://www.unhcr.org/pages/49e485e16.html>.

³²² See above, note 62.

³²³ US State Department, *2007 Country Reports on Human Rights Practices – Algeria*, 11 March 2008.

has meanwhile recognised the residents of the territory of Western Sahara as Moroccan nationals, but this status may not extend to those Sahrawi who live in exile. When asked to consider the question of the Sahrawi's legal status, Spanish courts (including the Supreme Court) have determined that Moroccan nationality has not been imposed on those who fled immediately after Morocco took control of Western Sahara in the 1970s; nor has Algerian nationality been extended to Sahrawi refugees in the camps.³²⁴ Thus, the Spanish court considered Sahrawi who have lived as refugees since the 1970s as stateless and any children born in exile to have also not acquired a nationality.³²⁵ This is only the position of one national jurisdiction, however, and further research is evidently needed to better understand the situation of the Sahrawi refugees. It remains difficult to conclude exactly how many Sahrawi are stateless today, but it is likely that a significant proportion of the over 115,000 – 190,000 persons living as refugees in Algeria and Mauritania are stateless. This includes new generations born in the camps despite clear international legal obligations to ensure that all children enjoy the right to a nationality.

West Papuans

In the mid-1980s, several thousand West Papuans fled from the Indonesian part of New Guinea Island, across the border into Papua New Guinea, to escape political turmoil. Many remain there to this day. Their long-term absence from Indonesia led to loss of Indonesian citizenship under the operation of the nationality law, but most have not been able to naturalise as Papuan citizens because they did not meet the criteria or could not pay the fee. It is likely that all of the 9,378 refugees from West Papua³²⁶ reported by UNHCR to be in PNG are therefore stateless.³²⁷

³²⁴ For a synopsis of Spanish court proceedings relating to the nationality status of the Sahrawi see, V. Cherednichenko, "A ray of hope for stateless Sahrawis in Spain?", *European Network on Statelessness*, 22 October 2013, available at: <http://www.statelessness.eu/blog/ray-hope-stateless-sahrawis-spain-1>.

³²⁵ Immigration and Refugee Board of Canada, *Algeria: Whether a Sahrawi who lived several years in the Sahrawi camps in Algeria, who was born in Algeria to nomadic parents, themselves born in Western Sahara, can obtain Algerian citizenship or a permanent resident's visa in Algeria*, DZA35560.E, 18 October 2000; UK Home Office, *Immigration and Nationality Directorate Country Report – Algeria*, 1 April 2004.

³²⁶ See above, note 62.

³²⁷ IRIN News, *West Papuan Refugees Hope for Citizenship*, 17 December 2012.

Other stateless refugee and asylum seeker populations

The refugee populations discussed above account for the majority of *stateless* refugees worldwide. There are a number of further refugee groups among which statelessness features or may arise, but where it is less clear how prevalent the problem is. For instance, research on refugees from Eritrea and Ethiopia in Egypt has identified statelessness as a problem for those of mixed Eritrean-Ethiopian origin in Cairo,³²⁸ but there is no information as to whether this is indicative of a broader problem for this group, nor of the scale of the situation in Egypt. Given the significant scale of statelessness within Côte d'Ivoire, there may be some stateless persons among the 68,000 Ivorian refugees living in Ghana, Guinea and Liberia. Similarly, statelessness is a known issue in the Democratic Republic of the Congo and so may also affect a number of the over 450,000 refugees from DRC. Some refugees from South Sudan may now be at risk of statelessness, depending on how the revisions to the Sudanese and the new South Sudanese nationality laws are implemented in practice for this population. Tibetans living in exile in India and Nepal since as early as the 1950s, and their children, may also face statelessness in some cases because the acquisition of Indian and Nepali nationality is reported to be largely impossible for this group³²⁹ and some may no longer be considered Chinese citizens. A 2010 High Court ruling in India indicated that the Indian authorities, at least, view Tibetan refugees in the country as stateless.³³⁰

Statelessness can also be found among refugees and asylum seekers in industrialised countries, including because persons from the above groups and other stateless populations – such as the Bidoon from Kuwait – can be found among those who seek refuge in Europe, the USA, Canada, Australia, New Zealand, Japan and the Republic of Korea. This is evidenced by data compiled on asylum applications. Across the 44 industrialised countries for which UNHCR compiles specific data on asylum trends, a total of 4,377 asylum applicants in 2012 and 11,973

³²⁸ L. Thomas, *Refugees and asylum seekers from mixed Eritrean-Ethiopian families in Cairo*, June 2006; E. Pierrot, *A responsibility to protect: UNHCR and statelessness in Egypt*, January 2013.

³²⁹ See Tibet Justice Centre, *Tibet's stateless nationals: Tibetan refugees in Nepal*, June 2002; Tibet Justice Centre, *Tibet's stateless nationals II: Tibetan refugees in India*, September 2011; and Human Rights Watch, *Under China's Shadow. Mistreatment of Tibetans in Nepal*, 2014.

³³⁰ *Namgyal Dolkar v. Government of India, Ministry of External Affairs*, W.P.(C) 12179/2009, India: High Courts, 22 December 2010.

in 2013 were reported to be stateless.³³¹ Data on the total number of refugees and asylum seekers currently in industrialised countries who are also stateless is nevertheless not comprehensive because the persons concerned may not be identified as stateless within a state's asylum system. Interestingly, UNHCR's refugee statistics by country of origin does include 'stateless' as a category of origin. In 2013, there is one entry, identifying Sweden as the country of asylum and counting a total of 8,570 stateless refugees residing there at the end of the year.³³² The same statistical tables from 2011 and 2012 also have a single entry for 'stateless' as the country of origin, but reported on the number of stateless refugees in Germany under this entry (just over 5,000).³³³ According to data on file with UNHCR, a total of just over 20,000 refugees are identified as stateless in some 41 countries of asylum.

Finally, it is important to note that statelessness may also affect returnee populations, those left behind after a refugee problem has been largely resolved and resettled refugees. As reported in Mozambique, for instance, "UNHCR has identified hundreds of stateless individuals who were mainly returnees from Zimbabwe and who did not have either their Mozambican or their Zimbabwean citizenship recognized".³³⁴ Individuals who, in the context of conflict in the country where they were born and live, have 'returned' to a country of origin of a parent that they have never previously visited, may often face difficulties obtaining recognition of the nationality of that country. For example, some of the refugees from the Central African Republic conflict who were accepted onto evacuation flights provided by West African countries for their nationals.³³⁵ In Côte d'Ivoire, Ghana, Guinea and Sierra Leone there are some *former* refugees and stranded migrants from Liberia who have been unsuccessful in their attempts to claim Liberian citizenship though many were born in Liberia to Liberian-born parents. With respect to resettlement, statelessness is a surprisingly common feature among populations concerned. Indeed, UNHCR has estimated that a fifth of all refugees resettled in the last five years were *stateless* refugees.³³⁶ Although, following relocation

³³¹ UNHCR, *Asylum Trends 2013*, 2014.

³³² See above, note 62, Table 5.

³³³ *Ibid.*

³³⁴ See above, note 120.

³³⁵ See above, note 113.

³³⁶ UNHCR, *Statement by Volker Türk, Director of International Protection*, 64th session of the Executive Committee of the High Commissioner's Programme, October 2013.

to their resettlement country, these person cease to be refugees, they remain of concern to UNHCR under its statelessness mandate, as long as their statelessness endures. It is true that resettled refugees should be offered a secure legal status, which guarantees access to rights and services and should be conducive to the possibility of naturalisation at some point in the future.³³⁷ As such, these stateless persons are likely to enjoy adequate protection in their new home. Yet naturalisation is not necessarily assured because it is generally subject to the fulfilment of a range of conditions, which include not just residency, but frequently also linguistic and cultural testing, and even economic requirements. In many African countries, naturalisation is only granted to a very few individuals, most of them working in the formal economy and with access to resources to provide all the paperwork and legal follow-up required. Furthermore, especially in those countries with no or only a partial safeguard to ensure that statelessness is not passed on to the next generation,³³⁸ children born to resettled stateless refugees may also find themselves affected by statelessness. In the refugee return and resettlement context then, it is important for the fact of statelessness to be identified and for these now no longer refugee populations to be reported as persons falling under UNHCR's statelessness mandate.

While there are clearly still many gaps in the data on stateless refugees, the above gives a good impression of the intersection between statelessness and forced displacement. A conservative tally of the total number of refugees affected by statelessness across the groups discussed suggests that **there are currently at least 1.5 million stateless refugees and former refugees around the world.** Many of these persons are counted within UNHCR's refugee statistics and

³³⁷ UNHCR, *UNHCR Resettlement Handbook*. In Chapter One of the Handbook, 'resettlement' is defined as involving "the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country."

³³⁸ See above, note 221. Norway, for example, currently has no provision in its nationality law for the conferral of nationality to a child born on its territory who would otherwise be stateless. It does accept hundreds of refugees each year under its resettlement programme, including in recent years some 500 stateless refugees from Bhutan. See also, above, note 142.

they receive protection as refugees, as appropriate. However, with some groups as the Rohingya in the Middle East and some Asian countries, significant numbers are not counted as refugees either. Regardless of whether they are counted as refugees or not, they are all also stateless for the purposes of international law and should be acknowledged within the overall tally for the number of persons affected by statelessness globally.

VIII. STATELESS PALESTINIANS

Perhaps the most widely known situation of statelessness in the world is that of the Palestinians. While, from the point of view of international law, many are likely to meet the definition of a stateless person in the same way as any of the other stateless groups described elsewhere in this report, their situation is nevertheless complex and deserving of a dedicated discussion. Firstly, the question of the statelessness of Palestinians is inextricably linked to the larger issue of Palestinian statehood³³⁹ and of a Palestinian nationality policy,³⁴⁰ which are not straightforward. Secondly, the term Palestinians is a broad descriptor for a group which shares a common heritage and attachment to Palestine, but is actually diverse in its composition. Not all Palestinians are similarly situated in terms of their nationality status or statelessness. Indeed, the large-scale displacement of Palestinians at various moments in history and the persistence of several protracted Palestinian refugee situations complicates the question of enjoyment of nationality, since this is bound up with nationality policy of the various host countries. Finally, the mandate of the UN Relief and Works Agency (UNRWA), established specifically to provide assistance to 'Palestine Refugees', covers some *but not all* Palestinians. Therefore, within the UN system and under international law, Palestinians also enjoy different statuses and these do not align with the question of nationality status - i.e. both stateless Palestinians and those who have acquired a nationality may fall within UNRWA's mandate if they meet UNRWA's eligibility criteria. As explained in section 2.II, this has a critical impact on how Palestinians feature in UN statistics.

³³⁹ In 2011, Palestine was admitted to UNESCO and in November 2012, the UN General Assembly passed a resolution which accorded Palestine the status of "non-member observer state" of the United Nations. In 2014, Palestine acceded to numerous multilateral treaties which are open to accession by States, including treaties relating to diplomatic and consular relations. While a majority of the world's governments had recognised Palestine as a state prior to these latest developments, the denial of Palestinian statehood is now evidently increasingly untenable.

³⁴⁰ The recognition of Palestine as a state has not yet translated into the resolution of issues regarding nationality. There is currently no single authoritative source on the rules relating to acquisition or loss of Palestinian nationality, nor is it clear which persons of Palestinian origin are deemed eligible to be recognised as nationals of the state of Palestine.

This report does not pretend to offer a comprehensive or definitive discussion of Palestinian statelessness. Instead, while acknowledging the complexities noted above, the following paragraphs provide some insight into the numbers and situation of Palestinians around the world. The data is presented in three categories: Palestinians who fall under UNRWA mandate, Palestinians under UNHCR's refugee mandate and Palestinians potentially under UNHCR's statelessness protection mandate.

Palestinians under UNRWA's mandate

Following the 1948 Arab-Israeli conflict, UNRWA was established to provide assistance and protection to 'Palestine Refugees', defined as: "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict". UNRWA operates in five locations: Lebanon, Jordan, Syria, the West Bank and the Gaza Strip. Persons who meet the definition of Palestine refugees and are inside these five areas of operation can register for UNRWA protection or assistance, as can descendants of Palestine refugee men.³⁴¹ Palestinians displaced by the 1967 hostilities are also eligible to receive UNRWA services, where the agency operates. As of 1 January 2014, UNRWA gave the following figures for the total number of persons receiving its protection of assistance:

Table 12: Palestinians registered by UNRWA³⁴²

Jordan	2,154,486
Lebanon³⁴³	483,375
Syria	569,645
West Bank	914,192
Gaza Strip	1,307,014
TOTAL	5,428,712

³⁴¹ For more information, see UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*.

³⁴² See 'UNRWA in Figures', available at: http://www.unrwa.org/sites/default/files/2014_01_uif_-_english.pdf.

³⁴³ According to a survey conducted by the Danish Refugee Council in 2004 and re-published in 2007, there were some 3,000 Palestinian refugees in Lebanon who were not registered with UNRWA and therefore not receiving

The total number of Palestinians registered with UNRWA is thus close to 5.5 million. How many among them are currently stateless is not easy to determine. An unknown but relatively small number of this category of Palestinians have acquired a foreign nationality – e.g. naturalised elsewhere such as in the United States or Europe – while remaining registered with UNRWA. For those residing in Lebanon and Syria: neither naturalisation on the basis of long-term residence nor access to nationality for otherwise stateless children of Palestinians are available as options to reduce the incidence of statelessness among this population.³⁴⁴ Thus, the vast majority of Palestinians registered by UNRWA in these two countries – over one million persons – are stateless. In Jordan, the picture is different because most Palestine refugees acquired Jordanian nationality under the country's 1954 Nationality Law.³⁴⁵ However, following Jordan's disengagement from the West Bank in 1988, not only did Palestinians residing in the West Bank lose Jordanian nationality but the situation of Jordanians of Palestinian origin who resided outside Jordan – i.e. in other countries – also became ambiguous. In particular, some 250,000 Jordanians of Palestinian origin residing in Kuwait, who subsequently returned to Jordan during Iraq's occupation of Kuwait in 1990, have reportedly experienced problems confirming their Jordanian nationality and are likely to be stateless.³⁴⁶ A few thousand more Jordanians of Palestinian origin have also seen their nationality withdrawn in recent years, rendering them stateless as well.³⁴⁷ The nationality status of those who are registered with UNRWA's operations in the West Bank and Gaza

its assistance. Danish Refugee Council, *Survey Report on the Situation of Non-ID Palestinian Refugees - Lebanon*, September 2007, available at: <http://www.refworld.org/docid/47fdfad80.html>.

³⁴⁴ This is a result of the interpretation of the League of Arab States, *Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol")*, 11 September 1965. The Protocol sets out rights to be enjoyed by Palestinian refugees in host countries but indicates that this treatment should be provided to Palestinians 'whilst retaining their Palestinian nationality'. This has contributed to a policy of non-naturalisation of Palestinians in countries across the Middle East and North Africa.

³⁴⁵ UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, A/64/13, 1 January-31 December 2008, para. 51.

³⁴⁶ Human Rights Watch, *Stateless Again. Palestinian-Origin Jordanians Deprived of their Nationality*, 2010.

³⁴⁷ *Ibid.* More than 2,700 persons of Palestinian origin were reportedly stripped of their nationality between 2004 and 2008.

remains ambiguous in the absence of Palestinian nationality law – i.e. it is uncertain who can now be considered to enjoy nationality of the state of Palestine.

Palestinians under UNHCR's refugee mandate

Not all displaced Palestinians fall under UNRWA's mandate because some live in a country that is outside UNRWA's area of operation. Thus, in Egypt, UNHCR reports that there are 70,026 Palestinian refugees estimated to fall within its mandate and in Iraq, the latest figure for such Palestinian refugees is 9,992.³⁴⁸ There could also be as many as several hundred thousand Palestinian refugees in the Arab Gulf, although there is not much data available on their exact numbers in individual states. The Department of Refugee Affairs of the Palestine Liberation Organisation reportedly provided the following estimates in 1998: 275,000 Palestinian refugees in Saudi Arabia and a further 140,000 in the other countries in the Gulf.³⁴⁹ A considerable number of Palestinian refugees also seek asylum or international protection further afield. For instance, among asylum applicants in Europe in 2013 were 2,758 persons recorded to be of Palestinian origin.³⁵⁰ In Germany alone, one report estimated that there were about 80,000 refugees of Palestinian origin residing in the country.³⁵¹ A large number has also sought refuge in various countries in the Americas.³⁵²

³⁴⁸ Both figures as at end 2013, See above, note 62.

³⁴⁹ As reported in T. Chen, "Palestinian Refugees in Arab Countries and their Impacts", *Journal of Middle Eastern and Islamic Studies (in Asia)*, Vol. 3, No. 3, 2009. Earlier statistics, from 1980, indicated a larger population of Palestinian refugees in Kuwait than the rest of the Gulf – almost 300,000 – but it is likely that these numbers have since dropped as many Palestinians left Kuwait in the early 1990s due to a change in reception conditions. *1980 Palestinian Statistical Abstract*, as cited in P. A. Smith, "The Palestinian Diaspora, 1948-1985", *Journal of Palestine Studies*, Vol. 15, No. 3, 1986.

³⁵⁰ See above, note 331. Note that some of these persons may have come from UNRWA areas of operation, so this is not necessarily an entirely distinct group.

³⁵¹ Abbas Shibliak (ed.), *The Palestinian Diaspora in Europe – Challenges of Dual Identity and Adaptation*, *Refugee and Diaspora Studies Series*, No. 2, Institute of Jerusalem Studies / Palestinian Refugee and Diaspora Centre, 2005.

³⁵² One source suggested over 200,000 Palestinian refugees may be found in the Americas. See Le Monde Diplomatique, *The Palestinian Diaspora*, undated. Note that their children will no longer be stateless due to the application of *jus soli* in the region.

Significant gaps remain in the data on the total number of Palestinian refugees in different parts of the world. This is in part due to the manner in which Palestinians are registered in some countries, where they are merely registered as stateless persons. In other countries, data is only reported on the total number of Palestinians, without specifying how many of these are Palestinian *refugees* and would thereby fall within UNHCR's refugee mandate. For instance, there are reported to be over 70,000 Palestinians in Iraq and Libya, but how many of these are refugees is not indicated.³⁵³ In terms of the question of nationality status of Palestinian refugees, it is likely that the vast majority of persons included in these statistics are stateless. In most Arab countries, where a large number of Palestinian refugees can be found, it is also important to recall the policy of non-naturalisation of Palestinians, which includes lack of access to nationality for children born of Palestinian parents.³⁵⁴ Elsewhere, acquisition of nationality in the host country would lead to cessation of refugee status and, depending on how statistical data is compiled and updated, should cause the individual to be removed from Palestinian refugee statistics. The figures included above therefore indicate that there are several hundred thousand stateless Palestinian refugees under UNHCR's refugee mandate dispersed around the globe.

Palestinians under UNHCR's statelessness protection mandate

Not all Palestinians are also refugees. Some were, in fact, never displaced by the 1948 conflict or later hostilities. As such, many of these persons neither qualify for UNRWA assistance nor fall within UNHCR's refugee mandate. Estimates place the number of these non-refugee Palestinians in Gaza at 400,000 and in the West Bank (including East Jerusalem) at 1.7 million. The question of who is a Palestinian national has not yet been clarified and the nationality status of this population is therefore undetermined – i.e. it is not possible, at this time, to clearly ascertain who is and who is not “considered as a national [...] under the operation of”³⁵⁵ the law of Palestine. This population (or some part of it) could therefore potentially fall within UNHCR's statelessness mandate. Finally, there are also Palestinians who have moved away

³⁵³ *Ibid.*

³⁵⁴ See above, note 344.

³⁵⁵ See above, note 4, Article 1 for the definition of a stateless person under international law.

from Gaza or the West Bank but who were not displaced, as refugees. There are many Palestinians who have taken up residence elsewhere in the region or other parts of the world, for instance in order to work or study, who are likely to remain stateless and as non-refugees would fall under UNHCR's statelessness protection mandate. Their numbers are not known.

Based on the data outlined above, **there are more than five million Palestinians worldwide who are stateless or whose nationality status is currently ambiguous.** Upon clarification of Palestinian nationality law and who falls within its scope, this number would need to be carefully reviewed.

4

CONCLUSION & RECOMMENDATIONS

Statelessness is a problem of global proportions. It affects people all over the world and can have a harmful impact on them, their families and the wider community. As set out in the introduction to this report, there are many lenses through which the phenomenon of statelessness can be studied, and indeed many links between statelessness and other issues of international concern. This report looked in particular at the question of scope and reach of statelessness, which is also the main focus of these conclusions and recommendations.

The report addressed questions such as how is statelessness quantified, what are the challenges in measuring statelessness, what do the statistics show and what remains hidden? While acknowledging that the primary responsibility to identify stateless persons and measure the scale of the problem of statelessness within their borders lies with states, it was seen that UNHCR plays an important role in tracking and reporting available data on statelessness. This report explored the UNHCR-reported data and also asked the question: what more can we learn about the situation of statelessness globally if we cast the net wider and look to other sources to complement UNHCR's statistical reporting? In doing so, the report looked at each region in turn (exploring the data on selected countries of interest), then also at what is known about two groups which do not currently feature in UNHCR's collated statistics – stateless refugees and the majority of stateless Palestinians.

On the one hand, the outcome of this exercise was enlightening because it confirmed what UNHCR itself has repeatedly stated: although 3.5 million stateless persons have been 'counted' by UNHCR, the real scale of the problem is far greater. In Asia and Africa, for instance, it is clear that the number of stateless persons is – estimated *conservatively* –

more than double the number UNHCR is currently able to report on. In both regions, there are more countries marked with an asterisk as having a significant but unquantified stateless population than there are countries for which UNHCR is able to provide a figure. In Africa there are three countries marked with an asterisk for every one which UNHCR has reported a figure on. Several other countries with significant populations at risk of statelessness are not even marked with an asterisk. In the Americas, Europe and the Middle East and North Africa, statelessness is evidently also significantly under-reported. Even though in Europe there are no 'asterisk countries', a closer look at what numbers are reported for certain countries and how they are comprised suggests that what data there is will have significant gaps in many cases. This is in part due to inherent difficulties in collecting accurate information on statelessness, but it also reflects the insufficient level of priority to, attention for and knowledge on statelessness in many countries and the dearth of good systems for effectively identifying individuals affected.

On the other hand then, this deeper and broader exploration of statelessness statistics was unsatisfying because there are so many gaps in the data. We are forced to admit that there are large and troubling holes in our collective knowledge of the global statelessness phenomenon. Where estimates for the number of stateless persons in a given country range from just a few thousand to a hundred thousand (as in Madagascar), or from a few tens of thousands to over half a million (as in Zimbabwe), accurately quantifying statelessness feels a long way off. For most of these estimates, there is little to no explanation of how the data was compiled and it is therefore impossible to ascertain the reliability of the numbers. Some may, in fact, be based on incomplete mapping or indeed simply amount to an educated guess. In Africa in particular – but also in other regions - there is also a major challenge in distinguishing those who are undocumented and thus face a difficulty in asserting their nationality – and those who are stateless. Add to that some countries with massive populations and where there is every indication that large numbers could be affected by statelessness (India and Pakistan, possibly China) and it becomes difficult to draw any conclusions with confidence until there is at least a basic insight into the scale of the problem there. Moreover, it became clear that the lack of data can, itself, be a protracted and political problem in relation to statelessness. Many of the countries where statelessness is known to be an issue but where reliable statistics are unavailable were already

identified as sites of concern a decade ago. It is perhaps time for a fresh look at these *protracted data gaps* and for new, concerted and creative ways to be found to get a better – even if imperfect – picture of the magnitude of the statelessness situation in these countries. But it is also critical to recognise that filling in these gaps and constructing a comprehensive and accurate picture of statelessness in all countries is an ambition that may never come to fruition and we should not put activities aimed at protecting stateless persons and preventing and reducing statelessness on hold while identification remains outstanding.

As this report also briefly explores, determining statelessness is not always a straightforward exercise. Undocumented persons and those who are of undetermined nationality may be at risk of statelessness and indeed, some of them are likely to already be stateless. In a migratory context, a presumption that such persons could be stateless and giving them the opportunity to be identified as such in line with UNHCR guidance, is likely to enhance protection.³⁵⁶ When such persons are in their own countries though, they are likely to receive greater protection if identified as nationals. Consequently, for persons in their own countries it is better to begin with a process that scrutinises nationality law and policy and its implementation against international standards, and determines nationality. However, even in such situations, where the lack of documentation is clearly the result of discrimination and its impact is long-lasting (often inter-generational), there would come a point when it is better to acknowledge that the person is stateless, rather than leaving him or her in the limbo of having no legal status. Such complexities mean that identifying and counting the stateless can be a very complex exercise, and that ultimately – protection – must be at the heart of all such actions.

³⁵⁶ Note that the process of statelessness status determination in the migration context may also lead to the establishment of nationality – i.e. the person concerned may be found to be a national of country x, resulting in the prevention of statelessness and enjoyment of national protection.

Recommendations

Recommendations to states

States have the responsibility to identify and count the stateless within their territories and subject to their jurisdictions. They are the duty bearers under international law, holding obligations (both under the international statelessness treaties and under international human rights law) with respect to the treatment of stateless persons and the avoidance of statelessness. The identification of statelessness is a fundamental tool in helping states to ensure that they meet these obligations.³⁵⁷ Indeed, it is also in a state's interests to know who is on its territory and what the composition of this population is, so that it can plan and develop policy accordingly – including whether there are stateless persons who may have specific needs or require a specific policy response. Thus, while UNHCR collates data on statelessness from different countries into a global overview, arguably the most important primary data source is government statistics and gaps in such data sets are contributing significantly to the lack of a complete picture on statelessness worldwide. At the same time, states hold the key to better data coverage on statelessness since they already regularly collect information about their populations in different ways and existing data collection sets and exercises such as population registries and national censuses can hold or capture information that enables the identification of statelessness. With these considerations in mind, states are urged to consider the following concrete recommendations:

1. States should adopt and/or strengthen measures to count stateless persons on their territory, including by incorporating census questions or answer categories to enable the identification of stateless persons during national population census exercises and by reviewing how data on nationality or statelessness is collected within administrative databases such as population registries and immigration databases to improve the coverage and accuracy of information on statelessness. Where current data on statelessness is unreliable or incomplete, states should consider conducting or cooperating with dedicated statelessness mapping exercises.³⁵⁸

³⁵⁷ See above, note 39, paragraphs (b) – (g), for the Executive Committee's recommendations to UNHCR and to States with regard to the identification of stateless persons.

³⁵⁸ *Ibid.* Paragraph (d).

2. States should include a definition of a stateless person in their domestic law and ensure that this definition is formulated, interpreted and applied consistently with international law and relevant doctrinal guidance on statelessness.
3. States with significant statelessness problems on their territory must revisit the legal and policy framework which created statelessness with a view to preventing and reducing statelessness. States with significant populations which are of undetermined nationality or at risk of statelessness should adopt appropriate measures to address the situation of these groups, including, in particular, by conducting nationality determination which allow individuals to confirm their nationality and receive related documentation (or, where this is not possible, to be recognised as stateless).
4. States with stateless migrant populations should establish statelessness determination procedures to identify the stateless, with a view to providing protection in accordance with international law.³⁵⁹
5. States which host refugee populations that are also stateless (or at risk of statelessness), must take their statelessness into account when providing durable solutions. Ideally, databases should allow authorities to separately record is someone is a refugee and stateless. States to which stateless refugees have been resettled should track their situation until such time as their statelessness has been resolved (including by collecting and reporting data on naturalisations).
6. States must fully cooperate with UNHCR to enable it to fulfil its mandate towards the stateless, including by giving due consideration to technical advice on how to adopt more robust methodologies for counting the stateless and by sharing data relating to stateless populations on their territory, as well as information about persons of undetermined nationality and individuals or groups at risk of

³⁵⁹ While statelessness status determination also enhances statistical data, it would be a mistake to consequently only include within national statelessness statistics those who have been recognised under such procedures. Statelessness status determination is, by definition, a protection tool and in terms of the compilation of statistical data should be complemented by other data collection tools and exercises – such as specialised research and mapping.

statelessness. States should also cooperate and share data with civil society, including academia, in an effort to further the collective understanding of the scale and reach of statelessness.

7. States are encouraged to increase financial support towards enhancing knowledge – both quantitative and qualitative – on statelessness. Such added funding would be essential to strengthening efforts to count the stateless and ultimately protect the stateless, reduce and end statelessness.

Recommendations to UNHCR

It is encouraging that UNHCR has prioritised improving quantitative and qualitative data on stateless populations, as part of ‘Action 10’ of its Global Action Plan to end statelessness by 2024. In particular, under this action point, the Agency has established the target of achieving quantitative data coverage on statelessness in 150 states by 2024.³⁶⁰ It is hoped that the findings of this report can contribute to the implementation of the UNHCR Action Plan. What has undoubtedly been gained from the analysis of UNHCR and others’ data is far greater clarity of how UNHCR’s statistical reporting works – who it includes and who it does not. This is to a certain extent obscured by the present format in which the data is offered, i.e. a very neat and easy to read statistical table with either a number or an asterisk beside each country listed and a few short notes, provides little space for more detailed explanation. By getting to grips with what the data shows – and what it does not bring to light – it can be better interpreted and contextualised. It then becomes possible to also make some recommendations for how the reporting of UNHCR’s statelessness numbers could be improved. Moreover, the exploration of what additional data on statelessness is currently available in the public domain – and what gaps persist – provides an insight into areas in which UNHCR could help to strengthen the global statistical picture of statelessness. On the basis of this analysis, UNHCR is urged to consider the following concrete recommendations:

1. UNHCR is encouraged to increase its engagement with states and civil society actors in respect to the identification of statelessness, in particular by continuing efforts to promote a unified approach to the definition of a stateless person in accordance with international law and by providing further guidance and technical advice

³⁶⁰ See above, note 52.

on appropriate and effective methodologies for counting the stateless.³⁶¹ In particular, UNHCR is invited to consider convening expert meetings at the international and/or regional level for the discussion of challenges and sharing of good practices in identifying and mapping statelessness; and issuing more detailed guidance in relation to specific identification and mapping contexts.

2. UNHCR should continue to pursue and strengthen dedicated mapping initiatives on statelessness, in collaboration with relevant government and civil society partners. While acknowledging a recent increase in UNHCR publications of statelessness mapping exercises, wherever possible and with due regard for any protection concerns, UNHCR is encouraged to make every effort to publicly disseminate the findings of any studies undertaken and share other data available to the office that is relevant to researching or mapping statelessness.³⁶²
3. UNHCR should develop a way to reflect the true reach of statelessness globally by also reporting on, at least, the number of stateless refugees and asylum seekers – while indicating, as appropriate, that these persons fall under UNHCR’s refugee protection mandate as well as its mandate for the identification, reduction and prevention of statelessness.
4. In its periodic statistical reporting, UNHCR is urged to find a way to make visible in the main (i.e. compilation) table of persons of concern to UNHCR any asterisks delineating significant but unquantified statelessness situations which are found in the table dedicated specifically to reporting on persons under UNHCR’s statelessness mandate. While it happens in most instances, UNHCR should also always include explanatory footnotes for those country statistics which are known to only reflect a part of the stateless population, clearly indicating that the figure reflects partial data. It is acknowledged that the very nature of statistical reporting on fluid and often hidden human issues such as statelessness means that the statistical picture will always be incomplete. This suggestion therefore only relates to countries for which there are some figures, but also a known significant statistical gap.

³⁶¹ See above, note 39, paragraph (f).

³⁶² *Ibid.* Paragraph (c).

5. In carrying out refugee status determination and with due regard for any protection concerns, UNHCR staff should also identify those who are stateless or at risk of statelessness.
6. UNHCR should seek every opportunity to strengthen collaboration with other UN agencies engaged in activities relevant to data collection on statelessness (e.g. when undertaking population surveys or advising on national census exercises), including by conducting joint activities or advocacy and by providing technical support as appropriate. In this respect, all parts of the UN system are reminded of the shared responsibility towards stateless persons and the need to take appropriate action to ensure that the issue of statelessness receives due attention, as relevant, under their respective mandates.³⁶³ The UN Statistics Division is urged to review their instruments, in consultation with UNHCR, to request the reporting of statelessness data by states as part of its regular compilation of population data. Other UN entities engaged in or supporting the collection of population data, including the UN Regional Commissions, are similarly urged to give due attention to opportunities to strengthen statelessness data through their work.

Recommendations to civil society, including academia

It is evident that there is a long way to go before the global picture of statelessness that is starting to emerge becomes complete. More and improved data collection is an important ingredient in better understanding the phenomenon. So too, however, is a more comprehensive and thorough analysis of what the data shows and of how the data might inform more effective measures to tackle the issue. Civil society actors, including academic scholars, can work alongside or in partnership with states, UNHCR and other UN bodies to better map statelessness but also to conduct this much-needed critical analysis of the data and exploration of its uses. The following recommendations, formulated in broad terms so as to speak to civil society engagement at local, national, regional and international levels, are suggested:

1. Civil society should more actively pursue the consolidation and analysis of data on statelessness, including by asking critical questions about what it shows and what the significance of this is,

³⁶³ *Ibid.* Paragraph (b). Recall also, the UN Secretary General, *Guidance Note of the Secretary General: The United Nations and Statelessness*, June 2011.

as well as what it does not show and what improvements can be made to the methodologies for counting the stateless.

2. Civil society should work to identify pressing gaps in statelessness data and conduct research to fill these gaps, where appropriate in partnership or consultation with states and/or UNHCR, using methodologies that are suitable to the identification of statelessness as understood within international law. Wherever possible and with due regard for any protection concerns, civil society is encouraged to make every effort to publicly disseminate the findings of any studies undertaken.
3. Through the collection, compilation and analysis of data, civil society should contribute to the wider dissemination of information on statelessness globally, including statelessness statistics. Civil society should seek to make such data and analysis available in different formats in order to engage different audiences with the issue. Civil society organisations and academic scholars who have engaged in direct data collection should consider making raw data available, where possible and with due regard to any protection concerns, to other actors seeking to use the data to inform further research, analysis or policy development.
4. Civil society should contribute to the strengthening of methodologies for counting the stateless by sharing not only statelessness data and analysis, but also methodological approaches and openly discussing challenges and good practices.
5. Civil society should continue to work to raise awareness of the phenomenon of statelessness among relevant actors and the general public to help to pave the way for further and more effective data collection and mapping of statelessness. Wherever possible, civil society should also support UNHCR in its identification work and in advocacy towards states and other UN agencies on the importance of better mapping statelessness.

Final reflections

The question of how many stateless persons there are in the world is not an easy one to answer. UNHCR reports at least 10 million persons under its statelessness mandate, of which it has been able

to collate country-level statistics from different sources that account for 3.5 million persons. Our research confirms that the 3.5 million figure significantly underrepresents the scale of the problem. We found estimates in other sources that would account for an additional approximately 2.5 million stateless persons. This number is based on the lowest-end estimates and does not encompass any populations for which no estimates are available whatsoever (of which there are still many), and includes, among others, an estimated 81,000 stateless persons in Bhutan, at least 60,000 in India, 80,000 – 200,000 in Lebanon, over 500,000 not included in the present statistics on Myanmar, 10,000 – 100,000 in the United Arab Emirates, upwards of 86,000 in Uzbekistan and 80,000 – 600,000 in Zimbabwe. There are also approximately 2.1 million persons of Palestinian origin, who are not refugees (never having been displaced from the West Bank or Gaza Strip) and whose nationality status remains ambiguous in the absence of Palestinian nationality regulations. This brings the tally of stateless persons who are currently in some way statistically accounted for, or ‘visible’, to over eight million. The true number of stateless persons is likely to be significantly higher, due to the data gaps which were identified and could not be filled. There are several large-scale situations of statelessness that still entirely elude statistical coverage – such as Pakistan and DRC – and it is likely that some of the low-end estimates are too conservative and do not represent the true scale of the problem, it is clear that UNHCR’s estimate of ‘at least 10 million’ persons exclusively under its statelessness protection mandate is well founded. Furthermore, there are also at least 1.5 million stateless refugees and in the region of 3.5 million stateless refugees from Palestine (the majority falling under UNRWA’s mandate but some under UNHCR’s refugee mandate). When this is all tallied up, there are therefore likely to be **more than 15 million stateless persons worldwide today**. While the majority of these persons fall under UNHCR’s statelessness protection mandate, they all must be taken into account when implementing the 1961 Convention on the Reduction of Statelessness and other obligations towards stateless persons under international human rights law.

The above calculations lead us to conclude that almost 0.2% of the population of the globe is currently living without a nationality, or one in every 500 people. This is a powerful message about how pervasive the problem of statelessness is. Moreover, these figures, even as they remain incomplete, also confirm the stark connection between

statelessness and forced displacement. As a factor of the general population of the world, approximately one in every 400 people have been forcibly displaced across an international border as an asylum seeker or refugee. As a factor of the total stateless population, the number comes to one in three, i.e. of every three stateless persons in the world, one has been forcibly displaced.³⁶⁴

While the quest for clarity on the magnitude of statelessness is a fascinating, compelling and useful one, it is important to acknowledge that it should not be all-consuming. Having comprehensive and accurate information about who is affected by statelessness and where, is a means to an end, not an end in itself. **Better data will undoubtedly help in the campaign to end statelessness by 2024, but the priority needs to rest firmly with addressing – not (just) mapping – the issue.** There are excellent examples of identification and prevention or reduction of statelessness being pursued in parallel, for instance through combined registration and legal assistance programmes which lead to the identification of statelessness cases but also put people on the path to a nationality. Where a population is currently of undetermined nationality or believed to be at risk of statelessness, it is much more important for efforts or procedures to be geared as much as possible towards the determination of *nationality* rather than of *statelessness*. Such good practices should be shared and promoted. In the meantime, we must not lose sight of how much can be achieved to improve people's lives even in the absence of data about how many people are affected. For instance, reforming law or policy to introduce safeguards against statelessness for children, to grant women equal rights with men to confer their nationality, to strengthen administrative documentation procedures and make them accessible to all, to prevent or reduce statelessness in the context of state succession or to reverse the effects of a previous act of arbitrary deprivation of nationality – all will help to realise the right to a nationality and none relies on the availability of statistical data to be introduced. We must strive to strike a balance between our drive to better understand the issue and its scale and the need to remain focused on solutions.

³⁶⁴ This calculation is based on the understanding that at a minimum, a total of five million of the world's estimated more than 15 million stateless persons have been forcibly displaced as a result of persecution. This figure +includes stateless refugees of Palestinian origin.

The message that not 'just' 10 million, but more than 15 million people are affected by statelessness globally certainly helps to add weight to the argument that this is a widespread international phenomenon which demands our attention. As already mentioned earlier in this report, in terms of international issues: if size matters, statelessness matters. Indeed, if all stateless persons were to be counted together as a single 'country' group, it would come in as the 70th largest. But size is not the only reason that statelessness matters. There are other, perhaps even more pressing reasons, such as the undeniable reality that statelessness is an entirely man-made problem, making it both our collective responsibility but also within our collective power to resolve. Ultimately though, the most important motivation for understanding, responding to and ending statelessness continues to be the devastating impact of statelessness on individuals' lives and its destructive effect with respect to other major issues of international concern such as securing the well-being of children, maintaining peace and stability, realising equitable development for all and promoting peace, democracy and the rule of law.

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ANNEX:

UNHCR Statelessness Statistics (2013 Global Trends Report)

Table 7. Persons under UNHCR's statelessness mandate, 2013

N.B. Stateless refugees are included in Table 3 and stateless asylum-seekers in Table 12.

Data is not complete and includes estimates. Countries for which UNHCR has information about stateless persons but no reliable data have been included in the table and marked with an asterisk (*).

These statistics cover stateless persons and persons of undetermined nationality.

All data are provisional and subject to change.

Country of residence	Population start-2013		Population end-2013	
	Total number of persons under UNHCR's statelessness mandate	<i>of whom: UNHCR-assisted</i>	Total number of persons under UNHCR's statelessness mandate	<i>of whom: UNHCR-assisted</i>
Albania ¹	7,443	-	7,443	-
Armenia	35	-	180	-
Aruba	-	-	1	1
Austria	542	-	604	-
Azerbaijan ²	3,585	-	3,585	-
Bahamas	*	-	*	-
Belarus ³	6,969	-	6,712	-
Belgium	2,640	-	2,466	-
Bosnia and Herzegovina ⁴	4,500	4,500	792	427
Bhutan	*	-	*	-
Brazil	1	1	2	1
Brunei Darussalam	21,009	-	20,524	-
Burundi	1,302	1,302	1,302	1,302
Cambodia	*	-	*	-
Colombia	12	-	12	-
Côte d'Ivoire ⁵	700,000	60,000	700,000	60,000
Croatia ⁶	2,886	177	2,886	177
Czech Republic ⁷	1,502	-	1,502	-
Dem. Rep. of the Congo	*	-	*	-
Denmark	3,623	-	4,263	-
Dominican Republic	-	-	210,000	4,837
Egypt	60	60	23	23
Eritrea	*	-	*	-
Estonia ⁸	94,325	-	91,281	-
Ethiopia	*	-	*	-
Finland	2,017	-	2,122	-
France	1,210	-	1,247	-

ANNEX: UNHCR STATELESSNESS STATISTICS (2013 GLOBAL TRENDS REPORT)

Georgia	1,156	1,156	776	776
Germany ⁹	5,683	-	11,709	-
Greece ¹⁰	154	-	178	-
Honduras	1	1	1	1
Hong Kong SAR, China	1	1	1	1
Hungary	103	-	113	-
Iceland	119	-	119	-
India	*	-	*	-
Indonesia	*	-	*	-
Iraq ¹¹	120,000	-	120,000	-
Ireland	73	-	73	-
Israel ¹²	14	14	14	14
Italy ¹³	470	-	470	-
Japan	1,100	-	852	48
Kazakhstan	6,935	1,234	6,942	1,128
Kenya ¹⁴	20,000	-	20,000	-
Kuwait	93,000	-	93,000	-
Kyrgyzstan	15,473	1,147	11,425	1,544
Latvia ¹⁵	175	-	230	-
Latvia ¹⁶	280,584	-	267,559	-
Lebanon	*	-	*	-
Liberia	1	1	1	1
Libya	*	-	*	-
Liechtenstein	5	-	2	-
Lithuania	4,130	-	3,892	-
Luxembourg	177	-	177	-
Madagascar	*	-	*	-
Malaysia ¹⁷	40,000	-	40,000	-
Mexico	7	2	13	3
Mongolia	220	-	16	-
Montenegro ¹⁸	3,383	42	3,341	-
Myanmar ¹⁹	808,075	250,000	810,000	100,000
Nepal ²⁰	*	-	*	-
Netherlands	1,951	-	1,951	-
Nicaragua	1	1	1	1
Norway	2,413	-	1,975	-
Pakistan	*	-	*	-
Panama	2	-	2	-
Papua New Guinea	*	-	*	-
Philippines ²¹	6,015	-	6,015	-
Poland ²²	10,825	-	10,825	-
Portugal ²³	553	-	553	-
Qatar	1,200	-	1,200	-
Rep. of Korea	179	-	194	-
Rep. of Moldova	1,998	3	2,029	10
Romania	248	-	297	-
Russian Federation ²⁴	178,000	1,750	178,000	3,295

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Saudi Arabia	70,000	-	70,000	-
Serbia (and Kosovo: S/RES/1244 (1999))²⁵	8,500	4,750	4,195	1,014
Slovakia²⁶	1,523	-	1,523	-
Slovenia²⁷	4	-	4	-
South Africa	*	-	*	-
Spain	36	-	270	-
Sri Lanka	*	-	*	-
Sweden	17,416	-	20,450	-
Switzerland	69	-	79	-
Syrian Arab Republic²⁸	190,000	-	160,000	-
Tajikistan²⁹	2,300	-	1,364	-
Thailand³⁰	506,197	-	506,197	-
The former Yugoslav Republic of Macedonia³¹	905	905	819	819
Turkey	780	-	780	-
Turkmenistan	8,947	8,265	8,320	8,243
Ukraine³²	35,000	61	33,271	138
United Arab Emirates	*	-	*	-
United Kingdom³³	205	-	205	-
Uzbekistan	*	-	*	-
Viet Nam	11,500	-	11,000	-
Zimbabwe	*	-	*	-
TOTAL	3,311,467	335,373	3,469,370	183,804

NOTES

A dash (“-”) indicates that the value is zero or not available.

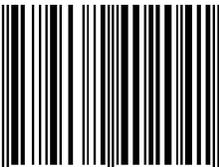
- ¹ Figure from 2011 census.
- ² Figure from 2009 census. 1,640 persons are registered by the Ministry of Interior as stateless at the end of 2012.
- ³ Number of stateless persons registered by the Department of Citizenship and Migration of the Ministry of Interior of Belarus. (In the 2009 census, 16,116 persons declared that they do not possess any nationality)
- ⁴ The start-year figure was an estimate. During the year, 792 individuals were identified as falling under UNHCR’s statelessness mandate.
- ⁵ The figure includes: i) 300,000 Children abandoned at birth: Government estimate of individuals of unknown parentage who were abandoned as children and who are not considered as nationals under Ivorian law. ii) 400,000 Descendants of Immigrants: Government estimate of individuals who themselves or whose parents or grandparents migrated to Côte d’Ivoire before or just after independence and who did not establish their nationality at independence or before the nationality law changed in 1972. The estimate is derived in part from the cases denied voter registration in 2010 because electoral authorities could not determine their nationality at the time.
- ⁶ Figure from the 2011 census. It includes 36 persons registered as stateless as well as 54 persons registered as of undetermined nationality by the Government of Croatia.
- ⁷ Figure from the 2011 census.
- ⁸ Almost all people recorded as being stateless have permanent residence and enjoy more rights than foreseen in the 1954 Convention relating to the Status of Stateless Persons.
- ⁹ The figure does not represent the entire number of persons registered as stateless in the German Central Aliens Register. The number of stateless persons holding a humanitarian residence title (not all of whom are persons of concern to UNHCR) and the number of stateless asylum-seekers have been deducted from it.
- ¹⁰ Includes people deprived of their citizenship under previous nationality legislation, stateless individuals with permanent residence who are recognized as “stateless foreigners” and other stateless persons resident in Greece.
- ¹¹ The figure is an estimate and currently under review.
- ¹² The figure refers to end of 2012; no data available for 2013. The figure does not include potentially stateless Bedouin nor all stateless former USSR citizens.
- ¹³ Figure refers to the end of 2011; no data available for 2013.
- ¹⁴ The figure of 20,000 is an estimate by UNHCR and civil society organizations based on currently available information on several communities in Kenya. This estimate is under review pending further research and mapping activities.
- ¹⁵ The Republic of Latvia enacted a Law on Stateless Persons on 17 February 2004, which replaced the Law on the Status of Stateless Persons in the Republic of Latvia of 18 February 1999, and which determines the legal status of persons who are not considered as citizens by the legislation of any State and whose status is not determined by the 25th April 1995 Law (quoted below). The figure is from July 2013 and includes 54 persons residing in Latvia who have been recognized as stateless by other states.

- ¹⁶ The Republic of Latvia, by the 25th April 1995 Law on the Status of Those Former USSR Citizens who are not Citizens of Latvia or of Any Other State, granted a transitional legal status to permanently residing persons (non-citizens) entitling them to a set of rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons.
- ¹⁷ The figure is an estimated number of individuals who are stateless, including people who are unable to establish their nationality from among the Indian community (Tamils). Estimate is based on NGO and media reports, some citing official sources.
- ¹⁸ Figure is based on the 2011 census.
- ¹⁹ Muslim residents of northern Rakhine State.
- ²⁰ Various studies estimate that a large number of individuals lack citizenship certificates in Nepal. While these individuals are not all necessarily stateless, UNHCR has been working closely with the Government of Nepal and partners to address this situation.
- ²¹ Figure from a 2012 survey undertaken by the Government and UNHCR in southern Mindanao.
- ²² Figure from the 2011 census.
- ²³ Figure from the 2011 census.
- ²⁴ Figure from the 2010 census, which likely includes approximately 25,000 stateless persons registered by the Federal Migration Service of the Russian Federation.
- ²⁵ The great majority are former Yugoslav citizens who have yet to have their Serbian nationality formally recognized through the issuance of documents proving nationality.
- ²⁶ Figure from the 2011 census. It includes 63 stateless persons who held permits to stay in Slovakia at the end of 2011. No updated data on the number of stateless persons were available.
- ²⁷ The figure is based on an NGO analysis of government registry data and may not represent the full magnitude of statelessness in Slovenia.
- ²⁸ The figure is an estimate and takes into account the number of stateless persons who are believed to have departed the Syrian Arab Republic.
- ²⁹ Figure is from 2010 census, likely to include 308 persons registered as stateless by the Ministry of Internal Affairs of Tajikistan.
- ³⁰ Figure from the 2000 census.
- ³¹ The great majority are former Yugoslav citizens who have yet to have their nationality of The former Yugoslav Republic of Macedonia formally recognized through the issuance of documents proving nationality.
- ³² The figure is an extrapolation of the 2001 census figure of persons who self-declared as not having a nationality. It includes 3,217 persons who are registered as stateless by the Ministry of the Interior of Ukraine.
- ³³ Figure refers to the end of 2005.

The World's Stateless

To end statelessness worldwide by 2024. That is the ambition of the #ibelong campaign, spearheaded by UNHCR, which aims to galvanise governments, civil society, UN agencies and others into action. It is a bold but appropriate objective. Statelessness has been a cause of human suffering for too long, and unnecessarily so: it is a man-made phenomenon and bringing it to an end is – at least in theory – entirely feasible. The Institute on Statelessness and Inclusion is committed to helping to inform and catalyse solutions for statelessness. In the hope of contributing to a better sense of the task ahead, this inaugural World's Stateless report explores currently available statistical data and discusses the challenges involved in accurately mapping or quantifying statelessness. From this analysis, the report distils recommendations to states, UNHCR and civil society on how to improve data collection and reporting on statelessness.

The Institute on Statelessness and Inclusion is an independent, non-profit organisation dedicated to leading an integrated, inter-disciplinary response to the injustice of statelessness and exclusion. Established in August 2014, it is the first global centre of expertise and action committed to promoting the rights of stateless persons and reducing statelessness worldwide. We believe in the value of research, education, partnership and advocacy. We aim to develop and share our skills and expertise with partners in civil society, academia, the UN and governments, and to serve as a catalyst for change.



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