



ALL ABOUT STATELESSNESS

What Development Actors Need to Know

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

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

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

So, if development matters, statelessness matters.

Institute on Statelessness and Inclusion
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Cover photo Greg Constantine

Young stateless boy working at the fish market in Kota Kinabalu, Malaysia

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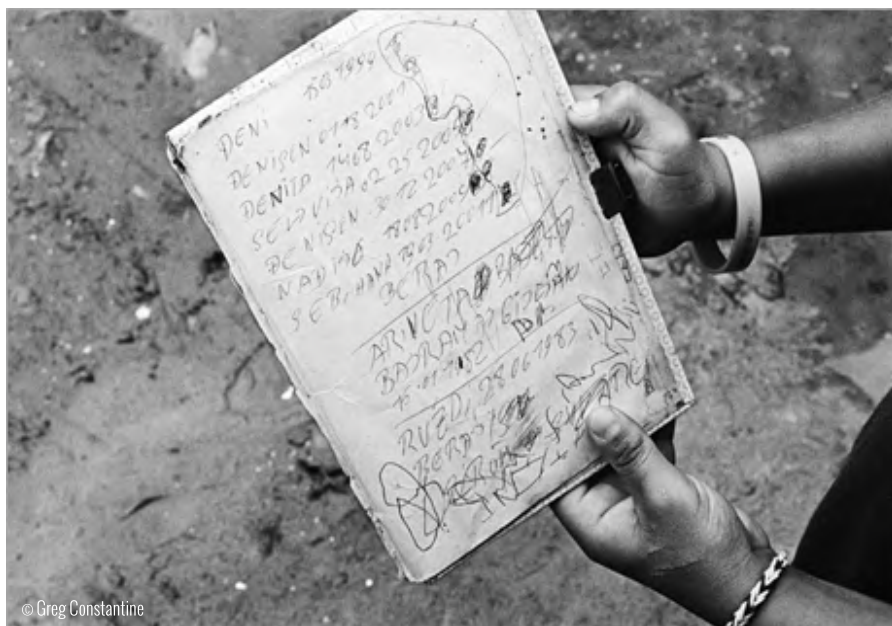
KEY MESSAGES

The promotion of sustainable human development, inclusion and stability are complemented and strengthened by greater attention to the situation of stateless persons and the participation of stateless persons in such efforts. Here are some reasons why:

- Nationality is a gateway through which people can access rights and services. Without it, the stateless often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; and basic banking, mobile phone and other services.
- Statelessness not only exposes people to poverty and marginalisation, it can also render them invisible to government systems because they are simply not 'counted', making it harder to ensure they get the help they need.
- Adopting a statelessness-sensitive approach to development will positively impact poverty reduction, the delivery of services, democratic governance, access to justice, environmental sustainability and the prevention and resolution of conflicts.
- Statelessness is often the result of discrimination – against women, ethnic minorities and other groups – a structural issue which the SDGs also aim to address. Working towards the aims of SDGs 5, 10 and 16 means tackling structural discrimination in all areas of law and policy, including nationality and civil registration and documentation, which can contribute to preventing and solving cases of statelessness.
- Understanding and responding to the intersectionality between statelessness and other characteristics (such as poverty, ethnicity etc.) is essential, for development programmes to be more effective and sustainable.
- The global scope of statelessness means that it is a relevant issue (to varying degrees) to all development actors, no matter what their country of operation.
- Difficulties identifying stateless people and the lack of significant data on stateless populations will pose as significant challenges in their inclusion in development.
- Better understanding of statelessness, why it happens and what its impacts are, will result in better solutions being identified and implemented to prevent and reduce statelessness and to ensure that stateless persons and groups benefit from development efforts. Stateless persons themselves can be valuable resources and partners in this process.
- The rights of stateless persons are human rights. UN human rights standards and principles which development actors adhere to, must apply to all stateless persons.
- The Sustainable Development Goals provide a significant opportunity for stateless persons to no longer be 'left behind'.

IN THIS BOOKLET

Key messages
Introduction
Who are the stateless?
What causes statelessness?
How does (lack of) nationality impact development?
Intergenerational disadvantage
How can the SDGs help the stateless?
How can the SDGs help to prevent statelessness?
Legal identity for all - what are the risks and opportunities?
The development, human rights and statelessness frameworks
Challenges likely to be faced by development actors
Case study: Nepal
Next steps
Further reading, notes and glossary



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

INTRODUCTION

A core focus of the 2030 Agenda for Sustainable Development is to “strive for a world that is just, equitable and inclusive”. It is not just about economic growth, social development and environmental protection, but about achieving this **for all**. Accordingly, **No one must be left behind** and **the furthest behind must be reached first**. This means paying special attention to those groups most in need and addressing systems and structures that engender exclusion, disadvantage and impoverishment.

The world's stateless are one such group.

This booklet introduces development actors to statelessness - an often overlooked and invisible phenomenon that can be found in all regions of the globe. It discusses why the lack of a nationality leaves people behind and provides an insight into how stateless people can be included: through greater awareness, inclusive programming and a more sustained effort to address structural discrimination and disadvantage.

All 17 of the Sustainable Development Goals (SDGs) are in some way relevant to the stateless: their achievement will benefit stateless persons and communities, while the continued existence of statelessness can also impede progress towards the SDGs. However, the link with statelessness is stronger for some SDGs than others.

- SDG 5 (Gender Equality), 10 (Reduced Inequalities) and 16 (Peace, Justice and Strong Institutions) require states to address structural inequalities and discrimination, striking at the root causes of statelessness.
- Other SDGs address key areas where stateless people are more likely to be disadvantaged, and where concerted effort is needed to ensure that development programming reaches them. These include SDG 1 (no poverty), 2 (Zero Hunger), 3 (Good Health and Wellbeing), 4 (Quality Education), 6 (Clean Water and Sanitation), 8 (Decent Work and Economic Growth) and 11 (Sustainable Cities and Communities).

If you work in the development field, have an interest or stake in the SDGs, or are interested in how statelessness, development and human rights interact, this booklet is for you. It is part of our **statelessness essentials** booklet series, which includes introductory booklets on statelessness and how it relates to human rights, development and other issues. To learn more about this series and other available or forthcoming titles, please visit our website: www.institutesi.org

WHO ARE THE STATELESS?

A stateless person has no nationality. He or she is “not considered as a national by any state under the operation of its law” (1954 Statelessness Convention). Even though international law stipulates that nationality is a human right, there are over 15 million stateless people worldwide.² Without nationality, the world’s stateless face discrimination and disadvantage, and are more likely to be left behind.

As this map shows, statelessness is a truly global phenomenon, affecting people in all regions. While there are no comprehensive statistics, it is likely that there are stateless people in every country of the world.

In addition to its geographical scope, statelessness is also an intergenerational problem, with the majority of stateless persons having inherited their situation from their parents. The failure to address statelessness today, makes it a larger problem tomorrow. Indeed, UNHCR estimates that a child is born stateless every 10 minutes.³

The majority of the world’s stateless people live their entire lives in the country in which they were born and have their roots. They have not crossed an international border and – although they are treated as foreigners – they are not migrants or refugees. However, there are stateless persons who are migrants as well, and some have even been forced to flee their country due to extreme marginalisation and persecution. They have become stateless refugees.



The countries highlighted have large stateless populations, from over ten thousand to over one million. These include Cote d'Ivoire, the Dominican Republic, Estonia, Ethiopia, Iraq, Kenya, Latvia, Madagascar, Malaysia, Myanmar, Nepal, Russia, Saudi Arabia, South Africa, Sweden, Syria, Thailand, Ukraine and Uzbekistan.

WHAT CAUSES STATELESSNESS?

In different countries and contexts, statelessness can have different causes, many of which are linked to discrimination. Here are some of the common problems:

RACIAL/ETHNIC DISCRIMINATION

In countries like Myanmar and the Dominican Republic, racism has been the basis on which entire groups have been made stateless.

I am Dominican and I have rights.⁴

GENDER DISCRIMINATION

In 25 countries including Lebanon, Nepal and Barbados, women cannot pass their nationality to their child on an equal basis as men, which can leave children stateless.

I tell them my mother is a citizen but they refuse to believe me. Being questioned by the authorities made me sad because we feel we are Madagascan.⁵

STATE SUCCESSION

When borders are re-drawn or states gain independence, the question of nationality must be settled. The collapse of the Soviet Union and decolonisation both led to mass statelessness, mostly of minority groups.

I could ask the Embassy of Russia for help, but now it is a totally different country, I was born in the Soviet Union and now it doesn't exist. Now I am alone.⁶

BIRTH REGISTRATION

Lack of documentation can create a barrier to obtaining nationality or recognition as a citizen. Where minority or indigenous groups, migrants or refugees lack birth registration, this can create a risk of statelessness.

My biggest fear is that my children will never see their country. If they cannot prove that they are Syrian, they may never be allowed back. I want them to be Syrian. I want them to be able to go back.⁷

INHERITED STATELESSNESS

Statelessness is often inherited, due to the failure or reluctance to resolve problems in a timely manner. Groups like the Kuwaiti Bidoon and Hill Tribes of Thailand have been stateless for generations.

My children don't have a nationality because their grandfather was stateless and their father is stateless too and I can't do anything for my children [...] If my children's situation doesn't change, they have no future.⁸

HOW DOES (LACK OF) NATIONALITY IMPACT DEVELOPMENT?

Nationality is a gateway through which people can access rights and services. Without it, the stateless often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; and basic banking, mobile phone and other services.

My brother is very good at studying, he was top of high school but right now he can't study anymore because of his lack of citizenship.⁹

Stateless persons also face difficulties obtaining identification documents, including birth and death certificates, marriage licenses, driving licenses, and passports. Without such documents, it is almost impossible to leave, re-enter and live in their countries, without having their legality and belonging questioned. This lack of status can lead to arbitrary arrest and (at times indefinite) detention as authorities attempt to expel them.

When you do not have documentation, you are not entitled to any assistance [...] I have always worked, ever since I was very young. I have responsibility for my grandmother. She is also stateless.¹⁰

Perceived as outsiders, the stateless can be vulnerable to victimisation, discrimination and exploitation. They may be seen as less 'deserving' of protection and support.¹¹ They are frequently unable to participate in political and social life. Under these conditions, it is difficult for stateless persons to realise their capabilities and live with dignity, free from poverty. The denial of their fundamental rights and their exclusion from development activities, is also heightened by their inability to access justice.¹² This results in a vicious circle, which is difficult to break.

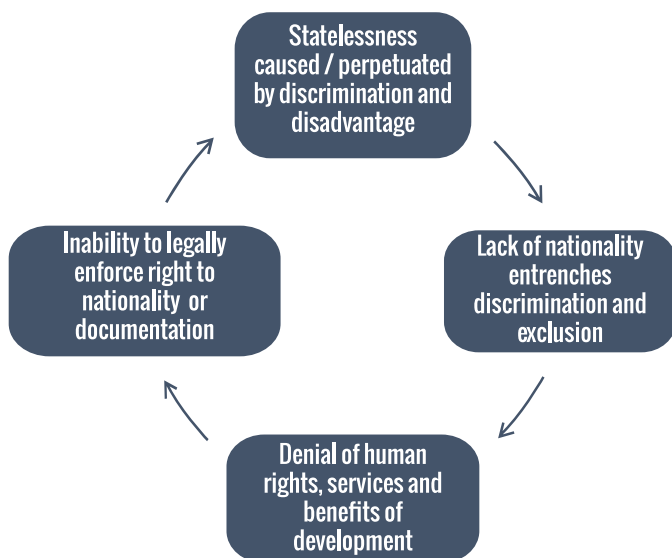
Families can have members with citizenship and members who are stateless, causing severe distress to all. Mothers who cannot pass their nationality to their children due to gender discriminatory nationality laws, worry that their stateless children will not be able to live normal happy lives. When a whole stateless community is excluded, marginalised and even vilified, tensions can lead to violence. In Myanmar for example, stateless Rohingya suffer widespread and systematic violence, perpetrated by both state authorities and civilian groups.¹³ When stateless victims of persecution flee their country, their vulnerability and needs are heightened, and reaching them to meet their protection and development needs becomes more complex still.

It is evident therefore that statelessness is detrimental to human development.

INTERGENERATIONAL DISADVANTAGE

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

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



This intergenerational cycle of statelessness, poverty and exclusion must be broken. As will be explored below, development actors have the tools to do so.

HOW CAN THE SDGs HELP THE STATELESS?

The text above demonstrates how nationality, statelessness and inter-generational statelessness engender socio-economic disadvantage and impact human development. The Sustainable Development Goals offer a framework through which the poverty and exclusion of stateless persons can be effectively addressed.

As the image on the opposite page and table on the next double spread show, many of the traditional disadvantages faced by stateless people - such as inequality, hunger, poverty, lack of education, healthcare or decent work - are targeted through the SDGs.

Unless the SDGs are pursued in a manner which includes and prioritises the stateless, development actors will not meet their targets.

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

Emphasising the link between development priorities and human rights obligations, can be an important strategy in ensuring the SDGs 'reach' the stateless.

Statelessness is of central relevance to the international human rights regime. On the one hand, statelessness is the most extreme violation of the right to a nationality. On the other, the lack of any nationality blocks access to other rights and services and increases vulnerability to discrimination, exploitation and the violation of rights. This multiple victimisation - where one right's violation can lead to many repeated violations over a lifetime - combined with the barriers stateless people have accessing justice and claiming their rights, makes statelessness a particularly difficult challenge to the universality and indivisibility of human rights.

The human right to a nationality, identity, legal personhood and birth registration are protected in treaties like the ICCPR, CRC, CEDAW, CERD and CRPD (see Glossary). Furthermore, the right of everyone (including stateless persons) to education, healthcare, work, property an adequate standard of living etc., are protected in instruments like the ICESCR, CRC, CEDAW and CRPD. Importantly, the protection of equality for all and the prohibition of discrimination is a fundamental tenet of human rights law.

Recognising the complementarity between human rights and the SDGs, allows for the use of human rights monitoring mechanisms such as the Universal Periodic Review and UN Treaty Bodies, to also track progress under the SDGs.



| Theme | Relevance to statelessness | Relevant SDGs | Relevant rights under the ICESCR |
|---|--|---|---|
| Ending poverty, hunger & ensuring water & sanitation for all | A growing body of research demonstrates that stateless people are likely to be poorer than their neighbours with nationality. Undocumented, disenfranchised and discriminated against, the challenge is to find ways to bring stateless people out of poverty in a sustainable and dignified manner. | <p>SDG 1 on ending poverty, elaborates a roadmap for development actors to follow, to ensure that no one is living on less than \$1.25 per day by 2030. A mixed approach of development aid, access to equal rights and resources, ownership and control over land, property and resources, the implementation of social welfare and protection is promoted.</p> <p>SDG 2 on ending hunger, sets out the targets for a multi-faceted approach to ensure there is no hunger or malnutrition in the world - focusing on food delivery, productive and sustainable agriculture.</p> <p>SDG 6 targets 'universal' and 'equitable' access to safe and affordable drinking water for all and the reduction of water pollution.</p> | <p>Art 9 establishes everyone's right to social security, including social insurance; and Art 11 recognises everyone's right to an adequate standard of living, including food, clothing, housing and the continuous improvement of living conditions.</p> <p>Art 11 recognises everyone's right to be free from hunger and sets out a collective international obligation to avoid hunger through cooperation.</p> <p>Art 11 and 12 guarantee the right of everyone to clean and safe water.¹⁵</p> |
| Ensuring health and wellbeing | In many countries (free/subsidised) healthcare is only available to nationals. Fear of arrest for lack of status can also deter the stateless from seeking care. In addition to building more hospitals and increasing standards, the stateless must be ensured equal & safe access to healthcare. | SDG 3 on ensuring healthy lives and promoting wellbeing for all, at all ages, directly targets the most important, life-threatening healthcare challenges faced by humanity. It also targets universal access to healthcare and reproductive healthcare. | Art 12 sets out everyone's right to the enjoyment of the highest attainable standard of physical and mental health. States should take various steps in this regard, such as reducing infant mortality, improving hygiene and preventing and treating epidemics. |

| Theme | Relevance to statelessness | Relevant SDGs | Relevant rights under the ICESCR |
|--|---|---|--|
| Achieving inclusive and equitable quality education | Stateless children face a range of challenges accessing or completing schooling. Education is of immense value as a vehicle to break the cycle of inter-generational disadvantage and can bring empowerment to stateless communities. | SDG 4 includes various targets to achieve quality education, including the pursuit of free primary and secondary education for all children by 2030, a strong focus on quality pre-school and technical and vocational training for adults. It also targets progress in relation to literacy and numeracy, and the upkeep and upgrade of education facilities. | Art 13 establishes everyone's right to education, holds that primary education shall be compulsory and free for all and that secondary and higher education is to be made available and equally accessible to all. |
| Economic growth and work for all | Without legal status, the stateless are more vulnerable to exploitative and informal work and less able to enforce labour rights. Without safe and secure work, they are more likely to be poor. | SDG 8 targets both economic growth and achieving full, productive and decent employment by 2030. It also prioritises addressing youth unemployment and eradicating forced labour, slavery, trafficking and exploitative child labour. It targets the protection of labour rights and ensuring safe and secure working conditions for all. | Art 6 recognises every person's right to work and Art 7 , the right of everyone to the enjoyment of just and favourable conditions of work. Art 8 recognises every person's right to join a trade union. |

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

HOW CAN THE SDGS HELP TO PREVENT STATELESSNESS?

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

Notably, the SDGs mark the first time that countries have recognised the centrality of justice to sustainable development. The previous attempt to coordinate development across all nations through the MDGs failed to address structural injustice and inequality, thereby ignoring crucial root causes of persistent poverty, instability, and underdevelopment. It is axiomatic now that sustainable development can only be realised when people are able to be their own agents of development, but this is a fairly recent revelation.¹⁶

While many of the SDG targets across the different goals require (or depend upon) structural change in some form or other, there are three Goals which stand out in terms of what they set out to achieve and the relevance to statelessness:

| | | |
|--|--|---|
|  |  |  |
| <p>SDG 5.1: end all forms of discrimination against all women and girls everywhere.</p> <p>Gender discriminatory laws of 25 countries (conferral on children) and close to 50 countries (conferral on spouses), which can cause statelessness, should be addressed through SDG 5.1.</p> | <p>SDG 10.3: ensure equal opportunity and reduce inequalities of outcome... by eliminating discriminatory laws, policies and practices and promoting appropriate legislation ... and action ...</p> <p>Discriminatory nationality laws on grounds of race, disability etc., should be addressed through SDG 10.3.</p> | <p>SDG 16.9: by 2030, provide legal identity for all, including birth registration.</p> <p>Universal birth registration and the provision of other forms of legal identity documentation, on the basis of non-discriminatory laws, will help reduce statelessness.</p> |

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

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



In particular...

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

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

We are stateless because...

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



We are stateless because...

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

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

In particular...

SDGs 10.1;
10.2; 10.3;
10.4; & 10.7

10 REDUCED INEQUALITIES



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

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

In particular...

SDG 5.1;
5.2; 5.3; 5.5
& 5.6

5 GENDER EQUALITY



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

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

Risks

1. As the term 'legal identity' is not defined in SDG 16.9, its scope may be reduced only to 'birth registration', failing to address other important elements of legal identity such as nationality (see the CRC definition).
2. The pursuit of aggregate gains (the draft indicator is "percentage of children under age 5 whose birth is registered with a civil authority"), can impact stateless and minority groups. Failure to scrutinise the actual law and policy basis upon which documentation is provided, can further entrench the discrimination faced by already excluded groups. For example, countries which arbitrarily deny entire ethnic groups the right to nationality may register such persons as foreigners. An approach which targets universal registration (good or bad) is likely to create and entrench statelessness and related disadvantage.
3. As the importance of documentation grows, the cost of not having a document (or having the wrong document) will also grow. Pursuing legal identity for all, without addressing structural discrimination, can undermine access to education, healthcare, the labour market etc., thus increasing poverty and undermining the SDGs.

Opportunities

1. Achieving universal birth registration can help address the risk of statelessness if it reaches those who currently face structural barriers to registration (as those without birth registration documentation can be at heightened risk of statelessness).
2. The SDGs present an opportunity for a paradigm shift in how certain stumbling blocks, which historically have served as barriers to marginalised people accessing rights and services, are perceived and approached. For the stateless (and those at risk of statelessness), the lack of documentation and a 'legal status' are two of the most significant stumbling blocks. They are barriers to accessing the fruits of development, but they can also result in the violation of other rights. For example, an undocumented migrant seeking healthcare, may risk being detained.

But there is an alternative.

Instead of seeing the lack of documentation or legal status as legitimate reasons to deny people access to development, the emergence of this information when they attempt to access a particular good, could instead trigger a process which results in their documentation or status also being resolved. For example, the undocumented child who applies to attend school, should not be denied education, but should instead, be enrolled in school and also receive documentation.

THE DEVELOPMENT, HUMAN RIGHTS AND STATELESSNESS FRAMEWORKS

For statelessness to be effectively addressed, sustained collaboration between development, human rights and statelessness actors is needed. Here we take a closer look at the alignment and divergence between these frameworks.

Statelessness is the most extreme violation of the right to a nationality, which in turn blocks access to other rights and increases discrimination. UN Human rights treaties such as the ICCPR, ICESCR, CRC, CEDAW, CERD and CRPD (see Glossary), regional treaties and national bills of rights are all relevant to statelessness. The rights they enshrine protect the stateless (with some exceptions and limitations), help prevent and reduce statelessness, and should influence the implementation of the SDGs.

Statelessness work is commonly categorised under **identification** (mapping the issue), **prevention** (avoiding new cases), **reduction** (resolving existing cases) and **protection** (ensuring the stateless can exercise rights).¹⁷ The UNHCR led #ibelong campaign to end statelessness¹⁸ and its Global Action Plan¹⁹ has 10 action points, many of which relate to the right to a nationality, identity and birth registration. Protection work relates to other human rights and SDGs on education, health, work, poverty etc.

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

Divergences

1. The SDGs represent important political commitment, but do not have the force of law. Human rights law, on the other hand, creates binding obligations. This difference can be utilised to strengthen impact, encouraging states to go beyond human rights in pursuit of the development agenda. But there is a risk that if aspirations under the SDGs fall short of human rights obligations, this could result in a lowering of standards. It is of concern, for example, that the draft indicator to SDG 16.9 - “Percentage of children under 5 whose births have been registered with civil authority”, is less ambitious than the legal obligation under CRC Art 7.1, that “the child shall be registered immediately after birth”.

2. Perhaps because it is obligatory, international human rights law allows for some differential treatment between nationals and non-nationals (to the disadvantage of the latter). For example, the ICESCR gives developing states some leeway with regard to the economic rights of non-nationals. This provision does not take into consideration the uniquely vulnerable situation of stateless persons, who are non-nationals everywhere. The SDGs take the opposite (and fairer) approach of not discriminating against migrants or non-nationals, but instead prioritising reaching the most vulnerable first. In other words, when resources are scarce, there is a strong argument to be made for starting with the worst off – even if they are non-nationals.

CHALLENGES LIKELY TO BE FACED BY DEVELOPMENT ACTORS

Addressing statelessness through the SDGs will come with its own challenges. Below, are a few key ones, which development actors will have to contend with:

Identification of stateless persons and groups can be challenging, due to 'definitional issues'. According to the international law definition, a stateless person is someone who is "not considered as a national by any state **under the operation of its law**". The highlighted phrase is to be interpreted to mean that even where the law **should** recognise someone as a national, if in practice the person is not, they should be recognised as stateless. In reality, statelessness is seldom identified, and when it is, a narrower approach is adopted. Stateless people are often wrongfully attributed a nationality, or are recorded as having an 'unknown nationality'. The failure to accurately identify stateless persons can result in their exclusion from development planning.

A related 'identification' challenge is the lack of accurate or comprehensive **data** on statelessness. The most complete data on statelessness is managed by the UNHCR, but its 2016 statistics account for just over 3.2 million stateless persons from 75 countries. Using approximations for hidden stateless populations within these 75 countries and the stateless in the countries which do not report any statelessness statistics, the global stateless population is actually estimated to be at least 10-15 million.²⁰ Even where there is data on statelessness, poor application of the definition and poor data collection undermines the usefulness of such data. This challenge is exacerbated by the fact that people can be unwilling to self-identify as stateless due to fears of resultant discrimination, while others are unaware that they are stateless. Mapping and quantifying statelessness is a significant challenge, which can have resource allocation and planning implications. SDG 17.8 targets "high quality, timely and reliable data", which necessitates a concerted effort to improve the scope and quality of statelessness data and statistics.

Discrimination - in relation to statelessness - poses a fundamental challenge to the implementation of the SDGs. While development concerns itself with ensuring that everyone has access to his/her basic needs, it is also important to ask whether there is willingness to include everyone. When statelessness is a result of discriminatory practices on grounds of race, ethnicity, language, culture, religion, etc. and when stateless persons are vilified as the 'other', societies push for their exclusion, and not for their inclusion in social processes. The goal of 'leaving no one behind' in development processes will only be achieved if dedicated action is taken to address deeply embedded socio-political attitudes against the inclusion of groups like the stateless. In order to achieve this, it is necessary to not only engage with the affected populations, but also with the majority population, and with state structures, which perpetuate the societal discriminatory attitudes which leave groups like the stateless behind. Development can only be sustainable if it addresses the root structural causes which serve as barriers to development—of which statelessness is one.

As a result of the link between statelessness and discrimination, development actors are likely to face resistance from states when raising questions about structural inequality faced by the stateless and other vulnerable groups. Addressing these **structural issues** will require some adjustment in strategy and approach, as development actors begin occupying this more difficult territory. A fractured approach through which – not the full package, but its component elements – are separately offered to states, will allow states to pick out development activities which they see as non-threatening and beneficial, while pushing back on those which promote essential structural change.

Access to populations can also be a major challenge in ensuring that stateless persons benefit from development programmes and plans. Some stateless populations, like the Rohingya in Myanmar, are extremely difficult to access, due to severe restrictions being placed on their freedom of movement but also in the ability of external actors to reach them. It will be both challenging and important to find creative ways to ensure stateless persons have access to development programming, and also to ensure their participation in development planning.

One of the biggest challenges that statelessness poses to development (and indeed the human rights framework), is that communities that have been stateless for many generations, have increasingly been 'left further behind' with each new generation. Malnourished and uneducated children grow into unemployed adults, who have less to offer their own children than their parents had to offer them. As the general trend of the world is one of children having access to more and being better educated than their parents, the trend with **intergenerational statelessness** can be exactly the reverse. Unless this is directly addressed, the gap between the stateless and those with a nationality (including those who live in the same communities as stateless persons) can only widen.

It is also crucially important to understand how statelessness can directly impede **implementation** of the SDGs. For example, in countries in which adultery is a criminal offence, mothers who have children outside of wedlock often have to choose between registering their child's birth or being imprisoned. Similarly, stateless persons often have to choose between accessing healthcare and being arrested and detained under immigration powers. In these contexts, Targets of universal birth registration or healthcare will not be met because of the discriminatory nature of the legal framework.

CASE STUDY: NEPAL

Nepal has one of the largest stateless populations in the world, due to a combination of gender discriminatory nationality laws, a highly patriarchal social structure and poor birth registration rates. As a result, hundreds of thousands of persons who should be recognised as Nepali citizens, have no legal identity or status. Without status, Nepal's 'non-citizens' face disadvantage and exclusion throughout their lives. They cannot own or inherit land, travel freely, study or practice certain professions or even get a mobile phone.

The full implementation of SDGs 5, 10 and 16, would go to the heart of the causes of statelessness in Nepal, resulting in a fairer, more inclusive and developed society.

Sami, a single mother from Nepal, could not pass on her nationality to her teenage son because she was divorced and was told by officials that her ex-husband was the only family member who could provide nationality. She has suffered from fear and anxiety over her son's future if he cannot obtain her nationality:

'When I consider that my son has no ID, I feel so bad, emotionally, but if I start to cry what will my son think of me? So I hide my tears (...) I am often depressed. And I can't sleep in night time, sometimes until one in the morning, sometimes till two or four. (...) I feel very bad for my son. If my son has no citizenship then his future is going where? I don't know. That is why I am so scared'²¹

'I have 86 women in my [single mothers] network and the biggest problem in their lives is not being able to pass on their citizenship to their children'²²

Sami is the founder of the Samida Women Development Forum (SWDF) a network set-up to support single mothers in Nepal.

Sami's network is one of many grassroots organisations and networks in Nepal that have been established to challenge gender discriminatory nationality laws and its impacts. All these groups convene



SWDF meeting in Lamjung, Nepal. Photo © SWDF

under an umbrella network which engages in national level advocacy and activism to challenge the law and policy framework. For such groups, it is important to demonstrate the nexus between the SDGs, discrimination and statelessness, and to show that the state's development targets cannot be met unless this is addressed. The more development actors lend their voice to such advocates around the world, the stronger their call for change will become.

NEXT STEPS

The existence of statelessness is an impediment to achieving the SDGs, but the SDGs provide an important opportunity for addressing statelessness. Development actors are encouraged to learn more about statelessness and take the necessary steps to act on this issue, by adopting a statelessness-sensitive approach to development. Some possible next steps include:

- Recognise the relevance of statelessness to the SDGs, and the importance of specifically addressing the development needs and challenges pertaining to statelessness.
- Strengthen collaboration with statelessness and human rights actors, learn more about the causes and consequences of statelessness and the particular circumstances faced by stateless populations in the countries you work in.
- Ensure that stateless persons and groups are adequately consulted, that they are enabled to participate in development processes as equal stakeholders, and that they are able to influence the development of national action plans and development programming. Equally, ensure that development actors are accountable to stateless persons and groups.
- Take steps to address the various challenges identified above that statelessness poses to development work, through sustained engagement with all relevant stakeholders.
- Utilise existing human rights monitoring and accountability mechanisms to bolster awareness and implementation of the SDGs.
- Recognise that the stateless have historically been left behind due to the structural inequality they face, and prioritise reaching these groups through comprehensive development planning that addresses the causes of statelessness, while also ensuring that stateless persons benefit from development processes.

FURTHER READING

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GLOSSARY OF ABBREVIATIONS

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



ALL ABOUT THE SDGS

What Statelessness Actors Need to Know



All About the SDGs: What Statelessness Actors Need to Know, is the sister booklet to this publication. This booklet also looks at how statelessness relates to and can be addressed by the SDGs. However, it is written for statelessness actors, whose expertise lies in the field of statelessness, but who would be interested in learning more about the SDGs. These two booklets intend to bring the statelessness and development fields closer together, in the common pursuit of addressing statelessness through the SDGs.

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

www.institutesi.org.

A core focus of the 2030 Agenda for Sustainable Development is to “strive for a world that is just, equitable and inclusive”. It is not just about economic growth, social development and environmental protection, but about achieving this **for all**. Accordingly, **No one must be left behind and the furthest behind must be reached first**. This means paying special attention to those groups most in need and addressing systems and structures that engender exclusion, disadvantage and impoverishment.

The world's stateless are one such group.

This booklet introduces development actors to statelessness - an often overlooked and invisible phenomenon that can be found in all regions of the globe. It discusses why the lack of a nationality leaves people behind and provides an insight into how stateless people can be included: through greater awareness, inclusive programming and a more sustained effort to address structural discrimination and disadvantage.

If you work in the development field, have an interest or stake in the SDGs, or are interested in how statelessness, development and human rights interact, this booklet is for you.

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

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